IN THE UNITED STATES DISTRICT COURT
FOR THE NORTI-IER?: DISTRICT OF ILLINOIS EASTERN DIVISION

)
FEDERAL TRADE COMMISSION,

DIVISION �

Civil No. 06 C 5378
1
v. 1 Hon. Robert W. Gettleman � -0.0326 Tc 11.5 0 0 12.12

acting by and through such counsel, have now stipulated to the entry of the following Stipulated Order for Permanent Injunction and Final Judgment as to Defendants 1522838 Ontario Inc. and Gerhard Mintz in sctllement of the Commission's Complaint against them.
NOW, THEREFORE, the Commission and Defendants 1522838 Ontario Inc., dlbla International Industrial Trade Directory, and Gerhard Mintz: a/k/a Gerry Mintz, having requested the Court to enter this Stipulated Order, and the Cour-r having considered the Stipulated Order and for other cause appearing, it is ORDERED, ADJUDGED, AND DECREED as follows: FINDISGS follows:ommission e.030for

all rights to seek judicial review, or otherwise to challenge the validity of this Order.
7. Entry of this Order is in the public interest.
8. Pursuant to Federal Rule of Civil Procedure 65(d), the provisions of this Order are
binding upon Stipulating Defendants, their officers; agents, servants, employees, attorneys, corporations, successors and assigns, and upon those persons or entities in active concert or participation with them who receive actual notice of this Order by personal service or otherwise. DEFINITIONS
1. "Plaintiff3" "Commission," or "FTC" means the 1. t h e

p e r i c e

Wil5295i8 063tI.03 4.- Td 6oEET Tc Tc0645(pu 018.03ni9Feyse645aigr64whateve0re0 Td (o6T3tariderMn(otherd (atTj 039Wan.8401 546.4797 0 12t6d)Tpro.84t 267.8401 546.4799s)Tj -eachinclud0.0the)Tjt96he)295i8 063butherd (a57derMns znotherd (a57derMns zlimited03 4.- Td546.4799s1Tj -i8 063tI:>BDC BT /T1_1 1 3 whateve021dttels,6.4797 0 95i8 063goodse)Tj GeorTj -eachiny,sumetar.03 4.-c 160.0-each 1.115d nipmeta,)Tj -dmm whateve0fixturatj -dmm Tc9 065j 039Wangen,s, are

b365teve021ecks,6.4797 251erMns znotese p5rs0.Em testerMcredi s,6.479.01c m 0 Tds1 testerMonseivF5Tjtj -dmm Tc9idermnOf -0 fundr are at6.039Genyat
a5 95i8 063dna/P <</MCID 5 >>B

providing or facilitating access to the credit card or bank account payment and collection system;
(7) performing or providing marketing services of any kind; (8) developing, providing or arranging for the provision of names of potential customers; (9) providing or arran~ing for the provision of post office boxes or the services of comlnercial I-eceiving agencies; (10) recording or verifying sales solicitations; or (I 1) performing customer service functions, including: but not limited to, receiving or responding to consumer complaints, obtaining or receiving identifying and financial information from consumers; and communicating with consumers on behalf of the seller or telemarketer.
ORDER
I. PROI3IBITED BUSINESS ACTIVITIES IT IS THEREFORE ORDERED that Stipulating Defendants, and their officers, agents
directors, servants, employees, salespersons, independent contractors, attorneys, corporations,
subsidiaries, affiliates, successors, and assigns; and all other persons or entities in active concert
or pMicipation with them who receive actual notice of this O3t contractor DefendandEu�c62437 0 �-0.032

p M i c i p a

premised upon the financial condition of Stipulating Defendants, as represented in their respective financial statements, {vhich contain material information upon which the Commission relied in negotiating and agreeing upon this Order. If, upon motion of the Commission_ the Court finds that the financial statement of either Stipulating Defendant contains any material misrepresentation or omission, the Cour~

IV. SUSPESSIOX OF COLLECTlON ON ACCOUNTS IT IS FURTHER ORDERED that Stipulating Defendants, and their officers, agents, directors, servants, employees. salespersons, independent contractors, attorneys, corporations, subsidiaries, affiliates, successors, and assigns, and all other persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly, or through any trust, corporation- subsidiary, division, or other device, or any of them, are hereby permanently restrained and enjoined from attempting to collect, collecting, or assigning any right to collect payment on any invoice sent by Defendants prior to the entry of this Order, including Defendants' invoices for: (1) business directory advertisements or listings, (2)travel directory advertisements or listings, (3) office supplies, or (4) consulting

services.
V. PROHIBITIONS REGARDING CONSUhIER INFORMATION
IT IS FURTHER ORDERED that Stipulating Defendants, and their officers: agents, directors, servants, employees; salespersons, independent contractors, attorneys, corporations, subsidiaries, affiliates, successors, and assigns, and all other persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly, or through any trust, corporation, subsidiary, division, or other device, or any of them. are hereby permanently restrained and enjoined from using, selling, renting, leasing, trarisfening, benefiting from or otherwise disclosing the name: address? telephone number, Social Security number, credit card number, bank account number, c-mail address_ or other identifying information of any person who paid any money to any Defendant, at any time prior to entry of this 0)-dcr, for any: (I) business directory advertisements or listings, (2)travel directory

advertisements or listings, (3) office supplies, or (4) consulting services; provided, however, that Stipulating Defendants may disclose such identifying information to a law enforcement agency or as required by any law, regulation: or court order, and shall disclose such identifying information to the Commission at its request pursuant to this Order.
VI. COOl'ERATION WITH FTC COUNSEL IT IS FURTHER ORDERED that Defendant Gerhard Mintz, both individually and on
behalf of Defendant 1522838 Ontario Inc., shall, in connection with this action or any subsequent investigations related to or associated with the transactions or the occurrences that are the subject of the FTC's Complaint, cooperate in good faith with the FTC and appear at such places and times as the FTC shall reasonably request, after written notice, for interviews, conferences, pretrial discovery, review of documents. and for such other matters as may be reasonably requested by the FTC. If requested in writing by the FTC, Defendant Mintz shall appear 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.
VII. CORXPLIANCE MONITORING IT IS FURTHER ORDERED that, for the purpose of monitoring and investigating compliance with any provision of this Order:
A. Within ten (10) days of receipt of written notice from a representative of the Con~mission, Stipulating Defendants each shall submit addilional written reports. sworn to under penalty of perjury, produce documents for inspection and copying: appear for deposition: and/or provide entry during normal business hours to any business location in such Defendants'

possession or direct or indirect control to inspect the business operation;
B. In addition, the Commission is authorized to inonilor compliance with this Order
by all other la\vful 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. posing as consumers and suppliers to Stipulating Defendants, Stipulating
Defendants' employees, or any other entity managed or controlled in whole or in part by either of the Stipulating Defendants, without the necessity of identification or prior notice; and
C. Stipulating Defendants shall permit representatives of the Commission to
interview any employer, consultant, independent contractor, representative, agent, or employee who has agreed to such an interview, relating in any way to any conduct subject to this Order. The person interviewed may have counsel present.
Provided, however, that nothing in this Order shall limit the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act; 15 U.S e Act;

a. Any changes in his residence, mailing addresses, and telephone
numbers, within ten (10) days of the date of such change;
b. Any changes in his employment status (including self-
employment), and any change in the ownership of Defendant Mintz in any business entity, within ten (10) days of the date of such change. Such notice shall include the name and address of each business that Defendant Mintz is affiliated with, employed by- creates or forms, or performs services for; a statement of the nature of the business; and a statement of Defendant Mintz' duties and responsibilities in connection with the business or employment; and
c. Any changes in Defendant Mintz' name or use of any aliases or
fictitious names; and
2. Stipulating Defendants shall notify the Commission of any changes in
corporate structure of 1522838 Ontario Inc., d/b/a International Industrial Trade Directory. or an\ business entity that Defendant Mintz directly or indirectly control(s); or has an ownership interest in, that may affect compliance obligations arising under this Order, including but not limited to a dissolution, assignment, sale; merger: or other action that would result in the emergence of

or s5 0 Td�0108 Tc 4.08

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:
1. For Gerhard Mintz:
a. The then-current residence address, mailing addresses, and
telephone numbers of Defendant Mintz;
b. The then-current employment and business addresses and
telephone numbers of Defendant Mintz, a description of the business activities of each such employer or business, and the title and responsibilities of Defendant Mintz for each such employer or business; and
c. Any other changes required to be reported under subsection A of
this Section.
2. For all Stipulating Defendants:
a. A copy of each acknowled~ment of receipt of this Order, obtained
pursuant to Section X; and
b. Any other changes required to be reported under subsection A of
this Section.
C. For the purposes of this Order, Stipulating Defendants shall, unless otherwise
directed by the Commission's authorized representatives. mail all written notifications to the
Commission to: mail�02 j�-0.010

Washington, D.C. 20580
Re: FTC v. 1522838Oi7rario hc., et al., No. 06 C 5378 (N.D. Ill.)
D. For purposes of the compliance reporting and monitoring I-equired by this Order,
the Commission is directed to communicate with Stipulating Defendants through their attorney Brian D. Fagel: Goldberg Kohn, 55 East Monroe Street, Suite 3700, Chicago, Illinois 60603. IX. 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 in which: (1)a Stipulating Defendant is the
majority owner of the business or directly or indirectly manages or controls the business, and (2) the business involves the promotion. offering for sale, or sale of any product or service to U.S. consumers, Stipulating Defendants and their agents, employees. officers, corporations,
successors, and assigns, and those persons in active concert or participation with them who
receive actual notice of this Order by personal service or otherwise; are hereby restrained and enjoined from failing to create and retain the following records:0 Tc 4.986 0 Td�(and)Tj�0.0108 Tce41

service or o

the exteni such information is obtained in the ordinary course of business; D. Complaints and refund requests

the subject matter of the Order. For current personnel, delivery shall be within five (5)days of service of this Order upon Defendant. For new personnel, delivery shall occur prior to them assuming their responsibilities.
C. Individual Defendant Gerhard Rlintz as Employee or Non-Control Person:
For any business where Gerhard Mintz is not a controlling person of a business but otherwise engages in conduct related to the subject matter of this O~der, Defendant Mintz must deliver a copy of this Order to all principals and managers of such business before engaging in such conduct; and
D. Stipulating Defendants must secure a signed and dated statement acknowledging receipt of the Order, within thirty days of delivery, from all persons receiving a copy of the Order pursuant to this Section.
XI. ACKNOWLEDGhfENT OF RECEIPT OF ORDER IT IS FURTHER ORDERED that each Stipulating Defendant, within five (5) business
days of receipt of this Order as entered by the Court, must submit to the Commission a truthful sworn statement_ in the form shown at Appendix A, acknowledging receipt of this Order.
XIJ. SEVERABILITY

IT IS FURTHER ORDERED that the provisions of this Order are separate and
severable from one another. If any provision is stayed or determined to be invalid, the remaining provisions shall remain in full force and effect.
\\
\\

Xlll. RETENTlON 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.

The Coinmission and Stipulating Defendants hereby stipulate and agree to entry of the

foregoing Stipulated Order, which shall constitute a final judgment in this action.

IT IS SO ORDERED, this -day of ,2007

Hon. Robert W. Gettleman
United States District Judge

SIGNED AND STIPULATED BY:

Dated: J-3 -07 jL-L4 . "/rJ
TODD M. KOSSOW
THERESA M. MCGREW
55 East Monroe Street, Sulte 1860
Chicago, Illinois 60603
(312) 960-5634 [Telephone]
(312) 960-5600 [Facsimile]
Attorneys for Plaintiff
Federal Trade Commission

Dated: /.yik~dZ; m?
By Gerhard Mintz, Owner and Direct01

Dated J

Approved as to Form:

Dated: 3/(~/*7
Goldberg Kohn
55 East Monroe Street, d ite 3700
Chicaeo, Illinois 60603
(3 12) 201-3999 [Telephone]
(312) 863-7499 [Facsimile]
Attorney for Defendants
1522838 Ontario Inc. and Gerhard Mintz

APPENDIX A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERII DISTRICT OF ILLINOIS EASTEILi DIVISION

1
FEDERAL TRADE COMMSSION,)
)
Plaintiff.) Civil No. 06 C 5378
1
v. 1 Hon. Robert W. Gettleman

1522838 ONTARIO INC., a corporation, d/b/a) Magistrate Judge Nan R. Nolan
International Industrial Trade Directory, et al.,)

Defendants.

[Name of Defendant], being duly sworn: hereby states and affinns as follows:

1. My name is . My current residence address is

. I am a citizen of and am

over the age of eighteen. I have personal kno\vled~e of the facts set forth in this Affidavit.

2. 1 am a defendant in FTC v. 1522838O~ztarioInc., et al. (United States District

Court for the Northern District of Illinois).

3. On [date], I received a copy of the Stipulated Order tpc7fhe amOrdc 11.75tes On5 0 0Tj�3.035 0 T406crict239 c 347.39.824 0 T sign citizenHonorable1087�e 3.7475C �/LI_LaR

I declare under penalty of perjury under the laws of the United States that the foregoing is
true and correct. Executed on [date], at [city and state]
[Full name of Defendant]
Province of _ City of
Subscribed and sworn to before me

this day of