

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|---|---|--------------------------|
| FEDERAL TRADE COMMISSION, |) | |
| |) | |
| STATE OF ILLINOIS, |) | |
| |) | |
| COMMONWEALTH OF KENTUCKY, and |) | |
| |) | |
| STATE OF NORTH CAROLINA, |) | |
| |) | |
| Plaintiffs, |) | Civil No. 13cv578 |
| |) | |
| v. |) | Judge John W. Darrah |
| |) | Magistrate Arlander Keys |
| FORTUNE HI-TECH MARKETING, INC., |) | |
| a Kentucky corporation, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

**STIPULATION REGARDING *EX PARTE* TEMPORARY RESTRAINING ORDER
WITH ASSET FREEZE, APPOINTMENT OF A RECEIVER, OTHER EQUITABLE
RELIEF AND ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION
SHOULD NOT ISSUE**

Plaintiffs Federal Trade Commission, the State of Illinois, the Commonwealth of Kentucky, and the State of North Carolina and Defendants Fortune Hi-Tech Marketing, Inc., FHTM, Inc., Alan Clark Holdings, LLC, FHTM Canada, Inc., Fortune Network Marketing (UK) Limited, Paul C. Orberon, and Thomas A. Mills, by and through the undersigned, pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, hereby stipulate and agree:

1. That the hearing on Plaintiffs' motion for a preliminary injunction shall be held on March 13, 2013, at 1:00 p. m., in the Courtroom of the Honorable John W.

Darrah, United States Courthouse, United States District Court for the Northern District of Illinois, Chicago. The hearing date currently set for February 7, 2013 at 1:30 p.m. is hereby stricken. Defendants are not required to appear before the Court on February 7, 2013.

2. That the *Ex Parte* Temporary Restraining Order with Asset Freeze, Appointment of a Receiver, Other Equitable Relief and Order to Show Cause Why a Preliminary Injunction Should Not Issue ("TRO") entered in this matter on January 24, 2013, is hereby extended in full force and effect through and until close of business March 15, 2013, or such date of any ruling on Plaintiffs' motion for a preliminary injunction, subject to the modifications below.

3. That the TRO shall be modified accordingly:

- a) Pursuant to Section VI (Financial Statements), Defendants shall serve upon counsel for Plaintiffs a completed financial statement, on the forms served on Defendants with the TRO, for the Individual Defendants and Corporate Defendants, no later than February 8, 2013.
- b) Section VII.H (Receiver's Bond) shall now read: "The Receiver need not post the bond normally required by 28 U.S.C. Section 754, conditioned that the Receiver will well and truly perform the duties of the office and abide by and perform all acts the Court directs."
- c) Pursuant to Section IX (Repatriation of Assets and Documents Located in Foreign Countries), the Receiver shall take such steps as are necessary to repatriate to the United States of America all documents and assets located outside such territory that are held by or for

Defendants or are under Defendants' direct or indirect control, and provide Plaintiffs with a full accounting of all such documents and assets, no later than February 8, 2013.

- d) Pursuant to Section XII (Distribution of Order by Defendants), the Receiver shall provide a copy of the TRO to each of the Defendants' corporations, subsidiaries, affiliates, divisions, directors, officers, agents, partners, successors, assigns, employees, attorneys, agents, representatives, sales entities, sales persons, telemarketers, independent contractors, and any other persons in active concert or participation with them, and file with the Court a report as to this distribution.
- e) Pursuant to Section XV (Service of Pleadings, Memoranda, and Other Evidence), Defendants shall file with the Court and serve on Plaintiffs' counsel any answering affidavits, pleadings, motions, expert reports or declarations, and/or legal memoranda no later than February 18, 2013; Plaintiffs may file responsive or supplemental pleadings, materials, affidavits or memoranda with the Court and serve the same on counsel for Defendants no later than March 1, 2013.
- f) Pursuant to Section XVI (Motion for Live Testimony; Witness Identification), any motions for live testimony shall be filed no later than February 18, 2013. Any papers opposing a timely motion to

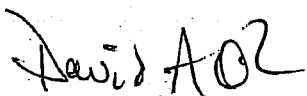
present live testimony shall be filed no later than March 1, 2013.

4. This Stipulation shall not be construed to waive or abandon any constitutional or other legal privilege or defenses available to the Defendants, including but not limited to, the defenses of lack of personal jurisdiction and improper venue.

5. That the Order Temporarily Sealing File entered by the Court on January 24, 2013, shall be modified to immediately lift the seal on the docket sheet and all pleadings and papers filed in the above-captioned matter.

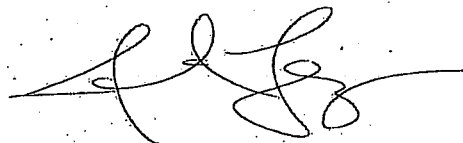
So Stipulated:

DAVID C. SHONKA
Acting General Counsel



DAVID A. O'TOOLE
ELIZABETH C. SCOTT
ROZINA C. BHIMANI
JOHN C. HALLERUD
Federal Trade Commission
55 West Monroe Street, Suite 1825
Chicago, Illinois 60603
(312) 960-5634 [telephone]
(312) 960-5600 [facsimile]

Attorneys for Plaintiff
Federal Trade Commission



JOSE A. LOPEZ
Perkins Coie LLP
131 South Dearborn Street, Suite 1700
Chicago, IL 60603
(312) 324-8672 [telephone]
(312) 324-9672 [facsimile]

Attorney for Defendants Fortune Hi-Tech
Marketing, Inc., FHTM, Inc., Alan Clark
Holdings, LLC, FHTM Canada, Inc.,
Fortune Network Marketing (UK) Limited,
Paul C. Orberson, and Thomas A. Mills

SO ORDERED, this 7th day of January, 2013, at 2:24 p.m.



Judge John W. Darrah
United States District Judge
Northern District of Illinois