

FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH

SEP 29 2014

D. MARK JONES, CLERK

BY DEPUTY CLERK

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

SOPHIA STEWART,

Plaintiff,

vs.

MICHAEL STOLLER, et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

District Judge Dee Benson

Case No. 2:07-cv-552

Before the court is the Report and Recommendation (“R&R”) issued by United States Magistrate Judge Evelyn J. Furse. (Dkt. No. 283.) The parties were notified of their right to file objections to the Report and Recommendation within fourteen days after receiving it. Within fourteen days, Plaintiff Sophia Stewart filed an objection. (Dkt. No. 284.)

Of the original Defendants in this case, all were dismissed except Defendant Jonathan Lubell. On August 28, 2012, The Clerk of Court entered a default certificate against Mr. Lubell. (Dkt. No. 196.) Ms. Stewart then filed a Motion for Default Judgment on September 28, 2012. (Dkt. No. 200.) On December 4, 2012, her motion was granted in part but the court declined to enter judgment in the amount Ms. Stewart requested. (Dkt. No. 219.) Instead, the order stated “Judgment will be entered against [Mr. Lubell] upon the submission by Plaintiff of evidence to support the amount of damages to be entered in the judgment.” Id. On June 25, 2014, Judge

Furse held an evidentiary hearing on damages. Following this hearing, Judge Furse issued the instant R & R.

Having conducted a thorough review of all relevant materials, including the plaintiffs' Objection to the Report and Recommendation, the record that was before Judge Furse, and the reasoning set forth in her Report and Recommendation, the court agrees with the analysis and conclusions in the R & R and hereby adopts them. Specifically, and as set forth more fully in the R & R, the court hereby **DISMISSES** Ms. Stewart's second, fourth, fifth, and seventh causes of action because they are duplicative of her remaining claims. However, the court finds that Ms. Stewart's first, third, and sixth claims (breach of contract, malpractice, and breach of fiduciary duty, respectively) entitle her to damages stemming from the money she paid under the contract and the attorneys' fees and costs awarded against her in the California action. Therefore, as detailed in the R & R, Ms. Stewart is entitled to **\$316,280.62**.

Ms. Stewart has objected to this damages amount and asserts that she is entitled to damages connected to the profits of the Terminator and Matrix movie trilogies. For the reasons stated in the R & R, her objection is overruled. Similarly, Ms. Stewart's motion entitled "Motion/Order Requesting Specific Evidence for Damages and Demand for Expedited Award" (Dkt No. 281) is hereby disposed of consistent with the R & R.

SO ORDERED.

DATED this 25th day of September, 2014.



Dee Benson
United States District Judge