

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
AUCTUS FUND, LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 18-cv-10580-LTS
)	
AMI JAMES BRANDS, INC.,)	
)	
Defendant(s).)	
_____)	

ORDER ON MOTION FOR DEFAULT JUDGMENT (DOC. NO. 21)

October 7, 2019

SOROKIN, J.

Now before the Court is Plaintiff Auctus Fund, LLC’s (“Auctus Fund”) motion for default judgment. Doc. No. 21. Auctus Fund submits that Defendant AMI James Brands, Inc. (“AJBI”) is liable for: (1) compensatory damages in the amount of \$238,722.59; (2) punitive damages in the amount of \$716,167.77 under the Massachusetts Consumer Protection Act, Mass. Gen. Laws ch. 93A §§ 2 and 11; and (3) reasonable attorneys’ fees and costs, as the “prevailing party” under a contract. Doc. No. 21-10 at 1.

Auctus Fund’s motion is ALLOWED IN PART and DENIED IN PART. The Court concludes that AJBI is, as Auctus Fund submits, liable for compensatory damages in the amount of \$238,772.59 pursuant to contract. However, “[t]he Court declines to award punitive damages . . . because it finds the allowed pecuniary award to be at least adequately compensatory.” Auctus Fund, LLC v. ERHC Energy, Inc., No. 18-CV-10216-ADB, 2019 WL 1316749, at *3 (D. Mass. Mar. 21, 2019); see also Bissanti Design/Build Grp. v. McClay, 590 N.E.2d 1169, 1170 (Mass. App. Ct. 1992) (holding that under Massachusetts law, “punitive damages cannot be fixed

without an evidentiary hearing to determine how egregious was the conduct of the defendant”). Accordingly, Auctus Fund shall, within seven days, file a revised form of judgment consistent with this order. At that time, Auctus Fund shall also file a request for reasonable attorneys’ fees and costs.

SO ORDERED.

/s/ Leo T. Sorokin
Leo T. Sorokin
United States District Judge