

FEDERAL TRADE COMMISSION
By: Sara C. DePaul
1111 Superior Avenue, Suite 200
Cleveland, Ohio 44114-2507
Phone: 216-263-3429
Fax: 216-263-3426

RECEIVED

CHRISTOPHER J. CHRISTIE
United States Attorney
(Designated Local Counsel)
By: J. ANDREW RUYMANN
Assistant U.S. Attorney
402 East State Street, Room 430
Trenton, New Jersey 08608
Phone: 609-989-0563
Fax: 609-989-2360

FEB 21 2009

AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

UNITED CREDIT ADJUSTERS, INC.,

a New Jersey corporation, also d/b/a United
Credit Adjustors, and UCA,

UNITED CREDIT ADJUSTORS, INC.,

a New Jersey corporation, also d/b/a United
Credit Adjusters, and UCA,

UNITED COUNSELING ASSOCIATION, INC.,

a New Jersey corporation, also d/b/a UCA,

BANKRUPTCY MASTERS CORP.,

a New Jersey corporation,

NATIONAL BANKRUPTCY SERVICES CORP.,

a New Jersey corporation,

CIVIL ACTION NO. 09-798 (JAP)

~~(PROPOSED)~~ EX PARTE
TEMPORARY
RESTRAINING ORDER
WITH ASSET FREEZE
AND ACCOUNTING, AND
ORDER TO SHOW CAUSE
WHY A PRELIMINARY
INJUNCTION SHOULD
NOT ISSUE

FILED UNDER SEAL

FEDERAL DEBT SOLUTIONS LTD.,
a New Jersey corporation,

UNITED MONEY TREE, INC.,
a New Jersey corporation,

AHRON E. HENOCH,
also d/b/a United Credit Adjusters, Inc.,
Bankruptcy Masters Corp., and Federal Debt
Solutions Ltd.; individually and as an officer or
director of United Credit Adjusters, Inc.,
United Credit Adjusters, Inc., United Counseling
Association, Inc., Bankruptcy Masters Corp.,
National Bankruptcy Services Corp., Federal Debt
Solutions Ltd., and United Money Tree, Inc.,

EZRA RISHTY,
also d/b/a United Credit Adjusters, Inc., and
Bankruptcy Masters Corp.; individually and as an
officer or director of United Credit Adjusters,
Inc., and Bankruptcy Masters Corp., and

GERALD SERINO, a/k/a JERRY SERINO,
also d/b/a United Credit Adjusters, Inc.;
individually and as an officer or director of
United Credit Adjusters, Inc.,

Defendants.

**(PROPOSED) EX PARTE TEMPORARY RESTRAINING ORDER
WITH ASSET FREEZE AND ACCOUNTING, AND ORDER TO SHOW CAUSE WHY
A PRELIMINARY INJUNCTION SHOULD NOT ISSUE**

Plaintiff, the Federal Trade Commission (FTC or the Commission), pursuant to Sections 5(a), 13(b) and 19 of the Federal Trade Commission Act (FTC Act), 15 U.S.C. §§ 45(a), 53(b), 57b, and Section 410(b) of the Credit Repair Organizations Act, 15 U.S.C. § 1679h(b), filed its Complaint for Injunctive and Other Equitable Relief, and moved for an *ex parte* Temporary Restraining Order with Asset Freeze pursuant to Rule 65(b) of the Federal Rules of Civil

Procedure, Fed. R. Civ. P. 65(b). The Court, having considered the Complaint, declarations, exhibits, and memorandum filed in support of the Commission's motion, and all other motions filed in the matter, and having heard argument, finds that:

1. This Court has jurisdiction over the subject matter of this case, and there is good cause to believe it will have jurisdiction of all parties hereto. The Complaint states a claim upon which relief may be granted under Sections 5 and 13(b) of the FTC Act, 15 U.S.C. §§ 45 and 53(b), and under the Credit Repair Organizations Act, 15 U.S.C. §§ 1679-1679j;
2. Venue properly lies with this Court;
3. Good cause exists to believe that Defendants United Credit Adjusters, Inc., also doing business as United Credit Adjustors and UCA; United Credit Adjustors, Inc., also doing business as United Credit Adjustors and UCA; United Counseling Association, Inc., also doing business as UCA; Bankruptcy Masters Corp.; National Bankruptcy Services Corp.; Federal Debt Solutions, Ltd.; United Money Tree, Inc.; Ahron E. Henoch; Ezra Rishty; and Gerald Serino, have engaged in and are likely to engage in acts and practices that violate Section 5(a) of the Federal Trade Commission Act, 15 U.S.C. § 45(a), and the Credit Repair Organizations Act, 15 U.S.C. §§ 1679-1679j, and that Plaintiff is therefore likely to prevail on the merits of this action;
4. Good cause exists to believe that immediate and irreparable damage to this Court's ability to grant effective final relief for consumers in the form of monetary restitution, rescission of contracts or disgorgement will occur from the sale, transfer, or other disposition or concealment by Defendants of their assets or

company records, or those assets and company records under their control, unless Defendants are immediately restrained and enjoined by order of this Court;

5. Weighing the equities and considering Plaintiff's likelihood of ultimate success on the merits, a temporary restraining order with an asset freeze, accounting, and other equitable relief is in the public interest;
6. As contemplated by Federal Rule of Civil Procedure 65(b) and as detailed in the Certification of Plaintiff's counsel, there is good cause to believe that immediate and irreparable damage will result to consumers protected by the FTC if Defendants receive notice of this action. There is good cause to believe that such damage would include the concealment or transfer of Defendants' assets. Accordingly, there is good cause to believe that any notice to Defendants would render ineffective any ultimate relief to consumers. It is in the interest of justice that this order issue *ex parte*; and
7. No security is required of the Commission, as an agency of the United States, for the issuance of a preliminary injunction order. *See* Fed. R. Civ. P. 65(c).

DEFINITIONS

For the purpose of this Temporary Restraining Order (Order), the following definitions shall apply:

A. “**Defendants**” means United Credit Adjusters, Inc., also doing business as United Credit Adjustors and UCA (UCA1); United Credit Adjustors, Inc., also doing business as United Credit Adjusters and UCA (UCA2); United Counseling Association, Inc., also doing business as UCA (UCA3); Bankruptcy Masters Corp. (BMC); National Bankruptcy Services Corp. (NBS); Federal Debt Solutions, Ltd. (FDS); United Money Tree, Inc. (UMT); Ahron E. Henoch (Henoch); Ezra Rishty (Rishty); and Gerald Serino, a/k/a Jerry Serino (Serino).

- B. **“Individual Defendants”** means Henoeh, Rishty and Serino.
- C. **“Corporate Defendants”** means UCA 1, UCA 2, UCA 3, BMC, NBS, FDS, and UMT.
- D. **“Asset Freeze Defendants”** means UCA 1, UCA 2, UCA 3, BMC, NBS, FDS, UMT, Henoeh and Rishty.
- E. **“Asset”** means any legal or equitable interest in, right to, or claim to, any real and personal property, including, but not limited to, “goods,” “instruments,” “equipment,” “fixtures,” “general intangibles,” “inventory,” “checks,” “notes” (as these terms are defined in the Uniform Commercial Code), and all chattel, leaseholds, contracts, mail or other deliveries, shares of stock, lists of consumer names, accounts, credits, premises, receivables, funds, and cash, wherever located.
- F. **“Assisting others”** means knowingly providing any of the following goods or services to another entity: (1) performing customer service functions, including, but not limited to, receiving or responding to consumer complaints; (2) formulating or providing, or arranging for the formulation or provision of, any marketing material; (3) providing names of, or assisting in the generation of, potential customers; or (4) performing marketing or billing services of any kind.
- G. **“Credit repair organization”** means any person or entity that uses any instrumentality of interstate commerce or the mails to sell, provide, or perform (or represent that such person or entity can or will sell, provide, or perform) any credit repair service.
- H. **“Credit repair service”** or **“Credit repair services”** means any service, in return for payment of money or other consideration, for the express or implied purpose of:
(1) improving any consumer’s credit record, credit history, or credit rating; or (2) providing

advice or assistance to any consumer with regard to any activity or service the purpose of which is to improve a consumer's credit record, credit history, or credit rating.

I. "Document" or "Record" 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 the 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.

J. "Material" means likely to affect a person's choice of, or conduct regarding, goods or services.

K. "Person" means a natural person, organization or other legal entity, including a corporation, partnership, proprietorship, association, cooperative, government or governmental subdivision or agency, or any other group or combination acting as an entity.

L. "Plaintiff" means the Federal Trade Commission.

M. The terms "and" and "or" shall be construed conjunctively and disjunctively as necessary to make the applicable phrase or sentence inclusive rather than exclusive.

ORDER

CONDUCT REQUIREMENTS

I. PROHIBITED BUSINESS PRACTICES PURSUANT TO THE FEDERAL TRADE COMMISSION ACT

IT IS THEREFORE ORDERED that, in connection with the advertising, marketing, promotion, offering for sale, or sale of credit repair services to consumers, Defendants, and each of their successors, assigns, members, officers, agents, servants, employees, and those persons in active concert or participation with them who receive actual notice of this Order by personal

service or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, affiliate or other device, are hereby temporarily restrained and enjoined from misrepresenting, or assisting others in misrepresenting, either orally or in writing, expressly or by implication, any material fact, including, but not limited to:

A. Their ability to improve or otherwise affect a consumer's credit report or profile or ability to obtain credit;

B. The total cost to purchase, receive, or use the goods or services;

C. Any material restrictions, limitations, or conditions to purchase, receive, or use the goods or services;

D. Any material aspect of the nature of the terms of a refund, cancellation, exchange, or repurchase policy for the goods or services; or

E. Any material aspect of the performance, efficacy, nature, or central characteristics of the goods or services.

II. PROHIBITED BUSINESS ACTIVITIES PURSUANT TO THE CREDIT REPAIR ORGANIZATIONS ACT

IT IS FURTHER ORDERED that, in connection with the advertising, marketing, promotion, offering for sale, or sale of credit repair services to consumers, Defendants, and each of their successors, assigns, members, officers, agents, servants, employees, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, affiliate or other device, are hereby temporarily restrained and enjoined from violating, or assisting others in violating, the Credit Repair Organizations Act, 15 U.S.C. §§ 1679-1679j, including, but not limited to:

A. By making or using untrue or misleading representations to induce consumers to purchase their services, including, but not limited to, misrepresenting that a credit repair

organization can improve substantially consumers' credit reports or profiles by permanently removing negative information from consumers' credit reports, even where such information is accurate and not obsolete, in violation of Section 404(a)(3), 15 U.S.C. § 1679b(a)(3); or

B. By charging or receiving money or other valuable consideration for the performance of credit repair services, before such services are fully performed, in violation of Section 404(b), 15 U.S.C. § 1679b(b);

C. By failing to provide a written statement of a consumer's credit file rights, in the form and manner required by the Credit Repair Organizations Act, to each consumer before any contract or agreement is executed, in violation of Section 405(a), 15 U.S.C. § 1679c(a);

D. By failing to include on their consumer contracts conspicuous statements regarding the consumers' right to cancel the contracts without penalty or obligation at any time before the third business day after the date on which the consumers sign the contracts, in violation of Section 406(b)(4), 15 U.S.C. § 1679d(b)(4); or

E. By failing to provide a written "Notice of Cancellation," in the form and manner required by the Credit Repair Organizations Act, to each consumer before any contract or agreement is executed, in violation of Section 407(b), 15 U.S.C. § 1679e(b).

III. PRODUCTION OF DOCUMENTS AND DATA

IT IS FURTHER ORDERED that Defendants shall, within forty-eight (48) hours of service of this Order, produce to Plaintiff at the office of the United States Attorney for the District of New Jersey, 402 East State Street, Room 430, Trenton, New Jersey 08608, or other mutually agreeable location for inventory and copying, all correspondence, email, financial data including tax returns, and any other documents, computer equipment, and electronically stored information in any Defendant's possession, custody, or control, that contains information about

Defendants' business and assets. Plaintiff shall return the documents or computer equipment to Defendants within five (5) business days of completing said inventory and copying.

Defendants, to the extent they have possession, custody, or control of documents described above, shall produce the documents as they are kept in the usual course of business. Defendants, to the extent they have possession, custody, or control of computer equipment or electronically stored information described above, shall provide Plaintiff with any necessary means of access to the computer equipment or electronically stored information, including, but not limited to, computer access codes and passwords.

ASSET & RECORD RETENTION

IV. ASSET FREEZE

IT IS FURTHER ORDERED that the Asset Freeze Defendants, and each of their successors, assigns, members, officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, affiliate or other device, are hereby temporarily restrained and enjoined from:

A. Transferring, converting, encumbering, selling, concealing, dissipating, disbursing, assigning, spending, withdrawing, perfecting a security interest in, or otherwise disposing of any funds, real or personal property, accounts, contracts, shares of stock, lists of consumer names, or other assets, wherever located, including outside the United States, that are:

1. owned or controlled by, or in the actual or constructive possession of any Asset Freeze Defendant;
2. owned or controlled by, or held for the benefit of, directly or indirectly, any Asset Freeze Defendant, in whole or in part;

3. held by an agent of any Asset Freeze Defendant as a retainer for the agent's provision of services to Asset Freeze Defendants; or

4. owned or controlled by, or in the actual or constructive possession of or otherwise held for the benefit of, any corporation, partnership, or other entity directly or indirectly owned, managed, or controlled by any of the Asset Freeze Defendants, including, but not limited to, any assets held by, for, or subject to access by, any of the Asset Freeze Defendants at any bank or savings and loan institution, or with any broker-dealer, escrow agent, title company, commodity trading company, precious metal dealer, or other financial institution or depository of any kind;

B. Opening or causing to be opened any safe deposit boxes titled in the name of any Asset Freeze Defendant, or subject to access by any Asset Freeze Defendant;

C. Obtaining a personal or secured loan encumbering the assets of any Asset Freeze Defendant, or subject to access by any Asset Freeze Defendant;

D. Transferring any funds or other assets subject to this Order for attorney's fees, living expenses, business expenses or any other purpose, except by Court order upon a showing of good cause;

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

F. Incurring charges or cash advances on any prepaid debit, credit or other bank card, issued in the name, singly or jointly, of any Asset Freeze Defendant or any corporation, partnership, or other entity directly or indirectly owned, managed, or controlled by any Defendant.

IT IS FURTHER ORDERED that the assets affected by this Paragraph shall include both existing assets and assets acquired after the effective date of this Order.

V. DUTIES OF ASSET HOLDERS

IT IS FURTHER ORDERED that any financial or brokerage institution, business entity, or person served with a copy of this Order that holds, controls, or maintains custody of any account or asset of any of the Asset Freeze Defendants, or has held, controlled, or maintained custody of any such account or asset at any time since the date of entry of this Order shall:

A. Hold and retain within its control and prohibit the withdrawal, removal, assignment, transfer, pledge, encumbrance, disbursement, dissipation, conversion, sale, or other disposal of any such asset except by further order of this Court;

B. Deny Asset Freeze Defendants access to any safe deposit box that is:

1. titled in the name of any Asset Freeze Defendant, either individually or jointly; or
2. otherwise subject to access by any Asset Freeze Defendant;

C. Provide the FTC's counsel, within five (5) business days of receiving a copy of this Order, a sworn statement setting forth:

1. the identification number of each account or asset titled in the name, individually or jointly, of any of the Asset Freeze Defendants, or held on behalf of, or for the benefit of, any of the Asset Freeze Defendants;
2. the balance of each such account, or a description of the nature and value of each such asset as of the close of business on the day on which this Order is served, and, if the account or other asset has been closed or removed, the date closed or removed, the total funds

removed in order to close the account, and the name of the person or entity to whom such account or other asset was remitted;

3. the identification of any safe deposit box that is either titled in the name, individually or jointly, of any of the Asset Freeze Defendants, or is otherwise subject to access by any of the Asset Freeze Defendants; and

D. Upon the request of the FTC, promptly provide the FTC with copies of all records or other documentation pertaining to such account or asset, including, but not limited to, originals or copies of account applications, account statements, 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. Any such financial institution, account custodian, or other aforementioned entity may arrange for the FTC to obtain copies of any such records which the FTC seeks.

VI. REPATRIATION OF ASSETS AND DOCUMENTS LOCATED IN FOREIGN COUNTRIES

IT IS FURTHER ORDERED that the Asset Freeze Defendants, and each of their successors, assigns, members, officers, agents, servants, employees, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, affiliate or other device, shall:

A. Within three (3) business days following the service of this Order, take such steps as are necessary to transfer to the territory of the United States of America all documents and assets that are located outside of such territory and are held by or for Asset Freeze Defendants or are under Asset Freeze Defendants' direct or indirect control, jointly, severally, or individually;

B. Within three (3) business days following service of this Order, provide Plaintiff with a full accounting of all documents and assets that are located outside of the territory of the

United States of America and are held by or for Asset Freeze Defendants or are under Asset Freeze Defendants' direct or indirect control, jointly, severally, or individually;

C. Hold and retain all transferred documents and assets and prevent any transfer, disposition, or dissipation whatsoever of any such assets or funds; and

D. Provide Plaintiff access to Asset Freeze Defendants' records and documents held by financial institutions outside the territorial United States, by signing the Consent to Release of Financial Records attached hereto as Attachment A.

VII. INTERFERENCE WITH REPATRIATION

IT IS FURTHER ORDERED that Asset Freeze Defendants, and each of their successors, assigns, members, officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, affiliate or other device, are hereby temporarily restrained and enjoined from taking any action, directly or indirectly, which may result in the encumbrance or dissipation of foreign assets, or in the hindrance of the repatriation required by Paragraph VI of this Order, including, but not limited to:

A. Sending any statement, letter, fax, email or wire transmission, telephoning, or engaging in any other act, directly or indirectly, that results in a determination by a foreign trustee or other entity that a "duress" event has occurred under the terms of a foreign trust agreement until such time as all assets have been fully repatriated pursuant to Paragraph VI of this Order; or

B. Notifying any trustee, protector or other agent of any Asset Freeze Defendant of the existence of this Order, or of the fact that repatriation is required pursuant to a Court Order, until such time as all assets have been fully repatriated pursuant to Paragraph VI of this Order.

VIII. FINANCIAL STATEMENTS

IT IS FURTHER ORDERED that not less than three (3) business days prior to the scheduled date and time for the hearing on a preliminary injunction, but in no event later than ten (10) business days after entry of this Order, the Corporate Defendants and Individual Defendants Henoch, Rishty and Serino shall provide the FTC with completed financial statements, on the forms attached to this Order as Attachments B and C, for each Defendant individually and for each corporation or other entity of which a Defendant is an officer, member, or otherwise directs and/or controls, as of the date of service of this Order upon the Defendant.

IX. CONSUMER CREDIT REPORTS

IT IS FURTHER ORDERED that pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C. § 1681b(1), any consumer reporting agency may furnish to the FTC a consumer report concerning any Defendant.

X. PRESERVATION OF EXISTING RECORDS

IT IS FURTHER ORDERED that the Defendants, and each of their successors, assigns, members, officers, agents, servants, employees, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, affiliate or other device, are hereby temporarily restrained and enjoined from destroying, erasing, mutilating, concealing, altering, transferring, or otherwise disposing of, in any manner, directly or indirectly, any contracts, accounting data, correspondence, email, advertisements, computer tapes, discs, or other computerized storage media, books, written or printed records, handwritten notes, telephone logs, telephone scripts, recordings, receipt books, ledgers, personal and business cancelled checks and check registers, bank statements, appointment books, copies of federal, state or local business or personal income or property tax returns, and other documents or

records of any kind that relate to the business practices or business or personal finances of Defendants, individually and jointly.

XI. PROHIBITION ON DISCLOSURE OF CUSTOMER LISTS

IT IS FURTHER ORDERED that Defendants, and their successors and assigns, officers, agents, servants, employees, and attorneys, and all those persons or entities in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are preliminarily restrained and enjoined from:

A. Selling, renting, leasing, transferring, or otherwise disclosing the name, address, telephone number, Social Security number, billing information (any data that enables any person to access another person's account, such as a credit card, checking, savings, share or similar account, utility bill, mortgage loan account or debit card), email address, or other identifying information of any person whose identifying information was acquired by any Defendant, at any time prior to entry of this Order, in connection with the purchase of any credit repair service;

B. Using or benefitting from, for commercial purposes, the name, address, telephone number, Social Security number, billing information (any data that enables any person to access another person's account, such as a credit card, checking, savings, share or similar account, utility bill, mortgage loan account or debit card), email address, or other identifying information of any person whose identifying information was acquired by any Defendant, at any time prior to entry of this Order, in connection with the purchase of any credit repair service;

C. **PROVIDED, HOWEVER**, that Defendants may disclose such identifying information (1) with the express written consent of the person whose information is disclosed, (2) to a law enforcement agency, or (3) as required or authorized by any law, regulation, or court order.

XII. MAINTENANCE OF BUSINESS RECORDS

IT IS FURTHER ORDERED that Defendants, and each of their successors, assigns, members, officers, agents, servants, employees, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, affiliate or other device, are hereby temporarily restrained and enjoined from:

A. Failing to create and maintain documents that, in reasonable detail, accurately, fairly, and completely reflect Defendants' incomes, disbursements, transactions, and use of money; and

B. Creating, operating, or exercising any control over any business entity, including any partnership, limited partnership, joint venture, sole proprietorship, corporation or limited liability company, without first providing 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 and employees; and (4) a detailed description of the business entity's intended activities.

NOTIFICATION AND MONITORING PROVISIONS

XIII. DISTRIBUTION OF ORDER BY DEFENDANTS

IT IS FURTHER ORDERED that Defendants shall immediately provide a copy of this Order to each affiliate, agent, partner, division, sales entity, successor, assignee, officer, director, employee, independent contractor, spouse, Internet web host or master, agent, attorney, and/or representative of Defendants, and shall, within ten (10) days from the date of entry of this Order, provide the FTC with a sworn statement that Defendants have complied with this provision of the Order, which statement shall include the names and addresses of each such person or entity who received a copy of this Order.

XIV. MONITORING

IT IS FURTHER ORDERED that agents or representatives of the FTC may contact Defendants or Defendants' agents or representatives directly and anonymously for the purpose of monitoring compliance with Paragraphs I and II of this Order, and may tape record any oral communications that occur in the course of such contacts.

XV. SERVICE OF ORDER

IT IS FURTHER ORDERED that copies of this Order may be served by any means, including facsimile transmission, email, and overnight delivery service, upon any financial institution or other entity or person that may have possession, custody, or control of any documents or assets of any Defendant, or that may be subject to any provision of this Order. Pursuant to Fed. R. Civ. P. 4(c)(2), this Order and the initial papers filed in this matter may be served on Defendants, upon the business premises of Defendants, and upon any financial institution or other entity or person that may have possession, custody or control of any documents or assets of any Defendant, or that may be subject to any provision of this Order, by employees of the FTC, by employees of any other law enforcement agency, by any agent of Plaintiff or by any agent of any process service retained by Plaintiff.

DURATION OF ORDER AND JURISDICTION

XVI. PRELIMINARY INJUNCTION HEARING

IT IS FURTHER ORDERED that:

A. Defendants shall appear before this Court at the United States courthouse located at 402 E State St, Canton Room 1, on March 6, 2009, at 11⁰⁰ o'clock a.m./p.m., to show cause, if any there be, why this Court should not enter a preliminary injunction, pending final ruling on the Complaint, against Defendants, enjoining them from further violations of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the Credit

Repair Organizations Act, 15 U.S.C. §§ 1679-1679j, continuing the freeze of their assets and imposing such additional relief as may be appropriate;

B. Defendants shall file with the Court and serve on Plaintiff any opposition to Plaintiff's motion, including declarations, exhibits, other evidence, and memoranda, no later than 4:00 p.m. on the fifth (5th) business day before the show-cause hearing;

C. Plaintiff shall file with the Court and serve on Defendants any supplemental declarations, exhibits, other evidence, and memoranda no later than forty-eight (48) hours before the show-cause hearing;

D. The Court's decision on the show-cause motion shall be based on the pleadings, the declarations, exhibits, and memoranda filed by the parties, and the oral argument at the hearing on the motion. Live testimony shall be heard at the show-cause hearing only on further order of this Court in response to a timely motion. Any such motion filed by Defendants shall be filed no later than the deadline in Paragraph XVI(B); any such motion filed by Plaintiff shall be filed no later than the deadline in Paragraph XVI(C). Any such motion by either party shall set forth the name, address, and telephone number of each proposed witness, a detailed summary or affidavit revealing the substance of each proposed witness' expected testimony, and an explanation of why the taking of live testimony would help this Court;

E. All filings and other documents served pursuant to this Section XVI shall be served (1) by automatic operation of the Court's Electronic Filing System; or (2) by hand delivery, by facsimile transmission which has been verified by the party making service, or by overnight delivery service; **PROVIDED THAT** anything served other than through automatic operation of the Court's Electronic Filing System must be received no later than the filing deadline set by this Order for the item served.

XVII. EXPIRATION

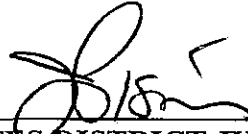
IT IS FURTHER ORDERED that this Order shall expire ten (10) days after entry unless, within such time, for good cause shown, it is extended for a like period, or unless Defendants consent that it may be extended for a longer period and the reasons therefore entered of record.

XVIII. RETENTION OF JURISDICTION

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

IT IS SO ORDERED.

DATED this 24 day of Feb, 2009.



UNITED STATES DISTRICT JUDGE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of the original on file in my office.
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
WILLIAM T. WALSH, CLERK
By: Dana Sledz
Deputy Clerk