

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Mattress Discounters Group, LLC

v.

Civil No. 10-cv-431-JL

Maximum Investment LLC, et al.

O R D E R

On today's date, a hearing was held on plaintiff's motions for default judgment (doc. no. 14) and for issuance of a permanent injunction (doc. no. 15). Scott Daniels and Tracy Uhrin appeared for plaintiff, Mattress Discounters Group, LLC.

The court ordered plaintiff to file a supplemental memorandum addressing the following:

(1) Plaintiff's damages claim. Plaintiff seeks treble damages under N.H. Rev. Stat. Ann. ("RSA") § 358-A:10. Plaintiff's memorandum shall address whether a bare allegation of a "willful or knowing" violation of RSA 358-A, as contained in plaintiff's complaint, is sufficient for the court to make a finding under the damages multiplier provision of RSA 358-A:10.

(2) Attorney's Fees. Plaintiff seeks attorney's fees under RSA 358-A:10. Plaintiff shall file documentation sufficient to enable the court to rule on the request. See DeJesús Nazario v.

Morris Rodriguez, 554 F.3d 196, 207 (1st Cir. 2009) ("Normally, a district court begins with a lodestar analysis"); In re Globe Distributions, Inc., 145 B.R. 728, 733 (Bankr. D.N.H. 1992) (applying "lodestar analysis" to calculate fee award under RSA 358-A).

Plaintiff shall file the aforementioned memorandum and documentation on or before May 25, 2011. Defendants shall have fourteen (14) days from the date plaintiff files the memorandum and documentation to respond. The court will thereafter revisit the pending motions.

SO ORDERED.



Landya McCafferty
United States Magistrate Judge

April 25, 2011

cc: Scott A. Daniels, Esq.