

**UNITED STATE OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

In the Matter of)	
)	
)	
DYNAMIC HEALTH OF FLORIDA, LLC,)	
CHHABRA GROUP, LLC,)	
DBS LABORATORIES, LLC,)	
Limited liability companies,)	
)	
VINCENT K. CHHABRA,)	DOCKET NO. 9317
Individually and as an officer of)	
Dynamic Health of Florida, LLC,)	
And Chhabra Group, LLC, and)	
)	
JONATHAN BARASH,)	
Individually and as an officer of)	
DBS Laboratories, LLC.)	

**RESPONDENTS RESPONSE TO COMPLAINT COUNSEL’S MOTION
TO COMPEL PRODUCTION OF DOCUMENTS AND ANSWERS TO
INTERROGATORIES (SERVED DECEMBER 20, 2004)**

Complaint Counsel complains that Respondents’ (Vincent Chhabra, Dynamic Health of South Florida, LLC, and Chhabra Group, LLC) have failed to produce documents and provided incomplete answers to interrogatories. On December 9, 2004, this Court ruled that Complaint Counsel had not exceeded its permissible number of document and interrogatory requests. The Order did not specify a date for Respondents’ Counsel to respond to the document and interrogatory requests. Respondents’ Counsel is preparing supplementation to the interrogatory requests and they will be furnished to Complaint Counsel in the near future.¹

¹ Complaint Counsel is well aware that Dynamic Health of South Florida, LLC, and Chhabra Group, LLC, are defunct corporations and that Vincent Chhabra is prohibited by the government from allocating any funds to the defense of this case as a result of a restraining order and order of forfeiture issued by the

More importantly, there are no documents available that are relevant to this lawsuit. See, Affidavits of Guy Regalado, Vice President of Sales, Chhabra Group, LLC, and Louis Cohen, Controller, Chhabra Group, LLC, Respondents' Exhibits in Support of Respondents' Reply to Complaint Counsel's Partial Opposition to Respondents' Motion for Extension of Time, November 12, 2004, Exhibits A and B respectively. See also, Affidavits of Regalado and Cohen, December 19, 2004, Exhibits C and D respectively, Respondents' Counsel is not be required to duplicate what is already in the possession of the FTC pursuant to the good faith disclosures by prior attorneys for Mr. Chhabra, nor should Respondents have to expend an inordinate amount of resources looking for documents that may be the figment of Complaint Counsel's imagination.² Respondents' Counsel spoke to Jonathan Barash, a party to this lawsuit who settled his case with the FTC. Mr. Barash advised Respondents' Counsel that prior to the institution of this lawsuit, he provided his records and the substantiation for claims for the products in question to Ms. Janet Evans. He did not keep copies of these records and as of November 17, 2003, he had not received copies of the documents from the FTC as

United States District Court for the Eastern District of Virginia, Alexandria Division. Complaint Counsel is also aware of Respondents' Counsel's personal problems that have precluded Respondents' Counsel from traveling to Florida to meet with clients and interview witnesses as of this date. In Respondents' Counsel's opinion, Complaint Counsel's discovery protestations are designed solely to force Mr. Chhabra to forego his defense of this action. Complaint Counsel already has all the information presently available concerning this case and has possessed that information prior to the commencement of this lawsuit. The fact that there are no resources available to defend this case does not mean that Mr. Chhabra must capitulate to whatever unreasonable demands Complaint Counsel desires to impose on him.

² On December 9, 2004, this Court overruled Respondents' Counsel's Motion to Compel. Complaint Counsel demanded on Thursday, December 16, 2004 that its interrogatories be answered by Monday, December 20, 2004. On December 20, 2004, Respondents' Counsel informed Complaint Counsel, by fax, that additional responses would be forthcoming and that Respondents' Counsel believed he had at least twenty days from December 9, 2004.

promised. He further related that any documents that he did possess are no longer available since he disposed of them when he and Chhabra parted paths.³

1. Complaint Counsel grossly misrepresents Fifth Amendment jurisprudence. Respondent Mr. Chhabra has not waived his Fifth Amendment rights.

Respondent Chhabra incorporates by reference the law set forth in Respondents Vincent Chhabra, Dynamic Health of South Florida, LLC, and Chhabra Group, LLC's Second Joint Motion for Protective Order Pursuant to Civ. R. 26(C) and for Stay of Proceedings, pages 6-8, as if specifically set forth in this pleading anew.

Mr. Chhabra has a Fifth Amendment privilege that extends to his testimony and the production of documents regardless of whether Complaint Counsel believes Chhabra may hypothetically be in violation of his plea agreement. The law is quite clear on this point. *Ohio v. Reiner*, 532 U.S. 17, 21 2001; *Grunewald v. United States*, 353 U.S. 391, 421 (1957); *Mitchell v. United States*, 526 U.S. 314 (1999); *Heath v. Alabama*, 474 U.S. 82 (1985)(no double jeopardy protection for prosecutions in different sovereigns for same conduct). In any event, neither Complaint Counsel nor this Court have jurisdiction to determine whether there has been a breach of Mr. Chhabra's plea agreement filed in the Eastern District of Virginia.

The government's motion to vacate his plea agreement in Virginia only increases Mr. Chhabra's apprehension concerning Complaint Counsel's potential ulterior motives in pursuing this case. See, Respondents' Second Joint Motion for Protective Order and Stay and Exhibit A attached. Chhabra's plea agreement does not provide for immunity or

³ Jonathan Barash is the owner of DBS Laboratories, LLC. Originally, Chhabra International Ltd. intended to purchase a substantial interest in DBS Laboratories, LLC, however the sale was never consummated. DBS Laboratories, LLC, arranged for the formulation and manufacture of the products and was responsible for the substantiation for the products. At one point, Jonathan Barash was employed as a consultant to Dynamic Health of Florida, LLC for approximately \$14,000 a month. See also, DBS Laboratories LLC Profile, Exhibit E. Respondents relied on DBS Laboratories, LLC, concerning the formulation and manufacture of Pedia Loss and Fabulously Feminine.

a waiver of Fifth Amendment rights. Any implied waiver of Fifth Amendment rights would apply only to the conduct set forth in the superseding indictment since that conduct is the sole basis for the agreement not to prosecute. It should be noted, however, that the district court in Virginia summarily dismissed the government's Motion to Vacate Plea. See, Exhibit A attached to Respondents Vincent Chhabra, Dynamic Health of South Florida, LLC, and Chhabra Group, LLC's Second Joint Motion for Protective Order Pursuant to Civ. R. 26(C) and for Stay of Proceedings, Docket Nos. 507 and 510.

2. Complaint Counsel's quest for "new documents" is unavailing since these documents do not exist or are not under the custody of Respondents.

There are no documents available that are relevant to this lawsuit that are not already in the possession of Complaint Counsel. See, Exhibits A, B, C and D attached.

Complaint Counsel assails Respondents for failing to conduct a search for responsive information. Perhaps Complaint Counsel can provide a roadmap concerning where Respondents should search. See Affidavits of Regalado and Cohen, *supra*.

Complaint Counsel's protestations are merely an attempt to harass Respondents who have already voluntarily provided all the documents under their custody and control to Complaint Counsel and don't have the resources to participate in Complaint Counsel's "wild goose chase."

The Affidavit of Michael Widenhouse is meaningless and irrelevant. See Exhibit G, Complaint Counsel's Motion to Compel.⁴ Although the number of documents and evidence seized on December 3, 2003 concerning the dietary supplement business were minor in comparison to the total number of documents and evidence seized on that date,

⁴ There are approximately 900,000 documents in the Virginia criminal case. There is a warehouse of filing cabinets at the FDA headquarters in Maryland. There are also 75 CD's that were furnished by the government. Most were generated before the dietary supplement business was started.

the seizures concerning the dietary supplement business were nevertheless substantial and only Complaint Counsel has access to this information. See, e.g., Letter from Janet Evans and Sydney Knight to Max Kravitz, December 14, 2004, Exhibit F attached, noting that after examination of “approximately one-half” of the documents seized during the December 2003 searches, six hundred and twenty-one pages of potentially relevant documents concerning this case were discovered. Presumably more documents will be discovered when Complaint Counsel finishes its search of its own records. If Respondents locate additional documents, they will be forwarded to Complaint Counsel forthwith.⁵

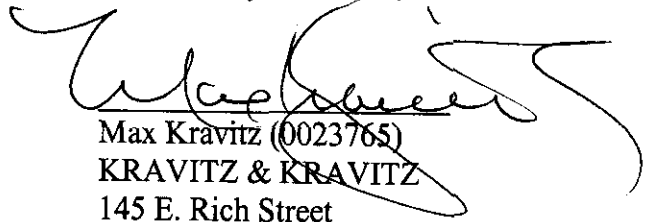
3. Respondents Chhabra Group, LLC and Dynamic Health of Florida, LLC are in the process of preparing additional responses to Complaint Counsel’s interrogatory requests.

Pursuant to this Court’s December 9, 2004 Order Denying Respondents’ Motion to Compel, Respondents Chhabra Group, LLC and Dynamic Health of Florida, LLC are in the process of preparing additional responses to Complaint Counsel’s First and Second Set of Interrogatories. Objections by Respondents, if any, will be tailored to each individual interrogatory request as preferred by Complaint Counsel.

Respondents’ Counsel has reservations to travel to Florida on January 4, 2004 to facilitate discovery. It is not clear whether he will be able to travel on that date due to concerns that are unrelated to this lawsuit.

⁵ Complaint Counsel’s representation that it was not aware of the December 3, 2003 “document seizure until very recently,” *see*, Complaint Counsel’s Motion to Compel Production of Documents and Answers to Interrogatories, p.6 & n1, is dubious at best. Complaint Counsel has been in constant contact with the AUSAs in Virginia throughout 2004 and knew full well that searches took place during December 2003. Moreover, Respondents’ Counsel has represented several times to Complaint Counsel, both in pleadings and otherwise, that there are documents relevant to the case that are under the control of the government as a result of the December 3, 2003 searches.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Max Kravitz', written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Max Kravitz (0023765)

KRAVITZ & KRAVITZ

145 E. Rich Street

Columbus, OH 43215

Tel: (614) 464-2000

Fax: (614) 464-2002

Email: mkravitz@kravitzlawnet.com

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**UNITED STATE OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

In the Matter of)	
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DYNAMIC HEALTH OF FLORIDA, LLC,)	
CHHABRA GROUP, LLC,)	
DBS LABORATORIES, LLC,)	
Limited liability companies,)	
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VINCENT K. CHHABRA,)	DOCKET NO. 9317
Individually and as an officer of)	
Dynamic Health of Florida, LLC,)	
And Chhabra Group, LLC, and)	
)	
JONATHAN BARASH,)	
Individually and as an officer of)	
DBS Laboratories, LLC.)	
)	

[Proposed] ORDER DENYING COMPLAINT COUNSEL'S MOTION TO COMPEL

On _____, Complaint Counsel filed a motion to compel Respondents Dynamic Health of Florida, LLC, Chhabra Group, LLC, and Vincent Chhabra to produce documents and things and answers as requested by Complaint Counsel's document requests and interrogatories. Respondents have filed a response. Based on Respondents' response:

IT IS HEREBY ORDERED that the motion to compel is DENIED. Respondents are directed to supplement their interrogatory responses within 20 days from the date of this Order.

Stephen J. McGuire
Chief Administrative Law Judge

Dated:

CERTIFICATE OF SERVICE

This is to certify that on December 29, 2004, I caused a copy of the attached Respondent's Reply to the Federal Trade Commission's Motion to Strike Respondent's Affirmative Defenses to be served upon the following persons by facsimile, email or U.S.

First Class Mail:

(1) the original and one (1) paper copy filed by Federal Express, and one electronic copy via email to:

Donald S. Clark, Secretary
Federal Trade Commission, Room 159
600 Pennsylvania Avenue, NW
Washington, DC 20580
E-mail: secretary@ftc.gov

(2) two (2) paper copies served by Federal Express and one electronic copy via email to:

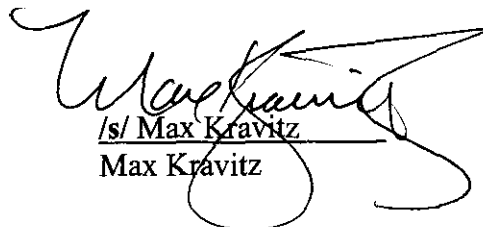
The Honorable Stephen J. McGuire
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
E-mail: dgross@ftc.gov

(3) one (1) electronic copy via email and one (1) paper copy via U.S. mail to:

Janet Evans
Syd Knight
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
E-mail: jevans@ftc.gov

I further certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original, and that a paper copy with an original signature is being filed with the Secretary of the Commission by being sent by U.S. mail.

Dated: Columbus, Ohio
December 29, 2004


/s/ Max Kravitz
Max Kravitz

AFFIDAVIT

Re: In Re Dynamic Health of Florida, LLC
FTC Docket No. 9317

Guy Regalado, being duly cautioned and sworn, states the following:

1. I was employed by Chhabra Group, LLC, from August 2002 until December 2003 in the capacity of Vice President, Sales. I am no longer employed by Chhabra Group.

2. Recently, I was served with a subpoena by the Federal Trade Commission concerning the production of documents in the above-described lawsuit.

2. Prior to the commencement of the above-described lawsuit, to the best of my knowledge, all information related to the FTC case against Dynamic Health and others was voluntarily turned over to the law firm of Arent Fox in Washington, D.C., and then forwarded to the government prior to the commencement of this lawsuit.

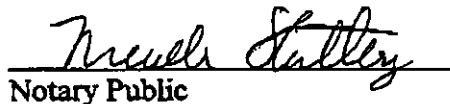
4. The subpoena I received from the FTC requested various documents be produced. I have attached a copy of the subpoena to this affidavit.

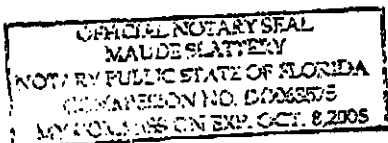
3. To the best of my knowledge there is no additional information available that has not already been turned over to the government.

Further deponent sayeth naught.


Guy Regalado

Sworn and subscribed before me this 12th day of November, 2004.


Notary Public



M. Slattery

A

EXHIBIT A

SUBPOENA DUCES TECUM
Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

Eury Regalado
1485 North Park Drive
Weston, FL 33326

2. FROM

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

3. PLACE OF PRODUCTION OR INSPECTION

Federal Trade Commission
600 Pennsylvania Ave., NW
NJ-3213
Washington, DC 20580

4. MATERIAL WILL BE PRODUCED TO

An authorized representative of the FTC

5. DATE AND TIME OF PRODUCTION OR INSPECTION

On or before November 18, 2004

6. SUBJECT OF PROCEEDING

In the matter of
Dynamic Health of Florida, LLC
D. 9317

7. MATERIAL TO BE PRODUCED

See attached specifications. Documents may be returned via Federal Express in lieu of personal appearance on or before November 18, 2004

8. ADMINISTRATIVE LAW JUDGE

Federal Trade Commission
Washington, D.C. 20580

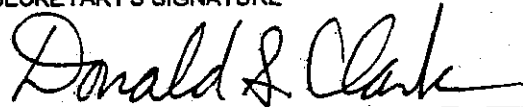
9. COUNSEL REQUESTING SUBPOENA

Janet M. Evans
600 Pennsylvania Ave., NW
NJ-3213
Washington, DC 20580
(202) 326-2125

DATE ISSUED

OCT 29 2004

SECRETARY'S SIGNATURE



GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed with the Secretary of the Federal Trade Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

RETURN OF SERVICE

I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used).

- in person.*
- by registered mail.*
- by leaving copy at principal office or place of business, to wit:*

.....
.....
.....
.....

on the person named herein on:

.....
(Month, day, and year)

.....
(Name of person making service)

.....
(Official title)

ATTACHMENT A

SUBPOENA DUCES TECUM TO GUY REGALADO FOR PRODUCTION OF DOCUMENTARY MATERIALS AND TANGIBLE THINGS

I. SPECIFICATION¹

Demand is hereby made for the following documentary materials and tangible things:

1. All documents referring or relating to the formulation, development, manufacture, testing, labeling, advertising, marketing, promotion, offering for sale, sale, fulfillment, or customer service of any dietary supplement product marketed or proposed to be marketed with a label bearing the "Dynamic Health" or "DBS Labs" name, including but not limited to, Pedia Loss and Fabulously Feminine.

II. DEFINITIONS

1. "All documents" means each document, as defined below, which can be located, discovered or obtained by reasonable, diligent efforts, including without limitation all documents possessed by: (a) you or your counsel; or (b) any other person or entity from whom you can obtain such documents by request or which you have a legal right to bring within your possession by demand.

2. "And" as well as "or" shall be construed both conjunctively and disjunctively, as necessary, in order to bring within the scope of any Document Specification in this Subpoena For Documentary Materials and Tangible Things all information that otherwise might be construed to be outside the scope of the request.

3. "Document" means the complete original and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any written, typed, printed, transcribed, taped, recorded, filmed, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated or made, including but not limited to any advertisement, book, pamphlet, periodical, contract, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, package insert, sticker, web page, chart, graph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minute, code book, data compilation, tests, reports, clinical studies, test reports, scientific literature, articles,

Note: Read and comply with the Definitions and Instructions that follow.

expert opinions, handwritten notes, correspondence, communications, electronic mail, electronically stored data, computer (including handheld computer) material (including print-outs, cards, magnetic or electronic tapes, discs and such codes or instructions as will transform such computer materials into easily understandable form), and video and audio recordings.

4. **"Includes"** or **"including"** means **"including but not limited to,"** so as to avoid excluding any information that might otherwise be construed to be within the scope of any Specification.

5. **"Referring to"** or **"relating to"** means discussing, describing, reflecting, containing, analyzing, studying, reporting, commenting, evidencing, constituting, setting forth, considering, recommending, concerning, or pertaining to, in whole or in part.

6. **"You"** or **"Your"** means the person or entity to whom this subpoena duces tecum is directed.

7. The use of the singular includes the plural, and the plural includes the singular.

8. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

9. The spelling of a name shall be construed to include all similar variants thereof.

III. INSTRUCTIONS

1. Unless otherwise specified, the time period covered by this Document Specification shall not be limited and all documents responsive to the Specification, regardless of dates or time periods involved, should be provided.

2. A complete copy of each document should be submitted even if only a portion of the document is within the terms of the Specification. The document shall not be edited, cut, or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.

3. All information submitted shall be clearly and precisely identified as to the Specification(s) or sub-Specification(s) to which it is responsive. You should consecutively number each page in your submission; each page submitted should be marked with a unique "Bates" document tracking number.

4. Documents covered by this Specification are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity including attorneys, accountants,

directors, officers, and employees.

5. If any of the documentary materials requested in this Specification is available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the record(s) involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print out the record in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.

6. Promotional materials submitted in response to this Specification shall be submitted in the following form(s) as follows: For documents, provide the original promotional materials if available, or, if not available, color copies thereof. For audio-only (or radio) materials, provide a tape cassette (or digitized recording, if in machine-readable form) and a script, as well as any audio out-takes. For video recordings, provide a DVD or VHS cassette and script or storyboard, as well as any video out-takes. For Internet or other online materials, provide a CD (if in machine-readable form) or a clear color printout of all screens displayed in the promotional materials and identify the site, forum, or address.

8. All objections to this Document Specification must be raised in the initial response or are otherwise waived.

9. If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld which states individually for each item withheld: (a) the type, title, specific subject matter, and date of the item; (b) the names, addresses, positions, and organizations of all authors and recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

CERTIFICATE OF SERVICE

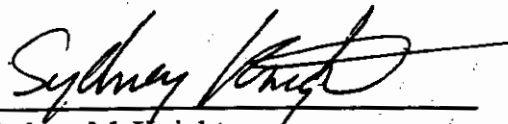
I hereby certify that I have this 29th day of October, 2004 filed and served the attached **SUBPOENA DUCES TECUM TO GUY REGALADO FOR PRODUCTION OF DOCUMENTARY MATERIALS AND TANGIBLE THINGS** upon the following as set forth below:

- (1) one (1) copy via overnight delivery service to:

Guy Regalado
1485 North Park Drive
Weston, FL 33326

Guy Regalado
4899 NW 26th Ave
Boca Raton, FL 33434-2524

Guy Regalado
7287 Panache Way
Boca Raton, FL 33433-6920



Sydney M. Knight

AFFIDAVIT

Re: In Re Dynamic Health of Florida, LLC
FTC Docket No. 9317

Louis Cohen, being duly cautioned and sworn, states the following:

1. I was employed by Chhabra Group, LLC, from September 2002 until December 2003 in the capacity of controller. I am no longer employed by Chhabra Group.
2. Recently, I was served with a subpoena by the Federal Trade Commission concerning the production of documents in the above-described lawsuit.
2. Prior to the commencement of the above-described lawsuit, to the best of my knowledge, all information related to the FTC case against Dynamic Health and others was voluntarily turned over to the law firm of Arent Fox in Washington, D.C., and then forwarded to the government prior to the commencement of this lawsuit.
4. The subpoena I received from the FTC requested various documents be produced. I have attached a copy of the subpoena to this affidavit.
3. To the best of my knowledge there is no additional information available that has not already been turned over to the government.

Further deponent sayeth naught.



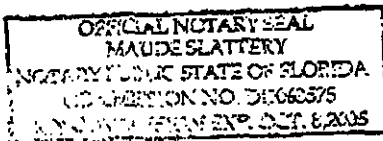
Louis Cohen

Sworn and subscribed before me this 12th day of November, 2004.



Notary Public

M. Slattery



B

EXHIBIT B

SUBPOENA DUCES TECUM

Issued Pursuant to Rule 3.34(b), 16 C.F.R. § 3.34(b)(1997)

2. FROM

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

John S. Cohen
North Park Drive
Miami, FL 33326

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things - or to permit inspection of premises - at the date and time specified in Item 5, at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

3. PLACE OF PRODUCTION OR INSPECTION

4. MATERIAL WILL BE PRODUCED TO

Federal Trade Commission
600 Pennsylvania Ave., NW
NJ-3213
Washington, DC 20580

An authorized representative of the FTC

5. DATE AND TIME OF PRODUCTION OR INSPECTION

On or before November 18, 2004

6. SUBJECT OF PROCEEDING

In the matter of
Dynamic Health of Florida, LLC
D. 9317

7. MATERIAL TO BE PRODUCED

See attached specifications. Documents may be returned via Federal Express in lieu of personal appearance on or before November 18, 2004

8. ADMINISTRATIVE LAW JUDGE

9. COUNSEL REQUESTING SUBPOENA

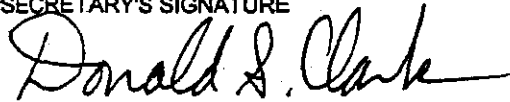
Federal Trade Commission
Washington, D.C. 20580

Janet M. Evans
600 Pennsylvania Ave., NW
NJ-3213
Washington, DC 20580
(202) 326-2125

DATE ISSUED

SECRETARY'S SIGNATURE

OCT 29 2004



GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

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This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

RETURN OF SERVICE

I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)

- in person.*
- by registered mail.*
- by leaving copy at principal office or place of business, to wit:*

on the person named herein on:

(Month, day, and year)

(Name of person making service)

(Official title)

ATTACHMENT A

SUBPOENA DUCES TECUM TO LOUIS COHEN FOR PRODUCTION OF DOCUMENTARY MATERIALS AND TANGIBLE THINGS

SPECIFICATION¹

Demand is hereby made for the following documentary materials and tangible things:

1. All documents referring or relating to the formulation, development, manufacture, testing, labeling, advertising, marketing, promotion, offering for sale, sale, fulfillment, or customer service of any dietary supplement product marketed or proposed to be marketed with a label bearing the "Dynamic Health" or "DBS Labs" name, including but not limited to, Pedia Loss and Fabulously Feminine.

II. DEFINITIONS

1. "All documents" means each document, as defined below, which can be located, discovered or obtained by reasonable, diligent efforts, including without limitation all documents possessed by: (a) you or your counsel; or (b) any other person or entity from whom you can obtain such documents by request or which you have a legal right to bring within your possession by demand.

2. "And" as well as "or" shall be construed both conjunctively and disjunctively, as necessary, in order to bring within the scope of any Document Specification in this Subpoena For Documentary Materials and Tangible Things all information that otherwise might be construed to be outside the scope of the request.

3. "Document" means the complete original and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any written, typed, printed, transcribed, taped, recorded, filmed, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated or made, including but not limited to any advertisement, book, pamphlet, periodical, contract, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, package insert, sticker, web page, chart, graph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minute, code book, data compilation, tests, reports, clinical studies, test reports, scientific literature, articles,

¹ Note: Read and comply with the Definitions and Instructions that follow.

opinions, handwritten notes, correspondence, communications, electronic mail, electronically stored data, computer (including handheld computer) material (including print-outs, cards, magnetic or electronic tapes, discs and such codes or instructions as will transform such computer materials into easily understandable form), and video and audio recordings.

4. "Includes" or "including" means "including but not limited to," so as to avoid excluding any information that might otherwise be construed to be within the scope of any Specification.

5. "Referring to" or "relating to" means discussing, describing, reflecting, containing, analyzing, studying, reporting, commenting, evidencing, constituting, setting forth, considering, recommending, concerning, or pertaining to, in whole or in part.

6. "You" or "Your" means the person or entity to whom this subpoena duces tecum is directed.

7. The use of the singular includes the plural, and the plural includes the singular.

8. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

9. The spelling of a name shall be construed to include all similar variants thereof.

III. INSTRUCTIONS

1. Unless otherwise specified, the time period covered by this Document Specification shall not be limited and all documents responsive to the Specification, regardless of dates or time periods involved, should be provided.

2. A complete copy of each document should be submitted even if only a portion of the document is within the terms of the Specification. The document shall not be edited, cut, or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables or other attachments.

3. All information submitted shall be clearly and precisely identified as to the Specification(s) or sub-Specification(s) to which it is responsive. You should consecutively number each page in your submission; each page submitted should be marked with a unique "Bates" document tracking number.

4. Documents covered by this Specification are those which are in your possession or under your actual or constructive custody or control, whether or not such documents were received from or disseminated to any other person or entity including attorneys, accountants,

directors, officers, and employees.

5. If any of the documentary materials requested in this Specification is available in machine-readable form (such as floppy or hard disks, drums, core storage, magnetic tapes or punch cards), state the form in which it is available and describe the type of computer or other machinery required to read the record(s) involved. If the information requested is stored in a computer or a file or record generated by a computer, indicate whether you have an existing program that will print out the record in readable form and state the name, title, business address and telephone number of each person who is familiar with the program.

6. Promotional materials submitted in response to this Specification shall be submitted in the following form(s) as follows: For documents, provide the original promotional materials if available, or, if not available, color copies thereof. For audio-only (or radio) materials, provide a tape cassette (or digitized recording, if in machine-readable form) and a script, as well as any audio out-takes. For video recordings, provide a DVD or VHS cassette and script or storyboard, as well as any video out-takes. For Internet or other online materials, provide a CD (if in machine-readable form) or a clear color printout of all screens displayed in the promotional materials and identify the site, forum, or address.

8. All objections to this Document Specification must be raised in the initial response or are otherwise waived.

9. If any requested material is withheld based on a claim of privilege, submit together with such claim a schedule of the items withheld which states individually for each item withheld: (a) the type, title, specific subject matter, and date of the item; (b) the names, addresses, positions, and organizations of all authors and recipients of the item; and (c) the specific grounds for claiming that the item is privileged. If only part of a responsive document is privileged, all non-privileged portions of the document must be submitted.

CERTIFICATE OF SERVICE

I hereby certify that I have this 29th day of October, 2004 filed and served the attached
**SUBPOENA DUCES TECUM TO LOUIS COHEN FOR PRODUCTION OF
DOCUMENTARY MATERIALS AND TANGIBLE THINGS** upon the following as set forth
below:

- (1) one (1) copy via overnight delivery service to:

Louis Cohen
1485 North Park Drive
Weston, FL 33326



Sydney M. Knight

AFFIDAVIT

Re: In Re Dynamic Health of Florida, LLC
FTC Docket No. 9317

Guy Regalado, being duly cautioned and sworn, states the following:

1. I was employed by Chhabra Group, LLC, from August 2002 until December 2003. I am no longer employed by Chhabra Group. I was also responsible for placing the products, Pedia Loss and Fabulously Feminine, in brick and mortar pharmacies and retail establishments for Dynamic Health of Florida, LLC, although I did not work for Dynamic Health of Florida, LLC. Pedia Loss and Fabulously Feminine were never sold to brick and mortar pharmacies or any retail establishments. Any sales that were generated were Internet-generated sales. It is my understanding that these products were pulled from Internet sites by Dynamic Health and Chhabra Group before the FTC inquiries about the products. Dynamic Health is defunct with no assets.

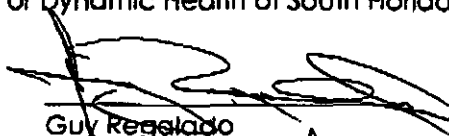
2. On November 12, 2004, I executed an affidavit which is attached concerning documents in the above-referenced lawsuit and adopt its contents as if specifically repeated anew.

3. At the time that I complied with the FTC subpoena (which was prior to the institution of this lawsuit), I searched for all documents that might be relevant to the FTC inquiry and turned the documents over to Arent Fox.

3. After searching through whatever records were left after the searches on December 3, 2004, to the best of my knowledge there is no additional information available that has not already been turned over to the government that is under the care, custody or control of Chhabra Group, LLC, or Dynamic Health of South Florida, LLC.

Further deponent sayeth naught.

Sworn and subscribed before me this ^{29th} 12th day of November 2004, by Guy Regalado
who is personally known to me.


Guy Regalado

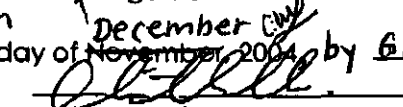

Notary Public



EXHIBIT C

AFFIDAVIT

Re: In Re Dynamic Health of Florida, LLC
FTC Docket No. 9317

Louis Cohen, being duly cautioned and sworn, states the following:

1. I was employed by Chhabra Group, LLC, from September 2002 until December 2003 in the capacity of controller. I am no longer employed by Chhabra Group and to my knowledge, it is a defunct corporation with no assets that entered a guilty plea in federal court in Alexandria, Virginia to a violation of the federal Controlled Substances Act.

2. On November 12, 2004, I executed an affidavit which is attached concerning documents in the above-referenced lawsuit and adopt its contents as if specifically repeated anew.

3. At the time that I complied with the FTC subpoena (which was prior to the institution of this lawsuit), I searched for all documents that might be relevant to the FTC inquiry and turned the documents over to Arent Fox.

4. If there were additional documents relevant to the FTC inquiry or the present lawsuit, they are either no longer in existence or outside the custody and control of Chhabra Group, LLC.

5. On December 3, 2003, my offices at 1485 Northpark Drive, Weston, Florida were searched by federal agents and numerous boxes of records of Chhabra Group, LLC were removed. I have never seen these records again and presumably they are in the care, custody and control of the federal agents who conducted the searches.

6. Once again, to the best of my knowledge, there is no additional information available that has not already been turned over to the government by Chhabra Group.

Further deponent sayeth naught.


Louis Cohen

Sworn and subscribed before me this ^{of 29th} 19th day of December, 2004, by Louis Cohen
who is personally known to me.


Notary Public

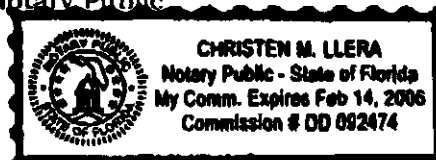


EXHIBIT D

DBS LABORATORIES LLC

CONTRACT MANUFACTURERS & CUSTOM FORMULATORS
20911 Avenel Run, Boca Raton Florida, 33428
TEL: (561) 929-0017 FAX: (561) 892-5951

DBS LABS PROFILE

COMPANY NAME: DBS Laboratories LLC
20911 Avenel Run
Boca Raton, FL 33428
TEL: (561) 929-0017
FAX: (561) 892-5951
WEBSITE: www.dbslabs.com

KEY PERSONNEL: Jonathan Barash, President
Lisa Shadorf, Vice President

DESCRIPTION: DBS Laboratories LLC is a custom formulator and contract manufacturer of high quality nutritional supplements, vitamins, homeopathic, and OTC Drug products. The company offers a complete range of services to help customers bring their product concepts to reality, from initial development to finished product. The company's team of qualified professionals, which includes biochemists, pharmacists, and medical doctors, offers innovative solutions to customer specific needs. DBS Laboratories' distinguished personal service has also played a key role in establishing DBS Laboratories as a leading contract manufacturer in the industry.

SERVICES: High Speed / High Volume Manufacturing and Packaging
Tablets- Timed Release, Lozenges, and Chewable Formulations
~~Tablet Coating- Clear Film, Color and pH Esteric Coats~~
Hard Shell Capsules & Softgel Formulations
Powder Blends- Flavored Drink Mixes and Nutrient Premixes
Automated Bottling / Packaging
Blister Card Packaging
OTC Drug License- cGMP compliant
In-House Analytical and Microbiological Testing Capabilities
International Import & Export Experience

CLIENTS SERVED: Dietary Supplement & Pharmaceutical Marketing Companies
Worldwide.

EXHIBIT E



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Bureau of Consumer Protection
Division of Advertising Practices

Janet M. Evans
Attorney

Direct Dial: (202) 326-2125
Facsimile: (202) 326-3259
E-mail: jevans@ftc.gov

December 14, 2004

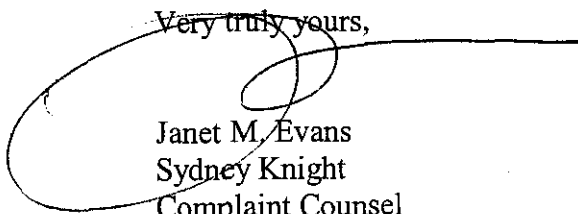
Via Fedex
Max Kravitz, Esq.
Kravitz & Kravitz LLC
145 East Rich Street
Columbus, OH 43215

Re: *In re Dynamic Health of Florida LLC,*
Docket No. 9317

Dear Mr. Kravitz:

We have reviewed approximately one-half of the documents seized during the government's December 2003 search. We obtained copies of documents that are potentially relevant to the above matter. Attached, bates stamped FDA 00001-621, are duplicates of those documents.

Very truly yours,



Janet M. Evans
Sydney Knight
Complaint Counsel

Encl.

EXHIBIT F