

563190

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**LIFESTYLE LIFT HOLDING, INC., a
Michigan corporation,**

Plaintiff,

Case: 2:07-cv-14450
Assigned To: Tarnow, Arthur J
Referral Judge: Komives, Paul J
Filed: 10-19-2007 At 10:20 AM
CMP LIFESTYLE LIFT HOLDING INC V LEONARD
FITNESS INC, ET AL (EW)

v.

COMPLAINT

**LEONARD FITNESS, INC., a Nevada
Corporation, and JUSTIN LEONARD,
An individual**

Defendants

Kenneth M. Zorn, Esq. (P22756)
Michael C. McKinnon, Esq. (P41362)
Counsel for Plaintiffs
100 Kirts Blvd., Suite A
Troy, MI 48084
(248) 519-9129

Now come the Plaintiffs in the above-captioned cause and for their Complaint
hereby aver, as follows:

GENERAL ALLEGATIONS

1. Plaintiff Lifestyle Lift Holding, Inc. ("LLH") is a Michigan corporation located at 100 Kirts Blvd., Ste. A, Troy, MI 48084.
2. Defendant Leonard Fitness, Inc. is a Nevada corporation whose principal place of business is Carson City, Nevada and which owns and/or operates the website www.infomercialscams.com.

3. Defendant Justin Leonard is an individual who is, upon information and belief, a resident of Arizona. Defendant Leonard is the sole officer and shareholder of Defendant Leonard Fitness, Inc.

4. Plaintiff LLH is the owner and holder of the registered mark "Lifestyle Lift", which mark is valid and subsisting.

5. This is an action arising under jurisdiction over this action by virtue of the existence of the Lanham Trademark Act and specifically, §43 of the Trademark Act, 15 U.S.C. 1051 et seq., 15 U.S.C. 1114, 1121, 1125(a) and 15 U.S.C. 1125(c). Jurisdiction is proper in this Court pursuant to 28 U.S.C. 1331 and 1338 as well as under the doctrine of ancillary jurisdiction over the related state claims.

6. Venue is proper under 28 U.S.C. 1391.

FACTS APPLICABLE TO ALL COUNTS

7. Plaintiff LLH is the owner of U.S. Service Mark Reg. No. 3,102,900 for the mark "Lifestyle Lift", which mark is used to identify cosmetic and plastic surgery procedures. This mark is valid and subsisting. See attached Exhibit A.

8. Plaintiff LLH licenses the use of the mark "Lifestyle Lift" to cosmetic and plastic surgery centers across the United States (the "Licensed Facilities").

9. Doctors working in Licensed Facilities specialize in performing minimally invasive facelift procedures which are marketed to the purchasing public under Plaintiff LLH's "Lifestyle Lift" mark. Licensed Facilities, have become well and favorably known in the communities in which they operate, gaining a reputation for quality facelift services at reasonable cost in a caring and pleasant environment.

10. Notable positive television coverage on ABC, CBS, NBC, FOX, UPN (now CW) and WGN which, along with the fine quality of the services rendered by surgeons operating in Licensed Facilities, has resulted in strong consumer recognition of the mark "Lifestyle Lift" and the quality of the services to the plastic surgeons that operate under the mark "Lifestyle Lift".

11. Defendants Leonard Fitness, Inc. and Justin Leonard (collectively "Defendants") own and operate the website www.infomercialscams.com.

12. Defendants use this website to advertise and further their business interests. A printed copy of the external appearance of relevant portions of these sites is attached as Exhibit B.

13. The HTML code for this site contains the words "Lifestyle Lift" in the URL, and in the body of the code as metatags and/or adwords. This code, by incorporating Plaintiff's trademark in such a manner, has caused, is causing, will cause and is designed to cause search engines such as Google to be directed to Defendants' website when a computer user types in the words "Lifestyle Lift".

14. By incorporating Plaintiff's mark "Lifestyle Lift" into their website, Defendants are attempting to cause and do cause search engines such as Google and Yahoo to be directed to Defendants' website when a computer user enters the words "Lifestyle Lift" on the Google and Yahoo search engines. An example of such a search is attached as Exhibit C.

15. The design of Defendants' website and its registered domain names deliberately use the words "Lifestyle Lift" with the intent to create confusion, mistake and deception

in the minds of the purchasing public leading the public to believe that Defendants are associated or affiliated with Plaintiff.

COUNT ONE
INFRINGEMENT OF TRADEMARK
IN VIOLATION OF 15 USC 1114

16. Plaintiff incorporates all of the preceding paragraphs of this Complaint as if set forth in full herein.

17. Plastic surgery services provided by LLH's Licensed facilities under the mark "Lifestyle Lift" have been rendered in great numbers and continue to be extensively performed by surgeons at the Licensed Facilities.

18. Services provided by Plaintiff LLH's Licensed facilities under the mark "Lifestyle Lift" have obtained a reputation of the highest quality giving Licensed Facilities and surgical services it provides an eminent position in the marketplace.

19. Plaintiff LLH has incurred great expense and had devoted substantial resources to make the mark "Lifestyle Lift" and its associated services readily recognizable to consumers.

20. Defendants have used and continue to use the mark "Lifestyle Lift" in order to obtain advertising space on Google and Yahoo and use of "Lifestyle Lift" in the text of their website or in their metatags is likely to cause confusion or mistake or to deceive purchasers in violation of 15 USC 1114.

21. Defendants have deliberately misled and will continue to mislead patients, prospective patients, and the public, causing them to believe, contrary to fact, that Defendants' website is marketed, sponsored, endorsed by, or affiliated with Plaintiffs.

22. Defendants have profited by their illegal activities.

23. Unless restrained, Defendants will continue to deceive the public, impair and dilute the value of Plaintiffs' services mark "Lifestyle Lift" and otherwise will continue to cause Plaintiff immediate and irreparable harm for which there is no adequate remedy at law.

24. As a direct and proximate result of these acts, Plaintiff has sustained and will continue to sustain not only irreparable damage and financial damage to its business, goodwill, reputation and profits.

**COUNT TWO
FEDERAL UNFAIR COMPETITION
IN VIOLATION OF 15 USC 1125(a)**

25. Plaintiff incorporates all of the preceding paragraphs of this Complaint as if set forth in full herein.

26. The aforesaid acts of Defendants constitute unfair competition and passing off, in that their acts and are likely to cause the trade and the public to erroneously believe that Defendants' products and activities originate with and/or are guaranteed by plaintiff, or otherwise associated with Plaintiff in violation of 15 U.S.C. 1125(a).

27. Defendants have used, in connection with goods and services, a false designation of original and a false description and representation, including words, reproductions and other symbols tending falsely to describe or represent the same as being affiliated or sponsored by Plaintiff in violation of 15 U.S.C. 1125(a).

**COUNT THREE
TRADEMARK DILUTION
IN VIOLATION OF 15 USC 1125(c)**

28. Plaintiff incorporates all of the preceding paragraphs of this Complaint as if set forth in full herein.

29. Defendants have willfully used in commerce Plaintiff LLH's trademark.

30. The Defendants, in so acting have and will continue to cause dilution of the distinctive quality of the mark in derogation of Plaintiff LLH's rights.

31. Such acts constitute trademark dilution in violation of the Lanham Act, 15 U.S.C. 1125(c).

32. Unless restrained, Defendants will continue to deceive the public, impair and dilute the value of Plaintiff's service mark "Lifestyle Lift" and otherwise will continue to cause Plaintiffs immediate and irreparable harm for which there is no adequate remedy at law.

33. As a direct and proximate result of these acts, Plaintiff has sustained and will continue to sustain not only irreparable damage and financial damage to its businesses, goodwill, reputation and profits.

COUNT FOUR
MICHIGAN TRADEMARK INFRINGEMENT

34. Plaintiff incorporates all of the preceding paragraphs of this Complaint as if set forth in full herein.

35. By reason of the acts of Defendants herein alleged, Plaintiff has suffered trademark infringement under MCLA 429.31, et. seq. and the common law of the State of Michigan and has been damaged.

36. Unless restrained, Defendants have and will continue to deceive the public, impair the value of Plaintiff's services, trade dress and trademarks and otherwise will cause Plaintiffs immediate and irreparable harm.

37. Plaintiff has suffered damage and Defendants have been unjustly enriched in amounts at present uncertain on account of said complained of acts of Defendants.

38. Plaintiff is entitled to judgment for Defendants' profits and any damages sustained by Plaintiff in consequence of the deliberate nature of the infringement by Defendants.

COUNT FIVE
MICHIGAN UNFAIR COMPETITION

39. Plaintiff incorporates all of the preceding paragraphs of this Complaint as if set forth in full herein.

40. By reason of the acts of Defendants herein alleged, Plaintiff has been damaged and, unless restrained, Defendants have and will continue to deceive the public, impair the value of Plaintiff's services, trade dress and trademarks and otherwise will cause Plaintiff immediate and irreparable harm.

41. Defendants are liable to Plaintiff, jointly and severally, for unfair competition under Michigan law.

42. Plaintiff has suffered damage and Defendants have been unjustly enriched in amounts at present uncertain on account of said complained of acts of Defendants.

43. Plaintiff is entitled to judgment for Defendants' profits and any damages sustained by Plaintiff in consequence of the deliberate nature of the unfair competition and infringement by Defendants.

WHEREFORE, Plaintiff Lifestyle Lift Holding, Inc. respectfully requests:

- A. That Defendants be ordered to account for damages to Plaintiffs for the business now being operated by them;
- B. That Judgment be entered against Defendant in whatever sum to which Plaintiffs are found to be entitled.

- C. That Plaintiff LLH's mark "Lifestyle Lift" be found valid and infringed;
- D. That Defendants be preliminarily enjoined during the pendency of this litigation and permanently enjoined and restrained thereafter from utilizing in any way Plaintiff LLH's mark "Lifestyle Lift"; or any colorable imitation thereof.
- E. That Defendants' infringing domain names be cancelled and/or transferred to Plaintiff;
- F. That Defendants deliver for destruction all infringing materials and that the website www.infomercialscams.com, and any other website or domain name controlled by either Defendant containing infringing content be shut down;
- G. That Plaintiffs be awarded their costs and attorney fees; and
- H. That this honorable Court grant Plaintiffs such other relief that the Court deems proper.


By: 
Kenneth M. Zorn, Esq. (P22756)
Michael C. McKinnon, Esq. (P41362)
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Troy, MI 48064

Exhibit A

Int. Cl.: 44

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,102,900

Registered June 13, 2006

**SERVICE MARK
PRINCIPAL REGISTER**

LIFESTYLE LIFT

LIFESTYLE LIFT HOLDING, INC. (MICHIGAN
CORPORATION)
100 KIRTS BOULEVARD
TROY, MI 48084

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "LIFT", APART FROM THE MARK
AS SHOWN.

FOR: COSMETIC SURGICAL PROCEDURES, IN
CLASS 44 (U.S. CLS. 100 AND 101).

SER. NO. 78-203,868, FILED 1-16-2003.

FIRST USE 12-20-2002; IN COMMERCE 12-20-2002.

ESTHER BELENKER, EXAMINING ATTORNEY

Exhibit A

VIDEO PROFESSOR has issued a subpoena to infomercialratings.com and
Learn what they are trying to do with your PRIVATE information!

infomercialscams.com justin leonard's
 uncensored infomercial complaints

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[Home](#) | [Tell a Friend](#) | [Donations](#) | [Resources](#) |

Lifestyle Lift Complaints

Total Complaints: 12

[Report This Product](#)

[Read Defenses](#)

10/16/2007 - Karina writes:

I had the Lifestyle lift in 2006. The procedure was supposed to take an hour, it took almost three hours. I screamed all the way home as the local wore off. The swelling was so intense at the hairline the stitches were about to burst and I ended up in the emergency room that night, and had to go back three consecutive days to have them drain the intense swelling behind my ears. They also "redid" one side of my face because they had to open the stitches to remove the blood clots. I have never experienced such pain in my life and would never, ever recommend this procedure to anyone.

10/13/2007 - Debra writes:

I am agreeing with everything that Linda from Strasburg, PA said about the Isl at plymouth meeting. My experience is exactly the same. same doctor, same results - terrible! I don't look any different except for the difference in my ears and the scars that I now have. The infomercial that they show you is a joke compared to what really happens. I also would like to know how to file suit against these people.

9/22/2007 - Penny writes:

I had the Lifestyle Lift March 2007 in Tampa, FL. I am 39 and had a little sagging skin under my chin and above my jawline. I also had the beginnings of laughlines which I was told would disappear. I also had liposuction for my chin. My main complaints are the following: *One of the incisions in back of my ears follows the hairline. The other does not. It is a straight line from the beginning point to the bottom of my ear. No hiding that scar. *Once the swelling was gone the sagging above my jawline returned. *The bottom part of my laughlines returned almost immediately. *I was told the lipo was for the entire chin but only a small section was done and now I have what I can only describe as a canal under my chin...very obvious something is not right. *The biggest complaint is that my ears no longer match. The lobe of one of my ears was pinned back in a loop style which causes me discomfort when I lay on that side. The other ear was stitch further than it's original location and the round part of my lobe is no longer. One ear is lower than the other. When I wear earrings one is pointed straight ahead and the other towards the wall on the side of me. The cartilage on the front of my ear has two points..I'm assuming from the skin being pulled to much (again, I am assuming this is the cause. The points are white which makes them stick out even more. I have discussed this with the doctor who did the surgery but he doesn't feel there is anything wrong. As for the positioning of my ears he insists they were like this before the surgery but pictures show my earrings were both pointing forward and at the same height. I look worse than I did before the

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Home Shopping Network

Buy TV products without the hassle. Trusted retailer.
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Zone Diet

Learn more about Dr. Barry Sears' Zone Diet
[zoneliving.com](#)

Infomercial Ratings.com

Consumer reviews of products seen on tv products.
[infomercialratings.com](#)

Bowflex Home Gym

Own a Bowflex home gym for less than \$20 per month.
[bowflex.com](#)

Find Love Online

Find a serious relationship. Free compatibility profile.
[perfectmatch.com](#)

Hydroxycut Review

Wanted: Reviews of di

surgery. My current dermatologist was surprised to hear that this surgery was done at my age. I have no doubt this surgery has been successful for some and maybe that's due to the experience of the doctor. But for me I do not recommend it. I am currently seeking a malpractice lawyer for a consultation.

9/22/2007 - John writes:

I, also, fell for the 'hard sell' of an 'easy face lift'. The recovery was painful and bloody. I had the surgery in Tampa February 2007. After a couple months I could hardly tell that anything had been done. I was still wrinkled and saggy. In August I went to a reputable cosmetic surgeon and have just recovered from a full face lift, upper blepharoplasty and laser peel. The difference is incredible. I would warn anyone thinking of the lifestyle lift to check with a real cosmetic surgeon. Life style is a complete waste of money—they don't deliver anything but frustration and an abundance of pain.

9/3/2007 - Mary writes:

I saw the advertisement on TV, heard the newscasters raving about this procedure & decided to have my neck & chin done last summer. I was told I was a perfect candidate & there would just be 2 small incisions behind my ears. While I looked in a mirror the assistant pulled back all the loose skin on the neck & chin & said that is what it would look like. It looked wonderful so I signed on & scheduled my surgery. The surgery was scheduled for 1 PM however I received a call saying they had an earlier opening & I should come in at 11:00 AM instead. When I got to the office at 11 (in Manhattan) I had to wait almost 3 hours. The doctor informed me that I would also need liposuction under my chin so I agreed to the added cost. I was then given more injections for pain than I could count. During the surgery the office manager came in, sat down & began discussing business matters with the doctor. I was just about to ask him to leave when he did so of his own accord. Instead of the 2 incisions behind the ears I had numerous stitches & had to have my head & chin wrapped in bandages. I was then shown out the back door. You see none of this on the infomercials. It was 2 months before I could go out without a scarf covering the incisions. All of this & guess what, I still have the wrinkles under my chin. When I went back to the doctor she was totally disinterested & gave me a prescription for retinal. People who knew I was planning to have the surgery ask me why I didn't go thru with it. When I tell them I did have it they can't believe it because of all the wrinkles left under my chin. I intend to consult a lawyer & also to bring this to the attention of the media who thought this procedure was so great. Perhaps those of us who found the procedure & results not as advertised should get together and file a class action lawsuit.

7/30/2007 - Linda writes:

After reading about the Lifestyle Lift procedure I decided to check into it further. I made an appointment at the Plymouth Meeting office. When my husband and I got there we were asked to watch a video about the procedure. After watching the video I was pretty much sold on getting it done. We then met with the surgeon. He said I was a good candidate, and then proceeded to pull the skin back below my ears to show me what results I could expect to get after this procedure was completed. I was impressed with this look and decided to set up an appointment to have this done. The ads I saw and the info from the doctor, was that I may have some slight swelling and possibly a bit of bruising, but this would only be minimal and in a couple of days would be able to go back to work. After my surgery they suggested I go out the back door because I look like I had been in a terrible accident! My head was covered totally in bandages. I felt like a mummy! I'm sure they didn't want anyone waiting in their office for a consultation to see me, when on their phone recording they have a woman's voice saying, that after the LifeStyle procedure she walked out into the waiting room and her husband says she looks 15 years younger. Also, on their internet ad they show a woman greeting her daughter, with no bandages wrapped around her head, and then they go out to lunch! What a joke!!! After my surgery my face swelled

pills advertised on TV.
supplementcritic.com

Your ad here

JC Whitney
EVERYTHING AUTOMOTIVE
FREE
SHIPPING

Click Here!

eb
click here

tremendously and my ears were twice as big as normal. I became concerned because this was nothing like I was told I should expect. I asked the receptionist to please have the doctor call me ASAP. Two days later I still hadn't heard from the doctor. I called a second time and still did not get to talk to the doctor. I had to sit up in bed to sleep for 8 days, just to try and get the swelling to go down. I kept looking in the mirror, waiting to see the results I was told I could expect. To my dismay, to this day, about a year and a half later, the kind of results I was told I'd see, never happened. After several visits back to see the surgeon that did my Lifestyle Lift, he finally admitted that something didn't go right and that he would redo it at no charge. He said to wait a couple of months and then call to set up an appointment to have the procedure redone. When I called to make an appointment I was told the surgeon that had done my surgery the first time was no longer with them. It took me two months before I could get an appointment with a different surgeon. After meeting with her, and very briefly looking at my before and after pictures, she said she would not redo the surgery because she didn't see any reason to! She was very short with me and had no interest in hearing what I had to say. Her mind was made up and she was not going to admit that the Lifestyle Lift procedure did not work. She did not care that the doctor, that did my previous surgery, had agreed to redo it because the results were no different than before the surgery was done. As a result, I'm several thousands of dollars poorer, still have some numbness in my left ear, and have two broken stitches pushing up under my skin. My jowls and sagging neck are just the same as they were before my Lifestyle Lift procedure. Perhaps some people have had positive results with this, but I feel totally betrayed by the ads and by the doctor that did my surgery. I feel I suffered greatly, physically and mentally and no one cares. Also, the staff at the Plymouth Meeting office were very unprofessional and on two occasions I had to wait up to two hours, after my appointment time, to see a doctor. On one appointment, because of construction, I was ten minutes late and the doctor left five minutes before I got there. He only waited five minutes for me and I waited hours for him!! I haven't heard of any lawsuits concerning this and I'm wondering why. I would love to recoupe my money, and or, be compensated for my suffering needlessly because of false claims. Why should these people be allowed to mislead you and then just act like nothing should be done about it? Please let me know if there is ever a lawsuit concerning this. I, for one, would be more than interested in participating. Thank you Linda, Strasburg, PA

7/28/2007 - Rita writes:

I saw the product on television and was intrigued. I called and made an appointment to obtain more information. I was given an appointment in Las Vegas on 7/21/07. I was given their credit card application form and I placed the \$400 deposit amount on my Visa (not on their cc, of which I qualified for). This \$400 was to reserve the time for the consultation with the doctor which was scheduled for aug. 1, 2007. I was told The other \$4200 would be charged at the time of the surgery. I also was told someone would come pick me up and take me home for another \$100 and that amount would be deducted from my \$4200 if I used their person. That nite I went on my computer and checked out Dr. Lanfranchi and found out he is a graduate of Osteopathic Dentistry and has a certificate stating he attended a plastic surgery seminar. I didn't feel comfortable having a dentist working on my face and neck and ears. I called the office on Monday July 23rd to cancel and arrange for a return of my \$400. I was told that a request needed to be sent to Corporate and it would take 7 to 10 days to see if corporate approved the refund. I also called my credit card company and they as of July 26th have started the dispute process which will take approximate 60 days. I have written Lifestyle Lift here in Las Vegas and sent the letter by Certified/return receipt. They have received my letter and have not responded as of yet. I work for the District Attorney's office here in Las Vegas and will pursue this! I'm very glad I did not go through with this procedure. All I want is my \$400 back.

7/20/2007 - Sally writes:

I wrote the other day to say that I was waiting for my total refund since I changed my mind. I DID GET ALL OF MY MONEY BACK. BUT.....The finance company THAT they suggest with their 12 month no interest loan for the balance was charged an EXTRA \$400.00! That loan was put through the day I signed up. They did, however pay them off too. I would have had to pay that additional \$400.00 if things had gone through as planned because I borrowed the bal. from their finance company. I am in Las Vegas. Be careful when you go to the office for your first appt. They will try to get you to sign up or pay your \$400.00 right then. I took a friend (a good idea if you might need a witness). Also make sure your doctor is an
 M.D. and not a D.O. (Their D.O. graduated in 2006!) If you change your mind, you have only 7 days FROM THE TIME YOU SEE THE DOCTOR to turn in your letter of request. Make sure you say, " I was not comfortable with the doctor." That is the only phrase that will work for you. I was told this at my consultation....with a wink of the eye.....from the consultant. You know, it wasn't just the money, or the wierd personality of the doctor but the fact that I look pretty good for my age and I know I could use this money for better things.

7/17/2007 - Sally writes:

I saw the infomercial on Lifestyle Lift. I called the office, set up and appointment, met the "salesrep", set up another appointment to meet the Dr. I paid \$2,500 of my own money and financed the other \$2,000 with their finance company. I read the testimonials on your site. 6 working days later, I cancelled. Their policy says in fine print that you have to cancel within 7 days of seeing the doctor.very important) It has been 10 days and their reply to my request for MY money back is, " They have not heard from the Corporate office is they can refund my money"! I didn't even have the procedure! I will take legal action if I have to. I wonder how long I should wait before I do this. I will share my story if things get out of hand.....

6/30/2007 - Becki writes:

I had my procedure done January 5, 2007 in San Diego, CA. I was told I was an excellent candidate, yada,yada,yada. My husband and I watched the video that was to explain the procedure and how it is performed. Not so.....it was a TV commercial with people spouting how wonderful the people at Lifestyle Lift are and how the procedure transformed their lives. I was then handed over to the "pitch person", offering me a discount if I signed up that day. I agreed to the deal. The procedure starts with a series of novacain shots (50+) in the face, chin and neck. It took about an hour, maybe a bit longer. My head was then wrapped up in an ace bandage and I was escorted out the back door. I looked like I had been in a car wreck....black and blue. The misleading commercials say you can return to work the next day. Yeah, if you work in a darkroom developing film or a movie theatre running the projector. The ace bandage has to stay on for 72 hours. I went back to have the stitches taken out on schedule and was told they were all out. Then, stitches starting popping out of my skin and I went back and they pulled more out. This time it hurt like hell when they pulled on them. I went back a third time to have them check my progress. It was at this 3rd followup visit (I had still more stitches taken out that they had missed) did they realize I had not been given the aftercare procedure brochure, which indicates the wound should be treated with Mederma to reduce scarring and soften the tissue, etc. My next visit was to see the doctor and tell him I wanted a redo because I was not happy with the jowls I still had..the ones that the infomercial promises to eliminate during this "incredible procedure". I set up an appointment for August 2 for this procedure. I have since found out that my husband will be out of town that date and I needed to reschedule. I called the office and told them of my dilemma. "Maria" told me that they perform surgeries Monday-Friday and for me to pick a date. I chose a Tuesday, and then she said they do not perform the operations on Tuesdays. Now remember, she just said they operate M-F. I then picked July 13 or 27 and was told they only do procedures on Fridays, not redoes. So, I am

stuck...my scars are red, very pronounced and I have shooting pains behind my ears. I have told them that I will stand out in the lobby of the building, right outside the clinic doors and show prospective patients what they may end up looking like and how uncooperative the staff is. That did not seem to bother them in the least. Also, and very importantly, I NEVER ONCE saw my medical chart in anyone's hands nor did I see anyone make any notes about me. My advice: be very careful when considering having this operation. It is not as simple as it sounds and it can have dire consequences. Buyer beware. I wish I had been.

6/3/2007 - Connie writes:

Last August I had the LifeStyle Lift and upper eyelids done. The infomercial and literature sent to me made this sound like something other than "surgery". I was scheduled for a preliminary appt. This appt. was really a heavily scripted hard sales appt. (almost like what you experience with time share people). They told me I would be a good candidate for the lift, showed me a video; which was really nothing more than interviews of "successful" lifts. At no time do they tell you what they really do. Then, a girl in a lab coat (the salesperson) proceeds to tell you they are running a special that ends that day. For signing up and leaving a \$400 deposit, you get a \$1000 discount on the lift. They make it sound simple, like you can go right on out and go back to work. NOT TRUE. This is surgery. They cut along your entire ear and around the back. You don't really get told the risks and possible affects until the morning you arrive for the surgery. There's more to this, but suffice it to say you are put in situations more than once, that make it hard for you to walk away or say no. They falsely advertise this. I have scars along my ears and thick scarring behind my ears. The skin on my neck near my ears is all discolored now and spotty. DO NOT DO THIS. \$4800 later --and I look worse than when I went in. Fact is, they'll tell you you are a good candidate even if you really aren't. They also don't say anything about it being a temporary thing. I wish I'd never done this, as I am now physically and emotionally scared. If you want plastic surgery, go to the right doctors. You get what you pay for.

5/31/2007 - Gregg writes:

Having been a violent crime victim 20 years ago I am not unfamiliar with plastic surgery, procedures, etc. Pushing 60, with a 40 year Class reunion coming up, I decided that it was time to do something for myself (Their marketing motto) and get a facelift. before SEEING THEM I went to a Plastic Surgeon and was quoted \$12,000. In a short time I SWALLOWED their impressive website and TV infomercials, and frankly was VERY impressed. I contacted them via their website and was given an appointment in the impressive John Hancock Building in Chicago. I met a very sweet young representative who ushered me into a private room where they played a re-hash of their TV commercial for 10 minutes and then the rep came in introduced herself and proceeded with the close. A quote of around \$6,500.00 further impressed me and I set up an appointment. NOW the fun starts. I had to make arrangements to get a ride 30 miles away in Schaumburg, IL where a small Dentist's size office IS there surgical center. I was told (as advertised that the procedure would take an hour or less). One and a half hours later after routine apologies from all personnel that I would have to talk to the doctor. The Doctor was arrogant, belligerent and did everything in his power to blow me off. I heard his assistant outside the door tell him he was running 4 hours behind and 4 angry people were still in the lobby. He basically told me their operation was a scam, that nothing could be done if they are only using "Dental type" pain procedures that could compare with a legitimate full procedure. That he could do the surgery but that he knew I would not be satisfied. I was furious and returned to the lobby and informed EVERYONE what I was told and suggested they think twice about going under the knife with anyone with such an attitude. When I showed him their brochure and said I am not asking for half these results how can you tell me it isn't possible...he had the unmitigated colossal Gaul to laugh and say "It's just a commercial" it says results may vary"??? I then demanded a refund where I was quickly ushered into an 8 x 10 rent-a furniture chair and desk and spoke with their manager. She was very

sweet and professional but not surprised at all. She told me they could do the procedure as advertised and it was obviously a personality clash. So she then said they have another surgeon...WHO? The one that quoted me \$12,000- 30 days before and a block away! It turns out the surgeon I had the run in with was his business partner! He didn't want his buddy to lose \$6,000 so he blew me off. I said I found this amazing. A nationwide corporation touting 60,000 procedures all done by moonlighting plastic surgeons who can't cut it financially with their own practices, being overbooked by intent? I returned home furious and called my original rep who told me the 2nd Doctor would be happy to do it, and they would move me up again so I wouldn't miss my 40th HS reunion. AGAIN I had to arrange transportation, AGAIN I had to wait over an hour and a half. When the lobby began to get belligerent skills came in for "alleged" follow-up appointments touting how happy they were. In seeing them I thought to myself if this is the AFTER what the hell did the BEFORE look like? I also found it amusing their follow-up was done with one of the Assistants in the open employee coffee room and no Doctor was in sight. AGAIN I had to talk to the new Doctor (or my original Doctor a block away in the loop). He informed me the same thing his partner did the week before. He said he could do their procedure in HIS other office if I wished, but that I wouldn't be happy. It's just a commercial, he would recommend paying the \$13,000 and doing it right or not at all. Again I walked to the lobby, AGAIN I requested a refund. AGAIN the rep called me back apologized and informed me she would have another Manger call me to see if I would be willing to go to another city and have it done by another moonlighting physician. I thanked her, never received a call from anyone, and am still waiting for my refund...They still send me impressive emails like the one below..[]

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Lifestyle Lift Defenses

[Defend This Product](#)

[Read Complaints](#)

10/16/2007 - Rita writes:

You will see that I did post a complaint before this. Well, I have received the \$400 refund. This all started July 21, 2007. My refund was received August 3, 2007. Today I received a telephone call from an Attorney from Lifestyle Lift asking me to write this note. Today is October 16, 2007. I am not a District Attorney, I work for the District Attorney's office! Just to get the record straight. Please do not call me anymore. I am very satisfied with the outcome.

9/4/2007 - Phil writes:

I am defending Lifestyle Lift. our little company does some of the filming for Lifestyle Lift. I have personally sat in the operating room and filmed 6 procedures that are being used in plastic surgery conventions across the country for other doctors to view. These procedures were done in an hour, while the doctors were giving instructions on how to perform a lifestyle lift. I have personally interviewed over 40 patients—saw them before and then 2 days after. They had incredible results. I was impressed i set my aunt up with the doctor. She is happy and that was over a year ago I just don't get it? How can you say this stuff? Do you think this is all smoke?—these are plastic surgeons doing face-lifts—why is that so hard to believe? or is your website just ANTI-surgery? You are grouping all infomercials into scams—which is not right. Do you say the same thing about hair transplant infomercials??? Because we have filmed those as well and i have had 2 sessions and have a nice head of hair. Bosley Hair Transplants and others have been around for 30 years using infomercials—are they scammers too?

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Home Shopping Network

Buy TV products witho
the hassle. Trusted
retailer.
[hsn.com](#)

Zone Diet

Learn more about Dr.
Barry Sears' Zone Diet
[zoneliving.com](#)

Infomercial

Ratings.com
Consumer reviews of a
seen on tv products.
[infomercialratings.com](#)

Bowflex Home Gyr

Own a Bowflex home
gym for less than \$20
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[bowflex.com](#)

Find Love Online

Find a serious
relationship. Free
compatibility profile.
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Exhibit C

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lifestyle lift

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Web

Results 1 - 10 of about **3,430,000** for **lifestyle lift**. (0.04 seconds)

Lifestyle Lift® Official

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www.lifestylelift.com Look years younger - 80,000 clients
Seen on ABC, NBC, CBS and Fox News

Consumer Report Alert

Lifestyle Lift 80 Doctors. Can
this procedure make you look young
www.cosmetictoday.com

LifeStyle Surgeons

www.StraithClinic.com/MiniFaceLift One Hour Face Lift,
Mini Lift in Detroit! Call 248-647-5800/Email Us

10 Diet Rules That Work

Lose 9 Lbs Every 11 Days by Dieting
Smartly with this Idiot-Proof Diet.
www.FatLoss4Idiots.com

Welcome to the Lifestyle Lift!

The **Lifestyle Lift** is a minor one-hour procedure with major
results. It was exclusively designed for jowls, frown lines,
wrinkles, and loose neck (turkey ...

www.lifestylelift.com/ - 40k - [Cached](#) - [Similar pages](#)

My Lifestyle Lift Diary

My **Lifestyle Lift** Diary. Before and after pictures, beginning to end.

www.myfaceliftstory.com/ - 4k - [Cached](#) - [Similar pages](#)

Lifestyle lift: is it worth it? Lifestyle lift reviews, cost ...

A **Lifestyle lift** is considered a less-invasive surgical procedure than a facelift to
tighten lax facial muscles, remove fat and excess skin.

www.realself.com/plastic_surgery/face-lift/lifestyle_lift.html - 33k -

[Cached](#) - [Similar pages](#)

Lifestyle Lift recovery. How fast and normal results?

I had a **Lifestyle Lift** on July 12. Today, July 18. I am still experiencing swelling and
pain especially on my right ear. The swelling is very hard and is ...

www.realself.com/forum/skin_care/life-style-lift.html - 194k - [Cached](#) - [Similar pages](#)

INFOMERCIAL SCAMS.COM - LIFESTYLE LIFT COMPLAINTS

9/22/2007 - Penny writes: I had the **Lifestyle Lift** March 2007 in Tampa, FL. I am 39
and had a little sagging skin under my chin and above my jawline. ...

www.infomercialscams.com/scams/lifestyle_lift_complaints - 72k -

[Cached](#) - [Similar pages](#)

Eyelid Surgery New York, Blepharoplasty NYC - DrHalaas.com

Dr. Yael Halaas, a New York plastic surgeon, offers treatments as eyelid surgery
manhattan, torn earlobe, blepharoplasty nyc, Botox injections nyc, ...

www.drhalaas.com/ - 33k - [Cached](#) - [Similar pages](#)

Lifestyle Lift Lifestyle Face Lift

Lifestyle Lift Mini Face Lift Quick Thread Lifts S-lift Surgery.

www.drfechner.com/lifestyle-lift.htm - 16k - [Cached](#) - [Similar pages](#)

LifeStyle Lift - An NBC 30 Special Report - NBC 30 News Story ...

Virginia Freeman is 54 years old and just the right candidate for the **LifeStyle Lift** --

CIVIL COVER SHEET

County in which this action arose Oakland

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Lifestyle Lift Holding, Inc.

DEFENDANTS

Leonard Fitness, Inc. and Justin Leonard

(b) County of Residence of First Listed Plaintiff Oakland

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Carson City, NV

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Kenneth M. Zorn, Esq. & Michael C. McKinnon, Esq., 100 Kirts Blvd., Ste. A, Troy, MI 48064 248 519 9129

Attorneys (If Known)

II. BASIS OF JURISDICTION

(Select One Box Only)

☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only) (Select One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT

(Select One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY - Med. Malpractice <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 850 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS Third Party 26 USC 7609

ORIGIN

(Select One Box Only)

☒ Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. 1114

Brief description of cause:
Trademark Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$
in excess of \$75,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

October 18, 2007

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

1. Is this a case that has been previously dismissed?

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
