

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

FEDERAL TRADE COMMISSION,)

Plaintiff,)

v.)

PINNACLE MARKETING, L.L.C.,)

also d/b/a Health Remedies,)

Acadia Skin Care,)

Atlantic Skin Care,)

Atlantic Skin Care Products, and)

Defendants.)

CIVIL ACTION NO.

**STIPULATED FINAL
JUDGMENT & ORDER
FOR PERMANENT INJUNCTION
AND MONETARY SETTLEMENT**

TODD FLAHERTY,)

MATTHEW TASKER,)

and)

KEVIN CURTY,)

Defendants.)

over all parties. Venue in the District of Maine is proper.

2. The Complaint states a claim under 15 U.S.C. § 1501, et seq.

Commission has the authority to seek the relief it has requested.

3. The activities of Defendants are in or affecting commerce, as defined in 15 U.S.C.

§ 44.

4. Defendants waive all rights to seek judicial review of this order.

DEFINITIONS

For purposes of this Order the following definitions shall apply:

1. "Commerce" means as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.
2. "Competent and reliable scientific evidence" means tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that have

CONDUCT PROHIBITIONS

I. PROHIBITED FALSE REPRESENTATIONS

IT IS ORDERED that Defendants, their successors and assigns, and their officers, agents

B. that such product or service causes substantial weight loss by blocking the absorption of carbohydrates; or

C. about the benefits, performance, efficacy, safety, or side effects, of such product or service;

for any drug that is permitted in labeling for such drug under any tentative final or

new drug application approved by the Food and Drug Administration; and

~~B. Nothing in this Order shall prohibit Defendants from making any representation~~

partially impracticable or funds remain after redress is completed, the

including consumer information provided to the consumer.

amount consumers paid to purchase the Ultra Carb 3000 products, less the sum of
any amounts Defendants paid in this action after the date of this Final Order. 11

become immediately due and payable, and interest computed at the rate prescribed

under 28 U.S.C. § 1961 as amended shall immediately begin to accrue on the

amended, shall immediately begin to accrue on the unpaid balance.

Provided, however, that in all other respects this Order shall remain in full force and effect unless otherwise ordered by the Court; and *provided further* that any

proceedings instituted under this Paragraph shall be in addition to and not in lieu of any other civil or criminal remedies as may be provided by law, including proceedings the Commission may initiate to enforce this Order. For the purposes of reopening or enforcing this Paragraph VI, including but not limited to a non-dischargeability complaint filed in a bankruptcy case, the Defendants agree not to contest any of the allegations set forth in the Complaint filed in this matter.

VII. COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of monitoring and investigating compliance with any provision of this Order:

or any other entity managed or controlled in whole or in part by

~~Defendants~~ without the necessity of identification or notification.

Provided that nothing in this Order shall limit the Commission's lawful use of

that the Defendant is affiliated with, employed by, or performs services for; a statement of the nature of the business; and a statement of his duties and responsibilities in connection with the business;

Any changes in Defendant's name or use of any aliases or fictitious

names; and

Defendant's Director and Executive in his capacity as President of Director

report shall include, but not be limited to:

1. Any changes required to be reported pursuant to subparagraph (A) above;
and
2. A copy of each acknowledgment of receipt of this Order obtained by Defendant pursuant to Paragraph X.

C. For the purposes of this Order, each Defendant shall, unless otherwise directed by the Commission's authorized representatives, mail all written notifications to the

Commission for Associate Director for Enforcement, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, DC 20580. Attn: FTC v. Pinnacle

600 Pennsylvania Avenue, N.W., Washington, DC 20580. Attn: FTC v. Pinnacle

Marketing, L.L.C., et al. (D. Me.)

D. For purposes of the compliance reporting required by this Paragraph, the

Commission shall communicate with Defendants through their designated

product or service, and their agents, employees, officers, corporations, successors, and assigns,

Order by personal service or otherwise, are hereby restrained and enjoined from failing to create and retain the following records:

- A. Accounting records that reflect the cost of goods or services sold, revenues generated, and the disbursement of such revenues;
- B. Personnel records accurately reflecting: the name, address, and telephone number

G. All other documents evidencing or referring to the accuracy of any claim therein or to the efficacy of any covered product or service, including, but not limited to, all tests, reports, studies, demonstrations, or other evidence that confirm, contradict, qualify, or call into question the safety or efficacy of such covered product or service; and

H. Records accurately reflecting the name, address, telephone number, and

manufacturer or laboratory engaged in the development or creation of any testing obtained for the purpose of advertising, marketing, promoting, offering for sale, distributing, or selling any covered product or service.

X. DISTRIBUTION OF ORDER BY DEFENDANTS

IT IS FURTHER ORDERED that, for a period of three (3) years from the date of entry of this Order:

personal services from Defendants Flaherty, Tasker, and Curty and (b) has responsibilities with respect to the subject matter of this Order. Defendants Flaherty, Tasker, and Curty shall secure from each such person a signed and dated statement acknowledging receipt of the Order within thirty (30) days after the date

~~of service of the Order on the respondent. 61 1 1 1 1~~

XI. ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANTS

IT IS FURTHER ORDERED that each Defendant, within five (5) business days of receipt of this Order as entered by the Court, must submit to the Commission a truthful sworn statement acknowledging receipt of this Order.

XII. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this

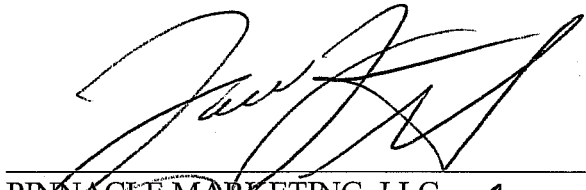
JUDGMENT IS THEREFORE ENTERED in favor of Plaintiff and against Defendants,

pursuant to all the terms and conditions recited above.

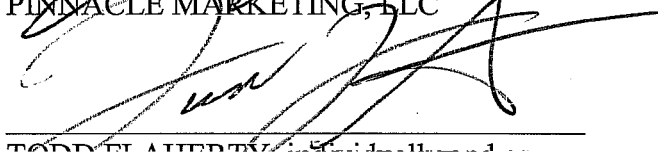
SO STIPULATED:

Laureen Kapin

LAUREEN KAPIN
CAROL JENNINGS
AMY M. LLOYD
Federal Trade Commission
600 Pennsylvania Ave



PINNACLE MARKETING, LLC



TODD BLALOCK