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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

DINAMICA FINANCIERA LLC,
a California limited liability
company;

SOLUCIONES DINAMICAS, INC.,
a California corporation;

VALENTIN BENITEZ,
an individual;

JOSE MARIO ESQUER,
an individual; and

ROSA ESQUER
an individual,

Defendants.

Case No. 09-03554 MMM (PJWx)

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

1 Plaintiff Federal Trade Commission having filed its Complaint for a permanent injunction
2 and other equitable relief in this matter pursuant to Section 13(b) of the Federal Trade
3 Commission Act (“FTC Act”), 15 U.S.C. § 53(b), and having applied *ex parte* for a temporary
4 restraining order (“Order”) pursuant to Rule 65 of the Federal Rules of Civil Procedure, and the
5 Court having considered the Complaint, Plaintiff's application, and the memorandum of points
6 and authorities and other materials filed in support thereof, and now being advised in the
7 premises, finds as follows:

8 1. This Court has jurisdiction of the subject matter of this case. There is also good
9 cause to believe it will have jurisdiction of all parties hereto, and that venue in this district is
10 proper.

11 2. There is good cause to believe that Defendants Dinamica Financiera LLC,
12 Soluciones Dinamicas, Inc., Valentin Benitez, and Jose Mario Esquer (“Defendants”) have
13 engaged in and are likely to engage in acts that violate Section 5(a) of the FTC Act, 15 U.S.C.
14 § 45(a), and that the Commission is likely to prevail on the merits of this action.

15 3. There is good cause to believe that immediate and irreparable harm will result
16 from Defendants’ ongoing violations of the FTC Act unless Defendants are restrained and
17 enjoined by Order of this Court.

18 4. There is good cause to believe that immediate and irreparable damage to the
19 Court’s ability to grant effective final relief

ORDER

DEFINITIONS

For purposes of this Order, the following definitions shall apply:

1. “Assets” means any legal or equitable interest in, right to, or claim to, any real or personal property, including, without limitation, chattels, goods, instruments, equipment, fixtures, general intangibles, leaseholds, mail or other deliveries, inventory, checks, notes, accounts, credits, contracts, receivables, shares of stock, and all cash, wherever located.

2. “Assisting Others” means knowingly providing any of the following goods or services to another person:

- a. performing customer service functions, including, but not limited to, receiving or responding to consumer complaints; or
- b. formulating or providing, or arranging for the formulation or provision of, any telephone sales script or any other marketing material; or
- c. providing names of, or assisting in the generation of, potential customers; or
- d. performing marketing services of any kind.

3. “Defendants” means Dinamica Financiera LLC, Soluciones Dinamicas, Inc., Valentin Benitez, and Jose Mario Esquer and each of them, by whatever names each might be known by, as well as their successors and assigns, whether acting directly or through any corporation, subsidiary, division, or other device, including, but not limited to, fictitious business names.

4. “Dinamica” means Defendant Dinamica Financiera LLC.

5. The term “Document” is equal in scope and synonymous in meaning to the usage of the term in Federal Rule of Civil Procedure 34(a), and includes writings, drawings, graphs, charts, photographs, audio and video recordings, computer records, and any other data compilations from which information can be obtained. A draft or non-identical copy is a separate document within the meaning of the term.

6. “Individual Defendants” means Defendants Valentin Benitez and Jose Mario

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1 11. immediately or promptly contact any consumer's mortgage loan holder or
2 servicer; or

3 12. give a full refund of any fees paid if the Defendant or any other person
4 fails to stop, prevent, or postpone any foreclosure or perform any other
5 agreed-upon services;

6 B. The terms that any mortgage loan holder or servicer will or is likely to offer or
7 accept to cure any delinquency or default on, or to re-instate, any mortgage or other home loan,
8 including but not limited to:

9 1. the amount of any good-faith, up-front, or lump sum payment that the
10 consumer will be required to make; or

11 2. the amount of any monthly payment(s) that the consumer will be required
12 to make;

13 3. the length of time the consumer will be provided to cure any delinquency.

14 C. The amount of time that it will take or is likely to take for any Defendant or other
15 person to arrange or reach an agreement with any consumer's mortgage loan holder or servicer
16 to prevent foreclosure or to cure any delinquency or default on, or to re-instate, any mortgage
17 or other home loan;

18 D. The nature of the Defendant's or any other person's relationship with any
19 mortgage loan holder or servicer, or other lender;

20 E. The length of time that any Defendant or any other person has been in the
21 mortgage foreclosure rescue service business;

22 F. The cost of such service or of any aspect of such service;

23 G. That any Defendant or any other person is affiliated with, endorsed or approved
24 by, or otherwise connected to any government agency, unit or department, including but not
25 limited to the U.S. Department of Housing and Urban Development (H.U.D.);

26 H. The refund policy of any Defendant or any other person, including but not limited
27 to the likelihood of a consumer obtaining a full or partial refund, or the circumstances in which
28 a full or partial refund will be granted to the consumer; or

1 I. Any other material fact.

2 **II.**

3 **ASSET FREEZE**

4 **IT IS FURTHER ORDERED** that each of the Defendants is restrained and enjoined,
5 until further order of this Court, from:

6 A. Transferring, encumbering, selling, concealing, pledging, hypothecating,
7 assigning, spending, withdrawing, disbursing, conveying, gifting, dissipating, or otherwise
8 disposing of any funds, property, coins, lists of consumer names, shares of stock, or other
9 assets, wherever located, that are (1) owned or controlled by any of the Defendants, in whole
10 or in part; (2) in the actual or constructive possession of any of the Defendants; (3) held by an
11 agent of any of the Defendants, as a retainer for the agent's provision of services to a Defendant;
12 or (4) owned, controlled by, or in the actual or constructive possession of, or otherwise held for
13 the benefit of, any corporation, partnership, or other entity directly or indirectly owned or
14 controlled by any of the Defendants. The freeze imposed in this Section shall apply to assets
15 that any of the Defendants acquires following service of this Order only if such assets are
16 derived from activity prohibited by this Order.

17 B. Collecting or attempting to collect payment, in whole or in part, from any
18 consumer who hired Defendants prior to the entry of this Order.

19 C. Opening or causing to be opened any safe deposit boxes titled in the name of any
20 of the Defendants, or subject to access by any of the Defendants;

21 D. Incurring charges or cash advances on any credit or debit card issued in the name,
22 singly or jointly, of any of the Defendants, or any corporation, partnership, or other entity
23 directly or indirectly owned or controlled by any of the Defendants; and

24 E. Failing to disclose to Plaintiff, immediately upon service of this Order,
25 information that fully identifies each asset of the Defendants, and each entity holding such asset,
26 including, without limitation, the entity's name, address, and telephone number, the number of
27 the account, and the name under which the account is held.

28 F. If defendants may apply to the court for permission to use some portion of their

1 assets for reasonable living expenses and/or reasonable attorneys' fees, the court will determine
2 whether to grant the request after affording the Commission an opportunity to respond.

3 **III.**

4 **FINANCIAL REPORTS**

5 **IT IS FURTHER ORDERED** that within forty-eight (48) hours after service of this
6 Order:

7 A. Each of the Individual Defendants shall complete and deliver to Plaintiff the
8 Financial Statement captioned "Financial Statement of Individual Defendant," a copy of which
9 is attached hereto as Attachment 1;

10 B. The Individual Defendants shall prepare and deliver to Plaintiff, for Dinamica and
11 Soluciones, the Financial Statement captioned "Financial Statement of Corporate Defendant,"
12 a copy of which was attached hereto as Attachment 2. The Individual Defendants shall be jointly
13 and severally liable for this obligation;

14 C. Each of the Individual Defendants shall, on behalf of each corporation or other
15 entity of which he is the majority owner or which he otherwise controls, other than Dinamica
16 or Soluciones, complete and deliver to Plaintiff a separate copy of the "Financial Statement of
17 Corporate Defendant"; and

18 D. Defendants shall provide the Commission access to records and documents
19 pertaining to assets of any of the Defendants that are held by financial institutions outside the
20 territory of the United States by signing a Consent to Release of Financial Records if requested
21 by Plaintiff.

22 **IV.**

23 **PRESERVATION OF RECORDS**

24 **IT IS FURTHER ORDERED** that Defendants, and their agents, servants, employees,
25 and attorneys, and all persons directly or indirectly under the control of any of them, and all
26 other persons in active concert or participation with any of them who receive actual notice of
27 this Order by personal service or otherwise, and each such person, are restrained and enjoined
28 from destroying, erasing, mutilating, concealing, altering, transferring or otherwise disposing

1 of, in any manner, directly or indirectly, any documents that relate to the business practices or
2 finances of any of the Defendants, including, but not limited to, such documents as any
3 contracts, accounting data, correspondence, advertisements, computer tapes, discs or other
4 computerized records, books, written or printed records, handwritten notes, telephone logs,
5 telephone scripts, receipt books, ledgers, personal and business canceled checks and check
6 registers, bank statements, appointment books, copies of federal, state, or local business or
7 personal income or property tax returns.

8 **V.**

9 **PROHIBITION ON RELEASE OF**
10 **CUSTOMER INFORMATION OR CUSTOMERS LISTS**

11 **IT IS FURTHER ORDERED** that Defendants, and officers, agents, directors, servants,
12 employees, salespersons, and attorneys of Defendants, as well as all other persons in active
13 concert or participation with them, who receive actual notice of this Order by personal service
14 or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or
15 other device, or any of them, are restrained and enjoined from selling, renting, leasing,
16 transferring, or otherwise disclosing the name, address, telephone number, credit card number,
17 bank account number, e-mail address, or other identifying information of any person who paid
18 money to any of the Defendants for the purchase of any good or service or who were contacted
19 or are on a list to be contacted by any of the Defendants; *provided, however*, that Defendants
20 may disclose such identifying information to a law enforcement agency or as required by any
21 law, regulation, or court order.

22 **VI.**

23 **RECORD KEEPING**

24 **IT IS FURTHER ORDERED** that each of the Individual Defendants is temporarily
25 restrained and enjoined from failing to make and keep, and to provide to Plaintiff's counsel
26 promptly upon request, an accurate accounting that, in reasonable detail, accurately, fairly, and
27 completely reflects such Defendant's incomes (including all income resulting from any services,
28 activity, or efforts rendered by such Defendant), disbursements, transactions, and use of money,

1 beginning immediately upon service or actual notice of this Order, and continuing daily until
2 otherwise ordered by the Court.

3 **VII.**

4 **NOTIFICATION OF BUSINESS ACTIVITIES**

5 **IT IS FURTHER ORDERED** that:

6 A. Each of the Individual Defendants is restrained and enjoined from directly or
7 indirectly creating, operating, or exercising any control over any business entity, including any
8 partnership, limited partnership, joint venture, sole proprietorship, or corporation, without first
9 serving on counsel for the Commission a written statement disclosing the following: (1) the
10 name of the business entity; (2) the address and telephone number of the business entity; (3) the
11 names of the business entity's officers, directors, principals, managers and employees; and (4) a
12 detailed description of the business entity's intended or actual activities.

13 B. Each of the Individual Defendants shall notify the Commission at least seven (7)
14 days prior to affiliating with, becoming employed by, or performing any work for any business
15 that is not a named Defendant in this action. Each notice shall include the Defendant's new
16 business address and a statement of the nature of the business or employment and the nature of
17 his or her duties and responsibilities in connection with that business or employment.

18 **VIII.**

19 **FINANCIAL INSTITUTIONS**

20 **IT IS FURTHER ORDERED** that any financial or brokerage institution, any business
21 entity, or any other person having possession, custody, or control of any records of any of the
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1 by further order of this Court;

2 B. Deny access to any safe deposit box titled individually or jointly in the name of,
3 or otherwise subject to access by, any of the Defendants;

4 C. Provide to Plaintiff within three (3) business days of notice of this Order a sworn
5 statement setting forth:

6 1. the identification of each account or asset;

7 2. the balance of each account or a description of the nature and value of
8 each asset as of the close of business on the day notification of this Order
9 is received, and, if the account or asset has been closed or moved, the
10 balance or value removed and the person or entity to whom it was
11 transferred; and

12 3. the identification of any safe deposit box titled in the name of or subject
13 to access by any of the Defendants.

14 D. Upon request by counsel for Plaintiff, promptly provide Plaintiff with copies of
15 all records or other documentation pertaining to such account or asset, including but not limited
16 to originals or copies of account applications, account statements, signature cards, checks,
17 drafts, deposit tickets, transfers to and from the accounts, all other debit and credit instruments
18 or slips, currency transaction reports, 1099 forms, and safe deposit box logs; and

19 **IX.**

20 **BANKRUPTCY PETITIONS**

21 **IT IS FURTHER ORDERED** that, in light of the asset freeze, Defendants are prohibited
22 from filing, or causing to be filed, on behalf of any Defendant, a petition for relief under the
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1 (except for Plaintiff) are hereby restrained from taking any action to establish or enforce : a) any
2 claim, right, or interest for, against, on behalf of, in, or in the name of Dinamica or Soluciones,
3 or b) any claim, right, or interest in or to any of Dinamica's or Soluciones' assets, including,
4 but not limited to, the following actions:

- 5 1. Commencing, prosecuting, continuing, entering, or enforcing any suit or
6 proceeding, except that such actions may be filed to toll any applicable
7 statute of limitations;
- 8 2. Accelerating the due date of any obligation or claimed obligation; filing or
9 enforcing any lien; taking or attempting to take possession, custody, or
10 control of any asset; attempting to foreclose, forfeit, alter, or terminate
11 any interest in any asset, whether such acts are part of a judicial
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1 Housing Act and covers property, or combinations of property, consisting
2 of five or more living units.

3 **XI.**

4 **DISTRIBUTION OF ORDER**

5 **IT IS FURTHER ORDERED** that the Individual Defendants shall immediately provide
6 a copy of this Order to each of Dinamica's and Soluciones' affiliates, franchises, subsidiaries,
7 divisions, successors, assigns, directors, officers, managing agents, employees, representatives,
8 and independent contractors and shall, within three (3) business days from the date of service
9 of this Order, serve on Plaintiff affidavits identifying the names, titles, addresses, and telephone
10 numbers of the persons whom they have served pursuant to this provision.

11 **XII.**

12 **CREDIT REPORTS**

13 **IT IS FURTHER ORDERED** that Plaintiff may obtain credit reports concerning any
14 of the Defendants pursuant to Section 604(a)(1) of the Fair Credit Reporting Act, 15 U.S.C.
15 § 1681b(a)(1), and that, upon written request, any credit reporting agency from which such
16 reports are requested shall provide them to Plaintiff.

17 **XIII.**

18 **LIMITED EXPEDITED DISCOVERY**

19 **IT IS FURTHER ORDERED** that the Commission is granted leave at any time after
20 service of this Order to:

- 21 A. Take the deposition of any person, without limitation, for the purpose of:
22 1. discovering the nature, location, status, and extent of assets of any of the

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1 documents reflecting the Defendants' business transactions or the nature and extent of
2 Defendants' business activities.

3 Thirty-six (36) hours notice shall be deemed sufficient for any such deposition and
4 forty-eight (48) hours notice shall be deemed sufficient for the production of any such
5 Documents. The limitations and conditions set forth in Fed. R. Civ. P. 30(a)(2) and 31(a)(2)
6 shall not apply to depositions taken pursuant to this Section. Any such depositions taken
7 pursuant to this Section shall not be counted toward the ten deposition limit set forth in Fed. R.

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1 application for a TRO, as well as a supplemental

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XVII.

SERVICE OF THIS 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 be subject to any provision of this Order.

IT IS SO ORDERED.

DATED: May 20, 2009, 4:15 P.M.


MARGARET M. MORROW
UNITED STATES DISTRICT JUDGE

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FEDERAL TRADE COMMISSION

FINANCIAL STATEMENT OF INDIVIDUAL DEFENDANT

Instructions:

1. Complete all items. Enter “None” or “N/A” (“Not Applicable”) where appropriate. If you cannot fully answer a question, explain why.
2. “Dependents” include your live-in companion, dependent children, or any other person, whom you or your spouse (or your children’s other parent) claimed or could have claimed as a dependent for tax purposes at any time during the past five years.
3. “Assets” and “Liabilities” include ALL assets and liabilities, located within the United States or elsewhere, whether held individually or jointly.
4. Attach continuation pages as needed. On the financial statement, state next to the Item number that the Item is being continued. On the continuation page(s), identify the Item number(s) being continued.
5. Type or print legibly.
6. Initial each page in the space provided in the lower right corner.
7. Sign and date the completed financial statement on the last page.

Penalty for False Information:

Federal law provides that any person may be imprisoned for not more than five years, fined, or b (ars, finehan fiv)8(num)3ineh5 u

BACKGROUND INFORMATION

Item 1. Information About You

Your Full Name _____ Social Security No. _____

Place of Birth _____ Date of Birth _____

Item 7. continued

Income Received: This year-to-date: \$ _____ 19____: \$ _____
19____: \$ _____ 19____: \$ _____
19____: \$ _____ 19____: \$ _____

►Company Name & Address _____

Dates Employed: From (Month/Year) _____ To (Month/Year) _____

Positions Held with Beginning and Ending Dates _____

Income Received: This year-to-date: \$ _____ 19____: \$ _____
19____: \$ _____ 19____: \$ _____
19____: \$ _____ 19____: \$ _____

►Company Name & Address _____

Dates Employed: From (Month/Year) _____ To (Month/Year) _____

Positions Held with Beginning and Ending Dates _____

Income Received: This year-to-date: \$ _____ 19____: \$ _____
19____: \$ _____ 19____: \$ _____
19____: \$ _____ 19____: \$ _____

Item 8. Pending Lawsuits Filed by You or Your Spouse

List all pending lawsuits that have been filed by you or your spouse in court or before an administrative agency. (List lawsuits that resulted in final judgments or settlements in Items 16 and 25).

Opposing Party's Name & Address _____

Court's Name & A

Item 9. Pending Lawsuits Filed Against You or Your Spouse

List all pending lawsuits that have been filed against you or your spouse in court or before an administrative agency. (List

FINANCIAL INFORMATION

Item 14. Publicly Traded Securities and Loans Secured by Them

List all publicly traded securities, including but not limited to, stocks, stock options, registered and bearer bonds, state and municipal bonds, and mutual funds, held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

▶ Issuer _____ Type of Security _____ No. of Units Owned _____

Name on Security _____ Current Fair Market Value \$ _____ Loan(s) Against Security \$ _____

Broker House, Address _____ Broker Account No. _____

▶ Issuer _____ Type of Security _____ No. of Units Owned _____

Name on Security _____ Current Fair Market Value \$ _____ Loan(s) Against Security \$ _____

Broker House, Address _____ Broker Account No. _____

Item 15. Other Business Interests

List all other business interests, including but not limited to, non-public corporations, subchapter-S corporations, limited liability corporations (“LLCs”), general or limited partnership interests, sole proprietorships, and oil and mineral leases, held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

▶ Business Format _____ Business’ Name & Address _____

_____ Ownership % _____

Owner (e.g., self, spouse) _____ Current Fair Market Value \$ _____

▶ Business Format _____ Business’ Name & Address _____

_____ Ownership % _____

Owner (e.g., self, spouse) _____ Current Fair Market Value \$ _____

Item 16. Monetary Judgments or Settlements Owed to You, Your Spouse, or Your Dependents

List all monetary judgments or settlements owed to you, your spouse, or your dependents.

▶ Opposing Party’s Name & Address _____

Court’s Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date of Judgment _____ Amount \$ _____

▶ Opposing Party’s Name & Address _____

Court’s Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date of Judgment _____ Amount \$ _____

Item 17. Other Amounts Owed to You, Your Spouse, or Your Dependents

List all other amounts owed to you, your spouse, or your dependents.

Debtor's Name, Address, & Telephone No. _____

Original Amount Owed \$ _____ Current Amount Owed \$ _____ Monthly Payment \$ _____

Item 18. Life Insurance Policies

List all life insurance policies held by you, your spouse, or your dependents.

►Insurance Company's Name, Address, & Telephone No. _____

Insured _____ Beneficiary _____ Face Value \$ _____

Policy No. _____ Loans Against Policy \$ _____ Surrender Value \$ _____

►Insurance Company's Name, Address, & Telephone No. _____

Insured _____ Beneficiary _____ Face Value \$ _____

Policy No. _____ Loans Against Policy \$ _____ Surrender Value \$ _____

Item 19. Deferred Income Arrangements

List all deferred income arrangements, including but not limited to, deferred annuities, pensions plans, profit-sharing plans, 401(k) plans, IRAs, Keoghs, and other retirement accounts, held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

►Name on Account _____ Type of Plan _____ Date Established _____

Trustee or Administrator's Name, Address & Telephone No. _____

Account No. _____ Surrender Value \$ _____

►Name on Account _____ Type of Plan _____ Date Established _____

Trustee or Administrator's Name, Address & Telephone No. _____

Account No. _____ Surrender Value \$ _____

Item 20. Personal Property

List all personal property, by category, whether held for personal use or for investment, including but not limited to, furniture and household goods of value, computer equipment, electronics, coins, stamps, artwork, gemstones, jewelry, bullion, other collectibles, copyrights, patents, and other intellectual property, held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

<u>Property Category</u> (e.g., artwork, jewelry)	<u>Name of Owner</u>	<u>Property Location</u>	<u>Acquisition Cost</u>	<u>Current Value</u>
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____

Item 21. Cars, Trucks, Motorcycles, Boats, Airplanes, and Other Vehicles

List all cars, trucks, motorcycles, boats, airplanes, and other vehicles owned or operated by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

▶ Vehicle Type _____ Make _____ Model _____ Year _____

Registered Owner's Name _____ Registration State & No. _____

Address of Vehicle's Location _____

Purchase Price \$ _____ Current Value \$ _____ Account/Loan No. _____

Lender's Name and Address _____

Original Loan Amount \$ _____ Current Loan Balance \$ _____ Monthly Payment \$ _____

▶ Vehicle Type _____ Make _____ Model _____ Year _____

Registered Owner's Name _____ Registration State & No. _____

Address of Vehicle's Location _____

Purchase Price \$ _____ Current Value \$ _____ Account/Loan No. _____

Lender's Name and Address _____

Original Loan Amount \$ _____ Current Loan Balance \$ _____ Monthly Payment \$ _____

Item 21. Continued

▶ Vehicle Type _____ Make _____ Model _____ Year _____

Registered Owner's Name _____ Registration State & No. _____

Address of Vehicle's Location _____

Purchase Price \$ _____ Current Value \$ _____ Account/Loan No. _____

Lender's Name and Address _____

Original Loan Amount \$ _____ Current Loan Balance \$ _____ Monthly Payment \$ _____

Item 22. Real Property

List all real estate held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

▶ Type of Property _____ Property's Location _____

Name(s) on Title and Ownership Percentages _____

Acquisition Date _____ Purchase Price \$ _____ Current Value \$ _____

Basis of Valuation _____ Loan or Account No. _____

Lender's Name and Address _____

Item 23. Credit Cards

List each credit card held by you, your spouse, or your dependents. Also list any other credit cards that you, your spouse, or your dependents use.

<u>Name of Credit Card (e.g., Visa, MasterCard, Department Store)</u>	<u>Account No.</u>	<u>Name(s) on Account</u>	<u>Current Balance</u>	<u>Minimum Monthly Payment</u>
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____

Item 24. Taxes Payable

List all taxes, such as income taxes or real estate taxes, owed by you, your spouse, or your dependants.

<u>Type of Tax</u>	<u>Amount Owed</u>	<u>Year Incurred</u>
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____

Item 25. Judgments or Settlements Owed

List all judgments or settlements owed by you, your spouse, or your dependents.

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date _____ Amount \$ _____

Item 26. Other Loans and Liabilities

List all other loans or liabilities in your, your spouse's, or your dependents' names.

▶Name & Address of Lender/Creditor _____

Nature of Liability _____ Name(s) on Liability _____

Date of Liability _____ Amount Borrowed \$ _____ Current Balance \$ _____

Payment Amount \$ _____ Frequency of Payment _____

▶Name & Address of Lender/Creditor _____

Nature of Liability _____ Name(s) on Liability _____

Date of Liability _____ Amount Borrowed \$ _____ Current Balance \$ _____

Payment Amount \$ _____ Frequency of Payment _____

OTHER FINANCIAL INFORMATION

Item 27. Tax Returns

List all federal tax returns that were filed during the last three years by or on behalf of you, your spouse, or your dependents. *Provide a copy of each signed tax return that was filed during the last three years.*

<u>Tax Year</u>	<u>Name(s) on Return</u>	<u>Refund Expected</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

Item 28. Applications for Credit

List all applications for bank loans or other extensions of credit that you, your spouse, or your dependents have submitted within the last two years. *Provide a copy of each application, including all attachments.*

<u>Name(s) on Application</u>	<u>Name & Address of Lender</u>
_____	_____
_____	_____
_____	_____

Item 29. Trusts and Escrows

List all funds or other assets that are being held in trust or escrow by any person or entity for you, your spouse, or your dependents. Also list all funds or other assets that are being held in trust or escrow by you, your spouse, or your dependents, for any person or entity. *Provide copies of all executed trust documents.*

<u>Trustee or Escrow Agent's Name & Address</u>	<u>Date Established</u>	<u>Grantor</u>	<u>Beneficiaries</u>	<u>Present Market Value of Assets</u>
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____

Item 30. Transfers of Assets

List each person to whom you have transferred, in the aggregate, more than \$2,500 in funds or other assets during the previous three years by loan, gift, sale, or other transfer. For each such person, state the total amount transferred during that period.

<u>Transferee's Name, Address, & Relationship</u>	<u>Property Transferred</u>	<u>Aggregate Value</u>	<u>Transfer Date</u>	<u>Type of Transfer (e.g., Loan, Gift)</u>
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____

SUMMARY FINANCIAL SCHEDULES

Item 31. Combined Balance Sheet for You, Your Spouse, and Your Dependents

<u>ASSETS</u>		<u>LIABILITIES</u>	
Cash on Hand (Item 12)	\$ _____	Credit Cards (Item 23)	\$ _____
Cash in Financial Institutions (Item 12)	\$ _____	Motor Vehicles - Liens (Item 21)	\$ _____
U.S. Government Securities (Item 13)	\$ _____	Real Property - Encumbrances (Item 22)	\$ _____
Publicly Traded Securities (Item 14)	\$ _____	Loans Against Publicly Traded Securities (Item 14)	\$ _____
Other Business Interests (Item 15)	\$ _____	Taxes Payable (Item 24)	\$ _____
Judgments or Settlements Owed to You (Item 16)	\$ _____	Judgments or Settlements Owed (Item 25)	\$ _____
Other Amounts Owed to You (Item 17)	\$ _____	Other Loans and Liabilities (Item 26)	\$ _____
Surrender Value of Life Insurance (Item 18)	\$ _____	<u>Other Liabilities (Itemize)</u>	
Deferred Income Arrangements (Item 19)	\$ _____	_____	\$ _____
Personal Property (Item 20)	\$ _____	_____	\$ _____
Motor Vehicles (Item 21)	\$ _____	_____	\$ _____
Real Property (Item 22)	\$ _____	_____	\$ _____
<u>Other Assets (Itemize)</u>		_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
Total Assets	\$ _____	Total Liabilities	\$ _____

Item 32. Combined Average Monthly Income and Expenses for You, Your Spouse, and Your Dependents for the Last 6 Months

Provide the average monthly income and expenses for you, your spouse, and your dependents for the last 6 months. Do not include credit card payments separately; rather, include credit card expenditures in the appropriate categories.

<u>INCOME</u>		<u>EXPENSES</u>	
Salary - After Taxes	\$ _____	Mortgage Payments for Residence(s)	\$ _____
Fees, Commissions, and Royalties	\$ _____	Property Taxes for Residence(s)	\$ _____
Interest	\$ _____	Rental Property Expenses, Including Mortgage Payments, Taxes, and Insurance	\$ _____
Dividends and Capital Gains	\$ _____	Car or Other Vehicle Lease or Loan Payments	\$ _____
Gross Rental Income	\$ _____	Food Expenses	\$ _____
Profits from Sole Proprietorships	\$ _____	Clothing Expenses	\$ _____
Distributions from Partnerships, S-Corporations, and LLCs	\$ _____	Utilities	\$ _____
Distributions from Trusts and Estates	\$ _____	Medical Expenses, Including Insurance	\$ _____
Distributions from Deferred Income Arrangements	\$ _____	Other Insurance Premiums	\$ _____
Social Security Payments	\$ _____	Other Transportation Expenses	\$ _____
Alimony/Child Support Received	\$ _____	Other Household Expenses	\$ _____
Gambling Income	\$ _____	<u>Other Expenses (Itemize)</u>	
<u>Other Income (Itemize)</u>		_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
Total Income	\$ _____	Total Expenses	\$ _____

ATTACHMENTS

Item 33.

FEDERAL TRADE COMMISSION

FINANCIAL STATEMENT OF CORPORATE DEFENDANT

Instructions:

1. Complete all items. Enter "None" or "N/A" ("Not Applicable") where appropriate. If you cannot fully answer a question, explain why.
2. In completing this financial statement, "the corporation"

BACKGROUND INFORMATION

Item 1. General Information

Corporation's Full Name _____

Primary Business Address _____ From (Date) _____

Telephone No. _____ Fax No. _____

E-Mail Address _____ Internet Home Page _____

All other current addresses & previous addresses for past five years, including post office boxes and mail drops:

Address _____ From/Until _____

Address _____ From/Until _____

Address _____ From/Until _____

All predecessor companies for past five years:

Name & Address _____ From/Until _____

Name & Address _____ From/Until _____

Name & Address _____ From/Until _____

Item 2. Legal Information

Federal Taxpayer ID No. _____ State & Date of Incorporation _____

State Tax ID No. _____ State _____ Profit or Not For Profit _____

Corporation's Present Status: Active _____ Inactive _____ Dissolved _____

If Dissolved: Date dissolved _____ By Whom _____

Reasons _____

Fiscal Year-End (Mo./Day) _____ Corporation's Business Activities _____

Item 3. Registered Agent

Name of Registered Agent _____

Address _____ Telephone No. _____

Item 4. Principal Stockholders

List all persons and entities that own at least 5% of the corporation's stock.

<u>Name & Address</u>	<u>% Owned</u>

Item 5. Board Members

List all members of the corporation's Board of Directors.

<u>Name & Address</u>	<u>% Owned</u>	<u>Term (From/Until)</u>

Item 6. Officers

List all of the corporation's officers, including *de facto* officers (individuals with significant management responsibility whose titles do not reflect the nature of their positions).

<u>Name & Address</u>	<u>% Owned</u>

Item 7. Businesses Related to the Corporation

List all corporations, partnerships, and other business entities in which this corporation has an ownership interest.

Name & Address Business Activities % Owned

Item 10. Outside Accountants

List all outside accountants retained by the corporation during the last three years.

<u>Name</u>	<u>Firm Name</u>	<u>Address</u>	<u>CPA/PA?</u>

Item 11. Corporation's Recordkeeping

List all individuals within the corporation with responsibility for keeping the corporation's financial books and records for the last three years.

<u>Name, Address, & Telephone Number</u>	<u>Position(s) Held</u>

Item 12. Attorneys

List all attorneys retained by the corporation during the last three years.

<u>Name</u>	<u>Firm Name</u>	<u>Address</u>

Item 13. Pending Lawsuits Filed by the Corporation

List all pending lawsuits that have been filed by the corporation in court or before an administrative agency. (List lawsuits that resulted in final judgments or settlements in favor of the corporation in Item 25).

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Item 14. Current Lawsuits Filed Against the Corporation

List all pending lawsuits that have been filed against the corporation in court or before an administrative agency. (List lawsuits that resulted in final judgments, settlements, or orders in Items 26 - 27).

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Item 15. Bankruptcy Information

List all state insolvency and federal bankruptcy proceedings involving the corporation.

Commencement Date _____ Termination Date _____ Docket No. _____

If State Court: Court & County _____ If Federal Court: District _____

Disposition _____

Item 16. Safe Deposit Boxes

List all safe deposit boxes, located within the United States or elsewhere, held by the corporation, or held by others for the benefit of the corporation. *On a separate page, describe the contents of each box.*

Owner's Name Name & Address of Depository Institution Box No.

FINANCIAL INFORMATION

REMINDER: When an Item asks for information about assets or liabilities “held by the corporation,” include **ALL** such assets and liabilities, located within the United States or elsewhere, held by the corporation or held by others for the benefit of the corporation.

Item 17. **Tax Returns**

List all federal and state corporate tax returns f



Item 20. Cash, Bank, and Money Market Accounts

List cash and all bank and money market accounts, including but not limited to, checking accounts, savings accounts, and certificates of deposit, held by the corporation. The term "cash" includes currency and uncashed checks.

Cash on Hand \$ _____ Cash Held for the Corporation's Benefit \$ _____

<u>Name & Address of Financial Institution</u>	<u>Signator(s) on Account</u>	<u>Account No.</u>	<u>Current Balance</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

Item 21. Government Obligations and Publicly Traded Securities

List all U.S. Government obligations, including but not limited to, savings bonds, treasury bills, or treasury notes, held by the corporation. Also list all publicly traded securities, including but not limited to, stocks, stock options, registered and bearer bonds, state and municipal bonds, and mutual funds, held by the corporation.

Issuer _____ Type of Security/Obligation _____

No. of Units Owned _____ Current Fair Market Value \$ _____ Maturity Date _____

Issuer _____ Type of Security/Obligation _____

No. of Units Owned _____ Current Fair Market Value \$ _____ Maturity Date _____

Item 22. Real Estate

List all real estate, including leaseholds in excess of five years, held by the corporation.

Type of Property _____ Property's Location _____

Name(s) on Title and Ownership Percentages _____

Current Value \$ _____ Loan or Account No. _____

Lender's Name and A

Item 22. Continued

Current Balance On First Mortgage \$_____ Monthly Payment \$_____

Other Loan(s) (describe)_____ Current Balance \$_____

Monthly Payment \$_____ Rental Unit?_____ Monthly Rent Received \$_____

Item 23. Other Assets

List all other property, by category, with an estimated value of \$2,500 or more, held by the corporation, including but not limited to, inventory, machinery, equipment, furniture, vehicles, customer lists, computer software, patents, other intellectual property, accounts payable, or any other money or asset owed to the corporation.

<u>Property Category</u>	<u>Property Location</u>	<u>Acquisition Cost</u>
--------------------------	--------------------------	-----------------------------

Item 25. Monetary Judgments and Settlements Owed To the Corporation

List all monetary judgments and settlements, recorded and unrecorded, owed to the corporation.

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date of Judgment _____ Amount \$ _____

Item 26. Monetary Judgments and Settlements Owed By the Corporation

List all monetary judgments and settlements, recorded and unrecorded, owed by the corporation.

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date _____ Amount \$ _____

Item 27. Government Orders and Settlements

List all existing orders and settlements between the corporation and any federal or state government entities.

Name of Agency _____ Contact Person _____

Address _____ Telephone No. _____

Agreement Date _____ Nature of Agreement _____

Item 28. Credit Cards

List all of the corporation's credit cards and store charge accounts and the individuals authorized to use them.

Name of Credit Card or Store

Names of Authorized Users and Positions Held

<u>Name of Credit Card or Store</u>	<u>Names of Authorized Users and Positions Held</u>

Item 29. Compensation of Employees

List all compensation and other benefits received from the corporation by the five most highly compensated employees, independent contractors, and consultants (other than those individuals listed in Items 5 and 6 above), for the two previous fiscal years and current fiscal year-to-date. “Compensati

Item 31. Transfers of Assets Including Cash and Property

List all transfers of assets over \$2,500 made by the corporation, other than in the ordinary course of business, during the