

MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DELTA SIGMA THETA SORORITY,
INC.,

Plaintiff,

v.

Case No: 2:14-CV-147-FtM-38CM

LETISHA D. BIVENS, ALPHONSO
F. GOINS, and FRATHOUSE
CLOTHING, INC.,

Defendants.

ORDER¹

This matter is before the Court on review of the file. On March 25, 2014, Plaintiff Delta Sigma Theta Sorority, Inc. filed a Motion for a Temporary Restraining Order and Preliminary Injunction. ([Doc. #62](#)). Plaintiff sought to enjoin Defendants Letisha D. Bivens, Alphonso F. Goins, and FratHouse Clothing, Inc. from infringing on its trademarks and service marks and taking other actions that would frustrate its ability to pursue relief in this matter. ([Doc. #62](#)). Defendant Bivens opposed Plaintiff's Motion for Temporary Restraining Order & Preliminary Injunction. ([Doc. #69](#)). Defendants Goins and FratHouse Clothing, however, did not file an opposition.

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or Web sites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other Web sites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the Court has no agreements with any of these third parties or their Web sites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

In an Order dated April 1, 2014, the Court granted the temporary restraining order but deferred ruling on the preliminary injunction. ([Doc. #65](#)). On April 15, 2014, the Court held a hearing on the preliminary injunction. (Doc. #76). After carefully considering the parties' arguments and applicable law, the Court granted the preliminary injunction for Plaintiff. (Doc. #76). Per the Court's ruling, Plaintiff posted security for \$5,000.00 later that day. (Doc. #75). This Order simply memorializes the Court's decision for granting the preliminary injunction for the reasons stated on the record.

Accordingly, it is

ORDERED:

- (1) Plaintiff Delta Sigma Theta Sorority, Inc.'s Motion for a Temporary Restraining Order and Preliminary Injunction ([Doc. #62](#)) is **GRANTED**.
- (2) Defendants Letisha D. Bivens, Alphonso F. Goins, and FratHouse Clothing, Inc. are **RESTRAINED, ENJOINED, and PROHIBITED** from:
 - a. Manufacturing, distributing, marketing, advertising, promoting, transporting, disposing of, donating, or offering for sale, or otherwise distributing any merchandise that uses any of Plaintiff's registered and unregistered trademarks as depicted in Exhibits 3 and 4 to the First Amended Complaint ([Doc. #116-3](#); [Doc. #116-4](#)), or any mark that is confusingly similar to Plaintiff's Marks.
 - b. Hosting, acting as Internet Service Provider for, operating, or using any website to advertise, offer for sale, or sell any products bearing Plaintiff's registered or unregistered Marks, or linking any website or web content to any such website.

- c. Using any email address; email list; electronic bulletin board; listserv, blog, or other social media website to offer for sale or sell any merchandise bearing Plaintiff's registered or unregistered trademarks.
- d. Falsely stating or implying Plaintiff's endorsement, support, or approval of Defendants' merchandise or engaging in any act or series of acts which, either alone or in combination, constitute unfair methods of competition with Plaintiff, and from otherwise interfering with or injuring Plaintiff's Marks or the goodwill associated therewith.
- e. Representing or implying that Defendants are sponsored by or affiliated with, or have been endorsed, approved, or licensed by Plaintiff.
- f. Secreting, destroying, altering, removing, or otherwise dealing with merchandise bearing Plaintiff's Marks, or any books or records of any type that contain any information relating to the manufacturing, producing, importing, exporting, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, or displaying of merchandise that infringes on Plaintiff's Marks.
- g. Effecting assignments or transfers, forming new entities or associations, or using any other device for circumventing or otherwise avoiding the prohibitions set forth in this Order.
- h. Selling or transferring ownership or control of FratHouse Clothing, LLC, www.frathouseclothing.com or the FratHouse Clothing Facebook, Twitter, or Flickr sites to any third party.

- i. Assisting, inducing, aiding or abetting any other person or business entity in engaging in or performing any of the activities referred to in the preceding letter numbered paragraphs.
- (3) Defendants must remove, within twenty-four (24) hours of receiving this Order, all content from their FratHouse website (www.frathouseclothing.com), as well as FratHouse Clothing Facebook pages, Twitter, and Flickr website depicting any of Plaintiff's registered or unregistered Marks, or any mark that is confusingly similar to any of Plaintiff's Marks.
 - (4) Defendants must provide a copy of this Order to each of their agents, officers, employees, representatives, successors, assigns, and all other persons acting for, with, by, through, or under Defendants' authority, or in concert or participation with them with respect to the issues involved in this litigation and/or the activities of Defendant FratHouse Clothing, LLC.
 - (5) This preliminary injunction remains in effect pending entry of final judgment in this matter or further order of this Court.
 - (6) The Clerk of Court is **DIRECTED** to mail a copy of this Order to Defendants at the last known address in the Court file.

DONE and **ORDERED** in Fort Myers, Florida this 22nd day of January, 2015.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record