IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

1522838 ONTARIO INC., a corporation, d/b/a International Industrial Trade Directory,

1. This Court has jurisdiction over the subject matter of this case and over the
parties;
2. Venue properly lies with this Court;
3. There is good cause to believe that Defendants 1522838 Ontario Inc., d/b/a
International Industrial Trade Directory, Gerhard Mintz, alkla Gerry Mintz, William George Fisk, alk/a Michael Robert Petreikis, ak/a Michael Kelly, and Emma G. Wanjiku, have engaged in, and are likely to engage in, acts and practices that violate Section 5(a) of the FTC Act, 15 U.S.C. 3 45(a), and that the Commission is likely to prevail on the merits of this action;
4. There is good cause to believe that immediate and irreparable harm will result
from Defendants' ongoing violations of Section 5(a) of the FTC Act unless Defendants are restrained and enjoined by order of this Court;
5. There is good cause to believe that immediate and irreparable damage to the
Court's ability to provide effective final relief for consumers in the form of monetary restitution will occur from the sale, transfer, assignment, or other disposition or concealment by Defendants of their assets or records unless Defendants are immediately restrained and enjoined by order of this Court. Therefore, there is good cause for the entry of the ancillary relief contained in this Order, including freezing the Defendants' assets and prohibiting the Defendants from destroying records;
6. There is good cause for issuing this Order pursuant to Fed. R. Civ. P. 65(b);
7. Weighing the equities and considering the Commission's likelihood of ultimate
success, a temporary restraining order with asset freeze, expedited discovery, and other equitable relief is in the public interest; and

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8. No security is required of any agency of the United States for issuance of a
temporary restraining order. See Fed. R. Civ. P. 65(c).
DEFINITIONS
1. "Plaintiff' means the Federal Trade Commission.
2. "Defendant" or "Defendants" means 1522838 Ontario Inc., d/b/a International
Industrial Trade Directory, Gerhard Mintz, aMa Gerry Mintz, William George Fisk, aMa Michael Robert Petreikis, a/Ma Michael Kelly, and Emma G.

or arranging for the formulation or provision of, any sales script or any other marketing material;
(3) providing names of, or assisting in the generation of, potential customers; or (4) performing marketing services of any kind.
ORDER
I. PROHIBITED BUSIMESS ACTIVITIES IT IS THEREFORE ORDERED that Defendants, and their officers, agents, directors, servants, employees, salespersons, independent contractors, attorneys, corporations, subsidiaries, affiliates, successors, and assigns, and all other persons or entities in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other device, or any of them, in connection with the advertising, promotion, offering for sale, sale, or provision of any good or service, including, but not limited to, business and travel directory listings, business and travel directory advertising, office supplies, and consulting services, are temporarily restrained and enjoined from:
A. Misrepresenting, expressly or by implication, that consumers have a preexisting
business relationship with Defendants;
B. Misrepresenting, expressly or by implication, that consumers have agreed to
purchase: (1) business directory advertisements or listings, (2) travel directory advertisements or listings; (3) office supplies, or (4) consulting services;
C. Misrepresenting, expressly or by implication, that consumers owe money to
defendants for: (1) business directory advertisements or listings, (2) travel directory advertisements or listings, (3) office supplies, or (4) consulting services;

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D. Mxrepresenting, expressly or by implication, that consumers purchased: (1)
business directory advertisements or listings, (2) travel directory advertisements or listings, (3) office supplies, or (4) consulting services;
E. Misrepresenting, expressly or by implication, the nature of Defendants'
relationship with consumers, and the purpose of their communication with consumers;
F. Misrepresenting, expressly or by implication, any fact material to a consumer's
decision to purchase any good or service;
G. Assisting others who violate any provision of Subsection A through F of this
Section.
11. ASSET FREEZE
IT IS FURTHER

a. In the actual or constructive possession of any Defendant; or
b. Owned or controlled by, or held, in whole or in part for the benefit
of, or subject to access by, or belonging to, any Defendant; or
c. In the actual or constructive possession of, or owned or controlled
by, or subject to access by, or belonging to, any corporation, partnership, trust or any other entity directly or indirectly owned, managed, or controlled by, or under common control with, any Defendant, including, but not limited to, any assets held by or for any Defendant at any bank or savings and loan institution, or with any broker-dealer, escrow agent, title company, commodity trading company, precious metal dealer, common carrier, credit card processing agent, customs broker, commercial mail receiving andor forwarding agency, commercial freight holding andor forwarding agency, or other financial institution or depository institution of any kind either within or outside the territorial United States;
2. Opening or causing to be opened any safe deposit boxes titled in the name
of any Defendant, or subject to access by any Defendant or under any Defendant's control, without providing Plaintiff prior notice and a reasonable opportunity to first inspect the contents in order to determine that they contain no assets covered by this Section;
3. Cashing any checks or depositing any payments received from customers
of Defendants;
4. Incurring

agreement with counsel for the Commission; provided that no attorney's fees or living expenses, other than those set forth in Subsection B of this Section, and only in accordance with the procedures set forth in Subsection B of this Section, shall be paid from funds or other assets subject to this Order until the financial statements required by Section III are provided to counsel for the Commission;
B. Notwithstanding the above, any Defendant may pay from his personal funds
reasonable, usual, ordinary, and necessary living expenses and attorney's fees, not to exceed $1,000, prior to the submission of the financial statements required by Section III. No such expenses, however, shall be paid from funds subject to this Order except from cash on the person of any Defendant, or from an account designated by prior written agreement with counsel for the Commission; and
C. The funds, property, and assets affected by this Section shall include both existing
assets and assets acquired after the effective date of this Order, including without limitation, those acquired by loan or gift. Defendants shall hold all assets, including without limitation, payments, loans, and gifts, received after service of this Order.
111. FINANCIAL STATEMENTS
IT IS FURTHER ORDERED that no later than five (5) business days after service of
this Order, each Defendant shall provide to counsel for the Commission:
A. A completed financial statement, accurate as of the date of service of this Order,
on the form served on Defendants with this Order, for such Defendant individually, and for each corporation or business entity under which such Defendant conducts business or of which such Defendant is an officer, and for each trust of which such Defendant is a trustee. Said financial

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statement shall include assets held outside the territory of the United States. Defendants shall attach to their completed financial statements copies of all local, state, provincial, and federal income and property tax returns, with attachments and schedules as called for by the instructions to the financial statements;
B. A completed statement, verified under oath, of all payments, transfers, or
assignments of funds, assets, or property worth $1,000.00 or more since January 1,2005. Such statement shall include: (1) the amount transferred or assigned; (2) the name, address, and telephone number of each transferee or assignee; (3) the date of the assignment or transfer; and
(4) the type and amount of consideration paid by or to the Defendant. Each statement shall specify the name and address of each financial institution or brokerage the

property, or other assets held by or under such entity's or person's control:
1. On behalf of, or for the benefit of, any Defendant or other party subject to
Section IT above;
2. In any account maintained in the name of, or subject to withdrawal by, any
Defendant or other party subject to Section II above; and
3. That are subject to access or use by, or under the signatory power of, any
Defendant or other party subject to Section D[ above;
B. Deny access to any safe deposit boxes that are either:
1. Titled in the name, individually or jointly, of any Defendant or other party
subject to Section TI above; or
2. Subject to access by any Defendant or other party subject to Section 11
above;
C. Provide to counsel for the Commission, within three (3) business days, by
facsimile or by overnight delivery, a sworn statement setting forth:
1. The identification of each account or asset titled in the name, individually
or jointly, or held on behalf of, or for the benefit of, any Defendant or other party subject to Section 11 above, whether in whole or in part;
2. The balance of each such account, or a description of the nature and value
of such asset, as of the close of business on the day on which this Order is served, and if the account or other asset has been closed or removed, the date closed or removed, the total funds removed in order to close the account, and the name of the person or entity to whom such account or other asset was remitted; and

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3. The identification and location of any safe deposit box that is either titled
in the name of, individually or jointly, or is otherwise subject to access or control by, any Defendant or other party subject to Section 11 above, whether in whole or in part;
D. Within five (5) business days of a request from the FTC, provide to the FTC
copies of all records or other documents pertaining to such account or asset, including, but not limited to, originals or copies of account applications, account statements, signature cards, checks, drafts, deposit tickets, transfers to and from the accounts, all other debit and credit

servants, employees, salespersons, independent contractors, attorneys, corporations, subsidiaries, affiliates, successors, and assigns, and all other persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether

C. 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 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, and employees; and (4) a detailed description of the business entity's intended activities.
VII. DISTRIBUTION OF ORDER BY DEFENDANTS IT IS FURTHER ORDERED that Defendants shall immediately provide a copy of this
Order to each affiliate, partner, division, sales entity, successor, assign, officer, director, employee, independent contractor, agent, attorney, and/or representative of any Defendant. Within five (5) calendar days following service of this Order by Plaintiff, Defendants shall serve on Plaintiff an affidavit identifying the name, title, address, telephone number, date of service, and manner of sewice of each person or entity Defendants served with a copy of this Order in compliance with this provision.
VIII. SERVICE OF ORDER IT IS FURTHER ORDERED that copies of this Order may be sewed by facsimile transmission, personal or overnight delivery, or by first class mail, by agents and employees of the Commission or any state, federal or international law enforcement agency, or by private process server, on: (1) Defendants; (2) any financial institution, entity, or person that holds, controls, or maintains custody of any documents or assets of any Defendant, or that held, controlled, or maintained custody of any documents or assets of any Defendant; or (3) any other

