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Filed
Clerk of the Superior Court
August 26, 2009
By R. PORTILLO, Deputy

**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: ADDING APPLIED DIGITAL TECHNOLOGIES, INC. AND VERICORP, INC. AS RELIEF DEFENDANTS; ISSUING A TEMPORARY RESTRAINING ORDER, ENJOINING THE TRANSFER OF CERTAIN ASSETS AND PRESERVING RELEVANT EVIDENCE; AND ISSUING AN ORDER TO SHOW CAUSE RE: PRELIMINARY INJUNCTION

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

Ex Parte Hearing Date: August 27, 2009
Ex Parte Hearing Time: 8:45 a.m.
Date Action Filed: September 9, 2008
Trial Date: November 6, 2009

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1 **TO RELIEF DEFENDANTS APPLIED DIGITAL TECHNOLOGIES, INC. AND**
2 **VERICORP, INC. AND THEIR COUNSEL OF RECORD:**

3 The Ex Parte Application for leave of court to add Applied Digital Technologies, Inc. and
4 Vericorp, Inc. as relief defendants, for a Temporary Restraining Order and Order to Show Cause
5 Re: Preliminary Injunction, came on regularly at the above date and time and in the Department
6 indicated. Plaintiff, the People of the State of California by and through the California
7 Corporations Commissioner (“Plaintiff”) was represented by Corporations Counsel Alex Calero.

8 After consideration of Plaintiff’s First Amended Compliant, Ex Parte Application,
9 Memorandum of Points and Authorities, declarations and evidence in support thereof, the Court
10 finds that Plaintiff has demonstrated a likelihood of prevailing on the merits of the action and the
11 absence of any substantive opposition or defense to the request for injunctive relief, and FOR

12 GOOD CAUSE APPEARING

13 **IT IS THEREBY ORDERED THAT:**

14 An Order to Show Cause hearing shall be held on 10/23, 2009, at 10:30 a.m./p.m., in Department
15 C-68 of this Court, at which time Relief Defendants Applied Digital Technologies, Inc. and
16 Vericorp, Inc. must show why a preliminary injunction should not be granted.

17 The following briefing schedule shall apply: If Relief Defendants Applied Digital
18 Technologies, Inc. and Vericorp, Inc. choose to submit written statements or objections to the
19 issuance of a preliminary injunction, papers must be filed with the Court no later than
20 Ex Parte papers deemed moving papers-oppo/reply per code.

21 _____, 2009, at _____ a.m./p.m., and served by facsimile and overnight mail on
22 Plaintiff. If Plaintiff chooses to file a reply, papers must be filed no later than _____,
23 2009, at _____ a.m./p.m., and served by facsimile and overnight mail on Relief Defendants.

24 A copy of the Ex Parte Application, the Memorandum of Points and Authorities in support
25 thereof, declarations and evidence in support thereof, together with a copy of this Order Issuing a
26 Temporary Restraining Order and Order to Show Cause shall be served on Relief Defendants
27 Applied Digital Technologies, Inc. and Vericorp, Inc. no later than 9/9, 2009, at 3:30 a.m./p.m.

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IT IS FURTHER ORDERED THAT:

- 1. Applied Digital Technologies, Inc. is named as a Relief Defendant;
- 2. Vericorp, Inc. is named as a Relief Defendant; and
- 3. Pursuant to California Corporations Code section 25530, subdivision (a), a

Temporary Restraining Order is hereby issued restraining and enjoining Relief Defendants Applied Digital Technologies, Inc. and Vericorp, Inc. and their officers, directors, successors in interest, agents, employees, and representatives from, directly or indirectly:

a. Transferring or otherwise disposing of any equipment, inventory, intellectual property, cash and equivalents, accounts receivables, licenses and permits, customer contracts, or suppliers and third party contracts, in their possession, custody, or control, which were listed in the Asset Purchase Agreement entered into by SmartWear Technologies, Inc. and Global General Technologies, Inc., unless authorized by this Court; and

b. Removing, destroying, mutilating, concealing, altering, transferring, or otherwise disposing of, in any manner, any books, records, computer programs, computer files, computer printouts, correspondence, brochures, manuals, or any other "writing" or "document" of any kind as defined under California Evidence Code section 250, relating to the transactions and course of conduct as alleged in the First Amended Complaint and relating to the transfer of the assets referenced in (a) above, unless authorized by this Court.

IT IS SO ORDERED.

September 1,
Dated: ~~August~~, 2009
San Diego, California

JUDGE OF THE SUPERIOR COURT