

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.**

MAYIM BIALIK

Plaintiff,

v.

THE INDIVIDUALS, BUSINESS ENTITIES,
OR UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE “A.”

Defendants.

_____ /

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

Plaintiff Dr. Mayim Bialik (“Bialik” or “Plaintiff”), by and through her undersigned counsel, hereby sues Defendants, the Individuals, Business Entities, and/or Unincorporated Associations Identified on Schedule “A” hereto (collectively “Defendants”). Defendants are engaging in the unauthorized use of Mayim Bialik’s name, likeness, and/or persona within this district, and throughout the United States, through various affiliate marketing campaigns and e-commerce websites operating under the advertisement and sponsor identities, affiliate identity codes, and email addresses set forth on Schedule “A” (the “Advertisement/Sponsor IDs and Affiliate IDs”). The entire purpose of the Defendants’ wrongful activities is to create the false impression that Bialik is affiliated with and endorses certain cannabidiol products (the “Unauthorized CBD Products”) which she does not. In support of her claims, Bialik alleges as follows:

JURISDICTION AND VENUE

1. This is an action for federal false designation of origin, false advertising, common law unfair competition, common law right of publicity and unauthorized publication of name or likeness seeking relief pursuant to 15 U.S.C. § 1125(a), The All Writs Act, 28 U.S.C. § 1651(a), and Florida Statute §540.08. Accordingly, this Court has subject matter jurisdiction over this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over Plaintiff's state law claims because those claims are so related to the federal claims that they form part of the same case or controversy.

2. Defendants are subject to personal jurisdiction in this district, because they intentionally direct business activities toward and conduct business with consumers throughout the United States, including within the State of Florida and this district, through at least the e-commerce stores, social media accounts, and commercial websites operating under the Advertisement/Sponsor IDs and Affiliate IDs. Alternatively, Defendants are subject to personal jurisdiction in this district pursuant to Federal Rule of Civil Procedure 4(k)(2) because (i) Defendants are not subject to jurisdiction in any state's court of general jurisdiction; and (ii) exercising jurisdiction is consistent with the United States Constitution and laws.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 since a substantial part of the events or omissions giving rise to the claims set forth herein are occurring in this district. Specifically, Defendants are engaging in the below described unlawful activities which are directed, in part, to and causing harm within this district including advertising, promoting, marketing, offering to sell, selling, or directly causing the sale and/or shipping of falsely endorsed products into this district. Venue may also be appropriate pursuant to 28 U.S.C. § 1391(c)(3) since Defendants may, upon information and belief, be not residents in the United States.

THE PLAINTIFF

4. Plaintiff Mayim Bialik is an internationally recognized and acclaimed film and television actor, author, and neuroscientist. Bialik has starred in and received critical acclaim for her performances within the film and television industries. Bialik's name, image, and persona is instantly recognized by the public around the world, from such films as *Beaches* (1988) and popular television shows, including the 1990s hit series *Blossom* (1990-1995), the *Big Bang Theory* (2010-2019), and *Jeopardy!* (2021-2022). In addition to her extensive career in the entertainment industry, Bialik earned her doctorate in neuroscience. Bialik is also an accomplished author with published works in the genres of young adult and cookbooks.

5. Bialik has received numerous honors, awards, and recognitions for her work. These include receiving a Critics Choice Award in 2018 for Best Supporting Actress in a Comedy Series, a Broadcast Film Critics Association Award in 2018 for Best Supporting Actress in a Comedy Series, a Critics Choice Television Award in 2016 for Best Supporting Actress in a Comedy Series, an Online Film & Television Award in 2012 for Best Supporting Actress in a Comedy Series, and a Young Artist Award in 1989 for Best Young Actress in a Motion Picture Comedy or Fantasy. In addition, Bialik has received numerous nominations including from the Critics Choice Television Awards, Emmy Awards, Screen Actors Guild Awards, the Young Artist Awards Critics Choice Award, and the Teen Choice Awards.

6. As a result of Bialik's fame, her name, image, likeness, and persona enjoy widespread recognition and hold significant commercial value. Accordingly, Bialik engages in deliberate consideration prior to permitting the commercial use of her name, image, likeness or persona, to ensure that she is associated only with reputable products, entertainment, services and/or companies, and to ensure that the value of her name, image, likeness and persona is not

diminished either by association with products, entertainment, services and/or companies which she does not personally support and/or by over-saturation of her name and image. Bialik will not voluntarily appear or allow the use of her name, likeness, or persona in any media for a company or product she has not personally vetted and carefully selected based on her personal values and beliefs. Moreover, when endorsing a company or product, Bialik is entitled to and receives compensation which is commensurate with the value of the exploitation of her name, image, likeness, and persona, and protects her from any potential diminution in value deriving from the commercial use of her publicity rights.

THE DEFENDANTS

7. The Defendants are individuals, business entities of unknown makeup, or unincorporated associations, who may, upon information and belief reside outside of the United States and which purposefully target their business activities towards consumers, including within this district, through the simultaneous operation of, at least, various social media personas, the Advertisement/Sponsor IDs and commercial websites all operating under the Advertisement/Sponsor IDs, Affiliate IDs, and Uniform Resource Locators (“URLs”) which are making unauthorized use of Plaintiff’s name. Plaintiff reasonably believes Defendants also use, and will continue to use in the future, additional commercial domains, social media accounts, websites and corresponding URLs not yet known to Plaintiff for the purpose of marketing programs designed to drive consumer traffic towards e-commerce webpages based on a misuse and misappropriation of Plaintiff’s name, likeness, and/or persona.

8. Defendants operate under the Advertisement/Sponsor IDs and Affiliate IDs via third-party social media and news websites in tandem with websites, including websites which upon information and belief appear to be based abroad in at least the Dominican Republic,

France, and India, thereby creating an interconnected ecosystem which functions as an online marketing operation. Given the similarities in manner, style, and execution of the Defendants' fake endorsements it is likely the Defendants are acting in concert and/or are part of the same organization. Notwithstanding, the Defendants' activities are causing an indivisible harm to Plaintiff.

9. Upon information and belief, Defendants are the past and present controlling forces behind and causes of the promotion, marketing, and advertisement, offers to sell, and sales of the Unauthorized CBD Products promoted and advertised in connection with Bialik's name without Plaintiff's authorization.

10. Defendants misappropriate Bialik's name, likeness, and/or persona by promoting, advertising, and marketing, offering for sale, and selling or causing to be sold the Unauthorized CBD Products by falsely suggesting Bialik has endorsed, is sponsoring, or may be actively associated with such goods.

11. Defendants have registered, established, used, or acquired, and maintained their Advertisement/Sponsor IDs and/or Affiliate IDs for the unlawful actions described herein. Upon information and belief, Defendants engaged in fraudulent and misleading conduct with respect to the registration of the Advertisement/Sponsor IDs and Affiliate IDs by providing false and/or misleading information to the relevant e-commerce platforms, registrars, and/or affiliate programs they use to perpetrate their consumer fraud. Defendants likely registered, acquired, and/or maintained some of their Advertisement/Sponsor IDs and/or Affiliate IDs for the sole purpose of engaging in unlawful activities.

12. Defendants' business names, i.e., the Advertisement/Sponsor IDs and Affiliate IDs, and associated website URLs which are identified at Schedule "A" hereto, and any other

alias advertisement/sponsor identification names, domain names, URL addresses, and affiliate identifications used in connection with the promotion of goods using the unauthorized name, likeness, and/or persona of Bialik are essential components of Defendants' fraudulent activities and are the means by which Defendants further their scheme and cause harm to Plaintiff.

13. Defendants will likely continue to register or acquire new advertisement/sponsor identification aliases, social media accounts, domain names, and consequently new URL addresses in connection therewith, and affiliate identifications for the purpose of using misappropriating Bialik's name, likeness, and/or persona in connection with the promotion, advertisement, and marketing, offer to sell, and/or sales of unauthorized goods unless permanently enjoined.

14. True and correct captures of the URLs used in the complained of advertising scam making unauthorized use of Bialik's name, likeness, and/or persona are attached hereto as Composite Exhibit "1" hereto (the "Advertisements").

COMMON FACTUAL ALLEGATIONS

Plaintiff's Business and Sponsorship

15. Dr. Mayim Bialik enjoys world-wide notoriety and fame. As a result of her hard work and efforts, Bialik's name, image, likeness, and persona are widely recognized, giving them substantial monetary value in the marketplace.

16. Plaintiff closely controls and curates the commercial use of her publicity rights. Only after careful and thoughtful consideration does she enter into endorsement or sponsorship agreements. Plaintiff has never endorsed cannabidiol products in general, or the Unauthorized CBD Products, specifically.

Defendants' Unauthorized Activities

17. Defendants intentionally and conspicuously use at least Bialik's name for the purpose of advertising, marketing, promoting, and offering to sell and cause to be sold the Unauthorized CBD Products. Specifically, the Defendants wrongfully use Bialik's name in several forms alternatively referring to "Mayim Bialik CBD Gummies," "Mayim Bialik Smilz gummies," "Mayim Bialik CBD Oil" none of which in fact exist. The Defendants' entire purpose in using Bialik's name is to mislead consumers through false celebrity endorsement and drive consumer traffic to product sales pages for the Unauthorized CBD Products (the "Product Sales Pages").

18. At no time did Bialik give permission to Defendants to use her name, image, likeness or persona or any other publicity rights to promote, advertise, market, offer to sell, sell or cause to be sold the advertised Unauthorized CBD Products. Nor has Bialik been compensated for Defendants' unauthorized commercial use of her name and publicity rights.

How Affiliate Marketing Works

19. The Advertisements appear to be generated by affiliate marketers. Affiliate programs essentially operate as follows: online sellers of goods/services, whether operating as solo individuals or large enterprises are the vendors, merchants, or retailers trying to bring a product to the market. An affiliate, or publisher, (the "Affiliate") can be an individual or a company that markets the seller's product in an appealing way to potential consumers. Affiliates can self-host or join an affiliate marketing network, which are third-party services which act as intermediaries between the sellers and the Affiliate.

20. Affiliates are issued unique identifications and trackable URLs to use in their content promoting goods or services. If a consumer purchases a product because of an advertisement published by an Affiliate, that Affiliate receives a percentage of the revenue.

Affiliates market through certain channels to target consumers, i.e., social media, blogs, etc.

There are several different remuneration avenues for an Affiliate. In some instances, a consumer does not need to complete a purchase for the Affiliate to get paid. The basic revenue models for Affiliate programs include: (1) pay per sale – standard affiliate marketing structure, wherein a seller pays an affiliate a percentage of the sale price of the product post executed sale; (2) pay per lead – affiliate programs are compensated based on the conversion of leads. The affiliate will be remunerated if it successfully leads a consumer to visit a seller’s website and complete a desired action, i.e., filling out a contact form, signing up for a trial product, etc.; (3) pay per click – affiliate marketing is based on generating consumer traffic to websites in order for consumers to click and take action once there the affiliate is paid based on an increase in web traffic.

21. Affiliate marketing spend in the United States has increased in the last few years and is estimated to represent \$8.2 billion in 2022. *See* Affiliate Marketing 101: What it is and How to Get Started, *available at* <https://www.bigcommerce.com/articles/ecommerce/affiliate-marketing/>, (last visited May, 20, 2022). Affiliate marketing strategies are appealing as they can digitally reach and deliver a huge online base of potential consumers to product sales pages with zero initial upfront advertising costs attributable to the sellers of goods.

How Defendants are Engaging in a Marketing Scam Designed to Mislead Consumers and Exploit Plaintiff’s Famous Name

22. Many affiliate marketing programs have virtually no background or capital barriers to entry with the result being they are often used by bad actors such as Defendants herein.

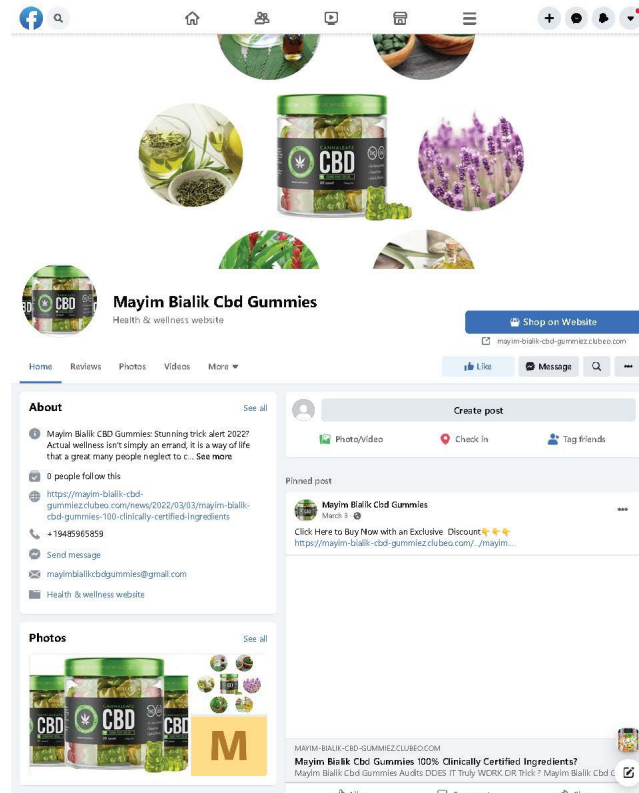
23. Defendants create advertisements, including sponsored “news” stories, and social media accounts, which prominently promote and feature Plaintiff’s name - Mayim Bialik – in connection with the Unauthorized CBD Products. The Advertisements, including sponsored

“news” content, and social media accounts include links to sales pages. Once a consumer clicks on the links to purchase these goods, they are redirected to one of several websites which sell the Unauthorized CBD Products – the Product Sales Pages.

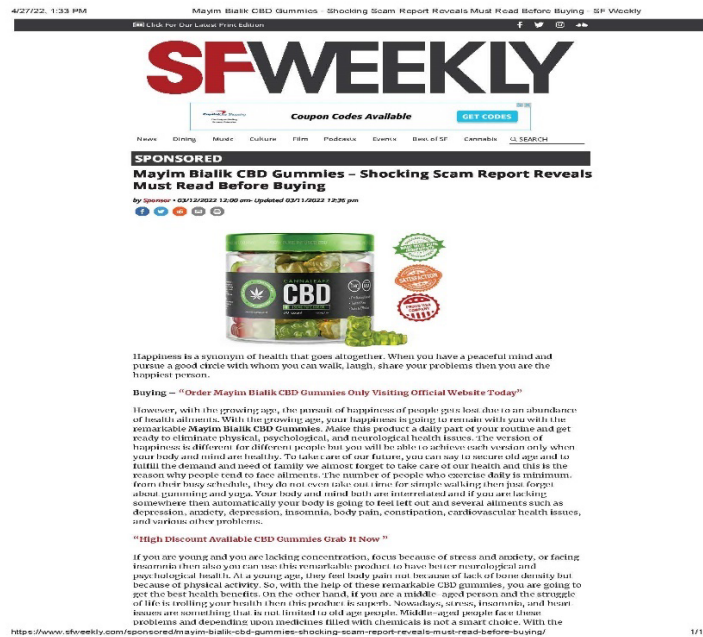
24. Upon information and belief, the registrants of the Product Sales Pages conceal their identities from the public as the WHOIS details of the Product Sales Page domain names are private.

How the Scam Works

25. The Defendants promote the Unauthorized CBD Products through social media accounts or sponsored “news” stories which include Bialik’s name in the account names or handles, or “news” headline, which then re-direct consumers to one or more webpages before landing on a Product Sales Page. See Schedule “A” hereto for a chart tracking the Defendants’ online scam. Below is an example of how Defendants’ misappropriation advertising scam operates:



26. The “shop on website” button of the “Mayim Bialik Cbd Gummies” Facebook page redirects consumers to a sponsored “news” story in the SF Weekly:



The headline of the article proclaims in large, bolded font: “**Mayim Bialik CBD Gummies – Shocking Scam Report Reveals Must Read Before Buying.**” The small script in the byline reflects the anonymous nature of the author who is identified only as “Sponsor.” The photograph of the goods identify the featured Unauthorized CBD Gummies as branded by “Cannaleafz.” The article includes promotional language such as: “With the growing age, your happiness is going to remain with you with the remarkable **Mayim Bialik CBD Gummies.**” (emphasis in the original). The purchase link prompts consumers to “Order Mayim Bialik CBD Gummies Only Visiting Official Website Today.” When a consumer clicks the purchase link, they are redirected to a Product Sales Page.

27. Once redirected, the sales page allows a consumer to complete the purchasing transaction:

Warning: Due to extremely high media demand, there is limited supply of Eagle Hemp CBD Full Spectrum Gummies in stock as of May 23, 2022. HURRY! 07:25

EAGLE HEMP
The Leading CBD Gummies in USA

Get My Discounted Bottle!

RUSH MY ORDER

BROAD SPECTRUM
CBD Gummies
POWERFUL NATURAL RELIEF!
Safe, Non-Habit Forming, Effective and 100% Legal!

- Reduces Pain & Chronic Aches
- Relieves Anxiety & Stress
- Enhances Focus & Clarity
- Promotes Healthy Sleep
- Made in the USA

Yohoo! Amazon Walmart QKI USCar

CBD GUMMIES
with Pure Hemp Extract
750MG
100% FULL SPECTRUM
100% LEGAL

STEP 1 - TELL US WHERE TO SEND YOUR BOTTLE

Discount Code: **H728KO731** **Congratulations! Your Discount Code Activated!**

First Name: Last Name:

Address:

City:

State:

Zip Code:

Phone Number: E-mail Address:

RUSH MY ORDER

WHY IS FULL SPECTRUM CBD SO POPULAR NOW?

CBD Oil works WITH your body to ELIMINATE YOUR PAIN FROM WITHIN. And it goes to work quickly. After over 20,000 clinical studies, it has been proven over and over again ... The cannabinoids found in CBD Gummies are the SAME compounds that regulate mood and pain in the brain and body. In just days, the cannabinoids in CBD will tune your entire endocannabinoid system (the network of receptors found throughout your body, including your brain, organs, glands)... leaving you pain free and feeling years younger. Muscle pain, joint pain, arthritis pain, headaches, body aches - all eliminated.

It is important to note that the 100% Pure CBD Oil used in the study was the real deal and exceeds

USA MADE

CBD GUMMIES
with Pure Hemp Extract
750MG
100% FULL SPECTRUM
100% LEGAL

Evan J. - MT
Purchased 6 Bottle(s) of Eagle Hemp CBD Full Spectrum Gummies
21 minutes ago

28. The CBD gummies offered for sale on this Product Sales Page are branded “Eagle Hemp” and Bialik’s name is not featured anywhere on the actual Product Sales Page. Purchases completed on the Product Sales Page are then shipped into this district.

29. The consumer trail from advertisement to purchasing page outlined above is the norm in this type of celebrity endorsement scam. Bialik’s name is used to advertise, promote, and induce consumers into believing that she, a respected actor, author, and scientist, endorses or sponsors the Unauthorized CBD Products. Her name and reputation give the Unauthorized CBD Products credibility and provide the inducement to for the consumer to “click” forward to a Product Sales Page. This scam harms not only Bialik’s reputation and credibility, which she has

spent years cultivating and earning, but inflicts equal harm and risk to consumers who may be lulled into a false sense of security in purchasing the Unauthorized CBD Products thinking that Bialik had a hand in bringing them to market and endorses their use which she does not.

30. Bialik has never consented, and objects, to the use by Defendants of her name, likeness, and/or persona in connection with any consumer products, specifically including the Unauthorized CBD Products.

31. Bialik never consented to endorse, promote, recommend, or be associated or affiliated with Defendants or with the Unauthorized CBD Products.

32. The Defendants' wrongful acts have caused and are causing damages and irreparable harm to Bialik for which she has no adequate remedy at law.

COUNT I - FALSE ASSOCIATION AND SPONSORSHIP
PURSUANT TO § 43(a) OF THE LANHAM ACT (15 U.S.C. § 1125(a)(1)(A))

33. Plaintiff hereby adopts and re-alleges the allegations set forth in Paragraphs 1 – 32 above.

34. Defendants' use of Plaintiff's name, likeness, and/or persona in their promotions, advertising, marketing, and offers for sales of the Unauthorized CBD Products is without authority or permission of Bialik and such use is likely to cause confusion, to cause mistake and/or to deceive consumers within the State of Florida and throughout the United States. Defendants' unauthorized use of Plaintiff's name, likeness, and/or persona constitutes a false designation of origin, a false or misleading description and representation of fact, which is likely to cause confusion and to cause mistake, and to deceive as to the affiliation, connection, sponsorship, or association of Defendants with Bialik.

35. Defendants' unauthorized use of Bialik's name, likeness, and/or persona to create

a false celebrity endorsement willfully violates Section 43(a) of the Lanham Act, § 1125(a)(1)(A).

36. Plaintiff has no adequate remedy at law and has sustained irreparable indivisible injury and damage caused by Defendants' concurrent, and likely coordinated, conduct. Absent an entry of an injunction by this Court, Defendants will continue to wrongfully reap profits and Plaintiff will continue to suffer irreparable injury to her goodwill and reputation, as well as monetary damages.

COUNT II - FALSE ADVERTISING
PURSUANT TO § 43(a) OF THE LANHAM ACT (15 U.S.C. § 1125(a)(1)(B))

37. Plaintiff hereby adopts and re-alleges the allegations of Paragraphs 1 - 32 above.

38. Defendants use Bialik's name, likeness, and/or persona as described herein without her authority in order to create the perception that Bialik (i) endorses, sponsors, or is affiliated with, the Unauthorized CBD Products and/or (ii) consent to or authorizes Defendants to use her name, likeness, and/or persona to advertise, promote, and market the Unauthorized CBD Products.

39. Bialik's name is prominently displayed in the Advertisements, which include links leading consumers to the relevant Product Sales Pages.

40. Defendants' use of Bialik's name, likeness, and/or persona to advertise, promote and market the Unauthorized CBD Products as described herein is false and misleading.

41. Defendants' unauthorized use of Plaintiff's name, likeness, and/or persona as described herein constitutes false advertising by suggesting or implying, among other things, that Plaintiff sponsors or endorses the Unauthorized CBD Products, or consents to or authorizes the use of her name, likeness, and/or persona in connection with the advertisement, promotion, and

marketing of the Unauthorized CBD Products.

42. Defendants' false advertising described above has the capacity or tendency to confuse consumers specifically as to whether Bialik has a part in the manufacturing, sponsoring, or endorsement of the Unauthorized CBD Products.

43. Defendants' unauthorized use of Bialik's name, likeness, and/or persona as described herein willfully violates 15 USC § 1125(a)(1)(B).

44. Plaintiff has no adequate remedy at law and has sustained irreparable indivisible injury and damage caused by Defendants' concurrent conduct. Absent an entry of an injunction by this Court, Defendants will continue to wrongfully reap profits and Plaintiff will continue to suffer irreparable injury to her goodwill and reputation, as well as monetary damages.

COUNT III – UNAUTHORIZED APPROPRIATION OF NAME OR LIKENESS
IN VIOLATION OF
§ 540.08 OF THE FLORIDA STATUTES

45. Plaintiff hereby adopts and re-alleges the allegations of Paragraphs 1 - 32 above.

46. Defendants earned financial benefit from the unauthorized use of Bialik's name, likeness, and/or persona in connection with the promotion, advertisement, offer to sell, and sale of unauthorized goods.

47. Defendants' have intentionally engaged in the unauthorized use of Plaintiff's name, likeness, and/or persona for commercial and advertising purposes thereby violating § 540.08, Florida Statutes.

48. As a result of Defendants' appropriation and unauthorized use of Bialik's name, likeness and/or persona, Plaintiff has suffered and continues to suffer damages and irreparable harm.

49. In addition, as a direct and proximate result of Defendants' violations of § 540.08,

Florida Statutes, Bialik is entitled to at least a reasonable license fee for use of her name, likeness and/or persona.

**COUNT IV – COMMON LAW RIGHT OF PUBLICITY; UNAUTHORIZED
MISAPPROPRIATION OF NAME OR LIKENESS**

50. Plaintiff hereby adopts and re-alleges the allegations of Paragraphs 1 - 32 above.

51. Bialik controls and owns the rights to her publicity.

52. Defendants may not publish, print, display or publicly use for purposes of trade or for any commercial or advertising purpose the name, portrait, photograph, or other likeness of Bialik without her express written or oral consent to such use.

53. Defendants published, printed, displayed and/or publicly used Bialik's name, likeness, and/or persona in connection with the commercial advertisement of the Unauthorized CBD Products for the purpose of benefiting from Bialik's fame and reputation.

54. Defendants took the actions alleged herein without Bialik's consent or authority. Defendants never sought permission or authority to use Bialik's name, likeness and/or persona in connection with the promotion, advertising, marketing, offers to sell, and sales of any products, including the Unauthorized CBD Products.

55. Defendants intentionally, published, printed, displayed, or otherwise disseminated or used Bialik's name, likeness and/or persona without her express written or oral consent, for the purposes of trade and commercial purposes and detailed herein.

56. Defendants have caused irreparable harm to Bialik's sterling reputation by misappropriating her image and likeness in connection with their promotion, advertising, offers to sell and sales of the Unauthorized CBD Products.

57. Defendants have also damaged Bialik as a direct and proximate result of their

unauthorized use of her name, likeness and/or persona without compensation.

PRAYER FOR RELIEF

58. WHEREFORE, Plaintiff demands judgment on all Counts of this Complaint and an award of preliminary and permanent equitable relief and monetary relief against Defendants as follows:

a. Entry of a temporary, preliminary, and permanent injunction pursuant to 15 U.S.C. § 1116, 28 U.S.C. § 1651(a), The All Writs Act, and Federal Rule of Civil Procedure 65 enjoining Defendants, their agents, representatives, servants, employees, and all those acting in concert or participation therewith, from using, imitating and/or copying Mayim Bialik's name, likeness, and/or persona in connection with the promotion, marketing, advertising, selling or offering to sell the Unauthorized CBD Products bearing Bialik's name, image, likeness, and/or persona; from making unauthorized use of Bialik's name, likeness, and/or persona, in connection with the sale of any unauthorized goods; from using any image or likeness that may be calculated to falsely advertise the Unauthorized CBD Products as being sponsored by, authorized by, endorsed by, or in any way associated with Plaintiff; from falsely representing themselves as being connected with Plaintiff, through sponsorship or association, or engaging in any act that is likely to falsely cause members of the trade and/or of the purchasing public to believe any goods or services of Defendants, are in any way endorsed by, approved by, and/or associated with Plaintiff; from affixing, applying, annexing or using in connection with the sale of any goods, a false description or representation, including words or other symbols tending to falsely describe or represent Defendants' goods as being those of Plaintiff, or in any way endorsed by Plaintiff and from offering such goods in commerce; from engaging in search engine optimization strategies using colorable imitations of Plaintiff's name and from otherwise unfairly competing with

Plaintiff.

b. Entry of a temporary, preliminary, and permanent injunction, pursuant to 28 U.S.C. § 1651(a), The All Writs Act, enjoining Defendants and all third parties with actual notice of the injunction from participating in, including providing financial services, hosting services, technical services, affiliate program services, or other support to, Defendants in connection with the promotion, advertising and marketing, using, without authorization, Plaintiff's name, likeness, and/or persona.

c. Entry of an order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and this Court's inherent authority that, upon Plaintiff's request, those acting in concert or participation with Defendants who have notice of the injunction, as service providers cease hosting, facilitating access to, or providing any supporting service to any and all URLs through which Defendants engage in the promotion, advertising, and marketing campaigns making unauthorized use of Plaintiff's name, likeness, and/or persona.

d. Entry of an order pursuant to 28 U.S.C. § 1651(a), The All Writs Act and the Court's inherent authority, authorizing Plaintiff to request any Internet search engines, social media platforms, or advertising platforms which are provided with notice of the injunction, to permanently disable, de-index or delist the specific URLs identified on Schedule "A" based on Defendants' unlawful activities.

e. Entry of an order requiring Defendants, their agent(s) or assign(s), to instruct all search engines to permanently delist or deindex the URLs used by Defendants to engage in their unauthorized use of Plaintiff's name, likeness and/or persona in connection with the promotion, advertising and marketing, and offers to sell the Unauthorized CBD Products so they may no longer be used for unlawful purposes, and, if within five (5) days of entry of such

order Defendants fail to make such a written instruction, the Court order the act to be done by another person appointed by the Court at Defendants' expense, such as the Clerk of Court, pursuant to Federal Rule of Civil Procedure 70(a).

f. Entry of an order requiring Defendants to request in writing permanent termination of any messaging services, Advertisement/Sponsor IDs, usernames, and social media accounts they own, operate, or control on any messaging service and social media platform used by Defendants to engage in their unauthorized use of Plaintiff's name, likeness and/or persona in connection with the promotion, advertising and marketing, and offers to sell the Unauthorized CBD Products so they may no longer be used for unlawful purposes, and, if within five (5) days of entry of such order Defendants fail to make such a written instruction, the Court order the act to be done by another person appointed by the Court at Defendants' expense, such as the Clerk of Court, pursuant to Federal Rule of Civil Procedure 70(a)

g. Entry of an order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority, authorizing Plaintiff to serve the injunction on any e-mail service provider with a request that the service provider permanently suspend the e-mail addresses that are or have been used by Defendants to engage in the promotion, advertising, and marketing campaigns making unauthorized use of Plaintiff's name, likeness, and/or persona.

h. Entry of an Order, pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and this Court's inherent authority that upon Plaintiff's request, the applicable governing website operators and/or administrators for the Affiliate IDs who are provided with notice of an injunction issued by this Court disable and/or cease facilitating access to or receiving online consumer traffic from the Affiliate IDs and any other affiliate identification numbers being used

and/or controlled by Defendants to engage in the promotion, advertising, and marketing campaigns making unauthorized use of Plaintiff's name, likeness, and/or persona.

i. Entry of an Order, pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and this Court's inherent authority that upon Plaintiff's request, the applicable governing website operators and/or administrators for the Advertisement/Sponsor IDs who are provided with notice of an injunction issued by this Court disable and/or cease facilitating access to the Advertisement/Sponsor IDs and any other alias advertisement/sponsor identification names being used and/or controlled by Defendants to engage in the business of making unauthorized use of Plaintiff's name, likeness, and/or persona in connection with marketing, offering to sell, and/or selling goods, including, the Unauthorized CBD Products.

j. Entry of an order, pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and this Court's inherent authority that upon Plaintiff's request, any website operators and/or administrators for the Advertisement/Sponsor IDs who are provided with notice of an injunction issued by this Court identify any e-mail address known to be associated with Defendants' respective Advertisement/Sponsor ID.

k. Entry of an order pursuant to 15 U.S.C. § 1116, 28 U.S.C. § 1651(a), The All Writs Act, and the Court's inherent authority that the Defendants and, that upon Plaintiff's request, the top level domain (TLD) Registry for any domain used by Defendants in their unlawful acts, or their administrators, including backend registry operators or administrators, place the domain names on Registry Hold status for the remainder of the registration period for any such domain name, thus removing it from the TLD zone files which link any domain name being used and/or controlled by Defendants to engage in the promotion, advertising, and marketing campaigns

making unauthorized use of Plaintiff's name, likeness, and/or persona, to the IP address where the associated website is hosted.

l. Entry of an order pursuant to 28 U.S.C. § 1651(a), The All Writs Act and the Court's inherent authority, canceling for the life of the current registration or, at Plaintiff's election, transferring any domain names owned, operated, and used by Defendants presently or in the future to engage in the promotion, advertising, and marketing campaigns making unauthorized use of Plaintiff's name, likeness, and/or persona to Plaintiff's control so they may no longer be used for unlawful purposes.

m. Entry of an Order requiring Defendants to account to and pay Plaintiff for all profits, enrichments, including punitive damages, and advantages derived from those Defendants use of Bialik's name, likeness, and/or persona pursuant to Florida Statutes § 540.08 and Plaintiff's common law right of publicity.

n. Entry of an award pursuant to 15 U.S.C. § 1117 (a) and Plaintiff's costs and reasonable attorneys' fees and investigative fees associated with bringing this action.

o. Entry of an Order pursuant to 28 U.S.C. § 1651(a), The All Writs Act, and this Court's inherent authority that Defendants and any financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms, and their related companies and affiliates, identify and restrain all funds, up to and including the total amount of judgment, in all financial accounts and/or sub-accounts used in connection with the Advertisement/Sponsor IDs and Affiliate IDs or other alias advertisement/sponsor identification names and/or e-commerce store names, social media accounts, private messaging accounts, domain names and/or websites used by Defendants presently or in the future, as well as any other related accounts of the same customer(s) and any other accounts which transfer funds into the same financial institution

account(s), to be surrendered to Plaintiff in partial satisfaction of the monetary judgment entered herein.

p. Entry of an award of pre-judgment interest on the judgment amount.

q. Entry of an Order requiring Defendants to pay the cost necessary to correct any erroneous impression the consuming public may have received or derived concerning the nature, characteristics, or qualities of Defendants' products, including without limitation, the placement of corrective advertising and providing written notice to the public.

r. Entry of an Order for any further relief as the Court may deem just and proper.

DATED: June 16, 2022.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.

By: **s/Stephen M. Gaffigan**

Stephen M. Gaffigan (Fla. Bar No. 025844)

Virgilio Gigante (Fla. Bar No. 082635)

T. Raquel Wiborg-Rodriguez (Fla. Bar. No. 103372)

Christine Ann Daley (Fla. Bar No. 98482)

401 East Las Olas Blvd., Suite 130-453

Ft. Lauderdale, Florida 33301

Telephone: (954) 767-4819

E-mail: Stephen@smgpa.net

E-mail: Leo@smgpa.net

E-mail: Raquel@smgpa.net

Attorneys for Plaintiff

SCHEDULE “A”
DEFENDANTS BY NUMBER, ADVERTISEMENT/SPONSOR ID
AFFILIATE ID AND EMAIL ADDRESSES¹

Def. No.	Affiliate ID	Defendant / Advertisement/Sponsor ID	Advertisement /Sponsor ID URL	URL link(s) from Advertisement	Product Sales Page	Contact Email
1	affId=7B6F5B88&c1=3&c2=5671-11999&c3=187178		https://mayim-bialik-cbd-gummies-10.jimdosite.com/	https://nutrafame.com/Organixx	https://geteaglehemp.com/gummies/v3/?affId=7B6F5B88&c1=3&c2=5671-11999&c3=187178	
2	affId=7B6F5B88&c1=3&c2=5671-8090&c3=204241	Mayim Bialik CBD Gummies	https://www.facebook.com/Mayim-Bialik-CBD-Gummies-101867969125081/	https://www.sfweekly.com/sponsored/mayim-bialik-cbd-gummies-scam-alert-does-it-work/?fbclid=IwAR3an-8-rEYO7LvzOAHHDGShYoLpVaQIiaUYtvWgmRYEpc0aIYODMn04EUo	https://geteaglehemp.com/gummies/v3/?affId=7B6F5B88&c1=3&c2=5671-8090&c3=204241	
3	affId=7B6F5B88&c1=3&c2=5671-11981&c3=204241	Clinical CBD Gummies Mayim Bialik	https://www.facebook.com/Clinical-CBD-Gummies-Mayim-Bialik-109400205051728	https://sites.google.com/view/clinicalcbd-gummies/mayimbialik/home	https://geteaglehemp.com/gummies/v3/?affId=7B6F5B88&c1=3&c2=5671-11981&c3=204241	
3	affId=7B6F5B88&c1=3&c2=5671-11981&c3=204241	Mayim Bialik CBD Gummies	https://www.facebook.com/Mayim-Bialik-CBD-Gummies-102168979086768/	https://sites.google.com/view/mayim-bialikcbd-gummies-reviews/home	https://geteaglehemp.com/gummies/v3/?affId=7B6F5B88&c1=3&c2=5671-11981&c3=204241	
3	affId=7B6F5B88&c1=3&c2=5671-11981&c3=204241	Mayim Bialik CBD	https://www.facebook.com/Mayim-Bialik-CBD-110312958261525/	https://sites.google.com/view/mayim-bialikcbd-gummies-reviews/home	https://geteaglehemp.com/gummies/v3/?affId=7B6F5B88&c1=3&c2=5671-11981&c3=204241	
4	affId=7B6F5B88&c1=3&c2=5671-11999&c3=204463	Mayim Bialik CBD Gummies	https://www.facebook.com/Mayim-Bialik-CBD-Gummies-106853498614248	https://dismissnews1.blogspot.com/2022/03/mayim-bialik-cbd-gummies.html https://mayim-bialik-cbd-gummies-reviews-2.jimdosite.com	https://geteaglehemp.com/gummies/v3/?affId=7B6F5B88&c1=3&c2=5671-11999&c3=204463	mayimbialikcbd-gummies@gmail.com

¹ This information is accurate as of time of Plaintiff's investigation. Upon information and belief, part of the Defendants' misappropriation scam includes regular redirection of advertisements to alternate Product Sales Pages.

5	https://www.facebook.com/Mayim-Bialik-CBD-Gummies-108805505012478/	Mayim Bialik CBD Gummies	https://techplanet.today/post/mayim-bialik-cbd-gummies-reviews-latest-scam-official-website-offers	https://greengalaxygummies.com/coupon/?affId=D896782B&c1=[c1]&c2=[c2]&c3=5jw7videdi70	
6	https://www.facebook.com/Mayim-Bialik-CBD-Gummies-USA-100267355975679/	Mayim Bialik CBD Gummies USA	https://bumpy.com/tm/read-blog/30889 https://sites.google.com/view/mayim-bialik-cbd-gumiys/home https://mayim-bialik-cbd-gummies-16.jimdosite.com	https://greengalaxygummies.com/deal/?affId=8FA6F5D4&c1=5922-12352&c3=61749598	
7	https://www.facebook.com/Mayim-Bialik-Cbd-Gummies-108597301800994	Mayim Bialik Cbd Gummies	https://www.sfweekly.com/sponsored/mayim-bialik-cbd-gummies-shocking-scam-report-reveals-must-read-before-buying/ https://triplerresult.com/MayimCBDGummies/	https://greenhouse-gummies.com/offer/greenhouse_gummies/us_v1/?uid=362a1ee5-bb17-4534-a0ba-a324e491f56c	
8	https://www.facebook.com/Mayim-Bialik-Smilz-109354925049343	Mayim Bialik Smilz	https://techplanet.today/post/certified-natures-cbd-gummies-reviews-upgraded-2022-what-are-customers-saying	https://greenhouse-gummies.com/offer/greenhouse_gummies/us_v1/?uid=d8d7b0b2-c25a-447a-806d-e752ade57c64	mayimbialiksmilz@gmail.com
9	https://www.facebook.com/Mayim-Bialik-Smilz-Reviews-103813905611805/	Mayim Bialik Smilz Reviews	https://sites.google.com/view/cbd-gummies-reviews/home	https://greenhouse-gummies.com/offer/greenhouse_gummies/us_v1/?uid=a25cb504-854a-429f-97f4-2a0129b068d6	mayimbialiksmilz@gmail.com
10	https://www.facebook.com/Mayim-Bialik-Cbd-Gummiesofficial-110387388282661	Mayim Bialik Cbd Gummiesofficial	https://sites.google.com/view/mayimbialikcbdgummiesofficial/home	https://greenhouse-gummies.com/offer/greenhouse_gummies/us_v1/?uid=731032b5-29af-4206-9de2-ff57c00a6c31	
11	https://www.facebook.com/MayimBialikFoxNewsCBDGummies	Mayim Bialik CBD Gummies: Mayim Bialik News CBD Gummies, Fox News Also	https://ventsmagazine.com/2022/03/14/mayim-bialik-cbd-gummies/	https://try-gummies.com/offer/gummies/v1/?uid=1dd10b28-0f3d-45ec-b3ab-f7fac70b995b	

12	affid=7985&campid=5507&screid=5492&subid=JANVI	Mayim Bialik CBD Gummies	https://www.facebook.com/Mayim-Bialik-CBD-Gummies-102390459075632	https://sites.google.com/view/mayim-bialik-cbd-gummies-usa/	https://expressrevenue.com/link.php?affid=7985&campid=5507&screid=5492&subid=JANVI	
13		Mayim Bialik CBD Oil US	https://www.facebook.com/Mayim-Bialik-CBD-Oil-US-111085404863827	https://sites.google.com/view/mayim-bialik-cbd-oil-2022/		
14	affId=2034&c1=7051&c2=ef	Mayim Bialik CBD Gummies	https://www.facebook.com/Mayim-Bialik-CBD-Gummies-101767979024378	https://supplement24hours.com/mayim-bialik-cbd-gummies-reviews-buy https://mayimbialikcbdgmmbuy.clubeeo.com/news/2022/02/24/mayim-bialik-cbd-gummies-reviews-shark-tank-benefits-does-it-re	https://bylivewell.com/o/cbd-ca/?affId=2034&c1=7051&c2=ef	cbdgmmbuy@pure.com
15	affId=D77EA469&c1=6969&c2=&c3=477602544		https://mayim-bialik-cbd-gummies-us.jimdosite.com/	https://top10cbdsoils.com/mayim-bialik-cbd-gummies-buy/	https://smilzcbdgmmbuy.org/desktop/index.php?affId=D77EA469&c1=6969&c2=&c3=477602544	
16	affId=D77EA469&c1=3941&c2=&c3=477602544		https://www.clevescene.com/sponsored/mayim-bialik-cbd-gummies-reviews-read-before-you-buy-38561250	http://winisp.net/go/Mayim-Bialik-CBD-Gummies	https://smilzcbdgmmbuy.org/desktop/index.php?affId=D77EA469&c1=3941&c2=&c3=477602544	
17	affId=D77EA469&c1=7424&c2=&c3=482155921	Mayim Bialik CBD Gummies	https://www.facebook.com/Mayim-Bialik-CBD-Gummies-104078315547982	https://farmscbdool.com/mayim-bialik-cbd-gummies/	https://smilzcbdgmmbuy.org/desktop/index.php?affId=D77EA469&c1=7424&c2=&c3=482155921	
17	affId=D77EA469&c1=7424&c2=&c3=482155921	Mayim Bialik Smilz Gummies	https://www.facebook.com/Mayim-Bialik-Smilz-Gummies-105305312111653	https://atozsupplement.com/mayim-bialik-smilz-gummies/	https://smilzcbdgmmbuy.org/desktop/index.php?affId=D77EA469&c1=7424&c2=&c3=482155921	
18	affId=D77EA469&c1=7051&c2=&c3=482155921	Mayim Bialik cbd snopes	https://www.facebook.com/Mayim-bialik-cbd-snopes-105610648755702	https://supplement24hours.com/mayim-bialik-cbd-gummies-reviews-buy/	https://smilzcbdgmmbuy.org/desktop/index.php?affId=D77EA469&c1=7051&c2=&c3=482155921	supplement24hours@gmail.com
19	affId=D77EA469&c1=6969&c2=&c3=482155921	Smilz CBD Gummies Mayim Bialik	https://www.facebook.com/SmilzGummiesMayimBialik	https://smilz-cbd-gummies-mayim-bialik-buy.jimdosite.com/	https://smilzcbdgmmbuy.org/desktop/index.php?affId=D77EA469&c1=6969&c2=&c3=482155921	

20	https://www.facebook.com/Mayim-Bialik-CBD-Gummies-103828552260121/	Mayim Bialik CBD Gummies	https://supplement24hours.com/mayim-bialik-cbd-gummies-reviews/	https://smilzcbdgmummies.org/desktop/index.php?affid=D77EA469&c1=7051&c2=&c3=482284513	
21	https://www.facebook.com/KushlyCBDMayimBialik	Kushly CBD Mayim Bialik Gummies	https://supplement24hours.com/kushly-cbd-gummies-mayim-bialik/	https://expressrevenue.com/link.php?affid=5707&campid=4235&screid=4287&subid=&subid2=&subid3=rosnksm	supplement24hours@gmail.com
22	https://www.facebook.com/Mayim-Bialik-CBD-Gummies-108189011861058	Mayim Bialik CBD Gummies	https://globalhubnews.com/mayim-bialik-cbd-gummies/	https://href.li/?https://www.fasttrack01.com/LG85NZB7/213J98PN/?sub1=ISHA&sub2=Mayi	
23	https://www.facebook.com/MayimBialikCBDOil	Mayim Bialik CBD Oil	https://sites.google.com/view/mayim-bialik-cbd-oil-trusted/home		mayimbialikgummie@protonmail.com
24	https://www.facebook.com/Baypark-CBD-Gummies-mayim-bialik-106688331988137/	Baypark CBD Gummies mayim bialik	https://bayparkcbdgmummiesbenefits.clubeo.com/news/2022/03/22/no-more-arthritis-or-pain-with-baypark-cbd-gummies		
25	https://www.facebook.com/Mayim-Bialik-Cbd-Gummies-103656122273709	Mayim Bialik Cbd Gummies	https://mayim-bialik-cbd-gummiez.clubeo.com/news/2022/03/03/mayim-bialik-cbd-gummies-100-clinically-certified-ingredients		mayimbialikcbdgmummies@gmail.com
26	https://www.facebook.com/Mayim-Bialik-Cbd-109973344963218	Mayim Bialik Cbd	https://mayim-bialik-cbd-gummiez.clubeo.com/news/2022/03/03/mayim-bialik-cbd-updated-2022-side-effects-and-complaint-list		mayimbialikcbd@gmail.com
27	https://www.facebook.com/people/Mayim-Bialik-Cbd/100078858352906/	Mayim Bialik Cbd	https://mayim-bialik-cbd-gummiez.clubeo.com/news/2022/03/03/mayim-bialik-cbd-reviews-side-effects-benefits-ingredients		MayimBialikCbd@gmail.com
28	https://www.supplementsenergy.com/mayim-bialik-cbd/		https://ecommmkt.com/?a=10270&c=117613&s1=&s5=John	https://healthwellnesslifestyle.com/g-us-1hp/?CID=13&affid=67&subid=10270&ClickID=4ca032a5bd1b48f98c6d3e1ee0f1548f&AffClickID=478039736	

	=&subid2=&subid3=&subid4=				&subid1=&subid2=&subid3=&subid4=	
29	affid=67&subid=10270&ClickID=a7c1849fad6f43a0beab7d53d3e9cbce&AffClickID=477569845&subid1=&subid2=&subid3=&subid4=DJ		http://fitnessproductcenter.com/mayim-bialik-cbd-gummies/	http://fitnessproductcenter.com/mayim-bialik-cbd-gummies-buy/	https://healthwellnesslivestore.com/g-us-hp/?CID=13&affid=67&subid=10270&ClickID=a7c1849fad6f43a0beab7d53d3e9cbce&AffClickID=477569845&subid1=&subid2=&subid3=&subid4=DJ	
30	affid=5E4B89FA&c1=19552&c2=&c3=68fd36da0bd541498041fdc76c82e99e		https://supplements4fitness.com/mayim-bialik-cbd-gummies/	https://supplements4fitness.com/buy-eagle-cbd-gummies	https://naturalcbdforme.com/v3/?affid=5E4B89FA&c1=19552&c2=&c3=68fd36da0bd541498041fdc76c82e99e	
31		Mayim Bialik CBD Gummies	https://www.facebook.com/mayimbialikcbdgmummies/	https://mayim-bialik-cbd-gummies.clubeo.com/news/2022/02/21/mayim-bialik-cbd-gummies-reviews-customer-expose-the-privacy-po		mayimbialikcbd gummie@gmail.com
32	https://bylivewell.com/o/cbd-ca/?affid=2034&c1=5805&c2=ef	mayimbialikcbdgmummies	https://www.instagram.com/mayimbialikcbdgmummies/	https://supplement24hours.com/mayim-bialik-cbd-gummies/	https://bylivewell.com/o/cbd-ca/?affid=2034&c1=7051&c2=ef&c5=c527625e14d64861ae6fe3f05e187295	
32	https://bylivewell.com/o/cbd-ca/?affid=2034&c1=5805&c2=ef	mayimbialikcbdoil	https://www.instagram.com/mayimbialikcbdoil/	https://topcbdoilmart.com/mayim-bialik-cbd-oil/	https://bylivewell.com/o/cbd-ca/?affid=2034&c1=5805&c2=ef&c5=7f8244f5572f4c27b394eb6e54ec6edd	