

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

SYLVIA CONDE d/b/a LA
CALANDRIA TORTILLERIA,

Plaintiff,

v.

QUEZADA BROS., a business
entity, EMELIO QUEZADA, JOEL
QUEZADA, JESUS NAVARRETTE,
EL JAZMIN DISTRIBUTOR, a
business entity,

Defendants.

NO. CV-06-171-LRS

TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION

On June 15, 2006, the Motion of Plaintiff, SYLVIA CONDE d/b/a LA CALANDRIA TORTILLERIA, (hereinafter La Calandria") for a Temporary Restraining Order and Order to Show Cause Re Preliminary Injunction was heard before this Court on short notice. Plaintiff was represented by David M. Rose. Steven H. Sackmann appeared on behalf of Defendants. Plaintiff and Defendants agreed to the issuance of this Temporary Restraining Order and Order to Show Cause as hereafter set forth. Having reviewed all papers filed in support of the Motion, as well as any papers filed in opposition to the Motion, and having heard argument on the manner, the Court finds that La Calandria has demonstrated a probability of success on the merits and will suffer irreparable injury to its trade name

1 "La Calandria" and its trademark La Calandria before this matter
2 can be heard on regular notice and, therefore, issues its
3 Temporary Restraining Order and Order to Show Cause as follows:

4 **IT IS HEREBY ORDERED** that Defendants, QUEZADA BROS., a
5 business entity, EMELIO QUEZADA, JOEL QUEZADA, EL JAZMIN
6 DISTRIBUTOR, a business entity, (hereinafter "Defendants"), shall
7 appear in this Court, located at 25 S. 3rd St., Yakima,
8 Washington, on **July 6, 2006, at 9:30 a.m.** to show cause, if there
9 is any, why Defendants, their agents, corporate officers,
10 employee, contractors, successors, subsidiaries, designees and
11 affiliates should not be enjoined and restrained pending a final
12 determination of this present action from promoting, advertising,
13 publicizing in media, and marketing and selling products under the
14 name "Las Calandrias", or any other name or mark incorporating the
15 name "La Calandria" anywhere in the State of Washington and State
16 of Oregon.

17 **IT IS FURTHER ORDERED** that pending a hearing and
18 determination on the above Order to Show Cause, Defendants, their
19 agents, corporate officers, employees, contractors, successors,
20 subsidiaries, designees, and affiliates, shall be, and hereby are,
21 restrained and enjoined from directly or indirectly promoting,
22 advertising, publicizing in media, and marketing and selling
23 tortilla products or any related product in the States of
24 Washington and Oregon under the name "Las Calandrias" or "La
25 Calandria", or any other name or mark incorporating the name "La
26 Calandria" anywhere in the States of Washington and Oregon.

27 Plaintiff's counsel has represented that the complaint and
28 all of the documents in support of Plaintiff's Motion for a

1 Temporary Restraining Order have already been sent to Defendants
2 at their business office.

3 **IT IS FURTHER ORDERED** that copies of this Temporary
4 Restraining Order and Order to Show Cause shall be served on
5 Defendants by placing in overnight, next day delivery to
6 Defendants and Defendants' counsel no later than June 16, 2006.
7 Proof of Service shall be filed no later than three (3) court days
8 before the hearing. Any response or opposition by Defendants to
9 this Order to Show Cause must be electronically filed and
10 therefore electronically served on Plaintiff's counsel no later
11 than four (4) court days before the date set for hearing. Any
12 reply of Plaintiff related to this Order to Show Cause must be
13 electronically filed and electronically served no later than one
14 (1) court day before the hearing.

15 **IT IS SO ORDERED.**

16 DATED this 15th day of June, 2006.

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18 ***s/Lonny R. Suko***

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20 LONNY R. SUKO
21 UNITED STATES DISTRICT JUDGE
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