

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:20-cv-20515-SCOLA/TORRES

| | |
|--|---|
| SAN ANTONIO WINERY, INC., |) |
| a California corporation, and Merritt Estate |) |
| Winery, Inc, a New York corporation, |) |
| |) |
| Plaintiffs, |) |
| v. |) |
| |) |
| ENOVATION BRANDS, INC., a Florida |) |
| corporation, |) |
| Defendant. |) |
| |) |
| |) |
| |) |
| |) |

**[PROPOSED] ORDER ON JOINT STIPULATED CONSENT MOTION
GRANTING A PRELIMINARY INJUNCTION**

The Court, having considered the Parties’ JOINT STIPULATED CONSENT MOTION FOR ENTRY OF A PRELIMINARY INJUNCTION enters a Preliminary Injunction as follows:

Defendant Enovation Brands, Inc. and its officers, agents, servants, employees, and other persons who are in active concert or participation with it, including its affiliates, associates and distributors, are enjoined from:

- A) Importing, selling, shipping, distributing or offering to sell a wine that infringes the STELLA ROSA trade dress for a low alcohol, sparkling or semi-sparkling, sweet or semi-sweet, Italian wine, under the term BELLA ROSA, where the STELLA ROSA Trade Dress comprises:
 - (i) a maroon colored screwcap,
 - (ii) STELLA in black and ROSA in red,
 - (iii) “ROSSO” under STELLA ROSA,
 - (iv) a design similar to the San Antonio Winery crown (including the design shown in Exhibit D of Plaintiffs’ Complaint) above STELLA ROSA,
 - (v) a design similar to the San Antonio Winery crown (including the design shown in Exhibit D of Plaintiffs’ complaint()) incorporated into the bottle,

(vi) an off-white label, and

(vii) a pattern of small gold similar to that used on the STELLA ROSA Screwcap (including the design on the label shown in Exhibit D of Plaintiffs' Complaint).

B) Importing, selling, shipping, distributing or offering to sell a wine that infringes the STELLA ROSA trade dress for a low alcohol, sparkling or semi-sparkling, sweet or semi-sweet, Italian wine, under the term BELLA ROSA, where the STELLA ROSA Trade Dress comprises:

(i) a red colored screwcap,

(ii) STELLA in black and ROSA in red,

(iii) has "Moscato D'Asti" under STELLA ROSA,

(iv) has a design similar to the San Antonio crown (including the design shown in Exhibit D of Plaintiffs' Complaint) above STELLA ROSA,

(v) has a design similar to the San Antonio crown (including the design shown in Exhibit D of Plaintiffs' Complaint) incorporated into the bottle,

(vi) a pattern of small gold similar to that used on the STELLA ROSA Screwcap (including the design on the label shown in Exhibit D of Plaintiffs' Complaint), and

(vii) has a white label.

This Order shall remain in full force and effect until the conclusion of this litigation.

IT IS SO ORDERED.

Dated this ____ day of _____ 2020.

By: _____
Edwin G. Torres
United States Magistrate Judge