UNITED STATES OF AMERICA BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS:	Edith Ramirez, (Julie Brill Maureen K. Ohl Joshua D. Wrigl Terrell McSweet	hausen nt
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John Fanning, individually and as Jerk, LLC.	a member of))))

EXHIBITS TO COMPLAINT COUNSEL'S STATEMENT OF MATERIAL FACTS AS TO WHICH THERE IS NO GENUINE ISSUE FOR TRIAL

VOLUME 2

CX0048



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An Alternative to Counseling

Get FREE Marriage e-Help Immediately "7 Secrets to Stopping Your Divorce"



Dear Mort, I got your free emails for months and they've helped enormously. Truth is, without your advice, I'd be divorced by now. Instead, the affair is over and we're on the mend. Thank you.

Madison, Il

A FREE e-help email series that includes:

- 5 marriage assessments
- "I love you but I'm not IN LOVE with you."
- How to get your spouse to change
- How to get over the past (and past the hurt)
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- How to spoil their affair
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Here's a sample of some of the free stop divorce information available by signing up in the box above:

- "I love you but I'm not IN LOVE with you." An analysis and a solution.
- How to change your marriage even when your spouse doesn't want to.
- How to get your spouse to change.
- How to forgive and be forgiven.
- How do you know when to quit?
- Analysis Paralysis: How to unstuck your marriage
- How to end a separation.
- How to stop a divorce.

Kauffman Attachment A-41

http://www.marriagemax.com/stop-divorce-g.asp[5/1/2012 3:01:42 PM]

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- How to end an affair and reconnect at home.
- How to heal your spouse's hurt and get them to give you another chance.
- How to talk so your spouse listens and listen so your spouse talks.
- How to get over your past (and past your hurt)
- · How to protect your children from your marriage problems
- How to know if your marriage will survive.
- How to increase your marriage IQ.
- How to get your spouse to STOP.
- How to restore honor and dignity to your relationship
- · How to heal old wounds in your marriage
- How to say "I'm sorry."

You get all this information for FREE and more plus 5 relationship profiles simply by signing up in the box above. If you want to stop your divorce, sign up now. It's absolutely free and you can learn how to stop divorce right away.

ABOUT

Author and Founder of the Marriage Fitness System for Relationship Renewal



is a world authority on the psychology of relationships and has an international reputation for saving marriages and stopping divorces. In addition to working with couples, he teaches individuals how to single-handedly transform their marital situation.

People from all over the world schedule private tele-sessions with Mort Fertel and seek his counsel by joining the Marriage Fitness Tele-Boot Camp. He is the author of Marriage Fitness Audio Learning System and the creator of Marriage Fitness Home-Flex, the most comprehensive relationship home learning kit in the world. Over 100,000 people a year subscribe to his free e-zine.

was a featured expert on ABC, NBC, CBS, PBS, and the Fox News Network. He is also a frequent guest on talk radio programs. His breakthrough program, Marriage

Fitness, appeared in the New York Times, Chicago Tribune, Los Angeles Times, USA Today, Family Circle, Psychology Today, Ladies Home Journal, Glamour Magazine, Parent & Child Magazine, Philadelphia Inquirer, Library Journal, Women's Health, Denver Post, Orlando Sentinel, Baltimore Sun, and Toronto Sun.

s Marriage Fitness program is endorsed by marriage counselors, therapists, relationship experts, and mental health professionals. And he has helped save thousands of marriages.

graduated from the University of Pennsylvania, was the CEO of an international non-profit organization, and a former marathon runner. He lives with his wife and 5 children (including triplets!) in Baltimore, Maryland.

60 second audio about and Marriage Fitness. Click here.

Enjoy this sample article.

HOW DO YOU KNOW IF YOU MARRIED THE RIGHT PERSON?

During one of my seminars, a woman asked me a question. She said, "How do I know if I married the right person?"

I noticed that there was a large man sitting next to her so I said, "It depends. Is that your husband?"

Kauffman Attachment A-42

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In all seriousness, how do you know?

Here's the answer.

EVERY relationship has a cycle. In the beginning, you fell in love with your spouse. You anticipated their call, wanted their touch, and liked their idiosyncrasies.

Falling in love with your spouse wasn't hard. In fact, it was a completely spontaneous experience. You didn't have to DO anything. That's why it's called "falling" in love - because it's happening TO YOU.

People in love sometimes say, "I was swept off my feet." Think about the imagery of that expression. It implies that you were just standing there; doing nothing, and then something came along and happened TO YOU.

Falling in love is easy. It's a passive and spontaneous experience.

But after a few years of marriage, the euphoria of love fades. It's the natural cycle of EVERY relationship. Slowly but surely, phone calls become a bother (if they come at all), touch is not always welcome (when it happens), and your spouse's idiosyncrasies, instead of being cute, drive you nuts.

The symptoms of this stage vary with every relationship, but if you think about your marriage, you will notice a dramatic difference between the initial stage when you were in love and a much duller or even angry subsequent stage.

At this point, you and/or your spouse might start asking, "Did I marry the right person?" And as you and your spouse reflect on the euphoria of the love you once had, you may begin to desire that experience with someone else. This is when marriages breakdown. People blame their spouse for their unhappiness and look outside their marriage for fulfillment.

Extramarital fulfillment comes in all shapes and





Kauffman Attachment A-43

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sizes. Infidelity is the most obvious. But sometimes people turn to work, church, a hobby, a friendship, excessive TV, or abusive substances.

But the answer to this dilemma does NOT lie outside your marriage. It lies within it.

I'm not saying that you couldn't fall in love with someone else. You could. And TEMPORARILY you'd feel better. But you'd be in the same situation a few years later. Because (listen carefully) THE KEY TO SUCCEEDING IN MARRIAGE IS NOT FINDING THE RIGHT PERSON; IT'S LEARNING TO LOVE THE PERSON YOU FOUND.

SUSTAINING love is not a passive or spontaneous experience. It'll NEVER just happen to you. You can't "find" LASTING love. You have to "make" it day in and day out. That's why we have the expression "the labor of love." Because it takes time, effort, and energy. And most importantly, it takes WISDOM. You have to know WHAT TO DO to make your marriage work.

Make no mistake about it. Love is NOT a mystery. There are specific things you can do (with or without your spouse) to succeed with your marriage.

Just as there are physical laws of the universe (such as gravity), there are also laws for relationships. Just as the right diet and exercise program makes you physically stronger, certain habits in your relationship WILL make your marriage stronger. It's a direct cause and

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Kauffman Attachment A-44

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effect. If you know and apply the laws, the results are predictable - you can "make" love.

Marriage Fitness a step-by-step system for making and maintaining love in your marriage. And the program works for any marriage even if only one spouse does it.

So what's your first step? Sign up here.

My husband wanted out and wouldn't go for help. So I did Marriage Fitness alone. Now he wants back in and we're doing the program together. Mort, you're the best.



Get FREE Marriage Help.

And get a **FREE** relationship assessment. *No strings attached*. Sign-up I'll send you both.

After the **FREE** sign-up, you'll receive free online marriage tips that will help you rebuild your marriage now.

I've been where you're at and I have answers for you. I'll explain more in a moment. See you on the next page.



Kauffman Attachment A-45

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EXPOSED: New Jersey Mom Makes \$8,000/Month And You Won't Believe How She Does It!



By Redect Consumer Trend Investigator | Your Daily Finance Posted: Tuesday, April 24, 2012Wednesday, April 11, 2012



puts her computer to work and makes money while working from home. She says that Home Jobs Revealed has helped change her financial life and recommends it to people as a good opportunity.

Have You Ever Considered Working From Home Online?

from PiscatawayTel Aviv-yafo, NJ05 never thought that she would work online, until curiosity got the best of her and she ordered a course from Millionaire author called Home Jobs Revealed. Before she knew it, she discovered her secret to beating the recession, and being able to provide for her family while at home with her three children.

I heard about from a colleague last month and decided to feature her story in our weekly consumer report. In our phone interview she told me her amazing story. "I actually make a steady \$7,000-\$8,000 a month working from home online. It's enough to comfortably replace my old jobs income, especially

considering I only work about 15 hours a week from my own home online. It gives me so much time to spend with my family."



Tecentry received using the Home Jobs Revealed System

Working online has been a financial windfall for who struggled for months to find a decent job but kept hitting dead ends. "I lost my job shortly after the recession hit, I needed reliable income, I was not interested in the "get rich quick" scams you see all over the internet. Those are all pyramid scams or stuff where you have to sell to your friends and family. I just needed a legitimate way to earn a living for me and my family. The best part of working online is that I am always home with the kids. Thanks to the Multipul Streams of Income Kit I am giving my kids the childhood they deserve."

I asked her about how she started her life-changing journey. "It was pretty easy", I saw an ad by about a course called Home Jobs Revealed. I knew about from TV and knew she was legit, *and since they offered a "365 Day Money Back*





is a regular mom who lost her job last year, and after an unsuccessful job hunt, she started working online. I interviewed her about her amazing story and she revealed her steps for success.

Step 1

Go to **Home Jobs Revealed**, and fill out the form to get instant online access.

Step 2

Use the Home Jobs Revealed Course and follow the simple online instructions. You will begin earning revenue within minutes.

Kauffman Attachment A-47

FTC-JERK0046470 CX0048-047 Guarantee" - I figured I really had nothing to lose. so I invested in the course.

I got the course and within five weeks I had made over \$8,000!!! Its really simple, I am not a computer whiz, but I can use the internet. I follow simple instruction. "I don't even have to sell anything and nobody has to buy anything from me". There are openings all over the country, you should try it."

The companies you work with are worth over 100 billion dollars and are the most used sites in the internet market place, like Amazon, Google, Walmart, Delta, Apple and more... You're using the top ranked sites in the world, over 50 percent of all internet traffic flows through them everyday. It's a great opportunity and this has been helping people work at home online for over 5 years. Why not get in with the internet's best and biggest companies?

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Quickly, was able to use the simple Home Jobs Revealed to make it out of the recession.

"I went from a fixed salary at work to grossing an additional \$7,000-\$8,000 a month from my home computer."

Home Jobs Revealed, and fill out the form to get instant online

had never shared her story before, this is the first time she's going public

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Step 3

Deposit your Earnings by check or direct bank transfer, they pay every week. (Making money has never been so easy. Get ready for your life to change.)

Associated Links:

- OFFICIAL WEBSITE

WARNING - OFFER EXPIRES ON Wednesday, May 2, 2011 Thursday, April 19, 2011

Read Responses For This Article

("Work At Home Mom Makes \$8,000/Month Part-Time.")



Tuesday, April 24, 2012Wednesday, April 11, 2012 @ 9:37am

does this really work? I mean the whole working at home stuff? Has anyone tried this

Kauffman Attachment A-48

Step 3 Deposit your earnings into your bank account(you are paid weekly)! Enjoy Life!

WARNING - OFFER EXPIRES ON Wednesday, May 2, 2011 Thursday, April 19, 2011

Weather

Weather Forecast | Weather Maps | Weather Radar

Mortgages	Home Equity Loan	Insurance	Credit Cards	CDs
Overnight Av	g Rate	Latest	Change	Last Week
30 yr fixed		4.70%	•	4.55%
15 yr fixed		4.05%	1	3.93%
5/1 ARM		3.42%	+	3.44%
30 yr refi		4.59%	1	4.49%
15 yr refi		3.90%	1	3.83%
View rates in your area Enter ZIP code Search		rch		data provided Bankrate.com

Today's featured rates:

30 yr jumbo, 0 points, Cleveland, OH, APR 5.125% *Rates subject to change

[5/1/2012 3:01:49 PM]

FTC-JERK0046471 CX0048-048

Work At Home Special Report!

yet? Looks promising.



Tuesday, April 24, 2012Wednesday, April 11, 2012 @ 10:42am

: you have to work and use the computer and internet, and if you can do that and dedicate some time each day then you can do this with no problem. I have been working with this for a month and have made over \$2,000 already. let me know if you need more help.



Tuesday, April 24, 2012Wednesday, April 11, 2012 @ 1:07pm

I'd just like to add my story; I think others would like to hear it. I too was always leery about work at home offers because they always seemed to be scams. But soon after hit by recession, I was a little frightened. I wanted to have a backup plan just in case. So, I took your advice and got my Home Jobs Revealed (cuz they offered a 365Day Moneyback Guarantee,). It worked like a charm - I was earning money right away! I eventually did get laid off, just as I had feared, but since I had been using the the start of the System I had money to fall back on. Now I'm doing better than I had at my job!



Tuesday, April 24, 2012Wednesday, April 11, 2012 @ 9:32pm

Gonna get i tomorrow...



Wednesday, April 25, 2012Thursday, April 12, 2012 @ 9:45am

Thanks for the info, just started this 4 weeks ago. I've got my FIRST cheque total of \$350, pretty cooll.!



Wednesday, April 25, 2012Thursday, April 12, 2012 @ 2:19pm

I was kind of worried about the entire thing. I've never worked from home, But Yeah, I did just join and all is good. so I will post back how it goes!



Wednesday, April 25, 2012Thursday, April 12, 2012 @ 6:18pm

I just wanted to tell everyone I got my first check today for \$800!



Wednesday, April 25, 2012Thursday, April 12, 2012 @ 11:03am

This is amazing! With all the scams online it was hard to find a legit system now a days, thanks for the info...



Kauffman Attachment A-49

5/1/2012 3:01:49 PM]

FTC-JERK0046472 CX0048-049

Work At Home Special Report!

Thursday, April 26, 2012Friday, April 13, 2012 @ 2:33pm

Even though I was not very pleased ordering online didn't wanna miss out on this offer, Great service and many thanks for the information, I have gone and ordered...



Thursday, April 26, 2012Friday, April 13, 2012 @ 4:58pm

It's nice to read your story include you are making some money' Gives me hope that it will work for me too! hopefully I could come out of my college debt...



Thursday, April 26, 2012Friday, April 13, 2012 @ 9:28pm

I just got the package. Thanks for the advice! I will keep in touch.. I could be making some extra money soon...:)



Friday, April 27, 2012Saturday, April 14, 2012 @ 10:48am

Just a quick notice... It does work but you have to be able to use a computer at least somewhat. If you can use email, etc. then you'll be fine.



Friday, April 27, 2012Saturday, April 14, 2012 @ 11:08am

I think this is great and will come in really handy right now. I'm not the best computer user but I think I can post links!!! :)



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I will do anything to never have to work in a 4 x 4 cubicle ever again...if I could be my own boss that would be amazing...



Friday, April 27, 2012Saturday, April 14, 2012 @ 4:08pm

The timing of this couldn't be better, We are struggling too and this could be our answer.



Saturday, April 28, 2012Sunday, April 15, 2012 @ 10:27am

Does this really work guys ..? I'm a bit skeptical.. how much effort do I have to put?

Kauffman Attachment A-50

=d[5/1/2012 3:01:49 PM]

FTC-JERK0046473 CX0048-050



Saturday, April 28, 2012Sunday, April 15, 2012 @ 11:51am

Hey , I'm using it now and it's awesome! I've signed up for my account and have been bringing in fat paychecks. For real, my first week I made \$302 and the second week I doubled it and then it kinda snowballed to \$120 a day! just follow the course.. they will help you out...



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Saturday, April 28, 2012Sunday, April 15, 2012 @ 8:12pm

I ordered it today.. can't wait to get my hands on it.. thanks for the info...

Leave a Reply

	Name (required)
	Mail (will not be published) (required)
	Website
Submit Comment	

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Kauffman Attachment A-51





EXPOSED: New Jersey Mom Makes \$8,000/Month And You Won't Believe How She Does It!



Trend Investiga tor | Your Daily Finance sted: Tuesday, April 24, 2012Wednesday, April 11, 2012



puts her computer work and makes money while working from home. She says that Home Jobs aled has helped change her financial life and recommends it to people as a good opportunity

Have You Ever Considered Working From Home Online?

from PiscatawayTel Aviv-yafo, NJ05 never thought that she would work online, until curiosity got the best of her and she ordered a course from Millionaire author called Home Jobs Revealed. Before she knew it, she discovered her secret to beating the recession, and being able to provide for her family while at home with her three children.

from a colleague last month and decided I heard about to feature her story in our weekly consumer report. In our phone interview she told me her amazing story. "I actually make a steady \$7,000-\$8,000 a month working from home online. It's enough to comfortably replace my old jobs income, especially

considering I only work about 15 hours a week from my own home online. It gives me so much time to spend with my family."



recently received using the Home Jobs Revealed System

, who struggled for months to find a Working online has been a financial windfall for decent job but kept hitting dead ends. "I lost my job shortly after the recession hit, I needed reliable income, I was not interested in the "get rich quick" scams you see all over the internet. Those are all pyramid scams or stuff where you have to sell to your friends and family. I just needed a legitimate way to earn a living for me and my family. The best part of working online is that I am always home with the kids. Thanks to the Multipul Streams of Income Kit I am giving my kids the childhood they deserve."

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d[5/1/2012 3:01:54 PM]





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Step 1

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Kauffman Attachment A-52

FTC-JERK0046475 CX0048-052 Guarantee" - I figured I really had nothing to lose. so I invested in the course.

I got the course and within five weeks I had made over \$8,000!!! Its really simple, I am not a computer whiz, but I can use the internet. I follow simple instruction. "I don't even have to sell anything and nobody has to buy anything from me". There are openings all over the country, you should try it."

The companies you work with are worth over 100 billion dollars and are the most used sites in the internet market place, like Amazon, Google, Walmart, Delta, Apple and more... You're using the top ranked sites in the world, over 50 percent of all internet traffic flows through them everyday. It's a great opportunity and this has been helping people work at home online for over 5 years. Why not get in with the internet's best and biggest companies?

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Kauffman Attachment A-53

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WARNING - OFFER EXPIRES ON Wednesday, May 2, 2011 Thursday, April 19, 2011

Weather

Weather Forecast | Weather Maps | Weather Radar

Home Equity Loan	Insurance	Credit Cards	CDs
g Rate	Latest	Change	Last Week
	4.70%	•	4.55%
	4.05%	•	3.93%
	3.42%	+	3.44%
	4.59%	•	4.49%
	3.90%	•	3.83%
_	rch		data provided 3ankrate.com
	Equity Loan g Rate	Equity Loan Insurance g Rate Latest 4.70% 4.05% 3.42% 4.59% 3.90% 3.90%	Equity Loan Insurance Cards g Rate Latest Change 4.70% 4.05% 3.42% 4.59% 3.90% n your area Rate by Cards

Today's featured rates:

30 yr jumbo, 0 points, Cleveland, OH, APR 5.125% "Rates subject to change

5/1/2012 3:01:54 PM]

FTC-JERK0046476 CX0048-053

Work At Home Special Report!

yet? Looks promising.



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Kauffman Attachment A-54

[5/1/2012 3:01:54 PM]

FTC-JERK0046477 CX0048-054

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Kauffman Attachment A-55

[5/1/2012 3:01:54 PM]

FTC-JERK0046478 CX0048-055



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Leave a Reply

	Name (required)
	Mail (will not be published) (required)
	Website
Submit Comment	

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Kauffman Attachment A-56

d[5/1/2012 3:01:54 PM]

FTC-JERK0046479 CX0048-056





How to Save Your Marriage

Secrets to Rebuilding Your Relationship



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About this eBook

Are you in a state of despair because you feel like your marriage is on the brink of divorce? Don't worry! Save Your Marriage will teach you everything you need to know. It doesn't matter if your partner's not communicating with you right now. It doesn't matter if you have come to believe that all hope is gone. This book will show you exactly how to start your road to recovery. We'll teach you how to change your mind, your heart, and your actions to possibly win back the man or woman that you married before they're gone for good. Imagine having a happy home once more! Are you ready? Then read on, and pick up your copy today.

You're About To Discover:

- 4 mistakes that couples make when they come into conflict, and how to fix them!
 - A simple method that will help you fall in love with your spouse again.
- 🤌 6 techniques to get you talking again!
- 🥖 3 methods for strengthening your family in ways you never imagined were even possible!
- 💋 7 mindset techniques that will help you make changes—today!
- 🧭 6 things you need to know about sex and your marriage.

Your marriage doesn't have to end now!

You DON'T have to get a divorce, no matter how bad things look today. You have nothing to lose by trying, and the future that you've been dreaming of to gain. Listen, why should you become a marriage statistic? This eBook holds proven techniques taught by expensive marriage counselors across the country. The techniques can work, whether you're the only one who is trying or whether you and your spouse are both equally committed to salvaging your romance. Download it now!

Like 424 likes. Sign Up to see what your friends like.

Kauffman Attachment A-57

http://www.howbooks.com/ebooks/how-to-save-your-marriage.html?gclid=CO_LkamM4K8CFQcFnQodplcqAA[5/1/2012 3:03:00 PM]

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Kauffman Attachment A-58

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FTC-JERK0046481 CX0048-058



Help home

What are AdChoices?



The <u>AdChoices icon</u> appears on sites that use Google's <u>AdSense</u> program to show ads. While Google often shows you ads based on the content of the page you are viewing, we also show some ads based on the types of websites you visit, view, or where you interact with an ad or other Google product supported by Google's advertising services. In doing this, Google doesn't know your name or any other personal information about you. Google simply recognizes the number stored in your browser on the DoubleClick cookie, and shows ads related to the interest and inferred demographic categories associated with that cookie. It's our goal to make these ads as relevant and useful as possible for you. Google doesn't create categories, or show ads, based on sensitive topics such as race, religion, sexual orientation, or health.

Where can I learn more about how Google protects privacy?

To learn more about how we collect and use information at Google, please visit <u>our Privacy</u>
 <u>Center</u>

What choices do I have about advertising from Google?

- Google lets you edit the categories associated with your browser, or opt out of personalized advertising, through Google's <u>Ads Preferences Manager</u>.
- Google may use your Google account information, such as items you +1 on Google properties and across the web, to personalize content and ads on non-Google websites. If you'd like to control how you see +1 recommendations from people you know, and how your +1 recommendations are shown to others, please visit the +1 button account setting page.

Learn More!

- Learn more about online advertising from the Network Advertising Initiative.
- Find more on browser controls and plug-in tools to help set and maintain your privacy choices.

Kauffman Attachment A-59

CX0048-059

http://support.google.com/...our-Marriage&rd=3&contact=abg_afc&url=http:%2F%2Fwww.jerk.com%2F&adT=Save+Your+Marriage[5/1/2012 3:03:30 PM] FTC-JERK0046482





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Advertise your business with ads by Google all over the web



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- Customize ads to match your site's look and feel.
- Track your success with online reports.
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Learn more about AdSense

Try AdWords »

- Only pay if your ads work You pay only when someone clicks on your ad.
- Target potential customers at the right moment When they are browsing the web and reading up on relevant topics.
- It's easy and simple to manage Out of hundreds of thousands of websites, Google AdWords automatically places your ads on those websites that are right for you.
- Sign up today it's easy! You can do it yourself in just minutes. No contract or minimum spend required.

Learn more about AdWords

Report a policy violation regarding the site or ads you just saw:

The issue(s) were with:

- O the website
- Othe ads

Tell us how we're doing - Answer five short questions about your help center experience

AdSense - Contacting Us - Help for other Google products - Change language:	English (US)
©2012 Google - Google Home - New! Privacy Policy - Terms of Service - Report	t a Policy Violation

Kauffman Attachment A-60

http://support.google.com/...our-Marriage&rd=3&contact=abg_afc&url=http:%2F%2Fwww.jerk.com%2F&adT=Save+Your+Marriage[5/1/2012 3:03:30 PM] FTC-JERK0046483

CX0048-060

AdSense Help

Kauffman Attachment A-61

http://support.google.com/...our-Marriage&rd=3&contact=abg_afc&url=http:%2F%2Fwww.jerk.com%2F&adT=Save+Your+Marriage[5/1/2012 3:03:30 PM] FTC-JERK0046484

CX0048-061

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Jerk post a jerk remove me schools cities more $ imes$ sign in
Find a Person, an University, or a City
Image: Second
1 🚺 💽 0 Posted 21 hours ago Reporter: anonymous Views: 72 Comments: 0
Worst People Ever Catch Foul Ball, Refuse To Give It To A Crying Child, Are Vilified By [UPDATE] Post a comment Post a comment Post An unfortunate scene unfolded in Arlington tonight as a pair of Rangers fans caught a foul ball tossed into the stands by in the eighth inning of Rangers-Yankees, then refused to give the ball to the toddler sitting next to them—instead choosing to pose for pictures and generally behave like douchebags. [] Read full article
1 🚺 🕐 0 Posted 5 days ago Reporter: anonymous Views: 13 Comments: 0
I'll Make 250K This Year, While You're Unemployed LOL': Monster.com Recruiting Goes Horribly Wrong Post a comment A man we''ll call has a profile on the employment website Monster.com, and earlier today he received a message from a recruiter about a job in "beautiful Northwest Arkansas." [] Read full article Post a comment
3 🚺 🚰 1 Posted 2 weeks ago Reporter: Jerk Dotcom Views: 149 Comments: 0

Kauffman Attachment A-62



FBI WANTED -	Post a comment	Post
has often been described as a computer "expert" and has demonstrated above-average knowledge regarding computers, the use of the Internet, and security awareness. has the ability to integrate into various socio-economic classes, and is an expert at social engineering. He possesses an educational background conducive to gaining employment in fields having a connection to children. may advertise online as a tutor or male nanny.	,,	
attended Cornell University for a year and transferred to Purdue University, where he graduated with a degree in education. Since June of 2008, is believed to have traveled to Virginia, Illinois, Indiana, Wisconsin and Minnesota. is believed to have lived in Arizona in 2009.	r	
CAUTION , a former private-school teacher, is wanted for allegedly possessing child pornography in Washington, DC. It is alleged that in June of 2008, pornographic images were found on a school camera that had been in possession. also allegedly produced child pornography in Maryland.		
REWARD The FBI is offering a reward of up to \$100,000 for information leading directly to the arrest of [] Read full article		
0 🚺 🏴 2 Posted 3 weeks ago Reporter: Views: 66 Com	ments: 0	
Pilot Requests Emergency Landing, Tower Calls 'B.S.'	Post a comment	Post
report: Safety experts are stunned after a passenger plane filled with smoke while trying to land at a snowy Denver International Airport, but the air traffic controller dismissed the call for		
help from the pilot. The April 3 flight from Peoria, III., was scheduled to land in Denver. Everything was going according to plan until smoke filled the plane. The pilot of the United plane called the control tower to request an emergency landing. Emergency, smoke in cockpit, roll trucks, please, said the pilot. [] Read full article		
scheduled to land in Denver. Everything was going according to plan until smoke filled the plane. The pilot of the United plane called the control tower to request an emergency landing. Emergency, smoke in cockpit, roll trucks, please, said the pilot. [] Read full article	iments: 0	
scheduled to land in Denver. Everything was going according to plan until smoke filled the plane. The pilot of the United plane called the control tower to request an emergency landing. Emergency, smoke in cockpit, roll trucks, please, said the pilot. [] Read full article	- iments: 0	
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FTC-JERK0046486 CX0048-063

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•••	Online About Char

Jerk :: • is a jerk

	Find a Per	son, an Univ	versity, or a City	م search
	Online	About	Character	
Jerk not a Jerk				
edia gallery ate this person for Jerk of the day	— reports			✓ view more
his profile	+ post a	ı report		
[change] e:				
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You will defend, indemnify, and hold harmless Jerk LLC, its officers, directors, employees, agents and third parties, for any losses, costs, liabilities and expenses (including reasonable attorneys' fees) relating to or arising out of your use of jerk.com, including, but not limited to, any breach by you of the terms of this Agreement

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10. State by State Variations

Certain jurisdictions limit the applicability of warranty disclaimers and limitations of liability so the above disclaimers of warranty and limitations of liability may not apply to you.

