

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

THE CUBAN EXCHANGE, INC., also d/b/a
CrediSure America and also d/b/a MyiPad.us, a
corporation,

and

SUHAYLEE RIVERA, individually and as an
officer or director of The Cuban Exchange, Inc.,

Defendants.

CV 12

5890

Case No. _____

GARAUFIS, J.

LEVY, M.J.

**FEDERAL TRADE COMMISSION'S MOTION FOR A
TEMPORARY RESTRAINING ORDER, EQUITABLE
RELIEF AND AN ORDER TO SHOW CAUSE WHY A
PRELIMINARY INJUNCTION SHOULD NOT ISSUE**

FILED
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U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

Plaintiff, Federal Trade Commission ("FTC"), moves this Court for a Temporary Restraining Order, other equitable relief, and an Order to show cause why a preliminary injunction should not issue against Defendants The Cuban Exchange, Inc., also d/b/a CrediSure America and also d/b/a MyiPad.us, and Suhaylee Rivera (collectively, the "Defendants"). The FTC requests that this Motion be heard on twenty-four (24) hours notice or as soon thereafter as practicable for the Court.

As explained in further detail in the accompanying Memorandum in support of this Motion and the attached Exhibits, Defendants have engaged in, and continue to engage in, a telemarketing and internet scam in which Defendants falsely claim an affiliation with the FTC in

order to trick consumers into giving Defendants their bank account information. Specifically, Defendants' scheme uses illegal pre-recorded robocalls with fake caller ID information to make it appear as if the calls are coming from the FTC. Defendants' pre-recorded messages direct consumers to the website www.ftcrefund.com, where Defendants then solicit consumers' personal and bank account information purportedly to process refunds (i.e., consumer redress payments) Defendants claim consumers are entitled to receive from the FTC. Defendants' pre-recorded messages and statements on their websites falsely represent, explicitly and implicitly, a connection between Defendants and the FTC and make numerous false statements about Defendants' ability to obtain consumer redress from the FTC. In truth, Defendants have no connection whatsoever with the FTC, have never worked with the FTC, and have no way of knowing the identity of consumers due refunds from the FTC. Defendants' conduct violates Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the FTC's "Telemarketing Sales Rule" ("TSR"), 16 C.F.R. Part 310.

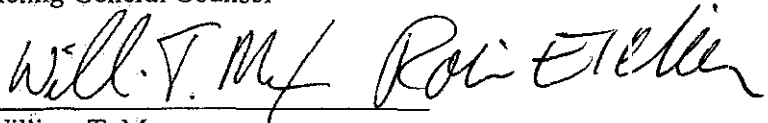
Due to the fraudulent and ongoing nature of Defendants' activities and pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), the FTC respectfully requests that this Court enter a temporary restraining order that: (A) enjoins Defendants' ongoing violations of the FTC Act and the TSR; (B) directs webhosting and website registration companies to disable Defendants' websites and urls related to the fraudulent FTC refund scheme; (C) requires Defendants to preserve documents and information relating to their business activities; and (D) authorizes expedited discovery in advance of the preliminary injunction hearing in this matter. The FTC further requests that the Court enter an order setting a hearing within twenty-four (24) hours or as soon thereafter as practicable for the Court that directs Defendants to show cause

why a temporary restraining order should not issue. A proposed temporary restraining order and a proposed order setting a hearing on this Motion are attached for the Court's convenience.

No security is required of any agency of the United States for issuance of a temporary restraining order.

Respectfully submitted,

DAVID SHONKA
Acting General Counsel



Dated: November 28, 2012

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