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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

BROWN UNIVERSITY)	CASE NO.: CV 17-7522-GW(GJSx)
In Providence in the State of Rhode)	
Island and Providence Plantations,)	PRELIMINARY INJUNCTION
)	
Plaintiff,)	
)	
v.)	
)	
GARY ZIMET,)	
)	
Defendant.)	
)	
)	

Brown University (“Plaintiff”) has sued Gary Zimet (“Defendant”) in connection with Zimet’s possession of, and plan to auction off, the student file of John F. Kennedy, Jr. (“JFK, Jr.”), that was compiled while he was an applicant and student at the university. (Docket Nos. 1-2.) On October 19, 2017, Plaintiff applied for a temporary restraining order to prevent Defendant from “selling, transferring or otherwise alienating any document in his possession, custody, or control that was once owned by Brown University,” including the JFK, Jr. files. (Docket Nos. 11-17.) The

1 Court granted the request, finding Plaintiff had satisfied both the traditional injunctive
2 relief test and the Ninth Circuit’s alternative “sliding scale” test. (Docket Nos. 18-19.)

3 The Court set a briefing schedule and a hearing to determine whether the
4 temporary restraining order should be converted into a preliminary injunction. (Docket
5 No. 19.) Plaintiff served Defendant with the Summons and Complaint (and other
6 materials, including the temporary restraining order and materials related thereto) on
7 October 22, 2017. (Docket No. 20.) Defendant filed an opposition brief. (Docket No.
8 21.) Plaintiff filed a reply brief and evidentiary objections. (Docket Nos. 23-24.) On
9 November 2, 2017, following argument of counsel, the Court granted Plaintiff’s
10 request for preliminary injunction for the reasons stated in its tentative ruling which
11 was adopted as the Court’s final ruling. (Docket No. 25.)

12 FINDINGS

13 Pursuant to Fed. R. Civ. P. 65 and Local Rule 65, and after consideration of the
14 Verified Complaint, Brown University’s Application for Preliminary Injunction, and
15 all other papers filed herein, it appears to the satisfaction of the Court that:

16 (1) The Summons, Complaint, Temporary Restraining Order, and other
17 pleadings and papers were properly served on Defendant.

18 (2) This Court has jurisdiction over the subject matter of this case, and
19 personal jurisdiction over Defendant.

20 (3) Venue lies properly with this Court.

21 (4) The Complaint states a claim upon which relief can be granted, and
22 Plaintiff has the authority to seek the relief it has requested.

23 (5) Plaintiff is likely to prevail on the merits of this action.

24 (6) The documents at issue are unique and bear both intrinsic and historical
25 value.

26 (7) There is a substantial likelihood that the documents will be transferred,
27 sold or otherwise disposed of before the Court has an opportunity to hear evidence at a
28 trial on the merits of ownership.

1 (8) If that happens, Plaintiff will suffer irreparable harm that will not be
2 capable of compensation by simple money damages.

3 (9) Defendant will not be harmed if the status quo is maintained until the trial
4 on the merits of ownership.

5 (10) Weighing the equities and considering the Plaintiff's likelihood of success
6 in the action, a preliminary injunction is in the public interest.

7 (11) Plaintiff is to post bond in the amount of \$5,000.

8 ORDER

9 (1) Defendant Gary Zimet ("Defendant"), his agents, servants, employees,
10 attorneys, and all others in active concert or participation with him, is restrained and
11 enjoined during the pendency of this action from selling, transferring, or otherwise
12 alienating any document in Defendant's possession, custody, or control that was once
13 owned by Brown University ("Plaintiff") ("the Documents").

14 (2) The Documents include, but are not limited to the documents currently
15 offered for sale on the website www.momentsintime.com relating to the application for
16 admission to Brown University if John Fitzgerald Kennedy, Jr. and any and all letters
17 written by Mrs. Jaqueline Kennedy Onassis relating to Mr. Kennedy's application for
18 admission or in any way related to Mr. Kennedy's time as a student at Brown
19 University.

20 (3) The Documents also include, but are not limited to, any documents written
21 by any professor, administrator, agent or employee of Brown University in any way
22 relating to Mr. Kennedy.

23 (4) The Documents also include, but are not limited to, any and every
24 document in any way related to Mr. Kennedy's time as a student at Brown University.

25 (5) This Preliminary Injunction is effective from November 2, 2017, and shall
26 continue in effect until this Court enters final judgment in this action or otherwise
27 vacates this Order.

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1 (6) Plaintiff shall file proof of bond in the amount of \$5,000 within ten (10)
2 business days after entry of this Order.

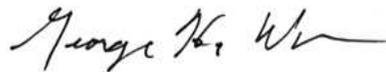
3 (7) Defendant shall immediately provide a copy of this Order to any person
4 or entity that has attempted, offered, or contracted to sell any of the Documents
5 through, with the assistance of, or to Defendant. Defendant shall, within three (3)
6 business days following written request by email to Defendant's counsel, Theida
7 Salazar, at salazarlawgroup@gmail.com, serve upon counsel for Plaintiff, by email to
8 Christopher A. Duggan via chris.duggan@smithduggan.com and Kevin R. Crisp via
9 kcrisp@lc-lawyers.com, a declaration by Defendant under penalty of perjury that he
10 has complied with this paragraph. The statement by Defendant shall include the name,
11 address, telephone number, and email address, of each such person or entity who was
12 provided with a copy of this Order pursuant to this paragraph.

13 (8) Plaintiff's attorneys, agents, or employees may serve this Order upon any
14 person or entity that may have possession, custody, control, or knowledge of any of the
15 Documents, or any other entity or person that may be otherwise subject to any provision
16 of this Order, by delivering a copy of this Order by any means, including, but not
17 limited to, facsimile transmission or electronic mail.

18 (9) This Preliminary Injunction shall survive the filing of an Amended
19 Complaint.

20 (10) Any party may seek to modify this Order by noticed motion.

21 ENTERED this 13th day of November, 2017.

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23 _____
24 GEORGE H. WU,
25 United States District Judge
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