

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WILLIAM D. CONWAY,

Plaintiff,

v.

RAYMOND L. LEONARD, Jr.,
MANUFACTURER'S ASSET GROUP, LLC
and RODI POWER SYSTEMS, INC.,

Defendants.

ORDER

03-C-535-C

JOHN ARVOLD, KURT ARVOLD, ROD
CAMREN, WILLIAM R. CLEMENS,
WILLIAM J. KIPPLEY, ANTHONY B. GARDNER,
PETER HARTMAN, RICHARD HEGGE, GREG
HILDEN, JAMES KOCH, GALE KOCH, KEN
KOPPENHAVER, DAVID KRALL, PATRICIA
KRALL, MICHAEL MORAN, WILLIAM PHIPPEN,
RICHARD SMITH, ARLAN SPILDE, DAN SPILDE
and KENT SPILDE,

Plaintiffs,

v.

RAYMOND L. LEONARD, Jr.,
MANUFACTURER'S ASSET GROUP, LLC
and RODI POWER SYSTEMS, INC.,

Defendants.

ORDER

03-C-536-C

RANDY PAUL, RONALD HOLTZ and
S&S PARTNERSHIP,

Plaintiffs,

v.

RAYMOND L. LEONARD, Jr.,
MANUFACTURER'S ASSET GROUP, LLC
and RODI POWER SYSTEMS, INC.,

Defendants.

ORDER

03-C-539-C

In an order dated January 5, 2005, I granted summary judgment to plaintiffs in these consolidated civil actions on their claims that defendant RODI Power Systems, Inc. violated Wis. Stat. § 551.31 by employing an agent to represent it in Wisconsin that was neither licensed by the state nor exempt from the state's licensing requirement. With respect to defendants Raymond L. Leonard, Jr. and Manufacturer's Asset Group, LLC, I noted that they had never appeared or filed any documents in these cases (which had been active for more than eighteen months) and plaintiffs had never requested entry of default against them. I ordered plaintiffs to show cause why these defendants should not be dismissed from the cases for plaintiffs' failure to prosecute. Finally, I reserved ruling on plaintiffs' motion for summary judgment regarding defendants' liability and ordered plaintiffs to submit a detailed itemization of damages. Presently before the court are (1) motions for default

judgment and taxation of costs against defendants Leonard and Manufacturer's Asset Group filed by the plaintiffs in each case; (2) the submissions of plaintiffs and defendant RODI Power Systems regarding damages; and (3) plaintiffs' bill of costs.

A. Motions for Default Judgment and Taxation of Costs

Under Fed. R. Civ. P. 55, default is a two-step process, involving entry of default under Fed. R. Civ. P. 55(a) and entry of default judgment under Fed. R. Civ. P. 55(b). 10 Moore's Federal Practice § 55.10 (3d ed. 2003). I will construe plaintiffs' motions for default judgment as motions for entry of default under Fed. R. Civ. P. 55(a) and motions for default judgment under Fed. R. Civ. P. 55(b). Plaintiffs argue that entry of default is appropriate because they accomplished service on defendants Leonard and Manufacturer's Asset Group by fulfilling the requirements of Wis. Stat. § 551.65(2) and defendants failed to appear, plead or otherwise defend in any of these cases. With their motion, plaintiffs submitted documents detailing their unsuccessful attempts to serve defendants Leonard and Manufacturer's Asset Group personally and their compliance with Wis. Stat. § 551.65(2), which allows a plaintiff filing suit under Wisconsin's securities law to accomplish service on a defendant by leaving a copy of the process at the office of the Wisconsin Division of Securities, mailing a copy to the defendant's last-known address and filing an affidavit of compliance with the court. Plaintiffs do not explain why they waited to move for entry of

default until this court threatened to dismiss the absent defendants. They should have moved for entry of default much earlier in the course of this litigation; however, their failure to do so until now does not constitute “delay or contumacious conduct” that would support a dismissal for failure to prosecute. Maynard v. Nygren, 332 F.3d 462, 467 (7th Cir. 2003). Accordingly, I will direct the clerk to enter default pursuant to Fed. R. Civ. P. 55(a) against defendants Leonard and Manufacturer’s Asset Group, LLC for their complete failure to appear or defend in these cases.

Under Fed. R. Civ. P. 55(b)(2), default judgment may be entered by the court following a determination of the amount of damages. I do not believe a hearing on the question of damages is necessary because it appears that plaintiffs have submitted all of the evidence they possess regarding damages. Thus, I will determine damages on the basis of their written submissions. Action S.A. v. Marc Rich & Co., Inc., 951 F.2d 504, 508 (2d Cir. 1991) (hearing to determine damages not necessary where district judge could determine damages based on affidavits and documentary evidence); see also Dundee Cement Co. v. Howard Pipe & Concrete Products, Inc., 722 F.2d 1319 (7th Cir. 1983).

B. Liability of defendants RODI Power Systems, Inc., Raymond Leonard and
Manufacturer’s Asset Group

The following calculations of damages apply to plaintiffs’ motions for default

judgment against defendants Leonard and Manufacturer's Asset Group and plaintiffs' motion for summary judgment as to the liability of defendant RODI Power Systems. Liability among the three defendants is joint and several except as otherwise noted.

Wis. Stat. § 551.59 imposes civil liability on those who violate Wisconsin's securities law. Section 551.59 (1)(a) provides in pertinent part that

The person purchasing the security may sue either at law or in equity to recover the consideration paid for the security, together with interest at the legal rate under § 138.04 from the date of payment, and reasonable attorney fees, less the amount of any income received on the security, upon the tender of the security, or for damages if the person no longer owns the security.

Twenty-two of the twenty-four plaintiffs in these cases have submitted affidavits in which they state that they still own all of the shares of RODI stock they purchased. (The two plaintiffs who did not submit affidavits, William Phippen and Michael Moran, have not shown that they currently possess any shares of RODI stock; therefore, they will not receive a damage award.) Plaintiffs' damages are the consideration paid for their shares plus interest at a rate of 5% per annum, less any income received on the shares. Wis. Stat. § 138.04. Catherine J. Furay, one of the attorneys representing plaintiffs, filed an affidavit on behalf of each plaintiff, except Michael Moran, in which she calculated the consideration paid by each plaintiff by multiplying the number of shares each plaintiff is listed as owning in defendant RODI Power Systems' stock transfer report by the stipulated \$2.00/share purchase price. Furay calculated the interest that had accumulated as of January 18, 2005

by multiplying the consideration paid by the interest rate of 5%, dividing by 365 and multiplying by the number of days between the date of plaintiff's investment and January 18, 2005. In addition, Furay provided a per diem rate for calculating the interest that has been accruing since January 18, 2005. Defendant RODI Power Systems does not object to this method of calculation. It does raise objections to the awards proposed for several plaintiffs.

1. No. 03-C-535-C

Plaintiff William Conway purchased 25,000 shares of RODI stock for \$50,000.00 on July 17, 2000; 14,500 shares for \$29,000.00 on September 28, 2000; and 7,000 shares for \$14,000.00 on February 2, 2001, for a total of \$93,000.00 consideration paid. Interest on the \$50,000.00 from July 17, 2000 to January 18, 2005 is \$11,273.97. Interest on the \$29,000.00 from September 28, 2000 to January 18, 2005 is \$6,248.90. Interest on the \$14,000.00 from February 2, 2001 to January 18, 2005 is \$2,773.15. The total interest accrued as of January 18, 2005 is \$20,296.02. After that date, interest continued to accrue at the rate of \$12.74 a day. Therefore, plaintiff William Conway is entitled to recover from defendants the sum of \$113,296.02, as of January 18, 2005, together with interest that has accumulated since that date at the rate of \$12.74 a day.

2. No. 03-C-536-C

a. John Arvold

Plaintiff John Arvold submitted an affidavit in which he states that he has not transferred, conveyed or sold any of the shares of RODI stock he purchased. However, his affidavit does not disclose how many shares he owns, when he purchased them or how much he paid for them. Moreover, the stock transfer report submitted with the parties' stipulated facts does not list plaintiff as an owner of RODI stock. Because plaintiff John Arvold has not submitted sufficient proof of his ownership of RODI stock, he is not entitled to any damage award.

b. Kurt Arvold

Plaintiff Kurt Arvold purchased 5,000 shares of RODI stock for \$10,000.00 on December 27, 2000 and 7,500 shares for \$15,000.00 on February 2, 2001. Interest on these amounts totaled \$5,002.74 as of January 18, 2005, with interest continuing to accrue from that date at the rate of \$3.42 a day. Therefore, plaintiff Kurt Arvold is entitled to recover from defendants the sum of \$30,002.74, as of January 18, 2005, together with interest that has accumulated since that date at the rate of \$3.42 a day.

c. Rod Camren

Plaintiff Rod Camren claims damages in the amount of \$11,924.66 consisting of a \$10,000.00 payment made to defendant Manufacturer's Asset Group on or about February 6, 2001 and \$1,924.66 interest on that payment, with interest continuing to accrue from January 18, 2005 at the rate of \$1.37 a day. In a letter bearing defendant Manufacturer's Asset Group's name and address and dated March 15, 2001, Glenda Brannon confirmed receipt of plaintiff Camren's \$10,000.00 payment for the purchase of 5,000 shares of RODI stock. However, as defendant RODI Power Systems notes, plaintiff Camren has not shown that defendant RODI Power Systems received his money. Plaintiff's name does not appear in the stock transfer report. Thus, plaintiff Camren is entitled to recover exclusively from defendant Manufacturer's Asset Group the sum of \$11,924.66, as of January 18, 2005, together with interest that has accumulated since that date at the rate of \$1.37 a day.

d. William Clemens and William Kippley

Plaintiffs William Clemens and William Kippley purchased 12,500 shares of RODI stock for \$25,000.00 on September 28, 2000. Interest accumulated on this sum from September 28, 2000 to January 18, 2005 in the amount of \$5,386.99 and continued to accrue from January 18, 2005 at the rate of \$3.42 a day. Therefore, plaintiffs Clemens and Kippley are entitled to recover from defendants the sum of \$30,386.99, as of January 18, 2005, together with interest that has accumulated since that date at the rate of \$3.42 a day.

e. Anthony Gardner

Plaintiff Anthony Gardner purchased 2,500 shares of RODI stock for \$5,000.00 on October 2, 2000. Interest in the amount of \$1,074.66 accrued on this sum from October 2, 2000 to January 18, 2005 and continued to accrue after January 18, 2005 at the rate of \$0.68 a day. Therefore, plaintiff Gardner is entitled to recover from defendants the sum of \$6,074.66, as of January 18, 2005, together with interest that has accumulated since that date at the rate of \$0.68 a day.

In addition, plaintiff Gardner paid defendant Manufacturer's Asset Group \$1,500.00 on February 28, 2001 but did not receive any additional shares. Interest in the amount of \$291.78 accrued on this sum from February 28, 2001 to January 18, 2005 and continued to accrue after January 18, 2005 at the rate of \$0.21 a day. Because plaintiff Gardner has not shown that defendant RODI Power Systems received his \$1,500.00 payment, he is entitled to recover exclusively from defendant Manufacturer's Asset Group the sum of \$1,791.78, as of January 18, 2005, together with interest that has accumulated since that date at the rate of \$0.21 a day.

f. Peter Hartman

Plaintiff Peter Hartman purchased 2,500 shares of RODI stock for \$5,000.00 on October 2, 2000. Interest accumulated on this sum from October 2, 2000 to January 18,

2005 in the amount of \$1,074.66 and continued to accrue from January 18, 2005 at the rate of \$0.68 a day. Therefore, plaintiff Hartman is entitled to recover from defendants the sum of \$6,074.66, as of January 18, 2005, together with interest that has accumulated since that date at the rate of \$0.68 a day.

In addition, plaintiff Hartman paid \$5,000.00 to defendant Manufacturer's Asset Group on February 28, 2001 but did not receive any additional shares. Interest accumulated on this sum from February 28, 2001 to January 18, 2005 in the amount of \$972.60 and continued to accumulate from January 18, 2005 at the rate of \$0.68 a day. As defendant RODI Power Systems notes, plaintiff Hartman has not shown that defendant RODI Power Systems received his second \$5,000.00 payment. Therefore, he is entitled to recover exclusively from defendant Manufacturer's Asset Group the sum of \$5,972.60, as of January 18, 2005, together with interest that has accumulated since that date at the rate of \$0.68 a day.

g. Richard Hegge

Plaintiff Richard Hegge purchased 2,500 shares of RODI stock for \$5,000.00 on September 28, 2000. Interest accumulated on this sum from September 28, 2000 to January 18, 2005 in the amount of \$1,077.40 and continued to accrue from January 18, 2005 at the rate of \$0.68 a day. Therefore, plaintiff Hegge is entitled to recover from

defendants the sum of \$6,077.40, as of January 18, 2005, together with interest that has accumulated since that date at the rate of \$0.68 a day.

h. Greg Hilden

Plaintiff Greg Hilden paid \$2,000.00 for 1,000 shares of RODI stock on December 22, 2000. Interest accumulated on this sum from December 22, 2000 to January 18, 2005 in the amount of \$407.67 and continued to accrue from January 18, 2005 at the rate of \$0.27 a day. Therefore, plaintiff Hilden is entitled to recover from defendants the sum of \$2,407.67, as of January 18, 2005, together with interest that has accumulated since that date at the rate of \$0.27 a day.

I. James Koch and Gale Koch

The stock transfer report indicates that plaintiffs James Koch and Gale Koch were issued 10,000 shares of RODI stock on December 27, 2000. However, plaintiffs submitted proof that they paid defendant RODI Power Systems \$40,000.00 on December 5, 2000. Defendant RODI Power Systems does not dispute plaintiffs' claim. Therefore, plaintiffs' damages will be calculated from \$40,000.00 in consideration paid. Interest accumulated on this sum from December 5, 2000 to January 18, 2005 in the amount of \$8,246.58 and continued to accrue from January 18, 2005 at the rate of \$5.48 a day. Therefore, plaintiffs

James Koch and Gale Koch are entitled to recover from defendants the sum of \$48,246.58, as of January 18, 2005, together with interest that has accumulated since that day at the rate of \$5.48 a day.

j. Ken Koppenhaver

Plaintiff Ken Koppenhaver paid \$250,000.00 for 125,000 shares of RODI stock on September 28, 2000. From September 28, 2000 to January 18, 2005, \$53,869.86 in interest accumulated on this sum. After January 8, 2005, interest accrued at the rate \$34.25 a day. Therefore, plaintiff Koppenhaver is entitled to recover from defendants the sum of \$303,869.86, as of January 18, 2005, together with interest that has accumulated since that date at the rate of \$34.25 a day.

k. David Krall and Patricia Krall

Plaintiffs David Krall and Patricia Krall paid \$25,000.00 for 12,500 shares of RODI stock on December 27, 2000. From December 27, 2000 to January 18, 2005, \$5,078.77 in interest accrued on this sum. After January 18, 2005, interest accrued at the rate of \$3.42 a day. Therefore, plaintiffs David Krall and Patricia Krall are entitled to recover from defendants the sum of \$30,078.77, as of January 18, 2005, together with interest that has accumulated since that day at the rate of \$3.42 a day.

l. Michael Moran

Plaintiff Michael Moran has not submitted any documentation confirming his payment of any money to defendants. Therefore, he is not entitled to damages.

