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15 UNITED STATES DISTRICT COURT
16 DISTRICT OF ARIZONA

17 UNITED STATES OF AMERICA,

18 Plaintiff,

19 v.

20 CYBERHEAT, INC., an Arizona
21 corporation

22 Defendant.

No. CIV 05-0457-TUC-DCB

**JOINT MOTION FOR ENTRY OF
PROPOSED ORDER FOR
PERMANENT INJUNCTION**

23 COMES NOW attorneys Jeffrey I. Steger and Lauren Hash, counsel for Plaintiff United
24 States of America, and attorneys A. Bates Butler III and Paul F. Wellborn III, counsel for
25 Defendant Cyberheat, Inc. (“Cyberheat”), and hereby respectfully submit this Joint Motion for
26 Entry of Proposed Order for Permanent Injunction.

In support of this Joint Motion for Entry of Proposed Order for Permanent Injunction, the parties state as follows:

1 Plaintiff filed this action and amended complaint seeking civil penalties, a permanent
2 injunction and other equitable relief, alleging that the Defendant violated Section 5(a) and (d) of
3 the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003
4 (“CAN-SPAM”), 15 U.S.C. § 7704(a) and (d), and the Federal Trade Commission’s (“FTC”)
5 Adult Labeling Rule (the “Adult Labeling Rule” or the “Rule”), 16 C.F.R. Part 316.4.

6 The Proposed Order for Permanent Injunction, signed and agreed to by all of the parties,
7 resolves the allegations of the amended complaint.

8 The parties agree that the entry of the Proposed Order for Permanent Injunction is in the
9 public interest.

10 Based on the foregoing, the parties move this Court to sign the Proposed Order for
11 Permanent Injunction and enter it.

12 The Proposed Order for Permanent Injunction is attached.

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14 DATED: March 4, 2008
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1 DATED: March 4, 2008

FOR THE UNITED STATES OF
2 AMERICA

3
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18 s/ Jeffrey I. Steger
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FOR DEFENDANT CYBERHEAT, INC.

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Certificate of Service

A copy of the foregoing Joint Motion for Entry of Proposed Order for Permanent Injunction was served electronically this 4th day of March, 2008, to

A. Bates Butler III
One South Church Avenue
Suite 1000
Tucson, Arizona 85701

____s/ Jeffrey I. Steger_____
