

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

THOMAS RYAN,

Defendant.

Civil No. 1:09-00535 (HHK)

**STIPULATED PRELIMINARY
INJUNCTION**

This matter comes before the Court on the stipulation of Plaintiff Federal Trade Commission's ("FTC" or "Commission") and Defendant Thomas Ryan. On March 20, 2009, the Commission filed an Emergency Motion for Temporary Restraining Order and a complaint for an injunction and other equitable relief in the case originally styled *FTC v. One or More Unknown Parties Deceiving Consumers Into Seeking Home Loan Modification Through <http://bailout.hud-gov.us> and <http://bailout.dohgov.us>*. On March 20, 2009, the Court granted the Temporary Restraining Order [DE #4], including provisions permitting the FTC to conduct expedited discovery to determine the owner of the websites and to conduct financial discovery. As of the date of this order, Defendant and certain third parties are responding to a document subpoenas. On March 25, 2009, the Commission filed an Amended Complaint naming Thomas Ryan as Defendant. [DE #5]. Defendant has signed and the FTC filed a Waiver of Service of the Summons on March 26, 2009. [DE #7].

The parties agree to and the Court makes the following findings of fact and conclusions of law:

1. This Court has jurisdiction of the subject matter of this case, and there is good cause to believe it will have jurisdiction over all parties;
2. There is good cause to believe that venue lies properly with the Court;
3. There is a substantial likelihood that the Commission will ultimately succeed in establishing that Defendant has engaged in acts and practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a) in connection with marketing and selling home mortgage loan modifications, and, therefore, the Commission is likely to prevail on the merits of this action;
4. There is good cause to believe that irreparable and immediate damage to the Court's ability to grant effective final relief will occur if a preliminary injunction is not issued;
5. Weighing the equities and considering the Commission's likelihood of ultimate success in its causes of action, this Preliminary Injunction is in the public interest;
6. Defendant, by agreeing to this Order, make no admission as to the truth of the FTC's allegations in the Complaint, Amended Complaint, or as to the relief that should be granted in this action;
7. The parties agree to the entry of this Order for preliminary injunction, which shall remain in effect until this Court's determination of the merits of this action or until otherwise modified; and
8. As an agency of the United States, no security is required of the Commission for issuance of this injunction.

DEFINITIONS

For the purposes of this Order, the following definitions shall apply:

1. "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, email, electronic communications, Web pages, Web sites, 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.

ORDER PROHIBITING CERTAIN BUSINESS ACTIVITIES

IT IS HEREBY ORDERED that Defendant, directly or through any corporation, partnership, subsidiary, division, trade name, or other device, and those persons or entities in active concert or participation with him who receive actual notice of this Order by personal service, facsimile, or otherwise, are temporarily restrained and enjoined from making, or assisting others in making, expressly or by implication, any false or misleading oral or written statement or representation that any entity is:

1. an agency of the United States government,
2. an agency of any State, county, or local government,
3. affiliated, associated, acting in partnership, or under contract with, the United States government, or

4. affiliated, associated, acting in partnership, or under contract with, any State, county, or local government

in connection with the advertising, marketing, promotion, offering for sale, or sale of any service or product, including, but not limited to, mortgage modification or mortgage refinancing services or products.

II.

ORDER TO THIRD PARTIES TO DISABLE WEB SITES

IT IS FURTHER ORDERED that, pending further order of this Court, any person or entity hosting any Web site under the name bailout.hud-gov.us or bailout.dohgov.us, as well as any Web site that is substantially identical in appearance to either of those Web sites, or any other Web site for Defendant or his officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with Defendant who receive actual notice of this Order by personal service or otherwise shall:

A. Immediately take any steps necessary to ensure that any Web site operated, in whole or in part, under the names bailout.hud-gov.us or bailout.dohgov.us, as well as any Web site that is substantially identical in appearance to either of those Web sites is disabled and no longer viewable or accessible to persons using the Internet;

B. Preserve all documents related to any Web site operated, in whole or in part, under the names bailout.hud-gov.us or bailout.dohgov.us, as well as any Web site that is substantially identical in appearance to either of those Web sites; and

C. Immediately notify counsel for the FTC of any other Web page or Web site operated or controlled by or on behalf of Defendant.

III.

**ORDER TO THIRD PARTIES TO SUSPEND INTERNET DOMAIN NAME
REGISTRATIONS**

IT IS FURTHER ORDERED that, pending further order of this Court, any domain name registrar shall suspend the registration of bailout.hud-gov.us and bailout.dohgov.us, and shall provide immediate notice to counsel for the FTC of any other Internet domain names registered by Defendant or his officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with Defendant who receive actual notice of this Order by personal service or otherwise.

IV.

PRESERVATION OF RECORDS

IT IS FURTHER ORDERED that Defendant and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, directly or through any corporation or other device, are temporarily restrained and enjoined from destroying, erasing, mutilating, failing to preserve, concealing, altering, transferring, or otherwise disposing of, in any manner, directly or indirectly, any documents that relate to the business practices, or business or personal finances, of Defendant.

V.

DISCOVERY

IT IS FURTHER ORDERED that, as set forth in Federal Rules of Civil Procedure 26(d)(1), commencing with the entry of this Order, the Commission and the Defendant are authorized to conduct discovery under Federal Rules of Civil Procedure 26, 30, 33, 34, and 45

without engaging in a formal discovery conference otherwise required by Rule 26(f) of Federal Rules of Civil Procedure.

VI.

ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANT

IT IS FURTHER ORDERED that Defendant, within three (3) business days of receipt of this Order, shall submit to counsel for the Commission a truthful sworn statement acknowledging receipt of this Order.

VII.

PROOF OF DISTRIBUTION OF ORDER BY DEFENDANT

IT IS FURTHER ORDERED that each Defendant shall immediately provide a copy of this Order to his agents, servants, employees, consultants, and any other persons or entities subject in any part to his direct or indirect control. Within five (5) business days of receipt of this Order, Defendant shall submit to counsel for the Commission a truthful sworn statement identifying those persons and entities to whom this Order has been distributed.

VIII.

SERVICE UPON THE COMMISSION

IT IS FURTHER ORDERED, with regard to any correspondence or pleadings related to this Order, that service on the Commission's counsel shall be performed by commercial overnight mail delivery, facsimile, or email to the attention of:

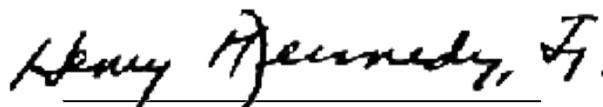
Douglas Wolfe
Attorney, Division of Enforcement
Federal Trade Commission
601 New Jersey Ave., Suite NJ-2122
Washington, D.C. 20001
dwolfe@ftc.gov (email)
(202) 336-2558 (fax)

IX.

RETENTION OF JURISDICTION

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

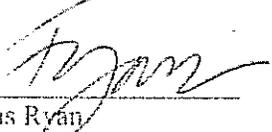
SO ORDERED this 30th day of March, 2009, at 10:15 a.m.



Henry H. Kennedy, Jr.
United States District Judge

The parties, by their signature or by the signature of their counsel, hereby agree to the entry of this Order:

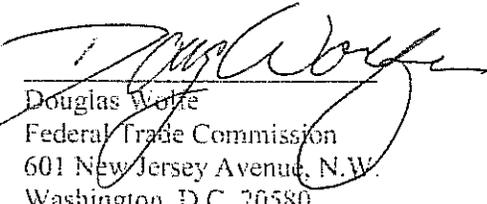
FOR DEFENDANT



Date: 3/27/09

Thomas Ryan
1078 Buckingham Lane
Newport Beach, CA 92660
949-378-6698

FOR PLAINTIFF



Date: 3/27/09

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