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Counsel for Plaintiffs

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Case No: 11-cv-05013-NRB

ARDIS HEALTH, LLC, CURB YOUR CRAVINGS,  
LLC, and USA HERBALS, LLC,

Plaintiffs,

-against-

ASHLEIGH NANKIVELL,

Defendant.

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**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the annexed Declaration of Jordan Finger, Exhibits, and the Memorandum of Law, and all pleadings and proceedings heretofore had herein, plaintiffs, ARDIS HEALTH, LLC, CURB YOUR CRAVINGS, LLC, and USA HERBALS, LLC, will move this Court before the Honorable Naomi Reice Buchwald, United States District Judge at the United States Courthouse, 500 Pearl Street, New York, New York 10007-1312, pursuant to Fed. R. Civ. P. 65, that the Court issue a preliminary injunction, enjoining their former employee from continuing to use their proprietary content and to immediately return all of Plaintiffs' property that Defendant has wrongfully taken, in the form of the Proposed Order attached herewith, and for such other and further relief as the Court deems just and appropriate.

Specifically, the Motion seeks an order requiring Plaintiffs' former Video & Social Media Producer, Defendant Ashleigh Nankivell, to immediately return all company equipment that she wrongfully retained when she was terminated, as well as all passwords, login, hosting, server and other information for various marketing venues that belong to Plaintiffs. In addition, Plaintiffs seek to enjoin Defendant from using any proprietary content relating to Plaintiffs' business, including all creative content used in the advertisement and promotion of Plaintiffs' products and services. Finally, Plaintiffs seek an order enjoining Defendant from further use of Plaintiffs' trademarks and copyrighted works.

WHEREFORE, based upon the foregoing, Plaintiffs, Ardis Health, LLC, Curb Your Cravings, LLC, and USA Herbals, LLC, respectfully request that the Court issue a Preliminary Injunction in the form of the Proposed Order attached hereto.

Dated: August 8, 2011

Respectfully submitted,

Ardis Health, LLC, USA Herbals, LLC and Curb  
Your Cravings, LLC

By their attorneys,

/s/ Christopher Hennessey  
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### **CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants and the lawyer believed to be counsel for the Defendant on August 8, 2011.

/s/ Christopher M. Hennessey  
Christopher Hennessey