

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

ANDERSON-TULLY LUMBER COMPANY,

Plaintiff,

v.

HOLLEY MOULDING, INC.,

Defendant.

OPINION & ORDER

14-cv-559-wmc

On August 12, 2014, plaintiff Anderson-Tully Lumber Company (“ATLC”) filed this civil suit alleging that defendant Holley Moulding, Inc. (“Holley”) failed to pay for more than \$180,000 of lumber supplies and materials it ordered and accepted. (Compl. (dkt. #1) ¶¶ 8-11.) Holley was served with the summons and complaint on August 13, 2014. (See dkt. #4.) To date, defendant has failed to appear, answer, or otherwise defend this lawsuit. On September 8, 2014, the clerk of court entered default. (See dkt. #7.) Defendant has now moved for default judgment. (Dkt. #8.)

The court held a hearing on plaintiff’s motion on October 8, 2014. Again, defendant failed to appear or contest the matter. Because the clerk of court has entered default against defendant, the court accepts as true all of the factual allegations in the complaint, except those relating to damages. *In re Catt*, 368 F.3d 789, 793 (7th Cir. 2004). Accordingly, the court accepts as true that Holley applied for credit from ATLC; agreed in its application to pay all expenses of collection; and ordered lumber supplies and materials from ATLC between August and September of 2013 that Holley accepted but for which it did not pay.

In its motion for default judgment, ATLC seeks judgment in the amount of \$180,787.09 plus post-judgment interest. (See dkt. #8-1.) In support, ATLC refers to the

statement of account attached to its complaint, which reflects that Holley ordered \$182,787.09 in goods between August 28, 2013 and September 20, 2013, less a credit of \$2,000.00 applied to its account on October 24, 2013, for a total owed of \$180,787.09. (*See* Compl. Ex. 2 (dkt. #1-2).) The court concludes, based on this evidence, that ATLC has established the amount of damages to which it is entitled “with reasonable certainty.” *Catt*, 368 F.3d at 793 (quoting *Credit Lyonnais Secs. (USA) Inc. v. Alcantara*, 183 F.3d 151, 155 (2d Cir. 1999)).

ORDER

IT IS ORDERED that:

- 1) Plaintiff Anderson-Tully Lumber Company’s motion for default judgment (dkt. #8) is GRANTED; and
- 2) the clerk of court is directed to enter judgment in favor of plaintiff and against defendant Holley Moulding, Inc. in the total amount of \$180,787.09 plus post-judgment interest and close this case.

Entered this 8th day of October, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge