

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DISTRICT

AMERICAN GUARDIAN WARRANTY SERVICES, INC., an Illinois corporation,

Plaintiff,

vs.

AUTO PROTECTION ALLIANCE, LLC, a Nevada limited liability company, LEAD SERVICES, LLC, a Nevada limited liability company, SHEFFIELD WEST, LLC, a Nevada limited liability company, CHANNELSTONE HOLDINGS, LLC, a Nevada limited liability company, SALES MASTERS, LLC, a Nevada limited liability company, SANFORD DEVRIES, individually, KAREN RAMESON, individually, ERIK RAMESON, individually, WILLIAM RAMESON, individually, and DANIEL LAURANT, individually,

Defendants.

Case No.: 1:15-cv-09670

Hon. Charles R. Norgle

INDIVIDUAL DEFENDANTS' MOTION FOR ENTRY OF JUDGMENT

Pursuant to Fed. R. Civ. P. 54(b) and Local Rules 5.3 and 7.1 of the United States District Court for the Northern District of Illinois, Defendants Sanford Devries, Karen Rameson, and William Rameson (collectively, the "Individual Defendants"), respectfully move this Court for entry of an order directing the Clerk to enter final judgment in favor of the Individual Defendants, and state as follows:

1. On April 20, 2017, this Court entered its Order granting the Individual Defendants' Motion to Dismiss the Second Amended Complaint, with Prejudice (the "Order of Dismissal"). (Dkt. 81.)

2. On May 17, 2017, the Plaintiff filed a purported Notice of Appeal of the Court's Order of Dismissal. (Dkt. 83.)

3. The Order of Dismissal, standing alone, is not an appealable final judgment. *See* Fed. R. Civ. P. 54(b). Rather, the Order of Dismissal does not become final and appealable unless and until this Court directs a judgment be entered pursuant to Fed. R. Civ. P. 54(b). *Id.*

4. The Individual Defendants desire the finality of a final judgment. There is no just cause for delay in providing the Individual Defendants with this finality with respect to the non-meritorious claims made against them for breach of fiduciary duty, while the Plaintiff continues to pursue its contract claims against the parties with whom it purports to have a contract. The Individual Defendants presume that the Plaintiff is in agreement, in light of the fact that the Plaintiff has already attempted to appeal this currently non-appealable Order of Dismissal.

WHEREFORE, based upon the foregoing, the contemporaneously-filed Memorandum of Law incorporated herein, all pleadings and papers on file with the Court in this action, and upon such oral and written evidence as may be presented at the hearing of this Motion, if any, the Individual Defendants respectfully request that this Court issue an order pursuant to Fed. R. Civ. P. 54(b) directing the Clerk to enter final judgment in favor of the Individual Defendants, and for such other and further relief as the Court may deem appropriate under the circumstances.

Dated: May 19, 2017

Respectfully Submitted,

SANFORD DEVRIES, KAREN RAMESON, and
WILLIAM RAMESON

/s/ Timothy A. Hudson
One of Their Attorneys

Timothy A. Hudson
TABET DIVITO & ROTHSTEIN LLC
209 South LaSalle St., 7th Floor
Chicago, Illinois 60604
Tel: (312) 762-9476
Fax: (312) 762-6451
thudson@trdlawfirm.com

-and-

Beth-Ann E. Krimsky
Fla. Bar. No. 968412
Lawren A. Zann
Fla. Bar No. 42997
GREENSPOON MARDER, P.A.
200 East Broward Blvd, Suite 1800
Fort Lauderdale, FL 33309
Tel: (954) 527-2427
Fax: (954) 333-4027
beth-ann.krimsky@gmlaw.com
lawren.zann@gmlaw.com