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11 Amber Prumer, Jacqueline Luby, Amy Finn, Jeffrey  
12 Riordan, and Timothy Byrns

13 **UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 ALLERGAN, INC., a Delaware  
16 corporation,

17 Plaintiff,

18 v.

19 MERZ PHARMACEUTICALS, LLC,  
20 a North Carolina corporation; MERZ  
21 GmbH & CO, KGaA, a German  
22 corporation; MERZ AESTHETICS,  
23 INC., a Delaware corporation; ERIN  
24 SULLIVAN, an individual; SHERI  
25 TREMMEL, an individual; AMBER  
26 PRUMER, an individual;  
27 JACQUELINE LUBY, an individual;  
28 AMY R. FINN, an individual;  
JEFFREY S. RIORDAN, an  
individual; TIMOTHY D. BYRNS, an  
individual; and DOES 1 through 50,  
inclusive,

Defendants.

**CASE NO. SACV11-00446 AG (Ex)**

**HON. ANDREW J. GUILFORD**

**INDIVIDUAL DEFENDANTS’  
PROPOSED MODIFICATIONS  
TO INJUNCTION ORDER FILED  
MARCH 9, 2012**

AND RELATED COUNTERCLAIM

1 Counsel for the Individual Defendants and Allergan have met and conferred  
2 and have been unable to agree on proposed modifications to the Injunction Order  
3 entered by the Court on March 9, 2012 (“Injunction Order”).  
4

5 Individual Defendants therefore, without waiving their objections to and  
6 rights to challenge the entry of any permanent injunction and/or its terms, submit  
7 the following proposed modifications to the Injunction Order. These proposed  
8 modifications are substantively identical to the corresponding provisions in the  
9 Amended [Proposed] Permanent Injunction submitted by Allergan, Inc. on March  
10 7, 2012 (see Docket No. 278-1, page 2 of 3, ¶ 3, lines 16-19). These proposed  
11 modifications are submitted to address any potential changes in the employment  
12 status of any Individual Defendant(s).  
13  
14  
15

#### 16 PROPOSED MODIFICATIONS

17 With respect to paragraph 4 of the Injunction Order, after the second bullet  
18 point:  
19

20 1) Add the word “or” at the end of the second bullet point; and

21 2) Add the following language as a third bullet point in paragraph 4:

22 “customers who are provided or purchase dermal filler products, or who are  
23 solicited to purchase dermal filler products, from a company other than Merz  
24 Defendants;”  
25  
26  
27  
28

1 This proposed change is charted below:

<i>Paragraph 4</i>	<i>Proposed Edit</i>
<p>4. providing or selling dermal filler products, or soliciting purchases of dermal filler products, in the facial aesthetics market for a period of ten months from the date of this Order, except to</p> <ul style="list-style-type: none"> <li>• customers who voluntarily and without solicitation request to purchase dermal filler products from Merz Defendants, provided that sworn declarations are submitted that such requests were made voluntarily and without solicitation, or</li> <li>• customers who purchased dermal filler products from Merz Defendants (including BioForm Medical) between July 1, 2009 and June 30, 2010, provided that sworn declarations are submitted identifying such customers;</li> </ul>	<p>4. providing or selling dermal filler products, or soliciting purchases of dermal filler products, in the facial aesthetics market for a period of ten months from the date of this Order, except to</p> <ul style="list-style-type: none"> <li>• customers who voluntarily and without solicitation request to purchase dermal filler products from Merz Defendants, provided that sworn declarations are submitted that such requests were made voluntarily and without solicitation, or</li> <li>• customers who purchased dermal filler products from Merz Defendants (including BioForm Medical) between July 1, 2009 and June 30, 2010, provided that sworn declarations are submitted identifying such customers;</li> </ul> <p style="color: red;">or</p> <ul style="list-style-type: none"> <li>• customers who are provided or purchase dermal filler products, or who are solicited to purchase dermal filler products, from a company other than Merz Defendants;</li> </ul>

22 DATED: April 2, 2012

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24   
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25 Attorneys for Defendants Erin  
 26 Sullivan, Sheri Tremmel, Amber  
 27 Prumer, Jacqueline Luby, Amy Finn,  
 28 Jeffrey Riordan, and Timothy Byrns