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~~FILED~~ ~~ENTERED~~
~~LOGGED~~ ~~RECEIVED~~

[REDACTED]

3 Plaintiff's Complaint states a claim upon which relief may be granted against defendants |

1 message, but does not include actions that constitute routine conveyance of such message. For
2 purposes of this definition, "procure," as defined in 15 U.S.C. § 7702(12), means intentionally to pay
3 or provide other consideration to, or induce, another person to initiate such a commercial electronic
4 mail message on one's behalf.

5 7. "Person" means a natural person, an organization or other legal entity, including a
6 corporation, partnership, sole proprietorship, limited liability company, association, cooperative, or any
7 other group or combination acting as an entity.

8 8. "Plaintiff" means the Federal Trade Commission ("Commission" or "FTC").

9 9. "Protected computer" is defined in 15 U.S.C. § 7702(13) and 18 U.S.C.

1 B. Contains subject headings that are likely to mislead a recipient, acting reasonably under
2 the circumstances, about a material fact regarding the contents or subject matter of the message, in
3 violation of Section 5(a)(2) of the CAN-SPAM Act, 15 U.S.C. § 7704(a)(2);

4 C. Fails to include a clear and conspicuous notice of the recipient's
5 opportunity to decline to receive further electronic mail messages from the sender, in violation of

1 | wherever located, including any assets outside the territorial United States, that are:

- 2 | 1. In the actual or constructive possession of any defendant;
- 3 | 2. Owned or controlled by, or held for the benefit of, or subject to access by, or
- 4 | belonging to, any defendant; or
- 5 | 3. In the actual or constructive possession of, owned or controlled by, subject to

THE DUTIES OF THIRD PARTIES HOLDING DEPENDANT'S ASSETS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 D. The accounts and assets subject to this Part include existing accounts and assets, and
2 accounts created and assets deposited after the effective date of this Order. This Part shall not prohibit
3 transfers in accordance with any provision of this Order or any further order of the Court.

4 B. The FTC is granted leave, pursuant to Fed. R. Civ. P. 45, to subpoena documents
5 immediately from any such financial institution, account custodian, or other entity concerning the
6 nature, location, status, and extent of the defendants' assets, as well as compliance with this Order, and
7 such financial institution, account custodian, or other entity shall respond to such subpoena within five
8 (5) business days after service.

1 indirectly under the control of any defendant. This provision applies documents and records wherever
2 located, including outside the territorial United States.

3 **V. REQUIRED DISTRIBUTION OF ORDER BY DEFENDANTS**

4 **IT IS FURTHER ORDERED** that the defendants shall, within three (3) calendar days after
5 service of this Order, provide a copy of this Order to each affiliate, partner, division, sales entity,
6 successor, assign, officer, director, employee, independent contractor, agent, attorney, and/or
7 representative of any defendant. Within five (5) calendar days following service of this Order by the
8 plaintiff, the defendants shall serve on the plaintiff an affidavit identifying the name, title, address,
9 telephone number, date of service, and manner of service of each person or entity the defendants served

10 with a copy of this Order.

IX. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for all purposes.

Dated this 7 day of Dec, 2005.

[Signature]
UNITED STATES DISTRICT JUDGE

Stipulated by:

[Signature]
Matthew Olson

Dated: 11/28/05

[Signature]
Jennifer LeRoy

Dated: 11/28/05

[Signature]
JOE LIPINSKY, WSBA #25446
MAXINE R. SPANSELL, WSBA #9418

Dated: 11/28/05