

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

R & M MATERIALS HANDLING, INC.,

Plaintiff,

:

Case No. 3:06-cv-149

-vs-

Magistrate Judge Michael R. Merz

:

PARIS PARTS, LLC., et al.,

Defendants.

DECISION AND ORDER

This case is before the Court on Plaintiff's Motion for Summary Judgment (Doc. No. 35). The Motion was filed and served July 22, 2010. Under S. D. Ohio Civ. R. 7.2, Defendant Paris Parts, LLC's, memorandum in opposition was to have been filed not later than August 16, 2010, but no opposition has been filed.

An Agreed Judgment Entry as to liability of Paris Parts to Plaintiff was entered on July 15, 2010. The sole remaining issue in the case is the amount of damages suffered by Plaintiff. A review of the Motion filed by Plaintiff shows that its claim for damages in the amount of \$2,281,934.00 is supported by the competent and uncontradicted Affidavit of Harvey S. Rosen, Ph. D. Mr. Rosen is qualified as an expert by his academic specialization in economics and by his forty years practice as an economist.

Based on the Rosen Affidavit and the absence of any competing evidence, the Court finds that there are no genuine issues of material fact and Plaintiff is entitled to judgment in the amount claimed as a matter of law. Accordingly, it is hereby ORDERED that the Clerk enter judgment in favor of the Plaintiff and against Defendant Paris Parts, LLC., in the amount of \$2,281,934.00 plus

interest thereon at the legal rate from the date of judgment until payment and Plaintiff's costs herein expended.

August 19, 2010.

s/ **Michael R. Merz**
United States Magistrate Judge