

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CASE NO. CA07-11673

William Aguiar
PLAINTIFF

Floyd Webb
DEFENDANT

Ian Roffman

Dave Kluft

Heather Repicky

Walead Esmail

COUNSEL FOR PLAINTIFF

COUNSEL FOR DEFENDANT

JUDGE Wolf

CLERK O'Leary

REPORTER Romanow

CLERK'S NOTES

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| DATES: | Motion Hearing |
| 5/9/08 | Counsel for the plaintiff filed their notice of appearance this morning and ask the court for more time to get |
| | up to speed and confer with defense counsel as to how to proceed. Court for now denies the request and |
| | explains to the parties its impression regarding the defendant's motion for default/sanctions and the possible |
| | implication of Mr. Aguiar's Fifth Amendment Rights. Defendant asks the court proceed on the pending |
| | motion for default/dismiss/sanctions (docket no 89). Court will hear the parties on the motion. Court goes |
| | over the current procedural history of the case with the parties. Court listens to oral arguments from the |
| | parties on the motion for default/sanctions. Plaintiff's counsel declines to make oral argument based on his |
| | recent entry in the case and asks the court not to rule on the motion. Plaintiff's counsel does address the court |
| | on its comments and the issue of sanctions. Court allows the defendant's motion for default/sanctions to the |
| | following extent: Court grants judgment on the trademark claims for the defendant without prejudice. Court |
| | also grants the defendant's reasonable attorney's fees for the motion. Court orders the defendant to file a |
| | fee application by May 16, 2008. Plaintiff to respond by May 23, 2008. Any reply shall be filed by May |
| | 30, 2008. Plaintiff to file an amended complaint and answer to counter claims by May 23, 2006. Response |
| | due by June 6, 2008. Parties to confer and submit new proposed schedule by June 6, 2008. Further scheduling |
| | conference will be held on June 12, 2008 at 3:00 PM. |
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