

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

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FEDERAL TRADE COMMISSION,

Plaintiff,

vs.

MARK NUTRITIONALS, INC.,

HARRY SISKIND, and

EDWARD G. D'ALESSANDRO, JR.,

CIVIL NO. SA02CA1151 XR

## **FINDINGS**

1. This Court has continuing jurisdiction over the subject matter of this case pursuant to Paragraph XIV of the 2003 Final Order. Venue in the Western District of Texas is proper.

2. Defendant Siskind provided to the Commission a written financial statement dated January 14, 2003. Defendant Siskind supplemented this financial statement through documents submitted in letters dated January 6, 2003, March 28, 2003, May 29, 2003, and through a sworn oral statement made on June 23, 2003.

3. The plaintiff's agreement to and the Court's approval of the stipulated 2003 Final Order were premised upon the truthfulness, accuracy, and completeness of defendant Siskind's written financial statement and supplements.

4. Paragraph VII(B) of the 2003 Final Order provides that if the Court finds that defendant Siskind failed to disclose any material asset, materially misrepresented the value of

U.S.C. § 2412, concerning the prosecution of this action to the date of this Order to Reinstate Judgment.

8. Each settling party shall bear their own costs and attorneys' fees.
9. Entry of this Order to Reinstate Judgment is in the public interest.

## **ORDER**

### **I. REINSTATEMENT OF MONETARY JUDGMENT**

**IT IS THEREFORE ORDERED** that the Monetary Judgment entered in favor of the Commission and against defendant Siskind in the amount of ONE HUNDRED AND FIFTY-FIVE MILLION DOLLARS (\$155,000,000.00) and suspended in the 2003 Final Order is hereby reinstated. Judgment is, therefore, entered in favor of the Commission and against defendant Siskind in the amount of ONE HUNDRED AND FIFTY-FIVE MILLION DOLLARS (\$155,000,000.00) ("Reinstated Judgment"), which shall be immediately due and payable. Provided, however, that Siskind shall be entitled to offset this amount by any sums previously paid to the Commission under terms of the 2003 Final Order and to the States of Texas, Illinois, and Pennsylvania under the terms of their orders obtained against Siskind for his role in operating Mark Nutritionals, Inc.

### **II. THE 2003 FINAL ORDER**

**IT IS FURTHER ORDERED** that in all other respects the 2003 Final Order shall remain in full force and effect unless otherwise ordered by the Court.

### **III. COLLECTING THE REINSTATED JUDGMENT**

**IT IS FURTHER ORDERED** that:

- A. Defendant Siskind shall cooperate fully with the Commission and its agents in all attempts to collect the amounts due pursuant this Order to Reinstate Judgment, including



Commission a truthful sworn statement acknowledging receipt of this Order to Reinstate Judgment.

**VI. RETENTION OF JURISDICTION**

**IT IS FURTHER ORDERED** that this Court shall retain jurisdiction of this matter for purposes of construction, modification and enforcement of this Order to Reinstate Judgment and the 2003 Final Order.

**JUDGMENT IS THEREFORE ENTERED** in favor of plaintiff and against defendant pursuant to all the terms and conditions above.

**SO ORDERED:**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_

STATE OF TEXAS

COUNTY OF BEXAR

Before me, \_\_\_\_\_, a notary public, on this day personally appeared \_\_\_\_\_ who is personally known to me or has presented (state identification) \_\_\_\_\_ as identification, to be the person who executed before me the foregoing *Stipulated Order to Reinstate Suspended Judgment for \$155 Million Against Defendant Harry Siskind* and who has acknowledged before me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Print Name

NOTARY PUBLIC,  
STATE OF \_\_\_\_\_

Commission Number  
Affix Seal