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AUG 23 2006  
CENTRAL DISTRICT OF CALIFORNIA  
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CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,  
Plaintiff,  
v.  
Enternet Media, Inc., Conspy & Co.,  
Inc., Lida Rohbani, Nima Hakimi,  
18 Baback (Babak) Hakimi, Nicholas C.  
Albert  
Defendants.

CIVIL NO. CV 05-7777-CAS  
AJWx

Stipulated Final Order for  
Permanent Injunction and  
Monetary Judgment As To  
Defendants Enternet Media,  
Inc., Conspy & Co., Inc., Lida  
Rohbani, Nima Hakimi, and  
Baback (Babak) Hakimi

23 Plaintiff, the Federal Trade Commission ("FTC" or the "Commission"), filed its  
24 complaint against defendants Enternet Media, Inc.; Conspy & Co., Inc.; Lida  
25 Rohbani, individually and as an officer of Enternet Media, Inc. and Conspy & Co.,  
26 Inc.; Nima Hakimi, individually and as an officer of Enternet Media, Inc. and  
27 Conspy & Co., Inc.; and Baback (Babak) Hakimi, individually, doing business as  
28 Network One, and as an officer of Enternet Media, Inc. and Conspy & Co., Inc.,

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1 and Nicholas C. Albert for injunctive and other equitable relief in this matter  
2 pursuant to Sections 5 and 13(b) of the Federal Trade Commission Act ("FTC  
3 Act"), 15 U.S.C. §§ 45(a), 53(b), on November 1, 2005. The Court ordered an *ex*  
4 *parte* Temporary Restraining Order on November 1 and 2<sup>nd</sup>, 2005, and a  
5 Preliminary Injunction was entered on November 30, 2005. The Commission and  
6 defendants Enternet Media, Inc., Conspy & Co., Inc., Lida Rohbani, Nima Hakimi,  
7 and Baback (Babak) Hakimi ("defendants"), by and through their counsel, hereby  
8 stipulate to the entry of, and request the Court to enter, this Stipulated Final Order  
9 for Preliminary Injunction and Monetary Judgment as to Defendants Enternet  
10 Media, Inc., Conspy & Co., Inc., Lida Rohbani, Nima Hakimi, and Baback  
11 (Babak) Hakimi ("Order"), to resolve all matters of dispute between them in this  
12 action.

13 **IT IS THEREFORE STIPULATED, AGREED, AND ORDERED** as  
14 follows:

- 15 1. This Court has jurisdiction over the subject matter of this case, and it  
16 has jurisdiction of all parties hereto pursuant to 15 U.S.C. §§ 45(a),  
17 53(b), and 28 U.S.C. §§ 1331, 1337(a), and 1345;
- 18 2. Venue is proper as to all parties in the Central District of California  
19 pursuant to 15 U.S.C. § 53(b) and 28 U.S.C. §§ 1391(b) and (c);
- 20 3. The defendants' activities are in or affecting "commerce" as that term is  
21 defined in Section 4 of the FTC Act, 15 U.S.C. § 44;
- 22 4. The facts that the FTC has stated in its complaint, if true, would state a  
23 claim upon which relief may be granted under Sections 5(a) and 13(b) of  
24 the FTC Act, 15 U.S.C. §§ 45(a) and 53(b);
- 25 5. The defendants have entered into this Order freely and without coercion,  
26 and the defendants acknowledge that they have read the provisions of  
27 this Order and are prepared to abide by them;
- 28 6. The undersigned, individually and by and through their counsel, have

1 agreed that the entry of this Order resolves all matters of dispute  
2 between them arising from the Complaint in this action, up to the date of  
3 entry of this Order. This Order, however, shall have no preclusive effect  
4 as to any action brought by any other state or federal law enforcement  
5 agency;

- 6 7. The defendants waive all rights to seek appellate review or otherwise  
7 challenge or contest the validity of this Order. The defendants further  
8 waive and release any claim they may have against the Commission, its  
9 employees, representatives, or agents;
- 10 8. The defendants agree that this Order does not entitle the defendants to  
11 seek or to obtain attorneys' fees as a prevailing party under the Equal  
12 Access to Justice Act, 28 U.S.C. § 2412, as amended by Pub. L. 104-  
13 121, 110 Stat. 847, 863-64 (1996), and the defendants further waive any  
14 rights to attorneys' fees that may arise under said provision of law;
- 15 9. This order is remedial in nature and no portion of any payments paid  
16 herein shall be deemed or construed as payment of a fine, damages,  
17 penalty or punitive assessment; and
- 18 10. Entry of this Order is in the public interest.

19 **ORDER**

20 **DEFINITIONS**

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

- 22 A. "Assets" means any legal or equitable interest in, right to, or claim to,  
23 any real, personal, or intellectual property of any Corporate defendant or  
24 Individual defendant, or held for the benefit of any Corporate defendant  
25 or Individual defendant, wherever located, including, but not limited to,  
26 chattel, goods, instruments, equipment, fixtures, general intangibles,  
27 effects, leaseholds, contracts, mail or other deliveries, shares of stock,  
28 inventory, checks, notes, accounts, credits, receivables (as those terms

1 are defined in the Uniform Commercial Code), cash, and trusts,  
2 including but not limited to any other trust held for the benefit of any  
3 Corporate defendant or Individual defendant, any Individual defendant's  
4 minor children, or any Individual defendant's spouse.

- 5 B. **"Bar," "Frame" or "Window"** means an enclosed area on a  
6 computer's computer screen, usually rectangular in shape.
- 7 C. **"Corporate defendants"** means Enternet Media, Inc., Conspy & Co.,  
8 Inc., and their successors, assigns, affiliates, or subsidiaries.
- 9 D. **"Defendants"** means defendants Enternet Media, Inc., Conspy & Co.,  
10 Inc., Lida Rohbani (aka Lida Hakimi and Linda Hakimi), Nima Hakimi,  
11 and Baback (Babak) Hakimi (aka Bobby Rohbani), and their successors  
12 and assigns.
- 13 E. **"Dialer program"** means any computer program that causes a  
14 computer's modem to make telephone calls or access services.
- 15 F. **"Document"** is synonymous in meaning and equal in scope to the usage  
16 of the term in the Federal Rules of Civil Procedure 34(a), and includes  
17 writing, drawings, graphs, charts, Internet sites, Web pages, Web sites,  
18 electronic correspondence, including e-mail and instant messages,  
19 photographs, audio and video recordings, contracts, accounting data,  
20 advertisements (including, but not limited to, advertisements placed on  
21 the World Wide Web), FTP Logs, Server Access Logs, USENET  
22 Newsgroup postings, World Wide Web pages, books, written or printed  
23 records, handwritten notes, telephone logs, telephone scripts, receipt  
24 books, ledgers, personal and business canceled checks and check  
25 registers, bank statements, appointment books, computer records, and  
26 other data compilations from which information can be obtained and  
27 translated. A draft or non-identical copy is a separate document within  
28 the meaning of the term.

1 G. **“Individual defendants”** means Lida Rohbani, aka Lida Hakimi and  
2 Linda Hakimi, Nima Hakimi, Baback (Babak) Hakimi, aka Bobby  
3 Rohbani, individually and through any d/b/a.

4 H. **“Plaintiff”** means the Federal Trade Commission.

5 **CONDUCT PROHIBITIONS**

6 **I.**

7 **IT IS THEREFORE ORDERED** that, in connection with marketing,  
8 publishing, or distributing any type of software code, file, or content, or assisting  
9 and facilitating others in marketing, publishing, or distributing any type of  
10 software code, file, or content, the defendants, and those persons in active concert  
11 or participation with them who receive actual notice of this Order by personal  
12 service or otherwise, are permanently restrained and enjoined from directly or  
13 indirectly making, expressly or by implication, any material false or misleading  
14 representation, including but not limited to, any representation:

- 15 A. regarding the nature or effect of the software code, file, or content,  
16 such as any representation that it is innocuous software code, file, or  
17 content, such as Internet browser upgrade or other computer security  
18 software, music, song lyric, or cell phone ring tone;
- 19 B. regarding the performance, benefits, efficacy, or features of the  
20 software code, file, or content; or
- 21 C. regarding the actual cost, or “free” nature, associated with the  
22 software code, file, or content.

23 **II.**

24 **IT IS FURTHER ORDERED** that, in connection with marketing,  
25 publishing, or distributing any software code, file, or content, or assisting and  
26 facilitating others in marketing or distributing any software code, file, or content,  
27 the defendants, and those persons in active concert or participation with them who  
28 receive actual notice of this Order by personal service or otherwise, are

1 permanently restrained and enjoined from, directly or indirectly, publishing,  
2 disseminating, distributing, installing, or downloading any software code, file, or  
3 content that interferes with a consumer's computer use, including but not limited  
4 to any software code, file, or content that:

- 5 A. tracks consumers' Internet activity or collects other personal  
6 information;
- 7 B. changes consumers' preferred Internet homepage or other browser  
8 settings;
- 9 C. inserts a new toolbar onto consumers' Internet browsers;
- 10 D. inserts a new bar, frame or window onto consumers' browser  
11 windows that in turn displays advertisements;
- 12 E. displays numerous "pop up" advertisements on consumers' computer  
13 screens during a single computer session, even when consumers'  
14 Internet browsers are closed;
- 15 F. installs a dialer program on consumers' computers;
- 16 G. changes a user's "error" page or DNS page;
- 17 H. inserts advertising hyperlinks into third-party webpages; or
- 18 I. installs other advertising software code, file, or content on  
19 consumers' computers.

20 **III.**

21 **IT IS FURTHER ORDERED** that, in connection with marketing,  
22 publishing, or distributing any software code, file, or content, the defendants and  
23 those persons in active concert or participation with them who receive actual  
24 notice of this Order by personal service or otherwise, are permanently restrained  
25 and enjoined from providing others with the means and instrumentalities with  
26 which to do the following:

- 27 A. to make, directly or indirectly, expressly or by implication, any  
28 material false or misleading representation, including but not limited

1 to any representation:

- 2 1. regarding the nature or effect of the software code, file, or  
3 content, such as any representation that it is innocuous software  
4 code, file, or content, such as Internet browser upgrade or other  
5 computer security software, music, song lyric, or cell phone  
6 ring tone;
- 7 2. regarding the performance, benefits, efficacy, or features of the  
8 software code, file, or content; or
- 9 3. regarding the actual cost, or "free" nature, associated with the  
10 software code, file, or content.

11 B. to publish, disseminate, distribute, install, or download any software  
12 code, file, or content that interferes with consumers' computer use,  
13 including but not limited to any software code, file, or content that:

- 14 1. tracks consumers' Internet activity or collects other personal  
15 information;
- 16 2. changes consumers' preferred Internet homepage or other  
17 browser settings;
- 18 3. inserts a new toolbar onto consumers' Internet browsers;
- 19 4. inserts a large side "frame" or "window" onto consumers'  
20 browser windows that in turn displays advertisements;
- 21 5. displays numerous "pop up" advertisements on consumers'  
22 computer screens during a single computer session, even when  
23 consumers' Internet browsers are closed;
- 24 6. installs a dialer program on consumers' computers;
- 25 7. changes a user's "error" page or DNS pages;
- 26 8. inserts advertising hyperlinks into third-party webpages; or
- 27 9. installs other advertising software code, file, or content on  
28 consumers' computers.

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IV.

**IT IS FURTHER ORDERED** that, in connection with distributing or advertising, promoting, marketing, offering for sale or license, or selling or licensing, any product or service, the defendants, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are permanently restrained and enjoined from making, or assisting others in making, directly or indirectly, expressly or by implication, any material false or misleading representation.

**MONETARY JUDGMENT**

V.

**IT IS FURTHER ORDERED** that:

- A. Judgment in the amount of \$8,500,000.00 (eight million, five hundred thousand) is hereby entered jointly and severally against the defendants.
- B. This judgment shall be suspended, except for the amount of \$2,045,000 (two million, forty-five thousand), which shall be paid by the defendants, as set forth below in Subparagraphs 1-3, to the FTC, the State of California, and the United States Internal Revenue Service/United States Treasury/State of California, from frozen assets as listed in **Attachment A**, and approximately \$140,000 (one hundred forty thousand) in undeposited business checks made payable to the defendants and \$30,000 (thirty thousand) in unsuccessful business wire transfers to the defendants' frozen accounts, all of which shall be relinquished and turned over to the FTC pursuant to Subparagraph 4. As set forth below, of the \$2,045,000 (two million, forty-five thousand), \$1,615,000 (one million, six hundred fifteen thousand) shall be paid to the FTC pursuant to Subparagraph 1; \$250,000 (two hundred fifty thousand) shall be placed in an escrow/trust account



1 pursuant to Subparagraph 2; and \$180,000 (one hundred eighty  
2 thousand) shall be placed in an escrow/trust account pursuant to  
3 Subparagraph 3.

- 4 1. Within five (5) days after the date of entry of this Order,  
5 \$1,615,000 (one million, six hundred fifteen thousand) shall be  
6 paid to the Federal Trade Commission by wire transfer in  
7 accord with directions provided by the Commission.
- 8 2. After payment to the FTC as set forth in Subparagraph 1,  
9 within ten (10) days after the date of entry of this Order, the  
10 defendants shall deposit \$250,000 (two hundred fifty thousand)  
11 into an interest-bearing escrow account and/or interest-bearing  
12 trust account of Procopio, Cory, Hargreaves & Savitch, LLP,  
13 for the purpose of settling the civil and criminal actions  
14 brought against the defendants by the City Attorney's Office of  
15 Los Angeles. The sole signatory on the account shall be  
16 Anthony J. Dain, the Escrow Agent, and access to the deposits  
17 held in the account shall be solely through the Escrow Agent.  
18 No later than 180 days after entry of this Order, all monies held  
19 in the escrow/trust account shall be paid to the Commission,  
20 *provided however*, that the amount held in escrow/trust and to  
21 be paid to the Commission pursuant to this subpart shall be  
22 reduced by the lesser of \$250,000 (two hundred fifty thousand)  
23 or the amount paid by the defendants to the City Attorney's  
24 Office of Los Angeles, in settlement of the civil action entitled  
25 The People of the State of California v. Enternet Media, Inc., et  
26 al. (BC343197), an action brought against the defendants on  
27 behalf of the State of California for violations of the California  
28 Business and Professions Code arising out of the same conduct

1 at issue in the Commission's action against the defendants.

2 Any and all criminal fines associated with criminal action  
3 brought against the defendants by the City Attorney's Office of  
4 Los Angeles shall be payable from this amount.

- 5 3. After payment to the FTC as set forth in Subparagraph 1,  
6 within ten (10) days after the date of entry of this Order, the  
7 defendants shall deposit \$180,000 (one hundred eighty  
8 thousand) into an interest-bearing escrow account and/or  
9 interest-bearing trust account of Procopio, Cory, Hargreaves &  
10 Savitch, LLP, for the purpose of paying estimated federal and  
11 state personal and business income taxes due and owing to the  
12 Internal Revenue Service/United States Treasury/State of  
13 California as required by law for the year 2005. The sole  
14 signatory on the account shall be Anthony J. Dain, the Escrow  
15 Agent, and access to the deposits held in the account shall be  
16 solely through the Escrow Agent. Within 5 (five) days of any  
17 payments and no later than 60 days after entry of this Order, the  
18 defendants shall provide written proof to the Federal Trade  
19 Commission of all payments from this account to the Internal  
20 Revenue Service/United States Treasury/State of California,  
21 including copies of cancelled checks and tax returns, in  
22 satisfaction of the defendants' tax obligations. The defendants  
23 may not seek to have a credit or refund of any taxes paid for tax  
24 year 2005. However, if the defendants otherwise obtain a  
25 credit or refund of any taxes paid for tax year 2005 in  
26 connection with any tax return filed for tax year 2005 or any  
27 year after 2005, the defendants shall promptly pay the FTC the  
28 amount of such credit or refund, together with any interest the

1 defendants have earned in connection with any such credit or  
2 refund.

- 3 4. Within five (5) days after the date of entry of this Order, the  
4 defendants shall turn over to the FTC and relinquish all rights  
5 and claims to all undeposited business checks made payable to  
6 the defendants that were received after the entry of the  
7 Temporary Restraining Order entered on November 1, 2005,  
8 and shall relinquish all rights and claims to all unsuccessful  
9 business wire transfers to the defendants' frozen accounts that  
10 were attempted after the entry of the Temporary Restraining  
11 Order entered on November 1, 2005.

- 12 C. All funds paid to the Federal Trade Commission pursuant to the  
13 Order shall be deposited into an account administered by the  
14 Commission or its agent to be used for equitable relief, including but  
15 not limited to consumer redress, and any attendant expenses for the  
16 administration of such equitable relief. In the event that direct redress  
17 to consumers is wholly or partially impracticable or funds remain  
18 after redress is completed, the Commission may apply any remaining  
19 funds for such other equitable relief (including consumer information  
20 remedies) as it determines to be reasonably related to the defendants'  
21 practices alleged in the complaint. Any funds not used for such  
22 equitable relief shall be deposited to the United States Treasury as  
23 disgorgement. The defendants shall have no right to challenge the  
24 Commission's choice of remedies under this Paragraph. The  
25 defendants shall have no right to contest the manner of distribution  
26 chosen by the Commission.
- 27 D. The defendants relinquish all dominion, control and title to the funds  
28 paid into the account established pursuant to this Order, and all legal

1 and equitable title to funds shall vest in the Treasurer of the United  
2 States unless and until such funds are disbursed to consumers. The  
3 defendants shall make no claim to or demand for the return of funds,  
4 directly or indirectly, through counsel or otherwise; and in the event  
5 of bankruptcy of any defendant, the defendants acknowledge that the  
6 funds are not part of the debtor's estate, nor does the estate have any  
7 claim or interest therein.

8 E. The Commission's agreement to this Order is expressly premised  
9 upon the truthfulness, accuracy and completeness of the defendants'  
10 sworn financial statements and supporting documents submitted to  
11 the Commission on or about November 11, 2005, as well as all  
12 subsequent addenda thereto, all of which the defendants stipulate are  
13 truthful, accurate, and complete. Defendants and the Commission  
14 stipulate that these financial disclosures provide the basis for the  
15 assets listed in **Attachment A** to this Order and include material  
16 information upon which the Commission relied in negotiating and  
17 agreeing to this Order. The defendants and the Commission stipulate  
18 that the Commission has relied on the truthfulness, accuracy, and  
19 completeness of these financial disclosures in agreeing to the terms of  
20 this Order and that the Commission would not have entered into this  
21 Order but for the truthfulness, accuracy, and completeness of these  
22 financial disclosures.

23 F. If, upon motion by the Commission, this Court finds that the  
24 defendants have failed to disclose any material asset or materially  
25 misstated the value of any asset in the financial statement and related  
26 documents described above, or has made any other material  
27 misstatement or omission in the financial statements and related  
28 documents described above, then this Order shall be reopened and

1 suspension of the judgment shall be lifted for the purpose of requiring  
2 payment of monetary relief in the amount of the judgment set forth in  
3 Subparagraph A of this Paragraph, less the sum of any amounts paid  
4 to the Commission pursuant to Subparagraph B of this Paragraph.

5 *Provided, however,* that in all other respects this Order shall remain in  
6 full force and effect, unless otherwise ordered by the Court.

7 G. Upon such reinstatement of the monetary judgement, the Court shall  
8 make an express determination that the monetary judgment shall be  
9 immediately due and payable. The Commission shall be entitled to  
10 interest on the judgment, computed from the day of entry of this  
11 Order, at the rate prescribed by 18 U.S.C. § 1961, as amended. The  
12 Commission shall be permitted to execute on the judgment  
13 immediately after the suspension is lifted and engage in discovery in  
14 aid of execution.

15 H. The defendants agree that the facts as alleged in the Complaint filed  
16 in this action shall be taken as true for the purpose of a  
17 nondischargeability complaint in any bankruptcy proceeding.

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

## 22 LIFTING OF ASSET FREEZE

### 23 VI.

24 **IT IS FURTHER ORDERED** that the freeze against the assets of the  
25 defendants pursuant to Paragraph VI of the Preliminary Injunction Order entered  
26 by this Court on November 30, 2005, ("Preliminary Injunction"), shall be lifted for  
27 the sole purpose of transferring funds to the FTC pursuant to **Paragraph V** of this  
28 Final Order, and shall be dissolved upon transfer of all such funds.

**COMPLIANCE MONITORING**

**VII.**

**IT IS FURTHER ORDERED** that, for purposes 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, defendants Enternet Media, Inc., Conspy & Co., Inc., Lida Rohbani, Nima Hakimi, and Baback (Babak) Hakimi each 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 prescribed by Fed. R. Civ. P. 30, 31, 33, 34, 36, and 45;
2. posing as consumers and suppliers to defendants Enternet Media, Inc., Conspy & Co., Inc., Lida Rohbani, Nima Hakimi, and Baback (Babak) Hakimi's employees, or any other entity managed or controlled in whole or in part by the defendants, without the necessity of identification or prior notice; and

C. Defendants Enternet Media, Inc., Conspy & Co., Inc., Lida Rohbani, Nima Hakimi, and Baback (Babak) Hakimi 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



- 1 B. Prior to any such prospective participant's acceptance into any  
2 affiliate program, (1) provide each such person a copy of this Order;  
3 (2) obtain from each such person a signed and dated statement  
4 acknowledging receipt of this Order and expressly agreeing to  
5 comply with this Order. Any electronic signature requirements of the  
6 Electronic Signatures in Global and National Commerce Act, ("E-  
7 Sign Act"), 15 U.S.C. §§ 7001 et seq.; and (3) clearly and  
8 prominently disclose that engaging in acts or practices prohibited by  
9 this Order will result in immediate termination of any affiliate  
10 program and forfeiture of all monies received or owed;
- 11 C. Establish, implement, and maintain an Internet-based mechanism,  
12 including, but not limited to, e-mail for: (1) consumers to report  
13 complaints to the defendants regarding the practices of any affiliate  
14 program participant; (2) the defendants to associate, correctly, each  
15 such complaint with the affiliate that is the subject of the complaint;  
16 (3) the defendants to receive and respond to such complaints, whether  
17 received directly or indirectly, in a timely manner. The defendants  
18 shall clearly and prominently disclose the existence of such reporting  
19 mechanism on their websites;
- 20 D. Promptly and completely investigate any complaints that the  
21 defendants receive through Paragraph VIII.C or any other source to  
22 determine whether any such participant is engaging in acts or  
23 practices prohibited by this Order; and
- 24 E. Terminate, immediately, any participant in any affiliate program that  
25 the defendants reasonably conclude has engaged in or is engaging in  
26 acts or practices prohibited by this Order and cease payments to any  
27 such person.

28 Provided, however, that this Paragraph does not authorize or require the



1 defendants to take any action that violates any federal, state, or local law.

2 **COMPLIANCE REPORTING BY DEFENDANT**

3 **IX.**

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

6 **A.** For a period of four (4) years from the date of entry of this Order,

7 1. Each individual defendant, Lida Rohbani, Nima Hakimi, and  
8 Baback (Babak) Hakimi, shall notify the Commission of the  
9 following:

10 a. Any changes in residence, mailing addresses, and  
11 telephone numbers of the individual defendant, within  
12 ten (10) days of the date of such change;

13 b. Any changes in employment status (including  
14 self-employment) of the individual defendant, and any  
15 change in the ownership of the individual defendant in  
16 any business entity, within ten (10) days of the date of  
17 such change. Such notice shall include the name and  
18 address of each business that the individual defendant is  
19 affiliated with, employed by, creates or forms, or  
20 performs services for; a statement of the nature of the  
21 business; and a statement of the individual defendant's  
22 duties and responsibilities in connection with the  
23 business or employment; and

24 c. Any changes in the individual defendant's name or use  
25 of any aliases or fictitious names; and

26 2. Defendants Enternet Media, Inc., Conspy & Co., Inc., Lida  
27 Rohbani, Nima Hakimi, and Baback (Babak) Hakimi shall  
28 notify the Commission of any changes in

1 corporate structure of Enternet Media, Inc., and  
2 Conspy & Co., Inc., or any business entity that an individual  
3 defendant directly or indirectly controls, or has an ownership  
4 interest in, that may affect compliance obligations arising under  
5 this Order, including but not limited to a dissolution,  
6 assignment, sale, merger, or other action that would result in  
7 the emergence of a successor entity; the creation or dissolution  
8 of a subsidiary, parent, or affiliate that engages in any acts or  
9 practices subject to this Order; the filing of a bankruptcy  
10 petition; or a change in the corporate name or address, at least  
11 thirty (30) days prior to such change, *provided* that, with  
12 respect to any proposed change in the corporation about which  
13 the defendant(s) learns less than thirty (30) days prior to the  
14 date such action is to take place, defendant(s) shall notify the  
15 Commission as soon as is practicable after obtaining such  
16 knowledge.

17 B. One hundred eighty (180) days after the date of entry of this Order,  
18 the defendants Enternet Media, Inc., Conspy & Co., Inc., Lida  
19 Rohbani, Nima Hakimi, and Baback (Babak) Hakimi each shall  
20 provide a written report to the FTC, sworn to under penalty of  
21 perjury, setting forth in detail the manner and form in which they  
22 have complied and are complying with this Order. This report shall  
23 include, but not be limited to:

- 24 1. For each individual defendant:
  - 25 a. The then-current residence address, mailing addresses,  
26 and telephone numbers of the individual defendant;
  - 27 b. The then-current employment and business addresses  
28 and telephone numbers of the individual defendant, a

- 1 description of the business activities of each such  
2 employer or business, and the title and responsibilities of  
3 the individual defendant for each such employer or  
4 business; and
- 5 c. Any other changes required to be reported under  
6 subparagraph A of this Section.
- 7 2. For all the defendants:
- 8 a. A copy of each acknowledgment of receipt of this Order  
9 obtained by each defendant pursuant to **Paragraphs**  
10 **VIII and XII** of this Order; and
- 11 b. Any other changes required to be reported under  
12 subparagraph A of this Section.
- 13 C. For the purposes of this Order, the defendants shall, unless otherwise  
14 directed by the Commission's authorized representatives, mail all  
15 written notifications to the Commission to:
- 16 Associate Director for the Division of Enforcement  
17 Federal Trade Commission  
18 601 New Jersey Avenue, NW  
19 Washington, DC 20580  
20 Re: FTC v. Enternet Media, Inc., et al. Civil Action No. 05-7777
- 21 D. For purposes of the compliance reporting and monitoring required by  
22 this Order, the Commission is authorized to communicate directly  
23 with the defendants.

