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Attorney for Plaintiff  
EMERSON M.F. JOU, M.D.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

EMERSON M.F. JOU, M.D. )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 GREGORY M. ADALIAN; )  
 DOES 1-30, )  
 )  
 Defendants. )  
 )  
 \_\_\_\_\_ )

CIVIL NO. 09-00226 JMS/KSC  
  
FINDINGS AND RECOMMENDATION  
TO GRANT IN PART AND DENY IN  
PART PLAINTIFF EMERSON M.F. ,  
JOU, M.D.'S MOTION TO ENFORCE  
SETTLEMENT AND FOR DAMAGES,  
ATTORNEY'S FEES, COSTS AND  
JUDGMENT [DOC NO. 69];  
  
**Hearing Date: 11-17-10**  
**Hearing Time: 9:30 a.m.**  
  
Magistrate Judge: Hon. Kevin S.C. Chang

**FINDINGS AND RECOMMENDATION TO GRANT IN PART AND DENY  
IN PART PLAINTIFF EMERSON M.F. JOU, M.D.'S MOTION TO  
ENFORCE SETTLEMENT AND FOR DAMAGES, ATTORNEY'S FEES,  
COSTS AND JUDGMENT [DOC NO. 69]**

Plaintiff's Motion To Enforce Settlement And For Damages, Attorney's Fees, Costs and Judgment filed October 6, 2010 having come on for a hearing before the Honorable Kevin S.C. Chang, Judge of the above-entitled Court on November 17, 2010 at 9:30 a.m., William M. Harstad, Esq. and Nathaniel A. Higa, Esq., Carlsmith Ball, LLP, appeared for Defendant GREGORY M. ADALIAN; Stephen M. Shaw, Esq. appeared on behalf of Plaintiff EMERSON M.F. JOU, M.D., and the Court having heard the arguments and having been apprised of the record,

IT IS HEREBY FOUND AND RECOMMENDED that Defendant GREGORY M. ADALIAN pay the \$155,000.00 balance to Plaintiff EMERSON M.F. JOU, M.D. within one week from the date that the Honorable J. Michael Seabright, Judge of The United States District Court, District of Hawaii, takes final action on the Findings and Recommendation herein.

IT IS FURTHER FOUND AND RECOMMENDED that Judgment in the amount of \$155,000.00 be entered forthwith in favor of Plaintiff EMERSON M.F. JOU, M.D., and against Defendant GREGORY M. ADALIAN, and

IT IS FURTHER FOUND AND RECOMMENDED that Plaintiff's request for civil contempt and Plaintiff's requests for damages and sanctions BE DENIED.

Attorney Stephen M. Shaw is directed to submit his Declaration to the Court setting forth his fees and costs reasonably incurred in bringing the instant Motion by November 22, 2010. The Court will thereafter supplement its Findings and Recommendation to include the fees and costs it deems to have been reasonably and necessarily incurred in connection with this motion.

Defendant GREGORY M. ADALIAN is cautioned that his failure to tender the balance of the settlement amount pursuant to a court order may result in a finding of civil contempt as well as other sanctions.

DATED: Honolulu, Hawaii, November 19, 2010.



  
Kevin S.C. Chang  
United States Magistrate Judge