

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:10cv47

DOVE AIR, INC.,)
)
Plaintiff,)
)
vs.)
)
FLORIDA AIRCRAFT SALES, LLC,)
and MARK H. O'BRIEN,)
)
Defendants.)
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and)
)
FLORIDA AIRCRAFT SALES, LLC,)
)
Third Party Plaintiff,)
)
vs.)
)
JOSEPH W. DUNCAN,)
)
Third Party Defendant.)
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FINAL JUDGMENT and ORDER of DISMISSAL

THIS MATTER is before the Court on Florida Aircraft Sales, LLC's Motion for Entry of Final Judgment on the Promissory Note and to Dismiss its Remaining Claims [Doc. 55].

In accordance with the Memorandum of Decision and Order entered August 9, 2011 (Doc. 45) and the Order entered September 7, 2011 (Doc. 54),

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Final Judgment is entered jointly and severally against Dove Air, Inc. and Joseph W. Duncan and in favor of Florida Aircraft Sales, LLC, on Count One of Florida Aircraft Sales, LLC's Counterclaim against Dove Air, Inc. and Count One of Florida Aircraft Sales, LLC's Third-Party Complaint against Joseph Duncan in the amount of **FIVE HUNDRED NINETY THOUSAND FIVE HUNDRED FIFTY-FIVE DOLLARS AND NO CENTS (\$590,555.00)** together with interest accrued at the rate of six per cent (6%) per annum from February 23, 2010 through September 7, 2011 in the amount of **FIFTY-FOUR THOUSAND FOUR HUNDRED SIXTY DOLLARS AND NO CENTS (\$54,460.00)** for a total Final Judgment of **SIX HUNDRED FORTY-FIVE THOUSAND FIFTEEN DOLLARS AND NO CENTS (\$645,015.00)**, together with post-judgment interest at the statutory rate and costs.

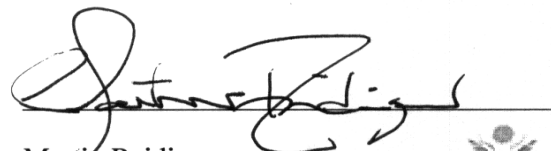
IT IS FURTHER ORDERED that as to all of the claims of Plaintiff Dove Air, Inc. against the Defendants that Judgment is hereby entered in favor of

the Defendants and against the Plaintiff and said claims are hereby dismissed with prejudice.

IT IS FURTHER ORDERED that the Court declines to enter Judgment on the Motion for Attorneys' Fees of Florida Aircraft Sales, LLC's at this time since the time within which Dove Air, Inc. and Joseph W. Duncan may respond to said motion has not yet expired.

IT IS FURTHER ORDERED that Florida Aircraft Sales, LLC's Motion Dismiss its Remaining Claims is hereby **GRANTED** and Counts Four, Five and Six of Florida Aircraft Sales, LLC's Counterclaim and Count Four of Florida Aircraft Sales, LLC's Third-Party Complaint are hereby dismissed without prejudice.

Signed: September 8, 2011


Martin Reidinger
United States District Judge

