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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Federal Trade Commission, Plaintiff, v. Helping Hands of Hope, Inc., et al. Defendants.	}	CV-08-0909-PHX-JAT STIPULATED FINAL ORDER AND JUDGMENT FOR PERMANENT INJUNCTION AND OTHER EQUITABLE RELIEF AS TO ALL DEFENDANTS
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On May 13, 2008, Plaintiff Federal Trade Commission filed a Complaint for a permanent injunction and other equitable relief in this matter pursuant to Sections 13(b) and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b) and 57b, and the Telemarketing and Consumer Fraud and Abuse Prevention Act (“Telemarketing Act”), 15 U.S.C. §§ 6101-6108. The Complaint named as Defendants Helping Hands of Hope, Inc., U.S. Blind Services, Inc., Employment Opportunities of America, Inc., Third Strike Employment, Inc., and Robyn Mayhan.

Plaintiff and all Defendants have stipulated (Doc. #67) to the entry of this Final Order For Permanent Injunction and Other Equitable Relief.

Having reviewed the parties’ Stipulation Re Final Order for Permanent Injunction and Other Equitable Relief as to All Defendants, and good cause appearing therefor, the Court hereby orders as follows:

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FINDINGS OF FACT

1. Defendants stipulate that they were properly served with the Complaint, Summons, TRO and Complaint in this matter.

2. Defendants stipulate that they were properly served with the Preliminary Injunction in this matter.

3. This Court has jurisdiction over the subject matter of the case and the parties stipulate that the Court has personal jurisdiction over Defendants. The parties further stipulate that venue in the District of Arizona is proper.

4. Plaintiff alleges that the actions of Defendants are in or affecting commerce, as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

5. The parties stipulate that the allegations of the Complaint state a claim upon which relief can be granted against Defendants under Sections 5(a), 13(b) and 19 of the FTC Act, 15 U.S.C. §§ 45(a), 53(b), and 57b, the FTC’s Telemarketing Sales Rule (“TSR”), 16 C.F.R. Part 310, and the Unordered Merchandise Statute, 39 U.S.C. § 3009.

6. The parties stipulate that Plaintiff has the authority under Sections 13(b) and 19 of the FTC Act, 15 U.S.C. §§ 53(b) and 57b, to seek the relief it has requested.

7. Defendants have not admitted liability as to the charges in the Complaint and their consent to settle and finally resolve this action shall not be interpreted to constitute an admission that they have engaged in any violations of any law or regulations.

8. Defendants waive all rights to seek judicial review or otherwise challenge or contest the validity of this Order.

9. Defendant Mayhan waives any claim that she may hold against the Receiver, its employees, representatives or agents.

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7. “Assisting others” means providing any of the following goods or services to another person or entity:
 - a. performing customer service functions, including, but not limited to, receiving or responding to consumer complaints; or
 - b. formulating or providing, or arranging for the formulation or provision of, any telephone sales script or any other marketing material; or
 - c. providing names of, or assisting in the generation of, potential customers; or
 - d. performing marketing services of any kind;
8. To “mail” an item means to place such item in the mail or to direct any other person to place such item in the mail;
9. “Material fact” means to any fact that is likely to affect a person’s choice of, or conduct regarding, goods or services;
10. “Assets” means any legal or equitable interest in, right to, or claim to, any real or personal property, including, without limitation, chattels, goods, instruments, equipment, fixtures, general intangibles, leaseholds, mail or other deliveries, inventory, checks, notes, accounts, credits, contracts, receivables, shares of stock, and all cash, wherever located;
11. The term “document” is equal in scope and synonymous in meaning 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 any other data compilations from which information can be obtained. A draft or non-identical copy is a separate document within the meaning of the term.

I.

PROHIBITED REPRESENTATIONS

IT IS THEREFORE ORDERED that Defendants and their agents, servants, employees, and attorneys, and those persons or entities 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 corporation, subsidiary, division, or other device, in connection with the advertising, marketing, promotion, offering for sale or sale of any good or service, **are hereby restrained and enjoined** from falsely representing, or from assisting others who are falsely representing, any of the following:

- A. that any consumer's purchase will significantly help handicapped or disabled people;
- B. that all or most persons employed by or working on behalf of any company are handicapped or disabled;
- C. that any specific person employed by or working on behalf of any company is handicapped or disabled;
- D. that any company's products are packaged or manufactured by the handicapped or disabled;
- E. that any company operates a charitable organization;
- F. that any consumer has ordered and/or agreed to purchase one or more products from any company and therefore owes money to any company; and/or
- G. any other fact material to a consumer's decision to purchase any good or service from any company.

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II.

PROHIBITION AGAINST MAILING AND BILLING FOR UNORDERED MERCHANDISE

IT IS FURTHER ORDERED that Defendants and their agents, servants, employees, and attorneys, and those persons or entities 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 corporation, subsidiary, division, or other device, in connection with the advertising, marketing, promotion, offering for sale or sale of any product, **are hereby restrained and enjoined** from:

- A. sending or causing to be sent any package containing any product to any consumer without the prior expressed request or consent of the consumer, unless such product is clearly identified as a free sample; or
- B. sending or causing to be sent any bill, invoice or dunning communication to any consumer to whom Defendants or any company under their direct or indirect control has sent or caused to be sent a product without that consumer’s prior expressed request or consent.

III.

PROHIBITION AGAINST VIOLATING THE TELEMARKETING SALES RULE

IT IS FURTHER ORDERED that Defendants and their agents, servants, employees, and attorneys, and those persons or entities 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 corporation, subsidiary, division, or other device, in connection with the telemarketing of any

1 good or service, are hereby restrained and enjoined from violating any provision of
2 the Telemarketing Sales Rule, 16 C.F.R. Part 310, including, but not limited to:

3 A. violating Section 310.3(a)(3) of the TSR, 16 C.F.R. § 310.3(a)(3), by
4 causing billing information to be submitted for payment (using a
5 payment method other than a credit card subject to the protections of
6 the Truth In Lending Act, 15 U.S.C. § 1601 *et seq.*, and Regulation Z,
7 12 C.F.R. Part 226, or a debit card subject to the protections of the
8 Electronic Funds Transfer Act, 15 U.S.C. § 1693 *et seq.*, and
9 Regulation E, 12 C.F.R. Part 205) without the consumer's express
10 verifiable authorization;

11 B. violating Section 310.3(a)(4) of the TSR, 16 C.F.R. § 310.3(a)(4), by
12 making false or misleading statements to induce consumers to pay for
13 such products, including but not limited to misrepresentations:

- 14 1. that a consumer's purchase will significantly help
15 handicapped or disabled people;
- 16 2. that all or most persons employed by or working on
17 behalf of any company are handicapped or disabled;
- 18 3. that any specific person employed by or working on
19 behalf of any company is handicapped or disabled;
- 20 4. that any of a company's products are packaged or
21 manufactured by the handicapped or disabled;
- 22 5. that any company operates a charitable organization; or
- 23 6. any other fact material to a consumer's decision to
24 purchase any good or service;

25 C. violating Section 310.4(b)(1)(I) of the TSR, 16 C.F.R.
26 § 310.4(b)(1)(I), by causing consumers' telephones to ring repeatedly,

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- 1 or engaging consumers repeatedly in telephone conversations, with
2 the intent to annoy, abuse, or harass persons at the called number;
- 3 D. violating Section 310.4(b)(1)(iii)(B) of the TSR, 16 C.F.R.
4 § 310.4(b)(1)(iii)(B), by engaging in or causing others to engage in
5 initiating an outbound telephone call to a person when that person's
6 telephone number is on the National Do Not Call Registry;
- 7 E. violating Section 310.4(b)(1)(iii)(A) of the TSR, 16 C.F.R.
8 § 310.4(b)(1)(iii)(A), by engaging in or causing others to engage in
9 initiating an outbound telephone call to persons who had previously
10 stated that they do not wish to receive calls made by or on behalf of
11 Defendants; and/or
- 12 F. violating Section 310.8 of the TSR, 16 C.F.R. § 310.8, by initiating, or
13 causing others to initiate, an outbound telephone call to a telephone
14 number within a given area code without Defendant, either directly or
15 through another person, first paying the annual fee required for access
16 to the telephone numbers within that area code that are included in the
17 National Do Not Call Registry.

18 **IV.**

19 **RECEIVERSHIP**

20 **IT IS FURTHER ORDERED** that:

- 21 **A.** The Receiver shall continue serving as Receiver until further order of
22 this Court, with all of the same rights, duties and powers as set forth in the
23 June 13, 2008 Preliminary Injunction which appointed Robb Evans &
24 Associates as Permanent Receiver over the Corporate Defendants.
- 25 **B.** The Receiver is expressly authorized and directed to liquidate or
26 dispose of any and all remaining assets of the Receivership Defendants.
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1 C. In addition to liquidating or disposing of assets, the Receiver shall
2 finalize the affairs of the receivership estate as expeditiously as possible.

3 D. Upon finalization of all business of the receivership estate, the
4 Receiver shall submit a final report to the Court together with a request for
5 termination of the receivership and discharge.

6 E. Upon termination of the receivership, the Receiver may dispose of any
7 remaining records and documents of the Receivership Defendants as the
8 Receiver sees fit.

9 **V.**

10 **MONETARY RELIEF**

11 **IT IS FURTHER ORDERED** that:

12 A. Judgment is hereby entered against all defendants, jointly and
13 severally, in the amount of \$26,335,000.00 (TWENTY SIX MILLION THREE
14 HUNDRED THIRTY-FIVE THOUSAND DOLLARS); provided, however, that
15 subject to the provisions of Paragraph VI, below, judgment against Defendant
16 Mayhan is hereby suspended.

17 B. Towards satisfaction of this Judgment, each of the Receivership
18 Defendants, through the Receiver, shall pay to the FTC all funds that
19 are in the Receivership Defendant's possession after payment of
20 receivership fees and expenses approved by the Court;

21 1. Within five days after entry of this Order, the Receiver shall
22 pay to the FTC all funds then in the Receivership Defendant's
23 possession, less any funds that the Receiver deems necessary to
24 hold in reserve for accrued but unpaid receivership fees and
25 expenses, as well as anticipated future fees and expenses;

26 2. Within five days after entry of an order terminating the
27 receivership (pursuant to Paragraph IV above), the Receiver
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shall pay to the FTC all remaining funds of the Receivership Defendants, less any fees and expenses that the Court has approved;

- C. All funds paid pursuant to this Paragraph shall be deposited into a fund administered by the Commission or its agent to be used for equitable relief, including but not limited to restitution and any attendant expenses for the administration of any restitution fund. In the event that direct restitution to consumers is wholly or partially impracticable or funds remain after restitution 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 the practices alleged in the Complaint. Any funds not used for such equitable relief shall be deposited to the Department of the Treasury as disgorgement and not as a fine or penalty. The Commission shall have full and sole discretion to:
 - 1. Determine the criteria for participation by individual claimants in any consumer restitution program implemented pursuant to this Order;
 - 2. Determine the manner and timing of any notices to be given to consumers regarding the existence and terms of such programs, and
 - 3. Delegate any and all tasks connected with such restitution program to any individual, partnerships, or corporations; and pay reasonable fees, salaries, and expenses incurred thereby from the payments made pursuant to this Order;
- D. Defendants shall have no right to challenge the Commission’s choice of remedies under this Paragraph;

1 E. Defendants expressly waive any rights they may possess to litigate the
2 issue of monetary relief; and

3 F. Defendants relinquish all dominion, control, and title to the funds paid
4 to the fullest extent permitted by law. Defendants shall make no claim
5 to or demand return of the funds, directly or indirectly, through
6 counsel or otherwise.

7 **VI.**

8 **RELIANCE ON REPRESENTATIONS**

9 **IT IS FURTHER ORDERED** that:

10 A. The Commission's agreement to, and the Court's approval of, this
11 Order as to Defendant Mayhan is expressly premised upon the truthfulness,
12 accuracy, and completeness of Defendant Mayhan's financial condition, as
13 represented in her financial statement dated May 15, 2008 and related documents,
14 statements or representations, including Defendant Mayhan's release of her interest
15 in any properties or assets in Mexico, which the Commission relied upon in
16 negotiating and agreeing to the terms of this Order. If, upon motion by the
17 Commission to the Court, the Court finds that Defendant Mayhan, in any of the
18 above-referenced materials, failed to disclose any asset with a value in excess of
19 \$1,000, materially misrepresented the value of any asset, or made any other
20 material misrepresentation or omission, the suspended judgment entered against
21 Defendant Mayhan above in Paragraph V in the amount of \$26,335,000.00
22 (TWENTY SIX MILLION THREE HUNDRED THIRTY-FIVE THOUSAND
23 DOLLARS) shall become immediately due and payable, less any payments already
24 made by any Defendant in this action, plus interest from the date of entry of this
25 Order as allowed by law; provided, however, that in all other respects this Order
26 shall remain in full force and effect unless otherwise ordered by the Court; and,
27 provided further, that proceedings instituted under this provision would be in
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1 addition to, and not in lieu of, any other civil or criminal remedies as may be
2 provided by law, including any other proceedings that the Commission may initiate
3 to enforce this Order. For purposes of this Section, Defendant Mayhan waives any
4 right to contest any of the allegations in the Complaint.

5 B. Defendants agree that the facts as alleged in the Complaint filed in
6 this action shall be taken as true without further proof in any bankruptcy case or
7 subsequent civil litigation pursued by the Commission to enforce its rights to any
8 payment or money judgment pursuant to this Order, including but not limited to a
9 nondischargeability complaint in any bankruptcy case. Defendants further
10 stipulate and agree that the facts alleged in the Complaint establish all elements
11 necessary to sustain an action pursuant to, and that this Order shall have collateral
12 estoppel effect for purposes of Section 523(a)(2)(A) of the Bankruptcy Code, 11
13 U.S.C. § 523(a)(2)(A).

14 VII.

15 CUSTOMER LISTS

16 **IT IS FURTHER ORDERED** that Defendants, their officers, agents,
17 servants, employees, and attorneys, and all other persons or entities in active
18 concert or participation with any of them who receive actual notice of this Order by
19 personal service or otherwise, are permanently restrained and enjoined from:

20 A. disclosing, using, or benefitting from customer information, including
21 the name, address, telephone number, email address, social security number,
22 other identifying information, or any data that enables access to a customer's
23 account (including a credit card, bank account, or other financial account),
24 of any person which any Defendant obtained prior to entry of this Order in
25 connection with the telemarketing of any good or service; and

26 B. failing to dispose of such customer information in all forms in their
27 possession, custody, or control within thirty (30) days after entry of this
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1 Order. Disposal shall be by means that protect against unauthorized access
2 to the customer information, such as by burning, pulverizing, or shredding
3 any papers, and by erasing or destroying any electronic media, to ensure that
4 the customer information cannot practicably be read or reconstructed.

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

8 **VIII.**

9 **COMPLIANCE MONITORING**

10 **IT IS FURTHER ORDERED** that, for the purpose of (i) monitoring and
11 investigating compliance with any provision of this Order, and (ii) investigating
12 the accuracy of any Defendants' financial statements upon which the
13 Commission's agreement to this Order is expressly premised:

14 A. Within ten (10) days of receipt of written notice from a representative
15 of the Commission, Defendants each shall submit additional written reports,
16 which are true and accurate and sworn to under penalty of perjury; produce
17 documents for inspection and copying; appear for deposition; and provide
18 entry during normal business hours to any business location in each
19 Defendant's possession or direct or indirect control for the purpose of
20 inspecting the business operation.

21 B. In addition, the Commission is authorized to use all other lawful
22 means, including but not limited to:

- 23 1. Obtaining discovery from any person, without further leave of court,
24 using the procedures prescribed by Fed. R. Civ. P. 30, 31, 33, 34, 36,
25 45 and 69; and
26 2. having its representatives pose as consumers and suppliers to
27 Defendants, their employees, or any other entity managed or
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1 controlled in whole or in part by any Defendant, without the necessity
2 of identification or prior notice; and

3 C. Defendants shall permit representatives of the Commission to
4 interview any employer, consultant, independent contractor, representative,
5 agent, or employee who has agreed to such an interview, relating in any way
6 to any conduct subject to this Order. The person interviewed may have
7 counsel present.

8 *Provided, however,* that nothing in this Order shall limit the Commission's
9 lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act,
10 15 U.S.C. §§ 49, 57b-1, to obtain any documentary material, tangible things,
11 testimony, or information relevant to unfair or deceptive acts or practices in or
12 affecting commerce (within the meaning of 15 U.S.C. § 45(a)(1)).

13 **IX.**

14 **COMPLIANCE REPORTING BY DEFENDANTS**

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

- 17 A. For a period of three (3) years from the date of entry of this Order,
- 18 1. The Individual Defendant shall notify the Commission of the
- 19 following:
- 20 a. Any changes in Defendant's residence, mailing address, and
- 21 telephone numbers within ten (10) days of such change; and
- 22 b. Any change in Defendant's employment status (including self
- 23 employment) and any change in Defendant's ownership in any
- 24 business entity, within ten (10) days of such change. Such
- 25 notice shall include the name and address of each business that
- 26 Defendant is affiliated with, employed by, creates or forms, or
- 27 performs services for, a detailed description of the nature of the
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1 business, and a detailed description of Defendant's duties and
2 responsibilities in connection with the business or employment;
3 and

4 c. Any changes in Defendant's name or use of any aliases or
5 fictitious names within ten (10) days of the date of such change.

6 2. Defendants shall notify the Commission of any changes in structure of
7 any Corporate Defendant or any business entity that any Defendant
8 directly or indirectly controls, or has an ownership interest in, that
9 may affect compliance obligations arising under this Order, including
10 but not limited to: incorporation or other organization; a dissolution,
11 assignment, sale, merger, or other action; the creation or dissolution of
12 a subsidiary, parent, or affiliate that engages in any acts or practices
13 subject to this Order; or a change in the business name or address, at
14 least thirty (30) days prior to such change, *provided* that, with respect
15 to any such change in the business entity about which a Defendant
16 learns less than thirty (30) days prior to the date such action is to take
17 place, such Defendant shall notify the Commission as soon as is
18 practicable after obtaining such knowledge.

19 B. One hundred eighty (180) days after the date of entry of this Order,
20 and annually thereafter for a period of three (3) years, Defendants each shall
21 provide a written report to the FTC, which is true and accurate and sworn to
22 under penalty of perjury, setting forth in detail the manner and form in
23 which they have complied and are complying with this Order. This report
24 shall include, but not be limited to:

25 1. For the Individual Defendant:

26 a. Defendant's then-current residence address, mailing addresses,
27 and telephone numbers;

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- 1 b. Defendant’s then-current employment status (including self-
2 employment), including the name, addresses, and telephone
3 numbers of each business that Defendant is affiliated with,
4 employed by, or performs services for; a detailed description of
5 the nature of the business; and a detailed description of
6 Defendant’s duties and responsibilities in connection with the
7 business or employment;
- 8 c. Any other changes required to be reported under Subparagraph
9 A of this Paragraph; and

10 2. For all Defendants:

- 11 a. A copy of each acknowledgment of receipt of this Order,
12 obtained pursuant to the Paragraph titled “Distribution of
13 Order,” below; and
- 14 b. Any other changes required to be reported under Subparagraph
15 A of this Paragraph.

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

18 D. For the purposes of this Order, Defendants shall, unless otherwise
19 directed by the Commission’s authorized representatives, send by overnight
20 courier all reports and notifications required by this Order to the
21 Commission at the following address:

22 Associate Director of Enforcement
23 Federal Trade Commission
24 600 Pennsylvania Ave., N.W. Room NJ-2122
25 Washington, D.C. 20580

26 Re: **FTC v. Helping Hands of Hope, Inc., et al.**,
27 Civil Action No. CV-08-909-PHX-JAT

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

1 contemporaneously send an electronic version of such report or notification
2 to the Commission at: DEBrief@ftc.gov.

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

6 **X.**

7 **RECORD KEEPING**

8 **IT IS FURTHER ORDERED** that, for a period of six (6) years from the
9 date of entry of this Order, Defendants for any business for which they,
10 individually or collectively, are the majority owner or directly or indirectly control,
11 are hereby restrained and enjoined from failing to create and retain the following
12 records:

13 A. Accounting records that reflect the cost of goods or services sold,
14 revenues generated, and the disbursement of such revenues;

15 B. Personnel records accurately reflecting: the name, address, email
16 address (if any) and telephone number of each person employed in any
17 capacity by such business, including as an independent contractor; that
18 person's job title or position; the date upon which the person commenced
19 work; and the date and reason for the person's termination, if applicable;

