

ORIGINAL

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

FEDERAL TRADE COMMISSION,)
)
Plaintiff,)
)
v.)
)
JEFFREY WAYNE SIMMONS,)
a/k/a "WAYNE SIMMONS,")
a/k/a "WAYNE STEVENS,")
)
CAREER SUCCESS, LLC,)
a Tennessee limited liability company,)
)
INFORMATION RESOURCES OF)
NASHVILLE, LLC,)
a Tennessee limited liability company,)
)
Defendants.)

No. 3:06-CV-00043

Judge Echols/Bryant

FINAL JUDGMENT AND PERMANENT INJUNCTION

Plaintiff, Federal Trade Commission ("FTC" or the "Commission"), commenced this action by filing its Complaint for Injunctive and Other Equitable Relief ("Complaint"), pursuant to Section 13(b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b). The Complaint alleges that Defendants engaged in deceptive acts and practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, in connection with the advertising, offering for sale, or sale of employment goods or services. The parties have agreed to settlement of this action without adjudication of any issue of fact or law, and without Defendants admitting liability for any of the violations alleged in the Complaint.

THEREFORE, on the joint motion of the parties, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

FINDINGS

1. This is an action by the FTC instituted pursuant to Sections 5(a) and 13(b) of the FTC Act, 15 U.S.C. §§ 45(a) and 53(b). The Commission seeks both permanent injunctive relief and consumer redress against Defendants for alleged deceptive acts and practices in connection with the advertising, offering for sale, or sale of employment goods or services.

2. The FTC has the authority pursuant to Section 13(b) of the FTC Act to seek the relief it has requested and the Complaint states a claim upon which relief may be granted against the Defendants.

3. This Court has jurisdiction over the subject matter of this case and has personal jurisdiction over each Defendant. Venue in this district is proper.

4. The activities of Defendants are in or affecting commerce, as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

5. Defendants have entered into this Final Judgment and Permanent Injunction ("Order") freely and without coercion. Defendants further acknowledge that they have read or otherwise been fully advised of the provisions of this Order and are prepared to abide by them.

6. Defendants waive all rights to seek judicial review or otherwise contest the validity of this Order, and further waive and release any claim Defendants may have against the FTC, its employees, and agents including any rights that may arise under the Equal Access to Justice Act, 28 U.S.C. §2412, amended by Pub. L.104-121, 110 Stat.847, 863-64 (1996).

7. The parties shall each bear their own costs and attorneys' fees in this action.

8. This action and the relief awarded herein are in addition to, and not in lieu of, other remedies as may be provided by law, including both civil and criminal remedies.

9. Entry of this Order is in the public interest.

DEFINITIONS

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

1. "Asset" or "Assets" means any legal or equitable interest in, right to, or claim to, any real and personal property—including, but not limited to, chattel, goods, instruments, equipment, fixtures, general intangibles, effects, leaseholds, premises, contracts, mail or other deliveries, shares of stock, lists of consumer names, inventory, checks, notes, accounts, credits, receivables, funds, and all cash, wherever located.
2. "Assisting others" means providing any of the following goods or services to any person or entity: (a) performing customer service functions, including but not limited to receiving or responding to customer complaints; (b) formulating or providing, or arranging for the formulation or provision of, any telephone sales script or any other marketing material; (c) providing names of, or assisting in the generation of, potential customers; (d) performing marketing services of any kind; or (e) acting as an officer or director of a business entity.
3. "Corporate Defendants" means Career Success, LLC and Information Resources of Nashville, LLC, and by whatever names they might be known.
4. "Defendants" means Career Success, LLC, Information Resources of Nashville, LLC, and Jeffrey Wayne Simmons, a/k/a "Wayne Simmons," a/k/a "Wayne Stevens," and each of them by whatever names each might be known.
5. "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 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.

6. "Employment goods or services" means any item, product, good or service represented to assist consumers in obtaining employment, including but not limited to preparation or other training for any employment examination.

7. "Liquidation Receiver" shall mean John M. Massa.

8. "Material" means likely to affect a person's choice of, or conduct regarding, goods or services.

9. "Person" means a natural person, organization or other legal entity, including a corporation, partnership, proprietorship, association, cooperative, government or governmental subdivision or agency, or any other group or combination acting as an entity.

10. "Record" means any document, as document is defined in definition 5 above, relating to the business or business practices of any Defendant.

11. The terms "and" and "or" shall be construed conjunctively or disjunctively as necessary to make the applicable phrase or sentence inclusive rather than exclusive.

ORDER

I. PROHIBITED BUSINESS ACTIVITY

IT IS THEREFORE ORDERED that, in connection with the advertising, promotion, offering for sale, sale or distribution of any good or service, Defendants, as well as their successors and assigns, their officers, agents, servants, employees, and attorneys, and those persons or entities 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 entity, corporation, subsidiary, division, or other device, are hereby permanently restrained and enjoined from:

A. Misrepresenting, expressly or by implication, that Defendants are connected with

or endorsed by the United States Postal Service;

B. Misrepresenting, expressly or by implication, that postal positions are currently available in the geographic areas where Defendants' advertisements appear;

C. Misrepresenting, expressly or by implication, that Defendants will supply consumers with materials that will enable them to pass the postal employment examination;

D. Misrepresenting, expressly or by implication, that consumers who achieve a passing score on the postal employment examination are assured employment with the United States Postal Service; and

E. Misrepresenting, expressly or by implication, any material fact regarding any good or service.

II. MONETARY JUDGMENT

IT IS FURTHER ORDERED that:

A. Judgment is hereby entered in favor of the Commission and against Defendants, jointly and severally, in the amount of One Million, Two Hundred and Ninety-Seven Thousand, Two Hundred and Forty-Seven Dollars and Seventy-Nine Cents \$1,297,247.79 (USD), for the payment of equitable monetary relief - including, but not limited to, consumer redress and/or disgorgement, and for paying any attendant expenses of administration of any redress fund.

B. Except as provided in Paragraph III of this Order, the Judgment shall be suspended if the following conditions are satisfied:

1. Defendant Simmons shall immediately on entry of this Order take all steps necessary to assist the Liquidation Receiver in the sale of the property located at 115 Pepper Ridge Circle, Antioch, Tennessee 37013 (the "house"). Defendant Simmons shall take all steps necessary to ensure that the house and its systems are maintained in good

working order, and that all mortgage, tax and fees are timely paid. Defendant Simmons shall have the right to live in the house until such time as a sale is effected and shall be given thirty-days notice of such sale. Defendant Simmons hereby forever waives, releases, discharges and disclaims all right, title and interest, including any homestead, in the property described in this sub-Paragraph. Defendant Simmons shall be responsible for all taxes and fees assessed against him resulting from the sale of the house.

2. To the extent that he has not already done so, Defendant Simmons shall immediately deliver to the Liquidation Receiver his 2003 Stardeck Open Motorboat and two Yamaha Jet Skis, with trailers, (the "watercrafts"), and shall take all steps necessary to assist the Liquidation Receiver in the sale of the watercrafts. Defendant Simmons hereby forever waives, releases, discharges and disclaims all right, title and interest in the property described in this sub-Paragraph. Defendant Simmons shall be responsible for all taxes and fees assessed against him resulting from the sale of the watercrafts.

3. Defendants shall immediately on entry of this Order liquidate, for turn-over to the FTC or its designated representative, all assets held on account for Defendants by BancTek Solutions, 1660 Wynkoop Street, Suite 1050, Denver, Colorado 80202 ("BancTek"). Defendants and the Court authorize and require BankTek to transfer to the FTC or its designated agent, within five (5) business days of the date of entry of this Order, all such assets held on account through wire transfer, per FTC instruction. Defendants, as well as their successors and assigns, officers, agents, servants, employees, and attorneys, and those persons or entities in active concert or participation with it who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, or other device, hereby

forever waive, release, discharge, and disclaim all right, title, and interest in the assets held by BankTek.

C. Funds paid pursuant to this Paragraph and Paragraph IV shall be deposited into a fund administered by the FTC or its designated 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 FTC may apply any remaining funds for any other equitable relief (including consumer information remedies) that it determines to be reasonably related to Defendants' practices alleged in the Complaint. Any funds not used for this equitable relief shall be deposited into the U.S. Treasury as disgorgement. Defendants shall have no right to challenge the FTC's choice of remedies under this Paragraph.

D. Judgment entered pursuant to this Paragraph is equitable monetary relief, solely remedial in nature, and is not a fine, penalty, punitive assessment or forfeiture.

E. For purposes of this Paragraph, and any subsequent proceedings to enforce payment, including, but not limited to, a non-dischargeability complaint filed in a bankruptcy proceeding, the Defendants stipulate to all of the allegations in the Commission's Complaint.

F. Defendants are hereby required, in accordance with 31 U.S.C. § 7701, to furnish to the FTC their tax identification numbers, which shall be used for purposes of collecting and reporting on any delinquent amount arising out of this Order.

G. Funds paid over to the Commission pursuant to this Paragraph and Paragraph IV shall be paid to the Commission through wire transfer, per Commission instruction.

III. RIGHT TO REOPEN AS TO MONETARY JUDGMENT

IT IS FURTHER ORDERED that:

A. By agreeing to this Order, Defendants reaffirm and attest to the truthfulness, accuracy, and completeness of their sworn testimony taken under oath on September 8, 2006, and written financial statements submitted by Defendants to the FTC (designated collectively as the "Financial Statements"). This Court's Order, and Plaintiff's agreement to enter into this Order, is expressly premised upon the truthfulness, accuracy, and completeness of 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 by Plaintiff, this Court finds that one or more Defendants failed to disclose any material asset, or materially misrepresented the value of any asset, or made any other material misrepresentation in or omission from the Financial Statements, the Court shall reinstate the suspended judgment against such Defendant, in favor of the FTC, in the amount of \$1,297,247.79, which the Defendants and the FTC stipulate is the amount of consumer injury jointly and severally caused by the Defendants, less any amounts paid to the FTC by Defendants pursuant to Paragraph II. B of this Order and any amounts paid to the FTC by the Liquidation Receiver pursuant to Paragraph IV of this Order. *Provided, however*, that in all other respects, this Order shall remain in full force and effect unless otherwise ordered by the Court.

D. Proceedings instituted under this Paragraph 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 FTC may initiate to enforce this Order.

IV. DUTIES OF LIQUIDATION RECEIVER

IT IS FURTHER ORDERED THAT John M. Massa is appointed as Liquidation Receiver for all of the assets to be transferred, assigned, or conveyed pursuant to Paragraph II,

with directions and authority to accomplish the following:

- A. Take all actions reasonably necessary and available under applicable state and federal law to locate, seize, and take custody, control and possession of all assets to be transferred, assigned, or conveyed to the Liquidation Receiver pursuant to Paragraph II. B.1 and 2, hereinafter referred to as the "Liquidation Assets;"
- B. Perform all acts necessary to protect, conserve, preserve, and prevent from waste or dissipation the Liquidation Assets;
- C. Liquidate all Liquidation Assets;
- D. Execute all documentation necessary for or relating to the liquidation of the Liquidation Assets;
- E. Enter into agreements in connection with the performance of the Liquidation Receiver's duties, including, but not limited to: (1) the movement and storage of any Liquidation Assets; and (2) the retention of assistants, agents or other professionals to assist in the liquidation of the Liquidation Assets;
- F. Prepare and submit periodic reports, as necessary, to this Court and to the Plaintiff, describing the Liquidation Receiver's efforts to comply with the terms of this Order, and recommending any additional action required by this Court;
- G. Distribute to the Commission, without further order of the Court, the funds received from the liquidation of the Liquidation Assets, less the Liquidation Receiver's commission and any transfer fees, recording fees or other payments owed through the transfer of the Liquidation Assets. Any transfer fees, recording fees or other payments owed through the transfer of the Liquidation Assets shall be paid from the proceeds of the sale at the time the Liquidation Assets are sold;

H. The Liquidation Receiver is entitled to reasonable compensation for the performance of his duties pursuant to this Order as follows: the Liquidation Receiver shall be entitled to a commission equal to 6% of the sales price of the house; a commission equal to 10% of the sales price of the watercrafts; a storage day rate not to exceed \$8 per day for storage of the watercrafts, and the cost to winterize them should they remain unsold after November 1, 2006. The Liquidation Receiver's compensation is to be paid solely from the proceeds of the sale of the Liquidation Assets, and such payments shall have priority over all other distributions from Liquidation Assets except for any transfer fees, recording fees or other payments owed through the transfer of the Liquidation Assets at the time of their sale; and

I. Upon the final transfer of funds to the Commission pursuant to this Paragraph and Paragraph II, the duties of the Liquidation Receiver shall terminate.

V. CONSUMER INFORMATION

IT IS FURTHER ORDERED that Defendants, and their successors and assigns, officers, agents, servants, employees, and attorneys, and all those persons or entities 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 entity, corporation, subsidiary, division, or other device, are hereby permanently restrained and enjoined from selling, renting, leasing, transferring, or otherwise disclosing the name, address, telephone number, social security number, billing information (any data that enables any person to access another person's account, such as a credit card, checking, savings, share or similar account, utility bill, mortgage loan account or debit card), e-mail address, or other identifying information of any consumer who paid any money to any Defendant, at any time prior to entry of this Order, in connection with the purchase of any employment good or service. *Provided, however,* that Defendants may disclose such

identifying information (i) to a law enforcement agency, or (ii) as required or authorized by any law, regulation, or court order.

VI. 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 prescribed by Fed. R. Civ. P. 30, 31, 33, 34, 36 and 45;
2. Posing as consumers and suppliers to Defendants, Defendants' employees, or any other entity managed or controlled in whole or in part by Defendants, without the necessity of identification or prior notice.

C. Defendants 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 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)).

VII. 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. Jeffrey Wayne Simmons shall notify the Commission of the following:
 - a. Any changes in his residence, mailing addresses, and telephone numbers, within ten (10) days of the date of such change;
 - b. Any changes in his employment status (including self-employment), and any change in his ownership 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 he is affiliated with, employed by, creates or forms, or performs services for; a statement of the nature of his business; and a statement of his duties and responsibilities in connection with his business or employment;
 - c. Any changes in his name or use of any aliases or fictitious names;and
 2. Defendants shall notify the Commission of any changes in corporate structure of the Corporate Defendants, or any business entity that Jeffrey Wayne Simmons directly or indirectly controls, 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 a Defendant learns less than thirty (30) days prior to the date such action is to take place, the 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, each Defendant 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 Jeffrey Wayne Simmons:
 - a. His then-current residence address, mailing addresses, and telephone numbers;
 - b. His then-current employment and business addresses and telephone numbers, a description of the business activities of each such employer or business, and his title or responsibilities 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 Paragraphs IX and X; 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
601 New Jersey Ave., N.W.
Washington, D.C. 20001
Re: *FTC v. Simmons, et al.* Civ. No. 3:06-CV-00043

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

VIII. RECORD KEEPING PROVISIONS

IT IS FURTHER ORDERED that, for a period of eight (8) years from the date of entry of this Order, each Defendant, in connection with any business where (1) such Defendant is an officer, director, manager, or majority owner, or directly or indirectly manages or controls the business and where (2) the business engages, or assists others engaged in the marketing, advertising, promotion, offering for sale, or sale of employment goods or services, in or affecting commerce, 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;

E. Copies of all sales scripts, training materials, advertisements, or other marketing materials; 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 Paragraphs IX and X, and all reports submitted to the FTC pursuant to Paragraph VII.

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

B. For any business that Jeffrey Wayne Simmons controls, directly or indirectly, or in which he has a majority ownership interest, said Defendant must deliver a copy of this Order

to the principals, officers, directors and managers of that business. Jeffrey Wayne Simmons 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 five (5) days of service of this Order upon Defendant. For new personnel, delivery shall occur prior to them assuming their responsibilities.

C. For any business where Jeffrey Wayne Simmons is not a controlling person of a business but otherwise engages in conduct related to the subject matter of this Order, Jeffrey Wayne Simmons must deliver a copy of this Order to all principals and managers of such business before engaging in such conduct.

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 Part.

X. 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.

XI. 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.

SO ORDERED this 4th day of November, 2006.


