

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

_____	)	CIVIL ACTION NO.
<b>Federal Trade Commission,</b>	)	
	)	<b>CV-12-914-PHX-DGC</b>
Plaintiff,	)	
	)	
v.	)	
	)	
<b>North America Marketing and Associates,</b>	)	
<b>LLC, a Nevada limited liability</b>	)	
<b>company, <i>et al.</i>;</b>	)	
	)	
Defendants and Relief Defendant.	)	
_____	)	

Motion to Issue Stipulated Final Order for Permanent Injunction and Other Equitable Relief Entered Into by Plaintiff and Defendants North America Marketing and Associates, LLC; NAMAA, LLC; TM Multimedia Marketing, LLC, a Nevada limited liability company; National Opportunities, LLC, a Nevada limited liability company; World Wide Marketing and Associates, LLC; Wide World of Marketing, LLC; Precious Metals Resource, LLC; Guaranteed Communications, LLC; Superior Multimedia Group, LLC; Joseph Wayne Lowry; and Relief Defendant Sheila Ann Lowry

Plaintiff Federal Trade Commission and Defendants North America Marketing and Associates, LLC; NAMAA, LLC; TM Multimedia Marketing, LLC, a Nevada limited liability company; National Opportunities, LLC, a Nevada limited liability

1 company; World Wide Marketing and Associates, LLC; Wide World of Marketing, LLC;  
2 Precious Metals Resource, LLC; Guaranteed Communications, LLC; Superior  
3 Multimedia Group, LLC; Joseph Wayne Lowry; and Relief Defendant Sheila Ann Lowry  
4 have entered into a Stipulated Final Order for Permanent Injunction and Other Equitable  
5 Relief ("Stipulated Final Order").  
6

7 The parties request that the Court issue the attached Stipulated Final Order.

8  
9 Dated: June 20, 2013

Respectfully submitted,

10  
11 DAVID C. SHONKA  
Acting General Counsel

12  
13 DEANYA T. Cocanougher  
Regional Director

14  
15 /s/ Gary D. Kennedy

16 GARY D. KENNEDY, Okla. Bar No. 4961  
17 ANNE D. LEJEUNE, Tex. Bar No. 24054286  
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Attorneys for Plaintiff  
FEDERAL TRADE COMMISSION  
26  
27  
28

**CERTIFICATE OF SERVICE**

I certify that on June 20, 2013, Plaintiff, Federal Trade Commission, electronically transmitted the attached **Motion to Issue Stipulated Final Order for Permanent Injunction and Other Equitable Relief Entered Into by Plaintiff and Defendants North America Marketing and Associates, LLC; NAMAA, LLC; TM Multimedia Marketing, LLC, a Nevada limited liability company; National Opportunities, LLC, a Nevada limited liability company; World Wide Marketing and Associates, LLC; Wide World of Marketing, LLC; Precious Metals Resource, LLC; Guaranteed Communications, LLC; Superior Multimedia Group, LLC; Joseph Wayne Lowry; and Relief Defendant Sheila Ann Lowry**, with proposed **Stipulated Final Order**, by ECF or email to the following:

**BY ECF:**

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Sheila Ann Lowry  
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NAMAA, LLC  
TM Multimedia Marketing, LLC (Nevada)  
National Opportunities, LLC (Nevada)  
World Wide Marketing and Associates, LLC  
Wide World of Marketing, LLC  
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Guaranteed Communications, LLC  
Superior Multimedia Group, LLC

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5 *Counsel for:*  
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11 *Counsel for:*  
12 Carl Edward Morris, Jr.  
13 Marketing Strategies, LLC

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25 *Counsel for:*  
26 Robb Evans & Associates, LLC  
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28 **BY EMAIL:**

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Phoenix, AZ 85035

Dated: June 20, 2013

/s/ Gary D. Kennedy  
Gary D. Kennedy

	)	<b>CIVIL ACTION NO.</b>
<b>Federal Trade Commission,</b>	)	
	)	<b>CV-12-914-PHX-DGC</b>
Plaintiff,	)	
	)	
v.	)	
	)	
<b>North America Marketing and Associates, LLC,</b>	)	
a Nevada limited liability company, <i>et al.</i> ;	)	
	)	
Defendants and Relief Defendants.	)	
	)	

**[proposed] STIPULATED FINAL ORDER FOR PERMANENT INJUNCTION  
AND OTHER EQUITABLE RELIEF AS TO DEFENDANTS NORTH AMERICA  
MARKETING AND ASSOCIATES, LLC; NAMAA, LLC; TM MULTIMEDIA  
MARKETING, LLC, (NEVADA); NATIONAL OPPORTUNITIES, LLC,  
(NEVADA); WORLD WIDE MARKETING AND ASSOCIATES, LLC; WIDE  
WORLD OF MARKETING, LLC; PRECIOUS METALS RESOURCE, LLC;  
GUARANTEED COMMUNICATIONS, LLC; SUPERIOR MULTIMEDIA  
GROUP, LLC; JOSEPH WAYNE LOWRY AND  
RELIEF DEFENDANT SHEILA ANN LOWRY**

1 Plaintiff Federal Trade Commission ("Commission") filed a Complaint for  
2 Permanent Injunction and Other Equitable Relief against Defendants North America  
3 Marketing and Associates, LLC; NAMAA, LLC; TM Multimedia Marketing, LLC, a  
4 Nevada limited liability company; TM Multimedia Marketing, LLC, an Arizona limited  
5 liability company; National Opportunities, LLC, a Nevada limited liability company;  
6 National Opportunities, LLC, an Arizona limited liability company; World Wide  
7 Marketing and Associates, LLC; Wide World of Marketing, LLC; Precious Metals  
8 Resource, LLC; Guaranteed Communications, LLC; Superior Multimedia Group, LLC;  
9 Kimberly Joy Birdsong; Joseph Wayne Lowry; Tracy Jerome Morris; Sarah Lynne  
10 Stapel; Alyisse Maloi Tramel; Daniel Vigil; Relief Defendants Sheila Ann Lowry; Carl  
11 Edward Morris, Jr.; and Marketing Strategies, LLC. The Complaint alleges that  
12 Defendants engaged in unfair or deceptive acts or practices in violation of Sections 13(b)  
13 and 19 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 53(b) and 57b,  
14 and Section 6(b) of the Telemarketing and Consumer Fraud and Abuse Prevention Act  
15 ("Telemarketing Act"), 15 U.S.C. § 6105(b). The Complaint further alleges that Relief  
16 Defendants Sheila Ann Lowry; Carl Edward Morris, Jr.; and Marketing Strategies, LLC  
17 have received funds from Defendants that are traceable to funds obtained from  
18 Defendants' customers through unfair and deceptive acts or practices in violation of the  
19 FTC Act and the Telemarketing Act. In addition, the Complaint alleges that Relief  
20 Defendants are not bona purchasers with title to Defendants' customers' funds and that  
21 Relief Defendants will be unjustly enriched if Relief Defendants are permitted to keep the  
22 funds.



1 Plaintiff Federal Trade Commission and Defendants North America Marketing and  
2 Associates, LLC; NAMAA, LLC; TM Multimedia Marketing, LLC, (Nevada); National  
3 Opportunities, LLC, (Nevada); World Wide Marketing and Associates, LLC; Wide  
4 World Of Marketing, LLC; Precious Metals Resource, LLC; Guaranteed  
5 Communications, LLC; Superior Multimedia Group, LLC; and Joseph Wayne Lowry and  
6 Relief Defendant Sheila Ann Lowry (collectively "Defendants") have agreed to entry of  
7 this Stipulated Permanent Injunction and Final Order ("Order") as to Defendants by this  
8 Court to resolve all matters of dispute between them in this action.  
9

10  
11 **NOW THEREFORE**, Plaintiff Federal Trade Commission and Defendants  
12 having requested the Court to enter this Order,  
13

14 **IT IS ORDERED, ADJUDGED, AND DECREED** as follows:

15 **FINDINGS**

16 1. This Court has jurisdiction of the subject matter of this case and Plaintiff  
17 and Defendants.  
18

19 2. Venue in this district is proper under 28 U.S.C. § 1391(b) and (c), and 15  
20 U.S.C. § 53(b).  
21

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

24 4. The allegations of the Complaint state a claim upon which relief may be  
25 granted against Defendants under Sections 13(b) and 19 of the FTC Act, 15 U.S.C.  
26 §§ 53(b) and 57b, and Section 6(b) of the Telemarketing Act, 15 U.S.C. § 6105(b).  
27  
28

1           5.     Plaintiff has authority under Sections 13(b) and 19 of the FTC Act, 15  
2 U.S.C. §§ 53(b) and 57b, and Section 6(b) of the Telemarketing Act, 15 U.S.C.  
3 § 6105(b), to seek the relief it has requested.  
4

5           6.     Defendants have entered into this Order freely and without coercion.  
6 Defendants further acknowledge that they have read the provisions of this Order and are  
7 prepared to abide by them.  
8

9           7.     Defendants waive all rights to seek appellate review or otherwise challenge  
10 or contest the validity of this Order.

11           8.     Defendants waive all claims that may arise under the Equal Access to  
12 Justice Act, 20 U.S.C. § 2412, concerning the prosecution of this action to date.  
13 Defendants also waive any claim against Plaintiff and its employees, representatives, or  
14 agents.  
15

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

17           10.    Each party shall bear its own costs and attorneys' fees incurred in this  
18 action.  
19

20           11.    Defendants neither admit nor deny any of the allegations in the Complaint,  
21 except as specifically stated in this Order. Only for purposes of this action, Defendants  
22 admit the facts necessary to establish jurisdiction.  
23

24                               **DEFINITIONS**

25           For purposes of this Stipulated Final Order ("Order"), the following definitions  
26 shall apply:  
27  
28



1           **A. “Asset”** means any legal or equitable interest in, right to, or claim to, any  
2 real or personal property, including, but not limited to, “goods,” “instruments,”  
3 “equipment,” “fixtures,” “general intangibles,” “inventory,” “checks,” or “notes” (as  
4 these terms are defined in the Uniform Commercial Code), lines of credit, chattels,  
5 leaseholds, contracts, mail or other deliveries, shares of stock, lists of consumer names,  
6 accounts, credits, premises, receivables, funds, and cash, wherever located.  
7

8           **B. “Assisting others”** includes, but is not limited to: (1) performing customer  
9 service functions, including, but not limited to, receiving or responding to consumer  
10 complaints; (2) formulating or providing, or arranging for the formulation or provision of,  
11 any sales script or other marketing material; (3) providing names of, or assisting in the  
12 generation of, potential customers; (4) performing marketing or billing services of any  
13 kind; (5) acting as an officer or director of a business entity; or (6) providing  
14 telemarketing services.  
15

16           **C. “Corporate Defendants”** means North America Marketing and Associates,  
17 LLC; NAMAA, LLC; TM Multimedia Marketing, LLC, a Nevada limited liability  
18 company; National Opportunities, LLC, a Nevada limited liability company; World Wide  
19 Marketing and Associates, LLC; Wide World of Marketing, LLC; Precious Metals  
20 Resource, LLC; Guaranteed Communications, LLC; and Superior Multimedia Group,  
21 LLC.  
22

23           **D. “Defendants”** means all of the Individual Defendant, the Relief Defendant,  
24 and the Corporate Defendants, individually, collectively, or in any combination.  
25  
26  
27  
28

1           E.     **“Document” or “Electronically Stored Information”** is synonymous in  
2 meaning and equal in scope to the usage of the terms in Rule 34(a) of the Federal Rules of  
3 Civil Procedure and includes:  
4

- 5           1.     The original or a true copy of any written, typed, printed,  
6 electronically stored, transcribed, taped, recorded, filmed, punched, or  
7 graphic matter or other data compilations of any kind, including, but not  
8 limited to, letters, email or other correspondence, messages, memoranda,  
9 interoffice communications, notes, reports, summaries, manuals, magnetic  
10 tapes or discs, tabulations, books, records, checks, invoices, work papers,  
11 journals, ledgers, statements, returns, reports, schedules, or files; and  
12  
13          2.     Any electronically stored information stored on any Smartphones,  
14 flash drives, telephones, personal digital assistants (“PDAs”), desktop  
15 personal computers and workstations, laptops, notebooks, and other  
16 portable computers, or other electronic storage media, whether assigned to  
17 individuals or in pools of computers available for shared use; and home  
18 computers used for work-related purposes; backup disks and tapes, archive  
19 disks and tapes, and other forms of offline storage, whether stored onsite  
20 with the computer used to generate them, stored offsite in another company  
21 facility, or stored, hosted, or otherwise maintained offsite by a third-party;  
22 and computers and related offline storage used by Defendants or  
23 Defendants’ participating associates, which may include persons who are  
24 not employees of the company or who do not work on company premises.  
25  
26  
27  
28

**F. “Individual Defendant” means Defendant Joseph Wayne Lowry.**

G. “Mail” includes, but is not limited to, all envelopes, papers, or other items delivered, whether by United States Mail, United Parcel Service, FedEx, electronic mail, or similar delivery service.

**H. “Material fact”** means any fact that is likely to affect a person’s choice of, or conduct regarding, goods or services.

I. **“Person”** means a natural person, organization, or other legal entity, including a corporation, partnership, sole proprietorship, limited liability company, association, cooperative, or any other group or combination acting as an entity.

**J. “Receiver”** means Robb Evans & Associates, the receiver appointed by the Court’s Preliminary Injunction entered on May 23, 2012.

**K. “Relief Defendant”** refers to Defendant Sheila Ann Lowry.

L. **“Work-at-home opportunity”** means any good, service, plan, or program that is represented, expressly or by implication, to assist an individual in any manner to earn money while working from home or from locations other than the business premises of Defendants.

## ORDER

I.

## BAN ON WORK-AT-HOME OPPORTUNITIES

**IT IS ORDERED** that Corporate Defendants and Individual Defendant, whether acting directly or through any other person, corporation, partnership, subsidiary, division, agent, or other device, are permanently restrained and enjoined from:



1           A.     Advertising, marketing, promoting, offering for sale, or selling any work-at-  
2  
3 home opportunity, including, but not limited to, web development, advertising,  
4 marketing, lead generation, or customer maximization services to assist the start-up or  
5  
6 operation of a work-at-home opportunity;

7           B.     Assisting others engaged in advertising, marketing, promoting, offering for  
8  
9 sale, or selling any work-at-home opportunity, including, but not limited to, web  
10 development, advertising, marketing, lead generation, or customer maximization services  
11  
12 to assist the start-up or operation of a work-at-home opportunity; and

13           C.     Holding any ownership interest, share, or stock in any business that engages  
14  
15 in or assists in advertising, marketing, promoting, offering for sale, or selling any work-  
16 at-home opportunity, including, but not limited to, web development, advertising,  
17  
18 marketing, lead generation, or customer maximization services to assist the start-up or  
19 operation of a work-at-home opportunity. **Provided, however,** that the prohibitions set  
20  
21 forth in this Section shall not apply to Defendants' non-supervisory or non-managerial  
22 ownership interests or duties in any publically-traded company in which Defendants (1)  
23  
24 own one (1) percent or less of the outstanding common shares or preferred shares; or (2)  
25  
26 in any way exercise control over one (1) percent or less of the outstanding common  
27 shares or preferred shares.  
28

II.

**PROHIBITED REPRESENTATIONS RELATING  
TO ANY GOODS OR SERVICES**

**IT IS FURTHER ORDERED** that Corporate Defendants and Individual Defendant, and their agents, servants, employees, and all persons 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, partnership, subsidiary, division, agent, or other device, in connection with the advertising, marketing, promotion, offering for sale or sale of any good, service, plan, or program, are permanently restrained and enjoined from misrepresenting, or assisting others in misrepresenting, expressly or by implication, any material fact, including, but not limited to:

- A.** That purchasers are likely to earn substantial income;
- B.** That purchasers will receive substantial assistance from marketing coaches;
- C.** Any material aspect of the nature or terms of any refund, cancellation, exchange, or repurchase policy, including, but not limited to, the likelihood of a consumer obtaining a full or partial refund, or the circumstances in which a full or partial refund will be granted to the consumer; and





**B.** Representing, directly or indirectly, expressly or by implication, that consumers who purchase and use any advertising package sold by Corporate Defendants and Individual Defendant are likely to quickly earn back the cost, or substantially more than the cost of advertising package, in violation of Section 310.3(a)(2)(vi) of the TSR, 16 C.F.R. Part 310.3(a)(2)(vi); and

C. Representing, directly or indirectly, expressly or by implication, that business experts, business professionals, and marketing coaches will provide substantial assistance to consumers in operating any work-at-home opportunity they purchased from Corporate Defendants and Individual Defendant, in violation of Section 310.3(a)(2)(iii) of the TSR, 16 C.F.R. Part 310(a)(2)(iii).

## IV.

## DUTY TO PROTECT CUSTOMER INFORMATION

**IT IS FURTHER ORDERED** that Defendants and their agents, servants, and employees, and all persons 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, partnership, subsidiary, division, agent, or other device, are permanently restrained and enjoined from:

A. Disclosing, using, or receiving any benefit from customer information, including the name, address, telephone number, email address, social security number,

1 other identifying information, or any data that enables access to a customer's account  
2 (including a credit card, bank account, or other financial account), of any person which  
3 was obtained by any Defendants prior to entry of this Order in connection with  
4 Defendants' offering for sale or sale of any work-at-home opportunities; and  
5

6 **B.** Failing to dispose of customer information in all forms in their possession,  
7 custody, or control within thirty (30) days after entry of this Order. Disposal shall be by  
8 means that protect against unauthorized access to the customer information, such as by  
9 burning, pulverizing, or shredding any papers, and by erasing or destroying any electronic  
10 media, to ensure that the customer information cannot practicably be read or  
11 reconstructed.  
12

13  
14 **Provided, however,** that customer information need not be disposed of, and may  
15 be disclosed, to the extent requested by a government agency or required by a law,  
16 regulation, or court order.  
17

18 **V.**

19 **COOPERATION WITH COMMISSION COUNSEL**

20 **IT IS FURTHER ORDERED** that Defendants shall, in connection with this  
21 action or any subsequent investigations related to or associated with the transactions or  
22 the occurrences that are the subject of the Commission's Complaint, cooperate in good  
23 faith with the Commission and appear, or cause their employees, representatives, or  
24 agents to appear, at such places and times as the Commission shall reasonably request,  
25 after written notice, for interviews, conferences, pretrial discovery, review of documents,  
26 and for such other matters as may be reasonably requested by the Commission. If  
27  
28



1 requested in writing by the Commission, Defendants shall appear, or cause their  
2 employees, representatives, or agents to appear, and provide truthful testimony in any  
3 trial, deposition, or other proceeding related to or associated with the transactions or the  
4 occurrences that are the subject of the Complaint, without the service of a subpoena.  
5

6 **VI.**

7 **MONETARY JUDGMENT**

8 **IT IS FURTHER ORDERED** that:

9  
10 A. Judgment in the amount of **SEVENTEEN MILLION, NINE HUNDRED**  
11 **AND FIFTY-SEVEN THOUSAND, FIVE HUNDRED AND EIGHTY-NINE**  
12 **DOLLARS** (\$17,957,589), an estimate of the total amount of consumer injury caused by  
13 the activities alleged in the Commission's Complaint, is entered in favor of the  
14 Commission and jointly and severally against Corporate Defendants and Individual  
15 Defendant, as equitable monetary relief, including, but not limited to, restitution or  
16 disgorgement, and for paying any attendant expenses for the administration of any  
17 restitution fund; *provided, however*, that this Judgment for equitable monetary relief shall  
18 be suspended upon the satisfaction of the obligations applicable to each Corporate and  
19 Individual Defendant as imposed by Subsection C of this Section and subject to the  
20 provisions of Section VII, titled "Right to Reopen."  
21

22  
23 B. Judgment in the amount of **TWENTY EIGHT THOUSAND DOLLARS**  
24 **(\$28,000)** is entered in favor of the Commission and against Relief Defendant, as  
25 equitable monetary relief, including, but not limited to, restitution or disgorgement, and  
26 for paying any attendant expenses for the administration of any restitution fund.  
27  
28

1 C. Within ten (10) days of the date of entry of this Order, Individual Defendant  
2 shall pay **SEVENTY-SEVENTY THOUSAND FIVE HUNDRED DOLLARS**  
3 (\$77,500) in equitable monetary relief, including, but not limited to, restitution or  
4 disgorgement, and for paying any attendant expenses for the administration of any  
5 restitution fund, to the Commission in the form of a wire transfer or certified or cashier's  
6 check made payable to the Commission, or such agent as the Commission may direct.  
7

8  
9 D. Within ten (10) days of the date of entry of this Order, Relief Defendant  
10 shall pay **TWENTY EIGHT THOUSAND DOLLARS (\$28,000)** in equitable monetary  
11 relief, including, but not limited to, restitution or disgorgement, and for paying any  
12 attendant expenses for the administration of any restitution fund, to the Commission in  
13 the form of a wire transfer or certified or cashier's check made payable to the  
14 Commission, or such agent as the Commission may direct.  
15

16 E. Time is of the essence for the payments specified above. In the event of  
17 default on any obligation to make payment under Section C or Section D of this  
18 Paragraph, interest, computed according to 28 U.S.C. § 1961(a), shall accrue from the  
19 date of default to the date of payment. Corporate Defendants and Individual Defendant  
20 shall be jointly and severally liable for all payments required by this Order and for  
21 interest on such payments. Relief Defendant shall be liable for the payment of  
22 **TWENTY EIGHT THOUSAND DOLLARS (\$28,000)** and for interest on such  
23 payment.  
24  
25

26 F. All funds paid under this Order shall be deposited into a fund administered  
27 by the Commission or its agent to be used for equitable relief, including, but not limited  
28



1 to, restitution and any attendant expenses for the administration of any restitution fund.  
2 Defendants shall cooperate fully to assist the Commission in identifying consumers who  
3 may be entitled to restitution under this Order. In the event that direct restitution to  
4 consumers is wholly or partially impracticable or funds remain after restitution is  
5 completed, the Commission may apply any remaining funds for the other equitable relief  
6 (including consumer information remedies) as it determines to be reasonably related to  
7 Defendants' practices alleged in the Complaint. Any funds not used for the equitable  
8 relief shall be deposited to the United States Treasury as disgorgement. Defendants shall  
9 have no right to challenge the Commission's choice of remedies under this Section and  
10 shall have no right to contest the manner of distribution chosen by the Commission.  
11

12  
13  
14 G. Defendants relinquish all dominion, control, and title to the funds paid to  
15 the fullest extent permitted by law. Defendants also relinquish all dominion, control, and  
16 title to the approximately **ONE HUNDRED FIFTY THOUSAND DOLLARS**  
17 (\$150,000) in Corporate Defendant funds currently being held by the Receiver.  
18 Defendants shall make no claim to or demand for return of the funds, including Corporate  
19 Defendant funds currently held by the Receiver, directly or indirectly, through counsel or  
20 otherwise.  
21

22  
23 H. Defendants shall take no deduction, capital loss, write-off, or any other tax  
24 benefit on any federal or state tax return, amended tax return, IRS Form 1045, or any  
25 other tax filing, for all or any part of any payment toward satisfaction of this judgment.  
26

27 I. Defendants agree that the facts as alleged in the Complaint filed in this  
28 action shall be taken as true without further proof in any bankruptcy case or subsequent

1 civil litigation pursued by the Commission to enforce its rights to any payment or money  
2 judgment pursuant to this Order, including, but not limited to, a nondischargeability  
3 complaint in any bankruptcy case. Defendants further stipulate and agree that the facts  
4 alleged in the Complaint establish all elements necessary to sustain an action by the  
5 Commission pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C.  
6 § 523(a)(2)(A), and that this Order shall have collateral estoppel effect for such purposes.  
7

8  
9 J. In accordance with 31 U.S.C. § 7701, Defendants are required, within ten  
10 (10) days after entry of this Order, unless they already have done so, to furnish the  
11 Commission with taxpayer identifying numbers (Social Security numbers or employer  
12 identification numbers), which shall be used for purposes of collecting and reporting on  
13 any delinquent amount arising out of their relationship with the government. Individual  
14 Defendant is further required, within ten (10) days after entry of this Order, unless he  
15 already has done so, to provide the Commission with clear, legible, and full-size  
16 photocopies of all valid driver's licenses that he possesses, which will be used for  
17 reporting and compliance purposes.  
18

19  
20 K. Proceedings instituted under this Section are in addition to, and not in lieu  
21 of, any other civil or criminal remedies that may be provided by law, including any other  
22 proceedings the Commission may initiate to enforce this Order.  
23  
24  
25  
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**VII.**

**RIGHT TO REOPEN**

**IT IS FURTHER ORDERED** that:

A. The Commission's agreement to this Order and the Court's approval are expressly premised upon the truthfulness, accuracy, and completeness of the Corporate Defendants' and Individual Defendant's representations regarding their respective financial condition, as set forth in each Defendant's sworn financial statements and supporting documents submitted to the Commission as follows:

<b>Defendant</b>	<b>Dated</b>
North America Marketing and Associates, LLC	Sworn Financial Statement dated 11/08/12
NAMAA, LLC	Sworn Financial Statement dated 11/08/12
TM Multimedia Marketing, LLC, a Nevada limited liability company	Sworn Financial Statement dated 11/08/12
National Opportunities, LLC, a Nevada limited liability company	Sworn Financial Statement dated 11/08/12
World Wide Marketing and Associates, LLC	Sworn Financial Statement dated 11/08/12
Wide World of Marketing, LLC	Sworn Financial Statement dated 11/08/12
Precious Metals Resource, LLC	Sworn Financial Statement dated 11/08/12



Defendant	Dated
Guaranteed Communications, LLC	Sworn Financial Statement dated 11/08/12
Superior Multimedia Group, LLC	Sworn Financial Statement dated 11/08/12
Joseph Wayne Lowry	Sworn Financial Statement dated 11/07/12; Declaration dated 11/27/12

Each Defendant stipulates that all financial statements and information submitted by that Defendant is truthful, accurate, and complete. The documents submitted contain material information upon which the Commission relied in negotiating and agreeing to the terms of this Order.

