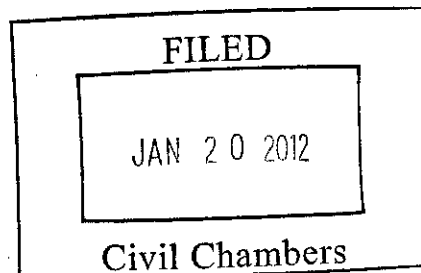


KOZYRA & HARTZ, LLC
75 Eisenhower Parkway, Suite 160
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973-403-9652 (Facsimile)
Attorneys for Plaintiffs Lisa A. Koch-Fraser and Robert W. Fraser

COPY



LISA A. KOCH-FRASER and ROBERT
W. FRASER,

Plaintiffs,

v.

PETER NASH, ROXANNE NASH and
COOPERSTOWN MONUMENT
COMPANY, INC., and WOLFGANG
HEIMERL, ESQ.,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - SOMERSET COUNTY
DOCKET NO. L-1748-10

Civil Action

**ORDER AS TO DEFAULT BY
DEFENDANTS PETER NASH,
ROXANNE NASH AND
COOPERSTOWN MONUMENT
COMPANY, INC.**

THIS MATTER being opened to the Court by Kozyra & Hartz, LLC (Barry A. Kozyra, Esquire, appearing), on Plaintiffs' Motion To Suppress Defendants' Answer, Defenses and Counterclaim, and for entry of default as to the causes of action in the Verified Complaint and on notice to the Defendants Peter Nash, Roxanne Nash and Cooperstown Monument Company, Inc., and the Court having considered the papers submitted in connection herewith, and good cause having been shown;

IT IS on this 20th day of January, 2012,

ORDERED and **ADJUDGED** as follows:

1. Pursuant to R.4:23-2(b)(4) and 1:10-3 the Answer and Defenses and Counterclaims of Defendants Peter Nash, Roxanne Nash and Cooperstown Monument Company, Inc., are hereby stricken, suppressed and dismissed for failure to answer Plaintiffs' First Set of Interrogatories and for failure to produce documents in response to the Plaintiffs' First Request for Production of Documents by May 31, 2011 and any other agreed upon date, for

failure to appear for depositions on June 7, 2011 and any other agreed upon date, and for their failures to comply with this Court's Orders of April 15, 2011, May 13, 2011, and July 8, 2011;

2. Pursuant to R. 4:23-2(b)(3) and 1:10-3 Default is entered as follows:

(a) On the First Count of Plaintiffs' Complaint, Declaratory Judgment is hereby entered that Plaintiffs Lisa A. Koch-Fraser And Robert W. Fraser have sole, exclusive, and valid legal title to the Bruce Garland Collection, including the 1912 Red Sox World Series Trophy; and the Defendants Peter Nash, Roxanne Nash and Cooperstown Monument Company, Inc., are hereby permanently restrained and enjoined from interfering with the Plaintiffs' legal or equitable ownership in the Bruce Garland Collection, including the 1912 Red Sox World Series Trophy and Plaintiffs' efforts to sell the Bruce Garland Collection and the 1912 Red Sox World Series Trophy to third parties; and

(b) On the Second Count of Plaintiffs' Complaint for Interference with Contractual Relations, Judgment is hereby entered that Defendants Peter Nash, Roxanne Nash and Cooperstown Monument Company, Inc., intentionally willfully, maliciously, unlawfully and recklessly disregarded the rights and interests of Plaintiffs Lisa A. Koch-Fraser and Robert W. Fraser, and interfered with the ability of Plaintiffs Lisa A. Koch-Fraser And Robert W. Fraser to sell the 1912 Red Sox World Series Trophy through Guernsey's auction house and others; and

(c) On the Third Count of Plaintiffs' Complaint for Interference with Prospective Economic Advantage Judgment is hereby entered in favor of Plaintiffs Lisa A. Koch-Fraser and Robert W. Fraser and against the Defendants Peter Nash, Roxanne Nash and Cooperstown Monument Company, Inc., as the Plaintiffs Lisa A. Koch-Fraser and Robert W. Fraser have the right to sell the Bruce Garland Collection, including the 1912 Red Sox World Series Trophy and have a reasonable expectation of deriving an economic benefit therefrom, which

Defendants Peter Nash, Roxanne Nash and Cooperstown Monument Company, Inc., wrongfully, willfully, intentionally, maliciously, unlawfully and recklessly interfered with and but for the interference with the Plaintiffs Lisa A. Koch-Fraser and Robert W. Fraser would have previously sold the 1912 Red Sox World Series Trophy and other items in the Bruce Garland Collection and would have received the anticipated economic advantage and benefit therefrom; and

(d) On the Fourth Count of Plaintiffs' Complaint for Breach of Contract Judgment is hereby entered in favor of Plaintiffs Lisa A. Koch-Fraser and Robert W. Fraser and against the Defendants Peter Nash and Roxanne Nash, as the Nash Defendants agreed to pay the monies loaned or advanced in accordance with the terms of the agreements between the parties, and the Plaintiffs Lisa A. Koch-Fraser and Robert W. Fraser have duly demanded that the Nash Defendants repay all monies loaned or advanced which have not been repaid; and

(e) On the Fifth Count of Plaintiffs' Complaint for Breach of Implied Covenant of Good Faith and Fair Dealing Judgment is hereby entered in favor of Plaintiffs Lisa A. Koch-Fraser and Robert W. Fraser and against the Defendants Peter Nash and Roxanne Nash for the intentional, willful, malicious and otherwise tortious acts and omissions have materially violated the terms of the agreements between the parties; and

(f) On the Sixth Count of Plaintiffs' Complaint for Unjust Enrichment Judgment is hereby entered in favor of Plaintiffs Lisa A. Koch-Fraser and Robert W. Fraser and against the Defendants Peter Nash and Roxanne Nash as the Defendants have been unjustly enriched by failing to repay monies due and owing under the loans and advances given and by accepting payments in exchange for any interest or claim that they may have had in the Bruce Garland Collection, including the 1912 Red Sox World Series Trophy, while continuing to claim an ownership or other interest; and

(g) On the Seventh Count of Plaintiffs' Complaint for Fraud and Intentional

Misrepresentation Judgment is hereby entered in favor of Plaintiffs Lisa A. Koch-Fraser and Robert W. Fraser and against the Defendants Peter Nash, Roxanne Nash and Cooperstown Monument Company, Inc., because:

- The Defendants Nash and Cooperstown Monument repeatedly represented to Guernsey's Auctions that Defendant Nash had an ownership interest in the 1912 Red Sox World Series Trophy or that the Frasers otherwise somehow had less than full legal title to the item.
- The Defendants Nash and Cooperstown Monument represented to the Boston Red Sox organization that Defendant Nash had an ownership interest in the 1912 Red Sox World Series Trophy or that the Frasers otherwise somehow had less than full legal title to the item.
- At the time Defendants Nash and Cooperstown Monument made these representations, they knew that the Frasers had full and complete legal title to the Bruce Garland Collection including the 1912 Red Sox World Series Trophy and that the representation made was false.
- Nash purposefully and intentionally deceived the Frasers by making material misrepresentations and/or concealing material facts regarding the authenticity and/or ownership of collateral given to the Frasers to secure loans.
- The Nash Defendants and Cooperstown Monument represented that they would repay the Frasers the monies invested, plus interest, pursuant to the agreements between the parties.
- At the time Defendants Nash and Cooperstown Monument made these representations, Nash had no intention of repaying Plaintiffs the monies due and owing.
- The actions taken and the representations made by the Defendants Nash and Cooperstown Monument were done with the intent to deceive Plaintiffs and with the intent that Plaintiffs and/or others would rely on the false representations and continue to loan monies to Nash and Roxanne.
- The Frasers reasonably relied on the false representations of Defendants Nash and Cooperstown Monument.
- The fraudulent and false representations made by the Defendants Nash and Cooperstown Monument were material.
- The Frasers have suffered damages as a result of the Defendants Nash and Cooperstown Monument's intentional fraud and misrepresentations.

3. This matter is set down for a proof hearing on 2/24, 2012 for a determination of Plaintiffs'

@ 9:30 AM

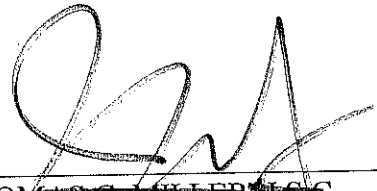
damages and entry of Final Judgment by Default pursuant to R. 4:43-2; and

4. ~~Plaintiffs are awarded attorneys fees and costs associated with the present motion in the amount of _____ to be paid by Defendants on or before _____, 2012.~~

DENIED



Counsel for Plaintiffs shall serve a true copy of this Order upon Defendants Peter Nash, Roxanne Nash and Cooperstown Monument Company, Inc., via first class mail within 7 days of receipt of this Order.



THOMAS C. MILLER, J.S.C.
John J. Coyle, Jr. JJC

OPPOSED

UNOPPOSED

See attached Statement of Reasons
dated 1/20/12