## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK

FEDERAL TRADE COMMISSION, and PEOPLE OF THE STATE OF NEW YORK, by ERIC T. SCHNEIDERMAN, Attorney General of the State of New York,

Plaintiffs,

v.

KELLY S. BRACE, individually and as an officer of one or more of the Corporate Defendants; BRACLAIRE MANAGEMENT, LLC, a New York limited liability company, also d/b/a CLEAR CREDIT SERVICES, also d/b/a CLEAR CREDIT SOLUTIONS, and also d/b/a DELAWARE SOLUTIONS; CREDIT CLEAR SOLUTIONS, LLC, a California limited liability company; SOLIDUS GROUP, LLC, a New York limited liability company; SOLIDUS SOLUTIONS, LLC, a New York limited liability company,

Defendants, and

JOELLE J. LECLAIRE,

Relief Defendant.

Case No. 15-CV-875-A

TEMPORARY RESTRAINING ORDER

Plaintiffs Federal Trade Commission ("FTC") and The People of the State of New York ("State of New York," and, collectively with the FTC, "Plaintiffs") have filed a complaint seeking a permanent injunction and other equitable relief, pursuant to Section 13(b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b), Section 814(a) of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692l(a), N.Y. Executive Law § 63(12), and N.Y. General Business Law Articles 22-A, § 349, and 29-H, § 602, and a motion for temporary restraining order ("TRO" or "Order") pursuant to Rule 65(b) of the Federal Rules of Civil Procedure.

#### FINDINGS OF FACT

This Court, having considered the Complaint, exhibits, suggestions, declarations, and other submissions finds that:

- A. This Court has jurisdiction over the subject matter of this case, there is good cause to believe it will have jurisdiction over all the parties hereto, and venue in this district is proper;
- B. There is good cause to believe that Defendants Braclaire Management, LLC; Clear Credit Services, LLC; Credit Clear Solutions, LLC; Delaware Solutions, LLC; Solidus Group, LLC; Solidus Solutions, LLC; and Kelly S. Brace have engaged and are likely to continue to engage in acts or practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), the FDCPA, 15 U.S.C. §§ 1692 1692p, New York Executive Law § 63(12), and New York General Business Law §§ 349 and 601, and that Plaintiffs are therefore likely to prevail on the merits of this action;
- C. There is good cause to believe that consumers will suffer immediate and continuing harm from Defendants' ongoing violations of Section 5(a) of the FTC Act, the FDCPA, New York Executive Law, and New York General Business Law, unless Defendants are restrained and enjoined by Order of this Court;
- D. There is good cause to believe that immediate and irreparable damage to the Court's ability to grant effective final relief for consumers in the form of monetary restitution and/or disgorgement of ill-gotten gains will occur from the transfer, dissipation, or concealment by Defendants of their assets or business records unless Defendants are immediately restrained and enjoined by Order of this Court;

- E. Good cause exists for permitting Plaintiffs immediate access to Defendants' business premises, and permitting Plaintiffs to take expedited discovery;
- F. Weighing the equities and considering Plaintiffs' likelihood of ultimate success, a temporary restraining order with an asset freeze, immediate access to business premises, expedited discovery as to the existence and location of assets and documents, and other equitable relief is in the public interest; and
- G. No security is required of any agency of the United States for issuance of a TRO, Fed. R.Civ. P. 65(c).

#### **DEFINITIONS**

- A. "Assets" means any legal or equitable interest in, right to, or claim to, any real or personal property, including, without limitation, chattels, goods, instruments, equipment, fixtures, general intangibles, leaseholds, mail or other deliveries, inventory, checks, notes, accounts, credits, contracts, receivables, shares of stock, and all cash, wherever located.
- B. "Corporate Defendants" means Defendants Braclaire Management, LLC; Clear Credit
  Services, LLC; Credit Clear Solutions, LLC; Delaware Solutions, LLC; Solidus Group,
  LLC; Solidus Solutions, LLC, and their successors, assigns, affiliates, or subsidiaries, and
  each of them by whatever names each might be known.
- C. "**Debt**" means any obligation or alleged obligation to pay money arising out of a transaction, whether or not such obligation has been reduced to judgment.
- D. "Defendants" means the Individual Defendants and the Corporate Defendants, individually, collectively, or in any combination, and each of them by whatever names each might be known.

- E. "Document" and "Electronically Stored Information" are synonymous in meaning and equal in scope to the usage of the terms in Rule 34(a) of the Federal Rules of Civil Procedure, and include but are not limited to:
  - i. 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, email or other correspondence, messages, memoranda, interoffice 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
  - ii. Any electronically stored information stored on any server, or any type of mobile device, flash drives, personal digital assistants, desktop personal computer and workstations, laptops, notebooks, and other portable computers, or other electronic storage media, whether assigned to individuals or in pools of computers available for shared use, or personally owned but 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, hosted, or otherwise maintained offsite by a third-party; and computers and related offline storage used by Defendants or Defendants' participating associates, which may include persons who are not employees of the company or who do not work on company premises.

- F. "Electronic Data Host" means any person or entity in the business of storing, hosting, or otherwise maintaining electronically stored information.
- G. "Financial Institution" means any bank, savings and loan institution, credit union, or any financial depository of any kind, including, but not limited to, any brokerage house, trustee, broker-dealer, escrow agent, title company, commodity trading company, or precious metal dealer.
- H. "Individual Defendant" means Kelly S. Brace.
- I. "Person" means a natural person, an organization or other legal entity, including a corporation, partnership, sole proprietorship, association, cooperative, or any other group or combination acting as an entity.
- J. The terms "and" and "or" shall be construed conjunctively or disjunctively as necessary to make the applicable phrase or sentence inclusive rather than exclusive.

#### **ORDER**

#### PROHIBITED REPRESENTATIONS AND DEBT COLLECTION ACTIVITIES

- I. IT IS THEREFORE ORDERED that in connection with the collection or the attempted collection of any debt, Defendants and their successors, assigns, members, officers, agents, employees, and attorneys, and those persons or entities in active concert or participation with any of them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any corporation, subsidiary, division, or other device, are hereby temporarily restrained and enjoined from:
  - A. Misrepresenting, or assisting others who are misrepresenting, expressly or by implication, orally or in writing, any of the following:
    - 1. that Defendants' debt collectors are process servers;

- 2. that Defendants' debt collectors are law enforcement officials;
- that Defendants' debt collectors are attorneys or representatives of an attorney, or that a communication is from an attorney;
- 4. that Defendants will serve, or arrange for a third party to serve, documents on a consumer;
- 5. that consumers have committed fraud or a criminal act;
- 6. that Defendants have filed, or intend to file, a lawsuit against the consumer for failing to pay a purported debt;
- 7. that non-payment of a purported debt will result in a consumer's arrest, criminal prosecution, or imprisonment; or
- 8. the character, amount, or legal status of a debt;
- B. Communicating with any person other than the consumer, the consumer's attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the attorney of the creditor, the attorney of the debt collector, the consumer's spouse, parent (if the consumer is a minor), guardian, executor, or administrator for purposes other than acquiring location information about a consumer, without having obtained directly the prior consent of the consumer or the express permission of a court of competent jurisdiction, and when not reasonably necessary to effectuate a post-judgment judicial remedy;
- C. Threatening to take action that Defendants do not intend to take, such as filing a lawsuit or threatening to disclose debts to third parties;
- D. Disclosing or threatening to disclose information concerning the existence of a debt known to be disputed by the debtor without disclosing that fact;

- Using any false representation or deceptive means to collect or attempt to collect
   a debt, or to obtain information concerning a consumer;
- F. Failing to disclose or disclose adequately in the initial communication with a consumer that any Defendant or any other person is a debt collector attempting to collect a debt and that any information obtained will be used for that purpose, or failing to disclose in subsequent communications that the communication is from a debt collector;
- G. Failing to provide consumers, within five days after the initial communication with a consumer, a written notice containing: (1) the amount of the debt; (2) the name of the creditor to whom the debt is owed; (3) a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by Defendants; (4) a statement that if the consumer notifies Defendants in writing within the thirty-day period that the debt, or any portion thereof, is disputed, Defendants will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by Defendants; and (5) a statement that, upon the consumer's written request within the thirty-day period, Defendants will provide the consumer with the name and address of the original creditor, if different from the current creditor;
- H. Collecting or attempting to collect a debt from a consumer without a reasonable basis for believing that the consumer owes the debt and in the amount demanded; and

I. Engaging in any other conduct that violates the FDCPA, 15 U.S.C. §§ 1692-1692p, or New York General Business Law § 601.

#### ASSET FREEZE

- II. IT IS FURTHER ORDERED that Defendants are hereby temporarily restrained and enjoined from directly or indirectly:
  - A. Transferring, liquidating, converting, encumbering, pledging, loaning, selling, concealing, dissipating, disbursing, assigning, spending, withdrawing, granting a lien or security interest or other interest in, or otherwise disposing of any assets, or any interest therein, wherever located, including outside the United States, that are:
    - owned or controlled, directly or indirectly, by any Defendants, in whole or in part, or held, in whole or in part, for the benefit of any Defendants;
    - 2. in the actual or constructive possession of any Defendants;
    - owned by, controlled by, or in the actual or constructive possession of any corporation, partnership, or other entity directly or indirectly owned, managed, or controlled by, or under common control with any Defendants; or
    - 4. held by, for, or under the name of any Defendants at any bank or savings and loan institution, or with any broker-dealer, escrow agent, title company, commodity trading company, payment processing 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 Defendants, or subject to access by any Defendants;
- C. Incurring charges or cash advances on any credit card, debit card, or checking card issued in the name, singly or jointly, of any Defendants;
- D. Obtaining a personal or secured loan; and
- E. Incurring liens or encumbrances on real property, personal property or other assets in the name, singly or jointly, of any Defendants.

Provided, however, that the Corporate Defendants may transfer assets to persons and entities that are not any of the Defendants or any business which any Defendants have a beneficial or legal interest, if those transfers are made as payment for:

- A. compensation due to current employees, other than the Individual Defendant, as provided by currently existing agreements between the Corporate Defendants and those employees;
- B. rent for currently existing business premises according to leases that are currently in effect;
- C. utilities, telecommunications service, internet service, and electronic data hosting for currently existing business premises; and
- D. taxes due to the United States, the State of New York, or any political subdivision of the State of New York.

The assets affected by this Section shall include: (1) all assets of Defendants as of the time this Order is entered; and (2) for assets obtained after the time this Order is entered, those assets that are obtained from any debt-collection activities that predate the entry of this Order. This Section

does not prohibit the repatriation of foreign Assets, as specifically required in Section VII (Repatriation of Foreign Assets) of this Order.

## RETENTION OF ASSETS AND RECORDS BY FINANCIAL INSTITUTIONS AND OTHER THIRD PARTIES

- III. IT IS FURTHER ORDERED that any financial or brokerage institution or depository, escrow agent, title company, commodity trading company, trust, entity, electronic data host, or person that holds, controls, or maintains custody of any account, document, electronically stored information, or asset owned or controlled, directly or indirectly, by any Defendants, or has held, controlled, or maintained any account, document, electronically stored information, or asset of, or on behalf of, any Defendants, upon service with a copy of this Order, shall:
  - A. Hold, preserve, and retain within its control and prohibit Individual Defendant and Defendants Solidus Solutions, LLC and Solidus Group, LLC from withdrawing, removing, assigning, transferring, pledging, encumbering, disbursing, dissipating, converting, selling, gifting, or otherwise disposing of any accounts, documents, electronically stored information, assets, funds, or other property that are owned by, held in the name of, for the benefit of, or otherwise controlled by, directly or indirectly, Individual Defendant and Defendants Solidus Solutions, LLC and Solidus Group, LLC, in whole or in part, except for accounts held in the names of Braclaire Management, LLC and Credit Clear Solutions, LLC, or as directed by further order of the Court:
  - B. Provide the Plaintiffs and Plaintiffs' agents expedited access to electronically stored information stored, hosted, or otherwise maintained on behalf of any Defendants for forensic imaging;

- C. Deny the Defendants access to any safe deposit box titled in the name of any Defendants, individually or jointly, or subject to access by any Defendants, whether directly or indirectly;
- D. Provide counsel for Plaintiffs, within one (1) business day of receipt of this Order, a certified statement setting forth:
  - the identification number of each such account or asset titled (1) in the
    name, individually or jointly, of any Defendants; (2) held on behalf of, or
    for the benefit of, any Defendants; (3) owned or controlled by any
    Defendants; or (4) otherwise subject to access or use by any Defendants,
    directly or indirectly;
  - 2. the balance of each such account, or a description of the nature and value of 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 of any Defendants, or is otherwise subject to access by any Defendants; and
  - 4. if an account, safe deposit box, or other asset has been closed or removed, the date closed or removed, the balance on such date, and the name of the person or entity to whom such account or other asset was remitted; and
- E. Provide counsel for Plaintiffs, within three (3) business days after being served with a request, copies of all documents 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; provided that such institution or custodian may charge a reasonable fee.

#### PRESERVATION OF DOCUMENTS HELD BY THIRD PARTIES

IV. IT IS FURTHER ORDERED that Defendants, their Representatives, and any other person or entity who receives actual notice of this Order, whether acting directly or indirectly, are hereby temporarily restrained and enjoined from destroying, concealing, altering, transferring, or otherwise disposing of, in any manner, documents that relate to: (1) Defendants' business practices, assets, telephone account records, and email account records; (2) any webpage or website operated, in whole or in part, on any Defendants' behalf; and (3) any electronic communications sent or received by the Defendants, including but not limited to emails, recordings of telephone conversations, and voicemail recordings.

#### FINANCIAL STATEMENTS AND ACCOUNTING

- V. IT IS FURTHER ORDERED that each Defendant, within three (3) business days of service of this Order, shall prepare and deliver to counsel for Plaintiffs:
  - A. For the Individual Defendant, a completed financial statement accurate as of the date of service of this Order upon him (unless otherwise agreed upon with Plaintiffs' counsel) on the form of **Attachment A** to this Order captioned, "Financial Statement of Individual Defendant."
  - B. For the Corporate Defendants, a completed financial statement accurate as of the date of service of this Order upon such Defendants (unless otherwise agreed upon

- with Plaintiffs' counsel) in the form of **Attachment B** to this Order captioned, "Financial Statement of Corporate Defendant."
- C. For each Defendant, within five (5) days, a completed statement, verified under oath, of all payments, transfers or assignments of funds, assets, or property worth \$2,500 or more since January 1, 2012. Such statement shall include: (a) the amount transferred or assigned; (b) the name of each transferee or assignee; (c) the date of the transfer or assignment; and (d) the type and amount of consideration paid the Defendant. Each statement shall specify the name and address of each financial institution and brokerage firm at which the Defendant has accounts or safe deposit boxes. Said statements shall include assets held in foreign as well as domestic accounts.

In addition, the Individual Defendant must report, within three (3) days, to Plaintiffs' counsel any change prior to the expiration of this Order in his title or role in any business activity, including any business for which he performs services whether as an employee or otherwise and any entity in which he Defendant has any ownership interest, and identify the name, physical address, and any Internet address of the business or entity.

#### **CONSUMER CREDIT REPORTS**

VI. IT IS FURTHER ORDERED that Plaintiffs may obtain credit reports concerning any Defendants pursuant to Section 604(a)(1) of the Fair Credit Reporting Act, 15 U.S.C. § 1681b(a)(1), and that, upon written request, any credit reporting agency from which such reports are requested shall provide them to Plaintiffs.

#### REPATRIATION OF FOREIGN ASSETS

- VII. IT IS FURTHER ORDERED that, within five (5) business days following the service of this Order, each Defendant shall:
  - A. Provide counsel for Plaintiffs with a full accounting of all assets, accounts, funds, and documents outside of the territory of the United States that are held: (1) by them; (2) for their benefit; (3) in trust by or for them, individually or jointly; or (4) under their direct or indirect control, individually or jointly;
  - B. Transfer to the territory of the United States all assets, accounts, funds, and documents in foreign countries held: (1) by them; (2) for their benefit; (3) in trust by or for them, individually or jointly; or (4) under their direct or indirect control, individually or jointly;
  - C. Hold and retain all repatriated assets, accounts, funds, and documents, and prevent any transfer, disposition, or dissipation whatsoever of any such assets, accounts, funds, or documents; and
  - D. Provide Plaintiffs access to all records of accounts or assets of the Defendants held by financial institutions located outside the territorial United States by signing the Consent to Release of Financial Records attached to this Order as **Attachment C**.

#### NON-INTERFERENCE WITH REPATRIATION

VIII. IT IS FURTHER ORDERED that Defendants, and each of their officers, agents, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of this Order, 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 Section IX of this Order, including but not limited to:

- A. Sending any statement, letter, fax, e-mail, 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 that all assets have been fully repatriated pursuant to Section IX of this Order; and
- B. Notifying any trustee, protector or other agent of any foreign trust, or other related entities of either the existence of this Order, or of the fact that repatriation is required pursuant to a Court Order, until such time that all assets have been fully repatriated pursuant to Section IX.

## PLAINTIFFS' IMMEDIATE ACCESS TO BUSINESS PREMISES AND RECORDS

#### IX. IT IS FURTHER ORDERED that:

- A. Defendants and their officers, agents, directors, employees, salespersons, independent contractors, attorneys, corporations, subsidiaries, affiliates, successors, and assigns, and all other persons or entities in active concert or participation with them, who receive actual notice of this Order, whether acting directly or through any trust, corporation, subsidiary, division, or other device, or any of them, shall, within two hours of receiving service of this Order, identify to Plaintiffs' counsel in writing:
  - 1. All of Defendants' business premises;

- 2. Any non-residence premises where any Defendants conduct business, debt-collection operations, or customer-service operations;
- 3. Any non-residence premises where documents or electronically stored information related to the business, debt-collection operations, or customer-service operations of any Defendants are hosted, stored, or otherwise maintained, including but not limited to the name and location of any electronic data hosts; and
- 4. Any non-residence premises where assets belonging to any Defendants are stored or maintained.
- B. Plaintiffs and their representatives, agents, and assistants shall have immediate access to:
  - all business premises and storage facilities owned, controlled, or used by the Corporate Defendants;
  - 2. any offsite commercial mail boxes used by the Corporate Defendants;
  - all electronic data storage devices owned, controlled, or used by the
     Corporate Defendants, including servers, computers, tablets, and mobile
     devices such as cell phones or smartphones; and
  - any non-residence premises where documents related to the Defendants'
     businesses or assets belonging to any Defendants are stored or maintained.
- C. Plaintiffs are authorized to request the assistance of law enforcement as they deem necessary to effect service and peacefully implement this Order. The FTC may exclude Corporate Defendants and their agents and employees from the business premises during the immediate access. The purpose of the immediate access shall

be to inspect and copy the business and financial records of the Corporate

Defendants, including forensic imaging of electronically stored information.

Such business records include, but are not limited to, correspondence, contracts, emails, scripts, phone recordings, training materials, employee manuals, consumer complaints, voicemails, disciplinary records, and financial data.

- Plaintiffs and their representatives, agents, and assistants shall have the right to remove materials from the above-listed premises for inspection, and copying.
   Plaintiffs and their representatives, agents, and assistants may also photograph or video the inside and outside of all premises to which they are permitted access by this Order, and all documents and other items found on such premises.
- E. Plaintiffs shall return any removed materials to the Corporate Defendants within five business days, or such time as agreed upon by the Plaintiffs and the Corporate Defendants.
- F. The Corporate Defendants shall immediately provide Plaintiffs with any necessary means of access to documents and records, including, without limitation, the locations of the Defendants' business premises, keys and combinations to locks, computer access codes, including passwords, of all computers used to conduct the Corporate Defendants' business, and storage-area access information.
- G. If any documents, computers, or electronic data storage devices, including servers, computers, tablets, and mobile devices such as cell phones or smartphones, containing information related to the business practices or finances of the Corporate Defendants are at a location other than those listed herein,

including but not limited to the personal residences of the Individual Defendant, then, immediately upon notice of this Order, Defendants shall produce to the Plaintiffs all such documents, computers, or electronic data storage devices. In order to prevent the destruction of electronic data, upon service of this Order upon the Corporate Defendants, any computers or electronic data storage devices containing such information shall be powered down (turned off) in the normal course for the operating systems used on such devices and shall not be used until produced for copying and inspection, along with any codes needed for access.

- H. If any documents or electronically stored information that relate to the Defendants' business practices or the Corporate Defendants' finances are held by third parties, including Internet service providers, Defendants shall instruct any such provider to immediately transfer those documents or the electronically stored information to Plaintiffs, and shall execute any documents and take any other steps necessary to ensure that the documents or electronically stored information is transferred.
- I. Within forty-eight (48) hours of service of this Order, the Corporate Defendants shall produce to Plaintiffs a list of all agents, employees, officers, and those persons in active concert and participation with them, who have been associated or done business with the Corporate Defendants.
- J. Plaintiffs' access to the Defendants' documents pursuant to this provision shall not provide grounds for any Defendants to object to any subsequent request for documents served by Plaintiffs.

#### STAY OF ACTIONS

#### X. IT IS FURTHER ORDERED that:

- A. Except by leave of this Court, Defendants and all other persons and entities be and hereby are stayed from taking any action to establish or enforce any claim, right, or interest for, against, on behalf of, in, or in the name of, the Corporate Defendants, any of their subsidiaries, affiliates, partnerships, assets, documents, including, but not limited to, the following actions:
  - Commencing, prosecuting, continuing, entering, or enforcing any suit or proceeding, except that such actions may be filed to toll any applicable statute of limitations;
  - 2. Accelerating the due date of any obligation or claimed obligation; filing or enforcing any lien; taking or attempting to take possession, custody, or control of any asset; attempting to foreclose, forfeit, alter, or terminate any interest in any asset, whether such acts are part of a judicial proceeding, are acts of self-help, or otherwise; or
  - 3. Executing, issuing, serving, or causing the execution, issuance, or service of, any legal process, including, but not limited to, attachments, garnishments, subpoenas, writs of replevin, writs of execution, or any other form of process whether specified in this Order or not.
- B. This Section does not stay:
  - 1. The commencement or continuation of a criminal action or proceeding;

- The commencement or continuation of an action or proceeding by a
  governmental unit to enforce such governmental unit's police or
  regulatory power;
- 3. The enforcement of a judgment, other than a money judgment, obtained in an action or proceeding by a governmental unit to enforce such governmental unit's police or regulatory power; or
- 4. The issuance to a Corporate Defendant of a notice of tax deficiency.

#### PRESERVATION OF RECORDS AND TANGIBLE THINGS

- XI. IT IS FURTHER ORDERED that Defendants and their successors, assigns, officers, agents, employees, and attorneys, and those persons or entities in active concert or participation with any of them who receive actual notice of this Order, whether acting directly or through any corporation, subsidiary, division, or other device, are hereby temporarily restrained and enjoined from destroying, secreting, erasing, mutilating, defacing, concealing, altering, transferring, or otherwise disposing of, in any manner, directly or indirectly:
  - A. any documents, electronically stored information, or equipment of the Corporate Defendants; or
  - B. any documents or electronically stored information that relate to the business practices, or business and personal finances, of Defendants or any entity directly or indirectly under the control of Defendants.

These documents include but are not limited to: contracts; agreements; consumer files; consumer lists; consumer addresses and telephone numbers; correspondence, including emails; documents evidencing or referring to Defendants' services; debt-collection training materials; debt-collection scripts; data; computer tapes, disks, or other computerized records; books;

written or printed records; handwritten notes; telephone logs; "verification" or "compliance" recordings or other audio or video recordings; receipt books; invoices; postal receipts; ledgers; personal and business canceled checks and check registers; bank statements; appointment books; copies of federal, state, or local business or personal income or property tax returns; photographs; mobile devices; electronic storage media; accessories; and any other documents, records, or equipment of any kind that relate to the business practices or business of any Defendants or any other entity directly or indirectly under the control of any Defendants.

#### LIMITED EXPEDITED DISCOVERY

- XII. IT IS FURTHER ORDERED that Plaintiffs are granted leave to conduct certain expedited discovery, and that, commencing with the time and date of this Order, in lieu of the time periods, notice provisions, and other requirements of Rules 26, 30, 34, and 45 of the Federal Rules of Civil Procedure, expedited discovery as to parties and non-parties shall proceed as follows:
  - A. Plaintiffs may, upon as few as three (3) calendar days' notice, take the deposition of any person or entity, whether or not a party, in any judicial district, for the purpose of discovering: (1) the assets of any Defendants or their affiliates or subsidiaries; (2) the location of documents and other business records; and (3) compliance with this Order. Depositions may be conducted in person, by telephone, or by other remote electronic means. Deposition transcripts that have not been signed by the witness may be used at the preliminary injunction hearing in this matter. *Provided that*, notwithstanding Federal Rule of Civil Procedure 30(a)(2), this Section shall not preclude any future depositions by Plaintiffs. *Provided further*, that any deposition taken pursuant to this Section shall be in

- addition to, and not subject to, the presumptive limits on depositions set forth in Federal Rule of Civil Procedure 30(a)(2)(A).
- B. Plaintiffs may serve interrogatories for the purpose of discovering: (1) the assets of Defendants or their affiliates or subsidiaries; (2) the location of documents; and (3) compliance with this Order. Defendants shall respond within five (5) calendar days after Plaintiffs serve such interrogatories. *Provided that*, notwithstanding Federal Rule of Civil Procedure 33(a)(1), this Subsection shall not preclude any future interrogatories by Plaintiffs.
- C. Plaintiffs may, upon three (3) calendar days' notice to any Defendants and upon five (5) calendar days' notice to non-parties, including through the use of a Rule 45 Subpoena, demand the production of documents from any person or entity, whether or not a Defendant, relating to: (1) the assets of Defendants or their affiliates or subsidiaries; (2) the location of documents; and (3) compliance with this Order. *Provided that* two (2) business days' notice shall be deemed sufficient for the production of any such documents that are maintained or stored only as electronic data.
- D. Plaintiffs are granted leave to subpoena documents immediately from any financial institution, account custodian, or other entity or person that holds, controls, or maintains custody of any account or asset of any Defendants, or has held, controlled, or maintained custody of any account or asset of any Defendants concerning the nature, location, status, and extent of Defendants' assets, and compliance with this Order, and the entity or person shall respond to such subpoena within five (5) business days after service.

- E. For purposes of discovery pursuant to this Section, service shall be sufficient if made by personal delivery or by overnight courier.
- F. Plaintiffs may seek to prohibit any Defendants who fail to appear for properly noticed depositions or fail to comply with requests for production or inspection from introducing the evidence sought by Plaintiffs at any subsequent hearing.

#### SERVICE OF THIS ORDER

XIII. IT IS FURTHER ORDERED that copies of this Order may be served by personal delivery or overnight courier, or U.S. Express Mail, by agents and employees of Plaintiffs or any state or federal law enforcement agency or by private process server, on Defendants or any other persons or entities that may be subject to any provision of this Order.

#### DISTRIBUTION OF ORDER BY DEFENDANTS

XIV. IT IS FURTHER ORDERED that within three (3) calendar days after service of this Order, Defendants shall provide a copy of this Order to each of their agents, employees, directors, officers, subsidiaries, affiliates, attorneys, independent contractors, representatives, franchisees, and all persons in active concert or participation with Defendants. Within five (5) calendar days following this Order, Defendants shall provide Plaintiffs with an affidavit identifying the names, titles, addresses, and telephone numbers of the persons that Defendants have served with a copy of this Order in compliance with this provision.

#### **CORRESPONDENCE WITH PLAINTIFFS**

**XV.** IT IS FURTHER ORDERED that, for the purposes of this Order, because mail addressed to the FTC is subject to delay due to heightened security screening, all correspondence and service of pleadings on Plaintiff Federal Trade Commission shall be sent either via electronic transmission to Matthew J. Wilshire at mwilshire@ftc.gov or via Federal Express to: Matthew J.

Wilshire, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Mail Drop CC-10232, Washington, DC 20580; and service of pleadings on Plaintiff State of New York shall be sent either via electronic transmission at james.morrissey@ny.ag.gov or via Federal Express to James M. Morrissey, Assistant Attorney General, 350 Main Street, Ste. 300A, Buffalo, NY 14202; Facsimile: (716) 853-8414.

ORDER TO SHOW CAUSE AND PRELIMINARY INJUNCTION HEARING

XVI. IT IS FURTHER ORDERED, pursuant to Federal Rule of Civil Procedure 65(b), that

Defendants shall appear on the 14<sup>th</sup> day of October, 2015, at 9:30 a.m., at the United States

Courthouse, 2 Niagara Square, Buffalo, New York, 14202, before the Honorable Richard J.

Arcara, 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 the FTC Act, the FDCPA, New York Executive Law Section 63, and New York General

Business Law Sections 349 and 601, and imposing such additional relief as may be appropriate.

# SERVICE OF PLEADINGS, EVIDENCE, WITNESS LISTS XVII. IT IS FURTHER ORDERED that:

A. Defendants shall file any answering affidavits, pleadings, or legal memoranda with the Court and serve the same on counsel for Plaintiffs no later than five (5) business days prior to the preliminary injunction hearing in this matter. Plaintiffs may file responsive or supplemental pleadings, materials, affidavits, or memoranda with the Court and serve the same on counsel for Defendants no later than one (1) business day prior to the preliminary injunction hearing in this matter, *provided that* service shall be performed by personal or overnight delivery, facsimile, or e-mail, and documents shall be delivered so that they shall

- be received by the other parties no later than 4 p.m. (EST) on the appropriate dates listed in this Subsection;
- B. The question of whether this Court should enter a preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining the Defendants during the pendency of this action shall be resolved on the pleadings, declarations, exhibits, and memoranda filed by, and, if necessary, oral argument of, the parties. Live testimony shall be heard only on further order of this Court on motion filed with the Court and served on counsel for the other parties at least five (5) business days prior to the preliminary injunction hearing in this matter. Such motion shall set forth the name, address, and telephone number of each proposed witness, a detailed summary or affidavit disclosing the substance of each proposed witness' expected testimony, and an explanation of why the taking of live testimony would be helpful to this Court. Any papers opposing a timely motion to present live testimony or to present live testimony in response to live testimony presented by another party, shall be filed with this Court and served on the other parties at least three (3) business days prior to the preliminary injunction hearing in this matter, provided that service shall be performed by personal or overnight delivery or by facsimile or e-mail, and documents shall be delivered so that they shall be received by the other parties no later than 4 p.m. (EST) on the appropriate dates listed in this Sub-section.

#### **DURATION OF ORDER**

**XVIII.IT IS FURTHER ORDERED** that the Temporary Restraining Order granted herein shall expire on the 20<sup>th</sup> day of October, 2015, at 2:00 o'clock p.m., unless within such time, the

Order, for good cause shown, is extended for an additional period not to exceed ten (14) calendar days, or unless it is further extended pursuant to Federal Rule of Civil Procedure 65.

#### **JURISDICTION**

XIX. IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for all purposes until further order of the Court.

IT IS SO ORDERED, this 6<sup>th</sup> day of October, 2015, at 200 o'clock......./p.m.

RICHARD J. AKCARÁ

UNITED STATES DISTRICT JUDGE

## Attachment A

#### FEDERAL TRADE COMMISSION

#### FINANCIAL STATEMENT OF INDIVIDUAL DEFENDANT

#### **Definitions and Instructions:**

- 1. Complete all items. Enter "None" or "N/A" ("Not Applicable") in the first field only of any item that does not apply to you. If you cannot fully answer a question, explain why.
- 2. "Dependents" include your spouse, live-in companion, dependent children, or any other person, whom you or your spouse (or your children's other parent) claimed or could have claimed as a dependent for tax purposes at any time during the past five years.
- 3. "Assets" and "Liabilities" include ALL assets and liabilities, located within the United States or any foreign country or territory, whether held individually or jointly and whether held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.
- 4. Attach continuation pages as needed. On the financial statement, state next to the Item number that the Item is being continued. On the continuation page(s), identify the Item number(s) being continued.
- 5. Type or print legibly.
- 6. Initial each page in the space provided in the lower right corner.
- 7. Sign and date the completed financial statement on the last page.

#### Penalty for False Information:

Federal law provides that any person may be imprisoned for not more than five years, fined, or both, if such person:

- (1) "in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or devise a material fact; makes any materially false, fictitious or fraudulent statement or representation; or makes or uses any false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry" (18 U.S.C. § 1001);
- (2) "in any . . . statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true" (18 U.S.C. § 1621); or
- (3) "in any ( . . . statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information . . . knowing the same to contain any false material declaration" (18 U.S.C. § 1623).

For a felony conviction under the provisions cited above, federal law provides that the fine may be not more than the greater of (i) \$250,000 for an individual or \$500,000 for a corporation, or (ii) if the felony results in pecuniary gain to any person or pecuniary loss to any person other than the defendant, the greater of twice the gross gain or twice the gross loss. 18 U.S.C. § 3571.

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BACKGROUN	ID INFORMATIO	N CONTRACTOR OF THE CONTRACTOR			
Item 1. Information About You					
Full Name	Social Security No.				
Current Address of Primary Residence	Driver's License No.	State Issued			
	Phone Numbers	Date of Birth: / /			
	Home: ( )	(mm/dd/yyyy) Place of Birth			
	Fax: ( )	Place of Biltin			
Rent Own From (Date): , / / (mm/dd/yyyy)	E-Mail Address				
Internet Home Page		·			
Previous Addresses for past five years (if required, use additional	l pages at end of form)				
Address		From: / / Until: / /			
		(mm/dd/yyyy) (mm/dd/yyyy)			
		☐Rent ☐Own			
Address		From: / / Until: / /			
	· ·	☐Rent ☐Own			
Address		From: / / Until: / /			
Identify any other name(s) and/or social security number(s) you have use	d and the time period(s)	Rent Own			
were used:	o, and the time period(s) (	duing which they			
Item 2. Information About Your Spouse or Live-In Con	<u> Anna a sana a </u>				
Spouse/Companion's Name	Social Security No.	Date of Birth / /			
Address (if different from yours)	Phone Number	(mm/dd/yyyy) Place of Birth			
i constant yours,	( )				
	Rent Own	From (Date); / /. (mm/dd/yyyy)			
Identify any other name(s) and/or social security number(s) you have use	d, and the time period(s)	during which they were used:			
Employer's Name and Address	Job Title				
Employer 3 Number and Address					
	Years in Present Job	Annual Gross Salary/Wages \$			
Item 3. Information About Your Previous Spouse					
Name and Address		Social Security No.			
		Date of Birth			
		(mm/dd/yyyy)			
Item 4. Contact Information (riame and address of closest living	relative other than your s	spouse)			
Name and Address	<u> </u>	Phone Number			
		( )			

Initials:

Item 5. Information About Dependents (whether	her ör nöt	they reside wi	th you)					
Name and Address		Social Secur	rity No.	Date of Birth				
				/ / (mm/dd/yyyy)				
		Relationship						
Name and Address		Social Secur	ity No.	Date of Birth				
				(mm/dd/yyyy)				
		Relationship						
Name and Address		Social Secur	ity No	Date of Birth				
		Opplial Decui	ity 140.	/ / (mm/dd/yyyy)				
		Relationship		7,717)				
Name and Address				Date of Birth				
Tellio dila radicas	•	Social Secur	rity No.	1 1				
	,	Relationship	-	(mm/dd/yyyy)				
		·						
Item 6. Employment Information/Employment I Provide the following information for this year-to-date and for ear officer, member, partner, employee (including self-employment) period. "Income" includes, but is not limited to, any salary, comroyalties, and benefits for which you did not pay (e.g., health inson your behalf.	ach of the ), agent, o missions,	wner, shareho distributions,	older, contractor, partici draws, consulting fees,	pant or consultant at any time during that loans, loan payments, dividends,				
Company Name and Address		Dates E	mployed	Income Received; Y-T-D & 5 Prior Yrs.				
•				Year Income				
	From (I	//Onth/Year)	To (Month/Year)	20 \$				
Ownership Interest?	]	· ·	·	\$				
Positions Held	From (i	/onth/Year)	To (Month/Year)	· \$				
		1	/	\$ -				
		/		\$				
Company Name and Address		/ Dates 5	mplayed	Income Received: Y-T-D & 5 Prior Yrs.				
	ļ	Dates E	mployed -	Income Received, 1-1-D & 5 Fhor rts.				
	From (I	//onth/Year)	To (Month/Year)	Year Income				
		/	/	20 \$				
Ownership Interest?		-		\$				
Positions Held	From (i	Month/Year)	To (Month/Year)	\$				
1		/		\$				
		1	· · · · · · · · · · · · · · · · · · ·	\$				
Company Name and Address			mployed	Income Received: Y-T-D & 5 Prior Yrs.				
	<u> </u>	Dates	inployed					
	From (f	/lonth/Year)	To (Month/Year)	Year Income				
		1	· /	20 \$				
Ownership Interest?				\$				
Positions Held	From (I	/onth/Year)	To (Month/Year)	- \$ -				
		/		\$				
		1 .		\$ \$				
	<u> </u>			*				

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Item 7. Pending Lawsuits Fi List all pending lawsuits that have bee any foreign country or territory. <i>Note</i> .	en filed by or against you or your spor	use in any court	t or before	e an adminis	trative ag	rency in the United	States or in
resulted in final judgments or settleme	ents against you.	u in mai juugine		<u> </u>	your rave	or. At Rom Zi, natio	
Caption of Proceeding	Court or Agency and Location	Case No.		ture of ceeding	Re	lief Requested	Status or Disposition
	,						
						_ ~~	
	•			•			
Item 8. Safe Deposit Boxes List all safe deposit boxes, located wit you, your spouse, or any of your depo							ther held by
Name of Owner(s)	Name & Address of Depos	sitory Institution		Box N	lo.	Conte	nts
		and a second					
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Initials:

the United States or in any for spouse, or any of your depend	isks for information regarding you reign country or territory, or institudents, or held by others for the book are 24 with your completed Finan	ution, whether held inc enefit of you, your spo	ies" include <u>ALL</u> lividually or joint	tly, and wheth	er held by you, your
		ASSETS			
List cash on hand (as opposed to accounts, including but not limited	Money Market Accounts cash in bank accounts or other finand to checking accounts, savings accouncy, uncashed checks, and money of	unts, and certificates of			
a. Amount of Cash on Hand	\$	Form of Cash on Har	nd		
b. Name on Account	Name & Address of Fina	inclal Institution	Acco	ount No.	Current Balance
					\$
					\$
		**************************************			\$
		÷			\$
					\$
item 10. Publicly Traded List all publicly traded securities, i but not limited to treasury bills and	Securities including but not limited to, stocks, st d treasury notes), and state and mun	ock options, corporate b	onds, mutual fund y U.S. savings bo	is, U.S. governi ands	nent securities (including
Owner of Security	<del>ata a a de la libration y <u>a de mentione</u> de la linguistica de la constantion</del> de la linguistica della linguistica dell	Issuer	Туре	of Security	No. of Units Owned
Broker House, Address		Broker Account	No.		
		Current Fair Mar	rket Value	Loan(s) A	gainst Security
Owner of Security		Issuer	Туре	of Security	No. of Units Owned
Broker House, Address		Broker Account	No.		
		Current Fair Mai	rket Value	Loan(s) A	gainst Security
Owner of Security		Issuer	Туре	of Security	No. of Units Owned
Broker House, Address		Broker Account	No.		· .
		Current Fair Mar \$	ket Value	Loan(s) A	gainst Security .

Initia	S.	

Item 11. Non-Public Business and Fir List all non-public business and financial interests, liability corporation ("LLC"), general or limited partr corporation, and oil or mineral lease.	including but n	ot limited to	any inter- proprietor	est in a non- ship, interna	public c itional bi	orporation, s usiness corpo	ubchaptersoration or p	S corporation, limited ersonal/investment	
Entity's Name & Address	Type of Bus Interest (e.g.			Owner (e.g., self, spouse)		Owners %		ficer, Director, Member Partner, Exact Title	
·								·	
	·			-		·			
Item 12. Amounts Owed to You, Your	Spouse, or	Your De	pender	its		27	5 F A		
Debtor's Name & Address	Date Oblic Incurred (Mo / Current Amou \$	nth/Year)	\$	Amount Ov Schedule	j	Nature of Obligation (if the result of a final court judgment or settlement, provide court name and docket number)			
Debtor's Telephone	Debtor's Rela	tionship to	You						
Debtor's Name & Address	Date Obli Incurred (Mo		Original Amount Owed \$		j	judgment or s	settlement,	ne result of a final court provide court name	
	Current Amou	int Owed	Payment Schedule \$			and docket n	utitivet)		
Debtor's Telephone	Debtor's Rela	tionship to	You	4					
Item 13. Life Insurance Policies List all life insurance policies (including endowmen	t policies) with	any cash si	urrender v	alue.	er e				
Insurance Company's Name, Address, & Telephor	ię No.	Beneficia	ry Policy No			Palicy No.	\$		
£	<u>.</u> .	Insured				Loans Against Policy		Surrender Value \$	
Insurance Company's Name, Address, & Telephor	e No.	Beneficia	Ty .			'		Face Value \$	
		Insured				Loans Aga \$	inst Policy	Surrender Value \$	
Item 14. Deferred income Arrangement List all deferred income arrangements, including but other retirement accounts, and college savings plants.	it not limited to	, deferred a	nnuities, p	ensions pla	ns, prof	it-sharing pla	ns, <b>4</b> 01(k) <sub>(</sub>	olans, IRAs, Keoghs,	
Trustee or Administrator's Name, Address & Telep		Name on Account		Account		No.			
			Date Est / / (mm/dd/	Established Type of Plandd/yyyy)		of Plan		der Value before and Penalties	
Trustee or Administrator's Name, Address & Telep	hone No.	···········	Name or	Account	,		Account N	VO.	
		•	Date Est / /	ablished	ished Type of Plan			Surrender Value before Taxes and Penalties \$	

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Item 15. Pen	ding Ins	turance Payments or Inherit	ances				
Туре	***************************************			Amount Expected	Date Expected (mm/dd/yyyy)		
The state of the s			<del>,</del>	\$ .	1 1		
_		•		S	1 /		
				\$	/ /		
Item 16. Veh List all cars, truck		cles, boats, airplanes, and other vehi	cles.	and the same of th	<u> </u>		
Vehicle Type	Year	Registered Owner's Name	Purchase Price	Original Loan Am \$	ount Current Balance \$		
Make	· <b>L</b>	Registration State & No.	Account/Loan No.	Current Value	Monthly Payment		
Model		Address of Vehicle's Location	Lender's Name and Addres				
Vehicle Type	Year	Registered Owner's Name	Purchase Price	Original Loan Am	ount Current Balance		
Make		Registration State & No.	Account/Loan No.	Current Value	Monthly Payment		
Model		Address of Vehicle's Location	Lender's Name and Addres	3			
Vehicle Type	Year	Registered Owner's Name	Purchase Price	Original Loan Amount	Current Balance .		
Make		Registration State & No.	Account/Loan No.	Current Value	Monthly Payment		
Model	•	Address of Vehicle's Location	Lender's Name and Addres	·			
Vehicle Type	Year	Registered Owner's Name	Purchase Price \$	Original Loan Amount \$	Current Balance		
Make		Registration State & No.	Account/Loan No.	Current Value	Monthly Payment		
Model	Vertical to the second	Address of Vehicle's Location					
item 17. Other List all other pers limited to coins, s	onal prope	nal Property rty not listed in Items 9-16 by categor work, gemstones, jewelry, bullion, oth	y, whether held for personal us er collectibles, copyrights, pate	e, investment or any oth ents, and other intellectua	er reason, including but not il property.		
Property Cate (e.g., artwork, je		Name of Owner	Property Location	Acquis	ition Cost Current Value		
		,		\$	\$		
				\$	\$		
				\$	\$		

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Item 18. Real Property List all real property interests (inclu	iding any fand anaton-4		And the second s				
Property's Location	Type of Property		Name(s) on Title or Contract and Ownership Percentages				
Acquisition Date (mm/dd/yyyy)	Purchase Price	C \$	urrent Value	Basis of Valua	ion		
Lender's Name and Address		Loan or Accou		Current Balanc Contract \$ Monthly Paymo	\$		
	<u> </u>			\$			
Other Mortgage Loan(s) (describe	)	· Monthly F	Payment	Rental Unit			
		Current B	alance	Monthly Rent F	Received		
Describing	Tour	\$	I Nome (a) on Title of C	\$ Contract and Ownership	Domontogo		
Property's Location	Type of Property		name(s) on fille of C	ontract and Ownership	Percentages 		
Acquisition Date (mm/dd/yyyy)	Purchase Price \$	C \$	urrent Value	Basis of Valua	ion .		
Lender's Name and Address			oan or Account No.		Current Balance On First Mortgage or Contract \$ Monthly Payment		
Other Mortgage Loan(s) (describe		Monthly F	Payment	\$ Rental Unit	Rental Unit		
	,	\$ Current B		Monthly Rent F	Monthly Rent Received		
			BILITIES				
Item 19. Credit Cards List each credit card account held whether issued by a United States Name of Credit Card (e.g., Visa,	or foreign financial instit	ution.					
MasterCard, Department Store)	Account	t No.	Name(s)	on Account	Current Balance		
				-	\$		
					\$ \$		
					\$		
					\$		
Item 20. Taxes Payable List all taxes, such as income taxe	s or real estate taxes, ov	ved by you, you	r spouse, or your depend	ients:			
Type of	Тах		Amount Owed		Year Incurred		
		\$					
	\$						
·		\$					

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Item 21. Other Amounts Ow List all other amounts, not listed elsev	red by Y	ou, Yo s financ	ur Spouse al statement,	e, or Y	our C y you,	Dependents your spouse, or	r your depend	lents:	
Lender/Creditor's Name, Address, an	Nature of Debt (if the result of a court judgment or settlement, provide court name and docket number)								
	Lender/Creditor's Relationship to You								
Date Liability Was Incurred	Original /	Amount (	Owed		Currei \$	nt Amount Owe	d	Paymen	t Schedule
(mm/dd/yyyy)       *         Lender/Creditor's Name, Address, and Telephone No.       Nature of Debt (if the result of a court judgment or settlement, provide court name and do number)         Lender/Creditor's Relationship to You									ovide court name and docket
Date Liability Was Incurred / / (mm/dd/yyyy)	Original A	Amount (	Öwed		Curre \$	nt Amount Owe	ed	Paymen	t Schedule
		OTI	HER FINA	NCIA	LIN	FORMATIC	N		
Item 22: Trusts and Escrow List all funds and other assets that are retainers being held on your behalf by dependents, for any person or entity.	e being hel legal cour	d in trusi isel. Als	or escrow b	y any pe s or othe	rson o er asse	r entity for you, its that are bein	your spouse, g held in trus	or your d	ependents, Include any legat w by you, your spouse, or your
Trustee or Escrow Agent's Name &	Address		Established n/dd/yyyy)	Gran	tor	Benefic	laries	Pre	sent Market Value of Assets*
		. /	,			·		\$	
		/					\$		
		,	1					\$	
*If the market value of any asset is un	known, de	scribe th	e asset and s	state its	cost, if	you know it.			
Item 23. Transfers of Assets List each person or entity to whom yo loan, gift, sale, or other transfer (exclu- entity, state the total amount transfer	u have trar ide ordinar	y and ne	ecessary livin						
Transferee's Name, Address, & Rela	tionship	Pro	oerty Transfe	rred	Aggi	egate Value*	Transfer (mm/dd/)		Type of Transfer (e.g., Loan, Gift)
					\$		/ /	·	
					\$		1 1		·
					\$ / /				
*If the market value of any asset is un	known, de	scribe th	e asset and	state its	cost, if	you know it.			

Initials: \_\_\_\_

,	Federal tax returns filed during th	e last thre	e years by or on behalf of you, your spouse, or your dependen	ts.			
	All applications for bank loans or	other exte	ensions of credit (other than credit cards) that you, your spouse	, or your			
	dependents have submitted within	n the last t	two years, including by obtaining copies from lenders if necess	ary.			
Item 9	For each bank account listed in It	em 9, all a	account statements for the past 3 years.	W			
Item 11	most recent balance sheet, tax re	For each business entity listed in Item 11, provide (including by causing to be generated from accounting records) the most recent balance sheet, tax return, annual income statement, the most recent year-to-date income statement, and all general ledger files from account records.					
Item 17			any property listed in Item 17, including appraisals done for ins of property where the total appraised value of all property in tha				
Item 18	All appraisals that have been prepared for real property listed in Item 18.						
Item 21	Documentation for all debts listed in Item 21.						
Item 22	All executed documents for any to	ust or èsc	crow listed in Item 22. Also provide any appraisals, including in lets held by any such trust or in any such escrow.				
<u> </u>	SUN	IMARY	FINANCIAL SCHEDULES	. :			
Item 25. C	Combined Balance Sheet for Yo	u, Your	Spouse, and Your Dependents				
Assets			Liabilities				
Cash on Har	nd (Item 9)	\$	Loans Against Publicly Traded Securities (Item 10)	\$			
<del></del>	n Financial Institutions (Item 9)	\$	Vehicles - Liens (Item 16)	\$			
J.S. Governi	ment Securities (Item 10)	\$	Real Property – Encumbrances (Item 18)	\$			
Publicly Trad	led Securities (Item 10)	\$	Credit Cards (Item 19)	\$			
Non-Public E	Business and Financial Interests (Item 11)	\$	Taxes Payable (Item 20)	\$			
Amounts Ow	red to You (Item 12)	\$	Amounts Owed by You (Item 21)	\$			
Life Insuranc	e Policies (Item 13)	\$	Other Liabilities (Itemize)				
Deferred Inco	ome Arrangements (Item 14)	\$	1.00 M v	\$			
Vehicles (Ite	m 16)	\$	100 A	\$			
Other Persor	nal Property (Item 17)	\$ .		\$			
Real Propert	y (Item 18)	\$		\$			
Other Asset	s (Itemize)			\$			
		\$		\$ .			
		\$		\$			
		\$		\$			
	Total Assets	\$	Total Liabilities	\$			
Provide the c include credi Income (Sta	current monthly income and expenses for t card expenditures in the appropriate cat te source of each item)	you, your s	Expenses for You, Your Spouse, and Your Depende pouse, and your dependents. Do not include credit card payments set Expenses	nts parately, rather			
Salary - After	r Taxes	\$	Mortgage or Rental Payments for Residence(s)	\$			
Source: Fees, Comm	issions, and Royalties	\$	Property Taxes for Residence(s)	<b> </b>			
Source:		<b>u</b>		Ψ			
Interest Source:		\$	Rental Property Expenses, Including Mortgage Payments, Taxes, and Insurance				
Dividends an Source:	nd Capital Gains	\$	Car or Other Vehicle Lease or Loan Payments	\$			
Gross Renta	Income		Food Expenses	<del> </del>			
Source:		\$		\$			
	Sole Proprietorships	\$	Clothing Expenses	\$			
	from Partnerships, S-Corporations,	\$.	Utilities	\$ .			

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Initials:	

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· · · · · · · · · · · · · · · · · · ·	Income	and Expenses for You, Your Spouse, and Your Depe	ndents (cont.)
Distributions from Trusts and Estates Source:	\$	Medical Expenses, Including Insurance	\$
Distributions from Deferred Income Arrangemen Source:	ts s	Other Insurance Premiums	\$
Social Security Payments	\$	Other Transportation Expenses	\$
Alimony/Child Support Received	\$	Other Expenses (Iternize)	<u> </u>
Gambling Income	\$		<b>S</b>
Other Income (Itemize)		*	\$
	\$		\$
	\$		\$
	\$		\$
Total Inco	me \$	Total Expenses	\$
Face 27 December 4 March 19 August 1		ATTACHMENTS	
Item 27. Documents Attached to this List all documents that are being submitted with		lar Statement al statement. For any Item 24 documents that are not attached, explain	why
Item No. Document Relates To		Description of Document	
			·
·			
	-		·
	,		
			-
Commission or a federal court. I have responses I have provided to the items notice or knowledge. I have provided a penalties for false statements under 18	used my above an all reques I U.S.C. §	with the understanding that it may affect action by the Febest efforts to obtain the information requested in this stare true and contain all the requested facts and informatiosted documents in my custody, possession, or control. His 1001, 18 U.S.C. § 1621, and 18 U.S.C. § 1623 (five yearnder the laws of the United States that the foregoing is to	atement. The n of which I have know of the ars imprisonment
(Date)		Signature	

# Attachment B

#### FEDERAL TRADE COMMISSION

#### FINANCIAL STATEMENT OF CORPORATE DEFENDANT

#### **Instructions**:

- 1. Complete all items. Enter "None" or "N/A" ("Not Applicable") where appropriate. If you cannot fully answer a question, explain why.
- 2. The font size within each field will adjust automatically as you type to accommodate longer responses.
- 3. In completing this financial statement, "the corporation" refers not only to this corporation but also to each of its predecessors that are not named defendants in this action.
- 4. When an Item asks for information about assets or liabilities "held by the corporation," include <u>ALL</u> such assets and liabilities, located within the United States or elsewhere, held by the corporation or held by others for the benefit of the corporation.
- 5. Attach continuation pages as needed. On the financial statement, state next to the Item number that the Item is being continued. On the continuation page(s), identify the Item number being continued.
- 6. Type or print legibly.
- 7. An officer of the corporation must sign and date the completed financial statement on the last page and initial each page in the space provided in the lower right corner.

#### Penalty for False Information:

Federal law provides that any person may be imprisoned for not more than five years, fined, or both, if such person:

- (1) "in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry" (18 U.S.C. § 1001);
- (2) "in any . . . statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true" (18 U.S.C. § 1621); or
- (3) "in any (... statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information ... knowing the same to contain any false material declaration." (18 U.S.C. § 1623)

For a felony conviction under the provisions cited above, federal law provides that the fine may be not more than the greater of (i) \$250,000 for an individual or \$500,000 for a corporation, or (ii) if the felony results in pecuniary gain to any person or pecuniary loss to any person other than the defendant, the greater of twice the gross gain or twice the gross loss. 18 U.S.C. § 3571.

## **BACKGROUND INFORMATION**

tem 1. General information		
Corporation's Full Name	1.000 A 100 A	
Primary Business Address		From (Date)
Telephone No.	Fax No	
E-Mail Address	Internet Home Page	· .
All other current addresses & previous addresses		
Address		From/Until
Address		From/Until
Address		From/Until
All predecessor companies for past five yea	1 JAC 14	
Name & Address	V.	From/Until
Name & Address		
Name & Address		
Item 2. Legal Information	.*	
Federal Taxpayer ID No	State & Date of In	corporation
State Tax ID No.	State Profit	or Not For Profit
Corporation's Present Status: Active	Inactive	Dissolved
If Dissolved: Date dissolved		
Reasons		
Fiscal Year-End (Mo./Day)		
	e t	
Item 3. Registered Agent	· .	
Name of Registered Agent	:	
Address		Telephone No.

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Item 4.	Principal Stockholders		
List all perso	ons and entities that own at least 5% of the corporation's stock.		
	Name & Address		% Owned
Item 5.	Board Members	·	
List all mem	bers of the corporation's Board of Directors.		
	Name & Address	% Owned	Term (From/Until)
		<u></u>	
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	j.		
Item 6.	Officers		
	e corporation's officers, including <i>de facto</i> officers (individuals wi do not reflect the nature of their positions).	th significant mana	gement responsibility
	Name & Address		% Owned
			ALAS (ALASMANDER VINITATION VINIT
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			-

Item 7.	<b>Businesses Related</b>	to the Corporation	e '	ě		
List all corpo	orations, partnerships, ar	nd other business entit	es in which this	corporation has an	ownership in	terest.
	<u>Nar</u>	me & Address		<u>Busines</u>	s Activities	% Owned
	of these businesses, if ar		business with the	ne corporation		
Item 8.	Businesses Related		, a	٠		
	orations, partnerships, ar officers (i.e., the individ					lers, board
· <u>Individual'</u>		Business Name &			ess Activities	% Owned
•						
	of these businesses, if ar		d business with			
		,				
Item 9.	Related Individuals	S			٠	
years and cur	d individuals with who rent fiscal year-to-date. board members, and of	A "related individual	" is a spouse, si	bling, parent, or ch		
	Name and	<u>Address</u>		Relationship	Business	<u>Activities</u>
					·	
				٠		
			•			

<u>Item 10.</u>	Outside Ac	countants		÷	
List all outsic	le accountants i	retained by the corporation	n during the last th	ee years.	
Nar	<u>me</u>	Firm Name		Address	CPA/PA?
			to.		
-		3			
					•
				•	
Item 11.	Corporatio	n's Recordkeeping			
List all indivi the last three		e corporation with respon	sibility for keeping	the corporation's finar	ncial books and records f
	,	Name, Address, & Teleph	hone Number	•	Position(s) Held
	<u>'</u>				
			•		
Item 12,	Attorneys	;			
List all attorn	eys retained by	the corporation during th	ne last three years.		
Nar	<u>ne</u>	Firm Name		Address	
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#### **Item 13.** Pending Lawsuits Filed by the Corporation

List all pending lawsuits that have been filed by the corporation in court or before an administrative agency. (List lawsuits that resulted in final judgments or settlements in favor of the corporation in Item 25). Opposing Party's Name & Address Court's Name & Address Docket No. Relief Requested Nature of Lawsuit Status Opposing Party's Name & Address Court's Name & Address\_\_\_ Docket No. Relief Requested Nature of Lawsuit Status Opposing Party's Name & Address Court's Name & Address Docket No. Relief Requested Nature of Lawsuit Ştatus \_\_\_\_\_ Opposing Party's Name & Address Court's Name & Address Docket No. Relief Requested Nature of Lawsuit\_\_\_\_ Status Opposing Party's Name & Address\_\_\_\_\_ Court's Name & Address Docket No. Relief Requested Nature of Lawsuit Status \_\_\_\_ Opposing Party's Name & Address Court's Name & Address Docket No. Relief Requested Nature of Lawsuit

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Status\_\_\_\_

List all pending lawsuits that have been filed against the corporation in court or before an administrative agency. (List

#### Item 14. Current Lawsuits Filed Against the Corporation

lawsuits that resulted in final judgments, settlements, or orders in Items 26 - 27). Opposing Party's Name & Address Court's Name & Address Docket No. Relief Requested\_\_\_\_ Nature of Lawsuit \_\_\_ Status Opposing Party's Name & Address Court's Name & Address Docket No. Relief Requested Nature of Lawsuit Status Opposing Party's Name & Address Court's Name & Address Docket No. Relief Requested Nature of Lawsuit \_\_\_\_\_Status\_\_\_\_ Opposing Party's Name & Address Court's Name & Address Docket No. Relief Requested Nature of Lawsuit Status Opposing Party's Name & Address Court's Name & Address\_\_\_\_\_ Docket No. Relief Requested Nature of Lawsuit Status\_\_\_\_\_ Opposing Party's Name & Address\_\_\_\_\_ Court's Name & Address \_\_\_\_ Docket No. Relief Requested Nature of Lawsuit \_\_\_\_\_Status

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Item 15.	Bankrupto	y Informatio	on				
List all state in	nsolvency and	l federal bank	cruptcy proc	eedings involv	ing the corporati	on.	
Commenceme	ent Date		Termina	tion Date		Docket No.	
If State Court: Court & County			lf Fed	leral Court: Distr	rict		
Disposition _							
<u>Item 16.</u>	Sa	fe Deposit Bo	oxes				
					where, held by th	e corporation, or h	eld by others for the
Owner's Nam	e <u>Na</u>	me & Addres	s of Deposit	ory Institution	Į.		Box No.
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			FINAN	CIAL INFOR	<u>EMATION</u>		
	sets and liabi	lities, located	l within the	United States		eld by the corpor reld by the corpor	
Item 17.	Tax Retur	ns					
List all federa	l and state cor	porate tax ret	turns filed fo	or the last three	complete fiscal	years. Attach copi	ies of all returns.
Federal/ State/Both	Tax Year	Tax Due Federal	<u>Tax Paid</u> <u>Federal</u>	Tax Due State	Tax Paid State	Preparer'	s Name
		\$	\$	\$	_ \$	·	
		\$	\$	\$	\$		
		\$	\$	\$	\$	-	

Item 18.	Financia	l Statements						
		nts that were prepared for h copies of all statements,					ars and for	the current
<u>Year</u>	Balance She	et Profit & Loss Statem	<u>nent</u>	Cash Flow Stat	ement	Changes in Own	ner's Equity	Audited?
					<u> </u>			
***************************************								
Item 19.		l Summary						
	profit and loss	complete fiscal years and statement in accordance						
		Current Year-to-Date		I Year Ago		2 Years Ago	<u>3 Ye</u>	ears Ago
Gross Rev	venue	\$	\$		\$		\$	
Expenses		\$	\$		\$		\$	
Net Profit	After Taxes	\$	\$	3.1	\$		\$	The second secon
Payables		\$						
Receivabl	<u>les</u>	\$						
<u>Item 20.</u>	Cash, Ba	nk, and Money Market	Acc	ounts				
		I money market accounts, ld by the corporation. The						accounts, ar
Cash on Ha	and \$	Ca	sh H	eld for the Corpo	ration'	s Benefit \$		
Name &	Address of F	inancial Institution	<u>S</u>	Signator(s) on Ac	<u>count</u>	Accoun		Current Balance
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	····						\$	
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List all U.S. Government obligations, including but not limited to, savings bonds, treasury bills, or treasury notes, held by

#### **Item 21.** Government Obligations and Publicly Traded Securities

the corporation. Also list all publicly traded securities, including but not limited to, stocks, stock options, registered and bearer bonds, state and municipal bonds, and mutual funds, held by the corporation. Issuer \_\_\_\_\_ Type of Security/Obligation \_\_\_\_ No. of Units Owned Current Fair Market Value \$ Maturity Date Issuer \_\_\_\_\_ Type of Security/Obligation No. of Units Owned \_\_\_\_\_ Current Fair Market Value \$\_\_\_\_\_ Maturity Date \_\_\_\_\_ Item 22. Real Estate List all real estate, including leaseholds in excess of five years, held by the corporation. Type of Property Property's Location Name(s) on Title and Ownership Percentages Current Value \$ Loan or Account No. Lender's Name and Address\_\_\_\_\_ Current Balance On First Mortgage \$\_\_\_\_\_ Monthly Payment \$\_\_\_\_ Current Balance \$ Other Loan(s) (describe)\_\_\_\_\_ Monthly Payment \$\_\_\_\_\_ Rental Unit?\_\_\_\_\_ Monthly Rent Received \$\_\_\_\_\_ Type of Property Property's Location Name(s) on Title and Ownership Percentages Current Value \$\_\_\_\_\_ Loan or Account No.\_\_\_\_ Lender's Name and Address Current Balance On First Mortgage \$ \_\_\_\_Monthly Payment \$ Other Loan(s) (describe) Current Balance \$ Monthly Payment \$\_\_\_\_\_ Rental Unit?\_\_\_\_\_ Monthly Rent Received \$\_\_\_\_\_

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#### Item 23. Other Assets

List all other property, by category, with an estimated value of \$2,500 or more, held by the corporation, including but not limited to, inventory, machinery, equipment, furniture, vehicles, customer lists, computer software, patents, and other intellectual property.

Property Category	Property Location	Acquis Cos	
		\$	\$
,		\$	\$
		\$	\$
	· · · · · · · · · · · · · · · · · · ·	\$	\$
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		\$\$	\$
		\$	\$
·	:	\$	\$\$
		\$\$	\$
Item 24. Trusts and Escrows	•		,
List all persons and other entities holding f	unds or other assets that are in escrow or in tru	ast for the co	rporation.
Trustee or Escrow Agent's  Name & Address	Description and Location of Asse	ts_	Present Market Value of Assets
		\$	
		\$_	
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		\$	And the state of t
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		\$	<del> </del>

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# **Item 25.** Monetary Judgments and Settlements Owed To the Corporation

List all monetary judgments and settlements,	recorded and unrecorded, owed to the	corporation.
Opposing Party's Name & Address		
Court's Name & Address		Docket No
Nature of Lawsuit	Date of Judgment	Amount \$
Opposing Party's Name & Address	· :	
Court's Name & Address		Docket No.
Nature of Lawsuit	Date of Judgment	Amount \$
Item 26. Monetary Judgments and S	Settlements Owed By the Corporation	on ·
List all monetary judgments and settlements,	recorded and unrecorded, owed by the	e corporation.
Opposing Party's Name & Address	,	
Court's Name & Address		Docket No
Nature of Lawsuit	Date	Amount \$
Opposing Party's Name & Address		
Court's Name & Address		Docket No
Nature of Lawsuit	Date of Judgment	Amount \$
Opposing Party's Name & Address		
Court's Name & Address		Docket No
Nature of Lawsuit	Date of Judgment	Amount \$
Opposing Party's Name & Address		
Court's Name & Address		Docket No
Nature of Lawsuit	Date of Judgment	Amount \$
Opposing Party's Name & Address		
Court's Name & Address		
Nature of Lawsuit	Date of Judgment	Amount \$

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<u>Item 27.</u>	Government Ord	ers and Settlemer	nts		
List all existi	ng orders and settlem	ents between the c	orporation and	any federal or state g	overnment entities.
Name of Age	ency			Contact Person _	
Address				Tel	ephone No.
Agreement D	pate	Nature of Agreem	ent		
Item 28.	Credit Cards				
List all of the	corporation's credit of	cards and store cha	rge accounts ar	d the individuals aut	horized to use them.
<u>N</u>	ame of Credit Card o	: Store	Name	s of Authorized User	s and Positions Held
			••	•	
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Item 29.	Compensation of				
independent of fiscal years as consulting fee but are not lir	contractors, and consund current fiscal yeares, bonuses, dividends	Iltants (other than to-date. "Compens, distributions, roy ayments, rent, car	those individual sation" include alties, pensions	Is listed in Items 5 and ses, but is not limited to and profit sharing p	ighly compensated employees, d 6 above), for the two previous to, salaries, commissions, blans. "Other benefits" include, whether paid directly to the
Na	ame/Position	Current Fiscal Year-to-Date	1 Year Ago	2 Years Ago	Compensation or Type of Benefits
		_\$	\$	\$	
		_\$	\$	\$	
		\$\$	\$	\$	
		\$	\$	\$	
		\$	\$	\$	

### <u>Item 30.</u> Compensation of Board Members and Officers

List all compensation and other benefits received from the corporation by each person listed in Items 5 and 6, for the current fiscal year-to-date and the two previous fiscal years. "Compensation" includes, but is not limited to, salaries, commissions, consulting fees, dividends, distributions, royalties, pensions, and profit sharing plans. "Other benefits" include, but are not limited to, loans, loan payments, rent, car payments, and insurance premiums, whether paid directly to the individuals, or paid to others on their behalf.

Name/Position	Current Fi: Year-to-D		2 Years Ago		npensation or pe of Benefits
	\$\$	\$	\$		
	\$	\$\$			
	\$	\$	\$		
	\$	\$	\$		
	\$	\$	\$		
	\$	\$	\$	-	
	\$	\$	\$		
	\$	\$ <u>·</u>	\$		
Item 31. Transfers of A	Assets Including (	Cash and Property			
List all transfers of assets over previous three years, by loan, g	\$2,500 made by the	ne corporation, other	r than in the ordi	nary course o	of business, during the
Transferee's Name, Address,	& Relationship	Property Transferred	Aggregate <u>Value</u>	Transfer Date	Type of Transfer (e.g., Loan, Gift)
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			\$	· <del></del>	

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Item No. Document Relates To	Description of Docur	nent	,				
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Commission or a fede responses I have provinctice or knowledge. penalties for false state	ng this financial statemeral court. I have used maded to the items above at have provided all requestions under 18 U.S.C. ander penalty of perjur	y best efforts are true and co ested docume § 1001, 18 U	to obtain the contain all the ents in my cus .S.C. § 1621,	information requested facts tody, possessionand 18 U.S.C.	quested in the and information, or control § 1623 (five	is statement. 'tion of which I. I know of the years impriso	The I hav ne nmer
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Commission or a fede responses I have provinctice or knowledge penalties for false state and/or fines). I certify Executed on:	ral court. I have used m ded to the items above a I have provided all requ ements under 18 U.S.C.	y best efforts are true and co- ested docume § 1001, 18 U y under the la	to obtain the contain all the ents in my cus. S.C. § 1621, aws of the Uni	information requested facts tody, possessionand 18 U.S.C.	quested in the and information, or control § 1623 (five	is statement. 'tion of which I. I know of the years impriso	The I hav ne nmer
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