

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

CENTURY 21 REAL ESTATE LLC,

Plaintiff,

-vs-

Case No. 6:08-cv-1890-Orl-28KRS

**PERFECT GULF PROPERTIES, INC.,
PERFECT GULF PROPERTIES I, LLC,
HUDSON MORGAN INVESTMENTS,
INC., T&W MANAGEMENT, INC.,
DOUGLAS MCPHERSON, ROBERT C.E.
WILLIAMS, JIMMY AVIRAM, MICHAEL
WEBER, CLIFFORD R. MORGAN II,
ARTHUR J. HUDSON, PAM WOLTERS,**

Defendants.

ORDER

This case is before the Court on Plaintiff's Renewed Motion for Entry of Default Judgment (Doc. 108). The motion seeks entry of default judgment against Defendants Perfect Gulf Properties, Inc. ("PGP"), Perfect Gulf Properties I, LLC ("PGP I"), and Douglas McPherson. The United States Magistrate Judge has submitted a Report (Doc. 112) recommending that the motion be granted in part; the magistrate judge recommends granting of the motion but only to the extent of a lesser amount of damages than sought by Plaintiff.

After an independent *de novo* review of the record in this matter, and noting that no objections were timely filed, the Court agrees with the findings and conclusions in the Report

and Recommendation. Judgment is thus due to be entered against the defaulted Defendants in the amounts determined by the magistrate judge.

Additionally, this Court has previously granted Plaintiff's motion for summary judgment against non-defaulting Defendants Robert C.E. Williams, Jimmy Aviram, and Michael Weber. (Order, Doc. 106). No judgment has yet been entered against these Defendants. After the magistrate judge entered her Report, the Court directed Plaintiff to submit a proposed judgment encompassing both the defaulted Defendants and the non-defaulting Defendants. (Order, Doc. 113). Plaintiff has now done so. (Doc. 118).

Having considered Plaintiff's proposed judgment, the Court finds that, as submitted, the judgment would permit Plaintiff a duplicative recovery under the franchise agreements, guaranties, and promissory note involved in this case. The Court will direct entry of judgment, but not in the manner proposed by Plaintiff.

Therefore, it is **ORDERED** as follows:


1. The Report and Recommendation (Doc. 112) is **ADOPTED** and **CONFIRMED** and made a part of this Order. Plaintiff's Renewed Motion for Entry of Default Judgment (Doc. 108) is **GRANTED** to the extent noted in the Report.

2. In accordance with the Report (Doc. 112) and with this Court's Order (Doc. 106) granting Plaintiff's motion for summary judgment, the Clerk is directed to enter a judgment providing that Plaintiff shall recover from Defendants Perfect Gulf Properties I, LLC, Douglas McPherson, Robert C.E. Williams, Jimmy Aviram, and Michael Weber, jointly and severally, the sum of \$35,711.73; that Plaintiff shall further recover from Defendants Perfect Gulf Properties, Inc., Douglas McPherson, Robert C.E. Williams, Jimmy Aviram, and Michael

Weber, jointly and severally, the additional sum of \$1,352,457.40; and that Plaintiff shall further recover from Defendants Robert C.E. Williams, Jimmy Aviram, and Michael Weber, jointly and severally, the additional sum of \$6,959.00; all of which shall bear interest at the statutory rate from the date of judgment, and for all of which execution shall issue.

3. After entering judgment as directed in paragraph 2, the Clerk shall close this file.

DONE and **ORDERED** in Orlando, Florida this 4th day of August, 2010.



JOHN ANTOON II
United States District Judge

Copies furnished to:
United States Magistrate Judge
Counsel of Record
Unrepresented Party