

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PATSY'S BRAND, INC.,

Plaintiff,

-against-

I.O.B. REALTY, INC., PATSY'S INC.,
FRANK BRIJA, JOHN BRECEVICH, and
NICK TSOULOS,

Defendants.

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KIMBA M. WOOD, United States District Judge:

The Court sets the following schedule for the continued evidentiary hearing, which will take place virtually via Zoom:

- Mr. Brija's testimony shall resume on May 24, 2021 at 10:00 a.m. Mr. Grandinetti's testimony shall follow as time permits.
- The hearing shall continue on May 25, 2021 at 10:00 a.m. Following Mr. Grandinetti's testimony, Ms. Stempien Coyle shall testify.
- The witnesses and parties shall be available on May 26, 2021 at 10:00 a.m. and May 27, 2021, at 10:00 a.m. to complete any unfinished testimony. The Court does **not** believe that these two days are necessary, but is calendaring these days to ensure that the hearing will be completed before June 2021. Absent extraordinary good cause, the Court will not adjourn the evidentiary hearing again.
- A post-hearing briefing schedule shall be set at the conclusion of the evidentiary hearing.

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DATE FILED: April 24, 2021

99-CV-10175 (KMW)

ORDER

- Mr. Grandinetti is Ordered to submit an affidavit containing the text of his direct testimony no later than **May 3, 2021**. (See February 21, 2021 Order, ECF No. 271; Feb. 19, 2021 Tr. at 26, 59.)

In order to promote efficiency in the hearing, the parties are Ordered to submit, no later than **May 7, 2021**:

1. A summary of each witness's testimony to date.
2. An affidavit from Mr. Brija, Mr. Grandinetti, and Ms. Stempien Coyle summarizing their prospective testimony.
3. An estimate of the amount of time each party will spend examining each witness;
4. A joint plan concerning the logistics of the hearing. The joint plan should include information on how witnesses will receive and review documents and other relevant and necessary protocols for the virtual hearing. The parties and witnesses are directed to test their microphones and video and to familiarize themselves with the relevant Zoom functions prior to the hearing.
5. **Three** physical sets of all documents that may be used in connection with any witness testimony or offered into evidence during the hearing. The documents must be organized in binders (with a table of contents) and printed in color and in high resolution (if possible). An electronic copy of the binder(s) also must be emailed to chambers, copying all relevant counsel. Both the electronic and physical copies must be properly labeled and **received** by May 7, 2021.
6. **Three** physical sets of the trademarks and trade dresses (along with any other relevant attachments) that were at issue when (1) Judge Martin granted Plaintiff summary judgment on its trademark claims on February 21, 2001 and (2) Judge Martin found defendants in contempt of Court on August 27, 2002. The

documents must be organized in binders (with a table of contents) and printed in color and in high resolution (if possible). An electronic copy of the binder(s) also must be emailed to chambers, copying all relevant counsel. Both the electronic and physical copies must be properly labeled and **received** by May 7, 2021.

The Court reminds the parties that it will hear only testimony regarding reliance on advice of counsel as it relates to damages and sanctions, and potentially liability.

SO ORDERED.

Dated: New York, New York
April 24, 2021

/s/ Kimba M. Wood
KIMBA M. WOOD
United States District Judge