11. General Provisions

You agree that Arizona law (regardless of conflicts of law principles) shall govern this Agreement, that any dispute arising out of or relating to this Agreement shall be subject to the exclusive venue of the federal and state courts in the State of Arizona, and that you submit to the exclusive jurisdiction of the federal and state courts in the State of Arizona in connection with jerk.com or this Agreement. The failure of Jerk LLC to exercise or enforce any right or provision of the Terms of Service shall not constitute a waiver of such right or provision. The failure of Jerk LLC or You to exercise in any respect any right provided for herein shall not be deemed a waiver of any further rights hereunder. This Agreement, accepted upon registering for jerk.com, contains the entire agreement between you and Jerk LLC Unless otherwise explicitly stated, the Terms will survive termination of your registration with jerk.com. If any provision of this Agreement is held invalid, the remainder of this Agreement shall continue in full force.

12. Copyright Policy/Termination of User Privileges for Infringement and Contact Information for Suspected Copyright Infringement/DMCA Notices

We will terminate the privileges of any user who uses jerk.com to unlawfully transmit copyrighted material without a license, express consent, valid defense or fair use exemption to do so. In particular, users who submit user content to jerk.com, whether articles, images, stories, software or other copyrightable material must ensure that the content they upload does not infringe the copyrights of third parties. If you believe that your copyright has been infringed through the use of jerk.com, please contact our Customer Service.

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Copyright	Tips						

What is copyright? Copyright is a form of protection provided for original works of authorship, including literary, dramatic, musical, graphic and audiovisual creations. "Copyright" literally means the right to copy, but has come to mean that body of exclusive rights granted by law to copyright owners for protection of their work.

What is copyright infringement? Copyright infringement occurs when a copyrighted work is reproduced, distributed, performed, publicly displayed, or made into a derivative work without the permission of the copyright owner.

Posting copyright-infringing content can lead to the termination of your account, and possibly monetary damages if a copyright owner decides to take legal action (this is serious—you can get sued!). Below are some guidelines to help you determine whether your photo text or video is eligible or whether it infringes someone else's copyright.

As a general matter, we at Jerk respect the rights of artists and creators, and hope you will work with us to keep our community a creative, legal and positive experience for everyone, including artists and creators.

Copyright Infringement Notification

To file a copyright infringement notification with us, you will need to send a written communication that includes substantially the following (please consult your legal counsel or see Section 512(c)(3) of the Digital Millennium Copyright Act to confirm these requirements):

- i. A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.
- ii. Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site.
- iii. Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate the material.Providing URLs in the body of an email is the best way to help us locate content quickly.
- iv. Information reasonably sufficient to permit the service provider to contact the complaining party, such as an address, telephone number, and, if available, an electronic mail address at which the complaining party may be contacted.
- v. A statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.
- vi. A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

To expedite our ability to process your request, such written notice should be sent to our designated agent via our online copyright complaint form below. You will need a Jerk account in order to utilize this tool.

Copyright Complaint Webform

If you would prefer to contact us by mail please send your mail to:

DMCA Complaints Jerk LLC

USA

Please note that under Section 512(f) any person who knowingly materially misrepresents that material or activity is infringing may be subject to liability for damages. Don't make false claims!

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http://www.jerk.com/copyright.php[5/1/2012 3:09:07 PM]

Please also note that the information provided in this legal notice may be forwarded to the person who provided the allegedly infringing content.

Claimant information will be published on the Jerk site in place of disabled content.

Counter-Notification

If you elect to send us a counter notice, please go to our Counter Notice to access the instructions.

Please note that under Section 512(f) of the Copyright Act, any person who knowingly materially misrepresents that material or activity was removed or disabled by mistake or misidentification may be subject to liability. Please also be advised that we enforce a policy that provides for the termination in appropriate circumstances of subscribers who are repeat infringers.

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*Cash Advance Limil is a portion of your Total Credit Line ** Available Cash Line is a portion of your Available Credit Line

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Use Sweep to automatically move or delete emails

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Kauffman Attachment G FTC-JERK0046512 CX0054-001

CERTIFICATION OF RECORDS OF REGULARLY CONDUCTED ACTIVITY Pursuant to 28 U.S.C. § 1746

- 1. I, **Line 1**, have personal knowledge of the facts set forth below and am competent to testify as follows:
- I have authority to certify the authenticity and accuracy of the records provided to the Federal Trade Commission and attached hereto. Those records include PS Form 1093 for
- The documents provided by the United States Postal Inspection Service, and identified in Paragraph 2, are originals or true copies of records of regularly conducted activity that:
 - a) Were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;
 - Were kept in the course of the regularly conducted activity of the United States
 Postal Service; and
 - c) Were made as a regular practice of the United States Postal Service.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on May 28, 2014

in

Signature	
Printed Name	
	FTC-JERK0001515
	CX0055-001

CX0057 MARKED CONFIDENTIAL

DECLARATION OF

1

My name is

1.

and I declare as follows:

I am a software engineer and will graduate from Brown University in December
 From approximately September 2009 until June 2010, I worked as an intern for a Boston based web start-up called Jerk.com. I wrote some code for Jerk.com, helped develop the early
 direction of the website, and pitched ideas to potential investors.

3. I reported directly to John Fanning, the co-founder and CEO of Napster. Mr.
Fanning's venture capital company, NetCapital, oversaw several Internet start-up companies,
including Jerk.com. Jerk.com was John Fanning's pet project and at that point in time, he was
involved in all decisions about the website of which I was aware.

During my tenure at Jerk.com, the website was in its infancy and the engineering 4. 11 team was debating the direction of the project. One group of engineers, including myself, 12 believed that the website should be a Wikipedia-like space for users to share their personal 13 experiences with and about other people. For example, if someone was nice to a user, he or she 14 could create a profile for the Good Samaritan on Jerk.com. Conversely, users could post 15 negative information about people, such as "this jerk threw soup at a poor waitress!" Each 16 Jerk.com profile would have a unique identifier allowing users to search for people they know. 17 The Jerk.com team was somewhat split on an avenue for monetizing the site. Some people, 18 including Mr. Fanning, believed the website should be monetized by charging businesses and 19 high-profile users to remove negative postings about themselves, similar to Yelp's business 20 model. Some of us, including Mr. Fanning, believed that an auction-style bid for "Jerk and Saint 21 of the Day" would be another way to generate income. True and correct copies of early mockups 22 for the Jerk.com website are attached as Attachment A. 23

5. The team also had different views on how to populate Jerk.com with content. I
believed that the website would only have value to users if people manually created the Jerk.com

CONFIDENTIAL - FTC Docket No. 9361

FTC-JERK0001525 CX0057-001

profiles. People would be more likely to use the website if they believed their peers were using 1 it. Another proposed method of adding content to Jerk.com was encouraging people to sign up 2 and grant Jerk.com permission to access their Facebook Friends list, which would enable us to 3 export photos and other information from Facebook to Jerk.com. A third idea, championed by 4 software engineers from a Romanian firm called Software Assist, was that we generate profiles 5 on Jerk.com by bulk-loading user information from Facebook. They suggested that we access 6 Facebook's application programming interface ("API") and export user data to Jerk.com. I found 7 this last approach to be the least useful to end-users. I saw some of Software Assist's code for the 8 Facebook interface and believe it was incorrectly storing information for longer than the 9 Facebook guidelines allowed. I do not know if this aspect of the code was a programming error, 10 intentional, or a healthy mixture of both. 11

Mr. Fanning also envisioned having a Jerk.com application on the Facebook
 platform. I created the source shell of Jerk.com's Facebook application, but do not know how it
 was ultimately implemented. I intended the application to bring Jerk.com content back to
 Facebook, and for direct user interaction with Jerk.com content within Facebook, but other
 engineers could easily have changed the code so that content flowed without direct user
 interaction from Facebook to Jerk.

In December 2009, John Fanning and I flew from Boston to San Francisco to
 discuss Jerk.com with several venture capital firms. A true and correct copy of the slide deck
 that Mr. Fanning and I were using for investor pitches as of December 18, 2009, is attached as

Attachment B.

9.

8. During my time at Jerk.com, the website was not popular and had little user generated content. Most of the profiles were bulk loaded from Facebook. I have not been
 involved with Jerk.com for several years.

25

21

I declare under penalty of perjury that the foregoing is true and correct.

CONFIDENTIAL - FTC Docket No. 9361

FTC-JERK0001526 CX0057-002



CX0058 MARKED CONFIDENTIAL REDACTED IN ITS ENTIRETY

CX0059 MARKED CONFIDENTIAL REDACTED IN ITS ENTIRETY

UNITED STATES OF AMERICA BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)
Jerk, LLC, a limited liability company,)
Also d/b/a JERK.COM, and)
John Fanning,)
Individually and as a member of)
Jerk, LLC.	
)

Docket No. 9361

EXPERT REPORT OF BRIAN ROWE, PH.D.

QUALIFICATIONS

1. I am employed by the Federal Trade Commission ("FTC") as a staff economist in the Bureau of Economics.¹ I have held this position continuously since September of 2009. In my FTC position, I have worked on numerous investigations and cases in the area of Consumer Protection. Much of my work on investigations and cases involves data analysis and statistics. In my position, I conduct analyses of data and implement statistical models and tests, and also review and interpret data analyses and statistics in clinical research.

2. I hold a B.S. in economics from James Madison University (2002), an M.A. in economics from the University of Michigan (2006), and a Ph.D. in economics from the University of Michigan (2009).

- 3. Other relevant employment:
 - a) As a computing consultant with the ICPSR summer program in quantitative methods of social research at the University of Michigan, I helped students learn to understand and use various computer programs for statistics and data analysis (Summer of 2005, 2007, and 2008).
 - b) I taught (together with two other colleagues) the class "Microeconometrics" for the Masters in Applied Economics program at Johns Hopkins University. Econometrics means the use of statistical techniques to study economic questions, and the subfield micro-econometrics refers to techniques for

¹ As a full time employee of the FTC, I have not received any additional compensation for my work on this matter.

studying the decisions or behavior of individual people or firms. (Summer of 2010 and 2011).

- 4. Publications
 - a) Ph.D. Dissertation: Essays on the economic analysis of discrimination, law enforcement, and smoking. University of Michigan, 2009.
 - b) Eisenberg, Daniel and Rowe, Brian (2009). "The Effect of Smoking in Young Adulthood on Smoking Later in Life: Evidence based on the Vietnam Era Draft Lottery," Forum for Health Economics & Policy: Vol. 12 : Iss. 2, Article 4.

5. I have not testified as an expert at trial or by deposition within the preceding four years.

6. Based upon my professional training, knowledge, and experience, I am qualified as an expert in statistics and data analysis.

OVERVIEW AND SUMMARY OF OPINIONS

7. I generated a random sample of profile pages on jerk.com. Each profile was a webpage devoted to a particular individual. I then collected data on this sample of profiles as they appeared on the jerk.com website in November of 2012. Based on the sample, I estimated the number of profiles on jerk.com, the number of profiles on jerk.com that contained a photo of a real person, and the number of profiles on jerk.com containing a photo of a child under the age of 10, and the number of profiles on jerk.com containing any "jerk" or "not a jerk" votes. I quantified the amount of statistical precision in my estimates by using confidence intervals.

8. I estimate that, in November 2012, 77.5 million jerk.com profiles were on the internet. Based on the amount of statistical precision in this estimate, there is a 95% chance that that the number of jerk.com profiles on the internet was between 73.1 million and 81.5 million.

9. I estimate that, in November 2012, 29.0 million jerk.com profiles, which was about 37.4% of all jerk.com profiles, contained a photo of a person. Based on the amount of statistical precision in this estimate, there is a 95% chance that the number of jerk.com profiles containing a photo of a person was between 24.6 million and 33.7 million.

10. I estimate that, in November 2012, 4.75 million jerk.com profiles, which was about 6.1% of all jerk.com profiles, contained a photo of a child under 10. Based on the amount of statistical precision in this estimate, there is a 95% chance that the number of jerk.com profiles containing a photo of a child under 10 was between 2.9 million and 7.3 million.

11. I estimate that, in November 2012, 0.5 million jerk.com profiles, which was about 0.64% of all jerk.com profiles, contained any votes. Based on the amount of statistical precision in this estimate, there is a 95% chance that the number of jerk.com profiles containing any votes was between 60,000 and 1.8 million.

ASSIGNMENT

- 12. During November 2012, I was assigned to the investigation of Jerk, LLC.
- 13. At that time, Complaint Counsel requested that I attempt to:
 - a) obtain and analyze a random sample of profiles that appear on jerk.com; and
 - b) estimate the total number of profiles that appear on jerk.com.

METHODOLOGY AND ASSUMPTIONS

14. Sampling is a basic and widely used tool in statistics. The most common purpose of sampling is to use the sample to infer something about a broader population. The sampling I performed for this matter is a straightforward application of using a sample to learn something about an overall population. Since it was not feasible to review all the jerk.com profile pages, I instead obtained and then reviewed a sample of profile pages. Using basic formulas from statistics, one can make precise statements about the population of all jerk.com profile pages based on the results from such a sample. To use these basic formulas from statistics, the sample must be composed of randomly selected observations from the overall population. Such a sample is called a random sample.

15. <u>Construction of random sample</u>: The first step in constructing a random sample is to specify the population of interest. In this case, we are interested in the population of all jerk.com profile pages. However, I did not have access to a list of the population of all the jerk.com profile pages from which to draw a sample. Therefore, I constructed the random sample based on a key feature of the jerk.com profile pages that I observed, which allowed me to specify the population. I observed that each jerk.com profile page had an 8-digit number within its internet webpage address ("URL"). Under the assumption that all jerk.com profile pages have a unique 8-digit identifier, the population of all jerk.com profile pages is simply the set of URLs formed by all the possible 8-digit numbers (from 00000000 to 99999999).

I initially generated a list of 300 random 8-digit numbers, because I hoped that visiting 300 links would provide at least 100 profile pages in the sample that contained a photo of a person on jerk.com. A sample with at least 100 such profile pages would be large enough to produce informative estimates of the number of profiles containing a photo of a person on the jerk.com website, and to describe the common characteristics of those pages. After visiting 300 links, there were only 83 profile pages in the sample that contained a photo of an actual person. I then decided to visit 100 additional links in hopes of adding about 20 more profiles with a photo of a person to the sample. After visiting the 100 additional links, the final sample of 400 links contained 116 profile pages with a photo of a person.

To generate the 400 random 8-digit numbers, I used the runiform() function in the commonly used statistical software program STATA. A random number function such as runiform() can be thought of as an infinite list of numbers in random order. The user of the program must tell the software where to start in the infinite list by specifying a random number seed (the seed is just another number). I used the digits from the serial number on a dollar bill pulled from my wallet as the random number seed.

16. <u>Limitations of random sample</u>: The sample I constructed is relevant for drawing inferences about the population of jerk.com profile pages with 8-digit identifiers in the URL in the following format: http://www.jerk.com/profile.php?id=[8-digit number]. If there are other jerk.com profile pages that do not have the 8-digit URL format above, the sample I constructed is not representative of those profiles. During the course of our investigation, I never saw profiles without the 8-digit URL format. In addition, it is possible that within the population of jerk.com profiles with the 8-digit URL format, the 8-digit URL links are not unique. If the links were not unique, one link would be associated with more than one profile page, or the same profile page could be accessed by different links. In the review of the sample, I did not see any instances of non-uniqueness. I also attempted to assess non-uniqueness informally by clicking on the same profile URL more than one time and checking whether the same profile page appeared.

17. <u>Estimates</u>: The estimates of the number of jerk.com profile pages on the internet, and the number of profile pages with certain characteristics, are based on extrapolating the proportions that I calculated from the sample to the overall population. For example, I calculated that 0.775 (or equivalently 77.5%) of the 400 8-digit URL links in the sample existed as a profile page on jerk.com (310 out of 400). To extrapolate the 77.5% figure to the population, I simply computed 77.5% of the size of the population (multiplying 99,999,999 by 0.775). This calculation relies on a basic result in statistics that the proportion in a random sample represents the best guess of what the proportion is in the overall population.

18. Confidence interval: A confidence interval is a range of values that is centered on the estimate from the sample. The confidence interval is a commonly used method for quantifying the amount of statistical precision in an estimate by telling us the range of values in the population that are consistent with the estimate from the sample. By convention, in practical applications it is common to use 95% confidence intervals. The 95% confidence interval is designed, using some formulas from statistics, so that it has a 95% chance to include the true value in the overall population. For example, the 95% confidence interval for the estimate that a jerk.com profile exists for 0.775 of all potential 8-digit URLs begins at 0.731 and ends at 0.815. Therefore, there is a 95% chance that the interval [0.731, 0.815] covers the true proportion of all potential 8-digit URL links that existed as a jerk.com profile page. There are several confidence intervals available for binomial random variables (which take on only two values, either 1 or 0) such as those in question here. For example, a profile either contains a photo of a person (coded as 1), or it does not (coded as 0). I used the "exact" confidence interval (sometimes called the Clopper-Pearson (1934) interval). As a check, I also computed confidence intervals using a resampling procedure called the bootstrap. Those intervals were very similar to the exact confidence intervals but I do not include them in this report.

COLLECTING THE RANDOM SAMPLE OF JERK PROFILES

19. Based upon the methodology I described above, I generated a list of 400 random 8-digit numbers.

20. I created a Microsoft Excel spreadsheet and added those numbers to the end of the following Internet webpage address ("URL"): http://www.jerk.com/profile.php?id=[insert number]. By doing so, I created potentially 400 unique URLs on jerk.com.

21. I provided the Excel spreadsheet of profile links to research analysts working for the FTC's Bureau of Economics. I instructed the research analysts to record what appeared on their computer screens when they clicked on the URLs contained in the spreadsheet. To record their screens, they used a computer software program called Camtasia, which digitally records a video of any action that appears on a computer screen and saves the recording electronically. The program also allows the user to convert the video, once created, to a common format, such as a windows media video ("wmv") file. Under my supervision, the research assistants recorded and then saved what appeared on their computer screens when they clicked on the URLs contained in the spreadsheet. They saved the initial Camtasia recordings and then converted them immediately to wmv files. These wmv files were saved to CDs and stored in my office. Based upon my instructions, the following eight video files were created between November 26, 2012, and November 29, 2012:

- a) jerk_1-50.wmv
- b) jerk_51-100.wmv
- c) profiles_101_150.wmv
- d) jerk_151-200.wmv
- e) jerk_201-250.wmv
- f) profiles_251_300.wmv
- g) jerk_301-400.wmv

22. Under my supervision, the research assistants then entered information about the sampled profiles into Microsoft Excel spreadsheets. For each profile link clicked, the research analysts first entered a "Y" in when the profile existed on jerk.com, or an "N" if the profile did not. In similar fashion, the research analysts kept track of the following for each profile link clicked:

- a) Whether a photo of a person was present
- b) Whether a photo of a child who appeared less than 10 years old was present
- c) Whether the profile had any votes
- d) Other categories kept track of but not covered in this report: person's age listed in profile, email address in profile, whether the profile appeared in a google search, whether the profile contained "disturbing" content (violent or pornographic), whether the "content option" was enabled on the profile, and whether adults also appeared in a photo of a child under 10 years old.

23. I used the statistical software program STATA to create a data file for the entire sample of 400 profiles reflecting the information contained in the spreadsheets that the research analysts created, as described in Paragraph 22 above.
ANALYSIS OF THE SAMPLE

24. I found that 310 out of the sample 400 profile URLs linked to the URL of a jerk.com profile.

- 25. Of the 310 jerk.com profiles,
 - a) 116 were linked to a profile containing a photo of a person. Profiles that contained an image of a cartoon character resembling a character from the TV show "South Park" were not counted as a photo of a person.
 - b) 19 were linked to a profile containing a photo of a child who appeared to be younger than 10 (as coded by our RAs). I asked the RAs to code only children under 10 because the assessment of a child's age from a photo is a subjective exercise that is more difficult for teenagers. Marking only those instances where the child appears 10 or younger is a conservative count of the number of instances where children, meaning persons younger than 18 years of age, appeared.
 - c) only 2 had any votes.

26. I calculated the proportions in the sample for each of the findings above, and the 95% confidence intervals for each proportion. As explained in Paragraph 17, I used the proportions found in the sample to estimate the number of profiles appearing on the jerk.com website with the given characteristics (appear online, contain a person photo, etc.). As explained in Paragraph 18, I used the confidence intervals to calculate a range that has a 95% chance to cover the true number of jerk.com profiles on the internet with the given characteristics.

- a) 77.5% of the 400 8-digit URL links linked to a profile that existed on jerk.com. This translates to 77.5 million profiles on jerk.com in November 2012. The 95% confidence interval for the percent of potential profiles that exist on the jerk.com website is 73.1% to 81.5%. Those percentages translate to a lower bound of 73.1 million and an upper bound of 81.5 million total profiles on jerk.com in November 2012.
- b) 29.0% of the 400 8-digit URL links linked to a profile on jerk.com that contained a photo of a person. This translates to 29.0 million profiles with a photo of a person on jerk.com in November 2012. The 95% confidence interval for the percent of potential profiles that contain a photo of a person is 24.6% to 33.7%. Those percentages translate to a lower bound of 24.6 million and an upper bound of 33.7 million total such profiles on jerk.com in November 2012.
- c) 4.75% of the 400 8-digit URL links linked to a profile on jerk.com that contained a photo of a person appearing to be under 10 years of age. This translates to 4.75 million profiles with a photo of a person under 10 years of age on jerk.com in November 2012. The 95% confidence interval for the percent of potential profiles that contain a photo of a person under 10 years of



age is 2.9% to 7.3%. Those percentages translate to a lower bound of 2.9 million and an upper bound of 7.3 million total such profiles on jerk.com in November 2012.

d) 0.5% of the 400 8-digit URL links linked to a profile on jerk.com that contained any votes. This translates to 0.5 million profiles with any votes on jerk.com in November 2012. The 95% confidence interval for the percent of potential profiles that contain any votes is 0.06% to 1.8%. Those percentages translate to a lower bound of 60,000 and an upper bound of 1.8 million such profiles on jerk.com in November 2012.

REFERENCE MATERIAL

27. True and correct copies of the video files referenced in Paragraph 21 can be found on the CD attached to this report and identified as Exhibits CX0064-70.

28. The "jerk_1-50.wmv" video file was created on November 26, 2012, and shows the content that appeared on a computer screen when a research assistant clicked on the first 50 URLs in my spreadsheet (lines 1-50) on that date. Those URLs are listed in Attachment A to this report.

29. The "jerk_51-100.wmv" video file was created on November 26, 2012, and shows the content that appeared on a computer screen when a research assistant clicked on the next 50 URLs in my spreadsheet (lines 51-100) on that date. Those URLs are listed in Attachment B to this report.

30. The "profiles_101_150.wmv" video file was created on November 26, 2012, and shows the content that appeared on a computer screen when a research assistant clicked on the next 50 URLs in my spreadsheet (lines 101-150) on that date. Those URLs are listed in Attachment C to this report.

31. The "jerk_151-200.wmv" video file was created on November 27, 2012, and shows the content that appeared on a computer screen when a research assistant clicked on the next 50 URLs in my spreadsheet (lines 151-200) on that date. Those URLs are listed in Attachment D to this report.

32. The "jerk_201-250.wmv" video file was created on November 27, 2012, and shows the content that appeared on a computer screen when a research assistant clicked on the next 50 URLs in my spreadsheet (lines 201-250) on that date. Those URLs are listed in Attachment E to this report.

33. The "profiles_251_300.wmv" video file was created on November 27, 2012, and shows the content that appeared on a computer screen when a research assistant clicked on the next 50 URLs in my spreadsheet (lines 251-300) on that date. Those URLs are listed in Attachment F to this report.

34. The "jerk_301-400.wmv" video file was created on November 29, 2012, and shows the content that appeared on a computer screen when a research assistant clicked on the



next 100 URLs in my spreadsheet (lines 301-400) on that date. Those URLs are listed in Attachment G to this report.

Dated: 8/25/2014

Brian Rowe, Ph.D.

Attachment A

http://www.jerk.com/profile.php?id= http://www.jerk.com/profile.php?id=

Attachment B

http://www.jerk.com/profile.php?id= http://www.ierk.com/profile.php?id= http://www.jerk.com/profile.php?id= http://www.jerk.com/profile.php?id=

Attachment C

http://www.jerk.com/profile.php?id= http://www.jerk.com/profile.php?id=

Attachment D

http://www.jerk.com/profile.php?id http://www.jerk.com/profile.php?id http://www.jerk.com/profile.php?id http://www.jerk.com/profile.php?id http://www.jerk.com/profile.php?id http://www.jerk.com/profile.php?id http://www.jerk.com/profile.php?id http://www.jerk.com/profile.php?id http://www.ierk.com/profile.php?id http://www.jerk.com/profile.php?id http://www.jerk.com/profile.php?id

Attachment E

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Attachment F

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Attachment G

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MARKED CONFIDENTIAL VIDEO

(SEE ATTACHED DVD)

MARKED CONFIDENTIAL VIDEO

(SEE ATTACHED DVD)

UNITED STATES OF AMERICA BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of		
Jerk, LLC, a limited liability company, also d/b/a JERK.COM, and		DOCKET NO. 9361
John	Fanning, individually and as a member of Jerk, LLC.	
CERTIFICATION OF COMPLIANCE AND RECORDS Pursuant to 28 U.S.C. § 1746		
1.		(name and/or title) have
	personal knowledge of the facts set forth below and am competent to testify as follows:	
2.	I have authority to certify and hereby certify the authenticity of the records produced by	
	MYSELP	(company, person, or "myself")
	and attached hereto.	
3.	On behalf of (company, person, or	
	"myself"), I hereby certify that	
	(company, person, or "I") used \underline{M} (its, his, her, or my) best efforts to respond to the	
	Federal Trade Commission's Subpoena ("Subpoena").	
	Ĩ	(company, person, or "I") conducted
	a reasonable search and provided all documents and information in My (its, his, her,	
	or my) possession, custody, or control that are responsive to the requests contained in the	
	Subpoena and substantially complied with those requests.	

4.

- a. Were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;
- b. Were kept in the course of

_____ (company's,

person's, "my") regularly conducted business activity; and

c. Were made by the regularly conducted activity as

My (company's,

person's, "my") regular practice.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on _______, 2014

(Name and/or Title)