

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

MARINE LIFE SCIENCES, INC., a
Nevada corporation,

Plaintiff,

vs.

UNIQUE SEA FARMS, LTD., a British
Columbia, Canada entity; TOM
HARPER, and MARGARET HARPER,

Defendants.

MEMORANDUM DECISION AND
ORDER GRANTING
PRELIMINARY INJUNCTION FOR
SPECIFIC PERFORMANCE OF
SUPPLY CONTRACT FOR
MARINE PHYTOPLANKTON AND
PRELIMINARY INJUNCTION

Case No. 2:09-CV-914 TS

Based on the parties' submissions and evidence at the hearing, the Court finds and concludes as follows. That Plaintiff Marine Life Science has shown that it is likely to prevail on the merits of enforcing its contract. The injunction on payment terms holds the parties to the terms of their operative contract, the Exclusive License Agreement dated March 1, 2008, and preserves the status quo pending arbitration. There is an imminent threat of

irreparable harm if an injunction is not issued including loss of customers, loss of goodwill, and closure of its business operations. The balance of equities tips in Plaintiff Marine Life Sciences' favor. The public interest is not implicated by the Motions. It is therefore

ORDERED that Plaintiff's Motion for a Preliminary Injunction for Specific Performance of Supply Contract for Marine Phytoplankton (Docket No. 72) is GRANTED.

It is

ORDERED ADJUDGED AND DECREED that Defendants USF and Harper, together with their officers, agents, employees, attorneys, and other persons who are in active concert or participation with them, are hereby ordered to specifically perform their contractual obligation to supply marine phytoplankton to Marine Life Sciences under the following specific payment terms:

Payment for the subject product (raw marine phytoplankton in a paste form) sold to Plaintiff Marine Life Sciences by Defendants Unique Sea Farms and Tom Harper shall be made by Marine Life Sciences to Unique Sea Farms and Tom Harper within sixty (60) days from the receipt by Marine Life Sciences of the subject product F.O.B. Unique Sea Farms.

If however, payment is not made within the above stated 60-day period for any one purchase order, Unique Sea Farms and Tom Harper may thereafter condition delivery on C.O.D. terms.

It is further

ORDERED that this preliminary injunction shall become effective immediately upon the posting of a bond by Plaintiff in the amount of \$100,000 and shall continue until Judgment is entered herein, this action is dismissed, or further order of this Court.

DATED April 1, 2010.

BY THE COURT:



TED STEWART
United States District Judge