

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Tiger Team Technologies, Inc., f/k/a
Blackwater Technologies, Inc.,
a Nevada Corporation,

Plaintiff,

v.

Synesi Group, Inc.,

Defendant.

ORDER

Civ. No. 06-1273 ADM/AJB

Boris Parker, Esq., Parker & Wenner, P.A., Minneapolis, MN, on behalf of Plaintiff.

On June 5, 2009, Plaintiff Tiger Team Technologies, Inc. (“T3”) submitted to the Court an Affidavit of Default Identification, No Answer and Request for Entry of Default Judgment by Clerk [Docket No. 132]. On June 16, 2009, the Court declined to rule on the motion finding that “Plaintiff has failed to submit documentation fixing its damages at a ‘sum certain’ of \$49,550,225, and, therefore, a default judgment will not be entered at this time. If Plaintiff has appropriate documentation to support a judgment, such documentation should be submitted to the Clerk.” June 16, 2009 Order [Docket No. 133] at 1. T3 has now submitted the affidavit of Bart J. Ward to support its claim of damages. See Ward Aff. [Docket No. 134]. As the Court explained in its prior order:

A “sum certain” under the rule means an amount that can be fixed by simple calculation or that can be set by documentation, such as an invoice or contract. It does not refer to a mere claim by a party for a specific amount, such as a multimillion dollar claim for damages.

June 16, 2009 Order at 1. The affidavit of an expert does not meet the requirements of a “sum certain.”

Based upon the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that a Default Judgment will be entered in favor of Plaintiff Tiger Team Technologies, Inc. but because no “sum certain” can be ascertained, no damages shall be awarded.

LET JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: July 13, 2009.