

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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T-MOBILE USA, INC.,

Plaintiff,

– against –

**FINAL JUDGMENT AND
PERMANENT INJUNCTION
AGAINST DEFENDANTS**

WHOLESALE212, INC., a New York corporation,
UNLOCKING 4 LESS, an unincorporated company,
GUY SULTANA, individually, and HAIM
TOURJMAN, individually,

12-CV-5598 (SLT)

Defendants.
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In mid-November 2012, plaintiff T-Mobile USA, Inc. (“Plaintiff” or “T-Mobile”) commenced this action for damages and injunctive relief against defendants Wholesaler212 Inc., Unlocking 4 Less, Guy Sultan a/k/a Guy Sultana and Haim Tourjman (collectively, “Defendants”), alleging that Defendants engaged in a “Subsidy Theft Scheme” involving T-Mobile prepaid wireless telephones. On November 30, 2012, Defendants, proceeding *pro se*, stipulated to the entry of a preliminary injunction and an “Order Granting Expedited Discovery and Order to Preserve Evidence.” *See* Stipulation for Entry of Preliminary Injunction, Expedited Discovery and an Order to Preserve Evidence, dated Nov. 30, 2012, p. 1. Defendants took no action thereafter, however, and in January 2013, the Clerk of Court entered a default against all four Defendants pursuant to Fed. R. Civ. P. 55(a).

Thereafter, Plaintiff moved for a default judgment pursuant to Fed. R. Civ. P. 55(b)(2). In a Memorandum and Order dated March 31, 2014, this Court ruled that Plaintiff was entitled to collect damages totaling \$15,212.34 from the four Defendants, jointly and severally. The Court declined to award attorney’s fees, but held that plaintiff was entitled to taxable costs as set forth

in 28 U.S.C. § 1920. Plaintiff was directed to file a proposed judgment, a proposed permanent injunction, and a bill of costs.

The Court having now received plaintiff's proposed judgment, a proposed permanent injunction, and a bill of costs, it is **ORDERED, ADJUDGED and DECREED** that:

1. Plaintiff, T-Mobile USA, Inc., is awarded (1) damages in the principal amount of \$15,212.34 and (2) taxable costs in the amount of \$1,498.79 against Defendants Wholesaler212 Inc., Unlocking 4 Less, Guy Sultan a/k/a/ Guy Sultana and Haim Tourjman, jointly and severally, plus post-judgment interest on these amounts at the legal rate.

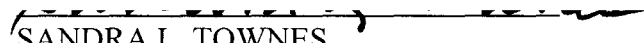
2. Defendants Wholesaler212 Inc., Unlocking 4 Less, Guy Sultan a/k/a/ Guy Sultana and Haim Tourjman, and each and all of their past and present companies, respective officers, directors, successors, assigns, parents, subsidiaries, affiliates, respective agents, employees, heirs, personal representatives, beneficiaries, relatives, and all other persons or entities acting or purporting to act for them or on their behalf, including but not limited to any corporation, partnership, association, proprietorship or entity of any type that is in any way affiliated or associated with any Defendant or any Defendant's representatives, agents, assigns, employees, servants, affiliated entities, and any and all persons and entities in active concert and participation with any Defendant who receive notice of this Order, shall be and hereby are PERMANENTLY ENJOINED from:

- a. purchasing, selling, unlocking, altering, advertising, soliciting, using, and/or shipping, directly or indirectly, any T-Mobile Handsets or products;
- b. purchasing, selling, altering, advertising, soliciting, using, transferring, trafficking, and/or shipping, directly or indirectly, any T-Mobile

3. Pursuant to the Lanham Act, Defendants shall deliver and turn over all T-Mobile Handsets and Activation Materials in their possession, or subject to their custody and control, bearing or infringing on any T-Mobile trademark or a confusingly similar copy thereof, to T-Mobile within 10 days of the date of this Final Judgment.

4. The Court retains jurisdiction over this matter and the parties to this action in order to enforce any violation of the terms of this Permanent Injunction by a finding of contempt.

s/Sandra L. Townes


SANDRA L. TOWNES
United States District Judge

Dated: August **13**, 2014
Brooklyn, New York