IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

FEDERAL TRADE COMMISSION,
) Civil No. 03 C 6249 '
Plaintiff,
Judge Joan H. Lefkow
v.

Magistrate Judge Nan R. Nolan
DATATECH COMMUNICATIONS, INC.,)
a corporation, el al.
)
Defendants.

FINAL .TUDGMENT AND ORDER FOR PERMAMENT INJUNCTION AGAINST DEFENDANT ROBERT BREWER

Plaintiff Federal Trade Commission ("FTC" or "Commission"), pursuant

discovery to Defendant Brewer, including requests for production of documents, requests for admissions, and interrogatories, to which the Defendant did not respond. The Commission filed a Motion to Compel Answers to Discovery, which the Court granted on May 17,2005, and gave Defendant Brewer fourteen days to respond to the outstanding discovery requests. .Defendant Brewer was personally served

2. This Court has jurisdiction over the subject matter of this case and over all of the parties hereto. Venue in the Northern District of Illinois is proper.
3. The Complaint states a claim upon which relief may be granted against the
Defendant under Sections 5(a) and 13@) of the FTC Act, 15 U.S.C. 5 5 45(a) and

10. The Commission is entitled to equitable monetary relief against Defendant Brewer
in the amount of $8,986,759 (USD), for which the Defendants are jointly and severally liable.
11. Entry of this 7'd (Br3)Tj -0.0606 Tc 2.0202e

6. "Consumer" includes any individual, group, unincorporated association, limited
or general partnership, corporation or other business entity.
7. "Customer" means any person who has paid, or may be required to pay, for
goods or services offered for

interest, trust interest, or other beneficial interest, or to enter a contest for a prize, by means of telephone sales presentations, either exclusively or in conjunction with the use of other forms of telemarketing. Provided, however, that the term "telemarketing" shall not include transactions that are not

ORDER
I.
PERMANENT BAN

IT IS THEREFORE ORDERED that Defendant Brewer, individually and as an officer
and director of the corporate defendants, whether directly or indirectly, in concert with others, or through any corporation, intermediary, third party, business entity, device, or person under his control, is hereby permanently restrained and enjoined from engaging in, participating in, or assisting others who engage or participate in, the advertising, marketing, promoting, telemarketing, offering for sale, sale, or distribution of any type of business directory or directory listing, in any format, including, but not limited to, print media, CD-ROM, DVD, e-mail, or disseminated over the Internet.
11.
PROHIBITED BUSINESS ACTIVITIES IT IS RJRTHER ORDERED that Defendant Brewer, and his officers, agents, directors, servants, employees, salespersons, independent contractors, corporations, subsidiaries, affiliates, successors, and assigns, and all other persons or entities in active concert or participation with him who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any person, trust, corporation, subsidiary, division, or other device, or any of them, in connection with the advertising, promoting, telemarketing, offering for sale, sale, or provision of any good or service, is hereby permanently restrained and enjoined from:

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A. Making, or assisting others in making, any express or implied representation or omission of material fact that is false or misleading, in any manner, to any consumer or entity, including, but not limited to, any false or misleading statement:
1. That consumers have a preexisting or other type of relationship with any
person or entity that offers a good or service;
2. That consumers are being called to renew a good or service, or any other
false or

28 U.S.C. 5 1961, as amended, shall immediately begin to accrue on the unpaid balance. Defendant Brewer shall pay the amount due to the Commission in United States funds by certified or cashier's check, made payable to the Federal Trade Commission, and delivered to the Regional Director, Federal Trade Commission, 55 East Monroe Street, Suite 1860, Chicago, Illinois 60603;
B. The funds paid by Defendant Brewer pursuant to this Order shall be deposited
into a fund administered by the Commission or its agent to be used for equitable relief, including, but not limited to, consumer redress and any attendant expenses for the administration of any redress fund. In the event that direct redress to consumers is wholly or partially impracticable or 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 reasonably related to the Defendant's practices alleged in the Complaint. Any funds not used for such equitable relief shall be deposited to the United States Department of Treasury as disgorgement. Defendant Brewer shall have no right to challenge the Commission's choice of remedies under this Section. The Commission, in its sole discretion, may use a designated agent to administer redress;
C. The judgment entered pursuant to Subsection A of this Section for equitable
monetary relief is solely remedial in nature and is not a fine, penalty, punitive assessment, or forfeiture.

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DISCLOSURE OF CUSTOMER INFORMATION IT IS FURTHER ORDERED that Defendant Brewer, and his officers, agents, directors, servants, employees, salespersons, independent contractors, corporations, subsidiaries, affiliates, successors, and assigns, and all other persons or entities in active concert or participation with him who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any person, trust, corporation, subsidiary, division, or other device, or any of them, is permanently restrained and enjoined from selling, renting, leasing, transferring, or otherwise disclosing the name, address, telephone number, social security number, credit card number, bank account number, e-mail address, or other identifying information of any person who paid any money to or received any goods or services from the Defendant, or whose identifying information was obtained for the purpose of soliciting them to pay money to or receive goods or services from Defendant Brewer at any time prior to the date this Order is entered, in connection with the sale or rendition of the products, programs, or services referenced in the Complaint. Provided, however, that Defendant Brewer, his successors, assigns, officers, agents, servants, employees, and all other persons or entities in active concert or participation with him who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any person, trust, corporation, subsidiary, division, or other device, may provide such identifying information to a law enforcement agency or as required by any law, regulation, or court order.

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v.
SUSPEND COLLECTION ON ACCOUNTS IT IS FURTHER ORDERED that Defendant Brewer is hereby permanently enjoined
and restrained from collecting or attempting to collect payment for any business directory andlor listings in any business directory, directly or through any third party, on any account established prior to entry of this Order.
VI.
ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANT
IT IS FURTHER ORDERED that Defendant Brewer, within five (5) business days of receipt of this Order as entered by the Court, must submit to the Commission a truthful sworn statement, in the form shown on Attachment A to this Order, acknowledging receipt of this Order.

COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of monitoring and investigating compliance with any provision of this Order,
A. Within ten (10) days of receipt of written notice from a representative of the Commission, Defendant Robert Brewer, 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 such Defendant's possession or direct or indirect controI to inspect the business operation.

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B. In addition, the Commission is authorized to monitor compliance with this Order
by all other lawful means, including, but not limited, to the following:
1. Obtaining discovery from any person, without further leave of court, using
the procedures prescribed by Fed. R. Civ. P. 30,31,33,34,36, and 45; '
2. Posing as consumers or suppliers to: Defendant Robert Brewer, said
Defendant's employees, or any other entity managed or controlled in whole or in part by Defendant Robert Brewer, without the necessity of identification or prior notice;
C. Defendant Robert Brewer shall permit representatives of the Commission to
interview any employer, consultant, independent contractor, representative, agent, or employee who has agreed to such an interview, relating in any way to any conduct subject to this Order. The person interviewed may have counsel present.
Provided, however, that nothing in this Order shall limit the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. $5 49,57b-1, to obtain any documentary material, tangible things, testimony, or information relevant to unfair or deceptive acts or practices in or affecting commerce (within the meaning of 15 U.S.C. 5 45(a)(l)).
VIII.
COMPLIANCE REPORTING BY DEFENDANT

IT IS FURTHER ORDERED that, in order that compliance with the provisions of this Order may be monitored:
A. For a period of five (5) years from the date of entry of this Order,
1. Defendant Robert Brewer, shall notify the Commission of the following:

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a. Any changes in residence, mailing addresses, and telephone
numbers of Robert Brewer, within thirty (30) days of the date of such change;
b. Any changes in employment status (including self-employment) of
Robert Brewer, within thirty (30) days of the status

address, at least thirty (30) days prior to such change, provided that,

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D. For purposes of the compliance reporting and monitoring required by this Order,
the Commission is authorized to communicate directly with the Defendant.
IX.
DISTRIBUTION OF ORDER BY DEFENDANTS
IT IS FURTHER ORDERED that, for a period of five (5) years from the date of entry
of this Order, Defendant Brewer shall deliver copies of the Order as directed below:
A. Defendant Brewer must deliver a copy of this Order to all of his principals,
officers, directors, managers, employees, agents, and representatives who engage in conduct related to the subject matter of the Order. For current personnel, delivery shall be within (5) days of service of this Order upon Defendant. For new personnel, delivery shall occur prior to the employees assuming their responsibilities.
B. For any business that Defendant Brewer controls, directly or indirectly, or in
which Defendant Brewer has a majority ownership interest, said Defendant must deliver a copy of this Order to all principals, officers, directors, and managers of that business. Defendant Brewer must also deliver copies of this Order to all employees, agents, and representatives of that business who engage in conduct related to the subject matter this t

Defendant must deliver a copy of this Order to all principals and managers of such business before engaging in such conduct.
D. Defendant Brewer must secure a signed and dated statement acknowledging
receipt of the Order, within thirty (30) days of delivery, from all persons receiving .a copy of the Order pursuant to this Section.
X.
RECORD KEEPING PROVISIONS IT IS FURTHER

or services purchased, to the extent such information is obtained in the ordinary course of business;
D. Complaints and refund requests (whether received directly, indirectly or through
any third party) and any responses to those complaints or refund requests;
E. Copies of all sales scripts, training materials, advertisements, or other marketing
materials; and
F. ~11 records and documents necessary to demonstrate full compliance with each
provision of this Order, including, but not limited to, copies of acknowledgments of receipt of this Order, required by Section IX, and all reports submitted to the FTC pursuant to Section Vm of this Order.
XI.
RELEASE FXOM DUTY TO WITHHOLD MAIL IT IS FURTHER ORDERED that:
A. All commercial mail receiving andlor forwarding agencies, commercial freight
holding andlor forwarding agencies, customs brokers, or other parties holding or receiving mail andlor freight on behalf of the Defendant, including A.N. Deringer, Inc., #8 12" Street, Blaine, Washington 98230 and Touchpoint Logistics, 1925 Holmes Road, Suite 200, Elgin, Illinois 60123, are immediately released from their duty, pursuant to Section VII of the Stipulated Preliminary Injunction Order, to forward the Defendant's mail to the Commission.
B. The Commission is authorized to retain, open, or dispose of any such mail
forwarded to it as the FTC deems appropriate. Defendant Brewer shall have no right to challenge the ETC's actions under this Section.

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XII.
DISSOLUTION OF ASSET FREEZE

IT IS FURTHER ORDERED that upon payment to the Commission of the total amount required by Section ID of this Order, the freeze against Defendant Brewer's assets pursuant to Section II of the Stipulated Preliminary Injunction entered by the Court on April 1,2004, shall be lifted permanently.
XIII.
RETENTION OF .TURISDICTION
IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

IT IS SO ORDERED, this //A day of ,2005.

United States District Judge
AUG I 1 2005

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