

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

)	
)	
Manheim Automotive Financial Services,)	
Inc.,)	
)	Case No: 08 CV 1333
Plaintiff,)	
v.)	
)	
Scott Small and James Douvas,)	
)	
Defendants.)	

MOTION FOR ENTRY OF FINAL JUDGMENT AGAINST JAMES DOUVAS

Manheim Automotive Financial Services, Inc., by its attorneys Nisen & Elliott, as its Motion For Entry Of Final Judgment Against James Douvas, states as follows:

1. Defendants Scott Small (“Small”) and James Douvas (“Douvas”) both admit they were part of an agreement which ultimately caused the conversion of Collateral of Manheim Automotive Financial Services, Inc. (“MAFS”). The facts related to the conversion are alleged in detail in Plaintiff’s Motion For Summary Judgment against Small filed concurrently with this motion.

2. Defendant Douvas was served in this matter by personal service on July 15, 2007.

3. This Court previously held Douvas in default on May 1, 2008 when Douvas failed to appear, answer, or otherwise plead. A copy of this Court’s order holding Douvas in default is attached hereto as Exhibit A.

4. MAFS was damaged as a result of the conversion of its Collateral in the amount of \$677,134.75, plus attorneys’ fees and costs. See, Motion For Summary Judgment and

Affidavit of Faith Olin.¹

5. Small and Douvas are jointly and severally liable for the damages caused by the conversion. Under Illinois law, "...joint and several liability provides that when two or more individuals tortiously contribute to the same, indivisible injury, each individual may be held jointly and severally liable for the entire injury." *Woods v. Cole*, 181 Ill.2d 512, 518, 693 N.E.2d 333, 336 (1998). In addition, under Illinois law, joint and several liability may apply to defendants in a conversion action. *Sam's Wines & Liquors, Inc. v. Hartig*, 2008 WL 4394962 (N.D. Ill. September 24, 2008), citing, *Fortech, LLC v. R.W. Dunteman, Co., Inc.*, 366 Ill.App.3d 804, 852 N.E.2d 451 (1st Dist. 2006).

Wherefore for all of the foregoing reasons, Manheim Automotive Financial Services respectfully requests this Court to enter judgment against James Douvas in the amount of \$677,134.75, plus attorneys' fees and costs in the amount of \$28,892.30 for a total of \$706,027.05.

Respectfully submitted,

Manheim Automotive Financial Services

By: /s/ Daniel P. Dawson
One of its attorneys

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¹ MAFS agrees to accept the \$706,027.05 figure previously entered by Judge Der-Yeghiayan as the final judgment amount in this case. That figure includes \$28,892.30 in fees and expenses. The fees and expenses now exceed \$28,892.30. However, MAFS agrees to accept that figure solely in order to avoid the need for any additional fee applications.