

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FEDERAL TRADE COMMISSION, and

OFFICE OF THE ATTORNEY GENERAL,
STATE OF FLORIDA, DEPARTMENT OF
LEGAL AFFAIRS ,

Plaintiffs,

v.

BIG DOG SOLUTIONS LLC, also d/b/a Help
Desk National and Help Desk Global, a
Florida limited liability company;

PC HELP DESK US LLC, also d/b/a Help
Desk National and Help Desk Global, a
Florida limited liability company,

INBOUND CALL SPECIALIST LLC, a
Florida limited liability company,

BLACKOPTEK CE INC., a Nevada
corporation,

9138242 CANADA CORPORATION, a
Quebec, Canada corporation,

DIGITAL GROWTH PROPERTIES, LLC, an
Iowa limited liability company,

CHRISTOPHER J. COSTANZA, individually
and as an owner or officer of Big Dog
Solutions LLC, PC Help Desk US LLC, and
Inbound Call Specialist LLC, and also d/b/a
CJM Consulting LLC,

SUZANNE W. HARRIS, individually and as
an owner or officer of Big Dog Solutions LLC ,

MUZAFFAR ABBAS, individually and as an

Case No. 16-cv-6607

Judge John Robert Blakey

STIPULATED PRELIMINARY
INJUNCTION
AS TO DEFENDANTS BIG DOG
SOLUTIONS LLC, PC HELP
DESK US LLC, INBOUND CALL
SPECIALIST LLC,
CHRISTOPHER J. COSTANZA,
AND SUZANNE HARRIS

violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), the FTC's Trade Regulation Rule entitled "Telemarketing Sales Rule" ("TSR") , 16 C.F.R. Part 310, and Section 501.204 of the FDUTPA, and that the Plaintiffs are therefore likely to prevail on the merits of this action;

4. Plaintiffs assert that there is good cause to believe that immediate and irreparable harm will result from the Stipulating Defendants' ongoing violations of Section 5(a) of the FTC Act, the TSR and Section 501.204 of FDUTPA unless Stipulating Defendants are restrained and enjoined by order of this Court;

5. Plaintiffs assert that there is good cause to believe that immediate and irreparable damage to the Court's ability to grant effective final relief for consumers in the form of monetary restitution and/or disgorgement of ill-gotten gains will occur from the transfer, dissipation, or concealment by Stipulating Defendants of their assets or business records unless Defendants are immediately restrained and enjoined by order of this Court. Therefore, there is good cause for an asset freeze and the appointment of a permanent receiver over the Stipulating Receivership Defendants , as that term is defined herein ;

6. Plaintiffs assert that there is good cause for issuing this Order pursuant to Federal Rule of Civil Procedure 65(b);

7. Plaintiffs assert that, weighing the equities and considering Plaintiffs' likelihood of ultimate success on the merits, this Order

8.

customer service functions, including, but not limited to, forwarding mail received from consumers and/or receiving or responding to consumer complaints; (e) formulating or providing, or arranging for the formulation or provision of, any sales script or other marketing material; (f) providing names of, or assisting in the generation of, potential customers; and (g) performing or providing marketing or billing services of any kind, including, but not limited to, performing or providing telemarketing services.

3. "Commission " or "FTC " means the Federal Trade Commission.

4. "Corporate Defendant (s)" means Big Dog Solutions LLC, a Florida limited liability company, PC Help Desk US LLC, a Florida limited liability company, Inbound Call Specialist LLC, a Florida limited liability company, BlackOptek CE Inc., a Nevada corporation, 9138242 Canada Corporation, a Quebec, Canada corporation, and Digital Growth Properties, LLC , an Iowa limited liability company, and their successors and assigns, as well as anitdd(s a) 2.0rc 0.001 Tw 1.9(sdy)2(9(s

Iowa limited liability company, and

liability company, and Inbound Call Specialist LLC, a Florida limited liability company, as well as any subsidiaries, affiliates, divisions, or sales or customer service operations, and any fictitious business entities or business names created or used by these entities, and also includes Security Software Hub LLC, a Florida limited liability company, and Call Center Management LLC, a Florida limited liability company .

18. "Tech Support P roducmt.(a)-0.001</MCI4]TJ 8.39 tleoj /4rmea8(e)-3rsey-4(e pl]TJ

SECTION I: PROHIBITED BUSINESS ACTIVITIES

IT IS ORDERED that Stipulating Defendants, and their officers, agents, servants, employees, attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other device, in connection with the telemarketing, advertising, marketing, promoting, offering for sale, sale, or provision of any Tech Support Product or Service, are hereby restrained and enjoined from:

A. Misrepresenting, or assisting others in misrepresenting, expressly or by implication any material fact, including, but not limited to, that:

1. Defendants are part of U.S. technology companies, such as Microsoft or Apple, or are certified or authorized by those companies to service their products; or

2. Defendants have detected performance or security issues on consumers' computers, including viruses, spyware, malware, or the presence of hackers;

B. Violating, or assisting others in violating, any provision of the TSR, 16 C.F.R. Part 310, including, but not limited to:

1. Section 310.3(a)(4) of the TSR, 16 C.F.R. § 310.3(a)(4), by making a false or misleading statement to induce any person to pay for goods or services or to induce a charitable contribution; and

2. Section 310.3(b) of the TSR, 16 C.F.R. § 310.3(b), by providing substantial assistance or support to any Seller or Telemarketer when that person knows or consciously avoids knowing that the Seller or Telemarketer is engaged in any act or practice that violates §§310.3(a), (c) or (d), or §310.4 of the TSR .

SECTION II: PROHIBITION AGAINST CHARGING OR BILLING
CONSUMERS

IT IS FURTHER ORDERED that Stipulating Defendants and their officers, agents, servants, employees, attorneys, and all other persons in active concert or participation with any of them, whether acting directly or indirectly, are restrained and enjoined from charging the credit or debit card of any consumer for the purchase of Defendants' Tech Support Products or Services .

SECTION III: ASSET FREEZE

IT IS FURTHER ORDERED that Stipulating Defendants, and their officers, agents, servants, employees, attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other device, except as provided herein, as stipulated by the parties , or as directed by further order of the Court, are hereby restrained and enjoined from :

A. Transferring, liquidating, converting, encumbering, pledging, loaning, selling, concealing, dissipating, disbursing, assigning, spending, withdrawing, granting a lien or security interest or other interest in, or otherwise disposing of any funds, real or personal property, accounts, contracts, shares of stock, lists of

consumer names, or other Assets, or any interest therein, wherever located, including outside the United States, that are:

1. Owned, controlled or held by, in whole or in part, for the benefit of, or subject to access by, or belonging to, any Defendant ;
2. In the actual or constructive possession of any Defendant; or
3. In the actual or constructive possession of, or owned, controlled, or held by, or subject to access by, or belonging to, any other corporation, partnership, trust, or any other entity directly or indirectly owned, managed, or controlled by, or under common control with, any Defendant, including, but not limited to, any Assets held by or for any Defendant in any account at any bank or savings and loan institution, or with any credit card processing agent, automated clearing house processor, network transaction processor, bank debit processing agent, customer service agent, commercial mail receiving agency, or mail holding or forwarding company, or any credit union, retirement fund custodian, money market or mutual fund, storage company, trustee, or with any broker -dealer, escrow agent, title company, commodity trading company, precious metal dealer, or other financial institution or depository of any kind, either within or outside the territorial United States;

B. Opening or causing to be opened any safe deposit boxes, commercial mail boxes, or storage facilities titled in the name of any Defendant, or subject to access by any Defendant or under any Defendant's control, without providing

Plaintiffs prior notice and an opportunity to inspect the contents in order to determine that they contain no Assets covered by this Section;

C. Cashing any checks or depositing or processing any payments from customers of Defendants;

D. Incurring charges or cash advances on any credit card issued in the name, singly or jointly, of any Defendant; or

E. Incurring liens or encumbrances on real property, personal property, or other Assets in the name, singly or jointly, of any Defendant or of any corporation, partnership, or other entity directly or indirectly owned, managed, or controlled by any Defendant.

Notwithstanding the Asset freeze provisions of Section II.A through E above, and subject to prior written agreement with Plaintiffs, Individual Defendants may, upon compliance with Section V (Financial Statements) *infra*, pay from their individual personal funds reasonable, usual, ordinary, and necessary living expenses and attorneys' fees.

The funds, property, and assets affected by this Section shall include: (1) all assets of the Stipulating Defendants as of the time this Order is entered; and (2) for assets obtained after the time this Order is entered, those assets of the Stipulating Defendants that are derived, directly or indirectly, from the Defendants' activities

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SECTION

account statements, corporate resolutions, signature cards, checks, drafts, deposit tickets, transfers to and from the accounts, all other debit and credit instruments or slips, currency transaction reports, 1099 forms, and safe deposit box logs; and

E. Plaintiffs may properly serve this Order on any financial or brokerage institution, business entity or person that holds, controls or maintains custody of any account or Asset of any Stipulating Defendant or has held, controlled or maintained custody of any account or Asset of any Stipulating Defendant at any time since August 2012, by facsimile transmission, hand delivery or overnight carrier. This Section shall apply to existing accounts and assets, assets deposited or accounts opened after the effective date of this Order, and any accounts or assets maintained, held or controlled three years prior to the effective date of this Order. This Section shall not prohibit transfers in accordance with any provision of this Order, any further order of the Court, or by written agreement of the parties.

SECTION V: FINANCIAL STATEMENTS

IT IS FURTHER ORDERED that, unless previously submitted in full compliance with the TRO, each Stipulating Defendant shall serve upon counsel for Plaintiffs, no later than five (5) business days after entry

be verified under oath. Stipulating Defendants shall attach to these completed financial 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 statements.

SECTION VI: MAINTAIN RECORDS AND REPORT NEW BUSINESS
ACTIVITY

IT IS FURTHER ORDERED that Stipulating Defendants, and their officers, agents, servants, employees, attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other device, are hereby restrained and enjoined

obtained such information in connection with activities alleged in Plaintiffs' Complaint; and

B. Benefiting from or using the name, address, birth date, telephone number, e-mail address, Social Security number, credit card number, bank account number, or other financial or identifying personal information of any person from whom or about whom any Defendant obtained such information in connection with activities alleged in Plaintiffs' Complaint;

Provided, however, that Stipulating Defendants may disclose such financial or identifying personal information to a law enforcement agency or as required by any law, regulation, or court order.

SECTION

B. RECEIVERSHIP DUTIES

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

1. Assume full control of the Stipulating

necessary or advisable: (a) serving this Order; (b) completing a written inventory of all receivership assets; (c) obtaining pertinent information from all employees and other agents of the Stipulating Receivership Defendants , including, but not limited to, the name, home address, Social Security number, job description, method of compensation, and all accrued and unpaid commissions and compensation of each such employee or agent; (d) videotaping all portions of the locations; (e) securing the locations by changing the locks and disconnecting any computer modems or other

5. Enter into contracts and purchase insurance as advisable or necessary;

6. Prevent the inequitable distribution of assets and determine, adjust, and protect the interests of consumers and creditors who have transacted business with the Stipulating Receivership Defendants;

7. Manage and administer the business of the Stipulating Receivership Defendants until further order of this Court by performing all incidental acts that the Receiver deems to be advisable or necessary, 1 23u(a)-8(b)2(l)-9(e)-4(15(h)-3

10. Determine and implement the manner in which the Stipulating Receivership Defendants will comply with, and prevent violations of, this Order and all other applicable laws;

11. Institute, compromise, adjust, appear in, intervene in, or become a party to such actions or proceedings in state, federal or foreign courts that the Receiver deems necessary and advisable to preserve or recover the assets of the Stipulating Receivership Defendants or that the Receiver deems necessary and advisable to carry out the Receiver's mandate under this Order;

12. Defend, compromise, adjust, or otherwise dispose of any or all actions or proceedings instituted in the past or in the future against the Receiver in his or her role as Receiver, or against the Stipulating Receivership Defendants that the Receiver deems necessary and advisable to preserve the assets of the Stipulating Receivership Defendants or that the Receiver deems necessary and

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

15. Open one or more bank accounts as designated depositories for funds of the Stipulating Receivership Defendants. The Receiver shall deposit all funds of the Stipulating Receivership Defendants in such a designated account and shall make all payments and disbursements from the receivership estate from such an account;

16. Maintain accurate records of all receipts and expenditures that he or she makes as Receiver;

17. Cooperate with reasonable requests for information or assistance from any state or federal law enforcement agency, including Plaintiffs; and

18. File reports with the Court on a timely and reasonable basis.

C. COOPERATION WITH THE RECEIVER

IT IS FURTHER ORDERED that: that:

a.

D. DELIVERY OF RECEIVERSHIP PROPERTY

IT IS FURTHER ORDERED that:

1. Immediately upon entry of this Order upon them, or within such period as may be permitted by the Receiver, Stipulating Defendants or any other person or entity shall transfer or deliver possession, custody, and control of the following to the Receiver:

a. All assets of the Receivership Defendants, including assets subject to repatriation pursuant to Section X, *infra* ;

b. All documents of the Receivership Defendants, including, but not limited to, books and records of accounts, all financial and accounting records, balance sheets, income statements, bank records (including monthly

this Section, the Receiver may file *ex parte* an Affidavit of Non-Compliance regarding the failure. Upon filing of the affidavit, the Court may authorize, without additional process or demand, Writs of Possession or Sequestration or other equitable writs requested by the Receiver. The writs shall authorize and direct the United States Marshal or any sheriff or deputy sheriff of any county, or any other federal or state law enforcement officer, to seize the asset, document, or other thing and to deliver it to the Receiver.

E. TRANSFER OF FUNDS TO THE RECEIVER

IT IS FURTHER ORDERED that, upon service of a copy of this Order, all financial institutions, finance companies, commercial lending companies, credit card processing agents or agents providing electronic funds transfer services or automated clearing house processing, brokerage houses, escrow agents, money market or mutual funds, title companies, commodity futures merchants, commodity trading companies, precious metal dealers, trustees, or other financial institutions or depositories of any kind, shall cooperate with all reasonable requests of the Receiver relating to implementation of this Order, including transferring funds at his or her direction and producing records related to the assets of the Stipulating Receivership Defendants.

F. STAY OF ACTIONS

IT IS FURTHER ORDERED that:

1. Except by leave of this Court, during pendency of the receivership ordered herein, Stipulating Defendants and all other persons and

documents subject to this receivership, or to harass or interfere with the Receiver in any way, or to interfere in any manner with the exclusive jurisdiction of this Court over the assets or documents of the Stipulating Receivership Defendants.

2. This Order does not stay:

a. The commencement or continuation of a criminal action or proceeding;

b. The commencement or continuation of an action or proceeding by a governmental unit to enforce such governmental unit's police or regulatory power; or

c. The enforcement of a judgment, other than a money judgment, obtained in an action or proceeding by a governmental unit to enforce such governmental unit's police or regulatory power.

3. Except as otherwise provided in this Order, all persons and entities in need of documentation from the Receiver shall in all instances first attempt to obtain such documentation from the Receiver.

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pursuant to this Order and for the cost of actual out-of-pocket expenses incurred by them, from the assets now held by, or in the possession or control of, or which may be received by the Stipulating Receivership Defendants. The Receiver shall file with the Court and serve on the parties periodic requests for the payment of such reasonable compensation, with the first such request filed no more than sixty (60) days after the date of this Order. The Receiver shall not increase the hourly rates used as the bases for such fee applications without prior approval of the Court.

SECTION IX: ACCESS TO BUSINESS PREMISES

IT IS FURTHER ORDERED that Stipulating Defendants, and their officers, agents, servants, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other device, and the Receiver, shall allow Plaintiffs' representatives, agents, and assistants, as well as the Stipulating Receivership Defendants' representatives, and the Stipulating Individual Defendants themselves, reasonable access to all of Stipulating Receivership Defendants' business premises, or any other premises where the Stipulating Receivership Defendants conduct business or customer service operations. Such locations include, but are not limited to, 2240 West Woolbright Road, Suite 205, Boynton Beach, Florida and 200 Knuth Road, Suite 112, Boynton Beach, Florida .

The purpose of this access shall be to inspect and copy any and all books, records, documents, accounts, and other property owned by, or in the possession of,

the Stipulating Receivership Defendants or their agents. The Receiver shall have the discretion to determine the time, manner, and reasonable conditions of such

control, jointly, severally, or individually, including the names and addresses of any foreign or domestic financial institution or other entity holding the documents and assets, along with the account numbers and balances;

C. Hold and retain all such documents and assets and prevent any

fully repatriated pursuant to the preceding Section of this Order; and

PAMELA JO BONDI
ATTORNEY GENERAL

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
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FEDERAL TRADE COMMISSION, and

OFFICE OF THE ATTORNEY GENERAL,
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Plaintiffs,

v.

BIG DOG SOLUTIONS LLC, also d/b/a Help
Desk National and Help Desk Global, a
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Defendants.

Case No. 1:16- cv-06607

CONSENT TO RELEASE OF
FINANCIAL INFORMATION

I, _____, of _____ (city or
province and country), do hereby direct any person, bank, savings and loan
association, credit union, depository institution, finance company, commercial
lending company, payment processor, payment processing entity, common carrier,
customs broker, commercial mail receiving agency, mail holding and/or forwarding
company, brokerage house, escrow agent, money market or mutual fund, title
company, commodity trading company, or trustee, that holds, controls or maintains
custody of assets, wherever located, that are owned or controlled by me, or any of
the above Defendants, in whole or in part, or at which I, or any of the above
Defendants, have an account of any kind upon which I am authorized to draw, and
its officers, employees and agents, to disclose all information and deliver copies of

ATTACHMENT A

