

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

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<b>FEDERAL TRADE COMMISSION,</b>	)		
	)		
<b>Plaintiff,</b>	)	<b>Case No. 4:96CV02225 SNL</b>	
<b>v.</b>	)		
	)	<b>Judge Limbaugh</b>	
<b>RICHARD C. NEISWONGER, et al.,</b>	)		
	)		
<b>Defendants.</b>	)		
	)		

**PLAINTIFF’S EX PARTE MOTION FOR AN ORDER TO SHOW CAUSE  
AND MOTION FOR A CIVIL CONTEMPT ORDER**

Plaintiff, the Federal Trade Commission (“FTC” or “Commission”), hereby submits these consolidated motions and respectfully requests that the Court: (1) enter an order directing defendant Richard Neiswonger (“Neiswonger”) and two persons or entities with notice acting in concert with him, William Reed (“Reed”), and Asset Protection Group, Inc. (“APG”) (all three, collectively, “contempt defendants”), to appear and show cause why this Court should not hold them in civil contempt for violating the Stipulated Final Judgment and Order for Permanent Injunction entered on February 28, 1997 (“Permanent Injunction”); and, following appropriate contempt proceedings, (2) enter a Civil Contempt Order, holding the contempt defendants in civil contempt and issuing complete compensatory and equitable relief for their repeated violations of the Permanent Injunction.

The contempt defendants are violating numerous provisions of the Court’s Permanent

Injunction, defrauding consumers nationwide in contempt of this Court. The contempt defendants are deceptively promoting and selling a training and business opportunity program with false income claims and material omissions, misrepresenting material facts to consumers nationwide in violation of Paragraphs I and I.A of the Permanent Injunction, and failing to disclose material facts to those consumers in violation of Paragraphs II and II.A of that Order. Defendant Neiswonger has further violated the Permanent Injunction by failing to provide proof of a current \$100,000 performance bond before promoting and selling his training and business opportunity program, in violation of Paragraphs V of the Court's Order, among other violations.

Based on the foregoing, and as fully set forth in the accompanying memorandum and exhibits, the Commission requests that this Court issue an immediate Order to Show Cause, requiring the contempt defendants to show cause why they should not be held in contempt of this honorable Court, and instituting a Show Cause Hearing. The FTC also requests that, following appropriate contempt proceedings, this Court issue a final Civil Contempt Order holding the contempt defendants in civil contempt and ordering full compensatory and coercive relief. These proposed Orders have been submitted for the convenience of the Court.<sup>1</sup>

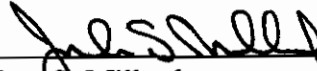
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<sup>1</sup> The Commission is simultaneously filing in this Court an *ex parte* Motion for Temporary Restraining Order with Equitable Relief, seeking emergency, interim relief pending a hearing and final determination on the merits of the contempt proceedings. Plaintiff seeks immediate injunctive relief to halt Contempt Defendants' deceptive practices, to preserve the status quo, and to prevent the destruction of evidence, the dissipation or movement of assets beyond the jurisdiction of this Court, or the infliction of any other harm to the Court's ability to extend complete, final relief as it may deem appropriate.

As set forth in the accompanying *ex parte* Motion to Temporarily Seal Filings, and the supporting affidavit of counsel, the FTC requests that its moving papers and any responsive orders and documents be held under temporary seal, to ensure that the contempt defendants do not receive notice of impending contempt proceedings before receiving service of an appropriate Temporary Restraining Order or such other relief as the Court deems just. The defendants' documented history of deception, and the nature of their current "asset protection" enterprise, gives rise to a serious risk of asset dissipation and/or spoliation of evidence if they receive an

(continued on following page)

Respectfully submitted,



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Attorneys for Plaintiff

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Date: July 17, 2006

\* Mr. Millard and Ms. Claybaugh are attorneys employed by the United States Federal Trade Commission. They are licensed to practice law in States other than Missouri, and appear in this matter consistent with E.D. Mo. L.R. 83-12.01(A).

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Order to Show Cause without being subject to the requested Temporary Restraining Order.

The Commission's accompanying filings, including the declaration of Plaintiff's counsel submitted pursuant to FED. R. CIV. P. 65, provide ample justification for the *ex parte* filing of the present motion.