1	
2	
3	
4	
5	
6	IN THE UNITED STATES DISTRICT COURT
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	

1	Cordell Bess , a/k/a Blaine Thompson, also d/b/a JJB Marketing, individually and as <i>de facto</i> officer of
2	Defendants Money Now Funding, LLC and Rose Marketing, LLC;
3	Solana DePaola, individually and as <i>de facto</i> officer of
4	Defendant Money Now Funding, LLC and as manager/member of Defendant DePaola Marketing,
5	
6	Jennifel/Bleckman Clasp-178342 TD00068009 Tc0003 Tw8ess viduall0002 IT793n-1,.797,
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
	2

1	Virginia Rios
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	

Darling, and their corporate entities appeared; no other defendants appeared or were
 represented. Defense counsel, on behalf of their clients, did not oppose entry of a
 Preliminary Injunction Order. Accordingly, having considered all the arguments,
 evidence, and pleadings filed in this matter, the Court now finds as follows.

5

FINDINGS OF FACT AND CONCLUSIONS OF LAW

6 1. This Court has jurisdiction over the subject matter of this case, jurisdiction
7 over all parties, and venue in this district is proper.

2. There is good cause to believe that Defendants Money Now Funding, LLC, 8 Rose Marketing, LLC, DePaola Marketing, LLC, Affiliate Marketing Group, LLC, Legal 9 Doxs, LLC, US Doc Assist, LLC, Affinity Technologies, LLC, Marketing Expert 10 Solutions, LLC, Lukeroy K. Rose, Cordell Bess, Solana DePaola, Jennifer Beckman, 11 William D. Claspell, Richard Frost, Dino Mitchell, Clinton Rackley, Lance Himes, Leary 12 Darling, Donna F. Duckett, Della Frost, Christopher Grimes, Alannah M. Harre, Ronald 13 W. Hobbs, Janine Lilly, Michael McIntyre, Benny Montgomery, Virginia Rios, and 14 Kendrick Thomas have engaged in and are likely to engage in acts and practices that 15 16 violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), the FTC's Trade Regulation Rule entitled "Disclosure Requirements and Prohibitions Concerning Business Opportunities" 17 ("Business Opportunity Rule" or "Rule"), 16 C.F.R. Part 437, as amended, and the FTC's 18 19 Trade Regulation Rule entitled "Telemarketing Sales Rule" ("TSR" or "Rule"), 16 C.F.R. Part 310, and that the Commission is likely to prevail on the merits of this action. 20

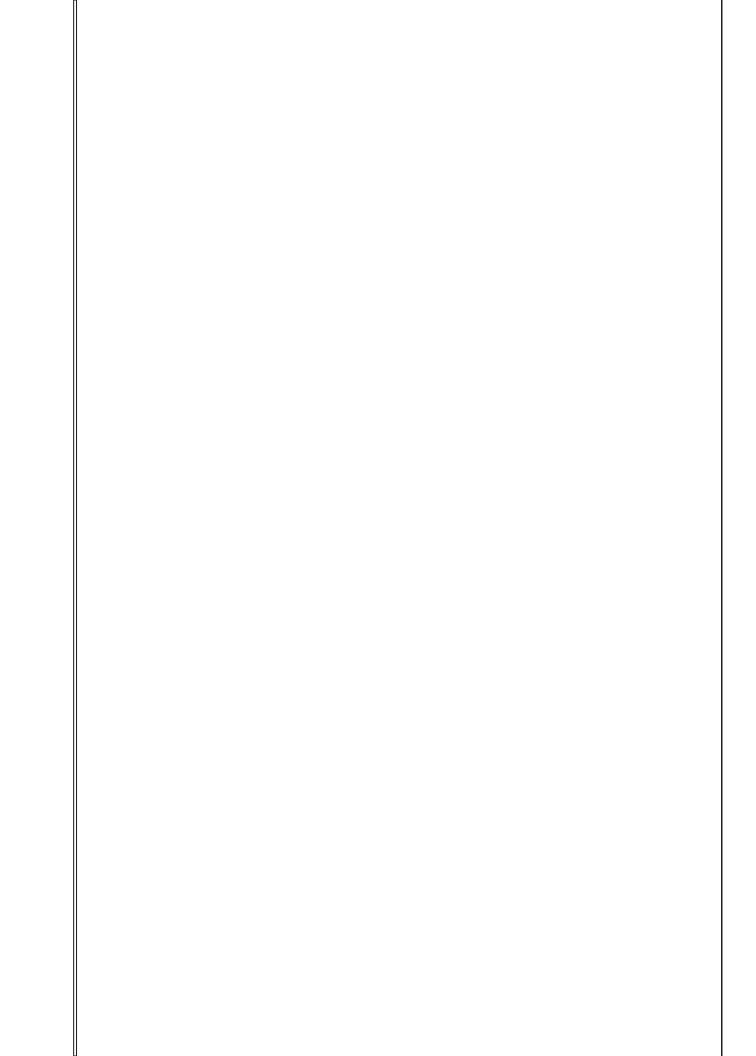
21

22

23

3. There is good cause to believe that immediate and irreparable harm will result from Defendants' ongoing violations of the FTC Act, the Business Opportunity Rule, and the TSR 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 for consumers – including the refund of
monies paid, restitution, or rescission or reformation of contract – will occur from the
sale, transfer, or other disposition or concealment by Defendants of assets or records, and



2. "Business Opportunity Rule" means the FTC Rule entitled "Disclosure
 Requirements and Prohibitions Concerning Business Opportunities" 16 C.F.R. Part 437,
 as amended.
 as amended.

3. "Corporate Defendants" means Money Now Funding, LLC, Rose
 Marketing, LLC, DePaola Marketing, LLC, Affiliate Marketing Group, LLC, Legal
 Doxs, LLC, US Doc Assist, LLC, Affinity Technologies, LLC, Marketing Expert
 Solutions, LLC and their successors and assigns.

8 4. "Defendants" means all of the Individual Defendants and the Corporate
9 Defendants, individually, collectively, or in any combination.

5. The term "document" is equal in scope and synonymous in meaning to the
usage of the term in Federal Rule of Civil Procedure 34(a), and includes writings,
drawings, graphs, charts, photographs, audio and video recordings, computer records, and
any other data compilations from which information can be obtained and translated, if
necessary, through detection devices into reasonably usable form. A draft or nonidentical copy is a separate document within the meaning of the term.

6. "Individual Defendants" Lukeroy K. Rose, Solana DePaola, Jennifer
 Beckman, William D. Claspell, Richard Frost, Dino Mitchell, Lance Himes, Leary
 Darling, Donna F. Duckett, Della Frost, Alannah M. Harre, Janine Lilly, Michael
 McIntyre, Benny Montgomery, and Kendrick Thomas individually, collectively, or in any
 combination.

21 7. "Material" means likely to affect a person's choice of, or conduct
22 regarding, opportunities, products or services.

8. "National Do Not Call Registry" means the registry of telephone numbers
maintained by the FTC, pursuant to the Telemarketing Sales Rule, 16 C.F.R. section
310.4(b)(1)(iii)(B), of Persons who do not wish to receive Outbound Telephone Calls to
induce the purchase of goods or services.

- 27
- 28

1	9.	"Outbound Telephone Call" means a telephone call initiated by a
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

1	implication, any false or unsubstantiated representations of any material fact including,		
2	but not limited to:		
3	А.	That any Defendant or other person offers, sells, or provides loans or cash	
4	advances;		
5	В.	The amount of income, earnings, or profits that a person may or is likely to	
6	earn, or that	other persons have earned;	
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
		8	

	Case 2:13	-cv-01583-ROS Document 56 Filed 08/19/13 Page 9 of 27
1		2. Any civil or criminal actions against the seller or affiliates of the
2		seller for misrepresentation, fraud, or unfair or deceptive practices
3		within the 10 years preceding the date that the opportunity is offered;
4		3. Material terms and conditions of any cancellation or refund policy;
5		or
6		4. Any claim of actual or potential earnings that purchasers of the
7		opportunity may experience.
8	В.	Making any earnings claims unless there is (1) a reasonable basis for the
9	claim at the	time the claim is made; and (2) written substantiation for the earnings claim
10	in the posse	ession of Defendants' at the time the claim is made;
11	C.	Violating the Business Opportunity Rule, 16 C.F.R. Part 437, as amended,
12	a copy of w	hich is attached.
13		III.
14		PROHIBITIONS AGAINST VIOLATING
I		
15		THE TELEMARKETING SALES RULE
15 16	IT IS	
		THE TELEMARKETING SALES RULE
16	directly or i	THE TELEMARKETING SALES RULE S ORDERED that Defendants and their Representatives, whether acting
16 17	directly or i hereby pre	THE TELEMARKETING SALES RULE S ORDERED that Defendants and their Representatives, whether acting ndirectly, in connection with Telemarketing of any product or service, are
16 17 18	directly or i hereby pre	THE TELEMARKETING SALES RULE S ORDERED that Defendants and their Representatives, whether acting ndirectly, in connection with Telemarketing of any product or service, are liminarily restrained and enjoined from engaging in violations of the
16 17 18 19	directly or i hereby pre Telemarket A.	THE TELEMARKETING SALES RULE S ORDERED that Defendants and their Representatives, whether acting ndirectly, in connection with Telemarketing of any product or service, are liminarily restrained and enjoined from engaging in violations of the ing Sales Rule, 16 C.F.R. Part 310, including, but not limited to:
16 17 18 19 20	directly or i hereby pre Telemarket A. person's tel	THE TELEMARKETING SALES RULE S ORDERED that Defendants and their Representatives, whether acting ndirectly, in connection with Telemarketing of any product or service, are liminarily restrained and enjoined from engaging in violations of the ing Sales Rule, 16 C.F.R. Part 310, including, but not limited to: Initiating, or causing others to initiate, an outbound telephone call (1) to a
16 17 18 19 20 21	directly or i hereby pre Telemarket A. person's tel previously l	THE TELEMARKETING SALES RULE S ORDERED that Defendants and their Representatives, whether acting indirectly, in connection with Telemarketing of any product or service, are liminarily restrained and enjoined from engaging in violations of the ing Sales Rule, 16 C.F.R. Part 310, including, but not limited to: Initiating, or causing others to initiate, an outbound telephone call (1) to a ephone number on the National Do Not Call Registry or (2) to a person who
 16 17 18 19 20 21 22 	directly or i hereby pre Telemarket A. person's tel previously l	THE TELEMARKETING SALES RULE S ORDERED that Defendants and their Representatives, whether acting indirectly, in connection with Telemarketing of any product or service, are Iminarily restrained and enjoined from engaging in violations of the ing Sales Rule, 16 C.F.R. Part 310, including, but not limited to: Initiating, or causing others to initiate, an outbound telephone call (1) to a ephone number on the National Do Not Call Registry or (2) to a person who has stated that he or she does not wish to receive an outbound telephone call
 16 17 18 19 20 21 22 23 	directly or i hereby pre Telemarket: A. person's tel previously l made by or B.	THE TELEMARKETING SALES RULE S ORDERED that Defendants and their Representatives, whether acting indirectly, in connection with Telemarketing of any product or service, are Himinarily restrained and enjoined from engaging in violations of the ing Sales Rule, 16 C.F.R. Part 310, including, but not limited to: Initiating, or causing others to initiate, an outbound telephone call (1) to a ephone number on the National Do Not Call Registry or (2) to a person who has stated that he or she does not wish to receive an outbound telephone call on behalf of the seller whose goods or services are being offered;
 16 17 18 19 20 21 22 23 24 	directly or i hereby pre Telemarket: A. person's tel previously l made by or B.	THE TELEMARKETING SALES RULE S ORDERED that Defendants and their Representatives, whether acting indirectly, in connection with Telemarketing of any product or service, are liminarily restrained and enjoined from engaging in violations of the ing Sales Rule, 16 C.F.R. Part 310, including, but not limited to: Initiating, or causing others to initiate, an outbound telephone call (1) to a ephone number on the National Do Not Call Registry or (2) to a person who has stated that he or she does not wish to receive an outbound telephone call on behalf of the seller whose goods or services are being offered; Causing the telephone to ring or engaging persons in telephone n repeatedly or continuously, with intent to annoy, abuse, or harass the person
 16 17 18 19 20 21 22 23 24 25 	directly or i hereby pre Telemarket: A. person's tel previously l made by or B. conversatio	THE TELEMARKETING SALES RULE S ORDERED that Defendants and their Representatives, whether acting indirectly, in connection with Telemarketing of any product or service, are liminarily restrained and enjoined from engaging in violations of the ing Sales Rule, 16 C.F.R. Part 310, including, but not limited to: Initiating, or causing others to initiate, an outbound telephone call (1) to a ephone number on the National Do Not Call Registry or (2) to a person who has stated that he or she does not wish to receive an outbound telephone call on behalf of the seller whose goods or services are being offered; Causing the telephone to ring or engaging persons in telephone n repeatedly or continuously, with intent to annoy, abuse, or harass the person
 16 17 18 19 20 21 22 23 24 25 26 	directly or i hereby pre Telemarket: A. person's tel previously l made by or B. conversatio at the called	THE TELEMARKETING SALES RULE S ORDERED that Defendants and their Representatives, whether acting indirectly, in connection with Telemarketing of any product or service, are liminarily restrained and enjoined from engaging in violations of the ing Sales Rule, 16 C.F.R. Part 310, including, but not limited to: Initiating, or causing others to initiate, an outbound telephone call (1) to a ephone number on the National Do Not Call Registry or (2) to a person who has stated that he or she does not wish to receive an outbound telephone call on behalf of the seller whose goods or services are being offered; Causing the telephone to ring or engaging persons in telephone in repeatedly or continuously, with intent to annoy, abuse, or harass the person number;

