

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE DANNON COMPANY, LLC,

Plaintiff,

-against-

FEDERICO MUYSHONDT,

Defendant.

Case No. 18-CV-01567 *(KMK)*

**STIPULATION AND ORDER
GRANTING A PERMANENT
CONSENT INJUNCTION**

IT IS HEREBY STIPULATED AND AGREED by and between undersigned counsel for the parties, and **IT IS ORDERED** by the Court, as follows:

1. Plaintiff The Dannon Company, LLC, n/k/a Danone US, LLC (“Dannon”) and Defendant Federico Muyschondt (“Defendant”) (collectively, the “Parties”) wish to finally resolve this matter and dismiss the pending litigation, on the following terms.

2. Defendant represents and warrants that he has fully complied with the Stipulation and Order entered by the Court on February 28, 2018 (the “February Order”). Specifically, Defendant represents and warrants that he has not, directly or indirectly, used or disclosed Dannon’s trade secrets and confidential information, consistent with the Confidentiality Agreement and Agreement Relating to the Assignment of Inventions executed by Defendant, the Defend Trade Secrets Act and under New York common law.

3. Defendant further represents and warrants that, pursuant to the February Order, he has returned to Dannon all documents and/or electronic media (such as computers, laptops, tablets, phones, external hard drives, USB devices, other storage devices and the like) (collectively, the “Media”) which contain or potentially contain Dannon’s trade secrets and confidential information, or other information obtained from Dannon, or which were otherwise

used in connection with his employment at Dannon. Defendant represents and warrants that he conducted a diligent search and determined that he is not in the possession, custody or control of any Media containing or potentially containing such information. Defendant represents and warrants that he also conducted a diligent search of his private email accounts, and produced to Dannon copies of all documents that contain or potentially contain such information.

4. The Parties shall work cooperatively to ensure that any personal information or documents on the Media which belong to Defendant shall be duplicated and provided to him.

5. All of the documents produced by Defendant in this action, and any other documents that contain or potentially contain Dannon's trade secrets and confidential information, or other information obtained from Dannon, or which were otherwise used in connection with Defendant's employment with Dannon, shall be deleted from Defendant's private email accounts within seven (7) days of the entry of this Stipulation and Order by the Court.

6. Defendant is enjoined by the Court from and will not, whether directly or indirectly, use or disclose Dannon's trade secrets and/or confidential information, consistent with the Confidentiality Agreement and Agreement Relating to the Assignment of Inventions executed by Defendant, the Defend Trade Secrets Act and under New York common law.

7. The Parties have entered into a Confidential Settlement Agreement and General Release (the "Confidential Settlement Agreement") as a predicate to the submission of this Stipulation and Order to the Court.

8. Upon entry of this Order, the Parties shall file a Stipulation of Discontinuance. Each of the Parties shall bear his or its own costs of suit, including all attorney's fees.

9. The Honorable Kenneth M. Karas shall retain jurisdiction over the parties, and all persons subject to this Order and to the Confidential Settlement Agreement between the Parties, to the extent necessary to enforce any obligations arising in law or equity and/or to impose sanctions for any contempt of this Order.

Dated: New York, New York
May 29, 2018

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Dated: New York, New York
May 29, 2018

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SO ORDERED



HON. KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE

May 29, 2018