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U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

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

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

4086465 CANADA, INC., a corporation d/b/a  
International Protection Center and Consumers  
Protection Center,

ALAIN CHIKHANI, a/k/a Allain Chikani,  
individually and as an owner, officer, director,  
and/or administrator of the corporate defendant,  
and

RAFIK CHIKANI,  
individually and as an owner, officer, director,  
and/or administrator of the corporate defendant,

Defendants.

1:04CV1351

JUDGE POLSTER

Judge

Mag. Judge

(Proposed) *EX PARTE* TEMPORARY RESTRAINING ORDER, WITH  
ASSET FREEZE, EXPEDITED DISCOVERY, AND  
ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE

Plaintiff Federal Trade Commission (“Commission”) having filed its complaint for a permanent injunction and other 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, the Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. §§ 6101 *et seq.*, and Section 522(a) of the Gramm-Leach-Bliley Act (“GLB Act”), 15 U.S.C. § 6822(a), and having moved *ex parte* for a temporary restraining order pursuant to Rule 65 of the Federal Rules of Civil Procedure, and for an order directing Defendants to show cause why a preliminary injunction should not be granted, and the Court having considered the complaint, memorandum, declarations and other materials filed in support thereof, and now being advised in the premises, the Court finds as follows:

1. This Court has jurisdiction of the subject matter of this case and there is good cause to believe it will have jurisdiction of all parties hereto.
2. Good cause exists to believe that the above-named Defendants have engaged in, and are likely to engage in, acts and practices that violate FTC Act Section 5(a), 15 U.S.C. § 45(a), the Commission’s Telemarketing Sales Rule (“TSR”), 16 C.F.R. Part 310, and Section 521 of the GLB Act, 15 U.S.C. § 6821, and that the Commission is likely to prevail on the merits.
3. Good cause exists to believe that immediate and irreparable harm will result from Defendants’ ongoing violations of the FTC Act, the TSR, and the GLB Act, and that immediate and irreparable damage to the Commission’s ability to achieve effective final relief for consumers in the form of monetary redress will occur from the transfer, destruction, concealment or other disposition of Defendants’ assets or corporate records unless Defendants are immediately restrained and enjoined. Good cause thus exists for issuing this Order without prior

notice to the Defendants of the Commission's motion, pursuant to Federal Rule of Civil Procedure 65(b). Good cause also exists to expedite discovery pursuant to Rule 26(d) of the Federal Rules of Civil Procedure.

4. 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.

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

## DEFINITIONS

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

1. **"ACH Network"** refers to the Automated Clearing House Network, through which electronic transfers of money from one bank to another occur.

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

3. **"Consumer"** means any person any Defendant has contacted, intended to contact, or intends to contact concerning Defendants' products or services, whether or not a sale or contract is actually consummated. It includes the term "customer" as used in the TSR and GLB Act.

4. **“Corporate Defendant”** means 4086465 Canada, Inc. (also doing business as Consumers Protection Center and International Protection Center), as well as its successors, assigns, officers, directors, agents, servants, employees, salespersons, attorneys and those persons or entities in active concert or participation with it who receive actual notice of this Order by personal service, facsimile, e-mail, publication, or otherwise, whether acting directly or through any corporation, subsidiary, division or other device.

5. **“Defendants”** means 4086465 Canada, Inc. (also doing business as Consumers Protection Center and International Protection Center), Alain Chikhani (also known as Allain Chikani), and Rafik Chikani, and each of them, as well as their successors, assigns, officers, directors, agents, servants, employees, salespersons, attorneys and those persons or entities in active concert or participation with them who receive actual notice of this Order by personal service, facsimile, e-mail, publication, or otherwise, whether acting directly or through any corporation, subsidiary, division or other device.

6. **“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 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.

7. **“Individual Defendants”** means Alain Chikhani (also known as Allain Chikani), and Rafik Chikani, and each of them, as well as their successors, assigns, agents, servants, attorneys and those persons or entities in active concert or participation with them who receive

actual notice of this Order by personal service, facsimile, e-mail, publication, or otherwise, whether acting directly or through any corporation, subsidiary, division or other device.

8. **“Material”** means likely to affect a person’s choice of, or conduct regarding, goods or services.

9. **“Person”** means a natural person, organization or other legal entity, including a corporation, limited or general partnership, proprietorship, unincorporated association, cooperative, government or governmental subdivision or agency, business entity, or any other group or combination acting as an entity.

10. **“Record”** means any document, as document is defined in paragraph 6, above, relating to the business or business practices of any Defendant.

11. The terms **“and”** and **“or”** shall be construed conjunctively or disjunctively as necessary, and to make the applicable phrase or sentence inclusive rather than exclusive.

## **I.**

### **CEASE VIOLATIONS OF THE FTC ACT**

**IT IS THEREFORE ORDERED** that, in connection with the marketing of any good or service, Defendants are hereby temporarily restrained and enjoined from making, or assisting other persons in making, expressly or by implication, any false or misleading representation of material fact including, but not limited to, any misrepresentation:

- A. That Defendants will place consumers on the National Do Not Call Registry maintained by the Federal Trade Commission, or a separate national do not call list;

- B. That Defendants' goods or services will prevent telemarketing calls; or
- C. That Defendants' goods or services will prevent unauthorized bank account withdrawals.

## II.

### CEASE VIOLATIONS OF THE TELEMARKETING SALES RULE

**IT IS FURTHER ORDERED** that Defendants are hereby temporarily restrained and enjoined from violating any provision of the TSR, 16 C.F.R. Part 310, including, but not limited to, the following violations:

- A. Misrepresenting, directly or by implication, the total costs to purchase, receive, or use their goods or services, thereby violating 16 C.F.R. § 310.3(a)(2)(i);
- B. Causing billing information to be submitted for payment, or collecting or attempting to collect payment for goods or services, directly or indirectly, without the consumer's express verifiable authorization — except when the method of payment used is a credit card subject to protections of the Truth in Lending Act, 15 U.S.C. § 1601 *et seq.*, and Regulation Z, 12 C.F.R. Part 226, or a debit card subject to the protections of the Electronic Fund Transfer Act, 15 U.S.C. § 1693 *et seq.*, and Regulation E, 12 C.F.R. Part 205 — thereby violating 16 C.F.R. § 310.3(a)(3). Such a violation includes, but is not limited to, collecting or attempting to collect payment (1) despite the customer's rejection of the proposed transaction, (2) without disclosing that there would be a cost for the goods or services offered, (3) without accurately stating the total cost that would be billed

to customers, (4) without accurately stating the number of debits that would be made, (5) without accurately stating the dates of the debits that would be made, and/or (6) without making the disclosures required for proper verification of any authorization; and

- C. Misrepresenting, directly or by implication, an affiliation with, or endorsement or sponsorship by, any person, including the customer's financial institution, or government entity, thereby violating 16 C.F.R. § 310.3(a)(2)(vii).

### **III.**

#### **CEASE VIOLATIONS OF GRAMM-LEACH-BLILEY ACT**

**IT IS FURTHER ORDERED** that Defendants are hereby temporarily restrained and enjoined from violating Section 521(a) of the GLB Act, 15 U.S.C. § 6821(a), by obtaining or attempting to obtain customer information of a financial institution relating to another person by making a false, fictitious, or fraudulent statement or representation to a customer of a financial institution. Such prohibited false, fictitious, or fraudulent statements shall include, but not be limited to:

- A. Misrepresenting that Defendants are affiliated with, or calling from or on behalf of, a bank or government entity; and
- B. Misrepresenting that Defendants are not seeking a sales transaction and will not use the information obtained to debit customers' accounts.

#### IV.

#### ASSET FREEZE

**IT IS FURTHER ORDERED** that Defendants, their independent contractors, and all other persons under Defendants' control or under common control with them, are hereby restrained and enjoined, until further order of this Court, from:

- A. Transferring, converting, encumbering, concealing, removing, selling, dissipating, disbursing, assigning, spending, withdrawing, incurring charges or cash advances on any credit card, or otherwise disposing of any funds, property, or assets of any kind, wherever located, that are:
1. owned or controlled in whole or in part by any Defendant;
  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 any Defendant; or
  4. owned by, controlled by or in the actual or constructive possession of, or otherwise held for the benefit of, any entity directly or indirectly owned, managed or controlled by any Defendant; these assets shall also include but are not limited to any assets held by, for or under the name of any Defendant at any broker-dealership, escrow agent, title company, commodity trading company, precious metal dealer, bank or other financial institution of any kind; and
- B. Opening or causing to be opened any safe deposit boxes or storage facilities titled in the name of a Defendant, or subject to access by any of them, without providing Plaintiff prior notice and opportunity to inspect the contents in order to determine that they contain no assets covered by this section;



- C. Obtaining personal or secured loans in a total amount greater than \$5000 without prior notice to the Commission;
- D. Incurring liens or other encumbrances on real property, personal property or other assets in the name, singly or jointly, of any Defendant; and
- E. transferring any funds or other assets subject to this Order for attorney's fees, living expenses, business expenses or any other purpose, except by Court order upon a showing of good cause.

**PROVIDED, HOWEVER,** that nothing in this Order shall prohibit any ACH Network reversals of bank charges that occur in the ordinary course of business as required by any applicable banking laws or regulations.

## V.

### **FINANCIAL REPORTING**

**IT IS FURTHER ORDERED** that, within three (3) days of receiving service of this Order, each Defendant shall prepare and deliver to the Court and counsel for the Commission a completed financial statement on the forms attached to this Order, verified under oath and accurate as of the date of service of this Order upon them, for each such Defendant and for each corporation of which a Defendant is an officer or owner. Said financial statement shall include assets held outside the United States.

## VI.

### DUTIES OF THIRD PARTIES HOLDING DEFENDANTS' ASSETS OR RECORDS

**IT IS FURTHER ORDERED** that any financial or brokerage institution, escrow agent, title company, storage facility, fulfillment house, ACH Network or other payment processor, commodity trading company, or person (including any business entity) having possession, custody or control of any records of any Defendant, or of any account, safe deposit box or other asset titled in the name of, or subject to withdrawal or access by, any Defendant or any Defendant's d/b/a, either individually or jointly, of record or beneficially, including accounts or other assets that any of the Defendants may control by virtue of being signatories on said accounts, and including accounts or other assets held in the name of any ACH Network or other payment processor that provides or provided services to any Defendant, or that has maintained any such record, account, safe deposit box, or other asset at any time since June 1, 2002, shall:

- A. Hold and retain within its control and prohibit the transfer, encumbrance, pledge, assignment, removal, withdrawal, dissipation, sale, gift, disbursement, conversion, destruction, or other disposal of any such record, account, or other asset, except as ordered by this Court or as stipulated to in writing by all parties;
- B. Deny access to anyone other than the Commission or its representatives to any safe deposit box subject to access by any Defendant;
- C. Provide to counsel for the Commission within three (3) business days of notice of this Order, a sworn statement setting forth:
  1. the identification of each account, asset or record covered by this **Part VI**, including the identity or identities and address(es) of the owner(s) of each such account;

2. the balance of each such account or a description of the nature and value of each such asset as of the close of business on the day this Order is served and, if the account or asset has been closed or moved, the balance or value removed, the date it was removed, and the person or entity to whom it was remitted; and
  3. the identification of any safe deposit box subject to access by any Defendant and, if the safe deposit box has been closed or moved, the balance or value removed, the date it was removed, and the person or entity who removed it; and
- D. Allow Commission representatives immediate access to inspect and copy all records of any Defendant and all documents relating to any account, safe deposit box, or other asset of any Defendant. Alternatively, any person covered by this **Part VI** may arrange to deliver to the Commission copies of any records it seeks for a charge not to exceed fifteen cents (15¢) per page copied.

**IT IS FURTHER ORDERED** that the assets and funds affected by this **Part VI** shall include both existing assets and assets acquired after issuance of this Order.

**PROVIDED, HOWEVER,** that nothing in this Order shall prohibit any ACH Network reversals of bank charges that occur in the ordinary course of business as required by any applicable banking laws or regulations.

## VII.

### FOREIGN ASSETS

**IT IS FURTHER ORDERED** that within five (5) business days following service of this Order, Defendants shall:

- A. Take such steps as are necessary to repatriate to the territory of the United States of America all assets and records held by or for the benefit of any Defendant, or

under the direct or indirect control of any Defendant, jointly or singly, that were transferred outside of the territory of the United States from within the territory of the United States;

B. Thereafter hold and retain any such assets and records within their control and otherwise prevent any transfer, disposition, destruction, or dissipation whatsoever of any such assets and records; and

C. Provide the Commission with access to all records of accounts or assets held by or for the benefit of any Defendant, or under the direct or indirect control of any Defendant, jointly or singly, that are held by financial institutions located outside the territorial United States of America. Access shall be provided by signing the Consent to Release Financial Records attached as Appendix A to this Order. At the discretion of the Plaintiff, notarization of the Consent may also be required.

## VIII.

### IMMEDIATE ACCESS TO DEFENDANTS' RECORDS

**IT IS FURTHER ORDERED** that Defendants shall allow the Commission's representatives immediate access, during reasonable hours, to the business premises, storage facilities, mail receptacles, and all other business locations used by Defendants. The purpose of the access shall be to inspect and copy materials relevant to this action. The Commission may be accompanied by other law enforcement agents for the purpose of executing this Order and securing the premises. The Commission may exclude Defendants and their officers, directors, employees, and agents from the premises during this time. The Commission may, through

photographs, drivers' licenses and questionnaires, identify and obtain information from individuals at the premises. The Commission may remove materials from the business premises so they may be inspected, inventoried and copied. The Commission shall return materials so removed within five (5) business days of completing said copying. In no event shall the Commission retain the materials longer than ten (10) business days.

## **IX.**

### **EXPEDITED DISCOVERY**

**IT IS FURTHER ORDERED** that in anticipation of a preliminary injunction hearing in this matter, and pursuant to Fed. R. Civ. P. 26(d) and 30(a), the parties are granted leave to conduct discovery at any time after service of this Order. The parties may depose witnesses upon notice of three (3) business days. The Commission may require that all responses to subpoenas *duces tecum* shall be served within five (5) calendar days of the service of such discovery. In addition, pursuant to Fed. R. Civ. P. 33, 34 and 36, the parties shall respond to any interrogatories, requests for production of documents, or requests for admissions within five (5) calendar days after service of the interrogatories or requests.

**IT IS FURTHER ORDERED** that the limitations and conditions set forth in Rules 30(a)(2)(B) and 31(a)(2)(B) of the Federal Rules of Civil Procedure regarding subsequent depositions of an individual shall not apply to depositions taken pursuant to this **Part IX**. Any such depositions shall not be counted toward any limit on the number of depositions under the Federal Rules of Civil Procedure or the Local Rules of Civil Procedure for the United States District Court for the Northern District of Ohio, including those set forth in Rules 30(a)(2)(A) and

31(a)(2)(A) of the Federal Rules of Civil Procedure. Any interrogatories served pursuant to this **Part IX** shall not be counted toward any limit on the number of interrogatories under the Federal Rules of Civil Procedure or the Local Rules of Civil Procedure for the United States District Court for the Northern District of Ohio, including that set forth in Rule 33(a) of the Federal Rules of Civil Procedure.

**IT IS FURTHER ORDERED** that service of discovery pursuant to this **Part IX** may be accomplished by any means, including by facsimile transmission, United States mail, international courier service, or electronic mail.

## **X.**

### **RECORD KEEPING**

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

- A. Failing to create and maintain books, records, accounts, documents, and data that, in reasonable detail, accurately, fairly and completely reflect their incomes, disbursements, transactions and use of monies; and
- B. Destroying, erasing, mutilating, concealing, altering, transferring or otherwise disposing of, in any manner, directly or indirectly, any contracts, accounting data, correspondence, advertisements, audio recordings kept on any medium, computer tapes, discs or other computerized records, books, written or printed records, handwritten notes, telephone logs, telephone scripts, receipt books, ledgers, personal and business canceled checks and check registers, bank statements,

appointment books kept in any medium, 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 Defendants' business practices or business or personal finances from June 1, 2002, forward.

## **XI.**

### **NOTICE**

**IT IS FURTHER ORDERED** that Defendants shall immediately provide a copy of this Order to each of the corporate Defendants' affiliates, franchises, subsidiaries, divisions, successors, assigns, directors, officers, managing agents, employees, representatives and independent contractors and shall, within three (3) business days from the date of service of this Order, serve on the Commission affidavits identifying the names, titles, addresses and telephone numbers of the persons and entities whom they have served pursuant to this provision.

**IT IS FURTHER ORDERED** that individual Defendants shall notify the Commission at least seven (7) days prior to any discontinuance of a present business or employment and of any new or previously inactive affiliation, whether in an ownership, employment, or independent contractor capacity. Each notice shall include the name, business address, and telephone number of the Defendant's new business, employment, or other affiliation, a statement of the nature of the new business, employment, or affiliation, a statement of his duties and responsibilities, and the name, address and telephone number of each officer or owner of the corporation or business entity with which the Defendant is affiliated.

## **XII.**

### **CREDIT REPORTS**

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

## **XIII.**

### **MONITORING**

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

## **XIV.**

### **PROHIBITIONS AGAINST DISTRIBUTION OF CONSUMER LISTS**

**IT IS FURTHER ORDERED** that Defendants are hereby temporarily restrained and enjoined from selling, renting, leasing, transferring or otherwise disclosing the name, address, telephone number, credit card number, bank account number, e-mail address, or other identifying information of any person who is or may be a consumer, as that term is defined; **PROVIDED, however**, that Defendants may disclose such identifying information to a law enforcement agency or as required by any law, regulation or court order, and may disclose such identifying information to the Plaintiff.



**XV.**

**PROHIBITION ON TRANSFERRING BUSINESS INFORMATION**

**IT IS FURTHER ORDERED** that Defendants are hereby preliminarily restrained and enjoined from transferring or in any other way providing to any person (other than Plaintiff, a law enforcement agency, or as required by any law, regulation, or court order), directly or indirectly, any trade secrets or knowledge, whether recorded or otherwise, or any books, records, tapes, disks, accounting data, manuals, electronically stored data, banking records, invoices, telephone records, ledgers, payroll records, or other documents of any kind, including information stored in computer-maintained form, in the possession, custody, or control of a Defendant that are in any way related to a corporate Defendant.

**XVI.**

**EXPIRATION**

**IT IS FURTHER ORDERED** that this Order shall expire ten (10) days after entry unless, within such time, for good cause shown, it is extended for a like period, or unless Defendants consent that it may be extended for a longer period and the reasons therefor are entered of record.

**XVII.**

**CORRESPONDENCE**

For the purposes of this Order, all correspondence and service of pleadings on Plaintiff shall be addressed to:

**Jon Miller Steiger, Esq.**  
Federal Trade Commission  
East Central Region  
Eaton Center, Suite 200  
1111 Superior Avenue  
Cleveland, Ohio 44114-2507  
Phone (216) 263-3442 / Fax (216) 263-3426  
jmsteiger@ftc.gov

**XVIII.**

**SERVICE OF THIS ORDER**

**IT IS FURTHER ORDERED** that, pursuant to Federal Rule of Civil Procedure 4(c)(2), this Order and other initial pleadings and papers filed in this matter may be served by employees of the Commission, by employees of any other law enforcement agency, and by agents of any process servers retained by the Commission, upon any Defendant, upon the business premises of any Defendant, and upon any financial institution or any person or entity that may be in possession of any assets, records, property, or property rights of any Defendant. Service may be accomplished by any means, including facsimile transmission, United States mail, international courier service, or electronic mail. Service upon any branch or office of any financial institution shall effect service upon the entire financial institution.

**XIX.**

**PRELIMINARY INJUNCTION SHOW-CAUSE HEARING**

**IT IS FURTHER ORDERED** that Defendants shall appear before this Court at the United States courthouse located at 801 Superior Ave. West, Room 1813, on the 29<sup>th</sup> day of July, 2004, at 12:00 noon o'clock a.m./p.m., to show cause, if any there be, 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), the TSR, 16 C.F.R. Part 310, and Section 521(a) of the GLB Act, 15 U.S.C. § 6821(a), continuing the freeze of their assets, and imposing such additional relief as may be appropriate.

**IT IS FURTHER ORDERED** that Defendants shall prepare and deliver to the Court and to the Commission, not later than 4:30 p.m. of the fourth (4<sup>th</sup>) day prior to the show-cause hearing, any opposition to issuance of a preliminary injunction, including any declarations, exhibits, memoranda or other evidence on which they intend to rely.

**IT IS FURTHER ORDERED** that the Commission shall file with the Court and serve on Defendants any supplemental declarations, exhibits, other evidence, and memoranda not later than 4:00 p.m. of the day prior to the show-cause hearing.

**IT IS FURTHER ORDERED** that the question of whether this Court should enter an order pursuant to Rule 65 of the Federal Rules of Civil Procedure, enjoining the Defendants during the pendency of this action, shall be resolved on the pleadings, declarations, exhibits, and memoranda filed by and oral argument of the parties. Any arguments concerning the admissibility of the evidence presented shall go to the weight the Court shall give the evidence. Live testimony shall be heard only on further order of this Court, on motion filed with the Court and served on counsel for the other parties not later than 4:30 p.m. of the third (3<sup>rd</sup>) day prior to the show-cause hearing. Such motion shall set forth the name, address, and telephone number of each proposed witness, a detailed summary or affidavit revealing the substance of each proposed witness's expected testimony, and an explanation of why the taking of live testimony would be helpful to this Court. Any papers opposing a timely motion to present live testimony or to

present live testimony in response to live testimony to be presented by another party shall be filed with this Court and served on the other parties not later than 4:30 p.m. of the second (2<sup>d</sup>) day prior to the show-cause hearing.

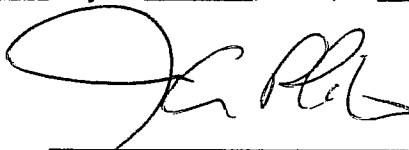
**IT IS FURTHER ORDERED** that all documents served pursuant to this **Part XIX** shall be served on counsel for the Commission or on Defendants by hand, by facsimile transmission receipt of which has been verified by the party making service, or by overnight delivery service provided that delivery has been received by counsel within the time allotted in this **Part XIX**.

**XX.**

**JURISDICTION**

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

**SO ORDERED**, this 19<sup>th</sup> day of July, 2004, at 12:10 a.m./(p.m.)



UNITED STATES DISTRICT JUDGE

APPENDIX A

**Consent to Release of Financial Records**

I, \_\_\_\_\_, of \_\_\_\_\_, Canada, do hereby direct any bank, savings and loan association, credit union, depository institution, finance company, commercial lending company, credit card processor, credit card processing entity, automated clearing house, network transaction processor, bank debit processing entity, brokerage house, escrow agent, money market or mutual fund, title company, commodity trading company, trustee, or person that holds, controls or maintains custody of assets, wherever located, that are owned or controlled by me or at which there is 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 matter of the Federal Trade Commission v. 4086465 Canada, Inc., et al., now pending in the United States District Court for the Northern District of Ohio, 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 a relevant principal.

Date: \_\_\_\_\_, 2004

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_