

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CONSOLIDATED FOR TRIAL**

COMPULIFE SOFTWARE, INC.

Plaintiff,

v.

BINYOMIN RUTSTEIN
and DAVID RUTSTEIN,

Defendants.

CASE NO: 9:16-CV-80808-BER

COMPULIFE SOFTWARE INC.,

Plaintiff,

v.

MOSES NEWMAN, DAVID RUTSTEIN,
BINYOMIN RUTSTEIN and AARON
LEVY,

Defendants.

CASE NO.: 9:16-cv-81942-BER

NOTICE OF INTENTION TO CORRECT MISTAKE IN FINAL JUDGMENT

The Court raises this issue *sua sponte* and pursuant to Federal Rule of Civil Procedure 60(a).

On March 12, 2018, this Court entered a Final Judgment in favor of Defendants on all counts in both consolidated cases. (ECF No. 225 in case number 16-80808 (“the ’08 case”), ECF No. 235 in case number 19-81942 (“the’42 case”). This Judgment was affirmed in part and vacated in part on appeal. Counts I, II, IV, and V of the ’08 case were remanded for further proceedings, as were Counts I, II, III, and V of the ’42 case.

After conducting a new trial, this Court entered Findings of Fact and Conclusions of Law on July 12, 2021. ECF No. 314 in '08 case, ECF No. 310 in '42 case). The Court concluded:

Based on the foregoing, Compulife is entitled to judgment in its favor on its claims for misappropriation of trade secrets (Counts IV and V in the '08 case and Counts I and V in the '42 case). Defendants shall be jointly and severally liable for damages in the amount of \$368,451.71, plus prejudgment interest. Judgment shall be entered in favor of Defendants on the copyright infringement claims (Counts I and II in the '08 case and Counts II and III in the '42 case)

Id. at 45. A Final Judgment and Permanent Injunction was entered on October 20, 2021. It entered judgment in favor of Plaintiffs as indicated in the Findings of Fact and Conclusions of Law, but inadvertently did not enter judgment in favor of Defendants. Timely appeals were filed from the Final Judgment and were transmitted to the Eleventh Circuit for docketing.

Federal Rule of Civil Procedure 60(a) permits the Court to “correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment . . . But, after an appeal has been docketed in the appellate court, and while it is pending, such a mistake may be corrected only with the appellate court’s leave.” Fed. R. Civ. P. 60(a).

The Court hereby gives notice that it would correct the omission in the Final Judgment if jurisdiction were returned for that limited purpose. *See* Fed. R. App. P. 12.1; Eleventh Circuit Internal Operating Procedure 12.1-1. On or before **December 15, 2021**, the parties shall each file a notice stating whether they object to the Final Judgment being amended.

DONE and ORDERED in Chambers at West Palm Beach, Palm Beach County, in the Southern District of Florida, this 1st day of December 2021.

A handwritten signature in black ink, appearing to read "Bruce Reinhart". The signature is written in a cursive style with a horizontal line underneath it.

BRUCE E. REINHART
UNITED STATES MAGISTRATE JUDGE