

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

WELLS FARGO BANK, N.A., a national
banking association,

Plaintiff,

vs.

FLEISCHER INVESTMENT COMPANY, a
limited liability company, COMPOSITE
COATINGS, LLC, a limited liability
company; and THOMAS M. FLEISCHER, an
individual,

Defendants.

MEMORANDUM DECISION AND
ORDER GRANTING DEFAULT
JUDGMENT

Case No. 1:13-CV-124 TS

This matter is before the Court on Plaintiff’s Motion for Entry of Default.¹ In its Motion, Plaintiff requests that the Court enter default judgment against Defendants for failing to appear and defend in this action. For the reasons discussed below, the Court will grant Plaintiff’s Motion.

¹Docket No. 15.

Plaintiff filed its Complaint on September 4, 2013, seeking to collect amounts owed to it under a delinquent loan extended to Fleischer Investment Co. (“Fleischer Co.”). Defendants Composite Coatings, LLC (“Composite”) and Thomas M. Fleischer (“Fleischer”) are guarantors for Defendant Fleischer Co.’s obligations. Defendants Fleischer and Fleischer Co. were served with copies of the Summons and Complaint on September 6, 2013. Defendant Composite was served on September 18, 2013. Defendants have not answered or otherwise responded to the Complaint. On October 24, 2013, the Clerk of Court entered Default Certificates against the Defendants.


In declarations filed on October 23, 2013, Plaintiff established the amount owed under the agreements as of June 17, 2013, to be \$150,888.63 and that the expenses and fees in connection with this action are \$9,993.10. Interest continues to accrue after that date at the rate set forth in the parties’ agreement (\$44.00 per day). Thus, Plaintiff is entitled to an entry of default judgment in the amount of \$164,489.73.

Based on the foregoing, it is hereby

ORDERED that Plaintiff’s Motion for Entry of Default (Docket No. 15) in the amount of \$164,489.73 is GRANTED. The Clerk of Court is instructed enter judgment in favor of Plaintiff and against Defendants and to close this case forthwith.

DATED January 13, 2014.

BY THE COURT:



TED STEWART
United States District Judge