

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AVS FOUNDATION and PITTSBURGH STEELERS, LLC	)
	)
Plaintiffs,	)
	)
vs.	)
	)
EUGENE BERRY ENTERPRISE, LLC and EUGENE BERRY	)
Defendants.	)

11 CV 1084

PRELIMINARY INJUNCTION ORDER

This Court, having found that:

1. Eugene Barry and Eugene Barry Enterprise, LLC are producing and selling tee shirts emblazoned with the words:

The terrible t-shirt

A PITTSBURGH ORIGINAL

2. That by so doing Eugene Barry and Eugene Barry Enterprise, LLC are causing confusion about the source of the tee shirts; they are infringing upon the Plaintiff's statutory and common law rights; they are diverting proceeds from their charitable purpose,

3. That by so doing Eugene Barry and Eugene Barry Enterprise, LLC are irreparably harming the Plaintiffs and the Foundation's more than 900 beneficiaries with intellectual and developmental disabilities across the Commonwealth of Pennsylvania.

4. The harm to Plaintiffs by this Court's not issuing the injunction outweighs the harm to Defendants by this Court issuing this injunction.

5. That the interest of the public, particularly its interest in providing residential and habilitative care to persons with intellectual and developmental disabilities is served by this Court's issuing this injunction.

NOW, therefore, this 7<sup>th</sup> day of Sept 2011, it is hereby ordered that Eugene Berry and Berry Enterprise, LLC preliminarily enjoined from producing and selling the above describe tee shirts.

By the Court:   
United States District Judge

The \$1,000<sup>00</sup> Bond (From T.R.O.) (doc. no. 14)  
shall continue as the Bond per this Preliminary  
Injunction Order.

This Order shall be immediately served upon  
defendants by regular <sup>U.S.</sup> mail and certified US mail,  
with attempted personal service. Appropriate  
Certificatal Affidavit(s) of Service shall be filed  
on ECF.