B. If, upon motion by the Commission, the Court determines that any Defendant failed to disclose any material asset, materially misrepresented the value of any asset, or made any other material misrepresentation in or omission from that Defendant's financial disclosures, the value of which exceeds \$1,000, then the suspension of the judgment, ordered in Subsection A of the Section titled "Monetary Judgment," shall be terminated and the entire judgment amount shall be entered against that Defendant. *Provided, however,* that any such Defendant shall be entitled to offset these judgment amounts by any sums already paid under this Order.

1 C. The reinstated judgment shall become immediately due and payable by that  
2 Defendant, and interest computed at the rate prescribed under 28 U.S.C. § 1961, as  
3 amended, shall immediately begin to accrue on any unpaid balance. *Provided, however,*  
4 that in all other respects this Order shall remain in full force and effect unless otherwise  
5 ordered by the Court; and  
6

7 D. Any proceedings instituted under this Section would be in addition to, and  
8 not in lieu of, any other civil or criminal remedies as may be provided by law, including,  
9 but not limited to, contempt proceedings, or any other proceedings that the Commission  
10 or the United States might initiate to enforce this Order. For purposes of this Section,  
11 Defendants waive any right to contest any of the allegations in the Commission's  
12 Complaint.  
13  
14

#### 15 VIII.

#### 16 LIFTING OF ASSET FREEZE

17  
18 **IT IS FURTHER ORDERED** that the freeze of Defendants' assets set forth in  
19 the Preliminary Injunction, entered by this Court on May 23, 2012, shall be lifted to the  
20 extent necessary to turn over Defendants' assets as required by the Section titled  
21 "Monetary Judgment," and upon completion of Defendants' obligations under  
22 Subsections C and D of Section VI, titled "Monetary Judgment," shall be lifted  
23 permanently.  
24  
25  
26  
27  
28



IX.

**PROHIBITION ON COLLECTING ON ACCOUNTS**

**IT IS FURTHER ORDERED** that Corporate Defendants and Individual Defendant and their officers, agents, servants, employees, and all persons 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, partnership, subsidiary, division, agent or other device, or any of them, in connection with the advertising, marketing, promotion, offering for sale or sale of any good, service, plan, program, or business opportunity are permanently restrained and enjoined from attempting to collect, collecting, selling, assigning, or otherwise transferring any right to collect payment from any consumer who purchased or agreed to purchase any work-at-home opportunity from any Defendant.

X.

**ORDER ACKNOWLEDGMENTS**

**IT IS FURTHER ORDERED** that Defendants obtain acknowledgments of receipt of this Order:

**A.** Within seven (7) days of entry of this Order, each Defendant must submit to the Commission an acknowledgment of receipt of this Order sworn under penalty of perjury.

**B.** For five (5) years after entry of this Order, Individual Defendant, for any business that such Defendant, individually or collectively with any other Defendant, is the majority owner or directly or indirectly controls, and each Corporate Defendant, must

1 deliver a copy of this Order to: (1) all principals, officers, directors, and managers; (2) all  
2 agents, employees, and representatives who participate in conduct related to the subject  
3 matter of the Order; and (3) any business entity resulting from any change in structure as  
4 set forth in the Section titled Compliance Reporting. Delivery must occur within seven  
5 (7) days of entry of this Order for current personnel. To all others, delivery must occur  
6 before they assume their responsibilities.  
7

8  
9 **C.** From each individual or entity to which Corporate Defendants and  
10 Individual Defendant delivered a copy of this Order, such Defendant must obtain, within  
11 thirty (30) days, a signed and dated acknowledgment of receipt of this Order.  
12

## 13 **XI.**

### 14 **COMPLIANCE REPORTING**

15 **IT IS FURTHER ORDERED** that Corporate Defendants and Individual  
16 Defendant make timely submissions to the Commission:  
17

18 **A.** One year after entry of this Order, each Corporate Defendant and Individual  
19 Defendant must submit a compliance report, sworn under penalty of perjury.

20 1. Each Corporate Defendant and Individual Defendant must: (a) designate at  
21 least one telephone number and an email, physical, and postal address as points of  
22 contact, which representatives of the Commission may use to communicate with  
23 Defendant; (b) identify all of Defendant's businesses by all of their names, telephone  
24 numbers, and physical, postal, email, and Internet addresses; (c) describe the activities of  
25 each business, including the products and services offered, the means of advertising,  
26 marketing, and sales, and the involvement of any other Defendant; (d) describe in detail  
27  
28

1 whether and how that Defendant is in compliance with each Section of this Order; and (e)  
2 provide a copy of each Order Acknowledgment obtained pursuant to this Order, unless  
3 previously submitted to the Commission; and  
4

5 2. Additionally, each Corporate Defendant and Individual Defendant must: (a)  
6 identify all telephone numbers and all email, Internet, physical, and postal addresses,  
7 including all residences; (b) identify all titles and roles in all business activities, including  
8 any business for which Defendant performs services whether as an employee or otherwise  
9 and any entity in which Defendant has any ownership interest; and (c) describe in detail  
10 Defendant's involvement in each such business, including title, role, responsibilities,  
11 participation, authority, control, and any ownership.  
12  
13

14 **B.** For ten (10) years following entry of this Order, each Corporate Defendant  
15 and Individual Defendant must submit a compliance notice, sworn under penalty of  
16 perjury, within fourteen (14) days of any change in the following:  
17

18 1. Each Corporate Defendant and Individual Defendant must report any  
19 change in: (a) any designated point of contact; or (b) the structure of any entity that  
20 Defendant has any ownership interest in or directly or indirectly controls that may affect  
21 compliance obligations arising under this Order, including: creation, merger, sale, or  
22 dissolution of the entity or any subsidiary, parent, or affiliate that engages in any acts or  
23 practices subject to this Order; and  
24

25 2. Additionally, Individual Defendant and Relief Defendant must report any  
26 change in: (a) name, including aliases or fictitious name, or residence address; or (b) title  
27 or role in any business activity, including any business for which Defendant performs  
28



1 services whether as an employee or otherwise and any entity in which Defendant has any  
2 ownership interest, and identify its name, physical address, and Internet address, if any.

3  
4 C. Each Defendant must submit to the Commission notice of the filing of any  
5 bankruptcy petition, insolvency proceeding, or any similar proceeding by or against  
6 Defendant within fourteen (14) days of its filing.

7  
8 D. Any submission to the Commission required by this Order to be sworn  
9 under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746,  
10 such as by concluding: "I declare under penalty of perjury under the laws of the United  
11 States of America that the foregoing is true and correct. Executed on: \_\_\_\_" and  
12 supplying the date, signatory's full name, title (if applicable), and signature.  
13

14 E. Unless otherwise directed by a Commission representative in writing, all  
15 submissions to the Commission under this Order must be emailed to DEbrief@ftc.gov or  
16 sent by overnight courier (not the U.S. Postal Service) to: Associate Director for  
17 Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600  
18 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: *FTC*  
19 *v. North America Marketing and Associates, LLC, et al.*, Civil Action No. 2:12-cv-914-  
20 DGC (D. Ariz.) (X120024), Defendant \_\_\_\_."

## 21 22 23 XII.

### 24 RECORDKEEPING

25 IT IS FURTHER ORDERED that Corporate Defendants and Individual  
26 Defendant must create certain records for ten (10) years after entry of the Order, and  
27 retain each such record for five (5) years. Specifically, Corporate Defendants and  
28

1 Individual Defendant for any business in which any Defendant, individually or  
2 collectively with any other Defendant, is a majority owner or directly or indirectly  
3 controls, must maintain the following records:  
4

5       A.     Accounting records showing the revenues from all goods or services sold,  
6 all costs incurred in generating those revenues, and the resulting net profit or loss;  
7

8       B.     Personnel records showing, for each person providing services, whether as  
9 an employee or otherwise, that person's: name, addresses, and telephone numbers; job  
10 title or position; dates of service; and, if applicable, the reason for termination;  
11

12       C.     Complaints and refund requests, whether received directly or indirectly,  
13 such as through a third party, and any response;

14       D.     All records necessary to demonstrate full compliance with each provision of  
15 this Order, including all submissions to the Commission; and  
16

17       E.     A copy of each advertisement or other marketing material.  
18

### 19                                   XIII.

#### 20                                   COMPLIANCE MONITORING

21       **IT IS FURTHER ORDERED** that, for the purpose of monitoring Corporate  
22 Defendants' and Individual Defendant's compliance with this Order:

23       A.     Within fourteen (14) days of receipt of a written request from a  
24 representative of the Commission, each Corporate Defendant and Individual Defendant  
25 must: submit additional compliance reports or other requested information, which must  
26 be sworn under penalty of perjury; appear for depositions; and produce documents, for  
27 inspection and copying. The Commission is also authorized to obtain discovery, without  
28



1 further leave of court, using any of the procedures prescribed by Federal Rules of Civil  
2 Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69.  
3

4 **B.** For matters concerning this Order, the Commission is authorized to  
5 communicate directly with each Corporate Defendant and Individual Defendant.  
6 Corporate Defendants and Individual Defendant must permit representatives of the  
7 Commission to interview any employee or other person affiliated with any Defendant  
8 who has agreed to such an interview. The person interviewed may have counsel present.  
9

10 **C.** The Commission may use all other lawful means, including posing, through  
11 its representatives, as consumers, suppliers, or other individuals or entities, to Corporate  
12 Defendants and Individual Defendant or any individual or entity affiliated with  
13 Defendants, without the necessity of identification or prior notice. Nothing in this Order  
14 limits the Commission's lawful use of compulsory process, under Sections 9 and 20 of  
15 the FTC Act, 15 U.S.C. §§ 49, 57b-1.  
16

17 **XIV.**  
18

19 **RETENTION OF JURISDICTION**

20 **IT IS FURTHER ORDERED** that this Court retains jurisdiction of this matter for  
21 purposes of construction, modification, and enforcement of this Order.  
22

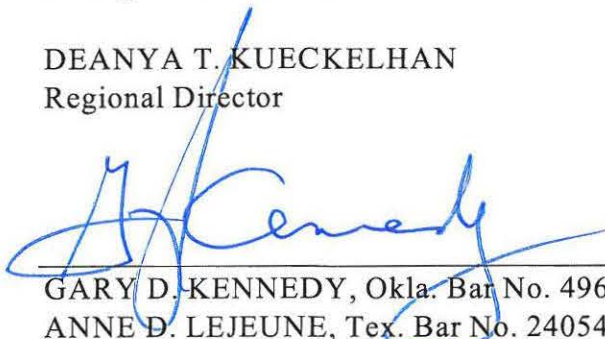
23 **IT IS SO ORDERED.**  
24  
25  
26  
27  
28

1 **SO STIPULATED:**

2  
3  
4 DATED: 06/20/13

DAVID SHONKA  
Acting General Counsel

DEANYA T. KUECKELHAN  
Regional Director

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GARY D. KENNEDY, Okla. Bar No. 4961  
ANNE D. LEJEUNE, Tex. Bar No. 24054286  
LUIS H. GALLEGOS, Okla. Bar No. 19098  
JAMES E. ELLIOTT, Tex. Bar No. 06557100  
Federal Trade Commission  
1999 Bryan Street, Suite 2150  
Dallas, Texas 75201  
(214) 979-9379; gkenedy@ftc.gov (Kennedy)  
(214) 979-9371; alejeune@ftc.gov (LeJeune)  
(214) 979-9383; lgallegos@ftc.gov (Gallegos)  
(214) 979-9373; jelliott@ftc.gov (Elliott)  
(214) 953-3079 (Fax)

Attorneys for Plaintiff  
FEDERAL TRADE COMMISSION

1  
2  
3  
4 **JOSEPH WAYNE LOWRY**, Defendant

DATED: 1-29-13

5  
6 **SHEILA ANN LOWRY**, Relief Defendant

DATED: 1/29/13

7  
8  
9 **NORTH AMERICA MARKETING AND ASSOCIATES, LLC**, Defendant

10  
11 By: \_\_\_\_\_

Joseph Wayne Lowry, Member

DATED: 1-29-13

12  
13  
14 **NAMAA, LLC**, Defendant

15  
16  
17 By: \_\_\_\_\_

Joseph Wayne Lowry, Member

DATED: 1-29-13

18  
19  
20 **TM MULTIMEDIA MARKETING, LLC**, a Nevada limited liability company,  
Defendant

21  
22  
23 By: \_\_\_\_\_

Joseph Wayne Lowry, Member

DATED: 1-29-13

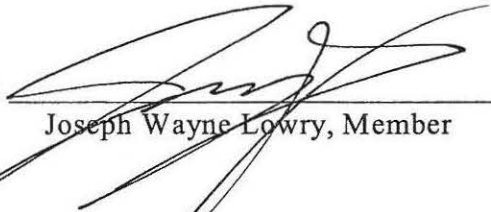
24  
25 **NATIONAL OPPORTUNITIES, LLC**, a Nevada limited liability company, Defendant

26  
27 By: \_\_\_\_\_

Joseph Wayne Lowry, Member

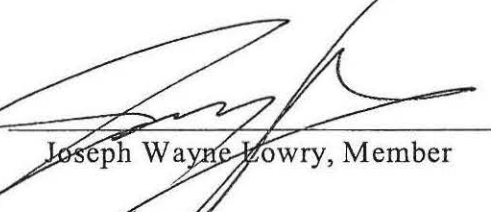
DATED: 1-29-13

1 **WORLD WIDE MARKETING AND ASSOCIATES, LLC, Defendant**

2  
3  
4 By:   
5 Joseph Wayne Lowry, Member

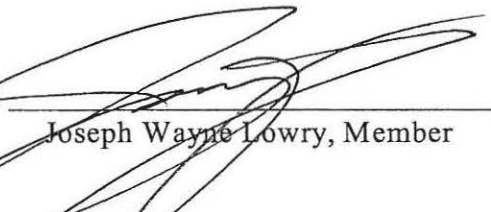
DATED: 1-29-13

6 **WIDE WORLD OF MARKETING, LLC, Defendant**

7  
8  
9 By:   
10 Joseph Wayne Lowry, Member

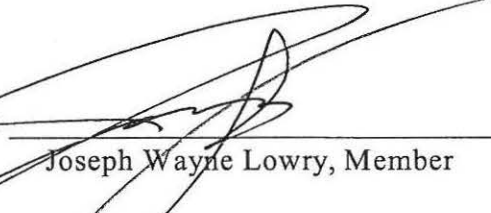
DATED: 1-29-13

11  
12 **PRECIOUS METALS RESOURCE, LLC, Defendant**

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14  
15 By:   
16 Joseph Wayne Lowry, Member

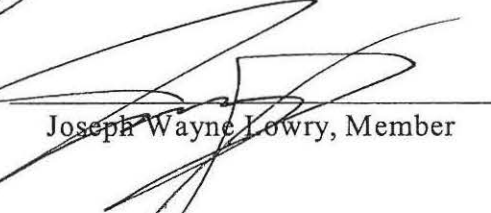
DATED: 1-29-13

17 **GUARANTEED COMMUNICATIONS, LLC, Defendant**

18  
19  
20 By:   
21 Joseph Wayne Lowry, Member

DATED: 1-29-13

22 **SUPERIOR MULTIMEDIA GROUP, LLC, Defendant**

23  
24  
25 By:   
26 Joseph Wayne Lowry, Member

DATED: 1-29-13



1  
2  
3  
4 

DATED: 1-29-13

GREENBERG TRAURIG, LLP

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Tel: 303.572.6564; Fax: (303) 572-6540

(Admitted pro hac vice)

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ATTORNEYS FOR DEFENDANTS

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LLC, NAMAA, LLC, TM MULTIMEDIA MARKETING, LLC (NEVADA),

NATIONAL OPPORTUNITIES, LLC (NEVADA), WORLD WIDE MARKETING  
AND ASSOCIATES, LLC, WIDE WORLD OF MARKETING, LLC, PRECIOUS

METALS RESOURCE, LLC, GUARANTEED COMMUNICATIONS, LLC,

SUPERIOR MULTIMEDIA GROUP, LLC AND RELIEF DEFENDANT SHEILA ANN  
LOWRY