

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Honorable August B. Landis
United States Bankruptcy Judge



Entered on Docket
December 06, 2017

LARSON ZIRZOW & KAPLAN, LLC
850 E. Bonneville Ave.
Las Vegas, Nevada 89101
Tel: (702) 382-1170 Fax: (702) 382-1169

LARSON ZIRZOW & KAPLAN, LLC
ZACHARIAH LARSON, ESQ.
Nevada Bar No. 7787
Email: zlarson@lzklegal.com
MATTHEW C. ZIRZOW, ESQ.
Nevada Bar No. 7222
Email: mzirzow@lzklegal.com
850 E. Bonneville Ave.
Las Vegas, Nevada 89101
Tel: (702) 382-1170
Fax: (702) 382-1169

Attorneys for Plaintiff

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re:

MARC JOHN RANDAZZA,

Debtor.

MARC JOHN RANDAZZA, an individual,

Plaintiff,

v.

CRYSTAL L. COX, an individual,

Defendant.

Case No.: BK-S-15-14956-abl
Chapter 11

Adv. No. 16-1111-abl

**ORDER GRANTING PLAINTIFF'S
MOTION FOR JUDGMENT BY
DEFAULT ENTERED BY THE COURT**

Date: November 28, 2017
Time: 10:00 a.m.

1 Plaintiff, Marc John Randazza (the "Plaintiff"), having filed his *Motion for Judgment by*
2 *Default Entered by the Court* (the "Motion") [Adv. ECF No. 26] against Defendant, Crystal L.
3 Cox (the "Defendant"), thereby seeking a default judgment as to the Plaintiff's *First Amended*
4 *Complaint* (the "Complaint") [Adv. ECF No. 6]; the Motion and notice of hearing thereon having
5 been properly and timely served; the Court having reviewed and considered the Motion, and all
6 filings in support, opposition and reply; the Court having held a hearing on the Motion, and having
7 heard and considered the arguments of counsel; the Court having made its findings of fact and
8 conclusions of law on the record at the hearing, which are incorporated herein by reference
9 pursuant to Fed. R. Civ. P. 52, as made applicable to this adversary proceeding pursuant to Fed.
10 R. Bankr. P. 7052;

11 **IT IS HEREBY ORDERED:**

12 1. The Motion is GRANTED as set forth herein;

13 2. As to the First Claim for Relief in the Plaintiff's Complaint, the Motion is
14 GRANTED, thereby disallowing in full the Defendant's Proof of Claim, being Claim No. 4-1,
15 filed in the Plaintiff's Chapter 11 Case;

16 3. As to the Second Claim for Relief in the Plaintiff's Complaint, the Motion is
17 GRANTED, thereby dismissing with prejudice Defendant's *Objection to Discharge of Debt* [ECF
18 No. 29] filed in the Plaintiff's Chapter 11 Case WITH PREJUDICE;

19 4. As to the Third Claim for Relief in the Plaintiff's Complaint for abuse of process,
20 the Motion is GRANTED, and Plaintiff thereby shall be awarded compensatory damages in the
21 amount of \$411,582.59 and punitive damages in the amount of \$41,158.00, for a total judgment
22 in the amount of \$452,740.59; and

23 5. As to the Fourth Claim for Relief in the Plaintiff's Complaint for civil extortion,
24 the Motion is GRANTED, and thereby this claim is DISMISSED.

25 **IT IS SO ORDERED.**

26 ...
27 ...
28 ...

LARSON ZIRZOW & KAPLAN, LLC
850 E. Bonneville Ave.
Las Vegas, Nevada 89101
Tel: (702) 382-1170 Fax: (702) 382-1169

PREPARED AND SUBMITTED:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: /s/ Matthew C. Zirzow
LARSON ZIRZOW & KAPLAN, LLC
ZACHARIAH LARSON, ESQ.
Nevada Bar No. 7787
MATTHEW C. ZIRZOW, ESQ.
Nevada Bar No. 7222
850 E. Bonneville Ave.
Las Vegas, Nevada 89101

Attorneys for Plaintiff

LR 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court’s ruling and that (check one):

- The court has waived the requirement set forth in LR 9021(b)(1).
- No party appeared at the hearing or filed an objection to the motion.
- I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

Defendant, Crystal L. Cox - NO APPEARANCE AT HEARING

- I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

###

LARSON ZIRZOW & KAPLAN, LLC
850 E. Bonneville Ave.
Las Vegas, Nevada 89101
Tel: (702) 382-1170 Fax: (702) 382-1169