

servants, employees, and any other person in active concert or participation with her, including www.godaddy.com, who receive actual notice of this order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division or other devise, shall remove any and all websites and blogs from the Internet, including those found at the domains www.discountmedspa.com and www.ontariomedspa.com, through which Laurie D'Alleva advertises, offers to sell, and/or sells prescription drugs and devices.

2. **IT IS FURTHER ORDERED** that Defendant LAURIE D'ALLEVA d/b/a DISCOUNT MEDSPA a/k/a ONTARIO MEDSPA, her successors, assigns, officers, agents, servants, employees, and any other person in active concert or participation with Defendant from engaging in the following acts or practices:

- A. Transferring, concealing, destroying or removing from the jurisdiction of this Court any books, records, documents, invoices, or other written materials relating to these allegations which are in Defendant's possession, custody, or control, except in response to further orders or subpoenas in this cause;
- B. Delivering, receiving, offering for sale, distributing, selling, giving away prescription drugs and devices, or using any other means of introducing into commerce prescription drugs and devices;
- C. Purchasing and/or possessing prescription drugs or devices for the purpose of offering to sell, selling, distributing, or dispensing the drugs and devices to members of the public;
- D. Operating or posting, either directly or indirectly through the use of a website hosting company, any website advertising, offering for sale, and/or selling any prescription drug or device;
- E. Operating or posting, either directly or indirectly through the use of a website hosting company, any website through which individuals can purchase prescription drugs and devices; and
- F. Advertising, offering for sale and/or selling prescription drugs and devices

through any means, including, but not limited to, email, internet social sites such as facebook, twitter, and myspace, regular mail, flyers, and brochures.

3. **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that, as used in this Judgment, the following terms are defined as follows:

- A. "Advertising" means all representations disseminated in any manner or by any means for the purpose of inducing, or that are likely to induce, directly or indirectly, the purchase of prescription drugs and devices.
- B. "Defendant" means LAURIE D'ALLEVA d/b/a DISCOUNT MEDSPA a/k/a ONTARIO MEDSPA and her successors, assigns, officers, agents, servants, employees, corporations and any other persons in active concert or participation with the Defendant.
- C. "Prescription drug," as defined in §503 (b)(1) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. § 353(b)(1) means "...[a] drug intended for use by man which -
(A) because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law to administer such drug; or
(B) is limited by an approved application under section 355 of this title to use under the professional supervision of a practitioner licensed by law to administer such drug...."
- D. "Prescription device(s)" means a device(s) which, because of any potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use is not safe except under the supervision of a practitioner licensed by law to direct the use of such device, and hence for which adequate directions for use cannot be prepared; and therefore are required to bear a federal legend that states:

“Caution: Federal law restricts this device to sale by or on the order of a _____”
with the blank filled in with the designation of a practitioner licensed by the law
of the State in which he practices to use or order the use of the device, as required
by 21 CFR § 801.109.

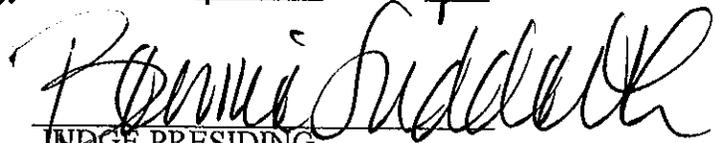
4. **IT IS FURTHER ORDERED** that Plaintiff shall be granted leave to take
telephonic, video, written, and other depositions prior to any scheduled temporary injunction
hearing upon reasonable shortened notice to the Defendant.

5. **IT IS FURTHER ORDERED** that Defendant in this cause be and hereby are
commanded forthwith to comply with this Order from the date of entry until and to the fourteenth
(14) day after entry or until further order of this Court, whichever is less.

6. The Clerk of the above-entitled Court shall forthwith issue an ex parte temporary
restraining order in conformity with the law and the terms of this Order. This Order shall be
effective without the execution and filing of a bond as Plaintiff, State of Texas is exempt from
such bond under TEX. BUS. & COM. CODE ANN. §17.47(b).

Hearing on Plaintiff, State of Texas' Application for an Temporary Injunction is hereby
set for the 24th day of December 2009 at 9:00 o'clock, a m.

SIGNED this 24th day of November, 2009 at 1:20 o'clock, p m.


JUDGE PRESIDING