UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In Re:

SUSAN POSNER,

Debtor.
_____/

Case No. 8:09-bk-22581-CED

Chapter 7

DIAMOND HEADS, LLC.,

Plaintiff,

vs.

SUSAN POSNER,

Defendant.
_____/

Adv. Proc. No. 8:10-ap-01358-CED

FINAL JUDGMENT FOR PLAINTIFF AGAINST DEFENDANT

THIS PROCEEDING came before the Court on March 6, 2012, at 9:30 a.m. for trial on the Complaint ("Complaint") [Docket No. 1], filed by the Plaintiff, Diamond Heads, LLC. ("Plaintiff") against the Defendant, Susan Posner ("Defendant"). David E. Hicks was present on behalf of the Plaintiff, along with its principal, Keith Brinton, and District Court counsel, H. Dickson Burton. Defendant, Susan Posner ("Defendant") did not appear. The Court having considered the well-pleaded allegations in the Complaint, the record, proffer of evidence and arguments of counsel, and the testimony of Mr. Brinton, finds as follows:

1. The Defendant had full knowledge of the validity and enforceablity of patents held by the Plaintiff relating to the "diamond cutting" of motorcycle engine parts made to improve utility and enhance design ("Patents").

2. The Defendant refused the Plaintiff's requests to stop infringing the Patents and instead threatened to "bankrupt" the Plaintiff through legal costs and loss of business income.

3. The Defendant's actions in connection with her violation of the Patents that resulted in the entry of the Final Judgment and Permanent Injunction on September 14, 2009 ("District Judgment"), in the case styled Diamond Heads, LLC. v. Susan Everingham a/k/a Susan Posner, case no. 8:07-CV-00462-T-33TBM ("District Case"), in the United States District Court for the Middle District of Florida, Tampa Division ("District Court"), were willful, malicious, and committed with the intent to harm the Plaintiff.

4. The Plaintiff has been harmed by the Defendant's actions in connection with her violation of the Patents. Damages have been liquidated by the District Court in the amount of $62,000, pursuant to the District Judgment.

5. The Plaintiff is entitled to the entry of a final judgment of non-dischargeability as against the Defendant pursuant to 11 U.S.C. § 523(a)(6), in the amount of $62,000, for the Defendant's pre-petition actions in connection with violations of the Patents.

6. The Plaintiff has suffered additional damages caused by the Defendant's post-petition actions in violation of the Patents. Such post-petition damages have been liquidated by the District Court the amount of $10,000, plus attorneys' fees and costs in the amount of $22,830, pursuant to the Contempt Order entered March 3, 2011, and Order on Plaintiff's Petition for Attorneys' Fees and Costs entered July 29, 2011, in the District Case.

7. The Plaintiff is entitled to the entry of final judgment of non-dischargeability as against the Defendant in the amount of $32,830, for the Defendant's post-petition actions in connection with violations of the Patents.

Based on the above findings of fact, and for the reasons stated in open court that shall

constitute the decision of this Court, it is:

ORDERED, ADJUDGED, AND DECREED that:

1. Judgment is hereby entered in favor of the Plaintiff and against the Defendant as pled in the Complaint. The Defendant is indebted to the Plaintiff in the amount of $62,000, and said indebtedness is non-dischargeable pursuant 11 U.S.C. § 523(a)(6), for which let execution issue.

2. The Defendant is further indebted to the Plaintiff in the amount of $32,830, and said indebtedness is non-dischargeable as post-petition debt, for which let execution issue.

DONE and ORDERED in Tampa, Florida, on March 23, 2012.

Caryl E. Delano
United States Bankruptcy Judge

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