

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

MERCH TRAFFIC, LLC,

PLAINTIFF,

V.

THE PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON SCHEDULE A,

DEFENDANTS.

CASE NO.: 24-CV-01269

JUDGE JOHN F. KNESS

MAGISTRATE JUDGE JEFFREY COLE

ORDER FOR EXTENSION OF TEMPORARY RESTRAINING ORDER

THIS CAUSE being before the Court on Plaintiff, Merch Traffic, LLC's ("Plaintiff") *Ex Parte* Motion to Extend the Temporary Restraining Order against the Defendants identified on Schedule A to the Complaint (collectively, the "Defendants"), and using at least the online marketplace accounts identified on Schedule A (the "Defendant Internet Stores"), and this Court having heard the evidence before it, hereby GRANTS Plaintiffs *Ex Parte* Motion and orders that the Temporary Restraining Order ("TRO") entered on June 11, 2024 [23], shall be extended for a period of fourteen (14) days until July 9, 2024, and shall apply to the Defendants identified on Schedule A attached to the Complaint.

Rule 65(b)(2) states that a temporary restraining order entered without notice may be extended provided a party can show, prior to expiration of the order, good cause for such an extension. Fed. R. Civ. P. 65(b)(2). This Court finds good cause for an extension and that additional time is needed before a preliminary injunction hearing can be held in this case for at least the reasons stated herein. Specific facts in the Declaration of Alison K. Carter show

that additional time is needed for third parties to comply with the TRO. Good cause also exists for the extension because there is a high probability that the Defendants will continue to harm Plaintiff without the TRO in place. Specifically, Defendants will likely modify registration data and content, change hosts, redirect traffic to other websites in their control, and move any assets from accounts in U.S.- based financial institutions to offshore accounts. As found by the Court in granting the TRO, this possibility of harm is significant. Accordingly, in the interest of justice, extension of the TRO is necessary.

This Court also finds that issuing this Order without notice pursuant to Rule 65(b)(1) of the Federal Rules of Civil Procedure is appropriate because Plaintiff has presented specific facts included with Plaintiff's *Ex Parte* Motion for Entry of a Temporary Restraining Order and accompanying evidence clearly showing that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition. As this Court and other courts have recognized, proceedings against those who deliberately traffic in counterfeit merchandise are often useless if notice is given to the adverse party. Accordingly, this Court orders that the TRO shall be extended for a period of fourteen (14) days until July 9, 2024.

ENTERED:

DATE: 6/20/2024

A handwritten signature in black ink, appearing to read "John F. Kness", is written over a horizontal line.

Honorable John F. Kness
U.S. District Court Judge