

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No: 5:14-CV-566-D

KETHLIE ARISTILDE, AVILE DERILUS,)
and MIRTHA DERILUS,)

Plaintiffs,)

v.)

TODD GLOVER FARMS, INC.,)
JOHN DOE and PEDRO MARTINEZ,)

Defendants.)

JUDGMENT

On February 12, 2018, the court held a hearing concerning plaintiffs Kethlie Aristilde and Avile Derilus (“plaintiffs”) motion for a default judgment against defendants John Doe and Pedro Martinez (“defendants”) [D.E. 61]. Having considered the entire record, the court enters the following findings of fact and conclusions of law.

Plaintiffs seek damages arising out of an automobile accident that occurred on September 5, 2011. Plaintiffs served defendants via publication. The court has subject-matter jurisdiction based on diversity jurisdiction. See 28 U.S.C. § 1332. On May 10, 2016, the court entered default as to defendant Pedro Martinez, and defendant Pedro Martinez is liable to plaintiffs for damages. See [D.E. 48]. On July 14, 2016, the court entered default as to defendant John Doe, and defendant John Doe is liable to plaintiffs for damages. See [D.E. 54].

Defendants Pedro Martinez and John Doe are in default, and plaintiffs are entitled to a default judgment. See Fed. R. Civ. P. 55(b)(2). The court finds that plaintiff Kethlie Aristilde was injured or damaged by defendants’ negligence. The court also finds that plaintiff Kethlie Aristilde is entitled to recover total compensatory damages from defendants in the amount of \$225,000.

The court finds that plaintiff Avile Derilus was injured or damaged by defendants' negligence. The court also finds that plaintiff Avile Derilus is entitled to recover total compensatory damages from defendants in the amount of \$200,000.

Plaintiffs seek attorney fees and costs. The motion for attorney fees and costs is denied. Plaintiffs also may recover pre-judgment interest at the legal rate and post-judgment interest at the legal rate. Defendants are jointly and severally liable.

In sum, plaintiff Kethlie Aristilde SHALL recover from defendants John Doe and Pedro Martinez, jointly and severally, the sum of \$225,000. Plaintiff Kethlie Aristilde also shall recover pre-judgment interest at the legal rate. Post-judgment interest shall accrue at the legal rate until this judgment is paid in full by either or both defendants. Plaintiff Avile Derilus SHALL recover from defendants John Doe and Pedro Martinez, jointly and severally, the sum of \$200,000. Plaintiff Avile Derilus also shall recover pre-judgment interest at the legal rate. Post-judgment interest shall accrue at the legal rate until this judgment is paid in full by either or both defendants.

SO ORDERED. This 12 day of February 2018.



JAMES C. DEVER III
Chief United States District Judge