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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

PLAYBOY ENTERPRISES INTERNATIONAL INC.,

Plaintiff,

- against -

PLAYBOY ENTERPRISES, INC., ET AL., :

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/9/2021

21 Civ. 6419 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

On August 6, 2021, Plaintiff in the above captioned matter submitted a letter providing the Court an update on service, and its failed efforts to communicate with Defendants regarding a proposed briefing schedule. (See Attached Letter.) It is hereby ordered that the deadline for any Defendant to oppose Plaintiff's motion for a preliminary injunction is August 10, 2021. Plaintiff's reply, if any, shall be due August 11, 2021. The Court will proceed with the hearing scheduled for August 12, 2021 at 11:30 a.m. In light of the ongoing public health emergency, the conference will proceed remotely. The parties are directed to use the dialin: 888-363-4749 and access code: 8392198.

Defendants having been served, and upon request from Plaintiff to unseal the matter, the Court determines that the matter need not remain under seal. Accordingly, the Court respectfully requests that the Clerk of Court unseal this case in its entirety and place all filed documents on to the public docket.

SO ORDERED.

Dated: New York, New York

9 August 2021

Victor Marrero U.S.D.J.



VENABLE LLP | 1270 AVENUE OF THE AMERICAS 24TH FLOOR | NEW YORK, NY 10020 T+1 212.307.5500 F+1 212.307.5598 Venable.com

August 6, 2021

T 212.370.6289 F 212.307.5598 MBallard@Venable.com

UNDER SEAL FILED IN-PERSON

Hon. Victor Marrero Daniel Patrick Moynihan United States Courthouse 500 Pearl St. New York, NY 10007-1312

Re: Playboy Enterprises International, Inc. v. Playboy Enterprises, Inc., et al., U.S. District Court Southern District of New York - *SEALED CASE* - Civ. No.

21-cv-6419

Dear Judge Marrero:

We represent Plaintiff Playboy Enterprises International, Inc. ("Plaintiff") and write to provide the Court with an update pursuant to the Court's July 29, 2021 Order ("Order"). First, we have served the Defendants and third parties pursuant to the Order and include the Affidavit of Service relating to service as **Exhibit A** hereto. Second, Plaintiff has not heard from any Defendants and thus will be providing a unilateral report on the proposed briefing schedule and upcoming hearing scheduled for August 12, 2021 as detailed below.

Plaintiffs served Defendants on August 4, 2021 pursuant to the Order. Plaintiff's counsel has not received any correspondence from any of the Defendants and accordingly we could not confer with the Defendants or any of their representatives to submit a joint update to the Court or a proposed briefing schedule.

Plaintiff is prepared to request at the August 12, 2021 hearing that the Court confirm its seizure order and convert the temporary restraining order in this case to a preliminary injunction. At that time Plaintiff will also request that the security for the seizure order be released, and that the security for the temporary restraining order be converted to security for a preliminary injunction.

Respectfully submitted,

Marcella Ballard

VENABLE LLP

Attorneys for Plaintiff Playboy Enterprises International, Inc.

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

PLAYBOY ENTERPRISES : INTERNATIONAL, INC.,

Civil Action No. 21-cv-06419

Plaintiff,

v.

FILED UNDER SEAL

PLAYBOY ENTERPRISES, INC., et al.,

Defendant.

AFFIDAVIT OF SERVICE

I, John Hood, swear and state as follows:

- 1. I am over the age of eighteen (18) and am competent to attest to this Declaration.
- 2. I have personal knowledge of the facts set forth herein, and if called to testify, I could and would testify competently hereto.
- 3. I am Director of Operations at LSS Consulting, Inc. ("LSS"), a licensed, bonded, and insured investigation firm retained by Plaintiff Playboy Enterprises International, Inc. ("Playboy") to investigate multiple Fraudulent Entities¹ and addresses associated with the Defendants and their counterfeiting operation.
- 4. Pursuant to the Court's order granting alternative service via email or other electronic means and/or by overnight courier, I served the Defendants via email and overnight courier on April 4, 2021. Details of that service of process are below.

