

O

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DIRECTV, LLC, A CALIFORNIA)	Case No. 17-06110-DDP-PLA
LIMITED LIABILITY COMPANY,)	
)	PRELIMINARY INJUNCTION
Plaintiff,)	
)	
v.)	
)	
E&E ENTERPRISES GLOBAL, INC.,)	
)	
Defendant.)	

This matter comes before the court on Plaintiff DirecTV's application for a preliminary injunction. Having considered the parties' submissions and heard oral argument, the court adopts the following Order.

I. BACKGROUND

On August 17, 2017, Plaintiff filed a complaint alleging four causes of action, including breach of written contract, conversion, tortious interference with prospective economic relations, and unfair competition, against Defendant E&E Enterprises Global, Inc. ("E&E") in connection with E&E's agreements to promote and sell DirecTV

1 programming and services, to collect the charges for DirecTV programing and services,
2 and to remit those charges to DirecTV. (Dkt. 1) Also on August 17, 2017, Plaintiff filed an
3 application for a Temporary Restraining Order (“TRO”), seeking an order that E&E hand
4 over all contractually-required customer contact information and immediately notify all
5 accounts previously serviced by E&E that E&E is no longer a DirecTV dealer or billing
6 agent. (Dkt. 5). On August 21, 2017 the court granted the TRO, (Dkt. 13), and set the
7 matter for a hearing on September 5, 2017 (Dkt. 15).

8 **II. LEGAL STANDARD**

9 The Supreme Court set forth the standard for assessing a motion for
10 preliminary injunction in *Winter v. Natural Resources Defense Council, Inc.*, 129 S. Ct. 365,
11 376 (2008). “Under *Winter*, plaintiffs seeking a preliminary injunction must establish that
12 (1) they are likely to succeed on the merits; (2) they are likely to suffer irreparable harm
13 in the absence of preliminary relief; (3) the balance of equities tips in their favor; and (4) a
14 preliminary injunction is in the public interest.” *Sierra Forest Legacy v. Rey*, 577 F.3d 1015,
15 1021 (9th Cir. 2009).

16 **III. DISCUSSION**

17 Having reviewed the parties’ briefing and heard oral argument, the preliminary
18 injunction is granted for the reasons set forth on the record. The TRO issued by the court
19 on August 22, 2017 (Dkt. 22) is hereby dissolved, except that it will remain in effect under
20 the following terms and conditions:

21 (1) E&E shall not attempt to transfer any existing customers that are the subject of
22 this lawsuit to any other satellite providers. Defendant shall not take preliminary steps
23 toward or, in any other manner, facilitate such a transfer of customers, which might
24 interfere with DirecTV’s ultimate ability to have those customers transferred to DirecTV.

25 (2) DirecTV will continue to provide all services that it has agreed to provide
26 pursuant to the written agreements of the parties (*see* Exhibits A, B, & C to Declaration of
27 Jeremy McCree, Dkt. No. 5-2), without exception.

1 (3) E&E will provide DirecTV a list of customers receiving DirecTV services with
2 sufficient detail to enable DirecTV to identify them, so that their service will not be
3 interrupted.

4 (4) DirecTV shall not cause any interruption or diminution in service for any of the
5 customers on the list provided by E&E.

6 (5) DirecTV shall not, absent further permission of this court, use that list of
7 customers to solicit for services, attempt to engage those customers in direct contracts
8 with DirecTV, or perform any other act that would further those goals.

9 (6) This Order shall remain in effect until further order of the court.

10 (7) Defendants acknowledge that they received proper service of the complaint
11 (Dkt. 1); civil cover sheet (Dkt. 2); summons (Dkt. 3); and moving papers in support of
12 DirecTV's application for a TRO (Dkt. 5) on August 23, 2017.

13 This Order binds all parties, their employees, servants, agents, affiliates,
14 distributors, dealers, attorneys, successors and/or assigns, and all persons in active
15 concert or participation with any of them. Willful violation of this Order may result in
16 sanctions, including monetary sanctions and imprisonment.

17 **IV. CONCLUSION**

18 For the foregoing reasons, the court grants the application for a preliminary
19 injunction. A hearing on the matter is set for Monday, September 25, 2017, at 10 am.

20 **IT IS SO ORDERED.**

21
22 Dated: September 6, 2017



25 DEAN D. PREGERSON
26 UNITED STATES DISTRICT JUDGE
27
28