

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

EVERBANK COMMERCIAL FINANCE,
INC., a Delaware corporation,

Plaintiff,

vs.

CDM EXPRESS CORP., an Illinois
corporation, and GORDAN DONCIC, an
Illinois resident,

Defendants

Case No.: 1:16-cv-08300

Honorable Ronald A. Guzman

**Magistrate Judge:
Honorable Mary M. Rowland**

JOINT MOTION FOR CONSENT JUDGMENT

AND NOW COMES, Plaintiff EverBank Commercial Finance, Inc. (“EverBank”), by and through its attorneys, Clark Hill PLC, and Defendants CDM Express Corp. and Gordon Doncic, by and through its attorneys, Atom Law Group, respectfully jointly move this Court for the entry of a consent judgment against Defendant CDM Express Corp. (“Corporate Defendant”), and hereby state the following:

1. On August 24, 2016, EverBank filed a verified Complaint against Defendants, CDM Express Corporation (“Corporate Defendant”) and Gordon Doncic (“Defendant Guarantor”), collectively the “Defendants”, jointly and severally, for monetary damages for the breach of two contracts (the “Contract”) under Count I, and for an Order for Replevin under Count II for the recovery of the following equipment: (1) 2009 Freightliner, Cascadia Series, CA 12564SLP 126” BBC, Conv Cab w/72: RR SLPR Tractor 6X4, S/N 1FUJGLDR19LAJ005; (2) 2009 Freightliner, Cascadia Series, CA 12564SLP 126” BBC, Conv Cab w/72: RR SLPR

Tractor 6X4, S/N 1FUJGLDR39LA0278; (3) 2015 Great Dane, Dry Van 53' Semi Trailer, S/N 1GRAA0626FK246726; (4) 2015 Great Dane, DRY VAN 53' Semi Trailer, S/N 1GRAA0628FK246727; (5) 2015 Great Dane, DRY VAN 53' Semi Trailer, S/N 1GRAA062XFK246728; and (6) 2015 Great Dane, DRY VAN 53' Semi Trailer, S/N 1GRAA0621FK246729, plus future attachments, accessions, accessories, replacement parts, repairs and additions or substitutions for each (the "Equipment").

2. Defendants filed an answer to the Verified Complaint, and admitted that Corporate Defendant defaulted on the debt due to EverBank. *See, Para. 18 of Defendants' Answer* [Dkt. 22].

3. Since the filing of the Complaint, Defendants have assisted the return of each of the Equipment and EverBank has received all of the Equipment except for the 2015 Great Dane with a VIN ending 46728.

4. As of August 18, 2017, Defendant CDM is liable to EverBank in the amount of One Hundred Eleven Thousand Fifty Dollars and 68/100 (\$111,050.68), plus continuing accrued interest, attorneys' fees and costs, as follows:

41123021	
Original Principal Balance	\$ 94,810.50
Interest	\$ 12,162.42
Credit/Payments	\$ (47,543.52)
Account Paid Thru 9/22/15	\$ -
Net Proceeds from sale of 1FUJGLDR19LAJ0005	\$ (6,374.09)
Net Proceeds from sale of 1FUJGLDR39LAJ0278	\$ (10,163.31)
Total	\$ 42,892.00

41123197	
Original Principal Balance	\$ 136,000.00
Interest	\$ 27,048.20
Credit/Payments	\$ (43,479.52)
Account Paid Thru 9/22/15	
Net Proceeds from sale of 1GRAA0628FK246727	\$ (16,850.00)
Net Proceeds from sale of 1GRAA0624FK246725	\$ (15,995.00)
Net Proceeds from sale of 1GRAA0621FK246729	\$ (18,565.00)
Total	\$ 68,158.68

WHEREFORE, Plaintiff EverBank Commercial Finance, Inc. and Defendants CDM Express Corp. and Gordon Doncic respectfully consent to the entry of a final judgment against only Defendant CDM Express Corp. in the amount of **\$111,050.68**, plus additional accrued interest from August 18, 2017 at the statutory interest of 9% per annum until the judgment has been paid in full, attorneys' fees, and costs, and further move this Honorable Court to enter final judgment in said amount, plus any other relief that this Court deems just and equitable.

Respectfully Submitted:

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FINAL ORDER

Upon consideration of Plaintiff's and Defendants' Joint Motion For Entry of a Consent Judgment, it is hereby ORDERED that final judgment is entered against only Defendant CDM Express Corp. in the amount of **\$111,050.68**, plus additional accrued interest from August 18, 2017 at the statutory interest of 9% per annum until the Judgment has been paid in full, attorneys' fees and costs.

BY THE COURT:

United States Magistrate Judge