

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FEDERAL TRADE COMMISSION)

Plaintiff,)

v.)

SUCCESS EXPRESS, INC., *et al.*,)

Defendants.)

Case No. 1:05 CV 0714

Judge Gordon J. Quist

STIPULATED FINAL ORDER FOR
PERMANENT INJUNCTION AND SETTLEMENT OF

116

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

6. This action and the relief awarded herein are in addition to, and not in lieu of, other remedies as may be provided by law, including both civil and criminal remedies.

7. Entry of this Order is in the public interest.

DEFINITIONS

Revised Form 1041-01-01 (Rev. 11/01)

1. **“Receivership Defendants”** means Success Express, Inc., also d/b/a Success

Revised Form 1041-01-01 (Rev. 11/01)

fixtures, general intangibles, effects, leaseholds, premises, contracts, mail or other deliveries,
shares of stock, lists of consumer names, inventory, checks, notes, accounts, credits, receivables

funds, and all cash, wherever located.

6. **“Document”** is synonymous in meaning and equal in scope to the usage of the

ORDER

I. BOND REQUIREMENT

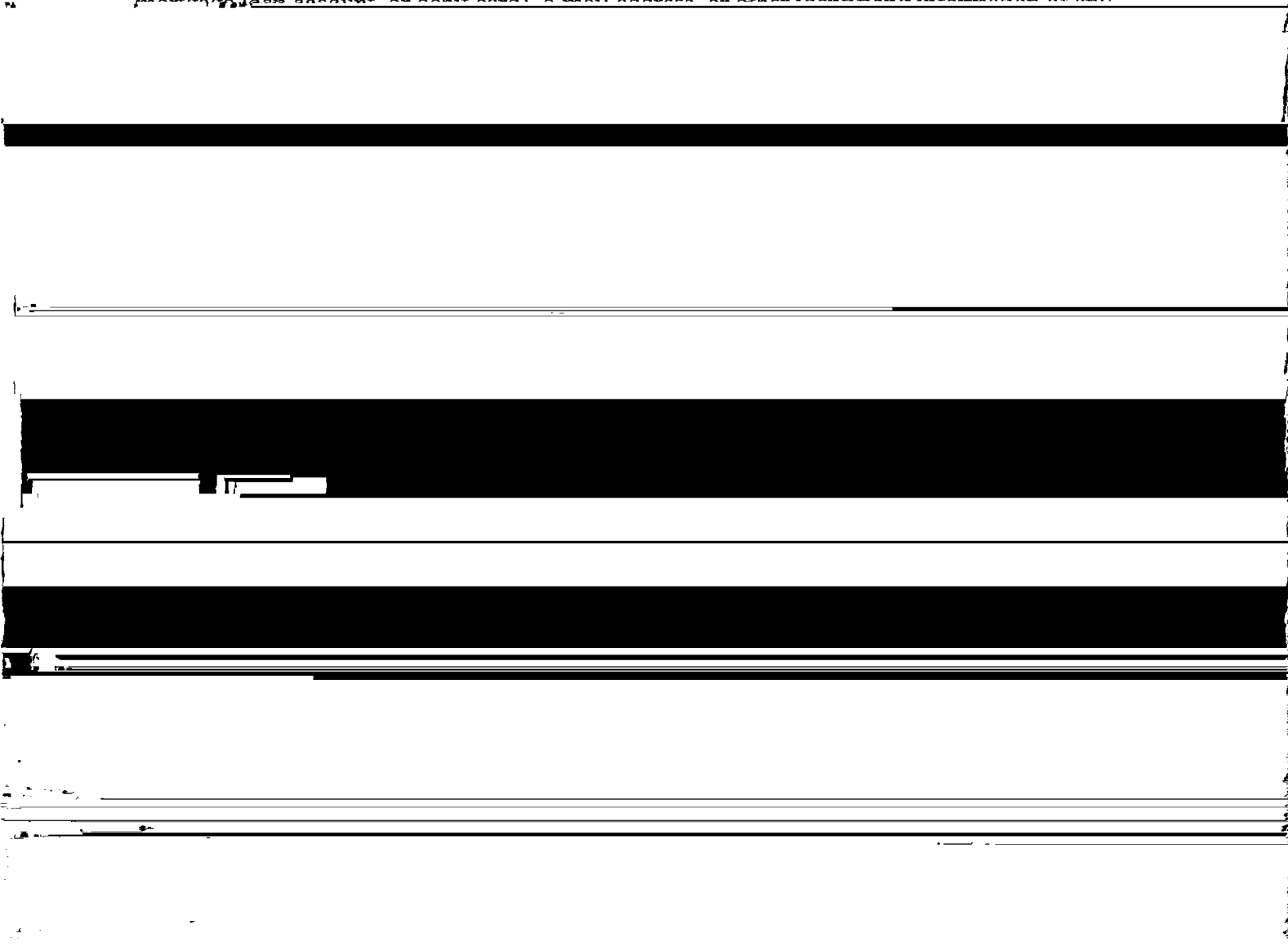
IT IS THEREFORE ORDERED that the Receivership Defendants, whether acting

C. The bond required pursuant to this Paragraph I is in addition to, and not in lieu of, any other bond required by any other federal, state, or local law, or by any other court order not

II. PROHIBITED BUSINESS ACTIVITIES

IT IS FURTHER ORDERED that the Receivership Defendants, and their officers, agents, employees, and all those persons or entities in active concert or participation with them

A. Selling, renting, leasing, transferring, or otherwise disclosing the name, address, telephone number, billing information (any data that enables any person to access another person's account, such as a credit card, checking, savings, share or similar account, utility bill, mortgage loan account, or debit card), e-mail address, or other identifying information of any



person who submitted such information to any of the Defendants, at any time prior to entry of this Order, in connection with the purchase of any employment good or service.

B. Using or benefitting from, for commercial purposes, the name, address, telephone number, billing information (any data that enables any person to access another person's account, such as a credit card, checking, savings, share or similar account, utility bill, mortgage loan account, or debit card), e-mail address, or other identifying information of any person who

B. *Provided, however*, that the judgment described in Paragraph A shall be satisfied upon the timely transfer to the FTC or its designated agent of the following: (1) all assets received into the Receivership Estate, including, but not limited to, proceeds from the sale of

~~Individual Defendant Tanager's accounts located at 5842 Diana Drive, Indian River, Michigan~~

49749 and (2) the balance of all of the accounts identified in the "Receivership Defendants' Reference List" filed with the Court under seal.

C. Any monies collected under this Paragraph are subject to the conditions described in Paragraph VI.

Defendants according to their ownership percentage of each such Receivership Defendant as

All persons and entities the Defendants their partners employees agents present

partially impracticable or funds remain after redress is completed, the FTC may apply any

remaining funds for such other equitable relief (including reasonable compensation to consumers) as it

determines to be reasonably related to Defendants' practices alleged in the Complaint. Any

funds not used for such equitable relief shall be deposited to the U.S. Treasury as equitable

disbursement. Defendants shall have no right to challenge the FTC's plan of disbursement.

VIII. DISTRIBUTION OF ORDER

IT IS FURTHER ORDERED that, for a period of five (5) years from the date of entry of this Order each of the Receivership Defendants shall deliver a copy of this Order to all

including its officers, directors, and managers. Each Receivership Defendant shall also deliver

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

copies of this Order to all of its employees, agents, and representatives who engage in conduct

C. Customer files containing the names, addresses, telephone numbers, dollar

amounts paid, quantity of goods or services purchased, and description of goods or services

purchased, to the extent such information is obtained in the ordinary course of business.

D. Complaint and refund requests (whether received directly, indirectly, or through

to take place, the Receivership Defendant shall notify the Commission as soon as is practicable after obtaining such knowledge.

One hundred eighty (180) days after the date of entry of this Order, the

Receivership Defendants shall provide a written report to the FTC, 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:

1. Any changes required to be reported pursuant to subsection A above.

entry during normal business hours to any business location in such Defendant's possession or direct or indirect control to inspect the business operation.

B. In addition, the FTC is authorized to monitor compliance with this Order by all

ot her lawful means—including, but not limited to, the following:

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;

2. Discovers persons and facilities to Defendants, their employees, or any

other entities owned or controlled in whole or in part by any Defendant without the necessity of

XII. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED [REDACTED]

[REDACTED]

purposes of construction, modification and enforcement of this Order.

IT IS SO ORDERED this 14th day of September, 2006.

/s/Gordon J. Quist

GORDON J. QUIST
UNITED STATES DISTRICT JUDGE

STIPULATED AND AGREED TO BY:

FOR PLAINTIFF

FEDERAL TRADE COMMISSION

DEFENDANTS

SUCCESS EXPRESS, INC.

Larissa L. Bungo

By:

Phillip S. Stenger

PHILLIP S. STENGER, RECEIVER

Stenger & Stenger, P.C.

4005 Delaware Drive, Suite A

LARISSA L. BUNGO, ESQ.

Federal Trade Commission

1111 Superior Avenue, Suite 200

Cleveland, Ohio 44114

Phone 216-262-2402

Phone 616-940-1190

Fax 616-940-1192

Date:

Mo. 8 2006

Complaint. I read the provisions of the Stipulated Order before signing it. I understand all the

[REDACTED]

I received a copy of the Stipulated Order which had been signed