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CLERK, U.S. DISTRICT COURT  
**DEC 5 2000**  
CENTRAL DISTRICT OF CALIFORNIA  
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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

FEDERAL TRADE COMMISSION,  
  
Plaintiff,  
  
v.  
  
JEREMY MARTINEZ, individually  
and d/b/a Info World,  
  
Defendant.

Civil Action No.  
00-12701 CAS

AMENDED [~~PROPOSED~~]  
TEMPORARY RESTRAINING  
ORDER FREEZING ASSETS  
AND PROVIDING ADDITIONAL  
EQUITABLE RELIEF

Plaintiff, the Federal Trade Commission ("Commission")  
having filed its complaint for a permanent injunction and other  
equitable relief in this matter pursuant to section 13(b) of the  
Federal Trade Commission Act ("FTC"), 15 U.S.C. § 53(b), and  
having moved ex parte for a temporary restraining order and for  
an order to show cause why a preliminary injunction should not be

**COPY**

1 granted pursuant to Rule 65(b) of the Federal Rules of Civil  
2 Procedure, Fed. R. Civ. P. 65, and the Court, having considered  
3 the complaint, declarations, exhibits, and memorandum of law  
4 filed in support thereof, finds that:

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

8 2. There is good cause to believe that the Defendant,  
9 Jeremy Martinez, has engaged and is likely to engage in acts and  
10 practices that violate Section 5(a) of the FTC Act, 15 U.S.C. §  
11 45(a), and that the Plaintiff is therefore likely to prevail on  
12 the merits of this action;

13 3. There is good cause to believe that immediate and  
14 irreparable damage to the Court's ability to grant effective  
15 final relief will occur from the sale, transfer, or other  
16 disposition or concealment by the Defendant of his assets or  
17 business records unless the Defendant is immediately restrained  
18 and enjoined by Order of this Court. The evidence set forth in  
19 the Commission's Memorandum of Points and Authorities in Support  
20 of its Ex Parte Application for a TRO ("Memorandum"), and in the  
21 accompanying declarations and exhibit, shows that the Defendant  
22 has engaged in a concerted course of illegal activity in  
23 connection with the sale of false identification templates on the  
24 Internet designed and marketed to be used for fraudulent  
25 purposes, in violation of Section 5(a) of the FTC Act, 15 U.S.C.  
26 45(a). Defendants very business facilitates the alteration and

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1 concealment of identity. Thus, there is good cause to believe  
2 that the Defendant will attempt to conceal the scope of his  
3 deliberate illegal actions to avoid returning his ill-gotten  
4 gains to consumers injured by his unlawful practices if not  
5 restrained from doing so by Order of this Court.

6 4. The Commission has not provided notice to the Defendant  
7 due to the likelihood that advance notice of this action will  
8 lead to the very irreparable injury the Commission seeks to  
9 prevent through its motion for an ex parte TRO, including  
10 dissipation or concealment of assets and destruction of evidence.  
11 The Commission's request for this emergency ex parte relief is  
12 not the result of any lack of diligence on the Commission's part,  
13 but is instead based upon the nature of the Defendant's unlawful  
14 conduct.

15 5. Weighing the equities and considering the Plaintiff's  
16 likelihood of ultimate success, a temporary restraining order  
17 with asset freeze and other equitable relief is in the public  
18 interest; and

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

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#### Definitions

23

For the purpose of this temporary restraining order, the  
24 following definitions shall apply:

25

A. "Defendant" means Jeremy Martinez, individually and d/b/a  
26 Info World, as well as his assigns, agents, servants,

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1 employees, or affiliates, and those persons in active  
2 concert or participation with them who receive actual notice  
3 of this Order by personal service or otherwise, whether  
4 acting directly or through any entity, corporation,  
5 subsidiary, division, or other device, unless specified  
6 otherwise.

7 B. "Asset" or "Assets" means any legal or equitable interest  
8 in, right to, or claim to any real or personal property of  
9 any Defendant, or held for the benefit of any Defendant,  
10 including, but not limited to "goods," "instruments,"  
11 "equipment," "fixtures," "general intangibles," "inventory,"  
12 "checks," or "notes" (as these terms are defined in the  
13 Uniform Commercial Code), and all chattels, leaseholds,  
14 contracts, mails or other deliveries, shares of stock, lists  
15 of consumers, accounts, credits, receivables and cash,  
16 wherever located.

17 C. "Identification document" means a document made or issued by  
18 or under the authority of the United States Government, a  
19 State, political subdivision of a State, a foreign  
20 government, political subdivision of a foreign government,  
21 an international governmental or international quasi  
22 governmental organization which, when completed with  
23 information concerning a particular individual, is of a type  
24 intended or commonly accepted for the purposes of  
25 identification of individuals, including but not limited to,  
26 driver's licenses, birth certificates, social security

1 cards, work permits, diplomas, school transcripts,  
2 passports, and identification cards.

3 D. "False identification document" means any document that  
4 could reasonably be confused with an identification  
5 document.

6 E. "Identification template" means any implement, impression,  
7 electronic device or computer hardware or software that is  
8 specifically configured or primarily used for making an  
9 identification document, false identification document or  
10 other identification template.

## 11 12 CONDUCT PROHIBITIONS

### 13 I.

#### 14 INJUNCTION AGAINST PROVIDING FALSE IDENTIFICATION

15 IT IS THEREFORE ORDERED that the Defendant is hereby  
16 temporarily restrained and enjoined from engaging, participating  
17 or assisting in any manner or capacity whatsoever, directly, or  
18 in concert with others, individually or through any business  
19 entity or other device, in the sale, advertisement, promotion,  
20 marketing, offering, or provision of any false identification  
21 or identification template, or any information, product, or  
22 service related thereto.

1 II.

2 INJUNCTION AGAINST PROVIDING OTHERS WITH  
3 THE MEANS AND INSTRUMENTALITIES TO  
4 VIOLATE SECTION 5 OF THE FTC ACT

5 IT IS FURTHER ORDERED that in connection with the offering  
6 for sale or sale of identification documents, false  
7 identification documents, or identification templates, Defendant  
8 is hereby temporarily restrained and enjoined from providing to  
9 others the means and instrumentalities with which to make,  
10 expressly or by implication, orally or in writing, any false or  
11 misleading statement or representation of material fact,  
12 including, but not limited to representations that:

- 13 A. conceal or alter any person's actual identity; and  
14 B. indicate that a identification document was issued by a  
15 government agency.

16  
17 III.

18 ASSET FREEZE

19 IT IS FURTHER ORDERED that Defendant is temporarily  
20 restrained and enjoined from:

- 21 A. Transferring, converting, encumbering, selling, concealing,  
22 dissipating, disbursing, assigning, spending, withdrawing,  
23 perfecting a security interest in, or otherwise disposing of  
24 any assets, including, but not limited to, funds, property,  
25 accounts, contracts, shares of stock, lists of consumer  
26 names, or other assets, wherever located, including outside  
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1 the United States, that are (1) owned or controlled,  
2 directly or indirectly, by the Defendant, in whole or in  
3 part; (2) in the actual or constructive possession of the  
4 Defendant; or (3) owned, controlled by, or in the actual or  
5 constructive possession of any corporation, partnership, or  
6 other entity directly or indirectly owned, managed, or  
7 controlled by the Defendant, including but not limited to,  
8 any assets held by, for, or under the name of the Defendant  
9 at any bank or savings and loan institution, or with any  
10 broker-dealer, escrow agent, title company, commodity  
11 trading company, precious metal dealer, or other financial  
12 institution or depository of any kind;

13 B. Opening or causing to be opened any safe deposit box titled  
14 in the name of the Defendant, or subject to access by the  
15 Defendant; and

16 C. Incurring charges or cash advances on any credit card,  
17 charge card, or debit card issued in the name, singly or  
18 jointly, of the Defendant.

19  
20 **IV.**

21 **REPATRIATION OF ASSETS AND DOCUMENTS**

22 **LOCATED IN FOREIGN COUNTRIES**

23 **IT IS FURTHER ORDERED** that Defendant, whether acting through  
24 any trust, corporation, subsidiary, division, or other device,  
25 shall:

26 A. Within three (3) business days following service of this  
27

1 Order, take such steps as are necessary to transfer to the  
2 territory of the United States of America all documents and  
3 assets that are located outside of such territory and are  
4 held by or for the Defendant or are under the Defendant's  
5 direct or indirect control, jointly, severally, or  
6 individually; and

7 B. Within three (3) business days following service of this  
8 Order, provide the Plaintiff with a full accounting of all  
9 documents and assets that are located outside of the  
10 territory of the United States of America and are held by or  
11 for the Defendant or are under the Defendant's direct or  
12 indirect control, jointly, severally, or individually; and

13 C. Hold and retain all transferred documents and assets and  
14 prevent any transfer, disposition, or dissipation whatsoever  
15 of any such assets or funds; and

16 D. Provide the Plaintiff access to the Defendant's records and  
17 documents held by financial institutions outside the  
18 territorial United States, by signing the Consent to Release  
19 of Financial Records attached hereto as Attachment A.  
20

21 V.

22 **FINANCIAL STATEMENT**

23 **IT IS FURTHER ORDERED** that not less than three (3) days  
24 prior to the scheduled date and time for the hearing on a prelim-  
25 inary injunction in this matter, but in no event later than ten  
26 (10) days after entry of this Order, the Defendant shall provide  
27



1 the Commission with a completed financial statement, on the form  
2 attached to this Order as Attachment B.

3  
4 VI.

5 CONSUMER CREDIT REPORTS

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

10  
11 VII.

12 PLAINTIFF'S ACCESS TO BUSINESS RECORDS

13 IT IS FURTHER ORDERED that the Defendant shall allow the  
14 Plaintiff's representatives, agents, and assistants immediate  
15 access to all of the Defendant's business premises to inspect and  
16 copy documents so the Commission may prepare for the preliminary  
17 injunction hearing and identify and locate assets. The Plaintiff  
18 shall have discretion to regulate the time, place, and manner of  
19 such access consistent with this purpose. The Commission may  
20 remove materials from the Defendant's business premises so they  
21 may be inspected, inventoried, and copied.

22 If any business records or property relating to the  
23 Defendant's sale of false identification documents are located in  
24 the personal residence of the Defendant, then Defendant shall,  
25 within twenty four (24) hours of service of this Order:

1 A. Produce to the Plaintiff for inspection, inventory and/or  
2 copying, at a location designated by the Plaintiff, all  
3 materials related or referring, directly or indirectly,  
4 to the Defendant's offer, sale or provision of false  
5 identification templates, and/or any materials,  
6 information, products or data related thereto, including,  
7 but not limited to, identification templates, false  
8 identification documents, computers, computerized files,  
9 storage media (including but not limited to floppy disks,  
10 hard drives, cd-roms, zip disks, punch cards, magnetic  
11 tape, backup tapes and computer chips) on which  
12 information has been saved, any and all equipment needed  
13 to read any such material, contracts, accounting data,  
14 correspondence (including, but not limited to, electronic  
15 correspondence), advertisements (including, but not  
16 limited to, advertisements placed on the World Wide Web),  
17 USENET Newsgroup postings, World Wide Web pages, books,  
18 written or printed records, handwritten notes, telephone  
19 logs, telephone scripts, receipt books, ledgers, personal  
20 and business canceled checks and check registers, bank  
21 statements, appointment books, copies of federal, state  
22 or local business or personal income or property tax  
23 returns, 1099 forms, and other documents or records of  
24 any kind that relate to Defendant's business practices;  
25 and

1 B. Produce to the Plaintiff for inspection, inventory and/or  
2 copying, at a location designated by the Plaintiff, all  
3 computers and data in whatever form, used by the  
4 Defendant, in whole or in part, relating to the  
5 Defendant's business practices.

6 The Commission shall return materials so removed, or produced by  
7 the Defendant, within three (3) business days of completing said  
8 inventory and copying.

9  
10 **VIII.**

11 **PRESERVATION OF RECORDS**

12 **IT IS FURTHER ORDERED** that the Defendant is hereby temporarily  
13 restrained and enjoined from destroying, erasing, mutilating,  
14 concealing, altering, transferring, or otherwise disposing of, in  
15 any manner, directly or indirectly, any identification templates,  
16 false identification documents, computers, computerized files,  
17 storage media (including but not limited to floppy disks, hard  
18 drives, cd-roms, zip disks, punch cards, magnetic tape, backup  
19 tapes and computer chips) on which information has been saved,  
20 any and all equipment needed to read any such material,  
21 contracts, accounting data, correspondence (including, but not  
22 limited to, electronic correspondence), advertisements  
23 (including, but not limited to, advertisements placed on the  
24 World Wide Web), USENET Newsgroup postings, World Wide Web pages,  
25 books, written or printed records, handwritten notes, telephone  
26 logs, telephone scripts, receipt books, ledgers, personal and

1 business canceled checks and check registers, bank statements,  
2 appointment books, copies of federal, state or local business or  
3 personal income or property tax returns, 1099 forms, and other  
4 documents or records of any kind that relate to the business  
5 practices or business or personal finances of the Defendant.

6  
7 **IX.**

8 **MAINTENANCE OF CURRENT BUSINESS RECORDS**

9 **IT IS FURTHER ORDERED** that the Defendant is hereby temporarily  
10 restrained and enjoined from:

- 11 A. Failing to create and maintain documents that, in  
12 reasonable detail, accurately, fairly, and completely  
13 reflect the Defendant's incomes, disbursements,  
14 transactions, and use of money; and
- 15 B. Creating, operating, or exercising any control over any  
16 business entity, including any partnership, limited  
17 partnership, joint venture, sole proprietorship or  
18 corporation, without first providing the Commission with  
19 a written statement disclosing: (1) the name of the  
20 business entity; (2) the address and telephone number of  
21 the business entity; (3) the names of the business  
22 entity's officers, directors, principals, managers and  
23 employees; and (4) a detailed description of the business  
24 entity's intended activities.

1 X.

2 RETENTION OF ASSETS AND RECORDS BY FINANCIAL INSTITUTIONS

3 IT IS FURTHER ORDERED that, pending determination of the  
4 Plaintiff's request for a preliminary injunction, any financial  
5 or brokerage institution, business entity, or person served with  
6 a copy of this Order that holds, controls or maintains custody of  
7 any account or asset of the Defendant, or has held, controlled or  
8 maintained custody of any such account or asset at any time since  
9 the date of entry of this Order shall

10 A. Hold and retain within its control and prohibit the  
11 withdrawal, removal, assignment, transfer, pledge,  
12 encumbrance, disbursement, dissipation, conversion, sale,  
13 or other disposal of any such asset except by further  
14 order of the Court;

15 B. Deny the Defendants access to any safe deposit box that  
16 is:

- 17 1. titled in his name, individually or jointly; or  
18 2. otherwise subject to access by the Defendant;

19 C. Provide the Commission's counsel, within five (5)  
20 business days of receiving a copy of this Order, a sworn  
21 statement setting forth:

- 22 1. the identification number of each such account or  
23 asset titled in the name, individually or jointly,  
24 of the Defendant, or held on behalf of, or for the  
25 benefit of the Defendant;  
26 2. the balance of each such account, or a description  
27

1 of the nature and value of such asset as of the  
2 close of business on the day on which this Order is  
3 served, and, if the account or other asset has been  
4 closed or removed, the date closed or removed, the  
5 total funds removed in order to close the account,  
6 and the name of the person or entity to whom such  
7 account or other asset was remitted; and

8 3. the identification of any safe deposit box that is  
9 titled in the name, individually or jointly, of the  
10 Defendant, or is otherwise subject to access by the  
11 Defendant; and

12 D. Upon the request by the Commission, promptly provide the  
13 Commission with copies of all records or other  
14 documentation pertaining to each such account or asset,  
15 including but not limited to originals or copies of  
16 account applications, account statements, signature  
17 cards, checks, drafts, deposit tickets, transfers to and  
18 from the accounts, all other debit and credit instruments  
19 or slips, currency transaction reports, 1099 forms, and  
20 safe deposit box logs. Any such financial institution,  
21 account custodian, or other aforementioned entity may  
22 arrange for the Commission to obtain copies of any such  
23 records which the Commission seeks.







1 the Commission shall be performed by personal delivery to the  
2 attention of counsel at the Federal Trade Commission, 600  
3 Pennsylvania Ave., N.W., Room H-238, Washington, DC 20580, and to  
4 local counsel at 10877 Wilshire Boulevard, Suite 700, Los  
5 Angeles, CA 90024, or by facsimile transmission to (202) 326-3395  
6 and (310)824-4380, or pursuant to any arrangement agreed upon by  
7 the parties.

8  
9 XV.

10 DURATION OF TEMPORARY RESTRAINING ORDER

11 IT IS FURTHER ORDERED that the Temporary Restraining Order  
12 granted herein shall expire on December 15, 2000, at  
13 11:59 P.M., unless within such time the Order, for good cause  
14 shown, is extended, or unless the Defendant consents that it  
15 should be extended for a longer period of time.

16  
17 XVI.

18 PRELIMINARY INJUNCTION HEARING

19 IT IS FURTHER ORDERED, pursuant to Fed. R. Civ. P. 65(b),  
20 that Defendant shall appear before this Court on the 15<sup>th</sup> day of  
21 December, 2000 at 3:30 PM o'clock P..m., at the United  
22 States Courthouse, Room 5, to show cause, if there is any, why  
23 this Court should not enter a preliminary injunction, pending  
24 final ruling on the Complaint against the Defendant, enjoining  
25 him from further violations of Sections 5(a) and 5(n) of the  
26 Federal Trade Commission Act, 15 U.S.C. § 45(a), continuing the

1 freeze of his assets, and imposing such additional relief as may  
2 be appropriate.

3  
4 **XVII.**

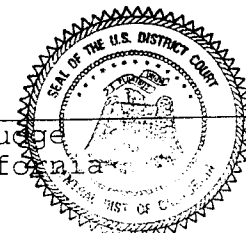
5 **RETENTION OF JURISDICTION**

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

8  
9 **SO ORDERED**, this 5th day of December, 2000, at  
10 3:50 p.m.

11 **CHRISTINA A. SNYDER**

12 United States District Judge  
13 Central District of California



14 **1071**

15 Presented by:

16 \_\_\_\_\_  
17 James A. Kohm  
18 Karen Leonard  
19 Attorneys for Plaintiff  
20 Federal Trade Commission

21 \_\_\_\_\_  
22 John Jacobs  
23 Local Counsel for Plaintiff  
24 Federal Trade Commission  
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