
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

TCS-NORTH CAROLINA, L.P., a Utah
limited partnership,

Plaintiff,

vs.

CAROLINA FAMILY MEDICINE &
URGENT CARE, P.A., a North Carolina
corporation, and WINCHESTER MEDICAL
MANAGEMENT SERVICES, LLC, a North
Carolina limited liability company,

Defendants.

**MEMORANDUM DECISION
AND
DEFAULT JUDGMENT**

Case No. 2:16-cv-343 CW

Judge Clark Waddoups

This matter comes before the Court on Plaintiff's motion for default judgment. Based upon Plaintiff's motion, Defendants Carolina Family Medicine & Urgent Care, P.A. and Winchester Medical Management Services, LLC's failure to appear, and for good cause showing:

It is hereby **ORDERED** that Plaintiff's motion is **GRANTED**. Plaintiff TCS-North Carolina is awarded judgment against Defendants Carolina Family Medicine & Urgent Care, P.A. and Winchester Medical Management Services, LLC in the amount of \$399,451.03. Plaintiff is also awarded interest at the rate of twenty-four percent per annum from April 1,

2016 through December 15, 2016. Thereafter, post-judgment interest shall “be calculated in accordance with the federal rate provided for under 28 U.S.C. § 1961(a)” because the court concludes the language in Paragraph 17(c) of the Master Lease Agreement does not show a “clear, unambiguous and unequivocal” agreement by the parties to designate another interest rate for judgment debts. *FCS Advisors, Inc. v. Fair Fin. Co.*, 605 F.3d 144, 148 (2d Cir. 2010).

IT IS FURTHER ORDERED that Defendants Carolina Family Medicine & Urgent Care, P.A. is **ORDERED** to deliver the Equipment identified in Exhibit A to the Lease Schedule to such location as TFG may designate within fourteen calendar days of the entry of this order. If Defendant does not deliver the Equipment, the Equipment is hereby attached, and Plaintiff is authorized to enter the property where the Equipment is located and repossess the Equipment. The owner of any real property where the Equipment is located is **ORDERED** to allow Plaintiff or its representatives access to the Equipment so that the Equipment may be taken to a location of Plaintiff’s choosing.

IT IS FURTHER ORDERED that this Judgment shall be augmented by affidavit from Plaintiff or Plaintiff’s counsel to add any amount expended by Plaintiff for past and future reasonable costs and attorney fees. **IT IS FURTHER ORDERED** that this judgment shall be augmented by affidavit from Plaintiff or Plaintiff’s counsel to add any interest that has or will accrue on the judgment amount. Accordingly, in the future, Plaintiff shall file additional supporting affidavits and evidence with this Court showing justification for augmentation of this Judgment.

DATED this 15th day of December, 2016.

BY THE COURT:



Clark Waddoups
United States District Judge