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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION
11

12 _____) CV-
13 FEDERAL TRADE COMMISSION,)
14 Plaintiff,)
15 v.) [PROPOSED]
16 WESTERN UNITED SERVICE) **EX PARTE TEMPORARY RESTRAINING**
17 CORPORATION d/b/a) **ORDER FREEZING ASSETS,**
18 TITAN BUSINESS SOLUTIONS,) **PROHIBITING DESTRUCTION OR**
19 and) **ALTERATION OF BOOKS AND**
20 SCOTT FORD,) **RECORDS, GRANTING ACCESS AND**
21 Defendants.) **INSPECTION, AND ORDERS**
22) **APPOINTING A TEMPORARY**
23) **RECEIVER, PERMITTING EXPEDITED**
24) **DISCOVERY AND TO SHOW CAUSE**
25) **WHY A PRELIMINARY INJUNCTION**
26) **SHOULD NOT ISSUE AND WHY A**
27) **PERMANENT RECEIVER SHOULD NOT**
28) **BE APPOINTED**

1 Plaintiff Federal Trade Commission ("Commission"), pursuant
2 to Sections 13(b) and 19 of the Federal Trade Commission Act
3 ("FTC Act"), 15 U.S.C. §§ 53(b), 57b, filed a complaint for
4 permanent injunction and other relief, including consumer
5 redress, and applied ex parte for a temporary restraining order
6 with asset freeze and order appointing a temporary receiver, and
7 for an order to show cause why a preliminary injunction should
8 not be granted pursuant to Rule 65 of the Federal Rules of Civil
9 Procedure, and why a permanent receiver should not be appointed.

11 FINDINGS OF FACT

12 The Court has considered the Complaint for Permanent
13 Injunction, Application for ex parte Restraining Order and
14 appointment of Temporary Receiver, Memorandum of Points and
15 Authorities with supporting Exhibits and attachments, and all
16 other papers filed herein, and it appears to the satisfaction of
17 the Court that:

- 18 1. This Court has jurisdiction over the subject matter of the
19 case and there is good cause to believe it will have
20 jurisdiction over all parties.
- 21 2. The June 22, 1999, bankruptcy petition filed by WESTERN
22 UNITED SERVICE CORPORATION does not impact this Court's
23 power to exercise jurisdiction in this case.
- 24 3. There is good cause to believe Defendants WESTERN UNITED
25 BUSINESS CORPORATION d/b/a TITAN BUSINESS SOLUTIONS and
26 SCOTT FORD [hereinafter referred to collectively as
27 "Defendants"] have engaged in and are likely to engage in
28 acts and practices that violate Section 5(a) of the FTC Act,

1 15 U.S.C. § 45(a) and that the Commission is likely to
2 prevail on the merits of this action.

3 4. There is good cause to believe that immediate and
4 irreparable harm will result from Defendants' ongoing
5 violations of Section 5(a) of the Federal Trade Commission
6 Act, 15 U.S.C. § 45(a) unless Defendants are restrained and
7 enjoined by Order of this Court.

8 5. There is good cause to believe that immediate and
9 irreparable damage to the Court's ability to grant effective
10 final relief for consumers in the form of monetary redress
11 will occur from the dissipation or concealment of assets or
12 the disposition, destruction, alteration or concealment by
13 Defendants of their records unless the Defendants are
14 immediately restrained and enjoined by Order of this Court.

15 6. There is thus good cause for issuing this Order without
16 prior notice to the Defendants of the Commission's
17 application, pursuant to Federal Rule of Civil Procedure
18 65(b) and Local Rule 7.18.2.

19 7. Good cause exists for the appointment of a Temporary
20 Receiver for TITAN BUSINESS SOLUTIONS.

21 8. Weighing the equities and considering the Commission's
22 likelihood of success in its causes of action, this
23 Temporary Restraining Order is in the public interest.

24 9. The Commission is an independent agency of the United States
25 of America and no security is required of any agency of the
26 United States of America for issuance of a restraining order
27 under Fed. R. Civ. P. 65(c).

28

ORDER

Definitions

1. **"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, and all cash, wherever located.
2. **"Document"** is synonymous in meaning and equal in scope 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 other data compilations from which information can be obtained and translated, if necessary, through detection devices into reasonably usable form. A draft or non-identical copy is a separate document within the meaning of the term.
3. **"Named Defendants"** means WESTERN UNITED SERVICE CORPORATION d/b/a TITAN BUSINESS SOLUTIONS and SCOTT FORD.
4. **"Defendants"** means the Named Defendants and their officers, agents, servants, employees, attorneys, and all persons or entities directly or indirectly under their control or under common control with them, and all other persons or entities in active concert or participation with them.
5. **"Receivership Defendant"** means WESTERN UNITED SERVICE CORPORATION d/b/a TITAN BUSINESS SOLUTIONS.
6. **"Business Venture"** means any written or oral business arrangement, however denominated, which consists of the

1 payment of any consideration for: (a) the right or means to
2 offer, sell or distribute goods or services (whether or not
3 identified by a trademark, service mark, trade name,
4 advertising, or other commercial symbol); and (b) assistance
5 to any person or entity in connection with or incident to
6 the establishment, maintenance, or operation of a new
7 business or the entry by an existing business into a new
8 line or type of business.

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10 **I.**

11 **PROHIBITED BUSINESS ACTIVITIES**

12 **IT IS THEREFORE ORDERED** that Defendants, who receive actual
13 notice of this order by personal service or otherwise, in
14 connection with the advertising, promotion, offering for sale or
15 sale of any employment opportunity, business venture, or any
16 work-at-home product or service, are hereby restrained and
17 enjoined from:

18 A. Making, or assisting in the making of, expressly or by
19 implication, orally or in writing, any statement or
20 representation of material fact that is false or
21 misleading, including but not limited to, any
22 misrepresentation that:

- 23 1. that consumers who purchase the medical billing
24 employment opportunity from Defendants will
25 receive a complete package suitable for a consumer
26 to start his or her own medical billing business;
27 2. that Defendants will furnish consumers with the
28 names and addresses of pre-screened physicians who

1 are likely to use the consumers to process their
2 medical claims; or

3 3. that consumers, by use of Defendants' medical
4 billing employment opportunity, will earn specific
5 high levels of earnings; or

6 B. Making, or assisting in the making of, expressly or by
7 implication, orally or in writing, any statement or
8 representation of material fact that is false or
9 misleading, including but not limited to, any
10 misrepresentation about any other fact material to a
11 consumer's decision to purchase any business venture,
12 employment opportunity or any work-at-home product or
13 service.

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15 **II.**

16 **ASSET FREEZE**

17 **IT IS FURTHER ORDERED** that Named Defendants are hereby
18 temporarily restrained and enjoined from:

19 A. Transferring, converting, encumbering, selling,
20 concealing, dissipating, disbursing, assigning,
21 spending, withdrawing, or otherwise disposing of any
22 funds, property, accounts, contracts, shares of stock
23 or other assets, wherever located, that are:

- 24 1. Owned or controlled by Named Defendants, or their
25 affiliates or subsidiaries (without limitation),
26 in whole or in part;
- 27 2. In the actual or constructive possession of Named
28 Defendants, or their affiliates or subsidiaries

1 (without limitation); or

- 2 3. Owned, controlled by, or in the actual or
3 constructive possession of any corporation,
4 partnership, or other entity directly or
5 indirectly owned, managed, or controlled by, or
6 under common control with any Named Defendant,
7 including but not limited to, Scomark, Inc. and
8 Affordable Merchant Services, Inc.

9 This paragraph shall include, but not be limited to, any
10 assets held for, on behalf of, for the benefit of, or by
11 Named Defendants, or their affiliates or subsidiaries, at
12 any bank or savings and loan institution, or with any
13 broker, dealer, escrow agent, title company, commodity
14 trading company, precious metal dealer, or other financial
15 institution or depository of any kind, including without
16 limitation any assets set forth in Attachment 1.

17 B. Opening or causing to be opened any safe deposit boxes
18 titled in the name of any Named Defendant, or their
19 companies, affiliates or subsidiaries, or subject to
20 access by any of these defendants.

21 C. Notwithstanding the provisions of this Paragraph, Named
22 Defendants may make transfers as directed by any
23 Temporary Receiver appointed by this Court, or as
24 otherwise ordered by this Court upon proper showing and
25 after notice to the Commission.

26 D. Provided further that this Section shall be construed
27 to apply to assets that Named Defendants acquire
28 following entry of this Order only if such assets are

1 derived from the operation of any activity prohibited
2 by this Order or derived from any other violation of
3 Section 5(a) of the Federal Trade Commission Act, 15
4 U.S.C. § 45(a).

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6 **III.**

7 **FINANCIAL REPORTS**

8 **IT IS FURTHER ORDERED** that Named Defendants shall each,
9 within forty-eight hours after entry of this Order, prepare and
10 deliver a Financial Statement to this Court, counsel for the
11 Commission and the Temporary Receiver. A Financial Statement
12 shall be completed for each Named Defendant and for each business
13 entity under which they conduct business, or of which they are an
14 officer, and of each trust for which they are a trustee. The
15 Financial Statements shall be accurate as of the date of the
16 entry of this Order and shall be verified under oath.

17 A. Any corporate Defendant shall complete and deliver the
18 "Financial Statement of Corporate Defendant" that is
19 attached to this Order as Attachment 2, provided that
20 any corporate Defendant need not separately complete
21 this form if it is provided by an individual Defendant
22 pursuant to Part B of this Paragraph; and

23 B. Any individual Defendant shall, for himself,

24 1. Complete and deliver the "Financial Statement of
25 Individual Defendant" that is attached to this
26 Order as Attachment 3; and

27 2. for each business entity he owns, controls,
28 operates, or of which he is any officer, and for

1 each trust of which he or she is a trustee,
2 complete and deliver the "Financial Statement of
3 Corporate Defendant" that is attached to this
4 Order as Attachment 2.

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6 **IV.**

7 **REPATRIATION OF ASSETS**

8 **IT IS FURTHER ORDERED** that within 48 hours of the service of this
9 Order, the Defendants shall:

- 10 A. Provide Commission and the Temporary Receiver access to
11 the Named Defendants' records and documents held by
12 financial institutions outside the territory of the
13 United States by signing the Consent to Release of
14 Financial Records attached to this Order as Attachment
15 4;
- 16 B. Transfer to the territory of the United States all
17 funds, documents and assets in foreign countries held
18 either: (a) by them, (b) for their benefit, or (c)
19 under their direct or indirect control, jointly or
20 singly;
- 21 C. Hold and retain all such repatriated funds and prevent
22 any transfer, disposition, or dissipation whatsoever of
23 any such assets or funds in full compliance with
24 Section II of this Order until further Order of this
25 Court;
- 26 D. Provide Commission and the Temporary Receiver with a
27 full accounting of all funds, documents and assets
28 outside of the territory of the United States which are

1 controlled, in whole or in part, directly or
2 indirectly, by them, including but not limited to
3 Scomark, Inc. and Affordable Merchant Services, Inc.,
4 which accounting shall included the creation and
5 retention of documents that, in reasonable detail,
6 accurately, fairly, and completely reflect all assets
7 received (including, but not limited to, loans, gifts
8 and revenue), disbursements, transfers, transactions,
9 and expenditures, beginning immediately upon service or
10 actual notice of this Order; and

11 B. Creating, operating, or exercising any control over any
12 business entity, including but not limited to any
13 partnership, limited partnership, joint venture, sole
14 proprietorship or corporation, without first providing
15 the Commission and Temporary Receiver with a written
16 statement disclosing:

- 17 1. the name of the business entity;
- 18 2. the address and telephone number of the business
19 entity;
- 20 3. the names of the business entity's officers,
21 directors, principals, managers and employees; and
- 22 4. a detailed description of the business entity's
23 intended activities.

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25 **VII.**

26 **REQUIRED DISTRIBUTION OF ORDER BY DEFENDANTS**

27 **IT IS FURTHER ORDERED** that the Named Defendants shall immediately
28 provide a copy of this Order to each affiliate, subsidiary,

1 division, sales entity, successor, assign, officer, director,
2 employee, independent contractor, agent, attorney, and
3 representative of the Named Defendants, and shall, within five
4 calendar days from the date from service of this Order, provide
5 the Commission and the Temporary Receiver with a sworn statement
6 that the Named Defendants have complied with this provision of
7 the Order. The statement shall include the names and addresses
8 of each such person or entity who received a copy of the Order.
9 No obligation is imposed on the Temporary Receiver under this
10 section.

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12 **VIII.**

13 **APPOINTMENT OF TEMPORARY RECEIVER**

14 **IT IS HEREBY ORDERED** that _____ is appointed
15 Temporary Receiver for Defendant **WESTERN UNITED SERVICE**
16 **CORPORATION d/b/a TITAN BUSINESS SOLUTIONS.**

17 **IT IS FURTHER ORDERED THAT:**

- 18 A. The Temporary Receiver shall have the full power,
19 without limitation, of an equity receiver, that he
20 shall act as the agent of this Court and solely the
21 agent of this Court, that he shall be accountable
22 directly to this Court and that he shall comply with
23 all Local Rules of this Court governing receivers;
- 24 B. The Temporary Receiver shall assume all the powers of
25 the Receivership Defendant's officers, directors and
26 managers, whose powers and authority are hereby
27 suspended;
- 28 C. The Temporary Receiver shall have full power to divert

1 mail and to sue for, collect, receive, take in
2 possession, hold, and manage all assets and documents
3 of the Receivership Defendant and other persons or
4 entities whose interests are now held by or under the
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1 advisable, Defendants and any officer, director,
2 independent contractor, employee, or agent of any of
3 the Receivership Defendant, including any Named
4 Defendant, from control of, management of, or
5 participation in, the affairs of the Receivership
6 Defendant;

7 B. To take exclusive custody, control and possession of
8 all assets and documents of, or in the possession,
9 custody, or under the control of, the Receivership
10 Defendant, wherever situated;

11 C. To immediately return to consumers without further
12 court order any funds that are identifiable as received
13 from specific consumers following the Temporary
14 Receiver's appointment or that are received at the
15 Receivership Defendant's premises or mailboxes or
16 forwarded to the Temporary Receiver after entry of this
17 Order and that were, based upon the Temporary
18 Receiver's good faith determination, procured by use of
19 the unfair or deceptive acts or practices alleged in
20 the Complaint in this matter. Likewise, upon the
21 Temporary Receiver's appointment, the Temporary
22 Receiver shall take all reasonable steps to halt
23 immediately the debit of consumer bank accounts or
24 charges to consumer credit cards that in the Temporary
25 Receiver's good faith determination were procured by
26 use of the unfair or deceptive acts or practices
27 alleged in the Complaint in this matter;

28 D. Conserve, hold, and manage all receivership assets, and

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- 1 J. Make payments and disbursements from the receivership
2 estate that are necessary or advisable for carrying out
3 the directions of, or exercising the authority granted
4 by, this Order. The Temporary Receiver shall apply to
5 the Court for prior approval of any payment of any debt
6 or obligation incurred by the Receivership Defendant
7 prior to the date of entry of this Order, except
8 payments that the Temporary Receiver deems necessary or
9 advisable to secure assets of the Receivership
10 Defendant, such as rental payments;
- 11 K. Determine and implement the manner in which the
12 Receivership Defendant will comply with, and prevent
13 violations of, this Order and all other applicable
14 laws, including but not limited to, revising sales
15 materials and implementing monitoring procedures;
- 16 L. Institute, compromise, adjust, appear in, intervene in,
17 or become party to such actions or proceedings in
18 state, federal or foreign courts that the Temporary
19 Receiver deems necessary and advisable to preserve or
20 recover the assets of the Receivership Defendant or
21 that the Temporary Receiver deems necessary and
22 advisable to carry out the Temporary Receiver's mandate
23 under this Order;
- 24 M. Defend, compromise, adjust, or otherwise dispose of any
25 or all actions or proceedings instituted in the past or
26 in the future against the Temporary Receiver in his
27 role as Temporary Receiver, or against the Receivership
28 Defendant that the Temporary Receiver deems necessary

1 and advisable to preserve the assets of the
2 Receivership Defendant or that the Temporary Receiver
3 deems necessary and advisable to carry out the
4 Temporary Receiver's mandate under this Order;

5 N. Continue and conduct the business of the Receivership
6 Defendant in such manner, to such extent, and for such
7 duration as the Temporary Receiver may in good faith
8 deem to be necessary or appropriate to operate the
9 business profitably and lawfully, if at all; provided
10 that the continuation and conduct of the business shall
11 be conditioned upon the Temporary Receiver's good faith
12 determination that the businesses can be lawfully
13 operated at a profit using the assets of the
14 receivership estate;

15 O. Issue subpoenas to obtain documents and records
16 pertaining to the receivership, and conduct discovery
17 in this action on behalf of the receivership estate;

18 P. Open one or more bank accounts in Los Angeles County as
19 designated depositories for funds of the Receivership
20 Defendant. The Temporary Receiver shall deposit all
21 funds of the Receivership Defendant in such a
22 designated account and shall make all payments and
23 disbursements from the receivership estate from such an
24 account; and

25 Q. Maintain accurate records of all receipts and
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1 assets,

2 C. obtaining pertinent information from all employees and
3 other agents of the Receivership Defendant, including,
4 but not limited to, the name, home address, social
5 security number, job description, method of
6 compensation, and all accrued and unpaid commissions
7 and compensation of each such employee or agent,

8 D. video taping all portions of the location including
9 persons present at the location,

10 E. securing the location by changing the locks and
11 disconnecting any computer modems or other means of
12 access to the computer or other records maintained at
13 that location, or

14 F. requiring any persons present on the premises at the
15 time this Order is served to leave the premises, to
16 provide the Temporary Receiver with proof of
17 identification, or to demonstrate to the satisfaction
18 of the Temporary Receiver that such persons are not
19 removing from the premises documents or assets of the
20 Receivership Defendant.

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22 **XI.**

23 **CONSUMER CREDIT REPORTS**

24 **IT IS FURTHER ORDERED** that pursuant to Section 604FcPa)(1)of
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1 otherwise disposing of any assets owned,
2 controlled, or in the possession or custody of, or
3 in which an interest is held or claimed by, the
4 Receivership Defendant, or the Temporary Receiver;

5 4. Excusing debts owed to the Receivership Defendant;

6 5. Failing to notify the Temporary Receiver of any
7 asset, including accounts of the Receivership
8 Defendant held in any name other than the name of
9 the Receivership Defendant, or by any person or
10 entity other than the Receivership Defendant, or
11 failing to provide any assistance or information
12 requested by the Temporary Receiver in connection
13 with obtaining possession, custody, or control of
14 such assets;

15 6. Doing any act or refraining from any act
16 whatsoever to interfere with the Temporary
17 Receiver's taking custody, control, possession, or
18 managing of the assets or documents subject to
19 this receivership; or to harass or interfere with
20 the Temporary Receiver in any way; or to interfere
21 in any manner with the exclusive jurisdiction of
22 this Court over the assets or documents of the
23 Receivership Defendant; or

24 7. Refusing to cooperate with the Temporary Receiver
25 or the Temporary Receiver's duly authorized agents
26 in the exercise of their duties or authority under
27 any Order of this Court.

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1 may file ex parte an Affidavit of Non-Compliance
2 regarding the failure. Upon filing of the affidavit,
3 the Court may authorize, without additional process or
4 demand, Writs of Possession or Sequestration or other
5 equitable writs requested by the Temporary Receiver.
6 The writs shall authorize and direct the United States
7 Marshal or any sheriff or deputy sheriff of any county
8 (pursuant to Fed. R. Civ. P. 4(c)(1) and Local Rule
9 4.1) to seize the asset, document, or other thing and
10 to deliver it to the Temporary Receiver.

11 12 **XIV.**

13 **BANKRUPTCY PETITIONS**

14 **IT IS FURTHER ORDERED** that, in light of the appointment of the
15 Temporary Receiver, the Named Defendants are hereby prohibited
16 from filing, or causing to be filed, a petition for relief under
17 the United States Bankruptcy Code, 11 U.S.C. § 101 et seq.,
18 without prior permission from this Court.

19 20 **XV.**

21 **TRANSFER OF FUNDS TO THE RECEIVER**

22 **IT IS FURTHER ORDERED** that, upon service of a copy of this Order,
23 all banks, broker-dealers, savings and loans, escrow agents,
24 title companies, commodity trading companies, or other financial
25 institutions shall cooperate with all reasonable requests of the
26 Temporary Receiver relating to implementation of this Order,
27 including transferring funds at his direction and producing
28 records related to the assets of the Receivership Defendant.

1 Order or not; or

2 D. Doing any act or thing whatsoever to interfere with the
3 Temporary Receiver taking custody, control, possession,
4 or management of the assets or documents subject to
5 this receivership, or to harass or interfere with the
6 Temporary Receiver in any way, or to interfere in any
7 manner with the exclusive jurisdiction of this Court
8 over the assets or documents of the Receivership
9 Defendant;

10 E. Except that this paragraph shall not stay:

- 11 1. The commencement or continuation of a criminal
12 action or proceeding;
- 13 2. The commencement or continuation of an action or
14 proceeding by a governmental unit to enforce such
15 governmental unit's police or regulatory power;
- 16 3. The enforcement of a judgment, other than a money
17 judgment, obtained in an action or proceeding by a
18 governmental unit to enforce such governmental
19 unit's police or regulatory power;
- 20 4. The commencement of any action by the Secretary of
21 the United States Department of Housing and Urban
22 Development to foreclose a mortgage or deed of
23 trust in any case in which the mortgage or deed of
24 trust held by the Secretary is insured or was
25 formerly insured under the National Housing Act
26 and covers property, or combinations of property,
27 consisting of five or more living units; or
- 28 5. The issuance to a Receivership Defendant of a

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1 any financial institution shall effect service upon the entire
2 financial institution. For purposes of service on anyone in
3 possession of records, assets, property, or property rights,
4 actual notice of this Order shall be deemed complete upon service
5 of pages 1-36 of this Order (with Attachment 1 only).

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7 **XXI.**

8 **RETENTION OF ASSETS AND RECORDS**

9 **IT IS FURTHER ORDERED** that, pending determination of the
10 Commission's request for a preliminary injunction, any bank,
11 savings and loan institution, credit union, financial
12 institution, brokerage house, escrow agent, money market or
13 mutual fund, title company, commodity trading company, common
14 carrier, storage company, trustee, commercial mail receiving
15 agency, mail holding or forwarding company, or any other
16 partnership, corporation, or legal entity, business entity, or
17 person, including but not limited to, Union Bank, Charter Pacific
18 Bank, Humboldt Bank, First Regional Bank, American Express, and
19 Novus (Discover), that holds, controls or maintains custody of
20 any account or asset belonging to or titled in the name of any
21 Named Defendant, or to which they are a signatory, or which is
22 held on behalf of, or for the benefit of, any Named Defendant,
23 individually or jointly, or that has held, controlled or
24 maintained custody of any such account or asset at any time since
25 September 1, 1999, shall:

- 26 A. Prohibit the Named Defendants and their agents,
27 servants, employees, attorneys, and all persons or
28 entities directly or indirectly under their control, or

1 in common control with them, from withdrawing,
2 removing, assigning, transferring, pledging,
3 encumbering, disbursing, dissipating, converting,
4 selling, or otherwise disposing of any such account or
5 asset except:

- 6 1. as directed by further order of the Court;
- 7 2. for specific transfers authorized in writing by
8 counsel for the Commission; or
- 9 3. as directed by the Temporary Receiver (regarding
10 assets held in the name or for the benefit of the
11 Receivership Defendant);

12 B. Deny Defendants, unless accompanied by counsel for the
13 Federal Trade Commission, access to any safe deposit
14 box that is:

- 15 1. titled in the name of Named Defendants, or their
16 affiliates or subsidiaries, either individually or
17 jointly; or
- 18 2. otherwise subject to access by Named Defendants,
19 or their affiliates or subsidiaries;

20 C. Provide counsel for the Commission and the Temporary
21 Receiver within three (3) business days of receiving a
22 copy of this Order, a sworn statement setting forth:

- 23 1. the identification number of each such account or
24 asset titled in the name, individually or jointly,
25 of Named Defendants, or their corporations,
26 affiliates or subsidiaries, or held on behalf of,
27 or for the benefit of, any such Named Defendant,
28 including but not limited to accounts or assets

- 1 held in the names Scott Ford, Western United
2 Service Corporation, or Titan Business Solutions;
3 2. the balance of each such account, or a description
4 of the nature and value of such asset as of the
5 time this Order is served, and, if the account or
6 other asset has been closed or removed, the date
7 closed or removed, the total funds removed in
8 order to close the account, and the name of the
9 person or entity to whom such account or other
10 asset was remitted; and
11 3. the identification of any safe deposit box that is
12 either titled in the name, individually or
13 jointly, of, Named Defendants, or their
14 corporations, affiliates or subsidiaries,
15 including but not limited to Scott Ford, Western
16 United Service Corporation, or Titan Business
17 Solutions, or is otherwise subject to access by
18 any such Defendant;

19 D. Upon the request by the Temporary Receiver or the
20 Commission, promptly provide the Temporary Receiver and
21 the Commission with copies of all records or other
22 documentation pertaining to such account or asset,
23 including but not limited to originals or copies of
24 account applications, account statements, signature
25 cards, checks, drafts, deposit tickets, transfers to
26 and from the accounts, all other debit and credit
27 instruments or slips, currency transaction reports,
28 1099 forms, and safe deposit box logs; and

1 E. Cooperate with all reasonable requests of the Temporary
2 Receiver relating to implementation of this Order,
3 including transferring funds at the Temporary
4 Receiver's direction and producing records related to
5 the accounts of the Receivership Defendant.
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7 **XXII.**

8 **EXPEDITED DISCOVERY**

9 **IT IS FURTHER ORDERED** that the Commission and the Temporary
10 Receiver are granted leave at any time after service of this
11 Order to:

- 12 A. take the deposition of any person or entity, including
13 without limitation for the purpose of discovering the
14 nature, location, status, and extent of assets of the
15 Named Defendants, or their affiliates or subsidiaries
16 and the nature and location of documents reflecting the
17 business transactions of these Defendants,
18 B. demand the production of documents from any person or
19 entity relating to the nature, status, and extent of
20 these Defendants' assets, and the location of documents
21 reflecting the business transactions of these
22 Defendants.

23 Thirty-six (36) hours notice shall be deemed sufficient for any
24 such deposition and forty-eight (48) hours notice shall be deemed
25 sufficient for the production of any such documents. The
26 limitations and conditions set forth in Fed. R. Civ. P.
27 30(a)(2)(B) and 31(a)(2)(B) regarding subsequent depositions of
28 an individual shall not apply to depositions taken pursuant to

1 this paragraph. Any such depositions taken pursuant to this
2 paragraph shall not be counted toward the ten deposition limit
3 set forth in Fed. R. Civ. P. 30(a)(2)(A) and 31(a)(2)(A). Service
4 of discovery upon a party, taken pursuant to this paragraph,
5 shall be sufficient if made by facsimile or by overnight
6 delivery.

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8 **XXIII.**
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XXVII.

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