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FILED

August 27, 1999
AMY HARVEY, Clerk

By J. Roe
Deputy Clerk

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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE

8 INDUSTRIAL INDEMNITY COMPANY,
9 a California Corporation, Qualified to do
10 business in the State of Nevada,

11 Plaintiff,

Case No. CV97-06537
12 Dept. No. 9

13 v.

14 CARL A. MORRISON; BEVERLY
15 MORRISON; et al.,

16 Defendants.

17 **DEFAULT JUDGMENT**

18 On May 28, 1999, Plaintiff Industrial Indemnity Company filed an Application for Entry of
19 Default, together with an Affidavit in support thereof and a Memorandum of Costs and
20 Disbursements.

21 The Court, having reviewed the above papers and the entire file, finds and concludes as
22 follows.

23 Defendants George T. Leverett, III, Howard International, Inc., Sterling Financial
24 Corporation, Gurcharan S. Lau, and Chester C. Burley, III,¹ have been duly served with the summons
25 and complaint in this matter and have failed to answer or otherwise respond in the time required by

26
27 ¹ Plaintiff requested that Chester C. Burley, III be added to its Application for Entry of Default
28 in Plaintiff's Reply to Order to Show Cause, filed June 23, 1999.

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1 law.²

2 The primary sum of \$77,000.00, together with accrued interest thereon in the sum of
3 \$32,921.49 for the time period from October 1st, 1997 to the date of Plaintiff's Application for Entry
4 of Default, is due Plaintiff as of Entry of this Judgment, and interest shall continue to accrue on the
5 aforesaid primary sum at the maximum legal rate per annum until payment in full is received;

6 Plaintiff has sustained Court costs in the amount of \$2,431.67. Plaintiff has had to retain an
7 attorney to seek relief in this matter and the sum of \$3,736.80 is a reasonable sum to be awarded said
8 Plaintiff as and for an attorney's fee incurred herein.³

9 JUDGMENT IS HEREBY GRANTED in favor of Plaintiff and against the Defendants
10 GEORGE T. LEVERETT, III, HOWARD INTERNATIONAL, INC., STERLING FINANCIAL
11 CORPORATION, GURCHARAN S. LAU, and CHESTER C. BURLEY, III, and each of them,
12 jointly and severally, in the following manner:

13 a. Defendants shall pay to Plaintiff the sum of \$77,000, plus accrued interest
14 thereon in the sum of \$32,921.49 for the time period from October 1st, 1997 to the date of
15 Plaintiff's Application for Entry of Default, and interest shall continue to accrue on the
16 aforesaid primary sum at the maximum legal rate per annum until the Judgment is paid in full
17 by Defendants to Plaintiff;

18 b. Defendants shall pay to Plaintiff the sum of \$2,431.67 as and for Court costs
19 incurred in this matter to date, as well as any additional Court costs and service fees
20

21 ² Plaintiff also applied for a default judgment against Defendant Winston Biggs. However, the
22 record reflects that Winston Biggs has been discharged in bankruptcy from the obligation that is the
23 subject of Plaintiff's complaint. (Joint Case Conference Report, NRCP 16.1, p. 2, filed June 22, 1998).
24 The Court noted this fact in its Order to Show Cause, filed on June 2, 1999. In its Reply to Order to
25 Show Cause, filed on June 23, 1999, Plaintiff failed to dispute this fact. Consequently, the Court
26 declines to enter default against Winston Biggs and will dismiss Winston Biggs from this action by
27 separate order.

28 ³ On June 23, 1999, Plaintiff filed a Summary Statement of Request for Attorney's Fees,
documenting \$32,835.60 in attorney's fees incurred in this matter. However, most of those fees appear
to have been incurred in work involving other Defendants. The fee provided for herein is calculated
from the billing entries which contain work performed involving the Defendants who are the subject of
this Order.

1 connected with collection of this matter; and

2 c. Defendants shall pay to Plaintiff the sum of \$3,736.80 as and for an attorney's
3 fee incurred herein.

4 DATED this 27 day of August, 1999.

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7 *James W. Hardesty*
8 JAMES W. HARDESTY
9 District Judge
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CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

DATE: 9-2-99

AMY HANLEY, Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada.

By *S. Crawford* Deputy

SEAL

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I deposited for mailing in the United States mail, postage prepaid, a true and correct copy of the attached document addressed to:

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By Stephanee Rose Dated 8-27-99

REQUESTED BY
Stephens Knight & Edwards
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

1999 SEP -3 AM 11:59

LINDA SLATER
RECORDER

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