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 17 Russell Road Food and Beverage, LLC

18 UNITED STATES DISTRICT COURT
 19 DISTRICT OF NEVADA
 20 SOUTHERN DIVISION

21 RUSSELL ROAD FOOD AND
 22 BEVERAGE, LLC,

23 Plaintiff,

24 vs.

25 MIKE GALAM, et al.

26 Defendants.

27 MIKE GALAM, et al.,

28 Counterclaimants,

vs.

RUSSELL ROAD FOOD AND
 BEVERAGE, LLC, et al.

Counterdefendant.

Case No. 2:13-cv-00776-RFB-NJK

**STIPULATED PERMANENT INJUNCTION
 AND [PROPOSED] ORDER BETWEEN
 PLAINTIFF RUSSELL ROAD FOOD AND
 BEVERAGE, LLC AND ALL
 DEFENDANTS**

Case Filed: May 2, 2013

Judge: Honorable Richard F. Boulware

1 Pursuant to Local Rule 6-2 of the District of Nevada’s Local Rules of Practice,
2 Plaintiff Russell Road Food and Beverage, LLC (“Russell Road”) and Defendants Mike
3 Galam, Victor Galam, Jacqueline Galam Barnes, Crazy Horse Too Gentlemen’s Club
4 LLC, Rhino Bare Projects LLC, Rhino Bare Projects 4824 LLC, Canico Capital Group,
5 LLC, Industrial Road 2440-2497, LLC, Abraham Assil, George Eshaghian, West Best
6 Capital Group, LLC, SN & GE, LLC, Soleiman Nazarian, Djavid Hakakian, Morris
7 Nejathaim, Hamed Yazdanpanah, Isaac Javdanfar, Kamran Samooha, Mehran
8 Sadighpour, Sefox Investement, LLC, El Marino, LLC, Knotting Hill, LLC, IJ Properties,
9 LLC, and S Double, LLC (“Defendants”) (hereinafter “Enjoined Defendants”) hereby
10 stipulate and agree to the entry of a permanent injunction as set forth below.

11 **THE COURT HEREBY FINDS THAT**

12 1. Russell Road prevailed on the merits of its trademark infringement claim
13 against Canico Capital Group, LLC, Industrial Road 2440-2497, LLC, Crazy Horse Too
14 Gentlemen’s Club LLC, Rhino Bare Projects LLC, Rhino Bare Projects 4824 LLC, Mike
15 Galam, Victor Galam, and Jacqueline Galam Barnes. ECF No. 375. All remaining
16 Defendants are or have been in the past associated and/or affiliated, whether directly or
17 indirectly, in some manner with Canico Capital Group, LLC, such that injunctive relief
18 against the remaining Defendants is appropriate.

19 2. Russell Road has shown that it has suffered and is likely to continue to
20 suffer irreparable harm in the absence of a permanent injunction. Russell Road has
21 made a strong showing of irreparable harm through its submission of evidence that in
22 the absence of a permanent injunction (i) substantial actual confusion has already
23 occurred in the market; (ii) it has suffered, and will continue to suffer, intangible harm to
24 the goodwill of its CRAZY HORSE III mark, (iii) it will be unable to control and maintain
25 the reputation and perception of its CRAZY HORSE III mark, (iv) it will be unable to
26 obtain a reasonable return on its investment of millions of dollars into its CRAZY HORSE
27 III mark; and/or (v) its CRAZY HORSE III mark will be tarnished by being associated with
28 the negative reputation of the former Crazy Horse Too club.

1 3. The balance of equities tips in Russell Road’s favor. Russell Road has
2 invested a substantial amount of money into its mark and created substantial goodwill
3 and consumer recognition in its CRAZY HORSE III mark. In contrast, a permanent
4 injunction will not harm the Enjoined Defendants because it only requires the Enjoined
5 Defendants to comply with the law.

6 4. A permanent injunction serves the public interest because it prevents
7 confusion in the market. Here, Russell Road has prevailed on the merits of its trademark
8 claim and, thus, established a likelihood of confusion. Moreover, actual confusion has
9 already occurred.

10 **THEREFORE, IT IS HEREBY ORDERED THAT**

11 1. Pursuant to 15 U.S.C. § 1116 and Federal Rule of Civil Procedure 65, this
12 Permanent Injunction Order binds (i) the Enjoined Defendants; (ii) the Enjoined
13 Defendants’ officers, agents, servants, employees, and attorneys; and (iii) all other
14 persons who are in active concert or participation with the Enjoined Defendants or the
15 Enjoined Defendants’ officers, agents, servants, employees, and attorneys (collectively
16 referred to as “The Enjoined Parties”).

17 2. The Enjoined Parties are hereby enjoined from any and all use of (i) the
18 CRAZY HORSE TOO, CRAZY HORSE TOO SALOON, and CRAZY HORSE
19 trademarks and names (alone or in combination with other letters, words, or designs), (ii)
20 any trademarks incorporating the term CRAZY or HORSE or TOO (including designs
21 intended to depict the word CRAZY or HORSE or TOO), (iii) the former CRAZY HORSE
22 TOO design logos attached as Exhibit 1 hereto or any design or mark that incorporates
23 any part of those design logos, and (iv) any abbreviations of any of the foregoing marks
24 such as CH2, CH2LV, CHTOO, CHTOOLV ((i) through (iv) collectively the “**Infringing**
25 **CRAZY HORSE TOO Marks**”) in connection with the advertising, promotion, operation,
26 or provision of a gentlemen’s club or in connection with any business, goods, or services
27 in the adult entertainment industry in the State of Nevada, the United States, and
28 worldwide.

