

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Charlotte N. Sweeney

Civil Action No. 24-cv-003344-CNS-SBP

EINSTEIN BROS. BAGEL FRANCHISE CORPORATION and
EINSTEIN AND NOAH CORPORATION,

Plaintiffs,

v.

J.F.C. MANAGEMENT HOLDINGS, LLC, and
RAMONA D. HALL,

Defendants.

ORDER

Before the Court is United States Magistrate Judge Susan Prose's Recommendation to grant Plaintiffs' Motion for a Default Judgment Against All Defendants. ECF No. 14 (motion for default judgment); ECF No. 21 (Recommendation). No party filed an objection to the Recommendation. For the reasons below, the Court AFFIRMS and ADOPTS the Recommendation and GRANTS Plaintiffs' motion for default judgment.

ANALYSIS & ORDER¹

When—as is the case here—a party does not object to the Magistrate Judge’s Recommendation, the Court “may review a magistrate [judge]’s report under any standard it deems appropriate.” *Summers v. State of Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (citing *Thomas v. Arn*, 474 U.S. 140, 150 (1985)). The Court is “accorded considerable discretion” when reviewing “unchallenged” recommendations. *Id.* The Court has reviewed Magistrate Judge Prose’s Recommendation and is satisfied that it is sound and that there is no clear error on the face of the record.

Accordingly, the Court makes the following rulings:

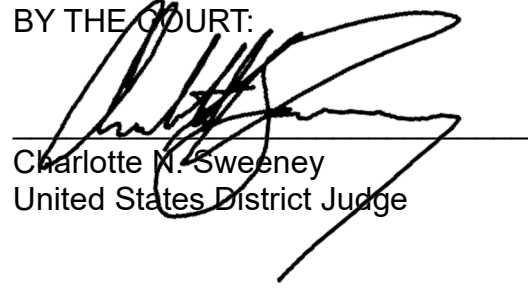
- (1) The Court AFFIRMS and ADOPTS Magistrate Judge Prose’s Recommendation, ECF No. 21, as an order of this Court.
- (2) The Court GRANTS Plaintiffs’ Motion for Default Judgment Against All Defendants, ECF No. 14; and
- (3) The Court ENTERS default judgment against all Defendants as follows:
 - (i) \$14,254.13 for Plaintiffs’ claims of trademark infringement and unfair competition;
 - (ii) \$66,640.78 for Plaintiffs’ contract damages;

¹ Magistrate Judge Prose provided a thorough background of this trademark, unfair competition, and contract dispute in her Recommendation. ECF No. 21 at 1–3. The Court declines to repeat that background here.

- (iii) Pre-judgment interest in the amount of \$24,686.21, together with further pre-judgment interest on Plaintiffs damages at the rate of 1.5% per month from April 3, 2025, until the date of judgment;
- (iv) Post-judgment interest at the rate specified in 28 U.S.C. § 1961;
- (v) \$24,975.00 in attorneys' fees and \$443.60 in costs for attorney James Rubinger's work on behalf of Plaintiffs, together with \$16,093.00 in attorneys' fees and \$406.00 in costs for attorney Harold Bruno III's work on behalf of Plaintiffs; and
- (vi) A permanent injunction pursuant to 15 U.S.C. § 1116 and Section 17(F) of the Agreement enjoining Defendants from the acts delineated in § IV.F.(1)–(9) of the Recommendation.

DATED this 26th day of June 2025.

BY THE COURT:



Charlotte M. Sweeney
United States District Judge