

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

WESTERN RESERVE LIFE
ASSURANCE CO. OF OHIO,

Petitioner,

v.

CASE NO. 8:13-CV-2865-T-17TGW

KENNETH PELLYK,

Respondent.

_____ /

ORDER

This cause is before the Court on:

Dkt. 17 Motion for Default Judgment

Petitioner Western Reserve Life Assurance Co. of Ohio (“WRL”) moves for entry of default judgment against Respondent Kenneth Pellyk. Respondent Pellyk was served on April 11, 2014, and has not entered an appearance or otherwise responded to the Amended Petition to Confirm Arbitration Award. (Dkt. 4). Petitioner WRL moves for a Default Judgment confirming the Arbitration Award entered in American Arbitration Association Case No. 33 195 Y 00418 09; a copy of the Award is attached to this Order. Petitioner WRL requests entry of a Final Judgment in favor of Petitioner WRL and against Respondent Pellyk as follows:

1. \$207,019.20 as damages for breach of contract, pursuant to paragraph 1 of the Arbitration Award;
2. \$7,476.20 representing the arbitration fees and expenses advanced by WRL on behalf Respondent Pellyk, pursuant to paragraph 3 of the Arbitration Award.

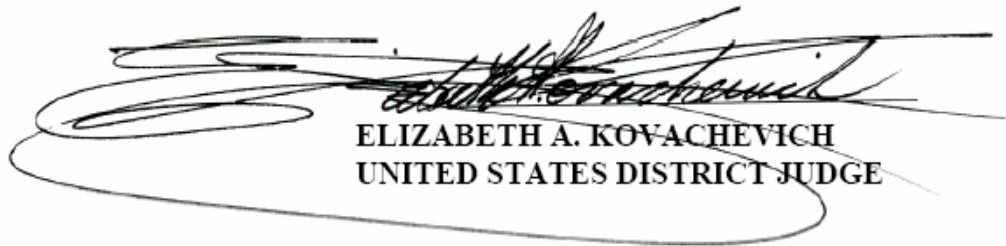
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3. Interest on the foregoing amounts at the statutory rate (Florida Statute Sec. 55.03). The current statutory rate is 4.75%.

After consideration, the Court grants Petitioner WRL's request to confirm the Final Arbitration Award. Accordingly, it is

ORDERED that Petitioner's Motion for Default Judgment confirming the Final Arbitration Award is **granted**. The Clerk of Court **shall enter** a separate Final Default Judgment in the amount of \$214,495.40 in favor of Petitioner Western Reserve Life Assurance Co. of Ohio and against Respondent Kenneth Pellyk, 6646 Wilding Place, Riverside, CA, 92506, with postjudgment interest at the rate of 4.75%, for which sum execution shall issue. Upon entry of a Final Judgment, the Clerk of Court **shall close** this case.

DONE and ORDERED in Chambers, in Tampa, Florida on this 7th day of November, 2014.



ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

Copies to:
All parties and counsel of record