

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 11-cv-02919-PAB-MEH

AMERICAN PRODUCE, LLC, a limited liability company,

Plaintiff,

v.

FELIX RIVERA VARGAS, an individual, a/k/a Felix Rivera,
JOHN M. LUNA, an individual, and
RICARDO FELIX RIVERA, an individual, a/k/a Ricardo Felix,

Defendants.

FINAL JUDGMENT

In accordance with the orders filed during the pendency of this case, and pursuant to Fed. R. Civ. P. 58(a), the following Final Judgment is hereby entered.

I. Pursuant to the Order [Docket No. 44] of Judge Philip A. Brimmer entered on April 26, 2013 it is

ORDERED that Plaintiff's Request for Dismissal of Defendant Felix Rivera Vargas (a/k/a Felix Rivera) Without Prejudice and for Entry of Final Judgment against Defendant John M. Luna [Docket No. 41] is **GRANTED**. It is

FURTHER ORDERED that plaintiff's claims against defendants Felix Rivera Vargas and Ricardo Felix Rivera are dismissed without prejudice. It is

FURTHER ORDERED that judgment is hereby entered in favor of plaintiff American Produce, LLC and against defendant John M. Luna as indicated in the Court's Order Accepting Magistrate Judge's Recommendation [Docket No. 35]. It is

FURTHER ORDERED that this case is closed in its entirety.

II. Pursuant to the Court's Order Accepting Magistrate Judge's Recommendation [Docket No. 35], it is

ORDERED that:

1. The Recommendation of United States Magistrate Judge [Docket No. 34] is ACCEPTED.

2. Plaintiff's Motion for Entry of Default Judgment Against Defendants John M. Luna and Ricardo Felix Rivera a/k/a Ricardo Felix [Docket No. 17] is GRANTED IN PART AND DENIED IN PART as follows:

Default Judgment is entered in favor of plaintiff American Produce, LLC, and against defendant John M. Luna for the principal sum of \$59,468.25, pre-judgment finance charges calculated at the rate of 1.5% per month through February 13, 2012 in the cumulative amount of \$7,880.93, prejudgment finance charges beginning on February 14, 2012 and continuing through the date judgment is entered at the rate of \$29.33 per day, costs in the amount of \$490.00, attorney's fees in the amount of \$4,540.00, and post-judgment finance charges at the rate specified in 28 U.S.C. § 1961– with the rate in effect at this time as 0.12% – until the total amount is satisfied.

IT IS FURTHER ORDERED that Plaintiff is **AWARDED** costs, to be taxed by the Clerk of the Court pursuant to Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

Dated at Denver, Colorado this 30th day of April, 2013.

FOR THE COURT:
JEFFREY P. COLWELL, CLERK

By: s/Edward P. Butler

Edward P. Butler, Deputy Clerk