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CIVIL DOCKET NO.: 240313
DIVISION: J

LYDIA HUTSON, L.L.C. NINTH JUDICIAL DISTRICT COURT
VERSUS RAPIDES PARISH
NATIONAL FOOTBALL LEAGUE STATE OF LOUISIANA

PETITION FOR DAMAGES
&
FOR INJUNCTIVE RELIEF

v. The National Football League

Doc. 1 Att. 2

The *Petition* of LYDIA HUTSON, L.L.C., (hereinafter referred to as "Plaintiff"), resident and domiciliary of the City of Pineville, Parish of Rapides, State of Louisiana, respectfully represents:

1.

Made Defendant herein is:

A. NATIONAL FOOTBALL LEAGUE, INC., a juridical person and corporation that is domiciled outside this state, but transacts business in this state and is presumed to be domiciled and residing in the Parish of Rapides, State of Louisiana, who may be served at League National, 280 Park Avenue, New York, New York, 10017-1216

2.

Defendant is indebted unto Plaintiff in an amount to be determined by this Court together with legal interest from date of judicial demand until paid and for all costs of these proceedings for the reasons enumerated below.

3.

The Plaintiff is the owner of the trademark "BELIEVE DAT." Said trademark has been properly submitted, registered and secured.

4.

The Louisiana Secretary of State accepted the application of the trademark described in paragraph number three (3) herein and it issued the exclusive right to the use of it to the Plaintiff. Further, the Secretary of State issued a certificate of registration of the trademark unto the Plaintiff.

5.

The trademark was property registered under the laws of the State of Louisiana and other applicable laws.

6.

Furthermore, the trademark was also previously registered with other governing offices.

THE DAVENPORT FIRM
PROFESSIONAL LAW CORPORATION

STOP COPY READING

7.

The Plaintiff recently learned that the **NATIONAL FOOTBALL LEAGUE, INC.**, has used, without the consent of the Plaintiff, the trademark in violation of Louisiana law.

8.

Specifically, the Defendant has reproduced, copied, imitated the trademark and placed same upon various forms of apparel and has sold and/or offers to sell the apparel in the State of Louisiana.

9.

Based upon information and belief, the Plaintiff avers the Defendant knew that the Plaintiff was the owner of the trademark, but continued to engage in the acts complained of in paragraph number eight (8) hereinabove.

10.

The Plaintiff in no way or manner gave permission to the Defendant to use the trademark of the Plaintiff. Accordingly, the Plaintiff(s) seek an injunction against the unauthorized use of that trademark.

11.

In order to protect the Plaintiff's rights and interests, it is necessary that the Court issue a preliminary injunction and after a trial on the merits a permanent injunction permanently restraining and enjoining the Defendant, **NATIONAL FOOTBALL LEAGUE, INC.**, its agents, members, employees, retail stores/outlets associates, and all other persons, firms or corporations acting or claiming to act on the Defendant's behalf from selling, offering to sale, manufacturing, reproducing, displaying, imitating and/or using the trademark and all acts which would advance the selling, offering to sale, manufacturing, reproducing, displaying, imitating and/or using the trademark. Further, that the Defendant, its agents, members, employees, retail stores/outlets associates, and all other persons, firms or corporations acting or claiming to act on the Defendant's behalf barred and prohibited from selling, offering to sale, manufacturing, reproducing, displaying, imitating and/or using the trademark and all acts which would advance the selling, offering to sale, manufacturing, reproducing, displaying, imitating and/or using the trademark registered to the Plaintiff.

12.

The Plaintiff is entitled to all damages under Louisiana law including the right to recover all profits derived from and/or all damages suffered by reason of such wrongful manufacture, use, display or sale and an *Order* from this Court ordering the counterfeits or imitations in the possession or under the control of the Defendant be delivered to an officer of the court or to the Plaintiff, for complete destruction.

13.

That all allegations contained within this *Petition* are alleged in the alternative where one might be inconsistent with another.

