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FIRST TIME VIDEOS LLC and
7 ROBERT H. SIMYAR

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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 FIRST TIME VIDEOS LLC, a Nevada limited
12 liability company and ROBERT H. SIMYAR,

13 Plaintiffs,

14 v.

15 SUPERSTAR MEDIA LABS, LLP, an Arizona
16 limited liability partnership, and REGAN
SCOTT FRANKS II, an individual,

17 Defendants.

Case No. 2:11-CV-992-KJD-LRL

PRELIMINARY INJUNCTION

18
19 **UPON CONSIDERATION** of the motion filed by Plaintiffs for a preliminary injunction,
20 the supporting memorandum of points and authorities, the supporting declaration(s) and evidence,
21 the papers and pleadings on file in this case, and for other good cause shown, **THE COURT**
22 **HEREBY FINDS THAT:**

23 1. Plaintiffs will suffer irreparable injury to their valuable trademarks and the
24 associated goodwill if Defendants are not preliminarily enjoined from:

25 A. Using the FTV Marks or any confusingly similar variations thereof, alone
26 or in combination with any other letters, words, letter strings, phrases or designs (including, but
27 not limited to, the FTV Marks) in commerce (including, but not limited to, on any website or
28 within hidden text or metatags contained on or within any website, including the

1 <dvdhotties.com> website and the <dvdsuperstar.com> website), in domain names, on or in
2 connection with adult DVDs, on or in connection with adult videos displayed on the Internet, on
3 or in connection with adult videos downloadable from the Internet; and

4 B. Registering or trafficking in any domain name containing the FTV Marks
5 or any confusingly similar variations thereof, alone or in combination with any other letters,
6 words, phrases or designs;

7 2. Plaintiffs are likely to succeed on the merits of their claim for trademark
8 infringement;

9 3. The balance of hardships tips in favor of Plaintiffs because Plaintiffs have likely
10 suffered and are likely to continue to suffer irreparable injury in the absence of a temporary
11 restraining order and the issuance of such an order would not prohibit the Defendants from
12 engaging in the sale of other adult videos and DVDs so long as the Defendants do not use
13 Plaintiffs' federally registered FTV Marks or any confusingly similar mark;

14 4. Issuance of a preliminary injunction would be in the public interest because it
15 would protect consumers against deception and confusion arising from registration and/or use of
16 Plaintiffs' trademarks by persons other than Plaintiffs;

17 **NOW THEREFORE, IT IS HEREBY ORDERED THAT**, pending a full trial on the
18 merits, Defendant Reagan Scott Franks II ("Franks") and Defendant Superstar Media Labs, LLP
19 ("Superstar"), including, without limitation, all of Superstar's partners, officers, agents, servants,
20 employees and all other persons acting in concert or participation with Franks or with Superstar
21 are hereby preliminarily restrained and enjoined from:

22 1. Using the FTV Marks or any confusingly similar variations thereof, alone or in
23 combination with any other letters, words, letter strings, phrases or designs (including, but not
24 limited to, the FTV Marks) in commerce (including, but not limited to, on any website or within
25 hidden text or metatags contained on or within any website, including the <dvdhotties.com>
26 website and the <dvdsuperstar.com> website), in domain names, on or in connection with DVDs,
27 on or in connection with videos displayed on the Internet, on or in connection with videos
28 downloadable from the Internet;

1 2. Registering or trafficking in any domain name containing the FTV Marks or any
2 confusingly similar variations thereof, alone or in combination with any other letters, words,
3 phrases or designs; and

4 3. Destroying, altering, moving, removing, or otherwise tampering with or disposing
5 of:

6 A. All products bearing the FTV Marks;

7 B. All copies (whether on DVDs, hard drives or other storage media) of
8 content (including, but not limited to, videos and photographs) containing the FTV Marks used to
9 create counterfeit and infringing products bearing the FTV Marks;

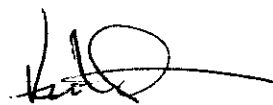
10 C. All labels, packaging, DVD cases, DVD inserts, or other materials used in
11 connection with or as part of any counterfeit product bearing the FTV Marks; and

12 D. All apparatus, equipment, and machines (including, but not limited to,
13 computers, hard drives, storage devices, DVD burners, and printers) used by Defendants in
14 connection with the creation of counterfeit products bearing the FTV Marks.

15 **IT IS HEREBY FURTHER ORDERED THAT:** Franks and Superstar, including,
16 without limitation, all of Superstar's partners, officers, agents, servants, employees and all other
17 persons acting in concert or participation with Franks or with Superstar, shall remove any and all
18 references to the FTV Marks from the <dvdhotties.com> website and from the
19 <dvdsuperstar.com> website.

20 **IT IS HEREBY FURTHER ORDERED THAT** Plaintiffs shall not be required to post
21 additional security because the evidence indicates that Defendants will only suffer, if at all,
22 minimal damage by the issuance of this preliminary injunction, hence, the present cash deposit of
23 \$100.00 will suffice as security and shall remain on deposit pending further order of the Court.

24 ENTERED: this 20th day of June, 2011.

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27 UNITED STATES DISTRICT JUDGE

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