

plaintiff is a citizen of Indiana, that the defendants have defaulted on promissory notes and converted nearly \$500,000.00 in payments by plaintiff to their own personal use, depriving him of merchandise which those payments were for. The exhibits attached to the uncontested complaint, the verified motion for a default judgment, and the exhibits and affidavit filed in connection with the proceedings conducted by Judge Cosby support these allegations.

Accordingly, the court **ADOPTS** Judge Cosby's findings, report and recommendation, and plaintiff's motion for a default judgment (DE # 5) is now **GRANTED**. Because the complaint does not pray for a specific sum certain as damages, plaintiff is directed to submit an affidavit, with any necessary supporting exhibits, to establish the amount of damages he contends he is entitled to, in order for the court to direct entry of a final judgment.

SO ORDERED.

Date: December 14, 2010

s/ James T. Moody
JUDGE JAMES T. MOODY
UNITED STATES DISTRICT COURT