

Georgia State University College of Law
Reading Room

Georgia Business Court Opinions

3-24-2015

La Famiglia Trust, Final Order and Judgment

John J. Goger

Fulton County Superior Court, Judge

Follow this and additional works at: <https://readingroom.law.gsu.edu/businesscourt>



Part of the [Business Law, Public Responsibility, and Ethics Commons](#), [Business Organizations Law Commons](#), and the [Contracts Commons](#)

Institutional Repository Citation

Goger, John J., "La Famiglia Trust, Final Order and Judgment" (2015). *Georgia Business Court Opinions*. 333.
<https://readingroom.law.gsu.edu/businesscourt/333>

This Court Order is brought to you for free and open access by Reading Room. It has been accepted for inclusion in Georgia Business Court Opinions by an authorized administrator of Reading Room. For more information, please contact mbutler@gsu.edu.

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA



LA FAMIGLIA TRUST,
Plaintiff,

v.

MICHAEL O'CONNOR, ANGELA
O'CONNOR, and OGD HOLDINGS, LLC.

Defendants.

Civil Action File No: 2014cv249853
BUS 4

COPY

FINAL ORDER AND JUDGMENT

On February 6, 2015, Plaintiff La Famiglia Trust ("Plaintiff" or "La Famiglia") filed its Motion for Summary Judgment against Defendant OGD Holdings, LLC f/k/a Anduro Holdings, LLC ("OGD"). After consideration of Plaintiff's Motion for Summary, Brief in Support, the Affidavit of Marc Datalle, and all pleadings of record, the Court finds that it is undisputed that: (1) on January 1, 2010, OGD executed a promissory note, credit agreement, and pledge and security agreement (collectively the "Loan Documents") evidencing and securing a \$2,000,000.00 line of credit loan (the "Loan") from La Famiglia to OGD; (2) in August, 2013, OGD executed a modification agreement in favor of La Famiglia increasing the Loan amount by \$200,000.00 and decreased the interest amount to seven percent (7%); (3) OGD failed to make any of the monthly payments due under the Loan Documents; (4) La Famiglia notified OGD of its default of the Loan Documents and OGD failed to cure its default; (5) OGD is in default of the Loan Documents, and (6) OGD has no defense to the enforcement of the Loan Documents. Therefore, no genuine issues of material fact exist as to whether OGD has defaulted under the

Loan Document and is indebted to La Famiglia. Accordingly, Plaintiff's Motion for Summary Judgment against OGD is **GRANTED**.

It is further **ORDERED** and **ADJUDGED** that judgment is entered in favor of Plaintiff La Famiglia and against the Defendant OGD, in the principal amount of \$1,982,000.00, interest in the amount of \$590,105.20, accruing at a daily rate of \$814.52 per day through March 23, 2015, and attorneys' fees in the amount of \$257,235.52 in accordance with O.C.G.A. § 13-1-11, which accounts for 15% of the first \$500 of all principal and interest due and owing and 10% of all remaining principal and interest due and owing.

This the 24 day of March, 2015.


Honorable John J. Goger
Judge, Superior Court of Fulton County

Copies to:

<p>Attorneys for Plaintiff La Famiglia Trust</p>	<p>Attorneys for Defendants OGD Holding, LLC, Michael O'Connor, and Angela O'Connor</p>
<p>Bryan M. Knight Sheri G. Buda KNIGHT JOHNSON, LLC One Midtown Plaza 1360 Peachtree Street Suite 1201 Atlanta, GA 30309 Tel: 404-228-4822 Fax: 404-2284821</p> <p>bknight@knightjohnson.com sbuda@knightjohnson.com</p>	<p>Attorneys for Defendants OGD Holding, LLC</p> <p>Hayden R. Pace Jordan D. Arkin PACE LAW, P.C. 1447 Peachtree Street, NE Suite 610 Atlanta, GA 30309 Tel: 404-563-5690 Fax: 404-521-4313</p> <p>hayden@pacelaw.com Jordan@pacelaw.com</p> <p>Attorneys for Defendants Michael O'Connor and Angela O'Connor</p> <p>N. Kirkland Pope Jay F. Hirsch David C. Rayfield POPE, MCGLAMRY, KILPATRICK, MORRISON & NORWOOD, PC The Pinnacle, Suite 925 3455 Peachtree Road, N.E. P.O. Box 191625 (31119-1625) Atlanta, GA 30326 Tel: 404-523-7706 Fax: 404-524-1648</p> <p>kirkpope@pmkm.com jayhirsch@pmkm.com davidrayfield@pmkm.com</p>