14.

The Defendant, **NATIONAL FOOTBALL LEAGUE, INC.**, should be ordered to show cause on a date and at a time to be set by this Court why a *Preliminary Writ of Injunction* should not issue herein prohibiting the Defendant, **NATIONAL FOOTBALL LEAGUE, INC.**, its agents, members, employees, retail stores/outlets associates, and all other persons, firms or corporations acting or claiming to act on the Defendant's behalf from selling, offering to sale, manufacturing, reproducing, displaying, imitating and/or using the trademark and all acts which would advance the selling, offering to sale, manufacturing, reproducing, displaying, imitating and/or using the trademark; further, why a *Preliminary Writ of Injunction* should not be issued herein prohibiting the Defendant its agents, members, employees, retail stores/outlets associates, and all other persons, firms or corporations acting or claiming to act on the Defendant's behalf from selling, offering to sale, manufacturing, reproducing, displaying, imitating and/or using the trademark and all acts which would advance the selling, offering to sale, manufacturing, reproducing, displaying, imitating and/or using the trademark.

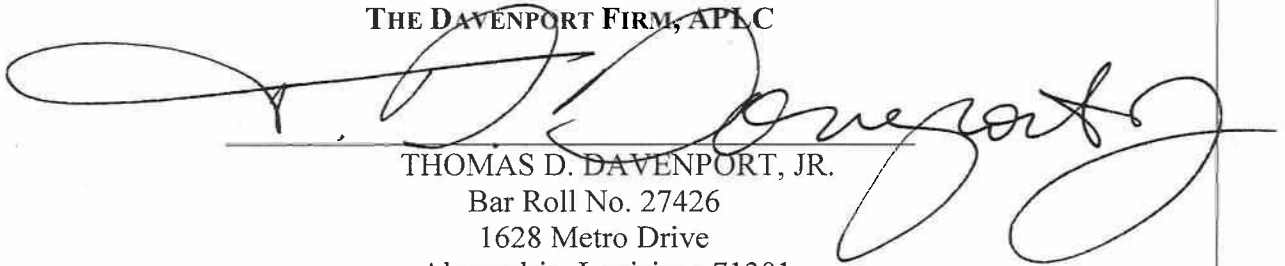
WHEREFORE, the Plaintiff prays as follows:

1. That upon her furnishing bond in an amount to be fixed by the Court there be a *Judgment* herein in favor of the Plaintiff and against the Defendant, granting a preliminary injunction and thereafter perpetuating the injunction prohibited from selling, offering to sale, manufacturing, reproducing, displaying, imitating and/or using the trademark and all acts which would advance the selling, offering to sale, manufacturing, reproducing, displaying, imitating and/or using the trademark; further, why a *Preliminary Writ of Injunction* should not be issued herein prohibiting the Defendant its agents, members, employees, retail stores/outlets associates, and all other persons, firms or corporations acting or claiming to act on the Defendant's behalf from selling, offering to sale, manufacturing, reproducing, displaying, imitating and/or using the trademark and all acts which would advance the selling, offering to sale, manufacturing, reproducing, displaying, imitating and/or using the trademark, which concern the Plaintiff with the right of the Plaintiff to seek contempt of court charges against the Defendant should he violate the injunctions so that they might be punished by fine and/or imprisonment;

2. That the Plaintiff reserve the right to seek damages against the Defendant; and
3. For all necessary orders and decrees

Respectfully submitted:

THE DAVENPORT FIRM, APLC



THOMAS D. DAVENPORT, JR.

Bar Roll No. 27426

1628 Metro Drive

Alexandria, Louisiana 71301

Telephone: (318) 445 - 9696

Facsimile: (318) 445 - 3031

PLEASE SERVE:


NATIONAL FOOTBALL LEAGUE

Through its Agent

National League

230 Park Avenue

New York, New York 70017-1216

FILED & RECORDED
CAROLYN J. RYLAND
CLERK OF COURT
2010 DEC 9 PM 1 33
BY 
DY CLERK & RECORDER
RAPIDES PARISH LA.

CIVIL DOCKET NO.: 240,313
DIVISION: F

LYDIA HUTSON, L.L.C.

NINTH JUDICIAL DISTRICT COURT

VERSUS

RAPIDES PARISH

NATIONAL FOOTBALL LEAGUE

STATE OF LOUISIANA

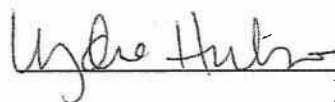
STATE OF LOUISIANA

PARISH OF RAPIDES

VERIFICATION

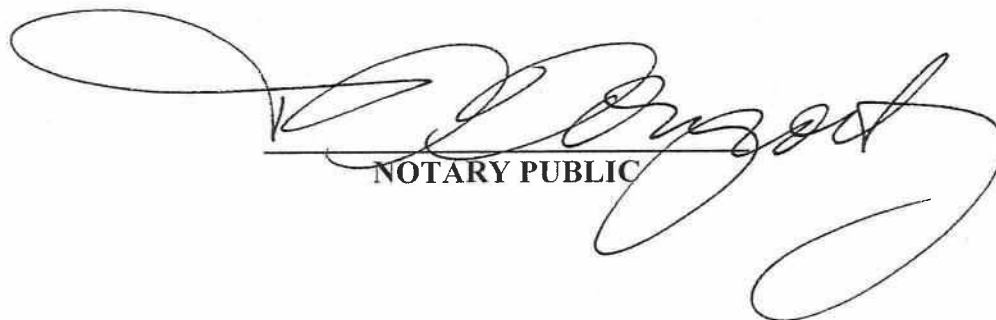
BEFORE ME, the undersigned authority, personally came and appeared LYDIA HUTSON, who after being first duly sworn, did depose and say:

That she is the Petitioner in the above captioned matter and that she has read the Petition for Damages and for Injunctive Relief and they are true and correct to the best of her knowledge, information and belief.



LYDIA HUTSON

SWORN TO AND SUBSCRIBED before me, Notary Public, on this the 9 day
of Dec, 2010.



NOTARY PUBLIC

CIVIL DOCKET NO.: 240,313
DIVISION: F

LYDIA HUTSON, L.L.C.

NINTH JUDICIAL DISTRICT COURT

VERSUS

RAPIDES PARISH

NATIONAL FOOTBALL LEAGUE

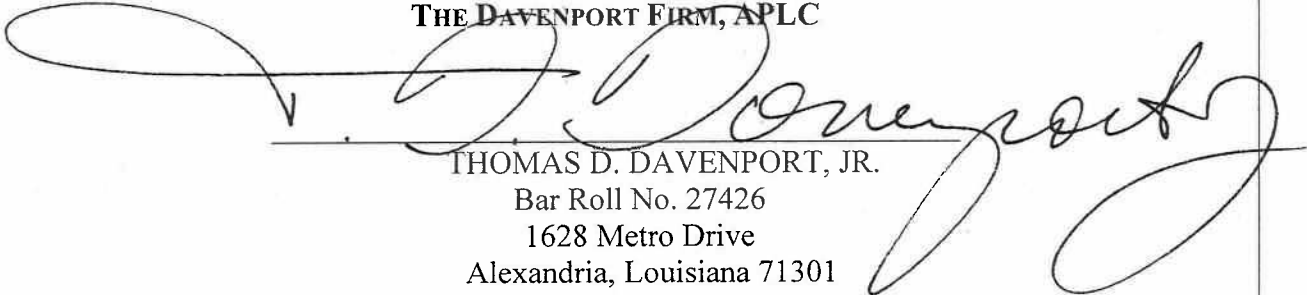
STATE OF LOUISIANA

REQUEST FOR NOTICE OF TRIAL DATE, ETC.

