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UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

OUT OF THE BOX)
 ENTERPRISES, LLC, A)
 TEXAS LIMITED LIABILITY)
 COMPANY,)
)
 Plaintiff,)
)
 v.)
)
 EL PASEO JEWELRY)
 EXCHANGE, INC., A NEVADA)
 CORPORATION; EL PASEO)
 JEWELRY, INC., A)
 CALIFORNIA CORPORATION;)
 RAJU MEHTA, AN)
 INDIVIDUAL; IVAN)
 KALENSKY, AN INDIVIDUAL,)
)
 Defendants.)
 _____)

Case No. EDCV 10-01858
 VAP (DTBx)

**FINAL JUDGMENT FOLLOWING
 MANDATE FROM THE NINTH
 CIRCUIT COURT OF APPEALS**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

This action came on regularly for trial on July 11, 2012, in Courtroom 2 of the above entitled Court, the Honorable Virginia A. Phillips, United States District Judge presiding. Plaintiff Out of the Box Enterprises, LLC ("Plaintiff" or "Out of the Box") appeared by its

1 attorneys Lawrence B. Steinberg and Janet R. Nalbandyan
2 of the law firm Buchalter Nember and Defendants El Paseo
3 Jewelry Exchange, Inc., El Paseo Jewelry, Inc., Raju
4 Mehta and Ivan Kalensky (collectively, "Defendants")
5 appeared by their attorneys, Daryl M. Crone, Gerald E.
6 Hawxhurst and Joshua P. Gelbart of the law firm Crone
7 Hawxhurst LLP. On July 20, 2012, Defendants moved for
8 judgment as a matter of law pursuant to Federal Rule of
9 Civil Procedure 50. (Doc. No. 189.) On July 23, 2012,
10 the Court denied Defendants' Motion. (Doc. No. 201.)
11

12 On July 25, 2012, the jury returned a special
13 verdict. (Doc. No. 220.) On July 26, 2012, the second
14 phase of the trial commenced regarding damages; the same
15 day, the jury returned its Phase II verdict. (Doc. No.
16 221.) In accordance with the jury's special verdict, on
17 October 30, 2012, the Court entered Final Judgment
18 against Defendants on Plaintiff's claims for violation of
19 the Lanham Act, 15 U.S.C. § 1125(a), and California
20 Business and Professions Code § 17200, et seq., and in
21 favor of Defendants on Plaintiff's claim for violation of
22 California Business & Professions Code § 17500, et seq.
23 (Doc. No. 264.) In accordance with the jury's Phase II
24 verdict, the Court awarded \$1,500,000 to Plaintiff in
25 lost profits and \$880,355 in disgorgement of El Paseo's
26 profits; Defendants El Paseo Jewelry Exchange, Inc., El
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1 Paseo Jewelry, Inc., Raju Mehta, and Ivan Kalensky were
2 jointly and severally liable for the entire judgment.

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4 On December 24, 2013, Defendants filed a Notice of
5 Appeal to the Ninth Circuit. (Doc. No. 340.) On April
6 30, 2018, the Ninth Circuit reversed this Court's order
7 denying Defendants' motion for judgment as a matter of
8 law issued on July 20, 2012, finding that Plaintiff
9 failed to introduce evidence sufficient to establish the
10 existence and amount of its damages or permissible
11 disgorgement. (See Doc. No. 375.)

12

13 Accordingly, the Court **VACATES** the Final Judgment
14 issued on October 30, 2012 insofar as it pertains to
15 Plaintiff's claims for violations of the Lanham Act, 15
16 U.S.C. § 1125(a), and California Business and Professions
17 Code § 17200, et seq.

18

19 Pursuant to the Ninth Circuit's decision, **NOW,**
20 **THEREFORE, IT IS ADJUDGED, ORDERED AND DECREED THAT:**

21

- 22 1. Judgment is hereby entered, in favor of Defendants
23 against Plaintiff on Plaintiff's claim for violation
24 of the Lanham Act, 15 U.S.C. § 1125(a); and
- 25 2. Judgment is hereby entered, in favor of Defendants
26 against Plaintiff on Plaintiff's claim for violation

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1 of California Business and Professions Code § 17200,
2 et seq.

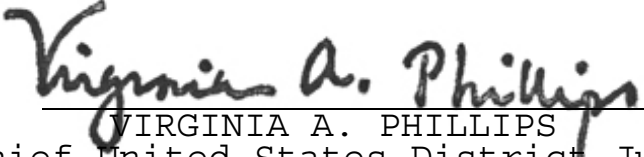
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4 The Court orders that such judgment be entered.

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7 Dated: June 1, 2018


VIRGINIA A. PHILLIPS
Chief United States District Judge

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