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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

NOV 29 2012

D. Clements

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF RIVERSIDE

LAURA COX, et al.,

Plaintiffs,

v.

CERTIFIED FINANCIAL PROTECTION  
GROUP, LLC, et al.,

Defendants.

Case No. RIC 1214494

~~PROPOSED~~ PRELIMINARY  
INJUNCTION

~~PROPOSED~~  
PRELIMINARY INJUNCTION

1           Upon consideration of Plaintiffs' Motion for a Preliminary Injunction and all supporting  
2 and opposing papers, and having heard arguments thereon, Defendants Certified Financial  
3 Protection Group, LLC; Financial Hope for America, Inc.; Safehouse 911, LLC, d/b/a Safehouse  
4 Professional Mortgage Restructuring 911; U.S. Financial Advantage; and their officers, agents,  
5 servants, employees, representatives, and anyone else under their indirect or direct control  
6 (collectively, "Entity Defendants"); and Michael B. Wayman, Donald Brokaw, and anyone else  
7 under their indirect or direct control (collectively "Individual Defendants"); are HEREBY  
8 RESTRAINED AND ENJOINED until further ordered by this Court, from:

9           1.     Marketing, advertising, offering, selling or carrying out Mortgage Assistance  
10 Relief Services, or aiding and abetting the marketing, advertising, offering, selling or carrying  
11 out of Mortgage Assistance Relief Services;

12               a.   the term "Mortgage Assistance Relief Services" shall mean any service, plan or  
13 program offered or provided to the consumer in exchange for consideration, that is  
14 represented, expressly or by implication, to assist or attempt to assist the consumer with  
15 any of the following:

- 16                   i.   Stopping, preventing or postponing any mortgage or deed of trust  
17 foreclosure sale for the consumer's dwelling, any repossession of the  
18 consumer's dwelling or otherwise saving the consumer's dwelling from  
19 foreclosure or repossession;
- 20                   ii.   Negotiating, obtaining or arranging a modification of any term of a  
21 dwelling loan, including a reduction in the amount of interest, principal  
22 balance, monthly payments or fees;
- 23                   iii.   Obtaining any forbearance or modification in the timing of payments from  
24 any dwelling loan holder or servicer on any dwelling loan;
- 25                   iv.   Negotiating, obtaining, or arranging any extension of the period of time  
26 within which a consumer may:
- 27                       1.   Cure his or her default on a dwelling loan,  
28                       2.   Reinstate his or her dwelling loan,

- 1 3. Redeem a dwelling, or
- 2 4. Exercise any right to reinstate a dwelling loan or redeem a
- 3 dwelling;
- 4 v. Obtaining any waiver of an acceleration clause or balloon payment
- 5 contained in any promissory note or contract secured by any dwelling; or
- 6 vi. Negotiating, obtaining, or arranging:
  - 7 1. A short sale of a dwelling,
  - 8 2. A deed-in-lieu of foreclosure, or
  - 9 3. Any other disposition of a dwelling other than a sale to a third
  - 10 party who is not the dwelling loan holder;
- 11 2. Owning, managing, operating, creating or assisting in the creation of any entity
- 12 that markets, advertises, offers, sells or carries out Mortgage Assistance Relief Services;
- 13 3. Being employed by, or serving as a consultant to, any person or entity that sells or
- 14 carries out Mortgage Assistance Relief Services;
- 15 4. Engaging in unfair competition as defined in Business and Professions Code
- 16 section 17200, including but not limited to:
  - 17 a. Charging consumers an upfront fee for Mortgage Assistance Relief Services;
  - 18 b. Misrepresenting to consumers the nature and mechanics of Mortgage Assistance
  - 19 Relief Services;
  - 20 c. Falsely promising to engage in negotiations with consumers' mortgage lenders or
  - 21 servicers;
  - 22 d. Misrepresenting the progress of loan modification applications;
  - 23 e. Falsely representing that refunds would be issued if the offered Mortgage Relief
  - 24 Assistance Services did not succeed;
  - 25 f. Encouraging consumers to stop paying their monthly mortgage payments and/or
  - 26 communicating with their lenders or servicers; and
  - 27 g. Forming a business or organizational entity or operating as a "doing business as"
  - 28 organization as a method of evading consumers.

1           5.     Engaging in advertising, marketing or promoting its services and products in a  
2 false, materially misleading or deceptive manner in the State of California under Business and  
3 Professions Code section 17200 and/or section 17500;

4           6.     Engaging in the operation of any business or practice or sales of goods without  
5 the appropriate licenses;

6           7.     Engaging in any business or commercial activity without a legally registered and  
7 incorporated entity;

8           8.     Disposing, selling, transferring, or otherwise encumbering any of the Entity  
9 Defendants' assets, money, stocks, property, real property, or any other assets that could be used  
10 to satisfy a judgment; and

11          9.     Disposing, selling, transferring, or otherwise encumbering any of the Individual  
12 Defendants real property, stocks, or any other significant asset that could be used to satisfy a  
13 judgment, to the extent these assets were obtained, in whole or in part, from money any  
14 Defendant has received or will receive from consumers in connection with any purported or  
15 actual loan modification services, or from profits or property obtained using such money.

16           It is FURTHER ORDERED that within five (5) business days following service of this  
17 Order, each Defendant shall provide the Plaintiffs with the following information regarding its  
18 assets:

19          1.     The legal description and address of for any real property that is: (i) owned in  
20 whole or in part or controlled by any Defendant, in whole or in part; (ii) in the actual or  
21 constructive possession of any Defendant; (iii) held by an agent of any Defendant on its behalf;  
22 or (iv) owned, controlled by, or in the actual or constructive possession of, or otherwise held for  
23 the benefit of, any Defendant or any corporation, partnership, or other entity directly or indirectly  
24 owned or controlled by any Defendant, as of the date of this Order;

25          2.     The account number, name(s) on the account, current balance, and the name and  
26 contact information of the financial institution for each and every bank account or investment  
27 account, including checking accounts, savings accounts, money market accounts, retirement  
28 accounts, mutual fund and stock brokerage accounts, that are (i) owned in whole or in part or

1 controlled by any Defendant, in whole or in part; (ii) in the actual or constructive possession of  
2 any Defendant; (iii) held by an agent of any Defendant on its behalf; or (iv) owned, controlled  
3 by, or in the actual or constructive possession of, or otherwise held for the benefit of, any  
4 Defendant or any corporation, partnership, or other entity directly or indirectly owned or  
5 controlled by any Defendant, as of the date of this Order;

6 3. A list of the property, the location of the property, and a reasonably detailed  
7 description of the property, including, as applicable, serial numbers or other identification  
8 numbers and registration information, for all personal property with a fair market value in excess  
9 of \$2,500, that is (i) owned in whole or in part or controlled by any Defendant, in whole or in  
10 part; (ii) in the actual or constructive possession of any Defendant; (iii) held by an agent of any  
11 Defendant on its behalf; or (iv) owned, controlled by, or in the actual or constructive possession  
12 of, or otherwise held for the benefit of, any Defendant or any corporation, partnership, or other  
13 entity directly or indirectly owned or controlled by any Defendant, as of the date of this Order;

14 4. Each Defendant shall provide this Asset Information by overnight delivery  
15 service, facsimile, email, or hand delivery to: Amy Hargreaves, Latham & Watkins LLP, 600 W.  
16 Broadway, Suite 1800, San Diego, California 92101; and

17 5. Defendants shall provide to Plaintiffs such other financial statements as necessary  
18 in order to monitor Defendants' compliance with this Order.

19 It is further ORDERED that immediately upon presentation of this Order by Plaintiffs to:

20 1. The bank, financial institution, or any other corporate or legal entity, that directly  
21 or indirectly holds any money, property, or any other asset on behalf of Michael B. Wayman;  
22 Donald Brokaw; Certified Financial Protection Group, LLC; Financial Hope for America, Inc.;  
23 Safehouse 911, LLC, d/b/a Safehouse Professional Mortgage Restructuring 911; or U.S.  
24 Financial Advantage, shall immediately freeze all assets and prevent any use of those assets,  
25 except \$[6500] per month may be used from the accounts of Michael B. Wayman and  
26 Donald Brokaw for reasonable living expenses (as approved by the court at the end of each  
27 month). For good cause, Michael B. Wayman and Donald Brokaw may request the Court to  
28 adjust the monthly stipend for reasonable expenses by application, provided that Plaintiffs

1 receive notice (which may be shortened on application) and have an opportunity to be heard.

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IT IS SO ORDERED

Dated:  2012

NOV 29 2012

**Daniel A. Ottolia**

Judge of the Superior Court