

FILED

DEC 04 2013

Clerk, U.S. District Court
District Of Montana
Helena

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TOBY CARL MCADAM and GRETA
S. ARMSTRONG, Individuals, d/b/a
RISING SUN HEALTH,

Defendants.

CV 10-128-BLG-SEH

ORDER

United States Magistrate Judge Carolyn S. Ostby entered Findings and Recommendations in this matter on November 12, 2013.¹ Plaintiff filed objections on December 2, 2013.² The Court reviews *de novo* findings and recommendations to which objections are made. 28 U.S.C. § 636(b)(1).

Upon *de novo* review of the record, I find no error in Judge Ostby's Findings and Recommendations and adopt them in full.

¹ Doc. 47.

² Doc. 48.

ORDERED:

1. Plaintiff's Petition for judgment of a civil contempt against Defendant McAdam for violations of the Consent Decree³ is GRANTED. Defendant McAdam is required to immediately cease all manufacturing, processing, packaging, labeling, holding, selling, and/or distributing all products intended to be ingested by, or applied topically to, humans or animals, including, without limitation, any drugs and/or dietary supplements. McAdam is required to immediately shut down his website and the Risingsun Herbal Health Facebook page, remove all products from Amazon.com, and remove any related telephone listings from phone books. This should be done unless and until the FDA in writing certifies compliance and permits the resumption of operations.

2. Plaintiff's Motion for Liquidated Damages⁴ is GRANTED. McAdam is directed to pay the United States liquidated damages in the amount of eighty thousand dollars (\$80,000.00), as required under Paragraph 17 of the Consent Decree of Permanent Injunction. *See Doc. 5.*

3. Plaintiff's motion for Attorney Fees and Costs⁵ is GRANTED. The

³ Doc. 18 at 4.


⁴ Doc. 19.

⁵ Doc. 45.

United States is awarded the total sum of \$4,936.48.

4. Defendant McAdam's Motion to Vacate Fines⁶ is DENIED.
5. The Clerk of Court is directed to enter judgment accordingly.

DATED this 4th day of December, 2013.



SAM E. HADDON
United States District Judge

⁶ Doc. 46.