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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Securities and Exchange Commission,	)	No. CV-06-2792-PHX-FJM
	)	
Plaintiff,	)	
	)	Order for Notice of Motion to Approve
vs.	)	Amended Distribution Plan
	)	
Howard C. Baer and Kevin C. Baer,	)	
	)	
Defendants.	)	
	)	

The plaintiff Securities and Exchange Commission (the “Commission”) having filed a Motion to Approve Amended Distribution Plan (the “Motion”), and having in the Motion requested that the Court enter an Order directing that the Commission provide notice of this Motion to the Defendants and to Potentially Eligible Claimants identified by the Commission, setting a date for the hearing on the Motion, and providing an opportunity for the Defendants and Potentially Eligible Claimants to comment upon or to oppose the Motion before the hearing date, it is hereby ORDERED:

1. That on or before January 30, 2012, the Commission shall, directly or through the Distribution Agent appointed by the Court, send by first class mail a copy of the following:
  - (a) This Order; and
  - (b) the Motion and all documents submitted in support of the Motion,

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1 to all parties of record in this action and to all persons and entities who the Commission has  
2 reason to believe purchased Health Enhancement Products, Inc. (“HEPI”) common stock  
3 during the period of October 31, 2003 through and including November 20, 2006.

4 2. That on or before January 30, 2012, the Commission shall post a copy of such  
5 documents on its website, [www.sec.gov](http://www.sec.gov), to provide notice to any unknown persons and  
6 entities who may have purchased HEPI common stock during the period of October 1, 2003  
7 through and including November 20, 2006.

8 3. That any opposing affidavits, declarations, memoranda of law, or other  
9 documents be served on the Commission at the following address:

10  
11 John J. Graubard, Senior Attorney  
12 Securities and Exchange Commission  
13 New York Regional Office  
14 3 World Financial Center, Room 400  
15 New York, NY 10281-1022

16 or by e-mail to: [graubardj@sec.gov](mailto:graubardj@sec.gov), and filed with the Court on or before February 20,  
17 2012.

18 4. That any reply papers be served on all parties of record to this action and on  
19 any persons or entities which have filed opposing papers on or before February 27, 2012.

20 5. That all documents containing information required to be redacted under Rule  
21 5.2 of the Federal Rules of Civil Procedure and/or under the Protective Order entered in this  
22 action shall not be filed on the Court’s ECF system, but shall be filed in hard copy with the  
23 Clerk. The Commission shall promptly redact such documents and shall then file the same  
24 on the Court’s ECF system.

25 6. The Commission shall file proof of service as provided above with the Court  
26 on or before February 6, 2012.

27 7. If no objections are filed, the Court may consider this matter on the  
28 Commission’s motion papers. If an objection is filed, or if the Court determine it to be

1 appropriate, the Court shall hold a hearing on the Motion at 4:00 p.m. on March 12, 2012 in  
2 Courtroom 506, Sandra Day O'Connor United States Court House, 401 West Washington  
3 Street, Phoenix, Arizona 85003.

4 DATED this 17<sup>th</sup> day of January, 2012.

5  
6 /s/ Frederick J. Martone  
7 Frederick J. Martone  
United States District Judge