

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

PNC BANK, NATIONAL ASSOCIATION,)
)
)
 PLAINTIFF)
)
 v.)
)
 CRYSTAL TOUCH CAR WASH, LLC)
 and ELITE PHYSICAL THERAPY,)
 INC. and ERIK M. SALMINEN and)
 CARLY R. SMITH f/k/a CARLY R.)
 SALMINEN,)
)
 DEFENDANTS)

CIVIL No. 09-292-P-H

ORDER ON PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT

The defendants Erik M. Salminen and Elite Physical Therapy, Inc. have failed to respond to the plaintiff's motion for summary judgment. Under Local Rule 56, therefore, the plaintiff's statement of material facts is deemed admitted. See Local Rule 56(f). Given those facts, the plaintiff is entitled to judgment as a matter of law under Fed. R. Civ. P. 56 on the guarantees signed by these two defendants. Accordingly, the plaintiff's motion for summary judgment is **GRANTED**. The Clerk shall enter judgment in the plaintiff's favor against the defendants Erik M. Salminen and Elite Physical Therapy, Inc. in the amount of One Million One Hundred Sixty-Six Thousand Nine Hundred Twenty-Nine Dollars and Four Cents (\$1,166,929.04), together with interest at the per diem rate of One Hundred Sixty-

Eight Dollars and Twenty-Six Cents (\$168.26) from August 5, 2009, to September 17, 2009, and thereafter at the post judgment interest rate set by 28 U.S.C. § 1961(a), together with costs and attorney fees.

SO ORDERED.

DATED THIS 12TH DAY OF NOVEMBER, 2009

/s/D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE