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APPEAL,LR16.2 TR4,MEDIATION,TRADEMARK

U.S. District Court Western District of Tennessee (Memphis) CIVIL DOCKET FOR CASE #: 2:23-cv-02186-SHL-cgc

Mid-America Apartment Communities, Inc. v. DOE-1 et al

Assigned to: Chief Judge Sheryl H. Lipman

Referred to: Magistrate Judge Charmiane G. Claxton Case in other court: 6th Circuit COA, 24-05614 6th Circuit COA, 24-06082

Cause: 15:1114 Trademark Infringement

Date Filed: 04/03/2023 Date Terminated: 11/01/2024 Jury Demand: None

Nature of Suit: 840 Trademark Jurisdiction: Federal Question

Plaintiff

Mid-America Apartment Communities, Inc.

represented by John S. Golwen

BASS BERRY & SIMS PLC- Memphis The Tower at Peabody Place 100 Peabody Place Ste. 1300 Memphis, TN 38103 901-543-5900 Fax: 901-543-5999 Email: igalwon@bassbarry.com

Email: jgolwen@bassberry.com ATTORNEY TO BE NOTICED

Jordan Elizabeth Thomas

BASS, BERRY & SIMS PLC 100 Peabody Pl. Ste 1300 Memphis, TN 38103 901-543-5966 Email: jordan.thomas@bassberry.com ATTORNEY TO BE NOTICED

Paige Waldrop Mills

BASS BERRY & SIMS PLC 21 Platform Way, Suite 3500 Nashville, TN 37203 615-742-7770 Email: pmills@bassberry.com ATTORNEY TO BE NOTICED

V.

Defendant

JOHN DOE-1

TERMINATED: 06/13/2023

Defendant

JOHN DOE-2

TERMINATED: 06/13/2023

Defendant

Dennis Philipson

represented by **Dennis Philipson**

7816 Rolling View Ln #328 Springfield, VA 22153 Email: dphilipson1980@hotmail.com PRO SE

Date Filed	#	Select all / clear	Docket Text		
04/03/2023	1	9.5 MB	COMPLAINT against JOHN DOE-1, JOHN DOE-2 (Filin number ATNWDC-4112266), filed by Mid-America Apar Inc (Attachments: # 1 Exhibit A - Registration Certificate Exhibit B - Infringing Website, # 2 Exhibit C - Cease and Cover Sheet)(Mills, Paige) (Entered: 04/03/2023)	tment Cones and Rec	nmunities, ords, # 2
			 0 Main Document 1 Exhibit A - Registration Certificates and Records 2 Exhibit B - Infringing Website 3 Exhibit C - Cease and Desist Letter 4 Civil Cover Sheet 	45 pages 25 pages 4 pages	
04/03/2023	2		Chief Judge Sheryl H. Lipman and Magistrate Judge Charadded. (agj) (Entered: 04/03/2023)	rmiane G.	Claxton
04/03/2023	3		NOTICE TO COMPLY WITH PLAN FOR ALTERNATE RESOLUTION (ADR): Pursuant to Section to 2.1 of the A cases filed on or after Sept. 1, 2014, shall be referred autocompliance requirements, refer to the ADR Plan at: http://www.tnwd.uscourts.gov/pdf/content/ADRPlan.pdf (04/03/2023)	ADR Plan, matically f	all civil for ADR. For
04/03/2023	4		NOTICE OF CASE TRACKING ASSIGNMENT PURSURULE 16.2: Pursuant to Local Rule 16.2, this case has been standard track. http://www.tnwd.uscourts.gov/pdf/content (Entered: 04/03/2023)	en assigne	d to the

04/03/2023	5		NOTICE OF RIGHT TO CONSENT TO JURISDICTION BY A MAGISTRATE. Fed.R.Civ.P.73, and Local Rule 72.1, thi Judges of this District to conduct trials a that is filed in this Court. Your decision of your case to a United States Magistrate judgment must be entirely voluntary. The case has been assigned will not be informagree that the case may be referred to a repurposes. A less than unanimous decision office to either the judge or magistrate jut the courts website at https://www.tnwd.u(agj) (Entered: 04/03/2023)	JUDGE Pursuant s Court has design of otherwise displace consent, or not the Judge for trial are judge or magistimed of your decising is trate judge for will not be comiting.	to 28 U.S.C. 636(c), nated the Magistrate lose of any civil case consent, to the referral and entry of a final rate judge to whom the ion unless all parties for these specific municated by this form is available on
04/06/2023	6	2.0 MB	MOTION for Discovery <i>Plaintiff's Motion</i> Mid-America Apartment Communities, Subpoena to Google, # 2 Exhibit B - Subto Microsoft, # 4 Exhibit D - Subpoena to D. Philipson, # 6 Exhibit F - Subpoena to (Entered: 04/06/2023)	Inc (Attachment opoena to Wix, # o LinkedIn, # 5 E	s: # 1 Exhibit A - 3 Exhibit C - Subpoena 6xhibit E - Subpoena to
			□ 0 Main Document		3 pages 171.4 KB
			☐ 1 Exhibit A - Subpoena to Google		5 pages 208.0 KB
			☐ 2 Exhibit B - Subpoena to Wix		5 pages 350.0 KB
			☐ 3 Exhibit C - Subpoena to Microso	oft	6 pages 358.8 KB
			☐ 4 Exhibit D - Subpoena to Linkedl		6 pages 360.0 KB
			☐ 5 Exhibit E - Subpoena to D. Phili		6 pages 356.3 KB
			☐ 6 Exhibit F - Subpoena to Leo Prin	=	5 pages 204.9 KB
04/06/2023	7	218.9 KB	MEMORANDUM in Support re 6 MOT Limited Expedited Discovery filed by M Inc (Mills, Paige) (Entered: 04/06/2023	id-America Apart	
04/07/2023	8	126.2 KB	ORDER granting 6 PLAINTIFF'S MOT DISCOVERY. Signed by Chief Judge St (Entered: 04/07/2023)		
04/10/2023	9	113.4 KB	Report to the Commissioner of Patents a Numbers 4,009,475; 3,268,349. (cbs) (E		
04/17/2023	10	1.1 MB	PRO SE MOTION to Quash Subpoena b	y movant Dennis	s Philipson. (jae)
			(Attachment: Exhibit # 1 added to ma	in document on	9/8/2023.)
			Note: When the Motion was re-docketed 2:23-mc-00015, the Exhibit document at		
			This docket entry has been modified to rebeen regenerated to the parties on 9/8/20	· ·	
			□ 0 Main Document	2 pages	290.3 KB
			1 Exhibit	2 pages 23 pages	856.0 KB
			I EXHIUIT	23 pages	OJU.U ND

15/25, 5.54 AW			OW/EST - 0.0. District Oburt.tilwa		
04/28/2023	11	8.0 KB	NOTICE of Appearance by John S. Golwen on behalf of Apartment Communities, Inc. (Golwen, John) (Entered: 0		
04/28/2023	12	8.0 KB	NOTICE of Appearance by Jordan Elizabeth Thomas on la Apartment Communities, Inc. (Thomas, Jordan) (Entered		
04/28/2023	13	690.6 KB	RESPONSE to Motion re 10 MOTION to Quash filed by Apartment Communities, Inc (Mills, Paige) (Entered: 04		
04/28/2023	<u>14</u>	153.0 KB	AFFIDAVIT Declaration of Leslie Wolfgang by Mid-Ame Communities, Inc (Mills, Paige) (Entered: 04/28/2023)	erica A _l	partment
05/16/2023	<u>15</u>	131.5 KB	ORDER denying 10 DENNIS PHILIPSON'S MOTION T SUBPOENA. Signed by Chief Judge Sheryl H. Lipman o (Entered: 05/16/2023)		
06/13/2023	16	9.0 MB	AMENDED COMPLAINT against Dennis Philipson, file Apartment Communities, Inc (Attachments: # 1 Exhibit Certificates and Records, # 2 Exhibit B - Infringing Webs Cease and Desist Letter)(Mills, Paige) (Entered: 06/13/20	A - Reg ite, # <u>3</u>	gistration
			□ 0 Main Document	23 pa	ges 592.0 KB
			☐ 1 Exhibit A - Registration Certificates and Records	-	ges 1.4 MB
			2 Exhibit B - Infringing Website	-	ges 6.9 MB
			☐ 3 Exhibit C - Cease and Desist Letter	•	es 153.3 KB
06/13/2023	17	160.9 KB	NOTICE of Summons by Paige Waldrop Mills on behalf Apartment Communities, Inc (Mills, Paige) (Entered: 06		
06/13/2023	18	783.9 KB	Summons Issued as to Dennis Philipson. The filer has been electronically that the summons has been issued, and the reflects this. Upon notification of the new docket entry, the issued summons in order to effect service. (jae) (Entered:	new doo e filer i	eket entry s to print the
06/14/2023	19	817.6 KB	MOTION and Memorandum for Contempt and Sanctions to Subpoena by Mid-America Apartment Communities, In Exhibit A - Subpoena, # 2 Exhibit B - Email Communicat (Entered: 06/14/2023)	nc (At	tachments: # 1
			□ 0 Main Document 6 p	oages	151.3 KB
			☐ 1 Exhibit A - Subpoena 6 p	oages	359.7 KB
			☐ 2 Exhibit B - Email Communication 9 p	pages	306.6 KB
06/23/2023	<u>20</u>	1.1 MB	SUMMONS Returned Executed by Mid-America Apartm as to Dennis Philipson. (Mills, Paige) (Entered: 06/23/202		nmunities, Inc.
07/10/2023	21	86.1 KB	ORDER DIRECTING DEFENDANT DENNIS MICH TO SHOW CAUSE.	IAEL P	HILIPSON
			Show Cause Response due by 7/31/2023.		
			Signed by Chief Judge Sheryl H. Lipman on 7/10/2023. (s 07/10/2023)	shl) (En	itered:

07/31/2023	<u>22</u>	428.2 KB	RESPONSE TO ORDER Directing Do SHOW CAUSE by Dennis Philipson. (csf) (Entered: 07/31/2023)		-
			0 Main Document1 Attachments Exhibit A	2 pages 10 pages	61.5 KB 366.7 KB
08/01/2023	23	269.6 KB	SETTING LETTER: A SCHEDULING of the Federal Rules of Civil Procedur SEPTEMBER 11, 2023 at 9:30 A.M. It The conference will be held via Micro conference will be emailed to the attor of the parties consent to have the case consent and this conference will be care consent.	e has been SET for Morefore Chief Judge Shasoft Teams Video. A laneys prior to the settineard by the magistrancelled. all pending motions. INSTRUCTIONS. proceeding. If the publy, please click on the forw.tnwd.uscourts.gov/ia email to the email after Joining a Meeting	ink to the video ng. te, please file your lic and/or media ollowing link to videohearings. The address from which
08/14/2023	24	200.2 KB	RESPONSE TO ORDER TO SHOW (Communities, Inc (Mills, Paige) (Ent		rica Apartment
08/14/2023	25	122.6 KB	AFFIDAVIT re 24 Response to Order <i>Mills</i> by Mid-America Apartment Con 08/14/2023)		
08/15/2023	26	38.2 KB	Pro Se Response to Declaration of Pai (Entered: 08/15/2023)	ge Mills (re <u>25</u>) by D	ennis Philipson (csf)
08/15/2023	27		DEFICIENCY NOTICE: Pursuant to I Procedure, document 24 Response to C America Apartment Communities, Inc deficiency has been found: Motion muchambers cannot make a ruling on a reECF User Manual and ECF Policies and day to correct the deficiency. (jae) (En	Order to Show Cause has been filed. How ast be filed as a separatesponse to show cause and Procedures. The file	filed by Mid- ever, the following te docket entry as e. Please refer to the
08/15/2023	28	121.5 KB	MOTION for Default Judgment <i>Again Order Submitted</i> by Mid-America Apa (Entered: 08/15/2023)		

13/25, 9.54 AW			CIVI/ECF - U.S. L	District Court.triwd	
08/15/2023	29	134.9 KB	RESPONSE to Motion re 28 MO Dennis Philipson - Proposed Ordo (Entered: 08/16/2023)		2
08/22/2023	30	54.9 KB	ORDER denying 28 Motion for I Clerk of Court on 8/22/2023. (agj		
08/30/2023	31	48.4 KB	Defendant's Motion to Dismiss U Philipson. (csf) (Entered: 08/31/2		2(b)(6) by Dennis
09/02/2023	32	35.5 KB	NOTICE: Signed agreement to re Dennis Philipson (csf) (Entered: 0		onic filing (NEF) by
09/02/2023	33	699.9 KB	Defendant's *Amended* Motion Dennis Philipson. (Attachments: Exhibit D)(csf)		` / ` / •
			This docket entry's title has been Amended MTD & an NEF has be (Entered: 09/05/2023)		
			□ 0 Main Document	7 pages	278.4 KB
			1 Exhibit A	3 pages	90.8 KB
			2 Exhibit B	1 page	33.9 KB
			3 Exhibit C	3 pages	77.5 KB
			4 Exhibit D	8 pages	219.3 KB
09/04/2023	34	50.8 KB	NOTICE by Dennis Philipson. Se (csf) (Entered: 09/05/2023)	ervice status of amend	led motion to dismiss.
09/05/2023	35	44.4 KB	Pro Se MOTION to Reschedule S by Dennis Philipson. (Attachmen		
		0			
09/05/2023	38	76.8 KB	(Corrected) Clarification Regardi Conference Pursuant to Rule 16(b Dennis Philipson (csf) (Entered: 0	o) - CASE #:2:23-cv-(
09/06/2023	39	0	Certification of Consultation Purs	I 1D 1 7	2(A)(1)(D) 1 D :

			0 Main Document	2 pages	41.6 KB
			☐ 1 Gmail	1 page	28.1 KB
09/07/2023	40	128.8 KB	ORDER DENYING 35 MOTION CONFERENCE. Signed by Chief (Entered: 09/07/2023)		
09/07/2023	41	77.3 KB	NOTICE of filing proposed sched 09/07/2023)	luling order by Dennis	Philipson (jae) (Entered
09/07/2023	42	127.5 KB	NOTICE of intent to file motion f (jae) (Entered: 09/07/2023)	for expedited discover	y by Dennis Philipson
09/08/2023	43	409.4 KB	Amended Intent to File Motion for (Attachments: # 1 Exhibit A Trans Evidence Responsive to Subpoent Exhibit D Request for Resources)	script of Email with Ca a, # <u>3</u> Exhibit C Reque	ounsel, # 2 Exhibit B est from Counsel, # 4
			□ 0 Main Document		2 pages 57.5 KB
			☐ 1 Exhibit A Transcript of En	nail with Counsel	3 pages 115.7 KB
			☐ 2 Exhibit B Evidence Respo		4 pages 124.2 KB
			☐ 3 Exhibit C Request from C	-	2 pages 30.6 KB
			4 Exhibit D Request for Res		2 pages 81.5 KB
09/09/2023	44		NOTICE of Change of Address by was deleted)- Hello, Could we dis- and revert to USPS notifications? and while I've regained access, I'd Thank you, Dennis Philipson (jae)	continue the electronic My email account wa I prefer a more secure	e PACER notifications s recently compromised form of communication
09/11/2023	45		Minute Entry for proceedings held Microsoft Teams Video Schedulin Golwen and Paige Waldrop Mills appeared on behalf of himself as a Monday, 6/17/2024 at 9:30 AM in Sheryl H. Lipman. Trial is estimated Tuesday, 6/4/2024 at 11:00 AM in Sheryl H. Lipman. Proposed Joint 31 Motion to Dismiss denied as mated at docket number 33. Going forward USPS mail and email. Defende Friday, September 15, 2023 to go respond to the Motion to Compellates on the docket as to whet were addressed. Scheduling Orde Covey) (mmm) (Entered: 09/11/2)	ng Conference held on appeared for the Plain a ProSe Defendant. Non Courtroom 1 - Mempted to last 3 days. Pretta Courtroom 1 - Mempted Pretrial Order due by moot. An Amended Moyard, defendant requestant was given until the through all of his email. Plaintiff has until the her the issues regarding to be entered. (Court	9/11/2023. John S. atiff. Dennis Philipson on-Jury Trial set for ohis before Chief Judge rial Conference set for ohis before Chief Judge of 5/28/2024. Defendant's otion to Dismiss is refiled ted to receive all NEFs e close of business on this in an effort to further next week to file a neg the Motion to Compel
09/11/2023	46	282.6 KB	SETTING LETTER: A NON-JUI Sheryl H. Lipman on MONDAY, 1, 11th floor of the Federal Buildi	JUNE 17, 2024 at 9:30	0 A.M. in Courtroom No
			A PRETRIAL CONFERENCE w 11:00 A.M. in Courtroom No. 1, 1		

13/25, 9.54 AW			Tennessee.	. District Court.triwd	
			A PROPOSED JOINT PRETRI MAY 28, 2024.	AL ORDER must be	furnished to the Court by
			PLEASE SEE ATTACHED INS	STRUCTIONS.(mmm) (Entered: 09/11/2023)
09/11/2023	47	142.1 KB	SCHEDULING ORDER. Sign 9/11/2023. (shl) (Entered: 09/11		eryl H. Lipman on
09/13/2023	48	67.5 KB	NOTICE to Court and attorneys	s by Dennis Philipson	(jae) (Entered: 09/13/2023)
09/15/2023	49	932.5 KB	Defendant's MOTION to Comp Improperly Issued Subpoenas b # 2 Exhibit B, # 3 Exhibit C)(cs	y Dennis Philipson. (A	Attachments: # 1 Exhibit A
			□ 0 Main Document	7 pages	148.0 KB
			☐ 1 Exhibit A	9 pages	244.1 KB
			☐ 2 Exhibit B	11 pages	236.5 KB
			3 Exhibit C	8 pages	304.0 KB
09/17/2023	<u>50</u>	1.2 MB	Amended Defendant's MOTION Objection to Improperly Issued 1 Exhibit A, # 2 Exhibit B, # 3 I 09/18/2023)	Subpoenas by Dennis	Philipson. (Attachments: 7
			☐ 0 Main Document	9 pages	246.6 KB
			☐ 1 Exhibit A	9 pages	229.5 KB
			☐ 2 Exhibit B	11 pages	216.5 KB
			☐ 3 Exhibit C	8 pages	288.6 KB
			☐ 4 Exhibit D	7 pages	202.4 KB
09/20/2023	51	127.3 KB	RESPONSE to Motion re 50 M Apartment Communities, Inc (
09/21/2023	52	272.6 KB	MOTION for Protective Order Apartment Communities, Inc (Protective Order)(Mills, Paige)	Attachments: # 1 Exh	ibit A - Proposed
			☐ 0 Main Document		3 pages 115.2 KB
			☐ 1 Exhibit A - Proposed Pr	rotective Order	20 pages 157.4 KB
09/21/2023	53	103.2 KB	RESPONSE in Opposition re 52 Order filed by Dennis Philipson 09/21/2023)		•
			□ 0 Main Document	3 pages	70.2 KB

09/21/2023	<u>54</u>	256.5 KB	AMENDED RESPONSE in Opposition re 52 MOTION for filed by Dennis Philipson. (Attachments: # 1 Exhibit)(jae) (I	
				26.9 KB 29.6 KB
10/02/2023	<u>55</u>	168.5 KB	RESPONSE to Motion re 33 MOTION to Dismiss filed by 1 Apartment Communities, Inc (Mills, Paige) (Entered: 10/02)	
10/03/2023	<u>56</u>	118.1 KB	Response (REPLY) to Mid-America Apartment Communities re 55 Amended Motion to Dismiss by Defendant Dennis Phil Dennis Philipson. (csf) (Entered: 10/03/2023)	
10/04/2023	<u>57</u>	111.4 KB	ORDER REQUIRING PLAINTIFF TO FILE NOTICE. Sig Sheryl H. Lipman on 10/4/2023. (shl) (Entered: 10/04/2023)	•
		0		
	_	0		_
		-		
	_			
	_	0		
		0		-
			 0 Main Document 1 Exhibit A - Philipson Subpoena 2 Exhibit B - Email referencing Tracking Details 3 Exhibit C - Email referencing Complaint 4 Exhibit D - Email referencing Screenshot 5 Exhibit E - Email referencing Google Review 6 Exhibit F - Email referencing Electronic Documents 7 Exhibit G - Email referencing "Recheck" 	5 pages 141.8 KB 6 pages 587.8 KB 5 pages 59.1 KB 2 pages 26.6 KB 9 pages 178.0 KB 4 pages 43.8 KB 6 pages 75.6 KB 7 pages 118.5 KB

13/25, 9:54 AIVI				OIVI/LOI - 0.0	5. District Court:thwa	
10/14/2023	<u>63</u>	45.7 KB		for Secure Communica	urt Regarding Extended Tem ation by Dennis Philipson (cs	-
10/19/2023	64	56.2 KB		E to the Court Regardin on (agj) (Entered: 10/20/	g Extended Temporary Abse (2023)	nce by Dennis
10/28/2023	65	3.0 MB	Deposit Exhibit agreement reply to	ion (Attachments: $\# \frac{1}{4}$ E Philipson's Deposition 1 ent, $\# \frac{4}{4}$ Exhibit Email tr	rtment Communities, Inc. re exhibit Philipson's Objection Notice, # 3 Exhibit Email set ansmitting deposition notice, eted, # 6 Exhibit Email reject	to Deposition, # 2 ting deposition by , # 5 Exhibit Emailed
				Main Document		7 pages 216.7 KB
				Exhibit Philipson's Obje	ection to Denosition	6 pages 84.9 KB
				Exhibit Philipson's Dep	1	3 pages 120.0 KB
				Exhibit Email setting de		5 pages 223.3 KB
				Exhibit Email transmitti	1 , 0	1 page 680.0 KB
					o objection that was rejected	1 0
				Exhibit Email rejection	· ·	7 pages 622.2 KB
10/28/2023	66	4.4 MB		ments: # 1 Exhibit A, #]	is Philipson re <u>61</u> Notice to <u>7</u> 2 Exhibit B, # <u>3</u> Exhibit C)(j	*
				Main Document	6 pages	86.6 KB
				Exhibit A	2 pages	90.8 KB
			<u></u>	Exhibit B	8 pages	1.4 MB
			□ 3	Exhibit C	7 pages	2.8 MB
11/01/2023	67	239.4 KB			ION FOR PROTECTIVE Of on 11/1/2023. (shl) (Entered:	
11/02/2023	68	899.7 KB			nis Philipson re <u>61</u> Notice to envelope)(jae) (Entered: 11/0	
			_ 0	Main Document	8 pages	248.4 KB
				Exhibit	15 pages	632.1 KB
			□ 2	envelope	1 page	19.3 KB
11/06/2023	69	136.8 KB		R DENYING 33 MOTIO nan on 11/6/2023. (shl) (ON TO DISMISS. Signed by (Entered: 11/06/2023)	Chief Judge Sheryl
11/08/2023	70		set for 7		v - No Image Attached]: Vide 10:00 AM via Zoom before	
					a Zoom video conference. The video conference one (1) day	

13/25, 9.54 AW			proceeding.
			The public may also access the video proceeding. If the public and/or media wish to attend in the video proceeding, please click on the following link to request access information: https://www.tnwd.uscourts.gov/videohearings The access information will be delivered via email to the email address from which the request originated.
			Please email Terry Haley at terry_haley@tnwd.uscourts.gov for any questions. (tlh) (Entered: 11/08/2023)
11/08/2023	71	95.9 KB	ORDER REFERRING CASE TO CHIEF MAGISTRATE JUDGE TU M. PHAM FOR MEDIATION. Signed by Chief Judge Sheryl H. Lipman on 11/8/2023. (shl) (Entered: 11/08/2023)
11/14/2023	72		Minute Entry for proceedings held before Chief Magistrate Judge Tu M. Pham: Video Status Conference held via Zoom on 11/14/2023. Jordan Elizabeth Thomas and Paige Waldrop Mills appearing for plaintiff. Dennis Philipson did not appear, emails used for Zoom invitation were returned undeliverable. Video Judicial Mediation Conference set for Wednesday, 11/29/2023 at 10:30 AM via Zoom before Chief Magistrate Judge Tu M. Pham. A Setting Letter will be mailed via certified mail to Dennis Philipson by case manager in addition to email notification. Court waives requirement for Mediation Statement. (Tape #FTR/CR6) (tlh) (Entered: 11/14/2023)
11/17/2023	73	109.0 KB	SETTING LETTER: Video Mediation Hearing set for Wednesday, 11/29/2023 at 10:30 AM in Courtroom 6 - Memphis before Chief Magistrate Judge Tu M. Pham. The proceeding will be done via Zoom video conference. The Court will email the parties an invitation for the video conference one (1) day prior to the proceeding. Defendant is instructed to contact case manager by Monday, 11/27/2023 and provide a working email address to receive the invitation. Please email Terry Haley at terry_haley@tnwd.uscourts.gov for any questions. (tlh) (Entered: 11/17/2023)
11/29/2023	74		Minute Entry for proceedings held before Chief Magistrate Judge Tu M. Pham: Video Mediation Hearing was to be held on 11/29/2023. Paige Mills, Rob DelPriore, and Gigi McGown (by telephone) appearing for Plaintiff. Defendant Dennis Michael Philipson did not appear for mediation hearing. Defendant Philipson did not contact case manager prior to hearing as instructed by 73 Setting Letter sent by USPS Certified Mail [9590 9402 6391 0303 6893 45] on 11/17/2023. Court to enter Order. (Tape #FTR/Zoom) (tlh) (Entered: 11/29/2023)
12/02/2023	75	111.7 KB	PRO SE MOTION to Continue Mediation by Dennis Philipson. (jae) (Entered: 12/04/2023)
12/03/2023	76		MOTION for reasonable accommodations under Americans with Disabilities Act by Dennis Philipson. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C) (jae) Modified on 12/4/2023 (jae). Sealed at request of filer on 12/4/2023 (cbs). (Entered: 12/04/2023)
12/03/2023	77		AMENDED MOTION for Reasonable Accommodations by Dennis Philipson. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(jae) Modified on 12/4/2023 (jae). Sealed at request of filer on 12/4/2023 (cbs). (Entered: 12/04/2023)

13/25, 9:54 AM			CM/ECF - U.S. District Court:tnwd		
12/06/2023	78	114.1 KB	Report on Judicial Mediation held before Chie (cmd) (Entered: 12/06/2023)	f Magistrate Judg	ge Tu M. Pham.
12/19/2023	79	173.1 KB	RESPONSE in Opposition re 75 MOTION to Reasonable Accommodations filed by Mid-Am Inc (Mills, Paige) (Entered: 12/19/2023)		
01/12/2024	80	1.2 MB	MOTION for Status Conference by Mid-Amer (Attachments: # 1 Exhibit A - Miles Cyprus En Email)(Mills, Paige) (Entered: 01/12/2024)	±	
			☐ 0 Main Document	5 pages	113.6 KB
			☐ 1 Exhibit A - Miles Cyprus Email	3 pages	46.0 KB
			☐ 2 Exhibit B - Piper Savage Email	6 pages	1.1 MB
	-	0		_	
	-		_		
01/25/2024	83	1.4 MB	AFFIDAVIT Second Declaration of Leslie Wood Communities, Inc (Attachments: # 1 Exhibit - suemiyoung Email, # 3 Exhibit 3 - Piper Sava re Fire)(Mills, Paige) (Entered: 01/25/2024)	1 - rogervkint En	nail, # <mark>2</mark> Exhibit 1
			□ 0 Main Document	11 pages	145.3 KB
			☐ 1 Exhibit 1 - rogervkint Email	5 pages	393.1 KB
			☐ 2 Exhibit 2 - suemiyoung Email	5 pages	242.2 KB
			☐ 3 Exhibit 3 - Piper Savage Email	4 pages	71.7 KB
			☐ 4 Exhibit 4 - Article re Fire	5 pages	552.4 KB
01/25/2024	84	9.3 MB	AFFIDAVIT <i>Declaration of Jay Blackman</i> by Communities, Inc (Attachments: # 1 Exhibit Verizon Text, # 2 Exhibit 3 - Google Reviews, (Mills, Paige) (Entered: 01/25/2024)	1 - Okta Emails,	# <u>2</u> Exhibit 2 -

			☐ 0 Main Document	7 pages	3.2 MB
			☐ 1 Exhibit 1 - Okta Emails	7 pages	1.2 MB
			2 Exhibit 2 - Verizon Text	2 pages	275.6 KB
			3 Exhibit 3 - Google Reviews	35 pages	3.5 MB
			4 Exhibit 4 - Melnick Email	3 pages	1.2 MB
01/25/2024	85	827.7 KB	AFFIDAVIT Declaration of Johnathan Bridge Communities, Inc (Attachments: # 1 Exhibit (Entered: 01/25/2024)	•	-
			☐ 0 Main Document	14 pages	591.0 KB
			☐ 1 Exhibit A - Bridbord CV	13 pages	236.7 KB
01/25/2024	86	1.5 MB	AFFIDAVIT Declaration of Paige Mills by M Communities, Inc (Attachments: # 1 Exhibit Exhibit 2 - SueMiYoung Email, # 3 Exhibit 3 UDRP Decision)(Mills, Paige) (Entered: 01/2:	1 - Piper Savage - Article re Fire,	Email, # 2
			□ 0 Main Document	11 pages	171.7 KB
			☐ 1 Exhibit 1 - Piper Savage Email	5 pages	393.1 KB
			☐ 2 Exhibit 2 - SueMiYoung Email	5 pages	242.2 KB
			3 Exhibit 3 - Article re Fire	5 pages	552.6 KB
				J Dages	334.0 KD
			☐ 4 Exhibit 4 - UDRP Decision	7 pages	149.0 KB
01/25/2024	87	46.5 MB		7 pages Inities, Inc. Notice Attachments: # 1 Ition, # 3 Exhibit position, # 6 Exhibit 7 to Depos # 11 Exhibit 10 to Deposition, # 1 6 Exhibit 16 to D	e of Filing Exhibit A - 2 to Deposition, ibit 5 to sition, # 9 Exhibit o Deposition, # 4 Exhibit 14 to Deposition, # 17
01/25/2024	87	_	NOTICE by Mid-America Apartment Community Transcript of Dennis Philipson's Deposition (A Deposition Transcript, # 2 Exhibit 1 to Deposition, # 5 Exhibit 4 to Deposition, # 7 Exhibit 6 to Deposition, # 8 E 8 to Deposition, # 10 Exhibit 9 to Deposition, 12 Exhibit 11 to Deposition, # 13 Exhibit 13 to Deposition, # 15 Exhibit 15 to Deposition, # 1 Exhibit 17 to Deposition, # 18 Exhibit 18 to Deposition,	7 pages Inities, Inc. Notice Attachments: # 1 Ition, # 3 Exhibit position, # 6 Exhibit position 7 to Depos # 11 Exhibit 10 to Deposition, # 1 6 Exhibit 16 to Deposition)(Mills,	e of Filing Exhibit A - 2 to Deposition, ibit 5 to sition, # 9 Exhibit O Deposition, # 4 Exhibit 14 to Deposition, # 17
01/25/2024	87	_	NOTICE by Mid-America Apartment Community Transcript of Dennis Philipson's Deposition (A Deposition Transcript, # 2 Exhibit 1 to Deposition, # 5 Exhibit 4 to Deposition, # 7 Exhibit 6 to Deposition, # 8 E 8 to Deposition, # 10 Exhibit 9 to Deposition, 12 Exhibit 11 to Deposition, # 13 Exhibit 13 to Deposition, # 15 Exhibit 15 to Deposition, # 1 Exhibit 17 to Deposition, # 18 Exhibit 18 to Deposition, # 10 Main Document	7 pages nities, Inc. Notice Attachments: # 1 Ition, # 3 Exhibit position, # 6 Exhibit 7 to Depos # 11 Exhibit 10 to Deposition, # 1 6 Exhibit 16 to Deposition)(Mills, 3 pages	e of Filing Exhibit A - 2 to Deposition, ibit 5 to ition, # 9 Exhibit o Deposition, # 4 Exhibit 14 to Deposition, # 17 Paige) (Entered
01/25/2024	87	_	NOTICE by Mid-America Apartment Communitarianscript of Dennis Philipson's Deposition (A Deposition Transcript, # 2 Exhibit 1 to Deposition, # 5 Exhibit 4 to Deposition, # 7 Exhibit 6 to Deposition, # 8 E 8 to Deposition, # 10 Exhibit 9 to Deposition, 12 Exhibit 11 to Deposition, # 13 Exhibit 13 to Deposition, # 15 Exhibit 15 to Deposition, # 1 Exhibit 17 to Deposition, # 18 Exhibit 18 to Deposition Transcript	7 pages nities, Inc. Notice Attachments: # 1 tion, # 3 Exhibit position, # 6 Exhibit position, # 10 Depose # 11 Exhibit 10 to Deposition, # 1 6 Exhibit 16 to Deposition) 3 pages 235 pages	149.0 KB e of Filing Exhibit A - 2 to Deposition, ibit 5 to sition, # 9 Exhibit Openosition, # 4 Exhibit 14 to Openosition, # 17 Paige) (Entered 254.0 KB 28.6 MB
01/25/2024	87	_	NOTICE by Mid-America Apartment Communitaries of Dennis Philipson's Deposition (A Deposition Transcript, # 2 Exhibit 1 to Deposition, # 5 Exhibit 4 to Deposition, # 7 Exhibit 6 to Deposition, # 8 E 8 to Deposition, # 10 Exhibit 9 to Deposition, 12 Exhibit 11 to Deposition, # 13 Exhibit 13 to Deposition, # 15 Exhibit 15 to Deposition, # 1 Exhibit 17 to Deposition, # 18 Exhibit 18 to Deposition (Deposition)	7 pages Inities, Inc. Notice Attachments: # 1 Ition, # 3 Exhibit position, # 6 Exhibit position, # 10 Depose # 11 Exhibit 10 to Deposition, # 1 6 Exhibit 16 to Deposition)(Mills, 3 pages 235 pages 33 pages	e of Filing Exhibit A - 2 to Deposition, ibit 5 to ition, # 9 Exhibit o Deposition, # 4 Exhibit 14 to Deposition, # 17 Paige) (Entered
01/25/2024	87	_	NOTICE by Mid-America Apartment Communitarianscript of Dennis Philipson's Deposition (and Deposition Transcript, # 2 Exhibit 1 to Deposition Transcript, # 2 Exhibit 1 to Deposition, # 5 Exhibit 4 to Deposition, # 7 Exhibit 6 to Deposition, # 8 Exhibit 11 to Deposition, # 10 Exhibit 9 to Deposition, 12 Exhibit 11 to Deposition, # 13 Exhibit 13 to Deposition, # 15 Exhibit 15 to Deposition, # 1 Exhibit 17 to Deposition, # 18 Exhibit 18 to Deposition	7 pages Inities, Inc. Notice Attachments: # 1 Ition, # 3 Exhibit position, # 6 Exhibit 7 to Depos # 11 Exhibit 10 to Deposition, # 1 6 Exhibit 16 to Deposition)(Mills, 3 pages 235 pages 33 pages 1 page	149.0 KB e of Filing Exhibit A - 2 to Deposition, ibit 5 to ition, # 9 Exhibit to Deposition, # 4 Exhibit 14 to Deposition, # 17 Paige) (Entered 254.0 KB 28.6 MB 2.9 MB
01/25/2024	87	_	NOTICE by Mid-America Apartment Communitarianscript of Dennis Philipson's Deposition (A Deposition Transcript, # 2 Exhibit 1 to Deposition, # 5 Exhibit 4 to Deposition, # 7 Exhibit 6 to Deposition, # 8 E 8 to Deposition, # 10 Exhibit 9 to Deposition, 12 Exhibit 11 to Deposition, # 13 Exhibit 13 to Deposition, # 15 Exhibit 15 to Deposition, # 1 Exhibit 17 to Deposition, # 18 Exhibit 18 to Deposition, # 18 Exhibit 18 to Deposition 0	7 pages nities, Inc. Notice Attachments: # 1 tion, # 3 Exhibit position, # 6 Exhibit position, # 10 Depose # 11 Exhibit 10 to Deposition, # 1 6 Exhibit 16 to Deposition)(Mills, 3 pages 235 pages 33 pages 1 page 5 pages	e of Filing Exhibit A - 2 to Deposition, ibit 5 to ition, # 9 Exhibit Opensition, # 4 Exhibit 14 to Opensition, # 17 Paige) (Entered 254.0 KB 28.6 MB 2.9 MB 84.5 KB 539.4 KB
01/25/2024	87	_	NOTICE by Mid-America Apartment Communitaries of Dennis Philipson's Deposition (A Deposition Transcript, # 2 Exhibit 1 to Deposition, # 5 Exhibit 4 to Deposition, # 7 Exhibit 6 to Deposition, # 8 E 8 to Deposition, # 10 Exhibit 9 to Deposition, 12 Exhibit 11 to Deposition, # 13 Exhibit 13 to Deposition, # 15 Exhibit 15 to Deposition, # 1 Exhibit 17 to Deposition, # 18 Exhibit 18 to Deposition (Deposition)	7 pages nities, Inc. Notice Attachments: # 1 Ition, # 3 Exhibit position, # 6 Exhibit position, # 10 Depose # 11 Exhibit 10 to Deposition, # 1 6 Exhibit 16 to Deposition)(Mills, 3 pages 235 pages 33 pages 1 page 5 pages 97 pages	e of Filing Exhibit A - 2 to Deposition, ibit 5 to ition, # 9 Exhibit to Deposition, # 4 Exhibit 14 to Deposition, # 17 Paige) (Entered 254.0 KB 28.6 MB 2.9 MB 84.5 KB 539.4 KB 11.3 MB
01/25/2024	87	_	NOTICE by Mid-America Apartment Communitarianscript of Dennis Philipson's Deposition (Deposition Transcript, # 2 Exhibit 1 to Deposition, # 5 Exhibit 4 to Deposition, # 7 Exhibit 6 to Deposition, # 8 E 8 to Deposition, # 10 Exhibit 9 to Deposition, 12 Exhibit 11 to Deposition, # 13 Exhibit 13 to Deposition, # 15 Exhibit 15 to Deposition, # 1 Exhibit 17 to Deposition, # 18 Exhibit 18 to Dol/25/2024) Deposition Main Document Exhibit A - Deposition Transcript Exhibit 1 to Deposition Exhibit 2 to Deposition Exhibit 3 to Deposition Exhibit 4 to Deposition Exhibit 5 to Deposition Exhibit 5 to Deposition	7 pages 7 pages Attachments: # 1 Attachments: # 2 Attachments: # 1 Attachments:	e of Filing Exhibit A - 2 to Deposition, ibit 5 to ition, # 9 Exhibit o Deposition, # 4 Exhibit 14 to Deposition, # 17 Paige) (Entered 254.0 KB 28.6 MB 2.9 MB 84.5 KB 539.4 KB 11.3 MB 60.3 KB
01/25/2024	87	_	NOTICE by Mid-America Apartment Communitaries of Dennis Philipson's Deposition (A Deposition Transcript, # 2 Exhibit 1 to Deposition, # 5 Exhibit 4 to Deposition, # 7 Exhibit 6 to Deposition, # 8 E 8 to Deposition, # 10 Exhibit 9 to Deposition, 12 Exhibit 11 to Deposition, # 13 Exhibit 13 to Deposition, # 15 Exhibit 15 to Deposition, # 1 Exhibit 17 to Deposition, # 18 Exhibit 18 to Deposition (Deposition)	7 pages nities, Inc. Notice Attachments: # 1 Ition, # 3 Exhibit position, # 6 Exhibit position, # 10 Depose # 11 Exhibit 10 to Deposition, # 1 6 Exhibit 16 to Deposition)(Mills, 3 pages 235 pages 33 pages 1 page 5 pages 97 pages	e of Filing Exhibit A - 2 to Deposition, ibit 5 to ition, # 9 Exhibit to Deposition, # 4 Exhibit 14 to Deposition, # 17 Paige) (Entered 254.0 KB 28.6 MB 2.9 MB 84.5 KB 539.4 KB 11.3 MB

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			☐ 10 Exhibit 9 to Deposition	1 page	59.4 KB
			☐ 11 Exhibit 10 to Deposition	2 pages	357.2 KB
			☐ 12 Exhibit 11 to Deposition	5 pages	448.7 KB
			☐ 13 Exhibit 13 to Deposition	1 page	67.5 KB
			☐ 14 Exhibit 14 to Deposition	1 page	39.7 KB
			☐ 15 Exhibit 15 to Deposition	1 page	38.7 KB
			☐ 16 Exhibit 16 to Deposition	2 pages	324.4 KB
			☐ 17 Exhibit 17 to Deposition	6 pages	749.2 KB
			☐ 18 Exhibit 18 to Deposition	2 pages	184.2 KB
01/30/2024	88	147.8 KB	SETTING LETTER: A STATUS CONFERENCE THURSDAY, FEBRUARY 8, 2024 at 3:30 P.M. (Sheryl H. Lipman.		
			The conference will be held via Microsoft Teams conference will be emailed to the attorneys and Pr		
			The Parties should be prepared to discuss all pend	ling motions.	
			The public may also access the video proceeding. wish to attend in the video proceeding, please clic request access information: https://www.tnwd.usc access information will be delivered via email to the request originated.	k on the follow ourts.gov/vide	wing link to cohearings The
			Parties should consult the instructions for <u>Joining</u> a <u>Meeting Without a Teams Account</u> .	a Meeting in	Teams or Joining
			Please email Joseph Warren at joseph_warren@tn any questions. (jpw) (Entered: 01/30/2024)	wd.uscourts.g	gov if you have
02/08/2024	89		Minute Entry for proceedings held before Chief Ja Conference held on 2/8/2024 via Microsoft Teams Jordan Elizabeth Thomas and Paige Waldrop Mill Se Defendant Dennis Philipson did not appear. Pla think is appropriate in light of the Defendant's nor will consider it. (Court Reporter: Lashawn Marsha 02/08/2024)	s Video. John s appeared for aintiff's to file n-appearance a	S. Golwen, r the Plaintiff. Pro whatever they and the Court
02/08/2024			Motions terminated: <u>80 MOTION</u> for Status Conf Apartment Communities, Inc. was granted when t docketed in this case. Signed by Chief Judge Sher (shl) (Entered: 02/08/2024)	he setting lette	er <u>88</u> was
02/08/2024	90	113.9 KB	ORDER FOR DEFENDANT TO SHOW CAUSE by 2/22/2024. Signed by Chief Judge Sheryl H. L. (Entered: 02/08/2024)		
02/13/2024	91	116.2 KB	ORDER FOR DEFENDANT TO SHOW CAUSE by 3/5/2024. Signed by Chief Judge Sheryl H. Lip (Entered: 02/13/2024)		
03/06/2024	92	1.8 MB	MOTION for Sanctions of Judgment and Perman Philipson (Proposed Order Submitted) by Mid-Ar		

			Communities, Inc (Attachments: # 1 Exhibit A - 2023 B - MAA Initial Disclosures, # 2 Exhibit C - First Set Exhibit D - 2023.09.19 Email, # 5 Exhibit E - Whistle 6 Exhibit F - Email to Joint Defense Group, # 7 Exhib (Mills, Paige) (Entered: 03/06/2024)	of Document blower Comr	Requests, # anunication, #
			□ 0 Main Document□ 1 Exhibit A - 2023.05.30 Email	8 pages 9 pages	166.9 KB 315.8 KB
			☐ 2 Exhibit B - MAA Initial Disclosures	9 pages	260.3 KB
			☐ 3 Exhibit C - First Set of Document Requests	11 pages	175.7 KB
			☐ 4 Exhibit D - 2023.09.19 Email	11 pages	226.8 KB
			☐ 5 Exhibit E - Whistleblower Communication	2 pages	387.1 KB
			☐ 6 Exhibit F - Email to Joint Defense Group	3 pages	146.0 KB
			☐ 7 Exhibit G - Proposed Order	7 pages	112.5 KB
03/07/2024	93		COURTESY NOTICE: Pursuant to Rule 5 of the Feder Procedure, document 92 MOTION for Sanctions of Just Injunction Against Philipson (Proposed Order Submits Apartment Communities, Inc. has been filed. For future Proposed orders are not to be published on ECF, but or word format. If no order previously emailed, please do notice. Please refer to the ECF User Manual and ECF Filer is not required to resubmit document. (jae) (Enter	dgment and a ted) filed by lee reference, parties of so upon receptions and	Permanent Mid-America please note: o chambers in eipt of this Procedures.
03/19/2024	94	270.7 KB	ORDER DENYING AS MOOT PLAINTIFF'S MOTI AND SANCTIONS 19, GRANTING IN PART AND PLAINTIFF'S MOTION FOR PRELIMINARY INJU- DEFENDANT'S REQUEST TO CONTINUE MEDIA DEFENDANT TO RESPOND TO MOTION FOR SA JUDGMENT AND PERMANENT INJUNCTION, AN DEFENDANT IN CONTEMPT. Signed by Chief Judg 3/19/2024. (shl) (Entered: 03/19/2024)	DENYING I NCTION <u>81</u> TION <u>75</u> , R NCTIONS (ND FINDING	N PART , DENYING EQUIRING DF G
03/19/2024	95	121.9 KB	SETTING LETTER: Contempt Hearing set for Monda in Courtroom 1 - Memphis before Chief Judge Sheryl (Entered: 03/19/2024)		
04/15/2024	96		Minute Entry for proceedings held before Chief Judge Contempt Hearing held on 4/15/2024. Paige Waldrop appeared for the Plaintiff. ProSe Defendant did not she Court discussed the next steps to be taken in the case. forward on ruling on ECF 92 Plaintiff's Motion for Sar Permanent Injunction. Once an order is issued on the r file any necessary response and documents within 2 w order. (Court Reporter: Candace Covey) (mmm) (Enter	Mills and Johow for the he The Court winctions of Judenotion, the Peeks of the is	in S. Golwen aring. The ill move digment and laintiff shall suance of the
05/06/2024	97	237.9 KB	ORDER GRANTING 92 MOTION FOR SANCTION GRANTING IN PART MOTION FOR PERMANENT by Chief Judge Sheryl H. Lipman on 5/6/2024. (shl) (l	INJUNCTI	ON. Signed
05/09/2024	98	111.6 KB	ORDER STRIKING PRETRIAL ORDER DEADLING CONFERENCE AND NON-JURY TRIAL AND SET		

				r, IF NECESSARY. S shl) (Entered: 05/09/	Signed by Chief Judge (2024)	Sheryl H. Li	pman on
05/17/2024	99	341.4 KB	(Attachmer	FINANCIAL AFFIDAVIT by Mid-America Apartment Communities, Inc (Attachments: # 1 Exhibit Declaration of Eugenia McGown, # 2 Exhibit Declaration of Paige Mills)(Mills, Paige) (Entered: 05/17/2024)			
				in Document		4 pages	216.2 KB
			☐ 1 Ex1	hibit Declaration of l	Eugenia McGown	1 page	62.5 KB
			☐ 2 Exl	hibit Declaration of l	Paige Mills	1 page	62.6 KB
05/20/2024	100	112.3 KB	TIME ANI	O INSTRUCTING P	MAGES HEARING U LAINTIFF TO FILE F on 5/20/2024. (shl) (En	EXHIBITS. S	Signed by
	_	0				_	
			-	_		-	
				_			_
		0					
06/21/2024	103	5.5 MB	Sheryl H. I	Lipman on 6/21/2024	IL TO THE COURT. S 4. (Attachments: # 1 Ex Entered: 06/21/2024)		
				ain Document	8 pages	151.2	KB
				xhibit	62 pages	5.3 MI	
06/21/2024	104	70.0 KB		f two combined ema (jae) (Entered: 06/24	iled from Dennis Phili (2024)	pson address	sed to
06/21/2024	105	12.9 MB			on re <u>103</u> Order Addres (Entered: 06/24/2024)		to the Court
				Iain Document	6 pages	23.0	KB
			□ 1 Ex	xhibit	45 pages	12.8	MB
06/24/2024	106	5.8 MB		2 Exhibit, # 3 Exhibi	nt by Dennis Philipson t, # <u>4</u> Exhibit, # <u>5</u> Exhi	`	
			□ 0 M	ain Document	121 pages	685.7	KB
			□ 1 Ex	xhibit	7 pages	2.5 M	В

		I		2		0 IVD
			2 Exhibit	2 pages		0 KB
			3 Exhibit	5 pages		1 KB
			4 Exhibit	12 pages		0 KB
			5 Exhibit	10 pages	295.	9 KB
06/24/2024	107		NOTICE of Change of Address to This is to notify you that I am revolution as per Federal Rule 5.2 of the Western District of documents and communications traditional mail, effective immed future correspondence and documents and communications traditional mail, effective immed future correspondence and documents and communications traditional mail, effective immed future correspondence and documents and communications traditionally, for security received Procedure 5.2(a), I insist on from the Public Access to Court in unauthorized access to my personal communications.	voking any previous of the control of Civil Procedure of Tennessee. I demand related to 2:23-cv-02 in the immediate removes the immediate removes the control of the control o	consent for e 5(b)(2)(C) nd that all f 186-SHL-c nt travels, p 42Alexand ance with I eval of my e PACER) sy	electronic) and Local inture gc be sent via lease send all ria, VA Federal Rule of email address stem to prevent
06/27/2024	108	112.3 KB	MOTION for Extension of Time Supplemental Description of Dar Communities, Inc (Mills, Paige	nages by Mid-Ameri	ca Åpartme	
06/27/2024	109	108.8 KB	ORDER GRANTING IN PART FILE SUPPLEMENTAL DESCE Judge Sheryl H. Lipman on 6/27	RIPTION OF DAMA	GES. Sign	ed by Chief
07/03/2024	110	90.0 KB	NOTICE OF APPEAL as to 97 OPPHILIPSON. (csf) (Entered: 07/03/2		Sanctions b	y Dennis
07/05/2024	111	429.1 KB	AFFIDAVIT Supplemental Deck Apartment Communities, Inc (A (Mills, Paige) (Entered: 07/05/20	Attachments: # 1 Exh		
			☐ 0 Main Document	7 n	ages 2	13.1 KB
			☐ 1 Exhibit A - Billing Entri	_	•	16.0 KB
07/05/2024	112	1.7 MB	AFFIDAVIT Declaration of Range Communities, Inc (Attachments Paige) (Entered: 07/05/2024)			
			0 Main Document1 Exhibit Attachment to Do	eclaration	7 pages 6 pages	402.4 KB 1.3 MB
07/08/2024	113	16.5 MB	MOTION for Contempt for Viola Memorandum of Law by Mid-Ar (Attachments: # 1 Exhibit A - De 13 Email 1:23 PM, # 3 Exhibit C 3 Email, # 5 Exhibit E - July 4 Exhibit E - July 6 Email 11:58 AM, # 8 Ext LinkedIn Profiles, # 10 Exhibit J (Entered: 07/08/2024)	merica Apartment Co claration of Alex Tar - June 13 Email 1:27 mail, # 6 Exhibit F hibit H - July 6 Emai	ommunities, tera, # 2 Ex 7 PM, # 4 E July 5 Ema 1 5:19 PM,	, Inc thibit B - June Exhibit D - July il, # 7 Exhibit G # 9 Exhibit I -
			□ 0 Main Document		12 pages	s 169.8 KB

			Exhibit A - Declaration of Alex Tartera Exhibit B - June 13 Email 1:23 PM Exhibit G - Land 12 Email 1:27 PM	29 pages 4 pages	445.0 KB
					499.1 KB
			3 Exhibit C - June 13 Email 1:27 PM	4 pages	509.9 KB
			4 Exhibit D - July 3 Email	4 pages	568.4 KB
			☐ 5 Exhibit E - July 4 Email	3 pages	712.1 KB
			☐ 6 Exhibit F - July 5 Email	10 pages	10.4 MB
			7 Exhibit G - July 6 Email 11:58 AM	11 pages	1.1 MB
			☐ 8 Exhibit H - July 6 Email 5:19 PM	5 pages	723.2 KB
			☐ 9 Exhibit I - LinkedIn Profiles	12 pages	1.1 MB
			☐ 10 Exhibit J - Whistleblower Complaints	27 pages	317.8 KB
07/09/2024	114	939.9 KB	USCA Case Number 24-5614 for 110 Notice of Appe Philipson. (jae) (Entered: 07/09/2024)	al filed by D	ennis
07/10/2024	115	50.3 KB	ORDER of USCA as to 110: SHOW CAUSE order for Dennis Philipson show cause for possible jurisdiction filing of a late notice of appeal. Response due by 07/3 Philipson. (csf) (Entered: 07/10/2024)	al defect inve	olving the
07/12/2024	116	219.4 KB	AMENDED NOTICE OF APPEAL. Amended Notice of Appeal to the United States Court of Appeals for the Sixth Circuit by Dennis Philipson. (csf) (Entered: 07/12/2024)		
07/16/2024	117	33.6 KB	USCA Appeal Fees received \$ 605 receipt number 200004475 re 110 Notice of Appeal filed by Dennis Philipson (mlk) (Entered: 07/16/2024)		
07/22/2024	118	118.3 KB	RESPONSE to Motion re 106 MOTION for Entry of America Apartment Communities, Inc (Mills, Paige)		
07/23/2024	119	1.6 MB	NOTICE of filing preferences by Dennis Philipson (A (jae) (Entered: 07/23/2024)	Attachments:	# 1 Exhibit)
			☐ 0 Main Document 3 pages	1.2 ME	3
			☐ 1 Exhibit 6 pages	486.2 I	ΚВ
09/05/2024	120	196.3 KB	ORDER of USCA (24-5614) as to <u>110</u> Notice of App 09/05/2024)	eal. (gkp) (Er	ntered:
09/05/2024	121	63.8 KB	USCA JUDGMENT (24-5614) as to 110 .(gkp) (Ente	red: 09/05/20)24)
11/01/2024	122	189.7 KB	ORDER GRANTING 106 MOTION FOR ENTRY C DETERMINING DAMAGES AWARD. Signed by C Lipman on 11/1/2024. (shl) (Entered: 11/01/2024)		
11/01/2024	123	131.1 KB	JUDGMENT IN FAVOR OF MID-AMERICA APAR INC. AGAINST DENNIS PHILIPSON. Signed by C. Lipman on 11/1/2024. (shl) (Entered: 11/01/2024)		,
11/01/2024	124	100.2 KB	ORDER TO SHOW CAUSE. Signed by Chief Judge 11/1/2024. (shl) (Entered: 11/01/2024)	Sheryl H. Li	pman on

			11/05/2024)			
			☐ 0 Main Document ☐ 1 Judgment	1 page 1 page	116.1 K 142.5 K	
12/02/2024	126	166.7 KB	NOTICE OF APPEAL as to 12/02/2024)	Judgment by Dennis	Philipson. (j	ae) (Entered:
12/02/2024	127	17.5 KB	NOTICE of Change of Address b	y Dennis Philipson (j	ae) (Entered	l: 12/02/2024)
12/02/2024			USCA Appeal Fees received \$ 60 Appeal filed by Dennis Philipson			26 Notice of
12/03/2024	128	171.6 KB	USCA Case Number 24-6082 for Philipson. (jae) (Entered: 12/04/2		l filed by D	ennis
01/17/2025	129	163.2 KB	NOTICE of Change of Address by 01/17/2025)	y Paige Waldrop Mil	ls (Mills, Pa	ige) (Entered:
01/17/2025	130	2.1 MB	AFFIDAVIT Supplemental Affidation Contempt by Mid-America April Exhibit 1 - Email from Rimmell I Spreadsheet, # 3 Exhibit 3 - Work 5 - Whistleblower Portal Submitta	partment Communitie Leo, # <u>2</u> Exhibit 2 - M a Day Email, # <u>4</u> Exh	es, Inc (Att Iessage Trac ibit 4 - Ema	achments: # <u>1</u> kking il, # <u>5</u> Exhibit
			 0 Main Document 1 Exhibit 1 - Email from Ri 2 Exhibit 2 - Message Track 3 Exhibit 3 - Work Day Em 4 Exhibit 4 - Email 5 Exhibit 5 - Whistleblower 	king Spreadsheet ail	3 pages 2 pages 3 pages	1.4 MB 298.7 KB 63.6 KB 105.5 KB 96.0 KB 115.5 KB
01/28/2025	131	533.2 KB	Letter from Dennis Phillipson (jac	e) (Entered: 01/28/20	25)	
02/03/2025	132	3.5 MB	Letter from Dennis Philipson re: 6 Exhibit) (jae) (Entered: 02/04/202	`	tachments: #	½ <u>1</u> Exhibit, # <u>2</u>
			0 Main Document1 Exhibit2 Exhibit	9 pages 16 pages 5 pages	153.8 2.7 MI 669.6	3
02/03/2025	134	1.9 MB	ATTACHMENT to 132 Letter by	Dennis Philipson. (ja	ae) (Entered	: 02/04/2025)
02/04/2025	133		Sealed Document - exhibit to DE	132. (jae) (Entered: (02/04/2025)	
02/19/2025	135	456.9 KB	MOTION to Reopen Case by Mic (Attachments: # 1 Exhibit A - Jan 27, 2025 Email)(Mills, Paige) (Er	uary 17, 2025 Email,		
			☐ 0 Main Document		5 pages	123.0 KB

			🗆 1 Exhil	oit A - January 17,	2025 Email	2 pages	167.2 KB
			☐ 2 Exhil	oit B - January 27,	2025 Email	2 pages	166.7 KB
02/19/2025	136	175.3 KB		to Motion re 135 Me) (Entered: 02/20/	MOTION to Reoper (2025)	1 Case filed b	y Dennis
02/19/2025	137	134.2 KB	NOTICE of v (Entered: 02/2	•	nis Philipson re <u>13</u> 0	6 Response to	Motion (jae)
02/19/2025	138	181.2 KB		DOCUMENT by I ne) (Entered: 02/20	Dennis Philipson. A /2025)	mendment to	136 Response
02/19/2025	139	224.9 KB	NOTICE of appellant filing and lack of District Court Jurisdiction by Dennis Philipson (Attachments: # 1 Exhibit)(jae) (Entered: 02/20/2025)				
			□ 0 Moi	n Document	3 pages	99.2	VD
			1 Exh		7 pages		
02/19/2025	140	5.9 KB	OPPS - Filed	in error (jae). (Ent	ered: 02/20/2025)		
02/21/2025	141	215.3 KB	defendant ma (1). Although of briefs, id., The defendant deadlines. As defendant in p cannot give le manager at th defendant ma documents to the Federal R Operating Pro counsels inter motion on the	the court disfavorate the court may extend the court may extend the defendant process and advice but the defendant process and advice but the dependent process and advice but the courts pro see sules of Appellate Forcedures authorize ractions with a pro-	tice of Appeal filed ension of time by we applications for each time for good cate, seek extensions ceeds pro se, the cleated in the case operated in the ca	ritten motion xtensions of tause. Fed. R. s of time to merk will continuening letter, the ect questions ening letter. Of omitting perm 25(b)(2)(a). I ixth Circuit Reany restrictions shall termina	ime for the filing App. P. 26(b). eet his various nue to serve the ne clerks office to his case therwise, the issible Finally, neither tules or Internal ons on opposing te the defendants
02/21/2025	142	322.8 KB		ilipson (Attachmer	ort to document pro onts: # 1 Document :	_	· ·
			O Main	Document		3 pages	98.3 KB
				ment submitted to	COA	16 pages	224.5 KB
02/21/2025	143	322.8 KB		ilipson (Attachmer	ort to document pronts: # 1 motion file	-	
			□ 0 Main	Document		3 pages	98.3 KB
			_	on filed with 6th C	ircuit	16 pages	224.5 KB
			I IIIOU	on med with our C		10 pages	227.5 KD

02/24/2025	145	11.2 MB	NOTICE to docket appellate filin (Attachments: # 1 Exhibit, # 2 Ex		
			 0 Main Document 1 Exhibit 2 Exhibit 3 Exhibit 	3 pages 29 pages 103 pages 29 pages	135.1 KB 270.7 KB 10.5 MB 328.6 KB
02/25/2025	144	324.3 KB	NOTICE of filing motion with CO 02/25/2025)	OA by Dennis Philipsor	n (jae) (Entered:
02/26/2025	146	45.0 KB	NOTICE OF FILING CEASE AN (cmm) (Entered: 02/26/2025)	ND DESIST REMINDE	ER by Dennis Philipson
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03/12/2025	149	689.1 KB	RESPONSE to Motion re 148 MC <i>Execution</i> filed by Dennis Philips 03/12/2025)	-	•
			☐ 0 Main Document ☐ 1 Exhibit	7 pages 2 pages	116.0 KB 573.1 KB
03/13/2025	150	162.2 KB	MOTION for court to issue subpo 03/13/2025)	penas by Dennis Philips	on. (jae) (Entered:
03/14/2025	151	109.0 KB	Certificate of Consultation by Mi (Golwen, John) (Entered: 03/14/2	-	Communities, Inc
03/14/2025	152	193.9 KB	RESPONSE IN OPPOSITION by Case (jae) (Entered: 03/14/2025)	y Dennis Philipson re 1	MOTION to Reopen
03/14/2025	153	314.2 KB	Email addressed to the courts by	Dennis Philipson (jae) (Entered: 03/14/2025)
03/18/2025	<u>154</u>	5.2 MB	MEMORANDUM FOR THE RE Exhibit, # 2 Exhibit, # 3 Exhibit, Exhibit, # 8 Exhibit)(mf) (Entered	# 4 Exhibit, # 5 Exhibit	

			□ 0 Main Document	8 pages	119.9 KB
			☐ 1 Exhibit	4 pages	149.9 KB
			2 Exhibit	2 pages	764.0 KB
			3 Exhibit	4 pages	94.3 KB
			4 Exhibit	4 pages	123.1 KB
			5 Exhibit	7 pages	1.0 MB
			☐ 6 Exhibit	3 pages	938.8 KB
			7 Exhibit	2 pages	115.7 KB
			☐ 8 Exhibit	22 pages	1.9 MB
03/18/2025	155	111.8 KB	RESPONSE in Opposition re 150 Mid-America Apartment Commu 03/18/2025)		
03/19/2025	156	4.1 MB	RESPONSE in Opposition re 148 Execution filed by Dennis Philips 03/19/2025)		
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			_	5 pages	106.8 KB
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04/02/2025	157	3.2 MB	NOTICE of Supplemental Submi (Attachments: # 1 Exhibit A, # 2 04/02/2025)		•
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5/13/25, 9:54 AM			CM/ECF - U.S. District Court:tnwd		
			☐ 5 Exhibit 5 - April 1, 2025 Email	5 pages	138.3 KB
			☐ 6 Exhibit 6 - Spreadsheet Report	6 pages	37.8 KB
04/10/2025	160	29.9 KB	EMERGENCY RESPONSE in Opposition re 1 Contempt for Violating Permanent Injunction a Law filed by Dennis Philipson. (jae) (Entered:	and Incorporated N	
04/14/2025	161	90.5 KB	Appeal Remark re 126 Notice of Appeal: Misc documents filed by Mr. Philipson (cmm) (Enter		nt regarding
04/22/2025	162	160.9 KB	ORDER DENYING AS MOOT 135 PLAINTI CASE, GRANTING 148 PLAINTIFF'S MOTI IN AID OF EXECUTION, DENYING 150 DE ISSUE SUBPOENAS, AND SETTING SHOW PLAINTIFF'S MOTION FOR CONTEMPT. S Lipman on 4/22/2025. (shl) (Entered: 04/22/20	ON TO COMPELEFENDANT'S MC V CAUSE HEARI Digned by Chief Ju-	DISCOVERY OTION TO NG AS TO
04/23/2025	163	147.1 KB	SETTING LETTER: A SHOW CAUSE HEAR MOTION FOR CONTEMPT FOR VIOLATIN has been SET before Chief Judge Sheryl H. Lip at 11:00 A.M. in Courtroom No. 1, 11th floor of Tennessee. The parties are instructed to have present any v	IG PERMANENT oman for FRIDAY of the Federal Build	INJUNCTION MAY 9, 2025 ding, Memphis,
			this hearing.(mmm) (Entered: 04/23/2025)		
04/24/2025	164	1.4 MB	NOTICE of OBJECTIONS, REFUSAL TO PATO NOTICE OF SETTING by Dennis Philipso COA - notice of filing, # 2 email - 4/23/25 object response to notice of setting, # 3 email 4/23/35 email date 4/23/25 miscellaneous letter sent, # docket, # 6 email dated 4/24 Attention US Mar Eastern District of Virginia, # 8 Message Summ (Entered: 04/24/2025)	on (Attachments: #ection, refusal to positive of non-con 5 email dated 4/24 shals, # 7 docume	# 1 styled for articipate and appliance, # 4 submission for atts styled for

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			□ 0	Main Document		7 pages	166.4 KB
			□ 1	styled for COA - notice	e of filing	4 pages	93.5 KB
				email - 4/23/25 objection response to notice of se	on, refusal to participate and	2 pages	85.9 KB
				email 4/23/35 notice of		1 page	42.9 KB
			□ 4	email date 4/23/25 mis	cellaneous letter sent	2 pages	74.4
			□ 5	email dated 4/24 subm	ission for docket	2 pages	64.3 KB
			□ 6	email dated 4/24 Atten	tion US Marshals	12 pages	533.7 KB
			_ 7	documents styled for E	astern District of Virginia	3 pages	75.2
			□ 8	Message Summary - W	histleblower -	5 pages	216.9 KB
04/24/2025	165	854.7 KB	(Attach	_	ission to the 6th Circuit by De Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhi		
				Main Document	4 pages	158.0 KB	
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				Exhibit		181.9 KB	
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04/25/2025	166	624.5 KB	Philipso for 6th	on (Attachments: # 1 Ex Circuit COA, # 2 Exhib	king confirmation for record to thibit notice regarding record bit Shipment receipt, # 3 Exhibit cation)(jae) (Entered: 04/25/2	submissio oit proof o	n styled
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04/25/2025	168	295.2 KB	NOTICE of filing: communication Officials by Dennis Philipson (Att 04/25/2025)		
			□ 0 Main Document	5 pages	154.9 KB
			☐ 1 Exhibit email	3 pages	140.3 KB
04/25/2025	169	99.2 KB	ORDER DIRECTING DEFENDATIONS WITH CO Chief Judge Sheryl H. Lipman on	URT AND ITS PERS	ONNEL. Signed by
04/25/2025 170	170	2.2 MB	NOTICE of filing by Dennis Phili 3 Exhibit, # 4 Exhibit, # 5 Exhibit Exhibit, # 10 Exhibit, # 11 Exhibit	t, # <u>6</u> Exhibit, # <mark>7</mark> Exhi	ibit, # <u>8</u> Exhibit, # <u>9</u>
			☐ 0 Main Document	19 pages	374.9 KB
			☐ 1 Exhibit	1 page	107.9 KB
			2 Exhibit	3 pages	115.8 KB
			3 Exhibit	12 pages	406.0 KB
			4 Exhibit	4 pages	197.9 KB
			5 Exhibit	2 pages	98.1 KB
			☐ 6 Exhibit	1 page	159.3 KB
			7 Exhibit	27 pages	252.9 KB
			☐ 8 Exhibit	4 pages	29.9 KB
			☐ 9 Exhibit	3 pages	189.3 KB
			□ 10 Exhibit	4 pages	29.4 KB
			☐ 11 Exhibit	1 page	95.6 KB
			☐ 12 Exhibit	13 pages	181.9 KB
04/28/2025	171	102.6 KB	NOTICE of Filing Petition for Wr Appeals by Dennis Philipson (Att 04/28/2025)		
			□ 0 Main Document	4 pages	33.3 KB
			☐ 1 Exhibit	7 pages	69.3 KB
04/30/2025	172	98.8 KB	ORDER AFFIRMING MAY 9, 20 PROCEED. Signed by Chief Judg (Entered: 04/30/2025)		
04/30/2025	173	388.3 KB	RESPONSE to April 30, 2025 Ord Higher Courts and This District C email)(mf) (Entered: 04/30/2025)		•
			☐ 0 Main Document	23 pages	253.6 KB
			□ 1 email	1 page	134.7 KB

04/30/2025	174	302.9 KB	NOTICE of Continued Rights Violations and Request for Docket Filing of Attached Exhibits by Dennis Philipson (Attachments: # 1 Exhibit, # 2 Exhibit) (mf) (Entered: 05/01/2025)					
			□ 0 Main Document	4 pages	103.5 KB			
			☐ 1 Exhibit	1 page	61.5 KB			
			☐ 2 Exhibit	2 pages	137.9 KB			
05/02/2025	175	54.1 KB	Pro Se MOTION to Seal Entire District Court Docket by Dennis Philipson. (mf) (Entered: 05/02/2025)					
05/02/2025	176	31.1 KB	NOTICE of Change of Contact Information by Dennis Philipson (mf) (Entered: 05/02/2025)					
05/05/2025	177	97.6 KB	ORDER DENYING WITHOUT PREJUDICE 175 MOTION TO SEAL. Signed by Chief Judge Sheryl H. Lipman on 5/5/2025. (shl) (Entered: 05/05/2025)					
05/06/2025	178	117.4 KB	NOTICE OF CORRESPONDENCE REGARDING MAY 9, 2025 HEARING by Dennis Philipson (Attachments: # 1 Exhibit)(cmm) (Entered: 05/06/2025)					
			☐ 0 Main Document	3 pages	29.7 KB			
			☐ 1 Exhibit	1 page	87.7 KB			
05/09/2025	179		Minute Entry for proceedings held before Chief Judge Sheryl H. Lipman: Motion Hearing held on 5/9/2025. John S. Golwen, Jordan Elizabeth Thomas and Paige Waldrop Mills appeared for the Plaintiff. Dennis Philipson, Pro Se Defendant, did not appear. Hearing held re: 158 Plaintiff's Second Motion for Contempt for Violating Permanent Injunction. Order to be entered. (Court Reporter: Lashawn Marshall) (jpw) (Entered: 05/09/2025)					
05/09/2025	180	141.0 KB	NOTICE OF CORRESPONDENCE filed by Dennis Philipson. (Attachments: # 1 Exhibit)(cmm) (Entered: 05/09/2025)					
			☐ 0 Main Document	4 pages	30.5 KB			
			1 Exhibit	1 page	110.5 KB			
05/09/2025	181	92.1 KB	ORDER FOR DEFENDANT TO SHOW CAUSE AND TO PRODUCE RESPONSES TO OUTSTANDING DISCOVERY REQUESTS. Signed by Chief Judge Sheryl H. Lipman on 5/9/2025. (shl) (Entered: 05/09/2025)					
05/09/2025	182	45.8 KB	RESPONSE TO ORDER TO SHOW CAUSE by Dennis Philipson. (jae) (Entered: 05/12/2025)					
05/12/2025	183	247.2 KB	NOTICE of filing petition for writ of mandamus to the US Supreme Court by Dennis Philipson (jae) (Entered: 05/12/2025)					

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Billable Pages:	14	Cost:	1.40				

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE AT MEMPHIS

MID-AMERICA APARTMENT)
COMMUNITIES, INC.)
Plaintiff,)
)
V.) Docket No
JOHN DOE 1 AND JOHN DOE 2,)))
Defendants.)
)
)

COMPLAINT

- 1. Mid-America Apartment Communities, Inc., also known as ("MAA") states as follows for its Complaint against John Doe 1 and John Doe 2.
- 2. This is an action at law and equity to remedy acts of: (1) trademark infringement under 15 U.S.C. §1114; (2) unfair competition under 15 U.S.C. §1125(a); (3) cybersquatting under the Anti-cybersquatting Consumer Protection Act found at 15 U.S.C. § 1125(d); (3) infringement and unfair competition under the common law of the State of Tennessee and the Tennessee Trademark Statute, Tenn. Code Ann. §47-25-512 and §47-25-513; and (4) deceptive trade practices and unjust enrichment in violation of the common law of the State of Tennessee and the Tennessee Consumer Protection Act, Tenn. Code Ann. §47-18-104, et. seq.
- 3. This Court has original subject matter jurisdiction over MAA's Lanham Act claims pursuant to 28 U.S.C. §§ 1331 & 1338, and 15 U.S.C. § 1121.
- 4. This Court has subject matter jurisdiction over MAA's Tennessee state law claims pursuant to 28 U.S.C. § 1367(a) because MAA's Tennessee state law claims are so related to the

claims in the action within the Court's original jurisdiction that they form part of the same case or controversy.

- 5. Personal jurisdiction is proper in this Judicial District because, upon information and belief, each Defendant has had contacts with the State of Tennessee though the actions complained of herein and has caused and is continuing to cause harm to MAA, which has an office in Tennessee within this judicial district. Further, Defendant John Doe 1 has represented on social media that the company responsible for its Infringing Website (as herein defined) is headquartered in Memphis, Tennessee and has been operating there since 2016.
- 6. The Defendants have used Plaintiff's valid and registered trademarks on an Infringing Website and fake LinkedIn Page (as described herein) to divert, harass, and confuse Plaintiff's customers. Defendant John Doe 1 has been offering identical services to those of Plaintiff (assistance with apartment leasing) to Tennessee consumers using Plaintiff's trademarks. As described herein, Defendant John Doe 1 has been offering these services by purchasing infringing domain names and using an infringing logo on an infringing website that is viewable by and accessible to Tennessee consumers. The Infringing Website is interactive in that it has allowed Tennessee consumers to seek quotes for rental insurance and purports to advertise jobs available. Defendants have further created a LinkedIn Page using Plaintiff's trademarks for a business that it represents is headquartered in Tennessee, in this judicial district.
- 7. Defendants have offered and/or distributed these infringing services (as described herein) to consumers within the United States, including consumers within Tennessee.
- 8. Venue is proper within this Judicial District pursuant to 28 U.S.C. §1391 in that a substantial part of the events or omissions giving rise to MAA's claims have occurred in this

Judicial District, and a substantial part of the harm caused by Defendants has occurred in this Judicial District.

PARTIES

- 9. Mid-America Apartment Communities, Inc., also known as ("MAA"), is a Tennessee corporation, with its principal place of business located at 6815 Poplar Avenue, Suite 500, Germantown, Tennessee.
- 10. Defendant John Doe 1 is the individual or entity responsible for the website located at megaawesomeapartments.com, is using the false name "Craig Silver," and is associated with the email address info@maa.apartments, all of which will be further identified below. Defendant John Doe 1's true mailing address is unknown, although it has used false contact information in purchasing and administrating the above website and associated domains.
- 11. Upon information and belief, John Doe 2 is the individual or entity serving as a liaison between megaawesomeapartments.com and Plaintiff. John Doe 2's contact information is currently unknown. It is possible that John Doe 1 and John Doe 2 are the same person.
- 12. MAA is one of the largest residential management companies in the nation and is the second-largest owner of apartments in the United States.
- 13. MAA's real estate portfolio includes thousands of residences and luxury apartment communities throughout the Southeast, Southwest, and Mid-Atlantic regions of the United States.
- 14. With a network of over 100,000 homes and 296 communities across 16 states in their real estate portfolio, MAA is a residential management leader. MAA leases these properties and helps manage the property and the company's relationship with the tenants (the "MAA Services").

- 15. Through its extensive use of its various MAA trademarks (collectively, the "MAA Marks"), MAA has invested heavily in protecting and marketing its services throughout the United States.
- 16. As a consequence of MAA's marketing, brand investment, and sales success, MAA and its MAA Marks have become widely known by consumers of apartment rental services in the United States.
- 17. The Plaintiff owns trademark registrations and has pending trademark applications for the MAA Marks in the United States. The following is a list of the Plaintiff's registrations on the Principal Register and pending trademark applications for MAA Marks¹:

Trademark	Registration Number	Serial Number	Date of First Use	Goods and Services	
MAA	4009475		March 11, 2011	Class 36: Leasing of apartments	
MID-AMERICA APARTMENT COMMUNITIES	3268349		September 1994	Class 36: Leasing of apartments; Leasing of real estate; Rental of apartments	
MAA A BRIGHTER VIEW		88716497	TBD*	Class 36: Leasing of apartments; Leasing of real estate; Rental of apartments	
MAA COMMUNITIES		88716061	TBD*	Class 36: Leasing of apartments; Leasing of real estate; Rental of apartments.	

True and correct copies of the registration certificates and official U.S. Patent and Trademark Office Trademark Status and Document Retrieval Records are attached as **Exhibit A**.

18. MAA has offered and sold the MAA Services under the MAA Marks since as early as 1994 in the United States, as claimed and sworn to at the U.S. Patent and Trademark Office.

¹ The MAA marks referenced in the Complaint are owned by Mid-America Apartment Communities, Inc. and do not represent all trademarks owned by Mid-America Apartment Communities, Inc.

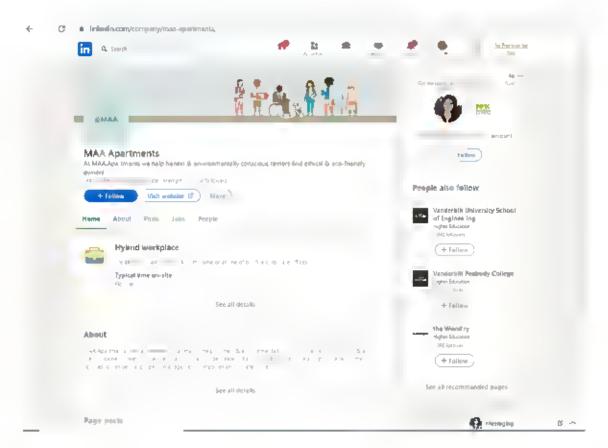
19. Additionally, Plaintiff is the owner of the maac.com domain name (the "MAA Domain Name").

PageID

- 20. Defendant John Doe 1 is an individual or entity that has misappropriated and used the MAA Marks as part of several Uniform Resource Locators ("URL's") that resolve to the infringing website www.megaawesomeapartments.com (collectively the "Infringing Domains").
- 21. Defendant John Doe 1 purchased the following Infringing Domains on March 3, 2023: maapartments.com; maa.apartments; maafraud.com. Defendant John Doe 1 purchased the fourth domain, megaawesomeapartments.com, on March 5, 2023.
- 22. The first three domain names are registered with Google, LLC. The fourth domain name, megaawesomeapartments.com, is registered with Wix.com Ltd.
- 23. The webpage located at megaawesomeapartments.com (the "Infringing Website") made prominent use of Plaintiff's MAA mark (the "Infringing Logo"). The Infringing Website purports to help renters find "ethical and eco-friendly" apartments to lease. Accordingly, the Infringing Website offers services that are identical to the MAA Services. A true and correct copy of the Infringing Website as of March 12, 2023 is attached as **Exhibit B.**
- 24. As of March 14, 2023, if the consumer entered the domain names maapartments.com, maa.apartments, or maafraud.com in the search bar, he or she would be automatically redirected to the Infringing Website located at megaawesomeapartments.com.
- 25. John Doe 1 registered the Infringing Domains and created the Infringing Logo and Website long after the date of first use and registration of Plaintiff's MAA marks.
- 26. The Infringing Domain Names and Logo are confusingly similar to the MAA Marks and the MAA Domain Name. These domains completely subsume and consist of Plaintiff's

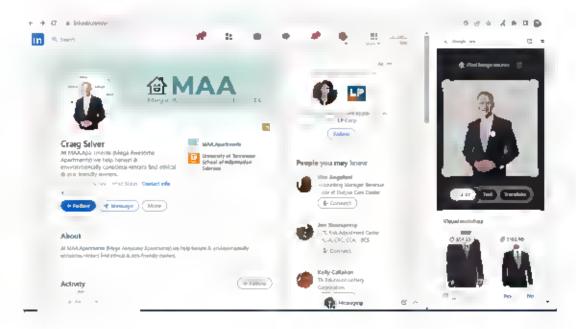
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27. John Doe 1's Infringing Website is not a legitimate business. As of March 13, 2023, John Doe 1 created a LinkedIn entry for its company that it is trying to pass off as Plaintiff (the "Infringing LinkedIn Page"). Below is a true and accurate screen shot of the Infringing LinkedIn page:

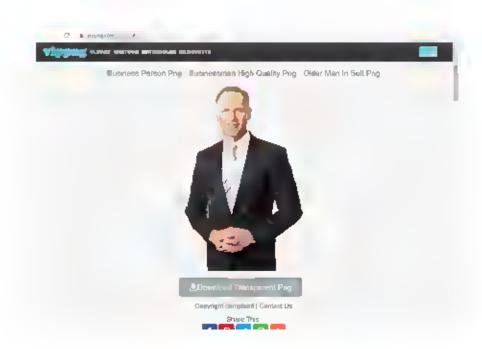


28. Upon information and belief, John Doe 1 has set up the Infringing LinkedIn page in a deliberate effort to impersonate Plaintiff. It references having five corporate offices, claims to have as many as 50 employees, and is allegedly located in Memphis, Tennessee, none of which is true.

- 29. Moreover, upon information and belief, Defendants have created other false LinkedIn Accounts of employees that allegedly work for the Infringing Website, but in reality, do not exist (the "False LinkedIn Accounts").
- 30. For example, John Doe 1 has indicated on the Infringing LinkedIn Page that an individual named "Craig Silver" is the CEO of the Infringing Website and has created a separate LinkedIn Account for this Mr. Silver:



31. Yet, a reverse image search of "Mr. Silver's" picture positioned in front of MAA logos reveals that he is not a real person but is merely clip art of "an older man in suit:"



- 32. Accordingly, John Doe 1 has no rights or legitimate interest in the Infringing Domains, Webpage, or Logo. Rather, John Doe 1 is merely using them to trade on the good name and reputation of Plaintiff and its MAA Marks in furtherance of John Doe 1's unlawful and unauthorized activities.
- 33. Plaintiff has not licensed or otherwise permitted John Doe 1 or anyone or entity affiliated with or associated with John Doe 1 to use Plaintiff's MAA Marks.
- 34. Defendant John Doe 1 does not have a legitimate non-commercial fair use claim of the Infringing Domain Names, Website, Logo, or False LinkedIn Accounts, particularly since the Infringing Domain Names have only recently been registered. On the contrary, John Doe 1 has chosen the Infringing Domain Names, Logo, and Infringing LinkedIn Account to trade off the reputation and goodwill associated with the MAA Marks, to cause confusion amongst Internet users and Plaintiff's customers, and to prevent Plaintiff from owning the Infringing Domain Names.
- 35. Upon information and belief, Defendants have used the Infringing Domain Names and Infringing LinkedIn Account to divert Internet users (which would otherwise be using

Case 2:23-cv-02186-SHL-cgc Document 1 Filed 04/03/23 Page 9 of 18 PageID

Plaintiff's Marks to search for Plaintiff) to a website with information about third-party apartment

management companies with the ultimate motive to disrupt and denigrate Plaintiff's business. John

Doe 1 has been using the Infringing Domain Names, Logo, and Infringing LinkedIn Account to

fraudulently lure consumers to a website unsuspecting consumers may believe to be

offered/provided by Plaintiff. Such conduct constitutes bad faith and is not a legitimate business

use of the Marks.

36. "Craig Silver," the fake alter ego of John Doe 1, has directly and intentionally

emailed Plaintiff information about its fake and Infringing Website. Below is an example of one

such communication:

From: Craig Silver < welcome@maaapartments.com>

crail saver swelcome@inanapartments.com

Sent: Saturday, March 4, 2023 2 39 PM

To: welcome@maaapartments.com

Subject: [EXTERNAL] Please Visit us at MAAApartments]

Good afternoon!

Please visit one of our many sites at MAA Apartments or

MAAApartments.com

We look forward to seeing you!

37. John Doe 1's registration of the Infringing Domain Names was with prior

knowledge of Plaintiff's widely known MAA Marks, which were in use for over 16 years and one

of which was federally registered for over 28 years prior to John Doe 1's recent registration of the

Infringing Domain Names. Plaintiff's registration of its Marks provides constructive notice to John

Doe 1 of its rights.

38. But beyond constructive notice, John Doe 1 has direct and actual notice of Plaintiff

and its Marks. For example, John Doe 1 lists Mid-America Apartment Communities, Inc. as one

of its "least favorite companies" on in the Infringing Website. Clearly, John Doe 1 is aware of

Plaintiff and the services it offers. John Doe 1's fake CEO "Craig Silver" purposely emailed Plaintiff to make it aware of its infringing and harassing activities. As such, John Doe 1 is undeniably aware of the trademarks that Plaintiff uses in offering these services.

- 39. Further, upon information and belief, one or both of the Defendants is sending invitations to connect to employees and customers of Plaintiff using the Fake LinkedIn Page in an effort to cause confusion in the marketplace.
- 40. Moreover, upon information and belief, either John Doe 1 or someone acting as its agent and/or on its behalf ("John Doe 2") is repeatedly emailing Plaintiff through an anonymous portal, making veiled threats and disparaging comments about Plaintiff and Plaintiff's employees, while referencing John Doe 1's Infringing Website and Domains and its supposedly "vast social media following."
- 41. These communications contain an implied threat that John Doe 1 and/or John Doe 2 will use the alleged "vast social media following" belonging to the Infringing Website and/or Infringing LinkedIn Account and other false social media accounts to destroy any goodwill Plaintiff has developed for unknown and unstated reasons. These anonymous communications by John Doe 2 do not report any legitimate complaints or concerns. Plaintiff asserts that such conduct constitutes harassment and is not indicative of any legitimate business activity.
- 42. Plaintiff asserts, upon information and belief, that John Doe 1 and John Doe 2 are the same person.
- 43. Plaintiff sent a cease and desist letter on March 14, 2023, demanding that all of the infringing activity as herein described immediately cease, along with certain other demands, including a request that Defendant contact Plaintiff's attorneys so that these issues can be negotiated and promptly resolved. *See* Exhibit C. Defendant did not meet these demands.

CLAIM FOR TRADEMARK INFRINGEMENT

- 44. This cause of action arises under Section 32 of the Lanham Act, 15 U.S.C. §1114.
- 45. Defendants' use of the MAA Marks as alleged above is likely to cause confusion, mistake, or deception as to the source, sponsorship, or approval of the Plaintiff, such that consumers are likely to believe that Defendants' services are in some way connected with, sponsored or licensed by, or otherwise related to Plaintiff.
- 46. Defendants have infringed the MAA Marks and/or induced the infringement of the MAA Marks by using the Infringing Domains maa.apartments; maapartments.com; maafraud.com; and megaawesomeapartments.com, as well as using the Infringing Logo and creating the Infringing LinkedIn Account.
- 47. Defendants' use of the MAA Marks were made with actual and/or constructive knowledge of Plaintiff's rights in the Marks.
 - 48. Defendants' use of the MAA Marks was without Plaintiff's consent or permission.
- 49. Defendants' use of confusingly similar service trademarks constitutes trademark infringement under the Lanham Act, 15 U.S.C. §1114(1).
 - 50. The infringing conduct of Defendants was and is knowing, willful, and intentional.
 - 51. Defendants' conduct has caused financial harm and irreparable damage to Plaintiff.
- 52. Because Defendants' actions constitute a willful violation of Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a), Plaintiff requests that the Court enter judgment for three times the amount of Plaintiff's actual damages, and/or three times the amount of Defendants' profits, or a combination thereof, pursuant to 15 U.S.C. §1117.

53. Moreover, because of the willful nature of Defendants' violation of Plaintiff's trademark rights, this case constitutes an exceptional case entitling Plaintiff to an award of reasonable attorneys' fees, pursuant to 15 U.S.C. §1117.

CLAIM FOR UNFAIR COMPETITION

- 54. Plaintiff repeats and realleges the allegations above and reincorporates them here by reference.
- 55. Defendants' unauthorized advertisement, promotion, display, offering for sale, sale, and distribution of Defendants' goods and services bearing the Plaintiff's trademarks or a mark that is confusingly similar to it constitute the use in commerce, on or in connection with Defendants' goods, of words, terms, names, symbols, or devices, or combinations thereof, and false designations of origin, and false or misleading descriptions or representations of fact, that are likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendant with Plaintiff, and/or as to the origin of Defendants' goods and commercial activities with, or their sponsorship or approval by, Plaintiff, in violation of § 43(a)(1)(A) of the United States Trademark Act, 15 U.S.C. § 1125(a)(1)(A).
- 56. Defendants' use of the Infringing Marks are likely to confuse consumers of apartment leasing and property management services and give Defendants the advantage of Plaintiff's long-established excellent reputation in this field.
- 57. Defendants' willful and deliberate unfair competition as described above has caused and continues to cause irreparable harm to Plaintiff.
- 58. Plaintiff is entitled to an award of Defendants' profits, any damages it has sustained in an amount to be proven at trial, and the costs of this action, all of which are set forth in 15 U.S.C. §1117.

- 59. Because Defendants' actions constitute a willful violation of Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a), Plaintiff requests that the Court enter judgment for three times the amount of Plaintiff's actual damages, and/or three times the amount of Defendants' profits, or a combination thereof, pursuant to 15 U.S.C. §1117.
- 60. Moreover, because of the willful nature of Defendants' violation of Plaintiff's trademark rights, this case constitutes an exceptional case entitling Plaintiff to an award of reasonable attorneys' fees, pursuant to 15 U.S.C. §1117.

CLAIM FOR INJUNCTIVE RELIEF

- 61. Plaintiff repeats and realleges the allegations above and reincorporates them here by reference.
- 62. Due to Defendants' acts of trademark infringement and unfair competition as set out above, Plaintiff is entitled to an injunction pursuant to 15 U.S.C. §1116, prohibiting any further use of the Infringing Marks.
- 63. Plaintiff is without an adequate remedy at law because Defendants' infringement has caused and will continue to cause great and irreparable injury to Plaintiff. Unless this Court enjoins these acts, they will continue and Plaintiff will continue to suffer great and irreparable injury to its intellectual property rights and erode its longstanding goodwill in the Marks.
- 64. Further, pursuant to 15 U.S.C. §1118, Plaintiff is entitled to an order that all products, labels, signs, prints, packages, wrappers, posters, flyers, and advertisements in Defendants' possession bearing the Infringing Mark or any confusingly similar trademark or service mark be delivered to Plaintiff for destruction.

STATE TRADEMARK INFRINGMENT, UNFAIR COMPETITION, AND MISAPPROPRIATION

- 65. Plaintiff repeats and reasserts each and every allegation set forth above and realleges it here by incorporation.
- 66. This claim arises under Tennessee Code Annotated §47-25-512 and the common law of Tennessee, and seeks redress for acts of trademark infringement, unfair competition, and misappropriation.
- 67. By its actions, Defendants intend to pass off and represent its apartment leasing services as those offered by, approved by, sponsored by, or affiliated with Plaintiff.
- 68. Defendants' unlawful activities constitute trademark infringement, unfair competition, passing off, and misappropriation as proscribed by common law and statute.
- 69. As a result of Defendants' unfair competition, Plaintiff has suffered and will continue to suffer irreparable harm for which Plaintiff has no adequate remedy at law.
- 70. Plaintiff is entitled to any and all remedies available under Tennessee law for unfair competition, including damages in an amount to be proved at trial, as well as preliminary and permanent injunctive relief.
- 71. Defendants' acts of trademark infringement, unfair competition, and misappropriation have caused Plaintiff to sustain monetary damage, loss, and injury in an amount to be determined at the time of trial.
- 72. Defendants have engaged and continues to engage in this activity knowingly and willfully, so as to justify the assessment of increased and punitive damages against it in an amount to be determined at the time of trial.

73. Defendants' acts of trademark infringement, unfair competition, and misappropriation, unless enjoined by this Court, will continue to cause Plaintiff to sustain irreparable damage, loss, and injury, for which Plaintiff has no adequate remedy at law.

DECEPTIVE TRADE PRACTICES AND FRAUDULENT MISREPRESENTATION

- 74. Plaintiff repeats and realleges each and every allegation set forth above as though fully set forth herein.
- 75. Defendants have and are engaged in acts and practices that constitute violation of the prohibition against deceptive trade practices found at Tennessee Code Ann. §47-18-104 et. seq.
- 76. Defendants have used and are using Plaintiff's Marks in such a manner as to misrepresent the source, sponsorship, approval, and/or certification of its apartment leasing services. Defendants' activities further constitute the tort of passing off its services as those of Plaintiff's. The use of the Infringing Marks by Defendants create the unreasonable risk that consumers will conclude that there exists some affiliation, connection, or association between Plaintiff and Defendants.
- 77. The natural and probable effect of Defendants' use of the Marks in the manner alleged is to enable Defendants to deceive and confuse the public.
- 78. Defendants' use of the Infringing Marks in the manner alleged constitutes deceptive trade practices of the type prohibited by Tennessee Code Ann. §47-18-104 et. seq.
- 79. Defendants had actual and/or constructive knowledge of Plaintiff's rights at the time it decided to use Plaintiff's intellectual property in connection with its provision of apartment leasing services and it continued to do so after receiving Plaintiff's cease-and-desist letters. Thus,

Defendants willfully and deliberately infringed upon and violated Plaintiff's rights and continues to do so.

- 80. Upon information and belief, Defendants' unfair business practices are of a recurring nature and are harmful to the consumers and the public at large, as well as to Plaintiff. These practices constitute unlawful, unfair, fraudulent, and deceptive business practices and unfair, deceptive, untrue, and misleading advertising. Plaintiff's acts have caused damage to Defendant.
- 81. Unless enjoined by this Court, Defendants will continue these acts, thereby causing Plaintiff further immediate and irreparable damage.
- 82. Plaintiff is without an adequate remedy at law because Defendants' acts as set forth herein are causing great and irreparable damage to Plaintiff and will continue to damage Plaintiff unless enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that:

- 1. The Court find that Plaintiff has valid and existing rights in the Marks described in this Complaint and that Defendants' conduct as described herein constitutes an infringement of Plaintiff's valuable and incontestable intellectual property rights;
- 2. The Defendants be held liable under each claim for the relief set forth in this Complaint;
- 3. The Court permanently enjoin the Defendants, their agents, servants, employees, and attorneys and all other persons in active concert or participation with them from using the Infringing Marks and all variants thereof (whether used alone or in combination with any words, punctuation or symbols, and whether used in connection with additional captions, text, or otherwise), and any other reproduction, counterfeit, copy, colorable imitation, or confusingly

similar variation of such the Infringing Mark, as a trademark or service mark, or any advertising, distribution, sale, or offering for sale of Defendant's products and/or services in any medium or manner whatsoever in connection with apartment leasing or property management services of any kind;

- 4. The Defendants be required to pay to Plaintiff all damages it has suffered by reason of Defendants' unlawful acts as described in this Complaint;
- 5. The Defendants be required to account for and pay to Plaintiff all profits wrongfully derived by Defendants through its unlawful acts as described herein;
- 6. The Defendants be required to pay enhanced and/or punitive damages to Plaintiff, as determined by this Court, for Defendant's deliberate and willful trademark infringement and unfair competition;
- 7. The Defendants be required to pay to Plaintiff treble damages for the injury Defendant has caused under Tennessee's Consumer Protection Act;
- 8. The Defendants be required to pay to Plaintiff its reasonable attorneys' fees and disbursements incurred herein, pursuant to 15 U.S.C. §1117, Tennessee statutory law, and the equitable powers of this Court;
 - 9. The Defendants be required to pay to Plaintiff the cost of this action;
- 10. That Defendants be required to pay pre- and post-judgment interest on all amounts to which Plaintiff is due; and
 - 11. This Court award Plaintiff any further relief that it deems just and equitable.

Respectfully Submitted,

/s/ Paige Waldrop Mills
Paige Waldrop Mills, BPR. No. 16218
BASS, BERRY & SIMS PLC
Suite 2800; 150 3rd Ave. South
Nashville, Tennessee 37201

Tel: 615-742-6200 Fax: 615-429-0429 pmills@bassberry.com

Counsel for Mid-America Apartment Communities, LLC

EXHIBIT A



MAA

Reg. No. 4,009,475 MID AMERICA APARTMENT COMMUNITIES, INC. (TENNESSEE CORPORATION)

6584 POPLAR AVENUE Registered Aug. 9, 2011 MEMPHIS, TN 38138

Int. Cl.: 36 FOR: LEASING OF APARTMENTS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-11-2011; IN COMMERCE 3-11-2011. SERVICE MARK

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

PRINCIPAL REGISTER TICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-216,607, FILED 1-13-2011.

DAWN FELDMAN, EXAMINING ATTORNEY



Director of the United States Patent and Trademark Office

United States of America Muiton States Antent and Arademark Office United States Patent and Trademark Office

MAA

Reg. No. 4,009,475 MID AMERICA APARTMENT COMMUNITIES, INC. (TENNESSEE CORPORATION)

6584 POPLAR AVENUE Registered Aug. 9, 2011 MEMPHIS, TN 38138

Int. Cl.: 36 FOR: LEASING OF APARTMENTS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-11-2011; IN COMMERCE 3-11-2011. SERVICE MARK

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

PRINCIPAL REGISTER TICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-216,607, FILED 1-13-2011.

DAWN FELDMAN, EXAMINING ATTORNEY



Director of the United States Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years* What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods* What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at http://www.uspto.gov.

Int. Cl.: 36

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 3,268,349

United States Patent and Trademark Office

Registered July 24, 2007

SERVICE MARK PRINCIPAL REGISTER

Mid-America Apartment Communities

MID AMERICA APARTMENT COMMUNITIES, INC. (TENNESSEE CORPORATION) 6584 POPLAR AVENUE MEMPHIS, TN 38138

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "APARTMENT COMMUNITIES", APART FROM THE MARK AS SHOWN.

FOR: LEASING OF APARTMENTS; LEASING OF REAL ESTATE; RENTAL OF APARTMENTS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

SEC. 2(F).

FIRST USE 9-0-1994; IN COMMERCE 9-0-1994.

SER. NO. 78-971,584, FILED 9-11-2006.

THE MARK CONSISTS OF STANDARD CHAR-ACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

LINDA MICKLEBURGH, EXAMINING ATTORNEY

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Mark: MAA

MAA

US Serial Number: 85216607 Application Filing Date: Jan. 13, 2011

US Registration Number: 4009475 Registration Date: Aug. 09, 2011

Filed as TEAS Plus: Yes Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:

LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Dec. 31, 2021

Publication Date: May 24, 2011

Mark Information

Mark Literal Elements: MAA

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Leasing of apartments

International Class(es): 036 - Primary Class U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 11, 2011 Use in Commerce: Mar. 11, 2011

Basis Information (Case Level)

Filed Use: No Currently Use: Yes

Filed ITU: Yes Currently ITU: No

Filed 44D: No Currently 44E: No

Filed 44E: No Currently 66A: No

Filed 66A: No Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Mid America Apartment Communities, Inc.

Owner Address: 6584 Poplar Avenue

Memphis, TENNESSEE UNITED STATES 38138

Legal Entity Type: CORPORATION State or Country Where TENNESSEE

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robert L. Brewer Docket Number: 107060.0149

Attorney Primary Email trademarks@bassberry.com Attorney Email Authorized: Yes

Address:

Correspondent

Correspondent Robert L. Brewer

Name/Address: Bass, Berry & Sims PLC

150 3rd Avenue South

Suite 2800

Nashville, TENNESSEE UNITED STATES 37201

Phone: 615-742-7760 Fax: 615-742-6293

Correspondent e-mail: trademarks@bassberry.com

Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 31, 2021	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Dec. 31, 2021	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	74886
Dec. 31, 2021	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	74886
Dec. 31, 2021	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	74886
Aug. 22, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 22, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 22, 2021	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Aug. 22, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 22, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 22, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 21, 2021	TEAS SECTION 8 & 9 RECEIVED	
Aug. 09, 2020	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Dec. 13, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Dec. 13, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	

3/14/23, 4:36 PM	Status Search SN 85216607	
Sep. 13, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Sep. 13, 2017	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67110
Sep. 13, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67110
Aug. 08, 2017	TEAS SECTION 8 & 15 RECEIVED	
Aug. 09, 2016	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
May 02, 2014	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
CRES 253-0-051802-08-08-08-08-08-08-08-08-08-08-08-08-08-	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 09, 2011	REGISTERED-PRINCIPAL REGISTER	
May 24, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 24, 2011	PUBLISHED FOR OPPOSITION	
Apr. 20, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Apr. 20, 2011	ASSIGNED TO LIE	70138
Apr. 06, 2011	NOTICE OF ACCEPTANCE OF AMENDMENT TO ALLEGE USE E-MAILED	
Apr. 05, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 05, 2011	USE AMENDMENT ACCEPTED	74662
Apr. 05, 2011	ASSIGNED TO EXAMINER	74662
Mar. 17, 2011	AMENDMENT TO USE PROCESSING COMPLETE	88889
Mar. 17, 2011	USE AMENDMENT FILED	88889
Mar. 16, 2011	TEAS AMENDMENT OF USE RECEIVED	
Jan. 19, 2011	NOTICE OF PSEUDO MARK MAILED	
Jan. 18, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Jan. 17, 2011	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE Date in Location: Dec. 31, 2021

Assignment Abstract Of Title Information - None recorded

Proceedings - None recorded

Case 2:23-cv-02186-SHL-cgc Document 1-1 Filed 04/03/23 Page 10 of 45 PageID 28

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Mark: MID-AMERICA APARTMENT COMMUNITIES

Mid-America Apartment Communities

US Serial Number: 78971584

US Registration Number: 3268349

Filed as TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Application Filing Date: Sep. 11, 2006

Currently TEAS Plus: Yes

Registration Date: Jul. 24, 2007

Status: The registration has been renewed.

Status Date: Sep. 01, 2017

Publication Date: May 08, 2007

Mark Information

Mark Literal Elements: MID-AMERICA APARTMENT COMMUNITIES

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "Apartment Communities"

Acquired Distinctiveness In whole

Claim:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

Brackets [..] indicate deleted goods/services;

Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: Leasing of apartments; Leasing of real estate; Rental of apartments

International Class(es): 036 - Primary Class U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 1994 Use in Commerce: Sep. 1994

Basis Information (Case Level)

Filed Use: Yes Currently Use: Yes

Filed ITU: No Currently ITU: No

Filed 44D: No Currently 44E: No

Filed 44E: No Currently 66A: No

Filed 66A: No Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Mid America Apartment Communities, Inc.

Owner Address: 6584 Poplar Avenue

Memphis, TENNESSEE UNITED STATES 38138

Legal Entity Type: CORPORATION State or Country Where TENNESSEE

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robert L. Brewer Docket Number: 107060.0149

Attorney Primary Email trademarks@bassberry.com Attorney Email Authorized: Yes

Address:

Correspondent 31 Filed 04/03/23 Page 13 of 45

Correspondent Robert L. Brewer

Name/Address: Bass, Berry & Sims PLC

150 3rd Avenue South

Suite 2800

Nashville, TENNESSEE UNITED STATES 37201

Phone: 615-742-7760 Fax: 615-742-6293

Correspondent e-mail: trademarks@bassberry.com Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
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Sep. 01, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Sep. 01, 2017	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69615
Sep. 01, 2017	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69615
Sep. 01, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69615

TEAS/EMAIL CORRESPONDENCE ENTERED

NON-FINAL ACTION E-MAILED

NON-FINAL ACTION WRITTEN

NEW APPLICATION ENTERED

ASSIGNED TO EXAMINER

CORRESPONDENCE RECEIVED IN LAW OFFICE

TEAS RESPONSE TO OFFICE ACTION RECEIVED

TM Staff and Location Information

TM Staff Information - None

File Location

Feb. 07, 2007

Feb. 07, 2007

Feb. 07, 2007

Feb. 06, 2007

Feb. 06, 2007

Feb. 01, 2007

Sep. 15, 2006

Current Location: GENERIC WEB UPDATE Date in Location: Sep. 01, 2017

Assignment Abstract Of Title Information - None recorded

Proceedings - None recorded

88889

88889

6325

74288

74288

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Mark: MAA COMMUNITIES

MAA COMMUNITIES

US Serial Number: 88716061 Application Filing Date: Dec. 05, 2019

Filed as TEAS RF: Yes Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:

LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A non-final Office Action has been sent (issued) to the applicant after review of the Statement of Use. This is a letter from the examining attorney

requiring additional information and/or making an initial refusal. The applicant must respond. To view all documents in this file, click on the

Trademark Document Retrieval link at the top of this page.

Status Date: Feb. 09, 2023

Publication Date: Apr. 21, 2020 Notice of Allowance Date: Jun. 16, 2020

Mark Information

Mark Literal Elements: MAA COMMUNITIES

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "COMMUNITIES"

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- . Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Leasing of apartments; Leasing of real estate; Rental of apartments

International Class(es): 036 - Primary Class U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

First Use: Dec. 15, 2022 Use in Commerce: Dec. 15, 2022

Basis Information (Case Level)

Filed Use: No Currently Use: No

Filed ITU: Yes Currently ITU: Yes

Filed 44D: No Currently 44E: No

Filed 44E: No Currently 66A: No

Filed 66A: No Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Mid-America Apartment Communities, Inc.

Owner Address: 6584 Poplar Avenue

Memphis, TENNESSEE UNITED STATES 38138

Legal Entity Type: CORPORATION State or Country Where TENNESSEE

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robert L. Brewer Docket Number: 107060.0149

Attorney Primary Email Trademarks@bassberry.com Attorney Email Authorized: Yes

Address:

Correspondent

Correspondent Robert L. Brewer

CERRE 3.533-6A-055180-9-H--date DESCRIBER Name/Address: BASS, BERRY & SIMS PLC

150 THIRD AVENUE SOUTH

SUITE 2800

NASHVILLE, TENNESSEE UNITED STATES 37201

Phone: 615-742-7760 **Fax:** 615-742-6293

Correspondent e-mail: <u>Trademarks@bassberry.com</u> Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 09, 2023	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Feb. 09, 2023	NON-FINAL ACTION E-MAILED	
Feb. 09, 2023	SU - NON-FINAL ACTION - WRITTEN	77782
Jan. 19, 2023	STATEMENT OF USE PROCESSING COMPLETE	66530
Dec. 16, 2022	USE AMENDMENT FILED	66530
Jan. 19, 2023	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Dec. 16, 2022	TEAS STATEMENT OF USE RECEIVED	
Jun. 17, 2022	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 15, 2022	SOU EXTENSION 4 GRANTED	98765
Jun. 15, 2022	SOU EXTENSION 4 FILED	98765
Jun. 15, 2022	TEAS EXTENSION RECEIVED	
Dec. 07, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 03, 2021	SOU EXTENSION 3 GRANTED	98765

3/14/23, 4:39 PM	Status Search SN 88716061	
Dec. 03, 2021	SOU EXTENSION 3 FILED	98765
Dec. 03, 2021	TEAS EXTENSION RECEIVED	
Aug. 22, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 22, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 22, 2021	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Aug. 22, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
CMB 232-0-02186-08-056 Payages 13 Fred 040323 Frage 18 of 45	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 22, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jun. 18, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 16, 2021	SOU EXTENSION 2 GRANTED	98765
Jun. 16, 2021	SOU EXTENSION 2 FILED	98765
Jun. 16, 2021	TEAS EXTENSION RECEIVED	
Dec. 15, 2020	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 11, 2020	SOU EXTENSION 1 GRANTED	98765
Dec. 11, 2020	SOU EXTENSION 1 FILED	98765
Dec. 11, 2020	TEAS EXTENSION RECEIVED	
Jun. 16, 2020	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 21, 2020	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 21, 2020	PUBLISHED FOR OPPOSITION	
Apr. 01, 2020	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 18, 2020	ASSIGNED TO LIE	73296
Mar. 11, 2020	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 11, 2020	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 11, 2020	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 11, 2020	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 11, 2020	EXAMINERS AMENDMENT -WRITTEN	77782
Mar. 06, 2020	ASSIGNED TO EXAMINER	77782
Dec. 10, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	

TM Staff and Location Information

TM Staff Information

TM Attorney: YONTEF, DAVID ERIC Law Office Assigned: LAW OFFICE 118

File Location

Current Location: TMO LAW OFFICE 118- EXAMINING ATTORNEY

ASSIGNED

Date in Location: Feb. 09, 2023

Assignment Abstract Of Title Information - None recorded

Proceedings - None recorded

For assistance with TSDR, email <u>teas@uspto.gov</u> and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

TSDR API DATA: The TSDR Application Programming Interface (API) has limited availability due to system upgrades. We anticipate full return to service for all API users by the end of the month. In the meantime, if you need to retrieve an office action, you can access it directly from the TSDR documents tab located below. We thank you for your patience while we make these improvements.

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PagelD 38

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Mark: MAA A BRIGHTER VIEW

MAA A BRIGHTER VIEW

US Serial Number: 88716497 Application Filing Date: Dec. 05, 2019

Filed as TEAS RF: Yes Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:

LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A fifth request for extension of time to file a Statement of Use has been granted.

Status Date: Jan. 06, 2023

Publication Date: Apr. 21, 2020 Notice of Allowance Date: Jun. 16, 2020

Mark Information

Mark Literal Elements: MAA A BRIGHTER VIEW

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Leasing of apartments; Leasing of real estate; Rental of apartments

International Class(es): 036 - Primary Class U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No Currently Use: No

Filed ITU: Yes Currently ITU: Yes

Filed 44D: No Currently 44E: No

Filed 44E: No Currently 66A: No

Filed 66A: No Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Mid-America Apartment Communities, Inc.

Owner Address: 6584 Poplar Avenue

Memphis, TENNESSEE UNITED STATES 38138

Legal Entity Type: CORPORATION State or Country Where TENNESSEE

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robert L. Brewer Docket Number: 107060.0149

Attorney Primary Email <u>Trademarks@bassberry.com</u>
Address:

Attorney Email Authorized: Yes

Correspondent

Correspondent Robert L. Brewer

Name/Address: BASS, BERRY & SIMS PLC

150 THIRD AVENUE SOUTH

SUITE 2800

CIRCE 5232-CHOSTORIOR SHIF-CIRC DECORDANCE 17 BARRO (1970) BARRO (1970

Phone: 615-742-7760 **Fax:** 615-742-6293

Correspondent e-mail: <u>Trademarks@bassberry.com</u>

Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 07, 2023	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 06, 2023	SOU EXTENSION 5 GRANTED	66530
Dec. 16, 2022	SOU EXTENSION 5 FILED	66530
Jan. 06, 2023	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Dec. 16, 2022	TEAS EXTENSION RECEIVED	
Jun. 17, 2022	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 15, 2022	SOU EXTENSION 4 GRANTED	98765
Jun. 15, 2022	SOU EXTENSION 4 FILED	98765
Jun. 15, 2022	TEAS EXTENSION RECEIVED	
Dec. 07, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 03, 2021	SOU EXTENSION 3 GRANTED	98765
Dec. 03, 2021	SOU EXTENSION 3 FILED	98765
Dec. 03, 2021	TEAS EXTENSION RECEIVED	
Aug. 22, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 22, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 22, 2021	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	

3/14/23, 4:38 PM	Status Search SN 88716497	
Aug. 22, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 22, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 22, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jun. 18, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 16, 2021	SOU EXTENSION 2 GRANTED	98765
Jun. 16, 2021	SOU EXTENSION 2 FILED	98765
CHER 2:33-54-00189-034-031- DEPENDENT! EINFO 0400353 EINFE 23 of 49 Jun. 16, 2021	TEAS EXTENSION RECEIVED	
Dec. 15, 2020	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 11, 2020	SOU EXTENSION 1 GRANTED	98765
Dec. 11, 2020	SOU EXTENSION 1 FILED	98765
Dec. 11, 2020	TEAS EXTENSION RECEIVED	
Jun. 16, 2020	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 21, 2020	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 21, 2020	PUBLISHED FOR OPPOSITION	
Apr. 01, 2020	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 18, 2020	ASSIGNED TO LIE	66213
Mar. 11, 2020	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 11, 2020	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 11, 2020	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 11, 2020	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 11, 2020	EXAMINERS AMENDMENT -WRITTEN	77782
Mar. 06, 2020	ASSIGNED TO EXAMINER	77782

TM Staff and Location Information

TM Staff Information

TM Attorney: YONTEF, DAVID ERIC Law Office Assigned: LAW OFFICE 118

File Location

Dec. 10, 2019

Current Location: INTENT TO USE SECTION Date in Location: Jan. 06, 2023

NEW APPLICATION OFFICE SUPPLIED DATA ENTERED

Assignment Abstract Of Title Information - None recorded

Proceedings - None recorded

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TSDR API DATA: The TSDR Application Programming Interface (API) has limited availability due to system upgrades. We anticipate full return to service for all API users by the end of the month. In the meantime, if you need to retrieve an office action, you can access it directly from the TSDR documents tab located below. We thank you for your patience while we make these improvements.

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Mark: MAA

MAA

US Serial Number: 85216607

US Registration Number: 4009475

Filed as TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Application Filing Date: Jan. 13, 2011

Currently TEAS Plus: Yes

Registration Date: Aug. 09, 2011

Status: The registration has been renewed.

Status Date: Dec. 31, 2021

Publication Date: May 24, 2011

Mark Information

Mark Literal Elements: MAA

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Leasing of apartments

International Class(es): 036 - Primary Class U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 11, 2011 Use in Commerce: Mar. 11, 2011

Basis Information (Case Level)

Filed Use: No Currently Use: Yes

Filed ITU: Yes Currently ITU: No

Filed 44D: No Currently 44E: No

Filed 44E: No Currently 66A: No

Filed 66A: No Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Mid America Apartment Communities, Inc.

Owner Address: 6584 Poplar Avenue

Memphis, TENNESSEE UNITED STATES 38138

Legal Entity Type: CORPORATION State or Country Where TENNESSEE

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robert L. Brewer Docket Number: 107060.0149

Attorney Primary Email trademarks@bassberry.com Attorney Email Authorized: Yes

Address:

Correspondent

Correspondent Robert L. Brewer

Name/Address: Bass, Berry & Sims PLC

150 3rd Avenue South

150 3rd Avenue South

Suite 2800

Nashville, TENNESSEE UNITED STATES 37201

Phone: 615-742-7760 **Fax**: 615-742-6293

Correspondent e-mail: trademarks@bassberry.com

Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 31, 2021	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Dec. 31, 2021	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	74886
Dec. 31, 2021	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	74886
Dec. 31, 2021	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	74886
Aug. 22, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 22, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 22, 2021	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Aug. 22, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 22, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 22, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 21, 2021	TEAS SECTION 8 & 9 RECEIVED	
Aug. 09, 2020	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Dec. 13, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Dec. 13, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	

3/14/23, 4:36 PM	Status Search SN 85216607	
Sep. 13, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Sep. 13, 2017	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67110
Sep. 13, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67110
Aug. 08, 2017	TEAS SECTION 8 & 15 RECEIVED	
Aug. 09, 2016	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
May 02, 2014	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Cess 5:33-04-03189-03-17-05-05-05-05-17-05-05-05-05-05-05-05-05-05-05-05-05-05-	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 09, 2011	REGISTERED-PRINCIPAL REGISTER	
May 24, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 24, 2011	PUBLISHED FOR OPPOSITION	
Apr. 20, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Apr. 20, 2011	ASSIGNED TO LIE	70138
Apr. 06, 2011	NOTICE OF ACCEPTANCE OF AMENDMENT TO ALLEGE USE E-MAILED	
Apr. 05, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 05, 2011	USE AMENDMENT ACCEPTED	74662
Apr. 05, 2011	ASSIGNED TO EXAMINER	74662
Mar. 17, 2011	AMENDMENT TO USE PROCESSING COMPLETE	88889
Mar. 17, 2011	USE AMENDMENT FILED	88889
Mar. 16, 2011	TEAS AMENDMENT OF USE RECEIVED	
Jan. 19, 2011	NOTICE OF PSEUDO MARK MAILED	
Jan. 18, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Jan. 17, 2011	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE Date in Location: Dec. 31, 2021

Assignment Abstract Of Title Information - None recorded

Proceedings - None recorded

Case 2:23-cv-02186-SHL-cgc Document 1-1 Filed 04/03/23 Page 31 of 45 PageID 49

For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

TSDR API DATA: The TSDR Application Programming Interface (API) has limited availability due to system upgrades. We anticipate full return to service for all API users by the end of the month. In the meantime, if you need to retrieve an office action, you can access it directly from the TSDR documents tab located below. We thank you for your patience while we make these improvements.

3/14/23, 4:37 PM

MAINTENANCE

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Mark: MID-AMERICA APARTMENT COMMUNITIES

Mid-America Apartment Communities

US Serial Number: 78971584

1584 **Application Filing Date:** Sep. 11, 2006

US Registration Number: 3268349

Registration Date: Jul. 24, 2007

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Sep. 01, 2017

Publication Date: May 08, 2007

Mark Information

Mark Literal Elements: MID-AMERICA APARTMENT COMMUNITIES

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "Apartment Communities"

Acquired Distinctiveness In whole

Claim:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

Brackets [..] indicate deleted goods/services;

Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: Leasing of apartments; Leasing of real estate; Rental of apartments

International Class(es): 036 - Primary Class U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 1994 Use in Commerce: Sep. 1994

Basis Information (Case Level)

Filed Use: Yes Currently Use: Yes

Filed ITU: No Currently ITU: No

Filed 44D: No Currently 44E: No

Filed 44E: No Currently 66A: No

Filed 66A: No Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Mid America Apartment Communities, Inc.

Owner Address: 6584 Poplar Avenue

Memphis, TENNESSEE UNITED STATES 38138

Legal Entity Type: CORPORATION State or Country Where TENNESSEE

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robert L. Brewer Docket Number: 107060.0149

Attorney Primary Email trademarks@bassberry.com Attorney Email Authorized: Yes

Address:

Correspondent 25 | Elied 04/03/23 | Page 34 of 45

Correspondent Robert L. Brewer

Name/Address: Bass, Berry & Sims PLC

150 3rd Avenue South

Suite 2800

Nashville, TENNESSEE UNITED STATES 37201

Phone: 615-742-7760 **Fax:** 615-742-6293

Correspondent e-mail: trademarks@bassberry.com Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Prosecution History

D.1.	B 1.0	B
Date	Description	Proceeding Number
Aug. 22, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 22, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 22, 2021	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Aug. 22, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 22, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 22, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 13, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Dec. 13, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Sep. 01, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Sep. 01, 2017	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69615
Sep. 01, 2017	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69615
Sep. 01, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69615

TEAS RESPONSE TO OFFICE ACTION RECEIVED

NON-FINAL ACTION E-MAILED

NON-FINAL ACTION WRITTEN

NEW APPLICATION ENTERED

ASSIGNED TO EXAMINER

TM Staff and Location Information

TM Staff Information - None

File Location

Feb. 07, 2007

Feb. 06, 2007

Feb. 06, 2007

Feb. 01, 2007

Sep. 15, 2006

Current Location: GENERIC WEB UPDATE Date in Location: Sep. 01, 2017

Assignment Abstract Of Title Information - None recorded

Proceedings - None recorded

6325

74288

74288

For assistance with TSDR, email <u>teas@uspto.gov</u> and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

TSDR API DATA: The TSDR Application Programming Interface (API) has limited availability due to system upgrades. We anticipate full return to service for all API users by the end of the month. In the meantime, if you need to retrieve an office action, you can access it directly from the TSDR documents tab located below. We thank you for your patience while we make these improvements.

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Mark: MAA COMMUNITIES

MAA COMMUNITIES

US Serial Number: 88716061 Application Filing Date: Dec. 05, 2019

Filed as TEAS RF: Yes Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:

LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A non-final Office Action has been sent (issued) to the applicant after review of the Statement of Use. This is a letter from the examining attorney

requiring additional information and/or making an initial refusal. The applicant must respond. To view all documents in this file, click on the

Trademark Document Retrieval link at the top of this page.

Status Date: Feb. 09, 2023

Publication Date: Apr. 21, 2020 Notice of Allowance Date: Jun. 16, 2020

Mark Information

Mark Literal Elements: MAA COMMUNITIES

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "COMMUNITIES"

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- . Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
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For: Leasing of apartments; Leasing of real estate; Rental of apartments

International Class(es): 036 - Primary Class U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

First Use: Dec. 15, 2022 Use in Commerce: Dec. 15, 2022

Basis Information (Case Level)

Filed Use: No Currently Use: No

Filed ITU: Yes Currently ITU: Yes

Filed 44D: No Currently 44E: No

Filed 44E: No Currently 66A: No

Filed 66A: No Currently No Basis: No

Filed No Basis: No

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Owner Name: Mid-America Apartment Communities, Inc.

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Legal Entity Type: CORPORATION State or Country Where TENNESSEE

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Attorney Name: Robert L. Brewer Docket Number: 107060.0149

Attorney Primary Email Trademarks@bassberry.com Attorney Email Authorized: Yes

Address:

Correspondent

Correspondent Robert L. Brewer

CERRE 3.533-64-051809-2Hr-cldc DECRIBER Name/Address: BASS, BERRY & SIMS PLC

150 THIRD AVENUE SOUTH

SUITE 2800

NASHVILLE, TENNESSEE UNITED STATES 37201

Phone: 615-742-7760 **Fax:** 615-742-6293

Correspondent e-mail: <u>Trademarks@bassberry.com</u> Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 09, 2023	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Feb. 09, 2023	NON-FINAL ACTION E-MAILED	
Feb. 09, 2023	SU - NON-FINAL ACTION - WRITTEN	77782
Jan. 19, 2023	STATEMENT OF USE PROCESSING COMPLETE	66530
Dec. 16, 2022	USE AMENDMENT FILED	66530
Jan. 19, 2023	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Dec. 16, 2022	TEAS STATEMENT OF USE RECEIVED	
Jun. 17, 2022	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 15, 2022	SOU EXTENSION 4 GRANTED	98765
Jun. 15, 2022	SOU EXTENSION 4 FILED	98765
Jun. 15, 2022	TEAS EXTENSION RECEIVED	
Dec. 07, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 03, 2021	SOU EXTENSION 3 GRANTED	98765

3/14/23, 4:39 PM	Status Search SN 88716061	
Dec. 03, 2021	SOU EXTENSION 3 FILED	98765
Dec. 03, 2021	TEAS EXTENSION RECEIVED	
Aug. 22, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 22, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 22, 2021	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Aug. 22, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
CRE 233-0-05/1920-01-026: Distributed 13: Lieft 010(3053) Buffet 30 of 45: Aug. 222, 20021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 22, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jun. 18, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 16, 2021	SOU EXTENSION 2 GRANTED	98765
Jun. 16, 2021	SOU EXTENSION 2 FILED	98765
Jun. 16, 2021	TEAS EXTENSION RECEIVED	
Dec. 15, 2020	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 11, 2020	SOU EXTENSION 1 GRANTED	98765
Dec. 11, 2020	SOU EXTENSION 1 FILED	98765
Dec. 11, 2020	TEAS EXTENSION RECEIVED	
Jun. 16, 2020	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 21, 2020	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 21, 2020	PUBLISHED FOR OPPOSITION	
Apr. 01, 2020	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 18, 2020	ASSIGNED TO LIE	73296
Mar. 11, 2020	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 11, 2020	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 11, 2020	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 11, 2020	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 11, 2020	EXAMINERS AMENDMENT -WRITTEN	77782
Mar. 06, 2020	ASSIGNED TO EXAMINER	77782
Dec. 10, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	

TM Staff and Location Information

TM Staff Information

TM Attorney: YONTEF, DAVID ERIC Law Office Assigned: LAW OFFICE 118

File Location

Current Location: TMO LAW OFFICE 118- EXAMINING ATTORNEY

ASSIGNED

Date in Location: Feb. 09, 2023

Assignment Abstract Of Title Information - None recorded

Proceedings - None recorded

For assistance with TSDR, email <u>teas@uspto.gov</u> and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

TSDR API DATA: The TSDR Application Programming Interface (API) has limited availability due to system upgrades. We anticipate full return to service for all API users by the end of the month. In the meantime, if you need to retrieve an office action, you can access it directly from the TSDR documents tab located below. We thank you for your patience while we make these improvements.

STATRS DOCUMENTS

ase 2.23-cv-02186-SHL-cgc PagelD 59
PagelD 59

Back to Search

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Mark: MAA A BRIGHTER VIEW

MAA A BRIGHTER VIEW

US Serial Number: 88716497 Application Filing Date: Dec. 05, 2019

Filed as TEAS RF: Yes Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:

LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A fifth request for extension of time to file a Statement of Use has been granted.

Status Date: Jan. 06, 2023

Publication Date: Apr. 21, 2020 Notice of Allowance Date: Jun. 16, 2020

Mark Information

Mark Literal Elements: MAA A BRIGHTER VIEW

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Leasing of apartments; Leasing of real estate; Rental of apartments

International Class(es): 036 - Primary Class U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No Currently Use: No

Filed ITU: Yes Currently ITU: Yes

Filed 44D: No Currently 44E: No

Filed 44E: No Currently 66A: No

Filed 66A: No Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Mid-America Apartment Communities, Inc.

Owner Address: 6584 Poplar Avenue

Memphis, TENNESSEE UNITED STATES 38138

Legal Entity Type: CORPORATION State or Country Where TENNESSEE

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robert L. Brewer Docket Number: 107060.0149

Attorney Primary Email <u>Trademarks@bassberry.com</u>
Address:

Attorney Email Authorized: Yes

Correspondent

Correspondent Robert L. Brewer

Name/Address: BASS, BERRY & SIMS PLC

150 THIRD AVENUE SOUTH

SUITE 2800

CIRRE 2.23 CHASTORY CHILD DOCUMENT 17 Flord 04403023 Proport 43 of 45 NASHVILLE, TENNESSEE UNITED STATES 37201

Phone: 615-742-7760 **Fax:** 615-742-6293

Correspondent e-mail: <u>Trademarks@bassberry.com</u>

Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 07, 2023	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 06, 2023	SOU EXTENSION 5 GRANTED	66530
Dec. 16, 2022	SOU EXTENSION 5 FILED	66530
Jan. 06, 2023	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Dec. 16, 2022	TEAS EXTENSION RECEIVED	
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Jun. 15, 2022	SOU EXTENSION 4 GRANTED	98765
Jun. 15, 2022	SOU EXTENSION 4 FILED	98765
Jun. 15, 2022	TEAS EXTENSION RECEIVED	
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Dec. 03, 2021	SOU EXTENSION 3 GRANTED	98765
Dec. 03, 2021	SOU EXTENSION 3 FILED	98765
Dec. 03, 2021	TEAS EXTENSION RECEIVED	
Aug. 22, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 22, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 22, 2021	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	

3/14/23, 4:38 PM	Status Search SN 88716497	
Aug. 22, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 22, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 22, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jun. 18, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 16, 2021	SOU EXTENSION 2 GRANTED	98765
Jun. 16, 2021	SOU EXTENSION 2 FILED	98765
Jun. 16, 2021	TEAS EXTENSION RECEIVED	
Dec. 15, 2020	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 11, 2020	SOU EXTENSION 1 GRANTED	98765
Dec. 11, 2020	SOU EXTENSION 1 FILED	98765
Dec. 11, 2020	TEAS EXTENSION RECEIVED	
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Apr. 21, 2020	PUBLISHED FOR OPPOSITION	
Apr. 01, 2020	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 18, 2020	ASSIGNED TO LIE	66213
Mar. 11, 2020	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 11, 2020	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 11, 2020	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 11, 2020	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 11, 2020	EXAMINERS AMENDMENT -WRITTEN	77782
Mar. 06, 2020	ASSIGNED TO EXAMINER	77782

TM Staff and Location Information

TM Staff Information

TM Attorney: YONTEF, DAVID ERIC Law Office Assigned: LAW OFFICE 118

File Location

Dec. 10, 2019

Current Location: INTENT TO USE SECTION Date in Location: Jan. 06, 2023

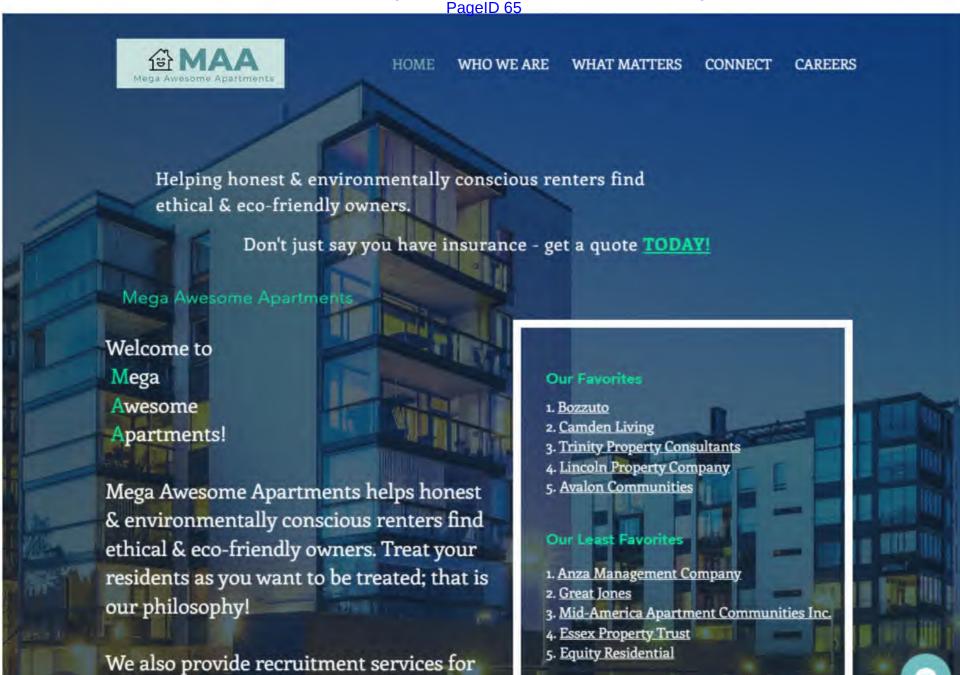
NEW APPLICATION OFFICE SUPPLIED DATA ENTERED

Assignment Abstract Of Title Information - None recorded

Proceedings - None recorded

Case 2:23-cv-02186-SHL-cgc Document 1-1 Filed 04/03/23 Page 45 of 45 PageID 63

EXHIBIT B



residential property management



MAA.Apartments

FIND YOUR MEGA AWESOME APARTMENT!



Free Registration

Ethical renters care about ethical owners. Stay in the know!

Rigid Scoring System

We read the reviews & check the facts. We have established a rigid scoring system based on many factors and resident input.

Apartments Everywhere

Whether you live on the east coast, west coast, or in between, we have you covered!

adjective relating to beliefs about what is morally right and wrong not harmful to the environment, or trying to help the environment

The views and ratings on this website are strictly opinions and based on the research.

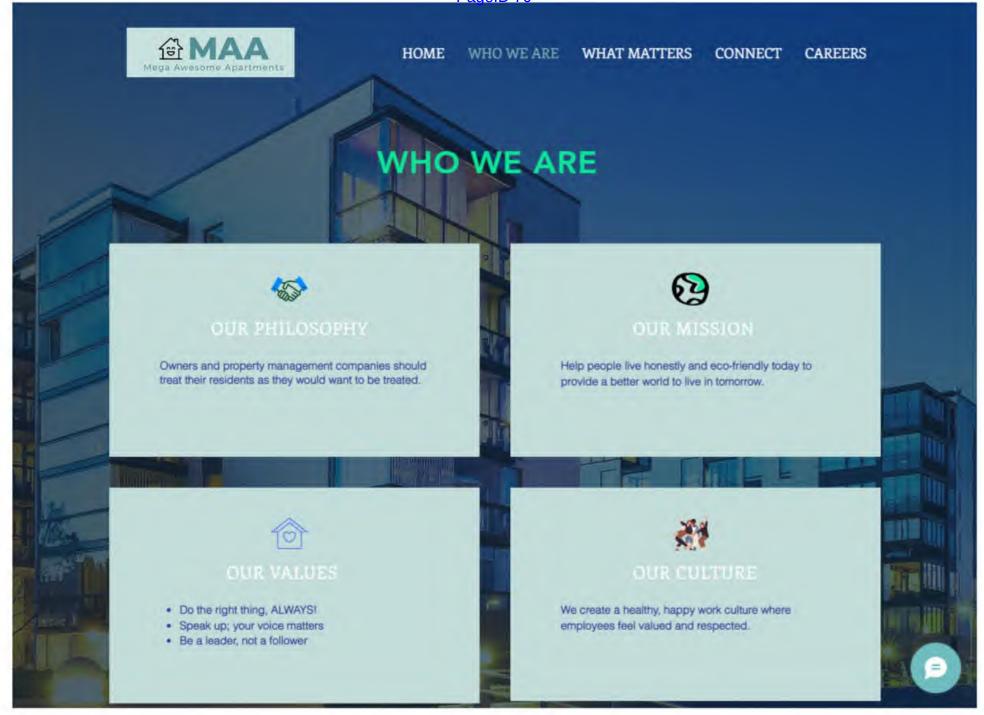
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MAA.Apartments

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PageID 72

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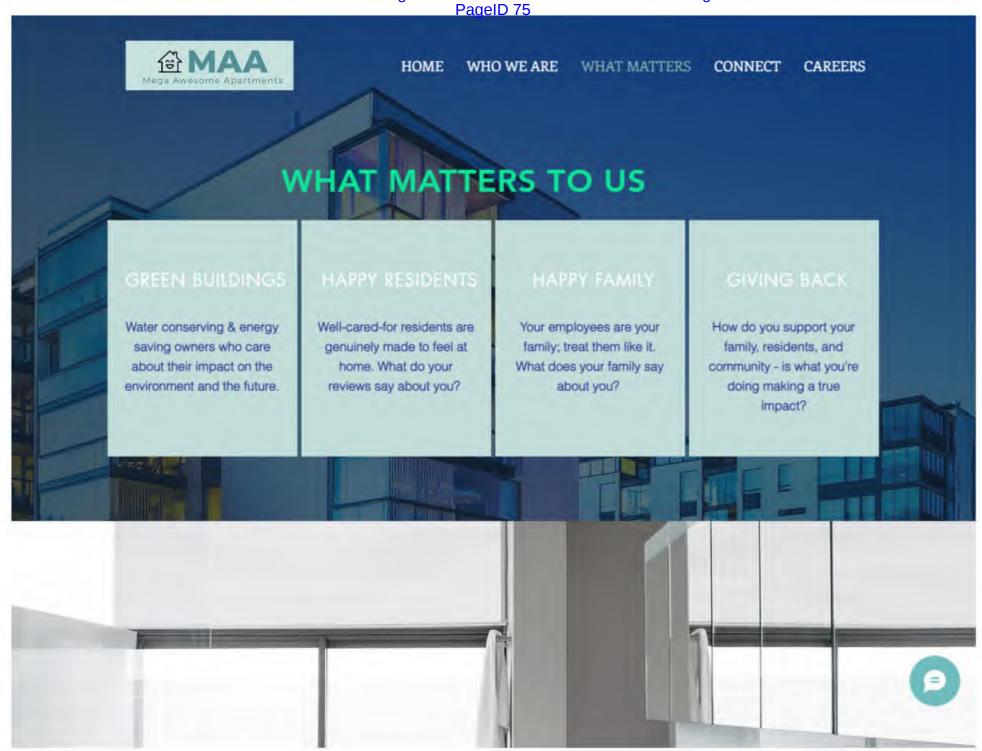
Whether you live on the east coast, west coast, or in between, we have you covered!

relating to beliefs about what is morally right and wrong not harmful to the environment, or trying to help the environment

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MAA.Apartments

FIND YOUR MEGA AWESOME APARTMENT!

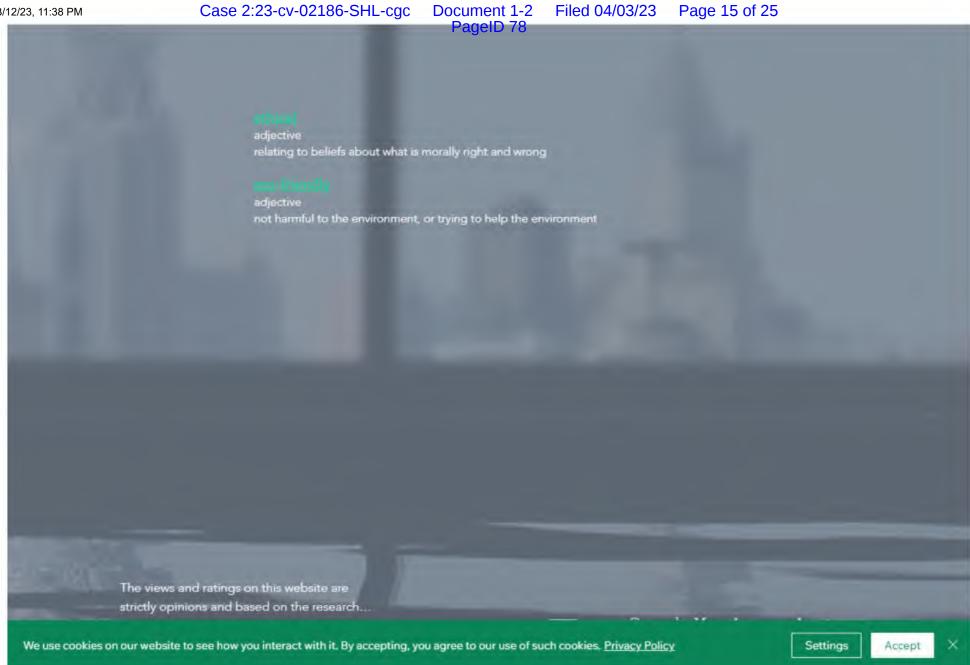


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HOME WHO WE ARE WHAT MATTERS CONNECT CAREERS

CONNECT WITH US

Case 2:23-cv-02186-SHL-cgc

Mega Awesome Apartments helps honest & environmentally conscious renters find ethical & eco-friendly owners. Treat your residents as you want to be treated; that is our philosophy!

Please utilize the contact form or email us at info@maa.apartments

We are ironing out the kinks of our search engine - stay tuned.

YOUR NEW HOME AWAITS

We will help find you a Mega Awesome Apartment with a Mega Awesome management company!

A management company that cares about its residents and goes above and beyond!

First Name *

Last Name *

Enter Your First Name

Enter Your Last Name

Email *

Enter Your Email

Message *

Enter Your Message





MAA.Apartments

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Case 2:23-cv-02186-SHL-cgc

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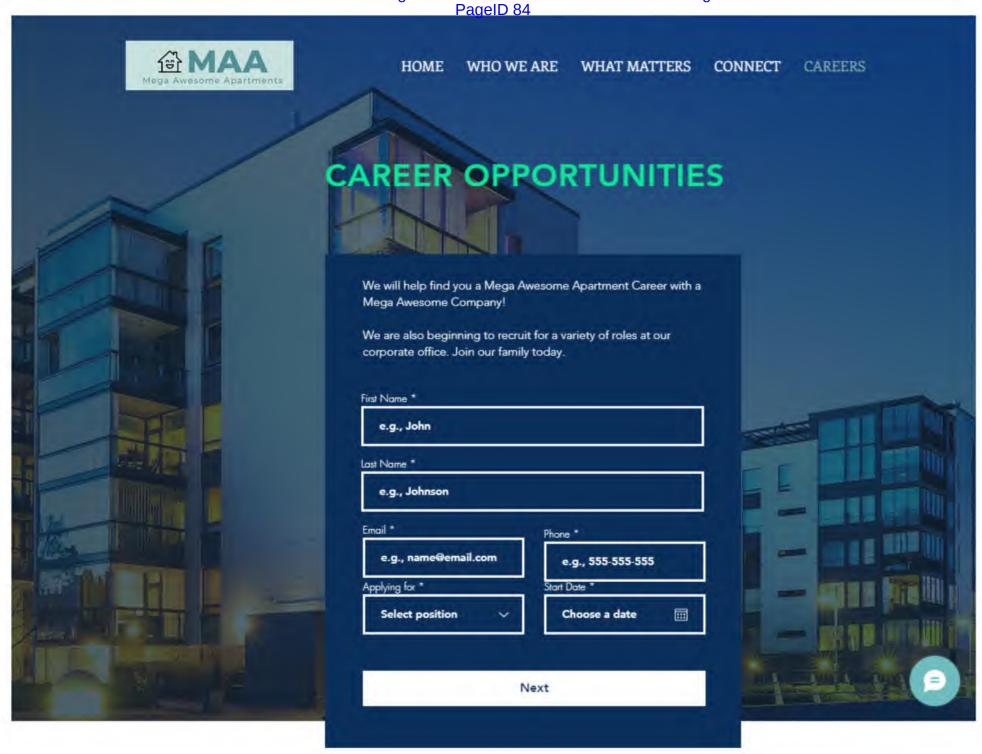
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Case 2:23-cv-02186-SHL-cgc

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relating to beliefs about what is morally right and wrong not harmful to the environment, or trying to help the environment

EXHIBIT C

BASS BERRY + SIMS.

Paige W. Mills pmills@bassberry.com (615) 742-7770

March 14, 2023

VIA CONTACT INFO AT INFO@MAA.APARTMENTS And EMAIL ADDRESSES FOR GOOGLE REGISTRANT

megaawesomeapartments.com
maaapartments.com
maa.apartments
maafraud.com
info@maa.apartments
3bk88q8kg92j99wc4@proxyregistrant.email
tgtqx6p59n8frhsdj@proxyregistrant.email
p22tqxmbc2wngbnrc@proxyregistrant.email

Re: Unauthorized use of trademarks and domain names; trademark infringement and cybersquatting

To Whom it May Concern:

This firm represents Mid-America Apartment Communities, Inc ("MAA"), a real estate investment trust that owns, manages, acquires and develops quality apartment communities. Please direct all further contact on this matter to my attention.

MAA is the owner of a family of MAA trademarks for apartment management and rental services, including the following federal registrations and pending applications: Fed. Reg. No. 4009475, MAA for "leasing of apartments" (the "MAA Mark"); Fed. Reg. No. 3268349, MID-AMERICA APARTMENT COMMUNITIES for "leasing of apartments; leasing of real estate; rental of apartments; Fed. Appl. 88716497, MAA A BRIGHTER VIEW for "leasing of apartments, leasing of real estate, rental of apartments," and Fed. Appl. 88716061, MAA COMMUNITIES, for "leasing of apartments, leasing of real estate, rental of apartments;" collectively "the MAA Marks." MAA has been using its MAA Mark in interstate commerce since at least early 2011. During this time, the distinctive MAA Mark has become well-known to consumers and the apartment rental marketplace and has become strongly associated with our client. The MAA Mark represents substantial and valuable goodwill, which has come to symbolize MAA in the minds of these consumers and marketplace participants.

It has come to our attention that you have registered and are using the infringing domain names maa.apartments, maa.fraud, and maaapartments.com (the "Infringing Domain Names"), which incorporate and are confusingly similar to MAA's registered MAA Mark for commercial gain. You are using these Infringing Domain Names to drive consumers to your infringing website megaawesomeapartments.com (the "Infringing Website") and to harass and tarnish our client. Your Infringing Website uses MAA's Mark in an infringing logo (the "Infringing Logo")

Letter to Megaawesomeapartments.com March 14, 2023 Page 2

prominently featured on the site. MAA has not authorized you to use or register the MAA Mark as part of the Infringing Domain Names, Website, or Logo, is not affiliated, connected, or associated with you, and does not sponsor or endorse your business. Thus, you have no legitimate interest in these Infringing Domain Names. Moreover, you are using the Domain Name in bad faith in connection with a website that merely serves as a vehicle to confuse customers and denigrate and harass our client.

Our client is further aware that you have created a LinkedIn Account using the MAA Marks in an effort to promote the Infringing Website and have described your company in such a way as to increase the likelihood that consumers would believe your business is affiliated with our client. You have created a fake persona as the CEO of your Infringing Website, which further demonstrates your bad faith and the illegitimacy of your business. There is no doubt that your use and registration of the Domain Names are a blatant attempt to trade on the goodwill of MAA's Marks and constitutes, among other things, a violation of the Uniform Domain Name Dispute Policy ("UDRP"), by which you agreed to be bound when you registered the Domain Name with Google, unlawful cybersquatting under the federal Anti-Cybersquatting Consumer Protection Act (15 U.S.C. § 1125(d)); trademark infringement under the Lanham Act (15 U.S.C. §[§ 1114(1) and] 1125(a)) and state law; and trademark infringement and deceptive trade practices the Tennessee Consumer Protection Act. The civil remedies available for these violations include immediate and permanent injunctive relief, cancellation or transfer of your domain name, recovery of your profits, and up to three times the amount of monetary damages suffered by our client, as well as an award of our client's attorney's fees.

Please also be advised that you are not permitted to delete any documents, files, electronic data of any kind, or accounts because you are obligated to preserve any and all evidence that might have any bearing on this dispute. If, in any subsequent litigation involving this dispute, it is determined that you destroyed or spoliated evidence, our client will be seeking all available remedies for such conduct including, but not limited to, sanctions and an order holding that such evidence would have supported our client's claims.

MAA has asked that we contact you in an effort to resolve this matter swiftly and amicably. We therefore demand that, by no later than COB March 20, 2023, you do the following:

- 1. Contact me at the number at either 615-742-7770 or pmills@bassberry.com and reveal your true identity so that these issues may be negotiated and promptly resolved;
- 2. Preserve all evidence that could have any relevance to this dispute;
- 3. Immediately cease using the Domain Names and any other domain name that incorporates the MAA Mark or any variation of the MAA Marks;
- 4. Arrange for the immediate transfer of the Domain Names and any other domain name that incorporates the MAA Mark or any variation of the MAA Marks mark to MAA; and
- 5. Cease using the MAA Mark, and any other terms or phrases that are confusingly similar to the MAA Marks in any domain name, Website, Logo, or otherwise in connection with your business activities;

Letter to Megaawesomeapartments.com March 14, 2023 Page 3

6. Immediately deactivate the false LinkedIn profile for maa.apartments, as well as deactivate any other social media account you have made to promote the Infringing Website.

We strongly urge you to take this matter with the utmost seriousness. If we do not hear from you by the above date, MAA is prepared to take any and all legal action necessary to protect its rights, including but not limited to initiating a UDRP proceeding and/or filing suit in federal court under the Lanham Act, the ACPA, and other applicable law as set forth above. In the federal action, we will be pursuing subpoenas and other discovery methods to determine your identity so that litigation may proceed against you. Be advised that we will also be pursuing a take-down procedure through Google and/or Wix. Our client may pursue one or more of these remedies simultaneously without further notice to you.

This letter is not intended as an exhaustive statement of all the facts and law relevant to this situation. MAA expressly reserves all of its legal and equitable rights and remedies, including the right to seek injunctive relief and recover monetary damages, attorney's fees, and costs without further notice to you should you fail to promptly comply with these demands.

Sincerely,

Paige Waldrop Mills

Gaige Mills

cc: Mid-America Apartment Communities, Inc.

35322725.1

Page 1 of 2 Case 2:23-cv-02186-SHICONOL POWNER CHARE Filed 04/03/23

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- **L(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box. Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.
- V. Origin. Place an "X" in one of the seven boxes.
 - Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date. Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.

Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.

PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

- VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.

 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE AT MEMPHIS

MID-AMERICA APARTMENT	
COMMUNITIES, INC.)
Plaintiff,)
)
V.) Docket No. 2:23-cv-02186-SHL-cgc
) JURY DEMAND
JOHN DOE 1 AND JOHN DOE 2,	
)
Defendants.)
)
)

PLAINTIFF'S MOTION FOR LIMITED EXPEDITED DISCOVERY

Plaintiff Mid-America Apartment Communities, Inc. ("Plaintiff" or "MAA") hereby moves this Honorable Court, pursuant to Fed.R.Civ.P. 26(d), for an order authorizing certain limited discovery aimed at identifying the appropriate Defendants in this case.

To that end, Plaintiff seeks to send third party subpoenas to the following individuals and entities:

- 1. Google, the web hosting service that administers several of the Infringing Domains (Proffered Subpoena Attached as **Exhibit A**).
- 2. Wix, the web hosting service of one of the Infringing Domains (Proffered Subpoena Attached as **Exhibit B**).
- 3. Microsoft the company that owns and administers the email client Outlook. Several outlook email addresses have been used or listed by John Does 1 and 2 as contact information for the Infringing Domains, Accounts, or used in harassing contacts with MAA employees or clients (Proffered Subpoena Attached as **Exhibit C**).

4. LinkedIn – the company that owns and administers the social media application LinkedIn. As set forth in the Complaint, John Does 1 and 2 have created a number of Infringing LinkedIn Accounts that are contacting MAA employees and customers and are causing confusion in the marketplace. (Proffered Subpoena Attached as **Exhibit D**).

PageID

- 5. Dennis Philipson Mr. Philipson is a former employee of MAA and, upon information and belief, MAA believes he may be involved in some or all of the wrongful conduct alleged in the Complaint. Plaintiff is seeking all documents relating to MAA, the infringing domains, LinkedIn Accounts, or any of the fraudulent email accounts (Proffered Subpoena Attached as **Exhibit E**).
- 6. Leo Prime Properties, LLC is an entity located at the contact address given for one or more of the Infringing domains. Plaintiff is seeking all documents relating to MAA, the infringing domains, LinkedIn Accounts, or any of the fraudulent email accounts (Proffered Subpoena Attached as **Exhibit F**).

Plaintiff has attempted to narrowly draft these subpoenas to gather information that would help identify Defendants so that Plaintiff can address the wrongful conduct it has alleged in the Complaint. Specifically, Plaintiff is seeking contact information on the various Infringing Websites, Domains, Accounts, and fake email accounts used to harass Plaintiff, its employees, and customers.

As the Memorandum of Fact and Law filed contemporaneously with this Motion will demonstrate, Plaintiff has shown good cause to conduct discovery in advance of the Rule 26(f) conference because the discovery is necessary to determine the identity of the Defendants, is relevant to claims of trademark infringement and unfair competition, and is necessary to prepare for a hearing on preliminary injunctive relief, which Plaintiff plans to file.

Accordingly, Plaintiff respectfully requests that the Court grant its Motion for Expedited Discovery and prays that this Court:

- a) Order that Plaintiff may engage in limited expedited discovery in order to determine the Defendants' identities so that it can serve the Complaint and file and have adjudicated a Motion for Preliminary Injunctive Relief;
- b) Order that the third party subpoenas to Google, Microsoft, LinkedIn, and Wix (Exhibits A-D to the Motion for Limited and Expedited Discovery) be responded to by the date listed on the subpoenas; and
- c) Order that the third party subpoenas to Dennis Philipson and Leo Prime Properties be responded to by the date listed on the subpoena (Exhibits E and F).

Respectfully Submitted,

/s/ Paige Waldrop Mills Paige Waldrop Mills, BPR. No. 16218 BASS, BERRY & SIMS PLC Suite 2800; 150 3rd Ave. South Nashville, Tennessee 37201

Tel: 615-742-6200 Fax: 615-429-0429 pmills@bassberry.com

EXHIBIT A

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

United States District Court

for the

Western District of Tennessee

	Plaintiff V. John Doe 1 John Doe 2 Defendant)	Civil Action No.	2:23-cv-02186
su	BPOENA TO PRODUCE DOCUMENT OR TO PERMIT INSPECTION OF PR		
To:	Google LLC - Corporation 2710 Gateway Oaks Drive, Suite		
	(Name of person to whom to	his subpoena is directe	ed)
material:	cally stored information, or objects, and to pred Exhibit A	emmi inspection,	copying, testing, or sampling of the
Occ / macri			
Place: Bass, Berry 150 3rd Ave	& Sims PLC; Attn: Paige Mills	Date and Time: 4/27/2023 5:0	
Place: Bass, Berry 150 3rd Ave. Nashville, The Inspection of other property posses	& Sims PLC; Attn: Paige Mills S.	4/27/2023 5:0 permit entry onto nd location set for	the designated premises, land, or th below, so that the requesting party
Place: Bass, Berry 150 3rd Ave. Nashville, The Inspection of other property possess may inspect, measure Place: The followin Rule 45(d), relating to respond to this subposition.	& Sims PLC; Attn: Paige Mills S. N 37201; pmills@bassberry.com Theremises: YOU ARE COMMANDED to sed or controlled by you at the time, date, as survey, photograph, test, or sample the property of the proper	permit entry onto nd location set for operty or any designate and Time: Date and Time: ned – Rule 45(c), rebpoena; and Rule	the designated premises, land, or th below, so that the requesting party gnated object or operation on it.
Place: Bass, Berry 150 3rd Ave. Nashville, Th Inspection of other property posses may inspect, measure Place: The followin Rule 45(d), relating to respond to this subposi-	& Sims PLC; Attn: Paige Mills S. N 37201; pmills@bassberry.com Theremises: YOU ARE COMMANDED to sed or controlled by you at the time, date, as survey, photograph, test, or sample the property of the proper	permit entry onto nd location set for operty or any designate and Time: Date and Time: ned – Rule 45(c), rebpoena; and Rule	the designated premises, land, or th below, so that the requesting party gnated object or operation on it.

Notice to the person who issues or requests this subpoena

Paige Mills, Bass, Berry Sims PLC, 150 Third Ave. S., Suite 2800, Nashville, TN 37201; (615) 742 -6200;

_pmills@bassberry com

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:23-cv-02186

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

on (date)	bpoena for (name of individual and title, if a .		
☐ I served the su	abpoena by delivering a copy to the na	med person as follows:	
		on (date)	or
☐ I returned the	subpoena unexecuted because:		
tendered to the w		States, or one of its officers or agents, le, and the mileage allowed by law, in the	
\$	·		
My fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under p	enalty of perjury that this information	is true.	
Date:		Server's signature	
		Printed name and title	
		Server's address	
Additional information re	egarding attempted service, etc.:		

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- **(B)** within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - **(B)** inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- **(D)** Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- **(B)** *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

(B) address;

durations;

account number)

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE **AT MEMPHIS**

MID-AMERICA APARTM COMMUNITIES, INC. v. JOHN DOE 1 AND JOHN	Plaintiff, DOE 2,))))) Docket No. 2:23-cv-02186) JURY DEMAND)	
	Defendants. GOOGLE SUBI	OENA ATTACHMENT A	
Google shall disclos	se the following	basic subscriber records for Gmai	il account
'timmy.argo75@gmail.com"	and websites	"maafraud.com", "maa.apartmer	nts" and
'maaapartments.com":			
(A) name;			

(C) local and long distance telephone connection records, or records of session times and

(E) telephone or instrument number or other subscriber number or identity, including any

(F) means and source of payment for such service (including any credit card or bank

(D) length of service (including start date) and types of service utilized;

temporarily assigned network address; and

EXHIBIT B

Mid-America Apartment Communities, Inc.

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Tennessee

V. John Doe 1 John Doe 2) Civil Action No)	2:23-cv-02186
Defendant)	
	PRODUCE DOCUME		
То:		.com Ltd. as@wix.com	
	(Name of person to wh	nom this subpoena is direct	ted)
documents, electronically stored in material: See Attached Exhibit A	OMMANDED to product formation, or objects, and	e at the time, date, and to permit inspection,	d place set forth below the following copying, testing, or sampling of the
Place: Bass, Berry & Sims PLC; A 150 3rd Ave. S. Nashville, TN 37201; pmills		Date and Time	:: /2023 5:00 p.m. CST
other property possessed or control may inspect, measure, survey, phot	led by you at the time, da	ite, and location set fo e property or any desi	
Place:		Date and Time	
	ion as a person subject to	a subpoena; and Rule	relating to the place of compliance; e 45(e) and (g), relating to your duty to
CLERK	OF COURT	OR	Paige Mills
Sig	mature of Clerk or Deputy Cle	rk	Attorney's signature
The name, address, e-mail address,	and telephone number of	the attorney represen	ting (name of party)
Mid-America Apartment Communitie	es, Inc.	, who is	sues or requests this subpoena, are:
Paige Mills, Bass, Berry Sims PLC	c, 150 Third Ave. S., Suite	e 2800, Nashville, TN	37201; (615) 742 -6200;

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:23-cv-02186

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

	bpoena for (name of individual and title, if a	ny)	
on (date)	•		
☐ I served the su	abpoena by delivering a copy to the nar	med person as follows:	
		on (date) ;	or
☐ I returned the	subpoena unexecuted because:		
		States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
\$	•		
My fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under pe	enalty of perjury that this information i	s true.	
Date:			
Date.		Server's signature	
		Printed name and title	
		Server's address	
Additional information re	garding attempted service, etc.:		

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - **(B)** inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

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- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
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- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
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- **(D)** Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- **(B)** *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE **AT MEMPHIS**

MID-AMERICA APARTMENT,)
COMMUNITIES, INC.)
Plaintiff,)
)
V.) Docket No. 2:23-cv-02186_
) JURY DEMAND
JOHN DOE 1 AND JOHN DOE 2,)
)
Defendants.)
)
)

WIX SUBPOENA ATTACHMENT A

Wix shall disclose the following basic subscriber records for website

"megaawesomeapartments.com":

- (A) name;
- (B) address;
- (C) local and long distance telephone connection records, or records of session times and durations;
- (D) length of service (including start date) and types of service utilized;
- (E) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and
- (F) means and source of payment for such service (including any credit card or bank account number)

EXHIBIT C

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Tennessee

Mid-Americ	a Apartment Communities, inc.		
	Plaintiff V. John Doe 1 John Doe 2	Civil Action No.	2:23-cv-02186
	Defendant)		
То:	SUBPOENA TO PRODUCE DOCUMENTO OR TO PERMIT INSPECTION OF PARTICIPATE OF COMMISSION OF	REMISES IN A CI	
10.	1 Microsoft Way, Re	edmond, WA 98052	
	(Name of person to whom	this subpoena is directed	d)
material:	conically stored information, or objects, and to ached Exhibit A	permit inspection, c	opying, testing, or sampling of the
150 3rd A	erry & Sims PLC; Attn: Paige Mills Ave. S. e, TN 37201; pmills@bassberry.com	Date and Time: 4/27/2023 5:0	00 p.m. CST
other property po	on of Premises: YOU ARE COMMANDED to essessed or controlled by you at the time, date, sure, survey, photograph, test, or sample the p	and location set fort	h below, so that the requesting party
Place:		Date and Time:	
Rule 45(d), relatin	owing provisions of Fed. R. Civ. P. 45 are attaching to your protection as a person subject to a subpoena and the potential consequences of not 2023 CLERK OF COURT	subpoena; and Rule 4	
			- 1 - 10 - 1 7 - 1 - 1 - 1 - 1
	Signature of Clerk or Deputy Clerk		Attorney's signature
The name, address	ss, e-mail address, and telephone number of the	e attorney representi	ng (name of party)
Mid-America Apar	rtment Communities, Inc.	, who issu	es or requests this subpoena, are:
Paige Mills, Bass	s, Berry Sims PLC, 150 Third Ave. S., Suite 2	800, Nashville, TN 3	7201; (615) 742 -6200;

Notice to the person who issues or requests this subpoena

pmills@bassberry.com

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:23-cv-02186

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

	bpoena for (name of individual and title, if a	ny)	
on (date)	•		
☐ I served the su	abpoena by delivering a copy to the nar	med person as follows:	
		on (date) ;	or
☐ I returned the	subpoena unexecuted because:		
		States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
\$	•		
My fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under pe	enalty of perjury that this information i	s true.	
Date:			
Date.		Server's signature	
		Printed name and title	
		Server's address	
Additional information re	garding attempted service, etc.:		

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

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- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
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- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- **(B)** Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE **AT MEMPHIS**

MID-AMERICA APAR COMMUNITIES, INC.	TMENT,)
	Plaintiff,	
v.) Docket No. 2:23-cv-02186
JOHN DOE 1 AND JOI	HN DOE 2.) JURY DEMAND
	Defendants.)
	Defendants.)
)
	MICROSOFT S	SUBPOENA ATTACHMENT A
Please disclose the fo	ollowing basic subscribe	er records for the following Outlook email accounts:
• "craigsilver25@outle	ook.com"	
• "RunFromMAA@ou	itlook.com"	
• "tomgrimey@outloo	k.com"	
• "melanieisgoingtojai	l@outlook.com":	
(A) name;		
(B) address;		
(C) local and long di	stance telephone connec	ction records, or records of session times and
. , ,	stance telephone connec	ation records, or records or session times and
durations;		
(D) length of service	(including start date) ar	nd types of service utilized;
(E) telephone or inst	rument number or other	subscriber number or identity, including any
temporarily assigned	network address; and	

(F) means and source of payment for such service (including any credit card or bank account number)

EXHIBIT D

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Tennessee

	Plaintiff)	Civil Action No.	2:23-cv-02186
	John Doe 1 John Doe 2		
	Defendant)		
S	UBPOENA TO PRODUCE DOCUMENT OR TO PERMIT INSPECTION OF PR		
Го:	LinkedIn Corporation - A 1000 West Maude Avenue		
755	(Name of person to whom	this subpoena is directed	d)
documents, electron material:	YOU ARE COMMANDED to produce at nically stored information, or objects, and to ned Exhibit A	permit inspection, c	copying, testing, or sampling of the
Place: p p		Date and Time:	
Bass, Berry	/ & Sims PLC; Attn: Paige Mills	Date and Time.	
150 3rd Av	y & Sims PLC; Attn: Paige Mills e. S. ΓΝ 37201; pmills@bassberry.com		:00 p.m. CST
150 3rd Ave Nashville, 1 Inspection of their property posses	e. S.	4/27/2023 5 o permit entry onto t and location set fort	the designated premises, land, or h below, so that the requesting part
150 3rd Ave Nashville, 1 Inspection of the property posses	e. S. IN 37201; pmills@bassberry.com of Premises: YOU ARE COMMANDED to essed or controlled by you at the time, date, a	4/27/2023 5 o permit entry onto t and location set fort	the designated premises, land, or h below, so that the requesting part
150 3rd Ave Nashville, 1 Inspection of other property posses may inspect, measured Place: The following Rule 45(d), relating	e. S. IN 37201; pmills@bassberry.com of Premises: YOU ARE COMMANDED to essed or controlled by you at the time, date, a re, survey, photograph, test, or sample the provisions of Fed. R. Civ. P. 45 are attack to your protection as a person subject to a subject and the potential consequences of not of the same and the potential consequences of not of the same and the potential consequences of not of the same and the potential consequences of not of the same and the potential consequences of not of the same and the potential consequences of not of the same and the potential consequences of not of the same and the potential consequences of not of the same and the potential consequences of not of the same and the sa	Date and Time: Date and Rule 45(c), realpoena; and Rule 4doing so.	the designated premises, land, or h below, so that the requesting party nated object or operation on it. clating to the place of compliance; 45(e) and (g), relating to your duty to
150 3rd Ave Nashville, 1 Inspection of ther property posses may inspect, measured Place: The following Rule 45(d), relating respond to this subpresses and the subpresses of the property posses are suppressed to the subpresses of the property posses are suppressed to the subpresses are subpressed to the subpresses are suppressed to the subpresses are suppressed to the subpresses are subpressed to the subpresses are suppressed to the subpresses are suppressed to the subpresses are subpressed to the subpressed to the subpresses are subpressed to the subpre	e. S. IN 37201; pmills@bassberry.com of Premises: YOU ARE COMMANDED to essed or controlled by you at the time, date, a re, survey, photograph, test, or sample the pr ing provisions of Fed. R. Civ. P. 45 are attack to your protection as a person subject to a su ocena and the potential consequences of not of	Date and Time: Date 4/27/2023 5 Date and Time:	the designated premises, land, or h below, so that the requesting part nated object or operation on it.

Notice to the person who issues or requests this subpoena

Paige Mills, Bass, Berry Sims PLC, 150 Third Ave. S., Suite 2800, Nashville, TN 37201; (615) 742 -6200;

pmills@bassberry.com

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:23-cv-02186

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

on (date)		ny)	
☐ I served the subp	poena by delivering a copy to the nat	med person as follows:	
		on (date) ;	or
☐ I returned the sul	bpoena unexecuted because:		
		I States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
My fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under pena	alty of perjury that this information	is true.	
Date:		Server's signature	
		Printed name and title	

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - **(B)** inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- **(D)** Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- **(B)** *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE AT MEMPHIS

PageID 118

MID-AMERICA APARTMENT,)
COMMUNITIES, INC.)
Plaintiff,	
)
v.) Docket No. 2:23-cv-02186
) JURY DEMAND
JOHN DOE 1 AND JOHN DOE 2,)
)
Defendants.)
)
)

LINKEDIN SUBPOENA ATTACHMENT A

For each of the following LinkedIn accounts:

- https://www.linkedin.com/company/maa-apartments/
- https://www.linkedin.com/in/craig-silver-8702b626a/
- https://www.linkedin.com/in/fred-casualty-loss-91ab57269/
- https://www.linkedin.com/in/maa-fraud-068a93269/
- https://www.linkedin.com/in/perry-johnson-b01a94269/

Please disclose the following basic subscriber records:

- (A) name; (B) address; (C) local and long distance telephone connection records, or records of session times and durations; (D) length of service (including start date) and types of service utilized;
 - (E) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and

(F) means and source of payment for such service (including any credit card or bank account number)

EXHIBIT E

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Tennessee

	Plaintiff)		
	John Doe 1 John Doe 2	Civil Action No.	2:23-cv-02186
	Defendant)		
S	UBPOENA TO PRODUCE DOCUMENT OR TO PERMIT INSPECTION OF PR		A CONTRACTOR OF THE PROPERTY O
Го:	Dennis Michae 6178 Castletown Way, A		10
75.	(Name of person to whom t	this subpoena is directed	d)
documents, electron material:	YOU ARE COMMANDED to produce at ically stored information, or objects, and to need Exhibit A	permit inspection, c	opying, testing, or sampling of the
Place: Bass, Berry	& Sims PLC; Attn: Paige Mills	Date and Time:	
150 3rd Ave	e. S.	4/27/2023 5:00	nm CST
Nashville, T	N 37201; pmills@bassberry.com		
Nashville, T Inspection of ther property possed may inspect, measured.	TN 37201; pmills@bassberry.com of Premises: YOU ARE COMMANDED to essed or controlled by you at the time, date, a re, survey, photograph, test, or sample the pr	permit entry onto t and location set fort operty or any desig	he designated premises, land, or h below, so that the requesting party
Nashville, T Inspection of ther property posses	of Premises: YOU ARE COMMANDED to essed or controlled by you at the time, date, a	permit entry onto t	he designated premises, land, or h below, so that the requesting party
Nashville, T Inspection of the property posses may inspect, measured Place: The following Rule 45(d), relating	of Premises: YOU ARE COMMANDED to essed or controlled by you at the time, date, are, survey, photograph, test, or sample the principle of the principle of Fed. R. Civ. P. 45 are attact to your protection as a person subject to a subject and the potential consequences of not of the provisions.	Date and Time: Date - Rule 45(c), resubpoena; and Rule 4	he designated premises, land, or h below, so that the requesting party nated object or operation on it.
Nashville, T Inspection of the property posses may inspect, measured Place: The following Rule 45(d), relating respond to this subpressions.	of Premises: YOU ARE COMMANDED to essed or controlled by you at the time, date, are, survey, photograph, test, or sample the principle of the principle of Fed. R. Civ. P. 45 are attact to your protection as a person subject to a subject and the potential consequences of not of the provisions.	Date and Time: Date - Rule 45(c), resubpoena; and Rule 4	he designated premises, land, or h below, so that the requesting party nated object or operation on it.
Nashville, T Inspection of the property posses may inspect, measured Place: The following Rule 45(d), relating respond to this subpressess.	of Premises: YOU ARE COMMANDED to essed or controlled by you at the time, date, are, survey, photograph, test, or sample the principle of the	Date and Time: hed – Rule 45(c), realbpoena; and Rule 4doing so.	he designated premises, land, or h below, so that the requesting party nated object or operation on it. lating to the place of compliance; 15(e) and (g), relating to your duty to

Notice to the person who issues or requests this subpoena

pmills@bassberry.com

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:23-cv-02186

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

on (date)	oena for (name of individual and title, if a .	<i>''y)</i>	
☐ I served the subp	poena by delivering a copy to the na	med person as follows:	
		on (date) ;	or
☐ I returned the su	bpoena unexecuted because:		
		I States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
My fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under pen	alty of perjury that this information	is true.	
Date:		Server's signature	
		Printed name and title	

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - **(B)** inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- **(D)** Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- **(B)** *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE AT MEMPHIS

MID-AMERICA APARTMENT)
COMMUNITIES, INC.)
Plaintiff,)
) Docket No. 2:23-cv-02186
V.)
) JURY DEMAND
JOHN DOE 1 AND JOHN DOE 2,)
)
Defendants.)
)
)

PHILIPSON SUBPOENA ATTACHMENT A

Please produce all documents showing:

- 1. All documents and things, including electronically stored information, that discuss or relate to Mid-America Apartment Communities, Inc. ("MAA") created on or after March 15, 2021.
- 2. All documents and things, including electronically stored information, that discuss or relate to domain names with included terms:
 - a. MAA
 - b. mega
 - c. fraud
 - d. awesome
 - e. apartments
 - f. Mid-America Apartment Communities
- 3. All documents and things, including electronically stored information, that discuss or relate to the domains:
 - a. maaapartments.com

- b. maa.apartments
- c. maafraud.com
- megaawesomeapartments.com
- 4. All documents and things, including electronically stored information, that emanate from or to, or discuss, include, or relate to any of the following email accounts:

Document 6-5

PageID 125

- timmy.argo75@gmail.com
- craigsilver25@outlook.com; b.
- RunFromMAA@outlook.com
- tomgrimey@outlook.com d.
- melanieisgoingtojail@outlook.com
- All documents and things, including electronically stored information, that discuss, include, or relate to:
 - Craig Silver
 - Tim Argo b.
 - Tom Grimey
 - Melanie Carpenter
 - Any current employee of Mid-America Apartment Communities, Inc.
- 6. All documents and things, including electronically stored information, that emanate from or to, or discuss, include, or relate to any of the following LinkedIn accounts:

https://www.linkedin.com/company/maa-apartments/

https://www.linkedin.com/in/craig-silver-8702b626a/

https://www.linkedin.com/in/fred-casualty-loss-91ab57269/

https://www.linkedin.com/in/maa-fraud-068a93269/

https://www.linkedin.com/in/perry-johnson-b01a94269/

EXHIBIT F

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Tennessee

Mid-America Apartment Communities, Inc.	
Plaintiff V. John Doe 1 John Doe 2 Defendant	Civil Action No. 2:23-cv-02186
SUBPOENA TO PRODUCE DOCUMENT	
OR TO PERMIT INSPECTION OF PI Leo Prime Pro	
To: Leo Filme Fit	
(Name of person to whom	this subpoena is directed)
documents, electronically stored information, or objects, and to material: See Attached Exhibit A	permit inspection, copying, testing, or sampling of the
Place: Bass, Berry & Sims PLC; Attn: Paige Mills	Date and Time:
150 3rd Ave. S. Nashville, TN 37201; pmills@bassberry.com	4/27/2023 5:00 p.m. CST
other property possessed or controlled by you at the time, date, may inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, may inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, may inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, may inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, may inspect, measure, survey, photograph, test, or sample the property possessed or controlled by you at the time, date, may inspect, measure, survey, photograph, test, or sample the property	
The following provisions of Fed. R. Civ. P. 45 are attact Rule 45(d), relating to your protection as a person subject to a serespond to this subpoena and the potential consequences of not	ubpoena; and Rule 45(e) and (g), relating to your duty to
Date: 04/06/2023	
CLERK OF COURT	OR Paige Mulls
Signature of Clerk or Deputy Clerk	Attorney's signature
Signature of Clerk or Deputy Clerk The name, address, e-mail address, and telephone number of the Mid-America Apartment Communities, Inc.	

Notice to the person who issues or requests this subpoena

_pmills@bassberry com

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:23-cv-02186

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

on (date)	opoena for (name of individual and title, if a .	ny)	
☐ I served the su	bpoena by delivering a copy to the na	med person as follows:	
		on (date)	or
☐ I returned the s	subpoena unexecuted because:		
		I States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
\$			
My fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under pe	enalty of perjury that this information	is true.	
Date:		Server's signature	
		Printed name and title	
		1 птеи пате ини ине	
		Server's address	
Additional information re	garding attempted service, etc.:		

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- **(D)** Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- **(B)** *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE **AT MEMPHIS**

MID-AMERICA APARTMENT,)
COMMUNITIES, INC.)
Plaintiff,)
)
V.) Docket No. 2:23-cv-02186
) JURY DEMAND
JOHN DOE 1 AND JOHN DOE 2,)
)
Defendants.)
)
)

LEO PRIME PROPERTIES SUBPOENA ATTACHMENT A

Please produce all documents showing:

- 1. All documents and things, including electronically stored information, that discuss or relate to Mid-America Apartment Communities, Inc. ("MAA").
- 2. All documents and things, including electronically stored information, that discuss or relate to the domains:
 - a. maaapartments.com
 - b. maa.apartments
 - c. maafraud.com
 - d. megaawesomeapartments.com
- 3. All documents and things, including electronically stored information, that discuss or relate to Timmy Argo and Craig Silver.
- 4. All documents and things, including electronically stored information, that discuss or relate to services provided to Timmy Argo and Craig Silver.

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE AT MEMPHIS

MID-AMERICA APARTMENT	
COMMUNITIES, INC.)
Plaintiff,	
)
v.) Docket No. 2:23-cv-02186-SHL-cgc
) JURY DEMAND
JOHN DOE 1 AND JOHN DOE 2,)
)
Defendants.)
)

MEMORANDUM OF FACT AND LAW IN SUPPORT OF PLAINTIFF'S MOTION FOR LIMITED EXPEDITED DISCOVERY

Plaintiff Mid-America Apartment Communities, Inc. ("Plaintiff" or "MAA") hereby moves this Honorable Court, pursuant to Fed.R.Civ.P. 26(d), for an order authorizing certain limited discovery aimed at identifying the appropriate Defendants in this case.

FACTS

MAA is one of the largest residential management companies in the nation and is the second-largest owner of apartments in the United States. MAA's real estate portfolio includes thousands of residences and luxury apartment communities throughout the Southeast, Southwest, and Mid-Atlantic regions of the United States. With a network of over 100,000 homes and 296 communities across 16 states in their real estate portfolio, MAA is a residential management leader. MAA leases these properties and helps manage the property and the company's relationship with the tenants (the "MAA Services").

Through its extensive use of its various MAA trademarks as described in the Complaint (Dkt. 1)(collectively, the "MAA Marks"), MAA has invested heavily in protecting and marketing its services throughout the United States. MAA and its MAA Marks have become widely known

by consumers of apartment rental services in the United States. The Plaintiff owns trademark registrations and has pending trademark applications for the MAA Marks in the United States.

PageID

As set out more particularly in its Complaint, Defendants John Doe 1 and John Doe 2 have purchased a number of Infringing Domains, created an Infringing Website, and an Infringing Logo (as those terms are defined in the Complaint) that use the MAA Marks in an effort to confuse MAA's customers and denigrate and tarnish the company and its brand. Moreover, Defendants have used the MAA Marks to create an infringing LinkedIn Account for "MAA.Apartments," which is full of false information, and non-existent employees (the "Infringing Accounts"), and which is intended to confuse customers and hurt Plaintiff and its business. Defendants have used the Infringing Website and Domains and the Infringing Accounts to repeatedly contact Plaintiff, its employees, and those associated with them, in an effort to harass and intimidate them and interfere with MAA's business. In more than one case, Defendants have committed fraud by using the identities of MAA employees without permission to set up false email accounts in order to obscure the ownership of the Infringing Domains, Website, and Accounts. Moreover, upon information and belief, Defendants are using these same Infringing Websites, Domains, and Accounts to contact Plaintiff's customers in an attempt to confuse them, denigrate the Plaintiff and its brand, and interfere with MAA's business. Plaintiff needs to take limited expedited discovery in order to identify Defendants so that this matter can proceed to a preliminary injunction hearing in which Plaintiff can address and stop further infringement and irreparable harm.

To that end, Plaintiff seeks to send third party subpoenas to the following individuals and entities:

1. Google, the web hosting service that administers several of the Infringing Domains (Proffered Subpoena Attached as **Exhibit A**).

- Wix, the web hosting service of one of the Infringing Domains (Proffered Subpoena Attached as Exhibit B).
- 3. Microsoft – the company that owns and administers the email client Outlook. Several outlook email addresses have been used or listed by John Does 1 and 2 as contact information for the Infringing Domains, Accounts, or used in harassing contacts with MAA employees or clients (Proffered Subpoena Attached as **Exhibit C**).
- 4. LinkedIn – the company that owns and administers the social media application LinkedIn. As set forth in the Complaint, John Does 1 and 2 have created a number of Infringing LinkedIn Accounts that are contacting MAA employees and customers and are causing confusion in the marketplace. (Proffered Subpoena Attached as **Exhibit D**).
- Dennis Philipson Mr. Philipson is a former employee of MAA and, upon 5. information and belief, MAA believes he may be involved in some or all of the wrongful conduct alleged in the Complaint. Plaintiff is seeking all documents relating to MAA, the infringing domains, LinkedIn Accounts, or any of the fraudulent email accounts (Proffered Subpoena Attached as Exhibit E).
- **6.** Leo Prime Properties, LLC is an entity located at the contact address given for one or more of the Infringing domains. Plaintiff is seeking all documents relating to MAA, the infringing domains, LinkedIn Accounts, or any of the fraudulent email accounts (Proffered Subpoena Attached as Exhibit F).

Plaintiff has attempted to narrowly draft these subpoenas to gather information that would help identify Defendants so that Plaintiff can address the wrongful conduct it has alleged in the Complaint. Specifically, Plaintiff is seeking contact information on the various Infringing Websites, Domains, Accounts, and fake email accounts used to harass Plaintiff, its employees, and customers.

ARGUMENT

Pursuant to Fed.R.Civ.P. 26(d), the Court may authorize discovery prior to the Rule 26(f) conference of the parties. *See Arista Records, LLC v. Does 1–15*, No. 2:07–CV–450, 2007 WL 5254326, at *2 (S.D.Ohio May 17, 2007). Courts within the Sixth Circuit require a showing of good cause in order to permit such discovery. *See Arista Records*, 2007 WL 5254326, at *2; *Best v. Mobile Streams, Inc.*, 2012 WL 5996222, at *1 (S.D.Ohio Nov.30, 2012). "Good cause is often found in cases alleging infringement, unfair competition, or where evidence may be lost or destroyed with time." *Arista Records*, 2007 WL 5254326, at *2–3.

Moreover, Courts have held repeatedly that a party shows good cause, sufficient to obtain discovery before a Rule 26(f) conference, when the discovery requested is necessary to determine an opposing party's identity. *See Simpson v. Doe #1-2, No. 21-10877, 2021 WL 8084521, at *1 (E.D. Mich. May 7, 2021) citing McCluskey v. Belford High Sch.*, Case No. 09-14345, 2010 WL 2696599, at *1-2 (E.D. Mich. June 24, 2010) (permitting early discovery to obtain the identity of defendants where the plaintiffs knew only the defendants' online accounts and profiles); *Third Degree Films, Inc. v. Does 1-72*, Case No. 12-14106, 2012 WL 12931709, at *1 (E.D. Mich. Nov. 13, 2012) (Grand, M.J.) (permitting subpoenas of ISPs before a Rule 26(f) conference where the defendants allegedly distributed a copyrighted adult film and the plaintiff could not identify the defendants through their online accounts); *Malibu Media, LLC v. Doe*, Case No. 14-12412, 2014 WL 3846036, at *1 (E.D. Mich. Aug. 5, 2014) (granting a request for early discovery to identify defendants using an online profile to distribute movies the plaintiff produced). As the court explained in *Woodward v. Chetvertakov*, "[o]bviously, a plaintiff cannot

have a discovery planning conference [under Rule 26(f)] with an anonymous defendant." 2013 WL 5836219, at *1(E.D. Mich. October 30, 2013) (quoting *McCluskey*, 2010 WL 2696599, at *1-2).

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This case establishes good cause for expedited discovery. Plaintiff's complaint has alleged valid claims of trademark infringement and unfair competition under the Lanham Act and Tennessee law against unknown defendants. Plaintiff is further alleging that this infringement and unfair competition is causing it irreparable harm. In addition to the necessity of ascertaining the identity of the Defendants, the assertions of claims of infringement and unfair competition are generally enough to establish good cause. *Arista Records*, 2007 WL 5254326, at *2–3.

As for the indicated internet companies—Google, Microsoft, Wix, and LinkedIn--Plaintiff has narrowly drawn the subpoenas, seeking only the information sufficient to identify the anonymous Defendants. The expedited discovery will not impose an undue burden on any of the third parties and can be easily and quickly provided. As for Dennis Philipson and Leo Prime Properties, Plaintiff is seeking all documents relating to MAA, and/or the Infringing Accounts, false email accounts, and or LinkedIn Accounts.

For these reasons, Plaintiff prays that this Court:

- a) Order that Plaintiff may engage in limited expedited discovery in order to determine the Defendants' identities so that it can serve the Complaint and file and have adjudicated a Motion for Preliminary Injunctive Relief;
- b) Order that the third party subpoenas to Google, Microsoft, LinkedIn, and Wix (Exhibits A-D to the Motion for Limited and Expedited Discovery) be responded to by the date listed on the subpoenas; and

PageID

c) Order that the third party subpoenas to Dennis Philipson and Leo Prime Properties be responded to by the date listed on the subpoena (Exhibits E and F).

Respectfully Submitted,

/s/ Paige Waldrop Mills
Paige Waldrop Mills, BPR. No. 16218
BASS, BERRY & SIMS PLC
Suite 2800; 150 3rd Ave. South
Nashville, Tennessee 37201

Tel: 615-742-6200 Fax: 615-429-0429 pmills@bassberry.com

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE WESTERN DIVISION

MID-AMERICA APARTMENT COMMUNITIES, INC.,)	
Plaintiff,)	
v.)	No. 2:23-cv-2186-SHL-cgc
JOHN DOES 1-2,)	
Defendants.)	

ORDER GRANTING PLAINTIFF'S MOTION FOR LIMITED EXPEDITED DISCOVERY

Before the Court is Plaintiff Mid-America Apartment Communities, Inc.'s Motion for Limited Expedited Discovery, filed April 6, 2023. (ECF No. 6.) On April 3, 2023, Plaintiff initiated this action against unnamed Defendants John Does #1-2, alleging claims under the Lanham Act, 15 U.S.C. § 1051 et seq., the Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d), common law infringement and unfair competition, and the Tennessee Consumer Protection Act, Tenn. Code Ann. § 47-18-104 et seq. (ECF No. 1 at PageID 1.)

Plaintiff moves for leave to serve subpoenas on various non-Parties. (ECF No. 6 at PageID 95.) In support of the Motion, Plaintiff argues that the requested subpoenas are necessary to determine Defendants' identities. (<u>Id.</u>)

As Plaintiff does not know Defendants' identities, it has not been able to complete service of process, and the Court has not been able to hold a Rule 26(f) Scheduling Conference. Under Federal Rule of Civil Procedure 26(d)(1), "[a] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f)." However, a party can partake in early discovery before a Scheduling Conference "when authorized . . . by court order."

Fed. R. Civ. P. 26(d)(1). While there is no binding authority on the issue of expedited discovery, district courts within the Sixth Circuit require a showing of good cause to permit such discovery. See, e.g., Arista Records, LLC v. Does 1-15, No. 2:07-CV-450, 2007 WL 5254326, at *2 (S.D. Ohio May 17, 2007); Simpson v. Doe #1-2, No. 21-10877, 2021 WL 8084521, at *1 (E.D. Mich. May 7, 2021); see also 8A Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 2046.1 (3d ed. 2021) ("Although the rule does not say so, it is implicit that some showing of good cause should be made to justify such an order, and courts presented with requests for immediate discovery have frequently treated the question whether to authorize early discovery as governed by a good cause standard.")

A party shows good cause sufficient to obtain discovery before a Rule 26(f) Conference if the requested discovery is necessary to determine an opposing party's identity. Simpson, 2021 WL 8084521, at *1. "Good cause is often found in cases alleging infringement, unfair competition, or where evidence may be lost or destroyed with time." Arista Records, 2007 WL 5254326, at *2–3. Generally, "the plaintiff should be given the opportunity through discovery to identify the unknown defendants, unless it is clear that discovery would not uncover the identities, or that the complaint would be dismissed on other grounds." Georgia Film Fund Four, LLC v. Does 1-17, No. 3:13-cv-184, 2013 WL 5937979, at *2 (E.D. Tenn. Nov. 5, 2013) (citing Robinson v. Doe, 2008 WL 5069249, at *2 (S.D. Ohio Nov. 24, 2008)).

The Court finds that Plaintiffs have demonstrated good cause for expedited discovery. First, Plaintiff alleges claims for unfair competition and infringement—the type of claims that generally support a finding of good cause. See Arista Records, 2007 WL 5254326, at *2–3. Second, where, as here, Defendants have allegedly engaged in anonymous online behavior, Plaintiff has a low likelihood of identifying the proper defendants without the aid of their

requested discovery from the internet platforms. <u>See Lozano v. Does</u>, 2:22-cv-3089, 2022 WL 4111208, at *2 (S.D. Ohio Aug. 12, 2022). Finally, the scope of Plaintiff's requested discovery is sufficiently narrow as it requests only limited information aimed at identifying the users who allegedly created infringing domains and fraudulent email accounts. (ECF No. 6 at PageID 95-96.)

For the foregoing reasons, the Court finds good cause for expedited discovery.

Therefore, Plaintiff's Motion is **GRANTED**. Plaintiff may serve immediate discovery consistent with this Order.

IT IS SO ORDERED, this 7th day of April, 2023.

s/ Sheryl H. Lipman SHERYL H. LIPMAN CHIEF UNITED STATES DISTRICT JUDGE AO 120 (Rev. 08/10)

TO:

Mail Stop 8
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

filed in the U.S. Distr		15 U.S.C. § 1116 you are hereby advised that a court actio Western District of Tennessee	on the following
▼ Trademarks or □	Patents. (the patent ac	etion involves 35 U.S.C. § 292.):	
DOCKET NO. 2:23-cv-2186	DATE FILED 4/2/2023	U.S. DISTRICT COURT Western District of Tennes	ssee
PLAINTIFF		DEFENDANT	
Mid-America Apartment	Communities, Inc.	JOHN DOE-1 JOHN DOE-2	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRAD	DEMARK
1 4,009,475	8/6/2011	Mid-America Apartment Communities, Inc.	
2 3,268,349	7/24/2007	Mid-America Apartment Communities, Inc.	
3			
4			
5			
		ne following patent(s)/ trademark(s) have been included:	
DATE DICHTDED			
DATE INCLUDED	INCLUDED BY	nendment	Other Pleading
PATENT OR TRADEMARK NO.		nendment	-
PATENT OR	DATE OF PATENT		
PATENT OR TRADEMARK NO.	DATE OF PATENT		
PATENT OR TRADEMARK NO.	DATE OF PATENT		
PATENT OR TRADEMARK NO.	DATE OF PATENT		
PATENT OR TRADEMARK NO. 1 2 3	DATE OF PATENT		
PATENT OR TRADEMARK NO. 1 2 3 4 5	DATE OF PATENT OR TRADEMARK		
PATENT OR TRADEMARK NO. 1 2 3 4 5	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRAD	
PATENT OR TRADEMARK NO. 1 2 3 4 5	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRAD	-
PATENT OR TRADEMARK NO. 1 2 3 4 5	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRAD	

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE AT MEMPHIS

MID-AMERICA APARTMENT)
COMMUNITIES, INC.)
Plaintiff,)
) Docket No. 2:23-cv-02186
v.)
JOHN DOE 1 AND JOHN DOE 2,) Non-Party Witness) Response
Defendants.) nesponse
)

Non-Party Witness Dennis Philipson Motion to Quash Subpoena

- 1) I live in Alexandria, VA 665 miles from Nashville.
- 2) Unfortunately, at this time, I possess no electronic evidence relating to the items mentioned in the complaint. I am struggling to find evidence to use in this document. The information that I did have was related to suspected securities, business, accounting, and tax fraud. This information was sent to the SEC, DOJ & IRS in 2021 & 2022. MAA is attempting to gather evidence submitted to government agencies by their request for all evidence I have on all MAA employees since March of 2021. This evidence is privileged and protected under Sarbanes Oxley Act 18 U.S.C. §1514A.
 - a. Furthermore, my identity was supposed to remain protected, and MAA has violated this by naming me in a speculative claim.
 - b. MAA was given seven months to provide me with a report of their internal audit. In November of 2021, I was told by Mid-America Apartment Communities, Inc that an internal audit report would be provided to me, but this report with "correct formatting" was never was provided to me. This evidence was sent to the SEC, IRS & DOJ.
 - c. In April 2021, Mid-America Apartment Communities, Inc also prevented me from communicating with Employee Relations by blocking my email address. This evidence was sent to the SEC, IRS & DOJ.
- 3) I explained to Attorney Paige Mills that Mid-America Apartment Communities, Inc and Bass, Berry & Sims PLC were named in whistleblower submissions sent to the SEC, IRS & DOJ in 2021 & 2022. Mid-America Apartments Communities, Inc's complaint appears speculative and retaliatory based on my three whistleblower complaints filed internally directly with Mid-America Apartment Communities, Inc in 2021. (Exhibit A).

- 4) I filed a whistleblower complaint with the SEC (Exhibit B) on 4/11/2021 and several other follow-up complaints. I also filed an EEOC case (Exhibit C) in 2021 against Mid-America Apartment Communities and was granted the right to sue, which I did not pursue. The information outlined in the Mid-America Apartment Communities, Inc complaint was found on publicly available social media sites and search engines. I did not see any information that explains why I would be a helpful witness in the case.
- 5) The information outlined is available on public and social media sites. 4) The websites (megaawesomeapartments.com, maa. apartments, maafraud.com, and maaapartments.com) are unavailable for viewing and have since been removed. I have also removed 2 of the 5 Linkedin profiles listed in the complaint by reporting them to Linkedin. I do not see any other business listed on Linkedin or anyone named Craig Silver.
- 6) Several notable sites/organizations use the acronym MAA and possess a similar logo. I have listed several here. Exhibit D
 - a. Massachusetts Apartment Association
 - b. Mathematical Association of America (MAA.org)
 - c. MAA Condominiums and Penthouses (MAACondos.com)
 - d. MAA.com is redirected to https://www.matsonmoney.com/
- 7) There are literally hundreds of complaints on social media regarding Mid-America Apartment Communities, Inc. I even found a website dedicated to bad parking, https://maareit.wordpress.com/ You can also view these complaints by looking at their corporate headquarters in Germantown, TN, as well as Atlanta, GA. You can also see various complaints on any of their 300 properties. Why would they believe I am a witness to the complaint other than me being a Whistleblower?
- 8) I have included a copy of my FOIA request to the SEC regarding investigation records for Mid-America Apartment Communities. Based on the complaint by Mid-America Apartment Communities (Exhibit E), I asked for expedited processing. I have also requested assistance from the SEC, but they are secretive, and I am still waiting for an answer.

Dennis Philipson April 17, 2023

6178 Castletown Way Alexandria VA, 22310 703-581-5689 Phillydee100@gmail.com

Digitally signed by Dennis Philipson DN: CN=Dennis Philipson, E= philly dee 100@ gmail.com Reason: I am the author of this document Location: Date: 2023.04.17 11:09:46-04'00' Foxit PDF Editor

Version: 12.1.1

Exhibit A

Email between Bass, Berry, Sims attorneys, and myself.

Gmill PROGRADINATION Appartment Communities - MAA



Philly Dee <phillydee100@gmail.com>

Page 2 of 23

Re: Mid-America Apartment Communities - MAA

Phility <philitydee100@gmail.com>
To: "Milis, Palge" <PMilis@bassberry.com>
Co: mphilityd@gmail.com, "McClanahan, Terese" <TMcClanahan@bassberry.com>

Fri, Apr 14, 2023 at 4:49 PM

Thanks, Sounds good

On Fri, Apr 14, 2023, 4:45 PM Mills, Paige < PMills@bassberry.com> wrote:

Yes, it is filed in the Western District of Tennessee, Docket NO. 2:23-cv-02186, in front of Judge Lipman. However, going forward, if you have retained a lawyer, I cannot correspond with you directly without his or her express permission.

Best Regards,

Paige Mills

BASS BERRY & SIMS

CELEBRATING 100 YEARS | 1922-2022

Paige Milis Member

Bass, Berry & Sims PLC 150 Third Avenue South, Suite 2800 • Nashville, TN 37201 615-742-7770 phone pmills@bassberry.com • www.bassberry.com

From: Philly <phillydee100@gmail.com> Sent: Friday, April 14, 2023 3:42 PM To: Mills, Paige <PMills@bassberry.com>

Cc: mphillyd@gmalt.com; Mattern, Richard <rmattern@bassberry.com>; Ihde, Erin K.

<Elhde@bassberry.com>; Trademarks <Trademarks@bassberry.com>

Subject: Re: Mid-America Apartment Communities - MAA

Good afternoon Bass, Berry Pro.

Can I have the judge and courts contact into this was filed in? Several reasons my attorney's said this can be quashed, I did not see it anywhere in the attached or the 1/2 version I was served.

4/15/23 2:18 PM

Thunks!

Dennis Philipson

On Wed, Apr 12, 2023, 8 45 AM Philly <phillydee100@gmail.com> wrote

For seven years I watched MAA commit fraud, lie, cheat, steal, take advantage of residents. I watched them instruct me and others to miscode items, lie about storm damage, purposely avoid fire watch to save money. I was harassed over and over again.

There are 1000s of negative reviews. When the reviews got too bad, MAA asked employees to write new ones,

I saw a girl murdered in October of 2021. I saw MAA charge exorbitant late fees, no grace period, artificially inflate rent, etc, etc, etc.

I am not going to be Intimidated by them, or any of their law firms. Especially ones that I submitted whistleblower complaints on

So, see you then end of April

Thanks for the opportunity

Dennis Philipson

On Wed, Apr 12, 2023, 8 11 AM Philly <phillydee100@gmail.com> wrote:

https://www.gbreb.com/MAA/About%20Us/History/Sites/MAA/About/History.aspx?hkey=344aedee-0beb-45a?-a2b0-d4c0d53fc042

On Tue: Apr 11, 2023-2 56 PM Philly <phillydee100@gmail.com> wrote.

Thanks Happy to discuss any of this at anytime. I will take a look at specific instructions and respond by the deadline.

Most of these emails, names, accounts, I do not recall creating. I have been pretty open with my complaints, it is on Google, for all the world to see under my name. I have also been pretty open with communicating with MAA.

4/15/23, 2:18 PM

Graal Page Drief 3 Aperiment Communities - MAA

The information I provided to the SEC, DOJ, and IRS was regarding a whiatleblower complaint against MAA, Baker Donelson and your law firm, Bass, Berry Pro shop as well.

Thank you Dennis

On Tue, Apr 11, 2023 at 2:42 PM Mills, Paige < PMills@bassberry.com> wrote.

Attached is what was provided to the process server to serve on you. The instructions for responding to a subpoena are also included.

Best.

Paige Mills

Paige Mills Member

Bass, Berry & Sims PLC 150 Third Avenue South, Suite 2800 • Nashville, TN 37201 615-742-7770 phone pmills@bassberry.com • www.bassberry.com

From: Philly hillydee100@gmail.com
Sent: Tuesday, April 11, 2023 1:33 PM
To: Mills, Parge < PMills@bassberry.com

Cc: mphillyd@gmail.com; Ihde, Erin K. < Elhde@bassberry.com >; Mattern, Richard

<mattern@bassberry.com>

Subject: Re: Mid-America Apartment Communities - MAA

There is no exhibit A. Do you have a copy?

On Tue, Apr 11, 2023, 2:27 PM Mills, Paige < PMills@bassberry.com > wrote:

Mr. Philipson,

The items you have been ordered to produce are set forth in Exhibit A to the Subpoena. It doesn't matter if you have already produced it to someone else. It must still be produced to us in order to comply with the subpoena.

Best Regards,

Paige Mills

Paige Mills Member

Base, Berry & Sime PLC 150 Third Avenue South, Suite 2800 • Nashville, TN 37201 615-742-7770 phone pmills@bassberry.com • www.bassberry.com

From: Philly <phillydee100@gmail.com>
Sent: Tuesday, April 11, 2023 12:45 PM

To: Mattern, Richard mattern@bassberry.com>; Mills, Paige PMIlls@bassberry.com>

Cc: mphillyd@gmail.com; lhde, Erin K. <<u>Elhde@bassberry.com</u>>

Subject: Re: Mid-America Apartment Communities - MAA.

I got a subpoens @ my house? For John Doe?

What exactly are you tooking for? Most of this stuff has been provided to the DOJ and the SEC and the IRS? P Mills name is on this subposes.

Thanks

On Frl, Apr 7, 2023, 3 08 PM Philly <phillydee100@gmail.com> wrote:

Hi Richard.

I have brought up issues with them since 2021 and gave them plenty of opportunities to respond. I also questioned their internal controls while I was at the company for almost five years. They should be able to describe what I am alleging.

There is also a pretty clear review of the headquarters on Google, My only concern was, Bass, Berry & Sims review of statements made in their financials. Some of those statements seemed inaccurate, i know Robert at MAA was a member of Bass Berry & Sims in 2005 and represented MAA. Was just curious the last time your firm reviewed those statements in documents submitted to the SEC,

4/15/23, 2 10 PM

Gmeil Pragge America Assertment Communities - MAA

tido not want to defame or speak poorly about anyone or any company unless what I am saying is true and accurate Thank you for your response. Dennis On Fri, Apr 7, 2023 at 2.51 PM Mattern, Richard < mattern@bassberry.com > wrote: Mr. Philipson, Thank you for bringing this matter to our attention. I'm the lawyer that represents MAA. If you would like to send me the complaints that you reference, I would be happy to review it to develop an understanding of what MAA did. Thanks in advance. Best Regards, Richard Richard Mattern Member Bass, Berry & Sims PLC The Tower at Peabody Place - 100 Peabody Place, Suite 1300 Memohis, TN 38103-3672 901-543-5933 phone 901-270-0263 mobile rmattern@bassberry.com • www.bassberry.com From: FT < mphillyd@gmail.com < mailto.mphillyd@gmail.com >> = Sent: Friday, April 7, 2023 10:22 AM To: Inde, Erin K. < Eihde@bassberry.com>; info@bassberry.com<mailto.info@bassberry.com>, contact@bassberry.com<mailto. contact@bassberry.com> Subject, Mid-America Apartment Communities - MAA

Hi Erin.

Who at Bass Berry Sims handles/represents MAA - Mid-America Apartment Communities Inc? We are about to publicly release a complaint we filed with the SEC, DOJ, and IRS regarding the accuracy of their financials in 2021, We brought this to the attention of MAA in 2021.

In these documents, it says that your firm reviewed statements made in their financials. We know and have documentation that MAA's EVP of General Counsel represented your firm in 2005.

We are not here to upset anyone or make your law firm look bad. This is strictly about MAA.

4/15/23, 2 18 PM

Thank you for your assistance,

Dennis Philipson

This email may contain privileged and confidential information and is meant only for the use of the specific intended addresses(s). Your receipt is not intended to waive any applicable privilege. If you have received this email in error, please delete it and immediately notify the sender by separate email.

Page 8 of 23

A real

Exhibit B

Subsequent SEC whistleblower complaint. This a follow-up from the others that were filed beginning April 11, 2021



Submission Number: 11 Red 1.0 000 was submitted successfully on Friday, September 02, 2022 at 12:18:04 PM EDT

Note part of the desired the desired function of a mining it is remarked to the part of the grown problem, that part of the problem is the part of the problem of the part of the grown of the part of

What is your camplaint about?



Who are you comple	alning about?
Indepent Manue	Турч
Swhon, Eric	Person
Which investment p	roducts are involved?
Select the type of good	luct involved in your complaint.
Re come	
Please select the cates	pary that best describes the security product.
About you	
Are you fifing this tip o	endes tha MEC's rehintleblower program?
Are you an atterney fill	ing out this form on behalf of an anonymous which blower client who is senting an award?
First Name	
Last Name	

Exhibit C

Charge of discrimination filed with the EEOC. Right, to sue granted but not pursued.

OTHER (Specify)

THE PARTICULARS ARE (II additional paper is needed, attach extra sheet(s))

CONTINUING ACTION

EEOC Ferm 5 (22/09) Agency(les) Charge CHARGE OF DISCRIMINATION Charge Presented To. No(s): This form is affected by the Privacy Act of 1974. See enclosed Privacy Act **FEPA** Statement and other information before completing this form 570-2021-01292 **EEOC** FAIRFAX COUNTY OFFICE OF HUMAN RIGHTS AND EQUITY and EEOC **PROGRAMS** State or local Agency if any Name (indicate Mr., Ms., Mrs.) Home Phone Year of Birth MR. DENNIS M PHILIPSON (703) 581-5689 City, State and Zif Code 6178 CASTLETOWN WAY, ALEXANDRIA, VA 22310 Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others (If more than two, list under PARTICULARS below) Name Phone No. tio timployees, Nembers MAA 501 +(901) 248-4123 Street Address City State and ZIP Code 6815 POPLAR AVE, STE 500, GERMANTOWN, TN 38138 Name No. Employees, Members Phone No. Street Address City State and ZIP Code DISCRIMINATION BASED ON (Check appropriate box(es)) DATE(S) DISCRIMINATION TOOK PLACE **Eartlest** Latest RACE RELIGIÓN NATIONAL ORIGIN 02-01-2019 04-05-2021 Х GENETIC INFORMATION DISABILITY

I want this charge filed with both the EEOC and the State or local Agency if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in	NOTARY - When necessary for State and Local Agency Requirements
accordance with their procedures 1 declare under penalty of penjury that the above is true and correct	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge information and belief SIGNATURE OF COMPLAINANT
Digitally signed by Dennis M Philipson on 08-11- 2021 01:35 PM EDT	SUBSCRINED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION	Charge Presented To:	Agency(les) Charge No(s):	
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form	FEPA		
	X EEOC	570-2021-01292	
FAIRFAX COUNTY OFFICE OF HUMAN RIGHTS AND EQUITY and EEOC			
PROGRAMS "			
State or local Apency of any			

) was hired by the above-referenced employer in the position of Leasing Consultant in January 2016, and I resigned on April 4, 2021 in the position of Property Manager. In June 2016, I took up residence in my employers housing, along with my emotional support pet. At the time, no documentation or pet rent was needed. In February 2019, when I changed apartments within the same building. I was told by the property manager, that the RVP was now requiring that I submit a reasonable accommodations form. Both the property manager and RVP were the same employees when I moved to the property in June 2016. On February 12 2019, I contacted Shandree Johnson in employee relations. I was told you would be responsible for the same process and requirements as a resident even as an associate. I understand that youre not comfortable with providing your health information, therefore you have the option to pay the fees. I was asked to submit my documents to the Divisional Administrative Assistant, Kristen Ostrom. Kristen then forwarded these documents to the SVP, Amber Fairbanks. Amber is my direct supervisor, jay Blackmans superior. This was a breach of my confidentiality because the paperwork should have been kept confidential and my mental illness should not have been shared with a superior or a Divisional Assistant. This abuse of confidentiality was not an isolated incident. On March 29, 2021, when I submitted my letter of resignation due to disability-related difficulties in performing my job. Mr. Blackman pressured me to disclose the reason for my resignation. Mr. Blackman then relayed this information, without my consent, to his supervisor, Ms. Amber Fairbanks, and the Employee Relations personnel, Mr. Anwar Brooks. Another member of HR, Lydia Herrick, who was a friend of mine, told me she was instructed not to speak to me. On April 5th 2021, I requested in person to take two PTO days off to visit my Doctor to have my anxiety medication increased. Jay reached out to corporate MAA. This request was verbally granted and I emailed Jay that day thanking him for granting this request and explained I planned on rescinding my resignation. Jay, then returned to my property 15 minutes later and told me they were accepting my resignation and my last day would be that day instead of April 15th. I then emailed Jays supervisor explaining that I did not accept that this was a voluntary resignation, and I was terminated. I explained the reason for my discontent as well and was hoping they could investigate this. I emailed payroll as well, explaining I was not accepting this was a voluntary resignation. After two emails to the company, I received a notification that all my emails were blocked from the MAA server. I believe that this was a retaliatory measure in response to my disability. I believe I was discriminated against on the basis of my disability and in retaliation for engaging in protected activity, in violation of the Americans with Disabilities Act of 1990, as amended.

) want this charge filed with both the EEOC and the State or local Agency, if any -1 will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct

Digitally signed by Dennis M Philipson on 08-11-2021 01:35 PM EDT NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

CP Enclosure with EEOC Form 5 (11/09)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are

- FORM NUMBER/TITLE/DATE. EEOC Form 5, Charge of Discrimination (11/09).
- 2. AUTHORITY: 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6
- PRINCIPAL PURPOSES. The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dualfiling or referral arrangements exist, to begin state or local proceedings.
- ROUTINE USES. This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
- WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION. Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dualfiles charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if** retaliation is taken against you or others who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former. employees or job applicants, for an employment agency to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an

investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act

Exhibit D

Document 10-1

PageID 424

Companies using the acronym MAA with similar Logos



Massachusetts Apartment Association **MAA ABOUT US**

Home

WHO WE ARE

Founded in 1953, NIAA today represents owners and managers of 189,000+ units across the state. We are part of the Top 20 largest chapters of the National Apartment Association (NAA) in the nation

WHO OUR MEMBERS ARE

Whether you have a two family house, manage a 200-unit condominium complex or manage a 500 unit apartment community,

Our members represent every facet of the industry

- Apartment Owners
- · Property Managers
- Condominium Managers
- · Subsidized Housing Owners
- Developers of Rental and Condonwalum Properties
- · Realtors, Brokers and Rental Agents
- Service Providers (Affiliate Members)

Industry Members (owners & managers)

Supplier Members (providers of goods and services to industry members)

Page 16 of 23



PageID 425

Mathematical Association of America

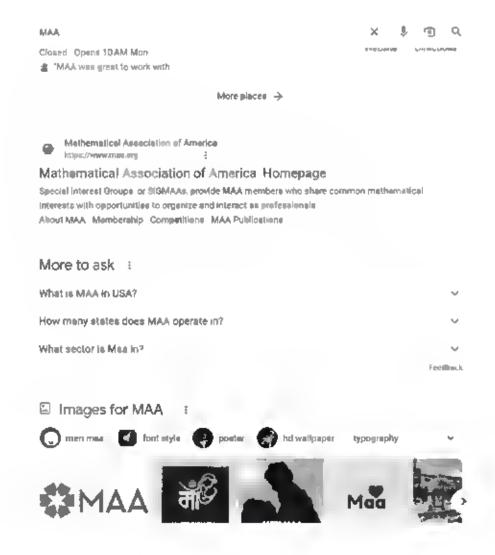
Home - About MAA > MAA History

MAA History

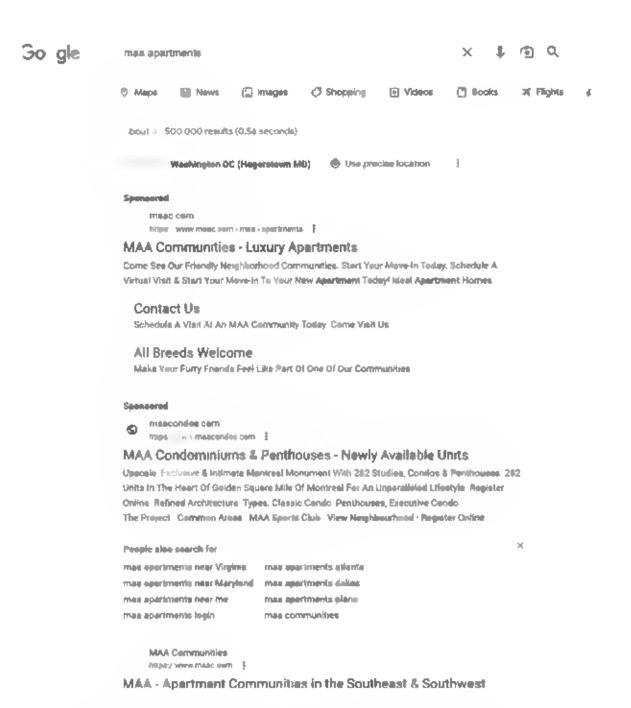
The MAA was established in 1915. But the roots of the Association can be traced to the 1894 founding of the American Mathematical Monthly by Benjamin Finkel, who wrote "Most of our existing journals deal almost exclusively with subjects beyond the reach of the average student or teacher of mathematics or at least with subjects with which they are familiar, and little, if any, space, is devoted to the solution of problems...No pains will be spared on the part of the Editors to make this the most interesting and most popular journal published in America."

While the Monthly was valued by many in the mathematical community, especially those concerned with teaching, within two decades it became clear that it could not thrive without organizational structure and support. An effort was made to have the American Mathematical Society (AMS) provide that home, but, after a study of that possibility in early 1914, the Council of the AMS adopted the following resolution

It is deemed unwise for the American Mathematical Society to enterinto the activities of the special field now covered by the American Mathematical Monthly, but the Council desires to express its realization of the importance of the work in this field and its value to mathematical science, and to say that should an organization be formed to deal specifically with this work, the Society would entertain toward such an organization only feelings of hearty good will and Go gle



MAA Google Search



MAA Apartments Google Search

MAA Condo Logo



Exhibit E

FOIA response letter from the Securities & Exchange Commission with expedited processing requested. The subject matter was investigations about Mid-America Apartment Communities, Inc.



UNITED STATES SECURITIES AND EXCHANGE COMMISSION

STATION PLACE 100 F STREET, NE WASHINGTON, DC 20549-2465

Office of FOIA Services

April 13, 2023

Mr. Dennis Philipson 6178 Castletown Way Alexandria, VA 22310

Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552

Request No. 23-01711-FOIA

Dear Mr. Philipson:

This letter is in reference to your request, dated and received in this office on April 11, 2023, for any and all documents pertaining to investigations regarding MAA, MAA-PI, Mid-America Apartments, LP or Mid-America Apartment Communities Inc., from April 11, 2021 to April 30, 2023.

You asked for expedited processing of your request. Under the SEC's FOIA Rule 17 CFR \$ 200.80(d)(7), this Office shall grant a request for expedited processing if the requester demonstrates a compelling need for the records. "Compelling need" means that a failure to obtain the requested records on an expedited basis could reasonably be expected to pose an imminent threat to an individual's life or physical safety or, if the requester is primarily engaged in disseminating information, by demonstrating that an urgency to inform the public of actual or alleged Federal government activity exists. A compelling need shall be demonstrated by a statement, certified to be true and correct to the best of the requester's knowledge and belief. In my view, a compelling need has not been demonstrated. Therefore, we are processing your request under our normal guidelines.

I am the deciding official with regard to this adverse determination. You have the right to appeal my decision to the SEC's General Counsel under 5 U.S.C. § 552(a) (6), 17 CFR § 200.80(f)(1). The appeal must be received within ninety (90) calendar days of the date of this adverse decision. Your appeal must be in writing, clearly marked "Freedom of Information Act Appeal, " and should identify the requested records. The appeal may include facts and authorities you consider appropriate.

23-01711-FOIA

Mr. Dennis Philipson April 13, 2023 Page 2

You may file your appeal by completing the online Appeal form located at https://www.sec.gov/forms/request appeal, or mail your appeal to the Office of FOIA Services of the Securities and Exchange Commission located at Station Place, 100 F Street NE, Mail Stop 2465, Washington, D.C. 20549, or deliver it to Room 1120 at that address.

Additionally, we will be unable to respond to your request within the Freedom of Information Act's twenty day statutory time period, as there are unusual circumstances which impact on our ability to quickly process your request. Therefore, we are invoking the 10 day extension. These unusual circumstances are:

(a) the need to search for and collect records from an organization geographically separated from this office; (b) the potential volume of records responsive to your request; and (c) the need for consultation with one or more other offices having a substantial interest in either the determination or the subject matter of the records. For these reasons, we will process your case consistent with the order in which we received your request.

We are consulting with other SEC staff regarding your request. As soon as we complete our consultation, we will notify you of our findings.

If you have any questions, please contact Sonja Osborne of my staff at osbornes@sec.gov or (202) 551-8371. You may also contact me at foiapa@sec.gov or (202) 551-7900. You may also contact the SEC's FOIA Public Service Center at foiapa@sec.gov or (202) 551-7900. For more information about the FOIA Public Service Center and other options available to you please see the attached addendum.

Sincerely,

Carmen L. Mallon FOIA Branch Chief

Enclosure

ADDENDUM

For further assistance you can contact a SEC FOIA Public Liaison by calling (202) 551-7900 or visiting https://www.sec.gov/oso/help/foia-contact.html.

SEC FOIA Public Liaisons are supervisory staff within the Office of FOIA Services. They can assist FOIA requesters with general questions or concerns about the SEC's FOIA process or about the processing of their specific request.

In addition, you may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. OGIS can be reached at 1-877-684-6448 or via e-mail at ogis@nara.gov. Information concerning services offered by OGIS can be found at their website at Archives.gov. Note that contacting the FOIA Public Liaison or OGIS does not stop the 90-day appeal clock and is not a substitute for filing an administrative appeal.

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE AT MEMPHIS

MID-AMERICA APARTMENT)
COMMUNITIES, INC.,)
Plaintiff,)
)
V.) Dkt No. Case 2:23-cv-02186- SHL-cgc
)
JOHN DOE 1 AND JOHN DOE 2,)
)
Defendants.)
)
)

NOTICE OF APPEARANCE OF JOHN S. GOLWEN

COME NOW John S. Golwen, of the law firm Bass, Berry & Sims PLC, hereby enters an appearance in the above-entitled action as additional counsel for Plaintiff Mid-America Apartment Communities, Inc.

The undersigned requests that any and all communication from the Court and all service from the parties be directed to his attention.

DATED this 28th day of April, 2023.

Respectfully submitted,

/s/ John S. Golwen John S. Golwen (TN B.P.R. #014324) BASS, BERRY & SIMS PLC 100 Peabody Place, Suite 1300 Memphis, Tennessee 38103 Telephone: (901) 543-5903

Facsimile: (615) 742-6293 Email: jgolwen@bassberry.com

Counsel for Mid America Anartmen

Counsel for Mid-America Apartment Communities, Inc.

CERTIFICATE OF SERVICE

I hereby certify that the forgoing document was served on the undersigned by email and

U.S. mail:

Dennis Philipson 6178 Castletown Way Alexandria, VA 22310 mphillyd@gmail.com

On April 28, 2023.

/s/ John S. Golwen
John S. Golwen

35572771.1

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE AT MEMPHIS

MID-AMERICA APARTMENT)
COMMUNITIES, INC.,)
Plaintiff,)
)
V.) Dkt No. Case 2:23-cv-02186- SHL-cgc
)
JOHN DOE 1 AND JOHN DOE 2,)
)
Defendants.)
)
)

NOTICE OF APPEARANCE OF JORDAN E. THOMAS

COME NOW Jordan E. Thomas, of the law firm Bass, Berry & Sims PLC, hereby enters an appearance in the above-entitled action as additional counsel for Plaintiff Mid-America Apartment Communities, Inc.

The undersigned requests that any and all communication from the Court and all service from the parties be directed to her attention.

DATED this 28th day of April, 2023.

Respectfully submitted,

/s/ Jordan E. Thomas

Jordan E. Thomas (TN B.P.R. #039531)

BASS, BERRY & SIMS PLC 100 Peabody Place, Suite 1300

Memphis, Tennessee 38103 Telephone: (901) 543-5966

Facsimile: (615) 742-6293

Email: Jordan.thomas@bassberry.com

Counsel for Mid-America Apartment

Communities, Inc.

CERTIFICATE OF SERVICE

I hereby certify that the forgoing document was served on the undersigned by email and

U.S. mail:

Dennis Philipson 6178 Castletown Way Alexandria, VA 22310 mphillyd@gmail.com

On April 28, 2023.

/s/ Jordan E. Thomas Jordan E. Thomas

35572810.1

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE WESTERN DIVISION

MID-AMERICA APARTMENT COMMUNITIES, INC.,

Plaintiff,

VS.

Case No. 2:23-cv-02186-SHL-cgc

JOHN DOE 1 AND JOHN DOE 2,

Defendants.

PLAINTIFF'S RESPONSE TO DENNIS PHILIPSON'S MOTION TO QUASH

Plaintiff Mid-America Apartment Communities, Inc. ("MAA") filed this action (Dkt. 1) on April 3, 2023, alleging claims of trademark infringement and unfair competition against John Does 1 and 2. On April 6, 2023, Plaintiff filed a Motion for Expedited Discovery (Dkt. 6) seeking to take discovery from six non-parties, one of which was Dennis Philipson. On April 7, 2023, the Court granted the Motion for Expedited Discovery on the basis that Plaintiff had shown good cause for the discovery given that it was necessary to determine the identities of the Defendants, as well as to gather evidence for its claims of trademark infringement. (Dkt. 8 at 2-3). On April 11, 2023, MAA had a subpoena served on Mr. Philipson (the "Subpoena"). On April 17 and 18, Mr. Philipson filed certain pleadings arguing that the subpoena to him should be quashed. As will be shown below, his arguments are without merit and he should be required to respond to the Subpoena and ordered to preserve any and all evidence that could be related to this matter.

¹ The Subpoena served on Mr. Philipson is attached to this Response as **Exhibit 1** for the Court's reference.

MR. PHILIPSON'S RESPONSE TO THE SUBPOENA

Mr. Philipson's primary argument appears to be that he is a whistleblower and the Subpoena is in retaliation for his whistleblower activities. He also asserts that any evidence he does have is "privileged and protected" pursuant to the Sarbanes Oxley Act, 18 U.S.C. § 1514A. He further states that lots of other people have complained about MAA and there is no reason to think that he is John Doe 1 or 2. And finally, he states that there are other companies using the acronym MAA. None of these arguments have merit. Mr. Philipson should be required to respond to the subpoena as per this Court's earlier order.

1. MAA HAS A GOOD FAITH BASIS TO BELIEVE THAT MR. PHILIPSON AND JOHN DOES 1 AND 2 ARE THE SAME PERSON.

Mr. Philipson was formerly employed as a property manager for MAA. *See* Declaration of Leslie Wolfgang.² Mr. Philipson gave notice to MAA in late March of 2021, stating that he was leaving to pursue his acting career. *Id.* at 1. He later changed his mind and tried to withdraw his resignation a few days later. *Id.* However, he made a number of negative comments about MAA on or about the time he gave notice. *Id.* Accordingly, MAA determined that it was not in its best interest to allow him to withdraw his resignation and decided to pay him in lieu of letting him work out his notice. *Id.* This series of events upset Mr. Philipson and ignited his long and relentless vendetta against MAA. Since that time, upon information and belief, Mr. Philipson has made in excess of 65 communications to MAA or its employees complaining about alleged fraud, his alleged mistreatment while working there, the supposed malfeasance of other MAA employees, and other alleged "SEC and IRS violations." *Id.* at 2. He also claims to have made numerous complaints to various federal agencies about MAA, such as the SEC, the IRS, and the DOJ, although he has never served MAA with these alleged filings. All of these allegations (of which

² The Declaration of Leslie Wolfgang was filed contemporaneously with this Response.

MAA is aware) have been carefully and duly investigated and all have been found to be without merit.

Nonetheless, Mr. Philipson continues to make complaints, some using his own name, some not, via an anonymous whistleblower portal. *Id.* Some of these "whistleblower" complaints do not list a name but reference Mr. Philipson's known email address or contain documents with his name on them. *Id.* Because the verbiage, content, and sentence structure is so similar between these numerous complaints, it is obvious that even the anonymous submissions are coming from Mr. Philipson. *Id.*

Several communications received by MAA employees are sent from what are obviously false email addresses. They are obviously false because they use the names of MAA executives, but with an insulting play on words. *Id.* at 3. For example, some of the emails come from the email addresses tommylgrimey51@hotmail.com, Thomas.grimey51@outlook.com, or tomandambermaa@gmail.com. *Id.* Tom Grimes is the former Chief Operating Officer of MAA. Amber Fairbanks is the current Executive Vice President of Property Operations of MAA. Neither sent the subject emails. *Id.* Some of these communications, which contain content that is very similar to complaints expressly made by Mr. Philipson, came from email addresses that contain the MAA marks, for example MAAisfraud@outlook.com or MAAisfullofshit@outlook.com. *Id.*

This history is important because it is mirrored in the conduct of John Doe 1 and/or John Doe 2 and their execution of the infringing conduct described in the Complaint. For example, MAA instituted a UDRP Complaint against the infringing domains, alleging that they were purchased and used in bad faith. *Id.* As a result of that proceeding, MAA was able to determine the contact email account for some of the Infringing Domains was timmyargo71@gmail.com. *Id.* Like the "tommy grimey" fake email addresses believed to have been set up and used by Mr.

Philipson to mock Tom Grimes, MAA's former Chief Operating Officer, Tim Argo is an executive vice president of MAA, who is not responsible for the fake email addresses or the Infringing Domains. *Id.* Accordingly, the fake email contact information for the infringing domains fits the pattern of using names similar to MAA executives for the emails to transmit his raft of meritless allegations. *Id.*

Moreover, John Does 1 and 2 are using domains that contain the MAA marks, such as maapartments.com, maa.apartments, or maafraud.com, which mirror the fraudulent MAA email addresses that Mr. Philipson has used to communicate his complaints to MAA, such as MAAisfraud@outlook.com, maareviews@outlook.com, or MAAisfullofshit@outlook.com. *Id.* at 4. A number of the submitted whistleblower complaints do not relate in any way to MAA business but are merely song lyrics or images from movies, indicating that the intent of the complaints and submissions is solely to harass MAA as opposed to submitting any legitimate concern.

And finally, Mr. Philipson, who is almost certainly the individual who has made the numerous anonymous meritless complaints via MAA's whistleblower portal, expressly mentioned the Infringing Domain in one of his harassing and extortive communications. For example, in a communication submitted via the whistleblower platform, upon information and belief, Mr. Philipson submitted the following message referencing the Infringing Domain shortly after they were created:

Have until tax day. Maafraud maapartments on the web Huge social media following Quit lying to your employees and shareholders Eric is a POS.

Id. Eric most likely refers to Eric Bolton, MAA's Chief Executive Officer.

Accordingly, given the history between the parties and the strong similarities between Mr. Philipson and the John Does' pattern, practice and means of harassing MAA, MAA has a strong suspicion that Mr. Philipson and John Does 1 and 2 are the same person. *Id*.

2. MR. PHILIPSON NEVER DENIES THAT HE IS RESPONSIBLE FOR THE INFRINGING CONDUCT DESCRIBED IN THE COMPLAINT.

If Mr. Philipson had no involvement with the conduct described in the Complaint, the logical response is to simply deny any knowledge of the situation and deny that he has any responsive documents. Mr. Philipson never makes such a denial. Instead, he states, "unfortunately, at this time" he possesses "no electronic evidence relating to the items mentioned in the complaint." (Dkt. 2 at 2). Despite making this statement, he goes on to assert several times that he has provided information on MAA to numerous federal agencies. Obviously, this information would be responsive to the Subpoena that seeks all information "discussing or relating [to MAA] created on or after March 15, 2021," when his employment was terminated. Far from being a denial that he has evidence or documents responsive to the Subpoena, his Motion establishes that he should have responsive documents, but apparently no longer does. Obviously this raises concerns about destruction or spoliation of evidence.

In addition, Mr. Philipson's Motion complains that his "identity was supposed to remain protected" and MAA has violated this by "naming him in a speculative claim." (Dkt. 2 at 2A). Since MAA has not named Mr. Philipson in any claim but has instead sued John Does 1 and 2, this statement by Mr. Philipson appears to be a tacit admission that he is, in fact, John Doe.

Moreover, he goes on to admit to having removed 2 of the 5 false LinkedIn Profiles described in the Complaint by reporting them to LinkedIn. (Dkt. 2 at 5). It is unlikely that someone with no knowledge of this situation would take it upon themselves to try and remove the false LinkedIn profiles. He or she would simply deny any knowledge. This conduct further indicates that he is John Doe and raises additional concerns about evidence spoliation.

In addition, when corresponding with undersigned counsel upon receipt of the Subpoena, Mr. Philipson stated, "[m]ost of these emails, names, accounts, I do not recall creating." (Dkt. 2-1

at 2,6). Again, this response falls far short of a denial and could be considered a tacit admission that he was responsible for some, if not all, of the alleged conduct.

And finally, Mr. Philipson served his Motion to Quash on Google, another third party to whom MAA served a subpoena in this matter. *See* **Exhibit 2** to this Response. If Mr. Philipson had no involvement in the actions alleged in the Complaint, why would he attempt to stop Google from responding to its own Subpoena? At a minimum, these statements and acts establish that MAA has good cause to suspect that Mr. Philipson is John Doe 1 and/or 2 and that he may be destroying evidence.

3. THE SUBPOENA WAS NOT ISSUED IN RETALIATION FOR ANY ALLEGED WHISTLEBLOWING ACTIVITIES

Plaintiff's Complaint does not mention or seek to remedy Mr. Philipson's alleged "whistleblowing" activities. Plaintiff takes its obligations to protect the anonymity of whistleblowers and duly investigate any allegations very seriously. This action alleges claims of trademark infringement and unfair competition. If Mr. Philipson is John Doe 1 and/or 2 and if he is committing trademark infringement, it is not a protected activity. Mr. Philipson has been making his spurious whistleblower complaints for two years and MAA took no action other than to carefully investigate each and every baseless complaint. This suit was initiated because of new and escalating trademark infringement and unfair competition. The actions alleged in the Complaint are not privileged and MAA is well within its rights to protect its Marks and goodwill.

Mr. Philipson cites 18 U.S.C. § 1514A for the proposition that his activities are privileged and protected. First, this provision of the Sarbanes-Oxley Act does not provide that his documents are privileged or protected. Moreover, the provision he cites only serves to protect employees. Mr. Philipson is not an employee of MAA and thus is due no protections under 18 U.S.C. § 1514A. Accordingly, this argument is unavailing.

4. MR. PHILIPSON'S ARGUMENT THAT OTHER ENTITIES USE THE ACRONYM "MAA" IS IRRELEVANT.

Mr. Philipson argues that other entities use the acronym MAA and/or possess a similar logo. These assertions are completely irrelevant to his obligation to fully and truthfully respond to a Subpoena issued by order of this Court. As the Complaint establishes, MAA has duly issued trademark registrations (Dkt. 1 at 17) and is entitled to all of the legal presumptions that registration provides, namely that MAA owns the Mark and has the exclusive right to use it nationwide in connection with the services listed in the registration. As between MAA and John Doe, MAA has clearly established that it has priority to the Mark and the John Does' use is infringing. Mr. Philipson has not established otherwise and this argument does not relieve him of the duty of responding.

CONCLUSION

For the reasons set forth above, Mr. Philipson's Motion to Quash should be denied and he should be ordered to truthfully and fully respond to the Subpoena. Moreover, MAA requests an instruction to Mr. Philipson that he be required to preserve all evidence that might have a bearing on this matter.

Respectfully Submitted,

BASS, BERRY & SIMS

/s/ Paige W. Mills

Paige Waldrop Mills (#016218)

150 3rd Ave South

Suite 2800

Nashville, TN 37201

Phone: (615) 742-7770

Fax: (615) 742-0429

pmills@bassberry.com

John S. Golwen (#014324) Jordan E. Thomas (#039531) 100 Peabody Place Suite 1300 Memphis, TN 38103 Phone: (901) 543-5903 Fax: (901) 543-5999 jgolwen@bassberry.com

jordan.thomas@bassberry.com

Counsel for Mid-America Apartment Communities, Inc.

CERTIFICATE OF SERVICE

I hereby certify that the forgoing RESPONSE TO MOTION TO QUASH was served on the undersigned by U.S. mail:

Dennis Philipson 6178 Castletown Way Alexandria, VA 22310

On April 28, 2023.

/s/ Paige W. Mills
Paige Waldrop Mills

EXHIBIT 1

CaseC2x323212302130625366-331glc-c@ocumbertu6n-5ntHiBed 0741/96/23/28/23ge 2 1956ge 11Haggfe117 121 PageID 157

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Tennessee

Defendant	
)
	MENTS, INFORMATION, OR OBJECTS OF PREMISES IN A CIVIL ACTION
	Michael Philipson
6176 Castletown V	Way, Alexandria, VA, 22310
	whom this subpoena is directed) luce at the time, date, and place set forth below the following
locuments, electronically stored information, or objects, a naterial: See Attached Exhibit A	and to permit inspection, copying, testing, or sampling of the
Place: Bass, Berry & Sims PLC; Attn: Paige Mills	Date and Time:
150 3rd Ave. S. Nashville, TN 37201; pmills@bassberry.com	4/27/2023 5:00 p.m. CST
	DED to permit entry onto the designated premises, land, or date, and location set forth below, so that the requesting party the property or any designated object or operation on it.
Place:	Date and Time:
Rule 45(d), relating to your protection as a person subject respond to this subpoena and the potential consequences of	
Rule 45(d), relating to your protection as a person subject respond to this subpoena and the potential consequences of	to a subpoena; and Rule 45(e) and (g), relating to your duty to

Notice to the person who issues or requests this subpoena

Paige Mills, Bass, Berry Sims PLC, 150 Third Ave. S., Suite 2800, Nashville, TN 37201; (615) 742 -6200;

pmills@bassberry.com

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PageID 158 AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 2:23-cv-02186

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

on (date)	ena for (name of individual and title, if a .		
☐ I served the subpo	pena by delivering a copy to the na	med person as follows:	
		on (date) ;	or
☐ I returned the subj	poena unexecuted because:		
		I States, or one of its officers or agents, I e, and the mileage allowed by law, in the	
My fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under penal	ty of perjury that this information	is true.	
Date:		Server's signature	
		Printed name and title	

Cas@2323202392143625861-531gtc-cbocurbentu6rentPiled 074/196/23/28/28/28/29 4 1946e 173agfe117 123 PageID 159

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action(Page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- **(B)** within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
 - **(B)** inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- **(B)** Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
 - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

- (1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- **(D)** Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- **(B)** Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE AT MEMPHIS

MID-AMERICA APARTMENT)
COMMUNITIES, INC.)
Plaintiff,)
) Docket No. 2:23-cv-02186
V.)
) JURY DEMAND
JOHN DOE 1 AND JOHN DOE 2,)
)
Defendants.)
)
)

PHILIPSON SUBPOENA ATTACHMENT A

Please produce all documents showing:

- 1. All documents and things, including electronically stored information, that discuss or relate to Mid-America Apartment Communities, Inc. ("MAA") created on or after March 15, 2021.
- 2. All documents and things, including electronically stored information, that discuss or relate to domain names with included terms:
 - a. MAA
 - b. mega
 - c. fraud
 - d. awesome
 - e. apartments
 - f. Mid-America Apartment Communities
- 3. All documents and things, including electronically stored information, that discuss or relate to the domains:
 - a. maaapartments.com

- b. maa.apartments
- c. maafraud.com
- d. megaawesomeapartments.com
- 4. All documents and things, including electronically stored information, that emanate from or to, or discuss, include, or relate to any of the following email accounts:
 - a. timmy.argo75@gmail.com
 - b. craigsilver25@outlook.com;
 - c. RunFromMAA@outlook.com
 - d. tomgrimey@outlook.com
 - e. melanieisgoingtojail@outlook.com
- 5. All documents and things, including electronically stored information, that discuss, include, or relate to:
 - a. Craig Silver
 - b. Tim Argo
 - c. Tom Grimey
 - d. Melanie Carpenter
 - e. Any current employee of Mid-America Apartment Communities, Inc.
- 6. All documents and things, including electronically stored information, that emanate from or to, or discuss, include, or relate to any of the following LinkedIn accounts:

https://www.linkedin.com/company/maa-apartments/

https://www.linkedin.com/in/craig-silver-8702b626a/

https://www.linkedin.com/in/fred-casualty-loss-91ab57269/

https://www.linkedin.com/in/maa-fraud-068a93269/

https://www.linkedin.com/in/perry-johnson-b01a94269/

EXHIBIT 2

From: google-legal-support@google.com
Sent: Friday, April 21, 2023 1:48 PM

To: Mills, Paige

Cc: McClanahan, Teresa

Subject: Re: Mid-America Apartment Communities, Inc. v. John Doe 1 and John Doe 2 (Internal

Ref. No. 33616458)

Hello,

Google has received a Pro Se Motion To Quash Subpoena. As such, Google will await the Court's ruling before taking any further action.

Regards,

Legal Investigations Support Google Internal Ref. No. 33616458

On Thu, Apr 20, 2023 at 19:59 UTC google-legal-support@google.com wrote:

Dear Paige Mills:

Please see the attached letter regarding the above-captioned matter.

Regards,

Ra Bacchus

Google Legal Investigations Support

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE WESTERN DIVISION

MID-AMERICA APARTMENT COMMUNITIES, INC.,

Plaintiff,

VS.

Case No. 2:23-cv-02186-SHL-cgc

JOHN DOE 1 AND JOHN DOE 2,

Defendants.

DECLARATION OF LESLIE WOLFGANG

I am of majority age and have first-hand knowledge of the following facts from the performance of my duties as described below:

- 1. My name is Leslie Wolfgang.
- 2. I have been employed by Mid-America Apartment Communities, Inc. ("MAA") since 2000.
- 3. Currently I hold the positions of Senior Vice President, Chief Ethics and Compliance Officer, and Corporate Secretary of MAA.
 - 4. Dennis Philipson was formerly employed as a property manager for MAA.
- 5. Mr. Philipson gave notice to MAA in late March of 2021, stating that he was leaving to pursue his acting career.
- 6. He later changed his mind and tried to withdraw his resignation a few days later. However, he made a number of negative comments about MAA on or about the time he gave

notice. Accordingly, MAA determined that it was not in its best interest to allow him to withdraw his resignation and decided to pay him in lieu of letting him work out his notice.

- 7. Upon information and belief, this series of events upset Mr. Philipson and ignited his long and relentless vendetta against MAA. Since that time, upon information and belief, Mr. Philipson has made in excess of 65 communications to MAA or its employees complaining about alleged fraud, his alleged mistreatment while working there, the supposed malfeasance of other MAA employees, and other alleged "SEC and IRS violations."
- 8. He also claims to have made numerous complaints to various federal agencies about MAA, such as the SEC, the IRS, and the DOJ, although he has never served MAA with these alleged filings. All of these allegations (of which MAA is aware) have been carefully and duly investigated and all have been found to be without merit.
- 9. A number of the submitted whistleblower complaints do not relate in any way to MAA business but are merely song lyrics or images from movies, indicating that the intent of the complaints and submissions is solely to harass MAA as opposed to submitting any legitimate concern.
- 10. Some of the complaints that MAA believes to be submitted by Mr. Phillipson contain statements that he does not want to be contacted or does not want to receive a response, again indicating a lack of serious concern regarding the allegations but simply an intent to harass or stalk MAA and its employees
- 11. Nonetheless, Mr. Philipson continues to make complaints, some using his own name, some not, via MAA's anonymous whistleblower portal. Some of these "whistleblower" complaints do not list a name but come from Mr. Philipson's known email address or contain documents with his name on them.

- 12. Because the verbiage, content, and sentence structure is so similar between these numerous complaints, it is obvious that even the anonymous submissions are coming from Mr. Philipson.
- 13. Several communications received by MAA employees are sent from what are obviously false email addresses. They are obviously false because they use the names of MAA executives, but with an insulting play on words. For example, some of the emails come from the email addresses tommylgrimey51@hotmail.com, Thomas.grimey51@outlook.com, or tomandambermaa@gmail.com.
- 14. Tom Grimes is the former Chief Operating Officer of MAA. Amber Fairbanks is te current Executive Vice President of Property Operations of MAA. Neither sent the subject emails.
- 15. Some of these communications, which contain content that is very similar to complaints expressly made by Mr. Philipson, came from email addresses that contain the MAA marks, for example MAAisfraud@outlook.com or MAAisfullofshit@outlook.com.
- 16. This history is important because it is mirrored in the conduct of John Doe 1 and/or John Doe 2 and their execution of the infringing conduct described in MAA's Complaint. For example, MAA instituted a UDRP Complaint against the Infringing Domains, alleging that they were purchased and used in bad faith.
- 17. As a result of that proceeding, MAA was able to determine the contact email account for some of the Infringing Domains was timmyargo71@gmail.com.
- 18. Like the "tommy grimey" fake email addresses believed to have been set up and used by Mr. Philipson to mock Tom Grimes, MAA's former Chief Operating Officer, Tim Argo is an executive vice president of MAA, who is not responsible for the fake email addresses or the Infringing Domains.

- 19. Accordingly, the fake email contact information for the infringing domains fits the pattern of using names similar to MAA executives for the emails to transmit his raft of meritless allegations.
- 20. Moreover, John Does 1 and 2 are using domains that contain the MAA marks, such as maapartments.com, maa.apartments, or maafraud.com, which mirror the fraudulent MAA email addresses that Mr. Philipson has used to communicate his complaints to MAA, such as MAAisfraud@outlook.com, maareviews@outlook.com, or MAAisfullofshit@outlook.com.
- 21. And finally, Mr. Philipson, who is almost certainly the individual who has made the numerous anonymous meritless complaints via MAA's whistleblower portal, expressly mentioned the Infringing Domain in one of his harassing and extortive communications.
- 22. For example, in a communication submitted via the whistleblower platform, upon information and belief, Mr. Philipson submitted the following message referencing the Infringing Website shortly after it was created:

Have until tax day. Maafraud maapartments on the web Huge social media following Ouit lying to your employees and shareholders Eric is a POS.

- 23. "Eric" in the email above, most likely references Eric Bolton, MAA's current Chief Executive Officer, fitting Mr. Philipson's pattern of making personal and insulting references to MAA's employees.
- 24. Accordingly, given the history between the parties and the strong similarities between Mr. Philipson and the John Does' pattern, practice and means of harassing MAA, MAA has a strong suspicion that Mr. Philipson and John Does 1 and 2 are the same person.
 - I declare penalty of perjury that the foregoing is true and correct. 25. Executed on April 28, 2023.

CERTIFICATE OF SERVICE

I hereby certify that the forgoing DECLARTION OF LESLIE WOLFGANG was served on the undersigned by U.S. mail:

Dennis Philipson 6178 Castletown Way Alexandria, VA 22310

On April 28, 2023.

/s/ Paige W. Mills
Paige W. Mills

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE WESTERN DIVISION

MID-AMERICA APARTMENT COMMUNITIES, INC.,))
Plaintiff,)
v.) No. 2:23-cv-2186-SHL-cgc
JOHN DOES 1-2,))
Defendants.)

ORDER DENYING DENNIS PHLIPSON'S MOTION TO QUASH SUBPOENA

On April 3, 2023, Plaintiff initiated this action against unnamed Defendants John Does #1-2, alleging claims under the Lanham Act, 15 U.S.C. § 1051 et seq., the Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d), common law infringement and unfair competition, and the Tennessee Consumer Protection Act, Tenn. Code Ann. § 47-18-104 et seq. (ECF No. 1.) On April 6, 2023, Plaintiff filed a Motion for Limited Expedited Discovery, which sought to serve Subpoenas on various non-Parties, including Dennis Philipson. (ECF No. 6.) The Court granted Plaintiff's Motion the following day as Plaintiff showed good cause for expedited discovery given the need to determine the identities of the John Does. (ECF No. 8.) Mr. Philipson then filed a pro se Motion to Quash Subpoena on April 17, 2023. (ECF No. 10.) Plaintiff filed its Response in opposition to Mr. Philipson's Motion on April 28, 2023. (ECF No. 13.) For the reasons discussed below, the Court **DENIES** Mr. Philipson's Motion to Quash.

LEGAL STANDARD

Federal Rule of Civil Procedure 45 governs subpoenas. Whether a subpoena should be quashed or modified is "committed to the sound discretion of the trial court. . . ." <u>AFT Mich. v.</u> <u>Project Veritas</u>, No. 2:17-cv-13292, 2022 WL 779784, at *4 (E.D. Mich. Mar. 14, 2022) (citing

Gandhi v. Police Dep't of Detroit, 747 F.2d 338, 354 (6th Cir. 1984)). "The scope of a subpoena issued under Rule 45 is . . . subject to the general relevancy standard applicable to discovery under [FRCP] 26(b)(1)." Orlowski v. Bates, No. 2:11-cv-01396, 2017 WL 5957391, at *1 (W.D. Tenn. Oct. 5, 2017). Furthermore, a court must quash or modify a subpoena that "(i) fails to allow a reasonable time to comply; (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c); (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or (iv) subjects a person to undue burden." Fed. R. Civ. P. 45(d)(3)(A).

ANALYSIS

Mr. Philipson offers four arguments in support of his Motion. First, he argues that the Subpoena is speculative, and that Plaintiff issued it in retaliation for whistleblower complaints he made against Plaintiff. (ECF No. 10 at PageID 141.) Second, he argues that he no longer possesses relevant evidence, and that he handed over any relevant evidence to various federal government agencies as part of his various whistleblower complaints. (Id.) He further argues that any information he provided to the Government is privileged and protected under the Sarbanes-Oxley Act, 18 U.S.C. § 1514A. (Id.) Finally, Mr. Philipson argues that the Subpoena is no longer necessary as much of the sought-after information—public web domains and social media profiles—is no longer active. (Id. at PageID 142.) In support, Mr. Philipson states that he personally removed two of the five LinkedIn profiles at issue in the Complaint. (Id.)

In its Response, Plaintiff argues that Mr. Philipson likely has relevant evidence and that there is a good faith basis to believe that he and Defendants John Does #1-2 are the same person. (ECF No. 13 at PageID 148.) Plaintiff also denies that the Subpoena is in retaliation for Mr.

Philipson's whistleblower activities. (<u>Id.</u> at PageID 152.) Finally, Plaintiff argues that the information sought in the Subpoena is not privileged under the Sarbanes-Oxley Act. (Id.)

The Court finds Plaintiff's arguments to be persuasive. Plaintiff's Response details the history between the Parties such that there is a good faith basis to believe that Mr. Philipson and John Does #1-2 are the same person, thus the subpoena is not speculative. The trail that links the two begins with the over 65 messages sent by Mr. Philipson since March 2021 from his personal email account to Plaintiff about alleged fraud and his alleged mistreatment while working for Plaintiff. (Id. at PageID 148.) Plaintiff links these messages to anonymous complaints via its whistleblower portal, many of which are similar in content to the emails Mr. Philipson sent directly to Plaintiff. (Id. at PageID 149.) While the whistleblower complaints are nominally anonymous, many of them reference Mr. Philipson's email address and contain documents with his name on them linking him to the whistleblower complaints. (Id.) Finally, one of the whistleblower complaints references one of the infringing domain names at issue in the Complaint and Subpoena, leading Plaintiff to conclude that Mr. Philipson has information relevant to this matter. (Id. at PageID 150.)

Furthermore, Mr. Philipson undermines his own argument by providing additional support for the proposition that he is John Does #1-2. In his Motion, Mr. Philipson states that he removed two of the five fake LinkedIn profiles allegedly created by John Does #1-2. (ECF No. 10 at PageID 142.) This admission supports an inference that he created two of the LinkedIn profiles and that he may have relevant evidence about the remaining three. Therefore, the evidence establishes that there is a significant likelihood that Mr. Philipson possesses relevant evidence that could help establish the identity of John Does #1-2.

Mr. Philipson also fails to establish that the information he provided to the Government as part of his various whistleblower complaints is privileged and protected under the Sarbanes-Oxley Act. His conclusory and generalized allegations of securities and tax fraud is insufficient to allege an objectively reasonable belief that Plaintiff violated one of the enumerated categories of fraud under 18 U.S.C. § 1514A(a)(1), such that he would be entitled to whistleblower protection. See Nielsen v. AECOM Tech. Corp., 762 F.3d 214, 222-23 (2d Cir. 2014); cf. Wood v. Dow Chemical Co., 72 F. Supp. 3d 777, 787-88 (E.D. Mich. 2014) (former employee who established audit procedures for employer entitled to whistleblower protection as she reported large cost overruns hidden by improper accounting methods and improper personal expenditures by employer's CEO). Furthermore, Mr. Philipson fails to provide evidence showing that the Subpoena subjects him to an undue burden. Fed. R. Civ. P 45(d)(3)(A)(iv).

Therefore, for the foregoing reasons, the Court **DENIES** Mr. Philipson's Motion to Quash.

IT IS SO ORDERED, this 16th day of May, 2023.

s/ Sheryl H. Lipman SHERYL H. LIPMAN CHIEF UNITED STATES DISTRICT JUDGE

Page 1 of 23

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE AT MEMPHIS

MID-AMERICA APARTMENT COMMUNITIES, INC.)
Plaintiff,	
v.) Docket No. 2:23-cv-02186-SHL-cgc
DENNIS MICHAEL PHILIPSON,	
Defendant.	3

FIRST AMENDED COMPLAINT

- Mid-America Apartment Communities, Inc., also known as ("MAA") states as follows for its First Amended Complaint against Defendant Dennis Michael Philipson.
- 2. This is an action at law and equity to remedy acts of: (1) trademark infringement under 15 U.S.C. §1114; (2) unfair competition under 15 U.S.C. §1125(a); (3) cybersquatting under the Anti-cybersquatting Consumer Protection Act found at 15 U.S.C. § 1125(d); (3) infringement and unfair competition under the common law of the State of Tennessee and the Tennessee Trademark Statute, Tenn. Code Ann. §47-25-512 and §47-25-513; (4) deceptive trade practices and unjust enrichment in violation of the common law of the State of Tennessee and the Tennessee Consumer Protection Act, Tenn. Code Ann. §47-18-104, et seq; negligence per se for numerous violations of the Federal Cyberstalking Act, 18 U.S.C. § 2261A; defamation; tortious interference with prospective business relationships; deceit; and violations of the Tennessee Personal and Commercial Computer Act of 2003, Tenn. Code Ann § 39-14-602.
- This Court has original subject matter jurisdiction over MAA's Lanham Act claims pursuant to 28 U.S.C. §§ 1331 & 1338, and 15 U.S.C. § 1121.

- 4. This Court has subject matter jurisdiction over MAA's Tennessee state law claims pursuant to 28 U.S.C. § 1367(a) because MAA's Tennessee state law claims are so related to the claims in the action within the Court's original jurisdiction that they form part of the same case or controversy.
- 5. Personal jurisdiction is proper in this Judicial District because, Defendant Philipson has had numerous contacts with the State of Tennessee though the actions complained of herein and has caused and is continuing to cause harm to MAA, which has an office in Tennessee within this judicial district. Further, Philipson has represented on social media that the company responsible for its Infringing Website (as herein defined) is headquartered in Memphis, Tennessee and has been operating there since 2016. Philipson has had dozens of contacts with MAA and employees of MAA located in Tennessee wherein he left false and misleading reviews about the company on various sites, tried to obtain control over various employees' social media accounts, apply for jobs in their names, and/or mislead them and their customers using the Infringing Website and related accounts on LinkedIn.
- 6. Defendant Philipson has used Plaintiff's valid and registered trademarks on an Infringing Website and fake LinkedIn Page and Accounts (as described herein) to divert, harass, and confuse Plaintiff's customers. Philipson's Infringing Website has been offering identical services to those of Plaintiff (assistance with apartment leasing) to Tennessee consumers using Plaintiff's trademarks. As described herein, Defendant Philipson has been offering these services by purchasing infringing domain names and using an infringing logo on an infringing website that is viewable by and accessible to Tennessee consumers. The Infringing Website is interactive in that it has allowed Tennessee consumers to seek quotes for rental insurance and purports to advertise jobs available. Philipson further created a LinkedIn Page and numerous LinkedIn Accounts using

Plaintiff's trademarks for a business that it represents is headquartered in Tennessee, in this judicial district.

- 7. Defendant Philipson offered and/or distributed these infringing services (as described herein) to consumers within the United States, including consumers within Tennessee.
- 8. Venue is proper within this Judicial District pursuant to 28 U.S.C. §1391 in that a substantial part of the events or omissions giving rise to MAA's claims have occurred in this Judicial District, and a substantial part of the harm caused by Defendant has occurred in this Judicial District.

PARTIES

- 9. Mid-America Apartment Communities, Inc., also known as ("MAA"), is a Tennessee corporation, with its principal place of business located at 6815 Poplar Avenue, Suite 500, Germantown, Tennessee.
- 10. Defendant Dennis Philipson is the individual responsible for the website located at megaawesomeapartments.com, is using the false name "Craig Silver," and is associated with the email address info@maa.apartments, all of which will be further identified below. Upon information and belief, Philipson's mailing address is 6178 Castletown Way, Alexandria (Fairfax County), VA 22310, although he has used false contact information in purchasing and administrating the above website and associated domains.
- 11. MAA is one of the largest residential management companies in the nation and is the second-largest owner of apartments in the United States.
- 12. MAA's real estate portfolio includes thousands of residences and luxury apartment communities throughout the Southeast, Southwest, and Mid-Atlantic regions of the United States.

- 13. With a network of over 100,000 homes and 296 communities across 16 states in their real estate portfolio, MAA is a residential management leader. MAA leases these properties and helps manage the property and the company's relationship with the tenants (the "MAA Services").
- 14. Through its extensive use of its various MAA trademarks (collectively, the "MAA Marks"), MAA has invested heavily in protecting and marketing its services throughout the United States.
- 15. As a consequence of MAA's marketing, brand investment, and sales success, MAA and its MAA Marks have become widely known by consumers of apartment rental services in the United States.
- 16. The Plaintiff owns trademark registrations and has pending trademark applications for the MAA Marks in the United States. The following is a list of the Plaintiff's registrations on the Principal Register and pending trademark applications for MAA Marks¹:

Trademark	Registration Number	Serial Number	Date of First Use	Goods and Services
MAA	4009475		March 11, 2011	Class 36: Leasing of apartments
MID-AMERICA APARTMENT COMMUNITIES	3268349		September 1994	Class 36: Leasing of apartments; Leasing of real estate; Rental of apartments
MAA A BRIGHTER VIEW		88716497	TBD*	Class 36: Leasing of apartments; Leasing of real estate; Rental of apartments
MAA COMMUNITIES		88716061	TBD*	Class 36: Leasing of apartments; Leasing of real estate; Rental of apartments.

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¹ The MAA marks referenced in the Complaint are owned by Mid-America Apartment Communities, Inc. and do not represent all trademarks owned by Mid-America Apartment Communities, Inc.

True and correct copies of the registration certificates and official U.S. Patent and Trademark Office Trademark Status and Document Retrieval Records are attached as **Exhibit A**.

- 17. MAA has offered and sold the MAA Services under the MAA Marks since as early as 1994 in the United States, as claimed and sworn to at the U.S. Patent and Trademark Office. Additionally, Plaintiff is the owner of the maac.com domain name (the "MAA Domain Name").
- 18. Defendant Philipson was formerly employed as a property manager for MAA. Philipson gave notice to MAA in late March of 2021, stating that he was leaving to pursue his acting career. He later changed his mind and tried to withdraw his resignation a few days later. However, he made a number of negative comments about MAA on or about the time he gave notice. Accordingly, MAA determined that it was not in its best interest to allow him to withdraw his resignation and decided to pay him in lieu of letting him work out his notice.
- 19. This series of events upset Mr. Philipson and ignited his long and relentless vendetta against MAA. Since that time, upon information and belief, Mr. Philipson has made well in excess of 65 communications to MAA or its employees complaining about alleged fraud, his alleged mistreatment while working there, the supposed malfeasance of other MAA employees, and other alleged "SEC and IRS violations." He also claims to have made numerous complaints to various federal agencies about MAA, such as the SEC, the IRS, and the DOJ, although he has never served MAA with these alleged filings. All of these allegations (of which MAA is aware) have been carefully and duly investigated and all have been found to be without merit.
- 20. Nonetheless, Mr. Philipson continues to make complaints, some using his own name, some not, via an anonymous whistleblower portal. Some of these "whistleblower" complaints do not list a name but reference Mr. Philipson's known email address or contain documents with his name on them. Because the verbiage, content, syntax, and sentence structure

is so similar between these numerous complaints, it is obvious that even the anonymous submissions are coming from Mr. Philipson. In making these complaints and communications, Mr. Philipson has used dozens of different email addresses and personas.

- 21. Several communications received by MAA employees are sent from what are obviously false email addresses. They are obviously false because they use the names of MAA executives, but with an insulting play on words. For example, some of the emails come from the email tommylgrimey51@hotmail.com, addresses Thomas.grimey51@outlook.com, tomandambermaa@gmail.com. Tom Grimes is the former Chief Operating Officer of MAA. Amber Fairbanks is the current Executive Vice President of Property Operations of MAA. Neither sent the subject emails. Some of these communications, which contain content that is very similar to if not identical to complaints expressly made by Mr. Philipson, came from email addresses that contain the MAA marks, for example MAAisfraud@outlook.com or MAAisfullofshit@outlook.com.
- 22. In addition to his obsessive and harassing conduct in constantly making false "whistleblower" complaints, Defendant Philipson began other alarming conduct. For example, upon information and belief, he made numerous attempts to obtain control over MAA employees' social media accounts and/or to create new accounts on various platforms for MAA employees without their authorizations.
- 23. Upon information and belief, he left multiple false reviews about MAA on Glassdoor.com. These false reviews contained untrue and defamatory statements. For example, on one review Defendant stated "MAA is a bunch of terrible liars that do whatever they can to take advantage of employees & residents. They will do whatever they can to avoid paying any money to anyone. I would not work for them or rent from them. Horrible people."

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- 24. Upon information and belief, he applied for jobs at MAA's competitors in the names of MAA employees, without their permissions and under false and misleading pretenses.
- 25. Upon information and belief, he applied for jobs at MAA under false names and under false pretenses.
- 26. Mr. Philipson attempted to interfere with MAA's relationships with its employees, customers, and board members. For example, upon information and belief, Philipson sent emails under a fake name to an individual identified as a new MAA board member in an attempt to get her to resign:

Please relay the message that she should stay off the Board at MAA. We suspect wide spread fraud.

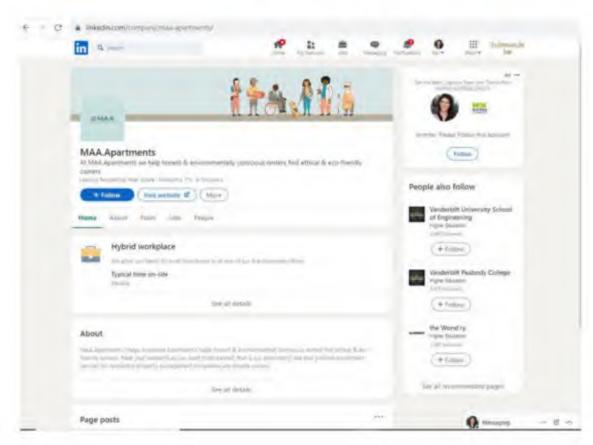
Maybe contact the proper agency of you need more info. You can follow BakersonDon or BerryBassGene on twitter

Thanks Anonymous

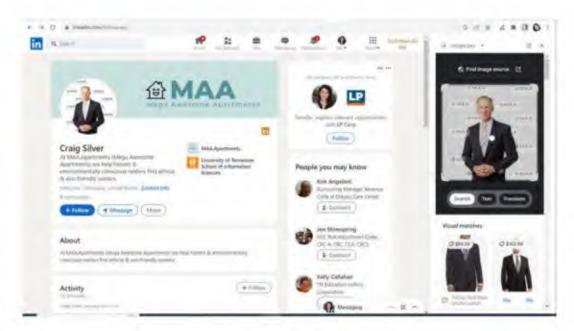
27. More alarmingly, he created various personas on Google Reviews and began to methodically review restaurants and businesses in and around the MAA's corporate offices in Memphis and the homes of MAA employees in order to intimidate, frighten, and harass them. This office and these employees are located in Tennessee, not Virginia, where Defendant Philipson actually resides. In other words, these are businesses and restaurants that Philipson would have no reason to visit. By way of one example, Philipson reviewed the Baskin Robbins near his former supervisor's home, the Home Depot, and the Barnes and Noble. Philipson would include information in these reviews that the employee would have privately discussed with his family and that Philipson would have no legitimate basis for knowing. The information included in these reviews strongly indicate that either Defendant Philipson was somehow shadowing the MAA employee or had surreptitiously installed some sort of spy ware on the individual's phone.

- 28. Not content with simply making bogus complaints, he set about confuse and alienate MAA customers by misappropriating and using the MAA Marks as part of several Uniform Resource Locators ("URL's") that resolve to the infringing website www.megaawesomeapartments.com (collectively the "Infringing Domains").
- 29. Defendant Philipson purchased the following Infringing Domains on March 3, 2023: maapartments.com; maa.apartments; maafraud.com. Defendant Philipson purchased the fourth domain, megaawesomeapartments.com, on March 5, 2023.
- 30. The first three domain names are registered with Google, LLC. The fourth domain name, megaawesomeapartments.com, is registered with Wix.com Ltd ("Wix").
- 31. After serving a subpoena on Wix as per this Court's Order of May 16, 2023 (Dk. 15), MAA learned that the megaawesomeapartments.com website was managed using the IP Address 108.31.205.70, which is a Verizon address. Accordingly, MAA sent a Subpoena to Verizon and learned that this IP address was registered to Dennis Philipson of Alexandria, Virginia, definitively establishing that Philipson was behind the Infringing Domains and Website.
- 32. The webpage located at megaawesomeapartments.com (the "Infringing Website") made prominent use of Plaintiff's MAA mark (the "Infringing Logo"). The Infringing Website purports to help renters find "ethical and eco-friendly" apartments to lease. Accordingly, the Infringing Website offers services that are identical to the MAA Services. A true and correct copy of the Infringing Website as of March 12, 2023 is attached as **Exhibit B**.
- 33. As of March 14, 2023, if the consumer entered the domain names maapartments.com, maa.apartments, or maafraud.com in the search bar, he or she would be automatically redirected to the Infringing Website located at megaawesomeapartments.com.

- 34. Defendant Philipson registered the Infringing Domains and created the Infringing Logo and Website long after the date of first use and registration of Plaintiff's MAA marks.
- 35. The Infringing Domain Names and Logo are confusingly similar to the MAA Marks and the MAA Domain Name. These domains completely subsume and consist of Plaintiff's MAA Marks. In addition, the Disputed Domain Names are both visually and phonetically identical to the MAA Marks, further heightening the likelihood of confusion.
- 36. Defendant Philipson's Infringing Website is not a legitimate business. As of March 13, 2023, Philipson created a LinkedIn entry for its company that it is trying to pass off as Plaintiff (the "Infringing LinkedIn Page"). Below is a true and accurate screen shot of the Infringing LinkedIn page:



- 37. Upon information and belief, Defendant Philipson has set up the Infringing LinkedIn page in a deliberate effort to impersonate Plaintiff. It references having five corporate offices, claims to have as many as 50 employees, and is allegedly located in Memphis, Tennessee, none of which is true.
- 38. Moreover, upon information and belief, Defendant has created other false LinkedIn Accounts of employees that allegedly work for the Infringing Website, but in reality, do not exist (the "False LinkedIn Accounts").
- 39. For example, Defendant Philipson has indicated on the Infringing LinkedIn Page that an individual named "Craig Silver" is the CEO of the Infringing Website and has created a separate LinkedIn Account for this Mr. Silver:



40. Yet, a reverse image search of "Mr. Silver's" picture positioned in front of MAA logos reveals that he is not a real person but is merely clip art of "an older man in suit:"



- 41. Moreover, upon information and belief, Defendant created numerous accounts on LinkedIn that defamed MAA with false and damaging information. For example, he created an account called "MAA Lies" that actively posed negative and false information about MAA and its corporate offices and properties.
- 42. Defendant Philipson has no rights or legitimate interest in the Infringing Domains, Webpage, Logo or LinkedIn Accounts. Rather, Defendant Philipson is merely using them to trade on the good name and reputation of Plaintiff and its MAA Marks in furtherance of Defendant Philipson's unlawful and unauthorized activities and in a further effort to harass and defame Plaintiff.
- 43. Plaintiff has not licensed or otherwise permitted Defendant Philipson or anyone or entity affiliated with or associated with Defendant Philipson to use Plaintiff's MAA Marks.
- 44. Defendant Philipson does not have a legitimate non-commercial fair use claim of the Infringing Domain Names, Website, Logo, or False LinkedIn Accounts, particularly since the Infringing Domain Names have only recently been registered. On the contrary, Defendant Philipson has chosen the Infringing Domain Names, Logo, and Infringing LinkedIn Account to

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trade off the reputation and goodwill associated with the MAA Marks, to cause confusion amongst Internet users and Plaintiff's customers, and to prevent Plaintiff from owning the Infringing Domain Names.

45. Upon information and belief, Defendant has used the Infringing Domain Names and Infringing LinkedIn Account to divert Internet users (which would otherwise be using Plaintiff's Marks to search for Plaintiff) to a website with information about third-party apartment management companies with the ultimate motive to disrupt and denigrate Plaintiff's business. Defendant Philipson has been using the Infringing Domain Names, Logo, and Infringing LinkedIn Accounts to fraudulently lure consumers to a website unsuspecting consumers may believe to be offered/provided by Plaintiff. Such conduct constitutes bad faith and is not a legitimate business use of the Marks.

46. "Craig Silver," the fake alter ego of Defendant Philipson, has directly and intentionally emailed Plaintiff information about its fake and Infringing Website, demonstrating he was well aware of the MAA Marks and his intent to annoy and harass MAA. Below is an example of one such communication:

From: Craig Silver < welcome@maaapartments.com >

Sent: Saturday, March 4, 2023 2:39 PM

To: welcome@maaapartments.com

Subject: [EXTERNAL] Please Visit us at MAAApartments!

Good afternoon!

Please visit one of our many sites at MAA.Apartments or

MAAApartments.com.

We look forward to seeing youl

47. As a former employee of MAA, Defendant Philipson's registration of the Infringing Domain Names was obviously done with prior knowledge of Plaintiff's widely known MAA Marks, which were in use for over 16 years and one of which was federally registered for over 28

years prior to Defendant Philipson's recent registration of the Infringing Domain Names.

Plaintiff's registration of its Marks also provides constructive notice to Defendant Philipson of its rights.

- 48. Further, upon information and belief, Philipson sent invitations to connect to employees and customers of Plaintiff using the Fake LinkedIn Page and Accounts in an effort to cause confusion in the marketplace.
- 49. Moreover, upon information and belief, Defendant Philipson is repeatedly emailing Plaintiff through an anonymous portal, making veiled threats and disparaging comments about Plaintiff and Plaintiff's employees, while referencing Defendant Philipson's Infringing Website and Domains and its supposedly "vast social media following."
- 50. These communications contain an implied threat that Defendant Philipson and/or Defendant Philipson will use the alleged "vast social media following" belonging to the Infringing Website and/or Infringing LinkedIn Accounts and other false social media accounts to destroy any goodwill Plaintiff has developed for unknown and unstated reasons. These anonymous communications by Defendant Philipson do not report any legitimate complaints or concerns. Plaintiff asserts that such conduct constitutes harassment and is not indicative of any legitimate business activity.
- 51. Plaintiff sent a cease and desist letter on March 14, 2023, demanding that all of the infringing activity as herein described immediately cease, along with certain other demands, including a request that Defendant contact Plaintiff's attorneys so that these issues can be negotiated and promptly resolved. *See* Exhibit C. Defendant did not meet these demands.

CLAIM FOR TRADEMARK INFRINGEMENT

52. This cause of action arises under Section 32 of the Lanham Act, 15 U.S.C. §1114.

- 53. Defendant's use of the MAA Marks as alleged above is likely to cause confusion, mistake, or deception as to the source, sponsorship, or approval of the Plaintiff, such that consumers are likely to believe that Defendant's services are in some way connected with, sponsored or licensed by, or otherwise related to Plaintiff.
- 54. Defendant has infringed the MAA Marks and/or induced the infringement of the MAA Marks by using the Infringing Domains maa.apartments; maapartments.com; maafraud.com; and megaawesomeapartments.com, as well as using the Infringing Logo and creating the Infringing LinkedIn Account.
- 55. Defendant's use of the MAA Marks were made with actual and/or constructive knowledge of Plaintiff's rights in the Marks.
 - 56. Defendant's use of the MAA Marks was without Plaintiff's consent or permission.
- 57. Defendant's use of confusingly similar service trademarks constitutes trademark infringement under the Lanham Act, 15 U.S.C. §1114(1).
 - 58. The infringing conduct of Defendants was and is knowing, willful, and intentional.
 - 59. Defendant's conduct has caused financial harm and irreparable damage to Plaintiff.
- 60. Because Defendant's actions constitute a willful violation of Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a), Plaintiff requests that the Court enter judgment for three times the amount of Plaintiff's actual damages, and/or three times the amount of Defendant's profits, or a combination thereof, pursuant to 15 U.S.C. §1117.
- 61. Moreover, because of the willful nature of Defendant's violation of Plaintiff's trademark rights, this case constitutes an exceptional case entitling Plaintiff to an award of reasonable attorneys' fees, pursuant to 15 U.S.C. §1117.

CLAIM FOR UNFAIR COMPETITION

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- 62. Plaintiff repeats and realleges the allegations above and reincorporates them here by reference.
- 63. Defendant's unauthorized advertisement, promotion, display, offering for sale, sale, and distribution of Defendant's goods and services bearing the Plaintiff's trademarks or a mark that is confusingly similar to it constitute the use in commerce, on or in connection with Defendant's goods, of words, terms, names, symbols, or devices, or combinations thereof, and false designations of origin, and false or misleading descriptions or representations of fact, that are likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendant with Plaintiff, and/or as to the origin of Defendant's goods and commercial activities with, or their sponsorship or approval by, Plaintiff, in violation of § 43(a)(1)(A) of the United States Trademark Act, 15 U.S.C. § 1125(a)(1)(A).
- 64. Defendant's use of the Infringing Marks are likely to confuse consumers of apartment leasing and property management services and give Defendants the advantage of Plaintiff's long-established excellent reputation in this field.
- 65. Defendant's willful and deliberate unfair competition as described above has caused and continues to cause irreparable harm to Plaintiff.
- 66. Plaintiff is entitled to an award of Defendant's profits, any damages it has sustained in an amount to be proven at trial, and the costs of this action, all of which are set forth in 15 U.S.C. §1117.
- Because Defendant's actions constitute a willful violation of Section 43(a) of the 67. Lanham Act, 15 U.S.C. §1125(a), Plaintiff requests that the Court enter judgment for three times

the amount of Plaintiff's actual damages, and/or three times the amount of Defendant's profits, or a combination thereof, pursuant to 15 U.S.C. §1117.

68. Moreover, because of the willful nature of Defendant's violation of Plaintiff's trademark rights, this case constitutes an exceptional case entitling Plaintiff to an award of reasonable attorneys' fees, pursuant to 15 U.S.C. §1117.

CLAIM FOR INJUNCTIVE RELIEF

- 69. Plaintiff repeats and realleges the allegations above and reincorporates them here by reference.
- 70. Due to Defendant's acts of trademark infringement and unfair competition as set out above, Plaintiff is entitled to an injunction pursuant to 15 U.S.C. §1116, prohibiting any further use of the Infringing Marks.
- 71. Plaintiff is without an adequate remedy at law because Defendant's infringement has caused and will continue to cause great and irreparable injury to Plaintiff. Unless this Court enjoins these acts, they will continue and Plaintiff will continue to suffer great and irreparable injury to its intellectual property rights and erode its longstanding goodwill in the Marks.
- 72. Further, pursuant to 15 U.S.C. §1118, Plaintiff is entitled to an order that all products, labels, signs, prints, packages, wrappers, posters, flyers, and advertisements in Defendant's possession bearing the Infringing Mark or any confusingly similar trademark or service mark be delivered to Plaintiff for destruction.

CLAIM FOR STATE TRADEMARK INFRINGMENT, UNFAIR COMPETITION, AND MISAPPROPRIATION

73. Plaintiff repeats and reasserts each and every allegation set forth above and realleges it here by incorporation.

- 74. This claim arises under Tennessee Code Annotated §47-25-512 and the common law of Tennessee, and seeks redress for acts of trademark infringement, unfair competition, and misappropriation.
- 75. By its actions, Defendants intend to pass off and represent its apartment leasing services as those offered by, approved by, sponsored by, or affiliated with Plaintiff.
- 76. Defendant's unlawful activities constitute trademark infringement, unfair competition, passing off, and misappropriation as proscribed by common law and statute.
- 77. As a result of Defendant's unfair competition, Plaintiff has suffered and will continue to suffer irreparable harm for which Plaintiff has no adequate remedy at law.
- 78. Plaintiff is entitled to any and all remedies available under Tennessee law for unfair competition, including damages in an amount to be proved at trial, as well as preliminary and permanent injunctive relief.
- 79. Defendant's acts of trademark infringement, unfair competition, and misappropriation have caused Plaintiff to sustain monetary damage, loss, and injury in an amount to be determined at the time of trial.
- 80. Defendant has engaged and continues to engage in this activity knowingly and willfully, so as to justify the assessment of increased and punitive damages against it in an amount to be determined at the time of trial.
- 81. Defendant's acts of trademark infringement, unfair competition, and misappropriation, unless enjoined by this Court, will continue to cause Plaintiff to sustain irreparable damage, loss, and injury, for which Plaintiff has no adequate remedy at law.

CLAIM FOR DECEPTIVE TRADE PRACTICES AND FRAUDULENT MISREPRESENTATIONS

- 82. Plaintiff repeats and realleges each and every allegation set forth above as though fully set forth herein.
- 83. Defendant has and are engaged in acts and practices that constitute violation of the prohibition against deceptive trade practices found at Tennessee Code Ann. §47-18-104, *et seq*.
- 84. Defendant has used and are using Plaintiff's Marks in such a manner as to misrepresent the source, sponsorship, approval, and/or certification of its apartment leasing services. Defendant's activities further constitute the tort of passing off its services as those of Plaintiff's. The use of the Infringing Marks by Defendants create the unreasonable risk that consumers will conclude that there exists some affiliation, connection, or association between Plaintiff and Defendants.
- 85. The natural and probable effect of Defendant's use of the Marks in the manner alleged is to enable Defendants to deceive and confuse the public.
- 86. Defendant's use of the Infringing Marks in the manner alleged constitutes deceptive trade practices of the type prohibited by Tennessee Code Ann. §47-18-104, *et seq*.
- 87. Defendants had actual and/or constructive knowledge of Plaintiff's rights at the time it decided to use Plaintiff's intellectual property in connection with its provision of apartment leasing services and it continued to do so after receiving Plaintiff's cease-and-desist letters. Thus, Defendants willfully and deliberately infringed upon and violated Plaintiff's rights and continues to do so.
- 88. Upon information and belief, Defendant's unfair business practices are of a recurring nature and are harmful to the consumers and the public at large, as well as to Plaintiff.

These practices constitute unlawful, unfair, fraudulent, and deceptive business practices and unfair, deceptive, untrue, and misleading advertising. Plaintiff's acts have caused damage to Defendant.

- 89. Unless enjoined by this Court, Defendants will continue these acts, thereby causing Plaintiff further immediate and irreparable damage.
- 90. Plaintiff is without an adequate remedy at law because Defendant's acts as set forth herein are causing great and irreparable damage to Plaintiff and will continue to damage Plaintiff unless enjoined by this Court.

CLAIM FOR NEGLIGENCE PER SE ARISING FROM VIOLATIONS OF FEDERAL STATUTE TO PROTECT THE PUBLIC FROM CYBER HARASSMENT (18 U.S.C. §§ 2261A)

- 91. All allegations above are incorporated by reference as if fully restated herein.
- 92. Defendant Philipson was negligent per se in that his acts violated 18 U.S.C. § 2261A because they involved using the interactive computer services, electronic communication services, and electronic communication system of interstate commerce with the intent to injure, harass, and intimidate MAA and its employees by engaging in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to the employees.
- 93. Specifically, the Defendant used websites and social media platforms, which are interactive, electronic communication services and systems of interstate commerce, with the intent of injuring, harassing, and intimidating MAA employees by, among other things: obsessively following their comings and goings throughout the week, attempting to obtain access to their accounts on various websites and platforms, and leaving reviews of restaurants and enterprises that MAA employees frequent in an attempt to insinuate that he was following the employee and eavesdropping on their conversations and activities.

- 94. 18 U.S.C. §§ 2261A is a federal penal statute designed to protect the public and enable the courts to use the statutes to define a reasonably prudent person's standard of care because it establishes specific standards of conduct.
- 95. MAA and its employees belong to the class of persons the statute is designed to protect and its injuries are the type of injures the statute was designed to prevent.
- 96. Therefore, as Defendant has clearly violated the statute, he has failed to meet the required standards of conduct and his behavior is negligent per se.
- Defendant's acts violating the statute has caused and continues to cause MAA and 97. its employees extensive damages including, but not limited to, extreme emotional distress and injury to reputation.

CLAIM FOR DEFAMATION

- 98. All allegations above are incorporated by reference as if fully restated herein.
- 99. Defendant Philipson published numerous false statements about MAA, with knowledge that the statement was false. By way of one example only, Philipson published to MAA's new board member a communication that indicated that numerous anonymous sources were worried about her undertaking to work with MAA because "widespread fraud" was suspected. No such fraud was taking place and Philipson knew this.
 - 100. The communication was sent with the intent to harm MAA and its relationships.
 - 101. Philipson's actions have caused damage to MAA.

CLAIM FOR TORTIOUS INTERFERENCE WITH PROSPECTIVE **BUSINESS RELATIONSHIPS**

- All allegations above are incorporated by reference as if fully restated herein. 102.
- 103. MAA had a prospective business relationship with the users of LinkedIn who have an interest in residential leasing communities and property management.

- 104. Defendant had knowledge of those prospective business relationships.
- 105. By creating the false LinkedIn Accounts using MAA's Marks, Defendant published false and defamatory statements that were intended to cause of the breach or termination of those prospective business relationships.
- 106. By infringing on MAA's Marks and publishing defamatory content to these prospective business relationships on LinkedIn, Defendant used improper means.
 - 107. MAA was damaged as a result of Defendant's conduct.

CLAIM FOR DECEIT

- 108. All allegations above are incorporated by reference as if fully restated herein.
- 109. As set forth herein, Philipson intentionally misrepresented facts, such as impersonating the employees of MAA, in order to apply for jobs and to gain access to their accounts or to create accounts in their names in an effort to further harass MAA and these employees.
- 110. Philipson did this to mislead others and obtain an undue advantage in order to harass and intimidate MAA and its employees.
 - 111. MAA and its employees were damaged by this conduct.

CLAIM UNDER TENNESSEE PERSONAL AND COMMERCIAL COMPUTER ACT OF 2003

- 112. All allegations above are incorporated by reference as if fully restated herein.
- 113. Defendant knowingly, directly or indirectly, accessed a computer, computer software, and/or a computer network for the purpose of obtaining services for himself or for another by means of false or fraudulent pretenses and/or false or misleading representations.
 - 114. MAA was damaged by his conduct.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that:

- 1. The Court find that Plaintiff has valid and existing rights in the Marks described in this Complaint and that Defendant's conduct as described herein constitutes an infringement of Plaintiff's valuable and incontestable intellectual property rights;
- 2. The Defendants be held liable under each claim for the relief set forth in this Complaint;
- 3. The Court permanently enjoin the Defendants, their agents, servants, employees, and attorneys and all other persons in active concert or participation with them from using the Infringing Marks and all variants thereof (whether used alone or in combination with any words, punctuation or symbols, and whether used in connection with additional captions, text, or otherwise), and any other reproduction, counterfeit, copy, colorable imitation, or confusingly similar variation of such the Infringing Mark, as a trademark or service mark, or any advertising, distribution, sale, or offering for sale of Defendant's products and/or services in any medium or manner whatsoever in connection with apartment leasing or property management services of any kind;
- 4. The Defendants be required to pay to Plaintiff all damages it has suffered by reason of Defendant's unlawful acts as described in this Complaint;
- 5. The Defendants be required to account for and pay to Plaintiff all profits wrongfully derived by Defendants through its unlawful acts as described herein;
- 6. The Defendants be required to pay enhanced and/or punitive damages to Plaintiff, as determined by this Court, for Defendant's deliberate and willful trademark infringement and unfair competition;

- 7. The Defendants be required to pay to Plaintiff treble damages for the injury Defendant has caused under Tennessee's Consumer Protection Act;
- 8. The Defendants be required to pay to Plaintiff its reasonable attorneys' fees and disbursements incurred herein, pursuant to 15 U.S.C. §1117, Tennessee statutory law, and the equitable powers of this Court;
- 9. That the Defendant be required to pay Plaintiff all damages to which it is entitled for Defendant's defamation, negligence per se, deceit, intentional interference with prospective business advantage, and violations of the Tennessee Personal and Commercial Computer Act of 2003.
 - 10. The Defendants be required to pay to Plaintiff the cost of this action;
- 11. That Defendants be required to pay pre- and post-judgment interest on all amounts to which Plaintiff is due; and
 - 12. This Court award Plaintiff any further relief that it deems just and equitable.

Respectfully Submitted,

/s/ Paige Waldrop Mills Paige Waldrop Mills, BPR. No. 16218 BASS, BERRY & SIMS PLC Suite 2800; 150 3rd Ave. South Nashville, Tennessee 37201 Tel: 615-742-6200

Fax: 615-429-0429 pmills@bassberry.com

Counsel for Mid-America Apartment Communities, LLC

EXHIBIT A



MAA

Reg. No. 4,009,475 MID AMERICA APARTMENT COMMUNITIES, INC. (TENNESSEE CORPORATION)

6584 POPLAR AVENUE Registered Aug. 9, 2011 MEMPHIS, TN 38138

Int. Cl.: 36 FOR: LEASING OF APARTMENTS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-11-2011; IN COMMERCE 3-11-2011. SERVICE MARK

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

PRINCIPAL REGISTER TICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-216,607, FILED 1-13-2011.

DAWN FELDMAN, EXAMINING ATTORNEY



Director of the United States Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years* What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods* What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at http://www.uspto.gov.

Int. Cl.: 36

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 3,268,349

United States Patent and Trademark Office

Registered July 24, 2007

SERVICE MARK PRINCIPAL REGISTER

Mid-America Apartment Communities

MID AMERICA APARTMENT COMMUNITIES, INC. (TENNESSEE CORPORATION) 6584 POPLAR AVENUE MEMPHIS, TN 38138 NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "APARTMENT COMMUNITIES", APART FROM THE MARK AS SHOWN.

FOR: LEASING OF APARTMENTS; LEASING OF REAL ESTATE; RENTAL OF APARTMENTS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

SEC. 2(F).

FIRST USE 9-0-1994; IN COMMERCE 9-0-1994.

SER. NO. 78-971,584, FILED 9-11-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

LINDA MICKLEBURGH, EXAMINING ATTORNEY

For assistance with TSDR, email <u>teas@uspto.gov</u> and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

TSDR API DATA: The TSDR Application Programming Interface (API) has limited availability due to system upgrades. We anticipate full return to service for all API users by the end of the month. In the meantime, if you need to retrieve an office action, you can access it directly from the TSDR documents tab located below. We thank you for your patience while we make these improvements.

MAINTENANCE

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Mark: MAA

MAA

US Serial Number: 85216607 Application Filing Date: Jan. 13, 2011

US Registration Number: 4009475 Registration Date: Aug. 09, 2011

Filed as TEAS Plus: Yes Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:

LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Dec. 31, 2021

Publication Date: May 24, 2011

Mark Information

Mark Literal Elements: MAA

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Leasing of apartments

International Class(es): 036 - Primary Class U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 11, 2011 Use in Commerce: Mar. 11, 2011

Basis Information (Case Level)

Filed Use: No Currently Use: Yes

Filed ITU: Yes Currently ITU: No

Filed 44D: No Currently 44E: No

Filed 44E: No Currently 66A: No

Filed 66A: No Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Mid America Apartment Communities, Inc.

Owner Address: 6584 Poplar Avenue

Memphis, TENNESSEE UNITED STATES 38138

Legal Entity Type: CORPORATION State or Country Where TENNESSEE

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robert L. Brewer Docket Number: 107060.0149

Attorney Primary Email trademarks@bassberry.com Attorney Email Authorized: Yes

Address:

Correspondent

Correspondent Robert L. Brewer

Name/Address: Bass, Berry & Sims PLC

Bass, Berry & Sims PLC

150 3rd Avenue South

Suite 2800

Nashville, TENNESSEE UNITED STATES 37201

Phone: 615-742-7760 Fax: 615-742-6293

Correspondent e-mail: trademarks@bassberry.com

Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Date	Description	Proceeding Number
Dec. 31, 2021	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Dec. 31, 2021	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	74886
Dec. 31, 2021	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	74886
Dec. 31, 2021	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	74886
Aug. 22, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 22, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 22, 2021	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Aug. 22, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 22, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 22, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 21, 2021	TEAS SECTION 8 & 9 RECEIVED	
Aug. 09, 2020	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Dec. 13, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Dec. 13, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	

3/14/23, 4:36 PM	Status Search SN 85216607	
Sep. 13, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Sep. 13, 2017	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67110
Sep. 13, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67110
Aug. 08, 2017	TEAS SECTION 8 & 15 RECEIVED	
Aug. 09, 2016	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
May 02, 2014	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
CHE 3:33-04-03188-04-00: Deline 16-F Lief 00:3533 Liefe a 4-10 May 02, 2014	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 09, 2011	REGISTERED-PRINCIPAL REGISTER	
May 24, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 24, 2011	PUBLISHED FOR OPPOSITION	
Apr. 20, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Apr. 20, 2011	ASSIGNED TO LIE	70138
Apr. 06, 2011	NOTICE OF ACCEPTANCE OF AMENDMENT TO ALLEGE USE E-MAILED	
Apr. 05, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 05, 2011	USE AMENDMENT ACCEPTED	74662
Apr. 05, 2011	ASSIGNED TO EXAMINER	74662
Mar. 17, 2011	AMENDMENT TO USE PROCESSING COMPLETE	88889
Mar. 17, 2011	USE AMENDMENT FILED	88889
Mar. 16, 2011	TEAS AMENDMENT OF USE RECEIVED	
Jan. 19, 2011	NOTICE OF PSEUDO MARK MAILED	
Jan. 18, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Jan. 17, 2011	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Dec. 31, 2021

Assignment Abstract Of Title Information - None recorded

Proceedings - None recorded

Case 2:23-cv-02186-SHL-cgc Document 16-1 Filed 06/13/23 Page 10 of 45 PageID 205

TSDR API DATA: The TSDR Application Programming Interface (API) has limited availability due to system upgrades. We anticipate full return to service for all API users by the end of the month. In the meantime, if you need to retrieve an office action, you can access it directly from the TSDR documents tab located below. We thank you for your patience while we make these improvements.

STATUS DOCUMENTS

STATUS DOCUMENTS

DOCUMENTS

MAINTENANCE

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Mark: MID-AMERICA APARTMENT COMMUNITIES

Mid-America Apartment Communities

US Serial Number: 78971584 Application Filing Date: Sep. 11, 2006

US Registration Number: 3268349 Registration Date: Jul. 24, 2007

Filed as TEAS Plus: Yes Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:

LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Sep. 01, 2017

Publication Date: May 08, 2007

Mark Information

Mark Literal Elements: MID-AMERICA APARTMENT COMMUNITIES

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Disclaimer: "Apartment Communities"

Acquired Distinctiveness In whole

Claim:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Leasing of apartments; Leasing of real estate; Rental of apartments

International Class(es): 036 - Primary Class U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 1994 Use in Commerce: Sep. 1994

Basis Information (Case Level)

Filed Use: Yes Currently Use: Yes

Filed ITU: No Currently ITU: No

Filed 44D: No Currently 44E: No

Filed 44E: No Currently 66A: No

Filed 66A: No Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Mid America Apartment Communities, Inc.

Owner Address: 6584 Poplar Avenue

Memphis, TENNESSEE UNITED STATES 38138

Legal Entity Type: CORPORATION State or Country Where TENNESSEE

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robert L. Brewer Docket Number: 107060.0149

Attorney Primary Email trademarks@bassberry.com Attorney Email Authorized: Yes

Address:

Correspondent 101 Hed 00/13/23 Page 13 of 45

Correspondent Robert L. Brewer

Name/Address: Bass, Berry & Sims PLC

150 3rd Avenue South

Suite 2800

Nashville, TENNESSEE UNITED STATES 37201

Phone: 615-742-7760 **Fax:** 615-742-6293

Correspondent e-mail: trademarks@bassberry.com Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Date	Description	Proceeding Number
Aug. 22, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 22, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 22, 2021	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Aug. 22, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 22, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 22, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 13, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Dec. 13, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Sep. 01, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Sep. 01, 2017	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69615
Sep. 01, 2017	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69615
Sep. 01, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69615

CASE ASSIGNED TO POST REGISTRATION PARALEGAL

68335

Aug. 08, 2012 TEAS SECTION 8 & 15 RECEIVED

Jul. 24, 2007 REGISTERED-PRINCIPAL REGISTER

May 08, 2007 PUBLISHED FOR OPPOSITION

Apr. 18, 2007 NOTICE OF PUBLICATION

Mar. 09, 2007 LAW OFFICE PUBLICATION REVIEW COMPLETED 59272

Mar. 09, 2007 ASSIGNED TO LIE 59272

Feb. 09, 2007 APPROVED FOR PUB - PRINCIPAL REGISTER

Feb. 07, 2007 TEAS/EMAIL CORRESPONDENCE ENTERED 88889

Feb. 07, 2007 CORRESPONDENCE RECEIVED IN LAW OFFICE 88889

Feb. 07, 2007 TEAS RESPONSE TO OFFICE ACTION RECEIVED

 Feb. 06, 2007
 NON-FINAL ACTION E-MAILED
 6325

 Feb. 06, 2007
 NON-FINAL ACTION WRITTEN
 74288

 Feb. 01, 2007
 ASSIGNED TO EXAMINER
 74288

Feb. 01, 2007 ASSIGNED TO EXAMINER

NEW APPLICATION ENTERED

TM Staff and Location Information

TM Staff Information - None

Case 2:23-cv-02185-SHL-cgc Document 16-1 Filed 06/13/23 Page 14 of 45 PageID 209

Aug. 27, 2012

File Location

Sep. 15, 2006

Current Location: GENERIC WEB UPDATE Date in Location: Sep. 01, 2017

Assignment Abstract Of Title Information - None recorded

Proceedings - None recorded

TSDR API DATA: The TSDR Application Programming Interface (API) has limited availability due to system upgrades. We anticipate full return to service for all API users by the end of the month. In the meantime, if you need to retrieve an office action, you can access it directly from the TSDR documents tab located below. We thank you for your patience while we make these improvements.

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Mark: MAA COMMUNITIES

MAA COMMUNITIES

US Serial Number: 88716061 Application Filing Date: Dec. 05, 2019

Filed as TEAS RF: Yes Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:

LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A non-final Office Action has been sent (issued) to the applicant after review of the Statement of Use. This is a letter from the examining attorney

requiring additional information and/or making an initial refusal. The applicant must respond. To view all documents in this file, click on the

Trademark Document Retrieval link at the top of this page.

Status Date: Feb. 09, 2023

Publication Date: Apr. 21, 2020 Notice of Allowance Date: Jun. 16, 2020

Mark Information

Mark Literal Elements: MAA COMMUNITIES

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Disclaimer: "COMMUNITIES"

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Leasing of apartments; Leasing of real estate; Rental of apartments

International Class(es): 036 - Primary Class U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

First Use: Dec. 15, 2022 Use in Commerce: Dec. 15, 2022

Basis Information (Case Level)

Filed Use: No Currently Use: No

Filed ITU: Yes Currently ITU: Yes

Filed 44D: No Currently 44E: No

Filed 44E: No Currently 66A: No

Filed 66A: No Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Mid-America Apartment Communities, Inc.

Owner Address: 6584 Poplar Avenue

Memphis, TENNESSEE UNITED STATES 38138

Legal Entity Type: CORPORATION State or Country Where TENNESSEE

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robert L. Brewer Docket Number: 107060.0149

Attorney Primary Email Trademarks@bassberry.com Attorney Email Authorized: Yes

Address:

Correspondent

Correspondent Robert L. Brewer

CERRE 523-64-025189-9-H-cdc December Name/Address: BASS, BERRY & SIMS PLC

150 THIRD AVENUE SOUTH

SUITE 2800

NASHVILLE, TENNESSEE UNITED STATES 37201

Phone: 615-742-7760 **Fax:** 615-742-6293

Correspondent e-mail: <u>Trademarks@bassberry.com</u> Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Date	Description	Proceeding Number
Feb. 09, 2023	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Feb. 09, 2023	NON-FINAL ACTION E-MAILED	
Feb. 09, 2023	SU - NON-FINAL ACTION - WRITTEN	77782
Jan. 19, 2023	STATEMENT OF USE PROCESSING COMPLETE	66530
Dec. 16, 2022	USE AMENDMENT FILED	66530
Jan. 19, 2023	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Dec. 16, 2022	TEAS STATEMENT OF USE RECEIVED	
Jun. 17, 2022	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 15, 2022	SOU EXTENSION 4 GRANTED	98765
Jun. 15, 2022	SOU EXTENSION 4 FILED	98765
Jun. 15, 2022	TEAS EXTENSION RECEIVED	
Dec. 07, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 03, 2021	SOU EXTENSION 3 GRANTED	98765

3/14/23, 4:39 PM	Status Search SN 88716061	
Dec. 03, 2021	SOU EXTENSION 3 FILED	98765
Dec. 03, 2021	TEAS EXTENSION RECEIVED	
Aug. 22, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 22, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 22, 2021	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Aug. 22, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Case 223 cv.02186/544-cgr	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 22, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jun. 18, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 16, 2021	SOU EXTENSION 2 GRANTED	98765
Jun. 16, 2021	SOU EXTENSION 2 FILED	98765
Jun. 16, 2021	TEAS EXTENSION RECEIVED	
Dec. 15, 2020	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 11, 2020	SOU EXTENSION 1 GRANTED	98765
Dec. 11, 2020	SOU EXTENSION 1 FILED	98765
Dec. 11, 2020	TEAS EXTENSION RECEIVED	
Jun. 16, 2020	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 21, 2020	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 21, 2020	PUBLISHED FOR OPPOSITION	
Apr. 01, 2020	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 18, 2020	ASSIGNED TO LIE	73296
Mar. 11, 2020	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 11, 2020	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 11, 2020	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 11, 2020	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 11, 2020	EXAMINERS AMENDMENT -WRITTEN	77782
Mar. 06, 2020	ASSIGNED TO EXAMINER	77782
Dec. 10, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	

TM Staff and Location Information

Date in Location: Feb. 09, 2023

TM Staff Information

TM Attorney: YONTEF, DAVID ERIC Law Office Assigned: LAW OFFICE 118

File Location

Current Location: TMO LAW OFFICE 118- EXAMINING ATTORNEY

ASSIGNED

Assignment Abstract Of Title Information - None recorded

Proceedings - None recorded

TSDR API DATA: The TSDR Application Programming Interface (API) has limited availability due to system upgrades. We anticipate full return to service for all API users by the end of the month. In the meantime, if you need to retrieve an office action, you can access it directly from the TSDR documents tab located below. We thank you for your patience while we make these improvements.

STATAS DOCUMENTS

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Mark: MAA A BRIGHTER VIEW

MAA A BRIGHTER VIEW

US Serial Number: 88716497 Application Filing Date: Dec. 05, 2019

Filed as TEAS RF: Yes Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A fifth request for extension of time to file a Statement of Use has been granted.

Status Date: Jan. 06, 2023

Publication Date: Apr. 21, 2020 Notice of Allowance Date: Jun. 16, 2020

Mark Information

Mark Literal Elements: MAA A BRIGHTER VIEW

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Leasing of apartments; Leasing of real estate; Rental of apartments

International Class(es): 036 - Primary Class U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No Currently Use: No

Filed ITU: Yes Currently ITU: Yes

Filed 44D: No Currently 44E: No

Filed 44E: No Currently 66A: No

Filed 66A: No Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Mid-America Apartment Communities, Inc.

Owner Address: 6584 Poplar Avenue

Memphis, TENNESSEE UNITED STATES 38138

Legal Entity Type: CORPORATION State or Country Where TENNESSEE

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robert L. Brewer Docket Number: 107060.0149

Attorney Primary Email <u>Trademarks@bassberry.com</u>
Address:

Attorney Email Authorized: Yes

Correspondent

Correspondent Robert L. Brewer

Name/Address: BASS, BERRY & SIMS PLC 150 THIRD AVENUE SOUTH

SUITE 2800

CIRRE 223-CH031389-SHI-cle Document 161- Elect 0813833 Prepr 22 of 45

Phone: 615-742-7760 **Fax**: 615-742-6293

Correspondent e-mail: <u>Trademarks@bassberry.com</u>

Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Date	Description	Proceeding Number
Jan. 07, 2023	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 06, 2023	SOU EXTENSION 5 GRANTED	66530
Dec. 16, 2022	SOU EXTENSION 5 FILED	66530
Jan. 06, 2023	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Dec. 16, 2022	TEAS EXTENSION RECEIVED	
Jun. 17, 2022	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 15, 2022	SOU EXTENSION 4 GRANTED	98765
Jun. 15, 2022	SOU EXTENSION 4 FILED	98765
Jun. 15, 2022	TEAS EXTENSION RECEIVED	
Dec. 07, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 03, 2021	SOU EXTENSION 3 GRANTED	98765
Dec. 03, 2021	SOU EXTENSION 3 FILED	98765
Dec. 03, 2021	TEAS EXTENSION RECEIVED	
Aug. 22, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 22, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 22, 2021	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	

3/14/23, 4:38 PM	Status Search SN 88716497	
Aug. 22, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 22, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 22, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jun. 18, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 16, 2021	SOU EXTENSION 2 GRANTED	98765
Jun. 16, 2021 CRES 233 -0-02189 CHT-cits Destinated 1911 Herd 00173.53 Halfe 23 of 429	SOU EXTENSION 2 FILED	98765
Jun. 16, 2021	TEAS EXTENSION RECEIVED	
Dec. 15, 2020	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 11, 2020	SOU EXTENSION 1 GRANTED	98765
Dec. 11, 2020	SOU EXTENSION 1 FILED	98765
Dec. 11, 2020	TEAS EXTENSION RECEIVED	
Jun. 16, 2020	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 21, 2020	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 21, 2020	PUBLISHED FOR OPPOSITION	
Apr. 01, 2020	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 18, 2020	ASSIGNED TO LIE	66213
Mar. 11, 2020	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 11, 2020	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 11, 2020	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 11, 2020	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 11, 2020	EXAMINERS AMENDMENT -WRITTEN	77782
Mar. 06, 2020	ASSIGNED TO EXAMINER	77782
Dec. 10, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	

TM Staff and Location Information

TM Staff Information

TM Attorney: YONTEF, DAVID ERIC Law Office Assigned: LAW OFFICE 118

File Location

Current Location: INTENT TO USE SECTION Date in Location: Jan. 06, 2023

Assignment Abstract Of Title Information - None recorded

Proceedings - None recorded

Case 2:23-cv-02186-SHL-cgc Document 16:1 Filed 06/13/23 Page 24 of 45 PageID 219

TSDR API DATA: The TSDR Application Programming Interface (API) has limited availability due to system upgrades. We anticipate full return to service for all API users by the end of the month. In the meantime, if you need to retrieve an office action, you can access it directly from the TSDR documents tab located below. We thank you for your patience while we make these improvements.

STATRS DOCUMENTS

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MAINTENANCE

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Mark: MAA

MAA

US Serial Number: 85216607

US Registration Number: 4009475

Filed as TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Application Filing Date: Jan. 13, 2011

Currently TEAS Plus: Yes

Registration Date: Aug. 09, 2011

Status: The registration has been renewed.

Status Date: Dec. 31, 2021

Publication Date: May 24, 2011

Mark Information

Mark Literal Elements: MAA

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Leasing of apartments

International Class(es): 036 - Primary Class U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 11, 2011 Use in Commerce: Mar. 11, 2011

Basis Information (Case Level)

Filed Use: No Currently Use: Yes

Filed ITU: Yes Currently ITU: No

Filed 44D: No Currently 44E: No

Filed 44E: No Currently 66A: No

Filed 66A: No Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Mid America Apartment Communities, Inc.

Owner Address: 6584 Poplar Avenue

Memphis, TENNESSEE UNITED STATES 38138

Legal Entity Type: CORPORATION State or Country Where TENNESSEE

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robert L. Brewer Docket Number: 107060.0149

Attorney Primary Email trademarks@bassberry.com Attorney Email Authorized: Yes

Address:

Correspondent

Correspondent Robert L. Brewer

Name/Address: Bass, Berry & Sims PLC

Bass, Berry & Sims PLC

150 3rd Avenue South

Suite 2800

Nashville, TENNESSEE UNITED STATES 37201

Phone: 615-742-7760 **Fax**: 615-742-6293

Correspondent e-mail: trademarks@bassberry.com

Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Date	Description	Proceeding Number
Dec. 31, 2021	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Dec. 31, 2021	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	74886
Dec. 31, 2021	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	74886
Dec. 31, 2021	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	74886
Aug. 22, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 22, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 22, 2021	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Aug. 22, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 22, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 22, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 21, 2021	TEAS SECTION 8 & 9 RECEIVED	
Aug. 09, 2020	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Dec. 13, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Dec. 13, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	

3/14/23, 4:36 PM	Status Search SN 85216607	
Sep. 13, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Sep. 13, 2017	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67110
Sep. 13, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67110
Aug. 08, 2017	TEAS SECTION 8 & 15 RECEIVED	
Aug. 09, 2016	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
May 02, 2014 CMB 5733 04071876 2517 CHE DOWNWARD \$157 1244 00017333 3646 30 04 45	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Case 233-0-03186-9-if-dic Document 16-7: Field 0013933 Progr 30 of 45	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 09, 2011	REGISTERED-PRINCIPAL REGISTER	
May 24, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 24, 2011	PUBLISHED FOR OPPOSITION	
Apr. 20, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Apr. 20, 2011	ASSIGNED TO LIE	70138
Apr. 06, 2011	NOTICE OF ACCEPTANCE OF AMENDMENT TO ALLEGE USE E-MAILED	
Apr. 05, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 05, 2011	USE AMENDMENT ACCEPTED	74662
Apr. 05, 2011	ASSIGNED TO EXAMINER	74662
Mar. 17, 2011	AMENDMENT TO USE PROCESSING COMPLETE	88889
Mar. 17, 2011	USE AMENDMENT FILED	88889
Mar. 16, 2011	TEAS AMENDMENT OF USE RECEIVED	
Jan. 19, 2011	NOTICE OF PSEUDO MARK MAILED	
Jan. 18, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location

Jan. 17, 2011

Current Location: GENERIC WEB UPDATE Date in Location: Dec. 31, 2021

Assignment Abstract Of Title Information - None recorded

NEW APPLICATION ENTERED

Proceedings - None recorded

Case 2:23-cv-02186-SHL-cgc Document 16-1 Filed 06/13/23 Page 31 of 45 PageID 226

TSDR API DATA: The TSDR Application Programming Interface (API) has limited availability due to system upgrades. We anticipate full return to service for all API users by the end of the month. In the meantime, if you need to retrieve an office action, you can access it directly from the TSDR documents tab located below. We thank you for your patience while we make these improvements.

STATUS DOCUMENTS

STATUS DOCUMENTS

DOCUMENT

MAINTENANCE

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Print

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Mark: MID-AMERICA APARTMENT COMMUNITIES

Mid-America Apartment Communities

US Serial Number: 78971584

Application Filing Date: Sep. 11, 2006

US Registration Number: 3268349 Registration Date: Jul. 24, 2007

Filed as TEAS Plus: Yes Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:

LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Sep. 01, 2017

Publication Date: May 08, 2007

Mark Information

Mark Literal Elements: MID-AMERICA APARTMENT COMMUNITIES

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Disclaimer: "Apartment Communities"

Acquired Distinctiveness In whole

Claim:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

Brackets [..] indicate deleted goods/services;

• Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: Leasing of apartments; Leasing of real estate; Rental of apartments

International Class(es): 036 - Primary Class U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 1994 Use in Commerce: Sep. 1994

Basis Information (Case Level)

Filed Use: Yes Currently Use: Yes

Filed ITU: No Currently ITU: No

Filed 44D: No Currently 44E: No

Filed 44E: No Currently 66A: No

Filed 66A: No Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Mid America Apartment Communities, Inc.

Owner Address: 6584 Poplar Avenue

Memphis, TENNESSEE UNITED STATES 38138

Legal Entity Type: CORPORATION State or Country Where TENNESSEE

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robert L. Brewer Docket Number: 107060.0149

Attorney Primary Email trademarks@bassberry.com Attorney Email Authorized: Yes

Address:

Correspondents | Hed 00/13/23 | Page 34 of 45

Correspondent Robert L. Brewer

Name/Address: Bass, Berry & Sims PLC

150 3rd Avenue South

Suite 2800

Nashville, TENNESSEE UNITED STATES 37201

Phone: 615-742-7760 **Fax:** 615-742-6293

Correspondent e-mail: trademarks@bassberry.com Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

- .	.	
Date	Description	Proceeding Number
Aug. 22, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 22, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 22, 2021	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Aug. 22, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 22, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 22, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 13, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Dec. 13, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Sep. 01, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Sep. 01, 2017	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69615
Sep. 01, 2017	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69615
Sep. 01, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69615

TEAS RESPONSE TO OFFICE ACTION RECEIVED

NON-FINAL ACTION E-MAILED

NON-FINAL ACTION WRITTEN

ASSIGNED TO EXAMINER

Sep. 15, 2006 NEW APPLICATION ENTERED

TM Staff and Location Information

TM Staff Information - None

File Location

Feb. 07, 2007

Feb. 06, 2007

Feb. 06, 2007

Feb. 01, 2007

Current Location: GENERIC WEB UPDATE Date in Location: Sep. 01, 2017

Assignment Abstract Of Title Information - None recorded

Proceedings - None recorded

6325

74288

74288

TSDR API DATA: The TSDR Application Programming Interface (API) has limited availability due to system upgrades. We anticipate full return to service for all API users by the end of the month. In the meantime, if you need to retrieve an office action, you can access it directly from the TSDR documents tab located below. We thank you for your patience while we make these improvements.

STATAS DOCUMENTS

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Mark: MAA COMMUNITIES

MAA COMMUNITIES

US Serial Number: 88716061 Application Filing Date: Dec. 05, 2019

Filed as TEAS RF: Yes Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A non-final Office Action has been sent (issued) to the applicant after review of the Statement of Use. This is a letter from the examining attorney

requiring additional information and/or making an initial refusal. The applicant must respond. To view all documents in this file, click on the

Trademark Document Retrieval link at the top of this page.

Status Date: Feb. 09, 2023

Publication Date: Apr. 21, 2020 Notice of Allowance Date: Jun. 16, 2020

Mark Information

Mark Literal Elements: MAA COMMUNITIES

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Disclaimer: "COMMUNITIES"

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Leasing of apartments; Leasing of real estate; Rental of apartments

International Class(es): 036 - Primary Class U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

First Use: Dec. 15, 2022 Use in Commerce: Dec. 15, 2022

Basis Information (Case Level)

Filed Use: No Currently Use: No

Filed ITU: Yes Currently ITU: Yes

Filed 44D: No Currently 44E: No

Filed 44E: No Currently 66A: No

Filed 66A: No Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Mid-America Apartment Communities, Inc.

Owner Address: 6584 Poplar Avenue

Memphis, TENNESSEE UNITED STATES 38138

Legal Entity Type: CORPORATION State or Country Where TENNESSEE

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robert L. Brewer Docket Number: 107060.0149

Attorney Primary Email Trademarks@bassberry.com Attorney Email Authorized: Yes

Address:

Correspondent

Correspondent Robert L. Brewer

CERRE 523-64-025189-9-H-cdc December Name/Address: BASS, BERRY & SIMS PLC

150 THIRD AVENUE SOUTH

SUITE 2800

NASHVILLE, TENNESSEE UNITED STATES 37201

Phone: 615-742-7760 **Fax:** 615-742-6293

Correspondent e-mail: <u>Trademarks@bassberry.com</u> Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Date	Description	Proceeding Number
Feb. 09, 2023	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Feb. 09, 2023	NON-FINAL ACTION E-MAILED	
Feb. 09, 2023	SU - NON-FINAL ACTION - WRITTEN	77782
Jan. 19, 2023	STATEMENT OF USE PROCESSING COMPLETE	66530
Dec. 16, 2022	USE AMENDMENT FILED	66530
Jan. 19, 2023	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Dec. 16, 2022	TEAS STATEMENT OF USE RECEIVED	
Jun. 17, 2022	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 15, 2022	SOU EXTENSION 4 GRANTED	98765
Jun. 15, 2022	SOU EXTENSION 4 FILED	98765
Jun. 15, 2022	TEAS EXTENSION RECEIVED	
Dec. 07, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 03, 2021	SOU EXTENSION 3 GRANTED	98765

3/14/23, 4:39 PM	Status Search SN 88716061	
Dec. 03, 2021	SOU EXTENSION 3 FILED	98765
Dec. 03, 2021	TEAS EXTENSION RECEIVED	
Aug. 22, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 22, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 22, 2021	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Aug. 22, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
CIRC 233 ON CRITICE OF LOCAL PARTY LIPE OR (13.53 L	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 22, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jun. 18, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 16, 2021	SOU EXTENSION 2 GRANTED	98765
Jun. 16, 2021	SOU EXTENSION 2 FILED	98765
Jun. 16, 2021	TEAS EXTENSION RECEIVED	
Dec. 15, 2020	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 11, 2020	SOU EXTENSION 1 GRANTED	98765
Dec. 11, 2020	SOU EXTENSION 1 FILED	98765
Dec. 11, 2020	TEAS EXTENSION RECEIVED	
Jun. 16, 2020	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 21, 2020	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 21, 2020	PUBLISHED FOR OPPOSITION	
Apr. 01, 2020	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 18, 2020	ASSIGNED TO LIE	73296
Mar. 11, 2020	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 11, 2020	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 11, 2020	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 11, 2020	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 11, 2020	EXAMINERS AMENDMENT -WRITTEN	77782
Mar. 06, 2020	ASSIGNED TO EXAMINER	77782
Dec. 10, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	

TM Staff and Location Information

Date in Location: Feb. 09, 2023

TM Staff Information

TM Attorney: YONTEF, DAVID ERIC Law Office Assigned: LAW OFFICE 118

File Location

Current Location: TMO LAW OFFICE 118- EXAMINING ATTORNEY

ASSIGNED

Assignment Abstract Of Title Information - None recorded

Proceedings - None recorded

TSDR API DATA: The TSDR Application Programming Interface (API) has limited availability due to system upgrades. We anticipate full return to service for all API users by the end of the month. In the meantime, if you need to retrieve an office action, you can access it directly from the TSDR documents tab located below. We thank you for your patience while we make these improvements.

STATAS DOCUMENTS

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Mark: MAA A BRIGHTER VIEW

MAA A BRIGHTER VIEW

US Serial Number: 88716497 Application Filing Date: Dec. 05, 2019

Filed as TEAS RF: Yes Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A fifth request for extension of time to file a Statement of Use has been granted.

Status Date: Jan. 06, 2023

Publication Date: Apr. 21, 2020 Notice of Allowance Date: Jun. 16, 2020

Mark Information

Mark Literal Elements: MAA A BRIGHTER VIEW

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Leasing of apartments; Leasing of real estate; Rental of apartments

International Class(es): 036 - Primary Class U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No Currently Use: No

Filed ITU: Yes Currently ITU: Yes

Filed 44D: No Currently 44E: No

Filed 44E: No Currently 66A: No

Filed 66A: No Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Mid-America Apartment Communities, Inc.

Owner Address: 6584 Poplar Avenue

Memphis, TENNESSEE UNITED STATES 38138

Legal Entity Type: CORPORATION State or Country Where TENNESSEE

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robert L. Brewer Docket Number: 107060.0149

Attorney Primary Email <u>Trademarks@bassberry.com</u>

Attorney Email Authorized: Yes

Address:

Correspondent

Correspondent Robert L. Brewer

 $\textbf{Name/Address:} \ \ \mathsf{BASS}, \ \mathsf{BERRY} \ \& \ \mathsf{SIMS} \ \mathsf{PLC}$

150 THIRD AVENUE SOUTH

SUITE 2800

CENTE 233-0403189-SHF-CISC DOZINSKA \$19-15 EMPG 00013033 Print #3 of 45 NASHVILLE, TENNESSEE UNITED STATES 37201

Phone: 615-742-7760 **Fax:** 615-742-6293

Correspondent e-mail: <u>Trademarks@bassberry.com</u> Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Date	Description	Proceeding Number
Jan. 07, 2023	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 06, 2023	SOU EXTENSION 5 GRANTED	66530
Dec. 16, 2022	SOU EXTENSION 5 FILED	66530
Jan. 06, 2023	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Dec. 16, 2022	TEAS EXTENSION RECEIVED	
Jun. 17, 2022	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 15, 2022	SOU EXTENSION 4 GRANTED	98765
Jun. 15, 2022	SOU EXTENSION 4 FILED	98765
Jun. 15, 2022	TEAS EXTENSION RECEIVED	
Dec. 07, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 03, 2021	SOU EXTENSION 3 GRANTED	98765
Dec. 03, 2021	SOU EXTENSION 3 FILED	98765
Dec. 03, 2021	TEAS EXTENSION RECEIVED	
Aug. 22, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 22, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 22, 2021	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	

3/14/23, 4:38 PM	Status Search SN 88716497	
Aug. 22, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 22, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 22, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jun. 18, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 16, 2021	SOU EXTENSION 2 GRANTED	98765
Jun. 16, 2021	SOU EXTENSION 2 FILED	98765
Une 533-9-03109-94-74: Delan 083353 Links 19.12 Jun. 16, 2021	TEAS EXTENSION RECEIVED	
Dec. 15, 2020	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 11, 2020	SOU EXTENSION 1 GRANTED	98765
Dec. 11, 2020	SOU EXTENSION 1 FILED	98765
Dec. 11, 2020	TEAS EXTENSION RECEIVED	
Jun. 16, 2020	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 21, 2020	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 21, 2020	PUBLISHED FOR OPPOSITION	
Apr. 01, 2020	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 18, 2020	ASSIGNED TO LIE	66213
Mar. 11, 2020	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 11, 2020	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 11, 2020	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 11, 2020	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 11, 2020	EXAMINERS AMENDMENT -WRITTEN	77782
Mar. 06, 2020	ASSIGNED TO EXAMINER	77782

TM Staff and Location Information

TM Staff Information

TM Attorney: YONTEF, DAVID ERIC Law Office Assigned: LAW OFFICE 118

File Location

Dec. 10, 2019

Current Location: INTENT TO USE SECTION Date in Location: Jan. 06, 2023

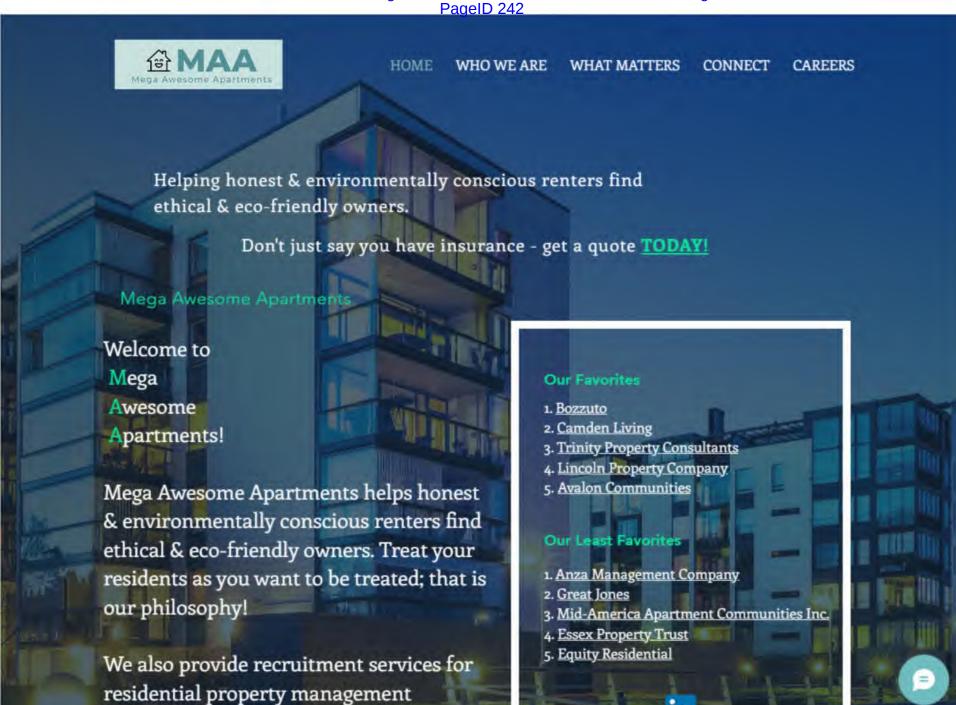
NEW APPLICATION OFFICE SUPPLIED DATA ENTERED

Assignment Abstract Of Title Information - None recorded

Proceedings - None recorded

Case 2:23-cv-02186-SHL-cgc Document 16:1 Filed 06/13/23 Page 45 of 45 PageID 240

EXHIBIT B





FIND YOUR MEGA AWESOME APARTMENT!



Free Registration

Ethical renters care about ethical owners. Stay in the know!

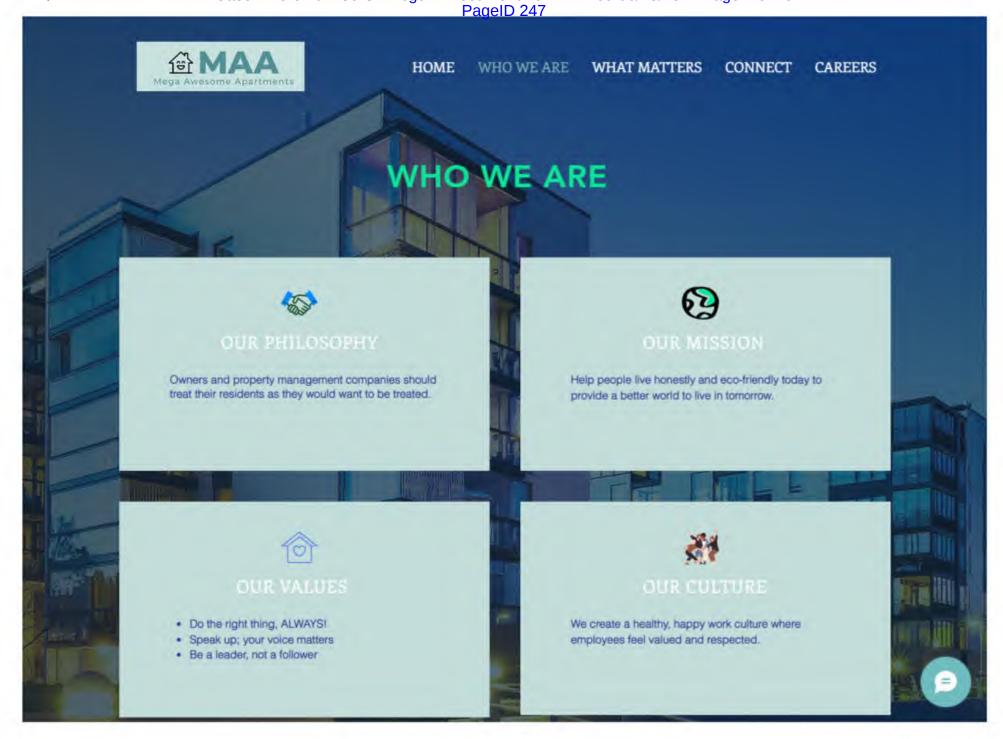
Rigid Scoring System

We read the reviews & check the facts. We have established a rigid scoring system based on many factors and resident input.

Apartments Everywhere

Whether you live on the east coast, west coast, or in between, we have you covered!







PageID 249

FIND YOUR MEGA AWESOME APARTMENT!



Free Registration

Case 2:23-cv-02186-SHL-cgc

Ethical renters care about ethical owners. Stay in the know!

Rigid Scoring System

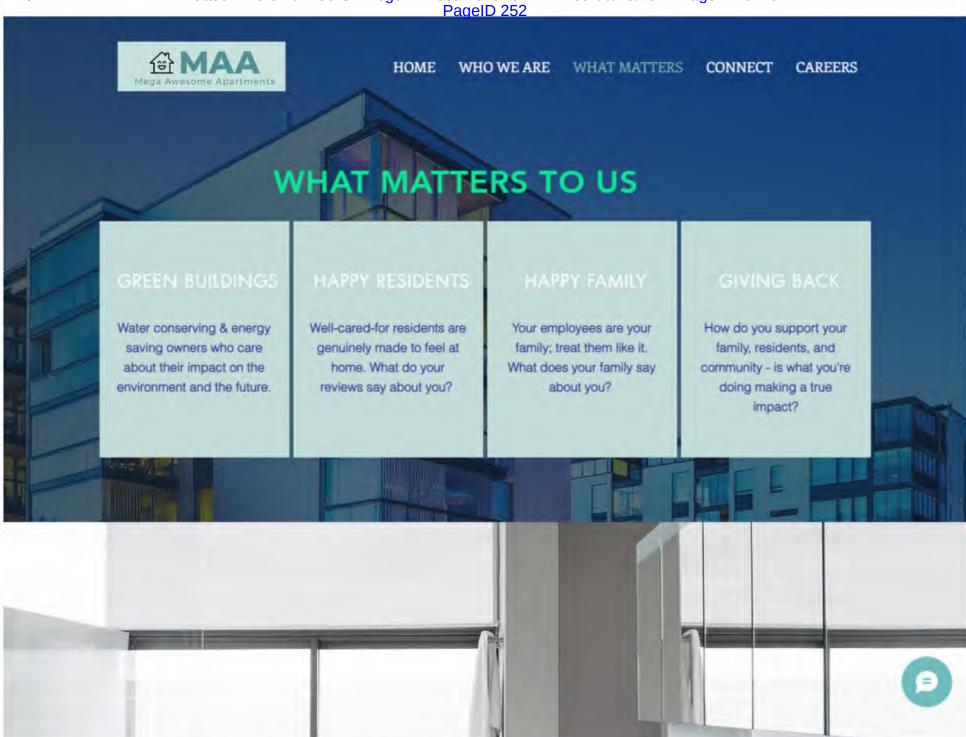
We read the reviews & check the facts. We have established a rigid scoring system based on many factors and resident input.

Apartments Everywhere

Whether you live on the east coast, west coast, or in between, we have you covered!

Case 2:23-cv-02186-SHL-cgc

edivical adjective relating to beliefs about what is morally right and wrong confidently adjective not harmful to the environment, or trying to help the environment





FIND YOUR MEGA AWESOME APARTMENT!



Free Registration

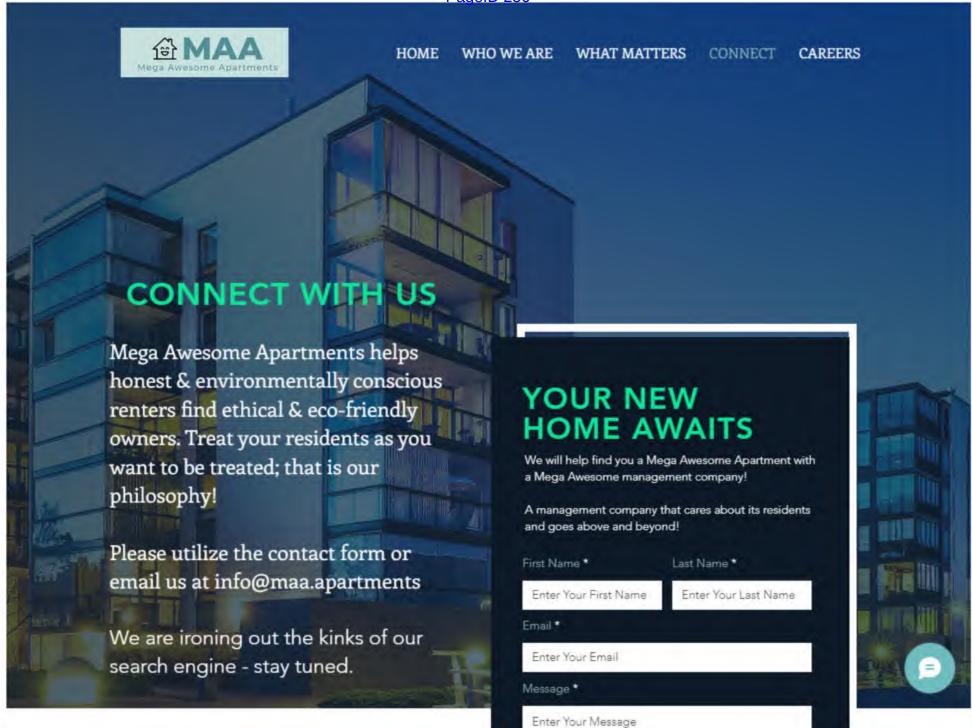
Ethical renters care about ethical owners, Stay in the know! Rigid Scoring System

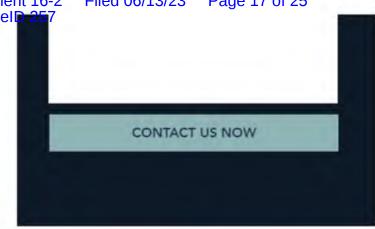
We read the reviews & check the facts. We have established a rigid scoring system based on many factors and resident input. Apartments Everywhere

Whether you live on the east coast, west coast, or in between, we have you covered!

3/12/23, 11:38 PM









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FIND YOUR MEGA AWESOME APARTMENT!



Free Registration

Ethical renters care about ethical owners. Stay in the know!

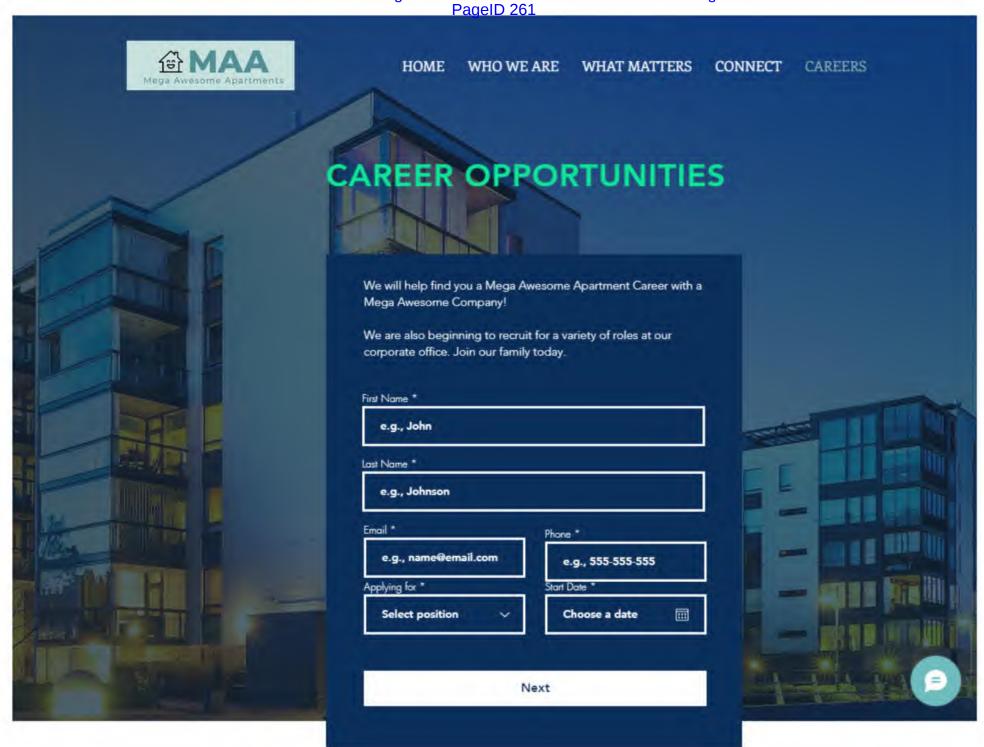
Rigid Scoring System

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Apartments Everywhere

Whether you live on the east coast, west coast, or in between, we have you covered!

relating to beliefs about what is morally right and wrong not harmful to the environment, or trying to help the environment





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FIND YOUR MEGA AWESOME APARTMENT!



Free Registration

Ethical renters care about ethical owners. Stay in the know! Rigid Scoring System

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Whether you live on the east coast, west coast, or in between, we have you covered!

relating to beliefs about what is morally right and wrong not harmful to the environment, or trying to help the environment

EXHIBIT C

BASS BERRY + SIMS.

Paige W. Mills pmills@bassberry.com (615) 742-7770

March 14, 2023

VIA CONTACT INFO AT INFO@MAA.APARTMENTS And EMAIL ADDRESSES FOR GOOGLE REGISTRANT

megaawesomeapartments.com
maaapartments.com
maa.apartments
maafraud.com
info@maa.apartments
3bk88q8kg92j99wc4@proxyregistrant.email
tgtqx6p59n8frhsdj@proxyregistrant.email
p22tqxmbc2wngbnrc@proxyregistrant.email

Re: Unauthorized use of trademarks and domain names; trademark infringement and cybersquatting

To Whom it May Concern:

This firm represents Mid-America Apartment Communities, Inc ("MAA"), a real estate investment trust that owns, manages, acquires and develops quality apartment communities. Please direct all further contact on this matter to my attention.

MAA is the owner of a family of MAA trademarks for apartment management and rental services, including the following federal registrations and pending applications: Fed. Reg. No. 4009475, MAA for "leasing of apartments" (the "MAA Mark"); Fed. Reg. No. 3268349, MID-AMERICA APARTMENT COMMUNITIES for "leasing of apartments; leasing of real estate; rental of apartments; Fed. Appl. 88716497, MAA A BRIGHTER VIEW for "leasing of apartments, leasing of real estate, rental of apartments," and Fed. Appl. 88716061, MAA COMMUNITIES, for "leasing of apartments, leasing of real estate, rental of apartments;" collectively "the MAA Marks." MAA has been using its MAA Mark in interstate commerce since at least early 2011. During this time, the distinctive MAA Mark has become well-known to consumers and the apartment rental marketplace and has become strongly associated with our client. The MAA Mark represents substantial and valuable goodwill, which has come to symbolize MAA in the minds of these consumers and marketplace participants.

It has come to our attention that you have registered and are using the infringing domain names maa.apartments, maa.fraud, and maaapartments.com (the "Infringing Domain Names"), which incorporate and are confusingly similar to MAA's registered MAA Mark for commercial gain. You are using these Infringing Domain Names to drive consumers to your infringing website megaawesomeapartments.com (the "Infringing Website") and to harass and tarnish our client. Your Infringing Website uses MAA's Mark in an infringing logo (the "Infringing Logo")

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Letter to Megaawesomeapartments.com March 14, 2023 Page 2

prominently featured on the site. MAA has not authorized you to use or register the MAA Mark as part of the Infringing Domain Names, Website, or Logo, is not affiliated, connected, or associated with you, and does not sponsor or endorse your business. Thus, you have no legitimate interest in these Infringing Domain Names. Moreover, you are using the Domain Name in bad faith in connection with a website that merely serves as a vehicle to confuse customers and denigrate and harass our client.

Our client is further aware that you have created a LinkedIn Account using the MAA Marks in an effort to promote the Infringing Website and have described your company in such a way as to increase the likelihood that consumers would believe your business is affiliated with our client. You have created a fake persona as the CEO of your Infringing Website, which further demonstrates your bad faith and the illegitimacy of your business. There is no doubt that your use and registration of the Domain Names are a blatant attempt to trade on the goodwill of MAA's Marks and constitutes, among other things, a violation of the Uniform Domain Name Dispute Policy ("UDRP"), by which you agreed to be bound when you registered the Domain Name with Google, unlawful cybersquatting under the federal Anti-Cybersquatting Consumer Protection Act (15 U.S.C. § 1125(d)); trademark infringement under the Lanham Act (15 U.S.C. §[§ 1114(1) and] 1125(a)) and state law; and trademark infringement and deceptive trade practices the Tennessee Consumer Protection Act. The civil remedies available for these violations include immediate and permanent injunctive relief, cancellation or transfer of your domain name, recovery of your profits, and up to three times the amount of monetary damages suffered by our client, as well as an award of our client's attorney's fees.

Please also be advised that you are not permitted to delete any documents, files, electronic data of any kind, or accounts because you are obligated to preserve any and all evidence that might have any bearing on this dispute. If, in any subsequent litigation involving this dispute, it is determined that you destroyed or spoliated evidence, our client will be seeking all available remedies for such conduct including, but not limited to, sanctions and an order holding that such evidence would have supported our client's claims.

MAA has asked that we contact you in an effort to resolve this matter swiftly and amicably. We therefore demand that, by no later than COB March 20, 2023, you do the following:

- 1. Contact me at the number at either 615-742-7770 or pmills@bassberry.com and reveal your true identity so that these issues may be negotiated and promptly resolved;
- 2. Preserve all evidence that could have any relevance to this dispute;
- 3. Immediately cease using the Domain Names and any other domain name that incorporates the MAA Mark or any variation of the MAA Marks;
- 4. Arrange for the immediate transfer of the Domain Names and any other domain name that incorporates the MAA Mark or any variation of the MAA Marks mark to MAA; and
- 5. Cease using the MAA Mark, and any other terms or phrases that are confusingly similar to the MAA Marks in any domain name, Website, Logo, or otherwise in connection with your business activities;

Letter to Megaawesomeapartments.com March 14, 2023 Page 3

6. Immediately deactivate the false LinkedIn profile for maa.apartments, as well as deactivate any other social media account you have made to promote the Infringing Website.

We strongly urge you to take this matter with the utmost seriousness. If we do not hear from you by the above date, MAA is prepared to take any and all legal action necessary to protect its rights, including but not limited to initiating a UDRP proceeding and/or filing suit in federal court under the Lanham Act, the ACPA, and other applicable law as set forth above. In the federal action, we will be pursuing subpoenas and other discovery methods to determine your identity so that litigation may proceed against you. Be advised that we will also be pursuing a take-down procedure through Google and/or Wix. Our client may pursue one or more of these remedies simultaneously without further notice to you.

This letter is not intended as an exhaustive statement of all the facts and law relevant to this situation. MAA expressly reserves all of its legal and equitable rights and remedies, including the right to seek injunctive relief and recover monetary damages, attorney's fees, and costs without further notice to you should you fail to promptly comply with these demands.

Sincerely,

Paige Waldrop Mills

Daige Mills

cc: Mid-America Apartment Communities, Inc.

35322725.1

AO 440 (Rev. 06/12) Summons in a Civil Action

United States District Court

	for the
Western Dig	Strict of of ennessee
MID-AMERICA APARTMENT COMMUNITIES, INC. Plaintiff(s) V. DENNIS MICHAEL PHILIPSON)))) Civil Action No. 2:23-CV-02186-SHL-cgc)))
Defendant(s))

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Dennis Michael Philipson 6178 Castletown Way Alexandria, VA 22310

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

> Paige Waldrop Mills, BPR. No. 16218 BASS, BERRY & SIMS PLC Suite 2800; 150 3rd Ave. South Nashville, Tennessee 37201

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

	CLERK OF COURT
Date:	
	Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 2:23-CV-02186-SHL-cgc

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (1))

	This summons for (na	me of individual and title, if a	uny)			
was rec	ceived by me on (date)		· ·			
	☐ I personally served	l the summons on the inc	dividual at (place)			
		on (date)	; or			
	☐ I left the summons					
	, a person of suitable age and discretion who resides there,					
	on (date), and mailed a copy to the individual's last known address; or					
	☐ I served the summons on (name of individual)					
	designated by law to accept service of process on behalf of (name of organization)					
			on (date)	; or		
	☐ I returned the sum	; or				
	☐ Other (specify):					
	My fees are \$	for travel and	\$ for services, for a total of \$	0.00		
	I declare under penalt	y of perjury that this inf	Formation is true.			
Date:						
Date.		-	Server's signature			
		-	Printed name and title			
		-	Server's address			

Additional information regarding attempted service, etc: