

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

THE RESULTS GROUP, L.L.C., an  
Arizona Limited Liability Company,

EDWARD R. LONGORIA, individually  
and as a manager of The Results Group,  
L.L.C., and

AMBER R. HALVORSON,  
individually and as a manager of The  
Results Group, L.L.C.,

Defendants.

Civil No. CV 06-2843-PHX-JAT

TEMPORARY RESTRAINING  
ORDER FREEZING ASSETS AND  
PROVIDING EQUITABLE RELIEF,  
AND ORDER TO SHOW CAUSE  
WHY A PRELIMINARY  
INJUNCTION SHOULD NOT ISSUE

**SEALED**

[FILED UNDER SEAL]

TEMPORARY RESTRAINING ORDER FREEZING ASSETS AND  
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WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE

Plaintiff Federal Trade Commission (“FTC” or “Commission”), having filed its Complaint for Injunctive and Other Relief pursuant to Sections 5(a), 13(b), and 19 of the Federal Trade Commission Act (“FTC ACT”), 15 U.S.C. §§ 45(a), 53(b), and 57(b) and the amended Telemarketing and Consumer Fraud and Abuse Prevention Act (“Telemarketing Act”), 15 U.S.C. §§ 6101-6108, as amended, and having moved *ex parte* for a Temporary Restraining Order and Order to Show Cause why a Preliminary Injunction Should Not Issue pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, Fed. R. Civ. P. 65, and the Court, having considered the complaint, declarations, exhibits, and memorandum of law filed in support thereof, and now being advised in the premises, finds that:

1. This Court has jurisdiction over the subject matter of this case, and there is good cause to believe it will have jurisdiction of all parties hereto;

2. There is good cause to believe that defendants The Results Group, L.L.C., Edward R. Longoria, and Amber R. Halvorson, have engaged in and are likely to engage in acts and practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a) and the amended TSR, 16 C.F.R. § 310.3, and that the plaintiff is therefore likely to prevail on the merits of this action;

3. There is good cause to believe that immediate and irreparable damage to the Court's ability to grant effective final relief for consumers in the form of monetary restitution will occur from the sale, transfer, or other disposition or concealment by defendants of their assets or company records, or those assets and company records under their control, unless defendants are immediately restrained and enjoined by Order of this

Court. Such injury is so imminent that notice and a hearing on this Motion for a Temporary Restraining Order is impractical, if not impossible. There is thus good cause for issuing this Order without notice pursuant to Federal Rule of Civil Procedure 65(b);

4. Weighing the equities and considering plaintiff's likelihood of ultimate success, a Temporary Restraining Order with asset freeze and other equitable relief is in the public interest; and

5. Fed. R. Civ. P. 65(c) does not require security of the United States or an officer or agency thereof.

### DEFINITIONS

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

A. **"Defendants"** means The Results Group, L.L.C. ("TRG"), Edward R. Longoria, and Amber R. Halvorson, and each of their successors, assigns, members, officers, agents, servants, employees, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, affiliate or other device, unless specified otherwise.

B. **"Assets"** means any legal or equitable interest in, right to, or claim to, any real and personal property, including but not limited to "goods," "instruments," "equipment," "fixtures," "general intangibles," "inventory," "checks," "notes" (as these terms are defined in the Uniform Commercial Code), and all chattel, leaseholds, contracts, mail or other deliveries, shares of stock, lists of consumer names, accounts, credits, premises, receivables,

funds, and cash, wherever located.

C. **“Assisting others”** means knowingly providing any of the following goods or services to another entity: (1) performing customer service functions, including, but not limited to, receiving or responding to consumer complaints; (2) formulating or providing, or arranging for the formulation or provision of, any telephone sales script or any other marketing material; (3) providing names of, or assisting in the generation of, potential customers; or (4) performing marketing or billing services of any kind.

D. **“Document”** is synonymous in meaning and equal in scope 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 other data compilations from which the information can be obtained and translated, if necessary, through detection devices into reasonably usable form. A draft or non-identical copy is a separate document within the meaning of the term.

## **ORDER**

### **CONDUCT PROHIBITIONS**

#### **I. INJUNCTION AGAINST MISREPRESENTATIONS**

A. **IT IS THEREFORE ORDERED** that in connection with the marketing, offering for sale, or sale of any Internet business service or product, defendants The Results Group, L.L.C., Edward R. Longoria, and Amber R. Halvorson, and each of their successors, assigns, members, officers, agents, servants, employees, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise,

whether acting directly or through any entity, corporation, subsidiary, division, affiliate or other device, are hereby temporarily restrained and enjoined from:

1. Misrepresenting or assisting others in misrepresenting, either orally or in writing, expressly or by implication, any material fact, including, but not limited to, that purchasers are likely to earn substantial income with any Internet business services or products;
2. Misrepresenting or assisting others in misrepresenting, either orally or in writing, expressly or by implication, any material fact, including, but not limited to, that purchasers will receive substantial assistance in the operation of their Web site businesses from a staff of "experts" at no charge.

B. **IT IS FURTHER ORDERED** that, in connection with the marketing, offering for sale, or sale of any Internet business service or product, defendants The Results Group, L.L.C., Edward R. Longoria, and Amber R. Halvorson, and each of their successors, assigns, members, officers, agents, servants, employees, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, affiliate or other device, are hereby temporarily restrained and enjoined from:

1. Misrepresenting or assisting others in misrepresenting, either orally or in writing, expressly or by implication, any material fact, including, but not limited to misrepresenting, expressly or by implication, the risk,

earnings potential, or profitability of any Internet business service or product;

2. Misrepresenting or assisting others in misrepresenting, either orally or in writing, expressly or by implication, any material aspect of the performance, efficacy, nature, or central characteristic of any Internet business service or product;
3. Making or assisting others in making, either orally or in writing, expressly or by implication, false or misleading statements to induce consumers to pay for any Internet business service or product; and
4. Misrepresenting or assisting others in misrepresenting, either orally or in writing, expressly or by implication, any fact material to a consumer's decision to purchase any Internet business service or product.

## **II. PLAINTIFF'S ACCESS TO BUSINESS PREMISES**

**IT IS FURTHER ORDERED** that defendants shall identify and allow plaintiff's representatives, agents, and assistants immediate access to defendants' business premises, mail drops, storage facilities, and all other business locations used by defendants, including, but not limited to, 2845 East Camelback Road, Suite 700, Phoenix, Arizona 85016. The purpose of the access shall be to effect service and to inspect and copy material related to this action, including, but not limited to, correspondence, emails, financial data, or any other document or computer equipment containing information about defendants' business and assets.

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The Commission shall have the right to remove documents and computer equipment from the business premises of any defendant in order that they may be inspected, inventoried, imaged and copied. Plaintiff shall return any such removed documents or computer equipment to such defendant within five (5) business days of completing said inventory and copying. Defendants, to the extent they are in possession of documents, computer equipment, or electronically stored information relevant to this action, shall provide plaintiff with any necessary means of access to the documents, computer equipment, or electronically stored information, including, but not limited to, keys and combinations to locks, computer access codes and passwords, and storage area access information.

If, at the time of service of this Order, any materials related to this matter, including, but not limited to, correspondence, email, financial data, or any other documents or computer equipment containing information about defendants' business and assets are located outside of Phoenix, Arizona, or in the personal residence of any defendant, then such defendant shall, within forty-eight (48) hours of service of this Order, produce such correspondence, email, financial data, or any other document and computer equipment to the plaintiff.

### **ASSET & RECORD RETENTION**

#### **III. ASSET FREEZE**

**IT IS FURTHER ORDERED** that defendants The Results Group, L.L.C., Edward R. Longoria, Amber R. Halvorson, and each of their successors, assigns, members, officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, affiliate or other

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device, are hereby temporarily restrained and enjoined from:

- A. Transferring, converting, encumbering, selling, concealing, dissipating, disbursing, assigning, spending, withdrawing, perfecting a security interest in, or otherwise disposing of any funds, real or personal property, accounts, contracts, shares of stock, lists of consumer names, shares of stock, or other assets, wherever located, including outside the United States, that are:
1. Owned or controlled by, or held for the benefit of, directly or indirectly, any defendant, in whole or in part;
  2. In the actual or constructive possession of any defendant;
  3. Held by an agent of any defendant as a retainer for the agent's provision of services to defendants; or
  4. Owned or controlled by, or in the actual or constructive possession of or otherwise held for the benefit of, any corporation, partnership, or other entity directly or indirectly owned, managed, or controlled by any of the defendants, including but not limited to, any assets held by, for, or subject to access by, any of the defendants at any bank or savings and loan institution, or with any broker-dealer, escrow agent, title company, commodity trading company, precious metal dealer, or other financial institution or depository of any kind;
- B. Opening or causing to be opened any safe deposit boxes titled in the name of any defendant, or subject to access by any defendant;



- C. Obtaining a personal or secured loan encumbering the assets of any defendant, or subject to access by any defendant;
- D. Incurring liens or other encumbrances on real property, personal property, or other assets in the name, singly or jointly, of any defendant or of any corporation, partnership, or other entity directly or indirectly owned, managed, or controlled by any defendant; or
- E. Incurring charges or cash advances on any credit card or pre-paid debit, credit or other bank card, issued in the name, singly or jointly, of any defendant or any corporation, partnership, or other entity directly or indirectly owned, managed, or controlled by any defendant.

**IT IS FURTHER ORDERED** that the assets affected by this Paragraph shall include both existing assets and assets acquired after the effective date of this Order.

**IV. REPATRIATION OF ASSETS AND DOCUMENTS LOCATED IN FOREIGN COUNTRIES**

**IT IS FURTHER ORDERED** that defendants The Results Group, L.L.C., Edward R. Longoria, Amber R. Halvorson, and each of their successors, assigns, members, officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any entity, trust, corporation, subsidiary, division, affiliate or other device, shall:

- A. Within three (3) business days following the service of this Order, take such steps as are necessary to transfer to the territory of the United States of

America all documents and assets that are located outside of such territory and are held by or for defendants or are under defendants' direct or indirect control, jointly, severally, or individually;

- B. Within three (3) business days following service of this Order, provide the plaintiff with a full accounting of all documents and assets that are located outside of the territory of the United States of America and are held by or for defendants or are under defendants' direct or indirect control, jointly, severally, or individually;
- C. Hold and retain all transferred documents and assets and prevent any transfer, disposition, or dissipation whatsoever of any such assets or funds; and
- D. Provide plaintiff access to defendants' records and documents held by financial institutions outside the territorial United States, by signing the Consent to Release of Financial Records attached hereto as Attachment A.

**V. INTERFERENCE WITH REPATRIATION**

**IT IS FURTHER ORDERED** that defendants The Results Group, L.L.C., Edward R. Longoria, Amber R. Halvorson, and each of their successors, assigns, members, officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, affiliate or other device, are hereby temporarily 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 Paragraph IV of this Order, including but not limited

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to:

- A. Sending any statement, letter, fax, e-mail or wire transmission, telephoning, 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 as all assets have been fully repatriated pursuant to Paragraph IV of this Order; or
- B. Notifying any trustee, protector or other agent of any defendant of the existence of this Order, or of the fact that repatriation is required pursuant to a Court Order, until such time as all assets have been fully repatriated pursuant to Paragraph IV of this Order.

#### **VI. FINANCIAL STATEMENTS**

**IT IS FURTHER ORDERED** that not less than three (3) days prior to the scheduled date and time for the hearing on a preliminary injunction, but in no event later than ten (10) days after entry of this Order, defendants shall provide the Commission with completed financial statements, on the forms attached to this Order as Attachments B and C, for each defendant individually and for each corporation or limited liability company of which such defendant is an officer or member, as of the date of service of this Order upon such defendant.

#### **VII. CONSUMER CREDIT REPORTS**

**IT IS FURTHER ORDERED** that pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C. § 1681b(1), any consumer reporting agency may furnish a consumer report concerning any defendant to the Commission.

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### **VIII. PRESERVATION OF RECORDS**

**IT IS FURTHER ORDERED** that defendants The Results Group, L.L.C., Edward R. Longoria, Amber R. Halvorson, and each of their successors, assigns, members, officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any entity, corporation, subsidiary, affiliate, division, or other device, are hereby temporarily restrained and enjoined from destroying, erasing, mutilating, concealing, altering, transferring, or otherwise disposing of, in any manner, directly or indirectly, any contracts, accounting data, correspondence, advertisements, computer tapes, discs, or other computerized data storage media, books, written or printed records, handwritten notes, telephone logs, telephone scripts, recordings, receipt books, ledgers, personal and business canceled checks and check registers, bank statements, appointment books, copies of federal, state or local business or personal income or property tax returns, and other documents or records of any kind that relate to the business practices or business or personal finances of the defendants, individually and jointly.

### **IX. MAINTENANCE OF CURRENT BUSINESS RECORDS**

**IT IS FURTHER ORDERED** that defendants The Results Group, L.L.C., Edward R. Longoria, Amber R. Halvorson, and each of their successors, assigns, members, officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, affiliate or other device, are hereby temporarily restrained and enjoined from:

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- A. Failing to create and maintain documents that, in reasonable detail, accurately, fairly, and completely reflect defendants' incomes, disbursements, transactions, and use of money; and
- B. Creating, operating, or exercising any control over any business entity, including any partnership, limited partnership, joint venture, sole proprietorship, corporation or limited liability company, without first providing the Commission 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.

**X. RETENTION OF ASSETS AND RECORDS**

**IT IS FURTHER ORDERED** that pending determination of the plaintiff's request for a Preliminary Injunction, any financial or brokerage institution, business entity, or person served with a copy of this Order that holds, controls or maintains custody of any account or asset of the defendants or has held, controlled or maintained custody of any such account or asset at any time since the date of entry of this Order shall:

- A. Hold and retain within its control and prohibit the withdrawal, removal, assignment, transfer, pledge, encumbrance, disbursement, dissipation, conversion, sale, or other disposal of any such asset except by further order of the Court;
- B. Deny defendants access to any safe deposit box that is:

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1. Titled in the name of any defendant, either individually or jointly; or
  2. Otherwise subject to access by any defendant;
- C. Provide the Commission's counsel, within five (5) business days of receiving a copy of this Order, a sworn statement setting forth:
1. The identification number of each such account or asset titled in the name, individually or jointly, of any of the defendants, or held on behalf of, or for the benefit of, any of the defendants;
  2. The balance of each such account, or a description of the nature and value of such asset as of the close of business on the day on which this Order is served, and, if the account or other asset has been closed or removed, the date closed or removed, the total funds removed in order to close the account, and the name of the person or entity to whom such account or other asset was remitted; and
  3. The identification of any safe deposit box that is either titled in the name, individually or jointly, of any defendant, or is otherwise subject to access by any defendant; and
- D. Upon the request of the Commission, promptly provide the Commission with copies of all records or other documentation pertaining to such account or asset, including, but not limited to, originals or copies of account applications, account statements, 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. Any such financial

institution, account custodian, or other aforementioned entity may arrange for the Commission to obtain copies of any such records which the Commission seeks.

**XI. DUTIES OF HOSTS OF DEFENDANTS' COMPUTER EQUIPMENT**

**IT IS FURTHER ORDERED** that pending determination of the plaintiff's request for a Preliminary Injunction, any person who owns or controls any business premises or other location on which any computer equipment owned or leased by any defendant is located shall:

- A. Disconnect any such computer equipment from the Internet and from any other means of remote access by defendants or any other person, and take no step to reconnect the computer equipment except as authorized by further Order of this Court;
- B. Deny the defendants and any other person access to the computer equipment except as authorized by a further Order of this Court;
- C. Prevent the removal of the computer equipment from its present location except as authorized by further Order of this Court; and
- D. Provide counsel for the Commission, within five (5) business days of receipt of a copy of this Order, with a sworn statement disclosing the location of the computer equipment, and describing, to the extent known, the make(s) and model(s) of the computer equipment, as well as the operating system(s) in use, and the number, size and capacity of any mass storage arrays or devices, in order that the Commission may arrange for imaging of the contents of any

such mass storage arrays or devices.

**NOTIFICATION PROVISIONS**

**XII. DISTRIBUTION OF ORDER BY DEFENDANTS**

**IT IS FURTHER ORDERED** that defendants The Results Group, L.L.C., Edward R. Longoria, and Amber R. Halvorson shall immediately provide a copy of this Order to each affiliate, sales entity, successor, assign, member, officer, employee, agent, servant, attorney, subsidiary, division, and representative of any defendant, and shall, within ten (10) days from the date of entry of this Order, provide the Commission with a sworn statement that defendants have complied with this provision of the Order, which statement shall include the names and addresses of each such person or entity who received a copy of the Order.

**XIII. SERVICE OF ORDER**

**IT IS FURTHER ORDERED** that copies of this Order may be served by any means, including facsimile transmission, electronic mail, and overnight delivery service, 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. Pursuant to Fed. R. Civ. P. 4(c)(2), this Order and the initial papers filed in this matter may be served on defendants, upon the business premises of the defendants, and 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, by employees of the Commission, by employees of any other law enforcement agency, by any agent of plaintiff or by any agent of any process service retained by plaintiff.



**XIV. MONITORING**

**IT IS FURTHER ORDERED** that agents or representatives of the Commission may contact the defendants or the defendants' agents or representatives directly and anonymously for the purpose of monitoring compliance with Paragraph I of this Order, and may tape record any oral communications that occur in the course of such contacts.

**PRELIMINARY INJUNCTION PROCEEDINGS**

**XV. SERVICE OF PLEADINGS**

**IT IS FURTHER ORDERED** that the parties shall serve all memoranda, affidavits and other evidence upon which they intend to rely at the preliminary injunction hearing set in this matter not later than 4:00 p.m. local time of the second day prior to the hearing date. Service on the Commission shall be performed by delivery to the attention of W. David Griggs at the Federal Trade Commission, Southwest Region, 1999 Bryan Street, Suite 2150, Dallas, Texas 75201-6803, or by facsimile transmission to (214) 953-3079.

**XVI. EXAMINATION OF WITNESSES**

**IT IS FURTHER ORDERED** that Plaintiff may present evidence from consumers by way of affidavit at the Preliminary Injunction hearing.

**XVII. EXPEDITED ASSET DISCOVERY**

**IT IS FURTHER ORDERED** that in anticipation of the preliminary injunction hearing set herein, the Commission is granted leave to conduct expedited discovery regarding defendants' assets. The Commission may depose any witness regarding defendants' assets at any time after the date of this Order upon three (3) business days' notice. The defendants shall respond to any asset-related interrogatories, requests for admissions, or requests for

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production of documents within four (4) business days after service of the discovery request. Any discovery taken or propounded by the Commission pursuant to this Paragraph is in addition to, and not subject to, any limits on the quantity of permissible discovery provided for in the Federal Rules of Civil Procedure or the rules of this Court. Any limitations and conditions set forth in the Federal Rule of Civil Procedure or the rules of this Court regarding subsequent depositions of an individual shall not apply to depositions taken pursuant to this Paragraph.

**XVIII. ORDER TO SHOW CAUSE**

**IT IS FURTHER ORDERED**, pursuant to Fed. R. Civ. P. 65(b), that defendants shall appear before this Court on the 8<sup>th</sup> day of December, 2006 at 9:00 o'clock a.m. at the United States District Court, District of Arizona - Phoenix Division, Sandra Day O'Connor U.S. Courthouse, 401 West Washington Street, SPC 1, Phoenix, Arizona 85003-2118, Courtroom 503, to show cause, if there is any, why this Court should not enter a preliminary injunction, pending final ruling on the Complaint against defendants, enjoining them from further violations of Section 5(a) of the Federal Trade Commission Act, 15 U.S.C. § 45(a), and the amended TSR, 16 C.F.R. 310.3, continuing the freeze of their assets, and imposing such additional relief as may be appropriate.

**XIX. DURATION OF TEMPORARY RESTRAINING ORDER**

**IT IS FURTHER ORDERED** that this Temporary Restraining Order shall expire on December 8, 2006, at 5:00 p.m., unless before such time, the Order is extended for good cause shown, or by consent of the parties.

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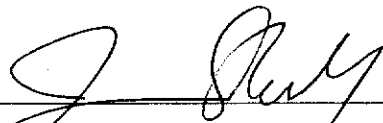
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**XX. RETENTION OF JURISDICTION**

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

**IT IS SO ORDERED.**

DATED this 28 day of NOV, 2006. 11:07 a.m.

  
UNITED STATES DISTRICT JUDGE  
JAMES A. TEILBORG

*cc: Plaintiff's counsel*

*(4 certified copies provided to Plaintiff  
by T. Bengtson on 11/28/06)*

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