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FILED - SOUTHERN DIVISION  
CLERK, U.S. DISTRICT COURT  
MAR - 6 2013  
CENTRAL DISTRICT OF CALIFORNIA  
BY *[Signature]* DEPUTY

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9 FEDERAL TRADE COMMISSION

10 UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

11 FEDERAL TRADE COMMISSION,

Case No. **SACV 13 - 00381 DOC (JPRx)**

12 Plaintiff,

~~PROPOSED~~ TEMPORARY  
RESTRAINING ORDER  
WITH OTHER EQUITABLE RELIEF  
AND ORDER TO SHOW  
CAUSE WHY A PRELIMINARY  
INJUNCTION SHOULD NOT ISSUE

13  
14  
15 PHILLIP FLORA, individually and  
also d/b/a Seaside Building Marketing  
16 Inc. and SB Marketing,

17 SANDRA SKIPPER, individually and  
also d/b/a Seaside Building Marketing  
18 Inc. and SB Marketing,

19 KEVIN BEANS, individually and also  
d/b/a Seaside Building Marketing Inc.  
20 and SB Marketing, and

21 DAKOTA GEFFRE, individually and  
also d/b/a Seaside Building Marketing  
22 Inc. and SB Marketing,

23 Defendants.  
24  
25  
26  
27  
28

2013 MAR -5 AM 10:03  
CLERK OF DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
SANTA ANA

LOGGED

1 Plaintiff, the Federal Trade Commission ("FTC" or "Commission"), having  
2 filed its Complaint for Permanent Injunction and Other Equitable Relief in this  
3 matter, pursuant to Section 13(b) of the Federal Trade Commission Act ("FTC  
4 Act"), 15 U.S.C. §53(b), and having moved for a Temporary Restraining Order  
5 with Other Equitable Relief, and an Order to Show Cause Why a Preliminary  
6 Injunction Should Not Issue pursuant to Rule 65 of the Federal Rules of Civil  
7 Procedure, and the Court having considered the Complaint, declarations, exhibits,  
8 and memorandum of law filed in support of such motion, and now being advised in  
9 the premises, finds that:

10 **FINDINGS**

11 1. This Court has jurisdiction over the subject matter of this case, and  
12 there is good cause to believe it will have jurisdiction over the parties.

13 2. Venue lies properly with this Court.

14 3. There is good cause to believe that Defendants Phillip Flora, Kevin  
15 Beans, Sandra Skipper and Dakota Geffre ("Defendants") have engaged in, and are  
16 likely to engage in the future in, acts and practices that violate Section 5(a) of the  
17 FTC Act, 15 U.S.C. § 45(a), and that the Commission is therefore likely to prevail  
18 on the merits of this action.

19 4. There is good cause to believe that immediate and irreparable damage  
20 to the Court's ability to grant effective final relief for consumers in the form of  
21 monetary restitution will occur from the sale, transfer, assignment, or other  
22 disposition or concealment by Defendants of their assets or records unless  
23 Defendants are immediately restrained and enjoined by order of this Court.  
24 Therefore, there is good cause for the entry of the ancillary relief contained in this  
25 Order, ~~including an order preserving Defendants' assets and prohibiting the~~  
26 ~~Defendants from destroying records.~~

27 5. Weighing the equities and considering the Commission's likelihood  
28 of ultimate success, this Temporary Restraining Order is in the public interest.



1 compilations from which information can be obtained and translated, if necessary,  
2 into reasonably usable form through detection devices. A draft or nonidentical  
3 copy is a separate Document within the meaning of the term.

4 5. **“Electronic data host”** means any person or entity that stores, hosts,  
5 or otherwise maintains electronically stored information or computer equipment.

6 6. **“Internet service provider”** means a company that provides third  
7 parties with access to the Internet.

8 7. **“Material”** means likely to affect a person’s choice of, or conduct  
9 regarding, goods or services.

10 8. **“Person”** means a natural person, an organization or other legal  
11 entity, including a corporation, partnership, sole proprietorship, limited liability  
12 company, association, cooperative, or any other group or combination acting as an  
13 entity.

14 9. **“Plaintiff”** means the Federal Trade Commission (“Commission” or  
15 “FTC”).

16 10. **“Unauthorized or Unsolicited Commercial Electronic Text**  
17 **Message”** means an unauthorized or unsolicited text message the primary purpose  
18 of which is a commercial advertisement or promotion of a commercial product or  
19 service (including the content on an Internet website operated for commercial  
20 purposes).

21 I.

22 **PROHIBITED BUSINESS ACTIVITIES**

23 **RELATING TO ANY PRODUCT, SERVICE, OR PROGRAM**

24 **IT IS THEREFORE ORDERED** that Defendants, and their officers,  
25 agents, servants, employees, and attorneys, ~~and all other persons~~ in active concert  
26 or participation with any of them, who receive actual notice of this Order by  
27 personal service or otherwise, whether acting directly or through any trust,  
28 corporation, subsidiary, division, or other device, or any of them, in connection

1 with the advertising, marketing, promotion, offering for sale, or sale of any  
2 product, service, or program, are hereby temporarily restrained and enjoined from:

3 A. Misrepresenting, or assisting others in misrepresenting, expressly or  
4 by implication, any material fact, including, but not limited to, that consumers have  
5 won a contest or have been specifically selected to receive a gift or prize that is  
6 "free" or without cost or obligation;

7 B. Failing to disclose or disclose adequately to consumers the material  
8 terms and conditions of any offer, including, but not limited to:

- 9 1. that consumers must pay money or other consideration to  
10 receive the gift or prize; and  
11 2. the costs and obligations to receive the gift or prize.

12 **II.**

13 **PROHIBITION ON MAKING UNAUTHORIZED OR**  
14 **UNSOLICITED COMMERCIAL ELECTRONIC TEXT MESSAGES**

15 **IT IS FURTHER ORDERED** that Defendants, and their officers, agents,  
16 servants, employees, and attorneys, and all other persons in active concert or  
17 participation with any of them, who receive actual notice of this Order by personal  
18 service or otherwise, whether acting directly or through any trust, corporation,  
19 subsidiary, division, or other device, or any of them, in connection with the  
20 advertising, marketing, promotion, offering for sale, or sale of any product, service,  
21 or program, are hereby temporarily restrained and enjoined from making or  
22 initiating, or procuring the transmission of, or assisting others in making or  
23 initiating, or procuring the transmission of, unauthorized or unsolicited commercial  
24 electronic text messages to mobile telephones and other wireless devices.

25 ~~**III.**~~

26 ~~**ASSET PRESERVATION**~~

27 **IT IS FURTHER ORDERED** that:

28 A. Defendants, and their officers, agents, servants, employees, and

1 attorneys, and all other persons in active concert or participation with any of them,  
2 who receive actual notice of this Order by personal service or otherwise, whether  
3 acting directly or through any trust, corporation, subsidiary, division, or other  
4 device, or any of them, are hereby temporarily restrained and enjoined from  
5 directly or indirectly selling, transferring, alienating, liquidating, encumbering,  
6 pledging, loaning, assigning, concealing, dissipating, converting, withdrawing or  
7 making any other disposition of any assets or any interest therein, wherever  
8 located, including any assets outside the territorial United States, that are owned,  
9 controlled or held by, or for the benefit of, in whole or in part, Defendants, or in  
10 the actual or constructive possession of Defendants, other than those assets that are  
11 used for actual, ordinary, and necessary business or living expenses that  
12 Defendants reasonably incur.

13 B. The assets affected by this Section shall include both existing assets  
14 and assets acquired after the effective date of this Order.

15 C. Notwithstanding Section III.A above, Defendants may each withdraw,  
16 transfer, encumber, or otherwise dissipate assets in excess of two thousand dollars  
17 (\$2,000) per calendar month only with prior written agreement by counsel for the  
18 Commission, or prior approval by the Court.

19 D. To the extent that Defendants withdraw, transfer, encumber, or  
20 otherwise dissipate assets pursuant to Section III.A of this Order, they shall  
21 provide an accounting of their expenses to counsel for the Commission for each  
22 calendar month.

23 ~~IV~~

24 ~~FINANCIAL REPORTS AND ACCOUNTING~~

25 **IT IS FURTHER ORDERED** that at least three (3) calendar days prior to  
26 the preliminary injunction hearing in this matter, and in no event later than ten (10)  
27 calendar days after entry of this Order, Defendants shall each provide to counsel  
28 for the Commission:

1 A. A completed financial statement accurate as of the date of entry of this  
2 Order, in the form provided as **Attachment A** for individuals and **Attachment B**  
3 for businesses, as the case may be, signed under penalty of perjury. The financial  
4 statements shall include assets held outside the territory of the United States, shall  
5 be accurate as of the date of the entry of this Order, and shall be verified under  
6 oath. Defendants shall attach to these completed financial statements copies of all  
7 local, state, provincial, and federal income and property tax returns, with  
8 attachments and schedules, as called for by the instructions to the financial  
9 statements; and

10 B. A detailed accounting, verified under oath, of:

11 1. the names of all products, services or programs advertised,  
12 marketed, promoted, offered for sale, sold, or distributed since January 1, 2011;

13 2. gross revenues and net profits (in U.S. Dollars) obtained from  
14 the advertising, marketing, promotion, offering for sale, or sale of each product,  
15 service, or program identified in Subsection IV.B.1 above, from inception of the  
16 advertising, marketing, promotion, offering for sale, or sale of that product,  
17 service, or program through the date of entry of this Order; and

18 3. the name, address, telephone number, e-mail address, website  
19 address, and contact person of each entity or person that: (i) supplied,  
20 manufactured, formulated, or created any product, service, or program that is  
21 advertised, marketed, promoted, offered for sale, sold, or distributed by or on  
22 behalf of Defendants, (ii) provided any order fulfillment services of any kind,  
23 including, but not limited to, drop shipping, mailing, and/or distributing products,  
24 for or on behalf of Defendants, or (iii) paid Defendants, whether directly or  
25 indirectly, related to Defendants' advertisement, marketing, promotion, offering  
26 for sale, or sale of any product, service, or program.

V.

**POSTING NOTICE OF LAWSUIT ON AND PRESERVING WEBSITES**

**IT IS FURTHER ORDERED** that, immediately upon service of the Order upon them, Defendants, and their officers, agents, servants, employees, and attorneys, ~~and all other persons~~ in active concert or participation with any of them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other device, or any of them, and any other person or entity served with a copy of this Order, shall:

A. Immediately take whatever action is necessary to ensure that any website used by any Defendant for the advertising, marketing, promotion, offering for sale, or sale of any product, service or program shall prominently display the following statement:

The Federal Trade Commission ("FTC") has filed a lawsuit against Defendants Phillip Flora, Kevin Beans, Sandra Skipper, and Dakota Geffre, doing business as Seaside Building Marketing and SB Marketing, alleging that they have engaged in deceptive and unfair practices relating to the advertising, marketing, promotion, offering for sale, or sale of products, services or programs, including purportedly "free" merchandise such as \$1000 gift cards. The United States District Court for the Northern District of Illinois has issued a temporary restraining order prohibiting the alleged practices. You may obtain additional information directly from the FTC at www.ftc.gov.

Central California

Each website carrying this message shall also provide a hypertext link to the FTC's home page at www.ftc.gov, or another website designated by counsel for the Commission;

B. Prevent the destruction or erasure of any website used by Defendants for the advertising, marketing, promotion, offering for sale, sale, or provision of any product, service, or program by preserving such websites in the format in which they are maintained currently, except for the notice required by Subsection A of this Section; and

C. Immediately notify counsel for the Commission of all websites



1 operated or controlled by Defendants.

2 VI.

3 PRESERVATION OF RECORDS

4 AND EQUIPMENT; REPORT OF NEW BUSINESS ACTIVITY

5 IT IS FURTHER ORDERED that Defendants and their officers, agents,  
6 servants, employees, and attorneys, ~~and all other persons~~ in active concert or  
7 participation with any of them who receive actual notice of this Order by personal  
8 service or otherwise, whether acting directly or through any trust, corporation,  
9 subsidiary, division, or other device, or any of them, are hereby temporarily  
10 restrained and enjoined from:

11 ~~A. Failing to create and maintain books, records, accounts, bank~~  
12 statements, current accountants' reports, general ledgers, general journals, cash  
13 receipts ledgers, cash disbursements ledgers and source documents, documents  
14 indicating title to real or personal property, and any other data which, in reasonable  
15 detail, accurately, fairly, and completely reflect Defendants' incomes, and the  
16 ~~disbursements, transactions, dispositions, and uses of Defendants' assets?~~

17 B. Destroying, erasing, mutilating, concealing, altering, transferring, or  
18 otherwise disposing of, in any manner, directly or indirectly, any documents,  
19 including electronically-stored materials and any data on mobile devices or other  
20 equipment used in sending commercial electronic text messages, that relate in any  
21 way to: the business practices or business or personal finances of Defendants; the  
22 business practices or finances of entities directly or indirectly under the control of  
23 Defendants; or the business practices or finances of entities directly or indirectly  
24 under common control with any other Defendant;

25 C. Selling, transferring, destroying, damaging, altering, concealing, or  
26 otherwise disposing of, in any manner, directly or indirectly, any equipment used  
27 in sending commercial electronic text messages; and

28 ~~D. Creating, operating, or exercising any control over any business~~

1 entity, whether newly-formed or previously inactive, including any partnership,  
2 limited partnership, joint venture, sole proprietorship, or corporation, without first  
3 providing the Commission with a written statement disclosing: (1) the name of the  
4 business entity; (2) the address, telephone number, e-mail address, and website  
5 address of the business entity; (3) the names of the business entity's officers,  
6 directors, principals, managers, and employees; and (4) a detailed description of  
7 the business entity's intended activities.

8 ~~VII.~~

9 ~~IDENTIFICATION OF ELECTRONIC DATA HOSTS,~~

10 ~~TELEPHONE NUMBERS AND INTERNET SERVICE PROVIDERS~~

11 ~~IT IS FURTHER ORDERED~~ that Defendants shall:

12 A. Provide counsel for the Commission, within five (5) business days of  
13 receipt of a copy of this Order, with a sworn statement disclosing the name and  
14 location of any electronic data host, and the location of computer equipment,  
15 related to Defendants' initiation, procurement, or transmission of commercial  
16 electronic text messages, and describing, to the extent known, the make(s) and  
17 model(s) of the computer equipment, as well as the operating system(s) in use, and  
18 the number, size, and capacity of any mass storage arrays or devices;

19 B. Serve this Order on any such electronic data host, and inform any  
20 such electronic data host that:

21 1. Any data that they host, store or otherwise maintain that is  
22 related to Defendants' initiation, procurement, or transmission of commercial  
23 electronic text messages is the subject of litigation involving the Commission; and

24 2. The electronic data host has a duty to preserve all records  
25 related to Defendants' initiation, procurement, or transmission of commercial  
26 electronic text messages;

27 C. Provide counsel for the Commission, within five (5) business days of  
28 receipt of a copy of this Order, with a sworn statement disclosing the identity of

1 any Internet service provider and attaching the account records for each Defendant  
2 identifying the IP addresses and hosts accessing any of Defendants' accounts for  
3 the last three years; and

4 D. Provide counsel for the Commission, within five (5) business days of  
5 receipt of a copy of this Order, with a sworn statement identifying, by telephone  
6 number, telephone service provider, and dates of service, each telephone number  
7 used by Defendants or their officers, agents, servants, employees, affiliates, or any  
8 other persons in active concert or participation with any of them, to send  
9 ~~commercial electronic text messages to any consumer since January 1, 2011.~~

10 **VIII.**

11 **PROHIBITION ON DISCLOSING CUSTOMER INFORMATION**

12 **IT IS FURTHER ORDERED** that Defendants, and their officers, agents,  
13 servants, employees, and attorneys, and all other persons in active concert or  
14 participation with any of them, who receive actual notice of this Order by personal  
15 service or otherwise, whether acting directly or through any trust, corporation,  
16 subsidiary, division, or other device, or any of them, are hereby temporarily  
17 restrained and enjoined from:

18 A. Selling, renting, leasing, transferring, or otherwise disclosing the  
19 name, address, birth date, telephone number, email address, Social Security  
20 number, Social Insurance number, credit card number, bank account number, or  
21 other financial or identifying personal information of any person from whom or  
22 about whom any Defendant obtained such information in connection with activities  
23 alleged in Plaintiffs' Complaint; and

24 B. Benefitting from or using the name, address, birth date, telephone  
25 number, email address, Social Security number, Social Insurance number, credit  
26 card number, bank account number, or other financial or identifying personal  
27 information of any person from whom or about whom any Defendant obtained  
28 such information in connection with activities alleged in Plaintiffs' Complaint.



1 data. The provisions of this Section shall apply both to parties to this case and to  
2 non-parties. The limitations and conditions set forth in Federal Rules of Civil  
3 Procedure 30(a)(2)(A)(ii) and 31(a)(2)(A)(ii) regarding subsequent depositions of  
4 an individual shall not apply to depositions taken pursuant to this Section. Any  
5 such depositions taken pursuant to this Section shall not be counted toward any  
6 limit on the number of depositions under the Federal Rules of Civil Procedure or  
7 the Local Rules of Civil Procedure for the United States District Court for the  
8 Northern District of Illinois, including those set forth in Federal Rules of Civil  
9 Procedure 30(a)(2)(A) and 31(a)(2)(A). Service of discovery upon a party, taken  
10 pursuant to this Section, shall be sufficient if made through the means described in  
11 Section XI of this Order.

12 **X.**

13 **DISTRIBUTION OF ORDER BY DEFENDANTS**

14 **IT IS FURTHER ORDERED** that Defendants shall immediately provide a  
15 copy of this Order to each of their corporations, subsidiaries, affiliates, divisions,  
16 directors, officers, agents, partners, successors, assigns, employees, attorneys,  
17 agents, representatives, sales entities, sales persons, independent contractors, and  
18 any other persons in active concert or participation with them. Within ten (10)  
19 calendar days from the date of entry of this Order, each Defendant shall serve on  
20 the Commission an affidavit identifying the name, title, address, telephone number,  
21 date of service, and manner of service of each person or entity Defendants served  
22 with a copy of this Order in compliance with this provision.

23 ~~**XI**~~

24 ~~**SERVICE OF ORDER**~~

25 ~~**IT IS FURTHER ORDERED** that copies of this Order may be served by~~  
26 ~~any means, including facsimile transmission, electronic mail, personal or overnight~~  
27 ~~delivery, or by U.S. Mail, by agents and employees of the Commission, by any law~~  
28 ~~enforcement agency, or by private process server, upon any person that may have~~

1 ~~possession or control of any document of Defendants, or that may be subject to any~~  
2 ~~provision of this Order.~~

3 **XII.**

4 **CONSUMER REPORTING AGENCIES**

5 **IT IS FURTHER ORDERED** that, pursuant to Section 604(a)(1) of the  
6 Fair Credit Reporting Act, 15 U.S.C. § 1681b(a)(1), any consumer reporting  
7 agency may furnish a consumer or credit report concerning any Defendant to the  
8 Commission.

9 **XIII.**

10 **DURATION OF THE TEMPORARY RESTRAINING ORDER**

11 **IT IS FURTHER ORDERED** that the Temporary Restraining Order  
12 granted herein shall expire ~~on~~ 14 days from the ~~Y. 2013, at~~ date of this Order  
13 ~~(Pacific Time)~~; unless, within such time, for good cause shown, the Order is  
14 extended, or unless, as to any Defendant, the Defendant consents that it should be  
15 extended for a longer period of time.

16 **XIV.**

17 **ORDER TO SHOW CAUSE REGARDING PRELIMINARY INJUNCTION**

18 **IT IS FURTHER ORDERED**, pursuant to Federal Rule of Civil Procedure  
19 65(b), that Defendants shall appear before this Court, (on the 10<sup>th</sup> floor of the  
20 Ronald Regan Federal Building United States Courthouse, 411 West Fourth Street,  
21 Santa Ana, California) on the 18<sup>th</sup> day of March, 2013, at 10 o'clock a  
22 .m., to show cause, if there is any, why this Court should not enter a preliminary  
23 injunction, pending final ruling on the Complaint against Defendants, enjoining  
24 them from further violations of Sections 5(a) of the FTC Act, 15 U.S.C. § 45(a),  
25 and imposing such additional relief as may be appropriate.

26 **XV.**

27 **SERVICE OF PLEADINGS, MEMORANDA, AND OTHER EVIDENCE**

28 **IT IS FURTHER ORDERED** that Defendants shall file with the Court and

1 serve on Plaintiffs' counsel any answering affidavits, pleadings, motions, expert  
2 reports or declarations, and/or legal memoranda no later than ~~four (4) business~~ <sup>March 13, 2013.</sup>  
3 ~~days prior to the hearing on Plaintiffs' request for a preliminary injunction.~~  
4 Plaintiffs may file responsive or supplemental pleadings, materials,  
5 affidavits, or memoranda with the Court and serve the same on counsel for  
6 Defendants no later than ~~one (1) day prior to the preliminary injunction hearing in~~ <sup>March 14, 2013.</sup>  
7 ~~this matter, provided that service shall be performed by personal or overnight~~  
8 ~~delivery, by electronic filing, by electronic mail, or by facsimile, and documents~~  
9 ~~shall be delivered so that they shall be received by the other parties no later than~~  
10 ~~4:00 p.m. (Central Standard Time) on the appropriate dates listed in this Section.~~

11 **XVI.**

12 **MOTION FOR LIVE TESTIMONY; WITNESS IDENTIFICATION**

13 **IT IS FURTHER ORDERED** that the question of whether this Court  
14 should enter a preliminary injunction pursuant to Rule 65 of the Federal Rules of  
15 Civil Procedure enjoining the Defendants during the pendency of this action shall  
16 be resolved on the pleadings, declarations, exhibits, and memoranda filed by, and  
17 oral argument of, the parties. Live testimony shall be heard only on further order  
18 of this Court or on motion filed with the Court and served on counsel for the other  
19 parties at least four (4) business days prior to the preliminary injunction hearing in  
20 this matter. Such motion shall set forth the name, address, and telephone number  
21 of each proposed witness, a detailed summary or affidavit revealing the substance  
22 of each proposed witness's expected testimony, and an explanation of why the  
23 taking of live testimony would be helpful to this Court. Any papers opposing a  
24 timely motion to present live testimony or to present live testimony in response to  
25 another party's timely motion to present live testimony shall be filed with this  
26 Court and served on the other parties at least two (2) business days prior to the  
27 preliminary injunction hearing in this matter, provided that service shall be  
28 performed by personal or overnight delivery, by electronic filing, by electronic

1 mail, or by facsimile, and documents shall be delivered so that they shall be  
2 received by the other parties no later than 4:00 p.m. (Central Time) on the  
3 appropriate dates provided in this Section. Provided further, however, that an  
4 evidentiary hearing on Plaintiffs' request for a preliminary injunction is not  
5 necessary unless Defendants demonstrate that they have, and intend to introduce,  
6 evidence that raises a genuine and material factual issue.

7 **XVII.**

8 **CORRESPONDENCE WITH AND NOTICE TO PLAINTIFF**

9 **IT IS FURTHER ORDERED** that, for purposes of this Order, all  
10 correspondence and pleadings to the Commission shall be addressed to:

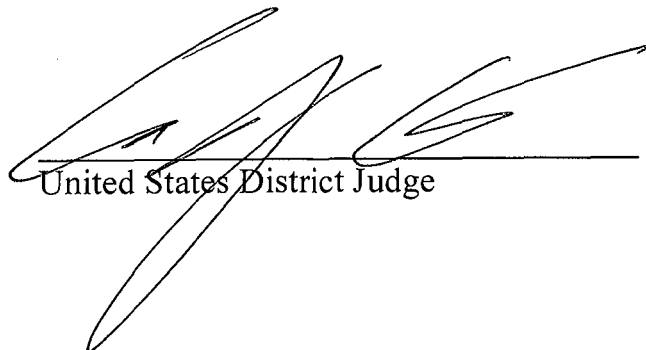
11 James Davis, Attorney  
12 Federal Trade Commission  
13 55 West Monroe Street, Suite 1825  
14 Chicago, Illinois 60603  
(312) 960-5634 [Telephone]  
(312) 960-5600 [Facsimile]

15 **XVIII.**

16 **RETENTION OF JURISDICTION**

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

19 **IT IS SO ORDERED**, this 6<sup>TH</sup> day of MARCH, 2013, at  
20 10:12 a.m.

21   
22 \_\_\_\_\_  
23 United States District Judge  
24  
25  
26  
27  
28





FEDERAL TRADE COMMISSION

FINANCIAL STATEMENT OF INDIVIDUAL DEFENDANT

---

**Definitions and Instructions:**

1. Complete all items. Enter "None" or "N/A" ("Not Applicable") in the first field only of any item that does not apply to you. If you cannot fully answer a question, explain why.
2. "Dependents" include your spouse, live-in companion, dependent children, or any other person, whom you or your spouse (or your children's other parent) claimed or could have claimed as a dependent for tax purposes at any time during the past five years.
3. "Assets" and "Liabilities" include ALL assets and liabilities, located within the United States or any foreign country or territory, whether held individually or jointly and whether held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.
4. Attach continuation pages as needed. On the financial statement, state next to the Item number that the Item is being continued. On the continuation page(s), identify the Item number(s) being continued.
5. Type or print legibly.
6. Initial each page in the space provided in the lower right corner.
7. Sign and date the completed financial statement on the last page.

**Penalty for False Information:**

Federal law provides that any person may be imprisoned for not more than five years, fined, or both, if such person:

(1) "in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact; makes any materially false, fictitious or fraudulent statement or representation; or makes or uses any false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry" (18 U.S.C. § 1001);

(2) "in any . . . statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true" (18 U.S.C. § 1621); or

(3) "in any ( . . . statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information . . . knowing the same to contain any false material declaration" (18 U.S.C. § 1623).

For a felony conviction under the provisions cited above, federal law provides that the fine may be not more than the greater of (i) \$250,000 for an individual or \$500,000 for a corporation, or (ii) if the felony results in pecuniary gain to any person or pecuniary loss to any person other than the defendant, the greater of twice the gross gain or twice the gross loss. 18 U.S.C. § 3571.

## BACKGROUND INFORMATION

### Item 1. Information About You

Full Name	Social Security No.		
Current Address of Primary Residence	Driver's License No.		State Issued
	Phone Numbers		Date of Birth: / / (mm/dd/yyyy)
	Home: ( )	Place of Birth	
Fax: ( )			
<input type="checkbox"/> Rent <input type="checkbox"/> Own      From (Date): / / (mm/dd/yyyy)	E-Mail Address		
Internet Home Page			

### Previous Addresses for past five years: (If required, use additional pages at end of form)

Address	From: / / (mm/dd/yyyy)	Until: / / (mm/dd/yyyy)
	<input type="checkbox"/> Rent <input type="checkbox"/> Own	
Address	From: / /	Until: / /
	<input type="checkbox"/> Rent <input type="checkbox"/> Own	
Address	From: / /	Until: / /
	<input type="checkbox"/> Rent <input type="checkbox"/> Own	

Identify any other name(s) and/or social security number(s) you have used, and the time period(s) during which they were used:

### Item 2. Information About Your Spouse or Live-In Companion

Spouse/Companion's Name	Social Security No.	Date of Birth / / (mm/dd/yyyy)
Address (if different from yours)	Phone Number ( )	Place of Birth
	<input type="checkbox"/> Rent <input type="checkbox"/> Own      From (Date): / / (mm/dd/yyyy)	

Identify any other name(s) and/or social security number(s) you have used, and the time period(s) during which they were used:

Employer's Name and Address	Job Title
	Years in Present Job      Annual Gross Salary/Wages \$

### Item 3. Information About Your Previous Spouse

Name and Address	Social Security No.
	Date of Birth / / (mm/dd/yyyy)

### Item 4. Contact Information (name and address of closest living relative other than your spouse)

Name and Address	Phone Number ( )
------------------	---------------------

Initials: \_\_\_\_\_



**Item 7: Pending Lawsuits Filed By or Against You or Your Spouse**

List all pending lawsuits that have been filed by or against you or your spouse in any court or before an administrative agency in the United States or in any foreign country or territory. Note: At Item 12, list lawsuits that resulted in final judgments or settlements in your favor. At Item 21, list lawsuits that resulted in final judgments or settlements against you.

Caption of Proceeding	Court or Agency and Location	Case No.	Nature of Proceeding	Relief Requested	Status or Disposition

**Item 8: Safe Deposit Boxes**

List all safe deposit boxes located within the United States or in any foreign country or territory, whether held individually or jointly and whether held by you, your spouse, or any of your dependents, or held by others for the benefit of you, your spouse, or any of your dependents.

Name of Owner(s)	Name & Address of Depository Institution	Box No.	Contents

Initials: \_\_\_\_\_

**FINANCIAL INFORMATION**

**REMINDER:** When an item asks for information regarding your assets and liabilities, include ALL assets and liabilities located within the United States or in any foreign country or territory, or institution, whether held individually or jointly, and whether held by you, your spouse, or any of your dependents, or held by others for the benefit of you, your spouse, or any of your dependents. In addition, provide all documents requested in Item 24 with your completed Financial Statement.

**ASSETS**

**Item 9: Cash, Bank, and Money Market Accounts**

List cash on hand (as opposed to cash in bank accounts or other financial accounts) and all bank accounts, money market accounts, or other financial accounts, including but not limited to checking accounts, savings accounts, and certificates of deposit. The term "cash on hand" includes but is not limited to cash in the form of currency, uncashed checks, and money orders.

a. Amount of Cash on Hand \$		Form of Cash on Hand	
b. Name on Account	Name & Address of Financial Institution	Account No.	Current Balance
			\$
			\$
			\$
			\$
			\$

**Item 10: Publicly Traded Securities**

List all publicly traded securities, including but not limited to stocks, stock options, corporate bonds, mutual funds, U.S. government securities (including but not limited to treasury bills and treasury notes), and state and municipal bonds. Also list any U.S. savings bonds.

Owner of Security	Issuer	Type of Security	No. of Units Owned
Broker House, Address	Broker Account No.		
	Current Fair Market Value \$	Loan(s) Against Security \$	
Owner of Security	Issuer	Type of Security	No. of Units Owned
Broker House, Address	Broker Account No.		
	Current Fair Market Value \$	Loan(s) Against Security \$	
Owner of Security	Issuer	Type of Security	No. of Units Owned
Broker House, Address	Broker Account No.		
	Current Fair Market Value \$	Loan(s) Against Security \$	

Initials: \_\_\_\_\_

**Item 11. Non-Public Business and Financial Interests**  
 List all non-public business and financial interests, including but not limited to any interest in a non-public corporation, subchapter-S corporation, limited liability corporation ("LLC"), general or limited partnership, joint venture, sole proprietorship, international business corporation or personal investment corporation, and oil or mineral lease.

Entity's Name & Address	Type of Business or Financial Interest (e.g., LLC, partnership)	Owner (e.g., self, spouse)	Ownership %	If Officer, Director, Member or Partner, Exact Title

**Item 12. Amounts Owed to You, Your Spouse, or Your Dependents**

Debtor's Name & Address	Date Obligation Incurred (Month/Year) /	Original Amount Owed \$	Nature of Obligation (if the result of a final court judgment or settlement, provide court name and docket number)
	Current Amount Owed \$	Payment Schedule \$	
Debtor's Telephone	Debtor's Relationship to You		
Debtor's Name & Address	Date Obligation Incurred (Month/Year) /	Original Amount Owed \$	Nature of Obligation (if the result of a final court judgment or settlement, provide court name and docket number)
	Current Amount Owed \$	Payment Schedule \$	
Debtor's Telephone	Debtor's Relationship to You		

**Item 13. Life Insurance Policies**  
 List all life insurance policies (including endowment policies) with any cash surrender value.

Insurance Company's Name, Address, & Telephone No.	Beneficiary	Policy No.	Face Value \$
		Insured	Loans Against Policy \$
Insurance Company's Name, Address, & Telephone No.	Beneficiary	Policy No.	Face Value \$
	Insured	Loans Against Policy \$	Surrender Value \$

**Item 14. Deferred Income Arrangements**  
 List all deferred income arrangements, including but not limited to deferred annuities, pensions, plans, profit-sharing plans, 401(k) plans, IRAs, Keoghs, other retirement accounts, and college savings plans (e.g., 529 Plans).

Trustee or Administrator's Name, Address & Telephone No.	Name on Account		Account No.
		Date Established / / (mm/dd/yyyy)	Type of Plan
Trustee or Administrator's Name, Address & Telephone No.	Name on Account		Account No.
	Date Established / /	Type of Plan	Surrender Value before Taxes and Penalties \$

Initials: \_\_\_\_\_

**Item 15. Pending Insurance Payments or Inheritances**

List any pending insurance payments or inheritances owed to you:

Type	Amount Expected	Date Expected (mm/dd/yyyy)
	\$	/ /
	\$	/ /
	\$	/ /

**Item 16. Vehicles**

List all cars, trucks, motorcycles, boats, airplanes, and other vehicles:

Vehicle Type	Year	Registered Owner's Name	Purchase Price \$	Original Loan Amount \$	Current Balance \$
Make		Registration State & No.	Account/Loan No.	Current Value \$	Monthly Payment \$
Model		Address of Vehicle's Location	Lender's Name and Address		

Vehicle Type	Year	Registered Owner's Name	Purchase Price \$	Original Loan Amount \$	Current Balance \$
Make		Registration State & No.	Account/Loan No.	Current Value \$	Monthly Payment \$
Model		Address of Vehicle's Location	Lender's Name and Address		

Vehicle Type	Year	Registered Owner's Name	Purchase Price \$	Original Loan Amount \$	Current Balance \$
Make		Registration State & No.	Account/Loan No.	Current Value \$	Monthly Payment \$
Model		Address of Vehicle's Location	Lender's Name and Address		

Vehicle Type	Year	Registered Owner's Name	Purchase Price \$	Original Loan Amount \$	Current Balance \$
Make		Registration State & No.	Account/Loan No.	Current Value \$	Monthly Payment \$
Model		Address of Vehicle's Location	Lender's Name and Address		

**Item 17. Other Personal Property**

List all other personal property not listed in Items 9-16 by category, whether held for personal use, investment or any other reason, including but not limited to coins, stamps, artwork, gemstones, jewelry, bullion, other collectibles, copyrights, patents, and other intellectual property:

Property Category (e.g., artwork, jewelry)	Name of Owner	Property Location	Acquisition Cost \$	Current Value \$
			\$	\$
			\$	\$
			\$	\$

Initials: \_\_\_\_\_



**Item 18: Real Property**  
 List all real property interests (including any land contract)

Property's Location		Type of Property	Name(s) on Title or Contract and Ownership Percentages	
Acquisition Date (mm/dd/yyyy) / /	Purchase Price \$	Current Value \$	Basis of Valuation	
Lender's Name and Address		Loan or Account No.		Current Balance On First Mortgage or Contract \$
				Monthly Payment \$
Other Mortgage Loan(s) (describe)		Monthly Payment \$	<input type="checkbox"/> Rental Unit	
		Current Balance \$	Monthly Rent Received \$	
Property's Location		Type of Property	Name(s) on Title or Contract and Ownership Percentages	
Acquisition Date (mm/dd/yyyy) / /	Purchase Price \$	Current Value \$	Basis of Valuation	
Lender's Name and Address		Loan or Account No.		Current Balance On First Mortgage or Contract \$
				Monthly Payment \$
Other Mortgage Loan(s) (describe)		Monthly Payment \$	<input type="checkbox"/> Rental Unit	
		Current Balance \$	Monthly Rent Received \$	

**LIABILITIES**

**Item 19: Credit Cards**  
 List each credit card account held by you, your spouse, or your dependents, and any other credit cards that you, your spouse, or your dependents use, whether issued by a United States or foreign financial institution.

Name of Credit Card (e.g., Visa, MasterCard, Department Store)	Account No.	Name(s) on Account	Current Balance
			\$
			\$
			\$
			\$
			\$

**Item 20: Taxes Payable**  
 List all taxes, such as income taxes or real estate taxes, owed by you, your spouse, or your dependents.

Type of Tax	Amount Owed	Year Incurred
	\$	
	\$	
	\$	

Initials: \_\_\_\_\_

<b>Item 21: Other Amounts Owed by You, Your Spouse, or Your Dependents</b>			
List all other amounts, not listed elsewhere in this financial statement, owed by you, your spouse, or your dependents.			
Lender/Creditor's Name, Address, and Telephone No.		Nature of Debt (if the result of a court judgment or settlement, provide court name and docket number)	
		Lender/Creditor's Relationship to You	
Date Liability Was Incurred / / (mm/dd/yyyy)	Original Amount Owed \$	Current Amount Owed \$	Payment Schedule
Lender/Creditor's Name, Address, and Telephone No.		Nature of Debt (if the result of a court judgment or settlement, provide court name and docket number)	
		Lender/Creditor's Relationship to You	
Date Liability Was Incurred / / (mm/dd/yyyy)	Original Amount Owed \$	Current Amount Owed \$	Payment Schedule

**OTHER FINANCIAL INFORMATION**

<b>Item 22: Trusts and Escrows</b>				
List all funds and other assets that are being held in trust or escrow by any person or entity for you, your spouse, or your dependents. Include any legal retainers being held on your behalf by legal counsel. Also list all funds or other assets that are being held in trust or escrow by you, your spouse, or your dependents for any person or entity.				
Trustee or Escrow Agent's Name & Address	Date Established (mm/dd/yyyy)	Grantor	Beneficiaries	Present Market Value of Assets*
	/ /			\$
	/ /			\$
	/ /			\$

\*If the market value of any asset is unknown, describe the asset and state its cost, if you know it.

<b>Item 23: Transfers of Assets</b>				
List each person or entity to whom you have transferred, in the aggregate, more than \$5,000 in funds or other assets during the previous five years by loan, gift, sale, or other transfer (exclude ordinary and necessary living and business expenses paid to unrelated third parties). For each such person or entity, state the total amount transferred during that period.				
Transferee's Name, Address, & Relationship	Property Transferred	Aggregate Value*	Transfer Date (mm/dd/yyyy)	Type of Transfer (e.g., Loan, Gift)
		\$	/ /	
		\$	/ /	
		\$	/ /	

\*If the market value of any asset is unknown, describe the asset and state its cost, if you know it.

Initials: \_\_\_\_\_

<b>Item 24: Document Requests</b>	
Provide copies of the following documents with your completed Financial Statement.	
	Federal tax returns filed during the last three years by or on behalf of you, your spouse, or your dependents.
	All applications for bank loans or other extensions of credit (other than credit cards) that you, your spouse, or your dependents have submitted within the last two years, including by obtaining copies from lenders if necessary.
Item 9	For each bank account listed in Item 9, all account statements for the past 3 years.
Item 11	For each business entity listed in Item 11, provide (including by causing to be generated from accounting records) the most recent balance sheet, tax return, annual income statement, the most recent year-to-date income statement, and all general ledger files from account records.
Item 17	All appraisals that have been prepared for any property listed in Item 17, including appraisals done for insurance purposes. You may exclude any category of property where the total appraised value of all property in that category is less than \$2,000.
Item 18	All appraisals that have been prepared for real property listed in Item 18.
Item 21	Documentation for all debts listed in Item 21.
Item 24	All executed documents for any trust or escrow listed in Item 22. Also provide any appraisals, including insurance appraisals that have been done for any assets held by any such trust or in any such escrow.

### SUMMARY FINANCIAL SCHEDULES

<b>Item 25: Combined Balance Sheet for You, Your Spouse, and Your Dependents</b>			
Assets		Liabilities	
Cash on Hand (Item 9)	\$	Loans Against Publicly Traded Securities (Item 10)	\$
Funds Held in Financial Institutions (Item 9)	\$	Vehicles - Liens (Item 16)	\$
U.S. Government Securities (Item 10)	\$	Real Property - Encumbrances (Item 18)	\$
Publicly Traded Securities (Item 10)	\$	Credit Cards (Item 19)	\$
Non-Public Business and Financial Interests (Item 11)	\$	Taxes Payable (Item 20)	\$
Amounts Owed to You (Item 12)	\$	Amounts Owed by You (Item 21)	\$
Life Insurance Policies (Item 13)	\$	Other Liabilities (Itemize)	
Deferred Income Arrangements (Item 14)	\$		\$
Vehicles (Item 16)	\$		\$
Other Personal Property (Item 17)	\$		\$
Real Property (Item 18)	\$		\$
Other Assets (Itemize)			\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
<b>Total Assets</b>	<b>\$</b>	<b>Total Liabilities</b>	<b>\$</b>

<b>Item 26: Combined Current Monthly Income and Expenses for You, Your Spouse, and Your Dependents</b>			
Provide the current monthly income and expenses for you, your spouse, and your dependents. Do not include credit card payments separately; rather, include credit card expenditures in the appropriate categories.			
Income (State source of each item)		Expenses	
Salary - After Taxes	\$	Mortgage or Rental Payments for Residence(s)	\$
Source:			
Fees, Commissions, and Royalties	\$	Property Taxes for Residence(s)	\$
Source:			
Interest	\$	Rental Property Expenses, including Mortgage Payments, Taxes, and Insurance	\$
Source:			
Dividends and Capital Gains	\$	Car or Other Vehicle Lease or Loan Payments	\$
Source:			
Gross Rental Income	\$	Food Expenses	\$
Source:			
Profits from Sole Proprietorships	\$	Clothing Expenses	\$
Source:			
Distributions from Partnerships, S-Corporations, and LLCs	\$	Utilities	\$
Source:			

Initials: \_\_\_\_\_

Item 27: Combined Current Monthly Income and Expenses for You, Your Spouse, and Your Dependents (cont.)			
Distributions from Trusts and Estates		Medical Expenses, Including Insurance	
Source:	\$		\$
Distributions from Deferred Income Arrangements		Other Insurance Premiums	
Source:	\$		\$
Social Security Payments	\$	Other Transportation Expenses	\$
Alimony/Child Support Received	\$	Other Expenses (Itemize)	
Gambling Income	\$		\$
Other Income (Itemize)			\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
<b>Total Income</b>	\$	<b>Total Expenses</b>	\$

**ATTACHMENTS**

Item 28: Documents Attached to this Financial Statement	
List all documents that are being submitted with this financial statement.	
Item No. Document Relates To	Description of Document

I am submitting this financial statement with the understanding that it may affect action by the Federal Trade Commission or a federal court. I have used my best efforts to obtain the information requested in this statement. The responses I have provided to the items above are true and contain all the requested facts and information of which I have notice or knowledge. I have provided all requested documents in my custody, possession, or control. I know of the penalties for false statements under 18 U.S.C. § 1001, 18 U.S.C. § 1621, and 18 U.S.C. § 1623 (five years imprisonment and/or fines). I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Signature

B

FEDERAL TRADE COMMISSION

FINANCIAL STATEMENT OF CORPORATE DEFENDANT

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**Instructions:**

1. Complete all items. Enter "None" or "N/A" ("Not Applicable") where appropriate. If you cannot fully answer a question, explain why.
2. The font size within each field will adjust automatically as you type to accommodate longer responses.
3. In completing this financial statement, "the corporation" refers not only to this corporation but also to each of its predecessors that are not named defendants in this action.
4. When an Item asks for information about assets or liabilities "held by the corporation," include ALL such assets and liabilities, located within the United States or elsewhere, held by the corporation or held by others for the benefit of the corporation.
5. Attach continuation pages as needed. On the financial statement, state next to the Item number that the Item is being continued. On the continuation page(s), identify the Item number being continued.
6. Type or print legibly.
7. An officer of the corporation must sign and date the completed financial statement on the last page and initial each page in the space provided in the lower right corner.

**Penalty for False Information:**

Federal law provides that any person may be imprisoned for not more than five years, fined, or both, if such person:

- (1) "in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry" (18 U.S.C. § 1001);
- (2) "in any . . . statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true" (18 U.S.C. § 1621); or
- (3) "in any (. . . statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information . . . knowing the same to contain any false material declaration." (18 U.S.C. § 1623)

For a felony conviction under the provisions cited above, federal law provides that the fine may be not more than the greater of (i) \$250,000 for an individual or \$500,000 for a corporation, or (ii) if the felony results in pecuniary gain to any person or pecuniary loss to any person other than the defendant, the greater of twice the gross gain or twice the gross loss. 18 U.S.C. § 3571.

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**BACKGROUND INFORMATION**

**Item 1. General Information**

Corporation's Full Name \_\_\_\_\_

Primary Business Address \_\_\_\_\_ From (Date) \_\_\_\_\_

Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

E-Mail Address \_\_\_\_\_ Internet Home Page \_\_\_\_\_

All other current addresses & previous addresses for past five years, including post office boxes and mail drops:

Address \_\_\_\_\_ From/Until \_\_\_\_\_

Address \_\_\_\_\_ From/Until \_\_\_\_\_

Address \_\_\_\_\_ From/Until \_\_\_\_\_

All predecessor companies for past five years:

Name & Address \_\_\_\_\_ From/Until \_\_\_\_\_

Name & Address \_\_\_\_\_ From/Until \_\_\_\_\_

Name & Address \_\_\_\_\_ From/Until \_\_\_\_\_

**Item 2. Legal Information**

Federal Taxpayer ID No. \_\_\_\_\_ State & Date of Incorporation \_\_\_\_\_

State Tax ID No. \_\_\_\_\_ State \_\_\_\_\_ Profit or Not For Profit \_\_\_\_\_

Corporation's Present Status: Active \_\_\_\_\_ Inactive \_\_\_\_\_ Dissolved \_\_\_\_\_

If Dissolved: Date dissolved \_\_\_\_\_ By Whom \_\_\_\_\_

Reasons \_\_\_\_\_

Fiscal Year-End (Mo./Day) \_\_\_\_\_ Corporation's Business Activities \_\_\_\_\_

**Item 3. Registered Agent**

Name of Registered Agent \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

**Item 4. Principal Stockholders**

List all persons and entities that own at least 5% of the corporation's stock.

<u>Name &amp; Address</u>	<u>% Owned</u>
_____	_____
_____	_____
_____	_____
_____	_____

**Item 5. Board Members**

List all members of the corporation's Board of Directors.

<u>Name &amp; Address</u>	<u>% Owned</u>	<u>Term (From/Until)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Item 6. Officers**

List all of the corporation's officers, including *de facto* officers (individuals with significant management responsibility whose titles do not reflect the nature of their positions).

<u>Name &amp; Address</u>	<u>% Owned</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



**Item 7. Businesses Related to the Corporation**

List all corporations, partnerships, and other business entities in which this corporation has an ownership interest.

<u>Name &amp; Address</u>	<u>Business Activities</u>	<u>% Owned</u>

State which of these businesses, if any, has ever transacted business with the corporation \_\_\_\_\_

**Item 8. Businesses Related to Individuals**

List all corporations, partnerships, and other business entities in which the corporation's principal stockholders, board members, or officers (i.e., the individuals listed in Items 4 - 6 above) have an ownership interest.

<u>Individual's Name</u>	<u>Business Name &amp; Address</u>	<u>Business Activities</u>	<u>% Owned</u>

State which of these businesses, if any, have ever transacted business with the corporation \_\_\_\_\_

**Item 9. Related Individuals**

List all related individuals with whom the corporation has had any business transactions during the three previous fiscal years and current fiscal year-to-date. A "related individual" is a spouse, sibling, parent, or child of the principal stockholders, board members, and officers (i.e., the individuals listed in Items 4 - 6 above).

<u>Name and Address</u>	<u>Relationship</u>	<u>Business Activities</u>

**Item 10. Outside Accountants**

List all outside accountants retained by the corporation during the last three years.

<u>Name</u>	<u>Firm Name</u>	<u>Address</u>	<u>CPA/PA?</u>

**Item 11. Corporation's Recordkeeping**

List all individuals within the corporation with responsibility for keeping the corporation's financial books and records for the last three years.

<u>Name, Address, &amp; Telephone Number</u>	<u>Position(s) Held</u>

**Item 12. Attorneys**

List all attorneys retained by the corporation during the last three years.

<u>Name</u>	<u>Firm Name</u>	<u>Address</u>

**Item 13. Pending Lawsuits Filed by the Corporation**

List all pending lawsuits that have been filed by the corporation in court or before an administrative agency. (List lawsuits that resulted in final judgments or settlements in favor of the corporation in Item 25).

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

**Item 14. Current Lawsuits Filed Against the Corporation**

List all pending lawsuits that have been filed against the corporation in court or before an administrative agency. (List lawsuits that resulted in final judgments, settlements, or orders in Items 26 - 27).

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_

Docket No. \_\_\_\_\_ Relief Requested \_\_\_\_\_ Nature of Lawsuit \_\_\_\_\_

\_\_\_\_\_ Status \_\_\_\_\_

**Item 15. Bankruptcy Information**

List all state insolvency and federal bankruptcy proceedings involving the corporation.

Commencement Date \_\_\_\_\_ Termination Date \_\_\_\_\_ Docket No. \_\_\_\_\_

If State Court: Court & County \_\_\_\_\_ If Federal Court: District \_\_\_\_\_

Disposition \_\_\_\_\_

**Item 16. Safe Deposit Boxes**

List all safe deposit boxes, located within the United States or elsewhere, held by the corporation, or held by others for the benefit of the corporation. *On a separate page, describe the contents of each box.*

<u>Owner's Name</u>	<u>Name &amp; Address of Depository Institution</u>	<u>Box No.</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**FINANCIAL INFORMATION**

**REMINDER:** When an Item asks for information about assets or liabilities "held by the corporation," include ALL such assets and liabilities, located within the United States or elsewhere, held by the corporation or held by others for the benefit of the corporation.

**Item 17. Tax Returns**

List all federal and state corporate tax returns filed for the last three complete fiscal years. *Attach copies of all returns.*

<u>Federal/ State/Both</u>	<u>Tax Year</u>	<u>Tax Due Federal</u>	<u>Tax Paid Federal</u>	<u>Tax Due State</u>	<u>Tax Paid State</u>	<u>Preparer's Name</u>
_____	_____	\$ _____	\$ _____	\$ _____	\$ _____	_____
_____	_____	\$ _____	\$ _____	\$ _____	\$ _____	_____
_____	_____	\$ _____	\$ _____	\$ _____	\$ _____	_____

**Item 18. Financial Statements**

List all financial statements that were prepared for the corporation's last three complete fiscal years and for the current fiscal year-to-date. *Attach copies of all statements, providing audited statements if available.*

<u>Year</u>	<u>Balance Sheet</u>	<u>Profit &amp; Loss Statement</u>	<u>Cash Flow Statement</u>	<u>Changes in Owner's Equity</u>	<u>Audited?</u>

**Item 19. Financial Summary**

For each of the last three complete fiscal years and for the current fiscal year-to-date for which the corporation has not provided a profit and loss statement in accordance with Item 18 above, provide the following summary financial information.

	<u>Current Year-to-Date</u>	<u>1 Year Ago</u>	<u>2 Years Ago</u>	<u>3 Years Ago</u>
<u>Gross Revenue</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>Expenses</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>Net Profit After Taxes</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>Payables</u>	\$ _____			
<u>Receivables</u>	\$ _____			

**Item 20. Cash, Bank, and Money Market Accounts**

List cash and all bank and money market accounts, including but not limited to, checking accounts, savings accounts, and certificates of deposit, held by the corporation. The term "cash" includes currency and uncashed checks.

Cash on Hand \$ \_\_\_\_\_ Cash Held for the Corporation's Benefit \$ \_\_\_\_\_

<u>Name &amp; Address of Financial Institution</u>	<u>Signator(s) on Account</u>	<u>Account No.</u>	<u>Current Balance</u>
			\$ _____
			\$ _____
			\$ _____
			\$ _____

**Item 21. Government Obligations and Publicly Traded Securities**

List all U.S. Government obligations, including but not limited to, savings bonds, treasury bills, or treasury notes, held by the corporation. Also list all publicly traded securities, including but not limited to, stocks, stock options, registered and bearer bonds, state and municipal bonds, and mutual funds, held by the corporation.

Issuer \_\_\_\_\_ Type of Security/Obligation \_\_\_\_\_

No. of Units Owned \_\_\_\_\_ Current Fair Market Value \$ \_\_\_\_\_ Maturity Date \_\_\_\_\_

Issuer \_\_\_\_\_ Type of Security/Obligation \_\_\_\_\_

No. of Units Owned \_\_\_\_\_ Current Fair Market Value \$ \_\_\_\_\_ Maturity Date \_\_\_\_\_

**Item 22. Real Estate**

List all real estate, including leaseholds in excess of five years, held by the corporation.

Type of Property \_\_\_\_\_ Property's Location \_\_\_\_\_

Name(s) on Title and Ownership Percentages \_\_\_\_\_

Current Value \$ \_\_\_\_\_ Loan or Account No. \_\_\_\_\_

Lender's Name and Address \_\_\_\_\_

Current Balance On First Mortgage \$ \_\_\_\_\_ Monthly Payment \$ \_\_\_\_\_

Other Loan(s) (describe) \_\_\_\_\_ Current Balance \$ \_\_\_\_\_

Monthly Payment \$ \_\_\_\_\_ Rental Unit? \_\_\_\_\_ Monthly Rent Received \$ \_\_\_\_\_

Type of Property \_\_\_\_\_ Property's Location \_\_\_\_\_

Name(s) on Title and Ownership Percentages \_\_\_\_\_

Current Value \$ \_\_\_\_\_ Loan or Account No. \_\_\_\_\_

Lender's Name and Address \_\_\_\_\_

Current Balance On First Mortgage \$ \_\_\_\_\_ Monthly Payment \$ \_\_\_\_\_

Other Loan(s) (describe) \_\_\_\_\_ Current Balance \$ \_\_\_\_\_

Monthly Payment \$ \_\_\_\_\_ Rental Unit? \_\_\_\_\_ Monthly Rent Received \$ \_\_\_\_\_

**Item 23. Other Assets**

List all other property, by category, with an estimated value of \$2,500 or more, held by the corporation, including but not limited to, inventory, machinery, equipment, furniture, vehicles, customer lists, computer software, patents, and other intellectual property.

<u>Property Category</u>	<u>Property Location</u>	<u>Acquisition Cost</u>	<u>Current Value</u>
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____

**Item 24. Trusts and Escrows**

List all persons and other entities holding funds or other assets that are in escrow or in trust for the corporation.

<u>Trustee or Escrow Agent's Name &amp; Address</u>	<u>Description and Location of Assets</u>	<u>Present Market Value of Assets</u>
		\$ _____
		\$ _____
		\$ _____
		\$ _____
		\$ _____
		\$ _____
		\$ _____
		\$ _____



**Item 25. Monetary Judgments and Settlements Owed To the Corporation**

List all monetary judgments and settlements, recorded and unrecorded, owed to the corporation.

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_ Docket No. \_\_\_\_\_

Nature of Lawsuit \_\_\_\_\_ Date of Judgment \_\_\_\_\_ Amount \$ \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_ Docket No. \_\_\_\_\_

Nature of Lawsuit \_\_\_\_\_ Date of Judgment \_\_\_\_\_ Amount \$ \_\_\_\_\_

**Item 26. Monetary Judgments and Settlements Owed By the Corporation**

List all monetary judgments and settlements, recorded and unrecorded, owed by the corporation.

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_ Docket No. \_\_\_\_\_

Nature of Lawsuit \_\_\_\_\_ Date \_\_\_\_\_ Amount \$ \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_ Docket No. \_\_\_\_\_

Nature of Lawsuit \_\_\_\_\_ Date of Judgment \_\_\_\_\_ Amount \$ \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_ Docket No. \_\_\_\_\_

Nature of Lawsuit \_\_\_\_\_ Date of Judgment \_\_\_\_\_ Amount \$ \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_ Docket No. \_\_\_\_\_

Nature of Lawsuit \_\_\_\_\_ Date of Judgment \_\_\_\_\_ Amount \$ \_\_\_\_\_

Opposing Party's Name & Address \_\_\_\_\_

Court's Name & Address \_\_\_\_\_ Docket No. \_\_\_\_\_

Nature of Lawsuit \_\_\_\_\_ Date of Judgment \_\_\_\_\_ Amount \$ \_\_\_\_\_



**Item 30. Compensation of Board Members and Officers**

List all compensation and other benefits received from the corporation by each person listed in Items 5 and 6, for the current fiscal year-to-date and the two previous fiscal years. "Compensation" includes, but is not limited to, salaries, commissions, consulting fees, dividends, distributions, royalties, pensions, and profit sharing plans. "Other benefits" include, but are not limited to, loans, loan payments, rent, car payments, and insurance premiums, whether paid directly to the individuals, or paid to others on their behalf.

<u>Name/Position</u>	<u>Current Fiscal Year-to-Date</u>	<u>1 Year Ago</u>	<u>2 Years Ago</u>	<u>Compensation or Type of Benefits</u>
	\$ _____	\$ _____	\$ _____	
	\$ _____	\$ _____	\$ _____	
	\$ _____	\$ _____	\$ _____	
	\$ _____	\$ _____	\$ _____	
	\$ _____	\$ _____	\$ _____	
	\$ _____	\$ _____	\$ _____	
	\$ _____	\$ _____	\$ _____	
	\$ _____	\$ _____	\$ _____	

**Item 31. Transfers of Assets Including Cash and Property**

List all transfers of assets over \$2,500 made by the corporation, other than in the ordinary course of business, during the previous three years, by loan, gift, sale, or other transfer.

<u>Transferee's Name, Address, &amp; Relationship</u>	<u>Property Transferred</u>	<u>Aggregate Value</u>	<u>Transfer Date</u>	<u>Type of Transfer (e.g., Loan, Gift)</u>
		\$ _____		
		\$ _____		
		\$ _____		
		\$ _____		
		\$ _____		

