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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

DISRUPTION THEORY LLC, a limited liability company, also d/b/a inmatecall.com and inmatecallsolutions.com,

EMERGENT TECHNOLOGIES LLC, a limited liability company, also d/b/a inmatecall.com and inmatecallsolutions.com,

MARC GRISHAM, a/k/a Mark Grisham, individually and also d/b/a inmatecall.com and inmatecallsolutions.com, and as Manager of Disruption Theory LLC, and

COURTNEY GRISHAM, a/k/a Courtney Brooks, individually and also d/b/a inmatecall.com and inmatecallsolutions.com, and as President, Director, and Ultimate Beneficial Owner of Disruption Theory LLC,

Defendants.

Case No. 20-cv-06919

FILED UNDER SEAL

***EX PARTE* TEMPORARY
RESTRAINING ORDER WITH
ASSET FREEZE AND OTHER
EQUITABLE RELIEF, AND
ORDER TO SHOW CAUSE WHY
A PRELIMINARY INJUNCTION
SHOULD NOT ISSUE**

1 Plaintiff, the Federal Trade Commission (“FTC”), has filed its Complaint for a Permanent
2 Injunction and Other Equitable Relief pursuant to Section 13(b) of the Federal Trade
3 Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b), and has moved, pursuant to Fed. R. Civ. P.
4 65(b) and Local Civil Rules 7-10 and 65-1, for a temporary restraining order (“TRO”), asset
5 freeze, other equitable relief, and an order to show cause why a preliminary injunction should not
6 issue against Defendants Disruption Theory LLC, Emergent Technologies LLC, Marc Grisham,
7 and Courtney Grisham (collectively “Defendants”).

8 **FINDINGS**

9 The Court, having considered the Complaint, the *ex parte* Motion for a Temporary
10 Restraining Order, declarations, exhibits, and the memorandum of points and authorities filed in
11 support thereof, and being otherwise advised, finds that:

12 A. This Court has jurisdiction over the subject matter of this case, and there is good
13 cause to believe that it will have jurisdiction over all parties hereto and that venue in this district
14 is proper.

15 B. It is likely that Defendants, in numerous instances, have falsely claimed to
16 provide unlimited minutes calling plans for a set monthly rate, and have falsely claimed
17 affiliation with specialized telecommunication companies that have exclusive contracts to
18 provide prison and jail telephone call services. This conduct has likely led to significant
19 consumer harm.

20 C. There is good cause to believe that Defendants have engaged in and are likely to
21 engage in acts or practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and that
22 Plaintiff is therefore likely to prevail on the merits of this action. As demonstrated by the
23 consumer declarations, an undercover purchase, bank records, consumer complaints, declarations
24 from specialized telecommunication companies and the Better Business Bureau, and the
25 additional documentation filed by the FTC, the FTC has established a likelihood of success in
26 showing that Defendants have deceived consumers by: (1) falsely advertising unlimited minutes
27 calling plans, and (2) misrepresenting their affiliation with specialized telecommunication
28 companies that provide jail or prison telecommunications services.

1 D. Although the FTC need not show irreparable harm to obtain interim relief in this
2 context, there is nonetheless good cause to believe that immediate and irreparable harm will
3 result for consumers unless Defendants are restrained and enjoined by order of this Court.

4 E. There is good cause to believe that immediate and irreparable damage to the
5 Court’s ability to grant effective final relief for consumers—including monetary restitution,
6 rescission, or refunds—will occur from the sale, transfer, destruction, or other
7 disposition or concealment by Defendants of their assets or records, unless Defendants are
8 immediately restrained and enjoined by order of this Court. Thus, in accordance with Fed. R.
9 Civ. P. 65(b) and Local Rule 65-1, this Order is granted without prior notice to Defendants.
10 Thus, there is good cause for relieving the FTC of the duty to provide Defendants with prior
11 notice of its Motion for a Temporary Restraining Order.

12 F. Good cause exists for permitting Plaintiff to take expedited discovery.

13 G. Weighing the equities and considering Plaintiff’s likelihood of ultimate success
14 on the merits, a temporary restraining order with an asset freeze, expedited discovery, and other
15 equitable relief is in the public interest.

16 H. This Court has authority to issue this Order pursuant to Section 13(b) of the FTC
17 Act, 15 U.S.C. §§ 53(b), Federal Rule of Civil Procedure 65, and the All Writs Act, 28 U.S.C. §
18 1651.

19 I. No security is required of any agency of the United States for issuance of a
20 temporary restraining order. Fed. R. Civ. P. 65(c).

21 **DEFINITIONS**

22 For the purpose of this Order, the following definitions shall apply:

23 A. “**Asset**” means any legal or equitable interest in, right to, or claim to, any
24 property, wherever located and by whomever held.

25 B. “**Defendants**” means the Corporate Defendants and the Individual Defendants,
26 individually, collectively, or in any combination.

27 1. “**Corporate Defendants**” means Disruption Theory LLC and Emergent
28 Technologies LLC, and their successors and assigns.

1 A. That Defendants provide consumers with access to an unlimited number of
2 minutes for inmate calls for a set period at a fixed price;

3 B. That Defendants are affiliated with Global Tel*Link Corporation, Inmate Calling
4 Solutions, LLC, or Securus Technologies, LLC, which are Inmate Calling Service providers
5 contracted with correctional facilities; and

6 C. Any other fact material to consumers concerning any good or service, such as: the
7 total costs; any material restrictions, limitations, or conditions; or any material aspect of its
8 performance, efficacy, nature, or central characteristics.

9 **II. PROHIBITION AGAINST CHARGING OR BILLING CONSUMERS**

10 **IT IS FURTHER ORDERED** that Defendants, Defendants' officers, agents, employees,
11 and attorneys, and all other persons in active concert or participation with them, who receive
12 actual notice of this Order by personal service or otherwise, whether acting directly or indirectly,
13 are temporarily restrained and enjoined from charging any person or entity for the purchase of
14 Defendants' Inmate Calling Services.

15 **III. PROHIBITION ON RELEASE OF CUSTOMER INFORMATION**

16 **IT IS FURTHER ORDERED** that Defendants, Defendants' officers, agents, employees,
17 and attorneys, and all other persons in active concert or participation with any of them, who
18 receive actual notice of this Order, whether acting directly or indirectly, are hereby temporarily
19 restrained and enjoined from:

20 A. Selling, renting, leasing, transferring, or otherwise disclosing, the name, address,
21 birth date, telephone number, email address, credit card number, bank account number, Social
22 Security number, or other financial or identifying information of any person that any Defendant
23 obtained in connection with any activity that pertains to the subject matter of this Order; and

24 B. Benefitting from or using the name, address, birth date, telephone number, email
25 address, credit card number, bank account number, Social Security number, or other financial or
26 identifying information of any person that any Defendant obtained in connection with any
27 activity that pertains to the subject matter of this Order.

28 Provided, however, that Defendants may disclose such identifying information to a law

1 enforcement agency, to their attorneys as required for their defense, as required by any law,
2 regulation, or court order, or in any filings, pleadings or discovery in this action in the manner
3 required by the Federal Rules of Civil Procedure and by any protective order in the case.

4 **IV. SUSPENSION OF CORPORATE DEFENDANTS' WEBSITES**

5 **IT IS FURTHER ORDERED** that any party hosting any webpage or website for the
6 Corporate Defendants and any domain registrar who has provided or is providing domain name
7 registration services to or on behalf of any Corporate Defendant is hereby temporarily restrained
8 and enjoined from failing to:

9 A. Immediately take whatever steps may be necessary to ensure that any webpage or
10 website operated, in whole or in part, in connection with the Corporate Defendants' provision of
11 Inmate Calling Services cannot be accessed by the public; and

12 B. Prevent the destruction or erasure of any webpage or website operated, in whole
13 or in part, on any Corporate Defendant's behalf, preserving such documents in the format in
14 which they are currently maintained, and prevent the destruction or erasure of any records
15 relating to the Corporate Defendants.

16 **V. ASSET FREEZE**

17 **IT IS FURTHER ORDERED** that Defendants, Defendants' officers, agents, employees,
18 and attorneys, and all other persons in active concert or participation with any of them, who
19 receive actual notice of this Order, whether acting directly or indirectly, are hereby temporarily
20 restrained and enjoined from:

21 A. Transferring, liquidating, converting, encumbering, pledging, loaning, selling,
22 concealing, dissipating, disbursing, assigning, relinquishing, spending, withdrawing, granting a
23 lien or security interest or other interest in, or otherwise disposing of any Assets that are:

- 24 1. owned or controlled, directly or indirectly, by any Defendant;
- 25 2. held, in part or in whole, for the benefit of any Defendant;
- 26 3. in the actual or constructive possession of any Defendant; or
- 27 4. owned or controlled by, in the actual or constructive possession of, or
28 otherwise held for the benefit of, any corporation, partnership, asset protection

1 trust, or other entity that is directly or indirectly owned, managed or controlled
2 by any Defendant.

3 B. Opening or causing to be opened any safe deposit boxes, commercial mail boxes,
4 or storage facilities titled in the name of any Defendant or subject to access by any Defendant;

5 C. Incurring charges or cash advances on any credit, debit, or ATM card issued in
6 the name, individually or jointly, of any Corporate Defendant or any corporation, partnership, or
7 other entity directly or indirectly owned, managed, or controlled by any Defendant or of which
8 any Defendant is an officer, director, member, or manager. This includes any corporate
9 bankcard or corporate credit card account for which any Defendant is, or was on the date that this
10 Order was signed, an authorized signor; or

11 D. Cashing any checks or depositing any money orders or cash received from
12 consumers, clients, or customers of any Defendant.

13 The Assets affected by this Section shall include: (1) all Assets of Defendants as of the
14 time this Order is entered; and (2) Assets obtained by Defendants after this Order is entered if
15 those Assets are derived from any activity that is the subject of the Complaint in this matter or
16 that is prohibited by this Order. This Section does not prohibit any repatriation of foreign Assets
17 specifically required by this Order.

18 **VI. DUTIES OF ASSET HOLDERS AND OTHER THIRD PARTIES**

19 **IT IS FURTHER ORDERED** that any financial or brokerage institution, Electronic
20 Data Host, credit card processor, payment processor, merchant bank, acquiring bank,
21 independent sales organization, third party processor, payment gateway, insurance company,
22 business entity, or person who receives actual notice of this Order (by service or otherwise) that:

23 (a) has held, controlled, or maintained custody, through an account or otherwise, of
24 any Document on behalf of any Defendant or any Asset that has been owned or controlled,
25 directly or indirectly, by any Defendant; held, in part or in whole, for the benefit of any
26 Defendant; in the actual or constructive possession of any Defendant; or owned or controlled by,
27 in the actual or constructive possession of, or otherwise held for the benefit of, any corporation,
28 partnership, asset protection trust, or other entity that is directly or indirectly owned, managed or

1 controlled by any Defendant;

2 (b) has held, controlled, or maintained custody, through an account or otherwise, of
3 any Document or Asset associated with credits, debits, or charges made on behalf of any
4 Defendant, including reserve funds held by payment processors, credit card processors, merchant
5 banks, acquiring banks, independent sales organizations, third party processors, payment
6 gateways, insurance companies, or other entities;

7 (c) has extended credit to any Defendant, including through a credit card account,
8 shall:

