

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

ALLSEASON ENTERPRISES, LLC,

Plaintiff,

v.

MYKYTA MELNIK, LLC, *et al.*,

Defendants.

Civil Action No. 24-921

(Judge Colville)

Jury Trial Requested

FILED UNDER SEAL

**DECLARATION OF OSCAR PRECIADO
IN SUPPORT OF PLAINTIFF'S *EX PARTE* MOTION TO AMEND
TEMPORARY RESTRAINING ORDER; ORDER RESTRAINING ASSETS
AND MERCHANT STOREFRONTS; ORDER TO SHOW CAUSE WHY A
PRELIMINARY INJUNCTION SHOULD NOT ISSUE; AND ORDER
AUTHORIZING EXPEDITED DISCOVERY**

I, *Oscar Preciado*, do hereby declare:

1. I am over eighteen (18) years of age. I have never been convicted of a felony or any criminal offense involving moral turpitude, and I am fully competent to testify to the matters stated herein. I have personal knowledge of every statement made in this Declaration and such statements are true and correct.

2. I am the Operations Manager of ALLSEASON ENTERPRISES, LLC., a New Mexico Limited Liability Company, having its principal place and doing business at 7580 LAS VEGAS BLVD SO STE 115, LAS VEGAS, NV, 89123. ("AE") AE produces, markets, and sells supplements comprising vitamins, minerals, and botanical extracts supporting whole body health.

3. I make this declaration in support of Plaintiff's *Ex Parte* Motion to Amend Temporary Restraining Order; Order Restraining Assets and Merchant Storefronts; Order to Show Cause Why a Preliminary Injunction Should Not Issue; and Order Authorizing Expedited Discovery.

4. I hereby incorporate by reference the statements made in my Declaration dated July 1, 2024, previously filed in this matter.

Defendants' Infringing Products Are Offered for Sale Through a Fully Interactive Website Accessible in Pennsylvania

5. All Defendants Amazon listed on **Amended Schedule "A"** operate interactive commercial Internet websites and Internet based electronic storefronts using the seller identities and store names set forth on **Amended Schedule "A"** to the Amended Complaint. Furthermore, all of the newly added Defendants collect Pennsylvania sales tax in accordance with the Third Party Service Providers' sales procedures for all sellers.

6. I am the Operations Manager of ALLSEASON ENTERPRISES, LLC., a New Mexico Limited Liability Company, having its principal place and doing business at 7580 LAS VEGAS BLVD SO STE 115, LAS VEGAS, NV, 89123. ("AE") AE produces, markets, and sells supplements comprising vitamins, minerals, and botanical extracts supporting whole body health.

7. Based on my experience, I am not aware of any way to exclude selling or shipping to a particular state (such as Pennsylvania) from a Third Party Service Provider storefront. Thus, the Third Party Service Provider storefronts of the Defendants listed on **Amended Schedule "A"** are accessible to any internet user in Pennsylvania and will ship product to Pennsylvania.

8. I have reviewed **Composite Exhibit 2** and the pictured Infringing Products and upon my information and belief, the Defendants identified in **Amended Schedule “A”** of the Amended Complaint, were and/are currently manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and or/selling infringing products with Plaintiff’s Marks and/or Works and/or Trade Dress (all as defined in the Amended Complaint) to U.S. consumers, including those consumers in Pennsylvania, and some are “Hi-Jacking Plaintiff’s Ratings” through their Third Party Service Provider electronic storefronts.

9. None of the identified Defendants are authorized re-sellers of Plaintiff’s Product. Moreover, none of the identified Defendants are authorized to manufacture, import, export, advertise, offer for sale or sell any products that purport to be manufactured or sold by Plaintiff by using the Plaintiff’s Marks and/or Works and/or Trade Dress. Further, Plaintiff never consented or granted permission to any of the identified Defendants to use Plaintiff’s artwork, photographs, or any of Plaintiff’s other intellectual property.

10. Upon information and belief, all of Infringing Products in **Composite Exhibit 2** were not manufactured or distributed by Plaintiff. This is based upon my visual inspection of the listings. Comparison of Plaintiff’s Product to the Infringing Listings in this exhibit reveals that they are all using Plaintiff’s Marks and/or Works and/or Trade Dress and some are “Hi-Jacking Plaintiff’s Ratings”. Plaintiff has received multiple consumer complaints from purchasers actually confused that the substandard, faulty, Infringing Products.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 12, 2024
San Diego, California

/s/ Oscar Preciado
Oscar Preciado