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Plaintiff Federal Trade Commission (“FTC” or “Commission”) having filed its Complaint for a permanent injunction and other equitable 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 FTC Trade Regulation Rule titled “Disclosure Requirements and Prohibitions Concerning Business Opportunities” (“Business Opportunity Rule” or “Rule”), 16 C.F.R. Part 437, as amended, and having applied for a Temporary Restraining Order (“Order”) and Order Show Cause why a Preliminary Injunction should not issue and a permanent receiver should not be appointed pursuant to Rule 65 of the Federal Rules of Civil Procedure (D7), and the Court having considered the Complaint, Plaintiff’s application, and the memoranda, briefs and authorities 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. There is also good cause to believe it will have jurisdiction of all parties hereto, and that venue in this district is proper.

2. There is good cause to believe that Defendants American Business Builders, LLC; ENF, LLC (also doing business as Network Market Solutions); UMS

1 monies paid, restitution, rescission or reformation of contract, disgorgement of ill-gotten
2 monies, or other equitable monetary relief will occur from the sale, transfer, or other
3 disposition or concealment by Defendants of assets or records. Defendants are provided
4 with advance notice of this Order, and therefore in accordance with Fed. R. Civ. P.
5 65(b), the interests of justice therefore require that this Order be granted without prior
6 notice to Defendants. There is thus good cause for relieving the Commission of the duty
7 to provide Defendants with prior notice of the Commission's application.

8 5. Good cause exists for the appointment of a Temporary Receiver over
9 Corporate Defendants American Business Builders, LLC; ENF, LLC (also doing business
10 as Network Market Solutions); UMS Group, LLC; United Merchant Services, LLC;
11 Universal Marketing and Training, LLC, and Unlimited Training Services, LLC.

12 6. Considering Plaintiff's likelihood of ultimate success and weighing the
13 equities, a Temporary Restraining Order with an asset freeze, the appointment of a
14 Temporary Receiver, and other equitable relief is in the public interest.

15 7. No security is required of any agency of the United States for issuance of a
16 restraining order. Fed. R. Civ. P. 65(c).

17 ORDER

18 DEFINITIONS

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

- 20 1. "Plaintiff" means the Federal Trade Commission.
- 21 2. "Defendants" means American Business Builders, LLC; ENF, LLC (also
22 doing business as Network Market Solutions); UMS Group, LLC; United Merchant
23 Services, LLC; Universal Marketing and Training, LLC; Unlimited Training Services,
24 LLC; Shane Michael Hanna (also known as Shane Michael Romeo); and Stephen Spratt,
25 and each of them, by whatever names each might be known by, as well as their
26 successors and assigns, whether acting directly through any corporation, subsidiary,
27 division, or other device, including, but not limited to, fictitious business names.

- 28 3. "Corporate Defendants" refers to Defendants American Business Builders,

1 LLC; ENF, LLC (also doing business as Netw Market Solutions); UMS Group, LLC;
2 United Merchant Services, LLC; Universal Mating and Training, LLC; and Unlimited

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1 drawings, graphs, charts, photographs, audio and video recordings, computer records, and
2 any other data compilations from which information can be obtained. A draft or non-
3 identical copy is a separate document within the meaning of the term.

4 9. "Material" means likely to affect a person's choice of, or conduct
5 regarding, a good or service.

6 10. "Person" means a natural person, organization, or other legal entity,
7 including a corporation, partnership, proprietorship, association, cooperative, government
8 or governmental subdivision, agency, or any other group combination acting as an
9 entity.

10 11. "Temporary Receiver" means the temporary receiver appointed by the
11 Court herein.

12 I.

13 PROHIBITED REPRESENTATIONS

14 IT IS THEREFORE ORDERED that Defendants and their successors, assigns,
15 officers, agents, servants, employees, attorneys, and those persons or entities in
16 active concert or participation with any of them who receive actual notice of this Order
17 by personal service or otherwise, whether directly or through any corporation,
18 subsidiary, division, or other device, in connection with the advertising, marketing,
19 promotion, offering for sale or sale of a good or service, including any business
20 opportunity, are hereby temporarily restrained and enjoined from making, in any manner,
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1 transaction processing equipment, including credit card terminals;

2 C. that any Defendant or other person provides or will locate or obtain leads,
3 locations, outlets, accounts or customers for consumers;

4 D. the amount of sales, or gross or net income or profits, a person may or is
5 likely to earn, or that other persons have earned; or

6 E. any material term or condition of any refund or cancellation policy.

7 II.

8 PROHIBITION AGAINST VIOLATING
9 THE BUSINESS OPPORTUNITY RULE

10 IT IS FURTHER ORDERED that Defendants and their successors, assigns,
11 officers, agents, servants, employees, attorneys, and those persons or entities in
12 active concert or participation with any of them who receive actual notice of this Order
13 by personal service or otherwise, whether direct or through any corporation,
14 subsidiary, division, or other device, are hereby temporarily restrained and enjoined from
15 violating any provision of the Business Opportunity Rule, 16 C.F.R. Part 437, as
16 amended, including but not limited to:

17 A. violating sections 437.2 and 437.3(a) of the Rule, 16 C.F.R. §§ 437.2 and
18 437.3(a), by failing to furnish prospective purchasers of business opportunity with a
19 disclosure document and any required attachments at least seven (7) calendar days before
20 the earlier of the time that the prospective purchaser (1) signs any contract in connection
21 with the business opportunity sale (2) makes a payment or provides other
22 consideration to the seller, directly or indirectly through a third party;

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1 F. Provided that the freeze imposed in this section shall be construed to apply
2 to assets that Defendants Hanna and Spratt acquire following service of this Order only if
3 such assets are derived from activity prohibited by this Order.

4 IV.

5 FINANCIAL REPORTS

6 IT IS FURTHER ORDERED that within forty-eight hours after service of this
7 Order:

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

11 B. Defendants Hanna and Spratt shall prepare and deliver to Plaintiff and the
12 Temporary Receiver, for each of the Corporate Defendants, the Financial Statement
13 captioned "Financial Statement of Corporate Defendant," a copy of which is attached
14 hereto as Attachment 2;

15 C. Defendants Hanna and Spratt shall on behalf of each corporation of which
16 either of them is the majority owner or otherwise controls, other than the Corporate
17 Defendants, complete and deliver to Plaintiff a separate copy of the "Financial Statement
18 of Corporate Defendant"; and

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

23 V.

24 PRESERVATION OF RECORDS

25 IT IS FURTHER ORDERED that:

26 A. Defendants, and their agents, servants, employees, and attorneys, and all
27 persons or entities directly or indirectly under the control of any of them, and all other
28 persons or entities in active concert or participation with any of them who receive actual

1 notice of this Order by personal service ~~directly~~, and each such person, are hereby
 2 temporarily restrained and ~~joined~~ from destroying, erasing, mutilating, concealing,
 3 altering, transferring or otherwise disposing of, in any manner ~~directly~~ or indirectly, any
 4 documents that relate to the business ~~practice~~ finances of any of the Defendants,
 5 including, but not limited to, such documents ~~as~~ any contracts, accounting data,
 6 correspondence, advertisements, computer ~~staples~~ or other computerized records,
 7 books, written or printed records, handwritten ~~notes~~, telephone logs, telephone scripts,
 8 receipt books, ledgers, personal ~~and~~ business canceled checks ~~and~~ check registers, bank
 9 statements, appointment books ~~copies~~ of federal, state, or local business or personal
 10 income or property tax returns. This ~~section~~ specifically includes all documents
 11 displayed on or accessible from any and ~~all~~ internet websites owned ~~and~~ controlled by any
 12 Defendant, including but not limited ~~websites~~ with the following domain names:
 13 americanbbgroup.com, americanbusinessbbgroup.com, networkmsgroup.com,
 14 safecards.net, safeguardunited.com, safeguardunited.net,
 15 unitedmerchantservicesgroup.com, unitedmerchantservicesmarketingandtraining.com,
 16 universalmarketingandtraining.com, universalmarketingandtraining.net, and
 17 unlimitedtraingingservices.com.

18 B. Within one (1) day of the entry ~~of~~ this Order, Defendants shall (1) notify
 19 counsel for the Commission of the ~~name~~ and location of any person ~~using~~; 1and1.com,
 20 domainsbyproxy.com, facebook.com, godaddy.com, and Rackspace.com) that is hosting,
 21 storing, or otherwise maintaining electronic data related ~~to~~ any of Defendant's products
 22 or services ("Electronic Data Host") as well as identify any mobile ~~device~~; cellphone,
 23 smartphone, iphone, blackberry) computing ~~devices~~ that may contain ~~data~~ related to any
 24 Defendant's business; and (2) serve this ~~Order~~ on any such person. Any such Electronic
 25 Data Host is directed to (1) preserve ~~data~~ relating to any Defendant and (2) provide
 26 access to such data ~~to~~ the FTC and its agents for the ~~creation~~ forensic imaging of such data.
 27 Defendants shall cooperate in providing ~~access~~ such data to ~~the~~ FTC and its agents,
 28 and shall execute any ~~documents~~ necessary to facilitate this access.

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VI.

RECORD KEEPING

IT IS FURTHER ORDERED that Defendants Hanna and Spratt are hereby temporarily restrained and enjoined from failing to make and keep, and to provide to Plaintiff's counsel promptly upon request, accurate accounting that, in reasonable detail, accurately, fairly, and completely reflects such Defendant's incomes (including all income resulting from any source, activity, or efforts rendered by such Defendant), disbursements, transactions, and use of money, beginning immediately upon service or actual notice of this Order, and continuing until otherwise ordered by the Court.

VII.

NOTIFICATION OF BUSINESS ACTIVITIES

IT IS FURTHER ORDERED that

A. Defendants Hanna and Spratt are hereby temporarily restrained and enjoined from directly or indirectly creating, operating, or exercising any control over any business entity, including any partnership, limited partnership, joint venture, sole proprietorship or corporation, without first serving counsel for the Commission a written statement disclosing the following: (1) the name of the business entity; (2) the address and telephone number of the business entity; (3) the names of the business entity's officers, directors, principals, managers and employees; and (4) a detailed description of the business entity's intended activities.

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

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VIII.

FINANCIAL INSTITUTIONS

IT IS FURTHER ORDERED that any financial or brokerage institution (including but not limited to Arizona Federal Credit Union, Bank of America, Compass Bank, JP Morgan Chase, Global Payments, HSBC Bank USA, MasterCard Worldwide, MidFirst Bank, and Visa), any business entity, or any other person having possession, custody, or control of any records of any of the Defendants, or of any account, safe deposit box, or other asset titled in the name of any of the Defendants, either individually or jointly or held for the benefit of any of the Defendants, or which has maintained any such account, safe deposit box, or other asset any time since November 2011, shall:

A. Hold and retain within its control and prohibit the transfer, encumbrance, pledge, assignment, removal, withdrawal, disposition, sale, or other disposal of any such account or other asset, except for transfers or withdrawals authorized in writing by counsel for Plaintiff, by the Temporary Receiver (with respect to assets of any of the Receivership Defendants), or by the order of this Court;

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

C. Provide to Plaintiff and to the Temporary Receiver, within three (3) business days of notice of this Order, a sworn statement setting forth:

1. The identification of each account or asset;
2. The balance of each account and description of the nature and value of each asset as of the close of business on the day notification of this Order is received, and, if the account or asset has been closed or removed, the balance or value removed and the person or entity to whom it was transferred; and

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

D. Upon request by counsel for Plaintiff (or by the Temporary Receiver, with

1 respect to assets held for any of the Receivership Defendants), promptly provide Plaintiff
2 or the Temporary Receiver with copies of records or other documentation pertaining
3 to such account or asset, including but not limited to originals or copies of account
4 applications, account statements, signatures, checks, drafts, deposit tickets, transfers
5 to and from the accounts, all other debit credit instruments or slips, currency
6 transaction reports, 1099 forms, safe deposit box logs; and

7 E. At the direction of Plaintiff (or the Temporary Receiver, with respect to
8 assets held for any of the Receivership Defendants), and without further order of this
9 Court, convert any stocks, bonds, options, mutual funds, or other securities to their cash
10 equivalents.

11 IX.

12 REPATRIATION OF ASSETS

13 IT IS FURTHER ORDERED that within five business days following service of
14 this Order, each of the Defendants shall:

15 A. Repatriate to the United States funds, documents, or assets in foreign
16 countries held either: (1) by them; (2) for their benefit; or (3) under their direct or indirect
17 control, jointly or singly;

18 B. The same business day as repatriation under paragraph A above,

19 1. notify Plaintiff and the Temporary Receiver of the name and
20 location of the financial institution or other entity that is the recipient of such funds,
21 documents, or assets; and

22 2. serve this Order on any such financial institution or other entity;

23 C. Provide Plaintiff and the Temporary Receiver with a full accounting of all
24 funds, documents, and assets outside of the territory of the United States held either: (1)
25 by them; (2) for their benefit; or (3) under their direct or indirect control, jointly or
26 singly; and

27 D. Hold and retain all repatriated funds, documents, and assets and prevent
28 any transfer, disposition, or dissipation whatsoever of any such assets or funds.

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X.

IMMEDIATE ACCESS TO DEFENDANTS' RECORDS

IT IS FURTHER ORDERED that

A. Defendants and their successors, assigns, officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with any of

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C. If, at the time of service of this Order, any records or property relating to Defendants' business or assets are located at the personal residence of Defendants Hanna or Spratt, or in any other non-business location in the personal control of Hanna or Spratt, then such Defendant shall, within forty-eight (48) hours of service of this Order, produce to Plaintiff, at a location designated by Plaintiff, the following:

1. All contracts, accounting data, written or electronic correspondence, advertisements, computer tapes, discs, or other computerized or electronic records, books, written or printed records, handwritten notes, telephone logs, telephone scripts, telephone bills, receipt books, ledgers, membership records and lists, refund records, receipts, ledgers, bank records (including personal and business), monthly statements,

1 Receiver shall be accountable directly to the Court. The Temporary Receiver shall
2 comply with all Local Rules of this Court governing receivers.

3 XII.

4 RECEIVERSHIP DUTIES

5 IT IS FURTHER ORDERED that the Temporary Receiver is directed and
6 authorized to perform and accomplish the following:

7 A. Assume full control of the Receivership Defendants by removing, as the
8 Receiver deems necessary or advisable, any manager, independent contractor, employee,
9 or agent of the Receivership Defendants, including Defendants Hanna and Spratt, from
10 control of, management of, or participation in the affairs of the Receivership Defendants;

11 B. Take exclusive custody, control and possession of all assets and documents
12 of, or in the possession, custody, or under control of, the Receivership Defendants,
13 wherever situated. The Temporary Receiver shall have full power to divert mail and to
14 sue for, collect, receive, take in possession, hold and manage all assets and documents of
15 the Receivership Defendants and other persons or entities whose interests are now held
16 by or under the direction, possession, custody, control of the Receivership Defendants;

17 C. Take all steps necessary to secure all premises owned, rented, leased, or
18 otherwise controlled by the Receivership Defendants, including but not limited to all such
19 premises located at 4734 W. Glendale Avenue, Glendale AZ 85301; 4738 W. Glendale
20 Avenue, Glendale, AZ 85301; 4620 N. 16th Street, Suite E-219, P

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and disconnecting any computer modems or other means of access to the computer or other records maintained at that location; or (6) requiring any persons present on the premises at the time this Order is served to leave the premises, to provide the Temporary Receiver with proof of identification, or to demonstrate the satisfaction of the Temporary Receiver that such persons are removing from the premises documents or

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necessary or advisable for carrying out the directions of, or exercising the authority granted by, this Order. The Temporary Receiver shall apply to the Court for prior approval of any payment of any debt or obligation incurred by the Receivership Defendants prior to the date of entry of this Order, except payments that the Temporary Receiver deems necessary or advisable to use assets of the Receivership Defendants, such as rental payments;

K. Determine and implement the

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1 or the Temporary Receiver;

2 D. Excusing debts owed the Receivership Defendants;

3 E. Failing to notify the Temporary Receiver of any asset, including accounts,
4 of any Receivership Defendant held in any name other than the name of any Receivership
5 Defendant, or by any person or entity other than the Receivership Defendant, or failing
6 to provide any assistance or information requested by the Temporary Receiver in
7 connection with obtaining possession, custody, or control of such assets; or

8 F. Doing any act or refraining from any act whatsoever that interfere with the
9 Temporary Receiver's taking custody, control, possession, or managing of the assets or
10 documents subject to this receivership; or to harass or interfere with the Temporary
11 Receiver in any way; or to interfere in any manner with the exclusive jurisdiction of this
12 Court over the assets or documents of Receivership Defendants; to refuse to
13 cooperate with the Temporary Receiver or the Temporary Receiver's duly authorized
14 agents in the exercise of their duties and authority under any Order of this Court.

15 XIV.

16 DELIVERY OF RECEIVERSHIP PROPERTY

17 IT IS FURTHER ORDERED that:

18 A. Immediately upon service of this Order upon them, or within a period
19 permitted by the Temporary Receiver, Defendants and all other persons in possession,
20 custody, and control of assets or documents of the Receivership Defendants shall transfer
21 or deliver possession, custody, and control of the following to the Temporary Receiver:

22 1. All assets of the Receivership Defendants;

23 2. All documents of the Receivership Defendants, including, but not
24 limited to, books and records of accounts, all financial and accounting records, balance
25 sheets, income statements, tax records (including monthly statements, canceled checks,
26 records of wire transfers, and check registers), client lists, title documents and other
27 papers;

28 3. All assets belonging to members of the public now held by the

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XVII.

STAY OF ACTIONS

IT IS FURTHER ORDERED that:

A. Except by leave of this Court, during pendency of the receivership ordered herein, Defendants and all other persons or entities (except for Plaintiff) are hereby stayed from taking any action to establish or enforce any claim, right, or interest for, against, on behalf of, in, or in the name of: any of the Corporate Defendants, or b) any of their assets, or c) the Temporary Receiver or the Temporary Receiver's duly authorized agents acting in their capacities as such, including, but not limited to, the

following actions:

1. Commencing, prosecuting, continuing, entering, or enforcing any suit or proceeding, except that such actions may be filed to toll any applicable statute of limitations;
2. Accelerating the due date of any obligation or claimed obligation; filing or enforcing any lien; taking or attempting to take possession, custody, or control of any asset; attempting to foreclose, forfeit, or terminate any interest in any asset, whether such acts are part of a judicial proceeding, are acts of self-help, or otherwise;
3. Executing, issuing, serving, or causing the execution, issuance or service of, any legal process, including, but not limited to, attachments, garnishments, subpoenas, writs of replevin, writs of execution, or any other form of process whether specified in this Order or not; or
4. Doing any act or thing whatsoever to interfere with the Temporary Receiver taking custody, control, possession, or management of the assets or documents subject to this receivership, or to harass or interfere with the Temporary Receiver in any way, or to interfere in any manner with the exclusive jurisdiction of this Court over the assets or documents of the Receivership Defendants.

B. This paragraph does not stay:

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1. The commencement or ~~continuation~~ continuation of a criminal action or proceeding;
2. The commencement or ~~continuation~~ continuation of an action or proceeding by a governmental unit to enforce such ~~governmental~~ governmental unit's police or regulatory power;
3. The enforcement ~~of~~ of a judgment, other than a money judgment, obtained in an action or proceeding by a ~~governmental~~ governmental unit to enforce such governmental unit's police or regulatory power;
4. The commencement of any ~~title~~ title by the Secretary of the United States Department of Housing and Urban Development to foreclose a mortgage or deed

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

3 A. Take the deposition of any person or entity, with limitation, for the
4 purpose of:

5 1. discovering the nature, location, status, and extent of assets of any of
6 the Defendants, including Receivership Defendants, or of their affiliates or of their
7 subsidiaries,

8 2. discovering the nature, location, status and extent of documents
9 reflecting the business transactions of any of the Defendants;

10 3. discovering the nature and extent of Defendants' business activities,
11 and

12 B. Demand the production of documents from any person or entity relating to
13 the nature, status, location and extent of any of the Defendants' assets, and the location of
14 any documents reflecting the Defendants' business transactions or the nature and extent
15 of Defendants' business operations.

16 Thirty-six (36) hours notice shall be deemed sufficient for any such deposition and
17 forty-eight (48) hours notice shall be deemed sufficient for the production of any such
18 documents. The limitations and conditions set forth in Fed. Civ. P. 30(a)(2) and
19 31(a)(2) shall not apply to depositions taken pursuant to this Section. Any such
20 depositions taken pursuant to this Section shall not be counted toward the ten deposition
21 limit set forth in Fed. R. Civ. P. 30(a)(2)(A) and 31(a)(2)(A). Service of discovery taken
22 pursuant to this Section shall be sufficient if made by facsimile or by overnight delivery.

23 XXIII.

24 CORRESPONDENCE

25 IT IS FURTHER ORDERED that, for the purposes of this Order, all
26 correspondence and service of pleadings Plaintiff shall be addressed to:

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Stacy Procter
Faye Chen Barnouw
Nicholas May
Federal Trade Commission
10877 Wilshire Blvd., Suite 700
Los Angeles, CA 90024
Fax: (310) 824-4380
E-mail: sprocter@ftc.gov; fbarnouw@ftc.gov; nmay@ftc.gov

XXIV.

PRELIMINARY INJUNCTION HEARING

IT IS FURTHER ORDERED that Defendants American Business Builders, LLC; ENF, LLC (also doing business as Network Market Solutions); UMS Group, LLC; United Merchant Services, LLC; Universal Marketing and Training, LLC; Unlimited Training Services, LLC; Shane Michael Romeo (also known as Shane Michael Romeo); and Stephen Spratt shall appear before this Court, located at 401 W. Washington, Phoenix, AZ, on the 16th day of November, 2012, at 2:30 p.m. to show cause, if any there be, why this Court should not enter a preliminary injunction, pending final ruling on the Complaint, against said Defendants enjoining them from violations of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the Business Opportunity Rule, 16 C.F.R. Part 437, as amended, and imposing such additional remedies as may be appropriate, and appointing a permanent receiver over Defendants American Business Builders, LLC; ENF, LLC (also doing business as Network Market Solutions); UMS Group, LLC; United Merchant Services, LLC; Universal Marketing and Training, LLC; and Unlimited Training Services, LLC.

IT IS FURTHER ORDERED that, in support of its application for a preliminary injunction, Plaintiff may submit supplemental evidence discovered subsequent to the filing of its application for a TRO, as well as a supplemental memorandum. Plaintiff

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XXVI.

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 THEREFORE ORDERED that the Motion for Temporary Restraining Order of Plaintiff Federal Trade Commission (Doc. 7) is GRANTED.

IT IS FURTHER ORDERED that a hearing for a preliminary injunction and order to show cause is set for November 16, 2012 at 2:30 p.m. in Courtroom 600ED

~~US District Court for the District of Columbia, 1105 Tenth St., N.W., Washington, D.C. 20004~~