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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

NETBANK, FSB

Plaintiff,

v.

COMMERCIAL MONEY CENTER, *et al.*,

Defendants.

Case No. 2:02-CV-01051-KJD-LRL

ORDER

Before the Court is the Motion for Entry of Final Judgment against Safeco Company of America (#283) filed by Plaintiff Federal Deposit Insurance Corporation, as Receiver for NetBank, FSB, ("FDIC"). Defendant Safeco has filed a Non-opposition to Motion for Judgment (#286). The Court has considered the Motion and finds it to be supported by good cause. A jury has returned a special verdict with answers to written questions in favor of FDIC, finding damages for FDIC on its breach of contract and breach of fiduciary duty claims in the amount of \$60,475,293.90. The Court has also entered judgment in favor of FDIC on its claim for attorneys' fees and costs in the amount of \$7,911,400.68. A mistrial has been declared on FDIC's remaining claim for punitive damages, and this claim has been severed. Accordingly, there is no reason for delay in entering final judgment.

1 FDIC has submitted a proposed form of judgment as an exhibit to its Motion (#283). In
2 accordance with Federal Rule of Civil Procedure 58(b)(2), the Court approves the proposed form of
3 judgment.

4 **IT IS HEREBY ORDERED** that the Motion for Entry of Final Judgment against Safeco
5 Company of America (#283) is **GRANTED**.

6 **IT IS FURTHER ORDERED** that the Court promptly enter the proposed form of judgment
7 attached as an exhibit to the Motion (#283).

8 DATED this 3rd day of December 2012.

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Kent J. Dawson
United States District Judge