

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

CIT SMALL BUSINESS LENDING
CORPORATION, a Delaware corporation,

Plaintiff,

v.

Civil Action No. 2:11-cv-00527

TOPCAT DIRECT, INC., d/b/a
DIRECT BUY OF CHARLESTON-HUNTINGTON,
a West Virginia corporation, and
TIMOTHY R. PARKER and JENNIFER A. PARKER,
West Virginia individuals,

Defendants.

O R D E R

On August 4, 2011, plaintiff CIT Small Business Lending Corporation ("CIT") filed a complaint against defendants Topcat Direct, Inc., d/b/a Direct Buy of Charleston-Huntington ("Topcat"), Timothy R. Parker, and Jennifer A. Parker, seeking recovery on a promissory note (the "Note"), as well as costs and attorneys' fees. On October 14, 2011, the Clerk entered default against defendants. Plaintiff filed a motion for entry of default judgment against defendants, also on October 14, 2011, which is now pending.

In this motion, plaintiff seeks recovery of \$809,600.47, which consists of the unpaid principal amount of

\$771,519.35, plus interest in the amount of \$34,517.53 (calculated to October 10, 2011, per the terms of the Note),¹ late charges of \$1,990.89, and miscellaneous loan fees of \$1,572.70, all relative to the Note referenced in the complaint. Plaintiff also seeks recovery of costs and attorneys' fees in the amount of \$8,148.49. Plaintiff attached two affidavits in support of these figures.

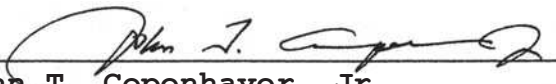
For reasons appearing to the court, plaintiff is directed to file the following on or by November 14, 2011:

- 1) An affidavit setting forth in precise detail the manner by which plaintiff arrived at the total amount claimed on the Note, including, but not limited to, information respecting the interest rates, including the prime rate or rates, and the calculation of the interest charge; the nature and calculation of "late charges"; the nature and calculation of "miscellaneous loan fees"; and
- 2) A separate affidavit setting forth in itemized detail the nature and calculation of costs and attorneys fees of \$8,148.49.

¹ The court observes an unexplained discrepancy in the proposed judgment order attached to plaintiff's motion, wherein plaintiffs seek "interest through October 10, 2011 in the amount of \$32,937.53" (Pl.'s Proposed Judgment Order at 4) (emphasis added).

The Clerk is directed to transmit copies of this written opinion and order to all counsel of record and any unrepresented parties.

ENTER: October 28, 2011



John T. Copenhaver, Jr.
United States District Judge