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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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JENNIFER ELLEN NUNEZ, and  
CHRISTY MARIE RICE, fka CHRISTY  
MARIE NUNEZ, individually, as heirs of  
the ESTATE OF ANTHONY NUNEZ, and  
as beneficiaries of THE NUNEZ FAMILY  
REVOCABLE INTER VIVOS TRUST,

Plaintiffs,

v.

MICHAEL KEVIN NUNEZ, JR,  
individually and as TRUSTEE OF THE  
NUNEZ FAMILY REVOCABLE INTER  
VIVOS TRUST; RAYNIE NUNEZ and  
Does 1-10,

Defendants.

MEMORANDUM DECISION AND  
ORDER GRANTING DEFAULT  
JUDGMENT

Case No. 1:13-CV-126 TS

This matter is before the Court on Plaintiffs Jennifer Ellen Nunez and Christy Marie Rice's Motion for Default Judgment.<sup>1</sup> In their Motion, Plaintiffs requests that the Court enter default judgment against Defendants Michael Kevin Nunez, Jr., and Raynie Nunez for failing to appear and defend in this action. For the reasons discussed below, the Court will grant Plaintiffs' Motion.

Plaintiffs filed their Complaint on September 11, 2013, seeking to recover against Defendants for the wrongful management of the Nunez Family Revocable Inter Vivos Trust. Plaintiffs are beneficiaries of the trust. Defendants were served with copies of the Summons and

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<sup>1</sup> Docket No. 35.

Complaint on September 20, 2013. Plaintiffs filed an Amended Complaint on December 23, 2013. Defendants were served with copies of the Amended Complaint on December 30, 2013. Defendants have not answered or otherwise responded to the Complaint or Amended Complaint. On February 20, 2014, the Clerk of Court entered Default Certificates against the Defendants.

In an affidavit filed on February 21, 2014, Plaintiffs established the total amount owed from the trust to be \$620,900.02. Plaintiffs incurred \$539.00 in costs in pursuing this action. Plaintiffs also request prejudgment interest of 10% per annum from July 1, 2010, until the date judgment is entered, plus post-judgment interest thereafter at the statutory rate until paid in full.

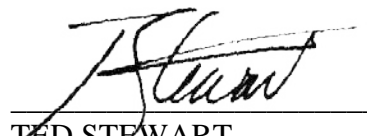
Based on the foregoing, it is hereby

ORDERED that Plaintiffs' Motion for Default Judgment (Docket No. 35) in the amount of \$621,439.02 is GRANTED. It is further

ORDERED that Plaintiffs are awarded prejudgment and post-judgment interest at the statutory rate. The Clerk of Court is instructed to enter judgment in favor of Plaintiffs and against Defendants and to close this case forthwith.

DATED April 21, 2014.

BY THE COURT:

  
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TED STEWART  
United States District Judge