KINKEAD & STILZ, PLLC

ATTORNEYS AT LAW
PNC BANK TOWER
301 EAST MAIN STREET, SUITE 800
LEXINGTON KY 40507-1520

WAYNE F. COLLIER

TELEPHONE (859) 296-2300 FACSIMILE (859) 296-2566

EMAIL: WCOLLIER@KSATTORNEYS.COM

July 15, 2010

RECEIVED

Jeff DeRouen
Executive Director
Kentucky Public Service Commission
211 Sower Boulevards
Frankfort, Kentucky 40601

JUL 1 6 2010

PUBLIC SERVICE

COMMISSION

RE: Elam Utility Company, Inc. And Its Owner/Shareholder-Alleged Abandonment of Service to Morgan County, Kentucky, Case No. 2010-00292

Dear Mr. DeRouen:

Enclosed please find and accept for filing the original and ten copies of a facsimile message and attachments that were sent by facsimile and post to counsel and parties in the captioned PSC matter pursuant to the request of Mr. Andrew Melnykovich. Please confirm your receipt of this filing by placing the stamp of your Office with the date received on the enclosed additional copies and return them to me in the enclosed self-addressed stamped envelope.

Should you have any questions please contact me at your convenience.

Sincerely,

Wayne F. Collier

Enclosures

cc: Parties of Record

KINKEAD & STILZ, PLLC

ATTORNEYS AT LAW
NATIONAL CITY PLAZA
301 EAST MAIN STREET, SUITE 800
LEXINGTON, KENTUCKY 40507-1520
(859) 296-2300
FACSIMILE (859) 296-2566

RECEIVED

JUL 16 2010

PUBLIC SERVICE COMMISSION

FACSIMILE TRANSMITTAL LETTER

To: W. Duncan Crosby, III, Esq.

Stoll Keenon Ogden PLLC

2000 West Jefferson Plaza

500 West Jefferson Street Louisville, Kentucky 40202-2828

Hon. D. Joleen Frederick City Attorney for West Liberty

Kentucky

c/o 511 Main Street

P.O. Box 508

West Liberty, Kentucky 41472

Kim Ison Gevedon, Esq. 579 Main Street, Suite 2

P.O. Box 216

West Liberty, Kentucky 41472

Dennis G. Howard, II, Esq. Lawrence W. Cook, Esq. Paul D. Adams, Esq.

Assistant Attorneys General Office of the Ky. Att'y General Office of Rate Intervention

1024 Capital Center Dr., Suite 200 Frankfort, Kentucky 40601-8204

Mr. Jeff DeRouen,
Executive Director
Kentucky Public Service
Commission
211 Sower Boulevard

P.O. Box 615

Frankfort, Kentucky 40602-0615

FROM: Wayne F. Collier and Shelby C.

Kinkead, Jr.

DATE: July 15, 2010

FAX: (502) 627-8754

(606) 362-8939; (606) 743-2202;

and (606) 743-2551 (606) 743-7811 (502) 564-6801 (502) 564-3460

(502) 564-3460

PHONE: (502) 333-6000

(606) 743-2550 (606) 743-3866

(502) 696-5609 / (502) 564-7600

(502) 564-3940

TIME: 7:56 p. m. EST

RE: In the Matter of: Elam Utility

Company, Inc., and its

Owner/Shareholder (Alleged Abandonment of Service to Morgan County, Kentucky), Case No. 2010-00292, Commonwealth of Kentucky, Before the Public

Service Commission

Columbia Gas Transmission, LLC v. Elam Utility Company, Inc., 10-fj-00002, United States District Court for the Eastern District of Kentucky, Ashland Division

Elam Utility and Counsel in the PSC Proceeding July 15, 2010 Fax Page 2

We are sending you 32 page(s), including this cover sheet. If you do not receive all of these page(s) or if you have any difficulty receiving this transmission, please call (859) 296-2300 and ask for Wayne. Also sent via post? Yes 2 No ___.

MESSAGE: Dear Counsel, Elam Utility and the PSC:

Please be advised that we represent the interests of Columbia Gas Transmission, LLC ("Columbia-Transmission"), in connection with the rights that it has by virtue of the September 30, 2009, judgment that was recognized in an action styled *Columbia Gas Transmission*, *LLC v. Elam Utility Company, Inc.*, 10-fj-00002, United States District Court for the Eastern District of Kentucky, Ashland Division (the "Action"), whereby Elam Utility Company, Inc. ("Elam Utility") was adjudged indebted to Columbia-Transmission in the sum of \$313,646.35, a copy of which is attached hereto. In addition, we have been advised that either Columbia-Transmission or Columbia Gulf Transmission Company ("Columbia-Gulf") is also owed another \$390,114.00, for a total of \$703,760.35.

The undersigned was advised by Mr. Andrew Melnykovich of the PSC that it would be helpful to file certain documents relating to this action with the PSC in a matter styled *In the Matter of: Elam Utility Company, Inc., and its Owner/Shareholder* (Alleged Abandonment of Service to Morgan County, Kentucky), Case No. 2010-00292, Commonwealth of Kentucky, Before the Public Service Commission. To that end, Columbia-Transmission has attached hereto the following:

- a. the judgment registered in the Action;
- b. a judgment lien filed yesterday afternoon in the Morgan County Clerk's Office;
- c. a judgment lien filed this afternoon in the Wolfe County Clerk's Office;
- d. an order of garnishment that was served today on Commercial Bank in West Liberty;
- e. an order of garnishment that was served today on Citizen's Bank in West Liberty;
- f. an order of garnishment that was served today on the Bank of the Mountains in West Liberty; and
- g. an order of garnishment that was served today on First National Bank of Grayson in West Liberty.

We have heard that the City of West Liberty is considering buying Elam Utility Company, Inc., or its assets. Although Columbia has not moved to intervene at this time, it would appreciate being

THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED OR CONSTITUTES WORK PRODUCT AND IS EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient or an agent or employee responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

Elam Utility and Counsel in the PSC Proceeding July 15, 2010 Fax Page 3

apprised of any such developments and furnished with copies of any documents relating to a proposed sale and how the debt owed Columbia-Transmission will be paid in full. Furthermore, and, understandably, Columbia-Transmission expects to be paid what it is owed either by Elam and/or by any purchaser thereof or of Elam Utility's assets.

