

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Patriot's Landing Investment I, LLC,

Plaintiff,

v.

Case No. 16-cv-3567 (JNE/KMM)  
ORDER

Arthur Shuster, Inc.,

Defendant.

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Kelly C. McGinty, Moss & Barnett, appeared for Patriot's Landing Investment I, LLC.

Arthur Shuster, Inc., did not appear.

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This case is before the Court on Patriot's Landing Investment I, LLC's motion for default judgment. *See* Fed. R. Civ. P. 55(b). "Upon default, the factual allegations of a complaint (except those relating to the amount of damages) are taken as true, but 'it remains for the court to consider whether the unchallenged facts constitute a legitimate cause of action, since a party in default does not admit mere conclusions of law.'" *Murray v. Lene*, 595 F.3d 868, 871 (8th Cir. 2010); *see Marshall v. Baggett*, 616 F.3d 849, 852-53 (8th Cir. 2010) ("[I]t is incumbent upon the district court to ensure that 'the unchallenged facts constitute a legitimate cause of action' prior to entering final judgment.").

Patriot's Landing and Arthur Shuster, Inc., entered into a contract. Arthur Shuster agreed to procure furniture, fixtures, and equipment in connection with the renovation of a facility owned by Patriot's Landing in DuPont, Washington. Patriot's Landing paid

Arthur Shuster \$332,981.66. Arthur Shuster failed to deliver the furniture, fixtures, and equipment.

Patriot's Landing sought default judgment in the amount of \$452,981.66. For the reasons stated on the record, the Court declines to award Patriot's Landing the amount requested beyond the amount paid to Arthur Shuster. Arthur Shuster's breach damaged Patriot's Landing in the amount of \$332,981.66.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. Patriot's Landing's motion for default judgment [Docket No. 21] is GRANTED.
2. Judgment in the amount of \$332,981.66 is awarded in favor of Patriot's Landing Investment I, LLC, and against Arthur Shuster, Inc.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 4, 2017

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge