

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

WINDERMERE BIG WIN INTERNATIONAL, INC.,

MARATHON AWARD CENTER, INC.,

SUNSHINE FORTUITY, INC.,

ERNEST LEVY, a/k/a ERNIE LEVY,

ALAN SILVERSTEIN,

SELVANAYAGAM PARARAJASINGAM,

MICHAEL LEVY, and

GEORGE OLA,

Defendants.

Civil Action No. 98 C 8066

Judge Zagel

**DOCKETED**  
SEP 14 2000

**ORDER FOR MONETARY JUDGMENT FOR CONSUMER REDRESS AGAINST  
WINDERMERE BIG WIN INTERNATIONAL, INC., MARATHON AWARD CENTER,  
INC., SUNSHINE FORTUITY, INC., ERNEST LEVY, a/k/a ERNIE LEVY, ALAN  
SILVERSTEIN, SELVANAYAGAM PARARAJASINGAM, MICHAEL LEVY, AND  
GEORGE OLA**

Plaintiff, the Federal Trade Commission ("FTC" or "Commission"), commenced this action by filing its complaint for injunctive and other equitable relief pursuant to Sections 13(b) and 19 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 53(b) and 57b, and the Telemarketing and Consumer Fraud and Abuse Prevention Act ("Telemarketing Act"), 15 U.S.C. § 6101 *et seq.*, charging that the Defendants engaged in deceptive acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the FTC's Trade Regulation Rule entitled "Telemarketing Sales Rule" ("TSR"), 16 C.F.R. Part 310. The Court entered its Order for Permanent Injunction and Final Judgment on August 17, 2000, and Plaintiff now seeks a monetary judgment in the form of redress against all Defendants.

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Plaintiff FTC's motion for a monetary judgment for consumer redress is hereby granted, and it is therefore **ORDERED, ADJUDGED AND DECREED** as follows:

**FINDINGS**

1. Plaintiffs are entitled to judgment against the Defendants in the amount of \$19,797,982.48 (\$US), for which Defendants are jointly and severally liable.
2. Entry of this Order is in the public interest.

**DEFINITION**

For the purpose of this Order for Monetary Judgment for Consumer Redress, "Defendants" means Windermere Big Win International, Inc., Marathon Award Center, Inc., Sunshine Fortuity, Inc., Ernest Levy a/k/a Ernie Levy, Alan Silverstein, Selvanayagam Pararajasingam, Michael Levy, and George Ola, individually, and their successors, assigns, officers, agents, servants, employees, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, or other device, and each of them.

**ORDER**

**I.**

**MONETARY JUDGMENT FOR CONSUMER REDRESS**

**IT IS THEREFORE ORDERED THAT:**

- A. Defendants, jointly and severally, shall pay consumer redress in the amount of \$19,797,982.48 (\$US), pursuant to Sections 13(b) and 19 of the FTC Act, 15 U.S.C. §§ 53(b) and 57b, and Section 6(b) of the Telemarketing Act, 15 U.S.C. § 6105(b). This redress amount

shall become immediately due and payable by Defendants upon entry of this Order, and interest computed at the rate prescribed under 28 U.S.C. § 1961, as amended, shall immediately begin to accrue on the unpaid balance.

B. These payments shall be made in U.S. funds by certified or cashier's check, made payable to the Federal Trade Commission, and delivered to the Regional Director, Federal Trade Commission, 55 E. Monroe, Suite 1860, Chicago, Illinois 60603. These funds will be used to provide redress to consumers injured by Defendants' violations of the FTC Act and the TSR. If Plaintiff determines, in its sole discretion, that redress is wholly or partially impracticable, any funds not so used shall be paid into the U.S. Treasury as disgorgement. Defendants may be notified as to how funds are disbursed, but shall have no right to contest the manner of distribution chosen by Plaintiff.

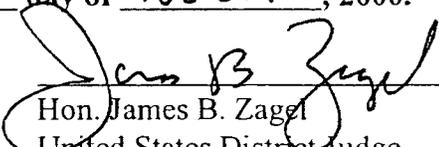
**II.**

**ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANTS**

**IT IS FURTHER ORDERED** that, within five (5) business days after receipt by Defendants of this Order, each Defendant shall submit to the Commission a truthful sworn statement, in the form shown on Appendix A, that shall acknowledge receipt of this Order for Monetary Judgment for Consumer Redress.

There being no just reason for delay, the Clerk of the Court is hereby directed to enter this Order.

SO ORDERED, this 30 day of AUGUST, 2000.

  
\_\_\_\_\_  
Hon. James B. Zagel  
United States District Judge

APPENDIX A

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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FEDERAL TRADE COMMISSION,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
WINDERMERE BIG WIN INTERNATIONAL, INC.,	)	
MARATHON AWARD CENTER, INC.,	)	Civil Action No. 98 C 8066
SUNSHINE FORTUITY, INC.,	)	Judge Zagel
ERNEST LEVY,	)	
a/k/a ERNIE LEVY,	)	
ALAN SILVERSTEIN,	)	
SELVANAYAGAM PARARAJASINGAM,	)	
MICHAEL LEVY, and	)	
GEORGE OLA,	)	
	)	
Defendants.	)	

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AFFIDAVIT OF DEFENDANT

[Name of defendant], being duly sworn, hereby states and affirms as follows:

1. My name is \_\_\_\_\_. My current residence address is \_\_\_\_\_ . I am a citizen of \_\_\_\_\_ and am over the age of eighteen. I have personal knowledge of the facts set forth in this Affidavit.

2. I am a defendant in FTC v. Windermere Big Win International, Inc., et al., No. 98-C-8066 (Northern District of Illinois).

3. On [date], I received a copy of the Order for Monetary Judgment for Consumer Redress, which was signed by the Honorable James B. Zagel, United States District Court Judge, and entered by the Court on [date of entry of Order]. A true and correct copy of the Order I received is appended to this Affidavit.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on [date], at [city and state/province].

\_\_\_\_\_  
[Full name of  
defendant]

State/Province of \_\_\_\_\_, City of \_\_\_\_\_

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Notary Public  
My Commission Expires:  
\_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

WINDERMERE BIG WIN INTERNATIONAL, INC.,

MARATHON AWARD CENTER, INC.,

SUNSHINE FORTUITY, INC.,

ERNEST LEVY, a/k/a ERNIE LEVY,

ALAN SILVERSTEIN,

SELVANAYAGAM PARARAJASINGAM,

MICHAEL LEVY, and

GEORGE OLA,

Defendants.

Civil Action No. 98 C 8066

Judge James B. Zagel

**DOCKETED**  
AUG 30 2000

**ORDER FOR PERMANENT INJUNCTION AND FINAL JUDGMENT AGAINST  
WINDERMERE BIG WIN INTERNATIONAL, INC., MARATHON AWARD CENTER,  
INC., SUNSHINE FORTUITY, INC., ERNEST LEVY, a/k/a ERNIE LEVY, ALAN  
SILVERSTEIN, SELVANAYAGAM PARARAJASINGAM, MICHAEL LEVY, AND  
GEORGE OLA**

Plaintiff, the Federal Trade Commission ("FTC" or "Commission"), commenced this action by filing its complaint for injunctive and other equitable relief pursuant to Sections 13(b) and 19 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 53(b) and 57b, and the Telemarketing and Consumer Fraud and Abuse Prevention Act ("Telemarketing Act"), 15 U.S.C. § 6101 *et seq.*, charging that the defendants engaged in deceptive acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the FTC's Trade Regulation Rule entitled "Telemarketing Sales Rule" ("TSR"), 16 C.F.R. Part 310, and seeking summary judgment on all counts of the complaint pursuant to Fed. R. Civ. P. 56.

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Plaintiff FTC's motion for summary judgment is hereby granted, and it is therefore **ORDERED, ADJUDGED AND DECREED** as follows:

**FINDINGS**

1. This Court has jurisdiction over the subject matter and all parties hereto.
2. Venue is proper as to all parties in the United States District Court for the Northern District of Illinois.
3. The complaint states a claim upon which relief may be granted against Defendants under Sections 5(a), 13(b) and 19 of the FTC Act, 15 U.S.C. §§ 45(a), 53(b) and 57b, and Section 6(b) of the Telemarketing Act, 15 U.S.C. § 6105(b).
4. The activities of Defendants are in or affecting commerce, as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.
5. There is no genuine issue as to any material fact concerning the liability of the Defendants for false and deceptive acts and practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the TSR, 16 C.F.R. Part 310, in connection with the marketing and sale of interests or shares in Canadian lottery tickets to consumers in the United States, or the amount by which the Defendants were unjustly enriched through these deceptive acts and practices.
6. Defendants, directly or through their telemarketers, have explicitly or implicitly made false or misleading statements to induce the purchase of shares or interests in lottery tickets that include, but are not limited to, the following:
  - a. the consumer has been specially selected as one of a small group to play for a large cash award;
  - b. the consumer is likely to win a large prize or jackpot;

- c. the consumer's chances of winning are enhanced by purchasing through Windermere, Marathon, or Sunshine; and
- d. it is legal for the defendants to sell foreign lottery tickets to consumers in the United States and for consumers in the United States to purchase foreign lottery tickets.

7. Defendants, directly or through their telemarketers, have failed to disclose material facts to consumers to induce the purchase of shares or interests in lottery tickets that include, but are not limited to, the following:

- a. that the sale and trafficking in foreign lotteries is a crime in the United States; and
- b. that only a small portion of the money consumers pay is used for the actual purchase of lottery tickets.

8. Uncontroverted evidence establishes that Defendants violated Section 5 of the FTC Act, 15 U.S.C. § 45, and the TSR, 16 C.F.R. Part 310.

9. Defendants are likely to continue to engage in the activities alleged in the complaint unless they are permanently enjoined from such acts and practices.

10. Plaintiffs are entitled to judgment as a matter of law pursuant to Rule 56(c) of the Federal Rules of Civil Procedure.

11. Entry of this Order is in the public interest.

## DEFINITIONS

For the purpose of this Order for Permanent Injunction, the following definitions shall apply:

1. "Defendants" means Windermere Big Win International, Inc., Marathon Award Center, Inc., Sunshine Fortuity, Inc., Ernest Levy a/k/a Ernie Levy, Alan Silverstein, Selvanayagam Pararajasingam, Michael Levy, and George Ola, individually, and their successors, assigns, officers, agents, servants, employees, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, or other device, and each of them.

2. "Corporate Defendants" means Windermere Big Win International, Inc., Marathon Award Center, Inc., and Sunshine Fortuity, Inc., their successors, assigns, officers, agents, servants, employees, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, or other device, and each of them.

3. "Individual Defendants" means Ernest Levy a/k/a Ernie Levy, Alan Silverstein, Selvanayagam Pararajasingam, Michael Levy, and George Ola, their successors, assigns, officers, agents, servants, employees, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, or other device, and each of them.

4. "Assets" means all real and personal property of any defendant, or held for the benefit of any defendant, including, but not limited to "goods," "instruments," "equipment,"

"fixtures," "general intangibles," "inventory," "checks," or "notes" (as these terms are defined in the Uniform Commercial Code), and all cash, wherever located.

5. "Telemarketing" means the advertising, offering for sale, or sale of any good or service to any person by means of telephone sales presentations, either exclusively or in conjunction with the use of other advertising.

6. "Material" means likely to affect a person's choice of, or conduct regarding, goods or services.

7. "Person" means any individual, group, unincorporated association, limited or general partnership, corporation, or other business entity.

## **ORDER**

### **I.**

#### **DEFENDANTS BANNED FROM TELEMARKETING OR ASSISTING IN THE TELEMARKETING OF ANY PRODUCT OR SERVICE TO CONSUMERS IN THE UNITED STATES**

**IT IS THEREFORE ORDERED THAT** Defendants are hereby permanently restrained and enjoined from engaging in, participating in, or assisting in the telemarketing, in any manner, of any product or service to any consumer located in the United States of America ("U.S.").

### **II.**

#### **OTHER PROHIBITED BUSINESS ACTIVITIES**

**IT IS FURTHER ORDERED** that Defendants, their successors, assigns, officers, agents, servants, employees, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are hereby permanently restrained and enjoined from:

- A. Promoting, offering for sale, or selling, directly or indirectly, tickets, chances, interests, or registrations in any lottery to residents of the U.S.; and
- B. Purchasing or registering any ticket, chance, interest, or registration in any lottery for any residents, groups of persons, or entities in the U.S.;
- C. Misrepresenting or omitting any fact material to a consumer's decision to purchase Defendants' products or services in connection with the advertising, marketing, proposed sale, or sale of any product or service in the U.S.; and
- D. Violating or assisting others to violate any provision of the TSR, 16 C.F.R. Part 310, including, but not limited to:
  - 1. Making a false or misleading statement to induce any person to pay for any good or service in violation of Section 310.3(a)(4) of the TSR, 16 C.F.R. § 310.3(a)(4);
  - 2. Failing to disclose, in a clear and conspicuous manner, before a customer pays for any goods or services, all material restrictions, limitations, or conditions to receive those goods or services, in violation of Section 310.3(a)(1)(ii) of the TSR, 16 C.F.R. § 310.3(a)(1)(ii); and
  - 3. Processing credit card sales drafts in a manner that violates Section 310.3(c) of the TSR, 16 C.F.R. § 310.3(c).

### **III.**

#### **CUSTOMER LISTS**

**IT IS FURTHER ORDERED** that Defendants are hereby permanently restrained and enjoined from selling, renting, leasing, transferring, or otherwise disclosing the name, address,

telephone number, credit card number, bank account number, e-mail address, or other identifying information of any person who paid any money to any Defendant, at any time prior to entry of this Order, in connection with the marketing and sale of interests or shares in Canadian lottery tickets to consumers in the U.S. Provided, however, that Defendants may disclose such identifying information to agents of the Federal Trade Commission, other law enforcement agencies, or as required by any law, regulation or court order, or to Defendants' attorneys for use in connection with representing defendants or in response to subpoenas or other court orders.

**IV.**

**COMPLETE AND FILE FINANCIAL STATEMENT**

**IT IS FURTHER ORDERED** that each Individual Defendant shall file with this Court and serve upon counsel for the Commission, no later than five (5) days after entry of this Order, a completed financial statement on the forms attached to the Temporary Restraining Order, for himself individually, and for each corporation or business entity under which he conducts business or of which he is an officer, and for each trust of which he is a trustee, accurate as of the date of service of this Order upon such defendant. Each Corporate Defendant shall file with this Court and serve upon counsel for the Commission, no later than five (5) days after entry of this Order, a completed financial statement on the forms attached to the Temporary Restraining Order. Said financial statements shall include all assets held outside of the territory of the U.S.

**V.**

**RECEIVERSHIP**

**IT IS FURTHER ORDERED** that the appointment of Stephen T. Bobo as receiver ("Receiver") over the Corporate Defendants' assets pursuant to this Court's Temporary

Restraining Order entered on December 16, 1998 and the Preliminary Injunction Order entered on August 2, 1999, is hereby continued, and shall remain in full force and effect during the collection of the judgment and until the filing of the Receiver's final report and the Court's approval of the same.

**VI.**

**ASSET FREEZE**

**IT IS FURTHER ORDERED** that, except for funds necessary for payment of the sums provided in Section IV of this Order, the assets of Defendants shall remain frozen until they have made full payment of the sums provided for in Section IV of this Order.

**VII.**

**ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANTS**

**IT IS FURTHER ORDERED** that, within five (5) business days after receipt by Defendants of this Order, each Defendant shall submit to the Commission a truthful sworn statement, in the form shown on Appendix A, that shall acknowledge receipt of this Final Order.

**VIII.**

**DISTRIBUTION OF ORDER BY DEFENDANTS**

**IT IS FURTHER ORDERED** that, for a period of ten (10) years from the date of entry of this Order, Defendants shall:

A. Provide a copy of this Order to, and obtain a signed and dated acknowledgment of receipt of same from, each officer or director, each individual serving in a management capacity, all personnel involved in responding to consumer complaints or inquiries, and all sales personnel, whether designated as employees, consultants, independent contractors or otherwise, immediately upon employing or retaining any such persons, for any business that any Defendant directly or indirectly manages, controls, or has a majority ownership interest in, that is engaged in marketing or selling any product or service to consumers located in the U.S., or materially assists others engaged in these activities; and

B. Maintain for a period of three (3) years after creation, and upon reasonable notice, make available to representatives of the Commission, the original signed and dated acknowledgments of the receipt of copies of this Order, as required in Paragraph A of this Section.

**IX.**

**MONITORING COMPLIANCE OF SALES PERSONNEL**

**IT IS FURTHER ORDERED** that, in connection with any business that any Defendant directly or indirectly manages, controls or has a majority ownership interest in, that is engaged in marketing or selling any product or service to consumers located in the U.S., or materially assists others engaged in these activities, Defendants are hereby permanently restrained and enjoined from:

A. Failing to take reasonable steps sufficient to monitor and ensure that all employees and independent contractors engaged in sales or other customer service functions comply with Sections I and II of this Order. Such steps shall include adequate monitoring of sales presentations or other calls with customers, and shall also include, at a minimum, the following:

1. Listening to the oral representations made by persons engaged in sales or other customer service functions;
2. Establishing a procedure for receiving and responding to consumer complaints; and
3. Ascertaining the number and nature of consumer complaints regarding transactions in which each employee or independent contractor is involved;

B. Failing promptly to investigate fully any consumer complaint received by any

business to which this Section applies; and

C. Failing to terminate any sales person whom any Defendant determines is not complying with this Order;

**Provided, however,** that this Section does not authorize or require a Defendant to take any action that violates any federal, state, provincial, or local law.

## X.

### RECORD KEEPING PROVISIONS

**IT IS FURTHER ORDERED** that, for a period of ten (10) years from the date of entry of this Order, in connection with any business that any Defendant directly or indirectly manages, controls or has a majority ownership interest in, that is engaged in marketing or selling any product or service to consumers located in the U.S., or materially assists others engaged in these activities, Defendants are hereby restrained and enjoined from failing to create and maintain for a period of three (3) years following the date of their creation, unless otherwise specified:

A. Books, records and accounts that, in reasonable detail, accurately and fairly reflect the cost of goods or services sold, revenues generated, and the disbursement of such revenues;

B. Records containing the name, address, telephone number and social insurance number or social security number of each person employed by any Defendant in any capacity, including as an independent contractor, that person's job title or position, the date upon which the person commenced work, and the date and reason for the person's termination, if applicable;

**Provided, however,** that the businesses subject to this requirement shall retain such records during the employment of any person, and for a period of two (2) years after the date of their termination;

C. Records containing the name, address, telephone number, quantity of goods or services purchased, and a description of the goods or services purchased and the amount paid therefor, for all consumers to whom the business has sold, invoiced, or shipped any goods or services;

D. Records that reflect, for every written or oral consumer complaint or refund request, whether received directly or indirectly or through any third party: (1) the customer's name, address, telephone number; (2) the dollar amount paid by the consumer; (3) the written complaint or refund request, if any; (4) the basis of the complaint or refund request, including the name of any salesperson complained about; (5) the nature and result of any investigation conducted concerning the complaint or refund request; (6) each response and the date of the response to the complaint or refund request; (7) any final resolution of the complaint or refund request, and the date of the resolution; and (8) in the event of a denial of a refund request, the reason for the denial; and

E. Copies of all sales scripts, training materials, advertisements, or other marketing materials utilized, which shall be retained for five (5) years after the last date of their dissemination or use.

## XI.

### COMPLIANCE REPORTING BY DEFENDANT

**IT IS FURTHER ORDERED** that, in order that compliance with the provisions of this Order may be monitored:

A. For a period of ten (10) years after the date of entry of this Order, Defendants shall notify the Commission in writing of the following:

1. Any changes in the residence, mailing addresses and telephone numbers of any Individual Defendant, within ten (10) days of the date of such change;

2. Any changes in the employment status (including self-employment) of any Individual Defendant, within ten (10) days of such change. Such notice shall include the name and address of each business that the Individual Defendant is affiliated with or employed by, a statement of the nature of the business, and a statement of the Individual Defendant's duties and responsibilities in connection with the business or employment;

3. Any proposed change in the structure of any Corporate Defendant, or any business entity that any Individual Defendant directly or indirectly manages, controls or has a majority ownership interest in, such as creation, incorporation, dissolution (including the dissolution of any subsidiaries), assignment, proposed filing of a bankruptcy petition, or sale or merger resulting in the emergence of a successor corporation, or any other change in that entity, including a change in the corporate name or address, that may affect any compliance obligation arising out of this Order, at least thirty (30) days prior to the effective date of any such change; **Provided, however,** that with respect to any proposed change in the structure of any Corporate Defendant or any business entity that any Individual Defendant directly or indirectly manages, controls or has a majority ownership interest in, about which the Defendant learns less than thirty (30) days prior to the date such action is to take place, Defendants shall notify the Commission as soon as is practicable after learning of such proposed change;

B. One hundred eighty (180) days after the date of entry of this Order, Defendants shall provide a written report to the Commission, sworn to under penalty of perjury under the laws of the U.S., setting forth in detail the manner and form in which Defendants have complied

and are complying with this Order. This report shall include but not be limited to:

1. Each Individual Defendant's then current residence address, mailing addresses and telephone numbers;
2. Each Individual Defendant's then current employment and business addresses and telephone numbers, a description of the business activities of each such employer or business, and the Individual Defendant's title and responsibilities for each such employer or business;
3. A copy of each acknowledgment of receipt of this Order obtained by Defendants pursuant to Section VIII; and
4. A statement describing the manner in which Defendants have complied and are complying with Sections I, II, X, and XI of this Order;

C. Upon written request by a representative of the Commission, but not to exceed one request every three (3) months, Defendants shall submit additional written reports (under oath, if requested) and produce documents on fifteen (15) days' written notice with respect to any conduct that is subject to this Order;

D. For the purposes of this Order, Defendants shall, unless otherwise directed by a representative of the Commission, mail all written notifications to the Commission to:

Regional Director  
Midwest Regional Office  
Federal Trade Commission  
55 East Monroe Street, Suite 1860  
Chicago, IL 60603

E. For the purposes of this Section, "employment" includes the performance of services as an employee, consultant, or independent contractor; and "employers" include any individual or

entity for whom any Individual Defendant performs services as an employee, consultant, or independent contractor; and

F. For purposes of the compliance reporting required by this Section, the Commission is authorized to communicate directly with Defendants.

## **XII.**

### **COMMISSION'S AUTHORITY TO MONITOR COMPLIANCE**

**IT IS FURTHER ORDERED** that the Commission is authorized to monitor Defendants' compliance with this Order by all lawful means, including but not limited to the following:

A. The Commission is authorized, without further leave of Court, to obtain discovery from any person (including a Defendant) in the manner provided by Chapter V of the Federal Rules of Civil Procedure, Fed. R. Civ. P. 26-37, including the use of compulsory process pursuant to Fed. R. Civ. P. 45, for the purpose of monitoring and investigating Defendants' compliance with any provision of this Order.

B. The Commission is authorized to use representatives posing as consumers to Defendants, Defendants' employees, or any other entity managed or controlled in whole or in part by any Defendant, without the necessity of identification or prior notice; and

C. Nothing in this Order shall limit the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. § 49 and 57b-1, to investigate whether Defendants have violated any provision herein or Section 5 of the FTC Act, 15 U.S.C. § 45.

**XIII.**

**FEEES AND COSTS**

**IT IS FURTHER ORDERED** that each party to this Order shall bear its own costs and attorneys' fees incurred in connection with this action.

**XIV.**

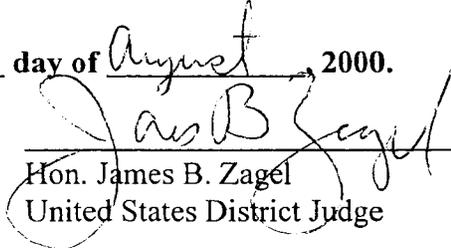
**RETENTION OF JURISDICTION**

**IT IS FURTHER ORDERED** that this Court retains jurisdiction of this matter for the purpose of enabling either of the parties to this Order to apply to the Court at any time for such further order or directives as may be necessary or appropriate for the interpretation or modification of this Order, for the enforcement of compliance therewith, or for the punishment of violations thereof.

The Court also retains jurisdiction to determine what amounts, if any, are to be awarded for consumer redress.

There being no just reason for delay, the Clerk of the Court is hereby directed to enter this Order.

**SO ORDERED**, this 17 day of August, 2000.

  
\_\_\_\_\_  
Hon. James B. Zagel  
United States District Judge

APPENDIX A

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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FEDERAL TRADE COMMISSION,	)
	)
Plaintiff,	)
	)
v.	)
	)
WINDERMERE BIG WIN INTERNATIONAL, INC.,	)
MARATHON AWARD CENTER, INC.,	)
SUNSHINE FORTUITY, INC.,	)
ERNEST LEVY,	)
a/k/a ERNIE LEVY,	)
ALAN SILVERSTEIN,	)
SELVANAYAGAM PARARAJASINGAM,	)
MICHAEL LEVY, and	)
GEORGE OLA,	)
	)
Defendants.	)

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Civil Action No. 98 C 8066  
Judge Zagel

**AFFIDAVIT OF DEFENDANT**

[Name of defendant], being duly sworn, hereby states and affirms as follows:

1. My name is \_\_\_\_\_ . My current residence address is \_\_\_\_\_ . I am a citizen of \_\_\_\_\_ and am over the age of eighteen. I have personal knowledge of the facts set forth in this Affidavit.
  
2. I am a defendant in FTC v. Windermere Big Win International, Inc., et al., No. 98-C-8066 (Northern District of Illinois).
  
3. On [date], I received a copy of the Order for Permanent Injunction and Other Relief, which was signed by the Honorable James B. Zagel, United States District Court Judge, and entered by the Court on [date of entry of Order]. A true and correct copy of the Order I received is appended to this Affidavit.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on [date], at [city and state/province].

\_\_\_\_\_  
[Full name of  
defendant]

State/Province of \_\_\_\_\_, City of \_\_\_\_\_

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Notary Public  
My Commission Expires:  
\_\_\_\_\_