

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

KIPU SYSTEMS LLC,
a Florida limited liability company,

Case No.1:17-cv-24733-KMW-EGT

Plaintiff/Counter-Defendant,

v.

ZENCHARTS LLC, a Florida limited liability company,
SOLUTIONS RECOVERY CENTER, LLC,
a Florida limited liability company,

Defendants/Counter-Plaintiffs, and

ZEN MEDICAL, LLC, an administratively dissolved
Florida limited liability company,
WEBSITE CONSULTANTS INC., a Florida corporation,
RICHARD 'RICK' GLASER, an individual,
KEITH HOUILHAN a/k/a KEITH HOOTIE, an individual,
SEAN CALLAHAN, an individual,
DANIEL J. CALLAHAN, an individual, and
YANKO KARKALICHEV, an individual,

Defendants.

PLAINTIFF'S MOTION FOR ENTRY OF FINAL JUDGMENT

Plaintiff, KIPU SYSTEMS LLC (“Kipu” or “Plaintiff”), by and through the undersigned counsel, and pursuant to Fed. R. Civ. P. 58, moves the Court to enter a final judgment. In support, the Plaintiff states as follows:

1. This matter proceeded to a jury trial on October 21, 2019.
2. On November 4, 2019, the jury returned a verdict for the Plaintiff, as set forth on the *Verdict Form* [D.E. 292] that was filed on the same date (“Verdict”).
3. According to the Verdict, Kipu sustained damages in the amount of \$19,508,000.00 as a result of the defendants’ misconduct, for which the defendants are proportionately liable as follows:
 - a. Defendant Solutions Recovery Center, LLC, is liable for \$2,008,000.00;
 - b. Defendant ZenCharts LLC is liable for \$6,000,000.00;

- c. Defendant Richard Glaser is liable for \$3,500,000.00;
- d. Defendant Sean Callahan is liable for \$3,500,000.00;
- e. Defendant Yanko Karkalichev is liable for \$3,000,000.00;
- f. Defendant Website Consultants Inc is liable for \$500,000.00; and
- g. Defendant Dan Callahan is liable for \$1,000,000.00.

4. The foregoing defendants (collectively, “Defendants”) are also liable for post-judgment interest pursuant to 28 U.S.C. § 1961.

5. The Plaintiff is thus entitled to a final judgment against the Defendants for damages and post-judgment interest.

6. A proposed *Final Judgment* reflecting the proportionate liability set forth in the Verdict and the Defendants’ obligation to pay post-judgment interest is attached as **Exhibit A**.¹

WHEREFORE, the Plaintiff, KIPU SYSTEMS LLC, respectfully requests that this Court enter a final judgment against the Defendants, SOLUTIONS RECOVERY CENTER, LLC, ZENCHARTS LLC, RICHARD GLASER, SEAN CALLAHAN, YANKO KARKALICHEV, WEBSITE CONSULTANTS INC, and DAN CALLAHAN, in substantially the same for as the proposed judgment attached as Exhibit A, and that this Court grant the Plaintiff such additional relief as the Court deems just and appropriate under the circumstances.

DATED this 22nd day of November, 2019.

Respectfully submitted,

AGENTIS PLLC

Counsel for Plaintiff Kipu Systems LLC

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/s/ Christopher B. Spuches

Christopher B. Spuches

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¹ The proposed judgment attached as Exhibit A contains a reservation of jurisdiction to award the Plaintiff attorneys’ fees and costs upon the filing of separate motions. The Plaintiff intends to, and hereby reserves the right to, move for attorneys’ fees and costs after this Court enters judgment pursuant to Fed. R. Civ. P. 54 and Local Rule 7.3.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 22, 2019, I electronically filed the foregoing with the Clerk of the Court via the CM/ECF system, which provided notice of filing to all counsel of record, and served the foregoing on the following parties:

ZENCHARTS, LLC
WEBSITE CONSULTANTS, INC.
DANIEL J. CALLAHAN
SEAN CALLAHAN
SOLUTIONS RECOVERY CENTER LLC
RICHARD GLASER
YANKO KARKALICHEV
Via e-mail to Counsel of Record

ZEN MEDICAL, LLC
Via e-mail to Counsel of Record

MARK E. STEIN
MARK STEIN LAW
2999 NE 191ST STREET, SUITE 330
AVENTURA, FL 33180
Co-Counsel for Plaintiff, Kipu Systems, LLC

JAVIER J. RODRIGUEZ
CKR LAW
78 SW 7TH STREET, 8TH FLOOR
BRICKELL CITY CENTER
MIAMI, FL 33130
Co-Counsel for Plaintiff, Kipu Systems, LLC

/s/ Christopher B. Spuches

Christopher B. Spuches
Florida Bar No. 42456
e-mail: cbs@agentislaw.com

CERTIFICATE OF CONFERRAL UNDER LOCAL RULE 7.1

I HEREBY CERTIFY that I have conferred in good faith with the Defendants' counsel regarding the relief sought in this motion, and the Defendants do/do not oppose the same.

/s/ Christopher B. Spuches

Christopher B. Spuches
Florida Bar No. 42456
e-mail: cbs@agentislaw.com

Exhibit A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 17-24733-WILLIAMS**

KIPU SYSTEMS LLC,

Plaintiff,

v.

ZENCHARTS LLC, *et al.*,

Defendants.

FINAL JUDGMENT

THIS MATTER is before the Court following the entry of a jury verdict on November 4, 2019. (DE 292). Accordingly, pursuant to Federal Rule of Civil Procedure 58, it is **ORDERED AND ADJUDGED** that final judgment is entered in favor of Plaintiff Kipu Systems LLC and against (1) Solutions Recovery Center, LLC, in the amount of TWO MILLION, EIGHT THOUSAND DOLLARS (**\$2,008,000.00**), plus post-judgment interest at the rate as prescribed by 28 U.S.C. § 1961; (2) ZenCharts LLC in the amount of SIX MILLION DOLLARS (**\$6,000,000.00**), plus post-judgment interest at the rate as prescribed by 28 U.S.C. § 1961; (3) Richard Glaser in the amount of THREE MILLION, FIVE HUNDRED THOUSAND DOLLARS (**\$3,500,000.00**), plus post-judgment interest at the rate as prescribed by 28 U.S.C. § 1961; (4) Sean Callahan in the amount of THREE MILLION, FIVE HUNDRED THOUSAND DOLLARS (**\$3,500,000.00**), plus post-judgment interest at the rate as prescribed by 28 U.S.C. § 1961; (5) Yanko Karkalichev in the amount of THREE MILLION DOLLARS (**\$3,000,000.00**), plus post-judgment interest at the rate as prescribed by 28 U.S.C. § 1961; (6) Website Consultants Inc in the amount of FIVE HUNDRED THOUSAND DOLLARS (**\$500,000.00**), plus post-judgment interest at the rate as prescribed by 28 U.S.C. § 1961; and (7) Dan Callahan in the amount of ONE

MILLION DOLLARS (**\$1,000,000.00**), plus post-judgment interest at the rate as prescribed by 28 U.S.C. § 1961, for which let execution issue. This judgment does not include attorneys' fees or costs, which the Court reserves jurisdiction to determine upon the filing of separate motions.

All remaining motions are **DENIED AS MOOT**. This Clerk of the Court is directed to **CLOSE** this case.

DONE AND ORDERED in Chambers in Miami, Florida, this ____ day of November, 2019.

KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE