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14
 15 **UNITED STATES DISTRICT COURT**
FOR THE DISTRICT OF NEVADA
 16

<p>17 FEDERAL TRADE COMMISSION,</p> <p>18</p> <p>19 Plaintiff,</p> <p>20 v.</p> <p>21 JEREMY JOHNSON, individually, as officer of Defendants I Works, Inc.; Cloud Nine, Inc.; CPA Upsell, Inc.; Elite Debit, Inc.; Internet Economy, Inc.; Market Funding Solutions, Inc.; and Success Marketing, Inc.; as a member of Defendant Network Agenda LLC; and as the <i>de</i> <i>facto</i> principal of numerous Defendant Shell Companies; I WORKS, INC., <i>et al.</i></p> <p>24 Defendants.</p>

Case No. 2:10-cv-02203-RLH-GWF

**JOINT STIPULATED MOTION
 BY THE FTC AND POWDER
 MONKEYS, LLC FOR POWDER
 MONKEYS, LLC TO TRANSFER
 \$99,883 TO THE RECEIVER TO
 BE HELD IN ESCROW**

27 FTC - Powder Monkeys Stipulated Motion RE \$99,883
 28 *FTC v. Jeremy Johnson., et al.*

1 Plaintiff Federal Trade Commission (“FTC” or “Commission”) and Powder Monkeys,
2 LLC, and its manager, Todd Vowell, by and through the undersigned counsel, jointly move this
3 Honorable Court to adopt and endorse this Joint Stipulated Motion to transfer \$99,883 to the
4 Receiver in this action to be held in escrow by the Receiver, subject to the asset freeze in this
5 action, until further Order of this Court, and as good grounds would further state as follows:

- 6 1. Powder Monkeys, LLC, and its manager, Todd Vowell, by filing this Stipulated Motion
7 with the FTC, make no admission as to the truth of Plaintiff’s allegations in Paragraph 4,
8 below. Powder Monkeys, LLC, and its manager, Todd Vowell, file this Stipulated
9 Motion in order to cure any perception of any intentional or willful impropriety, unlawful
10 action, or other willful misconduct in violation of this Court’s Temporary Restraining
11 Order dated January 12, 2011 (“TRO”) and the subsequent Preliminary Injunction dated
12 February 10, 2011, entered against defendant Jeremy Johnson and others;
- 13 2. Powder Monkeys, LLC, and its manager, Todd Vowell, deny any impropriety, unlawful
14 action, or any other willful misconduct as it relates to matters set forth in Paragraph 4
15 below.
- 16 3. Powder Monkeys, LLC, and its manager, Todd Vowell, contend that the \$99,883 should
17 not be considered an asset of defendant Jeremy Johnson nor a part of the Jeremy Johnson
18 Receivership Estate;
- 19 4. Plaintiff alleges:
 - 20 a. On or about August 11, 2010, a \$100,250 retainer was transferred from a Sunfirst
21 Bank account ending in 6624 in the name of Powder Monkeys, LLC to the New
22 York law firm of Paul, Weiss, Rifkind;
 - 23 b. Beginning on the day after entry of the TRO, defendant Jeremy Johnson engaged
24 in email correspondence with an attorney at Paul, Weiss, Rifkind requesting that
25 the remainder of any retainer at Paul, Weiss, Rifkind be transferred to another law
26

1 firm for use in Johnson's defense in the FTC action before this Court;

2 c. After entry of the Preliminary Injunction, on or about February 28, 2011, Paul,
3 Weiss, Rifkind issued a check for \$99,883 (the remainder of the retainer) made
4 payable to Jeremy Johnson at 249 East Tabernacle, Suite 200, St. George, Utah,
5 84770; and

6 d. On or about March 2, 2011, defendant Jeremy Johnson endorsed the check for
7 \$99,883 over to Powder Monkeys, LLC;

8 5. Plaintiff agrees that Powder Monkeys, LLC, and its manager, Todd Vowell, shall be
9 deemed to have cured any alleged contempt of this Court's TRO and Preliminary
10 Injunction related to Plaintiff's allegations in Paragraph 4, above, if Powder Monkeys,
11 LLC and Todd Vowell transfer \$99,883.00 to the Receiver in this action within 30 days
12 of this Court's endorsement of the Stipulated Motion;

13 6. Plaintiff, Powder Monkeys, LLC, and its manager, Todd Vowell, further stipulate that:

14 a. The \$99,883 shall be held in escrow by the Receiver until further Order of this
15 Court;

16 b. Powder Monkeys, LLC may file a motion to show why the \$99,883 retainer
17 should not be considered an asset of defendant Jeremy Johnson nor part of the
18 defendant Jeremy Johnson Receivership Estate no sooner than one hundred eighty
19 (180) days after the Court's endorsement of the Stipulated Motion and no later
20 than thirty (30) days from this Court's entry of any Monetary Judgment against
21 Defendant Jeremy Johnson;

22 c. The FTC shall have ten (10) days to file any opposition to such a motion by
23 Powder Monkeys, LLC;

24 d. Powder Monkeys, LLC shall have five (5) days to file any reply to the FTC's
25 opposition; and

1 e. Both the FTC and Powder Monkeys, LLC, and its manager Todd Vowell,
2 stipulate that any such motion may be considered on the papers without need for a
3 hearing.

4 **WHEREFORE**, Plaintiff Federal Trade Commission and Powder Monkeys, LLC and
5 Todd Vowell pray this Honorable Court endorse this Joint Stipulated Motion for Powder
6 Monkeys, LLC to transfer \$99,883 to the Receiver to be held in escrow until further Order of
7 this Court.

8 Respectfully submitted,

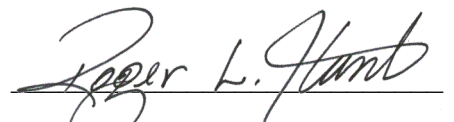
9 Dated: August 11, 2011

10
11 /s/ Zachary Wiseman
12 Zachary Wiseman, Esq.
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16 **IT IS SO ORDERED:**

17 **DATED:** August 15, 2011

18 
19 **ROGER L. HUNT**
20 United States District Judge

CERTIFICATE SERVICE

I hereby certify that, on August 11, 2011, I caused the foregoing document to be served via the ECF system on the following:

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FTC - Powder Monkeys Stipulated Motion RE \$99,883
FTC v. Jeremy Johnson., et al.

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/s/ J. Ronald Brooke, Jr.
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