L

- 1 2 3 4
- 5
- 6 7

D. Initiating outbound telephone calls to a telephone number within a given area code on behalf of a seller who has not, either directly or through another person, paid the required annual fee for access to the telephone numbers within that area code that are included in the National Do Not Call Registry.

IV.

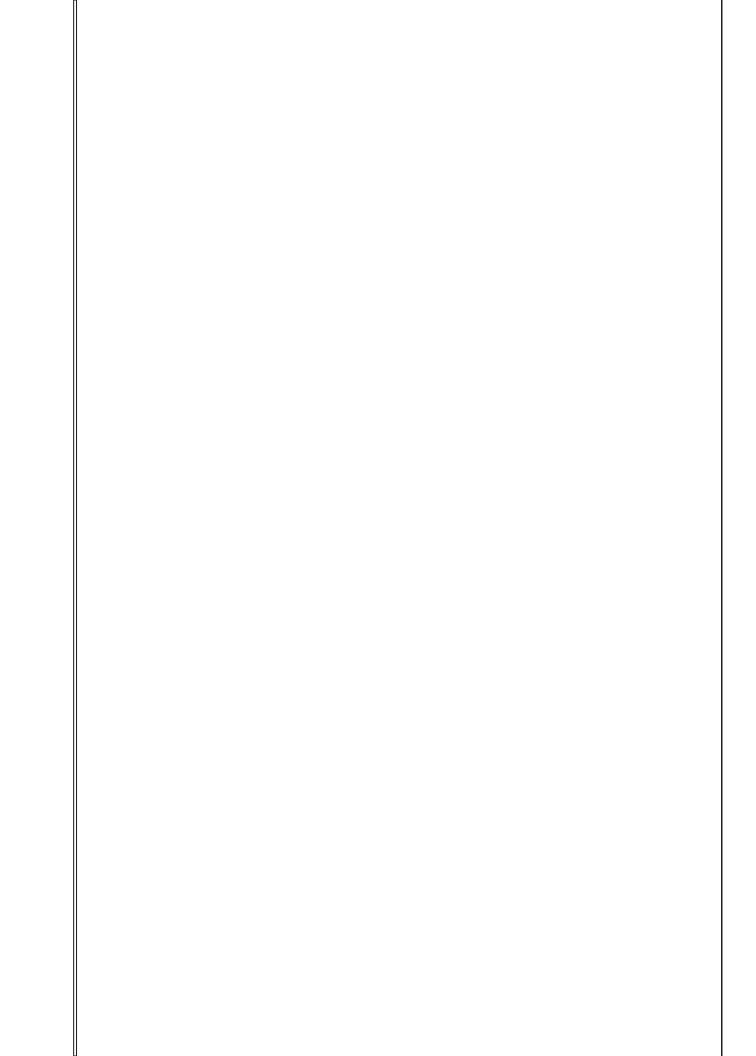
ASSET FREEZE

IT IS ORDERED that Defendants and their Representatives, whether acting directly indirectly, are **hereby preliminarily restrained and enjoined** from:

Transferring, liquidating, converting, encumbering, pledging, loaning, 9 Α. selling, concealing, dissipating, disbursing, assigning, spending, conveying, gifting, 10 withdrawing, granting a lien or security interest or other interest in, or otherwise 11 disposing of any funds, real or personal property, accounts, contracts, consumer lists, 12 shares of stock, or other assets, or any interest therein, wherever located, whether within 13 the United States or within a jurisdiction outside the United States, that are: (1) owned or 14 controlled by any of the Defendants, in whole or in part; (2) held for the benefit of any of 15 16 the Defendants; (3) in the actual or constructive possession of any of the Defendants; or (4) owned, controlled by, or in the actual or constructive possession of, or otherwise held 17 for the benefit of any corporation, partnership, or other entity directly or indirectly 18 19 owned, managed, or controlled by any of the Defendants including, but not limited to, any assets held by or for, or subject to access by any of the Defendants at any bank or 20 savings and loan institution, or with any broker-dealer, escrow agent, title company, 21 commodity trading company, precious metals dealer, or other financial institution or 22 depository institution of any kind; 23

24 25 B. Opening or causing to be opened any safe deposit boxes titled in the name of, or subject to access by, any of the Defendants;

C. Incurring charges or cash advances on any credit card issued in the name,
singly or jointly, of any of the Corporate Defendants;



3

4

5

VI.

FINANCIAL DISCLOSURES

IT IS ORDERED that within three (3) calendar days of service of this Order, each of the Defendants shall prepare and deliver the following forms to counsel for the Commission and to the Receiver:

A. Completed financial statements on the forms attached to this Order as 6 Attachment A (Financial Statement of Individual Defendant) for themselves individually 7 and Attachment B (Financial Statement of Corporate Defendant) for each business entity 8 under which they conduct business or of which they are an officer, and for each trust for 9 which any Defendant is a trustee. The financial statements shall be accurate as of the 10 date of entry of this Order. Each Defendant shall include in the financial statements a full 11 accounting of all funds and assets, whether located inside or outside of the United States, 12 that are: (1) titled in the name of such Defendant, jointly, severally, or individually; (2) 13 held by any person or entity for the benefit of such Defendant; or (3) under the direct or 14 indirect control of such Defendant. Defendants shall attach to these completed financial 15 16 statements copies of all local, state, provincial, and federal income and property tax returns, with attachments and schedules, as called for by the instructions to the financial 17 statements; and 18 B. Attachment C (Consent to Release and Request for Copy of Tax Return).

