

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TOM LANGE COMPANY, INC.,

Plaintiff,

- against -

CLASSIC PRODUCE, INC. and VIANNEY
CAPELLAN,

Defendants.

T C MARKETING, INC.; KINGS RIVER
PACKING LP; and DUDA FARM FRESH
FOODS, INC.,

Intervening Plaintiffs,

- against -

CLASSIC PRODUCE, INC. and VIANNEY
CAPELLAN,

Defendants.

IRIGOYEN FARMS, INC.,

Intervening Plaintiff,

- against -

CLASSIC PRODUCE, INC. and VIANNEY
CAPELLAN,

Defendants.

DEFAULT JUDGMENT

18 Civ. 773 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

For the reasons explained at the April 15, 2021 hearing, Plaintiff Tom Lange Company's motion for a default judgment against Defendant Classic Produce, Inc. is granted. Plaintiff Tom Lange Company has a valid claim under the trust provisions of the Perishable

Agricultural Commodities Act of 1930 (“PACA”), as amended, 7 U.S.C. § 499e(c) against Defendant, Classic Produce, Inc. in the total amount of \$596,705.60. The Clerk of Court will enter judgment in favor of Tom Lange Company and against Classic Produce, Inc. as follows: \$365,412.30 in damages and \$231,293.30 in pre-judgment interest. Post-judgment interest will accrue at the statutory rate until the judgment is paid in full.

Intervening Plaintiff T C Marketing, Inc.’s motion for a default judgment against Defendants Classic Produce, Inc. and Vianney Capellan is granted. The Clerk of Court will enter judgment against Classic Produce, Inc. and Vianney Capellan, jointly and severally, as follows: \$320,446.15 in damages, \$193,440.37 in pre-judgment interest, \$16,209.20 in attorneys’ fees, and \$131.96 in costs. Post-judgment interest will accrue at the statutory rate until the judgment is paid in full.

Intervening Plaintiff Kings River Packing, LP’s motion for a default judgment against Defendants Classic Produce, Inc. and Vianney Capellan is granted. The Clerk of Court will enter judgment against Classic Produce, Inc. and Vianney Capellan, jointly and severally, for \$151,090.00 in damages. Post-judgment interest will accrue at the statutory rate until the judgment is paid in full.

Intervening Plaintiff Duda Farm Fresh Foods, Inc.’s motion for a default judgment against Defendants Classic Produce, Inc. and Vianney Capellan is granted. The Clerk of Court will enter judgment against Classic Produce, Inc. and Vianney Capellan, jointly and severally, as follows: \$101,569.20 in damages, \$60,789.54 in pre-judgment interest, \$5,137.70 in attorneys’ fees, and \$41.83 in costs. Post-judgment interest will accrue at the statutory rate until the judgment is paid in full.

Intervening Plaintiff Irigoyen Farms, Inc.'s motion for a default judgment against Defendants Classic Produce, Inc. and Vianney Capellan is granted. The Clerk of Court will enter judgment against Classic Produce, Inc. and Vianney Capellan, jointly and severally, as follows: \$98,308.65 in damages and \$72,088.94 in pre-judgment interest. Post-judgment interest will accrue at the statutory rate until the judgment is paid in full.

The Clerk of Court is directed to terminate the motions (Dkt. Nos. 110, 115, and 134), enter judgment, and close this case.

Dated: New York, New York
April 19, 2021

SO ORDERED.

A handwritten signature in black ink, reading "Paul G. Gardephe", written over a horizontal line.

Paul G. Gardephe
United States District Judge