UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FEDERAL TRADE COMMISSION, Plaintiff, v. ROCA LABS, INC., *et al.*, Defendants.	Civ. No. 8:15-cv-02231-MSS-TBM CERTIFICATE OF COUNSEL REGARDING NOTICE TO DEFENDANTS OF PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER

Plaintiff, the Federal Trade Commission ("FTC"), has filed with this Court a Motion for Noticed Temporary Restraining Order and Memorandum in Support ("TRO Motion"). The FTC has provided notice of the complaint and motion to the defendants, as described below.

At 3:29 p.m. EDT on September 24, 2015, the undersigned counsel for the FTC called defendant Don Juravin. I advised Mr. Juravin that the FTC had filed a lawsuit against him, George Whiting, Roca Labs, Inc., and Roca Labs Nutraceutical USA, Inc. Mr. Juravin stated he would have an attorney call the undersigned, and that the FTC could send documents to legal5@rocalabs.com.

At 3:57 p.m. EDT on September 24, 2015, attorney Paul Berger called me per Mr. Juravin's request. During that phone conversation, I advised Mr. Berger of the FTC's lawsuit, and imminent filing of a motion with this Court seeking a temporary restraining order and ancillary relief. I summarized the causes of action set forth in the FTC's Complaint, and the injunctive relief sought in the TRO Motion. Although Mr. Berger stated

that he had not been formally retained to represent any defendant in this matter, he has represented Roca Labs, Inc. in other litigated matters. In a subsequent telephone conversation at approximately 5:40 p.m. EDT on September 24, 2015, Mr. Berger stated that defendant George Whiting authorized Mr. Berger to accept service of papers in this matter on his behalf. Mr. Whiting is, on information and belief, the President of both corporate defendants. I believe, based on these phone conversations with Mr. Berger, that all defendants in this matter have been made aware through Mr. Berger's contact with them that the FTC has filed suit against them in this Court and is moving for a TRO.

Between approximately 7:52 p.m. and 8:34 p.m. EDT on September 24, 2015, I transmitted electronic copies of the following documents to Mr. Berger via email to the legal5@rocalabs.com address: the FTC's Complaint and the complete Exhibits thereto filed in this matter; the TRO Motion, copies of the declarations – without attachments – submitted as Exhibits PX 1 – PX 4, and the declarations submitted as Exhibits PX 5-8 – with attachments; and the FTC's proposed TRO. The undersigned anticipates providing copies of all remaining attachments to the TRO Motion exhibits on the morning of September 25, 2015.

Respectfully submitted,

Dated: September 24, 2015

/s/ *Carl H. Settlemyer, III*

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