

SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF ONONDAGA

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 THE PEOPLE OF THE STATE OF NEW YORK, by
 ERIC T. SCHNEIDERMAN, Attorney General of the
 State of New York,

Petitioner,

-against

**ORDER TO SHOW CAUSE
 WITH A TEMPORARY
 RESTRAINING ORDER**

KMG DIRECT, INC., HIGH LIFE USA, LLC, ELIEZER
 KLIGER, Individually and as Principal of KMG
 DIRECT, INC. and HIGH LIFE USA, LLC
 #33 35th Street
 Brooklyn, New York 11232,

Index No. 2014EF4828

RJI No. 33-14-4614

Respondents.

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 Upon reading and filing the annexed Verified Petition, verified on December 2, 2014; and
 the Affirmation of Deanna R. Nelson, Assistant Attorney General In Charge, affirmed to on
 December 2, 2014; and the Affidavits of Senior Investigator Chad Shelmidine, sworn to on
 December 1, 2014; and Maja Lundborg-Gray, MD, FAAEM, FACEP, sworn to on November 17,
 2014, and the exhibits annexed thereto, and

Upon the motion of ERIC T. SCHNEIDERMAN, Attorney General of the State of New
 York, attorney for Petitioner, it is

ORDERED that the respondents in the above-entitled action show cause at a Term of this
 Court, to be held at the NYS Supreme Court, Onondaga County, located at 401 Montgomery
 Street, Syracuse, New York 13202, on the **22nd day of December, 2014 at 10:00 a.m.**, or as soon
 thereafter as counsel may be heard, why an order should not be made, pursuant to Executive Law
 § 63(12) and General Business Law, Article 22-A:

a. enjoining Respondents, their agents, trustees, servants, employees, successors, heirs and assigns, or any other person under their direction and control, whether acting individually or in concert with others, or through any corporate or other entity or device through which they may now or hereafter act or conduct business (hereinafter "Respondents"), from offering for sale and/or selling mislabeled drugs;

b. enjoining Respondents from offering for sale and/or selling misbranded drugs;

c. permanently enjoining Respondents from misleadingly offering for sale and/or selling products as designer drugs or other street drug alternatives, including but not limited to encouraging ingestion of products falsely labeled "dietary supplement" or other falsity;

d. enjoining Respondents from selling nitrous oxide without first obtaining an exemption from the Commissioner of the New York State Department of Health;

e. enjoining Respondents from engaging in the fraudulent, deceptive and illegal practices alleged in the Petition;

f. requiring that Respondents comply with any and all state, local or federal labeling requirements.

g. requiring Respondents to prepare an accounting of all commodities sold, or offered for sale, from January 1, 2013 to present, including the (i) name of the product, (ii) the manufacturer and/or distributor of the product, (iii) a description of the product, (iv) the retail price of the product, and (v) the number units of the product sold;

h. pursuant to GBL § 350-d, imposing a civil penalty of \$5,000 for each deceptive act committed by Respondents;

i. pursuant to CPLR § 8303(a)(6), granting costs to the State of New York of \$2,000; and

j. for such other and further relief as the Court deems just and proper.

NOW, SUFFICIENT CAUSE APPEARING that sufficient notice of this application has been provided to the Respondents as required by Uniform Rule § 202.27 (f) and further that a cause of action for temporary injunctive relief exists under Executive Law § 63(12), General Business Law § 349, and CPLR sections 6301 and 6313, and that Respondents have engaged in

repeated and persistent illegal, fraudulent and deceptive acts and practices which have caused and will continue to cause immediate and irreparable injury to members of the public unless Respondents are restrained before a hearing can be held, it is hereby

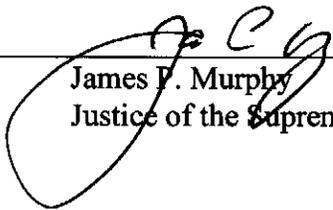
ORDERED that pending the hearing and determination of this proceeding, and to protect the public health, Respondents, their agents, employees, successors, and assigns, and any other person under their direction and control, whether acting individually or in concert with others, or through any corporate or other entity or device, are hereby temporarily restrained, pursuant to CPLR sections 6301 and 6313 from offering for sale or selling mislabeled and/or misbranded drugs, from offering for sale and/or selling products as designer drugs or other street drug alternatives that are not approved for human consumption, and from selling nitrous oxide to the public; and it is further

ORDERED that personal service of one copy of this order and supporting papers on each of the respondents, on or before December 11, 2014, shall be deemed due and sufficient service hereof; and it is further

ORDERED that answering papers shall be filed with the Supreme Court Clerk and served upon counsel so as to be received on or before December 17, 2014, and reply papers, if any, shall be filed with the Supreme Court Clerk and served upon counsel so as to be received on or before December 19, 2014.

Dated: December 4, 2014
Syracuse, New York

ENTER



James F. Murphy
Justice of the Supreme Court