

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (CINCINNATI)

SLS FRANCHISE SYSTEMS, LLC,	:	Case No. 1:17-cv-00136
Plaintiff,	:	Judge Michael R. Barrett
v.	:	Magistrate Judge Stephanie K. Bowman
	:	
D & P Inman, LLC f/k/a SLS Inman,	:	
L.L.C. f/k/a Scotts LawnService, L.L.C., <u>et</u>	:	
<u>al.</u> ,	:	<u>TEMPORARY RESTRAINING ORDER</u>
	:	
Defendants.	:	
	:	

This matter is before the Court on Plaintiff's Motion for Temporary Restraining Order (Doc. 3). Upon review and for cause shown, the Court ORDERS that, pending further Order of this Court, Defendants D&P Inman, LLC f/k/a SLS Inman, L.L.C. f/k/a Scotts LawnService, L.L.C. ("D&P"), Legacy Lawn, LLC d/b/a Legacy Lawns ("Legacy Lawns"), and Dwight Knackstedt, Pamela Knackstedt, and Tyler Knackstedt (the "Knackstedt Defendants") (collectively "Defendants"), their directors, officers, agents, servants, employees, and attorneys, and all others in active concert or participation with them are:

1. Prevented from engaging in any business competitive with or similar to, a business involving the provision or sale of lawn care services, including seeding, fertilization, aeration, weed control, lawn pest control, lawn disease control or lawn repair, within the following zip codes in Kansas: 67583, 67514, 67566, 67570, 67543, 67581, 67568, 67573, 67512, 67510, 67579, 67561, 67524, 67427, 67444, 67554, 67501, 67505, 67502, 67522, 67546, 67457, 67491, 67464, 67442, 67425, 67020, 67056, 67062, 67107, 67460, 67456, 67416, 67443, 67428, 67476, 67114, 67117, 67151, 67401, 67448, and 67470;
2. Ordered to comply with the following post-termination obligations in Section 13.1 of the Franchise Agreement:
 - (a) cease using in any manner whatsoever, any equipment, materials, confidential methods, procedures and techniques associated with the Scotts LawnService system;

(b) make modifications or alterations to the trucks and lawn care equipment used in Defendants' previous Scotts LawnService business as may be necessary to cease utilizing any trade dress, designation of origin, description or representation which falsely suggests or represents an association or connection with Scotts LawnService;

(c) turn over to SLS all manuals, including the operations manual and the software sublicensed, if any, to Defendants by SLS;

(d) turn over to SLS all customer lists and customer records in all forms and media, computer files, records, files, instructions, correspondence, and materials including, without limitation, brochures, agreements, disclosure statements and any and all other materials relating to Defendants' former Scotts LawnService business in their possession including all copies thereof; and

(e) assign to SLS or its designee all telephone numbers previously associated with D&P and the Knackstedt Defendants' Scotts LawnService business, including, but not limited to, 620-585-2378; and

3. Prohibited from soliciting, contacting, diverting or attempting to divert any of the Defendants' former 877 customers that it sold to SLS to any competitor, including Legacy Lawns, by direct or indirect inducement or otherwise, or to perform, directly or indirectly, any other act injurious or prejudicial to the goodwill associated with SLS's name, advertisements, reputation, goodwill, intellectual property, or Business System.

Pursuant to Section 15.1 of the Franchise Agreement between the parties, no bond is required in this matter.

This Order is entered on March 20, 2017 and shall expire within 14 days of this date, unless further extended for cause shown or agreement of the Parties. This matter shall be set for a Preliminary Injunction hearing before the Honorable Michael R. Barrett. A telephonic status conference is set in this case for March 27, 2017 at 3:30 p.m.

IT IS SO ORDERED.

s/Michael R. Barrett
Michael R. Barrett, Judge
United States District Court