PLEASE TAKE NOTICE that THOMAS D. DAVENPORT, JR., attorney for the Plaintiff(s), does hereby request written notice of the date of trial of the above matter as well as notice of hearings (whether on the merits or otherwise), orders, judgments and interlocutory decrees, and any and all formal steps taken by the parties herein, by the Judge or by any member of Court, as provided in Louisiana Code of Civil Procedure, particularly Articles 1572, 1913 and 1914.

Respectfully submitted:

THE DAVENPORT FIRM, APLC



THOMAS D. DAVENPORT, JR.

Bar Roll No. 27426

1628 Metro Drive

Alexandria, Louisiana 71301

Telephone: (318) 445 - 9696

Facsimile: (318) 445 - 3031

FILED & RECORDED
CAROLYN J. RYLAND
CLERK OF COURT
2010 DEC 9 PM 1 33
BY *[Signature]*
CLERK & RECORDER
RAPIDES PARISH, LA.

CIVIL DOCKET NO.: 240,313
DIVISION: _____

LYDIA HUTSON, L.L.C.

NINTH JUDICIAL DISTRICT COURT

VERSUS

RAPIDES PARISH

NATIONAL FOOTBALL LEAGUE

STATE OF LOUISIANA

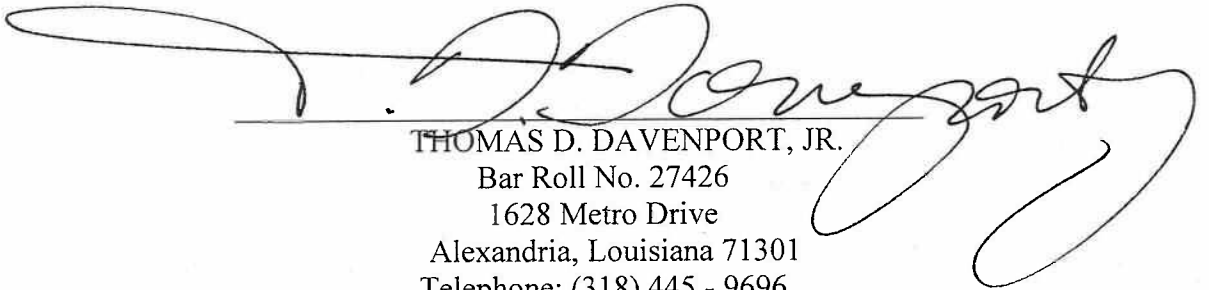
ATTORNEY'S CERTIFICATE

The undersigned attorney certifies to this Court that on December 8, 2010, he delivered a copy of the foregoing Petition for Damages and Injunctive relief, and that Plaintiff should not be required to give additional notice because of the need for immediate relief.

THUS DONE AND SIGNED in the City of Alexandria, Parish of Rapides, State of Louisiana, this 8 day of Dec, 2010

Respectfully submitted:

THE DAVENPORT FIRM, APLC



THOMAS D. DAVENPORT, JR.
Bar Roll No. 27426
1628 Metro Drive
Alexandria, Louisiana 71301
Telephone: (318) 445 - 9696
Facsimile: (318) 445 - 3031

CIVIL DOCKET NO.: 240,313
DIVISION: _____

LYDIA HUTSON, L.L.C.

NINTH JUDICIAL DISTRICT COURT

VERSUS

RAPIDES PARISH

NATIONAL FOOTBALL LEAGUE

STATE OF LOUISIANA

TEMPORARY RESTRAINING ORDER
AND RULE FOR PRELIMINARY INJUNCTION

It appearing from the verified petition in this case that immediate and irreparable injury, loss or damage will result to Plaintiff by virtue of the excavation referred to below before notice can be served and a hearing had on Plaintiff's application for a preliminary injunction:

IT IS ORDERED that a temporary restraining order be issued herein, on the Plaintiff's furnishing security in the amount of \$25,000⁰⁰, directed to **NATIONAL FOOTBALL LEAGUE, INC. NATIONAL FOOTBALL LEAGUE, INC.**, its agents, members, employees, retail stores/outlets associates, and all other persons, firms or corporations acting or claiming to act on the Defendant's behalf from selling, offering to sale, manufacturing, reproducing, displaying, imitating and/or using "BELIEVE DAT" (herein referred to as trademark) and all acts which would advance the selling, offering to sale, manufacturing, reproducing, displaying, imitating and/or using the trademark; further, restraining, enjoining and prohibiting the Defendant its agents, members, employees, retail stores/outlets associates, and all other persons, firms or corporations acting or claiming to act on the Defendant's behalf from selling, offering to sale, manufacturing, reproducing, displaying, imitating and/or using the trademark and all acts which would advance the selling, offering to sale, manufacturing, reproducing, displaying, imitating and/or using the trademark.

IT IS FURTHER ORDERED that Defendant, **NATIONAL FOOTBALL LEAGUE**, show cause on Dec. 13th, 2010 at 9:30 A.M in the Ninth Judicial District Courthouse, Rapides Parish, Louisiana, why a preliminary injunction in the form and substance of the temporary restraining order above should not be issued, to be effective during the pendency of these proceedings. On the hearing of this rule, proof may be adduced in accordance with La. C.C.P. Art. 3609 by verified pleadings, by supporting affidavits, or by proof as in ordinary cases, or by any or all of such methods, at the election of the party offering the proof.


THUS DONE AND SIGNED in the City of Alexandria, Parish of Rapides, State of Louisiana, this 9th day of December, 2010


JUDGE

PLEASE SERVE:

NATIONAL FOOTBALL LEAGUE

Through its Agent
National League
230 Park Avenue
New York, New York 70017-1216

FILED & RECORDED
CAROLYN L. RYLAND
CLERK OF COURT
2010 DEC 9 PM 2 01
BY 
CLERK & RECORDER
RAPIDES PARISH, LA.

CIVIL DOCKET NO.: 240,313
DIVISION: F

LYDIA HUTSON, L.L.C.

NINTH JUDICIAL DISTRICT COURT

VERSUS

RAPIDES PARISH

NATIONAL FOOTBALL LEAGUE

STATE OF LOUISIANA

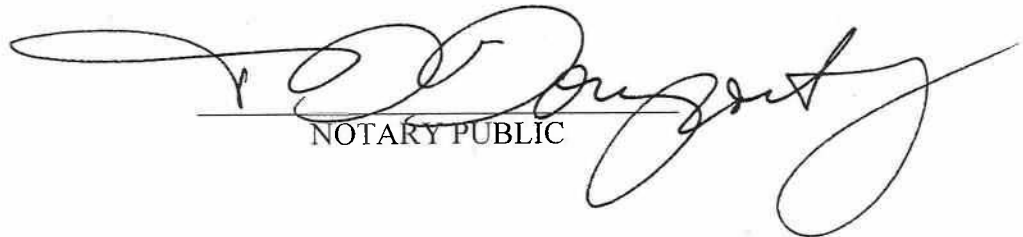
STATE OF LOUISIANA

PARISH OF RAPIDES

BEFORE ME, the undersigned authority, personally came and appeared, LYDIA HUTSON, the principal who signed the above bond, who, after being sworn did depose and say that he is domiciled in this parish, that he is informed and believes that the surety herein is worth the amount of the bond herein, in assets subject to execution, over and above all of the other obligations of the surety.


LYDIA HUTSON

SWORN AND SUBSCRIBED TO BEFORE ME ON 9th Dec, 2018.


