

CAUSE NO. DC-20-17689

CATFISH IMPORTS, LLC d/b/a LATEX  
CATFISH

Plaintiff

v.

GUANGZHOU CATFISH LATEX  
CLOTHING COMPANY

Defendant.

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

192ND JUDICIAL DISTRICT

**TEMPORARY RESTRAINING ORDER**

On this day came on to be considered Plaintiff’s Original Verified Petition and Application for Temporary Restraining Order and Injunctive Relief. After examining the pleadings and holding a hearing, the Court finds that the requirements for the issuance of a temporary restraining order have been met. More specifically, the Court finds evidence that:

Plaintiff Catfish Imports, LLC d/b/a Latex Catfish (“Catfish”), a Texas limited liability company, is a leading designer, importer, and on-line seller of latex costumes in the United States. It owns the domain name latexcatfish.com (the “Catfish Domain Name”).

Defendant Guangzhou Catfish Latex Clothing Company (“Defendant”) is a Chinese company, located in the Tian He District, Guangzhou, China.

In 2013, Catfish entered into a business agreement with Defendant, wherein Defendant would supply Plaintiff’s products to Plaintiff’s customers.

As a result of the trusted nature of this supplier relationship, it was necessary and appropriate for Catfish to share certain of its confidential and trade secret information which for purposes of Plaintiff’s request for injunctive relief, includes Plaintiff’s customer information, customer orders, customer contact information, customer credit card information and the status of customer orders related to Catfish customers that currently have outstanding orders to be supplied by and/or shipped by Defendant to them. Catfish used reasonable means to protect this information and such information is valuable to Catfish, is not known in the industry and brings a competitive advantage to Catfish.

The actions taken by Defendant to date as evidenced in the Verified Petition indicate that Defendant has unfairly competed against Plaintiff by misappropriating Catfish Customer Trade Secret Information (as defined below) and improperly changing the Catfish Domain's records. Circumstantial evidence also indicates that Defendant is behind the cyberattacks that have recently been brought against the Catfish computer systems.

Catfish is entitled to the issuance of a temporary restraining order because it is necessary to protect and preserve the status quo pending a temporary injunction hearing. Catfish has demonstrated a likelihood of success on the merits of its claims against Defendant. Further, the balance of equities between Catfish and Defendant favors the issuance of a Temporary Restraining Order because Defendant has a duty not to misappropriate Catfish Customer Trade Secret Information and misappropriate the Catfish Domain Name and Catfish has a right to protect its Customer Trade Secret Information and obtain the return of its Domain Name.

Unless Defendant is immediately restrained, Catfish will be irreparably injured, and suffer loss and damage by:

- a) further loss, use or disclosure of Catfish's Customer Trade Secret Information;
- b) further loss of goodwill and loss of business reputation;
- c) further loss of use of its domain name; and
- d) present and future economic loss, which is unascertainable at this time.

Unless Defendant is immediately enjoined, Catfish will have no adequate remedy at law because, among other things, once Catfish Customer Trade Secret Information ceases to be protectable it is lost forever. Such harm is imminent because if injunctive relief is not immediately entered, Defendant will in all likelihood continue its tortious conduct to Catfish's detriment and such actions will result in further damage to Catfish.

An *ex parte* order was proper because Plaintiff put on evidence that notice to Defendant, a Chinese company, would likely impair or annul this Court's power to grant the requested relief because the property and information at issue could be removed, secreted or destroyed if notice were provided.

IT IS THEREFORE ORDERED that the Clerk of the Court issue a Temporary Restraining Order that Defendant, its agents, servants, employees, representatives, independent contractors, attorneys, and all persons, firms, corporations or other entities, acting or purporting to act in active concert or participation with Defendant or who receive actual notice of this Order by service or otherwise are ORDERED, ENJOINED AND/OR PREVENTED as follows:

1. Protection of Catfish Customer Trade Secret Information. Defendant is immediately enjoined from obtaining, using, disclosing, or requesting access to (either directly or indirectly) any of the Catfish Customer Trade Secret Information as such term is defined herein<sup>1</sup>. Specifically, Defendant is enjoined from and shall immediately cease all further contacts or communications with Catfish Customers<sup>2</sup> whether via email, phone, text, etc.
2. Return of the Catfish Domain Name. Defendant is immediately enjoined from using or exercising ownership over the Catfish Domain Name. Catfish has the unilateral right to and the authority to take all steps necessary to have Verisign Inc. transfer the Catfish Domain Name to Catfish. A copy of this Order shall be sufficient evidence for Verisign, or any other third party to determine that Catfish is the rightful owner and thus, should follow the Catfish request to transfer the Catfish Domain Name back to Catfish.

Specifically, VeriSign, Inc., the domain name registry for the latexcatfish.com domain name, as soon as practicable but no later than two business days after receipt of this Order shall unlock and change the registrar of record for the latexcatfish.com domain name to a registrar (i.e., godaddy.com) of Plaintiff's choice. As soon as practicable but no later than two business days after receipt of this Order, the registrar of Plaintiff's choice shall take any steps necessary to transfer the domain name to a registrar account of Plaintiff's selection.

3. Stop Cyber-attacks. Defendant is immediately enjoined from taking any actions or encouraging any third-party from attempting to hack, break into or contact in anyway any Catfish computer system, program, file, webpage, email box, or account. Defendant shall immediately preserve all documents, text messages, emails, other social media or other means of communication that it has in its possession custody or control related to any such attacks.
4. Cannot Destroy Relevant Documents. Defendant is further enjoined from destroying, deleting, secreting, moving to another location, transferring custody or control or otherwise losing custody or control of (or encouraging or directing third parties to do the same) and must take affirmative steps to preserve within three days of entry of this Order (1) any text messages, computer files, cloud storage files, emails, faxes or documents (including, but not limited to, emails, letters, books, customer order information customer lists, prospective customer lists, customer records, rolodexes, invoices, statements, files, etc.) that relate to: (a) the business of Plaintiff; (b) customers of Plaintiff; (c) any communications with Plaintiff's customers since July 1, 2020; (d) any of Plaintiff's Customer Confidential Information; or (e) any other documents relevant to this lawsuit.

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<sup>1</sup> For purposes of this Temporary Restraining Order, "Catfish Customer Confidential Information" is Plaintiff's customer information, customer order information; customer contact information; customer credit card information; and status of customer orders related to Catfish Customers.

<sup>2</sup> "Catfish Customers" are those current Catfish customers that have outstanding orders that are to be supplied and/or shipped by Defendant to them.

**BOND**

IT IS FURTHER ORDERED that the Court Clerk, upon the filing of a bond in the amount of \$8,000.00 (or cash deposit in lieu thereof) and on approving the same according to law, shall issue a temporary restraining order in conformity with the law and the terms of this Order. IT IS FURTHER ORDERED that the Court Clerk, upon the filing of the bond and on approving the same according to law, shall issue a temporary restraining order in conformity with the law and the terms of this Order. Once the Order becomes effective, it shall remain in effect for fourteen (14) days or until further order of this Court.

**NOTICE OF SHOW CAUSE HEARING**

IT IS FURTHER ORDERED that a hearing on Plaintiff's request for a temporary injunction is set before the 192nd Judicial District Court, Dallas County, Texas on the 14<sup>th</sup> day of December, 2020, at 9:30 a.m./~~p.m.~~ in the 192nd District Court's courtroom located at \* Zoom, Dallas, Dallas County, Texas 75202.

Signed this 2 day of December, 2020, at 11:00 a.m. p.m.

  
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JUDGE PRESIDING

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