

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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| _____ | |) |
| FEDERAL TRADE COMMISSION, | |) |
| | |) |
| Plaintiff, | |) |
| | |) |
| v. | |) |
| | |) |
| 6554962 CANADA INC., <i>et al.</i> , | |) |
| | |) |
| Defendants. | |) |
| _____ | |) |

Civ. No. 08 C 2309
Judge Martin C. Ashman

STIPULATED PRELIMINARY INJUNCTION

The Court, having granted Plaintiff Federal Trade Commission's *Ex Parte* Motion for a Temporary Restraining Order With Asset Freeze and Other Equitable Relief; having entered an Order to Show Cause Why a Preliminary Injunction Should Not Issue; and having considered the record and being fully advised in the premises, hereby finds that:

1. This Court has jurisdiction over the subject matter of this case and over the parties;
2. Venue, process, and service of process are proper;
3. There is good cause to believe that Defendants 6554962 Canada Inc., d/b/a Union Consumer Benefits, and Naeem Alvi, have engaged in, and are likely to engage in, acts and practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the Telemarketing Sales Rule ("TSR"), 16 C.F.R. Part 310, and 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 the Court's ability to provide effective final relief for consumers in the form of monetary restitution

will occur from the sale, transfer, assignment, or other disposition or concealment by Defendants of their assets or records unless Defendants are immediately restrained and enjoined by order of this Court. Therefore, there is good cause for the entry of the ancillary relief contained in this Order, including freezing the Defendants' assets and prohibiting the Defendants from destroying records;

5. Nothing herein shall be deemed an admission of wrongdoing by the defendants or a waiver of any defense or privilege;

6. Weighing the equities and considering the Commission's likelihood of ultimate success, a preliminary injunction with asset freeze, expedited discovery, and other equitable relief is in the public interest; and

7. No security is required of any agency of the United States for issuance of a restraining order. *See* Fed. R. Civ. P. 65(c).

DEFINITIONS

1. **"Plaintiff"** means the Federal Trade Commission.

2. **"Defendant"** or **"Defendants"** means 6554962 Canada Inc., d/b/a Union Consumer Benefits, and Naeem Alvi, and each of them, by whatever names each may be known.

3. **"Asset"** or **"assets"** means any legal or equitable interest in, right to, or claim to, any real and personal property, including, but not limited to, chattels, goods, instruments, equipment, fixtures, general intangibles, effects, leaseholds, mail or other deliveries, inventory, checks, notes, accounts, credits, receivables, funds, monies, and all cash, wherever located, and shall include both existing assets and assets acquired after the date of entry of this Order.

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

5. **“Person”** or **“persons”** means a natural person, an organization, or other legal entity, including a corporation, partnership, sole proprietorship, limited liability company, association, cooperative, or any other group or combination acting as an entity.

6. **“Customer”** means any person who has paid, or may be required to pay, for goods or services offered for sale or sold by any Defendant.

7. **“Consumer”** means any individual, group, unincorporated association, limited or general partnership, corporation, or other business entity.

8. **“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 means:

A. The original or a true copy of any written, typed, printed, electronically stored, transcribed, taped, recorded, filmed, punched, or graphic matter or other data compilations of any kind, including, but not limited to, letters, e-mail or other correspondence, messages, memoranda, inter-office communications, notes, reports, summaries, manuals, magnetic tapes or discs, tabulations, books, records, checks, invoices, work papers, journals, ledgers, statements, returns, reports, schedules, or files; and

B. Any information stored on any desktop personal computer (“PC”) and workstations, laptops, notebooks, and other portable computers, whether assigned to individuals or in pools of computers available for shared use; and home computers used for work-related purposes; backup disks and tapes, archive disks and tapes, and other forms of offline storage, whether stored onsite with the computer used to generate them, stored offsite in another company facility, or stored offsite by a third-party, such as in a disaster recovery center; and computers and related offline storage used by Defendants’ participating associates, which may include persons who are not employees of the company or who do not work on company

