

Dear 2020 Football and Cheerleading Parent:

I hope during this time you and your families are healthy and safe. Hopefully your son or daughter is now ready to register for the upcoming football or cheerleading season at www.prfootball.com.

I would like to inform you as the President of Park Ridge Sports, Inc. (commonly referred to as Park Ridge Football & Cheer) of what has sadly become a confusing situation regarding youth tackle football in Park Ridge and which is the subject of a recent article in the Chicago Tribune-Park Ridge Herald-Advocate. In March of this year, a new youth tackle football program was formed under the name PARK RIDGE TRAVEL FALCONS. This organization is in no way affiliated with our program or the Park Ridge Park District. We formally demanded that the organization cease use of our PARK RIDGE FALCONS name and they refused, resulting in the filing of a federal trademark infringement lawsuit. While we cannot comment on pending litigation, some of the allegations in the suit were mischaracterized by the Chicago Tribune-Park Ridge Herald-Advocate. Attached is a copy of the actual Complaint that our organization filed in U.S. District Court.

To set the record straight, currently and for the past 52 years, our program has been the only Football and Cheerleading Affiliate of the Park Ridge Park District and has continuously and exclusively operated the Park Ridge Falcons Travel Football Program. Throughout our 52-year history, the Park Ridge Falcons Travel Football Program competed in a variety of travel leagues throughout the Chicagoland area. This year, we are excited to announce that in addition to competing in the Central Suburban Youth Football League, with programs from such communities as Evanston, Glenview, Northbrook, Niles, Skokie, Highland Park, and Deerfield, we plan to compete in crossover games with community-based teams from the Northwest Catholic Conference, like St. Juliana, Immaculate Conception, Our Lady of Perpetual Help, and Queen of All Saints. Many of the players from these teams feed into Evanston, Glenbrook North and South, Loyola Academy, St. Patrick's and Notre Dame College Prep, among other top-rated public and private high school football programs.

Hopefully, this helps clarify some of the confusion. As passionate advocates for youth football, we welcome any organization who promotes and provides a safe and nurturing environment for the youth in our community to play tackle football. If after all your research, you choose to participate in our program, we will be grateful for your support. However, if you feel that a different program is more beneficial and well-suited to you and your child, then I am grateful for your consideration and support of our program in the past and wish you and your athlete nothing but great success now and in the future.

If you have any questions or concerns about our program, please contact me or visit our website.

Jim Toulon
President
Park Ridge Sports, Inc.
847-910-2241

<https://www.facebook.com/parkridgeyouthfootball/>



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

Park Ridge Sports, Inc.,)
an Illinois Not For Profit Corporation,)
)
Plaintiff,)
)
v.)
)
Park Ridge Travel Falcons,)
an Illinois Not For Profit Corporation;)
Timothy Walbert, James Purcell,)
Jeffrey Kilburg, and Lou Karnezis, individuals)
)
Defendants.)

CIVIL ACTION NO.: 20-cv-02244

**AMENDED COMPLAINT FOR TRADEMARK INFRINGEMENT, FALSE
DESIGNATION OF ORIGIN, VIOLATION OF ILLINOIS DECEPTIVE TRADE
PRACTICES ACT, COMMON LAW TRADEMARK INFRINGEMENT, AND BREACH
OF FIDUCIARY DUTY**

Pursuant to Fed. R. Civ. P. 15(a)(1)(B), Plaintiff, Park Ridge Sports, Inc. (hereinafter “Plaintiff”), hereby amends its Complaint and brings this action against Park Ridge Travel Falcons, Timothy Walbert, James Purcell, Jeffrey Kilburg, and Lou Karnezis (collectively “Defendants”) and alleges as follows:

NATURE OF THE ACTION

1. For over 52 years, Plaintiff has operated a popular and highly successful youth football and cheerleading program in Park Ridge, Illinois and has established trademark rights in and to the PARK RIDGE FALCONS mark by virtue of its longstanding and exclusive use of the mark in connection with its youth football program. On or about March 23, 2020, four Board members and/or coaches for Plaintiff’s youth football program formed

