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7 **UNITED STATES DISTRICT COURT**  
8 **FOR THE DISTRICT OF ARIZONA**

9 \_\_\_\_\_ ) **CIVIL ACTION NO.**  
10 **Federal Trade Commission,** )  
11 ) **CV-12-914-PHX-DGC**  
12 Plaintiff, )  
13 v. )  
14 **North America Marketing and Associates,** )  
15 **LLC, a Nevada limited liability** )  
16 **company, *et al.*;** )  
17 Defendants and Relief Defendant. )  
18 \_\_\_\_\_ )

19 **Motion to Issue Stipulated Final Order for Permanent Injunction and Other**  
20 **Equitable Relief Entered Into by Plaintiff and Defendant Sarah Stapel**

21  
22 Plaintiff Federal Trade Commission and Defendant Sarah Stapel have entered into  
23 a Stipulated Final Order for Permanent Injunction and Other Equitable Relief  
24 (“Stipulated Final Order”).

25  
26 The parties request that the Court issue the attached Stipulated Final Order.  
27  
28

Dated: June 20, 2013

Respectfully submitted,

DAVID C. SHONKA  
Acting General Counsel

DEANYA T. Cocanougher  
Regional Director

/s/ Gary D. Kennedy

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Attorneys for Plaintiff  
FEDERAL TRADE COMMISSION

**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 Defendant Sarah Stapel**, with proposed **Stipulated Final Order**, by ECF or email to the following:

**BY ECF:**

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Sheila Ann Lowry  
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

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7 National Opportunities, LLC (Arizona)

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17 *Counsel for:*  
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19 TM Multimedia Marketing, LLC (Arizona)

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24 Phoenix, AZ 85012  
25 *Counsel for:*  
26 Robb Evans & Associates, LLC  
27 Receiver

28 **BY EMAIL:**

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Denver, CO 80239

Alyisse Maloi Tramel  
2606 North 71<sup>st</sup> Drive  
Phoenix, AZ 85035

Dated: June 20, 2013

/s/ Gary D. Kennedy  
Gary D. Kennedy

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6 **UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 **Federal Trade Commission,** ) **CIVIL ACTION NO.**  
10 )  
11 **Plaintiff,** ) **CV-12-914-PHX-DGC**  
12 )  
13 **v.** )  
14 **North America Marketing and Associates, LLC,** )  
15 **a Nevada limited liability company, *et al.*;** )  
16 **Defendants and Relief Defendants.** )

17 **STIPULATED FINAL ORDER FOR PERMANENT INJUNCTION**  
18 **AND OTHER EQUITABLE RELIEF AS TO**  
19 **DEFENDANT SARAH LYNNE STAPEL**  
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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; Alysisse Maloi Tramel; Daniel Vigil; and Relief Defendants Sheila Ann Lowry;  
11 Carl 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).

16  
17 Plaintiff Federal Trade Commission and Defendant Sarah Lynne Stapel, have  
18 agreed to entry of this Stipulated Permanent Injunction and Final Order ("Order") as to  
19 Defendant by this Court to resolve all matters of dispute between them in this action.

20  
21 **NOW THEREFORE**, Plaintiff Federal Trade Commission and Defendant having  
22 requested the Court to enter this Order,  
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## FINDINGS

1           8. Defendant waives all claims that may arise under the Equal Access to  
2 Justice Act, 20 U.S.C. § 2412, concerning the prosecution of this action to date.

3  
4 Defendant also waives any claim against Plaintiff and its employees, representatives, or  
5 agents.

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

7  
8           10. Each party shall bear its own costs and attorneys' fees incurred in this  
9 action.

10           11. Defendant neither admits nor denies any of the allegations in the Complaint,  
11 except as specifically stated in this Order. Only for purposes of this action, Defendant  
12 admits the facts necessary to establish jurisdiction.

13  
14                                   **DEFINITIONS**

15           For purposes of this Stipulated Final Order ("Order"), the following definitions  
16 shall apply:

17  
18           A. "Asset" means any legal or equitable interest in, right to, or claim to, any  
19 real or personal property, including, but not limited to, "goods," "instruments,"  
20 "equipment," "fixtures," "general intangibles," "inventory," "checks," or "notes" (as  
21 these terms are defined in the Uniform Commercial Code), lines of credit, chattels,  
22 leaseholds, contracts, mail or other deliveries, shares of stock, lists of consumer names,  
23 accounts, credits, premises, receivables, funds, and cash, wherever located.

24  
25           B. "Assisting others" includes, but is not limited to: (1) performing customer  
26 service functions, including, but not limited to, receiving or responding to consumer  
27  
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1 complaints; (2) formulating or providing, or arranging for the formulation or provision of,  
2 any sales script or other marketing material; (3) providing names of, or assisting in the  
3 generation of, potential customers; (4) performing marketing or billing services of any  
4 kind; (5) acting as an officer or director of a business entity; or (6) providing  
5 telemarketing services.  
6

7 **C. “Defendant”** means Sarah Lynne Stapel.

8  
9 **D. “Document” or “Electronically Stored Information”** is synonymous in  
10 meaning and equal in scope to the usage of the terms in Rule 34(a) of the Federal Rules of  
11 Civil Procedure and includes:

12 1. The original or a true copy of any written, typed, printed,  
13 electronically stored, transcribed, taped, recorded, filmed, punched, or  
14 graphic matter or other data compilations of any kind, including, but not  
15 limited to, letters, email or other correspondence, messages, memoranda,  
16 interoffice communications, notes, reports, summaries, manuals, magnetic  
17 tapes or discs, tabulations, books, records, checks, invoices, work papers,  
18 journals, ledgers, statements, returns, reports, schedules, or files; and  
19

20 2. Any electronically stored information stored on any Smartphones,  
21 flash drives, telephones, personal digital assistants (“PDAs”), desktop  
22 personal computers and workstations, laptops, notebooks, and other  
23 portable computers, or other electronic storage media, whether assigned to  
24 individuals or in pools of computers available for shared use; and home  
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1 computers used for work-related purposes; backup disks and tapes, archive  
2 disks and tapes, and other forms of offline storage, whether stored onsite  
3 with the computer used to generate them, stored offsite in another company  
4 facility, or stored, hosted, or otherwise maintained offsite by a third-party;  
5 and computers and related offline storage used by Defendant or Defendant's  
6 participating associates, which may include persons who are not employees  
7 of the company or who do not work on company premises.  
8  
9

10 **E. "Mail"** includes, but is not limited to, all envelopes, papers, or other items  
11 delivered, whether by United States Mail, United Parcel Service, FedEx, electronic mail,  
12 or similar delivery service.  
13

14 **F. "Material fact"** means any fact that is likely to affect a person's choice of,  
15 or conduct regarding, goods or services.  
16

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

21 **H. "Work-at-home opportunity"** means any good, service, plan, or program  
22 that is represented, expressly or by implication, to assist an individual in any manner to  
23 earn money while working from home or from locations other than the business premises  
24 of Defendant.  
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**ORDER**

**I.**

**BAN ON WORK-AT-HOME OPPORTUNITIES**

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

**A.** Advertising, marketing, promoting, offering for sale, or selling any work-at-home opportunity;

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

**C.** Holding any ownership interest, share, or stock in any business that engages in or assists in advertising, marketing, promoting, offering for sale, or selling any work-at-home opportunity, including, but not limited to, web development, advertising, marketing, lead generation, or customer maximization services to assist the start-up or operation of a work-at-home opportunity.

**II.**

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

**IT IS FURTHER ORDERED** that Defendant, and her agents, servants, employees, and all 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 corporation, partnership, subsidiary, division, agent, or other device, in connection with the advertising, marketing, promotion, offering for sale or sale of any good, service,







1 means that protect against unauthorized access to the customer information, such as by  
2 burning, pulverizing, or shredding any papers, and by erasing or destroying any electronic  
3 media, to ensure that the customer information cannot practicably be read or  
4 reconstructed.  
5

6 **Provided, however,** that customer information need not be disposed of, and may  
7 be disclosed, to the extent requested by a government agency or required by a law,  
8 regulation, or court order.  
9

10 **V.**

11 **COOPERATION WITH COMMISSION COUNSEL**

12 **IT IS FURTHER ORDERED** that Defendant shall, in connection with this action  
13 or any subsequent investigations related to or associated with the transactions or the  
14 occurrences that are the subject of the Commission's Complaint, cooperate in good faith  
15 with the Commission and appear, or cause her employees, representatives, or agents to  
16 appear, at such places and times as the Commission shall reasonably request, after written  
17 notice, for interviews, conferences, pretrial discovery, review of documents, and for such  
18 other matters as may be reasonably requested by the Commission. If requested in writing  
19 by the Commission, Defendant shall appear, or cause her employees, representatives, or  
20 agents to appear, and provide truthful testimony in any trial, deposition, or other  
21 proceeding related to or associated with the transactions or the occurrences that are the  
22 subject of the Complaint, without the service of a subpoena.  
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VI.

MONETARY JUDGMENT

IT IS FURTHER ORDERED that:

A. Judgment in the amount of **SEVENTY EIGHT THOUSAND AND SEVENTY DOLLARS** (\$78,070), the total amount of money that Defendant received from the Corporate Defendants, is entered in favor of the Commission and jointly and severally against Defendant, as equitable monetary relief, including, but not limited to, restitution or disgorgement, and for paying any attendant expenses for the administration of any restitution fund; *provided, however*, that this Judgment for equitable monetary relief shall be suspended subject to the provisions of Section VII, titled "Right to Reopen."

B. In the event of default on any obligation to make payment under this Order, interest, computed according to 28 U.S.C. § 1961(a), shall accrue from the date of default to the date of payment. Defendant shall be liable for all payments required by this Order and for interest on such payments.

C. All funds paid under this Order 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. Defendant shall cooperate fully to assist the Commission in identifying consumers who may be entitled to restitution under this Order. In the event that direct restitution to

1 consumers is wholly or partially impracticable or funds remain after restitution is  
2 completed, the Commission may apply any remaining funds for the other equitable relief  
3 (including consumer information remedies) as it determines to be reasonably related to  
4 Defendant's practices alleged in the Complaint. Any funds not used for the equitable  
5 relief shall be deposited to the United States Treasury as disgorgement. Defendant shall  
6 have no right to challenge the Commission's choice of remedies under this Section and  
7 shall have no right to contest the manner of distribution chosen by the Commission.  
8

9  
10 D. Defendant relinquishes all dominion, control, and title to the funds paid to  
11 the fullest extent permitted by law. Defendant shall make no claim to or demand for  
12 return of the funds, directly or indirectly, through counsel or otherwise.  
13

14 E. Defendant shall take no deduction, capital loss, write-off, or any other tax  
15 benefit on any federal or state tax return, amended tax return, IRS Form 1045, or any  
16 other tax filing, for all or any part of any payment toward satisfaction of this judgment.  
17

18 F. Defendant agrees that the facts as alleged in the Complaint filed in this  
19 action shall be taken as true without further proof in any bankruptcy case or subsequent  
20 civil litigation pursued by the Commission to enforce its rights to any payment or money  
21 judgment pursuant to this Order, including, but not limited to, a nondischargeability  
22 complaint in any bankruptcy case. Defendant further stipulates and agrees that the facts  
23 alleged in the Complaint establish all elements necessary to sustain an action by the  
24 Commission pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C.  
25 § 523(a)(2)(A), and that this Order shall have collateral estoppel effect for such purposes.  
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1           G.     In accordance with 31 U.S.C. § 7701, Defendant is required, within ten (10)  
2 days after entry of this Order, unless she already has done so, to furnish the Commission  
3 with taxpayer identifying numbers (Social Security numbers or employer identification  
4 numbers), which shall be used for purposes of collecting and reporting on any delinquent  
5 amount arising out of their relationship with the government. Defendant is further  
6 required, within ten (10) days after entry of this Order, unless she already has done so, to  
7 provide the Commission with clear, legible, and full-size photocopies of all valid driver's  
8 licenses that Defendant possesses, which will be used for reporting and compliance  
9 purposes.  
10

