

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ORNUA FOODS NORTH AMERICA INC.
and ORNUA CO-OPERATIVE LIMITED,

Plaintiffs,

v.

EUROGOLD USA LLC and
OLD WORLD CREAMERY LLC,

Defendants.

Case No. 17-CV-510-JPS

**TEMPORARY
RESTRAINING
ORDER**

Upon consideration of Plaintiff Ornuia Foods North America, Inc. (“Ornuia N.A.”) and Ornuia Co-Operative Limited’s (“Ornuia Co-Operative”) (collectively, “Plaintiffs”) Complaint, Motions for Temporary Restraining Order and Preliminary Injunction, Memorandum in Support, the supporting declarations and attachments thereto, and having considered the arguments of counsel, the Court finds as follows:

1. The Court has original jurisdiction over the claims in this matter pursuant to 15 U.S.C. § 1051 *et seq.*, 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338, and 1367(a);

2. Plaintiffs have a reasonable likelihood of success on the merits of their claims under 15 U.S.C. §§ 1114 and 1125(a);

3. Plaintiffs will suffer irreparable harm and loss to their services, reputation, and goodwill if Defendants Eurogold USA LLC and Old World Creamery LLC (collectively, “Defendants”) are permitted to continue to using the IRISHGOLD mark and associated packaging in the form attached to this Order as Exhibit A, or similar trademarks and trade names, in

Defendants' product packaging, advertisements, brochures, pamphlets, marketing pieces, or similar media relating to the sale of butter;

4. Plaintiffs have no adequate remedy at law;

5. Greater injury will be inflicted upon Plaintiffs by the denial of injunctive relief than will be inflicted upon Defendants by the granting of such relief; and

6. The issuance of injunctive relief will not disserve the public interest.

Accordingly,

IT IS ORDERED that Plaintiffs' motion for temporary restraining order (Docket #2) be and the same is hereby **GRANTED**;

IT IS FURTHER ORDERED that a temporary restraining order is hereby entered against Defendants Eurogold USA LLC and Old World Creamery LLC (collectively, "Defendants"). Defendants, their officers, managers, members, employees, attorneys, accountants, assigns, corporate parents, subsidiaries, agents, representatives, and other persons or entities acting on their behalf or under their control, or anyone else working with or on behalf of Defendants, are temporarily enjoined and restrained, directly or indirectly, and whether alone or in concert with others from using the IRISHGOLD marks and associated packaging in the form attached to this Order as Exhibit A, or in any form substantially similar to Plaintiffs' KERRYGOLD marks, in Defendants' product packaging, advertisements, brochures, pamphlets, marketing pieces, or similar media relating to the sale of butter; and

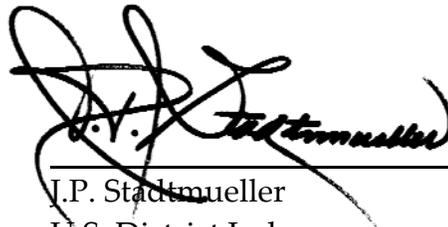
IT IS FURTHER ORDERED that the parties shall confer on a date for a hearing on Plaintiffs' motion for preliminary injunction, by which date all necessary discovery shall be completed and such completion shall be

certified by the parties. The parties shall propose several dates for such hearing as soon as practicable to the Court by joint notice.

This Order will remain in full force and effect until this Court renders its decision on Ornuu's request for a preliminary injunction.

Dated at Milwaukee, Wisconsin, this 13th day of April, 2017.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line. The signature is stylized and somewhat cursive.

J.P. Stadtmueller
U.S. District Judge