Bristol v. Hughes et al

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THEREFORE, on the Motion for Default Judgment, it is hereby ORDERED AND DECREED as follows:

- A. THAT, the grounds for default are clearly established and the Clerk of Court properly entered a default against the Counter-Defendant.
 - B. THAT entry of Default Judgment is Warranted under Rule 55(b)(2).
- C. THAT Counter-Claimant has satisfied the Eitel factors as outlined in their Application for Default Judgment; (1) the possibility of prejudice to the plaintiff; (2) the merits of the claim; (3) the sufficiency of the complaint; (4) the amount of money at stake; (5) the possibility of a dispute concerning material facts; (6) whether default was due to excusable neglect, and (7) the policy favoring a decision on the merits. <u>Eitel</u>, 782 F.2d at 1471-72.
- E. THAT the **Counter-Claimant** is entitled to a monetary damage award in the amount of Five Hundred Ninety Thousand, Three Hundred Nineteen Dollars and Eighty-Six Cents (\$590,319.86).
- F. THAT the **Counter-Claimant** is entitled to an award of attorney's fees in the amount to be determined by further motion.

DATED March 20, 2023.

Hon. James C. Mahan

United States District Judge

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