Please call me at once if you have any questions. Thank you.

Sincerely,

Warre T. Colley

cc: Wilma B. Sorrell, President

Elam Utility Company, Inc.

459 Main Street

West Liberty, Kentucky 41472

Columbia Gas Transmission, LLC

To be served by hand-delivery to the PSC on July 16, 2010

AO 451 (Rev. 01/09) Clerk's Certification of a Judgment to be Registered in Another District

United States District Court for the Eastern District of Virginia Columbia Gas Transmission, LLC Plaintiff Civil Action No. 1:09cv655 Elam Utility Company, Inc. Defendant CLERK'S CERTIFICATION OF A JUDGMENT TO BE REGISTERED IN ANOTHER DISTRICT I certify that the attached judgment is a copy of a judgment entered by this court on (date) I also certify that, as appears from this court's records, no motion listed in Fed. R. App. P. 4(a)(4)(A) is pending before this court and that no appeal has been filed or, if one was filed, that it is no longer pending. Date: December 30,2009 Fernando Galindo, Clerk CLERK OF COURT)ueusna Cleia Huam

RECEIVED

Signature of Clerk or Deputy Clerk

JUL 16 2010

PUBLIC SERVICE COMMISSION

IN THE UNITED STATES DI EASTERN DISTRIC Alexandria	CT OF VIRGINIA	F L E D
COLUMBIA GAS TRANSMISSION, LLC, Plaintiff,)	CLERK, U.S. DISTRICT COURT ALEXANDRIA, VIRGINIA
v.	Civil Action No. 1:0)9ev655
ELAM UTILITY COMPANY, INC., Defendant.)))	

JUDGMENT ORDER

Upon consideration of the September 10, 2009 Report and Recommendation of the United States Magistrate Judge designated to conduct a hearing in this matter, no objections having been filed, and upon an independent *de novo* review of the record, it is hereby **ORDERED** that the Court adopts as its own the findings of fact and recommendation of the United States Magistrate Judge, as set forth in the September 10, 2009 Report and Recommendation.

Accordingly, it is hereby **ORDERED** that judgment is **ENTERED** by default in favor of plaintiff and against defendant in the total amount of \$313,646.35.

The Clerk is **DIRECTED** to enter judgment pursuant to Rule 58, Fed. R. Civ. P. and to place this matter among the ended causes.

The Clerk is further **DIRECTED** to send a certified copy of this Judgment Order to defendant and to all counsel of record.

Alexandria, VA September 30, 2009

United States District Judge

A TRUE COPY, TESTE: CLERK, U.S. DISTRICT COURT

DEBLITY CLERK

Case: 0:10-fj-00002-HRW Doc #: 14-1 Filed: 07/14/10 Page: 1 of 2 - Page ID#: 51

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY ASHLAND DIVISION CASE NO. 10-fj-00002-HRW

COLUMBIA GAS TRANSMISSION, LLC,

PLAINTIFF,

NOTICE OF JUDGMENT LIEN

ELAM UTILITY COMPANY, INC.,

DEFENDANT.

TO: COUNTY CLERK OF MORGAN COUNTY, KENTUCKY

JUDGMENT DEBTOR:

v.

Elam Utility Company, Inc.

459 Main Street

West Liberty, Kentucky 41472

JUDGMENT DATE:

September 30, 2009

JUDGMENT AMOUNT:

\$313,646.35

Take notice that the Judgment Creditor herein has obtained Judgment against the Judgment Debtor as set forth above and that this Notice constitutes a lien upon all real estate in this county in which said Judgment Debtor has any ownership interest.

NOTICE TO JUDGMENT DEBTOR

YOU MAY BE ENTITLED TO AN EXEMPTION UNDER KRS 427.060 REPRINTED BELOW. IF YOU BELIEVE YOU ARE ENTITLED TO ASSERT AN EXEMPTION, SEEK LEGAL ADVICE. KRS 427.060: (HOMESTEAD AND BURIAL PLOT EXEMPTIONS – EXCEPTIONS) In addition to any exemption of personal property, an individual debtor's aggregate interest, not to exceed five thousand dollars (\$5,000.00) in value, in real or personal property that such debtor or a dependent of such debtor uses as a permanent residence in this state, or in a burial plot for such debtor or a dependent of such debtor is exempt from sale under execution, attachment or judgment, except to foreclose a mortgage given by the owner of a homestead or for purchase money due thereon. This exemption shall not apply if the debt or liability existed prior to the purchase of the property or the erection of the improvements thereon.

CERTIFICATE OF SERVICE AND PREPARATION

This is to certify that I prepared this document and that a true and correct copy of the foregoing Notice of Judgment Lien was served by mailing same via regular first-class mail, postage pre-paid on the Lie day of July, 2010, to the following:

Elam Utility Company, Inc. 459 Main Street West Liberty, Kentucky 41472

Wayne F. Collier

Kinkead & Stilz, PLLC

301 E. Main Street, Suite 800

Lexington, Kentucky 40507

(859) 296-2300 phone

(859) 296-2566 facsimile

COUNSEL FOR PLAINTIFF,

COLUMBIA GAS TRANSMISSION, LLC

Case: 0:10-fj-00002-HRW Doc #: 21-1 Filed: 07/15/10 Page: 1 of 2 - Page ID#: 61

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY ASHLAND DIVISION CASE NO. 10-fj-00002-HRW

COLUMBIA GAS TRANSMISSION, LLC,

PLAINTIFF,

NOTICE OF JUDGMENT LIEN

ELAM UTILITY COMPANY, INC.,

DEFENDANT.

TO: COUNTY CLERK OF WOLFE COUNTY, KENTUCKY

JUDGMENT DEBTOR:

ν.

Elam Utility Company, Inc.

459 Main Street

West Liberty, Kentucky 41472

JUDGMENT DATE:

September 30, 2009

JUDGMENT AMOUNT:

\$313,646.35

Take notice that the Judgment Creditor herein has obtained Judgment against the Judgment Debtor as set forth above and that this Notice constitutes a lien upon all real estate in this county in which said Judgment Debtor has any ownership interest.

NOTICE TO JUDGMENT DEBTOR

YOU MAY BE ENTITLED TO AN EXEMPTION UNDER KRS 427.060 REPRINTED BELOW. IF YOU BELIEVE YOU ARE ENTITLED TO ASSERT AN EXEMPTION, SEEK LEGAL ADVICE. KRS 427.060: (HOMESTEAD AND BURIAL PLOT EXEMPTIONS – EXCEPTIONS) In addition to any exemption of personal property, an individual debtor's aggregate interest, not to exceed five thousand dollars (\$5,000.00) in value, in real or personal property that such debtor or a dependent of such debtor uses as a permanent residence in this state, or in a burial plot for such debtor or a dependent of such debtor is exempt from sale under execution, attachment or judgment, except to foreclose a mortgage given by the owner of a homestead or for purchase money due thereon. This exemption shall not apply if the debt or liability existed prior to the purchase of the property or the erection of the improvements thereon.

CERTIFICATE OF SERVICE AND PREPARATION

This is to certify that I prepared this document and that a true and correct copy of the foregoing Notice of Judgment Lien was served by mailing same via regular first-class mail, postage pre-paid on the 5th day of July, 2010, to the following:

Elam Utility Company, Inc. 459 Main Street West Liberty, Kentucky 41472

Wayne F. Collier

Kinkead & Stilz, PLLC

301 E. Main Street, Suite 800

Lexington, Kentucky 40507

(859) 296-2300 phone

(859) 296-2566 facsimile

COUNSEL FOR PLAINTIFF,

COLUMBIA GAS TRANSMISSION, LLC

Case: 0:10-fj-00002-HRW Doc #: 21-5 Filed: 07/15/10 Page: 2 of 6 - Page ID#: 82

SEDKy426 (Rev. 09/91) Order of Gamishment (Non-wage)

Eastern District of Kennucky

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY

at Ashland

JUL 1 5 2010

ORDER OF GARNISHMENT (NON-WAGE)

LESLIE G WHITME

Judgment Creditor:

COLUMBIA GAS TRANSMISSION, LLC

Garnishee's Date of Receipt College

Judgment Debtor:

ELAM UTILITY COMPANY, INC.

Case Name and No.

10-fi-0002

Garnishee:

Commercial Bank

West Liberty, Kentucky 41472

Name and Address of Judgment

Creditor's Attorney

Amount Due:

\$313.646.35

Wayne F. Collier, Esq.

Kinkead & Stilz, PLLC

Court Costs:

301 East Main Street, Suite 800 Lexington, Kentucky 40507

THE UNITED STATES OF AMERICA:

To the Garnishee:

If you hold property belonging to, or are indebted to, the judgment debtor named above, you are hereby ORDERED to hold and safely keep all of the property of the Judgment Debtor necessary to satisfy the amount due plus court costs as shown above. You are RESTRAINED from paying to the Judgment Debtor, or to anyone for him, money or property in your possession belonging to him or in which he has any interest.

INSTRUCTIONS

You Are Hereby Summoned and Required to Do the Following:

- (1) Fill in the Garnishee's Date of Receipt in the space provided above on all copies;
- (2) Hold and safely keep any funds or property due the Judgment Debtor to the extent of the Amount Due above plus Court Costs until further Order of the Court or as directed below;
- (3) Promptly attempt to notify the Judgment Debtor by mailing a copy of this Order to his last known address or by delivering it to him;
- (4) If after the expiration of fourteen (14) days from your receipt of this Order and there has been no further notice from the Court, then do the following:
 - (a) Using the form provided, Answer as Garnishee within twenty (20) days of the receipt of this Order;
 - (b) Forward to the Attorney named below your Answer; and,
 - (c) Send the original of your Answer to the Court.

JUL 1 5 2010 Date:

LESLIE G. WHITMER, CLERK

By: Jackin Selfsam D. D.C.

IMPORTANT LEGAL NOTICE TO JUDGMENT DEBTOR

Money or property belonging to you has been subjected to a garnishment under a judgment entered against you in this case. Some funds may be exempt from garnishment, including Social Security benefits, workers compensation benefits, unemployment insurance benefits, AFDC, and some other types of governmental benefit payments; however, you must claim and prove any applicable exemption. If you can show that the property garnished by this Order consists of exempt funds, then you may immediately request a hearing in the court listed above by filing a swom written request with the Clerk of the Court within ten (10) days of the Garnishee's Date of Receipt noted above. Note: The Clerk does not have forms for you to use and cannot give you legal advice.

Distribution: Original to Court, Copy to Judgment Creditor's Attorney, Copy to Garnishee (sent by Judgement Creditor's Attorney)

SEDKy426 (Rev. 09/91) Affidavit and Answer of Gamishee (Non-wage)

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY at Ashland EIDAVIT AND ANSWER OF GARNISHEE

	AFFIDAVIT AND ANS	WER O	OF GARNISHEE
Judgment Creditor:	COLUMBIA GAS TRANSMISSI	ON, LLO	C Garnishee's Date of Receipt
Judgment Debtor:	ELAM UTILITY COMPANY, IN	C.	Case Name and No. 10-fj-0002
Garnishee:	Commercial Bank West Liberty, Kentucky 41472		Name and Address of Judgment Creditor's Attorney
Amount Due: Court Costs:	\$313,646.35		Wayne F. Collier, Esq. Kinkead & Stilz, PLLC 301 East Main Street, Suite 800 Lexington, Kentucky 40507
 The name of the At the time of the 	ing first duly swom, states as follow Judgment Debtor is e service of the Order of Garnishmer or holds money belonging to the Ju	nt (Non-	-wage), the Garnishee herein is indebted to the
3. Other property be	elonging to the Judgment Debtor and	d held by	y me is as follows (If none, put "none"):
debt in my posses 5. I, or I on behalf o money so held by FORWARDED I 6. If I, or I on behalf forward, I hereby pending further of 7. In addition, I have	ssion that belongs to the Judgment I f the Garnishee, have forwarded to to me to the extent of the amount due S: \$	Debtor. the Judg plus cos sted abov th proper	description of the revidence of sets as shown on the reverse. THE AMOUNT we) other than money which I am unable to entry and will hold and safely keep such property art, a copy to the Judgment Creditor's e) and of this Answer to the Judgment Debtor.
		GAR	RNISHEE
			Signature of Affiant Position (If Applicable):
Subscribed and sworr	n to before me by the above Affiant	thisc	day of, 20
My Commission Exp	ires:		Notary Public, State at Large
	INSTRUC	CTIONS	

- 1. After receiving the Order of Garnishment (Non-wage), promptly send a copy of it to the Judgment Debtor.
- 2. After 14 days from Garnishee's Date of Receipt, but within 20 days from Garnishee's Date of Receipt, mail the original of this Answer to the Court, a copy to the Judgment Creditor's Attorney and a copy to the Judgment Debtor.
- 3. Retain a copy of the Order and this Answer for your records.

Case: 0:10-fj-00002-HRW Doc #: 21-5 Filed: 07/15/10 Page: 4 of 6 - Page ID#: 84

SEDKy426 (Rev. 09/91) Affidavit for Order of Garnishment (Non-wage)

United States District Court Eastern District of Kentucky

at Ashland

AFFIDAVIT FOR ORDER OF GARNISHMENT (NON-WAGE)

Judgment Creditor:

COLUMBIA GAS TRANSMISSION, LLC

Judgment Debtor:

ELAM UTILITY COMPANY, INC.

Case Name and No.

10-fj-0002

Gamishee:

Commercial Bank

West Liberty, Kentucky 41472

Name and Address of Judgment

Creditor's Attorney

Amount Due:

\$313,646.35

Wayne F. Collier, Esq. Kinkead & Stilz, PLLC 301 East Main Street, Suite 800 Lexington, Kentucky 40507

Court Costs:

The undersigned affiant states that he is counsel for the Judgment Creditor and states as follows:

- 1. The above named Judgment Debtor(s) are not now, nor have they been at any time during the pendency of this action, in the active military service of the United States of America.
- 2. The date of the judgment and the amount due thereon (subject to any credits due for any sums currently being processed) are:

 9/30/2009

\$313,646.35

3. The following are indebted to said Judgment Debtor(s):

WHEREFORE: The Judgment Creditor prays for garnishment against the Judgment Debtor(s); that the Garnishee(s) named herein be made parties to this action, and that they be required to answer the garnishment(s) issued hereunder; and for its costs.

A ffiant

Subscribed and sworn to before me by the above affiant this 14th day of July

20 10

My Commission expires: ___09/21/2010

Notary Public, State at Large

AO 451 (Rev. 01/09) Clerk's Certification of a Judgment to be Registered in Another District

UNITED STATES DISTRICT COURT

	for the
Easterr	n District of Virginia
Columbia Gas Transmission, LLC Plaintiff v. Elam Utility Company, Inc. Defendant)) Civil Action No. 1:09cv655)
CLERK'S CERTIFICATION OF A JUDGN	MENT TO BE REGISTERED IN ANOTHER DISTRICT
I certify that the attached judgment is a copy	of a judgment entered by this court on (date) 09/30/2009
I also certify that, as appears from this court's before this court and that no appeal has been filed or,	records, no motion listed in Fed. R. App. P. 4(a)(4)(A) is pending if one was filed, that it is no longer pending.
Date:	Fernando Galindo, Clara CLERK OF COURT
	CLERK OF COOK
	Signature of Clerk or Deputy Clerk

Case: 0:10-fj-00002-HRW Doc #: 21-5 Filed: 07/15/10 Page: 6-of 6 - Page ID#: 86 Case 0:10-fj-00002-HRW Document 1-1 Filed 03/26/10 Page 2 of 2 Case 1.09-cv-00655-TSE-JFA Document 17 Filed 09/30/2009 Page 1 of 1

IN THE UNITED STATES DI EASTERN DISTRI Alexandria	CT OF VIRGINIA	F L E D SEP 3 0 2009
COLUMBIA GAS TRANSMISSION, LLC, Plaintiff,)	CLERK, U.S. DISTRICT COURT ALEXANDRIA, VIRGINIA
ν,	Civil Action No. 1:	09cv655
ELAM UTILITY COMPANY, INC., Defendant.))	

JUDGMENT ORDER

Upon consideration of the September 10, 2009 Report and Recommendation of the United States Magistrate Judge designated to conduct a hearing in this matter, no objections having been filed, and upon an independent *de novo* review of the record, it is hereby **ORDERED** that the Court adopts as its own the findings of fact and recommendation of the United States Magistrate Judge, as set forth in the September 10, 2009 Report and Recommendation.

Accordingly, it is hereby **ORDERED** that judgment is **ENTERED** by default in favor of plaintiff and against defendant in the total amount of \$313,646.35.

The Clerk is **DIRECTED** to enter judgment pursuant to Rule 58, Fed. R. Civ. P. and to place this matter among the ended causes.

The Clerk is further DIRECTED to send a certified copy of this Judgment Order to defendant and to all counsel of record.

Alexandria, VA September 30, 2009 T. S. Ellis, III
United States District Judge

A TRUE COPY, TESTE: CLERK, U.S. DISTRICT COURT

BY_____BY____

Case: 0:10-fj-00002-HRW Doc #: 21-4 Filed: 07/15/10 Page: 2 of 6 - Page ID#: 76

Eastern District of Rentucky FILED

►EDKy426 (Rev. 09/91) Order of Garnishment (Non-wage)

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY

JUL 14 2010

ORDER OF GARNISHMENT (NON-WAGE)

AT LEXINGTON LESLIE G WHITMER CLERK US DISTRICT COURT

Judgment Creditor:

COLUMBIA GAS TRANSMISSION, LLC

Garnishee's Date of Receipt

Judgment Debtor:

ELAM UTILITY COMPANY, INC.

Case Name and No.

10-fi-0002

Garnishee:

Citizens Bank

Name and Address of Judgment

West Liberty, Kentucky 41472

Creditor's Attorney

Amount Due:

\$313,646.35

Wayne F. Collier, Esq.

Kinkead & Stilz, PLLC

Court Costs:

301 East Main Street, Suite 800 Lexington, Kentucky 40507

THE UNITED STATES OF AMERICA:

To the Garnishee:

If you hold property belonging to, or are indebted to, the judgment debtor named above, you are hereby ORDERED to hold and safely keep all of the property of the Judgment Debtor necessary to satisfy the amount due plus court costs as shown above. You are RESTRAINED from paying to the Judgment Debtor, or to anyone for him, money or property in your possession belonging to him or in which he has any interest.

INSTRUCTIONS

You Are Hereby Summoned and Required to Do the Following:

- (1) Fill in the Garnishee's Date of Receipt in the space provided above on all copies;
- (2) Hold and safely keep any funds or property due the Judgment Debtor to the extent of the Amount Due above plus Court Costs until further Order of the Court or as directed below;
- (3) Promptly attempt to notify the Judgment Debtor by mailing a copy of this Order to his last known address or by delivering it to him;
- (4) If after the expiration of fourteen (14) days from your receipt of this Order and there has been no further notice from the Court, then do the following:
 - (a) Using the form provided, Answer as Garnishee within twenty (20) days of the receipt of this Order; and
 - (b) Forward to the Attorney named below your Answer; and,
 - (c) Send the original of your Answer to the Court.

JUL 1 4 2010 Date:

LESLIE G. WHITMER, CLERK

By: Jackie Seltsamp. D.C.

IMPORTANT LEGAL NOTICE TO JUDGMENT DEBTOR

Money or property belonging to you has been subjected to a garnishment under a judgment entered against you in this case. Some funds may be exempt from garnishment, including Social Security benefits, workers compensation benefits, unemployment insurance benefits, AFDC, and some other types of governmental benefit payments; however, you must claim and prove any applicable exemption. If you can show that the property garnished by this Order consists of exempt funds, then you may immediately request a hearing in the court listed above by filing a sworn written request with the Clerk of the Court within ten (10) days of the Garnishee's Date of Receipt noted above. Note: The Clerk does not have forms for you to use and cannot give you legal advice.

Distribution: Original to Court, Copy to Judgment Creditor's Attorney, Copy to Garnishee (sent by Judgement Creditor's Attorney)

Case: 0:10-fj-00002-HRW Doc #: 21-4 Filed: 07/15/10 Page: 3 of 6 - Page ID#: 77

≈EDKy426 (Rev. 09/91) Affidavit and Answer of Garnishee (Non-wage)

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY at Ashland AFFIDAVIT AND ANSWER OF GARNISHEE

Judgment Creditor:	COLUMBIA GAS TRANSMISSION, I	LC Garnishee's Date of Receipt
Judgment Debtor:	ELAM UTILITY COMPANY, INC.	Case Name and No.
Garnishee:	Citizens Bank West Liberty, Kentucky 41472	'Name and Address of Judgment Creditor's Attorney
Amount Due: Court Costs:	\$313,646.35	Wayne F. Collier, Esq. Kinkead & Stilz, PLLC 301 East Main Street, Suite 800 Lexington, Kentucky 40507
	ing first duly sworn, states as follows:	
At the time of the Judgment Debtor	or holds money belonging to the Judgme	n-wage), the Garnishee herein is indebted to the at Debtor in the amount of \$
APTER THE PERSON AND	and the second s	and in the second section and the second
 I, or I on behalf of money so held by FORWARDED I. If I, or I on behalf forward, I hereby pending further of J. In addition, I have 	y me to the extent of the amount due plus of S: \$	adgment Creditor's Attorney the amount of costs as shown on the reverse. THE AMOUNT ove) other than money which I am unable to perty and will hold and safely keep such property
	G.A.	RNISHEE
	Ву	Signature of Affiant Position (If Applicable):
Subscribed and swor	n to before me by the above Affiant this	_day of, 20
My Commission Exp	oires:	
		Notary Public, State at Large
	INSTRUCTION	IS

- 1. After receiving the Order of Garnishment (Non-wage), promptly send a copy of it to the Judgment Debtor.
- 2. After 14 days from Garnishee's Date of Receipt, but within 20 days from Garnishee's Date of Receipt, mail the original of this Answer to the Court, a copy to the Judgment Creditor's Attorney and a copy to the Judgment Debtor.
- 3. Retain a copy of the Order and this Answer for your records.

United States District Court Eastern District of Kentucky

	at Ashland AFFIDAVIT FOR ORDER OF	GARNISHMENT (NON-WAG	E)
Judgment Creditor:	COLUMBIA GAS TRANSMIS	SION, LLC	
Judgment Debtor:	ELAM UTILITY COMPANY, I	NC. Case Name ar 10-fj-0002	ad No.
Garnishee:	Citizens Bank West Liberty, Kentucky 41472	Name and Ad Creditor's Att	dress of Judgment iorney
Amount Due: Court Costs:	\$313,646.35	Wayne F. Collier, Kinkead & Stilz, F 301 East Main Str Lexington, Kentud	PLLC eet, Suite 800
this action, in the The date of the jubeing processed)	d Judgment Debtor(s) are not now, active military service of the Unit adgment and the amount due therecare: 9/30/2009 \$313,646.35 e indebted to said Judgment Debto	ed States of America. on (subject to any credits due for	
WHEREFORE: 7 Garnishee(s) named l issued hereunder; and	The Judgment Creditor prays for gatherein be made parties to this action of for its costs.	umishment against the Judgment n, and that they be required to an Affiant	Debtor(s); that the nswer the garnishment(s)
Subscribed and st	worn to before me by the above aff	iant this 14th day of July	20_10
My Commission	expires:09/21/2010	Constitute House Notary Public, State of Larg	ge ,

Case: 0:10-fj-00002-HRW Doc#: 21-4meFiled; 07/16/18/2/2006: 50 ខ្សែទំ t Bage ID#: 79

AO 451 (Rev. 0)/09) Clerk's Certification of a Judgment to be Registered in Another District

UNITED STATES DISTRICT COURT

	or the
Eastern Dist	rict of Virginia
Columbia Gas Transmission, LLC Plaintiff v. Elam Utility Company, Inc. Defendant)) Civil Action No. 1:09cv655)
	TO BE REGISTERED IN ANOTHER DISTRICT adapted by this court on (date)09/30/2009
	ds, no motion listed in Fed. R. App. P. 4(a)(4)(A) is pending
Date:	Fernando Galindo, Clerk CLERK OF COURT
	Signature of Clark or Demont Verk

IN THE UNITED STATES DIS EASTERN DISTRIC Alexandria	CT OF VIRGINIA	F	SEP	<u>L</u>	E 2009	70
COLUMBIA GAS TRANSMISSION, LLC, Plaintiff,)	©1	RK, U.S. ALEXANI	DISTR DRIA, V	ICT COL IRGINIA	JRT
v.) Civil Action No. 1:0	9cv	655			
ELAM UTILITY COMPANY, INC., Defendant.))					

JUDGMENT ORDER

Upon consideration of the September 10, 2009 Report and Recommendation of the United States Magistrate Judge designated to conduct a hearing in this matter, no objections having been filed, and upon an independent *de novo* review of the record, it is hereby **ORDERED** that the Court adopts as its own the findings of fact and recommendation of the United States Magistrate Judge, as set forth in the September 10, 2009 Report and Recommendation.

Accordingly, it is hereby **ORDERED** that judgment is **ENTERED** by default in favor of plaintiff and against defendant in the total amount of \$313,646.35.

The Clerk is **DIRECTED** to enter judgment pursuant to Rule 58, Fed. R. Civ. P. and to place this matter among the ended causes.

The Clerk is further DIRECTED to send a certified copy of this Judgment Order to defendant and to all counsel of record.

Alexandria, VA September 30, 2009 T. S. Ellis, III
United States District Judge

A TRUE COPY, TESTE: CLERK, U.S. DISTRICT COURT

DEPUTY CLERK

Case: 0:10-fj-00002-HRW Doc #: 21-3 Filed: 07/15/10 Page: 2 of 6 - Page ID#: 70

SEDKy426 (Rev. 09/91) Affidavit and Answer of Garnishee (Non-wage)

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY at Ashland AFFIDAVIT AND ANSWER OF GARNISHEE

		OI GITTUDITED
Judgment Creditor:	COLUMBIA GAS TRANSMISSION, I	LC Garnishee's Date of Receipt
Judgment Debtor:	ELAM UTILITY COMPANY, INC.	Case Name and No. 10-fj-0002
Garnishee:	Benk of the Mountains West Liberty, Kentucky 41472	Name and Address of Judgment Creditor's Attorney
Amount Due: Court Costs:	\$313,646.35	Wayne F. Collier, Esq. Kinkead & Stilz, PLLC 301 East Main Street, Suite 800 Lexington, Kentucky 40507
 The name of the At the time of the Judgment Debtor 	r or holds money belonging to the Judgme	n-wage), the Garnishee herein is indebted to the nt Debtor in the amount of \$ by me is as follows (If none, put "none"):
MANAGEMENT CONTRACTOR		
debt in my posse 5. I, or I on behalf of money so held by FORWARDED I. 6. If I, or I on behalf forward, I hereby pending further of In addition, I hav	ssion that belongs to the Judgment Debtor of the Garnishee, have forwarded to the Judy me to the extent of the amount due plus of S: \$	adgment Creditor's Attorney the amount of costs as shown on the reverse. THE AMOUNT cove) other than money which I am unable to perty and will hold and safely keep such property
	GA	RNISHEE
Subscribed and swor	By: n to before me by the above Affiant this ires:	Signature of Affiant Position (If Applicable):
		,
1. After receiving th	INSTRUCTION e Order of Garnishment (Non-wage), pron	Suptly send a copy of it to the Judgment Debtor.

- 2. After 14 days from Garnishee's Date of Receipt, but within 20 days from Garnishee's Date of Receipt, mail the original of this Answer to the Court, a copy to the Judgment Creditor's Attorney and a copy to the Judgment Debtor.
- 3. Retain a copy of the Order and this Answer for your records.

Case: 0:10-fi-00002-HRW Doc #: 21-3 Filed: 07/15/10 Page: 3 of 6 - Page ID#: 71

Eastern District of Kentucky FILED

SEDKy426 (Rev. 09/91) Order of Garnishment (Non-wage)

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY

JUL 1 4 2010

at Ashland

ORDER OF GARNISHMENT (NON-WAGE)

AT LEXINGTON LESLIE G WHITMER CLERK US DISTRICT COURT

Judgment Creditor:

COLUMBIA GAS TRANSMISSION, LLC

Garnishee's Date of Receipt

Judgment Debtor:

ELAM UTILITY COMPANY, INC.

Case Name and No.

10-fi-0002

Garnishee:

Bank of the Mountains West Liberty, Kentucky 41472 Name and Address of Judgment

Creditor's Attorney

Amount Due:

\$313,646,35

Wayne F. Collier, Eso.

Kinkead & Stilz, PLLC

Court Costs:

301 East Main Street, Suite 800 Lexington, Kentucky 40507

THE UNITED STATES OF AMERICA:

To the Garnishee:

If you hold property belonging to, or are indebted to, the judgment debtor named above, you are hereby ORDERED to hold and safely keep all of the property of the Judgment Debtor necessary to satisfy the amount due plus court costs as shown above. You are RESTRAINED from paying to the Judgment Debtor, or to anyone for him, money or property in your possession belonging to him or in which he has any interest.

INSTRUCTIONS

You Are Hereby Summoned and Required to Do the Following:

- (1) Fill in the Garnishee's Date of Receipt in the space provided above on all copies;
- (2) Hold and safely keep any funds or property due the Judgment Debtor to the extent of the Amount Due above plus Court Costs until further Order of the Court or as directed below;
- (3) Promptly attempt to notify the Judgment Debtor by mailing a copy of this Order to his last known address or by delivering it to him;
- (4) If after the expiration of fourteen (14) days from your receipt of this Order and there has been no further notice from the Court, then do the following:
 - (a) Using the form provided, Answer as Garnishee within twenty (20) days of the receipt of this Order;
 - (b) Forward to the Attorney named below your Answer; and,
 - (c) Send the original of your Answer to the Court.

JUL 1 4 2010

Date:

LESLIE G. WHITMER, CLERK

By: Jackie Seltsam

IMPORTANT LEGAL NOTICE TO JUDGMENT DEBTOR

Money or property belonging to you has been subjected to a garnishment under a judgment entered against you in this case. Some funds may be exempt from garnishment, including Social Security benefits, workers compensation benefits, unemployment insurance benefits, AFDC, and some other types of governmental benefit payments; however, you must claim and prove any applicable exemption. If you can show that the property garnished by this Order consists of exempt funds, then you may immediately request a hearing in the court listed above by filing a sworn written request with the Clerk of the Court within ten (10) days of the Garnishee's Date of Receipt noted above. Note: The Clerk does not have forms for you to use and cannot give you legal advice.

Distribution: Original to Court, Copy to Judgment Creditor's Attorney, Copy to Garnishee (sent by Judgement Creditor's Attorney)

United States District Court Eastern District of Kentucky

	at Ashland AFFIDAVIT FOR ORDER OF C	GARNISHMENT (NC	N-WAGE)	
Judgment Creditor:	COLUMBIA GAS TRANSMISS	ION, LLC		
Judgment Debtor:	ELAM UTILITY COMPANY, IN		Name and No. fj-0002	•
Garnishee: Amount Due: Court Costs;	Bank of the Mountains West Liberty, Kentucky 41472 \$313,646.35	Cred. Wayne Kinke: 301 Es	e and Address of Judgmen itor's Attorney F. Collier, Esq. ad & Stilz. PLLC Ist Main Street, Suite 800 too, Kentucky 40507	t
 The above named this action, in the The date of the jubeing processed) 	ant states that he is counsel for the January Service of the United adgment and the amount due thereon are: 9/30/2009 \$313,646.35 e indebted to said Judgment Debtor(said)	or have they been at a last states of America. (subject to any credit	my time during the penden	-
	The Judgment Creditor prays for gard nerein be made parties to this action, I for its costs.			
Subscribed and sv	wom to before me by the above affia	nt this 14th day of h	20_10	*
My Commission 6	expires:09/21/2010	Emily l. Notary Public, Stat	Houle e at Harge	

AO 451 (Rev. 01/09) Clark's Certification of a Judgment to be Registered in Another District

UNITED STATES DISTRICT COURT

	for the
Eastern Di	strict of Virginia
Columbia Gas Transmission, LLC Plainuff V. Elam Utility Company, Inc. Defendam)) Civil Action No. 1:09cv655)
CLERK'S CERTIFICATION OF A JUDGMEN I certify that the attached judgment is a copy of a	NT TO BE REGISTERED IN ANOTHER DISTRICT independent entered by this court on (date) 09/30/2009 .
	ords, no motion listed in Fed. R. App. P. 4(a)(4)(A) is pending
Date:	Fernand o Galindo, C lerk CLERK OF COURT
	Signature of Clerk or Deputy Clerk

Case: 0:10-fis00002-HBW02-HBW: 21-3 Filed: 07/15/10 Page: 6 of 6 - Page ID#: 74

Case 1:09-cv-00655-TSE-JFA Document 17 Filed 09/30/2009 Page 1 of 1

IN THE UNITED STATES DI EASTERN DISTRIC Alexandria	CT OF VIRGINIA	F	SEP	<u>L</u>	E 2009	10
COLUMBIA GAS TRANSMISSION, LLC, Plaintiff,)	Q1	ERK, U.S. ALEXANI			JRT
v.) Civil Action No. 1:0	19cv	655			
ELAM UTILITY COMPANY, INC., Defendant.)))		•			

JUDGMENT ORDER

Upon consideration of the September 10, 2009 Report and Recommendation of the United States Magistrate Judge designated to conduct a hearing in this matter, no objections having been filed, and upon an independent *de novo* review of the record, it is hereby **ORDERED** that the Court adopts as its own the findings of fact and recommendation of the United States Magistrate Judge, as set forth in the September 10, 2009 Report and Recommendation.

Accordingly, it is hereby **ORDERED** that judgment is **ENTERED** by default in favor of plaintiff and against defendant in the total amount of \$313,646.35.

The Clerk is **DIRECTED** to enter judgment pursuant to Rule 58, Fed. R. Civ. P. and to place this matter among the ended causes.

The Clerk is further **DIRECTED** to send a certified copy of this Judgment Order to defendant and to all counsel of record.

Alexandria, VA September 30, 2009 T. S. Ellis, III
United States District Judge

A TRUE COPY, TESTE: CLERK, U.S. DISTRICT COURT

DEPUTY CLERK

Case: 0:10-fj-00002-HRW Doc #: 21-2 Filed: 07/15/10 Page: 2 of 6 - Page ID#: 64

Eastern District of Kentucky

►EDKy426 (Rev. 09/91) Order of Garnishment (Non-wage)

FILED

United States District Court Eastern District of Kentucky

JUL 1 4 2010

at Ashland

ORDER OF GARNISHMENT (NON-WAGE)

AT LEXINGTON LESLIE G WHITMER CLERK U S DISTRICT COURT

Judgment Creditor:

COLUMBIA GAS TRANSMISSION, LLC

Garnishee's Date of Receipt

Judgment Debtor:

ELAM UTILITY COMPANY, INC.

Case Name and No.

10-fj-0002

Garnishee:

First National Bank of Grayson West Liberty, Kentucky 41472 Name and Address of Judgment

Creditor's Attorney

Amount Due:

\$313,646.35

Wayne F. Collier, Esq. Kinkead & Stilz, PLLC

Court Costs:

301 East Main Street, Suite 800

THE UNITED STATES OF AMERICA:

Lexington, Kentucky 40507

To the Garnishee:

If you hold property belonging to, or are indebted to, the judgment debtor named above, you are hereby ORDERED to hold and safely keep all of the property of the Judgment Debtor necessary to satisfy the amount due plus court costs as shown above. You are RESTRAINED from paying to the Judgment Debtor, or to anyone for him, money or property in your possession belonging to him or in which he has any interest.

INSTRUCTIONS

You Are Hereby Summoned and Required to Do the Following:

- (1) Fill in the Garnishee's Date of Receipt in the space provided above on all copies;
- (2) Hold and safely keep any funds or property due the Judgment Debtor to the extent of the Amount Due above plus Court Costs until further Order of the Court or as directed below;
- (3) Promptly attempt to notify the Judgment Debtor by mailing a copy of this Order to his last known address or by delivering it to him;
- (4) If after the expiration of fourteen (14) days from your receipt of this Order and there has been no further notice from the Court, then do the following:
 - (a) Using the form provided, Answer as Garnishee within twenty (20) days of the receipt of this Order; and
 - (b) Forward to the Attorney named below your Answer; and,
 - (c) Send the original of your Answer to the Court.

Date: JUL 1 4 2010

LESLIE G. WHITMER, CLERK

By: Jackie Seitsann D. D.C.

IMPORTANT LEGAL NOTICE TO JUDGMENT DEBTOR

Money or property belonging to you has been subjected to a garnishment under a judgment entered against you in this case. Some funds may be exempt from garnishment, including Social Security benefits, workers compensation benefits, unemployment insurance benefits, AFDC, and some other types of governmental benefit payments; however, you must claim and prove any applicable exemption. If you can show that the property garnished by this Order consists of exempt funds, then you may immediately request a hearing in the court listed above by filing a sworm written request with the Clerk of the Court within ten (10) days of the Garnishee's Date of Receipt noted above. Note: The Clerk does not have forms for you to use and cannot give you legal advice.

Distribution: Original to Court, Copy to Judgment Creditor's Attorney, Copy to Garnishee (sent by Judgement Creditor's Attorney)

Case: 0:10-fj-00002-HRW Doc #: 21-2 Filed: 07/15/10 Page: 3 of 6 - Page ID#: 65

©EDKy426 (Rev. 09/91) Affidavit and Answer of Garnishee (Non-wage)

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY at Ashland AFFIDAVIT AND ANSWER OF GARNISHEE

Judgment Creditor:	COLUMBIA GAS TRANSMISSION, L	LC Garnishee's Date of Receipt					
Judgment Debtor:	ELAM UTILITY COMPANY, INC.	Case Name and No.					
Garnishee:	First National Bank of Grayson West Liberty, Kentucky 41472	Name and Address of Judgment Creditor's Attorney					
Amount Due: Court Costs:	\$313,646.35	Wayne F. Collier, Esq. Kinkend & Stilz, PLLC 301 East Main Street, Suite 800 Lexington, Kentucky 40507					
	ng first duly sworn, states as follows: Judgment Debtor is						
	e service of the Order of Garnishment (Nor or holds money belonging to the Judgmer	n-wage), the Garnishee herein is indebted to the					
	elonging to the Judgment Debtor and held						
debt in my posses 5. I, or I on behalf or	ssion that belongs to the Judgment Debtor. f the Garnishee, have forwarded to the Jume to the extent of the amount due plus controls.	dgment Creditor's Attorney the amount of osts as shown on the reverse. THE AMOUNT					
6. If I, or I on behalf forward, I hereby	. If I, or I on behalf of the Garnishee, hold property (listed above) other than money which I am unable to forward, I hereby disclose (in Paragraph 3 above) such property and will hold and safely keep such property						
	e sent the original of this Answer to the Co	urt, a copy to the Judgment Creditor's ge) and of this Answer to the Judgment Debtor.					
	GA	RNISHEE					
	Ву:	Signature of Affiant Position (If Applicable):					
Subscribed and sworn	to before me by the above Affiant this	day of, 20					
My Commission Expi	res:						
, Communion Dapi	Management of the second secon	Notary Public, State at Large					
INSTRUCTIONS							

- 1. After receiving the Order of Garnishment (Non-wage), promptly send a copy of it to the Judgment Debtor.
- 2. After 14 days from Garnishee's Date of Receipt, but within 20 days from Garnishee's Date of Receipt, mail the original of this Answer to the Court, a copy to the Judgment Creditor's Attorney and a copy to the Judgment Debtor.
- 3. Retain a copy of the Order and this Answer for your records.

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY

	at Ashlan AFFIDAVIT FOR ORDER O		T (NON-WAGE)	
Judgment Creditor:	COLUMBIA GAS TRANSMI	SSION, LLC	7	
Judgment Debtor:	ELAM UTILITY COMPANY,	INC.	Case Name and N 10-fj-0002	·o.
Garnishee:	First National Bank of Grayson West Liberty, Kentucky 41472		Name and Addres Creditor's Attorne	
Amount Due: Court Costs:	\$313,646.35		Wayne F. Collier, Esq. Kinkead & Stilz, PLLC 301 East Main Street, St Lexington, Kentucky 40	
 The above named this action, in the The date of the jubeing processed) The following are WHEREFORE: The state of the jubeing processed of the jube	9/30/2009 \$313,646.35 e indebted to said Judgment Debt The Judgment Creditor prays for a	y, nor have they be ited States of Ame eon (subject to any or(s):	en at any time durir rica. credits due for any	ng the pendency of v sums currently btor(s); that the
Garnishee(s) named l issued hereunder; and	herein be made parties to this acti I for its costs.	on, and that they b Affiant	e required to answer	r the garnishment(s)
Subscribed and sv	wom to before me by the above a	ffiant this 14th day	of_July	20_10
My Commission	expires:09/21/2010	Cyndy Notary Publi	l Hoch O. c, State at Large	

AO 451 (Rev. 01/09) Clerk's Certification of a Judgment to be Registered in Another District

UNITED STATES DISTRICT COURT

for	the
Eastern Distric	ct of Virginia
Columbia Gas Transmission, LLC Plaintiff V. Elam Utility Company, Inc. Defendant)	Civil Action No. 1:09cv655
I certify that the attached judgment is a copy of a jud	
before this court and that no appeal has been filed or, if one w	vas filed, that it is no longer pending.
Date:	Fernando Galindo, Gletk CLERK OF COURT
	Signature of Clerk or Deputy Clerk

Case: 0:10-fi-00002-HRW, Doc #: 21-2 Filed: 07/15/10 Page: 6-of 6 -Page ID#: 68

Case 1:09-cv-00655-TSE-JFA Document 17 Filed 09/30/2009 Page 1 of 1

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Alexandria Division		F	SEP	30	E 2009	70	
COLUMBIA GAS TRANSMISSION, LLC, Plaintiff,)		Ct	RK, U.S. ALEXANI	DISTI DRIA.	RICT CO /IRGINIA	URT
ν,) Civil Action	No. 1:0	9ev	655			
ELAM UTILITY COMPANY, INC., Defendant.)))						

JUDGMENT ORDER

Upon consideration of the September 10, 2009 Report and Recommendation of the United States Magistrate Judge designated to conduct a hearing in this matter, no objections having been filed, and upon an independent *de novo* review of the record, it is hereby **ORDERED** that the Court adopts as its own the findings of fact and recommendation of the United States Magistrate Judge, as set forth in the September 10, 2009 Report and Recommendation.

Accordingly, it is hereby **ORDERED** that judgment is **ENTERED** by default in favor of plaintiff and against defendant in the total amount of \$313,646.35.

The Clerk is **DIRECTED** to enter judgment pursuant to Rule 58, Fed. R. Civ. P. and to place this matter among the ended causes.

The Clerk is further **DIRECTED** to send a certified copy of this Judgment Order to defendant and to all counsel of record.

Alexandria, VA September 30, 2009

T. S. Ellis, III
United States District Judge

A TRUE COPY, TESTE: CLERK, U.S. DISTRICT COURT

DEBLITY CLERK