

United States District Court  
Middle District of Tennessee  
Nashville Division

Federal Trade Commission, and

State of Tennessee, *ex rel.*

Robert E. Cooper, Jr., Attorney General and  
Reporter,

Plaintiffs,

v.

United States Benefits, LLC, a limited liability  
company, also d/b/a United States Health, United  
Benefits of America, LLC, UBA, United Benefits,  
United Health Benefits, Health Care America,  
HCA, National Benefits of America, Insurance  
Specialty Group, and Adova Health,

Timothy Thomas, individually and as an officer  
of United States Benefits, LLC, also d/b/a United  
States Health, United Benefits of America, LLC,  
UBA, United Benefits, United Health Benefits,  
Health Care America, HCA, National Benefits of  
America, Insurance Specialty Group, and Adova  
Health,

Defendants, and

Kennan Dozier, also d/b/a Kennan Dozier  
Thomas, Accentuate Designs, and Accentuate  
Your Home, LLC,

Relief Defendant.

Case No. \_\_\_\_\_

**PLAINTIFFS' *EX PARTE*  
EMERGENCY MOTION FOR A  
TEMPORARY RESTRAINING  
ORDER WITH ASSET FREEZE,  
APPOINTMENT OF TEMPORARY  
RECEIVER, AND ORDER TO  
SHOW CAUSE WHY A  
PRELIMINARY INJUNCTION  
SHOULD NOT ISSUE**

**[FILED UNDER SEAL]**

Plaintiffs, Federal Trade Commission (“Commission” or “FTC”) and the State of Tennessee, having filed a Complaint for Injunctive and Other Equitable Relief pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), and the Tennessee Consumer Protection Act of 1977 (“TCPA”), Tenn. Code Ann. § 47-18-101, *et seq.*, hereby move on an *ex parte* basis without notice to Defendants United States Benefits, LLC, also d/b/a United States Health, United Benefits of America, LLC, UBA, United Benefits, United Health Benefits, Health Care America, HCA, National Benefits of America, Insurance Specialty Group, and Adova Health (“U.S. Benefits”) and Timothy Thomas, individually and as an officer of U.S. Benefits, and Relief Defendant Kennan Dozier, also d/b/a Kennan Dozier Thomas, Accentuate Designs, and Accentuate Your Home, LLC (collectively, “Defendants”) pursuant to Fed. R. Civ. P. 65(b), for an *Ex Parte* Temporary Restraining Order With Asset Freeze, Appointment of Temporary Receiver, and Other Equitable Relief and Order For Defendants to Show Cause Why a Preliminary Injunction Should Not Issue (“TRO”) against them. As described in greater detail in Plaintiffs’ Memorandum of Law in Support of *Ex Parte* Motion for TRO, Appointment of a Temporary Receiver, and Order to Show Cause (“TRO Memo”), Defendants violate Section 5 of the FTC Act, the FTC’s Telemarketing Sales Rule (“TSR”), 16 C.F.R. Part 310, and the Tennessee Consumer Protection Act (“TCPA”), Tenn. Code Ann. § 47-18-101, *et seq.*, by misrepresenting the benefits association memberships they are selling as major medical health insurance. Only after consumers are charged by the benefits associations and receive written information about the plan do many consumers discover that U.S. Benefits sold them benefits association memberships instead of major medical health insurance.

In the interest of immediately protecting consumers and preventing the dissipation of

assets, and pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), the Plaintiffs seek an *ex parte* TRO, which temporarily, *inter alia*: (1) enjoins Defendants from misrepresenting benefits association memberships as major medical health insurance; enjoins TSR violations; enjoins TCPA violations (2) freezes Defendants' and Relief Defendant's assets; (3) requires Defendants and the Relief Defendant to identify all assets and make an accounting of their present financial condition; (4) appoints a temporary equity receiver over the Corporate Defendant; (5) permits limited expedited discovery as to the nature and location of assets, the location and identification of relevant documents, and other matters related to monitoring compliance with the requested Order; (6) restrains Defendants from destroying business records; (7) provides related equitable relief; and (8) orders Defendants and the Relief Defendant to show cause why a preliminary injunction should not be issued. Such an order is necessary to stop Defendants' unlawful conduct and prevent the dissipation of assets and destruction of records, thereby preserving the Court's ability to provide effective relief to consumers nationwide victimized by Defendants' deceptive practices.

The interests of justice require that this *ex parte* Motion be heard without notice, pursuant to Fed. R. Civ. P. 65(b). As explained more fully in the Plaintiffs' TRO Memo and the Certification and Declaration of Plaintiffs' Counsel in Support of Plaintiffs' *Ex Parte* Motion for: (1) Temporary Restraining Order, Appointment of Temporary Receiver, and Order to Show Cause; and (2) Order Temporarily Sealing Entire File, advance notice of this action would likely cause Defendants to dissipate assets or destroy documents. Such actions would cause immediate and irreparable damage to the Plaintiffs' efforts to prosecute this case, and to preserve assets for effective final relief. For these reasons, the Plaintiffs have not provided notice of this Motion to

Defendants.

Respectfully submitted,

Willard K. Tom  
General Counsel

Dated: August 3, 2010



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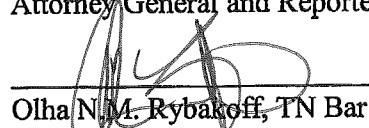
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