

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

APR 14 2011

JAMES N. HATTEN, Clerk
By: *[Signature]* Deputy Clerk

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

CHARLES DUNLEVY, individually,

Defendant.

Case No.

1:11-CV-1226

**PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER
WITH ASSET PRESERVATION AND OTHER EQUITABLE RELIEF,
AND ORDER TO SHOW CAUSE WHY A PRELIMINARY
INJUNCTION SHOULD NOT ISSUE**

Comes now, Plaintiff Federal Trade Commission ("Commission" or "FTC"), pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, moves this court for a Temporary Restraining Order with Other Equitable Relief, an Order to Preserve Records and Provide Business and Financial Information, and an Order to Show Cause Why a Preliminary Injunction Should Not Issue.

1. In support of its Motion, Plaintiff states that the Defendant has engaged and is likely to continue engaging in acts and practices that violate Sections 5(a)

and 12 of the FTC Act, 15 U.S.C. § 45(a) and 52. Further, Plaintiff submits herewith a Memorandum in Support of Plaintiff's Motion for Temporary Restraining Order with Asset Preservation and Other Equitable Relief, and Order to Show Cause Why a Preliminary Injunction Should Not Issue and the Complaint filed in this matter. As set forth in these documents and accompanying exhibits, further actions by Defendant would cause immediate and irreparable damage by allowing Defendant to cause further public harm through his deceptive advertising acai berry and other products on the Internet.

3. Further harm would result if Defendants dissipated or concealed assets or destroyed or concealed documents. Issuing the temporary restraining order, including provisions to prevent further unlawful practices, to preserve assets, and to preserve and provide certain records and information of Defendant, will preserve the possibility of full and effective relief by maintaining the *status quo* pending the hearing on the preliminary injunction.

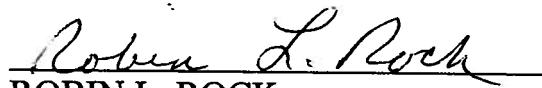
4. Attached is a proposed order.

5. Pursuant to Rule 65 of the Federal Rules of Civil Procedure Plaintiff notified Defendants of the proposed filing of the Complaint and Motion for TRO on April 13, 2011, at 1:50 PM E.D.T.

The undersigned counsel of record certifies this document was prepared in the font and point selections approved by the court pursuant to LR5.1B.

Respectfully submitted,

Dated: April 14, 2011


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