L080000084143

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR OKALOOSA COUNTY, FLORIDA

1 of 4

Crestview Taxi, LLC, by SUSAN STEINEBACH, as Managing Member of Crestview Taxi, LLC,
Plaintiff,
v.

Case No. 2016-CA-004489

RODNEY WILLIAMS, and JUSTIN MEREDITH,
Defendants.
_____/

T00319902147

FINAL SUMMARY JUDGMENT

THIS CAUSE came before the Court on January 10, 2017, for a hearing on Defendant / Counter-plaintiff's Motion for Summary Judgment in the above styled consolidated case. Present before the Court were Paul Bailey, Esquire on behalf of Rodney Williams, Defendant / Counter-plaintiff, and Susan Steinebach on her own behalf as the Counter-defendant. Crestview Taxi, LLC, as purportedly owned by Susan Steinebach and as Plaintiff was unrepresented by counsel and thus technically failed to appear.

As procedural background, both Susan Steinebach and Rodney Williams claimed ownership of the name "Crestview Taxi" and subsequently filed suit against one another under their respective ownership interests for a registered "Crestview Taxi, LLC." Plaintiff / Counter-defendant, Susan Steinebach was the first to file suit in case number 2016-CA-004489. Subsequently, Defendant / Counter-plaintiff, Rodney Williams, filed an independent action on behalf of his company, Crestview Taxi, LLC against Susan Steinbach in Okaloosa County, case number 2017-CA-000080. On or about April 5, 2017, both cases were consolidated into case number 2016-CA-004489. Both parties brought actions for infringement and dilution of the trade name for "Crestview Taxi" and

sought injunctive relief. Both cases having been consolidated herein and the Court being fully advised in the premises, it is THEREFORE

ORDERED AND ADJUDGED:

1. Since the material facts are not in dispute and the law is clear that prior usage is the common law prerequisite for ownership of a trade name, ownership for the name "Crestview Taxi" rests solely with Rodney Williams as a matter of law.

2. Defendant / Counter-plaintiff's motion for summary judgment is granted in full:

a. All claims made by Plaintiff, Crestview Taxi, LLC, as filed by Susan Steinbach are wholly without merit and are dismissed with prejudice.

b. Defendant/Counter Plaintiff, Rodney Williams's motion for summary judgment is granted against Susan Steinebach as she had no legal rights to the name "Crestview Taxi" including its use in either a limited liability company or fictitious name.

c. Plaintiff, Crestview Taxi, LLC, as filed by Susan Steinbach shall take nothing by this action and Defendant, Rodney Williams, shall go hence without day.

d. Counter-plaintiff's, Crestview Taxi, LLC, by and through Rodney Williams, motion for summary judgment against Counter-defendant, Susan Steinebach, is granted as to all counts of the counter-claim and an injunction is hereby entered against Susan Steinebach pursuant to Florida Statutes Section 495.141, enjoining her use, display, or sale of the name "Crestview Taxi" or of any counterfeits or imitations thereof, including but not limited to any registration of the name "Crestview

Taxi" as a corporation, limited liability company, or fictitious name, for which let execution issue.

3. The Court's Injunction in this matter, enjoining Susan Steinbach from any and all use, display, or sale of the name "Crestview Taxi" or of any counterfeits or imitations thereof, including but not limited to any registration of the name "Crestview Taxi" as a corporation, limited liability company, or fictitious name, is enforceable by this Court's contempt power. Should Susan Steinbach continue to use or renew in the future any attempts to use the name "Crestview Taxi" as defined above, Rodney Williams or any lawful successor in ownership for "Crestview Taxi" may request of this court an order to show cause be issued to Susan Steinbach, that she appear before this court to give good cause on why she should not be held in contempt of this Court's order and injunction.

4. Defendant / Counter-plaintiff's, Crestview Taxi, LLC, by and through Rodney Williams, motion for attorney's fees pursuant to Section 495.141 against Susan Steinbach, individually is hereby granted as to entitlement while the Court reserves jurisdiction to determine the reasonable amount of such fees and costs.

5. This court also reserves jurisdiction for enforcement of the injunction established herein.

DONE AND ORDERED at Fort Walton Beach, Okaloosa County, Florida.

CERTIFIED A TRUE
AND CORRECT COPY
JD PEACOCK II
CLERK CIRCUIT COURT
BY _____
DEPUTY CLERK
DATE 10-2-18

Jenene K. Ketchel EL

PURSUANT TO ADMINISTRATIVE DIRECTIVE OCAD 2016-04:

In cases with one pro se party, the attorney in the case shall have the responsibility to serve the pro se plaintiff/petitioner or pro se defendant/respondent copies of any orders received from the courts via the Florida Courts e-Filing Portal. The attorney shall prepare and file a Certificate of Compliance within five business days as proof of the attorney's service upon the pro se litigant(s).

In cases wherein both parties are pro se, the Clerk shall have the responsibility to serve copies of any orders on the pro se litigant(s), and shall file a Certificate of Compliance as proof of service within five business days.

The Clerk shall have the responsibility to serve copies of any orders on those attorneys excused from electronic transmission pursuant to Rule 2.516, Florida Rules of Judicial Administration and shall file a Certificate of Compliance as proof of service within five business days.