

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

**U.S. WORK ALLIANCE, INC.,
a Nevada corporation, doing
business as Exam Services,**

**TYLER FRANKLIN LONG,
individually, and as owner, officer,
director, or manager of above-
listed corporation, and**

**BRENDA M. LONG,
individually, and as owner, officer,
director, or manager of above-
listed corporation,**

Defendants.

Case No. 1: 08-CV-2053-WSD

SUPPLEMENT TO JULY 8, 2008 TEMPORARY RESTRAINING ORDER

Before the Court for consideration is the appointment of a person to monitor the Defendants' compliance with the Court's July 8, 2008 Temporary Restraining Order. Having considered the monitors recommended by the parties and the

proposed scope of the monitor's duties, the Court enters this supplement to the Court's July 8, 2008 Order.

I. APPOINTMENT OF MONITOR

IT IS HEREBY ORDERED that Michael J. O'Leary (the "Monitor") is appointed to monitor Defendants' compliance with the "Prohibited Business Activities" provision of the Order entered by the Court on July 8, 2008. The activities subject to monitoring include, but are not limited to, Defendant U.S. Work Alliance, Inc.'s ("Alliance"), Tyler Long's or Brenda Long's (collectively the "Defendants") prohibition from directly or indirectly, expressly or impliedly, representing, suggesting or misleading persons to understand or believe:

- 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 for postal examination preparation materials appear;
- C. That consumers who use Defendants' materials are more likely to pass a postal employment examination than those who do not use the materials; and

- D. That a passing score on a postal employment examination will guarantee an individual a job with the United States Postal Service.

To insure that actual, potential, or prospective customers of Defendants are not misled, the Monitor shall assure that Defendants, in all oral, electronic or written advertisement, solicitations or communications, plainly and conspicuously state that the Defendants are not affiliated with, under contract to, endorsed by, or approved by the United States Postal Service.

To enable the Monitor to fulfill his monitoring responsibilities under this Order, Alliance and defendants Tyler F. Long and Brenda M. Long¹ shall cooperate with the Monitor in the performance of his duties, including by:

- A. Providing the Monitor with documents, and any other materials in whatever form they may exist (whether in tangible, electronic or in any other form) (the “Documents”) that are requested by the Monitor and

¹ Defendant Brenda M. Long has represented to the Court, under oath, that she does not have any current connection with or responsibility for any of the business activities that are the subject of this action. The Monitor should assure that these representations are accurate.

which Alliance, Tyler Long or Brenda Long have possession, custody or control over, including those Documents in the possession, custody or control of another person or entity to which Defendants can obtain access.

- B. Copying any Documents requested by the Monitor.² If any Defendant objects to the production of Documents on the grounds of any legal privilege, the objection shall be filed with the Court within five (5) days of the Monitor's request for production. A copy of the Documents to which Defendant objects shall be hand-delivered to the Court when the objection is filed. The Documents to which an objection is asserted are not

² The Monitor shall advise the FTC and the Defendants of any Documents the Monitor receives from Defendants or any other person or entity. The Monitor shall, upon reasonable notice, allow the FTC or the Defendants to review any Documents which were copied and delivered to the Monitor. The Documents disclosed to the Monitor to perform its monitoring duties shall not be disclosed by the Monitor to any person other than those persons employed by the Monitor's law firm who are assisting the Monitor to perform the duties required by this Supplemental Order.

required to be produced unless ordered by the Court upon consideration of the objection.

- C. Arranging for the Monitor to interview Defendants' current or former employees, agents or representatives about matters relating to the Prohibited Business Activities set forth in the July 8, 2008 Order.
- D. Granting the Monitor access to Alliance's business premises and any location at which any of the Defendants conduct their postal examination preparation business, including, but not limited to, the location at which Alliance or any other person or entity engages in telephone communications with customers, potential or prospective customers, or other persons seeking postal examination preparation information.

IT IS HEREBY FURTHER ORDERED that the Monitor shall report on his activities to the Court as follows:

- A. The Monitor shall file on the docket of this case a report of any failure by the Defendants to comply with the

Prohibited Business Activities provision of the July 8, 2008 Order (the “Failure Report”). A Failure Report shall be transmitted within three (3) business days after discovery, by the Monitor, of any failure by the Defendants to comply with the Prohibited Business Activities provision of the July 8, 2008 Order. The Failure Report shall describe each failure in detail, shall include a copy of each failure identified (e.g. an advertisement published, website content), if the failure is in written or electronic form (as opposed to an oral communication), and shall state the date of each identified failure.

- B. The Monitor shall promptly report by telephone to the Court’s Deputy Courtroom Clerk, Jessica Birnbaum (404-215-1484), any instance of Defendants’ failure to cooperate with the Monitor in the performance of the Monitor’s duties.

C. Beginning on August 8, 2008, and each thirty (30) days thereafter, the Monitor shall file on the docket of this case a report on the Monitor's activities during the previous thirty (30) day period, or in the case of the

the notice of approval fees and expenses, Defendants shall pay to the Monitor the amount approved.

IT IS HEREBY FURTHER ORDERED that neither the Monitor nor his law firm, or any of its employees, shall be personally liable for any loss or damage caused by the Monitor's performance of the monitoring duties described in this Supplement to the July 8, 2008 Order. The Monitor is appointed by the Court to perform only those duties described in this Supplemental Order or those additional