

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

Civil No. 04-377-JD

SEISMIC ENTERTAINMENT
PRODUCTIONS, INC., et al.

Defendants.

**STIPULATED FINAL ORDER FOR PERMANENT INJUNCTION AND SETTLEMENT
OF CLAIMS FOR MONETARY RELIEF AS TO DEFENDANTS
OPTINTRADE, INC. AND JARED LANSKY**

Plaintiff, the Federal Trade Commission (“Commission”) has filed a Complaint for Permanent Injunction and Other Equitable Relief (“Complaint”) against OptinTrade, Inc. and Jared Lansky (“Defendants”) pursuant to Section 13(b) of the Federal Trade Commission Act

FINDINGS

1. This Court has jurisdiction over the subject matter of this case and over the Defendants.

2. The Complaint states a claim upon which relief may be granted, and the Commission has the authority to seek the relief that is stipulated to in this Order.

banner advertisements; or (b) formulating, developing, or providing, or arranging for the formulation, development, or provision of, any Internet advertising or marketing content for any person or entity; or (c) performing advertising or marketing services of any kind for any person or entity.

B. "Commerce" means as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

G. "Express consent" means that, prior to installing any software program or application to consumers' computers:

(1) Defendants clearly and prominently disclose the material terms of such software program or application; and

(2) Consumers install or download such software program or application by

(2) OptinTrade, Inc., a corporation, its divisions and subsidiaries, its

successors and assigns and its officers, agents, representatives, and

employees.

J. "FTC" or "Commission" means the Federal Trade Commission.

K. A requirement that any Defendant "notify," "furnish," "provide," or "submit" to the Commission means that the Defendant shall send the necessary information via first class mail, costs prepaid, or via overnight carrier, to:

Associate Director for Advertising Practices
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington D.C. 20580

Attn: *FTC v. Seismic Entertainment Productions, Inc. et al.* (D.N.H.)

L. The terms "and" and "or" in this Order shall be construed conjunctively or

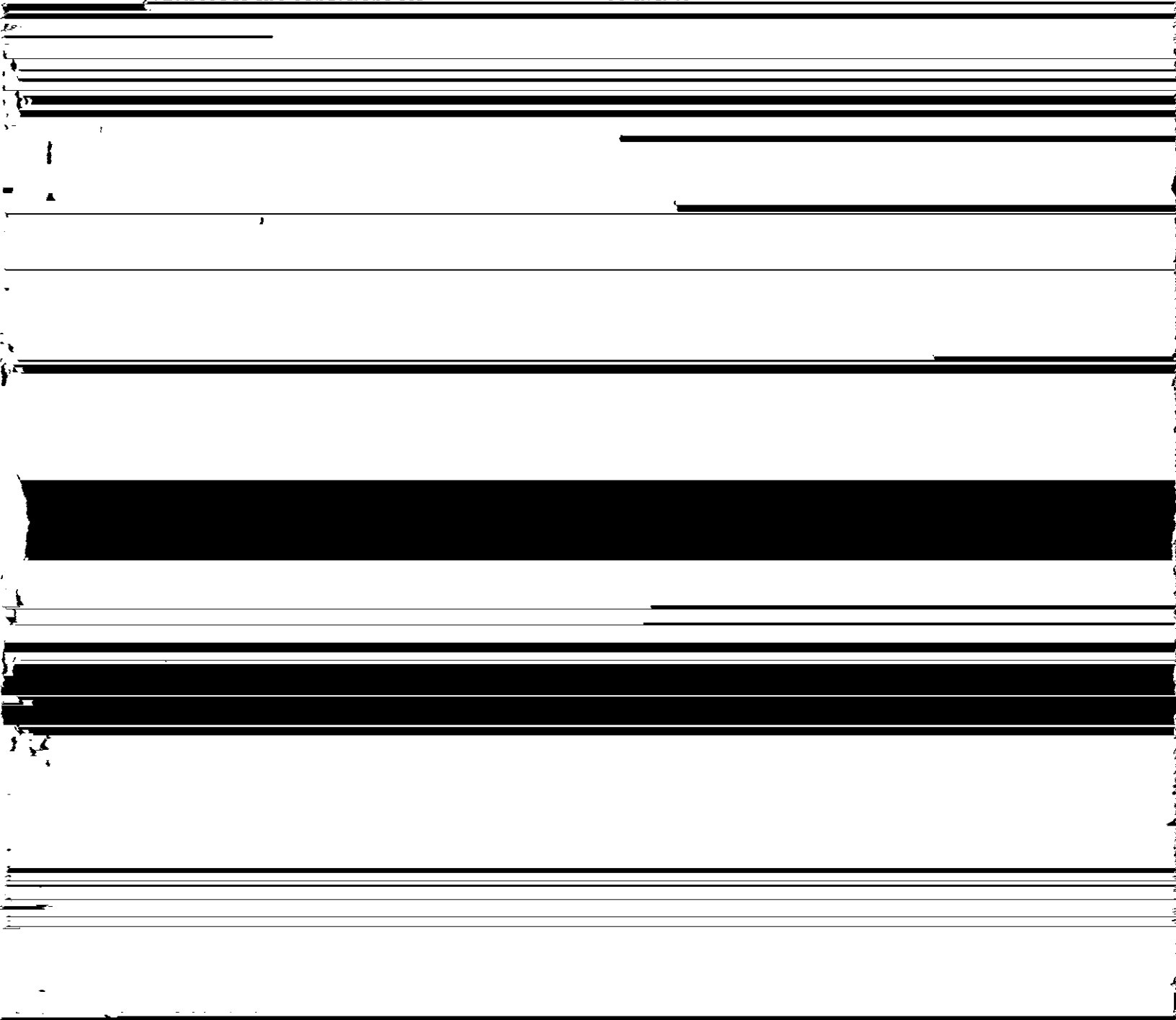
or functions.

SUSPENDED JUDGMENT

III.

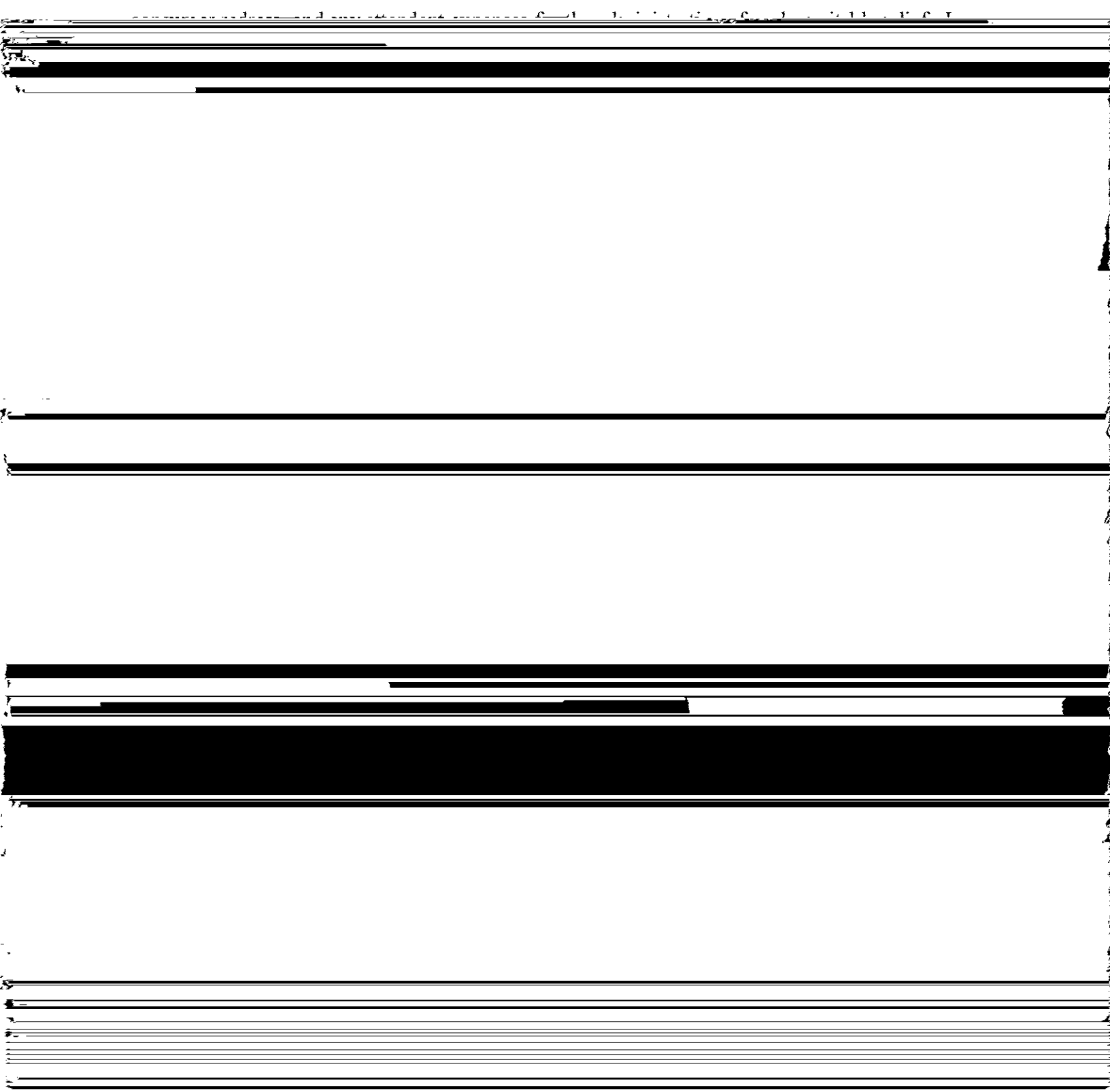
IT IS FURTHER ORDERED that judgment for disgorgement in the amount of Three Hundred Thirty Thousand Dollars (\$330,000) is hereby entered against Defendants OptinTrade, Inc. and Defendant Lansky, jointly and severally. *Provided, however,* that One Hundred Three

Thousand Dollars (\$103,000) is hereby entered against Defendant OptinTrade, Inc.



date of payment. Defendants shall be jointly and severally liable for all payments required by this Order and any interest on such payments.

D. All funds paid pursuant to this Order shall be deposited into a fund administered by the Commission or its agent to be used for equitable relief, including, but not limited to,



arising out of Defendants' relationship with the government.

REINSTATING SUSPENDED JUDGMENT

V.

IT IS FURTHER ORDERED that:

A. The Commission's agreement to suspend a portion of the disgorgement judgment

is expressly premised upon the truthfulness, accuracy, and completeness of the Defendants'

1

and paid for the tax years 2003 and 2004. Provided, however, that seeking such a cash refund

shall not be deemed to be a violation of this Paragraph if the Defendant promptly remits to the

Commission the full amount of any such cash refund within the (10) day period of the

telephone number; (3) the name, address, and telephone number of his employer; (4) if applicable, the names of his supervisors; (5) a description of his employer's activities; and (6) a

B. For a period of four (4) years from the date of service of this Order,

(1) Defendant Lansky shall notify the Commission of the following:

(a) Any changes in Defendant Lansky's residence, mailing addresses, and telephone numbers, within ten (10) days of the date of such change;

(b) Any changes in Defendant Lansky's employment status (including self-employment) within ten (10) days of the date of such change.

Such notice shall include the name and address of each business that Defendant Lansky is affiliated with, employed by, or performs services for; a statement of the nature of the business; and a statement of Defendant Lansky's duties and responsibilities in connection with the business; and

(c) Any changes in Defendant Lansky's name or use of any aliases or

or practices subject to this Order; the filing of a bankruptcy petition; or a change in the corporate name or address, at least thirty (30) days prior to such change, *provided* that, with respect to any proposed change in the corporation about which Defendant OptinTrade, Inc. learns less than thirty (30) days prior to the date such action is to take place, that Defendant shall notify the Commission as soon as is practicable after obtaining such knowledge.

C. Sixty (60) days after the date of service of this Order, Defendants each shall provide a written report to the Commission, sworn to under penalty of perjury, setting forth in detail the manner and form in which they have complied and are complying with this Order. This report shall include, but not be limited to any changes required to be reported pursuant to subparagraph (B) above; a copy of each acknowledgment of receipt of this Order obtained by each of Defendants pursuant to Paragraph VII of this Order; and a copy of each electronic mail sent by each of Defendants pursuant to Paragraph VIII of this Order and any return receipt notifications that Defendants receive as to when and if recipients have opened such electronic mail.

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

RECORD KEEPING PROVISIONS

XI.

IT IS FURTHER ORDERED that, for a period of seven (7) years from the date of service of this Order, Defendant OptinTrade, if engaging or assisting others engaged in

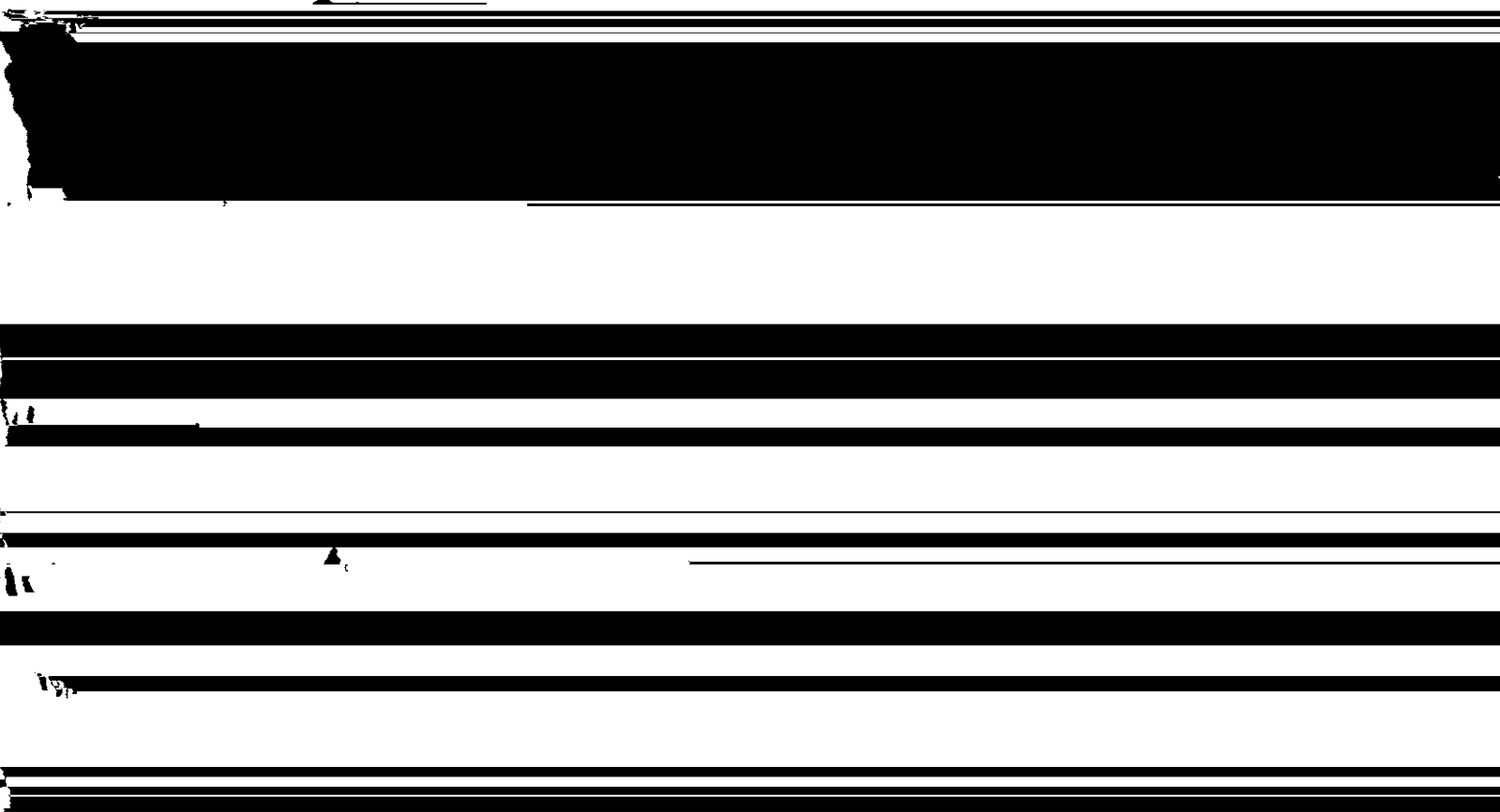
any business where (1) Defendant Lansky is a majority owner or an officer or director of the business, or directly or indirectly manages or controls the business, and where (2) the business

[REDACTED]

SCOPE OF ORDER

XII.

IT IS FURTHER ORDERED that this Order resolves only claims against Defendants OptinTrade and Lansky as alleged in the Complaint. This Order does not preclude the Commission from initiating further action or seeking any remedy against any other persons or entities, including without limitation persons or entities who may be subject to portions of this Order by virtue of actions taken in concert or participation with Defendants Lansky and OptinTrade.



22nd March

/s/ Joseph A. DiClerico, Jr.

