

1 Teresa H. Michaud, State Bar No. 296329  
[Teresa.Michaud@bakermckenzie.com](mailto:Teresa.Michaud@bakermckenzie.com)  
 2 Laura J. O'Rourke, Admitted *Pro Hac Vice*  
[Laura.ORourke@bakermckenzie.com](mailto:Laura.ORourke@bakermckenzie.com)  
 3 Christina M. Wong, State Bar No. 288171  
[Christina.Wong@bakermckenzie.com](mailto:Christina.Wong@bakermckenzie.com)  
 4 **BAKER & MCKENZIE LLP**  
 Two Embarcadero Center, 11th Floor  
 5 San Francisco, CA 94111-3802  
 Telephone: +1 415 576 3000  
 6 Facsimile: +1 415 576 3099

7 Timothy Gorry, State Bar No. 143797  
[tgorry@tocounsel.com](mailto:tgorry@tocounsel.com)  
 8 **THEODORA ORINGHER PC**  
 1840 Century Park East, Suite 500  
 9 Los Angeles, CA 90067-2120  
 Telephone: +1 310 557 2009  
 10 Facsimile: +1 310 551 0283

11 Attorneys for Plaintiffs  
 Flip Flop Shops Franchise Company, LLC; FFS  
 12 Holdings, LLC; and Cherokee Inc.

13  
 14 UNITED STATES DISTRICT COURT  
 15 CENTRAL DISTRICT OF CALIFORNIA  
 16 WESTERN DIVISION

17 FLIP FLOP SHOPS FRANCHISE  
 COMPANY, LLC; FFS HOLDINGS,  
 18 LLC; and CHEROKEE INC.,

19 Plaintiffs,

20 v.

21 AMY NEB; CHAD NEB; SWAGGER  
 LLC, KINGS X, LLC; and POLU LANI  
 22 LLC,

23 Defendants.

<p><b>FILED</b>          CLERK, U.S. DISTRICT COURT</p> <div style="border: 1px solid black; width: 100px; height: 50px; margin: 10px auto; text-align: center;"> <p>12/12/16</p> </div> <p>CENTRAL DISTRICT OF CALIFORNIA          BY: _____ SR _____ DEPUTY</p>
---

**Case No. 2:16-cv-07259-JFW-E**

**~~PROPOSED~~ PRELIMINARY INJUNCTION**

**Date: December 5, 2016**  
**Time: 1:30 p.m.**  
**Crtrm: 16, 312 N. Spring Street**  
**Los Angeles, CA 90012**  
**Before: The Hon. John F. Walter**

**[Fed. R. Civ. P. 65;  
 Local Rules 52-4 and 58-10]**

1 The motion of Plaintiffs Flip Flop Shops Franchise Company, LLC (“Flip Flop  
2 Shops), FFS Holdings, LLC (“FFS Holdings”), and Cherokee Inc. (“Cherokee”)  
3 (collectively, “Plaintiffs”) for a preliminary injunction pursuant to Federal Rule of Civil  
4 Procedure 65(a) against Defendants Amy Neb (“Ms. Neb”), Chad Neb (“Mr. Neb”),  
5 Swagger LLC (“Swagger”), Kings X, LLC (“Kings X”) and Polu Lani LLC (“Polu  
6 Lani”) (collectively, “Defendants”) was set for submission to the Court on the papers  
7 submitted by the Parties at the date, time, and place set forth above. The Court having  
8 considered the papers filed in support of and in opposition to the motion and good cause  
9 appearing therefore, finds and orders as follows, consistent with its December 5, 2016  
10 Order Granting Motion by Plaintiffs for Preliminary Injunction [Dkt. No. 61], and  
11 incorporates by reference hereto each of the Findings of Fact from such Order:

12 **FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED that:**

13 Plaintiffs’ Motion for Preliminary Injunction is **GRANTED** and the Court orders  
14 as follows:

15 1. Defendants and their officers, agents, servants, employees, and attorneys  
16 acting on their behalf are hereby preliminarily restrained and enjoined from operating  
17 the Terminated Stores, and from using Plaintiffs’ proprietary System, Confidential  
18 Information, and Marks;

19 2. Alternatively, to the extent Defendants intend to remain in the same  
20 locations and operate something other than a flip flops-related business, Defendants  
21 must make all such modifications or alterations to the premises as are necessary to  
22 distinguish the appearance of the stores from that of other Flip Flop Shops Stores,  
23 including but not limited to removal of: the speed rails, customized cash wrap, backlit  
24 displays of lifestyle images and brand insignia, paint and color scheme of Flip Flop  
25 Shops, custom-made ‘Flip-Flop Tree,’ Flip Flop Shops’ millwork and displays, the  
26 proprietary scent machine, the music and video system, and cork flooring.

27 Additionally, Defendants are preliminarily restrained and enjoined from operating any  
28 retail facility which primarily offers flip flop shoes and related footwear and

1 accessories in the existing locations or within a fifteen mile radius of any Flip Flop  
2 Shops Store in existence or under construction as of the date of this Order;

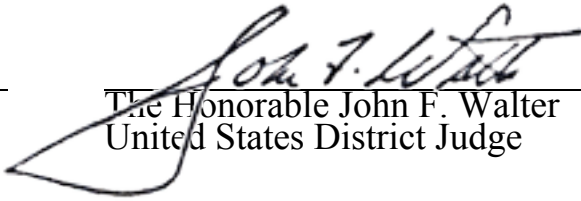
3 3. A bond is not required to be posted by Plaintiffs per the Parties' Franchise  
4 Agreements;

5 4. This order shall continue in full force and effect until the completion of a  
6 trial on the merits, or until further order of the Court; and

7 5. The Clerk of the Court is directed to issue a Preliminary Injunction  
8 containing the terms in this order, effective immediately.

9 IT IS SO ORDERED.

10  
11 Dated: December 12, 2016

  
The Honorable John F. Walter  
United States District Judge