

FILED
LOS ANGELES SUPERIOR COURT

MAY 11 2005

JOHN A. CLARKE, CLERK

BY M. HART, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

JNS COPY SERVICE, INC.,

Plaintiff,

v.

OPTIMA FUNDING, INC.; ALI SHAH;
DAVID TAYANIPOUR; DOES 1 through
25, inclusive,

Defendants.

CASE NO.
Filed:

LC 068480
May 18, 2004

~~[PROPOSED]~~ ORDER FOR
PRELIMINARY INJUNCTION

The Court, having reviewed all moving and opposition papers and argument, finds
and orders as follows:

AUTHORITY

The Telephone Consumer Protection Act ("TCPA") provides for injunctive relief
to stop violation of its junk faxing provisions. 47 U.S.C. §227(b)(3)(A).

I.

DEFINITIONS

As used in this Order, the following definitions apply:

"Defendants" shall mean the defendants named in the operative Complaint.

ORDER FOR PRELIMINARY INJUNCTION

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IV

NOTIFICATION TO MANAGING AGENTS AND OTHERS

IT IS FURTHER ORDERED that within ten (10) calendar days following the date of entry of this Order, defendants shall provide a copy of this Order to each of their officers, directors, managing agents, supervisory employees, divisions, subsidiaries, corporations, affiliates, successors, independent contractors or consultants involved in the advertising, marketing, promotion or provision of defendants' products or services or use of faxing for advertising or promotional purposes; and to each government agency which licenses or regulates defendants' business, and obtain a dated and signed receipt therefor, which the Defendants shall keep. This paragraph shall not require defendants to provide a copy of this Order to any employee or independent contractor who performs a purely non-discretionary function.

V

MONITORING PROVISIONS RE EMPLOYEE AND OTHER NOTIFICATION

IT IS FURTHER ORDERED that, within 14 days of giving notice pursuant to the preceding paragraph, the defendants shall write to Plaintiff's counsel, stating the persons and entities to which notice has been given pursuant to the preceding paragraph "NOTIFICATION TO MANAGING AGENTS AND OTHERS."

The information given to Plaintiff's counsel shall include, for each such person or entity given notice, the date notice was given, the method of notice, the full exact company name and individual name, the full exact actual physical address, the full exact mailing address (if different from the physical address), the phone number and fax number, and the role of the person or entity given notice—E.g., "Company which does our fax broadcasting," "Person who provides lists of fax numbers." The information to Plaintiff's counsel shall also include copies of the signed receipts obtained pursuant to the preceding Paragraph.

1 IT IS FURTHER ORDERED that Defendants shall notify Plaintiff's counsel, in
2 writing, within fourteen (14) days of the effective date, of any change in their status,
3 organization, or structure, such as dissolution, assignment, or sale of their business(es)
4 that may affect any compliance obligations arising from this Order, and of any change in
5 defendants' or any enjoined party's contact information..

6 For purposes of this Order, any notice shall be sent to the following address (or
7 such other address as Plaintiff may later give defendants in writing) by Certified Mail,
8 Return Receipt Requested, FedEx or other courier company, or hand delivery:

9 Brian A. Manson, Esq.
10 LAW OFFICES OF BRIAN A. MANSON
11 14156 Magnolia Blvd., Suite 200
12 Sherman Oaks, CA 91423

13 IT IS FURTHER ORDERED that, to aid Plaintiff in monitoring compliance with
14 this Order, individual defendants shall notify Plaintiff's counsel, in writing, within ten
15 (10) calendar days after the date of entry of this Order, of their current residences,
16 business addresses, and employment status; and that non-individual (entity) defendants
17 shall notify Plaintiff's counsel, in writing, within ten (10) calendar days after the date of
18 entry of this Order, of their current name, legal status, corporation registration number,
19 states of registration (if a Corporation), and fictitious business names, full exact physical
20 address, full exact mailing address (if different than physical address), phone number and
21 fax number; and that all Defendants shall notify Plaintiff in writing within fourteen (14)
22 calendar days of any changes of the above-mentioned information.

23 VI

24 UNDERTAKING OR CASH BOND

25 Bond is waived.

26 This Injunction shall not take effect unless and until Plaintiff posts a bond,
27 undertaking, or cash pursuant to CCP §529, in the amount of ~~\$25,000~~

28 \$1,000.00 by 4:00 p.m. on the tenth business day following signing of

EC-068480
JNS


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this Injunction.

IT IS SO ORDERED.

MAY 11 2009

Dated: _____


JUDGE OF THE SUPERIOR COURT
Richard G. Kolostian

1 PROOF OF SERVICE

2 JNS COPY SERVICE, INC. V OPTIMA FUNDING, INC. ET.AL.

3 STATE OF CALIFORNIA)
4 COUNTY OF LOS ANGELES)ss.

5 I am employed in Los Angeles County, CA; over 18; and not a party
6 to this action. My business address is 2272 Colorado Blvd., #1228, Los
7 Angeles, CA 90041-1143.

8 On the date shown below, I served the document(s) described below
9 on the interested parties in this action, by placing true copies
10 thereof enclosed in sealed envelopes addressed as follows.

11 DOCUMENTS: Notice of Rulings on Motions [heard May 11, 2005]; Order
12 for Preliminary Injunction [signed and dated May 11, 2005]

13 RECIPIENTS:

14 SEE ATTACHED MAILING LIST

15 Terri Breer, Esq. (FAX 714 444-1532)
16 Breer Law Offices
17 940 South Coast Drive, Ste. 115
18 Costa Mesa, CA 92626

19 Brian A. Manson, Esq. (FAX 818 906-0085)
20 LAW OFFICES OF BRIAN A. MANSON
21 14156 Magnolia Boulevard, Suite 200
22 Sherman Oaks, CA 91423-1182

23 BY MAIL - I deposited such envelope in the mail at Glendale,
24 California, with postage thereon fully prepaid.

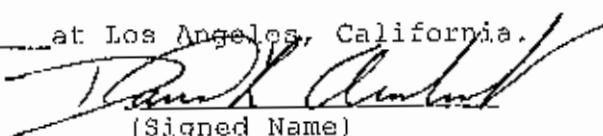
25 BY COURIER SERVICE - I placed such envelope in the carrier
26 envelope provided by **Federal Express** and deposited said carrier
27 envelope in that firm's deposit box at Glendale, California with
28 payment thereon fully prepaid.

BY FACSIMILE - With prior permission for fax service, I faxed the
document(s) to the office(s) of the addressee(s). The
transmission to each party served was reported as complete and
without error by the transmitting fax machine.

STATE I declare under penalty of perjury under the laws of the
State of California that the above is true and correct.

Executed on 5/14/05 at Los Angeles, California.

DAVID L. AMKRAUT


(Signed Name)

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PROOF OF SERVICE
JNS COPY SERVICE, INC. V OPTIMA FUNDING, INC. ET.AL.
Page 2

MAILING LIST

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Mission Viejo, CA 92691-2226

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5 Hutton Centre
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