

en

Law Offices
DUFFY & GREEN

JOHN J. DUFFY
JOSEPH P. GREEN, JR.
ELIZABETH A. REDMOND

SUITE 307
TEN NORTH CHURCH STREET
WEST CHESTER, PA 19380-3059
Telephone 610-692-0500
Facsimile 610-430-6668

August 21, 2007

FILED

AUG 22 2007 8-22-07

Judge David H. Coar
United States District Court

Honorable David H. Coar
United States District Court
Northern District of Illinois, Eastern Division
219 South Dearborn Street
Chicago, IL 60604
Fax (312) 554-8530

Re: Federal Trade Commission v. Sili Neutraceuticals, LLC, and Brian McDaid
No. 07 C 4541

07CV4541

Dear Judge Coar:

I have been retained to represent the defendants Brian McDaid and Sili Neutraceuticals, LLC, in this FTC enforcement action assigned to your Honor. I have secured Mr. Wernikoff's consent to write directly to your Honor to address scheduling issues. Defendants are specifically requesting a continuance of the status conference scheduled for Wednesday, August 22, 2007, at 9:00 a.m.

The defendants and their attorneys reside in the Philadelphia metropolitan area, and are apparently the subject of an active grand jury investigation within the Eastern District of Pennsylvania. The TRO entered in your Honor's FTC enforcement case froze all of the defendants' assets, and their bank accounts, and prohibits defendant McDaid from spending any money or operating any of his legitimate business entities. Further, the mandatory disclosure provisions of that TRO present substantial, serious Fifth Amendment issues for defendant McDaid. The Assistant United States Attorney supervising the grand jury investigation in Philadelphia will not agree to immunize whatever statements Mr. McDaid makes here, and will not agree to permit some disclosures to be made here without arguing that these disclosures constitute Fifth Amendment waivers.

I have been negotiating with FTC counsel over the last few days on the scope of an agreed Preliminary Injunction, but we do not yet have an agreement to offer for the Court's approval. I think I speak for both counsel when I say that we are optimistic that the remaining gaps can be bridged before next Monday's scheduled Preliminary Injunction hearing.

Honorable David H. Coar

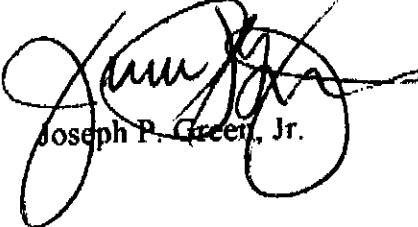
August 21, 2007

*Re: Federal Trade Commission v. Sili Neutraceuticals, LLC, and Brian McDaid
No. 07 C 4541*

Finally, I am in the process of trying to secure local counsel in your Honor's District. I have been handicapped so far by the limitations imposed on Mr. McDaid's ability to spend money to hire counsel. I also hope to have the local counsel issue addressed before Monday's scheduled hearing.

We respectfully request a continuance of the status conference scheduled tomorrow. We appreciate your consideration.

Respectfully submitted,



Joseph P. Green, Jr.

cc: Steven M. Wernikoff
Marissa J. Reich
Fax (312) 960-5600

DUFFY & GREEN

Ten North Church Street, Suite 307
West Chester, PA 19380-3059

610-692-0500

Fax: 610-430-6668

To: Honorable David H. Coar **Date:** August 21, 2007
United States District Court

Fax #: (312) 554-8530 **Pages:** - 3 - , including this cover sheet.

From: Joseph P. Green, Jr.

Subject: *FTC v. Sili Neutraceuticals, LLC, et al., No. 07 C 4541*

COMMENTS:

If you have problems receiving this transmission, please contact us at
(610)692-0500

NOTE: The contents on and attachment to this cover sheet are intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original to us, at the above address, via the U.S. Postal Service. Thank you.
