

1 **McDERMOTT WILL & EMERY LLP**  
CHARLES E. WEIR (State Bar No. 211091)  
2 cweir@mwe.com  
GREGORY JONES (State Bar No. 229858)  
3 gjones@mwe.com  
KATE M. HAMMOND (State Bar No. 293433)  
4 khammond@mwe.com  
2049 Century Park East, Suite 3800  
5 Los Angeles, CA 90067  
Telephone: 310.277.4110  
6 Facsimile: 310.277.4730

7 Attorneys for Plaintiffs

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

11 STEMEXPRESS, LLC, and  
12 CATHERINE DYER,

13 Plaintiffs,

14 v.

15 THE CENTER FOR MEDICAL  
16 PROGRESS, BIOMAX  
17 PROCUREMENT SERVICES, LLC,  
18 DAVID DALEIDEN (aka “ROBERT  
19 SARKIS”), DOE 1 (aka “SUSAN  
20 TENNENBAUM”), and DOES 2 through  
100, inclusive,

21 Defendants.

CASE NO. BC589145

**[~~PROPOSED~~] TEMPORARY RESTRAINING  
ORDER, ORDER TO SHOW CAUSE RE:  
PRELIMINARY INJUNCTION, AND  
EXPEDITED DISCOVERY ORDER**

Hearing

Date: July 28, 2015  
Time: 8:30 a.m.  
Dept: 86  
Judge: Hon. Joanne O’Donnell

**FILED**  
Superior Court of California  
County of Los Angeles

**JUL 28 2015**

Sherri R. Carter, Executive Officer/Clerk  
By Arnette Fajardo, Deputy  
Arnette Fajardo

1 ORDER TO SHOW CAUSE RE: PRELIMINARY INJUNCTION

2 Based upon the complaint filed in this action on July 27, 2015, the *Ex Parte* Application  
3 for a Temporary Restraining Order, Order to Show Cause re: Preliminary Injunction, and  
4 Expedited Discovery Order filed by plaintiffs StemExpress, LLC and Catherine Dyer, the  
5 declarations of Catherine Dyer, Kevin Cooksy, Megan Barr, and Gregory Jones, and the exhibits  
6 attached thereto, and having heard argument of counsel at the hearing on July 28, 2015:

7 IT IS HEREBY ORDERED that defendants The Center for Medical Progress, BioMax  
8 Procurement Services, LLC, David Daleiden, and Doe One (aka "Susan Tennenbaum")  
9 ("Defendants") appear on Aug 19, 2015 at 9:30 a.m. in Department 86  
10 of this Court, located at 111 North Hill Street, Los Angeles, California 90012, TO SHOW  
11 CAUSE, if any, why a preliminary injunction should not be issued pending trial in this action:

12 1. enjoining Defendants, and all officers, directors, shareholders, members,  
13 employees, agents, and all persons acting with The Center for Medical Progress or BioMax  
14 Procurement Services, LLC or on their behalf, (i) from any manner of releasing, publishing,  
15 disclosing, posting, sharing, uploading, downloading, transferring, or any other means of  
16 disseminating, including on the website of The Center Medical Progress, located at  
17 <http://www.centerformedicalprogress.org>, (ii) any file, media, device, or document be it  
18 electronic, digital, analog, or physical in nature (iii) that contains or represents a recording of any  
19 portion (in whole or part) of (iv) any communication (verbal and non-verbal) (v) made by  
20 Catherine Dyer, Kevin Cooksy, or Megan Barr (vi) on the evening of May 22, 2015 at  
21 approximately between 4:30 p.m. PST and 6:45 p.m. PST (vii) that occurred at, near, or in the  
22 restaurant known as Bistro 33, located at 4364 Town Center Boulevard, El Dorado Hills,  
23 California 95762; and

24 2. ~~enjoining Defendants, and all officers, directors, shareholders, members,~~  
25 ~~employees, agents, and all persons acting with The Center for Medical Progress or BioMax~~  
26 ~~Procurement Services, LLC or on their behalf, (i) from any manner of releasing, publishing,~~  
27 ~~disclosing, posting, sharing, uploading, downloading, transferring, or any other means of~~  
28 ~~disseminating, including on the website of The Center Medical Progress, located at~~

DM\_US 62796125-1.097549.0011

51

1 <http://www.centerformedicalprogress.org>, (ii) any file or physical document (iii) on which  
2 StemExpress, LLC is identified, including the three “documents” presently posted on the  
3 “Document Vault” website of The Center Medical Progress, located at  
4 <http://www.centerformedicalprogress.org/human-capital/document-vault/>, bearing the dates  
5 January 10, 2013, March 20, 2013, and January 1, 2013.

6 **TEMPORARY RESTRAINING ORDER**

7 Based upon the complaint filed in this action on July 27, 2015, the *Ex Parte* Application  
8 for a Temporary Restraining Order, Order to Show Cause re: Preliminary Injunction, and  
9 Expedited Discovery Order filed by plaintiffs StemExpress, LLC and Catherine Dyer, the  
10 declarations of Catherine Dyer, Kevin Cooksy, Megan Barr, and Gregory Jones, and the exhibits  
11 attached thereto, and having heard argument of counsel at the hearing on July 28, 2015:

12 IT IS HEREBY ORDERED that pending and until the date of the above-described hearing  
13 on the Order to Show re: Preliminary Injunction or, if such hearing should be continued for any  
14 reason, until the date on which the hearing is actually held or this Temporary Restraining Order is  
15 dissolved, defendants The Center for Medical Progress, BioMax Procurement Services, LLC,  
16 David Daleiden, and Doe One (aka “Susan Tennenbaum”), and all officers, directors,  
17 shareholders, members, employees, agents, and all persons acting with The Center for Medical  
18 Progress or BioMax Procurement Services, LLC or on their behalf, shall:

19 1. refrain from (i) any manner of releasing, publishing, disclosing, posting, sharing,  
20 uploading, downloading, transferring, or any other means of disseminating, including on the  
21 website of The Center Medical Progress, located at <http://www.centerformedicalprogress.org>, (ii)  
22 any file, media, device, or document be it electronic, digital, analog, or physical in nature (iii) that  
23 contains or represents a recording of any portion (in whole or part) of (iv) any communication  
24 (verbal and non-verbal) (v) made by Catherine Dyer, Kevin Cooksy, or Megan Barr (vi) on the  
25 evening of May 22, 2015 at approximately between 4:30 p.m. PST and 6:45 p.m. PST (vii) that  
26 occurred at, near, or in the restaurant known as Bistro 33, located at 4364 Town Center  
27 Boulevard, El Dorado Hills, California 95762; and

1 2. refrain from (i) any manner of releasing, publishing, disclosing, posting, sharing,  
2 uploading, downloading, transferring, or any other means of disseminating, including on the  
3 website of The Center Medical Progress, located at <http://www.centerformedicalprogress.org>, (ii)  
4 any file or physical document (iii) on which StemExpress, LLC is identified; and

5 3. by no later than July \_\_, 2015 at \_\_\_\_\_ .m., or within \_\_\_ hours of service  
6 of this Order, whichever occurs first, remove, take down, or otherwise make inaccessible to the  
7 public the three "documents" presently posted on the "Document Vault" website of The Center  
8 Medical Progress, located at [http://www.centerformedicalprogress.org/human-capital/document-](http://www.centerformedicalprogress.org/human-capital/document-vault/)  
9 [vault/](http://www.centerformedicalprogress.org/human-capital/document-vault/), bearing the dates January 10, 2013, March 20, 2013, and January 1, 2013.

10 **BRIEFING SCHEDULE**

11 IT IS FURTHER ORDERED that:

12 1. Plaintiffs are to ~~take all reasonable steps to~~ personally serve the following  
13 documents <sup>by personal service or FAX</sup> on Defendants by the close of business on July 28<sup>9</sup>, 2015: the Summons and  
14 Complaint; *Ex Parte* Application for a Temporary Restraining Order, Order to Show Cause re:  
15 Preliminary Injunction, and Expedited Discovery Order; the Compendium of Evidence; and this  
16 Order. Proof of such service shall be filed in Department 86 of this Court on the next court day  
17 following such service.

18 2. Any opposition papers to the Order to Show Cause shall be filed and served on  
19 Plaintiffs by ~~electronic mail~~ <sup>personal service or FAX</sup> no later than by 3 p.m. on Aug. 12, 2015. Any  
20 reply papers, including any additional or supplemental declarations in reply to evidence submitted  
21 in the opposition papers, shall be filed and served on Defendants by electronic mail no later than  
22 by 3 p.m. on Aug 14, 2015.

23 **ORDER AUTHORIZING EXPEDITED DISCOVERY**

24 IT IS FURTHER ORDERED that pursuant to Code of Civil Procedure §§ 2025.201(b),  
25 2025.201(b), 2031.020(d), 2031.030(b)(2), for good cause shown, Plaintiffs are hereby authorized  
26 to conduct the following discovery as of the date of this Order: (a) no more than 3 depositions to  
27 be noticed on 3 days and completed no later than 5 court days before any hearing on the Order to  
28 Show Cause re: Preliminary Injunction; and (b) no more than 10 document requests to which

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

written responses and responsive documents are due within 7 calendar days from the date on which they are served. *The discovery is to address my <sup>any</sup> recordings of the May 22, 2015 meeting and the extent to which these documents have been disseminated, if at all.*

Dated: JUL 28 2015

*J. O'Donnell*  
\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT  
**JOANNE B. O'DONNELL**