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1 a business entity selling or marketing a Target Product or a Covered Product; or
2 (b) formulating or providing, or arranging for the formulation or provision of any
3 Covered Product, advertising for any Covered Product, or marketing for any
4 Covered Product, but excluding conduct in compliance with the Telemarketing
5 Sales Rule (16 C.F.R. Part 310), telephone calls exempted from the Telemarketing
6 Sales Rule under 16 C.F.R. 310.6(b)(4) and (5), or the purchase of media time, as
7 long as the excluded conduct is not performed for or on behalf of any Related
8 Party.

9 4. “Commerce” shall mean as defined in Section 4 of the FTC Act, 15
10 U.S.C. § 44.

11 5. “Competent and reliable scientific evidence” shall mean tests,
12 analyses, research, studies, or other evidence based on the expertise of
13 professionals in the relevant area, that has been conducted and evaluated in an
14 objective manner by persons qualified to do so, using procedures generally
15 accepted in the professions to yield accurate and reliable results.

16 6. “CortiSlim” shall mean the dietary supplement CortiSlim and any
17 other product marketed by or on behalf of a Related Party that

- 18 a. contains one or more of the following ingredients present in
19 current or previous formulations of CortiSlim: magnolia bark
20 extract, beta-sitosterol, theanine, green tea leaf extract, bitter
21 orange peel extract, Panax ginseng, banaba leaf extract,
22 c20 0.0000 TD(Related Party that)TjET1.00000 0.00000 0.00000 1.00000

1 Stress/Cortisol-Control Dietary Supplement on Weight Loss,” by Shawn Talbott,
2 Ann-Marie Christopulos, and Jill Whelan, as well as all underlying data for such
3 study.

4 8. “CortiStress” shall mean the dietary supplement CortiStress and any
5 other product marketed by or on behalf of a Related Party that

6 a. contains one or more of the following ingredients present in
7 current or previous formulations of CortiStress: magnolia bark
8 extract, beta-sitosterol, or theanine; and

9 b. is marketed with claims that it has a weight effect, or reduces or
10 manages stress, or prevents or treats any disease.

11 9. “Covered Product” shall mean any dietary supplement, food, drug,
12 cosmetic, or device.

13 10. “Endorsement” shall mean as defined in 16 C.F.R. § 255.0(b).

14 11. “Food,” “drug,” “cosmetic,” and “device” shall mean as defined in
15 Section 15 of the FTC Act, 15 U.S.C. § 55.

16 12. “Commission” shall mean the Federal Trade Commission.

17 13. “Related Party” shall mean one or more of Window Rock Enterprises,
18 Inc., also d/b/a Window Rock Health Laboratories, also d/b/a Cortislim, Infinity
19 Advertising, Inc., Stephen F. Cheng, Shawn M. Talbott, and Gregory S.
20 Cynaumon, whether acting directly or through any corporation, partnership,
21 subsidiary, division, trade name, or other entity, and their officers, agents,
22 servants, employees, and all persons and entities in active concert or participation
23 with them.

24 14. “Target Product” shall mean CortiSlim and CortiStress.

25 15. “Weight effect” shall mean any weight-related effect attributed to a
26 food, drug, dietary supplement, product, device, or program and includes, but is
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1 not limited to, preventing weight gain or producing weight loss, reducing or
2 eliminating fat, slimming, changing body composition, or causing a caloric deficit
3 in a user of such food, drug, dietary supplement, product, device, or program.

4 16. A requirement that any defendant “notify,” “furnish,” “provide,” or
5 “submit” to the Commission shall mean that the defendant shall send the necessary
6 information via **overnight courier**, costs prepaid, to:

7 Associate Director for Advertising Practices
8 Federal Trade Commission
9 600 Pennsylvania Avenue, N.W.
10 Washington, DC 20580
11 Attn: *FTC v. Window Rock Enterprises, Inc., et al.*, (C.D. Cal.),
12 Civ. No. 04-8190-DSF (JTLx).

13 17. The terms “and” and “or” in this Order shall be construed
14 conjunctively or disjunctively as necessary, to make the applicable sentence or
15 phrase inclusive rather than exclusive.

16 18. The term “including” in this Order shall mean “including without
17 limitation.”

18 **IT IS STIPULATED, AGREED, AND ORDERED:**

19 **I.**

20 **PROHIBITED REPRESENTATIONS REGARDING
21 ANY TARGET PRODUCT**

22 A. That the Stipulating Defendants, directly or through any corporation,
23 partnership, subsidiary, division, trade name, or other entity, and their officers,
24 agents, servants, employees, and all persons and entities in active concert or
25 participation with them who receive actual notice of this Order by personal
26 service, facsimile, or otherwise, in connection with the manufacturing, labeling,
27 advertising, promotion, offering for sale, sale, or distribution of any Target
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1 Product, in or affecting commerce, are hereby permanently restrained and enjoined
2 from making, or assisting others in making, directly or by implication, including
3 through the use of endorsements or product names, any representation that any

4 Target Product:

- 5 1. Reduces the risk of or prevents serious health conditions,
6 including osteoporosis, obesity, diabetes, Alzheimer's disease,
7 cancer, and cardiovascular disease;
- 8 2. Causes weight loss of 10 to 50 pounds or more for virtually all
9 users;
- 10 3. Causes users to lose as much as 4 to 10 pounds per week over
11 multiple weeks;
- 12 4. Causes users to lose weight specifically from the abdomen,
13 stomach, and thighs;
- 14 5. Causes rapid and substantial weight loss;
- 15 6. Causes long-term or permanent weight loss;
- 16 7. Causes weight loss without the need for diet or exercise; or
- 17 8. Has been demonstrated effective, is supported by, or is
18 otherwise the product of over 15 years of scientific research.

19 B. That the Stipulating Defendants, directly or through any corporation,
20 partnership, subsidiary, division, trade name, or other entity, and their officers,
21 agents, servants, employees, and all persons and entities in active concert or
22 participation with them who receive actual notice of this Order by personal
23 service, facsimile, or otherwise, in connection with the manufacturing, labeling,
24 advertising, promotion, offering for sale, sale, or distribution of any Target
25 Product, in or affecting commerce, are hereby permanently restrained and enjoined
26 from making, or from assisting others in making, directly or by implication,

1 **III.**

2 **PROHIBITED REPRESENTATIONS REGARDING**
3 **TESTS AND STUDIES**

4 That the Stipulating Defendants, directly or through any corporation,
5 and its divisions, subsidiaries, trade names, or other entity, and their officers,
6 agents, servants, employees, and all persons and entities in active concert or
7 participation with any of the foregoing, shall not, directly or indirectly, or through any

1 B. Any television commercial or other video advertisement fifteen (15)
2 minutes in length or longer or intended to fill a broadcasting or cablecasting time
3 slot of fifteen (15) minutes in length or longer that does not display visually in the
4 same language as the predominant language that is used in the advertisement, in a
5 clear and prominent manner, and for a length of time sufficient for an ordinary
6 consumer to read and comprehend it, within the first thirty (30) seconds of the
7 commercial and either immediately before each presentation of ordering
8 instructions for the product, program, or service or periodically through the
9 program, but no more than approximately seven (7) minutes apart, the following
10 disclosure:

11 “YOU ARE WATCHING A PAID ADVERTISEMENT FOR [THE
12 PRODUCT, PROGRAM, OR SERVICE].”

13 *Provided that*, for the purposes of this provision, the oral or visual presentation of
14 a telephone number or address through which viewers may obtain more
15 information or place an order for the product, program, or service shall be deemed
16 a presentation of ordering instructions so as to require the display of the disclosure
17 provided herein; and

18 C. Any radio commercial or other radio advertisement five (5) minutes
19 in length or longer or intended to fill a time slot of five (5) minutes in length or
20 longer that does not state in the same language as the predominant language that is
21 used in the advertisement, in a clear and prominent manner, and in a volume and
22 cadence sufficient for an ordinary consumer to hear and comprehend it, within the
23 first thirty (30) seconds of the commercial and immediately before each
24 presentation of ordering instructions for the product, program, or service, the
25 following disclosure:

1 “YOU ARE LISTENING TO A PAID ADVERTISEMENT FOR
2 [THE PRODUCT, PROGRAM, OR SERVICE].”

3 *Provided that*, for the purposes of this provision, the presentation of a telephone
4 number or address through which listeners may obtain more information or place
5 an order for the product, program, or service shall be deemed a presentation of
6 ordering instructions so as to require the stating of the disclosure provided herein.

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8 **V.**

9 **FDA-APPROVED CLAIMS**

10 That nothing in this Or60.840036E,0001400e000 TDain more informa

VI.

MONETARY JUDGMENT AND CONSUMER REDRESS

A. That judgment for equitable monetary relief is hereby entered against the Stipulating Defendants, jointly and severally, in the amount of

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1 separately to the Commission, which is incorporated into this Part and made a part
2 of this Order by reference, and which shall be deemed to be confidential and shall
3 be disclosed only as necessary for enforcement purposes. Net contribution(s) shall
4 mean all proceeds from all such contribution(s) that remain after payment of
5 federal and state taxes, federal and state penalties, and other costs (excluding
6 professional fees) directly associated with revoking the contributions, unwinding
7 the business transactions, dissolving the entities, or taking other similar steps
8 necessary to recover the contributions; and

9 4. Assignment to the Federal Trade Commission within twenty
10 (20) days of entry of this Order of a secured lien in the amount of \$450,000
11 against real property which is unencumbered and free of liens and is described in
12 the signed document set forth in paragraph A.3 of this Part. The lien, which
13 secures assets not in the possession of the Stipulating Defendants that were
14 derived from the marketing or sale of CortiSlim and CortiStress, shall be due and
15 payable upon sale of the residence; transfer of the residence by gift, inheritance, or
16 other means; refinancing; or change from an owner-occupied primary residence to
17 a non-owner-occupied or non-primary residence.

18 B. That each Stipulating Defendant hereby assigns to the Federal Trade
19 Commission, without any encumbrances, all rights and claims to money or other
20 assets owed to it as of the date of entry of this Order by a Related Party, and of the
21 right to pursue any chose in action to recover any such money or assets owed to it
22 by a Related Party, under the terms of any agreement, oral or written, including
23 but not limited to the Joint Venture Agreement entered into on June 10, 2003 by
24 and between Defendants Talbott and Window Rock, the Joint Venture Agreement
25 entered into on June 21, 2003 by and between Defendants Window Rock and
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1 Cynaumon, and the purported non-written agreement by and between Defendant
2 Window Rock and Stipulating Defendant Pinnacle.

3 C. That, if a Related Party later assigns to the Federal Trade Commission
4 rights of recovery and claims to money or other assets purportedly owed as of the
5 date of entry of this Order by Stipulating Defendants Pinnacle and Thomas Cheng,
6 the Commission shall not exercise any such rights and claims in a manner that
7 would allow it to recover additional funds from Stipulating Defendants Pinnacle
8 and Thomas Cheng; *provided, however*, that this paragraph shall cease to apply
9 upon occurrence of any of the events described under Part VII.

10 D. That all funds paid pursuant to this Order shall be deposited into an
11 account administered by the Commission or its agent to be used for equitable
12 relief, including but not limited to consumer redress for nationwide sales of
13 CortiSlim and CortiStress from the time those products were first advertised up to
14 and including September 30, 2004, and any attendant expenses for the
15 administration of such equitable relief. In the event that direct redress to
16 consumers is wholly or partially impracticable or funds remain after redress is
17 completed, the Commission may apply any remaining funds for such other
18 equitable relief (including consumer information remedies) as it determines to be
19 reasonably related to the Stipulating Defendants' practices alleged in the
20 Complaint. Any funds not used for such equitable relief shall be deposited to the
21 United States Treasury as disgorgement. Stipulating Defendants shall have no
22 right to challenge the Commission's choice of remedies under this Part.
23 Stipulating Defendants shall have no right to contest the manner of distribution
24 chosen by the Commission. No portion of any payments under the judgment
25 herein shall be deemed a payment of any fine, penalty, or punitive assessment;

1 E. That Stipulating Defendants relinquish all dominion, control and title
2 to the funds paid into the account established pursuant to this Order, and all legal
3 and equitable title to the funds shall vest in the Treasurer of the United States
4 unless and until such funds are disbursed to consumers. Stipulating Defendants
5 shall make no claim to or demand for the return of the funds, directly or indirectly,
6 through counsel or otherwise; and in the event of bankruptcy of any Stipulating
7 Defendant, Stipulating Defendants acknowledge that the funds are not part of the
8 debtor's estate, nor does the estate have any claim or interest therein;

9 F. That each Stipulating Defendant shall provide to the Commission a
10 sworn statement setting forth i) the amount of 2003 and 2004 state and federal
11 taxes, if any, paid by each Stipulating Defendant on or before the day this
12 agreement was signed; ii) the amount of 2005 estimated state and federal tax
13 payments, if any, paid by each Stipulating Defendant on or before the day this
14 agreement was signed; and iii) a statement of the date(s) on which each tax
15 payment to a state or federal tax authority was made. All 2003 or 2004 tax
16 payments reported to the Commission as being owed to a state or federal tax
17 authority must be paid in full no later than sixty (60) days from the date of entry of
18 this Order. The financial information and documents referenced in this paragraph
19 F shall be designated as confidential.

1 **VII.**

2 **RIGHT TO REOPEN**

3 A. That, by agreeing to this Order, the Stipulating Defendants reaffirm
4 and attest to the truthfulness, accuracy, and completeness of the financial
5 information that Stipulating Defendants have previously submitted to the
6 Commission. The Commission's agreement to this Order is expressly premised
7 upon the truthfulness, accuracy, and completeness of the Stipulating Defendants'
8 financial statements and supporting documents submitted to the Commission,
9 namely:

- 10 1. For Stipulating Defendant Pinnacle Marketing Concepts, Inc.:
- 11 a. Federal Trade Commission Financial Statement of
 - 12 Corporate Defendants
 - 13 b. Financial Statements, September 30, 2004 and December
 - 14 31, 2003
 - 15 c. Statement of Operations, unaudited, January 1, 2005 to
 - 16 April 30, 2005;
 - 17 d. Statement of Operations, unaudited, September 2004
 - 18 through December 2004;
 - 19 e. Summary of Bank Balances as of October 8, 2004;
 - 20 f. Current Balances as of March 31, 2005;
 - 21 g. Current Balances as of May 25, 2005;
 - 22 h. Cash Flow Analysis; and
- 23 2. For Stipulating Defendant Thomas F. Cheng:
- 24 a. Federal Trade Commission Financial Statement of
 - 25 Individual Defendant dated April 25, 2005, with
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1 accompanying United States and California income tax
2 returns and applications for extension of time to file;

3 b. Summary of Bank Balances, Investment Accounts, and
4 Personal Accounts as of October 8, 2004;

5 c. Summary of Bank Activity, September 2004 through
6 January 2005;

7 d. Addendum to Item 12 of Federal Trade Commission
8 Financial Statement of Individual Defendant dated April
9 25, 2005, updated through May 25, 2005;

10 e. Letter dated June 17, 2005 from Kleinfeld, Kaplan and
11 Becker LLC to Federal Trade Commission

12 If, upon motion by the Commission, this Court finds that any Stipulating
13 Defendant failed to disclose any material asset, or materially misrepresented the
14 value of any asset, or made any other material misrepresentation in or omission
15 from the Financial Statements or other supporting documents listed in this Part,
16 the Court shall enter judgment against the Stipulating Defendants and for the
17 Commission in the amount of \$23,837,000, less any amount already paid by or on
18 behalf of the Stipulating Defendants to the Commission; *provided, however*, that
19 in all other respects this Order shall remain in full force and effect unless
20 otherwise ordered by the Court; and *provided further*, that proceedings instituted
21 under this Part would be in addition to, and not in lieu of, any other civil or
22 criminal remedies as may be provided by law, including any other proceedings
23 that the Commission may initiate to enforce this Order. Solely for purposes of this
24 Part, the Stipulating Defendants waive any right to contest any of the allegations
25 in the Commission's Complaint. Except for the amount of the judgment, the
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1 financial information and documents referenced in this Part shall be designated as
2 confidential.

3 B. That, in agreeing to this Order, the Commission has specifically relied
4 on the representations that each Stipulating Defendant has made regarding the
5 amount of federal and state taxes it has paid or will pay for tax years 2003 and
6 2004 and the amount of estimated federal and state taxes, if any, that it has paid
7 toward estimated taxes for tax year 2005, including but not limited to
8 representations in the sworn statements referenced in Part VI, paragraph F, above,
9 and in the documents listed in paragraph A of this Part. It shall be a violation of
10 this Part for a Stipulating Defendant to file any federal or state tax return seeking a
11 cash refund of some or all of the amounts previously reported to the Commission
12 as taxes owed and paid for tax years 2003 and 2004, or a cash refund of some or
13 all of the amounts paid toward estimated taxes for tax year 2005. *Provided*
14 *however*, that seeking such a cash refund shall not be deemed to be a violation of
15 this Part if the Stipulating Defendant promptly remits to the Commission the full
16 amount of any such cash refund within ten (10) days of receipt of the refund.

17 18 **VIII.**

19 **ACKNOWLEDGMENT OF RECEIPT OF** 20 **ORDER BY THE STIPULATING DEFENDANTS**

21 That, within five (5) business days after receipt of this Order as entered by
22 the Court, Stipulating Defendant Thomas Cheng, individually and on behalf of
23 Pinnacle, shall submit to the Commission a truthful sworn statement
24 acknowledging receipt of this Order, using the form shown at Attachment A.

1 **IX.**

2 **DISTRIBUTION OF ORDER BY THE STIPULATING DEFENDANTS**

3 That, for a period of three (3) years from the date of entry of this Order, the
4 Stipulating Defendants shall deliver copies of the Order as directed below:

5 A. Stipulating Defendant Pinnacle must deliver a copy of this Order to
6 all of its principals, officers, directors, and managers and also to all of its
7 supervisory employees, agents, and representatives who engage in conduct related
8 to the subject matter of this Order. For current personnel, delivery shall be within
9 ten (10) business days of entry of this Order. For new personnel, delivery shall
10 occur prior to their assuming their position or responsibilities;

11 B. Stipulating Defendant Thomas Cheng as Control Person: For each
12 business that is not already subject to paragraph A of this Part and that is
13 controlled, directly or indirectly, by Stipulating Defendant Thomas Cheng, and for
14 each business that is not already subject to paragraph A of this Part in which
15 Stipulating Defendant Thomas Cheng has a majority ownership interest, he must
16 deliver a copy of this Order to all principals, officers, directors, and managers of
17 each such business and also to all supervisory employees, agents, and
18 representatives of each such

1 and other entity or individual that the Stipulating Defendants used to place
2 television, radio, print, or on-line advertisements, for any Target Product between
3 September 30, 2004, and the date of entry of this Order. This mailing shall not
4 include any other document or enclosures;

5 B. Notify, immediately, each media placement company, broadcasting
6 company, or other entity or individual that the Stipulating Defendants used to
7 place television, radio, print, or on-line advertisements for any Target Product that
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1 **XI.**

2 **COMPLIANCE MONITORING**

3 That, for the purpose of monitoring and investigating compliance with any
4 provision of this Order:

5 A. Within thirty (30) days of receipt of written notice from a
6 representative of the Commission, each Stipulating Defendant so notified shall
7 submit additional written reports, sworn to under penalty of perjury; produce
8 documents for inspection and copying; appear for deposition; and/or provide entry
9 during normal business hours to any business location in any Stipulating
10 Defendants' possession or direct or indirect control to inspect the business
11 operation. Copies of any such notice shall also be provided by the Commission to
12 the undersigned counsel representing the Stipulating Defendants or to any other
13 counsel whose identity has been furnished to the Commission;

14 B. In addition, the Commission is authorized to monitor the Stipulating
15 Defendants' compliance with this Order by all other lawful means, including but
16 not limited to the following:

- 17 1. obtaining discovery from any person, without further leave of
18 court, using the procedures provided by the Federal Rules of Civil Procedure
19 Civil Procedure 30, 31, 33, 34, 36, and 45; and
20 2. posing as consumers, marketers, suppliers, or other product-
21 related entities to the Stipulating Defendants, the Stipulating
22 Defendants' employees, or any other entity managed or
23 controlled in whole or in part by any defendant, without the
24 necessity of identification or prior notice.

1 of any entity managed or controlled in whole or in part by a Stipulating Defendant
2 who has agreed to such an interview, relating in any way to any conduct subject to
3 this Order. The person interviewed may have counsel present.

4 *Provided*, however, that nothing in this Order shall limit the Commission's
5 lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act,
6 15 U.S.C. §§ 49, 57b-1, to obtain any documentary material, tangible things,
7 testimony, or information relevant to unfair or deceptive acts or practices in or
8 affecting commerce (within the meaning of 15 U.S.C. § 45(a)(1)).

10 **XII.**

11 **COMPLIANCE REPORTING BY THE STIPULATING DEFENDANTS**

12 That, in order that compliance with the provisions of this Order may be
13 monitored:

14 A. Stipulating Defendant Thomas Cheng, within ten (10) business days
15 of service of this Order, shall notify the Commission, in writing, with
16 the following information:

- 17 1. his residence address and mailing address;
- 18 2. his home telephone number;
- 19 3. the name, address, and telephone number of his employer(s);
- 20 4. if applicable, the names of his supervisor(s);
- 21 5. a description of each employer's activities; and
- 22 6. a description of his duties and responsibilities for each
23 employer;

24 B. For a period of three (3) years from the date of entry of this Order,

- 25 1. Stipulating Defendant Thomas Cheng shall notify the
26 Commission of the following:

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1 respect to any proposed change in the corporation about which
2 a Defendant learns less than thirty (30) days prior to the date
3 such action is to take place, that Defendant shall notify the
4 Commission as soon as is practicable after obtaining such
5 knowledge;.

6 C. Ninety (90) days after the date of entry of this Order, the Stipulating
7 Defendants each shall provide a written report to the Commission, sworn to under
8 penalty of perjury, setting forth in detail the manner and form in which they have
9 complied and are complying with this Order. This report shall include, but not be
10 limited to any changes required to be reported pursuant to paragraph (B) of this
11 Part; a copy of the signed declaration regarding distribution of copies of this Order
12 as required by Part IX.E; and, for any Covered Product, a copy of all advertising
13 and promotional materials in use at any point from the date of entry of the Order
14 until submission of the written report required by this paragraph;

15 D. Each Stipulating Defendant shall provide to the Commission, no more
16 than 10 days after submitting it to a state or federal tax authority, a complete copy
17 of any submission seeking a cash refund of some or all of the taxes it reported
18 under Part VI as owed in tax years 2003 and 2004 or as paid toward estimated
19 2005 tax;

20 E. For purposes of the compliance reporting and monitoring required by
21 this Order, the Commission is authorized to communicate directly with the
22 Stipulating Defendants, with contemporaneous notice to undersigned counsel or to
23 any other counsel whose identity has been furnished to the Commission; and

24 F. The information and documents referenced in paragraphs A, B, and D
25 of this Part shall be designated as confidential information.

XIII.

RECORD-KEEPING PROVISIONS

That, for a period of five (5) years from the date of entry of this Order, the Stipulating 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 Order by personal service or otherwise, if engaging or assisting others engaged in the advertising, marketing, promotion, offering for sale, distribution or sale of 8a

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1 D. Complaints and refund requests (whether received directly, indirectly
2 or through any third party), and any response to those complaints or requests;

3 E. Copies of all advertisements, promotional materials, sales scripts,
4 training materials, or other marketing materials utilized in the advertising,
5 marketing, promotion, offering for sale, distribution or sale of any Covered
6 Product, to the extent such information is prepared in the ordinary course of
7 business;

8 F. All documents evidencing or referring to the accuracy of any claim or
9 representation contained in the materials identified in Paragraph E of this Part, or
10 to the efficacy of any Covered Product, including, but not limited to, all tests,
11 reports, studies, and demonstrations, as well as all evidence that confirms,
12 contradicts, qualifies, was relied upon in making, or calls into question the
13 accuracy of such claims;

14 G. Records accurately reflecting the name, address, and telephone
15 number of each manufacturer or laboratory engaged in the development or
16 creation of any testing obtained for the purpose of advertising, marketing,
17 promoting, offering for sale, distributing, or selling any Covered Product; and

18 H. All records and documents necessary to demonstrate full compliance
19 with each provision of TDdu00gTDr060gTc(F.)TjET1.00000 0.00000 0.00000 1.00000 0.00

1 unwinding of these entities and request the trustees, agents, or representatives of
2 these entities to cooperate in this voluntary unwinding; initiate communications
3 for the purposes of unwinding these entities with State or Federal authorities;
4 cooperate in good faith with the Commission's reasonable requests for documents
5 and writings and testimony in connection with the unwinding of these entities;
6 and, if necessary, appear in person or through their representatives at such places
7 and times or execute such documents as the Commission shall reasonably request
8 after written notice to the Stipulating Defendants and their counsel of record.
9

10 **XV.**

11 **NOTICE OF ORDER BY DEFENDANTS TO**
12 **THIRD PARTIES HOLDING ASSETS**

13 That within five (5) business days of receipt of this Order as entered by the
14 Court, defendants shall serve a copy of this Order on all entities, including
15 financial institutions, charitable foundations, investment partnerships, and
16 individuals, that hold or have assets derived from the marketing or sale of
17 Cortislim and Cortistress and gifted by any of the Stipulating Defendants.
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19 **XVI.**

20 **TURNOVER OF ASSETS**

21 That, in order to partially satisfy the monetary judgment set forth in
22 paragraphs A.3 and A.4 of Part VI, above, any law firm, financial or brokerage
23 institution, escrow agent, title company, commodity trading company, general or
24 limited partner of any investment partnership, director of any charitable
25 foundation, business entity, or person, whether located within the United States or
26 outside the United States, that holds, controls, or maintains accounts or assets
27 derived from the marketing or sale of Cortislim and Cortistress and gifted by any
28 of the Stipulating Defendants to a charitable foundation or investment partnership,

1 shall turn over such account or asset to the Commission within one hundred and
2 eighty days (180) days of receiving notice of this Order by any means, including
3 but not limited to via facsimile;

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5 **XVII.**

6 **RETENTION OF JURISDICTION**

7 That this Court shall retain jurisdiction over the Stipulating Defendants for
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1 purposes of construction, modification, and enforcement of this Order and for
2 issues relating to the Complaint and to non-settling Defendants.

3
4 **IT IS SO ORDERED**, this ___ day of _____, 2005.

5
6 UNITED STATES DISTRICT JUDGE

7 **SO STIPULATED:**

8
9 WILLIAM BLUMENTHAL
10 General Counsel

11
12 PETER B. MILLER
13 KIAL YOUNG
14 Federal Trade Commission
15 600 Pennsylvania Ave. NW,
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