

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

BMO HARRIS BANK N.A.,)	CIVIL NO. 17-00598 HG-KJM
)	
Plaintiff,)	
)	
v.)	
)	
A & M TRUCKING, INC.; MARK D.)	
KUHN,)	
)	
Defendants.)	
)	

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATION
TO GRANT IN PART AND DENY IN PART MOTION FOR DEFAULT JUDGMENT
(ECF NO. 27) AS MODIFIED

Findings and Recommendation having been filed and served on all parties on July 25, 2018, and no objections having been filed by any party,

IT IS HEREBY ORDERED AND ADJUDGED that, pursuant to Title 28, United States Code, Section 636(b)(1)(C) and Local Rule 74.2, the "Findings and Recommendation To Grant in Part and Deny in Part Motion for Default Judgment" (ECF No. 27) are adopted as the opinion and order of this Court with the following modifications:

On Page 4, line 3, change the second "an" to "a"

On Page 6, line 18, change "predecessors-in interest" to "predecessors-in-interest"

On Page 18, line 9, change "full" to "fully"

On Page 28, line 1, add a quotation mark before "unlawful" and on line 7, add a quotation mark after "States". Also on line 7, remove "[.]"

On Page 31, line 18, move footnote 2 from after "\$442.38" to after "\$422.47"

On Page 31. footnote 2, change "\$442.38" to "422.47"

The Plaintiff's request for default judgment against Defendants is **GRANTED IN PART**.

Plaintiff's request for damages for its breach of contract claim is **GRANTED**. Plaintiff is awarded damages in the amount of \$832,417.22 with interest accruing on the principal amount due at the interest rate of \$375.57 per day after May 1, 2018.

Plaintiff must apply money or funds received from the Collateral to reduce the secured obligation, unless the money or funds are remitted to Defendants.

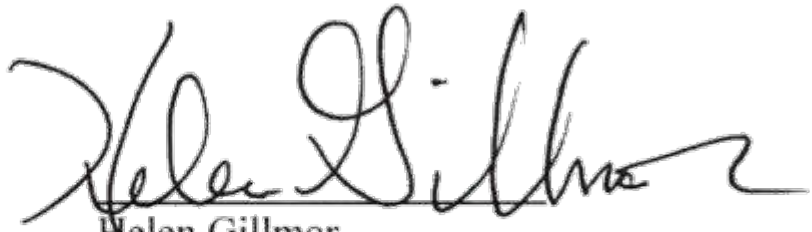
Plaintiff's request for attorneys' fees for its national counsel, Husch Blackwell LLP, is **DENIED**.

Plaintiff's request for attorneys' fees for Christopher J. Muzzi, Esquire, is **GRANTED IN PART**. The Court awards Plaintiff \$1,173.82 in attorneys' fees for the work performed by Mr. Muzzi in this case. The Court also awards Plaintiff \$442.38 in costs.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, August 20, 2018.




Helen Gillmor
United States District Judge