

(1986). Because this matter is based on diversity of citizenship, 28 U.S.C. § 1332, Missouri substantive law applies. *Erie Railroad Co. v. Tomkins*, 304 U.S. 64 (1938).

As more fully explained in the Memorandum of Law filed in support of this Motion, there are no genuine issues of material fact and Lloyd's is entitled to judgment as a matter of law against each defendant. In addition to its Memorandum of Law, Lloyd's submits its Statement of Undisputed Material Facts and the Declaration of Nicholas P. Demery with attached Exhibits in support of its Motion. The judgments against the defendants were duly entered in England and are entitled to recognition and enforcement pursuant to Missouri's Uniform Foreign Country Money-Judgments Recognition Act, MO. St. § 511.770 *et seq.*, as applied by the courts of the United States and the State of Missouri. Accordingly, Lloyd's Motion for Summary Judgment should be granted.

WHEREFORE, Lloyd's prays that the Court enter judgment by recognizing and enforcing the English Judgments against each defendant, plus the English statutory post-judgment interest rate of 8% per annum, as follows:

- 1) Robert W. Fuerst for UK £363,357 with interest from March 11, 1998, plus costs;
- 2) Hord Hardin for UK £193,715 with interest from March 11, 1998, plus costs;
- 3) Harold F. Ilg for UK £242,955 with interest from March 11, 1998, plus costs;
- 4) Walter Klein for UK £195,833 with interest from March 11, 1998, plus costs;
- 5) Meade M. McCain for UK £381,210 with interest from March 11, 1998, plus costs;
- 6) John J. Shillington for UK £88,282 with interest from June 24, 1997, plus costs;
- 7) Cynthia J. Todorovich for UK £198,246 with interest from May 14, 1999, plus costs; and

- 8) Michael B. Todorovich for UK £846,759 with interest from March 11, 1998, plus costs.

Respectfully submitted,

Dated: January 22, 2004

/s/ Blake T. Hannafan
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One of Plaintiff's Attorneys

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CERTIFICATE OF SERVICE

I certify that on the 22nd day of January, 2004, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following: Ted F. Frapolli, Esq., 275 North Lindbergh, Suite F, St. Louis, MO 63141, Attorney for Certain Defendants; Alan C. Kohn, Esq., One US Bank Plaza, Suite 2410, St. Louis MO 63101, Attorney for Defendant Shillington and Harold F. Ilg, 100 L'Ambiance Circle, Unit 202, Naples, FL 34108 and 16401 Ranchester Drive, Chesterfield, MO 63005.

/s/ Blake T. Hannafan
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