

1 STEVEN J. EYRE, CB# 119714  
2 3550 WILSHIRE BOULEVARD, SUITE 420  
3 LOS ANGELES, CALIFORNIA 90010  
4 (213) 814-4416  
5 Fax (213) 985-2159  
6 stevenjeyre@gmail.com

7 Attorney for Plaintiff

8  
9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA  
11 501 "I" Street, Sacramento, California 95814

12 JUAN CORONA,

13  
14 Plaintiff,

15 -vs.-

16  
17 PEDRO RAMOS PKA PALILLO  
18 PALMA, DOES 1-10,

19 Defendants.  
20

**No. 2:17-CV-02064-TLN-KJN**

**STIPULATED JUDGMENT AND  
PERMANENT INJUNCTION**

21  
22 Plaintiff Juan Corona filed this action for federal trademark infringement and  
23 unfair competition under 15 U.S.C. § 1125(a)(1)(A), for state law trade name  
24 infringement and unfair competition under California Business & Professions Code  
25 §§ 17200 et seq., false advertising under California Business & Professions Code  
26 §§ 17500 et seq. and for common law interference with prospective business  
27 advantage, accounting and injunctive relief. The parties to this action have  
28 stipulated to settlement of this action without adjudication of any issue of fact or

1 law.

2 THEREFORE, based upon the stipulation of the parties, it is hereby  
3 ORDERED, ADJUDGED AND DECREED as follows:<sup>1</sup>

4 **FINDINGS**

5 1. This Court has jurisdiction over the claims brought by plaintiff under  
6 28 U.S.C. §§ 1331 and 1138(a), and under 15 U.S.C. § 1125(a)(1)(A), as well as  
7 over plaintiff's supplemental state law claims, as provided under 28 U.S.C. § 1367.  
8 This Court has jurisdiction over the parties.

9 2. Venue in the United States District Court for the Eastern District of  
10 California ("this federal district") is proper as defendant Pedro Ramos pka Palillo  
11 Palma is a resident of the city of Lodi, California and of this federal district.

12 3. Plaintiff Juan Corona is owner in the United States of the marks  
13 EXTERMINADOR and GRUPO EXTERMINADOR with respect to services,  
14 namely live performances of a musical band, and goods, namely sound recordings.

15 4. The Complaint herein states claims against defendant upon which  
16 relief can be granted.

17 5. Defendant Ramos has engaged in actions complained of in plaintiff's  
18 Complaint herein within the state of California and this federal district, as well as  
19 elsewhere in the United States.

20 6. Defendant has entered into a Stipulation for Entry of a Stipulated  
21 Judgment and Permanent Injunction (hereafter "Stipulation") freely and without  
22 coercion.

23 7. Defendant has acknowledged that he has read the provisions of the  
24 Stipulation as well as this Stipulated Judgment and Permanent Injunction (hereafter  
25 "Judgment") and will abide by them.

26 8. Plaintiff and Defendant have waived all rights to appeal or otherwise  
27 challenge or contest the validity of this Judgment.

28 <sup>1</sup> Both parties consented to the jurisdiction of a United States Magistrate  
Judge for all purposes pursuant to 28 U.S.C. § 636(c). (ECF Nos. 15, 17.)

1 **ORDER**

2 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

3 1. This Court has jurisdiction over the subject matter of this action and  
4 the parties hereto.

5 2. Judgment is hereby entered in favor of plaintiff Juan Corona and  
6 against defendant Pedro Ramos pka Palillo Palma on all causes of action of the  
7 Complaint.

8 3. Defendant, his officers, agents, servants and employees, and those  
9 persons in active concert or participation with the foregoing who receive actual  
10 notice of this Order by personal service or otherwise are hereby PERMANENTLY  
11 ENJOINED AND RESTRAINED from engaging in or performing any of the  
12 following acts:

13 (a) using the GRUPO EXTERMINADOR mark or trade name alone or in  
14 combination with any other words or symbols which so resemble plaintiff's mark and  
15 name "Grupo Exterminador," including without limitation "Nuevo Exterminador"  
16 and "Exterminador," as to be likely to cause confusion, deception or mistake, on or in  
17 connection with the advertising, offering for sale, or sale of any product or service  
18 which is not plaintiff's or not authorized by plaintiff to be sold in connection with  
19 each of said marks and name;

20 (b) contacting promoters, advertisers or other businesses for the purpose of  
21 offering the services of defendant as "Grupo Exterminador" or any confusingly  
22 similar or colorable imitation of the "Grupo Exterminador" name, including without  
23 limitation "Nuevo Exterminador" or "Exterminador";

24 (c) using any trademark, trade name, logo, business name or other identifier  
25 or acting in any fashion which may be calculated to falsely represent that the goods  
26 and services provided, promoted or offered by defendant are sponsored by,  
27 authorized by, licensed by, or in any other way associated with plaintiff;

28

1 (d) engaging in any other activity constituting an infringement of plaintiff's  
2 mark or trade name or of plaintiff's rights in, or right to use or to exploit said mark or  
3 trade name;

4 (e) doing or causing to be done any further acts in violation of California  
5 Business and Professions Code § 17500 et seq.; and

6 (f) assisting, aiding or abetting any other person or business entity in  
7 engaging in or performing any of the activities referred to in subparagraphs (a)  
8 through (e) above.

9 4. This Court shall have continuing jurisdiction over the Stipulation and the  
10 Stipulated Judgment of Permanent Injunction and over the parties to enforce the  
11 terms of the same and to hear motions and applications for contempt or any other  
12 related matter.

13 5. The Court orders that plaintiff is entitled to conduct post-judgment  
14 discovery for the purpose of determining compliance and enforcing the terms of  
15 the Stipulation and the Stipulated Judgment and Permanent Injunction.

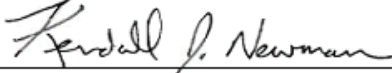
16 6. Defendant is ordered to execute and submit to plaintiff's counsel an  
17 acknowledgement of receipt of this Order within five (5) days of receipt of a  
18 Notice of Entry of the Order and service of the Order upon him.

19 7. In light of the foregoing, plaintiff's motion for default judgment (ECF  
20 No. 13) is DENIED as moot.

21 8. The Clerk of Court shall enter judgment and close this case.

22  
23 IT IS SO ORDERED.

24 Dated: May 4, 2018

25   
26 \_\_\_\_\_  
27 KENDALL J. NEWMAN  
28 UNITED STATES MAGISTRATE JUDGE