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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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

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

Plaintiffs,

v.

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

Defendants.

**TEMPORARY RESTRAINING ORDER
AND ORDER SETTING HEARING ON
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

UPON CONSIDERATION of the motion filed by Plaintiffs for a temporary restraining order and preliminary injunction, the supporting memorandum of points and authorities, the supporting declaration(s) and evidence, the papers and pleadings on file in this case, and for other good cause shown;

THE COURT HEREBY FINDS THAT:

1. Plaintiffs have suffered and are likely to continue to suffer irreparable injury if the Court does not enjoin Defendants from using Plaintiffs' federally registered FTV Marks on Internet websites and in connection with the advertising, offering for sale, distribution, or sales of adult videos and DVDs;

2. Plaintiffs are likely to succeed on the merits of their claim for trademark

1 infringement under the Lanham Act, 15 U.S.C. § 1114 because Plaintiffs have demonstrated that
2 Defendants' use of the FTV Marks, in connection with the distribution and sale of counterfeit
3 videos and DVDs in commerce, constitutes a reproduction, copying, counterfeiting, and colorable
4 imitation of Plaintiffs' FTV Marks in a manner that is likely to cause confusion or mistake or is
5 likely to deceive consumers;

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

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

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

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

26 3. Destroying, altering, moving, removing, or otherwise tampering with or disposing
27 of:

28 A. All products bearing the FTV Marks;

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

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

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

9 **IT IS HEREBY FURTHER ORDERED THAT** Franks and Superstar, including,
10 without limitation, all of Superstar's partners, officers, agents, servants, employees and all other
11 persons acting in concert or participation with Franks or with Superstar shall:

12 1. Make available to Plaintiffs' counsel for inspection:

13 A. All products bearing the FTV Marks;

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

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

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

22 2. Remove any and all references to the FTV Marks from the <dvdhotties.com>
23 website and from the <dvdsuperstar.com> website.

24 **IT IS HEREBY FURTHER ORDERED THAT:**

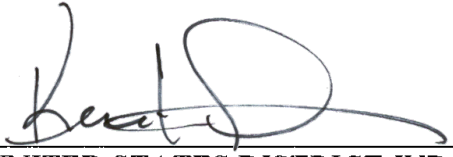
25 1. A nominal bond of \$100 shall be required because the evidence indicates that
26 Defendants will only suffer, if at all, minimal damage by the issuance of this temporary
27 restraining order.

28 2. The parties shall appear for hearing and oral argument on Plaintiffs' motion for a

1 preliminary injunction on June 28TH, 2011, at the hour of 9:00 a.m. in Courtroom 6D,
2 at the Lloyd D. George Federal Courthouse, 333 South Las Vegas Boulevard, Las Vegas, Nevada;

3 3. Defendants shall file and serve their opposition to Plaintiffs' motion for
4 preliminary injunction, if any, no later than June 24th, 2011; and Plaintiffs shall file and
5 serve its reply brief no later than 4:00 p.m., June 27, 2011.

6 ENTERED: this 16th day of June, 2011.

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9 UNITED STATES DISTRICT JUDGE
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