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

| | |
|--|---|
| FEDERAL TRADE COMMISSION, |) |
| |) |
| Plaintiff, |) |
| |) |
| v. |) |
| |) |
| DATA BUSINESS SOLUTIONS INC., also d/b/a |) |
| INTERNET LISTING SERVICE CORP., |) |
| ILS CORP., ILSCORP.NET, DOMAIN LISTING |) |
| SERVICE CORP., DLS CORP., and |) |
| DLSCORP.NET; |) |
| |) |
| 1646153 ONTARIO INC., also d/b/a |) |
| INTERNET LISTING SERVICE CORP., |) |
| ILS CORP., ILSCORP.NET, DOMAIN LISTING |) |
| SERVICE CORP., DLS CORP., and |) |
| DLSCORP.NET; |) |
| |) |
| ARI BALABANIAN; |) |
| |) |
| ISAAC BENLOLO; |) |
| |) |
| KIRK MULVENEY; |) |
| |) |
| STEVEN E. DALE; and |) |
| |) |
| PEARL KESLASSY, |) |
| |) |
| Defendants. |) |

08cv2783

Civil Action No. 08 CV 2783

Judge Robert M. Dow Jr.

Magistrate Judge Morton Denlow

**STIPULATED FINAL JUDGMENT AND ORDER FOR
PERMANENT INJUNCTION AS TO DEFENDANTS 1646153 ONTARIO INC.,
ISAAC BENLOLO, PEARL KESLASSY, AND KIRK MULVENEY**

Plaintiff Federal Trade Commission ("Commission" or "FTC") filed a Complaint For Injunctive And Other Equitable Relief on May 14, 2008, pursuant to Section 13(b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b). The FTC filed an Amended Complaint

in this matter on August 11, 2008 (the "Amended Complaint"). The FTC and Defendants 1646153 Ontario Inc., Isaac Benlolo, Pearl Keslassy, and Kirk Mulveney ("Stipulating Defendants"), having been represented by counsel and acting by and through such counsel, have consented to the entry of this Stipulated Order for Permanent Injunction and Final Judgment as to Defendants 1646153 Ontario Inc., Isaac Benlolo, Pearl Keslassy, and Kirk Mulveney (the "Order") without a trial or adjudication of any issue of law or fact herein.

NOW, THEREFORE, the Commission and Stipulating Defendants, having requested the Court to enter this Order, and the Court having considered the Order reached among the parties and for other cause appearing, it is **ORDERED, ADJUDGED, AND DECREED** as follows:

1. This Court has jurisdiction over the subject matter of this case and personal jurisdiction over Stipulating Defendants.
2. The Complaint states a claim upon which relief may be granted against Stipulating Defendants under Sections 5(a) and 13(b) of the FTC Act, 15 U.S.C. §§ 45(a) and 53(b).
3. Venue in this district is proper under 28 U.S.C. § 1391(b) and 15 U.S.C. § 53(b).
4. The activities of Stipulating Defendants are "in or affecting commerce" as "commerce" is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.
5. Stipulating Defendants have read and fully understand the Amended Complaint against them and the provisions of this Order, and they freely enter into this Order.
6. Stipulating Defendants waive: (a) all rights to seek judicial review or otherwise challenge or contest the validity of this Order; (b) any claim that they may have against the Commission, its employees, representatives, or agents; (c) all claims 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 (d) any rights to attorney's fees that may arise under said provisions of law. The Commission and Stipulating Defendants shall each bear their own costs and attorney's fees incurred in this action.

7. This Order is in addition to, and not in lieu of, any other civil or criminal remedies that may be provided by law.
8. Entry of this Order is in the public interest.

DEFINITIONS

1. "Asset" or "assets" means any legal or equitable interest in, right to, or claim to, any real or personal property, 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), lines of credit, chattels, leaseholds, contracts, mail or other deliveries, shares of stock, lists of consumer names, accounts, credits, premises, receivables, funds, and all cash, wherever located.

2. "Assisting others" includes but is not limited to: (a) providing for or arranging for the provision of mail or telephone lists that contain, incorporate, or utilize consumers' account numbers; (b) preparing or providing, or causing to be prepared or provided, telephone sales scripts or other materials for use in connection with the promotion of products or services to consumers; (c) providing or arranging for the provision of telemarketing services; (d) performing or providing marketing services of any kind; (e) developing, providing, or arranging for the provision of names of potential customers; and (f) performing customer service functions, including, but not limited to, receiving or responding to consumer complaints, obtaining or receiving identifying and financial information from consumers, and communicating with consumers on behalf of the seller or telemarketer.

3. **“Consumer”** means any individual, group, unincorporated association, limited or general partnership, corporation, or other business entity.

4. **“Customer”** means any person who has paid, or may be required to pay, for goods or services offered for sale or sold by Defendants.

5. **“Document”** or **“record”** 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, Internet sites, Web pages, Web sites, electronic correspondence, photographs, audio and video recordings, computer records, and other data compilations from which information can be obtained and translated, if necessary, through detection devices into reasonably usable form. A draft or non-identical copy is a separate document within the meaning of the term.

6. **“Domain name”** means a globally unique, and easy to remember, name used to identify and locate a specific Web site address using standard Internet protocols. In order to maintain a Web site that is accessible to Internet users around the world, a domain name must be registered with a “domain name registrar” that is accredited by The Internet Corporation for Assigned Names and Numbers (“ICANN”).

7. **“Material”** means likely to affect a person’s choice of, or conduct regarding, goods or services.

8. **“Person”** or **“persons”** means a natural person, an organization or other legal entity, including a corporation, partnership, sole proprietorship, limited liability company, association, cooperative, or any other group or combination acting as an entity.

9. **“Plaintiff”** means the Federal Trade Commission (“FTC” or “Commission”).

10. **“Search optimization”** or **“search engine optimization”** means a process or method for increasing the amount of traffic to a Web site by improving or optimizing the Web site in a way that improves the Web site’s ranking or position when consumers conduct Internet searches using search engines.

11. **“Individual Defendants”** means Isaac Benlolo, Pearl Keslassy, Ari Balabanian, Kirk Mulveney, and Steven E. Dale, or any of them.

12. **“Corporate Defendants”** means 1646153 Ontario Inc. and Data Business Solutions Inc., and their successors and assigns, as well as any subsidiaries and any fictitious business entities or business names created or used by those entities, or any of them.

13. **“Defendants”** means all of the Individual Defendants and the Corporate Defendants, individually, collectively, or in any combination.

14. **“Stipulating Defendant”** or **“Stipulating Defendants”** means 1646153 Ontario Inc., Isaac Benlolo, Pearl Keslassy, and Kirk Mulveney, and each of them, by whatever other names each may be known, and any subsidiaries, successors, assigns, and any fictitious business entities or business names created or used by 1646153 Ontario Inc.

ORDER

I.

PROHIBITED BUSINESS ACTIVITIES

IT IS HEREBY ORDERED that, in connection with the advertising, promoting, offering for sale, or sale of any good or service, including, but not limited to, any “website address” listings, domain name registration services, or “search optimization” services, Stipulating Defendants, their officers, agents, servants, employees, attorneys, and all other persons in active concert or participation with any of them who receive actual notice of this

Order by personal service or otherwise, whether acting directly or through any person, business, entity, trust, corporation, partnership, limited liability company, subsidiary, division, or other device, are hereby permanently restrained and enjoined from misrepresenting, or assisting others in misrepresenting, expressly or by implication, any material fact, including but not limited to:

- A. That consumers have a preexisting business relationship with Defendants;
- B. That consumers owe money to Defendants for the continued registration of the consumers' current domain names;
- C. That Defendants will provide continued domain name registration services for consumers' current domain names;
- D. That Defendants will provide "search optimization" services that will substantially increase traffic, or direct mass traffic, to consumers' Internet Web sites;
- E. That Defendants will provide any product or service in connection with consumers' current domain names or Internet Web sites;
- F. That consumers owe Defendants money for any product or service;
- G. The total cost to purchase, receive, or use the goods or services;
- H. Any material restrictions, limitations, or conditions to purchase, receive, or use the goods or services;
- I. Any material aspect of the nature or terms of a refund, cancellation, exchange, or repurchase policy for the goods or services; and
- J. Any material aspect of the performance, efficacy, nature, or central characteristics of the goods or services.

