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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THE HOMER LAUGHLIN CHINA
COMPANY and HLC HOLDING,
INC.,

Plaintiffs,

vs.

HOUSEWARES INTERNATIONAL
INC. and JOHN DOE, whose true name
is unknown,

Defendants.

Case No. LA CV14-05875 JAK AJWx

**CONSENT JUDGMENT AND
PERMANENT INJUNCTION**

JS-6

1 This Consent Decree is entered into by and among Plaintiffs The
2 Homer Laughlin China Company (“THLCC”) and HLC Holding, Inc.
3 (together, “Homer Laughlin”), and Defendant Housewares International Inc.
4 (“HWI”).

5 WHEREAS, Homer Laughlin filed a Complaint against HWI on July
6 28, 2014 alleging that HWI, in offering for sale inferior copies of Fiesta®
7 Dinnerware, violated Homer Laughlin’s trade dress rights and harmed
8 Homer Laughlin’s reputation and goodwill;

9 WHEREAS, Homer Laughlin pleaded five causes of action against
10 HWI, as follows: unfair competition under the Lanham Act; unfair
11 competition under California law; unjust enrichment; and dilution of the
12 Fiesta® brand under both federal law and California law;

13 WHEREAS, HWI offered judgment pursuant to Federal Rule of Civil
14 Procedure 68 on September 23, 2014;

15 WHEREAS, this Court has personal and subject matter jurisdiction
16 over this matter; and

17 WHEREAS, Homer Laughlin and HWI (together, the “Parties”)
18 having now resolved this action based upon the terms set forth in the within
19 Consent Decree, the Parties hereby agree, and it hereby ORDERED,
20 ADJUDGED and DECREED as follows:

21 1. Within thirty (30) days following the Court’s approval of this Consent
22 Decree, HWI will remit a payment in the amount of Thirty-Five Thousand Dollars
23 (\$35,000.00) to The Homer Laughlin China Company. This payment shall be sent
24 via negotiable check representing good funds.

25 2. HWI is permanently enjoined and restrained from willfully or
26 intentionally infringing upon, or otherwise willfully or intentionally violating, the
27 trade dress and trademark rights of Homer Laughlin in the future, or undertaking
28

1 any other willful act intended to confuse or deceive consumers into believing that
2 the products that HWI offers for sale emanate from, or are connected with, Homer
3 Laughlin.

4 3. Except for the obligations of HWI set forth in this Consent Decree,
5 Homer Laughlin hereby releases and forever discharges HWI and its officers,
6 directors, employees, agents, representatives, attorneys and accountants, and each
7 of their successors and assigns, of and from all manner of causes of action, suits,
8 debts, sums of money, promises, damages, judgments, claims and demands
9 whatsoever, in law or in equity, arising out of any transaction or occurrence
10 accruing or arising on or before the date of this Consent Decree.

11 4. Except for the obligations of Homer Laughlin set forth in this Consent
12 Decree, HWI hereby releases and forever discharges Homer Laughlin and its
13 officers, directors, employees, agents, representatives, attorneys and accountants,
14 and each of their successors and assigns, of and from all manner of causes of
15 action, suits, debts, sums of money, promises, damages, judgments, claims and
16 demands whatsoever, in law or in equity, arising out of any transaction or
17 occurrence accruing or arising on or before the date of this Consent Decree.

18 5. The provisions of this Consent Decree shall be binding upon and inure
19 to the benefit of the Parties' agents, officers, directors, attorneys, parents,
20 subsidiaries, affiliates, successors, and assigns.

21 6. This Court shall retain jurisdiction in order to enforce, as necessary,
22 the terms of this Consent Decree.

23 7. This Consent Decree constitutes the entire agreement among the
24 Parties.

25 ///

26 ****SIGNATURES ON NEXT PAGE - PAGE 4****

IT IS SO ORDERED.

BY THE COURT:



Hon. John A. Kronstadt
United States District Judge

Dated: December 29, 2014

The parties hereby consent to the entry of the foregoing Consent Judgment and Permanent Injunction.

THE HOMER LAUGHLIN CHINA COMPANY AND HLC HOLDING, INC.

HOUSEWARES INTERNATIONAL, INC.

By: _____

By: _____

JOSEPH WELLS III, Chairman of the Board, The Homer Laughlin China Company

SEAN SOLOUKI, Chief Executive Officer, Housewares International, Inc.

APPROVED AS TO FORM AND CONTENT:

LAW OFFICES OF RICHARD C. SPENCER

SCHAFFER, LAX, MCNAUGHTON & CHEN

By: /s/ _____
Richard C. Spencer

By: /s/ _____
John H. Horwitz

Attorneys for Plaintiffs, The Homer Laughlin China Company and HLC Holding, Inc.

Attorneys for Defendant Housewares International Inc.

Richard C. Spencer, the filer hereof, attests that all other signatories listed hereon on whose behalf this filing is submitted have concurred in the content and have authorized the filing of this document

IT IS SO ORDERED.

BY THE COURT:

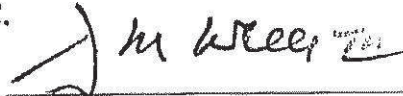
Dated: _____

Hon. John A. Kronstadt
United Stated District Court Judge

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THE HOMER LAUGHLIN CHINA COMPANY AND HLC HOLDING, INC.

HOUSEWARES INTERNATIONAL, INC.

By: 

By: _____

JOSEPH WELLS III, Chairman of the Board, The Homer Laughlin China Company

SEAN SOLOUKI, Chief Executive Officer, Housewares International, Inc.

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By: /s/ _____
Richard C. Spencer

By: /s/ _____
John H. Horwitz

Attorneys for Plaintiffs, The Homer Laughlin China Company and HLC Holding, Inc.

Attorneys for Defendant Housewares International Inc.

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IT IS SO ORDERED.

BY THE COURT:

Dated: _____

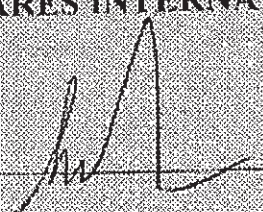
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United States District Court Judge

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HOUSEWARES INTERNATIONAL, INC.

By: _____
JOSEPH WELLS III, Chairman of the Board, The Homer Laughlin China Company

By: 
SEAN SOLOUKI, Chief Executive Officer, Housewares International, Inc.

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By: /s/ Richard C. Spencer
Attorneys for Plaintiffs, The Homer Laughlin China Company and HLC Holding, Inc.

By: /s/ John H. Horwitz
Attorneys for Defendant Housewares International Inc.

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