

Christopher P. Graham/ISB #6174
TROUT ♦ JONES ♦ GLEDHILL ♦ FUHRMAN, PA
225 North Ninth Street, Suite 820
P.O. Box 1097
Boise, ID 83701
Telephone: (208) 331-1170
Facsimile: (208) 331-1529

Charles Lee Mudd Jr. (pro hac vice application to be submitted)
(cmudd@muddlawoffices.com)
Heidi I. Schmid (pro hac vice application to be submitted)
(hschmid@muddlawoffices.com)
MUDD LAW OFFICES
3114 West Irving Park Road
Suite 1W
Chicago, Illinois 60618
Telephone: (773) 588-5410
Facsimile: (773) 588-5440

ATTORNEYS FOR MOVANT
SI03, INC.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

SI03, INC.,) MISC. CASE NO. 07-6311
)
Plaintiff,) (Civil Case No. 07 C 3266
) Northern District of Illinois)
)
v.)
) AFFIDAVIT OF
BODYBUILDING.COM, LLC,) GREG DAVIS
)
Defendant.)

AFFIDAVIT OF GREG DAVIS

I, GREG DAVIS, being duly sworn, do hereby declare, testify and state as follows:

1. I am a resident and citizen of the State of Missouri.



2. I serve as President of SI03, Inc. ("SI03"). Based on my capacity as President of SI03, I have the knowledge from which to make the following statements.

3. SI03 is internationally known for bringing new and innovative products to the nutraceutical and food industries.

4. Among its products, SI03 manufactures and markets over thirty (30) Syntrax brand products.

5. The Syntrax brand of products includes fruit juice flavored proteins, antioxidants, fat loss agents, and muscle volumizers.

6. These products are utilized for a variety of health and fitness related purposes including athletic enhancement, overall health and well-being, fat loss, and providing basic nutritional building blocks such as protein and fatty acid.

7. The Syntrax brand is known for utmost quality and consistency, excellent taste, and products that deliver cost effective results.

8. SI03 markets the Syntrax brand within the United States and internationally.

9. Both SI03 and the Syntrax brand have a strong Internet presence that is responsible for a significant portion of the ultimate sales SI03 obtains through the Syntrax brand.

10. Since 2006, anonymous and pseudonymous individuals have escalated a campaign and conspiracy to defame and disparage SI03 and the Syntrax brand of products.

11. These individuals have made statements about SI03, Inc. Although at times the statements reference "Syntrax," the individuals making the statements and the forum audience understand the statements to reference the Plaintiff, SI03, Inc. and its Syntrax line of products.

12. These individuals have systematically published numerous defamatory statements about SI03 and its products through various online *fora*.

13. In particular, the anonymous and pseudonymous defendants published hundreds of defamatory statements about SI03 and its products on the website www.bodybuilding.com.

14. Most recently, the nature and severity of the defamatory statements made by these individuals have increased significantly.

15. These defamatory statements have significantly affected the reputation of SI03 and the Syntrax brand.

16. Indeed, these defamatory statements have directly affected sales and rankings of Syntrax products.

17. SI03 believes these individuals to be directly related to, serve as the agents of, and have acted in concert with SI03's competitors in the nutraceutical and food industries.

18. At least eight of the pseudonyms sought in the subpoena served on Bodybuilding.com, LLC in August 2007 ("August 2007 Subpoena") have identified themselves as representatives of SI03's competitors.

19. Specifically, "Aeternitatis" is a representative for Molecular Nutrition.

20. Additionally, "Androgenic" and "DWM230000" are representatives for MAN Sports.

21. Additionally, "Bloute" is a representative for Serious Nutrition Solutions.

22. Additionally, "Canadaboy" and "Dito" are representatives for Thermolife.

23. Additionally, "Nathan518" and "uhockey" are representatives for Designer Supplements.

24. Molecular Nutrition, MAN Sports, Thermolife, Serious Nutrition Solutions, and Designer Supplements are competitors of SI03, Inc.

25. Because of the recent escalation and resulting impact of the campaign and conspiracy, SI03 could no longer dismiss the false statements as a "necessary evil" in the course of doing business.

26. From the middle to end of July 2007, SI03 and Bodybuilding.com discussed the possibility of informal production of information by Bodybuilding.com.

27. At one point, the parties discussed the production of IP addresses by Bodybuilding.com, which Bodybuilding.com had done on previous occasions.

28. In the end, Bodybuilding.com indicated it would not produce any information.

29. SI03, Inc. is not a shell company.

30. SI03, Inc. has no relation in terms of ownership to Creative Compounds LLC, Kronos Nutrition LLC d/b/a Zima Nutrition, Syntrax Innovations, Inc., and Forge Nutrition LLC.

31. SI03, Inc. is not the same company as Creative Compounds LLC, Kronos Nutrition LLC d/b/a Zima Nutrition, Syntrax Innovations, Inc., and Forge Nutrition LLC.

32. SI03, Inc. does not engage and has not engaged in dishonest tactics.

33. SI03, Inc. does not engage and has not engaged in fraudulent activity.

34. SI03, Inc. has not engaged in illegal behavior or conduct. It has not been involved in any criminal activity.

35. SI03, Inc. has not engaged in unethical behavior or conduct.

36. SI03, Inc. is not dishonest.

37. SI03, Inc. has not violated any patent.

38. SI03, Inc. has not stolen any intellectual property.

39. None of SI03's products contain contaminated or spoiled ingredients.

Specifically, Matrix does not contain contaminated or spoiled protein powder.

40. SI03, Inc. has never produced a product that has caused the death of an individual.

41. SI03, Inc. products do not cause liver disease.

42. SI03, Inc. cares about the health of its customers. Any statement to the contrary is false.

43. Fyre and Spyce are SI03 products.

44. A company using shills has its employees or other individuals create numerous fake or fraudulent accounts on electronic forums (such as www.bodybuilding.com) to publish false or fraudulent postings that contain positive comments and statements about its products.

45. SI03, Inc. does not and has not used shills.

46. SI03, Inc. has not and does not misrepresent the ingredients included in its products.

47. SI03, Inc. has never recommended products with potentially dangerous ingredients.

48. The statements made by these anonymous and pseudonymous individuals have directly prejudiced SI03, Inc. in its business and industry.

I declare under the penalty of perjury that the foregoing are true and correct statements.

Dated this 19 th day of October 2007.

Gregory S. Davis

Greg Davis

STATE OF ILLINOIS)
)SS:
COUNTY OF COOK)

The foregoing AFFIDAVIT OF GREG DAVIS has been subscribed and sworn to me before this ___th day of October 2007, by GREG DAVIS.

Jerome Hall

Notary Public

My Commission Expires:

