

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

6554962 CANADA INC., a corporation,
also d/b/a UNION CONSUMER
BENEFITS, and

NAEEM ALVI, individually and as an
officer and director of the corporate
defendant,

Defendants.

Civ. No.

OSC 2309
RECEIVED

APR 23 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

MAGISTRATE JUDGE ASHMAN

JUDGE ASPEN

~~[PROPOSED]~~
**TEMPORARY RESTRAINING ORDER WITH
ASSET FREEZE AND OTHER EQUITABLE RELIEF, AND ORDER TO
SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE**

Plaintiff, Federal Trade Commission ("FTC" or "Commission"), having filed its Complaint for 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 having moved *ex parte* for a Temporary Restraining Order with Asset Freeze and Other Equitable Relief ("TRO"), and for an Order to Show Cause Why A Preliminary Injunction Should Not Issue pursuant to Federal Rule of Civil Procedure 65, and the Court having considered the Complaint, declarations, exhibits, and memorandum of law filed in support of said motion, and now being advised in the premises, finds that:

1. This Court has jurisdiction over the subject matter of this case and over the parties;

2. Venue properly lies with this Court;

3. There is good cause to believe that Defendants 6554962 Canada Inc., d/b/a Union Consumer Benefits, and Naeem Alvi, 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 Telemarketing Sales Rule (“TSR”), 16 C.F.R. Part 310, and that the Commission is likely to prevail on the merits of this action;

4. There is good cause to believe that immediate and irreparable harm will result from Defendants’ ongoing violations of Section 5(a) of the FTC Act and the TSR unless Defendants are restrained and enjoined by order of this Court;

5. There is good cause to believe that immediate and irreparable damage to the Court’s ability to provide effective final relief for consumers in the form of monetary restitution will occur from the sale, transfer, assignment, or other disposition or concealment by Defendants of their assets or records unless Defendants are immediately restrained and enjoined by order of this Court. Therefore, there is good cause for the entry of the ancillary relief contained in this Order, including freezing the Defendants’ assets and prohibiting the Defendants from destroying records;

6. There is good cause for issuing this Order pursuant to Fed. R. Civ. P. 65(b);

7. Weighing the equities and considering the Commission’s likelihood of ultimate success, a temporary restraining order with asset freeze, expedited discovery, and other equitable relief is in the public interest; and

8. No security is required of any agency of the United States for issuance of a temporary restraining order. *See* Fed. R. Civ. P. 65(c).

DEFINITIONS

1. **“Plaintiff”** means the Federal Trade Commission.
2. **“Defendant”** or **“Defendants”** means 6554962 Canada Inc., d/b/a Union Consumer Benefits, and Naeem Alvi, and each of them, by whatever names each may be known.
3. **“Asset”** or **“assets”** means any legal or equitable interest in, right to, or claim to, any real and personal property, including, but not limited to, chattels, goods, instruments, equipment, fixtures, general intangibles, effects, leaseholds, mail or other deliveries, inventory, checks, notes, accounts, credits, receivables, funds, monies, and all cash, wherever located, and shall include both existing assets and assets acquired after the date of entry of this Order.
4. **“Material”** means likely to affect a person’s choice of, or conduct regarding, goods or services.
5. **“Person”** or **“persons”** means a natural person, an organization, or other legal entity, including a corporation, partnership, sole proprietorship, limited liability company, association, cooperative, or any other group or combination acting as an entity.
6. **“Customer”** means any person who has paid, or may be required to pay, for goods or services offered for sale or sold by any Defendant.
7. **“Consumer”** means any individual, group, unincorporated association, limited or general partnership, corporation, or other business entity.
8. **“Document”** or **“record”** is synonymous in meaning and equal in scope to the usage of the term in Federal Rule of Civil Procedure 34(a) and means:
 - A. The original or a true copy of any written, typed, printed, electronically stored, transcribed, taped, recorded, filmed, punched, or graphic matter or other data compilations of any kind, including, but not limited to, letters, e-mail or other correspondence,

messages, memoranda, inter-office communications, notes, reports, summaries, manuals, magnetic tapes or discs, tabulations, books, records, checks, invoices, work papers, journals, ledgers, statements, returns, reports, schedules, or files; and

B. Any information stored on any desktop personal computer (“PC”) and workstations, laptops, notebooks, and other portable computers, whether assigned to individuals or in pools of computers available for shared use; and home computers used for work-related purposes; backup disks and tapes, archive disks and tapes, and other forms of offline storage, whether stored onsite with the computer used to generate them, stored offsite in another company facility, or stored offsite by a third-party, such as in a disaster recovery center; and computers and related offline storage used by Defendants’ participating associates, which may include persons who are not employees of the company or who do not work on company premises.

9. **“Financial institution”** means any bank, savings and loan institution, credit union, or any financial depository of any kind, including, but not limited to, any brokerage house, trustee, broker-dealer, escrow agent, title company, commodity trading company, or precious metal dealer.

10. **“Assisting others”** means: (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 sales script or any other marketing material; (3) providing names of, or assisting in the generation of, potential customers; or (4) performing marketing services of any kind.

11. **“Telemarketing”** means any plan, program or campaign (whether or not covered by the Telemarketing Sales Rule, 16 C.F.R. Part 310) that is conducted to induce the purchase of

goods or services, or the payment of money, by means of the use of one or more telephones.

ORDER

I.

PROHIBITED BUSINESS ACTIVITIES

IT IS THEREFORE ORDERED that Defendants, and their officers, agents, directors, servants, employees, salespersons, independent contractors, attorneys, corporations, subsidiaries, affiliates, successors, and assigns, and all other persons or entities 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 trust, corporation, subsidiary, division, or other device, or any of them, in connection with the advertising, promotion, offering for sale, sale, or provision of any good or service, including, but not limited to, any medical or prescription discount program or plan, are temporarily restrained and enjoined from:

A. Making, or assisting others in making, any false or misleading statement or representation of material fact, expressly or by implication, including, but not limited to:

1. Misrepresenting, expressly or by implication, that Defendants are calling from, on behalf of, or are otherwise affiliated with government programs, such as Medicare or Social Security, or consumers' banks;

2. Misrepresenting, expressly or by implication, that Defendants will provide consumers with substantial discounts on medical care and prescriptions in exchange for a one-time fee; and

3. Misrepresenting, expressly or by implication, any fact material to a consumer's decision to purchase any good or service; and

B. Violating, or assisting others in violating, any provision of the Telemarketing

Sales Rule, 16 C.F.R. Part 310, including, but not limited to:

1. Section 310.3(a)(2)(iii) of the TSR, 16 C.F.R. § 310.3(a)(2)(iii), by misrepresenting, expressly or by implication, that Defendants will provide consumers with substantial discounts on medical care and prescriptions in exchange for a one-time fee;
2. Section 310.3(a)(2)(vii) of the TSR, 16 C.F.R. § 310.3(a)(2)(vii), by misrepresenting, expressly or by implication, that Defendants are calling from, on behalf of, or are otherwise affiliated with government programs, such as Medicare or Social Security, or consumers' banks;
3. Section 310.4(a)(6) of the TSR, 16 C.F.R. § 310.4(a)(6), by causing billing information to be submitted for payment without the express informed consent of the consumer;
4. Section 310.4(d) of the TSR, 16 C.F.R. § 310.4(d), by failing to disclose in outbound telephone calls to consumers, truthfully, promptly, and in a clear and conspicuous manner: (1) the identity of the seller; (2) that the purpose of the call is to sell goods or services; and (3) the nature of the goods or services;
5. Section 310.4(b)(1)(iii)(B) of the TSR, 16 C.F.R. § 310.4(b)(1)(iii)(B), by engaging in or causing others to engage in initiating an outbound telephone call to a person when that person's telephone number is on the National Do Not Call Registry; and
6. Section 310.8 of the TSR, 16 C.F.R. § 310.8, by initiating, or causing others to initiate, an outbound telephone call to a telephone number within a given area code without Defendants, either directly or through another person, first paying the required annual fee for access to the telephone numbers within that area code that are included in the National Do Not Call Registry; and

C. Assisting others who violate any provision of Subsections A through B of this Section.

II.

ASSET FREEZE

IT IS FURTHER ORDERED that:

A. Defendants, and their officers, agents, directors, servants, employees, salespersons, independent contractors, attorneys, corporations, subsidiaries, affiliates, successors, and assigns, and all other persons or entities 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 trust, corporation, subsidiary, division, or other device, or any of them, except as stipulated by the parties, or as directed by further order of the Court, are hereby temporarily restrained and enjoined from:

1. Selling, liquidating, assigning, transferring, converting, loaning, encumbering, pledging, concealing, dissipating, spending, withdrawing, or otherwise disposing of any funds, real or personal property, or other assets or any interest therein, wherever located, including any assets outside the territorial United States, which are:

- a. In the actual or constructive possession of any Defendant; or
- b. Owned or controlled by, or held, in whole or in part for the benefit of, or subject to access by, or belonging to, any Defendant; or
- c. In the actual or constructive possession of, or owned or controlled by, or subject to access by, or belonging to, any corporation, partnership, trust or any other entity directly or indirectly owned, managed, or controlled by, or under common control with, any

Defendant, including, but not limited to, any assets held by or for any Defendant at any bank or savings and loan institution, or with any broker-dealer, escrow agent, title company, commodity trading company, precious metal dealer, common carrier, payment processing agent, customs broker, commercial mail receiving and/or forwarding agency, commercial freight holding and/or forwarding agency, or other financial institution or depository institution of any kind either within or outside the territorial United States;

2. Opening or causing to be opened any safe deposit boxes titled in the name of any Defendant, or subject to access by any Defendant or under any Defendant's control, without providing Plaintiff prior notice and a reasonable opportunity to first inspect the contents in order to determine that they contain no assets covered by this Section;

3. Cashing any checks or depositing any payments from customers of Defendants;

4. Incurring charges or cash advances on any credit card issued in the name, singly or jointly, of any Defendant;

5. Transferring any funds or other assets subject to this Order for attorney's fees or living expenses, except from accounts or other assets identified by prior written agreement with counsel for the Commission; provided that no attorney's fees or living expenses, other than those set forth in Subsection B of this Section, and only in accordance with the procedures set forth in Subsection B of this Section, shall be paid from funds or other assets subject to this Order until the financial statements required by Section III are provided to counsel for the Commission;

B. Notwithstanding the above, any Defendant may pay from his personal funds

reasonable, usual, ordinary, and necessary living expenses and attorney's fees, not to exceed \$1,000, prior to the submission of the financial statements required by Section III. No such expenses, however, shall be paid from funds subject to this Order except from cash on the person of any Defendant, or from an account designated by prior written agreement with counsel for the Commission; and

C. The funds, property, and assets affected by this Section shall include both existing assets and assets acquired after the effective date of this Order, including, without limitation, those acquired by loan or gift. Defendants shall hold all assets, including, without limitation, payments, loans, and gifts, received after service of this Order.

III.

FINANCIAL STATEMENTS

IT IS FURTHER ORDERED that no later than five (5) business days after service of this Order, each Defendant shall provide to counsel for the Commission:

A. A completed financial statement, accurate as of the date of service of this Order, on the form served on Defendants with this Order, for such Defendant individually, and for each corporation or business entity under which such Defendant conducts business or of which such Defendant is an officer, and for each trust of which such Defendant is a trustee. Said financial statement shall include assets held outside the territory of the United States. Defendants shall attach to their completed financial statements copies of all local, state, provincial, and federal income and property tax returns, with attachments and schedules as called for by the instructions to the financial statements;

B. A completed statement, verified under oath, of all payments, transfers, or

assignments of funds, assets, or property worth \$1,000.00 or more since April 18, 2006. Such statement shall include: (1) the amount transferred or assigned; (2) the name, address, and telephone number of each transferee or assignee; (3) the date of the assignment or transfer; and (4) the type and amount of consideration paid by or to the Defendant. Each statement shall specify the name and address of each financial institution or brokerage firm at which the Defendant has accounts or safe deposit boxes. Said statements shall include assets held in foreign as well as domestic accounts; and

C. A completed Consent to Release of Financial Information, attached to this Order as **Attachment A**, providing Plaintiff with access to Defendants' records and documents held by financial institutions or other entities outside the territorial United States.

IV.

DUTIES OF THIRD PARTIES HOLDING DEFENDANTS' ASSETS

IT IS FURTHER ORDERED that, pending determination of the FTC's request for a preliminary injunction, any financial institution, or any person or other entity served with a copy of this Order shall:

A. Hold and retain within such entity's or person's control, and prohibit the withdrawal, removal, assignment, transfer, pledge, hypothecation, encumbrance, disbursement, dissipation, conversion, sale, liquidation, or other disposal of any of the funds, documents, property, or other assets held by or under such entity's or person's control:

1. On behalf of, or for the benefit of, any Defendant or other party subject to Section II above;
2. In any account maintained in the name of, or subject to withdrawal by, any

Defendant or other party subject to Section II above; and

3. That are subject to access or use by, or under the signatory power of, any

Defendant or other party subject to Section II above;

B. Deny access to any safe deposit boxes that are either:

1. Titled in the name, individually or jointly, of any Defendant or other party

subject to Section II above; or

2. Subject to access by any Defendant or other party subject to Section II

above;

C. Provide to counsel for the Commission, within three (3) business days, by facsimile or by overnight delivery, a sworn statement setting forth:

1. The identification of each account or asset titled in the name, individually

or jointly, or held on behalf of, or for the benefit of, any Defendant or other party subject to Section II above, whether in whole or in part;

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 and location of any safe deposit box that is either titled

in the name of, individually or jointly, or is otherwise subject to access or control by, any Defendant or other party subject to Section II above, whether in whole or in part; and

D. Within five (5) business days of a request from the FTC, provide to the FTC

copies of all records or other documents 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.

E. The assets and funds subject to this Section include existing assets and assets acquired after the effective date of this Order. This Section shall not prohibit transfers in accordance with any provision of this Order, or any further order of the Court.

V.

DUTIES OF THIRD PARTIES TO WITHHOLD DEFENDANTS' MAIL

IT IS FURTHER ORDERED that:

A. The Postmaster at any Post Office where Defendants maintain a P.O. Box, including, but not limited to P.O. Box 1803, Plattsburgh, New York 12901, upon being served with a copy of this Order, shall for the duration of this Order, retain and forward to Plaintiff all mail received that is addressed to any Defendant and/or addressed to any other name under which the Defendants are doing business, including, but not limited to "Union Consumer Benefits."

This mail shall be forwarded to Plaintiff at the following address:

Guy G. Ward, Esq.
Federal Trade Commission
55 W. Monroe Street, Suite 1825
Chicago, Illinois 60603.

Plaintiff shall retain this mail for the duration of this Order, or until further order of the Court, or stipulation of the parties; and

B. Defendants, within three (3) business days of service of this Order, shall provide

to counsel for the Commission a complete list of all P.O. Boxes or other mailing addresses within the United States used by Defendants at any time from January 1, 2006 through the date of entry of this Order.

VI.

SUSPEND COLLECTION OF CONSUMER PAYMENTS

IT IS FURTHER ORDERED that Defendants, and their officers, agents, directors, servants, employees, salespersons, independent contractors, attorneys, corporations, subsidiaries, affiliates, successors, and assigns, 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 through any trust, corporation, subsidiary, division, or other device, or any of them, are hereby restrained and enjoined from attempting to collect payment, from any consumer, for any medical or prescription discount program or plan sold by any Defendant, under any name, including, but not limited to, "Union Consumer Benefits."

VII.

DUTIES OF THIRD PARTIES PROCESSING PAYMENTS FOR DEFENDANTS

IT IS FURTHER ORDERED that any business entity or person providing any services or assistance in processing payments made by consumers to any Defendant, including, but not limited to, payments made by bank account debit or check, that receives actual notice of this Order by personal service or otherwise, is hereby temporarily restrained and enjoined from providing any services or assistance in processing payments made by consumers to any Defendant, and from collecting any fees or charges in connection with providing such assistance.

VIII.

PRESERVATION OF RECORDS AND REPORT OF NEW BUSINESS ACTIVITY

IT IS FURTHER ORDERED that Defendants, and their officers, agents, directors, servants, employees, salespersons, independent contractors, attorneys, corporations, subsidiaries, affiliates, successors, and assigns, 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 through any trust, corporation, subsidiary, division, or other device, or any of them, are hereby restrained and enjoined from:

A. Failing to make and keep books, records, accounts, bank statements, current accountants' reports, general ledgers, general journals, cash receipts ledgers, cash disbursements ledgers and source documents, documents indicating title to real or personal property, and any other data which, in reasonable detail, accurately and fairly reflect the transactions and dispositions of the assets of Defendants; and

B. Destroying, erasing, mutilating, concealing, altering, transferring or otherwise disposing of, in any manner, directly or indirectly, contracts, agreements, customer files, customer lists, customer addresses and telephone numbers, correspondence, advertisements, brochures, sales material, training material, sales presentations, documents evidencing or referring to Defendants' products or services, data, computer tapes, disks, or other computerized records, books, written or printed records, handwritten notes, telephone logs, "verification" or "compliance" tapes or other audio or video tape recordings, receipt books, invoices, postal receipts, ledgers, personal and business canceled checks (fronts and backs) and check registers, bank statements, appointment books, copies of federal, provincial, state or local business or

personal income or property tax returns, and other documents or records of any kind, including electronically-stored materials, that relate to the business practices or business or personal finances of Defendants or other entities directly or indirectly under the control of Defendants; and

C. Creating, operating, or exercising any control over any new business entity, whether newly-formed or previously inactive, including, without limitation, any partnership, limited partnership, joint venture, sole proprietorship, or corporation, without first providing the FTC 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.

IX.

PROHIBITION ON DISCLOSING CUSTOMER INFORMATION

IT IS FURTHER ORDERED that Defendants, and their officers, agents, directors, servants, employees, salespersons, independent contractors, attorneys, corporations, subsidiaries, affiliates, successors, and assigns, 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 through any trust, corporation, subsidiary, division, or other device, or any of them, 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 card number, bank account number, or other financial or identifying personal information of any person from whom

or about whom any Defendant obtained such information in connection with activities alleged in the FTC's Complaint; and

B. Benefitting from or using the name, address, birth date, telephone number, email address, Social Security number, credit card number, bank account number, or other financial or identifying personal information of any person from whom or about whom any Defendant obtained such information in connection with activities alleged in the FTC's Complaint;

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.

X.

DISTRIBUTION OF ORDER BY DEFENDANTS

IT IS FURTHER ORDERED that Defendants shall immediately provide a copy of this Order to each affiliate, partner, division, sales entity, successor, assign, officer, director, employee, independent contractor, agent, attorney, and/or representative of any Defendant. Within five (5) business days following service of this Order by Plaintiff, Defendants shall serve on Plaintiff an affidavit identifying the name, title, address, telephone number, date of service, and manner of service of each person or entity Defendants served with a copy of this Order in compliance with this provision.

XI.

SERVICE OF ORDER

IT IS FURTHER ORDERED that copies of this Order may be served by facsimile transmission, personal or overnight delivery, or by first class mail, by agents and employees of the Commission or any state, federal or international law enforcement agency, or by private process server, on: (1) Defendants; (2) any financial institution, entity, or person that holds,

controls, or maintains custody of any documents or assets of any Defendant, or that held, controlled, or maintained custody of any documents or assets of any Defendant; or (3) any other person or entity that may be subject to any provision of this Order. Service upon any branch or office of any financial institution or entity shall effect service upon the entire financial institution or entity.

XII.

CONSUMER REPORTS

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

XIII.

EXPEDITED DISCOVERY

IT IS FURTHER ORDERED that, notwithstanding the provisions of Federal Rules of Civil Procedure 26(d) and (f) and 30(a)(2)(A)(iii), and pursuant to Federal Rules of Civil Procedure 30(a), 34, and 45, the parties are granted leave, at any time after service of this Order, to:

A. Take the deposition, on three (3) calendar days' notice, of any person, whether or not a party, for the purpose of discovering the nature, location, status, and extent of the assets of the Defendants, or their affiliates or subsidiaries; the nature and location of documents reflecting the Defendants' business transactions, or the business transactions of the Defendants' affiliates or subsidiaries; the location of any premises where Defendants, directly or through any third party, conduct business operations; the Defendants' whereabouts; and/or the applicability of any evidentiary privileges to this action. The limitations and conditions set forth in Fed. R. Civ. P.

30(a)(2)(A)(ii) and 31(a)(2)(A)(ii) regarding subsequent depositions of a person shall not apply to depositions taken pursuant to this Section. Any such depositions taken pursuant to this Section shall not be counted toward the ten (10) deposition limit set forth in Fed. R. Civ. P. 30(a)(2)(A)(i) and 31(a)(2)(A)(i). Service of discovery upon a party, taken pursuant to this Section, shall be sufficient if made by facsimile or by overnight delivery; and

B. Demand the production of documents, on five (5) calendar days' notice, from any person, whether or not a party, relating to the nature, status, or extent of Defendants' assets, or of their affiliates or subsidiaries; the location of documents reflecting the business transactions of Defendants, or of their affiliates or subsidiaries; the location of any premises where Defendants, directly or through any third party, conduct business operations; the Defendants' whereabouts; and/or the applicability of any evidentiary privileges to this action, provided that twenty-four (24) hours' notice shall be deemed sufficient for the production of any such documents that are maintained or stored only as electronic data.

XIV.

ORDER TO SHOW CAUSE REGARDING PRELIMINARY INJUNCTION

IT IS FURTHER ORDERED pursuant to Federal Rule of Civil Procedure 65(b), that Defendants shall appear before this Court, on the 2568 floor of the Dirksen Federal Courthouse, 219 South Dearborn Street, Chicago, Illinois, on the 12 day of MAY, 2008, at 10:30 o'clock A.m., 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 FTC Act, 15 U.S.C. § 45(a), and the Telemarketing Sales Rule, 16 C.F.R. Part 310, continuing the freeze of their assets, and imposing such additional relief as may be appropriate.

Provided that Defendants must file with the Clerk's Office and deliver to the FTC any memoranda and evidentiary materials in response to the Order to Show Cause Why a Preliminary Injunction Should Not Issue no later than seventy-two (72) hours prior to the time scheduled for the hearing. The Commission may file responsive or supplemental pleadings, materials, affidavits, or memoranda with the Court and serve the same on counsel for Defendants no later than twenty-four (24) hours prior to the scheduled preliminary injunction hearing. An evidentiary hearing on the Commission's request for a preliminary injunction is not necessary unless Defendants demonstrate that they have, and intend to introduce, evidence that raises a genuine and material factual issue. *See, e.g., In re Aimster Copyright Litigation*, 334 F.3d 643, 653-54 (7th Cir. 2003), *cert. denied*, 540 U.S. 1107 (2004); *Promatek Indus., Ltd. v. Equitrac Corp.*, 300 F.3d 808, 814 (7th Cir. 2002); and

Provided further that, if any party to this action intends to present the testimony of any witness at the preliminary injunction hearing, that party shall, at least seventy-two (72) hours prior to the scheduled hearing, file with the Court and serve on all other parties a statement disclosing the name, address, and telephone number of any such witness, and either a summary of the witness' expected testimony or the witness' affidavit or declaration revealing the substance of such witness' expected testimony.

XV.

SERVICE UPON PLAINTIFF

IT IS FURTHER ORDERED that any correspondence, papers, and pleadings related to this Order shall be served upon Plaintiff by overnight mail or courier delivery, facsimile, or e-mail to:

Guy G. Ward, Esq.
Federal Trade Commission
55 West Monroe Street, Suite 1825
Chicago, Illinois 60603
(312) 960-5634 [Phone]
(312) 960-5600 [Fax]
E-mail: gward@ftc.gov

XVI.

DURATION OF TEMPORARY RESTRAINING ORDER

IT IS FURTHER ORDERED that the Temporary Restraining Order granted herein shall expire on MAY 8, 2008, at 11:59 p.m., unless, within such time, for good cause shown, the Order is extended, or unless, as to any Defendant, the Defendant consents that it should be extended for a longer period of time, as provided by Fed. R. Civ. P. 65.

XVII.

RETENTION OF JURISDICTION

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

IT IS SO ORDERED, this 24th day of APRIL, 2008, at 12:00 p.m.



United States District Judge

ATTACHMENT A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FEDERAL TRADE COMMISSION,)
)
)
Plaintiff,)
)
v.) Civ. No.)
)
6554962 CANADA INC., a corporation,)
also d/b/a UNION CONSUMER)
BENEFITS, and)
)
NAEEM ALVI, individually and as an)
officer and director of the corporate)
defendant,)
)
Defendants.)
_____)

CONSENT TO RELEASE OF FINANCIAL INFORMATION

I, _____, of _____
(city or province and country), do hereby direct any person, bank, savings and loan association, credit union, depository institution, finance company, commercial lending company, credit card processor, credit card processing entity, common carrier, customs broker, commercial mail receiving agency, mail holding and/or forwarding company, brokerage house, escrow agent, money market or mutual fund, title company, commodity trading company, or trustee, that holds, controls or maintains custody of assets, wherever located, that are owned or controlled by me, or any of the above Defendants, in whole or in part, or at which I, or any of the above Defendants, have an account of any kind upon which I am authorized to draw, and its officers, employees and agents, to disclose all information and deliver copies of all documents of every nature in its

possession or control which relate to the said accounts to any attorney of the Federal Trade Commission, and to give evidence relevant thereto, in the above captioned matter, *FTC v. 6554962 Canada Inc., et al.*, now pending in the United States District Court for the Northern District of Illinois, and this shall be irrevocable authority for so doing. This direction is intended to apply to the laws of countries other than the United States of America which restrict or prohibit the disclosure of bank or other financial information without the consent of the holder of the account, and shall be construed as consent with respect thereto, and the same shall apply to any of the accounts for which I may be the relevant principal.

Dated: _____, 2008

[Signature]

[Print Name]