

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

SIMPLEX, INC., an Illinois Corporation,)	
)	
Plaintiff,)	
)	
v.)	No. 12-3101
)	
GLOBAL SOURCE ONE INTERNATIONAL,)	
INC., a California Corporation; AMERICAN)	
GUARD SERVICES, INC., a California)	
Corporation,)	
)	
Defendants.)	

OPINION

SUE E. MYERSCOUGH, U.S. District Judge:

This cause is before the Court on Plaintiff’s Motion for Default Judgment against Defendant Global Source One International, Inc. [33].

The Motion is GRANTED IN PART and DENIED IN PART.

Global Source One International, Inc. is a corporation and not an infant, incompetent person, or current member of the military service.

Global Source One International, Inc. has failed to appear in this action or to otherwise defend against the Amended Complaint by timely pleading after being properly served. Accordingly, a default judgment is

entered against Defendant, Global Source One International, Inc., on Counts I and III of the Amended Complaint under Rule 55(a) of the Federal Rules of Civil Procedure.

Global Source One International, Inc. is indebted to Plaintiff Simplex, Inc. for a sum certain in the amount of \$137,480 in damages and \$42,253.20 in interest. Plaintiff has also incurred costs of \$696. This total reflects a deduction of (1) \$76.52 for Westlaw research because such research is more properly sought as part of the attorney's fees award; see Haroco, Inc. v. American Nat'l Bank & Trust Co. of Chicago, 38 F.3d 1429, 1440 (7th Cir. 1994); and (2) the \$60 charge for service related solely to Defendant American Guard Services, Inc.

The Court does not award Plaintiff its attorney's fees at this time. The contract in question provides that the purchaser will be responsible for all collection costs. It is unclear whether this includes attorney's fees. Compare Boulevard Bank Nat'l Ass'n v. Philips Med. Sys. Int'l B.V., 15 F. 3d 1419, 1426 (7th Cir. 1994) ("collection costs" includes attorney's fees under Illinois law) and Negro Nest, LLC v. Mid-Northern Mgmt.,

LLC, 363 Ill. App. 3d 640, 651 (2005) (a contract that provides for all costs of collections does not include attorney's fees). Therefore, this Court, in its discretion, will not award attorney's fees for time expended on matters related only to the remaining Defendant American Guard Services. See, e.g., Anderson v. Flexel, Inc., 47 F.3d 243, 251 (7th Cir. 1995) (stating that a district court has the discretion to apportion attorney fees among defendants); Malibu Medical, LLC v. Johnson, 2013 WL 3895265, at *2 (S.D. Ind. 2013) ("The Court strongly doubts that assessing fees in toto against a single defaulting defendant is reasonable."). The Court cannot determine which fees were incurred for matters related solely to Defendant Global Source One International, Inc. Therefore, the request for attorney's fees is denied without prejudice.

The Court also denies Plaintiff's request for an award of punitive damages. Illinois courts do not favor punitive damages. Crittenden v. Cook County Comm'n of Human Rights, 990 N.E.2d 1161, 1167 (Ill. 2013). Moreover, Plaintiff has failed to prove conduct by Global Source

One International, Inc. that is sufficient to award punitive damages or that punitive damages are necessary to make Plaintiff whole. See, e.g., Merrill Lynch Mortg. Corp. v. Narayan, 908 F.2d 246, 253 (7th Cir. 1990) (vacating award of punitive damages on a default judgment where the conduct was unconscionable but the plaintiff was made whole by compensatory damages).

NOW, THEREFORE, judgment is entered under Federal Rules of Civil Procedure 55(b):

A. In favor of Plaintiff Simplex, Inc. and against Global Source One International, Inc. on Counts I and III of the Amended Complaint in the amount of \$137,480 plus interest of \$42,253.20 and costs of \$696.

B. Plaintiff's request for attorney's fees is DENIED without prejudice.

C. Plaintiff's request for punitive damages is DENIED.

ENTER: September 23, 2013

FOR THE COURT:

s/ Sue E. Myerscough
SUE E. MYERSCOUGH
UNITED STATES DISTRICT JUDGE