

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BEN & JERRY'S FRANCHISING, INC.,
et al.,

Plaintiffs,

v.

MPA GROUP, INC. and MEHRDAD
PORGHAVAMI, et al.,

Defendants.

CASE NO. 2:07-CV-02599-JAM-KJM

[Assigned to Hon. John A. Mendez]

**JUDGMENT FOR BEN & JERRY'S
FRANCHISING, INC. AND BEN &
JERRY'S HOMEMADE, INC.**

MEHRDAD PORGHAVAMI, et al.,

Counter-Claimant,

v.

BEN & JERRY'S FRANCHISING INC.,
BEN & JERRY'S HOMEMADE INC.,
BEN & JERRY'S OF CALIFORNIA, INC.
and WONDER ICE CREAM, LLC,

Counter-Defendants.

Hearing:

Date: November 18, 2009

Time: 9:00 am

Courtroom: 6

On November 18, 2009, this Court duly heard (1) Plaintiffs/Counter-Defendants Ben & Jerry's Franchising, Inc.'s and Ben & Jerry's Homemade, Inc.'s (collectively, "Ben & Jerry's") Motion for Summary Judgment [Docket No. 207] and (2) Defendant/Counter-Claimant Mehrdad Porghavami's Motion for Summary Judgment [Docket No. 219]. The Court has heard the arguments of the parties, has considered the papers submitted in support of and in opposition to both motions, has reviewed the authorities cited by the parties and has reviewed the record in the case submitted and cited by the parties. Being so informed, the Court finds GOOD CAUSE and GRANTS SUMMARY JUDGMENT in favor of Ben & Jerry's and against Mehrdad Porghavami. Accordingly, it is, by the Court, this ____ day of November, 2009

ORDERED, ADJUDGED and DECREED that:

(1) Ben & Jerry's Motion for Summary Judgment is hereby granted in its entirety;

1 (2) Mehrdad Porghavami's Motion for Summary Judgment is hereby denied in its
2 entirety;

3 (3) Judgment is entered in favor of Ben & Jerry's Franchising, Inc. and Ben & Jerry's
4 Homemade, Inc. and against Mehrdad Porghavami on each of the eight counterclaims against Ben
5 & Jerry's in the Second Amended Counterclaim [Docket No. 73] (i.e., the First, Second, Fourth,
6 Fifth, Seventh, Eighth, Tenth and Eleventh Claims for Relief) and each of those counterclaims is
7 dismissed with prejudice;¹

8 (4) Judgment is entered in favor of Ben & Jerry's Franchising, Inc. and Ben & Jerry's
9 Homemade, Inc. and against Mehrdad Porghavami on the Third and Fifth Claims for Relief of the
10 First Amended Complaint [Docket No. 65];²

11 (5) Ben & Jerry's Motion for Summary Judgment on the Seventh Claim for Relief of the
12 First Amended Complaint (for Declaratory Relief) is moot based on the granting of Ben & Jerry's
13 Motion for Summary Judgment on the counterclaims of the Second Amended Counterclaim;

14 (6) Default judgment is entered in favor of Ben & Jerry's Franchising, Inc. and Ben &
15 Jerry's Homemade, Inc. and against MPA Group, Inc. ("MPA") on the Second and Third Claims
16 for Relief of the First Amended Complaint because MPA's answer to those claims has been
17 previously stricken by this Court by Order, dated August 31, 2009 [Docket No. 199]; and

18 (7) Mehrdad Porghavami and MPA are ordered to pay Ben & Jerry's Twelve Thousand
19 Seven Hundred and Fifty Seven Dollars (\$12,757) within 60 days of the date of
20 this Order; and it is

21 (8) Declared that Ben & Jerry's is not liable to Mehrdad Porghavami or MPA for any of
22 the counterclaims asserted by them; and it is

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27 ¹ All of MPA Group, Inc.'s counterclaims against Ben & Jerry's in the Second Amended Counterclaim have been
previously dismissed by this Court by Order, dated August 31, 2009 [Docket No. 199].

28 ² Ben & Jerry's previously stipulated to the dismissal of the First, Fourth and Sixth Claims for Relief of the First
Amended Complaint by a Stipulation dated October 29, 2009 [Docket No. 226].

1 (9) Declared that Ben & Jerry's is the prevailing party and is awarded costs of suit in the
2 amount to be determined by application to the clerk of the court.

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6 Dated: November 20, 2009

/s/ John A. Mendez
Honorable John A. Mendez
United States District Judge