

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DR. BARRY EPPLEY, MD, DMD,)	
)	
Plaintiff,)	
)	1:09-cv-386-SEB-JMS
vs.)	
)	
LUCILLE IACOVELLI,)	
)	
Defendant.)	

PRELIMINARY INJUNCTION

The Plaintiff, Dr. Barry Eppley, by counsel, having filed his Motion for Preliminary Injunction, and the Court having reviewed said Motion, and taken evidence on the Motion, now, pursuant to Federal Rule of Civil Procedure 65, THEREFORE ORDERS, ADJUDGES AND DECREES, as follows:

The Defendant, Lucille Iacovelli, her agents, and those in active concert and participation with her, pending final judgment in this cause, and until such time as this action is fully and finally adjudicated, or until otherwise ordered by the Court in order to fully effectuate the purposes of this injunction, are hereby directed and enjoined as follows:

1. All postings on the internet, made by the Defendant, her agents, those in active concert and participation with her, and those who have offered their services to the Defendant for the purposes of publicity, intimidation, and/or harassment, at any website controlled or operated by the Defendant, her

agents, those in active concert and participation with her, or those who have offered their services to the Defendant for the purposes of publicity, intimidation, and/or harassment, which were made subsequent to the initiation of this action of March 30, 2009, and which refer to:

- a. the Plaintiff, Dr. Barry Eppley, MD, DMD
- b. the Plaintiff's attorneys, either by specific name or by reference to the law firm of Lewis & Kappes, P.C., in ways that touch on or otherwise reflect the issues in this litigation;
- c. and any efforts undertaken by the Plaintiff, or his attorneys, to inform the Massachusetts State Department of Health as to the Defendant's suicide threats, and any description of the actions taken by that authority in furtherance of its duties;

shall be removed immediately; and

- d. The Defendant shall likewise cease in all manner the issuance and/or distribution of emails and similar communications, whether by her or others, which convey or tend to convey or contain any communication, statement or content as observed above;
2. The Defendant is directed to clearly and explicitly request, direct, instruct, and take all actions within her power in an effort to cause her agents, those in active concert and participation with her, and all those who have offered their services to the Defendant for the purposes of publicity, intimidation, and/or harassment to:

- a. remove all postings identified above in Paragraph 1 of this Order
 - b. cease making any further postings within the scope of Paragraph 1(a)-1(d) of this Order, while this Order remains in effect;
 - c. remove any websites created after the initiation of this litigation within the scope of Paragraph 1(a)-(d), including, but not limited to:
 - i. www.eppleyplasticsurgerysucks.com
 - ii. www.barryeppleyplasticsurgeon.com
 - iii. Www.lewis-kappessucks.com
 - d. refrain from registering, establishing, or otherwise creating any new and additional websites or domain names which use the Plaintiff's registered and protected name, or any part thereof, or the names of Plaintiff's attorneys and Plaintiff's counsel's law firm;
 - e. and refrain from making further posting on any existing or new website to the matters identified in Paragraph 1(a)-(d) of this Order;
3. The Defendant, her agents, those in active concert and participation with her, and those who have offered their services to the Defendant for the purpose of publicity, intimidation, and/or harassment are instructed to remove the following websites:
- i. www.eppleyplasticsurgerysucks.com;
 - ii. www.barryeppleyplasticsurgeon.com;
 - iii. www.lewis-kappessucks.com
4. The Defendant, her agents, those in active concert and participation with

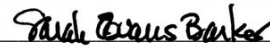
her, and those who have offered their services to the Defendant for the purpose of publicity, intimidation, and/or harassment are instructed to remove any links on existing websites controlled or operated by them to the websites identified in Paragraph 3 of this Order;

5. The Defendant, her agents, those in active concert and participation with her, and those who have offered their services to the Defendant for the purpose of publicity, intimidation, and/or harassment refrain from registering, establishing, or otherwise creating any new and additional websites, domain names, links, tags, or other devices which use the Plaintiff's registered and protected name, or any part thereof, as part of any effort to imitate the Plaintiff, redirect internet traffic from the Plaintiff's own websites, or otherwise drive internet traffic to the Defendant's websites, and away from the Plaintiff's;
6. The Defendant, her agents, and those in active concert and participation with her, and those who have offered their services to the Defendant for the purpose of publicity, intimidation, and/or harassment are restrained from issuing and/or distributing emails and similar communications, regardless of their origin, which convey or contain any communication, statement or content disparaging the Plaintiff's name, his business or his reputation associated with the claims asserted in this lawsuit;
7. The Defendant, her agents, those in active concert and participation with her, and those who offered their services to the Defendant for the purpose of

publicity, intimidation and/or harassment, are restrained from requesting, directing, instructing, or otherwise attempting to cause any other individual or third-party to perform any acts which they themselves are otherwise prohibited from taking by this Order.

IT IS SO ORDERED.

Date: 04/17/2009



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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