

EXHIBIT “E”

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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: Case No. 04-2837 DMC
: YESSUP TOURING, II, LLC,
:

Plaintiff,

-against-

JOHN DOES 1-100, JANE DOES 1-100,
AND XYZ COMPANIES 1-100,
: ORDER TO SHOW CAUSE ON
: MOTION FOR PRELIMINARY
: INJUNCTION WITH TEMPORARY
: RESTRAINING ORDER AND
: ORDER OF SEIZURE
: Defendants. :
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Upon the summons and complaint, the accompanying declarations of Ronald L. Israeli, Esq. and Steve Lewis, the exhibits annexed thereto, the memorandum of law, and such other matters and argument presented to the Court, and good cause having been shown;

IT IS HEREBY ORDERED that defendants, Various John Does, Jane Docs, and XYZ Companies, their true identities being unknown, show cause before this Court, 50 Walnut Street, Newark, New Jersey 07101, in Courtroom 4015, on the 28 day of June, 2004, at 10:30 a.m./p.m., or as soon thereafter as counsel can be heard, why an order pursuant to Fed. R. Civ. P. 65 should not be entered, granting to plaintiff a preliminary injunction enjoining the defendants Various John Does, Jane Docs, and XYZ Companies, their true identities being unknown, and all those acting in concert with defendants, from the unauthorized manufacture, distribution, sale or holding for sale, of clothing, jewelry, photographs, posters, and other

merchandise (collectively the "Infringing Merchandise") bearing the name, logo, likeness or trademark (collectively the "Trademark") of the musical performance group known as VAN HALEN (the "Artist").

AND IT APPEARING TO THE COURT that defendants, and those acting in concert with defendants, have sold, and will continue to sell and distribute, the Infringing Merchandise bearing the Artist's Trademark, as set forth in plaintiff's complaint and supporting papers, and will continue to carry out such acts unless restrained by order of the Court;

AND IT APPEARING TO THE COURT that immediate and irreparable injury, loss or damage will result to the plaintiff before defendants can be identified and given notice and their attorneys can be heard in opposition to the granting of the temporary restraining order, in that the defendants will manufacture, distribute, and sell infringing merchandise, and will continue to do so, and that, unless said defendants are enjoined from said manufacture, distribution, and sale, the plaintiff will suffer immediate and irreparable injury and harm in the form of lost income, lessening and dilution of the value of the Artist's Trademark, interference with plaintiff's ability to exploit, market, and license its merchandising rights respecting the Artist's Trademark, confusion in the marketplace as to the duly authorized source of the Infringing Merchandise, and impairment of the good will plaintiff and its licensors have in the Artist's Trademark;

IT IS HEREBY ORDERED that, pending a hearing and determination of this application, or the expiration of ten (10) days from the date hereof, whichever shall first occur, the defendants and their agents, servants, employees, attorneys, successors, and assigns, and all persons, firms and corporations acting in concert with said defendants, be and hereby are

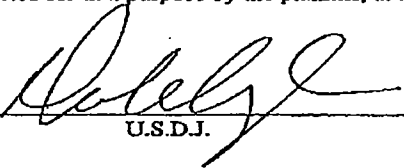
temporarily restrained from manufacturing, distributing, and selling the Infringing Merchandise bearing the Artist's Trademark; and

IT IS FURTHER ORDERED that the United States Marshal for this district, or any district in which plaintiff enforces this order, the state and the local police, local deputy sheriffs, counsel for plaintiff, plaintiff's representatives, and persons acting under their supervision, are hereby authorized to seize and impound any and all Infringing Merchandise bearing the Artist's Trademark which defendants, or those acting in concert with defendants, attempt to sell or are holding for sale in connection with any of the Artist's concert performances (including any carton, container, or other means of carriage in which the Infringing Merchandise is found) from twenty-four (24) hours before to eight (8) hours after any concert performance of the Artist, and within a two (2) mile radius of any concert performance of the Artist, including but not limited to the Artist's concerts at The Continental Arena in East Rutherford, New Jersey on June 22nd & 23rd 2004; and

IT IS FURTHER ORDERED that this temporary restraining order be and is hereby conditioned upon plaintiff's filing with the Clerk of this Court an undertaking in the form of a bond, check, or cash in the amount of \$10,000.00, to secure the payment of costs and damages, not to exceed such sum, as may be suffered or sustained by any party who is wrongfully restrained hereby; and

IT IS FURTHER ORDERED that this temporary restraining order is conditioned upon the plaintiff advancing to the United States Marshal such sum as is required to cover the fees for their said services, in the event plaintiff seeks the services of the United States Marshal in this or any other district; and

IT IS FURTHER ORDERED that service of copies of this Order to Show Cause, together with the summons and complaint, be made upon the defendants by the United States Marshal, state or local police, local deputy sheriffs, or by any person over the age of eighteen (18) years not a party to this action selected for that purpose by the plaintiff, at the time any seizure provided herein is effected.


U.S.D.J.

Dated: Newark, New Jersey
June 18, 2004
12 a.m./p.m.

Dennis M. Cavanaugh, Judge
U.S. District Court