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FILED
CLERK, U.S. DISTRICT COURT
9/9/24
CENTRAL DISTRICT OF CALIFORNIA
BY: MRV DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Federal Trade Commission,
Plaintiff,

v.

Ascend Capventures Inc., also doing business as Ascend Ecom LLC; Ascend Ecomm LLC; ACV; ACV Partners; Accelerated Ecommerce Ventures; Ascend Distribution LLC; Ethix Capital; and ACV Nexus, a Wyoming close corporation profit corporation,
Ascend Ecommerce Inc., also doing business as Ascend Ecom LLC, a Wyoming close corporation profit corporation,
Ascend Administration Inc., a California general stock corporation,
Ascend Ecom LLC, a Wyoming limited liability company,
Ascend Distribution LLC, a Texas limited liability company,

No. 2:24-cv-07660SPG(JPRx)

FILED UNDER SEAL

PLAINTIFF'S *EX PARTE* APPLICATION FOR (1) TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE, AND (2) ORDER WAIVING NOTICE REQUIREMENT

William Michael Basta, individually and as officer and/or owner of Ascend Ecom LLC, Ascend Capventures Inc., Ascend Ecommerce Inc., and Ascend Administration Inc., and Ascend Distribution LLC, and
Jeremy Kenneth Leung, individually and as officer and/or owner of Ascend Ecom LLC, Ascend Capventures Inc., Ascend Ecommerce Inc., Ascend Administration Inc., and Ascend Distribution LLC,
Defendants.

Pursuant to Rule 65(b) of the Federal Rules of Civil Procedure and Local Civil Rules 65-1 and 7-19.2, Plaintiff, the Federal Trade Commission ("FTC"), hereby applies to this Court for a non-noticed *ex parte* temporary restraining order ("TRO") with an asset freeze, appointment of a temporary receiver, and other equitable relief. In support of this application, the FTC states the following:

1. As alleged in the Complaint, and described more fully in the TRO Application and accompanying exhibits, Defendants are engaged in a nationwide fraudulent scheme offering consumers a money-making business opportunity through online stores. Defendants prey on consumers with false promises of earning substantial income. Defendants have bilked at least $25 million dollars from consumers seeking to generate income online. In doing so, Defendants have sought to suppress consumer complaints with threats of legal action and, in some instances, violence.

2. Defendants' deceptive practices violate Section 5(a) of the Federal Trade Commission Act, 15 U.S.C. § 45(a).

3. The FTC therefore seeks an *ex parte* TRO:

a) Temporarily restraining Defendants from misrepresenting or assisting others in misrepresenting, expressly or by implication,

any material fact in connection with the advertising, marketing, promoting, or offering for sale of any goods or services;

b) Temporarily freezing Defendants' assets;

c) Restraining and enjoining Defendants and certain third parties from destroying or concealing documents, and from transferring, concealing, or otherwise disposing of assets;

d) Requiring Defendants to identify all assets, repatriate assets located outside the United States, and make an accounting of their present financial condition and certain business information;

e) Requiring Defendants to provide immediate access to their business premises for inspection and preservation of evidence;

f) Providing other equitable relief; and

g) Requiring Defendants to show cause why this Court should not issue a preliminary injunction extending such temporary relief pending adjudication on the merits.

4. The FTC has not provided notice of this application to Defendants. As discussed in the accompanying memorandum and exhibits thereto, as well as the Certification and Declaration of FTC counsel Jody Goodman, advance notice of this action to Defendants would likely lead to dissipation or concealment of assets and destruction of documents, causing immediate and irreparable harm by impeding the FTC's efforts to seek meaningful relief for Defendants' law violations.

5. Issuing the TRO with an asset freeze and other requested relief without notice will preserve this Court's ability to award full and effective relief by preserving the *status quo* pending a hearing on the requested preliminary injunction. Conversely, immediate and irreparable injury, loss, or damage will

result to consumers and Plaintiff's ability to seek effective relief if notice is provided to Defendants. Thus, the interests of justice require that this application be heard without notice, pursuant to Fed. R. Civ. P. 65(b) and Local Rules 65-1 and 7-19.2.

6. Lodged concurrently is a proposed TRO.

WHEREFORE, the FTC respectfully requests that this Court grant this application by entering the proposed TRO without notice to Defendants.

Respectfully submitted,

Dated: September 9, 2024

/s/ Jody Goodman

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