

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

AQUAPAW BRANDS LLC,

Plaintiff,

v.

PUSIFICA, *et al.*,

Defendants.

Civil Action No. 23-cv-538

**FILED UNDER SEAL**

**ORDER FOR PLAINTIFF'S *EX PARTE* MOTION  
TO EXTEND THE TEMPORARY RESTRAINING ORDER, CONTINUE THE ORDER  
TO SHOW CAUSE HEARING, AND MODIFY SCHEDULE**

On this day the Court considered Plaintiff's *Ex Parte* Motion to Extend the Temporary Restraining Order, Continue the Order to Show Cause Hearing, and Modify Schedule. Having reviewed the Motion with supporting legal authority, and the Declaration of Brian Samuel Malkin, the same having established that good cause exists for granting Plaintiff's Application, Plaintiff's Application is hereby **GRANTED** as follows (the "Order"):

**ORDER**

A. Defendants are hereby ORDERED to show cause before this Court in the United States District Court for the Western District of Pennsylvania, via ZoomGov videoconference on the **26th day of April at 10:00 a.m.**, why a preliminary injunction, pursuant to FRCP 65(a), should not issue. The Temporary Restraining Order shall remain in effect until further Order of this Court. **Defendants are on notice that failure to appear at the hearing may result in the imposition of a preliminary injunction against them.**

B. IT IS FURTHER ORDERED that opposing papers, if any, shall be filed electronically with the Court and served on Plaintiff's counsel by delivering copies thereof to the office of Ference & Associates LLC at 409 Broad Street, Pittsburgh, Pennsylvania 15143 before **19th day of April, 2023**. Plaintiff shall file any Reply papers on or before **24th day of April, 2023**.

C. IT IS FURTHER ORDERED, after Plaintiff's counsel has received confirmation from the Third Party Service Providers and Financial Institutions or otherwise, regarding the restraint of funds directed herein, Plaintiffs shall serve copies of the Complaint, the Application, this Order, and any Discovery on each Defendant, unless Plaintiff has reason to believe that the Defendant resides in a country that has objected to Article 10 of the Hague Convention,<sup>1</sup> via their corresponding email/online contact form provided on the Internet based e-commerce stores operating under the respective Seller IDs, or by providing a copy of this order by e-mail to the marketplace platform, which in turn notifies each Defendant of the Order, or by other means reasonably calculated to give notice which is permitted by the Court. In addition, Plaintiffs shall post copies of the Complaint, Application, this Order, any Discovery, and all other pleadings and documents filed in this action on a website designated by Plaintiff and shall provide the website address to Defendants via e-mail/online contact form, and such notice so given shall be deemed good and sufficient service thereof. Plaintiffs shall continue to provide notice of these proceedings and copies of the documents on file in this matter to Defendants by regularly updating the website designated by Plaintiff or by other means reasonably calculated to give notice which is permitted by the Court.

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<sup>1</sup> Consistent with the Court's prior order granting alternative service, *see* ECF No. 16 at 2, if Plaintiff has reason to believe a Defendant resides in a country that has objected to Article 10 of the Hague Convention, then Plaintiff shall comply with Federal Rule of Civil Procedure 4(f)(1) or 4(f)(2) in effecting service of process on that Defendant.

**SO ORDERED.**

SIGNED this 12th day of April, 2023, at 9:30 a.m.  
Pittsburgh, Pennsylvania

/s/ Christy Criswell Wiegand  
CHRISTY CRISWELL WIEGAND  
CHIEF UNITED STATES DISTRICT JUDGE