

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

AMERICAN SAFETY CASUALTY)	
INSURANCE COMPANY,)	
)	
Plaintiff,)	Case No. 2:14-cv-04124-NKL
)	
v.)	
CRAIG DILLON, et al.,)	
)	
Defendants.)	

ORDER AND JUDGMENT

Plaintiff American Safety Casualty Insurance Company’s motion for entry of default and default judgment against Defendants Robert Gruender and Nicole Gruender, Doc. 8, is granted, as follows:

1. The Gruenders were individually and personally served with a Summons and copy of American Safety’s Complaint on May 27, 2014.

2. The Gruenders’ responsive pleadings were due within 21 days, as allowed under Rule 12(a)(1)(A) (i) of the Federal Rules of Civil Procedure, or by June 17, 2014. The Gruenders failed to file responsive pleadings within that time frame or at any time.

3. On August 18, 2014, American Safety filed its motion for entry of default and default judgment, Doc. 8, and mailed copies of its motion to the Gruenders, who failed to file anything in response.

4. On September 8, 2014, this Court entered an Order, Doc. 11, requiring the Gruenders to show cause in writing on or before September 30, 2014 why the motion for entry of default and default judgment should not be granted. The Court sent copies of the

Order to the Gruenders by certified and regular mail. The certified mail copy addressed to Robert Gruender was returned as unclaimed. Neither of the Gruenders filed anything in response to the Court's Order to show cause.

5. The Gruenders have failed to demonstrate any reason why judgment should not be entered against them as requested by American Safety.

5. American Safety incurred a loss in the principal amount of \$118,640.86 when the Gruenders failed to comply with Mo. Rev. Stat. § 34.057 and failed to comply with the trust fund provisions of the General Agreement of Indemnity they signed.

6. Interest has accrued on the amounts Plaintiff paid through September 30, 2014 in the amount of \$36,082.27.

7. American Safety has incurred attorney fees, court costs and expenses in the amount of \$6,035.50.

Accordingly, it is ORDERED, ADJUDGED and DECREED that:

1. Defendants Robert Grueder and Nicole Gruender are in default;
2. Judgment is entered in favor of Plaintiff American Safety Casualty Insurance Company and against Defendants Robert Gruender and Nicole Gruender jointly and severally in the amount of \$160,758.63, plus post judgment interest at the rate of 10% per annum pursuant to Mo. Rev. Stat. § 430.050.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: October 17, 2014
Jefferson City, Missouri