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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZ**

FHFCin	,)	Case No.
)	CV-13-1583-PHX-ROS
Plaintiff,)	
vs.)	PRELIMINARY INJUNCTION
MNFLLC	, et. al)	ORDER WITH ASSET FREEZE,
Defendants.)	
)	
)	

1 Defendant Clinton Rackley has stipulated to the entry of this Preliminary
2 Injunction Order. The Court held a show cause hearing on September 13, 2013 as to
3 Defendants Cordell Bess and Ronald W. Hobbs.

4 Accordingly, having considered all the arguments, evidence, and pleadings filed in
5 this matter, the Court now finds as follows:

6 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

- 7 1. This Court has jurisdiction over the subject matter of this case, jurisdiction
8 over all parties, and venue in this district is proper.
- 9 2. There is good cause to believe that Defendants Money Now Funding, LLC,
10 Rose Marketing, LLC, DePaola Marketing, LLC, Affiliate Marketing Group, LLC, Legal
11 Doxs, LLC, US Doc Assist, LLC, Affinity

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1 that therefore in accordance with Fed. R. Civ. P. 65(b), the interests of justice require that
2 this Order be granted.

3 5. Good cause exists for (a) the appointment of a Permanent Receiver over
4 Corporate Defendants Money Now Funding, LLC; Rose Marketing, LLC; DePaola
5 Marketing, LLC; Affiliate Marketing Group, LLC; Legal Doxs, LLC; US Doc Assist,
6 LLC; Affinity Technologies, LLC; and Marketing Expert Solutions, LLC; (b) freezing of
7 Defendants' assets; and (c) the ancillary relief ordered below.

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- 2. Any civil or criminal actions against the seller or affiliates of the seller for misrepresentation, fraud, or unfair or deceptive practices within the 10 years preceding the date that the opportunity is offered;
- 3. Material terms and conditions of any cancellation or refund policy; or
- 4. Any claim of actual or potential earnings that purchasers of the opportunity may experience.

B. Making any earnings claims unless there is (1) a reasonable basis for the claim at the time the claim is made; and (2) written substantiation for the earnings claim in the possession of Defendants' at the time the claim is made;

C. Violating the Business Opportunity Rule, 16 C.F.R. Part 437, as amended, a copy of which is attached.

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held

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c91.w(Tc18)Tj(contr)5.9(o)-.92(lled by a)6.2(ny of the Defenda)6.2(n)-.92(ts, in whol)6(e or -TJ19.6313 0)Tj Tc92

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, are -1.8 Tf413.02 10.89180 hereby preliminary (1.8 Tf414.7587 Td67)Tj Tc96.w(Tc968Tj restrained and enjoined

Tc1E ASSET FREEZ FURTHER ORDERED-1.8 Tf13.02 0126221 0 Tc95 that Defendants Bess, Rackley, and

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Tc22 wTjincluded in the National -1.89.871 0 Tc96 1

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D. Obtaining a personal or secured loan encumbering the assets of any of the Defendants, or any corporation, partnership, or other entity directly or indirectly owned, managed, or controlled by any of the Defendants; or

E. Incurring liens or other encumbrances on real property, personal property or

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A. Hold and retain within its control and prohibit the withdrawal, removal, assignment, transfer, pledge, encumbrance, disbursement, dissipation, conversion, sale, or other disposal of any such asset, except by further order of the Court;

B. Deny any person, except the Receiver acting pursuant to Section XIV of this Order, access to any safe deposit box that is titled in the name of, individually or jointly, or otherwise subject to access by, Defendants Bess, Rackley, and Hobbs;

C. Provide the Commission's counsel and

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IX.
CONSUMER CREDIT REPORTS
IT IS FURTHER ORDERED

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XI.

NOTIFICATION OF NEW BUSINESS ACTIVITY

IT IS FURTHER ORDERED that Defendants Bess, Rackley, and Hobbs and their Representatives, whether acting directly or through any entity, corporation, subsidiary, division, director, manager, member, affiliate, independent contractor, accountant, financial advisor, or other device, are hereby preliminarily restrained and enjoined from creating, operating, or exercising any control over any new business entity, whether newly formed or previously inactive, including any partnership, limited partnership, joint venture, sole proprietorship, or corporation, without first providing counsel for the FTC with a written statement disclosing: (1) the name of the business entity; (2) the address and telephone number of the business entity; (3) the names of the business entity’s officers, directors, principals, managers, members, and employees; and (4) a detailed description of the business entity’s intended activities.

XII.

PROHIBITION ON RELEASE OF CONSUMER INFORMATION

IT IS FURTHER ORDERED that Defendants Bess, Rackley, and Hobbs and

1 identifying information to a law enforcement agency or as required by any law,
2 regulation, or court order.

3 **XIII.**

4 **APPOINTMENT OF PERMANENT RECEIVER**

5 The Court appointed Peter S. Davis of Simon Consulting, LLC in the Preliminary
6 Injunction Order (Doc. 56) issued on August 19, 2013 as permanent receiver for the
7 Receivership Defendants, as well as for any affiliates, subsidiaries, divisions, or
8 telephone sales or customer service operations, wherever located, with the full power of
9 an equity receiver. The Receiver shall be the agent of this Court, and solely the agent of
10 this Court, in acting as Receiver under this Order. The Receiver shall be accountable
11 directly to this Court.

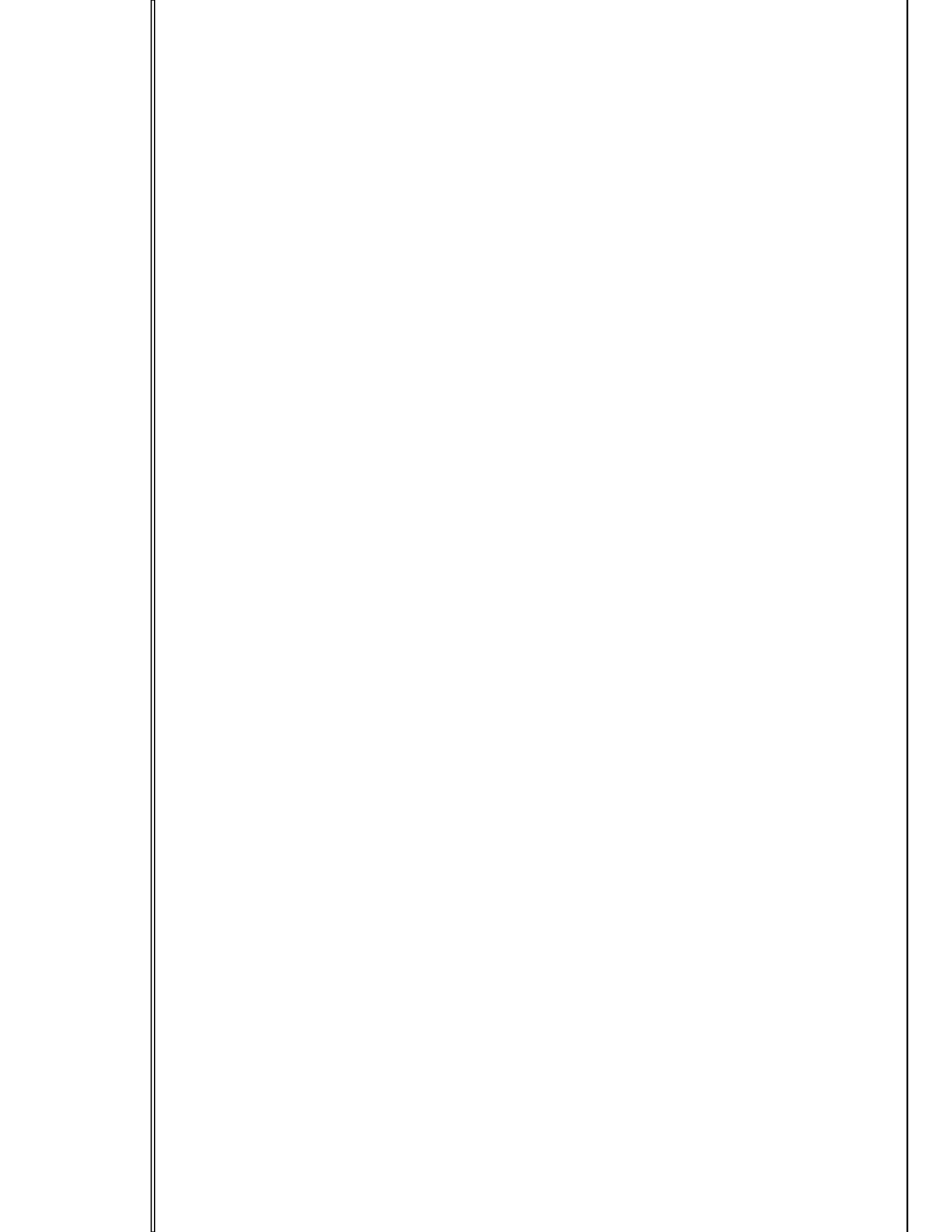
12 **XIV.**

13 **RECEIVERS DUTIES**

14 **IT IS FURTHER ORDERED** that the Receiver is authorized and directed to
15 accomplish the following:

16 A. Assume full control of the Receivership Defendants by removing, as the
17 Receiver deems necessary or advisable, any director, officer, independent contractor,
18 employee, or agent of any of the Receivership Defendants, including any Defendant,
19 from control of, management of, or participation in, the affairs of the Receivership
20 Defendants;

21 B. Take exclusive custody, control, and possession of all assets and documents
22 of, or in the possession, custody, or under the control of, the Receivership Defendants,
23 wherever situated. The Receiver shall have full power to divert mail and to sue for,
24 collect, receive, take in possession, hold, and manage all assets and documents of the
25 Receivership Defendants and other persons or entities whose interests are now under the
26 direction, possession, custody, or control of, the Receivership Defendants. The Receiver
27 shall assume control over the income and profits therefrom and all sums of money now or
28 hereafter due or owing to the Receivership Defendants. *Provided, however,* that the



- 1 (including monthly statements, canceled checks, records of wire
2 transfers, and check registers), client lists, title documents and other
3 papers;
- 4 3. All assets belonging to other persons or entities whose interests are
5 now under the direction, possession, custody, or control of the
6 Receivership Defendants;
- 7 4. All computers and data in whatever form used to conduct the
8 business of the Receivership Defendants; and
- 9 5. All keys, codes, and passwords necessary to gain or to secure access
10 to any assets or documents of the Receivership Defendants,
11 including, but not limited to, access to their business premises,
12 means of communication, accounts, computer systems, or other
13 property.

14 B. In the event any person or entity fails to deliver or transfer any asset or
15 otherwise fails to comply with any provision of this Section, the Receiver may file *ex*
16 *parte* an Affidavit of Non-Compliance regarding the failure. Upon filing of the affidavit,
17 the Court may authorize, without additional process or demand, Writs of Possession or
18 Sequestration or other equitable writs requested by the Receiver. The writs shall
19 authorize and direct the United States Marshals Service or any sheriff or deputy sheriff of
20 any county to seize the asset, document, or other item and to deliver it to the Receiver.

21 **XVI.**

22 **PROVISION OF INFORMATION TO RECEIVER**

23 **IT IS FURTHER ORDERED** that Defendants Bess, Rackley, and Hobbs shall
24 provide to the Receiver, immediately upon request, the following:

- 25 A. A list of all assets and property, including accounts, of the Receivership
26 Defendants that are held in any name other than the name of a Receivership Defendant,
27 or by any person or entity other than a Receivership Defendant; and
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2. Commencing, prosecuting, or continuing a judicial, administrative, or other action or proceeding against the Receivership Defendants, including the issuance or empl

1 Defendants. The Receiver shall file with

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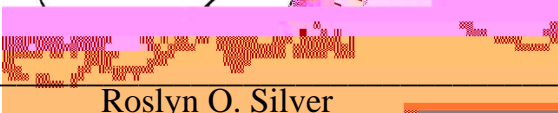
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IT IS SO ORDERED:

DATED this 13th day of September, 2013.



Roslyn O. Silver
Senior United States District Judge