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IN THE UNITED STATES DISTRICT COURT

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Cordell Bess, a/k/a Blaine Thompson, also d/b/a JJB Marketing, individually and as *de facto* officer of Defendants Money Now Funding, LLC and Rose Marketing, LLC;

Solana DePaola, individually and as *de facto* officer of Defendant Money Now Funding, LLC and as manager/member of Defendant DePaola Marketing, LLC;

Jennifer Berkman Clasp-178342 TD-.00068009 Tc-.0003 Tw8ess
vdu910002 IT797-1,797 -.,

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Virginia Rios

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

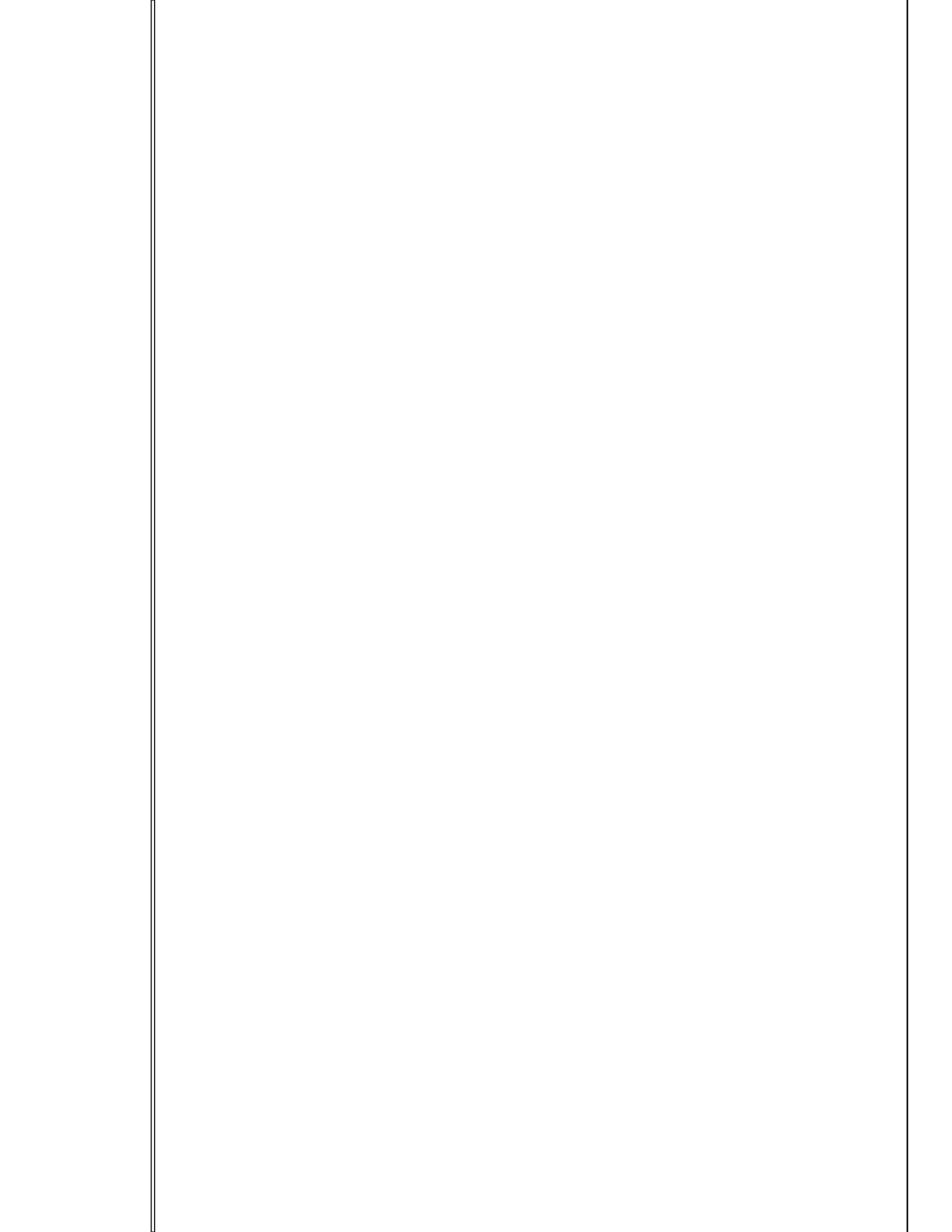
5 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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.

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

21 3. There is good cause to believe that immediate and irreparable harm will
22 result from Defendants' ongoing violations of the FTC Act, the Business Opportunity
23 Rule, and the TSR unless Defendants are restrained and enjoined by Order of this Court.

24 4. There is good cause to believe that immediate and irreparable damage to
25 the Court's ability to grant effective final relief for consumers – including the refund of
26 monies paid, restitution, or rescission or reformation of contract – will occur from the
27 sale, transfer, or other disposition or concealment by Defendants of assets or records, and
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1 2. **“Business Opportunity Rule”** means the FTC Rule entitled “Disclosure
2 Requirements and Prohibitions Concerning Business Opportunities” 16 C.F.R. Part 437,
3 as amended.

4 3. **“Corporate Defendants”** means Money Now Funding, LLC, Rose
5 Marketing, LLC, DePaola Marketing, LLC, Affiliate Marketing Group, LLC, Legal
6 Doxs, LLC, US Doc Assist, LLC, Affinity Technologies, LLC, Marketing Expert
7 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.

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

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

21 7. **“Material”** means likely to affect a person’s choice of, or conduct
22 regarding, opportunities, products or services.

23 8. **“National Do Not Call Registry”** means the registry of telephone numbers
24 maintained by the FTC, pursuant to the Telemarketing Sales Rule, 16 C.F.R. section
25 310.4(b)(1)(iii)(B) , of Persons who do not wish to receive Outbound Telephone Calls to
26 induce the purchase of goods or services.

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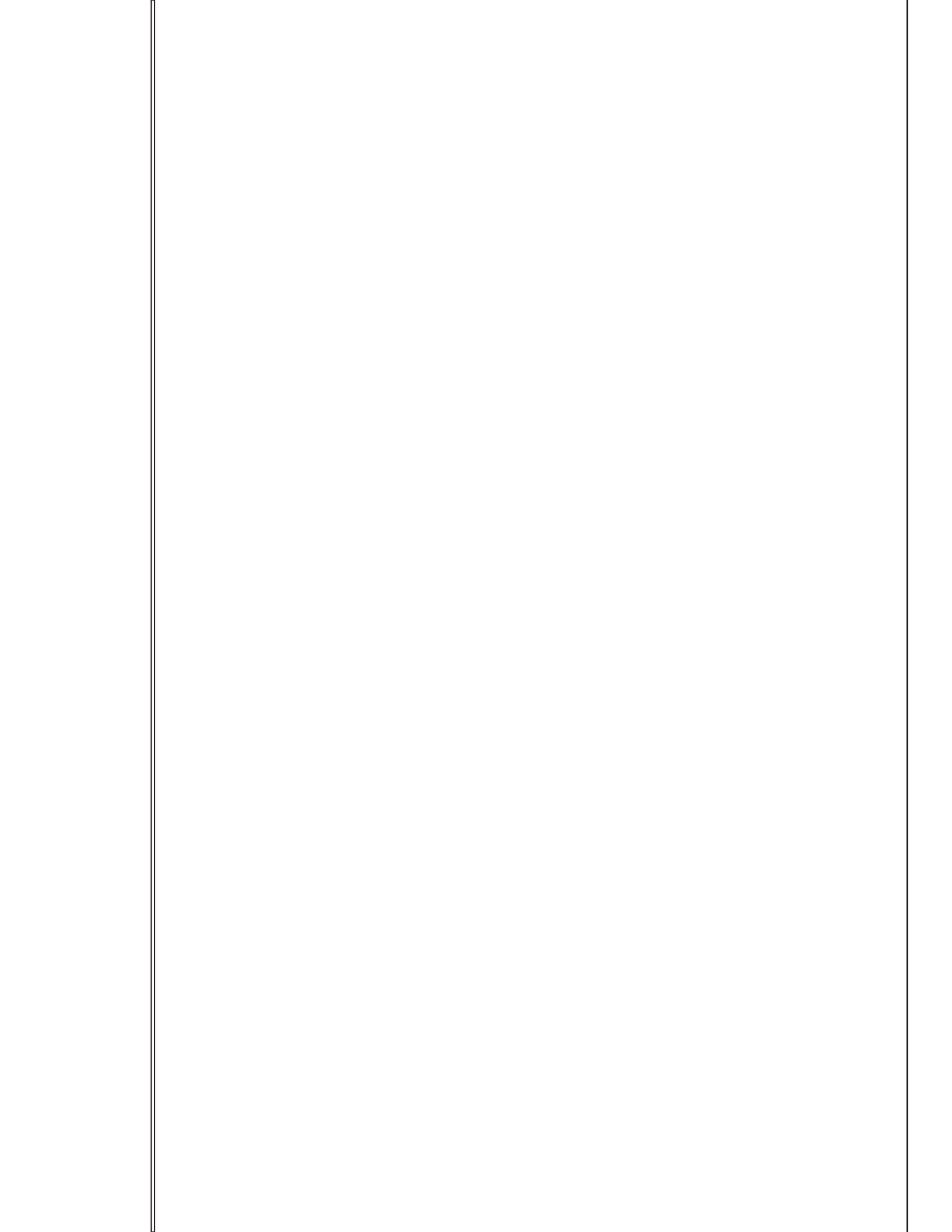
9. **“Outbound Telephone Call”** means a telephone call initiated by a

1 implication, any false or unsubstantiated representations of any material fact including,
2 but not limited to:

3 A. That any Defendant or other person offers, sells, or provides loans or cash
4 advances;

5 B. The amount of income, earnings, or profits that a person may or is likely to
6 earn, or that other persons have earned;

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1 **VI.**

2 **FINANCIAL DISCLOSURES**

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

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

19 B. Attachment C (Consent to Release and Request for Copy of Tax Return).

20 **VII.**

21 **REPATRIATION OF ASSETS AND DOCUMENTS**

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

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

1 any control over any new business entity, whether newly formed or previously inactive,
2 including any partnership, limited partnership, joint venture, sole proprietorship, or
3 corporation, without first providing counsel for the FTC with a written statement
4 disclosing: (1) the name of the business entity; (2) the address and telephone number of
5 the business entity; (3) the names of the business entity's officers, directors, principals,
6 managers, members, and employees; and (4) a detailed description of the business
7 entity's intended activities.

8 **XII.**

9 **PROHIBITION ON RELEASE OF CONSUMER INFORMATION**

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

1 located, with the full power of an equity receiver. The Receiver shall be the agent of this

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

16 D. Suspend business operations of the Receivership Defendants if in the
17 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
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1 advisable or necessary, which includes but is not limited to retaining, hiring, or
2 dismissing any employees, independent contractors, or agents;

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

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

13 K. Institute, compromise, adjust, appear in, intervene in, or become party to
14 such actions or proceedings in state, federal or foreign courts or arbitration proceedings
15 as the Receiver deems necessary and advisable to preserve or recover the assets of the
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1 from the Receivership estate from such an account. The Receiver shall serve copies of
2 monthly account statements on all parties;

3 O. Maintain accurate records of all receipts and expenditures incurred as
4 Receiver;

5 P. Cooperate with reasonable requests for information or assistance from any
6 state or federal law enforcement agency;

7 Q. File reports with the Court on a timely basis and at regular intervals or as
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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,
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Defendants, whether such acts are part of a judicial proceeding, are acts of self-help, or otherwise;

4. Initiating any other process or proceeding that would interfere with the Receiver managing or taking custody, control, or possession of, the assets or documents subject to this receivership.

Provided that, this Order does not stay (1) The commencement or continuation of a criminal action or proceeding; (2) The commencement or continuation of an

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

3 **XXII.**

4 **EXPEDITED DISCOVERY**

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

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

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

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

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

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1 **XXIII.**

2 **SERVICE OF THIS ORDER**

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
15 Janet Ammerman
16 Federal Trade Commission
17 600 Pennsylvania Ave., NW, Room H-286
18 Washington, DC 20580
19 Fax: 202-326-3395
20 Email: rperkins@ftc.gov; jammerman1@ftc.gov

21 **XXV.**

22 **DEFENDANTS' DUTY TO DISTRIBUTE ORDER**

23 **IT IS ORDERED** that Defendants shall immediately provide a copy of this Order
24 to each of their affiliates, subsidiaries, divisions, sales entities, successors, assigns,
25 officers, directors, employees, independent contractors, client companies, agents,
26 attorneys, spouses, and representatives, and shall, within five (5) days from the date of
27 entry of this Order, provide the Commission with a sworn statement that: (1) confirms
28 that Defendants have provided copies of the Order as required by this paragraph; and (2)
lists the names and addresses of each entity or person to whom Defendants provided a
copy of the Order. Furthermore, Defendants shall not take any action that would
encourage officers, agents, directors, employees, salespersons, independent contractors,

1 attorneys, subsidiaries, affiliates, successors, assigns or other persons or entities in active
2 concert or participation with them to disregard this Order or believe that they are not
3 bound by its provisions.

4 **XXVI.**

5 **DURATION OF PRELIMINARY INJUNCTION ORDER**

6 **IT IS ORDERED** that this Preliminary Injunction Order shall remain in full force
7 and effect pending trial on the merits unless sooner modified or dissolved.

8 **XXVII.**

9 **RETENTION OF JURISDICTION**

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

12 Dated this 19th day of August, 2013.

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