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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

MR. MICHAEL PETERSON, INC. - Washington

NO. 05-CV-0069-LRS

1 should not be granted pursuant to Rule 65(b) of the Federal Rules
2 of Civil Procedure, and the Court, having considered the
3 complaint, declarations, exhibits, and memorandum of law filed in
4 support thereof, finds that:

- 5 1. This Court has jurisdiction over the subject
6 matter of this case, and there is good cause to believe
7 that it will have jurisdiction over all parties hereto;
- 8 2. There is good cause to believe that defendants
9 MaxTheater, Inc. and Thomas L. Delanoy have engaged and
10 are likely to engage in acts or practices that violate
11 Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and
12 that the plaintiff is therefore likely to prevail on
13 ~~the merits of this action. The evidence set forth in~~

1 defendants due to the likelihood that advance notice of
2 this action will cause the defendants to evade service
3 of process and abscond with or destroy evidence. There
4 is good cause for relieving the Commission of the duty
5 to provide defendants with prior notice of the
6 Commission's motion.

7 4. Weighing the equities and considering the
8 plaintiff's likelihood of ultimate success, a temporary
9 restraining order requiring an immediate accounting of
10 assets, preserving business records, and providing
11 other equitable relief is in the public interest and

... ..

1 scope to the usage of the term in Federal Rule of
2 Civil Procedure 34(a), and includes writing,
3 drawings, graphs, charts, Internet sites, Web
4 pages, Web sites, electronic correspondence,
5 including e-mail and instant messages,
6 photographs, audio and video recordings, computer
7

1 G. "Anti-spyware' product" means any product,
2 however denominated, including but not limited to
3 "SpywareAssassin," that does or purports to
4 identify, monitor, remove, block, or otherwise
5 prevent spyware from residing on a computer.
6

7 CONDUCT PROHIBITIONS

8 I.

9 ~~the defendants and those~~

1 FINANCIAL REPORTS AND ACCOUNTING

2 III.

3 IT IS FURTHER ORDERED that defendants Thomas Delaney
4 and MaxTheater, Inc., within one (1) day of the show cause
5 hearing, shall:

6 A. Provide the Commission with completed financial
7 statements, verified under oath and accurate as of the date of
8 entry of this Order, on the forms attached to this Order as
9 Attachment A for individual defendant Thomas Delaney and
10 Attachment B for corporate defendant MaxTheater, Inc.;

11 B. Provide the Commission with a full accounting,
12 ~~verified under oath and accurate as of the date of entry of this~~

1 accountant, financial planner, investment advisor, stock broker,
2 or other person who provided financial, business, or tax advice
3 or services since January 1, 2003;

4 D. Provide the Commission with a full accounting,
5 as of the date of entry of this

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PRESERVATION OF RECORDS

IV.

IT IS FURTHER ORDERED that the defendants, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are

1 personal income or property tax returns, and other documents or
2 records of any kind that relate to the business practices or
3 business or personal finances of the defendants.

4 **RECORD KEEPING/BUSINESS OPERATIONS**

5 **v.**

6 ~~IT IS HEREBY ORDERED that defendants Thomas Delanov~~

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1 consumer reporting agency may furnish a consumer report

2 concerning defendants Thomas Delaney and MaxTheater Inc to

ORDER TO SHOW CAUSE REGARDING

PRELIMINARY INJUNCTION

XI.

IT IS FURTHER ORDERED, pursuant to Federal Rule of

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