

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

FILED  
POLK COUNTY, IA  
JUN -3 AM 8:33  
CLERK DISTRICT COURT

STATE OF IOWA ex rel.  
THOMAS J. MILLER,  
ATTORNEY GENERAL OF IOWA  
99AG25112,

Plaintiff,

vs.

AMERICANS WITH DISABILITIES,  
LLC, an Arizona corporation;

DALE R. SEICK,  
in his individual capacity and his corporate  
capacity as manager/owner/agent of the  
corporate defendant; and

JEFFREY A. BALKE,

Defendants.

Equity No. CE 68643

ORDER GRANTING  
TEMPORARY INJUNCTION

On this 3rd day of June, 2011, the Court, having been presented with the Plaintiff's Petition and the application for a temporary injunction contained therein on an *ex parte* basis by Assistant Attorney General Steve St. Clair, and having considered that application, including counsel's certified reasons supporting Plaintiff's claim that a temporary injunction should issue without requiring advance notice (*see* Iowa R. Civ. P. 1.1507), determines that the application should be granted. In doing so, the Court calls the attention of Defendants to Iowa R. Civ. P. 1.1509, which provides that Defendants may move this Court at any time for an order dissolving, vacating or modifying this injunction, in which case a hearing is to be held within ten days of when the motion is filed.

**IT IS THEREFORE ORDERED** pursuant to Iowa R. Civ. P. 1.1501 *et seq.* and the Iowa Consumer Fraud Act, Iowa Code § 714.16, that Defendants, and each of them, and (as applicable) their directors, officers, principals, partners, employees, agents, servants, representatives, subsidiaries, affiliates, successors, assigns, merged or acquired predecessors, parent or controlling entities, and all other persons, corporations and other entities acting in concert or participating with the Defendants who have actual or constructive notice of the Court's injunction are restrained and enjoined, until further order of this Court, from engaging in any course of advertising, solicitation, or sale directed to Iowa consumers (or directed to non-Iowans from an Iowa location) (1) that violates the Iowa Consumer Fraud Act; and/or, without limiting the foregoing, (2) that misleads consumers regarding:

- a) the extent of disability of, or the extent of any hardship endured by, any person soliciting sales or donations by telephone, or any member of such person's family;
- b) the current or former location or residence of any person soliciting sales or donations by telephone, or any aspect of the person's connection to Iowa;
- c) the use to which proceeds of sales would be or will be put; or
- d) the extent or nature of any military service performed by any person soliciting sales or donations by telephone.

Counsel for Plaintiff is directed to provide actual notice of this injunction to Defendants, and to obtain service of this injunction upon Defendants, as soon as circumstances permit.

**SO ORDERED.**

  
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JUDGE, Fifth Judicial District