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CENTRAL DISTRICT OF CALIFORNIA EASTERN DIVISION BY DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

EDCV

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

YAD ABRAHAM, also known as
TIM THORN and TIMOTHY THORN,
individually and doing business as
SHARPTHORN INTERNET SOLUTIONS;
and INTERNEX, LLC,

Defendants.

No. 03- 0030 VAPSGLX

(Proposed)
TEMPORARY RESTRAINING
ORDER WITH ASSET FREEZE,
EXPEDITED DISCOVERY, AND
OTHER RELIEF, AND AN
ORDER TO SHOW CAUSE WHY
A PRELIMINARY INJUNCTION
SHOULD NOT ISSUE AS TO DEFENDANT
YAD ABRAHAM A.K.A.
TIMOTHY THORN individually
{ dba Sharpthorn Internet
Solutions

Plaintiff, the Federal Trade Commission ("FTC" or
"Commission"), pursuant to Section 13(b) of the Federal Trade
Commission Act ("FTC Act"), 15 U.S.C. § 53(b), has filed a
Complaint for Injunctive and Other Equitable Relief, including
consumer redress, and an Ex Parte Application for Temporary
Restraining Order with Asset Freeze, Order Requiring Immediate
Production of Documents, Order Permitting Limited Expedited

1 Discovery, and Order to Show Cause Why a Preliminary Injunction
2 Should Not Issue.

3 **FINDINGS OF FACT**

4 The Court has considered the Complaint, Ex Parte Application
5 for Temporary Restraining Order, Memorandum of Points and
6 Authorities with supporting Exhibits, and all other papers filed
7 herein. It appears to the satisfaction of the Court that:

8 A. This Court has jurisdiction over the subject matter of
9 the case, and there is good cause to believe it will have
10 jurisdiction over all parties.

11 B. Venue lies properly with this Court.

12 C. There is good cause to believe that defendants Yad M.
13 Abraham aka Timothy Thorn dba Sharpthorn Internet Solutions, and
14 Internex, LLC have engaged in and are likely to engage in acts
15 and practices that violate Section 5(a) of the FTC Act, 15 U.S.C.
16 § 45(a), and that the Commission is likely to prevail on the
17 merits of this action.

18 D. There is good cause to believe that immediate and
19 irreparable harm will result from defendants' ongoing violations
20 of Section 5(a) of the Federal Trade Commission Act, 15 U.S.C.
21 §45(a), absent entry of this TRO ("Order").

22 E. There is good cause to believe that immediate and
23 irreparable damage to the Court's ability to grant effective
24 final relief in the form of consumer redress and disgorgement
25 will occur from the sale, transfer, assignment, or other
26 disposition or concealment by defendants of their assets or

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1 records unless they are immediately restrained and enjoined by
2 Order of this Court.

3 F. There is thus good cause for issuing this Order without
4 prior notice to the defendants, pursuant to Federal Rule of Civil
5 Procedure 65(b) and Local Rule 7-19.2.

6 G. Weighing the equities and considering the Commission's
7 likelihood of success in its causes of action, this Order is in
8 the public interest.

9 **ORDER**

10 **Definitions**

11 A. **"Assets"** means any legal or equitable interest in,
12 right to, or claim to, any real and personal property, including
13 but not limited to chattel, goods, instruments, equipment,
14 fixtures, general intangibles, effects, leaseholds, mail or other
15 deliveries, inventory, checks, notes, accounts, credits,
16 receivables, funds, monies, and all cash, wherever located, and
17 shall include both existing assets and assets acquired after the
18 date of entry of this Order.

19 B. **"Consumer"** means an actual or potential purchaser,
20 customer, licensee or natural person.

21 C. **"Defendants"** mean Yad M. Abraham aka Timothy Thorn dba
22 Sharpthorn Internet Solutions dba DRIVELEGAL.COM, and Internex,
23 LLC, dba DRIVELEGAL.COM and each of them, by whatever names each
24 might be known.

25 D. **"Document"** is synonymous in meaning and equal in scope
26 to the usage of the term in Federal Rule of Civil Procedure
27 34(a), and includes writings, drawings, graphs, charts,

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1 photographs, audio and video recordings, computer records, and
2 other data compilations from which information can be obtained
3 and translated, if necessary, through detection devices into
4 reasonably usable form. A draft or non-identical copy is a
5 separate document within the meaning of the term.

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

11 F. "Purported Driver's License" means a document that
12 claims to memorialize the authorization of a State or
13 jurisdiction to operate a motor vehicle in that State or
14 jurisdiction.

15 I. ORDER PROHIBITING CERTAIN BUSINESS ACTIVITIES

16 IT IS THEREFORE ORDERED that defendants, as well as their
17 successors, assigns, officers, agents, directors, servants,
18 employees, salespersons, independent contractors, attorneys,
19 corporations, subsidiaries, affiliates, all other persons or
20 entities directly or indirectly under their control or under
21 common control with them, and all other persons or entities in
22 active concert or participation with them who receive actual
23 notice of this Order by personal service or otherwise, whether
24 acting directly or through any corporation, subsidiary, division
25 or other device, in connection with the advertising, promotion,
26 offering for sale or sale of any purported driver's license,
27 identification documents, ~~or other product or service~~, are hereby

1 temporarily restrained and enjoined from making any of the
2 following statements, expressly or by implication:

3 A. Misrepresenting that their purported driver's license
4 enables consumers to legally drive a vehicle in the United States
5 or elsewhere.

6 B. Misrepresenting that use of their purported driver's
7 license will prevent traffic violation points or other sanctions
8 from being recorded on and attributed to consumers' driving
9 records.

10 C. Misrepresenting that their purported driver's license
11 enables consumers to legally drive even when their government
12 issued driver's licenses have been suspended or revoked.

13 D. Misrepresenting that their purported driver's license
14 can legally be used as, or in the same manner as, a government-
15 issued identification document.

16 E. Misrepresenting that use of their purported driver's
17 license will enable consumers to establish new or unblemished
18 driving histories.

19 F. Misrepresenting that the products or services sold by
20 defendants comply with the laws or regulations that pertain to
21 those products or services.

22 G. Misrepresenting that use of their purported driver's
23 license may enable consumers to buy insurance at a lower cost.

24 H. Misrepresenting any fact material to a consumer's
25 decision to purchase any product or service.

26 **II. ASSET FREEZE**

27 **IT IS FURTHER ORDERED** that defendants, as well as their
28 successors, assigns, officers, agents, directors, servants,

1 employees, salespersons, independent contractors, attorneys,
2 corporations, subsidiaries, affiliates, all other persons or
3 entities directly or indirectly under their control or under
4 common control with them, and all other persons or entities in
5 active concert or participation with them who receive actual
6 notice of this Order by personal service or otherwise, whether
7 acting directly or through any corporation, subsidiary, division
8 or other device, are hereby temporarily restrained and enjoined
9 from directly or indirectly:

10 A. Selling, liquidating, assigning, transferring,
11 converting, loaning, encumbering, pledging, concealing,
12 dissipating, spending, withdrawing, or otherwise disposing of any
13 funds, real or personal property, or other assets or any interest
14 therein, wherever located, including any assets outside the

15 territorial United States, which are *derived in whole or in part from*
16 *the sale of "International Drivers License" through any of the* *Ordinade*
17 1) in the actual or constructive possession of any *or corporate*
18 defendant; or *defende*

18 2. owned or controlled by, or held, in whole or in
19 part for the benefit of, or subject to access by, or belong
20 to, any defendant; or

21 3. in the actual or constructive possession of, or
22 owned or controlled by, or subject to access by, or belong
23 to, any corporation, partnership, trust or other entity
24 directly or indirectly under the control of defendant.

25 B. Opening or causing to be opened any safe deposit boxes
26 titled in the name of any defendant, or subject to access by any
27 defendant.

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1 C. Incurring charges on any credit card issued in the
2 name, singly or jointly, of any defendant.

3 D. Transferring any funds or other assets subject to this
4 Order for attorneys' fees or living expenses, except from
5 accounts or other assets identified by prior written notice to
6 the FTC and prior approval by the Court; provided that no
7 attorneys' fees or living expenses, other than those set forth in
8 Subparagraph E of this Paragraph, and only in accordance with
9 the procedures set forth in Subparagraph E of this Paragraph,
10 shall be paid from funds or other assets subject to this Order
11 until the financial statements required by Paragraph ~~III~~ are
12 provided to counsel for the FTC.

13 E. Notwithstanding the above, any defendant may pay from
14 his personal funds reasonable, usual, ordinary, and necessary
15 living expenses and attorney's fees, not to exceed \$1,000, prior
16 to the submission of the financial statements required by
17 Paragraph ~~III~~. No such expenses, however, shall be paid from
18 funds subject to this Order except from cash on the person of any
19 defendant, or from an account designated by a defendant by prior
20 written notice to counsel for the FTC.

21 F. The funds, property and assets affected by this
22 Paragraph shall include both existing assets and assets acquired
23 after the effective date of this Order, ~~including without~~ *from the Order of "International*
24 *Driver's Licenses"* ~~limitation, those acquired by loan or gift.~~ Defendants shall
25 hold all ^{sum} assets, including without limitation, payments, loans,
26 and gifts, received after service of this Order.

1 III. FINANCIAL REPORTS

2 IT IS FURTHER ORDERED that:

3 A. Defendants Abraham and Internex, LLC, shall each,
4 *two (2) business days after ~~affetto~~ serve*
within ~~48 hours after entry~~ of this Order, prepare and deliver to
5 counsel for the Commission a completed financial statement on the
6 forms captioned "Financial Statement of Individual Defendant,"
7 and "Financial Statement of Business Defendant," as appropriate,
8 which plaintiff filed concurrently with the Ex Parte Application
9 for Temporary Restraining Order, Etc. The financial statements
10 shall be accurate as of the date of entry of this Order. In
11 addition to financial statements for each defendant, Abraham
12 shall deliver, within *two (2) business days after serve*
~~48 hours after entry~~ of this Order,
13 completed financial statements for each entity owned, controlled
14 or managed by any defendant.

15 B. The defendants shall each, within *two (2) business days after*
~~48 hours after entry~~ *serve*
16 of this Order, provide the Commission access to records and
17 documents pertaining to defendants that are held by financial
18 institutions outside the territory of the United States by
19 signing the "Consent to Release of Financial Records," which is
20 attached to this Order as Attachment A.

21 C. In addition, *no later than January 23, 2003*
defendants shall submit a completed
22 statement, verified under oath, of all payments, transfers, or
23 assignment of funds, assets, or property worth \$1,000 or more
24 since January 1, 1997. Such statement shall include (a) the
25 amount transferred or assigned; (b) the name of each transferee
26 or assignee; (c) the date of the assignment or transfer; (d) the
27 type and amount of consideration paid the defendant. Each
28 statement shall specify the name and address of each financial
institution and brokerage firm at which the defendant has

1 accounts or safe deposit boxes. Said statements shall include
2 assets held in foreign as well as domestic accounts.

3 **IV. PRESERVATION OF RECORDS**

4 **IT IS FURTHER ORDERED** that defendants, as well as their
5 successors, assigns, officers, agents, directors, servants,
6 employees, salespersons, independent contractors, attorneys,
7 corporations, subsidiaries, affiliates, all other persons or
8 entities directly or indirectly under their control or under
9 common control with them, and all other persons or entities in
10 active concert or participation with them who receive actual
11 notice of this Order by personal service or otherwise, whether
12 acting directly or through any corporation, subsidiary, division
13 or other device, are hereby temporarily restrained and enjoined
14 from destroying, erasing, mutilating, concealing, altering,
15 transferring, or otherwise disposing of, in any manner, directly
16 or indirectly, any documents that relate to the business
17 practices or business or personal finances of defendants, or to
18 the business practices or finances of entities directly or
19 indirectly under the control, in whole or in part, of defendants.

20 **V. RECORD KEEPING/BUSINESS OPERATIONS**

21 **IT IS FURTHER ORDERED** that defendants are hereby temporarily
22 restrained and enjoined from:

23 A. Failing to create and maintain documents that, in
24 reasonable detail, accurately, fairly, and completely reflect
25 their incomes, disbursements, transactions, and use of money,
26 beginning as of the time of effective service of this Order.

27 B. Failing to make and keep books, records, accounts, bank
28 statements, current accountants' reports, general ledgers,
general journals, cash receipt ledgers, cash disbursement ledgers

1 and source documents, documents indicating title to real or
2 personal property, and any other data which, in reasonable
3 detail, accurately and fairly reflect the transactions and
4 dispositions of the assets of defendants.

5 C. Destroying, mutilating, concealing, altering,
6 transferring, or otherwise disposing of, in any manner, any
7 books, records, tapes, discs, accounting data, checks (fronts and
8 backs), correspondence, forms, advertisements, brochures,
9 manuals, electronically stored data, banking records, customer
10 lists, customer files, invoices, telephone records, ledgers,
11 payroll records, or other documents of any kind, including
12 information stored in computer-maintained form, in their
13 possession, custody or control.

14 D. Creating, operating or exercising any control over any
15 business entity, including any partnership, limited partnership,
16 joint venture, sole proprietorship or corporation, without first
17 providing the Commission with a written statement disclosing:

18 (1) the name of the business entity; (2) the address and
19 telephone number of the business entity; (3) the names of the
20 business entity's officers, directors, principals, managers and
21 employees; and (4) a detailed description of the business
22 entity's intended activities.

23 **VI. REQUIRED DISTRIBUTION OF ORDER BY DEFENDANTS**

24 **IT IS FURTHER ORDERED** that defendants shall immediately
25 provide a copy of this Order to each affiliate, partner,
26 division, sales entity, successor, assign, employee, independent
27 contractor, agent, attorney, and representative, of defendants
28 and shall, within ten days from the date of ~~entry~~ ^{Service upon them} of this Order,
serve upon counsel for the Commission a sworn statement that they

1 have complied with this provision of the Order. The statement
2 shall include the names and addresses of each such person or
3 entity who received a copy of the Order.

4 **VII. SERVICE OF ORDER**

5 **IT IS FURTHER ORDERED** that copies of this Order may be
6 served by any means, including facsimile transmission, upon any
7 financial institution, or other entity or person that may have
8 possession, custody, control or knowledge of any documents or
9 assets of any defendant, or any other entity or person that may
10 otherwise be subject to any provision of this Order, by
11 delivering a copy of the Order by any means, including facsimile
12 transmission, to any office, branch, or location.

13 **VIII. CONSUMER CREDIT REPORT**

14 **IT IS FURTHER ORDERED** that pursuant to Section 604(a)(1) of
15 the Fair Credit Reporting Act, 15 U.S.C. § 1681b(a)(1), any
16 consumer reporting agency served with this Order shall promptly
17 furnish consumer reports concerning defendant Yad M. Abraham to
18 counsel for the Commission.

19 **IX. RETENTION OF ASSETS AND RECORDS BY THIRD PARTIES**

20 **IT IS FURTHER ORDERED** that, effective immediately upon
21 notification of this Order, and pending determination of
22 plaintiff's request for a preliminary injunction, any bank,
23 savings and loan institution, credit union or any depository of
24 any kind, including but not limited to, any brokerage house,
25 trustee, broker-dealer, escrow agent, money market or mutual
26 fund, title company, commodity trading company, common carrier,
27 storage company, commercial mail receiving agency, mail holding
28 or forwarding company, or any other person, partnership,
corporation, legal or business entity, or person that holds,

1 controls or maintains custody of any account or asset belonging
2 to, or titled in the name of, any defendant or belonging to, or
3 titled in the name of, any corporation, partnership or other
4 entity directly or indirectly owned, managed or controlled by,
5 in whole or in part, any defendant, or to which they are a
6 signatory, or which is held on behalf of, or for the benefit of,
7 any defendant, individually or jointly, or that has held,
8 controlled or maintained custody of any such account or asset at
9 any time since January 1, 1997, shall:

10 A. Prohibit defendants and their agents, servants,
11 employees, attorneys, and all persons or entities directly or
12 indirectly under their control, or in common control with them,
13 from withdrawing, removing, assigning, transferring, pledging,
14 encumbering, disbursing, dissipating, converting, selling, or
15 otherwise disposing of any such account or asset except:

- 16 1. As directed by further order of the Court; or
17 2. By written agreement of the Commission and the
18 parties claiming an interest in such account or asset.

19 B. Maintain the status quo of any such account or asset
20 and shall not withdraw, remove, assign, transfer, pledge,
21 encumber, disburse, dissipate, convert, sell, or otherwise
22 dispose of any such account or asset except:

- 23 1. As directed by further order of the Court; or
24 2. By written agreement of the Commission and the parties
25 claiming an interest in such account or asset.

26 C. Deny defendants and their agents, servants, employees,
27 attorneys, and all persons or entities directly or indirectly
28 under their control or in common control with them, unless

1 accompanied by counsel for the Federal Trade Commission, access
2 to any safe deposit box that is:

- 3 1. titled in the name of any defendant or their affiliates
4 or subsidiaries, either individually or jointly; or
- 5 2. otherwise subject to access by any defendant or their
6 affiliates or subsidiaries.

7 D. Provide counsel for the Commission, ^{upon reasonable notice} ~~within five~~
8 ~~business days of receiving a copy~~ ^{and receipt of a copy} of this Order, a sworn
9 statement setting forth:

- 10 1. the identification number of each such account or asset
11 belonging to or titled in the name of any defendant or to
12 which any defendant is a signatory, or which is held on
13 behalf of, or for the benefit of, any defendant;
- 14 2. the balance of each such account, or a description of
15 the nature and value of such asset as of the time this Order
16 is served, and, if any asset has been removed or transferred
17 within the last 90 days, the date removed or transferred,
18 the total funds removed or transferred, and the name of the
19 person or entity to whom such account or other asset was
20 remitted; and
- 21 3. the identification of any safe deposit box that is
22 titled in the name, individually or jointly, of any
23 defendant or is otherwise subject to access by any
24 defendant.

25 E. Upon the Commission's request, promptly provide the
26 Commission with copies of all records or other documentation
27 pertaining to such account or asset including, without
28 limitation, originals or copies of account applications, account
statements, signature cards, checks, drafts, deposit tickets,

1 transfers to and from the accounts, all other debit and credit
2 instruments or slips, currency transaction reports, 1099 forms,
3 and safe deposit box logs.

4 F. The accounts subject to this provision include existing
5 assets and assets deposited after the effective date of this
6 Order. This Paragraph shall not prohibit transfers in accordance
7 with any provision of this Order, or any further order of the
8 court.

9 **X. EXPEDITED DISCOVERY AS TO THE EXISTENCE AND**
10 **LOCATION OF ASSETS AND DOCUMENTS**

11 **IT IS FURTHER ORDERED** that pursuant to Federal Rules of
12 Civil Procedure Rules 30(a), 31(a), 34, and 45, plaintiff is
13 granted leave, at any time after service of this Order, to:

14 A. Take the deposition, including depositions upon forty-
15 eight hours' written notice, of any person, whether or not a
16 party, for the purpose of discovering the nature, location,
17 status, and extent of assets of defendants or of their affiliates
18 or subsidiaries; the nature and location of documents reflecting
19 the business transactions of defendants; the whereabouts of
20 defendants; and the applicability of any evidentiary privileges
21 to this action. The limitations and conditions set forth in Fed.
22 R. Civ. P. 30(a)(2)(B) and 31(a)(2)(B) regarding subsequent
23 depositions of an individual shall not apply to depositions taken
24 pursuant to this Section. Any such depositions taken pursuant to
25 this Section shall not be counted toward the ten-deposition limit
26 set forth in Fed. R. Civ. P. 30(a)(2)(A) and 31(a)(2)(A).

27 B. Demand the production of documents, on ^{reasonable notice} ~~five days~~
28 notice, from any person, whether or not a party, relating to the
nature, status or extent of assets of defendants or of their

1 affiliates or subsidiaries; the location of documents reflecting
2 the business transactions of defendants; the whereabouts of
3 defendants; and the applicability of any evidentiary privileges
4 to this action; provided that 24 hours' notice shall be deemed
5 sufficient for the production of any such documents that are
6 maintained or stored as electronic data.

7 C. Service of discovery upon a party, taken pursuant to
8 this Section, shall be sufficient if made by facsimile or by
9 overnight delivery.

10 **XI. IMMEDIATE DISCOVERY OF DEFENDANT ABRAHAM'S RECORDS**

11 **IT IS FURTHER ORDERED** that defendant Abraham shall deliver
12 to plaintiff, ~~immediately upon~~ ^{within two (2) business days of} service of this Order, all books,
13 records, and materials, including but not limited, to those held
14 in computers, pertaining to: Abraham's personal and business
15 assets; ^{any} ~~his~~ business ventures, ^{related to the sale or transfer of} and any records pertaining to ^{"International}
16 Sharpthorn Internet Solutions, DRIVELEGAL.COM, and Internex, LLC, ^{Driver's}
17 or other entity involved in marketing purported driver's licenses ^{License}
18 or identification documents, that are stored or housed at 22814
19 Fairburn Drive, Grand Terrace, California 92313 or any other
20 residential location associated with Abraham. Plaintiff may
21 retain such books, records, and materials, for up to five
22 business days in order to inspect and copy them.

23 **XII. REPATRIATION OF FOREIGN ASSETS**

24 **IT IS FURTHER ORDERED** that within five business days
25 following service of this Order, defendants shall:

26 A. Repatriate to the United States all funds, documents or
27 assets in foreign countries held: (1) by them; (2) for their
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1 benefit; or (3) under their direct or indirect control, jointly
2 or singly.

3 B. The same business day as any repatriation under Section
4 XI.A. above: (1) notify counsel for the Commission of the name
5 and location of the financial institution or other entity that is
6 the recipient of such funds, documents or assets; and (2) serve
7 this Order on any such financial institution or other entity.

8 C. Provide plaintiff with a full accounting of all funds,
9 documents, and assets outside of the territory of the United
10 States held: (1) by them; (2) for their benefit; or (3) under
11 their direct or indirect control, jointly or singly.

12 D. Hold and retain all repatriated funds, documents, and
13 assets and prevent any transfer, disposition or dissipation
14 whatsoever of any such assets or funds.

15 **XIII. WITHHOLDING OF MAIL SENT TO COMMERCIAL MAIL**

16 **RECEIVING AGENCIES**

17 **IT IS FURTHER ORDERED** that all Commercial Mail Receiving
18 Agencies ("CMRA") where defendants maintain accounts, including
19 Sharpthorn Internet Solutions, 12056 Mount Vernon Avenue #232,
20 Grand Terrace, California 92313-5116, shall, for the duration of
21 this Order, retain and forward to the plaintiff, at the address
22 designated in paragraph XVI below, all mail received at the CMRA
23 that is addressed to any defendant or any other name under which
24 the defendants are doing business, including Sharpthorn Internet
25 Solutions, WWW.DRIVELEGAL.COM, and Internex, LLC.

26 **XIV. DURATION OF TEMPORARY RESTRAINING ORDER**

27 **IT IS FURTHER ORDERED** that pursuant to Fed. R. Civ. P. 6,
28 this Order shall expire on the ~~tenth~~ ^{thirteenth} business day after issuance,

1 i.e., January 23, 2003, unless within such time, the
2 Order, for good cause shown, is extended for an additional period
3 not to exceed ten business days, or unless it is further extended
4 with the consent of the parties.

5 **XV. ORDER TO SHOW CAUSE**

6 **IT IS FURTHER ORDERED** pursuant to Fed. Civ. P. 65(b) and
7 Local Rule 65-1, that defendants shall appear before this Court,
8 in Courtroom 2, United States District Court, Central District
9 of California, Eastern Division, 3470 Twelfth Street, Riverside,
10 California 92501, on the 23rd day of January, 2003, at
11 4:00 o'clock P.m. (PDT), to show cause, if there is any,
12 why this Court should not enter a preliminary injunction, pending
13 final ruling on the Complaint against defendants, enjoining them
14 from further violations of Section 5(a) of the FTC Act, 15 U.S.C.
15 § 45(a), continuing the freeze of their assets, and imposing such
16 additional relief as may be appropriate.

17 **XVI. SERVICE OF DOCUMENTS AND EVIDENCE**

18 **IT IS FURTHER ORDERED** that defendants, in responding to this
19 Court's Order to Show Cause, shall serve all memoranda,
20 affidavits, and other evidence on which they intend to rely not
21 later than 4:00 p.m. (PDT) ^{January 16, 2003} ~~of the fifth day prior to the~~
22 ~~preliminary injunction hearing set in this matter.~~ Service on
23 the Commission shall be performed by personal delivery, or
24 confirmed facsimile delivery, to Raymond E. McKown, Federal Trade
25 Commission, 10877 Wilshire Boulevard, Suite 700, Los Angeles,
26 California 90024, (310) 824-4380 (fax number). The Commission
27 may serve and file a supplemental memorandum of points and
28 authorities based on evidence discovered subsequent to the

1 And personally served on AS, 12:00 noon January 21,
2 filing of its Complaint by no later than 4:00 p.m. (PDT), of the
3 2003 fifth day prior to the preliminary injunction hearing, and may personally
4 serve and file a reply to defendants' opposition by no later than
5 12:00 noon January 21, 2003
6 4:00 p.m. (PDT) on the second day prior to the preliminary
7 injunction hearing.

8 **XVII. NO DIRECT EXAMINATION OF WITNESSES**

9 ~~IT IS FURTHER ORDERED that no direct examination of~~
10 ~~witnesses will be allowed at the preliminary injunction hearing~~
11 ~~in this matter.~~ If any party wishes to cross-examine declarants,
12 the party must shall serve and file a list of the declarants they
13 will cross-examine by 4:00 p.m. (PDT) on the second day prior to
14 the preliminary injunction hearing.

15 **XVIII. RETENTION OF JURISDICTION**

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

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

20 **IT IS SO ORDERED.**

21 January 8, 2003
22 Dated

23 Virginia A. Miller
24 United States District Court Judge

25 Presented by:

26 Raymond E. McKown
27 LEMUEL W. DOWDY
28 RAYMOND E. MCKOWN
VICTOR DEFRANCIS
Attorneys for Plaintiff
Federal Trade Commission

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CONSENT TO RELEASE OF FINANCIAL RECORDS

I, _____, of the State of _____ in the United States of America, do hereby direct any bank or trust company at which I have a bank account of any kind or at which a corporation has a bank 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 your possession or control, which relate to the said bank accounts, to any attorney of the Federal Trade Commission, and to give evidence relevant thereto, in the matter of the Federal Trade Commission v. Yad Abraham, et al., now pending in the United States District Court for the Central District of California, and this shall be irrevocable authority for so doing. This direction has been executed pursuant to that certain order of the United States District Court for the Central District of California in connection with the aforementioned matter. This direction is intended to apply to the laws of countries other than the United States which restrict or prohibit the disclosure of bank 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 bank accounts for which I may be a relevant principal.

Dated: _____, 2003

Signature