

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-CV-921

**(Judge Colville)**

Jury Trial Requested

**FILED UNDER SEAL**

**PLAINTIFF’S *EX PARTE* MOTION TO AMEND THE ORDER  
AUTHORIZING ALTERNATIVE SERVICE ON DEFENDANTS  
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 4(f)(3)**

Plaintiff, ALLSEASON ENTERPRISES, LLC, hereby moves this Court on an *ex parte* basis,<sup>1</sup> to amend the July 3, 2024, Order Authorizing Alternative on Defendants Pursuant to Federal Rule of Civil Procedure 4(f)(3) to apply to all the Defendants, the Individuals, Partnerships, and Unincorporated Associations identified on **Amended Schedule “A”** hereto (collectively “Defendants”). In support thereof, Plaintiff submits the following:

On July 2, 2024, Plaintiff filed its *Ex Parte* Application for Entry of a Temporary Restraining Order and Preliminary Injunction (the “Application for TRO”) as to the original Defendants. On July 3, 2024, the Court entered an Order granting an *Ex Parte* Temporary Restraining Order. In the Court’s Order granting the Application, the Court restrained all the

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<sup>1</sup> Plaintiff is contemporaneously filed an Amended Complaint that is substantively identical to the original Complaint except that the **Amended Schedule “A”** thereto includes newly added Defendants. Plaintiff is also contemporaneously moving to amend the original Order permitting alternate service to permit alternate service on the newly added Defendants. Plaintiff hereby incorporates by reference its Application for TRO and Motion for Alternative Service, together with supporting declarations and exhibits.

Defendants identified on **Schedule “A”** attached to the Court’s Order. The Court also entered an Order authorizing alternate service of process on the original Defendants. Plaintiff is filing herewith an Amended Complaint that names additional Defendants (“newly added Defendants”) and by this Motion seeks to amend the July 3, 2024, Order authorizing alternate service to include the newly added Defendants.

The newly discovered Defendants are operating their internet-based based stores selling Infringing Products<sup>2</sup> on Amazon.com through Accounts<sup>3</sup> and Merchant Storefronts<sup>4</sup> in the identical fashion as the original Defendants and causing the identical cooperative and coordinated harm as the original Defendants and they have limited their communication to electronic messaging and emails associated with their Accounts and Merchant Storefronts. *See* July 2, 2024, Declaration of Dee Odell (“*Odell Dec.*”), ¶ 2 - 3 and **Composite Exhibit 1** and **Composite Exhibit 2**. This motion for amending the Temporary Restraining Order is supported

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<sup>2</sup> As alleged in Plaintiff’s Amended Complaint, “. . .the Defendants identified in **Amended Schedule “A”** of the Complaint, were and/are Defendants are using without authorization Plaintiff’s copyrighted photographs<sup>2</sup> and some are engaged in Trademark Infringement and Counterfeiting of Plaintiff’s Marks and some are infringing on Plaintiff’s Trade Dress<sup>2</sup>, and still others are engaged in Review Hi-Jacking, while promoting, selling, offering for sale and distributing knock-offs of Plaintiff’s Products in a willful attempt to pass off their knock-off products as genuine versions of Plaintiff’s Products within this district and throughout the United States by operating e-commerce stores established via at least one of the Internet marketplace websites Amazon.com, aliexpress.com, eBay.com, Joybuy, Temu, wish.com, and Walmart.com under their Store Names and Seller Names identified on **Amended Schedule “A”** of the Amended Complaint (the “Seller IDs” (“Infringing or Knock-Off Products.”))

<sup>3</sup> As defined in the Application, a “User Account” is, as defined in the Complaint, any and all accounts with online marketplace platforms, as well as any and all as yet undiscovered accounts with additional online marketplace platforms held by or associated with Defendants, their respective officers, employees, agents, servants and all other persons in active concert with any of them.

<sup>4</sup> As defined in the Application, a “Merchant Storefront” is any and all User Accounts through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them operate storefronts to manufacture, import, export, advertise, market, promote, distribute, display, offer for sale, sell and/or otherwise deal in products, including Infringing Products, which are held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them.

by the original Application for TRO and supporting papers filed therewith, the July 12, 2024 Declaration of Dee Odell, including **Composite Exhibit 1** and **Composite Exhibit 2**, and the July 12, 2024 Declaration of Oscar Preciado filed herewith.

A Proposed Order granting this motion is submitted herewith, together with a proposed Amended Order Authorizing Alternative Service.

Respectfully submitted,

Dated: July 12, 2024

/s/ Stanley D. Ference III

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