

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

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**STURGIS MOTORCYCLE RALLY, INC.,**

**Civil File No.: 11-cv-5052-JLV**

**Plaintiff,**

**v.**

**RUSHMORE PHOTO & GIFTS, INC.,  
JRE, INC., CAROL NIEMANN,  
PAUL A. NIEMANN, and BRIAN M.  
NIEMANN,**

**Defendants.**

**-AND-**

**RUSHMORE PHOTO & GIFTS, INC.,  
JRE, INC., CAROL NIEMANN,  
PAUL A. NIEMANN, and BRIAN M.  
NIEMANN,**

**Counterclaim-Plaintiffs,**

**v.**

**STURGIS MOTORCYCLE RALLY, INC.,**

**Counterclaim-Defendant.**

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**ORDER GRANTING DEFENDANTS/COUNTERCLAIM-PLAINTIFFS' MOTION FOR  
A TEMPORARY RESTRAINING ORDER AND A PRELIMINARY INJUNCTION**

This matter was heard upon Defendants/Counterclaim-Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction. Based upon the motion papers submitted, and the files, records, and proceedings herein, IT IS HEREBY ORDERED that Defendants/Counterclaim-Plaintiffs' Motion is GRANTED.

The Court hereby issues a temporary restraining order and preliminary injunction that precludes Sturgis Motorcycle Rally, Inc. (“SMRI”) and its subsidiaries, parents, officers, directors, agents, servants, employees, affiliates, attorneys and all other persons in active concert or participation with SMRI, including law enforcement, from enforcing or threatening to enforce SMRI’s Federal Trademark/Service Mark Registration No. 3,923,284 (“Sturgis Registration”) or any alleged exclusive rights in the name “Sturgis” or from threatening that SMRI and/or its agents of law enforcement will be conducting seizures at and around the upcoming Rally of any “non-licensed” goods that use or incorporate the name “Sturgis,” until the final resolution of this dispute, including but not limited to during the upcoming Sturgis Biker Rally.

SMRI is hereby ordered and instructed to provide notice and a copy of this Order to all persons, entities, or vendors that SMRI has already threatened with enforcement of the Sturgis Registration, as well as all of SMRI’s licensees of the Sturgis Registration. SMRI is also hereby ordered and instructed to provide notice and a copy of this Order to all of SMRI’s agents, licensees, affiliates, and law enforcement under SMRI’s direction or control, and explain to them the prohibitions of this Order. Violations of this injunction will warrant sanctions against all who disobey it.

**IT IS SO ORDERED.**

**BY THE COURT:**

Dated: \_\_\_\_\_

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The Honorable Jeffrey Viken  
U.S. District Court Judge