

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOCKETED
JUL 01 2004

FEDERAL TRADE COMMISSION,)	
)	
Plaintiff,)	
)	No. 03 C 3904
v.)	
)	Judge Robert W. Gettleman
KEVIN TRUDEAU, SHOP AMERICA (USA),)	
LLC, ROBERT BAREFOOT, and DEONNA)	
ENTERPRISES, INC.,)	
)	
Defendant.)	

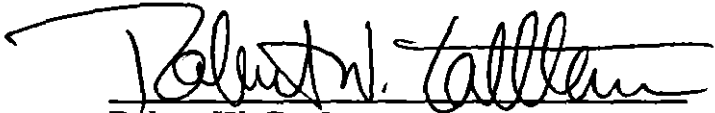
ORDER

This matter came before the court on plaintiff Federal Trade Commission's ("FTC") Motion to find defendant Kevin Trudeau in Civil Contempt for Violating the Preliminary Injunction, that was entered herein on July 1, 2003. After extensive briefing and submission by the parties, along with oral argument heard this date, and for the reasons set forth on the record by the court, which are incorporated herein by reference, the court finds as follows:

1. Plaintiff has established by clear and convincing evidence that defendant Kevin Trudeau violated paragraph 1 of the preliminary injunction by publishing and disseminating the so called "coral calcium letter" attached as Exhibit A-1 to plaintiff's memorandum in support of its motion, as well as the "A Closer Look" infomercial submitted with plaintiff's supplemental memorandum. The court finds that these communications constitute a promotion and offering for sale or distribution of coral calcium and "directly or by implication" represent that coral calcium is an effective treatment or cure for cancer and other diseases specifically mentioned in paragraph 1 of the preliminary injunction.

2. Plaintiff has failed to establish by clear and convincing evidence that defendant Trudeau has violated paragraph 23 of the preliminary injunction.
3. Accordingly, the court finds that defendant Kevin Trudeau is in contempt of court for said violations of paragraph 1 of the preliminary injunction.
4. As an initial interim remedy for said contempt, the court orders defendant Kevin Trudeau, directly or through any corporation, partnership, subsidiary, division, trade name or other entity, and all persons and entities in active concert or participation with him or them who receive actual notice of this order by personal service or otherwise, to cease all promotion, advertising, marketing or distribution of coral calcium; provided that Kevin Trudeau and any entities owned, directly or indirectly, by Kevin Trudeau are not prohibited from selling or shipping coral calcium to consumers who currently are enrolled in a coral calcium continuity program and who enrolled in that coral calcium continuity program prior to December 24, 2003.
5. The court reserves the imposition of further remedial measures pending a report by the parties on July 14, 2004, at 10:00 a.m.

ENTER: June 29, 2004


Robert W. Gettleman
United States District Judge