20200212000057710 02/12/2020 09:08:46 AM JUDG 1/3

DOCUMENT 132

					·
	ELECTRO	NICALI	Y FILE	D	
	1/7/2	$020\ 2:20$	PM		
Winds	01-CV-2	2018-900	778.00		
	CIRCU	IT COU	RT OF		
JEF	FERSON (COUNT	Y, ALAB	AMA	
IACQUE	LINEANI	DERSON	I SMITI	I, CLERI	K

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA BIRMINGHAM DIVISION

MAGIC CITY CAPITAL LLC,)	
Plaintiff,)	
)	
V.)	CV-2018-900778-MJH
)	
TRAMMEL REALTY INC;)	
PROWLER SUPPLY INC;)	
JAMES PRESTON TRAMMEL,)	
Defendants.)	

ORDER

Before the Court are Plaintiff MAGIC CITY CAPITAL, LLC'S (hereinafter "Magic City Capital") MOTION FOR SANCTIONS [Doc. 100] and MOTION FOR SUMMARY JUDGMENT [Doc. 109]. Both motions were heard before the undersigned at a HEARING on November 26, 2019. Counsel for Magic City Capital was present while Defendant appeared *Pro Se.* The Court first takes up Magic City Capital's MOTION FOR SANCTIONS.

MOTION FOR SANCTIONS

Magic City Capital moves this Court to enter an order pursuant to Rule 37 of the Alabama Rules of Civil Procedure, striking and dismissing Defendants' defenses against Magic City Capital and awarding Magic City Capital reasonable expenses, including attorney's fees. The Court notes that Defendants have repeatedly failed and/or refused to respond to Magic City Capital's propounded interrogatories and request for production by ignoring this Court's ORDER compelling discovery [Doc. 84] and ignoring deadlines as set forth in the TRIAL SCHEDULING ORDER [Doc. 86]. The Court agrees with Magic City Capital's assertion that Defendant's failure and/or refusal to respond has unfairly prejudiced the Plaintiff and therefore FINDS that Magic City Capital's MOTION FOR SANCTIONS is due to be **GRANTED**.

MOTION FOR SUMMARY JUDGMENT

The Court, having received Magic City Capital's MOTION FOR SUMMARY JUDGMENT on October 16, 2019, and having received no opposition thereto from the Defendants, FINDS that there

20200212000057710 02/12/2020 09:08:46 AM JUDG 2/3

DOCUMENT 132

exists no genuine issue of material fact. Therefore, Magic City Capital's MOTION FOR SUMMARY JUDGMENT is due to be **GRANTED**.

Accordingly, it is hereby ORDERED and DIRECTED as follows:

- 1. Plaintiff MAGIC CITY CAPITAL LLC'S MOTION FOR SANCTIONS is GRANTED;
- 2. Defendants TRAMMEL REALTY INC and JAMES PRESTON TRAMMEL **SHALL** pay Plaintiff MAGIC CITY CAPITAL LLC \$3,876.50 in sanctions for failing to comply with this Court's orders;
- 3. Plaintiff MAGIC CITY CAPITAL LLC'S MOTION FOR SUMMARY JUDGMENT against Defendants TRAMMEL REALTY INC. and JAMES PRESTON TRAMMEL is GRANTED;
- 4. Plaintiff MAGIC CITY CAPITAL LLC is entitled to a judgment as a matter of law in the amount of \$159,354.30 as of October 15, 2019, plus accruing interest at the rate of \$38.69 per day until the debt is paid;
- 5. Defendants TRAMMEL REALTY INC and JAMES PRESTON TRAMMEL SHALL PAY said expenses and fees as provided in ¶2 and ¶5 to Plaintiff MAGIC CITY capital within ninety [90] days of this ORDER;
- 6. This ORDER disposes of this action in its entirety; and,
- 7. Costs are TAXED to the Defendants.

DONE this 7th day of January, 2020.

