1		
2		
3		
4		
5		
6		
7		
8	UNITED STATES DISTRICT COURT	
9	CENTRAL DISTRICT, WESTERN DIVISION	
10		
11	LARRY C. FLYNT,	Case No.: CV09-00048 AHM (RZx)
12	Plaintiff,	TEMPORARY RESTRAINING
13		TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION
14	VS.	INJUNCTION
15	FLYNT MEDIA CORPORATION, a Delaware Corporation; JIMMY	
16	FLYNT, II; DUSTIN FLYNT; and	
17	DOES 1-10, inclusive,	
18	Defendants.	
19 20		
20		
22		
23		
24		
25		
26		
27		
28		

1

2

3

Upon reviewing the papers filed by Plaintiff in support of his Ex Parte Application for a Temporary Restraining Order and the opposition papers filed by Defendants, and having considered the factors relating to: (i) Plaintiff's probability of success on the merits; (ii) the risk of irreparable injury to Plaintiff in the event preliminary relief is denied; (iii) the existence of serious questions going to the merits of Plaintiff's claim; (iv) the balance of hardships; and (v) the public interest, as well as the need for immediate relief by Plaintiff in light of the short time frame involved as to the threatened use of Plaintiff's FLYNT name and mark, the Court HEREBY FINDS and ORDERS as follows:

1. Plaintiff has demonstrated a probability of success on the merits of his claims against Defendants, for violation of 15 U.S.C. § 1125(a) and 15 U.S.C. § 1125(c), and Plaintiff would likely suffer irreparable injury without this Court's intervention.

2. There exist serious questions going to the merits of Plaintiff's claims against Defendants, and the balance of hardships tips in Plaintiff's favor.

3. The public interest in preventing consumer confusion as to the source of the respective products of Plaintiff and Defendants would be served by the issuance of immediate injunctive relief to Plaintiff.

Accordingly, Defendants Flynt Media Corporation, Jimmy Flynt, II, and Dustin Flynt are HEREBY ORDERED TO SHOW CAUSE on January 21, 2009 at 9:00 a.m. in Courtroom 14 of the above-entitled Court, located at 312 N. Spring Street, Los Angeles, CA 90012, why they, their officers, agents, employees and those in active concert or participation with them, should not be restrained and enjoined pending trial of this action from:

1. Advertising, selling and distributing adult-themed motion pictures, videos, and DVDs, as well as other adult-themed goods, which contain "FLYNT" in any typographical format and phrase, including "Flynt Media Corporation" and "FlyntCorp Distribution;"

1

2. promoting such goods and services on Internet websites, including but not 1 2 limited to www.flyntdistribution.com and www.flyntcorp.com; and 3 3. passing off such goods and services as those of Plaintiff Larry C. Flynt at 4 the AVN Adult Entertainment Expo 2009 in Las Vegas, Nevada and elsewhere. 5 The three provisions set forth just above would not prohibit Defendants from advertising, selling and distributing adult-themed goods that specifically contain 6 7 their full and actual names and that also state in conspicuous terms that Larry Flynt 8 is not affiliated with the product and does not endorse it. 9

## TEMPORARY RESTRAINING ORDER

PENDING HEARING on the above Order to Show Cause, Defendants and their officers, agents, employees, representatives and those in active participation with them ARE HEREBY RESTRAINED FROM the following:

1. Advertising, selling and distributing adult-themed motion pictures, videos, and DVDs, as well as other adult-themed goods, which contain "FLYNT" in any typographical format and phrase, including "Flynt Media Corporation" and "FlyntCorp Distribution;"

2. promoting such goods and services on Internet websites, including but not limited to www.flyntdistribution.com and www.flyntcorp.com; and

3. passing off such goods and services as those of Plaintiff Larry C. Flynt at the AVN Adult Entertainment Expo 2009 in Las Vegas, Nevada and elsewhere.

The three provisions set forth just above do not prohibit Defendants from advertising, selling and distributing adult-themed goods that specifically contain their full and actual names and that also state in conspicuous terms that Larry Flynt is not affiliated with the product and does not endorse it.

The above Temporary Restraining Order is effective immediately on all persons who have actual knowledge of this Order.

1	<u>SECURITY</u>	
2	IT IS FURTHER ORDERED that within one court day of the service of	
3	this Order Plaintiff shall post a corporate surety bond, cash or a certified or	
4	attorney's check in the amount of thirty-five thousand dollars (\$35,000) as	
5	security, as a condition of the further force of this Order.	
6		
7	BRIEFING SCHEDULE	
8	This Order must be served on Defendant no later than 5:00 p.m. on January	
9	10, 2009 and proof of service shall be filed no later than January 12, 2009 at 5:00	
10	p.m. Any response or opposition to the Order to Show Cause must be e-filed no	
11	later than January 15, 2009 at 5:00 p.m. Any reply shall be e-filed no later than	
12	January 20 at 9:00 a.m.	
13		
14	DATED: January 9, 2009	
15	10 110	
16	Q Hannard MAR	
17	N. Olana Hanta	
18	BY:Hon_A_Howard Matz	
19	United States District Judge	
20	cc: Fiscal	
21		
22		
23		
24		
25		
26		
27		
28		
	3	