

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LUKE COMBS,

Plaintiff,

v.

THE PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON SCHEDULE “A”,

Defendants.

Civil Action No.: 1:21-cv-03332

Judge Martha M. Pacold

Magistrate Judge Young B. Kim

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on Plaintiff, Luke Combs’ (“Luke Combs” or “Plaintiff”), Motion for a Preliminary Injunction, and this Court having heard the evidence before it hereby GRANTS Plaintiff’s Motion for Entry of a Preliminary Injunction in part against the defendants identified in Schedule A (collectively, the “Defendants”) and using at least the online marketplace accounts identified in Schedule A (the “Defendant Online Stores”).

THIS COURT HEREBY FINDS that, at this preliminary stage, there is sufficient evidence that it has personal jurisdiction over the Defendants since Plaintiff has presented evidence that the Defendants directly target their business activities toward consumers in the United States, including Illinois. “In the context of cases like this one, that means a plaintiff must show that each defendant is actually operating an interactive website that is accessible in Illinois and that each defendant has aimed such site at Illinois by standing ready, willing and able to ship its counterfeit goods to customers in Illinois in particular (or otherwise has some sufficient voluntary contacts with the state).” *Am. Bridal & Prom Indus. Ass’n v. P’ships & Unincorporated Ass’ns Identified on Schedule A*, 192 F.Supp.3d 924, 934 (N.D. Ill. 2016). In this case, Plaintiff has presented

screenshot evidence that each Defendant Online Store is reaching out to do business with Illinois residents by operating one or more commercial, interactive Internet Stores through which Illinois residents can and do purchase products using counterfeit versions of Plaintiff's LUKE COMBS trademarks, U.S. Trademark Registration Nos. 5,573,127; 5,417,705; and 5,573,124 ("The LUKE COMBS Trademarks").

THIS COURT FURTHER FINDS that injunctive relief previously granted in the Temporary Restraining Order ("TRO") should remain in place through the pendency of this litigation and that issuing this Preliminary Injunction is warranted under Federal Rule of Civil Procedure 65. Evidence submitted in support of this Motion and in support of Luke Combs's previously granted Motion for a Temporary Restraining Order establishes that Luke Combs has a likelihood of success on the merits; that no remedy at law exists; and that Luke Combs will suffer irreparable harm if the injunction is not granted.

Specifically, Luke Combs has proved a *prima facie* case of trademark infringement because (1) the LUKE COMBS Trademarks are distinctive marks and are registered with the U.S. Patent and Trademark Office on the Principal Register, (2) Defendants are not licensed or authorized to use the LUKE COMBS Trademarks, and (3) Defendants' use of the LUKE COMBS Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with Luke Combs. Furthermore, Defendants' continued and unauthorized use of the LUKE COMBS Trademarks irreparably harms Plaintiff through diminished goodwill and brand confidence, damage to Plaintiff's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, Luke Combs has an inadequate remedy at law. Moreover, the public interest is served by entry of this Preliminary Injunction to dispel the public confusion created by Defendants' actions. Accordingly, this Court orders that:

1. Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under or in active concert with them be temporarily enjoined and restrained from:
 - a. using the LUKE COMBS Trademarks or any reproductions, counterfeit copies or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine LUKE COMBS product or not authorized by Plaintiff to be sold in connection with the LUKE COMBS Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine LUKE COMBS product or any other product produced by Luke Combs, that is not Plaintiff's or not produced under the authorization, control or supervision of Plaintiff and approved by Plaintiff for sale under the LUKE COMBS Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Luke Combs;
 - d. further infringing the LUKE COMBS Trademarks and damaging Plaintiff's goodwill; and
 - e. shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be

sold or offered for sale, and which bear any of the LUKE COMBS Trademarks or any reproductions, counterfeit copies or colorable imitations thereof.

2. Upon Plaintiff's request, those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as, but not limited to, PayPal and WISH, and Alibaba Group Holding Ltd. along with any related Alibaba entities (collectively, "Marketplaces"), social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, shall within ten (10) business days of receipt of this Order:
 - a. disable and cease providing services for any accounts through which Defendants engage in the sale of counterfeit and infringing goods using the LUKE COMBS Trademarks, including any accounts associated with the Defendants listed in Schedule A;
 - b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the LUKE COMBS Trademarks; and
 - c. take all steps necessary to prevent links to the Defendant Online Stores identified in Schedule A from displaying in search results, including, but not limited to, removing links to the Defendant Online Stores from any search index.
3. Upon Plaintiff's request, Defendants and any third party with actual notice of this Order who is providing services for any of the Defendants, or in connection with any of Defendants' Online Stores or other websites operated by Defendants, including, without limitation, any online marketplace platforms such as Marketplaces, advertisers, Facebook,

Internet Service Providers ("ISP"), web hosts, back-end service providers, web designers, sponsored search engine or ad-word providers, banks, merchant account providers, including PayPal, Alibaba, Western Union, third party processors and other payment processing service providers, shippers, and online marketplace registrars (collectively, the "Third Party Providers") shall, within ten (10) business days after receipt of such notice, provide to Luke Combs expedited discovery, including copies of all documents and records in such person's or entity's possession or control relating to:

- a. the identities and locations of Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including all known contact information;
- b. the nature of Defendants' operations and all associated sales and financial information, including, without limitation, identifying information associated with the Online Stores, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Defendant Online Stores;
- c. Defendants' websites and/or any online marketplace accounts;
- d. the Defendant Online Stores registered by Defendants; and
- e. any financial accounts owned or controlled by Defendants, including their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including, without limitation, PayPal, WISH, Western Union, or other merchant account providers,

payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).

4. Defendants and any persons in active concert or participation with them who have actual notice of this Order shall be temporarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
5. PayPal, Inc. ("PayPal") and ContextLogic, Inc. ("WISH"), shall, within ten (10) business days of actual receipt of this Order, for any Defendant or any of Defendants' Online Stores or websites: Locate all accounts and funds connected to Defendants, Defendants' Online Stores or Defendants' websites, including, but not limited to, any PayPal and WISH accounts connected to the information listed in Schedule A hereto or the email addresses identified in Exhibit 2 to the Declaration of Christopher T. Kappy; and Restrain and enjoin any such accounts or funds that are non-U.S. foreign based from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
6. Any banks, savings and loan associations, payment processors, or other financial institutions, for any Defendant or any of Defendants' Online Stores or websites, shall within ten (10) business days of receipt of this Order:
 - a. locate all accounts and funds connected to Defendants, or Defendants' Online Stores, including, but not limited to, any accounts connected to the information listed in Schedule A hereto or the email addresses identified in Exhibit 2 to the Declaration of Christopher T. Kappy; and
 - b. restrain and enjoin such accounts from receiving, transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
7. LUKE COMBS may provide notice of these proceedings to Defendants, including notice of

the preliminary injunction hearing and service of process pursuant to Fed.R.Civ.P. 4(f)(3), by electronically publishing a link to the Complaint, this Order and other relevant documents on a website, or by sending an e-mail to the e-mail addresses identified in Exhibit 2 to the Declaration of Christopher T. Kappy and any e-mail addresses provided for Defendants by third parties that includes a link to said website. The Clerk of Court is directed to issue a single original summons in the name of “ohnBTru fashion and all other Defendants identified in Complaint” that shall apply to all Defendants. The combination of providing notice via electronic publication and e-mail, along with any notice that Defendants receive from Online Stores and payment processors, shall constitute notice reasonably calculated under all circumstances to apprise Defendants of the pendency of the action and afford them the opportunity to present their objections.

8. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to Luke Combs or on shorter notice as set by this Court.

9. The \$10,000 bond posted by Luke Combs shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.

Dated: July 28, 2021

/s/ Martha M. Pacold
U.S. District Court Judge

SCHEDULE A

No.	Defendant(s)
1	ohnBTru
2	Shana Simmons
3	Kim Brown
4	juyun295
5	Howard D Martin
6	lucky glil
7	g8g5g6r6
8	dmocmeufi
9	wangdandan2020
10	All friends business
11	Debriyren Bedclotehs
12	Elizabeth Morla
13	xuzhaohe666
14	Snow red business
15	luornpeng
16	Dora Cheek
17	Cucering minicar
18	Tara Vella Stewart
19	Joy DELia
20	Alexandra Parashos
21	Muyiebybi Shoes
22	Gelouery Schoolbags
23	piaoxiudongning
24	surecat7
25	maxin1014
26	guohuixin2956
27	niuyanpeng5802
28	
29	kathy qualls
30	Zhangrui57890
31	hruix
32	duweijun1900
33	Sheenpal coats
34	DJIF-DIF.VJID.D
35	asfklds5625
36	9224peisijia
37	guoqianqian52828