m. William Phippen

The stock transfer report indicates that plaintiff William Phippen was issued 2,500 shares of RODI stock on September 28, 2000. However, plaintiff has not submitted an affidavit or other evidence indicating he still owns the 2,500 shares he was issued on September 28, 2000. Therefore, I am unable to award him damages.

n. Richard Smith

Plaintiff Richard Smith paid \$15,000.00 for 7,500 shares of RODI stock on December 27, 2000. From December 27, 2000 to January 18, 2005, \$3,047.26 in interest accrued on this sum. After January 18, 2005, interest accrued at the rate of \$2.05 a day. Therefore, plaintiff Smith is entitled to recover from defendants the sum of \$18,047.26, as of January 18, 2005, together with interest that has accumulated since that date at the rate of \$2.05 a day.

o. Arlan Spilde

Plaintiff Arlan Spilde purchased 6,000 shares of RODI stock for \$12,000.00 on December 27, 2000. From December 27, 2000 to January 18, 2005, \$2,437.81 in interest accrued on this sum. After January 18, 2005, interest accrued at the rate of \$1.64 a day. Therefore, plaintiff Arlan Spilde is entitled to recover from defendants the sum of \$14,437.81, as of January 18, 2005, together with interest that has accumulated since that date at the rate of \$1.64 a day.

p. Dan Spilde

Plaintiff Dan Spilde paid \$10,000.00 for 5,000 shares of RODI stock on December 27, 2000. As of January 18, 2005, \$2,031.51 in interest accrued on this sum. After that date, interest continued to accrue at the rate of \$1.37 a day. Therefore, plaintiff Dan Spilde is entitled to recover from defendants the sum of \$12,031.51, as of January 18, 2005, together with interest that has accumulated since that date at the rate of \$1.37 a day.

q. Kent Spilde

Plaintiff Kent Spilde paid \$9,000.00 for 4,500 shares of RODI stock on December 27, 2000. As of January 18, 2005, \$1,828.36 in interest accrued on this sum. After that date, interest continued to accrue at the rate of \$1.23 a day. Therefore, plaintiff Kent Spilde is entitled to recover from defendants the sum of \$10,828.36, as of January 18, 2005,

together with interest that has accumulated since that date at the rate of \$1.23 a day.

3. No. 03-C-539-C

a. Randy Paul

Plaintiff Randy Paul purchased 100,000 shares of RODI stock for \$200,000 on September 28, 2000. As of January 18, 2005, \$43,095.89 in interest had accrued on this sum. After that date, interest continued to accrue at the rate of \$27.40 a day. Therefore, plaintiff Paul is entitled to recover from defendants the sum of \$243,095.89, as of January 18, 2005, together with interest that has accumulated since that date at the rate of \$27.40 a day.

b. Ronald Holtz

Plaintiff Ronald Holtz paid \$10,000 for 5000 shares of RODI stock on September 28, 2000. As of January 18, 2005, \$2,154.79 in interest had accrued on this sum. After that date, interest continued to accrue at the rate of \$1.37 a day. Therefore, plaintiff Holtz is entitled to recover from defendants the sum of \$12,154.79, as of January 18, 2005, together with interest that has accumulated since that date at the rate of \$1.37 a day.

c. S&S Partnership

Plaintiff S&S Partnership paid \$20,000 for 10,000 shares of RODI stock on December 27, 2000. As of January 18, 2005, \$4,063.01 in interest had accrued on this sum. After that date, interest continued to accrue at the rate of \$2.74 a day. Therefore, plaintiff S&S Partnership is entitled to recover from defendants the sum of \$24,063.01, as of January 18, 2005, together with interest that has accumulated since that date at the rate of \$2.74 a day.

C. Bill of Costs

Plaintiffs included a request for attorney fees with their bill of costs. Taxation of costs will be left to the clerk. However, since a request for attorney fees must be made by motion, Fed. R. Civ. P. 54(d)(2)(A), I will construe plaintiffs' bill of costs to include a motion for attorney fees. Plaintiffs are entitled to reasonable attorney fees under Wis. Stat. § 551.59(1)(a). They request reimbursement in the amount of \$40,878.75. Counsel for plaintiffs have submitted an itemized bill specifying the rates charged by each attorney and the number of hours worked by each attorney in these cases. Defendant RODI Power Systems does not challenge the rates charged by plaintiffs' counsel. Instead, it requests that the court reduce the fee award because it was only one of eleven defendants in these cases. (Eight individual defendants were dismissed from these cases for lack of personal jurisdiction in an order dated April 22, 2004.) Defendant asks the court to deduct an appropriate

amount to account for work plaintiffs would have performed with respect to the other defendants. The bill submitted by plaintiffs' counsel does not break down the time spent prosecuting these cases on a defendant-by-defendant basis. However, I believe that a \$5,000.00 reduction in fees is sufficient to account for the work done by plaintiffs' attorneys before April 22, 2004 with respect to the dismissed defendants, which was minimal, relating only to service of the complaint and the defendants' motion to dismiss. Therefore, plaintiffs are entitled to recover from defendant RODI Power Systems the sum of \$35,878.75 in attorney fees. Defendants Leonard and Manufacturer's Asset Group will not be liable for plaintiffs' attorney fees because they did not mount a defense in these cases.

ORDER

IT IS ORDERED that

1. The motions for entry of default against defendants Raymond L. Leonard, Jr. and Manufacturer's Asset Group, LLC filed by plaintiffs in all three cases are GRANTED.

FURTHER, IT IS ORDERED that in No. 03-C-535-C,

1. Plaintiff William Conway's motion for default judgment against defendants Raymond L. Leonard, Jr. and Manufacturer's Asset Group, LLC is GRANTED and plaintiff's motion for summary judgment as to the liability of defendant RODI Power Systems is GRANTED. The clerk is directed to enter judgment for plaintiff William Conway and

against all three defendants, jointly and severally, in the amount of \$113,296.02, together with interest that has accrued since January 18, 2005 at the rate of \$12.74 a day and close this case.

FURTHER, IT IS ORDERED that in No. 03-C-536-C,

1. The motion for default judgment against defendants Raymond L. Leonard, Jr. and Manufacturer's Asset Group, LLC filed by plaintiffs John Arvold, Kurt Arvold, Rod Camren, William Clemens, William Kippley, Anthony Gardner, Peter Hartman, Richard Hegge, Greg Hilden, James Koch, Gale Koch, Ken Koppenhaver, David Krall, Patricia Krall, Michael Moran, William Phippen, Richard Smith, Arlan Spilde, Dan Spilde, and Kent Splide, is GRANTED and the motion for summary judgment as to the liability of defendant RODI Power Systems filed by plaintiffs is GRANTED.

2. The clerk is directed to enter judgment for plaintiff Kurt Arvold and against all three defendants, jointly and severally, in the amount of \$30,002.74, together with interest that has accrued since January 18, 2005 at the rate of \$3.42 a day.

3. The clerk is directed to enter judgment for plaintiff Rod Camren and against defendant Manufacturer's Asset Group, LLC in the amount of \$11,924.66, together with interest that has accrued since January 18, 2005 at the rate of \$1.37 a day.

4. The clerk is directed to enter judgment for plaintiffs William Clemens and William Kippley and against all three defendants, jointly and severally, in the amount of \$30,386.99,

together with interest that has accrued since January 18, 2005 at the rate of \$3.42 a day;

5. The clerk is directed to enter judgment for plaintiff Anthony Gardner and against all three defendants, jointly and severally, in the amount of \$6,074.66, together with interest that has accrued since January 18, 2005 at the rate of \$0.68 a day. In addition, the clerk is directed to enter judgment for plaintiff Anthony Gardner and against defendant Manufacturer's Asset Group in the amount of \$1,791.78, together with interest that has accrued since January 18, 2005 at the rate of \$0.21 a day;

6. The clerk is directed to enter judgment for plaintiff Peter Hartman and against all three defendants, jointly and severally, in the amount of \$6,074.66, together with interest that has accrued since January 18, 2005 at the rate of \$0.68 a day. In addition, the clerk is directed to enter judgment for plaintiff Peter Hartman and against defendant Manufacturer's Asset Group in the amount of \$5,792.60, together with interest that has accrued since January 18, 2005 at the rate of \$0.68 a day.

7. The clerk is directed to enter judgment for plaintiff Richard Hegge and against all three defendants, jointly and severally, in the amount of \$6,077.40, together with interest that has accrued since January 18, 2005 at the rate of \$0.68 a day.

8. The clerk is directed to enter judgment for plaintiff Greg Hilden and against all three defendants, jointly and severally, in the amount of \$2,407.67, together with interest that has accrued since January 18, 2005 at the rate of \$0.27 a day.

9. The clerk is directed to enter judgment for plaintiffs James Koch and Gale Koch and against all three defendants, jointly and severally, in the amount of \$48,246.58, together with interest that has accrued since January 18, 2005 at the rate of \$5.48 a day.

10. The clerk is directed to enter judgment for plaintiff Ken Koppenhaver and against all three defendants, jointly and severally, in the amount of \$303,869.86, together with interest that has accrued since January 18, 2005 at the rate of \$34.25 a day.

11. The clerk is directed to enter judgment for plaintiffs David Krall and Patricia Krall and against all three defendants, jointly and severally, in the amount of \$30,078.77, together with interest that has accrued since January 18, 2005 at the rate of \$3.42 a day.

12. The clerk is directed to enter judgment for plaintiff Richard Smith and against all three defendants, jointly and severally, in the amount of \$18,047.26, together with interest that has accrued since January 18, 2005 at the rate of \$2.05 a day.

13. The clerk is directed to enter judgment for plaintiff Arlan Spilde and against all three defendants, jointly and severally, in the amount of \$14,437.81, together with interest that has accrued since January 18, 2005 at the rate of \$1.64 a day.

14. The clerk is directed to enter judgment for plaintiff Dan Spilde and against all three defendants, jointly and severally, in the amount of \$12,031.51, together with interest that has accrued since January 18, 2005 at the rate of \$1.37 a day.

15. The clerk is directed to enter judgment for plaintiff Kent Spilde and against all

three defendants, jointly and severally, in the amount of \$10,828.36, together with interest that has accrued since January 18, 2005 at the rate of \$1.23 a day and close this case.

FURTHER, IT IS ORDERED that in No. 03-C-539-C,

1. The motion for default judgment against defendants Raymond L. Leonard, Jr. and Manufacturer's Asset Group, LLC filed by plaintiffs Randy Paul, Ronald Holtz and S&S Partnership is GRANTED and the motion for summary judgment as to the liability of defendant RODI Power Systems filed by plaintiffs is GRANTED.

2. The clerk is directed to enter judgment for plaintiff Randy Paul and against all three defendants, jointly and severally, in the amount \$243,095.89, together with interest that has accrued since January 18, 2005 at the rate of \$27.40 a day.

3. The clerk is directed to enter judgment for plaintiff Ronald Holtz and against all three defendants, jointly and severally, in the amount of \$12,154.79, together with interest that has accrued since January 18, 2005 at the rate of \$1.37 a day.

4. The clerk is directed to enter judgment for plaintiff S&S Partnership and against all three defendants, jointly and severally, in the amount of \$24,063.01, together with interest that has accrued since January 18, 2005 at the rate of \$2.74 a day and close this case.

FURTHER, IT IS ORDERED that the motion for attorney fees filed by plaintiffs in all three cases is GRANTED. Plaintiffs are entitled to collect \$35,878.75 in attorney fees

from defendant RODI Power Systems.

Entered this 7th day of March, 2005.

BY THE COURT:

BARBARA B. CRABB
District Judge