

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED MEDICAL SYSTEMS, INC.,  
Plaintiff,

vs.

Case No. 04-1351-JTM

COFFEYVILLE REGIONAL MEDICAL  
CENTER, INC.,  
Defendant.

MEMORANDUM AND ORDER

On May 25, 2005, the court granted plaintiff's Motion for Default Judgment (Dkt. No. 14), and, pursuant to Fed.R.Civ.P. 55(b)(2), directed the parties to submit any information and evidence relating to damages on or before June 16, 2005. The plaintiff has responded with the affidavit of Glenn Hetu, the Controller of United Medical. Hetu's affidavit establishes that, had defendant continued to use plaintiff's lithotripsy services as provided for in the agreement between the parties, the plaintiff would have received \$143,500 through the remaining life of the agreement, based upon the hospital's past use of such services. This is the amount of damages now requested by plaintiff. (Dkt. No. 15, at ¶ 11).

The defendant has filed no response on the issue of damages.

The court finds that plaintiff is entitled to damages in the amount of \$143,500.00. In addition, the defendant shall pay plaintiff's costs.

IT IS SO ORDERED this 21<sup>st</sup> day of June, 2005.

s/ J. Thomas Marten  
J. THOMAS MARTEN, JUDGE