

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

PERI HALL & ASSOCIATES, INC., et al.,)
)
Plaintiffs,)
)
v.)
)
ELLIOT INSTITUTE FOR SOCIAL)
SCIENCES RESEARCH, et al.,)
)
Defendants.)

Case No.: 4:06-00202-CV-W-GAF

ORDER FOR TEMPORARY RESTRAINING ORDER

On this 10th day of March, 2006, Plaintiffs’ Motion for Temporary Restraining Order was heard. Plaintiffs Peri Hall & Associates, Inc. and Missouri Coalition for Lifesaving Cures Inc. (collectively, “Plaintiffs”) appeared by and through their counsel -- Cathy Dean, Rob Edwards and Lauren Tucker-McCubbin. Defendants Elliot Institute for Social Sciences Research and David C. Reardon (collectively, “Defendants”) appeared telephonically by and through their counsel, David Maddox. Upon reviewing the pleadings and hearing argument of counsel, the Court finds that Plaintiffs’ Motion for Temporary Restraining Order should be and hereby is GRANTED. The Court further finds and orders as follows:

Prior to making application for this Temporary Restraining Order, Plaintiffs informed Defendant of Plaintiffs’ Motion and the date, time and place that Plaintiffs’ Motion would be heard.

Plaintiffs have satisfied the requirements set forth in *Dataphase Systems, Inc. v. C L Systems, Inc.*, 640 F.2d 109 (8th Cir. banc 1981) for the issuance of temporary injunctive relief.

Plaintiffs have established a substantial likelihood of success on the merits on their copyright, trademark and trade dress infringement claims, that they may suffer irreparable harm

if the Temporary Restraining Order does not issue, that the balance between this harm and the injury that granting the injunction will inflict on Defendant favors issuance of the Temporary Restraining Order and that the public interest favors issuance of the Temporary Restraining Order.

This Order is contingent upon the Plaintiffs filing a bond with security approved by the Court or a cash equivalent, as required by law, in the amount of \$100.00. Plaintiffs have already deposited cash in this amount with the Court, and the Order shall immediately take effect.

WHEREFORE, IT IS ORDERED that Defendants Elliot Institute for Social Sciences Research and David C. Reardon must, within 24 hours of entry of this Order, make their website, www.elliottinstitute.org, inaccessible to internet users, and are enjoined from using Plaintiffs' trademarks, trade dress or any html or other source code used in, or graphic design of, Plaintiffs' website, www.missouricures.com, in Defendants' website, www.elliottinstitute.org, or any other website, or aiding and abetting any other person in so doing, until such time as a hearing is held on Plaintiffs' application for a preliminary injunction.

Pursuant to Rule 65, Fed.R.Civ.P., this Order shall expire within ten (10) days of the date of its entry, unless further extended by the Court pursuant to Rule 65(b), Fed.R.Civ.P., or by agreement of the parties.

The Court shall hold a hearing on Plaintiff's Application for Preliminary Injunction at 3:00 o'clock p.m. on Friday, March 17, 2006.

IT IS SO ORDERED.

Dated: 3/10/06

s/Dean Whipple
DISTRICT COURT JUDGE