

1 WILLIAM E. KOVACIC
General Counsel
2
3 KATHRYN C. DECKER
JULIE K. BROF
Federal Trade Commission
4 915 Second Avenue, Suite 2896
Seattle, Washington 98174
5 (206) 220-4486 (Decker)
(206) 220-6353 (Brof)
6 (206) 220-6366 (fax)
7 RAYMOND E. MCKOWN (CA Bar #150975)
Federal Trade Commission
8 10877 Wilshire Boulevard, Suite 700
Los Angeles, CA 90024
9 (310) 824-4325 (phone)
(310) 824-4380 (fax)
10
ATTORNEYS FOR PLAINTIFF

Priority
 Send
Cisd
 Enter
 JS-5(JS-6)
JS-2/JS-3

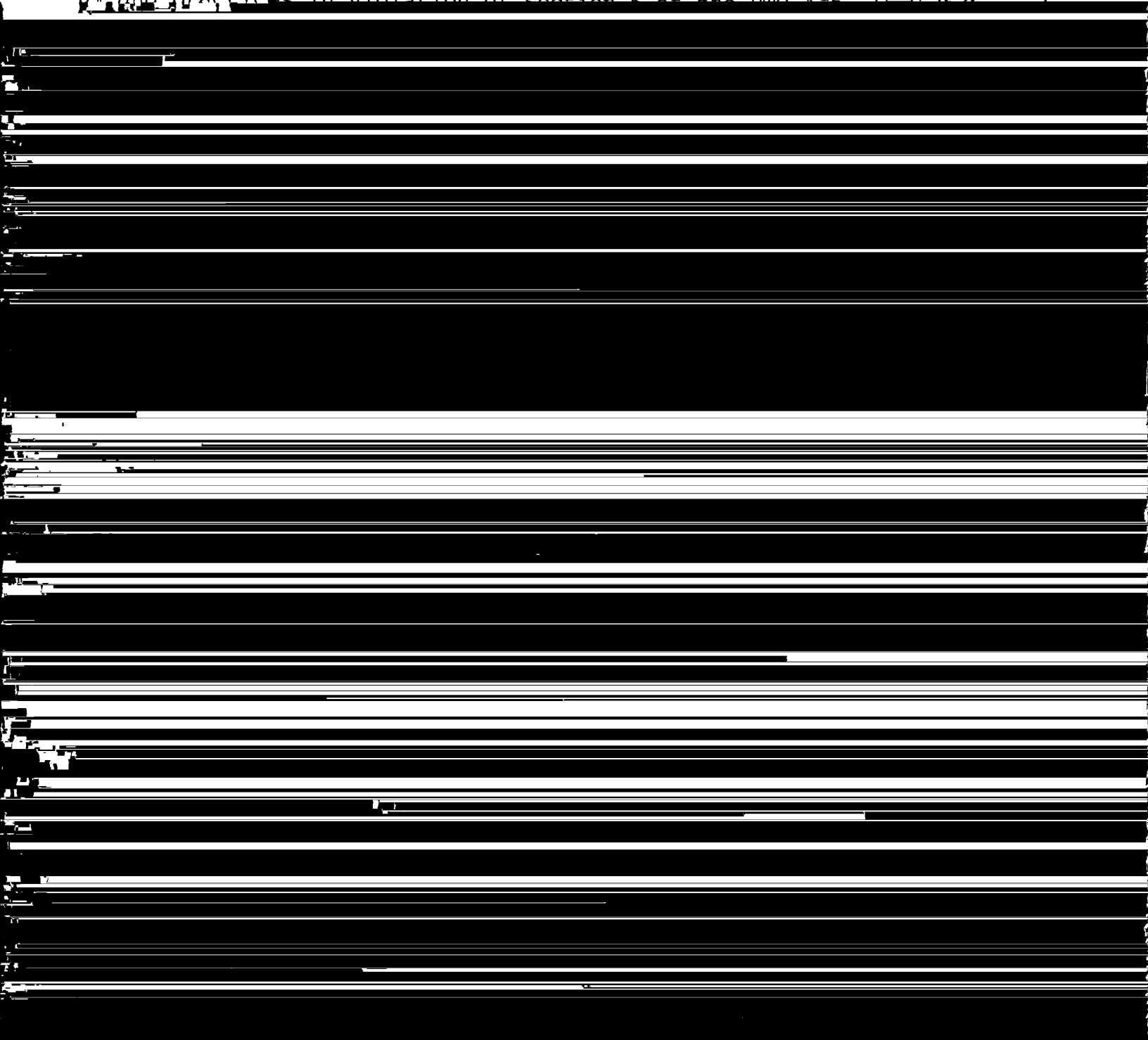
FILED
CLERK, U.S. DISTRICT COURT
APR 18 2003
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY
BY *Qlm*

APR 17 3 34 PM
CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

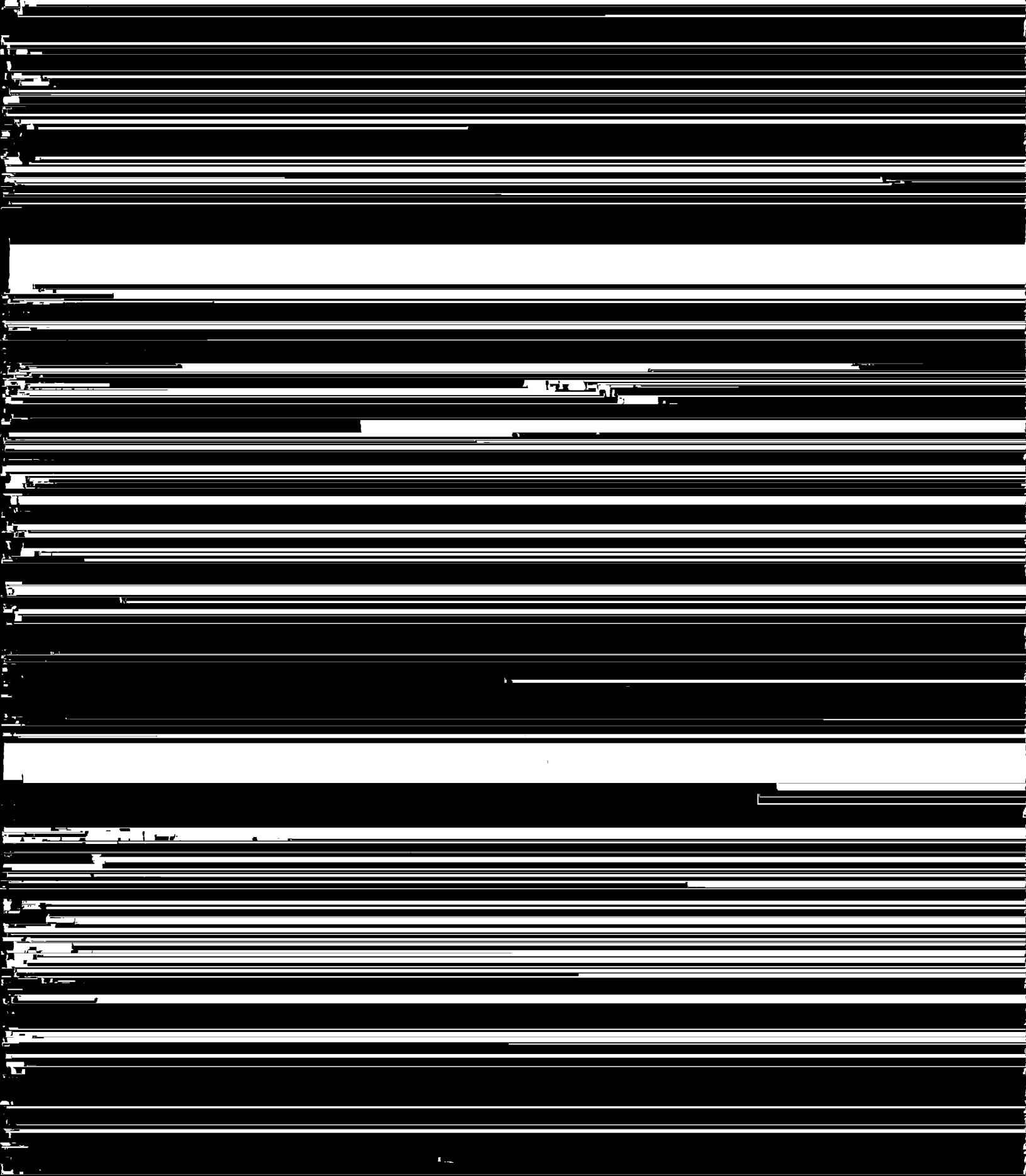
LODGED

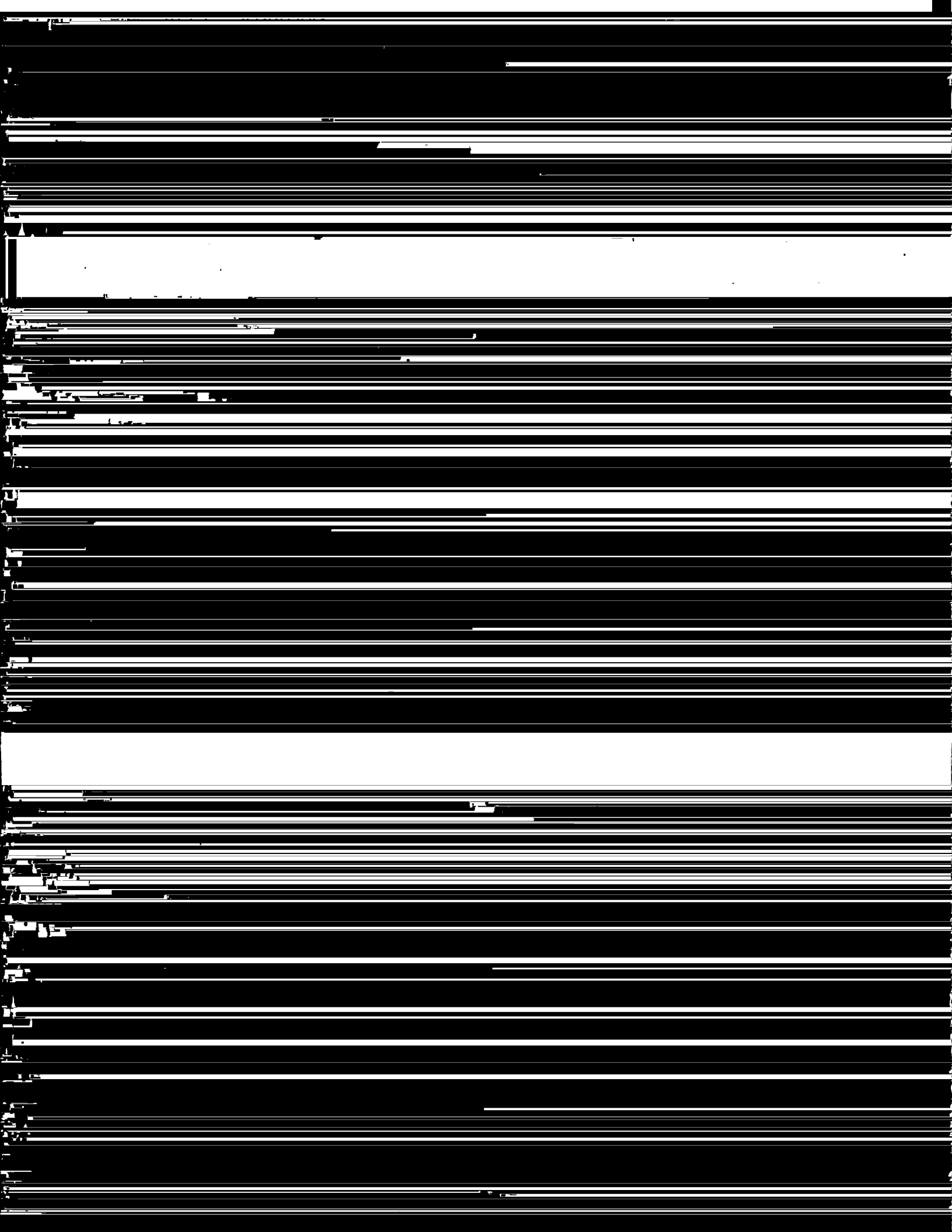
ENTERED
APR 22 2003

1 Permanent Injunction and Other Equitable Relief ("Complaint")
2 pursuant to Section 13(b) of the Federal Trade Commission Act ("FTC
3 Act"), 15 U.S.C. § 53(b), charging that defendants Electronic Medical
4 Billing, Inc., d/b/a EMB Marketing and EMB Inc., Esoft Caducei, Inc.,
5 John C. Moore, and David L. Miller, were engaged in deceptive acts
6 and practices in violation of Section 5 of the FTC Act, 15 U.S.C.

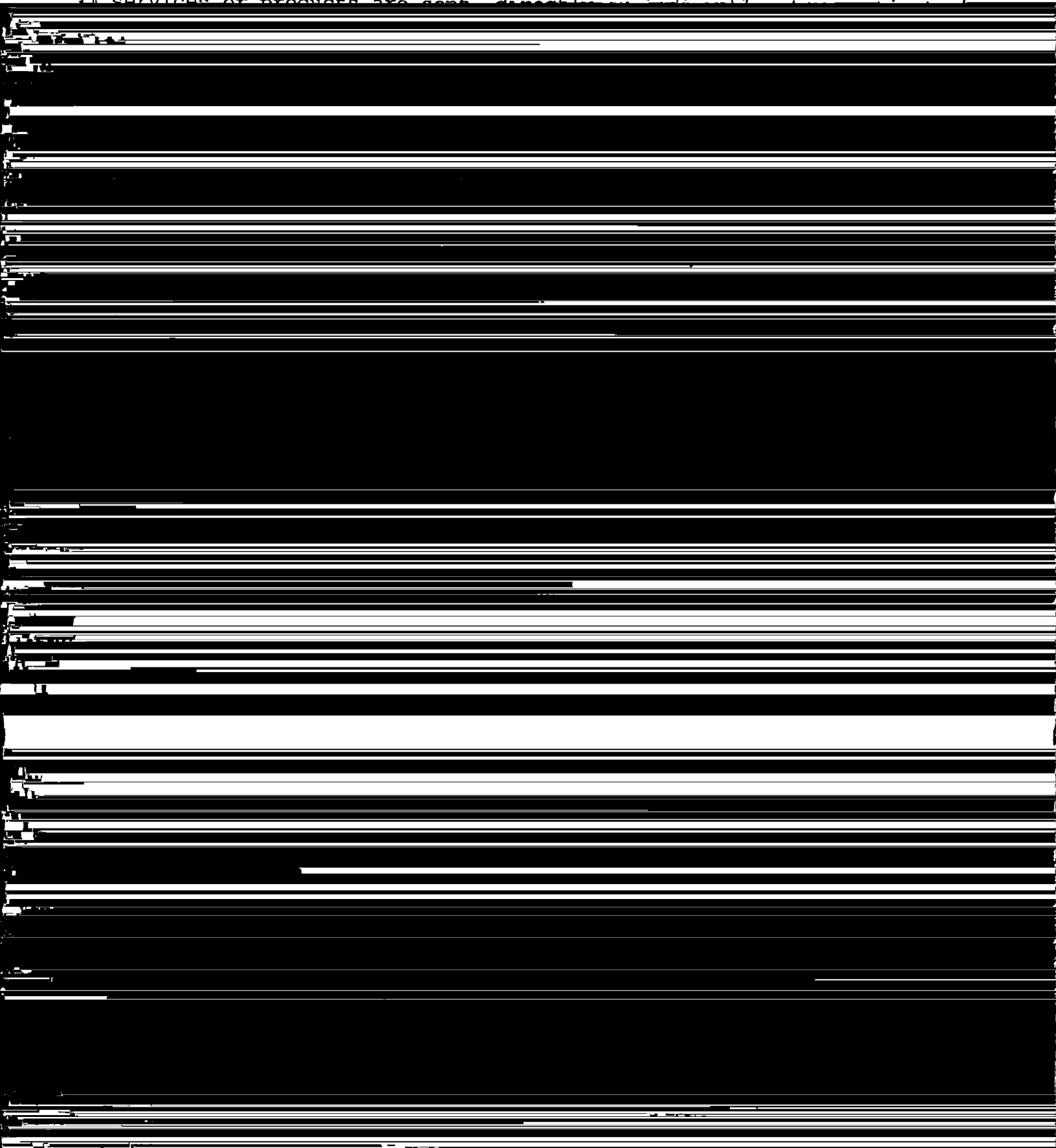


1. C. This Court has jurisdiction over the subject matter of the



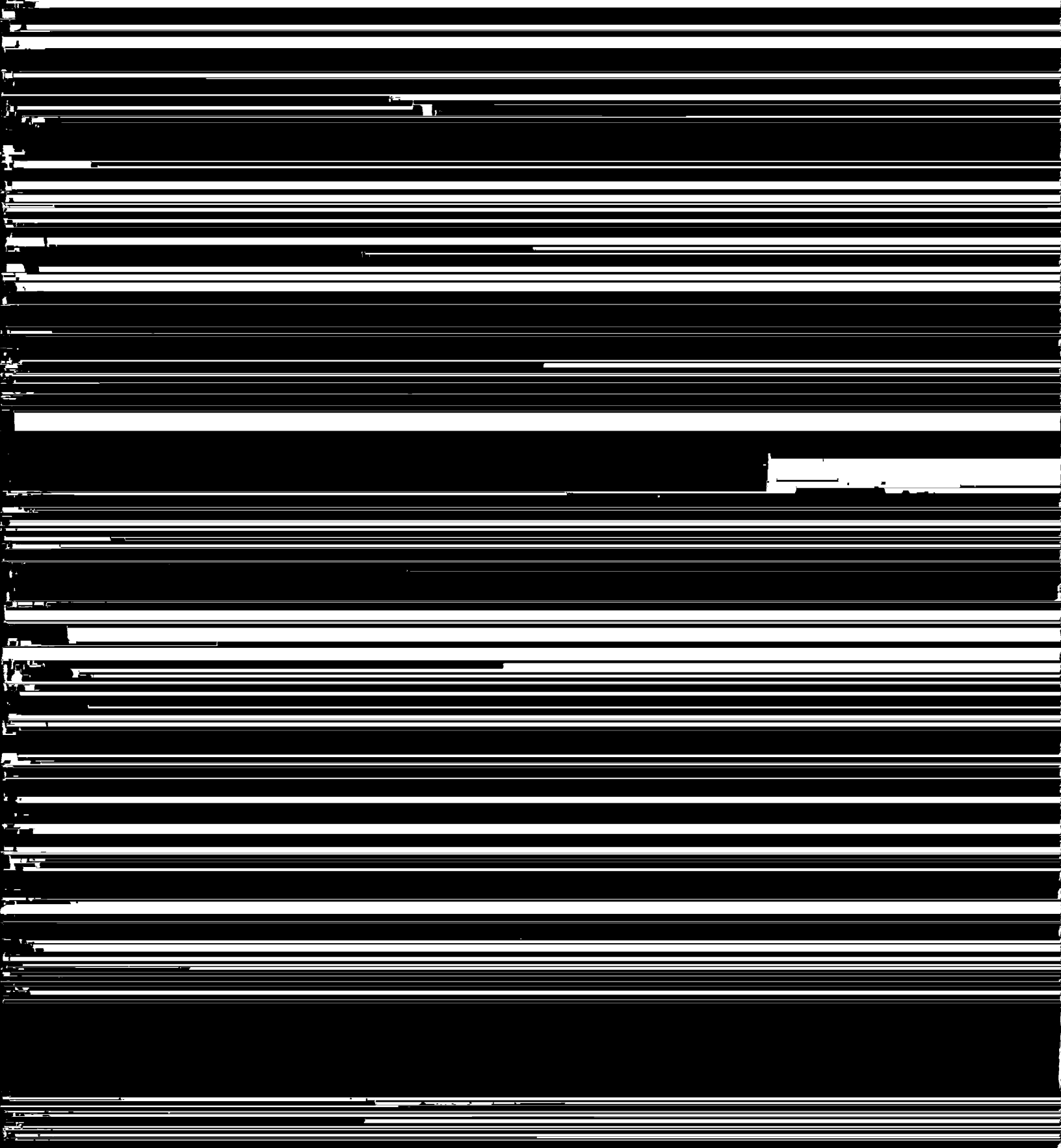


1 | G. "Medical billing" means any service by which bills or
2 | charges for medical services or products or medically related
3 | services or products are sent directly to individuals.



II. PROHIBITED BUSINESS ACTIVITIES

1
2 IT IS FURTHER ORDERED that defendants, in connection with the
3 advertising promotion offering for

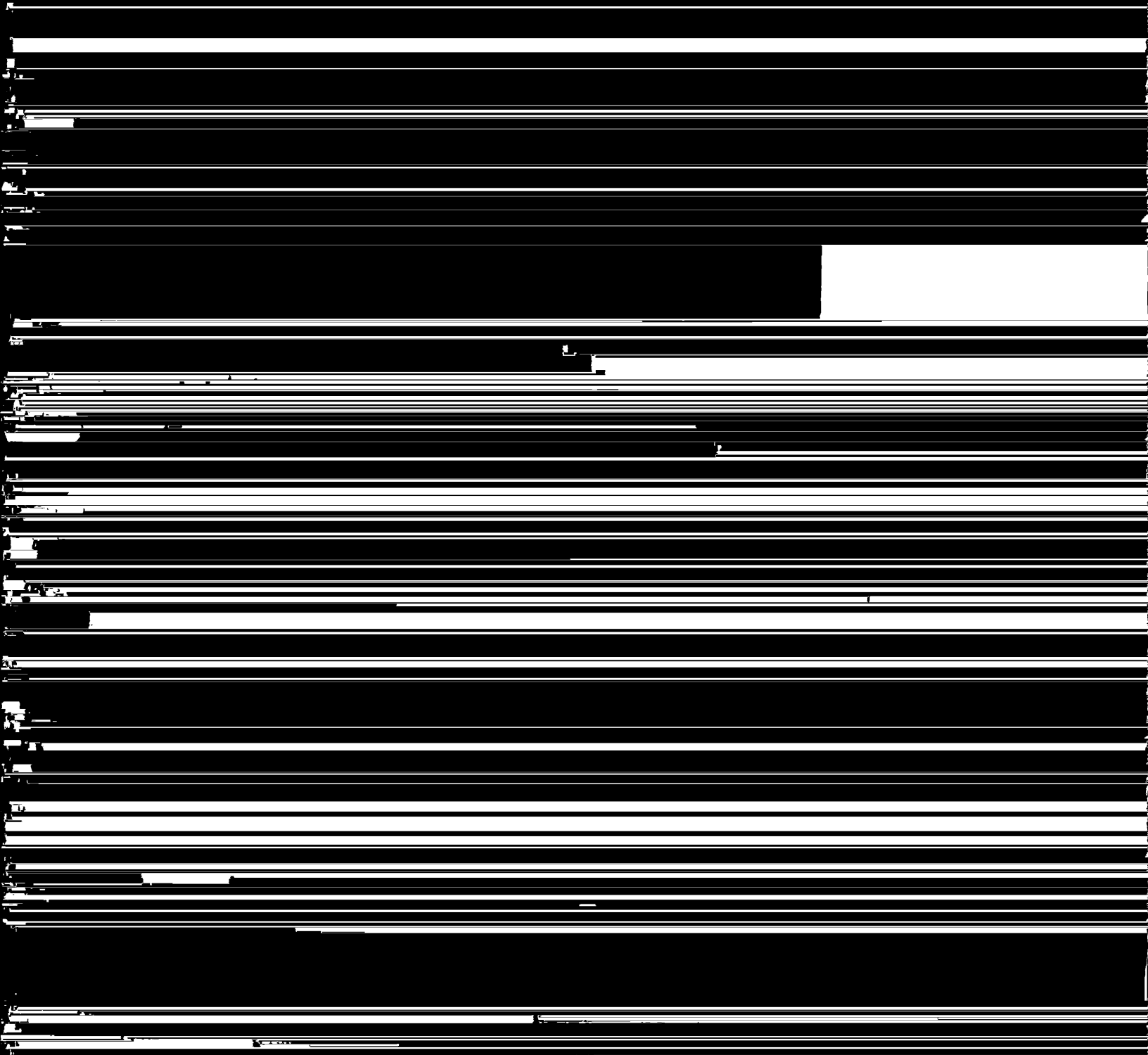


1 a law enforcement agency or as required by any law, regulation or
2 court order.

3 **IV. CONSUMER REDRESS**

4 **IT IS FURTHER ORDERED** that:

5 A. Defendants shall pay to the FTC consumer redress in the
6 amount of \$50,000, for which they are jointly and severally liable,
7 within ten (10) days of entry of this Order. Payment shall be made to



1 U.S.C. § 1961, as amended, shall immediately begin to accrue on the
2 unpaid balance;

3 D. The Commission and defendants acknowledge and agree that no
4 portion of this judgment for equitable monetary relief shall be
5 deemed a fine, penalty, punitive assessment or forfeiture; and

6 E. For purposes of any subsequent proceedings to enforce

1 | Provided, however, that in all other respects this Order shall

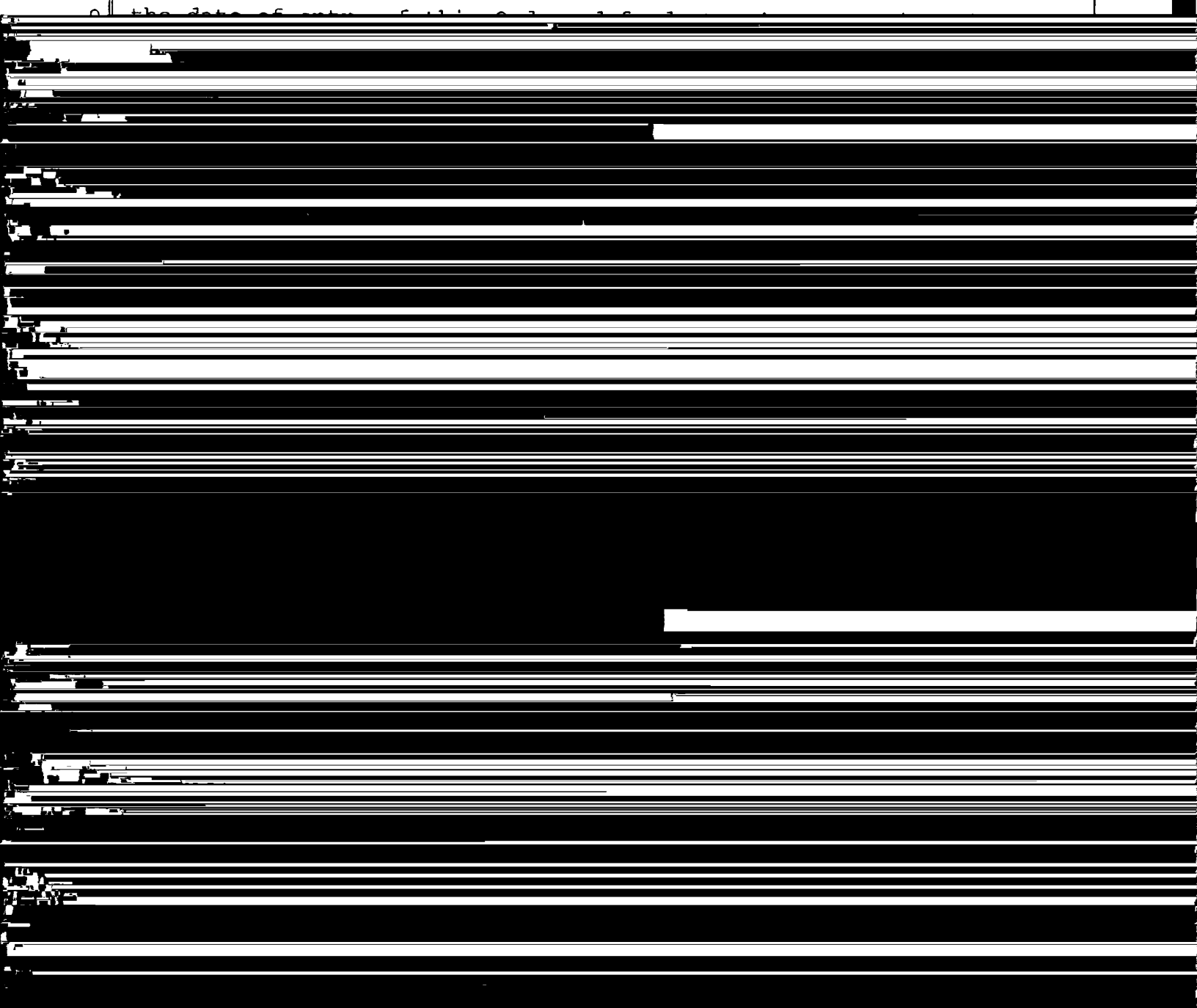
1 and all sales personnel, whether designated as employees,

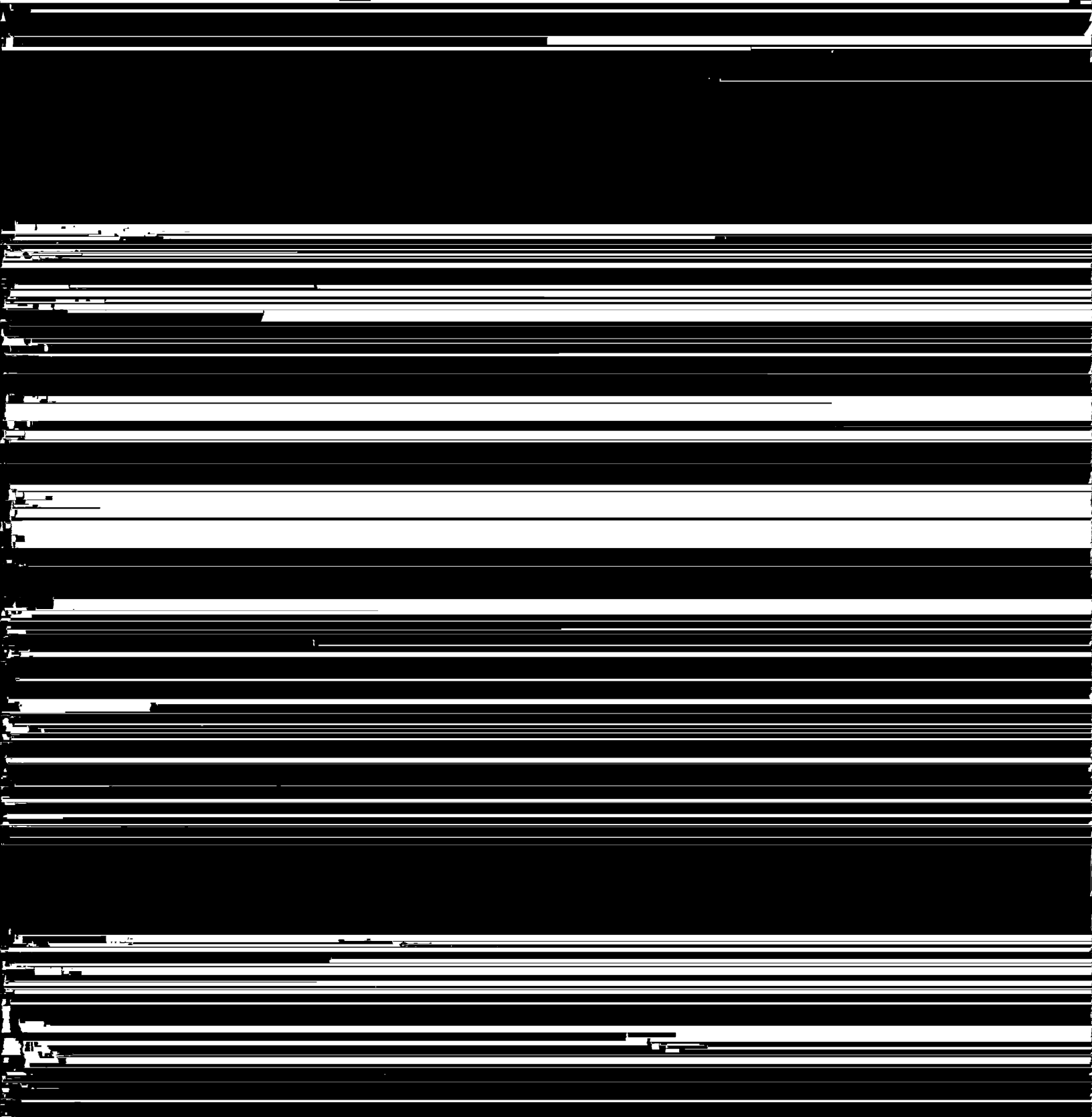
1 B. Failing to investigate fully any consumer complaint
2 received by any business to which this Section applies; and

3 C. Failing to take corrective action with respect to any sales
4 person whom defendants determine is not complying with this Order,
5 which may include training, disciplining, and/or terminating such
6 sales person.

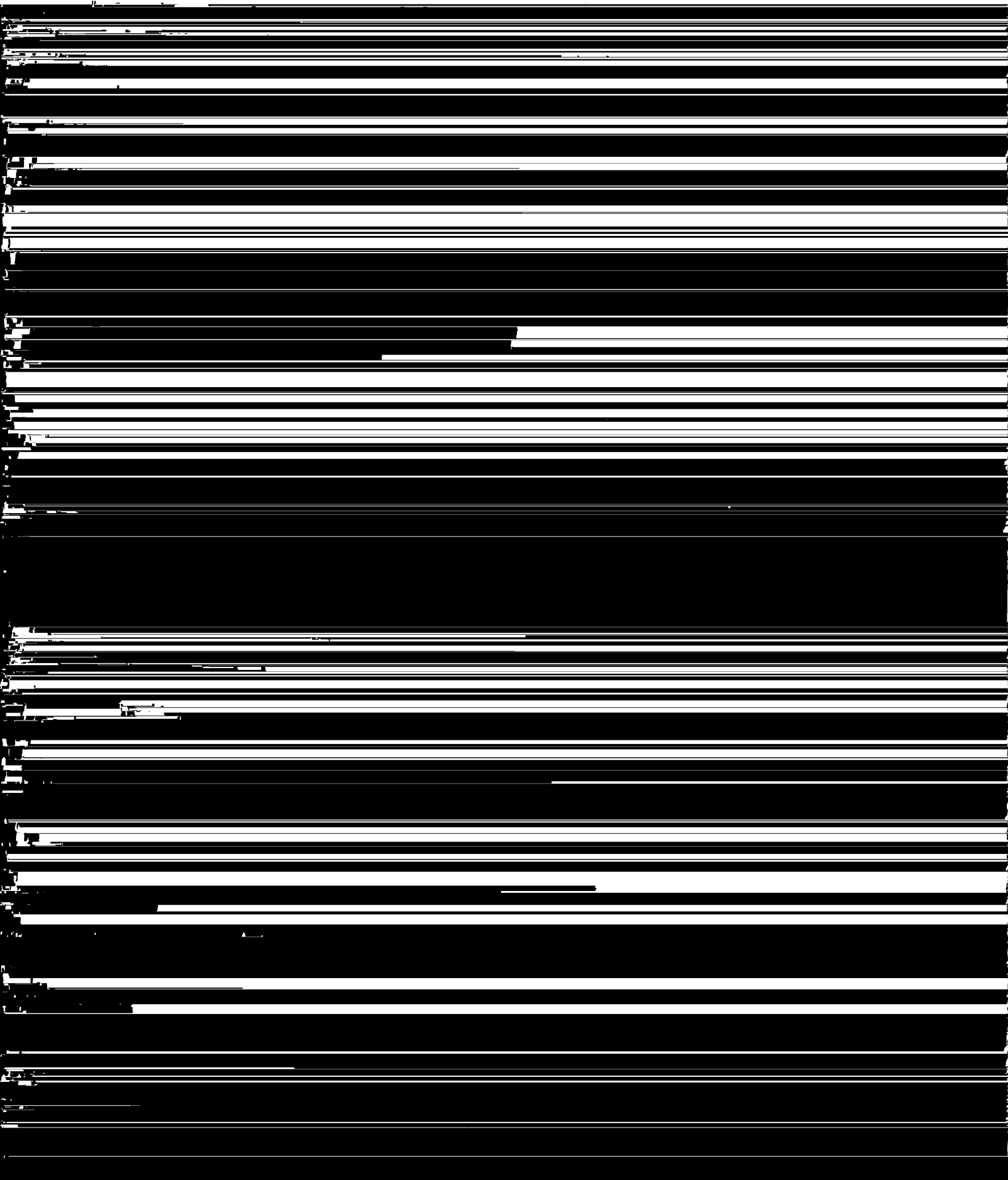
7 **X. RECORDKEEPING**

8 **IT IS FURTHER ORDERED** that, for a period of eight (8) years from
9 the date of entry of this order, the following information shall be maintained





[Redacted text block]





1 representatives of the Commission, within three (3) business days of
2 receipt of written notice from the Commission:

3 A. Access during normal business hours to any office, or
4 facility storing documents of any kind.

XV. RETENTION OF JURISDICTION

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

The Commission and defendants hereby stipulate and agree to entry of the foregoing Order, which shall constitute a final judgment in this action.

SO ORDERED.

APR 18 2003

Dated

Alicemarie H. Stotler
HONORABLE ALICEMARIE H. STOTLER
United States District Court Judge

SIGNED AND STIPULATED BY:

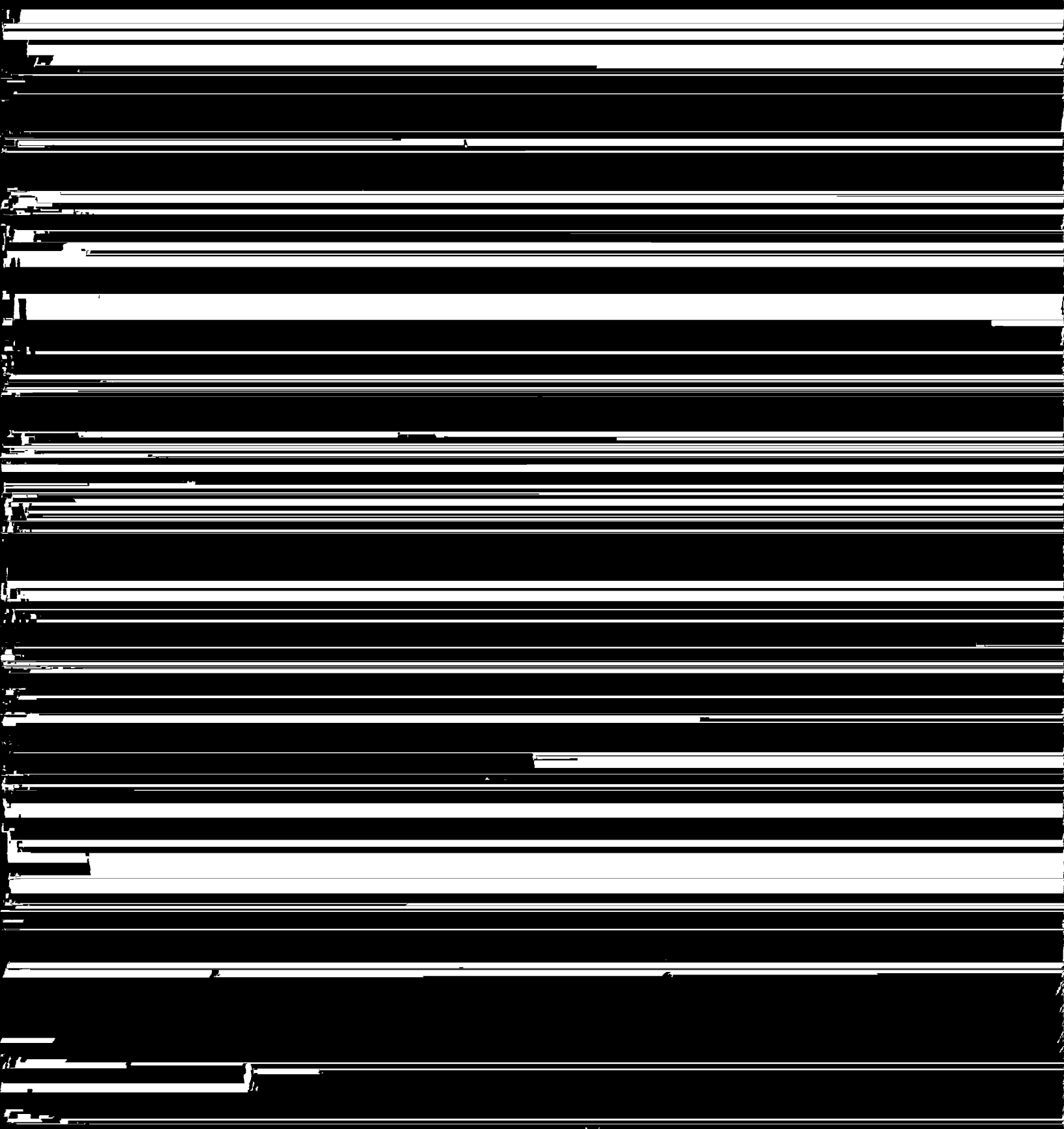
1
2
3

and Esoft Caducei, Inc.

Dated: 12/16/2002, 2002



DAVID J. MILLER



CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing Stipulated Final Judgment and Order for Permanent Injunction to be served on Electronic Medical Billing, Inc., d/b/a EMB Marketing and EMB Inc., Esoft Caducei, Inc., John C. Moore and David L. Miller on