

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

SPRUNG INSTANT STRUCTURES,
INC., a Texas Corporation,

Plaintiff,

v.

THE RETREAT AT BEAR LAKE, LLC,
an Idaho Limited Liability Company,

Defendant.

Case No. 1:11-cv-00292-BLW

DEFAULT JUDGMENT

The Court has before it Plaintiff's Motion for Entry of Default Judgment (Dkt. 14).

This case involves the lease of two Signature Series Temporary Tensioned Membrane Structures. Plaintiff's Complaint requested payment for the leased structures, attorney fees and costs, and entitlement to the structures.

On July 22, 2011, Plaintiff filed a Motion for Entry of Default. (Dkt. 4.) On August 17, 2011, Magistrate Judge Dale entered an Order granting Steven Wuthrich's motion to withdraw as counsel for the Defendant. (Dkt. 10.) The Order stayed all

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proceedings for twenty-one (21) days from the filing of proof of service of the Order. (Dkt. 10 at para. 3.) The Order further stated that, “[i]f Defendant fail[ed] to appear in this action, through a newly-appointed attorney within that twenty-one (21) day period, such failure shall be grounds for entry of default against Defendant without further notice.” (Id.) Proof of service of the order was filed August 18, 2011. (Dkt. 11.) Defendant failed to timely appear through counsel. Accordingly, Judge Dale entered default against Defendant The Retreat at Bear lake, LLC, pursuant to Fed. R. Civ. P. 55(a).

Plaintiff now asks this Court for default judgment pursuant to Fed. R. Civ. P. 55(b). Plaintiff asks for judgment in the amount of \$459,572.37 for the amount due under the lease and attorney fees and costs. Plaintiff also asks for judgment that Plaintiff is entitled to the structures. The motion is supported by counsel’s affidavit of fees and costs, as well as the affidavit of Phil Sprung, Jr., President of Plaintiff Sprung Instant Structures, Inc. (Dkts. 14-2 and 14-3.) Mr. Sprung’s affidavit is supported by the Verified Complaint, which explains in detail the amount due under the lease. (Dkt. 1.)

The Court, being fully satisfied that Plaintiff is entitled to default judgment as requested, enters the following Judgment:


IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Plaintiff’s Motion for Entry of Default Judgment (Dkt. 14) is **GRANTED**.
2. Judgment is entered in favor of Plaintiff against Defendant in the amount of \$459,572.37. Plaintiff is also entitled to the two Signature Series

Temporary Tensioned Membrane Structures which are more fully described
in the Verified Complaint (Dkt. 1.)

DATED: **October 5, 2011**





B. LYNN WINMILL
Chief U.S. District Court Judge