11           H.     Proceedings instituted under this Section are in addition to, and not in lieu  
12 of, any other civil or criminal remedies that may be provided by law, including any other  
13 proceedings the Commission may initiate to enforce this Order.  
14

## 15                               VII.

### 16                               RIGHT TO REOPEN

#### 17                               IT IS FURTHER ORDERED that:

18           A.     The Commission's agreement to this Order and the Court's approval are  
19 expressly premised upon the truthfulness, accuracy, and completeness of the Defendant's  
20 representations regarding their respective financial condition, as set forth in Defendant's  
21 sworn financial statement and supporting documents submitted to the Commission as  
22 follows: May 25, 2012 sworn financial statement and attached tax returns. Defendant  
23 stipulates that the financial statement and information submitted by her are truthful,  
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1 accurate, and complete. The documents submitted contain material information upon  
2 which the Commission relied in negotiating and agreeing to the terms of this Order.

3  
4 B. If, upon motion by the Commission, the Court determines that Defendant  
5 failed to disclose any material asset, materially misrepresented the value of any asset, or  
6 made any other material misrepresentation in or omission from Defendant's financial  
7 disclosure, the value of which exceeds \$1,000, then the suspension of the judgment,  
8 ordered in Subsection A of the Section titled "Monetary Judgment," shall be terminated  
9 and the entire judgment amount shall be entered against Defendant. *Provided, however,*  
10 that Defendant shall be entitled to offset these judgment amounts by any sums already  
11 paid under this Order.  
12

13  
14 C. The reinstated judgment shall become immediately due and payable by  
15 Defendant, and interest computed at the rate prescribed under 28 U.S.C. § 1961, as  
16 amended, shall immediately begin to accrue on any unpaid balance. *Provided, however,*  
17 that in all other respects this Order shall remain in full force and effect unless otherwise  
18 ordered by the Court; and  
19

20 D. Any proceedings instituted under this Section would be in addition to, and  
21 not in lieu of, any other civil or criminal remedies as may be provided by law, including,  
22 but not limited to, contempt proceedings, or any other proceedings that the Commission  
23 or the United States might initiate to enforce this Order. For purposes of this Section,  
24 Defendant waives any right to contest any of the allegations in the Commission's  
25 Complaint.  
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VIII.

**LIFTING OF ASSET FREEZE**

**IT IS FURTHER ORDERED** that the freeze of Defendant's assets set forth in the Preliminary Injunction, entered by this Court on May 23, 2012, shall be lifted permanently.

IX.

**PROHIBITION ON COLLECTING ON ACCOUNTS**

**IT IS FURTHER ORDERED** that Defendant and her officers, agents, servants, employees, and all 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 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 Defendant.

X.

**ORDER ACKNOWLEDGMENTS**

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





1 Commission may use to communicate with Defendant; (b) identify all of  
2 Defendant's businesses by all of their names, telephone numbers, and physical,  
3 postal, email, and Internet addresses; (c) describe the activities of each business,  
4 including the products and services offered, the means of advertising, marketing,  
5 and sales, and the involvement of any other Defendant; (d) describe in detail  
6 whether and how that Defendant is in compliance with each Section of this Order;  
7 and (e) provide a copy of each Order Acknowledgment obtained pursuant to this  
8 Order, unless previously submitted to the Commission; and  
9

10  
11 2. Additionally, Defendant must: (a) identify all telephone numbers and all  
12 email, Internet, physical, and postal addresses, including all residences; (b) identify  
13 all titles and roles in all business activities, including any business for which  
14 Defendant performs services whether as an employee or otherwise and any entity  
15 in which Defendant has any ownership interest; and (c) describe in detail  
16 Defendant's involvement in each such business, including title, role,  
17 responsibilities, participation, authority, control, and any ownership.  
18

19  
20 **B.** For ten (10) years following entry of this Order, Defendant must submit a  
21 compliance notice, sworn under penalty of perjury, within fourteen (14) days of any  
22 change in the following:  
23

