

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF THE DISTRICT OF COLUMBIA

FEDERAL TRADE COMMISSION,
600 Pennsylvania Avenue, NW
Washington, DC 20580

Plaintiff,

v

ONE OR MORE UNKNOWN PARTIES
DOING BUSINESS AS THE INSTITUTE FOR
INTERNATIONAL LICENSING, ALADDIN
FINANCIAL MANAGEMENT, UNIVERSITY
SYSTEMS, AND WHEELIE INTERNATIONAL
LIMITED,

Defendant(s).

FILED

JAN 24 2003

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Case No. 1:03-CV-00021-RMC

~~[proposed]~~ PRELIMINARY INJUNCTION

The Federal Trade Commission ("FTC") commenced this civil action on January 7, 2003. On ex parte motion by the FTC, this Court entered a temporary restraining order ("TRO") with asset freeze and other equitable relief against one or more unknown parties doing business as the Institute for International Licensing, Aladdin Financial Management, University Systems, and Wheelie International Limited on January 9, 2003. Among other things, the TRO contained an order for Defendants to show cause why a preliminary injunction should not issue against them. A hearing was held on January 24, 2003 on the order to show cause. This Court has considered the arguments made by counsel, the pleadings and exhibits filed to date, and now being advised in the premises, finds that:

This Court has jurisdiction over the subject matter of this case, there is good cause to believe it will have jurisdiction over all the parties hereto, and venue in this district is proper.

2. The Defendants and Related Parties market and sell phony international drivers' licenses and phony diplomas issued by fictitious universities via unsolicited commercial email and the Internet.

3. The FTC has shown a likelihood of proving that the Defendants and Related Parties falsely represent that:

(a) their international driver's license authorizes consumers to drive legally in the United States;

(b) consumers who purchase Defendants' international driver's license may use it to avoid points for traffic violations and to avoid sanctions for driving with a suspended or revoked driver's license; and

(c) their international driver's license can be used in the United States as an identification document in the same ways a person can use a government-issued photo identification document.

4. There is good cause to believe that Defendants and Related Parties have engaged and are likely to continue to engage in acts or practices that violate Section 5(a) of the FTC Act, 5 U.S.C. § 45(a), and that the FTC is therefore likely to prevail on the merits of this action.

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

6. There is good cause to believe that the one or more unknown parties doing business as Defendants include the following companies and individuals: Mountain View Systems, Ltd., an Israeli company, Wheelie International Limited, a Bahamian company, S.C. Hyacinth S.R.L., a Romanian company, S.C. Lomoach Consulting S.R.L., a Romanian company, S.C. Activ Imob Invest S.R.L., a Romanian company, S.C. Blue & Gold Consulting S.R.L., a Romanian company, S.C. Macaw Equipment S.R.L., a Romanian company, S.C. Theme, Travel & Tours S.R.L., a Romanian company, Jason Matthieu Abraham also known as Yaakov Abraham, Caroline Shallon also known as Caroline Abraham also known as Chaya Rochel Abraham, Charles Fogel, Murray Goldenhursh, Kenneth Marsh also known as Tzvi Marsh, and Lawrence Baker.

5. Good cause exists for ordering Defendants and Related Parties to provide an accounting of their business as set forth herein and permitting the FTC to take expedited discovery.

6. Weighing the equities and considering the FTC's likelihood of ultimate success, a preliminary injunction with an asset freeze, accounting, expedited discovery as to the existence and location of assets and documents, and other equitable relief, is in the public interest.

7. As an agency of the United States, the FTC need not post a security for the issuance of a preliminary injunction. Fed.R.Civ.P. 65(c).

8. This order is in the public interest.

DEFINITIONS

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

A. "Defendants" means One or More Unknown Parties Doing Business as the Institute for International Licensing, Aladdin Financial Management, University Systems, and Wheelie International Limited.

B. "Related Parties" means Mountain View Systems, Ltd., an Israeli company, Wheelie International Limited, a Bahamian company, S.C. Hyacinth S.R.L., a Romanian company, S.C. Lomoach Consulting S.R.L., a Romanian company, S.C. Activ Imob Invest S.R.L., a Romanian company, S.C. Blue & Gold Consulting S.R.L., a Romanian company, S.C. Macaw Equipment S.R.L., a Romanian company, S.C. Theme, Travel & Tours S.R.L., a Romanian company, Jason Matthieu Abraham also known as Yaakov Abraham, Caroline Shallon also known as Caroline Abraham also known as Chaya Rochel Abraham, Charles Fogel Murray Goldenhursh, Kenneth Marsh also known as Tzvi Marsh, and Lawrence Baker.

C. "Document(s)" or "record(s)" means

The original or a true copy of any written, typed, printed, electronically stored, transcribed, taped, recorded, filmed, punched, or graphic matter or other data compilations of any kind, including, but not limited to, letters, e-mail or other correspondence, messages, memoranda, interoffice communications, notes, reports, summaries, manuals, magnetic tapes or discs, tabulations, books, records, checks, invoices, work papers, journals, ledgers, statements, returns, reports, schedules, or files; and

2. Any information stored on any desktop personal computer ("PC") and workstations, laptops, notebooks, and other portable computers, whether assigned to individuals or in pools of computers available for shared use; and home computers used for work-related purposes; backup disks and tapes, archive disks and tapes, and other forms of offline storage.

whether stored onsite with the computer used to generate them, stored offsite in another company facility or stored offsite by a third-party, such as in a disaster recovery center; and computers and related offline storage used by Defendants or Related Parties, which may include persons who are not employees of the company or who do not work on company premises.

D. “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, mail or other deliveries, inventory, checks, notes, accounts, credits, receivables, funds, monies, and all cash, wherever located, and shall include both existing assets and assets acquired after the date of entry of this Order.

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

F. “International Driving Permit” means any document called an international driving permit, international driver’s license or any variation thereof.

G. “Identification Document” means a document made or issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, political subdivision of a foreign government, an international governmental or international quasi governmental organization which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals, including, but not limited to, driver’s licenses, birth certificates,

social security cards, work permits, diplomas, school transcripts, identification cards, and passports.

H. “False Identification Document” means any document that could reasonably be confused for an identification document.

I. “Identification Template” means any implement, impression, electronic device or computer hardware or software that is specifically configured or primarily used for making an identification document or false identification document.

ORDER

PROHIBITED BUSINESS ACTIVITIES

IT IS THEREFORE ORDERED that Defendants, Related Parties, and their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with Defendants or Related Parties who receive actual notice of this Order by personal service or otherwise, and each of them, are hereby restrained and enjoined from:

A. engaging or participating in or assisting in any manner or in any capacity whatsoever, whether directly or indirectly in concert with others or through any intermediary, third party, business entity or device, in the marketing, advertising, promotion, offering for sale, distribution, or sale of international driving permit, or any other identification document, false identification document, identification template or related material or information, whether denoted as a real or novelty item, and

B. making, or assisting others in making, directly or by implication, any false or misleading oral or written statement or representation in connection with the advertising,

marketing, promotion, offering for sale, distribution, or sale of any international driving permit including but not limited to:

1. Misrepresenting, directly or by implication, that any international driving permit authorizes consumers to drive legally in the United States or any other country;
2. Misrepresenting, directly or by implication, that consumers who purchase any international driving permit may use it to avoid points for traffic violations;
3. Misrepresenting, directly or by implication, that consumers who purchase any international driving permit may use it to avoid sanctions for driving with a suspended or revoked government-issued driver's license;
4. Misrepresenting, directly or by implication, that any international driving permit can be used in the United States or any other government as an identification document in the same ways a person can use a government-issued photo identification document; and
5. Misrepresenting, directly or by implication, any other fact material to a consumer's decision to purchase any international driving permit.

WEB SITES

II. IT IS FURTHER ORDERED that, any person or entity hosting any Web pages or Web sites for Defendants, Related Parties, or their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with Defendants or Related Parties who receive actual notice of this Order by personal service or otherwise shall:

- A. Immediately take whatever steps may be necessary to ensure that Web pages or Web sites operated, in whole or in part, under the names www.i-d-l.org, www.henryheston.com.cnhost.com, www.parkwooduniversity.org,

www.thornewooduniversity.org, www.brentwickuniversity.org, www.universityofwexford.org,
www.ashforduniversity.org, www.kingsfielduniversity.org, www.universityofravenhurst.org,
www.westbourneuniversity.org, www.dlce.org, and any other Web sites operated by Defendants,
Related Parties, or their officers, agents, servants, employees, and attorneys, and those persons in
active concert or participation with Defendants or Related Parties who receive actual notice of
this Order by personal service or otherwise that advertise, market, promote, offer for sale,
distribute, or sell international driving permits, identification documents, false identification
documents, identification templates or related material or information, whether denoted as a real
or novelty item, cannot be accessed by the public;

B. Prevent the destruction, or erasure of Web pages or Web sites operated, in whole
or in part, under the names www.i-d-l.org, www.henryheston.com.cnchost.com,
www.parkwooduniversity.org, www.thornewooduniversity.org, www.brentwickuniversity.org,
www.universityofwexford.org, www.ashforduniversity.org, www.kingsfielduniversity.org,
www.universityofravenhurst.org, www.westbourneuniversity.org, www.dlce.org, and any other
Web sites operated by Defendants, Related Parties, or their officers, agents, servants, employees,
and attorneys, and those persons in active concert or participation with Defendants or Related
Parties who receive actual notice of this Order by personal service or otherwise that advertise,
market, promote, offer for sale, distribute, or sell international driving permits, identification
documents, false identification documents, identification templates or related material or
information, whether denoted as a real or novelty item, by preserving such documents in the
format in which they are currently maintained; and

C. Immediately notify counsel for the FTC of any other Web page or Web site

operated or controlled by Defendants or Related Parties.

INTERNET DOMAIN NAME REGISTRATIONS

III. IT IS FURTHER ORDERED that, any domain name registrar shall suspend the registration of www.i-d-l.org, www.henryheston.com.cnchost.com, www.parkwooduniversity.org, www.thornewooduniversity.org, www.brentwickuniversity.org, www.universityofwexford.org, www.ashforduniversity.org, www.kingsfielduniversity.org, www.universityofravenhurst.org, www.westbourneuniversity.org, www.dlce.org, and provide immediate notice to counsel for the FTC of any other Internet domain names registered by Defendants, Related Parties, or their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with Defendants or Related Parties who receive actual notice of this Order by personal service or otherwise.

ASSET FREEZE

IV. IT IS FURTHER ORDERED that Defendants, Related Parties, and their officers, agents, servants, employees, attorneys, and all persons or entities directly or indirectly under the control of any of them, including any financial institution, and all other persons or entities acting in concert or participation with any of them who are served with a copy of this Order by personal service, facsimile, or otherwise, are hereby restrained and enjoined from directly or indirectly:

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

in the actual or constructive possession of any Defendant or Related Party:

2. owned or controlled by, or held, in whole or in part for the benefit of, or subject to access by, or belong to, any Defendant or Related Party; or

3. in the actual or constructive possession of, or owned or controlled by, or subject to access by, or belong to, any corporation, partnership, trust or other entity directly or indirectly under the control of any Defendant or Related Party.

B. Opening or causing to be opened any safe deposit boxes titled in the name of any Defendant or Related Party, or subject to access by any Defendant or Related Party.

C. Incurring charges on any credit card issued in the name, singly or jointly, of any Defendant or Related Party.

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

E. Notwithstanding the above, any Defendant or Related Party may pay from his or her personal funds reasonable, usual, ordinary, and necessary living expenses and attorney's fees, not to exceed \$1,000, prior to the submission of the financial statements required by Paragraph VI. No such expenses, however, shall be paid from funds subject to this Order except from cash on the person of any Defendant or Related Party, or from an account designated by prior written notice to counsel for the FTC.

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

RETENTION OF ASSETS AND DOCUMENTS BY THIRD PARTIES

V. IT IS FURTHER ORDERED that, any financial institution, or any person or other entity served with a copy of this Order shall:

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

1. on behalf of, or for the benefit of, any Defendant, Related Party, or other party subject to Paragraph IV above;
2. in any account maintained in the name of, or subject to withdrawal by, any Defendant, Related Party, or other party subject to Paragraph IV above;
3. that are subject to access or use by, or under the signatory power of, any Defendant, Related Party, or other party subject to Paragraph IV above

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

1. titled in the name, individually or jointly, of any Defendant, Related Party, or other party subject to Paragraph IV above; or
2. subject to access by Defendant, Related Party, or other party subject to Paragraph IV above.

- C. Provide to counsel for the FTC, within three (3) days, a statement setting forth:
1. the identification of each account or asset titled in the name, individually or jointly, or held on behalf of, or for the benefit of, any Defendant, Related Party, or other party subject to Paragraph IV above, whether in whole or in part;
 2. the balance of each such account, or a description of the nature and value of such asset;
 3. the identification of any safe deposit box that is either titled in the name of, individually or jointly, or is otherwise subject to access or control by, any Defendant, Related Party, or other party subject to Paragraph IV above, whether in whole or in part; and
 4. if the account, safe deposit box, or other asset has been closed or removed, the date closed or removed and the balance on said date.

Provided, that a financial institution does not have to provide the information required in this sub-paragraph if (1) the financial institution has complied with the similar provision set forth in the TRO; and (2) the information provided has not changed; and

D. The accounts subject to this provision include existing assets and assets deposited after the effective date of this Order. This Paragraph shall not prohibit transfers in accordance with any provision of this Order, or any further order of the Court.

E. The FTC is granted leave, pursuant to Fed. R. Civ. P. 45, to subpoena documents immediately from any such financial institution, account custodian, or other entity concerning the nature, location, status, and extent of Defendants' or Related Parties' assets, and compliance with this Order, and such financial institution, account custodian or other entity shall respond to such subpoena within five business days after service.

FINANCIAL STATEMENTS AND ACCOUNTING

VI. IT IS FURTHER ORDERED that within three (3) business days after service of this order, each Defendant and Related Party shall provide counsel for the FTC:

A. A completed financial statement accurate as of the date of service of this Order upon such Defendant or Related Party (individual Defendants and Related Parties shall include all financial information as requested in the Department of Treasury – Internal Revenue Service Collection Information Statement for Individuals (Form 433-A) attached to the TRO as Attachment A and also located at <http://www.irs.gov/pub/irs-pdf/f433a.pdf>); corporate Defendants and Related Parties shall include all financial information as requested in the corresponding Collection Information Statement for Businesses (Form 433 – B) attached to the TRI as Attachment B and also located at <http://www.irs.gov/pub/irs-pdf/f433b.pdf>); and

B. A completed statement, verified under oath, of all payments, transfers, or assignment of funds, assets, or property worth \$1,000 or more since January , 1995. Such statement shall include (a) the amount transferred or assigned; (b) the name of each transferee or assignee; (c) the date of the assignment or transfer; (d) the type and amount of consideration paid the Defendant or Related Party. Each statement shall specify the name and address of each financial institution and brokerage firm at which the Defendant or Related Party has accounts or safe deposit boxes. Said statements shall include assets held in foreign as well as domestic accounts.

C. For all products or services advertised, marketed, promoted, offered for sale, distributed, or sold by Defendants or Related Parties, a detailed accounting, verified under oath, of

1. all gross revenues obtained from the sale of each such product or service (broken down by month) from inception of sales through the date of the issuance of this Order;
2. all net profits obtained from the sale of each such product or service (broken down by month) from inception of sales through the date of the issuance of this Order;
3. the total amount of each such product or service sold; and
4. the full names, addresses, and telephone numbers of all purchasers of each such product or service.

Provided, that a Defendant or Related Party does not have to provide any such financial statement or accounting required by this Paragraph VI if (1) the Defendant or Related Party has complied with the similar provision set forth in the TRO; and (2) the information provided has not changed.

REPATRIATION OF FOREIGN ASSETS

VII. IT IS FURTHER ORDERED that, within five business days following the service of this Order, Defendants and Related Parties shall:

A. Provide the FTC with a full accounting of all assets, accounts or documents outside of the territory of the United States which are held either: (1) by them; (2) for their benefit; (3) in trust by or for them, individually or jointly; or (4) under their direct or indirect control, individually or jointly;

B. transfer to the territory of the United States all assets, accounts or documents in foreign countries held either: (1) by them; (2) for their benefit; (3) in trust by or for them, individually or jointly; or (4) under their direct or indirect control, individually or jointly;

C. hold and retain all repatriated assets, accounts or document and prevent any transfer, disposition, or dissipation whatsoever of any such assets or documents except as allowed by Paragraph IV of this Order; and

D. provide the FTC access to Defendants' and Related Parties' records and documents held by financial institutions outside the territorial United States, by signing the Consent to Release of Financial Records attached to the TRO as Attachment C.

NONINTERFERENCE WITH REPATRIATION

VIII. IT IS FURTHER ORDERED that Defendants and Related Parties are hereby restrained and enjoined from taking any action, directly or indirectly, which may result in the encumbrance or dissipation of foreign assets, or in the hindrance of the repatriation required by the Paragraph VII of this Order, including, but not limited to:

A. Sending any statement, letter, fax, email or wire transmission, or telephoning or engaging in any other act, directly or indirectly, that results in a determination by a foreign trustee or other entity that a "duress" event has occurred under the terms of a foreign trust agreement until such time that all assets have been fully repatriated pursuant to Paragraph VII of this Order;

B. Notifying any trustee, protector or other agent of any foreign trust or other related entities of either the existence of this Order, or of the fact that repatriation is required pursuant to a court order, until such time that all assets have been fully repatriated pursuant to Paragraph VII of this Order.

EXPEDITED DISCOVERY

IX. IT IS FURTHER ORDERED that, for a thirty (30) day period commencing the date of entry of this Order, the FTC is granted leave to conduct certain expedited discovery, and that,

commencing with the time and date of this Order, in lieu of the time periods, notice provisions, and other requirements of Rules 26, 30, 34, and 45 of the Federal Rules of Civil Procedure, and Local Rules 16.3, 26.2, 30.1, expedited discovery shall proceed as follows:

A. Pursuant to Fed. R. Civ. P. 30 and 45, and LCvR 26.2, and 30.1, the FTC may take depositions upon oral examination of any person or entity, including any Defendant, Related Party, or third party, regarding Defendants' and Related Parties' identities, their whereabouts; the nature, location, status and extent of their assets; the status and location of Defendants' and Related Parties' products; the status and location of documents reflecting Defendant's and Related Parties' business transactions; and compliance with this Order, on two days notice of any such deposition. This Subparagraph shall not be construed in any manner to preclude the right of plaintiff to take subsequent depositions of the same witnesses on the merits of this action. Any deposition taken pursuant to this Subparagraph is in addition to, and not subject to, the presumptive limits on depositions set forth in Fed. R. Civ. P. 30(a)(2)(A).

B Pursuant to Fed. R. Civ. P. 34(b) and 45, and LCvR 26.2, and 30, the Defendants, Related Parties, and any other person or entity shall produce documents relating to the above that are requested by the FTC, within five (5) days of service of such request, with production of documents made to such person or place as counsel for the FTC may direct in writing.

RECORD KEEPING PROVISIONS

X. IT IS FURTHER ORDERED that Defendants, Related Parties, and those persons in active concert or participation with them who receive actual notice of this Order by personal service, facsimile, or otherwise, are hereby enjoined from:

A Destroying, erasing, mutilating, concealing, altering, transferring or otherwise disposing of, in any manner, directly or indirectly, any weight-loss product advertised, marketed, promoted, offered for sale, distributed, sold or purchased by Defendants or Related Parties.

B. Destroying, erasing, mutilating, concealing, altering, transferring or otherwise disposing of, in any manner, directly or indirectly, contracts, agreements, customer files, customer lists, customer addresses and telephone numbers, correspondence, advertisements, brochures, sales material, training material, sales presentations, documents evidencing or referring to Defendants' or Related Parties' products, data, computer tapes, disks, or other computerized records, books, written or printed records, handwritten notes, telephone logs, "verification" or "compliance" tapes or other audio or video tape recordings, receipt books, invoices, postal receipts, ledgers, personal and business canceled checks and check registers, bank statements, appointment books, copies of federal, state or local business or personal income or property tax returns, and other documents or records of any kind, including electronically-stored materials that relate to the business practices or business or personal finances of Defendants, Related Parties, or other entity directly or indirectly under the control of Defendants or Related Parties; and

C. Failing to create and maintain books, records, and accounts which, in reasonable detail, accurately, fairly, and completely reflect the incomes, assets, disbursements, transactions and use of monies by Defendant, Related Parties, or other entity directly or indirectly under the control of Defendants or Related Parties.

NOTICE TO EMPLOYEES

XI. IT IS FURTHER ORDERED that Defendants and Related Parties shall immediately provide a copy of this Order to each of their corporations, subsidiaries, and affiliates. Within ten (10) calendar days following service of this Order by the FTC, Defendants and Related Parties shall provide the FTC with an affidavit identifying the names, titles, addresses, and telephone numbers of the persons and entities that Defendants and Related Parties have served with a copy of this Order in compliance with this provision.

CONSUMER REPORTS

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

CORRESPONDENCE WITH PLAINTIFF

For the purposes of this Order, all service on and correspondence to the FTC shall be addressed to: Gregory A. Ashe, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Room NJ-2122, Washington, DC 20580. Telephone: (202) 326-3719; Facsimile: (202) 326-558.

SERVICE OF THIS ORDER


IT IS FURTHER ORDERED that copies of this Order may be served by facsimile transmission, email transmission, personal or overnight delivery, or U.S. Mail, by agents and employees of the FTC or any state or federal law enforcement agency or by private process server, on (1) Defendants and Related Parties, (2) any financial institution, entity or person that holds, controls, or maintains custody of any account or asset of any Defendant or Related Party,

or has held, controlled or maintained custody of any account or asset of any Defendant or Related Party, or (3) any other person or entity that may be subject to any provision of this Order.

RETENTION OF JURISDICTION

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

IT IS SO ORDERED, this 24th day of January, 2003, at 10:30 Am.


ROSEMARY M. COLLYER
UNITED STATES DISTRICT JUDGE