

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

Case No. 8:08-cv-1735-T-33TBM

UNITED HOME SAVERS, LLP, a Florida limited liability partnership, STEPHANIE DIETSCHY, individually and as a partner, officer and/or manager of United Home Savers, and DARIN DIETSCHY, individually and as a partner, officer and/or manager of United Home Savers,

Defendants.

**TEMPORARY RESTRAINING ORDER WITH ASSET FREEZE
AND OTHER EQUITABLE RELIEF AND ORDER TO SHOW CAUSE
WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE**

Plaintiff, the Federal Trade Commission (“Commission or “FTC”), having filed its Complaint for Injunctive and Other Equitable Relief pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC ACT”), 15 U.S.C. § 53(b), having moved for a temporary restraining order and preliminary injunction under Rule 65 of the Federal Rules of Civil Procedure, Fed. R. Civ. P. 65, and having notified Defendants of the proposed filing of the Complaint and Motion for Temporary Restraining Order, and the Court, having considered the complaint, declarations, exhibits, and memorandum of points and authorities filed in support thereof, and now being advised in the premises, finds that:

1. This Court has jurisdiction over the subject matter of this case and there is good cause to believe that the Court will have jurisdiction over all of the parties.
2. There is good cause to believe that Defendants, United Home Savers, LLP, Stephanie Dietschy, and Darin Dietschy, have engaged in and are likely to continue to engage in acts and practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), by making misrepresentations of material fact when marketing mortgage foreclosure rescue services. Specifically, there is good cause to believe that Defendants have represented, expressly or by implication, and continue to represent, expressly or by implication, that (1)

Court.

4. There is good cause to believe that immediate and irreparable injury, loss, or damage to the Court's ability to grant

I. PROHIBITED BUSINESS ACTIVITIES

A. **IT IS HEREBY ORDERED** that, in connection with the advertising, marketing, promotion, offering for sale, or sale of any goods or services, including, but not limited to, mortgage foreclosure rescue services, Defendants, and officers, agents, directors, servants, employees, salespersons, and attorneys of Defendants, as well as all other persons or entities in active concert or participation with them, who receive actual notice of this Order by personal service or otherwise, are hereby temporarily restrained and enjoined from making any express or implied representation of material fact that is false or misleading, in any manner, orally or in writing, to any consumer, including, but not limited to, any false or misleading representation that (1) Defendants will stop foreclosure in all or virtually all instances or (2) Defendants will refund most of the consumers' fees in all instances where foreclosure is not stopped.

B. **IT IS FURTHER ORDERED** that, if Defendants represent that they will refund all or part of any fees or other monies to consumers, Defendants are enjoined from failing to honor that refund.

II. PROHIBITION ON RELEASE OF CUSTOMER INFORMATION OR CUSTOMERS LISTS

IT IS FURTHER ORDERED that Defendants, and officers, agents, directors, servants, employees, salespersons, and attorneys of Defendants, as well as 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, are hereby temporarily

restrained and enjoined from selling, renting, leasing, transferring, or otherwise disclosing the name, address, telephone number, credit card number, bank account number, e-mail address, or other identifying information of any person who paid money to any of the Defendants for purchase of any good or service or who were contacted or on a list to be contacted by any of the Defendants; provided that Defendants may disclose such identifying information to a law enforcement agency or as required by any law, regulation, or court order.

III. ASSET FREEZE

IT IS FURTHER ORDERED that Defendants, and officers, agents, directors, servants, employees, salespersons, and attorneys of Defendants, as well as all other persons or entities in active concert or participation with them, who receive actual notice of this Order by personal service or otherwise, are hereby restrained and enjoined from:

A. Assigning, concealing, converting, disbursing, dissipating, encumbering, liquidating, loaning, pledging, selling, spending, transferring, withdrawing, granting a lien or security interest or other interest in, or otherwise disposing of any funds, real or personal property, accounts, artwork, jewelry, automobiles, coins, consumer lists, contracts, precious metals, shares of stock, uncashed checks, or other assets, wherever located, that are: (1) owned or controlled by any Defendant, in whole or in part; (2) in the actual or constructive possession of any Defendant; (3) held by an agent of any Defendant as a retainer for the agent's provision of services to any Defendant; or (4) owned, controlled by, or in the actual or constructive possession of, or otherwise held for the benefit of, any corporation, partnership or other entity directly or indirectly owned, managed, or controlled by, or under

common control with, any Defendant, including, but not limited to, any asset held by or for any Defendant in any account at any bank or savings and loan institution or credit card processing agent, or with any broker-dealer, escrow agent, title company, commodity trading company, precious metal dealer, merchant account processor, check processor, money broker, or other financial institution or organization of any kind;

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

C. Incurring charges or cash advances on any credit card, debit card, or lines of credit issued in the name, individually or jointly, of any Defendant;

D. Obtaining a personal or secured loan; and

E. Incurring liens or other encumbrances on real property, personal property, or other asset held in the name, individually or jointly, of any Defendant.

Provided, that the assets affected by this Section shall include: (1) all of the assets of the Defendants existing as of the date this Order was entered, (2) all assets acquired by Corporate Defendant after the effective date of this Order, and (3) all assets acquired by Individual Defendants after the effective date of this Order that are derived from or otherwise related to the sale or offering for sale of mortgage foreclosure rescue services.

IV. DUTIES OF THIRD PARTY ASSET HOLDERS

IT IS FURTHER ORDERED that, effective immediately upon notification of this Order, any financial or brokerage institution, escrow agent, money market or mutual fund, title company, commodity trading company, common carrier, storage company, trustee, commercial mail receiving agency, merchant account processor, mail holding or forwarding

directors, principals, managers, and employees; and (4) a detailed description of the business entity's intended activities.

VI. PRODUCTION OF DOCUMENTS

IT IS FURTHER ORDERED that Defendants shall produce to Plaintiff within five business days all consumer complaints, sales scripts and any other scripts used by Defendants, lists of the names, addresses, and telephone numbers of all customers of Defendants and how much each customer paid to Defendants for their mortgage foreclosure services, and documents that state the annual sales volume of Defendants for each year in business.

VII. DISTRIBUTION OF ORDER BY DEFENDANTS

IT IS FURTHER ORDERED that Defendants shall immediately provide a copy of this Order to each affiliate, agent, partner, division, sales entity, successor, assignee, officer, director, employee, independent contractor, spouse, Internet web host or master, agent, attorney, and/or representative of Defendants and shall, within ten (10) days from the date of entry of this Order, serve upon counsel for the Commission a sworn statement that the Defendants have complied with this provision of this Order, which statement shall include the names and addresses of each such person or entity who has received a copy of the Order.

VIII. FINANCIAL REPORTS

IT IS FURTHER ORDERED that each Defendant shall, within five (5) days of service of this 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 Defendants, which shall include all financial information requested by the Financial Statement of Individual Defendant, appended as Attachment A, and Financial Statement of Corporate Defendant, appended as Attachment B, for each business entity under which they conduct business, or of which they are an officer or member, and for each trust of which they are a trustee. The financial statements shall be accurate as of the date of entry of this Order and shall be verified under oath; and

B. The name, address and telephone number of each accountant, financial planner, investment advisor, stock broker or other individual, corporation, or partnership whom they hicship D.sJ0.0008 Tc -0.0008 Twpip 0.0005 Tc000tax009 TC235-VMCEJ09 TC2305 Tc000tax

the Defendant's benefit; or (3) under the Defendant's direct or indirect control, individually or jointly.

X. INTERFERENCE WITH REPATRIATION

IT IS FURTHER ORDERED that Defendants are hereby temporarily restrained and enjoined from taking any action, directly or indirectly, which may result in the encumbrance or dissipation of foreign assets, or in the hindrance of the repatriation required by the preceding Section of this Order, including, but not limited to:

- A. Sending any statement, letter, fax, e-mail or wire transmission, or telephoning

financial institution or entity.

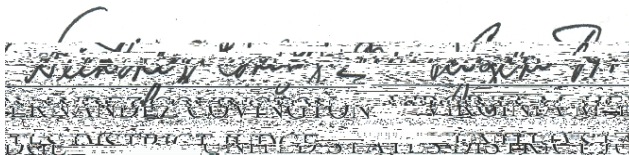
XII. CREDIT REPORTS

IT IS FURTHER ORDERED that the Commission may obtain credit reports concerning Defendants Stephanie Dietschy and Darin Diestchy pursuant to Section 604(a)(1) of the Fair Credit Reporting Act, 15 U.S.C. § 1681b(a)(1), and that, upon written request, any credit reporting agency from which such report is requested shall provide it to the Commission.

XIII. ORDER TO SHOW CAUSE REGARDING PRELIMINARY INJUNCTION

matter for all purposes.

DONE and **ORDERED** in chambers, in Tampa, Florida, this 4th day of September, 2008 at 2:10 p.m.

A handwritten signature in black ink is written over a rectangular stamp. The signature is cursive and appears to read "K. J. ...". The stamp is a rectangular box with a grid pattern, containing some illegible text and possibly a date or time stamp.

Copies: All Counsel of Record