

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

**SUNTRUST EQUIPMENT FINANCE  
AND LEASING CORP.,**

**Plaintiff,**

v.

**Case No: 6:13-cv-657-Orl-41KRS**

**BLUECHIP POWER, LLC, BLUECHIP  
ENERGY, LLC, ADVANCED SOLAR  
PHOTONICS, LLC, LASER  
PHOTONICS, LLC, ICT  
INVESTMENTS, LLC, US INVESTING  
CORPORATION, DEMITRI NIKITIN,  
SVETLANA NIKITIN, FIFTH THIRD  
BANK, AEGIS BUSINESS CREDIT,  
LLC, ON DECK CAPITAL, INC.,  
NEWLOGIC BUSINESS LOANS, INC.,  
WANXIANG AMERICA CORP.,  
RINEHART DEVELOPMENT AND  
INVESTMENT GROUP, LLC,  
SORRENTO SOLAR FARM LLC and  
SEMINOLE COUNTY TAX  
COLLECTOR,**

**Defendants.**

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**ORDER**

THIS CAUSE is before the Court on Plaintiff's, Suntrust Equipment Finance and Leasing Corporation ("Suntrust"), Motions for Default Final Judgment (Doc. Nos. 238–43)<sup>1</sup> filed on August 28, 2014. Therein, Suntrust requests, among other things, that this Court enter default final judgment as to Count III of Suntrust's Verified Complaint (Doc. 1) against the following

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<sup>1</sup> In consideration of the fact that the Motions for Default Final Judgment (Doc. Nos. 238–43) are substantially similar, this Court will address all the Motions together.

defendants: Advanced Solar Photonics, LLC; BlueChip Power, LLC; BlueChip Energy, LLC; Laser Photonics, LLC; ICT Investments, LLC; and US Investing Corporation (collectively, the “Lessee Defendants”). Count III alleges breach of contract by the Lessee Defendants. (Verified Compl. at 25–26). United States Magistrate Judge Karla R. Spaulding submitted a Report and Recommendation on September 11, 2014, recommending that this Court grant in part the Motions for Default Final Judgment by finding that the Lessee Defendants are liable for breach of contract under Count III and by assessing damages of \$4,478,440.00 against the Lessee Defendants. (Doc. 251, at 14–15). Judge Spaulding further recommends that this Court defer the entry of final judgment pending further proceedings. (*Id.* at 15).

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

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

1. The Report and Recommendation (Doc. 251) submitted on September 11, 2014, is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Suntrust’s Motions for Default Final Judgment (Doc. Nos. 238–43) filed on August 28, 2014, are **GRANTED in part**. The Lessee Defendants are liable to Suntrust under Count III for breach of contract, and damages are assessed at \$4,478,440.00.
3. At this time, the Court defers entry of final judgment in this case.

**DONE and ORDERED** in Orlando, Florida on September 30, 2014.



CARLOS E. MENDOZA  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties