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CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FEDERAL TRADE COMMISSION,)
)
)
)
Plaintiff,)
v.)
)
9107-4021 QUÉBEC, INC.,)
a corporation, also d/b/a Med Provisions,)
and Pronto Meds,)
)
and)
)
SAMEER MALHOTRA,)
individually and as an officer of the corporation,)
)
and)
)
POOJA MALHOTRA,)
individually and as an officer of the corporation,)
)
Defendants.)

1:08CV1051
Civ. No.

JUDGE NUGENT

**PROPOSED *EX PARTE* TEMPORARY RESTRAINING ORDER
WITH ASSET FREEZE, EXPEDITED DISCOVERY, AND ORDER TO SHOW CAUSE
WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE**

Plaintiff Federal Trade Commission (Commission) having filed its Complaint for a permanent injunction and other relief in this matter pursuant to Sections 13(b) and 19 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b) and 57b, and the Telemarketing and

for a temporary restraining order pursuant to Rule 65 of the Federal Rules of Civil Procedure, and the Court having considered the Complaint, Plaintiff's brief, exhibits and other materials filed in support thereof, and now being advised in the premises, finds as follows:

1. This Court has jurisdiction of the subject matter of this case and there is good cause

3. **“Corporate Defendant”** means 9107-4021 Québec, Inc. (also doing business as Med Provisions, Pronto Meds, and others) as well as its successors, assigns, officers, directors, agents,

servants, employees, salespersons, attorneys and those Persons or entities in active concert or participation with it who receive actual notice of this Order by personal service, facsimile, e-mail, publication or otherwise, whether acting directly or through any corporation, subsidiary, division

or other device.

4. **“Defendants”** means 9107-4021 Québec, Inc. (also doing business as Med Provisions, Pronto Meds, and others), Sameer Melhota, and Basia Melhota, and each of them as

- C. That Defendants provide a 30-day money back guarantee with the discount prescription drug package; or
- D. That Defendants will not charge Consumers' bank accounts if the Consumers cancel

II.

IT IS THEREFORE ORDERED that Defendants are hereby temporarily restrained and enjoined from violating any provision of the TSR, 16 C.F.R. Part 310, including, but not limited to, the following violations:

- A. Misrepresenting, directly or by implication, Material aspects of the performance, efficacy, nature, or central characteristics of the goods or services Defendants sell, including that Consumers will obtain substantial discounts on prescription drugs by

D. Engaging in, or causing others to engage in, initiating an outbound telephone call to

By [redacted] [redacted] [redacted] National Do Not Call Registry, thereby violating

16 C.F.R. § 310.4(b)(1)(iii)(B).

E. Initiating, or causing others to initiate, an outbound telephone call to a telephone number within a given area code without Defendants, either directly or through another Person, first paying the required annual fee for access to the telephone numbers within that area code that are included in the National Do Not Call Registry, thereby violating 16 C.F.R. § 310.8.

ASSET FREEZE

4. Owned by, controlled by or in the actual or constructive possession of, or otherwise held for the benefit of, any entity directly or indirectly owned,

are not limited to, any Assets held by, for or under the name of any Defendant at any bank, broker, dealer, escrow agent, title company, commodity trading company, precious metal dealer, or other financial institution of any kind.

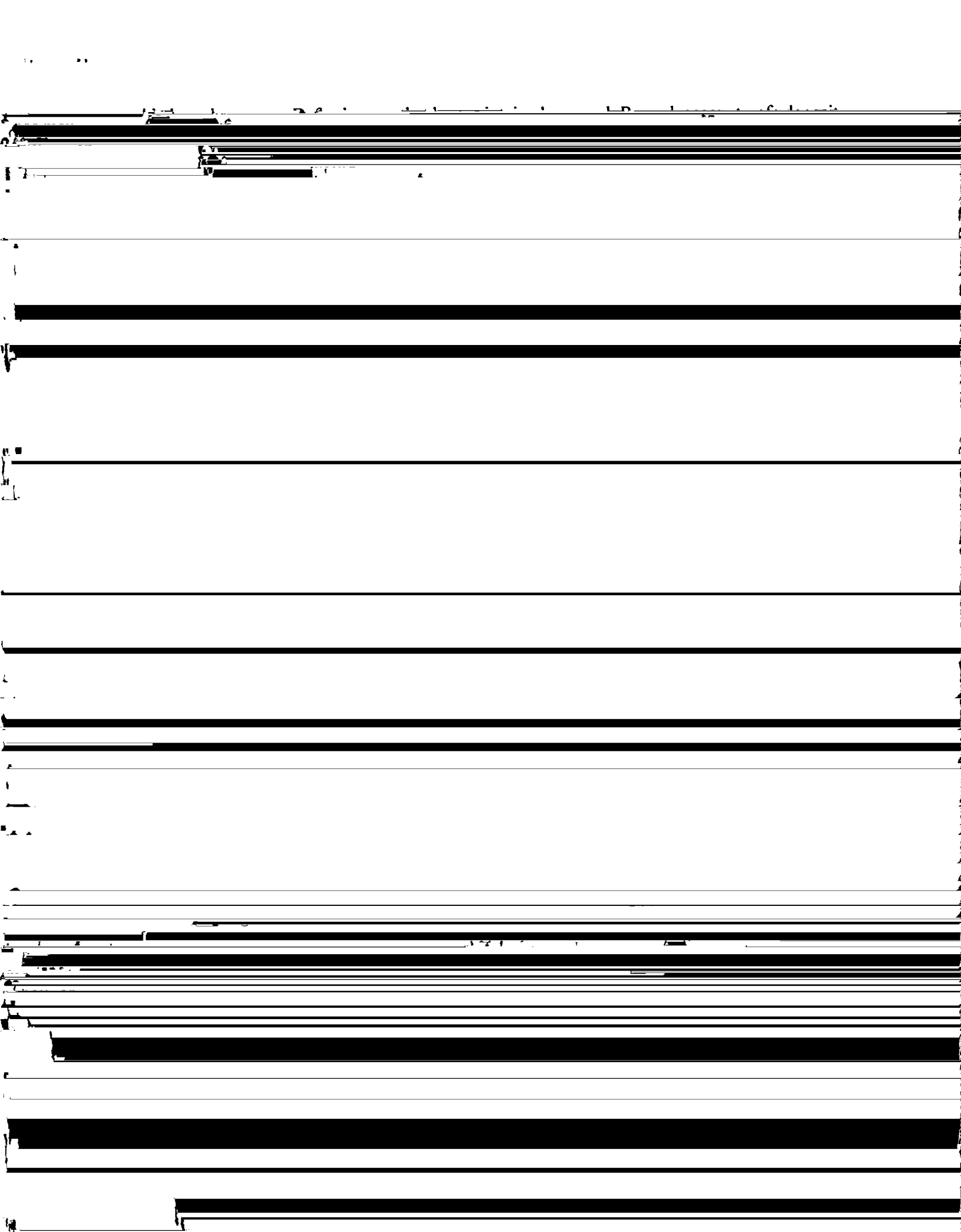
- B. Opening or causing to be opened any new or existing safe deposit boxes, post office box or commercial mail box titled in the name of any Defendant or subject to access by any Defendant without providing Plaintiff prior notice and opportunity to inspect the contents in order to determine that they contain no Assets covered by this section

PROVIDED, HOWEVER, that nothing in this Order shall prohibit any reversals of bank charges that occur in the ordinary course of business as required by any applicable banking laws or regulations.

FINANCIAL REPORTING

IV

IT IS FURTHER ORDERED that, within three (3) days of receiving service of this Order, each Defendant shall prepare and deliver to the Court and counsel for the Commission a completed

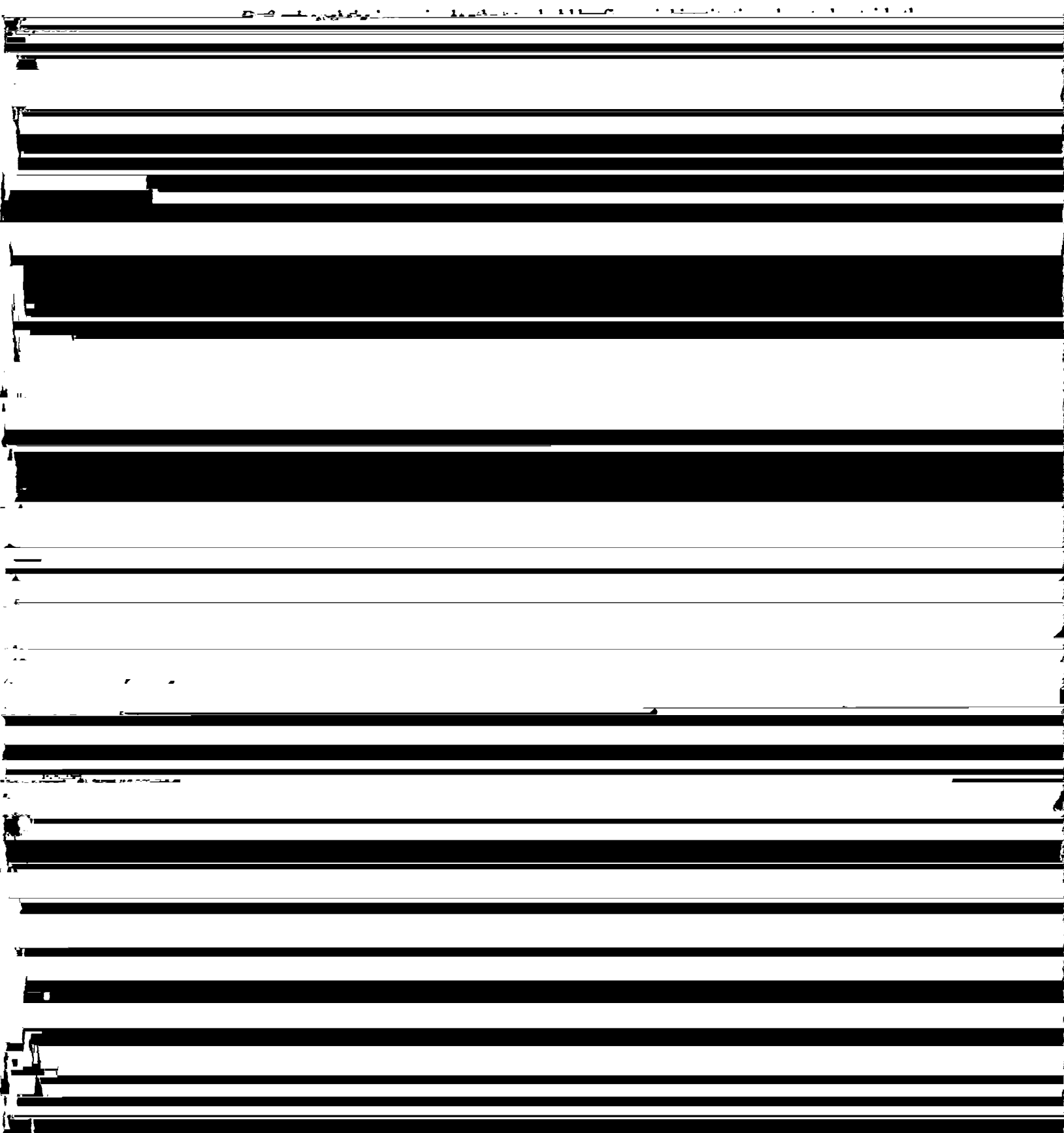


2. Allow Commission representatives immediate access to inspect and copy all Records

3. Grant Commission access to all Documents relating to management of depositors' assets

4. Amend Commission's Rules of Procedure to provide for Commission's access to this Bank's records

C. Provide the Commission with access to all Records of accounts or Assets held by or for the benefit of any Defendant, or under the direct or indirect control of any



the Federal Rules of Civil Procedure. Any interrogatories served pursuant to this Part VII shall not be counted toward any limit on the number of interrogatories under the Federal Rules of Civil

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[REDACTED]

relate to Defendants' business practices or business or personal finances from January 1, 2006, forward.

NOTICE

IX

IT IS FURTHER ORDERED that Defendants shall immediately provide a copy of this Order to each of the Corporate Defendant's affiliates, franchises, subsidiaries, divisions, successors, assigns, directors, officers, managing agents, employees, representatives and independent contractors and shall, within three (3) business days from the date of service of this Order, serve on the Commission affidavits identifying the names, titles, addresses and telephone numbers of the

Persons and entities whom they have served pursuant to this provision.

CREDIT REPORTS

X

IT IS FURTHER ORDERED, that the Commission may obtain credit reports concerning Individual Defendants pursuant to Section 604(a)(1) of the Fair Credit Reporting Act, 15 U.S.C. §

requested shall provide it to the Commission

CORRESPONDENCE

XV

For purpose of this Order, all correspondence and service of pleadings on Plaintiff shall be addressed to:

MICHAEL MILGROM, ESQ.
Federal Trade Commission
East Central Region
111 Superior Avenue, Suite 200

Cleveland, Ohio 44114-2507
Phone (216) 263-3419 / Fax (216) 263-3426
mmilgrom@ftc.gov

SERVICE OF THIS ORDER

XVI

IT IS FURTHER ORDERED that, pursuant to Federal Rule of Civil Procedure 4(c)(2), this Order and other initial pleadings and papers filed in this matter may be served by employees of the Commission, by employees of any other law enforcement agency, and by agents of any process server retained by the Commission, upon any Defendant, upon the business premises of any

PRELIMINARY INJUNCTION SHOW-CAUSE HEARING

XVII

IT IS FURTHER ORDERED that Defendants shall appear before this Court at the United States courthouse located at 801 W. Superior Ave Cleveland Ohio Room 15-A, on the 5th day of May, 2008, at 11:00 AM o'clock a.m./p.m., to show cause, if

any there by which this Court should not enter a preliminary injunction pending final ruling on the

complaint against Defendants—prohibiting them from further violations of Section 5(a) of the FTC

1. List each of the names, address, and telephone number of each proposed witness. a

b

2. Detailed summaries of depositions revealing the substance of each proposed witness' expected testimony.