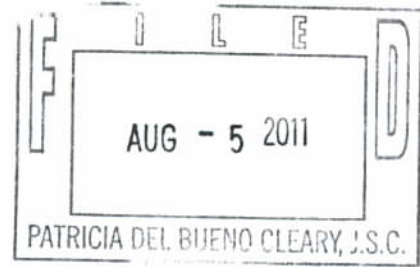


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SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION,
MONMOUTH COUNTY
DOCKET NO. *C-119-11*

PAULA T. DOW, Attorney General of the State
of New Jersey, and THOMAS R. CALCAGNI,
Acting Director of the New Jersey Division of
Consumer Affairs,

Plaintiffs,

v.

ALLAN LEVINE d/b/a AL'S SPECIAL
FRIENDS, ALLAN LEVINE, INC., VAN DAM,
INC. and JANE and JOHN DOES 1-10,
individually and as owners, officers, directors,
shareholders, founders, managers, agents,
servants, employees, representatives and/or
independent contractors of AL'S SPECIAL
FRIENDS, ALLAN LEVINE, INC., VAN DAM,
INC. and XYZ CORPORATIONS 1-10,

Defendants.

Civil Action

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

THIS MATTER being brought before the Court by Jah-Juin Ho, Deputy Attorney General,
for plaintiffs Paula T. Dow, Attorney General of the State of New Jersey, and Thomas R. Calcagni,
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 5th day of August, 2011 **ORDERED** that defendants Allan Levine d/b/a Al's Special Friends ("Allan Levine"), Allan Levine, Inc., and Van Dam, Inc. (collectively "Defendants") appear and show cause before the Superior Court, Chancery Division, General Equity Part, Monmouth County, 71 Monument Park Freehold NJ, 07728 at 1:30 o'clock or as soon thereafter as counsel can be heard, on the 23 day of September, 2011, 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 furtherance of any violation of the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq. ("CFA") the Regulations Governing the Sale of Animals ("Pet Regulations"), N.J.A.C. 13:45A-12.1 et seq., and Charitable Registration and Investigation Act, N.J.S.A. 45:17A-18 et seq. ("Charities Act") including, but not limited to, the acts or practices alleged in the Verified Complaint;
- B. Removing, selling, encumbering, transferring or engaging in any act of disposition of any Animals (as defined by N.J.A.C. 13:45A-12.1) in Defendants' possession. Notwithstanding, Defendants may sell and offer for sale Animals upon examination of such Animals by a veterinarian licensed in the State of New Jersey ("New Jersey"), in accordance with N.J.A.C. 13:45-12.3(a)(1) and (5). In so doing, Defendants shall comply with the requirements of the Pet Regulations. Further, all proceeds from the sale of any Animals by Defendants shall be held in a separate trust account, the disbursement of any funds from such account authorized only upon an order of this Court;
- C. Purchasing, adopting or otherwise obtaining possession of any additional Animals and/or placing any Advertisements offering for sale any Animal.
- D. Inoculating or vaccinating any Animals without an order of a veterinarian licensed to practice in the New Jersey, in accordance with N.J.A.C. 13:45A-12.3(a)(4);

- 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 its possession, subject to its control or available to it, that directly or indirectly relate to the Sale (as defined in N.J.S.A. 56:8-1), offer for Sale, and/or Advertisement (as defined in N.J.S.A. 56:8-1) of Animals; and
- 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 Sale, offer for Sale, and/or Advertisement of Animals to out-of-state and/or New Jersey consumers.

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

- A. Within five (5) days of the entry of this Order, Defendants shall have each Animal in their possession and/or control and/or located at their residence of 384 Monmouth Road, Millstone Township, New Jersey 08510 examined by a veterinarian licensed in the New Jersey, in accordance with N.J.A.C. 13:45-12.3(a)(1) and (5);
- B. Thereafter, Defendants shall have each Animal examined at least every six (6) months;
- C. Records of each veterinary examination be submitted to Plaintiffs within five (5) days of examination;
- D. Defendants notify Plaintiffs at least ten (10) days prior to the sale and/or transfer of any Animal. Each notification shall include: (1) name of the person acquiring each Animal; (2) their address; (3) their telephone number; (4) their relationship with Defendant; (4) the sales amount; and (5) a copy of the health certificate for the Animal being sold or transferred. In the event Plaintiffs dispute the sale and/or transfer of any Animal, such animal shall not be sold and/or transferred pending an order of this Court;
- E. All assets in which Defendants 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, are frozen, thereby preventing Defendants from removing, selling, encumbering, assigning, transferring or engaging in other acts of

disposition of any such assets;

- F. Counts I and II of the Verified Complaint be heard in a summary manner pursuant to N.J.S.A. 56:8-8 and R. 4:67;
- G. Defendant Allan Levine be held in contempt of court for failing to respond to the subpoena and interrogatories issued by the Attorney General pursuant N.J.S.A. 45:17-33(c)1 and (7) and N.J.S.A. 56:8-3; and
- H. Defendants Allan Levine and Allan Levine, Inc. pay civil penalties in the amount of \$10,000 for failing to respond to the subpoena and interrogatories issued by the Attorney General pursuant to N.J.S.A. 45:17-33(c)1 and (7) and N.J.S.A. 56:8-3.

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 CFA, the Pet Regulations and the Charities Act, including, but not limited to, the acts or practices alleged in the Verified Complaint;
- B. Removing, selling, advertising, offering for sale, encumbering, transferring or engaging in any act of disposition of any Animals in Defendants' possession;
- C. Removing, selling, encumbering, assigning, transferring or engaging in other acts of disposition of any assets in which Defendants 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; *except in the ordinary course of business.*
- D. Purchasing or otherwise obtaining possession of any additional Animals and/or placing any Advertisement offering for sale an Animal;
- E. Inoculating or vaccinating any Animals without an order of a veterinarian licensed to practice in the State of New Jersey, in accordance with N.J.A.C. 13:45A-12.3(a)(4);
- 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 its possession, subject to its control or available to it, that directly or indirectly relate to the Sale, offer for Sale, and/or Advertisement of Animals; and

- 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 the Sale, offer for Sale, offer for Sale, and/or Advertisement of Animals to out-of-state and/or New Jersey consumers.

AND IT IS FURTHER ORDERED that:

- A. Within ~~five (5)~~¹⁵ days of the entry of this Order, Defendants respond to the outstanding subpoena and interrogatories, including all financial records and all 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 Sale, offer for Sale, and/or Advertisement of Animals;
- B. Within five (5) days of the entry of this Order, Defendant Allan Levine shall submit a full accounting of each Animal within his possession and/or control and/or located at his residence of 384 Monmouth Road, Millstone Township, New Jersey 08510, as of the date of this Order, to Plaintiffs. Such accounting shall include all the information required on an Animal's health certificate pursuant to N.J.A.C. 13:45:12-2(1), including each Animal's breed, sex, age, color, birth date, registration number, and sire and dam. Such accounting shall further include the name and address of the person from which each Animal was obtained, the date each animal was obtained, the dates each Animal was examined by a licensed veterinarian, the name and address of that veterinarian, and all vaccinations and/or treatments given to each Animal; and
- C. Within thirty (30) days of the entry of this Order, Defendants submit a current audited financial statement of Allan Levine, Inc., in accordance with N.J.S.A. 45:17A-33c(5).

AND IT IS FURTHER ORDERED that:

1. Defendant may move to dissolve or modify the temporary restraints herein contained on 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 ^{has been} ~~shall be~~ served upon the Defendants

personally (~~or by other means~~) within _____ days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process. *As agree they have been served with the complaint*

3. The Plaintiffs must file with the Court their proof of service of the pleadings on 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 September 13, 2011.

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 the Honorable Thomas W. Cavanagh, Jr., P.J.Ch, whose address is Superior Court of New Jersey, Chancery Division, General Equity Part, Monmouth County, 71 Monument Park Freehold NJ, 07728. You must also send a copy of your opposition papers 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 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. ~~Defendants~~ ^{Plaintiffs} must file and serve any written opposition to the Plaintiffs' Order to Show Cause by September 19, 2011. 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 Judge Cavanagh.

6. If Defendants do not file and serve opposition to this Order to Show Cause, this 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.

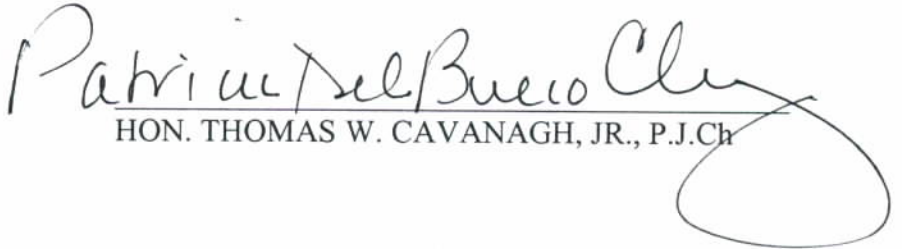
8. Defendants take notice that the Plaintiffs have filed a lawsuit against them in the Superior Court of New Jersey. The Verified Complaint attached to this Order to Show Cause states the basis of the lawsuit. If you dispute this Complaint, you, or your attorney, must file a written Answer to the Complaint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

These documents must be filed with the Clerk of the Superior Court in the county listed above. A list of county offices is provided. Include a \$_____ 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 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 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 3 day before the return date.


HON. THOMAS W. CAVANAGH, JR., P.J.Ch