

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FIRST HOME BANK,

Plaintiff,

v.

Case No. 8:17-cv-2352-T-24 AEP

MAZZA MARKETING LLC and
VINCENT PETER MAZZA,

Defendants.

/

ORDER

This cause comes before the Court on Plaintiff First Home Bank's Motion for Default Judgment. (Doc. No. 14). As explained below, the motion is granted.

I. Background

The following is alleged in the complaint (Doc. No. 1): On September 9, 2016, Plaintiff First Home Bank loaned Defendant Mazza Marketing LLC ("Mazza Marketing") \$200,000, which is evidenced by a promissory note. (Doc. No. 1, Ex. A). On the same date, Defendant Vincent Peter Mazza ("Mazza") guaranteed the repayment of the promissory note. (Doc. No. 1, Ex. E). On July 15, 2017, Mazza Marketing failed to make an installment payment due under the promissory note and defaulted on it. Plaintiff accelerated the amounts due under the promissory note due to the default, but Defendants failed to pay.

As a result, Plaintiff brought suit against Defendants asserting five claims: (1) payment due under the promissory note against Mazza Marketing; (2) money lent against Mazza Marketing; (3) action on guaranty against Mazza; (4) unjust enrichment against both Defendants; and (5) promissory estoppel against both Defendants. At the time of the complaint, Defendants owed the following amounts under the terms of the promissory note and guaranty:

Outstanding principal: \$189,209.75
Interest accrued through September 19, 2017: \$3,462.80
Interest continuing to accrue at \$36.29 per day
Late charges: \$340.05
Inspection fee: \$195.00
All collection costs and attorneys' fees

(Doc. No. 1, ¶ 15).

Defendants failed to respond to the complaint, and the Clerk entered default against them.

Now pending before the Court is Plaintiff's motion for default judgment.

II. Motion for Default Judgment

In the instant motion and supplemental filings, Plaintiff updates the amounts owed by Defendants to the following amounts:

Outstanding principal: \$189,209.75
Interest accrued through December 12, 2017: \$6,510.89
Late charges: \$566.75
Inspection fees: \$195.00
Attorneys' fees: \$3,800.00
Collection Costs: \$869.70

TOTAL: \$201,152.09

The Court has reviewed the record before it and finds that the requested amounts are due and owing. The Court has reviewed the attorneys' fees requested and finds the amount to be fair and reasonable. Accordingly, the Court grants Plaintiff's motion.

III. Conclusion

Accordingly, it is ORDERED AND ADJUDGED that Plaintiff's Motion for Default Judgment (Doc. No. 14) is **GRANTED**. The Clerk is directed to enter judgment in favor of Plaintiff on Count I against Mazza Marketing LLC and in favor of Plaintiff on Count III against Vincent Peter Mazza. Plaintiff is awarded \$201,152.09 in damages for both counts. The Clerk

is directed to close this case.

DONE AND ORDERED at Tampa, Florida, this 3rd day of January, 2018.

Copies to:
Counsel of Record


SUSAN C. BUCKLEW
United States District Judge