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CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

(Handwritten initials)

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FILED
CLERK, U.S. DISTRICT COURT
JUL 13 2006
CENTRAL DISTRICT OF CALIFORNIA
BY *(Signature)* DEPUTY

SCANNED

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION

MODERN MEXICAN RESTAURANTS, INC., a Colorado Corporation, and TONALI, INC., a Delaware Corporation,

Plaintiffs,

v.

MAYA LOUNGE, et al.,

Defendants.

Case No. CV 06-1048 FMC (JCx)

DEFAULT JUDGMENT AND PERMANENT INJUNCTION AGAINST DEFENDANT MAYA LOUNGE AND AWARD OF ATTORNEY'S FEES AND COSTS TO PLAINTIFFS

Date: July 24, 2006

Time: 10:00 a.m.

Place: Courtroom 750,

Judge Florence-Marie Cooper

DOCKETED ON CM
JUL 14 2006
BY *(Signature)* 021

9

[Proposed] Default Judgment

Consideration

1 This matter came on for ~~hearing~~ in the above-entitled Court ~~at the date and~~
2 ~~time indicated above~~. The Court, having considered the papers filed herewith and
3 the argument of counsel, if any, hereby ORDERS as follows:

SCANNED
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4
5 IT IS ORDERED that Plaintiffs' Motion for Default Judgment against
6 Defendant Maya Lounge and for Permanent Injunction, Attorney's Fees and Costs is
7 GRANTED.

8
9 IT IS FURTHER ORDERED that judgment on Plaintiffs' First Cause of
10 Action for Dilution, Plaintiffs' Second Cause of Action for Trademark Infringement,
11 Plaintiffs' Third Cause of Action for Federal Unfair Competition and Plaintiffs'
12 Fourth Cause of Action for Unfair Competition under California law is ENTERED
13 in favor of Plaintiffs and against Defendant Maya Lounge.

14
15 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant
16 Maya Lounge and its officers, agents, servants, employees, attorneys, successors and
17 assigns, and those persons in active concert or participation with them who receive
18 actual notice of this order by personal service or otherwise are permanently enjoined
19 and restrained:

20 (A) from using the MAYA trade names or trademarks, or any version thereof,
21 in connection with the description, marketing, promotion, advertising, or sale of any
22 restaurant service;

23 (B) from infringing the MAYA trademark;

24 (C) from diluting the MAYA trademark; and

25 (D) from using any confusingly similar MAYA internet domain name,
26 including the domain mayalounge.net, that is likely to cause confusion, to cause
27 mistake or to deceive.

1 IT IS FURTHER ORDERED that Defendant Maya Lounge destroy and
2 remove all signs, banners, advertisements and any other materials in its custody or
3 control bearing the mark Maya, Maya Lounge or any other term confusingly similar
4 to the MAYA trademark.

5
6 IT IS FURTHER ORDERED that Defendant Maya Lounge file with this
7 Court and serve on Plaintiffs' counsel within thirty (30) days after service of this
8 Order a report in writing under oath setting forth in detail the manner and form in
9 which Defendant Maya Lounge has complied with this injunction.

10
11 IT IS FURTHER ORDERED that Plaintiffs are awarded attorney's fees in the
12 amount of ~~\$8065~~ against Defendant Maya Lounge. *fine*

13 *\$4,000*
14 IT IS FURTHER ORDERED that Plaintiffs are awarded costs in the amount
15 of \$543.68 against Defendant Maya Lounge.

16
17 IT IS SO ORDERED.

18
19 Date: *July 13, 2006*

20 By: *Lawrence Mark Coops*
United States District Court Judge

21
22 Submitted by:

23 *EC Schewe*
24 _____
Edward C. Schewe

25 Daniel C. Cotman

26 DALINA LAW GROUP, P.C.

27 Counsel for Plaintiffs

28 MODERN MEXICAN RESTAURANTS, INC. and

TONALI, INC.

CERTIFICATE OF SERVICE

SCANNED

I hereby certify that on June 30, 2006, a true and correct copy of the foregoing [Proposed] Default Judgment was served via mail upon defendant, identified below:

Mr. Viren Moody
14 East 33rd Street
New York, NY 10022

Dated: June 30, 2006



Farah Bhanjee