



City & County of Denver

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Judge R. Brooke Jackson

Civil Action No 15-cv-01605-RBJ

CAITO FOODS SERVICE, INC.,

Plaintiff,

v.

THE LANES CONSULTING FIRM, LLC, d/b/a as Rocco's Produce and
JACOB HOWES, individually and in his corporate capacity,

Defendants.

I, the undersigned, Clerk of the United States District Court for the District of Colorado, do certify that the foregoing is a true copy of an original document remaining on file and record in my office.

WITNESS my hand and SEAL of said Court this 21st day of January 2016
JEFFREY P. COLWELL

By [Signature]
Deputy

FINAL DEFAULT JUDGMENT AGAINST DEFENDANT THE LANES CONSULTING
FIRM, LLC D/B/A ROCCO'S PRODUCE

THIS CAUSE is before the Court upon Plaintiff's Motion for Default Judgment against Defendant The Lanes Consulting Firm, LLC d/b/a Rocco's Produce ("Defendant") together with the Declaration of Plaintiff's Executive Vice-President in support and the Affidavit of Plaintiff's counsel in support.

The Court finds that Plaintiff filed its Complaint on July 28, 2015. The Summons and Complaint were served on August 11, 2015, and the Returns of Service were filed with the Court. Defendant's Answer was due twenty-one (21) days after service of the Complaint. Further, the Court finds that the Defendant has failed to answer, respond, or otherwise move. No continuances have been sought or granted. The Court entered Defendant's Default on September 11, 2015. The Court also finds that Plaintiff is the prevailing party as to all Counts in the

Complaint as against Defendant. Therefore, following a review and analysis of the record in this case, and being duly advised in the premises, it is:

ORDERED AND ADJUDGED AS FOLLOWS:

This Court renders Final Judgment by default in favor of the Plaintiff, and against Defendant The Lanes Consulting Firm, LLC d/b/a Rocco's Produce in the principal amount of \$97,897.75;

Defendant's last known address is 415 Yuma Street, Denver, Colorado 80204;

Further, the Court finds that Plaintiff has made a successful claim for contractual pre-judgment interest, and therefore interest at the stated invoice rate of 1½% per month, calculated at \$16,863.91, shall be and is hereby added and taxed to this Judgment;

Further, the Court finds that because Plaintiff asserted causes of action for dissipation / misappropriation of trust assets and breach of fiduciary duty under the Perishable Agricultural Commodities Act ("PACA"), 7 U.S.C. §499 *et seq.*, wherein Plaintiff is a qualified and perfected PACA trust beneficiary, this Judgment is non-dischargeable in any of the Defendant's subsequent bankruptcy proceedings pursuant to 11 U.S.C. §523(a);

Further, the Court awards post-judgment interest at the parties' contractual rate of 1½% per month from the entry date of this Judgment until paid in full;

Further, Defendant, its agents, servants and employees are ordered to turn over to Plaintiff's counsel for distribution to Plaintiff all proceeds of produce sales of Defendant, all collected accounts receivable generated by produce sales of Defendant, and all assets into which these proceeds have been commingled to the extent that Plaintiff is paid in full as required by 7 U.S.C. §499(e)(c)2; and

Further, Plaintiff is hereby granted leave of fourteen (14) days from the entry date of this Judgment to file an application for contractual and statutory [7 U.S.C. § 499(g)b] attorneys' fees and costs.

Should Defendant wish to satisfy this Judgment, it should contact counsel for Plaintiff, Martyn and Associates, 820 W. Superior Avenue, Tenth Floor, Cleveland, Ohio 44113, phone number (216) 861-4700, facsimile (216) 861-4703, e-mail mamendola@martynlawfirm.com.

DATED this 6th day of January, 2016.

BY THE COURT:



R. Brooke Jackson
United States District Judge

Prepared by: / Return to:

Mark A. Amendola, Esq.
Martyn and Associates
820 W. Superior Avenue, Tenth Floor
Cleveland, Ohio 44113