

JAMS ARBITRATION

QUIXTAR INC.,)	
)	
Claimant,)	
)	
vs.)	File No. 1100046544
)	
Mark and Patricia MIDDLETON, et al.,)	
)	
Respondents.)	

**VERIFIED MOTION FOR IMMEDIATE INTERIM AWARD GRANTING
TEMPORARY AND PRELIMINARY INJUNCTIVE RELIEF AGAINST
RESPONDENTS THE MIDDLETONS, JULOVICHES, PARES, PLUMLEES, SMITHS,
STEPHANS, STREETERS AND TROUTMANS**

Claimant Quixtar, Inc. ("Quixtar"), pursuant to Quixtar Arbitration Rule 11.5.46-49, hereby requests an immediate Interim Award temporarily and preliminarily restraining Respondents Mark & Patricia Middleton (the "Middletons"), Angelo and Christy Julovich (the "Juloviches"), James and Susan Pare (the "Pares"), Louis D. and Shelly Plumlee (the "Plumlees"), Dave and Melina Smith (the "Smiths"), Isabelle and James Stephan (the "Stephans"), Dennis and Julie A. Streeter (the "Streeters"), and Thomas O. and Joy Troutman (the "Troutmans") (collectively, "Respondents") from violating their contractual obligations as set forth in the Quixtar IBO Rules of Conduct, misappropriating Quixtar's trade secret information, and destroying, deleting and/or altering evidence relevant to Quixtar's claims in the above captioned proceeding.

In support of its Motion, Quixtar relies upon and incorporates by reference herein the allegations set forth in Quixtar's Amended Statement of Claims and Request for Immediate Interim Award Granting Temporary and Preliminary Injunctive Relief ("Amended Statement of

Claims”) and Quixtar’s Memorandum of Points and Authorities in Support of Verified Motion for Immediate Interim Award Granting Temporary and Preliminary Injunctive Relief Against Respondents the Middletons, Juloviches, Pares, Plumlees, Smiths, Stephans, Streeters and Troutmans (“Supporting Memorandum”).

WHEREFORE, pursuant to the Rules of Conduct and Arbitration Rule 11.5.39, and for the reasons set forth in Quixtar’s Amended Statement of Claims and Supporting Memorandum, Quixtar respectfully requests a temporary and preliminary Interim Award which:

(a) orders Respondents to return Quixtar’s misappropriated trade secret information, and/or information that was derived from the misappropriated trade secret information, including, but not limited to, information relating to or derived from Quixtar’s Line of Sponsorship (“LOS”);

(b) temporarily and preliminarily restrains Respondents from using the LOS to sell, distribute, or promote products, services or other business ventures that compete with Quixtar, or otherwise interfering with the Quixtar business of other Independent Business Owners (“IBOs”);

(c) temporarily and preliminarily restrains Respondents from competing, directly or indirectly, with the Quixtar business;

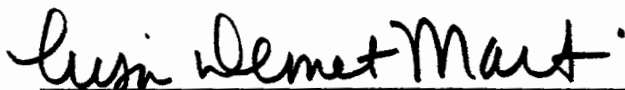
(d) temporarily and preliminarily restrains Respondents from encouraging, soliciting or otherwise attempting to recruit or persuade any other IBO to compete with Quixtar’s business;

(e) temporarily and preliminarily restrains Respondents from disparaging Quixtar, or otherwise engaging in activities injurious to the reputation of Quixtar;

(f) temporarily and preliminarily restrains Respondents from destroying, discarding, altering or deleting any evidence relating to the allegations in this Motion, the Supporting Memorandum and/or Quixtar's Amended Statement of Claims, including, but not limited to, any evidence stored on computer or computer-related equipment and/or media; and

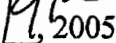
(g) temporarily and preliminarily restrains Respondents from keeping, using or disclosing Quixtar's trade secret information, including, but not limited to, information relating or derived from the LOS.

Of Counsel:
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Dated: December  2005

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum of Points and Authorities in Support of Verified Motion for Immediate Interim Award Granting Temporary and Preliminary Injunctive Relief Against Respondents the Middletons, Juloviches, Pares, Plumlees, Smiths, Stephans, Streeters and Troutmans was served this 19th day of December, 2005, upon each of the parties listed below:

Via Federal Express, postage prepaid:

Mark & Patricia Middleton, 4756 S. Wabash Rd., Rochester, IN 46975-7193

Angelo & Christy Julovich, 7225 Hull Rd., Zionsville, IN 46077-8381.

James & Susan Pare, 9036 Bush Creek Circle, Frederick, MD 21704.

Louis D. & Shelly L. Plumlee, 12195 Choctaw Trail, Culver, IN 46511-9402.

Dave & Melana Smith, 5729 W. State Road 14, Rochester, IN 46975-7152.

Isabelle & James Stephan, 336 Maid Marion Dr S, Schererville, IN 46375-1815.

Dennis & Julie A Streeter, PO Box 905, Beverly Shores, IN 46301-0905.

Thomas O. & Joy Troutman, 1402 Main Street, Rochester, IN 46975-2110.

Via regular United States Mail, postage prepaid:

Luke & Deborah Becknell, 1207 E. Center St., Warsaw, Indiana 46580-3521.

Alyn L. & Susan J. Benezette, 4 Lake Isle Way, Ormond Beach, FL 32174-1800.

Tony W. & Diane M. Bosworth, 2208 S. CR 625 W, Farmland, IN 47340.

Paul Jr. & Rosemary Bowman, 402 Tullis Ave, Longwood, FL 32750-553.

Howard and Deborah Breedlove, 14912 Brick Rd., Granger, IN 46530-8386.

James & Mary Jo Brock, 7834 N. Brown Rd., Columbia City, IN 46725-7820.

James T. & M. Dianne Burk, 8910 N. 000 Rd, Decatur, IN 46733-8481.

Alfred Cardwell, P.O. Box 3013, Gary, IN 46403-0013.

Bradley & Brenda Durcholz, 2070 W. Smith St., Warsaw, IN 46580-8147.

Robert W. & Marlene Erb, 211 St. Augustine's Dr., Warsaw, IN 46582.

Benjamin L. Flora, 1325 E. Fort Wayne St., Warsaw, IN 46580-3547.

Kent C. Goff, 283 EMS C24 Ln., Warsaw, IN 46582-7883.

Alan & Peggy Grossnickle, 6430 S. 400 E., Warsaw, IN 46580-8635.

Gregory & Jean Halfast, 329 W. 12th St., Rochester, IN 46975-2020.

H. Ray & Suzan J. Hazen, 1328 Main Street, Rochester, IN 46975-2108.

Thomas L. Hess, 7920 Rocky Glen Pl., Fort Wayne, IN 46825-3398.

David & Alison M. Heyde, 1165 N. Prairiewood Dr., Rochester, IN 46975-7801. Kimberly &

Dennis L. Hiatt, 1203 N. Riley Rd., Muncie, IN 47304-2942.

David A. & Kathy Hinshaw, 4155 Oakmont Ct., Crown Point, IN 46307-8958.

Noel & Linda Hoke, 1265 Antler Dr., Warsaw, IN 46582-7399.

J. Keith & Joan Kline, 904 Miami Trail, Bremen, IN 46506-8823.

Dale & Karen Lewis, 919 Forest Dr., Kokomo, IN 46901-1861.

Vey & Luanne Linville, 6334 Watercrest Way, Indianapolis, IN 46278-1982.

Mary Ann Mertz, 53 Summerhaven Lake, Kearney, NE 68847-9422.

Rex & Cynthia Miller, 2475 W. Warwick Rd, Muncie, IN 47304-3348.

Anne E. Mitchell, P.O. Box 3013, Gary, IN 46403-0013.

Sharon R. & David Perovich, 8801 Burnham Ave., Lansing, MI 60438-3604.

George A. & Sharon D. Ritter, 2004 Plaza De Sante Fe, Las Vegas, NV 89102-3910.

Thomas & Sandra L. Sharp, 7307 W. Lutes Dr., Warsaw, IN 46582-8384.

Eric C. & Nicole J. Smith, 261 N. State Rd. 5, Larwill, IN 46764-9534.

John & Cathy Smolnicky, 1230 Tulip Lane, Munster, IN 46321-3025.

Sue and Richard Sprunger, 665 Center St., Berne, IN 46711-1304.

James & Caroline E. Stanton, 3264 W. 200 N., Wabash, IN 46992-8602.

John R. & Kristine Streeter, 11750 E. 650 N., Orland, IN 46776-9509.

John W. & Sharon L. Tarry, 5392 Georgia St., Merrillville, IN 46410-1735.

Dawn & Michael W. Thomas, 1023 N. Lincoln St., Peru, IN 46970-8743.

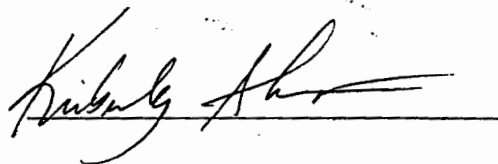
Barbara Titus, 115 Canterbury Lane, Warsaw, IN 46582-1987.

Pamela Uhlir, 53 Summerhaven Lake, Kearney, NE 68847-9422.

Debra Waddell, 12237 714 Rd., Republican City, NE 68971-7143.

Rex A. & Lisa K. Weiper, 11179 Westminster Ct., Carmel, IN 46033-3702.

M. Shane Wolff, 210 E. Hanna St., Apt. 1, Columbia City, IN 46725-2618.

A handwritten signature in black ink, appearing to read "Kimberly A. Wolff", is written over a horizontal line. The signature is cursive and somewhat stylized.