20 C. Customer files containing the names, addresses, phone numbers,
21 dollar amounts paid, quantity of items or services purchased, and description
22 of items or services purchased, to the extent such information is obtained in
23 the ordinary course of business;

24 D. Complaints and refund requests (whether received directly, indirectly,
25 such as through a third party) and any responses to those complaints or
26 requests;

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1 E. Copies of all sales scripts, training materials, advertisements, website
2 printouts, or other marketing materials; and

3 F. All records and documents necessary to demonstrate full compliance
4 with each provision of this Order, including but not limited to, copies of
5 acknowledgments of receipt of this Order, required by the Paragraphs titled
6 “Distribution of Order by Defendants” and “Acknowledgment of Receipt of
7 Order by Defendants,” below, and all reports submitted to the FTC pursuant
8 to the Paragraph titled “Compliance Reporting by Defendants,” above.

9 **XI.**

10 **DISTRIBUTION OF ORDER BY DEFENDANTS**

11 **IT IS FURTHER ORDERED** that, for a period of three (3) years from the
12 date of entry of this Order, Defendants shall deliver copies of this Order as directed
13 below:

14 A. Corporate Defendants: Each Corporate Defendant must deliver a
15 copy of this Order to (1) all of its principals, officers, directors, and
16 managers; (2) all employees, agents, and representatives who engage in
17 conduct related to the subject matter of the Order; and (3) any business
18 entity resulting from any change in structure set forth in Subparagraph A.2
19 of the Paragraph titled “Compliance Reporting by Defendants.” For current
20 personnel, delivery shall be within five (5) days of service of this Order
21 upon such Defendant. For new personnel, delivery shall occur prior to them
22 assuming their responsibilities. For any business entity resulting from any
23 change in structure set forth in Subparagraph A.2 of the Paragraph titled
24 “Compliance Reporting by Defendants,” delivery shall be at least ten (10)
25 days prior to the change in structure.

26 B. Individual Defendant as Control Person: For any business that the
27 Individual Defendant controls, directly or indirectly, or in which such
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1 Defendant has a majority ownership interest, such Defendant must deliver a
2 copy of this Order to (1) all principals, officers, directors, and managers of
3 that business; (2) all employees, agents, and representatives of that business
4 who engage in conduct related to the subject matter of the Order; and (3) any
5 business entity resulting from any change in structure set forth in
6 Subparagraph A.2 of the Paragraph titled "Compliance Reporting by
7 Defendants." For current personnel, delivery shall be within (5) days of
8 service of this Order upon Defendant. For new personnel, delivery shall
9 occur prior to them assuming their responsibilities. For any business entity
10 resulting from any change in structure set forth in Subparagraph A.2 of the
11 Paragraph titled "Compliance Reporting by Defendants," delivery shall be at
12 least ten (10) days prior to the change in structure.

13 C. Individual Defendant as employee or non-control person: For any
14 business where the Individual Defendant is not a controlling person of a
15 business but otherwise engages in conduct related to the subject matter of
16 this Order, such Defendant must deliver a copy of this Order to all principals
17 and managers of such business before engaging in such conduct.

18 D. Defendant must secure a signed and dated statement acknowledging
19 receipt of the Order, within thirty (30) days of delivery, from all persons
20 receiving a copy of the Order pursuant to this Paragraph.

21 XII.

22 ACKNOWLEDGMENT OF RECEIPT OF ORDER

23 BY DEFENDANTS

24 **IT IS FURTHER ORDERED** that, within five (5) business days of receipt
25 of this Order as entered by the Court, each Defendant must submit to the
26 Commission a truthful sworn statement acknowledging receipt of this Order.
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XIII.

SEVERABILITY

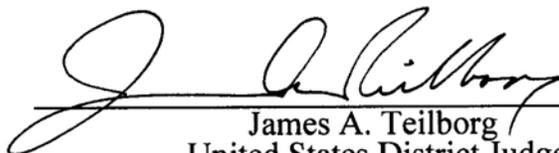
IT IS FURTHER ORDERED that the provisions of this Order are separate and severable from one another. If any provision is stayed or determined to be invalid, all of the remaining provisions shall remain in full force and effect.

XIV.

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 and Judgment.

DATED this 5th day of April, 2010.



James A. Teilborg
United States District Judge