

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No. 5:21-cv-00251-BO

BERINGER COMMERCE, INC. d/b/a
BLUE ACORN iCi,

Plaintiff,

v.

FIN CAP, INC. d/b/a “BLUEACORN.CO,”
BLUE ACORN PPP, LLC, BLUE OAK
FOREST, LLC, MICHAEL S. COTA,
JIMMY FLORES, STEPHANIE
HOCKRIDGE REIS, and NATHAN REIS,

Defendants.

**PLAINTIFF’S MOTION FOR
TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTIVE
RELIEF
(Rule 65)**

NOW COMES Plaintiff BERINGER COMMERCE, INC. d/b/a BLUE ACORN iCi, by and through undersigned counsel, and submits this Motion for Temporary Restraining Order and Preliminary Injunctive Relief against Defendants BLUEACORN.CO, FIN CAP, INC., BLUE OAK FOREST, LLC, MICHAEL S. COTA, JIMMY FLORES, STEPHANIE HOCKRIDGE REIS and NATHAN REIS (collectively “Defendants”) pursuant to Rule 65 of the Federal Rules of Civil Procedure.

Plaintiff seeks a Temporary Restraining Order and Preliminary Injunction directing Defendants to take the following actions:

1. Cease, desist, and permanently refrain from all use of the words “acorn,” “blue acorn,” or “blueacorn” or any of their formatives in any manner and on any print or electronic platform of any kind, including but not limited to any website, social media platforms, or any online or print advertising or marketing materials;

2. Cease, desist, and permanently refrain from all use of any acorn images, including a copy of the Acorn Logo, in any manner, including but not limited to any electronic platform, any advertising, and on any public forum;
3. Place a prominent disclaimer on the landing or home page for all websites associated with Defendants' business, explaining that the website and services at issue are not affiliated with, sponsored by, or otherwise connected to Blue Acorn iCi;
4. Set up an actively monitored email address and dedicated customer service line for customer inquiries and maintain sufficient trained personnel to monitor and respond to such inquiries on a timely basis;
5. Provide detailed information that is prominently displayed on all websites associated with Defendants' business, explaining how, where, and when to contact Defendants by phone and by email;
6. Deactivate the "blueacorn.co" and "getblueacorn.com" websites and any other website associated with Defendants' business in which any form of the name "blue acorn" is used in the domain name;
7. Reroute all traffic from the websites noted in the previous paragraph to a non-fringing website that is actively monitored by Defendants;
8. Change Defendants' company name(s) with the Wyoming and Arizona Secretaries of State and any other state in which an infringing name is used; and inform Defendants' customers of the new name; and
9. Destroy all materials, including advertising and promotional materials, bearing the infringing "blue acorn" name, logo, images, acorn image, and marks.

The grounds in support of Plaintiff's requested relief are more fully set forth in the Verified Complaint and Memorandum in Support of this Motion, filed contemporaneously herewith.

RESPECTFULLY SUBMITTED this the 10th day of June, 2021.

/s/ **Beth A. Stanfield**

Beth A. Stanfield (N.C. State Bar No. 36296)

Thomas Babel (N.C. State Bar No. 35004)

Laura K. Greene (N.C. State Bar No. 47771)

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of the foregoing **PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTIVE RELIEF** has been filed with the Clerk for the United States District Court, Eastern District of North Carolina, using the electronic filing system of the Court and that the foregoing was served upon the following persons by depositing a copy of the same in the United States Mail in an envelope, postage prepaid, addressed as follow:

- ✓ By placing a copy, contained in a first-class, postage paid wrapper, into a depository under the exclusive custody of the United States Postage Service, addressed to the parties as indicated below:

Fin Cap, Inc. d/b/a "Blueacorn.co"
c/o Legalinc Corporate Services Inc.
5830 E 2nd St Ste 8
Casper, WY 82609

Blue Oak Forest, LLC
c/o Delaware Registered Agents &
Incorporators, LLC
19 Kris Court
Newark, DE 19702

Blue Acorn PPP, LLC
c/o Radix Law, PLC, Registered Agent
Jeff Meyerson
15205 N. Kierland Blvd, Ste 200,
Scottsdale, AZ 85254

Michael S. Cota
2138 S. Valle Verde Cir
Mesa, AZ 85209

Stephanie Hockridge Reis
4747 N. Scottsdale Road, Unit C
Scottsdale, AZ 85251

Nathan Reis
4747 N. Scottsdale Road, Unit C
Scottsdale, AZ 85251

James M. Flores
7833 E. Harvard Street
Scottsdale, AZ 85257

This the 10th day of June, 2021.

/s/ Beth A. Stanfield

Beth A Stanfield
Thomas Babel
Laura K. Greene

Attorneys for Plaintiff