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1 3. There is good cause to believe that immediate and irreparable damage will be done to
2 the public and to this Court's ability to grant full and effective relief among the parties
3 hereto absent entry of this Order.

4 4. Weighing the equities and considering the FTC's likelihood of ultimate success, a
5 Temporary Restraining Order is in the public interest.

6 **I. PROHIBITED BUSINESS ACTIVITIES**

7 IT IS THEREFORE ORDERED that defendants, in connection with the advertising, offering
8 for sale, or sale of products or services purported to stop telemarketing solicitations and/or to protect
9 consumers' personal financial information from fraud, are hereby temporarily restrained and enjoined
10 from:

11 A. Representing, directly or by implication, orally or in writing, that consumers' personal
12 information, such as social security, credit card, and bank account numbers, appear on telemarketing
13 lists, making the consumers a likely target for fraud, and that defendants will cause consumers'
14 personal financial information to be removed from the telemarketing lists that include that information.

15 B. Causing charges to be billed to consumers' credit cards, or causing consumers' bank
16 accounts to be debited, without the consumers' authorization and express informed consent.

17 C. Using threats or intimidation to induce consumers who have attempted to stop payment
18 to pay for defendants' products and services.

19 **II. ASSET FREEZE**

20 IT IS FURTHER ORDERED that, except as stipulated by the parties or as directed by further
21 order of the Court, defendants and their successors and assigns, whether acting directly or through any
22 entity, corporation, subsidiary, division or other device, and all persons in active concert or
23 participation with them who receive actual notice of this Order by personal service or otherwise, are
24 hereby temporarily restrained and enjoined from transferring, converting, encumbering, selling,
25 concealing, dissipating, disbursing, assigning, spending, withdrawing, or otherwise disposing of any
26 asset, wherever located, that is (a) owned or controlled by any defendant, in whole or in part; or (b) in
27 the actual or constructive possession of any defendant; or (c) owned, controlled by, or in the actual or
28 constructive possession of any corporation, partnership, or other entity directly or indirectly owned,
managed, or controlled by any defendant. The assets affected by this section shall include both existing

1 assets and assets acquired after issuance of this Order, and defendants shall hold and account for these
2 assets and all payments received by them, including, but not limited to, borrowed funds or property
3 and gifts.

4 **III. DUTIES OF ASSET HOLDERS**

5 IT IS FURTHER ORDERED that, except as stipulated by the parties or as directed by further
6 order of the Court, any financial or brokerage institution, escrow agent, trustee, title company,

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1 3. the identification and location of any safe deposit box that is either titled in the
2 name, individually or jointly, of any defendant, or is otherwise subject to access by any
3 defendant.

4 D. Upon request, promptly provide to the FTC copies of all records or other documentation
5 pertaining to such account or asset described in ¶ III.C above, including but not limited to originals or
6 copies of account applications, account statements, signature cards, checks, drafts, deposit tickets,
7 transfers to and from the accounts, all other debit and credit instruments or slips, currency transaction
8 reports, 1099 forms, and safe deposit box logs.

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1 **V. MAINTENANCE OF RECORDS BY THIRD PARTIES**

2 IT IS FURTHER ORDERED that all persons in active concert or participation with defendants
3 or in possession of any records of defendants are hereby temporarily restrained and enjoined from
4 destroying, erasing, mutilating, concealing, altering, transferring or otherwise disposing of, in any
5 manner, directly or indirectly, any contracts, membership or mailing (including "E-mail") lists,
6 accounting data, correspondence, advertisements, computer tapes, disks, or other computerized
7 records, books, written or printed records, handwritten notes, telephone logs, telephone scripts,
8 "verification" tapes or other audio or video tape recordings, receipt books, invoices, postal receipts,
9 ledgers, personal and business canceled checks and check registers, bank statements, appointment
10 books, copies of federal, state or local business or personal income or property tax returns, and other
11 documents or records of any kind that relate to the business practices or business or personal finances
12 of defendants.

13 **VI. DEFENDANTS' FINANCIAL STATEMENTS**

14 IT IS FURTHER ORDERED that defendants shall, within four (4) business days from entry of
15 this Order, prepare and deliver to counsel for the FTC completed financial statements on the forms
16 attached to this Order. The completed financial statements shall be accurate as of the date of service of
17 this Order upon defendants.

18 **VII. CONSUMER CREDIT REPORTS**

19 **IT IS FURTHER ORDERED** that pursuant to Section 604(a)(1) of the Fair Credit Reporting
20 Act, 15 U.S.C. § 1681b(a)(1), any consumer reporting agency may furnish a consumer report
21 concerning any defendant to plaintiff.

22 **VIII. CREATION OF OTHER BUSINESSES**

23 IT IS FURTHER ORDERED that defendants are hereby temporarily restrained and enjoined
24 from creating, operating, or controlling any business entity, whether newly-formed or previously
25 inactive, including any partnership, limited partnership, joint venture, sole proprietorship or
26 corporation, without first providing the plaintiff with a written statement disclosing: (1) the name of
27 the business entity; (2) the address and telephone number of the business entity; (3) the names of the
28 business entity's officers, directors, principals, managers, and employees; and (4) a detailed description
of the business entity's intended activities.

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