

1 THE HONORABLE JOHN C. COUGHENOUR

2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 ING BANK, N.V.,

10 Plaintiff,

11 v.

12 EXPRESS PACIFIC, LLC,

13 Defendant.

CASE NO. C17-0336-JCC

ORDER

14
15 This matter comes before the Court on Plaintiff ING Bank's motion for default judgment
16 (Dkt. No. 10). Defendant Express Pacific was properly served in this matter on March 8, 2017.
17 (Dkt. No. 4; Dkt. No. 6 at 1–2.) Defendant has not voluntarily appeared in this action, and the
18 Clerk has entered an order of default. (Dkt. No. 7.)

19 “At the default judgment stage, the court presumes all well-pleaded factual allegations
20 related to liability are true.” *Curtis v. Illumination Arts, Inc.*, 33 F. Supp. 3d 1200, 1211 (W.D.
21 Wash. 2014); see *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).
22 However, factual allegations relating to the amount of damages are not taken as true. *Curtis*, 33
23 F. Supp. 3d at 1211. A “plaintiff is required to prove all damages sought in the complaint, and
24 the court must ensure that the amount of damages is reasonable and demonstrated by the
25 evidence.” *Id.*

26 Plaintiff is seeking confirmation and entry of an international arbitration award. (Dkt .No.

1 1 at 1.) Plaintiff's complaint alleges that following an arbitration proceeding in London, England,
2 the arbitrator ordered Defendant Express Pacific to pay Plaintiff \$2,100,000.00, plus a delayed
3 payment administration fee of \$3,750.00, plus interest at the rate of 4.5% per annum as of
4 October 3, 2014. (Dkt. No. 1 at 3.)

5 Taking these allegations as true, the Court finds that they are sufficient to establish
6 liability. Further, Plaintiff has provided evidence to support the amount of damages. (Dkt. No.
7 13.)

8 It is hereby ORDERED that:

- 9 1. Plaintiff's motion for default judgment (Dkt. No. 10) is GRANTED.
- 10 2. Default judgment is entered in favor of Plaintiff ING Bank, N.V. against Defendant
11 Express Pacific, LLC.
- 12 3. Plaintiff is AWARDED \$2,103,750.00 plus interest at the rate of 4.5% per annum
13 calculated from October 3, 2014.

14 The Clerk is DIRECTED to close this case.

15
16 DATED this 15th day of June, 2017.

17
18
19 

20 John C. Coughenour
21 UNITED STATES DISTRICT JUDGE
22
23
24
25
26