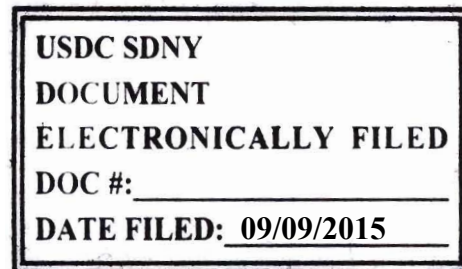


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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AMERIVAPE, INC.

Plaintiff,

Index No. 15-cv-1874 (JMF)

- against -

DEFAULT JUDGMENT

KYLE KRUGER, ERIK HUTCHINSON, AMERAVAPE
TECHNOLOGIES INC d/b/a AMERAVAPE, and
AMERAMATIC VTECH, LLC d/b/a AMERAVAPE,

Defendants.

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This action having been commenced on March 12, 2015 by the filing of the Summons and Verified Complaint, and a copy of the Summons and Verified Complaint having been personally served on Defendant Kyle Kruger on April 15, 2015 by personally delivering to him a copy of the Summons and Verified Complaint, Defendant Erik Hutchinson on March 28, 2015 by personally delivering to him a copy of the Summons and Verified Complaint, Defendant Ameravape Technologies Inc. on April 15, 2015 by personally delivering to its agent a copy of the Summons and Verified Complaint, and Defendant Ameramatic Vtech, LLC on March 25, 2015 by personally delivering to its managing agent a copy of the Summons and Verified Complaint, and a proof of service having been filed on May 28, 2015, and the said Defendants not having answered the Verified Complaint, and the time for answering the Complaint having expired, and upon consideration of Plaintiff's motion for a determination that its claims against Defendant Kruger are excepted from Kruger's bankruptcy discharge and motions for default

judgment, and for the reasons stated on the record at the default judgment hearing held on September 8, 2015, it is

ORDERED, ADJUDGED AND DECREED: (1) that Plaintiff have judgment against Defendants Kyle Kruger, Erik Hutchinson, Ameravape Technologies Inc, and Ameramatic Vtech, LLC, jointly and severally, for the amount of \$400,000.00, plus any post judgment interest pursuant to 28 U.S.C. § 1961; (2) that under 11 U.S.C. § 523(A)(3)(B), Plaintiff's claims against Defendant Kyle Kruger were not discharged by the discharge granted in In re Kyle Kruger, Case No. 15-00675-LT7 (Bankr. S.D. Cal. 2015); and (3) that Defendants Kyle Kruger and Erik Hutchinson are permanently enjoined from using the terms "Ameravape," "Amerivape" or any confusingly similar variation of such term in connection with a business, corporation, trade name or domain name, and from engaging in future violations of 15 U.S.C. § 1125(d), 15 U.S.C. § 1114, 15 U.S.C. § 1125 (a), New York General Business Law §§ 133, 360-K, and 360-L, and Misappropriation under New York Common Law Unfair Competition.

The Clerk of Court is directed to close this case.

Dated: September 9, 2015
New York, New York



JESSE M. FURMAN
United States District Judge