

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

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

Plaintiff,)

v.)

Civil Action No. 03-2031

GLOBAL WEB SOLUTIONS, INC., doing)
business as USA Immigration Services, US)
Immigration Online, USAIS, and USIO,)
2020 Pennsylvania Avenue NW, Suite 610)
Washington, DC 20006,)
JOHN ROMANO, 28 Pelican Drive,)
Fort Lauderdale, FL 33301, and)
HODA M. NOFAL, 28 Pelican Drive,)
Fort Lauderdale, FL 33301,)

Defendants.)

FILED

OCT 03 2003

**NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT**

**EX PARTE TEMPORARY RESTRAINING ORDER WITH AN ASSET
FREEZE, AN ACCOUNTING, LIMITED EXPEDITED DISCOVERY, AND OTHER
EQUITABLE RELIEF AND ORDER FOR DEFENDANTS TO SHOW CAUSE WHY
PRELIMINARY INJUNCTION SHOULD NOT BE ENTERED**

Plaintiff Federal Trade Commission (“FTC”), has filed a Complaint seeking a permanent injunction and other relief, pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), and an ex parte motion for a temporary restraining order with an asset freeze, an accounting, expedited discovery, and other equitable relief, pursuant to Rule 65(b) of the Federal Rules of Civil Procedure and LCvR 65.1, and an order to show cause why a preliminary injunction should not be entered. This Court has considered the pleadings and exhibits filed in support of the FTC’s motion, 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 that this Court will have jurisdiction over all the parties hereto, and venue in this district is proper.

There is good cause to believe that Global Web Solutions, Inc., John Romano, and Hoda Nofal have engaged and are likely to continue to engage in practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and that the FTC is therefore likely to prevail on the merits of this action.

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

4. There is good cause to believe that immediate and irreparable damage to the Court's ability to grant effective final relief in the form of consumer redress and disgorgement will occur from the transfer, dissipation, or concealment by Defendants of their assets, business records, and other information unless Defendants are immediately restrained and enjoined by order of this Court, and that in accordance with Fed. R. Civ. P. 65(b), the interest of justice requires that the FTC's Motion be heard ex parte without prior notice to Defendants. Therefore, there is good cause for relieving the FTC of the duty to provide Defendants with prior notice of the FTC's motion.

5. Good cause exists for ordering Defendants to provide an accounting of their business as set forth herein and permitting the FTC to take expedited discovery to determine the existence and location of assets and the location of documents reflecting Defendants' business transactions.

6. Weighing the equities and considering the FTC's likelihood of ultimate success, a temporary restraining order with an asset freeze, accounting, expedited discovery, and other

existence and location of assets and documents, and other equitable relief, is in the public interest;

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

8. This temporary restraining order is in the public interest.

IT IS THEREFORE ORDERED AS FOLLOWS:

DEFINITIONS

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

A. “Defendants” means Global Web Solutions, Inc., John Romano, and Hoda Nofal.

B. “Document(s)” or “record(s)” means

1 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' participating associates, which may include persons who are not employees of the company or who do not work on company premises.

C. "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.

D. "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, precious metal dealer, or any entity or person that holds, controls, or maintains custody of any account or asset of any Defendant.

E. "Travel and residency status documents and programs" means any item, product, good, or service represented to assist consumers (1) in applying for the Diversity Visa lottery or (2) in obtaining any visa, passport, green card, permanent alien visa, any other immigration-related document or service, any other naturalization-related document or service, or any other travel-related document or service

ORDER PROHIBITING CERTAIN BUSINESS ACTIVITIES

II. IT IS HEREBY ORDERED that Defendants and their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with Defendants who receive actual notice of this Order by personal service or otherwise, and each of them, are hereby restrained and enjoined from 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 travel or residency status document or program, including but not limited to:

A. Misrepresenting, directly or by implication, that any entity is an agency of, or affiliated, associated, acting in partnership, or under contract with, the United States government;

B. Misrepresenting, directly or by implication, that any travel or residency status program will ensure that consumers' applications for the Diversity Visa lottery are submitted within government guidelines and will be included in the annual Diversity Visa lottery;

C. Misrepresenting, directly or by implication, that consumers seeking first-time passports or first-time green cards can apply online and/or by mail for those documents without appearing in person before a government official;

D. Misrepresenting, directly or by implication, any other fact material to a consumer's decision to purchase any travel or residency status document or program.

ASSET FREEZE

III. IT IS FURTHER ORDERED that Defendants and their officers, agents, servants, employees, attorneys, and all persons or entities directly or indirectly under the control of any of them, 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, including any financial institution, are hereby temporarily 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:

1. in the actual or constructive possession of any Defendant; or
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
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 Defendant.

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

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

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 Subsection E of this Section III, and only in accordance with the procedures set forth in Subsection E of this Section III, shall be paid from funds or other assets subject to this Order until the financial statements required by Section V are provided to counsel for the FTC.

E. Notwithstanding the above, any Defendant may pay from his 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 Section V. No such

pense (er, shall be pai from unds to this Order cent rom cas the person of Defendan from des gnated ex pri tten otice counsel for the FTC

The funds property affected by thi Paragraph all dr both assets and assets acquired after OR ffecti date of thi Order udi without limitation, thi acquired by gift. Defendan shall hol al assets udi with limitation. payments, and gifts ed after of OI Order

RETENTION OF ASSETS AND DOCUMENTS BY THIRD PARTIES

IV IT FURTHER ORDERED that pendi determinati of the FTC' reques for preliminary njecti any al instituti any person other entity ed th copy of thi Order shall

A. Hold and retai within uch entity' or person' trol and prohi the thdrawal removal gn transfer pledge hypothecati encumbrance disbursemen dissipation, conversion sale liquidati other disposal any funds documen property ther assets held under such ty' person OR

behalf of. for OR benefit of, any Defendan other party subject to Secti III above;

in any account maintained the of, sub or to withdrawal by any Defendan other party subject to Secti III ho

that sub ect to access ise by under the gnatory po of, Defendan oth party bject Secti III above;

B Deny access to any safe deposit boxes that either

1. titled in the name, individually or jointly, of any Defendant or other party subject to Section III above; or

2. subject to access by Defendant or other party subject to Section III 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 or other party subject to Section III 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 or other party subject to Section III 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.

D. The accounts subject to this provision include existing assets and assets deposited after the effective date of this Order. This Section 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' 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. For purposes of this subsection, the FTC may serve any such subpoena by facsimile or overnight courier.

FINANCIAL STATEMENTS AND ACCOUNTING

V. IT IS FURTHER ORDERED that, within five (5) business days following the service of this Order, each Defendant shall provide counsel for the Commission:

A. A completed financial statement accurate as of the date of service of this Order upon such Defendant (unless otherwise agreed upon with FTC counsel, individual Defendants shall include all financial information as requested in the Department of Treasury – Internal Revenue Service Collection Information Statement for Individuals (Form 433-A) located on the Internet at <http://www.irs.gov/pub/irs-pdf/f433a.pdf>); corporate Defendants shall include all financial information as requested in the corresponding Collection Information Statement for Businesses (Form 433 – B) located on the Internet 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 1, 2001. 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. Each statement shall specify the name and address of each financial institution and brokerage firm at which the Defendant has accounts or safe deposit boxes. Said statements shall include assets held in foreign as well as domestic accounts.

C. For all travel and residency status documents and programs advertised, marketed promoted, offered for sale, distributed, or sold by Defendants, 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.

REPATRIATION OF FOREIGN ASSETS

VI. **IT IS FURTHER ORDERED** that, within five (5) business days following the service of this Order, Defendants 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 Section III of this Order; and

D. provide the FTC access to Defendants' records and documents held by financial institutions outside the territorial United States, by signing the Consent to Release of Financial Records, which shall be provided by FTC counsel

NONINTERFERENCE WITH REPATRIATION

VII. IT IS FURTHER ORDERED that Defendants are hereby temporarily 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 preceding Section 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 Section VI 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 Section VI of this Order.

EXPEDITED DISCOVERY

VIII. IT IS FURTHER ORDERED that 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, the FTC is granted leave to:

A Take the deposition, on three (3) day's notice, of any person or entity, whether or not a party, for the purpose of discovering (1) the nature, location, status and extent of assets of Defendants or their affiliates or subsidiaries; (2) the nature and location of documents reflecting the business transactions of Defendants or their affiliates or subsidiaries; and (3) compliance with this Order. The limitations and conditions set forth in Fed. R. Civ. P. 30(a)(2)(B) and 31(a)(2)(B) regarding subsequent depositions shall not apply to depositions taken pursuant to this Section. Any such depositions taken pursuant to this Section shall not be counted toward the ten deposition limit set forth in Fed. R. Civ. P. 30(a)(2)(A) and 31(a)(2)(A). Service of discovery upon a party, taken pursuant to this Section, shall be sufficient if made by facsimile or by overnight delivery. Any deposition taken pursuant to this sub-section that has not been reviewed and signed by the deponent may be used by any party for purposes of the preliminary injunction hearing; and

B Demand the production of documents, on five (5) days' notice, from any person or entity, whether or not a party, relating to (1) the nature, status, extent, or location of assets of Defendants or their affiliates or subsidiaries; (2) the nature and location of documents reflecting the business transactions of Defendants or their affiliates or subsidiaries; and (3) compliance with this Order. Provided that twenty-four (24) hours' notice shall be deemed sufficient for the production of any such documents that are maintained or stored only as electronic data. Provided, further, that the authority to request documents pursuant to this sub-section is in addition to the requirement to produce documents pursuant to Section IX of this Order.

IMMEDIATE PRODUCTION OF DOCUMENTS

IX IT IS FURTHER ORDERED that Defendants shall, immediately upon request by the FTC, produce at the curb of the residence located at 28 Pelican Drive, Fort Lauderdale, Florida, all documents and records contained therein that refer or relate to any travel or residency status document or program advertised, marketed, promoted, offered for sale, distributed or sold by Defendants. The FTC shall be allowed to remove all such documents produced for a period not to exceed twenty-four (24) hours for the purposes of copying such documents. Each Defendant shall be precluded from using in any further proceeding in this case, directly or indirectly, whether on behalf of such Defendant or on behalf of another defendant, any document within such Defendants' possession, custody, or control at the time of service of this Order that is not produced pursuant to this Section IX.

RECORD KEEPING PROVISIONS

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

A. 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' 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 or other entity directly or indirectly under the control of Defendants; and

B. 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 or other entity directly or indirectly under the control of Defendants.

COMPLIANCE MONITORING

XI. IT IS FURTHER ORDERED that, for purposes of monitoring compliance with any provision of this Order, the FTC is authorized to pose as customers or potential customers of Defendants, their employees, or any other entity managed or controlled in whole or in part by any of them without the necessity of identification or prior notice.

NOTICE TO EMPLOYEES

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

ORDER TO SHOW CAUSE

IT IS FURTHER ORDERED, pursuant to Fed. R. Civ. P. 65(b), and LCvR 65.1, that Defendants shall appear on the 16th day of October, 2003, at 5:00 P. M. .m. at the United States Courthouse, Courtroom 14, Washington, D.C., 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 the FTC Act, continuing the freeze of their assets, and imposing such additional relief as may be appropriate.

EXPIRATION OF THIS ORDER

IT IS FURTHER ORDERED that the Temporary Restraining Order granted herein shall expire on October 16, 2003, at 11:59 PM, unless within such time the Order, for good cause shown, is extended, or unless, as to any Defendant, the Defendant consents that it should be extended for a longer period of time.

SERVICE OF PLEADINGS; EVIDENCE, WITNESS LISTS

IT IS FURTHER ORDERED that

A. Defendants shall file any answering affidavits, pleadings, or legal memoranda with the Court and serve the same on counsel for the FTC no later than three business days prior to the preliminary injunction hearing in this matter. The FTC may file responsive or supplemental pleadings, materials, affidavits, or memoranda with the Court and serve the same

on counsel for Defendants no later than one business day prior to the preliminary injunction hearing in this matter. Provided that service shall be performed by personal or overnight delivery or by facsimile, and documents shall be delivered so that they shall be received by the other parties no later than 4 p.m. (EDT) on the appropriate dates listed in this sub-paragraph.

B. The question of whether this Court should enter a preliminary injunction 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. Pursuant to LCvR 65.1(d), 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 at least 72 hours prior to the preliminary injunction hearing in this matter. 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' 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 at least two business days prior to the preliminary injunction hearing in this matter. Provided that service shall be performed by personal or overnight delivery or by facsimile, and documents shall be delivered so that they shall be received by the other parties no later than 4 p.m. (EDT) on the appropriate dates listed in this subsection.

CORRESPONDENCE WITH PLAINTIFF

XVII. 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-

SERVICE OF THIS ORDER

XVIII. 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, (2) any financial institution, entity or person that holds, controls, or maintains custody of any account or asset of any Defendant, or has held, controlled or maintained custody of any account or asset of any Defendant, or (3) any other person or entity that may be subject to any provision of this Order.

RETENTION OF JURISDICTION

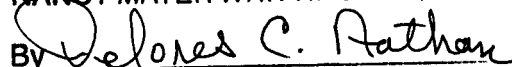
IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for all purposes.

IT IS SO ORDERED, this 3rd day of October, 2003, at 5:15 P.m.


UNITED STATES DISTRICT JUDGE

United States District Court
For the District of Columbia
A TRUE COPY

NANCY MAYER WHITTINGTON, Clerk

By 
Deputy Clerk