

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
1:20-CV-24523-KMW**

GILEAD SCIENCES, INC.; GILEAD SCIENCES
IRELAND UC,

Gilead,

v.

AJC MEDICAL GROUP, INC.; ALLIANCE
MEDICAL CENTER, INC.; ALLIED HEALTH
ORGANIZATION, INC.; BAIKAL MARKETING
GROUP, INC.; A BETTER YOU WELLNESS
CENTER, LLC; 3RD STEP RECOVERY
GROUP, INC. D/B/A CONTINENTAL
WELLNESS CENTER; COMMUNITY HEALTH
MEDICAL CENTER LLC; DOCTORS UNITED,
INC. D/B/A DOCTORS UNITED GROUP;
FLORIMED MEDICAL CENTER CORP.; JUAN
JESUS SALINA, M.D. CORP.; LABS4LESS
LLC; PHYSICIAN PREFERRED PHARMACY,
INC.; POSITIVE HEALTH ALLIANCE, INC.;
PRIORITY HEALTH MEDICAL CENTER, INC.;
TESTING MATTERS INC.; UNITED CLINICAL
LABORATORY LLC; UNITED PHARMACY
LLC; WELL CARE LLC; TAMARA ALONSO;
JEAN ALEXANDRE; CHENARA ANDERSON;
MYRIAM AUGUSTINE; TWIGGI BATISTA;
ARSEN BAZYLENKO; MICHAEL BOGDAN;
BARBARA BRYANT; AUGUSTINE CARBON;
JENNIFER JOHN CARBON; KHADIJAH
CARBON; ALEJANDRO CASTRO; JOHN
CATANO; JEAN CHARLOT; SHONTA
DARDEN; ALEXANDER EVANS; MARIA
FREEMAN; JESULA GABO; SHAJUANDRINE
GARCIA; BARBARA GIBSON; KERLINE
JOSEPH; VIERGELA JOSEPH; ANDRE KERR;
GARY KOGAN; CASSANDRA LOUISSAINT;
CORA MANN; NICK MYRTIL; IFEOMA
NWOFOR; ERIK JOSEPH PAVAO; WILLIE
PEACOCK; MICHAEL PIERCE; MICHEL
POITEVIEN; JEAN RODNEY; TATIANA
ROZENBLYUM; JUAN JESUS SALINA;
DIMITRY SHAPOSHNIKOV; ROMAN
SHEKHET; KIRILL VESSELOV; MIKHAIL
VESSELOV; TOMAS WHARTON,

Defendants.

**TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE FOR A
PRELIMINARY INJUNCTION**

Upon review of the expedited motion for a Temporary Restraining Order and Order to Show Cause for a Preliminary Injunction of Plaintiffs Gilead Sciences, Inc. and Gilead Sciences Ireland UC (together, "Gilead"), the memorandum of law submitted in support of Gilead's motion, the accompanying declarations and the exhibits annexed thereto, and the complaint, and for good cause shown, it is hereby:

ORDERED that for the reasons set forth in Gilead's expedited motion for entry of a Temporary Restraining Order and papers submitted in support thereof, Gilead's request is **GRANTED**; and it is further

ORDERED that, pending further order of this Court, Defendants AJC Medical Group, Inc.; Alliance Medical Center, Inc.; Allied Health Organization, Inc.; Baikal Marketing Group, Inc.; A Better You Wellness Center, LLC; 3rd Step Recovery Group, Inc. d/b/a Continental Wellness Center; Community Health Medical Center LLC; Doctors United, Inc. d/b/a Doctors United Group; Florimed Medical Center Corp.; Juan Jesus Salina, M.D. Corp.; Labs4Less LLC; Physician Preferred Pharmacy, Inc.; Positive Health Alliance, Inc.; Priority Health Medical Center, Inc.; Testing Matters Inc.; United Clinical Laboratory LLC; United Pharmacy LLC; Well Care LLC; Tamara Alonso; Jean Alexandre; Chenara Anderson; Myriam Augustine; Twiggi Batista; Arsen Bazylenko; Michael Bogdan; Barbara Bryant; Augustine Carbon; Jennifer John Carbon; Khadijah Carbon; Alejandro Castro; John Catano; Jean Charlot; Shonta Darden; Alexander Evans; Maria Freeman; Jesula Gabo; Shajuandrine Garcia; Barbara Gibson; Kerline Joseph; Viergela Joseph; Gary Kogan; Cassandra Louissaint; Cora Mann; Nick Myrttil; Ifeoma Nwofor; Erik Joseph Pavao; Willie Peacock; Michael Pierce; Michel Poitevien;

Jean Rodney; Tatiana Rozenblyum; Juan Jesus Salina; Dimitry Shaposhnikov; Roman Shekhet; Kirill Vesselov; Mikhail Vesselov; and Tomas Wharton (collectively, “Defendants”) and their principals, agents, officers, directors, members, servants, employees, successors, assigns and all other persons in concert and participation with them (together with Defendants, the “Restrained Parties”), shall, upon service of this Order in the manner described below, be immediately temporarily restrained from:

1. Enrolling or seeking to enroll in Gilead’s Advancing Access[®] Patient Assistance Program (“PAP”) or Medication Assistance Program (“MAP”) any individual who has been prescribed TRUVADA[®] or DESCOVY[®];
2. Seeking or accepting reimbursements, either directly or indirectly, for any TRUVADA[®] or DESCOVY[®] dispensed to any individual enrolled in Gilead’s PAP or MAP;
3. Dispensing TRUVADA[®] or DESCOVY[®] to individuals in packaging other than original, unopened containers from the manufacturer;
4. Dispensing TRUVADA[®] or DESCOVY[®] to individuals unaccompanied by its FDA-approved labeling, package insert, lot number, serialization number, or expiration date;
5. Selling, purchasing, or otherwise obtaining, TRUVADA[®] or DESCOVY[®] that had previously been filled or dispensed;
6. Removing from their premises, or discarding, destroying, transferring or disposing in any manner, any information, computer files, electronic files, WhatsApp or text messages, business records (including but not limited to e-mail communications) or

other documents relating to Defendants' assets and operations or relating in any way to any of the activities referred to in subparagraphs (1) through (5) above; and

7. Assisting, aiding or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs (1) through (6) above; and it is further

ORDERED that the temporary restraining order as set forth in subparagraphs (1) through (7) above shall be in effect for a period of 14 days from the entry hereof, after which it shall expire absent further order of the Court; and it is further

ORDERED that the Restrained Parties shall make arrangements to turn over to Gilead, or any person or entity designated by Gilead, within 3 business days of the entry of this order all TRUVADA[®] or DESCOVY[®] that is in the Restrained Parties' possession, custody or control and that either (a) is no longer in its original, unopened container from the manufacturer, or (b) that had previously been filled or dispensed, to be held by Gilead until further order of this Court; and it is further

ORDERED that within five (5) business days of the entry of this Order to Show Cause, Gilead shall post an undertaking with the Clerk of the Court in the form of a bond, cash or check in the amount of \$25,000.00 as security for the payment of such costs and damages as may be incurred or suffered by any party as a result of any undue harm caused by this Order to Show Cause; and it is further

ORDERED that service of the Summons and Complaint and of this Order to Show Cause, together with copies of the papers in support thereof, shall be made by delivering true copies thereof to any person of suitable age found at Defendants'

business or home addresses, or if no persons are present, by fixing a copy to the door, and that such service shall be deemed sufficient service; and it is further

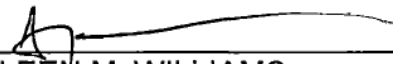
ORDERED that Defendants shall show cause before this Court on a telephonic hearing scheduled for **November 16, 2020 at 10:00 AM** why a preliminary injunction, pursuant to Rule 65 of the Federal Rules of Civil Procedure, should not be issued enjoining Defendants and the Restrained Parties in the manner set forth in subparagraphs (1)–(7) of this Order for the duration of this litigation. The Court will provide the Parties with dial-in instructions at a later time. It is further;

ORDERED, that answering papers, if any, be filed by the Defendants with this Court and served by email upon Gilead's counsel, Patterson Belknap Webb & Tyler LLP, at gpotter@pbwt.com and prepfraud@pbwt.com, and Squire Patton Boggs, at franklin.monsour@squirepb.com, on or before **12:00 PM on November 11th, 2020**, and reply papers shall be filed and served by **5:00 PM on November 13, 2020**. It is further;

ORDERED, that the Defendants are hereby put on notice that failure to attend the show cause hearing scheduled may result in the immediate issuance of the preliminary injunction, and that failure of the Defendants to respond to the Order to Show Cause by **12:00 PM on November 11th, 2020** may result in the issuance of a preliminary injunction.

It is **ORDERED AND ADJUDGED** that Defendants shall serve a copy of this Order to Defendants immediately and file a certificate of service on the docket confirming such service.

DONE AND ORDERED in Chambers in Miami, Florida, this 3rd day of November, 2020.



KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE