UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JAMES GROOMS; BRYCEMARIE PHELAN; KNUKLE, INC., a Colorado corporation,

Plaintiffs,

VS.

JOHN LEGGE; GWEN LEGGE; KNUKLE, INC., a California corporation; ARTILLERY DISTRIBUTION; SEAN MYERS; DEVIN MERCADO; DOES 1-50,

Defendants.

CASE NO. 09cv489 - IEG - POR

TEMPORARY RESTRAINING ORDER

After consideration of the plaintiffs' submissions and argument, and GOOD CAUSE APPEARING:

PENDING HEARING on the preliminary injunction, defendants JOHN LEGGE; GWEN LEGGE; KNUKLE, INC., a California corporation ("Knukle Two"); ARTILLERY DISTRIBUTION; SEAN MYERS; and DEVIN MERCADO (herein collectively "Defendants") and all their representatives, servants and agents, employees, officers, directors, partners, attorneys, subsidiaries, and all other persons or entities under their control, or acting in active concert or participation with them, ARE HEREBY RESTRAINED AND ENJOINED FROM (except with respect to any and all prior or current purchase orders or contracts, as of the date of this Court's order, entered into by and between Defendants and any customer, retailer, distributor, manufacturer, or other supplier or purchaser of merchandise bearing the trademarks, "Knukle Inc," "Knukle, Inc."

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1	or "Knukle") :
2	a.	holding themselves out as rightful owners of the "Knukle, Inc." enterprise;
3	b.	asserting ownership rights and control over Plaintiffs' property and intellectual
4	property	rights, including, but not limited to, Plaintiffs' "Knukle Inc," "Knukle, Inc.,"
5	and	"Knukle" trademarks and trade names and the domain name and website,
6		"www.knukleinc.com";
7	c.	the unauthorized use of Plaintiffs' "Knukle Inc," "Knukle, Inc." and "Kunkle"
8		trademarks in commerce;
9	d.	the unauthorized use of Plaintiffs' "Knukle Inc," "Knukle, Inc." and "Kunkle" trade
10		names in commerce;
11	e.	the unauthorized use of the domain name and website "www.knukleinc.com";
12	f.	the unauthorized use of Plaintiffs' photographs, graphics, and designs bearing
13		Plaintiff's trademarks "Knukle Inc," "Knukle, Inc." and "Kunkle" whether published
14		or not published including, but not limited to, the worldwide web,
15		"www.knukleinc.com," "www.knukleincclothing.com", Facebook, MySpace,
16		traditional media channels, word of mouth, or in any other type of marketing or
17		advertising until further determination of the rights and liability of the parties at a
18		preliminary injunction hearing or at trial;
19	g.	any and all future marketing, sale or distribution, or contracting for the marketing, sale
20		or distribution of clothing, merchandise, and accessories bearing Plaintiffs' trademarks
21		"Knukle Inc," "Knukle, Inc." and "Kunkle," or until further determination of the rights
22		and liability of the parties at the preliminary injunction hearing or at trial; and
23	h.	operating Knukle Two to compete with Plaintiffs' business activities related to the
24		"Knukle, Inc." enterprise; and
25	ORDERED to	(with respect to any and all prior or current purchase orders or contracts, as of
26	the date of t	his Court's order, entered into by and between Defendants and any customer,
27	retailer, distributior, manufacturer or other supplier or purchaser of merchandise bearing th	
28	trademarks, "Knukle Inc," "Knukle, Inc." or "Knukle"):	

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- place all funds and accounts receivable from the sale of clothing, merchandise, and a. accessories bearing Plaintiffs' trademarks, "Knukle Inc," "Knukle, Inc." and "Kunkle," into an account designated by plaintiffs until further determination of the rights and liability of the parties at the preliminary injunction hearing or at trial; and
- b. transfer of ownership and control of the domain name and website at "www.knukleinc.com" to Plaintiffs.

The above Temporary Restraining Order is effective when Plaintiffs file an undertaking in the sum of \$10,000. This Order and supporting papers must be served on Defendants no later than March 18, 2009. Defendants' opposition to plaintiffs' motion for preliminary injunction may be filed no later than 12:00 p.m. on March 27, 2009. Plaintiffs' reply may be filed no later than 12:00 p.m. on March 31, 2009.

Additionally, plaintiffs' motion for expedited discovery is GRANTED, the extent of which is to be determined by the magistrate judge.

Plaintiff's motion for a preliminary injunction shall be heard on <u>Tuesday</u>, <u>April 7, 2009 at</u> 10:30 a.m.

United States District Court

IT IS SO ORDERED.

DATED: March 17, 2009