Defendant Park Ridge Travel Falcons and commenced operation of a competing youth football program under the PARK RIDGE TRAVEL FALCONS service mark. Shortly thereafter, Defendants filed three federal trademark applications with the United States Patent and Trademark Office (“USPTO”) for PARK RIDGE FALCONS formative trademarks and astonishingly then asserted those applications against Plaintiff as a basis for its unfounded demand that Plaintiff cease use of the PARK RIDGE FALCONS service mark. Plaintiff has been forced to bring this action to protect one of its most valuable assets, the PARK RIDGE FALCONS service mark, from Defendants’ willful infringement, and is concerned that Defendants’ continued use of the PARK RIDGE FALCONS service mark and formatives thereof is likely to and has already deceived consumers and caused confusion as to the source, sponsorship, and/or affiliation between Plaintiff and Defendant Park Ridge Travel Falcons. Plaintiff therefore brings this civil action seeking damages and injunctive relief for willful trademark infringement and unfair competition under the laws of the United States, 15 U.S.C. §§ 1051 et seq. (the “Lanham Act”), the Illinois Deceptive Trade Practices Act, 815 ILCS §§ 510/1, et seq., Illinois common law, and breach of fiduciary duty.

PARTIES

2. Plaintiff is a not-for-profit corporation duly organized and existing under the laws of the State of Illinois since November 8, 1967 with its principal place of business located in Park Ridge, Illinois.
3. Defendant Park Ridge Travel Falcons is a not-for-profit corporation duly organized and existing under the laws of the State of Illinois as of March 23, 2020 with its principal place of business at 155 North Michigan Ave, Suite 9003, Chicago, IL 60601.

4. Defendant Timothy Walbert (“Walbert”) is an individual resident of Park Ridge, Illinois. Walbert served on the Plaintiff’s Board of Directors from December of 2018 through March 27, 2020. Before resigning his Board position, Walbert served on Plaintiff’s finance committee. Walbert has also been a coach for Plaintiff’s PARK RIDGE FALCONS team. On information and belief, Walbert is a current member of the Board of Directors of Defendant Park Ridge Travel Falcons.
5. Defendant James Purcell (“Purcell”) is an individual resident of Park Ridge, Illinois. Purcell served on the Plaintiff’s Board of Directors from November of 2017 through March 27, 2020. Before resigning his Board position, Purcell served on Plaintiff’s finance committee. Purcell has also been a coach for youth football teams organized and operated by the Plaintiff, including the PARK RIDGE FALCONS team. On information and belief, Purcell is a current member of the Board of Directors of Defendant Park Ridge Travel Falcons.
6. Defendant Jeff Kilburg (“Kilburg”) is an individual resident of Park Ridge, Illinois. Kilburg has been a coach for youth football teams organized and operated by the Plaintiff, including the PARK RIDGE FALCONS team. On information and belief, Kilburg is a current member of the Board of Directors of Defendant Park Ridge Travel Falcons.
7. Defendant Lou Karnezis (“Karnezis”) is an individual resident of Park Ridge, Illinois. Karnezis served on the Plaintiff’s Board of Directors from 2015 through March 27, 2020 and, as a lawyer, rendered legal advice to Plaintiff’s Board from time to time. Before resigning his Board position, Karnezis served on Plaintiff’s finance committee. On

information and belief, Karnezis is a current member of the Board of Directors of Defendant Park Ridge Travel Falcons.

JURISDICTION AND VENUE

8. This Court has jurisdiction over Plaintiff's claims pursuant to 15 U.S.C. §1121, 28 U.S.C. §1331, §§1338 (a) and (b), and §1367. Plaintiff's claims arise under the Lanham Act of the United States, 15 U.S.C. §1051, et seq., and therefore arise out of the laws of the United States; specifically relating to trademarks. This Court has supplemental jurisdiction over Plaintiff's Illinois state law claims pursuant to 28 U.S.C. §1367(a) as these claims form part of the same case or controversy as Plaintiff's Lanham Act claims.
9. This Court has personal jurisdiction over Defendant Park Ridge Travel Falcons because Defendant is duly organized under the laws of the State of Illinois, transacts business within the Northern District of Illinois, and thus has sufficient minimum contacts with this District. Defendant Park Ridge Travel Falcons purposefully availed itself of the benefits of doing business within the United States and Illinois by conducting business within the State of Illinois, by intentionally trading on the goodwill of Plaintiff whose principal place of business is in this District, and by knowingly causing injury to Plaintiff in this District. Thus, Defendant Park Ridge Travel Falcons can reasonably anticipate being haled into court in the Northern District of Illinois.
10. This Court has personal jurisdiction over Defendants Walbert, Purcell, Kilburg, and Karnezis because all four of these defendants reside within this District.

11. Venue is proper in this District pursuant to 28 U.S.C. §§1391 because Defendants' actions giving rise to the claims alleged herein have occurred and are occurring within this District.

FACTS COMMON TO ALL CLAIMS FOR RELIEF

Plaintiff and Its PARK RIDGE FALCONS Service Mark

12. Plaintiff is a not-for-profit corporation that has operated a youth football program under the name PARK RIDGE FALCONS since 1967.
13. Plaintiff's current By-Laws were approved by a unanimous vote of Plaintiff's Board of Directors (including Defendants Purcell, Walbert and Karnezis) in January 2020, and are attached hereto as Exhibit 4.
14. Plaintiff's stated mission and purpose is to provide the youth in the Park Ridge area with an opportunity to participate in sports without regard to their ability and to combat juvenile delinquency by educating the youth in sportsmanship and good citizenship. *See* Ex. 4.
15. Since its beginning in 1967, Plaintiff's PARK RIDGE FALCONS youth football program has grown into one of the most well-respected youth football programs in the State of Illinois.
16. In addition to its PARK RIDGE FALCONS football program, Plaintiff also operates Park Ridge Flag Football, Park Ridge Spirit Cheerleading and Park Ridge Competitive Cheerleading.
17. In 2019, Plaintiff served over 1,000 families with nearly 200 volunteers committing over 20,000 annual volunteer hours and, since its inception in 1967, Plaintiff has provided

youth sports opportunities to over 25,000 young athletes, many of whom have gone on to successful high school, college and, in some instances, professional sports careers.

18. Plaintiff has engaged the help of countless unpaid volunteers to administer the program and coach the student athletes throughout its 52 years in existence.
19. Since its start in 1967, Plaintiff has continually and exclusively used the PARK RIDGE FALCONS service mark in connection with its youth sports services in Illinois and in interstate commerce. See, e.g., Exhibit 1, a true and correct copy of excerpts from Plaintiff's web site.
20. Plaintiff has invested countless dollars and sweat equity in its PARK RIDGE FALCONS mark, which has come to represent the high quality of services that Plaintiff offers and has offered to its families and athletes over its 52-year span. The PARK RIDGE FALCONS service mark and the goodwill associated therewith constitutes one of Plaintiff's most valuable assets.

Defendants' Infringing Acts

21. In recent years, the popularity of youth tackle football programs has generally declined across the country due, in part, to concerns over the safety of players that has garnered national media attention. The general nationwide decline in youth tackle programs has been met with a corresponding increase in youth flag football programs.
22. Earlier this year, Plaintiff consolidated two of its PARK RIDGE FALCONS youth tackle football divisions into a single division.
23. Plaintiff consolidated these two divisions for a number of reasons, including for the purpose of continuing to offer a PARK RIDGE FALCONS youth tackle football program

consistent with one of Plaintiff's stated missions: to provide youth in the Park Ridge area with an opportunity to participate in sports without regard to their ability.

24. Defendants Purcell, Walbert, and Karnezis disagreed with Plaintiff's decision to consolidate two PARK RIDGE FALCONS youth tackle football divisions.
25. As members of the Board of Directors of Plaintiff, Defendants Purcell, Walbert, and Karnezis owed fiduciary duties to Plaintiff.
26. As members of the Board of Directors of Plaintiff, Defendants Purcell, Walbert, and Karnezis had duties to act with care and in the best interest of Plaintiff.
27. Rather than comply with these duties, on or before March 19, 2020, Defendants Purcell, Walbert, and Karnezis, along with Defendant Kilburg, decided to start a competing youth tackle football program under the mark PARK RIDGE TRAVEL FALCONS.
28. On information and belief, Defendants Purcell, Walbert, Karnezis, and Kilburg decided to use the PARK RIDGE TRAVEL FALCONS trademark to mislead consumers into believing that their competing youth tackle football program was authorized by, sponsored by, or otherwise affiliated with, Plaintiff's PARK RIDGE FALCONS youth football program.
29. While they were still members of Plaintiff's Board of Directors, Defendants Purcell, Walbert, and Karnezis used the PARK RIDGE TRAVEL FALCONS trademark to trade on the existing goodwill and reputation of Plaintiff's existing program at the expense of Plaintiff's program.
30. On March 20, 2020, Defendant Kilburg sent an email message to families of past registered youth athletes in Plaintiff's Division 1 2019 youth tackle football program

informing them that a new Division 1 team was being formed and that more details would follow shortly. See, Exhibit 3.

31. On information and belief, on March 21, 2020, one or more of Defendants Purcell, Walbert, Kilburg, and Karnezis purchased the domain, www.prtravelfalcons.com and began soliciting a youth football program under the service mark PARK RIDGE TRAVEL FALCONS. See, Exhibit 2, a true and correct copy of excerpts from Defendant's web site.
32. On or about March 23, 2020, Defendants Purcell, Walbert, Kilburg, and Karnezis formed Defendant entity Park Ridge Travel Falcons and filed articles of incorporation with the Illinois Secretary of State.
33. On March 27, 2020, Defendant Park Ridge Travel Falcons, through counsel, filed three intent-to-use-based federal trademark applications with the USPTO for various iterations of the PARK RIDGE FALCONS mark, namely:
 - PARK RIDGE FALCONS (word mark) – U.S. Serial No. 88/850,739
 - PR TRAVEL FALCONS (word mark) – U.S. Serial No. 88/850,719
 - PARK RIDGE TRAVEL FALCONS and Design – U.S. Serial No. 88/850,573
34. In each case, all three of the aforementioned trademark applications were signed by Defendant Purcell, under penalty of perjury, in which Defendant Purcell declared that:
 - The signatory believes that the applicant is entitled to use the mark in commerce;
 - The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application;
 - To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

35. Since Defendant Park Ridge Travel Falcons is not the lawful owner of the PARK RIDGE FALCONS service mark, the aforementioned federal trademark applications, signed under penalty of perjury by James W. Purcell, are *void ab initio*.
36. On or about March 27, 2020, Defendants Purcell, Walbert, and Karnezis resigned their positions as members of Plaintiff's Board of Directors.
37. On March 27, 2020, Defendant Walbert sent an email message to families of past registered youth athletes in Plaintiff's Division 1 2019 youth tackle football program soliciting their participation in Defendant Park Ridge Travel Falcons' program. See, Exhibit 3.
38. Upon information and belief, Defendant Park Ridge Travel Falcons purchased the keyword PARK RIDGE FALCONS with the Google Ad Words program. Defendant did so in order to draw users of the Google search engine who were searching for Plaintiff's youth sports program to be directed to Defendants' competing web site.
39. Defendants are using the PARK RIDGE FALCONS mark or a colorable imitation thereof to capitalize upon the goodwill associated with Plaintiff's well-known trademarks in order to divert unknowing families and student athletes away from Plaintiff and its programs.
40. Defendants are in no way affiliated with Plaintiff.
41. Defendants have not received permission or authorization to use the PARK RIDGE FALCONS mark or any formative thereof under any circumstances.
42. As a result of Defendants' organization and operation of a competing youth football program within the same community as Plaintiff to families and student athletes under

- the PARK RIDGE FALCONS mark or a colorable imitation thereof, consumers have been and are likely to be confused as to the source of the goods and services offered by
43. By way of example, and not limitation, actual confusion is currently occurring via the website of Pop Warner Little Scholars. Plaintiff is not an affiliate of Pop Warner Little Scholars, an organization that purports to “promote youth football and cheer & dance programs for participants in several states and countries around the world.” See <https://www.popwarner.com/Default.aspx?tabid=1403206>. The Chicagoland Pop Warner website lists Defendant Park Ridge Travel Falcons as an affiliate, and Defendant Kilburg as the contact. See <https://www.chicagolandpopwarner.org/page/show/892733-associations>. However, the hyperlink provided by the Chicagoland Pop Warner website does not link to Defendant Park Ridge Travel Falcons’ website, but instead to Plaintiff’s website: www.prfootball.com.
44. Plaintiff has suffered damage and irreparable harm to its reputation and goodwill.
45. As of the date of the filing of this Amended Complaint, each of the Defendants is continuing to infringe Plaintiff’s trademark rights by actively promoting Defendants’ offering under the PARK RIDGE TRAVEL FALCONS trademark.

COUNT I

Violation of Section 43(a) of the Lanham Act – False Designation of Origin and Description

(AGAINST ALL DEFENDANTS)

46. Plaintiff repeats and re-alleges the allegations of paragraphs 1 through 45 as if fully set forth herein.

47. Defendants' unauthorized use of the PARK RIDGE FALCONS mark or a colorable imitation thereof in connection with the organization and conducting youth football programs is likely to confuse, mislead, or deceive customers, the public, and the trade as to the origin, sponsorship, or affiliation of Defendants' products and services, and is intended and likely to cause such parties to falsely believe that Defendants' services have been authorized, sponsored, approved, endorsed, or licensed by Plaintiff, or that Defendants are in some way affiliated with Plaintiff, which they are not.
48. Defendants' unauthorized use of the PARK RIDGE FALCONS mark or a colorable imitation thereof in association with its active infringing website and marketing of its youth football program constitutes a false designation of origin, a false or misleading description of fact, or a false or misleading representation of fact, which is likely to cause confusion, mistake, or deception in violation of the Lanham Act, Section 43(a), 15 U.S.C. §1125(a).
49. Defendants' acts, as alleged herein, constitute willful trademark infringement as contemplated by the Lanham Act, 15 U.S.C. §1117.
50. Defendants' acts, as complained of herein, have caused irreparable injury and damage to Plaintiff, and, unless restrained, will continue to do so.
51. Plaintiff has no adequate remedy at law.
52. Plaintiff has suffered and continues to suffer damage to its reputation and goodwill and economic loss directly and proximately caused by Defendants' acts alleged herein.

COUNT II

Violation of Illinois Deceptive Trade Practices Act 815 ILCS §§ 510/1, et seq.

(AGAINST ALL DEFENDANTS)

53. Plaintiff repeats and re-alleges the allegations of paragraphs 1 through 45 as if fully set forth herein.
54. Defendants have knowingly and willfully engaged in deceptive trade practices within the meaning of the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS §§ 510/1 et seq. by causing likelihood of confusion or misunderstanding as to the source, origin, or sponsorship of the parties' respective products or services; causing likelihood of confusion or of misunderstanding as to the affiliation, connection, or association of Defendants or their services with Plaintiff's goods and services; and using deceptive representations or designations of origin in connection with Defendants' services.
55. The unauthorized use by Defendants of the PARK RIDGE FALCONS mark or a colorable imitation thereof is causing and is likely to cause substantial injury to the public and to Plaintiff.
56. Plaintiff has no adequate remedy at law.
57. Plaintiff is entitled to injunctive relief and to an award of its costs and attorney's fees under 815 ILCS § 510/3.

COUNT III

Violation of Illinois Deceptive Trade Practices Act 815 ILCS 510/2

(AGAINST ALL DEFENDANTS)

58. Plaintiff repeats and re-alleges the allegations of paragraphs 1 through 45 as if fully set forth herein.

59. Illinois Deceptive Trade Practices Act 815 ILCS 510/2 defines deceptive trade practices as:
- a. Passing off goods or services as those of another;
 - b. Causing likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of goods or services;
 - c. Causing likelihood of confusion or of misunderstanding as to affiliation, connection, or association with or certification by another;
 - d. Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that he or she does not have;
 - e. Representing that goods or services are of a particular standard, quality, or grade or that goods are a particular style or model, if they are of another;
 - f. Disparaging the goods, services, or business of another by false or misleading representation of fact;
 - g. Advertising goods or services with intent not to sell them as advertised.
60. Plaintiff enjoys well-established common law rights in and to the PARK RIDGE FALCONS mark in the state of Illinois, which is superior to any rights that Defendants may claim and has built significant goodwill in same.
61. Plaintiff's PARK RIDGE FALCONS mark is inherently distinctive and/or have acquired distinctiveness.
62. Plaintiff's first adopted and used the PARK RIDGE FALCONS marks in its market(s) or trade area(s) as a means of establishing goodwill and reputation and to describe, identify,

or denominate particular goods and services offered by Plaintiff and to distinguish them from similar goods and services offered by others. As a result, Plaintiff's PARK RIDGE FALCONS mark has acquired secondary meaning.

63. Defendants' acts as complained of herein create a likelihood of confusion and/or a misunderstanding as to the source, sponsorship, or approval of Plaintiff's and Defendants' services in violation of the Illinois Deceptive Trade Practices Act 815 ILCS 510/2.
64. Defendants' acts as complained of herein create a likelihood of confusion or of misunderstanding as to affiliation, connection, or association of Plaintiff and Defendants in violation of the Illinois Deceptive Trade Practices Act 815 ILCS 510/2.
65. Defendants' acts as complained of herein erroneously convey that Defendants' services have sponsorship, approval, characteristics, benefits, and/or quantities that they do not have in violation of the Illinois Deceptive Trade Practices Act 815 ILCS 510/2.
66. Defendants' acts as complained of herein represent that Defendants' services are of a particular standard and quality, when they are demonstrably of another in violation of the Illinois Deceptive Trade Practices Act 815 ILCS 510/2.
67. By engaging in these deceptive trade practices, Defendants have directed the acts alleged herein to the market generally, thereby directly implicating the consumer protection concerns invoked by the Illinois Deceptive Trade Practices Act 815 ILCS 510/2.
68. Defendants' acts, as alleged herein, constitute a willful violation of and continue to violate the Illinois Deceptive Trade Practices Act 815 ILCS 510/2.
69. The acts complained of herein have caused irreparable harm, damage, and injury to Plaintiff, and Plaintiff has no adequate remedy at law.

70. Plaintiff has suffered and continues to suffer damage to its reputation and goodwill and economic loss directly and proximately caused by Defendants' acts alleged herein.

COUNT IV

Unfair Competition under Illinois Common Law

(AGAINST ALL DEFENDANTS)

71. Plaintiff repeats and re-alleges the allegations of paragraphs 1 through 45 as if fully set forth herein.
72. Plaintiff enjoys well-established common laws rights in and to the PARK RIDGE FALCONS mark in the State of Illinois, which are superior to any rights that Defendant may claim, and has built significant goodwill in the same.
73. The PARK RIDGE FALCONS mark is inherently distinctive and/or has acquired distinctiveness.
74. Plaintiff first adopted and used the PARK RIDGE FALCONS mark in its market(s) or trade area(s) as a means of establishing goodwill and reputation and to describe, identify, or denominate particular goods and services offered by Plaintiff and to distinguish them from similar services offered by others. As a result, Plaintiff's PARK RIDGE FALCONS mark has acquired secondary meaning.
75. Defendants have engaged in and are currently engaging in the unauthorized use of the PARK RIDGE FALCONS mark or a colorable imitation thereof, in connection with the sale of its goods and services, and such unauthorized use is likely to cause and/or has caused confusion or mistake as to the source, affiliation, connection, or association of Defendants' services in that consumers thereof are likely to erroneously associate or have

associated such goods and services as originating with Plaintiff, all to the detriment of Plaintiff.

76. Defendants' acts complained of herein constitute unfair competition under the laws of the State of Illinois.
77. Defendants have been unjustly enriched and have damaged Plaintiff's business, reputation, and goodwill.
78. Defendants' acts, as complained of herein, have caused irreparable injury and damage to Plaintiff and, unless restrained, will continue to do so.
79. Plaintiff has no adequate remedy at law.
80. Plaintiff has suffered and continues to suffer damage to its reputation and goodwill and economic loss directly and proximately caused by Defendants' actions alleged herein.

COUNT V

Breach of Fiduciary Duty

(AGAINST DEFENDANTS PURCELL, WALBERT, AND KARNEZIS)

81. Plaintiff repeats and re-alleges the allegations of paragraphs 1 through 45 as if fully set forth herein.
82. As members of the Board of Directors of Plaintiff, Defendants Purcell, Walbert, and Karnezis owed Plaintiff a fiduciary duty.
83. Defendants Purcell, Walbert, and Karnezis owed a fiduciary duty to Plaintiff until, at least, their resignation from Plaintiff's Board of Directors on March 27, 2020.
84. Defendants Purcell, Walbert, and Karnezis breached this duty by, among other things, creating a competing youth tackle football program prior to their resignation from Plaintiff's Board of Directors on March 27, 2020.

85. Defendants Purcell, Walbert, and Karnezis breached this duty by, among other things, using, without authorization, Plaintiff's PARK RIDGE FALCONS trademark, or a colorable imitation thereof, prior to March 27, 2020.
86. These breaches of duty of these former members of Plaintiff's Board of Directors have damaged Plaintiff by, among other things, creating confusion between the parties' youth tackle football programs.
87. Plaintiff has suffered and continues to suffer damage to its reputation and goodwill and economic loss directly and proximately caused by Defendants' actions alleged herein

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court enter judgment against Defendants and grant the following relief:

- A. Find that Defendants willfully violated Sections, 43(a) of the Lanham Act, 15 U.S.C. §1125(a);
- B. Find that Defendants committed willful acts of unfair competition, and deceptive acts and practices in violation of the Illinois Deceptive Trade Practices Act, 815 ILCS 510/2;
- C. Find Defendants liable for acts of trademark infringement and unfair competition in violation of Illinois State common law;
- D. Find Defendants Purcell, Walbert, and Karnezis liable for breach of fiduciary duty to Plaintiff and issue an order requiring, among other appropriate relief, payment of damages incurred by Plaintiff and Plaintiff's attorneys' fees;
- E. Enter an Order preliminarily and permanently enjoining Defendants as well as any officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with Defendants, from use of the PARK RIDGE FALCONS mark or any

other colorable imitation thereof in any advertisement, promotion, offer for sale, or sale of any goods or services that are sufficiently similar to those offered by Plaintiff such that confusion is likely;

- F. Pursuant to 15 U.S.C. §1118, order Defendants to remove the infringing website located at the URL www.prtravelfalcons.com and all content related to all products, services, advertisements, promotions, and all other matter in custody or under the control of Defendants that bear the PARK RIDGE FALCONS mark or a colorable imitation thereof or any other mark that is likely to be confused with the PARK RIDGE FALCONS mark;
- G. Transfer ownership in the domain name prtravelfalcons.com and any social media accounts which bear the trademark PARK RIDGE TRAVEL FALCONS to Plaintiff;
- H. Order an award to Plaintiff of all actual damages and an accounting of any gains, profits, and advantages derived by Defendants resulting from the infringing acts complained of herein;
- I. Order an award of three times the amount of Plaintiff's damages Defendants' profits, whichever is greater;
- J. Order an award to Plaintiff of all pre-judgment and post-judgment interest to the extent allowed by law;
- K. Order the Director of the United States Patent and Trademark Office to refuse registration of U.S. Trademark Application Serial Nos. 88/850,739, 88/850,719 and 88/850,573;
- L. Pursuant to 15 U.S.C. §1116, order Defendants to file with this Court and serve on Plaintiff within thirty (30) days after issuance of an Order, a report in writing and under oath setting forth in detail the manner and form in which Defendants has complied with the Order;

M. Award Plaintiff all of its costs, disbursements, and reasonable attorneys' fees due to the exceptional nature of the case pursuant to 15 U.S.C. §1117; and

N. Award Plaintiff other such relief, in law or in equity, as this Court deems appropriate.

Plaintiff hereby demands trial by jury on all issues.

Dated: May 13, 2020

Respectfully submitted,

/s/ Jeffrey T. Norberg

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