

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

FEDERAL TRADE COMMISSION,)

Plaintiff,)

v.)

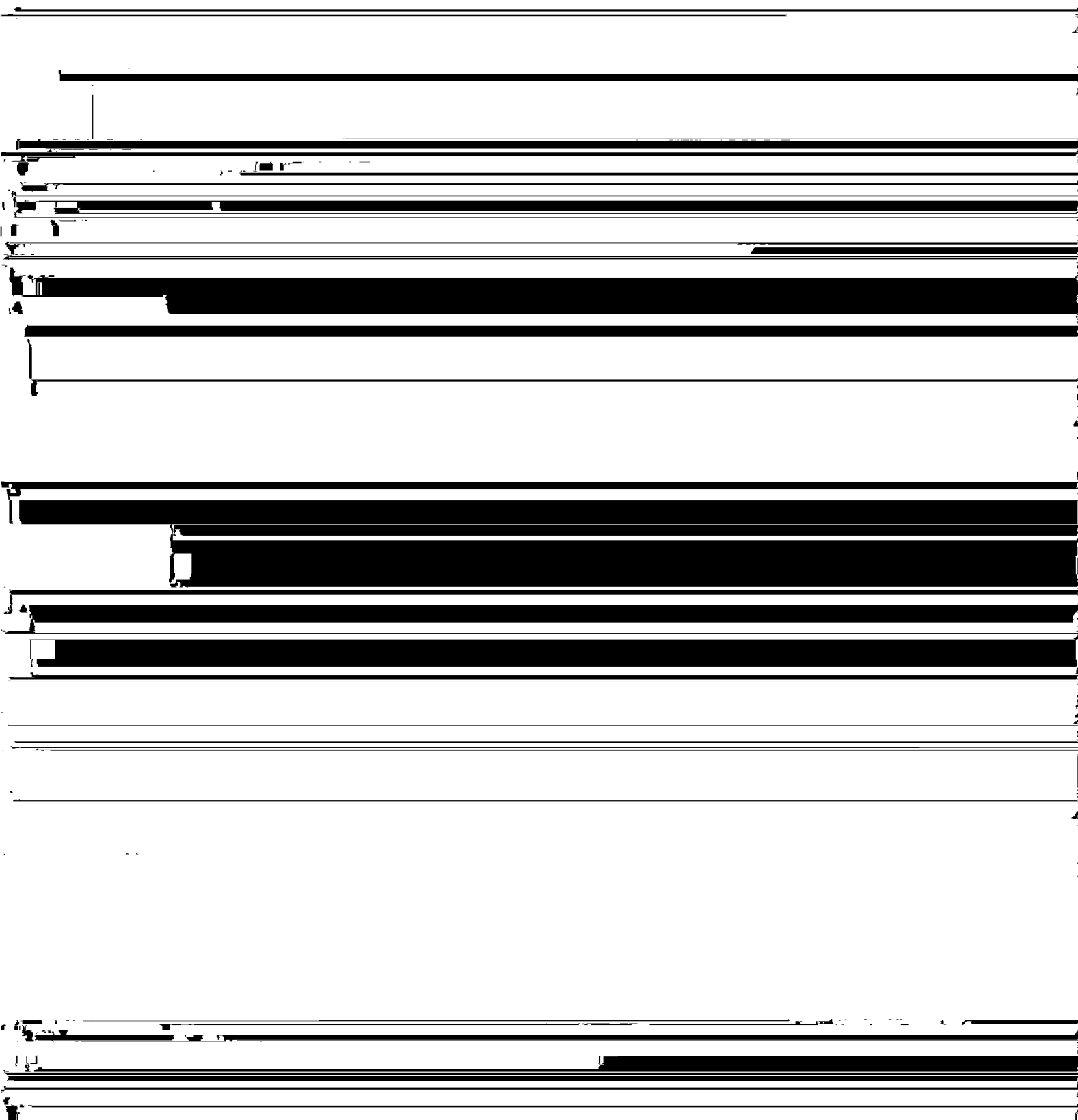
CAPITAL ACQUISITIONS & MANAGEMENT)

No. 04-C-7781

Judge Cottlemen

[REDACTED]

Plaintiff, Federal Trade Commission (“FTC” or “Commission”), filed its Amended
Complaint for Injunctive and Other Equitable Relief (“Amended Complaint”), pursuant to



6 The undersigned individually and by and through their counsel, have agreed that

[REDACTED]

corporate defendants; George Othon, individually and as an officer, director or agent of the
corporate defendants; Jeffrey Garrington, individually and as an officer, director or agent of the
corporate defendants; David Kapp, individually and as an officer, director or agent of the
corporate defendants; Joshua Dorsch, individually and as an officer, director or agent of the

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

recordings, computer records, and any other data compilations from which information can be obtained and translated into reasonably usable form through detection devices. A draft or non-identical copy of a Document is a separate Document within the meaning of the term.

7. "Consumer" means any person.

8. "Debt collection activities" means any activity the principal purpose of which is to collect or attempt to collect, directly or indirectly, debts owed or asserted to be owed, or due.

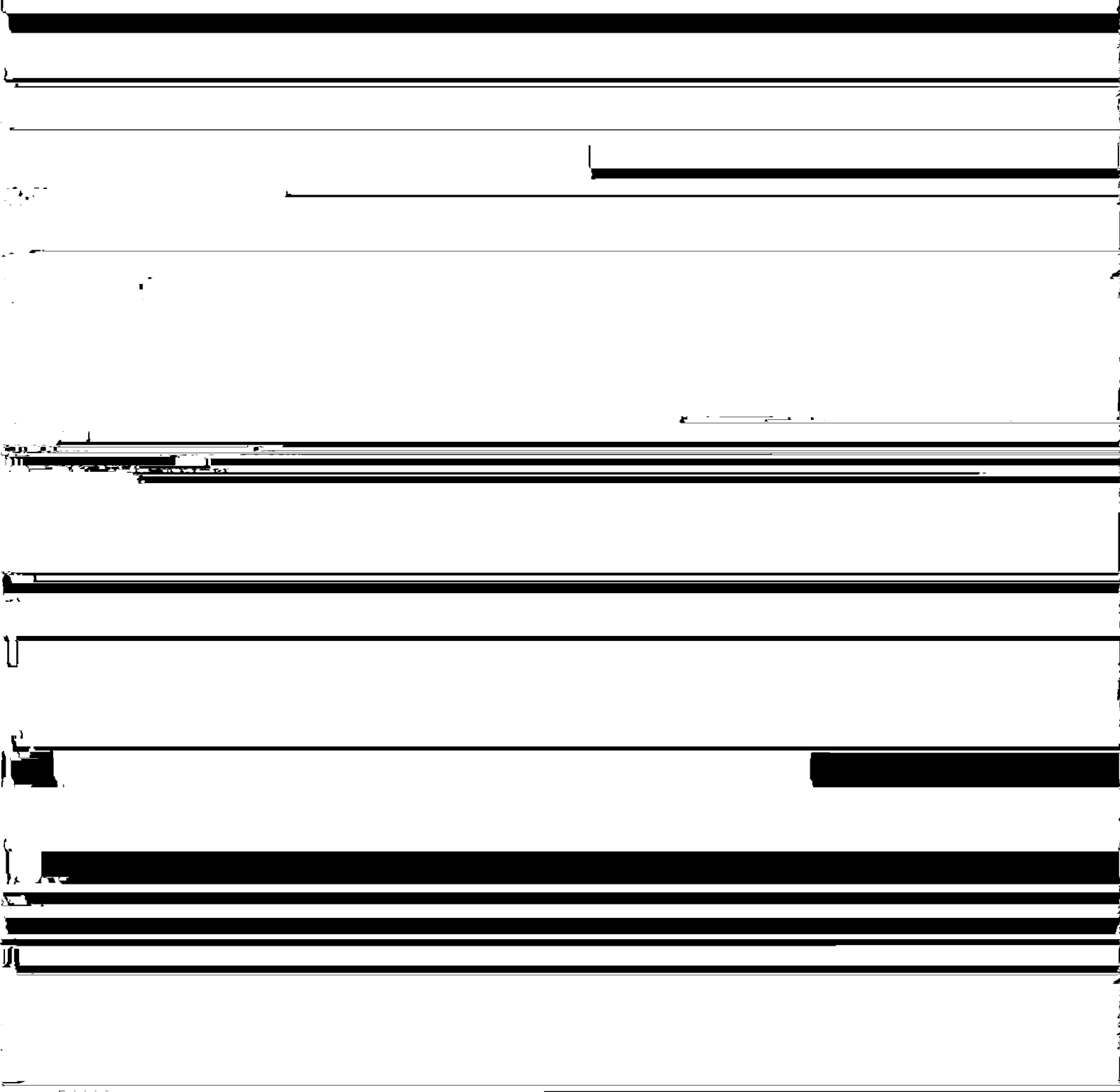
9. "Assisting others" means knowingly providing any of the following goods or services to any person or entity: 1) performing customer service functions, including, but not limited to, receiving or responding to customer complaints; 2) formulating or providing, or arranging for the formulation or provision of, any telephone sales script or any other written marketing material; 3) providing the names of, or assisting in the generation of, potential

otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other

is restrained and enjoined from:

[REDACTED]

C. Communicating with third parties for purposes other than acquiring location information about a consumer without having obtained directly the express prior consent of the



4 threatening to take action that the Defendant does not intend to take, such

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

TO: [REDACTED] FROM: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

and managers of that business. Defendant Kapp 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 of the Order. For current personnel, delivery shall be within (5) days

~~of copies of this Order upon Defendant Kapp. For new personnel, delivery shall occur prior to~~

Defendant Yannic affiliated with, employed by, or performs services for, a statement of the

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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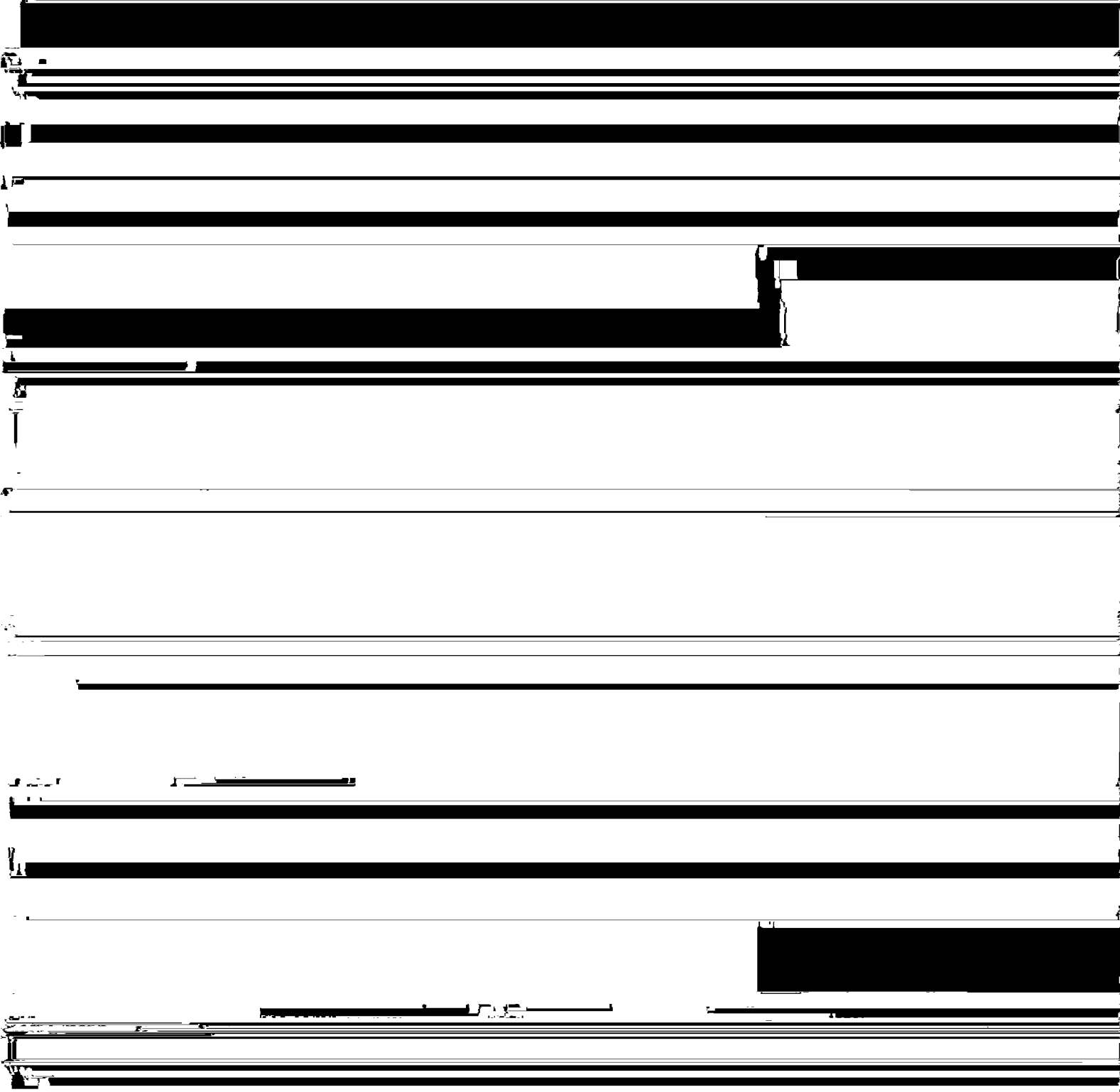
[REDACTED]

[REDACTED]

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

3. Statements of Defendant Kapp's then-current business income and expenses, including copies of such Defendant's income tax returns with returns for any

business(es) owned, controlled, or operated by Defendant Kapp or as Defendant



E. For purposes of the compliance reporting required by this Section, the Commission is authorized to communicate directly with Defendant Kapp, in writing, with a copy to counsel of record.

VII. MONITORING COMPLIANCE OF SALES PERSONNEL

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

VIII. RECORD-KEEPING PROVISIONS

IT IS FURTHER ORDERED that, for a period of eight (8) years from the date of entry of this Order, in connection with any business that Defendant David Kapp directly or indirectly manages, controls, or has a majority ownership interest in, Defendant Kapp and his agents, employees, officers, corporations, successors, and assigns, and those persons in active concert or participation with him who receive actual notice of this Order by personal service, facsimile or otherwise, are hereby restrained and enjoined from failing to create and retain the following records:

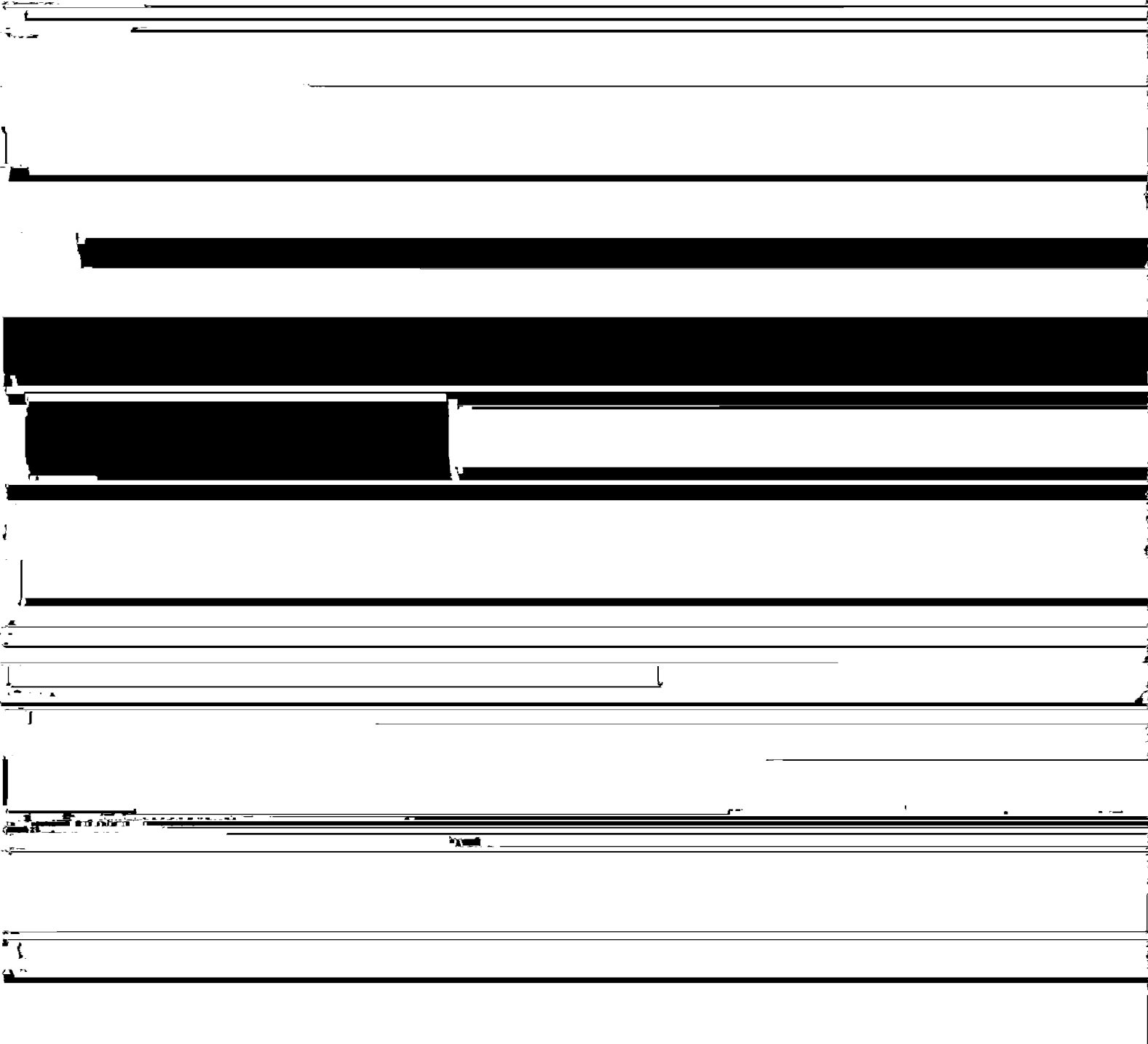
- A. Accounting records that reflect the cost of goods or services sold, revenues generated, and the disbursement of such revenues;

F. All records and documents necessary to demonstrate full compliance with each provision of this Order.

IX. ACCESS TO BUSINESS PREMISES

IT IS FURTHER ORDERED that, for a period of five (5) years from the date of entry

~~of this Order, the defendant shall comply with its provisions~~



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:

[REDACTED]

obtained by any Defendant at any time prior to entry of this Order, in connection with debt collection activities or the advertising, promotion, marketing, offering for sale, or sale of any

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

XIV. FEES AND COSTS

IT IS FURTHER ORDERED that each party to this Order hereby agrees to bear its own costs and attorneys' fees incurred in connection with this action.

XV. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for purposes of construction, modification and enforcement of this Order.

XVI. SEVERABILITY


IT IS FURTHER ORDERED that the provisions of this Order are separate and

XVII. COMPLETE SETTLEMENT

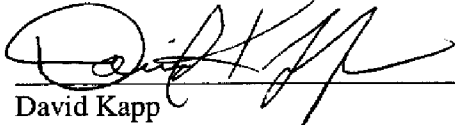
The parties hereby consent to entry of the foregoing Order which shall constitute a final judgment and order in this matter. The parties further stipulate and agree that the entry of the foregoing Order shall constitute a full, complete, and final settlement of this action.

So Stipulated:

William Blumenthal
General Counsel



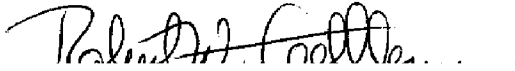
David A. O'Toole
Rozina C. Bhimani
Federal Trade Commission
55 E. Monroe Street, Suite 1860
Chicago, Illinois 60603
(312) 960-5634
(312) 960-5600 (fax)
Attorney for Plaintiff



David Kapp

IT IS SO ORDERED.

11-1-2006



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Stipulated Order for Permanent

[REDACTED]