

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

NINGBO BETER LIGHTING CO., LTD.,

Plaintiff,

v.

UNIQUE ARTS, LLC,

Defendant.

ORDER

15-cv-228-wmc

Plaintiff Ningbo Beter Lighting Co., Ltd., asserts a breach of contract claim against defendant Unique Arts, LLC, based on Unique Arts' failure to pay for lighting and related products sold by plaintiff. Plaintiff filed a motion for summary judgment, to which defendant did not respond. On the basis of plaintiff's summary judgment submission, the court entered judgment in plaintiff's favor on liability, but reserved as to damages, finding plaintiff's explanation and evidence insufficient. (Dkt. #24.) On September 26, 2016, the court held a telephonic hearing to determine whether plaintiff could supplement with adequate proof of all of its damages, or whether an evidentiary hearing would be required. Both parties appeared by counsel.

During the call, counsel for defendant Unique Arts, LLC, represented that its client has dissolved, and that its assets have been liquidated and assigned to the secured creditor. As such, defendant stated that it would be willing to stipulate to the full amount of damages.

As explained in more detail on the record during the hearing today, plaintiff has proffered a factual basis for damages in the amount of \$380,541.09 in principal and an

additional \$68,864.79 in prejudgment interest.¹ More importantly, defense counsel stipulated to entry of those amounts as due and owing. Accordingly,

ORDER

IT IS ORDERED that:

- 1) Plaintiff Ningbo Beter Lighting Co., Ltd. is awarded damages against defendant Unique Arts, LLC, in the total stipulated amount of \$449,405.88.
- 2) The clerk of court is directed to enter judgment in plaintiff's favor and close this case.

Entered this 26th day of September, 2016.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge

¹ Counsel for plaintiff explained that the prejudgment interest was calculated based on a liquidated portion of the principal amount that the parties have agreed was due and owing since December 2015, at a statutory interest rate of 4.25%.