19

20 21

22

23

REPATRIATION OF ASSETS AND DOCUMENTS

VII.

IT IS ORDERED that within five (5) days following the service of this Order, each of the Defendants shall:

A. Provide the Commission and the Receiver with a full accounting of all
funds, documents, and assets outside of the United States which are: (1) titled in the
name, individually or jointly, of any of the Defendants; or (2) held by any person or
entity for the benefit of any of the Defendants; or (3) under the direct or indirect control,
whether jointly or singly, of any of the Defendants;

1	B. Transfer to the territory of the United States and deliver to the Receiver all
2	funds, documents, and assets located in foreign countries which are: (1) titled in the
3	name individually or jointly of any of the Defendants; or (2) held by any person or entity,
4	for the benefit of any of the Defendants; or (3) under the direct or indirect control of any
5	of the Defendants, whether jointly or singly;
6	C. Provide the Commission access to all records of accounts or assets of any
7	of the Defendants held by financial institutions located outside the territorial United
8	States by signing the Consent to Release of Financial Records appended to this Order as
9	Attachment C.
10	VIII.
11	NON-INTERFERENCE WITH REPATRIATION
12	IT IS ORDERED that Defendants and their Representatives are hereby
13	preliminarily restrained and enjoined from taking any action, directly or indirectly, which
14	may result in the encumbrance or dissipation of foreign assets, or in the hindrance of the
15	repatriation required by Section VII of this Order, including, but not limited to:
16	A. Sending any statement, letter, fax, e-mail or wire transmission, telephoning
17	or engaging in any other act, directly or indirectly, that results in a determination by a
18	foreign trustee or other entity that a "duress" event has occurred under the terms of a
19	foreign trust agreement until such time that all assets have been fully repatriated pursuant
20	to Section VII of this Order;
21	
22	
23	
24	
25	
26	
27	
28	
	14

5

6

7

1

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.

- 8
- 9

XII.

PROHIBITION ON RELEASE OF CONSUMER INFORMATION

IT IS ORDERED that Defendants and their Representatives, whether acting 10 directly or indirectly, are hereby preliminarily restrained and enjoined from selling, 11 renting, leasing, transferring, using, disclosing, or otherwise benefitting from the name, 12 address, telephone number, credit card number, bank account number, email address, or 13 other identifying information of any Person who: (1) paid money to the Defendants, (2) 14 was previously contacted by the Defendants in connection with the sale of business 15 16 opportunities, Work-at-home opportunities, or any service to assist in the creation, advertising, marketing, promotion, or operation of a business opportunity or work-at-17 home opportunity, including, but not limited to website development, advertising, 18 19 marketing, lead generation, social media promotion, search engine optimization, training, and business establishment services, (3) who was on a list to be contacted by the 20 Defendants; provided, however, that Defendants may disclose such identifying 21 information to a law enforcement agency or as required by any law, regulation, or court 22 order. 23 24

- 25
- 26
- 27
- 28

1	located, with the full power of an equity receiver. The Receiver shall be the agent of this
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	

Receivership Defendants, including, but not limited to, the name, home address, Social 1 2 Security Number, job description, passwords or access codes, method of compensation, 3 and all accrued and unpaid commissions and compensation of each such employee or agent; (4) photographing and videotaping any or all portions of the location; (5) securing 4 the location by changing the locks and disconnecting any computer modems or other 5 means of access to the computer or other records maintained at that location; and 6 (6) requiring any persons present on the premises at the time this Order is served to leave 7 the premises, to provide the Receiver with proof of identification, or to demonstrate to the 8 satisfaction of the Receiver that such persons are not removing from the premises 9 documents or assets of the Receivership Defendants. Law enforcement personnel, 10 including, but not limited to, police or sheriffs, may assist the Receiver in implementing 11 these provisions in order to keep the peace and maintain security. If requested by the 12 Receiver, the United States Marshals Service will provide appropriate and necessary 13 assistance to the Receiver to implement this Order and is authorized to use any necessary 14 and reasonable force to do so; 15 16 D. Suspend business operations of the Receivership Defendants if in the

judgment of the Receiver such operations cannot be continued legally and profitably;

18 E. Conserve, hold, and manage all assets of the Receivership Defendants, and
19 perform all acts necessary or advisable to preserve the value of those assets in order to
20 prevent any irreparable loss, damage, or injury to consumers or creditors of the

- 26
- 27
- 28

advisable or necessary, which includes but is not limited to retaining, hiring, or
 dismissing any employees, independent contractors, or agents;

I. Choose, engage, and employ attorneys, accountants, appraisers, and other
independent contractors and technical specialists, as the Receiver deems advisable or
necessary in the performance of duties and responsibilities under the authority granted by
this Order;

J. Make payments and disbursements from the receivership estate that are
necessary or advisable for carrying out the directions of, or exercising the authority
granted by, this Order. The Receiver shall apply to the Court for prior approval of any
payment of any debt or obligation incurred by the Receivership Defendants prior to the
date of entry of this Order, except payments that the Receiver deems necessary or
advisable to secure assets of the Receivership Defendants, such as rental payments;

K. Institute, compromise, adjust, appear in, intervene in, or become party to
such actions or proceedings in state, federal or foreign courts or arbitration proceedings
as the Receiver deems necessary and advisable to preserve or recover the assets of the

- 16
 17
 18
 19
 20
 21
 22
- 26 27

23

24

25

1	from the Re	eceivership estate from such an account. The Receiver shall serve copies of
2	monthly acc	count statements on all parties;
3	О.	Maintain accurate records of all receipts and expenditures incurred as
4	Receiver;	
5	Р.	Cooperate with reasonable requests for information or assistance from any
6	state or fede	eral law enforcement agency;
7	Q.	File reports with the Court on a timely basis and at regular intervals or as
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
		20

Case 2:13-cv-01583-ROS Document 56 Filed 08/19/13 Page 21 of 27

1	providing information to the Receiver that the Receiver deems necessary in order to	
2	exercise the authority and discharge the responsibilities of the Receiver under this Order	
3	providing any password required to access any computer, electronic file, or telephonic	
4	data in any medium; advising all persons who owe money to the Receivership	
5	Defendants that all debts should be paid directly to the Receiver; and transferring funds at	
6	the Receiver's direction and producing records related to the assets and sales of the	
7	Receivership Defendants. The entities obligated to cooperate with the Receiver under	
8	this provision include, but are not limited to, banks, broker-dealers, savings and loans,	
9	escrow agents, title companies, commodity trading companies, precious metals dealers	
10	and other financial institutions and depositories of any kind, payment processors,	
11	payment gateways, insurance companies, as well as all third-party billing agents,	
12	common carriers, and other telecommunications companies.	
13	XVIII.	
14	INTERFERENCE WITH THE RECEIVER	
15	IT IS ORDERED that Defendants, their Representatives, corporations,	
16	subsidiaries, divisions, or affiliates are hereby restrained and enjoined from directly or	
17	indirectly:	
18	A. Interfering with the Receiver managing, or taking custody, control, or	
19	possession of the assets or documents subject to this Receivership;	
20	B. Transacting any of the business of the Receivership Defendants or any	
21	substantially similar name;	
22	C. Transferring, receiving, altering, selling, encumbering, pledging,	
23		
24		
25		
26		
27		
28		
	22	

1	Defendants, whether such acts are part of a judicial proceeding, are
2	acts of self-help, or otherwise;
3	4. Initiating any other process or proceeding that would interfere with
4	the Receiver managing or taking custody, control, or possession of,
5	the assets or documents subject to this receivership.
6	Provided that, this Order does not stay (1) The commencement or continuation of
7	a criminal action or proceeding; (2) The commencement or continuation of an
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	

the Receiver will well and truly perform the duties of the office and abide by and perform 1 2 all acts the Court directs. 28 U.S.C. § 754.

XXII.

EXPEDITED DISCOVERY

IT IS ORDERED that pursuant to Federal Rule of Civil Procedure 26(d)(1), discovery may commence at any time after the entry of this order. In aid of the asset freeze in this matter, the Commission and the Receiver are further authorized to conduct expedited discovery concerning the Defendants' assets and the location of business records ("expedited asset discovery") in accordance with the following:

The Commission and the Receiver may take the depositions of parties and Α. 10 non-parties. Ninety-six hours (96) notice shall be sufficient notice for such depositions. 11 Deposition transcripts that have not been signed by the witness may be used the 12 preliminary injunction hearing in this matter. The limitations set forth in Federal Rule of 13 Civil Procedure 30(a)(2) and 31(a)(2) regarding subsequent depositions of an individual 14 shall not apply to depositions taken pursuant to this Section, and those depositions shall 15 16 not count toward the deposition limit set forth in said rules;

17

3

4

5

6

7

8

9

B. The Commission and the Receiver may serve upon parties requests for production of documents or inspection that require production or inspection within five 18 19 (5) business days of service, and may serve subpoenas upon non-parties that direct production or inspection within five (5) business days of service; 20

21

22

23

C. The Commission and the Receiver may serve deposition notices and other discovery requests upon the parties to this action by facsimile, overnight courier, or email, and depositions may be taken by telephone or other remote electronic means; and

D. Any discovery taken pursuant to this Order is in addition to, and is not 24 subject to, the presumptive limits on discovery set forth in the Federal Rules of Civil 25 Procedure and Local Rules of this Court. 26

27

1	XXIII.
1	SERVICE OF THIS ORDER
2	
3	IT IS ORDERED that copies of this Order may be served by any means,
4	including facsimile transmission and e-mail, upon any Defendant, financial institution, or
5	other entity or Person that may have possession, custody, or control of any documents or
6	assets of any of the Defendants, or that may otherwise be subject to any provision of this
7	Order. Service upon any branch or office of any financial institution shall effect service
8	upon the entire financial institution.
9	XXIV.
10	SERVICE UPON PLAINTIFF
11	IT IS ORDERED that all correspondence and service of pleadings or other
12	documents related to this Order or Plaintiff's motion for a preliminary injunction shall be
13	addressed to
14	Rhonda Perkins Janet Ammerman
15	Federal Trade Commission 600 Pennsylvania Ave., NW, Room H-286
16	Washington, DC 20580
17	Fax: 202-326-3395 Email: rperkins@ftc.gov; jammerman1@ftc.gov
18	XXV.
19	DEFENDANTS' DUTY TO DISTRIBUTE ORDER
20	IT IS ORDERED that Defendants shall immediately provide a copy of this Order
21	to each of their affiliates, subsidiaries, divisions, sales entities, successors, assigns,
22	officers, directors, employees, independent contractors, client companies, agents,
23	attorneys, spouses, and representatives, and shall, within five (5) days from the date of
24	entry of this Order, provide the Commission with a sworn statement that: (1) confirms
25	that Defendants have provided copies of the Order as required by this paragraph; and (2)
26	lists the names and addresses of each entity or person to whom Defendants provided a
27	copy of the Order. Furthermore, Defendants shall not take any action that would
28	encourage officers, agents, directors, employees, salespersons, independent contractors,

attorneys, subsidiaries, affiliates, successors, assigns or other persons or entities in active concert or participation with them to disregard this Order or believe that they are not bound by its provisions. XXVI. **DURATION OF PRELIMINARY INJUNCTION ORDER IT IS ORDERED** that this Preliminary Injunction Order shall remain in full force and effect pending trial on the merits unless sooner modified or dissolved. XXVII. **RETENTION OF JURISDICTION** IT IS ORDERED this Court shall retain jurisdiction of this matter for all purposes. Dated this 19th day of August, 2013.