

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

LAKES GAS CO.,

Plaintiff/Counterclaim Defendant,

vs.

LOU'S LP CO.,

Defendant/Counterclaimant.

No. C09-2016-JSS

ORDER FOR JUDGMENT

On March 26, 2010, the Court filed its Ruling on Motion for Summary Judgment (docket number 21). The motion for summary judgment filed by Lakes Gas Co. was granted in part and denied in part. Specifically, the Court concluded that Lakes was entitled to summary judgment on the three contracts executed by the parties on September 2, 2008. The Court found that Lakes was entitled to judgment in the amount of \$880,679.33, plus late charges. The Court directed Lakes to file an affidavit not later than seven days following the entry of the ruling, calculating the late charges which it believes are owed through the date of the filing of the ruling, and its calculation of the per-day late charge applicable thereafter. Lou's LP Co. was given seven days following the filing of Lakes' affidavit in which to respond.

On April 1, 2010, Lakes timely filed an Affidavit of Jane Boyer, together with an attachment, showing late charges totaling \$207,938.56 through March 26, 2010. *See* docket number 22. According to Lakes' affidavit, late charges continue to accrue at the rate of \$434.30 per day after March 26, 2010. Lou's has not filed any affidavit challenging Lakes' calculation regarding the late charges. This Order will be filed on April 23, 2010. Lakes is entitled to additional late charges from March 26 to April 23 in

the amount of \$12,160.40 (\$434.30 per day times 28 days). Accordingly, the Court concludes that Lakes is entitled to judgment on the contracts, including late charges, in the total amount of \$1,100,778.29.

ORDER

IT IS THEREFORE ORDERED that judgment enter in favor of Plaintiff Lakes Gas Co. and against Defendant Lou's LP Co. in the amount of One Million One Hundred Thousand Seven Hundred Seventy-Eight Dollars and twenty-nine cents ((\$1,100,778.29), plus interest at the federal statutory rate from and after the filing of this Order.

The parties are reminded that Lakes' remaining claims, and Lou's counterclaim will come on for trial to the Court on **June 1, 2010**. A Final Pretrial Conference is scheduled on **May 14, 2010**.

DATED this 23rd day of April, 2010.



JON STUART SCOLES
UNITED STATES MAGISTRATE JUDGE
NORTHERN DISTRICT OF IOWA