

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

KOEHN, INC.,)
)
 Plaintiff,)
)
 v.) Case No.: 04-1203-MLB
)
 EXHOMDE, LLC,)
)
 Defendant.)
 _____)

ENTRY OF JUDGMENT BY DEFAULT AGAINST DEFENDANT

NOW, on this 9th day of August, 2005, judgment is entered for Plaintiff, Koehn, Inc., and against Defendant, Exhomde, LLC, by default pursuant to Fed. R. Civ. P. 55(a) and 55(b)(1) and D. Kan. R. 77.2(6).

1. This Court has jurisdiction over the parties and subject matter of this jurisdiction. (Docket #17).
2. Plaintiff properly served Defendant, Exhomde, LLC, with a copy of the summons and First Amended Complaint to Defendant's registered agent on May 25, 2005, and to Defendant's President/CEO on May 27, 2005. (Docket #27, #28).
3. Defendant's Answer to the First Amended Complaint was due on or before June 16, 2005. (Docket #27, #28).
4. Defendant failed to file its Answer to the First Amended Complaint on or before June 16, 2005.

5. The Court granted Defendant's counsel's motion to withdraw on May 18, 2005. (Docket #24). Defendant's former counsel complied with the Court's order and timely notified Defendant of its withdrawal. (Docket #26).

6. To date, no attorney of record has entered an appearance on Defendant's behalf, as ordered by the Court on May 18, 2005. (Docket #24).

7. As of this date, Defendant has not filed a motion to file its Answer out of time, or any other responsive pleading.

WHEREFORE, pursuant to Fed. R. Civ. P. 55(a) and 55(b)(1) and D. Kan. R. 77.2(6), judgment is entered against Defendant on all counts raised in Plaintiff's First Amended Complaint. Plaintiff is awarded \$166,408.00 in damages, plus pre- and post-judgment interest. Pursuant to Fed. R. Civ. P. 55(b)(1), costs are awarded to Plaintiff and against Defendant.

IT IS SO ORDERED.

s/Monti Belot
DISTRICT COURT JUDGE

Submitted by:

\s\ Richard A. Olmstead 08/03/2005

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