

1 **Cara R. Burns (SBN: 137557)**  
 2 **Hicks, Mims, Kaplan & Burns**  
 3 **3250 Ocean Park Blvd, Suite 350**  
 4 **Santa Monica, California 90405**  
**Telephone: (310) 314-1721**  
**Facsimile: (310) 314-1725**  
**cburns@hmkblawyers.com**

5 **Attorneys for Plaintiff,**  
 6 **BRAVADO INTERNATIONAL GROUP**  
**MERCHANDISING SERVICES, INC.**

7 **UNITED STATES DISTRICT COURT**  
 8 **EASTERN DISTRICT OF CALIFORNIA**

9 **BRAVADO INTERNATIONAL GROUP )**  
 10 **MERCHANDISING SERVICES, INC., )**  
 11 **Plaintiff, )**  
 12 **v. )**  
 13 **JOHN DOES 1-100, JANE DOES 1-100 )**  
 14 **AND XYZ COMPANY, )**  
 15 **Defendants. )**

**Case No. 10 CIV 1722 WBS GGH**  
  
**TEMPORARY RESTRAINING**  
**ORDER; SEIZURE ORDER; AND**  
**ORDER TO SHOW CAUSE WHY A**  
**PRELIMINARY INJUNCTION AND**  
**SEIZURE ORDER SHOULD NOT**  
**ISSUE**

---

16 Based upon the complaint, memorandum of points and authorities, Declaration of Alan  
 17 Rebhun and the Certificate of Counsel and all other pleadings and proceedings heretofore had  
 18 herein and good cause being shown:

19 **IT IS HEREBY ORDERED** that defendants, John Does 1-100, Jane Does 1-100 and  
 20 XYZ Company their true identities being unknown (collectively "Defendants), show cause before  
 21 the Honorable John A. Mendez, United States District Court Judge, in Courtroom 6 of the United  
 22 States District Court for the Eastern District of California, located at 501 I Street, Sacramento,  
 23 California at 9:30 a.m. on July 21, 2010 or as soon thereafter as counsel can be heard, why an  
 24 order pursuant to Fed.R. Civ. P. Rule 65, the Lanham Act 15 U.S.C. § 1051 et. seq., and Local  
 25 Rule 231, should not be entered granting to Plaintiff Bravado International Group Merchandising  
 26 Services, Inc., a preliminary injunction to enjoin the Defendants from manufacturing, distributing,  
 27  
 28

1 selling or holding for sale, any clothing, jewelry, photographs, posters and other merchandise  
2 (collectively the "Infringing Merchandise") bearing the federally registered trademarks,  
3 servicemarks, likenesses, logos or other indicia of the artist known as "RIHANNA" (collectively,  
4 the "Trademarks").

5 **AND IT APPEARING TO THE COURT** that Defendants are about to sell and distribute  
6 the Infringing Merchandise bearing the Trademarks as set forth in Plaintiff's complaint and  
7 declaration, and will continue to carry out such acts unless restrained by order of the Court;

8 **AND IT APPEARING TO THE COURT** that immediate and irreparable injury, loss or  
9 damage will result to the Plaintiff before Defendants can be identified and given notice and their  
10 attorneys can be heard in opposition to the granting of the temporary restraining order, in that the  
11 Defendants are preparing to manufacture, distribute and sell Infringing Merchandise as set forth in  
12 the Plaintiff's complaint, and that, unless said Defendants are enjoined from said manufacture,  
13 distribution, and sale, the Plaintiff will suffer immediate and irreparable injury and harm in the  
14 form of a loss of income, lessening and dilution of the value of the Trademarks, interference with  
15 Plaintiff's ability to exploit, market and license its merchandising rights, confusion in the  
16 marketplace as to the duly authorized source of merchandise depicting the Trademarks, and  
17 impairment of the good will Plaintiff and its licensees have in the said Trademarks;

18 **IT IS FURTHER ORDERED** that pending hearing and determination of this application,  
19 or the expiration of ten (10) court days from the date hereof, the Defendants, their agents, servants,  
20 employees, attorneys, successors and assigns and all persons, firms and corporations acting in  
21 concert with them, and each of them, are hereby temporarily restrained from manufacturing,  
22 distributing and selling Infringing Merchandise bearing the any or all of the Trademarks;

23 **AND IT IS FURTHER ORDERED** that pursuant to 1116 (a), the United States Marshal,  
24 for this District or any district in which Plaintiff enforce this order, the state police, local police or  
25 local deputy sheriffs, off duty officers of the same, and any person acting under their supervision,  
26  
27  
28

1 are hereby authorized to seize and impound any and all Infringing Merchandise bearing any or all  
2 of the **RIHANNA** Trademarks which Defendants attempt to sell or are holding for sale, including  
3 any from any carton, container, vehicle, or other means of carriage in which the Infringing  
4 Merchandise is found from six (6) hours before to six (6) hours after any performance of the tour  
5 within a ten (10) mile vicinity of the halls, stadiums or arenas at which said Tour shall be  
6 performing, including but not limited to on July 9, 2010 at the ARCO Arena in Sacramento,  
7 California;

8  
9 **AND IT IS FURTHER ORDERED** that this order be and is hereby conditioned upon  
10 Plaintiff's filing with the Clerk of this Court an undertaking in the form of a bond, certified check,  
11 bank check, credit card or cash in the amount of \$5,000.00 no later than 4:00 p.m. on July 9, 2010,  
12 to secure the payment of such costs and damages not to exceed such sum as may be suffered or  
13 sustained by any party who is found to be wrongfully restrained hereby;

14 **AND IT IS FURTHER ORDERED** that this order is conditioned upon the Plaintiff's  
15 advancing to the law enforcement officers such sum as is required by the same to cover the fees  
16 for their said services, in the event Plaintiff seeks their services in this or any other district;

17 **AND IT IS FURTHER ORDERED** that service of a copy of this order to show cause  
18 together with the complaint, be made upon the Defendants by the United States Marshal, state or  
19 local police, local deputy sheriffs, or by any person over the age of eighteen (18) years not a party  
20 to this action selected for that purpose by the Plaintiff, at the time of the seizure provided herein is  
21 effected and that such service shall be deemed good and sufficient;

22  
23 **AND IT IS FURTHER ORDERED** that the process server shall offer a receipt to each  
24 person from whom Infringing Merchandise is seized and that the Plaintiff shall be deemed  
25 substitute custodian for all Infringing Merchandise seized;

26  
27 **AND IT IS FURTHER ORDERED** that each and every defendant served with a copy of  
28 this order promptly, courteously and peaceably identify himself or herself to the aforementioned

1 process server and that the process server or agents for Plaintiff be allowed to photograph, video  
2 tape or otherwise identify the Defendant;

3 **AND IT IS FURTHER ORDERED** that Defendants' responsive papers, if any, shall be  
4 filed with the Clerk of this Court and served upon the attorneys for Plaintiff by delivering copies  
5 to its counsel on or before July 14, 2010. Any reply shall be filed by the Plaintiff and served upon  
6 each appearing defendant or his/her counsel on or before July 19, 2010. Plaintiff is to provide  
7 copies of all other filed pleadings at the request of any identified defendant;

8 **AND IT IS FURTHER ORDERED** that any defendant who is hereafter served with a  
9 copy of this order who objects to the provisions hereof may submit his or her objections to this  
10 Court or otherwise move for relief from this Court according to the Federal Rules of Civil  
11 Procedure, but no such objection shall serve to suspend this Order or stay the terms herein unless  
12 otherwise ordered by this Court.

13 **AND IT IS FURTHER ORDERED** that pursuant to Local Rule 231( c)(8) and F.R.C.P.  
14 Rule 65 (d), any defendant can apply to this Court for modification/dissolution of this Order on  
15 two (2) days notice or shorter notice as this Court may allow.  
16

17 **IT IS SO ORDERED.**

18 Dated: July 7, 2010  
19 At: 4:15 p. m.

/s/ John A. Mendez  
20 UNITED STATES DISTRICT COURT JUDGE

21 Respectfully Submitted,  
22 **BRAVADO INTERNATIONAL GROUP**  
23 **MERCHANDISING SERVICES, INC.**

24 By: /s/ Cara R. Burns, Esq.  
25 **Cara R. Burns (SBN: 137557)**  
26 **Hicks, Mims, Kaplan & Burns**  
27 **3250 Ocean Park Blvd, Ste 350**  
28 **Santa Monica, California 90405**  
**Telephone: (310) 314-1721**  
**Facsimile: (310) 314-1725**  
**cburns@hmkblawyers.com**