

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

HAPPY’S PIZZA FRANCHISE, LLC,)	
a Michigan limited liability company,)	Civil Action No. 13-cv-11910
)	
Plaintiffs,)	Hon. Sean F. Cox
)	
v.)	
)	
CHICAGO PARTNERS #78, LLC,)	
an Illinois limited liability company,)	
HARVEY HOLDINGS #79, LLC,)	
an Illinois limited liability company,)	
and NNEKA EZURIKE-GREEN, an)	
individual,)	
)	
Defendants.		

STIPULATION REGARDING PRELIMINARY INJUNCTION

Plaintiff Happy’s Pizza Franchise, LLC (“Plaintiff”) and Defendants Chicago Partners #78, LLC, Harvey Holdings #79, LLC, and Nneka Ezurike-Green (collectively, “Defendants”), by and through their respective counsel, hereby stipulate that any one or more Defendants and, the following that receive actual notice of this Order by personal service, or otherwise: Defendants’ officers, agents, servants, employees, and attorneys; and persons who are in active concert or participation with Defendant(s), are enjoined and restrained from:

1. Using any of Plaintiff’s franchise marks, attached hereto as Exhibit A, including but not limited to its trademarks, service marks, trade names, trade dress, know-how and processes (“Franchise Mark”);
2. Using Plaintiff’s Franchise System, Plaintiff’s Operations Manual, or any of the Confidential Information defined in Paragraph 11.1 of the Franchise Agreements;

3. Operating or doing business under any name or in any manner that gives the general public the impression that Defendants' franchises with Plaintiff are still in force, or that Defendants are affiliated with Plaintiff or authorized to use Plaintiff's Franchise Marks;
4. Using signs, menu board inserts, point of sale materials, trade dress, or restaurant design characteristics uniquely identified with a Happy's Pizza® franchise;
5. Using any advertising that directly or indirectly states or implies that Defendants are associated with Plaintiff, or Plaintiff's Franchise Marks or franchise system;
6. Directly or indirectly engaging in any activity in competition with Plaintiff or its franchisees, including acquiring an ownership interest in a competing business (a business that sells pizza, ribs, chicken, seafood, subs or salads for carry-out, dine-in, catering or delivery) at either of the franchise locations (8710-8718 Halsted Ave. Chicago, IL 60620 or 15900 Halsted Ave. Chicago IL 60426) or any location within ten miles of these two(2) locations, for a period of three (3) years; and
7. Knowingly assisting, aiding or abetting any other person or entity engaging in or performing any of the above activities.

STIPULATED

/s/ Paul P. Asker
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/s/ James Edokpolo
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EXHIBIT A
TO PRELIMINARY INJUNCTION

- 1) “Happy’s Pizza” service mark, USPTO registration number 3,608,919, registered April 21, 2009;
- 2) Happy’s Pizza logo and service mark, USPTO registration number 3,773,254, registered April 6, 2010;
- 3) “Happy Wings” trademark, USPTO registration number 3,476,533, registered July 29, 2008;
- 4) “Happy Subs” trademark, USPTO registration number 3,912,222, registered January 25, 2011;
- 5) “Happy Fries” trademark, USPTO registration application pending, serial number 85880372;
- 6) “Happy Chips” trademark, USPTO registration application pending, serial number 77856365.

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and NNEKA EZURIKE-GREEN, an)	
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)	
Defendants.)	

PRELIMINARY INJUNCTION

The Court having reviewed the parties’ stipulation;

IT IS HEREBY ORDERED that any one or more Defendants and, the following that receive actual notice of this Order by personal service, or otherwise: Defendants’ officers, agents, servants, employees, and attorneys; and persons who are in active concert or participation with Defendant(s), are ENJOINED AND RESTRAINED FROM:

1. Using any of Plaintiff’s franchise marks, attached hereto as Exhibit A, including but not limited to its trademarks, service marks, trade names, trade dress, know-how and processes (“Franchise Mark”);
2. Using Plaintiff’s Franchise System, Plaintiff’s Operations Manual, or any of the Confidential Information defined in Paragraph 11.1 of the Franchise Agreements;
3. Operating or doing business under any name or in any manner that gives the general public the impression that Defendants’ franchises with Plaintiff are still in force, or that Defendants are affiliated with Plaintiff or authorized to use Plaintiff’s Franchise Marks;

4. Using signs, menu board inserts, point of sale materials, trade dress, or restaurant design characteristics uniquely identified with a Happy's Pizza® franchise;
5. Using any advertising that directly or indirectly states or implies that Defendants are associated with Plaintiff, or Plaintiff's Franchise Marks or franchise system;
6. Directly or indirectly engaging in any activity in competition with Plaintiff or its franchisees, including acquiring an ownership interest in a competing business (a business that sells pizza, ribs, chicken, seafood, subs or salads for carry-out, dine-in, catering or delivery) at either of the franchise locations (8710-8718 Halsted Ave. Chicago, IL 60620 or 15900 Halsted Ave. Chicago IL 60426) or any location within ten miles of these two(2) locations, for a period of three (3) years; and
7. Knowingly assisting, aiding or abetting any other person or entity engaging in or performing any of the above activities.
8. This ORDER shall be effective until modified or vacated by further Order of this Court.

IT IS SO ORDERED.

Dated: May 10, 2013

s/ Sean F. Cox

Sean F. Cox

U. S. District Judge

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