

## **Park West Gallery Vindicated by Recent Court Order**

### *\$500,000 Judgment Against Park West Gallery Thrown Out by Judge*

August 30, 2010 (FPRC) -- SOUTHFIELD, MI – In a recent decision issued by the U.S. District Court of the Eastern District of Michigan, a \$500,000 judgment entered against Park West Gallery for trademark infringement was vacated (Case No. 08-12247), and a new trial was ordered.

Last spring, Park West Gallery sued Fine Art Registry (FAR) for comments and videos posted online by its founder, Theresa Franks that contained defamatory statements. FAR counter-sued, claiming that Park West Gallery used its trademark without permission on a website in violation of the Lanham Act.

The jury found for FAR on the counter-claim for trademark infringement and awarded it \$500,000 in damages. However, due to “egregious, frequent and ongoing misconduct” on the part of Franks and her counsel, the presiding judge, Judge Lawrence Zatkoff, threw out the verdict and ordered a new trial.

According to Rodger Young, lead counsel for Park West Gallery, “the Judge’s decision overturning the verdict was the correct one. The FAR Defendants offered no evidence at trial to support such an award. As the Court accurately stated, the jury was unable to reach a fair verdict in light of the overwhelming misconduct on the part of FAR, Franks and her counsel.”

“We are extremely pleased with the Judge’s ruling and are optimistic about the upcoming trial,” Young added.

Speaking of the Court’s Opinion, Albert Scaglione, founder of Park West Gallery said: “We were not surprised that the Court threw out the improper, alleged trademark violation. Park West Gallery has never engaged in any inappropriate use of trademarks associated with any other company.”

Along with vacating the trademark judgment, Judge Zatkoff also set aside the entire jury verdict on the allegations of defamation by the FAR Defendants. The Court has not yet determined the timing of the new trial.

For more information, visit [www.parkwestgallery.com](http://www.parkwestgallery.com).

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### **Keywords**

[Park West Gallery](#)  
[Albert Scaglione](#)

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