

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

PETER CONDAKES COMPANY, INC.,	)	
	)	
Plaintiff	)	
	)	
v.	)	
	)	CIVIL ACTION
SANDLER BROS., et al.,	)	Docket No. 2:09-CV-168
	)	
Defendants	)	

**ORDER AND DEFAULT JUDGMENT AGAINST DEFENDANT SANDLER BROS.**

THIS MATTER COMES before the Court pursuant to F.R.Civ.P. 55(b)(2), upon Plaintiff's Motion for Default Judgment against Sandler Bros. (Docket # 73) and supporting affidavits. Upon review of these materials and Plaintiff's Supplemental Certificate of Service (Docket # 84), the Court finds that default was properly entered by the Clerk on September 4, 2009 and that the Plaintiff is entitled to judgment by default for the relief requested in its Complaint.

THE COURT FURTHER FINDS that all claims against all other parties in this action have been resolved, but for those claims against Candice O'Brien, which claims are subject to the automatic stay of Sec. 362 of the U.S. Bankruptcy Code. Accordingly, pursuant to F.R.Civ.P. 54(b), this Court finds that there is no just reason for delay and that final judgment may issue forthwith in favor of Plaintiff and against Sandler Bros., only, as more fully set forth below.

IT IS THEREFORE ORDERED that the Plaintiff's Motion for Default Judgment (Docket # 73) is **GRANTED** without objection as to Plaintiff's Complaint against the Defendant Sandler Bros., only.

IT IS FURTHER ORDERED AND ADJUDGED that Judgment be granted against Defendant Sandler Bros. only, in the amount of **\$75,009.75**, together with interest at the rate of 18% per annum, attorneys' fees in the amount of **\$21,120.00** and costs in the amount of **\$1,928.33**, less a credit for payment received in the amount of **\$18,750.00**, execution to issue.

SO ORDERED.

/s/ George Z. Singal  
United States District Judge

Dated this 25th day of February, 2010.

**Plaintiff**

**PETER CONDAKES  
COMPANY INC**

represented by **RITA M. FARRY**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Bankrupt Party**

**CANDICE O'BRIEN**

represented by **DANIEL L. CUMMINGS**  
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**Defaulted Party**

**SANDLER BROS**

represented by **BRIANNE M. MARTIN**  
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**Defendant**

**MARK SANDLER**  
*TERMINATED: 01/25/2010*

represented by **RANDY J. CRESWELL**  
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*TERMINATED: 07/20/2009*  
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**Defendant**

**MARJORIE SANDLER**  
*TERMINATED: 01/25/2010*

represented by **RANDY J. CRESWELL**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**DAVID B. MCCONNELL**  
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**JOHN M.R. PATERSON**  
(See above for address)  
*TERMINATED: 07/20/2009*  
*ATTORNEY TO BE NOTICED*

**LORELLE LONDIS DWYER**  
(See above for address)  
*TERMINATED: 07/20/2009*  
*ATTORNEY TO BE NOTICED*

**Movant**

**J J R DISTRIBUTING  
CORPORATION**  
*TERMINATED: 07/29/2009*

represented by **ANDREW M. OSBORNE**  
OSBORNE & FONTE  
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DEDHAM, MA 02026  
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**SEAN P. JOYCE**  
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PORTLAND, ME 04101  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Movant**

**COMMUNITY-SUFFOLK INC**  
*TERMINATED: 07/29/2009*

represented by **ANDREW M. OSBORNE**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**SEAN P. JOYCE**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Movant**

**FORLIZZI AND BIMBER INC**  
*TERMINATED: 07/29/2009*

represented by **ANDREW M. OSBORNE**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**SEAN P. JOYCE**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Movant**

**BOSTON TOMATO AND  
PACKAGING LLC**  
*TERMINATED: 07/29/2009*

represented by **ANDREW M. OSBORNE**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**SEAN P. JOYCE**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Movant**

**EATON AND EUSTIS  
COMPANY**  
*TERMINATED: 07/29/2009*

represented by **ANDREW M. OSBORNE**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**SEAN P. JOYCE**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Movant**

**ALPHAS COMPANY INC**  
*TERMINATED: 07/29/2009*

represented by **ANDREW M. OSBORNE**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**SEAN P. JOYCE**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Movant**

**GARDEN FRESH SALAD CO  
INC**  
*TERMINATED: 07/29/2009*

represented by **ANDREW M. OSBORNE**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**SEAN P. JOYCE**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Movant**

**GREGG DZIAMI INC**  
*TERMINATED: 07/29/2009*

represented by **ANDREW M. OSBORNE**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**SEAN P. JOYCE**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Movant**

**J BONAFEDE CO INC**  
*TERMINATED: 07/29/2009*

represented by **ANDREW M. OSBORNE**  
(See above for address)

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**SEAN P. JOYCE**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Movant**

**GRANT STANTON PRODUCE  
COMPANY INC**  
*TERMINATED: 07/29/2009*

represented by **ANDREW M. OSBORNE**  
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*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**SEAN P. JOYCE**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Movant**

**STATE GARDEN INC**  
*TERMINATED: 07/29/2009*

represented by **ANDREW M. OSBORNE**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**SEAN P. JOYCE**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Movant**

**TROPICAL BANANA  
COMPANY INC**  
*TERMINATED: 07/29/2009*

represented by **ANDREW M. OSBORNE**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**SEAN P. JOYCE**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Movant**

**WALDO H LAILER AND  
COMPANY INC**  
*TERMINATED: 07/29/2009*

represented by **ANDREW M. OSBORNE**  
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*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**SEAN P. JOYCE**  
(See above for address)  
*LEAD ATTORNEY*  
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**Receiver**

**WINDSOR ASSOCIATES LLC** represented by **JERROL A. CROUTER**  
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SUITE 600  
PORTLAND, ME 04101-2480  
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*ATTORNEY TO BE NOTICED*

**Bankrupt Party**

**CANDICE O'BRIEN**

**Cross Claimant**

**MARK SANDLER**  
*TERMINATED: 01/25/2010*

represented by **RANDY J. CRESWELL**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**DAVID B. MCCONNELL**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**JOHN M.R. PATERSON**  
(See above for address)  
*TERMINATED: 07/20/2009*  
*ATTORNEY TO BE NOTICED*

**LORELLE LONDIS DWYER**  
(See above for address)  
*TERMINATED: 07/20/2009*  
*ATTORNEY TO BE NOTICED*

**Cross Claimant**

**MARJORIE SANDLER**  
*TERMINATED: 01/25/2010*

represented by **RANDY J. CRESWELL**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**DAVID B. MCCONNELL**

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**JOHN M.R. PATERSON**  
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*TERMINATED: 07/20/2009*  
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**LORELLE LONDIS DWYER**  
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*TERMINATED: 07/20/2009*  
*ATTORNEY TO BE NOTICED*