

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CURRIE MOTORS CHEVROLET, INC.,)	
CURRIE MOTORS FRANKFORT, INC.,)	
CURRIE MOTORS VALPO, INC.)	
)	
Plaintiffs,)	Case No. 1:20-cv-00595
v.)	
)	JURY DEMANDED
CASTLE CHEVROLET, INC.,)	
CASTLE CHEVROLET NORTH, LLC.)	
and AGUSTIN MEDINA.)	
)	
Defendants.)	

COMPLAINT AT LAW

NOW COME the Plaintiffs, Currie Motors Chevrolet, Inc., Currie Motors Frankfort, Inc. and Currie Motors Valpo, Inc. (“Currie Motors” or “Plaintiffs”), by and through their attorneys, Mary Louise Kandyba and Christen McGlynn, Wilson Elser Moskowitz Edelman and Dicker LLP, and Julie P. Sieracki, and for their Complaint against the Defendants, Castle Chevrolet, Inc., Castle Chevrolet North, LLC and Agustin Medina (collectively referred to as “Castle” or “Defendants”) state as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff, Currie Motors Chevrolet, Inc. is an Illinois Corporation, duly registered to conduct business in Illinois with its principal place of business at 8401 West Roosevelt Road, Forest Park, IL 60130.

2. Plaintiff Currie Motors Frankfort, Inc. is an Illinois Corporation, duly registered to conduct business in Illinois with its principal place of business at 9432 West Lincoln Highway, Frankfort, IL 60423.

3. Plaintiff Currie Motors Valpo, Inc. is an Indiana Corporation, duly registered to conduct business in Indiana with its principal place of business at 2052 West U.S. Highway 30, Valparaiso, IN 46385.

4. Defendant, Castle Chevrolet, Inc. is an Illinois Corporation, with its principal place of business at 400 East Roosevelt Road, Villa Park, IL 60181.

5. Defendant, Castle Chevrolet North, LLC is a limited liability company existing under the laws of the State of Illinois doing business at 175 North Arlington Heights Road, Elk Grove Village, IL 60007.

6. Defendant, Agustin Medina is an individual residing in Cook County, Illinois.

7. At all times relevant hereto, Medina was an agent and employee of the Castle Defendants, acting within the scope of his employment with the knowledge and approval of the Castle Defendants and/or for the benefit of the Castle Defendants.

8. This case arises under the laws of the United States of America and statutes and common law of the State of Illinois, and as such, this Court has subject matter jurisdiction over Plaintiff's claims arising under 15 U.S.C. § 1125(d) pursuant to 28 U.S.C. § 1331.

9. This Court has supplemental jurisdiction over Plaintiff's state law and common law claims pursuant to 28 U.S.C. § 1367(a) because they are substantial and related claims that arise from the same common nucleus of operative facts as Plaintiff's federal claim.

10. Venue is proper in the Northern District of Illinois under 28 U.S.C. § 1391 because Defendants are residents of this District and doing business in this District, and further because a substantial part of the events giving rise to this action arose in the Northern District of Illinois.

FACTS COMMON TO ALL COUNTS

11. Plaintiffs are franchised automobile dealerships specializing in the sales and service of new and used vehicles, each doing business under the moniker of Currie Motors.

12. Currie Motors is a top performer in the Chicago and Northwest Indiana region. The Chevrolet dealership in particular was the number one volume Chevy dealer for car sales in the Region, the number three dealer for all sales in the Region and the number two dealer in Illinois, for 2018 and 2019.

13. Defendant Castle Chevrolet, Inc. and Defendant Castle Chevrolet North, LLC (together “Castle Defendants”) are both franchised Chevrolet dealerships specializing in the sales and service of new and used vehicles, and direct competitors of Plaintiffs, and of Currie Motors Chevrolet in particular.

14. Currie Motors has had dealerships operating in the Chicagoland area for over 30 years and succeeds as a result of its name recognition, customer satisfaction and the maintenance of strong community relationships throughout the Chicago and Northwest Indiana area, all of which have resulted in the development of significant goodwill for Currie Motors.

15. Plaintiffs, individually and as Currie Motors Group, regularly advertise in print media, radio, and television throughout the Chicagoland area and maintain a large internet presence. Plaintiffs also participate in community outreach, including attendance at local festivals and events to build relationships with customers and local businesses, and to maintain a presence in the Chicago and Northwest Indiana community in which Plaintiffs do business.

16. As part of their internet business, Plaintiffs own numerous domain names associated with and containing the moniker “Currie” and “Currie Motors” in the domain names used by Plaintiffs as part of their ongoing business operations.

17. In his capacity as agent of the Castle Defendants, and as their authorized representative, agent and Internet Director, Medina purchased the domain name curriechevrolet.com (the “Domain”) without the knowledge or consent of Plaintiffs.

18. Medina then set up the Domain so that any users who attempted to access the Currie Motors website would be re-directed to a website featuring pornography, namely Pornhub.com. In doing so, Defendants appropriated the name and goodwill of Currie Motors under which Plaintiffs were doing business.

19. Upon learning of the acts of Defendants, Plaintiffs then attempted to obtain the Domain, but Medina and the Castle Defendants refused to release the Domain to Plaintiffs.

20. While Defendants did cease the redirection of the Domain to the pornography site, the refusal of Defendants to release the Domain name to Plaintiffs, who have a right to said Domain name, has irreparably harmed Plaintiffs and the Currie Motors name under which they are doing business, and created a situation whereby Defendants can, at any time, reactivate the redirection of the Domain to a website that will further tarnish Plaintiffs’ reputation and destroy their goodwill.

COUNT I – CYBERSQUATTING PURSUANT TO 15 U.S.C. § 1125(d)(1)

21. Plaintiffs restate and reallege Paragraphs 1 through 20 above as Paragraph 21 of Count I of Plaintiffs’ Complaint, as though fully set out herein and incorporated herein by reference.

22. This Count is brought against Defendants under the Anticybersquatting Consumer Protection Act (“ACPA”), 15 U.S.C. § 1125(d)(1), in that the actions of Defendants, and each of them, were in bad faith and without Plaintiffs’ consent.

23. The name Currie Motors is distinctive, and has been widely and continuously used in commerce and thus was entitled to protection as a common law trademark at the time that Defendants registered and used the Domain without Plaintiffs' consent or authorization.

24. As direct competitors of Plaintiffs in the Chicago and Northwest Indiana areas, Defendants were aware of Plaintiffs, their dealership and trademark rights at the time the Domain was purchased and registered without the consent of Plaintiffs.

25. Because the Domain's use of the moniker "Currie" makes it identical to other Domain names owned and registered by Plaintiffs, there could have been no legitimate business purpose for the actions taken by Defendants in purchasing and registering the Domain, or in rerouting internet traffic to a pornography site totally unrelated to the automobile business in which Plaintiffs and Defendants are engaged.

26. By their actions, Defendants intended to tarnish Plaintiffs' good name and goodwill in the eyes of the public, and to damage Plaintiffs' business and reputation by creating an association between Plaintiffs doing business under the Currie Motors name and a pornographic website which is offensive to community standards.

27. The foregoing acts by Defendants were for the sole benefit and commercial gain of Defendants.

28. The refusal of Defendants to release ownership and use of the Domain without Plaintiff's consent evinces a further specific bad-faith intent to harm Plaintiffs, to harm the name Currie and Currie Motors, and to profit as competitors of Plaintiff.

29. Defendants' bad faith registration, use and directing of the Domain constitutes cybersquatting in violation of 15 U.S.C. § 1125(d)(1) et seq., entitling Plaintiff to injunctive relief pursuant to 15 U.S.C. § 1116, including the immediate transfer of the Domain to Plaintiffs,

and statutory damages in the amount of \$100,000 pursuant to 15 U.S.C. § 1117, as well as reasonable attorney's fees pursuant to 15 U.S.C. § 1117.

COUNT II – UNIFORM DECEPTIVE TRADE PRACTICES ACT

30. Plaintiffs restate and reallege Paragraphs 1 through 20 above as Paragraph 30 of Count II of Plaintiffs' Complaint, as though fully set out herein and incorporated herein by reference.

31. This Count II seeks recovery under the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS 510/1 *et. seq.*

32. In the course of Medina's employment with the Castle Defendants as their Internet Director, Defendants created confusion and misunderstanding as to the association, connection and or affiliation of Plaintiffs doing business under the Currie Motors moniker with a pornographic website.

33. Defendants also disparaged the Currie Motors name by seeking to falsely associate it with a pornographic website.

34. By reason of the foregoing, Defendants' conduct has caused and continues to cause immediate and irreparable harm to Plaintiffs, their reputation in the community and their accumulated goodwill, as well as damage to the name of all entities doing business under the Currie Motors moniker.

35. Defendants' actions constitute deceptive trade practices under 815 ILCS 510/2, as a result of which, Plaintiffs are is entitled to injunctive relief under 815 ILCS 510/3, including transfer of the Domain to Plaintiffs. Plaintiffs are further entitled to costs and attorneys' fees under 815 ILCS 510/3 on account of Defendants' malicious, willful and deliberate conduct.

COUNT III – CONSUMER FRAUD AND DECEPTIVE PRACTICES ACT

36. Plaintiffs restate and reallege Paragraphs 1 through 20 above as Paragraph 36 of Count III of Plaintiffs' Complaint, as though fully set out herein and incorporated herein by reference.

37. This Count III is brought for a violation of the Illinois Consumer Fraud and Deceptive Practices Act, 815 ILCS 505/1 *et. seq.*

38. Defendants' actions, in purchasing the Domain and re-directing users of the Domain to a pornographic website, was done with the intent to weaken the goodwill of Plaintiffs and to improve Defendants' position in the competitive market of automobile dealerships.

39. As such, Defendants engaged in unfair methods of competition and unfair and deceptive acts and practice, by concealing the fact that it was Defendants who were controlling the Domain rather than Plaintiffs, even though Currie Motors was contained in the domain name.

40. As a direct and proximate cause of Defendants' violation of the Illinois Consumer Fraud and Deceptive Practices Act, Plaintiffs have sustained actual damages in the loss of their goodwill. Further, Plaintiffs are entitled to injunctive relief, including the entry of an Order prohibiting use of the Domain by Defendants and compelling the transfer of the Domain to Plaintiffs, as well as an award of reasonable attorney's fees, and costs of this action.

COUNT IV – CONVERSION

41. Plaintiffs restate and reallege Paragraphs 1 through 20 above as Paragraph 41 of Count IV of Plaintiffs' Complaint, as though fully set out herein and incorporated herein by reference.

42. At all times relevant hereto, Plaintiffs had a right to the Domain, as it contained the name “Currie” under which Plaintiffs are and have long been doing business in the Chicago and Northwest Indiana region.

43. Plaintiffs’ right to possession of the Domain is absolute and unconditional, and because of the likelihood that Defendants can cause further harm to Plaintiffs, Plaintiffs’ right to possession is immediate.

44. Plaintiffs have made a demand for the Domain name, and Defendants have refused and continue to refuse to transfer the Domain to Plaintiffs.

45. The actions of Defendants, and each of them, were wrongful and without the authorization of Plaintiffs, and by their conduct, Defendants wrongfully exercise control and Dominion over Plaintiffs’ property, to wit, the Domain.

PRAYER FOR RELIEF

WHEREFORE, based on the foregoing, Plaintiffs Currie Motors Chevrolet, Inc., Currie Motors Frankfort, Inc., and Currie Motors Valpo, Inc. request that this Honorable Court:

- A. Enter an Order permanently enjoining Defendants and their officers, agents, employees and representatives from using the Domain in any way;
- B. Enter an Order compelling Defendants to transfer the Domain to Plaintiffs or their designee;
- C. Award damages against Defendants in the amount of \$100,000 pursuant to 15 U.S.C. § 1117(d);
- D. Award Plaintiffs their reasonable costs and attorneys’ fees;
- E. Award Plaintiffs any and all further relief, in law or in equity, that this Court deems just and proper.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), Plaintiffs hereby demand a trial by jury.

Dated: January 27, 2020

**CURRIE MOTORS CHEVROLET, INC.
CURRIE MOTORS FRANKFORT, INC.
CURRIE MOTORS VALPO, INC.**

/s/ Mary Louise Kandyba

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