

**IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

ROLLING LOUD, LLC, a Delaware limited liability company,

Plaintiff,

v.

AHEAD FINANCIALS, LLC, d/b/a AHEAD FINANCIALS, a Delaware limited liability company; FAIRFAX STUDIOS, INC., a Delaware corporation,

Defendants.

COMPLEX BUSINESS DIVISION

Case No.: 2022-003284-CA-01

**MOTION FOR ENTRY OF FINAL DEFAULT JUDGMENT ON LIQUIDATED
DAMAGES AGAINST DEFENDANT FAIRFAX STUDIOS, INC.**

Plaintiff Rolling Loud, LLC (“Rolling Loud”) respectfully requests that, pursuant to Florida Rule of Civil Procedure 1.500(e) and this Court’s March 30, 2022, entry of default against Defendant Fairfax Studios, Inc., a/k/a Fairfax Studios LLC (“Fairfax Studios”) [D.E. 20], the Court enter a final default judgment in Rolling Loud’s favor and against Fairfax Studios for the liquidated damages asserted in the Complaint.¹ In support of this motion, Rolling Loud states as follows:

FACTUAL AND PROCEDURAL HISTORY

1. As thoroughly developed in Rolling Loud’s February 21, 2022, Complaint [D.E. 2], this action arises out of a failed sponsorship relationship between Rolling Loud and Ahead

¹ In the alternative, Rolling Loud respectfully requests that this Court treat this motion for final default judgment as a motion for summary judgment against Fairfax Studios on Counts III (unjust enrichment) and IV (conversion) of the Complaint, as there is no genuine issue of any material fact to preclude Rolling Loud from succeeding on either cause of action for the reasons set forth herein. *See, e.g., Gonzalez v. Citizens Prop. Ins. Corp.*, 273 So. 3d 1031, 1035 (Fla. 3d DCA 2019) (“Summary judgment is proper if there is no genuine issue of material fact and if the moving party is entitled to a judgment as a matter of law.”) (quoting *Volusia Cty. v. Aberdeen at Ormond Beach, L.P.*, 760 So. 2d 126, 130 (Fla. 2000)).

Financials, LLC, d/b/a Ahead Financials (“Ahead Financials”), acting through its agent, Fairfax Studios.

2. In accordance with the Florida Rules of Civil Procedure, Plaintiff served Fairfax Studios with the Complaint on February 28, 2022. Service was made by summons, by serving Lynanne Gares, Litigation Management Services Leader, Fairfax Studios, Inc., at 251 Little Falls Drive, Wilmington, DE 19808. *See* D.E. 11, Return of Service on Fairfax Studios.

3. Fairfax Studios’s response to the complaint was due, at the latest, by March 21, 2022. Fla. R. Civ. P. 1.140(a)(1).

4. Despite being duly served, Fairfax Studios failed to file or serve any document or respond to the Complaint, as required by Florida law, or otherwise contact counsel for Rolling Loud.

5. Rolling Loud accordingly moved for the entry of default against Fairfax Studios [D.E. 16], which default was entered by this Court on March 30, 2022 [D.E. 20].

6. Rolling Loud’s Complaint asserts two counts against Fairfax Studios, alone: one for unjust enrichment (Count III of the Complaint) and another for conversion (Count IV of the Complaint). Compl. ¶¶ 51-61. Both counts are based on Fairfax Studios’s voluntarily acceptance and retention of the payment that Ahead Financials remitted to Fairfax Studios for Rolling Loud’s performance of its sponsorship obligations under the parties’ agreements. *Id.*

7. The amount that was converted is liquidated. Specifically, Rolling Loud has received an affidavit from Anuradha Shultes, Chief Executive Officer and Manager of Ahead Financials, where she explains that, “[o]n June 22, 2021, Ahead wired \$800,000 to Fairfax Studios, Inc. a/k/a Thirty-Two West, LLC (**Fairfax**) with the understanding the funds were payment for a

Rolling Loud, LLC (**Rolling Loud**) Miami sponsorship.” Shultes Aff. ¶ 3, attached hereto as **Exhibit A** (emphasis in original).

