

At a Special Term of the Supreme Court,  
held in and for the County of Albany at  
the Albany County Courthouse, in the City  
of Albany, New York, on the \_\_\_\_ day of  
October, 2004.

P R E S E N T :

Hon. Joseph R. Cannizzaro,

Justice.

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PEOPLE OF THE STATE OF NEW YORK, by  
ELIOT SPITZER, Attorney General of the State  
of New York,

Petitioners,

ORDER TO SHOW  
CAUSE WITH  
TEMPORARY  
RESTRAINING

ORDER

-against-

NATIONAL COLLECTOR'S MINT, INC.,

Index No.

Respondent.

Date Filed: October 12, 2004

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Upon reading and filing the annexed Verified Petition, and the Affirmation of  
Matthew J. Barbaro, Assistant Attorney General, dated October 12, 2004, and the exhibits  
thereto, the affidavit of Diane McDevitt, sworn to on September 24, 2004, the Supplemental  
Affidavit of Diane McDevitt, sworn to on October 8, 2004, and the affidavit of Robert  
Gallagher, sworn to on September 27, 2004, and upon motion of Eliot Spitzer, Attorney  
General of the State of New York, attorney for the petitioners, it is

**ORDERED** that the respondent in the above-entitled proceeding show cause before a  
Term of this Court, to be held at the Albany County Courthouse, Columbia and Eagle Streets,

Albany, New York on the \_\_\_\_ day of \_\_\_\_\_, 2004, at \_\_\_\_ o'clock in the \_\_\_\_\_ noon of that day, or as soon thereafter as counsel may be heard, why an order and judgment should not be made, pursuant to Executive Law §63(12), General Business Law ("GBL") Art. 22-A, and Business Corporation Law ("BCL") Article 13:

(a) permanently enjoining respondent from engaging in the fraudulent, deceptive and illegal acts and practices alleged in the verified petition;

(b) directing respondent to render a full accounting to petitioners of the name, address, telephone number and amount of payment made to respondent for each consumer who purchased a "2004 Freedom Tower Silver Dollar" from January 1, 2004 to the present;

(c) granting full restitution to all victimized consumers;

(d) requiring respondent to disclose in all advertisements for the "2004 Freedom Tower Silver Dollar," whether in written, video, audio, electronic, or any other format, including on the home page of the nationalcollectorsmint.com web site, in a clear and conspicuous manner, the following information:

(i) that the "2004 Freedom Tower Silver Dollar" is not a genuine United States Government coin;

(ii) that the "2004 Freedom Tower Silver Dollar" is not legal tender;

(iii) that the "2004 Freedom Tower Silver Dollar" is not issued, authorized, sponsored or endorsed by the United States Government;

(iv) that the Commonwealth of the Northern Mariana Islands is not

authorized to coin money or issue legal tender;

- (v) that the “2004 Freedom Tower Silver Dollar” is not a silver dollar;
- (vi) that the “2004 Freedom Tower Silver Dollar” is not composed of solid silver, but is rather a bronze or other base metal medallion clad or plated in approximately one ten-thousandth of an inch or 0.001929 troy ounces of silver;
- (vii) that respondent is not connected in any way with the United States Government; and
- (viii) that the United States Government neither sponsors nor endorses respondent’s medallions, replicas, and alterations of genuine U.S. coinage.

(e) permanently enjoining respondent from doing business in the State of New York until such time as it files an Application for Authority with the New York State Department of State pursuant to Article 13 of the BCL;

(f) pursuant to GBL §350-d, imposing civil penalties for each deceptive act committed by respondent and for each act of false advertising engaged in by respondent;

(g) granting costs to the State of New York, including additional costs of two thousand dollars pursuant to CPLR §8303(a)(6), and

(h) such other and further relief as to this Court may seem just and proper.

**AND IT APPEARING** from the Verified Petition, the Affirmation of Assistant Attorney General Matthew J. Barbaro, with exhibits, the affidavit of Diane McDevitt, sworn

to on September 24, 2004, the Supplemental Affidavit of Diane McDevitt, sworn to on October 8, 2004, and the affidavit of Robert Gallagher, sworn to on September 27, 2004, that sufficient cause for temporary injunctive relief exists under Executive Law §63 (12) and CPLR §§6301 and 6313; and

**IT FURTHER APPEARING** that respondent continues to engage in illegal and deceptive acts which will cause immediate and irreparable injury to consumers of the State of New York; and

**IT FURTHER APPEARING** that immediate and irreparable injury, loss, and damage will result therefrom unless the respondent is restrained before a hearing can be held; it is further

**ORDERED** that pending the hearing of this proceeding, respondent, its officers, employees and agents are enjoined:

(1) from advertising, marketing, or offering or soliciting for sale the “2004 Freedom Tower Silver Dollar” in any form or medium, including, without limitation, video, audio, e-mail, direct mail, electronic, in person or otherwise;

(2) from selling, processing existing sales orders for, or accepting or processing payment, whether cash, check, credit or debit card, or otherwise, for the “2004 Freedom Tower Silver Dollar,” and

(3) to post, in a clear and conspicuous format, on each page of its web site(s) the following: “WE ARE TEMPORARILY PROHIBITED BY A COURT ORDER FROM ACCEPTING ANY ORDERS FOR THE ‘2004 FREEDOM TOWER SILVER DOLLAR’;” and it is further

**ORDERED** that respondent shall provide to petitioners within twenty-four hours after service of this Order, a written listing of the names and addresses of all agents including brokers, banks, savings and loan associations, and other financial depositories and financial institutions at which respondent has monies on account(s) or maintains any accounts or has the right to have funds credited to it in any account(s), together with the account number and titles, and it is further

**ORDERED**, that upon service of a copy of this Order upon any agent, broker, bank, savings and loan association and other financial depository and financial institution at which respondent has money on account or maintains any account(s) or has the right to have funds credited to it in any account(s), said bank, savings and loan association and other financial depository and financial institution is hereby temporarily restrained from paying out, transferring, honoring drafts or checks against or setting off or assigning to themselves or to any other person or firm such funds.

SUFFICIENT CAUSE to me appearing therefore,

LET service of a copy of this order and supporting papers upon respondent by delivery to its place of business at 8 Slater Street, Port Chester, New York 10573 on or before the \_\_\_\_ day of \_\_\_\_\_, 2004, be deemed due and sufficient service hereof.

ENTER:

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HON. JOSEPH R. CANNIZZARO, J.S.C.