

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

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<b>FEDERAL TRADE COMMISSION,</b>	)	
	)	
Plaintiff,	)	Case No.
	)	
v.	)	
	)	
<b>DLXM LLC</b> , also d/b/a DLX Marketing,	)	
a New York limited liability company, and	)	
	)	
<b>MICHAEL VOLOZIN</b> , a/k/a Mikhail Volozin,	)	
individually and as an officer or	)	
director of DLXM LLC,	)	
	)	
Defendants.	)	
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**PLAINTIFF FEDERAL TRADE COMMISSION’S MOTION FOR  
A TEMPORARY RESTRAINING ORDER WITH ASSET PRESERVATION,  
AN ACCOUNTING, AND OTHER EQUITABLE RELIEF AND ORDER  
TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE**

Plaintiff Federal Trade Commission (“FTC”) moves this Court for a Temporary Restraining Order with Asset Preservation, an Accounting, and Other Equitable Relief, and an Order to Show Cause Why a Preliminary Injunction Should Not Issue (“TRO”) against DLXM LLC, also d/b/a DLX Marketing, and Michael Volozin, a/k/a Mikhail Volozin (collectively, the “Defendants”). The FTC requests that this Motion for a TRO be heard on forty-eight (48) hours notice or as soon thereafter as practicable for the Court.

As grounds therefore, the FTC states that the Defendants have engaged in, and continue to engage in, the advertisement of numerous purported weight-loss products containing acai berries through the use of fake news stories on the Internet and deceptive claims that the products cause rapid and substantial weight loss. Such conduct violates Sections 5(a) and 12 of the FTC Act, 15 U.S.C. § 45(a) and 52, as set forth in the accompanying Complaint,

Memorandum of Points and Authorities in Support of this Motion, supporting declarations and exhibits, and Declaration of Counsel David W. Dulabon. Due to the fraudulent and ongoing nature of Defendants' advertisements, the FTC seeks immediate injunctive relief pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), consisting of: (1) an immediate halt to Defendants' deceptive advertising campaign; (2) an order preserving Defendants' assets; (3) an accounting of Defendants' assets; and (4) limited expedited discovery relating to Defendants' business assets and records.

Issuance of the TRO with asset preservation, an accounting, and other equitable relief will facilitate full and effective relief by preserving Defendants' assets and records, providing an accounting so that the Plaintiff may seek, if appropriate, an asset freeze at the Preliminary Injunction, and also prevent further violations of the FTC Act while awaiting the Preliminary Injunction hearing. No security is required of any agency of the United States for issuance of a temporary restraining order. Fed. R. Civ. P. 65(c).

Dated: April 14, 2011

Respectfully submitted,



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