

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-60579-CIV-DIMITROULEAS

Magistrate Judge Rosenbaum

EDUARDO LAUTIERI
and THOMAS H. KEESEE,

Plaintiffs,

vs.

JAMES R. PAISLEY, JR., a/k/a
JAMES R. KELLIER, ak/a
JAMES R. KELLER, an individual; and
ATLANTIC PRODUCTIONS USA CORP.,
and CARIBBEAN TRANSFER AGENCY, LTD.Defendants.

FINAL DEFAULT JUDGMENT AGAINST DEFENDANTS

THIS CAUSE is before the Court upon the granting of Plaintiffs' Motion for Default Judgment and, in accordance with Federal Rule of Civil Procedure 55(b)(2), the trial conducted before the undersigned on October 1, 2008 to determine the amount of damages.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

- 1) Judgment is hereby entered in favor of Plaintiffs and against Defendants.
- 2) Plaintiff Eduardo Lautieri shall recover of the Defendants the sum of \$1,302,000.00, which consists of the following amounts trebled in accordance with 18 U.S.C. § 1964(c)¹:

¹The Court would note that the Private Securities Litigation Reform Act, 15 U.S.C. § 107, codified at 18 U.S.C. § 1964(c), prohibits a civil RICO action premised on conduct that would have been actionable as fraud in the purchase or sale of securities unless the person was already criminally convicted. See Fla. Evergreen Foliage v. E.I. DuPont De Nemours and Co., 165 F. Supp. 2d 1345, 1356-57 (S.D. Fla. 2001), aff'd Green Leaf Nursery v. DuPont, 341 F3d 1292 (11th Cir. 2003) (dismissing RICO Complaint as there was a related securities fraud action still pending). As Defendants have not

a. \$300,000.00 for the December 12, 2002 Loan made by Plaintiff Lautieri to Defendant Caribbean Transfer Agency, Ltd.

b. Interest on the loan calculated at \$134,000.00.

3) Plaintiffs Eduardo Lautieri and Thomas H. Keesee, with each receiving half of the amount, shall recover of the Defendants the sum of \$1,413,936.90, consisting of the following amounts trebled in accordance with 18 U.S.C. § 1964(c):

a. \$55,289.00 in Trading Fees;

b. \$132,684.00 for disgorgement and fines paid to the Securities and Exchange Commission;

c. \$194,552.00² for First Access, Inc. liabilities;

d. \$33,250.00 in Legal Fees³;

e. \$537.30 in Management Fees; and

f. \$55,000.00 in Due Diligence Fees.

4) Defendants are jointly and severally liable for this judgment.

5) Post-judgment interest is payable on all the above amounts allowable by law at the statutory rate of 1.95%, from the date this judgment is entered until the date this judgment is paid.

6) The Clerk shall deny any pending motions as **MOOT**.

appeared in this action to present any defenses, let alone assert that the civil RICO claims fail, the Court has not inquired into whether this provision is applicable at all in this case.

²The Court notes that the exhibits submitted by Plaintiffs are not consistent with the testimony at trial, as the exhibits provided for a greater amount. The Court, however, will rely upon the testimony of Plaintiffs at trial.

³Again, the Court relies on the testimony of Plaintiffs at trial over the documentary evidence.

7) The Clerk shall **CLOSE** this case.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida this
1st day of October, 2008.


WILLIAM P. DIMITROULEAS
United States District Judge

Copies furnished to:

Eduardo Lautieri, pro se

Thomas H. Keesee, pro se

James R. Paisley, Jr. a/k/a James R. Kellier,
a/k/a James R. Keller, an individual and as
President of Atlantic Productions USA Corporation
and as President of Caribbean Transfer Agency, Limited
557 Church Hill Road
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