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FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2005 AUG -3 AM 9:42

H. CHING
CLERK

Attorney for Plaintiff

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, by its Office of
Consumer Protection

Plaintiff,

vs.

PACIFIC EDUCATIONAL SERVICES
COMPANY, a Nevada corporation dba)
Hawaii College of Pharmacy; DENISE)
A. CRISWELL aka Deedee Criswell)
aka DeDe Criswell aka Denise)
Criswell Nakajima and DAVID)
CHAMPION MONROE fka David)
Yacas,

Defendants.

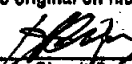
CIVIL NO. 05-1-1356-07 SSM
(Other Civil Action)

TEMPORARY RESTRAINING ORDER

TEMPORARY RESTRAINING ORDER

Plaintiff has filed a Complaint for permanent injunction and other relief, including redress and has applied *ex parte* for a temporary restraining

I do hereby certify that this is a full, true and correct copy of the original on file in this office.


Clerk, Circuit Court, First Circuit

order with asset freeze and has filed a motion for a preliminary injunction. The Court has considered the pleadings; affidavits, exhibits and memoranda filed in support of Plaintiff's motions and make the following findings of fact:

THE COURT HEREBY FINDS:

1. The court has jurisdiction over the subject matter of this case and there is good cause to believe it will have jurisdiction over all the parties hereto and that venue in this circuit is proper.

2. There is good cause to believe that Defendants have engaged in and are likely to engage in practices that violate Hawaii Rev. Stat. §§446E-2(a), 446E-5(f), 446E-4(a), 446E-2(c), 446E-5(e), 480-2(a) and 481A-3 and that the Plaintiff is likely to prevail on the merits of this action.

3. There is good cause to believe that immediate and irreparable harm will result from Defendants' ongoing violations of Hawaii Rev. Stat. §§446E-2(a), 446E-5(f), 446E-4(a), 446E-2(c), 446E-5(e), 480-2(a) and 481A-3 and that immediate and irreparable damage to the Court's ability to grant effective final relief for consumers in the form of monetary redress will occur from the sale, transfer, assignment or other disposition or concealment by Defendants of their assets or records unless Defendants are immediately restrained and enjoined by Order of this Court. There is good cause for issuing this Order without prior notice to the Defendants of the Plaintiff's motion, pursuant to Hawaii R. Civ. P. 65(b).

4. Weighing the equities and considering the Plaintiff's likelihood of success in its causes of action, the Temporary Restraining Order is in the public's interest.

DEFINITIONS

For the purposes of this Order, the following definitions shall apply:

1. "Defendants" means Pacific Educational Services Company, a Nevada corporation dba Hawaii College of Pharmacy; Denise A. Criswell aka Deedee Criswell aka DeDe Criswell aka Denise Criswell Nakajima and David Champion Monroe fka David Yacas.

2. "Related Parties" means Pacific Blue Foundation, Inc., a Kentucky nonprofit corporation; Criswell & Monroe, LLC, a Kentucky limited liability company; Kentucky Aina Nui, 1 LLC; a Kentucky limited liability company; Kentucky Aina Nui, 2 LLC; a Kentucky limited liability company; Pacific Blue Venture Corporation, a Nevada corporation; Pacific Blue Educational Services, a Nevada corporation; Pacific Blue LLC, a Nevada corporation; Pacific Blue Holdings, inc., a Nevada corporation; Mid Pacific Educational Services, a Nevada corporation; and Akahito Ken Nakajima.

3. "Document(s)" or "records" means:

A. The original or a true copy of any written, types, printed, electronically stored, transcribed, taped, recorded, filmed, punched, or graphic matter or other data compilations of any kind, including, but not limited

to, letters, emails or other correspondence, messages, memoranda, interoffice communications, notes, reports, summaries, manuals, magnetic tapes or disks, tabulations, books, records, checks, invoices, work papers, journals, ledgers, statements, returns, reports, schedules, or files; and

B. Any information stored on any desktop personal computer and workstations, laptops, notebooks, and other portable computers, whether assigned to individuals or in pools of computers available for shared use; and home computers used for work-related purposes; backup disks and tapes, archive disks and tapes, and other forms of offline storage, whether stored onsite with the computer used to generate them, stored offsite in another company facility or stored offsite by a third-party, such as in a disaster recovery center' and computers and related offline storage used by Defendants or Related Parties, which may include persons who are not employees of the company or who do not work on company premises.

4. "Assets" means any legal or equitable interest in, right to, or claim to, any real and personal property, including but not limited to chattel, goods, instruments, equipment, fixtures, general intangibles, effects, leaseholds, mail or other deliveries, inventory, checks, notes, accounts, credits, receivables, funds, monies, and all cash, wherever located, and shall include both existing assets and assets acquired after the date of entry of this Order.

5. "Financial institution" means any bank, savings and loan institution, credit union, or any financial depository of any kind, including but

not limited to any brokerage house, trustee, broker-dealer, escrow agent, title company, commodity trading company or precious metal dealer.

ORDER

PROHIBITED BUSINESS ACTIVITIES

I. IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendants, Related Parties, and their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with Defendants or Related Parties who receive actual notice of this Order by personal service or otherwise, and each of them, are hereby restrained and enjoined from violating Hawaii Rev. Stat. §§446E-2(a), 446E-5(f), 446E-4(a), 446E-2(c), 446E-5(e), 480-2(a) and 481A-3 in any manner.

ASSET FREEZE

II. IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Defendants, Related Parties, and their officers, agents, servants, employees, attorneys, and all persons or entities directly or indirectly under the control of any of them, including any financial institution, and all other persons or entities acting in concert or participation with any of them who are served with a copy of this Order by personal service, facsimile, or otherwise, are hereby restrained and enjoined from directly or indirectly:

A. Selling, liquidating, assigning, transferring, converting, loaning, encumbering, pledging, concealing, dissipating, spending, withdrawing, or otherwise disposing of any funds, real or personal property, or

other assets or any interest therein, wherever located, including any assets outside the territorial United States which are: (1) in the actual or constructive possession of any Defendant or Related Party; (2) owned or controlled by, or held, in whole or in part for the benefit of, or subject to access by, or belong to, any Defendant or Related Party; or (3) in the actual or constructive possession of, or owned or controlled by, or subject to access by, or belong to, any corporation, partnership, trust or other entity directly or indirectly under the control of any Defendant or Related Party.

B. Opening or causing to be opened any safe deposit boxes titled in the name of any Defendant or Related Party, or subject to access by any Defendant or Related Party.

C. Incurring charges on any credit card issued in the name, singly or jointly, of any Defendant or Related Party.

D. Transferring any funds or other assets subject to this Order for attorneys' fees, public relations fees or other living expenses, except by prior approval of the court.

E. The funds, property and assets affected by this Paragraph shall include both existing assets and assets acquired after the effective date of this Order, including without limitation those acquired by loan or gift.

RETENTION OF ASSETS AND DOCUMENTS BY THIRD PARTIES

III. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that

any financial institution, or any other person or entity served with a copy of this Order shall:

A. Hold and retain within such entity's or person's control, and prohibit the withdrawal, removal, assignment, transfer, pledge, hypothecation, encumbrance, disbursement, dissipation, conversion, sale, liquidation, or other disposal of any funds, documents, property, or other assets held by or under such entity's or person's control: (1) on behalf of, or for the benefit of, any Defendant or Related Party; (2) in any account maintained in the name of, or subject to withdrawal by, any Defendant or Related Party and (3) that are subject to access or use by, or under the signatory power of, any Defendant or Related Party.

B. Deny access to any safe deposit boxes that are either titled in the name, individually or jointly, of any Defendant or Related Party or subject to access by any Defendant or Related Party.

RECORD KEEPING PROVISIONS

IV. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants, Related Parties and those persons in active concert or participation with them who receive actual notice of this Order by personal service, facsimile, or otherwise, are hereby enjoined from destroying, erasing, mutilating, concealing, altering, transferring or otherwise disposing of, in any manner, directly or indirectly, any documents or records.

SERVICE OF THIS ORDER

V. IT IS FURTHER ORDERED, ADJUDGED AND DECREED

that copies of this Order may be served by facsimile transmission, email transmission, personal or overnight delivery, or U.S. mail, by agents and employees of the Plaintiff or any state or federal law enforcement agency or by private process server on (1) Defendants and Related Parties, (2) any financial institution, entity or person that holds, controls, or maintains custody of any account or assets of any Defendant or Related Party or who has held, controlled or maintained custody of any account or asset of any Defendant or Related Party or (3) any other person or entity that may be subject to any provision of this Order.

RETENTION OF JURISDICTION

VI. IT IS FURTHER ORDERED, ADJUDGED AND DECREED

that this Court shall retain jurisdiction of this matter for all purposes.

DURATION OF TEMPORARY RESTRAINING ORDER

VII. IT IS FURTHER ORDERED, ADJUDGED AND DECREED

that this Temporary restraining Order granted herein shall expire on _____, 2005, unless within such time, the Order, for good cause shown, is extended for an additional period not to exceed ten days, or unless it is further extended pursuant to Hawaii R. Civ. P. 65.

DATED: Honolulu, HaWaii, AUG - 3 2005, 2005.

SABRINA S. MCKENNA



HON. SABRINA S. MCKENNA
JUGE OF THE ABOVE-ENTITLED COURT

Civil No. 05-1-1356-07 SSM; State of Hawaii v. Pacific Educational Services Company, et al. TEMPORARY RESTRAINING ORDER