

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

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

CAPITAL ACQUISITIONS & MANAGEMENT
CORP., a corporation,

RM FINANCIAL SERVICES, INC., a corporation,

CAPITAL PROPERTIES HOLDINGS, INC.,
a corporation,

CARIBBEAN ASSET MANAGEMENT, LTD.,
a corporation,

REESE WAUGH,

JEROME KUEBLER,

ERIC WOLDOFF,

GEORGE OTHON,

JEFFREY GARRINGTON,

DAVID KAPP,

JOSHUA RAUSCH,

MICHAEL SENG, and

BILLY MARTIN,

Defendants.

No. 04-C-7781

Judge Gettleman

Mag. Judge Nolan

**STIPULATED ORDER FOR PERMANENT INJUNCTION
AGAINST DAVID KAPP**

Plaintiff, Federal Trade Commission (“FTC” or “Commission”), filed its Amended Complaint for Injunctive and Other Equitable Relief (“Amended Complaint”), pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC ACT”), 15 U.S.C. § 53(b), Section 814(a) of the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692l(a), and Rule 65 of the Federal Rules of Civil Procedure, charging that Defendants engaged in deceptive and unfair acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, and the FDCPA, 15 U.S.C. § 1692 et seq. The Commission and Defendant David Kapp hereby stipulate to the entry of this Stipulated Order for Permanent Injunction Against David Kapp (“Order”) to resolve all matters of dispute between them in this action.

IT IS THEREFORE STIPULATED, AGREED, AND ORDERED as follows:

1. This Court has jurisdiction over the subject matter of this case and the parties pursuant to 15 U.S.C. §§ 45(a), 53(b), 1692l(a), as well as 28 U.S.C. §§ 1331, 1137(a), and 1345.
 2. Venue lies properly with this Court pursuant to 15 U.S.C. § 53(b) and 28 U.S.C. §§ 1391(b) and (c).
 3. The activities of Defendant Kapp are in or affecting “commerce,” as that term is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.
 4. The Complaint states a claim upon which relief may be granted against Defendant Kapp under Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the FDCPA, 15 U.S.C. § 1692 et seq.
 5. Defendant Kapp has entered into this Order freely and without coercion.
- Defendant Kapp further acknowledges that he has read the provisions of this Order and is prepared to abide by them.

6. The undersigned, individually and by and through their counsel, have agreed that the entry of this Order resolves all matters of dispute between them arising from the Amended Complaint in this action, up to the date of entry of this Order.

7. Defendant Kapp waives all rights to seek appellate review or otherwise challenge or contest the validity of this Order. Defendant Kapp further waives and releases any claim he may have against the Commission, its employees, representatives, or agents.

8. Defendant Kapp agrees that this Order does not entitle him to seek or to obtain attorneys' fees as a prevailing party under the Equal Access to Justice Act, 28 U.S.C. § 2412, as amended by Pub. L. 104-121, 110 Stat. 847, 863-64 (1996), and Defendant Kapp further waives any right to attorneys' fees that may arise under said provision of law.

9. Neither entry into this Order, nor performance according to its terms, shall be deemed an admission by Defendant Kapp. This Order has been entered without resolution of any disputed fact.

10. Entry of this Order is in the public interest, and there being no just reason for delay, the Clerk is directed to enter judgment immediately.

DEFINITIONS

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

1. "Plaintiff" means the Federal Trade Commission.
2. "Defendant" or "Defendants" means Capital Acquisitions and Management Corp.; RM Financial Services, Inc.; Capital Properties Holdings, Inc.; Caribbean Asset Management, Ltd.; Reese Waugh, individually and as an officer, director or agent of the corporate defendants; Jerome Kuebler, individually and as an officer, director or agent of the corporate defendants; Eric Woldoff, individually and as an officer, director or agent of the

