

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-80999-CIV-DIMITROULEAS

DANIEL S. NEWMAN, as Court Appointed
Receiver for MERCER CAPITAL, INC.,
MERCER CAPITAL MANAGEMENT, INC.,
MERCER ASSET MANAGEMENT, LLC,
TRI-STATE ENERGY GROUP, LLC,
TRI-STATE ENERGY GROUP I, LTD., and
TRI-STATE ENERGY GROUP II, LTD.,

Plaintiffs,

vs.

ROBERT FLICKINGER,

Defendant.

ORDER GRANTING MOTION FOR DEFAULT JUDGMENT

THIS CAUSE is before the Court upon Plaintiffs' Motion for Entry of Default Judgment [DE-13], filed herein on November 2, 2009. The Court has carefully considered the Motion and is otherwise fully advised in the premises.

Returned Waiver of the Service of Summons [DE-4] was filed on July 28, 2009, indicating that the Defendant waived service on July 16, 2009 and thus that answer was due on September 14, 2009. No responsive pleading has been filed. The Clerk entered default against the Defendant on October 29, 2009. [DE-12]. This Court issued an Order to Show Cause why a default judgment should not be entered against it [DE-15] on November 2, 2009 and required a response by November 16, 2009. On November 11, 2009, Plaintiff filed a Response [DE-16]. In his Response, Plaintiff agrees to consent to the relief that the Receiver seeks. Plaintiff filed a Consent to Judgment [DE-16-1], consenting to a final judgment against him in the amount of

\$381,701.54.

Accordingly, it is **ORDERED AND ADJUDGED** that Plaintiff's Motion for Entry of Default Judgment as to Defendant Robert Flickinger [DE-13] is **GRANTED**. In accordance with Federal Rule of Civil Procedure 58, a separate final judgment will be entered.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 12th day of November, 2009.


WILLIAM P. DIMITROULEAS
United States District Judge

Copies furnished to:
Counsel of Record

James Sallah, Esq.
Sallah & Cox
Attorney for Robert Flickinger
2101 North West Corporate Boulevard, Suite 218
Boca Raton, FL 33431