9 A. Hold, preserve, and retain within its control and prohibit the withdrawal, removal,
10 alteration, assignment, transfer, pledge, encumbrance, disbursement, dissipation, relinquishment,
11 conversion, sale, or other disposal of any such Document or Asset, as well as all Documents or
12 other property related to such Assets, except by further order of this Court; provided, however,
13 that this provision does not prohibit an Individual Defendant from incurring charges on a
14 personal credit card established prior to entry of this Order, up to the pre-existing credit limit;

15 B. Deny any person access to any safe deposit box, commercial mail box, or storage
16 facility that is titled in the name of any Defendant, either individually or jointly, or otherwise
17 subject to access by any Defendant;

18 C. Provide Plaintiff's counsel within three (3) days of receiving a copy of this Order,
19 a sworn statement setting forth, for each Asset or account covered by this Section:

- 20 1. The identification number of each such account or Asset;
- 21 2. The balance of each such account, or a description of the nature and value of
22 each such Asset as of the close of business on the day on which this Order is
23 served, and, if the account or other Asset has been closed or removed, the date
24 closed or removed, the total funds removed in order to close the account, and
25 the name of the person or entity to whom such account or other Asset was
26 remitted; and
- 27 3. The identification of any safe deposit box, commercial mail box, or storage
28 facility that is either titled in the name, individually or jointly, of any

1 Defendant, or is otherwise subject to access by any Defendant; and

2 4. Information sufficient to identify, locate, and track any cryptocurrency
3 belonging to, for the use or benefit of, or subject to access by any Defendant.

4 D. Upon the request of Plaintiff's counsel, promptly provide Plaintiff's counsel with
5 copies of all records or other Documents pertaining to any account covered by this Section or
6 Asset, including originals or copies of account applications, account statements, signature cards,
7 checks, drafts, deposit tickets, transfers to and from the accounts, including wire transfers and
8 wire transfer instructions, all other debit and credit instruments or slips, currency transaction
9 reports, 1099 forms, and all logs and records pertaining to safe deposit boxes, commercial mail
10 boxes, and storage facilities.

11 Provided, however, that this Section does not prohibit any repatriation of foreign Assets
12 specifically required by this order.

13 **VII. FINANCIAL DISCLOSURES**

14 **IT IS FURTHER ORDERED** that each Defendant, within five (5) days of service of
15 this Order upon them, shall prepare and deliver to Plaintiff's counsel:

16 A. Completed financial statements on the forms attached to this Order as
17 **Attachment A** (Financial Statement of Individual Defendant) for each Individual Defendant, and
18 **Attachment B** (Financial Statement of Corporate Defendant) for each Corporate Defendant;

19 B. Completed **Attachment C** (IRS Form 4506, Request for Copy of Tax Return) for
20 the Individual and Corporate Defendant; and

21 C. A detailed accounting of:

22 (1) each product advertised, marketed, promoted, offered for sale, distributed, or
23 sold by or on behalf of Defendants since 2015, including a brief description of
24 each product;

25 (2) gross revenues and net profits (in U.S. dollars) obtained from the advertising,
26 marketing, or sale of each product identified in response to section (1) above,
27 from inception of the sale of that product through the date of entry of this Order;

28 (3) the name, address, telephone number, and e-mail address of each consumer

1 who paid Defendants for Inmate Calling Services, including the date(s) and
2 amount each consumer paid the Defendants; and
3 (4) either the name, address, telephone number, e-mail address, website address,
4 and contact person of each entity that sold Defendants' Inmate Calling Services;
5 or the name, address, telephone number, e-mail address, website address, and
6 contact person of each entity that collected consumer payments on behalf of the
7 Defendants.

8 **VIII. FOREIGN ASSET REPATRIATION**

9 **IT IS FURTHER ORDERED** that within five (5) days following the service of this
10 Order, each Defendant shall:

11 A. Provide Plaintiff's counsel with a full accounting, verified under oath and
12 accurate as of the date of this Order, of all Assets, Documents, and accounts outside of the
13 United States which are: (1) titled in the name, individually or jointly, of any Defendant; (2) held
14 by any person or entity for the benefit of any Defendant or for the benefit of any corporation,
15 partnership, asset protection trust, or other entity that is directly or indirectly owned, managed, or
16 controlled by any Defendant; or (3) under the direct or indirect control, whether jointly or singly,
17 of any Defendant;

18 B. Take all steps necessary to provide Plaintiff's counsel access to all Documents
19 and records that may be held by third parties located outside of the territorial United States of
20 America, including signing the Consent to Release of Financial Records appended to this Order
21 as **Attachment D**.

22 C. Transfer to the territory of the United States all Documents and Assets located in
23 foreign countries which are: (1) titled in the name, individually or jointly, of any Defendant; (2)
24 held by any person or entity for the benefit of any Defendant or for the benefit of any
25 corporation, partnership, asset protection trust, or other entity that is directly or indirectly owned,
26 managed, or controlled by any Defendant; or (3) under the direct or indirect control, whether
27 jointly or singly, of any Defendant; and

28 D. The same business day as any repatriation, (1) notify Plaintiff's counsel of the

1 name and location of the financial institution or other entity that is the recipient of such
2 Documents or Assets; and (2) serve this Order on any such financial institution or other entity.

3 **IX. NON-INTERFERENCE WITH REPATRIATION**

4 **IT IS FURTHER ORDERED** that Defendants, Defendants’ officers, agents, employees,
5 and attorneys, and all other persons in active concert or participation with any of them, who
6 receive actual notice of this Order, whether acting directly or indirectly, are hereby temporarily
7 restrained and enjoined from taking any action, directly or indirectly, which may result in the
8 encumbrance or dissipation of foreign Assets, or in the hindrance of the repatriation required by
9 this Order, including, but not limited to:

10 A. Sending any communication or engaging in any other act, directly or indirectly,
11 that results in a determination by a foreign trustee or other entity that a “duress” event has
12 occurred under the terms of a foreign trust agreement until such time that all Defendants’ Assets
13 have been fully repatriated pursuant to this Order; or

14 B. Notifying any trustee, protector, or other agent of any foreign trust or other related
15 entities of either the existence of this Order, or of the fact that repatriation is required pursuant to
16 a court order, until such time that all Defendants’ Assets have been fully repatriated pursuant to
17 this Order.

18 **X. PRESERVATION OF RECORDS**

19 **IT IS FURTHER ORDERED** that Defendants, Defendants’ officers, agents, employees,
20 and attorneys, and all other persons in active concert or participation with any of them, who
21 receive actual notice of this Order, whether acting directly or indirectly, are hereby temporarily
22 restrained and enjoined from:

23 A. Destroying, erasing, falsifying, writing over, mutilating, concealing, altering,
24 transferring, or otherwise disposing of, in any manner, directly or indirectly, (1) Documents that
25 relate to the business, business practices, Assets, or business or personal finances of any
26 Defendant, and (2) the business practices or finances of entities directly or indirectly under the
27 control of any Defendant; and

28 B. Failing to create and maintain Documents that, in reasonable detail, accurately,

1 fairly, and completely reflect Defendants' incomes, disbursements, transactions, and use of
2 Defendants' Assets.

3 **XI. REPORT OF NEW BUSINESS ACTIVITY**

4 **IT IS FURTHER ORDERED** that Defendants, Defendants' officers, agents, employees,
5 and attorneys, and all other persons in active concert or participation with any of them, who
6 receive actual notice of this Order, whether acting directly or indirectly, are hereby temporarily
7 restrained and enjoined from creating, operating, or exercising any control over any business
8 entity, whether newly formed or previously inactive, including any partnership, limited
9 partnership, joint venture, sole proprietorship, or corporation, without first providing Plaintiff's
10 counsel with a written statement disclosing: (1) the name of the business entity;
11 (2) the address and telephone number of the business entity; (3) the names of the business
12 entity's owners, officers, directors, principals, managers, and employees; and (4) a detailed
13 description of the business entity's intended activities.

14 **XII. DISTRIBUTION OF ORDER BY DEFENDANTS**

15 **IT IS FURTHER ORDERED** that Defendants shall immediately provide a copy of this
16 Order to each affiliate, telemarketer, marketer, sales entity, successor, assign, member, officer,
17 director, employee, agent, independent contractor, client, attorney, spouse, subsidiary, division,
18 and representative of any Defendant, and shall, within ten (10) days from the date of entry of this
19 Order, provide Plaintiff with a sworn statement that this provision of the Order has been
20 satisfied, which statement shall include the names, physical addresses, phone numbers,
21 and email addresses of each such person or entity who received a copy of the Order.
22 Furthermore, Defendants shall not take any action that would encourage officers, agents,
23 members, directors, employees, salespersons, independent contractors, attorneys, subsidiaries,
24 affiliates, successors, assigns, or other persons or entities in active concert or participation with
25 them to disregard this Order or believe that they are not bound by its provisions.

26 **XIII. EXPEDITED DISCOVERY**

27 **IT IS FURTHER ORDERED** that, notwithstanding the provisions of the Fed. R. Civ. P.
28 26(d) and (f) and 30(a)(2)(A)(iii), and pursuant to Fed. R. Civ. P. 30(a), 34, and 45, Plaintiff is

1 granted leave, at any time after service of this Order, to conduct limited expedited discovery for
2 the purpose of discovering: (1) the nature, location, status, and extent of Defendants' Assets or
3 Documents; (2) the scope of Defendants' business operations, their financial status, the
4 participants involved, and their roles in the scheme; or (3) compliance with this Order. The
5 limited expedited discovery set forth in this Section shall proceed as follows:

6 A. Plaintiff may take the deposition of parties and non-parties. Forty-eight (48)
7 hours' notice shall be sufficient notice for such depositions. The limitations and conditions set
8 forth in Rules 30(a)(2)(B) and 31(a)(2)(B) of the Federal Rules of Civil Procedure regarding
9 subsequent depositions of an individual shall not apply to depositions taken pursuant to this
10 Section. Any such deposition taken pursuant to this Section shall not be counted towards the
11 deposition limit set forth in Rules 30(a)(2)(A) and 31(a)(2)(A) and depositions may be taken by
12 telephone or other remote electronic means;

13 B. Plaintiff may serve upon parties requests for production of Documents or
14 inspection that require production or inspection within five (5) calendar days of service,
15 provided, however, that three (3) calendar days of notice shall be deemed sufficient for the
16 production of any such Documents that are maintained or stored only in an electronic format.

17 C. Plaintiff may serve upon parties interrogatories that require response within five
18 (5) calendar days after Plaintiff serves such interrogatories;

19 D. Plaintiff may serve subpoenas upon non-parties that direct production or
20 inspection within five (5) calendar days of service.

21 E. Service of discovery upon a party to this action, taken pursuant to this Section,
22 shall be sufficient if made by facsimile, email, or by overnight delivery.

23 F. Any expedited discovery taken pursuant to this Section is in addition to, and is not
24 subject to, the limits on discovery set forth in the Federal Rules of Civil Procedure and the Local
25 Rules of this Court. The expedited discovery permitted by this Section does not require a
26 meeting or conference of the parties, pursuant to Rules 26(d) & (f) of the Federal Rules of Civil
27 Procedure.

28 G. The Parties are exempted from making initial disclosures under Fed. R. Civ. P.

1 26(a)(1) until further order of this Court.

2 **XIV. SERVICE OF THIS ORDER**

3 **IT IS FURTHER ORDERED** that copies of this Order as well as the *Ex Parte* Motion
4 for Temporary Restraining Order and all other pleadings, Documents, and exhibits filed
5 contemporaneously with that Motion (other than the Complaint and Summons), may be served
6 by any means, including facsimile transmission, electronic mail or other electronic messaging,
7 personal or overnight delivery, U.S. Mail or FedEx, by agents and employees of Plaintiff, by any
8 law enforcement agency, or by private process server, upon any Defendant or any person
9 (including any financial institution) that may have possession, custody or control of any Asset or
10 Document of any Defendant, or that may be subject to any provision of this Order pursuant to
11 Rule 65(d)(2) of the Federal Rules of Civil Procedure. For purposes of this Section, service upon
12 any branch, subsidiary, affiliate, or office of any entity shall effect service upon the entire entity.

13 **XV. CORRESPONDENCE AND SERVICE ON PLAINTIFF**

14 **IT IS FURTHER ORDERED** that, for the purpose of this Order, all correspondence to
15 and service of pleadings on Plaintiff shall be emailed to the FTC's counsel of record.

16 **XVI. DURATION OF THE ORDER**

17 **IT IS FURTHER ORDERED** that this Order shall expire fourteen (14) days from the
18 date of entry noted below, unless within such time, the Order is extended for an additional period
19 pursuant to Fed. R. Civ. P. 65(b)(2).

20 **XVII. PRELIMINARY INJUNCTION HEARING**

21 **IT IS FURTHER ORDERED** that, pursuant to Federal Rule of Civil Procedure 65(b)
22 and Local Rule 65-1, Defendants must appear before this Court on October 20, 2020, at 4:00
23 p.m. to show cause, if there is any, why this Court should not enter a preliminary injunction,
24 pending final ruling on the Complaint against Defendants, enjoining the violations of the law
25 alleged in the Complaint, continuing the freeze of their Assets, and imposing such additional
26 relief as may be appropriate. If the Defendants would like to hold this hearing sooner, they may
27 submit a request to accelerate the schedule, which will likely be granted. *See* Fed. R. Civ. P.
28 65(b)(3).

1 **XVIII. BRIEFS AND AFFIDAVITS CONCERNING PRELIMINARY INJUNCTION**

2 A. Defendants will file with the Court and serve on Plaintiff’s counsel any answering
3 pleadings, affidavits, motions, expert reports or declarations, or legal memoranda no later than
4 four (4) days prior to the injunction hearing. Plaintiff may file responsive or supplemental
5 pleadings, materials, affidavits, or memoranda with the Court and serve the same on counsel for
6 Defendants no later than one (1) day prior to the order to show cause hearing. Provided that such
7 affidavits, pleadings, motions, expert reports, declarations, legal memoranda or oppositions must
8 be served by email and be received by the other party or parties no later than 5:00 p.m. (Pacific
9 Time) on the appropriate dates set forth in this Section.

10 B. Defendants may request an evidentiary hearing and the presentation of live
11 witnesses if they believe that is warranted. Any motion to permit such testimony shall be filed
12 with the Court and served on counsel for the other parties at least five (5) days prior to the
13 preliminary injunction hearing. Such motion shall set forth the name, address, and telephone
14 number of each proposed witness, a detailed summary or affidavit revealing the substance of
15 each proposed witness’s expected testimony, and an explanation of why the taking of live
16 testimony would be helpful to this Court. Any papers opposing a timely motion to present live
17 testimony or to present live testimony in response to another party’s timely motion to present
18 live testimony shall be filed with this Court and served on the other parties at least three (3) days
19 prior to the order to show cause hearing. Otherwise, and unless ordered differently by the Court,
20 the preliminary injunction hearing will not include live witnesses or evidentiary proceedings.

21 **XIX. RETENTION OF JURISDICTION**

22 **IT IS FURTHER ORDERED** that this Court shall retain jurisdiction of this matter for
23 all purposes.

1 SO ORDERED this 6th day of October, 2020 at 8:00 p.m. Pacific Time.

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3 BY THE COURT:

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UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF CALIFORNIA

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