

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

TRUST FINANCIAL, A MORTGAGE
COMPANY, LLC, a Texas Limited
Liability Company,

Plaintiff,

v.

CASE NO.: 1:10cv49-SPM/GRJ

FORT ATKINSON PLANTATION, LLC.,
a Florida Limited Liability Company, et al.,

Defendants.

ORDER GRANTING MOTION FOR SUMMARY JUDGMENT

This cause comes before the Court on the Motion for Summary Judgment by Plaintiff. Doc. 85. Defendants Fort Atkinson Plantation, LLC, Fred J. Hatfield III, and Marvin Buchanan do not oppose the motion. See doc. 85-1, p. 2. The remaining defendants, Owen B. Lovejoy, Sherrod Campbell, and Charles Sherwood, have failed to respond to the motion as required under Local Rule 7.1(C)(1) and Federal Rule of Civil Procedure 56(e)(2).

Plaintiff has shown that there is no genuine issue as to any material fact

and that Plaintiff is entitled to judgment as a matter of law. Accordingly, it is

ORDERED AND ADJUDGED:

1. The Motion for Summary Judgment by Plaintiff (doc. 85) is granted.
2. The clerk shall enter judgment in favor of Plaintiff and against

Defendants, jointly and severally, in the amount of \$4,039,043.20, which consists of

- a. \$3,721,487.77 combined principal sum, and
- b. \$317,555.43 accrued prejudgment interest¹,

Post judgment interest shall accrue as provided by law.

3. The Court reserves jurisdiction to award attorney fees and costs.
 - a. If Defendants oppose Plaintiff's request for attorney fees and costs in the amount of \$91,658.19 as set forth in the motion for summary judgment, on or before April 1, 2011, Defendants shall serve upon Plaintiff (but not file) a written statement ("statement of position") specifically identifying the bases for any objections. If an objection is based on the reasonableness of the time claimed, Defendants shall serve (but not file), within three days after service of the statement of position, an itemized listing of their own time records showing the total time devoted to the matter, in the same form described above, to the

¹ This amount represents \$286,422.15 accrued interest through January 24, 2011, and additional interest to the date of judgment on March 3, 2011, in the amount \$31,133.28 at the rate of \$841.44 a day for 37 days.

extent such information was compiled and maintained.

b. Within 14 days after service of the statement of position, Plaintiff shall file a motion setting forth the amount of fees and expenses claimed, supported by a sworn statement in the form set forth above. The motion shall be accompanied by a supporting memorandum addressing areas of disagreement, if any, with the opposing party. Prior to the filing of such a motion, the parties shall confer in a good faith effort to reach agreement on all or as many issues as possible. Unless the motion is agreed in all respects, Defendants shall file a memorandum in response to the motion within 14 days of service. In their filings under this paragraph, either party may file, as they deem appropriate, the statement of claim, statement of position, time records, and additional supporting materials.

c. If any party desires an evidentiary hearing, the party shall file a separate request therefor. In the absence of such a request, the amount of fees will be determined based on the written record.

DONE AND ORDERED this 3rd day of March, 2011.

s/ Stephan P. Mickle _____

Stephan P. Mickle
Chief United States District Judge