



Brenda K. Martin

Brenda K. Martin, Bankruptcy Judge

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8 Family Holding Company, L.L.C. Creditor Trust

9 **UNITED STATES BANKRUPTCY COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11 In re:
12 PRM FAMILY HOLDING COMPANY,
L.L.C., *et al.*,
13 Debtors.

Chapter 11
Case No. 2:13-bk-09026-BKM
(Jointly Administered)

14 DALE SCHIAN, CREDITOR TRUSTEE
15 OF THE PRM FAMILY HOLDING
COMPANY, L.L.C. CREDITOR TRUST,

16 Plaintiff,

Adv. Pro. No. 2:15-ap-00480-BKM

17 v.

18 LUCIO GUTIERREZ D/B/A A.M.
19 SHOPPING CARTS RECOVERY
SERVICE,

20 Defendant.

**DEFAULT JUDGMENT PURSUANT TO FED.
R. CIV. P. 55(b)(1)**

21 This Filing Applies to:

- 22 All Debtors
23 Specified Debtors

24 Default was entered against Defendant Lucio Gutierrez d/b/a A.M. Shopping Carts Recovery
25 Service (the "*Defendant*") on November 20, 2015. Plaintiff Dale Schian, not individually but solely as
26

1 creditor trustee (the "*Plaintiff*") of the PRM Family Holding Company, L.L.C. Creditor Trust (the
2 "*Creditor Trust*") has requested entry of judgment by default and has filed an affidavit of the amount
3 due and stating the Defendant, on upon reasonable inquiry, is not in military service, is not an infant, and
4 is not an incompetent person.

5 IT IS HEREBY ORDERED, pursuant to Rule 55(b)(1), Fed. R. Civ. P., made applicable in these
6 proceedings by Rule 7055, Fed. R. Bankr. P., judgment is entered against Lucio Gutierrez d/b/a A.M.
7 Shopping Carts Recovery Service in favor of the Plaintiff as follows:

8 1. Final Judgment is entered against the Defendant and in favor of the Plaintiff on Counts I
9 and III of the Complaint in the amount of \$46,410.00.

10 2. Plaintiff shall be awarded post-judgment interest at the statutory rate from the date this
11 Judgment is entered until paid in full pursuant to 28 U.S.C. § 1961.

12 3. Final Judgment is entered against the Defendant and in favor of the Plaintiff on Count IV
13 of the Complaint. Accordingly, any and all claims of the Defendant against the Debtors or the Creditor
14 Trust, whether asserted in a proof of claim or scheduled on the Debtors' schedules of assets and
15 liabilities are disallowed pursuant to 11 U.S.C. § 502(d).

16 4. Count II, pled in the alternative to Count I, is hereby dismissed as moot.

17 DATED AND SIGNED ABOVE.