UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALTVATER GESSLER-J.A. BACZEWSKI INTERNATIONAL (USA), INC., ALTVATER GESSLER0J.A. BACZEWSKI GmbH,

Plaintiffs,

-against-

SOBIESKI DESTYLARNIA S.A. ADAMBA IMPORTS INTERNATIONAL, INC., INTERNET WINES & SPIRITS, INC. and DOES 1-20,

Defendants.

----------X

06 **CIVIL** 6510 (HB)

JUDGMENT

The issues in the above-entitled action having been brought on for trial before the Honorable Harold Baer, Jr., United States District Judge, and a jury on November 8, 2010, and at the conclusion of the trial on November 12, 2010, the jury having returned a verdict in favor of defendants, it is,

ORDERED, ADJUDGED AND DECREED: That the complaint is dismissed.

DATED: New York, New York
November 16, 2010

SO ORDERED:

11/16/10

USDJ

RUBY J. KRAJICK
Clerk of Court

BY:

Deputy Clerk

ORIG

Clerk's 5:20 PM 11-12-10

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALTVATER GESSLER – J.A. BACZEWSKI INTERNATIONAL (USA) INC., and ALTVATER GESSLER – J.A. BACZEWSKI GmbH, Plaintiffs, v. SOBIESKI DESTYLARNIA S.A., ADAMBA IMPORTS INTERNATIONAL, INC., INTERNET WINES & SPIRITS, INC., and DOES 1-20, Defendants.	Civil Action No.: 06 CIV 6510 (HB) ECF Case **JURY VERDICT FORM**

Please answer the following questions:

UNFAIR COMPETITION / FALSE ADVERTISING

Question 1: Did plaintiffs prove by the preponderance of the evidence that Sobieski Destylarnia S.A.'s ("Sobieski") actions constituted unfair competition / false advertising?

Yes _____

No ✓

Question 2: Did plaintiffs prove by the preponderance of the evidence that Adamba's actions constituted unfair competition / false advertising?

Yes _____

No ✓

TRADEMARK INFRINGEMENT

Question 3: Did plaintiffs prove by the preponderance of the evidence that Sobieski's actions constituted Trademark Infringement?

Yes _____

No ✓

Question 4: Did plaintiffs prove by the preponderance of the evidence that Adamba's actions constituted Trademark Infringement?

Yes _____

No ✓

DECEPTIVE TRADE PRACTICES

Question 5: Did plaintiffs prove by the preponderance of the evidence that Sobieski's actions constituted Deceptive Trade Practices?

Yes _____

No ✓

Question 6: Did plaintiffs prove by the preponderance of the evidence that Adamba's actions constituted Deceptive Trade Practices?

Yes _____

No ✓

DAMAGES

Question 7: As to Sobieski, state the amount of compensatory damages, if any, that the plaintiffs are entitled to.

Amount: $ N/A

Question 8: As to Adamba, state the amount of compensatory damages, if any, that plaintiffs are entitled to.

Amount: $ N/A

Question 9: Are punitive damages appropriate?

Yes _____

No ✓

When you have completed the questionnaire signal the U.S. Marshal and report your verdict to the Court.

November 12, 2010

Foreperson

SOUTHERN DISTRICT OF NEW YORK

Altvater Gessler - J.A. Baczewski International (USA) INC and Altvater Gessler - J.A. Baczewski GmbH.

v

Sobieski Destylarnia S.A., Adamba Imports International Inc., Internet Wines + Spirits Inc. + Does 1-20

06cv 6510 (HB)
CASE NUMBER

JUDGE HAROLD BAER, JR.

(FULL TITLE OF CASE- IF NECESSARY USE OTHER SIDE)

APPEARANCES: (include firm name and telephone #)

FOR PLAINTIFF: Bubb Gregson + Cocca by Christopher Dennigsen 25 Prospect St Morristown NJ 07960 973-539-6500

FOR DEFENDANT: Stroock + Stroock Ronald Dangeault 180 Maiden Lane NYC 10038 212-806-5400 + Scott Zamin 1790 Broadway NYC 10019 212-580-3131

TYPE OF TRIAL: [X] JURY or [ ] NON-JURY BEGUN ON: 11-8-10

con't 11/9/10, 11/10/10 and concluded on 11/12/10

Verdict for Def't's - See Verdict Sheet Attached

(AN EXTRACT OF THE MINUTES)

CLERK Dennis Swain COURT REPORTER Ed Williams

(IF NECESSARY USE OTHER SIDE)