

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 10-15581
Non-Argument Calendar

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| FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT SEPTEMBER 8, 2011 JOHN LEY CLERK |
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D. C. Docket No. 2:09-cv-00157-LGW-JEG

HRB, LLC,

Plaintiff - Appellee,

versus

JAMES ALEXANDER, et al.,

Defendants,

MARK KORNHAUSER,
FREDERICK L. DAKE,

Defendants - Appellants.

Appeal from the United States District Court
for the Southern District of Georgia

(September 8, 2011)

Before EDMONDSON, PRYOR and BLACK, Circuit Judges.

PER CURIAM:

Appellant Mark Kornhauser appeals the district court's denial of his first motion for reconsideration in connection with a breach of contract action filed by HRB, LLC (HRB). Appellant Frederick L. Dake joins Kornhauser in appealing the denial of a second motion for reconsideration. Appellants contend the district court abused its discretion in denying the motions for reconsideration because it (1) lacked personal jurisdiction to enter a default judgment in favor of HRB as Appellants were not properly served with notice of HRB's Complaint,¹ and (2) the default judgment is void as a matter of law because HRB is attempting to collect a "usurious amount" of interest in connection with the personal guaranty executed by the parties. After reviewing the parties' briefs and the record, we conclude the district court did not abuse its discretion² and affirm for the reasons set forth in the district court's well-reasoned orders of April 16, 2010 and November 10, 2010.

AFFIRMED.

¹We note that Appellants rely on dicta in *National Equip. Rental, Ltd. v. Szukhent*, 375 U.S. 311, 318 (1964) for the proposition that an agent's failure to communicate actual notice of suit to the defendant terminates the agency relationship and impinges upon a defendant's due process rights. The Court expressly stated it was not deciding *Szukhent* based on a scenario where the defendant had no personal notice of a lawsuit. *Id.* at 315.

²"We review a district court's denial of a motion for reconsideration for abuse of discretion." *Corwin v. Walt Disney Co.*, 475 F.3d 1239, 1254 (11th Cir. 2007).