

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

NASHVILLE DIVISION

FEDERAL TRADE COMMISSION, )

Plaintiff, )

v. )

INTERNET MARKETING GROUP, INC., )  
a Tennessee corporation; )

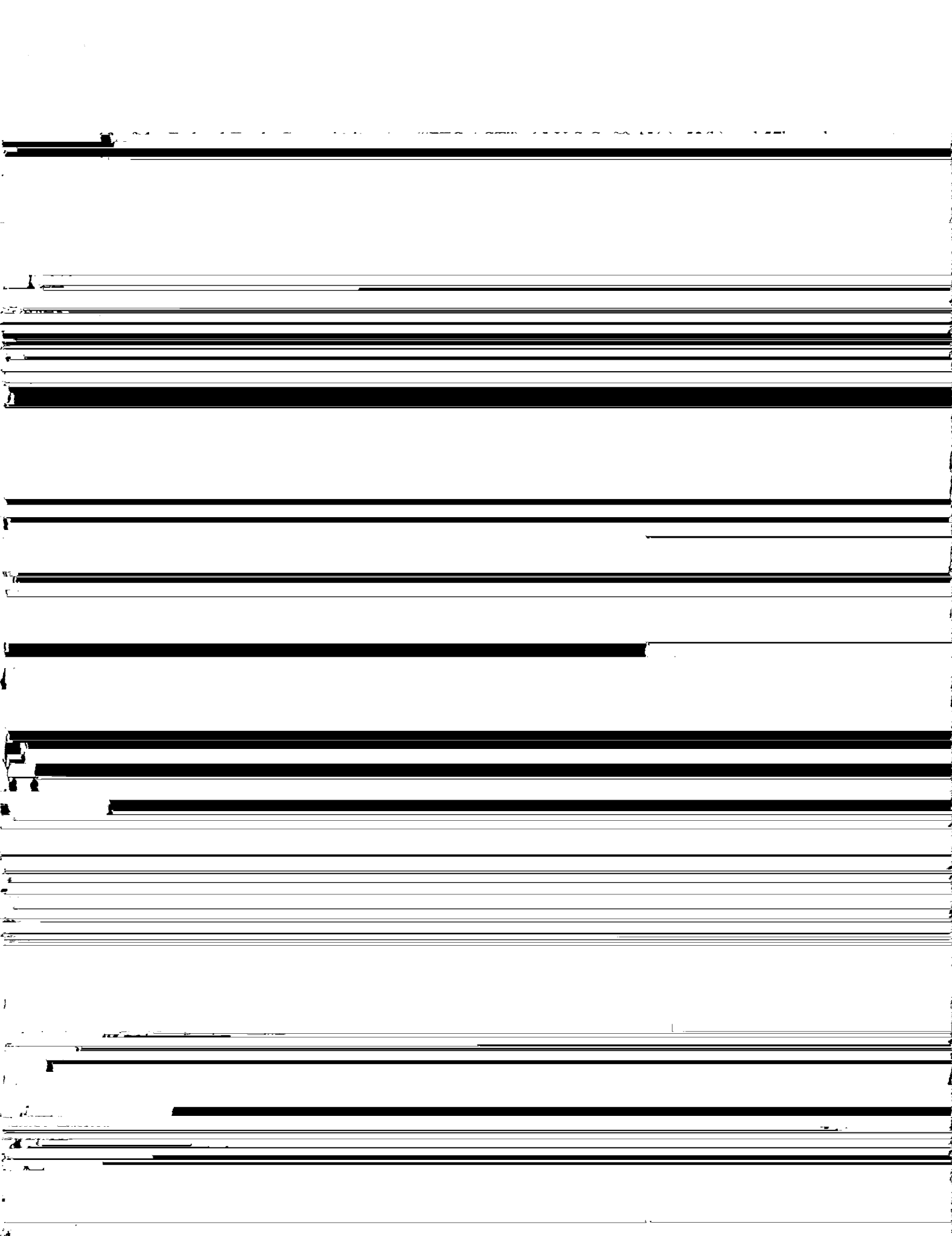
ONESETPRICE, INC., a Florida corporation; )

FIRST CHOICE TERMINAL, INC., )  
a Louisiana corporation; )

FIRST CHOICE TERMINAL, INC., )

CIVIL ACTION No.

**3-04 0568**



located.

2. The Complaint states a claim upon which relief may be granted against Defendant Michael J. Hatch under Sections 5, 13(b), and 19 of the FTC Act, 15 U.S.C. §§ 45, 53(b), and

3. Venue in this district is proper under 28 U.S.C. § 1391(b) and 15 U.S.C. § 53(b);

4. The activities of Defendant Michael J. Hatch are “in or affecting commerce” as

“commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

include the solicitation of sales through the mailing of a catalog which: contains a written

~~description or illustration of the goods or services offered for sale; includes the business address~~

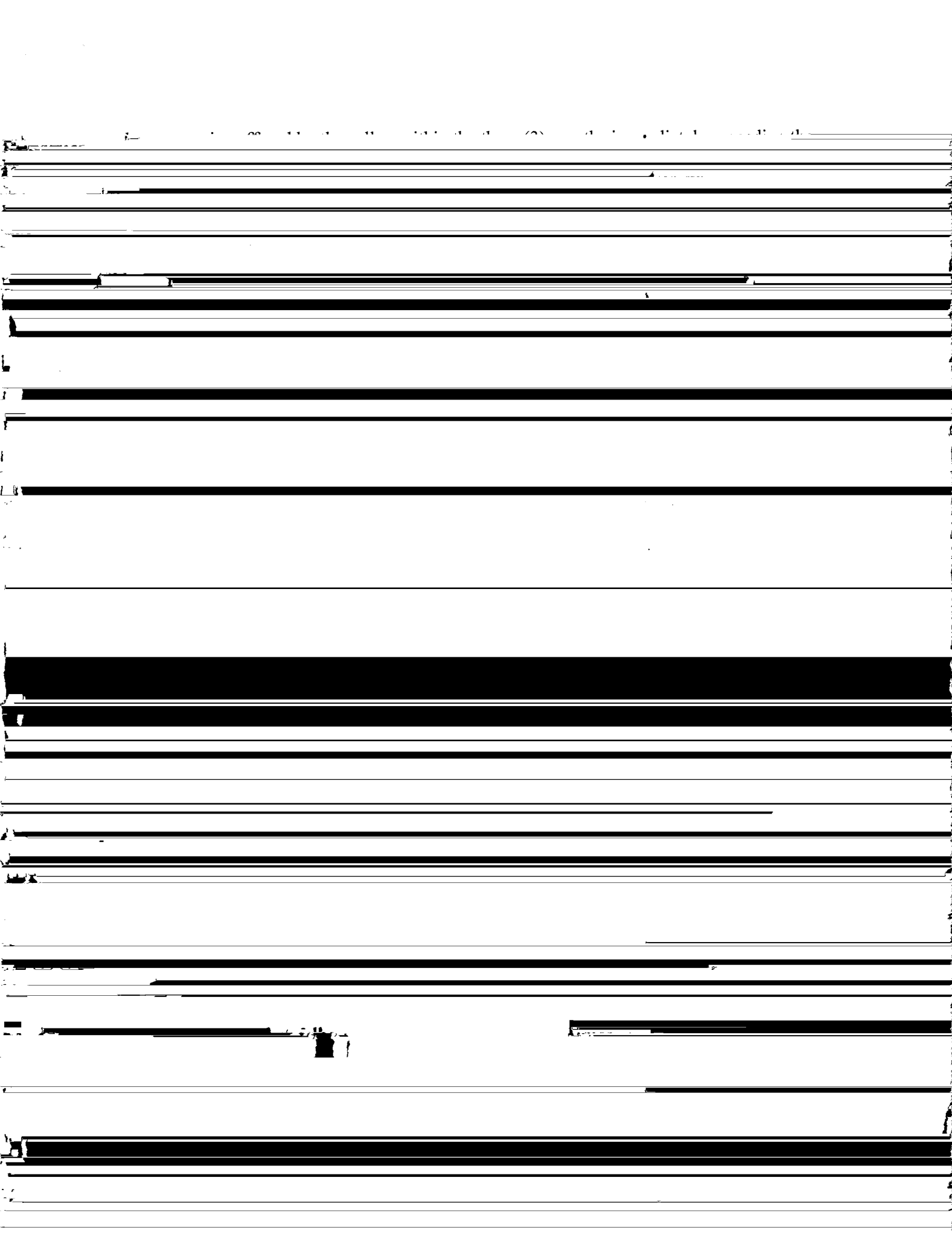
of the seller: includes multiple pages of written material or illustrations; and has been issued not

less frequently than once a year, when the person making the solicitation does not solicit

customers by telephone but only receives calls initiated by customers in response to the catalog

and during those calls takes orders only without further solicitation. For purposes of the previous

~~context, the term "further solicitation" does not include providing the customer with~~



of the term.

