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11 **Attorneys for Plaintiff World Wrestling
Entertainment, Inc.**

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15
16 WORLD WRESTLING
ENTERTAINMENT, INC.,
17
18 Plaintiff,
19
20 vs.
21 JOHN AND JANE DOES 1-100,
and XYZ CORPORATIONS 1-100,
22
23 Defendants.

Case No. CV-15-1263 VC

**SUPPLEMENTAL DECLARATION OF
LAUREN DIENES-MIDDLEN, ESQ. IN
SUPPORT OF PLAINTIFF'S EX PARTE
MOTION FOR TRO; ORDER FOR
SEIZURE OF COUNTERFEIT MARKED
GOODS; AND ORDER TO SHOW CAUSE
WHY A PRELIMINARY INJUNCTION
SHOULD NOT ISSUE**

24 **FILED UNDER SEAL**

ORIGINAL

FILED

MAR 23 2015

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

28

1 I, Lauren Dienes-Middlen, state that:

2 1. I am Vice President, Intellectual Property and Legal Affairs of Plaintiff World
3 Wrestling Entertainment, Inc. ("WWE") located at 1241 East Main Street, Stamford, Connecticut
4 06902. I am authorized to make this supplemental declaration, pursuant to Rule 65(b) of the Federal
5 Rules of Civil Procedure and 15 U.S.C. § 1116(d), in support of WWE's Ex Parte Motion for
6 Temporary Restraining Order, Order of Seizure and Order to Show Cause Why a Preliminary
7 Injunction Should Not Issue.
8

9 2. I certify that I have personal first-hand knowledge about the matters discussed below
10 unless otherwise indicated and am competent to testify about them if called upon to do so.

11 3. Attached as Exhibit A is a true and correct copy of the TRO Enforcement Protocol
12 that will be in use during the seizure proceedings.

13 4. WWE contracts with TEC Enterprises, Inc., which maintains a network of State and
14 local law enforcement personnel available to effect seizures of counterfeit merchandise.
15

16 5. Should the Court approve the use of off-duty law enforcement personnel in this
17 matter, WWE would hire the following, active local law enforcement personnel to carry out the TRO
18 Enforcement Protocol attached hereto as Exhibit A:

- 19 a. Greg Hughes, Alameda County District Attorney/Inspector
20 b. Corey White, Alameda County District Attorney/Inspector
21 c. Ryan Goodfellow, Oakland Police Department
22 d. Dave Hazelwood, Oakland Police Department
23 e. Cuong Huy Vo, Oakland Police Department
24 f. Justin Blankenship, San Leandro Police Department
25 g. Lance Goodfellow, Emeryville Police Department
26 h. Casey Tinloy, Alcoholic Beverage Commission
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- i. Melvin Cook, Alcoholic Beverage Commission,
- j. Jonathan Wong, U.C. Berkeley Police Department
- k. Kobia West, State of California Inspector General's Office
- l. Allan Garza, Yuba County Sheriff
- m. Ben Martin, Yuba County Sheriff
- n. Bob Hess, Yuba County Sheriff
- o. Joe Million, Yuba County Sheriff
- p. Ron Johnson, Yuba County Sheriff
- q. Damon Gill, Yuba County Sheriff

6. I am informed and believe, based on a conversation with Johnny Carruthers, TEC's Field Supervisor of Merchandise Authentication and IP Enforcement of TEC, that none of these individuals are on restricted duty due to misconduct, and have had no misconduct complaints or disciplinary proceedings brought against them.

7. None of these individuals are WWE employees.

8. I am informed and believe, based on a conversation with Johnny Carruthers, that each of these individuals routinely executes seizure orders of counterfeit merchandise -- the majority of them for between five and ten years, primarily at concerts and sporting events. Some of these individuals have previously executed seizure orders on behalf of WWE, without incident.

9. To allay any concerns from the Court, WWE does not have any objection to expressly requiring that each off-duty officer, before serving the TRO and seizing any goods, identify him or herself as such, or identify themselves in any other way the Court directs. Similarly, to allay the Court's concerns, WWE does not have any objection to expressly require each off-duty officer to be armed, or unarmed, while serving the TRO and seizing any goods. None of the officers will be in uniform.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23rd day of March, 2015 in San Francisco, California.



Lauren Dienes-Middlen
Vice President, Legal and Intellectual Property
Business and Legal Affairs
World Wrestling Entertainment, Inc.

TRO ENFORCEMENT PROTOCOL for WM 31

When seizing counterfeit merchandise from bootlegger:

1. BRIEFLY EXPLAIN AUTHORITY TO SEIZE THE GOODS
2. SERVE THE COURT PAPERS ON THE SUSPECTED COUNTERFEITER
(*serve entire Packet, both Parts A & B*):

Packet Part A – just hand the following to counterfeiter:

- TRO Seizure Order (signed by Judge)
- Verified Complaint with Exhibits
- Summons

Packet Part B – fill out first and then hand to counterfeiter:

- Receipt of Goods Seized (to be filled out by official)

3. SEIZE GOODS
(if necessary, confirm counterfeit nature of goods with Lauren Midden, info below)
4. OFFICIAL TO FILL OUT BOTH DOCUMENTS AND PUT IN CLEAR TRASH BAG
WITH THE COUNTERFEIT GOODS:

Packet Part C

- Venue Enforcement Form; and
- The Summons-Proof of Service
(use blue ink if possible)

5. One bag per counterfeiter – do *not* mix merch seized from different counterfeiters
(if one counterfeiter has more merch than will fit in one bag, then use additional bags, but put note inside additional bags with counterfeiter name, date, and location seized)
 6. If vehicle is involved, must clear the vehicle of all persons prior to searching, and under the Order, you can only seize counterfeit goods and related documents.
-

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Case No. 15-1263

PROOF OF SERVICE

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I hereby certify that, in connection with a seizure of Enjoined Goods as set forth in the
“Order to Show Cause on Application for Preliminary Injunction with Temporary Restraining Order
and Order for Seizure of Counterfeit Goods” (the “TRO Order”) issued in this case on _____, 2015,
I personally served by hand delivery on the date and time set forth below copies of the TRO Order
together with the Summons and the Verified Complaint in this action upon the individual in
possession and control of some of the Enjoined Goods (the “Defendant”) who identified
himself/herself as follows:

Name of Defendant Served: _____

Address of Defendant Served: _____

Date of Service: _____

Time of Service: _____

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I declare under penalty of perjury that this information is true.

Date: _____

Server's Signature

Printed Name and Title

Server's Address

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Case No. 15-1263

RECEIPT FOR GOODS SEIZED

INVENTORY RECEIPT OF SEIZURE:

NAME AND ADDRESS OF PERSON FROM WHOM THINGS WERE SEIZED:

Name: _____
Address: _____
City: _____ State: _____ Zip: _____

<u>ITEM(S):</u>	<u># SEIZED</u>
T-Shirts/Jerseys:	_____
Hats/Caps:	_____
Masks:	_____
Flags:	_____
Belts:	_____
Other (please specify):	_____
_____	_____

Signature of Server

Date

VENUE ENFORCEMENT REPORT

Date of Event: _____

Event Venue: _____

Name of Defendant Served: _____

Address of Defendant Served:

Time Defendant Served: _____

Type of Merchandise Seized: _____

Quantity of Merchandise Seized: _____

Approx. Height of Defendant: _____

Approx. Weight of Defendant: _____

Ethnicity of Defendant: _____

Law enforcement involvement: _____