

1 Clyde DeWitt  
Nevada State Bar No. 9791  
2 California State Bar No. 117911  
Texas State Bar No. 05670700  
3 LAW OFFICES OF CLYDE DEWITT,  
A NEVADA PROFESSIONAL CORPORATION  
4 6525 West Warm Springs Road, Suite 100  
Las Vegas, NV 89118-4679  
5 (702) 386-1756; fax (702) 441-0308  
[clydedewitt@earthlink.net](mailto:clydedewitt@earthlink.net)  
6 *(subject to admission pro hac vice)*

7 Randall Tigie  
Minnesota State Bar No. 110000  
8 RANDALL TIGUE LAW OFFICE  
205 Golden Valley Office Center  
9 810 N Lilac Drive  
Golden Valley, MN 55422  
10 (763) 529-9211; fax (763) 529-8215  
[tiguelaw@msn.com](mailto:tiguelaw@msn.com)

11 Counsel for Defendant Fantasysrus2, LLC

12  
13 **IN THE UNITED STATES DISTRICT COURT**  
14 **FOR THE DISTRICT OF MINNESOTA**

15  
16 FANTASY HOUSE, INC.,

17 Plaintiff,

18 v.

19 FANTASYSRUS2, LLC,

20 Defendant.

Case NO. **0:13-cv-03164-SRN-SER**

Hon. Susan Richard Nelson  
United States District Judge

Hon. Judge Steven E. Rau  
United States Magistrate Judge

**OFFER OF JUDGMENT**  
**[FED. R. CIV. PROC. 68]**

21  
22 Defendant Fantasysrus2, LLC hereby offers to allow entry of judgment  
23 pursuant to Rule 68 of the Federal Rules of Civil Procedure as follows: Judgment in  
24 favor of plaintiff Fantasy House, Inc. against defendant Fantasysrus2, LLC in the sum  
25

26 **Page 1**

27 **OFFER OF JUDGMENT**  
28 **[FED. R. CIV. PROC. 68]**

Case Number 0:13-cv-03164-SRN-SER

“It is further ORDERED, ADJUDICATED and DECREED that Defendant Fantasysrus2, LLC, its officers, managers and members shall take immediate steps, to the extent that the word “FANTASY” (or any confusingly similar formation fo that term) is used (1) to cancel all advertising; (2) to disable its uniform resource locator (“URL”); (3) to disable all social media, including but not limited to Facebook, Twitter and Linkedln; (4) to remove all signage; (5) to destroy all written materials including but not limited to invoices, marketing materials, and

1 advertising materials except that it may keep a number of copies of each  
2 reasonably necessary to maintain records of its business activities; (6)  
3 to destroy all signs and displays except that it may keep a number of  
4 copies reasonably necessary to maintain records of its business  
5 activities; (7) to change telephone and other directory listings (to the  
6 extent Defendant has the ability or control to change those telephone or  
7 directory listings); (8) to change the name of the retail establishments  
8 operated by Defendant in Ramsey, Minnesota, Fargo, North Dakota and  
9 East Grand Forks Minnesota; (9) to remove any other public display of  
10 any of those terms in connection with its business; and (10) to submit to  
11 the court under oath within fifteen (15) days of this order a report  
12 showing compliance with this order.

13 “It is further ORDERED, ADJUDICATED and DECREED that  
14 Defendant Fantasysrus2, LLC, its officers, managers and members shall  
15 not transfer any of its assets or membership interests to any other entity  
16 until all of its obligations pursuant to the Order have been satisfied.”

17 Dated: December 19, 2013.

Respectfully Submitted,

18 CLYDE DeWITT  
19 LAW OFFICES OF CLYDE DeWITT, APC  
(*subject to admission pro hac vice*)

20 RANDALL TIGUE  
21 RANDALL TIGUE LAW OFFICE

22 By:   
23 Randall Tigue

24 Counsel for Defendant Fantasysrus2, LLC

25  
26 Page 3

27 OFFER OF JUDGMENT  
28 [FED. R. CIV. PROC. 68]

Case Number 0:13-cv-03164-SRN-SER

**PROOF OF SERVICE BY MAIL**

[Pursuant to FED. R. CIV. PROC. 5; NEV. R. CIV. PROC. 5;  
and CAL. C. CIV. PROC. § 1013a(3)]

I work at the Law Offices of Clyde DeWitt, which is located at 6525 West Warm Springs Road, Suite 100, Las Vegas, NV 89118-4679. I am over the age of eighteen years and not a party to the above- captioned action.

I am readily familiar with this law firm's practice for collection and processing of correspondence for mailing with the United States Postal Service and, in the ordinary course of business, any correspondence delivered to our firm's mail room employee(s) is routinely deposited with the United States Postal Service on the same day.

On the date shown below, I served the foregoing document on the interested parties in this action, by placing a true copy thereof enclosed in a sealed envelope, first class, with postage thereon fully prepaid, and either: (1) personally delivering it to our firm's mail room employee(s) for deposit with the United States Postal Service pursuant to our firm's ordinary business practice; or (2) personally depositing such correspondence directly in the United States mail, addressed as follows:

**Frank S. Farrell , Jr., Esq.**  
**Alexander Farrell, Esq.**  
**F. S. Farrell, LLC**  
**7401 Metro Blvd. Suite 425**  
**Edina, MN 55439**

I declare under penalty of perjury under the laws of the United States, of the State of Nevada and of the State of California that the foregoing is true and correct.

Executed on December 19, 2013.

  
\_\_\_\_\_  
CLYDE DeWITT

Page 4

**OFFER OF JUDGMENT**  
**[FED. R. CIV. PROC. 68]**

Case Number 0:13-cv-03164-SRN-SER

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

Fantasy House, Inc.,

Plaintiff,

v.

Fantasysrus2, LLC.,

Civil Case No. 0:13-cv-03164 (SRN/SER)

Defendant.

---

Pursuant to Rule 68 of the Federal Rules of Civil Procedure Plaintiff Fantasy House, Inc. accepts the written offer served by counsel for Defendant Fantasysrus2, LLC on December 19<sup>th</sup>.

A copy of Defendant's Rule 68 offer is attached as Exhibit A hereto.

Dated: December 23, 2013

By: /s/ Frank S. Farrell

**F.S. FARRELL, LLC**

Frank S. Farrell (MN #28447)

Alexander J. Farrell (MN #390202)

7401 Metro Blvd, suite 425

Edina, MN 55439

Telephone: (952) 921-3260

frank@fsfarrell.com

alexander@fsfarrell.com

**ATTORNEYS FOR PLAINTIFF  
FANTASY HOUSE**

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

Fantasy House, Inc.,

Plaintiff,

v.

Fantasysrus2, LLC.,

Civil Case No. 0:13-cv-03164 (SRN/SER)

Defendant.

---

**CERTIFICATE OF SERVICE**

I, Frank S. Farrell, hereby certify that Plaintiff's acceptance of Defendants Rule 68 Offer and Exhibit A were served via first class mail and email on December 23<sup>rd</sup>, 2013 on counsel or Defendant at:

Randal Tigue  
Randal Tigue Law Office  
205 Golden Valley Office Center  
810 N. Lilac Drive  
Golden Valley, MN 55422  
tiguelaw@msn.com

Dated: December 23, 2013

By: /s/ Frank S. Farrell

**F.S. FARRELL, LLC**

Frank S. Farrell (MN #28447)  
Alexander J. Farrell (MN #390202)  
7401 Metro Blvd, suite 425  
Edina, MN 55439  
Telephone: (952) 921-3260  
frank@fsfarrell.com  
alexander@fsfarrell.com

**ATTORNEYS FOR PLAINTIFF  
FANTASY HOUSE**

## Exhibit A

1 Clyde DeWitt  
Nevada State Bar No. 9791  
2 California State Bar No. 117911  
Texas State Bar No. 05670700  
3 LAW OFFICES OF CLYDE DEWITT,  
A NEVADA PROFESSIONAL CORPORATION  
4 6525 West Warm Springs Road, Suite 100  
Las Vegas, NV 89118-4679  
5 (702) 386-1756; fax (702) 441-0308  
[clydedewitt@earthlink.net](mailto:clydedewitt@earthlink.net)  
6 *(subject to admission pro hac vice)*

7 Randall Tigie  
Minnesota State Bar No. 110000  
8 RANDALL TIGIE LAW OFFICE  
205 Golden Valley Office Center  
9 810 N Lilac Drive  
Golden Valley, MN 55422  
10 (763) 529-9211; fax (763) 529-8215  
[tiguelaw@msn.com](mailto:tiguelaw@msn.com)

11 Counsel for Defendant Fantasysrus2, LLC  
12

13 **IN THE UNITED STATES DISTRICT COURT**  
14 **FOR THE DISTRICT OF MINNESOTA**

15  
16 FANTASY HOUSE, INC.,

17 Plaintiff,

18 v.

19 FANTASYSRUS2, LLC,

20 Defendant.  
21

Case NO. **0:13-cv-03164-SRN-SER**

Hon. Susan Richard Nelson  
United States District Judge

Hon. Judge Steven E. Rau  
United States Magistrate Judge

**OFFER OF JUDGMENT**  
**[FED. R. CIV. PROC. 68]**

22 Defendant Fantasysrus2, LLC hereby offers to allow entry of judgment  
23 pursuant to Rule 68 of the Federal Rules of Civil Procedure as follows: Judgment in  
24 favor of plaintiff Fantasy House, Inc. against defendant Fantasysrus2, LLC in the sum  
25

26 **Page 1**

27 **OFFER OF JUDGMENT**  
28 **[FED. R. CIV. PROC. 68]**

Case Number 0:13-cv-03164-SRN-SER



6                    “It is further ORDERED, ADJUDICATED and DECREED that  
7 Defendant Fantasysrus2, LLC, its officers, managers, members, agents,  
8 servants, employees, and attorneys and other persons who are in active  
9 concert or participation with any of them who receive actual notice of  
10 this judgment by personal service or otherwise are permanently enjoined  
11 and restrained from using the words “FANTASY,” “FANTASYS,”  
12 “FANTASY’S,” “FANTASYSRUS2,” “FANTASYSRUS,”  
13 “FANTASYSRUS.COM” (or any confusingly similar formation of any  
14 of those terms) in connection with the advertising, marketing or  
15 distribution of or in connection with the promotion of novelty products  
16 for adult use, services, or offer of sale of other items.

17                    “It is further ORDERED, ADJUDICATED and DECREED that  
18 Defendant Fantasysrus2, LLC, its officers, managers and members shall  
19 take immediate steps, to the extent that the word “FANTASY” (or any  
20 confusingly similar formation fo that term) is used (1) to cancel all  
21 advertising; (2) to disable its uniform resource locator (“URL”); (3) to  
22 disable all social media, including but not limited to Facebook, Twitter  
23 and Linkedin; (4) to remove all signage; (5) to destroy all written  
24 materials including but not limited to invoices, marketing materials, and

1 advertising materials except that it may keep a number of copies of each  
2 reasonably necessary to maintain records of its business activities; (6)  
3 to destroy all signs and displays except that it may keep a number of  
4 copies reasonably necessary to maintain records of its business  
5 activities; (7) to change telephone and other directory listings (to the  
6 extent Defendant has the ability or control to change those telephone or  
7 directory listings); (8) to change the name of the retail establishments  
8 operated by Defendant in Ramsey, Minnesota, Fargo, North Dakota and  
9 East Grand Forks Minnesota; (9) to remove any other public display of  
10 any of those terms in connection with its business; and (10) to submit to  
11 the court under oath within fifteen (15) days of this order a report  
12 showing compliance with this order.

13 “It is further ORDERED, ADJUDICATED and DECREED that  
14 Defendant Fantasysrus2, LLC, its officers, managers and members shall  
15 not transfer any of its assets or membership interests to any other entity  
16 until all of its obligations pursuant to the Order have been satisfied.”

17 Dated: December 19, 2013.

Respectfully Submitted,

18 CLYDE DeWITT  
19 LAW OFFICES OF CLYDE DeWITT, APC  
(subject to admission pro hac vice)

20 RANDALL TIGUE  
21 RANDALL TIGUE LAW OFFICE

22 By:   
23 Randall Tigue

24 Counsel for Defendant Fantasysrus2, LLC

25  
26 Page 3

27 OFFER OF JUDGMENT  
28 [FED. R. CIV. PROC. 68]

Case Number 0:13-cv-03164-SRN-SER

**PROOF OF SERVICE BY MAIL**

[Pursuant to FED. R. CIV. PROC. 5; NEV. R. CIV. PROC. 5;  
and CAL. C. CIV. PROC. § 1013a(3)]

I work at the Law Offices of Clyde DeWitt, which is located at 6525 West Warm Springs Road, Suite 100, Las Vegas, NV 89118-4679. I am over the age of eighteen years and not a party to the above- captioned action.

I am readily familiar with this law firm's practice for collection and processing of correspondence for mailing with the United States Postal Service and, in the ordinary course of business, any correspondence delivered to our firm's mail room employee(s) is routinely deposited with the United States Postal Service on the same day.

On the date shown below, I served the foregoing document on the interested parties in this action, by placing a true copy thereof enclosed in a sealed envelope, first class, with postage thereon fully prepaid, and either: (1) personally delivering it to our firm's mail room employee(s) for deposit with the United States Postal Service pursuant to our firm's ordinary business practice; or (2) personally depositing such correspondence directly in the United States mail, addressed as follows:

**Frank S. Farrell , Jr., Esq.**  
**Alexander Farrell, Esq.**  
**F. S. Farrell, LLC**  
**7401 Metro Blvd. Suite 425**  
**Edina, MN 55439**

I declare under penalty of perjury under the laws of the United States, of the State of Nevada and of the State of California that the foregoing is true and correct.

Executed on December 19, 2013.

  
\_\_\_\_\_  
CLYDE DeWITT

Page 4

**OFFER OF JUDGMENT**  
**[FED. R. CIV. PROC. 68]**

Case Number 0:13-cv-03164-SRN-SER