

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN
AND FOR BROWARD COUNTY

GENERAL JURISDICTION DIVISION

NEW DIRECTIONS FOR YOUNG
ADULTS, INC., a Florida for Profit
corporation, and ANDREW S. RUBIN, Ph.D.,

Plaintiffs,

CASE NO. CACE13011174

vs.

KATHY DAVIS, and Individual, and
BRIAN DAVIS, and Individual,

Defendants.

ORDER GRANTING PLAINTIFFS' MOTION FOR TEMPORARY INJUNCTION

THIS MATTER is before the Court upon Plaintiffs, New Directions For Young Adults, Inc. and Dr. Andrew S Rubin's Motion for Temporary Injunction (the "Motion"). The Court having carefully reviewed the Motion, supporting affidavits, Defendants' response thereto, and the court file; as well as argument of counsel for the Parties and the testimony of Plaintiff, Dr. Andrew S. Rubin, and being otherwise fully advised in the premises, finds as follows:

Plaintiffs, New Directions For Young Adults, Inc. and Dr. Andrew S Rubin ("Plaintiffs") commenced the above-styled cause on or about May 16, 2013 with the filing of their Complaint asserting causes of action for: (1) Defamation; (2) Defamation Per Se; and (3) Tortious Interference with a Business Relationship. The Plaintiffs allege, in pertinent part, that Defendants, Kathy and Brian Davis, tortiously interfered with current and prospective clients of the Plaintiffs when they published on the world-wide-web certain derogatory statements concerning the Plaintiffs' business and reputation.

On or about February 7, 2014, Plaintiffs filed the Motion requesting an Order enjoining Defendants from engaging in the behavior complained of in the Complaint. Plaintiffs further requested an Order requiring Defendants to remove certain defamatory statements published onto the world-wide-web. A hearing on the Motion was conducted on September 9, 2014 (the "Hearing").

Findings of Fact

After considering the evidence presented by both Parties at the Hearing, the Court hereby makes the following findings of fact:

1. Pursuant to the evidence presented, the Court finds that Defendants created a false impression of a group of negative reviewers about the Plaintiffs when in fact, there is no such group of negative reviewers —only the Defendants.
2. The Court finds that the act of falsifying multiple identities is the conduct to be enjoined.
3. Based on the above-referenced conduct of creating a false impression of a multitude of negative reviews, this Court finds there is a likelihood of irreparable harm to the Plaintiffs.
4. The Court further finds that monetary damages are inadequate because Plaintiffs cannot ascertain the potential customers/patients who did not enroll as a result of Defendants' conduct.

Conclusions of Law

5. Based upon the factual findings and evidence presented by the Parties, the Court finds that there is a there is a likelihood of irreparable harm to the Plaintiffs and a substantial likelihood of success on the merits, not because the statements are false or true, but because the

conduct of making up names of person who do not exist to post fake comments by fake people to support Defendants' position tortiously interferes with Plaintiffs' business.

6. The Court further finds the threatened injury to the Plaintiffs outweighs the possible harm to the Defendants.

7. The entry of this Order will serve the public interest not disserve it. *See Chevaldina v. R.K./FL Mgmt., Inc.*, 133 So. 3d 1086 (Fla. 3d DCA 2014).

8. Accordingly the Court finds that the Defendants engaged in conduct that should be enjoined. After due consideration, it is

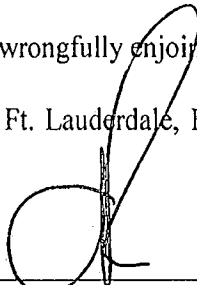
ORDERED AND ADJUDGED that Plaintiffs' Motion be and the same is hereby **GRANTED**. Pursuant to Florida Rule of Civil Procedure 1.610(c), this injunction is being issued to prevent conduct which is creating an admitted falsehood of a fake group of persons bolstering the opinions of the Defendant's about the Plaintiffs.

IT IS FURTHER ORDERED AND ADJUDGED that Defendants shall, at their own expense, remove or cause to be removed all postings creating the false impression that more person are commenting on the program the actually exist. Posting under false names as persons who participated in the program, or are connected to the program or are patients who in fact did not exist is the conduct which is enjoined. This conduct is inherently unfair. *See Zimmerman v. D.C.A. at Welleby, Inc.*, 505 So. 2d 1371, 1374 (Fla. 4th DCA 1987).

IT IS FURTHER ORDERED AND ADJUDGED that the comments of Kathy Davis or Brian Davis which do not create a false impression of fake patients or fake employees or fake persons connected to program (those posted under their respective names) are protected by The Constitution of the United State of America, First Amendment and Article 1, Section 4 of the Florida Deceleration of Rights.

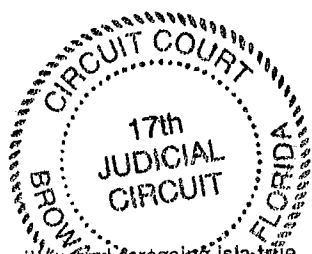
IT IS FURTHER ORDERED AND ADJUDGED that Plaintiffs shall post a bond in the amount of \$2,500 with this Court, conditioned for the payment of costs and damages sustained by the Defendants if the Defendants are wrongfully enjoined.

DONE and ORDERED in Chambers in Ft. Lauderdale, Broward County, Florida this 26 day of September, 2014.



The Honorable Carlos Rodriguez
Circuit Court Judge

Copies furnished to:
All Counsel of Record

STATE OF FLORIDA
BROWARD COUNTY
I DO HEREBY CERTIFY the within and foregoing is a true and correct copy of the original as it appears on record and file in the office of the Circuit Court Clerk of Broward County, Florida.
WITNESS my hand and Official Seal at Fort Lauderdale Florida, this the 01 day of OCT 01 2014 20____

Carla... Clerk of the Court
Deputy Clerk