

Apr 3 2006

CLARENCE MADDOX  
CLERK U.S. DIST. CT.  
S. D. OF FLA. - MIAMI**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

Case No. 03-61987--CIV--Marra/Seltzer

FEDERAL TRADE COMMISSION,

Plaintiff

v.

PLATINUM UNIVERSAL, LLC, also doing  
business as UNIVERSAL CARD SERVICES  
and UNIVERSAL MASTERCARD,PULSAR DATA, INC., also doing business as  
UNIVERSAL CARD SERVICES and  
UNIVERSAL MASTERCARD,

JEFFREY A. ULLMAN, and

MICHAEL KIRKOVICH,

Defendants.

**JOINT MOTION TO ENTER PROPOSED STIPULATED FINAL JUDGMENT AND  
ORDER FOR PERMANENT INJUNCTION**

Plaintiff, the Federal Trade Commission, Defendants Platinum Universal, LLC, also doing business as Universal Card Services and Universal Mastercard, Pulsar Data, Inc., also doing business as Universal Card Services and Universal Mastercard, Jeffrey A. Ullman, and Michael Kirkovich (collectively the "Parties"), through counsel, file this Joint Motion to Enter the Proposed Stipulated Final Judgment and Order for Permanent Injunction as to said Defendants. As grounds therefor, these parties state that they have jointly agreed to entry of a

Stipulated Judgment and Order for Permanent Injunction. The proposed Stipulated Judgment and Order for Permanent Injunction is filed herewith.

Respectfully Submitted,

**FOR PLAINTIFF FEDERAL TRADE COMMISSION:**



ANN F. WEINTRAUB (Florida Bar # A5500782)  
One Bowling Green, Suite 318  
New York, NY 10004  
212-607-2815  
212-607-2822 (facsimile)

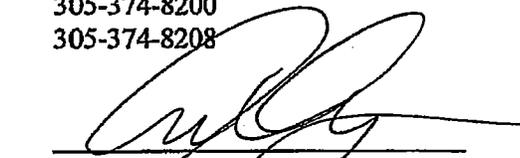
DATED: 4/3/06

**FOR THE DEFENDANTS PLATINUM UNIVERSAL, LLC, ALSO DOING BUSINESS AS UNIVERSAL CARD SERVICES AND UNIVERSAL MASTERCARD, PULSAR DATA, INC., ALSO DOING BUSINESS AS UNIVERSAL CARD SERVICES AND UNIVERSAL MASTERCARD, JEFFREY A. ULLMAN, STEVEN M. KETOVER, AND MICHAEL KIRKOVICH**



GUY RASCO (Florida Bar # 0727520)  
DEVINE, GOODMAN, PALLOT & WELLS P.A.  
777 Brickell Avenue, 8<sup>th</sup> Floor  
Miami, FL 33131  
305-374-8200  
305-374-8208

DATED: 4/3/06



SHELDON LUSTIGMAN  
ANDREW LUSTIGMAN  
THE LUSTIGMAN FIRM, PC  
149 Madison Avenue  
New York, NY 10016  
212-683-9180  
212-683-9181 (facsimile)

DATED: 4/3/06

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Case No. 03-61987--CIV--Marra/Seltzer**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

PLATINUM UNIVERSAL, LLC, et, al.

Defendants.

**STIPULATED FINAL JUDGMENT AND ORDER FOR PERMANENT INJUNCTION**

Plaintiff, the Federal Trade Commission ("FTC" or "Commission"), commenced this action by filing its Complaint for a Permanent Injunction and Other Equitable Relief in this matter on November 6, 2003, 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.*, and by filing an Amended Complaint on February 10, 2004, and this Court entered a Stipulated Preliminary Injunction against Defendants Platinum Universal, LLC and Pulsar Data, Inc., both also doing business as Universal Card Services and Universal MasterCard, Jeffrey A. Ullman, and Steven M. Ketover on November 18, 2003, pursuant to Rule 65(a) of the Federal Rules of Civil Procedure (Fed. R. Civ. P. 65). On June 13, 2005, after a joint motion, this Court dismissed Defendant Ketover from this action.

