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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

**DUTCHMAN ENTERPRISES, LLC;
UNITED COMMUNITY SERVICES
OF AMERICA, INC., also doing
business as UCSA DEALERS GROUP,
LLC; and DENNIS LEE;**

Defendants.

Civil Action No.

**PLAINTIFF FEDERAL TRADE COMMISSION'S
EX PARTE MOTION FOR A TEMPORARY RESTRAINING ORDER
WITH OTHER EQUITABLE RELIEF AND AN ORDER TO SHOW
CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE**

Plaintiff, the Federal Trade Commission (“FTC”), moves this Court on an *ex parte* basis, pursuant to Section 13(b) of the Federal Trade Commission Act, 15 U.S.C. § 53(b), Federal Rule of Civil Procedure 65(b), and Local Civil Rule 65.1, for a Temporary Restraining Order:

- A. temporarily restraining the defendants from making any false or misleading representation of material fact in connection with the advertising, marketing, promotion, or sale of any product;
- B. temporarily restraining defendants from disposing of or concealing any of their assets or records;
- C. temporarily restraining other entities having possession or control of defendants’ assets from disposing of such assets;
- D. authorizing expedited discovery and disclosure of defendants’ assets and business activities and the location and identification of relevant documents, and other matters related to monitoring defendants’ compliance with the requested Order;
- E. providing other related equitable relief; and
- F. requiring defendants to show cause why a Preliminary Injunction should not issue extending the foregoing temporary relief until the merits of the FTC’s allegations are finally adjudicated.

As grounds for this motion, the FTC states that the defendants have engaged, and continue to engage, in deceptive acts and practices in or affecting commerce, in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a). The requested relief is

necessary to halt the defendants' unlawful conduct and to safeguard this Court's ability to issue final equitable relief, including restitution and disgorgement of ill-gotten gains. The FTC moves that the temporary relief requested herein be granted on an *ex parte* basis because advance notice of this action to defendants likely will result in the dissipation or concealment of assets and destruction of documents, and issuing the Temporary Restraining Order and other requested relief without notice facilitates full and effective relief by preserving the status quo pending a hearing on the requested Preliminary Injunction.

Together with this motion, the FTC has filed a motion to file this matter under seal for a short duration to avoid advance notice that would irreparably harm its ability to secure meaningful monetary relief for consumers. In support of its motions, the FTC respectfully refers this Court to the accompanying memorandum of law, three bound volumes of cited exhibits, and the declaration of plaintiff's counsel filed herewith.

Respectfully submitted,

Dated: January 12, 2009

s/ Joshua S. Millard
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