

**DENIED**

Movant shall serve copies of this ORDER on any pro se parties, pursuant to CRCP 5, and file a certificate of service with the Court within 10 days.

Dated: Oct 14, 2011

Ann B. Frick

Ann B. Frick

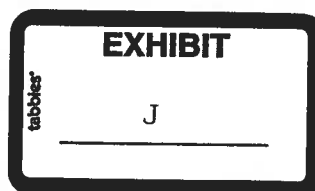
District Court Judge

DATE OF ORDER INDICATED ON ATTACHMENT

DISTRICT COURT, DENVER COUNTY, COLORADO Court Address: 1437 Bannock Street Denver, Colorado 80202	FILED Document CO Denver County District Court 2nd JD Filing Date: Oct 14 2011 11:12AM MDT Filing ID: 40362155 Review Clerk: Ashley Landis
Plaintiff: MALI TOLMAN, v. Defendant: AIR SERV CORPORATION.	▲ Court Use Only ▲
	Case No.: 2011-cv-5920 Division: 269
ORDER GRANTING PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT	

THIS COURT having reviewed Plaintiff's Motion for Default Judgment, and having been fully advised in the premises, makes the following findings and conclusions:

1. Defendant was served with the Summons and Complaint on August 29, 2011, and is in default for failing to answer or respond.
2. Venue has been considered and is proper in Denver County.
3. Defendant is not an infant, an incompetent person, an officer or agency of the State of Colorado, or in the military service.
4. Defendant has caused Plaintiff damages in the amount of \$216,958.54, including back pay, front pay, and compensatory damages.
5. Plaintiff is entitled to an award of liquidated damages in the amount of \$101,540.94, equal to the monetary damages awarded under the Family and Medical Leave Act. 29 U.S.C. § 2617(a)(1)(A)(iii).
6. Plaintiff is entitled to recover attorney fees of \$4981.50, the sum of which is reasonable, pursuant to 42 U.S.C. § 2000e-5(k), 29 U.S.C. § 2617(a)(3), and 42 U.S.C. § 1988(b).



7. Plaintiff has incurred costs of \$432.54.

IT IS HEREBY ORDERED that default judgment shall enter in favor of Plaintiff Mali Tolman, and against Defendant Air Serv Corporation, for economic and compensatory damages of \$216,958.54, liquidated damages of \$101,540.94, attorney fees of \$4981.50, and costs of \$432.54, for a **total judgment of \$323,913.52**. Plaintiff is entitled to the foregoing Judgment as well as statutory post-judgment interest from the date of this Order until the Judgment is satisfied.

DATED this _____ day of October, 2011.

BY THE COURT:

District Court Judge

This document constitutes a ruling of the court and should be treated as such.

Court Authorizer
Comments:

Motion for Default Judgment is DENIED.

Plaintiff's Motion for Entry of Judgment by Default is DEFECTIVE for failure to comply with C.R.C.P. 121 § 1-14(d), which requires an affidavit "establishing the amount of damages and interest, if any for which judgment is being sought."

Pursuant to C.R.S. § 12-55-112, a notary must affix her stamp or seal.

The Client Affidavit at Ex. 5, contains a notary's signature, but does not contain such notary's stamp or seal.

Plaintiff is granted leave to file an amended motion for default judgment consistent with this order on or before Nov. 2, 2011.