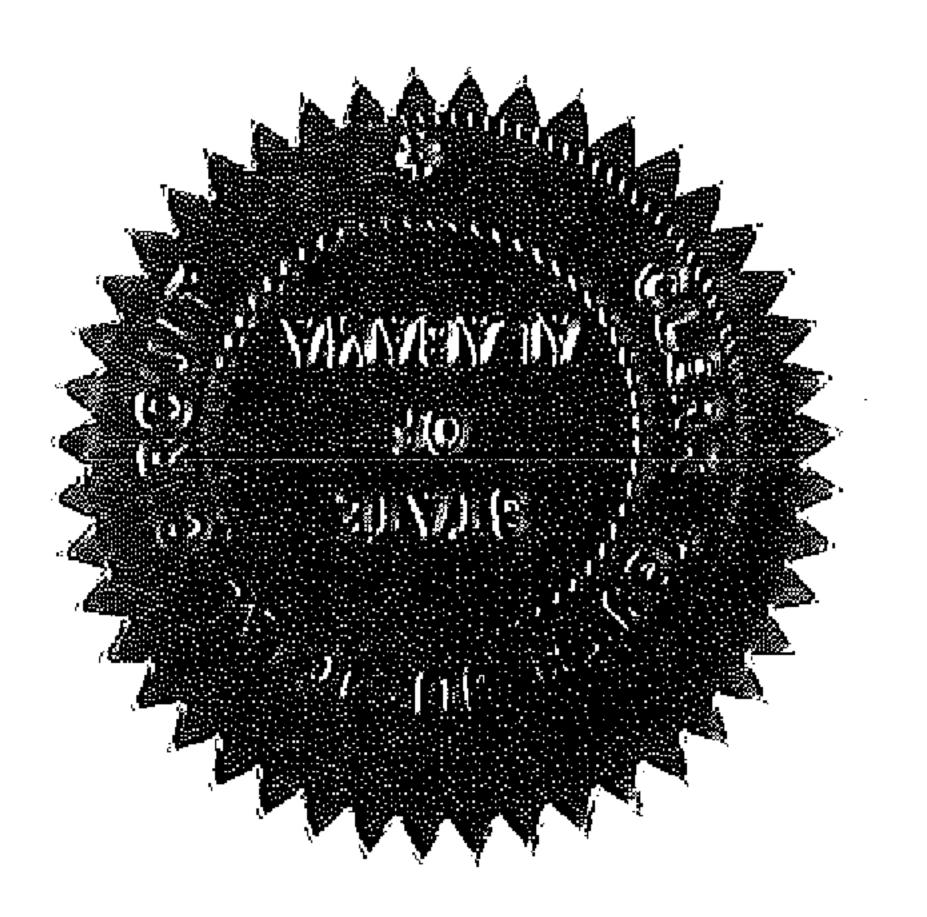
/s/ MARSHELL JACKSON HATCHER
CIRCUIT JUDGE

A C	tore the course	will light	e distrib	o yê	कारता कर			ggerendi.
1,5% 1,4%	Mile 1348 (1952)	general and	Programme and the second secon		6 70191	50 T T	Ţņ	grad Grad (18
ka:	things the	g to in	ga arij	ો કોર્કેટ	: bost	Au g		ATT AND
; = +2(1):	AND THE RESERVE OF THE PROPERTY OF THE PROPERT	Section 200	and the Market State	ar again a see aga	The second secon	O VARIA	212 - NEW	+ 4 € وخورمون» العسم الاستوام



Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
02/12/2020 09:08:46 AM
\$29.00 CHERRY
20200212000057710

alli 5. Buyl



Jacqueline Anderson Smith, Clark of the Circuit Court of Jefferson County, do hereby certify that the foregoing is a true and correct copy of the instrument herewith set out as appears of the record in said Court, consisting of pages.

WITNESS my hand and the seel of said Court this day of FERNARY 20 20

Converse Court S. 77.

Clerk