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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 FEDERAL TRADE COMMISSION,

14 Plaintiff,

15 v.

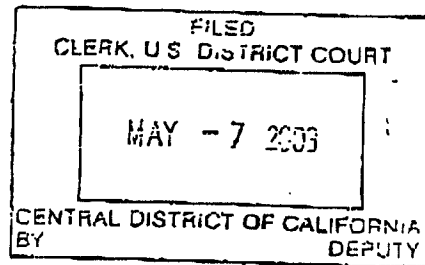
16 PATRICK CELLA, an individual,
d/b/a QUIK CASH, U-MAIL,
17 INNOVATIVE SERVICES,
CENTRAL SOLUTIONS,
18 PARALLAX BUSINESS SERVICES,
and ACE DISTRIBUTING CENTER,

19 IRENE HERRERA, an individual,
20 d/b/a QUIK CASH, INNOVATIVE
SERVICES, CENTRAL SOLUTIONS
21 and EXECUTIVE WORLDWIDE,

22 JAMES ZEZULA, an individual, d/b/a
EASY MONEY, COAST
23 DISTRIBUTING and CREDIT
SOLUTIONS, and

24 VINCENT ZEZULA, an individual,
25 d/b/a COAST DISTRIBUTING and
EXECUTIVE WORLDWIDE,

26 Defendants.
27
28



CV

- 03 - 3202

~~[PROPOSED]~~

**EX PARTE TEMPORARY
RESTRAINING ORDER WITH
ASSET FREEZE AND OTHER
EQUITABLE RELIEF**

1 Plaintiff Federal Trade Commission ("Commission" or "FTC"), pursuant to
2 Section 13(b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b),
3 filed a complaint for injunctive and other equitable relief, including consumer redress,
4 and applied ex parte for a temporary restraining order ("TRO") and other equitable
5 relief, and for an order to show cause why a preliminary injunction should not be
6 granted pursuant to Rule 65 of the Federal Rules of Civil Procedure.

7 FINDINGS OF FACT

8 The Court has considered the pleadings, declarations, exhibits, and memoranda
9 filed in support of the Commission's application and finds that:

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

12 2. There is good cause to believe that Defendants have engaged in and are
13 likely to engage in acts and practices that violate Section 5(a) of the FTC Act, 15
14 U.S.C. § 45(a).

15 3. There is good cause to believe that immediate and irreparable damage to
16 the Court's ability to grant effective final relief in the form of monetary restitution
17 will occur from the sale, transfer, or other disposition or concealment by Defendants
18 of their assets or business records, unless Defendants are immediately restrained and
19 enjoined by Order of this Court. The evidence set forth in the Plaintiff's Ex Parte
20 Motion for Temporary Restraining Order, Preliminary Injunction, and Other
21 Equitable Relief, and in the accompanying declarations and exhibits, shows that
22 Defendants have engaged in a concerted course of illegal activity in connection with
23 the advertising, promotion, offering or sale of a Work-At-Home Opportunity offered
24 through unsolicited commercial email ("spam"), in violation of Section 5 of the FTC
25 Act, 15 U.S.C. § 45. Defendants' marketing practices include operating under
26 fictitious names, implying a nonexistent affiliation with reputable businesses, making
27 false assurances about their business, and avoiding consumers' complaints. Thus,
28 there is good cause to believe that the Defendants will attempt to conceal the scope of

1 their deliberate illegal actions to avoid returning their ill-gotten gains to consumers
2 injured by their unlawful practices if not restrained from doing so by Order of this
3 Court.

4 4. The Commission has not provided notice to the Defendants due to the
5 likelihood that advanced notice of this action will lead to the very irreparable harm,
6 including the dissipation of assets and destruction of evidence, that the Commission
7 seeks to prevent through its application for an ex parte temporary restraining order.
8 The Commission's request for this emergency ex parte relief is not the result of any
9 lack of diligence on the part of the Commission, but is instead based on the nature of
10 the Defendants' unlawful conduct. There is thus good cause for relieving the
11 Commission of the duty to provide Defendants with prior notice of the Commission's
12 application.

13 5. There is good cause for the Court to order an asset freeze against
14 Defendants. Defendants have likely retained ill-gotten gains derived from their
15 deceptive practices, including: misrepresenting to consumers that they are likely to
16 earn a substantial amount of money after purchasing Defendants' Work-At-Home
17 Opportunity; falsely claiming that they will provide pamphlets for mailing with pre-
18 addressed, pre-stamped envelopes, and that they will pay consumers \$1 for each
19 stuffed envelope; falsely promising that they will provide refunds to consumers;
20 providing consumers with the means and instrumentalities to commit deceptive acts
21 and practices by furnishing them with false and misleading materials, including an
22 instruction booklet, a sales pamphlet, and a credit repair manual; and misrepresenting
23 their identity by suggesting they have an affiliation with well-known email service
24 providers. An asset freeze is reasonably necessary in order to preserve the possibility
25 of complete and meaningful relief at the conclusion of this litigation.

26 6. Weighing the equities and considering the Commission's likelihood of
27 success, this Order is in the public interest.

28

1 E. "Plaintiff" means the Federal Trade Commission ("Commission").

2 F. "Relate to" means refer to, concern, regard, reflect, discuss, constitute,
3 mention, pertain to, allude to or associate with. "Relating to" means referring to,
4 concerning, regarding, reflecting, discussing, constituting, mentioning, pertaining to,
5 alluding to or associated with.

6 G. "Work-At-Home Opportunity" means any program, plan, product or
7 service that enables a participant or purchaser to earn money by working at home.

8 **I. INJUNCTION AGAINST**
9 **MISREPRESENTATIONS**

10 **IT IS THEREFORE ORDERED** that in connection with the advertising,
11 promotion, offering or sale of goods or services in or affecting commerce, Defendants
12 are hereby temporarily restrained and enjoined from making, or assisting others in
13 making, any express or implied representation or omission of material fact that is
14 false or misleading, in any manner, directly or indirectly, to any consumer or entity,
15 including, but not limited to, the following:

16 A. Representing that consumers are likely to earn a substantial amount of
17 money from Defendants' Work-At-Home Opportunity;

18 B. Representing that Defendants will provide consumers with pamphlets for
19 mailing with pre-addressed, pre-stamped envelopes to stuff;

20 C. Representing that Defendants will pay consumers for each envelope they
21 stuff and mail;

22 D. Representing that Defendants will fully refund consumers' payments;

23 E. Representing that Defendants are affiliated with Internet-related
24 businesses, including, but not limited to, Hotmail, MSN or Pacific Bell, or a company
25 affiliated with these businesses;

26 F. Representing the nature of any Work-At-Home Opportunity offered or
27 sold;

28

1 G. Representing any material term, condition, or limitation of the transaction
2 or about the use of any offered good or service; and

3 H. Representing that Defendants or any other person can improve any
4 consumers' credit record, credit history, or credit rating by removing or obtaining
5 removal of negative information that is accurate and not obsolete from such credit
6 record, credit history, or credit rating.

7 **II. INJUNCTION AGAINST PROVIDING OTHERS WITH**
8 **THE MEANS AND INSTRUMENTALITIES TO**
9 **VIOLATE SECTION 5 OF THE FTC ACT**

10 **IT IS FURTHER ORDERED** that in connection with the offering for sale or
11 sale of credit repair manuals and credit repair sales brochures, Defendants are hereby
12 temporarily restrained and enjoined from providing to others the means and
13 instrumentalities with which to make, expressly or by implication, orally or in
14 writing, any false or misleading statement or representation of material fact,
15 including, but not limited to:

16 A. Any fact material to a consumer's decision to purchase the Defendants'
17 services or products;

18 B. Any statement that anyone can substantially improve consumers' credit
19 reports or profiles by effectuating permanent lawful removal of bankruptcies,
20 foreclosures, slow payments, court judgments, liens, or other negative information
21 from consumers' credit reports where such information is accurate and not obsolete;
22 and

23 C. Any statement that consumers' credit reports or profiles can be
24 substantially improved by effectuating permanent lawful removal of bankruptcies,
25 foreclosures, slow payments, court judgments, liens, or other negative information
26 from consumers' credit reports where such information is accurate and not obsolete.

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III. ASSET FREEZE

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2 **IT IS FURTHER ORDERED** that Defendants who receive actual notice of
3 this Order by personal service, facsimile or otherwise, are hereby temporarily
4 restrained and enjoined from:

5 A. Transferring, liquidating, converting, encumbering, pledging, loaning,
6 selling, concealing, dissipating, disbursing, assigning, spending, withdrawing,
7 perfecting a security interest in, or otherwise disposing of any assets, wherever
8 located, inside or outside the United States of America, that are: (1) held on behalf,
9 for the benefit of, or owned or controlled, directly or indirectly, by any Defendant in
10 whole or in part, including but not limited to property, bank accounts, or other assets
11 where the title is taken in his or her name, as joint tenancy or common ownership
12 with a non-party, co-owned with a spouse, or held in trust; (2) in the actual or
13 constructive possession of any Defendant; or (3) owned, controlled by, or in the
14 actual or constructive possession of any corporation, partnership, or other entity
15 directly or indirectly owned, managed, or controlled by, or under common control of
16 any Defendant, including but not limited to any assets held for by, or under the name
17 of, any Defendant or subject to access by any Defendant at any bank or savings and
18 loan institution or with any broker, dealer, escrow agent, title company, commodity
19 trading company, precious metal dealer, or other financial institution or depository of
20 any kind;

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

23 C. Incurring charges or cash advances on any credit card, debit card or
24 checking card issued in the name of any Defendant, singly or jointly;

25 D. Obtaining a personal or secured loan in the name of any Defendant,
26 singly or jointly; and

27 E. Incurring liens or other encumbrances on real property, personal property
28 or other assets in the name, singly or jointly, of any Defendant.

1 Provided, however, that the assets affected by this Paragraph shall include: (1)
2 all of the assets of any Defendant existing as of the date this Order was entered; and
3 (2) for assets obtained after the date this Order was entered, only those assets of any
4 Defendant that are derived from or otherwise related to the sale of Work-At-Home
5 Opportunities.

6 **IV. RETENTION OF ASSETS AND RECORDS BY**
7 **FINANCIAL INSTITUTIONS AND OTHER THIRD PARTIES**

8 **IT IS FURTHER ORDERED** that any financial or brokerage institution,
9 escrow agent, title company, commodity trading company, business entity, or person
10 served with a copy of this Order that holds, controls or maintains custody of any
11 accounts or assets of any Defendant, or has held, controlled or maintained any
12 accounts or assets of any Defendant at any time since November 1, 1999 shall:

13 A. Hold and retain within its control and prohibit any Defendant from
14 withdrawing, removing, assigning, transferring, pledging, encumbering, disbursing,
15 dissipating, converting, selling, or otherwise disposing of any account, funds,
16 property or other asset:

- 17 1. Maintained in the name of, or subject to withdrawal or access by
18 any Defendant;
19 2. Held on behalf or for the benefit of any Defendant; or
20 3. Subject to access or use by any Defendant.

21 Provided, however, that this Order shall not:

- 22 (i) prohibit transfers as directed by further order of the Court;
23 or
24 (ii) prohibit transfers for specific transfers authorized in writing
25 by counsel for the Commission.

26 B. Deny any Defendant access to any safe deposit box that is:

- 27 1. Titled in the name of any Defendant, either individually or jointly;

28 or

1 2. Otherwise subject to access by any Defendant, either individually
2 or jointly.

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

5 1. The identification number of each such account or asset titled in
6 the name, individually or jointly, of any Defendant, or held on behalf of, or for the
7 benefit of any Defendant;

8 2. The balance of each such account, or a description of the nature
9 and appraisal of the value of such asset as of (a) the close of business on the day on
10 which this Order is served, and (b) the close of business on the day prior to which this
11 Order is served, and, if the account or other asset has been closed or removed, the
12 date closed or removed, the total funds removed in order to close the account, and the
13 name of the person or entity to whom such account or other asset was remitted; and

14 3. The identification of any safe deposit box that is either titled in the
15 name, individually or jointly, of any Defendant, or otherwise subject to access by any
16 Defendant.

17 The Commission is granted leave, pursuant to Fed. R. Civ. P. 45, and
18 notwithstanding Fed. R. Civ. P. 26, to subpoena documents immediately from any
19 such financial institution, account custodian, or other aforementioned entity
20 concerning the nature, location, status, and extent of Defendants' assets, and
21 compliance with this Order. Subpoenas may be served by agents or attorneys of the
22 Commission and by agents of any process server retained by the Commission.

23 **V. REPATRIATION OF ASSETS AND DOCUMENTS**

24 **LOCATED IN FOREIGN COUNTRIES**

25 **IT IS FURTHER ORDERED** that each Defendant, whether acting through
26 any trust, corporation, subsidiary, division, or other device, shall:

27 A. Within three (3) business days following service of this Order, take such
28 steps as are necessary to transfer to the territory of the United States of America all

1 documents and assets that are located outside of such territory and are held by or for
2 each Defendant or are under each Defendants' direct or indirect control, jointly,
3 severally, or individually. In the case of any liquid assets held in foreign countries,
4 each Defendant shall transfer such assets to one domestic account in California, titled
5 in that Defendant's name and designated prior to any transfer by written notice to the
6 Commission, such written notice to state the amount of the transfer and identify the
7 domestic account by financial institution, title holder and account number;

8 B. Within three (3) business days following service of this Order, provide
9 the Plaintiff with a full accounting of all documents and assets that are located outside
10 of the territory of the United States of America and are held by or for each Defendant
11 or are under Defendants' direct or indirect control, jointly, severally, or individually;

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

14 D. Provide the Plaintiff access to each Defendants' records and documents
15 held by financial institutions outside the territorial United States, by signing the
16 Consent to Release of Financial Records attached hereto as Attachment A.

17 VI. INTERFERENCE WITH REPATRIATION

18 **IT IS FURTHER ORDERED** that Defendants are hereby temporarily
19 restrained and enjoined from taking any action, directly or indirectly, which may
20 result in the encumbrance or dissipation of foreign assets, or in the hindrance of the
21 repatriation required by the preceding Paragraph of this Order, including but not
22 limited to:

23 A. Sending any statement, letter, fax, e-mail or wire transmission,
24 telephoning or engaging in any other act, directly or indirectly, that results in a
25 determination by a foreign trustee or other entity that a "duress" event has occurred
26 under the terms of a foreign trust agreement until such time that all assets have been
27 fully repatriated pursuant to the preceding Paragraph of this Order; and
28

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

5 **VII. FINANCIAL STATEMENTS**

6 **IT IS FURTHER ORDERED** that each Defendant, not less than three (3)
7 days prior to the scheduled date and time for a hearing on a preliminary injunction in
8 this matter, but in no event later than ten (10) days after entry of this Order, shall:

9 A. Prepare and deliver to counsel for Plaintiff, as provided in Paragraph
10 XXI of this Order, completed financial statements on the forms attached to this Order
11 as Attachments B and C, for themselves individually, and for each business entity
12 under which each Defendant conducts business, or of which each Defendant is an
13 officer, and for each trust of which each Defendant is a trustee. The financial
14 statements shall be accurate as of the date of entry of this Order; and

15 B. Such financial statements shall include a full accounting of all assets
16 and documents that are located inside or outside of the territory of the United States
17 of America and are held by or for each Defendant or are under each Defendants'
18 direct or indirect control, jointly, severally, or individually.

19 **VIII. CONSUMER CREDIT REPORTS**

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

23 **IX. PLAINTIFF'S ACCESS TO BUSINESS RECORDS**

24 **IT IS FURTHER ORDERED** that Defendants shall allow Plaintiff's
25 representatives, agents, and assistants access to all of Defendants' business records to
26 inspect and copy documents so that the Commission may prepare for the preliminary
27 injunction hearing and identify and locate assets. Accordingly, Defendants shall,
28 within twenty-four (24) hours of service of this Order:

1 A. Produce to Plaintiff for inspection, inventory and/or copying, at the
2 FTC's Western Regional Office located at 10877 Wilshire Blvd., Ste. 700, Los
3 Angeles, CA 90024, or at another location designated by Plaintiff, all materials
4 related or referring, directly or indirectly, to Defendants' offer, sale, or provision of
5 their Work-At-Home Opportunity and/or any materials, information, products or data
6 related thereto, including, but not limited to, consumer identification or financial
7 information obtained through or as a result of email solicitations, computers,
8 computerized files, storage media (including, but not limited to, floppy disks, hard
9 drives, cd-roms, zip disks, punch cards, magnetic tape, backup tapes and computer
10 chips) on which information has been saved, any and all equipment needed to read
11 any such material, contracts, accounting data, correspondence (including, but not
12 limited to, electronic correspondence), advertisements (including, but not limited to,
13 advertisements placed on the World Wide Web), USENET Newsgroup postings,
14 World Wide Web pages, books, written or printed records, handwritten notes, receipt
15 books, ledgers, personal and business canceled checks and check registers, bank
16 statements, appointment books, copies of federal, state or local business or personal
17 income or property tax returns, 1099 forms, and other documents or records of any
18 kind that relate to Defendants' business practices; and

19 B. Produce to Plaintiff for inspection, inventory and/or copying, at the
20 FTC's Western Regional Office located at 10877 Wilshire Blvd., Ste. 700, Los
21 Angeles, CA 90024, or at another location designated by Plaintiff, all computers and
22 data in whatever form, used by Defendants, in whole or in part, relating to
23 Defendants' business practices.

24 The Commission shall return materials produced by Defendants pursuant to
25 this Paragraph within five (5) business days of completing said inventory and
26 copying.

27

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X. PRESERVATION OF RECORDS

1
2 **IT IS FURTHER ORDERED** that Defendants are hereby temporarily
3 restrained and enjoined from destroying, erasing, mutilating, concealing, altering,
4 transferring or otherwise disposing of, in any manner, directly or indirectly, any
5 documents that relate to the business practices or business or personal finances of any
6 Defendant, including, but not limited to, consumer identification or financial
7 information obtained through or as a result of email solicitations, computers,
8 computerized files, storage media (including but not limited to floppy disks, hard
9 drives, cd-roms, zip disks, punch cards, magnetic tape, backup tapes and computer
10 chips) on which information has been saved, any and all equipment needed to read
11 any such material, contracts, accounting data, correspondence (including, but not
12 limited to, electronic correspondence), advertisements (including, but not limited to,
13 advertisements placed on the World Wide Web), USENET Newsgroup postings,
14 World Wide Web pages, books, written or printed records, handwritten notes, receipt
15 books, ledgers, personal and business canceled checks and check registers, bank
16 statements, appointment books, copies of federal, state or local business or personal
17 income or property tax returns, 1099 forms, and other documents or records of any
18 kind that relate to Defendants' business practices.

XI. MAINTENANCE OF CURRENT BUSINESS RECORDS

19 **IT IS FURTHER ORDERED** that Defendants are hereby temporarily
20 restrained and enjoined from:
21

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

25 B. Creating, operating, or exercising any control over any business entity,
26 including any partnership, limited partnership, joint venture, sole proprietorship or
27 corporation, without first providing Plaintiff with a written statement disclosing: (1)
28 the name of the business entity; (2) the address and telephone number of the business

1 entity; (3) the names of the business entity's officers, directors, principals, managers
2 and employees; and (4) a detailed description of the business entity's intended
3 activities.

4 XII. NON-DISCLOSURE OF CONSUMER LISTS

5 IT IS FURTHER ORDERED that Defendants are temporarily restrained and
6 enjoined from selling, renting, leasing, transferring, or otherwise disclosing the name,
7 date of birth, address, telephone number, credit card number, bank account number,
8 email address, or other identifying information of any person who submitted such
9 information to Defendants at any time prior to entry of this Order, in connection with
10 the advertising, promotion, telemarketing, offering for sale, or sale of any product or
11 service in or affecting commerce, provided, however, that Defendants may disclose
12 such identifying information to a law enforcement agency, or as required by any law,
13 regulation or court order.

14 XIII. EXPEDITED DISCOVERY

15 IT IS FURTHER ORDERED that the Commission is granted leave at any
16 time after service of this Order to demand the production of documents from any
17 person or entity relating to the nature, status, extent, location or other relevant
18 information relating to Defendants' business practices, assets, income, personal or
19 business financial records, or the location of a Defendant. ^{(Seventy-two) 72 hours} ~~Forty-eight (48)-hours~~
20 notice shall be deemed sufficient for any such production of documents from
21 Defendants and from any other person or entity, including but not limited to financial
22 institutions, accountants, stock brokers and financial planners. The production of
23 documents submitted pursuant to this Paragraph shall not in any way waive Plaintiff's
24 rights to seek the production of additional documents. Subpoenas may be served by
25 agents or attorneys of the Commission and by agents of any process server retained
26 by any of the parties. Nothing in this Paragraph shall affect the Court's ability to
27 further modify the discovery rules as they apply in this matter.

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**XIV. WITHHOLDING OF MAIL SENT TO
COMMERCIAL MAIL RECEIVING AGENCIES**

IT IS FURTHER ORDERED that all commercial mail receiving agencies ("CMRAs") where Defendants maintain accounts and who receive actual notice of this Order by personal service or otherwise, shall, for the duration of this Order, retain and forward by overnight delivery to Plaintiff, at the address designated in Paragraph XXI below, all mail received at the CMRA that is addressed to Defendants.

XV. DISTRIBUTION OF ORDER BY DEFENDANTS

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

XVI. SERVICE OF ORDER

IT IS FURTHER ORDERED that copies of this Order may be served by any means, including facsimile transmission, upon any financial institution or other entity or person that may have possession, custody, or control of any documents or assets of any Defendant, or that may otherwise be subject to any Paragraph of this Order. Service upon any branch or office of any financial institution shall effect service upon the entire financial institution. Pursuant to Fed. R. Civ. P. 4(c)(2), this Order and the initial papers filed in this matter may be served by agents or attorneys of the Commission and by agents of any process server retained by the Commission.

XVII. SERVICE OF PLEADINGS

IT IS FURTHER ORDERED that Defendants shall serve all memoranda, affidavits and other evidence on which they intend to rely at the preliminary injunction hearing set in this matter not later than 3:00 p.m. P.S.T. of the fifth (5th)

1 business day prior to the hearing date. The Commission shall be permitted a
2 supplemental filing or reply which shall be served on Defendants not later than 3:00
3 p.m. P.S.T. of the second (2nd) business day prior to the hearing date.

4 **XVIII. WITNESS IDENTIFICATION**

5 **IT IS FURTHER ORDERED** that, if any party to this action intends to
6 present the testimony of any witness at the hearing on a preliminary injunction in this
7 matter, that party shall, at least two (2) business days prior to the scheduled date and
8 time of hearing, file with this Court and serve on all other parties a statement
9 disclosing the name, address, and telephone number of any such witness, and either a
10 summary of the witness' expected testimony, or the witness' affidavit revealing the
11 substance of such witness' expected testimony.

12 **XIX. DURATION OF TEMPORARY RESTRAINING ORDER**

13 **IT IS FURTHER ORDERED** that the Temporary Restraining Order granted
14 herein shall expire on May 16, 2003 at 11:59 p.m., unless within such
15 time, the Order, for good cause shown, is extended for an additional period not to
16 exceed ten (10) days, or unless it is further extended pursuant to Federal Rule of Civil
17 Procedure 65.

18 **XX. ORDER TO SHOW CAUSE REGARDING** 19 **PRELIMINARY INJUNCTION**

20 **IT IS FURTHER ORDERED**, pursuant to Federal Rule of Civil Procedure
21 65(b), that Defendants shall appear before this Court on the 16th day of
22 May, 2003, at 9:30 o'clock A.m., to show cause, if there is
23 any, why this Court should not enter a preliminary injunction, pending final ruling on
24 the Complaint against Defendants, enjoining them from further violations of Section
25 5(a) of the Federal Trade Commission Act, 15 U.S.C. § 45(a), continuing the freeze
26 of their assets, and imposing such additional relief as may be appropriate.

XXI. SERVICE UPON PLAINTIFF

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2 **IT IS FURTHER ORDERED**, with regard to any correspondence or
3 pleadings related to this Order, service on the Commission shall be performed by
4 overnight delivery to the attention of Michael Davis, Division of Marketing Practices,
5 Federal Trade Commission, 600 Pennsylvania Avenue, NW, Room H-238,
6 Washington, DC 20580, (202) 326-2458, or by facsimile transmission to (202) 326-
7 3395.

8 **XXII. RETENTION OF JURISDICTION**

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

11
12 **SO ORDERED**, this 7th day of May, 2003, at 12:30 p.m.

13 **GARY ALLEN FEES**

14 United States District Judge