

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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RECEIVED

FEB - 1 2010
AT 12:15 P.M.
WILLIAM T. WALSH
CLERK

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

PREFERRED PLATINUM SERVICES
NETWORK, LLC, a New Jersey limited
liability company, also doing business as
HOME BASED ASSOCIATE
PROGRAM, THE POSTCARD
PROCESSING PROGRAM, and PPSN,
LLC,

FILED UNDER SEAL

Case No. 10-5389(MUC)

EX PARTE
TEMPORARY RESTRAINING
ORDER WITH ASSET
FREEZE AND OTHER
PRELIMINARY RELIEF

ROSALIE FLORIE, individually and as
the managing member of Preferred
Platinum Services Network LLC, and

PHILIP D. PESTRICHELLO,
individually,

Defendants.

Plaintiff, the Federal Trade Commission (“FTC” or the “Commission”) filed its Complaint for a permanent injunction and other relief in this matter, pursuant to Sections 5(a) and 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a) and 53(b) and an *ex parte* motion for a Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not Issue (“Order”) pursuant to Fed. R. Civ. P. 65 and Local Rule 65.1. The Court has considered the pleadings, declarations, exhibits, memoranda, and other submissions filed in support of Plaintiff’s Motion, and now being advised in the premises, 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 over all parties hereto.
2. Venue properly lies in this Court under 15 U.S.C. § 53(b) and 28 U.S.C. § 1391(b) and (c).
3. There is probable cause to believe that the Defendants Preferred Platinum

Network Services, LLC, also doing business as Home Based Associate Program and PPSN, LLC (“PPSN”), its principal, Rosalie Florie (“Florie”), and Philip D. Pestrichello (“Pestrichello”) have engaged in and are likely to continue to engage in acts and practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and that the FTC is, therefore, likely to prevail on the merits of this action.

4. There is a reasonable likelihood that the Defendants will violate Section 5 of the FTC Act, 14 U.S.C. § 45, in the future unless the Defendants are restrained and enjoined by order of this Court.
5. 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 permanent injunctive relief, rescission of contracts, monetary restitution, or disgorgement will occur, from the destruction, transfer, or other disposition or concealment by the Defendants of assets or records, unless the Defendants are immediately restrained and enjoined by Order of this Court.
6. No security is required of any agency of the United States for issuance of a restraining order. Fed. R. Civ. P. 65(c).
7. Weighing the equities and considering the Commission’s likelihood of ultimate success, a Temporary Restraining Order with an asset freeze and other equitable relief is in the public interest.

DEFINITIONS

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

1. “Asset” 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, effects, leaseholds, premises, mail or other deliveries, inventory, checks, notes, accounts, credits, contracts, receivables, shares of stock, lists of consumer names, funds, and all cash, wherever located.
2. “Individual Defendants” means Rosalie Florie, individually, and as managing member of PPSN, and Philip D. Pestrichello.
3. “Business Defendant” means PPSN, a New Jersey limited liability company, also doing business as Home Based Associate Program and PPSN, LLC, and its successors and assigns.
4. “Defendants” means the Individual Defendants and the Business Defendant, individually, collectively, or in any combination.
5. “Material” means likely to affect a person’s choice of, or conduct regarding, goods or services.
6. “Work-at-home Opportunity” means any program, plan, product, or service, that claims to enable a participant or purchaser to earn money or

consideration while working primarily from the participant's or purchaser's home.

7. "Document" is synonymous in meaning and equal in scope to the usage of the term in Fed. R. Civ. P. 34(a) and includes:
 - A. The original or a true copy of any written, typed, printed, electronically stored, transcribed, taped, recorded, filmed, punched, or graphic matter or other data compilations of any kind, including, but not limited to, letters, 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
 - B. Any electronically stored information on any desktop personal computer and workstations, laptops, notebooks, and other portable computers, whether assigned to individuals or in pools of computers available for shared use; and home computers used for work-related purposes; servers; backup disks and tapes, archive disks and tapes, and other forms of offline storage, whether stored onsite with the computer used to generate them, stored offsite in another company facility, or stored offsite by a third-party; and computers and related

offline storage used by Defendants' participating associates, which may include persons who are not employees of the company or who do not work on company premises.

8. "Financial institution" means any bank, savings and loan institution, credit union, financial depository, brokerage house, broker-dealer, commodity trading company, precious metal dealer, escrow agent, money market or mutual fund, storage company, trustee or any other person, partnership, corporation, or other legal entity maintaining or having control of any records, accounts or other assets, owned directly or indirectly, of record or beneficially, by any Defendant, including accounts or assets which any Defendant may control by virtue of being a signatory on said accounts.
9. "Person" or "persons" means a natural person, an organization or other legal entity, including a corporation, partnership, sole proprietorship, limited liability company, association, cooperative, or any other group or combination acting as an entity.
10. "Plaintiff" or "Commission" means the Federal Trade Commission.

PROHIBITED BUSINESS PRACTICES

I.

IT IS THEREFORE ORDERED that, in connection with the advertising, promotion, marketing, offering for sale, sale or provision of any goods or services,

including, but not limited to, offers for sale of any Work-at-home Opportunity, Defendants and their officers, agents, employees, and corporations, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any trust, limited liability company, corporation, subsidiary, division or other device, including, but not limited to, fictitious business names, are hereby temporarily restrained and enjoined from:

A. Making or assisting in the making of, expressly or by implication, orally or in writing, any false or misleading statement or representation of material fact, in connection with the sale of any good or service, including, but not limited to:

1. That consumers are likely to make a substantial amount of money by enrolling in Defendants' Work-at-home Opportunity;
2. That Defendants will pay consumers who participate in Defendants' Work-at-home Opportunity a specific sum per postcard processed;
3. About the nature of any Work-at-home Opportunity, product or service offered or sold; and
4. About any material term, condition, or limitation of the transaction or about the use of any offered good or service; and

B. Failing to clearly and conspicuously disclose prior to the time when a consumer purchases any good or service from the Defendants, all material information relating to a consumer's decision to buy any good or service, including, where applicable:

1. All material conditions and terms of the Defendants' refund or cancellation policies, or the fact that cancellations or refunds are not provided; and
2. The total cost to purchase, receive, or use any good or service.

**DISABLEMENT AND PRESERVATION OF DEFENDANTS' WEB SITES
II.**

IT IS FURTHER ORDERED that Defendants and their officers, agents, employees, and corporations, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any trust, limited liability company, corporation, subsidiary, division or other device, including, but not limited to, fictitious business names, or any individual or entity hosting any Web site or Web pages for any Defendant shall:

A. Immediately take whatever steps may be necessary to ensure their Web sites or Web pages operated under the name www.mypreferredplatinum.net, www.hbaprogram.com, www.thepostcardprogram.com, and Web sites or Web

pages operated or controlled in whole or in part by any Defendant that contain representations that violate Section I of this Order cannot be accessed by the public;

B. Prevent the destruction or erasure of Web sites or Web pages operated under the name www.mypreferredplatinum.net, www.hbaprogram.com, www.thepostcardprogram.com, and Web sites or Web pages operated or controlled in whole or in part by any Defendant that contain representations that violate Section I of this Order, by preserving such Web sites or Web pages in the format in which they are currently maintained; and

C. Immediately notify FTC counsel of all Web sites or Web pages operated or controlled in whole or in part by any Defendant.

**ASSET FREEZE
III.**

IT IS FURTHER ORDERED that Defendants and their officers, agents, employees, and corporations, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any trust, limited liability company, corporation, subsidiary, division or other device, including, but not limited to, fictitious business names, are hereby temporarily restrained and enjoined from:

A. Transferring, liquidating, converting, encumbering, pledging, loaning selling, concealing, dissipating, disbursing, assigning, spending, withdrawing, gifting, conveying, granting a lien or security interest or other interest in, or otherwise disposing of any funds, real or personal property, accounts, contracts,

any assets held by or for, or subject to access by, any Defendant, at any bank or savings and loan institution, or with any broker-dealer, escrow agent, title company, commodity trading company, precious metals dealer, or other financial institution or depository of any kind;

B. Opening or causing to be opened any safe deposit boxes, titled, individually or jointly, in the name of any Defendant, or subject to access by any Defendant;

C. Cashing any checks or depositing any payments received from customers of the Defendants;

D. Incurring charges or cash advances on any credit or debit card issued in the name, individually or jointly, of any Defendant, or any corporation, partnership, limited liability company, or other entity directly or indirectly owned or controlled by any Defendant;

E. Collecting, opening, or causing to be collected or opened, any mail, received by or on behalf of any Defendant, at any address, including, but not limited to, the following:

1. P.O. Box 5401, Toms River, New Jersey 08754; and
2. P.O. Box 5148, Toms River, New Jersey 08754;

F. Obtaining a personal or secured loan encumbering the assets of any Defendant;

G. Incurring liens or other encumbrances on real property, personal property or other assets of any Defendant in the name of any Defendant, individually or jointly; and

H. Failing to disclose to the FTC, immediately upon service of this Order, information that fully identifies each asset of the Defendants, and each entity holding such asset, including, but not limited to, the entity's name, address, and telephone number, the number of the account, and the name under which the account is held.

The assets affected by this Section III. Shall include: (1) all assets of each Defendant, as of the time this Order was entered; and (2) assets obtained after the time this Order was entered if the assets are derived from the conduct alleged in the Commission's Complaint.

FINANCIAL REPORTS

IV.

IT IS FURTHER ORDERED that within forty-eight (48) hours of service of this Order:

A. Each Individual Defendant shall complete and deliver to the FTC the Financial Statement captioned “Financial Statement of Individual Defendant,” a copy of which is attached to this Order as Attachment A;

B. The Business Defendant shall complete and deliver to the FTC the Financial Statement captioned “Financial Statement of Corporate Defendant,” a copy of which is attached to this Order as Attachment B, for each business entity (whether or not incorporated) under which the Defendants conduct any business, or of which any Defendant is an owner or officer, and for each trust of which any Defendant is a trustee. Each Individual Defendant shall be jointly and severally liable for this obligation.

**IDENTIFYING INFORMATION RELATING TO ACCOUNTANTS,
FINANCIAL PLANNERS, INVESTMENT ADVISORS,
STOCK BROKERS AND OTHERS**

V.

IT IS FURTHER ORDERED that Defendants, within forty-eight (48) hours after service of this Order, shall provide counsel for the FTC: (1) the name, address and telephone number for each accountant, financial planner, investment advisor, stock broker or other individual, corporation or partnership whom they hire for personal advice or services, including, but not limited to, preparation of tax returns and investment advice, since January 1, 2007; and (2) the name, address and telephone number for each accountant, financial planner, investment advisor,

stockbroker or other individual, corporation or partnership who was hired on behalf of the Defendants since January 1, 2007.

**RETENTION OF ASSETS AND RECORDS HELD BY THIRD PARTIES
VI.**

IT IS FURTHER ORDERED that pending determination of the Commission's request for Preliminary Injunction, any financial or brokerage institution, business entity, or any person served with a copy of this Order that holds, controls, maintains custody any records of any Defendant, or any account, safe deposit box, or other asset titled in the name of any Defendant, either individually or jointly, or held for the benefit of any Defendant, or which has maintained any such account, safe deposit box, or other asset at any time since January 1, 2007, shall:

A. Hold and retain within its control and prohibit the transferring, selling, concealing, pledging, hypothecating, assigning, spending, withdrawing, disbursing, conveying, gifting, dissipating, liquidating, converting, encumbering, loaning, granting a lien or security interest or other interest in, or otherwise disposing of any funds, credit instruments, real or personal property, accounts, shares of stock, or other assets held by, or under its control:

1. On behalf of, or for the benefit of, any Defendant or any other person subject to Section II of this Order;

2. In any account maintained in the name of, for the benefit of, or subject to withdrawal by, any Defendant or any other person subject to Section II of this Order; and
3. That are subject to access or use by, or under the signatory power of, any Defendant or any other person subject to Section II of this Order;

B. Deny access to any safety deposit box that is:

1. Titled in the name of any of the Defendants, either individually or jointly; or
2. Otherwise subject to access by any of the Defendants, either individually or jointly;

C. Provide counsel for the FTC, within three (3) business days of notice of this Order, a sworn statement setting forth:

1. The identification number and description 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 close of business on the day on which notification of this Order is received, and, if the account or other asset has been closed or removed, the date closed or removed, the balance or value removed, and the name

of the person or entity to whom such account or other asset was transferred; and

3. The identification of any safe deposit box titled in the name of, or subject to access by any Defendant, either individually or jointly; and

D. Upon the request of the FTC, provide the FTC within three (3) days with copies of all records or other documentation pertaining to any account or asset of any Defendant, 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.

**REPATRIATION OF ASSETS AND DOCUMENTS LOCATED
IN FOREIGN COUNTRIES
VII.**

IT IS FURTHER ORDERED that the Defendants shall:

A. Within five (5) days following the service of this Order, take such steps as are necessary to transfer to the territory of the United States of America all documents and assets that are located outside of such territory and are held by or for the benefit of the Defendants or are under their direct or indirect control, jointly, severally, or individually;

B. The same business day as any repatriation, (1) notify counsel for the Commission of the name and location of the financial institution or other entity that is the recipient of such funds, documents or assets; and (2) serve this Order on any such financial institution or other entity; Within five (5) days following the service of this Order, provide counsel for the FTC with a full accounting of all documents and assets that are located outside of such territory and are held by or for the benefit of the Defendants or are under their direct or indirect control, whether jointly, severally, or individually;

C. Provide the Commission access to all records of accounts or assets of any Defendant 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; and

D. Hold and retain all documents and assets transferred pursuant to Subsection A and prevent any transfer, disposition, or dissipation whatsoever of any such assets or funds.

INTERFERENCE WITH REPATRIATION VIII.

IT IS FURTHER ORDERED that the Defendants are hereby temporarily restrained and enjoined from taking any action, directly or indirectly, which may result in the encumbrance or dissipation of the Defendants' foreign assets or in the

hindrance of the repatriation required by Section VII of this Order, including, but not limited to:

A. Sending any statement, letter, facsimile, 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 VII 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 VII of this Order.

**PRESERVATION OF RECORDS AND TANGIBLE THINGS
IX.**

IT IS FURTHER ORDERED that the Defendants and their officers, agents, employees, and corporations, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any trust, limited liability company, corporation, subsidiary, division or other device, including, but not limited to, fictitious business names, are hereby enjoined from:

A. destroying, erasing, mutilating, concealing, altering, transferring, or otherwise disposing of, in any manner, directly or indirectly, any documents or records that relate to the business practices, or business or personal finances, of Defendants, or other entity directly or indirectly under the control of Defendants; and

B. failing to create and maintain books, records, and accounts which, in reasonable detail, accurately, fairly, and completely reflect the incomes, assets, disbursements, transactions and use of monies by any Defendant or other entity directly or indirectly under the control of any Defendants.

CONSUMER REPORTS

X.

IT IS FURTHER ORDERED that, pursuant to Section 604(I) of the Fair Credit Reporting Act, 15 U.S.C. § 1681 b(I), any consumer reporting agency may furnish a consumer report concerning any Defendant to the FTC.

MONITORING

XI.

IT IS FURTHER ORDERED that agents or representatives of the FTC may contact Defendants or Defendants' agents or representatives directly and anonymously for the purpose of monitoring compliance with Section I of this Order, and may tape record any oral communications that occur in the course of such contacts.

**PROHIBITION ON RELEASE OF CUSTOMER
INFORMATION OR CUSTOMER LISTS
XII.**

IT IS FURTHER ORDERED that Defendants and their officers, agents, employees, and corporations, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any trust, limited liability company, corporation, subsidiary, division or other device, including, but not limited to, fictitious business names are hereby temporarily restrained and enjoined from selling, renting, leasing, transferring, or otherwise disclosing the name, address, telephone number, credit card number, bank account number, e-mail address, Social Security number or other identifying information of any person who paid money to any of the Defendants for a Work-at-home Opportunity or who were contacted or are on a list to be contacted by any of the Defendants.

Provided, however, that Defendants may disclose such identifying information to a law enforcement agency or as required by any law, regulation, or court order.

**NOTIFICATION OF BUSINESS ACTIVITIES
XIII.**

IT IS FURTHER ORDERED that:

A. Each Individual Defendant is hereby temporarily restrained and enjoined from directly or indirectly creating, operating, or exercising any control

over any business entity, including any partnership, limited partnership, joint venture, sole proprietorship or corporation, without first serving on counsel for the Commission a written statement disclosing the following:

1. The name of the business entity;
2. The address and telephone number of the business entity;
3. The names of the business entity's officers, directors, principals, managers and employees; and
4. A detailed description of the business entity's intended or actual activities; and

B. Each Individual Defendant shall notify the Commission at least seven (7) days prior to affiliating with, becoming employed by, or performing any work for any business that is not a named Defendant in this action. Each notice shall include the Defendant's new business address and a statement of the nature of the business or employment and the nature of his or her duties and responsibilities in connection with that business or employment.

LIMITED EXPEDITED DISCOVERY
XIV.

IT IS FURTHER ORDERED that, notwithstanding the provisions of Federal Rules of Civil Procedure 26(d) and (f) and 30(a)(2)(C), and Local Rule 26.1, and pursuant to Federal Rules of Civil Procedure 30(a), 34, and 45, the

Commission is granted leave, at any time after service of this Order, to conduct limited discovery and such discovery shall proceed as follows:

A. Counsel for the Commission may, for the purpose of discovering the (1) nature, location, status, and extent of Defendants' assets; (2) nature and location of documents reflecting the business transactions of Defendant; and (3) the applicability of any evidentiary privileges to this action;

1. Take the deposition of any person or entity, on three (3) days notice. The limitations and conditions set forth in Fed. R. Civ. P. 30(a)(2)(B) and 31(a)(2)(B) regarding subsequent depositions of an individual shall not apply to depositions taken pursuant to this Section. Any such deposition taken pursuant to this Section shall not be counted towards the ten (10) deposition limit set forth in Fed. R. Civ. P. 30(a)(2)(A). Service of discovery upon a party, taken pursuant to this Section, shall be sufficient if made by facsimile or by overnight discovery; and
2. Demand the production of Documents, on five (5) days notice, from any person, whether or not a party, provided that twenty-four (24) hours notice shall be deemed sufficient for the

production of any such documents that are maintained or stored only as electronic data;

B. Counsel for the Commission may issue subpoenas to third party persons or entities, requiring the production of documents or evidence relevant to this case, within ten (10) days.

**CUSTOMER SALES INFORMATION
XV.**

IT IS FURTHER ORDERED that Defendants, within five (5) days of service of this Order, shall provide to Plaintiff: a complete and accurate statement providing the names, addresses and telephone numbers of each purchaser of a Work-at-home Opportunity sold by Defendants, whether directly by any Defendant or by a third party, since January 1, 2007; the total dollar amount of money received from each customer; and the total dollar amount of any refund provided to each customer.

**ACCESS TO BUSINESS RECORDS
XVI.**

IT IS FURTHER ORDERED that Defendants shall allow the Commission's representatives, agents, and assistants access to all of the Business Defendant's and Individual Defendants' business records to inspect and copy

documents so that the Commission may prepare for the preliminary injunction hearing and identify and locate assets.

Accordingly, the Business Defendant and Individual Defendants shall, within one (1) day of service of this Order, produce to the Commission and the Commission's representatives, agents and assistants for inspection, inventory, and/or copying, at the location demanded by the FTC, all materials related or referring, directly or indirectly, to the Business Defendant's and Individual Defendants' business practices or assets including, but not limited to, computers, computer access codes and/or other computer passwords, computerized files, storage media (including, but not limited to, floppy disks, hard drives, CD-ROMS, zip disks, punch cards, magnetic tape, backup tapes and computer chips) on which information has been saved, any and all equipment needed to read any such material, contracts, accounting data, correspondence (including, but not limited to, electronic correspondence), advertisements (including, but not limited to, advertisements placed on the World Wide Web), USENET Newsgroup postings, World Wide Web pages, books, written or printed records, handwritten notes, receipt books, 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, 1099 forms, and other documents or records of any kind that relate to the Business Defendant's and Individual Defendants' business practices.

**ELECTRONIC DATA HOST
XVII.**

IT IS FURTHER ORDERED within one (1) day of the entry of this Order, Defendants shall (1) notify counsel for the Commission of the name and location of any person or entity that is hosting, storing, or otherwise maintaining electronic data ("Electronic Data Host") related to Defendants' Work-at-home opportunity; (2) inform any such Electronic Data Host that any data they host, store, or otherwise maintain, related to Defendants' Work-at-home opportunity is the subject of litigation involving the Federal Trade Commission, and that any such Electronic Data Host has a duty to preserve such records. Defendants shall consent to the Commission and its agents receiving access to the Defendants' data that is hosted, stored or otherwise maintained by any such Electronic Data Host, for the purpose of forensic imaging. Defendants shall notify any such Electronic Data Host of their consent, and execute any documents and otherwise cooperate as necessary to facilitate such access.

**DISTRIBUTION OF ORDER BY DEFENDANTS
XVIII.**

IT IS FURTHER ORDERED that Defendants shall immediately provide a copy of this Order to each of their employees, directors, officers, subsidiaries, affiliates, divisions, sales entities, successors, assigns, independent contractors, attorneys, representatives, all persons in active concert or participation with Defendants, and any person who has solicited customers for Defendants' Work-at-home Opportunity or provided any service in connection with Defendants' marketing and sale of any good or service. Within five (5) calendar days from the date of entry of this Order, Defendants shall provide the FTC with a sworn statement identifying the names, addresses, and telephone numbers of each person or entity that Defendants have served with a copy of the Order.

**USE OF ALIASES
XIX.**

IT IS FURTHER ORDERED that the Defendants are hereby enjoined from using any fictitious, false, or assumed title or name, other than their own proper name, or otherwise misrepresenting their true identities in the course of business dealings or in publicly filed documents.

**SERVICE OF ORDER UPON THIRD-PARTY ASSET HOLDERS
XV.**

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 any Defendant, or that may otherwise be subject to any provision of this Order. Service upon any branch or office of any financial institution or entity shall effect service upon the entire financial institution or entity.

**AUTHORIZATION TO COLLECT MAIL
XX.**

IT IS FURTHER ORDERED that:

A. The Plaintiff shall be designated as the recipient of all mail that is addressed to any Defendant and/or addressed to any other name under which Defendants are doing business, including, but not limited to, “Preferred Platinum Services Network, LLC,” “Home Based Associate Program,” “The Postcard Processing Program,” and “PPSN, LLC” where such mail is directed to a Post Office Box (“P.O. Box”), including, but not limited to, P.O. Box 5104 Toms River, New Jersey 08757-5401 and P.O. Box 5148 Toms River, New Jersey 08757-5148, or to any Commercial Mail Receiving Agency (“CMRA”) where any Defendant maintains an account and/or mail receiving box. Under this section the FTC is

authorized to collect the mail and inspect its contents for the duration of this Order, or any such superseding Order;

B. Defendants, within three (3) business days of entry of this Order, shall provide to counsel for the Commission a complete list of all P.O. Boxes and CMRA accounts and/or mail receiving boxes used by any Defendant from January 1, 2007, through the date of entry of this Order. Defendants shall notify counsel for the Commission of any P.O. Boxes and CMRA accounts and/or mail receiving boxes created by any Defendant after the date of entry of this Order, within three (3) business days of its creation. Such notice shall include the name of the Post Office and/or the CMRA; a copy of PS Form 1093, PS Form 1583, and/or the CMRA agreement or application; the account number; the P.O. Box number, CMRA account number or mail receiving box number; the address of the Post Office and/or CMRA; the name and telephone number of a contact person at the Post Office and/or CMRA; and all business names used by said Defendant receiving mail at that P.O. Box and/or CMRA mail receiving box.

**SERVICE OF PLEADINGS, EVIDENCE AND WITNESS LISTS
XXI.**

IT IS FURTHER ORDERED that:

A. The Defendants shall file with the Court and serve counsel for the FTC their response to the Order to Show Cause Why a Preliminary Injunction

Should Not Issue, including all declarations, exhibits, memoranda, and other evidence, not less than seventy-two (72) hours prior to the hearing on such application. The Defendants shall serve copies of all such materials on the FTC, by hand, by facsimile transmission, or by overnight delivery service to the attention of counsel for the FTC, Nur-ul-Haq at Federal Trade Commission, Northeast Region, One Bowling Green, Suite 318, New York, NY 10004 (facsimile transmission to (212) 607-2822).

Provided, however, that if the Defendants choose to serve the FTC via overnight delivery, the documents shall be delivered so that they shall be received by the FTC at least seventy-two (72) hours prior to the hearing.

B. The FTC shall file with the Court and serve on the Defendants any supplemental memoranda, declarations, materials, or other evidence not less than twenty-four (24) hours prior to the hearing on the Order to Show Cause Why a Preliminary Injunction Should Not Issue. The FTC shall serve copies of all such materials on counsel for each Defendant by hand, by facsimile transmission, or by overnight delivery service.

Provided, however, that if the FTC chooses to serve any Defendant via overnight delivery, the documents shall be delivered so that they shall be received by such Defendant at least twenty-four (24) hours prior to the hearing. Consumer

declarations previously filed as exhibits in support of this Order comply with the disclosure requirements of this Section.

