

CAUSE NO. 12-2713

FILED

MARY KAY INC.,

Plaintiff,

VS.

MARLENE MAYNARD,

Defendant.

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IN THE DISTRICT COURT OF

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GARY FITZSIMMONS
DISTRICT CLERK
DALLAS CO., TEXAS

DALLAS COUNTY, TEXAS

JUDICIAL DISTRICT

**JOINT MOTION FOR ENTRY OF AGREED PERMANENT INJUNCTION AND
DISMISSAL WITH PREJUDICE**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff Mary Kay Inc. and Defendant Marlene Maynard announce to the Court that they have settled all matters and things in controversy between them through a Settlement Agreement executed by all of the parties. Having settled their dispute, the parties respectfully request the Court to enter the Agreed Permanent Injunction and Dismissal with Prejudice (attached hereto as Exhibit "A").

Respectfully submitted,



Lois L. Berg
State Bar No. 00787072
Preston R. Mundt
State Bar No. 24058465
KELLY HART & HALLMAN LLP
201 Main Street, Suite 2500
Fort Worth, Texas 76102
Phone: (817) 332-2500
Fax: (817) 878-9280
ATTORNEYS FOR PLAINTIFF

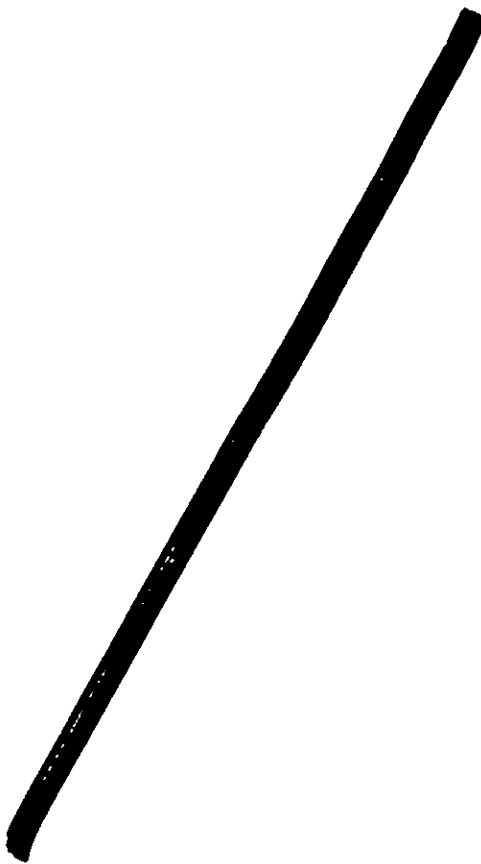
Marlene Maynard

Marlene Maynard

4000 Ace Lane, #548

Lewisville, Texas 75067


PRO SE DEFENDANT



CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the foregoing document has been sent via First Class Mail, on this 11th day of ~~March~~
April, 2012, to:

Marlene Maynard
4000 Ace Lane, #548
Lewisville, Texas 75067



Preston R. Mundt

CAUSE NO. 12-2713

MARY KAY INC.,

Plaintiff,

VS.

MARLENE MAYNARD,

Defendant.

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

JUDICIAL DISTRICT

AGREED PERMANENT INJUNCTION AND DISMISSAL WITH PREJUDICE

Before the Court is the parties' Joint Motion for Entry of Agreed Permanent Injunction and Dismissal With Prejudice. Pursuant to Section 65.011 of the Texas Civil Practice and Remedies Code, and the agreement of the parties, the Court enters judgment for Plaintiff Mary Kay Inc. ("Mary Kay") against Defendant Marlene Maynard ("Defendant").

The Court is of the opinion that Defendant has engaged and is engaging in conduct that constitutes breach of contract and tortious interference with her contractual and business relationships. The Court finds that unless the commission of these acts is enjoined, Mary Kay will suffer irreparable damage to its business standing, goodwill, and reputation. Such damages include continued deception and confusion in the marketplace regarding the identity of individuals who are legitimately authorized to market Mary Kay products, as well as irreparable damage to the goodwill associated with Mary Kay's trademarks, the assurance of guarantees provided to purchasers of Mary Kay products, and the maintenance of its existing contractual relationships with Mary Kay Independent Beauty Consultants ("IBCs").



In order to resolve the dispute between them, the parties have moved the Court to enter this Permanent Injunction.

IT IS THEREFORE ORDERED THAT:

Marlene Maynard, her current and former officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with her who receive actual notice of this Order by personal service or otherwise, are enjoined from:

- (a) Selling, offering to sell and/or distributing any products manufactured by Mary Kay without the prior written consent of Mary Kay;
- (b) interfering with existing contractual relationships between Mary Kay and its IBCs by buying Mary Kay products from individuals who have or have had an existing contractual relationship with Mary Kay for the purpose of facilitating the marketing and resale of such products in a retail or service establishment environment;
- (c) soliciting Mary Kay IBCs to sell Mary Kay products in breach of the Independent Beauty Consultant Agreements;
- (d) using the Mary Kay trademark in connection with the sale or resale of Mary Kay products;
- (e) using the Mary Kay trademark in any advertisements;
- (f) falsely or misleadingly representing themselves and their activities, goods, and services to be sponsored by, approved by, or affiliated with Mary Kay;
- (g) falsely or misleadingly representing any product sold by Defendant as originating from, being sponsored by, or approved by Mary Kay;
- (h) selling and/or distributing of any Mary Kay products; and
- (i) inducing, assisting, or abetting any other person or business entity to engage in or

perform any of the activities referred to in subparagraphs (a)-(g) above unless authorized to do so by Mary Kay Inc.

This Court retains jurisdiction over Marlene Maynard to enforce any and all aspects of this Permanent Injunction. The Court retains further jurisdiction to award Mary Kay amounts for costs, attorneys' fees and such other relief as may be just and proper arising by reason of any future claim of violation of this Agreed Permanent Injunction.

IT IS FURTHER ORDERED that this case be and hereby is DISMISSED WITH PREJUDICE, with each party to bear its own costs, except that this Court shall retain jurisdiction over this matter for the purpose of enforcing this Agreed Permanent Injunction and this cause shall not be considered dismissed to the extent it must remain pending to do so.

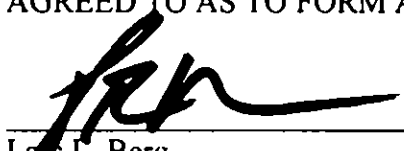
All relief not specifically granted herein is denied. This is a final appealable judgment disposing of all claims and parties.

SO ORDERED.

ENTERED and Signed on this _____ day of _____, 2012.

THE HONORABLE JUDGE PRESIDING

AGREED TO AS TO FORM AND SUBSTANCE:



Preston R. Mundt

State Bar No. 00787072

Preston R. Mundt

State Bar No. 24058465

KELLY HART & HALLMAN LLP

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PRO SE DEFENDANT

KELLY HARFILED

PRESTON R. MUNDT
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12 APR 12 PM 2:37
TELEPHONE: (817) 878-9379
FAX: (817) 878-9280

April 11, 2012

GARY FITZSIMMONS
DISTRICT CLERK
DALLAS CO., TEXAS
 DEPUTY

Chief Clerk, Carolyn Taylor
193rd District Court
George L. Allen, Sr., Courts Bldg.
600 Commerce Street, Box 822
Dallas, Texas 75202

Re: *In Re: Mary Kay Inc., a Delaware Corporation, Petitioner,*
Cause No. 12-1660, Dallas County District Court, 193rd Judicial District.

Dear Ms. Taylor:

Enclosed for filing in the above matter are the *Joint Motion for Entry of Agreed Permanent Injunction and Dismissal With Prejudice* and the proposed *Agreed Permanent Injunction and Dismissal With Prejudice*. Please return file stamped copies of each once filed.

Thank you for your assistance in this matter.

Sincerely,


(PRM)

Preston R. Mundt

PRM:pm
1340125
Enclosures

cc: Marlene Maynard
4000 Ace Lane, #548
Lewisville, TX 75067