38	zhangsumei81616
39	yanxy
40	zhangzhanyun123
41	shijingli1234
42	wangze52930
43	liuxiaowan666
44	chenyelin1123
45	liuyujuan6855
46	huangchangqing888
47	zhuguifan0209
48	zhuchaoqun1990
49	liujie345
50	tongjianhong198217
51	Chengdongmei999
52	omyg
53	chenxiuying1121
54	Wangfating
55	diaoxiaoran123
56	peng jiwrn
57	zhangsan7320
58	chenfeiping
59	shenjimei205501
60	hulls
61	yuxingxue54648
62	wangwei990430
63	fewfs
64	ansqhrtns
65	AddisonNoeloKcP
66	yangshufen987
67	ZhongwoliedongsWs
68	ElvaUptonlDwWiP
69	thuyngaha19232
70	Justina Hickman
71	bcndjhgfdf
72	Paula Lee
73	Tiffanyyyy
74	phubinhto97350
75	wangshijie18519
76	manhdungtruong54101

77	minhnguyettran50395
78	Philip Parker
79	Oscaryy
80	liangweijie88
81	posdsoijher
82	Danielle Gwynn
83	huangxueying7890
84	yangchunghao
85	liuxiangjie132213
86	STEPHANIE L KELLEY
87	liuweixi81751
88	yuanwenhao12
89	wangruijie20
90	nataliarjona981
91	levm
92	Wanglei686868
93	mhgfdgsfszf
94	lvhaoru7913
95	Nicoleyyy
96	hexiaofa145266
97	tianzhongyu953495
98	Monicayyy
99	princesas 45
100	Leo F. Grimm
101	n3n36
102	liuzhonghong9285
103	Joseph Hatfield
104	
105	dfengzitr
106	Oliver Flood
107	yuzhimin851218
108	Quadrangle
109	Mindyyy
110	laisiqi4747
111	Anais castro
112	fanmudan662961
113	guohongliang 00856
114	Shots of Hennessy
115	lifei611

116	Jay Guerra
117	helifang123
118	chensijia97888
119	Jeremy Hook
120	sunkanmming0518
121	Yongchang business
122	bymerchantee
123	MuzhimuxianeM
124	wangxiuzhen7890
125	liuchang823
126	liangruizhi0010
127	SabinaArleneAoZ
128	AmyChristianbQeL
129	G YBUN
130	ZhushangLuqinaK
131	2301caozhiyao
132	nicolasreggie1
133	Sean Shimabuco
134	Transis stereo
135	Jordan wixom64
136	AnimalculeStore
137	xuxingying Store
138	niuyanyan5289
139	qwer4090
140	lizhengjiang49440
141	RalapEvanjDjD
142	Esthermgl
143	nalani
144	wangqunwun1234
145	vvgerplo
146	Denise L Nicholson Ross
147	liujianghuai123
148	Cynthiayyy
149	sunxing864119
150	StephanieWilliamkMzYk
151	Jason Riddering
152	XianqiangshangJ
153	zhaoyue658865235
154	zhongyongfang20001

155	linan14736928
156	Karen Teague
157	chenbo3152
158	NatalieLeeaUfOk
159	mathias71rocha9945
160	xiating1234
161	ncjcjcjncjncnfnncj
162	yangfan321
163	stokeshugh88
164	yuanxiaoxia938402
165	zhenxinmian
166	thussododom
167	tangfengyi3326
168	ashitaheller62830081
169	wenjunjie33
170	ZUHILACA
171	socorrohickle
172	wabgxin66817
173	Melissa Grant
174	zhuwenwen1238
175	Walter Prosperie
176	Steven Stocks
177	shiyaohua88563
178	Paul E Brockman
179	hexiaodong11220
180	surprise bb
181	wuzhyuan
182	liucaie888
183	guoxi112233
184	MelissaHeatherbPrLr
185	yuanxifu7890
186	zhnghm
187	leannongrant6
188	wangying4645
189	tushikui1230
190	MARLONS
191	kaihekiaghe520
192	arzaurrIno
193	Debra Miles

194	MortimerJocasta
195	chenmengna71505
196	zhoutian422322
197	rlagus19
198	SLmgwojfeifnekfnekntrjrf60
199	Shunshine86
200	lijingwei163070
201	lina2201
202	luizijun12345
203	Paul s.cramer
204	wangcong1308
205	tainzhiwen39128
206	nihen28
207	lbinz
208	WilburWardsUpU
209	Jamie Last
210	qinchuan53410
211	liguiyan77555
212	rroonu
213	tt8t8t8
214	Jienoer toothbrush
215	Larry Smithd
216	Nayely G Calderon Alamillo
217	fuguangning258
218	feng xiangdong
219	muzhaobin5236
220	zhangxiuxia856356
221	chengzhen666
222	DWDWE66
223	chenfangzhu47781
224	MerryJennifercEyX
225	meijiee
226	chenping Store me
227	Jobley
228	panlanyang6588
229	Katlyn Wallace
230	Baby Mama Gaitan
231	ladoew
232	yangyubin7890

233	yangxin520336
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