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JS-6

UNITED STATE DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JC FRANCHISING, INC, a Texas corporation, and CURVES INTERNATIONAL HOLDINGS, INC., a Texas corporation,

Plaintiffs,

vs.

PICKENS HOLDINGS & MANAGEMENT, LLC, a South Carolina limited liability company, PICKENS UNLIMITED, INC., a South Carolina corporation, and KEVIN PICKENS, an individual,

Defendants.

Case No.: CV 17-73-DMG (ASx)

**ORDER GRANTING PERMANENT INJUNCTION AND JUDGMENT ON CONSENT [28]**

1           Based on the grounds set forth in the Permanent Injunction and Judgment on  
2 Consent, all documents which this Court may take judicial notice of, and Plaintiffs  
3 and Defendants having all agreed to entry of this Permanent Injunction on Consent,  
4 **IT IS HEREBY ORDERED** that:

5           (1) Defendants and their employees, agents, and all persons acting with  
6 them or on their behalf, are immediately enjoined from any and all use of the  
7 JENNY CRAIG® Marks including, but not limited to, the proprietary mark “Jenny  
8 Craig”, all similar names and marks and any name or mark containing the  
9 designation “Jenny Craig,” or any other name, designation or mark, or similar  
10 colors or lettering indicating or tending to indicate that Defendants, or any of them,  
11 is or was operating an authorized JENNY CRAIG® Weight Loss and Weight  
12 Management Centre;

13           (2) Defendants and their employees, agents, and all persons acting with  
14 them or on their behalf are immediately enjoined from doing anything which  
15 would indicate that Defendants, or any of them, are or ever were an authorized  
16 JENNY CRAIG® Weight Loss and Weight Management Centre;

17           (3) Within seven (7) days of this Order, Defendants and their employees,  
18 agents, and all persons acting with them or on their behalf are required to:

19                   (a) de-identify themselves from Plaintiff JC Franchising, Inc. (“JC  
20 Franchising”), including but not limited to taking down of all signage (external and  
21 internal), billboards, insignias, and physical landmarks with the term “Jenny Craig”  
22 contained therein;

23                   (b) destroy, or surrender to JC Franchising, all stationery, letterheads,  
24 forms, business cards, manuals, printed matter, films, books, cassettes, videotapes,  
25 licensed software and advertising containing the JENNY CRAIG® Marks,  
26 including, but not limited to, the proprietary mark “Jenny Craig,” or any similar  
27 names or marks or designation or mark indicating or tending to indicate that  
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1 Defendants or any of them is or was operating an authorized JENNY CRAIG®  
2 Weight Loss and Weight Management Centre;


3 (c) cease all advertising as a JENNY CRAIG® Weight Loss and  
4 Weight Management Centre, including, but not limited to, the removal of all signs  
5 from Defendants' Weight Loss and Weight Management Centre which contain any  
6 JENNY CRAIG® Marks or other similar identifying marks and the immediate  
7 removal of any products being offered for sale using the JENNY CRAIG® Marks  
8 or the JENNY CRAIG® System:

9 (d) cease all use of the JENNY CRAIG® System, including, but not  
10 limited to, operating manuals, training manuals, sales manuals, business methods,  
11 technical knowledge, and marketing concepts licensed by Plaintiffs to Defendants  
12 under the Franchise Agreements; and

13 (e) cancel and discontinue use of the telephone number(s) which  
14 served Defendants' Weight Loss and Weight Management Centres at the time of  
15 termination and to delete Defendants' JENNY CRAIG® listings in the Yellow  
16 Pages and any other directory as well as any Internet websites to the extent  
17 Defendants are still using such telephone numbers or assign such numbers as  
18 directed by Plaintiffs.

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20 **IT IS SO ORDERED.**

21 DATED: April 18, 2017

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23 DOLLY M. GEE  
24 UNITED STATES DISTRICT JUDGE  
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