

**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

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