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United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Maxim Integrated Products, Inc.,

NO. C 09-00514 JW

Plaintiff,

**ORDER ENTERING CONFESSION OF  
JUDGMENT**

v.

Richard Quintana, et al.,

Defendants.

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Presently before the Court are (1) Confession of Judgment (Docket Item No. 60) and (2) Declaration of Michael J. Ioannou in Support of Entry of Confession of Judgment, Request for Attorneys' Fees and Costs in Accordance with the Court's November 17, 2009 Order. (hereafter, "Ioannou Decl.," Docket Item No. 59.) The Court ordered Plaintiff to file these documents in its November 17, 2009 Order Granting Plaintiff's Motion to Enforce Settlement Agreement. (hereafter, "November 17 Order," Docket Item No. 56.)

Upon review of Plaintiff's submissions, the Court finds it appropriate to enter the Confession of Judgment and award Plaintiff attorney fees and costs related to enforcing the Confession of Judgment. However, the Court finds that Plaintiff is not entitled to attorney fees for enforcement of the Confession or the permanent injunction in this case as to third parties, for which Plaintiff claims the sum of \$15,145. (See Ioannou Decl. ¶¶ 4, 6.) The Confession of Judgment was signed by Defendant Quintana on behalf of himself and dba Defendant My-iButton, LLC. (See Confession of Judgment at 3.) The Confession allows Plaintiff to recover "reasonable attorneys' fees and costs in filing and enforcing *this Confession of Judgment.*" (*Id.* (emphasis added).) Nothing in the

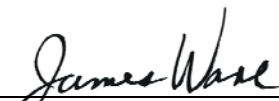
1 Confession reasonably indicates that Defendant Quintana is responsible for Plaintiff's attorney fees  
2 or costs for enforcement actions taken against third parties. Nor is it clear how Plaintiff could  
3 enforce the Confession against third parties (*i.e.*, entities not party to the Confession). Thus, the  
4 Court will award Plaintiff attorney fees and costs only for enforcement of the Confession of  
5 Judgment against Defendants, which total \$9,850.82. (See Ioannou Decl. ¶¶ 4, 7.)

6 In sum, the Court finds it appropriate to enter the Confession of Judgment in the sum of  
7 \$94,850.82 as follows:

- 8 (1) \$75,000 as the amount owed under the Settlement Agreement,  
9 (2) \$10,000 in liquidated damages, and  
10 (3) \$9,850.82 in attorney fees and costs.

11 Defendant Quintana shall pay to Plaintiff \$94,850.82 within **60 days** of this Order.

12  
13 Dated: December 18, 2009

  
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JAMES WARE  
United States District Judge

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1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 David P. Morales [moraleslaw@sbcglobal.net](mailto:moraleslaw@sbcglobal.net)  
3 Lita Monique Verrier [verrier@rmkb.com](mailto:verrier@rmkb.com)  
4 Michael J. Ioannou [mioannou@rmkb.com](mailto:mioannou@rmkb.com)

5 **Dated: December 18, 2009**

**Richard W. Wieking, Clerk**

6  
7 **By:           /s/ JW Chambers**  
8 **Elizabeth Garcia**  
9 **Courtroom Deputy**

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