

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

AMERICAN AUTOMOBILE
ASSOCIATION (INCORPORATED),

Plaintiff,

v.

Case No: 8:14-cv-738-T-30AEP

FRANK LOSURDO,

Defendant.

ORDER OF CONTEMPT

THIS CAUSE came before the Court for an evidentiary hearing on September 2, 2014, at which Defendant Frank Losurdo was ordered to appear and show cause why he should not be held in contempt for failure to comply with the requirements of the Default Final Judgment and Permanent Injunction (Dkt. 10) (the “Permanent Injunction”) against him.

On May 14, 2014, the Court entered a Default Final Judgment and Permanent Injunction in favor of Plaintiff American Automobile Association (Incorporated) (“AAA”) and against Defendant. The Permanent Injunction ordered Defendant to cease all use of the AAA Mark in holding his business out to the public. On July 30, 2014, the Court entered an Order to Show Cause, ordering Defendant to personally appear at an evidentiary hearing on September 2, 2014, and show cause why he should not be held in civil contempt for violation of the Permanent Injunction. (Dkt. 20). On August 5, 2014, Plaintiff personally served the Order to Show Cause on Defendant. (Dkt. 22). However, Defendant

failed to appear at the hearing or otherwise respond to the Order to Show Cause. During the hearing, Plaintiff presented photographic and testamentary evidence that Defendant continues to operate his automobile repair and maintenance business using the name “AAA Auto Care” and continues to use the AAA Mark to market and advertise his business.

On the basis of the foregoing and the Court’s review of the record, the Court finds that Defendant has not complied with the Permanent Injunction and is still conducting business under the name “AAA Auto Care”, including the use and display of the designation “AAA” in storefront signs, vehicles, and business cards. Accordingly, it is the Court’s conclusion that Defendant should be held in contempt of court for his failure to comply with the Permanent Injunction. It is therefore


ORDERED AND ADJUDGED that:

1. Defendant Frank Losurdo is hereby held in CIVIL CONTEMPT OF COURT.
2. Mr. Losurdo is sentenced to imprisonment of ninety (90) days beginning October 1, 2014. Mr. Losurdo is directed to report to the United States Marshal’s Office at 801 North Florida Avenue, 4th Floor, Tampa, Florida 33602, on **Wednesday, October 1, 2014, at 9:00 a.m.**, to begin serving his sentence.
3. Mr. Losurdo may purge himself of this Contempt Order by removing the designation “AAA” from all aspects of his business, including storefront, sign, and vehicles, and otherwise complying with the Permanent Injunction

(Dkt. 10), before October 1, 2014, or, once he is imprisoned, at any time thereafter before he completes his sentence.

4. If Mr. Losurdo fails to report to the United States Marshal's Office on October 1, 2014, this Court will issue an arrest warrant directing the arrest of Frank Losurdo by the United States Marshal.

DONE and **ORDERED** in Tampa, Florida, this 3rd day of September, 2014.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record
United States Marshal

S:\Even\2014\14-cv-738 contempt order.docx