

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VINO 100, LLC, et al. : CIVIL ACTION
: :
v. : :
: :
SMOKE ON THE WATER, LLC, et al. : NO. 09-4983

ORDER

AND NOW, this 30th day of March, 2012, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

(1) the motion of plaintiffs VINO 100, LLC and The Tinder Box International, Ltd. for summary judgment (Doc. #53) is GRANTED in part and DENIED in part;

(2) the motion of plaintiff The Tinder Box International, Ltd. for summary judgment on Counts I and II of the complaint (Doc. #53) is GRANTED in the amount of \$69,458.55 against defendants Smoke on the Water, LLC, Thomas Slaterbeck, and Jane Slaterbeck, jointly and severally;

(3) the motion of plaintiffs VINO 100, LLC and The Tinder Box International, Ltd. for summary judgment on Counts III and IV of the complaint (Doc. #53) is GRANTED in the amount of \$73,889.61 in past-due royalties and \$12,000 in contract termination fees for a total of \$85,889.61 against defendants Smoke on the Water, LLC, Thomas Slaterbeck, and Jane Slaterbeck, jointly and severally;

(4) the motion of plaintiffs Vino 100, LLC and The Tinder Box International, Ltd. for summary judgment on Counts III and IV of the complaint (Doc. #53) is DENIED to the extent plaintiffs seek royalties due after October 16, 2009, interest of 18% per annum on past-due royalties, and attorney's fees;

(5) the motion of plaintiff The Tinder Box International, Ltd. for summary judgment on Count V of the complaint (Doc. #53) is GRANTED as to the issue of liability;

(6) the motion of plaintiff The Tinder Box International, Ltd. for summary judgment on Count V of the complaint (Doc. #53) is DENIED as to the issue of damages;

(7) the motion of plaintiffs Vino 100, LLC and The Tinder Box International, Ltd. for summary judgment on Count VI of the complaint (Doc. #53) is GRANTED as to the issue of liability;

(8) the motion of plaintiffs Vino 100, LLC and The Tinder Box International, Ltd. for summary judgment on Count VI of the complaint (Doc. #53) is DENIED as to the issue of damages; and

(9) the motion of Vino 100, LLC and The Tinder Box International, Ltd. for summary judgment on Counts I and VII of the counterclaim of Smoke on the Water, LLC, Thomas Slaterbeck, and Jane Slaterbeck (Doc. #53) is GRANTED.

BY THE COURT:

/s/ Harvey Bartle III

J.