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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK VICINAGE

	:	
MORRIS OKUN, INC.	:	Civil Action No. 14-3689 (SRC) (CLW)
	:	
Plaintiff	:	<u>ELECTRONICALLY FILED</u>
	:	
v.	:	
	:	
S & B PRODUCE, INC. t/a PRODUCE KING	:	
and DOMINICK MARTELLA JR.	:	
	:	
Defendants	:	
	:	

ORDER ENTERING FINAL JUDGMENT BY DEFAULT AGAINST DEFENDANTS

THIS MATTER having come before the Court on the motion of Plaintiff under Federal Rule of Civil Procedure 55(b) for entry of a default judgment against Defendants S & B Produce, Inc. t/a Produce King and Dominick Martella Jr.; and the Court having considered the submissions of counsel for Plaintiff; and it appearing that Plaintiff instituted this action against Defendants on or around June 9, 2014 seeking to enforce the statutory trust under Section 5(c)(5) of the Perishable Agricultural Commodities Act ("PACA"), 7 U.S.C. §499e(c)(5), and for damages against Defendants, jointly and severally, in the principal amount of \$16,843.75 [Doc. 1]; and it further appearing that Plaintiff served process on Defendants on June 17, 2014 [Doc. 4]; and it further appearing that the Clerk of the Court entered Defendants' defaults on August 12, 2014 [Doc. 5]; and it further appearing that Plaintiff served copies of the instant motion papers on Defendants; and it further appearing that Defendants have not moved to vacate their defaults,

have not filed any response to the Complaint, and have not paid any portion of the principal amount of \$16,843.75 due and owing to Plaintiff; and it further appearing that Plaintiff is also entitled to prejudgment interest through September 15, 2014 in the amount of \$1,608.54 and reasonable attorneys' fees and costs incurred in the amount of \$2,581.06, for a total judgment amount of \$21,033.35; and it further appearing that Defendants are not infants, incompetent persons, or in the military service of the United States; and it further appearing that there is no just reason for delay of entry of final judgment against Defendants;, and for good cause shown;

IT IS on this 15 day of Sept, 2014,

1. ORDERED and ADJUDGED that the foregoing motion be, and hereby is, GRANTED; and it is further

2. ORDERED and ADJUDGED that Final Judgment be, and hereby is, ENTERED against Defendants S & B Produce, Inc. t/a Produce King and Dominick Martella Jr., jointly and severally, in the principal amount of \$16,843.75, plus prejudgment interest through September 15, 2014 in the amount of \$1,608.54, plus reasonable attorneys' fees and costs in the amount of \$2,581.06, for a total judgment amount of \$21,033.35 under the trust provisions of PACA, 7 U.S.C. §499e(c)(5).



Honorable Stanley R. Chesler, U.S.D.J.