

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division
Case Number: 09-60403-CIV-MARTINEZ-BROWN

ALFRED L. MADEIRA,
Plaintiff,

vs.

SEAN HEALY and SHALESE HEALY,
Defendants.

_____ /

DEFAULT FINAL JUDGMENT

THIS CAUSE came before the Court upon Plaintiff Alfred L. Madeira's Amended Motion for Default Final Judgment (D.E. No. 138).¹ On August 27, 2009, this Court entered its Order Granting Withdrawal of Counsel and Requiring Defendants to File Notice (D.E. No. 117). In this Order, the Court allowed Defendants' counsel to withdraw and required Defendants to retain new counsel and have new counsel file a Notice of Appearance or to file a Notice of Intent to Proceed Pro Se on or before September 14, 2009. Defendants were also cautioned that failing to comply with this Order would result in the Court entering default final judgment against them. Defendants have failed to comply with this Order and no Notice of Appearance or Notice of Intent to Proceed Pro Se has ever been filed.² Accordingly, it is

ORDERED and ADJUDGED that

1. Plaintiff Alfred L. Madeira's Amended Motion for Default Final Judgment (D.E. No. 138) is **GRANTED in part**.

2. Judgment is hereby entered in favor of Plaintiff ALFRED L. MADEIRA and against Defendants SEAN HEALY and SHALESE HEALY, jointly and severally.

¹The Court has reviewed the Receiver's Response to Plaintiff Madeira's motion for default final judgment. *See* (D.E. No. 140). The Court notes that it would be inappropriate for it to express an opinion on any preclusive effect of this judgment as to any future actions or as to any pending actions in other jurisdictions.

²Defendants have also never responded to Plaintiff Madeira's Amended Complaint.

3. Plaintiff Madeira shall recover from Defendants compensatory damages in the amount of \$10,997,000.00. *See* (D.E. No. 143). Interest shall accrue on this judgment pursuant to 28 U.S.C. §1961. For which sum let execution issue.

4. Defendants' counterclaim against Plaintiff Madeira is **DISMISSED without prejudice**. *See* (D.E. No. 38).


5. Plaintiff Madeira's Motion for Partial Summary Judgment (D.E. No. 92) is **DENIED** as **MOOT**.

6. The Court finds that Plaintiff Madeira is entitled to an award of punitive damages and will consider any motion filed by Plaintiff Madeira for punitive damages in this case provided that such motion is filed within 15 days of the date of this Order.

7. The Court finds that Plaintiff Madeira is entitled to attorney's fees and costs and will consider any timely filed motion for such fees and costs.

8. The Court also finds that Plaintiff Madeira is entitled to prejudgment interest up to the date of this Order. The Court will consider any motion for prejudgment interest filed within 15 days of the date of this Order.³

DONE AND ORDERED in Chambers at Miami, Florida, this 30 day of November, 2009.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
Magistrate Judge Brown
All Counsel of Record
Sean and Shalese Healy
2672 Riviera Manor
Weston, FL 33332

³Plaintiff's previous calculation of prejudgment interest only provided calculations up until November 4, 2009. Plaintiff shall revise his calculations and his chart, *see* (D.E. No. 138-2), applying the date of this Order and file a motion with the Court.