At a(n) IAS/~~Special Term~~ Part 6
of the Supreme Court of the
State of New York, held in and for
the County of Nassau, at the
Courthouse thereof, located at
100 Supreme Court Drive,
Mineola, New York on the
10 day of July 2012

RECEIVED BY SUPREME COURT NASSAU COUNTY
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PRESENT: HON. _____
Justice of the Supreme Court

MOTION SEQUENCE #
ORIGINAL RETURN DATE
RELIEF OPI

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

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

Petitioner,

-against-

DAZE, INC.; KIM FULCHER (a/k/a KIM TASIK), individually and as principal of DAZE, INC.; and RYAN FULCHER, individually and as principal of DAZE, INC.,

Respondents.

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Index No. 12 - 8678

ENTERED

ORDER TO SHOW CAUSE IN SPECIAL PROCEEDING WITH A TEMPORARY RESTRAINING ORDER

Upon the reading and filing the annexed petition of the People of the State of New York, verified on July 9, 2012, and (i) the Affirmation of Marsha W. Yee, dated July 10, 2012, and the exhibits attached thereto, (ii) the Affidavit of Dr. Maja Lundborg-Gray, sworn to on July 5, 2012, and the exhibits attached thereto, and (iii) the Affidavit of Ryan Fannon, sworn to on June 27, 2012, and the exhibits attached thereto, and

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

ORDERED that the Respondents in the above-captioned action show cause at IAS Part 6, Room _____, of this Court, to be held at the Courthouse, 100 Supreme Court Drive, Mineola, New York, on the 31 day of July, 2012, at 9:30 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 ("GBL") Article 22-A, providing the following relief:

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 one or more of them may now or hereafter act or conduct business (collectively, "Respondents"), from offering for sale and/or selling mislabeled drugs in violation of Agriculture and Markets Law § 194;

b. enjoining Respondents from offering for sale and/or selling misbranded drugs in violation of Education Law § 6811;

c. enjoining Respondents from offering for sale and/or selling products that are not approved for human consumption as designer drugs;

d. enjoining Respondents from violating GBL § 349 and from engaging in the fraudulent, deceptive and illegal practices alleged in the petition;

e. requiring Respondents to comply with any and all state, federal and local labeling requirements;

f. requiring Respondents to prepare an accounting of all commodities sold or offered for sale, from January 1, 2012 to July 10, 2012, including:

(i) the 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 of units of the product sold;

g. pursuant to GBL § 350-d, imposing a civil penalty of $5,000 for each violation of GBL Article 22-A committed by Respondents;

h. pursuant to Civil Practice Law and Rules ("C.P.L.R.") 8303(a)(6), granting costs to the State of New York of $2,000 against each named Respondent; and

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

IT APPEARING that a cause of action for temporary injunctive relief exists under Executive Law § 63(12), GBL § 349, and C.P.L.R. 6301 and 6313, and that Respondents have repeatedly and persistently engaged in illegal, fraudulent and deceptive acts and practices that 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

ORDERED that pending the hearing ~~and determination~~ of this ~~proceeding~~ motion, 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 C.P.L.R. 6301 and 6313, from offering for sale and/or selling (1) mislabeled and/or misbranded drugs, and (2) products as designer drugs that are not approved for human consumption;

TRO

JSC

SUFFICIENT CAUSE appearing to me therefore, let personal service of one copy of this order, and the petition With Index Number and Filing Date Endorsed Thereon and all other papers upon which this order is granted, upon the Respondents, on or before July 18, 2012, be deemed good and sufficient service hereof.

7/17

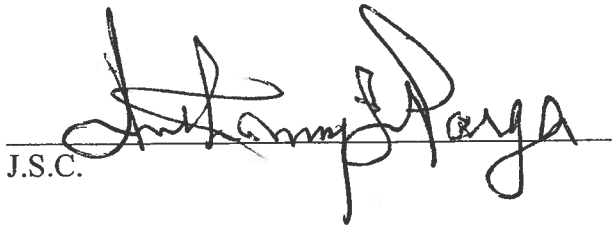
JSC

Pursuant ~~to C.P.L.R. 403(b), answering papers, if any, are required to be served at least two days before the return date of this special proceeding. If, however, this Order to Show Cause~~

is served at least twelve days before the return date, answering papers, if any, are required to be served at least seven days before the return date.

Dated: July 10 2012
Mineola, New York

ENTER



J.S.C.