

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND



CLERK'S OFFICE
AT BALTIMORE

FEDERAL TRADE COMMISSION,)
DEPUTY)

Plaintiff,)

v.)

CIVIL ACTION NO. MJG 03 CV 108

JAGUAR BUSINESS CONCEPTS, LP,)
dba LIBERTYMALL.COM, et al.,)

Defendants)

DEFAULT JUDGMENT AND ORDER FOR PERMANENT INJUNCTION

Plaintiff Federal Trade Commission ("Commission") commenced this action by filing
Complaint for permanent injunctive relief, rescission of contracts and restitution, other forms of
redacted

Section 13 (b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b)

Complaint charged Defendants Jaguar Business Concepts, L.P. dba Libertymall.com, Cheyenne
Investment Alliance, LLC and Jacqueline A. Demer ("Demer") individuals
Marketplace of Choice, Inc. ("Marketplace") in violation of Section 13 (b) of the
FTC Act, 15 U.S.C. § 53(b) in that they contributed to the marketing, advertising and
international drivers permits.

Demer received service of the Summons, Complaint, and other pleadings on January 22,



*clm
7-18-03
jw*

answer or other defense. Pursuant to that Order of Default and the Motion and Memorandum of Plaintiff Federal Trade Commission for a Default Judgment Against Defendant Demer, the following final judgment and permanent injunction is hereby entered.

FINDINGS

Against the complaint states a claim upon which relief may be granted.

Defendants are liable under Section 1391(b) and 15 U.S.C. § 53(b).

2. This Court has jurisdiction over the parties and subject matter of this action
3. Venue in this district is proper under 28 U.S.C. § 1391(b) and 15 U.S.C. § 53(b).
4. The activities of the Defendants, as alleged in the Complaint, were in or affecting

U.S.C. § 44, commerce, as defined in section 4(b) of the F

5. Entry of this Order is in the public interest.

DEFINITIONS

Apply for the purposes of this order the following definitions:

- A. "International Driving Permit" means any document called an international driving permit, international driver's license or any variation thereof.
- B. "Identification Document" means a document made or issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign authority, government, political subdivision of a foreign government, an international governmental or international quasi governmental organization which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of

[REDACTED]

social security cards, work permits, school transcripts and identification cards

C. "False Identification Document" means any document that could reasonably be confused for an Identification Document

D. "Identification Device" means any computer, in any form, or any electronic device, computer hardware or software that is specifically configured or primarily used for making an Identification Document or False Identification Document

"Assisting others" means providing any of the following goods or services to a person or entity: (a) performing customer service functions, including but not limited to, receiving or responding to consumer complaints or inquiries and selling, receiving, collecting or forwarding consumer applications or purchase orders; (b) formulating or providing, or arranging

[REDACTED]

customers; (d) performing marketing services of any kind; or (e) acting as an officer or director

F. "Document(s)" or "record(s)" means the electronic storage of information or a copy of any written, typed, or transcribed, taped, recorded, filmed, punched, or graphic matter or other data compilations of any kind, including, but not limited to, letters, e-mail or other correspondence, messages,

[REDACTED]

manipulation's books, records, orders, invoices, work papers, journals, ledgers, statements, notes

returns, reports, schedules, or files; and

2. Any information stored on any desktop personal computer ("PC") and

person whose information is disclosed, (ii) to a law enforcement agency, or (iii) as required or authorized by any law, regulation, or court order

IT IS FURTHER ORDERED that Demer and her agents, employees, partner, member/managers, trustees, all other persons or entities within the name of Fed. R. Civ. P. 65, and all these persons or entities in active concert or participation with them who receive actual

A.

implication, directly or indirectly, orally or in writing, that FTC Officials or any other FTC

1. ~~infringe any copyright, trademark, or other intellectual property~~
or otherwise, purports to have in her name, signature
have otherwise injured Demer;

~~infringe any copyright, trademark, or other intellectual property~~

legal effect whatsoever.

EQUITABLE MONETARY RELIEF

V. IT IS FURTHER ORDERED that:

A. Judgment in the amount of FIVE THOUSAND THREE HUNDRED SIXTY FIVE DOLLARS (\$5,365) with post judgment interest at the rate of % per annum is hereby entered in favor of the Commission against Demer for contribution to a redress fund not limited to consumer redress and/or disgorgement and for paying any attendant expenses of administering any redress fund.

B. [REDACTED] the FTC or its designated agent

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 [REDACTED] fund. In the event that direct redress to consumers is wholly or partially inoperative, funds remain after redress is completed, the Commission may apply any remaining funds for such other

equitable relief including consumer information remedies, as it determines to be reasonable.

[REDACTED] equitable relief shall be deposited to the Treasury as disgorgement. Demer shall have no right to challenge the Commission's choice of remedies under this paragraphs; and

D. [REDACTED] purposes of collecting and reporting on any delinquent amount arising from Demer's relationship

with the government.

[REDACTED]

VI IT IS FURTHER ORDERED that for a period of eight (8) years from the date of entry of

this Order, Demer, when acting in a commercial capacity as an individual or in connection with

any entity in which she has a control or majority ownership interest or is a director, officer or

partners, members, member/managers, trustees, all other persons or entities within the scope of

to which receive actual notice of this Order by personal service or otherwise, are hereby restrained

and enjoined from failing to provide access to and have available to a representative of the FTC upon

reasonable notice the following records:

A. the cost of goods of services sold, revenues, accounts and records that reflect

operating results and disbursement of income tax

B. Personnel records accurately reflecting: the name, address, and telephone

number of each person employed in any capacity by such business, including as an independent

contractor; that person's job title or position; the date upon which the person commenced work;

applicable; and the date and reason for the person's termination, if

C. [REDACTED]

paid, quantity of items or services purchased, and description of items or services purchased, to

the extent such information is obtained and maintained in the ordinary course of business;

D. [REDACTED]

any third party) and any responses to those complaints or requests; and

E ~~Copies of all sales scripts, training materials, advertisements, websites, electronic mail or other marketing materials~~

COMPLIANCE MONITORING

VII ~~[REDACTED]~~

compliance with any provision of this Order,

A. Within ten (10) days of receipt of written notice from a representative of the FTC, Demer shall submit additional written reports, sworn to under penalty of perjury; produce ~~Documents for inspection and copying; appear for deposition; and/or provide entry during normal business hours to any business location in Demer's possession or direct or indirect~~

B In addition, the FTC is authorized to monitor compliance with this Order by all other lawful means, including but not limited to obtaining discovery from any person, without ~~their leave or court using the procedures prescribed by Fed. R. Civ. P. 31.02-31.04, 34.01, and in~~

~~[REDACTED]~~
~~investigatory powers, including but not limited to use of compulsory process, pursuant to~~
~~FTIA, 15 U.S.C. § 45, 1603, or posing as consumers and suppliers, Sections 5 and 7 of the FDCPA, and~~
~~any other law or common law, and/or in person, Demer, its employees, or anyone employed~~
directly or indirectly by Demer, without the necessity of identification or prior notice in order to

~~[REDACTED]~~
~~obtain any information or create any negative facts or practices, with nothing coming from any~~

C Demer shall permit representatives of the FTC to interview any employer, officer,

affiliate that engages in any acts or practices subject to this Order; the filing of a bankruptcy

[REDACTED]

which Demer learns less than thirty (30) days prior to the date such action is to take place. Demer

[REDACTED]

B. Not less than 30 days prior to the date of the filing of a bankruptcy petition or the

order from which the class is exempted and are complying with this Order. The report shall

include, but not be limited to

[REDACTED]

and

2. A copy of each acknowledgment of receipt of this Order obtained by

Demer pursuant to Paragraph IX.

C. For the purposes of this Order, Demer shall, unless otherwise directed by the

[REDACTED]

Associate Director for Enforcement

[REDACTED]

D. [REDACTED]

authorized to communicate directly with Demer.

DISTRIBUTION OF ORDER BY DEMER

IX IT IS FURTHER ORDERED that, for a period of five (5) years from the date of entry of this Order:

A. Demer shall deliver a copy of this Order to the appropriate individuals, including but not limited to, managers, members, partners, agents, trustees, employees, and agents for any business that Demer owns or controls or employs or contracts for personal services Demer and has access to. Demer shall secure from each of these individuals with respect to the subject matter of this Order, such person a signed and dated statement acknowledging receipt of the Order. Demer shall deliver this Order to current personnel within thirty (30) days after the date of service of this Order, and to new personnel within thirty (30) days after the person assumes such position or responsibilities.

REPRESENTATIONS AND ACKNOWLEDGMENTS

X. IT IS FURTHER ORDERED that:

Demer shall submit to the Court within five (5) business days after entry of this Order, Demer shall

[REDACTED]

Patricia F. Bak, Esq.
Adam B. Fine, Esq.
Reilly Dolan (Bar # 09514)
Federal Trade Commission

[REDACTED]