

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

MAG JEWELRY CO., INC.

Plaintiff

VS.

CHEROKEE, INC., ROBERT MARGOLIS  
AND TARGET CORPORATION d/b/a  
TARGET STORES and STYLE  
ACCESSORIES, INC.

Defendants

C.A. NO.: 04-174T

**ORDER**

The above-entitled matter came on for hearing before the Honorable Chief Judge Ernest C. Torres on February 15, 2007 on the Plaintiff's Motion to Stay Payment of Costs Pending Appeal and the Defendant's Motion for Pre-Judgment Attachment. After hearing thereon, it is hereby

**ORDERED, ADJUDGED AND DECREED**

1. The Plaintiff, Mag Jewelry Co., Inc. shall deposit into the Registry of the Court, the total sum of costs of \$10,023.44 within one (1) week, or on or by February 22, 2007;

2. Said funds shall be deposited into a money market account (or other interest bearing account), at Bank of America, 111 Westminster Street, Providence, RI 02903 and shall remain there pending determination of the Plaintiff's appeal of the Judgment based on the grant of defendant's Rule 50

Motion in the United States Court of Appeals for the First Circuit (C.A. 06-1556)  
(the "Rule 50 Appeal").


3. If the Plaintiff prevails on the Rule 50 Appeal, the monies shall be withdrawn and returned to the Plaintiff, Mag Jewelry Co., Inc. If Defendants prevail on the Rule 50 Appeal, the monies shall be withdrawn and turned over to the Defendants, based on the allocations set forth in their respective Bills of Costs previously awarded by the Court.

4. The clerk shall deduct from the income earned on the funds deposited or invested a fee in the amount of 10% of the income earned, whenever such income becomes available for such deduction and without further order of the Court.

5. Nothing contained in this Order shall affect Plaintiff's obligation to pay to Defendants post-judgment interest on the costs awarded to Defendants pursuant to their respective Bills of Costs, to the extent Defendants prevail on the Rule 50 Appeal.

ENTER:

PER ORDER:

  
\_\_\_\_\_  
Chief Judge Ernest C. Torres  
2/21/07

  
\_\_\_\_\_  
Deputy Clerk

**CERTIFICATION**

I hereby certify that I mailed, by regular mail, and faxed a copy of the above Order on the 19<sup>th</sup> day of February, 2007 to:

Craig M. Scott, Esq.  
DUFFY & SWEENEY, LTD.  
One Turks Head Place, Suite 1200  
Providence, RI 02903

Thomas R. Noel, Esq.  
Noel & Gyorgy, LLP  
50 South Main Street  
Providence, RI 02903

---