## **CONDUCT PROHIBITIONS**

### **I. INJUNCTIVE PROVISIONS**

[REDACTED]

B. **IT IS FURTHER ORDERED** that in connection with the advertising, promotion, offering for sale, or sale of any Franchise or Business Venture, Defendant Michael J. Hatch, his agents, servants, employees, and attorneys, and all other persons or entities in active

[REDACTED]



Rule;

*provided, however,* that Defendant Michael J. Hatch may choose to comply with the disclosure requirements of the Franchise Rule by fully and completely complying with the disclosure requirements set forth in the UFOC format. If he chooses to comply with the Franchise Rule by using the UFOC format, Defendant Michael J. Hatch, his agents, servants, employees, and

attorneys and all other persons associated with the defendant, shall be deemed to have

1. Initiating or causing others to initiate an outbound call to a telephone number

listed on the National Do Not Call Registry, unless:

a) The caller has obtained the express agreement, in writing, of such person

to place calls to that person. Such written agreement shall clearly evidence

name, address, telephone number, social security number, or other identifying information of any person who purchased services from Defendants Internet Marketing Group, Inc., OneSetPrice, Inc., First Choice Terminal, Inc. (a Louisiana corporation), First Choice Terminal, Inc. (an

C. **IT IS FURTHER ORDERED** that Defendant Michael J. Hatch shall turn over

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Wetch failed to disclose any material asset, materially misrepresented the value of any asset, or

made any other material misrepresentation or omission in the above-referenced financial statements and information, the Court shall reinstate the suspended judgment against him, in favor of the Commission, in the amount of FIFTEEN MILLION DOLLARS (\$15,000,000.00)

**IT IS FURTHER ORDERED** that Defendant Michael J. Hatch shall cooperate fully

**VI. CLAIMS AGAINST THE PERMANENT RECEIVER**

**IT IS FURTHER ORDERED** that Defendant Michael J. Hatch hereby waives any claim he may have against the Permanent Receiver or the receivership estate.

**ASSET FREEZE**

**VII. LIFTING OF ASSET FREEZE**

**IT IS FURTHER ORDERED** that, upon entry of this Final Judgment and Order for Permanent Injunction, the freeze against assets imposed by the Stipulated Preliminary Injunction Order Freezing Assets and Appointing a Receiver, entered in this case on July 19, 2004, shall be lifted permanently as to Defendant Michael J. Hatch.

**COMPLIANCE WITH FINAL JUDGMENT AND ORDER**

any change in his ownership interest in any business entity, within ten (10)



and Order, Defendant Michael J. Hatch shall provide a written report to the Commission, sworn to under penalty of perjury, setting forth in detail the manner and form in which he has complied

and is complying with this Final Judgment and Order. This report shall include, but not be

limited to:

1. His then-current residence address, mailing address(es), and telephone numbers;

currently conducts business since entry of this Final Judgment and Order; and

8. A list of all domain names and web page addresses Defendant Michael J. Hatch has registered or used in connection with telemarketing.

C. For the purposes of this Final Judgment and Order, Defendant Michael J. Hatch shall, unless otherwise directed by the Commission's authorized representatives, mail all written notifications to the Commission to:

Associate Director of Enforcement  
Federal Trade Commission  
600 Pennsylvania Ave, N.W.  
Washington, D.C. 20580

B. In addition, the Commission is authorized to monitor compliance with this Final

~~judgment and Order by all other persons who are subject to the Commission's~~

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; and
2. Posing as consumers and suppliers to Defendant Michael J. Hatch, his employees,

Defendant Michael J. Hatch controls, directly or indirectly, or in which he has a majority ownership interest, he must deliver a copy of this Final Judgment and Order to all principals, officers, directors, and managers of that business. He must also deliver copies of this Final

Judgment and Order to all employees, agents, and representatives of that business who engage in

device, in connection with any business where he is the majority owner of the business or directly

or indirectly manages or controls the business, and where the business is a

reason for the denial;

- F. Copies of all contracts or agreements with telephone companies;
- G. Copies of all contracts or agreements with telemarketers;
- H. Copies of all contracts or agreements with sellers;
- I. Documents reflecting compliance with the caller identification provisions of the

Telemarketing Sales Rule, including a list of all telephone numbers transmitted during telemarketing calls;

may be reasonably requested by the FTC. If requested in writing by the FTC, Defendant Michael

~~I, Hatch, shall answer and provide truthful testimony in any trial, deposition, or other proceeding~~

related to or associated with the transactions or the occurrences that are the subject of the  
Complaint, without the service of a subpoena.

**XIII. ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANT**

**IT IS FURTHER ORDERED** that Defendant Michael J. Hatch, within five (5) business

**XIV. RETENTION OF JURISDICTION**

purposes of construction, modification and enforcement of this Final Judgment and Order.

**IT IS SO ORDERED.**

ENTERED 22nd May 2006



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