

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE**


**MIKE GOWAN,
individuals,**

Plaintiffs,

v.

**QUIXTAR, INC., a
Michigan corporation,**

Defendant.

07-722348 CK 8/20/2007
JDG:GERSHWIN A. DRAIN
GOWAN MIKE
VS
QUIXTAR INC 

DANIEL A. O'BRIEN (P42120)
1060 E. West Maple Rd.
Walled Lake, MI 48390
(248) 669-7281

Attorney for Plaintiff

**TEMPORARY RESTRAINING ORDER,
ORDER TO SHOW CAUSE AND ORDER TO APPEAR**

At a session of said Court, held in the City of
Detroit, County of Wayne, State of Michigan,
this ___ day of August, 2007.

AUG 20 2007

PRESENT: HONORABLE **GERSHWIN A. DRAIN** , Circuit Judge

This Court has read the Verified Complaint of Plaintiff requesting a Temporary Restraining Order and Preliminary Order of Injunction. It appears from the Verified Complaint that Plaintiff does not have an adequate remedy at law and that the actions of Defendant Quixtar will cause immediate and irreparable injury to Plaintiffs through tortious interference with business relationships and expectancies, and breach of contract.

The termination of the Plaintiff's business will cause irreparable injury. The Plaintiff has been building his business for years and would lose his relative position in his downline business relationships and sponsorship. The harm is immediate, as it will occur today.

The Plaintiff has no adequate remedy at law. It is difficult or impossible to calculate the exact damage the Plaintiff will suffer if his businesses is terminated. There is no legal remedy that would put the Plaintiff back in the positions within their lines of sponsorships if Quixtar terminated them today.

FURTHERMORE, it is recognized that this Order is entered without notice to prevent immediate and irreparable harm which would result from the delay required to affect such notice.

The Plaintiffs were notified of Quixtar's intended action late Friday evening. Until today, there has not been a working day by which Plaintiffs could have notified Quixtar's counsel. The Plaintiffs also fear retaliation by Quixtar if notice is given.

IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

1. Pending a hearing on the Order to Show Cause, Defendant Quixtar is restrained and enjoined during the pendency of the distributor class action lawsuit filed in the United States District Court for the Central District of California, Los Angeles, from:

- a. Suspending, terminating, or taking any other action adverse to the Plaintiff's distributorship for Plaintiff's refusal to enter into the new contractual terms unilaterally designated by Quixtar;
- b. Disparaging the TEAM business tools or teaching methods to the IBOs;
- c. Disparaging the TEAM affiliated IBOs, or otherwise engaging in activities injurious to the reputation of the TEAM affiliated IBOs;
- d. Suspending the earned bonus payments for any IBO in good standing;

e. Interfering with the Plaintiffs business relationships or expectancies;

2. Defendant Quixtar shall appear before this Court on AUG 31 2007 2007, at 8:30 AM, or as soon thereafter as counsel may be heard, and show cause, if any there be, why a preliminary order of injunction enjoining and restraining it from the conduct described above shall not issue.

3. This Temporary Restraining Order shall expire on AUG 31 2007 2007, at 8:30, or as soon thereafter as a hearing is held on Plaintiff's motion for a preliminary order of injunction enjoining the conduct described above.

THIS ORDER DOES NOT RESOLVE THE LAST PENDING CLAIM AND DOES NOT CLOSE THE CASE.

AUG 20 2007

IT IS SO ORDERED. Issued this _____ of August, 2007, at 2:30 PM

GERSHWIN A. DRAIN

GERSHWIN A. DRAIN
The Honorable
Circuit Court Judge

CATHY...
WAYNE COUNTY CLERK
BY Janyia R. Browder
DEPUTY CLERK

URGENT: Immediate Response Required

Page 1 of 2

From: C [redacted] atj
Sent: Friday, August 17, 2007 8:51 PM
To: [redacted]
Subject: Fw: URGENT: Immediate Response Required

----- Original Message -----

From: [redacted]
To: [redacted]
Sent: Friday, August 17, 2007 7:14 PM
Subject: FW: URGENT: Immediate Response Required

From: Quixtar Business News [mailto:Quixtar@Quixtar.com]
Sent: August 17, 2007 6:52 PM
To: [redacted]
Subject: URGENT: Immediate Response Required

QUIXTAR[®]



If you are having trouble viewing this email, view it as a web page.

Dear Plaintiff IBO,

We realize this past week has been difficult for your organization and your group. The actions taken by the company were necessary and critical to preserve the legality of this business and the potential it represents for all IBOs. It's critical that all IBO leaders build this business in compliance with the Rules of Conduct, which are in place for the long-term protection of the Quixtar business for all IBOs. These rules allowed us to take action against those whose actions were intended to cause you harm, including some business leaders in your upline.

As a leader, the Corporation relies on you to abide by Quixtar's Rules of Conduct and to assist in their enforcement. The Team organization has been put on notice that they no longer are an authorized supplier of IBO education and training to Quixtar IBOs. It is important for you to know that the sale, distribution, and/or promotion of any Team-related business support materials (BSMs), including Team-sponsored meetings or functions, to Quixtar IBOs violates the Quixtar Rules of Conduct. Continued sale, distribution, or promotion by Quixtar IBOs of Team BSMs places an IBO at risk of action being taken against their Quixtar business, up to and including termination. We ask that you exercise your responsibility as a leader to make sure that IBOs downline of you also understand this point clearly.

Also, please remember that Quixtar IBOs are prohibited from involvement in another multilevel marketing or direct selling business that sells competing products (Rule 6.5). In fact, you may not participate in another multilevel marketing or direct selling business that sells competing products for a period of six months after your date of resignation or termination (Rule 6.4.4). Further, for a period of two years following resignation or termination, you must not solicit another IBO to join a competing business (Rule 6.5.2).

Quixtar IBOs are bound by provisions in their contract that protect Quixtar's trade secrets and the businesses of innocent Quixtar IBOs. You must not use confidential Quixtar information, including Line of Sponsorship information, for any purpose other than that authorized by the Corporation (Rule 4.27).

Quixtar is aware that there are Team-related IBOs who do not have an accurate understanding of the Quixtar business. In order to correct business-building practices taught by Team, the Corporation intends to provide training to you and your group, with the goal that all IBOs understand the importance of, among other things, positioning the business properly with prospects and building depth within the Rules.

At this time, we need a signed commitment from you that you intend to continue your business in full compliance with the criteria listed above. Signing this letter in the space provided below signals to us that

8/18/2007

URGENT: Immediate Response Required

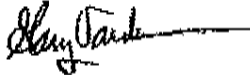
Page 2 of 2

You are committed to pursuing a Quixtar business within the Rules of Conduct and that you will no longer promote the use of Team BSAs. Please send a copy of this letter bearing your signature via fax to 818/787-4691 by Noon, EST, Monday, August 20, 2007. If we do not hear from you by that time, your business will be suspended by close of business Monday.

Should your business be suspended and you believe that this has occurred in error, you do have access to Quixtar's Dispute Resolution Process through which you may appeal the suspension.

We hope you will continue to lead your organization as the company makes unprecedented investments in the business, including \$80 million in new money in Quixtar Business Incentives. We stand ready to support all IBOs who choose to continue as IBOs and build their businesses in full compliance with the rules and in an open, transparent, and ethical manner.

Sincerely,



Gary VenderVen
Director - Global Business Conduct & Rules

Name

IBO #

Date

This message is being sent to you as an important Quixtar Business communication.

3318461

8/18/2007