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

UNITED STATES OF AMERICA,

Plaintiff,

v.

INTERNET TRANSACTION
SERVICES, INC., et al.,

Defendants.

Civil Case No. 21-6582-JFW (KSx)

**FINAL ORDER OF PERMANENT
INJUNCTION AS TO DEFENDANTS
BE A KLOUD LLC; BLUE WATER
LLC; CBX INTERNATIONAL INC.;
CBX INTERNATIONAL, INC.;
DELTA CLOUD LLC; DOLLAR
WEB SALES LLC; E-CLOUD
SECURE LLC; EASTGATE VIEW
LLC; INTERNET TRANSACTION
SERVICES, INC.;
INTERTRANS.COM, INC.; I-
SUPPORT GROUP LLC; MY
KLOUD BOX LLC;
NEWAGECLOUDSERVICES LLC;
NRG SUPPORT LLC; SILVER SAFE
BOX LLC; SILVER SAFE BOX INC.;
STORAGE VPN LLC; and VPN ME
NOW LLC**

1 On August 13, 2021, the United States of America filed its Complaint for
2 Temporary Restraining Order, Preliminary and Permanent Injunctions, and Other
3 Equitable Relief (the “Complaint”) against Defendants including Be a Kloud LLC,
4 Blue Water LLC, CBX International Inc., CBX International, Inc., Delta Cloud
5 LLC, Dollar Web Sales LLC, ECloud Secure LLC, Eastgate View LLC, Internet
6 Transaction Services, Inc., Intertrans.com, Inc., I-Support Group LLC, My Kloud
7 Box LLC, Newagecloudservices LLC, NRG Support LLC, Silver Safe Box LLC,
8 Silver Safe Box Inc., Storage VPN LLC, and VPN Me Now LLC (collectively, the
9 “Corporate Defendants”). On August 20, 2021, the Court issued its Order granting
10 the United States’ Ex Parte Application for a Temporary Restraining Order
11 (“TRO”). On September 2, 2021, the Court issued a Preliminary Injunction.

12 Between August 24, 2021 and November 5, 2021, the government
13 completed service on each of the Corporate Defendants pursuant to Rule 4 of the
14 Federal Rules of Civil Procedure. None of the Corporate Defendants appeared,
15 answered, or otherwise responded to this action in the time permitted under Rule
16 12. The Clerk entered default against all the Corporate Defendants. On December
17 10, 2021, the government moved for default judgment and the entry of a permanent
18 injunction.

19 **FINDINGS OF FACT AND STATEMENT OF DECISION**

20 The Court, having considered the Complaint, the United States’ TRO
21 Application, the Receiver’s Initial Status Report, the United States’ Motion for
22 Default Judgment, and other filings, and being otherwise advised, finds that:

23 A. This Court has jurisdiction over the United States’ claims against the
24 Corporate Defendants.

25 B. The Corporate Defendants have failed to answer or otherwise contest
26 the allegations in the Complaint. As such, for purposes of this litigation, those
27 allegations are taken as true. *See Pepsico, Inc. v. California Sec. Cans*, 238 F.
28 Supp. 2d 1172, 1175 (C.D. Cal. 2002) (citing *TeleVideo Systems, Inc. v.*

1 *Heidenthal*, 826 F.2d 915, 917–18 (9th Cir. 1987)) (“Upon entry of default, the
2 well-pleaded allegations of the complaint relating to a defendant’s liability are
3 taken as true[.]”).

4 C. The Complaint alleges, and the Corporate Defendants have not
5 contested, that the Corporate Defendants have engaged in and are likely to engage
6 in acts or practices that violate 18 U.S.C. §§ 1343, 1344, and 1349. Further, the
7 filings submitted in this matter, including the Declaration of Postal Inspector
8 Ashlea Bowens (ECF No. 12-1, the “First Bowens Declaration”) and the
9 Receiver’s Initial Status Report (ECF No. 80-1, “Receiver’s Report”), demonstrate
10 that the Corporate Defendants have taken part in a multi-year fraud scheme
11 through which Defendants have stolen tens of millions of dollars from American
12 consumers and their federally insured financial institutions by making
13 unauthorized debits against consumers’ bank accounts. The evidence and pleadings
14 reflect that Internet Transaction Services, Inc., and Intertrans.com, Inc.
15 (collectively, “Intertrans”) took part in the fraud scheme and lack legitimate
16 operations. *See, e.g.*, Compl. ¶¶ 117–28; Receiver’s Report. The evidence and
17 pleadings further reflect that the rest of the Corporate Defendants (also referred to
18 as the “Shell Entity Defendants”) are fraudulent shell entities, whose only function
19 is to enable Defendants Benoit, Courdy and their co-conspirators to steal from the
20 bank accounts of unsuspecting consumers. *See, e.g.*, Compl. ¶¶ 77–78; First
21 Bowens Decl. ¶¶ 10–12, 35–48; Receiver’s Report.

22 D. The evidence reflects that accounts registered to the Corporate
23 Defendants currently hold stolen victim funds, which are the proceeds of bank and
24 wire fraud, and which Defendant Benoit and his co-conspirators will likely attempt
25 to alienate if possible. *See* First Bowens Decl. ¶¶ 64–65, 89–92, Exs. 25–26, 45;
26 Receiver’s Report at 27–29.

27 E. The evidence reflects that Defendants have used fraudulent websites
28 to falsely provide the appearance that the Corporate Defendants are legitimate

1 businesses, in furtherance of the scheme. These websites include:
2 <https://www.bigcloudnv.com>, <https://www.cloudforcesystems.com>,
3 <https://www.dollarweb-sales.com>, <https://ecloud-secure.com>,
4 <https://www.gigatechsonline.com>, <http://www.isupport-pro.com>,
5 <https://mykloudbox.com>, <https://newagecloudservices.com>, <http://www.nrg->
6 [support.com](http://www.nrg-support.com), <http://www.silversafebox.com>, <http://www.storagevpn.com>, and
7 <http://www.vpnmenow.com>. See Second Declaration of Postal Inspector Ashlea
8 Bowens ¶¶ 6–7.

9 F. The *Eitel* factors all support the entry of default judgment against the
10 Corporate Defendants. See *Eitel v. McCool*, 782 F.2d 1470 (9th Cir. 1986).

11 G. 18 U.S.C. § 1345 provides this Court with broad power to order
12 injunctive relief designed to prevent future fraud and preclude the alienation of
13 stolen assets. Additionally, 18 U.S.C. § 1345(a)(2) specifically authorizes the
14 Court to order an asset freeze prohibiting the alienation of funds traceable to a
15 banking law violation and to appoint a receiver to administer such an asset freeze
16 order. Further, this Court has the inherent equitable authority to appoint a receiver
17 to prevent the waste and loss of ill-gotten gains. See, e.g., *Canada Life Assur. Co.*
18 *v. LaPeter*, 563 F.3d 837, 845 (9th Cir. 2009).

19 H. The evidence supports the entry of a permanent injunction freezing
20 the assets of all of the Corporate Defendants and authorizing the Receiver in this
21 matter, Thomas W. McNamara, to take control of all the Corporate Defendants and
22 maintain the asset freeze pending further order of this Court.

23 DEFINITIONS

24 For the purpose of this Order, the following definitions shall apply:

25 A. “Asset” means any legal or equitable interest in, right to, or claim to,
26 any property, wherever located and by whomever held.

27 B. “Intertrans” means Internet Transaction Services, Inc. and
28 Intertrans.com, Inc.

1 C. “Corporate Defendants” means Defendants Internet Transaction
2 Services, Inc.; Intertrans.com, Inc.; and each of the “Shell Entity Defendants”
3 defined below.

4 D. “Defendant(s)” means all the individuals and entities named as
5 Defendants in the Complaint, individually, collectively, or in any combination.

6 E. “Document” is synonymous in meaning and equal in scope to the
7 usage of “document” and “electronically stored information” in Fed. R. Civ. P.
8 34(a).

9 F. “Receiver” means the receiver referenced in Section III of this Order
10 and any deputy receivers that shall be named by the receiver.

11 G. “Receivership Entities” means the Corporate Defendants, as well as
12 any other corporate entity that has conducted business related to the Corporate
13 Defendants’ participation in the scheme that is the subject of the Complaint in this
14 matter, including receipt of Assets derived from any activity that is the subject of
15 the Complaint in this matter, and that the Receiver determines is controlled or
16 owned by one or more of the Defendants, pursuant to the procedure set forth in
17 Section III.B.3 below. The “Receivership Entities” include those entities that the
18 Receiver has already determined to be Receivership Entities pursuant to the terms
19 of the Temporary Restraining Order and/or Preliminary Injunction and any entities
20 that the Receiver may determine to be Receivership Entities pursuant to this Order.

21 H. “Receivership Property” means any Assets, wherever located, that are:
22 (1) owned, controlled, or held by or for the benefit of the Receivership Entities, in
23 whole or in part; (2) in the actual or constructive possession of the Receivership
24 Entities; or (3) owned, controlled, or held by, or in the actual or constructive
25 possession of, or otherwise held for the benefit of, any corporation, partnership,
26 trust, or other entity directly or indirectly owned or controlled by the Receivership
27 Entities.

1 I. "Shell Entity Defendants" means Defendants Be a Kloud LLC; Blue
2 Water LLC; CBX International Inc.; CBX International, Inc.; Delta Cloud LLC;
3 Dollar Web Sales LLC; ECloud Secure LLC; Eastgate View LLC; I-Support
4 Group LLC; My Kloud Box LLC; Newagecloudservices LLC; NRG Support LLC;
5 Silver Safe Box LLC; Silver Safe Box Inc.; Storage VPN LLC; and VPN Me Now
6 LLC.

7 **ORDER**

8 **I. PROHIBITED ACTIVITIES AND OBLIGATIONS**

9 IT IS ORDERED that the Corporate Defendants, their officers, agents,
10 employees, and attorneys, and all other persons in active concert or participation
11 with them, who receive actual notice of this Order by personal service or
12 otherwise, are preliminarily restrained and enjoined from:

13 A. Committing or conspiring to commit wire fraud, as defined by 18
14 U.S.C. §§ 1343 and 1349;

15 B. Committing or conspiring to commit bank fraud, as defined by 18
16 U.S.C. §§ 1344 and 1349;

17 C. Charging or debiting any person or entity on behalf of any Shell
18 Entity Defendant or for the purported purchase of any Shell Entity Defendant's
19 services;

20 D. Debiting funds from consumers' bank accounts without their prior
21 authorization;

22 E. Selling, renting, leasing, transferring, or otherwise disclosing, the
23 name, address, birth date, telephone number, email address, credit card number,
24 bank account number, Social Security number, IP address, or other financial or
25 identifying information that was obtained in connection with any activity that
26 pertains to the subject matter of this Order;

27 F. Destroying, deleting, moving, removing or transferring any and all
28 business, financial, accounting, and other records concerning the Corporate

1 Defendants' operations and the operations of any other corporate entity owned or
2 controlled, in whole or in part, by the Corporate Defendants; and failing to create
3 and maintain Documents that, in reasonable detail, accurately, fairly, and
4 completely reflect the Corporate Defendants' incomes, disbursements,
5 transactions, and use of the Corporate Defendants' Assets.

6 **II. ASSET FREEZE**

7 IT IS FURTHER ORDERED that, except as otherwise specified herein, the
8 Assets of the Corporate Defendants and any other Receivership Entities are frozen
9 until further notice of this Court. Accordingly, all persons and entities with direct
10 or indirect control over any of the Corporate Defendants' and the Receivership
11 Entities' Assets, including any financial or brokerage institution, bank, payment
12 processor, business entity, or person, who receives actual notice of this Order (by
13 service or otherwise) shall:

14 A. Hold, preserve, and retain within its control and prohibit the
15 withdrawal, removal, alteration, assignment, transfer, pledge, encumbrance,
16 disbursement, dissipation, relinquishment, conversion, sale, or other disposal of
17 any Asset, as well as all Documents or other property related to such Assets,
18 except by further order of this Court; and

19 B. Deny any person access to any safe deposit box, commercial mail
20 box, or storage facility that is titled in the name of any Corporate Defendant or
21 Receivership Entity, or otherwise subject to access by any Corporate Defendant or
22 Receivership Entity.

23 IT IS FURTHER ORDERED that the Corporate Defendants, Receivership
24 Entities, their officers, agents, employees, and attorneys, and all other persons in
25 active concert or participation with any of them, who receive actual notice of this
26 Order (by service or otherwise), are restrained and enjoined from transferring,
27 liquidating, converting, encumbering, pledging, loaning, selling, concealing,
28 dissipating, disbursing, assigning, relinquishing, spending, withdrawing, granting a

1 lien or security interest or other interest in, or otherwise disposing of any of a
2 Corporate Defendant's or Receivership Entity's Assets.

3 This Section does not prohibit any transfers to the Receiver required by this
4 Order.

5 **III. RECEIVERSHIP**

6 **A. EXTENSION OF THE RECEIVERSHIP**

7 IT IS FURTHER ORDERED that Thomas W. McNamara shall serve as
8 receiver of all Corporate Defendants and other Receivership Entities with full
9 powers of an equity receiver. The Receiver shall be solely the agent of this Court
10 in acting as Receiver under this Order.

11 **B. RECEIVERSHIP POWERS AND DUTIES**

12 IT IS FURTHER ORDERED that the Receiver is directed and authorized to
13 accomplish the following:

14 1. Take exclusive custody, control, and possession of all
15 Receivership Property, and Documents and Assets in the possession,
16 custody, or control of any Receivership Entity, wherever situated,
17 except those assets seized by the United States pursuant to a valid
18 order of a court. The Receiver shall have full power to divert mail,
19 and to sue for, collect, receive, take in possession, hold, and manage
20 all Receivership Property; provided, however, the Receiver shall not
21 attempt to collect any amount from a person if the Receiver believes
22 the person was a victim of the wire or bank fraud scheme alleged in
23 the Complaint in this matter;

24 2. The Receiver shall also assume and maintain control over all of
25 the Receivership Entities' ongoing business operations, including
26 those in which the Receivership Entities have a controlling interest.

27 With regard to these business operations, the Receiver shall:

28 a. Assume full and exclusive control of the operations of

1 the Receivership Entities, removing, as the Receiver deems
2 necessary or advisable, any director, officer, independent
3 contractor, employee, or agent of the Receivership Entities from
4 control of, management of, or participating in, the business
5 affairs of each of the Receivership Entities;

6 b. Take all steps necessary or desirable to secure the
7 business premises of the Receivership Entities. Such steps may
8 include, but are not limited to, the following as the Receiver
9 deems necessary or advisable: (i) completing a written
10 inventory of all assets; (ii) obtaining pertinent information from
11 all employees and other agents and all accrued and unpaid
12 commissions and compensation of each such employee or
13 agent; (iii) videotaping all portions of the above-referenced
14 business locations; (iv) securing the above-referenced business
15 locations by changing the locks and disconnecting any Internet
16 service or other means of access to the computer or other
17 records maintained at the locations;

18 c. Manage, administer, conduct and/or cease the ongoing
19 business operations, if any, of the Receivership Entities, until
20 further Order of this Court, by performing all incidental acts
21 that the Receiver deems to be advisable or necessary; and

22 d. Choose, engage, and employ attorneys, accountants,
23 appraisers, property managers, and other independent
24 contractors and technical specialists or other professionals,
25 with regard to the operations of the Receivership Entities, as
26 the Receiver deems advisable or necessary in the performance
27 of duties and responsibilities under the authority granted by
28 this Order;

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

10 4. Defend, compromise, or settle legal actions wherein the
11 Receiver or any of the Receivership Entities is a party commenced
12 prior to or subsequent to this Order with the authorization of this
13 Court. The Receiver may waive attorney-client privilege held by any
14 of the Receivership Entities;

15 5. Issue subpoenas to obtain Documents and records pertaining to
16 the Receivership, and conduct discovery in this action on behalf of the
17 receivership estate;

18 6. Make payments and disbursements from the receivership estate
19 that are necessary or advisable for carrying out the directions of, or
20 exercising the authority granted by, this Order, and to incur, or
21 authorize the making of, such agreements as may be necessary and
22 advisable in discharging his or her duties as Receiver;

23 7. Maintain accurate records of all receipts and expenditures
24 incurred as Receiver;

25 8. Coordinate with the United States and Court personnel as
26 needed to ensure that any Assets subject to the terms of this Order are
27 available for criminal restitution, forfeiture, or other legal remedies in
28 proceedings commenced by or on behalf of the United States;

1 9. Cooperate with reasonable requests for information or
2 assistance from any state or federal civil or criminal law enforcement
3 agency;

4 10. Assume and maintain control of all website domains that have
5 been or are currently controlled by or registered to a Receivership
6 Entity for use in Defendants' fraud scheme, including but not limited
7 to: <https://www.bigcloudnv.com>,
8 <https://www.cloudforcesystems.com>, <https://www.dollarweb->
9 [sales.com](https://www.dollarweb-sales.com), <https://ecloud-secure.com>,
10 <https://www.gigatechsonline.com>, <http://www.isupport-pro.com>,
11 <https://mykloudbox.com>, <https://newagecloudservices.com>,
12 <http://www.nrg-support.com>, <http://www.silversafebox.com>,
13 <http://www.storagevpn.com>, and <http://www.vpnmenow.com>. Any
14 third-party hosting such website domains is hereby directed to transfer
15 control of such website domains to the Receiver and to otherwise
16 follow the directions of the Receiver in connection with the operation
17 of such website domains.

18 11. Continue to file status reports every 120 days with the Court.

19 The Receiver shall have the power and authority to perform any other act
20 necessary or desirable to accomplish any of the foregoing.

21 **C. COOPERATION WITH THE RECEIVER**

22 IT IS FURTHER ORDERED that the Receivership Entities; their officers,
23 agents, employees, attorneys, and all other persons in active concert or
24 participation with any of them; and any other person with possession, custody, or
25 control of Receivership Property or records relating to Receivership Property, or
26 other records relating to the Receivership Entities; who receive actual notice of this
27 Order, shall fully cooperate with and assist the Receiver. This cooperation and
28 assistance shall include, but is not limited to, providing information to the Receiver

1 that the Receiver deems necessary to exercise the authority and discharge the
2 responsibilities of the Receiver under this Order; providing any keys, codes, user
3 names, passwords, and all other means required to access any computers,
4 electronic devices, mobile devices, machines (onsite or remotely), and any cloud
5 account (including specific method to access account) or electronic file in any
6 medium; advising all persons who owe money to any Receivership Entity that all
7 debts should be paid directly to the Receiver; transferring funds at the Receiver's
8 direction and producing records related to the Receivership Property and sales of
9 the Receivership Entities; and transferring control of website domains used by
10 Receivership Entities in Defendants' fraud scheme to the Receiver.

11 **D. TRANSFER OF RECEIVERSHIP PROPERTY TO RECEIVER**

12 IT IS FURTHER ORDERED that Defendants and any other person with
13 possession, custody or control of Receivership Property shall, upon notice of this
14 Order by personal service or otherwise, fully cooperate with and assist the
15 Receiver in taking and maintaining possession, custody, or control of the
16 Receivership Property. This shall include, but not be limited to, immediately
17 providing, transferring, or delivering to the Receiver possession, custody, and
18 control of:

- 19 1. All Assets held by or for the benefit of the Receivership
20 Entities;
- 21 2. All Documents or Assets associated with credits, debits, or
22 charges made on behalf of any Receivership Entity, wherever situated,
23 including reserve funds held by payment processors, credit card
24 processors, merchant banks, acquiring banks, independent sales
25 organizations, third party processors, payment gateways, insurance
26 companies, or other entities;
- 27 3. All Documents of or pertaining to the Receivership Entities;
- 28 4. All computers, electronic devices, mobile devices, and

1 machines used to conduct the business of the Receivership Entities;

2 5. All keys, codes, user names, passwords, and all other means of
3 authentication necessary to gain or to secure access to any Assets or
4 Documents of or pertaining to the Receivership Entities, including
5 access to their business premises, means of communication, mobile
6 phones, accounts, computer systems (onsite and remote), electronic
7 data hosts, or other property.

8 Provided that nothing in this Section shall be construed to require the United
9 States or a law enforcement agency to transfer Assets, Receivership Property, or
10 Documents to the Receiver that it has seized pursuant to a valid order of a court.

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

15 **E. PROVISION OF INFORMATION TO RECEIVER**

16 IT IS FURTHER ORDERED that, to the extent they have not already done
17 so, the Receivership Entities shall immediately provide to the Receiver:

18 1. A list of all Assets and accounts of the Receivership Entities
19 that are held in any name other than the name of a Receivership
20 Entity, or by any person or entity other than a Receivership Entity;

21 2. A list of all agents, employees, officers, attorneys, servants and
22 those persons in active concert and participation with the Receivership
23 Entities, or who have been associated or done business with the
24 Receivership Entities; and

25 3. A description of any documents covered by attorney-client
26 privilege or attorney work product, including files where such
27 documents are likely to be located, authors or recipients of such
28 documents, and search terms likely to identify such electronic

1 documents.

2 **F. DUTIES OF ASSET HOLDERS AND OTHER THIRD**
3 **PARTIES**

4 IT IS FURTHER ORDERED that any financial or brokerage institution,
5 bank, payment processor, business entity, or person who receives actual notice of
6 this Order (by service or otherwise), who has held the Receivership Entities'
7 Assets, through an account or otherwise, shall:

8 1. Provide the Receiver, within ten business days of notice of this
9 Order, a statement setting forth: (1) the identification of each such
10 account or Asset; (2) the balance of each such account, or a
11 description of the nature and value of each such Asset; and (3) the
12 identification of any safe deposit box, commercial mail box, or
13 storage facility that is either titled in the name, individually or jointly,
14 of any Receivership Entity, or is otherwise subject to access by any
15 Receivership Entity;

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

25 3. Cooperate with all reasonable requests of the Receiver relating
26 to implementation of this Order, including transferring funds at the
27 Receiver's direction and producing records related to all accounts
28 owned by each of the Defendants.

1 **G. COMPENSATION OF RECEIVER**

2 IT IS FURTHER ORDERED that the Receiver and all personnel hired by
3 the Receiver as herein authorized, including counsel to the Receiver and
4 accountants, are entitled to reasonable compensation for the performance of duties
5 pursuant to this Order and for the cost of actual out-of-pocket expenses incurred by
6 them, from the assets now held by or in the possession or control of, or which may
7 be received by, the Receivership Entities.

8 The Receiver shall file with the Court and serve on the parties periodic
9 requests for the payment of such reasonable compensation. The Receiver shall not
10 increase the hourly rates used as the bases for such fee applications without prior
11 approval of the Court.

12 **H. RECEIVER’S BOND**

13 IT IS FURTHER ORDERED that the Receiver shall continue to maintain
14 with the Clerk of this Court a bond in the sum of \$10,000.00 with sureties to be
15 approved by the Court, conditioned that the Receiver will well and truly perform
16 the duties of the office and abide by and perform all acts the Court directs.

17 **I. DURATION OF RECEIVERSHIP**

18 IT IS FURTHER ORDERED that the Receiver shall continue
19 as permanent receiver for the Receivership Entities, until discharged by order of
20 the Court.

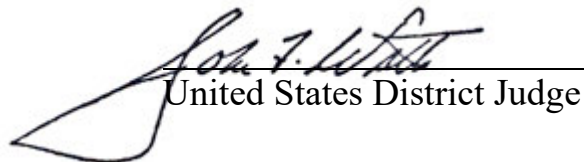
21 **IV. RETENTION OF JURISDICTION**

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

24 SO ORDERED

25 DATED this 5th day of January, 2022

26
27
28 **CC: FISCAL**


United States District Judge