

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**WELLS FARGO FINANCIAL LEASING,
INC.**

PLAINTIFF

v.

CIVIL ACTION NO. 3:14-cv-889-CWR-FKB

**CARL W. BOYKIN, JR. AND MONICA
BOYKIN**

DEFENDANTS

AMENDED ORDER GRANTING MOTION FOR DEFAULT JUDGMENT

This cause comes on to be heard on the Motion for Default Judgment filed by Plaintiff Wells Fargo Financial Leasing, Inc. (“Wells Fargo”), Docket No. 7. Defendants Carl and Monica Boykin (the “Boykins”) have not responded to Plaintiff’s motion. The Court, having considered said motion and proof in support thereof, does find and adjudicate as follows:

On April 27, 2007, the Boykins entered into several financial agreements with Wells Fargo. The Boykins first executed a Building Lease Agreement, whereby Wells Fargo leased to the Boykins four new poultry houses. See Pl.’s Mot. for Def. Judg. at 2. The Boykins executed a Mississippi Development Authority Note (“MDA Note”) in connection with the credit facilities. *Id.* In addition, the parties entered into an Equipment Lease Agreement, in which, among other things, Wells Fargo leased a John Deere generator package and hookup. *Id.* In separate documents, the parties executed a payment plan, whereby the Boykins agreed to make estimated annual payments under the Equipment Lease for a period of ten years. *Id.*

The Boykins eventually defaulted pursuant to the terms and conditions of the Lease Agreements and the MDA Note. *Id.* at 3. On May 9, 2014, Wells Fargo foreclosed on its collateral and gained the property at the foreclosure sale with a bid price of \$500,000. *Id.* The amount due to Wells Fargo after the foreclosure was \$241,832.37. *Id.*

On November 17, 2014, Wells Fargo filed the instant action against the Defendants. In its motion, Wells Fargo claims that it is entitled to a judgment “in the amount of \$241,832.37, plus reasonable attorney’s fees pursuant to the Lease Agreements and the MDA note in the amount of \$24,000.00, post-judgment interest at the legal rate of 8.00% per annum and all costs of court.”
Id.

In light of the foregoing, the Court finds that a Default Judgment is appropriate. The Court, however, does not agree with Wells Fargo’s assessment of attorneys’ fees. Wells Fargo must submit additional proof in order for the Court to determine its reasonable attorneys’ fees. The Court will assess the reasonableness of the attorneys’ fees according to the standards enunciated in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974).¹

IT IS HEREBY ORDERED AND ADJUDGED that Default Judgment is entered in favor of Wells Fargo against the Defendants in the amount of \$241,832.37, with post-judgment interest accruing from this day forward at the federal interest rate of 0.22%.

IT IS FURTHER ORDERED that reasonable attorneys’ fees and costs shall be determined upon sufficient proof submitted by Plaintiffs.

SO ORDERED, this the 16th day of April, 2015.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE

¹ The twelve Johnson factors are: (1) the time and labor required; (2) the novelty and difficulty of the questions; (3) the skill requisite to perform the legal service properly; (4) the preclusion of employment by the **attorney** due to acceptance of the case; (5) the customary fee; (6) whether the fee is fixed or contingent; (7) time limitations imposed by client or the circumstances; (8) the amount involved and the results obtained; (9) the experience, reputation and ability of the **attorneys**; (10) the undesirability of the case; (11) the nature and length of the professional relationship with the client; and (12) awards in similar cases. See *Union Asset Mgmt. Holding A.G. v. Dell, Inc.*, 669 F.3d 632, 642 n. 25. See also *JPMorgan Chase Bank, N.A. v. Gonzalez*, No. SA-12-CV-105-XR, 2013 WL 321779 (W.D. Tex. Jan. 28, 2013); *Bank v. McDonough*, No. 6:14-CV-860-Orl-41DAB, 2015 WL 269246 (M.D. Fla. Jan. 21, 2015) (adopting report and recommendation); *Wells Fargo Equipment Finance, Inc. v. Mid-South Services, Inc.*, No. 10-2970-KDE-SS, 2012 WL 669302 (E.D. La. Feb. 29, 2012) (adopting report and recommendation).