

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**MEDI-WEIGHTLOSS FRANCHISING
USA, LLC, a Florida limited liability company;
PHYSICIAN'S HEALTH MANAGEMENT,
LLC, a Florida limited liability company;
MEDI IP, LLC, a Florida limited Liability
company; MEDI-WEIGHTLOSS CLINICS,
LLC, a Florida limited liability company,**

Plaintiffs,

v.

Case No. 8:11 CV 02437-JSM-MAP

**MEDI-WEIGHTLOSS CLINIC OF BOCA
RATON, LLC, a Florida limited liability
company, ELIOT SLATER, M.D., individually,
and PAUL MARTINEZ, individually.**

Defendants.

FINAL ORDER GRANTING CONSENT INJUNCTION

THIS CAUSE came before the Court on the parties' Joint Motion for Entry of Consent Injunction (the "Joint Motion"). The Court, having reviewed the Motion and otherwise being advised on the premises, finds and orders as follows:

The Court finds that:

1. On October 25, 2011, **MEDI-WEIGHTLOSS FRANCHISING USA, LLC, PHYSICIAN'S HEALTH MANAGEMENT, LLC, MEDI IP, LLC, and MEDI-WEIGHTLOSS CLINICS, LLC** (collectively, "Plaintiffs") filed a Verified Complaint against, Defendants, **MEDI-WEIGHTLOSS CLINIC OF BOCA RATON, LLC, ELIOT SLATER, M.D., and PAUL MARTINEZ** (collectively, "Defendants"). In the ten (10) count Verified Complaint, Plaintiffs alleged claims against Defendants for, *inter alia*, breach of contract, breach of mutual settlement,

past due fees, Lanham Act violations, misappropriation of trade secrets, and common law unfair competition. Defendants deny liability as to the claims alleged by Plaintiffs.

2. Also on October 25, 2011, Plaintiffs filed a Motion for Preliminary Injunction and Incorporated Memorandum of Law requesting that the Court enjoin Defendants from engaging in certain competitive activities in violation of the Parties' agreements, federal law, and the common law.

3. On January 30, 2012, the Court entered an Order granting Plaintiff's Preliminary Injunction, as set forth in the Magistrate Judge's Report and Recommendation.

4. The Parties have agreed to the entry of an injunction against Defendant, Paul Martinez, as described in the Joint Motion.

5. Accordingly, after consideration of the Joint Motion,

IT IS HEREBY ORDERED AND ADJUDGED that:

1. The Joint Motion is GRANTED.

2. Defendant, Paul Martinez, is temporarily enjoined as follows:

- a. Except as provided for in Section 5 below, for the nine (9) month period following entry of this injunction, Paul Martinez and his agents, servants, employees, attorneys, and any other persons or entities who are in active concert or participation with him, including, but not limited to, VIP Medical Weight Loss Clinic, LLC, shall not operate a Competitive Business, as defined in the parties' agreements, in the same location or within twenty-five (25) miles, as the crow flies, from the Medi-Boca Clinic previously located at 555 N. Federal Highway, Suites 18-20, Boca Raton, Florida 33432, or any other Medi-Weightloss Clinics Business.

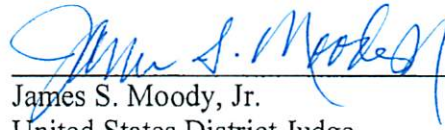
3. Defendant, Paul Martinez, is also permanently enjoined as follows:

- a. Paul Martinez and his agents, servants, employees, attorneys, and any other persons or entities who are in active concert or participation with him, including, but not limited to, VIP Medical Weight Loss Clinic, LLC, shall not disclose or publish to any party, or copy or use for such party's own benefit or for the benefit of any other party, any of Plaintiffs' confidential information, as defined in the parties' agreements;
- b. Paul Martinez and his agents, servants, employees, attorneys, and any other persons or entities who are in active concert or participation with him, including, but not limited to, VIP Medical Weight Loss Clinic, LLC, shall not use any of Plaintiffs' marks, and any signs, slogans, symbols, logos, advertising materials, forms, products and other items bearing Plaintiffs' marks;
- c. Paul Martinez and his agents, servants, employees, attorneys, and any other persons or entities who are in active concert or participation with him, including, but not limited to, VIP Medical Weight Loss Clinic, LLC, shall not use Plaintiffs' trade secrets and confidential business information, including, but not limited to, the Medi-System and the know-how related to its use;
- d. Paul Martinez and his agents, servants, employees, attorneys, and any other persons or entities who are in active concert or participation with him, including, but not limited to, VIP Medical Weight Loss Clinic, LLC, shall not operate or do business under any name or in any manner that gives the general public the impression that Paul Martinez is in any way connected with

Plaintiffs or that Paul Martinez, has the right to use Plaintiffs' confidential information, Plaintiffs' marks or the Medi-System; and

4. Paul Martinez and his agents, servants, employees, attorneys, and any other persons or entities who are in active concert or participation with him shall assign, convey and fully transfer to Plaintiffs the telephone number of (561)750-5270 no later than three (3) months after entry of this injunction and shall then cease all use of the telephone number. Until the telephone number of (561)750-5270 can be fully transferred to Plaintiffs, Martinez shall make arrangements to have calls to the number answered by either an operator or computer voice such that callers shall elect the party with whom they wish to speak (either Medi-Weightloss for Plaintiffs or VIP Medical Weight Loss for Defendants) and the call forwarded to either Medi-Weightloss at a number selected by Plaintiffs or to VIP. All expenses associated with the answering and forward of calls as well as the transfer of the number shall be borne by Defendants, Paul Martinez and Medi-Weightloss Clinic of Boca Raton, LLC.
5. Nothing in this injunction shall be interpreted to prohibit Paul Martinez and his agents, servants, employees, attorneys, and any other persons or entities who are in active concert or participation with him, including, but not limited to, VIP Medical Weight Loss Clinic, LLC, from continuing to own and operate the medical weight loss business named VIP Medical Weight Loss, located at 12008 South Shore Boulevard #101, Wellington, Florida 33414, in a manner that does not make use of or otherwise infringe upon Plaintiffs' confidential information, Plaintiffs' marks or the Medi-System.
6. This Court shall retain⁵ jurisdiction to enforce this injunction *for one year from date.* *JMS*

DONE and **ORDERED** in Tampa, Florida on November 30, 2012.



James S. Moody, Jr.
United States District Judge

Copies To:

All Counsel of Record