

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

BANK OF COMMERCE & TRUST
COMPANY,

Plaintiff,

vs.

McINTOSH COUNTY BANK

Intervenor,

vs.

JOHN-PAUL STRAUSS a/k/a J. P.
STRAUSS, and BANC CORP USA, an
Illinois Corporation, both jointly and
severally,

Defendants.

Case No. 07-1122-JTM

MEMORANDUM AND ORDER

Two motions for default judgment are before the court. Plaintiff Bank of Commerce and Trust has moved for a default judgment against the defendants, jointly and severally, and for an award of punitive damages and attorney fees. The plaintiff also requests the striking of the defendants' Answer to the First Amended Complaint. Intervenor McIntosh County Bank has moved

for default judgment against the defendants, based on their failure to defend the action. The Intervenor has supplied proof of damages in the amount of \$ 45,675.44. The defendants have filed no response to these motions.

For good cause shown, the court grants the motions. Intervenor's motion (Dkt. No. 30) is granted. Judgment will be entered against both defendants, jointly and severally, in favor of Intervenor in the amount of \$ 45,675.44. Plaintiff's Motion to Strike (Dkt. No. 28) is granted, as are its motions for default judgment and attorney fees (Dkt. No's 27, 29); default judgment is also entered against defendants, jointly and severally, in favor of plaintiff. The amount of the judgment in favor of plaintiff will be contingent upon further evidence in support of plaintiff's claim.

IT IS SO ORDERED this 26th day of August, 2008.

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