

FILED
LOS ANGELES SUPERIOR COURT
JUL 30 2007
JOHN A. CLARKE, CLERK
BY _____ DEPUTY

1 PRESTON DUFAUCHARD
California Corporations Commissioner
2 WAYNE STRUMPFER
Deputy Commissioner
3 ALAN S. WEINGER (BAR NO. 86717)
Lead Corporations Counsel
4 UCHE L. ENENWALI (BAR NO. 235832)
Corporations Counsel
5 320 West 4th Street, Suite 750
Los Angeles, California 90013-2344
6 Telephone: (213) 576-7586 Fax: (213) 576-7181

7 Attorneys for Plaintiff

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10 THE PEOPLE OF THE STATE OF CALIFORNIA, by and
11 through the California Corporations Commissioner,

12 Plaintiff,

13 v.
14

15 AMERILOAN, a business organization, form unknown;
16 AMERILOAN, a corporation; AMERILOAN, a limited
liability company; AMERILOAN, a partnership; US FAST
17 CASH, a business organization, form unknown; US FAST
18 CASH, a corporation; US FAST CASH, a limited liability
company; US FAST CASH, a partnership; ONE CLICK
19 CASH, a business organization, form unknown; ONE
CLICK CASH, a corporation; ONE CLICK CASH, a limited
20 liability company; ONE CLICK CASH, a partnership;
21 UNITED CASH LOANS, a business organization, form
unknown; UNITED CASH LOANS, a corporation, UNITED
22 CASH LOANS, a limited liability company; UNITED
23 CASH LOANS, a partnership; PREFERRED CASH
LOANS, a business organization, form unknown;
24 PREFERRED CASH LOANS, a corporation; PREFERRED
CASH LOANS, a limited liability company; PREFERRED
25 CASH LOANS, a partnership; INTERNET CASH
26 ADVANCE MARKETING, INC., a corporation; and DOES
ONE through TEN inclusive,

27 Defendants.
28

Case No.: BC 373536

TEMPORARY
RESTRAINING ORDER; AND
ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION

(Financial Code sections 23005, 23005,
23035, 23036, and 23050)

DATE: July 30, 2007

TIME: 8:30 a.m.

DEPT.: 28

Judge: Hon. Joseph Kalin

TRIAL DATE: None

COMPLAINT FILED: June 29, 2007

1 On July 30, 2007, the California Corporations Commissioner, ("Plaintiff or Commissioner")
2 by and through his attorney, Uche L. Enenwali, presented ex parte, an Application For Temporary
3 Restraining Order and Request For Order To Show Cause Re: Preliminary Injunction in Department
4 28, at the Superior Court of the County of Los Angeles, before the presiding judge, Honorable Joseph
5 Kalin. This Court having read and considered the application, memorandum of points and
6 authorities, complaint, declarations and exhibits, and all other evidence presented, and good cause
7 appearing therefore:

8 IT IS ORDERED that the above-named defendants, and each of them, appear in Department
9 28 of the Superior Court of the County of Los Angeles, located at 111 North Hill Street, Los Angeles,
10 California on August 10, 2007 at 8:30 a.m. / p.m. or as soon thereafter as the matter may
11 be heard, to show cause, if any, why they and their agents, servants, employees, and representatives,
12 and all persons acting in concert or participating with them, should not be enjoined and restrained
13 pending trial of this action from engaging in, committing, or performing, directly or indirectly, any
14 and all of the acts as set forth in this complaint, including:

15 A. Violating section 23005 of the Financial Code by engaging in any business of deferred
16 deposit transactions which is not exempt from the licensing requirements of the California Deferred
17 Deposit Transaction Law whether as part of the scheme complained of herein or otherwise, unless
18 and until they shall first have applied for and secured from the Commissioner, a license pursuant to
19 the California Deferred Deposit Transaction Law authorizing the engagement in the business of
20 deferred deposit transactions;

21 B. Violating section 23035 subdivisions (a); (c), (2), (3), (4), (5) and (6); (e) (3), (9), and
22 (10); and (h) (5) by originating excessive loans; failing to provide notices to customers as required
23 under this section; using written agreements not in compliance with the provisions of this section and
24 using agreements that contain unconscionable provisions whether as part of the scheme complained
25 of herein or otherwise.

26 C. Violating section 23036 subdivisions (a), (b), and (f) by charging excessive fees or
27 excessive amounts whether as part of the scheme complained of herein or otherwise.
28

1 D. Violating any order issued by the Commissioner against defendants or any of them,
2 including, but not limited to, the Desist and Refrain Order described in this complaint;

3 E. Destroying, mutilating, concealing, altering, transferring or otherwise disposing of, in
4 any manner, any books, records, documents, correspondence, brochures, manuals, or other
5 documents of any kind relating to the deferred deposit business in the possession, custody or control
6 of any of the defendants until further order of this court. engaging in, committing, or performing,
7 directly or indirectly, any and all of the acts as set forth in this complaint;

8 IT IS FURTHER ORDERED that, pending the hearing and determination of the Order to
9 Show Cause, the above-named defendants, and each of them, and their officers, agents, employees,
10 representatives, and all persons acting in concert or participating with them, are restrained and
11 enjoined from engaging in or performing, directly or indirectly, any and all of the acts as set forth in
12 this complaint, including:

13 A Violating section 23005 of the Financial Code by engaging in any business of deferred
14 deposit transactions which is not exempt from the licensing requirements of the California Deferred
15 Deposit Transaction Law whether as part of the scheme complained of herein or otherwise, unless
16 and until they shall first have applied for and secured from the Commissioner, a license pursuant to
17 the California Deferred Deposit Transaction Law authorizing the engagement in the business of
18 deferred deposit transactions;

19 B. Violating section 23035 subdivisions (a); (c), (2), (3), (4), (5) and (6); (e) (3), (9), and
20 (10); and (h) (5) by originating excessive loans; failing to provide notices to customers as required
21 under this section; using written agreements not in compliance with the provisions of this section and
22 using agreements that contain unconscionable provisions whether as part of the scheme complained
23 of herein or otherwise.

24 C. Violating section 23036 subdivisions (a), (b), and (f) by charging excessive fees or
25 excessive amounts whether as part of the scheme complained of herein or otherwise.

26 D. Violating any order issued by the Commissioner against defendants or any of them,
27 including, but not limited to, the Desist and Refrain Order described in this complaint;

1 E. Destroying, mutilating, concealing, altering, transferring or otherwise disposing of, in
2 any manner, any books, records, documents, correspondence, brochures, manuals, or other
3 documents of any kind relating to the deferred deposit business in the possession, custody or control
4 of any of the defendants until further order of this court.

5 IT IS FURTHER ORDERED that copies of the complaint, declarations or affidavits,
6 memorandum of points and authorities, and this Order to Show Cause and temporary restraining
7 order be served on defendants not later than August 3rd, by First Class Mail Proof of service
8 shall be filed and delivered in the manner provided by California Code of Civil Procedure section
9 527.

10 The following briefing schedule shall apply: Any opposition papers to the OSC shall be filed
11 in Department 28 and served on Plaintiff no later than August 9, 2007. Any reply papers
12 to such opposition shall be filed and served on Defendants no later than August 9, 2007. The
13 temporary restraining order shall expire on August 10, 2007.

14 Dated: July 30, 2007

15 _____
16 HONORABLE JOSEPH KALIN
17 JUDGE OF THE SUPERIOR COURT
18
19
20
21
22
23
24
25
26
27
28