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15 *Ferrara Candy Company*

16 **UNITED STATES DISTRICT COURT**  
17 **CENTRAL DISTRICT OF CALIFORNIA**

18 FERRARA CANDY COMPANY, )  
19 )  
20 Plaintiff, )  
21 vs. )  
22 )  
23 TOPS CANNABIS and CHONNA )  
24 CRISTELLE, )  
25 Defendants. )

Case No. 2:20-cv-10349-SVW-PD

**JUDGMENT AND PERMANENT  
INJUNCTION**

1 The Court, pursuant to the Stipulation for Entry of Judgment and  
2 Permanent Injunction, between Plaintiff Ferrara Candy Co. ("Ferrara") and the  
3 Defendants Tops Cannabis ("Tops") and Chonna Cristelle ("Cristelle"), hereby  
4 ORDERS, ADJUDICATES, and DECREES that final judgment, including permanent  
5 injunction, shall be and hereby is entered on the First Amended Complaint in the  
6 above-referenced matter as follows:

7 **JUDGMENT**

8 IT IS HEREBY FOUND BY THE COURT, with the consent of the  
9 Plaintiff, Ferrara Candy Co. ("Ferrara") and the Defendants, Tops Cannabis ("Tops")  
10 and Chonna Cristelle ("Cristelle") that:


11 1. This Court has jurisdiction over Ferrara, Tops, Cristelle, and over  
12 the subject matter of this action, and venue is proper.

13 2. Cristelle owned Hello, LLC ("Hello"), a California limited liability  
14 company that provided marketing, logistics, and phone services to several companies  
15 and cannabis dispensaries, including Tops.

16 3. Ferrara is engaged in the manufacture, distribution, sale, and  
17 marketing of well-known candy products, including its famous NERDS and NERDS  
18 ROPE candy, throughout the United States.

19 4. Ferrara is the owner of the NERDS trademarks as reflected in part  
20 by its United States federal trademark registrations, including:

21

| MARK  | REG. NO.  | REG. DATE          | RELEVANT GOODS    |
|---|-----------|--------------------|-------------------|
| NERDS   | 2,209,131 | December 8, 1998   | Candy in Class 30 |
|  | 4,400,174 | September 10, 2013 | Candy in Class 30 |

22  
23

24 (collectively referred to herein as "NERDS Marks"). These registrations are valid,  
25 subsisting and constitute conclusive evidence of Ferrara's exclusive right to use the  
26 NERDS Marks for the goods specified in the registrations. 15 U.S.C. § 1115(b).

27 5. Since its introduction in the 1980s, the NERDS candy brand has  
28 achieved enormous commercial success throughout the United States, including in



1 a) Tops, its agents, corporate and entity affiliates related through common  
2 ownership or control, servants, employees, agents, attorneys, heirs, executors,  
3 administrators, successors and assigns, and all persons or entities acting in  
4 concert or participation with them or any of them, including Hello, are hereby  
5 permanently enjoined from:

- 6 i) the manufacture, marketing, sale, advertising, and distribution of  
7 Medicated Nerds Rope or any other unauthorized products bearing or  
8 advertised under the NERDS Marks, and any mark similar to or dilutive of  
9 the NERDS Marks; and
- 10 ii) engaging in any other conduct that tends to falsely represent, or that is  
11 likely to confuse, mislead, or deceive consumers into believing, that Tops  
12 or its products or services are sponsored, approved, or licensed by Ferrara,  
13 or are in some way connected or affiliated with Ferrara.

14 b) Tops and all others holding by, through or under it, including Hello, are hereby  
15 required, jointly and severally, to:

- 16 i) account for and pay over to Ferrara all profits derived from their acts of  
17 trademark infringement and unfair competition in accordance with 15  
18 U.S.C. § 1117(a) and California common law after receipt of the cease and  
19 desist letter on June 16, 2020;
- 20 ii) destroy any remaining Medicated Nerds Rope in their possession,  
21 including packaging, and any advertising, marketing, or promotional  
22 materials that include unauthorized uses of the NERDS Marks; and
- 23 iii) send a notice to any existing customers or vendors that dealing in, selling,  
24 marketing or distributing Medicated Nerds Rope is unlawful.

25 c) This Court shall retain jurisdiction over this matter for the purpose of enforcing  
26 this Judgment.

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1 d) The action against Cristelle is dismissed without prejudice.

2 e) Each party shall bear its own costs and attorneys' fees.

3  
4 SO ORDERED:

5  
6 Dated May 4, 2021



7  
8  
9 Stephen V. Wilson  
10 United States District Court Judge