

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MCA VENTURES, LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. 17-2569-JWL
)	
KEPPEL BROTHERS, LLC,)	
d/b/a 5 TH WHEEL PLACE RV CENTER;)	
and KEVIN H. KEPPEL,)	
)	
Defendants.)	
_____)	

MEMORANDUM AND ORDER

Plaintiff moves for default judgment pursuant to Fed. R. Civ. P. 55(b)(2) against defendants (Doc. # 13), following the Clerk's entry of default on November 27, 2017. The individual defendant appeared in this action to seek an extension of time in which to answer, but he did not thereafter file a timely response to the complaint, and neither defendant has responded to the instant motion.

The motion is **granted in part**. The Court will grant judgment in favor of plaintiff against both defendants for damages in the amount of \$164,289.75 and for an award of "reasonable attorney fees and court costs" incurred in the collection of this debt, in accordance with the parties' agreement. Although plaintiff seeks an award of post-judgment interest "at the highest rate permitted by the Agreement and applicable statute," the Agreement does not provide for such interest; thus, the judgment will allow only for post-judgment interest at the applicable statutory rate. The Court will also grant

judgment against defendant entity, as requested, for foreclosure on the collateral and for an accounting.

With respect to the costs of collection, plaintiff (both in its complaint and in this motion) seeks an award of \$12,500, but it has not offered any support for that figure. Accordingly, plaintiff shall submit support for an award of its actual costs of collection (in an amount up to \$12,500) including an affidavit, which the Court will consider before issuing the judgment.

IT IS SO ORDERED.

Dated this 21st day of December, 2017, in Kansas City, Kansas.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge