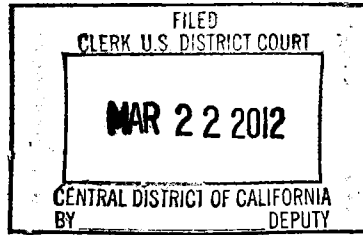


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5  
 6 Attorneys for Plaintiff,  
 Jack Russell

8 UNITED STATES DISTRICT COURT  
 9 CENTRAL DISTRICT OF CALIFORNIA

**CY 12-02477** ODN (DTBx)  
 CASE NO: ..

10 JACK RUSSELL  
 11 Plaintiff,

COMPLAINT FOR TRADEMARK  
 INFRINGEMENT, TRADEMARK  
 DILUTION, UNFAIR COMPETITION, AND  
 INJURY TO BUSINESS REPUTATION

12  
 13 v.

DEMAND FOR JURY TRIAL

14  
 15  
 16 MARK KENDALL, AUDIE DESBROW,  
 MICHAEL LARDIE, BIGG TIME  
 17 ENTERTAINMENT, INC. and DOES 1-10

18 Defendants.  
 19 \_\_\_\_\_ /

20  
 21 Plaintiff, JACK RUSSELL, by his attorneys, as and for his complaint against Defendants,  
 22 MARK KENDALL, AUDIE DESBROW, MICHAEL LARDIE, and BIGG TIME  
 23 ENTERTAINMENT, INC. (hereinafter collectively referred to as "Defendants" or individually  
 24 by Last Name), alleges as follows:

25  
 26 JURISDICTION AND VENUE

27  
 28 COMPLAINT FOR TRADEMARK INFRINGEMENT, TRADEMARK DILUTION, UNFAIR COMPETITION, INJURY TO  
 BUSINESS REPUTATION

1 1. This is a civil action seeking injunctive relief and damages for federal trademark  
2 infringement/false endorsement, federal trademark dilution, and federal statutory unfair  
3 competition under the Lanham Act, 15 U.S.C. § 1051, et seq. (the“Lanham Act”), and  
4 specifically 15 U.S.C. § 1125, and California state common law trademark infringement, injury  
5 to business reputation and interference with prospective economic advantage, and statutory  
6 unfair competition.

7  
8 2. This Court has original subject matter jurisdiction over the federal claims in this action  
9 pursuant to 28 U.S.C. § 1331, 28 U.S.C. §§ 1338(a) and (b),and 15 U.S.C. 1121, and  
10 supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367(a).

11  
12 3. This Court has personal jurisdiction over the Defendants, all of whom, on information  
13 and belief, reside in the State of California. In addition, Defendants do business in the State of  
14 California and have performed as “Great White” within the state, and events giving rise to the  
15 cause of action have occurred within California.

16  
17 4. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b), in that, on information  
18 and belief, all defendants reside within the State of California, and Defendants Mark Kendall and  
19 Audie Desbrow reside in this district, and Defendant Bigg Time Entertainment, Inc. has a  
20 principal place of business within this district. Additionally the principal events complained of  
21 have and will occur in this District.

22  
23 NATURE OF THE ACTION  
24

25 5. This is an action for preliminary and permanent injunctive relief and damages arising  
26 from Defendants’ infringement of the Federal and California state statutory and common law  
27 rights of Plaintiff JACK RUSSELL and his common law trademark of the band name “GREAT  
28

1 WHITE". Plaintiff is the founder and lead singer of the musical group "Great White".  
2 Throughout the group's existence, he has been the primary creative director of the band. He  
3 determined the band's membership, signed most all of its contracts, gave nearly all of the band's  
4 publicity interviews, and determined the band's creative direction. He has been the sole member  
5 is the only original member of the band to continuously perform with the group throughout its  
6 existence. He is also the sole member to exercise control over the quality of the groups service.  
7 Accordingly, Plaintiff is the owner of the common law trademark in the name "Great White".  
8

