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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF ARIZONA**

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<b>Federal Trade Commission; and</b>	)	CV-09-721-TUC-DCB
	)	
<b>State of Arizona,</b>	)	
	)	
Plaintiffs,	)	<b>SEALED</b>
	)	<b>TEMPORARY RESTRAINING</b>
v.	)	<b>ORDER WITH ASSET FREEZE,</b>
	)	<b>IMMEDIATE ACCESS TO BUSINESS</b>
<b>Government Careers Inc.,</b>	)	<b>PREMISES, EXPEDITED</b>
a Delaware Corporation;	)	<b>DISCOVERY, AND ORDER TO</b>
	)	<b>SHOW CAUSE WHY A</b>
<b>Jon Coover,</b>	)	<b>PRELIMINARY INJUNCTION</b>
individually and as an officer of	)	<b>SHOULD NOT ISSUE</b>
Government Careers Inc.;	)	
	)	
<b>Richard Friedberg,</b>	)	
individually and as an officer of	)	
Government Careers Inc.;	)	
	)	
<b>Rimona Friedberg,</b>	)	
individually and as an officer of	)	
Government Careers Inc.;	)	
	)	
Defendants.	)	

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1 Plaintiff Federal Trade Commission (“Commission” or “FTC”),  
2 pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”),  
3  
4 15 U.S.C. § 53(b), and Plaintiff State of Arizona have filed a complaint for  
5 injunctive and other equitable relief, and applied for a temporary restraining  
6 order with asset freeze, immediate access to business premises, expedited  
7 discovery, and an order to show cause why a preliminary injunction should not  
8 issue pursuant to Rule 65 of the Federal Rules of Civil Procedure.  
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10

### 11 FINDINGS OF FACT

12 This Court has considered Plaintiffs’ Complaint, *Ex Parte* Application  
13 for Temporary Restraining Order (“TRO Application”), Memorandum of  
14 Points and Authorities, Declarations and Exhibits in Support of Plaintiffs’  
15 Application for Temporary Restraining Order, Etc., and all other papers filed  
16 herein. It appears to the satisfaction of the Court that:  
17  
18

19 1. This Court has jurisdiction over the subject matter of this case,  
20 and there is good cause to believe the Court will have jurisdiction over the  
21 parties, pursuant to 15 U.S.C. §§ 45(a) and 53(b), and 28 U.S.C. §§ 1331,  
22 1337(a), and 1345. The Complaint states a claim upon which relief may be  
23 granted under Sections 5 and 13(b) of the FTC Act, 15 U.S.C. §§ 45 and  
24 53(b), and under Sections 44-1521 *et seq.*, of the Arizona Consumer Fraud  
25 Act, A.R.S. § 44-1521 *et seq.*  
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1           2.     Venue lies properly with this Court.

2  
3           3.     There is good cause to believe that Defendants Government  
4 Careers Inc., Jon Coover, Richard Friedberg, and Rimona Friedberg have  
5 engaged in and are likely to engage in acts or practices that violate Section  
6  
7 5(a) of the FTC Act, 15 U.S.C. § 45(a), and Section 44-1522 of the Arizona  
8 Consumer Fraud Act, A.R.S. § 44-1522.

9  
10          4.     There is good cause to believe that the Commission and the State  
11 of Arizona are likely to prevail on the merits of this action;

12          5.     There is good cause to believe that immediate and irreparable  
13 harm will result from Defendants’ ongoing violations of Section 5(a) of the  
14 FTC Act, 15 U.S.C. § 45(a), and Section 44-1522 of the Arizona Consumer  
15 Fraud Act, A.R.S. § 44-1522, unless Defendants are immediately restrained  
16  
17 and enjoined by Order of this Court.

18  
19          6.     There is good cause to believe that immediate and irreparable  
20 damage to the Court’s ability to grant effective final relief for  
21 consumers—including refunds, rescission, restitution, disgorgement and other  
22 equitable relief—will occur from the sale, transfer, assignment, or other  
23  
24 disposition or concealment by Defendants of their assets or records unless they  
25 are immediately restrained and enjoined by order of this Court.

26  
27          7.     Pursuant to Federal Rule of Civil Procedure 65(b) and Local Rule  
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1 65.1.1 there is thus good cause for issuing this Order.

2  
3 8. Weighing the equities and considering the likelihood of success in  
4 the causes of action charged by the Commission and the State of Arizona, this  
5 Order is in the public interest.

6  
7 9. The Commission is an independent agency of the United States of  
8 America and no security is required of any agency of the United States of  
9 America for issuance of a restraining order under Fed. R. Civ. P. 65(c).

10  
11 **ORDER**

12 **Definitions**

13  
14 For purposes of this Order, the following definitions shall apply:

15 A. **“Assets”** means any legal or equitable interest in, right to, or  
16 claim to, any real, personal, or intellectual property, including but  
17 not limited to money, goods, instruments, equipment, fixtures,  
18 general intangibles, leasehold interests, inventory, checks, notes,  
19 accounts (as those terms are defined in the Uniform Commercial  
20 Code), available credit, through credit card accounts or otherwise,  
21 receivables, cash, funds, property, artwork, coins, precious  
22 metals, jewelry, chattel, mail or other deliveries, effects, lists of  
23 consumer names, contracts, or shares of stock, wherever located.

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27 B. **“Defendants”** means Defendants Government Careers Inc., Jon  
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Coover, Richard Friedberg, and Rimona Friedberg, and each of them by whatever names each might be known, including Innovative Marketing Concepts or “IMC.”

C. **“Business Entity Defendant”** means Defendant Government Careers Inc., by whatever names it might be known, including Innovative Marketing Concepts or “IMC.”

D. **“Individual Defendants”** means Jon Coover, Richard Friedberg, and Rimona Friedberg, and each of them by whatever names each might be known.

E. **“Document”** is synonymous in meaning and equal in scope to the usage of the term in Rule 34(a) of the Federal Rules of Civil Procedure and includes:

1. 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
2. Any electronically stored information on any desktop

1 personal computer and workstations, laptops, notebooks,  
2 and other portable computers, whether assigned to  
3 individuals or in pools of computers available for shared  
4 use; and home computers used for work-related purposes;  
5 servers; backup disks and tapes, archive disks and tapes,  
6 and other forms of offline storage, whether stored onsite  
7 with the computer used to generate them, stored offsite in  
8 another company facility, or stored offsite by a third-party;  
9 and computers and related offline storage used by  
10 Defendants' participating associates, which may include  
11 persons who are not employees of the company or who do  
12 not work on company premises.  
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18 F. **“Financial Institution”** means any bank, savings and loan  
19 institution, credit union, or any financial depository of any kind,  
20 including but not limited to any brokerage house, trustee, broker-  
21 dealer, escrow agent, title company, money market or mutual  
22 fund, commodity trading company, merchant account processor,  
23 or precious metal dealer, or any entity or person that holds,  
24 controls, or maintains custody of any account or asset of any  
25 Defendant.  
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1 G. “**Material**” means likely to affect a person’s choice of, or  
2  
3 conduct regarding, goods or services.

4 H. “**Person**” means any individual, group, unincorporated  
5  
6 association, limited or general partnership, corporation, or other  
7  
8 business entity.

### 9 **I. PROHIBITED BUSINESS ACTIVITIES**

10 **IT IS THEREFORE ORDERED** that in connection with the  
11 advertising, promotion, marketing, offering, or sale of goods or services in  
12 commerce, Defendants and their officers, directors, agents, servants,  
13 employees, salespersons, independent contractors, corporations, subsidiaries,  
14 branches or business divisions, attorneys, successors, assigns, and all other  
15 persons or entities in active concert or participation with them who receive  
16 actual notice of this Order by personal service, facsimile, email, or otherwise,  
17 whether acting directly or through any corporation, subsidiary, division, or  
18 other entity are hereby temporarily restrained and enjoined from, directly or  
19 indirectly:  
20  
21 indirectly:

22 A. Misrepresenting, either orally or in writing, expressly or by  
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24 implication, any fact material to a consumer’s decision to purchase  
25 Defendants’ products or services, including that:  
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27 1. consumers who purchase Defendants’ goods or services are  
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guaranteed, or are highly likely to, obtain employment with a federal agency;

2. that the U.S. Customs and Border Protection agency and the U.S. Postal Service have jobs available in the advertised geographic areas during the time periods in which Defendants' advertisements are running;

3. that the federal agencies Defendants mention in their advertisements and sales pitches require job applicants to take a written exam in order to obtain employment;

4. that Defendants will not bill or charge consumers for goods or services marketed by Defendants until the consumers have obtained a job with a federal agency;

5. that consumers who score 95 percent or above on a written exam required by a federal agency are assured of being hired by that agency;

6. that consumers who purchase Defendants' goods or services will be able to take the required written exams for employment that are administered by or on behalf of the U.S. Postal Service or the U.S. Customs and Border Protection agency;



1 successors, assigns, and all persons or entities directly or indirectly under the  
2 control of any of them, including any financial institution, and all other  
3 persons or entities in active concert or participation with any of them who  
4 receive actual notice of this Order by personal service, facsimile, email, or  
5 otherwise, are hereby temporarily restrained and enjoined from directly or  
6 indirectly:  
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9           A.     Except as otherwise provided herein, transferring, converting,  
10 encumbering, selling, loaning, concealing, dissipating, disbursing, assigning,  
11 spending, withdrawing, liquidating, or otherwise disposing of any assets,  
12 wherever located, that are:  
13  
14

- 15           1.     Owned or controlled by, or held for the benefit of, in whole  
16                   or in part, any Defendant;  
17
- 18           2.     In the actual or constructive possession of any Defendant;  
19
- 20           3.     Owned or controlled by, or in the actual or constructive  
21                   possession of, any corporation, partnership, or other entity  
22                   that is directly or indirectly, in whole or in part, owned,  
23                   managed, or controlled by any Defendant; including but  
24                   not limited to assets held by or for any Defendant in any  
25                   account at any bank or savings and loan institution, with  
26                   any broker-dealer, escrow agent, title company, commodity  
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1 trading company, precious metal dealer, merchant account  
2 processor, credit card processing agent, automated clearing  
3 house, transaction processor, bank debit processing agent,  
4 customer service agent, commercial mail receiving or  
5 forwarding agency, freight holding or forwarding agency,  
6 or other financial institution of any kind;

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10 4. This asset freeze shall include but is not limited to assets  
11 held for, on behalf of, or for the benefit of any Defendant  
12 or their affiliates or subsidiaries, at any financial  
13 institution, including without limitation the following  
14 account:  
15

16 a. **XXXXXX8145 at Wells Fargo Bank, N.A.**

17  
18 B. Opening or causing to be opened any safe deposit boxes or  
19 storage facilities titled in the name of, or held for the benefit of, in whole or in  
20 part, any Defendant, or that is subject to access by any Defendant or under that  
21 Defendant's control, without providing the Commission and the State of  
22 Arizona with prior notice and an opportunity to inspect the contents in order to  
23 determine whether they contain assets covered by this Section;  
24  
25

26 C. Notwithstanding the provisions of Sections II.A-B above, each  
27 Defendant shall designate one account from which they may pay reasonable,  
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1 usual, ordinary, and necessary living expenses or business expenses, as  
2 applicable, or attorneys fees upon satisfaction of the following conditions:  
3

4 1. The Defendant shall disclose to the Commission and the  
5 State of Arizona the account (by account number and  
6 financial institution), and its balance at the time this Order  
7 becomes effective;  
8

9 2. The Defendant shall fully comply with Section III  
10 (Financial Reports), below;  
11

12 3. The Defendant shall demonstrate to the satisfaction of  
13 counsel for the Commission and for the State of  
14 Arizona that the value of that Defendant's assets will not  
15 suffer unreasonable diminution due to such proposed  
16 expenditures considering Plaintiffs' likelihood of success  
17 on the merits; and  
18

19 4. **No withdrawal may be made pursuant to this Section**  
20 **II.C unless the Defendant has obtained written**  
21 **authorization from counsel for the Commission and for**  
22 **the State of Arizona for each such withdrawal.**  
23

24  
25  
26 D. This Section shall be construed to apply to assets Defendants  
27 acquire following entry of this Order only if such assets are derived from the  
28

1 operation of any activity prohibited by this Order or any other illegal activity.

2 The acquisition and expenditures of such assets of \$1,000 or more shall be  
3 reported to Plaintiffs within three (3) days of the acquisition or expenditure.  
4

### 5 **III. FINANCIAL REPORTS**

6 **IT IS FURTHER ORDERED** that Defendants shall each, within forty-  
7 eight (48) hours after service of this Order, prepare and deliver a Financial  
8 Statement to counsel for the Commission and for the State of Arizona as  
9 follows:  
10

- 11 follows:
- 12 A. Each Individual Defendant shall, for himself or herself, complete  
13 and deliver a completed financial statement on the form captioned  
14 “Form Re: Financial Statement for Individual Defendant,” which  
15 Plaintiffs lodged concurrently with the proposed temporary  
16 restraining order.  
17
- 18 B. Each Business Entity Defendant shall prepare and deliver a  
19 completed financial statement on the form captioned “Form Re:  
20 Financial Statement for Business Entity Defendant,” which  
21 Plaintiffs lodged concurrently with the proposed temporary  
22 restraining order.  
23
- 24 C. Each Defendant shall prepare and deliver a completed financial  
25 statement on the form captioned “Form Re: Financial Statement  
26  
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1 for Business Entity Defendant,” which Plaintiffs lodged  
2 concurrently with the proposed temporary restraining order, for  
3 every other business entity owned, controlled, in whole or in part,  
4 or managed by each Defendant, under which they conduct  
5 business, or of which they are an officer, and of each trust for  
6 which they are a trustee.  
7

8  
9 D. The Financial Statements prepared and delivered pursuant to this  
10 Section shall be accurate as of the date of the entry of this Order  
11 and shall be verified under oath.  
12

13  
14 E. Defendants shall each, within forty-eight (48) hours after entry of  
15 this Order, provide the Commission and the State of Arizona  
16 access to records and documents, pertaining to Defendants that  
17 are held by financial institutions outside the territory of the  
18 United States by signing the Consent to Release of Financial  
19 Records attached to this Order as Attachment 1.  
20  
21

#### 22 **IV. PRESERVATION OF RECORDS**

23 **IT IS FURTHER ORDERED** that Defendants and their officers,  
24 directors, agents, servants, employees, independent contractors, attorneys,  
25 successors, assigns, and all other persons or entities directly or indirectly, in  
26 whole or in part, under their control, and all other persons in active concert or  
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1 participation with them who receive actual notice of this Order by personal  
2 service, facsimile, email, or otherwise, are hereby temporarily restrained and  
3 enjoined from, directly or indirectly destroying, erasing, mutilating,  
4 concealing, altering, transferring, or otherwise disposing of, in any manner,  
5 directly or indirectly, any documents that relate to the business practices or the  
6 business or personal finances of Defendants; to the business practices or  
7 finances of entities directly or indirectly under the control of Defendants, or to  
8 the business practices or finances of entities directly or indirectly under  
9 common control with any Defendant.  
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#### 13 **V. RECORD KEEPING/BUSINESS OPERATIONS**

14 **IT IS FURTHER ORDERED** that Defendants and their officers,  
15 directors, agents, servants, employees, attorneys, successors, assigns, and all  
16 other persons or entities directly or indirectly, in whole or in part, under their  
17 control, and all other persons in active concert or participation with them who  
18 receive actual notice of this Order by personal service, facsimile, email, or  
19 otherwise, are each hereby temporarily restrained and enjoined from:  
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23 A. Failing to create, maintain, and provide upon request to the  
24 Commission and the State of Arizona documents that in reasonable detail,  
25 accurately, fairly, and completely reflect Defendants' assets (including but not  
26 limited to income, loans, gifts, and revenue), disbursements, transfers,  
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1 transactions, and expenditures, beginning upon service or actual notice of this  
2 Order;  
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4 B. Failing to make and keep books, records, accounts, bank  
5 statements, current accountants' reports, general ledgers, general journals,  
6 cash receipt ledgers, cash disbursement ledgers and source documents,  
7 documents indicating title to real or personal property, and any other data  
8 which, in reasonable detail, accurately and fairly reflect the transactions and  
9 dispositions of the assets of Defendants;  
10

11 C. Destroying, mutilating, concealing, altering, transferring, or  
12 otherwise disposing of, in any manner, any books, records, tapes, compact  
13 discs, digital audio files, computer disks, accounting data, checks (fronts and  
14 backs), correspondence, forms, advertisements, brochures, manuals,  
15 electronically stored data, banking records, customer lists, customer files,  
16 customer complaints, invoices, telephone records, ledgers, payroll records, or  
17 other documents of any kind, including electronically stored information, of  
18 Defendants, in their possession, custody, or control; and  
19

20 D. Creating, operating, or exercising any control over any business  
21 entity, including any partnership, limited partnership, joint venture, sole  
22 proprietorship, limited liability company, or corporation, without first  
23 providing the Commission and the State of Arizona with a written statement  
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1 disclosing:

- 2 1. the name of the business entity;
- 3
- 4 2. the address and telephone number of the business entity;
- 5
- 6 3. the names of the business entity's officers, directors,
- 7 principals, managers, members, and employees; and
- 8 4. a detailed description of the business entity's intended
- 9 activities.
- 10

11 **VI. REQUIRED DISTRIBUTION OF ORDER BY DEFENDANTS**

12 **IT IS FURTHER ORDERED** that Defendants shall immediately  
13  
14 provide a copy of this Order to each subsidiary, partner, branch, division, sales  
15 entity, successor, assign, employee, independent contractor, agent, attorney,  
16 representative, and any closely held corporation, partnership, limited liability  
17 company, or proprietorship owned, controlled, or managed by Defendants and  
18 shall, within eleven (11) days from the date of entry of this Order, serve upon  
19 counsel for the Commission and for the State of Arizona a sworn statement  
20 that Defendants have complied with this provision of the Order. The  
21 statement shall include the names and addresses of each such person or entity  
22 who received a copy of the Order.  
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26 **VII. SERVICE OF ORDER**

27 **IT IS FURTHER ORDERED** that Plaintiffs' agents or employees may  
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1 serve this Order upon any financial institution, other entity, or person that may  
2 have possession, custody, control, or knowledge of any documents or assets of  
3 Defendants, or any other entity or person that may be otherwise subject to any  
4 provision of this Order, by delivering a copy of the Order by any means,  
5 including personal service, facsimile, and email, to any office, branch, or  
6 location.  
7  
8

### 9 **VIII. CONSUMER CREDIT REPORT**

10  
11 **IT IS FURTHER ORDERED** that pursuant to Section 604(a)(1) of the  
12 Fair Credit Reporting Act, 15 U.S.C. § 1681b(a)(1), any consumer reporting  
13 agency served with this Order shall promptly furnish consumer reports on  
14 Individual Defendants Jon Coover, Richard Friedberg, and Rimona Friedberg  
15 and any spouse of these Defendants to counsel for the Commission and for the  
16 State of Arizona.  
17  
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### 19 **IX. IMMEDIATE ACCESS TO DEFENDANTS'**

### 20 **BUSINESS PREMISES, BOOKS, AND RECORDS**

21  
22 **IT IS HEREBY ORDERED** that Defendants and their officers,  
23 directors, agents, servants, employees, independent contractors, attorneys,  
24 successors, assigns, and all other persons or entities directly or indirectly, in  
25 whole or in part, under their control, and all other persons in active concert or  
26 participation with them who receive actual notice of this Order by personal  
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1 service, facsimile, email, or otherwise, whether acting directly or through any  
2 corporation, subsidiary, division, or other entity, shall:  
3

4 A. Immediately identify to counsel for the Commission and for the  
5 State of Arizona:

- 6 1. all of the Defendants' business premises;
- 7 2. any premises where the Defendants conduct business, or  
8 telephone or Internet sales operations, or customer services  
9 operations;
- 10 3. any premises where documents related to the businesses of  
11 Defendants are stored or maintained;
- 12 4. any premises where assets belonging to the Defendants are  
13 stored or maintained;
- 14
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18 B. Allow representatives of the Commission and State of Arizona  
19 (including attorneys, investigators, paralegals and other staff) immediate  
20 access to:  
21

- 22 1. all of the Defendants' business premises, including but not  
23 limited to, those located at 702 South Craycroft, Suite F,  
24 Tucson, Arizona 85711, and such other business locations  
25 that are wholly or partially owned, rented, leased, or under  
26 the temporary or permanent control of any Defendant;  
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- 2. any other non-residential premises where the Defendants conduct business, telephone or Internet sales operations, or customer service operations;
- 3. any non-residential premises where documents related to the Defendants' businesses are stored or maintained; and
- 4. any documents located at any non-residential location;

C. Produce to Plaintiffs, within forty-eight (48) hours of service of this Order at a location designated by Plaintiffs, any documents or property relating to Defendants' business or assets that are located in the personal residence of any of the Individual Defendants, including but not limited to the following:

- 1. All contracts, accounting data, written or electronic correspondence, advertisements, computer tapes, disks, or other computerized or electronic records, digital audio files, books, written or printed records, handwritten notes, telephone logs, telephone scripts, telephone bills, receipt books, ledgers, membership records and lists, refund records, receipts, bank records (including personal and business monthly statements, canceled checks, records of wire transfers, and check registers), appointment books, copies of

1 federal, state, and local business or personal income or property  
2 tax returns, 1099 forms, title records, and other documents or  
3 records of any kind that relate to Defendants' business and assets;  
4 and  
5

6  
7 2. All computers and data in whatever form that relate to  
8 Defendants' business and assets;

9 D. Fully cooperate with and assist Plaintiffs with regard to this  
10 Section;  
11

12 E. Provide Plaintiffs with any and all passwords and other assistance  
13 necessary to obtain access to the Defendants' computer records and other data  
14 compilations from which information can be obtained and translated, if  
15 necessary, through detection devices into reasonably usable form;  
16

17 F. Upon request, provide assistance and support to Plaintiffs'  
18 representatives as necessary to allow them to efficiently copy to disk, tape or  
19 other medium, any and all computer files, however stored, and any and all  
20 audio recordings or digital audio files, which are in the Defendants' custody,  
21 control or possession.  
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24  
25 **IT IS FURTHER ORDERED** that Plaintiffs' representatives may  
26 remove documents from the Defendants' premises to be inspected or copied,  
27 but that such documents shall be returned to the Defendants' premises within  
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1 eight (8) days. Plaintiffs' representatives may also photograph and videotape  
2 the inside and outside of all premises to which they are permitted access by  
3 this Order, and all documents and other items found on such premises.  
4

5 **IT IS FURTHER ORDERED** that law enforcement personnel,  
6 including but not limited to the United States Marshal Service, may  
7 accompany Plaintiffs' representatives who implement the provisions of this  
8 Section in order to keep the peace and maintain the security of Plaintiffs'  
9 representatives. No one shall interfere with Plaintiffs' inspection of the  
10 Defendants' premises or documents.  
11  
12

13 **IT IS FURTHER ORDERED** that Plaintiffs' access to the Defendants'  
14 documents pursuant to this provision shall not provide grounds for the  
15 Defendants to object to any subsequent request for documents served by the  
16 Commission pursuant to Rule 34 of the Federal Rules of Civil Procedure.  
17 Provided, however, that Plaintiffs' shall not subsequently request that the  
18 Defendants deliver any document that Plaintiffs' copied pursuant to this  
19 provision. The records to be inspected, reviewed and copied pursuant to this  
20 Section are those that are relevant to this action including, but are not limited  
21 to, documents which refer or relate to:  
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26 A. The Defendants' advertising, promotion, marketing, offering for  
27 sale, or sale of any goods or services, including but not limited to  
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1 telemarketing or customer service scripts, emails, digital audio files, and  
2 Internet advertising;  
3

4 B. Communications between any Defendant and consumers,  
5 including but not limited to letters, email communications, and voice-recorded  
6 communications;  
7

8 C. Consumer complaints, including but not limited to complaints  
9 forwarded to the Defendants by law enforcement agencies or consumer  
10 advocacy organizations such as the Better Business Bureau; or  
11

12 D. Communications between any Defendant and law enforcement  
13 agencies or consumer advocacy organizations such as the Better Business  
14 Bureau;  
15

16 E. Communications between any Defendant and merchant account  
17 processors or payment processors, including but not limited to information  
18 relating to returns or charge backs by consumers' banks against amounts billed  
19 by Defendants through any means; or  
20  
21

22 F. Communications between any Defendant and any financial  
23 institution.  
24

## 25 **X. RETENTION OF ASSETS AND RECORDS**

26 **IT IS FURTHER ORDERED** that, effective immediately upon  
27 notification of this Order, and pending determination of Plaintiffs' request for  
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1 a preliminary injunction, any financial institution, broker-dealer, escrow agent,  
2 title company, commodity trading company, precious metal dealer, merchant  
3 account processor, credit or card processing agent, automated clearing house,  
4 transaction processor, bank debit processing agent, common carrier, storage  
5 company, trustee, commercial mail receiving or forwarding agency, freight  
6 holding or forwarding agency, creditor, credit card issuer, or any other person,  
7 partnership, corporation, legal or business entity, or person that at any time  
8 since July 1, 2008, has held, controlled, or maintained custody of any account  
9 or asset belonging to or titled in the name of any Defendant, or belonging to or  
10 titled in the name of any corporation, partnership, legal or business entity that  
11 is directly or indirectly, in whole or in part, owned, managed, or controlled by  
12 any Defendant, or to which any Defendant is a signatory, or which is held on  
13 behalf of, or for the benefit of, any Defendant, individually or jointly,  
14 including, without limitation, the financial accounts referenced in Section II.A,  
15 shall:  
16

17  
18 A. Prohibit such Defendants and any other person or entity from  
19 withdrawing, removing, assigning, transferring, pledging, encumbering,  
20 disbursing, dissipating, converting, selling, or otherwise disposing of any such  
21 account or asset except:  
22

1. As directed by further order of the Court; or

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2. By written agreement between any Plaintiffs' counsel and any parties claiming an interest in such account or asset;

B. Maintain the status quo of any such account or asset and shall not withdraw, remove, assign, transfer, pledge, encumber, disburse, dissipate, convert, sell, or otherwise dispose of any such account or asset except:

- 1. as directed by further order of the Court; or
- 2. by written agreement between any Plaintiffs' counsel and any parties claiming an interest in such account or asset;

C. Deny such Defendants and any other person or entity, unless accompanied by a representative of Plaintiffs,' access to any safe deposit box that is:

- 1. titled, in whole or in part, in the name of any Defendant; or
- 2. subject to access by any Defendant;

D. Provide counsel for Plaintiffs within forty-eight (48) hours after receiving a copy of this Order, a sworn statement setting forth:

- 1. the identification number of each such account or asset;
- 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
- 3. identifying information for any safe deposit box to which

1 Section X.C applies;

2  
3 E. Provide counsel for Plaintiffs within five (5) days of receiving  
4 copy of this Order, a sworn statement identifying any assets or accounts,  
5 valued at \$1,000 or more, that have been closed, removed, or transferred  
6 within the last 90 calendar days, the date removed or transferred, the total  
7 funds removed or transferred, and the name of the person or entity to whom  
8 such account or other asset was remitted; and  
9

10  
11 F. Within six (6) days of a request by Plaintiffs, provide to the  
12 Commission copies of all records or other documentation pertaining to such  
13 account or asset, including without limitation originals or copies of account  
14 applications, account statements, signature cards, checks, drafts, deposit  
15 tickets, transfers to and from the accounts, all other debit and credit  
16 instruments or slips, currency transaction reports, 1099 forms, and safe deposit  
17 box logs.  
18  
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20  
21 **XI. EXPEDITED DISCOVERY**

22 **IT IS FURTHER ORDERED** that pursuant to Federal Rules of Civil  
23 Procedure Rules 30(a), 31(a), 34, and 45, Plaintiffs are granted leave, at any  
24 time after service of this Order:  
25

26 A. To take the deposition, including depositions upon forty-eight  
27 (48) hours written notice, of any person, whether or not a party, for the  
28

1 purpose of discovering the nature, location, status, or extent of assets of  
2 Defendants; the nature and location of documents reflecting the business  
3 transactions of Defendants; the nature and extent of Defendants' business  
4 activities; the whereabouts of Defendants; and the applicability of any  
5 evidentiary privileges to this action. The limitations and conditions set forth  
6 in Fed. R. Civ. P. 30(a)(2)(A)(ii) and 31(a)(2)(A)(ii) regarding subsequent  
7 depositions of an individual shall not apply to depositions taken pursuant to  
8 this Section. Any such depositions taken pursuant to this Section shall not be  
9 counted toward the ten-deposition limit set forth in Fed. R. Civ. P.  
10 30(a)(2)(A)(I) and 31(a)(2)(A)(I);

15 B. To demand the production of documents, on four (4) day' notice,  
16 from any person, whether or not a party, relating to the nature, location, status,  
17 or extent of Defendants' assets, assets of their spouses, or assets of any parent  
18 company, subsidiary, or business entity of any Defendant; the location of  
19 documents reflecting the business transactions of Defendants; the whereabouts  
20 of Defendants; and the applicability of any evidentiary privileges to this  
21 action, provided that twenty-four (24) hours notice shall be deemed sufficient  
22 for the production of any such documents that are maintained or stored as  
23 electronic data; and

28 C. Service of discovery upon a party taken pursuant to this Section

1 shall be sufficient if made by facsimile or by overnight delivery.

2  
3 **XII. PRODUCTION OF BUSINESS DOCUMENTS**

4 **IT IS FURTHER ORDERED** that Defendants, within seventy-two  
5 (72) hours after service of this Order, shall produce to Plaintiffs:

6  
7 A. Documents sufficient to identify by name, address, telephone  
8 number, and email address if applicable, each customer who has had a charge  
9 or debit imposed on his or her bank or card account(s) by Defendants, or  
10 otherwise paid any money to Defendants for their employment goods or  
11 services;  
12

13  
14 B. Documents sufficient to state the amount charged or debited to  
15 the bank or card account(s) of each consumer described in Section XII.A;

16  
17 C. Each advertisement, solicitation, template, script, or copy used to  
18 sell or market any product or service sold or marketed by Defendants;

19  
20 D. Each version of any script or outline used to sell or market any  
21 product or service sold by Defendants; and

22  
23 E. Documents sufficient to identify by name, address, telephone  
24 number, and position all persons who have been employed by Defendants.

25 Provided, however, this Section does not require Defendants to produce  
26 documents that are taken for copying by the Commission pursuant to Section  
27 IX (Immediate Access to Defendants' Business Premises, Books and  
28

1 Records).

2  
3 **XIII. REPATRIATION OF ASSETS**

4 **IT IS FURTHER ORDERED** that Defendants shall, within six (6)  
5 days following service of this Order, do the following:

6  
7 A. Repatriate to the United States all funds, documents, or assets in  
8 foreign countries held either: (1) by them; (2) for their benefit; or (3) under  
9 their direct or indirect control, jointly or individually;

10  
11 B. On the same day as any repatriation under Section XIII.A above,  
12 (1) notify the Court and Plaintiffs of the name and location of the financial  
13 institution or other entity that is the recipient of such funds, documents, or  
14 assets; and (2) serve this Order on any such financial institution or other  
15 entity;

16  
17  
18 C. Provide Plaintiffs with a full accounting of all funds, documents  
19 and assets outside of the territory of the United States held either: (1) by them;  
20 (2) for their benefit; or (3) under their direct or indirect control, jointly or  
21 individually; and

22  
23 D. Hold and retain all repatriated funds, documents and assets and  
24 prevent any transfer, disposition, or dissipation whatsoever of any such assets  
25 or funds in full compliance with this Order until further Order of this Court.

26  
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28 **IT IS FURTHER ORDERED** that Defendants are hereby temporarily

1 restrained and enjoined from taking any action, directly or indirectly, which  
2 may result in the encumbrance or dissipation of foreign assets, or in the  
3 hindrance of the repatriation required by this Section, including but not limited  
4 to:  
5

6  
7 A. Sending any statement, letter, fax, email, or wire transmission, or  
8 telephoning or communicating or engaging in any other act, directly or  
9 indirectly, that results in a determination by a foreign trustee or other entity  
10 that a “duress” event has occurred under the terms of a foreign trust agreement  
11 until such time that all assets have been fully repatriated pursuant to this  
12 Section;  
13

14  
15 B. Notifying any trustee, protector, or other agents of any foreign  
16 trust or other related entities of either the existence of this Order, or of the fact  
17 that repatriation is required pursuant to a Court Order, until such time that all  
18 assets have been fully repatriated pursuant to this Section.  
19

#### 20 **XIV. BANKRUPTCY PETITIONS**

21  
22 **IT IS FURTHER ORDERED** that, in light of the asset freeze,  
23 Business Entity and Individual Defendants must give 21 days notice to  
24 Plaintiffs prior to filing, or causing to be filed, on behalf of the Business Entity  
25 or Individual Defendants, a petition for relief under the United States  
26 Bankruptcy Code, 11 U.S.C. § 101 et seq.  
27  
28

1 **XV. STAY OF ACTIONS**

2 **IT IS FURTHER ORDERED** that, except by leave of this Court,  
3  
4 pending determination of the requested preliminary injunction, Defendants and  
5 all other persons and entities, including but not limited to customers,  
6  
7 principals, investors, creditors, stockholders, and lessors, be and hereby are  
8 stayed from taking any action to establish or enforce any claim, right, or  
9 interest for, against, on behalf of, in, or in the name of the Government Careers  
10 Inc., or any of its subsidiaries, successors, affiliates, partnerships, assets, or  
11 documents, including but not limited to the following actions:  
12

13 A. Commencing, prosecuting, continuing, entering, or enforcing any  
14 suit or proceeding, except that such actions may be filed to toll any applicable  
15 statute of limitations;  
16

17 B. Accelerating the due date of any obligation or claimed obligation;  
18 filing, creating, perfecting, or enforcing any lien; enforcing any right of setoff;  
19 taking or attempting to take possession, custody, or control of any asset;  
20 attempting to foreclose, forfeit, alter, or terminate any interest in any asset,  
21 whether such acts are part of a judicial proceeding, are acts of self-help, or  
22 otherwise; and  
23

24 C. Executing, issuing, serving, or causing the execution, issuance or  
25 service of, any legal process, including, but not limited to, attachments,  
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1 garnishments, subpoenas, writs of replevin, writs of execution, or any other  
2 form of process whether specified in this Order or not; or  
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4 D. Doing any act or thing whatsoever to interfere with the exclusive  
5 jurisdiction of this Court over the assets or documents of Defendants.  
6

7 E. This Section does not stay:

- 8 1. The commencement or continuation of a criminal action or  
9 proceeding;
- 10 2. The commencement or continuation of an action or  
11 proceeding by a governmental unit to enforce such  
12 governmental unit's police or regulatory power;
- 13 3. The enforcement of a judgment, other than a money  
14 judgment, obtained in an action or proceeding by a  
15 governmental unit to enforce such governmental unit's  
16 police or regulatory power;
- 17 4. The commencement of any action by the Secretary of the  
18 United States Department of Housing and Urban  
19 Development to foreclose a mortgage or deed of trust in  
20 any case in which the mortgage or deed of trust held by the  
21 Secretary is insured or was formerly insured under the  
22 National Housing Act and covers property, or  
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1 combinations of property, consisting of five or more living  
2 units; and  
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4 5. The issuance to Defendants of a notice of tax deficiency.

5 **XVI. DURATION OF TEMPORARY RESTRAINING ORDER**

6  
7 **IT IS FURTHER ORDERED** that the Temporary Restraining Order  
8 shall expire, pursuant to Fed. R. Civ. P. 65, on the fifteenth (15th) day after  
9 issuance, unless within such time, the Order, for good cause shown, is  
10 extended for an additional period not to exceed fourteen (14) days pursuant to  
11 Fed. R. Civ. P. 65, or unless it is further extended with the consent of the  
12 parties.  
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15 **XVII. ORDER TO SHOW CAUSE**

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17 **IT IS FURTHER ORDERED** pursuant to Federal Rule of Civil  
18 Procedure 65(b) Defendants shall appear before this Court located in the  
19 DeConcini U.S. Courthouse, Courtroom 6B, 405 W. Congress Street, Tucson,  
20 AZ, on January 19, 2010 at 2 p.m., to show cause, if there is any, why this  
21 Court should not enter a preliminary injunction, pending final ruling on the  
22 Complaint against Defendants, enjoining them from further violations of  
23 Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and Sections 44-1522 *et seq.*  
24 of the Arizona Consumer Fraud Act, A.R.S. § 44-1521 *et seq.*, continuing the  
25 freeze of their assets, and imposing such additional relief as may be  
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28

1 appropriate.

2 **XVIII. SERVICE OF DOCUMENTS AND EVIDENCE**

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4 **IT IS FURTHER ORDERED** that Defendants in responding to this  
5 Court's Order to Show Cause, shall serve all memoranda, affidavits, and other  
6 evidence on which they intend to rely not later than 4:00 p.m. of the fourth day  
7 prior to the preliminary injunction hearing set in this matter. Service on the  
8 Plaintiffs shall be performed by personal delivery, confirmed facsimile  
9 delivery, or email to Barbara Chun, Esq., and Raymond E. McKown, Esq. at  
10 the following address: **Federal Trade Commission, 10877 Wilshire Blvd.,**  
11 **Suite 700, Los Angeles, California 90024, (310) 824-4380 (fax number),**  
12 **bchun@ftc.gov, rmckown@ftc.gov,** and to Noreen Matts, Esq. at the  
13 following address: **Arizona Attorney General's Office, 400 West Congress,**  
14 **South Building, Tucson, Arizona 85701, (520) 628-6532 (fax number),**  
15 **noreen.matts.@azag.gov.** Plaintiffs may serve and file a supplemental  
16 memorandum of points and authorities based on evidence discovered  
17 subsequent to the filing of their Complaint by no later than 4:00 p.m. of the  
18 fourth day prior to the preliminary injunction hearing, and may serve and file a  
19 reply to Defendants' opposition by no later than noon on the second day prior  
20 to the preliminary injunction hearing.  
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28 **XIX. NO DIRECT EXAMINATION OF WITNESSES**

