

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

<p>FEDERAL TRADE COMMISSION,  Plaintiff,  v.  WESTERN DIETARY PRODUCTS CO. (SKOOKUM), a corporation, d/b/a WESTERN HERB &amp; DIETARY PRODUCTS, INC., and MARVIN BECKWITH, and MIGUELINA BECKWITH, individually and as officers of the corporation,  Defendants.</p>	<p>CIVIL ACTION NO. C01-0818R  STIPULATED FINAL JUDGMENT AND ORDER</p>
--	--

Plaintiff Federal Trade Commission (“Commission”) commenced this action by filing a Complaint pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), charging defendants **Western Dietary Products Co. (Skookum), d/b/a Western Herb & Dietary Products, Inc., and Marvin Beckwith and Miguelina Beckwith** with engaging in unfair

1 or deceptive acts or practices in connection with the sale, offering for sale or distribution of certain  
2 herbal products and the “Zapper” electrical unit, in violation of Sections 5 and 12 of the FTC Act,  
3 15 U.S.C. §§ 45 and 52.

4 Now the Commission and defendants **Western Dietary Products Co. (Skookum), d/b/a**  
5 **Western Herb & Dietary Products, Inc.**, and **Marvin Beckwith** and **Miguelina Beckwith** agree  
6 to a settlement of this action without trial or adjudication of any issue of law or fact herein and  
7 without defendants **Western Dietary Products Co. (Skookum), d/b/a Western Herb & Dietary**  
8 **Products, Inc.**, and **Marvin Beckwith** and **Miguelina Beckwith** admitting liability for any of the  
9 violations alleged in the Complaint. The Commission and defendants **Western Dietary Products**  
10 **Co. (Skookum), d/b/a Western Herb & Dietary Products, Inc.**, and **Marvin Beckwith** and  
11 **Miguelina Beckwith** consent to entry of this STIPULATED FINAL JUDGMENT AND ORDER (“Order”)  
12 without trial or adjudication of any issue of law or fact herein.

### 14 FINDINGS

15 1. This is an action by the Commission instituted under Section 13(b) of the Federal  
16 Trade Commission Act, 15 U.S.C. § 53(b). The Complaint seeks permanent injunctive relief against  
17 defendants **Western Dietary Products Co. (Skookum), d/b/a Western Herb & Dietary Products,**  
18 **Inc.**, and **Marvin Beckwith** and **Miguelina Beckwith** in connection with the sale of herbal products  
19 and the Zapper electrical unit.

20 2. This Court has jurisdiction over the subject matter of this case and over defendants  
21 **Western Dietary Products Co. (Skookum), d/b/a Western Herb & Dietary Products, Inc.**, and  
22

1 **Marvin Beckwith and Miguelina Beckwith.** Venue in the Western District of Washington is  
2 proper. **Marvin**

3 . and **Marvin** and **Miguelina**

6 Tj4220046 T557 1.08

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25





1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 *provided further* that this judgment shall be subject to the conditions set forth in Section V of this  
2 Order.

3 B. All funds paid pursuant to this Order shall be deposited into a fund administered by  
4 the Commission or its agent to be used for equitable relief, including but not limited to consumer  
5 redress and any attendant expenses for the administration of any redress fund. In the event that direct  
6 redress to consumers is wholly or partially impracticable or funds remain after redress is completed,  
7 the Commission may apply any remaining funds for such other equitable relief (including consumer  
8 information remedies) as it determines to be reasonably related to the Defendants' practices alleged  
9 in the Complaint. Any funds not used for such equitable relief shall be deposited to the Treasury as  
10 disgorgement. Defendants shall have no right to challenge the Commission's choice of remedies  
11 under this Section.

12  
13 **IV.**

14 **RIGHT TO REOPEN AND TERMINATE SUSPENSION**

15 **IT IS FURTHER ORDERED** that the Commission's agreement to this Order is expressly  
16 premised upon the truthfulness, accuracy and completeness of the sworn financial statement of  
17 defendants **Marvin Beckwith** and **Miguelina Beckwith**. Said financial statement contains material  
18 information upon which the FTC has relied in negotiating and agreeing to the terms of this Order.  
19 If, upon motion by the Commission to the Court, the Court finds that an individual defendant failed  
20 to submit to the Commission the sworn statement required by Section V of this Order, or failed to  
21 disclose any material asset with a value exceeding One Thousand Dollars (\$1,000), or materially  
22 misrepresented the value of any asset, or made any other material misrepresentation in or omission

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25







1 C. nothing in this Order shall limit the Commission's lawful use of compulsory process,  
2 pursuantC.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

25



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**XIV.**

**CONTINUED JURISDICTION**

**IT IS FURTHER ORDERED** that this Court shall retain jurisdiction of this matter for all purposes.

**XV.**

**ENTRY BY CLERK**

**THERE BEING NO JUST REASON FOR DELAY**, the Clerk of Court is hereby directed to enter this Order.

**SO ORDERED**, this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
**Barbara Jacobs Rothstein**  
United States District Judge

**STIPULATED TO**

**By Plaintiff Federal Trade Commission:**

**DATE:** \_\_\_\_\_, 2001 \_\_\_\_\_

1 Federal Trade Commission—East  
Central Region

2 1111 Superior Avenue — Suite 200  
Cleveland, Ohio 44114-2507

3 Phone 216-263-3414 / Fax  
216-263-3426

4 **Trial Counsel**

5

**NADINE S. SAMTER**, Ohio Bar No. 23881

6 Federal Trade Commission — Northwest

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DATE: \_\_\_\_\_, 2001

---

**MIGUELINA BECKWITH**  
*individually and as an owner  
and officer of defendant corporation.*

**By Counsel for Defendants  
Western Dietary Products Co. (Skookum), d/b/a  
Western Herb & Dietary Products, Inc., and  
Marvin Beckwith and Miguelina Beckwith**

DATE: \_\_\_\_\_, 2001

---

**MICHAEL TARIO, ESQ.**  
Tario & Associates  
119 N. Commercial St., Suite 1000  
Bellingham, WA 98225  
Phone 360-671-8500 / Fax 360-733-7092

1 [APPENDIX 1]

2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE

<p>11 FEDERAL TRADE COMMISSION, 12 13 14 15 16 17</p> <p style="text-align: center;">v.</p> <p>WESTERN DIETARY PRODUCTS CO. (SKOOKUM), a corporation, d/b/a WESTERN HERB &amp; DIETARY PRODUCTS, INC., and MARVIN BECKWITH, and MIGUELINA BECKWITH, individually and as officers of the corporation,</p> <p style="text-align: right;">Defendants.</p>	<p>CIVIL ACTION NO. C01-0818R</p> <p>DEFENDANT _____[NAME]_____’S AFFIDAVIT REGARDING</p> <p>ACKNOWLEDGEMENT OF SERVICE OF STIPULATED FINAL JUDGMENT AND ORDER</p>
--	--

18 I, \_\_\_\_\_[NAME]\_\_\_\_\_, hereby declare as follows:

19 1. I am a defendant in the action, *Federal Trade Commission v. Western Dietary*  
20 *Products Co. (Skookum), a corporation, d/b/a Western Herb & Dietary Products, Inc., and*  
21 *Marvin Beckwith, and Miguelina Beckwith, individually and as officers of the corporation*  
22 (United States District Court, Western District of Washington at Seattle, Civil Action



[APPENDIX 1]

No. C01-0818R. My current residence address is current residence address. I am a citizen of the United States and over the age of eighteen. I have personal knowledge of the facts set forth in this Affidavit.

2. I agreed to entry of a Stipulated Final Judgment and Order (“Stipulated Order”) against me to settle the charges in the Commission’s Complaint. I read the provisions of the Stipulated Order before signing it. I understand all the provisions of the Stipulated Order. By signing the Stipulated Order, I agreed to be bound by those provisions.

3. On Date, I received a copy of the Stipulated Order, which had been signed by a United States District Judge and was entered on Date. A true and correct copy of the Stipulated Order I received is appended to this affidavit. After receiving the entered Stipulated Order I reviewed it and confirmed it was the document I had previously signed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on Date, at City, State.

Individual Defendant’s Name

State of \_\_\_\_\_, City of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

My Commission Expires: \_\_\_\_\_

Notary Public