



GRANTED

The moving party is hereby **ORDERED** to provide a copy of this Order to any pro se parties who have entered an appearance in this action within 10 days from the date of this order.

Nancy A. Hopf
District Court Judge
Date of order indicated on attachment

**DISTRICT COURT, DOUGLAS COUNTY,
COLORADO**

**Douglas County District Court
Douglas County Justice Center
4000 Justice Way, Suite 2009
Castle Rock, Colorado 80104**

EFILED Document

**CO Douglas County District Court 18th JD
Filing Date: Apr 1 2009 8:14AM MDT
Filing ID: 24460976
Review Clerk: N/A**

▲ COURT USE ONLY ▲

**Plaintiff: IN THE BUFF AUTO AND TRUCK
CREATIONS, INC., a Colorado corporation, and
CHARLES MADNIKOFFF, individually, and other
Plaintiffs to be determined,**

v.

**Defendants: KEVIN J. ADAMS, JOHN PYKERMAN
and NANCY PYKERMAN**

Case Number: 2008CV2302

Div.: 6

Marc H. Schtul, Atty. No. 21411
Joseph G. Webb, Atty. No. 21425
Webb & Schtul, LLC
925 S. Niagara St.
Suite 290
Denver, Colorado 80224
Phone Number: 303-740-6622
Fax Number: omitted
marc@webbschtul.com
joe@webbschtul.com

FINDINGS, ORDERS AND JUDGMENT

THIS MATTER having come before the Court for hearing on Plaintiff's Motion for Default judgment as to defendants Kevin J. Adams and John Pykerman, having reviewed the evidence, the file and being otherwise fully advised in the premises, the Court does hereby **ORDER** as follows:

The Court finds that Defendants Kevin Adams and John Pykerman have been properly served, have failed to file an Answer or otherwise appear in this matter and that Default has been properly entered against said Defendants.

Based on the Default of said Defendants, the Court finds in favor of the Plaintiff on all claims. After the presentation of evidence the Court finds and awards damages as follows:

As to the First Claim for Relief for Outrageous Conduct, the court finds for the Plaintiffs and awards non-economic damages against Defendant John Pykerman in the amount of \$100,000 and that additional damages are included in awards under other claims herein and the Court will not award duplicative amounts;

As to the Second Claim for Relief Fraud/Misrepresentation/Duty to disclose, the Court finds in favor of the Plaintiffs and awards damages to the Plaintiff for the complete loss of the business in the amount of \$1,150,000; and that additional damages, including punitive damages are included in awards under other claims herein and the Court will not award duplicative amounts

As to the Third Claim for Relief, Quantum Meruit, the Court finds in favor of the Plaintiffs and awards damages in the amount of \$195,188.12, which includes work performed and parts installed on all vehicles with the exception of the vehicle belonging to Defendant Nancy Pykerman who is not subject to this default hearing;

As to the Fifth and Sixth Claims for relief, Defamation and Negligence, the Court finds in favor of the Plaintiffs but finds that the damages are included in awards under other claims herein and the Court will not award duplicative amounts;

As to the Seventh Claim for Relief for Assault, finds in favor of the Plaintiff Charles Madnikoff and awards non-economic damages against Defendant Kevin Adams in the amount of \$250,000;

As to the Eighth Claim for Relief, Colorado Organized Crime Act, the Court finds that the Plaintiffs have established that the defendants Kevin Adams and James Pykerman engaged in a pattern of racketeering activity as set forth in CRS § 18-17-104(1)(A) and awards punitive damages in the amount \$690,782.90, representing double the amount of the lost inventory awarded under the Ninth claim for relief and that additional damages are included in awards under other claims herein and the Court will not award duplicative amounts; and,

As to the Ninth Claim for Relief, Theft the Court finds in favor of the Plaintiffs and awards \$345,421.45 for the lost inventory and that additional damages, including punitive damages are included in awards under other claims herein and the Court will not award duplicative amounts.

Judgment is entered in favor of Plaintiffs In the Buff Auto and Truck Creations, Inc., a Colorado corporation, and Charles Madnikoff, individually and against defendants Kevin J. Adams and John Pykerman in the amount of \$1,690,609.57 in actual damages, \$690,782.90 in punitive damages, and in favor of Plaintiff Charles Madnikoff, individually, and against Defendant Kevin

J. Adams in the amount of \$250,000.00 for non-economic damages and against Defendant John Pykerman in the amount of \$100,000.00 for non-economic damages plus post-judgment interest on all amounts (which shall accrue at the statutory rate of 8% from the effective date of judgment until the judgment is satisfied in full).

The Court further finds that Defendant Nancy Pykerman is not affected by this judgment, that there is no just reason for delay and that this judgment shall be entered effective immediately.

SO ORDERED this ___ day of _____, 2009.

By the Court

District Court Judge

This document constitutes a ruling of the court and should be treated as such.

Court: CO Douglas County District Court 18th JD

Judge: Nancy A Hopf

File & Serve

Transaction ID: 24272710

Current Date: Apr 01, 2009

Case Number: 2008cv2302

Case Name: Charles Madnikoff v. John Pykerman

/s/ **Judge Nancy A Hopf**