

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

HI TECHNOLOGY CORP and)
INTERACTIVE)
COMMUNICATIONS)
INTERNATIONAL, INC.,)

Plaintiffs,)

CASE NO.: 1:21-CV-3468-TWT

v.)

RODERICK J. KERSCH and)
NATIONSBENEFITS, LLC,)

Defendants.)

**STIPULATED PRELIMINARY INJUNCTION AS TO DEFENDANT
NATIONSBENEFITS, LLC**

This Order is entered this _____ day of September 2021, upon consideration of the agreement Plaintiffs and Defendant NationsBenefits, LLC (“NationsBenefits”) made in connection with Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction against Defendant NationsBenefits, LLC. Plaintiffs and NationsBenefits stipulate to this Order *pendente lite*, without admitting the enforceability of the underlying agreement, while denying any wrongdoing or liability, and without prejudice to the ultimate resolution of this case.

1. NationsBenefits will not permit Defendant Roderick Kersch to perform any services for NationsBenefits until the above-captioned action is resolved.

2. No later than three days after this Order, NationsBenefits will provide to Plaintiffs' counsel a hard drive containing every email that Defendant Roderick Kersch sent to anyone with a NationsBenefits email account, between November 2020 and July 7, 2021. NationsBenefits will send a copy of that hard drive to be retained by its outside counsel, solely for the purposes of this litigation.
3. Although NationsBenefits denies that it received any information which may be considered Plaintiffs' confidential information, it certifies that, after completion of the actions described in Paragraph 2 above, it will fully and permanently delete all of the emails Defendant Roderick Kersch sent to anyone with a NationsBenefits email account, between November 1, 2020 and July 7, 2021, from any computer in NationsBenefits' possession, custody, or control, except for the computers of its outside counsel.
4. Although NationsBenefits denies that it has received, used, accessed, or disclosed any information which may be considered Plaintiffs' confidential information, it certifies that it will refrain from using, accessing, or disclosing any of Plaintiffs' confidential, proprietary, and trade secret information that came from Defendant Roderick Kersch, unless such information was separately provided to NationsBenefits by Plaintiffs or by a source other than Defendant Roderick Kersch in furtherance of NationsBenefits and Plaintiffs'

business relationship. Plaintiffs' confidential, proprietary, and trade secret information includes, but is not limited to Plaintiffs' confidential customer lists and Plaintiffs' confidential pricing information.

5. After completion of the actions described in Paragraph 2 above, if NationsBenefits discovers that it possesses any of Plaintiffs' confidential, proprietary, and trade secret information that came from Defendant Roderick Kersch and had not already been returned to Plaintiffs, NationsBenefits will return such information to Plaintiffs in the manner described in Paragraph 2 above, and NationsBenefits certifies that it will not thereafter use, access, or disclose such later found information.
6. This Stipulated Order will apply to NationsBenefits and its officers, agents, employees, and consultants/independent contractors.
7. This Stipulated Order will remain in effect until further Order of this Court or until the above-captioned action is resolved by trial, motion, settlement, or any other means.

IT IS SO ORDERED:

Hon. Thomas W. Thrash Jr.
United States District Judge