

EXHIBIT “D”

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Attorney for Plaintiffs

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AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

-----X
BRAVADO INTERNATIONAL GROUP
MERCHANDISING SERVICES, INC.
ROGER WATERS and 641 PRODUCTIONS, LLC

Plaintiffs,

-against-

VARIOUS JOHN DOES, JANE DOES and
ABC COMPANIES,

Defendants.
-----X

CASE NO. 3:06-cv-4159-MLC-TJB

ORDER TO SHOW CAUSE
ON MOTION FOR
PRELIMINARY INJUNCTION
WITH TEMPORARY
RESTRAINING ORDER
AND ORDER OF SEIZURE

Upon the declarations and plaintiffs' Memorandum of Law and the Complaint submitted
herewith:

IT IS HEREBY ORDERED THAT defendants, Various John Does, Jane Does and ABC
Companies, their true identity being unknown, show cause on the 15th day of September, 2006 at

6 o'clock in the United States District Court for the District of New Jersey, Clarkson S. Fisher Building and U.S. Courthouse, Courtroom No. 6E, 402 East State Street, Trenton, New Jersey why an order pursuant to Rule 65 FRCP should not be entered granting to plaintiffs a preliminary injunction enjoining defendants from manufacturing, distributing, selling or holding for sale and authorizing seizure of all clothing, jewelry, photographs, posters and other merchandise bearing the Roger Waters trademark, logos and/or likeness and/or replicas of artwork embodied on jackets containing the recordings of Roger Waters;

AND it appearing to the Court that defendants are distributing and/or are about to distribute in interstate commerce and sell at or near the sites of the current Roger Waters United States concert tour, clothing, jewelry, photographs, posters and other merchandise bearing the Roger Waters trademark, logos and/or likeness and/or replicas of artwork embodied on the jackets of recordings of Roger Waters 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 and damage will result to plaintiffs 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 defendants are preparing to be manufacturing, distributing, and selling throughout the current Roger Waters concert tour infringing Roger Waters merchandise and that unless said defendants are enjoined from said manufacture, distribution and sale, plaintiffs will suffer immediate and irreparable injury and harm in the form of loss of income, the dilution of the Roger Waters mark, interference with plaintiffs' ability to exploit their own merchandising rights, confusion in the marketplace as to the duly authorized source of Roger Waters merchandise and the impairment of the goodwill that plaintiffs have in the Roger Waters trademark, it is hereby

ORDERED, that pending the hearing and determination of this motion, defendants various John Does, Jane Does and ABC Companies, their agents, servants, employees, attorneys, successors and assigns and all persons, firms and corporations acting in concert with said defendants be and they hereby are temporarily restrained from manufacturing, distributing and selling infringing merchandise bearing the Roger Waters trademark, logos and/or likeness and/or artwork embodied on jackets containing recordings of Roger Waters including the "Dark Side of the Moon" recording; and it is further

ORDERED, that the U.S. Marshal for this District, the U.S. Marshal(s) and/or state, county or local law enforcement authorities for any such district in which plaintiffs enforce this order and persons acting under their supervision are hereby authorized and directed to seize, impound and deliver to plaintiffs or their representatives any and all infringing imitation and unauthorized merchandise bearing the Roger Waters trademark, logos and/or likeness and/or artwork embodied on jackets containing recordings of Roger Waters including the "Dark Side of the Moon" recording, including the containers or vehicles in which same is held or transported, which defendants sell, attempt to sell or hold for sale within five miles of the exterior border of the concerts on the Roger Waters tour including, but not limited to, the Roger Waters concert at PNC Bank Arts Center, Holmdel, New Jersey on September 6, 2006; and it is further

ORDERED, that this Order be and is hereby conditioned upon plaintiffs filing with the Clerk of this Court, an undertaking, a bond or a certified, cashiers or attorneys check or cash in the amount of \$5,000.00 Dollars to secure payment of such costs and damages not to exceed such sum as may be suffered or sustained by any party who is found to be wrongfully restrained hereby; and it is further

ORDERED, that this Temporary Restraining Order if served by a U.S. Marshal is conditioned upon plaintiffs advancing to the U.S. Marshal(s) such sum as is required by the U.S. Marshal(s) to cover the fees for their services above described, if any, and it is further

ORDERED, that the process server shall offer a receipt to each person from whom merchandise is seized and that plaintiffs shall be deemed substitute custodian for all merchandise seized; and it is further

ORDERED, that each and every defendant served with a copy of this Order shall promptly, courteously and peaceably identify himself or herself to the aforementioned process server by presenting written proof of identification to said process server and said process server or agents for plaintiffs shall be allowed to photograph, video tape or otherwise identify the defendant; and it is further

ORDERED, that defendants' responsive papers, if any, shall be filed with the Clerk of this Court and served upon the attorney for plaintiffs by delivering a copy to their counsel on or before 13th day September 21, 2006; and it is further

ORDERED, that because of the numerous defendants, service of a copy of only this Order to Show Cause be made upon the defendants along with the Summons and Complaint at the time that the seizure provided herein, if any, is effected. If any defendant requests all other pleadings, plaintiffs shall provide copies of said pleadings to any identified defendant; and it is further

ORDERED, that any defendant who is hereafter served with a copy of this Order who objects to the provisions hereof may submit his or her objections to this Court or otherwise move for relief from this Court according to the Federal Rules of Civil Procedure, but no such objection shall serve to suspend this Order or stay the terms hereof unless otherwise ordered by this Court.

Dated: September 5th, 2006

Time: 10:25 AM


UNITED STATES DISTRICT JUDGE
MAGISTRATE