

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

FEDERAL TRADE COMMISSION,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. H-06-1980
	§	
STEVEN L. KENNEDY,	§	
	§	
Defendants.	§	

**FINAL JUDGMENT AND ORDER FOR PERMANENT INJUNCTION**

The Federal Trade Commission ["FTC"] shall have judgment against Steven L. Kennedy for a permanent injunction and monetary damages in this matter pursuant to Sections 5(a) and 13(b) of the Federal Trade Commission Act, 15 U.S.C. §§ 45(a) and 53(b), based on findings that Kennedy engaged in unfair and deceptive acts and practices in violation of the Act.

**I. PROHIBITED MISREPRESENTATIONS**

IT IS THEREFORE ORDERED that in connection with the telemarketing, advertising, promotion, offering for sale, or sale of any Internet services, Steven L. Kennedy, his agents, servants, employees, and attorneys, and all other persons or entities in active concert or participation with him who receive actual notice of this Final Judgment and Order by personal service or otherwise, whether acting directly or through any business entity, corporation, subsidiary, affiliate, division, or other device, are hereby permanently RESTRAINED and ENJOINED from misrepresenting, expressly or by implication, any material fact, including, but not limited to, misrepresenting:

A. That a free trial service will be cancelled automatically if the authorized purchaser does not affirmatively approve the continuation of the service;

B. That a verification recording is being made for any purpose other than to document the authorized purchaser's express informed consent; and

C. That an authorized purchaser is obligated to pay any charge for which the authorized purchaser has not given express informed consent.

## **II. PROHIBITED BILLING PRACTICES**

IT IS FURTHER ORDERED that in connection with the telemarketing, advertising, promotion, offering for sale, or sale of any Internet services, Steven L. Kennedy, his agents, servants, employees, and attorneys, and all other persons or entities in active concert or participation with him who receive actual notice of this Final Judgment and Order by personal service or otherwise, whether acting directly or through any business entity, corporation, subsidiary, affiliate, division, or other device, are hereby permanently RESTRAINED and ENJOINED from, directly or indirectly, billing or receiving money, or assisting others in billing or receiving money, from any authorized purchaser without the authorized purchaser's express informed consent.

## **III. INJUNCTION AGAINST PROVIDING CUSTOMER LISTS**

IT IS FURTHER ORDERED that Steven L. Kennedy is hereby permanently RESTRAINED and ENJOINED from selling, renting, leasing, transferring or otherwise disclosing the name, address, telephone number, social security number, or other identifying information of any person who purchased services from Webservice Media, LLC, Webservice Media L.P., BizSitePro, LLC, Eversites, LLC, Telsource Solutions, Inc., Telsource International, Inc., or related individuals or entities at any time prior to the date of entry of this Final Judgment and Order. *Provided*, however, that Kennedy may disclose such identifying information to a law enforcement agency or as required by any law, regulation or court order.

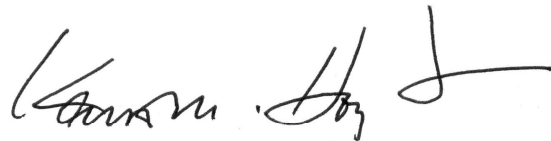
**IV. MONETARY JUDGMENT**

Finally, IT IS ORDERED that:

Judgment in the amount of Four Million One Hundred Eight Thousand One Hundred Thirty One Dollars and Thirty-Two Cents (\$4,108,131.32); post-judgment interest shall accrue on this judgment at the rate of 1.52 % per annum; and, costs of court are assessed against Steven L. Kennedy and in favor of the FTC.

All funds paid pursuant to this Final Judgment and Order shall be deposited into a fund administered by the FTC or its agent to be used for equitable relief, including, but not limited to, consumer redress and any attendant expenses for the administration of any redress fund. In the event that direct redress to consumers is wholly or partially impracticable or funds remain after redress is completed, the FTC may apply any remaining funds for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to Kennedy's conduct found in the Memorandum and Order. Any funds not used for such equitable relief shall be deposited to the Treasury of the United States as disgorgement. Steven L. Kennedy shall have no right to challenge the FTC's choice of remedies under this section. Moreover, Steven L. Kennedy shall have no right to contest the manner of distribution chosen by the FTC. No portion of any payments under the judgment herein shall be deemed a payment of any fine, penalty, or punitive assessment.

SIGNED and ENTERED this 17th day of March, 2008.



Kenneth M. Hoyt  
United States District Judge