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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

THE PEOPLE OF THE STATE OF CALIFORNIA, by and through the CALIFORNIA CORPORATIONS COMMISSIONER,

Plaintiff,

vs.

SMARTWEAR TECHNOLOGIES, a San Diego County fictitious business name; SMARTWEAR TECHNOLOGIES, INC., a Delaware corporation; NORMAN FRANK REED, an individual; ROBERT REED, an individual; SEAN BORZAGE BOYD, an individual; and Does 1 through 10, inclusive,

Defendants,

And

GLOBAL GENERAL TECHNOLOGIES, INC., a Nevada corporation; and LEXIT TECHNOLOGY, INC., a Colorado corporation,

Relief Defendants.

Case No.: 37-2008-00091291-CU-MC-CTL

~~[PROPOSED]~~ ORDER:

(1) ISSUING A TEMPORARY RESTRAINING ORDER (A) ENJOINING THE TRANSFER OF CERTAIN ASSETS AND INTELLECTUAL PROPERTY; AND (B) PRESERVING EVIDENCE; AND ISSUING AN ORDER TO SHOW CAUSE RE: PRELIMINARY INJUNCTION; AND

(2) SETTING A BENCH TRIAL IN THE INSTANT CASE

Judge: Hon. Judith F. Hayes
Dept: C-68

Ex Parte Hearing Date: May 19, 2009
Ex Parte Hearing Time: 8:45 a.m.
Date Action Filed: September 9, 2008
Trial Date: November 6, 2009

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TO ALL DEFENDANTS, RELIEF DEFENDANT AND THEIR COUNSEL OF RECORD:

The Ex Parte Application for Temporary Restraining Order; and Order to Show Cause Re: Preliminary Injunction, came on regularly at the above date and time and in the Department

1 indicated. Plaintiff, the People of the State of California by and through the California
2 Corporations Commissioner (“Plaintiff”) was represented by Corporations Counsel Alex Calero.

3 After consideration of Plaintiff’s First Amended Compliant, Ex Parte Application,
4 Memorandum of Points and Authorities in support thereof, declarations and evidence in support
5 thereof, the Court finds that Plaintiff has demonstrated a likelihood of prevailing on the merits of
6 the action and the absence of any substantive opposition or defense to the request for injunctive
7 relief, and FOR GOOD CAUSE APPEARING

8 IT IS THEREBY ORDERED THAT:

9 An Order to Show Cause hearing shall be held on 7-14, 2009, at 10
10 a.m._____ a.m./p.m., in Department C-68 of this Court, at which time Defendants, SmartWear
11 Technologies, Inc. and Robert Reed, and Relief Defendant Global General Technologies, Inc.
12 shall show why a preliminary injunction should not be granted.

13 The following briefing schedule shall apply: If Defendants and Relief Defendant choose to
14 submit written statements or objections to the issuance of a preliminary injunction, papers must be
15 filed with the Court no later than _____, 2009, at _____ a.m./p.m., and served by
16 facsimile and overnight mail on Plaintiff. If Plaintiff chooses to file a reply, papers must be filed
17 no later than per code, 2009, at _____ a.m./p.m., and served by facsimile and
18 overnight mail on the Defendants and Relief Defendant.

19 A copy of the Ex Parte Application, the Memorandum of Points and Authorities in support
20 thereof, declarations and evidence in support thereof, together with a copy of this Order Issuing a
21 Temporary Restraining Order and Order to Show Cause shall be served on Defendants and Relief
22 Defendant no later than per code, 2009, at _____ a.m./p.m.

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26 IT IS FURTHER ORDERED THAT:

27 1. Pursuant to California Corporations Code section 25530, a Temporary Restraining
28 Order is hereby issued restraining and enjoining Defendants, SmartWear Technologies, Inc., and

1 Robert Reed, and Relief Defendant Global General Technologies, Inc. and their officers, directors,
2 successors in interest, agents, employees, representatives, ~~and all other persons acting in concert or~~
3 ~~participating with them~~ (jh) from, directly or indirectly, transferring or otherwise disposing of any
4 equipment, inventory, intellectual property, cash and equivalents, accounts receivables, licenses
5 and permits, customer contracts, suppliers and third party contracts, in their possession, custody or
6 control, which were held by SmartWear Technologies, Inc. prior to entering into the April 2008
7 Asset Purchase Agreement with Global General Technologies, Inc., unless authorized by this
8 Court.

9 2. Pursuant to California Corporations Code section 25530, a Temporary Retraining
10 Order is hereby issued restraining and enjoining Relief Defendant Global General Technologies,
11 Inc. and its officers, directors, successors in interest, agents, employees, representatives, and all
12 other persons acting in concert or participating with them from, directly or indirectly, removing,
13 destroying, mutilating, concealing, altering, transferring, or otherwise disposing of, in any manner,
14 any books, records, computer programs, computer files, computer printouts, correspondence,
15 brochures, manuals, or any other “writing” or “document” of any kind as defined under California
16 Evidence Code section 250, relating to the transactions and course of conduct as alleged in the
17 First Amended Complaint, unless authorized by this Court.

18 IT IS FURTHER ORDERED THAT:

19 ~~Given that the remedies requested by Plaintiff in the instant case are predominately~~
20 ~~equitable in nature, a bench trial is appropriate and is hereby ordered in the instant case.~~ (jh)

21 IT IS SO ORDERED.

22 Dated: May 19, 2009
23 San Diego, California

24 _____

25 JUDGE OF THE SUPERIOR COURT