

In the Supreme Court of the State of California

**PEOPLE OF THE STATE OF
CALIFORNIA,**

Plaintiff and Appellant,

v.

**MIAMI NATION ENTERPRISES, ET
AL.,**

**Defendants and
Respondents.**

Case No. S216878

SUPREME COURT
FILED

JUL 28 2014

Frank A. McGuire Clerk

Deputy

Court of Appeal, Second Appellate District, Case No. B242644
Superior Court of California, County of Los Angeles,
Case No. BC373536
Yvette M. Palazuelos, Judge

**APPELLANT'S REQUEST FOR JUDICIAL NOTICE;
MEMORANDUM OF POINTS AND AUTHORITIES;
DECLARATIONS OF JOSEPH M. MAIO AND PATRICIA A.
BRANDT; PROPOSED ORDER**

KAMALA D. HARRIS
Attorney General of California
EDWARD C. DUMONT
Solicitor General
SARA J. DRAKE
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JANILL L. RICHARDS
Principal Deputy Solicitor General

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the People of the State of California*

COPY

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**PEOPLE OF THE STATE OF
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*Attorneys for Plaintiff and Appellant
the People of the State of California*

TO RESPONDENTS AND THEIR ATTORNEYS OF RECORD:
PLEASE TAKE NOTICE that pursuant to Rule 8.252(a) of the California Rules of Court, Appellant the People of the State of California move this Court to take judicial notice of certain materials cited in the People's Opening Brief on the Merits.

This motion is made on the following grounds:

- 1) Evidence Code sections 459, 453, and 452 authorize this Court to take judicial notice of the materials set forth in this motion; and
- 2) The materials are relevant to the issues addressed in the People's brief.

This motion is based on this Notice of Motion, the accompanying Memorandum of Points and Authorities, the Declarations of Joseph M. Maio and Patricia A. Brandt, and the attached exhibits, which are true and correct copies of the documents described.

Dated: July 28, 2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
EDWARD C. DUMONT
Solicitor General
SARA J. DRAKE
Senior Assistant Attorney General
JANILL L. RICHARDS
Principal Deputy Solicitor General



JENNIFER T. HENDERSON
Deputy Attorney General
Attorneys for Appellant and Petitioner

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT
OF PEOPLE'S REQUEST FOR JUDICIAL NOTICE**

I. INTRODUCTION

The People respectfully request that the Court take judicial notice of the following materials, true and correct copies of which are attached as exhibits to the declarations of Joseph M. Maio (Maio Decl.) and Patricia A. Brandt (Brandt Decl.):

Screenshots:

Screenshot of Internet homepage of Ameriloan at <https://ameriloan.com/>. (Attached as Exhibit A to Maio Decl.)

Screenshot of Internet homepage of UnitedCashLoans at <https://unitedcashloans.com/>. (Attached as Exhibit B to Maio Decl.)

Screenshot of Internet homepage of USFastCash at <https://usfastcash.com/>. (Attached as Exhibit C to Maio Decl.)

Screenshot of Internet homepage of OneClickCash at <https://oneclickcash.com/>. (Attached as Exhibit D to Maio Decl.)

Screenshot of Internet homepage of PreferredCashLoans at <https://preferredcashloans.com/>. (Attached as Exhibit E to Maio Decl.)

**Information from the United States Patent and Trademark
Office (USPTO):**

Trademark Status Information for the trademark Ameriloan.
(Attached as Exhibit F to Brandt Decl.)

Trademark Status Information for the trademark UnitedCashLoans.
(Attached as Exhibit G to Brandt Decl.)

Trademark Status Information for the trademark USFastCash.
(Attached as Exhibit H to Brandt Decl.)

Trademark Status Information of trademark OneClickCash.
(Attached as Exhibit I to Brandt Decl.)

Printout of search results for search term PreferredCashLoans showing absence of registration for this trademark. (Attached as Exhibit J to Brandt Decl.)

II. THE EVIDENCE CODE AND THE RULES OF COURT PERMIT THIS COURT TO TAKE JUDICIAL NOTICE OF THE MATERIALS REQUESTED

The materials that are the subject of this request are relevant to this matter because they help to provide context for the remedy requested by the People—a remand to determine whether SFS, Inc. and MNE Services, Inc. are arms of the Sante Sioux Nation and the Miami Tribe of Oklahoma, respectively. (Cal. Rules of Court, rule 8.252(a)(2)(A).) The materials update, for the Court’s convenience, information that is in the record concerning these corporations’ use and ownership of the Payday Lenders’ trademarks. The current screenshots support the assertions in the People’s Opening Brief that the websites remain active and contain specified statements regarding SFS, Inc., MNE Services, Inc., and tribal affiliation. The information from the USPTO verifies that SFS, Inc. and MNE Services, Inc. are the current trademark owners and confirms the date that each became owners.

Screenshots of the Payday Lenders’ websites and information about the Payday Lenders’ trademarks were placed into the record and considered by the trial court and the Court of Appeal.¹ The information in the record

¹ Historic screenshots for the Payday Lenders are in the record at the following locations: Ameriloan (4 SSCT 727-733 [2007 website]; 20 CT 4748-4773 [2012 website]), UnitedCashLoans (4 SSCT 742-751 [2007]; 20 CT 4848-4875 [2012]), USFastCash (4 SSCT 735-738 [2007]; 21 CT 4882-4907 [2012]), OneClickCash (4SSCT 739-740 [2007]; 20 CT 4780-4806 [2012]), PreferredCashLoans (4 SSCT, 753-754 [2007]).

The trademark information is located in the record at the following locations: Ameriloan (23 CT 5529-5533), UnitedCashLoans (24 CT 5704-5708), USFastCash (24 CT 5720-5724), OneClickCash (24 CT 5620-5624).

was gathered in June 2007 and January 2012. Current, updated information about the Payday Lenders' websites and trademarks, set out in this motion, was not, and could not have been, presented to the trial court. (Cal. Rules of Court, rule 8.252(a)(2)(B).)

The matters at issue in this motion are subject to judicial notice. (Cal. Rules of Court, rule 8.252(a)(2)(C).) Under Evidence Code section 452, this Court may take judicial notice of any matter that would be subject to discretionary judicial notice by the trial court. (Evid. Code, § 459, subd. (a); see also *Haworth v. Superior Court* (2010) 50 Cal.4th 372, 379 [an appellate court can take judicial notice of matters that were not before the trial court].)

The screenshots are all of publically available websites on the Internet. (See Miao Decl.) Therefore these materials may be judicially noticed pursuant to Evidence Code section 452, subdivision (h), because they concern matters that are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy. California courts have taken judicial notice of materials available online that are not reasonably subject to dispute. (See, e.g., *Gentry v. eBay, Inc.* (2002) 99 Cal.App.4th 816, 821, fn. 1 [judicial notice of description of operations posted on website]; *Citizens For Responsible Open Space v. San Mateo County Local Agency Formation Commission* (2008) 159 Cal.App.4th 717, 727, fn. 5 [judicial notice of map available on website of local public agency].) This Court may take judicial notice because the websites' homepages and their contents are not subject to dispute.

All of the trademark materials are publically available on the Internet and are judicially noticeable under Evidence Code section 452, subdivision (h), because they are not reasonably subject to dispute. The trademark materials are also records of the United States Trade and Patent Office, a federal agency, and therefore are judicially noticeable as official

acts pursuant to Evidence Code section 452, subdivision (c). “Official acts include records, reports and orders of administrative agencies.” (*Ordlock v. Franchise Tax Bd.* (2006) 38 Cal.4th 897, 911, fn. 8; quoting *Rodas v. Spiegel* (2001) 87 Cal.App.4th 513, 518.) Accordingly, the People respectfully request that the Court take judicial notice of these materials.²

The materials do not relate to proceedings occurring after the trial court’s order that is the subject of this appeal. (Cal. Rules of Court, rule 8.252(a)(2)(D).)

Copies of all materials are filed and served with this motion. (Cal. Rules of Court, rule 8.252(a)(3).)

CONCLUSION

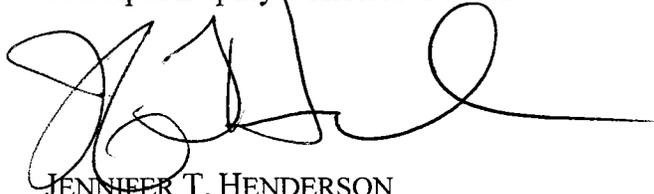
Based on the foregoing, the People respectfully request that this Court grant the request for judicial notice of Exhibits A through J.

² Section 453 of the Evidence Code provides that judicial notice of the matters set forth in section 452 is mandatory if properly requested by a party. The requesting party must give sufficient notice of the request to enable the adverse party to prepare to meet it, and furnish the court with sufficient information to enable the Court to take judicial notice of the matter. (Evid. Code, § 453, subs. (a) & (b).)

Dated: July 28, 2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
EDWARD C. DUMONT
Solicitor General
SARA J. DRAKE
Senior Assistant Attorney General
JANILL L. RICHARDS
Principal Deputy Solicitor General

A handwritten signature in black ink, appearing to read "J. Henderson", with a long horizontal flourish extending to the right.

JENNIFER T. HENDERSON
Deputy Attorney General
Attorneys for Appellant and Petitioner

DECLARATION OF JOSEPH M. MAIO

I, Joseph M. Maio, declare:

1. I am an Assistant Information Systems Analyst working in Litigation Support for the Department of Justice.

2. I have been employed by the Department of Justice since September of 2013. My workplace is located at 1300 I Street, Sacramento, California 95814. I have personal knowledge of, and may competently testify concerning, the contents of this declaration.

3. On June 30, 2014, I began the web capture process for the requested websites. Using the web capture software called "HTTRACK," I created a working, offline copy of the websites as they appeared on the Internet. All files and links associated with the captured domains were downloaded and converted into a format that allows for offline usability.

The web capture contains the following domains:

Ameriloans.com
UnitedCashLoans.com
USFastCash.com
OneClickCash.com
PreferredCashLoans.com

4. Using the working copy I created through HTTRACK, I created screenshots of the websites' home pages in PDF format as they appeared on the date of capture. True and correct copies of the screenshots are attached, marked as Exhibits A through E.

Exhibit A: <https://ameriloan.com/>
Exhibit B: <https://unitedcashloans.com/>
Exhibit C: <https://usfastcash.com/>
Exhibit D: <https://oneclickcash.com/>
Exhibit E: https://preferredcashloans.com

I declare under penalty of perjury that the foregoing is true and correct, executed in Sacramento, California, on July 25, 2014.



JOSEPH M. MAIO

DECLARATION OF PATRICIA A. BRANDT

I, Patricia A. Brandt, declare:

1. I am a Senior Legal Analyst employed with the California Attorney General's Office (AGO). I am a paralegal assisting Deputy Attorney General Jennifer T. Henderson, counsel of record for the State of California (People) in this matter. I have personal knowledge of the contents of, and may competently testify concerning, this declaration.

2. On July 23, 2014, I searched for information located at the United States Patent and Trademark Office (USPTO) website at: <http://www.uspto.gov/index.jsp>. I located the Trademark Electronic Search System (TESS) at:

<http://tmsearch.uspto.gov/bin/gate.exe?f=tess&state=4810:zra5o9.1.1>.

3. At the TESS website location, I conducted a Basic Word Mark Search for each of the following terms: Ameriloan, UnitedCashLoans, USFastCash, OneClickCash, and PreferredCashLoans. For each of the search terms for which I received results, I selected the live trademark, then opened the Trademark Status & Document Retrieval (TSDR) system. I expanded the tabs for "Goods and Services," "Current Owner(s) Information," and "Assignment Abstract of Title Information." I then printed out the resulting information for each trademark. Attached are true and correct copies of those documents, marked as follows:

Exhibit F (Ameriloan)
Exhibit G (UnitedCashLoans)
Exhibit H (USFastCash)
Exhibit I (OneClickCash)

4. On July 25, 2014, at the TESS website location, I conducted a Basic Word Mark Search for "PreferredCashLoans" and the query returned an indication of "No TESS records were found to match the criteria of your query." I also tried the following search terms: "Preferred Cash Loans," "PreferredCash," and "CashLoans," and all queries came back with an indication of no TESS records found. When I tried the search term "Preferred Cash," three results were returned, and none were related to payday lending. Attached as Exhibit J are true and correct copies of the screenshots of the query pages and the results pages.

I declare under penalty of perjury that the foregoing is true and correct, executed in Sacramento, California, on July 25, 2014.


PATRICIA A. BRANDT



Large enough to serve you. Small enough to know you.



**It's easy to get the funds
you need in seconds!**

[CLICK HERE TO APPLY NOW](#)

GET A NEW LOAN

If you have paid off your loan and would like to get another.

[click here for faster service](#)

FAQ's

Would you like to know more about cash advances and our other services?

[Consumer Notice Tips](#)
[Carcare](#)
[FAQ's](#)

ATTENTION MILITARY!

Are you a covered member or the dependent of a covered military member of a branch of the US Military?

[click here](#)

WELCOME

We've made it easier than ever to access your account. Log in here!

Username:

Password:



Forgot your password?

[Click Here](#)



[Apply Now](#)

[How It Works](#)

[FAQ's](#)

[Testimonials](#)

[Privacy Policy](#)

[Contact Us](#)



I couldn't believe how easy it was!

Before I knew it, the money was in my account and my cash problems were solved! Thanks!

- Steve, MD

EXISTING CUSTOMER LOGIN

Username:
Password:

[Log In](#)

Forgot your password?
[Click Here](#)

PERSONAL

Introducing...

Our new **faster** and **easier** loan application.

[Apply Now!](#)

ATTENTION!

Are you a covered member or the dependent of covered member of a branch of the U.S. Military?

[Click Here](#)

I'm Looking into a Cash Advance for the First Time

What is a cash advance?
Can I qualify?
How much can I qualify for?
What does it cost?
When do I get my money?
When do I repay?

My Loan Application has been Submitted Online

I don't have a printer and I want to print a copy of my loan documents. Can I get my documents another way?
How do I reprint my loan documents?

Would you like to get a new loan?

ADDITIONAL RESOURCES

Would you like to know more about cash advances and our other services?

[Consumer Notice Tips](#)
[Careers](#)

MNE Services, Inc., doing business as UnitedCashLoans[®], is a tribal lending entity wholly owned by the Miami Tribe of Oklahoma, a Sovereign Nation recognized by the United States government under the Oklahoma Indian Welfare Act of 1936.

[HOME](#) | [APPLY NOW](#) | [HOW IT WORKS](#) | [REMOVE ME](#) | [CONTACT US](#) | [PRIVACY POLICY](#) | [ABOUT US](#)
[TERMS OF WEBSITE USE](#) | [ELECTRONIC DISCLOSURE & CONSENT AGREEMENT](#)

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[Apply Now](#)

[How It Works](#)

[FAQ's](#)

[Testimonials](#)

[Privacy Policy](#)

[Contact Us](#)

PERSONAL

First Name:

Address:

Zip: Email:

Apply Today Get Cash by Tomorrow!

[APPLY NOW](#)

EXISTING CUSTOMER LOGIN

Username:

Password:

[Log In](#)

Forgot your password?
[Click Here](#)

I'm Looking into a Cash Advance for the First Time

- What is a cash advance?
- Can I qualify?
- How much can I qualify for?
- What does it cost?
- When do I get my money?
- When do I repay?

My Loan Application has been Submitted Online

- I don't have a printer and I want to print a copy of my loan documents. Can I get my documents another way?
- How do I reprint my loan documents?

Would you like to get a new loan?

ADDITIONAL RESOURCES

Would you like to know more about cash advances and our other services?

[Consumer Notice Tips](#)
[Careers](#)

ATTENTION!

Are you a covered member or the dependent of covered member of a branch of the U.S. Military?

[CLICK HERE](#)

I have recieved very good service from US Fast Cash... quick and easy. In a busy world, that is essential. It's also a plus to hear nice people that you can tell are smiling.

- Misty R

MNE Services, Inc., doing business as USFastCash®, is a tribal lending entity wholly owned by the Miami Tribe of Oklahoma, a Sovereign Nation recognized by the United States government under the Oklahoma Indian Welfare Act of 1936.

[HOME](#) | [APPLY NOW](#) | [HOW IT WORKS](#) | [REMOVE ME](#) | [CONTACT US](#) | [PRIVACY POLICY](#) | [ABOUT US](#)
[TERMS OF WEBSITE USE](#) | [ELECTRONIC DISCLOSURE & CONSENT AGREEMENT](#)

© 2011 USFastCash®. All rights reserved.





EXISTING CUSTOMER LOGIN

Username:

Password:

Log In

Forgot your password? Click Here

HOME NAVIGATION

APPLY NOW

HOW IT WORKS

FAQ'S

PRIVACY POLICY

CONTACT US

CUSTOMER TESTIMONIALS

"...friendly and helpful..."

"...pleasant experience..."

"...very satisfied..."



- NO LOAN STORES
- NO HASSLES
- APPLY NOW!

My student loan was overdue, and my rent payment was going to be late. Thanks to your company, I was able to make my payments on time! - Erica, CA

ATTENTION!
Are you a covered member or the dependent of covered member of a branch of the U.S. Military?

CLICK HERE

Quick. Easy. Secure. APPLY NOW!

PERSONAL INFORMATION

First Name: _____

Address: _____

Email: _____

APPLY NOW

I'm Looking into a Cash Advance for the First Time

- What is a cash advance?
- Can I qualify?
- How much can I qualify for?
- What does it cost?
- When do I get my money?
- When do I repay?

My Loan Application has been Submitted Online

- How does a payday loan work?
- How do I know if I qualify?
- More frequently asked questions

Would you like to get a new loan?

ADDITIONAL RESOURCES

Would you like to know more about cash advances and our other services?

[Consumer Notice Tips](#)

[Careers](#)

OneClickCash® is a division of SFS, Inc. The Santee Sioux Nation of Nebraska has established SFS, Inc. as a tribally owned lending entity. The Santee Sioux Nation of Nebraska is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934, 25 U.S.C. § 461 et seq. whose reservation is located within the United States of America.

HOME | APPLY NOW | HOW IT WORKS | REMOVE ME | CONTACT US | PRIVACY POLICY | ABOUT US
TERMS OF WEBSITE USE | ELECTRONIC DISCLOSURE & CONSENT AGREEMENT

© 2011 OneClickCash®. All rights reserved.





First Name: _____

Last Name: _____

E-Mail: _____

I have a regular source of income.

I receive at least \$1000/month.

I have a bank account.

I have read and agree to the [Terms & Conditions](#) of this website.

CONTINUE



Start Today!

Preferred Cash Loans

Get the money you need the smart way with preferred cash loans

Make Ends Meet with Preferred Cash Loans

Sometimes, paychecks can't come soon enough. Expenses never stop, but paychecks only arrive twice a month. In some cases, these expenses are just too urgent to wait until your next payday. When that happens, preferred cash loans can get you the money you need to see you through until payday. We call them preferred cash loans because they are, in many ways, superior to other types of loans. For one, preferred cash loans get you your cash ASAP, with a usual turnaround of about 24 hours, although this may vary depending on the lender. Preferred cash loans are also much more convenient than other types of loans because everything is done paperlessly—the sign up form, the deposit of your funds, and the payment are all performed electronically. This means less hassle for you. Here are some other benefits of preferred cash loans:

- Free, online sign up form
- No faxing of supporting documentation required for most customers
- Typically have funds in your account by next business day
- Get preferred cash loans of up to \$1500
- Flexible repayment options
- Easy qualification standards
- Funds automatically deposited into your account

How Preferred Cash Loans Work

Like the process at <http://www.onfastonlineadvantage.com/#>, the preferred cash loans process is simple. First, you fill out our easy online form, which will only take you two or three minutes to fill out. Once you submit your form, we will provide you with an approval decision in seconds. After you're approved, we will match you with a payday loan lender that best fits your need. If you request a loan during regular business hours, you may have access to your funds by the next business day. For most visitors, that means you will have your preferred cash loans by the time you wake up the next morning! Check out our [how it works](#) page for more information.

Sign Up Now for Preferred Cash Loans

Our sign up for preferred cash loans is free and easy. Just click "start now" and give us some basic contact information. We will handle the rest. Don't let your emergency expenses languish another second...request preferred cash loans today!

Related Cash Loan Links

How Preferred Cash Loans Work

Find out more about preferred cash loans before you sign up. Learn what preferred cash loans are and what four steps you need to take to get one.

Who Should Get Preferred Cash Loans

If you are wondering if a preferred cash loan is right for you, here is some information to help your decision. We'll tell you what preferred cash loans can do for you and who qualifies.

FAQ

Here are the answers to the most commonly asked questions about preferred cash loans. Find out how to sign up, if your credit matters, and how soon you can have your money.

How to Save When You're Broke

Being on a tight budget doesn't mean saving is out of the question. Learn sneaky ways to save here.

STATUS DOCUMENTS

[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2014-07-23 10:50:41 EDT

Mark: AMERILOAN

AMERILOAN

US Serial Number: 78412893

Application Filing Date: May 04, 2004

US Registration Number: 3002940

Registration Date: Sep. 27, 2005

Register: Principal

Mark Type: Service Mark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Jun. 27, 2012

Publication Date: Mar. 29, 2005

Notice of Allowance Date: Jun. 21, 2005

Mark Information

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Financial services in the field of short term loans provided as payday loan advances

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 2004

Use in Commerce: Dec. 2004

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: MNE SERVICES, INC.

Owner Address: 3531 P STREET NW
P.O. BOX 111
MIAMI, OKLAHOMA 74355
UNITED STATES

Legal Entity Type: A CORPORATION ORGANIZED UNDER THE LAWS OF THE MIAMI NATION, A FEDERALLY RECOGNIZED INDIAN TRIBE; UNITED STATES

State or Country Where Organized: OKLAHOMA

Attorney/Correspondence Information

Prosecution History

Maintenance Filings or Post Registration Information

TM Staff and Location Information

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: CLK Management, LLC

Assignment 1 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3396/0942](#)

Pages: 3

Date Recorded: Sep. 26, 2006

Supporting Documents: [assignment-tm-3396-0942.pdf](#)

Assignor

Name: [CLK MANAGEMENT, LLC](#)

Execution Date: Sep. 25, 2006

Legal Entity Type: CORPORATION

State or Country Where Organized: KANSAS

Assignee

Name: [TFS CORP.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Address: 3531 P STREET NW
P.O. BOX 111
MIAMI, OKLAHOMA 74355-0111

Correspondent

Correspondent Name: ANDREW G. COLOMBO/HOVEY WILLIAMS LLP

Correspondent Address: 2405 GRAND BLVD.
SUITE 400
KANSAS CITY, MO 64108

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4762/0933](#)

Pages: 4

Date Recorded: Mar. 06, 2012

Supporting Documents: [assignment-tm-4762-0933.pdf](#)

Assignor

Name: [TFS CORP.](#)

Execution Date: Mar. 06, 2012

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [MNE SERVICES, INC.](#)

Legal Entity Type: A CORPORATION ORGANIZED UNDER THE
LAWS OF THE MIAMI NATION, A FEDERALLY
RECOGNIZED INDIAN TRIBE; UNITED STATES

State or Country Where Organized: OKLAHOMA

Address: 3531 P STREET NW
P.O. BOX 111
MIAMI, OKLAHOMA 74355

Correspondent

Correspondent Name: ANDREW G. COLOMBO/HOVEY WILLIAMS LLP

Correspondent Address: 10801 MASTIN BLVD.
SUITE 1000
OVERLAND PARK, KANSAS 66210

Domestic Representative - Not Found

Proceedings - Click to Load

STATUS DOCUMENTS

[Back to Search](#)

Print

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Mark: UNITEDCASHLOANS

UNITEDCASHLOANS

US Serial Number: 78446448

Application Filing Date: Jul. 06, 2004

US Registration Number: 2992321

Registration Date: Sep. 06, 2005

Register: Principal

Mark Type: Service Mark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: May 29, 2014

Publication Date: Jun. 14, 2005

Mark Information

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Financial services in the nature of short term loans provided exclusively via the Internet and by telephone

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 2002

Use in Commerce: Aug. 2002

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: MNE SERVICES, INC.

Owner Address: 3531 P STREET NW
P.O. BOX 111
MIAMI, OKLAHOMA 74355
UNITED STATES

Legal Entity Type: A CORPORATION ORGANIZED UNDER THE LAWS OF THE MIAMI NATION, A FEDERALLY RECOGNIZED INDIAN TRIBE; UNITED STATES

State or Country Where Organized: OKLAHOMA

Attorney/Correspondence Information

Prosecution History

Maintenance Filings or Post Registration Information

TM Staff and Location Information

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: CLK Management, LLC

Assignment 1 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 3396/0967

Pages: 3

Date Recorded: Sep. 26, 2006

Supporting Documents: [assignment-tm-3396-0967.pdf](#)

Assignor

Name: CLK MANAGEMENT, LLC

Execution Date: Sep. 25, 2006

Legal Entity Type: CORPORATION

State or Country Where Organized: KANSAS

Organized:

Assignee

Name: TFS CORP.

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Organized:

Address: 3531 P STREET NW
P.O. BOX 111
MIAMI, OKLAHOMA 74355-0111

Correspondent

Correspondent Name: ANDREW G. COLOMBO/HOVEY WILLIAMS LLP

Correspondent Address: 2405 GRAND BLVD.
SUITE 400
KANSAS CITY, MO 64108

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 4762/0933

Pages: 4

Date Recorded: Mar. 06, 2012

Supporting Documents: [assignment-tm-4762-0933.pdf](#)

Assignor

Name: TFS CORP.

Execution Date: Mar. 06, 2012

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Organized:

Assignee

Name: MNE SERVICES, INC.

Legal Entity Type: A CORPORATION ORGANIZED UNDER THE
LAWS OF THE MIAMI NATION, A FEDERALLY
RECOGNIZED INDIAN TRIBE; UNITED STATES

State or Country Where Organized: OKLAHOMA

Address: 3531 P STREET NW
P.O. BOX 111
MIAMI, OKLAHOMA 74355

Correspondent

Correspondent Name: ANDREW G. COLOMBO/HOVEY WILLIAMS LLP

Correspondent Address: 10801 MASTIN BLVD.
SUITE 1000
OVERLAND PARK, KANSAS 66210

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Mark: USFASTCASH

USFASTCASH

US Serial Number: 78428410

Application Filing Date: Jun. 02, 2004

US Registration Number: 3390429

Registration Date: Feb. 26, 2008

Register: Supplemental

Mark Type: Service Mark

Amended to Principal No

Date Amended to Current Oct. 23, 2007

Register:

Register:

Status: A Section 8 declaration has been accepted.

Status Date: Sep. 15, 2013

Mark Information

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Financial services in the field of short term loans provided as payday loan advances

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 2004

Use in Commerce: Jan. 2004

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: MNE SERVICES, INC.

Owner Address: 3531 P STREET NW
P.O. BOX 111
MIAMI, OKLAHOMA 74355
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: UNITED STATES

Attorney/Correspondence Information

Prosecution History

Maintenance Filings or Post Registration Information

TM Staff and Location Information

Assignment Abstract Of Title Information

Summary

Total Assignments: 3

Registrant: TFS CORP.

Assignment 1 of 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 3396/0964

Pages: 3

Date Recorded: Sep. 26, 2006

Supporting Documents: [assignment-tm-3396-0964.pdf](#)

Assignor

Name: CLK MANAGEMENT, LLC

Execution Date: Sep. 25, 2006

Legal Entity Type: CORPORATION

State or Country Where Organized: KANSAS

Assignee

Name: TFS CORP.

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Address: 3531 P STREET NW
P.O. BOX 111
MIAMI, OKLAHOMA 74355-0111

Correspondent

Correspondent Name: ANDREW G. COLOMBO/HOVEY WILLIAMS LLP

Correspondent Address: 2405 GRAND BLVD.
SUITE 400
KANSAS CITY, MO 64108

Domestic Representative - Not Found

Assignment 2 of 3

Conveyance: NUNC PRO TUNC ASSIGNMENT EFFECTIVE 11262007

Reel/Frame: 3667/0594

Pages: 4

Date Recorded: Nov. 27, 2007

Supporting Documents: [assignment-tm-3667-0594.pdf](#)

Assignor

Name: CLK MANAGEMENT, LLC

Execution Date: Nov. 26, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: KANSAS

Assignee

Name: TFS CORP.

Legal Entity Type: A POLITICAL SUBDIVISION OF THE MIAMI NATION, A FEDERALLY RECOGNIZED INDIAN TRIBE

State or Country Where Organized: UNITED STATES

Address: 3531 P STREET NW
P.O. BOX 111
MIAMI, OKLAHOMA 74355-0111

Correspondent

Correspondent Name: ANDREW G. COLOMBO/HOVEY WILLIAMS LLP

Correspondent Address: 2405 GRAND BLVD.
SUITE 400
KANSAS CITY, MO 64108

Domestic Representative - Not Found

Assignment 3 of 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4738/0631](#)

Pages: 4

Date Recorded: Mar. 15, 2012

Supporting Documents: [assignment-tm-4738-0631.pdf](#)

Assignor

Name: [TFS CORP.](#)

Execution Date: Mar. 06, 2012

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [MNE SERVICES, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: UNITED STATES

Address: 3531 P STREET NW
P.O. BOX 111
MIAMI, OKLAHOMA 74355

Correspondent

Correspondent Name: ANDREW G. COLOMBO/HOVEY WILLIAMS LLP

Correspondent Address: 10801 MASTIN BLVD.
SUITE 1000
OVERLAND PARK, KANSAS 66210

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Mark: ONECLICKCASH

ONECLICKCASH

US Serial Number: 78426897

Application Filing Date: May 28, 2004

US Registration Number: 3048969

Registration Date: Jan. 24, 2006

Register: Principal

Mark Type: Service Mark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Jan. 26, 2012

Publication Date: Nov. 01, 2005

Mark Information

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Financial services in the field of short term loans provided as payday loan advances

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: May 2003

Use in Commerce: May 2003

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: SFS, INC.

Owner Address: 52946 HIGHWAY 12
SUITE 3
NIOBRARA, NEBRASKA 68760
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where No Place Where Organized Found
Organized:

Attorney/Correspondence Information

Prosecution History

Maintenance Filings or Post Registration Information

TM Staff and Location Information

Assignment Abstract Of Title Information

Summary

Conveyance Filter

Total Assignments: 1

Registrant: CLK MANAGEMENT, LLC

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3396/0954](#)

Pages: 3

Date Recorded: Sep. 26, 2006

Supporting Documents: [assignment-tm-3396-0954.pdf](#)

Assignor

Name: [CLK MANAGEMENT, LLC](#)

Execution Date: Sep. 25, 2006

Legal Entity Type: CORPORATION

State or Country Where Organized: KANSAS

Assignee

Name: [SFS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Address: 52946 HIGHWAY 12
SUITE 3
NIOBRARA, NEBRASKA 68760

Correspondent

Correspondent Name: ANDREW G. COLOMBO/HOVEY WILLIAMS LLP

Correspondent Address: 2405 GRAND BLVD.
SUITE 400
KANSAS CITY, MO 64108

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View Search History:



- Plural and Singular Singular
- Live and Dead Live Dead

Search Term: PreferredCashLoans

Field: Combined Word Mark (BI, TI, MP, TL)

Result Must Contain: All Search Terms (AND)

Submit Query Clear Query

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Use the \$ for truncation in any field. For **Combined Word Mark** searches, the * is a more efficient truncation operator for left and/or right truncation. For example, the search term *DOG* with the **Combined Word Mark** will retrieve marks with common variations of the word DOG in the word mark or translation statements. Use of the \$ truncation operator sometimes results in a truncated hit list.

For serial number or registration number searches, enter the 8-digit serial number (e.g. 75123456) or 7-digit registration number (e.g., 1234567) and select *Serial or Registration Number* as the *Field* for the search. If multiple serial or registration numbers are searched, separate the numbers by spaces and change the *Results Must Contain* value to Any Search Terms (OR). (Alternatively, separate the number by the Boolean OR operator without adjusting the *Result Must Contain* value.)

Do NOT include the apostrophe for contractions. For example, search for the word DON'T by searching DON T. Including Boolean operators (e.g., AND, OR, NOT) or proximity operators (e.g., ADJ, NEAR, SAME, WITH) in your search will override the *Result Must Contain* setting for the search. To actually search for these Boolean or proximity operators, include quotes around the operator.

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View Search History:

- Plural and Singular Singular
- Live and Dead Live Dead

Search Term: Preferred Cash Loans

Field: Combined Word Mark (BI, TI, MP, TL)

Result Must Contain: All Search Terms (AND)

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This *New User (Basic)* search form allows for searching of the most commonly searched fields: word marks, serial or registration numbers, and owners.

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View Search History:



- Plural and Singular Singular
- Live and Dead Live Dead

Search Term:

Field:

Result Must Contain:

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View Search History:

- Plural and Singular Singular
- Live and Dead Live Dead

Search Term:

Field:

Result Must Contain:

Please logout when you are done to release system resources allocated for you.

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View Search History:

- Plural and Singular Singular
- Live and Dead Live Dead

Search Term: Preferred Cash

Field: Combined Word Mark (BI, TI, MP, TL)

Result Must Contain: All Search Terms (AND)

Please logout when you are done to release system resources allocated for you.

This **New User (Basic)** search form allows for searching of the most commonly searched fields: word marks, serial or registration numbers, and owners.

The **Combined Word Mark** is the default search field and includes the word mark and translation.

Use the \$ for truncation in any field. For **Combined Word Mark** searches, the * is a more efficient truncation operator for left and/or right truncation. For example, the search term *DOG* with the **Combined Word Mark** will retrieve marks with common variations of the word DOG in the word mark or translation statements. Use of the \$ truncation operator sometimes results in a truncated hit list.

For serial number or registration number searches, enter the 8-digit serial number (e.g. 75123456) or 7-digit registration number (e.g., 1234567) and select **Serial or Registration Number** as the *Field* for the search. If multiple serial or registration numbers are searched, separate the numbers by spaces and change the *Results Must Contain* value to Any Search Terms (OR). (Alternatively, separate the number by the Boolean OR operator without adjusting the *Result Must Contain* value.)

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Current Search: S4: (live)[LD] AND (Preferred Cash)[COMB] docs: 3 occ: 13

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1	85135517	4050538	BLUE CASH PREFERRED	TSDR	LIVE
2	77383604	3597320	FASTCASHPREFERRED	TSDR	LIVE
3	73330149	1243108	PREFERRED CASH RESERVE	TSDR	LIVE

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In the Supreme Court of the State of California

**PEOPLE OF THE STATE OF
CALIFORNIA,**

Plaintiff and Appellant,

v.

**MIAMI NATION ENTERPRISES, ET
AL.,**

Defendants and Respondents.

Case No. S216878

[Proposed] ORDER

Good cause appearing,

IT IS HEREBY ORDERED that Appellant's request for judicial notice is granted and the Court will take judicial notice of the Exhibits A through J contained with this motion.

Date:

DECLARATION OF SERVICE

Case Name: **People of the State of California v. Miami Nation Enterprises, et al.**

Case No.: **S216878**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 1515 Clay Street, 20th Floor, P.O. Box 70550, Oakland, CA 94612-0550.

On July 28, 2014, I served the attached **APPELLANT'S REQUEST FOR JUDICIAL NOTICE; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATIONS OF JOSEPH M. MAIO AND PATRICIA A. BRANDT; PROPOSED ORDER** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General; or, where indicated, causing such envelope to be personally delivered by messenger service to the office of the addressee listed below:

California Supreme Court Earl Warren Building 350 McAllister Street, Room 1295 San Francisco, CA 94102	Original + 8 copies Sent via Messenger (Ace Attorney Service, Inc.)
John Nyhan Fredericks Peebles & Morgan LLP 2020 L Street, Suite 250 Sacramento, CA 95811	Attorney for Defendants and Respondents Sent via First-Class U.S. Mail
Nicole E. Ducheneaux Fredericks Peebles & Morgan LLP 3610 North 163rd Plaza Omaha, NE 68116	Attorney for Defendants and Respondents Sent via First-Class U.S. Mail

Conly J. Schulte Fredericks Peebles & Morgan LLP 1900 Plaza Drive Louisville, CO 80027	Attorney for Defendants and Respondents Sent via First-Class U.S. Mail
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I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 28, 2014, at Oakland, California.

Debra Baldwin
Declarant



Signature