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THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE AMERICAN AUTOMOBILE)
ASSOCIATION, INC.,)
)
Plaintiff,)
)
v.)
)
AAA ALL PRO AUTO BELLEVUE, INC.;)
AAA ALL PRO AUTO REDMOND, INC.;)
GUY LOBIE; ROBERT PEAK aka ROBERT)
PARK, and JIM WENDT,)
)
Defendants.)
_____)

Case No. 2:13-cv-01210-RAJ

CONSENT ORDER OF JUDGMENT

WHEREAS, The American Automobile Association, Inc. (“AAA”) has brought an action in this Court against AAA All Pro Auto Bellevue, Inc., AAA All Pro Auto Redmond, Inc., Guy Lobie, Robert Peak (a/k/a Robert Park), and Jim Wendt (the “Defendants”) alleging that the Defendants have knowingly and willfully violated AAA’s rights in its famous and distinctive AAA trademarks (“AAA Marks”), in violation of the Federal Trademark Act (“Lanham Act”), 15 U.S.C. §§ 1114, 1125, and Washington law, by making unauthorized use of the AAA Marks in the business names AAA All Pro Auto Repair, AAA All Pro Auto Care, AAA All Pro Auto Bellevue, Inc., and AAA All Pro Auto Redmond, Inc.;

WHEREAS, the Court has jurisdiction over this civil action by virtue of 28 U.S.C. §§ 1331, 1337, 1338, and 1367;

CONSENT ORDER OF JUDGMENT - 1
NO. 2:13-CV-01210-RAJ

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1 WHEREAS, AAA and Defendants AAA All Pro Auto Bellevue, Inc., AAA All Pro
2 Auto Redmond, Inc., and Robert Peak (the “Settling Defendants”) have entered into a
3 Confidential Settlement Agreement and Release (“Settlement Agreement”) to resolve any and
4 all controversies and disputes between them existing as of this date;

5 WHEREAS, pursuant to that Settlement Agreement, AAA has agreed to dismiss its
6 claims against the Settling Defendants for damages and attorneys’ fees and costs;

7 WHEREAS, the Settling Defendants waive all defenses or counterclaims which they
8 might otherwise raise at a trial on the merits of AAA’s demand for a temporary restraining
9 order, preliminary injunction, permanent injunction, and/or damages; and

10 WHEREAS, the Settling Defendants consent and agree that this Court enter a judgment
11 permanently enjoining them from unauthorized use of AAA’s trademarks, or of marks
12 confusingly similar to any of them.

13 NOW THEREFORE, the Court does hereby ORDER as follows:

14 1. That Settling Defendants, their agents, attorneys, representatives, employees,
15 and all persons in active concert or participation with them who receive notice hereof, are
16 hereby permanently enjoined from any unauthorized use of AAA’s trademarks, or of marks
17 confusingly similar to any of them (the “Injunction”);

18 2. That the Settling Defendants are ordered to take all necessary steps to cause the
19 registrar of the domain name AAAALLPROAUTOCAREREDMOND.COM -- currently
20 Register.com, Inc. -- to transfer to AAA the domain name and any other domain names
21 containing the AAA Marks;

22 3. That each and every claim for damages, penalties, costs, and attorneys’ fees by
23 AAA against the Settling Defendants, other than the permanent injunction granted herein, is
24 hereby dismissed without prejudice pursuant to representations made by the Settling
25 Defendants in the Settlement Agreement, and subject to fulfillment of all obligations set forth
26 in the Settlement Agreement, except for such damages, penalties, costs, and/or attorneys’ fees
27 which might result from any violation of this Consent Order of Judgment; and

1 4. That this case shall be closed as against the Settling Defendants, except that this
2 Court shall retain jurisdiction for the purpose of enforcing the Settlement Agreement and this
3 Consent Order of Judgment.

4 DATED this 5th day of May, 2014.

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6 

7 The Honorable Richard A. Jones
8 United States District Judge

9
10
11 BY CONSENT OF PLAINTIFF:

12
13 *s/Erin M. Wilson*

14

Larry S. Gangnes, WSBA No. 08118
15 Erin M. Wilson, WSBA No. 42454
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19 *Attorney for Plaintiff*
20 *The American Automobile Association, Inc.*

21 OF COUNSEL:

22 Neil K. Roman
23 Hope Hamilton
24 COVINGTON & BURLING LLP
25 1201 Pennsylvania Avenue, N.W.
26 Washington, D.C. 20004-2401

BY CONSENT OF DEFENDANTS AAA
ALL PRO AUTO BELLEVUE, INC., AAA
ALL PRO AUTO REDMOND, INC., AND
ROBERT PEAK:

13 *See Signature Attached to Dkt. # 14*

14

Robert Peak
15 549 11th Avenue W
16 Kirkland, Washington 98052
17 Phone: 425.503.1937

18 *Defendant, Pro Se, in his individual capacity*
19 *and on behalf of AAA All Pro Auto Bellevue,*
20 *Inc. and AAA All Pro Auto Redmond, Inc.*