

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Trisha Whitmire and Emily Yanes de
Flores, individually, and on behalf of all
others similarly situated,

Plaintiffs,

v.

MONAT GLOBAL CORP.

Defendant.

Civil Action No. 1:18-CV-20636-DPG

**PLAINTIFFS' MOTION FOR A PROTECTIVE ORDER, A TEMPORARY
RESTRAINING ORDER, AND A PRELIMINARY INJUNCTION**

Defendant, Monat Global Corp. (“Monat”), is engaging in a campaign of intimidation against anyone who dares questions the efficacy of its products; products with obvious flaws resulting in well-documented injuries to Plaintiffs and the proposed Class. Accordingly, pursuant to Federal Rules of Civil Procedure 65 and 23, Plaintiffs Trisha Whitmire and Emily Yanes de Flores, individually, and on behalf of all others similarly situated, hereby respectfully move, *ex parte*, for an order of this Court to protect their interests and the putative class.

I. INTRODUCTION

Monat is a multi-level marketing (or pyramid selling) purveyor of hair care products. The use of Monat’s products, however, has resulted in significant scalp irritation and hair loss for many consumers. (DE 1). Plaintiffs recently became aware that Monat and its counsel have been systematically threatening, harassing, and intimidating potential class members in multiple ways. Whenever Monat becomes aware of any public criticism of its products, including the type of criticism that forms the basis of this case (i.e. generally that a significant number of customers appear to have adverse reactions to Defendant’s products including scalp irritation, open sores, hair breakage and hair loss), Defendant quickly moves to silence it. Monat does so by routinely sending cease and desist letters that threaten lawsuits for defamation and other business torts, that seek to obtain false declarations or statements recanting negative (but true) experiences with Monat products, that seek to take control of public forums (including Facebook groups and online bulletin boards) where Monat products are discussed, and that seek *de facto* gag orders of any negative discussion of Monat products. Defendant also routinely sends letters to potential class members in order to obtain releases of the legal claims associated with these lawsuits and declarations containing false statements. Many of these releases were procured through misrepresentations, material omission, or outright fraud. Given the improper communications between Defendant, its

counsel, and the putative class, Plaintiffs now seek a protective order limiting Defendant's communications with the putative class, an order for corrective class notice, and an order invalidating any releases obtained by Defendants subsequent to the filing of this action. Plaintiffs further seek a temporary restraining order and a preliminary injunction, enjoining Defendant from engaging in its improper communications.

Defendant's threatening, harassing, and intimidating communications with members of the potential class have a chilling effect on this litigation, dissuading consumers from participating in this case or speaking the truth openly, undermining the policies of Rule 23. Defendant's practices also are also actively interfering with Plaintiffs' investigation of potential claims, as the public forums that Defendant seeks to silence or control (like the Facebook groups where all Monat products are discussed) are critical to the thorough investigation of the claims. For instance, there are nearly 40 products made by Monat and the online groups are a collection of witnesses using all of the products and enable counsel to locate witnesses and make distinctions about which products are most suspect. The online forums that Monat seeks to silence or control also serve as a *de facto* notice mechanism to potential plaintiffs and putative class members. Monat is actively attempting to minimize participation in this lawsuit and to limit its financial exposure to the claims against it through sharp and unethical tactics.

Defendant's conduct in threatening defamation suits may also violate either the letter of, or certainly the spirit of Florida's Strategic Lawsuits Against Public Participation, or Anti-SLAPP statute – Fla. Code Section 768.295. Defendant's threatened defamation lawsuits against potential class members who are exercising their First Amendment rights to publicly discuss Monat products in an online public forum are classic examples of the type of meritless lawsuits used to threaten,

harass, or silence critics by forcing them to face the prospect of defending against such meritless suits (with the attendant expense) that the anti-SLAPP statute protects against.

II. STATEMENT OF FACTS

Defendant is a multi-level marketing business that sells haircare products. A major thrust of Defendant's initial business model was to sign up professional stylists as "Market Partners," to have those stylists buy and use the products, to convince clients to buy the products, and to sign up other stylists as Market Partners in a pyramid fashion. (Ex. 1, Nittinger Affidavit) As part of this effort to enlist stylists starting in 2015, Defendant had its existing Marketing Partners join internet forums on Facebook for Salon Professionals. Many stylists were resistant to selling the product because it was not a professional-grade product, and Monat's magic cure-all marketing claims seemed exaggerated and unsubstantiated. (Id.) However, the stylists who raised these concerns or offered any criticism of the product based either on their personal experiences or expertise were quickly confronted by Defendant with threats of suit for defamation and other business torts. (Id.) This was originally communicated by Market Partners themselves before it escalated to communications directly from the Defendant or its legal counsel. (Id.) While these threats worked on many of the online critics, others refused to be bullied and continued their online sharing of information and observations. (Id.)

A. CLASS MEMBERS' PROTECTED ACTIVITIES

Vickie Harrington, a potential class member, was enlisted as a Marketing Partner for Defendant when she purchased the \$900 kit and began using the products herself. (Ex. 2, BuzzFeed article). Within a month or so, she started losing her hair after using Defendant's products. (Id.) She asked for a full refund and Defendant refused. (Id.) In November 2017, Ms. Harrington started a Facebook group titled "MONAT – My Modern Nightmare," and created a YouTube video

attempting to reach other potential victims suffering symptoms that she believed were caused by Monat products. (Id.) Her initial intention was to find out if there were at least 40 other similarly situated people so as to confirm that these symptoms were not an isolated incident and hopefully gain representation by counsel to file a class action lawsuit. (Id.) With nearly 40 products offered by Monat, the Facebook group served as a way for potential class members to compare their experiences with the multitude of products and attempt to discern whether there were specific products that correlated with adverse effects. See <https://monatglobal.com/all-our-products/>

The Facebook group grew exponentially and eventually there were over 20,000 members. (Ex. 1, Nittinger Affidavit) While the majority of the posts in the group were made by users of Monat products sharing their experiences and opinions, the group also contained posts by group participants that addressed any manner of subjects related to Monat. (Id.) Among the tens of thousands of posts, members shared that they were being threatened by Monat's Market Partners. (Ex. 3, February 8, 2018 post by Christman). For example, in this post a Monat consumer stated:

My MP just told me I could be sued simply for being in this group (crying emoticon) and I don't know who to believe anymore. Is that even possible!? I've been here for like 2 weeks. And haven't hardly said anything. She also said all of you are hair stylists making up lies about Monat.... but I saw pictures of a 6 year old losing her hair yesterday and it broke my heart (crying emoticon) she is not a hair stylist.... And most of you aren't either.

There were also some reporters who joined the group requesting to do interviews with people in the group about their experience with Defendant's products and many of the group members were connecting with the reporters and other members of the group sharing their experiences.

B. MONAT ATTEMPTS TO CONTROL SHARING OF INFORMATION

Vickie Harrington, the group's creator, was sued by Defendant Monat for more than \$225,000 in damages. (Ex. 4, Complaint Monat Global v. Harrington). One Tulsa Oklahoma news story featuring victims Leah and Amber Alabaster was not aired by the station because counsel for

Defendant threatened the television station with defamation claims. (Ex. 1, Nittinger Affidavit) On February 7, 2018, an article about Monat filing a lawsuit against Ms. Harrington was posted on the popular news/media website, Buzzfeed. (Ex. 2, Buzzfeed article).

Soon thereafter, every administrator and moderator of the Facebook Group was served with Cease and Desist letters in the first week of February. (Ex. 5, Compilation of cease and desist letters). For example, Sandra Merschrod, Vicki Nittinger, and Breanna Haspert each received Cease and Desist letters containing the same threats. (Ex. 5) These letters required that:

- 1) all posts mentioning Monat from personal Facebook pages be deleted;
- 2) an affirmative statement be posted that the Administrator or Moderator was lying about the products and the company;
- 3) a statement be posted that, because there were so many lies posted in the Facebook Group, the Administrators had decided to close the group;
- 4) every member be deleted from the group;
- 5) every post be deleted from the group; and
- 6) the group itself be deleted.

Because Vickie Harrington was the group administrator and the group owner and creator, she was the only one able to facilitate all of those demands but she originally refused. Posare Salon was also served with a cease and desist letter on February 15, 2018 requiring Monat's demands be met by February 12, 2018 which was impossible as that was three days prior to receiving the letter. Also, Monat demanded that the salon fire Toni Miller, who rents a booth from them but who is not even an employee of the salon. (Ex. 6, Cease and desist Letter to Posare Salon). Toni Miller was then sued on February 21, 2018. (Ex. 7, Complaint Monat Global v. Toni Miller).

In August 2017 Amy Cheeks, a professional hair stylist who had been previously critical of the Monat products and marketing representations, posted a statement online that said she

“recently published false statements concerning MONAT and its products. The statements contained claims about MONAT and its products that were flat-out lies. When I published these lies, I knew they were untrue, or I didn't care whether they were untrue, but I published them anyway. I simply wanted to damage MONAT's reputation and the reputation of its products....”

(Ex. 1, Nittinger Affidavit). Shortly thereafter, Ms. Cheeks became silent regarding this product. (Id.) It was later discovered that several stylists received cease-and-desist letters and in order to keep the company from suing them had to agree to post an identical statement online and never speak about the product again. (Id.)

On February 21, 2018, the Facebook group creator, Vickie Harrington, transferred the administrator's authority over to the remaining group administrators and removed herself from the groups entirely as a safety precaution after being sued. (Ex. 1, Nittinger Affidavit) Since that time, Ms. Harrington attempted to regain control over the group, despite Monat attempting (as part of its efforts in the suit filed against her) to gain control over the group. (Id.) Apparently, Monat was insisting that its own Market Partners were to act as the administrators of the group. This attempted Monat insider takeover was done without notifying the group's members of this leadership reversal. (Id.) The remaining administrators and moderators all agreed that it was not in the best interest of the 20,000 members to permit a take-over by the manufacturer of the very products that most members believed were and are harming consumers. (Id.)

After Monat's unsuccessful takeover attempt via Vickie Harrington, she and three other former group members or administrators (Kayla Baker, Catherine Kathryn Wheeler, and Amy Grainger Carter, each of whom had been sent cease and desist letters and/or sued by Monat) embarked on a campaign of intimidation and confusion at the behest of Monat. (Id.) Videos were posted in the Facebook group by Kayla Baker reading a statement attributed to all four of the women. (Id.) In the statement it was claimed that the group had been stolen from Vickie Harrington and that "no one was safe." (Id.) Everyone was advised to delete their posts and leave the group because Monat was angry and intended to sue everyone in the group who spoke out, as well as all of the administrators and moderators. (Id.).

Around this same time, there was a private communication between Vickie Harrington and all current and past administrators and moderators in an attempt to work out a resolution. (Id.) Vickie Harrington stated that she had spoken to Defendant Monat's President, Stuart McMillan and its Senior Vice President and Chief Legal Counsel Thomas Hoolihan. (Id.) Reportedly, Mr. Hoolihan was prepared to provide a letter stating that none of the current or past administrators or moderators would face a lawsuit if control over the group was relinquished. (Id.) However, Monat was unwilling to provide this letter of assurance in advance. (Id.) The administrators and moderators decided not to relinquish control and advised the group's members that the MONAT – My Modern Nightmare group would be “Archived,” which happened on February 26, 2018. (Id.) At that time, a new group was formed which included new rules intended to try and protect its members from Defendant's frivolous SLAPP suits by limiting the use of certain words and identifiers. (Id.) The new group still permitted the sharing of experiences and observations that are protected by the First Amendment. (Id.) Vickie Nittinger has been served with a subpoena by Monat for all of the electronic evidence related to this Facebook group. (Ex. 8, Subpoena)

III. MEMORANDUM, LEGAL STANDARD, AND ARGUMENT

Federal Rule of Civil Procedure 65(b) grants this Court the authority to issue a temporary restraining order when “specific facts in an affidavit ... clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition.” *Id.* In this Circuit, to be eligible for a temporary restraining order a movant must establish the following four elements: (1) irreparable injury if relief is not granted; (2) a substantial likelihood of success on the merits; (3) the threatened injury outweighs the harm that would befall the non-movant; and (4) the relief requested would serve the public interest. *See Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1225-26 (11th Cir. 2005).

Plaintiffs need only show the following in order to be entitled to a preliminary injunction: (1) there is a substantial likelihood that he will ultimately prevail on the merits; (2) they will suffer irreparable injury unless the injunction is issued; (3) the threatened injury outweighs whatever injury the proposed injunction may cause to the opposing party; and (4) if issued, the injunction would not be adverse to the public interest. *Levi Straus & Co. v. Sunrise International Trading, Inc.*, 51 F.3d 982, 985 (11th Cir. 1995).

A. A PROTECTIVE ORDER IS WARRANTED UNDER THESE FACTS.

Initially, Plaintiffs seek a protective order pursuant to Federal rule of Civil Procedure Rule 23(d), stopping Monat's threatening, misleading, and intimidating communications to potential class members during the pendency of this case. As a putative class action, Rule 23(d) empowers this Court to stop and correct Monat's unfortunately effective strategy of minimizing participation in this lawsuit. Rule 23(d) provides courts with independent discretion to manage the prosecution of a class action and counteract threats to the fairness of the litigation process. See *Gulf Oil Co. v. Bernard*, 452 U.S. 89, 99 (1981). The power to act under Rule 23 is independent of the power to act under the more stringent requirements of Rule 65. Courts have broad authority in exercising their Rule 23(d) discretion when a defendant improperly communicates with potential class members. Two common methods are stopping future communications and issuing corrective notice to mitigate the harm of prior improper communications.

Left unchecked, Monat's misleading and intimidating communications with putative class members could dissuade consumers from participating in the case, thereby "undermin[ing] Rule 23." *Belt v. Emcare, Inc.*, 299 F. Supp. 2d 664, 667-68 (E.D. Tex. 2003). Plaintiffs seek regulation of Defendant's communications with potential class members through the imposition of a protective order, in order to "prevent frustration of the policies of Rule 23." See *Gulf Oil*, 452

U.S. at 102. The Court has authority to regulate communications that jeopardize the fairness of the litigation even if those communications are made to future and putative class members. *O'Connor v. Uber Technologies, Inc.*, 2014 WL 1760314, at *4 (N.D. Cal. May 2, 2014).

Courts have also regulated pre-certification communications that were not confined to putative class members. See, e.g., *Jackson v. Motel 6 Multipurpose, Inc.*, 130 F.3d 999, 1002, 1007 (11th Cir.1997) (holding that the district court abused its discretion in allowing the plaintiffs to “publish notices of the ongoing litigation in publications nationwide and solicit information about potential class members and their alleged experiences with discrimination at Motel 6 motels,” when the “communications would be nationwide in scope and would cause serious and irreparable injury to the defendant, when a decision on class certification was not imminent, and when [one of the proposed classes] was clearly not certifiable”); *Recinos–Recinos v. Express Forestry, Inc.*, 2006 WL 197030, *11 (E.D. La. Jan. 24, 2006) (entering protective order restraining defendants from contacting families of potential class members in an attempt to warn of adverse consequences if they joined the suit). Furthermore, classes may be defined to include future class members. See *Rodriguez v. Hayes*, 591 F.3d 1105, 1118 (9th Cir.2010) Constraining the court’s authority under Rule 23(d) to regulating only communications between a Defendant and current class or putative class members, to the exclusion of future class members, would undermine the court’s ability to insure the fair conduct of the action, and protect the integrity of the class and the administration of justice. Fed.R.Civ.P., Rule 23 Adv. Comm. Notes.

In managing a class action, a court may “limit communications with absent class members where the communications were misleading, coercive, or an improper attempt to undermine Rule 23 by encouraging class members not to join the suit.” *Id.* at 667, citing *Kleiner v. First Nat. Bank of Atlanta*, 751 F.2d 1193, 1206 (11th Cir. 1985); *Burrell v. Crown Cent. Petroleum*, 176 F.R.D.

239, 244-45 (E.D. Tex. 1997); *Hampton Hardware, Inc. v. Cotter & Co., Inc.*, 156 F.R.D. 630, 632-33 (N.D. Tex. 1994)). Before a district court can issue an order limiting a party's contact with a potential class, the Supreme Court requires “a clear record and specific findings that reflect a weighing of the need for a limitation and the potential interference with the rights of the parties.” *Veliz v. Cintas Corp.*, 2004 WL 2623909, at *3 (N.D. Cal. Nov. 12, 2004).

An order of this kind does not require a showing of actual harm. *Veliz*, 2004 WL 2623909 at *3 (citing *Burrell*, 176 F.R.D. at 241-45). Rather, a “likelihood of abuse, confusion, or an adverse effect on the administration of justice” will suffice. Abusive practices that have been considered sufficient to warrant a protective order include communications that coerce prospective class members into excluding themselves from the litigation; communications that contain false, misleading or confusing statements; and communications that undermine cooperation with or confidence in class counsel. *See Cox Nuclear Medicine*, 214 F.R.D. 696, 697-698 (S.D. Ala. 2003) (summarizing cases on abusive communications in class litigation); *In Re Asbestos Litigation*, 842 F.2d 671, 682, n.23 (3d Cir. 1988) (summarizing protective orders issued in class litigation for “blatant misconduct that sought either to affect class members' decisions to participate in the litigation or to undermine class members' cooperation with or confidence in class counsel”).

Plaintiffs supply ample evidence to support the necessary findings and demonstrate that the great need for such a limitation. Here, communications have been threatening, intimidating and misleading and Monat's coercion has been explicit. Monat tried to coerce and to convince class members to publicly state that they were lying when they shared their truthful experiences and observations. Defendant has threatened and actually filed lawsuits claiming hundreds of thousands of dollars in damages for the purpose of causing financial and emotional distress to class

members. This is precisely the kind of “clear record” that reflects a need for a limitation on Monat’s communications with members of the putative class.

The specific protective order sought by Plaintiffs here is this – the Court should order Defendant Monat to cease all communications with prospective class members outside of its ordinary course of business of selling hair products during the pendency of this lawsuit, unless such communications are pre-vetted and approved by this Court. This will protect both the prospective class, but simultaneously permit Monat to communicate with the prospective class members for legitimate business purposes.

B. CORRECTIVE NOTICE IS NECESSARY TO MITIGATE HARM FROM PRIOR MISLEADING AND INTIMIDATING COMMUNICATIONS.

Monat engages in this threatening activity to limit communication among class members, and to depress the level of participation in the case. And it is working. This cannot stand. Monat should not be permitted to benefit from its misconduct. *See Haffer v. Temple Univ.*, 115 F.R.D. 506, 512 (E.D. Pa. 1987) (defendants not permitted to benefit from their improper acts). Corrective notice should be disseminated to the putative class to level the playing field.

A court may “require – to protect class members and fairly conduct the action” that notice be given in such manner as the court may direct to “some or all class members” at any step in the action.” Fed. R.Civ.P. 23(d)(1)(B). Courts often order such notice after defendants initiate improper or misleading communications with putative class members. *See, e.g., Veliz*, 2004 WL 2623909, at *8 (corrective notice because CEO sent a letter to employees that may have been threatening); *Belt*, 299 F. Supp. 2d at 670 (corrective notice to employees who were sent a misleading letter deriding the lawsuit); *Haffer*, 115 F.R.D. at 512 (issuing corrective notice to class at defendants' expense because defendant had sent a memo and made remarks making it clear it preferred class members not meet with or speak to class counsel); *see also* Manual for Complex

Litigation (Third), Section 30.22, at 230 (1995) (the court may require notice to certain class members to correct misinformation or misrepresentations); *Tedesco v. Mishkin*, 629 F. Supp. 1474, 1484 (S.D.N.Y. 1986) (court ordered defendant to pay for letter from plaintiff's counsel correcting misconceptions caused by "false, misleading and coercive communications" to class members); *Pollar v. Judson Steel Corp.*, No. C. 82-6833, 1984 WL 161273 (N.D. Cal. Feb. 3, 1984) (corrective notice ordered to counteract confusion caused by defendant's conduct).

Monat has directly told class members that this lawsuit has no merit. As Monat has succeeded in depressing participation and frightening putative class members into silence, the corrective notice the Court issues should advise the prospective class members that they have the right to come forward and communicate with attorneys and others honestly regarding their experience without fear of retaliation or reprisal, or retributive litigation.

C. INJUNCTIVE RELIEF IS ALSO NECESSARY.

Plaintiffs also seek injunctive relief, a temporary restraining order ("TRO") pending a subsequent preliminary injunction. A temporary restraining order is an appropriate remedy in a situation where a party is facing immediate irreparable harm that will likely occur before a hearing for preliminary injunction can be held. See 11A C. Wright, A. Miller & M. Kane, *Federal Practice and Procedure* § 2951 (2d ed. 1995). To be entitled to a TRO, a movant must show: (1) a substantial likelihood of ultimate success on the merits; (2) the TRO is necessary to prevent irreparable injury; (3) the threatened injury outweighs the harm the TRO would inflict on the non-movant; and (4) the TRO would serve the public interest. *Ingram v. Ault*, 50 F.3d 898, 900 (11th Cir. 1995). A request for preliminary injunction is judged by almost the same standard. See *Johnson & Johnson Vision Care, Inc. v. 1-800 Contacts, Inc.*, 299 F.3d 1242, 1246–47 (11th Cir.2002).

The goal of both the TRO and preliminary injunction is to prevent irreparable harm and to “preserve the district court's power to render a meaningful decision after a trial on the merits.” *Canal Auth. of the State of Fla. v. Callaway*, 489 F.2d 567, 572 (5th Cir.1974). “The chief function of a preliminary injunction is to preserve the status quo until the merits of the controversy can be fully and fairly adjudicated.” *Suntrust Bank v. Houghton Mifflin Co.*, 268 F.3d 1257, 1265 (11th Cir. 2001). “[T]he most compelling reason in favor of [granting a preliminary injunction] is the need to prevent the judicial process from being rendered futile by defendant's action or refusal to act.” *Id.* at 573; *see also All Care Nursing Serv., Inc. v. Bethesda Mem'l Hosp., Inc.*, 887 F.2d 1535, 1537 (11th Cir.1989) (“Preliminary injunctions are issued when drastic relief is necessary to preserve the status quo.”). Here, Plaintiffs satisfy all the prerequisites for both a TRO and a preliminary injunction, as demonstrated below.

1. Plaintiffs have a Substantial Likelihood of Success on the Merits

Plaintiffs will likely succeed on the merits because Defendant's communications to class members are replete with material misstatements and omissions, and are designed to prevent class members from cooperating with Plaintiffs' counsel's investigation and to coerce class members to settle their legal claims for substantially less than full value. “Because of the potential for abuse, a district court has both the duty and the broad authority to exercise control over a class action and to enter appropriate orders governing the conduct of counsel and parties.” *Gulf Oil*, 452 U.S. at 100. “The prophylactic power accorded to the court presiding over a putative class action under Rule 23(d) is broad; the purpose of Rule 23(d)'s conferral of authority is not only to protect class members in particular but to safeguard generally the administering of justice and the integrity of the class certification process.” *O'Connor*, 2014 WL 1760314, at *3. “Courts may limit

communications that improperly encourage potential class members to not join a suit, especially if they fail to provide adequate information about the pending class action.” *Id.* at *6-7.

Courts in this Circuit have imposed limitations on communications based on findings that the communications were misleading, coercive, or omitted critical information. In *Kleiner*, the 11th Circuit recognized that *ex parte* telephone calls with potential class members can be particularly questionable because of their coercive nature and “one-sided presentation” produce “distorted statements” from “susceptible individuals.” *Kleiner*, 751 F.2d at 1206. Courts have limited communications that encourage potential class members not to join the suit. *See, e.g., Kleiner*, 751 F.2d at 1203; *Hampton Hardware, Inc.*, 156 F.R.D. at 632–33 (letters to potential class members warning of potential costs of litigation and advising not to participate in the suit were an improper “attempt to prevent member participation in the class action”). Other courts have restricted communications or invalidated releases when the communications suffered from similar deficiencies. *See, e.g. Freidman v. Intervet Inc.*, 730 F. Supp. 2d 758, 764 (N.D. Ohio 2010) (releases obtained without informing class members they were giving up the right to participate in putative class action); *In re Currency Conversion Fee Antitrust Litigation*, 361 F. Supp. 2d 237, 251 (S.D.N.Y. 2005) (class members not informed of pending class action); *Harris v. Acme Universal, Inc.*, 2014 WL 3907107, at *2 (D. Guam Aug. 11, 2014) (injunction for causing complaints to be withdrawn, making threats, and coercing false statements); *In re Lutheran Bhd. Variable Ins. Products Co.*, 2002 WL 1205695, at *3 (D. Minn. May 31, 2002) (ordering an attorney who had sent misleading solicitations to class members to submit any future solicitations to the Court and the parties for review prior to mailing).

Here, curative action is necessary—and Plaintiffs are likely to succeed on the merits—because Defendant's communications sent to class members are replete with material

misstatements and omissions and were undoubtedly aimed at limiting their liability. Defendant required class members to sign prewritten declarations that Monat knew were false. Such actions are unethical and illegal. *See* 18 U.S.C. § 1622. Monat threatened potential class members with cease and desist letters, and with threats of defamation lawsuits. Ultimately, Monat made good on those threats by filing multiple lawsuits seeking hundreds of thousands of dollars in damages. Given that Defendant's communications are improper on numerous levels, Plaintiffs are confident that the Court will ultimately rule in their favor.

2. Retaliation and the Stresses It Causes are Irreparable Harms.

Next, Plaintiffs must demonstrate irreparable harm. Here, Plaintiffs have been able to collect, in a very short period of time, incontrovertible evidence that Defendant's false and misleading communications have caused, and are likely to cause, significant confusion among class members. Irreparable harm has already occurred, and additional harm may occur in the absence of a restriction on communication. This warrants the imposition of a TRO.

Courts facing similar facts also have concluded that errant communications to putative class members create irreparable harm that warrants a temporary restraining order. “Unsupervised, unilateral communications with the plaintiff class sabotage the goal of informed consent by urging exclusion on the basis of a one-sided presentation of the facts, without opportunity for rebuttal. The damage from misstatements could well be irreparable.” *Kleiner*, 751 F.2d at 1203; *see also Stransky v. HealthONE of Denver, Inc.*, 929 F. Supp. 2d 1100, 1109 (D. Colo. 2013) (“Courts have ordered a variety of remedial measures for misleading and improper communications, including prohibiting further ex parte communications”).

Absent immediate Court intervention, Plaintiffs will suffer irreparable harm. “[I]mproper conduct for which monetary remedies cannot provide adequate compensation suffices to establish

irreparable harm.” *Paulsen v. County of Nassau*, 925 F.2d 65, 68 (2d Cir. 1991)(citation omitted). Also, “emotional and physical harm may in some circumstances justify preliminary injunctive relief.” *Moore v. Consol. Edison Co. of New York*, 409 F.3d 506, 511 (2d Cir. 2005)(citing *Shapiro v. Cadman Towers, Inc.*, 51 F.3d 328, 333 (2d Cir. 1995)). Here, Plaintiffs have shown actual intimidation and ongoing emotional harm. First, Defendant's actions are part of a concerted plan to discourage Plaintiffs and the members of the putative class from complaining about their injuries. This is illegal and corrosive to the justice system. Members of the putative class have been dissuaded from contributing to the investigation of the claims of this lawsuit. Many customers report emotional harm flowing from Monat's acts, including stress and anxiety, fear of being sued, sleepless nights—all of which cannot be undone by a future economic award.

3. The Balance of Hardships Weighs in Favor of Plaintiffs.

A TRO is a stopgap measure to prevent further harm and is necessary here. The hardships imposed on putative class members in the absence of relief would be significant. Plaintiffs have demonstrated that class members' due process rights to make an informed decision regarding class participation have been irreparably harmed by Defendant's misleading communications. More broadly, individual class members could endure significant hardship if they were misled into settling and releasing their claims and were ultimately prevented from participating in a class action litigation that they believed, with the benefit of complete information, could benefit them. *Kleiner*, 751 F.2d at 1203 (“Unsupervised, unilateral communications with the plaintiff class sabotage the goal of informed consent by urging exclusion on the basis of a one-sided presentation of the facts, without opportunity for rebuttal.”)

On the other hand, the hardships imposed upon Defendant are not significant because the corrective action proposed by Plaintiffs does not substantially implicate Defendant's First

Amendment rights. Plaintiffs merely seek to restrain unsolicited communications with any potential class members regarding this action and/or litigation Monat might pursue individually against such class members unless pre-approved by this Court. In this regard, the relief Plaintiffs seek is narrowly tailored to avoid further irreparable harm while also avoiding any unnecessary constraints on Defendant and its counsel. The order Plaintiffs seek does not limit Defendant's ability to communicate with putative class members regarding any topic other than the present litigation and its underlying claims, or threats of litigation by Monat regarding similar allegations.

An order limiting communications between defendant and the potential class members “will satisfy first amendment concerns if it is grounded in good cause and issued with a ‘heightened sensitivity’ for first amendment concerns.” *Kleiner*, 751 F.2d at 1205. Before issuing the restriction, the Court must consider (1) the severity and the likelihood of the perceived harm; (2) the precision with which the proposed order is drawn; (3) the availability of a less onerous order; and (4) the duration of the proposed order. *Id.* at 1206.

First, the actual harm from Monat’s communications with the potential class members, and the likelihood of continued harm if communication continues unrestricted, is clear. Unsupervised communications with the potential class members hinder the goal of informed consent and the damage could be irreparable. *See Kleiner*, 751 F.2d. at 1203. Second, Plaintiffs' proposed restrictions are narrowly tailored so as to only limit speech about the issues related to this litigation. Third, the “fit” between Plaintiffs' proposed restrictions and their purpose, which is to protect the rights of potential class members, is “reasonable.” *See Board of Trustees v. Fox*, 492 U.S. 469, 480 (1989). Finally, the proposed restrictions are not of excessive duration, as they only extend until this case is resolved. *See Kleiner*, 751 F.2d at 1207.

4. The Relief Requested Would Serve the Public Interest

The fourth and final factor courts consider before issuing a TRO is whether the public interest will be served by the relief requested. Here, that is indisputably the case. Defendant has no legitimate interest in inducing class members into making uninformed decisions regarding their class and collective action rights, has no legitimate interest in intimidating or coercing potential class members, and has no legitimate interest in keeping potential class members from cooperating in Plaintiffs' counsel's investigation. A limitation on Defendant's communications is, therefore, in the public interest because the limited prior restraint serves the court's duty "not only to protect class members in particular but to safeguard generally the administering of justice and the integrity of the class certification process." *O'Connor*, 2014 WL 1760314, at *3.

The public interest implicated here is embodied in Florida's anti-SLAPP statute, Fla. Code § 768.295, a statute that codifies Florida's public policy of protecting free speech regarding matters of public concern. Florida's statute, like most states' anti-SLAPP statutes, seeks to protect the public against parties filing meritless lawsuits designed to silence or harass critics by forcing them to spend money to defend against these baseless suits. Defendant's threats (and filing) of defamation suits are precisely the type of meritless lawsuits that the anti-SLAPP statute seeks to protect against. Because Defendant's conduct is designed to, and is resulting in, the same type of free speech suppression that the anti-SLAPP statute protects against, the public interest is served by immediately stopping Monat from engaging in this conduct.

5. The Court Should Waive the Bond Requirement.

In addition to these factors, a temporary restraining order may only issue "if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained." Fed. R. Civ. P. 65(c). The amount of the security, however, "is a matter for the discretion of the trial court" and as such, this

Court “may elect to require no security at all.” *Corrigan Dispatch Co. v. Casa Guzman, S.A.*, 569 F.2d 300, 303 (5th Cir. 1978). Because the underlying case involves the widespread use of a hair care product that may (if Plaintiffs’ allegations are found to be true) harm the general public, and where hundreds if not thousands of individuals have already been physically harmed by this product, and the harm to Defendant is minimal at best, the court should exercise its discretion to require that no security be posted by Plaintiffs, or only a nominal amount for security.

6. This Court Should Enter an Order to Show Cause Why a Preliminary Injunction Should Not Issue

Considering the scope and nature of Defendant's massive scheme to suppress any negative discussion of its products and this class action lawsuit, this Court should issue an order to show cause why a preliminary injunction should not issue. Moreover, due to the limited time period in which a temporary restraining order may remain in force, a show cause order would expedite the determination of whether a preliminary injunction is warranted. *See, e.g., Fernandez-Roque v. Smith*, 671 F.2d 426, 429 (11th Cir. 1982) (noting that a “characteristic of a temporary restraining order is the limitation on its duration” and that a temporary restraining order extending beyond the twenty-day maximum period in duration may be treated as a preliminary injunction).

7. Plaintiffs Should Be Allowed to Engage in Expedited Discovery

Accelerated discovery will benefit the parties and assist the Court in ensuring that a full picture of the facts is before the Court before determining whether to grant Plaintiffs preliminary injunctive relief. Courts frequently evaluate extensive evidence presented by the movant to determine whether a preliminary injunction should issue following the entry of a temporary restraining order. *See, e.g., California v. Am. Stores Co.*, 495 U.S. 271, 277 (1990); *S.E.C. v. Mutual Benefits Corp.*, 408 F.3d 737, 741 (11th Cir. 2005).

Specifically, Plaintiffs request that the Court allow Plaintiffs to immediately conduct depositions and immediately propound requests for production of documents and interrogatories. Furthermore, Plaintiffs request that the Court require Defendant's responses to be served within five (5) calendar days. Such an accelerated discovery schedule will not prejudice Defendant and will serve the interests of justice. The absence of preliminary discovery will severely prejudice Plaintiffs by denying them the additional documents and information necessary to fully develop the record prior to the preliminary injunction hearing. Accordingly, this Court should enter an order of expedited discovery. *See, e.g., Quantum Comm. Corp. v. Star Broadcasting, Inc.*, 473 F. Supp. 2d 1249, 1272 (S.D. Fla. 2007) (court granted expedited discovery to present evidence at the preliminary injunction hearing); *Kirkpatrick v. White*, 351 F. Supp. 2d 1261, 1265 (N.D. Ala. 2005) (court granted expedited discovery together with the temporary restraining order).

CONCLUSION

For the reasons stated herein, Plaintiffs respectfully request: a temporary restraining order against Defendant and their counsel preventing them from engaging in any unsolicited communications with any potential class members regarding this action or threatening litigation based on allegations similar to those herein unless pre-approved by the Court; that the Court immediately schedule a hearing on Plaintiffs' request for a preliminary injunction; that the Court issue a show cause order as to why a preliminary injunction should not issue; that the Court issue an order allowing Plaintiffs to engage in expedited discovery, and; that the requirement for posting a bond pursuant to Rule 65(c) shall be waived. In the alternative, Plaintiffs request that the Court enter a protective order pursuant to Rule 23(d), prohibiting Defendant Monat from communicating with potential class members during the pendency of this lawsuit, unless such communications are pre-vetted and approved by this Court.

Rule 65(b)(1)(B) Certification

Pursuant to Rule 65(b)(1)(B) I hereby certify that the undersigned has sent the above motion for service by process to Defendant's Registered Agent because no attorney has filed an appearance in this action.

Respectfully submitted this 7th day of March, 2018.

VARNELL & WARWICK, P.A.

/s/ Janet R. Varnell

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Attorneys for Plaintiffs and the Proposed Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

I further certify that a true and correct copy of the foregoing has been dispatched to a process server for service of same upon Defendant's Registered agent.

Dated: March 7, 2018

VARNELL & WARWICK, P.A.

/s/ Janet R. Varnell

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EXHIBIT 1

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Trisha Whitmire and Emily Yanes de
Flores, individually, and on behalf of all
others similarly situated,

Plaintiffs,

v.

MONAT GLOBAL CORP.

Defendant.

Civil Action No. 1:18-CV-20636

I, Vicki Nittinger, being duly sworn and deposed, say:

1. My name is Vicki Nittinger. I am a resident of Jacksonville, Florida and am over the age of 18.

2. I am a successful hairstylist and hair educator. In the latter part of 2015, I was contacted by Sarah Ewing Reed and Jewelry Stephens regarding Monat products that were being marketed directly to stylists. The products were described as all natural, and were represented as hair growth products. They specifically said that the products would make hair longer, thicker, denser as well as soft and manageable. They offered to send me full bottles of the product to try and at the end of the discussion, it was revealed that the company was actually a Multi-Level Marketing company. I declined as a company doing direct sales through non-professional channels was inconsistent with my training as a licensed Salon Professional.

3. Another professional hairstylist, Katie Siepierski, posted her analysis of this company and this product online August 2015 and many times thereafter. At some point Ms. Siepierski discontinued any commentary and would not respond to anyone who contacted her on

the subject of Monat. I was told by others that Monat threatened to sue her and as part of settlement she could never speak of product again.

4. The majority of stylists seemed to ignore these products until 2017 because it was not a salon professional product and the company was selling it through a Multi-Level Marketing structure. Monat Market Partners often came into professional hair forums on Facebook suggesting this product as the cure-all for whatever ailed the client. It didn't matter if it was alopecia, male pattern baldness, thin fine hair, Monat was proffered as the miracle cure. Many stylists, including myself would become angry and frustrated that this non-professional product was even being discussed in a professional hair forum let alone sold by Salon professionals. This goes against everything we were taught in cosmetology school.

5. If stylists spoke out on the forum about what we perceived to be blatant misrepresentations or spoke negatively about the products in any way, Market Partners would threaten them with lawsuits. To our knowledge at that point no lawsuits have been filed so we thought they were empty claims. Then, suddenly, it seemed these products were running rampant through our industry and many Salon professionals had signed up as Market Partners to sell it.

6. In August 2017 Amy Cheeks, a professional hair stylist who had been previously critical of the Monat products and marketing representations, posted a statement online that said she "recently published false statements concerning MONAT and its products. The statements contained claims about MONAT and its products that were flat-out lies. When I published these lies, I knew they were untrue, or I didn't care whether they were untrue, but I published them anyway. I simply wanted to damage MONAT's reputation and the reputation of its products...." Shortly thereafter, Ms. Cheeks became silent regarding this product. I later discovered that several

stylists received cease-and-desist letters and in order to keep the company from suing them had to agree to post an identical statement online and never spoke about the product again.

