

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

FCA US, LLC
a Delaware Limited Liability Company,

Plaintiff,

Case No. 2:17-cv-11062

v.

Judge John Corbett O'Meara

CAPITAL ACQUISITIONS, LLC
a Minnesota Limited Liability Company,

Magistrate Judge Elizabeth A.
Stafford

and

DUSTIN NIKITUK, d/b/a Capital
Acquisitions and Dealership Closeouts,
an individual resident of the
State of Minnesota

Defendants

ORDER AND PERMANENT INJUNCTION

The Court having reviewed the Stipulation between Plaintiff FCA US LLC (“FCA US”) and Defendants Capital Acquisitions, LLC and Dustin Nikituk (“Defendants”), and good cause appearing therefore:

IT IS HEREBY ORDERED that:

1. Defendants shall immediately cease and forever desist from: (i) selling, offering for sale, transferring, and/or distributing wiTECH VCI PODs; (ii) selling, offering for sale, distributing, copying, installing, and/or making derivative works of the wiTECH Diagnostics Application and the wiTECH Stub Installer programs; and (iii) selling, offering for sale, and/or providing Tech Authority subscriptions.

2. Defendants shall provide to FCA US the following information:

- a. all contact information within Defendants' possession, custody, or control for each customer who has purchased wiTECH VCI PODS and/or Tech Authority subscriptions from either of the Defendants;
- b. all information within Defendants' possession, custody, or control relating to their sourcing and existing inventory for wiTECH VCI PODS, including, for example:
 - i. Name and contact information for sources;
 - ii. Quantities/serial numbers purchased from each source; and
 - iii. Quantities/serial numbers of all wiTECH VCI PODS that remain in inventory; and
- c. all identifying information (including contact information) of any third-party known to the Defendants who ever has created and/or

provided and/or installed a modified version of the wiTECH Diagnostic Application and/or wiTECH Stub Installer program.

Capital Acquisitions and Nikituk shall provide the information described in Paragraphs 2(a) and 2(b) by August 17, 2017, and the information described in Paragraph 2(c) by July 21, 2017.

3. Defendants shall send a correspondence by July 21, 2017, (e.g., email), approved in advance by FCA US, to each customer who has purchased wiTECH VCI PODS and/or Tech Authority subscriptions from either of the Defendants, explaining that “I am not affiliated with FCA US, and I was not and am not authorized to sell you wiTECH hardware and software...” and directing such customers to FCA US’ authorized vendors for future purchases of authorized wiTECH hardware and software.

SO ORDERED.

Date: July 26, 2017

s/John Corbett O’Meara
United States District Judge