

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

AFAB INDUSTRIAL SERVICES,  
INC., *et al.*,

Case No. 1:19-cv-01355-LJO-JLT

## ORDER GRANTING PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER

*Plaintiffs,*

v.  
APOTHIO, LLC, *et al.*,  
*Defendants.*

After considering the papers filed in support of Plaintiffs' Motion for Temporary Restraining Order, Preliminary Injunction, and Expedited Discovery, filed on October 2, 2019, ECF No. 8 ("Motion"), the Court ordered Defendants to respond to the Motion by 10:00 a.m. today, October 4, 2019. ECF No. 10. Defendants were served copies of the Complaint, the Motion, and the Court's Order setting a deadline for a response. ECF Nos. 8-5, 13. No opposition was filed. For good cause shown, the Court hereby enters the following Order.

## **TEMPORARY RESTRAINING ORDER**

The Court GRANTS the Motion and finds that Plaintiffs AFAB Industrial Services, Inc. (“AFAB”), NewBridge Global Ventures, Inc. (“NEWBRIDGE”),

1 EcoXtraction, LLC (“ECO”), CleanWave Labs, LLC (“CLEANWAVE”)  
2 (collectively, “Plaintiffs”) have shown (1) a likelihood of success on the merits; (2) a  
3 likelihood of irreparable harm in the absence of preliminary injunction relief; (3) that  
4 the balance of equities tips in Plaintiffs’ favor; and (4) that preliminary injunctive  
5 relief is in the public interest.  
6

7 IT IS HEREBY ORDERED that Defendants Apothio, LLC (“APOTHIO”),  
8 Apothio Bakersfield, LLC (“APOTHIO BAKERSFIELD”), and Trent Jones  
9 (“JONES”) (collectively, “Defendants”), directly or indirectly, and whether alone or  
10 in concert with others, including any officer, agent, employee, and/or representative  
11 of APOTHIO or APOTHIO BAKERSFIELD, be and hereby are ENJOINED from:  
12

13 a. restricting or interfering with Plaintiffs’ access to the extraction  
14 processing facility located at 580 South Derby Street, Arvin,  
15 California 93203 known as The Los Osos Facility (the “Facility”)  
16 solely for the purpose of retrieving and removing therefrom all of  
17 the processing equipment and technology to be used to process  
18 hemp that is owned by or leased for use by Plaintiffs (the  
19 “Equipment”); and  
20

21 b. using, without authorization, the technology and/or inventions  
22 covered by one or more of the claims of United States Patents No.  
23 9,469,548 (“540 Patent”); No. 8,430,968 (“968 Patent”); No.  
24

7,507,014 (“014 Patent”); No. 6,627,784 (“784 Patent”); and No. 10,220,365 (“365 Patent”), including but not limited to the Equipment.

IT IS FURTHER ORDERED that Defendants shall grant Plaintiffs immediate access to the Facility solely for the purpose of retrieving and removing the Equipment, and Plaintiffs shall remove all of the Equipment owned by or leased to Plaintiffs therein.

IT IS FURTHER ORDERED that the funds and assets, including any liquidations thereof, collected from the unauthorized use of the Equipment shall be placed in a constructive trust pending a determination on Plaintiffs' motion for Preliminary Injunction.

Unless extended by separate order of the Court, this Temporary Restraining Order shall expire at noon on Friday, October 18, 2019.

THIS TEMPORARY RESTRAINING ORDER IS CONDITIONED UPON PLAINTIFFS' POSTING BOND IN THE AMOUNT OF \$5,000.00, pursuant to the provisions of Rule 65(c) of the Federal Rules of Civil Procedure.

## **ORDER TO SHOW CAUSE**

Defendants are ORDERED TO SHOW CAUSE in writing no later than 12:00 noon Pacific Time on October 14, 2019, why the above restraints should not be

1 continued for an additional fourteen (14) day period. Plaintiffs may file a reply on or  
2 before 12:00 noon Pacific Time on October 16, 2019.  
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4 Defendants are FURTHER ORDERED TO SHOW CAUSE in writing no later  
5 than 12:00 noon Pacific Time on October 22, 2019, why Plaintiffs' motion for  
6 Preliminary Injunction should not be granted. Alternatively, Defendants may rely on  
7 their brief filed in connection with the October 14, 2019 deadline to address this show  
8 cause order. If Defendants' choose to file a separate brief, Plaintiffs may reply on or  
9 before October 28, 2019.  
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11  
12 The Court will inform the parties if it believes a hearing will be helpful or is  
13 needed in connection with either the extension of the Temporary Restraining Order  
14 or the motion for Preliminary Injunction.  
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16  
17 IT IS SO ORDERED.  
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Dated: October 4, 2019

/s/ Lawrence J. O'Neill  
UNITED STATES CHIEF DISTRICT JUDGE