

**UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

SURROGATE MOTHERS, INC.)	
Plaintiff,)	Cause No. 1:08-cv-1695 SEB-TAB
)	
v.)	
)	
ROSA BALCAZAR and)	
B-COMING FERTILITY, INC.)	
Defendants.)	

ORDER ON MOTION FOR DEFAULT JUDGMENT


Comes now Plaintiff, Surrogate Mothers, Inc., by counsel G. Allen Lidy, and hereby moves the Court for a Default Judgment pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure.

The Court, having considered said Motion, now grants said Motion and shall cause a Default Judgment to be entered against the Defendants enjoining them from the continued use of the Plaintiff's trademark, "Alternatives to Infertility."

No monetary damages shall be awarded at this time. Plaintiff's submissions to the Court purporting to justify an award of damages are wholly insufficient. Plaintiff is a corporation and no explanation has been provided for any losses on its behalf, and no information to suggest or establish that its founder, Mr. Litz, is the alter ego of the corporation has been submitted, either. In any event, the monetary amounts referenced in Mr. Litz's Affidavit are vague estimates on which no award could be fairly calculated, assessed, or enforced. Since Defendants allegedly acquiesced in Plaintiff's request that the claimed trademark used by Defendants be discontinued (for which no time frame has been provided), and since Plaintiff represents to the Court in paragraph 1 of its brief at Docket No. 26 that the goal of this litigation was to secure that relief, there is no clear legal or factual basis for an award of money damages.

IT IS SO ORDERED.

Date: 05/05/2010


 SARAH EVANS BARKER, JUDGE
 United States District Court
 Southern District of Indiana

Distribution:

Rosa Balcazar and B-Coming Fertility, Inc.
13959 Whiterock Drive
La Mirada, CA 90368

G. Allen Lidy
Attorney for Plaintiff
2 W. Main Street
Mooresville, IN 46158
Tel. (317) 831-1111