

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-21893-CIV-HOEVELER

MICHAEL CHOW, known as "MR. CHOW,"  
MR. CHOW ENTERPRISES, LTD.,  
MC MIAMI ENTERPRISES, LLC, and  
TC VENTURES, INC.,

Plaintiffs,

v.

CHAK YAM CHAU,  
STRATIS MORFOGEN,  
DAVID LEE,  
MANNY HAILEY,  
PHILIPPE MIAMI LLC,  
DAVÉ 60 NYC, INC.,  
PHILIPPE EXPRESS LLC, and  
PHILIPPE WEST COAST LLC,

Defendants.

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**VERDICT FORM**

WE THE JURY FIND AS FOLLOWS:

**LIABILITY**

On each of the following claims, we find in favor of (check either  
Plaintiffs or Defendants):

**Plaintiffs' Claim for Trademark Infringement**

\_\_\_\_\_ Plaintiffs                      ✓ Defendants

**Plaintiffs' Claim for Unfair Competition by Trade Name  
Infringement**

\_\_\_\_\_ Plaintiffs                      ✓ Defendants

**Plaintiffs' Claim for Unfair Competition by Trade Dress  
Infringement**

\_\_\_\_\_ Plaintiffs                      ✓ Defendants

**Plaintiffs' Claim for False Advertising**

✓ Plaintiffs                      \_\_\_\_\_ Defendants

**Plaintiffs' Claims for Unfair Competition by Deceptive Conduct**

✓ Plaintiffs                      \_\_\_\_\_ Defendants

**Plaintiffs' Claim for Unfair or Deceptive Practices in Violation of the  
Florida Deceptive and Unfair Trade Practices Act**

\_\_\_\_\_ Plaintiffs

\_\_\_\_\_ ☒ Defendants

**Plaintiffs' Claim for Unfair Business Practices in Violation of the  
California Business & Professions Code**

\_\_\_\_\_ Plaintiffs

\_\_\_\_\_ ☒ Defendants

**Plaintiffs' Claim for Conversion of Intellectual Property**

\_\_\_\_\_ Plaintiffs

\_\_\_\_\_ ☒ Defendants

**DAMAGES**

If you find in favor of the Plaintiffs on any of the above claims, you should proceed to determine the damages, if any, suffered by each restaurant.

If you do not find in favor of the Plaintiffs on any of the above claims, then you do not need to determine damages.

**Mr. Chow Restaurant  
New York City (57<sup>th</sup> Street)**

**Damages \$ 520,451.00**

We find the following Defendants responsible for these damages (place an X or  $\checkmark$  mark):

<u>      </u>	Stratis Morfogen
<u>      </u>	Philippe Chow Chau
<u>      </u>	David Lee
<u>  <math>\checkmark</math>  </u>	Davé 60 NYC, Inc.

**Mr. Chow Restaurant  
Miami Beach**

Damages \$ Ø

We find the following Defendants responsible for these damages (place an X  
or √ mark):

_____	Stratis Morfogen
_____	Philippe Chow Chau
_____	David Lee
_____	Philippe Miami LLC

**Mr. Chow Restaurant – Beverly Hills, California**

Damages \$ 0

We find the following Defendants responsible for these damages (place an X or √ mark):

<u>          </u>	Stratis Morfogen
<u>          </u>	Philippe Chow Chau
<u>          </u>	David Lee
<u>          </u>	Manny Hailey
<u>          </u>	Philippe West Coast LLC

**Michael Chow (individually)**

**Damages \$ 500,000.00**

We find the following Defendants responsible for these damages (place an X or √ mark):

✓

Stratis Morfogen

\_\_\_\_\_

Philippe Chow Chau

\_\_\_\_\_

David Lee

\_\_\_\_\_

Manny Hailey

\_\_\_\_\_

Davé 60 NYC, Inc.

\_\_\_\_\_

Philippe Miami LLC

\_\_\_\_\_

Philippe West Coast LLC

**Punitive Damages**

If you find in favor of the Plaintiffs on one of the following claims, you may proceed to determine whether punitive damages should be awarded on those claims: **unfair competition, conversion**. Punitive damages may not be awarded by the jury on Plaintiffs' claims other than those for unfair competition, and conversion. So if you do not find in favor of the Plaintiffs on one or more of those claims, you should skip this section.

**Punitive Damages \$**           0          

We find the following Defendants responsible for these punitive damages (place an X or √ mark):

_____	Stratis Morfogen
_____	Philippe Chow Chau
_____	David Lee
_____	Davé 60 NYC, Inc.
_____	Philippe Miami LLC
_____	Philippe West Coast LLC



**Defendants' Counterclaims**

On the following claim, we find in favor of (place a check by the party you find in favor of):

**Defendant Philippe Chow Chau's Counterclaim for Defamation Per Se**

\_\_\_\_\_ Philippe Chow Chau  
and his restaurants

\_\_\_\_\_ ☒ Michael Chow  
and his restaurants

**Damages**

If you find in favor of Philippe Chow Chau on the counterclaim for defamation, you should proceed to determine the damages, if any. If you do not find in favor of Philippe Chow Chau on this counterclaim, then you do not need to determine damages.

Damages \$ ☒

**Punitive Damages**

If you find in favor of Philippe Chow Chau on the counterclaim for defamation, you may proceed to determine whether punitive damages should be awarded on that claim.

Punitive Damages \$ ☒

On the following claim, we find in favor of (place a check by the party you find in favor of):

**Defendant Philippe Chow Chau's Counterclaim for Deregistration of the "Mr. Chow" Trademark**

\_\_\_\_ Philippe Chow Chau  
and his restaurants

\_\_\_\_ ✓ Michael Chow  
and his restaurants

SO SAY WE ALL:

  
FOREPERSON

2/23/2012  
DATE