



Temporary Restraining Order was set to expire on December 22, 2023, under Fed. R. Civ. P. 65(b)(2). On December 21, 2023, the parties jointly moved for extension of the Temporary Restraining Order through January 31, 2024, and the Court granted the parties' joint motion. (ECF Nos. 13-14).

On January 30, 2024, Plaintiff, Federal Trade Commission, and Defendants Robert William Shafer, Charles Joseph Garis, Jr., and Business Revolution Group Inc. ("Stipulating Defendants" and collectively with the FTC the "Stipulating Parties") jointly moved for entry of this Stipulated Preliminary Injunction. (ECF No. 26).

PRELIMINARY FINDINGS OF FACT

By stipulation of the Stipulating Parties, the Court preliminarily finds as follows:

- A. The FTC and Stipulating Defendants stipulate and agree to entry of this Order. Stipulating Defendants stipulate to entry of this Order without any admission of law or fact other than as stated herein.
- B. Stipulating Defendants waive all rights to seek judicial review or otherwise challenge or contest the validity of this Order.
- C. This Court has subject matter jurisdiction over this case, and there is good cause to believe that it will have jurisdiction over all parties hereto and that venue in this district is proper.
- D. The FTC alleges that there is good cause to believe that Defendants have operated an online enterprise that offers a purported business or money-making opportunity to the public. Defendants, the FTC alleges, have falsely claimed that if consumers buy memberships in their business or money-making opportunity, they will earn large sums of money in short periods of time with little to no effort.

E. The FTC alleges that there is good cause to believe that Defendants have marketed and sold memberships in their business or money-making opportunity through telemarketing and other means.

F. The FTC alleges that there is good cause to believe that Defendants have engaged in and are likely to engage in acts or practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and Sections 310.3(a)(4) and 310.3(a)(2)(vi) of the Telemarketing Sales Rule (“TSR”), 16 C.F.R. Part 310, an FTC Trade Regulation, and that the FTC is therefore likely to prevail on the merits of Counts I through IV of its Complaint. As demonstrated by consumer declarations, a declaration of an FTC investigator, transcripts of phone calls, voicemails, and marketing videos and other documentation filed by the FTC, the FTC alleges that it has established a likelihood of success in showing that Defendants have (1) made material misrepresentations in the promotion and sale of their business or money-making opportunity to consumers through telemarketing and other means, including that consumers are likely to earn substantial amounts of money if they buy memberships in the business or money-making opportunity, and (2) provided the means and instrumentalities for the commission of deceptive acts or practices in the promotion and sale of their business or money-making opportunity.

G. The FTC alleges that there is good cause to believe that Stipulating Defendants have engaged in and are likely to engage in acts or practices that violate Section 310.4(b)(1)(v) of the TSR, 16 C.F.R. Part 310, and that the FTC is therefore likely to prevail on the merits of Count V of its Complaint. As demonstrated by consumer declarations, a declaration from an FTC investigator, transcripts of phone calls, voicemails, and marketing videos, and other documentation filed by the FT

Outbound Telephone Calls (as defined *infra*

DEFINITIONS

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

- A. “**Asset**” means any legal or equitable interest in, right to, or claim to, any

ORDER

I. PROHIBITED BUSINESS ACTIVITIES

IT IS THEREFORE ORDERED that Stipulating Defendants, Stipulating Defendants' officers, agents, employees, and attorneys, and all other persons in active concert or participation with them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or indirectly, in connection with the advertising, marketing, promoting, or offering for sale of any goods or services, including any business or money-making opportunity, are restrained and enjoined from:

A. Misrepresenting or assisting others in misrepresenting, expressly or by implication, any material fact, including, but not limited to, misrepresenting:

1. That consumers who purchase Defendants' purported business or money-making opportunity will earn or are likely to earn substantial income; and
2. Any other fact material to consumers concerning any good or service, such

C.

days of service of this Order each Stipulating Defendant shall prepare and deliver to Plaintiff's counsel:

A.

Defendant; (2) held by any person or entity for the benefit of any Stipulating Defendant or for the benefit of any corporation, partnership, asset protection trust, or other entity that is directly or indirectly owned, managed or controlled by any Stipulating Defendant; or (3) under the direct or indirect control, whether jointly or singly, of any Stipulating Defendant; and

D. The same business day as any repatriation, (1) notify counsel for Plaintiff of the name and location of the financial institution or other entity that is the recipient of such Documents or Assets; and (2) serve this Order on any such financial institution or other entity.

VIII. NON-INTERFERENCE WITH REPATRIATION

IT IS FURTHER ORDERED that Stipulating Defendants, Stipulating Defendants' officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are hereby restrained and enjoined from taking any action, directly or indirectly, which may result in the encumbrance or dissipation of foreign Assets, or in the hindrance of the repatriation required by this Order, including, but not limited to:

A. Sending any communication or engaging in any other act, directly or indirectly, that results in a determination by a foreign trustee or other entity that a "duress" event has occurred under the terms of a foreign trust agreement until such time that all Stipulating Defendants' Assets have been fully repatriated pursuant to this Order; or

B. Notifying any trustee, protector or other agent of any foreign trust or other related entities of either the existence of this Order, or of the fact that repatriation is required pursuant to a court order, until such time that all Stipulating Defendants' Assets have been fully repatriated pursuant to this Order.

IX. CONSUMER CREDIT REPORTS

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

X. PRESERVATION OF RECORDS

IT IS FURTHER ORDERED that Stipulating Defendants, Stipulating Defendants' officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are hereby restrained and enjoined from:

A. Destroying, erasing, falsifying, writing over, mutilating, concealing, altering, transferring, or otherwise disposing of, in any manner, directly or indirectly, Documents that relate to: (1) the business, business practices, Assets, or business or personal finances of any Defendant; (2) the business practices or finances of entities directly or indirectly under the control of any Defendant; or (3) the business practices or finances of entities directly or indirectly under common control with any other Defendant; and

B. Failing to create and maintain Documents that, in reasonable detail, accurately, fairly, and completely reflect Defendants' incomes, disbursements, transactions, and use of Defendants' Assets.

XI. REPORT OF NEW BUSINESS ACTIVITY

IT IS FURTHER ORDERED that Stipulating Defendants, Stipulating Defendants' officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are hereby restrained and enjoined from creating, operating, or exercising any control over any

(2) the nature, location, and extent of Defendants' business transactions and operations; (3) Documents reflecting Defendants' business transactions and operations, including Documents reflecting any substantiation for earnings claims used by any Defendant in the sale of any business or money-making opportunity; and (4) compliance with this Order. The limited expedited discovery set forth in this Section shall proceed as follows:

A. To the extent not deposed in connection with the Temporary Restraining Order issued in this action on December 8, 2023 (ECF No. 6), Plaintiff may take the deposition of parties and non-parties. Forty-eight (48) hours' notice shall be sufficient notice for such depositions. The limitations and conditions set forth in Rules 30(a)(2)(A) and 31(a)(2)(A) of the Federal Rules of Civil Procedure shall apply. The conditions set forth in Rule 30(b)(7) of the Federal Rules of Civil Procedure shall apply. The conditions set forth in Rule 31(a)(2)(A) of the Federal Rules of Civil Procedure shall apply.

XVII. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for all purposes.

XVIII. PRELIMINARY INJUNCTION HEARING

IT IS FURTHER ORDERED that given the Stipulating Parties' consent to entry of this Preliminary Injunction Order, the hearing scheduled for January 31, 2024, at 10:00 a.m. in Courtroom 9B of the Byrne Courthouse, 601 Market Street, Philadelphia, Pennsylvania is hereby canceled as to the Stipulating Defendants.

SO ORDERED, this 30th day of January, 2024.

/s/ Gerald Austin McHugh
Gerald Austin McHugh
United States District Judge