## RECORD KEEPING PROVISIONS

### X.

24 **IT IS FURTHER ORDERED** that, for a period of eight (8) years from the  
25 date of entry of this Order, defendants Enternet Media, Inc., Conspy & Co., Inc.,  
26 Lida Rohbani, Nima Hakimi, and Baback (Babak) Hakimi, for any business that  
27 the defendant(s) directly or indirectly controls, or in which the defendant(s) has a  
28 majority ownership interest, in which the business is directly or indirectly engaged

1 in the business of advertising, promoting, marketing, offering for sale or license,  
2 or selling or licensing any product or service via the Internet, and their agents,  
3 employees, officers, corporations, successors, and assigns, and those persons in  
4 active concert or participation with them who receive actual notice of this Order  
5 by personal service or otherwise, are hereby restrained and enjoined from failing  
6 to create and retain the following records:

- 7       A.    Accounting records that reflect the cost of goods or services sold,  
8            revenues generated, and the disbursement of such revenues;
- 9       B.    Personnel records accurately reflecting: the name, address, and  
10            telephone number of each person employed in any capacity by such  
11            business, including as an independent contractor; that person's job  
12            title or position; the date upon which the person commenced work;  
13            and the date and reason for the person's termination, if applicable;
- 14       C.    Customer files containing the names, addresses, phone numbers,  
15            dollar amounts paid, quantity of items or services purchased, and  
16            description of items or services purchased, to the extent such  
17            information is obtained in the ordinary course of business;
- 18       D.    Complaints and refund requests (whether received directly, indirectly  
19            or through any third party) and any responses to those complaints or  
20            requests;
- 21       E.    Copies of all advertisements or other marketing materials, including  
22            but not limited to websites, instant messages, e-mail messages,  
23            Internet web-based html "pop up" advertisements, and Internet banner  
24            advertisements; and
- 25       F.    All records and documents necessary to demonstrate full compliance  
26            with each provision of this Order, including but not limited to, copies  
27            of acknowledgments of receipt of this Order, required by **Paragraphs**  
28            **VIII and XII**, and all reports submitted to the FTC pursuant to

1                   **Paragraphs IX and X** of this Order.

2                   **DISTRIBUTION OF ORDER BY DEFENDANTS**

3                   **XI.**

4                   **IT IS FURTHER ORDERED** that, for a period of four (4) years from the  
5 date of entry of this Order, the defendants shall deliver copies of the Order as  
6 directed below:

- 7                   A.     Corporate Defendants: Defendant Enternet Media, Inc. and Conspy  
8                   & Co., Inc. must deliver a copy of this Order to all of its employees,  
9                   agents, affiliates, sub-affiliates, and representatives who engage in  
10                  conduct related to the subject matter of this Order. For current  
11                  personnel, delivery shall be within five (5) days of service of this  
12                  Order upon Defendant. For new personnel, delivery shall occur prior  
13                  to the new personnel assuming their responsibilities.
- 14                  B.     Individual Defendant as Control Person: For any business that  
15                  defendant Lida Rohbani, Nima Hakimi, or Baback (Babak) Hakimi  
16                  directly or indirectly controls, or in which the individual defendant  
17                  has a majority ownership interest, the individual defendant must  
18                  deliver a copy of this Order to all principals, officers, directors, and  
19                  managers of that business. The individual defendant must also  
20                  deliver copies of this Order to all employees, agents, affiliates, sub-  
21                  affiliates, and representatives of that business who engage in conduct  
22                  related to the subject matter of this Order. For current personnel,  
23                  delivery shall be made within five (5) days' of service of this Order  
24                  upon the defendants. For new personnel, delivery shall occur prior to  
25                  the new personnel assuming their responsibilities.
- 26                  C.     Individual Defendant as Employee or Non-Control Person: For any  
27                  business where the individual defendants are not a controlling person  
28                  of the business but otherwise engages in conduct that is related to the

