

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC.

SUPERIOR COURT

[Filed: August 16, 2018]

CATHAY CATHAY, INC. and
SURF & TURF GRILLE, INC.

VS.

VINDALU, LLC d/b/a GOURMET
INDIA, and ROUSE PROVIDENCE, LLC

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C.A. No. PC-2005-5324

AMENDED DECISION

LICHT, J. This Amended Decision is being filed to revise the original Decision filed July 5, 2018.

Exhibit 2 attached to the original Decision has been amended.

On page 13 of the original Decision, under section iii, the first sentence should read as follows:

In 2012, the Superior Court, now handling all the remaining claims, including those remanded in *Cathay Cathay I*, entered partial final judgment in favor of Rouse after a second trial justice concluded that the May 4, 2006 decision granting Plaintiffs injunctive relief against Japan Café “also included a decision denying plaintiffs’ breach-of-contract claims against Rouse and as a third-party beneficiary of Japan Café’s contract.”

On page 35 of the original Decision, under the “Conclusion” section, the second sentence should read as follows:

The Court finds that, as a result of those breaches, Rouse is liable to Cathay Cathay, in the amount of \$265,485 and Surf & Turf in the amount of \$265,676.

The remaining contents of the original Decision filed on July 5, 2018 shall remain the same.

EXHIBIT 2(corrected)

Calculation of Damages

CATHAY CATHAY LEASE

A	B	C	D	E	F	G	H	I	J	K	
											Minimum Rent*
9/1-12/31	2005	74,450	486,000	313,667	-	74,450	44,670	291,600	2,648	47,318	27,132
2006	234,517	1,458,000	1,046,000	-	234,517	140,710	874,800	20,544	161,254	73,263	
2007	246,243	1,458,000	1,100,000	-	246,243	147,746	874,800	27,024	174,770	71,473	
2008	258,555	1,458,000	1,171,000	-	258,555	155,133	874,800	35,544	190,677	67,878	
1/1-8/31	2009	180,988	972,000	1,239,000	32,040	213,028	108,593	583,200	78,696	187,289	25,739
Total Cathay Cathay Damages											
265,485											

SURF & TURF LEASE

A	B	C	D	E	F	G	H	I	J	K	
											Minimum Rent***
9/1-12/31	2005	37,517	333,333	260,333	-	37,517	22,510	333,333.3	-	22,510	15,007
2006	115,927	1,000,000	785,000	-	115,927	69,556	1,000,000.0	-	69,556	46,371	
2007	119,405	1,000,000	899,000	-	119,405	71,643	1,000,000.0	-	71,643	47,762	
2008	122,987	1,000,000	844,000	-	122,987	73,792	1,000,000.0	-	73,792	49,195	
2009	126,677	1,000,000	1,072,000	7,200	133,877	76,006	1,000,000.0	7,200	83,206	50,671	
2010	130,477	1,000,000	1,177,000	17,700	148,177	78,286	1,000,000.0	17,700	95,986	52,191	
1/1-1/31	2011	11,199	1,000,000	59,000	11,199	6,720	83,333.3	-	6,720	4,480	
Total Surf & Turf Damages											
265,676											

Total Damages 531,161

* Figures from Exhibit 57 with 2005 and 2009 prorated
 ** Figures from Exhibit 59 with 2005 prorated
 *** Figures from Exhibit 58 with 2005 and 2011 prorated
 **** Figures from Exhibit 60 with 2005 prorated



RHODE ISLAND SUPERIOR COURT

Decision Addendum Sheet

TITLE OF CASE: Cathay Cathay, Inc. and Surf & Turf Grille, Inc. v. Vindalu, LLC d/b/a Gourmet India and Rouse Providence, LLC

CASE NO: PC-2005-5324

COURT: Providence County Superior Court

DATE DECISION FILED: August 16, 2018

JUSTICE/MAGISTRATE: Licht, J.

ATTORNEYS:

For Plaintiff: John J. DeSimone, Esq.

For Defendant: Rachelle R. Green, Esq.; Stacey P. Nakasian, Esq.