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11 Attorneys for Plaintiffs
 Flip Flop Shops Franchise Company, LLC,
 12 FFS Holdings, LLC, and
 Cherokee Inc.

13
 14 UNITED STATES DISTRICT COURT

15 CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

16 FLIP FLOP SHOPS FRANCHISE COMPANY,
 17 LLC, FFS HOLDINGS, LLC, and CHEROKEE
 INC.,

18 Plaintiffs,

19 v.

20 AMY NEB; CHAD NEB; SWAGGER, LLC;
 21 KING'S X, LLC; and POLU LANI LLC,

22 Defendants.

Case No. 2:16-cv-07259-JFW (Ex)

**Date Action Filed:
 September 27, 2016**

JUDGMENT

The Honorable John F. Walter

Courtroom 7A

United States Courthouse
 350 W. 1st Street
 Los Angeles, CA 90012

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2 WHEREAS, Plaintiffs Flip Flop Shops Franchise Company, LLC, FFS
3 Holdings, LLC, and Cherokee Inc. (collectively, "Plaintiffs") filed their Second
4 Amended Complaint [ECF 37] on October 20, 2016, asserting eleven (11) claims for
5 relief against Defendants Amy Neb, Chad Neb, Swagger, LLC, Kings X, LLC, and
6 Polu Lani LLC (collectively, "Defendants");

7 WHEREAS, on March 27, 2017, Plaintiffs filed their Motion for Partial
8 Summary Judgment [ECF 85] on Plaintiffs' Seventh Cause of Action for Breach of
9 Contract and Eighth Cause of Action for Breach of Noncompete Covenant;

10 WHEREAS, on March 31, 2017, Plaintiffs and Defendants filed a Stipulation
11 of Dismissal Without Prejudice of Claims 1-6 and 9-11 of Plaintiffs' Second
12 Amended Complaint [ECF 86];

13 WHEREAS, the Court has considered the parties' memoranda of points and
14 authorities, statements of uncontroverted facts and conclusions of law, the supporting
15 declarations and evidence submitted therewith, as well as all of the other pleadings,
16 records, and documents on file in this action;

17 WHEREAS, on April 25, 2017, the Court issued an Order Granting Plaintiffs'
18 Motion for Partial Summary Judgment [ECF 95] and a Statement of Decision
19 Granting Plaintiffs' Motion for Partial Summary Judgment [ECF 96]; and,

20 WHEREAS, in view of the Court's Order and Statement of Decision, final
21 judgment should be entered.

22 **IT IS HEREBY ORDERED AND ADJUDGED THAT:**

- 23 1. Plaintiffs' Motion for Partial Summary Judgment is GRANTED;
- 24 2. Plaintiffs are entitled to an award of damages in the amount of
25 \$44,254.53, plus 18% interest beginning on December 12, 2016, the date
26 on which the Court issued its Preliminary Injunction [ECF 65], such
27 interest totaling \$3,077.21 as of May 1, 2017, and accruing at a daily
28 rate of \$21.82 thereafter;
3. Plaintiffs are also entitled to their reasonable attorney's fees and costs

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incurred in enforcing the Non-Compete Provision and seeking injunctive relief, in an amount to be submitted by Plaintiffs in a Motion for Attorneys' Fees and Costs;

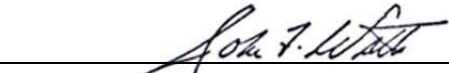
4. The Court further GRANTS Plaintiffs permanent injunctive relief, as follows:

- a. Defendants and their officers, agents, servants, employees, and attorneys are hereby permanently restrained and enjoined from operating the Terminated Stores, and from using Plaintiffs' proprietary System, Confidential Information and Marks;
- b. Additionally, Defendants are expressly ordered to comply with the Non-Competition Provision required of Defendants under the Franchise Agreements including with respect to the geographic restrictions set forth therein;
- c. This order shall continue in full force and effect for the duration of the two-year non-competition period provided by the Franchise Agreements and as ordered by the Court in its Preliminary Injunction on December 12, 2016 [ECF 65];

- 5. Final judgment is entered in favor of Plaintiffs;
- 6. Pursuant to Local Rule 54-1, Plaintiffs are the prevailing parties in this action and their costs shall be taxed against Defendants;
- 7. Pursuant to Local Rules 54-2 and 54-10, any motions or applications for costs or attorneys' fees shall be served and filed within fourteen (14) days after the entry of this Final Judgment; and, thereafter,
- 8. The Clerk of Court shall close this case.

IT IS SO ORDERED.

May 2, 2017


HONORABLE JOHN F. WALTER
UNITED STATES DISTRICT JUDGE