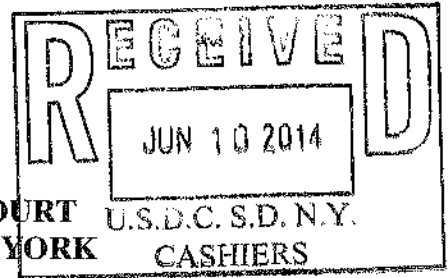


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JUDGE MEMORANDUM

Attorneys for Heritage of Pride, Inc.



UNITED STATES DISTRICT COURT U.S.D.C. S.D. N.Y.
SOUTHERN DISTRICT OF NEW YORK CASHIERS

HERITAGE OF PRIDE, INC.,

Plaintiff,

- against -

MATINEE NYC, INC., VOSS NYC
GROUP CORP., JAKE RESNICOW, and
BRANDON VOSS,

Defendants.

CASE NO.

VERIFIED COMPLAINT

Plaintiff Heritage of Pride, Inc. ("Heritage" or "Plaintiff"), by and through its attorneys Kirkland & Ellis LLP, for its Complaint against Matinee NYC, Inc., Voss NYC Group Corp., Jake Resnicow, and Brandon Voss (collectively, "Matinee" or "Defendants") for trademark infringement under federal and state law, false designation of origin, and unfair competition, hereby allege as follows:

NATURE OF THE ACTION

1. Heritage's claims arise out of Defendant's willful infringement of Heritage's rights in and to the NYC PRIDE service mark, including rights arising from Heritage's federally registered service mark, common law marks, and the trade name that Heritage has used since at

least December 2009¹ (collectively, the “NYC PRIDE Marks”), all of which Heritage has used, and is using in connection with its non-profit mission of raising funds for, and producing inclusive, public events that inspire, educate, commemorate, and celebrate the diversity of the entire LGBT community.

2. Despite being well aware of the NYC PRIDE Marks and the strong goodwill associated therewith, Defendants recently began using the phrase “NYC Pride” and colorable variations in connection with offering for-profit events, primarily targeting gay men. Defendants’ use of that phrase, confusingly similar variations, and other combinations of words, names, logos, designs and/or design elements has already caused confusion in the marketplace, and will likely continue to cause confusion with the highly distinctive and celebrated NYC PRIDE Marks (the “Infringing Use”). As described herein, Defendants have appropriated the NYC PRIDE Marks, either verbatim or with confusing similarity, and are using it in bad faith with willful intent to mislead and falsely claim affiliation with Heritage and NYC PRIDE. (*See Exhibits A–C*, attached.)

3. Defendants have misappropriated the NYC PRIDE Marks in a variety of advertising and promotional materials, including on their websites, third party websites, social media, and email lists in order to free ride on the immense goodwill that the NYC PRIDE Marks enjoy. Defendants’ make Infringing Use of the NYC PRIDE Marks to identify and build goodwill for their own brands and events, which harms both Heritage and the public.

4. Defendants’ have made, are making, and will continue to make Infringing Use of the NYC PRIDE Marks in manners likely to cause consumer confusion, mistake, and/or deceit as to the source, origin, or association of its products and services, particularly given the strength of

¹ As discussed more fully below, “Heritage of Pride” has been rebranded as “NYC Pride”. For the sake of clarity, however, this Complaint will refer to the organization as “Heritage”.

the NYC PRIDE Marks, the similarity between the parties' respective uses, and the fact that both parties present a multi-day slate of LGBT-oriented events, including musical events and celebrity performances, during the same three days in June, in the same city. Moreover, Defendants market their events using the same marketing channels that Heritage uses. In light of the strong goodwill that the NYC PRIDE Marks has obtained, not just in New York, but throughout the United States and world, consumers will be misled by Defendants' misuse into thinking, among other things, that there exists an affiliation, connection, association, or sponsorship relationship between Defendants and Heritage or the NYC PRIDE Marks.

5. Not only have Defendants deliberately sought to cause confusion, but also they have on at least two occasions deliberately solicited and promoted their own goods by misrepresenting themselves as an organization called "NYC Pride". (See Exhibits B-C, attached.)

6. For these reasons, and as explained further below, Heritage seeks relief through an emergency preliminary injunction pending final resolution of this case, a permanent injunction, and monetary damages to compensate Heritage for the harm suffered as a result of Defendants' Infringing Use of the NYC PRIDE Marks in connection with their for-profit promotion and sale of parties and events in violation of Heritage's prior rights.

PARTIES

7. Heritage is a not-for-profit corporation duly organized under the laws of the State of New York, with its principal place of business at 154 Christopher St., Suite 1D, New York, New York 10014.

8. On information and belief, Defendant Matinee NYC, Inc. is a corporation duly organized under the laws of the State of New York, with its principal place of business at 427 W 51st St. #11, New York, New York, 10019.

9. On information and belief, Defendant Voss NYC Group Corp. is a corporation duly formed under the laws of the State of New York, with its principal place of business at 500 W 56th St. #515, New York, NY 10019.

10. On information and belief, Defendant Jakc Resnicow is a resident of New York, who resides at 427 W 51st S Apt. 1I, New York, NY 10019-6311.

11. On information and belief, Defendant Brandon Voss is a resident of New York, who resides at 500 W 56th St. Apt 515, New York, NY 10019-3583.

JURISDICTION AND VENUE

12. This action arises under the federal Trademark Act, 15 U.S.C. § 1051, *et seq.*, and the related statutes and common law of the State of New York. This Court has jurisdiction over the subject matter of this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338(a) and (b), and this Court's supplemental jurisdiction.

13. On information and belief, all Defendants (collectively, "Defendants" or "Matinee") are residents of, and present in the Southern District of New York, and will be present in this District in connection with Defendants' events, which occur simultaneously with Heritage's scheduled NYC PRIDE events, which will be held in Manhattan from June 27, 2014 through June 29, 2014. Moreover, Defendants conduct business in this district, and the activity at issue in this action has taken place, is taking place, and is scheduled to take place in this district. Defendants, therefore, are subject to this Court's jurisdiction.

14. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1)-(2).

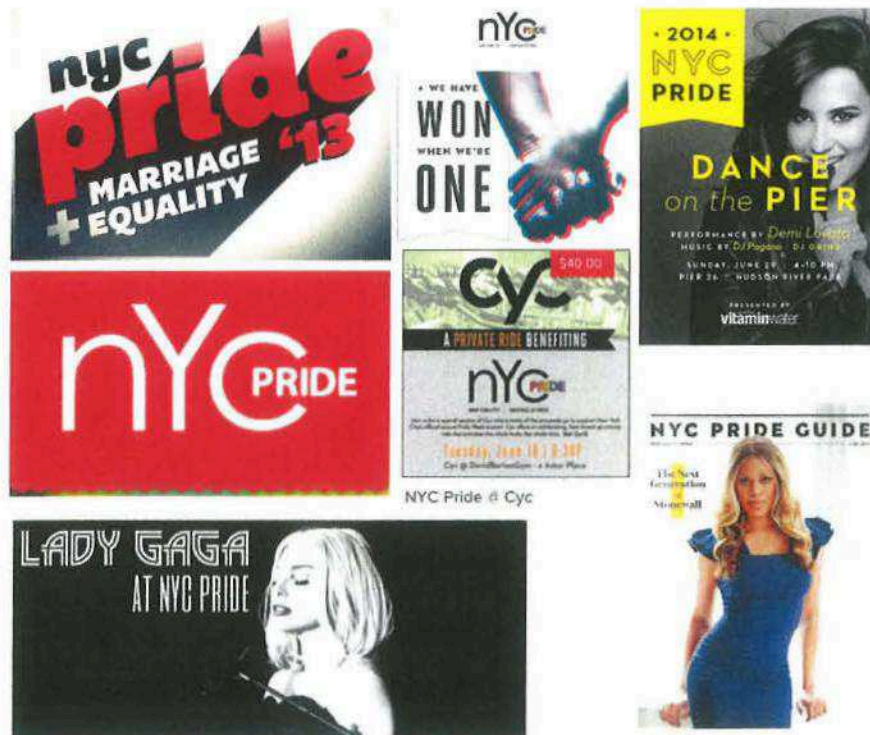
Heritage, Its Mission, and the Distinctive NYC PRIDE Marks

15. Heritage is a 501(c)(3) non-profit organization dedicated to serving New York City's Lesbian, Gay, Bisexual, and Transgender ("LGBT") community. Among its many events,

Heritage organizes and hosts annual events in New York City that commemorate the June 1969 Stonewall Riots, which initiated the modern gay rights movement. Heritage was founded in 1984 to take over the responsibility of planning New York City's annual gay pride March and Rally when the former organizers, the Christopher Street Liberation Day Committee and the Christopher Street Festival Committee, disbanded. Heritage is a founding member of the International Association of Lesbian, Gay, Bisexual and Transgender Pride Coordinators ("InterPride"), a non-profit organization supporting 180 groups conducting LGBT Pride events around the world.

16. Since at least 1998, the NYC PRIDE Marks have been used by Heritage and by third parties to identify Heritage's events. (See Exhibits D–E, attached.)

17. In December 2009, Heritage rebranded itself as "NYC Pride". (See Exhibit F, attached.) Since then, Heritage has operated under the "NYC Pride" trade name. As a result of the foregoing use, Heritage also owns common law rights in NYC PRIDE and related marks:





18. On April 8, 2014, Heritage became the owner of the federally registered service mark for NYC PRIDE (Reg. No. 4,508,465 (Exhibit G, attached)), for which Heritage claimed use in commerce at least as early as May 1, 2011 in connection with non-profit “charitable fund raising services for lesbian, gay, bisexual and transgender pride cultural events”:



19. Events offered by Heritage under the NYC PRIDE Marks have generated immense goodwill the world over. (See Exhibit D, attached.) Heritage’s two marquee events are free and open to the public. First, the NYC Pride Rally occurs every year on the anniversary of the Stonewall Riots, commemorating the day when five hundred peaceful protesters gathered in Washington Square Park, expressing solidarity with the gay community. This year marks the

45th anniversary of the Stonewall Rights. For 45 years, the Rally has kicked off annual Pride Week activities.

20. The second marquee event is the annual NYC Pride March (sometimes called the NYC Pride Parade) which first took place in 1974. It occurs midday and runs from midtown Manhattan to the West Village. “Every year, more than a million spectators line Fifth Avenue to take in the outlandish costumes, elaborate floats and eye-popping performances. Groups representing the five boroughs and beyond include everything from churches and support groups to social organizations and politicians eager to get out the gay vote.” (See Exhibit D, at 4.) In 2013, approximately 2 million people attended to watch nearly 13,000 marchers, 350 organizations, and 68 floats. (See Exhibit F, at 19.) Grand Marshalls of the NYC Pride Parade have included former Governor David A. Paterson, Senator Charles Schumer, former Mayor Mike Bloomberg, musicians Cyndi Lauper and Harry Belafonte, CEO of Kiehl’s Chris Salgado, Actress and *Time Magazine* cover-person Laverne Cox, Connie Kopelov & Phyllis Siegel, New York City’s first legally married same-sex couple, and Edie Windsor—plaintiff in *United States v. Windsor*, which resulted in the Defense of Marriage Act being ruled unconstitutional. Parade marchers have also included Governor Andrew Cuomo, and then-candidate Bill de Blasio.

21. As one of the leading LGBT rights organizations, Heritage’s NYC PRIDE events have featured such well-known performers and guests as Cher, Whitney Houston, Jennifer Hudson, Janet Jackson, Lady Gaga, Cyndi Lauper, Lil’ Kim, Jennifer Lopez, Madonna, Idina Menzel, Bette Midler, Liza Minnelli, Kylie Minogue, Rosie O’Donnell, RuPaul, and many others.

22. Heritage’s events have also attracted many high-profile corporate sponsors whose financial support helps to make NYC PRIDE events possible. This year’s NYC PRIDE sponsors

include such well-known and varied companies as Coca-Cola, Vitamin Water, TD Bank, Delta Airlines, NetFlix, Budweiser, NBC, Whole Foods, Macy's, Wells Fargo, W Hotels, Marriott, Amtrak, Comcast NBCUniversal, MasterCard, Citi, HSBC, Walgreens, Johnson & Johnson, Showtime Networks, and State Farm Insurance, among others:



(See also Exhibit H, attached.)

23. NYC PRIDE has over 50,000 fans on Facebook, 12,000 followers on Twitter, and over 5,000 e-newsletter recipients. It has a base of over 10,000 active donor addresses.

24. Heritage sells tickets for its events through the vendor ShowClix, at the address <http://nycpride.showclix.com> and <http://www.showclix.com/events/nycpride>.

25. Official NYC PRIDE events include Family Movie Night, the Rally, Teaze (formerly known as “Rapture on the River”), the March, PrideFest, the VIP Rooftop Party, and the Dance on the Pier, among other official and officially licensed events such as WE Party. These events receive extensive, positive, and unsolicited press coverage not only in New York City, but across the country and around the world. (See **Exhibit D**, attached.) NYC PRIDE events have attracted well over a million attendees, including large numbers of out-of-town visitors. This year, Heritage expects over 2 million visitors.

26. In light of the foregoing, the NYC PRIDE Marks enjoy immense goodwill, are highly distinctive and strong, and are widely understood by consumers, sponsors, the press, and public as signifying the leading LGBT Pride events in New York City.

**Defendants and Their Infringing Use
of the Distinctive NYC PRIDE Marks**

27. According to its website, since 2010 Matinee has been in the business of producing for-profit party events whose target audience is gay men. (See **Exhibit I**, attached.) On information and belief, Matinee hosted a one-day event on June 26, 2010 called “MATINEE New York Pride 2010”, which conflicted with NYC PRIDE’s “Rapture on the River: A Women’s Dance.”

28. On information and belief, Matinee returned in 2012 with another one-day event called “MATINEE New York Pride 2012” which occurred on June 23, and again conflicted with NYC PRIDE’s “Rapture on the River.”

29. On information and belief, Matinee hosted another one-day event called “MATINEE New York Pride 2013” on June 29, 2013, and again conflicted with NYC PRIDE’s “Rapture on the River.”

30. On information and belief, this year Matinee is offering a multi-day slate of events that conflict with Heritage’s multi-day slate of NYC PRIDE events.

31. On information and belief, with this year’s events Matinee has made clear that it intends to systematically misappropriate the NYC PRIDE Marks in connection with Matinee’s for-profit activities, even though it is not affiliated or in a sponsorship relationship with Heritage, or indeed any other LGBT Pride organization.

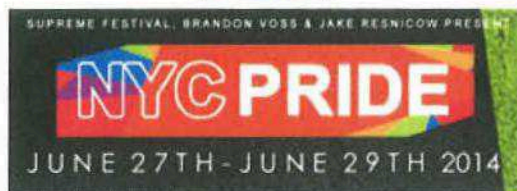
32. Matinee’s Infringing Use of the NYC PRIDE Marks includes (1) promoting Matinee’s unaffiliated activities during NYC Pride Week as “NYC Pride Event[s]” or “NYC Pride Main Event[s]”; (2) promoting its unaffiliated events by referring to its performers as “headlin[ing] NYC Pride”; (3) falsely and misleadingly promoting its events by claiming that its unaffiliated events were “added to the NYC Pride line-up”; (4) advertising its unaffiliated weekend passes as “NYC PRIDE WEEKEND PASSES”; (5) falsely and misleadingly suggesting in advertisements that Matinee “Present[s] New York Pride”; (6) recently adopting the name “MATINEE NYC PRIDE”; and (7) redirecting its main page to, and selling its tickets on the ShowClix URL <http://showclix.com/event/nycpride>. (See Exhibits A–C, attached.)

33. Moreover, virtually all of Matinee’s uses occur in connection with prominent and highly sexualized imagery targeting gay men:



34. Rather than cease or ameliorate their Infringing Use, Matinee’s conduct has worsened over time. For example, on May 31, 2014, Matinee sent a mass email (Exhibit B, attached) whose sender was identified as “NYC Pride” using an email address of nycpride2014@gmail.com, the body of which prominently displayed an image containing the phrase “NYC PRIDE” and falsely stated that “SUPREME FESTIVAL, BRANDON VOSS & JAKE RESNICOW PRESENT NYC PRIDE”, using a logo confusingly similar to Heritage’s:

Matinee



Heritage

<p>• 2014 • NYC PRIDE</p>	<p>TUES., JUNE 24 <i>Family Movie Night</i></p>	<p>SAT., JUNE 28 <i>Teaze</i> VIP Rooftop Party WE: Casino</p>	<p>SUN., JUNE 29 <i>Pridefest</i> The March Dance on the Pier</p>	
	<p>FRI., JUNE 27 <i>The Rally</i></p>			

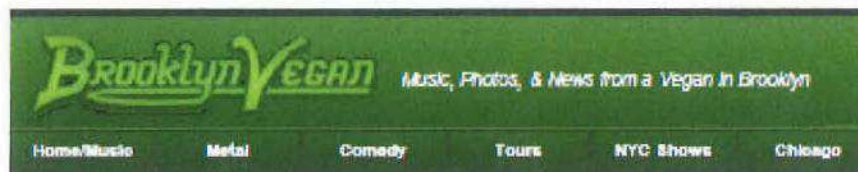
Directly underneath Matinee's infringing logo in the email is a listing of the dates during which both parties events occur. The email advertises "NYC PRIDE WEEKEND PASSES" and closes by listing an entity called "NYC Pride" with a New York City address unaffiliated with Heritage.

35. On June 2, 2014, Matinee sent a substantially similar email from a sender called "NYC Pride 2014" with an email address of nycpride@vossnyc.com. (See Exhibit C, attached.)

36. On June 4, 2014, Heritage contacted Matinee with a final cease and desist letter, notifying Matinee that this lawsuit would follow if it did not cease its infringing activities. (See Exhibit J, attached.) After acknowledging receipt of that letter, Matinee sent out further infringing advertisements. (See Exhibit K, attached.)

37. Demonstrating the willfulness of its recent infringing activity, many of these Infringing Uses occurred (1) after Heritage first contacted Matinee on April 2, 2014, notifying Matinee of Heritage's superior rights and demanding that Matinee immediately cease its Infringing Use of the NYC PRIDE Marks; (2) after Heritage's federal registration issued, which put Matinee on constructive notice of Heritage's federal rights in the mark; (3) after Heritage put Matinee on actual notice of the federal registration; and (4) even after Heritage put Matinee on final notice that this lawsuit would be filed if Matinee did not cease its Infringing Use.

38. Matinee's Infringing Use has resulted in actual confusion. For example, Azcalia Banks is a musician who was heavily criticized for her recent homophobic comments directed at gay blogger Perez Hilton. (See Exhibit L, attached.) Banks is a headliner at a Matinee event, but numerous individuals and organizations have wrongly identified her as a performer at NYC PRIDE. New York-based music blog Brooklyn Vegan wrongly included Matinee's Azealia Banks show in an article about "NYC Pride Week" that otherwise listed only official NYC PRIDE events:

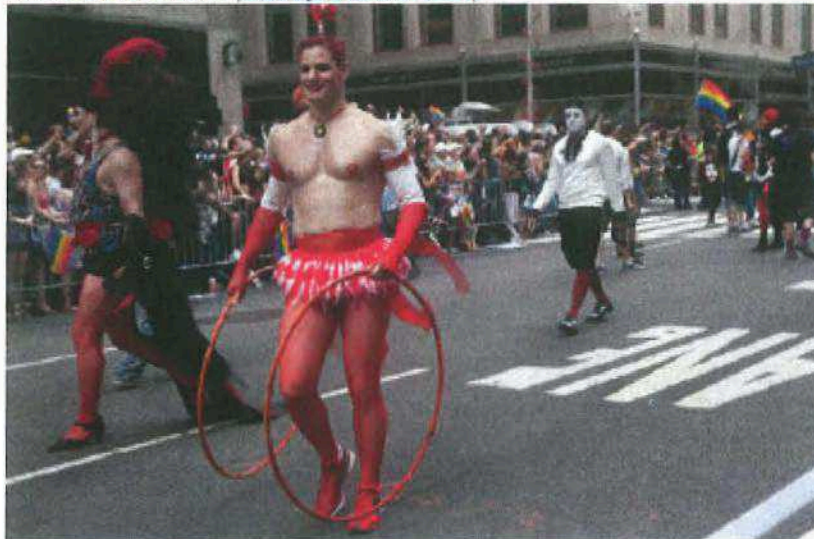


« [Bushwick Collective Block Party happening this weekend with Pampers, Naam, Fletcher C Johnson ↔ street art & more](#) | [The Spook School released Dress Up, sourcing around Popfest w/ two NYC shows \(dates, streams\)](#) »

Posted in [hiphop](#) | [music](#) | [tour dates](#) on May 30, 2014

NYC Pride Week 2014 coming soon, including an Azealia Banks show, the march & more

NYC Pride March 2011 ([more by Amanda Hatfield](#))



[NYC Pride Week](#) returns this year from June 21 - 29, and as [always](#), will feature the rally, which does down June 27 on Pier 26 from 6 - 9:30 PM, the march (aka the parade), which goes down June 29 at 11 AM, beginning at 36th St & 5th Ave, and many more events. On the musical side, Azealia Banks (who [paid tribute](#) to the [late Maya Angelou](#)) show happening on June 28 at Capitale (130 Bowery) with Chus & Ceballos and DJ Cindel. [Tickets](#) for that show are on sale now.

Other events happening throughout the week are Family Night on June 24 on Pier 46 at 7:30 PM (including a free screening of *The Wizard of Oz*), the VIP Rooftop party on June 26 at Hudson Terrace at 2 PM ([tix](#)), Teaze (formerly Rapture on the River), NYC Pride's exclusive event for women, happening June 26 on Pier 26 at 4 PM ([tix](#)), the WE Party Casino on June 28 at Hammerstein Ballroom at 10 PM ([tix](#)), the PrideFest street festival with multiple vendors, entertainers and activities on June 29 on Hudson St btwn Abingdon Sq. & W 14th St at 11 AM, and the Dance on the Pier on June 29 on Pier 26 at 4 PM with Demi Lovato and more ([tickets](#)). More Info [here](#).


39. Criticism over Matinee's choice to include Azealia Banks as a headliner has been wrongly directed at NYC PRIDE. For example, referring to the actual NYC PRIDE headliners from 2013, Cher and Deborah Cox, two confused Twitter users suffering under the


misapprehension that Matinee's Azealia Banks show was an NYC PRIDE event complained about the quality of this year's NYC PRIDE headliner relative to last year's, while in another post, a twitter user joked that Azealia Banks replaced the recently deceased and notorious anti-gay pastor Fred Phelps of the Westboro Baptist Church on the "NYC Pride main stage . . ." In response, another Twitter says in apparent disbelief "hold up, you mean 'fairly notorious homophobic Azealia Banks'?" And another Twitter use responds "I won't be going!":

 **Saeed Jones** @theelectricity Mar 31 · · · · · Mar 6
Lord. RT @alexandergold: We went from Cher performing at NYC Pride last year to **Azealia Banks** this year? But we made so much progress!
← ↻ ★ 1

 **Steven Peterson** @squeakytoy Mar 31
Since Fred Phelps died, he's not available to do his one-man show on the NYC Pride main stage, so they got @AZEALIBANKS instead
Expand

 **Steven Peterson** @squeakytoy Mar 31
Last year @Cher and @Deborah_Cox headlined NYC Pride. This year it's '212 hitmaker **Azealia Banks**'. That's all I have to say about that.
Expand

 **Vivienne Jolie-Pitt** @jackmilligan Mar 31
@squeakytoy @cher @Deborah_Cox hold up, you mean "fairly notorious homophobic Azealia Banks"?
Details

 **Joel Peterson** @joelgalt Mar 31
@squeakytoy And I won't be going!
Details

 **Steven Peterson** @squeakytoy Mar 31
@jackmilligan @cher @Deborah_Cox Yup. I hope there's sufficient outcry.
Details

FIRST CLAIM FOR RELIEF
Federal Trademark Infringement under
Section 32(a) of the Lanham Act, 15 U.S.C. § 1114(a)

40. Heritage hereby repeats and realleges each and every allegation set forth in paragraphs 1 through 39 of this Complaint.

41. Without Heritage's consent, Matinee has infringed the federally registered NYC PRIDE mark, as described above, in connection with the production, promotion, and advertising of for-profit live events primarily targeting gay men, and in connection with the advertising, promotion, and solicitation of tickets for such events, which is likely to cause confusion, or to cause mistake, or to deceive with respect to the federally registered NYC PRIDE mark in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

42. Upon information and belief, Matinee's actions described above have at all times relevant to this action been willful and in bad faith.

43. As a direct and proximate result of Matinee's actions described above, Heritage has been damaged and will continue to be damaged.

44. Heritage has no adequate remedy at law and has suffered, and will continue to suffer irreparable harm and damage as a result of Matinee's aforesaid acts, which, if not enjoined will cause immediate and imminent irreparable injury and monetary loss in an incalculable amount.

SECOND CLAIM FOR RELIEF
Federal Trademark Infringement, False Designation of Origin,
and Unfair Competition under
Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A)

45. Heritage hereby repeats and realleges each and every allegation set forth in paragraphs 1 through 44 of this Complaint.

46. Matinee's actions described above are likely to cause confusion, mistake or deception as to the origin, sponsorship, or approval of the products and services and commercial activities of Matinee, and thus constitute trademark infringement, false designation of origin, and unfair competition with respect to the NYC PRIDE Marks, in violation of Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A).

47. Upon information and belief, Matinee's actions described above have at all times relevant to this action been willful and in bad faith.

48. As a direct and proximate result of Matinee's actions described above, Heritage has been damaged and will continue to be damaged.

49. Heritage has no adequate remedy at law and has suffered, and will continue to suffer irreparable harm and damage as a result of Matinee's aforesaid acts, which, if not enjoined will cause immediate and imminent irreparable injury and monetary loss in an incalculable amount.

THIRD CLAIM FOR RELIEF
New York Deceptive Business Practices under
N.Y. Gen. Bus. L. § 349

50. Heritage hereby repeats and realleges each and every allegation set forth in paragraphs 1 through 50 of this Complaint.

51. Matinee's actions described above are likely to cause confusion, mistake or deception as to the origin, sponsorship, or approval of the products and services and commercial activities of Matinee, and thus constitute trademark infringement, false designation of origin, and unfair competition with respect to the NYC PRIDE Marks, in violation of N.Y. Gen. Bus. L. § 349.

52. Upon information and belief, Matinee's actions described above have at all times relevant to this action been willful and in bad faith.

53. As a direct and proximate result of Matinee's actions described above, Heritage has been damaged and will continue to be damaged.

54. Heritage has no adequate remedy at law and has suffered, and will continue to suffer irreparable harm and damage as a result of Matinee's aforesaid acts, which, if not enjoined will cause immediate and imminent irreparable injury and monetary loss in an incalculable amount.

FOURTH CLAIM FOR RELIEF
Use of Name with Intent to Deceive under
N.Y. Gen. Bus. L. § 133

55. Heritage hereby repeats and realleges each and every allegation set forth in paragraphs 1 through 54 of this Complaint.

56. Upon information and belief, Matinee's actions described above have at all times relevant to this action been undertaken with the intent to deceive the public as to the origin, sponsorship, or approval of the products and services and commercial activities of Matinee.

57. Matinee's actions described above have already deceived and confused the public, and are likely to continue to do so.

58. In light of the foregoing, Matinee's actions constitute a violation N.Y. Gen Bus. L. § 133.

59. As a direct and proximate result of Matinee's actions described above, Heritage has been damaged and will continue to be damaged.

60. Heritage has no adequate remedy at law and has suffered, and will continue to suffer irreparable harm and damage as a result of Matinee's aforesaid acts, which, if not enjoined will cause immediate and imminent irreparable injury and monetary loss in an incalculable amount.

FIFTH CLAIM FOR RELIEF

**Trademark Infringement, Unfair Competition, and Misappropriation under
New York Common Law**

61. Heritage hereby repeats and realleges each and every allegation set forth in paragraphs 1 through 60 of this Complaint.

62. Matinee's actions described above constitute common law trademark infringement, unfair competition, and misappropriation of the NYC PRIDE Marks under the common law of New York.

63. Upon information and belief, Matinee's actions described above have at all times relevant to this action been willful and in bad faith.

64. As a direct and proximate result of Matinee's actions alleged above, Heritage has been damaged and will continue to be damaged.

65. Heritage has no adequate remedy at law and has suffered, and will continue to suffer irreparable harm and damage as a result of Matinee's aforesaid acts, which, if not enjoined will cause immediate and imminent irreparable injury and monetary loss in an incalculable amount.

PRAYER FOR RELIEF

WHEREFORE, Heritage prays that this Court enter judgment in its favor on each and every claim for relief set forth above and award it relief including, but not limited to the following:

1. An Order enjoining the Defendants, preliminarily during the course of this litigation and permanently enjoining Defendants, their agents, servants, employees, officers, attorneys, successors, and assigns, and all persons acting in concert with Defendants, or on their behalf, be enjoined, preliminarily during the course of this litigation and permanently, from:

(a) Using or registering any word(s), name(s), mark(s), logo(s), or design(s), alone or in combination, that is/are confusingly similar to the NYC PRIDE Marks;

(b) Using any any word(s), name(s), mark(s), logo(s), or design(s), alone or in combination, that is/are confusingly similar with the NYC PRIDE Marks; and

(c) Representing by any means whatsoever, directly or indirectly, that there exists any connection, affiliation, association, or sponsorship relationship between Defendants, their products or services, or any activities they have or will undertake, and Heritage or NYC PRIDE events.

2. An Order directing Defendants, their agents, servants, employees, officers, attorneys, successors, and assigns, and all persons acting in concert with Defendants, or on their behalf, to destroy or permanently alter all websites, signage, posters, displays, brochures, catalogs, newsletters, manuals, forms, stationary, television commercials, videos, advertising and promotional materials and items, and any other materials and things that bear or display any any word(s), name(s), mark(s), logo(s), or design(s), alone or in combination, that is/are confusingly similar to the NYC PRIDE Marks, or used in a manner that is likely to cause confusion with the NYC PRIDE Marks;

3. An Order directing Defendants, their agents, servants, employees, officers, attorneys, successors, and assigns, and all persons acting in concert with Defendants, or on their behalf, to cancel all placements of any advertising in any media or format bearing or displaying any any word(s), name(s), mark(s), logo(s), or design(s), alone or in combination, that is/are confusingly similar to the NYC PRIDE Marks, or used in a manner that is likely to cause confusion with the NYC PRIDE Marks;

4. An Order directing Defendants to file with this Court and serve on Heritage's attorneys, thirty (30) days after the date of entry of any injunction, a report in writing and under oath setting forth in detail the manner and form in which they have complied with the court's injunction;

5. An Order requiring Defendants to pay Heritage compensatory damages in an amount as yet undetermined caused by the foregoing acts of infringement, false designation of origin, unfair competition, and misappropriation, and trebling such compensatory damages for payment to Heritage in accordance with 15 U.S.C. § 1117 and other applicable laws;

6. An Order requiring Defendants to pay Heritage all types of damages available under N.Y. Gen. Bus. Law § 349, in amounts as yet undetermined, caused by the foregoing deceptive business practices;

7. An Order requiring Defendants to pay Heritage costs and attorney fees in this action pursuant to 15 U.S.C. § 1117, N.Y. Gen. Bus. Law § 349(h); and all other applicable laws; and

8. Such other relief as the Court may deem appropriate.

Dated: June 9, 2014
New York, New York



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Telephone: (212) 446-4800
Facsimile: (212) 446-4900

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HERITAGE OF PRIDE, INC.,

Plaintiff,

- against -

MATINEE NYC, INC., VOSS NYC
GROUP CORP., JAKE RESNICOW, and
BRANDON VOSS,

Defendants.

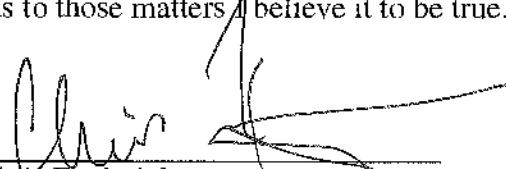
CASE NO.

VERIFICATION OF COMPLAINT

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Chris Frederick, being first duly sworn, says:

1. I am the Managing Director of the plaintiff corporation, the Heritage of Pride, Inc. Company, named in the above-entitled action.
2. I make this verification on behalf of that corporation.
3. I have read the foregoing complaint and know the contents thereof and the same are true of my own knowledge, except as to those matters therein stated on information and belief, and as to those matters I believe it to be true.



Chris Frederick

Sworn to before me this
9 day of June, 2014

JOSEPH A. LOY
NOTARY PUBLIC, State of New York
No. 02LO6202015
Qualified in Kings County
Commission Expires March 9, 2019

Notary Public

