

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 16-2387(DSD/DTS)

Ally Bank,

Plaintiff,

v.

ORDER

Lenox Financial Mortgage Corporation,

Defendant.

Thomas M. Schehr, Esq., Kristina Kaluza, Esq. and Dykema Gossett, PLLC, 4000 Wells Fargo Center, 90 South Seventh Street, Minneapolis, MN, counsel for plaintiff.

Sharon R. Markowitz, Esq. and Stinson Leonard Street LLP, 150 South 5th Street, Suite 2300, Minneapolis, MN, counsel for defendant.

This matter is before the court upon the motion for attorney's fees, interest, and costs by plaintiff Ally Bank. The court previously granted Ally's motion for summary judgment and ordered Ally to submit to the court a calculation of interest, costs, and attorney's fees.¹ See ECF No. 70.

Based upon Ally's submissions, the court finds that Ally's damages amount to \$1,361,891.74 plus, as of February 23, 2018, prejudgment interest totaling \$431,497.01.² Further, based on a review of the file, record, and proceedings herein, the court finds

¹ Defendant Lenox Financial Mortgage Corporation did not file a reply or notice of no reply to Ally's motion as ordered by the court. See ECF No. 70 at 9.

² The court applies a six-percent prejudgment interest rate. See ECF No. 70 at 8 n.4.

that Ally's request of \$178,810.05 in attorney's fees and \$14,381.43 in costs is reasonable under these circumstances.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Ally's motion for attorney's fees, interest, and costs [ECF Nos. 71, 82] is granted;

2. Judgment shall be entered in favor of Ally Bank and against Lenox Financial Mortgage Corporation in the amount of **\$1,986,580.23** consisting of \$1,361,891.74 in damages, \$431,497.01 in prejudgment interest, \$178,810.05 in attorney's fees, and \$14,381.43 in costs; and

3. The case is dismissed.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 23, 2018

s/David S. Doty
David S. Doty, Judge
United States District Court