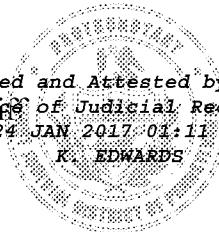


LAW OFFICE OF J. CONOR CORCORAN, P.C.
J. Conor Corcoran, Esquire
Identification No. 89111
1500 John F. Kennedy Boulevard
Suite 620
Philadelphia, PA 19102
(215) 735-1135
FAX: (215) 735-1175
e-mail: conor@jccesq.com

Filed and Attested by the
Plaintiffs of Judicial Records
24 JAN 2017 04:11 am
K. EDWARDS



1231 BARRAGE, INC., d/b/a Garage,

&

KQFH ATLANTIC, INC., d/b/a Garage,

Plaintiffs,

v.

**AUTOMOBILE DEALERS ASSOC.
OF GREATER PHILADELPHIA,**

&

**ADAGP CHARITABLE FOUNDATION,
d/b/a Auto Dealers CARing for
Kids Foundation,**

&

JOHN DOES 1 – 10,

Defendants.

**PHILADELPHIA COUNTY
COURT OF COMMON PLEAS**

**CIVIL TRIAL DIVISION
JANUARY TERM, 2017
No.**

To Defendants ADAGP and ADAGP Charitable Foundation and John Does:

You have twenty (20) days to respond to the Complaint against you enclosed within, or a judgment may be entered against you.

Attorney for Plaintiff

COMPLAINT – NOTICE TO DEFEND

"NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally

"AVISO

"Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días, de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentarse una comparecencia escrita o en persona o con un abogado

or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

"YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR
TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION
LAWYER REFERRAL & INFORMATION SERV.
One Reading Center
Philadelphia, PA 19107
(215) 238-6333"

y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

"LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.
ASSOCIACION DE LICENCIADOS DE FILADELFIA
SERVICIO DE REFENCIA E INFORMACION LEGAL
One Reading Center
Filadelfia, PA 19107
Telefono: (215) 238-6333"

LAW OFFICE OF J. CONOR CORCORAN, P.C.
J. Conor Corcoran, Esquire
Identification No. 89111
1500 John F. Kennedy Boulevard
Suite 620
Philadelphia, PA 19102
(215) 735-1135
FAX: (215) 735-1175
e-mail: conor@jccesq.com

Attorney for Plaintiff

1231 BARRAGE, INC., d/b/a Garage,

&

KQFH ATLANTIC, INC., d/b/a Garage,

Plaintiffs,

v.

**AUTOMOBILE DEALERS ASSOC.
OF GREATER PHILADELPHIA,**

&

**ADAGP CHARITABLE FOUNDATION,
d/b/a Auto Dealers CARing for
Kids Foundation,**

&

JOHN DOES 1 – 10,

Defendants.

**PHILADELPHIA COUNTY
COURT OF COMMON PLEAS**

**CIVIL TRIAL DIVISION
JANUARY TERM, 2017
No.**

To Defendants ADAGP and ADAGP Charitable Foundation and John Does:

You have twenty (20) days to respond to the Complaint against you enclosed within, or a judgment may be entered against you.



Attorney for Plaintiff

1. Plaintiff 1231 Barrage, Inc., d/b/a Garage, is a Pennsylvania corporation regularly conducting business at 1231-33 E. Passyunk Avenue, Philadelphia, PA 19147.

2. Plaintiff KQFH Atlantic, Inc. d/b/a Garage is a Pennsylvania corporation regularly conducting business at 100-106 E. Girard Avenue, Philadelphia, PA 19123.

**COMPLAINT
Parties**

3. At any and all times relevant, at their respectively aforementioned locations, Plaintiffs owned and operated bars and/or restaurants, each with the same, distinctive name, trademark and/or automotive trade dress (consisting of automotive ephemera, video games, pool tables, skee-ball machines, public access via large, auto body garage doors, and alcohol advertisements) called “Garage,” where Plaintiffs specialize in the sale of craft beers to the public in Philadelphia.

4. Defendant Automobile Dealers Association of Greater Philadelphia (“ADAGP”) is a Pennsylvania non-profit corporation regularly conducting business at 3311 Swede Road, Suite A, East Norriton, PA 19401 and regularly conducting business at the Pennsylvania Convention Center, 1101 Arch Street, Philadelphia, PA 19107, where Defendant owns, operates and/or derives revenue from the annual Philadelphia Auto Show.

5. Defendant ADAGP Charitable Foundation d/b/a Auto Dealers CARing for Kids Foundation (“ADAGP Charity”) is a Pennsylvania non-profit corporation regularly conducting business at 3311 Swede Road, Suite A, East Norriton, PA 19401 and regularly conducting business at the Pennsylvania Convention Center, 1101 Arch Street, Philadelphia, PA 19107, where Defendant owns, operates and/or derives revenue from the annual Philadelphia Auto Show.

6. Defendant ADAGP and Defendant ADAGP Charity are hereinafter referred to as the “ADAGP Defendants.”

7. Defendant John Does 1 through 10 are, upon information and belief, individuals and/or Pennsylvania corporate entities that own, operate or control liquor licenses from the Pennsylvania Liquor Control Board (P.L.C.B.), and who provided the use of said liquor license to the ADAGP Defendants, through an on/off premises catering license from the PLCB, that thereby allowed unlicensed entities such as the ADAGP Defendants to sell liquor and/or beer and/or wine to consumers at the 2016 Philadelphia Auto Show in contravention of the Plaintiffs’ trademarks, service marks, and/or trade dress, as more fully set forth herein at length below. Plaintiffs reserve the right to amend this Complaint when further discovery discloses the identity of these PLCB licensees.

Factual Allegations

8. Averments 1-7 are incorporated as though fully set forth herein at length.

9. On or about January 22, 2016, Plaintiffs provided the Defendants with a written notice that the Plaintiffs were aware that the Defendants’ 2016 Philadelphia Auto Show (owned and/or operated by the Defendants and/or generating revenue for said Defendants) would showcase a bar/restaurant, with automotive trade dress, called “Garage” or “the Garage,” and which would be open to the public from on or about January 30, 2016, to February 7, 2016. *See* 1/22/16 correspondence, attached hereto and incorporated herein as Exhibit A.

10. As set forth in Exhibit A, Plaintiffs respectfully requested that the Defendants cease and desist from advertising to the public, and/or serving alcohol or food to the public, under that

same name and with that same automotive trade dress, as Plaintiffs had previously long since been famous for providing goods and services to the public, in the operation of Plaintiffs' unique bars and restaurants under that same name, with that same automotive trade dress, in the same city and county of Philadelphia, PA.

11. Despite that letter and subsequent communication between counsel for both the Plaintiffs and Defendants on or about January 27, 2016 concerning the substance of the Plaintiffs' claims in Exhibit A, the Defendants nonetheless advertised to the public that the 2016 Philadelphia Auto Show, from January 30, 2016 until February 7, 2016, would have a bar/restaurant, adorned with automotive trade dress, called "Garage" or "the Garage." *See* Facebook posts from the 2016 Philadelphia Auto Show, attached hereto and incorporated herein as Exhibit B.

12. In fact, the Defendants' Facebook page which advertised the 2016 Philadelphia Auto Show never advertised that the event would showcase a bar/restaurant with automotive trade dress called the Garage, until after Plaintiffs notified the Defendants of their objections thereto on January 22, 2016. *Compare Exhibit A with Exhibit B* (dated January 30th, February 1st, February 5th, and February 7th, 2016).

13. Upon the Defendants' own admission (attached hereto and incorporated herein as Exhibit C) an average of 250,000 people attended the 2016 Philadelphia Auto Show.

