

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CESSNA FINANCE CORPORATION,

Plaintiff

vs.

Case No. 13-1311-SAC

VYWB, LLC and PARMJIT S. PARMAR,

Defendants.

MEMORANDUM AND ORDER

The case comes before the court on the motion of the plaintiff Cessna Finance Corporation (“CFC”) to renew judgment and the renewal affidavit filed by its attorney. ECF# # 52 and 53. In November of 2014, this court entered a money judgment against the defendants on both counts. According to the plaintiff’s counsel’s affidavit, the defendants “have made no payments toward the obligations embodied in” the court’s money judgment and that the remaining balances due are on count one--\$4,547,427.84 with interest accruing at the rate of 5.65% from and after June 20, 2014, and on count two--\$5,216,936.96 with interest accruing at the rate of 5.65% from and after June 20, 2014, plus attorneys’ fees and expenses in the amount of \$50,000 through the date of judgment. ECF# 52, ¶ 5. Though believing that the filing of its counsel’s affidavit suffices under state law to renew the judgment under K.S.A. 60-2403(a) and Fed. R. Civ. P. 69(a)(1), the plaintiff

is cautious also to move this court to grant its motion for renewing this federal money judgment pursuant to Fed. R. Civ. P. 81(b), if applicable.

As the Tenth Circuit has said in *McCarthy v. Johnson*, 1999 WL 46703, at * 1 (10th Cir. Feb. 3, 1999), “we think it beyond question that renewal of a judgment is a type of relief available to litigants, and that the requirements governing the granting of such relief are governed by state law. See Fed. R. Civ. P. 69(a).” See also *Roberts v. Summers*, 2014 WL 3400735, at * 1 (D. Kan. Jul. 10, 2014) (Fed. R. Civ. P. 69(a) binds a federal court to follow state law for execution of judgment procedures); *Denton v. Dodson*, 2014 WL 1653251, at * 1 (N.D. Okla. Apr. 24, 2014) (“State law governs the procedure on execution of judgments in federal court. Fed. R. Civ. P. 69(a)(1).”).

The court finds that the renewal affidavit of plaintiff’s counsel substantially complies with the requirements of K.S.A. 60-2403(a) and that the plaintiff has provided notice of this motion, memorandum and affidavit to the judgment debtors by service upon their counsel of record.

IT IS THEREFORE ORDERED that the plaintiff’s judgment is hereby renewed for an additional five years from the date of the affidavit’s filing, and the plaintiff’s motion (ECF# 53) is granted.

Dated this 22nd day of October, 2019, Topeka, Kansas.

s/Sam A. Crow
Sam A. Crow, U.S. District Senior Judge