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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT, WESTERN DIVISION
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11 LARRY C. FLYNT,

12 Plaintiff,

13 vs.
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15 FLYNT MEDIA CORPORATION, a
16 Delaware Corporation; JIMMY
17 FLYNT, II; DUSTIN FLYNT; and
18 DOES 1-10, inclusive,

19 Defendants.
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Case No.: CV09-00048 AHM (RZx)

**TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE RE PRELIMINARY
INJUNCTION**

1 Upon reviewing the papers filed by Plaintiff in support of his Ex Parte
2 Application for a Temporary Restraining Order and the opposition papers filed by
3 Defendants, and having considered the factors relating to: (i) Plaintiff's probability
4 of success on the merits; (ii) the risk of irreparable injury to Plaintiff in the event
5 preliminary relief is denied; (iii) the existence of serious questions going to the
6 merits of Plaintiff's claim; (iv) the balance of hardships; and (v) the public interest,
7 as well as the need for immediate relief by Plaintiff in light of the short time frame
8 involved as to the threatened use of Plaintiff's FLYNT name and mark, the Court
9 HEREBY FINDS and ORDERS as follows:

10 1. Plaintiff has demonstrated a probability of success on the merits of his
11 claims against Defendants, for violation of 15 U.S.C. § 1125(a) and 15 U.S.C. §
12 1125(c), and Plaintiff would likely suffer irreparable injury without this Court's
13 intervention.

14 2. There exist serious questions going to the merits of Plaintiff's claims
15 against Defendants, and the balance of hardships tips in Plaintiff's favor.

16 3. The public interest in preventing consumer confusion as to the source of
17 the respective products of Plaintiff and Defendants would be served by the
18 issuance of immediate injunctive relief to Plaintiff.

19 Accordingly, Defendants Flynt Media Corporation, Jimmy Flynt, II, and
20 Dustin Flynt are HEREBY ORDERED TO SHOW CAUSE on January 21, 2009 at
21 9:00 a.m. in Courtroom 14 of the above-entitled Court, located at 312 N. Spring
22 Street, Los Angeles, CA 90012, why they, their officers, agents, employees and
23 those in active concert or participation with them, should not be restrained and
24 enjoined pending trial of this action from:

25 1. Advertising, selling and distributing adult-themed motion pictures, videos,
26 and DVDs, as well as other adult-themed goods, which contain "FLYNT" in any
27 typographical format and phrase, including "Flynt Media Corporation" and
28 "FlyntCorp Distribution;"

1 2. promoting such goods and services on Internet websites, including but not
2 limited to www.flyntdistribution.com and www.flyntcorp.com; and

3 3. passing off such goods and services as those of Plaintiff Larry C. Flynt at
4 the AVN Adult Entertainment Expo 2009 in Las Vegas, Nevada and elsewhere.

5 The three provisions set forth just above would not prohibit Defendants from
6 advertising, selling and distributing adult-themed goods that specifically contain
7 their full and actual names and that also state in conspicuous terms that Larry Flynt
8 is not affiliated with the product and does not endorse it.

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10 **TEMPORARY RESTRAINING ORDER**

11 PENDING HEARING on the above Order to Show Cause, Defendants and
12 their officers, agents, employees, representatives and those in active participation
13 with them ARE HEREBY RESTRAINED FROM the following:

14 1. Advertising, selling and distributing adult-themed motion pictures, videos,
15 and DVDs, as well as other adult-themed goods, which contain “FLYNT” in any
16 typographical format and phrase, including “Flynt Media Corporation” and
17 “FlyntCorp Distribution;”

18 2. promoting such goods and services on Internet websites, including but not
19 limited to www.flyntdistribution.com and www.flyntcorp.com; and

20 3. passing off such goods and services as those of Plaintiff Larry C. Flynt at
21 the AVN Adult Entertainment Expo 2009 in Las Vegas, Nevada and elsewhere.

22 The three provisions set forth just above do not prohibit Defendants from
23 advertising, selling and distributing adult-themed goods that specifically contain
24 their full and actual names and that also state in conspicuous terms that Larry Flynt
25 is not affiliated with the product and does not endorse it.

26 The above Temporary Restraining Order is effective immediately on all
27 persons who have actual knowledge of this Order.
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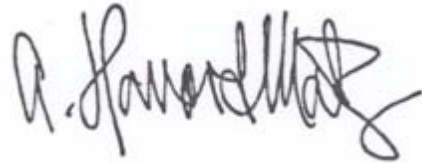
SECURITY

IT IS FURTHER ORDERED that within one court day of the service of this Order Plaintiff shall post a corporate surety bond, cash or a certified or attorney's check in the amount of thirty-five thousand dollars (\$35,000) as security, as a condition of the further force of this Order.

BRIEFING SCHEDULE

This Order must be served on Defendant no later than 5:00 p.m. on January 10, 2009 and proof of service shall be filed no later than January 12, 2009 at 5:00 p.m. Any response or opposition to the Order to Show Cause must be e-filed no later than January 15, 2009 at 5:00 p.m. Any reply shall be e-filed no later than January 20 at 9:00 a.m.

DATED: January 9, 2009



BY: _____
Hon. A. Howard Matz
United States District Judge

cc: **Fiscal**