

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

JAMES RIVER EQUIPMENT, VIRGINIA, LLC,

Plaintiff,

v.

CIVIL ACTION NO. 5:13-cv-28160

JUSTICE ENERGY COMPANY, INC.,

Defendant.

ORDER

The Court has reviewed the Plaintiff, James River Equipment, Virginia, LLC's *Motion for Default Judgment* (Document 6), filed on December 19, 2013.¹ The Court has also reviewed the Clerk's entry of *Default* (Document 8), filed on January 6, 2014. In the motion, the Plaintiff states that it filed suit November 6, 2013, and effectuated service of process on November 7, 2013.² (Document 6 at ¶¶ 1-2.) The Plaintiff maintains that as of December 19, 2013, the Defendant has failed to appear, plead, or otherwise defend in this matter, and that further, counsel for Plaintiff underwent a comprehensive search of the Clerk of Court's records and failed to uncover any appearance by or on behalf of the Defendant.³ (*Id.* at ¶¶ 3-5.)

1 The Plaintiff attached the following exhibits to their motion for default judgment: (1) Plaintiff's Summons to the Defendant in case number 5:13-cv-28160; (2) a United States Postal Service Certified Mail Receipt for mailing of Summons; (3) the West Virginia Secretary of State's Acknowledgement Form that service was accepted on behalf of Defendant; (4) an affidavit of Darrel Printz, an authorized representative of the Plaintiff; and (5) the pertinent invoices representing the balance of monies owed to Plaintiff by Defendant for work rendered.

2 It appears this action was brought to recover monies allegedly owed for parts, equipment, and services that the Plaintiff provided the Defendant from April 10, 2013 through August 12, 2013. (See *Complaint* at ¶¶ 4-7) (Document 1)


3 The Court notes that a review of the docket on January 21, 2014, at 11:47 A.M., uncovered no appearance, pleading, or other indication of defense or action on behalf of the Defendant Justice Energy Company, Inc., in case number 5:13-cv-28160.

With respect to the amount of judgment requested, the Plaintiff maintains that the Defendant owes \$148,496.14, plus costs associated with the prosecution of this action and interest at the rate of one-point-five percent (1.5%) per month, which brings the total judgment amount sought to the sum certain of \$156,112.16. (Document 6 at ¶ 7.) Based upon a review of the motion, case docket, and procedural posture of the case, the Court has determined that a hearing is unnecessary under Federal Rule of Civil Procedure 55(b)(2)(A).

In accordance with Federal Rule of Civil Procedure 55(b)(2), the Court **ORDERS** that default judgment be entered against the Defendant Justice Energy Company, Inc., in the amount of **\$156,112.16**.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: January 21, 2014


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA