

ORIGINAL

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Priority   
Send   
Enter   
Closed   
JS-5/JS-6   
JS-2/JS-3   
Scan Only

**FILED**  
NOV 27 2002  
CLERK, U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION AT SANTA ANA  
DEPUTY

*[Handwritten signature]*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

**FEDERAL TRADE COMMISSION,**  
  
Plaintiff,  
  
v.  
  
**GM FUNDING, INC.,**  
**ROBERT DAMIAN KUTZNER,**  
**GLOBAL MORTGAGE FUNDING,**  
**INC., and**  
**DAMIAN ROBERT KUTZNER,**  
  
*[Handwritten signature]* Defendants.

SACV 02-1026 DOC (MLGx)

**STIPULATED ORDER OF  
PRELIMINARY INJUNCTION AS  
TO DEFENDANTS GM FUNDING,  
INC., ROBERT D. KUTZNER,  
GLOBAL MORTGAGE FUNDING,  
INC., AND DAMIAN R. KUTZNER**

10022ED

FILED  
NOV 27 2002  
SANTA ANA

Plaintiff Federal Trade Commission ("Commission" or "FTC"), pursuant to Section 13(b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b), and Sections 521(a) and 522(a) of the Gramm-Leach-Bliley Act ("GLB Act"), 15 U.S.C. §§ 6821(a) and 6822(a), having filed a complaint for Injunctive and Other Equitable Relief, including consumer redress, and the Court having issued an *ex parte* Temporary Restraining Order ("TRO") and Other Equitable Relief, including an Order to show cause why a Preliminary Injunction should not be granted pursuant to Rule 65 of the Federal Rules of Civil Procedure, and the parties having agreed to

ENTER ON ICMS  
DEC - 2 2002  
*[Handwritten signature]*

1 entry of this Order containing a preliminary injunction,

2 **IT IS THEREFORE STIPULATED, AGREED, AND ORDERED**, as follows:

3 **FINDINGS OF FACT**

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

6 2. Plaintiff has alleged that Defendants GM Funding, Inc. ("GM"), Robert  
7 Damian Kutzner, Global Mortgage Funding, Inc. ("Global Mortgage"), and Damian  
8 Robert Kutzner ("Defendants") have engaged in and are likely to engage in acts and  
9 practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and Section  
10 521(a) of the GLB Act, 15 U.S.C. § 6821(a).

11 3. The Commission and Defendants agree that this Order is binding in form  
12 and scope pursuant to Federal Rule of Civil Procedure 65(d).

13 4. Defendants, by agreeing and stipulating to this Order, make no  
14 admissions as to the truth of Plaintiff's allegations and specifically deny them. In  
15 addition, the stipulation and entry of this Order is not to be construed or deemed a  
16 waiver of any claims or defenses that may be raised in this action. Furthermore, the  
17 prohibitory and mandatory provisions of this Order shall not be deemed or construed  
18 to indicate or establish that any of the Defendants have committed, or threaten to  
19 commit, any act or omission restrained or enjoined by the Court.

20 5. No security is required of any agency of the United States for issuance  
21 of a restraining order. Fed. R. Civ. P. 65(c).

22 **ORDER**

23 **Definitions**

24 A. "Assets" means any legal or equitable interest in, right to, or claim to,  
25 any real and personal property, including but not limited to chattel, goods,  
26 instruments, equipment, fixtures, general intangibles, effects, leaseholds, premises,  
27 contracts, mail or other deliveries, shares of stock, lists of consumer names,  
28 inventory, checks, notes, accounts, credits, receivables, funds, and all cash, wherever

1 located.

2 B. "Defendants" means GM Funding, Inc. ("GM"), Robert Damian Kutzner,  
 3 Global Mortgage Funding, Inc. ("Global Mortgage"), and Damian Robert Kutzner,  
 4 and their officers, agents, servants, employees, subsidiaries, affiliates, successors,  
 5 assigns, and all persons or entities in active concert or participation with them who  
 6 receive notice of this order by personal service or otherwise.

7 C. "Document" is synonymous in meaning and equal in scope to the usage  
 8 of the term in Federal Rule of Civil Procedure 34(a), and includes writings, drawings,  
 9 graphs, charts, photographs, audio and video recordings, computer records, and other  
 10 data compilations from which information can be obtained and translated, if  
 11 necessary, into reasonably usable form through detection devices. A draft or non-  
 12 identical copy is a separate document within the meaning of the term.

13 D. "Plaintiff" means Federal Trade Commission.

14 E. "Spoofing" means the practice of disguising an email to make the email  
 15 appear to come from an address from which it actually did not originate. Spoofing  
 16 involves placing in the "From" or "Reply-to" lines, or in other portions of email  
 17 messages, an email address other than the actual sender's address, without the  
 18 consent or authorization of the user of the email address whose address is spoofed.

19 F. "Customer information of a financial institution" is synonymous in  
 20 meaning and equal in scope to the usage of the term in Section 527(2) of the GLB  
 21 Act, 15 U.S.C. § 6827(2).

22 **Conduct Prohibitions**

23 **I. INJUNCTION AGAINST MISREPRESENTATIONS**

24 **IT IS THEREFORE ORDERED** that in connection with the advertising,  
 25 promotion, offering or sale of goods or services in commerce, Defendants GM,  
 26 Robert Kutzner, Global Mortgage, and Damian Kutzner, and each of them, and their  
 27 officers, directors, agents, servants, employees, salespersons, corporations,  
 28 subsidiaries, affiliates, successors, assigns, and those persons or entities in active

1 concert or participation with them who receive actual notice of this Order, are hereby  
2 restrained and enjoined, pending entry of Judgment or further Order of the Court,  
3 from making any express or implied representation or omission of material fact that is  
4 false or misleading, in any manner, directly or indirectly, to any consumer or entity,  
5 including, but not limited to, the following:

6 A. Representing that Defendants are affiliated with, or are calling from or on  
7 behalf of, a financial institution, including, but not limited to, Radian, Prudential, or  
8 Fannie Mae, or a company affiliated with these businesses;

9 B. Representing that the email addresses of email recipients will, upon  
10 request of the email recipients, be removed from any lists of addresses to which future  
11 email solicitations will be sent;

12 C. Placing the email addresses of consumers, without their authorization or  
13 consent, in the "from" or "reply-to" portion of emails;

14 D. Inducing consumers to divulge their personal financial information by  
15 representing that Defendants are affiliated with financial institutions; and

16 E. Representing any information material to a consumer's decision to  
17 provide personal financial information.

## 18 II. INJUNCTION AGAINST SPOOFING

19 IT IS FURTHER ORDERED that in connection with the advertising,  
20 promotion, offering or sale of goods or services in commerce, Defendants are hereby  
21 restrained and enjoined from the practice of "spoofing."

## 22 III. INJUNCTION AGAINST GRAMM-LEACH-BLILEY ACT VIOLATIONS

23 IT IS FURTHER ORDERED that in connection with the advertising,  
24 promotion, offering or sale of goods or services in commerce, Defendants are hereby  
25 restrained and enjoined from obtaining or attempting to obtain "customer information  
26 of a financial institution," including, but not limited to, mortgage amount, rate, and  
27 type, by making false, fictitious, or fraudulent statements or representations to  
28 consumers or financial institutions.

**IV. ASSET FREEZE**

1  
2 **IT IS FURTHER ORDERED** that Defendants and their officers, directors,  
3 agents, servants, employees, salespersons, corporations, subsidiaries, affiliates,  
4 successors, assigns, and those persons or entities in active concert or participation  
5 with them who receive actual notice of this Order by personal service, facsimile or  
6 otherwise, are hereby restrained and enjoined from:

7       A. Transferring, converting, encumbering, selling, concealing, dissipating,  
8 disbursing, assigning, spending, withdrawing, perfecting a security interest in, or  
9 otherwise disposing of any funds, real or personal property, accounts, contracts,  
10 shares of stock or other assets, wherever located, inside or outside the United States  
11 of America, that are: (1) held on behalf, for the benefit of, or owned or controlled by  
12 Defendants GM, Robert Kutzner, Global Mortgage, Damian Kutzner, and their  
13 successors or assigns, in whole or in part, including but not limited to property, bank  
14 accounts or other assets where the title is taken in their names, as joint tenancy or  
15 common ownership with a non-party, co-owned with a spouse, or held in trust; (2) in  
16 the actual or constructive possession of Defendants GM, Robert Kutzner, Global  
17 Mortgage, Damian Kutzner, and their successors or assigns; or (3) owned, controlled  
18 by, or in the actual or constructive possession of any corporation, partnership, or  
19 other entity directly or indirectly owned, managed, or controlled by, or under  
20 common control of Defendants GM, Robert Kutzner, Global Mortgage, Damian  
21 Kutzner, and their successors or assigns, including but not limited to any assets held  
22 for or by any of them or subject to access by any of them at any bank or savings and  
23 loan institution or with any broker, dealer, escrow agent, title company, commodity  
24 trading company, precious metal dealer, or other financial institution or depository of  
25 any kind;

26       B. Opening or causing to be opened any safe deposit boxes titled in the  
27 name of Defendants GM, Robert Kutzner, Global Mortgage, Damian Kutzner, and  
28 their successors or assigns, or subject to access by any of them;

1 C. Incurring charges or cash advances on any credit card issued in the  
2 names of Defendants GM, Robert Kutzner, Global Mortgage, Damian Kutzner, and  
3 their successors or assigns, singly or jointly, *provided, however*, that Defendants  
4 Robert D. Kutzner and GM Funding, Inc., may incur a total debt of up to \$1,500 and  
5 that Defendant Global Mortgage Funding, Inc. may incur a total debt of up to \$3,000.  
6 No further debt is permitted pursuant to this subsection without prior approval of the  
7 FTC or further Order of the Court.

8 D. Obtaining a personal or secured loan in the names of Defendants GM,  
9 Robert Kutzner, Global Mortgage, Damian Kutzner, and their successors or assigns,  
10 singly or jointly; and

11 E. Incurring liens or other encumbrances on real property, personal property  
12 or other assets in the name, singly or jointly, of Defendants GM, Robert Kutzner,  
13 Global Mortgage, Damian Kutzner, and their successors or assigns.

14 *Provided, however*, that the asset freeze provisions of Section IV and the asset  
15 retention provisions of Section XIII of this Order do not apply to any income received  
16 by Defendants or funds deposited by Defendants after the date of the TRO  
17 (November 6, 2002) or to the assets released for living expenses and attorneys' fees  
18 pursuant to the Court's November 15, 2002 Order.

19 *Provided further, however*, that Defendants may use checks, checking cards, or  
20 debit cards to transfer, spend, or disburse funds that they are not otherwise prohibited  
21 from transferring, disbursing, or spending under the terms of this Order.

22  
23 **V. REPATRIATION OF ASSETS AND DOCUMENTS  
LOCATED IN FOREIGN COUNTRIES**

24 **IT IS FURTHER ORDERED** that each Defendant, to the extent they have not  
25 already done so, whether acting through any trust, corporation, subsidiary, division,  
26 or other device, shall:

27 A. Immediately following service of this Order, take such steps as are  
28 necessary to transfer to the territory of the United States of America all documents

1 and assets that are located outside of such territory and are held by or for the  
2 Defendant or are under the Defendant's direct or indirect control, jointly, severally, or  
3 individually; and

4 B. Immediately following service of this Order, provide the Plaintiff with a  
5 full accounting of all documents and assets that are located outside of the territory of  
6 the United States of America and are held by or for the Defendant or are under the  
7 Defendant's direct or indirect control, jointly, severally, or individually; and

8 C. Hold and retain all transferred documents and assets and prevent any  
9 transfer, disposition, or dissipation whatsoever of any such assets or funds.

#### 10 VI. INTERFERENCE WITH REPATRIATION

11 **IT IS FURTHER ORDERED** that Defendants are hereby restrained and  
12 enjoined from taking any action, directly or indirectly, which may result in the  
13 encumbrance or dissipation of foreign assets, or in the hindrance of the repatriation  
14 required by the preceding Section of this Order, including but not limited to:

15 A. Sending any statement, letter, fax, e-mail or wire transmission,  
16 telephoning or engaging in any other act, directly or indirectly, that results in a  
17 determination by a foreign trustee or other entity that a "duress" event has occurred  
18 under the terms of a foreign trust agreement until such time that all assets have been  
19 fully repatriated pursuant to the preceding Section of this Order;

20 B. Notifying any trustee, protector or other agent of any foreign trust or  
21 other related entities of either the existence of this Order, or of the fact that  
22 repatriation is required pursuant to a Court Order, until such time that all assets have  
23 been fully repatriated pursuant to the preceding Section of this Order.

#### 24 VII. FINANCIAL STATEMENTS

25 **IT IS FURTHER ORDERED** that each Defendant shall immediately:

26 A. To the extent they have not already done so, prepare and deliver to  
27 counsel for Plaintiff completed financial statements on the forms attached to the  
28 November 6, 2002 TRO as Attachments A and B, for themselves individually and for

1 each business entity under which they conduct business, or of which they are an  
2 officer, and for each trust of which they are a trustee. The financial statements shall  
3 be accurate as of the date of entry of this Order;

4 B. To the extent they have not already done so, provide Plaintiff with a full  
5 accounting of all assets and documents that are located inside or outside of the  
6 territory of the United States of America and are held by or for the Defendant or are  
7 under their direct or indirect control, jointly, severally, or individually;

8 C. Within ten (10) days of any material change in the information contained  
9 in the financial statements required above, or any other material change to  
10 Defendants' financial condition, Defendants shall amend their financial statements to  
11 reflect such change; and

12 D. Beginning thirty (30) days after the date this Order is signed, and  
13 continuing on a monthly basis thereafter, shall provide the FTC with a true and  
14 accurate statement reflecting: (1) all funds or assets received from any source after  
15 the effective date of this Order, including, without limitation, funds received by  
16 payment, loan, or gift; and (2) the name, address, and telephone number of the source  
17 of all funds or assets received from any source after the effective date of this Order,  
18 including, without limitation, funds received by payment, loan, or gift.

19 **VIII. IDENTIFYING INFORMATION RELATING TO ACCOUNTANTS,  
20 FINANCIAL PLANNERS, INVESTMENT ADVISORS,  
21 STOCK BROKERS AND OTHERS**

22 **IT IS FURTHER ORDERED** that each Defendant, to the extent they have not  
23 already done so, shall immediately provide counsel for the Commission: (1) the  
24 name, address and telephone number for each accountant, financial planner,  
25 investment advisor, stock broker or other individual, corporation or partnership whom  
26 they paid for financial, business or tax advice or services, since January 1, 2001; and  
27 (2) the name, address and telephone number for each accountant, financial planner,  
28 investment advisor, stock broker or other individual, corporation or partnership who  
was hired on behalf of any of Defendants since January 1, 2001.



1 **IX. CONSUMER CREDIT REPORTS**

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

5 **X. PRESERVATION OF RECORDS**

6 **IT IS FURTHER ORDERED** that Defendants are hereby restrained and  
7 enjoined from destroying, erasing, mutilating, concealing, altering, transferring or  
8 otherwise disposing of, in any manner, directly or indirectly, any documents that  
9 relate to the business practices or business or personal finances of any Defendant,  
10 including, but not limited to, consumer identification or financial information  
11 obtained through or as a result of email solicitations, computers, computerized files,  
12 storage media (including but not limited to floppy disks, hard drives, cd-roms, zip  
13 disks, punch cards, magnetic tape, backup tapes and computer chips) on which  
14 information has been saved, any and all equipment needed to read any such material,  
15 contracts, accounting data, correspondence (including, but not limited to, electronic  
16 correspondence), advertisements (including, but not limited to, advertisements placed  
17 on the World Wide Web), USENET Newsgroup postings, World Wide Web pages,  
18 books, written or printed records, handwritten notes, telephone logs, telephone  
19 scripts, receipt books, ledgers, personal and business canceled checks and check  
20 registers, bank statements, appointment books, copies of federal, state or local  
21 business or personal income or property tax returns, or 1099 forms.

22 **XI. MAINTENANCE OF CURRENT BUSINESS RECORDS**

23 **IT IS FURTHER ORDERED** that Defendants are hereby restrained and  
24 enjoined from:

25 A. Failing to create and maintain documents that, in reasonable detail,  
26 accurately, fairly, and completely reflect their incomes, disbursements, transactions,  
27 and use of money; and

28 B. Creating, operating, or exercising any control over any business entity,

1 including any partnership, limited partnership, joint venture, sole proprietorship or  
2 corporation, without first providing Plaintiff with a written statement disclosing: (1)  
3 the name of the business entity; (2) the address and telephone number of the business  
4 entity; (3) the names of the business entity's officers, directors, principals, managers  
5 and employees; and (4) a detailed description of the business entity's intended  
6 activities.

## 7 XII. NON-DISCLOSURE OF CONSUMER LISTS

8 **IT IS FURTHER ORDERED** that Defendants are restrained and enjoined  
9 from:

10 A. Selling, renting, leasing, transferring, or otherwise disclosing the name,  
11 address, telephone number, credit card number, bank account number, email address,  
12 or other identifying information of any person who submitted such information to  
13 Defendants at any time prior to entry of this Order, in connection with the advertising,  
14 promotion, telemarketing, offering for sale, or sale of any product or service in  
15 commerce, except in connection with communications to actual and prospective  
16 lenders, which are made with the consumer's prior written authorization; and

17 B. Benefitting from or using the name, address, telephone number, credit  
18 card number, bank account number, email address, or other identifying or financial  
19 information of any person who submitted such information to Defendants as a result  
20 of, derived from, or otherwise related to the wrongful activities alleged in the  
21 Commission's complaint.

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

## 24 XIII. RETENTION OF ASSETS AND RECORDS BY FINANCIAL 25 INSTITUTIONS

26 **IT IS FURTHER ORDERED** that any financial or brokerage institution,  
27 business entity, trustee or person after having been provided with notice of this Order  
28 shall:

1           A.   Prohibit Defendants from withdrawing, removing, assigning,  
2 transferring, pledging, encumbering, disbursing, dissipating, converting, selling, or  
3 otherwise disposing of any account, funds, property or other asset:

4               1.   Maintained in the name of, or subject to withdrawal or access by  
5 Defendants GM, Robert Kutzner, Global Mortgage, and Damian Kutzner, and their  
6 successors or assigns;

7               2.   Held on behalf or for the benefit of Defendants GM, Robert  
8 Kutzner, Global Mortgage, Damian Kutzner, and their successors or assigns; or

9               3.   Subject to access or use by Defendants GM, Robert Kutzner, Global  
10 Mortgage, Damian Kutzner, and their successors or assigns.

11           Provided, however, that this Order shall not:

12               (i)   prohibit transfers as directed by further order of the Court; or

13               (ii)  prohibit transfers for specific transfers authorized in writing by  
14 counsel for the Commission.

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

16               1.   Titled in the name of Defendants GM, Robert Kutzner, Global  
17 Mortgage, Damian Kutzner, and their successors or assigns, either individually or  
18 jointly; or

19               2.   Otherwise subject to access by Defendants GM, Robert Kutzner,  
20 Global Mortgage, Damian Kutzner, and their successors or assigns, either  
21 individually or jointly.

22           C.   Provide counsel for the Commission, within five (5) business days of  
23 receiving a copy of this Order, a sworn statement setting forth:

24               1.   The identification number of each such account or asset titled in  
25 the name, individually or jointly, of Defendants GM, Robert Kutzner, Global  
26 Mortgage, Damian Kutzner, and their successors or assigns, or held on behalf of, or  
27 for the benefit of them;

28               2.   The balance of each such account, or a description of the nature

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

5           3. The identification of any safe deposit box that is either titled in the  
6 name, individually or jointly, of Defendants GM, Robert Kutzner, Global Mortgage,  
7 Damian Kutzner, and their successors or assigns, or otherwise subject to access by  
8 them.

9           *Provided, however,* that this Section shall only apply to assets covered by the  
10 asset freeze provisions of Section IV of this Order.

11           **XIV. MONITORING COMPLIANCE OF SALES PERSONNEL**

12           **IT IS FURTHER ORDERED** that Defendants are hereby restrained and  
13 enjoined from:

14           A. Failing to take reasonable steps sufficient to monitor and ensure that all  
15 employees and independent contractors engaged in sales or other customer service  
16 functions comply with Sections I, II, III, and X of this Order. Such steps shall include  
17 adequate monitoring of sales presentations, email messages, or calls with customers,  
18 and shall also include, at a minimum, the following: (1) listening to the oral  
19 representations made by persons engaged in sales or other customer service functions;  
20 (2) establishing a procedure for receiving and responding to consumer complaints;  
21 and (3) ascertaining the number and nature of consumer complaints regarding  
22 transactions in which each employee or independent contractor is involved;

23           B. Failing promptly to investigate fully any consumer complaint received  
24 by any business to which this Section applies; and

25           C. Failing to take any corrective action with respect to any sales person  
26 whom Defendants determine is not complying with this Order, which may include  
27 training, disciplining, and/or terminating such sales person.

28       ///

**XV. COMPLIANCE REPORTING BY DEFENDANTS**

1  
2 **IT IS FURTHER ORDERED** that ninety (90) days after the date of entry of  
3 this Order, and continuing thereafter on a semi-annual basis, Defendants shall provide  
4 a written report to the Commission, updating all information contained in the  
5 financial reports that they were required to file pursuant to Section VII of the TRO.

**Notification Provisions****XVI. DISTRIBUTION OF ORDER BY DEFENDANTS**

6  
7  
8 **IT IS FURTHER ORDERED** that Defendants shall immediately provide a  
9 copy of this Order to each affiliate, subsidiary, division, sales entity, successor,  
10 assign, officer, director, employee, independent contractor, agent, attorney, spouse  
11 and representative of Defendants, and shall, within ten (10) days from the date of  
12 entry of this Order, provide the Commission with a sworn statement that Defendants  
13 have complied with this provision of the Order, which statement shall include the  
14 names and addresses of each such person or entity who received a copy of the Order.

**XVII. SERVICE OF ORDER .**

15  
16 **IT IS FURTHER ORDERED** that copies of this Order may be served by any  
17 means, including facsimile transmission, upon any financial institution or other entity  
18 or person that may have possession, custody, or control of any documents or assets of  
19 any Defendant, or that may otherwise be subject to any provision of this Order.  
20 Service upon any branch or office of any financial institution shall effect service upon  
21 the entire financial institution.

**XVIII. SERVICE UPON PLAINTIFF**

22  
23 **IT IS FURTHER ORDERED**, with regard to any correspondence or  
24 pleadings related to this Order, service on the Commission shall be performed by  
25 delivery to the attention of Brian Huseman, Division of Marketing Practices, Federal  
26 Trade Commission, 600 Pennsylvania Avenue, NW, Room H-238, Washington, DC  
27 20580, (202) 326-3320, or by facsimile transmission to (202) 326-3395.

28 ///

**XIX. RETENTION OF JURISDICTION**

**IT IS FURTHER ORDERED** that this Court shall retain jurisdiction of this matter for all purposes. No security is required of any agency of the United States for the issuance of a restraining order. Fed. R. Civ. P. 65(c).

**STIPULATED AND AGREED AS FOLLOWS:**

**FOR THE PLAINTIFF:**

DATED: November 25, 2002

Brian Huseman  
Brian Huseman, Esq.  
Federal Trade Commission  
600 Pennsylvania Ave., NW, H-238  
Washington, D.C. 20580  
(202) 326-3320  
(202) 326-3395 facsimile

*Attorney for Plaintiff*

**FOR THE DEFENDANTS:**

DATED: 11/26/02

Steven A. D. Braunstein  
Steven A. D. Braunstein, Esq.  
One Park Plaza, Suite 600  
Irvine, CA 92614  
(949) 833-0800  
(949) 833-0200 facsimile  
Attorney for Defendants GM  
Funding, Inc. and Robert D. Kutzner,

DATED: 11/26/02

Robert Damian Kutzner  
Robert Damian Kutzner, individually  
and on behalf of GM Funding, Inc.

DATED: \_\_\_\_\_

George C. Rudolph  
George C. Rudolph, Esq.  
Buchalter, Nemer, Fields & Younger  
895 Dove Street, Suite 400  
Newport Beach, CA 92660  
(949) 760-1121  
(949) 720-0182 facsimile  
Attorney for Global Mortgage  
Funding, Inc., and Damian R. Kutzner

DATED: \_\_\_\_\_

Damian Robert Kutzner  
Damian Robert Kutzner, individually  
and on behalf of Global Mortgage  
Funding

David O. Carter

David O. Carter  
United States District Judge

IT IS SO ORDERED.

11/27/02

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**KIX. RETENTION OF JURISDICTION**

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for all purposes. No security is required of any agency of the United States for the issuance of a restraining order. Fed. R. Civ. P. 65(a).

**STIPULATED AND AGREED AS FOLLOWS:**

**FOR THE PLAINTIFF:**

DATED: November 25, 2002  
Brian Hirschman  
Brian Hirschman, Esq.  
Federal Trade Commission  
600 Pennsylvania Ave., NW, H-238  
Washington, D.C. 20580  
(202) 326-3320  
(202) 326-3395 facsimile

Attorney for Plaintiff

**FOR THE DEFENDANTS:**

DATED: \_\_\_\_\_

Steven A. D'Ercole, Esq.  
One Park Plaza, Suite 600  
Irvine, CA 92614  
(949) 833-0800  
(949) 833-0200 facsimile  
Attorney for Defendants GM  
Funding, Inc. and Robert D. Kutzner.

DATED: \_\_\_\_\_

Robert Damian Kutzner, individually  
and on behalf of GM Funding, Inc.

DATED: \_\_\_\_\_

George C. Rudolph, Esq.  
Buchalter, Neuner, Fields & Younger  
395 Dove Street, Suite 400  
Newport Beach, CA 92660  
(949) 760-1121  
(949) 720-0182 facsimile  
Attorney for Global Mortgage  
Funding, Inc., and Damian R. Kutzner

DATED: 11/23/02

Damian Robert Kutzner, individually  
and on behalf of Global Mortgage  
Funding

IT IS SO ORDERED.

David O. Carter  
United States District Judge

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**XIX. RETENTION OF JURISDICTION**

**IT IS FURTHER ORDERED** that this Court shall retain jurisdiction of this matter for all purposes. No security is required of any agency of the United States for the issuance of a restraining order. Fed. R. Civ. P. 65(c).

**STIPULATED AND AGREED AS FOLLOWS:**

**FOR THE PLAINTIFF:**

**FOR THE DEFENDANTS:**

DATED: November 25, 2002

DATED: \_\_\_\_\_

Brian Huseman  
Brian Huseman, Esq.  
Federal Trade Commission  
600 Pennsylvania Ave. NW, H-238  
Washington, D.C. 20580  
(202) 325-3320  
(202) 325-3395 facsimile

Steven A. D'Braunstein, Esq.  
One Park Plaza, Suite 600  
Irvine, CA 92614  
(949) 833-0800  
(949) 833-0200 facsimile  
Attorney for Defendants GM  
Funding, Inc. and Robert D. Kutzner.

Attorney for Plaintiff

DATED: \_\_\_\_\_

Robert Damian Kutzner, individually  
and on behalf of GM Funding, Inc.

DATED: November 25, 2002

George C. Rudolph, Esq.  
Buchalter, Nemer, Fields & Younger  
895 Dove Street, Suite 400  
Newport Beach, CA 92660  
(949) 760-1121  
(949) 720-0182 facsimile

Attorney for Global Mortgage  
Funding, Inc., and Damian R. Kutzner

DATED: \_\_\_\_\_

Damian Robert Kutzner, individually  
and on behalf of Global Mortgage  
Funding

**IT IS SO ORDERED.**

David O. Carter  
United States District Judge