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13
14 UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16 THE NATIONAL GRANGE OF THE
17 ORDER OF PATRONS OF HUSBANDRY

18 Plaintiff,

19 v.

20 CALIFORNIA GUILD, formerly doing
business as "California State Grange," and
21 ROBERT McFARLAND,

22 Defendants.

Case No. 2:16-cv-00201-WBS-DB

**STIPULATED FINAL JUDGMENT AND
PERMANENT INJUNCTION**

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24
25 Plaintiff the National Grange of the Order of Patrons of Husbandry (the "National
26 Grange") and Defendants California Guild and Robert McFarland (together, "Defendants"), by
27 and through their undersigned counsel, having entered into a settlement agreement, hereby
28

1 consent to the Court's entry of a final judgment providing for a final, permanent injunction
2 against Defendants and declaratory relief in favor of the National Grange, as follows:

3 IT IS HEREBY ORDERED that:

4 (1) Final judgment is entered in favor of the National Grange and against Defendants,
5 individually and collectively, on the National Grange's claims for false designation of origin,
6 federal false advertisement, California false advertisement, trademark infringement, and
7 copyright infringement.

8 (2) The National Grange, and its chartered California chapter, the California State
9 Grange, are the exclusive authorized representatives of the California State Grange.

10 (3) Defendants, collectively and individually, and their officers, shareholders,
11 partners, principals, agents, assignees, beneficiaries, successors, licensees, distributors, attorneys,
12 proxies, alter egos, aliases, and all other persons acting in concert with Defendants collectively or
13 individually, are permanently enjoined from:

- 14 a. using "CSG," "Granger," and other trademarks, service marks, trade names, acronyms,
15 abbreviations, logos, trade dress, Internet domain names, or advertising keywords that are
16 confusingly similar to the National Grange or California State Grange's registered and
17 unregistered trademarks and trade dress;
- 18 b. representing or asserting that they are affiliated or connected with, the successors to, or
19 the authorized representatives of, the California State Grange, or the local California
20 Granges in any advertising, promotion, and commercial or official communications;
- 21 c. referencing the history and goodwill of the California State Grange or their past
22 association with the California State Grange in any advertising, promotion and
23 commercial or official communications;
- 24 d. appropriating, disposing, or dissipating assets and accounts held in the name of, or
25 belonging to, the California State Grange, or the local California Granges;
- 26 e. making any false representations to the California Granges about the National Grange or
27 California State Grange's services or encouraging members to "disaffiliate" from the
28 National Grange or California State Grange;

- 1 f. interfering in the contractual relations between the California Granges and the California
2 State Grange or the National Grange;
- 3 g. exercising functions within the exclusive authority of the California State Grange
4 including but not necessarily limited to the collection of Grange dues; disposition of assets
5 owned by the California State Grange, writing and cashing checks on the account of the
6 California State Grange; reorganization of local California Granges; and induction of new
7 Grange members and installation of Grange officers;
- 8 h. distributing records, copies, recordings, histories or descriptions of past or present events
9 sponsored, authorized, endorsed, or approved by the National Grange or California State
10 Grange in a manner that is likely to cause confusion, mistake or deception about the
11 sponsorship, authorization, endorsement or approval of such events; and
- 12 i. reproducing, distributing, or preparing derivative works based on the copyrighted works
13 of the National Grange or California State Grange.

14 (4) Defendants, collectively and individually, and their officers, shareholders,
15 partners, principals, agents, assignees, beneficiaries, successors, licensees, distributors, attorneys,
16 proxies, alter egos, aliases, and all other persons acting in concert with defendants, are ordered to:

- 17 a. return to the National Grange any proprietary Grange regalia in their possession;
- 18 b. remove all of their personal property and equipment located at 3830 U St., Sacramento,
19 CA 95817, without injury to the premises or any of the National Grange and California
20 State Grange's property located thereon;
- 21 c. disconnect all telephone numbers used by Defendants that were ever registered to the
22 California State Grange; and refrain from further use of such telephone numbers in any
23 business, commercial, or official communications.

24 (5) The California Secretary of State is directed to recognize the National Grange and
25 the California State Grange as the exclusive representatives of the California State Grange for all
26 purposes relevant to the registration, ownership, and responsibility of such corporate entities.

27 (6) Defendants' acts constitute:
28

- 1 a. false designation of origin in violation of Section 43(a)(1)(A) of the Federal Trademark
2 Act of 1946, 15 U.S.C. § 1125(a)(1)(A);
3 b. false advertising in violation of Lanham Act Section 43(a)(1)(B), 15 U.S.C. §
4 1125(a)(1)(B);
5 c. false advertising in violation of Section 17500 of the California Business & Professions
6 Code;
7 d. federal copyright infringement; and
8 e. federal trademark and service mark infringement in violation of Section 32(1) of the
9 Lanham Act, 15 U.S.C. § 1114(1).

10 IT IS FURTHER ORDERED THAT:

11 (1) Plaintiff's remaining claims for a calculation and award of damages are voluntarily
12 dismissed with prejudice, with no fees or costs as to any party, except as specifically provided in
13 the parties' settlement agreement.

14 (2) This Court shall retain jurisdiction over this matter for the purpose of enforcing the
15 terms of the Final Judgment.

16 Finding that there is no just reason for delay, the Court orders that this Final Judgment
17 shall constitute a final judgment pursuant to Rule 54 of the Federal Rules of Civil Procedure. The
18 Clerk of the Court is directed to enter this Final Order and Judgment on the docket forthwith.

19 IT IS SO ORDERED.

20 Dated: November 1, 2019



21 WILLIAM B. SHUBB
22 UNITED STATES DISTRICT JUDGE

23 Submitted and consented to by:

24 **NATIONAL GRANGE OF THE ORDER
25 OF PATRONS OF HUSBANDRY**

**CALIFORNIA GUILD and ROBERT
McFARLAND**

26 By: /s/ James L. Bikoff

By: /s/ Anthony Ellrod

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28 Bruce A. McDonald, *Pro Hac Vice*

Anthony Ellrod (SBN 136574)
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