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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Federal Trade Commission  
  
Plaintiff,  
  
v.  
  
American Business Builders, LLC, et al.,  
  
Defendants.

No. CV-12-02368-PHX-GMS  
  
STIPULATED FINAL ORDER FOR  
PERMANENT INJUNCTION AND  
MONETARY JUDGMENT AGAINST  
DEFENDANTS ENF, LLC (ALSO  
DOING BUSINESS AS NETWORK  
MARKET SOLUTIONS); UNIVERSAL  
MARKETING AND TRAINING, LLC;  
AND STEPHEN SPRATT

Plaintiff, the Federal Trade Commission (“Commission” or “FTC”), filed its Complaint for Permanent Injunction and Other Equitable Relief on November 6, 2012, subsequently amended on December 14, 2012 (“Complaint”), pursuant to Sections 13(b) and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b) and 57b. The Complaint alleges that Defendants American Business Builders, LLC; ENF, LLC (also doing business as Network Market Solutions); UMS Group, LLC; United Merchant Services, LLC; Universal Marketing and Training, LLC; Unlimited Training Services, LLC; Shane Michael Hanna (also known as Shane Michael Romeo); and Stephen Spratt violated Section 5 of the FTC Act, 15 U.S.C. § 45(a) and the Commission’s Trade Regulation Rule entitled “Disclosure Requirements and Prohibitions Concerning Business Opportunities,” 16 C.F.R. Part 437, as amended. That same day, the Court entered a Temporary Restraining Order with Asset Freeze, Appointment of a Temporary Receiver and Other Equitable Relief, and Order to Show Cause why a Preliminary Injunction Should Not Issue and a Permanent Receiver Should Not be Appointed

1 (“TRO”). The Court subsequently extended the TRO by stipulation of the parties. On  
2 August 29, 2013, the Court entered an Order re Preliminary Injunction with Asset Freeze,  
3 Appointment of Receiver and Other Equitable Relief with Respect to All Defendants  
4 (“Preliminary Injunction”).

5 The Commission and Defendants ENF, LLC (also doing business as Network  
6 Market Solutions); Universal Marketing and Training, LLC; and Stephen Spratt have  
7 stipulated to the entry of this Stipulated Final Order for Permanent Injunction and  
8 Monetary Judgment (“Order”) to resolve all matters in dispute in this action between  
9 them.

10 **THEREFORE, IT IS ORDERED** as follows:

11 **FINDINGS**

- 12 1. This Court has jurisdiction over this matter.
- 13 2. The Complaint charges that Defendants participated in deceptive acts or  
14 practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, and violated the FTC’s  
15 Trade Regulation Rule entitled “Disclosure Requirements and Prohibitions Concerning  
16 Business Opportunities,” 16 C.F.R. Part 437, as amended, in connection with the  
17 advertising, marketing and sale of a business opportunity.
- 18 3. Defendants neither admit nor deny any of the allegations in the Complaint,  
19 except as specifically stated in this Order. Only for purposes of this action, Defendants  
20 admit the facts necessary to establish jurisdiction.
- 21 4. Defendants waive any claim that they may have under the Equal Access to  
22 Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date  
23 of this Order, and agree to bear their own costs and attorney fees. Defendants further  
24 waive and release any claims they may have against the Commission, its employees,  
25 representatives, or agents, and the Receiver and the Receiver’s employees,  
26 representatives, or agents.
- 27 5. Defendants and the Commission waive all rights to appeal or otherwise  
28 challenge or contest the validity of this Order.

**DEFINITIONS**

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

A. “Business opportunity” means a commercial arrangement in which:

1. A seller solicits a prospective purchaser to enter into a new business;

and

2. The prospective purchaser makes a required payment; and

3. The seller, expressly or by implication, orally or in writing, represents that the seller or one or more designated persons will:

a. Provide locations for the use or operation of equipment, displays, vending machines, or similar devices, owned, leased, controlled, or paid for by the purchaser; or

b. Provide outlets, accounts, or customers, including, but not limited to, Internet outlets, accounts, or customers, for the purchaser’s goods or services; or

c. Buy back any or all of the goods or services that the purchaser makes, produces, fabricates, grows, breeds, modifies, or provides, including but not limited to providing payment for such services as, for example, stuffing envelopes from the purchaser’s home.

B. “Corporate Defendants” means ENF, LLC (also doing business as Network Market Solutions); Universal Marketing and Training, LLC; and their successors and assigns.

C. “Defendants” means Individual Defendant and the Corporate Defendants, individually, collectively, or in any combination.

D. “Designated person” means any person, other than the seller, whose goods or services the seller suggests, recommends, or requires that the purchaser use in establishing or operating a new business.

E. “Hanna Defendants” means Shane Michael Hanna (also known as Shane Michael Romeo); American Business Builders, LLC; UMS Group, LLC; United

1 Merchant Services, LLC; and Unlimited Training Services, LLC; and their successors  
2 and assigns.

3 F. “Individual Defendant” means Stephen Spratt.

4 G. “New business” means a business in which the prospective purchaser is not  
5 currently engaged, or a new line or type of business.

6 H. “Person” means a natural person, organization, or other legal entity,  
7 including a corporation, partnership, proprietorship, association, cooperative, government  
8 or governmental subdivision or agency, or any other group or combination acting as an  
9 entity.

10 I. “Provide locations, outlets, accounts or customers” means furnishing the  
11 prospective purchaser with existing or potential locations, outlets, accounts, or customers;  
12 requiring, recommending, or suggesting one or more locators or lead generation  
13 companies; providing a list of locator or lead generating companies; collecting a fee on  
14 behalf of one or more locators or lead generating companies; offering to furnish a list of  
15 locations, outlets, accounts or customers; or otherwise assisting the prospective purchaser  
16 in obtaining his or her own locations, outlets, accounts, or customers.

17 J. “Receiver” means the receiver appointed by the Court pursuant to the  
18 Preliminary Injunction over the Corporate Defendants; American Business Builders,  
19 LLC; UMS Group, LLC; United Merchant Services, LLC; and Unlimited Training  
20 Services, LLC.

21 K. “Required payment” means all consideration that the purchaser must pay to  
22 the seller or an entity controlled by, controlling, or under common control with a seller,  
23 either by contract or practical necessity, as a condition of obtaining or commencing  
24 operation of the business opportunity. Such payment may be made directly or indirectly  
25 through a third party.

26 L. “Seller” means a person who offers for sale or sells a business opportunity.

27 M. “Work-at-home opportunity” means any good, service, plan, program or  
28 opportunity that is represented, expressly or by implication, to assist an individual in any

1 manner to earn money while working from home, whether or not a business opportunity.

2 **ORDER**

3 **I.**

4 **BAN ON SALE OF BUSINESS OPPORTUNITIES**  
5 **AND WORK-AT-HOME OPPORTUNITIES**

6 **IT IS ORDERED** that Defendants, whether acting directly or through any  
7 intermediary, are permanently restrained and enjoined from:

8 A. Advertising, marketing, promoting, or offering for sale, or assisting in the  
9 advertising, marketing, promoting, or offering for sale of any:

- 10 1. Business opportunity;  
11 2. Work-at-home opportunity; or  
12 3. Service to assist in the creation, advertising, marketing, promotion,  
13 or operation of a business opportunity or work-at-home opportunity, including  
14 services such as lead generation, marketing campaign management, website  
15 development, social media promotion, search engine optimization, training, and  
16 business establishment services; and

17 B. Holding any ownership interest in any business, other than a publicly-  
18 traded company, that engages in or assists in advertising, marketing, promoting, or  
19 offering for sale of any:

- 20 1. Business opportunity;  
21 2. Work-at-home opportunity; or  
22 3. Service to assist in the creation, advertising, marketing, promotion,  
23 or operation of a business opportunity or work-at-home opportunity, including  
24 services such as lead generation, marketing campaign management, website  
25 development, social media promotion, search engine optimization, training, and  
26 business establishment services.

27 **II.**

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1 Commission, including promptly signing any document necessary or appropriate  
2 to transfer such funds to the Commission.

3 C. Defendants hereby grant to the Commission all rights and claims they have  
4 to any asset currently in the possession, custody, or control of the Receiver, including, but  
5 not limited to, any customer lists, customer information, lead lists, computers, servers,  
6 and all funds transferred to the Receiver from the following accounts:

7 1. Accounts at Arizona Federal Credit Union:

8 a. Account Number \*8995, held in the name of Safe Card;

9 2. Accounts at Bank of America:

10 a. Account Numbers \*7782 and \*7818, held in the name of  
11 Complete Market Share;

12 b. Account Numbers \*6942, \*6955 and \*6968, held in the name  
13 of ENF, LLC;

14 c. Account Number \*0310, held in the name of United  
15 Merchant; and

16 d. Account Numbers \*4208, \*6560, \*6573 and \*6710, held in  
17 the name of Universal Marketing;

18 3. Accounts at Compass Bank:

19 a. Account Number \*7403, held in the name of American  
20 Business Builders; and

21 b. Account Number \*9972, held in the name of UMS Group;

22 4. Accounts at EVO Merchant Services, LLC:

23 a. Account Number \*0344, held in the name of Pinnacle  
24 Marketing Group; and

25 b. Account Numbers \*2266 and \*2464, held in the name of Safe  
26 Card, LLC;

27 5. Accounts at Global Payments Direct, Inc.:

28 a. Account Number \*2317, held in the name of American

1 Business Brokers, doing business as UMS;

2 b. Account Number \*9327, held in the name of Cash Flow  
3 Capital;

4 c. Account Number \*9241, held in the name of E3Biz, LLC;

5 d. Account Number \*3823, held in the name of Pinnacle  
6 Marketing; and

7 6. Accounts at Nevada State Bank:

8 a. Account Numbers \*2702, \*2710, \*2728 and 4047, held in the  
9 name of American Business Brokers; and

10 b. Account Numbers \*4054, \*4062, \*4070 and \*4088, held in  
11 the name of ENF, LLC.

12 D. Defendants hereby grant to the Commission all rights and claims they have  
13 to any funds, including any funds held in a reserve account or as a reserve balance, in the  
14 possession of any person, including any financial institution, and specifically including  
15 Global Payments Direct, Inc., Trust One Payment Services, Inc., and HSBC Bank USA.

16 E. Upon such payment and all other asset transfers set forth in Subsections  
17 III.B through III.D of this Order, the remainder of the judgment as to Individual  
18 Defendant is suspended, subject to the Subsections below.

19 F. The Commission's agreement to the suspension of part of the judgment is  
20 expressly premised upon the truthfulness, accuracy, and completeness of Individual  
21 Defendant's sworn financial statements and related documents (collectively, "financial  
22 representations") submitted to the Commission, namely:

23 1. The Financial Statement of Individual Defendant signed on February  
24 1, 2014, including Attachment 1;

25 2. All documents and information submitted to the FTC by Individual  
26 Defendant through his counsel, Joseph Sanscrainte, including the following:

27 a. All documents and information submitted via email on  
28 January 2, 2013 at 1:57 pm and 1:59 pm, including the 2009, 2010 and

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2011 Federal and Arizona Tax Returns for Stephen Spratt and Kathleen Spratt;

b. All documents and information submitted via email on February 22, 2013 at 2:13 pm, including the escrow closing statement from Security Title Agency dated March 28, 2012 and the motor vehicle retail installment sales contract dated September 21, 2012;

c. All documents and information submitted via email on March 18, 2013 at 2:17 pm, including the 2012 form 1099 issued to Kathleen Mary Spratt from Charles Schwab and Co.;

d. All documents and information submitted via email on April 10, 2013 at 11:40 am and April 29, 2013 at 8:13 am;

e. All documents and information submitted via email on May 29, 2013 at 12:18 pm, including the mortgage statement from PHH Mortgage, the mortgage statement from Bank of America, and the Bank of America Equity Maximizer Agreement and Disclosure Statement;

f. All documents and information submitted via email on June 14, 2013 at 2:59 pm and June 21, 2013 at 2:10 pm;

g. All documents and information received by the FTC on July 9, 2013 via U.S. mail, including the 2012 Federal and Arizona income tax returns for Stephen Spratt and Kathleen Spratt, account statements from Bank of America, and account statements from Merrill Lynch;

h. All documents and information submitted via email on July 31, 2013 at 11:05 am;

i. All documents and information received by the FTC via U.S. mail on August 19, 2013, including account statements from American Express;

j. All documents and information submitted via email on September 17, 2013 at 5:34 am, including the American Express statement



1 Order, such as a nondischargeability complaint in any bankruptcy case.

2 C. The facts alleged in the Complaint establish all elements necessary to  
3 sustain an action by the Commission pursuant to Section 523(a)(2)(A) of the Bankruptcy  
4 Code, 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral estoppel effect for  
5 such purposes.

6 D. Defendants acknowledge that their Taxpayer Identification Numbers  
7 (Social Security Numbers or Employer Identification Numbers), which Defendants  
8 previously submitted to the Commission, may be used for collecting and reporting on any  
9 delinquent amount arising out of this Order, in accordance with 31 U.S.C. § 7701.

10 E. All money paid to the Commission pursuant to this Order may be deposited  
11 into a fund administered by the Commission or its designee to be used for equitable  
12 relief, including consumer redress and any attendant expenses for the administration of  
13 any redress fund. If a representative of the Commission decides that direct redress to  
14 consumers is wholly or partially impracticable or money remains after redress is  
15 completed, the Commission may apply any remaining money for such other equitable  
16 relief (including consumer information remedies) as it determines to be reasonably  
17 related to Defendants' practices alleged in the Complaint. Any money not used for such  
18 equitable relief is to be deposited to the U.S. Treasury as disgorgement. Defendants have  
19 no right to challenge any actions the Commission or its representatives may take pursuant  
20 to this Subsection.

21 F. The asset freeze set forth in Section III of the Preliminary Injunction shall  
22 remain in full force and effect until the completion of all payments and transfers set forth  
23 in Section III of this Order, except that the asset freeze is modified to permit the  
24 payments and transfers identified in Section III of this Order. Upon completion of all  
25 payments and transfers required by Section III of this Order, the asset freeze as to  
26 Defendants is dissolved.

27 G. If any Defendant fails to pay fully the amount due at the time specified,  
28 Defendants must cooperate fully with the Commission and their representatives in all

1 attempts to collect the judgment. In such an event, Defendants agree to provide federal  
2 and state tax returns for the preceding two years, and to complete new financial  
3 disclosure forms fully and accurately within 10 business days of receiving a request from  
4 the Commission. Defendants further authorize the Commission to verify all information  
5 provided on their financial disclosure forms with all appropriate third parties, including  
6 financial institutions.

7 **V.**

8 **CUSTOMER INFORMATION**

9 **IT IS FURTHER ORDERED** that Defendants, Defendants' officers, agents,  
10 servants, employees, and attorneys, and all other persons in active concert of participation  
11 with any of them, who receive actual notice of this Order, are permanently restrained and  
12 enjoined from directly or indirectly:

13 A. Failing to provide sufficient customer information to enable the  
14 Commission to efficiently administer consumer redress. If a representative of the  
15 Commission requests in writing any information related to redress, Defendants must  
16 provide it, in the form prescribed by the Commission, within 14 days.

17 B. Disclosing, using, or benefitting from customer or consumer lead  
18 information, including the name, address, telephone number, email address, social  
19 security number, other identifying information, or any data that enables access to a  
20 customer's account (including a credit card, bank account, or other financial account),  
21 that any Defendant obtained prior to entry of this Order; and

22 C. Failing to destroy such customer or consumer lead information in all forms  
23 in their possession, custody, or control within 30 days after receipt of written direction to  
24 do so from a representative of the Commission.

25 *Provided, however,* that customer information need not be disposed of, and may be  
26 disclosed, to the extent requested by a government agency or required by law, regulation,  
27 or court order.

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**VI.**  
**COOPERATION**

**IT IS FURTHER ORDERED** that:

A. Defendants must fully cooperate with representatives of the Commission in this case and in any investigation related to or associated with the transactions or the occurrences that are the subject of the Complaint. Defendants must also fully cooperate with representatives of the Commission in obtaining possession of any assets granted to the Commission by Defendants, including any funds held in a reserve account or as a reserve balance by Global Payments Direct, Inc., Trust One Payment Services, Inc., HSBC Bank USA, or any other person. Defendants must provide truthful and complete information, evidence, and testimony. Individual Defendant must appear and Corporate Defendants must cause Corporate Defendants' officers, employees, representatives, or agents to appear for interviews, discovery, hearings, trials, and any other proceedings that a Commission representative may reasonably request upon five days written notice, or other reasonable notice, at such places and times as a Commission representative may designate, without the service of a subpoena;

B. Defendants must fully cooperate with the Receiver as set forth in Section XII of the Preliminary Injunction until the receivership is dissolved.

**VII.**  
**ORDER ACKNOWLEDGMENTS**

**IT IS FURTHER ORDERED** that Defendants obtain acknowledgments of receipt of this Order.

A. Each Defendant, within seven days of entry of this Order, must submit to the Commission an acknowledgment of receipt of this Order sworn under penalty of perjury.

B. For five years after entry of this Order, Individual Defendant for any business that such Individual Defendant (individually or collectively with any other Defendant, Hanna Defendant, or any person who worked for any Defendant or Hanna

1 Defendant) is the majority owner or controls directly or indirectly, and each Corporate  
2 Defendant, must deliver a copy of this Order to: (1) all principals, officers, directors, and  
3 LLC managers and members; (2) all employees, agents, and representatives who  
4 participate in conduct related to the subject matter of this Order; and (3) any business  
5 entity resulting from any change in structure as set forth in the Section titled Compliance  
6 Reporting. Delivery must occur within seven days of entry of this Order for current  
7 personnel. For all others, delivery must occur before they assume their responsibilities.

8 C. From each individual or entity to which a Defendant delivered a copy of  
9 this Order, that Defendant must obtain, within 30 days, a signed and dated  
10 acknowledgment of receipt of this Order.

### 11 VIII.

#### 12 COMPLIANCE REPORTING

13 **IT IS FURTHER ORDERED** that Defendants make timely submissions to the  
14 Commission:

15 A. One year after entry of this Order, each Defendant must submit a  
16 compliance report, sworn under penalty of perjury:

- 17 1. Each Defendant must: (a) identify the primary physical, postal, and  
18 email address and telephone number, as designated points of contact, which  
19 representatives of the Commission may use to communicate with such Defendant;  
20 (b) identify all of such Defendant's businesses by all of their names, telephone  
21 numbers, and physical, postal, email, and Internet addresses; (c) describe the  
22 activities of each business, including the goods and services offered, the means of  
23 advertising, marketing, and sales, and the involvement of any other Defendant  
24 (which Individual Defendants must describe if they know or should know due to  
25 their own involvement); (d) describe in detail whether and how such Defendant is  
26 in compliance with each Section of this Order; and (e) provide a copy of each  
27 Order Acknowledgment obtained pursuant to this Order, unless previously  
28 submitted to the Commission.

1           2.       Additionally, each Individual Defendant must: (a) identify all  
2 telephone numbers and all physical, postal, email and Internet addresses, including  
3 all residences; (b) identify all business activities, including any business for which  
4 such Defendant performs services whether as an employee or otherwise and any  
5 entity in which such Defendant has any ownership interest; and (c) describe in  
6 detail such Defendant's involvement in each such business, including title, role,  
7 responsibilities, participation, authority, control, and any ownership.

8           B.       For 20 years after entry of this Order, each Defendant must submit a  
9 compliance notice, sworn under penalty of perjury, within 14 days of any change in the  
10 following:

11           1.       Each Defendant must report any change in: (a) any designated point  
12 of contact; or (b) the structure of any Corporate Defendant or any entity that  
13 Defendant has any ownership interest in or controls directly or indirectly that may  
14 affect compliance obligations arising under this Order, including: creation,  
15 merger, sale, or dissolution of the entity or any subsidiary, parent, or affiliate that  
16 engages in any acts or practices subject to this Order.

17           2.       Additionally, each Individual Defendant must report any change in:  
18 (a) name, including aliases or fictitious name, or residence address; or (b) title or  
19 role in any business activity, including any business for which such Defendant  
20 performs services whether as an employee or otherwise and any entity in which  
21 such Defendant has any ownership interest, and identify the name, physical  
22 address, and any Internet address of the business or entity.

23           C.       Each Defendant must submit to the Commission notice of the filing of any  
24 bankruptcy petition, insolvency proceeding, or similar proceeding by or against such  
25 Defendant within 14 days of its filing.

26           D.       Any submission to the Commission required by this Order to be sworn  
27 under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746,  
28 such as by concluding: "I declare under penalty of perjury under the laws of the United

1 States of America that the foregoing is true and correct. Executed on: \_\_\_\_\_” and  
2 supplying the date, signatory’s full name, title (if applicable), and signature.

3 E. Unless otherwise directed by a Commission representative in writing, all  
4 submissions to the Commission pursuant to this Order must be emailed to  
5 DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate  
6 Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission,  
7 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin:  
8 FTC v. American Business Builders, LLC, et al., X130017.

9 **IX.**

10 **RECORDKEEPING**

11 **IT IS FURTHER ORDERED** that Defendants must create certain records for **20**  
12 **years** after entry of the Order, and retain each such record for five years. Specifically,  
13 Corporate Defendants and Individual Defendant for any business that such Defendant  
14 (individually or collectively with any other Defendant, Hanna Defendant, or any person  
15 who worked for any Defendant or Hanna Defendant) is a majority owner or controls  
16 directly or indirectly, must create and retain the following records:

17 A. Accounting records showing the revenues from all goods or services sold;

18 B. Personnel records showing, for each person providing services, whether as  
19 an employee or otherwise, that person’s: name; addresses; telephone numbers; job title  
20 or position; dates of service; and (if applicable) the reason for termination;

21 C. Records of all consumer complaints and refund requests, whether received  
22 directly or indirectly, such as through a third party, and any response;

23 D. Records of all chargeback requests;

24 E. Copies of all sales scripts, training materials, advertisements, or other  
25 marketing materials;

26 F. Copies of all merchant card applications and agreements; and

27 G. All records necessary to demonstrate full compliance with each provision  
28 of this Order, including all submissions to the Commission.

1 **X.**

2 **COMPLIANCE MONITORING**

3 **IT IS FURTHER ORDERED** that, for the purpose of monitoring Defendants'  
4 compliance with this Order, including the financial representations upon which part of  
5 the judgment was suspended and any failure to transfer any assets as required by this  
6 Order:

7 A. Within 14 days of receipt of a written request from a representative of the  
8 Commission, each Defendant must: submit additional compliance reports or other  
9 requested information, which must be sworn under penalty of perjury; appear for  
10 depositions; and produce documents for inspection and copying. The Commission is also  
11 authorized to obtain discovery, without further leave of court, using any of the procedures  
12 prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions),  
13 31, 33, 34, 36, 45, and 69.

14 B. For matters concerning this Order, the Commission is authorized to  
15 communicate directly with each Defendant. Defendant must permit representatives of the  
16 Commission to interview any employee or other person affiliated with any Defendant  
17 who has agreed to such an interview. The person interviewed may have counsel present.

18 C. The Commission may use all other lawful means, including posing, through  
19 its representatives as consumers, suppliers, or other individuals or entities, to Defendants  
20 or any individual or entity affiliated with Defendants, without the necessity of  
21 identification or prior notice. Nothing in this Order limits the Commission's lawful use  
22 of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49,  
23 57b-1.

24 **XI.**

25 **RECEIVERSHIP OVER CORPORATE DEFENDANTS**

26 **IT IS FURTHER ORDERED** that:

27 A. Robb Evans and Associates, LLC, shall continue as Receiver over the  
28 Corporate Defendants as set forth in Section X of the Preliminary Injunction;

