

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

ALBERT S. WOLOGO,

Plaintiff,

vs.

TRANSAMERICA LIFE INSURANCE
COMPANY and AEGON USA
INVESTMENT MANAGEMENT,

Defendants.

No. C 17-136-MWB

**OPINION AND ORDER
REGARDING DEFENDANTS' RULE
60(a) MOTION TO CORRECT
JUDGMENT AMOUNT**

This case is before me on the defendants' February 9, 2018, Rule 60(a) Motion To Correct Judgment Amount. In that Motion, the defendants point out that the Judgment amount entered on February 2, 2018, was \$238,884.13, the amount claimed in their counterclaim, but that the correct amount, as indicated in their Statement Of Material Facts in support of their Motion For Summary Judgment was \$238,446.51, because of an offset of \$437.62 of plaintiff's commissions. I find that Rule 60(a) of the Federal Rules of Civil Procedure expressly provides for correction of such a clerical mistake or oversight. I agree with the defendants that such a mistake was made and apologize for the error.

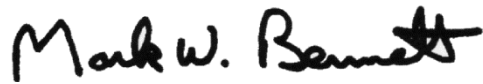
THEREFORE,

1. The defendants' February 9, 2018, Rule 60(a) Motion To Correct Judgment Amount (docket no. 66) is **granted**;
2. The February 2, 2018, Opinion And Order Regarding Defendants' Motion For Summary Judgment (docket no. 64) is **amended and corrected**, on page 3, to direct recovery by Defendant Transamerica of \$238,446.51 from Wologo on its counterclaim;

3. The February 2, 2018, Judgment (docket no. 65) is **vacated**;
4. **An Amended Judgment shall enter** reflecting the correct amount of \$238,446.51 as defendant Transamerica's recovery on its counterclaim.

IT IS SO ORDERED.

DATED this 9th day of February, 2018.



MARK W. BENNETT
U.S. DISTRICT COURT JUDGE
NORTHERN DISTRICT OF IOWA