

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

FILED
2009 AUG 12 P 1:56
U.S. DISTRICT COURT
NEW HAVEN, CT

UNITED RENTALS, INC. and
UNITED RENTALS (NORTH AMERICA), INC.,)

Plaintiffs,)

v.)

MICHAEL J. CIOTTA,)

Defendant.)

CIVIL ACTION NO.
3:09-cv-528 (MRK)

August __, 2009

STIPULATED PERMANENT INJUNCTION

WHEREAS, this action came before the Court by Complaint dated April 2, 2009;

WHEREAS, the plaintiffs, United Rentals, Inc., and United Rentals (North America), Inc. (collectively, "Plaintiffs" or "United") filed an Amended Complaint on May 21, 2009;

WHEREAS, United filed a motion for preliminary injunction on May 21, 2009 (the "Preliminary Injunction Motion Date"), seeking to enjoin the defendant from, among other things, violating a confidentiality and non-competition agreement with United dated November 1, 2004 (the "Non-compete"), which is attached as Exhibit A to the declaration submitted in support of Plaintiffs' motion for preliminary injunction;

WHEREAS, the defendant, Michael J. Ciotta ("Defendant" or "Ciotta"), appeared in this action, through counsel, and subsequently filed an Answer and Affirmative Defenses on June 10, 2009;

WHEREAS, the parties desire to resolve this matter by way of this Stipulated Permanent Injunction and pursuant to a separate settlement agreement, compliance with which is a condition of Plaintiffs' resolution with the Defendant;

WHEREAS, to facilitate such resolution, Defendant consents and stipulates to the entry of a Permanent Injunction against him, and in favor of the Plaintiffs, as more fully set forth herein.

NOW, THEREFORE, Defendant acknowledges, and the Court hereby finds, as follows:

1. The Court possesses subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1332, as well as 28 U.S.C. § 1367.
2. The Court possesses personal jurisdiction over the parties and venue under 28 U.S.C. § 1391.
3. As evidenced by the Return of Service filed with the Court, as well as an entry of appearance on behalf of the Defendant, the Plaintiffs properly served the Defendant with process in this matter in accordance with Rule 4 of the Federal Rules of Civil Procedure.
4. The Plaintiffs and the Defendant are parties to the aforementioned Non-compete.

BASED ON THE FOREGOING, as stipulated and acknowledged by Defendant herein, the Court hereby adjudges, orders, and decrees that judgment shall enter for Plaintiff against Defendant as set forth below:

1. Defendant is enjoined for a period of 12 months from the Preliminary Injunction Motion Date, from violating Paragraphs 3(a)(i) through 3(a)(vi) of the Non-compete.

2. Defendant is enjoined from disclosing or otherwise using any of the Plaintiff's trade secrets, and shall, within three (3) days of the entry of this Order, if not done so already, return to United any and all confidential and/or trade secret information taken or kept from United that is within the possession or control of Defendant, and shall destroy completely any remaining electronic copies of same.

If either party brings any action, motion, or proceeding, or takes any other similar legal step as a result of the other party's violation of this Order, and demonstrates any such violation by a preponderance of the evidence, the prevailing party shall be entitled to recover all costs, including reasonable attorneys' fees, incurred as a result of such violation, in addition to any other damages or relief to which it is entitled under applicable law, as well as any relief within the Court's inherent authority.

SO ORDERED, this 12th day of August, 2009.

/s/ Mark R. Kravitz, USDJ

The Honorable Mark R. Kravitz
United States District Judge

As stipulated by the parties:

THE PLAINTIFFS,
UNITED RENTALS, INC.
UNITED RENTALS (NORTH AMERICA),
INC.

By: _____ /s/

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THE DEFENDANT,
MICHAEL J. CIOTTA

By: _____ /s/

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