UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

7-ELEVEN, INC., a Texas corporation,

Plaintiff and Counter-Defendant,

v.

Case No. 2:13-cv-14933-GCS-MKM

Judge George Caram Steeh Mag. Judge Mona K. Majzoub,

Magistrate Judge BEYDOUN SERVICE DEARBORN, INC., a Michigan corporation, and HUSSEIN BEYDOUN,

Defendants and Counter- Plaintiffs.

STIPULATION AND ORDER FOR PRELIMINARY INJUNCTION

This matter having come before the Court upon Defendants' Motion to Dissolve Temporary Restraining Order Issued by Wayne County Circuit Court and a Motion for Preliminary Injunction filed by Plaintiff 7-Eleven, Inc. ("Motions") and the Court having carefully reviewed the briefs and other papers submitted by the parties in connection with the Motions, and considered the arguments of the parties presented in open court;

IT IS ORDERED THAT:

 The Motion to Dissolve Temporary Restraining Order Issued by Wayne County Circuit Court filed by the Defendants ("Beydouns") is withdrawn with prejudice.

- 2. The Motion for Preliminary Injunction filed by the Plaintiff ("7-Eleven") is granted in part.
- 3. The Temporary Restraining Order issued by the Wayne County Circuit Court in this case prior to removal to this Court ("TRO") is hereby superseded by this Order.
- 4. Beydouns are hereby enjoined from using in any way the 7-Eleven intellectual property including but not limited to logos, service marks, trademarks and proprietary software and hardware.
- 5. Counsel for Beydouns shall timely make the Beydoun key to the store located at 6200 Greenfield Road, Dearborn, Michigan 48126 available to counsel for 7-Eleven so as to facilitate 7-Eleven's entry onto the premises beginning at 8:00 a.m. on Tuesday, February 18, 2014, at which time 7-Eleven shall de-brand the property inside and out, per their usual protocol and shall remove all 7-Eleven property, including equipment shelving, refrigeration, computers and all other related equipment owned by 7-Eleven.
- Plaintiff 7-Eleven, Inc. shall take any and all actions necessary to de-brand the store, inside and out including removal of trademarked materials, logos, logo types, signs, trademarks, trade dress, colors or the like.
- 7. That portion of the TRO ordering the Beydouns to turn over 7-Eleven's DVR equipment remains in effect, and Beydouns are hereby ordered to return that equipment to 7-Eleven forthwith.

- 8. Defendants will not destroy, sell, lien, pledge, or in any way dispose of any of the inventory that was present in the store as of November 2, 2013.
- 9. Defendants will not in any way interfere with the audit or de-branding, but may have a single representative of Defendants present to observe those activities.

This Order is effective as of February 10th, 2014.

Approved as to form and substance:

<u>s/ T.S. Givens</u> T.S. Givens (P14029) T.S. Givens, PLLC Attorney for Defendants 1985 W. Big Beaver Rd., Suite 218 Troy, MI 48084 (248) 885-8608 <u>tsgpllc@gmail.com</u>

Dated: February 13, 2014

s/ Irene Bruce Hathaway

Irene Bruce Hathaway (P32198) Miller Canfield Paddock & Stone, PLC Attorney for Plaintiff 150 W. Jefferson Ave., Suite 2500 Detroit, Michigan 48226 (313) 963-6420 hathawayi@millercanfield.com

So Ordered.

<u>s/George Caram Steeh</u> GEORGE CARAM STEEH UNITED STATES DISTRICT JUDGE

Dated: February 18, 2014