

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GENERAL ELECTRIC CAPITAL	)	
CORPORATION,	)	
	)	
Plaintiff,	)	Case No. 1:09-cv-47
	)	
v.	)	Honorable Paul L. Maloney
	)	
HARVEY N. GAINAY,	)	
	)	
Defendant.	)	
_____	)	

**ORDER DIRECTING THE ENTRY OF JUDGMENT**

This is an action to recover on personal guarantees executed by defendant. After a bench trial, this court issued an oral opinion finding defendant liable to plaintiff in the principal amount of \$429,175.65. The Court directed plaintiff to submit its calculation of prejudgment interest and contractual attorney’s fees within 21 days. After plaintiff did so, and defendant objected, the court referred these issues to Magistrate Judge Joseph Scoville pursuant to 28 U.S.C. § 636(b)(1)(B).

During the pendency of proceedings before the magistrate judge, the parties stipulated to the amount of reasonable attorney’s fees. The Court hereby approves and adopts that stipulation (docket # 80). On September 14, 2012, the magistrate judge issued a Report and Recommendation on the issue of prejudgment interest. The Report and Recommendation computed the interest due, under applicable Michigan law, on that portion of the principal judgment (\$404,175.65) for which plaintiff seeks interest under the guarantee agreements. The Report and Recommendation was duly

served on the parties. No objections have been filed. The Report and Recommendation is hereby adopted as the opinion of the Court. All disputed issues have now been resolved, and the Court is in a position to enter judgment.

THEREFORE, IT IS ORDERED that judgment shall enter in favor of plaintiff and against defendant in the total amount of \$784,708.92, as follows:

- A. Principal of \$429,175.65 plus interest of \$260,533.27 (accrued to the date of judgment): \$689,708.92;
- B. Attorney's fees in the amount of \$95,000.00.

Dated: October 15, 2012

/s/ Paul L. Maloney  
Paul L. Maloney  
Chief United States District Judge