

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/5/12

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEREMY LEBEWOHL, et al.
Plaintiffs,

11-CIV-3153-PAE

v.

HEART ATTACK GRILL LLC, et al.
Defendants.

ORDER

PAUL A. ENGELMAYER, District Judge:

This Cause having come before the Court on Defendants' December 6, 2011 Motion to Voluntarily Dismiss its Counterclaims (Dkt. 31), Plaintiffs Opposition (Dkt. 36), and the Court having reviewed the arguments presented therein, as well as having heard oral arguments by each party at a hearing on January 4, 2012, it is hereby:

ORDERED AND ADJUDGED that Defendant's Motion for Voluntary Dismissal is partially granted. Count I (Federal Trademark Dilution) of Defendant's Counterclaims is hereby dismissed with prejudice. Defendants request to voluntarily dismiss Counts II, III, and IV without prejudice is denied.

SO ORDERED

Paul A. Engelmayer

Paul A. Engelmayer
United States District Judge

Dated: January 5, 2012
New York, New York