



1. This Court has jurisdiction over the subject matter of this case, and there is good cause to believe that it has jurisdiction over the parties;

2. Venue properly lies with this Court;

3. There is good cause to believe that Defendants have engaged in and are likely to continue to engage in acts and practices that violate Section 5 of the FTC Act, 15 U.S.C. § 45 and Sections 5(a) of CAN-SPAM, 15 U.S.C. § 7704(a), (d), and that the Commission is therefore likely to prevail on the merits of this action;

4. There is good cause to believe that immediate and irreparable damage to the Court's ability to grant effective final relief for consumers in the form of monetary redress or disgorgement will occur from the sale, transfer, or other disposition or concealment by Defendants of their assets or records unless Defendants are immediately restrained and enjoined by Order of this Court. The evidence set forth in Plaintiff's Memorandum in Support of its Motion for Temporary Restraining Order, Order to Show Cause and Other Equitable Relief, and in the accompanying declarations and exhibits, demonstrates that Defendants have engaged in a concerted course of illegal activity by deceptively marketing products in violation of Section 5 of the FTC Act and by sending commercial email messages in violation of Section 5 of the CAN-SPAM, 15 U.S.C. § 7704 *et seq.* Defendants' practices have regularly involved the concealment of their identities to avoid detection. Defendants have retained all e-mail addresses listed in

secreting of assets. There is thus good cause for relieving Plaintiff of the duty to provide Defendants with prior notice of Plaintiff's motion;

doing business as Kaycon Ltd.

5. **“Document”** is synonymous in meaning and equal in scope to the usage of the term in Federal Rule of Civil Procedure 34(a), and includes writing, drawings, graphs, charts, Internet sites, Web pages, Web sites, electronic correspondence, photographs, audio and video recordings, computer records, and other data compilations from which information can be obtained and translated, if necessary, through detection devices into reasonably usable form. A draft or non-identical copy is a separate document within the meaning of the term.

6. **“Electronic mail address”** “means a destination, commonly expressed as a string of

9. **“Hoodia Products”** shall refer to any products that are advertised, marketed, promoted, offered for sale, distributed, or sold with express or implied representations that the product contains any form of Hoodia gordonii, and include, but are not limited to, “HoodiaHerbal,” or any other substantially similar products.

10. **“Initiate,”** “when used with respect to a commercial email message, means to originate or

any of them, are hereby temporarily restrained and enjoined from making, or assisting others in making, expressly or by implications, including through the use of a trade name or endorsement, any false or misleading oral or written statement or representation in connection with the

marketing, advertising, promotion, offering for sale, sale or provision of any Hoodia- or HGH-related products, or any other products or services, including, but not limited to:

A. Misrepresenting that the Hoodia Products cause rapid and substantial weight loss, including as much as forty pounds in a month;

B. Misrepresenting that the Hoodia Products cause rapid and substantial weight loss, including as much as forty pounds in a month;

1. Making any representation about the health benefits performance efficiency or

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



C. The name and address of the person or entity to whom such information was

submitted;

C. A copy of the body and subject line of each unique commercial email being sent

by the affiliate, sub-affiliate, agent, mailer, vendor, employee, contractor, or other person or entity;

person or entity;

D. A list of each of the email addresses from which the affiliate, sub-affiliate, agent, mailer, vendor, employee, contractor, or other person or entity will send the commercial email message;

E. A list of the Web site addresses and/or domain names promoted in the commercial email message;

F. A description of the procedures Defendants have to ensure that:

1. Such person or entity does not send commercial email messages to recipients who have previously requested not to receive commercial email

A. Transferring, converting, encumbering, selling, concealing, dissipating, disbursing, assigning, spending, withdrawing, perfecting a security interest in, or

otherwise disposing of any assets wherever located, inside or outside the United

States of America, that are owned, controlled or held by, or for the benefit of, in whole or in part, any Defendant, or in the actual or constructive possession of any Defendant, including, but not limited to,

1. account nos. 009419284277, 003831358135, and 003831358122, all in the name of Sili Neutraceuticals, LLC, held at Bank of America;
2. account no. 544068076260835 in the name of Sili Neutraceuticals held at Central Bancard LLC;

3. Accounts held in the name of any Defendant at Bancard and/or

Commission prior notice and an opportunity to inspect the contents in order to determine that they contain no assets covered by this Section; and

- C. Incurring liens or encumbrances on real property, personal property or other assets in the name, singly or jointly, of any Defendant.
- D. Transferring any funds or other assets subject to this Order for attorney's fees or

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Defendant's name and last submitted: 01 11 11

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3. under any Defendant's direct or indirect ownership or control;

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foreign trust agreement until such time that all assets have been fully repatriated pursuant to Section VI of this Order; and

B. Notifying any trustee, protector or other agent of any foreign trust or other related

pursuant to a court order, until such time that all assets have been fully repatriated pursuant to Section VI of this Order.

**VIII. PRESERVATION AND MAINTENANCE OF RECORDS  
AND NOTICE OF NEW VENTURES**

receipt books, ledgers, personal and business canceled checks and check registers.

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bank statements, appointment books, copies of federal, state or local business or personal income or property tax returns, and other documents or records of any kind that relate to the business practices, or business or personal finances, of any Defendant;

- B. Failing to create and maintain documents that, in reasonable detail, accurately, fairly, and completely reflect their incomes, disbursements, transactions, and use of money; and
- C. Creating, operating, or exercising any control over any business entity, including any partnership, limited partnership, joint venture, sole proprietorship or corporation, without first providing the Commission with a written statement disclosing:
  - 1. the name of the business entity;
  - 2. the address, telephone number, email address, and Web site address of the business entity;
  - 3. the names of the business entity's officers, directors, principals, managers, and employees;
  - 4. the names and addresses of any persons or entities providing online marketing, advertising, or mailing services for the business entity; and
  - 5. a detailed description of the business entity's intended activities.

**IX. DUTIES OF PERSONS OR ENTITIES HOLDING DEFENDANTS' ASSETS**

**IT IS FURTHER ORDERED** that, pending determination of the Commission's request for a preliminary injunction, any financial or brokerage institution, escrow agent, title company, commodity trading company, entity, trust, or person that holds, controls or maintains accounts or assets of or on behalf of any Defendant or has held, controlled or maintained any account or

asset of or on behalf of any Defendant at any time since January 1, 2004 that has been



close the account, and the name of the person or entity to whom such

individually or jointly, of any Defendant, or is otherwise subject to access  
by any Defendant; and

other entity or person that may have possession, custody, or control of any documents or assets of any Defendant, or that may otherwise be subject to any provision of this Order. Service upon any

branch or office of any financial institution shall effect service upon the entire financial

institution.

## **XII. CONSUMER CREDIT REPORTS**

**IT IS FURTHER ORDERED** that pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C. § 1681b(1), any consumer reporting agency may furnish a consumer

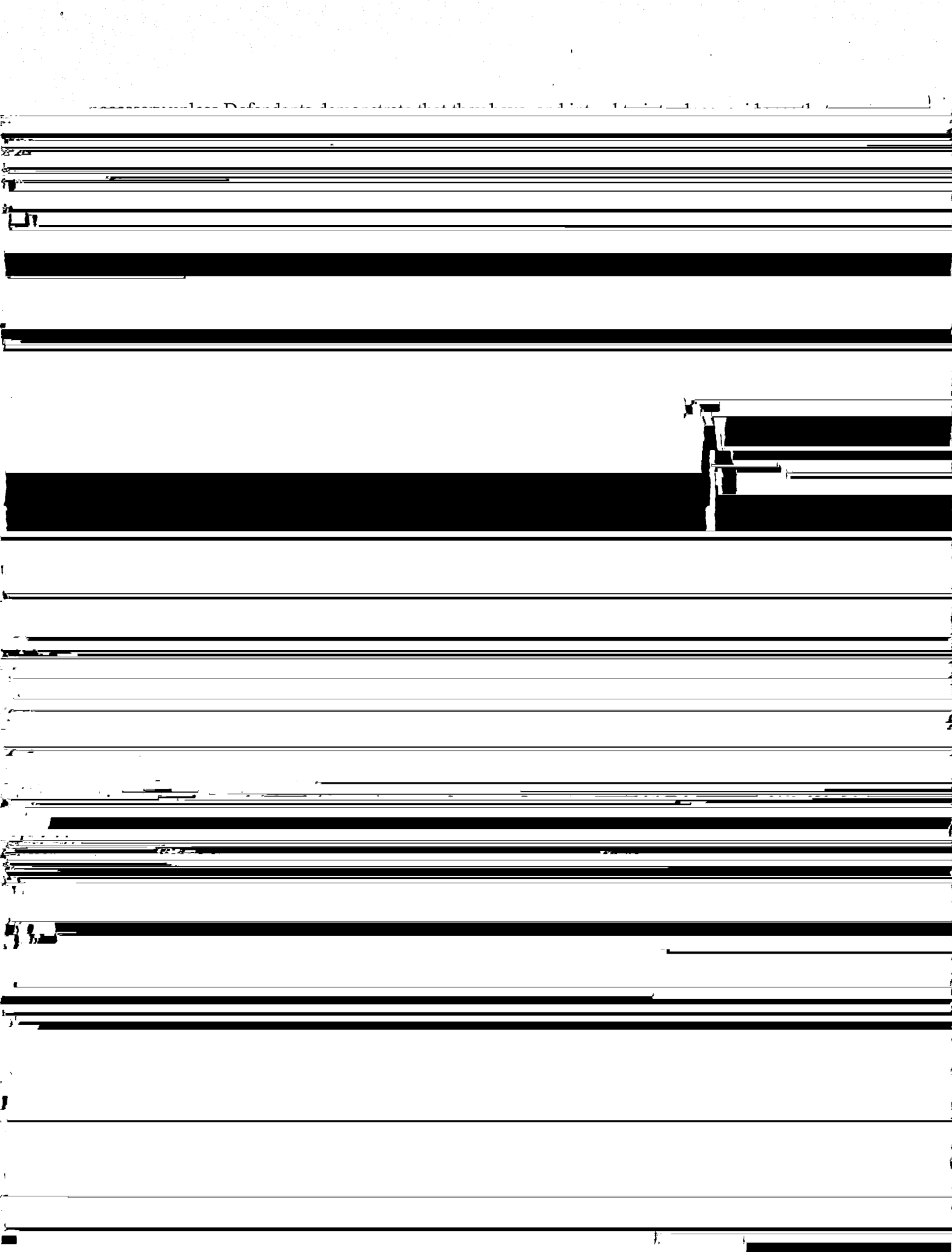
report concerning any Defendant to the Commission

this Section. Any such depositions taken pursuant to this Section shall not be counted toward any limit on the number of depositions under the Federal Rules of Civil Procedure, including those set forth in Fed. R. Civ. P. 30(a)(2)(A) and 31(a)(2)(A) or the Local Rules. Additionally, the production of documents submitted pursuant to this provision shall not in any way waive the Commission's rights to seek the production of additional documents.

**XIV. DURATION OF TEMPORARY RESTRAINING ORDER**

**IT IS FURTHER ORDERED** that the Temporary Restraining Order granted herein

shall expire on August 27, 2007 at 3:20 p.m., unless within such time, the Order, for good cause shown, is extended for an additional period not to exceed ten (10) days, or unless it is further



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**XVII. RETENTION OF JURISDICTION**

**IT IS FURTHER ORDERED** that this Court shall retain jurisdiction of this matter for all purposes.

SO ORDERED, this 13<sup>th</sup> day of August, 2007, at 3:20 p.m.

  
United States District Judge

**Consent to Release of Financial Records**

I, \_\_\_\_\_, of the State of \_\_\_\_\_ in the

County of \_\_\_\_\_ of the State of \_\_\_\_\_ do hereby consent to the release of all financial records which I have had