UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Vadim Mikhlyn, Inga Mikhlyn, and ABC All Consulting, Inc.	
Plaintiffs	
-against-	08 CV. 03367(CPS)
Ana Bove, Polina Dolginov Anna Bove Company, LLC, Anna Bove Collections, Inc. and Anna Bove Embroidery Supplies, Inc.	
Defendants.	

PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION FOR A TEMPORARY RESTRAINING ORDER

PROCEDURAL HISTORY

On August 28, 2008, plaintiffs filed a motion for a preliminary injunction, returnable on September 10, 2008. After the parties could not agree to the terms of an adjournment sought by defendants, the Court granted defendants the adjournment they requested but "without prejudice to plaintiffs' application for a TRO pursuant to Rule 65(b) of the F.R. of Civ. P. on or before September 10, 2008 at 4:pm when any such application will be heard."

ARGUMENT

A temporary restraining order preserves the status quo until the court has an opportunity to pass upon the merits of the demand for a preliminary injunction. Warner Bros. Inc. v. Dae Rim Trading, Inc., 877 F.2d 1120, 1125 (2d Cir. 1989). The standards for granting a temporary restraining order are the same as those which govern granting a preliminary injunction. Local 1814, Int'l Longshoremen's Ass'n v. N.Y. Shipping Ass'n, 965 F.2d 1224, 1228 (2d Cir. 1992).

Plaintiffs' grounds for temporary restraints are the same as those for a preliminary injunction, set forth in the motion papers already on file with the Court. Pending the injunction motion, plaintiffs seek temporary restraints only against the most immediately destructive of defendants' activities: (a) claiming exclusive ownership of names "Anna Bove Collections," "ABC-Cross-Stitch-Patterns.com" and "ABC-Embroidery-Designs.com," and (b) alleging that plaintiff's sale of embroidery designs that were created and paid for by ABC All Consulting, Inc. are unlawful and in violation of defendant Ana Bove's rights.

In our previously filed papers, we submitted evidence of growing hostility to plaintiffs from customers, as a result of defendants' relentless, defamatory attacks.

Submitted herewith is additional evidence in the form of e-mails received by plaintiffs' from various customers. The e-mails are attached hereto collectively as Exhibit A.

CONCLUSION

For the reasons set forth above, pending the full hearing on plaintiffs' motion for a preliminary injunction, the Court should issue a Temporary Restraining Order prohibiting defendants from: (a) claiming exclusive ownership of names "Anna Bove Collections," "ABC-Cross-Stitch-Patterns.com" and "ABC-Embroidery-Designs.com," and (b) alleging that plaintiffs' sales of designs that were created and paid for by ABC All Consulting, Inc. are unlawful.

Date: September 9, 2008

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