24 1. Defendant must report any change in: (a) any designated point of contact;  
25 or (b) the structure of any entity that Defendant has any ownership interest in or  
26 directly or indirectly controls that may affect compliance obligations arising under  
27  
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1 this Order, including: creation, merger, sale, or dissolution of the entity or any  
2 subsidiary, parent, or affiliate that engages in any acts or practices subject to this  
3 Order; and  
4

5 2. Additionally, Defendant must report any change in: (a) name, including  
6 aliases or fictitious name, or residence address; or (b) title or role in any business  
7 activity, including any business for which Defendant performs services whether as  
8 an employee or otherwise and any entity in which Defendant has any ownership  
9 interest, and identify its name, physical address, and Internet address, if any.  
10

11 C. Defendant must submit to the Commission notice of the filing of any  
12 bankruptcy petition, insolvency proceeding, or any similar proceeding by or against  
13 Defendant within fourteen (14) days of its filing.  
14

15 D. Any submission to the Commission required by this Order to be sworn  
16 under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746,  
17 such as by concluding: "I declare under penalty of perjury under the laws of the United  
18 States of America that the foregoing is true and correct. Executed on: \_\_\_\_" and  
19 supplying the date, signatory's full name, title (if applicable), and signature.  
20

21 E. Unless otherwise directed by a Commission representative in writing, all  
22 submissions to the Commission under this Order must be emailed to DEbrief@ftc.gov or  
23 sent by overnight courier (not the U.S. Postal Service) to: Associate Director for  
24 Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600  
25 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: *FTC*  
26  
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28

1 *v. North America Marketing and Associates, LLC, et al.*, Civil Action No. 2:12-cv-914-  
2 DGC (D. Ariz.) (X120024), Defendant \_\_\_\_.”

3  
4 **XII.**

5 **RECORDKEEPING**

6 **IT IS FURTHER ORDERED** that Defendant must create certain records for ten  
7 (10) years after entry of the Order, and retain each such record for five (5) years.  
8 Specifically, Defendant, for any business in which any Defendant, individually or  
9 collectively with any other Defendant, is a majority owner or directly or indirectly  
10 controls, must maintain the following records:  
11

12 **A.** Accounting records showing the revenues from all goods or services sold,  
13 all costs incurred in generating those revenues, and the resulting net profit or loss;  
14

15 **B.** Personnel records showing, for each person providing services, whether as  
16 an employee or otherwise, that person's: name, addresses, and telephone numbers; job  
17 title or position; dates of service; and, if applicable, the reason for termination;  
18

19 **C.** Complaints and refund requests, whether received directly or indirectly,  
20 such as through a third party, and any response;  
21

22 **D.** All records necessary to demonstrate full compliance with each provision of  
23 this Order, including all submissions to the Commission; and

24 **E.** A copy of each advertisement or other marketing material.  
25  
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**XIII.**

**COMPLIANCE MONITORING**

**IT IS FURTHER ORDERED** that, for the purpose of monitoring Defendant's compliance with this Order:

A. Within fourteen (14) days of receipt of a written request from a representative of the Commission, Defendant must: submit additional compliance reports or other requested information, which must be sworn under penalty of perjury; appear for depositions; and produce documents, for inspection and copying. The Commission is also authorized to obtain discovery, without further leave of court, using any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69.

B. For matters concerning this Order, the Commission is authorized to communicate directly with Defendant. Defendant must permit representatives of the Commission to interview any employee or other person affiliated with Defendant who has agreed to such an interview. The person interviewed may have counsel present.

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

**XIV.**

**RETENTION OF JURISDICTION**

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

**IT IS SO ORDERED.**

1  
2 **SO STIPULATED:**

3  
4 DATED: 06/20/13

5 DAVID C. SHONKA  
6 Acting General Counsel


7 DEANYA T. KUECKELHAN  
8 Regional Director

9  
10 GARY D. KENNEDY, Okla. Bar No. 4961  
11 ANNE D. LEJEUNE, Tex. Bar No. 24054286  
12 LUIS H. GALLEGOS, Okla. Bar No. 19098  
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23 Attorneys for Plaintiff  
24 FEDERAL TRADE COMMISSION  
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SARAH LYNNE STAPEL

DATED: 11/30/12.