UNITED STATES DISTRICT JUDGE

FOR DEFENDANTS: *State of Tennessee*
County of Davidson

Jeffrey Wayne Simmons, a /k/a "Wayne Simmons" a/k/a "Wayne Stevens"

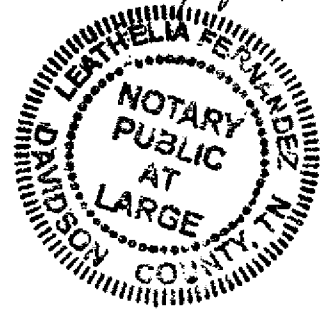
Jeffrey Wayne Simmons

Jeffrey Wayne Simmons

Sworn to and subscribed before me this 8th day of September 2006

Notary Public *Leathelief*

My Commission expires: *3.22.8*



Rebecca T. Garland

Rebecca T. Garland
Tennessee Bar No. 4224
155 Franklin Road, Suite 120
Brentwood, Tennessee 37027
(615) 371-0800

Career Success, LLC *State of Tennessee*
County of Davidson

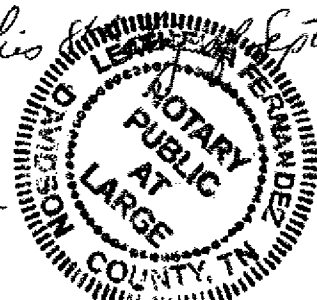
Jeffrey Wayne Simmons

Jeffrey Wayne Simmons, Member Manager/Sole Owner

Sworn to and subscribed before me this 8th day of September 2006

Notary Public *Leathelief*

My Commission expires: *3.22.8*



Rebecca T. Garland

Rebecca T. Garland
Tennessee Bar No. 4224
155 Franklin Road, Suite 120
Brentwood, Tennessee 37027
(615) 371-0800

Information Resources of Nashville, LLC

*State of Tennessee
County of Davidson*

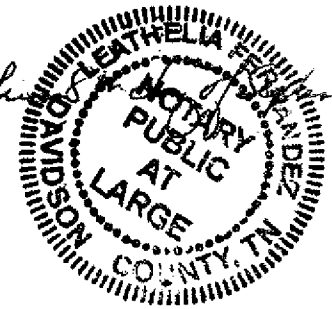
Jeffrey Wayne Simmons

Jeffrey Wayne Simmons, Member Manager/Sole Owner

Sworn to and subscribed before me this

Notary Public

Leathelia Jones



My Commission expires: 3.22.8

Rebecca T. Garland

Rebecca T. Garland
Tennessee Bar No. 4224
155 Franklin Road, Suite 120
Brentwood, Tennessee 37027
(615) 371-0800

FOR PLAINTIFF



Federal Trade Commission
Signed this 30th Day of October 2006.

Valerie M. Verduce
Georgia Bar No. 727066
Trial Counsel for Federal Trade Commission

Federal Trade Commission
225 Peachtree Street, Suite 1500
Atlanta, Georgia 30303
Office 404-656-1355
Facsimile 404-656-1379

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

FEDERAL TRADE COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	No. 3:06-CV-00043
)	
JEFFREY WAYNE SIMMONS,)	Judge Echols/Bryant
a/k/a "WAYNE SIMMONS,")	
a/k/a "WAYNE STEVENS,")	
)	
CAREER SUCCESS, LLC,)	
a Tennessee limited liability company,)	
)	
INFORMATION RESOURCES OF)	
NASHVILLE, LLC,)	
a Tennessee limited liability company,)	
)	
Defendants.)	
)	

AFFIDAVIT CERTIFYING RECEIPT OF FINAL ORDER

I, _____, being duly sworn, hereby states and affirms as follows:

1. My name is _____, and I have personal knowledge of the facts set forth in this Affidavit.
2. I am a defendant in the above-styled civil action.
3. On _____, 2006, I received a copy of the Final Judgment and Order for Permanent Injunction, which was signed by the Honorable _____ and entered by the Court on _____. A true and correct copy of the Order that was received is appended to this Affidavit.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this _____ day of _____, 2006 in _____ County,

State of _____.

By: _____

Notary Public

My Commission expires: _____