7. Threats of lawsuits and other cease and desist letters appeared online and the attacks from Market Partners online became much more prevalent. Some Monat Market Partners made Facebook live videos bragging about suing people for defamation. Monat Market Partners became much more aggressive towards stylists in particular who were speaking out against the product or debunking things such as claims of being all natural, FDA-approved, making hair grow, and telling people who were suffering adverse reactions that their hair was just in the "detox stage."

8. When I joined the Facebook group, MONAT-My Modern Nightmare, there were roughly 400 people in membership, most of whom said that they had suffered adverse reactions to MONAT but the group also included hairstylists looking for more information on the products and alleged damage. They were also offering support and suggestions on how to remove the build-up from the hair. There were reporters in the group wanting to do news stories about the victims and their product use. The group expanded quickly and ultimately had more than 20,000 members.

9. A Tulsa Oklahoma news story featuring victims Leah and Amber Alabaster was squashed by threats from Monat executives, including Mr. Hoolihan who is the VP and Chief Legal Counsel and Monat's president, Mr. McMillan. According to the victims, the threats were that the station would be sued for defamation if the story ran. The Monat executives also reportedly stated that the victim stories were exaggerated, made up, and that their photographs were doctored.

10. All Administrators and moderators were served with cease and desist letters from MONAT in the first week or so of February requiring all posts from personal Facebook pages be deleted mentioning Monat; placing a statement claiming to have lied about the product and the company; placing a statement within the group stating that because there were so many lies posted

we had decided to close the group; orders to delete every member from the group and every post from the group; and then delete the group. Because Vickie Harrington was still in the group as an admin at that time she was the group owner and Creator and the only one able to facilitate those demands and she refused. This was a unanimous decision by all of the administrators anyway, but Vickie Harrington was the only one who actually had the ability to facilitate this process.

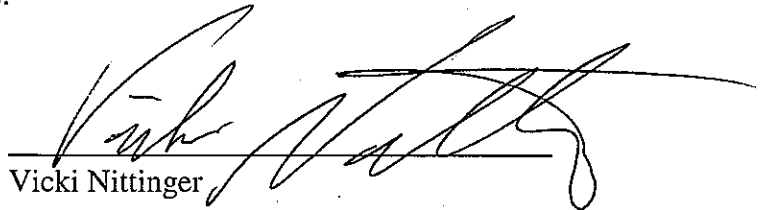
11. On February 21, 2018, Vicki Harrington left the Facebook group entirely and the private administrators chat groups on the advice of her attorney. Later in the day I received a frantic call from Vicki Harrington asking me to call all admins and moderators and explain to them that she needed the group back and that MONAT wanted her to turn the group over to Monat for their Market Partners to act as administrators to run the group without notifying members. She instructed me to call every administrator and every moderator and let them know what was going on, and advise them not to put anything in the group chat regarding this conversation. I spoke to all of them and we all agreed that it was not in the best interest of the 20,000 members that this group had grown to at this point to hand them over to be victims to MONAT once again. At that time, a new group was formed which included new rules intended to try and protect its members from Monat's frivolous SLAPP suits by limiting the use of certain words and identifiers. The new group still permitted the sharing of experiences and observations that are protected by the First Amendment.

12. Soon thereafter, Kathryn Wheeler, Amy Granger Carter, Kayla Baker posted videos to the Facebook group through Kayla Baker reading a statement from ~~Vickie Harrington~~ ^{Vickie Harrington}. In the statement it was claimed that the group had been stolen from Vickie Harrington and that no one was safe. Kayla advised everyone to delete their posts and leave the group because Monat was

angry and intended to sue everyone in the group who spoke out as well as all of the administrators and moderators.

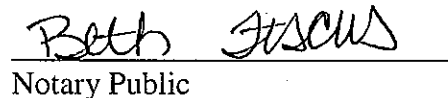
13. I have received official subpoenas from the various defamation lawsuits filed by Monat requiring all manner of items related to this Facebook group.

Executed this 7th day of March, 2018.


Vicki Nittinger

STATE OF Florida)
COUNTY OF Duval)

Sworn to and Subscribed before me this 7th day of ^{March}~~January~~, 2018, by Vicki Nittinger, proved to me on the basis of satisfactory evidence to be the person who appeared before me.


Notary Public

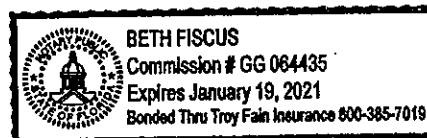


EXHIBIT 2



Monat Is Suing A Woman Who Said Their Products Are A "Nightmare"

Women say the products from multilevel-marketing company Monat caused them to lose hair and develop itchy and bleeding scalps. Now, the company is suing the head of a Facebook support group for more than \$225,000.

Posted on February 7, 2018, at 2:34 p.m.



Stephanie McNeal

BuzzFeed News Reporter

The hair company Monat is suing a woman from North Carolina for more than \$225,000 in damages after she started a Facebook group claiming the company's products cause "balding, hair loss, and scalp damage."



Monat Global, which was founded in 2014, is a multilevel-marketing company that sells "natural" and

Share

Share

Monat says it sells "natural" and "safe" personal care products that "help boost hair growth and vitality."

On Jan. 26, Monat filed a federal lawsuit in North Carolina against Vickie Harrington, 54, claiming she "defamed Monat by actively spreading harmful information regarding Monat's products that she knew to be false." Harrington said she did no such thing.



Vickie Harrington

Harrington posted to the Facebook group in December about "hair loss, scalp sores,

Pacer

She also posted a photo of a bald Mona Lisa to the Facebook page, calling it the “Monat Lisa,” according to the lawsuit.

"Harrington's Facebook posts explicitly or impliedly represent that Monat's products cause scalp sores and abrasions, hair loss, balding, and are dangerous for pregnant women, or individuals receiving cancer therapy," the lawsuit said, saying she has no “scientific or factual basis.”

Monat sued her for defamation and libel.

Harrington told BuzzFeed News she bought her first Monat products from her neighbor last year, and said she was so “impressed” she spent about \$900 on the kit to become an MP. But soon, she said her hair started to fall out.

Vickie Harrington

She said she contacted her neighbor over the amount of hair she was losing, but her neighbor said that Harrington was just experiencing the treatment's "detox."

"These products are getting all of the years of products and buildup off of your hair," she said she was told. She added that she hadn't changed anything else in her lifestyle that could have caused the changes.

"In fact, I had a complete physical in March and my doctor's exact words were 'your numbers are perfect,'" she said.

But Harrington said her hair loss did not stop, so she told her neighbor she couldn't use or stand by the products anymore.

After about three months, the lawsuit said, Harrington asked for a full refund — but Monat said they told her that the 30-day window to get a full refund had passed. So Harrington said she looked online to see if others had been affected.



View this video on YouTube
[youtube.com](https://www.youtube.com)

"If they had given me my money back [initially], we would not be having this conversation today," she told BuzzFeed News.

She connected with Leah Jackson, a vlogger speaking out against Monat on YouTube.

Harrington then started the Facebook group — since November, more than 12,000 woman have joined, some sharing photos of the damage they say Monat has done to their hair and scalp. Jackson told BuzzFeed News she was the seventh member to join the closed group — called "Monat-My Modern Nightmare" — and there are now eight admins, including Jackson and Harrington.

Monat, in the lawsuit, said "Harrington took to Facebook to relentlessly disparage Monat's products, and falsely represented that they cause balding, hair loss, and scalp damage."

Harrington said she has since received a full refund from Monat, and was employed the entire time she was a Monat MP. She never planned on living off her Monat income alone.

She said she continues to run the Facebook group because she feels the women in there need someone to be their voice.

"At this point I've gotten my money back; I could easily just step away," she said. "But they need someone who is willing to fight the fight."

In the lawsuit, Monat says its products have "passed all clinical safety tests to which

Facebook

Jamie Ross, the senior VP for research and development at Monat, told BuzzFeed News every ingredient in their products is listed on their labels, and their products have undergone tests which are "standard tests in the dermatological field."

He said it's possible "anyone can be allergic to anything," though, and if a customer is concerned about an allergy to an ingredient, they should patch test the product first.

One person asked Harrington on Facebook, "What if I haven't had a problem, can I still make a complaint about the company? And why does the FDA allow them to lie about being 'natural?'" according to the lawsuit.

Harrington replied, "you can still complain."

A Monat spokesperson told BuzzFeed News the Facebook group is a "concerted effort by a Monat competitor disguised as a spontaneous social media uprising to smear the company" — a claim Harrington laughed at.

Monat: My Modern Nightmare

"I am not being paid by a competitor," Harrington told BuzzFeed News. "Who would pay me?"

Stuart MacMillan, Monat's president, told BuzzFeed News he believes Harrington is connected to their enemies in the hair care industry. He said he had reason to believe she was "best friends" with Mags Kavanaugh, a hairstylist from Florida whom the company also sued for defamation in July. A federal judge allowed that lawsuit to proceed last month.

Harrington denied knowing Kavanaugh, and Kavanaugh told BuzzFeed News she has never met Harrington.

"She doesn't appear to be a random woman to me, someone who's that vindictive," MacMillan said about Harrington. "Don't you think it's kind of strange [Harrington] now is on a crusade?" He also accused her of adding people to the group herself to make the group seem bigger, rather than people joining it on their own.

He said he would love to have a conversation with Harrington about her claims, but that she has never contacted the company — even though the company said in its lawsuit she reached out for a refund.

MacMillan added that Harrington had blocked him on Facebook. When BuzzFeed News asked if Monat would reach Harrington using a method other than Facebook, MacMillan said, "I'm not the one who has the issue."

MacMillan said there are people in the Facebook group who are supportive of the company who send him some of the complaints made in the group, and that in the past several months there have been about 30 complaints filed to the company about its products.

"If we had 10,000 people who complained about our products to us we would have an issue," he said.

MacMillan said if anyone has had adverse effects, they should "stop using the product and go see a dermatologist." Regarding hair loss, he said "the average person sheds 150 hairs a day anyway."

"If I had a reaction like that to a product I purchased, I would not be posting the photos to a private Facebook group," he said. He called the Facebook group "sick and disgusting."

The hair "detox" that Harrington said she was told about when she began seeing issues is a talking point for many of the MPs, both in person and online. The below image, which has been shared widely by many MPs on social media, explains what they say a Monat "detox" can do.

Sally Lynch

MacMillan told BuzzFeed News that the idea of a "hair detox" that may cause hair loss is not in the

states hair loss is not part of the "detoxifying" process.

BuzzFeed News has asked Monat's spokesperson if the company ever tried to alert MPs against using the image and the phrase "detox." A spokesperson for the company told BuzzFeed News she was unable to "track down" the answer to that question.

When asked where the above image came from, the spokesperson said she was unable to reach MacMillan to ask him.

BuzzFeed News reached out to former Monat customers, many of who said they got assurances from the MPs who sold them the products that the scary side effects were all part of the "detox." Their complaints are similar to what Harrington claimed, according to the lawsuit.

Facebook

This marketing, they said, led them to continue using the products until their scalps bled and they got bald spots. In the Facebook group, many have shared photos of what they say is the damage they saw after using the treatments.

Ashley McNight

In a post on Facebook, which she shared with BuzzFeed News, McNight said she started using Monat products in July of last year.

"I loved it, it made my hair feel and look amazing," she wrote. "Then I started experiencing an extremely itchy scalp, it wouldn't stop."

Her itchy scalp left her with "leakage and sores all over my head." She said there was no way this was a "detox."

"I stopped using Monat last month, I've been searching for ways to help my head, it's already 95% better since I stopped," she said. "My scalp seems to be okay now...but the hair loss is so scary. I had thin hair to start with and now it's even thinner. I can't afford to lose much more."

McNight added that she has not started using any other new products or medications that could have caused her issues.

Another former customer, Candace from Iowa, said the products thinned her hair out so much that she was forced to chop a large amount of it off.

Candace

Candace told BuzzFeed News she began using Monat products after she started getting messages from a Monat MP, who she said would "essentially beg me to try them."

"[She was] claiming [it would be the] best thing ever for hair, and my hair would be the healthiest it has ever been," Candace said. "My hair was already pretty healthy but me being me, I thought, 'shoot if I can have better hair...why not?'"

So she decided to buy the products, purchasing the Renew Shampoo, Restore Leave-In, and Replenish Conditioner. She used the products for about four months, she said, and was shocked when she started to have "chunks of hair breaking off" at the scalp, leaving her hair thin.

She said she finally had to go to her hairstylist and cut off four inches to even out the breakage.

Candace shared with BuzzFeed News an email she sent to the company on Jan. 16, 2018, in which she detailed her experience with Monat and sent photos of her damaged hair. She also shared

"This crap has to be removed from the market," she said.

Many of the women say their experiences have had a profound impact on them. Kaila Perri started Monat treatments in the hope of getting healthy hair for her wedding, but had to instead chop a lot of it off because of damage.

Kaila Perri

In a Facebook post shared with BuzzFeed News, Perri said she had hoped investing in her hair would boost her confidence for her big day.

"I'm not super confident so I knew that having long hair would be the one thing that would make me feel beautiful on that day," she said.

However, she claims that after just a week of using Monat products her scalp "started breaking out all over in huge painful welts, like cystic acne," followed by dandruff.

She went looking for answers, and found the Facebook group.

She said the skeptics she had read about inspired her to share her story.

Kaila Perri

"Monat ruined my hair, and I'm sick and tired of being questioned about it and made to feel like it was somehow just my fault," she said. "Call me a hater. This is my Monat story."

Perri told BuzzFeed News she was on no medication, and had changed nothing in her beauty routine before she started having issues.

"My hair was also in the best condition it's been in a long time when I started Monat because I stopped getting it lightened, and was taking vitamins to help it be healthy," she said.

The admins of the Facebook group told BuzzFeed News they are there to be a support group for women who have nowhere else to turn.

Facebook

Jackson told BuzzFeed News that the insinuation she is working for a competitor is "too funny."

"No, I'm not being paid by any competitor and no, I'm not spreading any lies," she said. "This is what actually happened to my hair when I used Monat. I wish it wasn't real because my hair will never be the same. I wanted that unicorn magic hair and I wanted Monat to work so bad, but unfortunately it just didn't."

In a statement signed by all eight admins of the group, some of who are choosing to remain anonymous due to fear of retribution, they said they are not after any financial gain.

"Our 'gain' comes from hearing these heart-wrenching testimonies and then hearing them say, 'if it wasn't for this group, I wouldn't have emotionally recovered from this. I felt so alone before I found this group. I was told to push through, it's detox, and it ultimately cost me much much more than just my hair,'" they said.

Read the full lawsuit here:

[Download PDF](#)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
CIVIL ACTION NO. 4:18-CV-8

MONAT GLOBAL CORP,

Plaintiff,

v.

VICKIE HARRINGTON,

Defendant.

COMPLAINT

Monat Global Corp, by its undersigned counsel, complains against Defendant Vickie Harrington as follows:

Parties to this Action

1. Monat Global Corp ("Monat") is a Florida corporation, with its principal place of business in Doral, Florida.
2. Vickie Harrington ("Harrington") is, upon information and belief, a citizen of Winterville, North Carolina.

Jurisdiction and Venue

3. This Court has subject matter jurisdiction over Monat's claims under 28 U.S.C. § 1332 because Monat and Harrington are citizens of different states, and the amount in controversy exceeds \$75,000.
4. Venue is proper in the Eastern District of North Carolina because Harrington resides here, and on information and belief, made the defamatory statements, and carried out the unfair and deceptive acts at issue, in this district.

Contact Stephanie McNeal at stephanie.mcneal@buzzfeed.com.

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EXHIBIT 3

Monat - My Modern Nightmare

Closed Group



Anna Christman

New Member · Yesterday at 10:51am · Helena, MT

My MP just told me I could be sued simply for being in this group 🤔 and I don't know who to believe anymore. Is that even possible!? I've been here for like 2 weeks. And haven't hardly said anything? She also said all of you are hair stylists making up lies about Monat.... I saw pictures of a 6 year old losing her hair yesterday and it broke my heart 🤔 she's not a hair stylist... Andostof you aren't either.

EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
CIVIL ACTION NO. 4:18-CV-8

MONAT GLOBAL CORP,

Plaintiff,

v.

VICKIE HARRINGTON,

Defendant.

COMPLAINT

Monat Global Corp, by its undersigned counsel, complains against Defendant Vickie Harrington as follows:

Parties to this Action

1. Monat Global Corp ("Monat") is a Florida corporation, with its principal place of business in Doral, Florida.
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Jurisdiction and Venue

3. This Court has subject matter jurisdiction over Monat's claims under 28 U.S.C. § 1332 because Monat and Harrington are citizens of different states, and the amount in controversy exceeds \$75,000.
4. Venue is proper in the Eastern District of North Carolina because Harrington resides here, and on information and belief, made the defamatory statements, and carried out the unfair and deceptive acts at issue, in this district.

Background

5. Monat is a world-class designer, manufacturer, and distributor of hair care and personal products throughout the United States and Canada.

6. Monat sells its products using a direct sales model, under which it engages a number of independent sales representatives, referred to as "Market Partners," to market and distribute its products.

7. Monat provides commissions and other financial incentives to its Market Partners for sales they make, and for purchases and sales made by new and additional Market Partners that they recruit.

8. Monat's Market Partners utilize Facebook and other social media as the primary avenue of marketing Monat's products.

9. In approximately September 2017, Harrington executed a contract with Monat to become a Market Partner.

10. On information and belief, Harrington used or sold the initial product shipments she received, representing approximately \$900 in value.

11. Within approximately three months of becoming a Market Partner, Harrington demanded a full refund of all products she had purchased from Monat.

12. Monat initially rejected Harrington's demand for a refund because it was beyond Monat's 30-day money-back guarantee window.

13. In response, Harrington took to Facebook to relentlessly disparage Monat's products, and falsely represented that they cause balding, hair loss, and scalp damage.

14. On December 26, 2017, Harrington falsely represented on Facebook that Monat's products cause scalp burns, strip color from hair, and "thin" and break hair. Harrington also

represented that Monat products "contain a highly dangerous extract called red clover that is horrible for cancer patients, pregnant, and breast feeding woman [sic]." *See* December 26, 2017 Facebook post, attached as **Exhibit A**.

15. In late December 2017, Harrington commented on Facebook to another individual, "if you know anybody using these products, please warn them." She added that the "hair loss, scalp sores, irritation, burning, etc [sic] that DOES NOT STOP once you stop using these products." *See* late December 2017 Facebook post, attached as **Exhibit B** (identified individuals other than Defendant redacted).

16. On December 24, 2017, Harrington posted on Facebook an altered photograph of Leonardo da Vinci's Mona Lisa portrait, with the subject's hair removed so she appeared bald, which Harrington titled "Monat Lisa." Her comment corresponding to the picture read, "Trust me people! #MONATHairCARE." *See* December 24, 2017 Facebook post, attached as **Exhibit C** (identified individuals other than Defendant redacted).

17. In late December 2017, with no scientific or factual basis, Harrington again commented on Facebook that the red clover ingredient in Monat's products "is causing all kinds of major problems. Really bad in cancer patients." *See* late December 2017 Facebook comment, attached as **Exhibit D**.

18. In mid-December 2017, Harrington created a Facebook Group named "Monat - My Modern Nightmare" (the "Group" or "Facebook Group").

19. On or before December 16, 2017, Harrington created a post addressing the Group, which stated, "Happy Friday My Fellow Monat Haters!!" She continued:

I received some very interesting emails and we have definitely gotten some attention from the Florida Attorney General, The FTC, the Miami Dade county Consumer Protection Office as well as the BBB. So if you haven't filed a complaint and have issues with Monat, I urge you to get

those complaints in ASAP!! If you were not affected by Monat but your friends or clients were, please have them file complaints. . . .

See December 16, 2017 Facebook post, attached as **Exhibit E** (identified individuals other than Defendant redacted).

20. Harrington's statement on or about December 16, 2017, by itself and in context with her other statements, falsely implies and suggests that Monat has engaged in unlawful conduct, which has "gotten some attention," from various authorities that handle criminal and civil misconduct.

21. During discussions in the Group about flooding the Better Business Bureau and certain government agencies with complaints against Monat, one individual asked Harrington, "[w]hat if I haven't had a problem, can I still make a complaint about the company?" Harrington answered affirmatively, that yes, the individual "can still complain." *See* Harrington comment to Group member, attached as **Exhibit F** (identified individuals other than Defendant redacted).

22. On January 2, 2018, Harrington again created a Facebook post where she falsely represented that Monat products cause balding, and falsely suggested Monat engaged in criminal activity. She wrote:

#monatstrikesagain And the harassment continues! As you know, I've been stalked, threatened and harrassed [sic] on FB because some people can't handle the truth about Monat. I have ove [sic] 2,000 people that say the truth is your hair will fall out and worse!!! Well today, they crossed the line. Somebody left a sample of shampoo in my mailbox with no contact information. Other neighbors haven't received any. So now these people have taken it to a whole new level!!! They stalked me to find out where I live and then mess with my mailbox which is a federal offense. I have contacted the police this time and I have a few idsea [sic] of who did this and I'm sure the officer will be paying them a visit. . . . These people are crazy! And they want the truth silenced by playing childish games. Bring it!!! #monathaircare #monat #monatlies #monatsucks #monatharassment #monatstories

See January 2, 2018 Facebook post, attached as **Exhibit G**.

23. On January 10, 2018, Harrington created a Facebook post stating that "reporters in Oklahoma and LA want to do a story" on her "Monat Nightmare!!!!" She stated, "[e]verybody get your hands ready to wave bye bye to Monat!!" *See* January 10, 2018 Facebook post, attached as **Exhibit H**.

24. The next day, on January 11, 2018, Harrington again stated, "[h]ey Monat filming begins in 2 weeks!!!! #monat, #monathaircare #hairloss #monatnightmare." *See* January 11, 2018 Facebook post, attached as **Exhibit I**.

25. On January 16, 2018, Harrington posted five photographs on Facebook of magnified images purporting to show a scalp with graphic sores and abrasions ("January 16 Post"). *See* January 16 Post, attached as **Exhibit J**.

26. In her January 16 Post, Harrington stated "[s]till want to try Monat? First pic is a healthy scalp under a scalp scope. Other pictures are a friend's scalp AFTER Monat under same scalp scope. Let these images sink in for a minute. #monat #monathaircare #healthscalp #monathairloss." *Id.*

27. Individually and collectively, Harrington's Facebook posts explicitly or impliedly represent that Monat's products cause scalp sores and abrasions, hair loss, balding, and are dangerous for pregnant women, or individuals receiving cancer therapy.

28. Harrington's Facebook posts and comments have been adopted and republished by a number of individuals, many of whom, on information and belief, have a financial interest in disparaging Monat's products.

29. On information and belief, Harrington has made other defamatory statements, and her actions indicate she is likely to continue to make additional statements of a similar nature in the future.

30. There is no scientific or factual basis for Harrington's claims.

31. Monat's products have passed all clinical safety tests to which they have been subjected.

32. The ingredients in all of Monat's products have been approved as safe for consumer use by the United States Food and Drug Administration and the European Union in the quantities that Monat uses them.

33. Monat takes seriously the consumer complaints it receives, and investigates each complaint to the fullest extent permitted by the consumer.

34. Despite selling hundreds of millions of dollars in hair care and personal products, to hundreds of thousands of customers, Monat has seen no bona fide evidence that Monat's products cause scalp burns, sores, irritation, hair loss, or balding, as Harrington claims.

35. Although Harrington is one individual, she has used her social media account as a platform to falsely and maliciously disparage Monat and its products, and to attempt to gravely injure the business.

36. Harrington has published her posts, comments, and statements directly to, on information and belief, hundreds of people.

37. Thousands more have likely viewed Harrington's posts by virtue of Facebook's "share" feature, which allows any user to publish to their entire Facebook network another user's post.

38. Harrington's posts have been "shared" on numerous occasions.

39. In addition, Harrington's Facebook page is publicly accessible, so her posts can be accessed by individuals who are merely surfing Facebook or Google.

40. Harrington's Facebook posts are particularly damaging to Monat because Facebook is the primary avenue through which Monat Market Partners promote their products.

41. Through those efforts, Monat generated over \$200 million in sales in 2017.

42. Harrington's false and malicious statements have caused, and continue to cause, Monat to lose product sales. Her statements have improperly, and without justification, dissuaded potential customers from using Monat's products, and have caused existing customers to stop using Monat's products.

43. Harrington's false and malicious statements have damaged, and continue to damage, Monat's ability to attract new Market Partners.

44. Harrington's false and malicious statements have damaged, and continue to damage, Monat's relationships with its current Market Partners and their ability to market and sell Monat's products.

Count I: Commercial Disparagement/Trade Libel/Injurious Falsehood

45. Monat incorporates paragraphs 1 through 44 as if fully set forth herein.

46. On her public Facebook page, Harrington published falsehoods about the quality, condition, and value of Monat's products, on information and belief, to hundreds or even thousands of individuals.

47. Harrington made her statements with knowledge of their falsity, or while being reckless with regard to their falsity, and without any privilege to do so.

48. Harrington intentionally made false statements to cause damage to Monat's business and product sales.

49. Harrington's statements damaged Monat's sales, the value of its products, and Monat's relationship with its Market Partners, in excess of \$75,000.

50. Harrington made her statements with willful and malicious intent, as demonstrated by the fact that she has encouraged individuals to complain to the authorities even if they "haven't had a problem" with Monat's products, and based on the contempt and frequency with which Harrington posted negative comments.

Count II: North Carolina Unfair Trade Practices Act
N.C.G.S. § 75-1.1

51. Monat incorporates paragraphs 1 through 50, and paragraphs 59 through 68, as if fully set forth herein.

52. Harrington is a former Monat Market Partner.

53. Unsatisfied with her attempt to start her own business, Harrington has engaged in unfair or deceptive acts or practices affecting commerce by making false statements about Monat and its products.

54. Harrington's statements are immoral, unethical, oppressive, unscrupulous, and substantially injurious to consumers. These actions were intentionally taken to affect commerce, given their stated and implied intent to cause economic harm to Monat.

55. Harrington's Facebook posts had the tendency to deceive or mislead consumers, and have in fact deceived and misled consumers by telling them that Monat's products are detrimental to their health and well-being, when no such danger exists.

56. Harrington's statements have proximately caused injury to Monat, as they have prevented consumers from purchasing Monat's products, and have deterred Market Partners from working with Monat.

57. Harrington's deceptive and unfair business practices have damaged Monat's sales, its business relationships with Market Partners, and its ability to recruit prospective Market Partners, in excess of \$75,000.

58. Harrington's statements and conduct demonstrate a clear design to gravely injure Monat's business and reputation, including her willingness to fabricate claims and allegations to advance her aims and her willingness to encourage others to join her campaign against Monat even if they, admittedly, "haven't had a problem" with Monat or its products.

Count III: Defamation/Libel

59. Monat incorporates paragraphs 1 through 44 as if fully set forth herein.

60. On her public Facebook page, Harrington published falsehoods about Monat and its products, on information and belief, to hundreds or even thousands of individuals.

61. Harrington's statements were intended to, and did, impeach the trade or profession in which Monat engages. Moreover, Harrington's intent was to subject Monat to ridicule, contempt, or disgrace.

62. Harrington's statements constitute libel *per se* because she falsely accused Monat of engaging in illegal activity, and other improprieties, in the conduct of Monat's business.

63. Harrington's statements are not capable of multiple interpretations. Each was directed to Monat and its products, and were intended to cause damage to each.

64. Harrington knew her statements were false, or she was reckless with regard to the truth or falsity of her statements.

65. To the extent any of Harrington's above statements do not constitute libel *per se*, those statements alternatively constitute libel *per quod*.

66. In context, a reasonable person viewing Harrington's statements as a whole, or individually, would understand that she represented that Monat's products cause scalp irritation, balding, hair loss, and other health related issues.

67. As a result of Harrington's statements, Monat has suffered damage to its sales, its corporate reputation, and its relationships with its current and prospective customers and independent sales representatives, in excess of \$75,000.

68. Harrington made her statements with willful and malicious intent, as demonstrated by the fact that she has encouraged individuals to complain to the authorities even if they "haven't had a problem" with Monat's products, and based on the contempt and frequency with which Harrington posted negative comments.

Count IV: Tortious Interference with Prospective Economic Advantage

69. Monat incorporates paragraphs 1 through 44 as if fully set forth herein.

70. Monat has had a network of Market Partners since August 2014.

71. Monat's existing Market Partners are continually attempting to recruit new Market Partners to sell Monat's products.

72. Harrington is aware of Monat's prospective relationships with potential Market Partners because she was once a Market Partner and is familiar with Monat's business model.

73. Harrington actively spreads falsehoods about Monat and its products to discourage existing and prospective Market Partners, and customers, from associating with Monat and purchasing its products.

74. Harrington took these actions without any justification, and did so to fuel her anger or resentment towards Monat.

75. Harrington intentionally made false statements about Monat and its products to unjustifiably interfere with Monat's existing and prospective relationships with its Market Partners and customers, and to induce those persons to not do business with Monat.

76. Harrington's intentional and unjustified interference and false statements have caused existing and prospective Market Partners to choose not to do business with Monat.

77. Harrington's intentional and unjustified interference has caused customers to decide to forego purchasing products from Monat, and those economic transactions would have occurred but for Harrington's interference.

78. Harrington made her statements with willful and malicious intent, as demonstrated by the fact that she has encouraged individuals to complain to the authorities even if they "haven't had a problem" with Monat's products, and based on the contempt and frequency with which Harrington posted her negative comments.

WHEREFORE, Monat Global Corp requests the following relief against Defendant Vickie Harrington:

a) permanent injunctive relief requiring Harrington to remove from her Facebook account, and any social media or other Internet-based accounts under her name or under her control, all false statements concerning Monat's products or alleged injuries caused by them;

b) permanent injunctive relief barring Harrington from publishing further false statements concerning Monat, its products, or alleged injuries caused by them;

c) permanent injunctive relief preventing Harrington from publishing further unfair and deceptive statements concerning Monat, its products, or alleged injuries caused by them;

d) an order requiring Harrington to release public statements in appropriate forums to ameliorate the negative effects and consumer confusion caused by false statements concerning Monat's products and alleged injuries caused by them;

- e) compensatory damages based on injury Harrington caused to Monat's sales, reputation, the value of its products, foregone opportunities with prospective Market Partners and customers, and its business interests;
- f) actual damages resulting from Harrington's unfair and deceptive practices;
- g) treble damages, in excess of \$225,000, pursuant to N.C. Gen. Stat. § 75-16;
- h) punitive damages for Harrington's maliciously false statements;
- i) reasonable attorneys' fees incurred to bring and prosecute this action pursuant to N.C. Gen. Stat. § 75-16.1;
- j) any other just and proper relief that the Court finds appropriate.

Respectfully submitted this the 26th day of January 2018.

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N.C. State Bar No. 23629
brad.risinger@smithmoorelaw.com

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55 East Monroe Street, Suite 3300
Chicago, Illinois 60603
Telephone: (312) 201-4000

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CIVIL ACTION NO. 4:18-CV-8

MONAT GLOBAL CORP,

Plaintiff,

v.

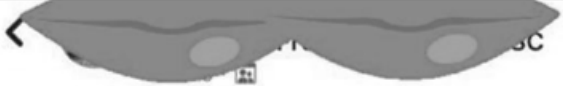
VICKIE HARRINGTON,

Defendant.

INDEX OF EXHIBITS TO COMPLAINT



Exhibit No.	Description
Exhibit A	Defendant's December 26, 2017 Facebook Post
Exhibit B	Defendant's Late December 2017 Facebook Post
Exhibit C	Defendant's December 24, 2017 Facebook Post
Exhibit D	Defendant's Late December 2017 Facebook Post
Exhibit E	Defendant's December 16, 2017 Facebook Post
Exhibit F	Defendant's Comment on Facebook Post
Exhibit G	Defendant's January 2, 2018 Facebook Post
Exhibit H	Defendant's January 10, 2018 Facebook Post
Exhibit I	Defendant's January 11, 2018 Facebook Post
Exhibit J	Defendant's January 16, 2018 Facebook Post


Exhibit A




monat hair care
\$99
Abbeville, SC



Selling these products to get a little money back. They have been so great to me, they have thinned my hair, stripped my color, caused burns on my scalp. These products are great if you get your hair done and arnt happy with your color, they will strip it right out! Want a trim but can't make it to the salon? These are PERFECT for breaking off your hair! Loveeeee it. They also contain a highly dangerous extract called red clover that is horrible for cancer patients, pregnant, and breast feeding woman. They were clinically studied by a third party lab that nobody knows for three weeks! They like to say three years but hey, everybody loves a good three week study. Great! They say they are 100% all natural but they actually arnt! How grand! Pm me for questions on this product! Serious inquires only!






**Vickie Harrington**
December 26, 2017 · 🌐

#MONATHairCARE It would be a lot funnier if it wasn't so true.

 Like  Share

 1

Friend Requests See All



Chance Lockhart is a mutual friend.
[Confirm Friend](#)

Exhibit B



Vickie Harrington Kristin [REDACTED] if you know anybody using these products, please warn them. We have a support group of almost 800 people because of all the hair loss, scalp sores, irritation, burning, etc that DOES NOT STOP once you stop using these products.

Like · 4w

Exhibit C



**Vickie Harrington**
December 24, 2017 · 🌐

Trust me people! #MONAThairCARE

 Like

 Share

 7



Lol.

Like · 4w

Friend Requests



From Chicago, Illinois

 Confirm Friend

See All

Exhibit D

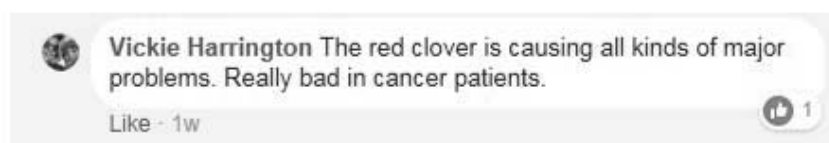


Exhibit E

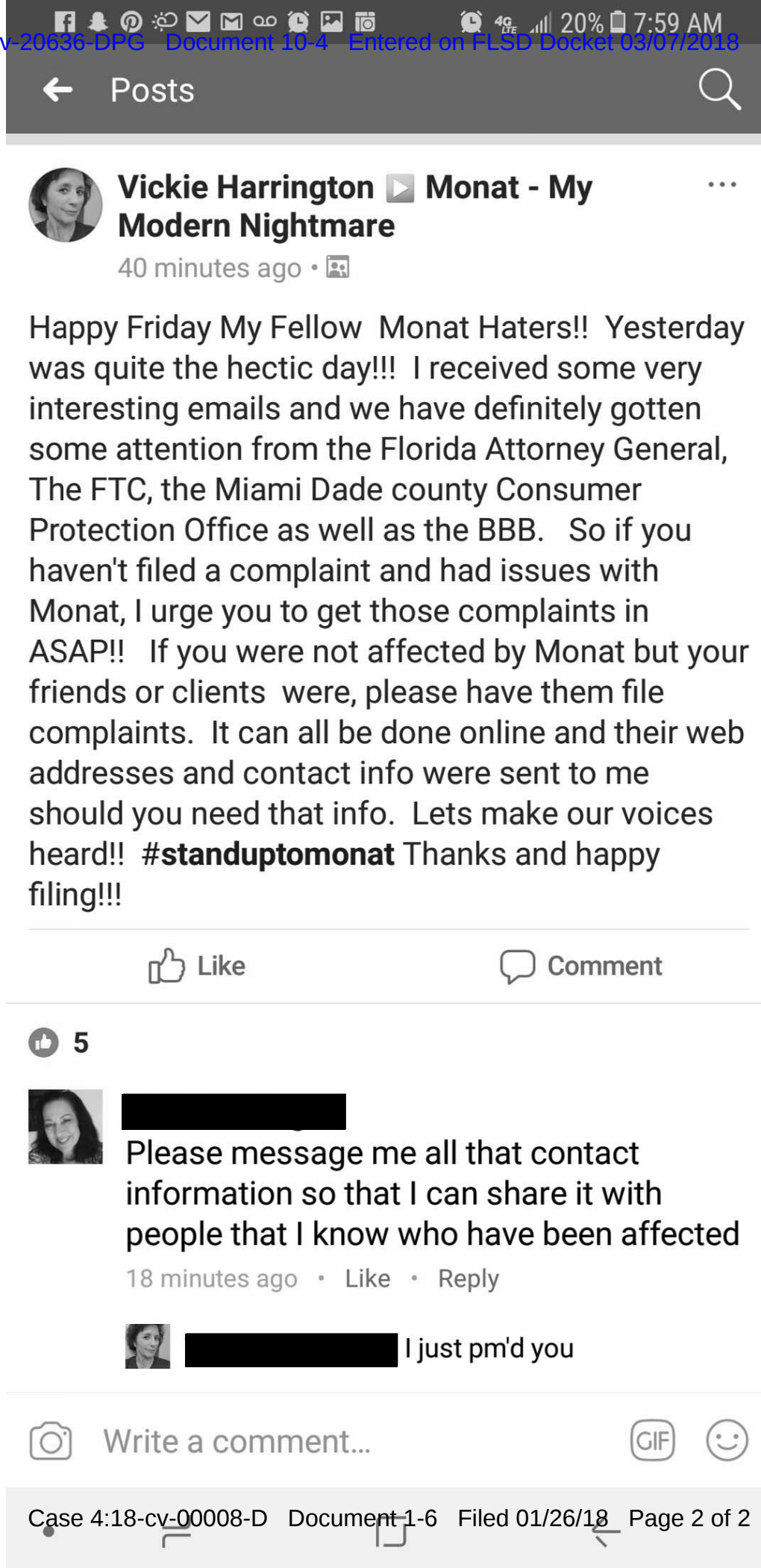


Exhibit F



Michelle [REDACTED]

What if I haven't had a problem, can I still make a complaint about the company? And why does the FDA allow them to lie about being "natural" ?

14 hours ago • Like • Reply



Vickie Harrington ★

Michelle [REDACTED] I think they can lie because they are not regulated by the FDA. You can still complain and hopefully the FDA will step in or ask another agency to step in. The more complaints we get on file, the better the chances of stopping some of this nonsense.

Exhibit G

**Vickie Harrington**January 2 at 11:05am · 🌐...

#monatstrikesagain And the harrassment continues! As you know, I've been stalked, threatened and harrassed on FB because some people can't handle the truth about Monat. I have ove 2,000 people that say the truth is your hair will fall out and worse!!! Well today, they crossed the line. Somebody left a sample of shampoo in my mailbox with no contact information. Other neighbors haven't received any. So now these people have taken it to a whole new level!!!! They stalked me to find out where I live and then mess with my mailbox which is a federal offense. I have contacted the police this time and I have a few idsea of who did this and I'm sure the officer will be paying them a visit. This is ridiculous!!!! If what I'm saying about this company is a lie, you'd think they sit back and ignore it. But oh no! Not Monat!!!! These people are crazy! And they want the truth silenced by playing childish games. Bring it!!!! #monathaircare #monat #monatlies #monatsucks #monatharrassment #monatstories

 Like  Share

 29

View 7 more comments

Exhibit H



Exhibit I



Vickie Harrington

...

January 11 at 6:06pm · 🌐

Hey Monat filming begins in 2 weeks!!!!
#monat, #monathaircare #hairloss #monatnightmare



👍 Like

➦ Share

👍❤️ 16

Exhibit J

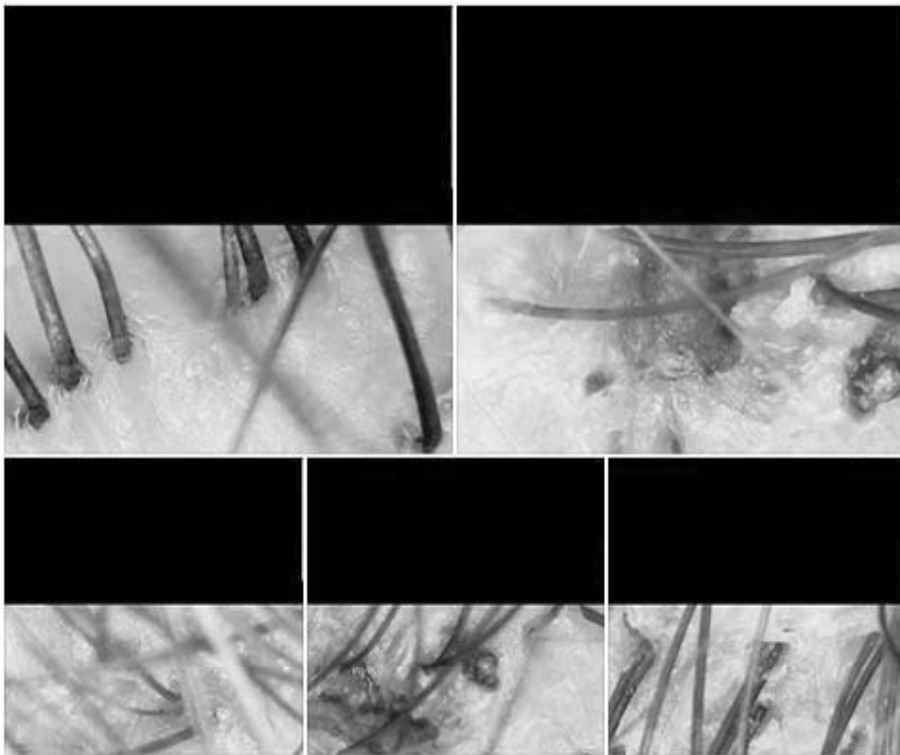


Vickie Harrington added 5 new photos.



January 16 at 6:37pm · 🌐

Still want to try Monat? First pic is a healthy scalp under a scalp scope.
Other pictures are a friend's scalp AFTER Monat under same scalp scope.
Let these images sink in for a minute. #monat #monathaircare #healthyscalp
#monathairloss



👍 Like

➦ Share

👤👤 4

JS 44 (Rev. 07/16)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

MONAT GLOBAL CORP

DEFENDANTS

VICKIE HARRINGTON

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

Pitt

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address and Telephone Number)

Bradley M. Risinger
Smith Moore Leatherwood LLP
Post Office Box 27525
Raleigh, North Carolina 27611

Attorneys for Defendant**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|-------------------------------------|---|---------------------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input checked="" type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer.w/Disabilities-Employment <input type="checkbox"/> 446 Amer.w/Disabilities-Other <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. § 1332

Brief description of cause: Alleged breach of contract.

Commercial disparagement, defamation/libel, and unfair and deceptive acts intended and designed to injure plaintiff's business and reputation.

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23**DEMAND \$**CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASES IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

January 26, 2018

SIGNATURE OF ATTORNEY OF RECORD

/s/ Bradley M. Risinger

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

JS 44 Reverse (Rev. 07/16)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT

for the
Eastern District of North Carolina

MONAT GLOBAL CORP
Plaintiff,
v.

Civil Action No. 4:18-CV-8

VICKIE HARRINGTON
Defendant.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Vickie Harrington
2909 Oakwood Drive
Winterville, North Carolina 28590-8067

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) – or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) – you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Bradley M. Risinger
Smith Moore Leatherwood LLP
Post Office Box 27525
Raleigh, North Carolina 27611

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF THE COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(1))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

Unless the summons was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

EXHIBIT 5

February 6, 2018

william.meyers@goldbergkohn.com
direct phone: 312.201.3919
direct fax: 312.863.7419

VIA PROCESS SERVER AND US MAIL

Vicki Nittinger
3801 Crown Point Rd., Unit 1144
Jacksonville, FL 32257

Re: Defamation of Monat

Dear Ms. Nittinger:

We represent MONAT Global Corp ("MONAT"). MONAT is a world class designer, manufacturer and distributor of hair care and personal products throughout the United States and Canada.

The MONAT branded products are each packaged and advertised using a variety of distinctive trademarks (collectively, the "MONAT Trademarks") that are registered or otherwise legally protected in the United States and Canada. Such trademarks, including the MONAT® trademark, have been registered or applied for in the United States Patent and Trademark office and the Canadian Intellectual Property Office for use in connection with various hair care and personal care products. Moreover, MONAT has spent uncounted hours, and millions of dollars establishing the MONAT Trademarks, the MONAT brands and products, and the goodwill associated with the MONAT Trademarks, brands and hair care products that carry the MONAT Trademarks (collectively, the "MONAT Products").

As a direct result of the time and money spent on creating innovative, quality products that directly address the customer's needs, MONAT is now the fastest growing direct seller of hair care and personal care products in the United States and Canada. MONAT is proud of the MONAT Products and the many women and men who dedicate their time, effort, and energy to promoting the revolutionary MONAT Products.

MONAT takes very seriously any defamation or slander of its good name and the reputation of the MONAT Products. The repeated defamatory statements, false posts and misinformation regarding MONAT that you have posted on your Facebook group entitled "MONAT – My Modern Nightmare" (your "Group"), and that you have allowed others to post on such site, demonstrate a blatant disregard for the truth (the "Defamatory Posts"). Indeed, the Defamatory Posts are factually wrong, scientifically incorrect and consequently, they damage the reputation and goodwill of the MONAT Trademark and the MONAT Products. As such, the Defamatory Posts constitute defamation under the law.

Vicki Nittinger
February 6, 2018

Page 2

There is no scientific or factual basis for the content of the Defamatory Posts. The MONAT Products have passed all clinical safety tests to which they have been subjected. The ingredients in all of the MONAT Products have been verified as safe for consumer use by the United States Food and Drug Administration, and the European Commission in the European Union, in the concentrations that MONAT uses them. MONAT takes seriously the consumer complaints it receives, and investigates each complaint to the fullest extent permitted by the consumer. Despite selling hundreds of millions of dollars in hair care and personal products, to hundreds of thousands of customers, MONAT has seen no bona fide evidence that the MONAT Products cause scalp burns, sores, irritation, hair loss, or balding, as claimed repeatedly in the Defamatory Posts.

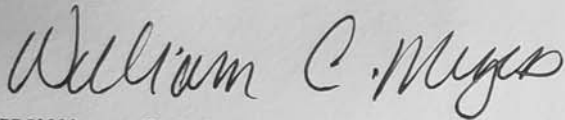
For every day that you allow the Defamatory Posts to remain on your social media, and continue to allow such false and derogatory statements to continue, the damages to MONAT's good name and goodwill increase. Your statements in the Defamatory Posts have harmed, and continue to harm the good name and goodwill of MONAT and the MONAT Products. Be advised that MONAT considers your actions in connection with the Defamatory Posts to constitute unlawful activity, entitling MONAT to sue you for damages or seek injunctive relief under the law. Therefore, unless you wish to face legal action, including an action for injunctive relief and/or a law suit for damages, costs and expenses MONAT hereby demands that you respond in writing, at or before 5:00 p.m. (Eastern Time) on Thursday, February 8, 2018, confirming that you will do the following:

1. Immediately cease and desist from making any defamatory statements about MONAT or its products.
2. Immediately delete all Defamatory Posts from the Group and your social media that you have posted, including those on your Facebook page.
3. Create a new post on your Facebook page that reads as follows, and only as follows: "I've recently removed one or more posts about Monat because they contained false statements about Monat and its products."
4. Create a new post in your Group that reads as follows, and as only as follows: "Based on the number of posts in this group containing false information about Monat, we have decided to shut it down."
5. By Monday, February 12, 2018, at or before 5:00 p.m. (Eastern Time) remove every single member from the Group, to the extent permitted by Facebook's software, by following the directions attached to this letter as **Exhibit A**.

Vicki Nittinger
February 6, 2018
Page 3

If you fail to take the actions demanded above, MONAT will take all necessary steps to protect the MONAT Trademarks and Products, up to and including filing suit against you and other members of your Group. By way of example, on January 29, 2018, MONAT filed a lawsuit against a member of your Group in the United States District Court for the Eastern District of North Carolina, seeking in excess of \$225,000 dollars for compensatory and punitive damages.

Sincerely,

A handwritten signature in cursive script, appearing to read "William C. Meyers".

William C. Meyers

Enclosure

Exhibit A

Ask a question

Log In

Create Account

Home

Using Facebook

Managing Your Account

Privacy and Safety

Policies and Reporting

Creating an Account

Friending

Your Home Page

Messaging

Photos

Videos

Pages

Groups

Group Management for Admins

Join and Interact with Groups

Resources for Page and Group Admins

Fix a Problem

Events

Payments

Apps

Facebook Mobile and Desktop

Apps

Accessibility


How do I delete or archive a group?

[Computer Help](#) [Mobile Help](#)
[Share Article](#)

To archive a group, log into Facebook on your computer or Android device.


If you're an admin of a group, you can delete or archive it. Groups are deleted when they have no members. Deleting a group is a permanent action that cannot be reversed. When a group is archived, it won't appear in search results to non-members, and no new members can join the group. Learn more about the differences between deleting and archiving a group.

To delete a group:

- 1 Go to the group you want to delete and click **Members** on the left.
- 2 Click  next to each member's name and select **Remove from Group**.
- 3 Select **Leave Group** next to your name once you've removed the other members.

Note: If you're an admin, you can't delete a group you didn't create unless the original creator chooses to leave it.

To archive a group:

- 1 Go to the group you want to archive and click  below the cover photo.
- 2 Select **Archive Group**.
- 3 Click **Confirm**.

Was this information helpful?

☐ Yes ☐ No

Related Articles

[How do I join a group?](#)

[How do I change the privacy for a group I admin?](#)

[How do I add new members to a group?](#)

[How do I remove or block someone from a group?](#)

[Who is the admin of school groups?](#)

GOLDBERG KOHN LTD.

February 5, 2018

william.meyers@goldbergkohn.com
direct phone: 312.201.3919
direct fax: 312.863.7419

BY OVERNIGHT DELIVERY

Sarah Thomas
P.S. Modern Cheveux Salon
355 N. 18th Street, Suite 105
Beaumont, Texas 77707

Re: Defamation of Monat

Dear Ms. Thomas:

We represent MONAT Global Corp ("MONAT"). MONAT is a world class designer, manufacturer and distributor of hair care and personal products throughout the United States and Canada.

The MONAT branded products are each packaged and advertised using a variety of distinctive trademarks (collectively, the "MONAT Trademarks") that are registered or otherwise legally protected in the United States and Canada. Such trademarks, including the MONAT® trademark, have been registered or applied for in the United States Patent and Trademark office and the Canadian Intellectual Property Office for use in connection with various hair care and personal care products. Moreover, MONAT has spent uncounted hours, and millions of dollars establishing the MONAT Trademarks, the MONAT brands and products, and the goodwill associated with the MONAT Trademarks, brands and hair care products that carry the MONAT Trademarks (collectively, the "MONAT Products").

As a direct result of the time and money spent on creating innovative, quality products that directly address the customer's needs, MONAT is now the fastest growing direct seller of hair care and personal care products in the United States and Canada. MONAT is proud of the MONAT Products and the many women and men who dedicate their time, effort, and energy to promoting the revolutionary MONAT Products.

MONAT takes very seriously any defamation or slander of its good name and the reputation of the MONAT Products. The repeated defamatory statements, false posts and misinformation regarding MONAT that you have posted on your Facebook group entitled "MONAT – My Modern Nightmare" (your "Group"), and that you have allowed others to post on such site, demonstrate a blatant disregard for the truth (the "Defamatory Posts"). Indeed, the Defamatory Posts are factually wrong, scientifically incorrect and consequently, they damage the reputation and goodwill of the MONAT Trademark and the MONAT Products. As such, the Defamatory Posts constitute defamation under the law.

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TEL 312.201.4000 FAX 312.332.2196 WEB WWW.GOLDBERGMCOHN.COM
55 EAST MONROE STREET SUITE 3300 CHICAGO ILLINOIS 60603-5792

III MERITAS LAW FIRMS WORLDWIDE

GOLDBERG KOHN LTD.

Sarah Thomas
February 5, 2018
Page 2

There is no scientific or factual basis for the content of the Defamatory Posts. The Monat Products have passed all clinical safety tests to which they have been subjected. The ingredients in all of the Monat Products have been verified as safe for consumer use by the United States Food and Drug Administration, and the European Commission in the European Union, in the concentrations that Monat uses them. Monat takes seriously the consumer complaints it receives, and investigates each complaint to the fullest extent permitted by the consumer. Despite selling hundreds of millions of dollars in hair care and personal products, to hundreds of thousands of customers, Monat has seen no bona fide evidence that the Monat Products cause scalp burns, sores, irritation, hair loss, or balding, as claimed repeatedly in the Defamatory Posts.

For every day that you allow the Defamatory Posts to remain on your social media, and continue to allow such false and derogatory statements to continue, the damages to MONAT's good name and goodwill increase. Your statements in the Defamatory Posts have harmed, and continue to harm the good name and goodwill of MONAT and the MONAT Products. Be advised that MONAT considers your actions in connection with the Defamatory Posts to constitute unlawful activity, entitling MONAT to sue you for damages or seek injunctive relief under the law. Therefore, unless you wish to face legal action, including an action for injunctive relief and/or a law suit for damages, costs and expenses MONAT hereby demands that you respond in writing, at or before 5:00 p.m. (Eastern Time) on Thursday, February 8, 2018, confirming that you will do the following:

1. Immediately cease and desist from making any defamatory statements about MONAT or its products.
2. Immediately delete all Defamatory Posts from the Group and your social media that you have posted, including those on your Facebook page.
3. Create a new post on your Facebook page that reads as follows, and only as follows:
"I've recently removed one or more posts about Monat because they contained false statements about Monat and its products."

If you fail to take the actions demanded above, MONAT will take all necessary steps to protect the MONAT Trademarks and Products, up to and including filing suit against you and other members of your Group. By way of example, on January 29, 2018, Monat filed a lawsuit against a member of your Group in the United States District Court for the Eastern District of North Carolina, seeking in excess of \$225,000 dollars for compensatory and punitive damages.

GOLDBERG KOHN LTD.

Sarah Thomas
February 5, 2018
Page 3

Sincerely,

A handwritten signature in cursive script that reads "William C. Meyers". The signature is written in dark ink and is positioned above the printed name.

William C. Meyers

GOLDBERG KOHN LTD.

February 5, 2018

william.meyers@goldbergkohn.com
direct phone: 312.201.3919
direct fax: 312.863.7419

BY OVERNIGHT DELIVERY

Sandra L. Merschrod
116 Lenox Ave.
New Milford, NJ 07646

Re: Defamation of Monat

Dear Ms. Merschrod:

We represent MONAT Global Corp ("MONAT"). MONAT is a world class designer, manufacturer and distributor of hair care and personal products throughout the United States and Canada.

The MONAT branded products are each packaged and advertised using a variety of distinctive trademarks (collectively, the "MONAT Trademarks") that are registered or otherwise legally protected in the United States and Canada. Such trademarks, including the MONAT® trademark, have been registered or applied for in the United States Patent and Trademark office and the Canadian Intellectual Property Office for use in connection with various hair care and personal care products. Moreover, MONAT has spent uncounted hours, and millions of dollars establishing the MONAT Trademarks, the MONAT brands and products, and the goodwill associated with the MONAT Trademarks, brands and hair care products that carry the MONAT Trademarks (collectively, the "MONAT Products").

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TEL 312.201.4000 FAX 312.332.2196 WEB WWW.GOLDBERGMKOHN.COM
55 EAST MONROE STREET SUITE 3300 CHICAGO ILLINOIS 60603-5792

 MERITAS LAW FIRMS WORLDWIDE

Sandra L. Merschrod
February 5, 2018
Page 2

There is no scientific or factual basis for the content of the Defamatory Posts. The Monat Products have passed all clinical safety tests to which they have been subjected. The ingredients in all of the Monat Products have been verified as safe for consumer use by the United States Food and Drug Administration, and the European Commission in the European Union, in the concentrations that Monat uses them. Monat takes seriously the consumer complaints it receives, and investigates each complaint to the fullest extent permitted by the consumer. Despite selling hundreds of millions of dollars in hair care and personal products, to hundreds of thousands of customers, Monat has seen no bona fide evidence that the Monat Products cause scalp burns, sores, irritation, hair loss, or balding, as claimed repeatedly in the Defamatory Posts.

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5. By Monday, February 12, 2018, at or before 5:00 p.m. (Eastern Time) remove every single member from the Group, to the extent permitted by Facebook's software, by following the directions attached to this letter as **Exhibit A**.

Sandra L. Merschrod
February 5, 2018
Page 3

If you fail to take the actions demanded above, MONAT will take all necessary steps to protect the MONAT Trademarks and Products, up to and including filing suit against you and other members of your Group. By way of example, on January 29, 2018, Monat filed a lawsuit against a member of your Group in the United States District Court for the Eastern District of North Carolina, seeking in excess of \$225,000 dollars for compensatory and punitive damages.

Sincerely,



William C. Meyers

February 3, 2018

william.meyers@goldbergkohn.com
direct phone: 312.201.3919
direct fax: 312.863.7419

BY OVERNIGHT DELIVERY

Breanna Haspert
314 5th St. NE
Belfield, North Dakota 58622

Re: Defamation of Monat

Dear Ms. Haspert:

We represent MONAT Global Corp ("MONAT"). MONAT is a world class designer, manufacturer and distributor of hair care and personal products throughout the United States and Canada.


The MONAT branded products are each packaged and advertised using a variety of distinctive trademarks (collectively, the "MONAT Trademarks") that are registered or otherwise legally protected in the United States and Canada. Such trademarks, including the MONAT® trademark, have been registered or applied for in the United States Patent and Trademark office and the Canadian Intellectual Property Office for use in connection with various hair care and personal care products. Moreover, MONAT has spent uncounted hours, and millions of dollars establishing the MONAT Trademarks, the MONAT brands and products, and the goodwill associated with the MONAT Trademarks, brands and hair care products that carry the MONAT Trademarks (collectively, the "MONAT Products").

As a direct result of the time and money spent on creating innovative, quality products that directly address the customer's needs, MONAT is now the fastest growing direct seller of hair care and personal care products in the United States and Canada. MONAT is proud of the MONAT Products and the many women and men who dedicate their time, effort, and energy to promoting the revolutionary MONAT Products.

MONAT takes very seriously any defamation or slander of its good name and the reputation of the MONAT Products. The repeated defamatory statements, false posts and misinformation regarding MONAT that you have posted on your Facebook group entitled "MONAT – My Modern Nightmare" (your "Group"), and that you have allowed others to post on such site, demonstrate a blatant disregard for the truth (the "Defamatory Posts"). Indeed, the Defamatory Posts are factually wrong, scientifically incorrect and consequently, they damage the reputation and goodwill of the MONAT Trademark and the MONAT Products. As such, the Defamatory Posts constitute defamation under the law.

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TEL 312.201.4000 FAX 312.312.2198 WEB WWW.GOLDBERGMANN.COM
55 EAST MONROE STREET SUITE 3300 CHICAGO ILLINOIS 60603-5792

 MERITAS LAW FIRMS WORLDWIDE

Breanna Haspert

February 3, 2018

Page 2

There is no scientific or factual basis for the content of the Defamatory Posts. The Monat Products have passed all clinical safety tests to which they have been subjected. The ingredients in all of the Monat Products have been verified as safe for consumer use by the United States Food and Drug Administration, and the European Commission in the European Union, in the concentrations that Monat uses them. Monat takes seriously the consumer complaints it receives, and investigates each complaint to the fullest extent permitted by the consumer. Despite selling hundreds of millions of dollars in hair care and personal products, to hundreds of thousands of customers, Monat has seen no bona fide evidence that the Monat Products cause scalp burns, sores, irritation, hair loss, or balding, as claimed repeatedly in the Defamatory Posts.

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2. Immediately delete all Defamatory Posts from the Group and your social media that you have posted, including those on your Facebook page.
3. Create a new post on your Facebook page that reads as follows, and only as follows: "I've recently removed one or more posts about Monat because they contained false statements about Monat and its products."
4. Create a new post in your Group that reads as follows, and as only as follows: "Based on the number of posts in this group containing false information about Monat, we have decided to shut it down."
5. By Monday, February 12, 2018, at or before 5:00 p.m. (Eastern Time) remove every single member from the Group, to the extent permitted by Facebook's software, by following the directions attached to this letter as **Exhibit A**.

GOLDBERG ROHN LTD

Breanna Haspert
February 3, 2018
Page 3

If you fail to take the actions demanded above, MONAT will take all necessary steps to protect the MONAT Trademarks and Products, up to and including filing suit against you and other members of your Group. By way of example, on January 29, 2018, Monat filed a lawsuit against a member of your Group in the United States District Court for the Eastern District of North Carolina, seeking in excess of \$225,000 dollars for compensatory and punitive damages.

Sincerely,

Sincerely,

A handwritten signature in dark ink, appearing to read "William C. Meyers". The signature is fluid and cursive, with the first name "William" and last name "Meyers" clearly distinguishable.

William C. Meyers

WCM:jyh

EXHIBIT 6

February 14, 2018

william.meyers@goldbergkohn.com
direct phone: 312.201.3919
direct fax: 312.863.7419

VIA OVERNIGHT DELIVERY

Posare Salon & Boutique, LLC
Attn: Current Owner
5855 W. Craig Road
Las Vegas, NV 89130

Re: Defamation of Monat

Dear Sir or Madam:

We represent MONAT Global Corp ("MONAT"). MONAT is a world class designer, manufacturer and distributor of hair care and personal products throughout the United States and Canada.

The MONAT branded products are each packaged and advertised using a variety of distinctive trademarks (collectively, the "MONAT Trademarks") that are registered or otherwise legally protected in the United States and Canada. Such trademarks, including the MONAT® trademark, have been registered or applied for in the United States Patent and Trademark office and the Canadian Intellectual Property Office for use in connection with various hair care and personal care products. Moreover, MONAT has spent uncounted hours, and millions of dollars establishing the MONAT Trademarks, the MONAT brands and products, and the goodwill associated with the MONAT Trademarks, brands and hair care products that carry the MONAT Trademarks (collectively, the "MONAT Products").

As a direct result of the time and money spent on creating innovative, quality products that directly address the customer's needs, MONAT is now the fastest growing direct seller of hair care and personal care products in the United States and Canada. MONAT is proud of the MONAT Products and the many women and men who dedicate their time, effort and energy to promoting the revolutionary MONAT Products.

MONAT takes very seriously any defamation or slander of its good name and the reputation of the MONAT Products. It has recently come to MONAT's attention that one of your stylists, Toni Miller, has been making repeatedly false and malicious statements about MONAT's products on social media (the "Defamatory Posts"). In her Defamatory Posts, Ms. Miller has adamantly and falsely represented that MONAT products cause miscarriages, infertility, open wounds on the scalp, chemical burns, headaches, and migraines, among other things. I have attached, as **Exhibit A**, a sample of Toni Miller's Defamatory Posts. What's more, Ms. Miller attempts to capitalize on the hysteria she seeks to create by selling her services, and those of your

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55 EAST MONROE STREET SUITE 3300 CHICAGO ILLINOIS 60603-5792

 MERITAS LAW FIRMS WORLDWIDE

Posare Salon & Boutique, LLC
February 14, 2018
Page 2

salon, by offering \$45 "Healing Treatments for hair affected by Monat." A sample of these advertisements is attached as **Exhibit B**.

The claims Ms. Miller makes are absurd, and there is no scientific or factual basis for the content of the Defamatory Posts. To remedy the damages Ms. Miller has caused, MONAT is currently preparing a federal lawsuit against her asserting claims for commercial disparagement and false advertising, among other claims.

It is our understanding that Ms. Miller is a stylist at Posare Salon & Boutique ("Posare"). Moreover, she advertises for Posare's services on her personal Facebook page. Ms. Miller is therefore an agent of Posare, and her actions are legally attributable to Posare. As a result, MONAT will include Posare in the lawsuit it is preparing against Ms. Miller unless Posare responds in writing, at or before 5:00 p.m. (Eastern Time) on Monday, February 12, 2018, confirming that Posare will immediately cause Ms. Miller to cease and desist from making any further defamatory statements about MONAT or its products. If Posare finds it is impossible to cause Ms. Miller to stop defaming MONAT and its products, then Posare can only avoid suit by terminating its business relationship with Ms. Miller.

If you fail to take the actions demanded above, MONAT will take all necessary steps to protect the MONAT Trademarks and Products, up to and including filing suit against Posare.

Sincerely,

A handwritten signature in dark ink, appearing to read 'William C. Meyers', with a long horizontal flourish extending to the right.

William C. Meyers

Enclosure

EXHIBIT 7

George F. Ogilvie III (NSBN #3552)
Amanda C. Yen (NSBN #9726)
McDONALD CARANO LLP
2300 W. Sahara Ave, Suite 1200
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*Attorneys for plaintiff
Monat Global Corp.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MONAT GLOBAL CORP.,

Plaintiff,

v.

TONI MILLER

Defendants.

CASE NO.:

COMPLAINT

Monat Global Corp, by its undersigned counsel, complains against Toni Miller as follows:

Jurisdiction and Venue

1. This Court has subject matter jurisdiction over Monat's claims under 28 U.S.C. § 1332 because Monat and Miller are citizens of different states, and the amount in controversy exceeds \$75,000.

2. Venue is proper in the District of Nevada because Miller resides here, and upon information belief, made the disparaging and defamatory statements, and carried out the unfair and deceptive acts at issue, in this district.

...

...

The Parties

3. Monat Global Corp (“Monat”) is a Florida Corporation, with its principal place of business in Doral, Florida.

4. Toni Miller (“Miller”) is, upon information and belief a citizen of Las Vegas, Nevada.

Factual Background

5. Monat is a world-class designer, manufacturer, and distributor of hair care and personal products throughout the United States and Canada.

6. Monat sells its products using a direct sales model, under which it engages a number of independent sales representatives, referred to as “Market Partners,” to market and distribute its products.

7. Monat provides commissions and other financial incentives to its Market Partners for sales they make, and for purchases and sales made by new and additional Market Partners that they recruit.

8. Monat’s Market Partners utilize Facebook and other social media as the primary avenue of marketing Monat's products.

9. Miller is a hairstylist who, on information and belief, works at Posare Salon & Boutique, LLC (the “Salon”).

10. On information and belief, the Salon sells salon-brand hair care products in competition with Monat, including Redken, OPI, Pureology, Nioxin, Moroccanoil, and others.

11. On information and belief, Miller receives a commission, or other job-related incentives, to sell the salon-brand hair care products offered by the Salon.

12. On information and belief, Miller sells hair care products that compete with Monat products.

13. Miller has also offered “treatments” to users of Monat products for \$45 per treatment. (Exhibit A).

14. Miller offered other “treatments” to users of Monat products, explaining that she will “try and reverse the damage and it will be expensive but I will fix it in a few appointments.”

(Exhibit A.)

15. Thus, Miller's own Facebook posts betray the financial motivations she has for posting negative information about Monat.

16. The events giving rise to this Complaint began on or about January 2018 when Miller began a smear campaign against Monat on social media, primarily Facebook.

17. Since January 2018, Miller has repeatedly and consistently posted egregiously false and damaging information about Monat and its products.

18. As demonstrated in the examples listed below, as well as the exhibits hereto, Miller has repeatedly and falsely alleged that Monat products cause issues including, but not limited to, miscarriages, harm to unborn babies, bloody stool, migraines, problems with breast feeding, menstruation problems, balding, scalp sores, chemical burns, hair loss, and scalp lesions.

19. Miller claimed that, due to the PH levels, Monat products are unsafe for consumer use: "The PH level in shampoo and hair care products to be safe is 5.5-6.5 anything lower or higher than that is not deemed safe. Monat is 3.5-4.0 that is unsafe." (Exhibit B).

20. Miller alleged that Monat products are "destroying peoples lives" and are "toxic." (Exhibit C.)

21. Miller repeatedly implied that Monat causes harm to unborn babies and/or causes infertility. (Exhibit B, Exhibit D).

22. Miller asserted that Monat has caused reduced milk supply in breastfeeding mothers: "women having the breast milk dry up while nursing. Its horrific." (Exhibit E).

23. In response to one Facebook user's comment that his daughter used the product while pregnant, Miller responded: "I hope her baby is normal. Sad thing is the effects of Red Clover and Phytoestrogens may not show up yet in your grandchild and I hope and pray for the sake of your grandchild that the baby continues to stay healthy." (Exhibit C.)

24. Miller wrote that "The Red Clover and Phytoestrogens in Monat are causing menstruation problems and infertility as well as miscarriages." (Exhibit F.)

25. Along with a post in which Miller stated that she would refuse to provide services to Monat users because of "increased allegations of hair breakage and/or increased hair

1 loss, balding, etc.,” Miller posted photographs of unknown origin depicting scalp sores and hair
2 loss. (Exhibit G.)

3 26. By posting these photographs alongside her claims regarding “increased
4 allegations” of hair breakage, hair loss, and balding, Miller falsely implied that Monat is
5 responsible for the condition depicted in the photographs. (Exhibit G.)

6 27. Miller also falsely stated or implied that over 12,000 people have had
7 adverse reactions to Monat products when she stated that she was in a group that “grew from 140
8 people to 12,000+ clients in TWO MONTHS having adverse reactions.” (Exhibit H.)

9 28. She asserted that she has “watched with horror the problems people are
10 facing with not only their hair but also hormones, struggles with skin issues, etc.” (Exhibit H.)

11 29. Miller cautioned male users of Monat to watch for the following symptoms,
12 thereby falsely implying that such symptoms were caused by Monat:

- 13 1. Blood in your stool
- 14 2. Changes to moods/depression
- 15 3. Cramping
- 16 4. Breaks/cuts in your skin that doesn't heal
- 17 5. Bruising
- 18 6. Headaches or Migraines

19 (Exhibit H.)

20 30. Miller encouraged female users of Monat to watch for the following
21 symptoms, thereby falsely implying that such symptoms were caused by Monat:

- 22 1. Hormone changes (more frequent periods)
- 23 2. Cystic acne you have never had before
- 24 3. Increased migraine headaches
- 25 4. New rashes
- 26 5. Greasy roots with hay like ends
- 27 6. Itching burning on your scalp or body
- 28 7. Excessive amounts of hair thinning or “shedding” / “detox.”

(Exhibit H)

31. Miller implied that Monat’s Market Partners were stealing photographs to
falsely market Monat products and that Monat was engaging in “cyberbullying.” (Exhibit H.)

1 32. Miller encouraged readers of her post to contact news outlets and
2 government agencies to complain about Monat. (Exhibit H.)

3 33. She also encouraged them to seek out medical advice and particular
4 products, including those marketed on her own Facebook page, to “treat” these conditions, which
5 she claimed were caused by Monat. (Exhibit H.)

6 34. In another post, Miller implied that Monat products “make hair fall out break
7 off tangle into knots, cause infertility problems, miscarriages, changes in menstrual [sic] cycle,
8 blistering and open weeping [sic] wounds on the scalp.” (Exhibit I.)

9 35. Miller also alleged that Monat “coats the hair shaft and the scalp with wax
10 causing the hair to die. There are reports of women losing babies and having their periods every
11 two weeks. Causing infertility.” (Exhibit J.)

12 36. Individually and collectively, Miller’s Facebook posts explicitly or
13 impliedly misrepresent that Monat’s products cause miscarriages, infertility, hormonal imbalance,
14 problems with breast feeding, harm to unborn babies, scalp sores, hair loss, and balding.

15 37. The comments on Miller’s Facebook posts indicate that people actually
16 believe Miller’s false statements about Monat. For instance, one individual commented, “They only
17 look to their own financial gain selling it temporarily” (Exhibit C). Another commentator wrote:
18 “I don’t trust any of the MLM’s . . . it’s a get rich scheme at the customers expense, from shakes to
19 hair products. I wouldn’t spend a dime on any of them.” (Exhibit D.)

20 38. Miller’s Facebook posts and comments have been adopted and republished
21 by a number of individuals, many of whom, on information and belief, have a financial interest in
22 disparaging Monat’s products.

23 39. On information and belief, Miller has made other defamatory statements,
24 and her actions indicate she is likely to continue to make additional statements of a similar nature
25 in the future.

26 40. There is no scientific or factual basis for Miller’s claims.

27 41. Monat’s products have passed all clinical safety tests to which they have
28 been subjected.

42. The ingredients in all of Monat's products have been verified as safe for consumer use by the United States Food and Drug Administration and the European Commission in the European Union, in the quantities that Monat uses them.

43. Monat takes seriously the consumer complaints it receives, and investigates each complaint to the fullest extent permitted by the consumer.

44. Despite selling hundreds of millions of dollars in hair care and personal products, to hundreds of thousands of customers, Monat has seen no bona fide evidence that Monat's products cause hormonal imbalance, scalp sores, hair loss, balding, bloody stool, changes in mood/depression, cuts, bruises, and migraines.

45. In particular, Miller's comments that Monat products cause miscarriages, problems with breast feeding, infertility, other reproductive issues, and harm to unborn babies are egregiously false.

46. Moreover, Miller's assertion that red clover is the source of reproductive issues is also false.

47. Red clover is a plant, and an ingredient that is commonly used in medicines, topical lotions, foods, and beverages, and is widely deemed safe for human use and even ingestion. Such information is publicly available.

48. Although Miller is one individual, she has used her social media account as a platform to falsely and maliciously disparage Monat and its products, and to attempt to gravely injure the business.

49. Miller has published her posts, comments, and statements directly to, on information and belief, hundreds of people.

50. Thousands more have likely viewed Miller's posts by virtue of Facebook's "share" feature, which allows any user to publish, to their entire Facebook network, another user's post.

51. Miller's posts have been "shared" on numerous occasions.

52. In addition, Miller's Facebook page is publicly accessible, so her posts can be accessed by individuals who are merely surfing Facebook or Google.

53. Miller's Facebook posts are particularly damaging to Monat because Facebook is the primary avenue through which Monat Market Partners promote Monat's products.

54. Through the efforts of its Market Partners, Monat generated over \$200 million in sales in 2017.

55. Miller's false and malicious statements have caused, and continue to cause, Monat to lose product sales. Her statements have improperly, and without justification, dissuaded potential customers from using Monat's products, and have caused existing customers to stop using Monat's products.

56. For example, at least one pregnant woman has told a Market Partner that although she believes statements regarding miscarriages, infertility, and hormonal imbalances are false, she will not continue to use or purchase Monat products because it is not worth taking the risk that the statements are true.

57. In addition, Monat has experienced approximately 1,000 order cancellations in the last two months.

58. Miller's false and malicious statements have damaged, and continue to damage, Monat's relationships with its current Market Partners and their ability to market and sell Monat's products.

59. Miller's false and malicious statements have damaged, and continue to damage, Monat's ability to attract new Market Partners.

60. Miller's statements have also damaged Monat because they have prevented consumers from purchasing Monat's products, and have deterred Market Partners from working, or continuing to work, with Monat.

**COUNT I:
NEVADA DECEPTIVE TRADE PRACTICES ACT
(NRS 598.0915; NRS 41.600)**

61. Monat incorporates Paragraphs 1-60 above as Paragraph 61.

62. In her capacity as a stylist and competitor, Miller has publicly and falsely disparaged Monat's goods by false and misleading misrepresentations of fact.

63. In her capacity as a stylist and competitor, Miller has publicly and falsely represented that Monat's ingredients cause harm including, but not limited to, balding, hair loss, miscarriage, hormonal imbalance and infertility.

64. In her capacity as a stylist and competitor, Miller has publicly and falsely represented that Monat's products are of inferior quality, unsafe, or toxic.

65. Miller made these representations knowing that they were false.

66. Miller's Facebook posts have the tendency to deceive or mislead consumers and have in fact deceived and misled consumers by telling them that Monat's products are detrimental to their health and well-being, when no such danger exists.

67. Miller's Facebook posts evidence an intent to injure competitors and to destroy or substantially lessen competition for the purchase of the salon-brand products sold by Miller.

68. Miller has caused Monat to suffer damages greater than \$75,000.00, the exact amount of which will be proven at trial.

69. It has been necessary for Monat to retain the services of attorneys to prosecute this action, and it is entitled to the recovery of its attorneys' fees and costs incurred herein.

**COUNT II:
COMMERCIAL DISPARAGEMENT AND CORPORATE DEFAMATION**

70. Monat incorporates Paragraphs 1-60 above as Paragraph 70.

71. On her public Facebook page, Miller published falsehoods about Monat and its products, on information and belief, to hundreds or even thousands of individuals.

72. Miller's statements were intended to, and did, impugn Monat's reputation, it's good name, and its ability to conduct its business.

73. Miller's statements are not capable of multiple interpretations. Each was directed at Monat and its products, and were intended to cause damage to each.

74. There is no applicable privilege covering Miller's statements.

1 75. Miller knew her statements were false, or she was reckless with regard to
2 the truth or falsity of her statements.

3 76. In context, a reasonable person viewing Miller's statements as a whole, or
4 individually, would understand that she represented that Monat's products cause miscarriages,
5 trouble with breast feeding, harm to unborn children, infertility, hormonal imbalance, scalp sores,
6 chemical burns, hair loss, and balding.

7 77. Miller's statements have caused mental anguish and unnecessary stress for
8 Monat employees who have had to deal with the business repercussions of Miller's false
9 statements.

10 78. Miller made her statements with willful and malicious intent, as
11 demonstrated by the content of her posts.

12 79. Miller made her statements with the intent of causing Monat to lose
13 customers, market share, and Market Partners.

14 80. Miller's statements, which have on information and belief, reached hundreds
15 if not thousands of individuals have directly resulted in significant pecuniary losses caused by the
16 loss of existing and potential Market Partners and customers.

17 81. Miller's false and malicious statements have caused, and continue to cause,
18 Monat to lose product sales. Her statements have improperly, and without justification, dissuaded
19 potential customers from using Monat's products, and have caused existing customers to stop using
20 Monat's products.

21 82. For example, at least one pregnant woman has told a Market Partner that
22 although she believes statements regarding miscarriages, infertility, and hormonal imbalances are
23 false, she will not continue to use or purchase Monat products because it is not worth taking the
24 risk that the statements are true.

25 83. Miller's false and malicious statements have damaged, and continue to
26 damage, Monat's ability to attract new Market Partners.

27 84. Miller has caused Monat to suffer damages greater than \$75,000.00, the
28 exact amount of which will be proven at trial.

1 85. It has been necessary for Monat to retain the services of attorneys to
2 prosecute this action, and it is entitled to the recovery of its attorneys' fees and costs incurred
3 herein.

4 **COUNT III:**
5 **DEFAMATION**

6 86. Monat incorporates Paragraphs 1-67 above as Paragraph 86.

7 87. In addition to making disparaging and false statements about Monat's
8 products, Miller's Facebook posts falsely accuse Monat of lying to customers.

9 88. Miller asserted that Monat is destroying lives and implied Monat is
10 indifferent to suffering allegedly caused by Monat products because Monat is motivated only by
11 money.

12 89. These statements are aimed directly at Monat's business reputation.

13 90. Moreover, Miller has made statements that Monat's products cause
14 miscarriages, harm to unborn babies, infertility, menstruation problems, balding, depression,
15 headaches, migraines, cystic acne, hormonal changes, and bloody stool.

16 91. These comments are egregiously false, and go directly to the core of Monat's
17 business.

18 92. Miller's statements have damaged, and continue to damage, Monat's
19 business reputation.

20 93. There is no applicable privilege covering Miller's statements.

21 94. Miller's statements directly call into question Monat's fitness for trade,
22 business, or profession.

23 95. Miller's statements are false, or she was reckless with regard to the truth or
24 falsity of her claims.

25 96. Miller's claims constitute defamation per se.

26 97. In the alternative, a reasonable person would interpret Miller's statements to
27 represent that Monat engages in unethical business practices, and intentionally distributes products
28 that are harmful to consumers. Miller's claims, therefore, constitute defamation per quod.

110. Miller's intentional and unjustified interference and false statements have caused existing and prospective Market Partners to choose not to do business with Monat.

111. Miller's intentional and unjustified interference has caused customers to decide to forego purchasing products from Monat. Such economic transactions would have occurred but for Miller's interference.

112. On information and belief, there are specific customers who have cancelled orders based on Miller's false and defamatory statements, who will be uncovered through discovery of Miller's communications, Facebook friend list, and other contacts.

113. Miller made her statements with willful and malicious intent, as demonstrated by the content of her posts.

114. Miller has caused Monat to suffer damages greater than \$75,000.00, the exact amount of which will be proven at trial.

115. It has been necessary for Monat to retain the services of attorneys to prosecute this action, and it is entitled to the recovery of its attorneys' fees and costs incurred herein.

WHEREFORE, Monat Global Corp requests the following relief against Defendant Toni Miller:

a) Permanent injunctive relief requiring Miller to remove from her Facebook and the Internet all of her false statements concerning Monat's products;

b) permanent injunctive relief preventing Miller from publishing further false statements concerning Monat's products;

c) an order requiring Miller to release public statements to ameliorate the negative effect of her false statements;

c) compensatory damages based on injury Miller caused to Monat's sales, the value of its products, business interests, and reputation;

d) punitive and exemplary damages in excess of \$225,000 for Miller's intentional and maliciously false statements; and

1 e) any other just relief.

2 RESPECTFULLY SUBMITTED this 21st day of February, 2018.

3 McDONALD CARANO LLP

4 By: /s/Amanda C. Yen
5 George F. Ogilvie III (NSBN 3552)
6 Amanda C. Yen (NSBN 9726)
7 2300 West Sahara Avenue, Suite 1200
8 Las Vegas, NV 89102

9 *Attorneys for plaintiff Monat Global Corp.*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on or about the 21st day of February, 2018, a true and correct copy of the foregoing **COMPLAINT** was electronically filed with the Clerk of the Court by using CM/ECF service which will provide copies to all counsel of record registered to receive CM/ECF notification.

/s/ Jelena Jovanovic

An employee of McDonald Carano LLP

INDEX OF EXHIBITS

<u>Description</u>	<u>Exhibit No.</u>
Facebook Page – Toni Miller Advertisement for \$45.00 Hair Treatment for Hair Affected by Monat	A
Facebook Page – PH Level is Unsafe	B
Facebook Page – Grandchild, toxicity, destroying lives	C
Facebook Page – Infertility and harm to unborn babies	D
Facebook Page – Dried up Milk	E
Facebook Page – Menstruation Problems	F
Scalp Pictures	G
Bloody Stool, Migraines, Bruising Claims	H
Facebook Page – Infertility, Miscarriages, Wounds on Scalp Claims	I
Facebook Page – Claim re Losing Babies, Period Every Two Weeks	J

EXHIBIT A

**(Facebook Page – Toni Miller Advertisement for
\$45.00 Hair Treatment for Hair Affected by Monat)**

EXHIBIT A

Case 2:18-cv-00324-APG-GWF Document 1-1 Filed 02/21/18 Page 2 of 3

Chrome File Edit View History Bookmarks People Window Help

VT System Videos on Vimeo Privacy Settings Mastering Object Messenger (19) Toni Miller green hornet - Go MONAT - Log In H

Secure | https://www.facebook.com/toni.miller.543

Toni Miller

Home 1 19 ?

Toni Miller Timeline Recent Add Friend

Toni Miller I would love to do your hair.
Like · 2h

Toni Miller
20 hrs · 🌐

If your hair has been compromised or damaged by Monat please reach out to me. I can help.

Toni Miller · Southern Nevada Classifieds
23 hrs · 🌐

Healing Treatments for hair affected by Monat
\$45
📍 Las Vegas, NV

Malibu treatment, Olaplex treatment and deep conditioning treatment. To help repair your hair after damage from Monat

Like Share

1

Toni Miller
Yesterday at 7:24am · Las Vegas, NV · 🌐

English (US) · Español · Português (Brasil) · Français (France) · Deutsch +

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Show of hands... How many of my facebook friends use Monat or sell Monat??? Tell me your experiences please.

Chat (450)



3 Ways Hair by Toni

Like This Page · February 3 near Las Vegas, NV

*****Attention*****

Please do not use Monat. There are so many bad things happening to innocent people, hair loss, breakage, buildup, skin irritations, skin lesions, sterilization and so much more. I WILL NOT COLOR OR CUT YOUR HAIR IF YOU USE MONAT. I will try and reverse the damage and it will be expensive but I will fix it in a few appointments.

Like

Comment

Share

1



EXHIBIT B

(Facebook Page – PH Level is Unsafe)

EXHIBIT B

Case 2:18-cv-00324-APG-GWF Document 1-2 Filed 02/21/18 Page 2 of 2

Chrome File Edit View History Bookmarks People Window Help

VT System Videos on Vimeo Privacy Settings for Mastering Objective Messenger (19) Toni Miller green hornet - Go MONAT - Log In H

Secure | https://www.facebook.com/toni.miller.543

Toni Miller

Home

Toni Miller Timeline Recent Add Friend

So did WEN. Until people spoke up instead of being ashamed of coming out looking the way they do! This company is going down. It's only a matter of time.
Like · 17h

Toni Miller The PH level in shampoo and hair care products to be safe is 5.5-6.5 anything lower or higher than that is not deemed safe. Monat is 3.5-4.0 that is unsafe.
Like · 17h

Toni Miller Making lots of money off of other peoples suffering.
Like · 17h

People make there own choices not my fault sorry
Like · 17h

Toni Miller You stand behind a product that is causing women to lose babies?
Like · 17h

Toni Miller How do you sleep at night?
Like · 17h

Like I said people make good decisions or bad decisions that is not my fault I'm sorry there's nothing I can do about it
Like · 17h

Toni Miller So you would let your daughter grand daughter sister wife niece who is of child bearing age use these products knowing they are unsafe?
Like · 17h

My daughter used it the whole time she was a pregnant nothing happened to her
Like · 17h

They only look at their own financial gain selling it temporarily.
Like · 17h

English (US) · Español · Português (Brasil) · Français (France) · Deutsch

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Facebook © 2018

Chat (448)

EXHIBIT C

**(Facebook Page – Grandchild, toxicity,
destroying lives)**

EXHIBIT C

Case 2:18-cv-00324-APG-GWF Document 1-3 Filed 02/21/18 Page 2 of 2

Chrome File Edit View History Bookmarks People Window Help

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Secure | https://www.facebook.com/toni.miller.543

Toni Miller

Home

Toni Miller Timeline Recent Add Friend

[Redacted]

[Redacted] My daughter used it the whole time she was a pregnant nothing happened to her
Like · 17h

[Redacted] They only look at their own financial gain selling it temporarily.
Like · 17h

Toni Miller Monet denies the claims and the evidence and they certainly don't tell consumers that the products are toxic
Like · 17h

Toni Miller I hope her baby is normal. Sad thing is the effects of Red Clover and Phytoestrogens may not show up yet in your grandchild and I hope and pray for the sake of your grandchild that the baby continues to stay healthy
Like · 17h

Toni Miller I have a conscience and it won't allow me to sell or back a product that is destroying peoples lives
Like · 17h

[Redacted] The baby is fine and I still work 3 jobs [Redacted]
Like · 17h

[Redacted] I'm as poor comes thank u
Like · 17h

[Redacted] I feel bad for you. If your that bad off maybe it would be in your best interest to have your wife stop investing in a company headed towards major class action lawsuits and save that money. I'm sure Toni could suggest some far better products at a lesser price. Products that have never caused these kids of issues.
Like · 17h

Friends

English (US) · Español · Português (Brasil) · Français (France) · Deutsch

Toni Miller shared Bi-Polar Complex's video.
January 29 at 8:38pm

Chat (448)

EXHIBIT D

**(Facebook Page – Infertility and harm to
unborn babies)**

EXHIBIT D

Case 2:18-cv-00324-APG-GWF Document 1-4 Filed 02/21/18 Page 2 of 2

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Secure | https://www.facebook.com/toni.miller.543

Toni Miller

Home 1 10 ?

Toni Miller Timeline Recent Add Friend

Toni Miller This is the worst product I have ever seen for hair.
Like · 1d

I don't trust any of the MLM's.. it's a get rich scheme at the customers expense, from shakes to hair products. I wouldn't spend a dime on any of them.
Like · 1d

Toni Miller Exactly ..
Like · 1d

Toni Miller It is an MLM. I sell haircare and skincare products to my clients at my cost. Not one of my clients ever paid retail cost. I value my clients and their friendships. I would never sell them a product I didn't believe in or one that could potentially harm them their family or an unborn baby or cause infertility.
Like · 1d

Toni Miller We have gone through so much with Bill [REDACTED] The effects on our bodies from implants why add fire to the already flame.
Like · 1d

I agree.. if I can't buy it from a salon without getting pushed to sell the product it's definitely not for me!
Like · 1d

Exactly!!
Like · 1d

The truth behind Wen & Monat
The chemical breakdown of Monat:... See More
Like · 1d

Toni Miller Ty. [REDACTED]
Like · 23h

Then there's this...
monatisbs
Like · 18h

Chat (449)

EXHIBIT E

(Facebook Page – Dried up Milk)

EXHIBIT E

Case 2:18-cv-00324-APG-GWF Document 1-5 Filed 02/21/18 Page 2 of 2

Chrome File Edit View History Bookmarks People Window Help

VT System x Videos on Vimeo x Privacy Settings for x Mastering Objective x Messenger x (19) Toni Miller x green hornet - Go x MONAT - Log In H x

Secure | https://www.facebook.com/toni.miller.543

Toni Miller

Home

Toni Miller Timeline Recent

Add Friend

COVER STORY INFO

Dear Toni,

Thank you for writing to the Director of Drug Information on the State of Florida for Drug Information and Research (SDIR).

We appreciate your interest in our products and services. For information about our products and services, please visit our website at www.monat.com. We are currently looking for individuals who are interested in our products and services. If you are interested, please contact us at info@monat.com.

About to sell on FDA approved drug. However, since we are not a FDA approved drug, we are not allowed to sell on the FDA approved drug. We are currently looking for individuals who are interested in our products and services. If you are interested, please contact us at info@monat.com.

Search for SDIR Drug Safety and Labeling Changes (SDIR-SDIR)

Best Regards,
Mr. Toni Miller, Director
Director of Drug Information / Center for Drug Information

Like · 17h

Toni Miller [REDACTED] have you seen the pictures of the men women and children who are losing hair and had chemical burns lost babies and are having fertility issues ?

Like · 17h

[REDACTED] Yes I use it my wife use it no problems yet knock on wood

Like · 17h

Toni Miller Women having the breast milk dry up while nursing. Its horrific

Like · 17h

[REDACTED] Wow

Like · 17h

Toni Miller Good luck with that.

Like · 17h

[REDACTED] Making lots of money

Like · 17h

[REDACTED] So did WEN. Until people spoke up instead of being ashamed of coming out looking the way they do! This company is going down. It's only a matter of time.

Like · 17h

Toni Miller The PH level in shampoo and hair care products to be safe is 5.5-6.5 anything lower or higher than that is not deemed safe. Monat is 3.5-4.0 that is unsafe.

Like · 17h

Friends

English (US) · Español · Português (Brasil) · Français (France) · Deutsch

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Chat (449)

EXHIBIT F

(Facebook Page – Menstruation Problems)

EXHIBIT F

Case 2:18-cv-00324-APG-GWF Document 1-6 Filed 02/21/18 Page 2 of 2

Chrome File Edit View History Bookmarks People Window Help

VT System Videos on Vimeo Privacy Settings for Mastering Objective Messenger (19) Toni Miller green hornet - Go MONAT - Log In H

Secure | https://www.facebook.com/toni.miller.543

Toni Miller Timeline Recent Add Friend

Toni Miller The Red Clover and Phytoestrogens in Monat are causing menstruation problems and infertility as well as miscarriages.
Like · 23h


I wont color anyone that uses it ...i want the 7 to speak out but they are embarrassed enough they didnt take my advicei feel social media takes over our jobs because i can talk product all day long and some still get sucked in to mlm companies
Like · 22h

Toni Miller Truth. If you can get any of your clients to speak with my daughter for her News story that would be fantastic.
Like · 22h

Ya im tryingi know 3 of them are speaking privately with lawyers and were put in a silence contract so that could be why ...the others wernt as bad but i ve never in my 27 years seen color do what it did ...and i am strict about manufactures directions with mixing and timing
Like · 22h

Toni Miller This is so sad. I hate that this product is doing so much damage not only to hair but to our bodies and causing infertility issues. It is heartbreaking. I miss the days when all i had to ask in a consultation with a client was whether or not they used Box dye or Henna or Splat.
Like · 22h

I DO NOT KNOW WHAT DAT IS... I WAS JUST GONNA POST THIS FOR YOU Toni Miller TO GIVE YOU A LIL SMILE 😊💕 IT'S YOU N ME, BESTIES 😊💕 HAVE A GREAT DAY SWEETIE



Chat (448)

EXHIBIT G

(Scalp Pictures)

EXHIBIT G

Case 2:18-cv-00324-APG-GWF Document 1-7 Filed 02/21/18 Page 2 of 2



Toni Miller added 6 new photos.

...

8 hrs · Las Vegas, NV · 🌐

Clients past, present & future,

After much consideration, I have decided to make my decision public about refusing chemical/color services to ANY and ALL clients who are using Monat's haircare system. I feel as if I have no choice in this matter, due to increased allegations of hair breakage and/or increased hair loss, balding, etc. I need to protect my business as well as my patrons. If you would like to begin healing your hair I have several treatments available.

xoxo,
Toni



EXHIBIT H

(Bloody Stool, Migraines, Bruising Claims)

EXHIBIT H



Toni Miller

42 mins · Las Vegas, NV ·

#truthaboutmonat #monatcares/not

Ack. As a stylist it is my duty to speak out about a product line that has been not listening to their customers concerns.

If you have been a customer of Monat..

If you are having ANY adverse reactions.

Listen to yourself. You know your body better than anyone.

I am in a group that grew from 140 people to 12,000+ clients in TWO MONTHS having adverse reactions. I have watched with horror the problems people are facing with not only their hair but also hormones, struggles with skin issues etc. I can't even comprehend the issues people are facing by using this product.

I don't say this lightly. Please really pay attention to what you are experiencing while using this product.

For those of you having ANY issues please use the guide below to report your issues.

Just some helpful info
(For Canada & USA)

Use the hashtags to find this post easily by searching the words below

If anyone wants to copy their story & send a photo of their issues as a backup you may forward it to..

hairponzi@gmail.com

#men on Monat



If you are experiencing any of the following changes

1. Blood in your stool
2. changes to moods/depression
3. Cramping
4. Breaks/cuts in your skin that doesn't heal
5. Bruising
6. Headaches or migraines

STOP ALL USE immediately!

Book an appointment with your doctor, have your blood and hormones tested ASAP! Do not be embarrassed as you are not the only one!

#women on monat

If you are experiencing any of the following changes

1. hormone changes (more frequent periods)
2. cystic acne you have never had before
3. increased migraine headaches
4. new rashes
5. greasy roots with hay like ends
6. itching burning on your scalp or body
7. excessive amounts of hair thinning or "shedding" / "detox"

#beforeandafters

-if you make a post about your experience make sure to watermark your photos indicating which is before and after so that MPs do not steal and reverse your photos and use them to promote Monat marketing

#marketpartneragreement

http://monatglobal.com/wp-content/uploads/sites/5/2016/06/Policies-and-Procedures_CA_v2.pdf

#monatclient

#monatrep

Screen shot your proof of purchase too. They are deleting customers accounts



-cancel your credit card AFTER you cancel your Monat account making sure you have an email copy as proof.

#bullying #bully

<https://cyberbullying.org/advice-for-adult-victims-of-cyberbullying>

- Save every bit of evidence. All screenshots, messages and beyond. Email them to yourself and save them on flashdrives
- Create a concise timeline. This is important. Dates and times for all conversations, harassment.. everything. Be SUPER thorough.
- If people are messaging family, friends and businesses get those SS's and add to the timeline. Add everything.
- Call a lawyer in your area that specializes in harrassment. Most law offices have a free consult!
- Go to your local PD file a police report. All harassment needs to be on file.

Send a copy as well to the DSA

#DSA

<http://www.dsa.org/consumerprotection/filing-a-code-complaint/complaint-form>

Screen capture your conversation and keep a copy and submit to

#BBB

<https://www.bbb.org/consumer-complaints/file-a-complaint/nature-of-complaint/>



#MonatEmail

Email : monatsupport@monatglobal.com

#FDA

<https://www.fda.gov/Safety/ReportaProblem/ConsumerComplaintCoordinators/default.htm>

#FTC

<https://www.ftccomplaintassistant.gov/#crnt>

#CanadaGovernment

http://www.healthycanadians.gc.ca/apps/radar/CPS-SPC-0001.08.html?_ga=2.241482114.1876628817.1516079355-466967643.1516079355

#fraud in Canada (resolution to no refund)

<http://www.antifraudcentre-centreantifraude.ca/victim-victime/index-eng.htm>

#TV Market Place (canada)

marketplace@cbc.ca
<https://www.facebook.com/viccanada/>

#CTV in Canada

health@ctv.ca
 w5@ctv.ca

#globeandmail in Canada

cbrousseau@globeandmail.com

#TV 2020 in USA

<http://abcnews.go.com/WN/mailform?id=10691207>

#TV Doctor Oz in USA

<http://www.doctoroz.com/guest-plug/do-you-need-dr-ozs-help>



#complaints in USA

<http://www.freshfromflorida.com/Contact-Us/File-a-Complaint>

#howtowriteacomplaint

<http://www.consumerhandbook.ca/en/topics/products-and-services/complaints>

#aftermonat

1. Stop using ALL Monat products
2. Take photos of your hair and issues
3. Write down a history of your hair the year before you used it, how long, and what happened while you used it, why you quit and what are the results of your hair currently. Include dates if possible
4. Phone your doctor if you have /had issues and have it documented and hormones checked and scalp checked for lesions
5. Phone local salons and ask if the have Malibu treatments, olaplex and a deep conditioners. Book an appointment and have the treatment done soon after your doctors appointment
6. Talk to any stylist who does not believe in using Monat and ask them about helping you pick a professional product and buy from a salon that Guarantee their products (only guaranteed when purchased from a licensed salon for a reason)
7. Start taking notes of changes once you have switch to a new line.
8. Submit your complaints to appropriate links above

Contact the FDA Consumer Complaint Coordinator for the state in which you reside. Please Note: There is not a Consumer Complaint Coordinator in each state. Consumer Complaint Coordinators are assigned to a district which may



include more than one state. Therefore, several states may have the same Consumer Complaint Coordinator assigned to them.

If you require the use of a Relay Service, please call the Federal Relay Services at 800-877-8339. This is a toll free relay service to call Federal agencies from TTY devices.

State Phone Number

Alabama 513- 679-2700

Alaska 800-353-3965 (toll free)

Arizona 303-236-3044

Arkansas 855-630-2112 (toll free)

California (Northern)— zip codes 936xx & higher; and zip codes not covered by southern CA 510-337-6741

California (Southern)— zip codes 90xxx - 92xxx, 93000-93199, 93400-93499, 93510, 93532-93539 949-608-3530

Colorado 303-236-3044

Connecticut 800-891-8295 (toll free)

Delaware 877-689-8073 (toll-free)

District of Columbia 410-779-5713

Florida 866-337-6272 (toll free)

Georgia 404-253-1169

Hawaii 808-522-8011 X1100

Idaho 800-353-3965 (toll free)

Illinois 312-353-7840

Indiana 313-393-8189

Iowa 855-202-9780 (toll free)

Kansas 855-202-9780 (toll free)

Kentucky Toll-free in KY only:

800-437-2382

513- 679-2700

Louisiana 513- 679-2700

Maine 800-891-8295 (toll-free)

Maryland 410-779-5713

Massachusetts 800-891-8295 (toll-free)



EXHIBIT I

**(Facebook Page – Infertility, Miscarriages,
Wounds on Scalp Claims)**

EXHIBIT I

Case 2:18-cv-00324-APG-GWF Document 1-9 Filed 02/21/18 Page 2 of 2

Chrome File Edit View History Bookmarks People Window Help

VT System x Videos on Vimeo x Privacy Settings for x Mastering Objective x Messenger x (19) Toni Miller x green hornet - Go x MONAT - Log In H x

Secure | https://www.facebook.com/toni.miller.543

Toni Miller

Home

Toni Miller Timeline Recent

Add Friend

Toni Miller [REDACTED] the product is really bad. Read up through my comments above and you will see.
Like · 18h

[REDACTED] Maybe his wife needs to see the testimonies from thousands of women 🙄
Like · 18h

[REDACTED] She has done both seen the bad and good people need to read the ingredients and if you are allergic to it then don't use it
Like · 17h

Toni Miller I have never in my life seen a. Shampoo or conditioner make hair fall out break off tangle into knots, cause infertility problems, miscarriages, changes in menstrual cycle, blistering and open weeping wounds on the scalp.
Like · 17h

[REDACTED] Me either but I didn't believe in till I saw my friends hair after 6 month use he now has hair
Like · 17h

[REDACTED] They also claim its FDA approved... Yet the FDA denies it. 🙄

CEER DRUG INFO

Dear Sirs,

Thank you for writing to the Director of Drug Information at the U.S. Food and Drug Administration (FDA).

FDA received your letter regarding the safety of the product, and we are currently reviewing the information you provided. We will contact you again once we have completed our review.

Best regards,
Dr. John H. Hargrett-Scott
Director, Drug Information Center for Drug Information

Like · 17h

Toni Miller [REDACTED] have you seen the pictures of the men women and children who are losing hair and had chemical burns lost babies and are having fertility issues ?
Like · 17h

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Chat (449)

EXHIBIT J

**(Facebook Page – Claim re Losing Babies,
Period Every Two Weeks)**

EXHIBIT J

Case 2:18-cv-00324-APG-GWF Document 1-10 Filed 02/21/18 Page 2 of 2

Chrome File Edit View History Bookmarks People Window Help

VT System Videos on Vimeo Privacy Settings for Mastering Objective Messenger (19) Toni Miller green hornet - Google MONAT - Log In Hi

Secure | https://www.facebook.com/toni.miller.543

Toni Miller

Home

Toni Miller Timeline Recent

Add Friend

Like · 1d

Toni Miller Yessssss...

Like · 1d

Toni Miller

Like · 1d

I seen too many reviews over the "detoxing" period. If I lost that much hair detoxing I wouldn't need shampoo.

Like · 1d

Toni Miller Hair doesn't detox. This product is worse than Wen ever was. It coats the hair shaft and the scalp with wax causing the hair to die. There are reports of women losing babies and having their periods every two weeks. Causing infertility.

Like · 1d

Toni Miller This is the worst product I have ever seen for hair.

Like · 1d

I don't trust any of the MLM's.. it's a get rich scheme at the customers expense, from shakes to hair products. I wouldn't spend a dime on any of them.

Like · 1d

Toni Miller Exactly ..

Like · 1d

Toni Miller It is an MLM. I sell haircare and skincare products

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Chat (451)

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

MONAT GLOBAL CORP.,

(b) County of Residence of First Listed Plaintiff Miami-Dade, Florida
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
George F. Ogilvie III (NV Bar #3552) & Amanda C. Yen (NV Bar #9726)
McDonald Carano LLP; Telephone: (702) 873-4100
2300 West Sahara Avenue, Suite 1200, Las Vegas, Nevada 89102

DEFENDANTS

TONI MILLER

County of Residence of First Listed Defendant Clark County, Nevada
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|---------------------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input checked="" type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Section 1332

Brief description of cause:

Deceptive Trade Practices; Int. Interference with Prosp. Econ. Advantage; Commercial Disp.; Defamation Per Se

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
 DEMAND \$ _____
 Injunctive Relief; in excess of \$225,000
 CHECK YES only if demanded in complaint:
 JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

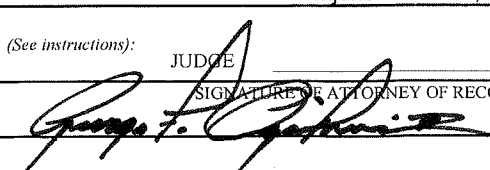
DOCKET NUMBER

DATE

02/21/2018

FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD



RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

EXHIBIT 8

NO MAIL (Pay ~~Cost~~ Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action)

UNITED STATES DISTRICT COURT
for the
District of Nevada

Monat Global Corp.	}	
Plaintiff	}	
v.	}	Civil Action No. 18-cv-00324
Toni Miller	}	
Defendant	}	

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: Vicki Nittinger, individually and as Administrator of "Monat - My Modern Nightmare" Facebook Group, 3801 Crown Point Road, Unit 1144, Jacksonville, Florida 32257
(Name of person to whom this subpoena is directed)

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material. See Exhibit A.

Place: Stephen D. Bussey, Smith Hulsey & Bussey, 225 Water Street, Suite 1800, Jacksonville, FL 32202; (904) 359-7700; bussey@smithhulsey.com	Date and Time: 03/13/2018 5:00 am
---	-----------------------------------


☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 03/01/2018

CLERK OF COURT

OR  Attorney's signature

Signature of Clerk or Deputy Clerk

the name, address, e-mail address, and telephone number of the attorney representing (name of party) Monat Global Corp. who issues or requests this subpoena, are:

Manda Yen, 2300 W. Sahara Ave., Ste 1200, Las Vegas, Nevada 89102; (702) 873-4100; ayen@ymcdonaldcarano.com

Notice to the person who issues or requests this subpoena

This subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Date Rec: 3/5/18 4¹⁰
 Server: VCB/AY
 Date Served: 3/5/2018 5:05 PM

Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

No. 18-cv-00324

PROOF OF SERVICE
(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
 (date) _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____
 _____ on (date) _____, or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

Fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.: _____

to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(d) Compliance.

(1) Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) in the 100 miles of where the person resides, is employed, or transacts business in person; or
- (B) in the state where the person resides, is employed, or regularly transacts business in person, if the person is a party or a party's officer; or
- (C) if the person is not a party or a party's officer and is commanded to attend a trial and would not incur substantial expense.

(2) Other Discovery. A subpoena may command the production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and the production of premises at the premises to be inspected.

(3) Serving a Person Subject to a Subpoena; Enforcement.

(A) Undue Burden or Expense; Sanctions. A party or attorney who issues and serves a subpoena must take reasonable steps to avoid imposing an undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must, on motion or on its own, impose an appropriate sanction—which may include attorney's fees—on a party or attorney who fails to comply.

(B) Failure to Produce Materials or Permit Inspection. A person commanded to produce documents, electronically stored information, or tangible things, or to inspect or inspect premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, trial, or hearing.

(C) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated to inspect or inspect premises a written objection to inspecting, copying, testing, or using or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested—no later than 14 days after the subpoena is served. If an objection is made, the court rules apply.

(D) Production or Inspection. On notice to the commanded person, the serving party may, at any time, appear in person or by counsel for the district where compliance is required for production or inspection.

(E) Expenses. A party may be required only as directed in the order, and the court may award to a person who is neither a party nor a party's officer from whom production or inspection is required the reasonable expenses resulting from compliance.

(F) Modification of a Subpoena.

(1) Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (A) fails to allow a reasonable time to comply;
- (B) requires a person to comply beyond the geographical limits of Rule 45(c);
- (C) requires disclosure of privileged or other protected matter, if no waiver or waiver applies; or
- (D) subjects a person to undue burden.

(2) Permitted. To protect a person subject to or affected by a subpoena for the district where compliance is required may, on motion or on its own, modify the subpoena if it requires:

- (A) the production of a trade secret or other confidential research, development, or commercial information; or
- (B) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(3) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (A) shows a substantial need for the testimony or material that cannot be obtained by other means without undue hardship; and
- (B) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

- (A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) **Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) **Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.
- (D) **Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) **Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and
 - (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) **Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

EXHIBIT A
SUBPOENA TO VICKI NITTINGER

General Definitions

1. "Monat" refers to Monat Global Corp.
2. The "Group" refers to the "Monat - My Modern Nightmare" Facebook group, originally created by Vickie Harrington, and currently Administered by you.
3. "Miller" refers to Toni Miller, the Defendant in this lawsuit.
4. The term "You" refers to Vickie Nittinger individually, and as administrator of the Group, and BeautyBy Vicki, as well as any of its predecessors, successors, parent organizations, corporate affiliates, and employees.
5. "Malibu Wellness" refers to Malibu Wellness Inc.
6. The term "Person" shall mean a natural person or business organization, firm, sole proprietorship, partnership, limited liability company, corporation, association, trust, joint venture, bank, government, governmental body, governmental agency, or other legal entity. If appropriate or indicated, the term "person" shall also include divisions, subsidiaries or departments of corporations or persons, and the principals, agents, servants or employees of the aforesaid entities.
7. The terms "any" and "all" shall be construed interchangeably in a manner that gives a Request the broadest possible reading.
8. The terms "or" as well as "and" shall be construed interchangeably in a manner that gives a Request the broadest possible reading.
9. The term "document" shall have the broadest meaning permitted by the Federal Rules of Civil Procedure.

10. When referring to a **person**, state his or her full name, present home address, his or her present or last known position and business affiliation, and his or her position and business affiliation at all times relevant to this case.

11. When referring to a **business entity**, provide the name, type of entity, state of incorporation, address, and name of registered agent.

12. When referring to a **document**, state the date; author; addressee; the type of document (e.g., letter) or other means of describing it; a summary of its contents; the present address where it is kept, if known, and if not known, the last address and information as to its disposition and the name and address of the person who has possession or control thereof.

13. When referring to an **act, event, or activity**, state each transaction or action constituting the act, event or activity; the date such act, event, or activity occurred; the place such act, event, or activity occurred; and the identity of each person engaging in, present for, or participating in the act, event, or activity.

14. The singular form of a word shall be construed to include within its meaning the plural form of the word, and vice versa, and the use of any tense of any verb shall be considered to include all other tenses, in a manner that gives a Request the broadest possible reading.

15. The phrases "**related to**," "**relating to**" and "**relate to**" shall mean in any way consisting of, referring to, describing, discussing, reflecting, citing, pertaining to, regarding, evidencing, concerning, summarizing or analyzing, whether directly or indirectly, the matter discussed.

General Instructions

1. This Subpoena to produce documents requires the production of all documents responsive to the Requests set out below that are in your possession, custody or control.

2. This Subpoena to produce documents requires the production of documents that were created, dated, applicable, and/or in use between January 1, 2017 and the present.

Documents Requested

1. All posts, comments, messages, or other statements created or otherwise made in the Group.

2. All posts, comments, messages, or other statements created or otherwise made by you regarding Monat or its products.

3. All communications, including text messages, private messages, or other electronic correspondence, between you and Miller regarding Monat, Monat's products, Monat's market partners, the Group, and Malibu Wellness.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Trisha Whitmire and Emily Yanes de
Flores, individually, and on behalf of all
others similarly situated,

Plaintiffs,

v.

MONAT GLOBAL CORP.

Defendant.

Civil Action No. 1:18-CV-20636

Class Action

[PROPOSED] ORDER

This matter comes before the Court on Plaintiffs' Motion for a Protective Order, a Temporary Restraining Order, and a Preliminary Injunction, filed *ex parte* on March 7, 2018. The Court, having considered the submission of Plaintiffs, hereby enters the following Order:

1. The Court makes a finding of fact that Defendant has engaged in a series of improper communications with members of the putative class.
2. Given the improper communications between Defendant, its counsel, and the putative class, the Court, pursuant to Fed. R. Civ. P. 23(d), enters a protective order limiting Defendant's communications with the putative class. No communication shall be had with any member of the putative class, as defined in the Class Action Complaint filed in this case (DE 1), outside of the ordinary course of business of selling hair products, during the pendency of this lawsuit, without prior Court approval. Specifically, Defendant shall not communicate with potential class members regarding this lawsuit, nor threaten litigation against such class members for making public statements or claims similar to the claims that appear in this lawsuit. Defendant shall

submit any proposed written communication to the Court, Plaintiffs will be given five (5) business days to file any objection, and the magistrate judge assigned to this case will rule on the propriety of the proposed communication.

3. Due to Defendant's past communication with putative class members, which have resulted in consumer confusion and intimidation, the Court further orders that corrective class notice shall be sent, at Defendant's expense. Within 15 days of the date of this Order, the parties shall meet and confer regarding a proposed corrective class notice, and shall submit a joint submission to this Court for approval. If the parties cannot agree upon language, the joint submission shall include competing language.
4. The Court further orders that any release of claims obtained by Defendants subsequent to the filing of this action related to the allegations at issue herein shall be deemed invalid.
5. The Court further enters a temporary restraining order against Defendant and its counsel preventing them from engaging in any unsolicited communications regarding this action with any potential class members, unless pre-approved by the Court, in the manner outlined in Paragraph 2 above.
6. The Court orders that a hearing on Plaintiffs' request for a preliminary injunction shall be set for April __, 2018 (fourteen days after the date of this Order).
7. The Court further orders that Defendant show cause why a preliminary injunction should not issue.
8. The Court also orders that Plaintiffs may engage in narrowly targeted expedited discovery. Plaintiffs shall submit written discovery requests, limited to the issues

germane to the preliminary injunction, within 10 days of the date of this Order.

Defendant shall respond within 5 days after receipt of Plaintiffs' discovery requests.

9. The Court Orders that the requirement for posting a bond pursuant to Rule 65(c) shall be waived.

SO ORDERED.

THE HONORABLE DARRIN P. GAYLES
JUDGE, UNITED STATES DISTRICT COURT