

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

GROWTH CAVE, LLC, et al.

Defendants.

Case No. 2:25-cv-01115-DOC-RAO

**STIPULATED PRELIMINARY
INJUNCTION AS TO
DEFENDANTS OSMANY
BATTE AND APEX MIND, LLC**

On February 10, 2025, Plaintiff, the Federal Trade Commission, filed its Complaint for Permanent Injunction, Monetary Judgment, and Other Relief pursuant to Sections 13(b) and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b), 57b, and moved, pursuant to Fed. R. Civ. P. 65(b), for a temporary restraining order, asset freeze, other equitable relief, and an order to show cause why a preliminary injunction should not issue against Growth Cave, LLC, also doing business as Buffalo Bridge, LLC and PassiveApps (“Growth Cave”); Apex Mind, LLC (“Apex Mind”); Lucas Lee-Tyson; Osmany Batte, also known as Ozzie Blessed; and Jordan Marksberry (collectively, “Defendants”).

1 On February 13, 2025, the Court issued an *ex parte* Temporary Restraining
2 Order against Defendants that includes an asset freeze and other equitable relief.

3 Defendants Osmany Batte and Apex Mind (“Stipulating Defendants”) have
4 been properly served with a summons, the Complaint, the Temporary Restraining
5 Order, and the Order Extending Temporary Restraining Order through March 5,
6 2025.

7 By way of stipulation filed March 5, 2025, the FTC and the Stipulating
8 Defendants (collectively with the FTC the “Stipulating Parties”) stipulated to
9 extend the Temporary Restraining Order through March 26 and amend the
10 Temporary Restraining Order to allow Batte to spend up to \$30,000 per month in
11 reasonable living expenses.

12 **FINDINGS OF FACT**

13 By stipulation of the Stipulating Parties, the Court preliminarily finds as
14 follows:

15 A. The Stipulating Parties stipulate and agree to entry of this Order.
16 Stipulating Defendants stipulate to entry of this Order without any admission of
17 law or fact other than as stated herein.

18 B. This Court has jurisdiction over the subject matter of this case, and
19 there is good cause to believe that it will have jurisdiction over all parties hereto
20 and that venue in this district is proper.

21 C. There is good cause to believe that Defendants Growth Cave, Apex
22 Mind, Lee-Tyson, Batte, and Marksberry have engaged in and are likely to engage
23 in acts or practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a); the
24 FTC’s Trade Regulation Rule entitled “Disclosure Requirements and Prohibitions
25 Concerning Business Opportunities” (“Business Opportunity Rule”), 16 C.F.R.
26 Part 437, as amended; the Credit Repair Organizations Act (“CROA”), 15 U.S.C. §
27 1679; and the FTC’s Trade Regulation Rule on the Use of Consumer Reviews and
28

1 Testimonials (“Reviews and Testimonials Rule”), 16 C.F.R. Part 465, and that
2 Plaintiff is therefore likely to prevail on the merits of this action. As demonstrated
3 by the declarations of consumers who purchased Defendants’ products and
4 services, investigator declarations, and the additional evidence contained in the
5 FTC’s volumes of exhibits, the FTC has established a likelihood of success in
6 showing that Defendants have made false or unsubstantiated statements, have
7 failed to make required disclosures, and have engaged in other unfair or deceptive
8 acts or practices in the marketing of Defendants’ products and services.

9 D. The FTC has sufficiently demonstrated that immediate and irreparable
10 harm will result from Defendants’ ongoing violations of the FTC Act, the Business
11 Opportunity Rule, CROA, and the Reviews and Testimonials Rule unless
12 Defendants are restrained and enjoined by order of this Court.

13 E. The FTC has sufficiently demonstrated that immediate and irreparable
14 damage to the Court’s ability to grant effective final relief for consumers –
15 including monetary restitution, rescission, or refunds – will occur from the sale,
16 transfer, destruction or other disposition or concealment by Defendants of their
17 assets or records, unless Defendants continue to be restrained and enjoined by
18 order of this Court.

19 F. Good cause exists for the Court to order a continued asset freeze over
20 the Stipulating Defendants’ assets, subject to limited exclusions agreed to by the
21 Stipulating Parties, requiring the Stipulating Defendant to turn over business and
22 financial records to the FTC, and additional ancillary relief described below.

23 G. Weighing the equities and considering Plaintiff’s likelihood of
24 ultimate success on the merits, a preliminary injunction with an asset freeze and
25 other equitable relief is in the public interest.
26
27
28

1 H. This Court has authority to issue this Order pursuant to Section 13(b)
2 of the FTC Act, 15 U.S.C. § 53(b); Federal Rule of Civil Procedure 65; and the All
3 Writs Act, 28 U.S.C. § 1651.

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

6 DEFINITIONS

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

8 A. **“Clearly and conspicuously”** means that a required disclosure is
9 difficult to miss (i.e., easily noticeable) and easily understandable by ordinary
10 consumers, including in all of the following ways:

- 11 1. In any communication that is solely visual or solely audible, the
12 disclosure must be made through the same means through which
13 the communication is presented. In any communication made
14 through both visual and audible means, such as a television
15 advertisement, the disclosure must be presented simultaneously in
16 both the visual and audible portions of the communication even if
17 the representation requiring the disclosure (“triggering
18 representation”) is made through only one means.
- 19 2. A visual disclosure, by its size, contrast, location, the length of
20 time it appears, and other characteristics, must stand out from any
21 accompanying text or other visual elements so that it is easily
22 noticed, read, and understood.
- 23 3. An audible disclosure, including by telephone or streaming video,
24 must be delivered in a volume, speed, and cadence sufficient for
25 ordinary consumers to easily hear and understand it.
26
27
28

- 1 4. In any communication using an interactive electronic medium,
2 such as the Internet or software, the disclosure must be
3 unavoidable.
- 4 5. The disclosure must use diction and syntax understandable to
5 ordinary consumers and must appear in each language in which the
6 triggering representation appears.
- 7 6. The disclosure must comply with these requirements in each
8 medium through which it is received, including all electronic
9 devices and face-to-face communications.
- 10 7. The disclosure must not be contradicted or mitigated by, or
11 inconsistent with, anything else in the communication.

12 B. “**Close proximity**” means that the disclosure is very near the
13 triggering representation. For example, a disclosure made through a hyperlink,
14 pop-up, interstitial, or other similar technique is not in close proximity to the
15 triggering representation.

16 C. “**Corporate Defendants**” means Growth Cave, LLC and Apex Mind,
17 LLC and each of their subsidiaries, affiliates, successors, and assigns.

18 D. “**Credit Repair Service**” means any service, in return for payment of
19 money or other valuable consideration, for the express or implied purpose of: (1)
20 improving any consumer’s credit report, credit record, credit history, credit profile,
21 credit score, or credit rating; or (2) providing any advice or assistance to any
22 consumer with regard to any activity or service the purpose of which is to improve
23 a consumer’s credit report, credit record, credit history, credit profile, credit score,
24 or credit rating.

25 E. “**Defendant(s)**” means the Corporate Defendants and the Individual
26 Defendants, individually, collectively, or in any combination.
27
28

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

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

22 H. **“Electronic Data Host”** means any person or entity in the business of
23 storing, hosting, or otherwise maintaining electronically stored information. This
24 includes, but is not limited to, any entity hosting a website or server, and any entity
25 providing “cloud based” electronic storage.
26

27 I. **“General Media”** means any instrumentality through which a person
28 or entity may communicate with the public, including, but not limited to,

1 television, radio, print, Internet, billboard, website, commercial bulk email, and
2 mobile communications.

3 J. “**Individual Defendant(s)**” means Lucas Lee-Tyson, Osmany Batte
4 (a/k/a Ozzie Blessed), and Jordan Marksberry, individually, collectively, or in any
5 combination.

6 **ORDER**

7 **I. PROHIBITED BUSINESS ACTIVITIES**

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

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

21 B. Making any Earnings Claims in the General Media, unless the
22 Earnings Claim is non-misleading and, at the time the Earnings Claims is made,
23 Stipulating Defendants (1) have a reasonable basis for the claim; (2) have in their
24 possession written materials that substantiate the claimed earnings; and (3) state in
25 immediate conjunction with the claim (a) the beginning and ending dates when the
26 represented earnings were achieved and (b) the number and percentage of all
27 persons who purchased Stipulating Defendants’ products or services prior to the
28

1 ending date in Section I.B.3.a, above, who achieved at least the stated level of
2 earnings;

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

6 D. Misrepresenting or assisting others in misrepresenting, expressly or by
7 implication, material aspects of the assistance offered to prospective purchasers of
8 Stipulating Defendants' business opportunities, as provided by 16 C.F.R §
9 437.6(i);

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

- 19 1. Will be able to or are likely to launch their own online business in
20 a short amount of time and attract customers;
- 21 2. Will be able to complete Stipulating Defendants' training program
22 and graduate within a short amount of time and receive a paid
23 placement with a person or entity soon after graduation;

24 G. Misrepresenting or assisting others in misrepresenting, expressly or by
25 implication, that a person providing an endorsement or testimonial is describing
26 their findings, beliefs, or experience with the product or service being promoted;
27
28

1 H. Failing to disclose, Clearly and Conspicuously, and in Close
2 Proximity to the representation, any unexpected material connection between any
3 consumer, endorser, or testimonialist with any Stipulating Defendant. For purposes
4 of this provision, “unexpected material connection” means any relationship that
5 might materially affect the weight or credibility of the testimonial or endorsement
6 and that would not reasonably be expected by consumers; and

7 I. Misrepresenting or assisting others in misrepresenting, expressly or by
8 implication, any other fact material to consumers concerning any good or service,
9 such as: the total costs; any material restrictions, limitations, or conditions; or any
10 material aspect of its performance, efficacy, nature, or central characteristics.

11 **II. PROHIBITED CREDIT REPAIR ACTIVITIES**

12 **IT IS FURTHER ORDERED** that Stipulating Defendants, Stipulating
13 Defendants’ officers, agents, employees, and attorneys, and all other persons in
14 active concert or participation with any of them, who receive actual notice of this
15 Order, whether acting directly or indirectly, are hereby preliminarily restrained and
16 enjoined from:

17 A. Misrepresenting or assisting others in misrepresenting, expressly or by
18 implication, that Stipulating Defendants will substantially improve consumers’
19 credit scores or ratings, including but not limited to, by removing negative
20 information and hard inquiries from consumers’ credit reports or profiles even
21 where such information is accurate and not obsolete;

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

24 C. Failing to provide any consumer with a written statement of
25 “Consumer Credit File Rights Under State and Federal Law,” in the form and
26 manner required by 15 U.S.C. § 1679c; and
27
28

1 D. Failing to include in contracts for any Credit Repair Service the
2 required terms and conditions, including: (a) a full and detailed description of the
3 services to be performed for the consumer, including all guarantees of performance
4 and an estimate of the date by which the performance of the services (to be
5 performed by Stipulating Defendants or any other person or entity) will be
6 complete or the length of the period necessary to perform such services; (b) the
7 amount of payment; (c) the specific conspicuous statement in bold face type in
8 immediate proximity to the space reserved for the consumer's signature on the
9 contract, regarding the consumer's right to cancel the contract without penalty or
10 obligation at any time before the third business day after the date on which the
11 consumer signed the contract; and (d) a cancellation form in the prescribed manner
12 required by 15 U.S.C. §1679e.

13 **III. PROHIBITION ON RELEASE OF CUSTOMER INFORMATION**

14 **IT IS FURTHER ORDERED** that Stipulating Defendants, Stipulating
15 Defendants' officers, agents, employees, and attorneys, and all other persons in
16 active concert or participation with any of them, who receive actual notice of this
17 Order, whether acting directly or indirectly, are hereby preliminarily restrained and
18 enjoined from:
19

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

25 B. Benefitting from or using the name, address, birth date, telephone
26 number, email address, credit card number, bank account number, Social Security
27 number, or other financial or identifying information of any person that any
28

1 Stipulating Defendant obtained in connection with any activity that pertains to the
2 subject matter of this Order.

3 Provided, however, that Stipulating Defendant may disclose such identifying
4 information to a law enforcement agency, to his attorneys as required for his
5 defense, as required by any law, regulation, or court order, or in any filings,
6 pleadings or discovery in this action in the manner required by the Federal Rules of
7 Civil Procedure and by any protective order in the case.

8 **IV. ASSET FREEZE**

9 **IT IS FURTHER ORDERED** that Stipulating Defendants and their
10 officers, agents, employees, and attorneys, and all other persons in active concert
11 or participation with any of them, who receive actual notice of this Order, whether
12 acting directly or indirectly, are hereby preliminarily restrained and enjoined from:

13 A. Transferring, liquidating, converting, encumbering, pledging, loaning,
14 selling, concealing, dissipating, disbursing, assigning, relinquishing, spending,
15 withdrawing, granting a lien or security interest or other interest in, or otherwise
16 disposing of any assets that are:

- 17 1. owned or controlled, directly or indirectly, by any Defendant;
18 2. held, in part or in whole, for the benefit of any Defendant;
19 3. in the actual or constructive possession of any Defendant; or
20 4. owned or controlled by, in the actual or constructive possession of,
21 or otherwise held for the benefit of, any corporation, partnership,
22 asset protection trust, or other entity that is directly or indirectly
23 owned, managed, or controlled by any Defendant;

24 B. Opening or causing to be opened any safe deposit boxes, commercial
25 mailboxes, or storage facilities titled in the name of any Defendant or subject to
26 access by any Defendant;
27
28

1 C. Incurring charges or cash advances on any credit, debit, or ATM card
2 issued in the name, individually or jointly, of the Corporate Defendants or any
3 corporation, partnership, or other entity directly or indirectly owned, managed, or
4 controlled by any Defendant or of which any Defendant is an officer, director,
5 member, or manager. This includes any corporate bankcard or corporate credit card
6 account for which any Defendant is, or was on the date that this Order was signed,
7 an authorized signor; or

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

10 The assets affected by this Section shall include: (1) all assets of Stipulating
11 Defendants as of the time the Temporary Restraining Order issued in this action on
12 February 13, 2025 (Dkt. 22); and (2) assets obtained by Stipulating Defendants
13 after the Temporary Restraining Order was entered if those assets are derived from
14 any activity that is the subject of the Complaint in this matter or that is prohibited
15 by this Order. The Stipulating Parties agree that this Section shall not preclude
16 Batte from spending up to \$30,000 per month for no more than six months after the
17 date of this Preliminary Injunction in reasonable living expenses including
18 mortgage payments and attorney fees. This Section does not prohibit repatriation
19 of foreign assets specifically required by this order.
20

21 **V. DUTIES OF ASSET HOLDERS AND OTHER THIRD PARTIES**

22 **IT IS FURTHER ORDERED** that any financial or brokerage institution,
23 Electronic Data Host, credit card processor, payment processor, merchant bank,
24 acquiring bank, independent sales organization, third party processor, payment
25 gateway, insurance company, business entity, or person who receives actual notice
26 of this Order (by service or otherwise) that:

27 (a) has held, controlled, or maintained custody, through an account or
28 otherwise, of any Document on behalf of any Stipulating Defendant or any asset

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

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

13 (c) has extended credit to any Stipulating Defendant, including through a
14 credit card account, shall:

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

22 B. Deny any person access to any safe deposit box, commercial mailbox,
23 or storage facility that is titled in the name of any Stipulating Defendant, either
24 individually or jointly, or otherwise subject to access by any Defendant;

25 C. If not done earlier in compliance with the Temporary Restraining
26 Order issued in this action (Dkt. 22), provide Plaintiff's counsel, within three (3)
27
28

1 days of receiving a copy of this Order, a sworn statement setting forth, for each
2 asset or account covered by this Section:

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

15
16 D. Upon the request of Plaintiff's counsel, promptly provide Plaintiff's
17 counsel with copies of all records or other Documents pertaining to any account or
18 asset covered by this Section, including originals or copies of account applications,
19 account statements, signature cards, checks, drafts, deposit tickets, transfers to and
20 from the accounts, including wire transfers and wire transfer instructions, all other
21 debit and credit instruments or slips, currency transaction reports, 1099 forms, and
22 all logs and records pertaining to safe deposit boxes, commercial mail boxes, and
23 storage facilities.

24 Provided, however, that this Section does not prohibit repatriation of foreign
25 assets specifically required by this order.

26 VI. FINANCIAL DISCLOSURES

27 **IT IS FURTHER ORDERED** that each Stipulating Defendant who has not
28 yet provided completed financial statements to the FTC in accordance with this

1 Section, within five (5) days of service of this Order upon them, shall prepare and
2 deliver to Plaintiff's counsel:

3 A. completed financial statements on the forms attached to this Order as
4 **Attachment A** (Financial Statement of Individual Defendant) and/or **Attachment**
5 **B** (Financial Statement of Corporate Defendant) for each Stipulating Defendant, as
6 applicable; and

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

9 **VII. FOREIGN ASSET REPATRIATION**

10 **IT IS FURTHER ORDERED** that, to the extent not completed by the date
11 of this Order, within five (5) days following the service of this Order, each
12 Stipulating Defendant shall:

13 A. Provide Plaintiff's counsel with a full accounting, verified under oath
14 and accurate as of the date of this Order, of all assets, Documents, and accounts
15 outside of the United States which are: (1) titled in the name, individually or
16 jointly, of any Stipulating Defendant; (2) held by any person or entity for the
17 benefit of any Stipulating Defendant or for the benefit of, any corporation,
18 partnership, asset protection trust, or other entity that is directly or indirectly
19 owned, managed or controlled by any Stipulating Defendant; or (3) under the
20 direct or indirect control, whether jointly or singly, of any Stipulating Defendant;

21 B. Take all steps necessary to provide Plaintiff's counsel access to all
22 Documents and records that may be held by third parties located outside of the
23 territorial United States of America, including signing the Consent to Release of
24 Financial Records appended to this Order as **Attachment D**;

25 C. Transfer to the territory of the United States all Documents and assets
26 located in foreign countries which are: (1) titled in the name, individually or
27 jointly, of any Stipulating Defendant; (2) held by any person or entity for the
28

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

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

10 **VIII. NON-INTERFERENCE WITH REPATRIATION**

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

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

23 B. Notifying any trustee, protector or other agent of any foreign trust or
24 other related entities of either the existence of this Order, or of the fact that
25 repatriation is required pursuant to a court order, until such time that all Stipulating
26 Defendants' assets have been fully repatriated pursuant to this Order.
27
28

1 **IX. CONSUMER CREDIT REPORTS**

2 **IT IS FURTHER ORDERED** that Plaintiff may obtain credit reports
3 concerning Stipulating Defendants pursuant to Section 604(a)(1) of the Fair Credit
4 Reporting Act, 15 U.S.C. 1681b(a)(1), and that, upon written request, any credit
5 reporting agency from which such reports are requested shall provide them to
6 Plaintiff.

7 **X. PRESERVATION OF RECORDS**

8 **IT IS FURTHER ORDERED** that Stipulating Defendants, Stipulating
9 Defendants’ officers, agents, employees, and attorneys, and all other persons in
10 active concert or participation with any of them, who receive actual notice of this
11 Order, whether acting directly or indirectly, are hereby preliminarily restrained and
12 enjoined from:

13 A. Destroying, erasing, falsifying, writing over, mutilating, concealing,
14 altering, transferring, or otherwise disposing of, in any manner, directly or
15 indirectly, Documents that relate to: (1) the business, business practices, assets, or
16 business or personal finances of any Defendant; (2) the business practices or
17 finances of entities directly or indirectly under the control of any Defendant; or (3)
18 the business practices or finances of entities directly or indirectly under common
19 control with any other Defendant; and
20

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

24 **XI. REPORT OF NEW BUSINESS ACTIVITY**

25 **IT IS FURTHER ORDERED** that Stipulating Defendants, Stipulating
26 Defendants’ officers, agents, employees, and attorneys, and all other persons in
27 active concert or participation with any of them, who receive actual notice of this
28 Order, whether acting directly or indirectly, are hereby preliminarily restrained and

1 enjoined from creating, operating, or exercising any control over any business
2 entity, whether newly formed or previously inactive, including any partnership,
3 limited partnership, joint venture, sole proprietorship, or corporation, without first
4 providing Plaintiff's counsel with a written statement disclosing: (1) the name of
5 the business entity; (2) the address and telephone number of the business entity; (3)
6 the names of the business entity's officers, directors, principals, managers, and
7 employees; and (4) a detailed description of the business entity's intended
8 activities.

9 **XII. IMMEDIATE PRODUCTION OF BUSINESS RECORDS**

10 **IT IS FURTHER ORDERED** that, to the extent not completed by the date
11 of this Order, within five (5) days of the date of this Order, Stipulating Defendants
12 must produce to the Plaintiff for inspection, inventory, and copying, at a location
13 designated by Plaintiff, the following Documents or information:

14 A. All Documents pertaining to Earnings Claims and other
15 representations related to the marketing, advertising, promotion, offer for sale, or
16 sale of any business opportunity, including substantiation for any Earnings Claims;

17 B. All Documents relating to any testimonial about any of Defendants'
18 businesses, products, or services, including (but not limited to) electronic copies of
19 testimonials and Documents identifying each testimonialist; identifying the
20 program, product or service for which each testimonial was made; identifying the
21 date each testimonial was made; and reflecting any connection between any of the
22 Defendants and any testimonialist;

23 C. Documents sufficient to reflect all disclosures made by any of the
24 Defendants relating to the sale of any business opportunity or credit repair service,
25 and the timing of all such disclosures;

26 D. All customer information, including names, phone numbers,
27 addresses, email addresses, customer complaints and responses, and payment
28

1 information for all consumers who have purchased any business opportunity or
2 credit repair service offered for sale or sold by any Defendant;

3 E. All contracts, including settlement agreements, with customers;

4 F. Any correspondence, including electronic correspondence, that refers
5 or relates to any customer's earnings, or lack thereof, from any business
6 opportunity offered or sold by any of the Defendants;

7 G. An electronic copy of each advertisement, including videos
8 disseminated online or other mediums, used by any of the Defendants to promote
9 and sell any business opportunity or credit repair service;

10 H. All scripts and presentation materials (including slide decks, sales
11 projections, charts, and spreadsheets) used by any of the Defendants in the sales
12 process;

13 I. All financial records and accounting information relating to the sale of
14 any business opportunity or credit repair service by any Defendant, including profit
15 and loss statements, annual reports, receipt books, ledgers, personal and business
16 canceled checks and check registers, bank statements, appointment books, copies
17 of federal, state, or local business or personal income or property tax returns, and
18 1099 forms.
19

20 The Plaintiff shall return materials produced under this Section within five
21 (5) business days of completing said inventory and copying. Production of
22 Documents under this Section shall not provide grounds for any Defendant to
23 object to any subsequent requests for Documents served by Plaintiff under this
24 Order or the Federal Rules of Civil Procedure.

25 **XIII. DISTRIBUTION OF ORDER BY STIPULATING DEFENDANTS**

26 **IT IS FURTHER ORDERED** that Stipulating Defendants shall
27 immediately provide a copy of this Order to each affiliate, telemarketer, marketer,
28 sales entity, successor, assign, member, officer, director, employee, agent,

1 independent contractor, client, attorney, spouse, subsidiary, division, and
2 representative of any Stipulating Defendant, and shall, within ten (10) days from
3 the date of entry of this Order, provide Plaintiff with a sworn statement that this
4 provision of the Order has been satisfied, which statement shall include the names,
5 physical addresses, phone number, and email addresses of each such person or
6 entity who received a copy of the Order. Furthermore, Stipulating Defendants shall
7 not take any action that would encourage officers, agents, members, directors,
8 employees, salespersons, independent contractors, attorneys, subsidiaries,
9 affiliates, successors, assigns or other persons or entities in active concert or
10 participation with them to disregard this Order or believe that they are not bound
11 by its provisions.

12 **XIV. SERVICE OF THIS ORDER**

13 **IT IS FURTHER ORDERED** that copies of this Order may be served by
14 any means, including facsimile transmission, electronic mail or other electronic
15 messaging, personal or overnight delivery, U.S. Mail or FedEx, by agents and
16 employees of Plaintiff, by any law enforcement agency, or by private process
17 server, upon any Stipulating Defendant or any person (including any financial
18 institution) that may have possession, custody or control of any asset or Document
19 of any Stipulating Defendant, or that may be subject to any provision of this Order
20 pursuant to Rule 65(d)(2) of the Federal Rules of Civil Procedure. For purposes of
21 this Section, service upon any branch, subsidiary, affiliate or office of any entity
22 shall effect service upon the entire entity.

23 **XV. 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
26 to Maris Snell (msnell@ftc.gov) and Adrienne Jenkins (ajenkins@ftc.gov).
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

XVI. RETENTION OF JURISDICTION

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

IT IS SO ORDERED.



Dated: March 26, 2025

HON. DAVID O. CARTER
UNITED STATES DISTRICT JUDGE