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Injunction pursuant to Fed. R. Civ. ~~65~~, and the Court having considered the Complaint, Plaintiff's Motion for a Preliminary Injunction, the declarations, exhibits, and memorandum of law filed in support thereof, any opposition thereto,

5. Plaintiff FTC's Memorandum of Law in support of its Motion for a Preliminary Injunction and the accompanying declarations and exhibits demonstrate that Defendants have engaged in a concerted course of illegal activity by deceptively and unfairly placing unauthorized charges on consumers' telephone bills. Unless Defendants are restrained from doing so by Order of this Court, Defendants will remain free to continue placing unauthorized charges on consumers' telephone bills, thereby placing consumers at risk of substantial injury.
6. Plaintiff FTC has demonstrated a likelihood of immediate and irreparable damage to the Court's ability to grant effective final relief in the form of monetary restitution or disgorgement from the sale, transfer, or other disposition or concealment of assets by Defendants and Relief Defendant Bibliologic, and good cause therefore exists for freezing the assets of all Defendants and Relief Defendant Bibliologic and issuing the ancillary equitable relief contained herein.
7. Weighing the equities and considering Plaintiff's likelihood of ultimate success, the issuance of the Preliminary Injunction Order is in the public interest.



3. “ ' H I H Q G D Q W V ” means the Individual Defendants and the Corporate Defendants, individually, collectively, or in any combination.
4. “ ' R F X P H Q W R or X P H Q W V ” means any materials listed in Federal Rule of Civil Procedure 34(a) and includes writings, drawings, graphs, charts, photographs, audio and video recordings, computer records, digital records, and other data compilations from which information can be obtained and translated, if necessary, into reasonably usable form through detection devices. A draft or nonidentical copy is a separate document within the meaning of the term.
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8. "5 H O L H I ' H" Inheans B D W gic, Ltd.

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, 7 , 6 + ( 5 ( % < 2 5 ' ( 5 ) that Defendants, directly or through any corporation, partnership, subsidiary, division, trade name, or other device, and their officers, agents, servants, employees, attorneys, and all other persons in active concert or participation with any of them who receive actual notice of this Order by personal service or otherwise, are hereby restrained and enjoined from causing or assisting others in causing charges to appear on any consumer's landline or mobile telephone bill.

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, 7 , 6 ) 8 5 7 + ( 5 2 5 ' ( 5 ) that Defendants, directly or through any corporation, partnership, subsidiary, division, trade name, or other device, and their officers, agents, servants, employees, attorneys, and all other persons in active concert or participation with any of them who receive actual notice of this Order by personal service or otherwise, are hereby restrained and enjoined from:

- A. Selling, renting, leasing, transferring, or otherwise disclosing the name, address, birth date, telephone number, email address, Social

Security number, credit or debit card number, bank account number, or other financial or identifying personal information of any individual from whom or about whom any Defendant obtained such information in connection with causing charges to appear on any consumer's telephone bill; or

- B. Benefitting from or using the name, address, birth date, telephone number, email address, Social Security number, credit or debit card number, bank account number, or other financial or identifying personal information of any individual from whom or about whom any Defendant obtained such information in connection with causing charges to appear on any consumer's telephone bill;

Provided, however, that Defendants may disclose such financial or identifying personal information to a law enforcement agency or as required by any law, regulation, or court order.

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, 7 , 6 ) 8 5 7 + ( 5 2 5 ' ( that Defendants and Relief Defendant, and their officers, agents, servants, employees and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this

trust, corporation, subsidiary, division, or other device, or any of them, except as provided herein, as stipulated by the parties, or as directed by further order of the Court, are hereby restrained and enjoined from:

A. Transferring, liquidating, converting, encumbering, pledging, loaning, selling, concealing, dissipating, disbursing, assigning, spending, withdrawing, granting a lien or security interest or other interest in, or otherwise disposing of any asset, any interest therein, wherever located, including outside the territorial United States, that is owned, controlled by, or in the actual or constructive possession of, in whole or in part:

1. Any Defendant or Relief Defendant;
2. Any other person and held for the benefit of, subject to access by, or belonging to, any Defendant or Relief Defendant in this action, including, but not limited to, any assets held for the benefit of, subject to access by, belonging to, any Defendant or Relief Defendant in any account at any financial institution, or with any credit card processing agent, automated clearing house processor, network transaction processor, bank debit processing agent, telecommunications billing aggregator, customer service agent, commercial mail receiving agency, mail



holding or forwarding company, retirement fund custodian,  
money market or mutual fund, storage company, trustee, or  
with any broker-dealer, escrow agent, title company,

D. Incurring liens or encumbrances on real property, personal property, or other assets in the name, singly or jointly, of any Defendant or Relief Defendant, or any corporation, partnership, or other entity directly or indirectly owned, managed, or controlled by any Defendant or Relief Defendant.

The funds, property, or other assets affected by Sections III, VI and VIII of this Order include: (1) all funds, property, or other assets of any Defendant or Relief Defendant as of entry of this Order; and (2) any funds, property, or other assets acquired after entry of this Order if such funds, property, or other assets are derived from or otherwise relate to the placement of charges on consumers' telephone bills.

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That the Individual Defendants shall immediately provide a copy of this Order to each affiliate, subsidiary, division, sales entity, successor, assign, officer, director, employee, independent contractor, agent, attorney, and representative of the Individual Defendants and Relief Defendant, and shall, within seven (7) days following entry of this Order, provide the Commission with a sworn statement that the Individual Defendant has complied with this provision

of the Order. The statement shall include the names and addresses of each such person or entity who received a copy of the Order.

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of this Order:

- A. The Individual Defendants shall prepare and deliver to counsel for the Commission a completed financial statement on the form captioned “Financial Statement of Individual Defendant,” attached to this Order as Attachment A;
- B. Each Corporate Defendant and Individual Defendant shall also prepare and deliver to Counsel for the Commission a completed “Financial Statement of Corporate Defendant” attached to this Order as Attachment B; and
- C. For each business entity owned, controlled, or managed by any Individual Defendant, regardless whether it is a defendant in this case, the Individual Defendant shall also prepare and deliver to Counsel for the Commission a completed “Financial Statement of Corporate Defendant,” attached to this Order as Attachment B.

D. Each Defendant and Relief Defendant shall provide the Commission a list of all assets valued over \$100,000 transferred, liquidated, converted, encumbered, pledged, loaned, sold, assigned, spent, withdrawn, or otherwise disposed of since the filing of the petition for reorganization under Chapter 11 of the United States Bankruptcy Code.

holding the documents and assets, along with the account numbers and balances;

- C. Hold and retain all such documents and assets and prevent any transfer, disposition, or dissipation whatsoever of any such documents or assets; and
- D. Within forty-eight (48) hours following entry of this Order, provide Plaintiff access to Defendants' and Relief Defendant's records and documents held by financial institutions or other persons outside the territorial United States, by signing and delivering to Plaintiff's counsel the Consent to Release of Financial Records, attached to this Order as Attachment C.

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practices or business or finances of any of the Defendants or Relief Defendant, and to the business practices of entities that are directly or indirectly under control of any of the Defendants or Relief Defendant or under common control with any of the Defendants or Relief Defendant. Any third party having such documents in its possession, custody, or control, and which is provided with a copy of this Order, or otherwise has actual or constructive knowledge of this Order, is also restrained and enjoined from destroying, erasing, mutilating, concealing, altering, transferring, or otherwise disposing of, in any manner, directly or indirectly, such documents. This Section specifically applies to all documents displayed on or accessible from any Internet website owned or controlled by Defendants or Relief Defendant, including, but not limited to, the following domain names: americanevoice.com, foneright.com, mytechmax.com, myvoicemailprofessionals.com, myvoicemailsolutions.com, bibliologic.net, bibliologic.org, bibliologic.com, emericahosting.com, myamericanevoice.com, voicemailprof.com, emericamedia.com, mynetworkassurance.com, voicemailprofessionals.com, techmaxsolutions.com, secureatdat.com, hearyou2.com.

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or other person maintaining or having custody or control of any account, other

3. that are subject to access or use by, or under the signatory power of, any Defendant, Relief Defendant, or other party subject to Section III above.
- B. Deny Defendants and Relief Defendant, unless accompanied by a representative of the Commission, access to any safe deposit boxes or storage facilities that are either:
1. titled in the name, individually or jointly, of any Defendant, Relief Defendant, or other party subject to Section III above; or
  2. otherwise subject to access by any Defendant, Relief Defendant, or other party subject to Section III above.
- C. Provide the Commission, within ~~thirty~~ <sup>(30)</sup> days of the date of service of this Order, a sworn statement setting forth:
1. The identification number of each account or other asset titled in the name, individually or jointly, of any Defendant or Relief Defendant, or held on behalf of, or for the benefit of, any Defendant, Relief Defendant, or other party subject to Section



2. The balance of each such account, a description of the nature and value of such asset as of the time this Order is served;
  3. The identification and location of any safe deposit box, commercial mail box, or storage facility that is either titled in the name, individually or jointly, of any Defendant or Relief Defendant, or is otherwise subject to access or control by any Defendant, Relief Defendant, or ~~her~~ party subject to Section III above, whether in whole or in part; and
  4. If the account, safe deposit box, storage facility, or other asset has been closed or removed, the date closed or removed and the balance on said date.
- D. Allow representatives of Plaintiff access to inspect and copy, or upon Plaintiff's request, within seven (7) ~~days~~ of said request, provide the Commission with copies of, all records or other documents pertaining to each such account or other asset, including, but not limited to, originals or copies of account applications, account statements, corporate resolutions, signature cards, checks, drafts, deposit tickets, transfers to and from the accounts, all other debit and credit instruments or slips, currency transaction reports, 1099 forms, and safe deposit box logs.

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, 7 , 6 ) 8 5 7 + ( 5 2 5 ' ( that copies of this Order may be served by any means, including facsimile, U.S. first class mail, private courier, overnight delivery, email, other electronic means, or personally, by agents or employees of Plaintiff, by any law enforcement agency, or by private process server, upon any financial institution, other entity, or person that may have possession, custody, or control of any account, other asset, document identified in Section VIII above, or that may be otherwise subject to any provision of this Order. Service upon any branch or office any financial institution shall effect service upon the entire financial institution. For purposes of service upon anyone in possession of documents or assets subject to this Order, actual notice of this Order shall be deemed to have been provided upon ~~service~~ pages 1 through 21 of this Order.

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, 7 , 6 ) 8 5 7 + ( 5 2 5 ' ( that Defendants, Relief Defendant, and their officers, agents, servants, employees, ~~attorneys~~, and all other persons in active concert or participation with any of 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 restrained and enjoined from:

- A. Failing to create and maintain books, records, accounts, bank statements, current accountants' reports, general ledgers, general journals, cash receipt ledgers, cash disbursement ledgers and source documents, documents indicating title to real or personal property, and any other data which, in reasonable detail, accurately, fairly and completely reflect the incomes, disbursements, transactions, dispositions, and uses of the Defendants or Relief Defendant's assets;
- B. Destroying, erasing, mutilating, concealing, altering, transferring, or otherwise disposing of, in any manner, directly or indirectly, any documents, including electronically-stored materials, that relate in any way to the business practices or business or personal finances of Defendants or Relief Defendant; to the business practices or finances of entities directly or indirectly under the control of Defendants or Relief Defendant; or to the business practices or finances of entities directly or indirectly under common control with any other Defendant or Relief Defendant; and
- C. Creating, operating, or exercising any control over any new business entity, whether newly formed or previously inactive, including any

partnership, limited partnership, joint venture, sole proprietorship, or corporation, without first providing Plaintiff with a written statement disclosing: (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.

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; , & 2 5 5 ( 6 3 2 1 ' ( 1 & ( : , 7 + \$ 1 ' 1 2 7 , & ( 7 2 3 / \$ , 1 7 , ) )  
, 7 , 6 ) 8 5 7 + ( 5 2 5 ' ( that for purposes of compliance with this Order, all correspondence and service documents upon Plaintiff shall be addressed to

Richard McKewen  
Kathryn C. Decker  
Federal Trade Commission  
915 Second Avenue, Suite 2896  
Seattle, WA 98174  
(206) 220-6350 [telephone]  
(206) 200-6366 [facsimile]

rmckewen@ftc.gov  
kdecker@ftc.gov

; , , & 2 1 6 8 0 ( 5 5 ( 3 2 5 7 , 1 \* \$ \* ( 1 & , ( 6  
, 7 , 6 ) 8 5 7 + ( 5 2 5 ' ( ~~that~~, pursuant to Section 604 of the Fair  
Credit Reporting Act, 15 U.S.C. § 1681b, any consumer reporting agency which is  
served with a copy of this Order, ~~or~~ otherwise has actual or constructive knowledge  
of this Order, shall, upon request of ~~Plff~~, provide to Plaintiff a consumer or  
credit report concerning any Defendant.

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, 7 , 6 ) 8 5 7 + ( 5 2 5 ' ( ~~that~~ this Court shall retain jurisdiction of this  
matter for all purposes.

6 2 2 5 ' ( 5 ( ' this \_\_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE