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... -, b F~E~?TRAE COMMISSION,) No. CV07-01791 TJH (SHx)

7) c-3 '..:1 > '4

L") s Plaintiff,)
)
v.) STIPULATED ORDER FOR
) PRELIMINARY INJUNCTION
MYSTERY SHOP LINK, LLC,) AS TO KENNETH JOHNSON
et al.,)

Defendants.

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Plaintiff, the Federal TradheM4e a Complaint 3 Tc 12.1eY 1 Tf�-0.0103 Tc 12.125 0 for Permanent Injunction and

Marc Gurney for deceptive acts and practices

and practices violated Section 5 (a) of the FTC Act, 15 U.S.C: ; 1 .:,
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5 45(a). In conjunction with the filing of its Complaint, the ;ji
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Commission also moved this Court for entry of an order holding ;,I:, I,.',
certain Defendants in contempt of the Consent Judgment And Order For Permanent Injunction With Respect To Defendant Robin L.
Murphy, entered by this Court on April 14, 1997, in connection
with the case captioned FTC v. Stratified Advertisinq and
Marketina. Inc., et al., Civ. No. 96-4142 TJH (VAPx).
The Commission and Defendant Kenneth Johnson have stipulated
to the entry of the following Stipulated Order for Preliminary
Injunction ("�5.95, this D577 0 Td�(of)Tj5 0 Td�(Def 0 1.829 0 0 Td�(A fully Td�(case)T5521.7605 advis.94i

not limited to chattels, goods, instruments, equipment,

telemarketer.
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7. "Consumer" means any individual, group, unincorporated !',! ,-
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.. association, limited or general partnership, corporation, or othef I~,I
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business entity.
8. "Customer" means any person who has paid, or may be
required to pay, for goods or services offered for sale or sold by Defendants.
9. "Document" is synonymous in meaning and equal in scope
to the usage of the term in Federal Rule of Civil Procedure 34(a),
and includes writings, drawings, graphs, charts, photographs,
audio and video recordings, computer records, and other data
compilations from 974 0 Td�(data)Tj�-33.sC �BTd6 Tc 2.940 Td�(paid,)TjTm dat�(974 0 T�-33s)Tj�7.770.8(includes)Tj�tr0 Tl 0 1 Td� services offerTd�(compu0 T-.11ID c2.972 08 0 Td�(se �

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I. PROHIBITED BUSINESS ACTIVITIES t
IT IS ORDERED that Defendant Kenneth Johnson, and his :

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successors and assigns, officers, agents, servants, employees, a% I ..1
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attorneys, and those persons in active concert or participation with him who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, or other device, in connection with the advertising, promotion, offering, or sale of any employment opportunity, or any other product, program, good or service, are hereby restrained and enjoined from:
A. Misrepresenting, expressly or by implication:
1. that Defendants are themselves hiring consumers to
perform work or are hiring on behalf of others;
2. that a specified number of mystery shopping jobs
are currently available through Defendants in consumers'
local areas;
3 .. that a large percentage of mystery shopping jobs go unfilled due to a lack of mystery shoppers; or
4. that consumers who pay a fee to Defendants for
access to mystery shopping jobs are likely areas; by

transferring, or otherwise disposing of in any manner, directly or
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indirectly, any scripts, advertisements, verification tapes, IS. ..,,,I
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.:< books, records, tapes, disks, contracts, accounting data, ' .,",..

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handwritten notes, checks (fronts and backs), correspondence, forms, manuals, electronically stored data, banking records, consumer or debtor lists or files, mailing lists, telemarketer lists, invoices, telephone records, receipt books, postal receipts, ledgers, payroll records, or other Documents of any kind, including information stored in computer-maintained form (such as electronic mail), in their possession, custody, or control.
111. FINANCIAL STATEMENTS

IT IS FURTHER ORDERED that, no later than ten (10) calendar
days after entry of this Order, unless he has already done so, Defendant Kenneth Johnson shall provide to counsel for the Commission:
A. A completed financial statement accurate as of the date
of service of this Order upon such Defendant, in the form previously provided to Defendant, along with the required attachments; and
B. A completed statement, verified under oath, of all payments, transfers, or assignments of funds, assets, or property worth $5,000.00 or more since January 1, 2005. Such statement shall include: (1) the amount paid, transferred or assigned; (2) the name, address, and telephone number of each payee, transferee or assignee; (3) the date of the payment, assignment or transfer; and (4) the type and amount of consideration paid by or to the Defendant. The statement shall specify the name and address of Page h

each financial institution or brokerage firm at which the 1 :I Defendant has accounts or safe deposit boxes. Said statement 1

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.., shall include assets held in foreign as well as domestic account]+.
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IV. ASSET PRESERVATION

IT IS FURTHER ORDERED that Defendant Kenneth Johnson, and his officers, directors, agents, servants, employees, salespersons, distributors, corporations, subsidiaries, affiliates, successors, assigns, and those persons or entities in active concert or participation with him who receive actual notice of this Order by personal service, facsimile, or otherwise, are hereby enjoined from directly or indirectly selling, liquidating, assigning, transferring, converting, loaning, encumbering, pledging, concealing, dissipating, spending,

and personal expenses, including, but not limited to, books 'and ,
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records of accounts, all financial and accounting records, baland4 ."

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< ... sheets, income statements, and bank records (including monthly SC

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statements, canceled checks, records of wire transfers, and check*' registers).
V. PROHIBITIONS REGARDING CONSUMER INFORMATION

IT IS FURTHER ORDERED that Defendant Kenneth Johnson, his successors and assigns, officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with him who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, or other device, are hereby restrained and enjoined from:
A. Selling, renting, leasing, transferring, or otherwise disclosing the name, address, telephone number, Social Security number, account number, e-mail address, or other identifying information of any person about whom any Defendant obtained such information in connection with the activities alleged in the Complaint; and
B. Benefitting from or using the name, address, telephone number, Social Security number, account number, e-mail address, or other identifying information of any person about whom any Defendant obtained such information in connection with the activities alleged in the Complaint;
Provided, however, that Defendant may disclose identifying information to a law enforcement agency or as required by any law, regulation, or court order.

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VI. CREATION OF OTHER BUSINESSES 1 ,"I
IT IS FURTHER ORDERED that Defendant Kenneth Johnson is hereki , ..

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restrained and enjoined, until further order of this Court, froh

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creating, operating, or controlling any business entity, wheth'er newly-formed or previously inactive, including, without limitation, any partnership, limited partnership, joint venture, sole proprietorship, limited liability company, or corporation, without first providing the Commission with a written statement disclosing:
(1) the name of the business entity; (2) the address and telephone number of the business entity; (3) the names of the business entity's owners, officers, directors, principals, managers, members, and employees; and (4) a detailed description of the business entity's intended activities.
VII. DISTRIBUTION OF ORDER BY DEFENDANT IT IS FURTHER ORDERED that Defendant Kenneth Johnson shall immediately provide a copy of this Order to each of his corporations, subsidiaries, affiliates, divisions, directors, officers, partners, shareholders, successors, assigns, employees, attorneys, agents, and independent contractors. Within five calendar days following service of this Order by Plaintiff, Defendant Kenneth Johnson shall serve upon Plaintiff an affidavit identifying the names, titles, addresses, and telephone numbers of the persons and entities he has served with a copy of this Order in compliance with this provision.

VIII. NOTICE OF THIS ORDER

IT IS FURTHER ORDERED that copies of this Order may be distributed by first class mail, overnight delivery, facsimile, electronic mail, or personally, by agents or employees of Plaintiff, upon any credit card processing agent or agent providing electronic

funds transfer services or automated clearing house processing,
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customer service agent, commercial mail receiving agency, ma!h .
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, .. holding or forwarding company, bank, savings and loan instituti061, 1 ..I
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XI. RETENTION OF JURISDICTION 4 ?,
IT IS FURTHER ORDERED that this Court shall retain 1 .J . .... ,., ..,

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jurisdiction of this matter for all purposes. ,,x:

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IT IS SO ORDERED.

Dated: T/?/~P

SIGNED AND STIPULATED BY:

Guy G. Whrd

Dated: Y// ,/d 7

David A. 0'Toole
Federal Trade Commission
55 W. Monroe St., Suite 1825 Chicago, IL 60603
(312) 960-5634
Attorneys for Plaintiff Federal Trade Commission

Dated:
William I. Rothbard
Law Offices of
William I. Rothbard
1217 Yale Street, Suite 104 Santa Monica, CA 90404
(310) 453-8713
Attorneys for Defendant Kenneth Johnson

Dated:
Kenneth Johnson

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XI. RETENTION OF ~SDICTION

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United States District Judge

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Dated:

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Kenhetli Johnson

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CERTIFICATE OF SERVICE

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