

JUDGE PAULEY

13 CIV 6820

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

CAR-FRESHNER CORPORATION

and

JULIUS SÄMANN LTD.,

Plaintiffs,

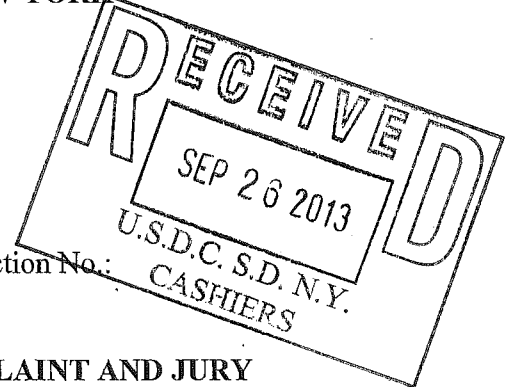
v.

FGS, INC.,

Defendant.

Civil Action No.:

**COMPLAINT AND JURY
DEMAND**



Plaintiffs CAR-FRESHNER Corporation ("CFC") and Julius Sämann Ltd. ("JSL") (collectively, "Plaintiffs") allege as follows, with knowledge as to their own actions and upon information and belief as to the activities of others:

INTRODUCTION

1. This is a case about the willful infringement and dilution of an iconic trademark.
2. Julius Sämann was a pioneer in the air-freshener industry, creating in 1952 the tree-shaped air freshener that can be found in cars and homes across the United States and the world. After over sixty years on the market, the LITTLE TREES air freshener—and its signature Tree design—remains the flagship product for the family-owned CFC. It has helped CFC become a global leader in automotive air fresheners.
3. Consumers today readily and universally identify the distinctive Tree design as a longstanding brand identifier for CFC and, more specifically, the LITTLE TREES air freshener brand of products.

4. Defendant FGS, Inc. (“FGS”) is a national provider of custom print and promotional items, including custom-printed air fresheners. FGS has willfully infringed Plaintiffs’ trademarks by designing, manufacturing, procuring, distributing and/or selling at least 15,000 counterfeit air fresheners infringing on Plaintiffs’ trademarks, and has sought a “free ride” on the goodwill associated with the trademarks.

5. JSL and CFC bring this lawsuit to halt any further wrongful conduct by FGS, to obtain damages for the injuries it has suffered, and to protect its well-established intellectual property rights.

PARTIES

6. Plaintiff CFC is a Delaware corporation with its principal place of business at 21205 Little Tree Drive, Watertown, New York 13601-0719.

7. Plaintiff JSL is a Bermuda corporation that has a place of business at Victoria Place, 31 Victoria Street, Hamilton HM10, Bermuda.

8. Defendant FGS is an Illinois corporation with its principal place of business at 815 West Van Buren Street, Chicago, Illinois 60607.

9. Non-party Saatchi & Saatchi North America, Inc. (“Saatchi & Saatchi”) is an advertising and marketing firm with its headquarters in New York, New York, and with offices across the United States.

10. Non-party Minnesota Wild Hockey Club LP (“Minnesota Wild”) is a professional sports organization and member team of the National Hockey League.

11. Non-party Toyota Motor North America, Inc. (together with its subsidiaries, “Toyota”) is a manufacturer, distributor, and retailer of Toyota-brand automobiles.

12. Non-party Direct Link Promos, Inc. (“DLP”) is a supplier of promotional products, such as mugs, key-chains, hats, and air fresheners.

JURISDICTION AND VENUE

13. This action arises under the federal Trademark Act, 15 U.S.C. § 1051 *et seq.*, and related state statutes and the common law. This Court has jurisdiction under 15 U.S.C. § 1121, 28 U.S.C. § 1331, 28 U.S.C. § 1338(a) and (b), and 28 U.S.C. § 1367(a).

14. This Court has personal jurisdiction over FGS because it is doing business in New York, and regularly offers its services and products for sale in New York. FGS’s activities include, *inter alia*, creating products for the New York Museum of Modern Art (MOMA) Design Store, and printing promotional clothing for the New York City Marathon.

15. Venue is proper in this judicial district because FGS is subject to personal jurisdiction in this district.

PLAINTIFFS’ HISTORY

16. Julius Sämann was a pioneering inventor and chemist who, after hearing a New York milkman complain about the odor of spoiled milk in his delivery truck, set out to find a solution. For inspiration, Mr. Sämann drew on his experience extracting aromatic oils in the Canadian pine forests. Mr. Sämann’s efforts led to the creation of the first automotive air freshener in 1952.

17. Mr. Sämann branded and sold his innovative product under the mark “CAR-FRESHNER” and gave it its distinctive Tree design. This distinctive Tree design has become iconic, with the Saratoga Automobile Museum identifying the brand as an “automotive icon” and a prominent business and design journal recognizing that everyone “know[s] exactly what you

are talking about when you describe the pine tree-shaped air fresheners that dangle from rearview mirrors of taxicabs and long-haul trucks all over the world.”

18. This distinctive design, along with Mr. Sämänn’s passion for maintaining the quality of his products, live on today through JSL and CFC—the family-owned companies that continue Mr. Sämänn’s legacy.

TREE DESIGN MARKS AND THE LITTE TREES AIR FRESHENERS

19. For over 60 years, CFC and its predecessors (directly and/or by license from JSL and its predecessors) have manufactured and marketed products using the distinctive Tree designs as trademarks and corporate identifiers, including the world famous and near-ubiquitous air fresheners in the distinct Tree design now sold under the LITTLE TREES brand (“LITTLE TREES Air Fresheners”). As a direct result of Plaintiffs’ longstanding and rich commitment to quality and their long and extensive use of the distinctive Tree designs as corporate identifiers, the Tree designs are well known and well received.






20. Plaintiffs’ products, including the LITTLE TREES Air Fresheners, are sold in most countries throughout the world and appear frequently on television, in movies, and in popular culture as a symbol of high-quality goods.

21. As a result of the long, extensive, and widespread use of the distinctive Tree designs, the general consuming public in the United States recognizes these designs as exclusively associated with CFC and JSL.

22. The general consuming public also readily identifies and associates Plaintiffs’ products and the distinctive Tree designs generally with the concepts of freshness, cleanliness, and pleasing scents.

23. Plaintiffs’ distinctive Tree designs are famous throughout the United States.

24. JSL owns the following federal trademark registrations for distinctive Tree designs:

Mark	Registration No.	Registration Date	Goods/Services
	719,498	August 8, 1961	Absorbent body impregnated with a perfumed air deodorant, in Class 5
	1,131,617	March 11, 1980	Absorbent body impregnated with a perfumed air deodorant, in Class 5
	1,781,016	July 13, 1993	Air freshener, in Class 5
	1,791,233	September 7, 1993	Air freshener, in Class 5
	3,766,310	March 30, 2010	Air fresheners, in Class 5; ornamental magnets and downloadable computer graphics, in Class 9; clocks, in Class 14; pens, stationery, note cards, paper folders and stickers, in Class 16; luggage tags, in Class 18; non-metal key chains, in Class 20; and shirts, hats and costumes for Halloween and Masquerades, in Class 25

25. Registration numbers 719,498; 1,131,617; 1,781,016; and 1,791,233 are incontestable pursuant to 15 U.S.C. § 1065.

26. Pursuant to 15 U.S.C. § 1115, JSL's registrations are evidence of the validity of the marks, of JSL's ownership of the marks, and of JSL's exclusive right to use and license the marks throughout the United States.

27. JSL also has common law trademark rights to its Tree designs, which are used in commerce in connection with various goods and services.

28. CFC is the exclusive licensee of JSL's registered and common law trademark rights in the Tree designs (collectively referred to as the "Tree Design Marks").

29. The Tree Design Marks are used extensively on a wide array of air fresheners and related products offered in a variety of different fragrances, most if not all of which bear notices of the Marks' registration with the United States Patent and Trademark Office. Plaintiffs have spent, and continue to spend, significant amounts of time and money developing, testing, and promoting air fresheners sold under the Tree Design Marks.

30. The Tree Design Marks are famous, are inherently distinctive, have acquired distinctiveness, represent valuable goodwill, have gained a reputation for quality belonging exclusively to JSL, and are widely recognized by the general consuming public of the United States as designations of the source for Plaintiffs' products.

DEFENDANT'S INFRINGING ACTIVITIES

31. In or about early 2013, Defendant designed, manufactured, procured, imported, distributed and/or sold at least 15,000 air fresheners (the "Infringing Air Fresheners"). The Infringing Air Fresheners were intended for a Saatchi & Saatchi marketing campaign on behalf of two of its clients: Toyota and the Minnesota Wild.

32. Defendant and/or Saatchi & Saatchi chose a pine tree design for the Infringing Air Fresheners that is virtually indistinguishable from and/or confusingly similar to one or more of

Plaintiffs' distinctive Tree Design Marks, including those used in Plaintiffs' LITTLE TREES Air Fresheners products.

33. FGS obtained counterfeit tree-shaped air fresheners from DLP, a promotional products supplier incorporated and headquartered in California.

34. In or about February 2013, FGS distributed or caused to be distributed at least 15,000 units of the Infringing Air Freshener at a Minnesota Wild hockey game in St. Paul, Minnesota.

35. The following is a comparison of the Infringing Air Freshener (Figure 1) and a LITTLE TREES air freshener (Figure 2):

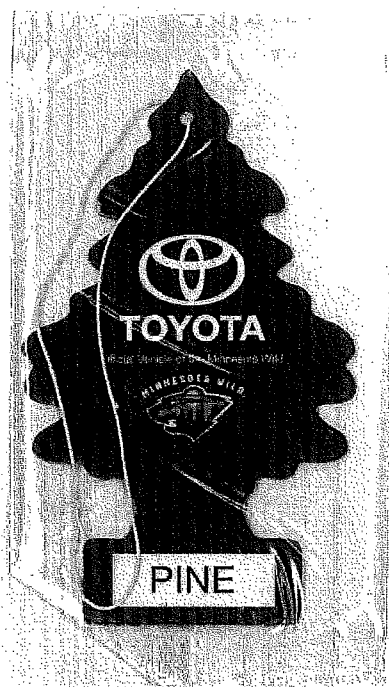


FIG. 1. Infringing Air Freshener

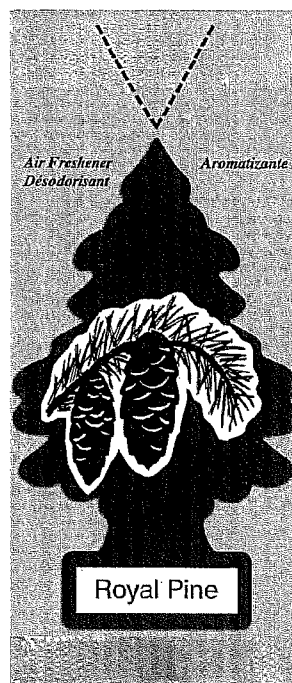


FIG. 2. LITTLE TREES air freshener

36. The Infringing Air Fresheners are nearly identical or substantially similar in appearance to the Tree Design Marks.

37. Plaintiffs never gave FGS, DLP, Saatchi & Saatchi, Toyota, the Minnesota Wild, or any associated entity permission to use the Tree Design Marks or any other of Plaintiffs' intellectual property in connection with the Infringing Air Fresheners.

38. By using a mark virtually identical to the Tree Design Marks, FGS intended for consumers to draw a connection between Plaintiffs, Plaintiffs' goods and services, and/or Plaintiffs' famous and well-known Tree Design Marks, on the one hand, and the goods or services of Toyota and/or the Minnesota Wild, on the other hand.

39. Given the similar design of the Tree Design Marks and the Infringing Air Fresheners, members of the general public and consumers familiar with Plaintiffs' goods will likely assume, incorrectly, that there is an affiliation between Plaintiffs on the one hand, and Toyota or the Minnesota Wild on the other, or that Plaintiffs have sponsored, endorsed, or approved of the goods or services of Toyota and/or the Minnesota Wild.

40. FGS's design, procurement, importation, promotion, distribution, and/or sale of the Infringing Air Fresheners allow it to free-ride on the enormous goodwill established in Plaintiffs' quality products.

41. Plaintiffs' registration numbers 719,498; 1,131,617; 1,781,016; 1,791,233; and 3,766,310 were all registered significantly before FGS's first use of the Infringing Air Fresheners. The Tree Design Marks therefore have priority over any and all use by FGS.

42. FGS, by its acts set forth herein, has infringed the Tree Design Marks, has diluted and continues to dilute the unique commercial impression of the Tree Design Marks, and has otherwise improperly used the reputation and goodwill of Plaintiffs to promote the goods or services of Toyota and/or the Minnesota Wild, without the authority, approval, or license of Plaintiffs.

43. As a result of FGS's acts set forth herein, the consuming public and trade will also likely be confused as to the source and origin of the Infringing Air Fresheners, mistakenly associating the goods procured and distributed by FGS with those of Plaintiffs.

44. FGS's acts have caused and, unless restrained and enjoined by this Court, will continue to cause irreparable damage, loss and injury to Plaintiffs, for which Plaintiffs have no adequate remedy at law.

CLAIMS FOR RELIEF

COUNT ONE: FEDERAL TRADEMARK INFRINGEMENT (15 U.S.C. § 1114)

45. Plaintiffs repeat and reallege the allegations of each of the foregoing paragraphs as if fully set forth herein.

46. Plaintiffs' Tree Design Marks and the goodwill of the business associated with them are of great value to Plaintiffs.

47. FGS, without valid consent from Plaintiffs, used in commerce a reproduction, copy, or colorable imitation of Plaintiffs' Tree Design Marks, as part of the sale or distribution of the goods or services of Toyota and/or the Minnesota Wild.

48. FGS had notice of Plaintiffs' Tree Design Marks at the time of its unlawful and improper actions.

49. FGS's unlawful and improper actions are likely to cause confusion, mistake, or deception as to the source, origin, affiliation, association or sponsorship of the goods or services of Toyota and/or the Minnesota Wild, and falsely mislead consumers into believing that the goods or services of Toyota, and/or the Minnesota Wild originate from, are affiliated or connected with, or are approved by, Plaintiffs.

50. Accordingly, FGS's design, procurement, importation, promotion, distribution and/or sale of the Infringing Air Fresheners constitute infringement of Plaintiffs' registered Tree Design Marks, in violation of the Lanham Act, 15 U.S.C. § 1114.

51. FGS's acts of infringement have caused Plaintiffs to sustain monetary damage, loss and injury, in an amount to be determined at trial.

52. FGS has engaged in these activities intentionally, so as to justify the assessment of treble damages and attorneys' fees under 15 U.S.C. § 1117(b)(1).

53. FGS's acts have caused substantial and irreparable damage and injury to Plaintiffs, in particular to their valuable goodwill and the distinctive quality of their famous Tree Design Marks and, unless enjoined by this Court, will continue to cause substantial and irreparable damage and injury to Plaintiffs for which Plaintiffs have no adequate remedy at law.

**COUNT TWO:
FEDERAL FALSE DESIGNATION OF ORIGIN AND UNFAIR COMPETITION
(15 U.S.C. § 1125(a))**

54. Plaintiffs repeat and reallege the allegations of each of the foregoing paragraphs as if fully set forth herein.

55. Plaintiffs have a protectable interest in the Tree Design Marks.

56. As set forth above, FGS's use of the Tree Design Marks in designing, procuring, importing, promoting, distributing, and/or selling approximately 15,000 Infringing Air Fresheners to consumers constitutes the unauthorized use in commerce of Plaintiffs' Tree Design Marks and a false designation of origin.

57. FGS had notice of Plaintiffs' Tree Design Marks at the time of its unlawful and improper actions.

58. FGS's unlawful and improper actions, as set forth above, are likely to cause confusion, mistake or deception as to the source, origin or sponsorship of the Infringing Air Fresheners.

59. Accordingly, FGS's activities constitute a direct infringement of the Tree Design Marks and direct and/or contributory unfair competition in violation of 15 U.S.C. § 1125(a).

60. FGS's acts of infringement and unfair competition have caused Plaintiffs to sustain monetary damage, loss, and injury, in an amount to be determined at trial.

61. FGS has engaged in these activities intentionally, so as to justify the assessment of treble damages and attorneys' fees under 15 U.S.C. § 1117(b)(1).

62. FGS's acts have caused substantial and irreparable damage and injury to Plaintiffs, in particular to their valuable goodwill and the distinctive quality of their famous Tree Design Marks and, unless enjoined by this Court, will continue to cause substantial and irreparable damage and injury to Plaintiffs for which Plaintiffs have no adequate remedy at law.

**COUNT THREE:
FEDERAL TRADEMARK DILUTION
(15 U.S.C. § 1125(c))**

63. Plaintiffs repeat and reallege the allegations of each of the foregoing paragraphs as if fully set forth herein.

64. Plaintiffs' Tree Design Marks are famous marks that are distinctive.

65. FGS made commercial use of the Infringing Air Fresheners in commerce.

66. FGS's use of the Tree Design Marks has diluted the distinctive quality of the Tree Design Marks by blurring or diluting the marks.

67. FGS's use of the Tree Design Marks occurred after the Tree Design Marks became famous.

68. FGS had notice of Plaintiffs' Tree Design Marks at the time of its unlawful and improper actions.

69. The acts of FGS described herein are unlawful and constitute violations of the federal anti-dilution statute, 15 U.S.C. § 1125(c).

70. FGS's acts of dilution have caused Plaintiffs to sustain monetary damage, loss and injury, in an amount to be determined at trial.

71. FGS's acts have caused substantial and irreparable damage and injury to Plaintiffs, in particular to their valuable goodwill and the distinctive quality of their famous Tree Design Marks and, unless enjoined by this Court, will continue to cause substantial and irreparable damage and injury to Plaintiffs for which Plaintiffs have no adequate remedy at law.

72. FGS has engaged in these activities intentionally, so as to justify the assessment of treble damages under 15 U.S.C. § 1117(b)(1).

**COUNT FOUR:
COMMON LAW TRADEMARK INFRINGEMENT**

73. Plaintiffs repeat and reallege the allegations of each of the foregoing paragraphs as if fully set forth herein.

74. FGS, without valid consent from Plaintiffs, used in commerce a reproduction, copy or colorable imitation of Plaintiffs' Tree Design Marks, as part of the sale or distribution of the goods or services of Toyota and/or the Minnesota Wild.

75. FGS had notice of Plaintiffs' Tree Design Marks at the time of its unlawful and improper actions.

76. FGS's unlawful and improper actions are likely to cause confusion, mistake, or deception as to the source, origin, affiliation, association or sponsorship of the goods or services of Toyota and/or the Minnesota Wild, and falsely mislead consumers into believing that the

goods or services of Toyota and/or the Minnesota Wild originate from, are affiliated or connected with, or are approved by, Plaintiffs.

77. FGS's conduct as described herein constitutes common law trademark infringement.

78. FGS's acts have caused Plaintiffs to sustain monetary damage, loss and injury, in an amount to be determined at trial.

79. FGS's acts have caused substantial and irreparable damage and injury to Plaintiffs, in particular to their valuable goodwill and the distinctive quality of their famous Tree Design Marks and, unless enjoined by this Court, will continue to cause substantial and irreparable damage and injury to Plaintiffs for which Plaintiffs have no adequate remedy at law.

**COUNT FIVE:
COMMON LAW UNFAIR COMPETITION**

80. Plaintiffs repeat and reallege the allegations of each of the foregoing paragraphs as if fully set forth herein.

81. FGS's conduct as described herein constitutes common law unfair competition.

82. FGS's acts have caused Plaintiffs to sustain monetary damage, loss and injury, in an amount to be determined at trial.

83. FGS's acts have caused substantial and irreparable damage and injury to Plaintiffs, in particular to their valuable goodwill and the distinctive quality of their famous Tree Design Marks and, unless enjoined by this Court, will continue to cause substantial and irreparable damage and injury to Plaintiffs for which Plaintiffs have no adequate remedy at law.

**COUNT SIX:
MINNESOTA TRADEMARK DILUTION
(MINN. STAT. § 333.285)**

84. Plaintiffs repeat and reallege the allegations of each of the foregoing paragraphs

as if fully set forth herein.

85. Plaintiffs' Tree Design Marks are famous marks that are distinctive.

86. FGS made commercial use of the Infringing Air Fresheners in commerce.

87. FGS's use of the Tree Design Marks has diluted the distinctive quality of the Tree Design Marks by blurring or diluting the marks.

88. FGS's use of the Tree Design Marks occurred after the Tree Design Marks became famous.

89. FGS's conduct as described herein constitutes trademark dilution in violation of the anti-dilution statute of Minnesota, Minn. Stat. § 333.285.

90. FGS's acts have caused Plaintiffs to sustain monetary damage, loss and injury, in an amount to be determined at trial.

91. FGS's acts have caused substantial and irreparable damage and injury to Plaintiffs, in particular to their valuable goodwill and the distinctive quality of their famous Tree Design Marks and, unless enjoined by this Court, will continue to cause substantial and irreparable damage and injury to Plaintiffs for which Plaintiffs have no adequate remedy at law.

**COUNT SEVEN:
MINNESOTA DECEPTIVE TRADE PRACTICES ACT
(MINN. STAT. § 325D.44)**

92. Plaintiffs repeat and reallege the allegations of each of the foregoing paragraphs as if fully set forth herein.

93. FGS, in the course of conducting business, caused likelihood of confusion or of misunderstanding as to the sponsorship, approval, or certification by Plaintiffs of the goods or services of FGS, Toyota, and/or the Minnesota Wild; caused likelihood of confusion or of misunderstanding as to the affiliation, connection, or association between Plaintiffs on the one

hand and, on the other hand, FGS, Toyota, and/or the Minnesota Wild; represented that the goods or services of FGS, Toyota and/or the Minnesota Wild have the sponsorship, approval, characteristics, or benefits that they do not have; and passed off the Infringing Air Fresheners as Plaintiffs' goods.

94. FGS's conduct as described herein constitutes deceptive trade practices in violation of the Minnesota Deceptive Trade Practices Act, Minn. Stat. § 325D.44, *et seq.*

95. FGS's acts have caused Plaintiffs to sustain monetary damage, loss and injury, in an amount to be determined at trial.

96. FGS's acts have caused substantial and irreparable damage and injury to Plaintiffs, in particular to their valuable goodwill and the distinctive quality of their famous Tree Design Marks and, unless enjoined by this Court, will continue to cause substantial and irreparable damage and injury to Plaintiffs for which Plaintiffs have no adequate remedy at law.

**COUNT EIGHT:
CONTRIBUTORY TRADEMARK INFRINGEMENT,
UNFAIR COMPETITION AND DILUTION**

97. Plaintiffs repeat and reallege the allegations of each of the foregoing paragraphs as if fully set forth herein.

98. FGS's conduct—intentionally inducing others (*i.e.*, Saatchi & Saatchi, Toyota, and/or the Minnesota Wild) to infringe, unfairly compete with and/or dilute the Tree Design Marks by promoting the Tree Design Marks for commercial use by others and continuing to supply products to others with knowledge that they are engaging in trademark infringement, unfair competition, and/or dilution—constitutes contributory trademark infringement, unfair competition, and dilution under federal and state law.

99. FGS's acts of infringement have caused Plaintiff to sustain monetary damage, loss and injury, in an amount to be determined at trial.

100. FGS's acts have caused substantial and irreparable damage and injury to Plaintiffs, in particular to their valuable goodwill and the distinctive quality of their famous Tree Design Marks and, unless enjoined by this Court, will continue to cause substantial and irreparable damage and injury to Plaintiffs for which Plaintiffs have no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court enter judgment in its favor and against FGS as follows:

A. For a preliminary and permanent injunction against FGS and each of its affiliates, subsidiaries, officers, agents, servants, employees and attorneys, and all persons in active concert or participation with it who receive actual notice of the Order, by personal service or otherwise:

1. Restraining and enjoining the design, production, procurement, importation, distribution, display, and/or sale of the Infringing Air Fresheners.

2. Restraining and enjoining the use of the Tree Design Marks or any other reproduction, counterfeit, copy, colorable imitation or confusingly similar variation of the Tree Design Marks without Plaintiffs' permission; or any other manner of suggesting in any way that the activities, services or products of Toyota or the Minnesota Wild originate from, are affiliated with, or authorized by Plaintiffs, or that Plaintiffs and/or their activities, services or products are affiliated in any way with Toyota or the Minnesota Wild without Plaintiffs' permission.

3. Restraining and enjoining the use of any other mark, term, slogan, tagline or phrase without Plaintiffs' permission which suggests or tends to suggest in any way that the activities, services or products of Toyota or the Minnesota Wild originate from, are affiliated

with, or authorized by, Plaintiffs, or that Plaintiffs or their activities, services or products are affiliated in any way with Toyota or the Minnesota Wild.

4. Restraining and enjoining the use and/or importation in connection with any goods or services, any false or deceptive designation, description or representation, whether by words or symbols, which suggests or implies any relationship with Plaintiffs or gives FGS or any of its clients an unfair competitive advantage in the marketplace.

5. Restraining and enjoining any violation of 15 U.S.C. § 1125(c).

6. Restraining and enjoining any violation of Minn. Stat. §§ 325D.44, 333.285.

7. Restraining and enjoining any acts of common law unfair competition and trademark infringement which would damage or injure Plaintiffs.

8. Restraining and enjoining the inducing, encouraging, instigating, aiding, abetting, or contributing in any third-party usage of the Tree Design Marks.

B. That in accordance with 15 U.S.C. § 1118, all Infringing Air Fresheners, all materials, packaging, labels, tags, pamphlets, brochures, signs, prints, wrappers, receptacles, sales literature, stationery, advertisements, billboards, banners, posters, documents and the like that violate the Tree Design Marks and are in the possession or under the control of FGS and its affiliates, and all plates, molds, matrices, negatives, masters and other means of making the Infringing Air Fresheners which might, if used, otherwise violate the Tree Design Marks or violate the Order herein granted, be delivered up and destroyed as the Court shall direct.

C. That in accordance with 15 U.S.C. § 1116, FGS file with the Court and serve on counsel for Plaintiffs within thirty (30) days after service on FGS of such Order, or within such extended period as this Court may direct, a report in writing and under oath, setting forth in

detail the manner and form in which FGS has complied with the Order.

D. For an award of FGS's profits or other advantages, Plaintiffs' damages resulting from FGS's unlawful acts set forth herein, and/or a reasonable royalty for FGS's unlawful use of the Tree Design Marks, in an amount to be proven at the time of trial, together with legal interest from the date of accrual thereof.

E. For an award of treble damages, in an amount to be proven at the time of trial, pursuant to 15 U.S.C. § 1117.

G. For an award of attorneys' fees and disbursements incurred by Plaintiffs in this action.

H. For an award of costs of this action.

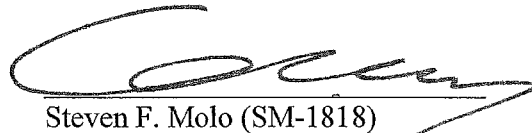
I. For an award of such other and further relief as the Court may deem equitable and proper.

JURY DEMAND

Plaintiffs demand trial by jury.

Dated: September 26, 2013

Respectfully submitted,



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