

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ITS FINANCIAL, LLC,

Plaintiff,

:

Case No. 3:08-cv-328

-vs-

Magistrate Judge Michael R. Merz

:

BLAISE DIETZ, et al.,

Defendants.

**ENTRY GRANTING MOTION TO DISMISS CLAIMS; AGREED TEMPORARY AND
PERMANENT INJUNCTION AGAINST DEFENDANT DIETZ**

Upon oral motion the Plaintiff, ITS Financial, LLC, and Defendants Blaise Dietz and Target Financial, LLC, the Court hereby dismisses with prejudice the Plaintiff's claims against Defendant Dietz and Target except to the extent of the injunctive relief granted hereinafter. Further, on said motion, the Court hereby dismisses with prejudice the Defendants Dietz's and Target's counterclaim against the Plaintiff and the Court also dismisses with prejudice Dietz' and Target's third-party complaint against Jeff Herr, Nolan Marx and Fesum Ogbazion. Nothing in this entry shall affect the claims against Defendant Nolte.

Further, by agreement of the parties and for good cause shown, the Court hereby grants a permanent injunction against Blaise Dietz and Target prohibiting Blaise Dietz or Target from directly or indirectly using any of the Plaintiff's mapping data, marketing or advertising data or customer or franchisee lists for any reason or at any time.

Further, by agreement of the parties and for good cause shown, the Court hereby grants a temporary injunction against Blaise Dietz and Target prohibiting Blaise Dietz and Target from

directly or indirectly (i) providing tax preparation services to any individual who is not a member of Dietz's family, (ii) franchising systems to operate a tax preparation business, (iii) licensing a business or individual to operate a tax preparation business, (iv) owning a tax preparation business, (v) selling business opportunities to operate a tax preparation business, or (vi) having any ownership in a company that sells business opportunities to operate a tax preparation business, until **November 30, 2010**, in any state in which the plaintiff currently operates or does business. For clarity a list of states in the plaintiff operates or does business is attached as Exhibit B.

These restrictions shall not preclude Dietz from owning shares of stock in a publicly traded company that performs or provides tax preparation services so long as Dietz's aggregate ownership is not greater than 5% of the total shares of stock of that entity and shall not restrict Dietz from being employed by a bank, mortgage lending, financial services, or marketing services company that provides services to any company described above.

Further, the Court hereby orders Blaise Dietz to shut down TARGET website of targettaxpreparation.com forthwith.

Except as provided for in the Settlement Agreement among the Parties, the Court hereby orders, that all deposition transcripts, exhibits and transcripts of testimony are subject to the existing protective order and will be kept under seal.

The Court retains jurisdiction to enforce the injunctive relief granted in this Entry.

February 17, 2009.

s/ **Michael R. Merz**
United States Magistrate Judge

Approved:

/s/Brian R. Redden

Brian R. Redden
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EXHIBIT B

Alabama
Arizona
Arkansas
California
Colorado
Connecticut
District of Columbia
Florida
Georgia
Illinois
Indiana
Kansas
Kentucky
Maryland
Massachusetts
Michigan
Mississippi
Missouri
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Carolina
Ohio
Oklahoma
Pennsylvania
Rhode Island
South Carolina
Tennessee
Texas
Virginia
Washington
West Virginia
Wisconsin