

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

THE GUARANTEE COMPANY OF NORTH *
AMERICA, *

Plaintiff, *

vs. *

GARY'S GRADING & PIPELINE CO. *
INC., PINE PLANTATION, LLC, CGP *
EQUIPMENT COMPANY, INC., BOLD *
SPRINGS, LLC, GARY G. OPOLKA, *
and CHRISTOPHER A. OPOLKA, *

CASE NO. 3:15-CV-83 (CDL)

Defendants. *

O R D E R

The Court previously granted summary judgment in favor of The Guarantee Company of North America as to Pine Plantation, LLC's liability for breach of contract, and granted default judgment in favor of The Guarantee Company as to the liability of Gary's Grading & Pipeline Co., Inc., CGP Equipment Company, Inc., and Bold Springs, LLC. But the Court found that a genuine factual dispute existed as to the amount of damages proximately caused by Pine Plantation's breach and that a jury trial was necessary to determine the amount of Pine Plantation's liability. The Court tried that claim to a jury along with The Guarantee Company's claim against Gary G. Opolka. The jury was unable to reach a unanimous verdict as to the liability of Gary G. Opolka, and therefore, the Court declared a mistrial on that

claim. The jury did return a unanimous verdict against Pine Plantation on May 13, 2016, awarding The Guarantee Company damages in the amount of \$2,546,354.69.

In advance of that jury trial, the Court notified the parties that it intended for the jury trial to also be an evidentiary hearing to determine the amount of damages that The Guarantee Company should recover from the defaulting Defendants. The Court finds that the amount of damages proved during that trial was \$2,546,354.69.

Plaintiff's claims for monetary damages against Gary G. Opolka and Christopher A. Opolka remain pending.¹ Plaintiff's injunctive relief claims, including its claim to require Defendants to post appropriate collateral, against all Defendants also remain pending.

The Court finds that there is no just reason for delaying the entry of final judgment in favor of Plaintiff on Plaintiff's monetary damages claims against Pine Plantation, LLC, Gary's Grading & Pipeline, Co., Inc., CGP Equipment Company, Inc., and Bold Springs, LLC, jointly and severally, in the amount of \$2,546,354.69. Therefore, pursuant to Federal Rule of Civil Procedure 54(b), the Court directs the entry of final judgment as to these claims.

¹ The claim against Gary G. Opolka will be re-tried in light of the hung-jury mistrial. The claim against Christopher A. Opolka is stayed because of his pending bankruptcy proceeding.

Accordingly, the Clerk is directed to enter final judgment in favor of The Guarantee Company of North America against Pine Plantation, LLC, Gary's Grading & Pipeline, Co., Inc., CGP Equipment Company, Inc., and Bold Springs, LLC, jointly and severally, in the amount of \$2,546,354.69.

IT IS SO ORDERED, this 16th day of May, 2016.

S/Clay D. Land

CLAY D. LAND

CHIEF U.S. DISTRICT COURT JUDGE

MIDDLE DISTRICT OF GEORGIA