¹ All undefined terms are defined as in Playboy's Complaint [ECF 1].

- 5. On August 4, 2021, I served a copy of the following materials on the Defendants² via email requesting delivery and read receipts:
 - a. Complaint
 - i. Complaint Exhibits 1-9
 - b. Plaintiff's Ex Parte Motion for Order Sealing Record
 - i. Proposed Order Granting Motion to Seal
 - ii. Order granting motion to seal
 - c. Plaintiff's Emergency Ex Parte Application for Temporary Restraining Order and Additional Relief
 - i. Memorandum of Law in Support of Ex Parte Application
 - ii. Proposed Order Granting Emergency *Ex Parte* Motion for Temporary Restraining Order and Additional Relief
 - d. Declaration of Marcella Ballard in Support of Plaintiff's Emergency *Ex Parte* Motion and Exhibit
 - e. Declaration of John Hood in Support of Plaintiff's Emergency *Ex Parte* Motion and Exhibit
 - f. Declaration of Jennifer McCarthy in Support of Plaintiff's Emergency *Ex Parte* Motion and Exhibit
 - g. Order Granting Ex Parte Relief and Order to Show Cause Setting Hearing
 - h. Rule 7.1 Corporate Disclosure Statement for Plaintiff Playboy Enterprises International, Inc.
 - i. AO 120 Form Report on Filing of Action Regarding a Patent or Trademark
 - j. AO 121 Form Report on Filing of Action Regarding a Copyright
 - k. Summonses Issued By the Clerk of the Court
 - 6. The text of each email read substantially as follows:

Dear Sir or Madam:

You have been named as a defendant in a complaint filed by Playboy Enterprises International, Inc. ("Plaintiff") in the United States District Court for the Southern District of New York. Pursuant to the Order granting Plaintiff's Motion for *Ex Parte* Temporary Restraining Order and Other Relief (enclosed within link), the Court has permitted service in this matter via email and overnight courier, among other

² Playboy Enterprises, Inc.; PLBY Group, Inc.; Junhan Huang, aka John Huang; Mountain Crest Acquisition Corp., Playboy Enterprises (Asia) Limited; Wong's Capital Holding Group Limited; Playboy (China) Brand Management Center; Playboy Tobacco Group Limited; Huahua Rabbit (Xiamen) Health Science and Technology Co., Ltd.; Haihan Fashion (Shanghai) Enterprises Development Co., Ltd., Bunnies Owner Group; Bunnygirl Certification Institute; Bunny Girl Foundation; Bunny Girl Union; Bunny Hunter LLC; International Model Certification Association; Playboy Enterprises International, Inc.; Pleasure International Corp.; Wong's Bank Group; Wong's Foundation; Wong's International Bank; Wong's Syndicate; World Future Leader University; World Industrial Capital Organization, Fu Manhua, Ming Cai, Lingling Zhang, John Fu, and E-Mode Limited (collectively "Defendants")

means. You are hereby served with the following documents accessible via this link: https://venable.sharefile.com/d-s975c2279e8e44495bfcf61f34e6f0e2f

- 1. Complaint
 - a. Complaint Exhibits 1-9
- 2. Plaintiff's Ex Parte Motion for Order Sealing Record
 - a. Proposed Order Granting Motion to Seal
- 3. Plaintiff's Emergency Ex Parte Application for Temporary Restraining Order and Additional Relief
 - a. Memorandum of Law in Support of Ex Parte Application
 - b. Proposed Order Granting Emergency *Ex Parte* Motion for Temporary Restraining Order and Additional Relief
- 4. Declaration of Marcella Ballard in Support of Plaintiff's Emergency Ex Parte Motion and Exhibit
- 5. Declaration of John Hood in Support of Plaintiff's Emergency Ex Parte Motion and Exhibit
- 6. Declaration of Jennifer McCarthy in Support of Plaintiff's Emergency Ex Parte Motion and Exhibit
- 7. Order Granting Ex Parte Relief and Order to Show Cause Setting Hearing
- 8. Rule 7.1 Corporate Disclosure Statement for Plaintiff Playboy Enterprises International, Inc.
- 9. AO 120 Form Report on Filing of Action Regarding a Patent or Trademark
- 10. AO 121 Form Report on Filing of Action Regarding a Copyright
- 11. Summonses Issued By the Clerk of the Court
- 12. Document Preservation Letter

Please take notice that the U.S. District Court for the Southern District of New York granted Playboy Enterprises International, Inc.'s Motion for a Temporary Restraining Order on July 29, 2021. A copy of the order—which you must fully comply with—along with all supporting documents, are accessible via the link above. The documents are available via the above link until January 11, 2022. Please confirm receipt of this e-mail, and please let us know <u>immediately</u> if you have any trouble accessing the linked documents. If we do not hear from you, we will assume you were able to access the linked documents without any trouble.

In particular, please pay attention to the attached (1) Summons(es) issued in your name(s), and (2) Order granting (i) Ex Parte Temporary Restraining Order and Additional Relief, and (ii) setting a hearing date of August 12, 2021 at 11:30 AM Eastern Standard Time telephonically. These Orders require your immediate attention, in that they require you to take and refrain from certain activities, among other things. Violation of these Orders, and failure to appear at the August 12, 2021 hearing, could result in adverse action being taken against you.

Sincerely,

John Hood

- 7. A list of Defendants' email addresses that were served by me on August 4, 2021 is attached as **Exhibit A**.
- 8. True and correct copies of the delivery receipts I received from the service emails I sent are attached within **Exhibit B** attached hereto.

- 9. I received an undeliverable receipt from the email support@playboygo.com. As an alternative, I also emailed akosikey247@gmail.com, an email I believe to also be associated with the Defendants, on April 4, 2021. I received a delivery receipt to the email sent to akosikey247@gmail.com, which is also included within Exhibit B.
- 10. Additionally, on August 4, 2021, I served a copy of the following on physical addresses associated with the Defendants:
 - a. Complaint
 - 1. Complaint Exhibits 1-9
 - b. Plaintiff's Ex Parte Motion for Order Sealing Record
 - 1. Proposed Order Granting Motion to Seal
 - 2. Order granting motion to seal
 - c. Plaintiff's Emergency *Ex Parte* Application for Temporary Restraining Order and Additional Relief
 - 1. Memorandum of Law in Support of Ex Parte Application
 - 2. Proposed Order Granting Emergency *Ex Parte* Motion for Temporary Restraining Order and Additional Relief
 - d. Declaration of Marcella Ballard in Support of Plaintiff's Emergency *Ex Parte* Motion and Exhibit
 - e. Declaration of John Hood in Support of Plaintiff's Emergency *Ex Parte* Motion and Exhibit
 - f. Declaration of Jennifer McCarthy in Support of Plaintiff's Emergency *Ex Parte* Motion and Exhibit
 - g. Order Granting Ex Parte Relief and Order to Show Cause Setting Hearing
 - h. Rule 7.1 Corporate Disclosure Statement for Plaintiff Playboy Enterprises International, Inc.
 - i. AO 120 Form Report on Filing of Action Regarding a Patent or Trademark
 - j. AO 121 Form Report on Filing of Action Regarding a Copyright
 - k. Summonses Issued By the Clerk of the Court
 - 1. Document Preservation Letter
- 13. A list of all Defendants with known physical addresses and their corresponding registered addresses that were served via overnight courier on August 4, 2021 is attached as

Exhibit C.

14. True and correct copies of photographs of the overnight courier service packets and tracking numbers are attached within **Exhibit D**.

I swear under penalty of perjury that the foregoing is true and correct.

Executed on August 4, 2021

JOHN HOOD

SOPHIA KIAFOULIS NOTARY PUBLIC, STATE OF MI COUNTY OF OAKLAND

MY COMMISSION EXPIRES Jul 19, 2025 ACTING IN COUNTY OF COLL CONT

EXHIBIT A

- 1. business@playboy.com.hk
- 2. info@playboy.com.hk
- 3. info@playboylicense.com
- 4. licensing@playboyint.com
- 5. china@playboylicense.com
- 6. reena@playboylicense.com
- 7. john@playboy.com.hk
- 8. joanna@playboy.com.hk
- 9. David.zhang@besto.vip
- 10. support@playboygo.com
- 11. info@papa-int.com

EXHIBIT B

<MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@LSSConsultingInc.onmicro</p>

soft.com>

To: david.zhang@besto.vip

Sent: Wednesday, August 4, 2021 11:57 AM

Subject: Relayed: FW: URGENT & CONFIDENTIAL- Playboy Enterprises International, Inc. v.

Playboy Enterprises, Inc., Case No. 21-cv-6419 (VM) *SEALED CASE* - Service of Process

& Court Order

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

david.zhang@besto.vip (david.zhang@besto.vip)

<MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@LSSConsultingInc.onmicro</p>

soft.com>

To: info@playboy.com.hk

Sent: Wednesday, August 4, 2021 11:47 AM

Subject: Relayed: URGENT & CONFIDENTIAL- Playboy Enterprises International, Inc. v. Playboy

Enterprises, Inc., Case No. 21-cv-6419 (VM) *SEALED CASE* - Service of Process & Court

Order

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

info@playboy.com.hk (info@playboy.com.hk)

From:

Microsoft Outlook

< Microsoft Exchange 329 e 71 e c 88a e 4615 bbc 36a b 6 c e 4110 9 e @ LSS Consulting Inc. on micro

soft.com>

To:

joanna@playboy.com.hk

Sent:

Wednesday, August 4, 2021 11:56 AM

Subject:

Relayed: FW: URGENT & CONFIDENTIAL- Playboy Enterprises International, Inc. v.

Playboy Enterprises, Inc., Case No. 21-cv-6419 (VM) *SEALED CASE* - Service of Process

& Court Order

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

joanna@playboy.com.hk (joanna@playboy.com.hk)

< Microsoft Exchange 329 e 71 e c 88a e 4615 bbc 36a b 6 c e 4110 9 e @ LSS Consulting Inc. on micro

soft.com>

To: john@playboy.com.hk

Sent: Wednesday, August 4, 2021 11:55 AM

Subject: Relayed: FW: URGENT & CONFIDENTIAL- Playboy Enterprises International, Inc. v.

Playboy Enterprises, Inc., Case No. 21-cv-6419 (VM) *SEALED CASE* - Service of Process

& Court Order

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

john@playboy.com.hk (john@playboy.com.hk)

soft.com>

To: licensing@playboyint.com

Sent: Wednesday, August 4, 2021 11:49 AM

Subject: Relayed: URGENT & CONFIDENTIAL- Playboy Enterprises International, Inc. v. Playboy

Enterprises, Inc., Case No. 21-cv-6419 (VM) *SEALED CASE* - Service of Process & Court

Order

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

licensing@playboyint.com (licensing@playboyint.com)

< Microsoft Exchange 329 e 71 e c 88a e 4615 b b c 36a b 6 c e 4110 9 e @ LSS Consulting Inc. on micro

soft.com>

To: akosikey247@gmail.com

Sent: Wednesday, August 4, 2021 12:56 PM

Subject: Relayed: URGENT & CONFIDENTIAL- Playboy Enterprises International, Inc. v. Playboy

Enterprises, Inc., Case No. 21-cv-6419 (VM) *SEALED CASE* - Service of Process & Court

Order

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

akosikey247@gmail.com (akosikey247@gmail.com)

<MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@LSSConsultingInc.onmicro</p>

soft.com>

To: business@playboy.com.hk

Sent: Wednesday, August 4, 2021 11:45 AM

Subject: Relayed: URGENT & CONFIDENTIAL- Playboy Enterprises International, Inc. v. Playboy

Enterprises, Inc., Case No. 21-cv-6419 (VM) *SEALED CASE* - Service of Process & Court

Order

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

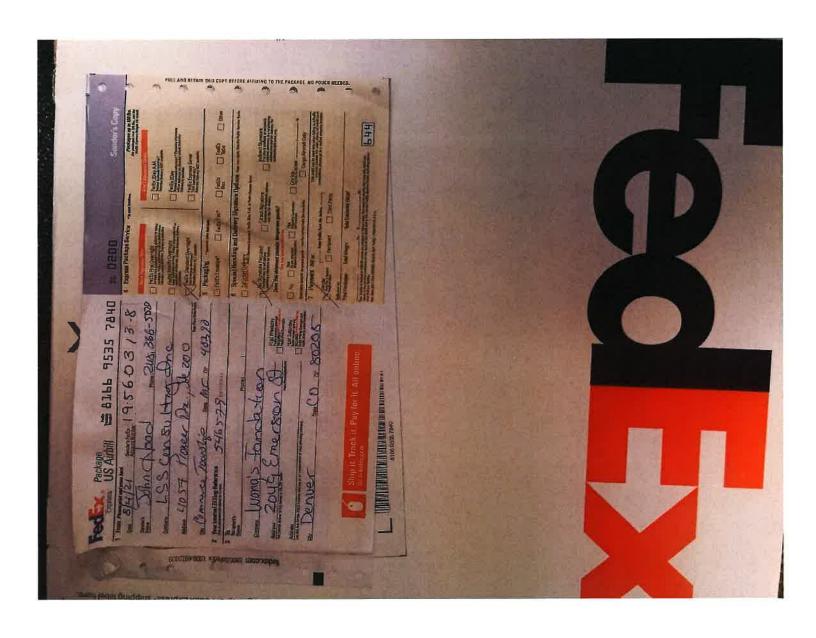
business@playboy.com.hk (business@playboy.com.hk)

EXHIBIT C

Entity/Individual	Contact Information
Bunnies Owner Group	3140 Blanchard St.
	Los Angeles, CA 90063
Bunny Girl Foundation	3230 Walnut St.
	Denver, CO 80205
Bunny Girl Union	1620 Waterloo St.
	Los Angeles, CA 90026
Bunny Hunter LLC	446 W. 58th St.
	New York, NY 10019
Bunnygirl Certification Institute	2225 Emerson St.
	Denver, CO 80205
International Model Certification Association	811 Fedora St.
	Los Angeles, CA 90005
Mountain Crest Acquisition Corp.	529 W. 150th St.
	New York 10031
Playboy Enterprises, Inc.	316 W. 95th St.
	New York, NY 10025
Playboy Enterprises International, Inc.	115 Broad St. Sw
	Atlanta, GA 30303
PLBY Group, Inc.	511 W. 134th St.
	New York, NY 10031
Pleasure International Corp.	127 Post Ave
	New York, NY 10034
Wong's Bank Group	2747 Arapahoe St.
	Denver, CO 80205
Wong's Foundation	2049 Emerson St.
	Denver, CO 80205
Wong's International Bank	2512 California St.
	Denver, CO 80205
Wong's Syndicate	1025 Kirkwood St.
	Wilmington, DE 19801
World Future Leader University	861 Galapago St.
	Denver, CO 80204
World Industrial Capital Organization	5030 Boardwalk Drive,
	Suite 818
	Colorado Springs, CO
	80919

EXHIBIT D





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