The Commission, by and through its counsel, and Defendants, by and through their respective counsel, have agreed to entry of this Stipulated Final Judgment and Order of Permanent Injunction ("Order") by this Court in order to resolve all matters of dispute between them in this action. The Commission and Defendants have consented to entry of this Order without trial or adjudication of any issue of fact or law, and without Defendants admitting liability or wrongdoing for the offenses alleged in the Complaint.

NOW, THEREFORE, the Commission and Defendants having requested this Court to enter this Order, **IT IS HEREBY ORDERED ADJUDGED AND DECREED** as follows:

#### **FINDINGS OF FACT**

1. This Court has jurisdiction of the subject matter of this case and all parties hereto;
2. Venue is proper as to all parties in the Southern District of Florida;
3. The activities of the Defendants are "in or affecting commerce," as defined in the FTC Act, 15 U.S.C. § 44;
4. The Complaint states a claim upon which relief may be granted under Sections 5(a), 13(b) and 19 of the FTC Act, 15 U.S.C. § 45(a), 15 U.S.C. §§ 53(b) and 57b, and the Telemarketing Act, 15 U.S.C. §§ 6101 *et seq*;
5. Defendants have entered into this Order freely and without coercion. Defendants further acknowledge that they have read the provisions of this Order and are prepared to abide by them;
6. Defendants waive all claims under the Equal Access to Justice Act, 28 U.S.C. 2412, *amended by Pub. L. 104-121, 110 Stat. 847, 863-65 (1996)*;

7. Defendants waive all rights to seek judicial review or otherwise to challenge or contest the validity of this Order, and further waive any claim Defendants may have against the Commission, or its employees and agents;
8. Entry of this Order is in the public interest;
9. This Order is remedial in nature and shall not be construed as the payment of a fine, penalty, punitive assessment or forfeiture; and
10. This Order does not constitute and shall not be interpreted to constitute an admission by Defendants, or a finding that Defendants have engaged in violations of any law or regulation, including the Federal Trade Commission Act and the Telemarketing Sales Rule.

## **ORDER**

### **DEFINITIONS**

1. "Corporate Defendants" means Platinum Universal, LLC and Pulsar Data, Inc., both also doing business as Universal Card Services and Universal MasterCard.
2. "Individual Defendant(s)" means Jeffrey A. Ullman and Michael Kirkovich.
3. "Defendants" means the Corporate Defendants and the Individual Defendants.
4. "Document" is synonymous in meaning and equal in scope to the usage of the term in Federal Rule of Civil Procedure 34(a), and includes writings, drawings, graphs, charts, photographs, audio, and video recordings, computer records, and other data compilations from which the information can be obtained and translated, if necessary, into reasonably usable form through detection devices. A draft or non-identical copy is a separate document within the meaning of the term.

5. "Telemarketing," "telemarketer," "seller," and "material" are defined as in Section 310.2 of the Telemarketing Sales Rule, 16 C.F.R. § 310.2.
6. "Stored Value Card" means any card, including but not limited to a card accepted where MasterCard or Visa is accepted, which does not contain any extension of credit but is a prepaid card, that is funded by the consumer who must load funds in advance of use and may only be used for the amount loaded by the consumer, less any applicable fees.
7. "Credit Card" means a traditional bankcard which involves extension of credit.
8. "Credit-Related Goods or Services" means any good or service which is advertised, offered for sale or sold to consumers as a method by which consumers may establish or obtain any extension of credit, as "credit" is defined as in Section 310.2 of the Telemarketing Sales Rule, 16 C.F.R. § 310.2.

## **CONDUCT PROHIBITIONS**

### **I. PERMANENT BAN**

**IT IS THEREFORE ORDERED** that Defendant Ullman is permanently restrained and enjoined from engaging, participating, assisting, or facilitating in any manner or capacity whatsoever, directly or indirectly, individually or through any corporation, subsidiary, division, or other device, in the advertising, promotion, offering, marketing or sale of any Stored Value Card or Credit-Related Goods or Services.

### **II.**

**IT IS FURTHER ORDERED** that, in connection with the advertising, promotion, offering, or sale of a Stored Value Card, or any Credit-Related Goods or Services by telephone, television or radio, on or through the Internet, the World Wide Web, any web site, or otherwise

in commerce, 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, whether acting directly or through any corporation, subsidiary, division, or other device are hereby permanently restrained and enjoined from misrepresenting, expressly or by implication, orally or in writing, any material fact, including, but not limited to, misrepresenting that, after paying Defendants a fee, consumers will, or are highly likely to, receive a Credit Card.

### III.

**IT IS FURTHER ORDERED** that, in connection with the advertising, promotion, offering, or sale of a Stored Value Card, or any Credit-Related Goods or Services by telephone, television or radio, on or through the Internet, the World Wide Web, any web site, or otherwise in commerce, 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, whether acting directly or through any corporation, subsidiary, division, or other device are hereby permanently restrained and enjoined from violating any provision of the Telemarketing Sales Rule, 16 C.F.R. Part 310, including, but not limited to:

- A. Requesting or receiving payment of a fee in advance of consumers obtaining a Credit Card when Defendants have guaranteed or represented to such consumers a high likelihood of success in obtaining a Credit Card; and
- B. Misrepresenting, directly or by implication, that after paying Defendants a fee, consumers will, or are highly likely to, receive a Credit Card.

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#### IV. REQUIRED PRACTICES

**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, whether acting directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, promotion, offering or sale of any Stored Value Cards by television, radio, telephone, or on or through the Internet, or otherwise in commerce, shall:

A. Use only advertisements that clearly and conspicuously disclose to consumers:

1. that the card they are offering or selling is not an extension of credit and not a credit line;

2. that the card they are offering or selling is a stored value, reloadable, prepaid card;

3. that the amount available for consumers to spend on the card is equal to the amount that they deposit on the card, less any applicable fees; and

4. any and all other material terms of the sale or offer, including but not limited to any refund policy;

B. Use only telemarketers, telemarketing materials and promotional material, including but not limited to sales scripts, customer service scripts, and pamphlets, that, prior to obtaining the consumer's banking account or other payment information (except the bank routing number), clearly and conspicuously disclose to consumers:

1. that the card they are offering or selling is not a credit card;

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2. that the card they are offering or selling is a stored value, reloadable, prepaid card;

3. that the amount available for consumers to spend on the card is equal to the amount that they deposit on the card, less any applicable fees; and

4. any and all other material terms of the sale, offer, or use of the card;

C. Use non-commissioned personnel to randomly monitor sales calls to assure compliance with the telemarketing sales materials and the provisions of this Order and to reject sales that fail to comply with the provisions of this Order;

D. Tape the verification portions of each telemarketing call to ensure that prior to obtaining the consumer's banking information, the consumer:

1. was properly informed that he/she is not purchasing or obtaining a credit card, credit line or other extension of credit,

2. was properly informed that the card Defendants are selling is a stored value, reloadable, prepaid card;

3. was properly informed that the amount available for consumers to spend on the card is equal to the amount that the consumer deposits on the card, less any applicable fees;

4. was properly informed of any and all other material terms of the sale, offer or use of the card;

5. expressly agreed to be charged using the specified bank account; and

E. Engage non-commissioned personnel to review all verification recordings to confirm that the consumer understood all terms and conditions specified in Subparagraph D

above, and expressly agreed to be charged using the specified bank account, and reject any sales where the consumer did not understand such terms and conditions and/or did not expressly agree to be charged.

## V. CONSUMER REDRESS

### IT IS FURTHER ORDERED that:

A. Judgment in the amount of \$900,000 (nine hundred thousand dollars) is hereby entered against Defendants, jointly and severally, for equitable monetary relief, including, but not limited to, consumer redress and/or disgorgement, and for paying any attendant expenses of administering any redress fund. Based upon Defendants' sworn representations in their financial statements and payment of the amount referred to in Subparagraph B below and subject to the provisions in Paragraph VI of this Order, this liability will be suspended;

B. Immediately upon entry of this Order, the Monitor, Gerald Wald, shall wire transfer the \$21,491.51 in Defendants' frozen funds held by the Monitor, to the Federal Trade Commission;

C. All funds paid pursuant to this Paragraph shall be deposited into a fund administered by the Commission or its agent to be used for equitable relief, including but not limited to consumer redress and any attendant expenses for the administration of any redress fund. In the event that direct redress to consumers is wholly or partially impracticable or funds remain after redress is completed, the Commission may apply any remaining funds for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to the Defendants' practices alleged in the Complaint. Any funds not used for such

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equitable relief shall be deposited to the U.S. Treasury as disgorgement. Defendants shall have no right to challenge the Commission's choice of remedies under this Paragraph;

D. Defendants expressly waive their rights to litigate the issue of disgorgement.

Defendants acknowledge and agree that all money paid pursuant to this Order is irrevocably paid to the Commission for purposes of settlement between Plaintiff and Defendants, and Defendants relinquish all right, title, and interest to assets held by the Monitor in connection with this case; and

E. The Commission and Defendants acknowledge and agree that no portion of this judgment for equitable monetary relief shall be deemed a fine, penalty, punitive assessment or forfeiture.

## **VI. RIGHT TO REOPEN**

**IT IS FURTHER ORDERED** that

A. The Commission's agreement to, and the Court's approval of, this Order is expressly premised upon the truthfulness, accuracy, and completeness of the financial statements executed on November 20, 2003 (Defendant Platinum Universal, LLC), on November 12, 2003 (Defendant Ullman) and on March 11, 2004 (Defendant Kirkovich) (collectively designated the "Financial Statements"), provided to counsel for the Commission by Defendants, and reaffirmed by Defendants Pulsar Data, Inc., Platinum Universal, LLC on January 20, 2005 and January 3, 2006, Defendant Ullman on January 20, 2005 and December 15, 2005, and by Defendant Kirkovich on January 13, 2005, and December 15, 2005 which contain material information relied upon by the Commission in negotiating and agreeing to the terms of this Order;

B. If, upon notice and motion by the Commission, this Court finds that any of the Defendants' Financial Statements failed to disclose any material asset or source of income, or materially misrepresented the value of any asset or source of income, or made any other material misrepresentation or omission of assets, then, the amount of \$900,000 less the \$21,491.51 paid pursuant to Paragraph V.B, plus interest computed at the rate prescribed in 28 U.S.C. § 1961 which shall immediately begin to accrue on the unpaid balance, will be rendered immediately due and payable by any Defendant who is found to have failed to disclose any material asset or source of income, or materially misrepresented the value of any asset or source of income, or made any other material misrepresentation or omission of assets;

C. Defendants agree that the facts as alleged in the Complaint filed in this action shall be taken as true in any subsequent litigation filed by the Commission to enforce its rights pursuant to this Paragraph, including, but not limited to, a nondischargeability complaint filed in any bankruptcy proceeding;

D. Should this Order be modified pursuant to this Paragraph, this Order, in all other respects, shall remain in full force and effect unless otherwise ordered by this Court. Any proceedings instituted under this Paragraph are in addition to, and not in lieu of, any other civil or criminal remedies as may be provided by law, including any other proceedings the Commission may institute to enforce this Order; and

E. Unless already provided, the Defendants shall also furnish to the Commission, in accordance with 31 U.S.C. § 7701, their taxpayer identification numbers (social security number, social insurance number, employer identification number, or Revenue Canada identification

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number), which shall be used for purposes of collecting and reporting on any delinquent amount arising out of each Defendant's relationship with the government.

#### **VII. LIFTING OF THE ASSET FREEZE/DISCHARGE OF MONITOR**

**IT IS FURTHER ORDERED** that upon entry of this Order and completion of the transfer of funds set forth in Paragraph V.B above, the freeze of Defendants' assets, as ordered in the Stipulated Preliminary Injunction entered by this Court on November 18, 2003 is dissolved, and the appointed monitor is discharged. Defendants shall be solely responsible for the payment of any remaining fees owed to or claimed by the Monitor.

#### **VIII. TRANSFER OF CUSTOMER LISTS**

**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, whether acting directly or through any corporation, subsidiary, division, or other device, are permanently enjoined and restrained 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 customer of Defendants who paid any money to any Defendant at any time prior to entry of this Order in connection with the purchase any Stored Value Card or Credit-Related Goods or Services; *provided, however*, that Defendants may disclose such identifying information (i) to a law enforcement agency, (ii) as required or authorized by any law, regulation, or court order, or (iii) to financial institutions processing Defendants' Stored Value Cards in the ordinary course of business conducted in compliance with this Order.

## **IX. USE OF ALIASES**

**IT IS FURTHER ORDERED** that the Individual Defendants are hereby enjoined from using any fictitious, false, or assumed title or name, other than their own proper name, or registered fictitious or trading name, or otherwise misrepresenting their true identities in the course of business dealings or in publicly filed documents.

## **X. MONITORING COMPLIANCE OF SALES PERSONNEL**

**IT IS FURTHER ORDERED** that Defendants, in connection with any business where such Defendant is the majority owner of the business or directly or indirectly manages or controls the business, and where the business is engaged in the sale of any Stored Value Card or Credit-Related Goods or Services to consumers, is 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 Paragraphs I, II, III and IV of this Order. Such steps shall include, at a minimum, the following: (1) listening to a representative sample of 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 Paragraph applies; and

C. Failing to take corrective action with respect to any sales person whom any Defendant or representative determines is not complying with this Order, which may include training, disciplining, and/or terminating such sales person;

JAN ML

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

## **XI. COMPLIANCE MONITORING**

**IT IS FURTHER ORDERED** that, for the purpose of monitoring and investigating compliance with any provision of this Order,

A. Within ten (10) days of receipt of written notice from a representative of the Commission, each Defendant shall submit additional written reports, sworn to under penalty of perjury; produce documents for inspection and copying; appear for deposition; and/or provide entry during normal business hours to any business location in such Defendant's possession or direct or indirect control to inspect the business operation;

B. In addition, the Commission is authorized to monitor compliance with this Order by all other lawful means, including but not limited to the following:

1. obtaining discovery from any person, without further leave of court, using the procedures proscribed by Fed. R. Civ. P. 30, 31, 33, 34, 36, and 45;

2. posing as consumers and suppliers to: Defendants, Defendants's 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. Each Defendant shall permit representatives of the Commission to interview any employer, consultant, independent contractor, representative, agent, or employee who has agreed to such an interview, relating in any way to any conduct subject to this Order. The person interviewed may have counsel present.

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*Provided, however,* that 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, 57b-1, to obtain any documentary material, tangible things, testimony, or information relevant to unfair or deceptive acts or practices in or affecting commerce (within the meaning of 15 U.S.C. § 45(a)(1)).

## **XII. COMPLIANCE REPORTING BY DEFENDANTS**

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

- A. For a period of five (5) years from the date of entry of this Order,
  1. Each Individual Defendant shall notify the Commission of the following:
    - a) Any changes in the Individual's residence, mailing addresses, and telephone numbers, within ten (10) days of the date of such change;
    - b) Any changes in employment status (including self-employment) of the Individual Defendant, and any change in the ownership of the Individual Defendant in any business entity, within ten (10) days of the date of such change. Such notice shall include the name and address of each business that the Individual Defendant is affiliated with, employed by, creates or forms, or performs services for; 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; and

JAM MIC

- c) Any changes in the Individual Defendant's name or use of any aliases or fictitious names; and

2. Each Defendant shall notify the Commission of any changes in corporate structure of the Corporate Defendants or any business entity that an Individual Defendant directly or indirectly control(s), or has an ownership interest in, that may affect compliance obligations arising under this Order, including but not limited to a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor entity; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order; the filing of a bankruptcy petition; or a change in the corporate name or address, at least thirty (30) days prior to such change, *provided* that, with respect to any proposed change in the corporation about which the Defendant(s) learns less than thirty (30) days prior to the date such action is to take place, Defendant(s) shall notify the Commission as soon as is practicable after obtaining such knowledge;

B. One hundred eighty (180) days after the date of entry of this Order, Defendants each shall provide a written report to the FTC, sworn to under penalty of perjury, setting forth in detail the manner and form in which they have complied and are complying with this Order.

This report shall include, but not be limited to:

- 1. For each Individual Defendant:
  - a) The then-current residence address, mailing addresses, and telephone numbers of the Individual Defendant;

- b) The then-current employment and business addresses and telephone numbers of the Individual Defendant, a description of the business activities of each such employer or business, and the title and responsibilities of the Individual Defendant, for each such employer or business; and
- c) Any other changes required to be reported under Subparagraph A of this Paragraph.

