

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

SNEAKER MATCH, LLC,
an Arizona Limited Liability Company,

Plaintiff,

Case No.: 1-21-cv-05927

v.

Hon. Martha M. Pacold

JOHN DOES 1-10,

Defendants.

**PLAINTIFF’S MEMORANDUM IN SUPPORT OF ITS *EX PARTE* MOTION TO
EXTEND THE TEMPORARY RESTRAINING ORDER**

Pursuant to Rule 65(b)(2) of the Federal Rules of Civil Procedure and the Court’s inherent power to effectuate its own orders, Plaintiff Sneaker Match, LLC (“Plaintiff”) moves this Court for an order to do the following:

- (1) Extend the Temporary Restraining Order granted and entered by the Court on November 19, 2021 [ECF 19], by a period of fourteen (14) days until December 17, 2021;
- (2) Amend the Temporary Restraining Order entered by this Court [ECF 19] to correct a spelling error and to include additional Defendants named on an Amended Schedule A;
and,
- (3) Grant leave for Plaintiff to file its required bond concurrently with this Motion.

I. Extension of the Temporary Restraining Order

On November 19, 2021 this Court entered the TRO against the Defendants identified on Schedule A to the Amended Complaint. [ECF 17]. This Order requires that several third-parties respond to subpoenas to provide identifying information regarding the Defendants identified on Schedule A. Most of these third-parties are large corporations that often require additional time to

respond to subpoenas. Further, the Thanksgiving holiday reduced the availability of both counsel and third-parties to act pursuant to the TRO Order. As of the date of filing, several of the third-parties have not yet responded to Plaintiff's subpoena and it is expected that many will not respond by the current December 3, 2021 deadline. Without this information, Plaintiff does not possess the required email addressed to effectuate electronic service consistent with the TRO Order.

Rule 65(b)(2) states that a temporary restraining order entered without notice may be extended provided a party can show, prior to expiration of the order, good cause for such an extension. Fed. R. Civ. P. 65(b)(2). Plaintiff respectfully submits that there is good cause to extend the TRO, since there is a high probability that the Defendants will continue to harm Plaintiff without the TRO in place. Specifically, Defendants will likely attempt to move any assets from their financial accounts to off-shore bank accounts. As discussed in Plaintiff's Memorandum in Support of its *Ex Parte* Motion for Entry of a Temporary Restraining Order, and as found by the Court in granting the TRO, this possibility of harm is significant. Accordingly, in the interest of justice, Plaintiff submits that an extension of the TRO is necessary. In light of the above, Plaintiff respectfully requests that the TRO be extended for a period of fourteen (14) days until December 17, 2021.

II. Entry of a Modified TRO Order to Include Additional Schedule A Defendants

Plaintiff respectfully requests leave to add additional Defendants to be subject to (if granted) the extended TRO Order. Specifically, Plaintiff seeks to (1) correct a spelling error as to Schedule A Defendant, item number 19 by adding a single "s" into the seller alias and (2) add 12 domain names to the list of Schedule A Defendants ("Additional Defendants"). These Additional Defendants were inadvertently omitted from the original Schedule A; however, the documented infringement from the Additional Defendants was already submitted to this Court as Exhibit 4 to

the Rodriguez Declaration. See ECF 12-7-12-9; ECF 18. Plaintiff will submit a revised proposed TRO Order including the Additional Defendants.

III. Leave to File the Bond

Plaintiff was not able to obtain the bond as required under the current TRO Order [ECF 17]. Again, the Thanksgiving holidays played a factor in the timetables to obtain the bond. However, Plaintiff has now obtained the bond and filed it with this Court. [ECF 18]. Plaintiff respectfully requests this Court grant leave to accept the bond as filed.

Respectfully submitted,

Date: December 1, 2021

Sneaker Match, LLC

/s/ Eric Misterovich
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CERTIFICATE OF SERVICE

The undersigned certifies that on the date below, the foregoing was served on counsel of record via the Court's ECF system.

Date: December 1, 2021

Sneaker Match, LLC

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