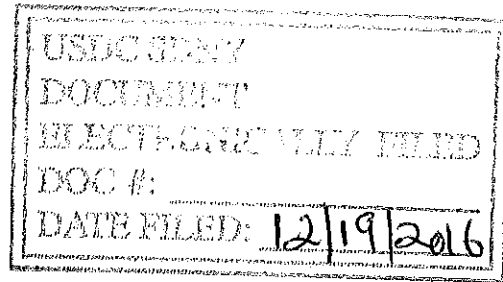


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
GUST, INC.,

Plaintiff,

v.

ALPHACAP VENTURES, LLC, and
RICHARD JUAREZ,

Defendants.

15-cv-06192 (DLC)

~~PROPOSED~~ FINAL JUDGMENT

-----X
ALPHACAP VENTURES, LLC,

Plaintiff,

v.

GUST, INC.,

Defendant.

16-cv-01784 (DLC)

-----X
~~PROPOSED~~ FINAL JUDGMENT GRANTING ATTORNEYS' FEES

WHEREAS, by Opinion and Order of December 8, 2016, this Court granted in part the motion of Gust, Inc., for attorneys' fees, the Court states the following:

Jurisdiction

1. On January 23, 2015, AlphaCap Ventures, LLC ("AlphaCap") filed this action against Gust, Inc.'s ("Gust") predecessor, Angelsoft, LLC d/b/a Gust, in the United States District Court for the Eastern District of Texas, Marshall Division (the "Texas Patent Action").

2. On August 7, 2015, Gust filed an action in this Court against AlphaCap and its

principal, Richard Juarez (Case No. 15-cv-06192, Doc. No. 1).

3. On March 2, 2016, the Texas Patent Action was transferred to this Court, where it was assigned Case No. 16-cv-01784 and joined with the New York action.

Dismissal of Claims by AlphaCap

4. On July 28, 2016, this Court dismissed all claims asserted by AlphaCap and invited ~~Gust to file~~ ^{hereafter filed} a motion for attorneys' fees and costs. (Case No. 15-cv-06192, Doc. No. 67). *dl*

Order Granting Attorneys' Fees and Costs

5. By Opinion and Order dated December 8, 2016, the Court granted in part Gust's motion for attorneys' fees and costs, and awarded Gust \$492,420.00 in attorneys' fees and \$15,923.00 in costs, for a total of \$508,343.00, jointly and severally against AlphaCap and its attorneys, Gutride Safier LLP. The Court also awarded Gust prejudgment interest accruing at a rate of 9%, which continues thereafter. (Case No. 15-cv-06192, Doc. No. 89).

NOW, THEREFORE, IT IS on this 19th day of December, 2016, **HEREBY ORDERED, ADJUDGED AND DECREED:**

1. This Final Judgment shall incorporate the findings, conclusions, and rulings in all orders and memoranda of decision in this case.

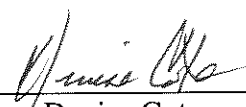
2. Final Judgment is entered against AlphaCap Ventures, LLC, and against Gutride Safier LLP, jointly and severally, in the amount of \$553,891.32, calculated as follows:

- a. Attorneys' fees and costs in the principal amount of \$508,343.00; plus
- b. Prejudgment interest, accruing at 9% per annum from the date of first billing on February 12, 2015 until the date of award of judgment on December 8, 2016, in the amount of \$45,548.32, which represents accrued simple interest on \$508,343.00 of attorneys' fees and costs incurred and billed from February 12, 2015 through August 18, 2016.
- c. Post-judgment interest pursuant to 28 U.S.C. § 1961 as of the date of entry of this Order.

3. The Court directs immediate entry of this Final Judgment by the Clerk of the Court.

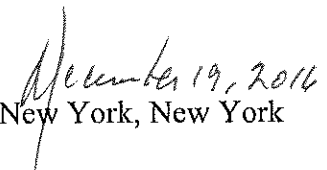
IT IS SO ORDERED.

BY THE COURT:



Hon. Denise Cote
United States District Court Judge

Dated:


December 19, 2016
New York, New York