C. Pursuant to Fed. R. Civ. P. 4(c)(2), the copies of this Order and the initial pleadings and papers filed in this matter, including the Complaint and summonses, may be served by employees and agents of the FTC, by employees of any state or other federal law enforcement agency, including, but not limited to, the United States Marshal's Office and the Federal Bureau of Investigation, the Office of the Attorney General of the State of New Jersey, and by agents of any process servers retained by the FTC, upon any office of the Defendants, any individual Defendant, any financial or brokerage institution, or any person or entity that may be in possession of any assets, property, or property rights of the Defendants.

D. The issuance of a preliminary injunction pursuant to Fed. R. Civ. P. 65 and Local Rule 65.1 shall be determined on the pleadings, declarations, memoranda, and other exhibits filed by the parties and on oral argument, without live testimony. Any party who desires to present live testimony at the hearing shall file a motion requesting leave to present live testimony, and serve such motion on all opposing parties, not less than seventy-two (72) hours prior to the hearing on the Order to Show Cause Why a Preliminary Injunction Should Not Issue. The request shall set forth in detail the reasons why an evidentiary hearing is desired

and how such hearing would be helpful to the Court. In addition, the request shall set forth a witness list that shall include the name, address, and telephone number of any such witness, and either a summary of the witness' expected testimony, or the witness' declaration revealing the substance of such witness' expected testimony.

Provided, however, that if service is via overnight delivery, the documents shall be delivered so that they shall be received by all parties at least seventy-two (72) hours prior to the hearing.

E. Any party opposing a request to present live testimony shall file its written opposition, and serve such motion on all parties, not less than twenty-four (24) hours prior to the hearing on the Order to Show Cause Why a Preliminary Injunction Should Not Issue. Any party opposing a request to present live testimony also shall file its witness list, and serve such witness list on all parties, not less than twenty-four (24) hours prior to the hearing on the Order to Show Cause Why a Preliminary Injunction Should Not Issue. For purposes of this Subsection, service shall be by hand, by facsimile transmission, or by overnight delivery service.

Provided, however, that if service is via overnight delivery, the documents shall be delivered so that they shall be received by all parties at least twenty-four (24) hours prior to the hearing.

**CORRESPONDENCE WITH PLAINTIFF
XXII.**

IT IS FURTHER ORDERED that for the purposes of this Order, all service on and correspondence to the FTC shall be sent via U.S. Express Mail or Federal Express and be addressed to: Nur-ul-Haq, Federal Trade Commission, Northeast Region, One Bowling Green, Suite 318, New York, NY 10004. Telephone: (212) 607-2806; Facsimile: (212) 607-2822.

**DURATION OF TEMPORARY RESTRAINING ORDER
XXIII.**

IT IS FURTHER ORDERED that the Temporary Restraining Order granted herein shall expire on FEB. 11, 2010, at 12:00 o'clock p.m., unless within such time, the Order, for good cause shown, is extended for an additional period not to exceed ten (10) days, or unless it is further extended pursuant to Fed. R. Civ. P. 65.

**ORDER TO SHOW CAUSE RE: PRELIMINARY INJUNCTION
XXIV.**

IT IS FURTHER ORDERED, pursuant to Fed. R. Civ. P. 65(b), that Defendants shall appear before this Court on the 11th day of FEBRUARY, 2010, at NOON ^{12:00} o'clock p.m., at the United States courthouse located at TRENTON, N.J., Room 54, to show cause, if there is any, why this Court should not enter a preliminary injunction, pending final ruling

on the Complaint against the Defendants, enjoining the Defendants from further violations of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), continuing the freeze of their assets, and imposing such additional relief as may be appropriate.

**RETENTION OF JURISDICTION
XXV.**

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

SERVICE OF THIS ORDER AND THE COMPLAINT WITH SUPPORTING DOCUMENTS SHALL BE MADE IN ACCORDANCE WITH LAW, NO LATER THAN 11:55 p.m. ON WEDNESDAY, FEB. 3, 2010.

SO ORDERED, this 1st day of FEBRUARY, 2010, at 12:15 p.m.

Jerry L. Cooper

UNITED STATES DISTRICT COURT JUDGE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of the original on file in my office
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
WILLIAM T. WALSH, CLERK

By *William T. Walsh*

Deputy Clerk