

EXHIBIT H

IN UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

X
BRAVADO INTERNATIONAL GROUP
MERCHANDISING SERVICES, INC.,
BRAVADO INTERNATIONAL GROUP
MERCHANDISING SERVICES, LTD., JON
BONGIOVI p/k/a JON BON JOVI, DAVID
BRYAN RASHBAUM, RICHARD SAMBORA,
HECTOR TORRES collectively and professionally
known as BON JOVI, BON JOVI TOURS, INC.
and BON JOVI PRODUCTIONS, INC.,

Plaintiffs,

-against-

VARIOUS JOHN DOES, JANE DOES and
ABC COMPANIES,

Defendants.
_____X

CIVIL ACTION NO.
00 CIV 5643

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 17th day of November, 2000 at
9:00 o'clock ^{a.m.} in the United States District Court for the Eastern District of Pennsylvania, Courtroom
No. 3A, 601 Market Street, Philadelphia, Pennsylvania why an order pursuant to Rule 65 FRCP
should not be entered granting to plaintiffs a preliminary injunction enjoining defendants from

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A TRUE COPY CERTIFIED FROM THE RECORD

DATED: 11/18/00

ATTEST: [Signature]

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manufacturing, distributing, selling or holding for sale and authorizing seizure of all clothing, jewelry, photographs, posters and other merchandise bearing the name, logos, trade name and trademark of Bon Jovi and/or the likenesses of the individual members of Bon Jovi and/or replicas of artwork embodied on jackets containing the recordings of Bon Jovi;

MERCHANDISING SERVICES, INC. CIVIL ACTION NO.
MERCHANDISING SERVICES, INC., JON

AND it appearing to the Court that defendants are distributing and are about to continue to distribute in interstate commerce and sell at or near the sites of the current Bon Jovi United States concert tour, clothing, jewelry, photographs, posters and other merchandise bearing the name, logos, trade name and trademark of Bon Jovi and/or the likenesses of the individual members of Bon Jovi and/or replicas of artwork embodied on the jackets of recordings of Bon Jovi 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 Bon Jovi concert tour, infringing merchandise of Bon Jovi 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 Bon Jovi trademark, interference with plaintiffs' ability to exploit their own merchandising rights, confusion in the marketplace as to the duly authorized source of Bon Jovi merchandise and the impairment of the goodwill that plaintiffs have in the Bon Jovi name and trademark, it is hereby

ORDERED, that pending the hearing and determination of this motion, or the expiration of ten (10) days from the date hereof, whichever shall first occur, 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 Bon Jovi name, trademark, logos and/or likenesses of the individual members of Bon Jovi and/or artwork embodied on jackets containing recordings of Bon Jovi; 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 and imitation Bon Jovi merchandise including the containers or vehicles in which same is held or transported, which defendants sell, attempt to sell or hold for sale wherever found;

AND the U.S. Marshal(s), state, county or local law enforcement authorities and persons acting under their supervision shall consider all clothing, jewelry, photographs, posters and other merchandise bearing the Bon Jovi name, logos and/or trademark, the likenesses of the individual members of Bon Jovi and/or artwork contained on covers containing the recordings of Bon Jovi sold or held for sale before, during and after Bon Jovi concerts including those scheduled to be performed on the following dates and at the following places listed below, to be infringing articles subject to the provisions of this Temporary Restraining Order and Order of Seizure above recited:

Within five miles of the exterior border of all Bon Jovi concert performances including the area comprising:

| <u>Date</u> | <u>Location</u> |
|-------------|--|
| 11/10/00 | First Union Center Philadelphia, PA |
| 11/12/00 | Mellon Arena Pittsburgh, PA |
| 11/14/00 | First Union Arena Wilkes Barre, PA |
| 11/16/00 | Continental Arena East Rutherford, NJ |
| 11/18/00 | Palace of Auburn Hills Auburn Hills, MI |

and it is further

ORDERED, that this Temporary Restraining 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 the plaintiffs shall be deemed substitute custodian for all merchandise seized, and it is further

Philadelphia, PA

11/17/00
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 5:00 p.m., November 16, 2000, and it is further

ORDERED, that because of the numerous defendants, that 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: November 8, 2000

Time: 10:52 a.m.

UNITED STATES DISTRICT JUDGE

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IN UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

X
BRAVADO INTERNATIONAL GROUP
MERCHANDISING SERVICES, INC.,
BRAVADO INTERNATIONAL GROUP
MERCHANDISING SERVICES, LTD., JON
BONGIOVI p/k/a JON BON JOVI, DAVID
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known as BON JOVI, BON JOVI TOURS, INC.
and BON JOVI PRODUCTIONS, INC.,

CIVIL ACTION NO.
00 CIV 5643

PRELIMINARY
INJUNCTION

Plaintiffs,

-against-

VARIOUS JOHN DOES, JANE DOES and
ABC COMPANIES,

Defendants.
_____X

Plaintiffs having moved by Order to Show Cause, with Temporary Restraining Order and Order of Seizure, for a Preliminary Injunction enjoining and restraining the defendants from manufacturing, selling and distributing clothing, jewelry, photographs, posters and other merchandise bearing the name, trade name, logos, likenesses and trademark of the musical group known as Bon Jovi and/or replicas of artwork embodied on jackets containing the recordings of Bon Jovi and ordering the seizure and impounding of such articles; and service of the Order to Show Cause, Summons and Complaint having been effected upon 9 of such persons and duly authorized persons having seized and impounded said merchandise; and a hearing having been held on the 17th day of November, 2000 and M. Kelly Tillery appearing on behalf of plaintiffs, and there being no appearances

A TRUE COPY CERTIFIED FROM THE RECORD

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DATED: Nov 17, 2000

ATTEST: W. Kelly Tillery

DEPUTY CLERK UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

in opposition; and there being additional unidentified defendants who continue and are about to distribute or sell such merchandise who have not yet been served with process, who will unless restrained by this court, irreparably harm plaintiffs through illegal sales of said merchandise.

IT IS HEREBY ORDERED THAT, the defendants are preliminary enjoined and restrained from:

(a) using the Bon Jovi name, trade name, trademark or logos or any colorable imitations thereof and/or using the likenesses of the members of Bon Jovi and/or replicas of artwork embodied on jackets containing the recordings of Bon Jovi on or in connection with the sale, offering for sale, distribution or advertising of any clothing, jewelry, photographs, posters and other merchandise;

(b) manufacturing, distributing, selling or holding for sale any clothing, jewelry, photographs, posters and other merchandise bearing or otherwise using the Bon Jovi name, trade name, logos, trademark or likenesses and/or replicas of artwork embodied on jackets containing the recordings of Bon Jovi; and

(c) aiding, abetting, encouraging or inducing others to do any of the acts herein enjoined.

IT IS FURTHER ORDERED THAT the U.S. Marshal(s), or state, county or local law enforcement authorities for any district and/or Peter Merluzzi in which plaintiffs enforce this order and/or persons acting under their supervision are hereby authorized and directed to seize and impound,

wherever found, any and all merchandise bearing the Bon Jovi name, trademark, logos and/or likenesses and/or replicas of artwork embodied on jackets containing recordings of Bon Jovi, including the containers and vessels in which same is held or transported, which the defendants, their agents, servants, employees, successors and assigns, and all persons, firms and corporations acting in concert with said defendants, may hereafter distribute, sell or hold for sale, within five miles of the exterior borders of and including the area comprising each venue at which Bon Jovi concerts are performed throughout the United States.

IT IS FURTHER ORDERED THAT a copy of this Order and the Summons and Complaint in this action shall be served upon such person(s) at the time such seizure is effected.

IT IS FURTHER ORDERED THAT the \$5,000.00 bond that was posted by plaintiffs with respect to the Temporary Restraining Order is hereby continued 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 hereunder.


IT IS FURTHER ORDERED THAT the process server shall offer a receipt to each person from whom merchandise is seized and that plaintiffs and/or their representatives shall be deemed substitute custodians for all merchandise seized.

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.

IT IS FURTHER ORDERED THAT any "John Doe" defendant who is hereafter served with a copy of this Preliminary Injunction and who objects to the provisions hereof may submit his or her objection to this Court by Answer to the Complaint or Motion for other relief, but no such objection shall serve to stay this Order unless otherwise ordered by this Court.

Dated: November 7th, 2000
Philadelphia, PA


UNITED STATES DISTRICT JUDGE

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