

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 11-61072-CIV-Zloch/Rosenbaum

**FEDERAL TRADE COMMISSION,**

Plaintiff,

v.

**AMERICAN PRECIOUS METALS, LLC,**  
a Florida limited liability company,

and

**HARRY R. TANNER, JR.,** individually and as  
an owner, officer, and managing member of  
**AMERICAN PRECIOUS METALS, LLC,**

and

**ANDREA TANNER,** individually and as an  
owner, officer, and managing member of  
**AMERICAN PRECIOUS METALS, LLC,**

Defendants.

**PLAINTIFF FEDERAL TRADE COMMISSION'S  
MOTION FOR AN *EX PARTE* TEMPORARY RESTRAINING ORDER  
WITH AN ASSET FREEZE, APPOINTMENT OF RECEIVER, AND  
OTHER EQUITABLE RELIEF AND ORDER TO SHOW CAUSE  
WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE**

Plaintiff, the Federal Trade Commission (FTC), having filed its Complaint for Permanent Injunction and Other Equitable Relief, moves this court, pursuant to Section 13(b) of the Federal Trade Commission Act (FTC Act), 15 U.S.C. § 53(b), and Rule 65(b) of the Federal Rules of Civil Procedure, Fed. R. Civ. P. 65(b), for an *ex parte* temporary restraining order, in the form annexed, that will:

1. Temporarily restrain American Precious Metals, LLC, Harry R. Tanner, Jr., and

Andrea Tanner (collectively “Defendants”) from further violations of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the Telemarketing Sales Rule (TSR), 16 C.F.R. Part 310, as alleged in the complaint;

2. Temporarily restrain Defendants from disposing of or encumbering their assets;
3. Provide for a Temporary Receiver of the Corporate Defendant, American Precious Metals, LLC;
4. Temporarily restrain financial institutions and others from permitting Defendants to withdraw or encumber their assets or from granting Defendants access to safe deposit and post office boxes;
5. Require financial institutions and others to provide statements to the FTC describing any assets held on behalf of Defendants, and to provide the FTC copies of documents pertaining to Defendants’ financial accounts;
6. Temporarily restrain Defendants from failing to maintain business records and from disposing of any documents related to the Corporate Defendant’s business;
7. Require Defendants and any appointed Temporary Receiver to allow Plaintiff’s representatives immediate access to Defendants’ business premises to inspect and photograph the premises and to inspect, copy, and photograph all documents, records, and material relevant to this action or reasonably calculated to lead to admissible evidence;
8. Require each Defendant to complete the Financial Statement of Individual Defendant and Financial Statement of Corporate Defendant, which are attached to the proposed temporary restraining order as Attachments A and B, to describe their individual and corporate financial conditions;
9. Require Defendants to repatriate to the United States all assets and documents and deliver them to any appointed Temporary Receiver;
10. Require Defendants to provide immediately a copy of the attached restraining order to each of their officers, agents, employees, and independent contractor and to each person and entity through which Defendants advertise;
11. Stay all other actions against the Corporate Defendant during the pendency of this case;

12. Permit consumer reporting agencies to furnish to Plaintiff consumer credit reports of the individual Defendants; and

13. Require all Defendants to show cause why a preliminary injunction should not issue extending the foregoing temporary relief until the merits of Plaintiff's allegations are fully adjudicated.

Plaintiff asks that the temporary relief requested herein be granted without notice to the Defendants or their attorneys and without security, as authorized by Fed. R. Civ. P. 65(c). In support of its motion, Plaintiff respectfully refers this court to Plaintiff Federal Trade Commission's Memorandum of Points and Authorities in Support of Motion for an *Ex Parte* Temporary Restraining Order With an Asset Freeze Appointment of Receiver, and Other Equitable Relief and Order to Show Cause Why a Preliminary Injunction Should Not Issue, the declaration of Plaintiff's counsel presented pursuant to Fed. R. Civ. P. 65(b), and the sworn declarations and exhibits filed herewith.

Respectfully submitted,

Willard K. Tom  
General Counsel

Dated: May 10, 2011



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