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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

<p>R. WAYNE KLEIN, as Receiver, Plaintiff, v. INNOVATIVE SERVICES, LLC, THE ESTATE OF MICHAEL D. MEMMOTT, JR., SAWTELL CAPITAL, LLC,, and JOHN DOES 1-5, Defendants.</p>	<p>ORDER GRANTING PLAINTIFF- RECEIVER’S MOTION FOR PARTIAL SUMMARY JUDGMENT</p> <p>(First Cause of Action)</p> <p>2:13-cv-00566</p> <p>The Honorable David Nuffer</p>
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The matter before the Court is the *Plaintiff’s Motion for Partial Summary Judgment (First Cause of Action)* (the “Motion”).¹ The Court has reviewed the Motion, the *Declaration of Wayne Klein In Support of Plaintiff’s Motion for Partial Summary Judgment*, applicable law, and the record in this case. Based thereon and for good cause shown, and having received no

¹ Plaintiff’s Motion for Partial Summary Judgment and Memorandum of Law in Support (First Cause of Action), [docket no. 27](#), filed April 29, 2015.

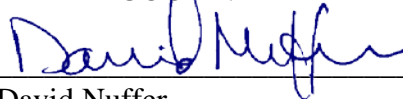
opposition to the Motion,²

IT IS HEREBY ORDERED THAT:

- (1) The Motion³ is GRANTED; and
- (2) The Plaintiff is entitled to judgment against the Estate of Michael D. Memmott, Jr. and Sawtell Capital, LLC, jointly and severally, on Plaintiff's First Cause of Action in the amount of \$278,948, plus the amount of the Plaintiff's costs and attorney's fees incurred in bringing this action.
- (3) The Receiver shall file an affidavit establishing the fees and costs incurred by the Receivership Estate by no later than June 30, 2015, along with a proposed order to enter a separate judgment for the full amount, including fees and costs.

Dated June 24, 2015.

BY THE COURT:



David Nuffer
United States District Judge

² DUCivR 7-1(d) ("Failure to respond timely to a motion may result in the court's granting the motion without further notice.").

³ Plaintiff's Motion for Partial Summary Judgment and Memorandum of Law in Support (First Cause of Action), [docket no. 27](#), filed April 29, 2015.