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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**FEDERAL TRADE COMMISSION,**

Plaintiff,

v.

**DAVID J. ROMEO**, individually, and in his capacity as an officer of Stella Labs, LLC, and Nutraceuticals International, LLC; **STELLA LABS, LLC**, a limited liability company; **NUTRACEUTICALS INTERNATIONAL, LLC**, a limited liability company; **DEBORAH B. VICKERY**, individually, and as an employee of Stella Labs, LLC and Nutraceuticals International, LLC; **V. CRAIG PAYTON**, individually, and in his capacity as an officer of Stella Labs, LLC; and **ZOLTAN KLIVINYI**, individually, and in his capacity as an officer of Nutraceuticals International, LLC,

Defendants.

**CASE NO. 09-1262 (WJM)**

**PLAINTIFF’S MOTION FOR ORDER TO SHOW CAUSE WHY A  
PRELIMINARY INJUNCTION SHOULD NOT ISSUE**

Plaintiff, Federal Trade Commission (“FTC”), moves this Court, pursuant to Section 13(b) of the Federal Trade Commission Act, 15 U.S.C. § 53(b), Federal Rule of Civil Procedure 65(b), and Local Rule 65.1 for an Order to requiring Defendants to show cause why a preliminary injunction should not issue until the merits of the FTC’s allegations are finally adjudicated.

As grounds for this motion, the FTC states that Defendants have engaged, and continue to engage, in deceptive acts and practices in or affecting commerce, in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a). Such preliminary relief is necessary to halt Defendants’ unlawful conduct and to preserve this Court’s ability to issue final equitable relief, including rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies.

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The FTC respectfully refers this Court to the memorandum, exhibits, and proposed Order filed herewith in support of this motion.

Dated: April 6, 2009

Respectfully submitted,

DAVID C. SHONKA  
Acting General Counsel

s/ Victor F. DeFrancis  
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Attorneys for Plaintiff  
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