UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SI03, Inc.,

Plaintiff,

v.

JOHN DOES 1-31 and DOE COMPANIES 1-5,

Defendants.

07CV3266
JUDGE CASTILLO
MAG.JUDGE KEYS

COMPLAINT

NOW COMES the Plaintiff, SI03, INC. ("SI03"), a Delaware corporation, by and through its attorneys, Mudd Law Offices, and complains of the Defendants, JOHN DOES 1-31 and DOE COMPANIES 1-5, the true names and capacities of whom are unknown at this time, upon personal information as to its own activities and upon information and belief as to the activities of others and all other matters, and states as follows:

NATURE OF ACTION

1. This is an action for defamation, commercial disparagement, trade libel, tortious interference with business and prospective business relations, and other related torts arising from the wrongful conduct of Defendants. In this action, SI03 seeks compensatory and exemplary damages, punitive damages, attorney's fees and costs, and injunctive relief.

PARTIES

2. SI03, INC. is a Delaware Corporation with its principal place of business at 4711 Nash Road, Scott City, Missouri 63780.

3. JOHN DOE 1 is an unknown person using the pseudonym "Aeternitatis." The

EXHIBIT
A1

true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 1 is known to SI03 through the pseudonym "Aeternitatis" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 1's true name, residence, and citizenship.

4. JOHN DOE 2 is an unknown person using the pseudonym "Androgenic." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 2 is known to SI03 through the pseudonym "Androgenic" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 2's true name, residence, and citizenship.

5. JOHN DOE 3 is an unknown person using the pseudonym "Aoba." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 3 is known to SI03 through the pseudonym "Aoba" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 3's true name, residence, and citizenship.

6. JOHN DOE 4 is an unknown person using the pseudonym "Bloute." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 4 is known to SI03 through the pseudonym "Bloute" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 4's true name, residence, and citizenship.

7. JOHN DOE 5 is an unknown person using the pseudonym "Lonny." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 5 is known to SI03 through the pseudonym "Lonny" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 5's true name, residence, and citizenship.

8. JOHN DOE 6 is an unknown person using the pseudonym "BuckeyeMuscle ." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 6 is known to SI03 through the pseudonym "BuckeyeMuscle" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 6's true name, residence, and citizenship.

9. JOHN DOE 7 is an unknown person using the pseudonym "cakedonkey." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 7 is known to SI03 through the pseudonym "cakedonkey" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 7's true name, residence, and citizenship.

10. JOHN DOE 8 is an unknown person using the pseudonym "chimpilico." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 8 is known to SI03 through the pseudonym "chimpilico" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 8's true name, residence, and

citizenship.

11. JOHN DOE 9 is an unknown person using the pseudonym "Coulaid." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 9 is known to SI03 through the pseudonym "Coulaid" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 9's true name, residence, and citizenship.

12. JOHN DOE 10 is an unknown person using the pseudonym "CXM." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 10 is known to SI03 through the pseudonym "CXM" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 10's true name, residence, and citizenship.

13. JOHN DOE 11 is an unknown person using the pseudonym "Deserusan." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 11 is known to SI03 through the pseudonym "Deserusan" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 11's true name, residence, and citizenship.

14. JOHN DOE 12 is an unknown person using the pseudonym "dito." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 12 is known to SI03 through the pseudonym "dito" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information

obtained in discovery will lead to the identification of JOHN DOE 12's true name, residence, and citizenship.

15. JOHN DOE 13 is an unknown person using the pseudonym "Dosquito." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 13 is known to SI03 through the pseudonym "Dosquito" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 13's true name, residence, and citizenship.

16. JOHN DOE 14 is an unknown person using the pseudonym "dwm230000." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 14 is known to SI03 through the pseudonym "dwm230000" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 14's true name, residence, and citizenship.

17. JOHN DOE 15 is an unknown person using the pseudonym "ElMariachi." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 15 is known to SI03 through the pseudonym "ElMariachi" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 15's true name, residence, and citizenship.

18. JOHN DOE 16 is an unknown person using the pseudonym "EMISGOD." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 16 is known to SI03 through the pseudonym "EMISGOD" and the postings that have been

published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 16's true name, residence, and citizenship.

19. JOHN DOE 17 is an unknown person using the pseudonym "Ephedra." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 17 is known to SI03 through the pseudonym "Ephedra" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 17's true name, residence, and citizenship.

20. JOHN DOE 18 is an unknown person using the pseudonym "Flagg3." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 19 is known to SI03 through the pseudonym "Flagg3" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 18's true name, residence, and citizenship.

21. JOHN DOE 19 is an unknown person using the pseudonym "getbustered." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 19 is known to SI03 through the pseudonym "getbustered" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 19's true name, residence, and citizenship.

22. JOHN DOE 20 is an unknown person using the pseudonym "Ingenium." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN

DOE 20 is known to SI03 through the pseudonym "Ingenium" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 20's true name, residence, and citizenship.

23. JOHN DOE 21 is an unknown person using the pseudonym "jkeithc82." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 21 is known to SI03 through the pseudonym "jkeithc82" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 21's true name, residence, and citizenship.

24. JOHN DOE 22 is an unknown person using the pseudonym "musclescientist." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 22 is known to SI03 through the pseudonym "musclescientist" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 22's true name, residence, and citizenship.

25. JOHN DOE 23 is an unknown person using the pseudonym "Marcus." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 23 is known to SI03 through the pseudonym "Marcus" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 23's true name, residence, and citizenship.

26. JOHN DOE 24 is an unknown person using the pseudonym "NATHAN518."

The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. DOE 24 is known to SI03 through the pseudonym "NATHAN518" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 24's true name, residence, and citizenship.

27. JOHN DOE 25 is an unknown person using the pseudonym "Patrick Arnold." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 25 is known to SI03 through the pseudonym "Patrick Arnold" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 25's true name, residence, and citizenship.

28. JOHN DOE 26 is an unknown person using the pseudonym "OneBetter." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 26 is known to SI03 through the pseudonym "OneBetter" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 26's true name, residence, and citizenship.

29. JOHN DOE 27 is an unknown person using the pseudonym "RobW." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 27 is known to SI03 through the pseudonym "RobW" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 27's true name, residence, and citizenship.

30. JOHN DOE 28 is an unknown person using the pseudonym "Trans_Isomer." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 28 is known to SI03 through the pseudonym "Trans_Isomer" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 28's true name, residence, and citizenship.

31. JOHN DOE 29 is an unknown person using the pseudonym "uhockey." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 29 is known to SI03 through the pseudonym "uhockey" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 29's true name, residence, and citizenship.

32. JOHN DOE 30 is an unknown person using the pseudonym "Truth Speaker." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 30 is known to SI03 through the pseudonym "Truth Speaker" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 30's true name, residence, and citizenship.

33. JOHN DOE 31 is an unknown person using the pseudonym "Super Freak 420." The true name and capacity of this pseudonymous defendant is unknown to SI03 at this time. JOHN DOE 31 is known to SI03 through the pseudonym "Super Freak 420" and the postings that have been published under such pseudonym on various online message fora. SI03 believes that information obtained in discovery will lead to the identification of JOHN DOE 31's true

name, residence, and citizenship.

34. Upon information and belief, some or all of JOHN DOES 1-31 have utilized additional pseudonyms to publish statements on various online message fora.

35. DOE COMPANY 1 is an unknown corporation for whom some of the JOHN DOE defendants have acted as its agent in defaming SI03. DOE COMPANY 1 is a competitor of SI03. At the present time, the identity, state of incorporation, and principal business location of DOE COMPANY 1 is unknown. However, upon information and belief, DOE COMPANY 1 engages in business within the State of Illinois and this judicial district, in particular.

36. DOE COMPANY 2 is an unknown corporation for whom some of the JOHN DOE defendants have acted as its agent in defaming SI03. DOE COMPANY 2 is a competitor of SI03. At the present time, the identity, state of incorporation, and principal business location of DOE COMPANY 2 is unknown. However, upon information and belief, DOE COMPANY 2 engages in business within the State of Illinois and this judicial district, in particular.

37. DOE COMPANY 3 is an unknown corporation for whom some of the JOHN DOE defendants have acted as its agent in defaming SI03. DOE COMPANY 3 is a competitor of SI03. At the present time, the identity, state of incorporation, and principal business location of DOE COMPANY 3 is unknown. However, upon information and belief, DOE COMPANY 3 engages in business within the State of Illinois and this judicial district, in particular.

38. DOE COMPANY 4 is an unknown corporation for whom some of the JOHN DOE defendants have acted as its agent in defaming SI03. DOE COMPANY 4 is a competitor of SI03. At the present time, the identity, state of incorporation, and principal business location of DOE COMPANY 4 is unknown. However, upon information and belief, DOE COMPANY 4 engages in business within the State of Illinois and this judicial district, in particular.

39. DOE COMPANY 5 is an unknown corporation for whom some of the JOHN DOE defendants have acted as its agent in defaming SI03. DOE COMPANY 5 is a competitor of SI03. At the present time, the identity, state of incorporation, and principal business location of DOE COMPANY 5 is unknown. However, upon information and belief, DOE COMPANY 5 engages in business within the State of Illinois and this judicial district, in particular.

40. Upon information and belief, JOHN DOES 1-31 and DOE COMPANIES 1-5 have conspired to damage and destroy SI03's business.

JURISDICTION AND VENUE

41. Jurisdiction of this court arises under 28 U.S.C. § 1332 (diversity jurisdiction). The amount in controversy exceeds $75,000.

42. This Court has jurisdiction over DOE COMPANIES 1-5 because, upon information and belief, each of the DOE COMPANIES 1-5 does business within the State of Illinois and engages in systematic and continuous contacts with the State of Illinois.

43. This Court has jurisdiction over JOHN DOES 1-31 because, upon information and belief, they have sufficient contacts with the State of Illinois to warrant exercising general and specific personal jurisdiction over them.

44. In addition, through their conspiracy with and conduct on behalf of DOE COMPANIES 1-5, JOHN DOES 1-31 have subjected themselves to the personal jurisdiction of the State of Illinois.

45. Venue is proper pursuant to 28 U.S.C. § 1391 because DOE COMPANIES 1-5 and JOHN DOES 1-31 are subject to personal jurisdiction in this district and, without knowing the true identities of JOHN DOES 1-31 and DOE COMPANIES 1-5, no other more appropriate district exists in which this action may be brought and be as convenient to as many parties as

possible. For, upon information and belief, some of JOHN DOES 1-31 appear to reside in Illinois, Indiana, and Wisconsin, respectively.

46. An actual case or controversy has arisen between the parties. Defendants JOHN DOES 1-31 and DOE COMPANIES 1-5 (collectively, "Defendants") have disparaged SI03 and its products, have interfered with prospective relations of SI03, and engaged in other wrongful conduct.

47. Together, the Defendants conspired to carry out a course of conduct designed to damage and destroy SI03's business.

48. SI03 has been injured by Defendants' conduct and has suffered damages resulting therefrom.

49. Jurisdiction of this court for the pendent claims is authorized by Federal Rule of Civil Procedure 18(a), and arises under the doctrine of pendent jurisdiction as set forth in United Mine Workers v. Gibbs, 383 U.S. 715 (1966).

FACTUAL BACKGROUND

50. This action involves defamatory and disparaging communications published by Defendants JOHN DOES 1-31 on behalf of, upon information and belief, DOE COMPANIES 1-5 through online fora.

Background on SI03

51. SI03 manufactures and markets the Syntrax brand of products.

52. Currently, there are over 30 products in the Syntrax brand product line.

53. The Syntrax brand of products includes, but is not limited to, fruit juice flavored proteins, antioxidants, fat loss agents, and muscle volumizers.

54. The Syntrax brand of products is utilized for a variety of health and fitness related

purposes including, but not limited to, athletic enhancement, equilibrium, fat loss, and maintaining basic nutritional building blocks.

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

56. SI03 and the Syntrax brand are marketed in the U.S. as well as over 30 countries worldwide.

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

58. It is estimated that SI03 will sell about 10 million dollars of Syntrax brand product in 2007.

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

Wrongful Conduct of Defendants

60. At least as early as 2005, anonymous and pseudonymous individuals began a campaign and conspiracy to disparage the Syntrax brand and SI03.

61. Since 2005, Defendants JOHN DOES 1-31 have systematically published numerous defamatory statements through various online fora on behalf of, upon information and belief, DOE COMPANIES 1-5.

62. In particular, Defendants JOHN DOES 1-31 have published defamatory statements on the website www.bodybuilding.com.

63. The domain www.bodybuilding.com is hosted by Bodybuilding.com, LLC with a principal business address of 305 Steelhead Way, Boise, Idaho 83704.

64. For some time, SI03 declined to pursue any legal action against any of the

Defendants and treated the false statements as a "necessary evil" in the course of doing business.

65. Most recently, the nature and severity of the defamatory statements made by Defendants JOHN DOES 1-31 have increased significantly.

66. Additionally, the disparaging statements have significantly affected sales and the reputation of SI03 and the Syntrax brand.

Specific Statements

67. Defendants JOHN DOES 1-31 and others have posted significantly egregious and disparaging comments about SI03 and Syntrax on the www.bodybuilding.com forums.

68. On May 11, 2006 at 9:12p.m., "Aeternitatis" posted to the www.bodybuilding.com forum board the defamatory statement: "Syntrax has secret operatives? Could it be?... I just think everyone should be aware of the dishonest tactics used by this company. And there's even more stuff you don't know about."

69. On April 4, 2007 at 11:53a.m., "Aeternitatis" posted to the www.bodybuilding.com forum board the defamatory statement in reference to Matrix, a Syntrax product: "IMO, it's not so much the HFCS that people are worried about but the recent reports of possible use of contaminated/spoiled protein powder. I think most people remember the threads/posts about Creative Compounds attempting to import protein that was unfit for human consumption."

70. On February 19, 2007 at 9:46a.m., "Androgenic" posted to the www.bodybuilding.com forum board the defamatory statement: "...The path that syntrax was on, with that and the injectible prohomones, etc. Questioning ethics is the tip of the iceberg. Then the 6 million names DC posts under and games that have been played with ownership, products, and posts here...it is morally reprehensible to support such a company. I believe that. I have nothing against the reps. Some of them seem quite good. The company itself is shameless. Since this 'new ownership/old ownership' and renamed company...back to the old name...look at Hyper H, is that ethical? A company that will do anything to turn a buck, that will do illegal things and immoral things...you will support???? I have nothing but contempt for them and no matter what awesome flavor of nectar comes out, or whatever...I will never, ever buy one of their

products."

71. On April 3, 2007 at 11:30a.m., "Androgenic" posted to the www.bodybuilding.com forum board the defamatory statement in reference to the Syntrax product, Matrix, "No, the company is Satan embodied. Lawsuits, crime, death, illegal shell companies, etc. (Are you missing this). WPC blows. That is not pound for pound either with lactose and fat. Oh and it really does blow for the lactose intolerant half of the country. HFCS. Yes, sucks. As does the sucrose. Why not add more carbs to you milk fat. (then the lawn clippings). They are the devil (hey waaaaterboy!)".

72. On April 1, 2007 at 7:35a.m., "Androgenic" posted to the www.bodybuilding.com forum board the defamatory statement: "If you search syntrax and even look through some of my posts in that thread you'll see Derek Cornelius got sued for death and damages of people using lipkinetix. He knew it was unsafe and continued to push out product. He claims being a strong Christian, but steals 6-oxo, and X-Factor which are patented and copied them for sale. He has 8 shell companies due to many lawsuits. The Si03 [sic] thing was invented so he could continue to come out with products and be associated with a company, while syntrax claimed bankruptcy due to lawsuit, so he wouldn't have to pay...all the while running the SAME company. He's been banned form this board and he continues to pop under more than 100 different aliases in syntrax threads (it can be figured out by post history showing all syntrax related answer for some 'random' board member and a post total of 8). He goes so far as to log in to many names and seem to be ganging up on naysayers in a thread as 4-5 different 'posters'...all of which are him. The guy is sick. I would never give him a dime."

73. On April 1, 2007 at 8:06a.m., "Androgenic" posted to the www.bodybuilding.com forum board the defamatory statement: "Plus you get the benefit and certainty of a good

company. Syntrax, Thrive, SI03, Zima, Forge Nutrition, Creative Compounds, etc. etc. These are all part of beautiful Derek Cornelius Umbrella of lies. He's under countless lawsuits...including the whole death/liver thing (no big right)."

74. On April 1, 2007 at 9:12a.m., "Androgenic" posted to the www.bodybuilding.com forum board the defamatory statement: "How they continue to sell products given what they've done is beyond me...especially on this board. Where DC is banned. Think about the lawsuit with lipokinetix. The lawsuit over Arachidonic Acid. Thrive, Zima, SI03, Forge nutrition [sic], creative compounds [sic], syntrax [sic], etc. etc. all the names for the same company. Seriously. Just stop it."

75. On April 1, 2007 at 12:58p.m., "Androgenic" posted to the www.bodybuilding.com forum board the defamatory statement: "DC posts under hundreds of pseudonyms, is getting sued by multiple companies for theft. He has 8 shell companies and continues to 'try' and reemerge on here with it. Find out why SI03 was started, evading money to paid out from health/death damages. Companies not listing ingredients, changing spellings, prop. blends, not containing the actives, and writing deceptive pseudoscience."

76. On February 18, 2007 at 1:32p.m., "Aoba" posted to the www.bodybuilding.com forum board the defamatory statement: "Lot of hate for various reasons. Immature board rep responses. Shills a.k.a. syntrax people logged in under multiple accounts with blocked ip's Adipokinetix (original) caused hepatitis in quite a few people in just two weeks from usnic acid."

77. On March 31, 2007 at 6:36p.m., "chimpilico" posted to the www.bodybuilding.com forum board the defamatory statement: "Plus, are you going to trust a fatburner from a company who's last fatburner killed a few people and put them in the hospital? What the hell? What kind of company is this?"

78. On February 13, 2007 at 6:13p.m.,"CXM" posted to the www.bodybuilding.com forum board the defamatory statement: "Here is my problem with Syntrax…They push 'The Matrix' as a pre-bed formula, having the Syntrax board rep posting 'The matrix has ample casein'. But in reality, it's underdosed… They have issues with past products that have endangered the lives and personal health of their customers… They have shameless pimping for a product from a Syntrax rep and call it a 'review'… After all these issues, why purchase products from Syntrax when there are many others with at least equal or better quality and price???"

79. On January 30, 2007 at 5:33p.m., "CXM" posted to the www.bodybuilding.com forum board the defamatory statement: "I would say try a different brand like Champion Nutrition Pure whey stack, Syntrax is a shady company some of their products have caused the death of people."

80. On January 30, 2007 at 6:03p.m., "CXM" posted to the www.bodybuilding.com forum board the defamatory statement: "Shilling and having supplements that endanger people's life also should not be allowed (in reference to Syntrax)."

81. On October 4, 2006 at 8:31a.m, "dwm230000" posted to the www.bodybuilding.com forum board the defamatory statement: "For starters, they have a bunch of shills (fake usernames) posting on the forum to promote their products, and always bash the products of other companies…It's not enough for Syntrax to just use the shills to promote their products. They will even go the extreme of attempting to spread about ingredients they do not use in their products."

82. On April 3, 2007 at 6:35p.m., "Deserusan" posted to the www.bodybuilding.com forum board the defamatory statement in reference to SI03: "This is the same company that put

glycocyamine in protein powder **without** betaine anhydrous. They could give two shits about your health, but as long as the product tastes good hey, that's all that matters."

83. On January 13, 2007 at 4:51p.m., "Deserusan" posted to the www.bodybuilding.com forum board the defamatory statement ". . . . Syntrax infested the forum with a number of 'shills' who were exposed for pimping both Zima and Syntrax products."

84. On January 16, 2007 at 9:12p.m., "Deserusan" posted to the www.bodybuilding.com forum board the defamatory statement: "Hey John look at who did the discrediting and far as I'm concerned the only thing worthwhile posted there was that Syntrax was indeed responsible for killing a few people. Congrats on being the first company to be directly attributed to death of a customer… I must say it's impressive having your company's products get published for causing hepatitis like symptoms and death. GOOD JOB!!!".

85. On January 11, 2007 at 6:13p.m., "Deserusan" posted to the www.bodybuilding.com forum board the defamatory statement: "No one is jealous of Syntrax, your reputation in the industry, your pathetic sales, how you have to lie about affiliations with ZIMA and Creative Compounds, the fct [sic] you guys have put numerous in the people [sic] in the hospital with dangerous products, you [sic] numerous IP infringements resulting in numerous lawsuits and why ZIMA was started in the first place, etc, etc, etc."

86. On December 31, 2006 at 10:39a.m., "Deserusan" posted to the www.bodybuilding.com forum board the defamatory statement: "Agreed…but here is a primer on Syntrax just for sh*ts and giggles: 1. They put out a product which ellicited [sic] hepatitis like symptoms and caused liver failure in multiple subjects which has been documented in few peer reviewed journals. 2. They are notorius [sic] for patent infringement which includes lengthy legal battles with both SANN and Molecular Nutrition. 3. Nectar has failed label claims with

regards to carb content which was usually 3-4 times higher than actually stated. 4. Their 'founder' also has 'connections' with Zima Nutrition and Creative Compounds which they do not care to admit due to him being one of the industry's biggest scumbags EVER. He was even dumb enough to have his name as the owner of the Zima domain name which has since been changed 5. It has been proven they flooded this forum with multiple 'shills' all using the same proxy server to pimp various products like Swolen."

87. On February 10, 2007 at 7:10a.m., "ElMariachi" posted to the www.bodybuilding.com forum board the defamatory statement: "But considering that Syntrax's last fatburner made a whole bunch of people sick and put them in the hospital, I'd be very wary of buying any such products from them."

88. On February 10, 2007 at 6:39a.m., "ElMariachi" posted to the www.bodybuilding.com forum board the defamatory statement: "I'm not trying to be with 'the in crowd,' I'm just trying to keep people from wasting their money on products from a BS company, especially one with a shoddy track record of releasing dangerous, health-threatening compounds in the past."

89. On October 14, 2006 at 12:21a.m., "Flagg3" posted to the www.bodybuilding.com forum board the defamatory statement: "Syntrax continues to use dozens of fake IDs and paid pimps to hype their products with false praise on a daily basis, and Louis Dorman's fake photographs are still proudly displayed here at bb.com, despite the fact that they were all clearly doctored.

90. On July 13, 2006 at 12:37p.m., "Flagg3" posted to the www.bodybuilding.com forum board the defamatory statement: "I'm beginning to think that Syntrax has an entire office filled with people that do nothing but create IDs on BB.com and post how the protein tastes just

like (Insert wonderful tasting item here), and how SwoleN gives you the greatest pumps in the known universe."

91. On September 21, 2006 at 7:11a.m., "getbustered" posted to the www.bodybuilding.com forum board the defamatory statement: "...[Syntrax'] lies, deception, shay practices, and hostile, uninformative, question-dodging reps are reason enough for me to stay away from their products."

92. On November 10, 2006 at 5:56a.m., "getbustered" posted to the www.bodybuilding.com forum board the defamatory statement about Syntrax: "Here's a product/company review for you, from me, free of charge: You are a shady company. You prey on the uneducated and easily persuaded. Your products aren't anything particularly innovative, the closest you can come to innovation is stealing somebody else's idea and adding an ethyl ester to it. Your board reps are a disgrace to a profession that isn't always held in the highest esteem to begin with. They dodge questions, insult customers, and generally do whatever they can to reinforce the fact that they work for a subpar company. Nectar may or may not taste good (I've had better), but for what it cots I KNOW I can get better value. Matrix could also be a decent protein blend, but it is far from ideal for nighttime use, not that this small piece of information will stop your reps from telling every newb [sic] on the board to buy it for this purpose. You, as a company and as individuals, are a disgrace to the bodybuilding and supplement community."

93. On October 6, 2006 at 6:50a.m., "getbustered" posted to the www.bodybuilding.com forum board the defamatory statement: "You forgot shady business practices, question dodging reps, and complete lack of corporate ethics. Poll manipulation. Classy."

94. On April 1, 2007 at 11:34a.m., "Ingenium" posted to the www.bodybuilding.com

forum board a defamatory statement referring to "Syntrax's reputation and history of lies, dangerous ingredients and THEFT of intellectual property."

95. On April 3, 2007 at 12:10p.m., "Ingenium" posted to the www.bodybuilding.com forum board the defamatory statement in reference to SI03: "what about the crime? anymore law suits?".

96. On April 3, 2007 at 11:29a.m., "Ingenium" posted to the www.bodybuilding.com forum board the defamatory statement: "but we DO know that Matrix is made by a company who makes their money by LYING! Does the fact that Matrix is WAYYYYY cheaper than any other blended proteins not tell you anything?"

97. On April 5, 2007 at 4:58a.m., "Ingenium" posted to the forum board "actually, I would say its [sic] devilish to kill people with usnic acid and ruin the livers of many others. would you agree?"

98. On February 11, 2005 at 10:29a.m., "Marcus" posted to the www.bodybuilding.com forum board the defamatory statement: "Syntrax has been known to do some shady stuff, like using misleading labels (Guggulbolic) and giving free stuff to people who 'objectively' hype their products on the Internet . . . ."

99. On August 22, 2006 at 12:52p.m., "NATHAN518" posted to the www.bodybuilding.com forum board the defamatory statement: "just seems their [sic] could be some liability issues recommending products with POTENTIALLY dangerous ingredients to people under 18...thats [sic] all. Obviously SYNTRAX is cool with it though."

100. On August 8, 2006 at 4:14a.m., "NATHAN518" posted to the www.bodybuilding.com forum board the defamatory statement: "jkeith has confirmed that all these shills use the same proxy. Are you so blinded by the free Nectar that you don't see all

these pathetic shills that pop up in every Syntrax thread? Its [sic] sad because you seem like a good dude...hmmmm, 30 guys that all registered around the SAME day use the SAME proxy and all have this undying devotion to Syntrax and back them up in every thread where they are questioned. BiggJohn if you don't believe these guys are shills, you are the ONLY person on this board. Think about it."

101. On August 4, 2006 at 2:45p.m., "NATHAN518" posted to the www.bodybuilding.com forum board the defamatory statement: "Syntrax has many many shills".

102. On March 28, 2007 at 5:24a.m., "RobW" posted to the www.bodybuilding.com forum board the defamatory statement: "Your Company name is very appropriate. I think below is a better definition of FORGE, if this company is owned by DC: Main Entry: 2forge, Function: verb, Inflected Form(s): forged; forg?ing, transitive verb, 1: to make or imitate falsely especially with intent to defraud: COUNTERFEIT <forge a document> <forge a signature>, 2: to commit forgery".

103. On April 29, 2006, at 2:33p.m., "Trans_Isomer" posted to the www.bodybuilding.com forum board the defamatory statement in relaton to a Syntrax product: "Swole contains harmful compounds, GPA and G-Amine."

104. On April 29, 2006 at 2:28p.m., "Trans_Isomer" posted to the www.bodybuilding.com forum board the defamatory statement: "GPA and G-Amine are harmful substances, GPA clogs up creatine transporters (mind you we have creatine transporters in the heart and brain) and G-Amine raises homocysteine levels in the body, raising the risk for cardiovascular disease. Swole (a Syntrax product) contains carbs, which elicit and [sic] anabolic response, when lipolysis (fat oxidation) is only acheived [sic] through catabolic, not anabolic

pathways. Swole is an all around terribly formulated product."

105. On April 5, 2006 at 12:44p.m., "Trans_Isomer" posted to the www.bodybuilding.com forum board the defamatory statement in reference to a Syntrax product: "Due to the G-Amine and GPA components of Swole, I would recommend staying away from the product. They can clog creatine transporters, and actually decrease performance."

106. On April 6, 2006 at 8:02a.m., "Trans_Isomer" posted to the www.bodybuilding.com forum board a defamatory statement inferring that Swole, a Syntrax product, contained harmful compounds.

107. On April 4, 2007 at 8:35a.m., "uhockey" posted to the www.bodybuilding.com forum board the defamatory statement: "Oh wait, no, being a worthless shill without morals would indicate that fact doesn't get in the way of pushing your garbage product."

108. The foregoing electronic postings to www.bodybuilding.com contained false statements about SI03 and the Syntrax brand of products.

109. In addition to the foregoing electronic postings, statements have been published through online fora designed to dissuade consumers and others from purchasing SI03 products and to damage, diminish, and destroy the credibility of SI03 among its customers and the consumer market using pseudonyms "Bloute," "Lonny," "BuckeyeMuscle," "cakedonkey," "Coulaid," "dito," "Dosquito," "EMISGOD," "Ephedra," "jkeithc82," "musclescientist," "Patrick Arnold," "OneBetter," "Truth Speaker," "Super Freak 420."

Additional Wrongful Conduct

110. The Defendants JOHN DOES 1-31 conspired amongst themselves and on behalf of DOE COMPANIES 1-5 to damage, diminish, and destroy the credibility of SI03 among its customers and the consumer market.

111. The Defendants JOHN DOES 1-31 have each acted as the agents for one or more of DOE COMPANIES 1-5.

112. DOE COMPANIES 1-5 have condoned and encouraged their agents to engage in such wrongful conduct for unfair commercial advantage.

113. In addition, the Defendants have collaborated and conspired to create in online fora an atmosphere of hostility toward any individual who posts or publishes a positive statement about SI03 or Syntrax brand of products. By creating this atmosphere of hostility, the Defendants discourage anyone from posting positive reviews of SI03 or its products. Consequently, the DOE COMPANIES 1-5 come to dominate the online fora to the exclusion of SI03.

114. In addition, the Defendants have falsely attributed ownership of SI03 to third parties.

Damages Suffered by SI03

115. The foregoing defamatory statements and wrongful conduct have caused SI03 damages including, but not limited to, harmed reputation, lost business and sales, lost customers, lost revenue, and lost goodwill.

116. Upon information and belief, Defendants JOHN DOES 1-31 and DOE COMPANIES 1-5 intend to continue their wrongful conduct and to severely harm SI03.

CLAIMS FOR RELIEF

COUNT ONE
AS AND FOR A FIRST CAUSE OF ACTION
AGAINST DEFENDANTS
DEFAMATION

117. SI03 hereby incorporates by reference paragraphs 1 through 116 above in this First Count as though fully set forth herein.

118. Defendant JOHN DOES 1-31 have published communications concerning SI03 to third parties and through various communications media that contained false and defamatory statements.

119. Specifically, these false and defamatory statements have claimed that SI03 utilizes "shills" or company representatives to make false consumer testimonials about its products and misrepresents facts about its products in advertisements and product labels.

120. Defendants have falsely attributed ownership of SI03 to third parties.

121. SI03 specifically incorporates the specific statements described above in paragraphs 67 through 105 ("False Communications").

122. Upon information and belief, Defendants JOHN DOES 1-31 have published the False Communications to other third parties in other online fora.

123. Persons other than SI03 and Defendants would have and actually have reasonably understood that the defamatory statements were about SI03 and that the defamatory statements relate to it, its business, its products, and its business practices.

124. Defendant JOHN DOES 1-31 made the False Communications with actual malice knowing the falsity of the statements and their inferences, implications, and innuendo; knowing the impact that the statements would have on SI03's reputation; knowing the harm that would

occur to SI03's reputation; and, intending to cause SI03 harm.

125. The False Communications constituted unprivileged publication of the defamatory statements by Defendants JOHN DOES 1-31 to third parties.

126. As a result of Defendants' conduct and the publication of the False Communications containing the false and defamatory statements, SI03 has suffered and continues to suffer damages including, but not limited to, harmed reputation, diminished employee morale, lost productivity, and lost goodwill.

127. As a result of Defendants' conduct and the publication of the False Communications concerning the false and defamatory statements, SI03 has suffered actual damages including, but not limited to, out-of-pocket costs associated with dealing with the False Communications as well as lost sales and profits.

128. WHEREFORE SI03 seeks recovery of compensatory damages, punitive damages, attorney's fees, and costs resulting from the Defendants' defamation of it.

COUNT TWO
AS AND FOR A SECOND CAUSE OF ACTION
AGAINST DEFENDANTS
DEFAMATION *PER SE*

129. SI03 hereby incorporates by reference paragraphs 1 through 116 above in this Second Count as though fully set forth herein.

130. Defendant JOHN DOES 1-31 have published communications concerning SI03 to third parties and through various communications media that contained false and defamatory statements.

131. Specifically, the defamatory statements allege that SI03 has misrepresented its products on labels and advertisements; that SI03 products have killed individuals; and that SI03

does not care about safety in product testing or distribution. ("*Per Se* False Communications").

132. These *Per Se* False Communications accuse SI03 of engaging in criminal activity including, but not limited to, forgery and the creation of illegal shell companies

133. These *Per Se* False Communications accuse SI03 of engaging in unethical conduct.

134. These *Per Se* False Communications accuse SI03 of immoral activity.

135. These *Per Se* False Communications impute an inability or want of integrity in the discharge of SI03's duties.

136. These *Per Se* False Communications impute a lack of ability in SI03's trade.

137. These *Per Se* False Communications constitute defamation *per se*.

138. Upon information and belief, Defendants JOHN DOES 1-31 have published the *Per Se* False Communications to other third parties in other online fora.

139. Persons other than SI03 and Defendants would have and actually have reasonably understood that the defamatory statements were about SI03 and that the defamatory statements relate to it, its business, its products, and its business practices.

140. Defendants JOHN DOES 1-31 made the *Per Se* False Communications with actual malice knowing the falsity of the statements and their inferences, implications, and innuendo; knowing the impact that the statements would have on SI03's reputation; knowing the harm that would occur to SI03's reputation; and, intending to cause SI03 harm.

141. The *Per Se* False Communications constituted unprivileged publication of the defamatory statements by Defendants JOHN DOES 1-31 to third parties.

142. As a result of Defendants' conduct and the publication of the *Per Se* False Communications containing the false and defamatory statements, SI03 has suffered and

continues to suffer damages including, but not limited to, harmed reputation, diminished employee morale, lost productivity, and lost goodwill.

143. As a result of Defendants' conduct and the publication of the *Per Se* False Communications concerning the false and defamatory statements, SI03 has suffered actual damages including, but not limited to, out-of-pocket costs associated with dealing with the False Communications as well as lost sales and profits.

144. The *Per Se* False Communications have prejudiced SI03 in its business and trade.

145. WHEREFORE SI03 seeks recovery of compensatory damages, punitive damages, attorney's fees, and costs resulting from the Defendants' defamation *per se*.

COUNT THREE

AS AND FOR A THIRD CAUSE OF ACTION

AGAINST DEFENDANTS

COMMERCIAL DISPARAGEMENT

146. SI03 hereby incorporates by reference paragraphs 1 through 116 above in this Third Count as though fully set forth herein.

147. The publication of the False Communications and the *Per Se* False Communications constitute commercial disparagement against SI03 and its products.

148. The False Communications and the *Per Se* False Communications have falsely disparaged the quality of the products sold by SI03's.

149. As a result of Defendants' conduct and the commercial disparagement of its products, SI03 has suffered and continues to suffer damages including, but not limited to, harmed reputation, diminished employee morale, lost productivity, lost customers, and lost goodwill.

150. As a result of Defendants' conduct and the commercial disparagement of its

products, SI03 has suffered actual damages including, but not limited to, out-of-pocket costs associated with dealing with the False Communications as well as lost sales and profits.

151. The false communications have prejudiced SI03 in its business and trade.

152. WHEREFORE SI03 seeks recovery of compensatory damages for injuries caused by Defendants' commercial disparagement.

COUNT FOUR

AS AND FOR A FOURTH CAUSE OF ACTION

AGAINST DEFENDANTS

TRADE LIBEL

153. SI03 hereby incorporates by reference paragraphs 1 through 116 above in this Fourth Count as though fully set forth herein.

154. The publication of the False Communications and the *Per Se* False Communications constitute trade libel against SI03 and its products.

155. Each of the Defendants JOHN DOES 1-31 published the defamatory statements with knowledge of their falsity or with reckless disregard of whether they were true or false.

156. As a result of Defendants' conduct and trade libel, SI03 has suffered and continues to suffer damages including, but not limited to, harmed reputation, diminished employee morale, lost productivity, lost customers, and lost goodwill.

157. As a result of Defendants' conduct and trade libel, SI03 has suffered actual damages including, but not limited to, out-of-pocket costs associated with dealing with the False Communications as well as lost sales and profits.

158. The false communications have prejudiced SI03 in its business and trade.

159. WHEREFORE SI03 seeks recovery of compensatory damages for injuries caused by Defendants' trade libel.

COUNT FIVE

AS AND FOR A FIFTH CAUSE OF ACTION

AGAINST ALL DEFENDANTS

TORTIOUS INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE

160. SI03 hereby incorporates by reference paragraphs 1 through 116 above in this Fifth Count as though fully set forth herein.

161. SI03 had a reasonable expectation that its business relationship with certain existing customers would continue.

162. Defendants had knowledge of SI03's expectation of continued business with its existing customers.

163. Defendants purposefully interfered with SI03's business relationship and expectation of continued business with its existing customers.

164. Defendants continue to intentionally interfere with SI03's business relationship and expectation of continued business with its existing customers.

165. Defendants' purposeful interference has been accompanied by unfair competition and wrongful means. In particular, Defendants have engaged in a consistent course of communicating false information to users of health and fitness related products for purposes of discouraging any purchase and/or use of SI03's products.

166. Upon information and belief, Defendants JOHN DOES 1-31 represent competitors of SI03, DOE COMPANIES 1-5, and act as their agents.

167. Defendants' purposeful interference prevented SI03's expectation of continued business relations with its existing customers from continuing.

168. Upon information and belief, the Defendants have engaged in similar conduct with respect to other SI03 customers.

169. Defendants acted with malice and planned willfulness for the purposes of inducing SI03's customers to breach and terminate their relations with SI03. Defendants' conduct has been accompanied by other wrongful conduct including, but not limited to, defamation, defamation per se, commercial disparagement, and trade libel. As such, Defendants have engaged in outrageous behavior.

170. SI03 has suffered damages from Defendants' purposeful interference with SI03's business relations with its customers including, but not limited to, lost business, lost net profits, lost goodwill, attorney's fees and the costs of pursuing its remedies with respect to this wrongful conduct.

171. WHEREFORE SI03 seeks recovery of compensatory and punitive damages for Defendants' tortious interference with prospective economic advantage with respect to existing customers. SI03 also seeks recovery of costs.

COUNT SIX

AS AND FOR A SIXTH CAUSE OF ACTION

AGAINST ALL DEFENDANTS

UNIFORM DECEPTIVE TRADE PRACTICES ACT

815 ILCS 510/1, et seq.

172. SI03 hereby incorporates by reference paragraphs 1 through 116 above in this Sixth Count as though fully set forth herein.

173. The Defendants engaged in a deceptive trade practice in violation of the Uniform Deceptive Trade Practices Act, 815 ILCS 510/1, et seq.

174. Particularly, the Defendants engaged in a course of conduct designed to disparage SI03 and its products and, by doing so, discourage any persons from purchasing SI03 products for the benefit of SI03's competitors.

175. The Defendants, individually and collectively, engaged in their wrongful conduct

willfully intending to harm SI03's business through the disparagement of its business and products.

176. Pursuant to 815 ILCS 510/3, SI03 seeks attorney's fees and costs for Defendants' violation of the Uniform Deceptive Trade Practices Act.

177. Pursuant to 815 ILCS 510/3, SI03 seeks injunctive relief enjoining Defendants' violation of the Uniform Deceptive Trade Practices Act.

178. WHEREFORE SI03 seeks recovery of compensatory damages, attorney's fees and costs, and injunctive relief resulting from the Defendants' violation of the Uniform Deceptive Trade Practices Act.

COUNT SEVEN

AS AND FOR A SEVENTH CAUSE OF ACTION

AGAINST ALL DEFENDANTS

CONSUMER FRAUD AND DECEPTIVE BUSINESS PRACTICES ACT

815 ILCS 505/1, et seq.

179. SI03 hereby incorporates by reference paragraphs 1 through 116 above in this Seventh Count as though fully set forth herein.

180. The Defendants have violated the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/1, et seq.

181. Particularly, the Defendants have disparaged the business and products of SI03 in violation of Section 2 of the Uniform Deceptive Trade Practices Act.

182. SI03 has suffered actual damages resulting from and proximately caused by the Defendants' wrongful conduct, specifically their disparagement of SI03's business and products.

183. Pursuant to 815 ILCS 505/10a(c), SI03 seeks attorney's fees and costs as well as injunctive relief enjoining the Defendants' wrongful conduct and violation of the Consumer Fraud and Deceptive Business Practices Act.

184. WHEREFORE SI03 seeks recovery of compensatory damages, attorney's fees and costs, and injunctive relief resulting from the Defendants' violation of the Uniform Consumer Fraud Deceptive Business Practices Act.

COUNT EIGHT

AS AND FOR A EIGHTH CAUSE OF ACTION

AGAINST ALL DEFENDANTS

CIVIL CONSPIRACY

185. SI03 hereby incorporates by reference paragraphs 1 through 183 above in this Eighth Count as though fully set forth herein.

186. Defendants JOHN DOES 1-31 and DOE COMPANIES 1-5 entered into an agreement, either formal or informal, to engage in the foregoing wrongful conduct to the benefit of DOE COMPANIES 1-5 and to SI03's detriment.

187. Defendants JOHN DOES 1-31 have defamed SI03.

188. Defendants JOHN DOES 1-31 have acted with actual malice.

189. SI03 has been and shall continue to be harmed by the civil conspiracy between Defendants JOHN DOES 1-31 and DOE COMPANIES 1-5.

190. Through their conspiracy, the Defendants are liable for their co-conspirators conduct as though they had each made all of the defamatory statements themselves.

191. Defendants JOHN DOES 1-31 and DOE COMPANIES 1-5 have caused SI03 to suffer injuries including, but not limited to, lost goodwill, lost productivity, lost profits and sales, and attorney's fees and costs in addressing the wrongful conduct.

192. WHEREFORE SI03 seeks recovery of compensatory and punitive damages for Defendants' civil conspiracy to harm SI03.

Illinois ARDC: 6257957

COUNT NINE

AS AND FOR A NINTH CAUSE OF ACTION

AGAINST ALL DEFENDANTS

INJUNCTIVE RELIEF

193. The allegations in Paragraphs 1-192 above are incorporated by reference in this Ninth Count as if fully restated herein.

194. SI03 possesses a clearly ascertainable right or protectable interest to develop, continue, and maintain business relations with both existing customers and prospective consumers without being hindered by intentional tortious interference and other deceptive trade practices.

195. SI03 has suffered and will continue to suffer irreparable harm if this Court does not enjoin the Defendants because SI03's ongoing business operations will be disrupted if the Defendants continue to engage in intentional tortious interference and other deceptive trade practices.

196. SI03 will suffer irreparable harm in the absence of injunctive relief. In contrast, the Defendants will suffer no harm because none of the Defendants has any legal rights to intentionally and tortiously interfere with SI03's business relations or engage in other deceptive and unlawful trade practices.

197. The Uniform Deceptive Trade Practices Act provides for injunctive relief.

198. SI03 can clearly demonstrate some likelihood of success on the merits of its claims.

199. Defendants have tortiously interfered with business relations between SI03 and its existing customers and prospective consumers.

200. Mere compensation at law can only possibly provide SI03 with compensation for

injuries up to the present.

201. It remains difficult if not impossible to calculate the damages arising from the Defendants' wrongful conduct.

202. SI03 therefore has an inadequate remedy at law.

203. The public interest will not be harmed if an injunction is granted.

204. WHEREFORE, SI03 seeks a temporary and permanent injunction enjoining Defendants from directing any consumers away from SI03's products and communicating statements known to be false through online fora.

GENERAL

205. Where conditions precedent are alleged, SI03 avers that all conditions precedent have been performed or have occurred.

206. SI03 demands a jury trial.

Illinois ARDC: 6257957

PRAYER FOR RELIEF

WHEREFORE, SI03 accordingly and respectfully prays for judgment against DEFENDANTS as follows:

1. That SI03 be awarded compensatory damages in an amount to be determined at trial;

2. That SI03 be awarded punitive damages in an amount to be determined at trial;

3. That SI03 be awarded its attorney's fees and costs in this action;

4. That the Court enter judgment in favor of SI03 according to the equitable and injunctive relief sought; and,

5. That SI03 be awarded any such other and further relief as this Court may deem just and proper or to which SI03 may be entitled as a matter of law or equity.

Dated: Chicago, Illinois
June ___, 2007

PLAINTIFF,
SI03, INC.

By: Its Attorney
Charles Lee Mudd Jr.
Mudd Law Offices
3344 North Albany Avenue
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(773) 588-5410
Cook County Attorney No.: 38666
Illinois ARDC: 6257957
cmudd@muddlawoffices.com

UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 3.0
Eastern Division

SI03, Inc.

Plaintiff,

v.

Case No.: 1:07–cv–03266
Honorable Ruben Castillo

John Does, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Wednesday, June 13, 2007:

MINUTE entry before Judge Ruben Castillo :After careful review, this complaint is dismissed without prejudice to the filing of an amended complaint which properly identifies the named defendants. Plaintiff is granted permission to proceed with expedited discovery to identify the appropriate defendants and to determine if jurisdiction and venue are appropriate in this district. Mailed notice(rao,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at ***www.ilnd.uscourts.gov***.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

EASTERN DIVISION

SI03, Inc.,	)	
	)	No. 07 C 3266
Plaintiff,	)	
	)	
v.	)	Judge Ruben Castillo
	)	
JOHN DOES 1-31 and DOE COMPANIES 1-5,	)	Magistrate Judge Keys
	)	
Defendants.	)	

PLAINTIFF'S MOTION FOR CLARIFICATION

NOW COMES SI03, Inc. ("SI03"), by and through its attorney, and respectfully submits its Motion for Clarification ("Motion") and states the following:

1. On June 11, 2007, the Plaintiff filed its Complaint.

2. On June 13, 2007, this Court dismissed the Complaint without prejudice "to the filing an amended complaint which properly identifies the named defendants."

3. The Court's June 13, 2007 Order also expressly stated that "Plaintiff is granted permission to proceed with expedited discovery to identify the appropriate defendants and to determine if jurisdiction and venue are appropriate in this district."

4. Subsequent to the Court's June 13, 2007 Order, the Clerk of the Court closed the case.

5. Since June 13, 2007, the Plaintiff has properly served a subpoena upon Bodybuilding.com, LLC ("Subpoena") issued from the United States District Court, District of Idaho seeking information related to pseudonyms identified in the Complaint as well as additional pseudonyms believed to used by the same defendants.

6. Counsel for Bodybuilding.com, LLC has objected to the Subpoena on a number

EXHIBIT
tabbies A3

of grounds that need not be discussed herein. However, in a latter dated August 17, 2007, counsel for Bodybuilding.com, LLC has raised an objection that specifically relates to the June 13, 2007 Order:

> Second, when I wrote my letter I was aware of the Court Order to which you refer, but that very Order dismisses the Complaint and the Clerk of the Court has closed the case. Without a pending Complaint and active case, no valid Rule 45 Subpoena can issue. Perhaps you need to seek clarification or some other relief from the Court before proceeding . . . .

Letter from Tillery to Mudd of 8/17/07 (the relevant portion of which has been attached hereto as Exhibit A)

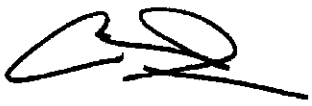
7. While the undersigned counsel understands that the Court's June 13, 2007 Order stated explicitly that expedited discovery could be pursued, the undersigned counsel seeks to avoid arguing a motion to compel or motion to quash in the State of Idaho to have the federal court in Idaho quash the subpoena based solely on the alleged ambiguity raised by the letter from Bodybuilding.com, LLC's counsel.

8. For the foregoing reasons, Plaintiff moves this Court to clarify its June 13, 2007 Order by explicitly stating that the Plaintiff may proceed with expedited discovery, including subpoenas issued under Rule 45, to identify the appropriate defendants and to determine if jurisdiction and venue are appropriate in this district where such discovery may include, but not be limited to, pursuing identifying information related to those pseudonyms Plaintiff reasonably believes to be used by the defendants.

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order granting the above requested relief stating that the Plaintiff may proceed with expedited discovery, including but not limited to subpoenas issued pursuant to Rule 45, to identify the appropriate defendants and to determine if jurisdiction and venue are appropriate in this district, where such discovery may include, but not be limited to, seeking the production of identifying information related to those pseudonyms Plaintiff reasonably believes to be used by the defendants.

Dated: Chicago, Illinois
August 17, 2007

PLAINTIFF,
SI03, Inc.



By: Its Attorney
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CERTIFICATE OF SERVICE

I, Charles Lee Mudd Jr., do hereby certify that service of this MOTION FOR CLARIFICATION was accomplished pursuant to Electronic Case Filing as to ECF Filing Users and shall be served upon other parties listed below by sending said documents via postage pre-paid U.S. mail on the 17th day of August 2007:

M. Kelly Tillery
Pepper Hamilton LLP
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, Pennsylvania 19103-2799

/s/Charles Lee Mudd Jr.
Charles Lee Mudd Jr.

Charles Lee Mudd Jr.
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773.588.5410 (telephone)
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ARDC: 6257957

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

EASTERN DIVISION

SI03, Inc.,	)	
	)	No. 07 C 3266
Plaintiff,	)	
	)	
v.	)	Judge Ruben Castillo
	)	
JOHN DOES 1-31 and DOE COMPANIES 1-5,	)	Magistrate Judge Keys
	)	
Defendants.	)	

~~(PROPOSED)~~

ORDER GRANTING PLAINTIFF'S MOTION FOR CLARIFICATION

THIS MATTER COMING TO BE HEARD on Plaintiff's Motion for Clarification, IT IS HEREBY ORDERED:

Plaintiff's Motion for Clarification is GRANTED.

Plaintiff may proceed with expedited discovery, including but not limited to subpoenas issued pursuant to Rule 45, to identify the appropriate defendants and to determine if jurisdiction and venue are appropriate in this district, where such discovery may include, but not be limited to, seeking the production of identifying information related to those pseudonyms Plaintiff reasonably believes to be used by the defendants.

SO ORDERED.

ENTER:

Judge Ruben Castillo

JUDGE

Dated 8/22/07

8-22-07

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Ruben Castillo	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 3266	DATE	8/22/2007
CASE TITLE	SI03, Inc. Vs. John Does, et al.		

DOCKET ENTRY TEXT

Motion hearing held on 8/22/2007. Plaintiff's motion for clarification [7] is granted. Enter Order Granting Plaintiff's Motion for Clarification. Plaintiff may proceed with expedited discovery, including but not limited to subpoenas issued pursuant to Rule 45, to identify the appropriate defendants and to determine if jurisdiction and venue are appropriate in this district.

■ [For further detail see separate order(s).] Docketing to mail notices.

00:05

Courtroom Deputy Initials:	RO

EXHIBIT A4

AO44
(Rev. 12/89)

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

INVOICE NO: 20070266

MAKE CHECKS PAYABLE TO:

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kathyfennell@sbcglobal.net

☐ CRIMINAL ☒ CIVIL

DATE ORDERED: 08-23-2007

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Case Style: 07 C 3266, SI03, Inc. v John Does 1-31, et al.
Transcript of proceedings before the Hon. Ruben Castillo of 8-22-07.

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DATE: 08-23-2007

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EXHIBIT
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SI03, INC., Plaintiff, -vs- JOHN DOES 1-31 and DOE COMPANIES 1-5, Defendants.	Case No. 07 C 3266 Chicago, Illinois August 22, 2007 9:45 a.m.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE RUBEN CASTILLO

APPEARANCES:

For the Plaintiff:

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(Proceedings heard in open court:)

THE CLERK: 07 C 3266, SI03 versus John Does.

THE COURT: Good morning.

MS. SCHMID: Good morning, your Honor. Heidi Schmid on behalf of plaintiff. I'm here on a motion for clarification. We filed a complaint on June --

THE COURT: I've seen your motion, and I'll make this simple. I'll certainly grant it.

MS. SCHMID: Okay.

THE COURT: Fully, I think it's very clear that I've certainly authorized you to proceed with discovery to determine the appropriate defendants and to determine if jurisdiction and venue are appropriate here. I'm surprised that anybody would refuse to comply with discovery, given that order, but --

MS. SCHMID: That technicality.

THE COURT: -- I've signed your proposed order. I've stricken the words "proposed." Do you have an extra copy?

MS. SCHMID: I do have an extra copy. I also have a question.

THE COURT: Yes.

MS. SCHMID: Was this case supposed to be closed, or was that an error in standards?

THE COURT: No. It's only administratively closed.

It's a technicality.

MS. SCHMID: Okay.

THE COURT: That should not impede your discovery.

MS. SCHMID: Okay.

THE COURT: It never has in other cases, so --

MS. SCHMID: Okay, great.

THE COURT: -- you need to tell counsel that, and if you need to file a motion to compel, I'll be happy to compel discovery.

MS. SCHMID: Great. Thank you, your Honor.

THE COURT: Thank you.

(Which were all the proceedings heard.)

CERTIFICATE

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Kathleen M. Fennell
Official Court Reporter

8-23-07
Date