8. Further, the affidavit states that “[t]he \$800,000 wire cleared Ahead’s account and receipt by Fairfax was confirmed on June 22, 2021.” *Id.* at ¶ 4.

9. Rolling Loud’s unjust enrichment and conversion causes of action against Fairfax Studios, are based solely on that specific payment—*i.e.*, the \$800,000 payment made by Ahead Financials to Fairfax Studios.

10. Because Rolling Loud has sued Fairfax Studios for a liquidated amount certain, and Fairfax Studios has defaulted, Rolling Loud is entitled to a final judgment pursuant to Fla. R. Civ. P. 1.500(e) against Fairfax Studios in the amount of \$800,000, as set forth below.

AMOUNTS OWED

Following an entry of default, final judgments may be entered by the court at any time. *See* Fla. R. Civ. P. 1.500(e). When a default is entered, all factual allegations in the complaint and exhibits to the complaint are deemed true for purposes of entry of a final judgment, and “the defaulting party admits entitlement to liquidated damages.” *Diaz v. Calvo*, 251 So. 3d 260, 261 (Fla. 3d DCA 2018); *see also Cellular Warehouse, Inc. v. GH Cellular, LLC*, 957 So. 2d 662, 665 (Fla. 3d DCA 2007); *Wiseman v. Stocks*, 527 So. 2d 904, 906 (Fla. 1st DCA 1988) (“[O]nce the default is established, defendant has no further standing to contest the *factual allegations* of the plaintiff’s claim for relief. . . . [D]efault had the effect of admitting the truth of the well-pleaded allegations of the complaint for breach of damages.”) (emphasis in original; internal citations omitted).

“Damages are liquidated when the amount to be awarded can be determined with exactness from the cause of action as pled, by an agreement by the parties, by an arithmetical calculation, or

through application of definite rules of law.” *Miami Beverly LLC v. City of Miami*, 225 So. 3d 989, 992 (Fla. 3d DCA 2017). Further, where damages are liquidated, it is not necessary to hold an evidentiary hearing to establish them. *See, e.g., Krueger v. Ponton*, 6 So. 3d 1258, 1262 (Fla. 5th DCA 2009) (no right to evidentiary hearing for liquidated damages, *i.e.*, when “the proper amount to be awarded can be determined with exactness from the cause of action as pleaded by an arithmetical calculation or by application of definite rules of law”).

Here, the damages sought against Fairfax Studios in Counts III and IV of the Complaint are liquidated because they are for a sum certain—*i.e.*, the specific \$800,00 payment that Ahead Financials made to Fairfax Studios for Rolling Loud’s performance of its obligations pursuant to the sponsorship agreements. *See* Compl. ¶¶ 51-61. Therefore, they can be determined with exactness from the causes of action as pled. Specifically, as a result of the default entered against Fairfax Studios, it is uncontested that (1) Fairfax Studios knows the \$800,000 payment remitted to it by Ahead Financials was meant for and rightfully belongs to Rolling Loud as compensation for Rolling Loud’s performance of its sponsorship obligations and (2) Fairfax Studios voluntarily accepted, retained, and continues to wrongfully keep that \$800,000 payment. *Id.* Accordingly, this Court need not make any kind of determination regarding (and Rolling Loud need not prove) how to evaluate the amount of damages owed by Fairfax Studios. It is a liquidated amount.

Given that this Court has entered a default on liability against Fairfax Studios as of March 30, 2022, and Counts III and IV of the Complaint seek recovery for an amount certain that is supported by documentation, Rolling Loud is entitled to a final judgment on its liquidated damages as a matter of law. Thus, this Court should enter a final judgment against Fairfax Studios in the amount of USD\$800,000. A proposed judgment is attached hereto as **Exhibit B**.

Rolling Loud reserves the right to seek a separate judgment to recover costs.

CONCLUSION

WHEREFORE, Rolling Loud, LLC respectfully requests that the Court enter a final judgment on its liquidated damages against Defendant Fairfax Studios, Inc., a/k/a Fairfax Studios LLC, in the amount of USD\$800,000.

Dated: April 8, 2022

Respectfully submitted,

REED SMITH LLP

Counsel for Plaintiff Rolling Loud, LLC

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 8, 2022, a true and correct copy of the foregoing was filed and sent via electronic service using the portal system with the Florida Courts eFiling Portal which sent e-mail notification of such filing in accordance with Rule 2.516 Fla. R. Jud. Admin. to all counsel of record.

/s/ Edward M. Mullins
Edward M. Mullins

EXHIBIT A

5. Based on information and belief, Fairfax improperly retained the \$800,000.00 wire and never remitted any portion of the funds to Rolling Loud for payment of the Miami sponsorship.



Anuradha Shultes
CEO and Manager
Ahead Financials, LLC

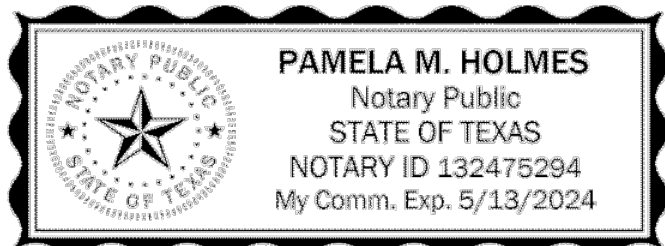
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF Texas

COUNTY OF Fort Bend

Subscribed and sworn to (or affirmed) before me on this 6th day of April, 2022, by Anuradha Shultes, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(NOTARY SEAL)



Pamela M. Holmes
Notary Public

This notarial act was an online notarization

EXHIBIT B

**IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

ROLLING LOUD, LLC, a Delaware limited liability company,

Plaintiff,

v.

AHEAD FINANCIALS, LLC, d/b/a AHEAD FINANCIALS, a Delaware limited liability company; FAIRFAX STUDIOS, INC., a Delaware corporation,

Defendants.

COMPLEX BUSINESS DIVISION

Case No.: 2022-003284-CA-01

**[PROPOSED] FINAL JUDGMENT ON LIQUIDATED DAMAGES
AGAINST DEFENDANT FAIRFAX STUDIOS, INC.**

THIS CAUSE having come before the Court on April 8, 2022, on Plaintiff Rolling Loud, LLC's ("Rolling Loud") Motion for Entry of Final Judgment on Liquidated Damages Against Defendant Fairfax Studios, Inc., a/k/a Fairfax Studios LLC ("Fairfax Studios") (the "Motion"), and the Court having carefully reviewed the Motion and the record, including the March 30, 2022, Order entering a default as to liability against Defendant Fairfax Studios, and being otherwise fully advised in the premises, it is hereby **ORDERED AND ADJUDGED** as follows:

1. The Motion is **GRANTED**.
2. The Court finds that the claims against Defendant Fairfax Studios, Counts III (unjust enrichment) and IV (conversion) of the Complaint, are for a liquidated sum certain.
3. Final Judgment is hereby entered in favor of Plaintiff Rolling Loud, LLC and against Defendant Fairfax Studios, Inc., a/k/a Fairfax Studios LLC, on Counts III (unjust

enrichment) and IV (conversion) of the Complaint, for the liquidated damages amount of \$800,000, which shall bear interest at the rate of 4.25% a year,¹ for which let execution issue.

4. The address of Judgment Debtor Fairfax Studios, Inc., a/k/a Fairfax Studios LLC is 251 Little Falls Drive Wilmington, Delaware 19808.

5. The address of Judgment Creditor Rolling Loud, LLC is 7814 NE 4th Court, Unit #200, Miami, FL 33138.

6. The address of Judgment Creditor Rolling Loud, LLC's attorneys of record is: Reed Smith LLP, 1001 Brickell Bay Drive, Suite 900, Miami, Florida 33131, Attention: Edward M. Mullins, Esq. and Anabel Blanco, Esq.

7. Pursuant to Florida Rule of Civil Procedure 1.560(b), **within forty-five (45) days** of the date of this Order, Fairfax Studios, Inc., a/k/a Fairfax Studios LLC shall provide to Rolling Loud, LLC a completed and sworn Fact Information Sheet (Form 1.977 of Florida Rules of Civil Procedure). The Fact Information Sheet is attached to this Final Judgment.

8. This Court retains jurisdiction to enforce the terms of this Final Judgment, including entering a separate judgment amount to account for any costs. This Court also retains jurisdiction over the remaining claims in this action over which no judgment has been entered to date.

9. This Court also retains jurisdiction over the remaining live claims in this action against Defendant Ahead Financials, LLC, d/b/a Ahead Financials, over which no judgment has been entered to date.

10. Rolling Loud, LLC shall have the right to immediately initiate proceedings supplementary to and in aid of execution of this Final Judgment and to request such other relief deemed proper.

¹ This is the judgment interest rate effective in Florida as of April 1, 2022. *See* Fla. Stat. § 55.03; <https://www.myfloridacfo.com/division/aa/localgovernments/current.htm> (last visited April 7, 2022).

DONE and ORDERED in Chambers in Miami-Dade County, Florida on this __ day of April, 2022.

Hon. Michael Hanzman

Copies served on all counsel of record

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COMPLEX BUSINESS DIVISION

Case No.: 2022-003284-CA-01

FACT INFORMATION SHEET

Name of entity: _____

Name and title of person filling out this form: _____

Telephone number: _____

Place of business: _____

Mailing address (if different): _____

Gross/taxable income reported for federal income tax purposes last three years:

\$ _____ / \$ _____ \$ _____ / \$ _____ \$ _____ / \$ _____

Taxpayer identification number: _____

Is this entity an S corporation for federal income tax purposes? _____ Yes _____ No

Average number of employees per month _____

Name of each shareholder, member, or partner owning 5% or more of the entity's common stock, preferred stock, or other equity interest:

Names of officers, directors, members, or partners: _____

Checking account at: _____ Account # _____

Savings account at: _____ Account # _____

Does the entity own any vehicles? _____ Yes _____ No

For each vehicle please state: _____

Year/Make/Model: _____ Color: _____

Vehicle ID No: _____ Tag No: _____ Mileage: _____

Names on Title: _____ Present Value: \$ _____

Loan Owed to: _____

Balance on Loan: \$ _____

Monthly Payment: \$ _____

Does the entity own any real property? _____ Yes _____ No

If yes, please state the address(es): _____

Please check if the entity owns the following

_____ Boat

_____ Camper

_____ Stocks/bonds

_____ Other real property

_____ Other personal property

Please attach copies of the following:

1. Copies of state and federal income tax returns for the past 3 years.
2. All bank, savings and loan, and other account books and statements for accounts in institutions in which the entity had any legal or equitable interest for the past 3 years.
3. All canceled checks for the 12 months immediately preceding the service date of this Fact Information Sheet for accounts in which the entity held any legal or equitable interest.
4. All deeds, leases, mortgages, or other written instruments evidencing any interest in or ownership of real property at any time within the 12 months immediately preceding the date this lawsuit was filed.
5. Bills of sale or other written evidence of the gift, sale, purchase, or other transfer of any personal or real property to or from the entity within the 12 months immediately preceding the date this lawsuit was filed.

6. Motor vehicle or vessel documents, including titles and registrations relating to any motor vehicles or vessels owned by the entity alone or with others.
7. Financial statements as to the entity's assets, liabilities, and owner's equity prepared within the 12 months immediately preceding the service date of this Fact Information Sheet.
8. Minutes of all meetings of the entity's members, partners, shareholders, or board of directors held within 2 years of the service date of this Fact Information Sheet.
9. Resolutions of the entity's members, partners, shareholders, or board of directors passed within 2 years of the service date of this Fact Information Sheet.

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT THE FOREGOING ANSWERS ARE TRUE AND COMPLETE.

Judgment Debtor's Designated
Representative/Title

STATE OF FLORIDA

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____ 2022, by
_____ (name of person making statement).

Personally known ____ OR Produced identification _____
Type of identification produced _____

Notary Public State of Florida

My Commission expires: