



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

APPL
COGBURN LAW OFFICES
JAMIE S. COGBURN, ESQ.
Nevada State Bar No. 008409
170 S. Green Valley Pkwy., Suite 280
Henderson, Nevada 89012
(702) 384-3616
Attorneys for Plaintiff

FILED

2007 JUL 18 P 3:59

Chris [Signature]
CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

XYIENCE INCORPORATED, a Nevada
Corporation,

Plaintiff,

Case No: A 544781
Dept. No.: XVI

v.

RICHARD BERGERON, an Individual,

Defendant.

**PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION ON
AN ORDER SHORTENING TIME**

COMES NOW, the Plaintiff, Xyience Incorporated, by and through its attorney of record,
Cogburn Law Offices, and moves for entry a Preliminary Injunction restraining Defendant,
Richard Bergeron from posting defamatory remarks on the internet concerning Xyience and to
remove certain false and defamatory articles currently on his website.

1 This Motion is based upon the pleadings and papers on file herein, Plaintiff's
2 Declaration, the attached Points and Authorities, the Declaration of Jamie S. Cogburn, Esq. and
3 any oral argument to be made by counsel at any hearing of this matter.

4 DATED this 18 day of July, 2007.

5 COGBURN LAW OFFICES

6
7
8 By *Jamie S. Cogburn*
9 Jamie S. Cogburn, Esq.
10 Nevada State Bar No. 008409
11 170 S. Green Valley Pkwy., Suite 280
12 Henderson, Nevada 89012
13 Attorneys for Plaintiff

14 **ORDER SHORTENING TIME**

15 Upon the Declaration of Jamie S. Cogburn, Esq., and good cause appearing therefore, IT
16 IS HEREBY ORDERED, ADJUDGED and DECREED that the time for hearing of the above-
17 entitled matter will be heard on the 26th day of July, 2007, at the hour of
18 1:30 P a.m. in Dept. No. XVI of the above-entitled Court.

19 DATED this 18th day of July, 2007.

20 *THOMAS G. WILLIAMS*

21 DISTRICT COURT JUDGE

22
23 **DECLARATION OF JAMIE COGBURN, ESQ. IN SUPPORT OF AN EXPARTE**
24 **APPLICATION FOR A TEMPORARY RESTRAINING ORDER**

25 1. I am an attorney licensed to practice law in the state of Nevada and am an officer
26 of this Court. I have personal knowledge of the facts stated in this Declaration except for those
27 upon information and belief and to those matters I believe them to be true. This Declaration is
28

1 made in support of Plaintiff's Motion for a Preliminary Injunction on an Order Shortening Time.

2 2. Cogburn Law Offices represents the interest of Plaintiff, Xyience Incorporated in
3 the instant litigation now pending before this Honorable Court.

4 3. Upon information and belief, on December 10, 2006, Bergeron posted an article
5 on his Myspace.com webpage, wherein he alleged that Xyience is being investigated by the
6 Securities and Exchange Commission and that a Class Action law suit against Xyience was
7 underway. Both of these statements were false.

8 4. Upon information and belief, on or about March 17, 2007, Bergeron posted a new
9 article laced with false statements entitled "Xyience Investigative Report: Creator Russell Pike's
10 Criminal Tendencies R Bergeron alleges that Xyience was created to steal money from investors
11 for the benefit of certain employees or directors.


12 5. Bergeron also alleges that a major shareholder, Russell Pike, is using Xyience to
13 defraud investors. Bergeron goes on to make up quotes from Russell Pike's former attorney,
14 David Winterton, that Xyience is just another company to defraud investors.

15 6. Bergeron also alleges that the President of the Ultimate Fighting Championship
16 (hereinafter referred to as "UFC"), Dana White is involved in defrauding investors by splitting
17 sponsorship fees that Xyience paid the UFC. This allegation was also false.

18 7. Bergeron goes on to claim that Xyience is skimming money from investors and
19 splitting it with the UFC, which is utterly false.

20 8. Bergeron continues to post defamatory articles containing false allegations about
21 Xyience.

22 9. Bergeron's articles allow people to post comments about the articles, however, if
23 a positive statement about Xyience is posted, then Bergeron immediately takes it down.
24
25
26
27
28


Jamie S. Cogburn, Esq.

1 POINTS AND AUTHORITIES

2 **I. INTRODUCTION & FACTUAL SUMMARY**

3 Xyience is a nutritional supplement company that creates and distributes supplements.
4 One of Xyience's biggest sellers is their energy drink called Xenergy. In fact, Xenergy is one of
5 the largest selling energy drinks in the nation. Xyience is also known throughout the nation for
6 the relationship it has with the Ultimate Fighting Championship (hereinafter "UFC") and
7 sponsorship of the UFC. Xyience pays sponsorship fees to the UFC, wherein their logo is placed
8 in the middle of the ring during fights.
9

10 Xyience continues to grow as a company and many investors want to invest money.
11 However, in December of 2006, a barrage of articles appeared on the internet alleging that
12 Xyience was being investigated by the Securities and Exchange Commission (hereinafter
13 "SEC"), which is completely false. Based upon these false and defamatory statements some
14 investors have had reservations about investing with Plaintiff. Currently, Xyience has an
15 investor who wants to invest over fifteen million (\$15,000,000.00), but they are worried about
16 these false and defamatory allegations on the internet as it could negatively affect the price of
17 their shares. Accordingly, this investor has decided to wait until these false and defamatory
18 articles are removed.
19

20 **A. THE FALSE AND DEFAMATORY ARTICLES IN QUESTION**

21 On December 10, 2006, Bergeron posted an article on his Myspace.com webpage,
22 wherein he alleged that Xyience is being investigated by the Securities and Exchange
23 Commission and that a Class Action law suit against Xyience was underway. **See Exhibit 1.**
24 Both of these statements were false. This article also alleged that Xyience had created "shell
25 corporations" to divert investor funds for the benefits of certain directors and board members.
26

27 **Id.** This allegation was also false.
28

1 Soon after this article was posted on Myspace.com, Bergeron's Myspace account was
2 deleted because of the defamatory and slanderous statements. Thereafter, Bergeron started his
3 own website, UnlimitedFightNews.com, wherein Bergeron continued to post defamatory articles
4 and comments.

5
6 On or about March 17, 2007, Bergeron posted a new article laced with false statements
7 entitled "Xyience Investigative Report: Creator Russell Pike's Criminal Tendencies Revealed."
8 **See Exhibit 2.** Bergeron falsely alleges that Xyience was created to steal money from investors
9 for the benefit of certain employees or directors. **Id.** Bergeron also falsely states that a major
10 shareholder, Russell Pike, is using Xyience to defraud investors. Bergeron goes on to make up
11 quotes from Russell Pike's former attorney, David Winterton, that Xyience is just another
12 company to defraud investors. **Id.** Bergeron also falsely states that the President of the Ultimate
13 Fighting Championship (hereinafter referred to as "UFC"), Dana White is involved in defrauding
14 investors by splitting sponsorship fees that Xyience paid the UFC. **Id.** Bergeron goes on to
15 falsely claim that Xyience is skimming money from investors and splitting it with the UFC. **Id.**

16
17 Bergeron continues to post false and defamatory articles on his website, wherein he
18 intends to destroy the reputation of Xyience. Employees of Xyience have tried multiple times to
19 speak with Bergeron about these false and defamatory statements, but these attempts have been
20 rebuffed. These articles have the ability to affect the value of shares in Xyience and these
21 articles continue to destroy the good name of Xyience. Moreover, these articles are affecting
22 Xyience's relationship with potential investors and current shareholders.

23 24 **III. ARGUMENT**

25 **A. INJUNCTIVE RELIEF IS APPROPRIATE IN THIS SITUATION**

26 A preliminary injunction may be issued where, at minimum, the party seeking it enjoys a
27 reasonable probability of success on the merits and the Defendant's conduct, if allowed to
28

1 continue, will result in irreparable harm for which compensatory damage is an inadequate
2 remedy Pickett v. Comanche Construction Co., 108 Nev. 422, 836 P. 2d 42 (1992). In
3 determining whether injunctive relief is appropriate, the Court weighs four factors — (1) the
4 plaintiff's likelihood of success on the merits; (2) the threat of irreparable harm; (3) relative
5 interests of the parties; and (4) the interest of the public. Sobol v. Capital Mangmt. Consultants,
6 102 Nev. 444, 726 P.2d 335 (1986). The decision to grant or deny a preliminary injunction
7 depends upon a 'flexible interplay' among all factors considered. Blackwelder Furniture
8 Company of Statesville, Inc. v. Seiling Manufacturing Company, Inc., 550 F.2d 189 (4th Cir.
9 1977).

11 *I. The Plaintiff Enjoys A Reasonable Probability of Success.*

12 In the instant matter, Plaintiff enjoys a reasonable probability of success on the merits of
13 this case. As set forth in its Verified Complaint, Plaintiff has been the victim of false and
14 defamatory allegations about there business dealings, including but not limited to, there is an
15 SEC investigation and there are class action lawsuits underway against Plaintiff. These
16 allegations are false and made with reckless disregard for the truth. In addition, Defendant
17 continues to make allegations that the UFC is conspiring with Plaintiff to defraud investors.
18 These statements are false and defamatory per se.

19 The Nevada Supreme Court and the Ninth Circuit Court of Appeals agree that only a
20 reasonable probability of success on the merits is requested to support injunctive relief. Gilder v.
21 PGA Tour, Inc., 936 F.2d 417, 422 (9th Cir. 1991). In fact, if the balance of hardships tips
22 decidedly toward the Plaintiff, the Plaintiff need not show as robust of a likelihood of success on
23 the merits. Benda v. Grand Lodge of International Association of Machinists and Aerospace
24 Workers, 584 F.2d 308, 315 (9th Cir. 1978). For purposes of injunctive relief, all that may be
25 required are serious questions going to the merits of the case. Gilder, 936 F.2d at 422. Serious
26
27
28

1 questions need not promise a certainty of success, nor even present a probability of success, but
2 must involve a "fair chance of success on the merits." National Wildlife Federation v. Conston,
3 773 F.2d 1513, 1517 (9th Cir. 1985) (emphasis added); see, also, Johnson v. Cal. State Board of
4 Accounting, 72 F.3d 1427, 1429 (9th Cir. 1995). Indeed, serious questions only refer to those
5 questions that cannot be resolved one way or the other at the hearing on the injunction as to
6 which the Court perceives a need to preserve the status quo. Gilder, 936 F.2d at 422.

7
8 The false and defamatory statements made by Defendants are egregious and made with
9 reckless disregard for the truth. Plaintiff will prevail at trial as it will demonstrate that there has
10 never been an SEC investigation, a class action suit is not underway by shareholders, and there is
11 no conspiracy between the UFC and Xyience to defraud investors. Defendant's tortuous conduct
12 is designed to interfere with Plaintiff's business affairs. This type of action cannot be tolerated
13 by this Court. The Defendants are clearly disseminating false and defamatory material about
14 Xyience in an attempt to destroy Xyience's current business relationships and any potential
15 business relationships. To date, at least 10 investors have failed to invest based upon the false
16 and defamatory articles posted on the internet. In addition, there are probably numerous
17 investors who Xyience is unaware of that have not invested because of these defamatory articles.
18 If these articles are not immediately removed from the internet, then Plaintiff will suffer
19 irreparable harm as it will lose significant profits and its professional reputation will be
20 tarnished.
21

22
23 It is clear that Plaintiff enjoys a reasonable probability of success on the merits of this
24 cause of action. As such, a preliminary injunction must be issued.
25
26
27
28

1 2. *Defendants' conduct will result in irreparable harm for which compensatory*
2 *damages are an inadequate remedy.*

3 The Nevada Supreme Court has recognized the Court's equitable powers to protect
4 plaintiffs from irreparable harm for over 130 years. Conley v. Chetdick, 6 Nev. 222 (1870).
5 Where there is no adequate remedy at law to protect the plaintiff, there is irreparable injury.
6 Number One Rent-A-Car v. Ramada Inns, Inc., 94 Nev. 779, 587 P.2d 1329 (1978). Moreover,
7 where there is a strong probability of success on the merits such as here, plaintiffs need only
8 prove that they will suffer a degree of hardship that outweighs the hardship of the defendants.
9 Topanga Press, Inc. v. City of Las Vegas, 989 F.2d 1524, 1528 (9th Cir. 1993). Moreover, the
10 Supreme Court of Nevada has held that the mere availability of a legal remedy does not bar
11 injunctive relief. To be a bar, a legal remedy must, in fact, be adequate and must not be rendered
12 inadequate by a far superior equitable remedy. Czippot v. Fleigh, 87 Nev. 496, 487 P.2d 681
13 (1971); Nevada Escrow Services, Inc. v. Crockett, 91 Nev. 201, 533 P.2d 471 (1975).

15 If the Defendants are allowed to continue conducting themselves in the manner described
16 above, it will cause irreparable harm for which compensatory damages would be inadequate as a
17 remedy. As stated above, the harm being caused by Defendants is continual. The Defendant
18 continues to post these false and defamatory articles, not to mention he continues to leave these
19 articles on his website. What is more disturbing is that the Defendant has strategically used these
20 articles to obtain higher Google rankings, which leads to these articles getting even greater
21 exposure. For example, if you type "Xyience" in the Google search bar, the Defendant's website
22 is often on the first page of the results page. This leads to people reading these false and
23 defamatory articles and negatively affects the reputation of Xyience. Moreover, these articles
24 are causing concern of current shareholders and potential investors as it could affect the value of
25 their shares.
26
27
28

1 Without the Court's intervention Xyience will continue to suffer irreparable harm. There
2 is no accurate way to measure the impact the Defendant's actions are having on Plaintiff's
3 business as the Defendants disparagement of Plaintiff's name is severely damaging their
4 reputation in the business industry. Because there is no real way to determine the exact damages,
5 compensatory damages are an inadequate remedy and further improper conduct by the Defendant
6 will result in irreparable harm to Plaintiff.
7

8 **3. *The relative hardships of the parties militate that the Court grant Plaintiff's***
9 ***request for equitable relief.***

10 One of the most significant considerations of this Court in deciding whether or not to
11 issue injunctive relief is the relative interests of the parties. Essentially, the main question this
12 Court must answer is how much damage the Plaintiff will suffer if the restraint is denied versus
13 the hardship to the Defendant if the injunctive relief is granted. Home Finance Co. v. Balcom,
14 61 Nev. 301, 127 P.2d 389 (1942); Ottenheimer v. Real Estate Division, 91 Nev. 338, 535 P.2d
15 1284 (1975). Moreover, where the balance tips decidedly in favor of the moving party,
16 injunctive relief is proper where there are only serious questions concerning the merits. Republic
17 of Philippines v. Marcos, 862 F.2d 1355 (9th. Cir. 1988).
18

19 Should the Court grant the requested relief, the hardship to the Defendant will be minimal
20 or non-existent bearing in mind that the Defendant's actions are in complete and reckless
21 disregard for the truth. The Defendant's conduct was designed to tortuously interfere with
22 Plaintiff's business activities. Specifically, Defendant is trying to affect the current relationship
23 with Xyience business associates and shareholders, not to mention discourage future business
24 associates from conducting business with Xyience. Being restrained from further interfering with
25 Plaintiff's rights to legally conduct business will cause no harm to the Defendant. Conversely,
26 denying the relief sought will continue to result in irreparable harm to Plaintiff's business.
27 Already, the Defendant has significantly damaged Plaintiff as it has cast a doubt on Plaintiff's
28

1 business practices by claiming they are defrauding investors. Further, Plaintiff has lost several
2 potential investors because of these false and defamatory articles. By allowing these articles to
3 remain on the internet, Plaintiff stands to lose substantial business and investors. Moreover,
4 these losses will not only be monetarily, but Xyience will sustain significant loss to its reputation
5 in the business community. Plaintiff has done absolutely nothing wrong other than operate its
6 business in a lawful and prudent manner. If Defendants are not restrained from this wrongful
7 activity, further irreparable harm to Plaintiff will occur to which compensatory damages will
8 certainly be inadequate.

10 Plaintiff is seeking a preliminary injunction because of the irreparable and virtually
11 immeasurable damage which will incur should the Defendant be able to continue with their
12 actions as described herein. To prevent immediate and irreparable damage to Plaintiff, the
13 Defendant must be immediately restrained from further such conduct.

15 **4. *Public Policy Favors Granting The Preliminary Injunction.***

16 The preliminary injunction must be granted in favor of Plaintiff as public policy dictates
17 such result. The Defendant has not only tortuously interfered with Plaintiff's contracts and has
18 disparaged Xyience, but the Defendant continues to disparage Xyience on the internet by posting
19 false and defamatory articles. Public Policy favors restraining false and defamatory speech,
20 especially considering these articles continue to cause damage to Plaintiff's business. Without
21 the Court's intervention the Defendant will continue to disparage Xyience and destroy numerous
22 business relationships.

24 **B. ONLY A MINIMAL BOND SHOULD BE REQUIRED.**

25 Based upon the lack of harm the Defendant will suffer and the fact that the Defendant's
26 actions are tortuous and a direct attempt to disparage Xyience, not to mention effect there ability
27 to attract investors, Plaintiff should only be required to post a minimal bond. Most importantly,
28

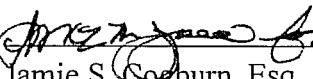
1 there is no harm to the Defendant as the articles will only be removed until a full hearing can be
2 conducted on this issue. In addition, the Defendant will not suffer any financial hardship as he
3 creates these false and defamatory articles on his own website, wherein he receives no revenue.
4 Based upon the circumstances a \$500 bond would be appropriate.

5
6 **IV. CONCLUSION**

7 Based on the foregoing, Plaintiff enjoys a reasonable probability of success on the merits
8 and if the Defendant is allowed to continue with their unlawful actions, Plaintiff will be damaged
9 to an extent at which compensatory damages are an inadequate remedy. In addition, the relative
10 hardships of the parties strongly militate towards the Court granting a Temporary Restraining
11 Order. Plaintiff therefore requests that the court issue a Temporary Restraining Order against the
12 Defendant enjoining said Defendant from communicating any statements or making any
13 representations which in any manner state, advise, represent, assert, allege, suggest, imply, or
14 intimate in any manner which is intended to, or does that evoke an inference or create an
15 impression that Xyience is defrauding investors or being investigated by the SEC.

16 Dated this 18 day of July 2007.

17
18
19 COGBURN LAW OFFICES

20
21 By 
22 Jamie S. Cogburn, Esq.
23 Nevada State Bar No. 008409
24 170 S. Green Valley Pkwy., Suite 280
25 Henderson, Nevada 89012
26 Attorneys for Plaintiff
27
28

DECLARATION OF ADAM FRANK

1 **DECLARATION OF ADAM FRANK IN SUPPORT OF AN EXPARTE APPLICATION**
2 **FOR A TEMPORARY RESTRAINING ORDER**

3 1. I am a board member of Xyience Incorporated and act as General Manager for
4 Xyience Incorporated. I have personal knowledge of the facts stated in this Declaration except
5 for those upon information and belief and to those matters I believe them to be true. This
6 Declaration is made in support of Plaintiff's ExParte Application for a Temporary Restraining
7 Order.

8
9 2. Upon information and belief, on December 10, 2006, Bergeron posted an article
10 on his Myspace.com webpage, wherein he alleged that the Securities and Exchange Commission
11 is investigating Xyience and that a Class Action lawsuit against Xyience was underway. Both of
12 these statements were false.

13 3. Xyience contacted Defendant and requested he remove these articles, but our
14 attempts were rebuffed.

15
16 4. Upon information and belief, on or about March 17, 2007, Bergeron posted a new
17 article laced with false statements entitled "Xyience Investigative Report: Creator Russell Pike's
18 Criminal Tendencies R Bergeron alleges that Xyience was created to steal money from investors
19 for the benefit of certain employees or directors.

20 5. Bergeron also alleges that a major shareholder, Russell Pike, is using Xyience to
21 defraud investors. Bergeron goes on to make up quotes from Russell Pike's former attorney,
22 David Winterton, that Xyience is just another company to defraud investors.

23
24 6. Bergeron also alleges that the President of the Ultimate Fighting Championship
25 (hereinafter referred to as "UFC"), Dana White is involved in defrauding investors by splitting
26 sponsorship fees that Xyience paid the UFC. This allegation was also false.

1 7. Bergeron goes on to claim that Xyience is skimming money from investors and
2 splitting it with the UFC, which is utterly false.

3 8. Bergeron continues to post defamatory and articles containing false allegations
4 about Xyience.

5 9. Bergeron's articles allow people to post comments about the articles, however, if
6 a positive statement about Xyience is posted, then Bergeron immediately takes it down.

7 10. Bergeron continues to post false and defamatory statements on his website with
8 the intent to harm the reputation of Xyience. Moreover, these false and defamatory statements
9 have led to potential investors refusing to invest substantial amounts of money until these articles
10 are taken down.


11 11. Potential investors refuse to invest money because they fear that this assault on
12 the internet against Xyience will determinately affect the value of their shares.

13 12. Specifically, one investor plans to invest \$15,000,000.00, however, they have
14 decided to wait until these articles are taken off the internet based upon the fear that the value of
15 Xyience will be decreased because of these false statements.

16 13. Consequently, Plaintiff has filed the instant application due to the Defendant's
17 egregious conduct and tortuous interference with Plaintiff's contracts. An Exparte Restraining
18 order is necessary to maintain the status quo and stop the detrimental effect these false articles
19 are causing current investors of Xyience and affecting potential investors of Xyience.

20 14. Moreover, these articles are causing immediate and irreparable harm to Xyience.
21 Without a Restraining Order Plaintiff will continue to suffer harm based upon the false and
22 defamatory articles posted by the Defendant.

1 15. I declare under penalty of perjury under the laws of the State of Nevada (NRS
2 53.045), that the foregoing is true and correct.

3
4 
5 Adam Frank
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COGBURN LAW OFFICES

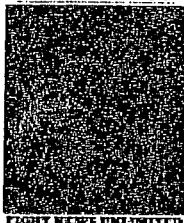
170 S. Green Valley Pkwy., Suite 280
Henderson, Nevada 89012
(702) 384-3616 FAX: (702) 943-1936

EXHIBIT 1



CLICK TO SAVE

1-800-PetMeds

[< Back](#)[MySpace.com](#) | [rss](#) | [sign in](#) | [sign out](#)**FIGHT NEWS
UNLIMITED**

Sunday, December 10, 2006

XYIENCE IN MAJOR LEGAL TROUBLE**Category:** [Sports](#)**FIGHT NEWS UNLIMITED EXCLUSIVE**

Editor's Note: We received this email from a reliable source and will be looking further into this case in the future. Look for updates in the coming days. The following message was sent to a Nevada District Attorney. We verified the email address and will be doing some research into the docket number in the days to come to find out more about this case.

Here is the email:

We have been notified by several investors of the Xyience Company, some who have pending lawsuits, that Xyience is currently being investigated by senior counsel for the Securities and Exchange Commission for illegal money raising and that investor funds are possibly being diverted into shell corporations set up by Xyience's CEO Russell Pike. Pike has been imprisoned for these type of actions in the past. We are in contact with the SEC, and have verified the investigation.

Attached are several articles sent to us by these investors, displaying Russell Pike's previous criminal history.

We have also been in contact with Phoenix Labs, a manufacturer of Nutritional Supplements for the industry. Xyience owes Phoenix Labs over \$500,000.00 for manufacturing fees they will not pay. A lawsuit is currently pending against Xyience. Russell Pike and Paul Grady were deposed on October 12, 2006, regarding this Federal Case #CV06-1859.

Dymatize Nutrition is also filing suit against Xyience. Xyience owes this supplement manufacturing company over 2 million for unpaid

Last Updated:

Jan 17, 2007

[Send Message](#)[Instant Message](#)[Email to a Friend](#)[Subscribe](#)**Gender:** Male**Status:** Single**Age:** 29**Sign:** Libra**City:** EAST**SANDWICH****State:** Massachusetts**Country:** US**Signup Date:** 12/04/06

manufacturing fees.

Recently, our office has also been contacted by Basic Media Group, who is the publisher of Real Fighter Magazine. Xyience refuses to pay for their share of the production of the publication and exclusive advertising rights for the Real Fighter Magazine given to Xyience.

Also, we have been contacted by the Nevada State Athletic Commission. They have been advised that Xyience's Russell Pike and the president of the Ultimate Fighting Championship, Dana White, have been coluding with each other to lockout all other supplement sponsors from advertising with the UFC. White is also directing which fighters Xyience sponsors and locking out other supplement manufacturers from advertising on Spike TV during the Reality Show. We are investigating further for a possible payoff accuring by Xyience to Dana White for this exclusive arrangement.

Lastly, sources have just notified our office, that some GNC executives might possibly have a financial interest in the Xyience Supplement company. GNC is Xyience's biggest account and they seem to be taking on all of the Xyience products in their current line.

A class action law suit is currently being drafted on behalf of several investors and former employees who have claims against the Xyience Company and it's convicted felon Pike, as well as other officers of the Xyience company.

We will be in touch as things progress.

Regards,

John Miller
Director
Criminal Complaint Division
Consumer Affairs

XYIENCE OWNER RUSSELL PIKE'S PAST LEGAL TROUBLES


7:21 PM - 2 Comments - 0 Kudos - [Add Comment](#)

Miss Xplicit

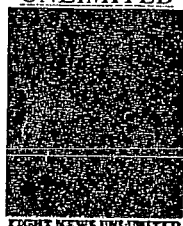


Wow! Thanks for sharing this information!

Posted by [Miss Xplicit](#) on Monday, December 11, 2006 at 6:49 AM
[\[Reply to this\]](#)

 Online Now!

**FIGHT NEWS
UNLIMITED**



FIGHT OPINION MESSAGE BOARD COMMENT THREAD ON
XYIENCE EMAIL

Check this out. The debate generated on this topic inspired me to do more research. Check out what my investigation uncovered in my follow up pieces.

Rich Bergeron

Posted by **FIGHT NEWS UNLIMITED** on Tuesday, January 09, 2007 at 2:32 AM

[\[Reply to this\]](#)

Sponsored Links

Nutrition Supplements
The biggest source of free info
on Nutrition Supplements
Protein-Supplements.xaffix.com

Get Your Info
Get Your Info from 14 Search
Engines in 1.
www.info.com

Wholesale Supplements
Why pay too much and wait too
long? Brand Names at
Wholesale.
www.WholesaleSupplementStore.com

Nutrition for Athletes
First-class nutritional
supplements For the ultimate
athlete!
platinumperformance.com

[About](#) | [FAQ](#) | [Terms](#) | [Privacy](#) | [Safety Tips](#) | [Contact Myspace](#) | [Posted by](#) | [Promote](#) | [Advertise](#) | [MySpaceShop](#)

[©2003-2006 MySpace.com. All Rights Reserved.](#)

EXHIBIT 2

XYIENCE INVESTIGATIVE REPORT: CREATOR RUSSELL PIKE'S CRIMINAL TENDENCIES REVEALED

[CLICK HERE FOR ALL THE SUPPORTING DOCUMENTS AND MORE
INFORMATION ON OUR XYIENCE SERIES](#)

**A HISTORY OF DECEPTION AND GREED: THE INSIDE STORY OF
XYIENCE CREATOR RUSSEL PIKE'S SHADY BUSINESS DEALINGS**

*THE VICTIMS OF PIKE AND HIS CRONIES SPEAK OUT TO DENOUNCE
THE MAN RESPONSIBLE FOR ABUSING THEIR TRUST AND RUINING
THEIR LIVES*

PART ONE OF AN ONGOING INVESTIGATIVE REPORT

By: Rich Bergeron

Las Vegas, Nevada—that sprawling city of blinking neon lights, legalized gambling, and various connections to underworld criminal activity—has made a name for itself as “The City of Sin” and runs a television ad campaign that promises, “What happens in Vegas stays in Vegas.” There could never be a more fitting place for Xyience Founder Russell Pike to set up shop with his latest corrupt scheme.

Pike was indicted in U.S. District Court on July 9, 1997, on charges of bank fraud, money laundering and aiding and abetting. He pleaded guilty to money laundering in June of 1999. He was committed into the minimum-security Federal Prison Camp near Nellis Air Force Base in July of 1999.

Fight News Unlimited sources report that Pike still harbors a serious gambling problem, yet another reason why he is right at home in Vegas. Over the course of his entire career he's perfected the art of building up hollow houses of cards

and making a quick escape just before they collapse. He has found Las Vegas to be an enterprising environment for his latest business venture, and for a long time he was even able to hide his criminal past from the very investors who helped him launch Xyience.

Check out the following Las Vegas Sun reports on Russell Pike:

<http://www.lasvegassun.com/sunbin/stories/sun/2001/feb/13/511428740.html?RUSSELL%20pike>

<http://www.lasvegassun.com/sunbin/stories/sun/2001/apr/27/511749842.html?RUSSELL%20PIKE>

<http://www.lasvegassun.com/sunbin/stories/sun/2001/mar/28/511620341.html?RUSSELL%20pike>

<http://www.lasvegassun.com/sunbin/stories/sun/2001/feb/09/511413624.html?RUSSELL%20pike>

<http://www.lasvegassun.com/sunbin/stories/sun/2001/feb/07/511403683.html?RUSSELL%20PIKE>

Despite the criminal record and his court history revealing several separate bankruptcy cases brought against him, Pike actually served as the CEO of Xyience for a short time. Since he started the company he brokered major sponsorships with the UFC and The World Poker Tour until he was then replaced by an interim CEO. The next CEO of Xyience was Adam Roseman of ARC Investments. Roseman came in to help bring Xyience public, which is one of ARC Investment's specialties. The company also provides financing, which it announced plans to help Xyience with. When asked about Roseman's departure, Xyience General Counsel Pete Rinato said, "I'm not at liberty to discuss his exit."

Apparently now there is yet another new CEO: Bill Underhill. Regardless of who runs the company, Pike reportedly holds millions of shares of Xyience stock. Rinato points out that Pike will likely be among "the top 5-7 shareholders," but he maintained those holdings won't give Pike "any authority to do anything." Rinato also explained that there are plenty of investors and shareholders out there with shady pasts, mentioning Martha Stewart and Michael Milken. Inside sources at Xyience have alleged that Pike will be the controlling partner whenever the stock does finally hit the market.

At least one man who knows Pike personally believes the day of a Xyience IPO announcement will never come as long as he is associate with the supplement company. "He won't go public. This is what he always does. He builds companies up and then walks away," said Attorney David Winterton of Las Vegas, who has worked with Pike in the past as a private and corporate legal representative. "History repeats itself."

Winterton established his law firm Winterton and Associates in 1996, and according to their Web-site, "The firm represents clients in various financial matters. Mr. Winterton has been a real estate broker for over 25 years and is also a title officer. He has handled some of the state's largest real estate transactions."

Winterton is currently representing a few clients Pike allegedly burned with crooked investment deals. He knows enough about Pike's background to explain just how the man operates. "How I ran into Mr. Pike, I had a good friend and a fellow attorney who asked me to file bankruptcy for him. I told him that I never file for anybody until I meet the person and go over it," said Winterton. "Since I was asked by a friend, I did agree to take the case, and I got all the information from the other attorney. I filed it, and right before we went to court I met him [Pike]. He came in, and we reviewed the documents. That's where I began to learn about his dealings."

Though initially it seemed that Russell Pike was just another bad businessman who couldn't manage his finances, it soon became clear to Winterton that scandal seemed to follow Pike through his whole life. "I know he was working with real estate investment projects, and he had a product he was marketing, so he lured investors to come in and invest, but it didn't work out. He ended up having to file bankruptcy," Winterton reported. "Shortly after he filed bankruptcy, he took off and went back east, and then he was indicted for criminal charges, so I referred him to a criminal attorney since I don't do criminal work. At the same time he was dealing with an ugly divorce with his wife. Another lady there was claiming she had a child with him, and she wanted child support, plus he was seeing the same lady he is seeing now. That's what he was doing when I met him."

Pike made a home briefly in Florida and began to put the pieces in place to start a new company called Casino Carts & Cabinetry (CCC). The company would specialize in providing specialized gaming carts to casinos. "Some place advanced him 100,000 dollars to purchase some carts, and the same thing happened. He didn't produce the carts," said Winterton. "The same thing happened, and the situation got settled. I never really had an explanation."

The real culprit in that instance was Jennifer Capri, AKA Jennifer Pike. Winterton said he is almost positive that the two are not married, but he has suspicions that Jennifer had her last name changed to make it appear as if they are. "She changed her name, I heard. I was told they never got married. Legally if you are not married, you don't have to worry as much about property law," said Winterton.

The case of USA vs. Capri charged her with bank fraud and mail fraud, though the bank fraud charge was eventually dropped. Court records reveal that prosecutors filed charges in September of 2001 and the case ended on the last day of July in 2002.

Her indictment

(<http://unlimitedfightnews.com/jenniferpikeindictment.pdf>) reveals that New Serve, Inc. (the purchasing agent for the Soaring Eagle Casino in Mount Pleasant, Michigan) ordered an assortment of carts from the company totaling \$108,368.40 that they paid in advance. The document goes on to explain, "The defendant CAPRI maintained at least two accounts at the Dain Bosworth brokerage firm, one account opened on September 23, 1996, in the name of CCC and the other account opened in her own name prior to the CCC account. The defendant CAPRI deposited the New Serve, Inc., check for \$108,368.40 into the CCC account at Dain Bosworth on or about September 23, 1996. After receipt of the funds from New Serve, Inc., the defendant purchased investments, transferred funds to her personal account, and otherwise used the funds received for the purchase of casino equipment for her own personal purposes... The defendant CAPRI never fulfilled the purchase order for New Serve, Inc., or the Soaring Eagle Casino, and those entities were defrauded of the funds diverted and spent by the defendant CAPRI."

Russell Pike found more than a romantic companion in Jennifer Capri. The two apparently made the leap into a criminal partnership as well. They didn't bear arms and rob banks like the infamous Bonnie and Clyde, but they did allegedly make a fitting criminal duo who would steal money from unwitting investors without being brought to justice. They both seemed to discover how to hide their transgressions after their first offenses.

Judge Kathleen M. O'Malley held a sentencing hearing for Capri's case on July 22, 2002. Jennifer S. Capri earned a sentence of probation for three years with special conditions and a fine of over 50 thousand dollars.

Her probation conditions were decided in the state of Ohio, where New Serve, Inc., was based. She succeeded in having the probation transferred to Nevada in January of 2003. She finally paid off her balance in full by June of 2005.

His companion's legal troubles and his own looming indictment for illegal activity surrounding his Advanced Cart Technologies company did not stop Russell Pike from starting yet another business venture. "He then started up another company here in Vegas while criminal charges were pending," said Attorney David Winterton about Pike's E-Destiny business. "He asked me to become in-house counsel for the company, and I was there one month and discovered that two things were going on: he was violating security laws in raising money, and number two he was dipping into the till," said Winterton. "I was there one month, and I left when I discovered the activities he was doing. That was around the same time when he went to prison."

Winterton reported that a protégé of Pike's named Danny Lee began running E-Destiny afterwards, and the company was eventually shut down. "I heard there was a reported investigation on them for illegal activity. They were shut down for it, and the Pikes did take off with a lot of money," said Winterton. "I heard later that he was out of jail, and I heard he was doing the exact same thing again. I've had people call me to try to represent them against Mr. Pike. When Russel Pike went to jail, we parted ways. People called me wanting to sue him, because I know all his scams and operating motives."

Pike even filed suit against a company called Purchase Pro while he was serving time in federal prison at Nellis Air Force Base. Winterton reported that an initial business associate of Pike's named Junior Johnson was behind Purchase Pro. E-Destiny was a different company, but they competed against Purchase Pro, and Winterton said Pike "hated Junior Johnson" and alleged that he stole Pike's business plans for Purchase Pro. The scandal unfolded on the pages of the Las Vegas Sun, which to this day have provided the only real published on paper accounts of Pike's imprisonment.

Winterton explained that Pike has executed very similar schemes during his entire business career where he controls all the books and accounts and pulls money out for personal use, and it is a strategy that has helped Pike live a lavish lifestyle. "The last time I knew, the Pikes lived in a huge house in Queens Ridge," reported Winterton.

The attorney added that Pike managed to conceal much of his dirty dealings by crafting a meticulous façade—a mirage that investors see as a gold mine while Pike knows it is just a cheap cardboard set for a movie that will never actually

be made. "It's always a puppet show, and he always has someone else in the forefront. He gets big names to come in and generate a big chunk of money," said Winterton. "With E-Destiny, he brought in the football player from the movie Rudy [Daniel Ruettiger]. Pike brought him in and used him and his money for bringing in other investors. He even got a big computer guru out of San Francisco to set this thing up. Danny Lee, a big organizer out of San Francisco, came in to take over and do it." He added that the attorney who took over for him at E-Destiny was eventually fired, and Pike made a habit over the years of never allowing anyone to see the books.

Those who did try to question Pike's spending habits, deception tactics, and questionable operating methods were almost always dismissed, reassigned, or left penniless if they chose to confront Pike. Several anonymous sources cultivated by Fight News Unlimited over the past few months point to one man who would only tell us that he moved his whole family to California from Las Vegas after working with Pike and Xyience. All sources reveal that Andrew Kriechbaumer was duped from the very beginning and helped raise an estimated \$200,000 through various methods including soliciting his father for funds and putting homes and property up to get investment capital. In the end, according to one source, Kriechbaumer was so distraught that he openly contemplated suicide.

The Kriechbaumer connection dates back to his attendance at Bishop Gorman High School in Las Vegas. Jennifer Pike attended the school during the same time period, and her time there also coincided with UFC President Dana White's presence as a student at the school. Bishop Gorman alumni officials confirmed that all three attended the school in the late 80s. Our sources all say that Jennifer Capri knew White and Kriechbaumer at Bishop Gorman and was thus able to introduce them both to Russell Pike while he assembled the Xyience supplement company.

One particular source, who preferred to remain anonymous, explained how Pike reached the point of starting his own supplement company. This person gave a full accounting of how Russell Pike did not even wait until his probation was completed before he began bilking new investors. Fresh out of prison, Pike's fundraising skills played a special role in helping John Scott get his supplement company off the ground back when Nitro was the only UFC sponsor and the UFC had not yet attained anything close to the powerhouse status it now claims. Pike signed on to "help" this budding supplement company before the Fertita brothers bought the UFC. Pike soon went back to his old ways and managed to walk away with most of the company's assets, intellectual property, and anything else he could take. All that was reportedly

left when Pike stopped working with the company were a stack of unpaid bills and the company Web-site. Pike allegedly made off with over 600 thousand dollars from that scheme.

What would eventually be renamed John Scott's Nitro was one of Randy Couture's initial sponsors. Apparently because of Pike, the new UFC Heavyweight Champion reportedly has never worn any Xyience apparel and has vowed to never associate with the company because of Pike's ongoing involvement. Our source said Couture's sponsorship didn't get paid by Pike while he played his role there, and John Scott's Nitro eventually had to pay Couture the money Pike had promised. According to our inside source, Pike's refusal to pay advertising bills to Flex Magazine and Muscle and Fitness Magazine while working with John Scott's Nitro is the reason why readers of those publications will never see a Xyience ad in either magazine. Pike reportedly ran up between 50 and 60 thousand dollars in advertising bills owed to the Weider-owned publishing company that eventually sold both magazines to American Media Group.

While the Nitro supplement company was on the UFC's mat, Russell Pike and Jennifer Pike were operating a company called Supplements Store, Inc. which was a company specializing in low-carb products. They were both sued for copyright violations and settled the case brought by a la Carb, Inc., in August of 2004. The settlement reached forced the Pikes and their associate Michael Clark to pay \$50,000 because of their improper use of photographs, images, and text copyrighted by a la Carb.

Our inside source explained that Pike simultaneously worked out of Phoenix Arizona and Las Vegas to perform duties for both his own low carbohydrate product company and John Scott's supplement company. He had also by this point begun to make his own connections in the UFC.

"One of the UFC attorneys began approaching us about payment for a sponsorship of about 25 thousand dollars," confirmed our inside source about the first indication of Pike's questionable accounting with John Scott's company. "John Scott approached Russell, and it all got taken care of. What we think was going on was that Russell was building up the company, getting people to invest, and then he would falsify the bills to show the investors all the money was spent. He'd say he paid for the UFC sponsorship, but White would let him have it for free, and they'd split the money. I never actually saw any of this going on, but over a short period of time, all of a sudden some manufacturing people were not getting paid. They were getting bounced checks, and they did not get paid for two months. Nobody was getting paid.

Some of the John Scott's Nitro guys even made a little calendar, and there were chicks for every month, and they didn't get paid. Pike had this partner, a guy named Andy Kriechbaumer, who was a Pro Soccer player, and he brought in money from his father. I think it was around 200 thousand dollars he put in over two to three weeks."

The scheme Pike parlayed into what would eventually become Xyience, Inc., was eventually uncovered by John Scott, who traveled to Vegas only to discover Pike was trying to use his office there to sweep Scott's company right out from under his feet. "They went out there to a UFC show, and they get to Russell's office to find out he'd changed the company name, and he was trying to steal the company," said the anonymous source. "John kind of got wind of it all before that, and eventually John put Russell in default of the contract, but he tried ordering products anyway. Russell tried calling the manufacturer and ordering products himself, but he was put in default of the contract. The Nitro people pulled everything, stopped shipping him product and cut him off. Some of his own employees had even invested, but Pike never signs a check, and his name's not on anything. He's pretty smart about all that stuff. Him and Dana White were skimming off the top and Dana was getting a piece of it. After Scott pulled the products away from Pike, about six months later he came out with Xyience."

Our source also explained that the corruption reached new heights once Pike constructed his latest and greatest house of cards and partnered with the UFC as an exclusive sponsor. Whispers throughout the industry have been wondering for years why Xyience was able to get such an incredible foothold and maintain its position as the primary sponsor of one of the most successful MMA leagues in the world. Once word began to spread that Pike's company could not even manage to pay bills for other expenses but did manage to keep their UFC sponsorship, the backroom chatter began to leak out. Our source is in a position to know all about how this unique contract between White and Pike came to pass.

"Xyience is not a sponsor of the UFC, the UFC is a sponsor of Xyience. The UFC goes on Spike TV, and they get free commercials, and Dana lets Xyience use those commercials. The commercials are really promoting the UFC, not really any particular product of Xyience," said the source. "They got that commercial for free, but Xyience had to pay so much money for the commercials. Since they really didn't have to pay the network for the commercial, it was a way of skimming off more investors' money and then splitting it amongst themselves. They've been doing stuff like that since Xyience started."

The source is in a position to know about the specific manufacturing costs of supplement products and also claims some Xyience products have not been made to standard. Fight News Unlimited ran a story in January of 2007 about a lawsuit filed by Phoenix Labs that Xyience settled out of court last year. The story explained that Phoenix had not been paid more than \$500,000 it claimed it was owed for making certain products for Xyience. The counterclaims filed by Xyience attorneys argued that the products had not been made to standard and that testing revealed Phoenix put labeling on the products that did not reflect what was actually inside the packages.

Since that story ran we contacted Attorney Steve Stern who both represents the Phoenix Labs as their corporate counsel and is also a partner in the manufacturing firm. Stern explained that Xyience officials retracted their claims that the products were not made to standard and "agreed that was an incorrect statement." He also went on to report that the two companies have plans to do further business together.

Our source contends that Phoenix Labs and Xyience were perhaps both guilty of concealing the real facts in the matter. "If you were going to buy and analyze a Xyience product, what's in the bottle is not what's on the label," said our source. "Phoenix was offered 500 thousand dollars to manufacture Xyience products. Since Xyience wanted to cut back on the cost of the product, they offered Phoenix money under the table to under produce the supplements."

Xyience never did put a recall on the Phoenix produced products, and Stern confirmed that Xyience never sent the products back. Everything still went out to the market according to our source. Certain Xyience employees left the company in the midst of the Phoenix lawsuit just before they could be deposed. Xyience's legal counsel even resigned not long before the case wound up being settled. Our source pointed to our initial report about the Phoenix case that included an itemized lists of what each product was supposed to cost Xyience. One particular item was called Xtreme Natural Growth 90s, and the statements listed a cost of \$4.36 for each item. The source claims, "You can't make a GH product for that price." He added that the same line of supplement was knocked off from John Scott's Nitro.

Just one of many who have described Pike's habits of squeezing investors through various different tactics, our source explained just how Pike operated and how his UFC connection allowed him the power and influence to get away with financial murder.

"The whole Xyience company was just a side thing. It was a scam for him and for Dana. He builds companies up, bankrupts them, and walks away. That's what he did to Andrew [Kriechbaumer]. He took all his money. Andrew's name was on a bunch of stuff as being an owner. Russell wouldn't pay him back," said our inside expert on Pike and his history. "There was even another supplement store in San Diego and Pike talked the guy's wife into leaving and going to work for Xyience. The guy running the store was buying stuff from Xyience, and he had a connection with GNC, and he helped broker Xyience's deal with GNC. He was supposed to get a finder's fee, but he never did."

A few different sources explained that the GNC deal was all about advertising. GNC wanted to see exclusive advertising for themselves, and Xyience was able to offer that through the UFC and Spike TV. GNC would also be announced at shows, as a whole host of Xyience products would be available at GNC. The deal apparently required GNC to pay only when the Xyience products were sold, and it is a type of contract referred to often as "pay per scan."

Pike allegedly saw yet another way to squeeze investors by promoting this deal as a sure money generator while also having an excuse to go to investors to generate funds to put products in as many GNC stores as he could. "He'd go to investors and tell them Xyience got a big deal with GNC, and Xyience is gonna be in stores across the country," said one source. "He'd tell investors, 'We need more money to put our product in stores.' Then he'd stick it in half the stores and get even more money from investors to fulfill the deal with GNC."

A few reliable sources explained that the whole concept behind the deal served both parties well. GNC didn't have to pay until they sold the products, they said, and though Xyience was a big name, it was not a very popular brand, and it was not a brand people really liked to use all that much. Essentially Xyience was using GNC as just another way to attract investors, and the door was opened by having the TV commercials. GNC was willing to take the small chance that people would flock to their stores looking for Xyience products because of all the advertising and attention they were able to get for their stores and their own product lines.

When people looking for Xyience did come in, one of our sources explained that GNC had a way to keep them from buying Xyience products. "They'd tell people, 'Oh, you wanna get Xyience? We got it over here, but you know what? We got another company, and they got the same exact thing, but it's 10 dollars cheaper,'" said a supplement authority. "They're doing a million dollars worth of advertising, and that keeps people going into GNC stores. They may never

have put that much product in stores. I've gone into GNCs that don't have their products, so they're not yet in every store."

A former employee of Xyience also revealed accounting irregularities he disclosed under a condition of anonymity. "Xyience was a small company, and they were just trying to get things going, so we were amping up production and advertising," he said. "Sometimes we were late on some bills, and that was natural since we were a startup company. There was never a bill that did not get paid as far as I know. We did pay a lot of bills late, and we worked with vendors when that occurred. I had left, and then they had a company working on buying them out and offering financing accountability and other stuff they were working on."

The same source and another employee named Brent Hucks, who was once the CFO of Xyience, were asked to try to convince Pike to reign in his personal spending. Pike reportedly used the company debit card for personal expenses on a regular basis. Hucks was reportedly fired for trying to straighten Pike out, but he is still listed as a treasurer of one of a few spin-offs of the main Xyience, Inc. business.

The unnamed former employee also explained that Jennifer Pike, who was put in charge of the Xyience Apparel Division, ordered over a million dollars worth of clothing through the company. He added that only about ten percent of what was purchased was eventually sold.

Clearly both Jennifer and Russell Pike had not been reformed by their respective punishments. They continued to weave an intricate web of deception, fraud, and irregular accounting at Xyience and may still be pulling strings at the company.


Fight News Unlimited will be producing an expose of the company over the next few weeks that will delve into more specifics and tap more inside sources we have spoken to. We recently made a last minute effort to speak with Russell and Jennifer Pike, Adam Roseman, and other Xyience employees and were met with immediate hostility from Employee John Chadwell. My attempts to reach all employees were met with either silence or limited success. I left one message for Roseman about Pike and subsequently received a phone call from someone claiming to be Xyience counsel. The person told me there would be a press release coming out shortly and that I should not call again. He would not answer any questions.

The emails I received from Xyience Security Representative John Chadwell tell their own story. First Chadwell threatened me with a warning that I may face criminal charges for extortion. I explained that I was only seeking information, not compensation. Soon his tone grew calmer as he scrambled to initiate damage control. He offered me exclusive access to Dana White and UFC fighters in exchange for writing a positive story about Xyience. Once I had sent him a list of pertinent questions I cultivated from talking to numerous sources, Chadwell suddenly made me an offer to fly me out to the Xyience offices in Las Vegas. He noted that I could tour the Xyience facilities, and he said I should look Mr. Pike in the eye if I wanted to ask him those questions. I suspected something fishy and declined his offer of a plane ticket. I explained that I have always been willing to speak with Mr. Pike or any other employee over the phone, and if there was nothing to hide Pike should oblige me and give some kind of formal response. I allowed Pike several opportunities to respond to repeated phone calls and a long list of questions about his dealings at the company. He never took any initiative to try and clear his name and answer the questions I had.

Xyience is currently in a press to go public while it is simultaneously being investigated and litigation is being filed against Pike from multiple fronts. We are one of the only news sources who have dared to delve into the whole sordid saga that is complete with every ingredient of a television soap opera. There is scandal, there is sex, there is greed, and there is corruption. Each day we find out new information and make new connections. Stay tuned as this series yields even more exciting news, and expect installment two in the next few days. Part two will include the full text of the email exchanges I had recently with John Chadwell. It is clearly obvious that the folks at Xyience do not want me to tell this story, do not want to tell their side, and do not want the full truth to come out.

Death threats have been issued to at least one source we know of in this matter, and despite the consequences we may face, we continue to pursue that truth at every turn. By all accounts Russell Pike is a devious scam artist deft at deception who simply must be stopped before he does any more irreparable harm to any more innocent people. His actions cast a dark shadow on the whole Mixed Martial Arts scene, and there is no place for that kind of corruption in this sport.

 [russell pike](#)

 [xenergy](#)