

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CENTRAL FACILITIES OPERATING COMPANY, L.L.C.	CIVIL ACTION NO: 3:11-660
VERSUS	JUDGE JAMES J. BRADY
CINEMARK U.S.A. INC., ET AL.	MAGISTRATE JUDGE STEPHEN C. REIDLINGER

FINAL JUDGMENT

For written reasons assigned in the record;

IT IS ORDERED, ADJUDGED AND DECREED that all claims by CFOC against Cinemark, except CFOC's claim based upon "unjust enrichment" under Louisiana law, are denied and thus are hereby dismissed with prejudice.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all claims for attorneys' fees, pre-judgment interest and late charges asserted by CFOC against Cinemark are denied and thus are hereby dismissed with prejudice.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that CFOC's demand for payment of its chilled water invoices issued to Cinemark on the basis a claim of "unjust enrichment" under Louisiana law is granted in part. Cinemark's liability for chilled water provided to it by CFOC is limited to 8.3 cents per ton hour.

As of February 1, 2014, CFOC provided and Cinemark used 2,814,823 ton hours of chilled water. Thus, Cinemark shall pay CFOC the total amount of \$233,630.31 for chilled water used through February 1, 2014.

During the period of February 2, 2014 through March 1, 2014, the latter being the date of the meter reading on the last month's invoice introduced at the trial of March 13, 2014 (CFOC Exhibit 2), CFOC provided 17000 ton hours of chilled water to Cinemark. Thus, Cinemark shall pay CFOC the amount of \$1,411.00 for chilled water used during the foregoing time period.

During the period of March 2, 2014 through October 1, 2014, CFOC provided and Cinemark used 321,933 ton hours of chilled water. Thus, Cinemark shall pay CFOC the amount of \$26,720.47 for chilled water used during the foregoing time period.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that going forward from March 1, 2014, Cinemark's liability to CFOC for chilled water provided by CFOC and used by Cinemark is limited to 8.3 cents per ton hour, which shall remain as the costs per hour until the parties agree to alter it.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Cinemark's counterclaim against CFOC is denied and thus is hereby dismissed with prejudice.

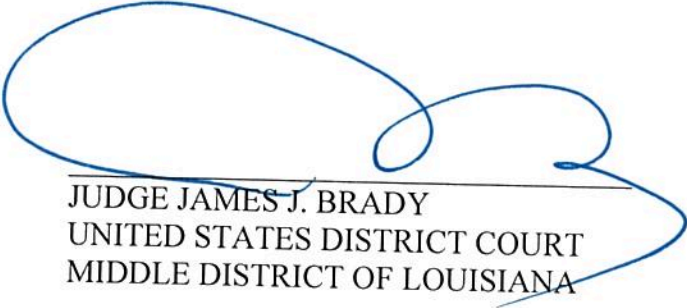
IT IS ORDERED, ADJUDGED AND DECREED that Cinemark's third party claim for breach of contract against Perkins Rowe is maintained and judgment is granted in favor of Cinemark. Perkins Rowe shall pay to Cinemark all of its attorneys' fees, costs and expenses incurred during the pursuit of its breach of contract claim against Perkins Rowe. The precise amount of Cinemark's attorneys' fees shall be determined by this Court upon review of Cinemark's timely submitted motion and accompanying documentation. Cinemark shall file its motion for attorneys' fees on or before fourteen (14) days following the date of entry of this Final Judgment. Perkins Rowe shall file any opposition within 21 days of Cinemark's motion.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Perkins Rowe's claim for attorneys' fees against Cinemark is denied and thus is hereby dismissed with prejudice.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Cinemark's third party claim against Joseph T. Spinosa is denied and thus is hereby dismissed with prejudice.

IT IS ORDERED that each party shall bear its own costs.

Judgment rendered in Baton Rouge, Louisiana, this 4th day of November, 2014.



JUDGE JAMES J. BRADY
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA