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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,  
Plaintiff,

v.

ASCEND CAPVENTURES INC., also  
doing business as Ascend Ecom LLC;  
Ascend Ecomm LLC; ACV; ACV  
Partners; Accelerated Ecommerce  
Ventures; Ascend Distribution LLC;  
Ethix Capital; and ACV Nexus, a  
Wyoming close corporation profit  
corporation,  
ASCEND ECOMMERCE INC., also  
doing business as Ascend Ecom LLC, a  
Wyoming close corporation profit  
corporation,  
ASCEND ADMINISTRATION INC., a  
California general stock corporation,  
ASCEND ECOM LLC, a Wyoming  
limited liability company,  
ASCEND DISTRIBUTION LLC, a  
Texas limited liability company,  
WILLIAM MICHAEL BASTA,  
individually and as officer and/or owner  
of Ascend Ecom LLC, Ascend  
Capventures Inc., Ascend Ecommerce

Case No. 2:24-cv-07660-SPG-JPR

**UNDER SEAL**

**ORDER ON PLAINTIFF’S EX  
PARTE APPLICATION FOR (1)  
TEMPORARY RESTRAINING  
ORDER AND ORDER TO SHOW  
CAUSE WHY A PRELIMINARY  
INJUNCTION SHOULD NOT  
ISSUE; (2) WAIVER OF NOTICE  
REQUIREMENT; (3)  
APPOINTMENT OF A  
TEMPORARY RECEIVER,  
FREEZING OF ASSETS; AND  
OTHER EQUITABLE RELIEF**

**[ECF NOS. 4, 5]**

1 Inc., Ascend Administration Inc., Ascend  
2 Distribution LLC, and  
3 JEREMY KENNETH LEUNG,  
4 individually and as officer and/or owner  
5 of Ascend Ecom LLC, Ascend  
6 Capventures Inc., Ascend Ecommerce  
7 Inc., Ascend Administration Inc., and  
8 Ascend Distribution LLC,  
9  
10 Defendants.

9 Plaintiff, the Federal Trade Commission, has filed its Complaint for Permanent  
10 Injunction, Monetary Judgment, and Other Equitable Relief pursuant to Sections  
11 13(b) and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b),  
12 57b (ECF No. 1 (“Complaint”)), and has moved, pursuant to Fed. R. Civ. P. 65(b),  
13 for a temporary restraining order, asset freeze, other equitable relief, and an order to  
14 show cause why a preliminary injunction should not issue against Ascend  
15 Capventures Inc., Ascend Ecommerce Inc., Ascend Administration Inc., Ascend  
16 Ecom LLC, Ascend Distribution LLC, William Michael Basta, and Jeremy Kenneth  
17 Leung (collectively, “Defendants”) (ECF No. 4 (“Application”)).

### 18 **FINDINGS OF FACT**

19 The Court, having considered the Complaint, the Application, declarations,  
20 exhibits, and the memorandum of points and authorities filed in support thereof, and  
21 being otherwise advised, finds that:

22 A. This Court has jurisdiction over the subject matter of this case, and there  
23 is good cause to believe that it will have jurisdiction over all parties hereto and that  
24 venue in this district is proper.

25 B. Plaintiff alleges that in numerous instances, Defendants, in the  
26 marketing and selling of business opportunities (“Defendants’ products or services”),  
27 have violated the FTC Act and rules governing their conduct. Specifically,  
28 Defendants have, according to Plaintiff, (1) made false or unsubstantiated earnings

1 claims, (2) violated multiple trade regulation rule provisions in the selling of  
2 Defendants’ products or services, and (3) used threats and non-disparagement clauses  
3 to discourage purchasers from publishing truthful reviews about Defendants and their  
4 products or services.

5 C. There is good cause to believe that Defendants have engaged in and are  
6 likely to engage in acts or practices that violate Section 5(a) of the FTC Act, 15 U.S.C.  
7 § 45(a); the FTC’s Trade Regulation Rule entitled “Disclosure Requirements and  
8 Prohibitions Concerning Business Opportunities” (“Business Opportunity Rule” or  
9 “Rule”), 16 C.F.R. Part 437, as amended; and the Consumer Review Fairness Act  
10 (“CRFA”), 15 U.S.C. § 45b, and that Plaintiff is therefore likely to prevail on the  
11 merits of this action. As demonstrated by the declarations of consumers who  
12 purchased Defendants’ products or services, investigator declarations, and the  
13 additional evidence contained in the FTC’s volumes of exhibits, the FTC has  
14 established a likelihood of success in showing that, in numerous instances,  
15 Defendants have made false or unsubstantiated statements and engaged in other  
16 unfair or deceptive acts or practices in the marketing of Defendants’ products or  
17 services.

18 D. There is good cause to believe that Defendants have taken at least \$25  
19 million from consumers in connection with their unlawful practices.

20 E. There is good cause to believe that immediate and irreparable harm will  
21 result from Defendants’ alleged ongoing violations of the FTC Act, the Business  
22 Opportunity Rule, and the CRFA unless Defendants are restrained and enjoined by  
23 order of this Court.

24 F. There is good cause to believe that immediate and irreparable damage  
25 to the Court’s ability to grant effective final relief for consumers—including  
26 monetary restitution, rescission, or refunds—will occur from the sale, transfer,  
27 destruction, or other disposition or concealment by Defendants of their assets or  
28 records, unless Defendants are immediately restrained and enjoined by order of this

1 Court; and that, in accordance with Fed. R. Civ. P. 65(b), the interests of justice  
2 require that this Order be granted without prior notice to Defendants. Thus, there is  
3 good cause for relieving Plaintiff of the duty to provide Defendants with prior notice  
4 of its Application.

5 G. Good cause exists for appointing a temporary receiver over the  
6 Receivership Entities, freezing Defendants' assets, permitting Plaintiff and the  
7 Receiver immediate access to the Defendants' business premises, and permitting  
8 Plaintiff and the Receiver to take expedited discovery.

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

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

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

#### 18 **DEFINITIONS**

19 For the purpose of this Order, the following definitions apply:

20 A. "**Asset**" means any legal or equitable interest in, right to, or claim to,  
21 any property, wherever located and by whomever held.

22 B. "**Corporate Defendants**" means Ascend Capventures Inc., Ascend  
23 Ecommerce Inc., Ascend Administration Inc., Ascend Ecom LLC, and Ascend  
24 Distribution LLC, and each of their subsidiaries, affiliates, successors, and assigns.

25 C. "**Defendants**" means the Corporate Defendants and the Individual  
26 Defendants, individually, collectively, or in any combination.

27 D. "**Document**" is synonymous in meaning and equal in scope to the usage  
28 of "document" and "electronically stored information" in Fed. R. Civ. P. 34(a) and

1 includes writings, drawings, graphs, charts, photographs, sound and video  
2 recordings, images, Internet sites, web pages, websites, electronic correspondence,  
3 including e-mail and instant messages, contracts, accounting data, advertisements,  
4 FTP Logs, Server Access Logs, books, written or printed records, handwritten notes,  
5 telephone logs, telephone scripts, receipt books, ledgers, personal and business  
6 canceled checks and check registers, bank statements, appointment books, computer  
7 records, customer or sales databases and any other electronically stored information,  
8 including Documents located on remote servers or cloud computing systems, and  
9 other data or data compilations from which information can be obtained directly or,  
10 if necessary, after translation into a reasonably usable form. A draft or non-identical  
11 copy is a separate document within the meaning of the term.

12 E. **“Earnings Claim(s)”** means any oral, written, or visual representation  
13 to a prospective purchaser that conveys, expressly or by implication, a specific level  
14 or range of actual or potential sales, or gross or net income or profits. Earnings Claims  
15 include, but are not limited to: (1) any chart, table, or mathematical calculation that  
16 demonstrates possible results based upon a combination of variables; and (2) any  
17 statements from which a prospective purchaser can reasonably infer that he or she  
18 will earn a minimum level of income.

19 F. **“Electronic Data Host”** means any person or entity in the business of  
20 storing, hosting, or otherwise maintaining electronically stored information. This  
21 includes, but is not limited to, any entity hosting a website or server, and any entity  
22 providing “cloud based” electronic storage.

23 G. **“General Media”** means any instrumentality through which a person  
24 may communicate with the public, including, but not limited to, television, radio,  
25 print, Internet, billboard, website, commercial bulk email, and mobile  
26 communications.

27 H. **“Individual Defendants”** means William Basta and Jeremy Leung,  
28 individually or collectively.

1 I. **“Receiver”** means the temporary receiver appointed in Section XI of  
2 this Order and any deputy receivers that shall be named by the temporary receiver.

3 J. **“Receivership Entities”** means Corporate Defendants as well as any  
4 other entity that has conducted any business related to the marketing and sale of  
5 Defendants’ products or services, including receipt of Assets derived from any  
6 activity that is the subject of the Complaint in this matter, and that the Receiver  
7 determines is controlled or owned by any Defendant.

8 **ORDER**

9 **I. PROHIBITED BUSINESS ACTIVITIES**

10 **IT IS THEREFORE ORDERED** that Defendants, Defendants’ officers,  
11 agents, employees, and attorneys, and all other persons in active concert or  
12 participation with them, who receive actual notice of this Order by personal service  
13 or otherwise, whether acting directly or indirectly, in connection with the advertising,  
14 marketing, promoting, or offering for sale of any goods or services, are temporarily  
15 restrained and enjoined from:

16 A. Making any Earnings Claims to a prospective purchaser, unless the  
17 Earnings Claim is non-misleading and, at the time the Earnings Claim is made,  
18 Defendants (1) have a reasonable basis for the claim; (2) have in their possession  
19 written materials that substantiate the claimed earnings; and (3) make the written  
20 substantiation for Earnings Claims available upon request to the consumer, potential  
21 purchaser or investor, the Receiver, and the FTC;

22 B. Making any Earnings Claims in the General Media, unless the Earnings  
23 Claim is non-misleading and, at the time the Earnings Claims is made, Defendants  
24 (1) have a reasonable basis for the claim; (2) have in their possession written  
25 materials that substantiate the claimed earnings; and (3) state in immediate  
26 conjunction with the claim (a) the beginning and ending dates when the represented  
27 earnings were achieved and (b) the number and percentage of all persons who  
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1 purchased Defendants' products or services prior to the ending date in Section I.B.3.a  
2 who achieved at least the stated level of earnings;

3 C. Disseminating any industry financial, earnings, or performance  
4 information, unless Defendants have written substantiation demonstrating that the  
5 information reflects, or does not exceed, the typical or ordinary financial, earnings,  
6 or performance experience of purchasers of Defendants' products or services;

7 D. Failing to provide any consumer, potential purchaser, or investor with  
8 disclosure documents in the form and manner required by 16 C.F.R. §§ 437.2,  
9 437.3(a)(1)-(5), and 437.4;

10 E. Misrepresenting or assisting others in misrepresenting, expressly or by  
11 implication, that Defendants' products or services:

- 12 1. Will allow purchasers to earn a specific level or range of actual or  
13 potential sales, or gross or net income or profits, revenues,  
14 financial gains, percentage gains, or return on investment with  
15 little to no effort on their part; and
- 16 2. Will use artificial intelligence to maximize revenues;

17 F. Misrepresenting or assisting others in misrepresenting, expressly or by  
18 implication, any other fact material to consumers concerning any good or service,  
19 such as: the total costs; any material restrictions, limitations, or conditions; or any  
20 material aspect of its performance, efficacy, nature, or central characteristics; and

21 G. Prohibiting or restricting any consumer, potential purchaser, or investor  
22 from communicating reviews, performance assessments, and similar analyses about  
23 Defendants' products or services, or the conduct of Defendants; or threatening or  
24 imposing a penalty or fee against any consumer, potential purchaser, or investor who  
25 engages in such communications.

26 **II. PROHIBITION ON RELEASE OF CUSTOMER INFORMATION**

27 **IT IS FURTHER ORDERED** that Defendants, Defendants' officers, agents,  
28 employees, and attorneys, and all other persons in active concert or participation with



1 any of them, who receive actual notice of this Order, whether acting directly or  
2 indirectly, are hereby temporarily restrained and enjoined from:

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

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

13 Provided, however, that Defendants may disclose such identifying information  
14 to a law enforcement agency, including the Plaintiff; to their attorneys as required for  
15 their defense; as required by any law, regulation, or court order; or in any filings,  
16 pleadings, or discovery in this action in the manner required by the Federal Rules of  
17 Civil Procedure and by any protective order in the case.

### 18 **III. ASSET FREEZE**

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

23 A. Transferring, liquidating, converting, encumbering, pledging, loaning,  
24 selling, concealing, dissipating, disbursing, assigning, relinquishing, spending,  
25 withdrawing, granting a lien or security interest or other interest in, or otherwise  
26 disposing of any Assets that are:

- 27 1. owned or controlled, directly or indirectly, by any Defendant;
- 28 2. held, in part or in whole, for the benefit of any Defendant;



- 1                   3. in the actual or constructive possession of any Defendant; or  
2                   4. owned or controlled by, in the actual or constructive possession  
3                   of, or otherwise held for the benefit of, any corporation,  
4                   partnership, asset protection trust, or other entity that is directly  
5                   or indirectly owned, managed, or controlled by any Defendant.

6           B.     Opening or causing to be opened any safe deposit boxes, commercial  
7     mailboxes, or storage facilities titled in the name of any Defendant, or subject to  
8     access by any Defendant, except as necessary to comply with written requests from  
9     the Receiver acting pursuant to its authority under this Order;

10          C.     Incurring charges or cash advances on any credit, debit, or ATM card  
11     issued in the name, individually or jointly, of any Corporate Defendant or any  
12     corporation, partnership, or other entity directly or indirectly owned, managed, or  
13     controlled by any Defendant or of which any Defendant is an officer, director,  
14     member, or manager. This includes any corporate bankcard or corporate credit card  
15     account for which any Defendant is, or was on the date that this Order was signed,  
16     an authorized signor; or

17          D.     Cashing any checks or depositing any money orders or cash received  
18     from consumers, clients, or customers of any Defendant.

19     The Assets affected by this Section shall include: (1) all Assets of Defendants as of  
20     the time this Order is entered; and (2) Assets obtained by Defendants after this Order  
21     is entered if those Assets are derived from any activity that is the subject of the  
22     Complaint in this matter or that is prohibited by this Order. This Section does not  
23     prohibit any transfers to the Receiver or repatriation of foreign Assets specifically  
24     required by this order.

25                   **IV. DUTIES OF ASSET HOLDERS AND OTHER THIRD PARTIES**

26                   **IT IS FURTHER ORDERED** that any financial or brokerage institution,  
27     Electronic Data Host, credit card processor, payment processor, merchant bank,  
28     acquiring bank, independent sales organization, third party processor, payment

1 gateway, insurance company, business entity, or person who receives actual notice of  
2 this Order (by service or otherwise) that:

3 (a) has held, controlled, or maintained custody, through an account or  
4 otherwise, of any Document on behalf of any Defendant or any Asset that has been  
5 owned or controlled, directly or indirectly, by any Defendant; held, in part or in  
6 whole, for the benefit of any Defendant; in the actual or constructive possession of  
7 any Defendant; or owned or controlled by, in the actual or constructive possession  
8 of, or otherwise held for the benefit of, any corporation, partnership, asset protection  
9 trust, or other entity that is directly or indirectly owned, managed or controlled by  
10 any Defendant;

11 (b) has held, controlled, or maintained custody, through an account or  
12 otherwise, of any Document or Asset associated with credits, debits, or charges made  
13 on behalf of any Defendant, including reserve funds held by payment processors,  
14 credit card processors, merchant banks, acquiring banks, independent sales  
15 organizations, third party processors, payment gateways, insurance companies, or  
16 other entities; or

17 (c) has extended credit to any Defendant, including through a credit card  
18 account, shall:

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

26 B. Deny any person, except the Receiver, access to any safe deposit  
27 box, commercial mailbox, or storage facility that is titled in the name of any  
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1 Defendant, either individually or jointly, or otherwise subject to access by any  
2 Defendant;

3 C. Provide Plaintiff's counsel and the Receiver, within three (3) days  
4 of receiving a copy of this Order, a sworn statement setting forth, for each Asset or  
5 account covered by this Section:

- 6 1. The identification number of each such account or Asset;
- 7 2. The balance of each such account, or a description of the  
8 nature and value of each such Asset as of the close of  
9 business on the day on which this Order is served, and, if  
10 the account or other Asset has been closed or removed, the  
11 date closed or removed, the total funds removed in order to  
12 close the account, and the name of the person or entity to  
13 whom such account or other Asset was remitted; and
- 14 3. The identification of any safe deposit box, commercial  
15 mailbox, or storage facility that is either titled in the name,  
16 individually or jointly, of any Defendant, or is otherwise  
17 subject to access by any; and

18 D. Upon the request of Plaintiff's counsel or the Receiver, promptly  
19 provide Plaintiff's counsel and the Receiver with copies of all records or other  
20 Documents pertaining to any account or Asset covered by this Section, including  
21 originals or copies of account applications, account statements, signature cards,  
22 checks, drafts, deposit tickets, transfers to and from the accounts, including wire  
23 transfers and wire transfer instructions, all other debit and credit instruments or slips,  
24 currency transaction reports, 1099 forms, and all logs and records pertaining to safe  
25 deposit boxes, commercial mailboxes, and storage facilities.

26 Provided, however, that this Section does not prohibit any transfers to the  
27 Receiver or repatriation of foreign Assets specifically required by this order.  
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**V. FINANCIAL DISCLOSURES**

**IT IS FURTHER ORDERED** that each Defendant, within five (5) days of service of this Order upon them, shall prepare and deliver to Plaintiff’s counsel and the Receiver:

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

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

**VI. FOREIGN ASSET REPATRIATION**

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

A. Provide Plaintiff’s counsel and the Receiver 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 or entity 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 Plaintiff’s counsel and Receiver 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 or jointly, of any Defendant; (2) held by any person or entity for the benefit of any Defendant,

1 or for the benefit of any corporation, partnership, asset protection trust, or other entity  
2 that is directly or indirectly owned, managed or controlled by any Defendant; or  
3 (3) under the direct or indirect control, whether jointly or singly, of any Defendant;  
4 and

5 D. The same business day as any repatriation, (1) notify the Receiver and  
6 counsel for Plaintiff of the name and location of the financial institution or other  
7 entity that is the recipient of such Documents or Assets; and (2) serve this Order on  
8 any such financial institution or other entity.

### 9 **VII. NON-INTERFERENCE WITH REPATRIATION**

10 **IT IS FURTHER ORDERED** that Defendants, Defendants’ officers, agents,  
11 employees, and attorneys, and all other persons in active concert or participation with  
12 any of them, who receive actual notice of this Order, whether acting directly or  
13 indirectly, are hereby temporarily restrained and enjoined from taking any action,  
14 directly or indirectly, which may result in the encumbrance or dissipation of foreign  
15 Assets, or in the hindrance of the repatriation required by this Order, including, but  
16 not limited to:

17 A. Sending any communication or engaging in any other act, directly or  
18 indirectly, that results in a determination by a foreign trustee or other entity that a  
19 “duress” event has occurred under the terms of a foreign trust agreement until such  
20 time that all Defendants’ Assets have been fully repatriated pursuant to this Order; or

21 B. Notifying any trustee, protector, or other agent of any foreign trust or  
22 other related entities of either the existence of this Order, or of the fact that  
23 repatriation is required pursuant to a court order, until such time that all Defendants’  
24 Assets have been fully repatriated pursuant to this Order.

### 25 **VIII. CONSUMER CREDIT REPORTS**

26 **IT IS FURTHER ORDERED** that Plaintiff may obtain credit reports  
27 concerning Individual Defendants pursuant to Section 604(a)(1) of the Fair Credit  
28 Reporting Act, 15 U.S.C. § 1681b(a)(1), and that, upon written request, any credit

1 reporting agency from which such reports are requested shall provide them to  
2 Plaintiff.

### 3 **IX. PRESERVATION OF RECORDS**

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

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

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

### 18 **X. REPORT OF NEW BUSINESS ACTIVITY**

19 **IT IS FURTHER ORDERED** that Defendants, Defendants' officers, agents,  
20 employees, and attorneys, and all other persons in active concert or participation with  
21 any of them, who receive actual notice of this Order, whether acting directly or  
22 indirectly, are hereby temporarily restrained and enjoined from creating, operating,  
23 or exercising any control over any business entity, whether newly formed or  
24 previously inactive, including any partnership, limited partnership, joint venture, sole  
25 proprietorship, or corporation, without first providing Plaintiff's counsel and the  
26 Receiver with a written statement disclosing: (1) the name of the business entity;  
27 (2) the address and telephone number of the business entity; (3) the names of the  
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1 business entity's officers, directors, principals, managers, and employees; and (4) a  
2 detailed description of the business entity's intended activities.

### 3 **XI. TEMPORARY RECEIVER**

4 **IT IS FURTHER ORDERED** that Stephen J. Donell is appointed as  
5 temporary receiver of the Receivership Entities with full powers of an equity receiver.  
6 The Receiver shall be solely the agent of this Court in acting as Receiver under this  
7 Order.

### 8 **XII. DUTIES AND AUTHORITY OF RECEIVER**

9 **IT IS FURTHER ORDERED** that the Receiver is directed and authorized to  
10 accomplish the following:

11 A. Assume full control of Receivership Entities by removing, as the  
12 Receiver deems necessary or advisable, any director, officer, independent contractor,  
13 employee, attorney, or agent of any Receivership Entity from control of, management  
14 of, or participation in, the affairs of the Receivership Entity;

15 B. Take exclusive custody, control, and possession of all Assets and  
16 Documents of, or in the possession, custody, or under the control of, any Receivership  
17 Entity, wherever situated;

18 C. Take exclusive custody, control, and possession of all Documents or  
19 Assets associated with credits, debits, or charges made on behalf of any Receivership  
20 Entity, wherever situated, including reserve funds held by payment processors, credit  
21 card processors, merchant banks, acquiring banks, independent sales organizations,  
22 third party processors, payment gateways, insurance companies, or other entities;

23 D. Conserve, hold, manage, and prevent the loss of all Assets of the  
24 Receivership Entities, and perform all acts necessary or advisable to preserve the  
25 value of those Assets. The Receiver shall assume control over the income and profits  
26 therefrom and all sums of money now or hereafter due or owing to the Receivership  
27 Entities. The Receiver shall have full power to sue for, collect, and receive, all Assets  
28 of the Receivership Entities and of other persons or entities whose interests are now



1 under the direction, possession, custody, or control of the Receivership Entities.  
2 Provided, however, that the Receiver shall not attempt to collect any amount from a  
3 consumer if the Receiver believes the consumer's debt to the Receivership Entities  
4 has resulted from the deceptive acts or practices or other violations of law alleged in  
5 the Complaint in this matter, without prior Court approval;

6 E. Obtain, conserve, hold, manage, and prevent the loss of all Documents  
7 of the Receivership Entities, and perform all acts necessary or advisable to preserve  
8 such Documents. The Receiver shall: divert mail; preserve all Documents of the  
9 Receivership Entities that are accessible via electronic means (such as online access  
10 to financial accounts and access to electronic documents held onsite or by Electronic  
11 Data Hosts, by changing usernames, passwords, or other log-in credentials; take  
12 possession of all electronic Documents of the Receivership Entities stored onsite or  
13 remotely; take whatever steps necessary to preserve all such Documents; and obtain  
14 the assistance of the FTC's Digital Forensic Unit for the purpose of obtaining  
15 electronic documents stored onsite or remotely.

16 F. Choose, engage, and employ attorneys, accountants, appraisers, and  
17 other independent contractors and technical specialists, as the Receiver deems  
18 advisable or necessary in the performance of duties and responsibilities under the  
19 authority granted by this Order;

20 G. Make payments and disbursements from the receivership estate that are  
21 necessary or advisable for carrying out the directions of, or exercising the authority  
22 granted by, this Order, and to incur, or authorize the making of, such agreements as  
23 may be necessary and advisable in discharging his or her duties as Receiver. The  
24 Receiver shall apply to the Court for prior approval of any payment of any debt or  
25 obligation incurred by the Receivership Entities prior to the date of entry of this  
26 Order, except payments that the Receiver deems necessary or advisable to secure  
27 Assets of the Receivership Entities, such as rental payments;  
28

1 H. Take all steps necessary to secure and take exclusive custody of each  
2 location from which the Receivership Entities operate their businesses. Such steps  
3 may include, but are not limited to, any of the following, as the Receiver deems  
4 necessary or advisable: (1) securing the location by changing the locks and alarm  
5 codes and disconnecting any internet access or other means of access to the  
6 computers, servers, internal networks, or other records maintained at that location;  
7 and (2) requiring any persons present at the location to leave the premises, to provide  
8 the Receiver with proof of identification, and/or to demonstrate to the satisfaction of  
9 the Receiver that such persons are not removing from the premises Documents or  
10 Assets of the Receivership Entities. Law enforcement personnel, including, but not  
11 limited to, police or sheriffs, may assist the Receiver in implementing these  
12 provisions in order to keep the peace and maintain security. If requested by the  
13 Receiver, the United States Marshal will provide appropriate and necessary  
14 assistance to the Receiver to implement this Order and is authorized to use any  
15 necessary and reasonable force to do so;

16 I. Take all steps necessary to prevent the modification, destruction, or  
17 erasure of any web page or website registered to and operated, in whole or in part, by  
18 any Defendants, and to provide access to all such web pages or websites to Plaintiff's  
19 representatives, agents, and assistants, as well as Defendants and their  
20 representatives;

21 J. Enter into and cancel contracts and purchase insurance as advisable or  
22 necessary;

23 K. Prevent the inequitable distribution of Assets and determine, adjust, and  
24 protect the interests of consumers who have transacted business with the  
25 Receivership Entities;

26 L. Make an accounting, as soon as practicable, of the Assets and financial  
27 condition of the receivership and file the accounting with the Court and deliver copies  
28 thereof to all parties;

1 M. Institute, compromise, adjust, appear in, intervene in, defend, dispose  
2 of, or otherwise become party to any legal action in state, federal, or foreign courts  
3 or arbitration proceedings as the Receiver deems necessary and advisable to preserve  
4 or recover the Assets of the Receivership Entities, or to carry out the Receiver's  
5 mandate under this Order, including but not limited to, actions challenging fraudulent  
6 or voidable transfers;

7 N. Issue subpoenas to obtain Documents and records pertaining to the  
8 Receivership, and conduct discovery in this action on behalf of the receivership  
9 estate, in addition to obtaining other discovery as set forth in this Order;

10 O. Open one or more bank accounts at designated depositories for funds of  
11 the Receivership Entities. The Receiver shall deposit all funds of the Receivership  
12 Entities in such designated accounts and shall make all payments and disbursements  
13 from the receivership estate from such accounts. The Receiver shall serve copies of  
14 monthly account statements on all parties;

15 P. Maintain accurate records of all receipts and expenditures incurred as  
16 Receiver;

17 Q. Allow Plaintiff's representatives, agents, and assistants, as well as  
18 Defendants' representatives and Defendants themselves, reasonable access to the  
19 premises of the Receivership Entities, or any other premises where the Receivership  
20 Entities conduct business. The purpose of this access shall be to inspect and copy any  
21 and all books, records, Documents, accounts, and other property owned by, or in the  
22 possession of, the Receivership Entities or their agents. The Receiver shall have the  
23 discretion to determine the time, manner, and reasonable conditions of such access;

24 R. Allow Plaintiff's representatives, agents, and assistants, as well as  
25 Defendants and their representatives, reasonable access to all Documents in the  
26 possession, custody, or control of the Receivership Entities;

27 S. Cooperate with reasonable requests for information or assistance from  
28 any state or federal civil or criminal law enforcement agency;

1 T. Suspend business operations of the Receivership Entities if in the  
2 judgment of the Receiver such operations cannot be continued legally and profitably;

3 U. If the Receiver identifies a nonparty entity as a Receivership Entity,  
4 promptly notify the entity as well as the parties, and inform the entity that it can  
5 challenge the Receiver's determination by filing a motion with the Court. Provided,  
6 however, that the Receiver may delay providing such notice until the Receiver has  
7 established control of the nonparty entity and its assets and records, if the Receiver  
8 determines that notice to the entity or the parties before the Receiver establishes  
9 control over the entity may result in the destruction of records, dissipation of assets,  
10 or any other obstruction of the Receiver's control of the entity; and

11 V. If in the Receiver's judgment the business operations cannot be  
12 continued legally and profitably, take all steps necessary to ensure that any of the  
13 Receivership Entities' web pages or websites relating to the activities alleged in the  
14 Complaint cannot be accessed by the public, or are modified for consumer education  
15 and/or informational purposes, and take all steps necessary to ensure that any  
16 telephone numbers associated with the Receivership Entities cannot be accessed by  
17 the public, or are answered solely to provide consumer education or information  
18 regarding the status of operations.

19 W. Prepare a written report at or before any hearing described in Section  
20 XXVI that describes (1) the steps taken by the Receiver to implement the terms of  
21 the Order; (2) the value of all assets and sum of all liabilities of the Receivership  
22 Entities; (3) the steps the Receiver intends to take in the future to protect receivership  
23 assets, recover receivership assets from third parties, and adjust receivership  
24 liabilities; (4) the Receiver's opinion on whether any portion of the business of any  
25 of the Receivership Entities can continue to operate legally and profitably; and  
26 (5) any other matters which the Receiver believes should be brought to the Court's  
27 attention.  
28

1                   **XIII. TRANSFER OF RECEIVERSHIP PROPERTY TO RECEIVER**

2                   **IT IS FURTHER ORDERED** that Defendants and any other person with  
3 possession, custody, or control of property of, or records relating to, the Receivership  
4 Entities shall, upon notice of this Order by personal service or otherwise, fully  
5 cooperate with and assist the Receiver in taking and maintaining possession, custody,  
6 or control of the Assets and Documents of the Receivership Entities and immediately  
7 transfer or deliver to the Receiver possession, custody, and control of, the following:

8                   A. All Assets held by or for the benefit of the Receivership Entities;

9                   B. All Documents or Assets associated with credits, debits, or charges  
10 made on behalf of any Receivership Entity, wherever situated, including reserve  
11 funds held by payment processors, credit card processors, merchant banks, acquiring  
12 banks, independent sales organizations, third party processors, payment gateways,  
13 insurance companies, or other entities;

14                   C. All Documents of or pertaining to the Receivership Entities;

15                   D. All computers, electronic devices, mobile devices, and machines used  
16 to conduct the business of the Receivership Entities;

17                   E. All Assets and Documents belonging to other persons or entities whose  
18 interests are under the direction, possession, custody, or control of the Receivership  
19 Entities; and

20                   F. All keys, codes, user names, and passwords necessary to gain or to  
21 secure access to any Assets or Documents of or pertaining to the Receivership  
22 Entities, including access to their business premises, means of communication,  
23 accounts, computer systems (onsite and remote), Electronic Data Hosts, or other  
24 property.

25                   In the event that any person or entity fails to deliver or transfer any Asset or  
26 Document, or otherwise fails to comply with any provision of this Section, the  
27 Receiver may file an Affidavit of Non-Compliance regarding the failure and a motion  
28 seeking compliance or a contempt citation.

1 **XIV. PROVISION OF INFORMATION TO RECEIVER**

2 **IT IS FURTHER ORDERED** that Defendants shall immediately provide to  
3 the Receiver:

4 A. A list of all Assets and accounts of the Receivership Entities that are  
5 held in any name other than the name of a Receivership Entity, or by any person or  
6 entity other than a Receivership Entity;

7 B. A list of all agents, employees, officers, attorneys, servants, and those  
8 persons in active concert and participation with the Receivership Entities, or who  
9 have been associated or done business with the Receivership Entities; and

10 C. A description of any documents covered by attorney-client privilege or  
11 attorney work product, including files where such documents are likely to be located,  
12 authors or recipients of such documents, and search terms likely to identify such  
13 electronic documents.

14 **XV. COOPERATION WITH THE RECEIVER**

15 **IT IS FURTHER ORDERED** that Defendants; Receivership Entities;  
16 Defendants' or Receivership Entities' officers, agents, employees, and attorneys; all  
17 other persons in active concert or participation with any of them; and any other person  
18 with possession, custody, or control of property of or records relating to the  
19 Receivership Entities who receive actual notice of this Order shall fully cooperate  
20 with and assist the Receiver. This cooperation and assistance shall include, but is not  
21 limited to, providing information to the Receiver that the Receiver deems necessary  
22 to exercise the authority and discharge the responsibilities of the Receiver under this  
23 Order; providing any keys, codes, user names, and passwords required to access any  
24 computers, electronic devices, mobile devices, and machines (onsite or remotely) and  
25 any cloud account (including specific method to access account) or electronic file in  
26 any medium; advising all persons who owe money to any Receivership Entity that  
27 all debts should be paid directly to the Receiver; and transferring funds at the  
28

1 Receiver's direction and producing records related to the Assets and sales of the  
2 Receivership Entities.

3 **XVI. NON-INTERFERENCE WITH THE RECEIVER**

4 **IT IS FURTHER ORDERED** that Defendants; Receivership Entities;  
5 Defendants' or Receivership Entities' officers, agents, employees, attorneys; and all  
6 other persons in active concert or participation with any of them, who receive actual  
7 notice of this Order, and any other person served with a copy of this Order, are hereby  
8 restrained and enjoined from directly or indirectly:

9 A. Interfering with the Receiver's efforts to manage, or take custody,  
10 control, or possession of, the Assets or Documents subject to the receivership;

11 B. Transacting any of the business of the Receivership Entities;

12 C. Transferring, receiving, altering, selling, encumbering, pledging,  
13 assigning, liquidating, or otherwise disposing of any Assets owned, controlled, or in  
14 the possession or custody of, or in which an interest is held or claimed by, the  
15 Receivership Entities; or

16 D. Refusing to cooperate with the Receiver or the Receiver's duly  
17 authorized agents in the exercise of their duties or authority under any order of this  
18 Court.

19 **XVII. STAY OF ACTIONS**

20 **IT IS FURTHER ORDERED** that, except by leave of this Court, during the  
21 pendency of the receivership ordered herein, Defendants; Defendants' officers,  
22 agents, employees, attorneys; and all other persons in active concert or participation  
23 with any of them, who receive actual notice of this Order; and their corporations,  
24 subsidiaries, divisions, or affiliates; and all investors, creditors, stockholders, lessors,  
25 customers, and other persons seeking to establish or enforce any claim, right, or  
26 interest against or on behalf of Defendants, and all others acting for or on behalf of  
27 such persons, are hereby enjoined from taking action that would interfere with the  
28



1 exclusive jurisdiction of this Court over the Assets or Documents of the Receivership  
2 Entities, including, but not limited to:

3 A. Filing or assisting in the filing of a petition for relief under the  
4 Bankruptcy Code, 11 U.S.C. § 101 *et seq.*, or of any similar insolvency proceeding  
5 on behalf of the Receivership Entities;

6 B. Commencing, prosecuting, or continuing a judicial, administrative, or  
7 other action or proceeding against the Receivership Entities, including the issuance  
8 or employment of process against the Receivership Entities, except that such actions  
9 may be commenced if necessary to toll any applicable statute of limitations; or

10 C. Filing or enforcing any lien on any asset of the Receivership Entities;  
11 taking or attempting to take possession, custody, or control of any Asset of the  
12 Receivership Entities; or attempting to foreclose, forfeit, alter, or terminate any  
13 interest in any Asset of the Receivership Entities, whether such acts are part of a  
14 judicial proceeding, acts of self-help, or otherwise.

15 Provided, however, that this Order does not stay: (1) the commencement or  
16 continuation of a criminal action or proceeding; (2) the commencement or  
17 continuation of an action or proceeding by a governmental unit to enforce such  
18 governmental unit's police or regulatory power; or (3) the enforcement of a  
19 judgment, other than a money judgment, obtained in an action or proceeding by a  
20 governmental unit to enforce such governmental unit's police or regulatory power.

### 21 **XVIII. COMPENSATION OF RECEIVER**

22 **IT IS FURTHER ORDERED** that the Receiver and all personnel hired by  
23 the Receiver as herein authorized, including counsel to the Receiver and accountants,  
24 are entitled to reasonable compensation for the performance of duties pursuant to this  
25 Order and for the cost of actual out-of-pocket expenses incurred by them, from the  
26 Assets now held by, in the possession or control of, or which may be received by, the  
27 Receivership Entities. The Receiver shall file with the Court and serve on the parties  
28 periodic requests for the payment of such reasonable compensation, with the first

1 such request filed no more than sixty (60) days after the date of entry of this Order.  
2 The Receiver shall not increase the hourly rates used as the bases for such fee  
3 applications without prior approval of the Court.

4 **XIX. IMMEDIATE PRODUCTION OF BUSINESS RECORDS**

5 **IT IS FURTHER ORDERED** that that the Corporate Defendants shall allow  
6 the Receiver and FTC's employees and agents access to the Defendants' business  
7 records to inspect and copy Documents in preparation for the preliminary injunction  
8 hearing and to identify and locate assets.

9 The Corporate Defendants shall, immediately upon receiving notice of this  
10 Order, produce to the FTC for inspection, inventory, and copying, at a location  
11 designated by FTC, the following materials: (1) all customer information, including  
12 names, phone numbers, addresses, e-mail addresses, customer complaints, and  
13 payment information for all consumers who have purchased Corporate Defendants'  
14 business opportunities and coaching services; (2) all contracts, including settlement  
15 agreements with customers; (3) any correspondence, including electronic  
16 correspondence, that refers or relates to the Corporate Defendants' business  
17 opportunities and coaching services; (4) an electronic copy of all advertisements for  
18 the Corporate Defendants' business opportunities and coaching services; (5) all  
19 telephone and videoconferencing scripts used during the sales process; (6) all slide  
20 decks, sales projections, charts, and spreadsheets used during the sales process; (7) all  
21 Documents pertaining to Earnings Claims and other representations related to the  
22 marketing, advertising, promotion, offer for sale, or sale of Defendants' business  
23 opportunities and coaching services, including substantiation for any Earnings  
24 Claims; and (8) accounting information, including profit and loss statements, annual  
25 reports, receipt books, ledgers, personal and business canceled checks and check  
26 registers, bank statements, appointment books, copies of federal, state or local  
27 business or personal income or property tax returns, and 1099 forms. The FTC shall  
28

1 return any materials produced pursuant to this Section within seven (7) days of the  
2 Corporate Defendants' production.

3 **XX. IMMEDIATE ACCESS TO BUSINESS PREMISES AND RECORDS**

4 **IT IS FURTHER ORDERED** that:

5 A. In order to allow Plaintiff and the Receiver to preserve Assets and  
6 evidence relevant to this action and to expedite discovery, Plaintiff and the Receiver,  
7 and their representatives, agents, contractors, and assistants, shall have immediate  
8 access to the business premises and storage facilities, owned, controlled, or used by  
9 the Receivership Entities. Such locations include, but are not limited to, 3240  
10 Professional Drive, Auburn, CA 95602, and any offsite location or commercial  
11 mailbox used by the Receivership Entities. The Receiver may exclude Defendants,  
12 Receivership Entities, and their employees from the business premises during the  
13 immediate access.

14 B. Plaintiff and the Receiver, and their representatives, agents, contractors,  
15 and assistants, are authorized to remove Documents from the Receivership Entities'  
16 premises in order that they may be inspected, inventoried, and copied. Plaintiff shall  
17 return any removed materials to the Receiver within five (5) business days of  
18 completing inventorying and copying, or such time as is agreed upon by Plaintiff and  
19 the Receiver;

20 C. Plaintiff's access to the Receivership Entities' documents pursuant to  
21 this Section shall not provide grounds for any Defendant to object to any subsequent  
22 request for documents served by Plaintiff.

23 D. Plaintiff and the Receiver, and their representatives, agents, contractors,  
24 and assistants, are authorized to obtain the assistance of federal, state, and local law  
25 enforcement officers as they deem necessary to effect service and to implement  
26 peacefully the provisions of this Order;

27 E. If any Documents, computers, or electronic storage devices containing  
28 information related to the business practices or finances of the Receivership Entities

1 are at a location other than those listed herein, including personal residence(s) of any  
2 Defendant, then, immediately upon receiving notice of this order, Defendants and  
3 Receivership Entities shall produce to the Receiver all such Documents, computers,  
4 and electronic storage devices, along with any codes or passwords needed for access.  
5 In order to prevent the destruction of computer data, upon service of this Order, any  
6 such computers or electronic storage devices shall be powered down in the normal  
7 course of the operating system used on such devices and shall not be powered up or  
8 used until produced for copying and inspection; and

9 F. If any communications or records of any Receivership Entity are stored  
10 with an Electronic Data Host, such Receivership Entity shall, immediately upon  
11 receiving notice of this order, provide the Receiver with the username, passwords,  
12 and any other login credential needed to access the communications and records, and  
13 shall not attempt to access, or cause a third-party to attempt to access, the  
14 communications or records.

#### 15 **XXI. DISTRIBUTION OF ORDER BY DEFENDANTS**

16 **IT IS FURTHER ORDERED** that Defendants shall immediately provide a  
17 copy of this Order to each affiliate, telemarketer, marketer, sales entity, successor,  
18 assign, member, officer, director, employee, agent, independent contractor, client,  
19 attorney, spouse, subsidiary, division, and representative of any Defendant, and shall,  
20 within ten (10) days from the date of entry of this Order, provide Plaintiff and the  
21 Receiver with a sworn statement that this provision of the Order has been satisfied,  
22 which statement shall include the names, physical addresses, phone number, and  
23 email addresses of each such person or entity who received a copy of the Order.  
24 Furthermore, Defendants shall not take any action that would encourage officers,  
25 agents, members, directors, employees, salespersons, independent contractors,  
26 attorneys, subsidiaries, affiliates, successors, assigns, or other persons or entities in  
27 active concert or participation with them to disregard this Order or believe that they  
28 are not bound by its provisions.

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**XXII. EXPEDITED DISCOVERY**

**IT IS FURTHER ORDERED** that, notwithstanding the provisions of the Fed. R. Civ. P. 26(d) and (f) and 30(a)(2)(A)(iii), and pursuant to Fed. R. Civ. P. 30(a), 33, 34, and 45, Plaintiff and the Receiver are granted leave, at any time after service of this Order, to conduct limited expedited discovery for the purpose of discovering: (1) the nature, location, status, and extent of Defendants’ Assets; (2) the nature, location, and extent of Defendants’ business transactions and operations; (3) Documents reflecting Defendants’ business transactions and operations; or (4) compliance with this Order. The limited expedited discovery set forth in this Section shall proceed as follows:

A. Plaintiff and the Receiver may take the deposition of parties and non-parties. Forty-eight (48) hours’ notice shall be sufficient notice for such depositions. The limitations and conditions set forth in Rules 30(a)(2)(A) and 31(a)(2)(A) of the Federal Rules of Civil Procedure regarding subsequent depositions of an individual shall not apply to depositions taken pursuant to this Section. Any such deposition taken pursuant to this Section shall not be counted towards the deposition limit set forth in Rules 30(a)(2)(A) and 31(a)(2)(A), and depositions may be taken by telephone or other remote electronic means;

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

C. Plaintiff and the Receiver may serve upon parties interrogatories that require response within five (5) days after Plaintiff serves such interrogatories;

D. Plaintiff and the Receiver may serve subpoenas upon non-parties that direct production or inspection within five (5) days of service;

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

3 F. Any expedited discovery taken pursuant to this Section is in addition to,  
4 and is not subject to, the limits on discovery set forth in the Federal Rules of Civil  
5 Procedure and the Local Rules of this Court. The expedited discovery permitted by  
6 this Section does not require a meeting or conference of the parties, pursuant to Rules  
7 26(d) and (f) of the Federal Rules of Civil Procedure.

8 G. The parties are exempted from making initial disclosures under Fed. R.  
9 Civ. Procedure 26(a)(1) until further order of this Court.

### 10 **XXIII. SERVICE OF THIS ORDER**

11 **IT IS FURTHER ORDERED** that copies of this Order as well as the Motion  
12 for Temporary Restraining Order and all other pleadings, Documents, and exhibits  
13 filed contemporaneously with that Motion (other than the complaint and summons),  
14 may be served by any means, including facsimile transmission, email, or other  
15 electronic messaging, personal or overnight delivery, U.S. Mail or FedEx, by agents  
16 and employees of Plaintiff, by any law enforcement agency, or by private process  
17 server, upon any Defendant, or any person (including any financial institution) that  
18 may have possession, custody, or control of any Asset or Document of any Defendant,  
19 or that may be subject to any provision of this Order pursuant to Rule 65(d)(2) of the  
20 Federal Rules of Civil Procedure. For purposes of this Section, service upon any  
21 branch, subsidiary, affiliate, or office of any entity shall effect service upon the entire  
22 entity.

### 23 **XXIV. CORRESPONDENCE AND SERVICE ON PLAINTIFF**

24 **IT IS FURTHER ORDERED** that, for the purpose of this Order, all  
25 correspondence and service of pleadings on Plaintiff shall be addressed via email to  
26 Jody Goodman (jgoodman1@ftc.gov) and Elsie Kappler (ekappler@ftc.gov).  
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1                                   **XXV. PRELIMINARY INJUNCTION HEARING**

2           **IT IS FURTHER ORDERED** that, pursuant to Fed. R. Civ. P. 65(b),  
3 Defendants shall appear before this Court on the 25<sup>th</sup> day of September 2024, at 3pm,  
4 to show cause, if there is any, why this Court should not enter a preliminary  
5 injunction, pending final ruling on the Complaint against Defendants, enjoining the  
6 violations of the law alleged in the Complaint, continuing the freeze of their Assets,  
7 continuing the receivership, and imposing such additional relief as may be  
8 appropriate.

9                                   **XXVI. BRIEFS AND AFFIDAVITS CONCERNING**  
10                                   **PRELIMINARY INJUNCTION**

11           **IT IS FURTHER ORDERED** that:

12           A. Defendants shall file with the Court and serve on Plaintiff’s counsel any  
13 answering pleadings, affidavits, motions, expert reports or declarations, or legal  
14 memoranda no later than four (4) days prior to the order to show cause hearing  
15 scheduled pursuant to this Order. Plaintiff may file responsive or supplemental  
16 pleadings, materials, affidavits, or memoranda with the Court and serve the same on  
17 counsel for Defendants no later than one (1) day prior to the order to show Cause  
18 hearing. Provided that such affidavits, pleadings, motions, expert reports,  
19 declarations, legal memoranda, or oppositions must be served by personal or  
20 overnight delivery, facsimile, or email, and be received by the other party or parties  
21 no later than 5:00 p.m. (Eastern) on the appropriate dates set forth in this Section.

22           B. An evidentiary hearing on Plaintiff’s request for a preliminary  
23 injunction is not necessary unless Defendants demonstrate that they have, and intend  
24 to introduce, evidence that raises a genuine and material factual issue. The question  
25 of whether this Court should enter a preliminary injunction shall be resolved on the  
26 pleadings, declarations, exhibits, and memoranda filed by, and oral argument of, the  
27 parties. Live testimony shall be heard only on further order of this Court. Any motion  
28 to permit such testimony shall be filed with the Court and served on counsel for the



1 other parties at least five (5) days prior to the preliminary injunction hearing in this  
2 matter. Such motion shall set forth the name, address, and telephone number of each  
3 proposed witness, a detailed summary or affidavit revealing the substance of each  
4 proposed witness's expected testimony, and an explanation of why the taking of live  
5 testimony would be helpful to this Court. Any papers opposing a timely motion to  
6 present live testimony or to present live testimony in response to another party's  
7 timely motion to present live testimony shall be filed with this Court and served on  
8 the other parties at least three (3) days prior to the order to show cause hearing.

9 Provided, however, that service shall be performed by personal or overnight  
10 delivery, facsimile, or email, and Documents shall be delivered so that they shall be  
11 received by the other parties no later than 5:00 p.m. (Eastern) on the appropriate dates  
12 provided in this Section.

13 **XXVII. DURATION OF THE ORDER**

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

17 **XXVIII. RETENTION OF JURISDICTION**

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

20 **IT IS SO ORDERED.**

21  
22 Dated: September 13, 2024

  
23  
24 HON. SHERILYN PEACE GARNETT  
25 UNITED STATES DISTRICT JUDGE  
26  
27  
28

# Attachment A

**FINANCIAL STATEMENT OF INDIVIDUAL DEFENDANT**

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**Definitions and Instructions:**

1. Complete all items. Enter "None" or "N/A" ("Not Applicable") in the first field only of any item that does not apply to you. If you cannot fully answer a question, explain why.
2. "Dependents" include your spouse, live-in companion, dependent children, or any other person, whom you or your spouse (or your children's other parent) claimed or could have claimed as a dependent for tax purposes at any time during the past five years.
3. "Assets" and "Liabilities" include ALL assets and liabilities, located within the United States or any foreign country or territory, whether held individually or jointly and whether held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.
4. Attach continuation pages as needed. On the financial statement, state next to the Item number that the Item is being continued. On the continuation page(s), identify the Item number(s) being continued.
5. Type or print legibly.
6. Initial each page in the space provided in the lower right corner.
7. Sign and date the completed financial statement on the last page.

**Penalty for False Information:**

Federal law provides that any person may be imprisoned for not more than five years, fined, or both, if such person:

(1) "in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or devise a material fact; makes any materially false, fictitious or fraudulent statement or representation; or makes or uses any false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry" ([18 U.S.C. § 1001](#));

(2) "in any . . . statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true" ([18 U.S.C. § 1621](#)); or

(3) "in any ( . . . statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information . . . knowing the same to contain any false material declaration" ([18 U.S.C. § 1623](#)).

For a felony conviction under the provisions cited above, federal law provides that the fine may be not more than the greater of (i) \$250,000 for an individual or \$500,000 for a corporation, or (ii) if the felony results in pecuniary gain to any person or pecuniary loss to any person other than the defendant, the greater of twice the gross gain or twice the gross loss. [18 U.S.C. § 3571](#).

**BACKGROUND INFORMATION**

**Item 1. Information About You**

Full Name	Social Security No.		
Current Address of Primary Residence	Driver's License No.		State Issued
	Phone Numbers Home: ( ) Fax: ( )	Date of Birth: / / (mm/dd/yyyy)	
	Place of Birth		
<input type="checkbox"/> Rent <input type="checkbox"/> Own From (Date): / / (mm/dd/yyyy)	E-Mail Address		
Internet Home Page			

**Previous Addresses for past five years** (if required, use additional pages at end of form)

Address	From: / / (mm/dd/yyyy)	Until: / / (mm/dd/yyyy)	<input type="checkbox"/> Rent <input type="checkbox"/> Own
Address	From: / /	Until: / /	<input type="checkbox"/> Rent <input type="checkbox"/> Own
Address	From: / /	Until: / /	<input type="checkbox"/> Rent <input type="checkbox"/> Own

Identify any other name(s) and/or social security number(s) you have used, and the time period(s) during which they were used:

**Item 2. Information About Your Spouse or Live-In Companion**

Spouse/Companion's Name	Social Security No.	Date of Birth / / (mm/dd/yyyy)
Address (if different from yours)	Phone Number ( )	Place of Birth
	<input type="checkbox"/> Rent <input type="checkbox"/> Own From (Date): / / (mm/dd/yyyy)	

Identify any other name(s) and/or social security number(s) you have used, and the time period(s) during which they were used:

Employer's Name and Address	Job Title	
	Years in Present Job	Annual Gross Salary/Wages \$

**Item 3. Information About Your Previous Spouse**

Name and Address	Social Security No.
	Date of Birth / / (mm/dd/yyyy)

**Item 4. Contact Information** (name and address of closest living relative other than your spouse)

Name and Address	Phone Number ( )
------------------	---------------------

Initials: \_\_\_\_\_

Item 5. Information About Dependents (whether or not they reside with you)		
Name and Address	Social Security No.	Date of Birth / / (mm/dd/yyyy)
	Relationship	
Name and Address	Social Security No.	Date of Birth / / (mm/dd/yyyy)
	Relationship	
Name and Address	Social Security No.	Date of Birth / / (mm/dd/yyyy)
	Relationship	
Name and Address	Social Security No.	Date of Birth / / (mm/dd/yyyy)
	Relationship	

**Item 6. Employment Information/Employment Income**  
 Provide the following information for this year-to-date and for each of the previous five full years, for each business entity of which you were a director, officer, member, partner, employee (including self-employment), agent, owner, shareholder, contractor, participant or consultant at any time during that period. "Income" includes, but is not limited to, any salary, commissions, distributions, draws, consulting fees, loans, loan payments, dividends, royalties, and benefits for which you did not pay (e.g., health insurance premiums, automobile lease or loan payments) received by you or anyone else on your behalf.

Company Name and Address	Dates Employed		Income Received: Y-T-D & 5 Prior Yrs.	
	From (Month/Year) /	To (Month/Year) /	Year	Income
Ownership Interest? <input type="checkbox"/> Yes <input type="checkbox"/> No			20	\$
Positions Held	From (Month/Year) /	To (Month/Year) /		\$
	/	/		\$
	/	/		\$
	/	/		\$
	/	/		\$
	/	/		\$
	/	/		\$

  

Company Name and Address	Dates Employed		Income Received: Y-T-D & 5 Prior Yrs.	
	From (Month/Year) /	To (Month/Year) /	Year	Income
Ownership Interest? <input type="checkbox"/> Yes <input type="checkbox"/> No			20	\$
Positions Held	From (Month/Year) /	To (Month/Year) /		\$
	/	/		\$
	/	/		\$
	/	/		\$
	/	/		\$
	/	/		\$
	/	/		\$

  

Company Name and Address	Dates Employed		Income Received: Y-T-D & 5 Prior Yrs.	
	From (Month/Year) /	To (Month/Year) /	Year	Income
Ownership Interest? <input type="checkbox"/> Yes <input type="checkbox"/> No			20	\$
Positions Held	From (Month/Year) /	To (Month/Year) /		\$
	/	/		\$
	/	/		\$
	/	/		\$
	/	/		\$

Initials: \_\_\_\_\_

**Item 7. Pending Lawsuits Filed By or Against You or Your Spouse**

List all pending lawsuits that have been filed by or against you or your spouse in any court or before an administrative agency in the United States or in any foreign country or territory. **Note:** At Item 12, list lawsuits that resulted in final judgments or settlements in your favor. At Item 21, list lawsuits that resulted in final judgments or settlements against you.

Caption of Proceeding	Court or Agency and Location	Case No.	Nature of Proceeding	Relief Requested	Status or Disposition

**Item 8. Safe Deposit Boxes**

List all safe deposit boxes, located within the United States or in any foreign country or territory, whether held individually or jointly and whether held by you, your spouse, or any of your dependents, or held by others for the benefit of you, your spouse, or any of your dependents.

Name of Owner(s)	Name & Address of Depository Institution	Box No.	Contents

Initials: \_\_\_\_\_

**FINANCIAL INFORMATION**

**REMINDER:** When an item asks for information regarding your “assets” and “liabilities” include ALL assets and liabilities, located within the United States or in any foreign country or territory, or institution, whether held individually or jointly, and whether held by you, your spouse, or any of your dependents, or held by others for the benefit of you, your spouse, or any of your dependents. In addition, provide all documents requested in Item 24 with your completed Financial Statement.

**ASSETS**

**Item 9. Cash, Bank, and Money Market Accounts**

List cash on hand (as opposed to cash in bank accounts or other financial accounts) and all bank accounts, money market accounts, or other financial accounts, including but not limited to checking accounts, savings accounts, and certificates of deposit. The term “cash on hand” includes but is not limited to cash in the form of currency, uncashed checks, and money orders.

a. Amount of Cash on Hand \$		Form of Cash on Hand	
b. Name on Account	Name & Address of Financial Institution	Account No.	Current Balance
			\$
			\$
			\$
			\$
			\$

**Item 10. Publicly Traded Securities**

List all publicly traded securities, including but not limited to, stocks, stock options, corporate bonds, mutual funds, U.S. government securities (including but not limited to treasury bills and treasury notes), and state and municipal bonds. Also list any U.S. savings bonds.

Owner of Security	Issuer	Type of Security	No. of Units Owned
Broker House, Address	Broker Account No.		
	Current Fair Market Value \$	Loan(s) Against Security \$	
Owner of Security	Issuer	Type of Security	No. of Units Owned
Broker House, Address	Broker Account No.		
	Current Fair Market Value \$	Loan(s) Against Security \$	
Owner of Security	Issuer	Type of Security	No. of Units Owned
Broker House, Address	Broker Account No.		
	Current Fair Market Value \$	Loan(s) Against Security \$	

Initials: \_\_\_\_\_



**Item 11. Non-Public Business and Financial Interests**

List all non-public business and financial interests, including but not limited to any interest in a non-public corporation, subchapter-S corporation, limited liability corporation ("LLC"), general or limited partnership, joint venture, sole proprietorship, international business corporation or personal investment corporation, and oil or mineral lease.

Entity's Name & Address	Type of Business or Financial Interest (e.g., LLC, partnership)	Owner (e.g., self, spouse)	Ownership %	If Officer, Director, Member or Partner, Exact Title

**Item 12. Amounts Owed to You, Your Spouse, or Your Dependents**

Debtor's Name & Address	Date Obligation Incurred (Month/Year) /	Original Amount Owed \$	Nature of Obligation (if the result of a final court judgment or settlement, provide court name and docket number)
	Current Amount Owed \$	Payment Schedule \$	
Debtor's Telephone	Debtor's Relationship to You		
Debtor's Name & Address	Date Obligation Incurred (Month/Year) /	Original Amount Owed \$	Nature of Obligation (if the result of a final court judgment or settlement, provide court name and docket number)
	Current Amount Owed \$	Payment Schedule \$	
Debtor's Telephone	Debtor's Relationship to You		

**Item 13. Life Insurance Policies**

List all life insurance policies (including endowment policies) with any cash surrender value.

Insurance Company's Name, Address, & Telephone No.	Beneficiary	Policy No.	Face Value \$
	Insured	Loans Against Policy \$	Surrender Value \$
Insurance Company's Name, Address, & Telephone No.	Beneficiary	Policy No.	Face Value \$
	Insured	Loans Against Policy \$	Surrender Value \$

**Item 14. Deferred Income Arrangements**

List all deferred income arrangements, including but not limited to, deferred annuities, pensions plans, profit-sharing plans, 401(k) plans, IRAs, Keoghs, other retirement accounts, and college savings plans (e.g., 529 Plans).

Trustee or Administrator's Name, Address & Telephone No.	Name on Account		Account No.
	Date Established / / (mm/dd/yyyy)	Type of Plan	Surrender Value before Taxes and Penalties \$
Trustee or Administrator's Name, Address & Telephone No.	Name on Account		Account No.
	Date Established / /	Type of Plan	Surrender Value before Taxes and Penalties \$

Initials: \_\_\_\_\_

**Item 15. Pending Insurance Payments or Inheritances**

List any pending insurance payments or inheritances owed to you.

Type	Amount Expected	Date Expected (mm/dd/yyyy)
	\$	/ /
	\$	/ /
	\$	/ /

**Item 16. Vehicles**

List all cars, trucks, motorcycles, boats, airplanes, and other vehicles.

Vehicle Type	Year	Registered Owner's Name	Purchase Price	Original Loan Amount	Current Balance
Make		Registration State & No.	Account/Loan No.	Current Value	Monthly Payment
Model		Address of Vehicle's Location	Lender's Name and Address		
Vehicle Type	Year	Registered Owner's Name	Purchase Price	Original Loan Amount	Current Balance
Make		Registration State & No.	Account/Loan No.	Current Value	Monthly Payment
Model		Address of Vehicle's Location	Lender's Name and Address		
Vehicle Type	Year	Registered Owner's Name	Purchase Price	Original Loan Amount	Current Balance
Make		Registration State & No.	Account/Loan No.	Current Value	Monthly Payment
Model		Address of Vehicle's Location	Lender's Name and Address		
Vehicle Type	Year	Registered Owner's Name	Purchase Price	Original Loan Amount	Current Balance
Make		Registration State & No.	Account/Loan No.	Current Value	Monthly Payment
Model		Address of Vehicle's Location	Lender's Name and Address		
Vehicle Type	Year	Registered Owner's Name	Purchase Price	Original Loan Amount	Current Balance
Make		Registration State & No.	Account/Loan No.	Current Value	Monthly Payment
Model		Address of Vehicle's Location	Lender's Name and Address		

**Item 17. Other Personal Property**

List all other personal property not listed in Items 9-16 by category, whether held for personal use, investment or any other reason, including but not limited to coins, stamps, artwork, gemstones, jewelry, bullion, other collectibles, copyrights, patents, and other intellectual property.

Property Category (e.g., artwork, jewelry)	Name of Owner	Property Location	Acquisition Cost	Current Value
			\$	\$
			\$	\$
			\$	\$

Initials: \_\_\_\_\_

<b>Item 18. Real Property</b> List all real property interests (including any land contract)			
Property's Location		Type of Property	Name(s) on Title or Contract and Ownership Percentages
Acquisition Date (mm/dd/yyyy) / /	Purchase Price \$	Current Value \$	Basis of Valuation
Lender's Name and Address		Loan or Account No.	Current Balance On First Mortgage or Contract \$
			Monthly Payment \$
Other Mortgage Loan(s) (describe)		Monthly Payment \$	<input type="checkbox"/> Rental Unit Monthly Rent Received \$
		Current Balance \$	
Property's Location		Type of Property	Name(s) on Title or Contract and Ownership Percentages
Acquisition Date (mm/dd/yyyy) / /	Purchase Price \$	Current Value \$	Basis of Valuation
Lender's Name and Address		Loan or Account No.	Current Balance On First Mortgage or Contract \$
			Monthly Payment \$
Other Mortgage Loan(s) (describe)		Monthly Payment \$	<input type="checkbox"/> Rental Unit Monthly Rent Received \$
		Current Balance \$	

**LIABILITIES**

<b>Item 19. Credit Cards</b> List each credit card account held by you, your spouse, or your dependents, and any other credit cards that you, your spouse, or your dependents use, whether issued by a United States or foreign financial institution.			
Name of Credit Card (e.g., Visa, MasterCard, Department Store)	Account No.	Name(s) on Account	Current Balance
			\$
			\$
			\$
			\$
			\$

<b>Item 20. Taxes Payable</b> List all taxes, such as income taxes or real estate taxes, owed by you, your spouse, or your dependents.		
Type of Tax	Amount Owed	Year Incurred
	\$	
	\$	
	\$	

Initials: \_\_\_\_\_

**Item 21. Other Amounts Owed by You, Your Spouse, or Your Dependents**

List all other amounts, not listed elsewhere in this financial statement, owed by you, your spouse, or your dependents.

Lender/Creditor's Name, Address, and Telephone No.		Nature of Debt (if the result of a court judgment or settlement, provide court name and docket number)		
		Lender/Creditor's Relationship to You		
Date Liability Was Incurred / / (mm/dd/yyyy)	Original Amount Owed \$	Current Amount Owed \$	Payment Schedule	
Lender/Creditor's Name, Address, and Telephone No.		Nature of Debt (if the result of a court judgment or settlement, provide court name and docket number)		
		Lender/Creditor's Relationship to You		
Date Liability Was Incurred / / (mm/dd/yyyy)	Original Amount Owed \$	Current Amount Owed \$	Payment Schedule	

**OTHER FINANCIAL INFORMATION**

**Item 22. Trusts and Escrows**

List all funds and other assets that are being held in trust or escrow by any person or entity for you, your spouse, or your dependents. Include any legal retainers being held on your behalf by legal counsel. Also list all funds or other assets that are being held in trust or escrow by you, your spouse, or your dependents, for any person or entity.

Trustee or Escrow Agent's Name & Address	Date Established (mm/dd/yyyy)	Grantor	Beneficiaries	Present Market Value of Assets*
	/ /			\$
	/ /			\$
	/ /			\$

\*If the market value of any asset is unknown, describe the asset and state its cost, if you know it.

**Item 23. Transfers of Assets**

List each person or entity to whom you have transferred, in the aggregate, more than \$5,000 in funds or other assets during the previous five years by loan, gift, sale, or other transfer (exclude ordinary and necessary living and business expenses paid to unrelated third parties). For each such person or entity, state the total amount transferred during that period.

Transferee's Name, Address, & Relationship	Property Transferred	Aggregate Value*	Transfer Date (mm/dd/yyyy)	Type of Transfer (e.g., Loan, Gift)
		\$	/ /	
		\$	/ /	
		\$	/ /	

\*If the market value of any asset is unknown, describe the asset and state its cost, if you know it.

Initials: \_\_\_\_\_

<b>Item 24. Document Requests</b>	
Provide copies of the following documents with your completed Financial Statement.	
	Federal tax returns filed during the last three years by or on behalf of you, your spouse, or your dependents.
	All applications for bank loans or other extensions of credit (other than credit cards) that you, your spouse, or your dependents have submitted within the last two years, including by obtaining copies from lenders if necessary.
Item 9	For each bank account listed in Item 9, all account statements for the past 3 years.
Item 11	For each business entity listed in Item 11, provide (including by causing to be generated from accounting records) the most recent balance sheet, tax return, annual income statement, the most recent year-to-date income statement, and all general ledger files from account records.
Item 17	All appraisals that have been prepared for any property listed in Item 17, including appraisals done for insurance purposes. You may exclude any category of property where the total appraised value of all property in that category is less than \$2,000.
Item 18	All appraisals that have been prepared for real property listed in Item 18.
Item 21	Documentation for all debts listed in Item 21.
Item 22	All executed documents for any trust or escrow listed in Item 22. Also provide any appraisals, including insurance appraisals that have been done for any assets held by any such trust or in any such escrow.

**SUMMARY FINANCIAL SCHEDULES**

<b>Item 25. Combined Balance Sheet for You, Your Spouse, and Your Dependents</b>			
<b>Assets</b>		<b>Liabilities</b>	
Cash on Hand (Item 9)	\$	Loans Against Publicly Traded Securities (Item 10)	\$
Funds Held in Financial Institutions (Item 9)	\$	Vehicles - Liens (Item 16)	\$
U.S. Government Securities (Item 10)	\$	Real Property – Encumbrances (Item 18)	\$
Publicly Traded Securities (Item 10)	\$	Credit Cards (Item 19)	\$
Non-Public Business and Financial Interests (Item 11)	\$	Taxes Payable (Item 20)	\$
Amounts Owed to You (Item 12)	\$	Amounts Owed by You (Item 21)	\$
Life Insurance Policies (Item 13)	\$	<b>Other Liabilities (Itemize)</b>	
Deferred Income Arrangements (Item 14)	\$		\$
Vehicles (Item 16)	\$		\$
Other Personal Property (Item 17)	\$		\$
Real Property (Item 18)	\$		\$
<b>Other Assets (Itemize)</b>			\$
	\$		\$
	\$		\$
	\$		\$
<b>Total Assets</b>	\$	<b>Total Liabilities</b>	\$

<b>Item 26. Combined Current Monthly Income and Expenses for You, Your Spouse, and Your Dependents</b>			
Provide the current monthly income and expenses for you, your spouse, and your dependents. Do not include credit card payments separately; rather, include credit card expenditures in the appropriate categories.			
<b>Income (State source of each item)</b>		<b>Expenses</b>	
Salary - After Taxes	\$	Mortgage or Rental Payments for Residence(s)	\$
Source:			
Fees, Commissions, and Royalties	\$	Property Taxes for Residence(s)	\$
Source:			
Interest	\$	Rental Property Expenses, Including Mortgage Payments, Taxes, and Insurance	\$
Source:			
Dividends and Capital Gains	\$	Car or Other Vehicle Lease or Loan Payments	\$
Source:			
Gross Rental Income	\$	Food Expenses	\$
Source:			
Profits from Sole Proprietorships	\$	Clothing Expenses	\$
Source:			
Distributions from Partnerships, S-Corporations, and LLCs	\$	Utilities	\$
Source:			

Initials: \_\_\_\_\_

Item 26. Combined Current Monthly Income and Expenses for You, Your Spouse, and Your Dependents (cont.)			
Distributions from Trusts and Estates Source:	\$	Medical Expenses, Including Insurance	\$
Distributions from Deferred Income Arrangements Source:	\$	Other Insurance Premiums	\$
Social Security Payments	\$	Other Transportation Expenses	\$
Alimony/Child Support Received	\$	<b>Other Expenses (Itemize)</b>	
Gambling Income	\$		\$
<b>Other Income (Itemize)</b>			\$
	\$		\$
	\$		\$
	\$		\$
<b>Total Income</b>	\$	<b>Total Expenses</b>	\$

**ATTACHMENTS**

Item 27. Documents Attached to this Financial Statement	
List all documents that are being submitted with this financial statement. For any Item 24 documents that are not attached, explain why.	
Item No. Document Relates To	Description of Document

I am submitting this financial statement with the understanding that it may affect action by the Federal Trade Commission or a federal court. I have used my best efforts to obtain the information requested in this statement. The responses I have provided to the items above are true and contain all the requested facts and information of which I have notice or knowledge. I have provided all requested documents in my custody, possession, or control. I know of the penalties for false statements under 18 U.S.C. § 1001, 18 U.S.C. § 1621, and 18 U.S.C. § 1623 (five years imprisonment and/or fines). I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Signature

# Attachment B



## FINANCIAL STATEMENT OF CORPORATE DEFENDANT

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### **Instructions:**

1. Complete all items. Enter “None” or “N/A” (“Not Applicable”) where appropriate. If you cannot fully answer a question, explain why.
2. The font size within each field will adjust automatically as you type to accommodate longer responses.
3. In completing this financial statement, “the corporation” refers not only to this corporation but also to each of its predecessors that are not named defendants in this action.
4. When an Item asks for information about assets or liabilities “held by the corporation,” include ALL such assets and liabilities, located within the United States or elsewhere, held by the corporation or held by others for the benefit of the corporation.
5. Attach continuation pages as needed. On the financial statement, state next to the Item number that the Item is being continued. On the continuation page(s), identify the Item number being continued.
6. Type or print legibly.
7. An officer of the corporation must sign and date the completed financial statement on the last page and initial each page in the space provided in the lower right corner.

### **Penalty for False Information:**

Federal law provides that any person may be imprisoned for not more than five years, fined, or both, if such person:

- (1) “in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry” (18 U.S.C. § 1001);
- (2) “in any . . . statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true” (18 U.S.C. § 1621); or
- (3) “in any (. . . statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information . . . knowing the same to contain any false material declaration.” (18 U.S.C. § 1623)

For a felony conviction under the provisions cited above, federal law provides that the fine may be not more than the greater of (i) \$250,000 for an individual or \$500,000 for a corporation, or (ii) if the felony results in pecuniary gain to any person or pecuniary loss to any person other than the defendant, the greater of twice the gross gain or twice the gross loss. 18 U.S.C. § 3571.

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**BACKGROUND INFORMATION**

**Item 1. General Information**

Corporation's Full Name \_\_\_\_\_

Primary Business Address \_\_\_\_\_ From (Date) \_\_\_\_\_

Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

E-Mail Address \_\_\_\_\_ Internet Home Page \_\_\_\_\_

All other current addresses & previous addresses for past five years, including post office boxes and mail drops:

Address \_\_\_\_\_ From/Until \_\_\_\_\_

Address \_\_\_\_\_ From/Until \_\_\_\_\_

Address \_\_\_\_\_ From/Until \_\_\_\_\_

All predecessor companies for past five years:

Name & Address \_\_\_\_\_ From/Until \_\_\_\_\_

Name & Address \_\_\_\_\_ From/Until \_\_\_\_\_

Name & Address \_\_\_\_\_ From/Until \_\_\_\_\_

**Item 2. Legal Information**

Federal Taxpayer ID No. \_\_\_\_\_ State & Date of Incorporation \_\_\_\_\_

State Tax ID No. \_\_\_\_\_ State \_\_\_\_\_ Profit or Not For Profit \_\_\_\_\_

Corporation's Present Status: Active \_\_\_\_\_ Inactive \_\_\_\_\_ Dissolved \_\_\_\_\_

If Dissolved: Date dissolved \_\_\_\_\_ By Whom \_\_\_\_\_

Reasons \_\_\_\_\_

Fiscal Year-End (Mo./Day) \_\_\_\_\_ Corporation's Business Activities \_\_\_\_\_

**Item 3. Registered Agent**

Name of Registered Agent \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

**Item 4. Principal Stockholders**

List all persons and entities that own at least 5% of the corporation's stock.

<u>Name &amp; Address</u>	<u>% Owned</u>

**Item 5. Board Members**

List all members of the corporation's Board of Directors.

<u>Name &amp; Address</u>	<u>% Owned</u>	<u>Term (From/Until)</u>

**Item 6. Officers**

List all of the corporation's officers, including *de facto* officers (individuals with significant management responsibility whose titles do not reflect the nature of their positions).

<u>Name &amp; Address</u>	<u>% Owned</u>

**Item 7. Businesses Related to the Corporation**

List all corporations, partnerships, and other business entities in which this corporation has an ownership interest.

<u>Name &amp; Address</u>	<u>Business Activities</u>	<u>% Owned</u>

State which of these businesses, if any, has ever transacted business with the corporation \_\_\_\_\_

\_\_\_\_\_

**Item 8. Businesses Related to Individuals**

List all corporations, partnerships, and other business entities in which the corporation’s principal stockholders, board members, or officers (i.e., the individuals listed in Items 4 - 6 above) have an ownership interest.

<u>Individual’s Name</u>	<u>Business Name &amp; Address</u>	<u>Business Activities</u>	<u>% Owned</u>

State which of these businesses, if any, have ever transacted business with the corporation \_\_\_\_\_

\_\_\_\_\_

**Item 9. Related Individuals**

List all related individuals with whom the corporation has had any business transactions during the three previous fiscal years and current fiscal year-to-date. A “related individual” is a spouse, sibling, parent, or child of the principal stockholders, board members, and officers (i.e., the individuals listed in Items 4 - 6 above).

<u>Name and Address</u>	<u>Relationship</u>	<u>Business Activities</u>

**Item 10. Outside Accountants**

List all outside accountants retained by the corporation during the last three years.

<u>Name</u>	<u>Firm Name</u>	<u>Address</u>	<u>CPA/PA?</u>

**Item 11. Corporation's Recordkeeping**

List all individuals within the corporation with responsibility for keeping the corporation's financial books and records for the last three years.

<u>Name, Address, &amp; Telephone Number</u>	<u>Position(s) Held</u>

**Item 12. Attorneys**

List all attorneys retained by the corporation during the last three years.

<u>Name</u>	<u>Firm Name</u>	<u>Address</u>

**Item 13. Pending Lawsuits Filed by the Corporation**

List all pending lawsuits that have been filed by the corporation in court or before an administrative agency. (List lawsuits that resulted in final judgments or settlements in favor of the corporation in Item 25).

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

**Item 14. Current Lawsuits Filed Against the Corporation**

List all pending lawsuits that have been filed against the corporation in court or before an administrative agency. (List lawsuits that resulted in final judgments, settlements, or orders in Items 26 - 27).

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_



**Item 15. Bankruptcy Information**

List all state insolvency and federal bankruptcy proceedings involving the corporation.

Commencement Date \_\_\_\_\_ Termination Date \_\_\_\_\_ Docket No. \_\_\_\_\_

If State Court: Court & County \_\_\_\_\_ If Federal Court: District \_\_\_\_\_

Disposition \_\_\_\_\_

**Item 16. Safe Deposit Boxes**

List all safe deposit boxes, located within the United States or elsewhere, held by the corporation, or held by others for the benefit of the corporation. *On a separate page, describe the contents of each box.*

<u>Owner's Name</u>	<u>Name &amp; Address of Depository Institution</u>	<u>Box No.</u>
---------------------	---	----------------

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**FINANCIAL INFORMATION**

**REMINDER: When an Item asks for information about assets or liabilities “held by the corporation,” include ALL such assets and liabilities, located within the United States or elsewhere, held by the corporation or held by others for the benefit of the corporation.**

**Item 17. Tax Returns**

List all federal and state corporate tax returns filed for the last three complete fiscal years. *Attach copies of all returns.*

<u>Federal/ State/Both</u>	<u>Tax Year</u>	<u>Tax Due Federal</u>	<u>Tax Paid Federal</u>	<u>Tax Due State</u>	<u>Tax Paid State</u>	<u>Preparer's Name</u>
_____	_____	\$ _____	\$ _____	\$ _____	\$ _____	_____
_____	_____	\$ _____	\$ _____	\$ _____	\$ _____	_____
_____	_____	\$ _____	\$ _____	\$ _____	\$ _____	_____

**Item 18. Financial Statements**

List all financial statements that were prepared for the corporation’s last three complete fiscal years and for the current fiscal year-to-date. *Attach copies of all statements, providing audited statements if available.*

<u>Year</u>	<u>Balance Sheet</u>	<u>Profit &amp; Loss Statement</u>	<u>Cash Flow Statement</u>	<u>Changes in Owner’s Equity</u>	<u>Audited?</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

**Item 19. Financial Summary**

For each of the last three complete fiscal years and for the current fiscal year-to-date for which the corporation has not provided a profit and loss statement in accordance with Item 18 above, provide the following summary financial information.

	<u>Current Year-to-Date</u>	<u>1 Year Ago</u>	<u>2 Years Ago</u>	<u>3 Years Ago</u>
<u>Gross Revenue</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>Expenses</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>Net Profit After Taxes</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>Payables</u>	\$ _____			
<u>Receivables</u>	\$ _____			

**Item 20. Cash, Bank, and Money Market Accounts**

List cash and all bank and money market accounts, including but not limited to, checking accounts, savings accounts, and certificates of deposit, held by the corporation. The term “cash” includes currency and uncashed checks.

Cash on Hand \$ \_\_\_\_\_ Cash Held for the Corporation’s Benefit \$ \_\_\_\_\_

<u>Name &amp; Address of Financial Institution</u>	<u>Signator(s) on Account</u>	<u>Account No.</u>	<u>Current Balance</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

**Item 21. Government Obligations and Publicly Traded Securities**

List all U.S. Government obligations, including but not limited to, savings bonds, treasury bills, or treasury notes, held by the corporation. Also list all publicly traded securities, including but not limited to, stocks, stock options, registered and bearer bonds, state and municipal bonds, and mutual funds, held by the corporation.

Issuer \_\_\_\_\_ Type of Security/Obligation \_\_\_\_\_

No. of Units Owned \_\_\_\_\_ Current Fair Market Value \$ \_\_\_\_\_ Maturity Date \_\_\_\_\_

Issuer \_\_\_\_\_ Type of Security/Obligation \_\_\_\_\_

No. of Units Owned \_\_\_\_\_ Current Fair Market Value \$ \_\_\_\_\_ Maturity Date \_\_\_\_\_

**Item 22. Real Estate**

List all real estate, including leaseholds in excess of five years, held by the corporation.

Type of Property \_\_\_\_\_ Property's Location \_\_\_\_\_

Name(s) on Title and Ownership Percentages \_\_\_\_\_

Current Value \$ \_\_\_\_\_ Loan or Account No. \_\_\_\_\_

Lender's Name and Address \_\_\_\_\_

Current Balance On First Mortgage \$ \_\_\_\_\_ Monthly Payment \$ \_\_\_\_\_

Other Loan(s) (describe) \_\_\_\_\_ Current Balance \$ \_\_\_\_\_

Monthly Payment \$ \_\_\_\_\_ Rental Unit? \_\_\_\_\_ Monthly Rent Received \$ \_\_\_\_\_

Type of Property \_\_\_\_\_ Property's Location \_\_\_\_\_

Name(s) on Title and Ownership Percentages \_\_\_\_\_

Current Value \$ \_\_\_\_\_ Loan or Account No. \_\_\_\_\_

Lender's Name and Address \_\_\_\_\_

Current Balance On First Mortgage \$ \_\_\_\_\_ Monthly Payment \$ \_\_\_\_\_

Other Loan(s) (describe) \_\_\_\_\_ Current Balance \$ \_\_\_\_\_

Monthly Payment \$ \_\_\_\_\_ Rental Unit? \_\_\_\_\_ Monthly Rent Received \$ \_\_\_\_\_

**Item 23. Other Assets**

List all other property, by category, with an estimated value of \$2,500 or more, held by the corporation, including but not limited to, inventory, machinery, equipment, furniture, vehicles, customer lists, computer software, patents, and other intellectual property.

<u>Property Category</u>	<u>Property Location</u>	<u>Acquisition Cost</u>	<u>Current Value</u>
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____

**Item 24. Trusts and Escrows**

List all persons and other entities holding funds or other assets that are in escrow or in trust for the corporation.

<u>Trustee or Escrow Agent's Name &amp; Address</u>	<u>Description and Location of Assets</u>	<u>Present Market Value of Assets</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

**Item 25. Monetary Judgments and Settlements Owed To the Corporation**

List all monetary judgments and settlements, recorded and unrecorded, owed to the corporation.

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_ Docket No. \_\_\_\_\_

Nature of Lawsuit \_\_\_\_\_ Date of Judgment \_\_\_\_\_ Amount \$ \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_ Docket No. \_\_\_\_\_

Nature of Lawsuit \_\_\_\_\_ Date of Judgment \_\_\_\_\_ Amount \$ \_\_\_\_\_

**Item 26. Monetary Judgments and Settlements Owed By the Corporation**

List all monetary judgments and settlements, recorded and unrecorded, owed by the corporation.

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_ Docket No. \_\_\_\_\_

Nature of Lawsuit \_\_\_\_\_ Date \_\_\_\_\_ Amount \$ \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_ Docket No. \_\_\_\_\_

Nature of Lawsuit \_\_\_\_\_ Date of Judgment \_\_\_\_\_ Amount \$ \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_ Docket No. \_\_\_\_\_

Nature of Lawsuit \_\_\_\_\_ Date of Judgment \_\_\_\_\_ Amount \$ \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_ Docket No. \_\_\_\_\_

Nature of Lawsuit \_\_\_\_\_ Date of Judgment \_\_\_\_\_ Amount \$ \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_ Docket No. \_\_\_\_\_

Nature of Lawsuit \_\_\_\_\_ Date of Judgment \_\_\_\_\_ Amount \$ \_\_\_\_\_

**Item 27. Government Orders and Settlements**

List all existing orders and settlements between the corporation and any federal or state government entities.

Name of Agency \_\_\_\_\_ Contact Person \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

Agreement Date \_\_\_\_\_ Nature of Agreement \_\_\_\_\_

**Item 28. Credit Cards**

List all of the corporation's credit cards and store charge accounts and the individuals authorized to use them.

Name of Credit Card or Store Names of Authorized Users and Positions Held

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**Item 29. Compensation of Employees**

List all compensation and other benefits received from the corporation by the five most highly compensated employees, independent contractors, and consultants (other than those individuals listed in Items 5 and 6 above), for the two previous fiscal years and current fiscal year-to-date. "Compensation" includes, but is not limited to, salaries, commissions, consulting fees, bonuses, dividends, distributions, royalties, pensions, and profit sharing plans. "Other benefits" include, but are not limited to, loans, loan payments, rent, car payments, and insurance premiums, whether paid directly to the individuals, or paid to others on their behalf.

<u>Name/Position</u>	<u>Current Fiscal Year-to-Date</u>	<u>1 Year Ago</u>	<u>2 Years Ago</u>	<u>Compensation or Type of Benefits</u>
_____	\$ _____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	\$ _____	_____

**Item 30. Compensation of Board Members and Officers**

List all compensation and other benefits received from the corporation by each person listed in Items 5 and 6, for the current fiscal year-to-date and the two previous fiscal years. "Compensation" includes, but is not limited to, salaries, commissions, consulting fees, dividends, distributions, royalties, pensions, and profit sharing plans. "Other benefits" include, but are not limited to, loans, loan payments, rent, car payments, and insurance premiums, whether paid directly to the individuals, or paid to others on their behalf.

<u>Name/Position</u>	<u>Current Fiscal Year-to-Date</u>	<u>1 Year Ago</u>	<u>2 Years Ago</u>	<u>Compensation or Type of Benefits</u>
	\$ _____	\$ _____	\$ _____	
	\$ _____	\$ _____	\$ _____	
	\$ _____	\$ _____	\$ _____	
	\$ _____	\$ _____	\$ _____	
	\$ _____	\$ _____	\$ _____	
	\$ _____	\$ _____	\$ _____	
	\$ _____	\$ _____	\$ _____	
	\$ _____	\$ _____	\$ _____	

**Item 31. Transfers of Assets Including Cash and Property**

List all transfers of assets over \$2,500 made by the corporation, other than in the ordinary course of business, during the previous three years, by loan, gift, sale, or other transfer.

<u>Transferee's Name, Address, &amp; Relationship</u>	<u>Property Transferred</u>	<u>Aggregate Value</u>	<u>Transfer Date</u>	<u>Type of Transfer (e.g., Loan, Gift)</u>
		\$ _____		
		\$ _____		
		\$ _____		
		\$ _____		
		\$ _____		





# Attachment C

Form **4506**

**Request for Copy of Tax Return**

(January 2024)

- ▶ **Do not sign this form unless all applicable lines have been completed.**
- ▶ **Request may be rejected if the form is incomplete or illegible.**
- ▶ **For more information about Form 4506, visit [www.irs.gov/form4506](http://www.irs.gov/form4506).**

OMB No. 1545-0429

Department of the Treasury  
Internal Revenue Service

**Tip: Get faster service:** Online at [www.irs.gov](http://www.irs.gov), **Get Your Tax Record** (Get Transcript) or by calling **1-800-908-9946** for specialized assistance. We have teams available to assist. **Note:** Taxpayers may register to use [Get Transcript](#) to view, print, or download the following transcript types: **Tax Return Transcript** (shows most line items including Adjusted Gross Income (AGI) from your original Form 1040-series tax return as filed, along with any forms and schedules), **Tax Account Transcript** (shows basic data such as return type, marital status, AGI, taxable income and all payment types), **Record of Account Transcript** (combines the tax return and tax account transcripts into one complete transcript), **Wage and Income Transcript** (shows data from information returns we receive such as Forms W-2, 1099, 1098 and Form 5498), and **Verification of Non-filing Letter** (provides proof that the IRS has no record of a filed Form 1040-series tax return for the year you request).

<b>1a</b> Name shown on tax return. If a joint return, enter the name shown first.	<b>1b</b> First social security number on tax return, individual taxpayer identification number, or employer identification number (see instructions)
<b>2a</b> If a joint return, enter spouse's name shown on tax return.	<b>2b</b> Second social security number or individual taxpayer identification number if joint tax return
<b>3</b> Current name, address (including apt., room, or suite no.), city, state, and ZIP code (see instructions).	
<b>4</b> Previous address shown on the last return filed if different from line 3 (see instructions).	
<b>5</b> If the tax return is to be mailed to a third party (such as a mortgage company), enter the third party's name, address, and telephone number.	

**Caution:** If the tax return is being sent to the third party, ensure that lines 5 through 7 are completed before signing. (see instructions).

**6 Tax return requested.** Form 1040, 1120, 941, etc. and all attachments as originally submitted to the IRS, including Form(s) W-2, schedules, or amended returns. Copies of Forms 1040, 1040A, and 1040EZ are generally available for 7 years from filing before they are destroyed by law. Other returns may be available for a longer period of time. Enter only one return number. If you need more than one type of return, you must complete another Form 4506. ▶ \_\_\_\_\_

**Note:** If the copies must be certified for court or administrative proceedings, check here . . . . .

**7 Year or period requested.** Enter the ending date of the tax year or period using the mm/dd/yyyy format (see instructions).

____/____/____	____/____/____	____/____/____	____/____/____
____/____/____	____/____/____	____/____/____	____/____/____

<b>8 Fee.</b> There is a \$30 fee for each return requested. <b>Full payment must be included with your request or it will be rejected. Make your check or money order payable to "United States Treasury." Enter your SSN, ITIN, or EIN and "Form 4506 request" on your check or money order</b>	
<b>a</b> Cost for each return . . . . .	\$ 30.00
<b>b</b> Number of returns requested on line 7 . . . . .	
<b>c</b> Total cost. Multiply line 8a by line 8b . . . . .	\$

**9** If we cannot find the tax return, we will refund the fee. If the refund should go to the third party listed on line 5, check here . . . . .

**Caution:** Do not sign this form unless all applicable lines have been complete

**Signature of taxpayer(s).** I declare that I am either the taxpayer whose name is shown on line 1a or 2a, or a person authorized to obtain the tax return requested. If the request applies to a joint return, at least one spouse must sign. If signed by a corporate officer, 1 percent or more shareholder, partner, managing member, guardian, tax matters partner, executor, receiver, administrator, trustee, or party other than the taxpayer, I certify that I have the authority to execute Form 4506 on behalf of the taxpayer. **Note:** This form must be received by IRS within 120 days of the signature date.

**Signatory attests that he/she has read the attestation clause and upon so reading declares that he/she has the authority to sign the Form 4506. See instructions**

Phone number of taxpayer on line 1a or 2a

<b>Sign Here</b>	▶ <b>Signature</b> (see instructions)	Date
	▶ Print/Type name	Title (if line 1a above is a corporation, partnership, estate, or trust)
	▶ <b>Spouse's signature</b>	Date
	▶ Print/Type name	

Section references are to the Internal Revenue Code unless otherwise noted.

**Future Developments**

For the latest information about Form 4506 and its instructions, go to [www.irs.gov/form4506](http://www.irs.gov/form4506).

**General Instructions**

**Caution:** Do not sign this form unless all applicable lines, including lines 5 through 7, have been completed.

**Designated Recipient Notification.** Internal Revenue Code, Section 6103(c), limits disclosure and use of return information received pursuant to the taxpayer's consent and holds the recipient subject to penalties for any unauthorized access, other use, or redisclosure without the taxpayer's express permission or request.

**Taxpayer Notification.** Internal Revenue Code, Section 6103(c), limits disclosure and use of return information provided pursuant to your consent and holds the recipient subject to penalties, brought by private right of action, for any unauthorized access, other use, or redisclosure without your express permission or request.

**Purpose of form.** Use Form 4506 to request a copy of your tax return. You can also designate (on line 5) a third party to receive the tax return.

**How long will it take?** It may take up to 75 calendar days for us to process your request.

**Where to file.** Attach payment and mail Form 4506 to the address below for the state you lived in, or the state your business was in, when that return was filed. There are two address charts: one for individual returns (Form 1040 series) and one for all other returns.

If you are requesting a return for more than one year or period and the chart below shows two different addresses, send your request based on the address of your most recent return.

**Chart for individual returns (Form 1040 series)**

**If you filed an individual return and lived in:**

**Mail to:**

Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, a foreign country, American Samoa, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, or A.P.O. or F.P.O. address

Internal Revenue Service  
RAIVS Team  
Stop 6716 AUCS  
Austin, TX 73301

Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, Vermont, Virginia, Wisconsin

Internal Revenue Service  
RAIVS Team  
Stop 6705 S-2  
Kansas City, MO 64999

Alaska, Arizona, California, Colorado, Connecticut, District of Columbia, Hawaii, Idaho, Kansas, Maryland, Michigan, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Washington, West Virginia, Wyoming

Internal Revenue Service  
RAIVS Team  
P.O. Box 9941  
Mail Stop 6734  
Ogden, UT 84409

**Chart for all other returns**

**For returns not in Form 1040 series, if the address on the return was in:**

**Mail to:**

Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin

Internal Revenue Service  
RAIVS Team  
Stop 6705 S-2  
Kansas City, MO 64999

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, a foreign country, American Samoa, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, or A.P.O. or F.P.O. address

Internal Revenue Service  
RAIVS Team  
P.O. Box 9941  
Mail Stop 6734  
Ogden, UT 84409

**Specific Instructions**

**Line 1b.** Enter the social security number (SSN) or individual taxpayer identification number (ITIN) for the individual listed on line 1a, or enter the employer identification number (EIN) for the business listed on line 1a. For example, if you are requesting Form 1040 that includes Schedule C (Form 1040), enter your SSN.

**Line 3.** Enter your current address. If you use a P.O. box, please include it on this line 3.

**Line 4.** Enter the address shown on the last return filed if different from the address entered on line 3.

**Note.** If the addresses on lines 3 and 4 are different and you have not changed your address with the IRS, file Form 8822, Change of Address, or Form 8822-B, Change of Address or Responsible Party — Business, with Form 4506.

**Line 7.** Enter the end date of the tax year or period requested in mm/dd/yyyy format. This may be a calendar year, fiscal year or quarter. Enter each quarter requested for quarterly returns. Example: Enter 12/31/2018 for a calendar year 2018 Form 1040 return, or 03/31/2017 for a first quarter Form 941 return.

**Signature and date.** Form 4506 must be signed and dated by the taxpayer listed on line 1a or 2a. The IRS must receive Form 4506 within 120 days of the date signed by the taxpayer or it will be rejected. Ensure that all applicable lines, including lines 5 through 7, are completed before signing.



*You must check the box in the signature area to acknowledge you have the authority to sign and request the information. The form will not be processed and returned to you if the box is unchecked.*

**Individuals.** Copies of jointly filed tax returns may be furnished to either spouse. Only one signature is required. Sign Form 4506 exactly as your name appeared on the original return. If you changed your name, also sign your current name.

**Corporations.** Generally, Form 4506 can be signed by: (1) an officer having legal authority to bind the corporation, (2) any person designated by the board of directors or other governing body, or (3) any officer or employee on written request by any principal officer and attested to by the secretary or other officer. A bona fide shareholder of record owning 1 percent or more of the outstanding stock of the corporation may submit a Form 4506 but must provide documentation to support the requester's right to receive the information.

**Partnerships.** Generally, Form 4506 can be signed by any person who was a member of the partnership during any part of the tax period requested on line 7.

**All others.** See section 6103(e) if the taxpayer has died, is insolvent, is a dissolved corporation, or if a trustee, guardian, executor, receiver, or administrator is acting for the taxpayer.

**Note:** If you are Heir at law, Next of kin, or Beneficiary you must be able to establish a material interest in the estate or trust.

**Documentation.** For entities other than individuals, you must attach the authorization document. For example, this could be the letter from the principal officer authorizing an employee of the corporation or the letters testamentary authorizing an individual to act for an estate.

**Signature by a representative.** A representative can sign Form 4506 for a taxpayer only if this authority has been specifically delegated to the representative on Form 2848, line 5a. Form 2848 showing the delegation must be attached to Form 4506.

**Privacy Act and Paperwork Reduction Act**

**Notice.** We ask for the information on this form to establish your right to gain access to the requested return(s) under the Internal Revenue Code. We need this information to properly identify the return(s) and respond to your request. If you request a copy of a tax return, sections 6103 and 6109 require you to provide this information, including your SSN or EIN, to process your request. If you do not provide this information, we may not be able to process your request. Providing false or fraudulent information may subject you to penalties.

Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation, and cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file Form 4506 will vary depending on individual circumstances. The estimated average time is: **Learning about the law or the form**, 10 min.; **Preparing the form**, 16 min.; and **Copying, assembling, and sending the form to the IRS**, 20 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making Form 4506 simpler, we would be happy to hear from you. You can write to:

Internal Revenue Service  
Tax Forms and Publications Division  
1111 Constitution Ave. NW, IR-6526  
Washington, DC 20224.

Do not send the form to this address. Instead, see *Where to file* on this page.