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★ SEP 25 2009 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CENTURY 21 REAL ESTATE LLC,

Plaintiff,

-against-

BERCOSA CORP. and PEDRO BERNARD,

Defendants.

-----X

An Order of Honorable John Gleeson, United States District Judge, having been filed on September 18, 2009, adopting the Report and Recommendation of Magistrate Judge James Orenstein, dated August 25, 2009; directing the Clerk of Court to enter a default judgment in favor of plaintiff Century 21 Real Estate LLC and against defendants Bercosa Corp. and Pedro Bernard jointly and severally, awarding \$319,832.32, consisting of \$309,585.32 for the defendants' contract claims (including \$58,781.24 in outstanding contractual payments; \$9,894.57 in contractual interest on such payments; and \$240,909.51 in liquidated damages); \$5,000.00 in statutory damages under the Lanham Act; \$4,582.00 in attorneys' fees; and \$665.00 in other costs; and ordering the defendants to cooperate in an audit of defendant Bercosa's books and records, and both defendants are also permanently enjoined from using the Century 21 Mark to market or promote their real estate brokerage services and from otherwise holding themselves out as a Century 21 franchise; it is

JUDGMENT
08-CV- 3175 (JG)

ORDERED and ADJUDGED that the Report and Recommendation of Magistrate Judge James Orenstein, dated August 25, 2009 is adopted; that a default judgment is hereby entered in favor of plaintiff, Century 21 Real Estate LLC and against defendants, Bercosa Corp. and Pedro Bernard, jointly and severally, awarding \$319,832.32, consisting of \$309,585.32 for the defendants' contractual claims (including \$58,781.24 in outstanding contractual payments; \$9,894.57 in contractual interest on such payments; and \$240,909.51 in liquidated damages); \$5,000.00 in statutory damages under the Lanham Act; \$4,582.00 in attorneys' fees; and \$665.00 in other costs; and that it is further,

ORDERED and ADJUDGED that the defendants are ordered to cooperate in an audit of defendant Bercosa's Corp. books and records, and both defendants, Bercosa Corp. and Pedro Bernard are also permanently enjoined from using the Centry 21 Mark to market or promote their real estate brokerage services and from otherwise holding themselves out as a Century 21 franchise.

Dated: Brooklyn, New York
September 24, 2009

s/Robert C. Heinemann

ROBERT C. HEINEMANN
Clerk of Court