

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
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4 Toyo Tire and Rubber Co., Ltd., *et al.*,

5 Plaintiffs

6 v.

7 Kabusikiki Kaisha Tokyo Nihoon Rubber Corp., *et*
8 *al.*,

9 Defendants

2:14-cv-01847-JAD-VCF

**Order Granting Plaintiffs' Motion for
Refund [ECF 31] and Directing Clerk
of Court to Refund Cash Deposit**

10 After attending a trade show in Las Vegas in November 2014 and learning that defendants
11 were infringing on its trademarks, Toyo Tire sued defendants for trademark infringement and related
12 claims and moved for preliminary injunctive relief.¹ When I granted Toyo's motion for a temporary
13 restraining order, I ordered Toyo to make a \$50,000 cash deposit with the Clerk of Court and
14 authorized the U.S. Marshals Service to seize infringing products and promotional materials
15 displayed at defendants' booth at the trade show. On October 26, 2015, after defendants failed to
16 appear or otherwise defend this case, I granted Toyo's motion for default judgment and motion for a
17 permanent injunction and instructed the Clerk of Court to close this case.² Toyo now moves for a
18 refund of the cash deposit.³ Defendants have filed no opposition to Toyo's request. Because final
19 judgment has been entered in Toyo's favor and defendants have never challenged the temporary
20 restraining and seizure order against them (which has since terminated), Toyo is entitled to a refund
21 of the security it posted for the temporary restraining and seizure order.
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26 ¹ ECF 1, 2, 4.

27 ² ECF 26.

28 ³ ECF 31.

1 **Conclusion**

2 Accordingly, IT IS HEREBY ORDERED that plaintiffs' Motion for Refund [ECF 31] is
3 **GRANTED.** The Clerk of Court is directed to refund the \$50,000 cash deposit to:

4 Toyo Tire Holdings of Americas Inc. and its Attorneys
5 Lewis Roca Rothgerber LLP
6 3993 Howard Hughes Parkway, Suite 600
7 Las Vegas, NV 89169-5996.⁴

8 Dated this 17th day of November, 2015

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10 Jennifer A. Dorsey
11 United States District Judge
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28 ⁴ ECF 9 at 2.