

CERTIFIED COPY (Rev. 6/85)

United States District Court

Northern District of Illinois

Eastern Division

I, H. Stuart Cunningham, Clerk of the United States District Court for the Northern District of Illinois, do hereby attest and certify that the annexed document is a full, true, and correct copy of the original(s) on file in my office and in my legal custody.

DEPT-01 RECORDING 12/08/93 14:13:00
TRAN 6375 *03-004637
COOK COUNTY RECORDER

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of the aforesaid Court at Chicago, Illinois on 12-7-93

DEPT-01 RECORDING 12/08/93 14:12:00
TRAN 6375 *03-004637
COOK COUNTY RECORDER \$27.50

H. STUART CUNNINGHAM

CLERK

By:

Walter Pauso
Deputy Clerk

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Minute Order Form (rev. 12/90)

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS

Name of Assigned Judge or Magistrate Judge	John A. Nordberg	Sitting Judge if Other Than Assigned Judge	
Case Number	92 C 2413	Date	November 29, 1993
Case Title	M. C. Van Kampen, Inc. v. Reliable Truck Parts, Inc.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd-party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

Plaintiff's Motion for Summary Judgment. Plaintiff's Motion for Entry of a Rule 54(b) Final Judgment. Defendant's Motion for Leave to Permit Defendant's Reliable's Previous Response to Stand as His Response.

DOCKET ENTRY:

(1)	<input type="checkbox"/>	Filed motion of [use listing in "MOTION" box above]	
(2)	<input type="checkbox"/>	Brief in support of motion due _____	DEC 7 1993
(3)	<input type="checkbox"/>	Answer brief to motion due _____	Reply to answer brief due _____
(4)	<input type="checkbox"/>	<input type="checkbox"/> Ruling on _____ set for _____ at _____	
(5)	<input type="checkbox"/>	<input type="checkbox"/> Hearing _____ set for _____ at _____	
(6)	<input type="checkbox"/>	Status hearing <input type="checkbox"/> held <input type="checkbox"/> continued to _____ set for _____ at _____	
(7)	<input type="checkbox"/>	Pretrial conf. <input type="checkbox"/> held <input type="checkbox"/> continued to _____ set for _____ at _____	
(8)	<input type="checkbox"/>	Trial <input type="checkbox"/> Set for _____ re-set for _____ at _____	
(9)	<input type="checkbox"/>	<input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Hearing held and continued to _____ at _____	
(10)	<input checked="" type="checkbox"/>	This case is dismissed <input type="checkbox"/> without <input type="checkbox"/> with prejudice and without costs <input type="checkbox"/> by agreement <input type="checkbox"/> pursuant to <input type="checkbox"/> FRCP 4(j) (failure to serve) <input type="checkbox"/> General Rule 21 (want of prosecution) <input type="checkbox"/> FRCP 41(a)(1) <input type="checkbox"/> FRCP 41(a)(2)	
(11)	<input checked="" type="checkbox"/>	(Other docket entry) Plaintiff's Motion for Summary Judgment is GRANTED. Plaintiff's Motion for Entry of a Rule 54(b) Final Judgment is GRANTED. Defendant's Motion for Leave is GRANTED. Judgment is entered in favor of Plaintiff and against Leroy Kaplan, David Kaplan and Reliable Truck Parts, jointly and severally, in the amount of \$299,853.54. This is a final judgment and the Court finds that there is no just cause for delay.	
(12)	<input checked="" type="checkbox"/>	(For further detail see <input checked="" type="checkbox"/> order on the reverse of <input type="checkbox"/> order attached to the original minute order form.)	

No notices required, advised in open court. No notices required. Notices mailed by judge's staff. Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input checked="" type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate Judge.	FILED-ED4 93 NOV 30 PM 4:29 <i>Peterson v. Kaplan, et al</i> U.S. DISTRICT COURT Date/time received in central Clerk's Office	number of notices: 4 date docketed: DEC 7 1993 docketing dpty. initials: \$ date mailed notice: DEC 7 - 1993 mailing dpty. initials: \$	Document # <div style="font-size: 2em; font-family: cursive;">104</div>
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Before the Court are Plaintiff's Motion for Summary Judgment as to Damages, Plaintiff's Motion for Entry of Final Judgment, and Defendant's Motion for Leave to Permit a prior Response to Stand. Each of the Motions is GRANTED.

By Memorandum Opinions and Orders dated June 4, 1993 and October 27, 1993, the Court has resolved the issues of Defendant Leroy Kaplan's, Reliable Truck Parts, Inc.'s ("Reliable"), and David Kaplan's liability and the issues of the amount of damages as to L. Kaplan and Reliable. With respect to those Defendants, all that remains is the calculation of damages attributable to David Kaplan. Plaintiff seeks \$299,853.54, representing \$49,975.59 in actual damages, trebled under RICO, and doubled under Michigan State Law, M.C.L. 600.2919(a). The sum requested is the same damage award previously approved by the Court, on October 27, 1993.

In response to Plaintiff's request, Defendant David Kaplan requests the Court's leave to allow him to use Defendant Reliable's response to Plaintiff's Previous Motion for Summary Judgment as to Damages (the "Prior Response") as his current Response. The Motion is GRANTED. The Prior Response makes no legal argument and fails to put forth any evidence contesting the Plaintiff's requested damages.

Accordingly, now with respect to David Kaplan, as before with respect to Defendants Leroy Kaplan and Reliable, the Court approves the requested damage award. Plaintiff's Motion for Summary Judgment is GRANTED, the issue of attorneys' fees and costs to be reserved.

Before moving to Plaintiff's Motion for Entry of Final Judgment, the Court wishes to clarify a point asserted in Plaintiff's Reply. In paragraph 9 of its Reply, Plaintiff states:

It has been clearly established that Reliable bought and sold stolen truck parts. It has been clearly established that D. Kaplan owns and operates Reliable.

This statement incorrectly implies that David Kaplan was found liable due to his ownership of Reliable. Not true. Such would require the piercing of Reliable's corporate veil which has not been attempted in this lawsuit. David Kaplan was found liable for his actual violations of the RICO laws. See Memorandum Opinion & Order of October 27, 1993.

Plaintiff moves for the entry of a Rule 54(b) Final Judgment. The Motion is GRANTED. The Court hereby enters judgment against Leroy Kaplan, David Kaplan, and Reliable, jointly and severally, in the amount of \$299,853.54. The issues relating to Attorneys' fees and costs will be addressed at the end of this case. This is a final judgment, and the Court finds that there is no just cause for delay.

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DEC 7 1993

AO 450 (Rev. 5/85) Judgment in a Civil Case ©

United States District Court

NORTHERN DISTRICT OF ILLINOIS

M.C. Van Kampen, Inc.

Eastern Division

JUDGMENT IN A CIVIL CASE

v.

Reliable Truck Parts, Inc., David Kaplan, Leroy Kaplan, Maupin Truck Parts, Inc., Cecil Maupin, Jr. Arthur Veal and Dwight Hallock

CASE NUMBER: 92 C 2413

[] Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

[x] Decision by Court. This action came to trial hearing before the Court. The issues have been tried and heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that Plaintiff's motion for the entry of a Rule 54(b) Final Judgment is granted. Judgment is entered in favor of Plaintiff, M.C. Van Kampen, Inc. and against Leroy Kaplan, David Kaplan, and Reliable, jointly and severally, in the amount of \$299,853.54. The issues relating to Attorneys' fees and costs will be addressed at the end of this case. This is a final judgment, and the Court finds that there is no just cause for delay.

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SACHNOFF & WEAVER, LTD.
THOMAS J. BAMONTE
30 S. WACKER
Suite 2900
Chgo, IL 60606

November 30, 1993

Date

H. STUART CUNNINGHAM

Clerk

Ruth O'Shea

(By) Deputy Clerk

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