14. One of those attendees was Josh McCullough, a shareholder of the Plaintiffs, who took three photos, on January 31, 2016, of the Defendants' bar and restaurant called "Garage" or "the Garage" at the 2016 Philadelphia Auto Show, true and correct copies of which are attached hereto and incorporated herein as Exhibit D.

15. Mr. McCullough also took a video of the Defendants' version of the Garage, as set forth in Exhibit D, which cannot be uploaded on the Court's e-filing system as an Exhibit, but is nonetheless incorporated as though fully set forth herein at length as Exhibit E, and will be provided to the Court and counsel for the Defendants upon request.

16. As set forth in the video incorporated herein as Exhibit E, the Defendants' "Garage" also made a specific point of advertising craft beers for sale, in the milieu of the automotive trade dress and under the trademark, service mark, name and/or associated with the name of Garage, which had long been owned and operated since 2013, by the Plaintiffs herein, prior to the 2016 Philadelphia Auto Show.

17. Plaintiffs continue to operate their bars and restaurants, under the Garage name and with the aforementioned automotive trade dress, for the purpose of selling craft beers and food to the public, at the aforementioned respective locations in Philadelphia.

18. Since long prior to the acts of Defendants complained of herein, the Plaintiffs have marketed, distributed and sold, and continue to market, distribute and sell, their Garage, automotive oriented bar/restaurant goods and services in, among other channels, websites and print media throughout the Philadelphia area.

19. Plaintiff 1231 Barrage, Inc. submitted a trademark application with the U.S. Patent and Trademark Office, at serial number 87253899, for the “Garage” trademark on or about December 1, 2016.

20. Upon approval, said application will serve as conclusive evidence of Plaintiff 1231 Barrage, Inc.’s exclusive right to use Garage as a trademark and/or service mark (and, by extension, Plaintiff KQFH Atlantic’s exclusive right as well) in association with the provision of bar and/or restaurant services, since June 1, 2013.

21. Since June 1, 2013, the famous Garage mark has appeared, and continues to appear, on Plaintiffs’ product packaging, retail items such as t-shirts, advertising, promotional materials, displays and the like.

22. Since June 1, 2013, Plaintiffs have marketed, distributed and sold their Garage brand goods and services, bearing the Garage mark, in websites and print media.

23. Plaintiffs’ trade dress is an inherently distinctive product branding and/or packaging which is comprised of the following original and distinctive elements: the provision of restaurant and/or tavern services under the name of “Garage” and adorned with automotive ephemera, video games, pool tables, skee-ball machines, public access via large, auto body garage doors, and alcohol advertisements in the specific sale of craft beers to the public, at Plaintiffs’ points of sale, at two locations in Philadelphia.

24. The famous and inherently distinctive Garage trade dress is not functional, and serves to readily distinguish Plaintiffs’ Garage products and services from those of Plaintiffs’ competitors.

25. Plaintiffs have sold their line of tavern and/or restaurant goods and services bearing the Garage mark and/or trade dress, in substantially the same forms, since at least June 2013, at their Fishtown location (approximately 2.5 miles from the Defendants’ operations at the Pennsylvania Convention Center) or their South Philadelphia location (also approximately 2.5 miles away from the Pennsylvania Convention Center.)

26. Plaintiffs’ two aforementioned locations also prominently feature the Garage marks and significant elements of the Garage trade dress on signage, cups, glasses, point of sale displays, and other related materials.

27. The extraordinary success of Plaintiffs’ Garage branded goods and/or services has fostered wide renown and fame with the trade and public, and as a result of such success, the long, continuous and exclusive use of the Garage mark and trade dress, in connection with tavern and/or restaurant goods and services, consumers in the Philadelphia area have come to recognize the Plaintiffs’ Garage marks and trade dress, and associate them solely with the Plaintiffs and know that Plaintiffs’ goods and services will be of a particular quality.

28. Plaintiffs have invested enormous amounts of time, effort, and money in developing and marketing their products and services, the Garage mark and trade dress, in connection therewith, and are hereinafter collectively referred to as the Plaintiffs’ Intellectual Property.

29. Plaintiffs continuously advertise and promote the Plaintiffs' Intellectual Property and the goods and services sold thereunder in a wide variety of local media, including but not limited to locally circulated websites, print media, newspapers, magazine, radio and/or major television broadcast and/or cable networks. As a consequence of their continuous and extensive advertising of the Garage goods and services, Plaintiffs have developed the Garage marks into a master brand franchise, with plans for further expansion of the same in other locations in Philadelphia and beyond.

30. Plaintiffs also operate a website at the domain name address <http://www.garagephilly.com>, which serves to provide information on Plaintiffs' goods and services and regularly advertises and promotes the same along with Plaintiffs' Intellectual Property.

31. As a result of Plaintiffs' time, effort, widespread promotion and advertising, and expenditures for the same in the development, marketing, advertising and promotion of the Plaintiffs' Garage marks and trade dress, the Plaintiffs' Intellectual Property has acquired and maintains an outstanding fame and popularity in the Philadelphia area.

32. The Plaintiffs' Intellectual Property has acquired enormous value and has become famous to the consuming public and trade as identifying and distinguishing Plaintiffs' goods and services from those of their competitors.

Defendants' Unlawful Activities

33. Upon information and belief, the Defendants provided tavern and/or restaurant goods and services, using the Plaintiff's Garage mark and/or trade dress, during the 2016 Philadelphia Auto Show, without the permission or authorization of the Plaintiffs and, in fact, in explicit contravention of the Plaintiffs' written request that they refrain from so doing. *See Exhibits A, B, D and E.*

34. Defendants' advertising and/or actual provision of tavern and/or restaurant services during the 2016 Philadelphia Auto Show featured simulations, confusingly similar variations, and/or imitations of the Plaintiffs' Garage mark and trade dress, which are inherently distinctive and protectable to the exclusive right of Plaintiffs herein.

35. Defendants deliberately infringed upon the Plaintiffs' Garage mark and trade dress. *See Exhibits A, B, D and E.*

36. Exhibits A, B, D and E are examples of the Defendants' improper, infringing, willful, unlawful and dilutive conduct (hereinafter referred to as "Defendants' Infringements.")

37. Upon information and belief, Defendants marketed, distributed and sold the Defendants' Infringements through their interactive online website, print media, public transit advertisements, product catalogue, advertisements, television, radio and other third party websites and retailers.

38. Defendants' production, marketing, advertising, promotion, distribution and sale of the Defendants' Infringements substantially affected commerce within the City of Philadelphia, by virtue of the fact that Defendants' activities adversely affect the reputation and goodwill of Plaintiffs within the City of Philadelphia, and/or their ability to exclusively control their own marks and trade dress, because that's where Plaintiffs' bars/restaurants are located.

39. Upon information and belief, Defendants can claim no rights to any of the Plaintiffs' Garage marks and/or trade dress which are in conflict with the rights of Plaintiffs to the same Garage marks and/or trade dress.

40. Despite being put on constructive notice of Plaintiffs' rights in their famous marks and/or trade dress by way of Exhibit A, Defendants nonetheless willfully diluted and infringed, and/or continue to willfully dilute and infringe, Plaintiffs' marks and trade dress by using variations, simulations, or colorable imitations of such marks as set forth in Exhibits B, D and E in violation of Plaintiffs' rights.

41. Upon information and belief, Defendants have adopted, used, and are planning to use the Defendants' Infringements with the intent and purpose of commercially exploiting and trading upon the fame, recognition, reputation and extensive goodwill built up by the Plaintiffs in the Garage mark and trade dress and to reap the benefits of years of effort and investment by Plaintiffs to create public recognition of the Garage marks and trade dress. Defendants' conduct is intentionally fraudulent, malicious, willful and wanton.

42. Defendants' acts complained of herein have been committed with knowledge that such acts are intended to cause confusion, or to cause mistake, or to deceive.

