

restitution, disgorgement and other equitable relief for Defendants' alleged violations of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and having moved the Court for the entry of a Temporary Restraining Order, the Court, based on the evidence before it including the evidence presented at the June 27, 2008 hearing on the FTC's Motion for Preliminary Injunction, hereby finds as follows:

1. This Court has jurisdiction over the subject matter of the case and over the parties. The Complaint states a claim upon which relief may be granted under Sections 5 and 13(b) of the FTC Act, 15 U.S.C. §§ 45, 53(b);
2. Venue properly lies with this Court;
3. There is good cause to believe that Defendants 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. § 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 damage will be done to the public; and

5. Weighing the equities and considering the Commission's likelihood of ultimate success, a Temporary Restraining Order is in the public interest.

The parties having stipulated to the terms of a Temporary Restraining Order to address the practices alleged by the FTC, and the Court finding the provisions of the stipulation reasonable in light of the deceptive and misleading practices alleged by the FTC,¹

PROHIBITED BUSINESS ACTIVITIES

IT IS HEREBY ORDERED as follows:

In connection with the advertising, marketing, offering for sale, sale or provision of any goods or services, including but not limited to, postal study materials, 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

¹ Defendants deny the Commission's allegations. Without waiving their defenses and in the interest of resolving the Commission's pending Motion for Temporary Restraining Order, Defendants have stipulated to the Prohibited Business Activities set forth in this Order.

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 misrepresenting, directly or indirectly, expressly or by implication, orally or in writing, any false or misleading statement or representation of material fact, including but not limited to the following:

- A. That Defendants are connected with, affiliated with or endorsed by the United States Postal Service;
- B. That postal jobs are currently available in any geographic location where Defendants' advertisements appear;
- C. That consumers who use Defendants' materials are more likely to pass a postal employment exam than those who do not use the materials; and
- D. That a passing score on a postal employment exam will guarantee consumers a job with the United States Postal Service.

MAINTENANCE OF RECORDS

IT IS HEREBY FURTHER ORDERED,

To maintain the status quo, Defendants are hereby restrained and enjoined from:

- A. Destroying, erasing, mutilating, concealing, altering, transferring, or otherwise disposing of, in any manner, directly or indirectly, any books, records, tapes, discs, accounting data, checks (fronts and backs), correspondence, forms, advertisements, website designs and texts, telemarketing scripts or outlines, brochures, manuals, banking records, customer lists, customer files, customer payment histories, invoices, telephone records, ledgers, payroll records, or other documents of any kind, including electronically stored information, in their possession, custody, or control that relate to the business practices or business or personal finances of any Defendant from January 1, 2005, to the present; and

B. Failing to create and maintain books, records, accounts, bank statements, accountants' reports, cash disbursement ledgers, cash receipt ledgers, general journals, general ledgers, documents indicating title to real or personal property, and any other data that, in reasonable detail, accurately, completely, and fairly reflect the Defendants' incomes, disbursements, transactions, and use of funds.

FURTHER NEGOTIATIONS BY PARTIES

IT IS HEREBY FURTHER ORDERED,

The parties, prior to a preliminary injunction hearing, are directed to attempt


property⁷ data

if appropriate, to persons who suffer losses as a result of the conduct in which Defendants are alleged in this action to have wrongfully engaged.

The parties shall, on or before noon on July 15, 2008, present to the Court for its consideration their agreement upon the terms and conditions for the engagement of a temporary monitor and the establishment of an escrow account of security and a list of three (3) monitors candidates.

IT IS HEREBY FURTHER ORDERED that the Temporary Restraining Order will remain in effect until the Court rules on the FTC motion for entry of a preliminary injunction. At the parties' request, a hearing on the Plaintiff's request for a preliminary injunction will be set after July 31, 2008.

SO ORDERED this 8th day of July, 2008.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE