

COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT

SUFFOLK, ss

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO. 13-4428-A

LLOYDS BANK PLC, f/k/a Lloyds TSB Bank plc,
in its capacity as Facility Agent,

Plaintiff,

v.

SERVICE POINT USA, INC.,

Defendant, and

CITIZENS BANK OF MASSACHUSETTS,

Trustee Process Defendant.

**MOTION FOR ENTRY OF DEFAULT
JUDGMENT AND ASSESSMENT OF DAMAGES**

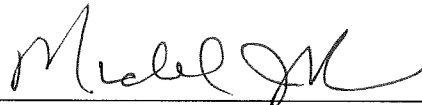
Plaintiff Lloyds Bank, plc, f/k/a Lloyds TSB Bank plc, in its capacity as Facility Agent for certain secured lenders (the "Agent") as creditors of defendant Service Point USA, Inc. ("SPU") pursuant to one or more guarantees of indebtedness given by SPU, and as a secured party holding a valid, perfected, first priority security interest in all, or substantially all of the assets of SPU, hereby moves, pursuant to Mass. R. Civ. P. 55(b)(2) for the entry of a default judgment against SPU and for the assessment of damages against SPU denominated in U.S. Dollars in an amount equal to the sum of (a) €71,926,281 multiplied by the Euro/Dollar exchange rate in effect on the day the default judgment is entered, plus (b) attorneys fees in the amount of \$68,285.00 and costs in the amount of \$3,223.04.

In support of this Motion, the Agent relies on the *Memorandum of Law in Support of Motion for Entry of Default Judgment and Assessment of Damages* and the *Affidavit of Michael J. Fencer, Esq.* both filed herewith.

WHEREFORE, the Agent respectfully requests that this Court: (i) enter SPU's default and enter a default judgment in the Agent's favor and against SPU, substantially in the form submitted herewith as Exhibit A; (ii) assess damages against SPU denominated in U.S. Dollars in an amount equal to the sum of (a) €71,926,281 multiplied by the Euro/Dollar exchange rate in effect on the day the default judgment is entered, plus (b) reasonable attorneys fees in the amount of \$68,285.00 and costs in the amount of \$3,223.04; and (iii) granting to the Agent such other and further relief as the Court deems just and proper.

LLOYDS BANK, PLC,
f/k/a Lloyds TSB Bank, plc,
in its capacity as Facility Agent,

By its attorneys,



Michael J. Fencer (BBO No. 648288)
Howard P. Blatchford, Jr. (BBO No. 045580)
Jonathan M. Horne (BBO No. 673098)
JAGER SMITH P.C.
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Dated: March 19, 2014

I hereby certify that a true copy of the above document was served upon (each party appearing pro se and) the attorney of record for each other party by mail (by hand) on 3/19/14



Exhibit A

COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT

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CIVIL ACTION NO. 13-4428-A

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Plaintiff,

v.

SERVICE POINT USA, INC.,

Defendant, and

CITIZENS BANK OF MASSACHUSETTS,

Trustee Process Defendant.

JUDGMENT

The *Complaint* (the “Complaint”) of Lloyds Bank, plc, f/k/a Lloyds TSB Bank plc, in its capacity as Facility Agent for certain secured lenders (the “Agent”) as creditors of Service Point USA, Inc. (“SPU”) pursuant to one or more guarantees of indebtedness given by SPU having come before the Court; and SPU having been duly served with a summons and a copy of the Complaint; and SPU having failed to plead or otherwise defend in this civil action; and the Clerk having entered the default of SPU; and the Agent having served and filed its motion for the entry of a default judgment and for the assessment of damages (the “Motion”) in accordance with the applicable rules of procedure; and due notice of the Motion and an opportunity to object to and/or be heard on the Motion and the entry of a default judgment against SPU as requested in the Motion having been given to SPU and to the special receiver appointed by this Court; and all objections, if any, to the Motion and the relief requested therein having been withdrawn,

resolved, or otherwise overruled by the Court; and it appearing from the Motion, the supporting papers filed therewith, and the record of this civil action that the granting of the Motion and the relief requested therein is warranted and appropriate;

NOW THEN, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT that the Agent recover from SPU, judgment in the amount of \$_____, which amount equals €71,926,281 Euro multiplied by the Euro/Dollar exchange rate of _____ in effect as of the date hereof, plus reasonable attorneys fees in the amount of \$68,285.00 and reasonable expenses \$3,223.04, together with any post-judgment interest as provided by law; and it is further

ORDERED that the entry of this Judgment for the Agent notwithstanding, Francis C. Morrissey, Esq. shall continue as the special receiver of SPU pending further order of the Court; and it is further

ORDERED that the entry of this Judgment for the Agent is without prejudice to the rights of the Agent to seek further relief from this Court, whether in aid of this judgment or in connection with SPU estate over which the special receiver has custody.

Justice of the Superior Court

Dated: _____