

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

**CECIL E. HOPKINS, individually)
and on behalf of a class of all others)
similarly situated,)**

Plaintiff,)

vs.)

Case No. 08-05052-CV-SW-GAF

**KANSAS TEACHERS COMMUNITY)
CREDIT UNION,)**

Defendant/Third Party Plaintiff,)

vs.)

**MARATHON ROTHSCHILD CREDIT)
UNION, et al.,)**

Third Party Defendants.)

ORDER GRANTING DEFAULT JUDGMENT

Presently before the Court is Third-Party Plaintiff Kansas Teachers Community Credit Union’s (“KTCCU”) Motion for Default Judgment Against Third-Party Defendant Flatiron Financial Services, Inc. filed pursuant to Fed. R. Civ. P. 55. (Doc. #134). On July 8, 2009, KTCCU filed its Third-Party Complaint for indemnity and contribution against Third-Party Defendant Flatiron Financial Services, Inc. d/b/a “Peak5” (“Peak5”). (Doc. #52). Peak5 was served with process on July 15, 2009. (Doc. #110).

Under Fed. R. Civ. P. 12(a)(1)(A)(I), Peak5 was required to file its Answer to the Third-Party Complaint on or before August 4, 2009. To date, Peak5 has not attempted to respond. KTCCU requests the Court enter a default judgment against Peak5 on the issue of liability only at

this time. The Court finds Peak5 is in default, and KTCCU is entitled to a default judgment under Fed. R. Civ. P. 55 on the issue of liability. Accordingly, it is

ORDERED that KTCCU's Motion is **GRANTED**.¹

s/ Gary A. Fenner _____
Gary A. Fenner, Judge
United States District Court

DATED: March 12, 2010

¹If necessary, the amount of KTCCU's damages shall be determined at a later date.