

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

C. H. ROBINSON WORLDWIDE, INC. )  
on its own behalf and assignee and )  
subrogee of BioNutritional Research Group )  
Plaintiff, )  
v. )  
2090688 ONTARIO, INC. )  
Defendant. )

No. 09-cv-1788  
Judge James B. Zagel

**JUDGMENT ORDER**

This cause coming on to be heard on Plaintiff’s Motion for the entry of a Default Judgment pursuant to Rule 55 F.R.Civ.P., against Defendant, 2090688 ONTARIO, INC. (hereinafter referred to as “Defendant” or “ONTARIO”) , and the Court being fully advised in the premises, the Court finds as follows:

1. Service of Summons and Complaint herein was had upon Defendant on April 2, 2009, as evidenced by the executed Return of Process Server filed with this Court on April 6, 2009 as Doc. 7.
2. Defendant has failed to appear and respond to the Complaint herein and more than 20 days has elapsed since the date of service.
3. The affidavit of Ben G. Campbell, Vice President and General Counsel of Plaintiff establishes that Plaintiff is entitled to a judgment in its favor, and against ONTARIO in the amount of \$86,137.50 plus its costs in this action.
4. Plaintiff is a corporation conducting business within the United States Judicial District for the Northern District of Illinois.
5. Plaintiff is a property broker licensed by United States Department of Transportation, Federal

Motor Carrier Safety Administration (“FMCSA”) to arrange for the transportation of freight by for hire carriers in interstate or foreign commerce.

6. Defendant is a corporation having its principal place of business in Brampton, Ontario, Canada and having a registered agent in Chicago, IL.

7. Defendant is a for-hire motor carrier of property operating in interstate commerce subject to the jurisdiction of and operating pursuant to a registration issued by the FMCSA in Docket No. MC 555927.

8. This Court has jurisdiction pursuant to 28 U.S.C. §§1331, 1337 and 49 U.S.C. §14706.

9. Defendant operates routes as an interstate motor carrier within the United States Judicial District for the Northern District of Illinois.

10. On or about February 27, 2008, Plaintiff, in its capacity as a broker, on behalf of its customer, BioNutritional Research Group Ltd (“Customer”), tendered to Defendant a shipment of freight for transportation in interstate commerce.

11. At the time that said shipment was tendered to Defendant it was in good order and condition.

12. Defendant acknowledged receipt of the shipment in good order and condition on the bill of lading issued therefor.

13. Defendant failed to deliver the shipment to the consignee thereof as directed by Plaintiff, and, upon information and belief, the shipment was stolen while in transit.

14. The value of said shipment referred to above was \$86,137.50, which Plaintiff has paid to its Customer.

15. Plaintiff has made frequent and repeated demands upon Defendant to pay it for the value of said shipment (\$86,137.50) which Defendant has failed and refused to pay, all to Plaintiff's damage.

16. Pursuant to 49 U.S.C. § 14706, Defendant is liable to Plaintiff for its full actual loss, which is the value the shipment (\$86,137.50) which Defendant failed to deliver.

17. In exchange for the payment referred to in paragraph 16 hereinabove, the consignee/owner of the subject shipment has assigned to CHR all of its right, title and interest in and to the subject

shipment and any claim for its value.

18. CHR has filed a timely notice of claim with respect to the loss of the subject shipment.

19. He has reviewed CHR's books and records and finds that none of said damages (\$86,137.50) has been paid.

WHEREFORE, for the above and foregoing reasons, it is hereby ORDERED THAT:

A judgment is hereby entered in favor of Plaintiff, C. H. ROBINSON WORLDWIDE, INC., and against Defendant, 2090688 ONTARIO, INC. in the amount of \$86,137.50, plus costs.

Dated: November 24, 2009

Enter:

/s/ JAMES B. ZAGEL  
James B. Zagel  
United States District Judge