

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

REPOSSI DIFFUSION S.A.M.,

Plaintiff,

-against-

GS DISTRIBUTION, INC.,

Defendant.

**Civil Action File No.
05 CV 2757 (DC)
(ECF)**

**ORDER AND
PRELIMINARY INJUNCTION**

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Upon reading the affidavit of James P. Duffy, III, Esq., dated the 8th day of April, 2005, and the exhibits annexed thereto, the complaint herein and the exhibits annexed thereto, and the plaintiff's memorandum of law, the answer herein, and defendant's memorandum of law, the Court having held a preliminary conference with the attorneys for the parties on April 15, 2005, and the Court having held a further conference on April 18, 2005, at which principals of both parties were present with their counsel and at which the Court took offers of proof from both Plaintiff Repossi Diffusion S.A.M. and Defendant GS Distribution, Inc., and considered the same, and sufficient reason having been shown, it is hereby,

ORDERED, pending further order of this Court, GS Distribution, Inc., is enjoined from holding itself out as a Repossi store, from using the "Repossi" mark in connection with any goods and services, including but not limited to, the marketing, advertising, and

sale of jewelry, and from implying in any manner that GS Distribution, Inc., is affiliated with Repossi in any way; and it is further

ORDERED, pending further order of this Court, GS Distribution, Inc., shall within fifteen (15) days of April 18, 2005, to wit, by May 3, 2005, close its store located at 609 Madison Avenue, New York, NY, as a "Repossi" store and remove from its store all "Repossi" signs, logos, and other representative marks; and it is further

ORDERED, pending further order of this Court, GS Distribution, Inc., is enjoined from selling, lending, or otherwise dissipating any jewelry Repossi Diffusion S.A.M. consigned to GS Distribution, Inc.; and it is further

ORDERED, pending further order of this Court, GS Distribution, Inc., is enjoined from moving any jewelry Repossi Diffusion S.A.M., consigned to GS Distribution, Inc., and any proceeds from the sale of such consigned jewelry, outside the State of New York; and it is further

ORDERED, pending further order of this Court, GS Distribution, Inc., shall forthwith retrieve any Repossi jewelry lent to anyone and shall cease the lending of Repossi jewelry; and it is further

ORDERED, the above paragraphs of this Order shall be stayed until close of business on April 19, 2005, so GS Distribution, Inc., can appeal the same, if so advised; and it is further

ORDERED, Repossi's representatives shall have immediate access to any jewelry Repossi Diffusion S.A.M. consigned to GS Distribution, Inc., for the purpose of inspecting the condition of the same and taking an inventory thereof; and it is further

ORDERED, such access shall be during normal business hours and shall continue from day to day until the inspection and inventory of the consigned jewelry is completed; and it is further


ORDERED that Repossi shall post an undertaking in the amount of \$250,000 by close of business on Friday, April 22, 2005.

Dated: New York, New York
April 21, 2005



Denny Chin, U.S.D.J.

IT IS FURTHER ORDERED that GS Distribution, Inc. and its officers and employees shall immediately permit Mr. Lopez or some other senior Repossi representative access to the jewelry, as set forth above, and that if GS Distribution, Inc. fails to do so or ~~to~~ otherwise fails to comply with this Order and Preliminary Injunction, it and its officers will be subject to contempt proceedings.



WDS 4/21/05



FACSIMILE TRANSMISSION FROM:

DENNY CHIN
United States District Judge

Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1020
New York, New York 10007-1312

Telephone: (212) 805-0200

Facsimile: (212) 805-7906

Date: 4/21/05

Time: _____

To: JAMES P. DUFFY, III, ESQ.

Firm: _____

Fax No. (516) 228-0350

Message: **** YOU ARE REQUIRED TO FAX COPIES OF THE ATTACHED DOCUMENT TO ALL COUNSEL OF RECORD IN THIS CASE ****

Number of Pages (including this cover page): 4