

Sealed

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
Case No. 07-CV-61152

2007 AUG 16 AM 10:49

CLARENCE J. ...
CLERK U.S. DIST. CT.
S.D. OF FL.-MIAMI

FEDERAL TRADE COMMISSION,

Plaintiff,

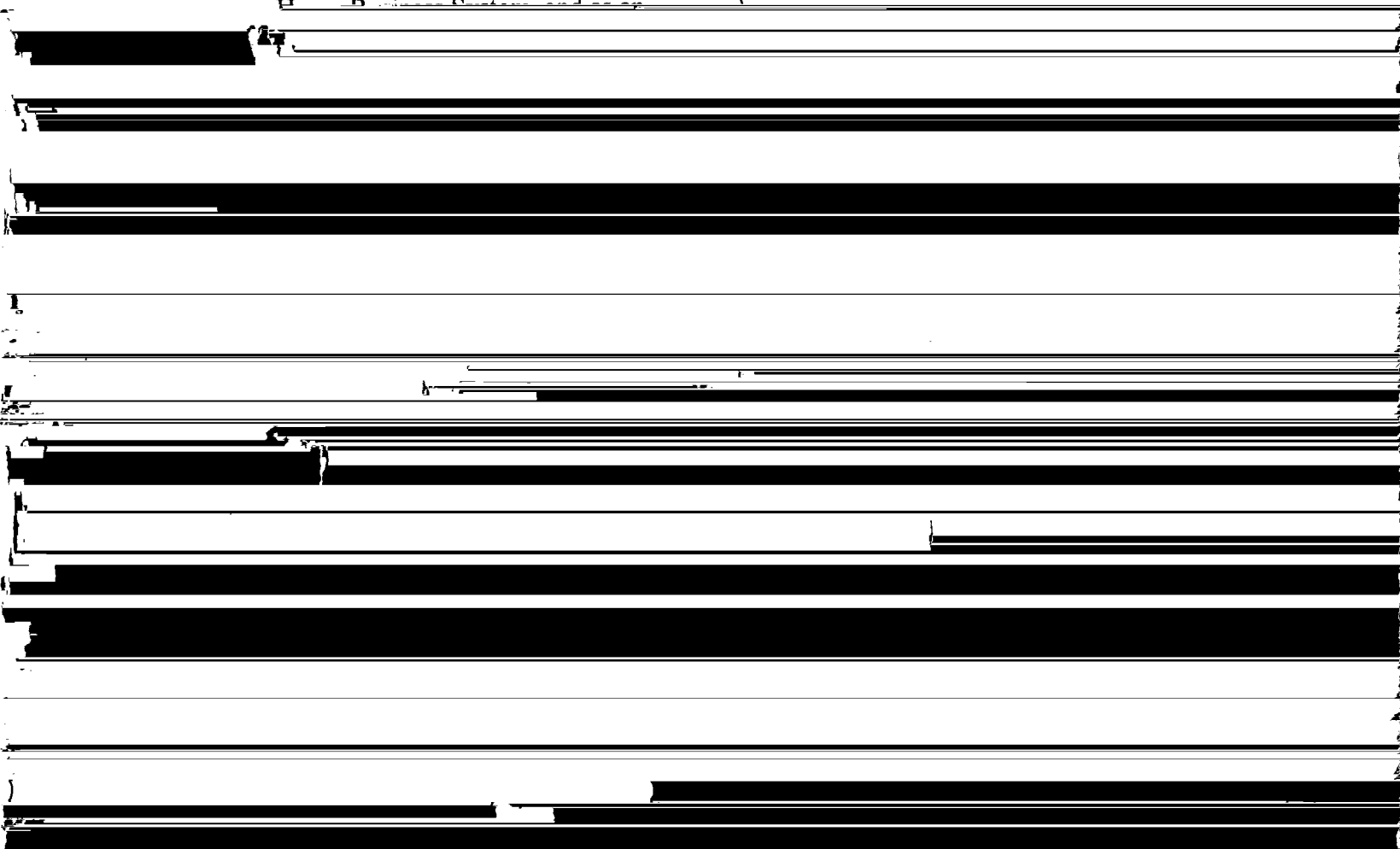
v.

INTEGRITY MARKETING TEAM, INC.,
a Florida Corporation doing
business as Home Business System;

BYRON PETERSON, an individual doing
business as Home Business System;
and

MIN SUNG KIM, an individual doing business

TEMPORARY RESTRAINING
ORDER WITH ASSET FREEZE
AND OTHER EQUITABLE RELIEF



2. The Complaint states a claim upon which relief may be granted under Sections 5(a) and 13(b) of the FTC Act, 15 U.S.C. §§ 45(a) and 53(b);

3. Venue properly lies with this Court;

Byron Peterson, and Min Sung Kim, doing business as Home Business System ("HBS"), have

7. Good cause exists for ordering Defendants to provide an accounting of their business as set forth herein;

8. There is good cause for issuing this Order pursuant to Federal Rule of Civil Procedure 65(b) and for relieving the Plaintiff of the duty to provide Defendants with prior notice of the Plaintiff's motion. The Commission has not provided notice to Defendants due to the likelihood that advance notice of this action will lead to the same irreparable harm, including the dissipation of assets and destruction of evidence, that the Commission seeks to prevent through its application for an ex parte temporary restraining order. The Commission's request for this emergency ex parte relief is not the result of any the lack of any diligence on the part of the

located.

and Min Sung Kim, and each of them, doing business as "Home Business System," or by whatever name each might be known.

3. **"Document"** is synonymous in meaning and equal in scope to the term, as defined in Federal Rule of Civil Procedure 34(a), and includes writings, drawings, graphs, charts, photographs, audio and video recordings, computer records, and other data compilations from which information can be obtained and translated, if necessary, through detection devices into

11 11. ~~Footnote 11. A draft copy or identical copy is a concrete document within the meaning~~

ORDER

[REDACTED]

IT IS THEREFORE ORDERED that, in connection with the advertising, promotion, offering for sale, sale or provision of any goods or services, including but not limited to offers for sale of any work-at-home opportunity, Defendants, as well as their successors, assigns, officers, agents, directors, servants, employees, salespersons, independent contractors, attorneys, corporations, subsidiaries, branches or business divisions, and all other persons or entities in active concert or participation with them who received actual notice of the Order by personal service or otherwise, whether acting directly or through any corporation, subsidiary, division or other entity, are hereby temporarily restrained and enjoined from making or assisting in the

~~making or assisting in the making or assisting in the making or assisting in the~~

[REDACTED]

[REDACTED]

[REDACTED]

II. ASSET FREEZE

IT IS FURTHER ORDERED that Defendants, as well as their successors, assigns, officers, agents, directors, servants, employees, salespersons, independent contractors, attorneys, corporations, subsidiaries, branches or business divisions, and all other persons or entities in

[REDACTED]

[REDACTED]

active concert or participation with them who received actual notice of the Order by personal service of otherwise, whether acting directly or through any corporation, subsidiary, division or other entity, are hereby temporarily restrained and enjoined from:

B. Opening or causing to be opened any safe deposit boxes, storage facilities, or commercial mail boxes titled in the name of, subject to access by, or under the control of any Defendant;

§ 817.03, Florida Statutes, which prohibits the issuance of any credit or debit card issued in the name

[REDACTED]

participation with them who received actual notice of the Order by personal service of otherwise, whether acting directly or through any corporation, subsidiary, division or other entity, including,

1. [REDACTED] Website or Web pages for any Defendant

shall:

1. Immediately take whatever steps may be necessary to ensure that Web sites or

assignment, removal, withdrawal, dissipation, sale or other disposal of any such account or other asset, except for transfers or withdrawals directed by further order of this Court;

B. Deny any person or entity access to any safe deposit box titled in the name of any Defendant or otherwise held for the benefit of or subject to access by any Defendant;

Section, the Commission may properly serve this Order on any financial or brokerage institution, business entity or person that holds, controls or maintains custody of any account or asset of any Defendant or has held, controlled or maintained custody of any account or asset of any Defendant

at any time since January 1, 2004, by facsimile transmission, hand delivery, or overnight carrier.

V. ACCOUNTING PROVISIONS

IT IS FURTHER ORDERED that Defendants shall, within forty-eight (48) hours of service of this Order (unless extended by written Court order), prepare and provide to counsel for the Commission:

A. A completed financial statement accurate as of the date of service of this Order upon each Defendant which shall include all financial information as requested by (1) the Financial

VI. REPATRIATION OF FOREIGN ASSETS AND DOCUMENTS

IT IS FURTHER ORDERED that, within five (5) business days following service of this Order (unless extended by written Court order), Defendants shall:

A. Repatriate to the United States all funds, documents or assets in foreign countries held either: (1) by any Defendant; (2) for the benefit of any Defendant; or (3) under the direct or indirect control, jointly or individually, of any Defendant;

B. The same business day as any repatriation, (1) notify counsel for the Commission of the name and location of the financial institution or other entity that is the recipient of such funds, documents or assets; and (2) serve this Order on any such financial institution or other entity;

C. Provide the Commission with a full accounting of all funds, documents, and assets outside of the territory of the United States held either: (1) by any Defendant; (2) for the benefit of any Defendant; or (3) under direct or indirect control, jointly or singly, of any Defendant; and

D. Provide the Commission with access to all records of accounts or assets of any Defendant held by financial institutions whether located outside the territorial United States or otherwise by signing the Consent to Release of Financial Records attached to this Order as

[REDACTED]

[REDACTED]

A. Sending any statement, letter, fax, e-mail or wire transmission, or telephoning or engaging in any other act, directly or indirectly, that results in a determination by a foreign trustee or other entity that a "duress" event has occurred under the terms of a foreign trust agreement,

[REDACTED]

Order; and

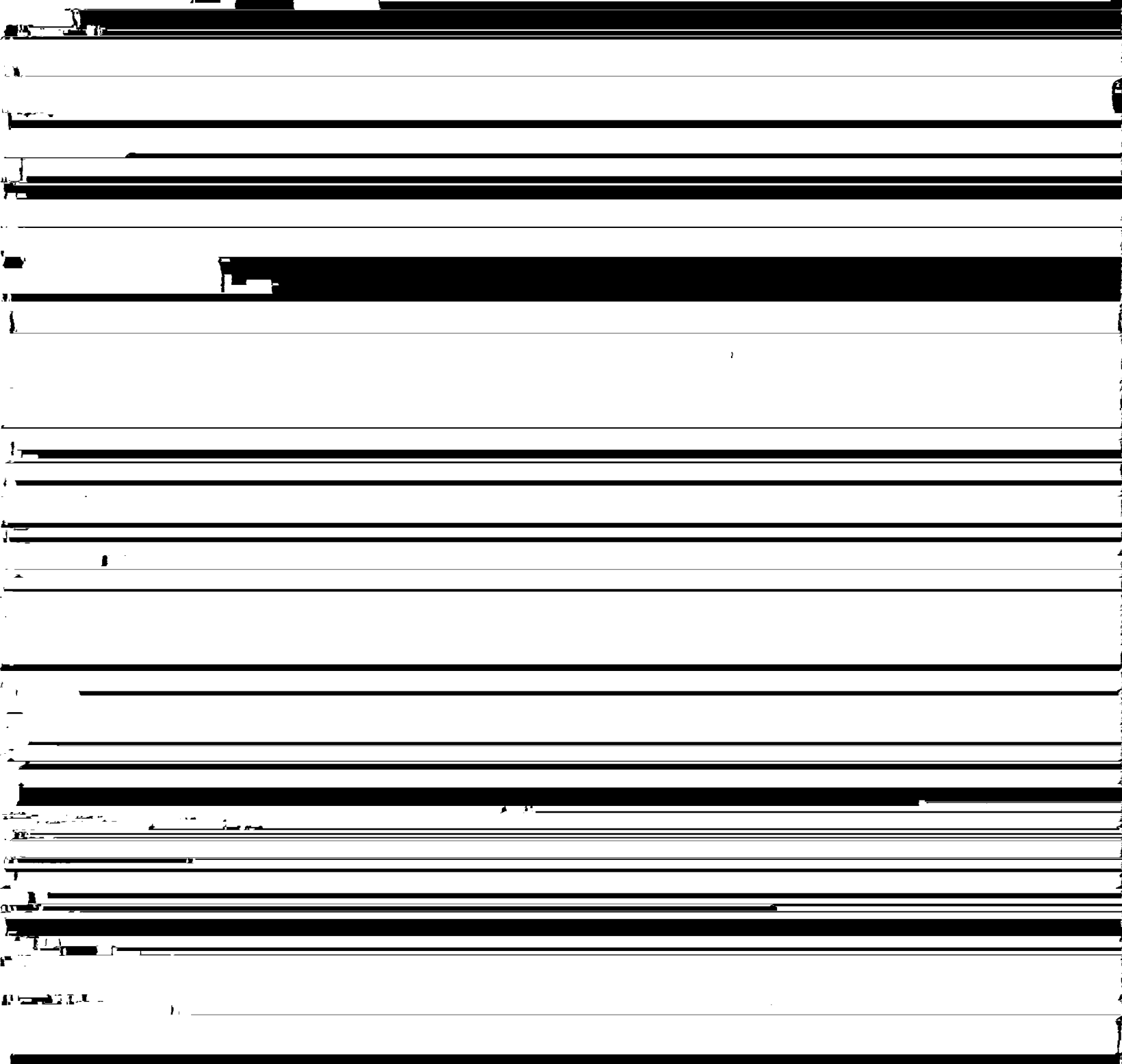
B. Notifying any trustee, protector or other agent of any foreign trust or other related entities of either the existence of this Order, or of the fact that repatriation is required pursuant to a Court Order, until such time as all assets have been fully repatriated pursuant to the preceding Section of this Order.

X. RECORD KEEPING/MAINTAINING BUSINESS RECORDS

IT IS FURTHER ORDERED that Defendants are hereby restrained and enjoined from:

A. Failing to create and maintain books, records, accounts, bank statements, current

books, journals, cash receipts ledgers, cash disbursements



XII. SERVICE OF ORDER

IT IS FURTHER ORDERED that copies of this Order may be served by any means, including facsimile transmission, upon any financial institution or other entity or person that may have possession, custody, or control of any documents or assets of any Defendant, or that may

financial institution or entity shall effect service upon the entire financial institution or entity.

Plaintiff's agents or employees may serve this Order upon each Defendant or other person that may be subject to any provision of this Order by serving a copy personally or by first class mail, overnight delivery, facsimile or electronic mail.

Defendants' counsel already on the line, at the above-noted time.

IT IS FURTHER ORDERED that a hearing on the Commission's request for a preliminary injunction, pending final ruling on the Complaint against said Defendants enjoining them from further violations of Section 5(a) of the Federal Trade Commission Act, 15 U.S.C. §

15(a) continuing the terms of their orders, and imposing such additional relief as may be

XVI. DURATION OF TEMPORARY RESTRAINING ORDER

IT IS FURTHER ORDERED that the Temporary Restraining Order granted herein shall expire at 3:00 p.m., on Thursday, August 23, 2007, unless, for good cause shown, the Temporary Restraining Order is extended or unless the Defendant consents that it should be extended for a longer period of time.

XVII. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction over this matter for all purposes.

IT IS SO ORDERED, in Chambers, Miami, Florida, this 15th day of August, 2007.



United States District Judge