

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA**

WABASH POWER EQUIPMENT, CO., and )  
 NICKELSON INDUSTRIAL SERVICE, INC., )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 BTU STATE LINE, LLC, )  
 BTU SOLUTIONS DE, LLC, and )  
 STATE LINE ENERGY, LLC, )  
 )  
 Defendants. )

CAUSE NO.: 2:13-CV-202-TLS

**ORDER**

On August 31, 2015, this Court referred the Plaintiffs’ Motion for Default Judgment to Magistrate Judge John E. Martin for review, to conduct any and all necessary evidentiary hearings, and to issue a report and recommendation that includes proposed findings of fact and recommendations for the disposition of the Plaintiffs’ Motion.

On November 24, 2015, Magistrate Judge Martin issued a Report and Recommendation setting forth a recommendation that the Court grant the Plaintiff’s Motion for Entry of Default [ECF No. 90]. The Report recommended that this Court enter judgment in favor of Plaintiffs Wabash Power Equipment Co. and Nickelson Industrial Service, Inc., and against Defendants BTU State Line, LLC, BTU Solutions DE, LLC, and State Line Energy, LLC., in the sum of \$5,016,105.69 for claims that they breached express warranties to the Plaintiffs, committed fraud in the inducement, and committed deception in contravention of the Indiana Crime Victim Relief Act for actions in connection with the auction of equipment from a defunct electric generating plant.

This Court’s review of the Magistrate judge’s Report and Recommendation is governed

by 28 U.S.C. § 636(b)(1)(C) which provides in part:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate. The judge may also receive further evidence or recommit the matter to the magistrate with instructions.

Objections to the Magistrate's Judge's Report and Recommendations must be made within fourteen days of service of a copy of the Report. *Id.*; Fed. R. Civ. P. 72(b). No party has filed an objection to the Magistrate Judge's Report and Recommendation.

Upon review of the parties' submissions and the Report and Recommendation, the Court ACCEPTS the Report and Recommendation [ECF No. 102] in its entirety and thereby:

- (1) GRANTS the Plaintiff's Motion for Entry of Default [Judgment ] [ECF No. 102];
- (2) DIRECTS the Clerk to ENTER JUDGMENT in favor of Plaintiffs Wabash Power Equipment Co. and Nickelson Industrial Service, Inc., and against Defendants BTU State Line, LLC, BTU Solutions DE, LLC, and State Line Energy, LLC, in the sum of \$5,016,105.69.

SO ORDERED on December 14, 2015.

s/ Theresa L. Springmann  
THERESA L. SPRINGMANN  
UNITED STATES DISTRICT COURT