2. For all Defendants:

- a) A copy of each acknowledgment of receipt of this Order, obtained pursuant to Paragraph XV, and
- b) Any other changes required to be reported under Subparagraph A of this Paragraph;

C. For the purposes of this Order, Defendants shall, unless otherwise directed by the Commission's authorized representatives, mail all written notifications to the Commission to:

Associate Director for Enforcement  
Federal Trade Commission  
600 Pennsylvania Ave, NW  
Washington, DC 20580  
Re: *FTC v. Platinum Universal*,  
Civil Action No. 03-61987--CIV--Marra/Seltzer

The notifications shall be mailed by certified first class mail, return receipt requested. The return receipt shall be retained by the individual Defendant for five (5) years from the date of mailing; and;



D. For purposes of the compliance reporting and monitoring required by this Order, the Commission is authorized to communicate directly with Defendants.

### **XIII. RECORD KEEPING PROVISIONS**

**IT IS FURTHER ORDERED** that, for a period of eight (8) years from the date of entry of this Order, in connection with the offer or sale of any Stored Value Card or Credit-Related Goods or Services, Defendants and their agents, employees, officers, corporations, successors, and assigns, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are hereby restrained and enjoined from failing to create and retain the following records:

A. Accounting records that reflect the cost of goods or services sold, revenues generated, and the disbursement of such revenues;

B. Personnel records accurately reflecting: the name, address, and telephone number of each person employed in any capacity by such business, 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;

C. Customer files containing the names, addresses, phone numbers, dollar amounts paid, quantity of items or services purchased, and description of items or services purchased, to the extent such information is obtained in the ordinary course of business;

D. Complaints and refund requests (whether received directly, indirectly or through any third party) and any responses to those complaints or requests; and

E. Copies of all sales scripts, training materials, advertisements, or other marketing materials.

*All*  
JAM

F. All records and documents necessary to demonstrate full compliance with each provision of this Order, including but not limited to, copies of acknowledgments of receipt of this Order, required by Paragraph XV, and all reports submitted to the FTC pursuant to Paragraph XII.

#### **XIV. DISTRIBUTION OF ORDER BY DEFENDANTS**

**IT IS FURTHER ORDERED** that, for a period of five (5) years from the date of entry of this Order, Defendants shall deliver copies of the Order as directed below:

A. **Corporate Defendants:** Corporate Defendants must deliver a copy of this Order to all of its principals, officers, directors, and managers. Corporate Defendants also must deliver copies of this Order to all of its employees, agents, independent contractors, and representatives who engage in conduct related to the subject matter of the Order. For current personnel, delivery shall be within (5) days of service of this Order upon Defendants. For new personnel, delivery shall occur prior to them assuming their responsibilities;

B. **Individual Defendants as Control Persons:** For any business that the Individual Defendant(s) control(s), directly or indirectly, or in which any Individual Defendant has a majority ownership interest, such Individual Defendant must deliver a copy of this Order to all principals, officers, directors, and managers of that business. The Individual Defendant must also deliver copies of this Order to all employees, agents, and representatives of that business who engage in conduct related to the subject matter of the Order. For current personnel, delivery shall be within (5) days of service of this Order upon Defendant. For new personnel, delivery shall occur prior to them assuming their responsibilities;

C. **Individual Defendant as Employee or Non-Control Person:** For any business where the Individual Defendant is not a controlling person of a business but otherwise engages in conduct related to the subject matter of this Order, such Individual Defendant must deliver a copy of this Order to all principals and managers of such business before engaging in such conduct; and

D. Defendants must secure a signed and dated statement acknowledging receipt of the Order, within thirty (30) days of delivery, from all persons receiving a copy of the Order pursuant to this Paragraph.

**XV. ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANTS**

**IT IS FURTHER ORDERED** that each Defendant, within five (5) business days of receipt of this Order as entered by the Court, must submit to the Commission a truthful sworn statement acknowledging receipt of this Order.

**XVI. RETENTION OF JURISDICTION**

**IT IS FURTHER ORDERED** that this Court shall retain jurisdiction of this matter for purposes of construction, modification and enforcement of this Order.

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**XVII. DISSOLUTION OF PRELIMINARY INJUNCTION**

**IT IS FURTHER ORDERED** that upon entry of this Order, the Stipulated Preliminary

Injunction, dated November 18, 2003, is dissolved.

STIPULATED AND AGREED TO BY:

**PLAINTIFF:**

WILLIAM BLUMENTHAL  
GENERAL COUNSEL

BARBARA ANTHONY  
REGIONAL DIRECTOR  
NORTHEAST REGION  
FEDERAL TRADE COMMISSION:



ANN F. WEINTRAUB (Florida Bar # A5500782)  
One Bowling Green, Suite 318  
New York, NY 10004  
212-607-2829  
212-607-2822 (facsimile)

DATED: 3/31/06

**DEFENDANTS:**



JEFFREY A. ULLMAN  
Individually and as an officer of  
Platinum Universal, LLC and Pulsar Data, Inc.

DATED: 12/12/05



MICHAEL KIRKOVICH  
Individually and as an officer of  
Platinum Universal, LLC and Pulsar Data, Inc.

DATED: 12/15/05

\_\_\_\_\_  
GUY RASCO (Florida Bar # 0727520)  
DEVINE, GOODMAN, PALLOT & WELLS P.A.  
777 Brickell Avenue, 8<sup>th</sup> Floor  
Miami, FL 33131  
305-374-8200  
305-374-8208

DATED: \_\_\_\_\_



\_\_\_\_\_  
SHELDON LUSTIGMAN  
ANDREW LUSTIGMAN  
THE LUSTIGMAN FIRM, PC  
149 Madison Avenue  
New York, NY 10016  
212-683-9180  
212-683-9181 (facsimile)

DATED: 12/15/05

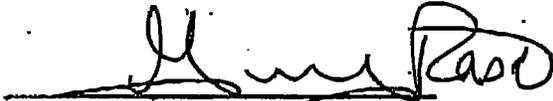
**MONITOR:**

\_\_\_\_\_  
GERALD B. WALD (Florida Bar # 215112)  
MURAI WALD BIONDO MORENO & BROCHIN, P.A.  
Two Alhambra Plaza  
Penthouse 1B  
Coral Gables, FL 33134

DATED: \_\_\_\_\_

SO ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE



GUY RASCO (Florida Bar # 0727520)  
DEVINE, GOODMAN, PALLOT & WELLS P.A.  
777 Brickell Avenue, 8<sup>th</sup> Floor  
Miami, FL 33131  
305-374-8200  
305-374-8208

DATED: 12/16/05



SHELDON LUSTIGMAN  
ANDREW LUSTIGMAN  
THE LUSTIGMAN FIRM, PC  
149 Madison Avenue  
New York, NY 10016  
212-683-9180  
212-683-9181 (facsimile)

DATED: 12/15/05

**MONITOR:**

GERALD B. WALD (Florida Bar # 215112)  
MURAI WALD BIONDO MORENO & BROCHIN, P.A.  
Two Alhambra Plaza  
Penthouse 1B  
Coral Gables, FL 33134

DATED: \_\_\_\_\_

SO ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_.

UNITED STATES DISTRICT JUDGE

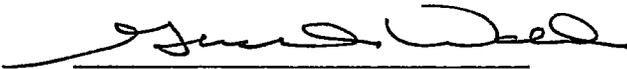
\_\_\_\_\_  
GUY RASCO (Florida Bar # 0727520)  
DEVINE, GOODMAN, PALLOT & WELLS P.A.  
777 Brickell Avenue, 8<sup>th</sup> Floor  
Miami, FL 33131  
305-374-8200  
305-374-8208

DATED: \_\_\_\_\_

\_\_\_\_\_  
SHELDON LUSTIGMAN  
ANDREW LUSTIGMAN  
THE LUSTIGMAN FIRM, PC  
149 Madison Avenue  
New York, NY 10016  
212-683-9180  
212-683-9181 (facsimile)

DATED: \_\_\_\_\_

**MONITOR:**



\_\_\_\_\_  
GERALD B. WALD (Florida Bar # 215112)  
MURAI WALD BIONDO MORENO & BROCHIN, P.A.  
Two Alhambra Plaza  
Penthouse 1B  
Coral Gables, FL 33134

DATED: 12 / 20 / 05

SO ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE