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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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10 FEDERAL TRADE COMMISSION

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 Oakland Division

14 FEDERAL TRADE COMMISSION,

15 Plaintiff,

16 v.

Case No. CV 10-5418 PJH

17 NATIONAL AWARDS SERVICE  
18 ADVISORY, LLC, a limited liability  
19 company, also d/b/a Prize Information  
20 Bureau and Award Notification Bureau,

21 CENTRAL PROCESSING OF  
22 NEVADA, LLC, a limited liability  
23 company, also d/b/a Publishers  
24 Information Bureau and Consumer  
25 Reporting Services,

26 INTERNATIONAL AWARD  
27 ADVISORS, INC., a corporation,

28 SPECTRUM CAGING SERVICE,  
INC., a corporation,

PRIZE REGISTRY BUREAU, INC., a  
corporation,

CONSOLIDATED DATA BUREAU,  
INC., a corporation, also d/b/a Data  
Distribution Bureau, Inc.,

REGISTERED DATA ANALYTICS,  
INC., a corporation,

LLOYD BRANNIGAN EXCHANGE,  
INC., a corporation,

**Temporary Restraining Order with  
Asset Freeze and Other Equitable  
Relief, and Order to Show Cause  
Why a Preliminary Injunction  
Should Not Issue**

Temporary Restraining Order

1 GEOVANNI SORINO, individually  
2 and as an officer of NATIONAL  
3 AWARDS SERVICE ADVISORY,  
4 LLC,

4 JORGE A. CASTRO, individually and  
5 as an officer of CENTRAL  
6 PROCESSING OF NEVADA, LLC,

6 TULLY A. LOVISA, individually and  
7 as an officer of INTERNATIONAL  
8 AWARD ADVISORS, INC.,  
9 SPECTRUM CAGING SERVICE,  
10 INC., CONSOLIDATED DATA  
11 BUREAU, INC., PRIZE REGISTRY  
12 BUREAU, INC., and REGISTERED  
13 DATA ANALYTICS, INC., and

10 STEVEN MCCLENAHAN,  
11 individually and as an officer of PRIZE  
12 REGISTRY BUREAU, INC.,  
13 CONSOLIDATED DATA BUREAU,  
14 INC., REGISTERED DATA  
15 ANALYTICS, INC., and LLOYD  
16 BRANNIGAN EXCHANGE, INC.,

14 Defendants.

17 Plaintiff Federal Trade Commission (“FTC”), has filed its Complaint against  
18 Defendants (1) National Award Service Advisory, LLC; (2) Central Processing of  
19 Nevada, LLC; (3) International Award Advisors, Inc.; (4) Spectrum Caging  
20 Services, Inc.; (5) Prize Registry Bureau, Inc.; (6) Consolidated Data Bureau, Inc.;  
21 (7) Registered Data Analytics, Inc.; (8) Lloyd Brannigan Exchange, Inc.; (9)  
22 Geovanni Sorino; (10) Jorge A. Castro; (11) Tully A. Lovisa; and (12) Steven  
23 McClenahan (“Defendants”), seeking a permanent injunction and other equitable  
24 relief in this matter pursuant to Section 13(b) of the Federal Trade Commission Act  
25 (“FTC Act”), 15 U.S.C. § 53(b). The FTC has also applied *ex parte* for a Temporary  
26 Restraining Order with asset freeze and other equitable relief, and for an Order to  
27 Show Cause Why a Preliminary Injunction Should Not Issue, pursuant to Rule 65(b)  
28

1 of the Federal Rules of Civil Procedure. The Court has considered the pleadings,  
2 declarations, exhibits, and memorandum of law filed in support thereof and makes  
3 the following findings of fact:

4 1. This Court has jurisdiction over the subject matter of this case. There is  
5 also good cause to believe that it will have jurisdiction over all parties hereto, and  
6 that venue in this district is proper.

7 2. There is good cause to believe that Defendants have engaged in and are  
8 likely to engage in acts that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a),  
9 and that Plaintiff is likely to prevail on the merits of this action.

10 3. There is good cause to believe that immediate and irreparable harm will  
11 result from Defendants' ongoing violations of the FTC Act, unless Defendants are  
12 restrained and enjoined by order of this Court.

13 4. There is good cause to believe that immediate and irreparable damage  
14 to the Court's ability to grant effective final relief for consumers in the form of  
15 monetary redress will occur from the sale, transfer, or other disposition or  
16 concealment by Defendants of assets or business records if Defendants are provided  
17 with advance notice of this Order, and that in accordance with Fed. R. Civ. P. 65(b),  
18 the interests of justice require that this Order be granted without prior notice to  
19 Defendants. There is thus good cause for relieving Plaintiff of the duty to provide  
20 Defendants with prior notice of the Plaintiff's application.

21 5. Good cause exists for requiring Defendants to produce an accounting of  
22 their business assets, sworn financial statements, profit-and-loss statements, and an  
23 accounting of individual assets.

24 6. Considering Plaintiff's likelihood of ultimate success and weighing the  
25 equities, a Temporary Restraining Order with an asset freeze and other equitable  
26 relief is in the public interest.

27 7. No security is required of any agency of the United States for issuance  
28 of a restraining order. Fed. R. Civ. P. 65(c).

1 **ORDER**

2 **DEFINITIONS**

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

4 1. "Assets" means any legal or equitable interest in, right to, or claim to,  
5 any real or personal property, including, without limitation, chattels, goods,  
6 instruments, equipment, fixtures, general intangibles, leaseholds, mail or other  
7 deliveries, inventory, checks, notes, accounts, credits, contracts, receivables, shares  
8 of stock, and all cash, wherever located.

9 2. "Assisting others" means knowingly providing any of the following  
10 goods or services to another person: (A) performing customer service functions,  
11 including, but not limited to, receiving or responding to consumer complaints; (B)  
12 formulating or providing, or arranging for the formulation or provision, of any  
13 marketing material; (C) providing names of, or assisting in the generation of,  
14 potential customers; or (D) performing marketing services of any kind.

15 3. "Clearly and prominently" means, with regard to print advertisements,  
16 solicitations, or other promotional material, the disclosure shall be in a type size and  
17 location sufficiently noticeable for an ordinary consumer to read and comprehend it,  
18 in print that contrasts with the background against which it appears; in multi-page  
19 promotional materials, the disclosure shall appear on the cover or first page.

20 4. "Corporate Defendants" means National Award Service Advisory,  
21 LLC; Central Processing of Nevada, LLC; International Award Advisors, Inc.;  
22 Spectrum Caging Service, Inc.; Prize Registry Bureau, Inc.; Consolidated Data  
23 Bureau, Inc.; Registered Data Analytics, Inc.; Lloyd Brannigan Exchange, Inc.; and  
24 any entity or name through which they do business including, but not limited to,  
25 Prize Information Bureau, Award Notification Bureau, Publishers Information  
26 Bureau, Consumer Reporting Services, and Data Distribution Bureau.

27 5. "Defendants" means National Award Service Advisory, LLC; Central  
28 Processing of Nevada, LLC; International Award Advisors, Inc.; Spectrum Caging

1 Services, Inc.; Prize Registry Bureau, Inc.; Consolidated Data Bureau, Inc.;  
2 Registered Data Analytics, Inc.; Lloyd Brannigan Exchange, Inc.; Geovanni Sorino;  
3 Jorge A. Castro; Tully A. Lovisa; Steven McClenahan; and by any other names each  
4 might be known by, as well as their successors and assigns, whether acting directly  
5 or through any corporation, subsidiary, division, or other device, including, but not  
6 limited to, fictitious business names.

7 6. "Document" is equal in scope and synonymous in meaning to the terms  
8 "document" and "electronically stored information," as described and used in  
9 Federal Rule of Civil Procedure 34(a).

10 7. "Financial institution" means any bank, savings and loan institution,  
11 credit union, brokerage house, escrow agent, money market or mutual fund,  
12 telephone or other common carrier, storage company, trustee or any other person,  
13 partnership, corporation, or other legal entity maintaining or having control of any  
14 records, accounts or other assets, owned directly or indirectly, of record or  
15 beneficially, by any Defendant, including accounts or other assets which any  
16 Defendant may control by virtue of being a signatory on said accounts.

17 8. "Individual Defendants" means Geovanni Sorino; Jorge A. Castro;  
18 Tully A. Lovisa; and Steven McClenahan.

19 9. "Person" means a natural person, organization, or other legal entity,  
20 including a corporation, partnership, proprietorship, association, cooperative, or any  
21 other group or combination acting as an entity.

22 10. "Plaintiff" means the Federal Trade Commission.

23 11. "Prize promotion" means an oral or written representation, whether  
24 express or implied, that a person has won, has been selected to receive, or may be  
25 eligible to receive, or enter a contest to receive, a prize or purported prize, whether  
26 in the form of money, merchandise, or anything of value.

1           12. The terms “and” and “or” in this Order shall be construed conjunctively  
2 or disjunctively as necessary, to make the applicable sentence or phrase inclusive  
3 rather than exclusive.

4   **I. PROHIBITED BUSINESS ACTIVITIES**

5           **IT IS HEREBY ORDERED** that, in connection with a prize promotion or  
6 the advertising, marketing, promotion, or offering of a prize, including, but not  
7 limited to, through the use of such terms as “prize,” “sweepstakes,” “award,”  
8 “lottery,” “winnings,” “gift,” “bonus,” “free,” or terms of similar import and  
9 meaning, Defendants and their officers, directors, agents, servants, employees,  
10 salespersons, distributors, corporations, subsidiaries, affiliates, successors, assigns,  
11 and those persons or entities in active concert or participation with them who  
12 receive actual notice of this Order by personal service, facsimile, or otherwise,  
13 whether acting directly or through any corporation, subsidiary, division, or other  
14 device, are hereby enjoined from:

15           A. Misrepresenting, or assisting others to misrepresent, expressly or by  
16 implication, that a consumer has won or will receive a prize, or that a prize will be  
17 given to a consumer, or the conditions under which a prize will or may be given;

18           B. Failing to disclose, clearly and prominently:

19                           1. That such promotion is being distributed for the purpose of  
20   soliciting a purchase, if such is the case, along with a complete  
21   description of the goods or services being sold; and

22                           2. That the consumer to whom the promotion is provided has not  
23   won a monetary or any other type of prize, if such is the case; and

24           C. Misrepresenting, or assisting others to misrepresent, directly or by  
25 implication, any fact material to a consumer’s decision to participate in a prize  
26 promotion.

1 **II. ASSET FREEZE**

2 **IT IS FURTHER ORDERED** that each of the Defendants is hereby  
3 temporarily restrained and enjoined, until further order of this Court, from:

4 A. Transferring, encumbering, selling, concealing, pledging,  
5 hypothecating, assigning, spending, withdrawing, disbursing, conveying, gifting,  
6 dissipating, or otherwise disposing of any funds, property, coins, lists of consumer  
7 names, shares of stock, or other assets, wherever located, that are (1) owned or  
8 controlled by any of the Defendants, in whole or in part; (2) in the actual or  
9 constructive possession of any of the Defendants; (3) held by an agent of any of the  
10 Defendants, as a retainer for the agent's provision of services to a Defendant; or (4)  
11 owned, controlled by, or in the actual or constructive possession of, or otherwise  
12 held for the benefit of, any corporation, partnership, or other entity directly or  
13 indirectly owned or controlled by any of the Defendants;

14 B. Incurring charges or cash advances on any credit or debit card issued in  
15 the name, singly or jointly, of any of the Defendants, or any corporation,  
16 partnership, or other entity directly or indirectly owned or controlled by any of the  
17 Defendants;

18 C. Opening or causing to be opened any safe deposit boxes titled in the  
19 name of any of the Defendants, or subject to access by any of the Defendants; and

20 *Provided*, that the freeze imposed in this Section shall be construed to not  
21 apply to assets that the Individual Defendants acquire following service of this  
22 Order if the Individual Defendant can prove that such assets are not derived from  
23 activity prohibited by this Order.

24 **III. RETENTION OF ASSETS BY THIRD PARTIES**

25 **IT IS FURTHER ORDERED** that any financial or brokerage institution, any  
26 business entity, or any other person having possession, custody, or control of any  
27 records of any of the Defendants, or of any account, safe deposit box, or other asset  
28 titled in the name of any of the Defendants, either individually or jointly or held for

1 the benefit of any of the Defendants, or which has maintained any such account, safe  
2 deposit box, or other asset at any time since January 1, 2008, who is served with a  
3 copy of this Order, or who otherwise has actual knowledge of this Order, shall:

4 A. Hold and retain within its control and prohibit the transfer,  
5 encumbrance, pledge, assignment, removal, withdrawal, dissipation, sale, or other  
6 disposal of any such account or other asset, except for transfers or withdrawals  
7 authorized in writing by counsel for Plaintiff, or by further order of this Court;

8 B. Deny access to any safe deposit box titled individually or jointly in the  
9 name of, or otherwise subject to access by, any of the Defendants;

10 C. Provide to counsel for the Commission, within three (3) business days  
11 after service of this Order, a statement setting forth:

12 1. the identification of each account or asset titled in the name,  
13 individually or jointly, or for the benefit of, any Defendant,  
14 whether in whole or in part;

15 2. the balance of each such account, or a description of the nature  
16 and value of such asset;

17 3. the identification of any safe deposit box that is either titled in  
18 the name of, individually or jointly, or is otherwise subject to  
19 access or control by, any Defendant, whether in whole or in part;  
20 and

21 4. for any account, safe deposit box, or other asset that has been  
22 closed or removed within one year from the date of entry of this  
23 Order, the date closed or removed and the balance on said date, if  
24 applicable; and

25 D. Upon request by counsel for Plaintiff, provide Plaintiff within seventy  
26 two (72) hours of the date of the request with copies of all records or other  
27 documentation pertaining to such account or asset, including but not limited to  
28 originals or copies of account applications, account statements, signature cards,



1 checks, drafts, deposit tickets, transfers to and from the accounts, all other debit and  
2 credit instruments or slips, currency transaction reports, 1099 forms, and safe  
3 deposit box logs.

4 **IV. FINANCIAL REPORTS**

5 **IT IS FURTHER ORDERED** that within thirty (30) business days after  
6 service of this Order:

7 A. Each of the Individual Defendants shall complete and deliver to  
8 Plaintiff the “Financial Statement of Individual Defendant,” signed under penalty of  
9 perjury, and including all supporting documents requested in the Financial  
10 Statement of Individual Defendant, a copy of which is attached hereto as Attachment  
11 A;

12 B. Each of the Individual Defendants shall, on behalf of each corporation  
13 or other entity of which he is the majority owner or otherwise controls,

14 1. complete and deliver to Plaintiff a separate copy of the “Financial  
15 Statement of Corporate Defendant,” signed under penalty of  
16 perjury, and including all supporting documents requested in the  
17 Financial Statement of Corporate Defendant, a copy of which is  
18 attached hereto as Attachment B;

19 2. serve on counsel for the Commission a detailed accounting of:  
20 a. all gross revenues obtained from sales connected with any  
21 prize promotion, from inception of sales through the date  
22 of the entry of this Order; and  
23 b. the total number of sales connected with any prize  
24 promotion;

25 C. Defendants shall provide the Plaintiff access to records and documents  
26 pertaining to assets of any of the Defendants that are held by financial institutions  
27 outside the territory of the United States by signing a Consent to Release of  
28 Financial Records, a copy of which is attached hereto as Attachment C; and

1 D. Defendants shall provide to Plaintiff such other financial statements as  
2 Plaintiff may request in order to monitor Defendants' compliance with this Order.

### 3 V. REPATRIATION OF ASSETS

4 **IT IS FURTHER ORDERED** that, within five (5) business days after  
5 service of this Order, each Defendant shall:

6 A. Repatriate to the United States all funds, documents, or assets in foreign  
7 countries held, jointly or singly, either by, for the benefit of, or under the direct or  
8 indirect control of any Defendant;

9 B. On the same business day as any repatriation under Subparagraph A,

10 1. notify the Commission of the name and location of the financial  
11 institution or other entity that is the recipient of such funds,  
12 documents, or assets; and

13 2. serve this Order on any such financial institution or other entity;

14 C. Provide the Commission with a full accounting of all funds, documents,  
15 and assets outside of the territory of the United States held, jointly or singly, either  
16 by, for the benefit of, or under the direct or indirect control of any Defendant; and

17 D. Hold and retain all repatriated funds, documents, and assets and prevent  
18 any transfer, disposition, or dissipation whatsoever of any such assets or funds.

### 19 VI. INTERFERENCE WITH REPATRIATION

20 **IT IS FURTHER ORDERED** that Defendants are hereby temporarily  
21 restrained and enjoined from taking any action, directly or indirectly, which may  
22 result in the encumbrance or dissipation of foreign assets, or in the hindrance of the  
23 repatriation required by Section V of this Order, including but not limited to:

24 A. Sending any statement, letter, fax, e-mail or wire transmission,  
25 telephoning or engaging in any other act, directly or indirectly, that results in a  
26 determination by a foreign trustee or other entity that a "duress" event has occurred  
27 under the terms of a foreign trust agreement until such time that all assets have been  
28 fully repatriated pursuant to Section V of this Order; and

1 B. Notifying, or causing the notification of, any trustee, protector or other  
2 agent of any foreign trust or other related entities of either the existence of this  
3 Order, or of the fact that repatriation is required pursuant to a Court Order, until  
4 such time that all assets have been fully repatriated pursuant to Section V of this  
5 Order.

6 **VII. PRESERVATION OF RECORDS AND TANGIBLE THINGS**

7 **IT IS FURTHER ORDERED** that Defendants and their officers, agents,  
8 servants, employees, and attorneys, and those persons in active concert or  
9 participation with any of them who receive actual notice of this Order by personal  
10 service or otherwise, whether acting directly or through any corporation, subsidiary,  
11 division, or other device, are hereby enjoined from:

12 A. Destroying, secreting, defacing, transferring, or otherwise altering or  
13 disposing, in any manner, directly or indirectly, any documents that relate to the  
14 business practices, or business or personal finances, of Defendants or any other  
15 entity directly or indirectly under the control of Defendants; or

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

20 **VIII. PROHIBITION ON RELEASE OF CUSTOMER**  
21 **INFORMATION OR CUSTOMER LISTS**

22 **IT IS FURTHER ORDERED** that Defendants and their officers, agents,  
23 servants, employees, and attorneys, and those persons in active concert or  
24 participation with any of them who receive actual notice of this Order by personal  
25 service or otherwise, are hereby temporarily restrained and enjoined from selling,  
26 renting, leasing, transferring, or otherwise disclosing the name, address, telephone  
27 number, bank account number, e-mail address, or other identifying information of  
28 any person who paid money to any of the Defendants at any time prior to entry of

1 this Order, *provided, however*, that Defendants may disclose such identifying  
2 information to a law enforcement agency or as required by any law, regulation, or  
3 court order.

#### 4 **IX. DISTRIBUTION OF ORDER**

5 **IT IS FURTHER ORDERED** that each Defendant shall immediately  
6 provide a copy of this Order to each affiliate, subsidiary, division, sales entity,  
7 successor, assign, officer, director, employee, independent contractor, distributor,  
8 agent, attorney, and representative of the Defendants, and to each printer, list broker,  
9 mailing service, ad agency, and other vendor with which Defendants have done  
10 business since January 1, 2008.

#### 11 **X. SERVICE OF THIS ORDER BY THE COMMISSION**

12 **IT IS FURTHER ORDERED** that copies of this Order shall be served on the  
13 defendants within twenty four (24) hours of entry of this Order. This Order may be  
14 served by facsimile transmission, personal or overnight delivery, or U.S. Mail, by  
15 employees of the Commission, employees of any other law enforcement agency, or  
16 agents of any process servers retained by the Commission on (1) any financial  
17 institution or any other person or entity that holds, controls, or maintains custody of  
18 any account, asset, or document of any Defendant, or (2) any other person or entity  
19 that may be subject to any provision of this Order. Service upon any branch or  
20 office of any entity shall effect service upon the entire entity.

#### 21 **XI. ORDER TO SHOW CAUSE**

22 **IT IS FURTHER ORDERED**, pursuant to Fed. R. Civ. P. 65(b), that  
23 Defendants shall appear on December 15, 2010, at 9:00 a.m. at the United States  
24 Courthouse, Courtroom Three, Oakland, California, to show cause, if any there be,  
25 why this Court should not enter a preliminary injunction, pending final ruling on the  
26 complaint, against Defendants enjoining them from further violations of the FTC  
27 Act, and imposing such additional relief as may be appropriate against Defendants.

#### 28 **XII. SERVICE OF PLEADINGS, EVIDENCE & WITNESS LISTS**

1       **IT IS FURTHER ORDERED** that:

2       A.     Defendants shall file any answering affidavits, pleadings, or legal  
3 memoranda with the Court and serve the same on counsel for the Plaintiff no later  
4 than Wednesday, December 8, 2010. The Plaintiff may file responsive or  
5 supplemental pleadings, materials, affidavits, or memoranda with the Court and  
6 serve the same on counsel for Defendants, or on Defendants if Defendants have not  
7 designated counsel to represent them in this action, no later than Friday December  
8 10, 2010; provided that service shall be performed by personal or overnight delivery  
9 or by facsimile, and documents shall be delivered so that they shall be received by  
10 the other parties no later than 4 p.m. (PST) on the appropriate dates listed in this  
11 sub-section A; and

12       B.     There will be no direct examination of witnesses at the preliminary  
13 injunction hearing in this matter. Direct testimony shall be presented in the form of  
14 declarations or affidavits.

15                     **XIII.   CORRESPONDENCE WITH PLAINTIFF**

16       **IT IS FURTHER ORDERED** that for the purposes of this Order, all service  
17 on and correspondence to the Plaintiff shall be addressed to: Sarah Schroeder or  
18 Matthew Gold, Federal Trade Commission, 901 Market Street, Ste. 570, San  
19 Francisco, CA 94103. Telephone: (415) 848-5100; Facsimile: (415) 848-5184.

20                     **XIV.   EXPIRATION OF THIS ORDER**

21       **IT IS FURTHER ORDERED** that the Temporary Restraining Order granted  
22 herein shall expire on December 15, 2010, unless within such time the Order, for  
23 good cause shown, is extended for a like period, or unless, as to any Defendant, the  
24 Defendant consents that it should be extended for a longer period of time.

25       IT IS SO ORDERED, this 1st day of December, 2010.

26                                       
27                                     \_\_\_\_\_  
28                                     HONORABLE PHYLLIS J. HAMILTON  
  UNITED STATES DISTRICT JUDGE