

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, TAMPA DIVISION

Roger Down, et al. v. Robert Ray Holcomb, et al.

Down v. Holcomb · No. 8:24-CV-2493-WFJ-AAS · Decided January 28, 2026

SUMMARY

The United States District Court for the Middle District of Florida entered final default judgment against Holcomb Power, LLC in favor of four plaintiffs. The court awarded total damages of \$700,569.72, consisting of verified investment or loan amounts plus legal interest.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Tampa Division
WRITING FOR THE COURT	William F. Jung
JURISDICTION	United States District Court for the Middle District of Florida, Tampa Division
DECIDED	January 28, 2026
DOCKET	8:24-CV-2493-WFJ-AAS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved for final default judgment against Holcomb Power, LLC after the Court had previously granted their motion for default judgment. The Court entered final default judgment for the plaintiffs and awarded verified damages.
PRECEDENTIAL VALUE	unpublished
PARTIES	Roger Down, Elizabeth Robinson, RHL Down Superannuation Fund, Tukibek Superannuation Fund, Timtash Pty. Ltd. v. Robert Ray Holcomb, Ellen Sue Holcomb, Holcomb Power, LLC

TOPICS

- default judgment
- default
- damages
- remedies
- commercial litigation

PRACTICE AREAS

- civil procedure
- commercial litigation
- remedies

QUESTIONS PRESENTED

- 1. Whether final default judgment should be entered against Holcomb Power, LLC.
- 2. Whether plaintiffs' verified damages should be awarded in the amounts requested.

HOLDINGS

- 1. Because Holcomb Power, LLC defaulted, the well-pleaded factual allegations in the complaint concerning that defendant were taken as true, and the defendant was bound by those established facts.
- 2. Final default judgment was properly entered against Holcomb Power, LLC for \$147,352.73 in favor of the RHL Down Superannuation Fund, \$294,705.46 in favor of the Tukibek Superannuation Fund, \$182,811.06 in favor of Timtash Pty. Ltd., and \$75,700.47 in favor of Roger Down.

KEY QUOTATIONS

“defendant, by [its] default, admits the plaintiff’s well-pleaded allegations of fact, is concluded on those facts by the judgment, and is barred from contesting on appeal the facts thus established.” (561 F.3d at 1307)

FACTUAL BACKGROUND

The complaint alleged claims concerning investments and loans made to Holcomb Power, LLC. The RHL Down Superannuation Fund paid \$100,000 for an investment, and the Tukibek Superannuation Fund paid \$200,000 for an investment. Timtash Pty. Ltd. loaned \$152,244, and Roger Down loaned \$63,334, to Holcomb Power, LLC. Plaintiffs verified damages consisting of those amounts plus legal interest.

PROCEDURAL HISTORY

Plaintiffs filed suit against the defendants, including Holcomb Power, LLC. The Court granted plaintiffs' motion for default judgment by endorsed order. Holcomb Power, LLC remained unrepresented, and no interested party filed a supplemental brief concerning damages. The Court then issued this written final default judgment awarding plaintiffs specified damages against Holcomb Power, LLC.

DISPOSITION

other

CASES CITED

- Eagle Hosp. Physicians, LLC v. SRG Consulting, Inc., 561 F.3d 1298, 1307 (11th Cir. 2009)
- Nishimatsu Constr. Co. v. Hous. Nat'l Bank, 515 F.2d 1200, 1206 (5th Cir. 1975)

OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA TAMPA DIVISION
ROGER DOWN, et al., Plaintiffs, v. Case No. 8:24-CV-2493-WFJ-AAS ROBERT RAY
HOLCOMB, et al., Defendants. _____/ FINAL DEFAULT

JUDGMENT Before the Court is Roger Down, Elizabeth Robinson, the RHL Down Superannuation Fund, the Tukibek Superannuation Fund, and Timtash Pty.

Ltd.'s Motion for Final Default Judgment against Holcomb Power, LLC. Dkt. 76. The Court has granted Plaintiff's Motion for Default Judgment via endorsed order. Dkt. 82. Defendant Holcomb Power, LLC remains unrepresented, and Defendants Robert Ray Holcomb and Ellen Sue Holcomb do not represent, and do not appear, on behalf of this defaulted entity, which may only speak through counsel.

Dkt. 56 (collecting cases). No interested party has filed a supplemental brief concerning damages against this entity, as permitted by the Court. See Dkt. 82. Accordingly, this written Order follows the prior endorsed order and grants Plaintiffs' Motion for Final Default Judgment.

As the Eleventh Circuit notes, a "defendant, by [its] default, admits the plaintiff's well-pleaded allegations of fact, is concluded on those facts by the judgment, and is barred from contesting on appeal the facts thus established." *Eagle Hosp. Physicians, LLC v. SRG Consulting, Inc.*, 561 F.3d 1298, 1307 (11th Cir. 2009) (quoting *Nishimatsu Constr. Co. v. Hou.*

Nat'l Bank, 515 F.2d 1200, 1206 (5th Cir. 1975)). Because Defendant Holcomb Power, LLC has defaulted, all allegations in the complaint concerning it are taken as true. *Id.* The damages verified by Plaintiffs are: \$147,352.73 as to the RHL Down Superannuation Fund, representing the consideration paid for an investment in Holcomb Power, LLC of \$100,000 and legal interest of \$47,352.73, Dkt.

76-4 at 1-3; \$294,705.46 as to the Tukibek Superannuation Fund, representing the consideration paid for an investment in Holcomb Power, LLC of \$200,000 and legal interest of \$94,705.46, *id.* at 4-6; \$182,811.06 as to Timtash Pty. Ltd., representing the consideration loaned to Holcomb Power, LLC of \$152,244 and legal interest of \$30,567.06, *id.* at 7-10; and \$75,700.47 as to Roger Down, representing the consideration loaned to Holcomb Power, LLC of \$63,334 and legal interest of \$12,366.47, *id.* at 11-15.

Accordingly, it is hereby ORDERED and ADJUDGED that final default judgment be entered as follows and for which executions may issue: 1. In favor of Plaintiff the RHL Down Superannuation Fund and against Defendant Holcomb Power, LLC for \$147,352.73; 2.

In favor of Plaintiff Tukibek Superannuation Fund and against Defendant Holcomb Power, LLC for \$294,705.46; 3. In favor of Plaintiff Timtash Pty. Ltd. and against Defendant Holcomb Power, LLC for \$182,811.06; and 4.

In favor of Plaintiff Roger Down and against Defendant Holcomb Power, LLC for \$75,700.47. DONE AND ORDERED at Tampa, Florida, on January 28, 2026. /s/ William F. Jung WILLIAM F. JUNG UNITED STATES DISTRICT JUDGE COPIES FURNISHED TO: Counsel of Record

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