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U.S. DISTRICT COURT  
EASTERN DISTRICT  
OF NEW YORK

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**FILED**  
IN CLERK'S OFFICE  
U. S. DISTRICT COURT E.D. N.Y.  
★ AUG 3 1998 ★  
TIME A.M. \_\_\_\_\_  
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Attorneys for Plaintiff  
NEW JERSEY SPORTS PRODUCTIONS, INC.  
d/b/a MAIN EVENTS

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

NEW JERSEY SPORTS PRODUCTIONS, INC.  
d/b/a MAIN EVENTS

Plaintiff,

v.

SKI BAR, INC., FRANK WITKOWSKI and  
STEVEN MIRSKI d/b/a PIT STOP BAR;  
WIESLAWA KUFEL d/b/a WENDY'S BAR; and  
BLAS DELA CRUZ d/b/a CLARIMAR RESTAURANT

Defendants.

CIVIL ACTION NO.:

CV 97 7669 (JG)

*(JG)*  
~~PROPOSED~~ ORDER AND  
JUDGMENT AS TO  
DEFENDANT SKI BAR,  
INC., FRANK WITKOWSKI  
and STEVEN MIRSKI d/b/a  
PIT STOP BAR

This matter having come before the Court by way of Motion of Plaintiff New Jersey Sports Productions, Inc. d/b/a Main Events (hereinafter "Plaintiff") Entry of Final Judgment by Default pursuant to Federal Rule of Civil Procedure 55 against Ski Bar, Inc., Frank Witkowski and Steven Mirski d/b/a Pit Stop Bar ("Defendants" or "SKI BAR, WITKOWSKI & MIRSKI") for theft of cable television and/or

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video programming services in violation of the Cable Communications Act, 47 U.S.C. §§ 553(a)(1) and 605(a), and the Copyright Act of 1976, 17 U.S.C. § 101 et. seq., and Plaintiff having filed the Complaint on December 30, 1997 and SKI BAR, WITKOWSKI & MIRSKI having been served on April 10, 1998 and SKI BAR, WITKOWSKI & MIRSKI having failed to answer or otherwise plead, and Plaintiff having submitted the Declaration of Patrick English, Legal Counsel for New Jersey Sports Productions, Inc. d/b/a Main Events, on the issue of piracy, and the Declaration of W. Drew Kastner, Counsel for Plaintiff, on the issue of entitlement to costs and attorneys' fees; and further relying on its Memorandum of Law in support of this motion; and SKI BAR, WITKOWSKI & MIRSKI having been served with notice of the present Motion and supporting papers by first class mail as indicated on the certificate of service, and SKI BAR, WITKOWSKI & MIRSKI having failed to appear or file any written objection, and the Court having considered the submissions of Plaintiff, and for good cause shown, IT IS:

ORDERED that judgment on the Complaint is entered in favor of Plaintiff and against SKI BAR, WITKOWSKI & MIRSKI, and it is further

ORDERED that Plaintiff be awarded damages, ~~from SKI BAR, WITKOWSKI & MIRSKI and that SKI BAR, WITKOWSKI & MIRSKI pay to Plaintiff the cumulative sum of \$ \_\_\_\_\_ including the statutory penalty of \$ \_\_\_\_\_ for violation of 47~~

*costs and attorneys' fees in amounts to be determined by the assigned magistrate judge, to whom the application is referred for a report and recommendation;*

JU

JB

~~U.S.C. §553, \$ \_\_\_\_\_ for violation of 47 U.S.C. §605  
and \$ \_\_\_\_\_ for violation of 17 U.S.C. §101 et seq.;~~

~~ORDERED, that Plaintiff be awarded costs and  
attorneys fees in the amount of \$ \_\_\_\_\_; and it is  
further~~

ORDERED, that Defendants and Defendants' partners,  
officers, shareholders, employees, agents, representatives,  
affiliates, successors in interest and all persons in active  
concert or participation with them are permanently enjoined  
from the date of service of this order upon the Defendants  
from intercepting, recording and/or exhibiting in any manner  
any New Jersey Sports Productions, Inc. d/b/a Main Events  
television programming without a license or first obtaining  
New Jersey Sports Productions, Inc. d/b/a Main Events'  
written consent to do so from the office of New Jersey  
Sports Productions, Inc. d/b/a Main Events; General Counsel;  
and it is further

ORDERED, that if Defendants fail to comply with  
the injunction, Plaintiff may apply to this Court for the  
purpose of enforcing the same.

July 30, 1998  
Date

[Signature]  
U.S.D.J.

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