

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

3M Company,

Plaintiff,

vs.

Performance Supply, LLC,

Defendant.

Case No. 1:20-cv-02949 (JLR) (JW)

**DECLARATION OF JONATHAN W. THOMAS, ESQ.
IN SUPPORT OF PLAINTIFF 3M COMPANY'S MOTION
FOR DEFAULT JUDGMENT AND PERMANENT INJUNCTION**

I, Jonathan W. Thomas, Esq., pursuant to 28 U.S.C. § 1746 and upon penalty of perjury, declare as follows:

1. I am a resident of the State of New York; over the age of 18; and competent to make this Declaration. I could and would testify as to the matters set forth herein, if called upon to do so.
2. I am a Partner in the New York office of the law firm of MAYER BROWN LLP.
3. I am counsel of record for Plaintiff 3M Company ("3M") in the above-captioned civil action (the "Action").
4. I make this Declaration pursuant to Rule 55.2(b) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, and in support of 3M's motion for a Final Judgment entering a Default Judgment and Permanent Injunction against Defendant Performance Supply, LLC ("Defendant").
5. 3M commenced this Action on April 10, 2020 (the "Complaint"). *See* Dkt. 1. I attach hereto as **Exhibit 1** a true and correct copy of the Complaint.

6. 3M duly served Defendant with a copy of the Summons and Complaint by personally serving both documents on Mr. Ronald Romano, Defendant's principal, on April 14, 2020. *See* Dkt. 18. I attach hereto as **Exhibit 2** a true and correct copy of the Affidavit of Service.

7. Defendant's deadline to respond to the Complaint was May 5, 2020. *See* Dkt. 18. To date, Defendant has neither appeared in this Action nor responded to the Complaint. Defendant also is not an infant, in the military, or an incompetent person; rather, Defendant is a limited liability company. Accordingly, on November 29, 2022, Ruby J. Krajick, Clerk of the United States District Court for the Southern District of New York, entered a Clerk's Certificate of Default against Defendant. *See* Dkt. 39 (the "Certificate of Default"). I attach hereto as **Exhibit 3** a true and correct copy of the Certificate of Default.

8. On May 5, 2020, the Court entered its Findings of Fact and Conclusions of Law in connection with 3M's Application for a Temporary Restraining Order and Preliminary Injunction, and granted a preliminary injunction in favor of 3M and against Defendant. *See* Dkt. No. 23.

9. From June 24, 2020 to September 29, 2022, this Action was deferred pending adjudication of a three-count criminal Complaint initiated by the United States Attorney's Office for the Southern District of New York against Mr. Ronald Romano, Defendant's principal, which is stylized *U.S.A. v. Romano*, Case No. 1:20-cr-00585-ALC (S.D.N.Y. 2020). *See* Dkt. Nos. 28-33.

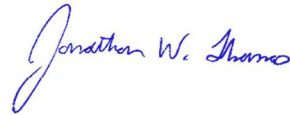
10. On December 12, 2022, the Court entered an order directing 3M to file with the Court: (1) Proposed Findings of Fact and Conclusions of Law; (2) an Inquest Memorandum of Law, accompanied by supporting Affidavits and Exhibits; and (3) a Permanent Injunction Memorandum of Law. Dkt. No. 42.

11. On December 15, 2022, 3M filed an Affidavit of Service, demonstrating that 3M duly served, by personal service, a copy of the Court's December 12, 2022 order (Dkt. No. 42) upon Mr. Ronald Romano, Defendant's principal, on December 13, 2022. *See* Dkt. No. 43.

12. 3M does not seek any monetary damages from Defendant.

13. I attach hereto as **Exhibit 4** a Proposed Final Judgment that enters a Default Judgment and Permanent Injunction against Defendant.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this Declaration was executed this 13th day of January, 2023 in New York, NY.



Jonathan W. Thomas