

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

PONTE INVESTMENTS, LLC, a limited liability company, also d/b/a SBA LOAN PROGRAM and d/b/a SBA LOAN PROGRAM.com, and

JOHN C. PONTE, individually and as an officer of PONTE INVESTMENTS, LLC,

Defendants.

CASE NO. 1:20-cv-00177-JJM-PAS

**FTC’S MOTION FOR A
TEMPORARY RESTRAINING
ORDER, AND OTHER EQUITABLE
RELIEF, AND ORDER TO SHOW
CAUSE WHY A PRELIMINARY
INJUNCTION SHOULD NOT ISSUE**

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, the Federal Trade Commission (“FTC”) moves for a temporary restraining order (“TRO”), and other equitable relief, and an order to show cause why a preliminary injunction should not issue. In support of its motion, the FTC submits the accompanying memorandum, exhibits, and declarations, and states as follows:

1. The FTC brings this action to stop Defendants Ponte Investments, LLC, also d/b/a SBA Loan Program and d/b/a SBALoanProgram.com, and John C. Ponte from misleadingly soliciting small business consumers seeking financial relief from the devastating effects of the coronavirus pandemic. SBA Loan Program has been misrepresenting that it is authorized to make Small Business Administration (“SBA”) loans under the Paycheck Protection Program (“PPP”), and it also has been misleading consumers that it is SBA, or is otherwise associated or approved by SBA. In reality, SBA Loan Program is not authorized to make PPP loans and is not associated with, or approved by, SBA.
2. These acts and practices violate Section 5(a) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 45(a).

3. The FTC therefore seeks a TRO:
 - a. Temporarily restraining Defendants from misrepresenting any material fact, including but not limited to, that any Defendant is authorized to make PPP loans and that any Defendant is SBA, or is affiliated or otherwise associated with, or endorsed, sponsored, or approved by SBA;
 - b. Temporarily restraining and enjoining Defendants from releasing certain consumer information;
 - c. Requiring Defendants to notify each consumer whose information any Defendant obtained in connection with activity that pertains to the subject matter of the TRO;
 - d. Restraining and enjoining Defendants and certain third parties from destroying or concealing documents;
 - e. Requiring Defendants to show cause why this Court should not issue a preliminary injunction extending such temporary relief pending an adjudication on the merits; and
 - f. Providing for other equitable relief.
4. Filed concurrently are a memorandum in support of TRO and accompanying exhibits and declarations.
5. Pursuant to LR Gen 306, the FTC is prepared to submit a proposed TRO if requested by the Court.

WHEREFORE, the FTC respectfully requests that this Court grant this motion by issuing a TRO entering the proposed relief.

Dated: April 17, 2020

Respectfully submitted,

/s/ Daniel Dwyer
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