

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FEDERAL TRADE COMMISSION,)

Plaintiff,)

v.)

DR. CLARK RESEARCH ASSOCIATION, a)
corporation, DR. CLARK BEHANDLUNGZENTRUM)
GmbH, d/b/a DR. CLARK ZENTRUM, a corporation,)
And DAVID P. AMREIN, individually and)
as an officer of both corporations,)

Defendants.)
_____)

Civ. No. 1:03CV0054

JUDGE JOHN ADAMS

INTERIM STIPULATION AND ORDER

On January 8, 2003, Plaintiff filed its complaint, seeking injunctive and other relief. On August 25, 2003, Plaintiff filed its motion for a temporary restraining order and order to show cause why a preliminary injunction should not issue. At a status conference on September 3, 2003, Defendants were given until September 25 to respond to the motion and a hearing on the preliminary injunction order to show cause was set for October 30, 2003.

Plaintiff and the defendants stipulate and agree that the provisions of this Interim Stipulation and Order shall govern until the court rules on plaintiff's motion for preliminary injunction or until superseded by other stipulation between the parties or further Order of the court. Plaintiff and the defendants stipulate as follows:

DEFINITIONS

For purposes of this Interim Stipulation and Order, the following definitions shall apply:

1. ***"Defendants"*** Means Dr. Clark Research Association, Dr. Clark Behandlungszentrum GmbH, d/b/a Dr. Clark Zentrum, and David P. Amrein, individually and as an officer of the corporations, and their successors, assigns, officers, agents, servants, employees, and attorneys.
2. ***"Competent and reliable scientific evidence"*** means tests, analyses, research, studies or other evidence based on the expertise of professionals in the relevant area, that have been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.
3. ***"Person"*** means a natural person, organization or other legal entity, including a corporation, partnership, proprietorship, association, cooperative, government or governmental subdivision or agency, or any other group or combination acting as an entity.
4. The terms ***"and"*** and ***"or"*** shall be construed conjunctively or disjunctively as necessary, and to make the applicable phrase or sentence inclusive rather than exclusive.

I.

PROHIBITED REPRESENTATIONS

IT IS ORDERED that in connection with the advertising, offering for sale or sale of any product, combination of products, good or service, including but not limited to, the Super Zapper Deluxe, the Syncrometer, the Dr. Clark's New 21 Day Program for Advanced Cancers, and the Complete Herbal Parasite Program, Defendants, whether acting directly or through any corporation, subsidiary, division or other device, shall not make, any express or implied representation regarding the effectiveness of such product, combination of products, good, or service, including, but not limited to representations that:

- A. Use of the *Super-Zapper Deluxe* is effective to kill bacteria, viruses and parasites in the human body;
- B. Use of the *Super-Zapper Deluxe* is effective against chronic infections, cancer and Acquired Immunodeficiency Syndrome (AIDS);
- C. The *Super-Zapper Deluxe* and the *Complete Herbal Parasite Program* are effective to cure all forms of cancer in humans;
- D. Dr. Clark's New 21 Day Program for Advanced Cancers is effective to cure all forms of cancer in humans;
- E. *Dr. Clark's New 21 Day Program for Advanced Cancers* has cured numerous people with advanced cases of cancer;
- F. The *Syncrometer* device is more accurate than the best testing methods at diagnosing all forms of disease;

- G. The *Syncrometer* device can detect the presence of any substance at specific points in the human body;
- H. The *Super-Zapper Deluxe*, used together with the *Complete Herbal Parasite Program*, is effective to cure AIDS;
- I. The *Super-Zapper Deluxe*, used together with the *complete Herbal Parasite Program* and avoidance of pollutants, is effective to cure diabetes, multiple sclerosis, Alzheimer's, endometriosis, asthma, and many other diseases;
- J. *Dr. Clark's New 21 Day Program for Advanced Cancers* and *Super-Zapper Deluxe*, when used by persons with cancer, make surgery and chemotherapy unnecessary;

unless, at the time of making the representation, Defendants possess and rely upon competent and reliable scientific evidence that substantiates the representation.

The parties stipulate that any representations made by defendants on websites that are not linked to or from any websites that offer products for sale, and that do not refer customers to websites that offer products for sale, will not be considered representations made in connection with the advertising, offering for sale or sale of any product, combination of products, good or service.

This stipulation is made without prejudice or admission of wrongdoing of any sort, or waiver of rights or claims by Defendants.

II.

RECORDKEEPING

Defendants stipulate and agree that, whether acting directly or through any corporation, subsidiary, division or other device, they will:

- A. maintain books, records, accounts and data which, in reasonable detail, accurately, fairly and completely reflect their incomes, disbursements, transactions and use of monies; and
- B. not destroy, erase, mutilate, conceal, alter, transfer or otherwise dispose of in any manner, directly or indirectly, any contracts, accounting data, correspondence, advertisements, computer tapes, discs or other computerized records, books, written or printed records, handwritten notes, telephone logs, telephone scripts, receipt books, ledgers, personal and business canceled checks and check registers, bank statements, appointment books, copies of federal, state or local business or personal income or property tax returns, and other documents or records of any kind which relate to defendants' business practices or business or personal finances from January 1, 1999, forward.

III.

NOTICE OF THIS ORDER

IT IS FURTHER ORDERED that Defendants shall immediately provide a copy of this Order to each of the corporate defendants' affiliates, franchises, subsidiaries, divisions, successors, assigns, directors, officers, managing agents, employees, representatives, and

independent contractors and shall, within three (3) business days from the date of service of this Order.

IV.

PRELIMINARY INJUNCTION HEARING

Defendants shall appear before this Court, on the 30th day of October, 2003 at 9:00 o'clock a.m., to show cause, if any there be, why this Court should not enter a preliminary injunction, pending final ruling on the Complaint, against Defendants, enjoining them from further violations of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. § 45(a) and 52, and imposing such additional relief as may be appropriate.

Defendants shall prepare and deliver to the Court and to the Commission, not later than 4:30 p.m. Eastern Standard Time of the third business day before the preliminary injunction hearing, any opposition to issuance of a preliminary injunction, including any memoranda, declarations, exhibits or other evidence on which they intend to rely.

If any party to this action intends to present the testimony of any witness at the preliminary injunction hearing in this matter, that party shall, at least seven (7) days prior to the scheduled date and time of hearing, file with this Court and serve on all other parties, a witness list which shall include the name, address and telephone number of each witness, and either a summary of each witness's expected testimony or the witness's affidavit revealing the substance of the witness's expected testimony.

V.

JURISDICTION

This Court retains jurisdiction of this matter for all purposes.

STIPULATED AND AGREED TO:

Date: September 24, 2003

Michael Milgrom, Ohio Bar 0012959
Jonathan L. Kessler, Colorado Bar 15094

MICHAEL MILGROM
Attorneys for Plaintiff
FEDERAL TRADE COMMISSION

DATED: September 24, 2003

CARLOS F. NEGRETE
LAW OFFICES OF CARLOS F. NEGRETE

By:

CARLOS F. NEGRETE
Attorneys for Defendants
DR. CLARK RESEARCH ASSOCIATION, DR.
CLARK BEHANDLUNGZENTRUM GmbH, d/b/a/
DR. CLARK ZENTRUM, and DAVID P. AMREIN

SO ORDERED.

John R. Adams
United States District Judge