

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

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,

No. C 10-00022 WHA

Plaintiff,

v.

**ORDER SUMMARIZING  
RULINGS ON MOTION FOR  
TEMPORARY RESTRAINING  
ORDER**

INC21.COM CORPORATION, *et al.*,

Defendants.

---

As set forth at the hearing held on January 14, 2010, IT IS HEREBY ORDERED:

1. Plaintiff shall file a *revised* proposed temporary restraining order that conforms to the instructions provided by the undersigned at the hearing. Until and unless this proposed temporary restraining order is received, vetted, and granted by the undersigned, no restraining order will apply to defendants' activities. This revised proposed order must be filed by **NOON ON TUESDAY, JANUARY 19, 2010**.
2. Defendants shall send a letter to any and all customers currently being billed for their services that (1) confirms that the customer has agreed to service and wishes to continue service and/or (2) asks whether the customer prefers to be billed directly. Any response provided by the customer must be *signed* to be considered by the Court. A copy of this letter and customer verification form must be filed by **NOON ON TUESDAY, JANUARY 19, 2010**. If the parties cannot agree on the

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

contents of this letter and verification form, defendants may seek approval from the undersigned in their filing. Otherwise, no approval will be needed.

3. Plaintiff shall make available for inspection, and allow copying of, any and all documents relied upon by Postal Inspector Andrew Wong in the preparation of the affidavit(s) submitted in support of plaintiff's motion. Plaintiffs will make these documents available by **9:00 A.M. ON TUESDAY, JANUARY 19, 2010.**

4. The following one-day depositions are scheduled:

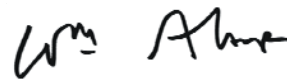
- Defendants shall depose, and plaintiffs shall make available, Postal Inspector Andrew Wong on **TUESDAY, JANUARY 26, 2010.**
- Plaintiffs shall depose, and defendants shall make available, John Lin and Roy Lin on **WEDNESDAY, JANUARY 27, 2010,** and **THURSDAY, JANUARY 28, 2010.** The parties will decide the order in which John and Roy Lin are to be deposed — one will be deposed on Wednesday, and the other on Thursday..

5. Plaintiff will be provided copies of (1) the mailing list used by defendants for the letters mailed pursuant to this order, and (2) any responses to those letters received by defendants. Plaintiff will also be allowed expedited discovery on billing aggregators and phone companies for the limited purpose of obtaining evidence of complaints against defendants pertaining to the alleged fraudulent billing practices.

6. A hearing on plaintiff's motion for a preliminary injunction is scheduled for **8:00 A.M. ON FEBRUARY 11, 2010.** Defendants' opposition brief to this motion must be filed **BY NOON ON FEBRUARY 3, 2010.** Plaintiff's reply must be filed **BY NOON ON FEBRUARY 8, 2010.**

**IT IS SO ORDERED.**

Dated: January 14, 2010.



\_\_\_\_\_  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE