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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

NERD SOLUTIONS INC., et al.,

Defendants.

CASE NO. **8:26-cv-00885-JVS-JDE**

**EX PARTE TEMPORARY
RESTRAINING ORDER WITH
ASSET FREEZE AND OTHER
EQUITABLE RELIEF, AND
ORDER TO SHOW CAUSE WHY
A PRELIMINARY INJUNCTION
SHOULD NOT ISSUE [3]**

FILED UNDER SEAL

Plaintiff, the Federal Trade Commission (“FTC”), has filed its Complaint for Permanent Injunction and Other Equitable Relief pursuant to Sections 13(b) and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b) and 57b, Section 6(b) of the Telemarketing and Consumer Fraud and Abuse Prevention Act (“Telemarketing Act”), 15 U.S.C. § 6105(b), and Section 522(a) of the Gramm-Leach-Bliley Act (“GLB Act”), 15 U.S.C. § 6822(a), and has moved, pursuant to

1 Fed. R. Civ. P. 65(b) and L.R. 65-1, for a temporary restraining order, asset freeze,
2 other equitable relief, and an order to show cause why a preliminary injunction
3 should not issue against Defendants.
4

5 **FINDINGS OF FACT**

6 The Court, having considered the Complaint, the *ex parte* Motion for a
7 Temporary Restraining Order, declarations, exhibits, and the memorandum of
8 points and authorities filed in support thereof, and being otherwise advised, and in
9 the absence of any opposition, finds that:
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11 A. This Court has jurisdiction over the subject matter of this case, and there is
12 good cause to believe that it will have jurisdiction over all parties hereto and
13 that venue in this District is proper.
14

15 B. There is good cause to believe that Defendants have engaged in and are likely
16 to engage in acts or practices that violate Section 5(a) of the FTC Act, 15
17 U.S.C. § 45(a), multiple provisions of the FTC’s Telemarketing Sales Rule
18 (“TSR”), 16 C.F.R. Part 310, multiple provisions of the FTC’s Trade
19 Regulation Rule on Impersonation of Government and Businesses
20 (“Impersonation Rule”), 16 C.F.R. Part 461, and Section 521 of the GLB Act,
21 15 U.S.C. § 6821 and that the FTC is therefore likely to prevail on the merits of
22 the action. As demonstrated by the consumer declarations, consumer
23 complaints, and the additional documentation filed by the FTC, the FTC has
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1 established a likelihood of success in showing that, in numerous instances,
2 Defendants have made false, fictitious, fraudulent, and deceptive
3 representations regarding their student loan debt relief services and taken illegal
4 advance fees for those services. In particular, there is good cause to believe that
5 in numerous instances, in connection with the marketing, telemarketing, and
6 sale of student loan debt relief services, Defendants have:
7

- 8 1. Falsely represented that Consumers who purchase Defendants' Debt Relief
9 Services will receive student loan forgiveness;
- 10 2. Falsely represented that Defendants are, or are affiliated with, the federal
11 government, including specifically the Department of Education, or
12 Consumers' loan servicers;
- 13 3. Failed to disclose, in a clear and conspicuous manner, that their Debt Relief
14 Services—which direct Consumers to stop making timely payments on their
15 student loans—will likely adversely affect Consumers' creditworthiness;
- 16 4. Taken advance fees for Debit Relief Services;
- 17 5. Initiated or caused others to initiate outbound telephone calls that fail to
18 transmit the telephone number and their name to caller identification
19 services in use by recipients of their telemarketing calls;
- 20 6. Initiated or caused others to initiate outbound telephone calls to Persons'
21 telephone numbers on the National Do Not Call Registry; and
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1 7. Initiated or caused others to initiate outbound telephone calls to Persons
2 within given area codes without having paid, directly or through another
3 Person, the annual fee required by Section 310.8(c) of the TSR for access to
4 telephone numbers within those area codes that are included in the National
5 Do Not Call Registry.
6

7 C. There is good cause to believe that Defendants have taken in gross revenues of
8 at least \$9.8 million as a result of their unlawful practices.
9

10 D. There is good cause to believe that immediate and irreparable harm will result
11 from Defendants' ongoing violations of the FTC Act, the TSR, the
12 Impersonation Rule, and the GLB Act unless Defendants are restrained and
13 enjoined by order of this Court.
14

15 E. There is good cause to believe that immediate and irreparable damage to the
16 Court's ability to grant effective final relief for consumers—including rescission
17 or reformation of contracts and the refund of money or return of property—will
18 occur from the sale, transfer, destruction, or other disposition or concealment by
19 Defendants of their assets or records unless Defendants are immediately
20 restrained and enjoined by order of this Court; and that, in accordance with Fed.
21 R. Civ. P. 65(b) and L.R. 7-19.2, the interests of justice require that this Order
22 be granted without prior notice to Defendants. Thus, there is good cause for
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1 relieving the FTC of the duty to provide Defendants with prior notice of its
2 Motion for a Temporary Restraining Order.

3 F. Good cause exists for freezing Defendants' assets, disabling Defendants
4 Internet websites, permitting the FTC immediate access to the Defendants'
5 business premises, and permitting the FTC to take expedited discovery.
6

7 G. Weighing the equities and considering the FTC's likelihood of ultimate success
8 on the merits, a temporary restraining order with an asset freeze, immediate
9 access to business premises, expedited discovery, and other equitable relief is in
10 the public interest.
11

12 H. This Court has authority to issue this Order pursuant to Section 13(b) of the
13 FTC Act, 15 U.S.C. § 53(b); Fed. R. Civ. P. 65; and the All Writs Act, 28
14 U.S.C. § 1651.
15

16 I. No security is required of any agency of the United States for issuance of a
17 temporary restraining order. Fed. R. Civ. P. 65(c).
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22 **DEFINITIONS**

23 For purposes of this Order, the following definitions shall apply:
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25 A. "**Asset**" means any legal or equitable interest in, right to, or claim to, any
26 property, wherever located and by whomever held.
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1 B. “**Consumer**” means any Person.

2 C. “**Corporate Defendants**” means NERD Solutions Inc. also doing business as
3 New Education Relief, ED REF Inc. also doing business as Edvantage Relief,
4 and each of their subsidiaries, affiliates, successors, and assigns.
5

6 D. “**Debt Relief Service**” means any program or service represented, directly or by
7 implication, to renegotiate, settle, or in any way alter the terms of payment or
8 other terms of the debt between a Person and one or more secured or unsecured
9 creditors or debt collectors, including, but not limited to, a reduction in the
10 balance, interest rate, or fees owed by a Person to a secured or unsecured
11 creditor or debt collector.
12

13
14 E. “**Defendants**” means Corporate Defendants and Individual Defendants,
15 individually, collectively, or in any combination.
16

17 F. “**Document**” is synonymous in meaning and equal in scope to the usage of
18 “document” and “electronically stored information” in Federal Rule of Civil
19 Procedure 34(a), Fed. R. Civ. P. 34(a), and includes writings, drawings, graphs,
20 charts, photographs, sound and video recordings, images, Internet sites, web
21 pages, websites, electronic correspondence, including e-mail and instant
22 messages, contracts, accounting data, advertisements, FTP Logs, Server Access
23 Logs, books, written or printed records, handwritten notes, telephone logs,
24 telephone scripts, receipt books, ledgers, personal and business canceled checks
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1 and check registers, bank statements, appointment books, computer records,
2 customer or sales databases and any other electronically stored information,
3 including Documents located on remote servers or cloud computing systems,
4 and other data or data compilations from which information can be obtained
5 directly or, if necessary, after translation into a reasonably usable form. A draft
6 or non-identical copy is a separate document within the meaning of the term.
7

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9 G. **“Electronic Data Host”** means any Person in the business of storing, hosting,
10 or otherwise maintaining electronically stored information. This includes, but
11 is not limited to, any entity hosting a website or server, and any entity providing
12 “cloud based” electronic storage.
13

14 H. **“Individual Defendants”** means Natalie Rodriguez and Pablo Eduardo Ortiz.

15 I. **“Person”** means a natural person, an organization or other legal entity,
16 including a corporation, partnership, sole proprietorship, limited liability
17 company, association, cooperative, or any other group or combination acting as
18 an entity.
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22 ORDER

23 PROHIBITED CONDUCT

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25 I. **IT IS THEREFORE ORDERED** that Defendants, Defendants’ officers,
26 agents, employees, and attorneys, and all other Persons in active concert or
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1 participation with them, who receive actual notice of this Order by personal
2 service or otherwise, whether acting directly or indirectly, in connection
3 with the advertising, marketing, promoting, or offering for sale of any goods
4 or services, are temporarily restrained and enjoined from:

5
6 A. Misrepresenting, directly or indirectly, expressly or by implication:

- 7 1. That Consumers purchasing any Debt Relief Service will receive loan
8 forgiveness;
- 9 2. That any Person is, or is affiliated with, a Consumer's creditor or loan
10 servicer;
- 11 3. That any Person is, or is affiliated with, the federal government,
12 including but not limited to the U.S. Department of Education; or
- 13 4. Any other fact material to Consumers concerning any Debt Relief
14 Service, such as: the total costs; any material restrictions, limitations,
15 or conditions; or any material aspect of its performance, efficacy,
16 nature, or central characteristics;

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21 B. Charging or receiving money or other valuable consideration for the
22 performance of any Debt Relief Service before such service is fully
23 performed;

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25 C. Failing to disclose, in a clear and conspicuous manner, that any Debt
26 Relief Service that directs Consumers to stop making timely payments to
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1 their creditor or loan servicer will likely adversely affect Consumers'
2 creditworthiness;

3 D. Initiating or causing others to initiate outbound telephone calls that fail to
4 transmit the telephone number and name of the telemarketer or seller to
5 any caller identification service in use by a recipient of a telemarketing
6 call;
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8 E. Initiating or causing others to initiate outbound telephone calls to
9 Persons' telephone numbers on the National Do Not Call Registry;
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11 F. Initiating or causing others to initiate outbound telephone calls to Persons
12 within a given area code without having paid, directly or through another
13 Person, the annual fee required by Section 310.8(c) of the TSR for access
14 to telephone numbers within that area code that are included in the
15 National Do Not Call Registry; and
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18 G. Making false, fictitious, or fraudulent statements or representations to
19 customers of financial institutions to obtain or attempt to obtain customer
20 information of a financial institution of those customers.
21

22 **PROHIBITION ON RELEASE OF CUSTOMER INFORMATION**

23 **II. IT IS FURTHER ORDERED** that Defendants, Defendants' officers,
24 agents, employees, and attorneys, and all other Persons in active concert or
25 participation with any of them, who receive actual notice of this Order,
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1 whether acting directly or indirectly, are hereby temporarily restrained and
2 enjoined from:

3 A. Selling, renting, leasing, transferring, or otherwise disclosing the name,
4 address, birth date, telephone number, email address, credit card number,
5 bank account number, Social Security number, or other financial or
6 identifying information of any Person that any Defendant obtained in
7 connection with any activity that pertains to the subject matter of this
8 Order; and
9

10 B. Benefitting from or using the name, address, birth date, telephone
11 number, email address, credit card number, bank account number, Social
12 Security number, or other financial or identifying information of any
13 Person that any Defendant obtained in connection with any activity that
14 pertains to the subject matter of this Order.
15

16 C. *Provided, however,* that Defendants may disclose such identifying
17 information to a law enforcement agency, to their attorneys as required
18 for their defense, as required by any law, regulation, or court order, or in
19 any filings, pleadings, or discovery in this action in the manner required
20 by the Federal Rules of Civil Procedure and by any protective order in
21 the case.
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1 **ASSET FREEZE**

2 **III. IT IS FURTHER ORDERED** that Defendants, Defendants’ officers,
3 agents, employees, and attorneys, and all other Persons in active concert or
4 participation with any of them, who receive actual notice of this Order,
5 whether acting directly or indirectly, are hereby temporarily restrained and
6 enjoined from:
7

8 A. Transferring, liquidating, converting, encumbering, pledging, loaning,
9 selling, concealing, dissipating, disbursing, assigning, relinquishing,
10 spending, withdrawing, granting a lien or security interest or other
11 interest in, or otherwise disposing of any Assets that are:
12

- 13 1. owned or controlled, directly or indirectly, by any Defendant;
- 14 2. held, in part or in whole, for the benefit of any Defendant;
- 15 3. in the actual or constructive possession of any Defendant; or
- 16 4. owned or controlled by, in the actual or constructive possession of, or
17 otherwise held for the benefit of, any corporation, partnership, asset
18 protection trust, or other entity that is directly or indirectly owned,
19 managed or controlled by any Defendant.
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21 B. Opening or causing to be opened any safe deposit boxes, commercial
22 mail boxes, or storage facilities titled in the name of any Defendant or
23 subject to access by any Defendant;
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- 1 C. Incurring charges or cash advances on any credit, debit, or ATM card
2 issued in the name, individually or jointly, of any Corporate Defendant or
3 any corporation, partnership, or other entity directly or indirectly owned,
4 managed, or controlled by any Defendant or of which any Defendant is
5 an officer, director, member, or manager. This includes any corporate
6 bankcard or corporate credit card account for which any Defendant is, or
7 was on the date that this Order was signed, an authorized signor; or
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9
10 D. Cashing any checks or depositing any money orders or cash received
11 from consumers, clients, or customers of any Defendant.
12
13 E. The Assets affected by this Section shall include: (1) all Assets of
14 Defendants as of the time this Order is entered; and (2) Assets obtained
15 by Defendants after this Order is entered if those Assets are derived from
16 any activity that is the subject of the Complaint in this matter or that is
17 prohibited by this Order. This Section does not prohibit any repatriation
18 of foreign Assets specifically required by this order.
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21 **DUTIES OF ASSET HOLDERS AND OTHER THIRD PARTIES**

22 **IV. IT IS FURTHER ORDERED** that any financial or brokerage institution,
23 Electronic Data Host, credit card processor, payment processor, merchant
24 bank, acquiring bank, independent sales organization, third party processor,
25 payment gateway, insurance company, business entity, or Person who
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1 receives actual notice of this Order (by service or otherwise) that: (a) has
2 held, controlled, or maintained custody, through an account or otherwise, of
3 any Document on behalf of any Defendant or any Asset that has been owned
4 or controlled, directly or indirectly, by any Defendant; held, in part or in
5 whole, for the benefit of any Defendant; in the actual or constructive
6 possession of any Defendant; or owned or controlled by, in the actual or
7 constructive possession of, or otherwise held for the benefit of, any
8 corporation, partnership, asset protection trust, or other entity that is directly
9 or indirectly owned, managed or controlled by any Defendant; (b) has held,
10 controlled, or maintained custody, through an account or otherwise, of any
11 Document or Asset associated with credits, debits, or charges made on
12 behalf of any Defendant, including reserve funds held by payment
13 processors, credit card processors, merchant banks, acquiring banks,
14 independent sales organizations, third party processors, payment gateways,
15 insurance companies, or other entities; or (c) has extended credit to any
16 Defendant, including through a credit card account, shall:

22 A. Hold, preserve, and retain within its control and prohibit the withdrawal,
23 removal, alteration, assignment, transfer, pledge, encumbrance,
24 disbursement, dissipation, relinquishment, conversion, sale, or other
25 disposal of any such Document or Asset, as well as all Documents or
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1 other property related to such Assets, except by further order of this
2 Court; *provided, however*, that this provision does not prohibit an
3 Individual Defendant from incurring charges on a personal credit card
4 established prior to entry of this Order, up to the pre-existing credit limit;

5
6 B. Deny any Person access to any safe deposit box, commercial mail box, or
7 storage facility that is titled in the name of any Defendant, either
8 individually or jointly, or otherwise subject to access by any Defendant;

9
10 C. Provide the FTC's counsel, within three (3) days of receiving a copy of
11 this Order, a sworn statement setting forth, for each Asset or account
12 covered by this Section:

- 13
14 1. The identification number of each such account or Asset;
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16 2. The balance of each such account, or a description of the nature and
17 value of each such Asset, as of the close of business on the day that
18 this Order is served, and, if the account or other Asset has been closed
19 or removed, the date closed or removed, the total funds removed in
20 order to close the account, and the name of the Person to whom such
21 account or other Asset was remitted; and
22
23 3. The identification of any safe deposit box, commercial mailbox, or
24 storage facility that is either titled in the name, individually or jointly,
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1 of any Defendant, or is otherwise subject to access by any Defendant;

2 and

3 D. Upon the request of FTC counsel, promptly provide FTC counsel with
4 copies of all records or other Documents pertaining to any account or
5 Asset covered by this Section, including originals or copies of account
6 applications, account statements, signature cards, checks, drafts, deposit
7 tickets, transfers to and from the accounts, including wire transfers and
8 wire transfer instructions, all other debit and credit instruments or slips,
9 currency transaction reports, 1099 forms, and all logs and records
10 pertaining to safe deposit boxes, commercial mail boxes, and storage
11 facilities.
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15 E. *Provided, however,* that this Section does not prohibit any repatriation of
16 foreign Assets specifically required by this Order.
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20 **FINANCIAL DISCLOSURES**

21 **V. IT IS FURTHER ORDERED** that each Defendant, within five (5) days of
22 service of this Order upon them, shall prepare and deliver to FTC counsel:

23 A. Completed financial statements on the forms attached to this Order as
24 **Attachment A** (Financial Statement of Individual Defendant) for each
25 Individual Defendant, and **Attachment B** (Financial Statement of
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Corporate Defendant) for each Corporate Defendant; and

B. Completed **Attachment C** (IRS Form 4506, Request for Copy of a Tax Return) for each Defendant.

FOREIGN ASSET REPATRIATION

VI. IT IS FURTHER ORDERED that within five (5) days of service of this Order upon them, each Defendant shall:

- A. Provided FTC counsel with a full accounting, verified under oath and accurate as of the date of this Order, of all Assets, Documents, and accounts outside of the United States which are: (1) titled in the name, individually or jointly, of any Defendant; (2) held by any Person for the benefit of any Defendant or for the benefit of, any corporation, partnership, asset protection trust, or other entity that is directly or indirectly owned, managed or controlled by any Defendant; or (3) under the direct or indirect control, whether jointly or singly, of any Defendant;
- B. Take all steps necessary to provide FTC counsel access to all Documents and records that may be held by third parties located outside of the territorial United States of America, including signing the Consent to Release of Financial Records appended to this Order as **Attachment D**;
- C. Transfer to the territory of the United States all Documents and Assets located in foreign countries which are: (1) titled in the name, individually

1 or jointly, of any Defendant; (2) held by any Person for the benefit of any
2 Defendant or for the benefit of, any corporation, partnership, asset
3 protection trust, or other entity that is directly or indirectly owned,
4 managed or controlled by any Defendant; or (3) under the direct or
5 indirect control, whether jointly or singly, of any Defendant; and
6
7 D. The same business day as any repatriation, (1) notify FTC counsel of the
8 name and location of the financial institution or other entity that is the
9 recipient of such Documents or Assets; and (2) serve this Order on any
10 such financial institution or other entity.
11

12 **NON-INTERFERENCE WITH REPATRIATION**

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14 **VII. IT IS FURTHER ORDERED** that Defendants, Defendants' officers,
15 agents, employees, and attorneys, and all other Persons in active concert or
16 participation with any of them, who receive actual notice of this Order,
17 whether acting directly or indirectly, are hereby temporarily restrained and
18 enjoined from taking any action, directly or indirectly, which may result in
19 the encumbrance or dissipation of foreign Assets, or in the hindrance of the
20 repatriation required by this Order, including, but not limited to:
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23 A. Sending any communication or engaging in any other act, directly or
24 indirectly, that results in a determination by a foreign trustee or other
25 entity that a "duress" event has occurred under the terms of a foreign
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1 trust agreement until such time that all Defendants' Assets have been
2 fully repatriated pursuant to this Order; or

3 B. Notifying any trustee, protector or other agent of any foreign trust or
4 other related entities of either the existence of this Order, or of the fact
5 that repatriation is required pursuant to a court order, until such time that
6 all Defendants' Assets have been fully repatriated pursuant to this Order.
7

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9 **DISABLEMENT OF INTERNET WEBSITES AND SUSPENSION OF**
10 **DOMAIN NAMES**

11 **VIII. IT IS FURTHER ORDERED** that any Internet domain registrar, web
12 hosting company, or any other Person registering domain names or hosting
13 any Internet website for, or on behalf of, any Defendant, who receives actual
14 notice of this Order (by service or otherwise), shall:
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16 A. Immediately suspend the registration of any Internet website used by
17 Defendants for the advertising, marketing, promotion, offering for sale,
18 sale, or provision of any Debt Relief Service, or otherwise contains any
19 statement or representations prohibited by Section I of this Order,
20 including but not limited to neweducationrelief.com, newedrelief.org,
21 and edvantagerelief.com;
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24 B. Immediately do whatever is necessary to ensure that any Internet website
25 used by Defendants for the advertising, marketing, promotion, offering
26 for sale, sale, or provision of any Debt Relief Service, or otherwise
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1 contains any statement or representations prohibited by Section I of this
2 Order, including but not limited to neweducationrelief.com,
3 newedrelief.org, and edvantagerelief.com, cannot be accessed by the
4 public;

5
6 C. Prevent the destruction or erasure of any Internet website used by
7 Defendants for the advertising, marketing, promotion, offering for sale,
8 sale, or provision of any Debt Relief Service, or otherwise contains any
9 statement or representations prohibited by Section I of this Order,
10 including but not limited to neweducationrelief.com, newedrelief.org,
11 and edvantagerelief.com, by preserving such website in the format in
12 which it is maintained as of the date of service of this Order; and

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14
15 D. Immediately notify in writing FTC counsel of any other Internet website
16 operated or controlled by any Defendant other than
17 neweducationrelief.com, newedrelief.org, and edvantagerelief.com.
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19 CONSUMER CREDIT REPORTS

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21 **IX. IT IS FURTHER ORDERED** that the FTC may obtain credit reports
22 concerning any Defendant pursuant to Section 604(a)(1) of the Fair Credit
23 Reporting Act, 15 U.S.C. 1681b(a)(1), and that, upon written request, any
24 credit reporting agency from which such reports are requested shall provide
25 them to the FTC.
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PRESERVATION OF RECORDS

X. **IT IS FURTHER ORDERED** that Defendants, Defendants’ officers, agents, employees, and attorneys, and all other Persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are hereby temporarily restrained and enjoined from:

A. Destroying, erasing, falsifying, writing over, mutilating, concealing, altering, transferring, or otherwise disposing of, in any manner, directly or indirectly, Documents that relate to: (1) the business, business practices, Assets, or business or personal finances of any Defendant; (2) the business practices or finances of entities directly or indirectly under the control of any Defendant; or (3) the business practices or finances of entities directly or indirectly under common control with any other Defendant; and

B. Failing to create and maintain Documents that, in reasonable detail, accurately, fairly, and completely reflect Defendants’ incomes, disbursements, transactions, and use of Defendants’ Assets.

REPORT OF NEW BUSINESS ACTIVITY

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XI. **IT IS FURTHER ORDERED** that Defendants, Defendants’ officers, agents, employees, and attorneys, and all other Persons in active concert or

1 participation with any of them, who receive actual notice of this Order,
2 whether acting directly or indirectly, are hereby temporarily restrained and
3 enjoined from creating, operating, or exercising any control over any
4 business entity, whether newly formed or previously inactive, including any
5 partnership, limited partnership, joint venture, sole proprietorship, or
6 corporation, without first providing FTC counsel with a written statement
7 disclosing: (1) the name of the business entity; (2) the address and telephone
8 number of the business entity; (3) the names of the business entity's officers,
9 directors, principals, managers, and employees; and (4) a detailed
10 description of the business entity's intended activities.
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14 **IMMEDIATE ACCESS TO BUSINESS PREMISES AND RECORDS**

15 **XII. IT IS FURTHER ORDERED THAT:**

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17 A. In order to allow the FTC to preserve Assets and evidence relevant to this
18 action and to expedite discovery, the FTC and its representatives, agents,
19 contractors, and assistants, shall have immediate access to any business
20 premises or storage facilities owned, controlled, or used by any
21 Defendant.
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24 B. The FTC and its representatives, agents, contractors, and assistants, are
25 authorized to remove Documents, computers, or electronic storage
26 devices containing information related to the business practices or
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1 finances of any Defendant from any business premises or storage
2 facilities owned, controlled, or used by any Defendant in order that they
3 may be inspected, inventoried, and copied. The FTC shall return any
4 removed materials to Defendants within five (5) business days of
5 completing inventorying and copying, or such time as is agreed upon by
6 the FTC. **Within 48 hours of removal of any such computers or**
7 **electronic storage devices, the FTC shall provide defendants a written**
8 **inventory of all such devices. This requirement also applies to the**
9 **next paragraph , C.**

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13 C. If any Documents, computers, or electronic storage devices containing
14 information related to the business practices or finances of any Defendant
15 are at a location other than a business premises or storage facility owned,
16 controlled, or used by any Defendant, including the personal residences
17 of any Defendant, then such Defendant shall, within 24 hours upon
18 receipt of this Order, produce to the FTC or its representatives, agents,
19 contractors, and assistants such Documents, computers, or electronic
20 storage devices, along with any username, passwords, two-factor
21 authentications, and any other login credential needed to access any
22 computer or electronic storage device. In order to prevent the destruction
23 of electronic data, upon service of this Order, any such computer or
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1 electronic storage device shall be powered down in the normal course of
2 the operating system used on such device and shall not be powered up or
3 used until produced for copying and inspection. The FTC shall return
4 any removed materials to such Defendant within five (5) business days of
5 completing inventorying and copying, or such time as is agreed upon by
6 the FTC;
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9 D. Defendants shall take all steps necessary to provide the FTC access to all
10 Documents, communications, or records of any Defendant that are stored
11 with an Electronic Data Host, including signing the Consent to Release
12 Stored Communications and Records appended to this Order as
13 **Attachment E**, and providing the FTC with the username, passwords,
14 two-factor authentications, and any other login credential needed to
15 access such Documents, communications and records. Defendants shall
16 not attempt to access, or cause a third-party to attempt to access, such
17 Documents, communications, or records.
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21 **E.** The FTC's access to Defendants' Documents pursuant to this Section
22 shall not provide grounds for any Defendant to object to any subsequent
23 request for documents served by the FTC; **provided, any document**
24 **from a given location need only be produced once by that location.**
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1 F. The FTC and its representatives, agents, contractors, and assistants, are
2 authorized to obtain the assistance of federal, state and local law
3 enforcement officers as they deem necessary to effect service and to
4 implement peacefully the provisions of this Order;
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6 G. Defendants shall be precluded from introducing at any hearing or trial or
7 with any motion or other pleading any Document, communication,
8 record, or other evidence required to be produced to the FTC pursuant to
9 this Section but not so produced.
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11 **DISTRIBUTION OF ORDER BY DEFENDANTS**
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13 **XIII. IT IS FURTHER ORDERED** that Defendants shall immediately provide a
14 copy of this Order to each affiliate, telemarketer, marketer, sales entity,
15 successor, assign, member, officer, director, employee, agent, independent
16 contractor, client, attorney, spouse, subsidiary, division, and representative
17 of any Defendant, and shall, within ten (10) days from the date of entry of
18 this Order, and provide the FTC with a sworn statement that this provision
19 of the Order has been satisfied, which statement shall include the names,
20 physical addresses, phone number, and email addresses of each such Person
21 who received a copy of the Order. Furthermore, Defendants shall not take
22 any action that would encourage officers, agents, members, directors,
23 employees, salespersons, independent contractors, attorneys, subsidiaries,
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1 affiliates, successors, assigns or other Persons or entities in active concert or
2 participation with them to disregard this Order or believe that they are not
3 bound by its provisions.
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5 **EXPEDITED DISCOVERY**

6 **XIV. IT IS FURTHER ORDERED** that, notwithstanding the provisions of the
7 Fed. R. Civ. P. 26(d) and (f) and 30(a)(2)(A)(iii), and pursuant to Fed. R.
8 Civ. P. 30(a), 33, 34, and 45, the FTC is granted leave, at any time after
9 service of this Order, to conduct limited expedited discovery for the purpose
10 of discovering: (1) the nature, location, status, and extent of Defendants'
11 Assets; (2) the nature, location, and extent of Defendants' business
12 transactions and operations; (3) Documents reflecting Defendants' business
13 transactions and operations; or (4) compliance with this Order. The limited
14 expedited discovery set forth in this Section shall proceed as follows:
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18 A. The FTC may take the deposition of parties and non-parties. Forty-eight
19 (48) hours' notice shall be sufficient notice for such depositions. The
20 limitations and conditions set forth in Rules 30(a)(2)(A) and 31(a)(2)(A)
21 of the Federal Rules of Civil Procedure regarding subsequent depositions
22 of an individual shall not apply to depositions taken pursuant to this
23 Section. Any such deposition taken pursuant to this Section shall not be
24 counted towards the deposition limit set forth in Rules 30(a)(2)(A) and
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1 31(a)(2)(A) and depositions may be taken by telephone or other remote
2 electronic means;

3 B. The FTC may serve upon parties requests for production of Documents
4 or inspection that require production or inspection within five (5) days of
5 service, *provided, however*, that three (3) days of notice shall be deemed
6 sufficient for the production of any such Documents that are maintained
7 or stored only in an electronic format;

8 C. The FTC may serve upon parties interrogatories that require response
9 within five (5) days after the FTC serves such interrogatories;

10 D. The FTC may serve subpoenas upon non-parties that direct production or
11 inspection within five (5) days of service;

12 E. Service of discovery upon a party to this action, taken pursuant to this
13 Section, shall be sufficient if made by facsimile, email, or by overnight
14 delivery;

15 F. Any expedited discovery taken pursuant to this Section is in addition to,
16 and is not subject to, the limits on discovery set forth in the Federal Rules
17 of Civil Procedure and the Local Rules of this Court. The expedited
18 discovery permitted by this Section does not require a meeting or
19 conference of the parties, pursuant to Rules 26(d) & (f) of the Federal
20 Rules of Civil Procedure;
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1 **SERVICE OF THIS ORDER**

2 **XV. IT IS FURTHER ORDERED** that copies of this Order as well as the
3 Motion for Temporary Restraining Order and all other pleadings,
4 Documents, and exhibits filed contemporaneously with that Motion (other
5 than the complaint and summons), may be served by any means, including
6 facsimile transmission, electronic mail or other electronic messaging,
7 personal or overnight delivery, U.S. Mail or FedEx, by agents and
8 employees of the FTC, by any law enforcement agency, or by private
9 process server, upon any Defendant or any Person (including any financial
10 institution) that may have possession, custody or control of any Asset or
11 Document of any Defendant, or that may be subject to any provision of this
12 Order pursuant to Rule 65(d)(2) of the Federal Rules of Civil Procedure.
13 For purposes of this Section, service upon any branch, subsidiary, affiliate or
14 office of any entity shall effect service upon the entire entity.
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19 **CORRESPONDENCE AND SERVICE ON THE FTC**

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21 **XVI. IT IS FURTHER ORDERED** that, for the purpose of this Order, all
22 correspondence and service of pleadings on the FTC shall be addressed to
23 (1) Gregory Ashe, 600 Pennsylvania Avenue NW, Washington, D.C. 20580,
24 email: gashe@ftc.gov and (2) Sally Tieu, 10990 Wilshire Boulevard, Suite
25 400, Los Angeles, CA 90024, email: stieu@ftc.gov.
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1 B. Defendants shall file with the Court and serve on the FTC's counsel any
2 answering pleadings, affidavits, motions, expert reports or declarations,
3 or legal memoranda no later than **five (5) calendar days** prior to the
4 order to show cause hearing scheduled pursuant to this Order. The FTC
5 may file responsive or supplemental pleadings, materials, affidavits, or
6 memoranda with the Court and serve the same on counsel for Defendants
7 no later than **two (2) Court days at noon** prior to the order to show
8 Cause hearing. Provided that such affidavits, pleadings, motions, expert
9 reports, declarations, legal memoranda or oppositions must be served by
10 personal or overnight delivery, facsimile or email, and be received by the
11 other party or parties no later than 5:00 p.m. (PST) on the appropriate
12 dates set forth in this Section.
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17 C. An evidentiary hearing on the FTC's request for a preliminary injunction
18 is not necessary unless Defendants demonstrate that they have, and
19 intend to introduce, evidence that raises a genuine and material factual
20 issue. The question of whether this Court should enter a preliminary
21 injunction shall be resolved on the pleadings, declarations, exhibits, and
22 memoranda filed by, and oral argument of, the parties. Live testimony
23 shall be heard only on further order of this Court. Any motion to permit
24 such testimony shall be filed with the Court and served on counsel for the
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1 other parties at least five (5) days prior to the preliminary injunction
2 hearing in this matter. Such motion shall set forth the name, address, and
3 telephone number of each proposed witness, a detailed summary or
4 affidavit revealing the substance of each proposed witness's expected
5 testimony, and an explanation of why the taking of live testimony would
6 be helpful to this Court. Any papers opposing a timely motion to present
7 live testimony or to present live testimony in response to another party's
8 timely motion to present live testimony shall be filed with this Court and
9 served on the other parties at least three (3) days prior to the order to
10 show cause hearing.
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14 D. *Provided, however,* that service shall be performed by personal or
15 overnight delivery, facsimile or email, and Documents shall be delivered
16 so that they shall be received by the other parties no later than 5:00 p.m.
17 (PST) on the appropriate dates provided in this Section.
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20 **DURATION OF THIS ORDER**

21 **XIX. IT IS FURTHER ORDERED** that this Order shall expire fourteen (14)
22 days from the date of entry noted below, unless within such time, the Order
23 is extended for an additional period pursuant to Fed. R. Civ. P. 65(b)(2).
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RETENTION OF JURISDICTION

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

IT IS SO ORDERED.

DATED: April 13, 2026


UNITED STATES DISTRICT JUDGE
JAMES V. SELNA