

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DELIVERMED HOLDINGS, LLC, WILLIAM R.
DEETER ASSOCIATES, INC., and LINDA DEETER,

Plaintiffs,

v.

MICHAEL L SCHALTENBRAND, JOEY D.
SIDDLER and MEDICATE PHARMACY, INC.,

Defendants.

Case No. 10-cv-684-JPG-DGW

consolidated with

MARK A SWIFT,

Plaintiff,

v.

MICHAEL L SCHALTENBRAND, JOEY D.
SIDDLER and MEDICATE PHARMACY, INC.,

Defendants.

Case No 10-cv-685-JPG-DGW

JUDGMENT

This matter having come before the Court and the Court having rendered a decision,

IT IS HEREBY ORDERED AND ADJUDGED that judgment is entered in favor of defendants Michael L. Schaltenbrand, Joey D. Siddler and Medicate Pharmacy Inc. and against plaintiffs DeliverMed Holdings, LLC, William R. Deeter Associates and Linda Deeter on Count I for copyright infringement;

IT IS FURTHER ORDERED AND ADJUDGED that judgment is entered in favor of defendants Michael L. Schaltenbrand, Joey D. Siddler and Medicate Pharmacy Inc. and against plaintiff DeliverMed Holdings LLC on:

- Count II for trademark/service mark infringement;
- Count III for unfair competition;
- Count IV under the Illinois Uniform Deceptive Trade Practices Act; and
- Count V under the Illinois Consumer Fraud and Deceptive Trade Practices Act;

IT IS FURTHER ORDERED AND ADJUDGED that judgment is entered in favor of defendants/counterclaimants Michael L. Schaltenbrand and Medicate Pharmacy Inc. and against plaintiff/counter-defendant DeliverMed Holdings LLC on:

- Counterclaim 1 for a declaration of copyright invalidity;
- Counterclaim 2 for cancellation of the “house and pestle” logo trademark;

IT IS FURTHER DECLARED that DeliverMed Holdings LLC’s Certificate of Copyright Registration VA-1-766-676 for the 2-D artwork known as the “house and pestle” logo (VA 1-766-676) is invalid;

IT IS FURTHER DECLARED that DeliverMed Holdings LLC’s Certificate of Registration No. 3,913,346 on the “house and pestle” logo is invalid and ordering the United States Patent and Trademark Office to cancel that registration;

IT IS FURTHER ORDERED AND ADJUDGED that judgment is entered in favor of plaintiff/counter-defendant DeliverMed Holdings LLC and against defendants/counterclaimants Michael L. Schaltenbrand and Medicate Pharmacy Inc. on Counterclaim 3 for cancellation of “DeliverMed” name trademark;

IT IS FURTHER ORDERED AND ADJUDGED that judgment is entered in favor of defendants Michael L. Schaltenbrand, Joey D. Siddle and Medicate Pharmacy Inc. and against plaintiff Mark A. Swift on:

- Count VI for common law fraud;
- Count VII for breach of contract regarding salary, commissions and distributions;
- Count VIII under the Fair Labor Standards Act;
- Count IX under the Illinois Wage Payment and Collection Act regarding salary, commissions and distributions;
- Count X for breach of contract regarding a stock transfer;
- Count XI for promissory estoppel;

IT IS FURTHER ORDERED AND ADJUDGED that judgment is entered in favor of plaintiff Mark A. Swift and against defendant Medicate Pharmacy Inc. on:

- Count VII for breach of contract regarding a bonus in the amount of \$50,333.00;
- Count IX under the Illinois Wage Payment and Collection Act regarding a bonus in the amount of \$50,333.00, plus an additional damages award of \$21,139.86

for a total judgment in the amount of \$71,472.86 plus reasonable attorney’s fees in an amount to be determined by separate judgment;

IT IS FURTHER ORDERED AND ADJUDGED that Count XII is dismissed for lack of jurisdiction;

IT IS FURTHER ORDERED AND ADJUDGED that plaintiff DeliverMed Holdings LLC shall pay defendants Michael L. Schaltenbrand, Joey D. Siddle and Medicate Pharmacy

Inc. reasonable attorney's fees for their defense of Counts II and III regarding the logo and tagline and for their prosecution of Counterclaims 1 and 2 in an amount to be determined by separate judgment.

DATED: October 15, 2012

NANCY J. ROSENSTENGEL, Clerk of Court

s/Jina Hoyt, Deputy Clerk

Approved: s/ J. Phil Gilbert _____
J. PHIL GILBERT
DISTRICT JUDGE