

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

DOMINIC MORGAN,

Plaintiff,

v.

DR. HERBERT NEVYAS and  
DR. ANITA NEVYAS-WALLACE,

Defendants.

CIVIL ACTION

Case No. 1:10\_cv04552 (RMB\_AMD)

CONSENT ORDER

OFFER OF JUDGMENT

~~Pursuant to Rule 68 of the Federal Rules of Civil Procedure,~~ Defendants Dr. Herbert  
Nevyas and Dr. Anita Nevyas-Wallace (“the Nevyses”) hereby offer to allow judgment to be  
entered in favor of plaintiff Dominic Morgan (“Morgan”) in this action, as follows:

(1) The Nevyses will allow the domains that are the subject of this litigation -

“anitanevyaslasik.com,” “herbertnavyaslasik.com” and “nevyaslasik.com” - to remain in the  
control of, and continue to be owned and operated by, plaintiff Morgan, ~~provided that Morgan~~ <sup>DEFENDANTS RESERVE</sup>  
~~does not change the current content of the domains so as to violate the Lanham Act and/or the~~  
~~Uniform Domain-Name Dispute-Resolution Policy.~~ <sup>THE RIGHT TO CHALLENGE FUTURE VIOLATIONS OF</sup>

(2) The Nevyses will stipulate to the Court’s entry of an order to that effect, ~~and will~~ <sup>Q</sup>  
~~support the Court’s continuing jurisdiction to enforce that Order, if the Court agrees to exercise~~  
~~continuing jurisdiction in this matter.~~

Acceptance of this offer and satisfaction of this judgment shall release all of Morgan’s  
claims against the Nevyses, including but not limited to any and all claims for damages, costs of  
suit, interest, and/or attorneys’ fees. If the offer is accepted, a notice of acceptance is to be  
served on the Nevyses’ counsel and filed with the Court.

This offer of judgment is made for the purposes specified in Rule 68 and is not be construed either as an admission that the Nevyases are liable in this action or that Morgan has suffered any damage.

This offer of judgment shall not be filed with the Court unless: (a) accepted; or (b) in a proceeding to determine fees and costs.

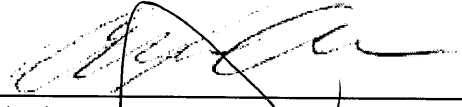
Pursuant to Rule 68(d), if Morgan does not accept this offer of judgment, and any judgment that Morgan finally obtains is not more favorable than this offer, Morgan must pay the costs the Nevyases incur after this offer was made.

December 7, 2010

Dated: ~~October 28, 2010~~

**FLASTER/GREENBERG P.C.**

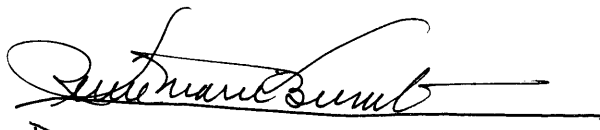
By:

  
Alexis Arena  
1600 John F. Kennedy Blvd., Suite 200  
Philadelphia, PA 19103  
215-279-9908  
alexis.arena@flastergreenberg.com

  
AF  
AA

  
DCC  
PAL

SO ORDERED:

  
RMB, USDJ