

1 John E. Fagan (SBN107974)
 2 Jill Haley Penwarden (SBN 178561)
 3 Michael Reitzell (SBN 215272)
 4 **DUANE MORRIS LLP**
 5 11149 Brockway Road, Suite 100
 6 Truckee, CA 96161-2213
 7 Telephone: 530.550.2050
 8 Facsimile: 530.550.8619

9 Attorneys for Plaintiffs
 10 HEAVENLY VALLEY, LP and
 11 ROCKRESORTS INTERNATIONAL LLC

12 **UNITED STATES DISTRICT COURT**
 13 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

14 HEAVENLY VALLEY, LP and
 15 ROCKRESORTS INTERNATIONAL LLC,

16 Plaintiffs,

17 v.

18 LAKE TAHOE DEVELOPMENT
 19 COMPANY, LLC,

20 Defendant.

Case No. 2:09-CV-01533-FCD-GGH

**DEFAULT JUDGMENT AND PERMANENT
 INJUNCTION**

Date: May 20, 2010
 Time: 10:00 a.m.
 Courtroom: 9
 Judge: Hon. Gregory G. Hollows

21
22
23
24
25
26
27
28
Case No.: 2:09-CV-01533-FCD-GGH

DEFAULT JUDGMENT AND PERMANENT INJUNCTION

1 THIS MATTER comes before the Court on the Motion for Default Judgment submitted
2 by Plaintiffs Heavenly Valley, LP (“HVLP”) and RockResorts, International, LLC
3 (“RockResorts”), pursuant to Fed. R. Civ. P. 55(b). The Court, having reviewed Plaintiff’s
4 Motion, the accompanying Memorandum of Points and Authorities, and the file on this matter,
5 hereby **FINDS:**

6 1. Jurisdiction of the subject matter of this action is based on 28 U.S.C. § 1331,
7 15 U.S.C. § 1125, and 28 U.S.C. § 1367.

8 2. Plaintiffs are entitled to Judgment in their favor against Lake Tahoe Development
9 Co. (“LTD”) on Plaintiffs’ second, fourth and fifth claims for relief.

10 3. The United States Bankruptcy Court for the Eastern District of California has
11 granted Plaintiffs relief from the automatic stay to pursue injunctive relief for trademark
12 infringement by LTD. *See* Mar. 19, 2010 Civil Minute Order, *In re Lake Tahoe Devel. Co.,*
13 *LLC*, Case No. 09-41579-B-11 (Bankr. E.D. Cal.).

14 3. **IT IS ORDERED** that:

15 A. Defendant and its officers, directors, employees, representatives, agents,
16 successors-in-interest, parent corporations, subsidiary corporations, affiliated companies, and all
17 other persons, firms or entities acting in concert or participating with them, directly or indirectly,
18 who receive actual notice of this judgment are hereby permanently enjoined, directly or
19 indirectly, from:

20 1. All further use of the “The Chateau at Heavenly Village” name, the
21 internet domain name *www.chateauheavenlyvillage.com*, and any other designation confusingly
22 similar to the HEAVENLY Trademarks, including without limitation, any word or combination
23 of words including the term “Heavenly”;

24 2. Using any of the HEAVENLY Trademarks as part of a brand name for its
25 products or services or as an internet domain name, in whole or in part, including without
26 limitation the “The Chateau at Heavenly Village” name and the internet domain name
27 *www.chateauheavenlyvillage.com*; or

1 3. Using or reproducing any copy or colorable imitation of the HEAVENLY
2 Trademarks, and further directing that Defendant destroy all materials bearing or using any copy
3 or colorable imitation of the HEAVENLY Trademarks, including without limitation the “The
4 Chateau at Heavenly Village” name and the internet domain name
5 *www.chateauheavenlyvillage.com*.


6 B. Defendant and its officers, directors, employees, representatives, agents,
7 successors-in-interest, parent corporations, subsidiary corporations, affiliated companies, and all
8 other persons, firms or entities acting in concert or participating with them, directly or indirectly,
9 who receive actual notice of this judgment are hereby ordered to relinquish all rights, title, and
10 interest, in the *www.chateauatheavenlyvillage.com* domain name, and any domain name which is
11 confusingly similar to the HEAVENLY Trademarks and which are under their control, and to
12 transfer all such domain names to HVLP. To facilitate this transfer, it is further ordered that the
13 registrar of those domain names change the registrar of record to a registrar of HVLP’s choosing.
14 It is further ordered that the new registrar of record change the registrant to HVLP or its
15 authorized representative.

16 C. Defendant and its officers, directors, employees, representatives, agents,
17 successors-in-interest, parent corporations, subsidiary corporations, affiliated companies, and all
18 other persons, firms or entities acting in concert or participating with them, directly or indirectly,
19 are hereby permanently enjoined, directly or indirectly, who receive actual notice of this
20 judgment, from:

21 1. Registering, trafficking in or using any domain name that is identical or
22 confusingly similar to the HEAVENLY Trademarks; and

23 2. Assisting, aiding or abetting any other person or business entity in engaging in or
24 performing any of the activities referred to in paragraph C.1 above.

25 IT IS SO ORDERED this 2nd day of March, 2011.

26
27 
28 FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE