

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

BRUCE KIRBY, INC.,
MARGO KIRBY, *Executor of the Estate*
of Bruce R. W. Kirby
Plaintiffs

v.

3:13CV297 (JAM)

LASERPERFORMANCE (EUROPE)
LIMITED, QUARTER MOON INCORPORATED
Defendants

REVISED JUDGMENT

This matter came on before the Honorable Jeffrey A. Meyer, United States District Judge, for consideration on the motion to dismiss and for new trial (Doc. #641) filed by defendants LaserPerformance (Europe) Limited and Quarter Moon, Incorporated and motion for entry of judgment (Doc. 610) filed by plaintiffs Bruce Kirby, Inc. and Margo Kirby, *Executor of the Estate of Bruce R. W. Kirby*, and after USCA Mandate issued vacating the District Court's previous judgment awarding BKI damages in connection with its Lanham Act claim against QMI and remanding for further proceedings.

The Court has reviewed all of the papers filed in conjunction with the motions and Mandate. The Court denies the defendants' motion to dismiss and for new trial (Doc. #641), and the Court grants in part and denies in part plaintiffs' motion for entry of judgment (Doc. #610) as explained in the accompanying ruling (Doc. #651). Additionally, on January 2, 2025, the Court issued an Order on Remand awarding Lanham Act damages in the amount of \$451,094.37 against QMI. The Court also awards post-judgment interest on this award at a rate to be calculated pursuant to 28

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U.S.C. § 1961, accruing from the date judgment is entered. The Court also awards post-judgment interest on all other awards at a rate of 0.09% to accrue from February 2, 2021.

It is therefore ORDERED, ADJUDGED, and DECREED that judgment shall enter in favor of Bruce Kirby, Inc. on its Lanham Act claims (Counts One and Two) against Quarter Moon, Incorporated, awarding Lanham Act damages in the amount of \$451,094.37 against QMI. The Court also awards post-judgment interest on this award at a rate to be calculated pursuant to 28 U.S.C. § 1961, accruing from the date judgment is entered. The Court also awards post-judgment interest on all other awards at a rate of 0.09% to accrue from February 2, 2021; judgment shall enter in favor of Margo Kirby, *Executor of the Estate of Bruce R. W. Kirby*, and against Quarter Moon, Incorporated and LaserPerformance (Europe) Limited for misappropriation of Kirby's name (Count Three), with a nominal damages award of \$1 against Quarter Moon, Incorporated and a compensatory damages award of \$2,520,578.81 against LaserPerformance (Europe) Limited; an award of attorneys' fees under the Lanham Act shall enter in favor of Bruce Kirby, Inc. against Quarter Moon, Incorporated in the amount of \$734,528.30; and an award of punitive damages on Margo Kirby's, *Executor of the Estate of Bruce R. W. Kirby*, misappropriation claim in the amount of \$804,179.44 shall enter against both Quarter Moon, Incorporated and LaserPerformance (Europe) Limited, who shall be jointly and severally liable for the full amount. Upon payment from the defendants of a total amount of \$734,528.30 to Margo Kirby and/or Bruce Kirby, Inc. for attorneys' fees (including all amounts paid by Quarter Moon, Incorporated to Bruce Kirby, Inc. for Lanham Act attorneys' fees), defendants shall not owe any additional sum

to either Margo Kirby or Bruce Kirby, Inc. for the attorneys' fees component of the punitive damages award. The case is closed.

Dated at New Haven, Connecticut, this 2nd day of January 2025.

Dinah Milton Kinney, Clerk

By /s/ Diahann Lewis

Deputy Clerk

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