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JUN 19 2002  
CLARENCE MADDOX  
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S.D. OF FLA. - MIAMI

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

Case No. \_\_\_\_\_

**02-21753**

*Sealed*

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

UNIVERSAL GREETING CARD CORP.,  
a Florida corporation;

ROBERT RUFFEINO, individually and as  
an officer of the above Corporation;

EDWARD JACOBS; and

WAYNE HAMMOND,

Defendants.

**CIV - JORDAN**

**MAGISTRATE JUDGE**  
*[Signature]*

**TEMPORARY RESTRAINING  
ORDER AND ORDER TO SHOW  
CAUSE WHY A PRELIMINARY  
INJUNCTION SHOULD NOT ISSUE**

The Plaintiff, the Federal Trade Commission ("FTC" or "Commission"), having filed a Complaint for Injunctive and Other Equitable Relief, including redress to consumers, pursuant to Sections 5(a), 13(b), and 19 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 45(a), 53(b) and 57b, and the FTC's Trade Regulation Rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" (the "Franchise Rule" or the "Rule"), 16 C.F.R. Part 436, and having moved for a temporary restraining order pursuant to Rule 65 of the Federal Rules of Civil Procedure and S.D. Fla. L.R. 7.1.E, and the Court having considered the Complaint, declarations, exhibits, and memorandum of law filed in support of the plaintiff's motion, finds that:

1. This Court has jurisdiction of the subject matter of this case and there is good cause to believe it will have jurisdiction of all parties hereto.
2. There is good cause to believe that the Defendants Universal Greeting Card Corporation, Robert Ruffeino, Edward Jacobs and Wayne Hammond have engaged 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 Franchise Rule, 16 C.F.R. Part 436, and that the Commission is therefore likely to prevail on the merits of this action.

3. There is good cause to believe that immediate and irreparable damage to the Court's ability to grant effective final relief in the form of monetary restitution or disgorgement will occur from the sale, transfer, or other disposition or concealment by Defendants of their assets or corporate records unless Defendants are immediately restrained and enjoined by Order of this Court. The evidence set forth in the Plaintiff's Motion for Temporary Restraining Order, Preliminary Injunction, and Other Equitable Relief, and in the accompanying declarations and exhibits, shows that Defendants have engaged in a concerted course of illegal activity in their dealings with consumers nationwide in connection with the advertising, promotion, offering, sale or servicing of greeting card business ventures to consumers nationwide, in violation of Section 5 of the FTC Act, 15 U.S.C. § 45 and/or the Franchise Rule, 16 C.F.R. Part 436. Thus, there is good cause to believe that Defendants will attempt to conceal the scope of their illegal actions to avoid returning their ill-gotten gains to consumers injured by their unlawful practices if not restrained from doing so by Order of this Court.

4. There is good cause for the Court to order an asset freeze and appoint a temporary receiver for the Corporate Defendant. The Corporate Defendant, while under the control of Defendant Robert Ruffeino, has made misrepresentations, directly or indirectly, to induce consumers to purchase greeting card business ventures. While marketing these business ventures, these Defendants have failed to provide the disclosures prescribed by the Franchise Rule. The Defendants have retained ill-gotten gains from these and other practices, and a receiver and asset freeze are necessary in order to preserve the possibility of complete and meaningful relief at the conclusion of this litigation.

6. Weighing the equities and considering the Commission's likelihood of ultimate success, a temporary restraining order with asset freeze, appointment of a receiver, and other equitable relief is in the public interest.

7. As an agency of the United States, no security is required of the Commission for the issuance of a restraining order. *See Fed. R. Civ. P. 65(c).*

## **DEFINITIONS**

For the purpose of this Temporary Restraining Order ("TRO"), the following definitions shall apply:

1. "Assets" means any legal or equitable interest in, right to, or claim to, any real and personal property, including, but not limited to chattel, goods, instruments, equipment, fixtures, general intangibles, inventory, checks, notes, leaseholds, effects, contracts, mail or other deliveries, shares of stock, lists of consumer names, accounts, credits, premises, receivables, funds, and cash, wherever located, whether in the United States or abroad.

2. "Business venture" means any written or oral business arrangement, however denominated, whether or not covered by the Franchise Rule, which consists of the payment of any consideration for:

a. the right or means to offer, sell, or distribute goods or services (whether or not identified by a trademark, service mark, trade name, advertising, or other commercial symbol); and

b. more than nominal assistance to any person or entity in connection with or incident to the establishment, maintenance, or operation of a new business or the entry by an existing business into a new line or type of business.

3. "Corporate Defendant" means Universal Greeting Card Corporation, and their successors, assigns, affiliates or subsidiaries;

4. "Defendants" means (a) the Corporate Defendant; (b) each Individual Defendant; (c) any person insofar as he or she is acting in the capacity of an officer, agent, servant, employee or attorney of the Corporate Defendant or any Individual Defendant; and (d) any person acting in active concert or participation with any of the foregoing who receives actual notice of this Order by personal service or otherwise. *See Fed. R. Civ. P. 65(d).*

5. "Individual Defendants" means Robert Ruffeino, Edward Jacobs, and Wayne Hammond;

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

## **ORDER**

### **I. PROHIBITION AGAINST VIOLATION OF SECTION 5**

**IT IS THEREFORE ORDERED** that, in connection with the offering for sale or selling of any franchise or business venture, defendants are hereby temporarily restrained and enjoined from making any material misrepresentation or assisting others in making any material misrepresentation, either expressly or by implication, including but not limited to, the following:

- A.** that consumers who purchase Universal's business ventures are likely to earn substantial income;
- B.** that references have purchased Universal's business ventures or will provide reliable descriptions of experiences with the franchise or business venture;
- C.** that defendants will provide consumers significant assistance in the operation of their businesses, including but not limited to providing profitable locations for card racks; or
- D.** that the consent of store owners in the prospective purchaser's geographic area for the placement of display racks has been obtained.

### **II. PROHIBITION AGAINST VIOLATION OF THE FRANCHISE RULE**

**IT IS FURTHER ORDERED** that Defendants Universal and Robert Ruffeino are hereby temporarily restrained and enjoined from violating or assisting others to violate any provisions of the Franchise Rule, 16 C.F.R. Part 436, including but not limited to:

- A.** failing to provide a prospective purchaser with a complete and accurate disclosure document as prescribed by the Franchise Rule, 16 C.F.R. § 436.1(a);
- B.** failing to provide a prospective purchaser with an earnings claim document as prescribed by the Franchise Rule, 16 C.F.R. § 436.1(b)-(e);
- C.** failing to disclose, in immediate conjunction with any generally disseminated ("advertised") earnings claim, information required by the Franchise Rule including the number and percentage of prior purchasers known by the defendants to have achieved the same or better results, as required by the Franchise Rule, 16 C.F.R. § 436.1(e)(3)-(4);
- D.** failing to have a reasonable basis for any earnings claim at the time such claim is made, as required by the Franchise Rule, 16 C.F.R. § 436.1(b)-(e);

E. failing to disclose, in immediate conjunction with any earnings claim, and in a clear and conspicuous manner, that material which constitutes a reasonable basis for the earnings claim is available to the prospective purchasers;

F. failing to provide material which constitutes a reasonable basis for any earnings claim to prospective purchasers, the Commission, or its staff upon reasonable demand; and

G. making claims or representations to prospective purchasers that are contradictory to the information required to be disclosed by Section 436.1 of the Rule.

### **III. ASSET FREEZE**

IT IS FURTHER ORDERED that Defendants Universal, Robert Ruffeino, and Edward Jacobs are hereby temporarily restrained and enjoined from:

A. transferring, converting, encumbering, selling, concealing, dissipating, disbursing, assigning, spending, withdrawing, or otherwise disposing of any assets, wherever located, that are (a) owned or controlled, in whole or in part, by the Corporate Defendant, Robert Ruffeino, or Edward Jacobs; (b) titled or held in the name, singly or jointly, of the Corporate Defendant, Robert Ruffeino, or Edward Jacobs; (c) in the actual or constructive possession of the Corporate Defendant, Robert Ruffeino, or Edward Jacobs; or (d) owned, 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, the Corporate Defendant, Robert Ruffeino, or Edward Jacobs, including, but not limited to, any assets held by or for the Corporate Defendant, Robert Ruffeino, or Edward Jacobs at any bank or savings and loan institution, or with any broker-dealer, escrow agent, title company, commodity trading 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 or subject to access by the Corporate Defendant, Robert Ruffeino, or Edward Jacobs;

C. incurring charges or cash advances on any credit card, debit card, or checking card issued in the name, singly or jointly, of the Corporate Defendant, Robert Ruffeino, or Edward Jacobs;

D. securing a loan with or incurring a lien on the real property, the personal property, or other asset in the name, singly or jointly, of the Corporate Defendant, Robert

Ruffeino, or Edward Jacobs.

Notwithstanding provisions of this Paragraph, the Corporate Defendant, Robert Ruffeino, and Edward Jacobs shall transfer all assets of the Corporate Defendant pursuant to Paragraph IX of this Order.

Provided, however, that the assets affected by this Paragraph shall include: (1) all of the assets of the Corporate Defendant, Robert Ruffeino, or Edward Jacobs existing as of the date this Order was entered; and (2) for assets obtained after the date this Order was entered, only those assets of the Corporate Defendant, Robert Ruffeino, and Edward Jacobs that are derived from or otherwise related to the activities alleged in the Commission's complaint.

#### IV. DUTIES OF ASSET HOLDERS

IT IS FURTHER ORDERED that, pending determination of the Plaintiff's request for a preliminary injunction, any financial or brokerage institution, business entity, or person that holds, controls or maintains custody of any account or asset titled in the name of, held for the benefit of, or otherwise under the control of the Corporate Defendant, Robert Ruffeino, or Edward Jacobs, or has held, controlled or maintained custody of any such account or asset at any time since January 1, 1996, shall:

A. prohibit any person or entity from withdrawing, removing, assigning, transferring, pledging, encumbering, disbursing, dissipating, converting, selling, or otherwise disposing of any such asset except:

1. as directed by further order of the Court; or
2. for assets held in the name or for the benefit of any receiver defendant, as directed by the temporary receiver appointed herein;

B. deny any person or entity access to any safe deposit box that is:

1. titled in the name of the Corporate Defendant, Robert Ruffeino, or Edward Jacobs, either individually or jointly; or
2. otherwise held for the benefit of or subject to access by the Corporate Defendant, Robert Ruffeino, or Edward Jacobs;

notwithstanding these subparagraphs, the temporary receiver appointed herein shall be provided with access to any safe deposit box individually or jointly titled in the name of, subject to access by, or held for the benefit of any receiver defendant;

C. provide counsel for the Commission and the temporary receiver appointed herein, within five (5) business days of receiving a copy of this Order, a sworn statement setting forth:

1. the identification number of each such account or asset titled in the name, individually or jointly, or held on behalf of, or for the benefit of, the Corporate Defendant, Robert Ruffeino, or Edward Jacobs;
2. the balance of each such account, or a description of the nature and value of such asset as of the time 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; and
3. the identification of any safe deposit box that is either titled in the name, individually or jointly, or is otherwise subject to access by the Corporate Defendant, Robert Ruffeino, or Edward Jacobs;

D. upon the request by the temporary receiver or the Commission, promptly provide the temporary receiver and the Commission with copies of all records or other documentation 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; and

E. cooperate with all reasonable requests of the temporary receiver relating to implementation of this Order, including transferring funds at the receiver's direction and producing records related to accounts of the Corporate Defendant, Robert Ruffeino, or Edward Jacobs.

#### V. FOREIGN ASSET REPATRIATION *ful*

IT IS FURTHER ORDERED that within <sup>Seven (7)</sup>~~five (5)~~ business days following the service of this Order, the Corporate Defendant, Robert Ruffeino, and Edward Jacobs shall:

A. Provide the Commission and the Receiver with a full accounting of all funds, documents, and assets outside of the United States which are (1) titled in the

name, individually or jointly, of the Corporate Defendant, Robert Ruffeino, or Edward Jacobs; or (2) held by any person or entity for the benefit of the Corporate Defendant, Robert Ruffeino, or Edward Jacobs; or (3) under the direct or indirect control, whether jointly or singly, of the Corporate Defendant, Robert Ruffeino, or Edward Jacobs; \*

B. Transfer to the territory of the United States and deliver to the Receiver all funds, documents, and assets located in foreign countries which are (1) titled in the name individually or jointly of any defendant; or (2) held by any person or entity, for the benefit of any defendant; or (3) under any defendant's direct or indirect control, whether jointly or singly;

C. Provide the Commission access to all records of accounts or assets of the Corporate Defendant, Robert Ruffeino, and Edward Jacobs held by financial institutions located outside the territorial United States by signing the Consent to Release of Financial Records attached to this Order.

## VI. INTERFERENCE WITH REPATRIATION

IT IS FURTHER ORDERED that Defendants 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 the preceding Paragraph 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 the preceding Paragraph of this Order;

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 the preceding Paragraph of this Order.

*gja*  
\* The accounting required by Section V.A. shall be provided within five (5) business days of the service of this order.

## VII. APPOINTMENT OF A TEMPORARY RECEIVER

IT IS FURTHER ORDERED that Henneth Robinson, Esq. *Jed*

is appointed as temporary Receiver for the Corporate Defendant (also referred to as "the receivership defendant"), with the full powers of an equity receiver. The Receiver shall be the agent of this Court in acting as Receiver under this Order.

## VIII. DUTIES AND AUTHORITY OF A RECEIVER

IT IS FURTHER ORDERED that the Receiver is directed and authorized to accomplish the following consistent with this order, the FTC Act and the Franchise Rule:

A. Assume full control of the receivership defendant by removing all Individual Defendants, and any officer, independent contractor, employee, or agent of the receivership defendant, from control and management of the affairs of the receivership defendant;

B. Take exclusive custody, control, and possession of all the funds, property, mail and other assets of, in the possession of, or under the control of the receivership defendant, wherever situated. The Receiver shall have full power to sue for, collect, receive and take possession of all goods, chattels, rights, credits, moneys, effects, land, leases, books, records, work papers, and records of accounts, including computer-maintained information, and other papers and documents of the receivership defendant, including documents related to customers or clients whose interest are now held by or under the direction, possession, custody or control of the receivership defendant;

C. Take all steps necessary to secure the business premises and any storage or other facilities of the receivership defendant, including but not limited to premises located at 10800 Biscayne Blvd, Miami, Florida; any storage box, crate, facility or other space under the control of the receivership defendant; and any and all other premises under the control of the receivership defendant;

D. Preserve, hold and manage all receivership assets, and perform all acts necessary to preserve the value of those assets, in order to prevent any loss, damage or injury to customers or clients;

E. Prevent the withdrawal or misapplication of funds entrusted to the receivership defendant, and otherwise protect the interests of customers or clients;

F. Manage and administer the receivership defendant by performing all acts

incidental thereto that the receiver deems appropriate, including hiring or dismissing any and all personnel or suspending operations;

G. Collect all money owed to the receivership defendant;

H. Initiate, defend, compromise, adjust, intervene in, dispose of, or become a party to any actions or proceedings in state, federal or foreign court necessary to preserve or increase the assets of the receivership defendant or to carry out his or her duties pursuant to this Order;

I. Choose, engage and employ attorneys, accountants, appraisers, and other independent contractors and technical specialists, as the Receiver deems advisable or necessary in the performance of duties and responsibilities under the authority granted by this Order;

J. Issue subpoenas to obtain documents and records pertaining to the receivership, and conduct discovery in this action on behalf of the receivership estate at any time, including before the discovery conference. *See* Fed. R. Civ. P. 26(f);

K. Open one or more bank accounts as designated depositories for funds of the receivership defendant. The Receiver shall deposit all funds of the receivership defendant in such designated accounts and shall make all payments and disbursements from the receivership estate from such accounts; and

L. Make payments and disbursements from the receivership estate that are necessary or advisable for carrying out the directions of, or exercising the authority granted by, this Order. The Receiver shall apply to the Court for prior approval of any payment of any debt or obligation incurred by the receivership defendant prior to the date of entry of this Order, except for payments that the Receiver deems necessary or advisable to secure assets of the receivership defendant.

M. Prepare and submit a Report to this Court and to the parties, not less than three (3) days prior to the scheduled Preliminary Injunction Hearing. Such report may include all information the Receiver determines is material to the Preliminary Injunction Hearing.

## **IX. TURNOVER OF PROPERTY TO THE RECEIVER**

**IT IS FURTHER ORDERED** that, immediately upon service of this Order upon them, defendants and any other person or entity served with a copy of this Order, shall immediately or within such time as permitted by the Receiver in writing, deliver over to the Receiver:

- A. Possession and custody of all funds, assets, property, and all other assets, owned beneficially or otherwise, wherever situated, of the receivership defendant;**
- B. Possession and custody of documents of the receivership defendant, including but not limited to, all books and records of accounts, all financial and accounting records, balance sheets, income statements, bank records (including monthly statements, canceled checks, records of wire transfers, and check registers), client lists, title documents and other papers;**
- C. Possession and custody of all assets being held by or on behalf of the receivership defendant or on behalf of the receivership defendant's customers;**
- D. All keys, computer passwords, entry codes, and combinations to locks necessary to gain or to secure access to any of the assets or documents of the receivership defendant, including but not limited to, access to the receivership defendant's business premises, means of communication, accounts, computer systems, or other property; and**
- E. Information identifying the accounts, employees, properties or other assets or obligations of the receivership defendant.**

## **X. DUTY TO COOPERATE WITH THE RECEIVER**

**IT IS FURTHER ORDERED** that Defendants and all other persons or entities served with a copy of this Order shall cooperate fully with and assist the Receiver. This cooperation and assistance shall include, but not be limited to, providing any information to the Receiver that the Receiver deems necessary to exercising the authority; providing any password required to access any computer or electronic files in any medium; and discharging the responsibilities of the Receiver under this Order, and advising all persons who owe money to the receivership defendant that all debts should be paid directly to the Receiver.

## **XI. STAY OF ACTIONS**

**IT IS FURTHER ORDERED** that except by leave of the Court, during the pendency of the receivership ordered herein, the 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 receivership defendant, the Receiver, receivership assets, or the Receiver's duly authorized agents acting in their capacities as such, including but not limited to, the following actions:

**A.** Commencing, prosecuting, litigating or enforcing any suit, except that actions may be filed to toll any applicable statute of limitations;

**B.** Accelerating the due date of any obligation or claimed obligation, enforcing any lien upon, or taking or attempting to take possession of, or retaining possession of, property of the receivership defendant or any property claimed by the receivership defendant, or attempting to foreclose, forfeit, alter or terminate any of the receivership defendant's interests in property, whether such acts are part of a judicial proceeding or otherwise;

**C.** Using self-help or executing or issuing, or causing the execution or issuance of any court attachment, subpoena, replevin, execution or other process for the purpose of impounding or taking possession of or interfering with, or creating or enforcing a lien upon any property, wherever located, owned by or in the possession of the receivership defendant, or the Receiver, or any agent of the Receiver; and

**D.** Doing any act or thing to interfere with the Receiver taking control, possession or management of the property subject to the receivership, or to in any way interfere with the Receiver or the duties of the Receiver; or to interfere with the exclusive jurisdiction of this Court over the property and assets of the receivership defendant.

This Paragraph does not stay the commencement or continuation of an action or proceeding by a governmental unit to enforce such governmental unit's police or regulatory power.

## **XII. COMPENSATION OF RECEIVER**

**IT IS FURTHER ORDERED** that the Receiver and all personnel hired by the Receiver as herein authorized, including counsel to the Receiver, are entitled to reasonable compensation for the performance of duties pursuant to this Order and for the cost of actual out-of-pocket

expenses incurred by them, from the assets now held by, or in the possession or control of, or which may be received by the receivership defendant. The Receiver shall file with the Court and serve on the parties periodic requests for the payment of such reasonable compensation, with the first such request filed no more than sixty (60) days after the date of this Order. The Receiver shall not increase the hourly rates used as the bases for such fee applications without prior approval of the Court. \*

### XIII. RECEIVER'S BOND

IT IS FURTHER ORDERED that the temporary Receiver shall file with the Clerk of this Court a bond in the sum of \$ 20,000.00 *gnd* with sureties to be approved by the Court, conditioned that the temporary receiver will well and truly perform the duties of the office and abide by and perform all acts the Court directs.

### XIV. MAINTENANCE OF RECORDS

IT IS HEREBY ORDERED that all defendants are restrained and enjoined from directly or indirectly destroying, mutilating, erasing, altering, concealing or disposing of, in any manner, directly or indirectly, any documents that relate to the business practices or business or personal finances of any Corporate Defendant or Individual Defendant.

### XV. ACCESS TO RECORDS AND PREMISES

IT IS FURTHER ORDERED that representatives of the Commission be immediately allowed to inspect all documents of the defendants, including, but not limited to, paper documents, electronically stored data, tape recordings, and computer disks, wherever they may be situated and whether they are in the possession of the defendants or others, and to copy said documents, data and records, either on or off the premises wherever they may be situated.

### XVI. SERVICE OF ORDER BY FAX

IT IS FURTHER ORDERED that copies of this Order may be served by any means, including facsimile transmission, upon any financial institution or other entity or person that may have possession, custody, or control of any documents or assets of the Corporate Defendant or Individual Defendant, or that may be subject to any provision of this Order.

\* Because the recommendation for a receiver does not list the rates proposed, such rates will be set by the Court following submission of proposed rates by the Receiver and/or the FTC. *gnd*

## **XVII. EXPEDITED DISCOVERY**

IT IS FURTHER ORDERED that, prior to the preliminary injunction hearing or the expiration of this Temporary Restraining Order, whichever occurs first, any party may depose or subpoena any third party, pursuant to Fed. R. Civ. P. 30 and 45, upon twenty-four (24) hours' notice. Any deposition taken pursuant to this provision is in addition to, and not subject to, the presumptive limits on depositions set forth in Fed. R. Civ. P. 30 and/or 31. Subpoenas may be served by agents or attorneys of the Commission and by agents of any process server retained by any of the parties. Nothing in this provision shall affect the Court's ability to modify further the discovery rules as they apply in this matter.

## **XVIII. FINANCIAL STATEMENT**

IT IS FURTHER ORDERED that, at least (3) three days prior to the preliminary injunction hearing in this matter, and in no event later than two weeks after entry of this Order, the Corporate Defendant and each Individual Defendant shall provide to the Commission and to the temporary receiver a completed financial statement, on the forms attached to this Order, accurate as of the date *of service* of this Order upon that defendant.

## **XIX. CONSUMER CREDIT REPORTS**

IT IS FURTHER ORDERED that, pursuant to Section 604 of the Fair Credit Reporting Act, 15 U.S.C. § 1681b, any consumer reporting agency may furnish the Commission or the temporary receiver with a consumer report concerning any defendant.

## **XX. SERVICE ON THE COMMISSION**

IT IS FURTHER ORDERED that, with regard to any correspondence, pleadings, or notifications related to this Order, service on the Commission shall be performed by personal or facsimile delivery (but not delivery by U.S. Mail) to the attention of Delores Gardner Thompson, Counsel for the Commission, at the Federal Trade Commission, 600 Pennsylvania Ave., N.W., Room 238, Washington, DC 20580, facsimile number (202) 326-3395 before 4:45 p.m. (EST) of the day that such service is due.

**XXI. PAPERS ON MOTION FOR PRELIMINARY INJUNCTION**

IT IS FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 6(d), memoranda and affidavits, if any, supporting or opposing the motion for preliminary injunction shall be served not later than one day before the preliminary injunction hearing.

**XXII. PRELIMINARY INJUNCTION HEARING**

IT IS FURTHER ORDERED that the Corporate Defendant and each of the Individual Defendants shall appear before this Court on the 27<sup>th</sup> day of June, 2002, at ghel 10 o'clock a.m. at the United States Courthouse, Room Courtroom 8, to show cause, if any there be, why this Court should not enter a preliminary injunction, pending final ruling on the Complaint, against said defendants enjoining them from further violations of Section 5(a) of the Federal Trade Commission Act, 15 U.S.C. § 45(a), and the Franchise Rule, 16 C.F.R. Part 436, continuing the freeze of their assets, appointing a permanent receiver, and imposing such additional relief as may be appropriate.

**XXIII. COURT'S RETENTION OF JURISDICTION**

IT IS FURTHER ORDERED that this Court retains jurisdiction of this matter for all purposes.

SO ORDERED, this 13<sup>th</sup> day of June, 2002, at this hour of 4:05 p.m.

Adalberto J. ...  
United States District Judge