

DISTRICT COURT, DENVER COUNTY, COLORADO Court Address: 1437 Bannock Street, Rm 256, Denver, CO, 80202	DATE FILED: June 26, 2013 2:02 PM <p style="text-align: center;">⚠ COURT USE ONLY ⚠</p>
Plaintiff(s) STATE OF COLORADO et al. v. Defendant(s) BOOBIES ROCK INC et al.	
TEMPORARY RESTRAINING ORDER AND ASSET FREEZE	

Case Number: 2013CV32857
 Division: 269 Courtroom:

The motion/proposed order attached hereto: GRANTED WITH AMENDMENTS.

This Order is effective as of June 26, 2013, at 2:00 PM. It shall expire on July 10, 2013, at 2:00 PM.

A hearing for a preliminary injunction is hereby set for July 8, 2013, at 9:00 AM in Courtroom 269 of the City & County Building.

Issue Date: 6/26/2013

Ann B. Frick

ANN B FRICK
 District Court Judge

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>1437 Bannock Street, Room 256 Denver, Colorado 80202</p> <p>STATE OF COLORADO, ex rel. JOHN W. SUTHERS, Attorney General,</p> <p>Plaintiff,</p> <p>v.</p> <p>BOOBIES ROCK!, INC, a/k/a , THE SE7VEN GROUP, a California corporation, SAY NO 2 CANCER, and ADAM COLE SHRYOCK, individually.</p> <p>Defendants.</p>	<p>▲ COURT USE ONLY</p>
	<p>Case No.:</p>
<p align="center">(PROPOSED) TEMPORARY RESTRAINING ORDER AND ASSET FREEZE</p>	

The Court, having reviewed the Complaint, Plaintiff's Ex-Parte Motion for Temporary Restraining Order and Preliminary Injunction and the supporting Affidavit and Attachments appended, and being fully advised in the premises, FINDS that a temporary restraining order should be entered for the following reasons:

1. This Court has jurisdiction in the matter presented herein by virtue of Colo. Rev. Stat. § 6-1-110(1) and Rule 65, C.R.C.P.
2. This Court is expressly authorized to issue a Temporary Restraining Order to enjoin ongoing violations of the Colorado Consumer Protection Act, Colo. Rev. Stat. § 6-1-101 *et seq.* ("CCPA") and the Colorado Charitable

Solicitations Act, Colo. Rev. Stat. § 6-16-101 *et seq.* (“CCSA”) by Colo. Rev. Stat. § 6-1-110(1):

Whenever the attorney general or a district attorney has cause to believe that a person has engaged in or is engaging in any deceptive trade practice listed in section 6-1-105 or part 7 of this article, the attorney general or district attorney may apply for and obtain, in an action in the appropriate district court of this state, a temporary restraining order or injunction, or both, pursuant to the Colorado rules of civil procedure, prohibiting such person from continuing such practices, or engaging therein, or doing any act in furtherance thereof. The court may make such orders or judgments as may be necessary to prevent the use or employment by such person of any such deceptive trade practice or which may be necessary to completely compensate or restore to the original position of any person injured by means of any such practice or to prevent any unjust enrichment by any person through the use or employment of any deceptive trade practice.

Colo. Rev. Stat. § 6-1-110(1).

3. Under Rule 65(b), it clearly appears from specific facts shown by affidavit or by testimony that immediate and irreparable injury, loss, or damage will result before the adverse parties or their attorneys can be heard in opposition.

4. Plaintiffs have shown from specific facts by affidavit or by testimony that Defendants’ deceptive practices are injurious to the public and that continued violations, if not enjoined, will cause immediate and irreparable injury, loss or damage. *Baseline Farms Two, LLP v. Hennings*, 26 P.3d 1209, 1212 (Colo. App. 2001); *Lloyd A. Fry Roofing Co. v. State Dept. of Air Pollution*, 553 P.2d 200 (Colo. 1976); *Rathke v. MacFarlane*, 648 P.2d 648 (Colo. 1982). Immediate and irreparable injury to additional consumers will occur without a temporary restraining order because Defendants will continue to deceive consumers into thinking that they are donating money to charity, and Defendants will continue to be unjustly enriched through their deception.

5. Defendants will suffer no undue hardship by the entry of a temporary restraining order because Defendants have no right to continue to engage in unlawful and deceptive trade practices in violation of the CCPA and the CCSA, or to collect money from consumers as a result of such unlawful and deceptive

conduct. Furthermore, Defendants have no right to unjustly benefit from their unlawful behavior. Without an injunction, Plaintiff will be unable to adequately protect the public from Defendants' ongoing illegal activities.

6. C.R.C.P. 65(b) allows the entry of a temporary restraining order without written or oral notice to Defendants if it clearly appears from the facts shown by affidavit that immediate and irreparable injury, loss or damage will result from giving said notice. In view of the continuing and serious harm to consumers as outlined in the affidavit and testimony submitted by Plaintiff, and in light of Defendants' lack of responsiveness to Plaintiff during its investigation, the entry of a temporary restraining order without notice to Defendants is necessary and appropriate.

7. Pursuant to C.R.C.P. Rule 65(c), Plaintiff is not required to provide a security bond.

IT IS HEREBY ORDERED PURSUANT TO C.R.S. § 6-1-110(1) AS FOLLOWS:

Defendants and their officers, directors, agents, servants, employees, independent contractors and any other persons in active concert or participation with Defendants who receive actual notice of the Court's order including, but not limited to, Amy Bradley-Maierson, **ARE ENJOINED AS FOLLOWS:**

1. Engaging in any sale of merchandise or collecting any money on behalf of Boobies Rock!, a/k/a The Se7ven Group, Say No 2 Cancer, or any other organization representing that it is a charitable organization or is raising money for charitable causes;
2. Advertising or promoting any events on behalf Boobies Rock!, a/k/a The Se7ven Group, Say No 2 Cancer, or any other organization representing that it is a charitable organization or is raising money for charitable causes;
3. Advertising or soliciting for individuals to work for Boobies Rock!, Inc., a/k/a The Se7ven Group, Say No 2 Cancer, or any other organization representing that it is a charitable organization or is raising money for charitable causes;
4. Operating, forming, founding, or establishing any charitable organization, as defined in Colo. Rev. Stat. § 6-16-103(1);

5. Acting as a director, officer, trustee, compensated employee, professional fundraising consultant, or paid solicitor of any charitable organization, as defined in Colo. Rev. Stat. § 6-16-103(1);
6. Making any charitable solicitations on behalf of any charity; and
7. Using any trade names to make any charitable solicitations.

This Order requires Defendants and their officers, directors, agents, servants, employees, independent contractors and any other persons in active concert or participation with Defendants who receive actual notice of the Court's order including, but not limited to, Amy Bradley-Maierson, to:

1. Deactivate within 48 hours of the Order all Internet sites, domain names, URL addresses, registrations, Facebook pages; and any other forms or materials that advertise or market Boobies Rock, Inc., Say No 2 Cancer, or any organization claiming to be raising money for charitable causes including, but not limited to, www.boobiesrockstore.org and www.sayno2cancer.com;
2. Within 48 hours of the Order, withdraw all job postings for Boobies Rock! and Say No 2 Cancer from www.craigslist.com; www.marketingrockstar.com; www.jobspider.com; and any other employment-related website;
3. Notify all current Boobies Rock!, Inc. and Say No 2 Cancer employees and/or independent contractors, including promotional managers and promotional models, of the Order in writing by e-mail sent no later than 48 hours after the entry of this Order, and United States mail, first-class postage prepaid, postmarked no later than 72 hours after the entry of this order, attaching and enclosing the Order and informing each individual that Boobies Rock! and Say No 2 Cancer have ceased doing business; and
4. Provide a status report and certification to the Court four (4) days after the entry of this Order that Defendants have complied with the foregoing (1) through (3).

ASSET FREEZE REQUEST UNDER C.R.S. § 6-1-110(1) IS GRANTED

Given the broad remedial scope of the CCPA and the conduct of Defendants, the Court hereby enters an ORDER pursuant to C.R.S. § 6-1-110(1) that freezes the Defendants bank accounts to preserve effective final relief for consumers, as follows:

1. Defendants and their officers, directors, agents, servants, employees, independent contractors and any other persons in active concert or participation with Defendants who receive actual notice of the Court's Order including, but not limited to, Amy Bradley-Maierson, are enjoined from:

A. Withdrawing, transferring or otherwise encumbering any funds from any account, including but not limited to those accounts in Defendants' names, at any financial institution into which Defendants or their officers, directors, agents, servants, employees, independent contractors or any other persons in active concert or participation with Defendants including, but not limited to, Amy Bradley-Maierson, deposited or transferred money received from consumers as a result of Defendants' deceptive business practices;

B. Negotiating any checks, money orders, wire transfers, drafts, or other negotiable instruments received by Defendants or their officers, directors, agents, servants, employees, independent contractors or any other persons in active concert or participation with Defendants including, but not limited to, Amy Bradley-Maierson, as a result of Defendants' business practices;

C. Depositing or processing any credit card and debit card receipts obtained by Defendants or their officers, directors, agents, servants, employees, independent contractors or any other persons in active concert or participation with Defendants including, but not limited to, Amy Bradley-Maierson, as a result of Defendants' business practices, and using any financial transaction device, such as a debit or credit card number, obtained from any consumer; and

D. Spending, transferring, giving away, or in any way disposing of any monies received by Defendants or their officers, directors, agents, servants, employees, independent contractors or any other persons in active concert or participation with Defendants including, but not limited to, Amy Bradley-Maierson, as a result of Defendants' business practices.

E. The provisions above apply, but are not limited to, accounts at the following banking institutions associated with Defendants: Bank of America and Wells Fargo Bank, N.A.

F. It is also proper for this Court to enjoin Defendant Shryock from transferring, gifting, assigning, encumbering, selling, dissipating, or otherwise disposing of the 2008 BMW he purchased in February 2013, VIN # WBANV13568BZ47609, and any other vehicles purchased using funds from BR accounts that Shryock has in his possession as of the date of the Order.

ENTERED this ____ day of _____, 2013, at ____ o'clock.

In accordance with Rule 65(b) of the Colorado Rules of Civil Procedure, this Order expires by its terms within such time after entry not to exceed fourteen calendar days, as the Court fixes, unless within the time so fixed, the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period.

Subject to the foregoing and unless otherwise directed by the Court, this Order shall expire on _____, 2013 at ____ o'clock.

BY THE COURT:

District Court Judge