

UNITED STATES BANKRUPTCY COURT FOR
THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

IN RE:

DAVID A. MILLER,

Case No: 8:09-bk-06854-CED

Debtor.

Chapter 7

CASTLEGARDE, INC.,

JB Volume 16, #2317

Plaintiff,

v.

DAVID A. MILLER, JR.

Adv. No. 8:09-ap-00641-CED

DANIEL M. JUNEAU,

Adv. No. 8:09-ap-00642-KRM

RICK L. WOODS,

Adv. No. 8:09-ap-00643-CPM

Defendants.

**AMENDED FINAL JUDGMENT
ON CASTLEGARDE, INC.'S NON-DISCHARGEABILITY
CLAIMS AGAINST DANIEL M. JUNEAU AND RICK L. WOODS**

THIS PROCEEDING came to be heard on February 17, 2012 pursuant to the *Order Finding Debt of Daniel M. Juneau & Rick L. Woods to Castlegarde, Inc. to be Non-Dischargeable* dated May 27, 2011 (Doc. No. 117), the *Order Determining Damages on Complaints for Non-Dischargeability* dated January 10, 2012 (Doc. No. 156), the *Final Judgment On Castlegarde, Inc.'s Non-Dischargeability Claim against Daniel M Juneau and Rick L. Woods* (Doc. No. 157), and the *Order Granting Motions to Amend Final Judgment* (Doc. No. 189). Accordingly, it is

ORDERED:

1. a) As to Count I, Objection to Dischargeability pursuant to 11 U.S.C. 523(a)(2), alleging non-dischargeability due to theft of intellectual property, this claim was abandoned prior to trial and not tried and is therefore resolved in favor of Defendants, Daniel M. Juneau and Rick L. Woods.

b) As to Count II, Objection to Dischargeability pursuant to 11 U.S.C. 523(a)(4), alleging non-dischargeability due to breach of a fiduciary duty, this claim was abandoned prior to trial and not tried and is therefore resolved in favor of Defendants, Daniel M. Juneau and Rick L. Woods.

c) As to Count III, Objection to Dischargeability pursuant to 11 U.S.C. 523(a)(4), alleging non-dischargeability due to theft of property, this claim was tried and the Court found in favor of Defendants, Daniel M. Juneau and Rick L. Woods.

d) As to Count IV, Objection to Dischargeability pursuant to 11 U.S.C. 523(a)(6), alleging non-dischargeability due to willful and malicious injury, this claim was tried and the Court found in favor of Plaintiff, Castlegarde, Inc., and awarded Castlegarde, Inc., damages in the amount of \$103,950.00.

2. Defendants are entitled to a setoff against the damage award in the amount of Fifty Thousand Dollars (\$50,000.00) in accordance with the prior agreement of the parties (*See* Doc. No. 119).

3. Having found the principal amount of Castlegarde, Inc.'s damages to be \$103,950.00, after applying the setoff, Castlegarde, Inc.¹ shall have and recover judgment against the Defendants Rick L. Woods and Daniel M. Juneau the sum of Fifty-three Thousand Nine Hundred Fifty Dollars (\$53,950.00), plus prejudgment interest at the rate

¹Address of Castlegarde, Inc as required per *Section 55.10, Florida Statutes* is 4911 South Westshore Boulevard, Tampa, FL 33611

of 4.5% per annum from December 2, 2006, to February 29, 2012, in the amount of Twelve Thousand Six Hundred Four Dollars and Twenty-eight cents (\$12,604.28), for an aggregate total of Sixty-six Thousand Five Hundred Fifty-four dollars and Twenty-eight cents (\$66,554.28), plus interest after February 29, 2012, at the statutory rate, for all of which let execution issue.

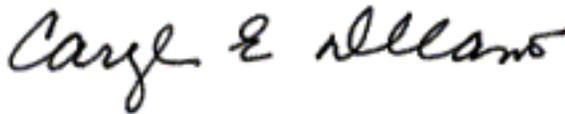
4. The judgment is joint and several.

5. The Court reserves jurisdiction to award attorney's fees and costs in connection with these proceedings and the related state court proceedings.

DONE and **ORDERED** in Chambers at Tampa, Florida, on
March 14, 2012

I CERTIFY THE FOREGOING TO BE A TRUE
AND CORRECT COPY OF THE ORIGINAL.
UNITED STATES BANKRUPTCY COURT
LEE ANN BENNETT, CLERK

Chris Thomas



CARYL E. DELANO
United States Bankruptcy Judge

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