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Chancery/General Equity

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, PASSAIC COUNTY
DOCKET NO. PAS-C-

JEFFREY S. CHIESA, Attorney General of the State of New Jersey, and ERIC T. KANEFSKY, Acting Director of the New Jersey Division of Consumer Affairs,

Plaintiffs,

v.

PROGRESSIVE MOVERS, INC. d/b/a MODERN ONE VERSATILE EXPERT RELOCATION SERVICE, M.O.V.E.R.S. INC. and MODERN M.O.V.E.R.S. INC.; ABC PACKING SUPPLIES, INC. d/b/a STATE WIDE BOX COMPANY, INC.; KONSTANTIN EGOROV, individually and as owner, officer, director, manager, employee, representative and/or agent of PROGRESSIVE MOVERS, INC. d/b/a MODERN ONE VERSATILE EXPERT RELOCATION SERVICE, M.O.V.E.R.S. INC. and MODERN M.O.V.E.R.S. INC., and/or ABC PACKING SUPPLIES, INC. d/b/a STATE WIDE BOX COMPANY, INC.; YEVGENIY PISKUN a/k/a YEVGENIY PESKUN a/k/a EUGENE PISKUN a/k/a EUGENE PESKUN a/k/a EUGENE PESKIN a/k/a SAM PISKUN a/k/a SAM PESKUN a/k/a SAM PESKIN, individually and as owner, officer, director, manager, employee, representative and/or agent of PROGRESSIVE MOVERS, INC. d/b/a MODERN ONE VERSATILE EXPERT RELOCATION SERVICE, M.O.V.E.R.S. INC. and MODERN M.O.V.E.R.S. INC., and/or ABC PACKING SUPPLIES, INC. d/b/a STATE WIDE BOX COMPANY, INC.; JANE AND JOHN DOES 1-20, individually and as owners, officers, directors, shareholders, founders, managers, agents, servants, employees, representatives and/or independent contractors of PROGRESSIVE MOVERS, INC. d/b/a MODERN ONE VERSATILE EXPERT RELOCATION SERVICE, M.O.V.E.R.S. INC. and MODERN M.O.V.E.R.S. INC., and/or ABC PACKING SUPPLIES, INC. d/b/a STATE WIDE BOX COMPANY, INC.; and XYZ CORPORATIONS 1-20,

Defendants.

Civil Action

**ORDER TO
SHOW CAUSE
WITH
TEMPORARY
RESTRAINTS
PURSUANT TO
RULE 4:52**

THIS MATTER being brought before the Court by Nicholas Kant, Deputy Attorney General, for plaintiffs Jeffrey S. Chiesa, Attorney General of the State of New Jersey, and Eric T. Kanefsky, Acting Director of the New Jersey Division of Consumer Affairs (collectively, "Plaintiffs"), seeking relief by way of temporary restraints pursuant to R. 4:52, based upon facts set forth in the Verified Complaint and supporting Certifications and Brief filed herewith; and it appearing that immediate and irreparable damage will probably result before notice can be given and a hearing held and for good cause shown.

It is on this 8 day of May, 2012 ORDERED that defendants Progressive Movers, Inc. d/b/a Modern One Versatile Expert Relocation Service, M.O.V.E.R.S. Inc. and Modern M.O.V.E.R.S. Inc. ("Progressive Movers"); Konstantin Egorov, individually and as owner, officer, director, manager, employee, representative and/or agent of Progressive Movers and/or ABC Packing Supplies, Inc. d/b/a State Wide Box Company, Inc. ("Egorov"); ABC Packing Supplies, Inc. d/b/a State Wide Box Company, Inc. ("ABC Packing"); and Yevgeniy Piskun a/k/a Yevgeniy Peskun a/k/a Eugene Piskun a/k/a Eugene Peskun a/k/a Eugene Peskin a/k/a Sam Piskun a/k/a Sam Peskun a/k/a Sam Peskin, individually and as owner, officer, director, manager, employee, representative and/or agent of Progressive Movers and/or ABC Packing ("Piskun") (collectively, "Defendants"), appear and show cause before the Superior Court, Chancery Division, General Equity Part, Passaic County, Paterson, New Jersey at 9 o'clock in the fore noon or as soon thereafter as counsel can be heard, on the 15 day of June, 2012, why an Order should not be issued preliminarily enjoining and restraining Defendants from:

- A. Engaging in, continuing to engage in, or doing any acts or practices in violation of the Public Movers & Warehousemen Licensing Act, N.J.S.A. 45:14D-1 et seq. ("Public Movers Licensing Act"), the Regulations Governing Public Movers and Warehousemen, N.J.A.C. 13:44D-1 et seq. ("Public Movers Regulations"), and/or the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq. ("CFA"), including, but not limited to, the acts and practices alleged in the Verified Complaint;
- B. Engaging in the advertisement, offering for sale, sale and/or performance of public moving services ("Mover's Services") or storage ("Storage") for consumers in the State of New Jersey ("State" or "New Jersey");
- C. Removing, selling, encumbering, transferring or engaging in any act of disposition of any assets of the Defendants including, but not limited to, all deposits or monies paid by consumers for Mover's Services and/or Storage;
- D. Removing, selling, encumbering, transferring or engaging in any act of disposition of any consumer property held by Defendants as a result of their sale and/or performance of Mover's Services and/or Storage;
- E. Ordering Defendants to arrange for the shut down of the websites located at http://www.vanlines.com/moving_company_info/progressive_movers.html, http://www.topmovingcompanies.com/companies/progressive_movers_2078468.html and http://www.relocation.com/moving_services/company/progressive_movers_NJ.html (collectively, "Defendants' Websites") and www.myownmovers.com ("M.O.V.E.R.S. Inc. Website");
- F. Destroying, concealing, altering, transferring, disposing or removing in any manner, directly or indirectly, any books or records, information stored in computer-maintained form (such as electronic mail) and any other "document," as that term is defined in R. 4:18-1(a), in their possession, subject to their control or available to them, that directly or indirectly relate to the advertisement, offering for sale, sale and/or performance of Mover's Services and/or Storage;
- G. Failing to make and/or keep any books or records, information stored in computer-maintained form (such as electronic mail) and any other "document," as that term is defined in R. 4:18-1(a) that directly or indirectly relate to advertisement, offering for sale, sale and/or performance of Mover's Services and/or Storage; and
- H. Granting such other relief as the Court deems equitable and just.

AND IT IS FURTHER ORDERED that on the return date herein, Defendants appear and show cause why an Order should not be issued:

- A. Appointing a Receiver, at the Defendants' expense, in accordance with N.J.S.A. 56:8-8, 56:8-9 and 45:14D-21, to assume control over the assets of Defendants, render a full accounting, wind up the affairs of and arrange for the dissolution of Progressive Movers and ABC Packing, and thereafter sell and/or convey such assets under the direction of the Court in order to restore any person who has suffered damages, whether named in the Verified Complaint or not, as a result of the unlawful acts of Defendants;
- B. Freezing all assets of Defendants in which they hold a legal or equitable interest including, but not limited to, real property, securities, bonds, notes and monies held in any of their bank accounts, money market accounts, certificates of deposit or safe deposit boxes or held in petty cash, and preventing Defendants from removing, selling, encumbering, assigning, transferring or engaging in other acts of disposition of any such assets; and
- C. Continuing the temporary injunctive and ancillary relief already ordered by the Court.

AND IT IS FURTHER ORDERED that pending the return date herein, Defendants are temporarily enjoined and restrained from:

- A. Engaging in, continuing to engage in, or doing any acts or practices in violation of the Public Movers Licensing Act, the Public Movers Regulations and/or the CFA, including, but not limited to, the acts and practices alleged in the Verified Complaint;
- B. Engaging in the advertisement, offering for sale, sale and/or performance Mover's Services and/or Storage to consumers within New Jersey including, but not limited to, providing estimates through Defendants' Websites and the M.O.V.E.R.S. Inc. Website;
- C. Removing, selling, encumbering, transferring or engaging in any act of disposition of any assets of the Defendants that relate to the subject matter of the Verified Complaint including, but not limited to, all monies paid by consumers for Mover's Services and/or Storage;

- D. Removing, selling, encumbering, transferring or engaging in any act of disposition of any consumer property held by Defendants as a result of their sale and/or performance of Mover's Services and/or Storage;
- E. Destroying, concealing, altering, transferring, disposing or removing in any manner, directly or indirectly, any books or records, information stored in computer-maintained form (such as electronic mail) and any other "document," as that term is defined in R. 4:18-1(a), in their possession, subject to their control or available to them, that directly or indirectly relate to the advertisement, offering for sale, sale and/or performance of Mover's Services and/or Storage;
- F. Failing to make and/or keep any books or records, information stored in computer-maintained form (such as electronic mail) and any other "document," as that term is defined in R. 4:18-1(a) that directly or indirectly relate to the advertisement, offering for sale, sale and/or performance of Mover's Services and/or Storage; and
- G. Granting such other relief as the Court deems equitable and just.

AND IT IT FURTHER ORDERED that pending the return date herein:

- A. A temporary freeze be placed on all assets of Progressive Movers and ABC Packing in which they hold a legal or equitable interest including, but not limited to, real property, securities, bonds, notes and monies held in any of their bank accounts, money market accounts, certificates of deposit or safe deposit boxes or held in petty cash, and Progressive Movers and ABC Packing be prevented from removing, selling, encumbering, assigning, transferring or engaging in other acts of disposition of any such assets.

AND IT IS FURTHER ORDERED:

- A. Defendants shall arrange for the shutdown of the websites located at www.vanlines.com/moving_company_info/progressive_movers.html, www.topmovingcompanies.com/companies/progressive_movers_2078468.htm and www.relocation.com/moving_services/company/progressive_movers_NJ.html (collectively, "Defendants' Websites") and www.myownmovers.com ("M.O.V.E.R.S. Inc. Website");
- B. That upon three (3) days' notice, Defendants shall provide consumers with access to any property Defendants have retained in connection with their sale and/or performance of Mover's Services and/or Storage, and Division of Consumer Affairs

Investigator Vincent Buonanno ("Investigator Buonanno") shall notify the consumers and oversee the pick-up process;

- C. Defendants shall not seek any payment from the consumers as a condition of returning their property, or at any time thereafter;
- D. Within five (5) days of the date of this Order, Defendants' counsel shall provide Plaintiffs with written identification, by name, address and telephone number, if available, of all consumers for whom they have contracted to provide Mover's Services and/or Storage in the future;
- E. All contracts and/or agreements through which Defendants have agreed to provide Mover's Services and/or Storage in the future are null and void;
- F. Within five (5) days of the date of this Order, Defendants counsel shall notify all consumers for whom they have contracted to provide Mover's Services and/or Storage in the future that the contracts are null and void and Defendants will not be providing any Mover's Services and/or Storage, and such notification shall be by every point of contact known to Defendants for each consumer (i.e., e-mail, telephone and/or United States Postal Service), with a copy to Investigator Buonanno; and
- G. Plaintiffs shall provide Progressive Movers, ABC Packing, Egorov and Piskun with a Financial Disclosure Statement (individual or corporate) in the form attached hereto. Progressive Movers', ABC Packing's, Egorov's and Piskun's Financial Disclosure Statements shall be completed and returned to the Plaintiffs' counsel not later than May 18, 2012.

AND IT IS FURTHER ORDERED that:

1. The Defendants may move to dissolve or modify the temporary restraints herein contained upon two (2) days' notice to the Plaintiffs' attorney.
2. A copy of this Order to Show Cause, Verified Complaint, Brief and supporting Certifications submitted in support of this application shall be served upon the Defendants personally (or by other means) within 3 days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process.

3. Plaintiffs must file with the Court their proof of service of the pleadings on the Defendants no later than three (3) days before the return date.

4. Defendants shall file and serve a written response to this Order to Show Cause and the request for entry of injunctive relief and proof of service by June 7, 2012. The original documents must be filed with the Clerk of the Superior Court in the county listed above. A list of these offices is provided. You must send a copy of your opposition papers directly to Hon. Margaret Mary McVeigh, P.J.Ch., whose address is Superior Court of New Jersey, Chancery Division, General Equity Part, Passaic County, Old Courthouse, 71 Hamilton Street, Paterson, New Jersey 07505. You must also send a copy of your opposition papers to the Plaintiffs' attorney whose name and address appears above, or to the Plaintiffs, if no attorney is named above. A telephone call will not protect your rights; you must file your opposition and pay the required fee of \$ and serve your opposition on your adversary, if you want the court to hear your opposition to the injunctive relief the Plaintiffs are seeking.

5. The Plaintiffs must file and serve any written reply to the Defendants' Order to Show Cause opposition by June, 2012. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the Chambers of Hon. Margaret Mary McVeigh, P.J.Ch.

6. If the Defendants do not file and serve opposition to this Order to Show Cause, their application will be decided on the papers on the return date and relief may be granted by default, provided that the Plaintiffs file a proof of service and a proposed form of Order at least three (3) days prior to the return date.

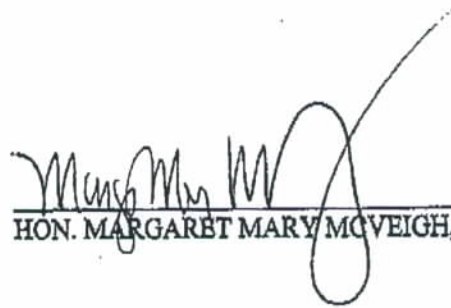
7. If the Plaintiffs have not already done so, a proposed form of Order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the Court no later than three (3) days before the return date.

8. Defendants take notice that the Plaintiffs have filed a lawsuit against them in the Superior Court of New Jersey. The Verified Complaint attached to this Order to Show Cause states the basis of the lawsuit. If you dispute this Complaint, you, or your attorney, must file a written Answer to the Complaint and proof of service within thirty-five (35) days from the date of service of this Order to Show Cause; not counting the day you received it.

These documents must be filed with the Clerk of the Superior Court in the county listed above. A list of these offices is provided. Include a \$ 135 filing fee payable to the "Treasurer State of New Jersey." You must also send a copy of your Answer to the Plaintiffs' attorney whose name and address appear above, or to the Plaintiffs, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your Answer (with the fee) or judgment may be entered against you by default. Please note: Opposition to the Order to Show Cause is not an Answer and you must file both. Please note further: if you do not file and serve an Answer within thirty-five (35) days of this Order, the Court may enter a default against you for the relief Plaintiffs demand.

9. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live. A list of the Legal Services offices in New Jersey is provided. If you do not have an attorney and are both eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

10. The Court will entertain argument, but not testimony, on the return date of the Order to Show Cause, unless the Court and parties are advised to the contrary no later than 4 day before the return date.


HON. MARGARET MARY McVEIGH, P.J.CH.