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**IN THE THIRD JUDICIAL DISTRICT COURT
FOR SALT LAKE COUNTY, STATE OF UTAH**

3

MATTHEW MIETCHEN, an individual, and
KATHRYN KAMMERER, an individual,

Plaintiffs,

vs.

BRAXTON DANIEL BERGMAN, an
individual, and BERGMAN EMPIRE, LLC,
d/b/a BERGIES LANDSCAPE, L.L.C., a Utah
limited liability company,

Defendants.

DEFAULT JUDGMENT AND ORDER

4Case No. 260904593

5Honorable Laura Scott

TIER 1

Plaintiffs' Motion for Default Judgment against Defendants Braxton Bergman and Bergman Empire, LLC dba Bergies Landscape, L.L.C. (collectively "Defendants") came before this Court for decision. Having considered Plaintiffs' motion and the evidence submitted in support thereof, and for good cause appearing, it is hereby ORDERED, ADJUDGED, and DECREED that Plaintiffs' Motion for Default Judgment is Granted. Accordingly, final judgment is hereby entered as follows:

1. Judgment is hereby entered in favor of Plaintiffs and against Bergman Empire LLC dba Bergies Landscape L.L.C. in the amount of \$15,000; and
2. Judgment is entered against Defendants Braxton Bergman and Bergman Empire, LLC dba Bergies Landscape, L.L.C. jointly and severally in the amount of \$23,828.38.
3. Pursuant to Utah Code § 15-1-4, the total judgment amount of \$39,297.88 shall bear post-judgment interest at the rate of 5.51% per annum, accruing from the date of entry of this Judgment until the Judgment is paid in full.
4. Plaintiff has also incurred costs for items such as the Court's filing fee associated with filing the Complaint and payment for service of the summons. These costs are recoverable. *See Chase v. Scott*, 2001 UT App 404, ¶¶ 19–20, 38 P.3d 1001 (finding costs for photocopies and depositions recoverable pursuant to contract allowing recovery of costs). Such costs total \$469.50, which are broken down as follows:

- a. Filing Fee: \$375.00
- b. Process Server: \$94.50

Having resolved all claims asserted by, between and among the parties herein, and there being no just reason for delay, the Court hereby enters this judgment as a final judgment for purposes of Rule 54 of the Utah Rules of Civil Procedure.

*******END OF ORDER*******

Pursuant to Rule 10(e) of the Utah Rules of Civil Procedure, this Default Certificate will be entered by the Court's signature at the top of the first page.