

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

CITIBANK, N.A.,
Plaintiff,

v.

INTEGRATED MEDICAL SOLUTIONS,
LLC, ET AL,
Defendants.

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CIVIL CASE NO.
3:20-CV-298 (JCH)

MAY 6, 2021

RULING RE: PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (DOC. NO. 27)

In this action, Citibank, N.A., sued Integrated Medical Solutions, LLC ("IMS") and Frank Sarcone to collect money for breach of a Commercial Credit Application/Agreement ("Application"). Citibank granted the credit facility to IMS, and Sarcone guaranteed it. The Application was subsequently amended on May 14, 2015, by all parties.

The defendants took an advance on the credit account, but eventually defaulted on December 30, 2019.

Citibank seeks \$77,967.56, plus accrued interest up to December 30, 2019 in the amount of \$2,887.79, and interest accruing thereafter to the date of judgment, and attorney fees and costs.

The defendants defaulted for failure to appear following service.

The plaintiff has moved for summary judgment and has come forward with evidence supporting the elements of its claims against IMS in Counts 1 through 3, and Sarone in Count 4. Motion for Summary Judgment (Doc. No. 27). The defendants have not opposed the Motion for Summary Judgment. There is no evidence on the record upon which a reasonable jury could find the plaintiff had failed to prove its cause

of action. The court concludes that no reasonable jury could find for the defendants in this action.

In addition, the plaintiff, having moved for summary judgment on the special defenses of the defendants, the court concludes there are no material issues of fact concerning these defenses, and no reasonable jury could find that defendants could prevail on these defenses.

Therefore, the plaintiff's Motion for Summary Judgment (Doc. No. 27) is granted. The Clerk is directed to enter judgment in favor of the plaintiff and close this case. Judgment will enter in the amount of \$77,967.56, plus interest through December 30, 2019 in the amount of \$2,887.79, and interest to date judgment enters, plus attorney's fees and costs to be determined.

Plaintiff is ordered to file a motion for attorney's fees and costs within 14 days, and to inform the court of the interest under the contract from January 1, 2020, to the date of filing, and a daily rate of interest thereafter.

SO ORDERED.

Dated at New Haven, Connecticut this 6th day of May 2021.

/s/ Janet C. Hall
Janet C. Hall
United States District Judge