

9-6

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ELECTRONICALLY RECEIVED
Superior Court of California,
County of Orange
08/21/2013 at 11:58:03 AM
Clerk of the Superior Court
By Joseph Tran, Deputy Clerk

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER
SEP 06 2013
ALAN CARLSON, Clerk of the Court
BY C BOLISAY

**SUPERIOR COURT OF STATE OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**

JEHU HAND, <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> ED BUKSTEL, VITAMINSPICE, <p style="text-align: center;">Defendants.</p>	}	CASE NO. 30-2012-00567141 Assigned for All Purposes to the Honorable David Chaffee, Dept. C20 PROPOSED JUDGMENT Trial Date: August 12, 2013 Time: 9:00 a.m. Dept.: C20 Complaint Filed: May 7, 2012
---	---	--

This cause came on regularly for trial on August 12, 2013, in Dept. C20, of the Orange County Superior Court. Plaintiff Jehu Hand (referred to hereinafter as "Plaintiff") was represented by his attorney of record, James M. Duarte of Duarte & Associates. Plaintiff was also present at trial. Neither Defendant Ed Bukstel nor Defendant VitaminSpice appeared at trial, either on behalf of themselves or through any attorney of record. Plaintiff advised the Court that it was "Ready" to proceed to trial. The Court then trailed the matter to Wednesday, August 14, 2013, at 9:00 a.m., in Dept. C20.

This cause again came on regularly for trial on August 14, 2013, in Dept. C20, of the Orange County Superior Court, the Honorable David Chaffee, Judge presiding. Again, Plaintiff appeared by and through his attorney of record, James M. Duarte of Duarte & Associates. Plaintiff was also

1 present. Again, neither Defendant Ed Bukstel nor Defendant VitaminSpice appeared either on behalf
2 of themselves or through any attorney of record. Trial was then commenced.

3 Plaintiff proceeded to trial on his Complaint for Libel per se against these two Defendants.
4 Plaintiff introduced evidence of a Press Release issued by the Defendants on April 25, 2012, which
5 Press Release contained false and defamatory statements about Plaintiff Jehu Hand which exposed
6 Plaintiff to hatred, contempt, ridicule, and which caused him to shunned or avoided and also which
7 had a tendency to injure him in his occupation and reputation. Said Press Release was issued by the
8 Defendants who failed to use any reasonable care to determine the truth or falsity of the statements
9 contained therein. Plaintiff also established that Defendants caused to be filed with the SEC, and
10 published on the SEC's website, their Press Release with a Current Report on Form 8-K on April
11 26, 2012.

12 The Court having heard the testimony of the witnesses; read and seen the documentary and
13 other evidence; received and read the Trial Briefs; pleadings and other pre-trial filings; and having
14 heard the arguments of counsel now issues its Judgment.

15 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that:

16 1. The Court finds in favor of Plaintiff Jehu Hand and against Defendant Ed Bukstel and
17 Defendant VitaminSpice on Plaintiff's claims for Libel per se arising out of the Press Release issued
18 by Defendants on April 25, 2012, and the subsequent further publication of said Press Release which
19 was filed by Defendants with the SEC on a Current Report on Form 8-K on April 26, 2012. The
20 false, defamatory, and Libelous per se statements published in those documents are as follows:
21 "The Motion filed before the Court included explicit documents provided to the Court that
22 demonstrated forgeries by Petitioners, specifically Jehu Hand."

23 2. The Court finds that the statements contained within the Press Release and the SEC
24 filing as it related to Plaintiff Jehu Hand are false, defamatory, and Libelous per se. Furthermore,
25 the Court finds that Plaintiff Jehu Hand has been damaged significantly as a result of these false and
26 defamatory written statements.

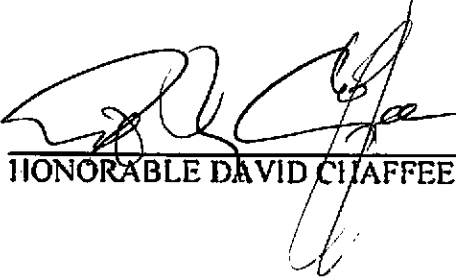
27 3. Plaintiff Jehu Hand shall recover damages from Defendant Ed Bukstel in the sum of
28 \$74,000.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. Plaintiff Jehu Hand shall also recover damages from Defendant VitaminSpice in the sum of \$74,000.

5. All remaining Doe Defendants and other Defendants other than Defendant Ed Bukstel and Defendant VitaminSpice are dismissed. Judgment is entered in favor of Plaintiff Jehu Hand and against Defendants Ed Bukstel and VitaminSpice accordingly.

Dated: SEP 06 2013



HONORABLE DAVID CHAFFEE

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA)
3) ss.
4 COUNTY OF ORANGE)

5 I am employed in the County of Orange, State of California. I am over the age of 18 and not
6 a party to the within action; my business address is 245 Fischer Avenue, Suite A-1, Costa Mesa,
7 California 92626.

8 On August 21, 2013, I served the foregoing document described as **PROPOSED**
9 **JUDGMENT** on all interested parties in this action by placing a true and correct copy thereof,
10 enclosed in a sealed envelope addressed as follows:

11 Ed Bukstel
12 996 Old Eagle School Rd., Suite 1102
13 Wayne, PA 19087-1806
14 Email: bukstel.edward@gmail.com

Vitaminspice
996 Old Eagle School Rd., Suite 1102
Wayne, PA 19087-1806
Email: bukstel.edward@gmail.com

15 (BY MAIL) I placed a true copy in a sealed envelope addressed as indicated above, on
16 the above-mentioned date. I am familiar with the firm's practice of collection and
17 processing correspondence for mailing. It is deposited with the U.S. Postal Service on
18 that same day in the ordinary course of business. I am aware that on motion of party
19 served, service is presumed invalid if postal cancellation date or postage meter date is
20 more than one day after date of deposit for mailing in affidavit.

21 (BY OVERNIGHT NEXT-DAY DELIVERY) On the above-mentioned date, I placed
22 a true copy of the above-mentioned document(s) in a sealed envelope or package
23 designated by Federal Express with delivery fees paid or provided for, addressed to the
24 person(s) as indicated above and deposited same in a box or other facility regularly
25 maintained by Federal Express or delivered same to an authorized courier or driver
26 authorized by Federal Express to received documents.

27 (BY ELECTRONIC TRANSMISSION) By sending a file of the above document(s)
28 via electronic transmission (e-mail) using e-mail address (hbaez@duarte-law.com) to the
e-mail address designated for each party identified above. I did not receive, within a
reasonable time after the transmission, any electronic message or other indication that
the transmission was unsuccessful.

EXECUTED on August 21, 2013, at Costa Mesa, California.

(State) I declare under penalty of perjury under the laws of the State of California that
the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this Court at
whose direction the service was made.


Heather Tovar