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CLERK, U.S. DISTRICT COURT  
MAY - 3 2007  
CENTRAL DISTRICT OF CALIFORNIA  
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11 Attorneys for Plaintiff  
12 FEDERAL TRADE COMMISSION

13 UNITED STATES DISTRICT COURT  
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

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15 FEDERAL TRADE COMMISSION, )  
16 ) No. CV07-01791 TJH (SHx)  
17 Plaintiff, )  
18 v. ) [PROPOSED]  
19 MYSTERY SHOP LINK, LLC, ) STIPULATED ORDER FOR  
20 et al., ) PRELIMINARY INJUNCTION  
21 Defendants. ) AS TO HARP MARKETING  
SERVICES, INC., AIDEN  
REDDIN AND MARC GURNEY

22 Plaintiff, the Federal Trade Commission ("Commission" or  
23 "FTC"), has filed a Complaint for Permanent Injunction and Other  
24 Equitable Relief ("Complaint") against Defendants Mystery Shop  
25 Link, LLC, Tangent Group, LLC, Robin Larry Murphy, Andrew Holman,  
26 Kenneth Johnson, Harp Marketing Services, Inc., Aiden Reddin, and  
27 Marc Gurney for deceptive acts and practices in connection with  
28 the advertising and telemarketing of "mystery shopping" employment  
opportunities. The Complaint alleges that these deceptive acts

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1 and practices violated Section 5(a) of the FTC Act, 15 U.S.C.  
2 § 45(a). In conjunction with the filing of its Complaint, the  
3 Commission also moved this Court for entry of an order holding  
4 certain Defendants in contempt of the Consent Judgment And Order  
5 For Permanent Injunction With Respect To Defendant Robin L.  
6 Murphy, entered by this Court on April 14, 1997, in connection  
7 with the case captioned FTC v. Stratified Advertising and  
8 Marketing, Inc., et al., Civ. No. 96-4142 TJH (VAPx).

9 The Commission and Defendants Harp Marketing Services, Inc.,  
10 Aiden Reddin, and Marc Gurney, have stipulated to the entry of the  
11 following Stipulated Order for Preliminary Injunction ("Order");  
12 and the Court, having considered the record and being fully  
13 advised in the premises, hereby finds:

14 **FINDINGS**

15 1. This Court has jurisdiction over the subject matter of  
16 this case and the parties hereto. Venue in the Central District  
17 of California is proper. Defendants Harp Marketing Services,  
18 Inc., Aiden Reddin and Marc Gurney have been properly served with  
19 process.

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

23 3. Weighing the equities and considering Plaintiff's  
24 likelihood of ultimate success, the Court finds that the entry of  
25 this Order is in the public interest.

26 4. The parties have agreed to the entry of this stipulated  
27 Order without adjudication of any issue of fact or law and without  
28 the Harp Defendants admitting liability for any of the matters

1 alleged in the Complaint.

2 5. No security is required of any agency of the United  
3 States for the issuance of a preliminary injunction. See Fed. R.  
4 Civ. P. 65(c).

5 ORDER

6 DEFINITIONS

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

9 1. "**Plaintiff**," "**Commission**," or "**FTC**" means the Federal  
10 Trade Commission.

11 2. "**Defendants**" means Mystery Shop Link, LLC, Tangent  
12 Group, LLC, Robin Larry Murphy, Andrew Holman, Kenneth Johnson,  
13 Harp Marketing Services, Inc., Aiden Reddin, and Marc Gurney, and  
14 each of them, by whatever names each might be known.

15 3. "**Harp Defendants**" means Harp Marketing Services, Inc.,  
16 Aiden Reddin, and Marc Gurney, and each of them, by whatever names  
17 each might be known.

18 4. "**MSL Defendants**" means Mystery Shop Link, LLC, Tangent  
19 Group, LLC, Robin Larry Murphy, Andrew Holman, and Kenneth  
20 Johnson.

21 5. "**Account number**" means any credit or debit card number,  
22 bank account number, deposit account number, personal  
23 identification number ("PIN"), access code, or security code,  
24 needed to charge or debit a consumer's account.

25 6. "**Assets**" means any legal or equitable interest in, right  
26 to, or claim to, any real and/or personal property, including but  
27 not limited to chattels, goods, instruments, equipment, fixtures,  
28 general intangibles, effects, leaseholds, mail or other

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1 deliveries, inventory, checks, notes, accounts, credits,  
2 receivables (as those terms are defined in the Uniform Commercial  
3 Code), and all cash, wherever located.

4 7. "**Consumer**" means any individual, group, unincorporated  
5 association, limited or general partnership, corporation, or other  
6 business entity.

7 8. "**Customer**" means any person who has paid, or may be  
8 required to pay, for goods or services offered for sale or sold by  
9 Defendants.

10 9. "**Document**" is synonymous in meaning and equal in scope  
11 to the usage of the term in Federal Rule of Civil Procedure 34(a),  
12 and includes writings, drawings, graphs, charts, photographs,  
13 audio and video recordings, computer records, and other data  
14 compilations from which information can be obtained and  
15 translated, if necessary, through detection devices into  
16 reasonably usable form. A draft or non-identical copy is a  
17 separate document within the meaning of the term.

18 10. "**Person**" means a natural person, an organization or  
19 other legal entity, including a corporation, partnership, sole  
20 proprietorship, limited liability company, association,  
21 cooperative, or any other group or combination acting as an  
22 entity.

23 11. "**Telemarketing**" means any plan, program or campaign  
24 (whether or not covered by the Telemarketing Sales Rule, 16 C.F.R.  
25 Part 310) that is conducted to induce the purchase of goods or  
26 services, or the payment of money, by means of the use of one or  
27 more telephones.

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**I. PROHIBITED BUSINESS ACTIVITIES**

**IT IS ORDERED** that the Harp Defendants, and their successors and assigns, officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, or other device, in connection with the advertising, promotion, offering, telemarketing, or sale of any product, program, good or service, are hereby restrained and enjoined from:

- A. Misrepresenting, expressly or by implication:
  - 1. that Defendants are themselves hiring consumers to perform work or are hiring on behalf of others;
  - 2. that a specified number of mystery shopping jobs are currently available through Defendants in consumers' local areas;
  - 3. that a large percentage of mystery shopping jobs go unfilled due to a lack of mystery shoppers; or
  - 4. that consumers who pay a fee to Defendants for access to mystery shopping jobs are likely to earn substantial income; and
- B. Misrepresenting, expressly or by implication, or failing to disclose, any fact material to a consumer's decision to purchase or use any product, program, good, or service.

**II. MAINTAIN RECORDS**

**IT IS FURTHER ORDERED** that the Harp Defendants, and their officers, agents, directors, servants, employees, salespersons, independent contractors, attorneys, corporations, subsidiaries,

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1 affiliates, shareholders, successors, assigns, and all other  
2 persons or entities in concert or participation with them who  
3 receive actual notice of this Order by personal service or  
4 otherwise, whether acting directly or through any trust,  
5 corporation, subsidiary, division, or other device, or any of  
6 them, are hereby restrained and enjoined from:

7       A.   Failing to create and maintain books, records, accounts,  
8 bank statements, current accountants' reports, general ledgers,  
9 general journals, cash receipt ledgers, source documents,  
10 documents indicating title to real or personal property, and any  
11 other data which in reasonable detail fairly, accurately, and  
12 completely reflect the incomes, disbursements, transactions and  
13 uses of Defendants' Assets;

14       B.   Destroying, erasing, mutilating, concealing, altering,  
15 transferring, or otherwise disposing of in any manner, directly or  
16 indirectly, any scripts, advertisements, verification tapes,  
17 books, records, tapes, disks, contracts, accounting data,  
18 handwritten notes, checks (fronts and backs), correspondence,  
19 forms, manuals, electronically stored data, banking records,  
20 consumer or debtor lists or files, mailing lists, telemarketer  
21 lists, invoices, telephone records, receipt books, postal  
22 receipts, ledgers, payroll records, or other Documents of any  
23 kind, including information stored in computer-maintained form  
24 (such as electronic mail), in their possession, custody, or  
25 control.

26                                   **III. FINANCIAL STATEMENTS**

27       **IT IS FURTHER ORDERED** that, no later than ten (10) business  
28 days after entry of this Order, unless they have already done so,

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1 the Harp Defendants shall provide to counsel for the Commission:

2 A. A completed financial statement accurate as of the date  
3 of service of this Order upon such Defendant, in the forms  
4 previously provided to Defendants, along with the required  
5 attachments; and

6 B. If requested by counsel for the Commission, after  
7 submission of the statement(s) specified in Paragraph A above,  
8 such additional information, verified under oath, as to payments,  
9 transfers, or assignments of funds, assets, or property as is  
10 reasonably necessary to explain or substantiate the information  
11 provided in the statement(s) specified in Paragraph A.

12 **IV. ACCOUNTING PROVISIONS**

13 **IT IS FURTHER ORDERED** that, within three (3) days after entry  
14 of this Order, the Harp Defendants shall serve on the Commission a  
15 detailed accounting of:

16 A. all gross revenues and net profits obtained by the Harp  
17 Defendants from the sale of any product or service as the agent,  
18 employee, independent contractor or otherwise on behalf of the MSL  
19 Defendants, or their successors and assigns, officers, agents,  
20 servants, employees, and attorneys, stated separately for each  
21 product or service; and

22 B. the full names, addresses, telephone numbers, email  
23 addresses of all purchasers and the amount each purchaser paid for  
24 each product or service sold on behalf of the MSL Defendants, or  
25 their successors and assigns, officers, agents, servants,  
26 employees, and attorneys.

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1                   **V. PROHIBITIONS REGARDING CONSUMER INFORMATION**

2           **IT IS FURTHER ORDERED** that the Harp Defendants, their  
3 successors and assigns, officers, agents, servants, employees, and  
4 attorneys, and those persons in active concert or participation  
5 with them who receive actual notice of this Order by personal  
6 service or otherwise, whether acting directly or through any  
7 entity, corporation, subsidiary, division, or other device, are  
8 hereby restrained and enjoined from:

9           A.   Selling, renting, leasing, transferring, or otherwise  
10 disclosing the name, address, telephone number, Social Security  
11 number, account number, e-mail address, or other identifying  
12 information of any person about whom any Defendant obtained such  
13 information in connection with the activities alleged in the  
14 Complaint; and

15           B.   Benefitting from or using the name, address, telephone  
16 number, Social Security number, account number, e-mail address, or  
17 other identifying information of any person about whom any  
18 Defendant obtained such information in connection with the  
19 activities alleged in the Complaint;

20           Provided, however, that the Harp Defendants may disclose  
21 identifying information to a law enforcement agency, or as  
22 required by any law, regulation, or court order, and to any  
23 affiliated entities owned by, or directly controlled by, the Harp  
24 Defendants.

25                   **VI. CREATION OF OTHER BUSINESSES**

26           **IT IS FURTHER ORDERED** that the Harp Defendants, within ten (10)  
27 business days of their creating, operating, or controlling any  
28 business entity, whether newly-formed or previously inactive,



1 including, without limitation, any partnership, limited partnership,  
2 joint venture, sole proprietorship, limited liability company, or  
3 corporation, must provide written notice to the Commission  
4 disclosing: (1) the name of the business entity; (2) the address and  
5 telephone number of the business entity; (3) the names of the  
6 business entity's owners, officers, directors, principals, managers,  
7 members, and employees; and (4) a detailed description of the  
8 business entity's intended activities.

9 **VII. DISTRIBUTION OF ORDER BY DEFENDANTS**

10 **IT IS FURTHER ORDERED** that the Harp Defendants shall, within  
11 five (5) business days after entry of this Order, provide a copy of  
12 this Order to each of their corporations, subsidiaries, affiliates,  
13 divisions, directors, officers, partners, shareholders, successors,  
14 assigns, employees, attorneys, agents, and independent contractors,  
15 that are engaged in any function or activity substantially involved  
16 in the marketing of products or services to consumers, including, but  
17 not limited to, telemarketing, mail, e-mail, or Internet marketing.  
18 Within ten (10) business days after entry of this Order, the Harp  
19 Defendants shall serve upon Plaintiff an affidavit identifying the  
20 names, titles, addresses, and telephone numbers of the persons and  
21 entities Defendants have served with a copy of this Order in  
22 compliance with this provision.

23 Provided, however, that the Harp Defendants may alternatively  
24 provide employees and independent contractors a summary of Sections  
25 I, II, and V of the Order.

26 **VIII. NOTICE OF THIS ORDER**

27 **IT IS FURTHER ORDERED** that copies of this Order may be  
28 distributed by first class mail, overnight delivery, facsimile,

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1 electronic mail, or personally, by agents or employees of Plaintiff,  
2 upon any credit card processing agent or agent providing electronic  
3 funds transfer services or automated clearing house processing,  
4 customer service agent, commercial mail receiving agency, mail  
5 holding or forwarding company, bank, savings and loan institution,  
6 credit union, financial institution, accountant, brokerage house,  
7 escrow agent, IRA custodian, money market or mutual fund, title  
8 company, commodity futures merchant, commodity trading company,  
9 common carrier, storage company, trustee, or any other person,  
10 partnership, corporation, or legal entity that may be in possession  
11 of any Documents, records, Assets, property, or property right of any  
12 named Defendant, and any Internet service provider or other person,  
13 partnership, corporation, or legal entity that may be subject to any  
14 provision of this Order. Service upon any branch or office of any  
15 financial institution or entity shall effect service upon the entire  
16 financial institution or entity.

17 **IX. CONSUMER REPORTING AGENCIES**

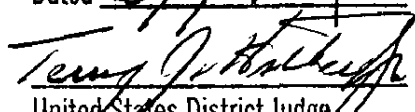
18 **IT IS FURTHER ORDERED** that, pursuant to Section 604 of the Fair  
19 Credit Reporting Act, 15 U.S.C. § 1681b, any consumer reporting  
20 agency may furnish a consumer or credit report concerning Harp  
21 Marketing Services, Inc., Aiden Reddin or Marc Gurney, to Plaintiff.

22 **X. SEVERABILITY**

23 **IT IS FURTHER ORDERED** that the provisions of this Order are  
24 separate and severable from one another. If any provision is  
25 stayed or determined to be invalid, the remaining provisions shall  
26 remain in full force and effect.

27 **XI. RETENTION OF JURISDICTION**

28 **IT IS FURTHER ORDERED** that this Court shall retain

**IT IS SO ORDERED**  
Dated 5/3/07  
  
United States District Judge

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1 jurisdiction of this matter for all purposes.

2 **IT IS SO ORDERED.**

4 Dated: \_\_\_\_\_ United States District Judge

6 **SIGNED AND STIPULATED BY:**

7 Guy G. Ward  
8 Guy G. Ward  
9 David A. O'Toole  
10 Federal Trade Commission  
11 55 E. Monroe St., Suite 1860  
12 Chicago, IL 60603  
13 PH. (312) 960-5634  
14 FAX (312) 960-5600  
15 Attorneys for Plaintiff  
16 Federal Trade Commission

Dated: 4-26-07

13 Gary D. Hailey  
14 Ian D. Volner  
15 Gary D. Hailey  
16 Venable LLP  
17 575 7th Street, NW  
18 Washington, DC 20004-1601

Dated: 4-25-07

17 Jon-Jamison Hill  
18 Venable LLP  
19 2049 Century Park East, Suite 2100  
20 Los Angeles, CA 90067  
21 PH. (310) 229-9907  
22 FAX (310) 229-9901  
23 Attorneys for Defendants  
24 Harp Marketing Services, Inc.,  
25 Aiden Reddin and Marc Gurney

22 Aiden Reddin  
23 Defendant Aiden Reddin,  
24 individually and on behalf  
25 of Harp Marketing  
26 Services, Inc.

Dated: 04-24-07

25 Marc Gurney  
26 Defendant Marc Gurney,  
27 individually and on behalf  
28 of Harp Marketing  
Services, Inc.

Dated: 4-24-07

CERTIFICATE OF SERVICE

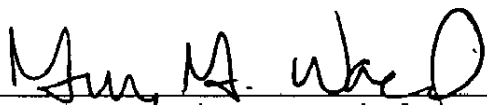
I, Guy G. Ward, hereby certify that I caused to be served true and correct copies of the attached [Proposed] Stipulated Order for Preliminary Injunction as to Harp Marketing Services, Inc., Aiden Reddin and Marc Gurney on the following parties by first class U.S. mail, postage prepaid:

Laurence D. Strick  
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and Andrew Holman

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Washington, DC 20004  
Attorneys for  
Harp Marketing Services, Inc.,  
Aiden Reddin, and  
Marc Gurney

Dated: April 26, 2007

  
\_\_\_\_\_  
Guy G. Ward, counsel for FTC

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