

ORIGINAL

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

| | | |
|------------------------------|---|------------|
| DEERE & COMPANY, | * | |
| | * | |
| Plaintiff, | * | |
| | * | |
| v. | * | CV 315-072 |
| | * | |
| REBEL AUCTION COMPANY, INC., | * | |
| and FOUR-D, INC., | * | |
| | * | |
| Defendants. | * | |

O R D E R

On August 8, 2016, this Court entered a "Consent Order/Judgment" in the captioned matter.¹ (Doc. No. 31.) Pursuant to the Consent Order/Judgment, Plaintiff was awarded compensatory damages totaling \$71,479.00, plus interest on said amount from the date of conversion, March 15, 2014, to July 27, 2016, at the rate of 7% per annum, which totaled \$11,858.00. The Consent Order/Judgment also awarded interest at a rate of \$13.71 per annum, which was effective from July 28, 2016 to August 4, 2016.² Finally, the Consent Order/Judgment awarded \$21,769.00 in attorney's fees and \$1,490.48 in costs. On October 11, 2016, the Court awarded an additional \$2,999.50 in attorney's fees, as contemplated by

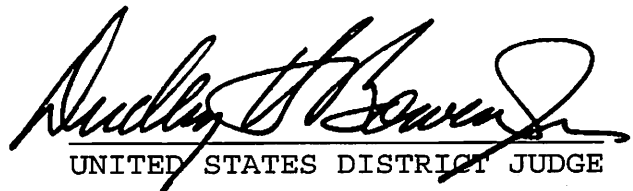
¹ The Court entered this document titled "Consent Order/Judgment" as an accommodation to the parties who drafted it. It is more akin to a settlement agreement that should have been accompanied by the Clerk's entry of Judgment in favor of Plaintiff. This Order will perfect the record in that regard.

² The rate of interest from August 5, 2016 has been and continues to be \$4.09 per annum. (See Aff. in Supp. of the Issuance of an Execution, Doc. No. 34, ¶ 3.)

the Consent Order/Judgment. As of September 26, 2016, Defendants were liable to Plaintiff in the total amount of \$109,922.43. (See Aff. in Supp. of the Issuance of an Execution, Doc. No. 34, ¶ 3.) In consideration thereof, the Clerk is hereby directed to **ENTER JUDGMENT** in favor of Plaintiff in the amount of \$109,922.43 plus interest accruing thereon.³

On November 18, 2016, Plaintiff moved for the Issuance of Execution on the remaining balance of its judgment against Defendants. According to the supporting affidavit of counsel, Defendants paid \$85,477.65 on August 4, 2016. Therefore, a balance remains of \$24,444.78. Upon due consideration, the motion for issuance of execution (doc. no. 37) is hereby **GRANTED**. The Clerk is directed to **ENTER A WRIT OF EXECUTION** forthwith against Defendants Rebel Auction Company, Inc. and Four-D, Inc., both Georgia corporations, in the amount of \$24,444.78 plus interest accruing from September 27, 2016.

ORDER ENTERED at Augusta, Georgia, this 22nd day of November, 2016.


UNITED STATES DISTRICT JUDGE

³ The matter of punitive damages is expressly left open for future consideration. The Consent Order/Judgment provides that Plaintiff would waive its claim to punitive damages only upon the condition that Defendants pay the awarded amount on or before September 18, 2016. Defendants did not do so. Plaintiff has filed a motion for a hearing on the punitive damages issue (doc. no. 38), which remains pending with the Court.