

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

AUDIO-VIDEO DISTRIBUTORS,
a division of RON ROSE PRODUCTIONS,
LTD, a Michigan corporation,

Case No. 2:09-cv-10574

Plaintiff,

Hon. George C. Steeh

v.

ASBURY G. LEMMON,

Defendant.

ANDREW J. MUNRO (P30304)
ANDREW M. ZACK (P27427)
HOWARD AND HOWARD PLLC
Attorneys for Plaintiff
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Royal Oak, Michigan 48067
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PRELIMINARY INJUNCTION

THIS MATTER having come before the Court on Plaintiff's motion for a temporary restraining order and order to show cause; this Court having reviewed Plaintiff's Verified Complaint, Motion and brief and having heard the argument of counsel for the parties at a hearing held on February 19, 2009; and this Court having determined that:

1. Plaintiff has established the requirements for an injunction: (a) Plaintiff is likely to succeed on the merits of its claims; (b) Plaintiff has no adequate remedy at law and will suffer immediate and irreparable harm if temporary injunction relief is not granted; (c) given the

limited nature of the relief, Defendant will suffer no harm if this restraining order is granted; and (d) the public interest is served by preserving the confidentiality of Plaintiff's information, which should not be in the possession of Defendant.

2. Defendant has represented that he has not retained, kept, used or disclosed to any other person or entity, including, but not limited to, The Tape Company, Inc. or any of its parents, subsidiaries or affiliates and the persons employed by them, any trade secrets, confidential information or proprietary information of AVD, including, but not limited to, Plaintiff's customer price quotations, pricing information, customer lists and other confidential customer information.

3. This Court has determined that a preliminary injunction should issue immediately.

IT IS HEREBY ORDERED that Defendant and those persons in active concert or participation with him who receive actual notice of this preliminary injunction by personal service or otherwise shall immediately cease:

- (1) using or disclosing any trade secrets, confidential information or proprietary information of AVD, including, but not limited to, Plaintiff's customer price quotations, pricing information, customer lists and other confidential customer information;
- (2) in the States of Michigan, Ohio, Indiana, Kentucky and Pennsylvania, competing with and contacting or soliciting any existing AVD customers until January 5, 2010;
- (3) in the remaining forty-five (45) States, initiating contact with any existing AVD customers, with the exception of customers who have bought competing products

from The Tape Company, Inc. during the past eighteen (18) months, until January 5, 2010; and

- (4) Defendant shall not solicit or further contact AVD customers who call him at the telephone number, 843-576-4541, but who intended to contact AVD.

IT IS FURTHER ORDERED that Defendant shall deliver to AVD at its Wixom, Michigan office within 48 hours of entry of this Court's preliminary injunction, all of AVD's trade secrets, confidential information or proprietary information of AVD, including, but not limited to, Plaintiff's customer price quotations, pricing information, customer lists and other confidential customer information, whether in written form or electronically stored, that he has in his possession.

IT IS FURTHER ORDERED that Defendant shall cancel and cease use of the telephone number, 843-576-4541 by March 31, 2009 and submit proof of such cancellation and cessation to counsel for Plaintiff, along with copies of the monthly telephone bills or other records he receives from his telephone service provider for that telephone number for the months of January, February and March, 2009.

IT IS FURTHER ORDERED that this Order shall remain in full force and effect until the trial of this matter or until the Court specifically orders otherwise.

IT IS FURTHER ORDERED that because Plaintiff seeks limited injunctive relief which will not interfere with Defendant's ability to fairly compete in the marketplace, no security is required under Fed. R. Civ. P. 65(c).

This Order is entered on March 10, 2009.

IT IS SO ORDERED.

s/George Caram Steeh
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM ONLY:

/s/ Andrew M. Zack
Andrew J. Munro (P3034)
Andrew M. Zack (P27427)
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Attorneys for Plaintiff

/s/ David S. Argentar
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