

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
SOUTHERN DIVISION

POLYLOOM CORPORATION
OF AMERICA d/b/a TenCate Grass
North America,

Plaintiff,

v.

GRASSROOTS ENVIRONMENTAL
EDUCATION, INC.,
DR. KYLA BENNETT,
JAY FELDMAN,
DR. SARAH EVANS, and
PATRICIA WOOD,

Defendants.

Docket No. _____

PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION

Plaintiff Polyloom Corporation of America (“**Plaintiff**”), by and through counsel, pursuant to Rule 65 of the Federal Rules of Civil Procedure and other applicable law, respectfully moves this Court to enter a temporary restraining order and, following a hearing, a preliminary injunction against Defendants Grassroots Environmental Education, Inc. (“**GEE**”), Dr. Kyla Bennett (“**Bennett**”), Jay Feldman (“**Feldman**”), Dr. Sarah Evans (“**Evans**”), and Patricia Wood (“**Wood**”) (collectively, “**Defendants**”). Specifically, Plaintiff respectfully requests a temporary restraining order against Defendants, enjoining them from proceeding with the subject Event, currently scheduled for January 23, 2025. Because time is of the essence, Plaintiff requests that this Court issue the requested temporary restraining order by **January 22, 2025**. Thereafter, following a hearing, Plaintiff further requests a preliminary injunction requiring Defendants (i) take down and retract all defamatory statements about Plaintiff’s

products from their websites and their other promotional materials and (ii) be precluded from making any false, misleading and defamatory statements about Plaintiff's products during webinars or other media events, such as podcasts or interviews, which they have previously used in the past to publish these defamatory statements to the public.

As further detailed in Plaintiff's accompanying Memorandum of Law, this dispute arises out of verifiably false, misleading and defamatory statements Defendants have made against Plaintiff's products and false, misleading and defamatory statements Defendants are threatening to continue promulgating and publicizing regarding Plaintiff's business and products.

Plaintiff is a well-recognized global leader in designing and producing artificial grass surfaces for sports and landscaping. (*See Verified Complaint*, ¶¶ 10-11). However, Defendants have published numerous false, misleading and defamatory statements regarding artificial turf, many of which are verifiably false, misleading and defamatory. (*See id.* at ¶¶ 19-40).

Additionally, *in less than three days*—on January 23, 2025—Defendants plan to host a webinar entitled, “The Trouble with Turf” (the “**Event**”). (*See id.* at ¶ 20). The Event is specifically advertised to “towns, cities and schools across the county,” all of which are within Plaintiff's primary customer base. (*See id.*). In the various promotional materials published in advance of the Event, Defendants continue to spread numerous false and misleading statements regarding artificial turf, all of which can be reasonably construed to be about Plaintiff and its products. (*Id.* at ¶ 24). Accordingly, Plaintiff seeks injunctive relief to stop the spread of misinformation and the defamatory statements that are being made against Plaintiff and its products.

Under Fed. R. Civ. P. 65, a court may grant injunctive relief when the movant has demonstrated: (1) a strong likelihood of success on the merits; (2) the movant would suffer

irreparable injury without the injunction; (3) issuance of the injunction would not cause substantial harm to others; and (4) the public interest would be served by issuance of the injunction. *See Nacco Materials Handling Grp., Inc. v. Toyota Materials Handling USA, Inc.*, 366 F. Supp. 2d 597, 605 (W.D. Tenn. 2004) (quoting *Rock and Roll Hall of Fame and Museum v. Gentile Prods.*, 134 F.3d 749, 753 (6th Cir. 1998)). Here, each of these factors weigh in favor of the Court issuing the requested restraining order. Most importantly, without a restraining order, Defendants will be allowed to continue publishing false, misleading and defamatory statements relating to the safety and performance of Plaintiff's artificial turf products which will not only cause Plaintiff to suffer irreparable harm to its business and reputation, but will also harm third parties and the general public receiving false information.

For these reasons and the reasons further detailed in the accompanying Memorandum of Law, the Court should immediately issue the requested temporary restraining order, without further notice to Defendants, enjoining the Event from proceeding on January 23, 2025. Because time is of the essence, Plaintiff requests that this Court issue the requested temporary restraining order by **January 22, 2025**. Thereafter, following a hearing, Plaintiff further requests a preliminary injunction requiring Defendants (i) take down and retract all defamatory statements about Plaintiff's products from their websites and their other promotional materials and (ii) be precluded from making any false, misleading and defamatory statements about Plaintiff's products during webinars or other media events, such as podcasts or interviews, which they have previously used in the past to publish these defamatory statements to the public.

Plaintiff agrees to post security in the amount determined by the Court, pursuant to the requirements of Fed. R. Civ. P. 65(c). Plaintiff, through counsel, previously provided notice of its intent to initiate this action and seek injunctive relief, and will provide a courtesy copy of its

filings to Defendants by overnight mail and electronic mail. A copy of a proposed Order granting the request relief is attached hereto as Exhibit “A” for the Court’s convenience and review.

Respectfully submitted,

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