

FILED  
U.S. DISTRICT COURT

2014 MAY -5 A 10: 52

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

JOHN PALMER and JENNIFER KULAS,

Plaintiffs,

v.

KLEARGEAR.com,

Defendant.

**ORDER ENTERING  
DEFAULT JUDGMENT**

Case No. 1:13-cv-00175

Whereas Defendant KlearGear.com was properly served according to Federal Rule of Civil Procedure 4 and has failed to appear, plead, or otherwise defend in this action,

Whereas default was entered against KlearGear.com on March 11, 2014, and

Whereas counsel for Plaintiffs has requested judgment against the defaulted Defendant in accordance with Federal Rule of Civil Procedure 55,

It is hereby ORDERED, ADJUDGED, and DECREED that:

- (1) John Palmer does not now, and never did, owe KlearGear.com or any other party any money based on KlearGear.com's "non-disparagement clause" or any money based on John Palmer's failure to make any payment allegedly owing under that clause or John Palmer's dispute that he owed any money under that clause;
- (2) KlearGear.com is liable to Plaintiffs for violating the federal Fair Credit Reporting Act, for defamation, for intentional interference with prospective contractual relations, and for intentional infliction of emotional distress;

- (3) The amount in which KlearGear.com is liable to Plaintiffs shall be determined by a hearing under Rule 55(b)(2)(B), which shall be held on the 4 of JUNE, 2014, at 3:00 a.m. (p.m.); and
- (4) This is a “successful action to enforce any liability under this section,” so “the costs of the action together with reasonable attorney’s fees as determined by the court,” 15 U.S.C. § 1681n(a)(3), shall be awarded to Plaintiffs upon Plaintiffs’ motion to be filed within 30 days after this Court sets forth its order determining damages.

Dated this 30<sup>th</sup> day of April, 2014.

*Dee Benson*

~~Dee Benson~~  
Dee Benson  
U.S. District Judge