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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH CENTRAL DIVISION

YOUNG LIVING ESSENTIAL OILS, LC a Utah limited liability company,

Plaintiff,

VS.

RICHARD DAVID STRAWCUTTER, a Michigan resident, aka RICK D. STRAWCUTTER, aka PASTOR RICK, dba ESSENTIAL BIBLICAL HEALTH PRODUCTS, PASTORSTRAW, and SECRETS OF EDEN,

Defendant.

COMPLAINT

(JURY TRIAL DEMANDED)

Case No.:

Judge:

Plaintiff Young Living Essential Oils, LC, by and through its attorneys, complains against Defendant Richard David Strawcutter, aka Rick D. Strawcutter and Pastor Rick, and dba variously as Essential Biblical Health Products, Pastorstraw, and Secrets of Eden as follows:

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COMPLAINT - 1

PARTIES, JURISDICTION AND VENUE

- 1. Plaintiff Young Living Essential Oils, LC ("Young Living" or "Plaintiff") is a Utah corporation with its principal place of business in Lehi, Utah.
- 2. Defendant Richard David Strawcutter ("Strawcutter" or "Defendant") is a resident of the state of Michigan.
 - 3. Defendant is also known as Rick D. Strawcutter and Pastor Rick.
- 4. Defendant does business as Essential Biblical Health Products, Pastorstraw, and Secrets of Eden.
- 5. Upon information and belief, none of the "dba"s in paragraph 4 is a registered business entity in any jurisdiction.
- 6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332 because there is diversity of citizenship and the amount in controversy exceeds \$75,000 exclusive of interest and costs.
- 7. This Court also has subject matter jurisdiction pursuant to 15 U.S.C. § 1121(a) and 28 U.S.C. §§ 1331 and 1338(a) because there are federal questions.
- 8. The state statutory and common law claims are within this Court's supplemental jurisdiction pursuant to 28 U.S.C. § 1367.
- 9. In paragraph 12 of his Distributor Application, Agreement, and Order Form ("Distributor Agreement") with Plaintiff, Defendant agreed that, "Any legal action concerning this Agreement shall be brought in the state and federal courts located in Salt Lake City, Utah" and that Utah law applies to any dispute regarding the Agreement.

- 10. Upon information and belief, since 2003, Defendant has purposely directed his activities at residents of the State of Utah using interactive websites to sell products into the State of Utah (including "Secrets of Eden" at http://store01.prostores.com/servlet/secretsofedenhome/StoreFront and "Essential Biblical Health Products" on eBay at http://stores.ebay.com/Essential-Biblical-Health-Products). Exhibits 1 and 2, attached hereto, are true and correct copies of screen shots of these websites.
- 11. Plaintiff's claims arise out of and relate to Defendant's activities directed at the State of Utah via Defendant's interactive websites (including "Secrets of Eden" at http://store01.prostores.com/servlet/secretsofedenhome/StoreFront and "Essential Biblical Health Products" on eBay at http://stores.ebay.com/Essential-Biblical-Health-Products) and via Defendant's video advertisements on the YouTube website http://www.youtube.com/results?search_query=pastorstraw&search=Search). Exhibits 1, 2 and 3, attached hereto, are true and correct copies of screen shots of these websites.

NATURE OF CLAIMS

Since at least 1996, Plaintiff has been engaged in selling essential oils through a network of distributors. Since 2001 Defendant has ordered essential oils products from Plaintiff. In February 2005, Defendant signed a Distributor Agreement with Plaintiff and continued to order essential oils products from Plaintiff until Plaintiff terminated his Distributor Agreement in August 2006.

This case is about Defendant identifying products for sale with confusingly similar names to Plaintiff's products, falsely representing that his products are identical to Plaintiff's products

or, in the alternative, misappropriating and using Plaintiff's proprietary and confidential formulas, and violating his Distributorship Agreement with Plaintiff.

a. Federal statutory causes of action.

Plaintiff has federal Trademark Act claims against Defendant for willful infringement of Plaintiff's registered "Panaway", "Peace & Calming", "Thieves", and "Valor" trademarks for which Plaintiff seeks injunctive relief, statutory damages for willful infringement, interest, costs and attorney's fees.

Plaintiff has Lanham Act claims against Defendant for false and misleading descriptions and representations of fact regarding the nature, characteristics, and qualities of his goods for which Plaintiff seeks injunctive relief, Defendant's profits, Plaintiff's damages and costs, interest, and its attorney's fees.

b. State statutory causes of action.

In the alternative to Plaintiff's Lanham Act claims, Plaintiff has a Trade Secrets Act claim against Defendant for misappropriating and using its proprietary formulas.

c. Common law cause of action.

Plaintiff has a breach of contract claim against Defendant for using Plaintiff's product names and corporate name to promote his independent business without written authorization from Plaintiff, and for using Plaintiff's proprietary and confidential formulas to manufacture competing products. Plaintiff also has claims for tortious interference with business relationships against Defendant for soliciting and contracting with Plaintiff's customers by improper means, for which Plaintiff seeks damages, including punitive damages.

GENERAL ALLEGATIONS

- 12. Plaintiff incorporates by reference all preceding and subsequent numbered paragraphs and allegations of this Complaint as though fully set forth herein.
- 13. Plaintiff Young Living Essential Oils, LC ("Plaintiff" or "Young Living") was incorporated in Utah in September 1996.
- 14. Plaintiff is a multinational, relationship marketing company specializing in the production and distribution of therapeutic-grade essential oils and essential-oil enhanced products.
- 15. Among its products, Plaintiff sells essential oil blend products called Abundance™, Aroma Siez™, Grounding™, Juvaflex™, Live with Passion™, Motivation™, Panaway®, Peace & Calming®, Raven™, Thieves®, and Valor®. Plaintiff began selling each of these essential oil blend products before Defendant began selling a competing product.
- 16. The formulas for the Plaintiff's products in the preceding paragraph are proprietary and confidential, and Plaintiff keeps them in a locked room in locked file cabinets, to which only three people have keys.
- 17. Plaintiff requires its employees and distributors to agree in writing not to disclose or to use the formulas for its products in a competing business.
- 18. In June 2001, Defendant Richard David Strawcutter ("Defendant") first ordered Young Living products.

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- 19. In 2002, according to his www.thesecretsofeden.com website, Defendant began selling products with a "Secrets of Eden" label in a physical store located in Adrian, Michigan. **Exhibit 4**, attached hereto, is a true and correct copy of a screen shot of the "About Us" page from Defendant's "secrets of eden" website.
- 20. In September 2003, Defendant registered the www.thesecretsofeden.com domain name.
- While Defendant has done and continues to do business under the "Secrets of 21. Eden" and "Essential Biblical Health Products" names, they are not registered business entities in the State of Michigan or, upon information and belief, in any other jurisdiction.
- 22. From October 2004 through November 2005, Defendant ordered Abundance™, Aroma Siez™, Juvaflex™, Panaway®, Peace & Calming®, Thieves®, and Valor® essential oil products (and other products) from Young Living.
- 23. In February 2005, Defendant signed a Distributor Application, Agreement, and Order Form ("Distributor Agreement") with Young Living. Exhibit 5, attached to this Complaint, is a true and correct copy of the Distributor Agreement.
 - 24. In paragraph 9 of his Distributor Agreement, Defendant acknowledged

that Young Living product names, as well as the YL corporate name and logos, are the exclusive property of YL. Applicant agrees not to use trademarks, the YL product names, corporate name, or logos to promote his/her independent business or any other purpose without written authorization from YL. Applicant further acknowledges that its customer lists, distributor lists, manufacturing procedures, formulas, operating, financial and marketing materials, YL Genealogy Reports, Policies and Procedures Manual, and Compensation Plan are YL proprietary property and contain confidential business information and trade secrets. During the term of the Agreement or thereafter, Applicant agrees not to use such materials and information except to develop his/her YL business pursuant to this Agreement and not to compete with Young Living.

25. Paragraph 12 of Defendant's Distributor Agreement with Plaintiff states:

This Agreement shall be interpreted and construed in accordance with the laws of the State of Utah applicable to contracts to be performed therein. Any legal action concerning this Agreement shall be brought in the state and federal courts located in Salt Lake City, Utah. . . .

26. Paragraph 4 of Defendant's Distributor Agreement states, in pertinent part,

Applicant indemnifies and agrees to hold harmless YL, its officers, directors, employees, and agents against any liability, claims, obligations, expenses (including attorney fees), or other damages arising out of or in any way related to or connected with, allegedly or otherwise, Applicant's:

- a) activities as a Distributor including, without limitation, any unauthorized representations or claims made by Applicant;
- b) breach of the terms of this Agreement, Policies and Procedures Manual, or Compensation Plan; or
- c) violation of or failure to comply with any applicable federal, state, or local law or regulation.
- 27. Paragraph 16 of Defendant's Distributor Agreement also states, in pertinent part,

Applicant agrees that upon a breach of this Agreement that YL will be immediately and irreparably harmed and cannot be made whole solely by monetary damages. Applicant agrees that the remedy at law for any breach of any provision of this Agreement shall be inadequate; and that in addition to any other remedies, in law or in equity it may have, YL shall be entitled, without the necessity of proving actual damages, to temporary and permanent injunctive relief to prevent the breach of any provision of this Agreement and/or to compel specific performance of this Agreement.

In or about March 2006, Defendant began advertising and selling "Aromatic 28. Siez", "Juva Flexor", and "Calming Peace" essential oil blend products on his "Essential Biblical Health Products" eBay store. Defendant, under the name "pastorstraw", continues to sell these products on his eBay store. Exhibit 6, attached hereto, is a true and correct copy of a screen shot of Defendant's "Essential Biblical Health Products" eBay store.

29. In his eBay advertisement for "Aromatic Siez", Defendant states, in part:

"Aromatic Siez

Essential Oil Blend Copy

is a copy of the formula *Aroma Siez* made famous by Young Living Oils." (See http://cgi.ebay.com/Aromatic-Siez-Living-Essential-Oil-MAKE-OFFER_W0Qqitem Z9507202835QQihZ002QQcategoryZ1279QQcmdZViewItemQQ_trksidZp1713.m153.l1262; bold and italics in original). **Exhibit 7**, attached hereto, is a true and correct copy of a screen shot of Defendant's Aromatic Siez advertisement on eBay.

30. In his eBay advertisement for "Juva Flexor", Defendant states, in part:

"Juva Flexor

Essential Oil Blend Copy

is a copy of the formula *JuvaFlex* made famous by Young Living Oils." (See http://cgi.ebay.com/Juva-Flexor-Living-Essential-Oil-MAKE OFFER_W0Qqitem Z9507204286QQihZ002QQcategoryZ1279QQcmdZViewItemQQ trksidZp1742.m153.11262; bold and italic in original). **Exhibit 8**, attached hereto, is a true and correct copy of a screen shot of Defendant's Juva Flexor advertisement on eBay.

31. In his eBay advertisement for "Calming Peace", Defendant states, in part:

"Calming Peace

Essential Oil Blend Copy

is a copy of the formula *Peace and Calming* made famous by Young Living Oils."

(See http://cgi.ebay.com/Calming-Peace-Living-Essential-Oil-MAKE-OFFER_W0Qqitem

Z9510515380QQihZ002QQcategoryZ1279QQcmdZViewItemQQ_trksidZp1742.m153.l1262;

bold and italics in original). Exhibit 9, attached hereto, is a true and correct copy of a screen shot of Defendant's Calming Peace advertisement on eBay.

- 32. In or about April 2006, Defendant began selling "More Abundantly", "Aromatic Siez", "Juva Flexor", "Panarama", "Calming Peace", "Ravens' Breath", "4-Thieves" (also labeled "Four Thieves"), and "Valiant" essential oil blend products. Defendant continues to sell these products in his Adrian, Michigan store, on his "Secrets of Eden" website. (See http://store01.prostores.com/servlet/secretsofedenhome/the-Super-Special-OilBlends/Categories). **Exhibit 10**, attached hereto, is a true and correct copy of screen shots of
- 33. On 27 July 2006, Plaintiff sent a cease and desist letter to Defendant related to his infringement of Plaintiff's YOUNG LIVING, THIEVES, PEACE & CALMING, PANAWAY, and VALOR federally-registered trademarks.

Defendant's "Super Special Oil Blends" pages at his "Secrets of Eden" website.

- 34. In or about August 2006, Defendant began advertising and selling a "Ravens' Breath" essential oil blend product on his "Essential Biblical Health Products" eBay store (http://stores.ebay.com/Essential-Biblical-Health-Products).
 - 35. In his eBay advertisement for "Ravens' Breath", Defendant states, in part:

"Ravens' Breath

Essential Oil Blend Copy

is a copy of the formula *Raven* made famous by Young Living Oils."

(See http://cgi.ebay.com/Ravens-Breath-Living-Essential-Oil-MAKE-OFFER_W0Qqitem Z9506890008QQihZ002QQcategoryZ1279QqcmdZViewItem; bold and italics in original).

Exhibit 11, attached hereto, is a true and correct copy of a screen shot of Defendant's "Ravens' Breath" advertisement on eBay.

- In or about October 2006, Defendant began advertising and selling a "4-Thieves" 36. (also labeled "Four Thieves") essential oil blend product on his "Essential Biblical Health Products" eBay store (http://stores.ebay.com/Essential-Biblical-Health-Products).
 - 37. In his eBay advertisement for "4-Thieves", Defendant states, in part:

Our 4-Thieves is a duplication of the Young Living formula, using the same oils in similar proportions.

4 Thieves is the same formula as Young Living

THE BOTTOM LINE IS that we have cracked the code on the ingredients to Thieves and make our product (a duplicate) available at a truly affordable price by eliminating all the multi-level inflated payoffs, and simply delivering to you our customers a truly great value.

(See http://cgi.ebay.com/4-THIEVES-oil-Clove-Cinnamon-Eucalyptus-Lemon_W0Qqitem Z120224538064QQihZ002QQcategoryZ1279QQcmdZViewItemQQ_trksidZp1742.m153.11262; bold in original). Exhibit 12, attached hereto, is a true and correct copy of a screen shot of Defendant's "4-Thieves" advertisement on eBay.

- 38. On 16 August 2007, Plaintiff sent a cease and desist letter to Defendant related to Defendant's infringement, unfair business practices, and dilution of Plaintiff's THIEVES, PEACE & CALMING, PANAWAY, VALOR, AROMA SIEZ, GROUNDING, JUVAFLEX, ABUNDANCE, MOTIVATION, and RAVEN trademarks.
- 39. In or about October 2007, Defendant began advertising a "4-Thieves" (also labeled "Four Thieves") essential oils blend product on YouTube with the headline, "Secrets of Eden Like Young Living Four Thieves Blend" (<a href="http://www.youtube.com/watch?v="http://www.youtube.com/watch
- 40. In or about November 2007, Defendant posted two more video advertisements for a "4-Thieves" (also labeled "Four Thieves") essential oils blend product on YouTube with the headlines, "How 4 Thieves got name. Legend of Four Thieves Black plague" (http://www.youtube.com/watch?v=iLMtnMVftfw), and "Four Thieves Essential Oil cold virus mutation protection" (http://www.youtube.com/watch?v=nPwAA9G8hEM).
- 41. In or about February 2008, Defendant began selling "Grounded", "Passionate Life", and "Motivated" essential oil blend products. Defendant continues to sell these products in his Adrian, Michigan store, and on his "Secrets of Eden" website (www.thesecretsofeden.com). **Exhibit 10**, attached hereto, is a true and correct copy of a screen shot of the pages from Defendant's "Secrets of Eden" website containing links to each of these products.
- 42. On his "Secrets of Eden" website, Defendant advertises his "More Abundantly", "Aromatic Siez", "Grounded", "Juva Flexor", "Motivated", "Panarama", "Passionate Life",

"Calming Peace", "Ravens' Breath", "4-Thieves" (also labeled "Four Thieves"), and "Valiant" essential oil blend products under the link "Super Special Oil Blends"

(http://store01.prostores.com/servlet/secretsofedenhome/the-Super-Special-Oil

<u>Blends/Categories</u>). **Exhibit 10**, attached hereto, is a true and correct copy of a screen shot of the pages from Defendant's "Secrets of Eden" website containing links to each of these products.

- 43. On his "Secrets of Eden" website page selling "Panarama", Defendant states, in part: "Compare Panarama to the one made by the multi-level company. Absolutely the only difference is the price." (See http://store01.prostores.com/servlet/secretsofedenhome/the-52/Panarama/Detail). Exhibit 13, attached hereto, is a true and correct copy of a screen shot of the page from Defendant's "Secrets of Eden" website containing this statement.
- 44. On his "Secrets of Eden" website page selling "4-Thieves", Defendant states, in part:

Four Thieves (15ml bottle) is the Same [sic] formula as the multi-level company but reasonably priced. . . . THE BOTTOM LINE IS that we have cracked the code on the ingredients to Thieves and make our product (exact duplicates) available at a truly affordable price by eliminating all the multi-level inflated payoffs.

(See http://store01.prostores.com/servlet/secretsofedenhome/the-4/4-dsh-THIEVES/Detail).

Exhibit 14, attached hereto, is a true and correct copy of a screen shot of the page from Defendant's "Secrets of Eden" website containing this statement.

- 45. In or about February 2008, Defendant began advertising and selling a "Valiant" essential oils blend product on his "Essential Biblical Health Products" eBay store (http://stores.ebay.com/Essential-Biblical-Health-Products).
 - 46. In his eBay advertisement for "Valiant", Defendant states, in part:

is a copy of the formula V////made famous by Y././/g L.....g Oils."

- (See http://cgi.ebay.com/Valiant-Essential-Oil-Living-Blend-15ml-19-75-OFFER_W0Qqitem Z120211219642QQihZ002QQcategoryZ1279QQcmdZViewItemQQ_trksidZp1713.m153.11262; bold, italics, and "/"s in original). Exhibit 15, attached hereto, is a true and correct copy of a screen shot of Defendant's "Valiant" advertisement on eBay.
- 47. In or about February 2008, Defendant posted another video advertisement for a "4-Thieves" (also labeled "Four Thieves") essential oils blend product on YouTube with the headline, "Tea Party 1. Secrets of Eden 4 thieves butter all new" (http://www.youtube.com/ watch?v=2pPgrPaCdiA).
- 48. In or about February 2008, Defendant posted another video advertisement on YouTube with the headline, "Pastor Strawcutter healthy products Secrets of Eden Sea Salt" for, among other products, "Four Thieves" and "Calming Peace" (http://www.youtube.com/watch?v=eSG2GLC5Bfw). At about the two-minute mark of the three-minute video, Defendant states,

Now, if you've ever heard of Young Living ... Oops! I said the word! They're good people. Nice people. But they have expensive products and I used to be a Young Living representative. Here's what I do. I make Young Living formulations. I call them replications. They call them rip-offs. But I make replications of their oil products, only they're half the price. Okay? For instance, let's step on in ... here's one of their ... they make a product called 'Thieves.' Okay? I make a product called 'Four Thieves.' Same high quality oils, same tremendous blend. Whoo! Fantastic! Big seller, too, by the way. They make a product called 'Peace and Calming.' I make a product called 'Calming Peace.' Isn't that hokey? Gosh, but it's fabulous 'cause people love them. Man, the phone rings off the hook with people saying, 'Wow, am I ever glad to know that I can get something like these, instead of \$34.00, I can get it from you guys for show pauses, but don't omit words]

can be a wholesaler, not too hard to do. Uh ... [trails off/video ends]" [Ellipses

49. The following table accurately shows the Young Living oil blend products that

Defendant claims to have copied, and the names Defendant has given the products he sells:

Young Living's Essential Oil Blends	Defendant's Essential Oil Blend Copies
Abundance™	More Abundantly
Aroma Siez™	Aromatic Siez
Grounding™	Grounded
Juvaflex™	Juva Flexor
Live with Passion [™]	Passionate Life
Motivation™	Motivated
Panaway®	Panarama
Peace & Calming®	Calming Peace
Raven™	Ravens' Breath
Thieves®	4-Thieves / Four Thieves
Valor®	Valiant

- 50. Plaintiff terminated Defendant's Distributor Agreement in August 2006.
- 51. Paragraph 15 of Defendant's Distributor Agreement with Plaintiff states: "The covenants and obligations of Applicant to abide by the nonsolicitation, the trade secrets, and confidential information covenants contained herein shall survive termination of this Agreement."

FIRST CAUSE OF ACTION **Trademark Act – Infringement** (15 U.S.C. §§ 1114, 1116, 1117)

52. Plaintiff incorporates by reference all preceding and subsequent paragraphs and allegations of this Complaint as though fully set forth herein.

- 53. Plaintiff is the federal registrant of the PANAWAY, PEACE & CALMING, RAVEN, THIEVES, and VALOR trademarks.
- 54. Beginning on or about December 2002, but not later than April 2006, Defendant has used the confusingly similar PANARAMA, CALMING PEACE, RAVENS' BREATH, 4-THIEVES / FOUR THIEVES, and VALIANT marks to sell Defendant's products from his store in Adrian, Michigan and from websites on the Internet.
- 55. As a result of Defendant's trademark infringement, Plaintiff has been damaged and is likely to be further damaged.
- 56. Plaintiff is therefore entitled to injunctive relief, impoundment and disposition of infringing products and material, statutory damages for willful infringement, and its attorney's fees and costs.

WHEREFORE, Plaintiff requests the relief described below.

SECOND CAUSE OF ACTION Lanham Act – Deceptive Trade Practices (15 U.S.C. § 1125(a)(1)(B))

- 57. Plaintiff incorporates by reference all preceding and subsequent paragraphs and allegations of this Complaint as though fully set forth herein.
- 58. Plaintiff sells ABUNDANCE™, AROMA SIEZ™, GROUNDING™, JUVAFLEX™, LIVE WITH PASSION™, MOTIVATION™, PANAWAY®, PEACE & CALMING®, RAVEN®, THIEVES®, and VALOR® essential oil blend products.
- 59. Beginning on or about December 2002, but not later than April 2006, Defendant has falsely claimed that his MORE ABUNDANTLY, AROMATIC SIEZ, GROUNDED, JUVA

FLEXOR, MOTIVATED, PANARAMA, PASSIONATE LIFE, CALMING PEACE, RAVENS' BREATH, 4-THIEVES (also labeled FOUR THIEVES), and VALIANT essential oil blend products are identical to, are of an identical nature to, or have the identical characteristics and qualities of Plaintiff's products identified in the previous paragraph.

- 60. As a result of Defendant's actions, Plaintiff has been damaged and is likely to be further damaged.
- Plaintiff is therefore entitled to injunctive relief, Defendant's profits and 61. Plaintiff's damages, plus interest and costs, in an amount to be proven at trial, and to its attorney's fees.

WHEREFORE, Plaintiff requests the relief described below.

THIRD CAUSE OF ACTION **Uniform Trade Secrets Act – Misappropriation** (Utah Code Ann. § 13-24-1 et seg.)

- 62. Plaintiff incorporates by reference all preceding and subsequent paragraphs and allegations of this Complaint as though fully set forth herein.
- 63. Plaintiff sells essential oil blend products called Abundance™, Aroma Siez™, Grounding[™], Juvaflex[™], Live with Passion[™], Motivation[™], Panaway®, Peace & Calming®, Raven™, Thieves®, and Valor®.
- 64. The formulas for the Plaintiff's products in the preceding paragraph are proprietary and derive economic value from not being generally known to the public.
- 65. Plaintiff keeps the formulas for its products in a locked room in locked file cabinets, to which only three people have keys.

- 66. Plaintiff requires its employees and distributors to agree in writing not to disclose and not to use the formulas for Plaintiff's products in a competing business.
- 67. In alternative to the claims in its Second Cause of Action, and upon information and belief, on or about 2005 Defendant misappropriated the formulas for Plaintiff's essential oil blend products listed in paragraph 63 above.
- 68. Defendant has used these formulas to create duplicate products and to market them in competition with Plaintiff.
 - 69. Defendant's misappropriation of Plaintiff's formulas has damaged Plaintiff.
- 70. Plaintiff is therefore entitled to injunctive relief, damages, including exemplary damages for willful and malicious misappropriation, and its attorney's fees and costs.

WHEREFORE, Plaintiff requests the relief described below.

FOURTH CAUSE OF ACTION **Breach of Contract**

- 71. Plaintiff incorporates by reference all preceding and subsequent paragraphs and allegations of this Complaint as though fully set forth herein.
 - 72. In February 2005, Defendant signed a Distributor Agreement with Plaintiff.
 - 73. In paragraph 9 of his Distributor Agreement, Defendant acknowledged that:

Young Living product names, as well as the YL corporate name and logos, are the exclusive property of YL. Applicant agrees not to use trademarks, the YL product names, corporate name, or logos to promote his/her independent business or any other purpose without written authorization from YL. Applicant further acknowledges that its customer lists, distributor lists, manufacturing procedures, formulas, operating, financial and marketing materials, YL Genealogy Reports, Policies and Procedures Manual, and Compensation Plan are YL proprietary property and contain confidential business information and trade secrets. During the term of the Agreement or thereafter, Applicant agrees not to use such Agreement and not to compete with Young Living.

- 74. Plaintiff performed its obligations under the terms of the parties' Distributor Agreement.
- 75. Defendant breached and continues to breach the Distributor Agreement by using Plaintiff's trademarks, product names, and corporate name to promote his independent and competing business without written authorization from Plaintiff.
- 76. Defendant breached and continues to breach the Distributor Agreement by using Plaintiff's proprietary and confidential formulas to manufacture products Defendant sells in direct competition with Plaintiff.
- 77. As result of Defendant's breach, Plaintiff is entitled to damages, including punitive damages, and its attorney's fees.

WHEREFORE, Plaintiff requests the relief described below.

FIFTH CAUSE OF ACTION Tortious interference with existing and prospective economic relations

- 78. Plaintiff incorporates by reference all preceding and subsequent paragraphs and allegations of this Complaint as though fully set forth herein.
- 79. Defendant's violations of the Trademark Act, the Lanham Act, and the Uniform Trade Secrets Act and his breach of contract constitute intentional interference with Plaintiff's existing and potential economic relations, for an improper purpose (namely, to appropriate Plaintiff's customers) or by improper means (namely, the violations of statutory and common law as described), and have caused injury to Plaintiff.

- 80. In all this, Defendant's actions in violation of Plaintiff's rights were willful and wanton.
- 81. As a result of Defendant's tortious interference, Plaintiff is entitled to recover damages against Defendant in an amount to be proven at trial, together with punitive damages, plus interest and costs, and its attorney's fees.

WHEREFORE, Plaintiffs request the relief as described below.

PRAYER

WHEREFORE, Plaintiff respectfully requests the following relief:

FIRST CAUSE OF ACTION Trademark Act – Infringement (15 U.S.C. §§ 1114, 1116, 1117)

Injunctive relief, statutory damages of \$1,000,000.00 for willful use of a counterfeit mark under 15 U.S.C. § 1117(c)(2), impoundment and disposition of infringing products and materials, interest, costs, and attorney fees.

SECOND CAUSE OF ACTION
Lanham Act – Deceptive Trade Practices
(15 U.S.C. § 1125(a)(1)(B))

Injunctive relief, Defendant's profits, Plaintiff's damages in an amount to be determined at trial, plus interest, costs, and attorney's fees.

THIRD CAUSE OF ACTION
Trade Secrets Act – Misappropriation
(Utah Code Ann. § 13-24-1 et seq.)

Injunctive relief, damages in an amount to be determined at trial, including exemplary damages, plus interest, costs, and attorney's fees.

FOURTH CAUSE OF ACTION **Breach of Contract**

Damages against the Defendant in an amount to be determined at trial, plus interest, costs, and attorney's fees.

FIFTH CAUSE OF ACTION **Tortious Interference**

Damages against the Defendant in an amount to be determined at trial, together with punitive damages, plus interest, costs, and attorney's fees.

JURY TRIAL DEMANDED

Plaintiff demands that all issues triable by a jury be so tried.

RESPECTFULLY submitted this 12th day of March, 2008.

FILLMORE SPENCER LLC

/s/ Barnard N. Madsen_

By: Barnard N. Madsen Scott D. Preston

Attorneys for Plaintiff Young Living Essential Oils, LC

Plaintiff's address: Young Living Essential Oils, LC Thanksgiving Point Business Park 3125 West Executive Parkway Lehi, UT 84043

SJS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil depend on the Clerk of Court for the purpose of initiating the civil depend on the Clerk of Court for the purpose of initiating the civil depend on the Clerk of Court for the purpose of initiating the civil depend on the Clerk of Court for the purpose of initiating the civil depend on the Clerk of Court for the purpose of initiating the civil depend on the Clerk of Court for the purpose of initiating the civil depend on the Clerk of Court for the purpose of initiating the civil depend on the Clerk of Court for the purpose of initiating the civil depend on the Clerk of Court for the purpose of initiating the civil depend on the Clerk of Court for the purpose of initiating the civil depend on the Clerk of Court for the purpose of initiating the civil depend on the Clerk of Court for the purpose of initiating the civil depend on the Clerk of Court for the purpose of initiating the civil depend on the Clerk of Court for the Clerk of Court

the civil docket sheet. (SEE IN	ISTRUCTIONS ON THE REVE	RSE OF THE FORM.)			
I. (a) PLAINTIFFS			DEFENDANTS	d 0	HAOL BALLE
Young Livin	g Essential	170 CH 181 HA		COTTER, KIE	HARD DAVID
(c) Attorney's (Firm Name Fillmore Sp	XCEPT IN U.S. PLAINTIFF CA Address, and Telephone Numb	Barnard M 301 N.Unive	NOTE: IN LAND I LAND I Attorneys (If Known)	of First Listed Defendant (IN U.S. PLAINTIFF CASES OF CONDEMNATION CASES, USINVOLVED.	
Provo, UT	84604 801	1426-8200			
II. BASIS OF JURISD	OICTION (Place an "X" i	n One Box Only)	III. CITIZENSHIP OF P	RINCIPAL PARTIES	Place an "X" in One Box for Plaintiff and One Box for Defendant)
☐ 1 U.S. Government Plaintiff	3 Federal Question (U.S. Government)	Not a Party)		TF DEF ☐ 1 Incorporated or Pri of Business In This	
☐ 2 U.S. Government Defendant	4 Diversity (Indicate Citizensh)	p of Parties in Item III)	Citizen of Another State	2 Incorporated and P of Business In A	
	•		Citizen or Subject of a Foreign Country	3 Foreign Nation	□ 6 □ 6
IV. NATURE OF SUI			FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
CONTRACT 110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excl. Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel &	PERSONAL INJURN 362 Personal Injury- Med. Malpractice 365 Personal Injury - Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPER' 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage Product Liability PRISONER PETITION 510 Motions to Vacate Sentence Habeas Corpus: 530 General 535 Death Penalty 540 Mandamus & Ott 550 Civil Rights 555 Prison Condition	1 610 Agriculture 620 Other Food & Drug 625 Drug Related Seizure of Property 21 USC 881 630 Liquor Laws 640 R.R. & Truck 650 Airline Regs. 660 Occupational Safety/Health 690 Other LABOR 710 Fair Labor Standards Act 720 Labor/Mgmt. Relations 730 Labor/Mgmt.Reporting & Disclosure Act 740 Railway Labor Act 790 Other Labor Litigation 791 Empl. Ret. Inc. Security Act 1MMIGRATION 463 Habeas Corpus 463 Habeas Corpus 463 Habeas Corpus 463 Habeas Corpus 464 New Properties 463 Habeas Corpus 465 Habeas C	422 Appeal 28 USC 158 423 Withdrawal 28 USC 157 PROPERTY RIGHTS 820 Copyrights 830 Patent 840 Trademark 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g)) FEDERAL TAX SUITS 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS—Third Party 26 USC 7609	400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 480 Consumer Credit 490 Cable/Sat TV 810 Selective Service 850 Securities/Commodities/ Exchange 875 Customer Challenge 12 USC 3410 890 Other Statutory Actions 891 Agricultural Acts 892 Economic Stabilization Act 893 Environmental Matters 894 Energy Allocation Act 900Appeal of Fee Determination Act 900Appeal of Fee Determination Under Equal Access to Justice 950 Constitutionality of State Statutes
★1 Original □ 2 R	an "X" in One Box Only) temoved from	Appellate Court	Reopened anoth		
VI. CAUSE OF ACT	115 U.S.C	ause:	re filing (Do not cite jurisdiction		
VII. REQUESTED IN COMPLAINT:	CHECK IF THIS UNDER F.R.C.F	S IS A CLASS ACTION 2, 23	DEMANDS 1,680,6	JURY DEMAND	if demanded in complaint: : X Yes No
VIII. RELATED CAS	SE(S) (See instructions):	JUDGE		DOCKET NUMBER	
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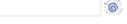
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Essential Biblical Health Products



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Tinctures (7) Category 11Single	Grapefruit oil essential oil LIVING AN FEELING YOUNG	US \$8.50 FBuy It Now or Best Offer
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Butters (7) Category 16 Cellulite Melt (1) Category 18 Special	REFRESH mineral spray for your skin value \$8.95	n great US \$8.95 FBuy It Now or Best Offer
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3 3 3 3 3 3					
Category 19 Free Stuff (1)	Picture <u>hide</u>	Item Title	<u>Price</u> ▲	Bids	Time Left
Other Items (75)		Hyssop essential oil Secrets of Eden MAKE	US \$9.50	∓Buy It Now or Best Offer	
Display		OFFER	σσ φσ.σσ	"or Best Offer	
Gallery viewView ending times(Ends PDT)		Jamango Butter Deodorant tropical fragrance \$9.95	US \$9.95	∓Buy It Now	
		Secrets of Edens Fractionated Coconut Oil \$18.95	US \$9.95	⊊Buy It Now	
		Jamango Butter Deodorant tropical fragrance \$9.95	US \$9.95	∓Buy It <mark>Now</mark> or Best Offer	
		Jamango Butter Deodorant tropical fragrance \$9.95 OFFER	US \$9.95	∓Buy It <mark>Now</mark> or Best Offer	
		Secrets of Eden's Fractionated Coconut Oil \$9.95	US \$9.95	ŒBuy It Now or Best Offer	
	Emercial Dis	Vitamin E oil Secrets of Eden 15 ml	US \$10.50	∓Buy It Now or Best Offer	
		Rosewood essential oil secrets of eden MAKE OFFER	US \$11.50	∓Buy It Now or Best Offer	
		Spruce essential oil Secrets of Eden MAKE OFFER NOW	US \$11.50	∓Buy It Now or Best Offer	
		Tea Tree essential oil Secrets of Eden MAKE OFFER	US \$12.00	∓Buy It Now or Best Offer	
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		Mandarin Yellow essential oil Make Offer	US \$12.50	∓Buy It Now or Best Offer	
		Sage essential oil Secrets of Eden MAKE OFFER Bible oil rarity essential oils power heal		FBuy It Now or Best Offer	
		Cinnamon Bark/leaf essential oil diabetics MAKE OFFER	US \$13.50	∓Buy It Now or Best Offer	
		1 Complete Hair and Body Shampoo - \$13.99 MAKE OFFER	US \$13.99	∓Buy It Now or Best Offer	
		Ylang Ylang essential oil Secrets of Eden	US \$14.50	∓Buy It Now or Best Offer	

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Time Left Picture hide Item Title Price _ **Bids** Hibiscus Tincture, Blood Pressure Reducing US \$14.95 FBuylt Now of Best Offer Lemon Grass Tincture Secrets of Eden US \$14.95 FBuy It Now or Best Offer \$14.95 Lungwort Tincture Secrets of Eden \$14.95 US \$14.95 FBuy It Now or Best Offer Make offer **Page 1** of 5 Go to page Previous 1 | 2 | 3 | 4 | 5 Next Go

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Alana valerian tincture sleep aid Herbal Remedy Organic

Alana, gets sleep results by using Valerian Tincture formulated by The Secrets of Eden in Adrian Michigan. secretsofeden.com has the most potent tinctures anywhere. 1 (more)

Added: 1 month ago From: pastorstraw Views: 77

01:02

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HG Hemorrhoid treatment no surgery pain itch Hemorrhoids

Pastor Strawcutter can be heard live on internet radio every weekday at 4:30 pm Eastern time at http://www.kmtl760am.com Secrets of (more)

Added: 3 months ago From: pastorstraw Views: 2,373

05:33

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Added: 4 months ago

From: pastorstraw



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How to put a natural blush and healthy skin tone on face

Essential oils of the Bible. Health for your skin....Health from essential oils.

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Secrets of Eden Like Young Living Four Thieves Blend

Pastor Strawcutter can be heard live on internet radio every weekday at 4:30 pm Eastern time at http://www.kmtl760am.com Four Thieves (more)

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09:32

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92 Trace minerals total health from Celtic Sea Salts

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07:28

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Secrets of Eden cancer treatment organic Essiac Herbal Blend

Essiac herbal tincture blend for cancer therapy...essiac herbal blend cancer therapy

Added: 4 months ago From: pastorstraw Views: 503

06:08

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Secrets of Eden Organic Clove antioxidant Coconut Anti Oxy

Anti-Oxy with the most powerful antioxidant agent know to man. Organic clove oil. Clove oil has highest orac rating. Apply topically for transdermal pain relief (more)

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07:35

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French paradox heart health & resveratol herbs Cardio Vino

Pastor Strawcutter can be heard live on internet radio every weekday at 4:30 pm Eastern time at http://www.kmtl760am.com Cardio Vino (more)

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aid digestion breath control pain Peppermint Essential Oil

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07:25

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Complete Hair and Body Shampoo essential oils No Sodium LS

See all 26 videos Pastor Strawcutter can be heard live on internet radio every weekday at 4:30 pm Eastern time at http://www.kmtl760am (more)

Added: 4 months ago From: pastorstraw Views: 245

05:51

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Secrets of Eden mineral lemon honey beauty skin care Refresh

Refresh mineral spray with honey and lemon and MSM great for skin. Even great for removing make-up...refreshing mineral spray with honey and lemon for

Added: 4 months ago From: pastorstraw Views: 182

07:12

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How to rid legs, buns of fat cottage cheese Cellulite Melter

remove unsightly fatty deposits with cellulite melter oil blend...cellulite melter fatty deposits under skin

Added: 4 months ago From: pastorstraw Views: 197

04:26

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No Body Odor all natural Nobo Deodorant secrets of eden

No BO Deodorant all natural. Will not absorb into skin. Safe for breasts No Cancer No BO Lays down an invisible shield that neutralizes bacteria when it appears (more)

Added: 4 months ago From: pastorstraw Views: 276

03:06

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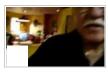
Skin changes color instantly with essential oil blend Cancun

See all 26 Videos -You can have beautiful skin with Secrets of Eden's oil blend called Nothing But the Oils made with 23 different oils. Give your skin (more)

Added: 3 months ago From: pastorstraw Views: 172

03:55

More in Education



HG Hemorrhoids Gone cured miracle relief shrink varicose

Testimony as to avoiding surgery for hemorrhoids using HG Forever. Hemorrhoids Gone Forever. Usually gone overnight. Powerful ingredients shrink veins, even variose veins. Actual user (more)

Added: 3 months ago From: pastorstraw Views: 526

01:18

More in Education



Secrets of Eden Exodus anointing oil prayer Aaron's Oil

Aaron's Oil for biblical anointing with Cinnamon, Frankincense, Myrrh, Spikenard, Hyssop and extra virgin organic olive oil Exodus 30:25...Biblical anointing oil

Added: 4 months ago From: pastorstraw Views: 200

02:00

More in Travel & Events



Secrets of Eden Aloe Vera Healing skin burns Burn Out

Burnout burn relief with aloe vera, lavender, helicrysum, blue tansy, rose, peppermint, and shea butter in a base of coconut and palm kernel for (more)

Added: 4 months ago From: pastorstraw Views: 162 no rating 02:10

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Four Thieves Essential Oil cold virus mutation protection

As reported by CNN's Sanja Gupta this flu season has a fatal accomplice. A Cold strain has mutated and has become deadly now killing as many as 20 people (more)

Added: 2 months ago From: pastorstraw Views: 153

01:57

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Secrets of Eden organic healing Sublingual Herbal Tinctures

Herbal Tinctures produced by the Secrets of Eden Turmeric, crampbark, hibiscus, valerian, nutmeg and much much more. Made from the finest dry herbs. Added: 4 months ago From: pastorstraw Views: 148

01:54

More in Travel & Events



Cancer Melanoma treatment Refresh not neosporin Valiant

Unsolicited testimonial for several Secrets of Eden products. Amazing skin healing qualities for Refresh. www.thesecretsofeden.com 888-820-2126 A scientific blend of (more)

Added: 3 months ago From: pastorstraw Views: 160

01:24

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How 4 Thieves got name. Legend of Four Thieves Black plague

Story of 4 Thieves. Folk Lore. Thieves in Dark Ages that used antiviral cloves and Cinnamon etc. to protect themselves from deadly virus'...Dr

Added: 2 months ago From: pastorstraw Views: 67

01:33

More in <u>Science &</u> <u>Technology</u>



Hot Neck pain miracle cured 2 minutes Valiant Secrets Eden

This Lady walked up to our display at Claudia's Market in Toledo Ohio and told us how her neck was in constant pain from surgery. We applied a few (more)

Added: 3 months ago From: pastorstraw Views: 163

00:43

More in News & Politics



Britney pain in knee instantly healed Valiant Secrets Eden

Pastor Strawcutter, the founder and formulator of The Secrets of Eden, was at Claudia's Market in Toledo Ohio on November 11, 2007. This sweet lady was (more) Added: 3 months ago From: pastorstraw Views: 125

00:34

More in Science & Technology



Dog attack hand pain joint injury healed Valiant Oil

This lady came up to our table at Claudia's Market in Toledo and showed us her injury. We applied 2 drops of Valiant Oil Blend and within moments a (more)

Added: 3 months ago From: pastorstraw Views: 177

01:23

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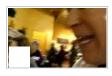
Tag for videos Secrets of Eden

Pastor Strawcutter can be heard live on internet radio every weekday at 4:30 pm Eastern time at http://www.kmtl760am.com

Added: 2 months ago From: pastorstraw Views: 76

00:19

More in Education



Airline attendant neck constant pain instant relief Valiant

Attendant with major airline hub, lugs bags all day has had major neck pain. Walked up to our booth at Claudia's Market in Toledo. We applied two (more)

Added: 3 months ago From: pastorstraw Views: 138

00:42

More in Entertainment



MIGRAINE Relief Headache pain gone Secrets of Eden

See all 26 Videos -MIGRAINE contains blue tansy, chamomile, peppermint, lavender, basil, bergamot, lemon, rosemary, lady's slipper, gentian, and (more)

Added: 4 months ago From: pastorstraw Views: 84

04:39

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About the secrets of eden

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The Secrets of Eden was launched in 2002 to provide all natural products with a biblical flare. Our first inspired product now called Complete containes a blend of 23 different essential and carrier oils with a 4% oil blend: more than any other. We soon branched out into healthful products and getting miraculous testamonies almost daily. Essential oils and herbs are our mainstay and we now have a small store front at our newer laboratory facility located in the heart of rural Adrian Michigan. We are open to the public daily. If you are ever in Adrian, stop by and see us. Sample our products or just hang out and munch on popcorn salted with healthful celtic sea salts. Call us at 1-517-263-OILS for directions or any other inquiries. And we pray that the Lord Jesus Christ richly blesses you and your family. Also check out our testamonies on youtube.com. (type in pastorstraw)

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Agreement, and Order Form

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DISTRIBUTOR AGREEMENT

This Agreement is hereby entered into between the Applicant signed on the front side of this Agreement and Young Living Essential Oils, hereafter known as "YL"

- Applicant hereby applies to be an Independent Distributor in the Young Liv-ing Essential Oils (YL) distribution program. If this application is approved by YI., the Applicant agrees to the terms of this Distributor Agreement, Policies and Procedures, and Compensation Plan (Agreement), as each is amended from time to time. Applicant confirms that he/she is of legal age and capacity and can be bound by the terms of this Agreement. Applicant further confirms that he/she is not currently a YL distributor nor has he/she been a YL distributor during the twelve months preceeding the date of this Agreement.
- 2) Young Living may approve or reject this application at its sole discretion and for any reason in accordance with YL Policies and Procedures in effect now or in the future. Approval of this application by YL is authorization for Applicant to be a distributor and to sell YL products. The Agreement to be a distributor and to sell YL products will continue until terminated as follows:
 - a) Applicant cancels Agreement by written notification to Young Living; b) Applicant's account becomes inactive. Accounts are considered inactive when less than 50 PV are purchased or sold within a twelve month period; or
 - c) Young Living terminates the Agreement because of a violation of the terms of the Agreement, compensation plan, or Policies and Procedures. The compensation plan and Policies and Procedures may be modified from time to time by YL, and Applicant agrees to be bound by such changes.
- 3) Immediately upon termination or nonrenewal of this Agreement, Applicant
 - a) lose all rights to purchase products from YL at distributor cost; b) cease from representing himself/herself as a distributor of Young Living
 - c) lose all rights to his/her distributorship and his/her participation in the compensation plan, including all future commissions and earnings resulting therefrom, shall terminate; and
 - d) take all other actions reasonably required by YL, including the discontinuance of YL's trademarks and service marks.
- 4) This Agreement does not establish an agency, joint venture, or employer/employee relationship. Applicant and YL agree that this Agreement does not create a fiduciary relationship between them. Applicant acknowledges that he/she is an independent contractor and is not a spokesperson, legal representative, or employee of Young Living. Applicant acknowledges that he/she cannot obligate or otherwise bind YL to any agreement or duty. Applicant shall not be treated as an employee, agent, franchise, joint venture, partner, or owner of YL for federal or state tax purposes. Applicant agrees to assume the responsibility for all taxes coming due or arising from his/her activities as a YL distributor, including, but not limited to, sales tax, state and federal income tax, FICA and Medicare withholdings, and unemployment tax. In addition, Applicant agrees to abide by all state and federal laws pertaining to the sale and distribution of YL products, including the filing of any documents or forms. Applicant indemnifies and agrees to hold harmless YL, its officers, directors, employees, and agents against any liability, claims, obligations, expenses (including attorney fees), or other damages arising out of or in any way related to or connected with, allegedly or otherwise, Applicant's:
 - a) activities as a distributor including, without limitation, any unauthorized representations or claims made by Applicant;
 - b) breach of the terms of this Agreement, Policies and Procedures manual, or compensation plan; or
 - c) violation of or failure to comply with any applicable federal, state, or local law or regulation.
- 5) Young Living authorizes Applicant to sponsor others as YL distributors. preferred customers, or retail customers in accordance with Policies and Procedures. Applicant agrees not to make ANY claims regarding the amount of potential earnings. Applicant agrees not to make ANY claims that state or imply that earnings can be based on the sole activity of sponsoring other YL Members as no compensation is paid for sponsoring. Applicant further agrees not to make ANY claims that state or imply that YL Members have exclusive territories
- 6) All YL products purchased by Applicant are subject to the warranties and disclaimers applicable to these products at the time of purchase. Applicant acknowledges and agrees that when marketing the products:

 - a) not to make diagnoses of medical conditions;
 b) not to make claims that YL products will prevent, treat, cure, or mitigate any disease or disease condition in humans or animals; c) not to use pictures, graphic displays, written materials, or make any
 - claims about YL products not contained in YL sales and promotional literature approved by YL; and
 - d) not to make any claims about YL products that can be construed as a drug or health claim.
- 7) The Young Living compensation plan is based upon the sale of Young Living products and services to end consumers. You must fulfill specified personal and downline organization sales requirements (as well as meet other responsibilities set forth in the Policies and Procedures) in order to be eligible for bonuses, commissions, and advancement to higher levels of achievement.
- 8) Applicant must also pay for the products or services he/she purchases when the order is placed. If Applicant fails to pay for the products or services when placing an order, the order will not be processed.
- Applicant acknowledges that Young Living product names, as well as the YL corporate name and logos, are the exclusive property of YL. Applicant agrees not to use trademarks, the YL product names, corporate name, or logos to promote his/her independent business or any other purpose without written authorization from YL. Applicant further acknowledges that its customer lists,

distributor lists, manufacturing procedures, formulas, operating, financial and marketing materials, YL genealogy reports, Policies and Procedures manual. and compensation plan are YL proprietary property and contain confidential business information and trade secrets. During the term of the Agreement or thereafter, Applicant agrees not to use such materials and information except to develop his/her YL business pursuant to this Agreement and not to compete with Young Living. Applicant agrees not to disclose the information contained in those reports to third parties or to recruit, solicit, or otherwise engage other YL members to participate in other business ventures.

10) Applicant acknowledges that YL is not liable for any damages or losses caused

by the delay or inability to manufacture, sell, or deliver its products due to labor strikes, accidents, fire, flood, acts of civil authority, acts of God, or from

any other causes that are beyond the control of YL.

11) This Agreement cannot be sold or assigned without the written approval of YL. All permitted successors in interest or assigns must comply with all terms of this Agreement. YL may assign this Agreement at any time.

12) This Agreement shall be interpreted and construed in accordance with the

- laws of the State of Utah applicable to contracts to be performed therein.

 Any legal action concerning this Agreement shall be brought in the state and federal courts located in Salt Lake City, Utah. In the event any court of compe tent jurisdiction shall declare any portion of this Agreement to be invalid, the remainder of this Agreement shall not be invalidated thereby but shall remain in full force and effect.
- 13) This Agreement, the Policies and Procedures, and the compensation plan (all of which are incorporated and herein by reference and which may be amended from time to time at YL discretion) constitute the entire agreement between Applicant and YL, supersede all prior agreements, and no other promises, representations, guarantees, or agreements of any kind shall be valid unless in writing and signed by both parties. Only an instrument in writing signed by all parties may modify this Agreement unless otherwise provided for in this Agreement.
- 14) The waiver by Applicant or YL of a breach of any provision of this Agreement shall not be considered to be a continuing waiver and shall not operate or be construed as a waiver of any subsequent breach by either party. Waiver of any term of the Policies and Procedures must be in writing and signed by an authorized officer of Young Living.

 15) The covenants and obligations of Applicant to abide by the nonsolicitation,

the trade secrets, and confidential information convenants contained herein

shall survive termination of this Agreement.

16) Applicant agrees that upon a breach of this Agreement that YL will be immediately and irreparably harmed and cannot be made whole solely by monetary damages. Applicant agrees that the remedy at law for any breach of any provision of this Agreement shall be inadequate; and that in addition to any other remedies, in law or in equity it may have, YL shall be entitled, without the necessity of proving actual damages, to temporary and permanent injunctive relief to prevent the breach of any provision of this Agreement and/or to compel specific performance of this Agreement.

ESSENTIAL REWARDS AGREEMENT

This is an agreement through which Independent Distributors and preferred customers of Young Living Essential Oils may participate in the Essential Rewards autoship program.

PARTICIPANTS ENJOY THE FOLLOWING BENEFITS:

Essential Rewards credits: Credits may be earned on each Essential Reward autoship order placed. These credits may be redeemed for free products. Credits are earned with each consecutive month of partici-

First six consecutive months of participation: 10% of Essential Rewards Autoship order (30 maximum credits per month)

Second six consecutive months of participation: 15% of Essential Rewards Autoship order (50 maximum credits per month)

13th month and beyond: 20% of Essential Rewards Autoship order (75 maximum credits per month)

Credits are redeemable after two consecutive months of participation and are valid toward full PV products only (excluding autoship packs). The credits are generally equal to one wholesale dollar and may not be used towards shipping and taxes. Products purchased with ER credits have no Personal or Organizational Volume.

Credits may be redeemed by contacting Distributor Network Services (DNS) at 1-800-371-2928.

SHIPPING DISCOUNTS

Essential Rewards members pay a reduced shipping charge on their monthly utoship order. Essential Rewards autoship orders shipped within the continental USA are a \$6.50 flat fee for the first 7 pounds, \$0.60 per pound up to 29 pounds, and \$0.40 per pound over 30 pounds (FedEx Ground shipping only). Orders shipped to Alaska and Hawaii are a \$10 flat fee for the first 7 pounds and \$1 per pound thereafter (FedEx 2Day Air). For international shipping, please contact DNS. Shipping rates and discounts are subject to change without notice.

Additional Benefits: Essential Rewards members will also be eligible to participate in "members only" specials as well as educational opportunities and training materials.

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Essential Biblical Health Products



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in titles & descriptions

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Blend (23)

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Category 8 Breath

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Category 10 Herbal

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Essen. Oils (54)

Category 12 Sleep

Aids (6)

Category 13 Eczema

Dermatitis (13)

Category 14 YL

Copies (19)

Category 15 Shea

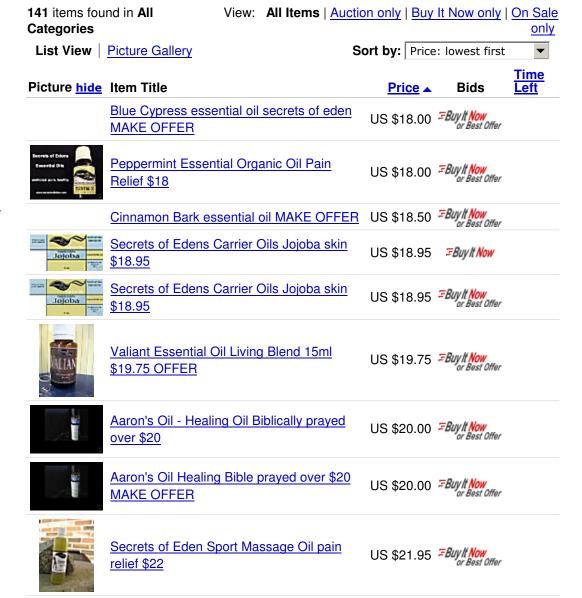
Butters (7)

Category 16 Cellulite

Melt (1)

Category 18 Special

Deals (3)



1 of 4 3/11/2008 4:01 PM eBay Store - Essential Biblical Health Products: Category 11Single Esse...

Category 19 Free

Other Items (75)

Gallery viewView ending times (Ends PDT)

Stuff (1)

Display

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Page 2 of 4

Time Picture hide Item Title Left Price _ **Bids** Secrets of Eden Sport Massage Oil US \$21.95 FBuy It Now soothing pain relief Secrets of Eden Sport Massage Oil pain US \$21.95 FBuy It Now or Best Offer relief \$22 OFFER Secrets of Edens Carrier Oil Apricot \$22.95 US \$22.95 FBuy It Now or Best Offer **MAKE OFFER** Secrets of Edens Carrier Oils Apricot \$22.95 US \$22.95 Secrets of Eden SLEEP reduce effects of US \$24.95 FBuy It Now or Best Offer ADD \$25 OFFER Migraine Relief Headache Pain Symptom US \$24.95 FBuy It Now or Best Offer Aid \$24.95 Migraine Relief Headache Pain Symptom US \$24.95 FBuy It Now or Best Offer Aid \$24.95 Juva Flexor Living Essential Oil MAKE US \$26.00 FBuy It Now or Best Offer **OFFER** Juva Flexor Living Essential Oil MAKE US \$26.00 FBuy It Now or Best Offer **OFFER** Breathe Free Anti Viral Bacterial Sinus US \$26.95 FBuy It Now or Best Offer Relief \$26.95 Breathe Free Viral Bacterial Sinus Relief US \$26.95 FBuy It Now or Best Offer MAKE OFFER Breathe Free Viral Bacterial Sinus Relief US \$26.95 FBuy It Now or Best Offer **MAKE OFFER** Breathe Free Anti Viral Bacterial Sinus US \$26.95 FBuy It Now or Best Offer Relief \$26.95 Secrets of Eden SLEEP reduce effects of US \$27.50 FBuy It Now or Best Offer **ADD \$27**

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Picture <u>hide</u>	Item Title	<u>Price</u> ▲	Bids	Time Left
	Secrets of Edens Carrier Oils Aloe Vera \$12.75	US \$27.50	<i>≡Buylt Now</i>	
الله و	Secrets of Eden SLEEP reduce effects of ADD \$27	US \$27.50	EBuy It Now or Best Offer	
	Secrets of Edens Carrier Oils Aloe Vera \$12.75	US \$27.50	∑Buy It Now or Best Offer	
Medical Facility	The Secrets of Eden's Nothing But the Oils Organic. Famous blend of Biblical Essential Oils + prayer.	US \$27.95	∓Buy It Now or Best Offer	
	Secrets of Eden's Nothing But the Oils 8oz. Organic	US \$27.95	∓Buy It Now or Best Offer	
	Secrets of Eden's Nothing But the Oils 8oz. Organic	US \$27.95	∓Buy It <mark>Now</mark> or Best Offer	
Reduction of the second	The Secrets of Eden's Nothing But the Oils Organic. HUGE SALE AT OUR eBAY STORE - RIGHT NOW - LIMITED TIME	US \$27.95	∓Buy It Now or Best Offer	
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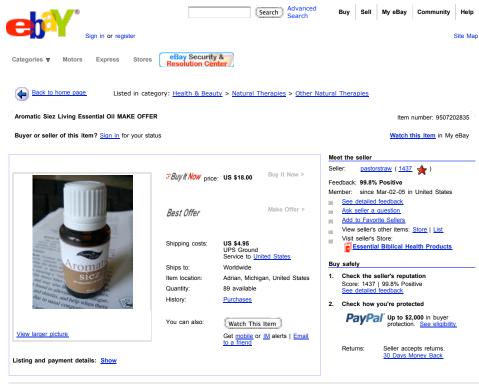
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Description (revised)

Essential Biblical Health Products



Visit my eBay Store: Essential Biblical Health Products

oo | Category 14 YL Copies | Category 9 Deodorant | Category 2 Biblical Oil Blend | Other



Aromatic Siez

Essential Oil Blend Copy

is a copy of the formula **Aroma Siez** made famous by Young Living Oils.

Secrets of Eden desires to make this formula available at a money saving \$26 each.

Buy it now for \$18

Aroma Siez (YL) according to Young Living, "The oils in this blend may help relax, calm, and tired, and aching muscles resulting from sports injuries, fatique or stress. It may also help t charley horses. Apply on location to muscles, neck and feet. Aid to relaxation. Add a few d

Our laboratory has broken the code on another one of the very good but, over-priced Young past we at The Secrets of Eden have long made 4-Thieves available at a fraction of the cost . \$18 vs YL Thieves \$38.)

In that continuing tradition we now make

Aromatic Siez

available for only \$18 per 15ml bottle.

(If you like Aroma Siez, you will love Aromatic Siez and save money



The photo at left shows some more of our great replications.

Check out two recent unsolicited feedbacks

pastorstraw is the best! He always delivers above and beyond your expectations!

Apr-03-06 16:13



Exact same odor, color, ect of Valor. Much better price.WOW!!!

The above eBayer bought Valiant, another

outstanding YL copy Here's another

Buyer alpizarma (142 🖈)

Buy it Now \$18 or

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00109

US \$19.75

Juva Flexor Living Essential Oil

=Buy It Now or Best Offer

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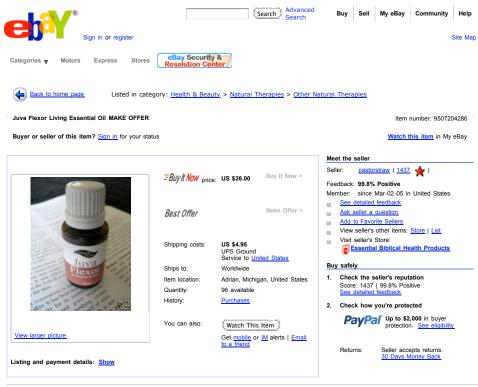
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Description (revised)

Essential Biblical Health Products



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Category 1 Healthy Shampoo | Category 14 YL Copies | Category 9 Deodorant | Category 2 Biblical Oil Blend | Other



Juva Flexor

Essential Oil Blend Copy

is a copy of the formula JuvaFlex made famous by Young Living Oils.

Secrets of Eden desires to make this formula available at a money saving \$26 each.

Buy it now for \$26

JuvaFlex(YL) according to Young Living, "The oils in this blend have been known to support system detoxification. Anger and hate are stored in the liver, creating toxicity and leading to disease. JuvaFlex helps break addictions to substances such as coffee, alcohol, drugs and

Our laboratory has broken the code on another one of the very good but, over-priced Young the past we at The Secrets of Eden have long made 4-Thieves available at a fraction of the co Thieves \$18 vs YL Thieves \$38.)

In that continuing tradition we now make

Juva Flexor

available for only \$26 per 15ml bottle.

(If you like JuvaFlex, you will love Juva Flexor and save money)

Apr-03-06 16:13



The photo at left shows some more of our great replications.

Check out two recent unsolicited feedbacks

pastorstraw is the best! He always delivers above and beyond your expectations!

Exact same odor, color, ect of

Valor. Much better price.WOW!!!

The above eBayer bought Valiant, another outstanding YL copy

Here's another

This are wonderfull oils, great delivery time. I would buy from you again

Buyer alpizarma (142 🖈)

Buy it Now \$26 or

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add your name to our mailing list to receive exclusive offers.

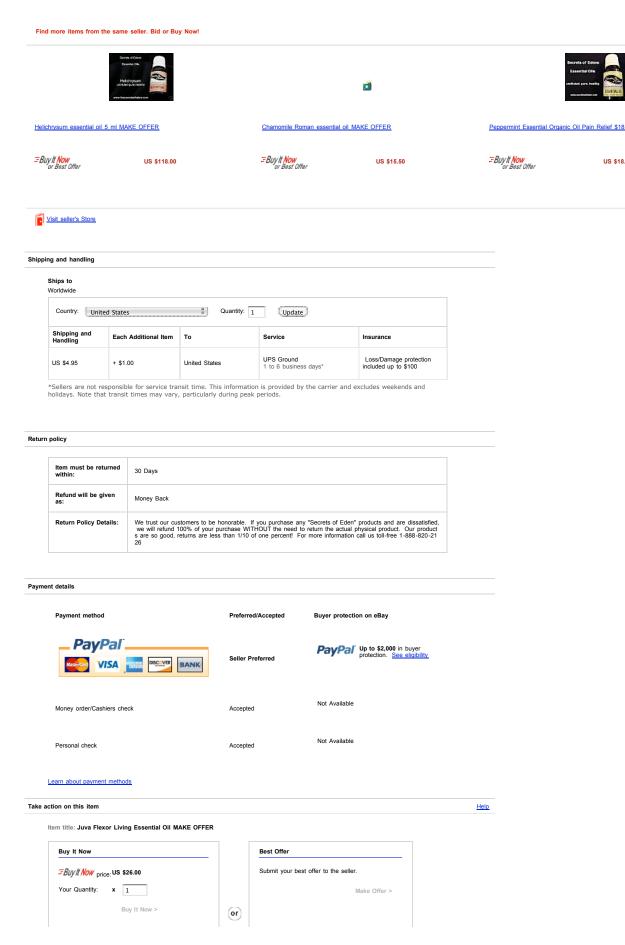
X Turbo Lister

00057

US \$18.00

Sweet Birch essential oil Secrets of

=Buy It Now or Best Offer



Juva Flexor Living Essen@23842608FEV-013/1964-D18/204290041716-108 11:1F-18-10-103/12/2008 Page 4 of 4 3/11/08 6:13 PM

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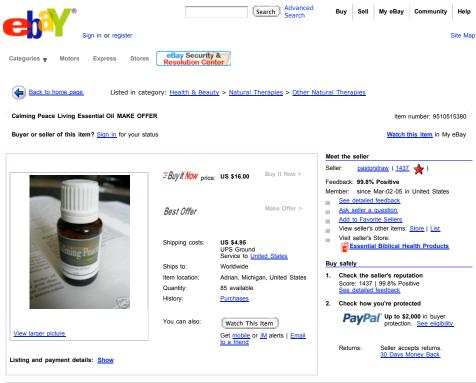
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Description

Essential Biblical Health Products



Visit my eBay Store: Essential Biblical Health Products

Category 1 Healthy Shampoo | Category 14 YL Copies | Category 9 Deodorant | Category 2 Biblical Oil Blend | Other



Calming Peace

Essential Oil Blend Copy

is a copy of the formula **Peace and Calming** made famous by Young Living Oils.

Secrets of Eden desires to make this formula available at a money saving \$16 each.

Buy it now for \$16

Peace and Calming (YL) according to Young Living, "Peace and Calming is specifically design promotes relaxation and a deep sense of peace, helping to dampen tensions and uplift spirit on thebottom of the feet, it canbe a prelude to a peaceful night's rest. It may calm overactive children. THe oils in this blend have historically been used to help reduce depression, anxie insomnia. It may be a healthy alternative to ritalin.

Our laboratory has broken the code on another one of the very good but, over-priced Young the past we at The Secrets of Eden have long made 4-Thieves available at a fraction of the co Thieves \$18 vs YL Thieves \$38.)

In that continuing tradition we now make

Calming Peace

available for only \$16 per 15ml bettle

αναπαυτε τοι όπις φτο μετ τοιπι υσιμε.

(If you like Peace and Calming, you will love Calming Peace and save mo

The photo at left shows some more of our great replications.

Check out two recent unsolicited feedbacks

pastorstraw is the best! He always delivers above and beyond your expectations!



Apr-03-06 16:13

Exact same odor, color, ect of Valor. Much better price.WOW!!!

The above eBayer bought Valiant, another outstanding YL copy

Here's another

These are wonderfull oils, great delivery time. I would buy from you again

Buyer alpizarma (142 🛖)

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Buy it Now \$16

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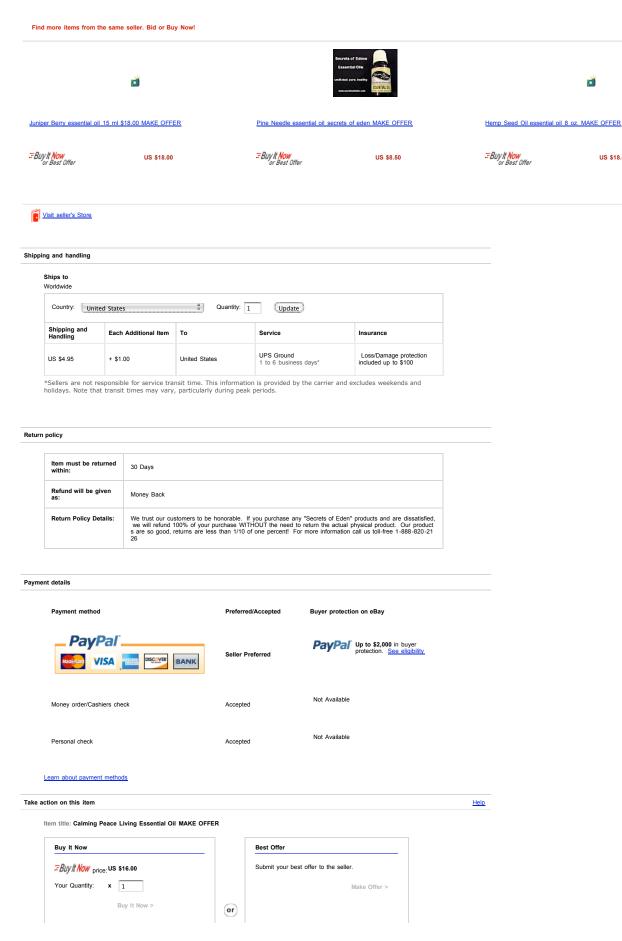
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US \$18.00

Orange Sweet essential oil secrets

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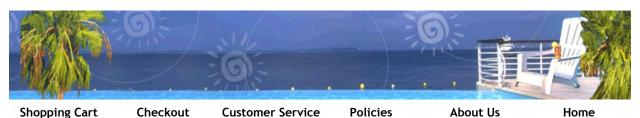
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CATEGORIES

Butters and Creams CANCER TREATMENTS Carrier Oils Complete - shampoo Deodorant **Essiac Tincture** Four Thieves Frankincense Heart Health Hemorrhoid Relief Massage Oils NOBO Oil Blends **PAIN RELIEF** Sea Salts Single Essential Oils Skin Products

Super Special Oil

Super Special Stuff

Blends

Tinctures

Super Special Oil Blends



4-THIEVES Same great product as the multi-level company's version at half the cost \$18.00 15ml size CLICK THE PICTURE FOR MORE INFORMATION

CLICK ANYWHERE HERE TO SEE A FUN 2 MINUTE VIDEO OF **PASTORSTRAW TALKING ABOUT 4-THIEVES**



Aromatic Siez Blend of 5 Essential Oils like the multi-level company's. 15ml PRICE: \$16.00 (Add to Cart --->)



Calming Peace Oil Blend Calming Peace Essential Oils Blend for sleep and calming effects. 15ml PRICE: \$16.00 (Add to Cart --->)

PRICE: \$18.00 (Add to Cart --->)



GET Valiant -**CLICK THE BOTTLE TO ORDER** Valiant Blend Essential Oils a chiropractor in a bottle 15ml MIRACLE CURE **FOR JOINT PAIN** PRICE: \$19.75 (Add to Cart --->)

Grounded Grounded Essential Oil Blend 5ml PRICE: \$12.50 Add to Cart --->



Juva Flexor Juva Flexor Essential Oil Blend liver support 15ml PRICE: \$26.00 (Add to Cart --->)

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Super Special Oil Blends

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More
Abundantly
More
Abundantly
Essential Oil
Blend to
enhance your
body's
frequency.
15ml
PRICE: \$19.00

PRICE: \$19.00 Add to Cart --> Motivated
Motivated
Essential Oil
Blend
promotes get
up and go.
5ml
PRICE:
\$26.00

Add to Cart --->

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Super Special Oil Blends

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Search



CATEGORIES

Butters and Creams CANCER TREATMENTS Carrier Oils Complete - shampoo Deodorant Essiac Tincture Four Thieves Frankincense Heart Health Hemorrhoid Relief Massage Oils **NOBO** Oil Blends **PAIN RELIEF** Sea Salts Single Essential Oils **Skin Products** Super Special Oil Blends Super Special Stuff

Tinctures

Search Results

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Super Special Oil Blends



Panarama
Panarama
Blend
Essential Oils
for pain relief
15ml
PRICE: \$35.00

Add to Cart -->

Passionate
Life
Passionate
Life Essential
Oil Blend 5ml
PRICE: \$42.00

Add to Cart -->



Raven's Breath
Raven's Breath
Essential Oil
Blend to fight
infection 15ml
PRICE: \$16.00

Add to Cart -->

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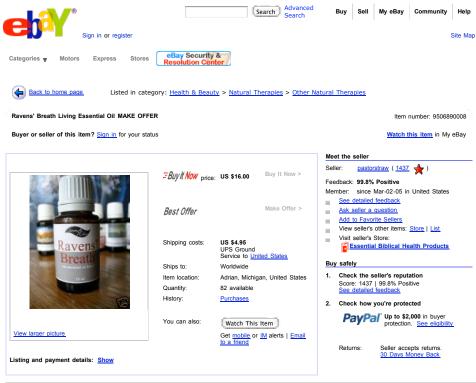
Are You Ready? Just 289 days 'til Christmas!

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Description (revised)

Essential Biblical Health Products



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Ravens' Breath

Essential Oil Blend Copy

is a copy of the formula *Raven* made famous by Young Living Oils.

Secrets of Eden desires to make this formula available at a money saving \$16 each.

Buy it now for \$16

Raven (YL) according to Young Living, "Raven, gives strength to fighting respiratory disease may help alleviate symptoms of tuberculosis, asthma, and pneumonia. It can be massaged on the feet. Applied topically over the throat and lung area, or put on pillow at night.

Our laboratory has broken the code on another one of the very good but, over-priced Young the past we at The Secrets of Eden have long made 4-Thieves available at a fraction of the co Thieves \$18 vs YL Thieves \$38.)

In that continuing tradition we now make

Ravens' Breath

available for only \$16 per 15ml bottle.

(If you like Raven, you will love Ravens' Breath

and save money)

The photo at left shows some more of our great replications.

Check out two recent unsolicited feedbacks

pastorstraw is the best! He always delivers above and beyond your expectations!



Apr-03-06 16:13

Exact same odor, color, ect of Valor. Much better price.WOW!!!



The above eBayer bought Valiant, another outstanding YL copy

> **Buy it Now** \$16 or

MAKE AN OFFER

Use Andale Gallery. Get More Sales. Try First Month FREE.

add your name to our mailing list to receive exclusive offers.



00193

Questions from other members

First, I want to thank you for doing this. I have found the YL prices outrageous. It is about time someone gave them a run for the money. Do you make...more

If you have a small amount in an original bottle, send it to us. We will formulate it and give you a free bottle. tnx for your interest.

Answered (

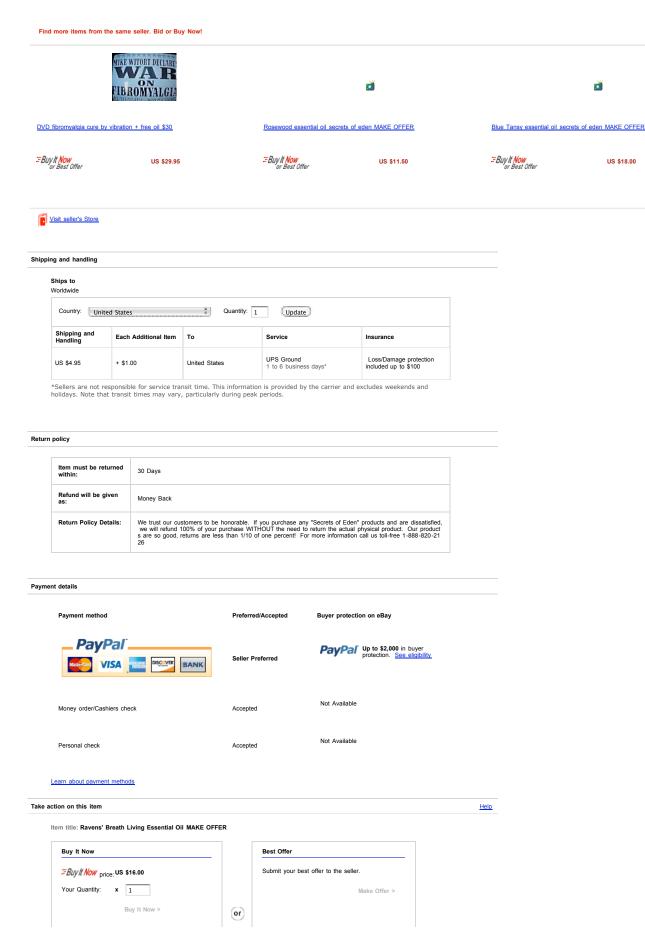
Dec-21-

ď

US \$18.00

Turmeric Root Tincture Alzheimer

=Buy It Now or Best Offer



You will confirm in the next step.	
Purchase this item now without bidding. <u>Learn about Buy it Now.</u>	Present your highest offer to the seller. Learn about Best Offer.

Other options



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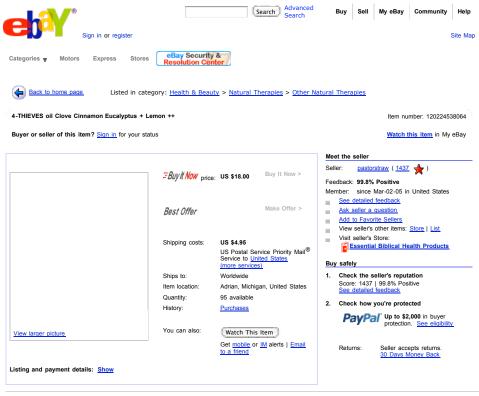
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Description

Essential Biblical Health Products



Visit my eBay Store: Essential Biblical Health Products

Category 1 Healthy Shampoo | Category 14 YL Copies | Category 9 Deodorant | Category 2 Biblical Oil Blend | Other





Be sure to go to our store to see 100's of other fabulous and low priced products

Four Thieves

15 ml

4-Thieves derives its name from the legend about four thieves during the 15-century plague in Engl rosemary, and other aromatics to protect themselves while robbing plague victims.

<u>Thieves</u> is a proprietary blend of Young Living, of pure essential oils tested at Weber State Universitantimicrobial properties. Young Living's formula was tested and was found to have a 99.6 percent k bacteria.

Our 4-Thieves is a duplication of the Young Living formula, using the same oils in similar proportion

Ingredients: Clove, Lemon, Cinnamon, Eucalyptus Radiata, and Rosemary

Four Thieves is effective when used in a Diffuser for short periods of time, in the work place or ho to the bottom of the feet and ankles or dilute with Olive Oil or Massage Oil Base for a stimulating m and on the chest at the base of the neck.

4 Thieves is the same formula as Young Living

but reasonably priced

A Question we are frequently asked is How do your products compare to those of Young Living?

We have no doubt that Young Living products are very good quality.

But our research and investigation satisfies us that there are many sources for organic and "unadulterated" essential

Our products are made with oils purchased from the most reputable sources where each and every batch of oil is multi-tested for purity by Mass Sp certification on every oil readily available.

THE BOTTOM LINE IS that we have cracked the code on the ingredients to Thieves and make our product (a duplicate) available at a truly the multi-level inflated payoffs, and simply delivering to you our customers a truly great value.

THE CHOICE IS YOURS.

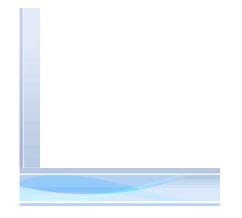


Do you want to pay \$34 or \$18 for your Thieves????????

Buy it now only \$18

0

Make a reasonable offer for one or multi

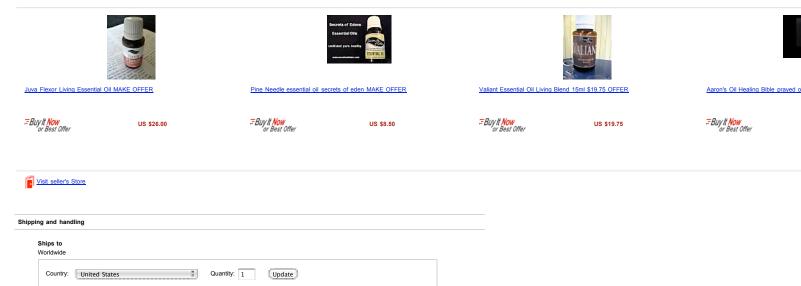


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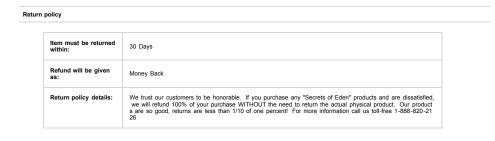
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Monitoring Your Credit Is Important, Learn More From Experian Today.

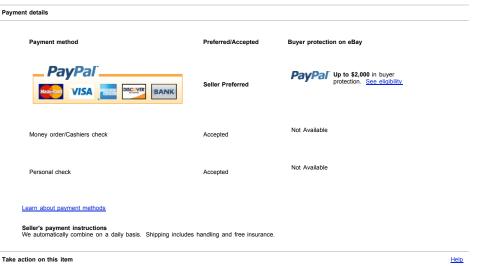
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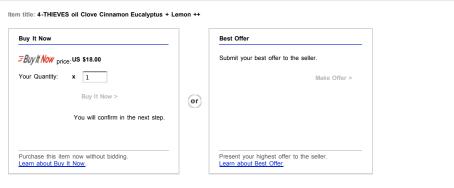


Handling	Each Additional Item	То	Service	Insurance
US \$4.95	+ \$0.50	United States	US Postal Service Priority Mail® Estimated delivery 2-3 days*	None

*Sellers are not responsible for service transit time. This information is provided by the carrier and excludes weekends and holidays. Note that transit times may vary, particularly during peak periods.







Other options

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CATEGORIES

Butters and Creams CANCER TREATMENTS Carrier Oils Complete - shampoo Deodorant Essiac Tincture Four Thieves Frankincense Heart Health Hemorrhoid Relief Massage Oils NOBO Oil Blends **PAIN RELIEF** Sea Salts Single Essential Oils **Skin Products** Super Special Oil Blends Super Special Stuff **Tinctures**



Panarama

SKU:

Panarama contains pure Helichrysum, Wintergreen, Clove, and Peppermint. This blend helps relieve pain of an injury where the ligaments are severely torn. It helps reduce inflammation increasing circulation and healing thus reducing pain. Compare Panarama to the one made by the multi-level company. Absolutely the only difference is the price. Ours is lower. Much lower.

PRICE: \$35.00

Quantity: 1

Add To Shopping Cart

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Are You Ready? Just 289 days 'til Christmas!

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4-THIEVES

Case 2:08-cv-00196-DB

Document 2-16

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Page 1 of 2





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CATEGORIES

Butters and Creams CANCER TREATMENTS Carrier Oils Complete - shampoo Deodorant Essiac Tincture Four Thieves Frankincense Heart Health Hemorrhoid Relief Massage Oils **NOBO** Oil Blends PAIN RELIEF Sea Salts Single Essential Oils **Skin Products** Super Special Oil Blends Super Special Stuff **Tinctures**



4-THIEVES

SKU:

Four Thieves (15ml bottle) is the Same formula as the multi-level company but reasonably priced.



A Question we are frequently asked is "How do your products compare to those of the multi-level company? FACTS ARE the multi-level company only cultivates and distills eleven of their own oils. They have to import the rest of their oils just like the rest of us. This is not to say that there's anything wrong with that, but they imply that they have much higher controls on their quality and procurement. We have no doubt that the multi-level company's products are very good quality. But our research and investigation satisfies us that there are many sources for organic and "unadulterated" essential oils. Our oils are of the highest standards verified by mass spec. and gas chromatography. THE BOTTOM LINE IS that we have cracked the code on the ingredients to Thieves and make our product (exact duplicates) available at a truly affordable price by eliminating all the multi-level inflated payoffs.

PRICE: \$18.00

Quantity: 1

Add To Shopping Cart

1 of 2 3/11/2008 4:34 PM

4-THIEVES

E-mail a friend about this item.

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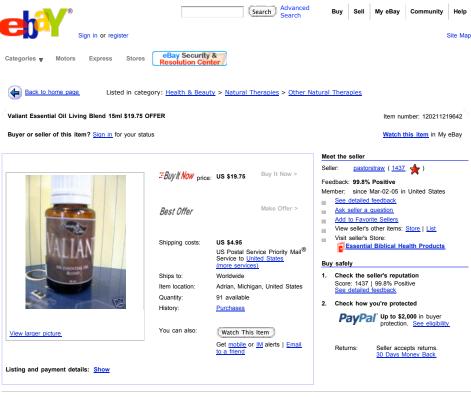
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Are You Ready? Just 289 days 'til Christmas!

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2 of 2 3/11/2008 4:34 PM



Description (revised)

Item Specifics

Product

Aromatherapy

Essential Biblical Health Products



Visit my eBay Store: Essential Biblical Health Products

1 Healthy Shampoo | Category 14 YL Copies | Category 9 Deodorant | Category 2 Biblical Oil Blend | Other



To hear and see incredible true testimonial about Valiant's

Pain Relieving Power

CLICK THE BOLD BELOW

http://www.youtube.com/v/RaGS9IUJzfk&rel=1" type="application/x-shockwave-flash" wmode="tra height="355"></embed></object>

Valiant

is a copy of the formula V////made famous by Y./././g L......g Oils.

Secrets of Eden desires to make this formula available at a money saving \$19.75

Buy it now for \$19.75

Make your best Bid

Unbelievable Pain Relief

Joints, elbows, knees, spine, necks, anywhere joints appear and page 11 and 12 and 12

Pain is gone in 2 minutes or less!!!

Don't believe it? Try a bottle and demand your money back if it of We will refund your money instantly with no dispute if you are not ' We sell 1000s of Valiants. Everyone Loves it.

Why be in pain another day? Order No

This oil blend helps balance electrical energies within the body, giving courage, confidence, has been found to help the body self-correct its balance and alignment giving relief of pain. empower the physical and spiritural bodies to overcome fear and opposition when facing ad

Our laboratory has broken the code on another one of the over-priced Y... L.... formulas. In t Secrets of Eden have long made 4-Thieves available at a fraction of the cost of You know wh

In that continuing tradition we now make Valiant available for only \$19.75 per 15ml bottle.

(If you like V....., you will love Valiant and save money)

Check out two recent unsolicited feedbacks

pastorstraw is the best! He always delivers above and beyond your expectations!



Apr-03-06 16:13



Exact same odor, color, etc. of Valor. Much better price.WOW!!!



Use Andale Gallery. Get More Sales. Try First Month FREE.

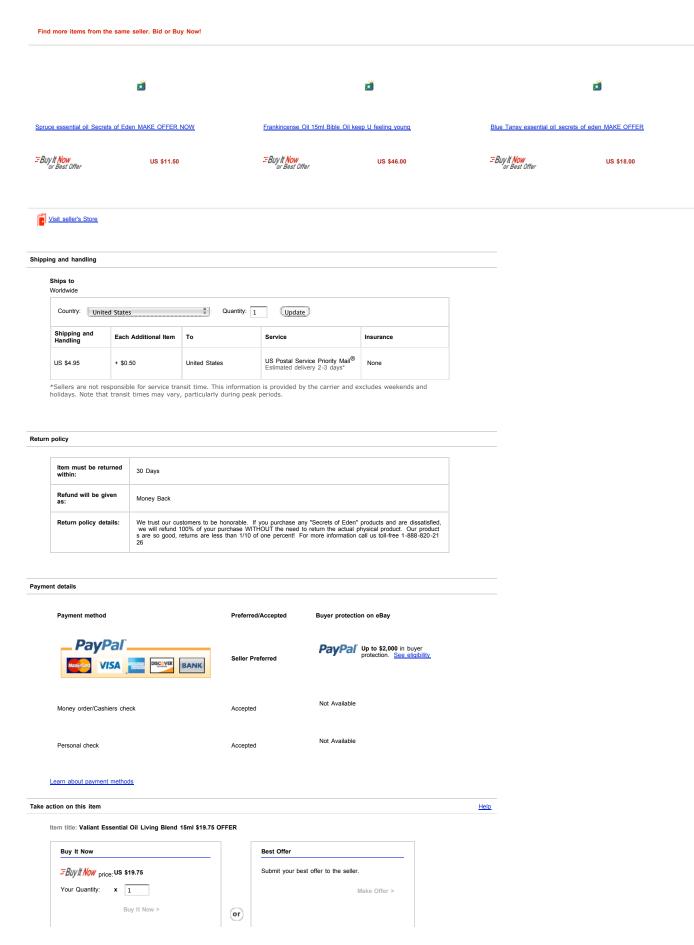
add your name to our mailing list to receive exclusive offers



ant. Learn More From Experian Today.

DVD fibromyalgia cure by vibration

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