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12 Attorneys for Defendant and Counterclaimant
 13 CVS PHARMACY, INC. and
 14 Defendant CVS CAREMARK CORP.

15 **UNITED STATES DISTRICT COURT**
 16 **CENTRAL DISTRICT OF CALIFORNIA**
 17 **WESTERN DIVISION**

18 EINSTEIN COSMETICS, LLC and
 19 JOSEPH L. SHALANT,

20 Plaintiffs,
 21 vs.

22 CVS CAREMARK CORP., CVS
 23 pharmacy
 24 And DOES 1-20, Inclusive,
 25 ,

26 Defendants.

Case No. CV10-00640-AHM (AGR_x)

REVISED FINAL JUDGMENT

27 CVS PHARMACY, INC,
 28 Counterclaimant,

vs.

EINSTEIN COSMETICS, LLC and
 JOSEPH L. SHALANT,

Counterdefendants.

Judge: Honorable A. Howard Matz
 Ctrm: 14

Discovery Cut Off: 01/03/11
 Pretrial Conference: 06/20/11
 Trial Date: 07/05/11

1 This action came on regularly for hearing before the Court, Hon. A. Howard
2 Matz, District Judge Presiding, on Defendants CVS Pharmacy, Inc. and CVS
3 Caremark Corp.'s Motion for Summary Judgment on all causes of action in Plaintiff
4 Einstein Cosmetics, LLC's Complaint, and the evidence presented having been fully
5 considered, the issues having been duly heard and a decision having been duly
6 rendered,

7 IT IS ORDERED AND ADJUDGED that Plaintiff Einstein Cosmetics, LLC
8 take nothing by its Complaint, that Plaintiff's Complaint be dismissed and that
9 Defendants recover their costs.

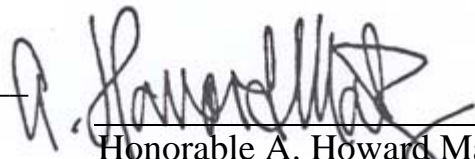
10 Additionally, this action came on regularly for hearing before the Court,
11 Hon. A. Howard Matz, District Judge Presiding, on Defendant/ Counterclaimant CVS
12 Pharmacy, Inc. ("CVS") and Defendant CVS Caremark Corp.'s Motion for
13 Terminating Sanctions and an Award of Fees and Costs against Plaintiff/
14 Counterdefendant Einstein Cosmetics, LLC, and the evidence presented having been
15 fully considered, the issues having been duly heard and a decision having been duly
16 rendered,

17 IT IS ORDERED AND ADJUDGED that the answer to CVS' counterclaims
18 be stricken, and that default judgment be entered only as to the counterclaim for
19 breach of contract against Einstein Cosmetics, LLC,¹ including damages in the
20 amount of \$1,025,040.60 against Einstein Cosmetics, LLC with CVS to recover its
21 costs as prevailing party, in accordance with Federal Rule of Civil Procedure 54.

22 No further claims remain in this action and this judgment constitutes a final
23 judgment.

24 **IT IS SO ORDERED.**

25 Dated: June 10, 2011 _____



Honorable A. Howard Matz
Judge, United States District Court

28 ¹ CVS' counterclaim for breach of contract against Joseph L. Shalant shall be dismissed without prejudice.