

Honorable Michelle L. Peterson

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

EKO BRANDS, LLC,

Plaintiff,

v.

ADRIAN RIVERA MAYNEZ
ENTERPRISES, INC.; and ADRIAN
RIVERA,

Defendants.

Civil Action No. 15-cv-522MLP

AMENDED STIPULATED MOTION AND
ORDER TO DISBURSE FUNDS

NOTE ON MOTION CALENDAR:
April 23, 2020

STIPLULATION

The Court issued judgment in this case on July 13, 2018, which included a monetary award and post-judgment interest. (Dkt. 273) The parties stipulated to a deposit into the Court’s registry pending appeal (Dkt. 305), and Defendants deposited into the Court’s registry \$440,000 on August 23, 2018 (see Receipts re 305 Order) pursuant to the parties’ stipulation and the Court’s order setting the deposit amount (Dkt. 303).

The Federal Circuit Court of Appeals affirmed the final judgment in this case in *Eko Brands, LLC v. Adrian Rivera Maynez Enters.*, 2020 U.S. App. LEXIS 962 (Fed. Cir. Jan. 13, 2020). The parties have agreed not to seek rehearing or further appeal the Federal Circuit decision and wish to expeditiously conclude this matter, disburse the award and accrued interest to Plaintiff in the principal amount of \$347,487.13 plus all accrued interest through April 4, 2020, and refund

AMENDED STIPULATED MOTION AND ORDER
ORDER TO DISBURSE FUNDS - 1

Civil Action No. 15-cv-522MLP
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LOWE GRAHAM JONES PLLC


701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301

1 the balance to Defendants. W9s for the parties’ respective firms shall be provided via email to
2 seafin@wawd.uscourts.gov.

3 The parties agree that such disbursement will constitute full and final satisfaction of the
4 monetary judgment in this case. The parties disagree regarding the extent to which (if at all) the
5 present judgment amounts to an election of remedies or otherwise operates to create a double
6 recovery in a separate action for trademark infringement with respect to overlapping goods in *Eko*
7 *Brands, LLC v. Adrian Rivera Maynez Enters.*, WAWD Case No. 17-cv-894TSZ (the “Trademark
8 Matter”), as well as whether the entry of this stipulation or Eko’s acceptance of the distribution
9 bars recovery in the Trademark Matter. With respect to such arguments, each of the parties reserves
10 their respective rights.

11
12 s/David A. Lowe, WSBA No. 24,453
Lowe@LoweGrahamJones.com
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15 Seattle, WA 98104
16 T: 206.381.3300
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18 Attorneys for Plaintiff

12 s/William A. Delgado, Pro Hac Vice
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13 DTO LAW
14 700 S. Flower Street, Suite 1000
15 Los Angeles, CA 90017
16 T: 213.335.6999
17 F: 203.335.7802

18 Attorneys for Defendants

ORDER DISBURSING REGISTRY FUNDS

The Courts GRANTS the parties’ stipulation. The clerk is authorized and directed to draw checks on the funds deposited in the registry of this court from the principal amount of \$440,000.00. Disbursement of \$347,487.13 plus all accrued interest through April 4, 2020, minus any statutory users fees, payable to LOWE GRAHAM JONES^{PLLC}, and mail or deliver the check as follows:

LOWE GRAHAM JONES^{PLLC}
701 Fifth Avenue, Suite 4800
Seattle, WA 98104

With the balance of \$92,512.87, plus remainder of interest to be disbursed to Defendants, payable to DTO Law, to be mailed or delivered as follows:

DTO LAW
700 S. Flower Street, Suite 1000
Los Angeles, CA 90017

IT IS SO ORDERED

DATED this 23rd day of April, 2020.


MICHELLE L. PETERSON
United States Magistrate Judge