

1 UNITED STATES DISTRICT COURT  
2  
3 EASTERN DISTRICT OF CALIFORNIA

4 BEN & JERRY'S FRANCHISING,  
5 INC., et al.,

6 Plaintiffs,

7 vs.

8 MPA GROUP, INC. and MEHRDAD  
9 PORGHAVAMI, et al.,

10 Defendants.

No. CV-07-2599-JAM-KJM

**JUDGMENT FOR WONDER ICE CREAM  
11 LLC**

Hearing Date: November 18, 2009  
12 Time: 9 a.m.  
13 Courtroom: 6

14 MEHRDAD PORGHAVAMI, et al.,

15 Counter-Claimant,

16 vs.

17 BEN & JERRY'S FRANCHISING  
18 INC., a Vermont corporation, and BEN  
19 & JERRY'S HOMEMADE INC., a  
20 Vermont corporation, and BEN &  
21 JERRY'S OF CALIFORNIA INC., a  
22 California corporation, and WONDER  
23 ICE CREAM LLC.

24 Counter-Defendants.

25 On November 18, 2009, in Courtroom 6 of the above-entitled Court, the Motion for  
26 Summary Judgment ("Motion") of Wonder Ice Cream, LLC ("Wonder") came on regularly  
27 for hearing. The Court has considered the papers submitted in support of and in  
28 opposition to the Motion, has reviewed the authorities cited by the parties, has reviewed  
the record in the case submitted and cited by the parties and has heard the arguments of  
the parties. Being so informed, the Court finds GOOD CAUSE and GRANTS SUMMARY  
JUDGMENT in favor of Wonder. Accordingly, it is, by the Court this 23<sup>rd</sup> day of  
November, 2009

ORDERED, ADJUDGED and DECREED that:

(1) Wonder's Motion for Summary Judgment is hereby granted in its entirety; and

1 (2) Judgment is entered in favor of Wonder and against Defendant/Counter-  
2 Claimant Mehrdad Porghavami ("Porghavami") on his Second Amended Counter-Claim  
3 [Docket No. 73], and Porghavami's Second Amended Counter-Claim is dismissed with  
4 prejudice<sup>1</sup>; and it is

5 (3) Declared that Wonder is not liable to Mehrdad Porghavami or MPA Group, Inc.  
6 ("MPA") for any of the counter-claims asserted by them; and it is

7 (4) Declared that Wonder is the prevailing party and is awarded costs of suit in the  
8 amount to be determined by application to the clerk of the court.

9

10

11 DATED: November 23, 2009

12

/s/ John A. Mendez  
Honorable John A. Mendez  
United States District Judge

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

---

<sup>1</sup> MPA Group, Inc.'s Second Amended Counter-Claim was previously dismissed by this Court by Order dated August 31, 2009 [Docket No. 199].