43. Defendants' adoption and use of the Defendants' Infringements in connection with the sale of food and alcohol and/or related services at the 2016 Philadelphia Auto Show was likely – and in fact did cause – confusion in the minds of consumers because they mistakenly believed that the Defendants' products and services were affiliated with the Plaintiff's bars/restaurants at the aforementioned locations.

44. Defendants' adoption and use of the Defendants' Infringements in connection with the 2016 Philadelphia Auto Show and its related goods and/or services likely tarnished the Plaintiffs' Garage marks and trade dress with large scale corporate affairs like the 2016 Philadelphia Auto Show, which is in contravention to the craft beer, independent branding explicitly undertaken to promote Plaintiffs' bars and restaurants. Such an association will undermine and damage the substantial goodwill and reputation associated with Plaintiffs, their marks, their trade dress, and their goods and services, which Plaintiffs have spent tremendous amounts of time and money to develop, and will dilute the distinctiveness of the Plaintiffs' marks and trade dress.

COUNT I
PLAINTIFFS V. DEFENDANTS
PENNSYLVANIA TRADEMARK ACT AND UNFAIR COMPETITION
54 Pa.C.S.A. §§ 1101, 1123, 1124 and 1125

45. Averments 1-44 are incorporated as though fully set forth herein at length.
46. Plaintiffs are the owners of a mark (Garage) which is famous in this Commonwealth.
47. Defendants knowingly, willfully, outrageously, intentionally, wantonly, recklessly and/or maliciously used and/or abused Plaintiffs' mark by using it for the sale of food, beer, wine, liquor and/or other refreshments and/or retail merchandise at the 2016 Philadelphia Auto Show.
48. Defendants' actions and/or inactions in this regard have caused the dilution of the distinctive quality of Plaintiffs' mark.
49. Defendants knowingly, willfully, outrageously, intentionally, wantonly, recklessly and/or maliciously intended, on multiple occasions as aforementioned, to trade on the Plaintiffs' reputation or to cause dilution of Plaintiffs' mark.
50. Defendants knowingly, willfully, outrageously, intentionally, wantonly, recklessly and/or maliciously and/or in bad faith used Plaintiffs' name, trademark, service mark and/or trade dress in the sale of food, beer, wine, liquor and/or other refreshments and/or retail merchandise at the 2016 Philadelphia Auto Show, as aforementioned.
51. Defendants realized tremendous profits from both the ticket sales to the Auto Show (250,000 tickets @ \$14/ticket generates \$3.5 million dollars), and/or sales at the actual cash registers at the "Garage" bar/restaurant inside the Auto Show, as a consequence of utilizing the Plaintiffs' Garage mark and/or trade dress in its advertising, and in the operation of, the bar/restaurant on the premises of the Auto Show, thereby constituting unfair competition. Defendants' actions in these regards constitute common law trade dress infringement, trademark infringement (regardless of registration status), unfair competition, and a false designation of origin.

WHEREFORE, pursuant to 54 Pa.C.S.A. § 1125, Plaintiffs respectfully request judgment against the Defendants, and an Order requiring the Defendants to pay to Plaintiffs all profits derived from and all damages suffered by reason of their wrongful use, display or sale of Plaintiffs' name and/or mark(s) and/or trade dress, plus punitive and/or treble damages and reasonable attorney fees, in excess of \$500,000 (FIVE HUNDRED THOUSAND DOLLARS).

COUNT II
PLAINTIFFS V. DEFENDANTS
COMMERCIAL DISPARAGEMENT

52. Averments 1-51 are incorporated as though fully set forth herein at length.

53. The Defendants knew or should have known that their advertisements, signage, and other similar promotions of the bar/restaurant at the 2016 Philadelphia Auto Show as "Garage" or "the Garage" falsely communicated to consumers that the Plaintiffs, and/or their bars and restaurants, were operating the bar/restaurant on the Auto Show premises.

54. The bar/restaurant that was fraudulently operated by the Defendants, on the premises of the Auto Show as "Garage" or "the Garage," was grossly inferior to the goods and services actually offered to consumers at the Plaintiffs' two brick and mortar locations, as aforementioned.

55. The Defendants knew or should have known that such a false communication to consumers in the City of Philadelphia and Commonwealth of Pennsylvania would cause financial loss to the Plaintiffs, and the Defendants' insistence on continuing to use the "Garage" name, despite written notice to the contrary as aforementioned, constituted an intentional action on the part of the Defendants to cause such financial loss to Plaintiffs.

56. The Plaintiffs suffered tremendous financial losses as a consequence of the Defendants' insistence on operating their unlawful "Garage" bar/restaurant inside the Auto Show, including but not limited to register sales, lost promotional opportunities, a share of the ticket sale proceeds, and the slander of Plaintiffs' goodwill, reputation, and goods and services.

57. The Defendants explicitly knew that the communication to consumers in the City of Philadelphia, and the Commonwealth of Pennsylvania, that the Plaintiffs were operating the bar/restaurant on the premises of Auto Show, was false, and/or was in reckless disregard of the falsity of such a communication.

WHEREFORE, Plaintiffs respectfully request judgment against the Defendants, and an Order requiring the Defendants to pay to Plaintiffs all profits derived from and all damages suffered by reason of their wrongful use, display or sale of Plaintiffs' name and/or mark(s) and/or trade dress, plus punitive and/or treble damages and reasonable attorney fees, in excess of \$500,000 (FIVE HUNDRED THOUSAND DOLLARS).

COUNT III
PLAINTIFFS V. DEFENDANTS
TORTIOUS INTERFERENCE WITH PROSPECTIVE COMMERCIAL ADVANTAGE

58. Averments 1-57 are incorporated as though fully set forth herein at length.

59. By virtue of operating **two** taverns/restaurants with automotive trade dress and the Garage mark, Plaintiffs enjoyed the reasonable probability that some portion of the 250,000 people attending the 2016 Philadelphia Auto Show would have solicited the goods and services

offered by the Plaintiffs, particularly given the near proximity of Plaintiffs' automotive themed and named taverns to the Pennsylvania Convention Center.

60. As aforementioned, and despite the cease and desist notice sent to the Defendants on January 22, 2016, the Defendants intended to harm the Plaintiffs by continuing to falsely designate and operate the bar/restaurant on the premises of the Auto Show as "Garage" or "the Garage," from on or about January 30th to February 7, 2016.

61. The Defendants are utterly bereft of any privilege or justification for their actions in this regard, particularly since all they had to do was change the name of the bar/restaurant on the premises of the Auto Show.

62. The Defendants' hubris *inter alia* in this regard unfortunately inured to the Plaintiffs' severe financial detriment, which should not be left unremunerated by this Honorable Court, and upon information and belief is in excess of \$500,000 (FIVE HUNDRED THOUSAND DOLLARS).

WHEREFORE, Plaintiffs respectfully request judgment against the Defendants, and an Order requiring the Defendants to pay to Plaintiffs all profits derived from and all damages suffered by reason of their wrongful use, display or sale of Plaintiffs' name and/or mark(s) and/or trade dress, plus punitive and/or treble damages and reasonable attorney fees, in excess of \$500,000 (FIVE HUNDRED THOUSAND DOLLARS).

COUNT IV
PLAINTIFFS V. DEFENDANTS
CIVIL CONSPIRACY

63. Plaintiff hereby incorporates averments 1 through 62 as though fully set forth herein at length.

64. The ADAGP Defendants had an agreement amongst themselves, and/or amongst themselves (on the one hand) with the John Doe Defendant(s) (on the other), to utilize the liquor license of the John Doe Defendant(s), for an on/off premises license or permit from the P.L.C.B. so that the ADAGP Defendants could stage a "Garage" bar/restaurant on the premises of the 2016 Philadelphia Auto Show, without any license or permission from any Plaintiff, whatsoever, for the purpose of profiting both Defendant ADAGP Charity and/or the John Doe Defendant(s).

65. The Defendants' operation of the "Garage" bar/restaurant on the premises of the 2016 Philadelphia Auto Show, as aforementioned in averments 1 through 64, was unlawful.

66. In the alternative, the sale of the bar/restaurant goods and services by the Defendants were committed by unlawful means, as aforementioned in averments 1 through 65.

67. As an actual and proximate consequence of the Defendants' civil conspiracy in this regard, the Plaintiffs incurred significant financial injuries actually and proximately caused by the Defendants' unlawful actions and/or inactions, as aforementioned in averments 1 through 66.

WHEREFORE, Plaintiffs respectfully requests judgment in their favor and against the Defendants, jointly and severally pursuant to 42 Pa.C.S.A. §7102, and in an amount in excess of \$500,000 (FIVE HUNDRED THOUSAND DOLLARS) plus costs, attorney's fees, actual and punitive damages, and any other relief this Honorable Court deems appropriate.

COUNT V
PLAINTIFFS v. DEFENDANTS
LANHAM ACT – 15 U.S.C. §§ 1111, 1114, 1116-1118, 1125 et. al.

68. Averments 1 through 67 are hereby incorporated as though fully set forth herein at length.

69. The Defendants regularly engage in interstate commerce, and in connection with the goods and services they provide (namely, the 2016 Philadelphia Auto Show, and the bar/restaurant on the premises) used the Plaintiffs' marks and/or trade dress as set forth in Exhibits B, D and E.

70. When publishing the Plaintiffs' marks and/or trade dress in Exhibits B, D and E, as aforementioned, the Defendants used a false designation of origin, and/or a false or misleading description of fact, and/or a false or misleading misrepresentation of fact when they intentionally, willfully and/or wantonly identified the bar/restaurant in the 2016 Philadelphia Auto Show as that of the Plaintiffs.

71. In the alternative, when publishing the Plaintiffs' marks and/or trade dress in Exhibits B, D and E, as aforementioned, Defendants misidentified (i.e., "passed off") the origin of "Garage" or "the Garage" as Defendants' own, and did so in a fashion constituting express and/or implied passing off and/or reverse passing off.

72. Defendants' use of the Plaintiffs' marks and/or trade dress in Exhibits B, D and E, as aforementioned, was and is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Plaintiffs with Defendants, or as to the origin, sponsorship, or approval of Defendants' goods, services, or commercial activities by Plaintiffs, and/or as to the origin, sponsorship, or approval of Plaintiffs' goods, services, or commercial activities by Defendants.

73. Defendants' uses of Plaintiffs' marks and/or trade dress in Exhibits B, D and E, as aforementioned, and in its commercial advertising or promotion, misrepresents the nature, characteristics, qualities, and/or geographic origin of Plaintiffs' goods, services, or commercial activities.

74. Plaintiffs believe that they have been damaged by Defendants' act(s) and/or inaction(s) and are likely to be damaged by such act(s) in the future.

75. Defendants used Plaintiffs' marks and/or trade dress in Exhibits B, D and E intentionally, willfully and/or wantonly, in violation of Plaintiffs' rights, and/or in bad faith.

76. Defendants' actions in these regards constitute common law trade dress infringement, trademark infringement (regardless of registration status), unfair competition, and a false designation of origin.

WHEREFORE, in accordance with 15 U.S.C. § 1117, Plaintiffs requests judgment against the Defendants, jointly and severally, for an accounting of all profits derived from use of the Plaintiffs' marks and/or trade dress, plus treble, compensatory, punitive, and/or statutory damages, in excess of \$500,000 (FIVE HUNDRED THOUSAND DOLLARS) representing said damages, Defendants' profits, interest, costs, and such other relief as the Court deems appropriate, plus attorney's fees, and/or permanent injunction under §1116 and/or destruction of all unlawful promotion items pursuant to § 1118.

Respectfully Submitted,

LAW OFFICE OF J. CONOR CORCORAN, P.C.

Date: January 23, 2017

J. Conor Corcoran, Esquire
Atty. I.D. No. 89111
1500 John F. Kennedy Boulevard
Suite 620
Philadelphia, PA 19102
Phone: (215) 735-1135
Fax: (215) 735-1175
Email: conor@jccesq.com

VERIFICATION

I, J. Conor Corcoran, hereby verify that I am the attorney for the Plaintiffs in the above captioned matter, and that I am authorized to make this Verification on their behalf, that the averments contained in the attached Complaint are true and correct to the best of my knowledge, information, and belief, and that I make this Verification subject to 18 Pa.C.S.A. section 4904 relating to unsworn falsification to authorities.

Respectfully Submitted,

LAW OFFICE OF J. CONOR CORCORAN, P.C.

Date: January 23, 2017

J. Conor Corcoran, Esquire
Atty. I.D. No. 89111
1500 John F. Kennedy Boulevard
Suite 620
Philadelphia, PA 19102
Phone: (215) 735-1135
Fax: (215) 735-1175
Email: conor@jccesq.com

LAW OFFICE OF J. CONOR CORCORAN, P.C.
J. Conor Corcoran, Esquire
Identification No. 89111
1500 John F. Kennedy Boulevard
Suite 620
Philadelphia, PA 19102
(215) 735-1135
FAX: (215) 735-1175
e-mail: conor@jccesq.com

Attorney for Plaintiff

1231 BARRAGE, INC., d/b/a Garage,

&

KQFH ATLANTIC, INC., d/b/a Garage,

Plaintiffs,

v.

**AUTOMOBILE DEALERS ASSOC.
OF GREATER PHILADELPHIA,**

&

**ADAGP CHARITABLE FOUNDATION,
d/b/a Auto Dealers CARing for
Kids Foundation,**

&

JOHN DOES 1 – 10,

Defendants.

**PHILADELPHIA COUNTY
COURT OF COMMON PLEAS**

**CIVIL TRIAL DIVISION
JANUARY TERM, 2017
No.**

To Defendants ADAGP and ADAGP Charitable Foundation and John Does:

You have twenty (20) days to respond to the Complaint against you enclosed within, or a judgment may be entered against you.



Attorney for Plaintiff

CERTIFICATE OF SERVICE

I, J. Conor Corcoran, Esquire, hereby certify that a true and correct copy of the foregoing Complaint was sent to the following via first class mail:

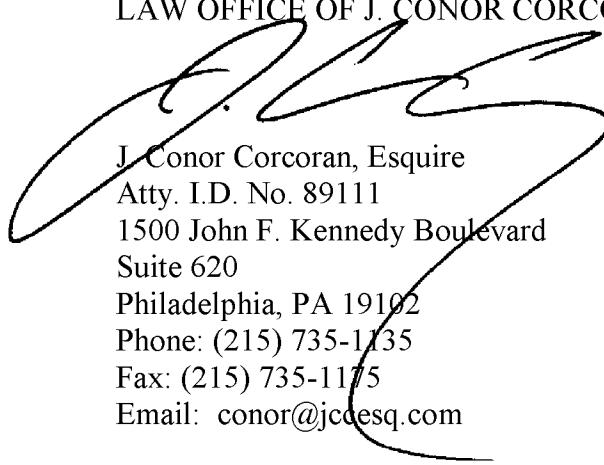
Jeffrey M. Chebot
Whiteman, Banks & Chebot, LLC
Suite 1300, Constitution Place
325 Chestnut Street

Philadelphia, PA 19106
F (215) 829-0059
e-mail: jchebot@wbc-lawyers.com

Respectfully Submitted,

LAW OFFICE OF J. CONOR CORCORAN, P.C.

Date: January 23, 2017


J. Conor Corcoran, Esquire
Atty. I.D. No. 89111
1500 John F. Kennedy Boulevard
Suite 620
Philadelphia, PA 19102
Phone: (215) 735-1135
Fax: (215) 735-1175
Email: conor@jccesq.com