

1 WILLIAM BLUMENTHAL
General Counsel
2 Mona Sedky Spivack, DC #447968
Colleen B. Robbins, NY #2882710
3 J. Ronald Brooke, Jr., MD #0202280002
Federal Trade Commission
4 600 Pennsylvania Ave., NW, Room 238
Washington, DC. 20580
5 (202) 326-3795, -2548, -3484
(202) 326-3395 *facsimile*
6 Attorneys for Plaintiff

7 Augustus L. Ross, III, Esq.
1614 US Route 35 East
8 Eaton, OH 45320-2260
(937) 472-0193
9 Attorneys for Defendant
Nicholas C. Albert

FILED
CLERK, U.S. DISTRICT COURT
DEC 11 2006
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

ENTERED
CLERK, U.S. DISTRICT COURT
DEC 14 2006
CENTRAL DISTRICT OF CALIFORNIA
BY *BC* DEPUTY

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15
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT

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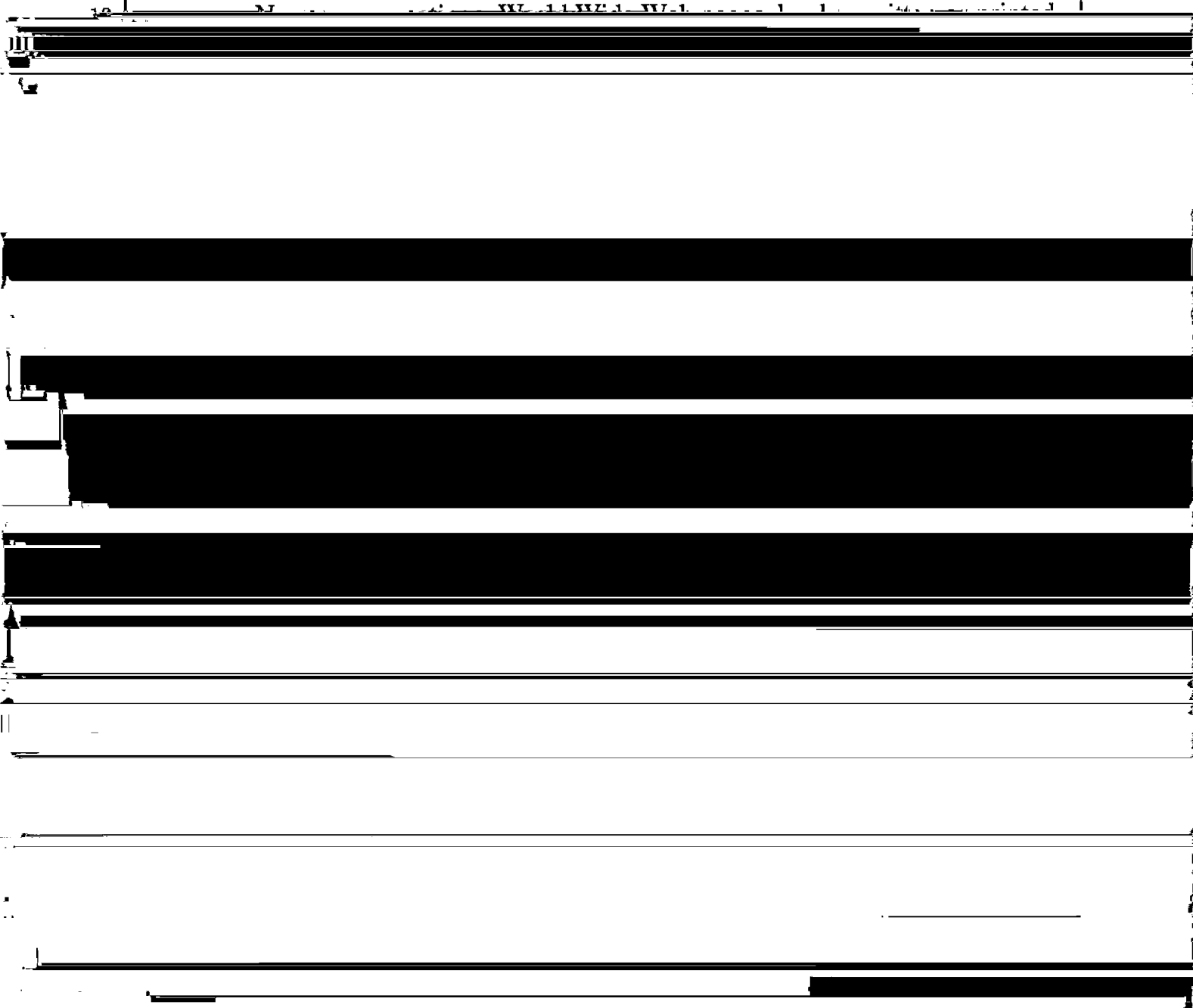
1 Act”), 15 U.S.C. §§ 45(a), 53(b), on November 1, 2005. The Court ordered *ex*
2 *parte* Temporary Restraining Orders on November 1 and 2nd, 2005, and a
3 Preliminary Injunction was entered on November 30, 2005. The Commission and
4 Defendant Nicholas C. Altman (“Defendant”) found through their internal books

CONFIDENTIAL

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D. **“Dialer program”** means any computer program that causes a computer’s modem to make telephone calls or access services.

E. **“Document”** is synonymous in meaning and equal in scope to the usage of the term in the Federal Rules of Civil Procedure 34(a), and includes writing, drawings, graphs, charts, Internet sites, Web pages, Web sites, electronic correspondence, including e-mail and instant messages, photographs, audio and video recordings, contracts, accounting data, advertisements (including, but not limited to, advertisements placed on the World Wide Web), FTP Logs, Server Access Logs, USENET



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- A. regarding the nature or effect of the software code, file, or content, such as any representation that it is innocuous software code, file, or content, such as an Internet browser upgrade or other computer security software, music, song lyric, or cell phone ring tone;
- B. regarding the performance, benefits, efficacy, or features of the software code, file, or content;
- C. regarding the actual cost or "free" nature associated with the

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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dollars) is hereby entered against the defendant. This amount represents the defendant's gross revenues from the conduct that the FTC alleges violated the FTC Act. Prior to or concurrently with the execution of this Order, the defendant shall cause that amount to be

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[REDACTED]

and equitable title to funds shall vest in the Treasurer of the United

States in the event of a default by the contractor. The

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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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. posing as consumers and suppliers to defendant's employees, or any other entity managed or controlled in whole or in part by the defendant, without the necessity of identification or prior notice; and

C Defendant shall permit representatives of the Commission to

In the case of a natural person, defendant shall

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 D. Promptly and completely investigate any complaints that the
2 defendant receives through Paragraph VII.C or any other source to
3 determine whether any such participant is engaging in acts or
4 practices prohibited by this Order; and

5 E. Terminate, immediately, any participant in any affiliate program that
6 the defendant reasonably concludes has engaged in or is engaging in
7 acts or practices prohibited by this Order and cease payments to any
8 such person.

9 Provided, however, that this Paragraph does not authorize or require the
10 defendant to take any action that violates any federal, state, or local law.

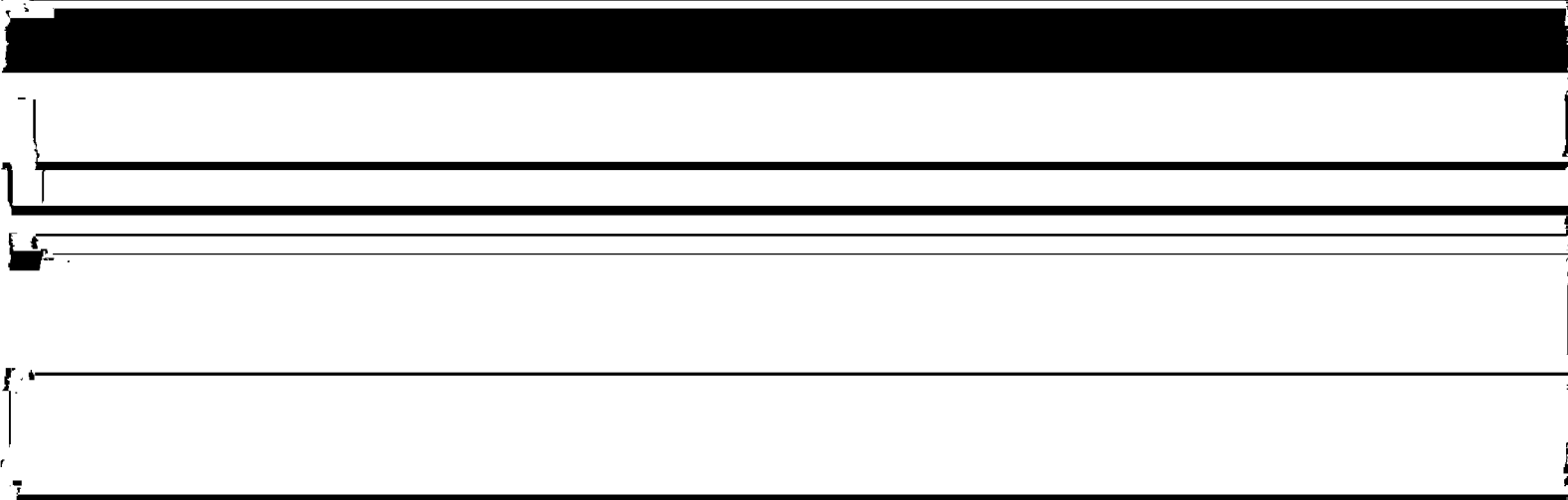
11 **MONITORING BY DEFENDANT**

12 **(Participation in the Affiliate Programs of Others)**

13 **VIII.**

14 **IT IS FURTHER ORDERED** that, for a period of eight (8) years from the
15 date of entry of this Order, the defendant and his agents, directors, employees,
16 salespersons, independent contractors, subsidiaries, affiliates, successors, assigns,
17 and all other persons in active concert or participation with any of them who
18 receive actual notice of this Order by personal service or otherwise, in connection

19 with participation in any third-party affiliate program involving advertising



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defendant regularly reviews the marketing materials of any affiliate program that the defendant is displaying to consumers to ensure that the affiliate program is not engaging in acts or practices prohibited by

[REDACTED]

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would result in the emergence of a successor entity; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts 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 the defendant(s) learns less than thirty (30) days prior to the date such action is to take place, defendant shall notify the Commission as soon as is practicable after obtaining

[REDACTED]

2011-05-05 10:45:00

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of this Order.

C. For the purposes of this Order, the defendant shall, unless otherwise directed by the Commission's authorized representatives, mail all written notifications to the Commission to:

Associate Director for the Division of Enforcement
Federal Trade Commission
601 New Jersey Avenue, NW
Washington, DC 20580
Re: FTC v. Enternet Media, Inc., et al. Civil Action No. 05-7777

D For purposes of the compliance reporting and monitoring required by



business who engage in conduct related to the subject matter of this

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b7C

[REDACTED]

RETENTION OF JURISDICTION

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

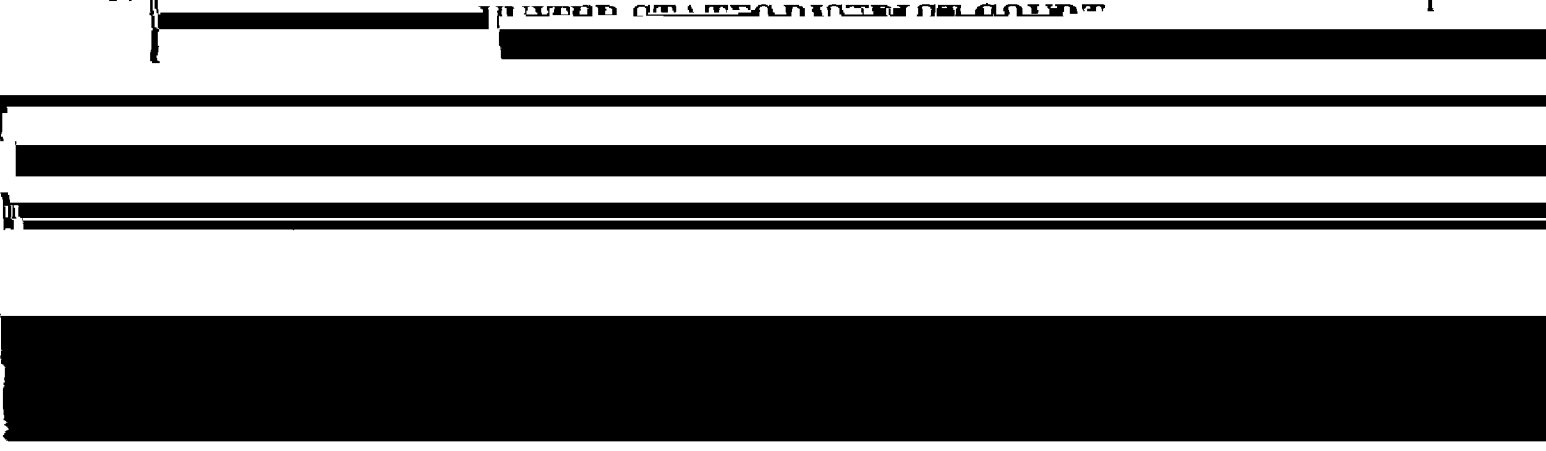
[REDACTED]

SCANNED

1 WILLIAM BLUMENTHAL
General Counsel
2
3 Mona Sedky Spivack, DC #447968
Colleen B. Robbins, NY #2882710
J. Ronald Brooke, Jr., MD #0202280002
4 Federal Trade Commission
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6 (202) 326-2548 (Robbins)
(202) 326-3484 (Brooke)
7 (202) 326-3395 *facsimile*
mspivack@ftc.gov
8 crobbins@ftc.gov
jbrooke@ftc.gov

9 Local Counsel
10 Jennifer Brennan, Cal. Bar. # 225473
Federal Trade Commission, Western Region
11 10877 Wilshire Blvd., Suite 700
Los Angeles, CA 90024
12 (310) 824-4343; (310) 824-4380 *facsimile*
jmbrennan@ftc.gov

13 *Attorneys for Plaintiff Federal Trade Commission*
14



SCANNED

1 individually, doing business as Networld One, and as an officer of Enternet Media,
2 Inc., and Conspy & Co., Inc., Nima Hakimi, individually and as an officer of
3 Enternet Media, Inc. and Conspy & Co., Inc (“Enternet Media defendants”), and
4 Nicholas C. Albert, individually and doing business as Iwebtunes and
5 www.iwebtunes.com (“defendant Albert”). My business address is FTC, 600
6 Pennsylvania Ave., N.W., Room H-292, Washington, D.C. 20580. On December
7 7, 2006, I served the within document:

8 **STIPULATED FINAL ORDER FOR PERMANENT INJUNCTION AND**

RESTITUTION AND DAMAGES TO THE DEFENDANTS NIMA HAKIMI, NICHOLAS C. ALBERT