

Apr 3 2006

CLARENCE MADDOX
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 03-61987--CIV--Marra/Seltzer

FEDERAL TRADE COMMISSION,

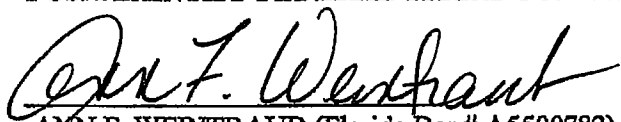
Plaintiff

v.

PLASTIC UNIVERSAL, INC.

Stipulated Judgment and Order for Permanent Injunction. The proposed Stipulated Judgment

FOR PLAINTIFF FEDERAL TRADE COMMISSION:


ANN F. WEINTRAUB (Florida Bar # A5500782)
One Harding Court, Suite 218

DATED: 4/3/06

SOUTHERN DISTRICT OF FLORIDA

The Commission, by and through its counsel, and Defendants, by and through their respective counsel, have agreed to entry of this Stipulated Final Judgment and Order of Permanent Injunction ("Order") by this Court in order to resolve all matters of dispute between them in this action. The Commission and Defendants have consented to entry of this Order

without trial or adjudication of any issue of fact or law, and without Defendants admitting

NOW, THEREFORE, the Commission and Defendants having requested this Court to

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED

7. Defendants waive all rights to seek judicial review or otherwise to challenge or contest the validity of this Order, and further agree to claim Defendants may have against the

Commission, or its employees and agents;

8. Return of this Order is in the public interest.

9. This Order is remedial in nature and shall not be construed as the payment of a fine, penalty, punitive assessment or forfeiture; and

10. This Order does not constitute and shall not be interpreted to constitute an admission by

5. "Telemarketing," "telemarketer," "seller," and "material" are defined as in Section 310 2

CA 71 1 1 01 1 16 00 00 00

6. "Stored Value Card" means any card, including but not limited to a card accepted where

MA 71 1 1 01 1 16 00 00 00

in commerce, Defendants, their successors, assigns, officers, agents, servants, employees, and

those persons in active concert or participation with them who receive actual notice of this Order

IV. REQUIRED PRACTICES

IT IS FURTHER ORDERED that Defendants, their successors, assigns, officers,

agents, servants, employees, and those persons in active concert or participation with them who

provide notice of this Order by personal service or otherwise, whether notice is delivered

through any corporation, subsidiary, division, or other device, in connection with the advertising, promotion, offering or sale of any Stored Value Cards by television, radio, telephone, or on or through the Internet, or otherwise in commerce, shall:

2. that the card they are offering or selling is a stored value, reloadable, prepaid card;

3. that the amount available for consumers to spend on the card is equal to the amount that they deposit on the card, less any applicable fees; and

4. any and all other material terms of the sale, offer, or use of the card;

C. Use non-commissioned personnel to randomly monitor sales calls to assure compliance with the telemarketing sales materials and the provisions of this Order and to reject

sales that fail to comply with the provisions of this Order.

D. Tape the verification portions of each telemarketing call to ensure that prior to obtaining the consumer's banking information, the consumer:

above, and expressly agreed to be charged using the specified bank account, and reject any sales where the consumer did not understand such terms and conditions and/or did not expressly agree

V. CONSUMER REDRESS

IT IS FURTHER ORDERED that:

A judgment in the amount of \$500,000 (five hundred thousand dollars) is hereby

entered against Defendants, jointly and severally, for equitable monetary relief, including, but not limited to, consumer redress and/or disgorgement, and for paying any attendant expenses of

equitable relief shall be deposited to the U.S. Treasury as disgorgement. Defendants shall have

no right to challenge the Commission's choice of disgorgement under this Paragraph.

D. Defendants expressly waive their rights to litigate the issue of disgorgement.

B. If upon notice and motion by the Commission, this Court finds that any of the

Defendants' Financial Statements failed to disclose any material asset or source of income, or

materially misrep[re]sented the value of any asset or source of income, or made any other material

misrepresentation or omission of assets, then the amount of \$100,000.00 shall be paid to the

number), which shall be used for purposes of collecting and reporting on any delinquent amount

paying out of such Defendant's relationship with the government

IT IS FURTHER ORDERED that upon entry of this Order and completion of the

IX. USE OF ALIASES

IT IS FURTHER ORDERED that the Individual Defendants are hereby enjoined from using any fictitious, false, or assumed title or name, other than their own proper name, or registered fictitious or trading name, or otherwise misrepresenting their true identities in the

course of business dealings as is prohibited by 16 C.F.R. § 1.101.

X. MONITORING COMPLIANCE OF SALES PERSONNEL

IT IS FURTHER ORDERED that Defendants, in connection with any business where such Defendant is the majority owner of the business or directly or indirectly manages or controls the business, and where the business is engaged in the sale of any Stored Value Card or Credit-Related Goods or Services to consumers, is hereby permanently restrained and enjoined from

- A. Failing to take reasonable steps sufficient to monitor and ensure that all employees and independent contractors engaged in sales or other customer service functions

Provided, however, that this Paragraph X does not authorize or require a Defendant to take any action that violates any federal, state, or local law.

XI. COMPLIANCE MONITORING

IT IS HEREBY ORDERED THAT [REDACTED]

A. Within ten (10) days of receipt of written notice from [REDACTED]

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. §§ 49, 57b-1, to

obtain any documentary material, tangible things, testimony, or information relevant to an

investigation or enforcement of the FTC Act, 15 U.S.C. § 49, 57b-1, to

Any changes in the Individual Defendant's name, address, or contact information.

aliases or fictitious names; and

2. Each Defendant shall notify the Commission of any changes in ownership,

structure of the Corporate Defendants or any business entity that an Individual Defendant directly or indirectly control(s), or has an ownership interest in, that may affect compliance obligations arising under this Order, including but not limited to a dissolution, reorganization, sale, merger, or other action that would result in a

The then current employment and business address and

telephone numbers of the Individual Defendant, a description of

the business activities of each such employer or business, and the title and responsibilities of the Individual Defendant, for each such employer or business; and

Any other changes required to be reported under Subparagraph A

D. For purposes of the compliance reporting and monitoring required by this Order, the Commission is authorized to communicate directly with Defendants.

XIII. RECORD KEEPING PROVISIONS

of this Order, in connection with the offer or sale of any Stored Value Card or Credit-Related Goods or Services, Defendants and their agents, employees, officers, corporations, successors, and anyone and those persons in active concert or participation with them who receive actual

F. All 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

XVII. DISSOLUTION OF PRELIMINARY INJUNCTION

IT IS FURTHER ORDERED that upon entry of this Order, the Stipulated Preliminary

Injunction, dated November 18, 2003, is dissolved.

STIPULATED AND AGREED TO BY:

PLAINTIFF:

**WILLIAM BLUMENTHAL
GENERAL COUNSEL**

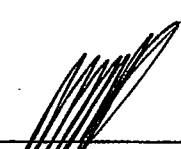
**BARBARA ANTHONY
REGIONAL DIRECTOR
NORTHEAST REGION
FEDERAL TRADE COMMISSION:**



DATED: 3/31/06

One Bowling Green, Suite 318
New York, NY 10004
212-607-2829
212-607-2822 (facsimile)

DEFENDANTS:



JEFFREY A. ULLMAN
Individually and as an officer of

DATED: 12/12/05

DATED: _____

GUY RASCO (Florida Bar # 0727520)
DEVINE, GOODMAN, PALLOT & WELLS P.A.

305-374-8200
305-374-8208



SHELDON LUSTIGMAN
ANDREW LUSTIGMAN
THE LUSTIGMAN FIRM, PC
149 Madison Avenue
New York, NY 10016
212-683-9180
212-683-9181 (facsimile)

DATED: 12/18/05


MONITOR:

DATED: _____

GERALD B. WALD (Florida Bar # 215112)
MURAI WALD BIONDO MORENO & BROCHIN, P.A.
Two Alhambra Plaza

Deborah ID

Carol Gable ID 22124


 GUY RASCO (Florida Bar # 0727520)
 DEVINE, GOODMAN, PALLOT & WELLS P.A.
 777 Brickell Avenue, 8th Floor
 Miami, FL 33131
 305-374-8200
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DATED: 12/16/05


 SHELDON LUSTIGMAN

DATED: 12/15/05

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MONITOR:

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 MURAI WALD BIONDO MORENO & BROCHIN, P.A.
 Two Alhambra Plaza
 Penthouse 1B
 Coral Gables, FL 33134

DATED: _____

DATED _____


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MONITOR:

DATED: 12/20/05



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MURAI WALD BIONDO MORENO & BROCHIN, P.A.
Two Alhambra Plaza
Penthouse 1B
Coral Gables, FL 33134

SO ORDERED, this _____ day of _____, 2006, at _____.

UNITED STATES DISTRICT JUDGE