NOTARY PUBLIC

THE DAVENPORT FIRM

A PROFESSIONAL LAW CORPORATION

THOMAS D. DAVENPORT, JR.
1628 METRO DRIVE
ALEXANDRIA, LOUISIANA 71301

TELEPHONE: (318) 445-9696
FACSIMILE: (318) 445-3031
TDAVENPORTJR@DAVENPORTFIRM.COM

December 9, 2010

National Football League
Through its agent, National League
230 Park Avenue
New York, NY 70012

RE: *Lydia Hutson vs. National Football League*
Civil Suit Number: 240, 313

Dear National Football League Agent:

Please be advised that we represent Lydia Hutson and I have enclosed a certified copy of the *Petition* and *Citation* regarding the above captioned matter.

Should you have any questions, comments or be in need of additional information, please feel free to call upon me without hesitation. Thank you.

With high esteem, I remain

Respectfully yours,

THE DAVENPORT FIRM, APLC



Tina Smith
Paralegal to
Thomas D. Davenport, Jr.

Enclosures

NO. 240,313 F

LYDIA HUTSON LLC
VERSUS
NATIONAL FOOTBALL LEAGUE

CLERK: PLEASE TENDER FOR:

DEFAULT ()
ANSWER ()
EXCEPTION ()
PLEA ()
HEARING ()
RULE SET DECEMBER 13,2010 AT 9:30 A (X)
EXAM. JUDGT. DEBT. ()
MOTION/SUM. JUDGT. ()
TRIAL ON MERITS ()

DATED: DECEMBER 9,2010

ATTORNEY: THOMAS D DAVENPORT JR
FOR: PLAINTIFF OR DEFENDANT

LYDIA HUTSON LLC
VERSUS
NATIONAL FOOTBALL LEAGUE

|| NINTH JUDICIAL DISTRICT COURT
|| PARISH OF RAPIDES
|| STATE OF LOUISIANA

TO: NATIONAL FOOTBALL LEAGUE THRU LONG-ARM STATUTE
00000

YOU ARE HEREBY SUMMONED TO COMPLY WITH THE DEMAND CONTAINED IN THE PLEADING(S) FILED IN THE ABOVE ENTITLED AND NUMBERED CAUSE, A DULY CERTIFIED COPY IS ATTACHED AND TO BE SERVED, OR FILE YOUR ANSWER OR OTHER PLEADINGS IN THE OFFICE OF THE CLERK OF THE NINTH JUDICIAL DISTRICT COURT, RAPIDES PARISH, CITY OF ALEXANDRIA, WITHIN THIRTY (30) DAYS AFTER FILING IN THE RECORD OF THIS PROCEEDING OF THE AFFIDAVIT OF THE INDIVIDUAL WHO EITHER MAILED OR ACTUALLY DELIVERED THE PROCESS. YOUR MAY FILE YOUR WRITTEN ANSWER OR PLEADING IN PERSON OR BY MAIL. IF YOU FILE BY MAIL, THE PLEADING MUST BE RECEIVED BY THE 30TH DAY.YOUR FAILURE YO COMPLY WILL SUBJECT YOU TO THE PENALTY OF DEFAULT JUDGMENT AGAINST YOU.

WITNESS THE HONORABLES, THE JUDGES OF SAID COURT, AT ALEXANDRIA, LOUISIANA,
THIS 9TH DAY OF DECEMBER, 2010.

THE FOLLOWING PLEADINGS ARE ATTACHED FOR SERVICE: PETITION.

CAROLYN J. RYLAND
Clerk of Court

THOMAS D DAVENPORT JR
1628 METRO DRIVE
ALEXANDRIA LA 71301-0000
Filing Attorney

BY Karan Corley
Deputy Clerk of Court

SHERIFF STAMP BELOW

STATE OF LOUISIANA, PARISH OF RAPIDES
I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS
A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE
AND OF RECORD IN THIS OFFICE.
IN FAITH WHEREOF, WITNESS MY HAND AND SEAL OF
OFFICE, AT ALEXANDRIA, LOUISIANA, THIS 9th
DAY OF Dec, A.D. 2010
CAROLYN J. RYLAND, CLERK OF COURT
BY Karan Corley
DY. CLERK OF COURT

LYDIA HUTSON LLC
VERSUS
NATIONAL FOOTBALL LEAGUE

|| NINTH JUDICIAL DISTRICT COURT
|| PARISH OF RAPIDES
|| STATE OF LOUISIANA

TO: NATIONAL FOOTBALL LEAGUE THRU LONG-ARM STATUTE
00000

YOU AND ALL OTHER PERSONS AS DESCRIBED IN THE ATTACHED ORDER ARE HEREBY TEMPORARILY ENJOINED,
RESTRAINED, AND PROHIBITED, IN THE NAME OF THE STATE OF LOUISIANA AND THE NINTH JUDICIAL DISTRICT
COURT, PARISH OF RAPIDES, FROM ALL AS CONTAINED IN THE ATTACHED ORDER.

AND YOU ARE SO TO REMAIN ENJOINED AND PROHIBITED UNTIL THE FURTHER ORDERS OF THIS COURT.

WITNESS THE HONORABLES, THE JUDGES OF SAID COURT, AT ALEXANDRIA, LOUISIANA,

THIS 9TH DAY OF DECEMBER, 2010.

CAROLYN J. RYLAND
Clerk of Court

THOMAS D DAVENPORT JR
1628 METRO DRIVE
ALEXANDRIA LA 71301-0000
Filing Attorney

BY Karan Corley
Deputy Clerk of Court

SHERIFF STAMP BELOW

STATE OF LOUISIANA, PARISH OF RAPIDES
I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS
A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE
AND OF RECORD IN THIS OFFICE.
IN FAITH WHEREOF, WITNESS MY HAND AND SEAL OF
OFFICE, AT ALEXANDRIA, LOUISIANA, THIS 9th
DAY OF Dec, A.D. 2010.
CAROLYN J. RYLAND, CLERK OF COURT
BY Karan Corley
DEPUTY CLERK OF COURT

RULE

NO. 240,313 F

LYDIA HUTSON LLC
VERSUS
NATIONAL FOOTBALL LEAGUE

|| NINTH JUDICIAL DISTRICT COURT
|| PARISH OF RAPIDES
|| STATE OF LOUISIANA

TO: NATIONAL FOOTBALL LEAGUE THRU LONG-ARM STATUTE
00000

YOU ARE HEREBY DIRECTED TO SHOW CAUSE ON 13TH DAY OF DECEMBER, 2010 AT 9:30 AM,
IN THE CIVIL DISTRICT COURTROOM, NINTH JUDICIAL DISTRICT, RAPIDES PARISH, ALEXANDRIA, LOUISIANA.
ALL AS IS SHOWN BY COPY OF THE ORDER WHICH ACCOMPANIES THIS RULE AND HEREIN FAIL NOT.

WITNESS THE HONORABLES, THE JUDGES OF SAID COURT, AT ALEXANDRIA, LOUISIANA,
THIS 9TH DAY OF DECEMBER, 2010.

CAROLYN J. RYLAND
Clerk of Court

THOMAS D DAVENPORT JR
1628 METRO DRIVE
ALEXANDRIA LA 71301-0000
Filing Attorney

BY Karan Corley
Deputy Clerk of Court

FOR HANDICAP ACCESSIBILITY INFORMATION CALL 318-767-2810. LA. RELAY CENTER
TDD/TTY 1-800-846-5277.

SHERIFF STAMP BELOW

0190246

019

STATE OF LOUISIANA, PARISH OF RAPIDES
I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS
A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE
AND OF RECORD IN THIS OFFICE.
IN FAITH WHEREOF, WITNESS MY HAND AND SEAL OF
OFFICE, AT ALEXANDRIA, LOUISIANA, THIS
DAY OF Dec 9th 2010
CAROLYN J. RYLAND, CLERK OF COURT
BY Karan Corley
BY, CLERK OF COURT