

The Court further finds that Provident and SMI have both plead for prejudgment interest and are entitled to receive the same.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED that Provident Financial, Inc., shall have and recover judgment against Strategic Energy, LLC, in the principal sum of \$818,366.95, together with prejudgment interest at five percent (5%) per annum through August 1, 2009, in the sum of \$111,964.93, and \$112.05 per diem from August 2, 2009 until the date of judgment.

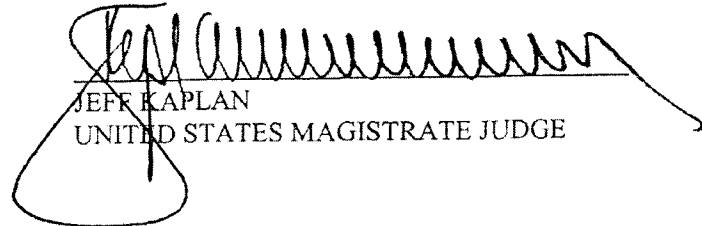
IT IS FURTHER ORDERED ADJUDGED AND DECREED that SMI Marketing, Inc., shall have and recover judgment against Strategic Energy, LLC, in the principal sum of \$53,510.71, together with prejudgment interest at five percent (5%) per annum through August 1, 2009, in the sum of \$7,323.20, and \$7.33 per diem from August 2, 2009, until the date of judgment.

IT IS FURTHER ORDERED that post-judgment interest shall accrue on all sums awarded herein at the rate of five percent (0.33%) per annum from the date of judgment until paid.

Provident Financial, Inc. and SMI Marketing, Inc. shall recover their taxable costs of court from Strategic Energy, LLC.

SO ORDERED.

Dated: November 24, 2009.


JEFF KAPLAN
UNITED STATES MAGISTRATE JUDGE

APPROVED AS TO FORM:

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<p><u>/s/</u> <hr/> John Matthew Sjoberg State Bar. No. 18451480 Jackson, Sjoberg, McCarthy & Wilson LLP 711 W. 7th St. Austin, TX 78701 512-472-7600 Tel. 512-225-5565 Fax/ <u>msjoberg@jacksonsjober.com</u></p> <p>ATTORNEY FOR STRATEGIC ENERGY, L.L.C., DEFENDANT</p>	<p><u>/s/</u> <hr/> Diana Laquey Royce West West & Associates, L.L.P. 320 S. R. L. Thornton Frwy., Ste. 300 Dallas, TX 75203 214-941-1881 Tel. 214-941-1399 <u>Diana.l@west llp.com</u></p> <p>ATTORNEYS FOR INTERVENOR SMI MARTKETING, INC.</p>