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FILED
AUG 10 2017
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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BRAVADO INTERNATIONAL GROUP
MERCHANDISING SERVICES, INC.;

Civ. No. 2:17-1632 JAM AC

Plaintiff,

TEMPORARY RESTRAINING ORDER,
SEIZURE ORDER, AND ORDER TO
SHOW CAUSE

v.

JOHN DOES 1-100, JANE DOES 1-
100, and XYZ COMPANY;

Defendants.

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Based upon the Complaint, Memorandum of Points and
Authorities, Declaration of Andrew Polner, the Certificate of
Counsel Cara R. Burns, and all other pleadings and proceedings
heretofore had herein and good cause being shown:

IT IS HEREBY ORDERED that defendants John Does 1-100,
Jane Does 1-100, and XYZ Company, their true identities being
unknown (collectively "defendants"), show cause before the
Honorable William B. Shubb, United States District Judge, in
Courtroom 5 of the United States District Court for the Eastern

1 District of California, located at 501 I Street, Sacramento,
2 California, 95814 at 1:30 p.m. on August 21, 2017 or as soon
3 thereafter as counsel can be heard, why an order pursuant to
4 Federal Rule of Civil Procedure 65, the Lanham Act 15 U.S.C. §
5 1051 et. seq., the All Writs Act, 28 U.S.C. § 1651 and Local Rule
6 231, should not be entered granting to plaintiff Bravado
7 International Group Merchandising Services, Inc., a preliminary
8 injunction to enjoin defendants from manufacturing, distributing,
9 selling or holding for sale, any clothing, jewelry, photographs,
10 posters and other merchandise (collectively, the "Infringing
11 Merchandise") and to seize the same bearing the federally
12 registered trademarks, service marks, likenesses, logos or other
13 indicia of the Artist known as "LADY GAGA" (collectively, the
14 "Artist's Trademarks").

15 AND IT APPEARING TO THE COURT that defendants are about
16 to sell and distribute the Infringing Merchandise bearing any or
17 all of the Artist's Trademarks as set forth in plaintiff's
18 complaint and declaration, and will continue to carry out such
19 acts unless restrained by order of the court;

20 AND IT APPEARING TO THE COURT that immediate and
21 irreparable injury, loss or damage will result to plaintiff
22 before defendants can be identified and given notice and their
23 attorneys can be heard in opposition to the granting of the
24 temporary restraining order, in that defendants are preparing to
25 manufacture, distribute and sell Infringing Merchandise as set
26 forth in plaintiff's complaint, and that, unless said defendants
27 are enjoined from said manufacture, distribution, and sale,
28 plaintiff will suffer immediate and irreparable injury and harm

1 in the form of a loss of income, lessening and dilution of the
2 value of the Artist's Trademarks, interference with plaintiff's
3 ability to exploit, market and license its merchandising rights,
4 confusion in the marketplace as to the duly authorized source of
5 merchandise depicting the Artist's Trademarks, and impairment of
6 the goodwill plaintiff and its licensors have in the said
7 Artist's Trademarks;

8 IT IS FURTHER ORDERED that pending hearing and
9 determination of this application, or the expiration of fourteen
10 (14) days from the date hereof, defendants, their agents,
11 servants, employees, attorneys, successors and assigns and all
12 persons, firms and corporations acting in concert with them, and
13 each of them, are hereby temporarily restrained from
14 manufacturing, distributing and selling Infringing Merchandise
15 bearing the any or all of the Artist's Trademarks within the
16 geographic boundaries of the Eastern District of California;

17 AND IT IS FURTHER ORDERED that the United States
18 Marshal, for this District or any district in which plaintiff
19 enforces this order, the state police, local police or local
20 deputy sheriffs, off duty officers of the same, and any person
21 acting under their supervision, are hereby authorized to seize
22 and impound any and all Infringing Merchandise bearing any or all
23 of the Artist's Trademarks which defendants attempt to sell or
24 are holding for sale, including any from any carton, container,
25 vehicle, or other means of carriage in which the Infringing
26 Merchandise is found from six (6) hours before to six (6) hours
27 after the Artist's performance on August 15, 2017 at the Golden 1
28 Center in Sacramento, California;

1 AND IT IS FURTHER ORDERED that this order be and is
2 hereby conditioned upon plaintiff's filing with the Clerk of this
3 Court an undertaking in the form of a bond, certified check, bank
4 check, credit card or cash in the amount of \$10,000 no later than
5 the close of business on August 14, 2017, to secure the payment
6 of such costs and damages not to exceed such sum as may be
7 suffered or sustained by any party who is found to be wrongfully
8 restrained hereby;

9 AND IT IS FURTHER ORDERED that this order is
10 conditioned upon plaintiff's advancing to the law enforcement
11 officers such sum as is required by the same to cover the fees
12 for their said services, in the event plaintiff seeks their
13 services in this or any other district;

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

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


25 AND IT IS FURTHER ORDERED that the process server and
26 plaintiff's agents are authorized to photograph, video tape, or
27 otherwise identify each person from whom Infringing Merchandise
28 is seized;

1 AND IT IS FURTHER ORDERED that defendants' responsive
2 papers, if any, shall be filed with the Clerk of this Court and
3 served upon the attorneys for plaintiff by delivering copies to
4 its counsel on or before August 18, 2017. Any reply shall be
5 filed by plaintiff and served upon each appearing defendant or
6 his/her counsel on or before August 20, 2017. Plaintiff is to
7 provide copies of all other filed pleadings at the request of any
8 identified defendant;

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

16 AND IT IS FURTHER ORDERED that pursuant to Local Rule
17 231(c) (8) and F.R.C.P. Rule 65 (d) , any defendant can apply to
18 this Court to modify or dissolve this Order on two (2) days'
19 notice or shorter notice as this Court may allow.

20 IT IS SO ORDERED.

21 
22 WILLIAM B. SHUBB
23 United States District Judge

24 Executed in Sacramento, California on August 10, 2017
25 at 11:00 a.m.

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