

UNITED STATES DISTRICT COURT

NORTHER DISTRICT OF ILLINOIS, EASTERN DIVISION

<p>JOURNALINESH, INC., a Colorado Corporation,</p> <p>Plaintiff,</p> <p>v.</p> <p>THE PARTNERSHIPS and UNINCORPORATED ASSOCIATIONS IDENTIFIED ON SCHEDULE "A" a Foreign Entity</p> <p>Defendants</p>	<p>Case No.: 1:22-cv-03740</p> <p>Hon. Matthew F. Kennelly</p>
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**PLAINTIFF'S FIRST SET OF REQUESTS FOR ADMISSIONS TO DEFENDANT**

Plaintiff JOURNALINESH, INC. ("Plaintiff") pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, by and through its counsel, hereby requests that each of the Defendants identified in Schedule A to the Complaint ("Defendant") produce each of the documents identified and described below in electronic form on an expedited basis within seven calendar days of receipt hereof by email to Plaintiff's counsel at YK Law, LLP, 445 S. Figueroa Street, Ste 2280, Los Angeles, CA 90071.

Request for Admission 1. Admit that You offered for sale Plaintiff Branded Product to Illinois.

Request for Admission 2. Admit that You sold Plaintiff Branded Product to a buyer with an Illinois shipping address.

Request for Admission 3. Admit that You accepted money for Plaintiff Branded Product from a buyer with an Illinois shipping address.

Request for Admission 4. Admit that You shipped Plaintiff Branded Product to an Illinois address.

Request for Admission 5. Admit that You offered for sale Plaintiff Branded Product to the United States.

Request for Admission 6. Admit that You sold Plaintiff Branded Product to buyers in the United States.

Request for Admission 7. Admit that You accepted money for Plaintiff Branded Product from a buyer in the United States.

Request for Admission 8. Admit that You shipped Plaintiff Branded Product to the United States.

Request for Admission 9. Admit that You chose to offer to sell and sell products to the United States when setting up Defendant's E-commerce Store.

Request for Admission 10. Admit that You chose to offer to sell and sell products to Illinois when setting up Defendant's E-commerce Store.

Request for Admission 11. Admit that You entered into a contract with an online marketplace, including accepting the terms that the online marketplace imposes on sellers.

Request for Admission 12. Admit that Defendant's E-commerce Store affirmatively displayed Illinois as a state to which You would ship products.

Request for Admission 13. Admit that Defendant's E-commerce Store did not exclude shipping to Illinois.

Request for Admission 14. Admit that Defendant's E-commerce Store did not exclude shipping to the United States.

Request for Admission 15. Admit that You received an email from Plaintiff that contained a link to a website with the Complaint and TRO.

Request for Admission 16. Admit that the linked website with the Complaint and TRO shows the response deadline for the Lawsuit.

Request for Admission 17. Admit that You received an email from Plaintiff that specified the deadline to respond to or answer the Complaint.

## **DEFINITIONS AND INSTRUCTIONS**

1. In addition to the definitions and instructions set forth in Fed. R. Civ. P. 36, the following definitions and instructions apply to the Requests for Admission (individually, “Request,” and collectively, “Requests”) set forth below and should be considered as part of each such Request:
2. These Requests are addressed to Defendant and (a) its present or former directors, officers, employees, agents, representatives, accountants, investigators, consultants, attorneys, and predecessors or successors in interest and any parent, subsidiary, or affiliated entities; (b) any other person acting on Defendant’s behalf or on whose behalf Defendant acted; and (c) any other person otherwise controlled by Defendant, or which controls Defendant, or which is under common control with Defendant.
3. As used herein, “Plaintiff” shall mean, unless otherwise indicated, the Plaintiff identified in the above caption, any of Plaintiff’s officers, directors, employees, agents and representatives, and all persons acting on Plaintiff’s behalf.
4. As used herein, “Defendant” or “You” or “Your” or “Yourself” shall be deemed to include the named owner(s) and/or operator(s) of your e-commerce store listed in Schedule A, and (a) its present or former directors, officers, employees, agents, representatives, accountants, investigators, consultants, contractors, attorneys, and predecessors or successors in interest and any parent, subsidiary, or affiliated; (b) any other person acting on Defendant’s behalf, or on whose behalf Defendant acted; and (c) any other person otherwise controlled by Defendant, or which controls Defendant, or which is under common control with Defendant.
5. As used herein, “Defendant’s E-commerce Store” shall be deemed to include at least Your e-commerce store listed in Schedule A to the First Amended Complaint.
6. These requests for admission are continuing and require further answer and

supplementation, as provided by Fed. R. Civ. P. 26(e).

7. “Lawsuit” or “Litigation” shall mean the above captioned lawsuit filed in the U.S. District Court for the Northern District of Illinois.

8. “Complaint” shall mean the first Amended Complaint filed by Plaintiff in the Lawsuit, as well as any subsequently filed complaints by Plaintiff.

9. As used herein, “Plaintiff’s Marks” shall collectively refer to Plaintiff’s registered copyrights as well as trade dress as described in the Complaint.

10. As used herein, “Plaintiff Branded Product” shall mean any product advertised, distributed, offered for sale or sold by Defendant using, relating to, featuring or bearing any of Plaintiff’s Marks and/or marks identical with, or substantially indistinguishable from, Plaintiff’s Marks as defined in the Complaint.

11. The singular form of a word should be interpreted in the plural as well. Any pronoun shall be construed to refer to the masculine, feminine, or neuter gender as in each case is most appropriate. The words “and” and “or” shall be construed conjunctively or disjunctively, whichever makes the request most inclusive.

Dated this October 4, 2022

/s/ Vahe Khojayan

Vahe Khojayan, Esq.  
YK Law, LLP  
445 S. Figueroa Street, Ste 2280  
Los Angeles, CA 90071  
Tel: (213) 401-0970  
Fax: (213) 529-3044  
Email: [vkhojayan@yklaw.us](mailto:vkhojayan@yklaw.us)  
Admitted *pro hac vice*

Ariel Weissberg, Esq.  
Weissberg and Associates, Ltd.  
564 West Randolph Street, 2<sup>nd</sup> Floor  
Chicago, IL 60661  
T- 312-663-0004; F-312-663-1415  
Email: [ariel@weissberglaw.com](mailto:ariel@weissberglaw.com)  
Attorney No. 3125591