

BUS. & COM. CODE § 17.47(b) in connection with this Temporary Injunction.

After reading the pleadings and stipulations of the parties, the COURT FINDS that all parties have agreed to the terms set forth herein, and that all parties approve the entry of this AGREED TEMPORARY INJUNCTION.

The COURT FINDS that Defendants may be violating §431.021 of the TFDCA and §§17.46(a) or (b) of the DTPA and that unless Defendants are immediately restrained from the acts prohibited below, Defendants may introduce unapproved drugs into trade and commerce of this State in violation of these laws.

The COURT FINDS that Plaintiff State of Texas is exempt from a bond under TEX. CIV. PRAC. & REM. CODE § 6.001 and TEX. BUS. & COM. CODE § 17.47(b) in connection with this TEMPORARY INJUNCTION.

The COURT FINDS that Plaintiff is entitled to this TEMPORARY INJUNCTION against Defendants as granted below.

1. **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT** Defendants REDUX BEVERAGES, LLC.; REDUX, LLC.; KIMBALL DISTRIBUTING, INC., f/k/a CALVERT DISTRIBUTING, INC.; TEXAS WHOLESALE VENTURE # 1 LTD, d/b/a TEXAS WHOLESALE # 2; and IMPORT WAREHOUSE, INC., their successors, assigns, officers, agents, servants, employees, and any other person in active concert or participation with Defendants are restrained 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 Defendants' possession, custody, or control, except in response to further orders or subpoenas in this cause;
- B. Delivering, receiving, offering for sale, selling, or giving away the product Cocaine in Texas;
- C. Conducting or participating in a manufacturer's recall of the product Cocaine in

Texas without obtaining the prior written consent of Plaintiff;

- D. Advertising that the product Cocaine is effective for treating diseases of the body, when the FDA has not approved it as a drug;
- E. Advertising that the product Cocaine is available for sale in Texas; and
- F. Failing to disclose in any advertising for the product Cocaine that this product is not approved for sale in Texas.

2. **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 the product Cocaine.
- B. "Defendants" mean REDUX BEVERAGES, LLC., a Nevada Corp; REDUX, LLC., a California Corp.; KIMBALL DISTRIBUTING, INC., f/k/a CALVERT DISTRIBUTING, INC.; TEXAS WHOLESALE VENTURE # 1 LTD, d/b/a TEXAS WHOLESALE # 2; and IMPORT WAREHOUSE, INC., and their successors, assigns, officers, agents, servants, employees, corporations and any other persons in active concert or participation with any Defendant.
- C. "Drug" means articles designed or intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man and articles intended to affect the structure or any function of the body of man, other than foods for which a claim is made in accordance with Section 403(r) of the Federal Act, as defined in §431.002 (14) of the Texas Food, Drug, and Cosmetic Act.
- D. "FDA" means the Federal Food and Drug Administration.
- E. "Misbranded drug" means a drug that violates §431.112 of the Texas Food, Drug and Cosmetic Act in one of the following, including but not limited to, labeling that is false or misleading in any particular or a label or labeling that lack adequate

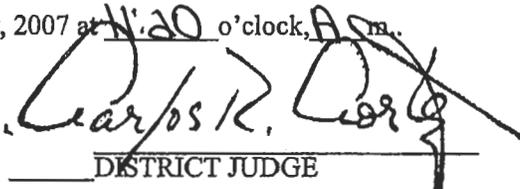
directions for use or warnings.

3. The clerk of the above-entitled Court shall issue a TEMPORARY INJUNCTION in conformity with law and the terms of this Order to Defendants REDUX BEVERAGES, LLC., a Nevada Corp; REDUX, LLC., a California Corp.; KIMBALL DISTRIBUTING, INC., f/k/a CALVERT DISTRIBUTING, INC.; TEXAS WHOLESALE VENTURE # 1 LTD, d/b/a TEXAS WHOLESALE # 2; and IMPORT WAREHOUSE, INC., and Defendants' attorneys agree to accept service of such TEMPORARY INJUNCTION.

4. 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).

5. IT IS FURTHER ORDERED that this case be set for a final trial on the merits on the 5th day of November, 2007, at 9:00, A.M.

SIGNED this 15th day of May, 2007 at 11:20 o'clock, Am.



DISTRICT JUDGE

APPROVED AS TO FORM AND SUBSTANCE:

Date: May 11, 2007

Defendants

REDUX BEVERAGES, LLC., a Nevada Corp



Clegg Ivey, Partner
Duly Authorized

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APPROVED AS TO FORM AND SUBSTANCE:

Date: 5/11/07

Defendants

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APPROVED AS TO FORM AND SUBSTANCE:

Date: _____

Defendant

TEXAS WHOLESALE VENTURE # 1 LTD, d/b/a TEXAS WHOLESALE # 2

[Handwritten Signature]
v. President

Attorneys for Texas Wholesale Venture #1 Ltd, d/b/a Texas Wholesale #2

[Handwritten Signature]

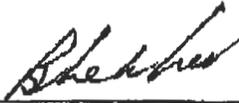
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APPROVED AS TO FORM AND SUBSTANCE:

Date: May 11, 2007

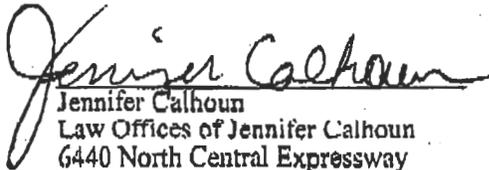
Defendant

IMPORT WAREHOUSE, INC.,



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Agreed Temporary Injunction

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APPROVED AS TO FORM AND SUBSTANCE:

Date: May 15, 2007

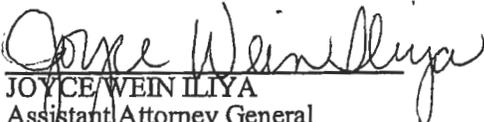
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