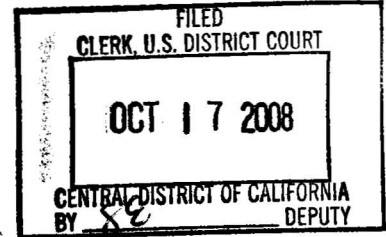


LOGGED

1
2
3
2008 OCT 16 PM 3:48

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
BY NC

ORIGINAL



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

12 FEDERAL TRADE COMMISSION,

13 Plaintiff,

14 v.

15 SUCCESSFUL CREDIT SERVICE
16 CORPORATION, a California corporation dba
17 SUCCESS CREDIT SERVICES and TRACY
18 BALLARD aka TRACY BALLARD-
19 STRAUGHN, individually and as an officer
20 and/or director of Successful Credit Service,

21 Defendants.

Civil No.

CV08-06829

ODW

~~PROPOSED~~

TEMPORARY
RESTRAINING ORDER
WITH ASSET FREEZE,
ORDER PERMITTING
EXPEDITED
DISCOVERY, AND
ORDER TO
SHOW CAUSE WHY A
PRELIMINARY
INJUNCTION SHOULD
NOT ISSUE

(SHx)

DATE: October 24, 2008

Time: 1:30pm

22 Plaintiff, the Federal Trade Commission ("FTC"), having filed its Complaint
23 for Injunctive and Other Equitable Relief pursuant to Sections 13(b) and 19 of the
24 Federal Trade Commission Act, 15 U.S.C. §§ 53(b) and 57b, and Section 410(b) of
25 the Credit Repair Organizations Act, 15 U.S.C. § 1679h(b) has filed a complaint
26 for permanent injunction and other equitable relief, including consumer redress,
27 and applied for a temporary restraining order with asset freeze and for an order to
28 show cause why a preliminary injunction should not issue pursuant to Rule 65(b)
of the Federal Rules of Civil Procedure, Fed. R. Civ. P. 65(b).

FINDINGS OF FACT

The Court, having considered the Complaint, declarations, exhibits, and memorandum of points and authorities filed in support thereof, and it appears to the satisfaction of the Court 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 and that venue in this district is proper;
2. There is good cause to believe that Defendants Successful Credit Service Corporation, dba Success Credit Services, and Tracy Ballard, aka Tracy Ballard-Straughn (collectively “Defendants”), 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,
3. There is good cause to believe that the Commission is likely to prevail on the merits of this action;
4. There is good cause to believe that immediate and irreparable damage to this Court’s ability to grant effective final relief for consumers, including monetary restitution, rescission or refunds, will occur from the sale, transfer, or other disposition 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 asset freeze and other equitable relief is in the public interest;

1 customers; or

2 d. performing marketing or billing services of any kind.

3 3. **“Credit repair organization”** means any person or entity that uses
4 any instrumentality of interstate commerce or the mails to sell, provide, or perform
5 (or represent that such person or entity can or will sell, provide, or perform) any
6 credit repair service.

7 4. **“Credit repair service”** means any service, in return for payment of
8 money or other consideration, for the express or implied purpose of:

9 a. improving any consumer’s credit record, credit history, or
10 credit rating; or

11 b. providing advice or assistance to any consumer with regard to
12 any activity or service the purpose of which is to improve a
13 consumer’s credit record, credit history, or credit rating.

14 5. **“Defendants”** means Successful Credit Service Corporation, dba
15 Success Credit Services, and Tracy Ballard, aka Tracy Ballard-Straughn.

16 6. **“Individual Defendant”** means Defendant Tracy Ballard a.k.a. Tracy
17 Ballard-Straughn.

18 7. **“Document”** is synonymous in meaning and equal in scope to the
19 usage of the term in Federal Rule of Civil Procedure 34(a), and includes writings,
20 drawings, graphs, charts, photographs, audio and video recordings, computer
21 records, and other data compilations from which the information can be obtained
22 and translated, if necessary, through detection devices into reasonably usable form.
23 A draft or non-identical copy is a separate document within the meaning of the
24 term.

25 8. **“Plaintiff”** or **“Commission”** or **“FTC”** means the Federal Trade
26 Commission.

27
28

I.

PROHIBITED BUSINESS ACTIVITIES:

Injunction Against Violations of Section 5 of the FTC 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 their successors, assigns, members, officers, agents, servants, employees, and 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 falsely representing or from knowingly assisting others who are falsely representing, either orally or in writing, expressly or by implication, any material fact, including, but not limited to:

- A.** 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; and
- B.** any other fact material to a consumer's decision to participate in any credit repair program.

II.

**Injunction Against Violations of
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 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

- 1 3. held by an agent of any Defendant as a retainer for the agent's
- 2 provision of services to Defendants; or
- 3 4. owned or controlled by, or in the actual or constructive
- 4 possession of or otherwise held for the benefit of, any
- 5 corporation, partnership, or other entity directly or indirectly
- 6 owned, managed, or controlled by any of the Defendants,
- 7 including, but not limited to, any assets held by, for, or subject
- 8 to access by, any of the Defendants at any bank or savings and
- 9 loan institution, or with any broker-dealer, escrow agent, title
- 10 company, commodity trading company, precious metal dealer,
- 11 or other financial institution or depository of any kind;
- 12 **B.** Opening or causing to be opened, unless accompanied by Counsel for
- 13 the Commission, any safe deposit boxes titled in the name of any
- 14 Defendant, or subject to access by any Defendant;
- 15 **C.** Obtaining a personal or secured loan encumbering the assets of any
- 16 Defendant, or subject to access by any Defendant;
- 17 **D.** Incurring liens or other encumbrances on real property, personal
- 18 property, or other assets in the name, singly or jointly, of any
- 19 Defendant or of any corporation, partnership, or other entity directly
- 20 or indirectly owned, managed, or controlled by any Defendant; or
- 21 **E.** Incurring charges or cash advances on any bank card, issued in the
- 22 name, singly or jointly, of any Defendant or any corporation,
- 23 partnership, or other entity directly or indirectly owned, managed, or
- 24 controlled by any Defendant.

25 **IT IS FURTHER ORDERED** that the assets affected by this Paragraph
26 shall include assets acquired by any Defendant following entry of this Order only if
27 such assets are derived from the operation of any activity prohibited by this Order
28 or derived from any other violation of Section 5(a) of the FTC or from any

1 violation of the Credit Repair Organizations Act.

2 **IV.**

3 **FINANCIAL STATEMENTS**

4 **IT IS FURTHER ORDERED** that Defendants shall each, within 48 hours
5 after service of this Order, prepare and deliver a Financial Statement to counsel for
6 the Commission as follows:

7 **A.** The Individual Defendant shall for herself,

8 **1.** Complete and deliver the “Financial Statement of Individual”
9 for herself that is attached to this Order as Attachment 1; and

10 **2.** For each business entity she owns, controls, or operates, or of
11 which she is any officer, and for each trust of which she is a
12 trustee, complete and deliver the “Financial Statement of
13 Corporate Defendant,” that is attached to this Order as
14 Attachment 2.

15 **B.** The Corporate Defendant shall complete and deliver the “Financial
16 Statement of Corporate Defendant” that is attached to this Order as
17 Attachment 2, provided that the Corporate Defendant need not
18 separately complete this form if it is provided by the Individual
19 Defendant pursuant to this Section; and

20 **C.** Each Defendant shall also file with the Court a Proof of Service
21 certifying compliance with this paragraph and that a Financial
22 Statement has been completed for each Defendant and for each
23 business entity under which they conduct business, or of which they
24 are an officer, and of each trust for which they are a trustee. The
25 Financial Statements shall be accurate as of the date of the entry of
26 this Order and shall be verified under oath.

V.

REPATRIATION OF ASSETS AND DOCUMENTS

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, 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:
 - 1. by them;
 - 2. for their benefit; or
 - 3. under their direction or indirect control, jointly or singly;
- B. Hold and retain all transferred documents and assets and prevent any transfer, disposition, or dissipation whatsoever of any such assets or funds;
- C. 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 Defendants or are under Defendants' direct or indirect control, jointly, severally, or individually and
- D. Provide Plaintiff access to 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 3.

1 VI.

2 PRODUCTION OF DOCUMENTS AND DATA

3 IT IS FURTHER ORDERED that Defendants shall, within forty-eight (48)
4 hours of service of this Order, produce to Plaintiff at its offices located at 915
5 Second Avenue, Suite 2896, Seattle, Washington 98174, or other mutually
6 agreeable location for inventory and copying, all correspondence, email, financial
7 data including tax returns, and any other documents, computer equipment, and
8 electronically stored information in Defendants' possession, custody, or control,
9 that contains information about Defendants' business and assets. Plaintiff shall
10 return the documents or computer equipment to Defendants within five (5)
11 business days of completing said inventory and copying.

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

19 VII.

20 DUTIES OF ASSET HOLDERS

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

- 26 A. Hold and retain within its control and prohibit the withdrawal,
27 removal, assignment, transfer, pledge, encumbrance, disbursement,
28 dissipation, conversion, sale, or other disposal of any such asset

- 1 except by further order of this Court;
- 2 **B.** Deny Defendants access to any safe deposit box that is:
- 3 1. titled in the name of any Defendant, either individually or
- 4 jointly; or
- 5 2. otherwise subject to access by any Defendant;
- 6 **C.** Provide the FTC’s counsel, within five (5) business days of receiving
- 7 a copy of this Order, a sworn statement setting forth:
- 8 1. the identification number of each account or asset titled in the
- 9 name, individually or jointly, of any of the Defendants, or held
- 10 on behalf of, or for the benefit of, any of the Defendants;
- 11 2. the balance of each such account, or a description of the nature
- 12 and value of each such asset as of the close of business on the
- 13 day on which this Order is served, and, if the account or other
- 14 asset has been closed or removed, the date closed or removed,
- 15 the total funds removed in order to close the account, and the
- 16 name of the person or entity to whom such account or other
- 17 asset was remitted; and
- 18 3. the identification of any safe deposit box that is either titled in
- 19 the name, individually or jointly, of any of the Defendants, or is
- 20 otherwise subject to access by any of the Defendants; and
- 21 **D.** Upon the request of the FTC, promptly provide the FTC with copies
- 22 of all records or other documentation pertaining to such account or
- 23 asset, including, but not limited to, originals or copies of account
- 24 applications, account statements, signature cards, checks, drafts,
- 25 deposit tickets, transfers to and from the accounts, all other debit and
- 26 credit instruments or slips, currency transaction reports, 1099 forms,
- 27 and safe deposit box logs.
- 28

1 **VIII.**

2 **CONSUMER CREDIT REPORTS**

3 **IT IS FURTHER ORDERED** that pursuant to Section 604(1) of the Fair
4 Credit Reporting Act, 15 U.S.C. § 1681b(1), any consumer reporting agency
5 served with this Order shall promptly furnish consumer reports as requested
6 concerning the Individual Defendant to the counsel for the Commission.

7 **IX.**

8 **BANKRUPTCY PETITIONS**

9 **IT IS FURTHER ORDERED** that the Defendants are hereby prohibited
10 from filing, or causing to be filed, a petition for relief under the United States
11 Bankruptcy Code, 11 U.S.C. § 101 et seq., without prior permission from this
12 Court.

13 **X.**

14 **PRESERVATION OF EXISTING RECORDS**

15 **IT IS FURTHER ORDERED** that Defendants Successful Credit Service
16 Corporation, dba Success Credit Services, and Tracy Ballard, aka Tracy Ballard-
17 Straughn, and each of their successors, assigns, members, officers, agents,
18 servants, employees, and those persons in active concert or participation with them
19 who receive actual notice of this Order by personal service or otherwise, whether
20 acting directly or through any entity, corporation, subsidiary, division, affiliate or
21 other device, are hereby temporarily restrained and enjoined from destroying,
22 erasing, mutilating, concealing, altering, transferring, or otherwise disposing of, in
23 any manner, directly or indirectly, any contracts, accounting data, correspondence,
24 email, advertisements, computer tapes, discs, or other computerized storage media,
25 books, written or printed records, handwritten notes, telephone logs, telephone
26 scripts, recordings, receipt books, ledgers, personal and business cancelled checks
27 and check registers, bank statements, appointment books, copies of federal, state or
28 local business or personal income or property tax returns, and other documents or

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

3 **XI.**

4 **DUTIES OF HOSTS OF DEFENDANTS' COMPUTER EQUIPMENT**

5 **IT IS FURTHER ORDERED** that pending resolution of Plaintiff's request
6 for a Preliminary Injunction, any person who owns or controls any business
7 premises, or other location, on which any computer equipment owned or leased by
8 any Defendant is located shall:

- 9 **A.** Disconnect any such computer equipment from the Internet and from
10 any other means of remote access by Defendants or any other person,
11 and take no step to reconnect the computer equipment except as
12 authorized by further order of this Court;
- 13 **B.** Deny Defendants and any other person access to the computer
14 equipment except as authorized by further order of this Court;
- 15 **C.** Prevent the removal of the computer equipment from its present
16 location except as authorized by further order of this Court; and
- 17 **D.** Provide counsel for the FTC, within three (3) business days of receipt
18 of a copy of this Order, with a sworn statement disclosing the location
19 of the computer equipment, and describing, to the extent known, the
20 make(s) and model(s) of the computer equipment, as well as the
21 operating system(s) in use, and the number, size and capacity of any
22 mass storage arrays or devices, in order that the FTC may arrange for
23 imaging of the contents of any such mass storage arrays or devices.

24 **XII.**

25 **MAINTENANCE OF BUSINESS RECORDS**

26 **IT IS FURTHER ORDERED** that Defendants Successful Credit Service
27 Corporation, dba Success Credit Services, and Tracy Ballard, aka Tracy Ballard-
28 Straughn, and each of their successors, assigns, members, officers, agents,

1 | anonymously for the purpose of monitoring compliance with Paragraphs I and II of
2 | this Order, and may tape record any oral communications that occur in the course
3 | of such contacts.

4 | **XV.**

5 | **SERVICE ON FINANCIAL INSTITUTIONS,**
6 | **ENTITIES OR PERSONS**

7 | **IT IS FURTHER ORDERED** that copies of this Order may be served by
8 | any means, including facsimile transmission, email, and overnight delivery service,
9 | upon any financial institution or other entity or person that may have possession,
10 | custody, or control of any documents or assets of any Defendant, or that may
11 | otherwise be subject to any provision of this Order. Service upon any branch or
12 | office of any financial institution shall effect service upon the entire financial
13 | institution. For purposes of service on anyone in possession of records, assets,
14 | property or property rights, actual notice of this Order shall be deemed complete
15 | upon service of pages 1 through 20 of this Order.

16 | **XVI.**

17 | **DEFENSE COUNSEL'S ATTORNEY'S FEES**

18 | **IT IS FURTHER ORDERED** that if Defendants retain counsel, the Court
19 | will consider awarding reasonable attorney's fees to Defendants' counsel only
20 | upon a showing of good cause upon written motion submitted in accordance with
21 | the Local Rules of this Court. The term "reasonable," however, shall not be solely
22 | determined in light of prevailing rates in the community for the work performed,
23 | but rather, the Court will also consider what is reasonable in light of the totality of
24 | the circumstances, including the likelihood of success, the amount of gross receipts
25 | from consumers, and the amount of frozen assets. Defendants' attorney's fees
26 | shall not be paid until after Defendants' gross receipts from consumers are
27 | ascertained.

28 |

XVII.

RELEASE OF FUNDS TO DEFENDANTS

IT IS FURTHER ORDERED that upon full compliance with Paragraph IV herein, including submission of completed sworn Financial Statements, and after a determination is made as to the total amount of funds frozen in accounts belonging to all Defendants, where ever situated:

- A.** Individual Defendant Ballard and counsel for the Commission may commence negotiations as to the release of frozen monies to be used for ordinary, reasonable and necessary living expenses for herself, *provided that*, Individual Defendant Ballard has first established that she has no other source of funds and any release of funds shall be limited to no more than six months. No funds for personal living expenses shall be released from frozen corporate assets; and
- B.** Individual Defendant Ballard and counsel for the Commission shall attempt in good faith to reach agreement on the amount of living expenses to be paid from frozen funds. Any agreement shall be presented to the Court as a stipulation and order and shall not take effect until approved by the Court. If the parties are unable to reach agreement, either party may seek the Court's intervention on an expedited basis.

XVIII.

GENERAL SERVICE OF ORDER

IT IS FURTHER ORDERED THAT 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

1 | agency, by any agent of Plaintiff or by any agent of any process service retained by
2 | Plaintiff.

3 | **XIX.**

4 | **LIMITED EXPEDITED ASSET DISCOVERY**

5 | **IT IS FURTHER ORDERED** that, the Commission is granted leave at any
6 | time after service of this Order to conduct limited discovery for the purpose of
7 | discovering the nature, location, status, and extent of assets of any of the
8 | Defendants or of their affiliates or of their subsidiaries. Counsel for the
9 | Commission may:

- 10 | **A.** Take the deposition of any person or entity, without limitation;
11 | **B.** Serve interrogatories, requests for admission or requests for
12 | production of documents on any Defendant; and
13 | **C.** Demand production of documents from any person or entity relating
14 | to the nature, status, location and extent of any of Defendants' assets.

15 | Thirty-six (36) hours notice shall be deemed sufficient for any such
16 | deposition and forty-eight (48) hours notice shall be deemed sufficient for
17 | production of any documents or responses to written requests. The limitations and
18 | conditions set forth in Fed. R. Civ. P. 30(a)(2)(B) and 31(a)(2)(B) shall not apply
19 | to depositions taken pursuant to this paragraph. Any discovery taken or
20 | propounded by the Commission pursuant to this Paragraph is in addition to, and
21 | not subject to, any limits on the quantity of permissible discovery provided for in
22 | the Federal Rules of Civil Procedure or the rules of this Court. Any limitations and
23 | conditions set forth in the Federal Rules of Civil Procedure or the rules of this
24 | Court regarding subsequent depositions of an individual shall not apply to
25 | depositions taken pursuant to this Paragraph.

26 | **XX.**

27 | **CORRESPONDENCE**

28 | **IT IS FURTHER ORDERED** that, for the purpose of this Order, all

1 | correspondence and service of pleadings on Plaintiff shall be addressed to:

2 | Jennifer Larabee and Nadine Samter
3 | Federal Trade Commission
4 | 915 Second Avenue, Suite 2896
5 | Seattle, Washington 98174
6 | FAX: 206-220-6366
7 | Email: jlarabee@ftc.gov; nsamter@ftc.gov

8 | **XXI.**

9 | **PRELIMINARY INJUNCTION HEARING**

10 | **IT IS FURTHER ORDERED** that, pursuant to Fed. R. Civ. P. 65(b),
11 | Defendants shall appear before this Court on the 24th day of October, 2008, at
12 | 1³⁰ am/pm, before the Honorable Otis D. Wright II Courtroom Spring, 11,
13 | UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF
14 | CALIFORNIA, _____, Los Angeles, California to show
15 | cause, if there is any, why this Court should not enter a preliminary injunction,
16 | pending final ruling on the Complaint against Defendants, enjoining them from
17 | further violations of Section 5(a) of the Federal Trade Commission Act, 15 U.S.C.
18 | § 45(a), and the Credit Repair Organizations Act, 15 U.S.C. §§ 1679-1679j,
19 | continuing the freeze of their assets, and imposing such additional relief as may be
20 | appropriate.

21 | **IT IS FURTHER ORDERED** that, in support of its application for a
22 | preliminary injunction, Plaintiff may submit supplemental evidence obtained
23 | subsequent to the filing of its application for a TRO, as well as a supplemental
24 | memorandum. Plaintiff shall file and serve any supplemental evidence by no later
25 | than 5:00 p.m. on the fifth court day prior to the preliminary injunction hearing as
26 | scheduled above. Such documents may be served on each Defendant by faxing or
27 | delivering the document(s) to the attorney for the Defendant, or, if the Defendant is
28 | not represented by counsel, to a facsimile number previously designated by the
29 | Defendant in writing to counsel for Plaintiff; if the Defendant has not so designated
30 | a facsimile number, service may be effected by mailing the documents to an

1 address designated in writing by the Defendant to counsel for the Plaintiff; if no
2 address has been so designated, service shall be complete upon filing of the
3 documents with this Court.

4 **IT IS FURTHER ORDERED** that named Defendants shall file and serve
5 any opposition to the issuance of a preliminary injunction, including any
6 declarations, exhibits, memoranda, or other evidence on which they intend to rely,
7 and objections to any evidence submitted by Plaintiff, no later than 5:00 p.m. of the
8 fourth court day prior to the hearing on the preliminary injunction. Such
9 documents shall be served by personal delivery, or by electronic mail and
10 confirmed facsimile transmission upon Plaintiff's counsel.

11 **IT IS FURTHER ORDERED** that Plaintiff shall file and serve any reply to
12 Defendants' opposition by no later than the second court day prior to the
13 preliminary injunction hearing.

14 **XXII.**

15 **WITNESSES**

16 **IT IS FURTHER ORDERED** that there will be no direct examination of
17 witnesses at the preliminary injunction hearing on this matter. Any party wishing
18 to conduct cross examination of any witness at the hearing on a preliminary
19 injunction in this matter shall comply fully with Local Rule 7-8 subject to the
20 following modification. Defendants shall serve any request to cross examine any
21 declarant on the Commission, and file with the Court, by 12:00 noon (PT) of the
22 third court day prior to the hearing on the issuance of the preliminary injunction.
23 Service on the Commission shall be performed by personal delivery, or by
24 electronic mail and confirmed facsimile transmission, to Jennifer Larabee Esq. and
25 Nadine Samter, Esq. at 915 Second Ave, Suite 2896, Seattle, WA 98174, 206-220-
26 6366 (facsimile) and jlarabee@ftc.gov and nsamter@ftc.gov. The Commission
27 shall serve any request on Defendants by personal delivery, or by electronic mail
28 and confirmed facsimile transmission, no later than 9:00 a.m. (PT) on the second

1 court day prior to the hearing on the issuance of the preliminary injunction. In
2 accordance with the Local Rules, the offering party will be under no obligation to
3 produce the declarant unless the Court has granted the request to cross examine by
4 written order, by 5:00 p.m. (PT) on the second court day prior to the hearing. Any
5 request by any party to cross examine any witness must be made in good faith,
6 subject to sanctions for abuse.

7 **XXIII.**

8 **DURATION OF TEMPORARY RESTRAINING ORDER**

9 **IT IS FURTHER ORDERED** that this Temporary Restraining Order shall
10 expire within ten (10) court days after entry unless within such time, the Order, for
11 good cause shown, is extended for an additional period not to exceed ten (10) days
12 or unless it is further extended pursuant to Federal Rule of Civil Procedure 65 or
13 by stipulation of counsel.

14 **XXIV.**


15 **RETENTION OF JURISDICTION**

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

18 **SO ORDERED**, this 16 day of October, 2008, at 4:15 pm (PT).

19 
20 **UNITED STATES DISTRICT JUDGE**

21 Presented by:

22 
23 **JENNIFER LARABEE**
24 **NADINE S. SAMTER**
25 Attorneys for Plaintiff Federal Trade Commission
26 915 Second Ave., Suite 2896
27 Seattle, WA 98174
28 (206) 220-4470 (206) 220-6366 (fax)
jlarabee@ftc.gov, nsamter@ftc.gov

26 **JOHN D. JACOBS (CA Bar #134154)**
27 10877 Wilshire Boulevard, Suite 700
28 Los Angeles, CA 90024
(310) 824-4360 (voice); (310) 824-4380 (fax)
jjacobs@ftc.gov