

FILED IN OPEN COURT
ON CB 10-2-2012
Julie A. Richards, Clerk
US District Court
Eastern District of NC

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Western Division
Civil Action No. 5:12-cv-00253-FL

BASKIN-ROBBINS FRANCHISED SHOPS LLC,)
)
Plaintiff,)
)
v.)
)
THE HARGER COMPANY, et al.,)
)
Defendants.)

DEFAULT JUDGMENT ORDER

This day came the Plaintiff, Baskin-Robbins Franchised Shops, LLC (“Baskin-Robbins”) upon its Motion for Entry of Default Judgment against defendants, The Harger Company and Robert Kay Harger a/k/a Robert Harger-Quigley (collectively “Defendants”). It appearing to the Court that the Defendants were duly served with process; that none of the Defendants has responded or otherwise plead within the time required by law; that all of the Defendants are in default; that default has been entered by the Clerk of this Court against all Defendants; and that the Motion for Entry of Default Judgment filed by Baskin-Robbins is proper and should be granted, it is hereby ORDERED as follows:

A. that Defendants, as well as their agents, servants and employees, immediately cease operation of all Baskin-Robbins franchised businesses located in Fayetteville, NC, and not hereafter, directly, indirectly or in any manner whatsoever, use, infringe upon or dilute the Baskin-Robbins trademarks and service marks or, directly or indirectly, represent to the public or hold themselves out as an authorized Baskin-Robbins operator;

B. that Defendants shall immediately deliver to Baskin-Robbins all operating manuals, plans, specifications and other materials in their possession containing information

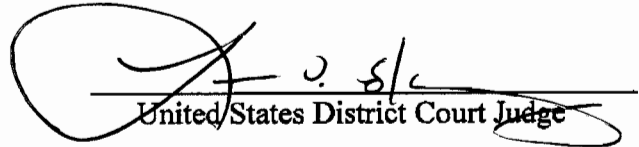
prepared by Baskin-Robbins and relative to operation of their franchised units in Fayetteville, NC, and all copies thereof;

C. that Defendants shall promptly remove, at their expense, from all business locations in Fayetteville, NC all equipment, signs, trade fixtures, furnishings and other personal property associated with the Baskin-Robbins trademarks and franchised business system and return to Baskin-Robbins all trademarked items;

D. that Defendants shall immediately disconnect, withdraw and/or terminate any telephone listings and/or fictitious name registrations containing any of the Baskin-Robbins trademarks, service marks or trade names, or parts thereof; and

E. that Judgment be, and it hereby is entered in favor of Baskin-Robbins and against Defendants, jointly and severally, in the amount of \$105,264.25, plus attorney's fees and costs in the amount of \$11,227.17.⁵ 12,082.17.

Executed this 2nd day of October, 2012.


United States District Court Judge

I ask for this:

/s/ Sandy T. Tucker
Sandy T. Tucker (NC Bar No. 20735)
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