

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

ROBERT BRENNER, RUSS HANSON,)
and CRAIG WALTER, On Behalf of)
Themselves and All Others Similarly)
Situating,)

Plaintiffs,)

v.)

FUTURE GRAPHICS, LLC,)
RICHARD J. MORRELL)
(a/k/a Nick Morrell and Nicholas Cascario),)
JUDY MORRELL (a/k/a Cathy Morrell)
and Cathy Grasso), RICK CASCARIO,)
HOLIDAY ENTERPRISES INC.,)
HOLIDAY INK, INC., HOLIDAY INK)
FOR LESS, INC., HOLIDAY INK HALF)
PRICE, INC., HOLIDAY INK & TONER,)
INC., AMERICAN INK, INC., and)
UNITED LOCATIONS OF AMERICA,)
INC.,)

Defendants.)

**Civil Action Number:
1:06-CV-0362-CAP**

[PROPOSED] ORDER & FINAL JUDGMENT

Before the Court is Plaintiffs' Motion for Entry of Default Judgment Against Defendants Defendants Richard J. Morrell (a/k/a Nick Morrell and Nicholas Cascario), Judy Morrell (a/k/a Cathy Morrell and Cathy Grasso), Rick Cascario, Holiday Enterprises, Inc., Holiday Ink, Inc., Holiday Ink Half Price, Inc., Holiday

Ink & Toner, Inc., American Ink, Inc., and United Locations of America, Inc. (hereinafter Holiday/Morrell Defendants) who are the only remaining Defendants in this case. Each of the Holiday/Morrell Defendants is presently in default in this case. Upon consideration of the Plaintiffs' Motion, Affidavit of Counsel, and the entire record before the Court, the Court hereby GRANTS the Plaintiffs' Motion.

Accordingly, the Court hereby FINDS, ORDERS, ADJUDGES and DECREES as follows:

- (1) The Plaintiffs have established liability against each of the Holiday/Morrell Defendants jointly and severally for Violations of 18 U.S.C § 1962 (a)-(d) (Federal RICO Act) and Violations of O.C.G.A. §16-14-4(a)-(c) (Georgia RICO Act). The Court further FINDS that the Plaintiffs have established actual damages in this case in the amount of \$8,980,880.44, which amount represents the total losses suffered by members of the Class as a result of the Defendants' ink-cartridge business opportunity scam.
- (2) The Court ORDERS that the actual damages in this case shall be trebled to \$26,942,641.32 as required by 18 USCS § 1964(c) and O.C.G.A. § 16-14-6(c).

(3) The Court further FINDS that the record in this case establishes by clear and convincing evidence that each of the Holiday/Morrell Defendants showed willful misconduct, malice, fraud, and wantonness in regards to the rights, property and interest of Plaintiffs and the Class. The Court further FINDS that the Holiday/Morrell Defendants showed an entire want of care and an indifference to the consequences suffered by Plaintiffs and the Class and the Holiday/Morrell Defendants' actions evidenced an intentional disregard for the rights of Plaintiffs. The Holiday/Morrell Defendants each acted with a specific intent to cause harm to Plaintiffs. Accordingly, an award of punitive damages pursuant to O.C.G.A. §§ 16-14-6(c) and 51-12-5.1 is warranted in this case. The Court hereby awards punitive damages in favor of Plaintiffs and the Class and against the Holiday/Morrell Defendants, jointly and severally, in the amount of \$25,000,000.

(4) The Court FINDS that the Plaintiffs' are also entitled to a recovery of their reasonable attorneys' fees and costs of litigation pursuant to 18 U.S.C. § 1964(c) and O.C.G.A. § 16-14-6(c) in the amount of \$2,444,713.93.

(5) The Court notes that Co-Defendant Future Graphics paid Plaintiffs and the Class \$2,650,000. The Court FINDS that the Holiday/Morrell Defendants are entitled to a set off in this same amount and this judgment has, therefore, been reduced by \$2,650,000.

(6) Accordingly, the Court HEREBY enters judgment against Defendants Richard J. Morrell (a/k/a Nick Morrell and Nicholas Cascario), Judy Morrell (a/k/a Cathy Morrell and Cathy Grasso), Rick Cascario, Holiday Enterprises, Inc., Holiday Ink, Inc., Holiday Ink Half Price, Inc., Holiday Ink & Toner, Inc., American Ink, Inc., and United Locations of America, Inc., jointly and severally, in the total amount of \$51,737,355.25.

SO ORDERED this 22nd day of April, 2009.

/s/ Charles A. Pannell, Jr.

Charles A. Pannell, Jr.

United States District Judge