

The Honorable Robert S. Lasnik

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

SEVILLE MARKETING, LTD., a British
Columbia, Canada, corporation, and

GREGORY STEPHEN WONG, individually
and as the owner and principal of Seville
Marketing, Ltd.,

Defendants.

Case No. C04-1181L

**AMENDED
STIPULATED JUDGMENT FOR
PERMANENT INJUNCTION AND**

1 The Commission and Defendants Seville Marketing, Ltd., and Gregory Stephen Wong have
2 consented to the entry of this Stipulated Judgment for Permanent Injunction and Other Equitable Relief
3 (“Stipulated Judgment”) without a trial or adjudication of any issue of law or fact herein.

4 NOW, THEREFORE, the Commission and Defendants having requested the Court to enter this
5 Stipulated Judgment, it is **ORDERED, ADJUDGED, AND DECREED** as follows:

6
7 **FINDINGS**

8 1. This is an action by the Commission instituted under Section 13(b) of the FTC Act, 15
9 U.S.C. § 53(b). Pursuant to this section, the Commission has the authority to seek the relief contained
10 herein.

11 2. The Commission’s Complaint states a claim upon which relief may be granted against
12 defendants under Sections 5(a), 12, and 13(b) of the Federal Trade Commission Act, 15 U.S.C.
13 §§ 45(a), 52, and 53(b).

14 3. This Court has jurisdiction over the subject matter of this case, and all parties hereto.
15 Venue in the Western District of Washington is proper.

16 4. The alleged activities of Defendants are in or affecting commerce, as defined in Section 4
17 of the FTC Act, 15 U.S.C. § 44.

18 5. The parties shall each bear their own costs and attorney’s fees incurred in this action.

19 6. Defendants waive all claims under the Equal Access to Justice Act, 28 U.S.C. § 2412
20 concerning the prosecution of this action, and all rights to seek judicial review or otherwise challenge
21 the validity of this Stipulated Judgment.

22 7. This Stipulated Judgment does not constitute, and shall not be interpreted to constitute,
23 either an admission by Defendants or a finding by the Court that Defendants have engaged in any
24 violations of the FTC Act.

1 this Stipulated Judgment by personal service, facsimile, or otherwise, are permanently restrained and
2 enjoined from selling, renting, leasing, transferring, or otherwise disclosing the name, address, telephone
3 number, credit card number, bank account number, e-mail address, or other identifying information of
4 any person who paid any money to any Defendant, at any time prior to entry of this Stipulated
5 Judgment, in connection with promoting, offering for sale, selling, or participating in the sale of,
6 directly or indirectly, the Discreet HIV home test kit. *Provided*, however, that Defendants may disclose
7 such identifying information to a law enforcement agency or as required by any law, regulation, or court
8 order.

9
10 **CONSUMER REDRESS**

11 **IT IS FURTHER ORDERED** that Defendants Gregory Stephen Wong and Seville Marketing,
12 Ltd., shall:

- 13 A. Release to the President and Chief Executive Officer of the Business Practices and
14 Consumer Protection Authority of British Columbia (“CEO ”), pursuant to Sections
15 13(b) and 19 of the FTC Act, 15 U.S.C. §§ 53(b) and 57b, any and all claims they may
16 have to any assets frozen by the CEO subject to the agreement entered into between the
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1 Defendants waive any right to contest any of the allegations in the Complaint filed in this
2 action. *Provided however*, that in all other respects this Stipulated Final Order shall
3 remain in full force and effect unless otherwise ordered by the Court; and *provided*
4 *further*, that proceedings instituted under this Part are in addition to, and not in lieu of,
5 any other civil or criminal remedies that may be provided by law, including any other
6 proceedings the Commission may initiate to enforce this Order.
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b. Any changes in employment status (including self-employment) of Gregory Stephen Wong, and any change in the ownership of Gregory Stephen Wong in any business entity, within ten (10) business days of such change. Such notice shall include the name and address of each business that such Gregory Stephen Wong is affiliated with, employed by, creates or forms, or performs services for; a statement of the nature of the business; and a statement of Gregory Stephen Wong's duties and responsibilities in connection with the business or employment; and

c. Any changes in Gregory Stephen Wong's name or use of any aliases or fictitious names; and

2. Defendants Seville Marketing, Ltd., and Gregory Stephen Wong shall notify the Commission of any changes in the corporate structure of Seville Marketing, Ltd., or any business entity that Gregory Stephen Wong directly or indirectly controls, or has an ownership interest in, that may affect compliance obligations arising under this Stipulated Judgment, including but not limited to a dissolution, assignment, sale, merger, or other action would result in the emergence of a successor entity; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this Stipulated Judgment; the filing of a bankruptcy petition; or a change in the corporate name or address, at least thirty (30) days prior to such change, *provided* that, with respect to any proposed change in the corporation ab4(an)aL23.2(p3.2()(r)-441-25.4(ic10.6)-25.4(h)16.8

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COMPLIANCE MONITORING

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

- A. Within ten (10) business days of receipt of written notice from a representative of the Commission, Defendants Seville Marketing, Ltd., and Gregory Stephen Wong each 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 busin1.4(P6.1I)6.3(ANH 8n)18.3(

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RECORD KEEPING PROVISIONS

IT IS FURTHER ORDERED that for a period of six (6) years from the date of entry of this Stipulated Judgment, Defendants, and their agents, employees, officers, corporations, successors, and assigns, and those persons in active concert or participation with them who receive actual notice of this Stipulated Judgment by personal service or otherwise, in connection with any business where: (1) any defendant is the majority owner of the business, or directly or indirectly manages or controls the business, and (2) the business is engaged, participating, or assisting in any manner whatsoever, directly or indirectly, in the advertising, marketing, promotion, offering for sale, distribution, or sale of any covered product or service, are hereby permanently 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 of each person employed in any capacity by such business, including as an independent

1 G. Copies of all sales scripts, training materials, advertisements, or other marketing
2 materials.

3 H. All records and documents necessary to demonstrate full compliance with each provision
4 of this Stipulated Judgment, including but not limited to copies of acknowledgments of
5 receipt of this Stipulated Judgment, required by Paragraph D of the provision above
6 entitled "DISTRIBUTION OF STIPULATED JUDGMENT BY DEFENDANTS," and
7 all reports submitted to the FTC pursuant to the provision above entitled
8 "COMPLIANCE REPORTING BY DEFENDANTS."
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10 **RETENTION OF JURISDICTION**

11 **IT IS FURTHER ORDERED** that this Court shall retain jurisdiction of this matter for all
12 purposes of construction, modification and enforcement of this Stipulated Judgment.
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14 **SO ORDERED**, this 24th day of May, 2005, at 11:00 a.m.
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17 _____
18 Robert S. Lasnik
19 United States District Judge

20 Plaintiff, by its counsel, and Defendants hereby consent to the terms and conditions of the Stipulated
21 Judgment as set forth above and consent to the entry thereof.

22 **FOR FEDERAL TRADE COMMISSION:**
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24 _____
25 Nadine S. Samter, WSBA # 23881
26 Janet M. Evans, DC Bar # 358467
27 Kial S. Young, Mass. Bar # 633515
28 Federal Trade Commission
915 Second Ave., Suite 2896
Seattle, WA 98174
voice: (206) 220-6350
fax: (206) 220-6366

1 Attorneys for Plaintiff
2 FEDERAL TRADE COMMISSION

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4 **FOR DEFENDANTS:**

5 Seville Marketing, Ltd.
6 BY: _____

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8 _____
9 Gregory Stephen Wong, individually and as
10 president and owner of Seville Marketing, Ltd.

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12 _____
13 Michael Himes, WSBA# 19423
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Attorney for Defendants Seville Marketing, Ltd.,
and Gregory Stephen Wong