

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION  
IN ADMIRALTY**

**BANK OF THE WEST,**

**Plaintiff,**

**vs.**

**M/V ROCK THE PARTY, and Her  
Engines, Tackle, Furniture, and  
Apparel, in rem, and PAUL WHITE,  
TOP GEAR AUTO SALES, INC., and  
THEODORE DIALINAKIS, in  
personam,**

**Case No.: 8:12-cv-1243-T-30MAP**

**Defendants.**

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**FINAL JUDGMENT**

This case came before the Court for trial on November 7, 2013. After receiving the testimony of witnesses and reviewing the documentary evidence, the Court makes the following Findings of Fact and Conclusions of Law.

**FINDINGS FACT**

1. Based on the testimony from Michael Frangedis and Theophilos Alahouzos, the Court finds that the subject vessel suffered significant water intrusion which damaged the engines, the interior, and the cabin of the subject vessel.

2. Based on the expert testimony of Shane Hunt, the Court finds that the value of the hull, gas tank, and other portions of the boat not impacted by water damage is equivalent to 40% of the used trade-in value of the vessel.

3. The NADA Marine Appraisal Guide used trade-in value of the vessel at the time of the conversion was \$104,100.

4. The Court finds that the value of the vessel of the time of the conversion was \$41,600.

### CONCLUSIONS OF LAW

5. Under Florida law, the damages in a conversion action are equal to the fair market value of the property at the time of the conversion. *Pain Care First of Orlando, LLC v. Edwards*, 84 So. 3d 351, 354 (Fla. 5th DCA 2012).

6. Accordingly, Bank of the West is entitled to a judgment against Top Gear Auto Sales, Inc., and Theodoros Dialinakis a/k/a Theodore Dialinakis in the amount of \$41,600.

Upon due consideration and pursuant to the Court's Findings of Fact and Conclusions of Law, it is therefore **ORDERED and ADJUDGED that:**

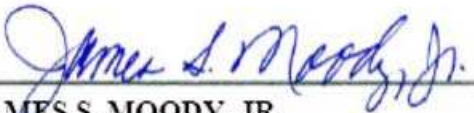
7. The Plaintiff, **BANK OF THE WEST**, 2527 Camino Ramon, 2<sup>nd</sup> Floor, San Ramon, CA 94583, shall have a recover from the Defendants, Top Gear Auto Sales, Inc., and Theodoros Dialinakis a/k/a Theodore Dialinakis, jointly and severally, \$41,600.00, plus interest thereon at the statutory rate.

8. The Clerk shall enter judgment in favor of Plaintiff and against Defendants, Top Gear Auto Sales, Inc., and Theodoros Dialinakis a/k/a Theodore Dialinakis, jointly

and severally, in the amount of \$41,600.00, which shall bear interest at the legal statutory rate.

9. The Clerk shall terminate any pending motions and close this file.

**DONE** and **ORDERED** in Tampa, Florida on November 15, 2013.

  
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**JAMES S. MOODY, JR.**  
**UNITED STATES DISTRICT JUDGE**

**Copies furnished to:**  
Counsel/Parties of Record

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