

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 08-81144-CIV-RYSKAMP/VITUNAC

RODERICK AMAR,

Plaintiff,

v.

BANK UNITED FINANCIAL
CORPORATION, et al.,

Defendants.

ORDER REQUESTING INFORMATION AS TO DAMAGES

THIS CAUSE comes before the Court pursuant to Plaintiff's Motion for Default Judgment against Defendant People's First Funding, filed February 11, 2009 [DE 19].

Peoples First Funding was served with the Complaint on December 11, 2008. The Clerk entered a default for failure to appear against Peoples First Funding on February 3, 2009. The default constitutes an admission to the Complaint's well-pleaded facts. Accordingly, the Court may enter default judgment if the unchallenged facts constitute a legitimate cause of action. Nishimatsu Constr. Co., Ltd. v. Houston Nat'l Banks, 515 F.2d 1200, 1206 (5th Cir. 1975).¹

Plaintiff requests the Court enter a default judgment against Peoples First Funding in the following amounts: \$280,000 in damages, plus interest, attorneys' fees in the amount of \$8,550 and costs in the amount of \$410. Pursuant to Fed.R.Civ.P. 55(b)(2), the Court "may conduct hearings" to "determine the amount of damages" to enable it to "enter... judgment." Plaintiff has

¹ Bonner v. City of Prichard, 661 F.2d 1206, 1207 (11th Cir. 1981) made binding on the Eleventh Circuit all decisions of the Fifth Circuit decided prior to September 30, 1981.

provided no documentation indicating that these amounts are, indeed, Plaintiff's actual damages. The Court elects not to conduct a hearing at this time, but nevertheless requests that Plaintiff submit documentation of the damages Plaintiff incurred in this matter. It is hereby

ORDERED AND ADJUDGED that Plaintiff shall submit documentation of the damages Plaintiff incurred in this matter within 10 days of the date of this Order.

DONE AND ORDERED at Chambers in West Palm Beach, Florida this 29th day of June, 2009.

S/Kenneth L. Ryskamp
KENNETH L. RYSKAMP
UNITED STATES DISTRICT JUDGE