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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Federal Trade Commission,

Plaintiff,

v.

ERG Ventures, LLC, et. al.,

Defendants.

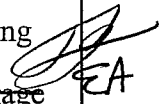
3:06-CV-00578-HDM-VPC

**STIPULATED PRELIMINARY INJUNCTION
AS TO DEFENDANT TIMOTHY P. TAYLOR**

Plaintiff, the Federal Trade Commission (“FTC” or the “Commission”), pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), filed a Complaint for Injunctive and Other Equitable Relief, and applied *ex parte* for a Temporary Restraining Order and for an Order to Show Cause why a preliminary injunction should not be granted pursuant to Rule 65(b) of the Federal Rules of Civil Procedure. On October 31, 2006, this Court granted the FTC’s application and entered a Temporary Restraining Order and Order to Show Cause against defendants ERG Ventures, LLC and d/b/a ERG Ventures, LLC2, Media

1 Motor, Joysticksavers.com, and PrivateinPublic.com; Elliott S. Cameron, individually and d/b/a
2 ERG Ventures, LLC2, Media Motor, Joysticksavers.com, and PrivateinPublic.com; Robert A.
3 Davidson, II, individually and d/b/a ERG Ventures, LLC2, Media Motor, Joysticksavers.com,
4 and PrivateinPublic.com; Garry E. Hill, individually and d/b/a ERG Ventures, LLC2, Media
5 Motor, Joysticksavers.com, and PrivateinPublic.com (the "ERG defendants"); and Timothy P.
6 Taylor, individually and d/b/a Team Taylor Made. The Court has considered the pleadings,
7 declarations, exhibits, and memoranda filed in connection with the Commission's motion for a
8 preliminary injunction and finds that:

9 **FINDINGS**

- 10 1. This Court has jurisdiction over the subject matter of this case, and there is good cause to
11 believe that it will have jurisdiction over all parties hereto;
- 12 2. There is good cause to believe that Defendant Timothy P. Taylor, individually and doing
13 business as Team Taylor Made ("Defendant Taylor"), has engaged ~~and is likely to engage~~ 
14 in acts or practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and that the
15 Commission is therefore likely to prevail on the merits of this action;
- 16 3. The evidence set forth in the Commission's Memorandum of Law in Support of *Ex Parte*
17 Motion for Temporary Restraining Order and Order to Show Cause, supplemental
18 memoranda, and the accompanying declarations and exhibits demonstrates that the
19 Commission is likely to prove that Defendant Taylor has engaged in deceptive practices in
20 violation of Section 5 of the FTC Act. Working in tandem with the ERG Defendants,
21 Defendant Taylor has deceived consumers into downloading exploitive software by hiding
22 exploitive code within the free software he offers the public. This exploitive code created
23 by the ERG Defendants and silently bundled by Defendant Taylor causes significant harm
24 to consumers by surreptitiously downloading programs that: (a) change consumer's
25 default homepage; (b) add difficult-to-remove toolbars to the consumer's Internet
26 browsers that display advertising; c) track the consumer's Internet activity; d) generate