9 6. The individual Defendants, MARK KENDALL, AUDIE DESBROW, and MICHAEL  
10 LARDIE seek to perform, promote and market themselves as the musical group "Great White",  
11 without Plaintiff's consent, and have recently announced that they will release an album under  
12 that name. By performing and announcing their intent to record an album under the name  
13 "GREAT WHITE", Defendants have infringed upon and diluted the value of the trademark  
14 rights owned by Plaintiff. Further, Defendants have, both individually and through their agents,  
15 intentionally defamed Plaintiff and injured his business reputation and ability to contract by  
16 stating to promoters and to the general public that he is unable to perform as a musician, and by  
17 wrongfully threatening to file legal action against any venue or promoter that books Plaintiff to  
18 perform.

19 7. Defendant BIGG TIME ENTERTAINMENT, INC., acts as the talent agency promoting  
20 and booking the individual defendants as the band "Great White" without Plaintiff's consent.  
21 BIGG TIME ENTERTAINMENT INC. is a California Corporation with a principal place of  
22 business in Los Angeles, California. BIGG TIME ENTERTAINMENT, INC. has assisted and  
23 profited from the individual defendants infringement and dilution of Plaintiff's common law  
24 trademark, and has assisted and profited from individual defendants attempts to wrongfully  
25 injure Plaintiff's business reputation and ability to contract.

26  
27 PARTIES

1 8. Plaintiff Jack Russell is the founder and lead singer of the band Great White. Mr. Russell  
2 founded the band in 1978. It was originally called “Dante Fox” until the name was changed to  
3 “Great White” in 1982. Over the past thirty years, the band experienced astonishing success, and  
4 also faced difficult challenges. Through both success and difficulty, Jack Russell was the one  
5 constant member of the band. Mr Russell was the primary creative director of the band. He  
6 determined the band’s membership, signed most all of its contracts, gave nearly all of the band’s  
7 publicity interviews, determined the band’s creative direction, and exercised the power to both  
8 dissolve and reform the band. While the band’s membership has changed substantially over the  
9 past thirty years (over 20 musicians have played with the band in various capacities in that time),  
10 Jack Russell has *always* been the lead singer and creative director of the band. Until recent  
11 events that form the basis of this lawsuit, there has never been a “Great White” without Jack  
12 Russell.

13  
14 9. Defendant Mark Kendall is the lead guitarist of the band currently promoting itself as  
15 “Great White”. Mr Kendall was a member of the original “Great White” in 1982, but resigned  
16 from the band in 2000. Plaintiff hired Ty Longley to replace Kendall, and continued to perform  
17 as “Great White” and “Jack Russell’s Great White” after Mr. Kendall quit the band. Plaintiff  
18 later hired Kendall to perform as part of “Jack Russell’s Great White” at the end of 2002. In  
19 2010, Plaintiff took a temporary absence from the band to recuperate from major surgery.  
20 During that time, Mr. Kendall played guitar for the band ‘Great White” with a number of  
21 temporary fill in vocalists. After Plaintiff announced that he had recuperated from surgery, Mr.  
22 Kendall, along with defendants Lardie and Desbrow, filed a trademark application for the name  
23 “Great White” with the United States Patent and Trademark Office without plaintiff’s knowledge  
24 and consent in an attempt to lay claim to the band name. Mr Kendall has since continued to  
25 perform with other vocalists under the name “Great White” without plaintiff’s consent. On  
26 information and belief, Mr Kendall is a resides in San Bernardino County.

1 10. Defendants Michael Lardie and Audie Desbrow were not members of the original "Great  
2 White". They joined the band in 1985. In 2000, shortly after Mr. Kendall resigned, Audie  
3 Desbrow was fired by Plaintiff. Michael Lardie remained with the band through the end of  
4 2001, when Plaintiff announced that the band would stop playing. At the end of 2002, Plaintiff  
5 reformed the band, without Lardie or Desbrow, who both remained absent from the band until  
6 2006, when Plaintiff invited them to return for a reunion tour. Lardie and Desbrow, along with  
7 defendant Kendall, were playing with the band while Plaintiff was recuperating from surgery in  
8 2011, joined with defendant Kendall in attempting to trademark the name "Great White" and  
9 have been performing as the "Official" Great White band without Plaintiff's consent. On  
10 information and belief, Defendant Lardie resides in Sacramento County, and Defendant Desbrow  
11 resides in Los Angeles County.

12  
13 11. Defendant BIGG TIME ENTERTAINMENT, INC., acts as the talent agency promoting  
14 and booking the individual defendants as the band "Great White" without Plaintiff's consent.  
15 BIGG TIME ENTERTAINMENT INC. is a California Corporation with a principal place of  
16 business in Los Angeles, California. BIGG TIME ENTERTAINMENT, INC. has assisted and  
17 profited from the individual defendants infringement and dilution of Plaintiff's common law  
18 trademark, and has assisted and profited from individual defendants attempts to wrongfully  
19 injure Plaintiff's business reputation and ability to contract.

20  
21 12. Plaintiff is unaware of the true names and identities of DOES 1 through 10, inclusive,  
22 and therefore sues these defendants by such fictitious names. Plaintiff will amend this complaint  
23 to allege their true names and capacities when ascertained. Plaintiff is informed and believes and  
24 therefore alleges that each of the fictitiously named defendants is responsible in some manner for  
25 the occurrences herein alleged, and Plaintiff 's injuries as herein alleged were proximately  
26 caused by such defendants. These fictitiously named defendants along with the defendants  
27 named above, are herein referred to collectively as "Defendants."

FACTS COMMON TO ALL CLAIMS

13. Plaintiff Jack Russell is the founder and lead singer of the band "Great White". From the band's inception, he exerted primary creative control over the band, made the hiring and firing decisions for the band, signed nearly all of the contracts for the band, coined the name for the band, and performed nearly all of the interviews for the band. Other band members, including Defendants, came and went, but Plaintiff has continuously been the lead singer and director of the band. Until recently there had never been a "Great White" without Jack Russell, who is undeniably the face and voice of the band, and indisputably owns the trademark to the name

14. Plaintiff started the band in 1978 under the name "Dante Fox", and later changed the name to "Great White" in 1982. In 1982, the band consisted of Plaintiff, Defendant Mark Kendall, Lorne Black and Gary Holland.

15. "Great White" spent the next several years developing a following, releasing albums, and touring. As with most bands, the lineup of musicians changed over time. In 1985, Plaintiff fired Gary Holland and hired Defendant Audie Desbrow to replace him. Plaintiff also hired Defendant Michael Lardie in late 1985 to play keyboards and guitar, after the release of their third studio recording "Shot in the Dark".

16. In 1987, the band achieved mainstream success with the release of the album "Once Bitten..." which by 1988 had sold over one million copies and was certified "Platinum". Over the next five years, the band toured and released two more albums: "...Twice Shy" released in 1989 sold over two million copies, and "Hooked" released in 1991 sold over half a million copies, which was followed by the album "Psycho City" in 1992. During this period, the band lineup, again like most bands, continued to change. Lorne Black was replaced by Tony Montana, who was in turn replaced by other bassists, and studio musicians were also hired for recording sessions.

1 17. The band continued to tour throughout the 90s, releasing three more albums. Again, the  
2 lineup changed, Tony Montana was replaced with other musicians, including Sean McNabb.  
3 Mark Kendall underwent treatment for alcoholism and Plaintiff hired Al Petrelli to replace him  
4 on tour, and also similarly hired drummers to replace Defendant Audie Desbrow  
5

6 18. In 2000, the line up of the band changed substantially. Defendant Mark Kendall quit the  
7 band in January of 2000. Plaintiff hired Matthew Johnson to replace Kendall, and continued to  
8 perform as "Great White". Plaintiff also fired Defendant Audie Desbrow as drummer and  
9 replaced him.. Plaintiff continued on with the band, and from 2000 to the end of 2001, when  
10 Plaintiff dissolved the band (albeit temporarily). During that period the band consisted of  
11 Plaintiff and a number of other musicians.  
12

13 19. In November of 2001, Plaintiff decided, albeit for only a short while, that "Great White"  
14 would stop performing. However, in late 2002, Plaintiff reformed the band, and called it 'Jack  
15 Russell's Great White'. Plaintiff invited Defendant Mark Kendall to play guitar, who agreed to  
16 join the band as an employee. From 2002 to 2005, the band toured as either "Jack Russell's  
17 Great White" or "Great White".  
18

19 20. Defendants Lardie and Desbrow did not rejoin the band until 2006, when Plaintiff invited  
20 them to rejoin the band for a reunion tour. From 2006 to 2010, the band consisted of Plaintiff,  
21 Defendants, and bassist Sean McNabb whom Plaintiff later fired and replaced with Scott Snyder.  
22

23 21. In August of 2010, Plaintiff was hospitalized and underwent emergency surgery for a life  
24 threatening condition. While he recuperated from this surgery, other singers filled in for him  
25 during the band's live performances, however, it was undisputed that Plaintiff's absence was  
26 temporary, and that he retained his position in the band's lineup and would resume singing with  
27 the band upon his recuperation.  
28

1 22. By December of 2011, Plaintiff had recuperated sufficiently to be able to once again  
2 perform as lead singer. However, Defendants, who had apparently decided that they would  
3 prefer that band continue without Plaintiff, stated that he would not be “permitted” to return to  
4 his band until he agreed to a lengthy set of conditions (including, for example, that he agree to no  
5 longer take the pain medications or even the anti-inflammatory medicines that had been  
6 prescribed by his treating physicians) that was clearly designed to keep him from returning to the  
7 band.

8  
9 23. Also during this time, without the knowledge or consent of Plaintiff, Defendants secretly  
10 drafted and filed an application to register a trademark, in their name only, for both the name  
11 “Great White” and the band’s logo. The United States Patent and Trademark Office serial  
12 number for the application is 85489480.

13  
14 24. Plaintiff, rightfully sensing that the musicians he had hired to play in Great White were  
15 attempting to keep him from returning to the band, hired new musicians and began rehearsing for  
16 a new tour.

17  
18 25. Plaintiff informed Defendants that they did not own the trademark to the name “Great  
19 White” and demanded through his attorneys that they cease performing under the name.  
20 Defendants refused, and have continued to perform as “Great White” with other lead singers  
21 without Plaintiff’s consent.

22  
23 26. Plaintiff, in order to minimize confusion, has named his band “Jack Russell’s Great  
24 White” so that the public knows that they will be seeing him as the lead singer when they see his  
25 band’s live performances, and will be viewing a performance that maintains the vocal style and  
26 quality of the music they have come to expect from “Great White”.



1 27. In an attempt to injure the business reputation of Plaintiff and interfere with his band's  
2 prospective economic advantage, Defendants posted defamatory material about him on their  
3 website (www.greatwhiterocks.com) claiming that he was too infirm to perform as a musician.  
4 Defendants also claimed to be the true owners of the "Great White" trademark, and posted  
5 threats to litigate against any venue or promoter that booked Plaintiff's band. Plaintiff has also  
6 been informed by various venues that Defendants, by and through their agents, contacted  
7 bookers that had employed Plaintiff's band and threatened litigation.

8  
9 28. On March 17, 2012, Defendants announced that they would be releasing an album  
10 entitled "Elation" as "Great White" on May 18, 2012. Release of the album will irretrievably  
11 alter the discography of the band "Great White", tarnishing and diluting the trademark,  
12 reputation, and goodwill that Plaintiff has developed over 30 years.

13  
14 29. Defendants market their musical performances, CDs, DVDs, other recordings and band  
15 memorabilia the same types of wholesale, retail and distribution channels and to the same classes  
16 of purchasers as Plaintiff's products and services.

17  
18 30. Defendants' wrongful use of Plaintiff's mark is likely to cause confusion, mistake, or  
19 deception in the minds of the public, and will result in the dilution and tarnishment of the mark.  
20 Defendants' infringement constitutes a willful and malicious violation of Plaintiff's trademark  
21 rights, aimed at preventing Plaintiff from continuing to build a business around a mark that he  
22 has long possessed and depriving him of nearly 30 years of goodwill.

23  
24 31. Defendants do not own the trademark to the name Great White. It is well settled in the  
25 Ninth Circuit that, with respect to trademark disputes over ownership of band names, "a person  
26 who remains continuously involved with the group and is in a position to control the quality of  
27 its services retains the right to use of the mark". *Robi v Reed*, 173 F.3d 736, 741. As with the  
28

1 prevailing party in *Robi*, Plaintiff “founded the group, gave the group its name, managed the  
2 group, and is the only member who has continuously performed with the group” throughout its  
3 existence. *Id.* Accordingly, it is Plaintiff, not Defendants, who owns the right to the “Great  
4 White” trademark.

5  
6  
7 FIRST CAUSE OF ACTION  
8 TRADEMARK INFRINGEMENT  
9 (15 U.S.C. § 1125(a))

10 32. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 31  
11 of this Complaint as if fully set forth herein.

12 33. Plaintiff, as the sole member of the band who was consistently present in the group and  
13 maintained control over the quality of the services of the group throughout the majority of its  
14 existence, owns the common law trademark to the name “Great White”.

15  
16 34. By intentionally using Plaintiff’s “Great White” common law trademark in commerce to  
17 promote their musical performances, record and sell music, and sell other items displaying  
18 Plaintiff’s mark without Plaintiff’s permission, Defendants are deliberately, intentionally and  
19 willfully infringing upon Plaintiff’s common law trademark, and the goodwill associated by  
20 the public with Plaintiff’s mark, diluting the value of the mark and creating confusion in the  
21 mind of the consuming public regarding which band they will be seeing perform, or buying  
22 music or other memorabilia from, when they see the name “Great White”.

23  
24 35. Upon information and belief, if not preliminarily and permanently enjoined by this  
25 Court, Defendants will continue to advertise and display, and will sell, distribute and otherwise  
26 exploit Plaintiff’s common law trademark for their own commercial use in violation of Plaintiffs’  
27 rights under the Lanham Act, 15 U.S.C. § 1125(a) for which Plaintiffs have no adequate remedy  
28

1 at law.

2  
3 SECOND CAUSE OF ACTION  
4 DILUTION OF UNREGISTERED TRADEMARK  
(15 U.S.C. § 1125 (c))

5 36. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 31  
6 of this Complaint as if fully set forth herein..

7  
8 37. Defendants' deliberate, intentional and willful use of the "Great White" to promote their  
9 live musical performances, and to record and distribute records, CDs, and DVDs of those  
10 performances under the name "Great White, has resulted in actual dilution of the mark by  
11 blurring and tarnishment, in violation of 15 U.S.C. § 1125(c). Defendants have blurred and  
12 tarnished the distinctive quality and goodwill of the "Great White" mark by their creation of a  
13 second band under the same name as Plaintiff's mark that markets itself as the "authentic" band,  
14 to the detriment of Plaintiff.

15  
16 38. By reason of the foregoing, Defendants have deliberately, willfully and knowingly  
17 diluted and threatened to further dilute the rights of Plaintiff in his common law trademark in  
18 commerce, in order to intentionally deceive and mislead consumers and the public at large, and  
19 to willfully usurp the goodwill and reputation associated with the Plaintiff's mark.

20  
21 39. Upon information and belief, unless preliminarily and permanently enjoined by this  
22 Court, Defendants will continue to dilute, and to cause serious and irreparable harm and damage  
23 to the reputation and goodwill associated with Plaintiff's mark for which Plaintiff has no  
24 adequate remedy at law.

25 THIRD CAUSE OF ACTION  
26 FALSE DESCRIPTION

27 40. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 31  
28

1 of this Complaint as if fully set forth herein.

2  
3 41. Defendants' wrongful use of Plaintiff's mark is such a colorable imitation and copy of  
4 Plaintiff's trademark established in the entertainment-related market for consumer products that  
5 Defendants' use thereof in the context of entertainment is likely to cause confusion, or to cause  
6 mistake, or to deceive consumers as to the affiliation, connection or association of Plaintiff's  
7 products, or to deceive consumers as to the origin, sponsorship or approval by Plaintiff of the  
8 Defendants' counterfeit products. Plaintiff avers that Defendants' use of the mark "Great White"  
9 comprises a false description or representation of Defendants' business or products under 15  
10 U.S.C. § 1125(a) (Section 43(a) of the Lanham Act).

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FOURTH CAUSE OF ACTION  
FEDERAL UNFAIR COMPETITION  
(15 U.S.C. § 1125(a))

42. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 31  
of this Complaint as if fully set forth herein.

43. Defendants' use of Plaintiff's mark to promote and market their live performances, to  
record and sell records, and to sell other products bearing the mark places them in direct  
competition with Plaintiff's live performances and sales of goods bearing the mark and  
constitutes Unfair Competition pursuant to 15 U.S.C. § 1125(a). Defendants' use of Plaintiff's  
mark is likely to cause confusion, mistake and deception among consumers and will result in  
continued dilution and tarnishment of the mark. Defendants' unfair competition has caused and  
will continue to cause damage to Plaintiff, and is causing irreparable harm to Plaintiff for which  
there is no adequate remedy at law.

44. Upon information and belief, unless preliminarily and permanently enjoined by this  
Court, Defendants will continue to unlawfully advertise and exploit the Plaintiffs' mark, causing  
plaintiff irreparable damage and injury for which Plaintiff has no adequate remedy at law

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FIFTH CAUSE OF ACTION  
COMMON LAW TRADEMARK INFRINGEMENT  
(California Common Law)

45. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 31 of this Complaint as if fully set forth herein.

46. This cause of action under California state common law is separate and independent of the federally-based causes of action previously set forth herein, but it is between the same parties and is based on the same operative facts as set forth in the prior causes of action; this Court accordingly has supplemental jurisdiction over said claim.

47. As set forth above, Plaintiff resides and does business in the State of California, where he owns and owns common law trademark rights throughout the United States in the “Great White” trademark for purposes of musical performances and the sale of goods related to those performances

48. The use of Plaintiff’s mark by Defendants in connection with the promotion of their live musical performances and with the advertising, sale and distribution of CDs, DVDs, electronic musical downloads, clothing and other memorabilia without Plaintiff’s permission, in the State of California and elsewhere in the United States, is likely to cause and has caused confusion among consumers as to the source of Defendants’ products, and purchasers thereof will likely associate such products as originating with Plaintiff, all to the detriment of said Plaintiffs.

49. Upon information and belief, unless preliminarily and permanently enjoined by this Court, Defendants will continue their aforesaid willful and deliberate infringement of Plaintiffs’ trademark in the name “Great White”

SIXTH CAUSE OF ACTION  
CALIFORNIA UNFAIR COMPETITION  
(Cal. Bus. Prof Code 17200 et seq)

COMPLAINT FOR TRADEMARK INFRINGEMENT, TRADEMARK DILUTION, UNFAIR COMPETITION, INJURY TO  
BUSINESS REPUTATION

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50. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 31 of this Complaint as if fully set forth herein.

51. This cause of action under California state law is separate and independent of the federally-based causes of action previously set forth herein, but it is between the same parties and is based on the same operative facts as set forth in the prior causes of action; this Court accordingly has supplemental jurisdiction over said claim.

52. California Business and Professions Code Section 17200 provides that any “unlawful, unfair or fraudulent business act or practice” or any “unfair, deceptive, untrue or misleading advertising” constitutes unfair competition under the statute..

53. California Business and Professions Code Section 17203 provides that any “person who engages, has engaged, or proposes to engage in unfair competition may be enjoined in any court of competent jurisdiction”

54. Defendants’ unlawful acts complained of herein constitute unfair competition pursuant to the California Business and Professions Code, and Plaintiff therefore seeks to enjoin Defendants from further infringement of his trademark in the name “Great White”.

SEVENTH CAUSE OF ACTION  
COMMON LAW INJURY TO BUSINESS REPUTATION AND INTERFERENCE WITH  
PROSPECTIVE ECONOMIC ADVANTAGE

55. Plaintiff repeats and incorporates by reference, as though specifically pleaded herein, the allegations of paragraphs 1 through 31.

56. Plaintiff alleges that Defendants' wrongful use of Plaintiff's trademark inures to and

1 creates a likelihood of injury to Plaintiff's business reputation because any adverse reaction by  
2 the public to Defendants and the quality of its products and the nature of its business will injure  
3 the business reputation of Plaintiff and the goodwill that he enjoys in connection with his mark  
4 "Great White". Also, the confusion created in the mind of the public regarding which band is the  
5 authentic Great White injures Plaintiff's business reputation. Additionally, Defendants' repeated  
6 false statements regarding the ability of Plaintiff to perform as a musician and threats of  
7 unjustified litigation have injured his business reputation and interfered with Plaintiff's business  
8 contracts and ability to contract. All of the foregoing have caused damage to plaintiff.

9  
10 PRAYER FOR RELIEF


11 Wherefore, plaintiff prays for judgment against DEFENDANTS, as follows:

- 12  
13 1. The Defendants, MARK KENDALL, AUDIE DESBROW, MICHAEL LARDIE, BIG  
14 TIME ENTERTAINMENT, INC. and their agents, officers, employees, representatives,  
15 successors, assigns, and all other persons acting for, with, by, through or under authority  
16 from Defendants, and each of them, be preliminarily and permanently enjoined from:
- 17 (a) Using Plaintiff's trademark or any colorable imitation thereof;
  - 18 (b) using any trademark that imitates or is confusingly similar to or in any way  
19 similar to Plaintiff's trademark "Great White," or that is likely to cause confusion,  
20 mistake, deception, or public misunderstanding as to the origin of Plaintiff's  
21 products or his connectedness to Defendants.
  - 22 (c) that Defendants remove Plaintiff's trademark from any and all websites under  
23 their control and remove all references to being the "Official" Great White
- 24  
25 2. The Defendants be required to file with the Court and serve on Plaintiff within thirty (30)  
26 days after entry of the Injunction, a report in writing under oath setting forth in detail the  
27 manner and form in which Defendants have complied with the Injunction;

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- 3. That Defendants be held liable for all damages suffered by Plaintiff resulting from the acts alleged herein;
- 4. That Defendants be compelled to disgorge to Plaintiff all profits derived from the illegal acts complained of herein;
- 5. That Defendants be ordered to remove all defamatory material injurious to Plaintiff's business reputation from any websites under their control;
- 6. For an order pursuant to 15 U.S.C. 1119 cancelling any registration for the mark "Great White" obtained by defendants subsequent to the initiation of this action;
- 7. For damages not less than \$ 500,000 and to the extent permitted by law;
- 8. For such other and further relief as the Court deems just and proper.

Dated: March 22, 2012

By 

Brian Acree  
Attorney for Plaintiff