

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MEMC ELECTRONIC MATERIALS, et al.,	:	
	:	
	:	
Plaintiffs,	:	Case No. 2:12-CV-344
	:	
v.	:	JUDGE ALGENON L. MARBLEY
	:	
KARTHIK BALAKRISHNAN,	:	Magistrate Judge Norah McCann
	:	King
	:	
Defendant.	:	

TEMPORARY RESTRAINING ORDER

After reviewing Plaintiffs MEMC Electronic Materials Inc. and MEMC Pasadena, Inc.’s (collectively referred to as “MEMC”) Application for a Temporary Restraining Order, (Doc. 3), Plaintiffs’ Memorandum of Law in Support of Application for Temporary Restraining Order, (Doc. 4), and Verified Complaint for Injunctive and Other Relief, (Doc. 1), and after having heard MEMC and Defendant Karthik Balakrishnan’s (“Balakrishnan”) respective arguments at the Local Rule 65.1 Conference on April 19, 2012, this Court hereby orders and finds:

1. MEMC’s Application for Temporary Restraining Order pursuant to Rule 65 of the Federal Rules of Civil Procedure is **GRANTED**.
2. MEMC is subject to immediate and irreparable injury if Balakrishnan is permitted to breach the Agreement which is attached as Exhibit 1 to MEMC’s Verified Petition for Injunctive and Other Relief (“Agreement”). Monetary relief will not fully or adequately compensate MEMC for the injury which could be caused by Balakrishnan’s violation of the Agreement.

3. Balakrishnan and his agents, servants, employees, and those persons in active concert or participation with him who receive actual notice of this Temporary Restraining Order, are hereby temporarily enjoined and restrained from:
 - a. Using or disclosing any confidential, proprietary, and/or trade secret information of MEMC;
 - b. Engaging in or contributing knowledge to any work or activity that involves a product, process, apparatus, service, or development which is then competitive with or similar to a product process, apparatus, service, or development on which Balakrishnan worked or with respect to which Balakrishnan had access to Confidential Information while at MEMC (including by working for Iosil Energy Corporation); and
 - c. Breaching the terms and conditions of the Agreement.
4. Balakrishnan is further ordered to immediately deliver to MEMC's counsel all materials in his possession constituting or relating, directly or indirectly, to MEMC's confidential, proprietary and/or trade secret information, including all such information stored electronically, and any computers, hard drives, or other electronic or removable storage devices containing or reflecting any such information.
5. This restraining order shall remain in effect through the Court's ruling on MEMC's request for a preliminary injunction.
6. MEMC shall post an injunction bond in the amount of \$10,000.00 for the payment of such costs and damages as may be incurred or suffered by Balakrishnan if he is found to have been wrongfully enjoined or restrained.

7. The preliminary injunction hearing is hereby scheduled for May 7, 2012 at 9 a.m.

IT IS SO ORDERED.

s/ Algenon L. Marbley
Algenon L. Marbley
United States District Judge

Dated: April 20, 2012