

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

- against -

TRENDS SERVICE IN KOMMUNIKATIE,
B.V., KOMMUNIKATIE SERVICE
BUITENLAND, B.V., and ERIK DEKKER,
individually and as an officer of TRENDS
SERVICE IN KOMMUNIKATIE, B.V., and
KOMMUNIKATIE SERVICE
BUITENLAND, B.V.,

Defendants.

Civil Action No. 16-_____

CV 16

2770

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUN - 1 2016 ★
GLASSER, J.
GOLD, M.J. BROOKLYN OFFICE

TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE

This matter having come before the Court upon the application of Plaintiff, the UNITED STATES OF AMERICA, for a temporary restraining order pursuant to 18 U.S.C. § 1345; the Complaint; the Declaration of Joseph R. Bizzarro, Postal Inspector with the United States Postal Inspection Service ("USPIS"); the Certification of the attorney for the United States; and the Memorandum of Law in Support of the United States' Motion for Temporary Restraining Order, Order to Show Cause, and Preliminary Injunction:

WHEREUPON THE COURT, having considered the matter, finds that:

1. There is probable cause to believe that defendants TRENDS SERVICE IN KOMMUNIKATIE, B.V., KOMMUNIKATIE SERVICE BUITENLAND, B.V., and ERIK DEKKER, individually and as an officer of TRENDS SERVICE IN KOMMUNIKATIE, B.V., and KOMMUNIKATIE SERVICE BUITENLAND, B.V., ("Defendants"), are violating and are about to violate 18 U.S.C. § 1341;

2. The statutory conditions for granting a permanent or temporary injunction or restraining order under 18 U.S.C. § 1345 are therefore met; and

3. Irreparable harm to the public is presumed in actions under 18 U.S.C. § 1345, where the statutory conditions are met. *See United States v. Savran*, 755 F. Supp. 1165, 1179 (E.D.N.Y. 1991). Nonetheless, even though a showing of irreparable harm is not necessary under Section 1345 in order to obtain injunctive relief, permitting the defendants to continue to perpetrate the alleged extensive mail fraud would constitute irreparable harm. For example, Defendants' continuing violations have caused and will continue to cause irreparable harm to consumers throughout the United States. Immediate and irreparable injury, loss, or damage, in the form of payments which will be received and dissipated by Defendants, will result to consumers throughout the United States before Defendants can be heard in opposition; and

3. Defendants' violations will continue unless a temporary restraining order is issued.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. § 1345:

Defendants, their agents, officers, and employees, and all other persons and entities in active concert or participation with them are temporarily restrained, pending a hearing on Plaintiff's application for a preliminary injunction, from the following:

- i. committing mail fraud, as defined by 18 U.S.C. § 1341;
- ii. using the United States mail, or causing others to use the United States mail, to distribute any advertisements, solicitations, or promotional materials:

- (a) on behalf of any actual or fictional individual or entity purporting to offer psychic, clairvoyant or astrological items or services for a fee;

- (b) that represent, directly or indirectly, expressly or impliedly, that the recipient of the solicitation was specifically selected to receive the mailing based on a reason other than the fact that the recipient's name appears on a mailing list;
 - (c) that represent, directly or indirectly, expressly or impliedly, that services or items offered for purchase will, or could, improve the victim's financial condition;
 - (d) that represent, directly or indirectly, expressly or impliedly that the victim has won, will win, or will receive cash or prizes; or
 - (e) that contain any other false or misleading advertisements, solicitations, or promotional materials;
- iii. receiving any incoming mail that responds, by sending payment or otherwise, to materials described in paragraph (ii)(a)-(e), *supra*;
 - iv. selling, offering for sale, leasing, or offering for lease any lists of U.S. residents, or mailing lists of any type compiled from U.S. residents who have responded to any of the materials described in paragraph ii(a)-(e), *supra*, thereby causing such materials to be sent to U.S. residents;
 - v. performing "caging services" on mail received from U.S. residents in response to any of the materials described in paragraph ii(a)-(e), *supra*, including opening mail received from the United States; entering or inputting data about U.S. residents into a database or forwarding such information; handling, forwarding, or depositing payments received from U.S. residents, including currency, bank checks, certified checks, money orders, or credit card charge authorizations; or handling or forwarding any mail received from U.S. residents; and

vi. destroying, deleting, removing or transferring any and all business, financial, accounting, and other records concerning Defendants' operations and the operations of any other corporate entity owned or controlled, in whole or in part, by Defendants.

IT IS HEREBY FURTHER ORDERED that, pursuant to 18 U.S.C. § 1345:

The United States Postal Service is authorized to detain:

- vii. all of Defendants' incoming mail, addressed to any of Defendants' P.O. boxes in the Netherlands, which is responsive to any of the materials described in paragraph (ii)(a)-(e), *supra*;
- viii. any of the materials described in paragraph (ii)(a)-(e), *supra*, and any substantially similar advertisements, solicitations, and promotional materials that are deposited into the United States mail by Defendants, their agents, officers, or employees, or any other persons or entities in active concert or participation with them; and
- ix. any of the materials described in paragraph (ii)(a)-(e), *supra*, and any substantially similar advertisements, solicitations, and promotional materials brought into the United States as freight and destined for delivery to a potential victim in the United States.

IT IS HEREBY FURTHER ORDERED that Defendants shall appear before this Court and the Honorable I. L. GLASSER, United States District Judge, in courtroom 8B at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, on the 18th day of July, 2016, at 10: a.m. to show cause why a preliminary injunction, pursuant to Fed. R. Civ. P. 65, requested by the United States should not be granted.

IT IS HEREBY FURTHER ORDERED that a copy of this Order, together with the Complaint, the Bizzarro Declaration, the Certification of the attorney for the United States, the Memorandum of Law in Support of the United States' Motion for Temporary Restraining Order, Order to Show Cause, and Preliminary Injunction, shall be served upon Defendants, on or before the 8th day of June, 2016.

IT IS HEREBY FURTHER ORDERED that Defendants shall serve and file any response to the application for a preliminary injunction on or before 8:00 p.m. on June 8, 2016, and that the United States shall serve and file any reply on or before ____:00 p.m. on June __, 2016.

SO ORDERED this 2nd ^{20th} hour of the 1st day of June, 2016.


HONORABLE
UNITED STATES DISTRICT JUDGE

A TRUE COPY	
ATTEST <u>6/1</u> 20 <u>16</u>	
DATE	DOUGLAS C. PALMER
BY <u>Maria Chiodo</u>	CLERK
	DEPUTY CLERK