

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

NATIONAL UROLOGICAL GROUP,  
INC., et al.,

Defendants.

CIVIL ACTION

NO. 1:04-CV-3294-CAP

O R D E R

This matter is now before the court to address the final judgment in this case. On June 4, 2008, the court granted the Federal Trade Commission's ("FTC's") motion for summary judgment [Doc. No. 219]. In that order, the court held that the FTC was entitled to permanent injunctive relief against all parties, with the exception of the National Institute for Clinical Weight Loss, Inc. ("NICWL"). In addition, the court concluded that defendants National Urological Group, Inc. ("NUG"), NICWL, Hi-Tech Pharmaceuticals, Inc. ("Hi-Tech"), Jared Wheat, Thomasz Holda, and Stephen Smith were jointly and severally liable for \$15,882,436 in consumer redress and that defendant Terrill Mark Wright, M.D. was liable for \$15,454 in consumer redress.

The court did not enter final judgment against the defendants in its summary judgment order. Instead, it indicated to the parties that it intended to adopt the proposed final judgments and

orders granting permanent injunctive relief submitted by the FTC in conjunction with the FTC's summary judgment motion [Doc. No. 172, Exs. 30 and 31]. However, the court granted the defendants an opportunity to file any objections that they had to the proposed orders. The defendants submitted their objections [Doc. Nos. 220 and 221], and the FTC filed a response to those objections [Doc. No. 222].

After carefully considering the defendants' objections, the court concludes that it will **ADOPT** the proposed judgments prepared by the FTC, subject to the following exception. The FTC is **DIRECTED** to modify the judgment and order for permanent injunction against NUG, NICWL, Hi-Tech, Wheat, Holda, and Smith [Doc. No. 172, Ex. 30] to reflect that injunctive relief is not necessary against now-dissolved NICWL. Judgment will be entered against these defendants after the FTC submits the modified order.

Pursuant to this order, the FTC's motion to bifurcate the final judgment [Doc. No. 223] is **MOOT**. Accordingly, that motion is **DENIED**.

So ordered, this 10<sup>th</sup> day of December, 2008.

/s/Charles A. Pannell, Jr.  
CHARLES A. PANNELL, JR.  
United States District Court Judge