

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

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

Plaintiff,

v.

ACTION POINT, LLC,
an Arizona limited liability corporation; and

ROBERT FOSTER,

Defendants.

Equity No. CE 72156

**ORDER GRANTING
TEMPORARY INJUNCTION**

FILED
POLK COUNTY, IA
12 JUL 31 AM 8:32
CLERK DISTRICT COURT

On this 31st day of July, 2012, 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 a defendant 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 (as applicable) Defendants' 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 one or both 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 conduct, or 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 has the tendency or capacity to mislead Iowa consumers regarding (a) the disabled or disadvantaged status, or the status as military veteran, of the caller or of Action Point staff generally; (b) the frequency of Action Point's solicitations of purchasers, or how a purchase will affect the timing of subsequent solicitations; (c) how funds received are used or distributed, or the extent to which a purchase will trigger a benefit to the caller; (d) the length of time Action Point has been in operation; (e) the extent to which Action Point makes the products it sells; and/or (f) the tax deductibility of a consumer's payment for an Action Point product.

Counsel for Plaintiff is directed to make every reasonable effort to effect actual notice of this injunction to both defendants, and to obtain service of this injunction upon both defendants, as soon as circumstances permit.

SO ORDERED.


JUDGE, Fifth Judicial District