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6 Attorneys for Jeffrey Diehl, Etc. Distributing,  
 7 Inc., Nitro 2 Go, Inc., and Nitro Rocks, Inc.

8 **UNITED STATES DISTRICT COURT**  
 9 **CENTRAL DISTRICT OF CALIFORNIA**

<p>11 INNOVATION VENTURES, LLC,          12 d/b/a LIVING ESSENTIALS,          13 LTD., a Michigan Limited Liability          14 Company,          15          16 Judgment Creditor,          17          18 v.          19 N2G DISTRIBUTING, INC., a          20 California corporation; and ALPHA          21 PERFORMANCE LABS, a Nevada          22 corporation; and DOES 1 through          23 10,          24          25 Judgment Debtors.</p>	<p>) CASE NO.: SACV 12-00717 ABC(Ex)          )          ) Hon. Audrey B. Collins          )          ) <b>[PROPOSED] AMENDED</b>          ) <b>JUDGMENT</b></p>
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21 Based on and in accordance with the Court’s Order filed November 26, 2013  
 22 Granting Judgment Creditor Innovation Ventures, LLC’s Motion To Amend  
 23 Judgment To Add Additional Judgment Debtors to the Judgment dated November  
 24 18, 2011 (Document No. 51) (hereinafter, “Order”), and for good cause appearing,  
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26 **IT IS ORDERED, ADJUDGED, AND DECREED** that:

- 27 1. For the reasons set forth in the Order, including all the findings of fact and  
 28 conclusions of law contained therein, Jeffrey Diehl is added to the

1 attached Judgment in favor of Innovation Ventures, LLC, d/b/a Living  
2 Essentials, Ltd. and against N2G Distributing, Inc. and Alpha  
3 Performance Labs for willful trademark infringement, trade dress  
4 infringement, and false advertising (Document No. 1) (“Judgment”),  
5 because Jeffrey Diehl is the alter ego of N2G Distributing, Inc. (“N2G”).  
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8 2. For the reasons set forth in the Order, including all the findings of fact and  
9 conclusions of law contained therein, ETC., Distributing, Inc., a  
10 California corporation, (“ETC”) is added to the Judgment because ETC is  
11 a mere continuation of N2G, and because the transfer of N2G’s assets to  
12 ETC was for the fraudulent purpose of escaping liability for N2G’s debts.  
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15 3. For the reasons set forth in the Order, including all the findings of fact and  
16 conclusions of law contained therein, Nitro 2 Go, Inc., a California  
17 corporation, (“Nitro2Go”); Nitro Rocks Inc. (a.k.a. Nitro Rocks  
18 Distributing), a California corporation, (“Nitro Rocks”); Jeffrey Diehl;  
19 and, ETC, and each of them, are added to the Judgment on equitable  
20 grounds because the identities of Nitro2Go, Nitro Rocks, and ETC were  
21 intentionally concealed by Jeffrey Diehl from the U.S. District Court for  
22 the Eastern District of Michigan and from Innovation Ventures, LLC,  
23 d/b/a Living Essentials, Ltd. during the litigation in Michigan that resulted  
24 in the Judgment being entered against less than all proper defendants.  
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- 1           4. The Judgment is AMENDED to add as judgment debtors Jeffrey Diehl,  
2           Nitro2Go, Nitro Rocks, and ETC.  
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- 4           5. The addition of Jeffrey Diehl, Nitro2Go, Nitro Rocks, and ETC to the  
5           Judgment is retroactive to November 18, 2011, the date the Judgment was  
6           entered by the United States District Court for the Eastern District of  
7           Michigan (hereinafter, the “Michigan Court”).  
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- 9           6. Accordingly, for willful trademark infringement, trade dress infringement,  
10           and false advertising, Jeffrey Diehl, Nitro2Go, Nitro Rocks, and ETC are  
11           jointly and severally liable to Innovation Ventures, LLC, d/b/a Living  
12           Essentials, Ltd. for the entire amount of the Judgment, plus attorneys’ fees  
13           of \$1,123,445.75 awarded by the Michigan Court per its Order filed  
14           August 29, 2013 (Case No. 08-CV-10983, Document No. 424), plus  
15           interest at the rate applicable to the original Judgment under 28 U.S.C. §  
16           1961, plus costs.  
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- 18           7. Violation of this Amended Judgment will expose N2G, Alpha  
19           Performance Labs, ETC, Nitro2Go, Nitro Rocks, and Jeffrey Diehl to all  
20           penalties provided by law, including, without limitation, for contempt of  
21           court.  
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- 23           8. Nothing contained in this Amended Judgment shall limit the right of  
24           Innovation Ventures, LLC d/b/a Living Essentials, Ltd. to recover  
25           damages and any and all other relief provided by law for any and all  
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infringements by N2G, Alpha Performance Labs, ETC, Nitro2Go, Nitro  
Rocks, or Jeffrey Diehl, or any of them, or any combination of them,  
which occurred after November 18, 2011, the date of the original  
Judgment.

IT IS SO ORDERED.

Dated: December 11, 2013

  
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Hon. Audrey B. Collins  
United States District Court