II.

MONETARY JUDGMENT

IT IS FURTHER ORDERED that:

A. Judgment for equitable monetary relief is hereby entered in favor of the Commission and against Stipulating Defendants, jointly and severally, in the amount of Four Million, Two Hundred Sixty One Thousand, Eight Hundred Seventy Six Dollars (\$4,261,876), the total amount of consumer injury caused by the activities alleged in the Commission's complaint. *Provided, however,* that this judgment shall be suspended upon the satisfaction of the obligation imposed by Subsection B of this Section and subject to the conditions set forth in the Section of this Order titled "Right to Reopen."

B. Stipulating Defendants, jointly and severally, shall pay to the Commission the sum of Ten Thousand Dollars (\$10,000) within seven days of the date of entry of this Order. The Payment shall be made to the Commission by wire transfer in accordance with directions provided by the Commission, or in such other manner as agreed to by the Commission.

C. Time is of the essence for the payment specified above. In the event of any default by Stipulating Defendants on the payment obligation imposed under Subsection B of this Section:

1. The judgment imposed herein will not be suspended, and the full amount of that Judgment (\$4,261,876), shall immediately become due and payable, plus interest from the date of entry of this Order pursuant to 28 U.S.C. § 1961, as amended, less any amounts already paid; and

2. The Commission shall be entitled to immediately exercise any and all rights and remedies against Stipulating Defendants and their assets to collect the full amount of

the judgment and interest thereon, less any amounts already paid;

D. All funds paid pursuant to this Order 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 such equitable relief fund. Stipulating Defendants shall cooperate fully to assist the Commission in identifying consumers who may be entitled to redress pursuant to this Order. If the Commission determines, in its sole discretion, that 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 Stipulating Defendants' practices alleged in the Complaint. Any funds not used for such equitable relief shall be deposited to the United States Treasury as disgorgement. Stipulating Defendants shall have no right to challenge the Commission's choice of remedies under this Section, and shall have no right to contest the manner of distribution chosen by the Commission. This judgment for equitable monetary relief is solely remedial in nature and is not a fine, penalty, punitive assessment, or forfeiture;

E. Stipulating Defendants relinquish all dominion, control, and title to the funds paid to the fullest extent permitted by law. Stipulating Defendants shall make no claim to or demand for return of the funds, directly or indirectly, through counsel or otherwise;

F. Stipulating Defendants agree that the facts as alleged in the Complaint filed in this action shall be taken as true without further proof in any bankruptcy case or subsequent civil litigation pursued by the Commission to enforce its rights to any payment or money judgment pursuant to this Order, including, but not limited to, a nondischargeability complaint in any bankruptcy case. Stipulating Defendants further stipulate and agree that the facts alleged in the

Complaint establish all elements necessary to sustain an action pursuant to, and that this Order shall have collateral estoppel effect for purposes of, Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C. § 523(a)(2)(A);

G. In accordance with 31 U.S.C. § 7701, Stipulating Defendants are hereby required, unless they already have done so, to furnish to the Commission their respective taxpayer identifying numbers (social security numbers, social insurance number or employer identification numbers), which shall be used for purposes of collecting and reporting on any delinquent amount arising out of their relationship with the government. Stipulating Defendants are further required, unless they already have done so, to provide the Commission with clear, legible and full-size photocopies of all valid driver's licenses that they possess, which will be used for reporting and compliance purposes; and

H. Proceedings instituted under this Section are in addition to, and not in lieu of, any other civil or criminal remedies that may be provided by law, including any other proceedings the Commission may initiate to enforce this Order.

III.

RIGHT TO REOPEN

IT IS FURTHER ORDERED that:

A. By agreeing to this Order, Stipulating Defendants reaffirm and attest to the truthfulness, accuracy, and completeness of their sworn financial statements previously provided to the Commission, consisting of the Financial Statement of Individual Defendant signed by Isaac Benlolo on September 16, 2009, the Financial Statement of Individual Defendant signed by Pearl S. Keslassy on September 15, 2009, the Financial Statement of Individual Defendant signed by Kirk Mulveney on December 3, 2009 and the Financial Statement of Corporate

Defendant signed by Pearl Keslassy on behalf of 1646153 Ontario Inc. on September 14, 2009, including all attachments and subsequent amendments and corrections thereto (collectively, the "Financial Statements"). Plaintiff's agreement to this Order is expressly premised upon the truthfulness, accuracy, and completeness of Stipulating Defendants' financial condition, as represented in the Financial Statements referenced above, which contain material information upon which Plaintiff relied in negotiating and agreeing to the terms of this Order;

B. If, upon motion of the Commission, the Court finds that any Stipulating Defendant failed to disclose any material asset, materially misrepresented the value of any asset, or made any other material misrepresentation or omission in their Financial Statements, the suspension of the monetary judgment will be terminated and the entire judgment amount of Four Million, Two Hundred Sixty-One Thousand, Eight Hundred Seventy-Six Dollars (\$4,261,876) shall become immediately due and payable by such Stipulating Defendant, and interest computed at the rate prescribed under 28 U.S.C. § 1961, as amended, shall begin immediately to accrue on the unpaid balance; and

C. Proceedings instituted under this Section are in addition to, and not in lieu of, any other civil or criminal remedies that may be provided by law, including, but not limited to, contempt proceedings or any other proceedings the Commission or the United States might initiate to enforce this Order. For purposes of this Section, Stipulating Defendants waive any right to contest any of the allegations in the Commission's Complaint.

IV.

PROHIBITION ON COLLECTING ACCOUNTS

IT IS FURTHER ORDERED that Stipulating Defendants, their officers, agents, servants, employees, attorneys, and all other persons in active concert or participation with any

of them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any person, business, entity, trust, corporation, partnership, limited liability company, subsidiary, division, or other device, are hereby permanently restrained and enjoined from attempting to collect, collecting, selling, or assigning, or otherwise transferring any right to collect payment for any services from any consumer who purportedly purchased or agreed to purchase any "website address" listings, domain name registration services, or "search optimization" services from any Defendant prior to the entry of this Order.

V.

PROHIBITIONS REGARDING CUSTOMER INFORMATION

IT IS FURTHER ORDERED that Stipulating Defendants, their officers, agents, servants, employees, attorneys, and all other persons in active concert or participation with any of them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any person, business, entity, trust, corporation, partnership, limited liability company, subsidiary, division, or other device, are hereby permanently restrained and enjoined from:

A. Disclosing, using, or benefitting from customer information, including the name, address, telephone number, email address, social security number, other identifying information, or any data that enables access to a customer's account (including a credit card, bank account, or other financial account), of any person which any Defendant obtained prior to entry of this Order in connection with the advertising, marketing, promotion, offering for sale, or sale of any "website address" listings, domain name registration services, or "search optimization" services; and

B. Failing to dispose of such customer information in all forms in their possession, custody, or control within thirty (30) days after entry of this Order. Disposal shall be by means

that protect against unauthorized access to the customer information, such as by burning, pulverizing, or shredding any papers, and by erasing or destroying any electronic media, to ensure that the customer information cannot practicably be read or reconstructed.

Provided, however, that customer information need not be disposed of, and may be disclosed, to the extent requested by a government agency or required by a law, regulation, or court order.

VI.

LIFTING OF THE ASSET FREEZE ORDER

IT IS FURTHER ORDERED that the freeze on the assets of Stipulating Defendants 1646153 Ontario Inc. and Keslassy imposed by the September 30, 2008 Stipulated Preliminary Injunction, and the freeze on the assets of Stipulating Defendants Benlolo and Mulveney imposed by the June 30, 2008 Stipulated Preliminary Injunction, shall remain in effect until they have taken all of the actions required by Section II above, *provided, however,* that Stipulating Defendants, with the express written consent of counsel for the Commission, may transfer funds to the extent necessary to make all payments required by Section II. Once Stipulating Defendants have fully complied with the requirements of Section II, the freeze against the assets of Stipulating Defendants shall be lifted permanently. A financial institution shall be entitled to rely upon a letter from Plaintiff stating that the freeze on the assets of Stipulating Defendants has been lifted.

With respect to all Defendants other than Stipulating Defendants, the asset freeze shall remain in full force and effect.

VII.

COOPERATION WITH COMMISSION COUNSEL

IT IS FURTHER ORDERED that Stipulating Defendants shall, in connection with this action or any concurrent or subsequent investigations related to or associated with the transactions or the occurrences that are the subject of the FTC's Amended Complaint, cooperate in good faith with the FTC and appear, or cause their officers, employees, representatives, or agents to appear, at such places and times as the FTC shall reasonably request, after written notice, for interviews, conferences, pretrial discovery, review of documents, and for such other matters as may be reasonably requested by the FTC. If requested in writing by the FTC, Stipulating Defendants shall appear, or cause their officers, employees, representatives, or agents to appear, and provide truthful testimony in any trial, deposition, or other proceeding related to or associated with the transactions or the occurrences that are the subject of the Amended Complaint, without the service of a subpoena.

VIII.

COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purposes of (i) monitoring and investigating compliance with any provision of this Order, and (ii) investigating the accuracy of any Stipulating Defendant's financial statements upon which the Commission's agreement to this Order is expressly premised:

A. Within ten (10) days of receipt of written notice from a representative of the Commission, Stipulating Defendants each shall submit additional written reports, which are true and accurate and sworn to under penalty of perjury; produce documents for inspection and copying; appear for deposition; and provide entry during normal business hours to any business

location in each Defendant's possession or direct or indirect control to inspect the business operation;

B. In addition, the Commission is authorized to use 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 prescribed by Fed. R. Civ. P. 30, 31, 33, 34, 36, 45, and 69; and
2. having its representatives pose as consumers and suppliers to Stipulating Defendants, their employees, or any other entity managed or controlled in whole or in part by any Stipulating Defendant, without the necessity of identification or prior notice; and

C. Stipulating Defendants each 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.

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)).

IX.

COMPLIANCE REPORTING

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. Isaac Benlolo, Pearl Keslassy, and Kirk Mulveney each shall notify the Commission of the following:
 - (a) Any changes in such Defendant's residence, mailing addresses, and telephone numbers, within ten (10) days of the date of such change;
 - (b) Any changes in such Defendant's employment status (including self-employment), and any change in such Defendant's ownership interest 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 such Defendant is affiliated with, employed by, creates or forms, or performs services for; a detailed description of the nature of the business; and a detailed description of such Defendant's duties and responsibilities in connection with the business or employment; and
 - (c) Any changes in such Defendant's name or use of any aliases or fictitious names within ten (10) days of the date of such change; and

2. Stipulating Defendants shall notify the Commission of any changes in structure of 1646153 Ontario Inc. or any business entity that any Stipulating Defendant directly or indirectly controls, or has an ownership interest in, that may affect compliance obligations arising under this Order, including but not limited to: incorporation or other organization; a dissolution, assignment, sale, merger, or other action; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order; or a change in the business name or address, at least thirty (30) days prior to such change, *provided* that, with respect to any such change in the business entity about which a Stipulating Defendant learns less than thirty (30) days prior to the date such action is to take place, such Defendant 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 and annually thereafter for a period of five (5) years, Stipulating Defendants each shall provide a written report to the FTC, which is true and accurate and 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 Isaac Benlolo, Pearl Keslassy, and Kirk Mulveney:
 - a. Such Defendant's then-current residence address, mailing addresses, and telephone numbers;
 - b. Such Defendant's then-current employment status (including self-employment), including the name, addresses, and telephone

numbers of each business that such Defendant is affiliated with, employed by, or performs services for; a detailed description of the nature of the business; and a detailed description of such Defendant's duties and responsibilities in connection with the business or employment; and

c. Any other changes required to be reported under Subsection A of this Section.

2. For all Stipulating Defendants:

a. A copy of each acknowledgment of receipt of this Order, obtained pursuant to the Section titled "Distribution of Order;" and

b. Any other changes required to be reported under Subsection A of this Section.

C. Each Stipulating Defendant shall notify the Commission of the filing of a bankruptcy petition by such Defendant within fifteen (15) days of filing;

D. For purposes of this Order, Stipulating Defendants shall, unless otherwise directed by the Commission's authorized representatives, send by overnight courier all reports and notifications required by this Order to the Commission, to the following address:

Associate Director for Enforcement
Federal Trade Commission
600 Pennsylvania Avenue, N.W., Room NJ-2122
Washington, DC 20580
Re: *FTC v. Data Business Solutions Inc.*, et. al.
Civ. No. 08 C 2783 (N.D. Ill)

Provided, that, in lieu of overnight courier, Stipulating Defendants may send such reports or notifications by first-class mail, but only if Stipulating Defendants contemporaneously send an

electronic version of such report or notification to the Commission at: DEBrief@ftc.gov.

E. For the purposes of the compliance reporting and monitoring required by this Order, the Commission is authorized to communicate directly with each Stipulating Defendant.

X.

RECORD KEEPING

IT IS FURTHER ORDERED that, for a period of eight (8) years from the date of entry of this Order, Stipulating Defendants, for any business in which they, individually or collectively, are the majority owner or directly or indirectly control, 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 or indirectly, such as through a third party) and any responses to those complaints or requests;

E. Copies of all sales scripts, training materials, advertisements, or other marketing materials, including direct mail solicitations and contracts sent to consumers; and

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 the Sections titled "Distribution of Order" and "Acknowledgment of Receipt of Order" and all reports submitted to the FTC pursuant to the Section titled "Compliance Reporting."

XI.

DISTRIBUTION OF ORDER

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

A. Corporate Defendant: Corporate Defendant 1646153 Ontario Inc. must deliver a copy of this Order to (1) all of its principals, officers, directors, and managers; (2) all of its employees, agents, and representatives who engage in conduct related to the subject matter of the Order; and (3) any business entity resulting from any change in structure set forth in Subsection A.2 of the Section titled "Compliance Reporting." For current personnel, delivery shall be within five (5) days of service of this Order upon such Defendant. For new personnel, delivery shall occur prior to them assuming their responsibilities. For any business entity resulting from any change in structure set forth in Subsection A.2 of the Section titled "Compliance Reporting," delivery shall be at least ten (10) days prior to the change in structure.

B. Individual Defendants as control person: For any business that Individual Defendant Isaac Benlolo, Pearl Keslassy, or Kirk Mulveney controls, directly or indirectly, or in which such Defendant has a majority ownership interest, such Defendant must deliver a copy of this Order to (1) all principals, officers, directors, and managers of that business; (2) all employees, agents, and representatives of that business who engage in conduct related to the

subject matter of the Order; and (3) any business entity resulting from any change in structure set forth in Subsection A.2 of the Section titled "Compliance Reporting." For current personnel, delivery shall be within five (5) days of service of this Order upon such Defendant. For new personnel, delivery shall occur prior to them assuming their responsibilities. For any business entity resulting from any change in structure set forth in Subsection A.2 of the Section titled "Compliance Reporting," delivery shall be at least ten (10) days prior to the change in structure.

C. Individual Defendants as employee or non-control person: For any business where Individual Defendant Isaac Benlolo, Pearl Keslassy, or Kirk Mulveney is not a controlling person of a business but otherwise engages in conduct related to the subject matter of this Order, such Defendant must deliver a copy of this Order to all principals and managers of such business before engaging in such conduct.

D. Stipulating 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 Section.

XII.

ACKNOWLEDGMENT OF RECEIPT OF ORDER

IT IS FURTHER ORDERED that each Stipulating 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. An example of such a statement is attached hereto as Attachment A.

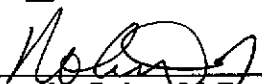
XIII.

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.


IT IS SO ORDERED.

DATED this 30th day of March, 2010.



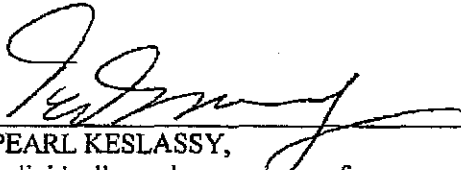
Honorable Robert M. Dow Jr.
United States District Judge

SO STIPULATED AND AGREED:




MARISSA J. REICH
DAVID A. O'TOOLE
Attorneys for Plaintiff
Federal Trade Commission

Date: 3/29/10



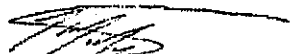
PEARL KESLASSY,
individually, and as an owner of
1646153 ONTARIO INC.

Date: 01/29/10



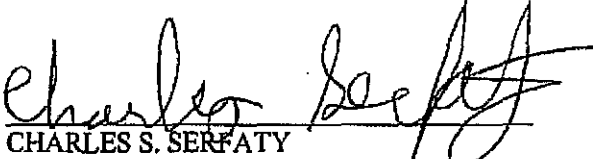
ISAAC BENLOLO

Date: 01/16/10



KIRK MULVENEY

Date: Jan 14/10



CHARLES S. SERFATY
Attorney for Defendants 1646153 Ontario Inc,
Pearl Keslassy, Isaac Benlolo, and Kirk Mulveney

Date: 01/20/10

ATTACHMENT A

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

| | | |
|---------------------------------------|---|--------------------------------|
| FEDERAL TRADE COMMISSION, |) | Civil Action No. 08 CV 2783 |
| |) | |
| Plaintiff, |) | Judge Robert M. Dow Jr. |
| |) | |
| v. |) | Magistrate Judge Morton Denlow |
| |) | |
| DATA BUSINESS SOLUTIONS INC., et al., |) | |
| |) | |
| Defendants. |) | |

AFFIDAVIT OF _____

I, _____, being duly sworn, hereby state and affirm as follows:

1. My name is _____. I am a citizen of the United States 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. Data Business Solutions Inc., et al.*, 08-cv-2783 (United States District Court for the Northern District of Illinois). I am an owner of 1646153 Ontario Inc., a defendant in *FTC v. Data Business Solutions Inc., et al.*, 08-cv-2783 (United States District Court for the Northern District of Illinois).

3. My current employer is _____. My current business address is _____. My current business telephone number is _____. My current residential address is _____. My current residential telephone number is _____.

4. The current business address of 1646153 Ontario Inc. is _____. The current business telephone number of 1646153 Ontario Inc. is _____.

5. On [date], I received a copy of the Stipulated Final Judgment and Order for Permanent Injunction as to Defendants 1636153 Ontario Inc., Isaac Benlolo, Pearl Keslassy, and Kirk Mulveney, which was signed by the Honorable Robert M. Dow Jr. and entered by the Court on [date of entry of the Order]. A true and correct copy of the Order I received is appended to this Affidavit.

6. On [date], 1646153 Ontario Inc. received a copy of the Stipulated Final Judgment and Order for Permanent Injunction as to Defendants 1636153 Ontario Inc., Isaac Benlolo, Pearl Keslassy, and Kirk Mulveney, which was signed by the Honorable Robert M. Dow Jr. and entered by the Court on [date of entry of the Order]. A true and correct copy of the Order it 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].

[Full name of the defendant][if the defendant is acknowledging his or her receipt of order and a corporate defendant's receipt of order], individually and as an officer of [corporate defendant]

State of _____, City of _____

Subscribed and sworn to before me
this ____ day of _____, 20__.

Notary Public
My Commission Expires:
