

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	
TODAY'S DESTINY, INC.	§	CASE NO. 05-90080-H1-7
	§	(Chapter 7)
DEBTOR	§	
_____	§	
	§	
JOSEPH M. HILL, TRUSTEE,	§	
	§	
Plaintiff	§	
	§	
v.	§	Adversary No. 06-3285
	§	
MICHAEL DAY ET AL.,	§	
	§	
Defendants	§	
_____	§	

TRUSTEE'S SECOND AMENDED COMPLAINT

Plaintiff Joseph M. Hill, Trustee of Today's Destiny, Inc., files this second amended complaint:

Parties

1. Plaintiff Joseph M. Hill, Trustee is the court-appointed chapter 7 trustee of Today's Destiny, Inc.
2. Pursuant to this Court's Case Management Order entered on October 17, 2006, Plaintiff also identifies those persons or entities who have filed motions to intervene as additional plaintiffs in this case. Such persons and entities are listed on **Exhibit A**, which is attached and incorporated herein by reference.
3. Michael Day has appeared.
4. Max K. Day (also known as Max Day, Sr.) has appeared.

5. Max O. Day (also known as Max Day, Jr.) has appeared.
6. Jared Day was originally sued and dismissed without prejudice by order of this Court. Trustee names Jared Day as a party in this Second Amended Complaint. Jared Day can be served with process at his residence or place of business.
7. Medicus Marketing, Inc. failed to answer, and a default judgment has been entered against it.
8. Interactive Business Development, Inc. a/k/a IBD Marketing, Inc. ("IBD") failed to answer, and a default judgment has been entered against it.
9. Straightway CA LLC d/b/a Straightway Chiropractic Affiliates ("Straightway") failed to answer, and a default judgment has been entered against it.
10. Chaz Robertson is an individual who can be served with process at his residence or place of business.
11. Terry Vanderpool is an individual who can be served with process at 1973 Old Ranch Road, China Springs, Texas 76633.
12. Joshua Smith is an individual who can be served with process at his residence or place of business.
13. Advance Credit Leasing Corporation is a corporation that can be served with process at 1450 Channel Parkway, Marshall, Minnesota 56258, Attention: President or General Counsel.
14. American Enterprise Leasing, Inc. a/k/a AEL Financial, is an Illinois corporation which can be served with process at its headquarters at 600 North Buffalo Grove Road, Buffalo Grove, Illinois 60089, Attention: President or General Counsel.

15. Bankers Healthcare Group, Inc. is a Florida corporation which may be served with process at its offices at 113 Chapel St., Fayetteville, NY, 13066, Attn: President or General Counsel.

16. Bankers Leasing Company is an Iowa corporation which can be served by registered mail at its corporate address: 10052 Justin Drive, Suite A, Urbandale, Iowa 50323-7740, Attention: President or General Counsel.

17. CFC Investment Company, Inc., a subsidiary of Cincinnati Financial Corporation, a/k/a CFC Investments, Inc. and a/k/a Crest Capital, is an Ohio corporation which can be served with process at its offices at 6200 South Gilmore Road, Fairfield, Ohio 45014, Attention: President or General Counsel.

18. Citicorp Vendor Finance, Inc. is a foreign corporation that can be served with process through its registered agent, CT Corporation Systems, 350 North Saint Paul Street, Dallas, Texas 75201.

19. Crest Capital is a company that can be served with process at 920 Holcomb Bridge Road, Suite 250, Roswell, Georgia 30076, Attention: President or General Counsel.

20. Eastern Funding, LLC is a New York corporation which can be served with process at its offices at 213th West 35th Street, New York, New York 10001, Attention: President or General Counsel.

21. Financial Pacific Leasing, LLC is a Washington corporation which can be served with process through its registered agent, CT Corporation Systems, 350 North Saint Paul Street, Dallas, Texas 75201.

22. General Electric Capital Corporation a/k/a GE Capital is a corporation which can be served with process at its corporate address at 201 West Big Beaver Rd, Suite 1400, Troy, Michigan 48064, Attention: President or General Counsel.

23. Greater Bay Capital, Inc. is an Illinois corporation which may be served with process at its offices at 100 Tri-State International, Ste. 140, Lincolnshire, Illinois 60069, Attention: President or General Counsel.

24. Hewlett Packard Financial Services d/b/a HP Financial Services, Inc. and formerly known as Compaq Leasing is a corporation that can be served with process through its registered agent, CT Corporation, 1021 Main Street, Suite 1150, Houston, Texas 77002.

25. HPSC, Inc. is a Massachusetts corporation which may be served with process by through its registered agent, C T Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201.

26. Irwin Commercial Finance is a Washington corporation which may be served with process through its registered agent, C T Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201.

27. Leaf Financial Corp. is a corporation that can be served with process at 1818 Market Street, 9th Floor, Philadelphia, Pennsylvania 19103, Attention: President or General Counsel.

28. Lyon Financial Services, Inc. d/b/a U.S. Bancorp Business Equipment Finance Group a/k/a US Bancorp is a corporation that can be served with process through its registered agent, CT Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201.

29. Pioneer Capital Corporation is a Texas corporation which can be served with process through its registered agent: John B. Boettigheimer, 15303 Dallas Parkway Suite 505, Addison, Texas 75001.

30. Puget Sound Leasing Company is a corporation that can be served with process at P.O. Box 1295, Issaquah, Washington 98027, Attention: President or General Counsel.

31. Sterling National Bank is a New York corporation which may be served with process at Sterling National Bank c/o Louis J. Cappelli, 500 Seventh Avenue, 11th Floor, New York, New York, 10018.

32. Susquehanna Patriot Commercial Leasing Company a/k/a Patriot Leasing Company a/k/a Patriot Leasing is a Pennsylvania corporation which can be served with process at its offices at 1566 Medical Drive, Pottstown, Pennsylvania 19464, Attention: President or General Counsel.

33. Tiger Leasing LLC is a New York corporation which can be served with process at its corporate address: 157 Chambers St., 10th Floor, New York, New York 10007, Attention: President or General Counsel.

34. U.S. Bank Portfolio Services is a corporation that can be served with process at 1310 Madrid Street, Suite 103, Marshall, Minnesota 56258.

35. The companies identified as defendants in paragraphs 13 through 34 above are collectively referred to in this complaint as the "Lenders."

SUBJECT MATTER JURISDICTION AND VENUE

36. This Court has subject matter jurisdiction of the issues raised in this proceeding pursuant to 28 U.S.C. § 1334 and 28 U.S.C. § 157(b)(2)(A) and (O). This is a civil proceeding arising under the Bankruptcy Code, or this action arises in or relates to this Chapter 7 case under

the Bankruptcy Code. This action is a core proceeding under 28 U.S.C. §§ 157(b)(2)(A) and (O).

37. Venue is proper in this district under 28 U.S.C. § 1409.

FACTUAL BACKGROUND

The Days, Their Companies, and Their History of Fraudulent Conduct

38. During the years 1997 through 2005, Today's Destiny – in concert with the persons and entities named as defendants in this action – perpetrated a fraud of massive proportion against innocent service professionals across the nation. The scam involved the sale by Today's Destiny of worthless marketing equipment to the innocent purchasers, who were induced to finance their purchase through third-party lenders who conspired with Today's Destiny to defraud the service professionals. Today's Destiny made millions of dollars when the Lenders paid it the full purchase price for the marketing system, and the Lenders made millions on the principal repayment and interest exacted on the worthless products and undelivered services.

39. The scam began with Max K. Day (also known as Max Day, Sr.) and his brother, Michael Day (the "Days"). The Days have a history of perpetrating fraudulent acts on the public. In the early 1990s, the Days and their companies advertised a 900 telephone number for customers who wanted to secure a Visa or MasterCard. The customers were told that they were "guaranteed" to receive a Visa or MasterCard in exchange for the \$50.00 fee or, if the card could not be issued, they would receive a "full refund." Instead of receiving a credit card, the customers received only booklets with general consumer credit information and a list of banks that offered such credit cards. No refunds were made when the guaranteed cards were not issued.

40. In February 1992, the Federal Trade Commission sued Max K. Day and Michael Day, and their companies, M.D.M. Interests, Inc. and Southwestern Media Group, Inc., as a result of the fraudulent credit card enterprise. The FTC obtained a preliminary injunction prohibiting Michael and Max K. Day from further acts relating to the deceptive marketing of credit cards.¹ Ultimately, the Days and their companies agreed to a consent order and permanent injunction, including **a prohibition against making misrepresentations as to material facts about any product or services.**

41. Less than five years later, the Days returned to prey upon a different segment of the public – service professionals – through the guise of their new company, Today’s Destiny, also known as TNG. As set forth below, after several years of defrauding customers under the names Today’s Destiny and TNG, the Days formed additional companies – Interactive Business Development, Inc. a/k/a IBD Marketing, Inc. (“IBD”) and Medicus Marketing (“Medicus”) – to carry on the business of Today’s Destiny under new names not yet associated with the fraudulent conduct. The parties that contracted with Today’s Destiny, IBD, and Medicus are referred to in this complaint as “Customers.” When the context requires, the term “Customers” is also intended to include all persons who executed guaranties of indebtedness related to those purchases.

42. Brothers Max K. Day and Michael Day formed Today’s Destiny as a Texas corporation in January 1997. They owned the company. Michael Day served as president, chief executive officer and chairman of the board. Max K. Day was senior vice president and chief operating officer. Max O. Day was a vice president, and Chaz Robertson was the vice president

¹ This action was styled “*Federal Trade Commission v. MDM Interests, Inc.*,” Civil Action No. H-92-0485 (FTC Matter No. X920018) in the United States District Court for the Southern District of Texas, Houston Division.

of sales. Joshua Smith served as vice president of operations. Jared Day worked in the “Sales” department of Today’s Destiny and, as with Max O. Day, was generally known as the “closer” who had final conversations with the Customers and presented contract and “leasing” documents to them to sign. Terry Vanderpool served as General Counsel to Today’s Destiny. Michael Day, Max K. Day, Max O. Day, Chaz Robertson, Jared Day, Joshua Smith and Terry Vanderpool are sometimes referred to in this complaint as the “Insiders.”

43. Today’s Destiny did business under the name TNG, Inc. or TNG Systems (“TNG,” which is an acronym for “The Next Generation”). Throughout this complaint, TNG and Today’s Destiny are used interchangeably to mean the same thing.

44. IBD was formed as a Delaware corporation in October 1997. Recently, Joshua Smith was the president and CEO of the company, although Michael and Max K. Day formed the company, owned it, controlled it, and were the initial officers and directors.

45. Medicus Marketing was formed as a Texas limited liability company in 2005. Defendant Joshua Smith was an owner, manager and/or president of the company. Medicus was owned and controlled, however, by Michael Day and Max K. Day.

The Today’s Destiny/TNG Scam

46. Today’s Destiny held itself out to the public as a company that performed and provided marketing services on behalf of its clients. In addition to providing traditional direct mail advertising, Today’s Destiny supplied “predictive dialing equipment” to be used to contact prospective customers. Predictive dialing equipment consists of computer hardware and software intended to telephone individuals in a certain market or area code, playing a pre-recorded marketing message regarding the professional services. TNG targeted primarily

chiropractors and dentists, but also other service providers such as lawn maintenance companies and karate schools.

47. Today's Destiny purported to sell to its customer marketing and coaching programs, marketing services, and an automated computer and software that contacted individuals in a specified zip code and played a script to market particularized services. Today's Destiny referred to this hardware and software as the "Program" and the "System." TNG advertised its products and services in trade journals published in the various industries it targeted, including publications directed to chiropractors and dentists. TNG also directly made marketing calls to and other written contacts with prospective customers to persuade them to purchase the Program and the System. Many of the "cold calls" were initially rebuffed by the Customers, but TNG's salesmen persisted in regaling the benefits and "no risk" aspects of the System, promising "money back guarantees." In at least one instance, Michael Day himself told a Customer that he would personally guarantee the performance of the System.

48. The Today's Destiny telemarketing product was fairly simple, comprised primarily of computers, or "dialers," which were made up of inferior technology purchased at minimal cost to TNG. Despite TNG's actual cost of less than \$2,000 for the hard assets allegedly delivered, Today's Destiny sold the products along with promised services to its customers at a price between \$18,000 and \$80,000. The sales amounts varied by customer and were not uniform despite the vast similarities in what was sold. The variety of sums charged for the same standard equipment and promised services indicates that Today's Destiny charged whatever it thought it could get from the unsuspecting customer. *See Exhibit B*, copies of several invoices provided to different Customers charging varying amounts for the same equipment.

49. Today's Destiny sold its products and services through a series of representations and guarantees made in written advertisements and oral communications. Attached as **Exhibit C** and excerpted below is a copy of a TNG advertisement published in *The Chiropractic Journal*, July 2002, boasting the products' virtues and value:

It's crazy but it works. . . \$60,000 Dollars of revenue the first two weeks. . . It's
*GUARANTEED!

NOBODY IN HIS/HER RIGHT MIND WOULD TURN DOWN THIS
*GUARANTEED OFFER.

It is quickly becoming the Chiropractor's secret to an amazing boost in revenues and profits. Some Chiropractors are using this system to double or triple revenues in just a matter of days.

This advertising and marketing method can not be duplicated anywhere. It will deliver more qualified prospects daily than any other method for less money per month than a newspaper ad costs for one day. The amazing part is that they all are ready to set an appointment!

Urgent! I can only take a limited number of companies per area according to population. It would not be fair to offer this highly profitable revenue generator to more than the market can bear.

Emphasis in original. In the advertisement, Max K. Day's picture appears to be that of "Dr. Forenza," and, in different advertisements, his picture is used to represent other doctors giving testimonials. These representations were made in July 2002 even though, by that time, numerous lawsuits had been filed against Today's Destiny for fraud and failure to deliver the promised services.

50. In a popular dentistry publication, *Dental Economics Magazine*, Today's Destiny/TNG represented that its System would "boost" sales revenues and "give you that 'almost unfair' advantage." In other dental trade publications, TNG claimed that it could give dentists "an amazing boost in revenues" and that the products and services were "guaranteed or you don't pay." TNG published testimonials from purported clients stating that "TNG over

delivers on its guarantee. It's like having an ATM in the office, just turn it on and watch the new patient come into your office." Today's Destiny presented its Program as a guaranteed marketing service that the customer could cancel if the Program failed to operate as promised.

See Exhibit D.

51. In written marketing materials provided directly to the prospective customers, TNG claimed:

- a. TNG will purchase a "Comprehensive Database" of the customer's marketing territory (including phone numbers, addresses, ages, income and homeowner's status) and "then begin a series of text marketing to insure a successful, targeted marketing campaign rollout that focuses on specialties that may differentiate you from your competitors"
- b. TNG will provide "Marketing & Tracking Software" that "tracks all current prospects and marketing sources" and "manages current patient database, weekly revenue reports, marketing values, and the amount of patients obtained per marketing campaign"
- c. "TNG will assign you your own Personal Practice Trainer from our Coaching Division to train your office on converting the highest number of patients from all of your marketing campaigns." Coaching sessions "will be weekly for the first 90 days, then throughout the remainder of the year they will convert to monthly training sessions . . . [to] ensure that you and your staff will be successful in learning the skills necessary to convert patient prospects to new patients.
- d. "All marketing & training that we do for your practice is backed by our guarantee of . . . **'10 Patients Every Month Or You Don't Pay'**"
- e. TNG will implement a Direct Mail Campaign in which TNG handles "all creation, printing, postage, and delivery" of direct mail – promised to be 200,000 pieces of "Customized Direct Mail to be delivered to your selected zip codes"
- f. TNG "will custom design your brochures, business cards, newsletters, post cards, and other material for your referral program"
- g. TNG has "test marketed what works best in every media market across the nation"
- h. "TNG will also introduce you to our Practice Management Programs as needed, including "Case Presentation Training, Front Desk Training, and Billing, Coding & Collections modules to ensure that every aspect of your practice is well managed"

- i. "OUR PRIMARY OBJECTIVE IS TO HELP YOU MAXIMIZE YOUR ABILITY TO GET PATIENTS. TNG CUSTOM TAILORS EACH INDIVIDUAL PROGRAM TO SUIT YOUR PRACTICE NEEDS"
- j. "Over the last two decades, the owners of TNG Systems have been the International Leaders in providing Advanced Marketing Training, Consulting, Coaching, and Practice Management Solutions for practices of every description"

See **Exhibit E** (true and correct copies of TNG promotional materials).

52. The representations and guarantees continued into the written documents prepared by Today's Destiny and presented to the Customers. Attached as **Exhibits F and G** are two contracts that Today's Destiny entered into with its customers: a "Marketing Program and Equipment Agreement," with its exhibit, "Marketing/Training Program (Exhibit B)," and a "Software License." The representations made throughout these documents (explicit or implied) are incorporated herein by reference and include these:

- a. As a result of the customer's purchase and use of the TNG products, the customer would receive a guaranteed number of new customers each month (the number of guaranteed leads varied from 5 to 100 per month)
- b. In the event that the guaranteed number of new customers was not attained as a result of TNG's program within 60 days of working with TNG's Marketing and Training program, TNG would rebate its customer part of the monthly "lease" payments or, under other contracts, a rebate of up to \$1,000 per month pro-rated. This rebate was good for 60 months (the length of the alleged warranty)
- c. If TNG were required to pay the customer rebates totaling \$1,000 (or different amounts under other contracts) because of a failure to attain the guaranteed new customer results, TNG would buy the customer out of the marketing and coaching program
- d. If the customer were not satisfied after a period of time (sometimes 90 days, sometimes six months, sometimes no limitation), the customer could receive a full refund of the purchase price from TNG
- e. If a customer were dissatisfied with the product and wanted to return it, TNG would either buy the Program back or assist the customer in selling it to a new TNG customer
- f. TNG's "coaches will train you and your staff on our 14 Step Referral Plan," providing "live campaign follow-up and handouts" for this plan

- g. TNG would provide “ongoing service” by updating its media concepts designed for the customer, “including yellow page ads, newspaper ads, direct mail ads, TV & Radio spots”
- h. TNG will provide “ongoing marketing/consulting, coaching, technical support, practice management, continued education and updates on an as needed basis”
- i. The Today’s Destiny supplied equipment was warranted against defects in workmanship and materials for 12 months

53. Today’s Destiny’s “guarantee” and the representations it made to its clients were fraudulent. Today’s Destiny began its fraudulent campaign in 1997. As early as 1998, multiple lawsuits had been filed against Today’s Destiny alleging breach of contract, fraud, and deceptive trade practices. In fact, Today’s Destiny first considered filing for bankruptcy protection in 1998 because of the large number of claims filed against it. Despite these troubles, Today’s Destiny made money, so it expanded its target to include different industries and continued its false representations that its Program and System were guaranteed to work or “you don’t pay.”

54. As set forth more fully herein and detailed in the Appendix (which is attached as **Exhibit I** and fully incorporated herein by reference), Today’s Destiny and its principals and agents made these representations without intending to fulfill the promises, and they did not fulfill the promises. The representations, guarantees, and warranties were all part of a fraudulent scheme to induce a targeted audience to pay exorbitant sums of money to Today’s Destiny for worthless computer hardware, software and services that were never delivered. For instance, each Marketing Contract contained a clause setting forth “minimum operating requirements” which required each Customer continuously to provide Today’s Destiny with data identifying the customers generated by the Today’s Destiny marketing program. Complete adherence to the terms of the minimum operating requirements clause was impossible, however, due to the actions of Today’s Destiny, Medicus and IBD. This “requirements” clause was expressly incorporated into the Marketing Contracts as a means for Today’s Destiny and Medicus and IBD

to avoid their contractual obligations. In fact, during weekly sales meetings between 1997 and 2005, Michael Day, Max K. Day, Max O. Day, Chaz Robertson, Terry Vanderpool, Joshua Smith and other Today's Destiny representatives joked that the guarantees would never be honored because Today's Destiny had created so many loopholes in the contracts.

Medicus and IBD Continue the Fraud

55. After several years of defrauding customers under the name TNG, Max K. Day, Michael Day, Max O. Day and other Today's Destiny representatives decided to continue the same fraudulent scheme under two new company names unknown to the public, Medicus Marketing and IBD.

56. Medicus Marketing was formed in 2005 and allegedly purchased TNG's business in 2005. Despite that, it represented to the public that it was established in 1991. In various publications, Medicus Marketing claimed that it was developed and refined with professionals with over 50 years of combined experience in the marketing, consulting, and advertising industry. Max Day and Michael Day and others from Today's Destiny regularly met with representatives of the Lenders in the process of transferring assets and business from Today's Destiny to Medicus and IBD.

57. Interactive Business Development is, in fact, one and the same as Medicus Marketing. IBD maintained the same address and bank accounts as Medicus Marketing. Further, some of the same persons who worked at Medicus/IBD were the same persons who sold services and made misrepresentations to former TNG clients. These persons included Max O. Day, who maintained the alias of Moe O'Neil while working for Medicus Marketing or IBD. This alias is an amalgamation of his actual name, Max O'Neil Day. The maintenance of this

alias was intended to mislead any former Today's Destiny clients that contacted Medicus/IBD trying to voice complaints, obtain technical support, or request rebates and refunds.

The Lenders' Involvement in the Scheme

58. A further part of the scheme of Today's Destiny and its affiliates involved the use of Lenders to finance Customers' purchase of the System and Program.

59. Based upon the material factual misrepresentations, hundreds of Customers (including dentists, chiropractors, and other service providers) entered into contracts for the Program and System with Today's Destiny, Medicus, or IBD. Many of these Customers paid cash to receive the Program and System and to participate in the 60-month marketing program. Most of the Customers, however, borrowed money to acquire the Program and System, "financing" their participation through a scheme orchestrated by Today's Destiny, Medicus, IBD and the Lenders. With limited exceptions, each of the Customers who financed their purchase from Today's Destiny, Medicus, or IBD were directed to one of the Lenders by Today's Destiny and its agents, including Michael Day, Max K. Kay, Max O. Day, Jared Day, and Chaz Robertson.

60. This is how Today's Destiny typically maneuvered the sales transaction to surprise the Customer and bring the Lender into the scheme: after convincing the Customer that the Program/System was "satisfaction guaranteed" and would "pay for itself," Today's Destiny would tell the Customer that certain contracts were needed, including a promissory note to Today's Destiny if the customer did not want to pay cash. Requests to view the contract documents were ignored or an excuse given for why they were unavailable. When a Today's Destiny representative arrived at the Customer's place of business to install the System/Program,

the representative provided a “leasing agreement”² with a third-party Lender with whom Today’s Destiny had pre-arranged financing. When the Customer inquired about the lease, Today’s Destiny representatives would explain that the “leasing company” was a division of Today’s Destiny. The Today’s Destiny representative insisted on the Customer’s execution of the lease before installing the Program, rushing the Customer and claiming that the representative had a plane to catch. Today’s Destiny denied all Customer requests to see the paperwork in advance, creating an excuse for its unavailability.

61. In this way, some customers who thought they were buying the System and Program (with all of the promised support and materials) for a fixed sum – say \$50,000 – ended up with a 60-month lease obligation to another entity and significantly greater financial commitment. As the Today’s Destiny Insiders and representatives intended, in most cases the Customer did not have the opportunity to review the contract documents carefully or to consult a lawyer about the terms of the documents. And, in most cases, the Customer did not know who the Lender was.

62. Several Lenders provided blank documents to the Days and other Today’s Destiny representatives to deliver directly to the Customer. Several Lenders paid incentives to the Days and other Today’s Destiny representatives to obtain the signed documents.

63. In other instances, Today’s Destiny simply referred its Customers to various Lenders, with whom the Customers dealt directly. Today’s Destiny (including Max K. Day,

² The use of the word “lease” and its related words (“leasing,” “lessor,” “lessee,” “rent,” etc.) is for brevity and reference only and is based upon the caption on the document. Neither these terms on the document nor the use of the terms in this complaint is intended to be or is an admission or acknowledgement that such transaction is a “true lease” or “finance lease” as opposed to a conditional sale or secured transaction. Bankers Healthcare provided and used promissory notes and security agreements as opposed to lease forms. The allegations in this complaint regarding disguised leases are not made as to Bankers Healthcare.

Michael Day, Max O. Day, and Jared Day) represented that the Lenders were related in some way to Today's Destiny.

64. The contract documents provided by the Lenders, other than Bankers Healthcare, were denominated as "leases" but were actually disguised secured loans. Because of their problems with the Federal Trade Commission, Michael Day and Max Day could not have been employed by a bank or finance company, but they were able (and encouraged) through their arrangements with the Lenders to create loan transactions.

65. Many of the Lenders have been involved in other bankruptcy cases arising out of lending transactions and fraudulent products. The largest of these lease disasters to date is the *NorVergence* bankruptcy and scandal currently pending as Case No. 04-32079 pending in the United States Bankruptcy Court for the District of New Jersey. Many of the Lenders in this action are defendants in adversary proceedings pending in *Norvergence* because of the same kinds of predatory lending practices employed in the Today's Destiny lending: the Lenders received a high rate of return on oppressive "equipment leases" created by their "vendor," here, Today's Destiny. The Lenders characterized the lending transaction as an "equipment lease" for many thousands of dollars when, in truth, the equipment was worth a fraction of the loan. The Lenders then sought to enforce the obligations of the innocent Customer without regard to the fraudulent conduct of the "vendor."

66. Under this scheme, the sellers (Today's Destiny, Medicus, or IBD) received the entire amount of the sales price in full from the Lenders whenever a professional financed his or her purchase through one of the Lenders. As a result, Today's Destiny, Medicus and IBD made millions of dollars a year based on hundreds of sales. The Lenders benefited as well: they obtained credit-worthy customers able to make installment payments – including interest – on

equipment and software and services that the Lenders did not themselves provide. Moreover, pursuant to the terms of most of the “leases,” the Today’s Destiny customers were required to continue to pay the Lenders even when Today’s Destiny failed to provide the promised goods and services.

67. Some Lenders placed the actual lease documents in the hands of Today’s Destiny to be signed by the Customers, making Today’s Destiny their agent. Others provided the boilerplate for the lease documents supplied to the Customers by Today’s Destiny, Medicus, and IBD. The Lenders permitted and encouraged Today’s Destiny, Medicus, and IBD to obtain executed agreements without regard to the false representations made by Max K. Day, Michael Day, Max O. Day, Chaz Robertson, Joshua Smith, Jared Day and other agents who sold the product.

68. Each Lender “referral” that Today’s Destiny, Medicus and IBD made was in actuality a pre-arranged agreement between one of the Lenders and Today’s Destiny, Medicus, or IBD. Under this arrangement, Today’s Destiny and one of the Lenders conspired to create false and fraudulent lease agreements by which Today’s Destiny sold and the Lender financed the Customer’s purchase of illusory marketing equipment in the form of a grossly over-valued generic personal computer. In every instance, the Lenders’ lease of the equipment was at the identical price of the five-year marketing service contract charged by Today’s Destiny, Medicus, or IBD. In other words, the Lender financed the Customer’s purchase of services to be provided by Today’s Destiny as well as the equipment that was sold as part of the Program.

69. This financing arrangement was orchestrated between one of the Lenders and Today’s Destiny, Medicus, or IBD as a means by which the Lenders “leased” the computer/software equipment to the contracting Customer under what purported to be a 60-

month “equipment lease.” In reality, the Lenders funded the Marketing Contract enrollment fee to Today’s Destiny, Medicus, or IBD, but thereafter required the contracting professional to assume the financial obligations to pay off a 60-month “equipment lease” for computer and software equipment that was either non-existent or worth but a fraction of the actual represented value under the lease. In each instance, one of the Lenders and Today’s Destiny, Medicus, or IBD colluded to fraudulently arrange financing for the cost of the Customers’ marketing services contract under the guise of an equipment lease.

70. Unbeknownst to the Customers, the Lenders entered into “Master Agreements” or similar contracts with Today’s Destiny to finance the Customers’ purchase of the System and Program based upon referrals from Today’s Destiny. The Lenders knew at the outset that Today’s Destiny was selling equipment and services – the System and Program – and not simply equipment. Through this arrangement, Today’s Destiny ensured that it did not bear the risk of nonpayment when the System and Program failed to deliver the promised results. And Today’s Destiny and the Lenders ensured that the Customer/borrower became indebted to a Lender that had no apparent obligation to stand behind Today’s Destiny’s promises.

71. To promote Today’s Destiny’s referral of business to them, the Lenders paid kickbacks to Today’s Destiny and its salespeople. These kickbacks were in the form of “commissions” paid for referring the innocent Customers as borrowers. Likewise, the Lenders promoted their own sales people’s entry into these fraudulent lending arrangements by paying them commissions on the Today’s Destiny customer loans. This mutually beneficial arrangement between Today’s Destiny and the Lenders resulted in the exchange of significant consideration between them for placing the innocent Customers into lending transactions designed to defraud them.

72. The leases that the Lenders presented to the Customers were unconscionable in that they contained terms that were unreasonably harsh and one-sided in favor of Today's Destiny and the Lenders. In fact, included in the fine print of the leases are provisions that purported to:

- a. Remove any obligations of the Lenders to the Customers
- b. Characterize the fees agreed to by the Customers as payments for the actual computer and other "marketing" equipment, which fees grossly exceeded the equipment's actual price and value
- c. Create confusion by characterizing the lease as a "true lease" and not a sale of equipment, but then also characterizing the lease as a finance lease under UCC Article 2A in an unconscionable attempt to gain the protection of equipment finance leases when, in fact, Today's Destiny's agreements with its Customers were primarily for marketing services
- d. Make the obligation to pay rent unconditional
- e. Waive all of the Customers' defenses to demand for payment, even if the promised goods and services were not provided

See **Exhibit H**, copies of various lending documents between the Lenders and the Customers.

73. As set forth above, the Lenders would typically enter into a Master Agreement with Today's Destiny the governed the terms under which Today's Destiny would refer prospective borrowers to the Lenders. The Master Agreement did not identify the sales price of the "Program" and "System" that Today's Destiny sold. Rather, it acknowledged that the Lender could choose the amount of its lending based on the Customers' qualifications. Some Master Agreements provided a cap on the amount to be lent.

74. The Lenders knew or should have known about their role in this fraudulent scheme for at least these reasons:

- a. In all instances, the Lenders knew that the amount of money to be lent to the Today's Destiny Customers had no relation whatsoever to the value of the equipment. They knew that the "equipment" was a low-grade personal computer

with the typical accessories (monitor, keyboard, mouse, speakers) and basic software (Microsoft Office, PC Anywhere).

- b. Allegedly, the “equipment” also contained TNG’s proprietary marketing software.
- c. In all instances, the Lenders knew that Today’s Destiny charged some of its Customers dramatically more for the “System” and “Program” than it charged others; in other words, the Lenders knew that Today’s Destiny was charging each Customer what it thought it could exact from that Customer, without regard for the value of the equipment or services to be rendered. When two leases were sold for identical pieces of equipment and software, the Lenders knew or should have known that Today’s Destiny was engaged in fraudulent activity.
- d. When equipment that was purchased for less than \$2,000 was leased to a Customer from between \$18,000 to \$80,000, the Lenders knew or should have known that Today’s Destiny was engaged in fraudulent activity.
- e. The Lenders did not inspect the equipment to ensure that it was as represented. They failed to conduct basic due diligence because they knew or suspected that Today’s Destiny was an illegitimate sham to perpetrate a fraud on the unsuspecting Customers.
- f. When the Customers called the Lenders to complain that Today’s Destiny had failed to deliver the promised goods and services, the Lenders turned a deaf ear – insisting on payments and continuing to lend money to new Customers notwithstanding their awareness that Today’s Destiny was not delivering a reliable product or service.
- g. When the Customers started to default on their payments and refused to pay, the Lenders turned another deaf ear – insisting on payments and continuing to lend money to new Customers notwithstanding their awareness that Today’s Destiny was not delivering a reliable product or service.
- h. The Lenders were aware of Today’s Destiny’s shift of the business to Medicus Marketing and IBD following the federal government’s institution of the “No Call List,” just as they were aware of Today’s Destiny’s attempts to create the appearance that IBD and Medicus Marketing were new entities unrelated to Today’s Destiny, whose reputation for failing to make good on its promises was growing.

75. The Lenders’ representatives either knew about this fraudulent conduct or ignored obvious warning signs of fraud in continuing to do business with Today’s Destiny, Medicus and IBD.

Examples of Actual Customers' Experiences with Today's Destiny and the Lenders

76. As set forth above, in many cases, TNG marketed its System/Program to chiropractors and dentists (although other service providers were also customers). Typically, the initial introduction was through an advertisement or cold call touting the "no risk" nature of the product and guaranteeing new patients or a refund or rebate. The Today's Destiny salespeople and the Days reiterated these guarantees in person or over the telephone and in additional written marketing materials. In many instances, the Today's Destiny representative encouraged the Customer to contact "references" to confirm the benefits of the Program. Most of these references were actually on TNG's payroll.

77. Following the Customer's decision to purchase the Program, a technician would arrive with the paperwork, which included a five-year "lease" with a Lender. The TNG representative rushed the Customer to sign the paperwork and refused the Customer the opportunity to review it carefully, usually claiming that the technician had to get back to the airport or mail the signed documents back to the home office.

78. To operate the System/Program, the Customer was allegedly required to install extra telephone lines to help implement the equipment (basically, a desktop computer). In most cases, the equipment did not work as "guaranteed:" new patient or customer leads were not generated; "do not call" lists were not implemented; laws regarding the use of telemarketing devices were ignored; promises of the Customer's exclusive coverage in certain areas were broken; and other marketing services were not provided (or in cases where print advertisements were provided, TNG would print and mail coupons for free or discounted services from the Customer without the Customer's permission). The Customer received little or no support from TNG, and frequent Customer calls to TNG for assistance and relief were not returned. In those

few instances in which TNG agreed to buy back the Program, it insisted on a \$5,000 “restocking” fee. Customers who returned the equipment typically received no refund or acknowledgement of any kind.

79. Trustee offers the following specific examples detailing the experiences of seven Today’s Destiny Customers. The story of the fraud perpetrated on the approximately 900 Customers identified by Trustee is very similar to these narratives in large part, with specific differences only as to the timing and various amounts paid. This basic account is substantiated by the more than 300 individual stories set forth in the Appendix (Exhibit I) to this complaint, in which Trustee presents to the Court as more evidence of the fraud.

80. Dr. Kurt Adams purchased the System from TNG for \$26,500. The TNG salesperson, Clyde Lawson, told Dr. Adams that he needed an 8-line system to qualify for the guaranteed 100 positive leads per month. TNG forwarded Dr. Adams the single-page “Response Agreement” that outlined the guarantees and warranties. When TNG came to install the equipment, the TNG installation “technician” gave Dr. Adams more documents to sign and insisted that he sign them before the equipment could be installed. The System never worked. Dr. Adams called TNG and spoke with multiple persons but was ultimately referred to Joshua Smith and Max Day, Jr. Smith and Max, Jr. told Dr. Adams that they would work on a new proposal and continued to operate the system as had been recommended. Smith and Max, Jr. never called Dr. Adams back, however, despite several attempts from Dr. Adams to contact them. Eventually, Dr. Adams was put in touch with “Coach Carl” at TNG who informed Dr. Adams that he had voided his warranty for not following the usage requirements.

81. Dr. Pankaj Narkhede responded to an advertisement he saw in a dental trade publication. Dr. Narkhede called and talked to Liz Castro, who told him that he would have over

100 new patients and that he would have to hire more office staff just to handle them. Castro gave Dr. Narkhede the impression that TNG linked a system to Dr. Narkhede's office, which TNG controlled, and that supported and promoted his office. When the TNG representative came to install the equipment, he arrived with the contracts. The TNG representative would not install the equipment before the documents were signed, and he rushed Dr. Narkhede to sign the contracts, representing that he was in a hurry to FedEx the signed contracts back to the Lender. The TNG representative refused to allow Dr. Narkhede to contact his accountant. Among the documents signed by Dr. Narkhede was the five-year lease agreement from Greater Bay. There was no other option for payment.

82. Dr. Narkhede called TNG and talked to Mr. Lawson and Max Day, Jr. Lawson and Max, Jr. guaranteed that Dr. Narkhede would get 100 calls each month, and if he did not, TNG would refund his money. When Dr. Narkhede did not get the guaranteed leads, he called Lawson and Castro. Max, Jr. told Dr. Narkhede that he should not call them. Dr. Narkhede then complied with the process set forth in his contracts, which entitled him to a rebate of \$1,000 for each month that he did not get 100 calls, and then a complete refund on the third time that a rebate was warranted. Although Dr. Narkhede followed the requirements, no one from TNG returned his calls or provided any compensation. Greater Bay has informed Dr. Narkhede that he must pay on his five-year lease despite TNG's failures.

83. Rafael A. Rios, II, DC, was promised that TNG would generate at least 10 new leads per month for his practice. TNG represented that it would handle the "call backs" and also provide marketing in the form of print advertising and direct mailings. When the "trainer" came in to install the equipment and train Dr. Rios and his staff, he presented Dr. Rios with a stack of documents to sign. Dr. Rios was pressured into signing the documents quickly because the

trainer stated that he had to get back to the airport to catch his flight. TNG also required that the equipment be financed through Banker's Healthcare Group, which Dr. Rios believed to be the same as TNG. After Dr. Rios did not have the 10 new leads generated after the first month, he contacted TNG about his promised refund and was told that he voided his warranty by not using the equipment properly. TNG also told Dr. Rios that their printer was currently not working and they could not perform the mailings. The system never worked, the mailings were never performed, and Dr. Rios' calls were not returned.

84. Dr. Sean Strelec purchased a System from TNG, and Max Day, Jr. made the usual guarantees to Dr. Strelec, including that he would receive 100 positive patient inquiries a month. Dr. Strelec did not receive the inquiries. Additionally, it was brought to his attention after approximately six months of usage that such telemarketing procedures are illegal in California, so he stopped using the equipment. Although Max, Jr. offered to negotiate a "buy-back" from the leasing company, it never happened, and Max, Jr. stopped returning Dr. Strelec's calls.

85. Similarly, TNG sold a System to Dr. Matthew Simonson in Louisiana, where such telemarketing systems are illegal. TNG (through several representatives, including Max K. and Michael Day) made the usual representations and guarantees, including that the System would generate a minimum number of patients or leads a month, or there would be a rebate, and that TNG would perform marketing services. TNG also represented that it had removed the numbers from the "do not call" list, but it had not. Additionally, TNG continued to represent that it was legal to use the System in Louisiana, even after the state board had been contacted about the issue. Dr. Simonson was referred to TNG's lawyer, Terry Vanderpool, who offered to try to get someone else to buy the equipment for a significant fee or to sublease the equipment.

86. Similarly, Dr. Gabriel Isioye was referred to Terry Vanderpool, who claimed that he arranged for TNG to purchase back the equipment after it did not work. In order to receive the refund, Vanderpool demanded that Dr. Isioye pay a \$5,000 fee and ship the equipment via UPS 2nd day air, insured for \$5,000, and that the equipment be in good working order. Vanderpool still stated that Dr. Isioye may want to check with the leasing company. Dr. Isioye returned the equipment according to Vanderpool's instructions, but did not receive a refund and is still obligated to pay the remainder of the lease to Patriot Leasing Company.

87. Dr. Robert G. West received an advertisement from TNG in the form of an unsolicited fax. He called the number on the top of the fax and spoke with a salesperson who told him about TNG's System and that they guaranteed that the System would generate a minimum of 15 new customers a month with the possibility of 30 or more.

88. Dr. West called the Better Business Bureau in Texas and did not find anything negative. Next, Dr. West contacted references provided by TNG. The references also provided favorable reports.

89. After Dr. West had four additional phone lines installed for the System, TNG sent its technician to install the equipment and train Dr. West on its use. During the installation of the machine, the technician had Dr. West fill out the necessary forms for the lease. While filling out the forms, Dr. West asked the technician for a copy of the guarantee, and the technician said that he neglected to bring a copy of it. Dr. West was on the verge of canceling the transaction, but the technician got Michael Day on the phone, who then persuaded Dr. West that the guarantee was valid and that they would send him a copy immediately. The technician then picked up all of the paperwork, told Dr. West that his copies would be sent in a package along with the guarantee

and went home. Dr. West never received copies of the original paperwork. Dr. West did everything that TNG asked of him and never got more than 2 sales a month out of the system.

90. TNG did not inform Dr. West about the telemarketing laws. Dr. West received a cease and desist letter from the state of Nebraska for using the System. Dr. West was forced to move his office to Iowa where the laws permitted telemarketing. The amount of time, effort and money spent by Dr. West on the System finally put him out of business. He closed his business approximately four years ago. Dr. West borrowed the initial down payment for the System from his father-in-law, and still owes \$15,000 to his father-in-law.

91. Ironically, toward the end of his experience with TNG, Dr. West received a phone call from a TNG salesperson who wanted Dr. West to be a reference for TNG. TNG offered Dr. West a monthly payment of \$250.00 to make favorable reports of the System to prospective customers. Only then did Dr. West realize why he had received favorable reports from the references he contacted: they had been paid by TNG.

Today's Destiny's Failure to Deliver as Guaranteed

92. As the examples above demonstrate, and as the dozens of additional accounts attached in Exhibit I confirmed, Today's Destiny failed to deliver as represented. Among other things, Today's Destiny failed to:

- provide working equipment and software
- honor rebate and refund obligations
- honor buy-back promises
- provide technical support and coaching
- deliver promised direct mail
- provide exclusivity in promised market areas

- locate new buyers to purchase dissatisfied Customers' Program and System

In addition to its failures, Today's Destiny actively took steps in continuation of its fraudulent scheme to create the appearance of performance of its obligations under the marketing contracts. For instance, in direct mail advertising for one of the dentist Customers, Today's Destiny distributed thousands of flyers to customers advertising "free teeth cleaning services" to recipients of the advertisements. The Customer did not authorize Today's Destiny's offer of these free services. Additionally, Today's Destiny actually provided "debit cards" or similar coupons for prepaid services to randomly selected prospective customers to create the appearance that its marketing system worked. Most of these prospective customers were unable to pay the full cost of the services provided and had to be turned away at great embarrassment to the Customers.

93. As more and more Customers began to complain, Today's Destiny – through the Insiders and the company's agents and employees – attempted to avoid its obligations by failing to return telephone calls and letters, evading Customers through ruses of "unavailability," and developing delay tactics of all sorts to dodge Customers. Relying upon their "built-in defense," Today's Destiny representatives (including or with the knowledge of and at the direction of Michael Day, Max K. Day, Max O. Day, Chaz Robertson, Joshua Smith, and Terry Vanderpool) informed numerous Customers that they had forfeited their rights to rebates and refunds because the Customers did not comply with the reporting and other requirements of their contracts with Today's Destiny. Representatives of Today's Destiny also responded aggressively to Customer complaints: threatening Customers with libel and slander suits for posting comments on websites and complaining to the Better Business Bureau.

94. Ultimately, Today's Destiny simply moved its assets and fraudulent business scheme to new entities, Medicus Marketing and IBD – in an effort to avoid creditors. Today's Destiny then filed its chapter 7 bankruptcy case on October 13, 2005.

CAUSES OF ACTION

Trustee's Claim for Breach of Fiduciary Duties
**(As to Defendants Michael Day, Max K. Day, Max O. Day,
Chaz Robertson, Joshua Smith, and Terry Vanderpool)**

95. Trustee repeats and asserts each of the preceding paragraphs as if fully set forth verbatim.

96. Trustee brings these claims as direct claims owned by the Today's Destiny bankruptcy estate for the direct harm imposed by these Defendants on Today's Destiny as well as for the generalized harm inflicted upon the creditors of the Today's Destiny estate.

97. Defendants, as actual or *de facto* officers and directors of Today's Destiny, owed fiduciary duties of obedience, loyalty, due care, and utmost good faith to Today's Destiny.

98. Moreover, Defendants owed fiduciary duties to the creditors of Today's Destiny when they engaged in conduct designed to defraud the creditors.

99. Additionally, when Today's Destiny entered the zone of insolvency, Defendants' duties extended to Today's Destiny's creditors.

100. Defendants breached their fiduciary duties to Today's Destiny and to its creditors.

101. Defendants' breaches of fiduciary duties injured Today's Destiny and its creditors by causing the demise and subsequent bankruptcy of Today's Destiny, which resulted in damages to Today's Destiny, as described throughout this complaint, and left creditors with claims against Today's Destiny without recourse for payment.

102. Trustee is entitled to recover damages suffered by Today's Destiny because of Defendants' breaches of fiduciary duty.

103. Additionally, Trustee is entitled to recover damages suffered by the creditors of Today's Destiny because of Defendants' breaches of fiduciary duty.

104. Defendants' breaches of fiduciary duty to Today's Destiny and to its creditors were made knowingly and maliciously, and such conduct entitles Trustee to recover punitive damages.

105. On this cause of action, Trustee prays for an award of his actual damages, punitive damages, and pre- and postjudgment interest.

Trustee's Claim for Aiding and Abetting Breach of Fiduciary Duties
(As to Defendants Jared Day and the Lenders)

106. Trustee repeats and asserts each of the preceding paragraphs as if fully set forth verbatim.

107. Trustee brings these claims as direct claims owned by the Today's Destiny bankruptcy estate for the direct harm imposed by these Defendants on Today's Destiny as well as for the generalized harm inflicted upon the creditors of the Today's Destiny estate.

108. As set forth above, Defendants Michael Day, Max K. Day, Max O. Day, Chaz Robertson, Joshua Smith and Terry Vanderpool were either actual or *de facto* officers and directors of Today's Destiny.³

109. Defendants Jared Day and each of Lenders aided and abetted the breaches of fiduciary duty of Michael Day, Max K. Day, Max O. Day, Chaz Robertson, Joshua Smith and

³ In the event that Chaz Robertson, Joshua Smith, Terry Vanderpool or any of the other defendants alleged to owe fiduciary duties denies that they were officers and/or directors with fiduciary duties, Trustee includes them in this Cause of Action for Aiding and Abetting Breaches of Fiduciary Duties.

Terry Vanderpool. They were aware virtually from the company's inception (if not before) that Today's Destiny was formed to perpetrate a fraud on innocent purchasers of the worthless System/Program. Despite their complete awareness of the fraudulent scheme and their knowledge of the company's mounting debts and claims against it, Defendants Jared Day facilitated the officers' and directors' breaches of fiduciary duty by working at Today's Destiny and contributing to the charade that Today's Destiny was a legitimate enterprise selling valid goods and services.

110. Each of the Lenders also aided and abetted the breaches of fiduciary duty by Michael Day, Max K. Day, Max O. Day, Chaz Robertson, Joshua Smith and Terry Vanderpool. Eager to make money by lending money to hapless Customers, the Lenders facilitated the sale of the Program/System and gave it an air of credibility by appearing to lend against the equipment which, a Customer would presume, was worth at least the amount of money the Customer could borrow against it. In reality, the Lenders knew that they were not making legitimate "equipment loans" and that Today's Destiny was defrauding the Customers. The Lenders knew or should have known about the Today's Destiny fraud for all the reasons set forth above: the Customers' complaints, the excessive amount charged to the Customers for the substandard computer equipment, the variances in the amounts charged for the same equipment, their lack of due diligence, the public record of Michael and Max K. Day's lawsuit with the FTC and their consent order and permanent injunction that prohibited them from making misrepresentations as to material facts about *any* product or services.

111. Moreover, the Lenders facilitated the breaches of fiduciary duty by rewarding the Today's Destiny sales staff and employees for referring borrowers to the Lenders. This practice

reflects the Lenders' true interest in these transactions: to sign up new borrowers without regard to the fairness of the underlying transactions.

112. Trustee is entitled to recover damages from Jared Day and each of the Lenders because they aided and abetted the breaches of fiduciary duty by Today's Destiny's officers and directors.

113. Additionally, Trustee is entitled to recover damages suffered by the creditors of Today's Destiny because of the aiding and abetting of breaches of fiduciary duty.

114. Defendants' acts to aid and abet the breaches of fiduciary duty to Today's Destiny and to its creditors were made knowingly and maliciously, and such conduct entitles Trustee to recover punitive damages.

115. On this cause of action, Trustee prays for an award of his actual damages, punitive damages, and pre- and postjudgment interest.

**Trustee's Claim for Defendants' Liability As Alter Egos or
for Sham to Perpetrate a Fraud**
**(Against Michael Day, Max K. Day, Max O. Day,
Medicus Marketing, IBD, and Joshua Smith)**

116. Trustee repeats and asserts each of the preceding paragraphs as if fully set forth verbatim.

117. Trustee brings these claims as direct claims owned by the Today's Destiny bankruptcy estate for the direct harm imposed by these Defendants on Today's Destiny as well as for the generalized harm inflicted upon the creditors of the Today's Destiny estate.

118. Michael Day and Max K. Day were the sole shareholders of Today's Destiny. In published statements and advertisements and oral communications, they represented themselves to be the "owners" of Today's Destiny.

119. Alternatively, Michael Day owned title to all of the shares of Today's Destiny, and Max K. Day was one or more of the following: (i) a "beneficial owner" of some of the shares, (ii) an "affiliate" of Today's Destiny, or (iii) an "affiliate" of Michael Day as those terms are used and defined in the Texas Business Corporations Act, Vernon's Ann. Stat. Art. 2.21 and Art. 13.02.

120. Additionally, Max O. Day was one or more of the following: (i) a "beneficial owner" of some of the shares, (ii) an "affiliate" of Today's Destiny, (iii) an "affiliate" of Michael Day, or (iv) an affiliate of Max K. Day, as those terms are defined in the Texas Business Corporations Act, Vernon's Ann. Stat. Art. 2.21 and Art. 13.02.

121. As set forth above, Michael Day, Max K. Day, and Max O. Day caused Today's Destiny to be used for the purpose of perpetrating a fraud on the creditors of Today's Destiny.

122. Also as set forth above, Michael Day, Max K. Day, and Max O. Day perpetrated an actual fraud on the Customers of Today's Destiny primarily for their own direct benefit.

123. Michael Day, Max K. Day, and Max O. Day are therefore personally liable for all of the contractual obligations of Today's Destiny, and any matter relating to or arising from the obligations of Today's Destiny. Such liabilities include all allowed claims against this bankruptcy estate.

Trustee's Claim for Fraud and Fraudulent Inducement
(Against Defendants Max K. Day, Michael Day, Max O. Day,
Chaz Robertson, Jared Day, Joshua Smith and Terry Vanderpool)

124. Trustee repeats and asserts each of the preceding paragraphs as if fully set forth verbatim.

125. Trustee brings these claims as direct claims owned by the Today's Destiny bankruptcy estate for the generalized harm inflicted upon the creditors of the Today's Destiny estate.

126. As set forth above, Max K. Day, Max O. Day, Michael Day, Jared Day, Joshua Smith, Chaz Robertson and Terry Vanderpool made multiple representations to the Customers to induce them to enter into purchase contracts with Today's Destiny and into "leasing agreements" with the Lenders. These representations were both oral and written, as included in the contracts and marketing materials provided to the Customers.

127. All of these representations made by these Defendants related to the contracts that the Customers entered into with Today's Destiny, Medicus Marketing, and IBD for the purchase of the System/Program.

128. All of these representations were material representations, and they were false when made.

129. All of these representations made by these Defendants were made with knowledge of the falsity, or without knowledge of the truth, and were made as a positive assertion.

130. All of these representations were made with the intent that they be acted upon by the Customers who were being induced to buy the Program.

131. The Customers who bought the Program acted upon these representations and acted in reliance on the representations.

132. The Customers suffered damages as a result of these false representations.

133. Trustee, on behalf of the Customers, is entitled to an award of actual damages suffered by them.

134. For these Defendants' willful misrepresentations, Trustee is also entitled to exemplary damages.

135. Trustee is also entitled to pre- and postjudgment interest and costs of court.

Trustee's Claim for Conspiracy to Defraud and to Breach Fiduciary Duties
(Against Defendants Michael Day, Max O. Day, Max K. Day, Chaz Robertson, Joshua Smith, Terry Vanderpool and the Lenders)

136. Trustee repeats and asserts each of the preceding paragraphs as if fully set forth verbatim.

137. Trustee brings these claims as direct claims owned by the Today's Destiny bankruptcy estate for the direct harm imposed by these Defendants on Today's Destiny as well as for the generalized harm inflicted upon the creditors of the Today's Destiny estate.

138. Each of defendants Michael Day, Max K. Day, Max O. Day, Chaz Robertson, Joshua Smith, Terry Vanderpool, and each Lender was a member of a combination of two or more persons. The object of the combination was to accomplish either (i) an unlawful purpose or (ii) a lawful purpose by unlawful means.

139. Specifically, the object of the combination included (i) perpetrating a fraud on the Customers, (ii) promoting the breach of fiduciary duties owed to Today's Destiny and to the Customers by those Defendants who owed such duties, and (iii) obtaining the execution of contracts in favor of Today's Destiny and the Lenders through misrepresentations and fraud.

140. Each of these Defendants had a meeting of the minds on the object or their course of action.

141. At least one of these Defendants committed an unlawful, overt act to further the object or course of action.

142. Consequently, the Customers all suffered injury as a proximate result of the wrongful acts.

143. These Defendants' conspiracy to defraud the Customers and to promote breaches of fiduciary duty was entered into willingly and maliciously in a way that entitles Trustee to exemplary damages.

144. Trustee is also entitled to pre- and postjudgment interest and costs of court.

**Trustee's Claim for Denuding the Corporation and Conspiracy to Denude the Corporation
(Against Defendants Michael Day, Max K. Day, and Max O. Day)**

145. Trustee repeats and asserts each of the preceding paragraphs as if fully set forth verbatim.

146. Trustee brings these claims as direct claims owned by the Today's Destiny bankruptcy estate for the direct harm imposed by these Defendants on Today's Destiny as well as for the generalized harm inflicted upon the creditors of the Today's Destiny estate.

147. Defendants Michael Day and Max K. Day own all or most of the shares of Today's Destiny. They served as Chief Executive Officer and Chief Operating Officer, respectively, of Today's Destiny. They, together with vice president Max O. Day, were primarily responsible for the operations of Today's Destiny.

148. Using their powers as officer and/or owners of Today's Destiny, Michael Day, Max K. Day, and Max O. Day orchestrated the transfer of significant assets out of Today's Destiny for the benefit of their family, their friends, and themselves. From 2003 through the filing of the bankruptcy case on October 13, 2005, Today's Destiny had gross revenues of almost \$13.7 million (according to the Statement of Financial Affairs signed under penalty of perjury by Michael Day). Yet, on the petition date, Today's Destiny had cash on hand of only \$2,492. It

owed its lender, Wells Fargo Bank, \$500,000 (also according to schedules signed by Michael Day).

149. The company's schedules reflect no real assets.

150. Michael Day, Max K. Day, and Max O. Day oversaw, authorized and permitted the systematic denuding of Today's Destiny to the detriment of the substantial creditors of the company. They divested Today's Destiny of any source from which the creditors of the company and Trustee could collect their claims.

151. Defendants Michael Day, Max K. Day, and Max O. Day have denuded and conspired to denude Today's Destiny or its assets by leaving the creditors of Today's Destiny claims against Today's Destiny and no recourse for payment.

152. Today's Destiny's creditors and its estate have suffered injuries as a proximate cause of these Defendants' conspiratorial acts and corporate denuding actions.

153. As a consequence of these actions, Michael Day, Max K. Day, and Max O. Day are liable for the debts of Today's Destiny.

Trustee's Claim for Legal Malpractice and Breach of Fiduciary Duty
(Against Defendant Terry Vanderpool)

154. Trustee repeats and asserts each of the preceding paragraphs as if fully set forth verbatim.

155. Trustee brings this claim as a direct claim owned by the Today's Destiny bankruptcy estate

156. Defendant Vanderpool was general counsel to Today's Destiny. As such, he owed a duty of care and loyalty to Today's Destiny.

157. Vanderpool drafted the contracts that Today's Destiny presented to the Customers for execution. Vanderpool also reviewed and approved the Master Agreements that Today's

Destiny entered into with the Lenders concerning the referral of Customers as prospective borrowers. Vanderpool also consulted with Michael Day, Max K. Day, Michael O. Day, Chaz Robertson and other representatives of Today's Destiny concerning the "usage requirements" of the contracts and Today's Destiny's refusal to honor its many obligations to the Customers, including the obligations to provide technical support, refunds, and rebates.

158. Vanderpool's duties were to Today's Destiny; nevertheless, he conspired in and aided and abetted the actionable wrongful conduct of Michael Day, Max K. Day, Max O. Day, Chaz Robertson, Joshua Smith and other representatives of Today's Destiny to the detriment of Today's Destiny and its creditors.

159. Vanderpool breached his duty of care to Today's Destiny, and such breaches were the result of gross negligence or wanton and willful misconduct.

160. Vanderpool's breaches proximately caused damage to Today's Destiny.

161. Trustee is entitled to recover his actual damages and exemplary damages for Vanderpool's conduct, along with pre- and postjudgment interest and costs of court.

Trustee's Claim for Contribution
(Against the Lenders)

162. Trustee repeats and asserts each of the preceding paragraphs as if fully set forth verbatim.

163. Trustee brings these claims as direct claims owned by the Today's Destiny bankruptcy estate for the direct harm imposed by these Defendants on Today's Destiny as well as for the generalized harm inflicted upon the creditors of the Today's Destiny estate.

164. As of the date of this complaint, Customers of Today's Destiny have filed more than 280 proofs of claim against the Today's Destiny bankruptcy estate, and such claims total

almost \$11 million.⁴ Trustee anticipates that additional claims will be filed. The claims arise out of the Customer's purchase of the Program/System and – in most cases – out of the claimants' liability for financing those purchases through the Lenders.

165. Today's Destiny and each of the Lenders were, together, joint tortfeasors in defrauding the Customers into purchasing the System/Program and financing their purchase through the Lenders.

166. Trustee, on behalf of Today's Destiny, asserts a right of contribution from the Lenders pursuant to Texas Civil Practice & Remedies Code § 33.015.

Trustee's Claim for Rescission
(Against the Lenders)

167. Trustee repeats and asserts each of the preceding paragraphs as if fully set forth verbatim.

168. Trustee brings these claims for the generalized harm inflicted upon the creditors of the Today's Destiny estate.

169. The majority of Today's Destiny's Customers financed their purchases of the Program/System through loans obtained from the Lenders.

170. The Customers are entitled to rescission of the leases, guaranties and other contracts with the Lenders because they were fraudulently induced to enter into those agreements due to the false and fraudulent actions of Michael Day, Max K. Day, Max O. Day, Chaz Robertson, Joshua Smith, and the Lenders themselves, as set forth above.

⁴ Pursuant to Federal Rule of Evidence 201, Trustee requests that the Court take judicial notice of these claims, which are maintained in the Court's records.

**Trustee's Claims for
Violations of the Texas Deceptive Trade Practices - Consumer Protection Act
(Against the Lenders)**

171. Trustee repeats and asserts each of the preceding paragraphs as if fully set forth verbatim.

172. Trustee brings these claims for the generalized harm inflicted upon the creditors of the Today's Destiny estate.

173. The Customers are "consumers," as that term is defined in Tex. Bus. And Com. Code Ann. §17.41 *et seq.*, the Texas Deceptive Trade Practices-Consumer Protection Act ("DTPA"), and as such, have a cause of action against the Lenders for their conduct in violation of the DTPA. None of those plaintiffs had, at the time they contracted with the Lenders (nor do they currently have), assets in excess of \$25 million. In agreeing to finance their purchase of goods and services, each of the Customers was guided by the advice and representations of the Lenders (or the Lenders' agents, who were representatives of Today's Destiny). These representations constituted violations of the DTPA.

174. Each of the Lenders, either independently or in conjunction with Today's Destiny or Medicus, engaged in the following false and deceptive practices identified under Tex. Bus. & Com. Code Ann., § 17.46 with respect to one or more of the Customers:

- (1) the Lenders represented that their equipment lease agreements conferred or involved rights, remedies or obligations which they did not have or involve, or which were prohibited by law: for instance, as set forth herein, the lease agreements contained unenforceable penalty clauses;
- (2) the Lenders engaged in unconscionable conduct under and in violation of the DTPA by grossly overcharging the lessees for the equipment under the leases, or, in the case of Bankers Healthcare, secured promissory notes
- (3) the Lenders caused confusion or misunderstanding as to the source, sponsorship, approval or certification of goods or services by, for instance, representing themselves to be the "financing arm" of Today's Destiny or permitting Today's Destiny to act as their agent

- (4) the Lenders caused confusion or misunderstanding as to affiliation, connection or association with, or certification by, another by, for instance, representing themselves to be the “financing arm” of Today’s Destiny or permitting Today’s Destiny to act as their agent
- (5) the Lenders represented that certain goods leased to the Customers were original or new, when they knew that such goods and services contained parts that were reconditioned, reclaimed, used or second hand products; and
- (6) the Lenders failed to disclose information concerning goods or services which was known to them at the time of the transaction and such failure was intended to induce the Customers to enter into the leases: for instance, the Lenders knew of other Customers’ complaints and that Today’s Destiny and Medicus were not performing their obligations under agreements that the Lenders were financing.

179. In support of Trustee’s DTPA claims as set forth above, Trustee alleges that the Lenders, through Today's Destiny and/or Medicus, presented the leases to the Customers together with the marketing agreements as single integrated transactions. The leases and marketing agreements are contradictory in terms of ability to cancel prior to the expiration of the primary terms of those contracts, and they have contradictory forum selection clauses for different forums. This conduct violates the DTPA provisions identified above.

180. Each of the Lenders violated Section 17.50(a) of the DTPA by employing these false, misleading and deceptive practices covered under Section 17.46(b) of the DTPA, and through such false and misleading statements and omissions of material fact each Lender engaged in an unconscionable act or course of conduct.

181. Each of these acts and violations of the DTPA was a producing cause of substantial and actual economic damages to the Customers. The Lenders committed these violations knowingly, and these violations constituted willful and deceitful conduct.

182. Each of the Lenders was actually aware and became increasingly aware of the falsity, deceptiveness and unfairness of the conduct about which the Customers complain. Additionally, the DTPA violations and all acts of unconscionable conduct on the part of the

Lenders were committed knowingly, willfully and without conscious regard to the welfare of the Customers.

183. As a result, Trustee, on behalf of the Customers, is entitled to recover from the Lenders additional damages equal to two times their actual proven damages as provided by DTPA, for a total of three times the actual proven damages sustained, together with reasonable attorney fees and costs.

Trustee's Additional Claims Against Sterling National Bank

184. Trustee repeats and asserts each of the preceding paragraphs as if fully set forth verbatim.

185. Trustee brings these claims as direct claims owned by the Today's Destiny bankruptcy estate for the direct harm imposed by Sterling on Today's Destiny as well as for the generalized harm inflicted upon the creditors of the Today's Destiny estate.

186. Sterling National Bank was deeply involved in the scheme of Today's Destiny, Medicus, and IBD to sell the System/Program to the Customers and to induce them to enter into "equipment leases" to finance their purchase. Sterling began its alliance with Today's Destiny and continued its "leasing" arrangements with Medicus after Today's Destiny moved the business into these new entities. With each of the companies, Sterling was on notice of the fraud being perpetrated on the Customers, and it actively participated in it.

187. Such participation included the acts committed by Darren Base, a salesman with Sterling who worked in "vendor relationships." Base made sales calls on Michael Day, Max K. Day, and Joshua Smith and arranged with them to provide financing to their companies' Customers. At Base's urging, Sterling paid commissions back to Today's Destiny

representatives as an incentive to steer Customers to Sterling (rather than other Lenders) for financing.

188. Base never saw any equipment that Sterling financed. He had no knowledge of the value of the equipment or even exactly what Today's Destiny and Medicus were selling. He and Sterling did know, however, that the Customers of Today's Destiny and Medicus were complaining about the failure of the Program/System and the failure of Today's Destiny and Medicus to honor the guarantees that were made to induce the Customers to purchase the TNG Program/System.

189. Base contacted Today's Destiny Customers to determine if they had received the equipment before he could authorize the release of funds to Today's Destiny or Medicus. During these conversations, various Customers inquired of Base about the Program/System and his knowledge of how the product performed. Typically, these conversations took place on the day of the equipment installation, when the Today's Destiny or Medicus installer was on site and insisted on execution of the Sterling "equipment leases."

190. Notwithstanding his awareness of the many Customer complaints about the System/Program – including complaints that Today's Destiny and Medicus were failing to provide guaranteed services and to pay guaranteed rebates and refunds – Base informed the Customers that the product was great and that he had heard no complaints about it. The same is true of Sterling vice-president Steve Ornstein, who as late as October 2005 (just days before the commencement of this bankruptcy case) denied to a Customer that Sterling had received any complaints about the Medicus Program/System. Base also denied any problems when asked later by the same Customer.

191. Base made these misrepresentations and failed to provide truthful information to the Customers in the scope of his employment as a Sterling salesman. Base's acts and omissions were all made within the scope of Sterling's general authority, in furtherance of Sterling's business, and for the accomplishment of the object for which Base was hired: obtaining borrowers for Sterling.

192. Sterling – through Base – aided and abetted the breach of fiduciary duties owed by Michael Day, Max K. Day, Max O. Day, Chaz Robertson, Terry Vanderpool, and Joshua Smith to Today's Destiny and/or Medicus.

193. Additionally, Sterling – through Base – defrauded the Customers who financed their purchases of TNG products and services through Sterling.

194. Today's Destiny, Medicus and the Customers who financed their purchases through Sterling were damaged by Base's acts and omissions.

195. Base and Sterling made these acts and omissions knowingly and maliciously, thereby entitling Trustee to recovery of exemplary damages.

196. Trustee is entitled to recover his actual and punitive damages.

Trustee's Request for Declaratory Judgment
(Against the Lenders)

197. Trustee repeats and asserts each of the preceding paragraphs as if fully set forth verbatim.

198. Trustee brings these claims as claims for the generalized harm inflicted upon the creditors of the Today's Destiny estate.

199. Pursuant to 18 U.S.C. § 2201 and Federal Rule of Civil Procedure 57, Trustee seeks a declaratory judgment as to various issues arising out of the Lenders' transactions with the Customers, which affect this bankruptcy estate.

200. The “leases” associated with the Lenders contain “rental acceleration” clauses (except, to the extent that Trustee has been able to review them, the Sterling leases. Further, the Bankers Healthcare documents reviewed by Trustee do not contain such clauses). These rental acceleration clauses are an unenforceable penalty because they may be invoked under the most minor default.

201. The Lenders sent demand letters and/or acceleration notices that stated that otherwise unaccrued future rentals were presently due and owing under the leases. The Lenders (other than Bankers Healthcare) violated the DTPA by representing that these leases conferred rights or remedies that are prohibited by law.

202. Trustee also seeks a declaratory judgment that the “leases” with Greater Bay Capital, Irwin Business Finance Corporation, General Electric Capital Corporation, Tiger Leasing, Sterling National Bank, and those parties asserting rights under leases originated by DVI Financial Services, Inc. are actually secured transactions because those leases provided the lessees with the option of purchase the equipment for nominal consideration.

203. The leases with Advance Credit Leasing Corp. are actually secured transactions because that lease *requires* the lessee to purchase the equipment for the nominal additional consideration of \$1.00.

204. All of the leases are also secured transactions because the primary terms of those leases exceeded the remaining economic life of the equipment when the leases were entered into.

205. The leases did not state interest rates, other than for late charges and default interest. The promissory notes and security agreements with Bankers Healthcare likewise do not state an interest rate, other than for late charges and default interest. Upon information and belief, Lenders sent demand letters and/or acceleration notices which charged and made demand

for usurious interest. Trustee is entitled to and seeks determination and declaration as to what interest rate was contracted for or charged under these transactions, whether or not such rates exceeded that applicable rate, and what damages or forfeiture resulted from such conduct.

206. Trustee seeks and is entitled to the Court's declaration as to these issues and to reasonable attorney's fees and costs in connection with his requests for declaratory judgment.

The Discovery Rule and Law of Adverse Domination as to All Claims

207. Trustee pleads the discovery rule and the law of adverse domination as to all claims asserted herein.

Conditions Precedent

208. All conditions precedent to Trustee's prosecution of this case have occurred.

PRAYER

209. Trustee prays that each Defendant be required to appear and answer herein and that he recover:

- Actual damages, both general and special;
- Such punitive and exemplary damages as are awarded by the Court;
- Just and reasonable attorney's fees;
- Expert witness fees and other fees and costs associated with this litigation;
- Pre- and postjudgment interest;
- Costs of suit; and
- Such other relief at law and equity to which Trustee may be justly entitled.

Respectfully submitted,

/s/ Ernest W. Boyd

Ernest W. Boyd
500 Dallas, Suite 1200
Houston, Texas 77002
Phone: (713) 655-1200
Fax: (713) 655-0222

ATTORNEYS FOR
JOSEPH M. HILL, TRUSTEE

OF COUNSEL:

MEHAFFY WEBER, P.C.
Susan Hardie Jacks
State Bar No. 08957600
S.D. Texas I.D. No. 4192
Jeremy R. Stone
State Bar No. 24013577
S.D. Texas I.D. No. 27060

and

JOSEPH F. ARCHER, P.C.

Joseph F. Archer
500 Dallas, Suite 3400
Houston, Texas 77002
(713) 654-7799
(713) 654-7814

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Amended Complaint was served on January 31, 2007, electronically on those persons who receive electronic notification from the court, and on February 1, 2007 by U.S. Certified Mail, return receipt requested on all others, as indicated below:

Mr. Joe W. Meyer (electronic)
Meyer Knight & Williams
8100 Washington Avenue, Suite 1000
Houston, Texas 77007

Mr. Craig J. Cowgill (electronic)
2211 Norfolk Street, #1190
Houston, TX 77098-4054

Mr. John Akard, Jr. (electronic)
Mason, Coplen & Banks, PC
7500 San Felipe, Suite 700
Houston, Texas 77063-1709

Mr. Donald Scott Mackenzie (electronic)
9603 White Rock Trail, Suite 324
Dallas, Texas 75238

Mr. A. Elliott Barrow, Jr.
Barrow Law Firm
1051 Chuck Dawley Boulevard
Mt. Pleasant, SC 29464-4181

Mr. Frank J. Schmidt (electronic)
The Schmidt Law Firm, P.C.
8000 Maryland Avenue, Suite 930
Clayton, MO 63105

Mr. Paul Gumina (electronic)
The Law Offices of Paul L. Gumina, PC
1735 N. First Street, Suite 300
San Jose, CA 95112

Mr. Joshua King
330 North Main Street
Kaysville, UT 84037

Mr. John J. O'Brien, III
257 Lancaster Avenue, Suite 201
Wynnewood, PA 19096

Mr. Michael Sharp (electronic)
1100B S. Friendswood Drive
Friendswood, TX 77546

Dr. Grant Douglas Lewis
1156 Kenny Centre Mall
Columbus, OH 43220

/s/ Jeremy R. Stone
Jeremy R. Stone

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	
TODAY'S DESTINY, INC.	§	CASE NO. 05-90080-H1-7
DEBTOR	§	(Chapter 7)
<hr/>		
JOSEPH M. HILL, TRUSTEE,	§	
Plaintiff	§	
v.	§	Adversary No. 06-3285
MICHAEL DAY ET AL.,	§	
Defendants	§	
<hr/>		

TRUSTEE'S SECOND AMENDED COMPLAINT

EXHIBIT A

Intervention Filed

<i>Last Name</i>	<i>First Name</i>	<i>Company Name</i>	<i>Intervention Filed in Adv Pro</i>
Baron	Paul Jason	Absolute Back Care	<input checked="" type="checkbox"/>
Basco	David	Bay Area Injury Center	<input checked="" type="checkbox"/>
Bergin	Jon	Family Neck & Back Center	<input checked="" type="checkbox"/>
Billings	Sean	Premier Alternative Health	<input checked="" type="checkbox"/>
Boland	Matthew	Boland Chiropractic	<input checked="" type="checkbox"/>
Bower	Brandt		<input checked="" type="checkbox"/>
Bridenstine	Kelly	Perfect Smiles Dental Care Inc.	<input checked="" type="checkbox"/>
Bushman	Dennis		<input checked="" type="checkbox"/>
Carr	Samuel		<input checked="" type="checkbox"/>
Cavacuti	Eric	Prominence Chiropractic	<input checked="" type="checkbox"/>
Charpentier	Dan		<input checked="" type="checkbox"/>
Cheney	Matthew		<input checked="" type="checkbox"/>
Childs	Gary		<input checked="" type="checkbox"/>
Choi	Eric	Ideal Balance Chiropractic	<input checked="" type="checkbox"/>
Clare	Kenneth		<input checked="" type="checkbox"/>
Cosgrove	Susan		<input checked="" type="checkbox"/>
Dentition LLC		Dentition LLC (Russell Marson)	<input checked="" type="checkbox"/>
Dibella	Kevin	Dibella PC	<input checked="" type="checkbox"/>
Donahue	Thomas		<input checked="" type="checkbox"/>

Wednesday, January 31, 2007

<i>Last Name</i>	<i>First Name</i>	<i>Company Name</i>	<i>Intervention Filed in Adv Pro</i>
Druckman	Stuart		<input checked="" type="checkbox"/>
Filipkowski	Kimberly		<input checked="" type="checkbox"/>
Fralicker	J. Allan		<input checked="" type="checkbox"/>
Freidman	Greg	Freidman Center of Chiropractic	<input checked="" type="checkbox"/>
Gappa	Jeffrey		<input checked="" type="checkbox"/>
Gemp	Annette	Greenspoint Dental	<input checked="" type="checkbox"/>
Gharbian	Derick		<input checked="" type="checkbox"/>
Ghojattu	Hutan	Balance Chiropractic Center	<input checked="" type="checkbox"/>
Gregg	J. Robert	Gregg Chiropractic Life Center P.C.	<input checked="" type="checkbox"/>
Gregory Haskin Chiropractic		Gregory Haskin Chiropractic	<input checked="" type="checkbox"/>
Hainer	Donald	Complete Dental Care	<input checked="" type="checkbox"/>
Harris	Richard		<input checked="" type="checkbox"/>
Hart	Walter	Hart Chiropractic Clinic	<input checked="" type="checkbox"/>
Henriksen	Duane		<input checked="" type="checkbox"/>
Herdocia	Filberto	Associated Dental	<input checked="" type="checkbox"/>
Ho	Jeffrey	Chiropractic USA	<input checked="" type="checkbox"/>
James	Det		<input checked="" type="checkbox"/>
Jex	Kevin	Jex Chiropractic	<input checked="" type="checkbox"/>
Kenny	Robert	Robert Kemp DCPC	<input checked="" type="checkbox"/>
Kiesau	Eric		<input checked="" type="checkbox"/>
Kirk	Mark		<input checked="" type="checkbox"/>

Wednesday, January 31, 2007

<i>Last Name</i>	<i>First Name</i>	<i>Company Name</i>	<i>Intervention Filed in Adv Pro</i>
Kissinger	Marc		<input checked="" type="checkbox"/>
Klein	Jeffrey	Klein & Klein Dental Group	<input checked="" type="checkbox"/>
Kolita	Gary	Kolita Chiropractic Life Center	<input checked="" type="checkbox"/>
Kraftick	Karen		<input checked="" type="checkbox"/>
Kriva	William		<input checked="" type="checkbox"/>
Kureshi	Masood		<input checked="" type="checkbox"/>
Kuskin	Robert	Back to Health Wellness Center	<input checked="" type="checkbox"/>
Le	Kevin	Chiropractic Center	<input checked="" type="checkbox"/>
Lee	Stephen	Lee Chiropractic Center Inc.	<input checked="" type="checkbox"/>
Life Chiropractic (Fred Clark and Jeff Wringate		Life Chiropractic (Fred Clark and Jeff Wringat	<input checked="" type="checkbox"/>
Lightner	Thomas		<input checked="" type="checkbox"/>
Lind	Andrew	ABB Chiropractic	<input checked="" type="checkbox"/>
McKeel	Brandon	Family Chiropractic	<input checked="" type="checkbox"/>
Mittag	Harlan		<input checked="" type="checkbox"/>
Murray	Robert		<input checked="" type="checkbox"/>
Neuber	James	Neuber Chiropractic	<input checked="" type="checkbox"/>
Nolan	William	SpineTime Family Chiropractic and William N	<input checked="" type="checkbox"/>
Northern Lights Chiropractic		Northern Lights Chiropractic	<input checked="" type="checkbox"/>
Peters	Aaron	Advance Chiropractic of Dubois	<input checked="" type="checkbox"/>
Podjowski	Paul	La Vita Chiropractic Center	<input checked="" type="checkbox"/>
Powers	Linda	Powers Chiropractic Inc	<input checked="" type="checkbox"/>

Wednesday, January 31, 2007

<i>Last Name</i>	<i>First Name</i>	<i>Company Name</i>	<i>Intervention Filed in Adv Pro</i>
Ratspizecher	Brad	Access Health	<input checked="" type="checkbox"/>
Rawlings	Lance	Rawlins Chiropractic	<input checked="" type="checkbox"/>
Ray	K. Patrick	Chiropractic Plus	<input checked="" type="checkbox"/>
Reyes	Phillip	Clinton Chiropractic	<input checked="" type="checkbox"/>
Richards	Susan		<input checked="" type="checkbox"/>
Richardson	Bradley	Summit Chiropractic Care Center	<input checked="" type="checkbox"/>
Riello	Anthony	American Chiropractic and Wellness Center	<input checked="" type="checkbox"/>
Roessler	Michael		<input checked="" type="checkbox"/>
Ross	Jesse	Ross Family Chiropractic	<input checked="" type="checkbox"/>
Rusick	David	Rusick Chiropractic	<input checked="" type="checkbox"/>
Saffarpour	Mamak		<input checked="" type="checkbox"/>
Sampson	David		<input checked="" type="checkbox"/>
Scherr	Gregory	(Joshua Biberdorf) Black Hills Health and We	<input checked="" type="checkbox"/>
Schuemaker	Larry	Kalkaska Chiropractic Center	<input checked="" type="checkbox"/>
Scranton	Robert	Community Chiropractic Center	<input checked="" type="checkbox"/>
Shelby	Scott		<input checked="" type="checkbox"/>
Shelton	Tim	Shelton Chiropractic Center	<input checked="" type="checkbox"/>
Stelluti	John	Blue Mountain Chiropractic	<input checked="" type="checkbox"/>
Stephan	Joseph	Stephan Chiropractic	<input checked="" type="checkbox"/>
Stephen	Randy		<input checked="" type="checkbox"/>
Storts	Frank	Storts Chiropractic	<input checked="" type="checkbox"/>

Wednesday, January 31, 2007

<i>Last Name</i>	<i>First Name</i>	<i>Company Name</i>	<i>Intervention Filed in Adv Pro</i>
Strelec	Sean	Retting Chiropractic dba Back to Basics	<input checked="" type="checkbox"/>
Strombeck	Peter		<input checked="" type="checkbox"/>
Szigely	Darcy	Alderwood Back & Neck Pain Clinic	<input checked="" type="checkbox"/>
Taylor	Michael	Taylor Rehabilitation and Wellness	<input checked="" type="checkbox"/>
Teeth Tamers Dental Care and Oleg Vinson		Teeth Tamers Dental Care and Oleg Vinson	<input checked="" type="checkbox"/>
Tenney	Tad	Boulder Chiropractic	<input checked="" type="checkbox"/>
Tessier	David	Tessier Chiropractic	<input checked="" type="checkbox"/>
Thomas	William	Thomas & Grippi Chiropractic	<input checked="" type="checkbox"/>
Thurman	S. Michael	c/o Barrow Law Firm	<input checked="" type="checkbox"/>
Trupp	C. J.	Trupp Family Care Chiropractic	<input checked="" type="checkbox"/>
Tumbarello	Thomas		<input checked="" type="checkbox"/>
Urbanski	Theodore		<input checked="" type="checkbox"/>
Waggoner	Bryan		<input checked="" type="checkbox"/>
Wind	Marc	Marc Wind	<input checked="" type="checkbox"/>
Wright	Sean		<input checked="" type="checkbox"/>

Wednesday, January 31, 2007

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	
TODAY'S DESTINY, INC.	§	CASE NO. 05-90080-H1-7
	§	(Chapter 7)
DEBTOR	§	
_____	§	
	§	
JOSEPH M. HILL, TRUSTEE,	§	
	§	
Plaintiff	§	
	§	
v.	§	Adversary No. 06-3285
	§	
MICHAEL DAY ET AL.,	§	
	§	
Defendants	§	
_____	§	

TRUSTEE'S SECOND AMENDED COMPLAINT

EXHIBIT B

Today's Destiny, Inc.

Db a TNG Systems
 955 Dairy Ashford, Suite 207
 Houston, TX 77079
 281.497.6720 Fax 281.531.7947

INVOICE

INVOICE NO: 5629209220
 DATE: April 20, 2004

Sold To: Caring Family and Cosmetic
 Dr. Micheal Ahn DDS
 16106 Bellflower Blvd.
 Bellflower, CA 90706
 562-920-9220

Ship To: Caring Family and Cosmetic
 Dr. Micheal Ahn DDS
 16106 Bellflower Blvd.
 Bellflower, CA 90706
 562-920-9220

SALESPERSON	POINTS	DATE SHIPPED	SHIPPED VIA	INSTALL DATE	TERMS
Joe Banuelos		N/A	Delivered	N/A	CASH
QUANTITY	BUSINESS COMPUTER SERVER				ITEM PRICE
1	Enterprise Commercial Processing Server w/on Board Integrated System				1,000.00
1	Headset, Keyboard, Mouse and External Speakers				500.00
1	Multi Operational Interrupt Interface w/Hard case & Punch Down 4 Switch				7,875.00
2	System Page and Call Transfer Communication Board				6,050.00
1	15" Flat Screen LCD Monitor				250.00
1	56K US Robotics® Voice Fax Modem				150.00
1	Microsoft Windows 98® SE w/OEM Certification				150.00
1	Microsoft Office 97®				150.00
1	Pc Anywhere® Software				100.00
1	TNG Annual Database Management Program				500.00
2	Security interface HASP® Key for TNG Systems Business Suite				11,000.00
1	TNG Systems Proprietary Software TNG Systems Business Suite				975.00
1	TNG Systems Business Suite Training Manual/ 1 Year Business Coaching				

24 Mos. Hardware and Software Warranty

\$28,500.00

Full Technical Support at No Additional Charge

Make all checks payable to: ToDay's Destiny, Inc.

Total Due \$28,500.00

If you have any questions concerning this invoice, 281.497.6720

- 2,150.00 DISCOUNT
 \$ 26,350.00

02/21/2006 13:08 FAX 4254511186

IRWIN BUSINESS FINANCE

002

Today's Destiny, Inc.

Dba TNG Systems
 955 Dairy Ashford, Suite 207
 Houston, TX 77079
 281.497.6720 Fax 281.531.7947

INVOICE

INVOICE NO: 7733423221
 DATE: August 16, 2004

Sold To: Irwin Business Finance
 330-120th Avenue NE, Suite 110
 Bellevue, WA 98005
 877-460-1499
 Attn: Julie Weaver

Ship To: Anderson Chiropractic
 2105 West Division Street
 Chicago, IL 60622
 Attn: David Anderson
 773-342-3221

SALESPERSON	POINTS	DATE SHIPPED	SHIPPED VIA	INSTALL DATE	TERMS
Paul Gonzales		N/A	Delivered	8/17/04	60 months
QUANTITY	BUSINESS COMPUTER SYSTEM			ITEM PRICE	
1	Intel 2.0 gig/256MB RAM/40 GB WD Hard Disk Drive			1,000.00	
1	Headset, Keyboard, Mouse and External Speakers			500.00	
1	Multi Operational Interrupt Interface w/Hard case & Punch Down 2 Switch			7,675.00	
4	System Page and Call Transfer Communication Board		3025.00 each	12,100.00	
1	15" Flat Screen LCD Monitor			250.00	
1	56K US Robotics® Voice Fax Modem			150.00	
1	Microsoft Windows OEM Certification			150.00	
1	Microsoft Office			150.00	
1	Pc Anywhere®			100.00	
1	TNG Annual Database Management Program			500.00	
2	Security interface HASP® Key for TNG Systems Business Suite Software®			13,000.00	
1	TNG Systems Proprietary Business Suite Software®			925.00	
1	TNG Business Suite end Training Manual/1yr. Business Coaching				

2 Years Hardware and Software Warranty

\$36,500.00

Full Technical Support at No Additional Charge

Make all checks payable to: ToDay's Destiny, Inc.

Total Due

\$36,500.00

If you have any questions concerning this invoice, call Karen at 281.497.6720

Today's Destiny, Inc.
 965 Gary Ashford, Suite 207
 Houston, TX 77079
 281.477.6720 Fax 281.531.7947

INVOICE

INVOICE NO: 631-368-4018
DATE: 5/16/2005

Sold To: Dia Family Chiropractic
 Valiant Dia
 548 Larkfield Road
 East Northport, NY 11731

Ship To: Dia Family Chiropractic
 Valiant Dia
 548 Larkfield Road
 East Northport NY 11731

SALSPERSON	POINTS	DATE SHIPPED	SHIPPED VIA	INSTALL DATE	TERMS
Cell Bill			Delivered		60 months
QUANTITY	BUSINESS COMPUTER SERVER				ITEM PRICE
1	Enterprise Commercial Processing Server w/on Board Integrated System				1,900.00
1	Security Interface HASP® Key for TNG Systems Business Suite Software®				13,000.00
1	Multi Operational Interrupt Interface w/ Punch Down Switch				7,675.00
1	System Page and Call Transfer Communication Board (240JCTT1R2U Trunk Card				12,100.00
1	Flat Panel Screen LCD Monitor, Keyboard, Mouse				450.00
1	External Speaker System				50.00
1	TD Database Management Program®				500.00
1	Acertra PM Software®				2,500.00
1	TNG Systems Proprietary Business Suite Software®				1,000.00
1	Microsoft Windows OEM Certification®				300.00
1	Microsoft Office®				275.00
1	PC Anywhere®				200.00
24 Mos. Parts and Labor Warranty - Full Technical and Software Support at No Additional Charge					
Sub Total					\$39,950.00
Total Due					\$39,950.00

Please all checks payable to: Today's Destiny, Inc.

Today's Destiny, Inc.

Dba TNG Systems
 955 Dairy Ashford, Suite 207
 Houston, TX 77079
 281.497.6720 Fax 281.531.7947

INVOICE

PO Number: 003.7010908.001
 INVOICE NO: 5404326842
 DATE: June 23, 2003

Sold To: DVI Strategic Partner Group
 1751 Lake Cook Road
 Deerfield, IL 60123
 1-800-323-5007

Ship To: Harrisonburg Chiropractic center
 Dr. Raymond Wright
 182 Neff Avenue, Suite W-7
 Harrisonburg, VA 22801
 540-432-6842

SALESPERSON	POINTS	DATE SHIPPED	SHIPPED VIA	INSTALL DATE	TERMS
James Crowson		N/A	Delivered	06/26/03	60 Months
QUANTITY	BUSINESS COMPUTER SYSTEM				ITEM PRICE
1	Intel 1.1 gig\128MB RAM\20 GB WD Hard Disk Drive				1,000.00
1	Headset, Keyboard, Mouse and External Speakers				500.00
1	Multi Operational Interrupt Interface w/Hard case & Punch Down 4 Switch				7,675.00
2	System Page and Call Transfer Communication Board				6,050.00
1	15' Flat Screen LCD Monitor				500.00
1	56K US Robotics® Voice Fax Modem				250.00
1	Microsoft Windows 98® SE w/OEM Certification				150.00
1	Microsoft Office 97®				150.00
1	Pc Anywhere® Software				100.00
1	Delorme Phone Search USA 5.0				150.00
1	Security Interface HASP® Key for StrataVoice®				5,000.00
1	TNG Systems Proprietary Software StrataVoice®				975.00
1	StrataVoice® and Training Manual				

12 Mos. Hardware and Software Warranty

\$22,500.00

Full Technical Support at No Additional Charge

Make all checks payable to: ToDay's Destiny, Inc.

Total Due

\$22,500.00

If you have any questions concerning this invoice, 281.497.6720

Today's Destiny, Inc.

Dha TNG Systems
 955 Dairy Ashford, Suite 207
 Houston, TX 77079
 281.497.6720 Fax 281.531.7947

INVOICE

INVOICE NO: 9528982877
 DATE: November 19, 2003

Sold To: Patriot Commercial Leasing Inc.
 1566 Medical Dr
 Pottstown PA 19464
 ATTN: LAURA ROTELLI
 (800) 786-0004 ext 405

Ship To: Lakeville Family Chiropractic
 Andrea Rhuland
 16283 Ipava Avenue
 Lakeville, MN 55044
 952-898-2287

SALESPERSON	POINTS	DATE SHIPPED	SHIPPED VIA	INSTALL DATE	TERMS
Wyn		N/A	Delivered	11/20/03	60 Months
QUANTITY	BUSINESS COMPUTER SERVER				ITEM PRICE
1	Enterprise Commercial Processing Server w/on Board Integrated System				1,000.00
1	Headset, Keyboard, Mouse and External Speakers				500.00
1	Multi Operational Interrupt Interface w/Hard case & Punch Down 4 Switch				7,675.00
2	System Page and Call Transfer Communication Board				6,050.00
1	15' Flat Screen LCD Monitor				250.00
1	56K US Robotics® Voice Fax Modem				150.00
1	Microsoft Windows 98® SE w/OEM Certification				150.00
1	Microsoft Office 97®				150.00
1	Pc Anywhere® Software				100.00
1	TNG Annual Database Management Program				500.00
2	Security interface HASP® Key for TNG Systems Business Suite				11,000.00
1	TNG Systems Proprietary Software TNG Systems Business Suite				975.00
1	TNG Systems Business Suite Training Manual/ 1Year Business Coaching				

12 Mos. Hardware and Software Warranty

\$28,500.00

Full Technical Support at No Additional Charge

Make all checks payable to: ToDay's Destiny, Inc.

Total Due ~~\$28,500.00~~

If you have any questions concerning this invoice, 281.497.6720

\$28,500.00
paid \$126,000

FROM :Tng Systems

FAX NO. :

Aug. 28 2003 12:12PM P3

Today's Destiny, Inc.

Dba TNG Systems
 955 Dairy Ashford, Suite 207
 Houston, TX 77079
 281.497.6720 Fax 281.531.7947

INVOICE

INVOICE NO: 7074590340
DATE: August 28, 2003

Sold To: Kumar Nadeson
 2342 Goose Road
 Willits, CA 95490
 707-459-0340

Ship To: Kumar Nadeson
 2342 Goose Road
 Willits, CA 95490
 707-459-0340

SALESPERSON	POINTS	DATE SHIPPED	SHIPPED VIA	INSTALL DATE	TERMS
Jack/James		N/A	Delivered	OPEN	CASH
QUANTITY	BUSINESS COMPUTER SERVER			ITEM PRICE	
1	Enterprise Commercial Processing Server w/on Board Integrated System			1,000.00	
1	Headset, Keyboard, Mouse and External Speakers			500.00	
1	Multi Operational Interrupt Interface w/Hard case & Punch Down 2 Switch			7,675.00	
4	System Page and Call Transfer Communication Board		3025.00 each	12,100.00	
1	15" Flat Screen LCD Monitor			250.00	
1	56K US Robotics® Voice Fax Modem			150.00	
1	Microsoft Windows 98® SE w/OEM Certification			150.00	
1	Microsoft Office 97®			150.00	
1	Pc Anywhere® Software			100.00	
1	TNG Annual Database Management Program			500.00	
1	Security interface HASP® Key for TNG Systems Business Suite Software®			7,000.00	
1	TNG Systems Proprietary Business Suite Software®			925.00	
1	TNG Business Suite and Training Manual/				

12 Mos. Hardware and Software Warranty

\$30,500.00

Full Technical Support at No Additional Charge

Cash Discount (\$3,000.00)

Total Due \$27,500.00

Make all checks payable to: ToDay's Destiny, Inc.

If you have any questions concerning this invoice, 281.497.6720

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	
TODAY'S DESTINY, INC.	§	CASE NO. 05-90080-H1-7
	§	(Chapter 7)
DEBTOR	§	
<hr/>		
	§	
JOSEPH M. HILL, TRUSTEE,	§	
	§	
Plaintiff	§	
	§	
v.	§	Adversary No. 06-3285
	§	
MICHAEL DAY ET AL.,	§	
	§	
Defendants	§	
<hr/>		

TRUSTEE'S SECOND AMENDED COMPLAINT

EXHIBIT C

It's crazy but it works...

"I generated \$60,000 Dollars of revenue the first two weeks I started using this amazing advertising and marketing system. This program is a must for any doctor looking to increase revenue fast! My wife and I can't thank the people at TNG enough!" It's ***GURANTEED!**

It just keeps on working day after day!



Dr. Forenza Loves The INCREDIBLE RESULTS

His office receives when utilizing TNG-Systems Amazing
*GUARANTEED Lead Generation & Advertising Method.

"I just want to say that the TNG Company, Product,
& Support Staff have been Outstanding!"

Attention: Chiropractors...

This amazing marketing and advertising system acts like a giant magnet... drawing patients in from all over to come in for an examination.

Do you want new patients? Do you want them consistently on a daily basis, for only pennies per qualified prospect per day? Then you're going to love my unique method to bring them in extremely cost effectively.

NORODY IN HIS/HER RIGHT MIND WOULD TURN DOWN THIS *GUARANTEED OFFER. These are days of SLIPPERY ECONOMIC TIMES. But chiropractors all over the country are finding this system IRRESISTIBLE. Especially after they have had a chance to talk to some of my existing clients.

generator to more than the market can bear. If you are at all interested in significantly beefing up revenues using this moneymaking program... STOP what you are doing and call now..

**Our number is
1-888-775-0038 Ext. 2000**

You will operate this system directly from your office. It is quickly becoming the Chiropractor's secret to an amazing boost in revenues and profits. Some chiropractors are using this system to double or triple revenues in just a matter of days.

My advice to every chiropractor who wants to significantly increase revenues right now is to call today. This system is reasonably priced at around
\$4,900.00 - \$7,900.00

and non-qualified. We've got chiropractors all over the country now using this amazing marketing program and getting FANTASTIC RESULTS.

Dr. Carlton - VA "Great leads for my Chiropractic and health club business."

Dr. Gampel - CA "15 leads per day any time I want them. Truly incredible!"

Dr. Kelly - TX "I don't understand why every Chiropractor doesn't have this. It's a must!"

Dr. Harrison - SC "Each day I get at least 18 highly-qualified leads. This really works. I'd rather buy a Rolex than \$3000.00 on a radio ad that has no guarantee of return. This company guaranteed my results!"

Dr. Harvey - MO "Unbelievable new patient generator. They even showed me how to earn an additional 20 thousand per month once I upgraded."

WHY IS THIS PROGRAM SO POWERFUL?

Because it is not a direct mail piece that gets thrown away, a TV ad that doesn't pay for itself, a radio spot that's not targeted, an insert that has to compete with everyone else, it's not e-mail that just can't qualify or reach enough people consistently. NO! This advertising and marketing method can not be duplicated anywhere. It will deliver more qualified prospects daily than any other method for less money per month than a newspaper ad costs for one day. The amazing part is that they all are ready to set an appointment!

This powerful profit-maker has never before been *GUARANTEED to the Chiropractic industry.

LIMITED NUMBER OF CHIROPRACTORS IN AN AREA

Urgent! I can only take a limited number of companies per area according to population. It would not be fair to offer this highly profitable revenue

* Ask for guarantee requirements.

** Pace varies with individuals needs and qualifications.

...to 20 new prospects per week, every week?

EVERYBODY LOVES THE METHOD WE USE! EVEN THE PROSPECT!

Almost everyone wants to feel good. They want to feel secure, get peace of mind. This makes our system a very powerful tool. That's why it is so extremely effective.

Competition is rough!! You need every advantage you can get. This program will give you that "almost unfair" advantage.

There is only one way revenues can go up... BRINGS PATIENTS INTO YOUR PRACTICE... takes them out of the market.

NO EXTRA ADVERTISING BUDGET NEEDED!

Don't think this program will incur additional advertising expenses. Most chiropractors using this program don't need anything else. The message we use is powerful, compelling and hard to resist.

This is a simple offer. You cannot beat this price, especially with this much value.

I simply must hear from you if you want to be one of the limited chiropractors in your area with this great program.

I will answer any questions you may have and lock in your rights to use this powerful motivator in your market.

**The call is FREE
1-888-775-0038 Ext. 2000**

So you have nothing to lose and everything to gain.

Yours,
Ron Brown
TNG-Systems

P.S. One last thought.... I promise you will love the money you make from this valuable program and it will be worth your while to call. When you call there's no obligation and I'll send you a FREE package with plenty of references and our GUARANTEED PATIENT PROGRAM, just for giving me the chance to answer any questions you may have. Thank you.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	
TODAY'S DESTINY, INC.	§	CASE NO. 05-90080-H1-7
	§	(Chapter 7)
DEBTOR	§	
_____	§	
	§	
JOSEPH M. HILL, TRUSTEE,	§	
	§	
Plaintiff	§	
	§	
v.	§	Adversary No. 06-3285
	§	
MICHAEL DAY ET AL.,	§	
	§	
Defendants	§	
_____	§	

TRUSTEE'S SECOND AMENDED COMPLAINT

EXHIBIT D

GIVE 'LOOK

IT'S CRAZY BUT IT WORKS...

and I made 60,000.00 the first month after:



*I Stopped Using I-800-No-Show! And I-800-Not-Qualified!
 This Program Is One Third The Cost! I Get 10 Times The Traffic!
 The Type I Want...Or I Don't Pay! And Now You Can Have It!*

**** * FREE FOR FIRST 90 DAYS**

AMAZING BOOST IN REVENUES THIS IS GUARANTEED OR YOU DON'T PAY

25 TO 50 PRE-QUALIFIED HIGH MARGIN PATIENTS PER WEEK, EVERY WEEK

THIS PROGRAM WILL GIVE YOU THAT "ALMOST UNFAIR" ADVANTAGE THE BEST IN THE DENTAL INDUSTRY

"The TNG System is an extremely easy and very cost effective way of reaching new clients- and reactivating your old patients. Not only that, but their technical support is fantastic. They will help you customize campaigns for your office, and can basically handle any system problems over the phone."
Dr. Tarpenning

"Save time and

ATTENTION DENTISTS

This amazing marketing and advertising systems acts like a giant magnet...drawing High Margin Patients in from all over to come in for an examination. Do you want new High Margin Patients? Do you want them consistently on a daily basis, for only a couple of dollars per qualified prospect per day? Then you're going to love my unique, *GUARANTEED method to bring them in extremely cost effectively.

NOBODY IN HIS/HER RIGHT MIND WOULD TURN DOWN THIS OFFER. These are days of **SLIPPERY ECONOMIC TIMES.** But Dentists all over the country are finding this system **IRRESISTIBLE.** Especially after they have had a chance to talk to some of my existing clients. The old conventional methods of advertising are not consistent, too costly and do not produce the qualified patients you desire. We've got Dentists all over the country now using this amazing marketing program and getting **FANTASTIC RESULTS.**

Dr. Raymond Katz - MI: "Our office has been using the TNG System for over a year and we are amazed and impressed with the

WHY IS IT SO POWERFUL

Why is this program so powerful? Because it is not a direct mail piece that gets thrown away, a TV ad that doesn't pay for itself or qualify the prospect, a radio spot that's not targeted, an ins that has to compete with everyone else, and it's not e-mail that just can't qualify or reach enough people consistently. **NO!** This advertising and marketing method can not be duplicated anywhere. It will deliver more qualified prospects daily than any other method for less money per month than a newspaper ad cost for one day. The amazing part is that they all are ready to set an appointment! This powerful profit maker has never before been offered to the Dental Industry.

OUR NUMBER IS: 1-888-775-0038 EXT. 2000

You will operate this system directly from your office. is quickly becoming the Dentist secret to an **AMAZING BOOST REVENUES** and profits. Some Dentists are using this system to double or triple revenues in just a matter of days. My advice to every Dentist who wants to significantly increase revenues right now is to call today. This system is reasonably priced at around ****\$450 to \$950**

only that, but their technical support is fantastic.

They will help you customize campaigns for your office, and can basically handle any system problems over the phone."

Dr. Tarpenning

"Save time and money. This is the most cost effective marketing system going. TNG over-delivers on their guarantee. It's like having an ATM in the office, just turn it on and watch the new patients come into your office.

Tech support bends over backwards to help you grow your practice, and the coaches are dedicated to helping you make the system a financial success."

Dr. Dobry

This amazing marketing and advertising systems acts like a giant magnet...drawing High Margin Patients In From All Over to come in for an examination. Do you want new High Margin Patients? Do you want them consistently on a daily basis, for only a couple of dollars per qualified prospect per day? Then you're going to love my unique, *GUARANTEED method to bring them in extremely cost effectively.

NOBODY IN HIS/HER RIGHT MIND WOULD TURN DOWN THIS OFFER. These are days of SLIPPERY ECONOMIC TIMES. But Dentists all over the country are finding this system IRRESISTIBLE. Especially after they have had a chance to talk to some of my existing clients. The old conventional methods of advertising are not consistent, too costly and do not produce the qualified patients you desire. We've got Dentists all over the country now using this amazing marketing program and getting FANTASTIC RESULTS.

Dr. Raymond Katz - MI: "Our office has been using the TNG System for over a year and we are amazed and impressed with the results. The quantity and quality of our leads from this system is outstanding. Not only do these people schedule appointments, but they keep them too! The total experience from the initial contact to the final training was excellent. I recommend this great system to anyone looking to increase sales or client prospects. You won't be disappointed!"

Carl Loggrosso - CA: "I was trained by Tony Robbins and I have coached thousands of doctors, and I referred all of my clients to this company. This is the best long term, cost effective marketing program in the business, bar none! It works every day and the doctor can control the volume and type of patient he or she is after."

LIMITED NUMBER OF DENTISTS IN AN AREA

Urgent! I can only take a limited number of Dentists per area according to population. It would not be fair to offer this highly profitable revenue generator to more than the market can bear. If you are at all interested in significantly beefing up revenues using this money-making program...STOP what you are doing and call now..

EVERYBODY LOVES THE METHOD WE USE! EVEN THE PROSPECT!

Almost everyone wants to feel good and look good. They want to feel secure, and have peace of mind. This makes our system a very powerful tool. That's why it is so extremely effective. Competition is rough!!! You need every advantage you can get. There is only one way revenues can go up...BRING THESE NEW PATIENTS INTO YOUR BUSINESS...take them out of the market.

FREEInfo, circle 71 on card

Why is this program so powerful? Because it is not a direct mail piece that gets thrown away, a TV ad that doesn't pay for itself or qualify the prospect, a radio spot that's not targeted, an insert that has to compete with everyone else, and it's not e-mail that just can't qualify or reach enough people consistently. NO! This advertising and marketing method can not be duplicated anywhere. It will deliver more qualified prospects daily than any other method for less money per month than a newspaper ad cost for one day. The amazing part is that they all are ready to set an appointment! This powerful profit maker has never before been offered to the Dental Industry.

OUR NUMBER IS: 1-888-775-0038 EXT. 2000

You will operate this system directly from your office. It is quickly becoming the Dentist secret to an AMAZING BOOST IN REVENUES and profits. Some Dentists are using this system to double or triple revenues in just a matter of days. My advice to every Dentist who wants to significantly increase revenues right now is to call today. This system is reasonably priced at around **\$650 to \$950 per month.

NO EXTRA ADVERTISING BUDGET NEEDED!

Don't think this program will incur additional advertising expenses. Most companies using this program don't need anything else. The message we use is powerful, compelling and hard to resist. I simply must hear from you, if you want to be one of the Limited Dentist in your area for this great program. ***FREE FOR 90 DAYS! I will answer any questions you may have and lock in your rights to use this powerful motivator in your market.

THE CALL IS FREE 1-888-775-0038 EXT. 2000

You have nothing to lose and everything to gain.



Yours,
Bill Hoggan
TNG Systems

P.S. One last thought...I promise you will love the money you make from this valuable program and it will be worth your while to call. When you call there's no obligation and I'll send you a FREE package with plenty of Doctors to speak with just for giving me the chance to answer any questions you may have. I Thank You.

*Ask for guarantee requirements

**Price varies with individuals needs and qualifications

***Must Credit Qualify for 90 Day Deferred Lease Program

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	
TODAY'S DESTINY, INC.	§	CASE NO. 05-90080-H1-7
	§	(Chapter 7)
DEBTOR	§	
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	§	
JOSEPH M. HILL, TRUSTEE,	§	
	§	
Plaintiff	§	
	§	
v.	§	Adversary No. 06-3285
	§	
MICHAEL DAY ET AL.,	§	
	§	
Defendants	§	
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TRUSTEE'S SECOND AMENDED COMPLAINT

EXHIBIT E

"A"
Page 4

Welcome to TNG Systems

At **TNG Systems**, world-class service, high quality and customer satisfaction are our priorities and the reason for our existence. We recognize that our client's ability to effectively promote and market themselves is critical to their success and we take our role in that effort very seriously. For over 18 years, the owners at **TNG Systems** have been the international leader in providing turnkey systems for businesses of every description. We are constantly committed to improving value through the development and implementation of cutting edge technology that is user friendly, cost effective, and proven successful. **If you are committed to your business, then your commitment to our proven program, will be an easy one.**

In every industry in every market, twenty percent of the businesses do eighty percent of the volume. At the other end of the bell curve, eighty percent are just coasting, usually downhill. Whether you are just starting your business venture or are an established corporation, an aggressive marketing program in today's competitive society is a vital ingredient in the recipe for overall success. At **TNG Systems** we take a consultative approach to providing the optimal tools for your marketing and promotional needs. We offer state of the art computer and software solutions in addition to professional, customized promotional campaigns that ensure the desired results for your business. The desired results you achieve with TNG are ***Guaranteed in writing or you do not pay.** We recognize that maintaining an exciting and highly effective marketing program is an ongoing process, which is why we continue to work closely with you after the initial installation. With our arsenal of sales professionals, industry recognized copywriters, programmers, computer engineers, and seasoned business consultants, you can be assured that you will receive quality work and service that will enable you to excel in today's competitive environment.

Businesses spend billions of dollars each year to attract new customers who will buy their products. In the advertising industry a dominant theme is "It doesn't cost to advertise, it pays!" Even giant companies like Coca-Cola, IBM, General Motors, and Ford Motor Company know that they cannot stop advertising. Most small and medium sized businesses are also aware that they must constantly find innovative, cost effective, and efficient means to attract new customers. As a small business operator, using the **TNG System**, you can accomplish your business goals without the high costs of traditional, expensive advertising.

In short, your organization's growth and success is our singular goal!

Please take a moment to give us a call at (888) 775-0038 to find out exactly how we can *Guarantee a boost in your sales and marketing efforts, while reducing your cost. We have several different programs we would be glad to tailor to your specific needs.

TNG's specialized optional functions of the hardware and software integrated equipment may only be operated within a state, in accordance with the Public Utilities Code, FTC, and state Attorney Generals offices. Please research the proper use of the optional functions of TNG-SYSTEMS equipment prior to using or purchasing. California customers should research Ca PUC Art. 1 Sec. 2871 Ch. 10 Part 2 of Div. 1., copies of which are available upon request at acquisition and receipt of operation manual of which articles are enclosed.
*Please request the in writing guarantee requirements after you have qualified for your area.

11 A"
Page 6

What is a new customer worth?

Without new customers a business cannot survive. How do you get these new customers on a daily basis, ongoing, year after year? What do you say? Who says it? When do you say it? What time? What day? Why? Male or female voices? What dialog do you use, in which part of the country? How many times does that customer buy again? What is the long-term value of that customer? How can you provide value to your existing customers that will result in higher or more profit? How can you communicate to these customers, let them know you care, thank them for their business, ask them for referrals, and create new residual revenue streams? How can you keep from losing these customers to a competitor?

Regardless of how you reach your prospect, as long as it is consistently cost effective, consistently effective in generating a steady stream of new clients, generates profitable results, and is **Guaranteed to work or you do not pay**, that is why you called isn't it? Let us show you how we can do just that. We will show you how to increase your sales, reduce your cost and guarantee your results, or you do not pay. Does anyone else offer this? NO! We do because we know we can before we ask you to become our client. The only question you should have after we have demonstrated our program to you is.....Can I credit qualify in my area available!

Answers to these and many more marketing strategies are just part of the service you will receive once you've joined the team at **TNG Systems**.

Once you qualify,

we will speak to a national marketing director, to confirm your area is available.

So please take a moment to give us a call at (888) 775-0038 to find out exactly how we can guarantee a boost in your sales and marketing efforts, while reducing your cost. We have several different programs we would be glad to tailor to your specific needs.

TNG SYSTEMS • 988 DAIRY ASHFORD #207 • HOUSTON, TX 77079
(888) 775-0038 (281) 497-0564 FAX (281) 497-8857 OR FAX (281) 631-7947

"A"
page 2

Reasons To Use The TNG System

TNG Systems has helped thousands of business owners around the world increase sales to levels never thought possible. Whether you are just starting your own business venture or are an established firm, our system will help you achieve or exceed your goals.

Marketing experience and building business solutions are the reasons our customers come to us, and the end result is always the same: Success. Listed below are just a few of those many reasons why successful businesses use the **TNG System**.

1. The most cost effective advertising available today!
2. Can reach thousands of prospects and generate a *Guaranteed monthly minimum of *responses* each month.
3. Complete customized program for your specific business needs.
4. Has the capability to run multiple campaigns simultaneously.
5. Increases productivity of sales staff immediately.
6. You control your targeted market (geographically or demographically) – comes with a complete nationwide list.
7. Complete and thorough one-day training followed with ongoing **FREE support for marketing and technical assistance.
8. Works day in and day out doing its job to create more contacts for your sales staff.
9. Over 18 years of proven marketing ability, the most sophisticated, proven computerized lead generation system available anywhere.
10. Provides you with detailed guaranteed area agreement.

Please take a moment to give us a call at (888) 775-0038 to find out exactly how we can *Guarantee a boost in your sales and marketing efforts, while reducing your cost. We have several different programs we would be glad to tailor to your specific needs.
**Providing you are in compliance with your agreements with TNG.

TNG SYSTEMS • 955 DAIRY ASHFORD #207 • HOUSTON, TX 77079
(888) 775-0038 (281) 497-0564 FAX (281) 497-8857 OR FAX (281) 631-7947

WA
Page 8

Opportunity To Compete

The **TNG System** provides you with an opportunity to compete with both large and small competitors, in both large and small markets, in the most cost effective and efficient manner available in the marketplace today. The **TNG System** is a unique Computerized Marketing System that can revolutionize the way you do business. This 21st Century Marketing Tool has been helping many small businesses compete with the franchised dealers who utilize Co-op Advertising funds to chip away at the profits of small businesses.

The **TNG System** works simply because it brings qualified prospects to your business everyday. Qualified to your specific specifications! Interested parties have multiple options to respond with our system with a desire to learn more about your product or service. This kind of advertising and marketing is almost impossible to match with any other method used today.

That is why and how we can "Guarantee it each month or you do not pay!"

You get to try it every month for 60 months with no risk!

Will anyone, any company, any service, offer you RESULTS? OR YOU DO NOT PAY?

Please take a moment to give us a call at (888) 775-0038 to find out exactly how we can Guarantee a boost in your sales and marketing efforts, while reducing your cost. We have several different programs we would be glad to tailor to your specific needs.

TNG SYSTEMS • 866 DAIRY ASHFORD #207 • HOUSTON, TX 77078
(888) 775-0038 (281) 497-0884 FAX (281) 497-8857 OR FAX (281) 531-7947

"A"
page 9

TNG FAQs

What will the TNG System do for me?

The **TNG System** is a complete advertising and marketing system that provides ongoing marketing for your business. Our experienced marketing team will analyze your promotional needs and develop lead generation programs customized for your business. You select whom to call from our constantly updated database of over 100,000,000 business and residential phone numbers by zip code, area code, city, state, last name, or Standard Industrial Classification. Once the recipients have been reached by our system, they have multiple options to choose from. They can speak to a live operator, be transferred to pre-recorded offers, be prompted to voicemail and respond to a demand, or taken through a series of survey questions.

How do I know the system will work?

We have references from all over the country that you may contact that will describe their experiences with our company and will tell you how it worked for them and how it will work for you.

How do I know the TNG System will work.

Simply it is **"Guaranteed, in writing, each month, to produce, or you do not pay."**

Regardless of what state you are in, TNG has already test marketed your area, and knows the results of each. That is why we can make such a guarantee! The reason you have called us, is that you are looking to fill your geographical area, within your industry. This usually takes 2 to 3 weeks.

How much does the TNG System cost?

The costs of owning one of our systems will vary according to the type of system and terms on the contract. With the **TNG System**, you will generate a **"Guaranteed minimum of 50 responses per month"** for the time cost you would pay for a one-day classified ad in the paper. Typically the cost of our system will be self-liquidated through the use of our exclusive revenue generating programs. The money made and the money saved by the **TNG System** will more than offset the cost of owning such an effective marketing and advertising tool. The real beauty is that the cost are so low you know exactly how much you are spending for exactly what you are getting, or you do not pay for any month you do not get the desired results, as long as you follow our simple usage instructions. The National marketing Director will send you all our in writing agreements with you, so you can realize how this works and why. Most pay around five hundred dollars a month to receive a guaranteed 100 responses of people that are interested in your services.

What happens if I need assistance with the system?

What stands TNG apart from all other marketing firms in the world. We provide our customers with the best customer service in the world. Our customers can speak to a technical support representative live, should you need assistance with your system. Also, our marketing support staff will work with you to ensure you have an effective advertising and marketing campaign. Our support is always FREE as long as you own your system.

What are the features of the TNG System?

With an updateable database of 100,000,000 business/residential numbers and information, a vast array of proven, custom campaigns, professional recording, ad copywriting, script writing, and script production, you can be assured and **"Guaranteed"** that you will generate more customers and increase your revenues to levels you never thought possible with traditional advertising. Our on-site installation and training, and ongoing **"FREE marketing and technical support"** are also provided to ensure maximum use of the **TNG System**. Our system can also create personalized printed letters and your customized mail package and printouts of mailing lists with labels. Annual software updates, software support, database updates, and custom scripting are even more features that will help your business grow.

TNG SYSTEMS • 958 DAIRY ASHFORD #207 - HOUSTON, TX 77079
(888) 775-0038 (281) 487-0354 FAX (281) 487-8867 OR FAX (281) 631-7947

"A"
page 10

TNG Success Stories

Do you want qualified prospects each day? Do you want new customers? Do you want them consistently on a daily basis? If so, you will want the unique solution we can offer you. But don't take our word on it. Read what a few of our many satisfied customers have to say about the *TNG System*. Ask to speak to many in your industry, after you have qualified, and verified your area is available!

"The *TNG System* is an amazing marketing and advertising system that acts like a giant magnet... drawing customers from all over. I went from an 8 line system to a 16 line system and I couldn't be more thrilled with the results." There are no books, video's, tapes, consultants, or coaches that can compare to the REAL RESULTS I realized. No one, including my spouse, could argue with these sound, solid proven marketing principles.

"*Business went up 400 percent. I generated more new customers (patients) the first week than the entire previous month once I started using this amazing advertising marketing system. Even though I used other forms of advertising, This reduced my overall cost per prospect, and increased my sales just like they said. . It just keeps on working day after day!*"

"*I was able to increase my business from the very first week and continue to have a consistent lead flow week after week. I would recommend this system to any business owner serious about growing their business. For someone who knows little about computers and software they made it fun, easy and exciting. Anyone can do this, even a teenager. Thanks again.*"

"*I was impressed when they flew out and completely trained my entire staff and the system performed exactly as *TNG Systems* had promised. We actually got a higher response than they estimated. When my state implemented a state wide DNC list, my response ratio increased even more since I didn't have to filter through to those that didn't want to hear from me anyway." After 10 years with TNG I can really say, what they say is true, and they do what they say they will!*"

"*I can tell you that there is nothing out there that can produce the number of prospects per day that the *TNG Systems* program can. I have been able to increase my patient flow on a consistent basis and I'm extremely happy with the results I'm receiving. This is a must for any Doctor that wants to grow their business fast." Their way of providing a fixed monthly advertising cost with phone lines and equipment and then the results it generates, was a complete new revelation to me and my staff. They took out all the variables!*"

TNG SYSTEMS • 988 DAIRY ASHFORD #207 • HOUSTON, TX 77078
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Features of TNG Systems Program

- o Campaign Scripting Tool
- o Voice Editing Tool
- o Prompt Called Party for Response/Live or Automated
- o Prompt Called Party to Leave Messages
- o Real Time Recording – Live or Automated
- o Records Results Based On Calling Party Input
- o Create In-House Calling List
- o Use Existing Calling Lists
- o Online Database of Prospects and Clients
- o Flexible Job Scheduling
- o 5-second Call Disconnect
- o Multiple/Simultaneous Campaigns
- o Letter and Mailing Label Merge Feature
- o Full Comprehensive List Analysis
- o Results Reporting
- o Reports by Positive Response
- o Leave Messages on Answering Machines

Please take a moment to give us a call at (888) 775-0038 to find out exactly how we can **Guarantee** a boost in your sales and marketing efforts, while reducing your cost. We have several different programs we would be glad to tailor to your specific needs.

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Applications

The *TNG System* can be used in many different ways, besides lead generation. Listed below are just a few applications of our system.

- New Student Lead Generation Tool
- Appointment Setting
- Court Appearance Notification
- Surveys
- Community Notifications
- School Closings
- Absenteeism Notification
- Telemarketing
- Fundraising
- Market Research
- Collections
- Employee Updates
- Political Campaigning

TNG will take your business to the next level! *Guaranteed!
Let us do the heavy lifting, while you do what you do best!

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TNG Systems Vs Traditional Advertising

TNG SYSTEM

- Provides Complete flexibility
- Total Control Over Consumer Response/Prospects actually enjoy the process! You'll be the expert everyone loves in your area. This promotes great referral business.
- Call Only the Areas You Want To Cover using our current updated database.
- Allows Multiple Advertising Campaigns For Simultaneous Marketing Efforts With Multiple Products And Services.
- Works Either Attended Or Unattended
- Significant Cost Savings
- Maximized Productivity
- Protected Area Per industry

YELLOW PAGES

- No Control Over Customer Response
- Very Expensive -- Return For Dollar Spent Very Low
- Once Published -- No Flexibility -- No Changes

NEWSPAPER/MAGAZINES

- No Control Over Consumer Response
- Limited Ability to Target a Market
- Expensive Extended Campaign Required For Success

TV/RADIO

- Extended Campaign Required
- High Up-Front Production Cost
- Lead Per Dollar Spent Extremely High

OUTSOURCED-TELEMARKETING

- High Costs -- Inconsistent Results
- Absenteeism & Employee Turnover -- Unreliable Results
- Average Only 25% Productive Time - Inconsistent

Please take a moment to give us a call at (888) 775-0038 to find out exactly how we can **Guarantee** a boost in your sales and marketing efforts, while reducing your cost. We have several different programs we would be glad to tailor to your specific needs.

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"Creating Value, Producing Results"

10 PATIENTS IN YOUR DOOR
EVERY MONTH GUARANTEED!

"Success means only doing what you do well, letting someone else do the rest."

- Goldstein's Truism



MOMENTUM MARKETING PROGRAM

TNG Systems is proud to offer you our award winning "Momentum Marketing Program!" This program provides multiple marketing methods which work together to produce the specific type of patients you want to benefit from your services.

The first essential component you must have in place before any marketing program can be successful is a Comprehensive Database of your marketing area (i.e. phone numbers, addresses, age, income and homeowners status, etc.). TNG purchases your database for your selected zip codes based upon our demographic research and experience. Then we begin a series of test-marketing to insure a successful, targeted marketing campaign rollout.

Once we have identified and tested the correct demographic areas, special offers, and marketing mediums, you must track your marketing results. This will give you the R.O.I. with each marketing method to maximize the success of each marketing campaign. TNG has created a custom Marketing & Tracking Software that tracks everything needed, so you will always get your best R.O.I. from every marketing method available.

The Marketing & Tracking Software tracks all current prospects and marketing sources, while automatically producing and sending scheduled follow up mailings and emails to new and existing patients.

The Marketing & Tracking Software will automatically remind your staff when to call a current or future patient. The software also manages your current patient database, weekly revenue reports, marketing values, and the amount of patients obtained per marketing campaign. This software will provide virtually all the information you'll ever need concerning your marketing, advertising, and ROI with each campaign.

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STAGE ONE - TV / RADIO

At TNG, we have our own in-house media department that will create your customized TV Ad Campaign based upon your specialties. In Stage One, TNG will produce TV commercials each month that will flood your office with patients and create a branded image of your practice that will carry over to all other forms of marketing.

TNG will handle all media buys of packages, selection of the airtimes, stations, and running times. Media buys will vary in every market based upon your demographics.

During Stage One of our "Momentum Marketing Program," we assign your own Personal Practice Trainer from our Coaching Division to train your office on converting the highest number of patients from all of your TNG marketing programs. This will include weekly training/coaching sessions for you and your staff during Stage One.

In the following stages, you and your staff will receive monthly sessions for the rest of the first year. Since we are building your "Momentum Marketing Program," it is also very important for your staff to learn how to convert the various types of patients from the proven marketing methods we use, as they will respond in different ways to each method. Our professional Trainers ensure you and your staff will learn the skills needed to convert the prospects to new patients.

All marketing & training that we do for your practice is backed by our guarantee of...

"10 Patients Every Month Or You Don't Pay"

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STAGE TWO - DIRECT MAIL

At the beginning of Stage Two, TNG will implement your Customized Direct Mail Campaign. TNG will be ready to deliver the first phase of your Direct Mail Campaign, in coordination with your TV campaign that aired during Stage One, to potential patients homes in your marketing area. The TNG media department will handle all creation, printing, postage, and delivery of your Direct Mail Campaign.

TNG will create and pay for your direct mail to be delivered to your marketing zip codes. During each of the 3 months in Stage Two of our "Momentum Marketing Program," we will use direct mail pieces that have had successful results with other practices, while at the same time following your branded message in your TV campaign.

As you move into Stage Two of our "Momentum Marketing Program," our focus will be to expand your marketing strategy by Improving all of your other marketing methods. TNG will pick up all of your marketing materials during your initial training and they will be delivered to our media department for a complete review and assesment.

Our media department will then recommend changes to create a targeted approach that produces additional patients and income for your practice. TNG can improve your yellow page ads, newspaper ads, direct mail ads, or even TV & Radio spots if you currently run any. This is because we have test marketed what works best in every media market across the nation.

Also in Stage Two of our "Momentum Marketing Program," we will teach your practice how to market to companies in your local area, in order to attract their employees to your practice. TNG will purchase and provide your office with the demographics of all businesses in you area. TNG has developed a Business Fostering & Nesting Program that generates patients in a 3-step approach and also helps the business owner to generate more patients in the future. This marketing approach

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STAGE THREE - CUSTOMIZED MEDIA

TNG will analyze your direct mail results in Stage Two and begin the next Customized Direct Mail phase. The TNG media department may alter or stay with the same pieces based upon your marketing & tracking results. TNG will again handle all creation, printing and postage for your direct mail campaign. In each of the 3 months during Stage Three, direct mail will be delivered to your marketing zip codes.

During Stage Three, we will also create and develop your Internet Marketing Strategy. This includes creating or editing your web site & implementing the email marketing campaign to previous and new patients.

Our email and web marketing campaign will operate through on-line affiliate advertising and search engine optimization which we implement for you. At TNG, we know what works and we deliver that knowledge to your practice.

To continue to create your practice image and identity, we will custom design your brochures, business cards, newsletters, post cards and other material for your referral program. Many Doctors spend thousands of dollars on web sites & marketing materials a month and don't get any patients at all from them. We deliver the type of patients you want through various forms of media campaigns for much less than what you would expect to pay!

During Stage Three, TNG will also begin to implement your Reactivation Program. We have developed a proven two-step program on how you will contact your previous patients and bring them back to stay.

At TNG our two-step program mixes traditional contacts to previous patients as well as a unique technique that makes those patients want to return to your practice. Reactivation of previous patients can not be overlooked even if your practice has a small number of previous patients. This should increase your practice revenue by about 7-8% annually.

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STAGE FOUR - OUR SECRET

TNG will continue to analyze and evaluate the effectiveness of your direct mail campaign during Stage Four of the "Momentum Marketing Program." The TNG media department will use the appropriate direct mail pieces, based upon your marketing & tracking results in the previous campaign stages.

During Stage Four, TNG will also introduce you to our Practice Management programs as needed. You will have the options to choose from Case Presentation, Front Desk Training, and Billing, Coding & Collections modules to ensure every aspect of your practice is well managed.

Our last step in the "Momentum Marketing Program" is to transform your office into a "Referable Only Practice." Our coaches will train you and your staff on our 14 Step Referral Plan. TNG has now generated enough patients to make this referral plan take hold and deliver even more new patients through your door. We even provide the live scripts and handouts that have been tested and produce great referrals. This simple, but highly effective referral program can increase your practice revenues by as much as 25%, which can mean thousands of dollars to your practice each year.

During the build up of your "Momentum Marketing Program," your office will have generated enough revenue to return your investment with TNG many times over. When you want an additional influx of patients you will have "Positive Marketing Cash Flow" created by your "Momentum Marketing" which allows you to invest your money where your Marketing & Tracking Software results indicate you should, for your best ROI. This is where all successful practices want to end up.

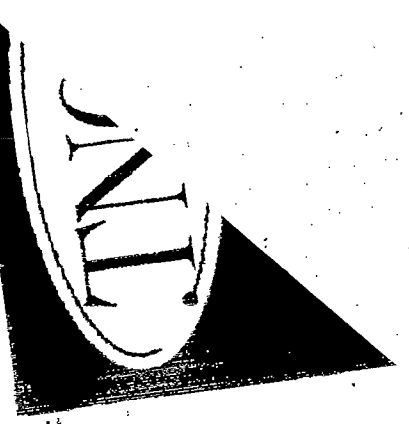
TNG's "Momentum Marketing Program" will get you there!

TNG's specialized optional functions of the hardware and software integrated equipment may only be operated within a state, in accordance with the Public Utilities Code, FTC, and state Attorney Generals offices. Please research the proper use of the optional functions of TNG-SYSTEMS equipment prior to using or purchasing. California clients should research Ca. PUC Art. 1 Sec. 2871 Ch. 10 Part 2 of Div. 1, copies of which are available upon request at acquisition and receipt of operation manual of which articles are enclosed, and in licensing agreement. If PSA messages are used, a live operator may be required to transfer PSA automated calls, in some states.

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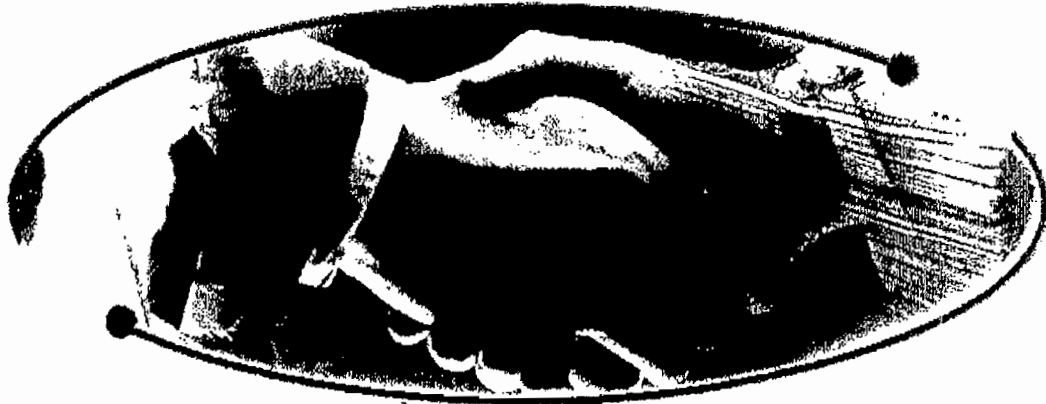
"Creating Value, Producing Results"



CUSTOMER SERVICE

OUR PRIMARY OBJECTIVE IS TO HELP YOU MAXIMIZE YOUR ABILITY TO GET PATIENTS. TNG CUSTOM TAILORS EACH INDIVIDUAL PROGRAM TO SUIT YOUR PRACTICE NEEDS.

WE LOOK FORWARD TO WORKING WITH YOU AND YOUR STAFF.



IF YOU ARE COMMITTED TO YOUR PRACTICE, THEN YOUR COMMITMENT TO OUR PROVEN PROGRAM WILL BE AN EASY ONE.

At TNG Systems, world-class service, high quality and client satisfaction are our priorities and the reason for our existence. We recognize that our client's ability to effectively collect funds, operate their practices, promote and market themselves is critical to their success and we take our role in that effort very seriously.

Over the last two decades, the owners of TNG Systems have been the International Leaders in providing Advanced Marketing Training, Consulting, Coaching, and Practice Management Solutions for practices of every description. We are constantly committed to improving value through the development and implementation of cutting edge technology that is user friendly, cost effective, and proven to be successful. At TNG Systems, we take a consultative approach to providing the optimal tools for your operations, marketing and existing client promotional needs.

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TNO

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*"Success means only doing what you do well, letting
someone else do the rest."*

Goldstein's Truism

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Dentists

First Choice . . .

Welcome to TNG Systems

At **TNG Systems**, world-class service, high quality and client satisfaction are our priorities and the reason for our existence. We recognize that our client's ability to effectively promote and market their practice is critical to their success and we take our role in that effort very seriously. For over 18 years, the owners at **TNG Systems** have been the international leader in providing turnkey systems for the medical & dental industry and businesses of every description. We are constantly committed to improving value through the development and implementation of cutting edge technology that is user friendly, cost effective, and proven successful. If you are committed to your practice, then your commitment to our proven program, will be an easy one.

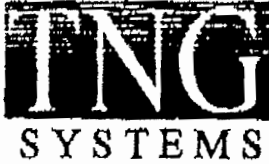
In every industry in every market, twenty percent of the practices do eighty percent of the volume. At the other end of the bell curve, eighty percent are just coasting, usually downhill. Whether you are just starting your practice or are an established practice, an aggressive marketing program in today's competitive society is a vital ingredient in the recipe for overall success. At **TNG Systems** we take a consultative approach to providing the optimal tools for your marketing and promotional needs. We offer state of the art computer and software solutions in addition to professional, customized promotional campaigns that ensure the desired results for your practice. The desired results you achieve with TNG are ***Guaranteed in writing or you do not pay.** We recognize that maintaining an exciting and highly effective marketing program is an ongoing process, which is why we continue to work closely with you after the initial installation. With our arsenal of sales professionals, industry recognized copywriters, programmers, computer engineers, and seasoned practice consultants, you can be assured that you will receive quality work and service that will enable you to excel in today's competitive environment.

Practices spend millions of dollars each year to attract new patients who will buy their services. In the advertising industry a dominant theme is "It doesn't cost to advertise, it pays!" Even giant companies like Coca-Cola, IBM, General Motors, and Ford Motor Company know that they cannot stop advertising. Most small and medium sized practices are also aware that they must constantly find innovative, cost effective, and efficient means to attract new patients. As a small practice, using the **TNG System**, you can accomplish your goals without the high costs of traditional, expensive advertising.

In short, your practice's growth and success is our singular goal!

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*Please request the in writing guarantee requirements after you have qualified for your area.

*Legal
acceptance
all 50 states*



Dentists

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What is a new patient worth?

Without new patients a practice cannot survive. How do you get these new patients on a daily basis, ongoing, year after year? What do you say? Who says it? When do you say it? What time? What day? Why? Male or female voices? What dialog do you use, in which part of the country? How many times does that patient buy again? What is the long-term value of that patient? How can you provide value to your existing patients that will result in higher or more profit? How can you communicate to these patients, let them know you care, thank them for their practice, ask them for referrals, and create new residual revenue streams. How can you keep from losing these patients to a competitor?

Regardless of how you reach your prospect, as long as it is consistently cost effective, consistently effective in generating a steady stream of new patients, generates profitable results, and is **Guaranteed to work or you do not pay**, that is why you called isn't it? Let us prove to you how we can do just that. We will show you how to increase your sales, reduce your cost and guarantee your results, or you do not pay. Does anyone else offer this? NO! We do because we know we can before we ask you to become our client. The only question you should have after we have demonstrated our program to you is.....Can I credit quality and is my area available!

The answers to these and many more marketing strategies are just part of the service you will receive once you've joined the team at **TNG Systems**.

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Dentists

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Opportunity To Compete

The **TNG System** provides you with an opportunity to compete with both large and small competitors, in **both large and small markets**, in the most cost effective and efficient manner available in the marketplace today. The **TNG System** is a unique Computerized Marketing System that can revolutionize the way you do practice. This 21st Century Marketing Tool has been helping many small practices compete with the franchised dealers who utilize Co-op Advertising funds to chip away at the profits of small practices.

The **TNG System** works simply because it brings qualified prospects to your practice everyday. Qualified to your specific specifications! Interested parties have multiple options to respond with our system with a desire to learn more about your product or service. This kind of advertising and marketing is almost impossible to match with any other method used today.

That is why and how we can *Guarantee it each month or you do not pay!

You get to try it every month for 60 months with no risk!

Will anyone, any company, any service, offer you **RESULTS? OR YOU DO NOT PAY?**

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TNG FAQs

What will the TNG System do for me?

The **TNG Systems** is a complete advertising and marketing system that provides ongoing advertising for your practice. Our experienced marketing team will analyze your promotional materials and develop lead generation programs customized for your practice. You select whom to call from our constantly updated database of over 100,000,000 business and residential phone numbers by zip code, area code, city, state, last name, or Standard Industrial Classification. Once the phone call recipients have been reached by our system, they have multiple options to choose from. They can speak to a live operator, be transferred to pre-recorded offers, be prompted to voicemail and fax on demand, or taken through a series of survey questions.

How do I know the system will work?

We have references from all over the country that you may contact that will describe their experiences with our company and will tell you how it worked for them and how it will work for you.

We know the **TNG System** will work.

That is why it is ***Guaranteed, in writing, each month, to produce, or you do not pay.**

Regardless of what state you are in, TNG has already test marketed your area, and knows the results you will achieve. That is why we can make such a guarantee! The reason you have called us, is that we are looking to fill your geographical area, within your industry. This usually takes 2 to 3 weeks.

How much does the TNG System cost?

The costs of owning one of our systems will vary according to the type of system and terms on the lease. With the **TNG System**, you will generate a ***Guaranteed minimum of 50 to 100 responses per month, (Depending on system size)** at the cost you would pay for a one-day classified ad in the paper. Typically the cost of our system can be self-liquidated through the use of our exclusive revenue generating programs. The bottom line: the money made and the money saved by the **TNG System** will more than offset the costs of using such an effective marketing and advertising tool. **The real beauty is that the cost are fixed and you know exactly how much you are spending for exactly what you are getting, or you do not pay for any month you do not get the desired results, as long as you follow our simple usage requirements.** The National Marketing Director will send you all our in writing agreements with you, so you can realize how this works and why. **Most pay around five hundred dollars a month to receive a guaranteed 100 responses of people that are interested in your services.**

What happens if I need assistance with the system?

This is what stands TNG apart from all other marketing firms in the world. We provide our patients with the best patient service in the world. Our clients can speak to a technical support representative live, should you need assistance with your system. Also, our marketing support staff will work with you to ensure you have an effective advertising and marketing campaign.

This support is always FREE as long as you own your system.

What are the features of the TNG System?

With an updateable database of 100,000,000 business/residential numbers and information, a vast library of proven, custom campaigns, professional recording, ad copywriting, script writing, and script architecture, you can be assured and ***Guaranteed** that you will generate more patients and increase your revenues to levels you never thought possible with traditional advertising. Our on-site installation and training, and ongoing ***FREE marketing and technical support** are also provided to ensure maximum use of the **TNG System**. Our system can also create personalized printed letters with your customized mail package and printouts of mailing lists with labels. Annual software updates, software support, database updates, and custom scripting are even more features that will help your practice grow.

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Case 06-03285-MICHAEL RADU, D.D.S. Filed in TXSB on 01/31/07 Page 21 of 32 P-12
updateable database of 100,000,000 business/residential numbers and information, a vast library of proven, custom campaigns, professional recording, ad copywriting, script writing, and script architecture, you can be assured and **Guaranteed** that you will generate more patients and increase your revenues to levels you never thought possible with traditional advertising. Our on-site installation and training, and ongoing ***FREE marketing and technical support** are also provided to ensure maximum use of the **TNG System**. Our system can also create personalized printed letters with your customized mail package and printouts of mailing lists with labels. Annual software updates, software support, database updates, and custom scripting are even more features that will help your practice grow.

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What To Expect From TNG Systems

- > **State-of-the-Art Marketing & Sales Assistance:** To create an establish an on going pipeline of patients, while saving you money. Your cutting-edge computerized marketing system is custom built for your practice. Your marketing assistant will make thousands of calls a month via 4 lines (talk about saving money on hiring people to make calls for your practice). The system is expandable to 16 lines.
- > **Customized Sales Scripts & Marketing Pieces:** You will be able to sell your services more effectively. Our team will produce your scripts and programs customized specifically to your practice image. We offer experienced script writing services by experts with years of experience in advertising and marketing. Combining professional voice talent and a vast library of proven customized scripts and programs our clients receive exceptional assistance in locating new patients each and every week.
- > **Unsurpassed Consulting & Coaching:** The TNG staff will hand hold you through the entire process from the initial set up... including getting your computer coordination campaign up and running. We will guarantee your success and also train and coach you on how to record your scripts (in your own voice) when needed into your system.
- > **Training & Technical Support:** Once your TNG System is ordered, one of our experienced techs will fly out from our corporate office in Houston, Texas. They will work with you one-on-one, as well as train any other staff you have. The tech will set up your system and train you on the hardware and software. You will also have ongoing technical support whenever you need it.
- > **Qualified Lead Generation:** You will never be without an opportunity to bring in new patients! We provide you with an updateable data base of 100,000,000 businesses/residences numbers and information. Qualified leads for as low as \$2- \$4 each.
- > **Affordable Monthly Payments:** The TNG System is very affordable. The lease-to-own program provides a tax benefit for your practice. Your monthly lease payment will be at least 1/5th the price you'd have to a traditional phone telemarketer and at least 1/10th the price you'd pay a sales person to generate quality leads for practice.
- > **An Easy To Follow Operations Manual:** The company that manufactures the TNG

How Our System Works For You

With our contact management development server you now have the ability to generate the most highly qualified leads for a fraction of what you are already spending.

- An automatic switch to your sales department to be answered by a live operator so that they can place an order or request other information. When coupled with a mailing program, you only send mail pieces to interested prospects.
- Prospect can leave his message, name, address, phone and best time to call for follow up or to close sale on one of the system's voice mail boxes.
- Prospect can request an 800 number to offer them further information on your product or service.

Our system also has the other features, such as:

A library of proven and tested sales scripts built into the system with the ability to do voice over and to further customize sales scripts to your particular product or service offer.

- Itemized reports listing all pertinent activities related to your individual program, such as number of calls placed, busy signals, hang ups, messages left as well as a print out of all qualified prospects to pursue.
- Automatic identification of all disconnected numbers, fax numbers and answering machine numbers with optional recorded messages for answering machines.
- The option to have the system page or call you and tell you that someone is interested in speaking with you about your product or service.
- Maintains a data base storage file of "Do Not Call" requests.
- The capability to use a live attended option.
- Internet access capabilities with e-mail options.



Dentists

First Choice . . .

Reasons To Use The TNG System

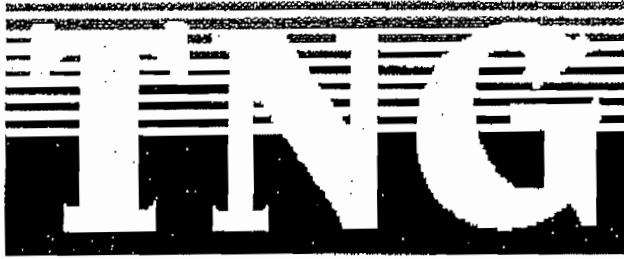
TNG Systems has helped thousands of practice owners around the world increase sales to levels never thought possible. Whether you are just starting your own practice venture or are an established firm, our system will help you achieve or exceed your goals.

Marketing experience and building practice solutions are the reasons our patients come to us, and the end result is always the same: Success. Listed below are just a few of those many reasons why successful practices use the **TNG System**.

1. The most cost effective advertising available today!
2. Can reach thousands of prospects and generate a *Guaranteed monthly minimum of *responses* each month.
3. Complete customized program for your specific practice needs.
4. Has the capability to run multiple campaigns simultaneously.
5. Increases productivity of sales staff immediately.
6. You control your targeted market (geographically or demographically) – comes with a complete nationwide list.
7. Complete and thorough one-day training followed with ongoing **FREE support for marketing and technical assistance.
8. Works day in and day out doing its job to create more contacts for your sales staff.
9. Over 16 years of proven marketing ability, the most sophisticated, proven computerized lead generation system available anywhere.
10. Provides you with detailed guaranteed area agreement.

***Providing you are in compliance with your agreements with TNG.*

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***“Success means only doing what
you do well, letting someone else do
the rest.”***

Goldstien’s Truism



Welcome to TNG Systems

At ***TNG Systems***, world-class service, high quality and client satisfaction are our priorities and the reason for our existence. We recognize that our client’s ability to effectively collect funds, operate their practices, promote

and market themselves is critical to their success and we take our role in that effort very seriously.

For over 19 years, the owners at **TNG Systems** have been the international leader in providing **Marketing, Consulting** and **Coaching** for **Practices** of every description. We are constantly committed to improving value through the development and implementation of cutting edge technology that is user friendly, cost effective, and proven successful.

If you are committed to your practice, then your commitment to our proven program will be an easy one.

In every industry in every market, twenty percent of the practices do eighty percent of the volume. At the other end of the curve, eighty percent are just coasting, usually downhill. Whether you are just starting your practice or have an established corporation, an aggressive strategy in today's competitive society is a vital ingredient in the recipe for overall success.

At **TNG Systems** we take a consultative approach to providing the optimal tools for your operations, marketing and existing client promotional needs. We offer state of the art computers and software solutions, in addition to professional full time consultants and coaching that ensure the desired results for your practice.

The desired results you achieve with **OUR PROGRAMS are Risk Free** for you, with our **"Money Back Guarantee"** that says, **We Produce, or You Don't Pay!** We recognize that maintaining an exciting, highly effective and profitable program is an ongoing process, which is why we continue to work closely with you after the initial installation. With our arsenal of marketing professionals, industry recognized copywriters, programmers, computer engineers, and seasoned practice consultants, you can be assured you will receive quality work and service that will enable you to excel in today's competitive environment.

Welcome continued...

Once your installation is complete, we begin **Stage # 1** of your **Marketing Program**. This is our **"Direct Response"** stage where we **create patients instantly**. In this stage you learn how to create cost effective test marketing. This is when you find your **U.S.P.** That's your **Unique Selling Proposition**, or how you separate yourself from your competition. It starts with the **P.S.A.** approach, (**Public Service Announcement**), and then by adding your specialties. Once testing is complete, we focus on returning your entire investment in less than 6 months. Your system is now **Free and Clear**, and has created the **Magic Bullet** called **"Positive Marketing Cash Flow."** Then and only then are you ready to enter **Stage #2**, where you are not spending your money, your spending TNG **Cash Flow Money**. Once you have been through our extensive coaching sessions, we will then show you how we can assist you with advertising. We now enter **Stage # 2** of our **Marketing Program**. In **Stage #2**, we layer one on top of the other, all forms of marketing, from **Direct Mail, Print Media, Yellow Pages, Radio, TV to PR Firms**, using your **"Unique Selling Proposition"** in all methods. We use our highly sought after demographic databases to insure precision targeted audiences that can and will pay for your services. Then, we follow with our **Stage # 3 Web Based, Opt-in, Email Marketing Program**. This is the way we will communicate in the future, but it doesn't produce patients instantly. However, it will allow you to remain a factor in your current patients minds, as well as, market to potential patients through opt-in email marketing.

We will need your cooperation in the days ahead to assist us in the staff training and implementation of our program. This is the most valuable program your practice will ever experience and requires your best efforts, which makes it all come together.

"You" are still the key element to success in your practice.

TNG's specialized optional functions of the hardware and software integrated equipment may only be operated within a state, in accordance with the Public Utilities Code, FTC, and state Attorney Generals offices. Please research the proper use of the optional functions of TNG-SYSTEMS equipment prior to using or purchasing. California patients should research Ca. PUC Art. 1 Sec. 2871 Ch. 10 Part 2 of Div. 1., copies of which are available upon request at acquisition and receipt of operation manual of which articles are enclosed.

What is a new patient worth?

Without new patients a practice cannot survive. How do you get these new patients on a daily basis, ongoing, year after year? What do you say? Who says it? When do you say it? What time? What day? Why? Male or female talent? What dialog do you use, in which part of the country? How many times does that patient buy again? What is the long-term value of that patient? How can you provide value to your existing patients that will result in higher or more profit? How can you communicate to these patients, let them know you care, thank them for their business, ask them for referrals, and create new residual revenue streams. **How can you keep from losing these patients to a competitor?**

Regardless of how you operate your office, reach your prospects, reach your existing clients, as long as it is consistently cost effective, consistently effective in generating a steady stream of revenue, and generates profitable results is why you called, isn't it? Let us prove to you how we can do just that. We will show you how to increase your sales, reduce your cost. We can guarantee our production, or we rebate you the cost of those ads any month they do not produce. Does anyone else offer this? **NO!** We do because we know we can before we ask you to become our client. The only question you should have after we have demonstrated our program to you is... *Can I credit qualify.*

The answers to these and many more strategies are just part of the service you will receive once you've joined the team at **TNG Systems.**

Opportunity To Compete

The **TNG System** provides you with an opportunity to compete with both large and small competitors, in **both large and small markets**, in the most cost effective and efficient manner available in the marketplace today. The **TNG System** is a unique integrated strategy that uses live consultants, computers and software, to manage and incorporate inter-office plan procedures, billing procedures, referral procedures, internal marketing, external marketing, advertising, existing client programs, and reactivation of old patients. This is a turnkey system that can revolutionize the way you do business. This 21st Century program has been helping many small practices compete with the multiple location offices who utilize Co-op funds to chip away at the profits of small practices.

The **TNG System** works simply because it is a daily hands on operation that allows you to do what you do best and TNG to take care of the rest. This kind of turnkey program is almost impossible to match with any other method used today.

**Will anyone, any company, any service,
offer you these kinds of RESULTS?**

Reasons To Use The TNG System

TNG Systems has helped thousands of practices around the world increase their gross revenues to levels never thought possible. Whether you are just starting your own practice or are an established practice, our system will help you achieve or exceed your goals.

Marketing experience and building practice solutions are the reasons our clients come to us, and the end result is always the same: **Success**. Listed below are just a few of those many reasons why successful practices use the **TNG Marketing System**.

1. The most cost effective turnkey strategies available today!
2. ***Guaranteed** monthly minimum of potential patients each month when using our pre-packaged advertising ads and pieces.
3. Complete customized programs for your specific practice needs.
4. Has the capability to route multiple campaigns simultaneously.
5. Increases productivity of sales staff immediately.
6. You control your office billing.
7. Complete and thorough one-day training followed with ongoing ****FREE** support for marketing and technical assistance.
8. Full Time Coaches & Consultants to walk you through All 3 Stages of your Marketing Program during the first year.
9. Over 19 years of proven ability, the most sophisticated,

proven marketing system available anywhere.

10. Our Program is *Risk Free* for you, with our "*Money Back Guarantee*" that says, *We Produce, or You Don't Pay!*

TNG Success Stories

Do you want increase your revenue and reduce your cost each day? Do you want new patients? Do you want them consistently on a daily basis? If so, you will want the unique solution we can offer you. But don't take our word on it. Read what a few of our many satisfied clients have to say about the *TNG System*. Ask to speak to many in your industry, after you have qualified, and verified your area is available!

"The *TNG System* is an amazing turn-key practice computer handles my billing, marketing and advertising ... drawing patients from all over. I couldn't be more thrilled with the results." There are no books, videos, tapes, **consultants, or coaches** that can compare to the ***REAL RESULTS I REALIZED***. No one, including **my spouse**, could argue with these sound, solid proven practice and marketing principles.

"Practice went up 400 percent. I generated more revenue the first week than the entire previous month once I started using this amazing system. Even though I used other forms of advertising, this reduced my overall cost per prospect, and increased my sales just like they said. . It just keeps on working day after day!"

"I was able to increase my practice from the very first week and continue to have a consistent lead flow week after week. I would recommend this system to any practice owner serious about growing their practice. For someone who knows little about computers and software they made it fun, easy and exciting. Anyone can do this, even a teenager. Thanks again."

"I can tell you that there is nothing out there that can compare to the *TNG Systems* program. I have been able to increase my patient flow on a consistent basis and I'm extremely happy with the results I'm receiving. This is a must for any Doctor that wants to grow their practice fast." Their way of providing a fixed monthly advertising cost with phone lines and equipment and then the results it generates, was a complete new revelation to my staff and me. They took out all the variables!

Please take a moment to give us a call at (888) 775-0038 to find out exactly how we can *Guarantee a boost in your sales and marketing efforts, while reducing your cost.

We have several different programs we would be glad to tailor to your specific needs.

****Providing you are in compliance with your agreements with TNG.**



