

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

INGENUIT LTD and COMPUTER GUYS LLC,

Plaintiffs,

Index No. 37317-05

-against-

JUDGMENT

MICHAEL HARRIFF,

Defendant.

The issues in the above entitled action having duly come on to be heard before Special Referee Richard N. Allman, pursuant to agreement of the parties, without a jury on the following dates: October 5, 8, 23, 26, 27, and 28 and November 10, 2009 and the issues having been tried on those days and the plaintiffs having duly appeared by Reitler Kailas & Rosenblatt, LLC, their attorneys, and the defendant having duly appeared by Smith, Gambrell & Russell, LLP, his attorneys, and the evidence having been heard and the respective counsel having been heard, the Court after due deliberation, orally made and dictated into the record a decision in favor of the plaintiffs and against the defendant on the following counts of the Verified Complaint: Count IV, Tortious Interference with Prospective Business Relations, and Count V, Unfair Competition. The Court after due deliberation, orally made and dictated into the record ^(on October 28, 2009 and November 10, 2009) a decision in favor of the plaintiffs and against the defendant on plaintiffs' cause of action for Breach of the Duty of Loyalty. The Court after due deliberation, orally made and dictated into the record a decision in favor of the defendant and against the plaintiffs dismissing Count I, Breach of Contract, and Count II, Misappropriation of Trade Secrets, of the Complaint, with the plaintiffs

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having withdrawn Count III, Conversion, of the Complaint previously. The Court after due deliberation, orally made and dictated into the record ^{on October 27, 2009} a decision in favor of the plaintiffs and against the defendant on defendant's counterclaim, for wrongful issuance of a preliminary injunction, dismissing such counterclaim.

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The Court after due deliberation, orally made and dictated into the record a finding that the damages from the breach of the duty of loyalty claim were \$1,770.00, and orally made and dictated into the record a finding that the damages from the Tortious Interference with Prospective Business Relations and Unfair Competition claims were \$49,577.50, for a total damage award of \$51,347.50.

The Court further directed the entry of judgment in the sum of \$51,347.50 plus interest at the statutory rate from August 15, 2005 on the amount of \$1,770.00, from December 31, 2006 on the amount of \$39,577.50, and from December 31, 2007 on the amount of \$10,000.00, ~~and the costs and disbursements of the plaintiffs having been duly taxed in the sum of \$~~

waved by
plaintiff
[Signature]

ORDERED, ADJUDGED AND DECREED that the plaintiffs, ingenuIT Ltd. and Computer Guys LLC, residing at 915 Broadway, Suite 1310, New York, New York 10010, recover of the defendant, Michael Harriff, residing at 503 Allen Street, Syracuse, New York, 13210, the sum of Fifty-one thousand three hundred forty-seven dollars and fifty cents (\$51,347.50) together with interest from the (1) 15th day of August 2005 on one thousand seven hundred seventy dollars (\$1,770.00), in the sum of \$674.08 ✓
(~~\$~~), (2) 31st day of December 2006 on thirty-nine thousand five hundred seventy-seven dollars and fifty cents (\$39,577.50), in the sum of \$10,255.93 ✓
(~~\$~~), and (3) 31st day of December 2007 on ten thousand dollars (\$10,000), in

the sum of \$1,692.58), and together with

*waved by
plaintiff
[Signature]*

Dollars (\$) costs and disbursements as taxed, making in all the sum of

✓ \$ 63,970.01 Dollars (\$), and that the plaintiffs have execution
therefore.

ORDERED, ADJUDGED AND DECREED that a permanent injunction be
entered against the defendant, Michael Harriff, pursuant to which the defendant is
permanently enjoined from accessing the plaintiffs' computer database, either directly or
indirectly (for example by using a surrogate), without the express permission of Robert
Anderson.

Judgment signed this 17th day of November, 2009.

[Signature]
J.S.C.

Nancy T. Sunshine
Clerk

FEE

CLERK COUNTY CLERK

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[Signature] FILED