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sufficient if made by facsimile or by overnight delivery; and
B. Demand the production of documents, on five (5) calendar days' notice, from any person, whether or not a party, relating to the nature, status, or extent of Defendants' assets, or of their affiliates or subsidiaries; the location of documents reflecting the business transactions of Defendants, or of their affiliates or subsidiaries; the location of any premises where Defendants, directly or through any third party, conduct business operations; the Defendants' whereabouts; andlor the applicability of any evidentiary privileges to this action, provided that twenty-four (24) hours' notice shall be deemed sufficient for the production of any such documents that are maintained or stored only as electronic data.
XI. ORDER TO SHOW CAUSE REGARDING PRELIMINARY INJUNCTION

IT IS FURTHER ORDERED pursuant to Federal Rule of Civil Procedure 65(b), that Defendants shall appear before this Court, on the floor of the Dirksen Federal Courthouse, 219 South Dearborn Street, Chicago, Illinois, on the /Wday of

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- d ,2006, at ) o'clock 4.m., to show cause, if there is any, why this - Court should not enter a preliminary injunction, pending final ruling on the Complaint against Defendants, enjoining them from further violations of Section 5(a) of the E;TC Act, 15 U.S.C. 3 45(a), continuing the freeze of their assets, and imposing such additional relief as may be appropriate.
Provided that Defendants must file with the Clerk's Office and deliver to the E;TC any memoranda and evidentiary materials in response to the Order to Show Cause Why a Preliminary Injunction Should Not Issue no later than seventy-two (72) hours prior to the time scheduled for the hearing. The Commission may file responsive or supplemental pleadings, materials,

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affidavits, or memoranda with the Court and serve the same on counsel for Defendants no later than twenty-four (24) hours prior to the scheduled preliminary injunction hearing. An evidentiary hearing on the Commission's request for a preliminary injunction is not necessary unless Defendants demonstrate that they have, and intend to introduce, evidence that raises a genuine and material factual issue. See, e.g., In re Aimster Copyright Litigation, 334 F.3d 643, 653-54 (7th Cir. 2003), cert. denied, 540 U.S. 1107 (2004); Promatek Indus., Ltd. v. Equitrac Cop, 300 F.3d 808, 814 (7th Cir. 2002); and
Provided further that, if any party to this action intends to present the testimony of any witness at the preliminary injunction hearing, that party shall, at least seventy-two (72) hours prior to the scheduled hearing, file with the Court and serve on all other parties a statement disclosing the name, address, and telephone number of any such witness, and either a summary of the witness' expected testimony or the witness' affidavit or declaration revealing the substance of such witness' expected testimony.
XII. SERVICE UPON PLAINTIFF IT IS FURTHER ORDERED

XIII. DURATION OF TEMPORARY RESTRAINING ORDER

IT IS FURTHER ORDERED that the Temporary Restraining Order granted herein
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shall expire on cG ,2006, at-H:59-pm., unless, within such time, for good

cause shown, the Order is extended, or unless, as to any Defendant, the Defendant consents that it should be extended for a longer period of time, as provided by Fed. R. Civ. P. 65.
XIV. RETENTION OF JURISDICTION

IT IS FURTJ3ER ORDERED that this Court shall retain jurisdiction of this matter for
all purposes.
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IT IS SO ORDERED, this day of Lz' ,2006,att'@~.m.

United States District Judge

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any of the above Defendants, in whole or in part, or at which I, or any of the above Defendants, have an account of any kind upon which I am authorized to draw, and its officers, employees and agents, to disclose all information and deliver copies of all documents of every nature in its possession or control which relate to the said accounts to any attorney of the Federal Trade Commission, and to give evidence relevant thereto, in the above captioned matter, FTC v. 1522838 Ontario Inc., et al., now pending in the United States District Court for the Northern District of Illinois, and this shall be irrevocable authority for so doing. This direction is intended to apply to the laws of countries other than the United States of America which restrict or prohibit the disclosure of bank or other financial information without the consent of the holder of the account, and shall be construed as consent with respect thereto, and the same shall apply to any of the accounts for which I may be the relevant principal.

Dated: ,2006
[Signature]

[Print Name]

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