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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZ**

|               |          |   |                          |
|---------------|----------|---|--------------------------|
| <b>FHFCin</b> | ,        | ) | Case No.                 |
|               |          | ) | CV-13-1583-PHX-ROS       |
| Plaintiff,    |          | ) |                          |
| vs.           |          | ) | PRELIMINARY INJUNCTION   |
| <b>MNFLLC</b> | , et. al | ) | ORDER WITH ASSET FREEZE, |
| Defendants.   |          | ) |                          |
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Defendant Clinton Rackley has stipulated to the entry of this Preliminary Injunction Order. The Court held a show cause hearing on September 13, 2013 as to Defendants Cordell Bess and Ronald W. Hobbs.

Accordingly, having considered all the arguments, evidence, and pleadings filed in this matter, the Court now finds as follows:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. This Court has jurisdiction over the subject matter of this case, jurisdiction over all parties, and venue in this district is proper.
2. There is good cause to believe that Defendants Money Now Funding, LLC, Rose Marketing, LLC, DePaola Marketing, LLC, Affiliate Marketing Group, LLC, Legal Doxs, LLC, US Doc Assist, LLC, Affinity

1 that therefore in accordance with Fed. R. Civ. P. 65(b), the interests of justice require that  
2 this Order be granted.

3 5. Good cause exists for (a) the appointment of a Permanent Receiver over  
4 Corporate Defendants Money Now Funding, LLC; Rose Marketing, LLC; DePaola  
5 Marketing, LLC; Affiliate Marketing Group, LLC; Legal Doxs, LLC; US Doc Assist,  
6 LLC; Affinity Technologies, LLC; and Marketing Expert Solutions, LLC; (b) freezing of  
7 Defendants' assets; and (c) the ancillary relief ordered below.

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- 2. Any civil or criminal actions against the seller or affiliates of the seller for misrepresentation, fraud, or unfair or deceptive practices within the 10 years preceding the date that the opportunity is offered;
- 3. Material terms and conditions of any cancellation or refund policy; or
- 4. Any claim of actual or potential earnings that purchasers of the opportunity may experience.

B. Making any earnings claims unless there is (1) a reasonable basis for the claim at the time the claim is made; and (2) written substantiation for the earnings claim in the possession of Defendants' at the time the claim is made;

C. Violating the Business Opportunity Rule, 16 C.F.R. Part 437, as amended, a copy of which is attached.

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with any -1.816.92.580 )Tj Tc97.w( Tc95 )Tj(broker-dealer, escrow ag-1.89.8986 0 )Tj Tc9 .w( Tc96 )Tjent, title comp  
held

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, are -1.8 Tf416.02 10.89180 hereby preliminary (1.824.47587 TD67)Tj Tc96.w( Tc968Tj restrained and enjoined

Tc1E ASSET FREEZ FURTHER ORDERED-1.8 Tf13.02 0126221 0 Tc95 that Defendants Bess, Rackley, and

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D. Obtaining a personal or secured loan encumbering the assets of any of the Defendants, or any corporation, partnership, or other entity directly or indirectly owned, managed, or controlled by any of the Defendants; or

E. Incurring liens or other encumbrances on real property, personal property or

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A. Hold and retain within its control and prohibit the withdrawal, removal, assignment, transfer, pledge, encumbrance, disbursement, dissipation, conversion, sale, or other disposal of any such asset, except by further order of the Court;

B. Deny any person, except the Receiver acting pursuant to Section XIV of this Order, access to any safe deposit box that is titled in the name of, individually or jointly, or otherwise subject to access by, Defendants Bess, Rackley, and Hobbs;

C. Provide the Commission's counsel and

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**VI.**

**FINANCIAL DISCLOSURES**

**IT IS FURTHER ORDERED** that within three (3) calendar days of service of this Order, Defendants Bess, Rackley, and Hobbs shall prepare and deliver the following forms to counsel for the Commission and to the Receiver:

A. Completed financial statements on the forms attached to this Order as Attachment A (Financial Statement of Individual Defendant) for themselves individually and Attachment B (Financial Statement of Corporate Defendant) for each business entity under which they conduct business or of which they are an officer, and for each trust for which any Defendant is a trustee. The financial statements shall be accurate as of the

beneficiaries of trusts created by or for the defendant. The financial statements shall be accurate as of the date of the filing of this Order.

1           B.     Transfer to the territory of the United States and deliver to the Receiver all  
2 funds, documents, and assets located in foreign countries which are: (1) titled in the  
3 name individually or jointly of any of the Defendants; or (2) held by any person or entity,  
4 for the benefit of any of the Defendants; or (3) under the direct or indirect control of any  
5 of the Defendants, whether jointly or singly;

6           C.     Provide the Commission access to all records of accounts or assets of any  
7 of the Defendants held by financial institutions located outside the territorial United  
8 States by signing the Consent to Release of Financial Records appended to this Order as  
9 Attachment C.

10   **VIII.**

11   **NON-INTERFERENCE WITH REPATRIATION**

12           **IT IS FURTHER ORDERED** that Defendants Bess, Rackley, and Hobbs and  
13 their Representatives are hereby preliminarily restrained and enjoined from taking any  
14 action, directly or indirectly, which may result in the encumbrance or dissipation of  
15 foreign assets, or in the hindrance of the repatriation required by Section VII of this  
16 Order, including, but not limited to:

17           A.     Sending any statement, letter, fax, e-mail or wire transmission, telephoning  
18 or engaging in any other act, directly or indirectly, that results

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**IX.**  
**CONSUMER CREDIT REPORTS**  
**IT IS FURTHER ORDERED**

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**XI.**

**NOTIFICATION OF NEW BUSINESS ACTIVITY**

**IT IS FURTHER ORDERED** that Defendants Bess, Rackley, and Hobbs and their Representatives, whether acting directly or through any entity, corporation, subsidiary, division, director, manager, member, affiliate, independent contractor, accountant, financial advisor, or other device, are hereby preliminarily restrained and enjoined from creating, operating, or exercising any control over any new business entity, whether newly formed or previously inactive, including any partnership, limited partnership, joint venture, sole proprietorship, or corporation, without first providing counsel for the FTC with a written statement disclosing: (1) the name of the business entity; (2) the address and telephone number of the business entity; (3) the names of the business entity’s officers, directors, principals, managers, members, and employees; and (4) a detailed description of the business entity’s intended activities.

**XII.**

**PROHIBITION ON RELEASE OF CONSUMER INFORMATION**

**IT IS FURTHER ORDERED** that Defendants Bess, Rackley, and Hobbs and

1 identifying information to a law enforcement agency or as required by any law,  
2 regulation, or court order.

3 **XIII.**

4 **APPOINTMENT OF PERMANENT RECEIVER**

5 The Court appointed Peter S. Davis of Simon Consulting, LLC in the Preliminary  
6 Injunction Order (Doc. 56) issued on August 19, 2013 as permanent receiver for the  
7 Receivership Defendants, as well as for any affiliates, subsidiaries, divisions, or  
8 telephone sales or customer service operations, wherever located, with the full power of  
9 an equity receiver. The Receiver shall be the agent of this Court, and solely the agent of  
10 this Court, in acting as Receiver under this Order. The Receiver shall be accountable  
11 directly to this Court.

12 **XIV.**

13 **RECEIVERS DUTIES**

14 **IT IS FURTHER ORDERED** that the Receiver is authorized and directed to  
15 accomplish the following:

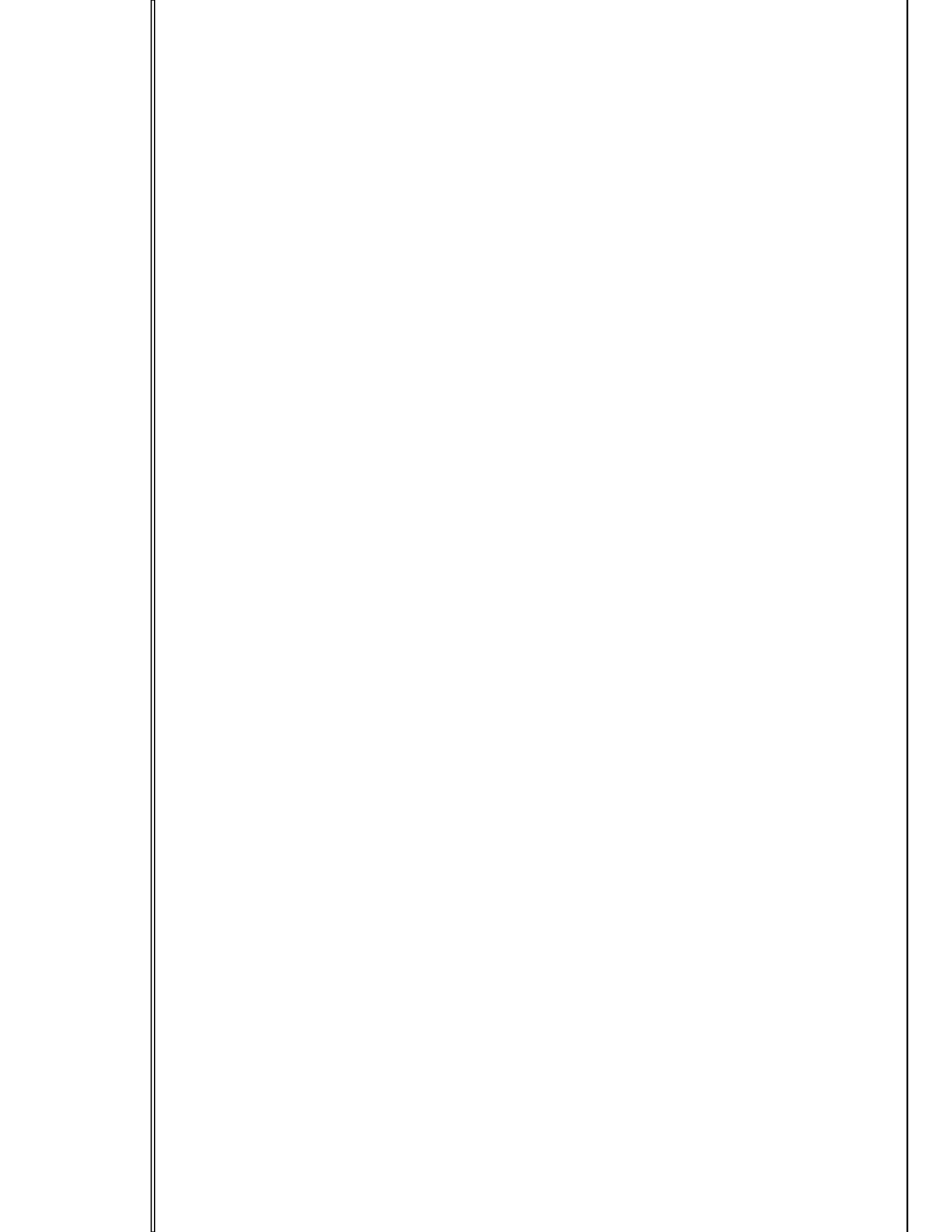
16 A. Assume full control of the Receivership Defendants by removing, as the  
17 Receiver deems necessary or advisable, any director, officer, independent contractor,  
18 employee, or agent of any of the Receivership Defendants, including any Defendant,  
19 from control of, management of, or participation in, the affairs of the Receivership  
20 Defendants;

21 B. Take exclusive custody, control, and possession of all assets and documents  
22 of, or in the possession, custody, or under the control of, the Receivership Defendants,  
23 wherever situated. The Receiver shall have full power to divert mail and to sue for,  
24 collect, receive, take in possession, hold, and manage all assets and documents of the  
25 Receivership Defendants and other persons or entities whose interests are now under the  
26 direction, possession, custody, or control of, the Receivership Defendants. The Receiver  
27 shall assume control over the income and profits therefrom and all sums of money now or  
28 hereafter due or owing to the Receivership Defendants. *Provided, however,* that the









- 1 (including monthly statements, canceled checks, records of wire  
2 transfers, and check registers), client lists, title documents and other  
3 papers;
- 4 3. All assets belonging to other persons or entities whose interests are  
5 now under the direction, possession, custody, or control of the  
6 Receivership Defendants;
- 7 4. All computers and data in whatever form used to conduct the  
8 business of the Receivership Defendants; and
- 9 5. All keys, codes, and passwords necessary to gain or to secure access  
10 to any assets or documents of the Receivership Defendants,  
11 including, but not limited to, access to their business premises,  
12 means of communication, accounts, computer systems, or other  
13 property.

14 B. In the event any person or entity fails to deliver or transfer any asset or  
15 otherwise fails to comply with any provision of this Section, the Receiver may file *ex*  
16 *parte* an Affidavit of Non-Compliance regarding the failure. Upon filing of the affidavit,  
17 the Court may authorize, without additional process or demand, Writs of Possession or  
18 Sequestration or other equitable writs requested by the Receiver. The writs shall  
19 authorize and direct the United States Marshals Service or any sheriff or deputy sheriff of  
20 any county to seize the asset, document, or other item and to deliver it to the Receiver.

21 **XVI.**

22 **PROVISION OF INFORMATION TO RECEIVER**

23 **IT IS FURTHER ORDERED** that Defendants Bess, Rackley, and Hobbs shall  
24 provide to the Receiver, immediately upon request, the following:

- 25 A. A list of all assets and property, including accounts, of the Receivership  
26 Defendants that are held in any name other than the name of a Receivership Defendant,  
27 or by any person or entity other than a Receivership Defendant; and  
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1 B. A list of all agents, employees, officers, servants or those persons in active  
2 concert and participation with the Individual Defendants and Receivership Defendants  
3 who have been associated with or done business with the Receivership Defendants.

4 **XVII.**

5 **COOPERATION WITH THE RECEIVER**

6 **IT IS FURTHER ORDERED** that Defendants Bess, Rackley, and Hobbs, their  
7 Representatives, and all other persons or entities served with a copy of this Order shall  
8 fully cooperate with and assist the Receiver in taking and maintaining possession,  
9 custody, or control of the assets of the Receivership Defendants. This cooperation and  
10 assistance shall include, but not be limited to: providing information to the Receiver that  
11 the Receiver deems necessary in order to exercise the authority and discharge the  
12 responsibilities of the Receiver under this Order; providing any password required to  
13 access any computer, electronic file, or telephonic data in any medium; advising all  
14 persons who owe money to the Receivership Defendants that all debts should be paid  
15 directly to the Receiver; and transferring funds at the Receiver's direction and producing  
16 records related to the assets and sales of the Receivership Defendants. The entities  
17 obligated to cooperate with the Receiver under this provision include, but are not limited  
18 to, banks, broker-dealers, savings and loans, escrow agents, title companies, commodity  
19 trading companies, precious metals dealers and other financial institutions and  
20 depositories of any kind, payment processors, payment gateways, insurance companies,  
21 as well as all third-party billing agents, common carriers, and other telecommunications  
22 companies.

23 **XVIII.**

24 **INTERFERENCE WITH THE RECEIVER**

25 **IT IS FURTHER ORDERED** that Defendants Bess, Rackley, and Hobbs, their  
26 Representatives, corporations, subsidiaries, divisions, or affiliates are hereby restrained  
27 and enjoined from directly or indirectly:  
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2. Commencing, prosecuting, or continuing a judicial, administrative, or other action or proceeding against the Receivership Defendants, including the issuance or empl

1 Defendants. The Receiver shall file with

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1           B.     The Commission and the Receiver may serve upon parties requests for  
2 production of documents or inspection that require production or inspection within five  
3 (5) business days of service, and may serve subpoenas upon non-parties that direct  
4 production or inspection within five (5) business days of service;

5           C.     The Commission and the Receiver may serve deposition notices and other  
6 discovery requests upon the parties to this action by facsimile, overnight courier, or e-  
7 mail, and depositions may be taken by telephone or other remote electronic means; and

8           D.     Any discovery taken pursuant to this Order is in addition to, and is not  
9 subject to, the presumptive limits on discovery set forth in the Federal Rules of Civil  
10 Procedure and Local Rules of this Court.

11   **XXIII.**

12   **SERVICE OF THIS ORDER**

13           **IT IS FURTHER ORDERED** that copies of this Order may be served by any  
14 means, including facsimile transmission and e-mail, upon any Defendant, financial  
15 institution, or other entity or Person that may have possession, custody, or control of any  
16 documents or assets of any of the Defendants, or that may otherwise be subject to any  
17 provision of this Order. Service upon any branch or office of any financial institution  
18 shall effect service upon the entire financial institution.

19   **XXIV.**

20   **SERVICE UPON PLAINTIFF**

21           **IT IS FURTHER ORDERED** that all correspondence and service of pleadings or  
22 other documents related to this Order or Plaintiff's motion for a preliminary injunction  
23 shall be addressed to

24           Rhonda Perkins  
25           Janet Ammerman  
26           James Evans  
27           Federal Trade Commission  
28           600 Pennsylvania Ave., NW, Room H-286  
              Washington, DC 20580  
              Fax: 202-326-3395  
              Email: rperkins@ftc.gov; jammerman1@ftc.gov; jevans1@ftc.gov







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**IT IS SO ORDERED:**

DATED this 13<sup>th</sup> day of September, 2013.

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Roslyn O. Silver  
Senior United States District Judge