

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**PHILADELPHIA INDEMNITY
INSURANCE COMPANY,
a/s/o Rainbow Enterprises, Inc.,
d/b/a Holiday Inn Express,**

Plaintiff,

vs.

3:09-CV-56

DAVID J. HARDY CONSTRUCTION, INC.

Defendant.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

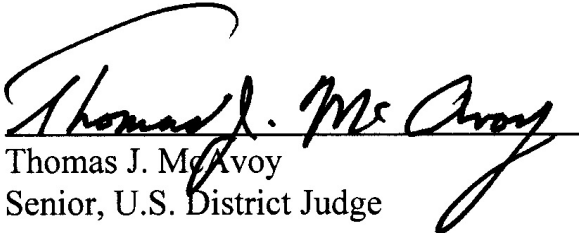
By Decision & Order dated August 6, 2009, the Court granted Plaintiff's motion for a default judgment on the issue of liability and reserved judgment on the issue of damages. Acknowledging that Plaintiff submitted invoices showing payments made to the insured in the amount of \$86,970.13, the Court nevertheless afforded the parties additional time to submit evidence concerning the computation of damages and to request a hearing on the issue of damages.

The time to submit additional materials has now expired and neither party has submitted any additional evidence or requested an evidentiary hearing. Accordingly, Plaintiff has satisfied the requirements of Fed. R. Civ. P. 55(b)(2) and N.D.N.Y.L.R. 55.2 and has provided sufficient evidence to support the amount of damages sought. It is, therefore, ORDERED that the clerk of the court shall

enter judgment for Plaintiff in the amount of \$86,970.13.

IT IS SO ORDERED.

Dated: September 8, 2009


Thomas J. McAvoy
Senior, U.S. District Judge