

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FEDERAL TRADE COMMISSION, and

Civil No. 18-2207 (DWF/TNL)

STATE OF MINNESOTA, by its Attorney
General, Lori Swanson,

Plaintiffs,

v.

SELLERS PLAYBOOK, INC., a
corporation,

EXPOSURE MARKETING COMPANY,
a corporation, also d/b/a Sellers Online and
Sellers Systems,

JESSIE CONNERS TIEVA, individually
and as an officer of SELLERS
PLAYBOOK, INC. and EXPOSURE
MARKETING COMPANY, and

MATTHEW R. TIEVA, individually and
as an officer of SELLERS PLAYBOOK,
INC. and EXPOSURE MARKETING
COMPANY,

Defendants.

**ORDER EXTENDING THE
DURATION OF THE
TEMPORARY
RESTRAINING ORDER AND
POSTPONING
PRELIMINARY
INJUNCTION HEARING**

This matter comes before the Court upon the stipulation of all the parties, (Doc. No. [37]), including Plaintiffs, the Federal Trade Commission (“FTC”), and the State of Minnesota, by its Attorney General Lori Swanson (“State of Minnesota”), and Defendants Sellers Playbook, Inc., Exposure Marketing

Company, Jessie Connors Tieva, and Matthew R. Tieva (collectively “Defendants”) for: (1) extension of the Temporary Restraining Order (“TRO”) issued against Defendants on July 30, 2018 (Doc. No. [29]); and (2) postponement of the evidentiary hearing on the Plaintiffs’ motion for a preliminary injunction.

WHEREAS, the FTC and the State of Minnesota (collectively “Plaintiffs”) filed their Complaint for Permanent Injunction and Other Equitable Relief (“Complaint”) pursuant to Sections 13(b) and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b) and 57b; the Business Opportunity Rule, 16 C.F.R. Part 437; the Consumer Review Fairness Act of 2016 (“CRFA”), 15 U.S.C. § 45b; Minnesota Statutes chapter 8; the Minnesota Attorney General’s common law authority, including *parens patriae* authority; the Minnesota Uniform Deceptive Trade Practices Act (“DTPA”), Minn. Stat. §§ 325D.43-.48; and the Minnesota Prevention of Consumer Fraud Act (“CFA”), Minn. Stat. §§ 325F.68-.694, and moved, pursuant to Fed. R. Civ. P. 65(b), for an *ex parte* temporary restraining order and preliminary injunction against Defendants on July 30, 2018.

WHEREAS, on July 30, 2018, the Court entered a Temporary Restraining Order (“TRO”) with an asset freeze, appointment of a receiver, and other equitable relief against Defendants (Doc. No. [29]).

WHEREAS, on August 2, 2019, pursuant to a stipulation of non-parties Northland Mechanical Contractors, Inc. (“Northland”) and Science Center Drive LLC (“Science Center Drive”) and all parties, the Court entered an Order (“Modifying Order”) modifying the asset freeze provision of the TRO to allow Northland and Science Center Drive to conduct their business operations and to make and receive payments in the ordinary course of business using their bank accounts held at Fidelity Bank (Doc. No. [34]).

WHEREAS, the Plaintiffs and Defendants, each of which is represented by counsel for purposes of this stipulation,

THEREFORE:

1. The duration of the TRO is extended until the Court issues a ruling on the Plaintiffs’ request for a preliminary injunction, or further order of the Court. Unless otherwise ordered, all provisions of the TRO shall remain in full force and effect during the extension, including the asset freeze, as modified by the Modifying Order, and appointment of the receiver Robb Evans & Associates LLC. The requested extension is without prejudice to Defendants. The reason for the extension of the TRO is to allow Defendants additional time to prepare for the preliminary injunction hearing, and to allow the parties additional time to conduct compromise negotiations. Defendants specifically reserve all rights and nothing

herein shall be construed as an admission of any kind or impair Defendants' right to assert any and all defenses they may have.

2. The preliminary injunction hearing, originally set for August 13, 2018, is vacated and re-set for **December 4, 2018, at 9:00 a.m. CST** at the Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, St. Paul, MN 55101 in Courtroom 7C.

3. The deadlines for briefs and affidavits concerning preliminary injunction set forth in Section XXVII of the TRO are vacated and re-set as follows:

a. Plaintiffs shall file a proposed preliminary injunction order no later than **October 26, 2018**.

b. Defendants shall file with the Court, and serve on Plaintiffs' counsel, any pleadings concerning preliminary injunction, including responses or oppositions, affidavits, motions, expert reports or declarations, or legal memoranda no later than **November 2, 2018**.

c. Plaintiffs may reply and file responsive or supplemental pleadings, materials, affidavits, or memoranda with the Court and serve the same on Defendants no later than **November 16, 2018**.

Dated: August 7, 2018

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge