

Amy K. Anderson  
Texas Bar No. 24077064  
JONES WALKER LLP  
5960 Berkshire Ln, Floor 6  
Dallas, Texas 75225  
Tel: (214) 459-9682  
Fax: (713) 437-1810  
Email: [aanderson@joneswalker.com](mailto:aanderson@joneswalker.com)

Mark Mintz  
Texas Bar No. 24124555  
811 Main Street, Suite 2900  
Houston, Texas 77002  
Tel: (713) 437-1800  
Fax: (713) 437-1810  
Email: [mmintz@joneswalker.com](mailto:mmintz@joneswalker.com)

*Attorneys for McIlhenny Company*

James D. Weinberger (PHV *forthcoming*)  
Parker C. Eudy (PHV *forthcoming*)  
FROSS ZELNICK LEHRMAN & ZISSU, P.C.  
151 W. 42nd Street, 17th Floor  
New York, NY 10036  
Tel: (212) 813-5900  
Fax: (212) 813-5901  
Email: [jweinberger@fzlz.com](mailto:jweinberger@fzlz.com)  
[peudy@fzlz.com](mailto:peudy@fzlz.com)

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION**

In re:

STOLI GROUP (USA), LLC

MCILHENNY COMPANY,

*Plaintiff,*

v.

LOUISIANA SPIRITS, LLC AND STOLI  
GROUP (USA), LLC,

*Defendants.*

Chapter 11

Case No. 24-80146-swe11

Adversary Proc. No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR FEDERAL TRADEMARK INFRINGEMENT, UNFAIR  
COMPETITION, DILUTION AND RELATED STATE LAWS**

Plaintiff McIlhenny Company, (individually and collectively, “McIlhenny” or “Plaintiff”),  
through its undersigned counsel Jones Walker LLP and Fross Zelnick Lehrman & Zissu, P.C., for

its Complaint against Defendants Louisiana Spirits, LLC and Defendant/Reorganized Debtor Stoli Group (USA), LLC (collectively, “Defendants”), alleges as follows:

**NATURE OF THE ACTION**

1. McIlhenny, based on Avery Island, Louisiana, is the owner of the TABASCO® Brand, including the world-famous TABASCO® Brand Pepper Sauce. TABASCO® Brand Pepper Sauce is the nation’s most well-known hot pepper sauce, sold since the late 1800s and since 1927 in its instantly recognizable and famous packaging comprised of the following elements: (i) a clear cylindrical bottle with a narrow neck, (ii) a red cap, (iii) a green label covering the circumference of the narrow neck, (iv) and a diamond-shaped label with broken concentric circles in the middle of the thicker portion of the bottle with the words TABASCO BRAND PEPPER SAUCE McILHENNY CO. AVERY ISLAND LA in green and red sans serif font, all as shown here:



(the “TABASCO® Trade Dress”).

2. McIlhenny has invested millions of dollars in the marketing and promotion of TABASCO® Brand Pepper Sauce and the TABASCO® Trade Dress, and the TABASCO® Trade Dress is the subject of federal trademark registrations at the United States Patent & Trademark Office.

3. Defendants produce vodka under the STOLI trademark. Following preliminary discussions with McIlhenny in 2024 about the potential development of co-branded pepper sauce vodka product under the TABASCO® and STOLI trademarks – discussions which were terminated by Plaintiff and did not result in any agreement – Defendants in late December 2025 announced their intent to launch a pepper sauce-based vodka (“Defendants’ Product”) in the following packaging (the “Infringing Trade Dress”), shown side by side with the TABASCO® Trade Dress as well as two proposed product mockups that Defendants shared with McIlhenny as their 2024 discussions ended:



TABASCO® Trade Dress

Defendants' mockups

Infringing Trade Dress

4. In other words, when told “no” by McIlhenny, Defendants took the TABASCO® Trade Dress and, without authorization, used it to create the Infringing Trade Dress to market and drive the sales of the Defendants’ Product in a manner likely to cause confusion among consumers about the source, sponsorship and/or affiliation between it and McIlhenny, and to dilute the ability of the famous TABASCO® Trade Dress to identify McIlhenny exclusively.

5. McIlhenny therefore brings this action for trademark infringement under Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1), unfair competition and false designation of origin under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); trademark dilution under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c); and related claims under Louisiana state law.

6. McIlhenny seeks relief including, *inter alia*, orders for preliminary and permanent injunctions barring use of the Infringing Trade Dress, treble damages and profits, actual damages, prejudgment interest, and attorneys’ fees and costs, pursuant to 15 U.S.C. § 1117, *et seq.* and Louisiana law, and for recovery of administrative expense pursuant to 11 U.S.C. § 503. Unless immediately enjoined, Defendants’ conduct will continue to injure both McIlhenny and the public.

### **THE PARTIES**

7. McIlhenny is a corporation organized and existing under the laws of the State of Maine, having a principal place of business at Hwy. 329, Avery Island, Louisiana, 70513.

8. Upon information and belief, Defendant Louisiana Spirits, LLC is a limited liability company organized and existing under the laws of the State of Louisiana, having a principal place of business at 20909 South I-10 Frontage Road, Lacassine, Louisiana 70650.

9. Upon information and belief, Defendant Stoli Group (USA), LLC is a limited liability company organized and existing under the laws of the State of Delaware, having a principal place of business at 135 E. 57th Street, 9th Floor, New York, New York 10022.

10. Upon information and belief, on November 27, 2024, Defendant Stoli Group (USA), LLC filed a voluntary petition for relief under the Bankruptcy Code, thereby commencing the above-captioned Chapter 11 bankruptcy case (the “Chapter 11 Case”).

### **JURISDICTION AND VENUE**

11. This court has jurisdiction over this adversary proceeding under Section 39 of the Lanham Act, 15 U.S.C. § 1121, and under Sections 1331, 1334 and 1338(a) and (b) of the Judicial Code, 28 U.S.C. §§ 1331, 1334, 1338(a) & (b).

12. The statutory bases for the relief sought herein are 11 U.S.C. § 503(b) as well as Sections 32(1) and 43(a) and (c) of the Lanham Act, 15 U.S.C. §§ 1114(1), 1125(a), (c); and La. Rev. Stat. Ann. 51:1401 *et seq.*, and 51:223.1.

13. Venue is proper in this district under 28 U.S.C. § 1409 because the Chapter 11 Case is pending before this Court.

14. Pursuant to Bankruptcy Rule 7008, McIlhenny does not consent to entry of final orders or judgment by this Bankruptcy Court.

### **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

#### **I. THE TABASCO® BRAND AND TABASCO® TRADE DRESS**

15. Since 1868, McIlhenny, based in Avery Island, Louisiana, has offered TABASCO® Brand Pepper Sauce in unique, instantly recognizable packaging. The current TABASCO® Brand Pepper Sauce bottle and labeling was first offered by McIlhenny in 1927 and has been offered in effectively the same presentation since that time:



(defined above as the TABASCO® Trade Dress).

16. Since first offering the product, McIlhenny has invested hundreds of millions of dollars in advertising and promoting TABASCO® Brand pepper sauce products, including by using imagery that focuses on the TABASCO® Trade Dress.

17. TABASCO® Brand Pepper Sauce is sold online and in retail stores throughout the country and is used by restaurants and bars as the pepper sauce of choice. TABASCO® Brand Pepper Sauce is beloved by consumers throughout the United States. The resulting U.S. sales have been enormous, with sales of millions of units annually.

18. Beyond the product itself, the TABASCO® Trade Dress is the subject of a broad merchandising program, including clothing, headwear, glassware, mugs, magnets, jewelry and keychains, to name a few.

19. In addition, TABASCO® Brand Pepper Sauce, including the TABASCO® Trade Dress, has become culturally iconic, appearing in films such as Charlie Chaplin's 1932 film *Modern Times*, James Bond films *The Man with the Golden Gun* and *The Spy Who Loved Me*, Sidney Lumet's 1974 film *Murder on the Orient Express*, 1990's *Back to the Future Part III*,

which featured TABASCO® Brand Pepper Sauce in its storyline, Disney's 2009 film *The Princess and the Frog*, *The Twilight Saga: Eclipse* in 2010, and *Once Upon A Time in Hollywood* in 2019, among others. The product was also an important dramatic element of the television series *Roswell*.

20. Moreover, over the years, McIlhenny has partnered with other brands and companies to offer co-branded products, including but not limited to SLIM JIM, BUGLES, JELLY BELLY, VLASIC, HEINZ, MARZETTI, RITZ, GEORGE DICKEL, and A1, as shown by way of example here:



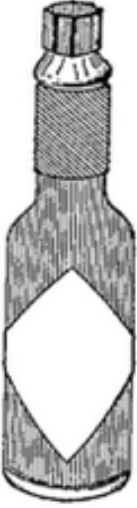



21. In accordance with this longstanding practice, McIlhenny's licensing partner, The Absolut Company International AB, a competitor of Defendants, is launching within the next few weeks its own, pepper-flavored vodka product which utilizes elements of the TABASCO® Trade Dress as shown here:



(the “ABSOLUT x TABASCO Brand Product”).

22. As a result of all of the above, consumers have come to recognize the TABASCO® Trade Dress as associated exclusively with McIlhenny, and the TABASCO® Trade Dress has achieved secondary meaning and come to represent enormous goodwill to the company. Indeed, the TABASCO® Trade Dress is famous and instantly recognizable by consumers of all kinds, and became nationally recognized long before any date of use upon which Defendants can rely.

23. Beyond its common law/equitable rights, McIlhenny is the owner of numerous federal trademark registrations for the TABASCO® Trade Dress and elements thereof, including but not limited to the following:

Reg. No.	805670	805671	1916568	3015104
Reg. date	March 15, 1966	March 15, 1966	Sept. 5, 1995	Nov. 11, 2005
Mark				
Int. Cl.	30	30	25	9
Goods	Condiment-namely, pepper sauce	Condiment-namely, pepper sauce	clothing, namely T-shirts and ties	pre-recorded audio and video compact disks featuring music, recipes and antique labels for educational, amusement, cultural and artistic purposes; computer mouse pads; neon signs and decorative magnets

(The lines shown in Reg. Nos. 805670 and 805671 cover the red cap and green neck label which are elements of the TABASCO® Trade Dress.) These registrations have become incontestable under Section 15 of the Lanham Act, 15 U.S.C. § 1065, and therefore serve as conclusive proof of the validity of the TABASCO® Trade Dress and of McIlhenny's exclusive right to use such trade dress in connection with the goods identified therein, as provided by Section 33(b) of the Lanham Act, 15 U.S.C. § 1115(b). These registrations also place others, including Defendants, on notice

of McIlhenny's rights. See 15 U.S.C. § 1072. True and correct copies of these registrations are attached as Exhibit A hereto.<sup>1</sup>

## II. DEFENDANTS' CONDUCT AND THE INFRINGING TRADE DRESS

24. In November 2024, Defendants first approached McIlhenny about a potential collaboration for Defendants to offer such a pepper sauce based vodka product, co-branded under the TABASCO® and STOLI trademarks.

25. After preliminary discussions, in December 2024, McIlhenny advised Defendants that it was not interested in pursuing a co-branded product with them. The day after that communication, Defendants provided McIlhenny with two mockups of the product it had contemplated, shown here:



26. To the shock of McIlhenny, on December 16, 2025, Defendants announced the late-January 2026 launch of the Defendants' Product in the Infringing Trade Dress, shown here side-by-side with the TABASCO® Trade Dress:

---

<sup>1</sup> Note that the certificate for Reg. No. 3015104 includes certain goods which are no longer covered thereby. The list in the table above reflects the current coverage.



TABASCO® Trade Dress

Infringing Trade Dress

27. As is plain from its appearance, the Infringing Trade Dress copies the design of the TABASCO® Trade Dress, using the same bottle shape, color scheme, green neck label and red cap, and uses a broken concentric circle design in the center of the bottle with green and red sans serif font. Indeed, the primary difference between the Infringing Trade Dress and the two mockups Defendants provided to McIlhenny in 2024 is the removal of the TABASCO® name and logo on the label. The design remains otherwise essentially the same.

28. Press coverage of the announcement, including imagery of the Infringing Trade Dress and messaging that the Defendants' Product was being produced in Louisiana just like McIlhenny's TABASCO® Brand Pepper Sauce, followed in trade industry publications such as *The Spirits Business*, see <https://www.thespiritsbusiness.com/2025/12/stoli-turns-up-the-heat-with-spicy-vodka-for-bloody-marys/>, *BevNet*, see <https://www.bevnet.com/pr/2025/12/16/stoli->

[introduces-new-halape%C3%B1o-pepper-vodka--a-bold-flavored-spirit-designed-for-the-perfect-spicy-bloody-mary](#), *Beverage Industry*, see <https://www.bevindustry.com/articles/98063-stoli-halapeno-pepper> and *Global Drinks Intel*, see <https://drinks-intel.com/spirits/stoli-group-readies-first-us-produced-stoli-extension/>.

29. Setting aside the Defendants' actual notice of the TABASCO® Trade Dress, due to the ubiquity of TABASCO® Brand Pepper Sauce and McIlhenny's federal trademark registrations, the direct discussions between Defendants and McIlhenny about a co-branded product establishes conclusively that Defendants were aware of the TABASCO® Trade Dress when they created the Infringing Trade Dress. Indeed, it is plain from the mockups Defendants provided and the Defendants' Product itself that the Infringing Trade Dress copies the TABASCO® Trade Dress.

30. Accordingly, Defendants' infringing conduct is knowing, willful, in bad faith, and likely to cause confusion and to deceive the public.

31. The TABASCO® Trade Dress is McIlhenny's valuable intellectual property, and McIlhenny will suffer, and has already suffered, substantial and irreparable harm if Defendants are permitted to trade on Plaintiff's rights and goodwill by continuing to advertise and sell the Defendants' Product in the Infringing Trade Dress, including by harming the contemporaneous launch of the ABSOLUT x TABASCO Brand Product. The goodwill that McIlhenny has built up in the TABASCO® Trade Dress through years of substantial investment and effort is put at risk by virtue of Defendants' actions.

32. On December 17, 2025, McIlhenny sent a cease and desist letter to Defendants objecting to the Infringing Trade Dress.

33. In response, Defendants refused to cease its violative conduct.

**FIRST CLAIM FOR RELIEF: INFRINGEMENT OF  
REGISTERED TRADE DRESS IN VIOLATION OF 15 U.S.C. § 1114(1)**

34. McIlhenny repeats and realleges the allegations set forth in the paragraphs above as if fully set forth herein.

35. McIlhenny has used, marketed and sold products bearing the TABASCO® Trade Dress in connection with sauces and related goods for nearly 100 years.

36. McIlhenny owns U.S. federal trademark registration Nos. 805670, 805671, 1916568 and 3015104 for the TABASCO® Trade Dress and/or elements thereof.

37. Defendants' Product features trade dress – the Infringing Trade Dress – that is identical and/or confusingly similar to the TABASCO® Trade Dress and is being marketed in a manner designed to confuse consumers.

38. Defendants' manufacturing, distribution, sale, and promotion of Defendants' Product under the Infringing Trade Dress is likely to cause confusion and mistake and to deceive consumers as to the source, origin, or sponsorship of the Defendants' Product.

39. Prior to its announced launch of Defendants' Product, Defendants were on actual notice of McIlhenny's exclusive rights in the TABASCO® Trade Dress. Defendants' actions are therefore in bad faith, with full knowledge of McIlhenny's prior use of, exclusive rights in, and ownership of the TABASCO® Trade Dress, with full knowledge of the goodwill and reputation associated with the TABASCO® Trade Dress, and with full knowledge that Defendants have no established right, license, or authority to use the TABASCO® Trade Dress in connection with any goods.

40. Defendants' actions therefore constitute willful trademark infringement in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

41. Defendants' conduct has caused and is causing immediate and irreparable injury to McIlhenny.

42. McIlhenny has no adequate remedy at law.

**SECOND CLAIM FOR RELIEF: UNFAIR  
COMPETITION IN VIOLATION OF 15 U.S.C. § 1125(a)**

43. McIlhenny repeats and realleges the allegations set forth in the paragraphs above as if fully set forth herein.

44. McIlhenny has used, marketed and sold products bearing the TABASCO® Trade Dress in connection with sauces and related goods for nearly 100 years.

45. By virtue of its long use and advertising of the TABASCO® Trade Dress in connection with sauces and related goods, McIlhenny has acquired nationwide, common law/equitable trademark rights therein.

46. McIlhenny's nationwide rights in the TABASCO® Trade Dress in connection with sauces and related goods existed prior to the launch of Defendants' Product and use of the Infringing Trade Dress.

47. The TABASCO® Trade Dress is not functional, is inherently distinctive, and has acquired secondary meaning.

48. Defendants' Product features trade dress – the Infringing Trade Dress – that is identical and/or confusingly similar to the TABASCO® Trade Dress and is being marketed in a manner designed to confuse consumers.

49. Defendants' manufacturing, distribution, sale, and promotion of Defendants' Product under the Infringing Trade Dress is likely to cause confusion and mistake and to deceive consumers as to the source, origin, or sponsorship of the Defendants' Product.

50. Prior to its announced launch of Defendants' Product, Defendants were on actual notice of McIlhenny's exclusive rights in the TABASCO® Trade Dress. Defendants' actions are therefore in bad faith, with full knowledge of McIlhenny's prior use of, exclusive rights in, and ownership of the TABASCO® Trade Dress, with full knowledge of the goodwill and reputation associated with the TABASCO® Trade Dress, and with full knowledge that Defendants have no established right, license, or authority to use the TABASCO® Trade Dress in connection with any goods.

51. Defendants' actions therefore constitute willful unfair competition in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

52. Defendants' conduct has caused and is causing immediate and irreparable injury to McIlhenny.

53. McIlhenny has no adequate remedy at law.

**THIRD CLAIM FOR RELIEF: DILUTION OF  
TRADE DRESS IN VIOLATION OF 15 U.S.C. § 1125(c)**

54. McIlhenny repeats and realleges the allegations set forth in the paragraphs above as if fully set forth herein.

55. McIlhenny has used, marketed and sold products bearing the TABASCO® Trade Dress in connection with sauces and related goods for nearly 100 years.

56. The TABASCO® Trade Dress is famous and became famous long before any date of use upon which Defendants can rely.

57. McIlhenny owns U.S. federal trademark registration Nos. 805670, 805671, 1916568 and 3015104 for the TABASCO® Trade Dress and/or elements thereof.

58. Defendants' Product features trade dress – the Infringing Trade Dress – that is identical and/or highly similar to the TABASCO® Trade Dress.

59. Defendants' manufacturing, distribution, sale, and promotion of Defendants' Product under the Infringing Trade Dress is likely to cause a lessening of the ability of the famous TABASCO® Trade Dress to identify McIlhenny exclusively.

60. Prior to its announced launch of Defendants' Product, Defendants were on actual notice of McIlhenny's exclusive rights in the TABASCO® Trade Dress. Defendants' actions are therefore in bad faith, with full knowledge of McIlhenny's prior use of, exclusive rights in, and ownership of the TABASCO® Trade Dress, with full knowledge of the goodwill and reputation associated with the TABASCO® Trade Dress, and with full knowledge that Defendants have no established right, license, or authority to use the TABASCO® Trade Dress in connection with any goods.

61. Defendants' actions therefore constitute willful dilution by blurring in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

62. Defendants' conduct has caused and is causing immediate and irreparable injury to McIlhenny.

63. McIlhenny has no adequate remedy at law.

**FOURTH CLAIM FOR RELIEF: UNFAIR COMPETITION  
IN VIOLATION OF LA. REV. STAT. ANN. 51:1401 ET SEQ.**

64. McIlhenny repeats and realleges the allegations set forth in the paragraphs above as if fully set forth herein.

65. McIlhenny has used, marketed and sold products bearing the TABASCO® Trade Dress in connection with sauces and related goods for nearly 100 years.

66. By virtue of its long use and advertising of the TABASCO® Trade Dress in connection with sauces and related goods, McIlhenny has acquired unregistered, equitable trademark rights therein throughout Louisiana.

67. McIlhenny's rights in the TABASCO® Trade Dress in connection with sauces and related goods throughout Louisiana existed prior to the launch of Defendants' Product.

68. The TABASCO® Trade Dress is not functional, is inherently distinctive, and has acquired secondary meaning.

69. Defendants' Product features trade dress – the Infringing Trade Dress – that is identical and/or confusingly similar to the TABASCO® Trade Dress and is being marketed in a manner designed to confuse consumers.

70. Defendants' manufacturing, distribution, sale, and promotion of Defendants' Product under the Infringing Trade Dress is likely to cause confusion and mistake and to deceive consumers as to the source, origin, or sponsorship of the Defendants' Product.

71. Prior to its announced launch of Defendants' Product, Defendants were on actual notice of McIlhenny's exclusive rights in the TABASCO® Trade Dress. Defendants' actions are therefore in bad faith, with full knowledge of McIlhenny's prior use of, exclusive rights in, and ownership of the TABASCO® Trade Dress, with full knowledge of the goodwill and reputation associated with the TABASCO® Trade Dress, and with full knowledge that Defendants have no established right, license, or authority to use the TABASCO® Trade Dress in connection with any goods.

72. Defendants' actions therefore constitute willful unfair competition in violation of La. Rev. Stat. Ann. 51:1401 *et seq.*

73. Defendants' conduct has caused and is causing immediate and irreparable injury to McIlhenny.

74. McIlhenny has no adequate remedy at law.

**FIFTH CLAIM FOR RELIEF: DILUTION OF TRADE  
DRESS IN VIOLATION OF LA. REV. STAT. ANN. 51:223.1**

75. McIlhenny repeats and realleges the allegations set forth in the paragraphs above as if fully set forth herein.

76. McIlhenny has used, marketed and sold products bearing the TABASCO® Trade Dress in connection with sauces and related goods for nearly 100 years.

77. The TABASCO® Trade Dress is distinctive, and became distinctive long before any date upon of use which Defendants can rely.

78. Defendants' Product features trade dress – the Infringing Trade Dress – that is identical and/or highly similar to the TABASCO® Trade Dress.

79. Defendants' manufacturing, distribution, sale, and promotion of Defendants' Product under the Infringing Trade Dress is likely to cause a lessening of the ability of the distinctive TABASCO® Trade Dress to identify McIlhenny exclusively.

80. Prior to its announced launch of Defendants' Product, Defendants were on actual notice of McIlhenny's exclusive rights in the TABASCO® Trade Dress. Defendants' actions are therefore in bad faith, with full knowledge of McIlhenny's prior use of, exclusive rights in, and ownership of the TABASCO® Trade Dress, with full knowledge of the goodwill and reputation associated with the TABASCO® Trade Dress, and with full knowledge that Defendants have no established right, license, or authority to use the TABASCO® Trade Dress in connection with any goods.

81. Defendants' actions therefore constitute willful dilution in violation of La. Rev. Stat. Ann. 51:223.1.

82. Defendants' conduct has caused and is causing immediate and irreparable injury to McIlhenny.

83. McIlhenny has no adequate remedy at law

**SIXTH CLAIM FOR RELIEF: RECOVERY OF ADMINISTRATIVE EXPENSE**  
**CLAIM: 11 U.S.C. § 530(B)**

84. McIlhenny repeats and realleges the allegations set forth in the paragraphs above as if fully set forth herein.

85. McIlhenny asserts that the post-petition invasion of its rights are properly allowed as an administrative expense under 11 U.S.C. § 503(b).

86. For those reasons, McIlhenny is entitled to recover the TABASCO® Trade Dress or the value of the TABASCO® Trade Dress pursuant to 11 U.S.C. § 503, prejudgment interest, costs of suit and attorneys' fees, and all further relief this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

87. McIlhenny hereby demands trial by jury in this action.

**PRAYER FOR RELIEF**

**WHEREFORE**, McIlhenny prays for judgment against Defendants as follows:

1. Entering judgment for McIlhenny on each of its claims.
2. Directing that Defendants, their officers, directors, agents, representatives, successors or assigns, and all persons acting in concert or in participation with them, be immediately and permanently enjoined from:
  - (a) infringing or diluting the TABASCO® Trade Dress;
  - (b) falsely designating the origin, sponsorship, or affiliation of its business, goods, or services;
  - (c) using the TABASCO® Trade Dress, the Infringing Trade Dress, or any derivation or colorable imitation thereof, or trade dress that is identical and/or confusingly similar

thereto, or dilutive thereof (collectively, the “Prohibited Trade Dress”) in connection with the promotion, marketing, and offering of any goods or services;

(d) seeking to register the Prohibited Trade Dress or any derivation or colorable imitation thereof, or any trade dress that is identical and/or confusingly similar thereto;

(e) making or employing any other commercial use of the Prohibited Trade Dress;

(f) making or displaying any statement, picture, or representation that is likely to lead the public or the trade to believe that Defendants’ goods or services are in any manner associated or affiliated with or approved, endorsed, licensed, sponsored, or authorized by or otherwise connected with McIlhenny;

(g) using any other false designation of origin or any other thing calculated or likely to cause confusion or mistake in the mind of the trade or public or to deceive the trade or public into believing that Defendants’ activities are in any way sponsored, licensed, endorsed, or authorized by, or affiliated or connected with, McIlhenny, or originate from McIlhenny;

(h) doing any other acts or things calculated or likely to cause confusion or mistake in the mind of the public or to lead purchasers, consumers or investors into the belief that the goods or services promoted or offered by Defendants emanate from or originate with McIlhenny, or are somehow sponsored, licensed, endorsed, or authorized by, or affiliated or connected with, McIlhenny;

(i) engaging in any other activity constituting unfair competition with McIlhenny; and

(j) aiding, assisting, or abetting any other party in doing any act prohibited by sub-paragraphs (a) through (i) above.

3. Directing that Defendants deliver up to McIlhenny's attorneys for destruction all products bearing the Prohibited Trade Dress or any other simulation, reproduction, copy, or colorable imitation thereof.

4. Directing that Defendants file with the Court and serve upon McIlhenny's attorneys within thirty (30) days after entry of judgment a report in writing under oath, setting forth in detail the manner and form in which it has complied with the above.

5. Awarding McIlhenny such damages as it has sustained or will sustain by reason of Defendants' acts of trade dress infringement, unfair competition and dilution and that such sums be trebled pursuant to 15 U.S.C. § 1117.

6. Awarding McIlhenny all damages, including without limitation Defendants' profits, and restitution that are recoverable under La. Rev. Stat. Ann. 51:1401 *et seq.* and 51:223.1.

7. Awarding McIlhenny all other recoverable gains, profits, property, and advantages derived by Defendants from their unlawful conduct.

8. Granting administrative priority to McIlhenny pursuant to 11 U.S.C. § 503(b).

9. Awarding to McIlhenny exemplary and punitive damages to deter any further willful conduct as the Court finds appropriate.

10. Awarding to McIlhenny its costs and disbursements incurred in this action, including reasonable attorneys' fees pursuant to 15 U.S.C. §1117(a) and Louisiana law.

11. Awarding to McIlhenny interest, including pre-judgment interest on the foregoing sums.

12. Awarding to McIlhenny such other and further relief as the Court may deem just and proper.

*[signature on following page.]*

Dated: January 16, 2026

**JONES WALKER LLP**

By: /s/ Amy K. Anderson

Amy K. Anderson  
Texas Bar. No. 24077064  
5960 Berkshire Ln, Floor 6  
Dallas, Texas 75225  
Tel: (214) 459-9682  
Fax: (713) 437-1810  
Email: [aanderson@joneswalker.com](mailto:aanderson@joneswalker.com)

Mark Mintz  
Texas Bar No. 24124555  
811 Main Street, Suite 2900  
Houston, Texas 77002  
Tel: (713) 437-1800  
Fax: (713) 437-1810  
Email: [mmintz@joneswalker.com](mailto:mmintz@joneswalker.com)

and

James D. Weinberger (PHV *forthcoming*)  
Parker C. Eudy (PHV *forthcoming*)  
FROSS ZELNICK LEHRMAN & ZISSU, P.C.  
151 W. 42nd Street, 17th Floor  
New York, NY 10036  
Tel: (212) 813-5900  
Fax: (212) 813-5901  
Email: [jweinberger@fzlz.com](mailto:jweinberger@fzlz.com)  
[peudy@fzlz.com](mailto:peudy@fzlz.com)

***Attorneys for McIlhenny Company***

# **EXHIBIT**

# **A**

# United States Patent Office

805,670  
Registered Mar. 15, 1966

## PRINCIPAL REGISTER Trademark

Ser. No. 147,129, filed June 18, 1962



McIlhenny Company (Maine corporation)  
Avery Island, La.

For: CONDIMENT—NAMELY, PEPPER SAUCE—  
in CLASS 46.

First use Mar. 12, 1927; in commerce Mar. 12, 1927.

The mark consists of a representation of a capped bot-  
tle with associated neck band and body panel printed on  
a carton for the bottle; the configuration of the cap and

bottle being that shown in the drawing with the neck band  
lined for green and the cap lined for red. The portion  
of the bottle shown above the neck band is lined for  
shading purposes only while the body of the bottle is  
lined for red to represent the color of the contents which  
is hereby disclaimed apart from the mark as shown with-  
out waiving any common law rights therein or to any  
feature thereof.

Owner of Reg. Nos. 280,758, 629,641, and others.

# United States Patent Office

805,671  
Registered Mar. 15, 1966

## PRINCIPAL REGISTER Trademark

Ser. No. 147,211, filed June 19, 1962



McIlhenny Company (Maine corporation)  
Avery Island, La.

For: CONDIMENT—NAMELY, PEPPER SAUCE,  
in CLASS 46.

First use Mar. 12, 1927; in commerce Mar. 12, 1927.

The mark consists of a capped bottle with associated neck band and body panel; the configuration of the cap and bottle being that shown in the drawing. The neck band is lined for green and the cap is lined for red while the bottle is lined above and below the neck band for shading purposes only.

Owner of Reg. Nos. 280,758, 629,641, and others.

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

**United States Patent and Trademark Office** **Reg. No. 1,916,568**  
Registered Sep. 5, 1995

**TRADEMARK  
PRINCIPAL REGISTER**



MCILHENNY COMPANY (MAINE CORPORATION)  
AVERY ISLAND, LA 70513

FOR: CLOTHING, NAMELY T-SHIRTS AND  
TIES, IN CLASS 25 (U.S. CLS. 22 AND 39).  
FIRST USE 0-0-1975; IN COMMERCE  
0-0-1975.

OWNER OF U.S. REG. NOS. 597,767, 1,727,776  
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "CO." , APART FROM THE  
MARK AS SHOWN.

SER. NO. 74-550,175, FILED 7-18-1994.

SUSANA BEATRIZ MIRABALLES, EXAMIN-  
ING ATTORNEY

**Int. Cl.: 9**

**Prior U.S. Cls.: 21, 23, 26, 36 and 38**

**Reg. No. 3,015,104**

**United States Patent and Trademark Office**

**Registered Nov. 15, 2005**

**TRADEMARK  
PRINCIPAL REGISTER**



MCILHENNY COMPANY (MAINE CORPORATION)  
HIGHWAY 329  
AVERY ISLAND, LA 70513

THE COLOR(S) RED AND GREEN AND WHITE  
IS/ARE CLAIMED AS A FEATURE OF THE MARK.

FOR: GAMING MACHINES, NAMELY MECHANICAL AND VIDEO SLOT MACHINES; PRE-RECORDED AUDIO AND VIDEO COMPACT DISKS, CASSETTES AND CD-ROMS FEATURING MUSIC, RECIPES AND ANTIQUE LABELS FOR EDUCATIONAL, AMUSEMENT, CULTURAL AND ARTISTIC PURPOSES; COMPUTER MOUSE PADS; NEON SIGNS AND DECORATIVE MAGNETS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

THE COLOR RED APPEARS IN THE BOTTLE CAP, LOWER BOTTLE BODY AND DIAMOND OUTLINE AND BROKEN CONCENTRIC CIRCLES ON THE LABEL. THE COLOR GREEN APPEARS ON THE BOTTLE NECKBAND. THE COLOR WHITE IS THE BACKGROUND OF THE DIAMOND LABEL.

FIRST USE 6-1-1998; IN COMMERCE 6-1-1998.

SER. NO. 78-397,285, FILED 4-6-2004.

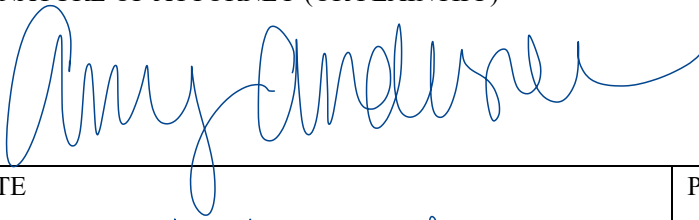
OWNER OF U.S. REG. NOS. 223,310, 280,910 AND OTHERS.

RONALD MCMORROW, EXAMINING ATTORNEY

B1040 (FORM 1040) (12/24)

<b>ADVERSARY PROCEEDING COVER SHEET</b> (Instructions on Reverse)		<b>ADVERSARY PROCEEDING NUMBER</b> (Court Use Only)		
<b>PLAINTIFFS</b> McIlhenny Company	<b>DEFENDANTS</b> Louisiana Spirits, LLC and Stoli Group (USA), LLC			
<b>ATTORNEYS</b> (Firm Name, Address, and Telephone No.) See attached list.	<b>ATTORNEYS</b> (If Known)			
<b>PARTY</b> (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input checked="" type="checkbox"/> Other <input type="checkbox"/> Trustee	<b>PARTY</b> (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee			
<b>CAUSE OF ACTION</b> (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) McIlhenny brings this action for trademark infringement under Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1), unfair competition and false designation of origin under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); trademark dilution under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c); and related claims under Louisiana state law.				
<b>NATURE OF SUIT</b> (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> <b>FRBP 7001(a) – Recovery of Money/Property</b>  <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property  <input type="checkbox"/> 12-Recovery of money/property - §547 preference  <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer  <input checked="" type="checkbox"/> 14-Recovery of money/property - other   <b>FRBP 7001(b) – Validity, Priority or Extent of Lien</b>  <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property   <b>FRBP 7001(c) – Approval of Sale of Property</b>  <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)   <b>FRBP 7001(d) – Objection/Revocation of Discharge</b>  <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)   <b>FRBP 7001(e) – Revocation of Confirmation</b>  <input type="checkbox"/> 51-Revocation of confirmation   <b>FRBP 7001(f) – Dischargeability</b>  <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims  <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud  <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny   <div style="text-align: center;">(continued next column)</div> </td> <td style="width: 50%; vertical-align: top; border: none;"> <b>FRBP 7001(f) – Dischargeability (continued)</b>  <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support  <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury  <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan  <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support)  <input type="checkbox"/> 65-Dischargeability - other   <b>FRBP 7001(g) – Injunctive Relief</b>  <input type="checkbox"/> 71-Injunctive relief – imposition of stay  <input checked="" type="checkbox"/> 72-Injunctive relief – other   <b>FRBP 7001(h) Subordination of Claim or Interest</b>  <input type="checkbox"/> 81-Subordination of claim or interest   <b>FRBP 7001(i) Declaratory Judgment</b>  <input type="checkbox"/> 91-Declaratory judgment   <b>FRBP 7001(j) Determination of Removed Action</b>  <input type="checkbox"/> 01-Determination of removed claim or cause   <b>Other</b>  <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i>  <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)           </td> </tr> </table>			<b>FRBP 7001(a) – Recovery of Money/Property</b> <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input checked="" type="checkbox"/> 14-Recovery of money/property - other  <b>FRBP 7001(b) – Validity, Priority or Extent of Lien</b> <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property  <b>FRBP 7001(c) – Approval of Sale of Property</b> <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)  <b>FRBP 7001(d) – Objection/Revocation of Discharge</b> <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)  <b>FRBP 7001(e) – Revocation of Confirmation</b> <input type="checkbox"/> 51-Revocation of confirmation  <b>FRBP 7001(f) – Dischargeability</b> <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny  <div style="text-align: center;">(continued next column)</div>	<b>FRBP 7001(f) – Dischargeability (continued)</b> <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other  <b>FRBP 7001(g) – Injunctive Relief</b> <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input checked="" type="checkbox"/> 72-Injunctive relief – other  <b>FRBP 7001(h) Subordination of Claim or Interest</b> <input type="checkbox"/> 81-Subordination of claim or interest  <b>FRBP 7001(i) Declaratory Judgment</b> <input type="checkbox"/> 91-Declaratory judgment  <b>FRBP 7001(j) Determination of Removed Action</b> <input type="checkbox"/> 01-Determination of removed claim or cause  <b>Other</b> <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
<b>FRBP 7001(a) – Recovery of Money/Property</b> <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input checked="" type="checkbox"/> 14-Recovery of money/property - other  <b>FRBP 7001(b) – Validity, Priority or Extent of Lien</b> <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property  <b>FRBP 7001(c) – Approval of Sale of Property</b> <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)  <b>FRBP 7001(d) – Objection/Revocation of Discharge</b> <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)  <b>FRBP 7001(e) – Revocation of Confirmation</b> <input type="checkbox"/> 51-Revocation of confirmation  <b>FRBP 7001(f) – Dischargeability</b> <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny  <div style="text-align: center;">(continued next column)</div>	<b>FRBP 7001(f) – Dischargeability (continued)</b> <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other  <b>FRBP 7001(g) – Injunctive Relief</b> <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input checked="" type="checkbox"/> 72-Injunctive relief – other  <b>FRBP 7001(h) Subordination of Claim or Interest</b> <input type="checkbox"/> 81-Subordination of claim or interest  <b>FRBP 7001(i) Declaratory Judgment</b> <input type="checkbox"/> 91-Declaratory judgment  <b>FRBP 7001(j) Determination of Removed Action</b> <input type="checkbox"/> 01-Determination of removed claim or cause  <b>Other</b> <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)			
<input checked="" type="checkbox"/> Check if this case involves a substantive issue of state law		<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23		
<input checked="" type="checkbox"/> Check if a jury trial is demanded in complaint		Demand \$		
Other Relief Sought McIlhenny seeks relief including, <i>inter alia</i> , treble damages and profits, actual damages, prejudgment interest, and attorneys' fees and costs, pursuant to 15 U.S.C. § 1117, <i>et seq.</i> and Louisiana law, and for recovery of administrative expense pursuant to 11 U.S.C. § 503.				

B1040 (FORM 1040) (12/24)

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Stoli Group (USA), LLC and one affiliated debtor		BANKRUPTCY CASE NO. 24-80146
DISTRICT IN WHICH CASE IS PENDING Northern District of Texas	DIVISION OFFICE Dallas	NAME OF JUDGE Scott W. Everett
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) 		
DATE January 14, 2026	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Amy Anderson	

### INSTRUCTIONS

The filing of a bankruptcy case creates an “estate” under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor’s discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court’s Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff’s attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

**Plaintiffs and Defendants.** Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

**Attorneys.** Give the names and addresses of the attorneys, if known.

**Party.** Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

**Demand.** Enter the dollar amount being demanded in the complaint.

**Signature.** This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION**

In re:

STOLI GROUP (USA), LLC

---

MCILHENNY COMPANY,

*Plaintiff,*

v.

LOUISIANA SPIRITS, LLC AND STOLI  
GROUP (USA), LLC,

*Defendants.*

---

Chapter 11

Case No. 24-80146-swe11

Adversary Proc. No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**PLAINTIFF'S ATTORNEY LIST**

Amy K. Anderson  
Texas Bar No. 24077064  
JONES WALKER LLP  
5960 Berkshire Ln, Floor 6  
Dallas, Texas 75225  
Tel: (214) 459-9682  
Fax: (713) 437-1810  
Email: [aanderson@joneswalker.com](mailto:aanderson@joneswalker.com)

Mark Mintz  
Texas Bar No. 24124555  
811 Main Street, Suite 2900  
Houston, Texas 77002  
Tel: (713) 437-1800  
Fax: (713) 437-1810  
Email: [mmintz@joneswalker.com](mailto:mmintz@joneswalker.com)

*Attorneys for McIlhenny Company*

James D. Weinberger (PHV *forthcoming*)  
Parker C. Eudy (PHV *forthcoming*)  
FROSS ZELNICK LEHRMAN & ZISSU, P.C.  
151 W. 42nd Street, 17th Floor  
New York, NY 10036  
Tel: (212) 813-5900  
Fax: (212) 813-5901  
Email: [jweinberger@fzlz.com](mailto:jweinberger@fzlz.com)  
[peudy@fzlz.com](mailto:peudy@fzlz.com)