

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

WESTERN SURETY COMPANY,

**CASE NO.: 2:11-cv-02765-PMD**

Plaintiff,

v.

ASCENT CONSTRUCTION  
COMPANY, INC., CARMAN K.  
DAVID, AND LEIGH M. DAVID,

Defendants.

**ORDER FOR DEFAULT  
JUDGMENT**

Now Comes the Court, upon Plaintiff Western Surety Company's Motion for Entry of Default and Default Judgment (the "Motion") against Ascent Construction Company, Inc., Carman K. David and Leigh M. David (hereinafter, referred to collectively as the "Defendants"), and based on the pleadings and affidavits submitted in support of the Motion, hereby makes the following findings:

1. On October 12, 2011, Plaintiff filed a Complaint in the U.S. District Court in the District of South Carolina, Charleston Division.
2. A Summons was duly issued and said Summons and Complaint were served on the Defendants on October 18<sup>th</sup>, 2011.
3. On October 21<sup>st</sup>, 2011, Plaintiff filed a Notice of Filing Affidavits of Service on the Defendants.
4. The Defendants failed to answer the Complaint or otherwise make an appearance, individually or through counsel.

5. On November 29, 2011, Plaintiff filed the Motion, with the accompanying Affidavit of Theodore Gryfinski, setting forth the exact losses incurred by Plaintiff.

6. Plaintiff also attached the Affidavit of Robert Sumner, Plaintiff's counsel, setting forth the exact costs and attorney's fees incurred in connection with this.

10. Entry of default was properly entered against the Defendants on November 30, 2011.

It is, therefore,

**ORDERED** that Plaintiff have judgment against the Defendants as follows:

- (a) **\$310,314.55** as the damages set forth in the Complaint and Affidavit of Theodore Gryfinski;
- (b) Plus reasonable attorney's fees in the amount of **\$6,256.50**, as shown in the Affidavit of Robert Sumner;
- (c) Plus costs in the amount of **\$44.41**.

**AND IT IS SO ORDERED.**

December 28, 2011  
Charleston, South Carolina

  
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PATRICK MICHAEL DUFFY  
United States District Judge