

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LANG EXTERIOR INC., an Illinois corporation)
)
Plaintiff,)
) No. 11-cv-5517
)
v.)
)
LANG WINDOWS INC. and DIONNE LANG,)
)
an Illinois corporation and)
)
an individual)
)
Defendants.)
)

[PROPOSED] ORDER ON ENTRY OF JUDGMENT

THIS MATTER came before the Court on Lang Exterior Inc.’s Motion for Entry of Judgment Against Defendants. This Court already entered orders of default against both Defendants [Dkt. ## 80, 85], and pursuant to this Court’s Order of November 15, 2012 [Dkt. # 85], Lang Exterior Inc. submits this motion for judgment setting forth the specific relief sought against Defendants.

Having carefully considered Lang Exterior Inc.’s Motion For Entry of Judgment Against Defendants, as well as the pleadings, documentary evidence, and arguments by the parties, this Court finds Lang Exterior Inc.’s Motion well taken, and that the following entry of judgment is appropriate and necessary.

NOW THEREFORE, it is hereby ORDERED that:

- (A) Judgment be entered against Defendants on all counts of Lang’s Complaint;
(B) Defendants shall be permanently enjoined from the use, in any manner

whatsoever, of Lang’s LANG and LANG EXTERIOR trademarks or any confusingly similar

mark, including phonetic equivalents, including without limitation all use by owners, officers, directors, agents, shareholders, affiliates and/or employees of Defendants;

(C) Defendants shall be permanently enjoined from the representation, in any manner or by any method whatsoever, that Defendants' goods or services are sponsored, approved, or authorized by Lang, or from otherwise taking any action likely to cause confusion, mistake or deception on the public as to the origin, approval, sponsorship or certification of such goods or services;

(D) Defendants transfer the www.langwindowsinc.com domain name to Lang within ten (10) days of the entry of this order, and further directing the applicable registrar to effectuate such transfer from Defendants to Lang;

(E) Defendants deliver to the Court within fourteen (14) days of the entry of this judgment any and all advertisements, brochures, promotional items and the like in its possession or control which contain Lang's LANG and/or LANG EXTERIOR trademarks, or are likely to confuse consumers that Defendants' goods or services are sponsored, approved, or authorized by Lang;

(F) Defendants deliver to Lang within fourteen (14) days of the entry of this judgment any Lang company laptop and/or Lang customer list in Defendants' possession, custody or control, or otherwise provide Lang a sworn affidavit from Defendants stating that such Lang company laptop and/or Lang customer list is not in Defendants' possession, custody or control;

(G) Defendants shall be permanently enjoined from the disparagement of Lang and/or making false statements regarding Lang or any of its employees or officers, including, without limitation, Dawn Lang, Darb Lang, Doreen Lang and Eugene Lang;

(H) Defendants to turn over to Lang within fourteen (14) days of the entry of this judgment detailed sales and financial information for the past two (2) years, including any official tax returns as filed, in order to account for damages and profits due to Lang because of the actions of Defendants that are the subject of this suit;

(I) Lang be permitted to conduct third party discovery regarding Defendants' financial relationships with third party manufacturers and vendors, including but not limited to Polaris Technologies and Silver Line Windows, a subsidiary of Andersen Corporation, so that Lang can accurately account for damages and profits due to Lang because of the actions of Defendants that are the subject of this suit;

(J) Defendants be ordered to pay Lang's costs and attorneys' fees incurred in pursuing this action, including the failed settlement process and this motion for judgment, which shall be provided to this Court in a separate filing under seal after completion of the accounting and discovery contemplated in (H) and (I) above; and

(K) Lang have such other and further relief as this Court may deem appropriate.

IT IS SO ORDERED

Dated: _____

Hon. Sheila M. Finnegan
United States Magistrate Judge

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