

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Zita L. Weinshienk

Civil Action No. 06-cv-02321-ZLW-MEH

DS WATERS OF AMERICA, INC.,

Plaintiff,

v.

WESTERN SLOPE BAR SUPPLIES, INC.,
a Colorado corporation,

Defendant.

TEMPORARY RESTRAINING ORDER

This matter was before the Court on November 21, 2006, for oral argument on Plaintiff's Motion For Temporary Restraining Order Pursuant To Fed.R.Civ.P. 65(b) (Doc. No. 2). Defendant was previously served but did not appear at the hearing. The Court heard the arguments and statements of Plaintiff, and made oral conclusions of law which are incorporated herein by reference as if fully set forth. The Court finds under Fed. R. Civ. P. 65(b) that sufficient information has been presented that Defendant's actions may cause irreparable injury to the public health. Accordingly, it is

ORDERED that the Defendant is hereby restrained, prevented, and ordered not to sell, produce, distribute, destroy, or otherwise provide to its customers, or anyone else, any water products, and/or any other related products bearing the trademark "Sierra Springs." It is

FURTHER ORDERED that any and all documentation and/or computer records related to production, distribution, and sales of "Sierra Springs" branded water products shall not be removed or destroyed from their present location. It is

FURTHER ORDERED that in all other respects, the status quo shall be maintained. It is

FURTHER ORDERED that Defendant's failure to comply with this order may result in issuance of either a contempt citation or cease and desist order. It is

FURTHER ORDERED that this order is effective immediately. It is

FURTHER ORDERED that Plaintiff is required to post a \$50,000.00 bond, pursuant to Fed. R. Civ. P. 65.1, with the Clerk of Court by Wednesday, November 22, 2006 no later than 5:00 PM MST. It is

FURTHER ORDERED that this matter is set for a preliminary injunction hearing on November 30, 2006 at 2:00 PM.

DATED at Denver, Colorado, this 20 day of November, 2006 at 12:06 PM.

BY THE COURT:



ZITA L. WEINSHIENK, Senior Judge
United States District Court