
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

Act of Valor, and Medal of Honor,

EQUITABLE RELIEF AND ORDER TO
SHOW CAUSE WHY A PRELIMINARY
INJUNCTION SHOULD NOT ISSUE

Case No. 4:18-cv-00049-DN

District Judge David Nuffer

Plaintiff, the Federal Trade Commission (“FTC”) has filed a Complaint for Permanent Injunction and Other Equitable Relief pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), and the Telemarketing and Consumer Fraud and Abuse Prevention Act (“Telemarketing Act”), 15 U.S.C. §§ 6101-6108. Further, pursuant to Federal Rule of Civil Procedure 65(b), the FTC has moved *ex parte* for a Temporary Restraining Order, asset freeze, other equitable relief, and an order to show cause why a preliminary injunction should not issue against Defendant Travis Deloy Peterson.

FINDINGS OF FACT

The Court, having considered the Complaint, the *ex parte* Motion for a Temporary Restraining Order, declarations, exhibits, and memorandum of points and authorities filed in support thereof, and being otherwise

A. This Court has jurisdiction over the subject matter of this case, and there is good cause to believe that it will have jurisdiction over all parties hereto and that venue in this district is proper;

B. There is good cause to believe that the Defendant used telephone calls delivering a prerecorded message, more commonly known as “robocalls,” to solicit charitable donations of vehicles or other valuable property from consumers in this District and throughout the country.

C. There is good cause to believe that the Defendant has engaged in and is likely to engage in acts or practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and Sections 310.3 and 310.4 of the Telemarketing Sales Rule (“TSR”), 16 C.F.R. §§ 310.3(d)(1)-(2), 310.4(b)(1)(v), which the FTC adopted pursuant to the Telemarketing Act, and that Plaintiff is therefore likely to prevail on the merits of this action.

D. As demonstrated by consumer declarations, the FTC investigator declaration, public records, financial and business records, and additional evidence filed by the FTC in support of its Motion for Temporary Restraining Order, the FTC has established a likelihood of success in showing that the Defendant has (i) unlawfully initiated or caused to be initiated robocalls to induce charitable contributions and (ii) misrepresented that the entity identified in the Defendant’s robocalls is a charity and that donations to the entity are tax deductible.

E. There is good cause to believe that immediate and irreparable harm will result from the Defendant’s ongoing violations of the FTC Act and the TSR, unless the Defendant is restrained and enjoined by order of this Court.

F. There is good cause to believe that immediate and irreparable damage to the Court’s ability to grant effective final relief for consumers – including monetary restitution, rescission, disgorgement, or refunds – will occur from the sale, transfer, destruction or other

B. “**Charitable contribution**” means any donation or gift of money or any other thing of value.

C. “**Defendant**” means Travis Deloy Peterson and by whatever names he is known.

D. “**Document**” is synonymous in meaning and equal in scope to the usage of “document” and “electronically stored information” in Federal Rule of Civil Procedure 34(a), Fed. R. Civ. P. 34(a), and includes writings, drawings, graphs, charts, photographs, sound and video recordings, images, Internet sites, web pages, websites, electronic correspondence, including e-mail and instant messages, contracts, accounting data, advertisements, FTP Logs, Server Access Logs, books, written or printed records, handwritten notes, telephone logs, telephone scripts, receipt books, ledgers, personal and business canceled checks and check registers, bank statements, appointment books, computer records, customer or sales databases and any other electronically stored information, including Documents located on remote servers or cloud computing systems, and other data or data compilations from which information can be obtained directly or, if necessary, after translation into a reasonably usable form. A draft or non-identical copy is a separate document within the meaning of the term.

E. “**Donor**” means any person solicited to make a charitable contribution.

F. “**Electronic Data Host**” means any person or entity in the business of storing, hosting, or otherwise maintaining electronically stored information. This includes, but is not limited to, any entity hosting a website or server, and any entity providing “cloud based” electronic storage.

G. “**Outbound telephone call**” means a telephone call initiated by a telemarketer to induce the purchase of goods or services or to solicit a charitable contribution.

that will go to a charitable organization or to any particular charitable program; or any relationship (such as affiliation, endorsement, or sponsorship) between any of the Defendant's entities and any person.

B. Initiating or causing to be initiated any outbound telephone call that delivers a prerecorded message to induce a charitable contribution.

II. PROHIBITION ON RELEASE OF CUSTOMER INFORMATION

IT IS FURTHER ORDERED that the Defendant, his officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are hereby temporarily restrained and enjoined from:

A. Selling, renting, leasing, transferring, or otherwise disclosing, the name, address, birth date, telephone number, email address, credit card number, bank account number, Social Security number, or other financial or identifying information of any person that the Defendant obtained in connection with any activity that pertains to the subject matter of this Order; and

B. Benefitting from or using the name, address, birth date, telephone number, email address, credit card number, bank account number, Social Security number, or other financial or identifying information of any person that the Defendant obtained in connection with any activity that pertains to the subject matter of this Order.

Provided, however, that the Defendant may disclose such identifying information to a law enforcement agency, to his attorneys as required for his defense, as required by any law, regulation, or court order, or in any filings, pleadings or discovery in this action in the manner

III. SUSPENSION OF WEBSITES

IT IS FURTHER ORDERED that any person hosting any webpage or website for the Defendant or providing domain name registration services to or on behalf of the Defendant is hereby temporarily restrained and enjoined from failing to:

A. Immediately take whatever steps may be necessary to ensure that any webpage or website operated, in whole or in part, in connection with the Defendant's solicitation of charitable contributions cannot be accessed by the public;

B. Prevent the destruction or erasure of any webpage or website operated, in whole or in part, in connection with the Defendant's solicitation of charitable contributions, preserving such documents in the format in which they are currently maintained; and

C. Prevent the destruction or erasure of all records relating to the Defendant and provide the records to Plaintiff's counsel within **five (5) days** of receiving a request for the records.

IV. SUSPENSION OF ADVERTISEMENTS

IT IS FURTHER ORDERED that any person providing services for the purpose of advertising, promoting, or otherwise notifying the public (in print, on the Internet, or otherwise) to or on behalf of the Defendant is hereby temporarily restrained and enjoined from failing to:

A.

charitable contributions, preserving such documents in the format in which they are currently maintained; and

C. Prevent the destruction or erasure of all records relating to the Defendant and provide the records to Plaintiff's counsel within

A. Immediately take whatever steps may be necessary to ensure that any such service or product (including any telephone and fax numbers) used, in whole or in part, in connection with the Defendant's solicitation of charitable contributions is suspended; and

B. Prevent the destruction or erasure of all records relating to the Defendant and provide the records to Plaintiff's counsel within **five (5) days** of receiving a request for the records.

VII. ASSET FREEZE

IT IS FURTHER ORDERED that the Defendant, his officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are hereby temporarily restrained and enjoined from:

A. Transferring, liquidating, converting, encumbering, pledging, loaning, selling, concealing, dissipating, disbursing, assigning, relinquishing, spending, withdrawing, granting a lien or security interest or other interest in, or otherwise disposing of any Assets that are:

1. owned or controlled, directly or indirectly, by the Defendant;
2. held, in part or in whole, for the benefit of the Defendant;
3. in the actual or 4()Tj EMC /LBody <</MCID 21 >>BDC -29.49 -2.3 Td (1.)Tj /T

C. Incurring charges or cash advances on any credit, debit, or ATM card issued in the name, individually or jointly, of any corporation, partnership, or other entity directly or indirectly owned, managed, or controlled by the Defendant or of which the Defendant is an officer, director, member, or manager. This includes any corporate bankcard or corporate credit card account for which the Defendant is, or was on the date that this Order was signed, an authorized signor; or

D. Cashing any checks or depositing any money orders or cash received from consumers, clients, customers, or donors of the Defendant.

The Assets affected by this Section shall include: (1) all Assets of the Defendant as of the time this Order is entered, including, but not limited, to any Assets held in (a) Wells Fargo Bank, N.A. in accounts with numbers ending in XXXXXX3312, XXXXXX8317, and XXXXXX0683; and (b) U.S. Bank, N.A. in an account with number ending in X-XXX-XXXX-2234; and

X. CONSUMER CREDIT REPORTS

IT IS FURTHER ORDERED that Plaintiff may obtain credit reports concerning the Defendant pursuant to Section 604(a)(1) of the Fair Credit Reporting Act, 15 U.S.C. 1681b(a)(1), and that, upon written request, any credit reporting agency from which such reports are requested shall provide them to Plaintiff.

XI. PRESERVATION OF RECORDS

IT IS FURTHER ORDERED that the Defendant, his officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are hereby temporarily restrained and enjoined from:

A. Destroying, erasing, falsifying, writing over, mutilating, concealing, altering, transferring, or otherwise disposing of, in any manner, directly or indirectly, Documents that relate to: (1) the business, business practices, Assets, or business or personal finances of the Defendant; (2) the business practices or finances of entities directly or indirectly under the control of the Defendant; or (3) the business practices or finances of entities directly or indirectly under common control with the Defendant; and

B. Failing to create and maintain Documents that, in reasonable detail, accurately, fairly, and completely reflect the Defendant's incomes, disbursements, transactions, and use of the Defendant's Assets.

XII.

of entry of this Order, and provide Plaintiff with a sworn statement that this provision of the Order has been satisfied, which statement shall include the names, physical addresses, phone number, and email addresses of each such person or entity who received a copy of the Order. Furthermore, the Defendant shall not take any action that would encourage officers, agents, members, 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.

XIII. SERVICE OF THIS ORDER

IT IS FURTHER ORDERED that this Order must be served upon the Defendant in the manner provided in Rule 4(c) of the Federal Rules of Civil Procedure. Copies of this Order as well as the Motion for Temporary Restraining Order and all other pleadings, Documents, and exhibits filed contemporaneously with that Motion (other than the complaint and summons), may be served by any means, including facsimile transmission, electronic mail or other electronic messaging, personal or overnight delivery, U.S. Mail or FedEx, by agents and employees of Plaintiff, by any law enforcement agency, or by private process server, upon the Defendant or any person (including any c2

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XV. PRELIMINARY INJUNCTION HEARING

IT IS FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 65(b), Defendant shall appear before this Court on **Monday the 23rd day of July, 2018 at 8:30 a.m. (MDT)**, at the **United States Courthouse, 351 South West Temple, Salt Lake City, Utah 84101 in Courtroom 3.100** to show cause, if there is any, why this Court should not enter a preliminary injunction, pending final ruling on the Complaint against the Defendant, enjoining the violations of the law alleged in the Complaint, continuing the freeze of Assets, and imposing such additional relief as may be appropriate.

XVII. DURATION OF THE ORDER

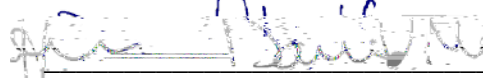
IT IS FURTHER ORDERED that this Order shall expire fourteen (14) days from the date of entry noted below, unless within such time, the Order is extended for an additional period pursuant to Fed. R. Civ. P. 65(b)(2).

XVIII. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for all purposes.

Dated July 10, 2018.

BY THE COURT:



David Nuffer

United States District Court
for the
District of Utah
July 10, 2018

**** **MAILING CERTIFICATE OF THE CLERK****

RE: *SEALED*
4:18cv49 DN

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CLEVELAND, OH 44114

Aimee Trujillo,