

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 15-cv-00461-CMA-MJW

QFA ROYALTIES LLC, AND
THE QUIZNO'S MASTER LLC,,

Plaintiff,

v.

Q OF O, LLC,
DONNA J. JOHNSON,
PHILLIP S. JOHNSON,
DALE A. THOMAS, JR.,
DALE A THOMAS, SR., and
P & D SUBS, INC.,

Defendants.

DEFAULT JUDGMENT

In accordance with the orders filed during the pendency of this case, and pursuant to Fed. R. Civ. P. 55(b), the following Default Judgment is hereby entered.

Pursuant to the Order Granting Plaintiffs' Motion for Default Judgment Against Q of O, LLC and P&D Subs, Inc. of Judge Christine M. Arguello entered on July 24, 2015 it is

ORDERED that default judgment is hereby entered in favor of Plaintiffs and against P & D Subs, Inc. in the amount of \$300,758.99. It is

FURTHER ORDERED that default judgment is hereby entered in favor of Plaintiffs and against Q of O, LLC in the amount of \$279,559.72. It is

FURTHER ORDERED that post-judgment interest shall accrue on the amounts

awarded in this matter at the legal rate of 0.33% per annum from the date of entry of judgment. It is

FURTHER ORDERED that Q of O, LLC and its respective agents, servants and employees, and all persons in active concert or participation with it, are permanently enjoined from:

A. Using any of the Quiznos Marks and trade dress, or any trademark, service mark, logo, trade name, or elements of design and décor that is confusingly similar to the Quiznos Marks and trade dress;

B. Otherwise infringing the Quiznos Marks or trade dress using any similar designation, alone or in combination with any other components, or any other similar design or décor, alone or in combination with other components;

C. Passing off any products or services as those of authorized Quiznos' franchisees or as genuine Quiznos' products or services;

D. Causing a likelihood of confusion or misunderstanding as to the source or sponsorship of their business, products or services;

E. Causing a likelihood of confusion or misunderstanding as to their affiliation, connection, or association with Quiznos, or with any of its products or services; and

F. Unfairly competing with Quiznos in any manner.

It is

FURTHER ORDERED that Q of O, LLC and P & D Subs, Inc., and each of them, and their respective agents, servants and employees, and all persons in active concert or participation with them, are permanently enjoined to fully perform the post-termination obligations contained in their former franchise agreements with QFA Royalties LLC,

including, without limitation, their obligations under their noncompetition covenants.

It is

FURTHER ORDERED that Plaintiffs shall have their costs by the filing of a Bill of Costs with the Clerk of this Court within fourteen (14) days of entry of judgment, and pursuant to the procedures set forth in Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

Dated at Denver, Colorado this 28th day of July, 2015.

FOR THE COURT:
JEFFREY P. COLWELL, CLERK

By: s/ V. Barnes

V. Barnes
Deputy Clerk