WILLIAM BLUMENTHAL
General Counsel

and practices violated Section 5(a) of the FTC Act, 15 U.S.C. , .

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S 45(a). In conjunction with the filing of its Complaint, the !:j!, ,.. ,,,

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. I,, Commission also moved this Court for entry of an order holding !* &.

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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 Marketinq, Inc., et al., Civ. No. 96-4142 TJH (VAPx).
The Commission and Defendant Robin Larry Murphy have
stipulated to the entry of the following Stipulated Order for Preliminary Injunction ("Order"); and the Court, having considered the record and being fully advised in the premises, hereby finds: FINDINGS
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1 and enjoined by order of this Court. , :h 2 5. Weighing the equities and considering the commission's ,[zl .?

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not limited to chattels, goods,

1 telemarketer.
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I ',"I 2 7. "Consumer" means any individual, group, unincorporated;ii .

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3 association, limited or general partnership, corporation, or oth& > ..
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4 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 which information 'can be obtained and translated, if necessary, through detection devices into reasonably usable form. A draft or non-identical copy is a separate document within the meaning of the term.
10. "Person" means a natural person, an organization or
other legal entity, including a corporation, partnership, sole proprietorship, limited liability company, association, cooperative, or any other group or combination acting as an entity.
11. "Telemarketing" means any plan, program or campaign (whether or not covered by the Telemarketing Sales Rule, 16 C.F.R. Part 310) that is conducted to induce the purchase of goods or services, or the payment of money, by means of the use of one or more telephones.
12. "Employment opportunity" means any program, plan,
product or service that is represented to enable a participant or purchaser to earn money through any employment.
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I. PROHIBITED BUSINESS ACTIVITIES
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?;.IIT IS ORDERED that Defendant Robin Larry Murphy, and

possibility of obtaining a refund is mentioned to the consumer; . ,

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E. Misrepresenting, expressly or by implication, or failid$, :r

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to disclose, any fact material to a consumer's decision to 'P ,.,,:I
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1 transferring, or otherwise disposing of in any manner, directly or
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1.11 2 indirectly, any scripts, advertisements, verification tapes, , ,..

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3 books, records, tapes, disks, contracts, accounting data, ! 5."I
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4 handwritten notes, checks (fronts and backs), correspondence, forms, manuals, electronically stored data, banking records, consumer or debtor lists or files, mailing lists, telernarketer 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 Robin Larry Murphy 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 8 of 13

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each financial institution or brokerage firm at which the
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I ..I Defendant has accounts or safe deposit boxes. Said statement :?
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shall include aksets held in foreign as well as domestic account8:: 8' 'J
IV. ASSET PRESERVATION

IT IS FURTHER ORDERED that Defendant Robin Larry Murphy, 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, withdrawing, or otherwise disposing of any funds, real or personal property, or
other assets or any interest therein, wherever located, including
any assets outside the territorial United States, which are owned
and controlled by him, or held for his benefit, in whole or in
part, or in his possession, other than those expenditures or
transfers for reasonable, actual, and necessary business
operations and 01 - 2.374 0 Td�(necessare Td�(in a..374 0 10 Tc 1.744 0 Td�

and personal expenses, including, but not limited to, books and ,,

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records of accounts, all financial and accounting records, balan;; .$,
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sheets, income statements, and bank records (including monthly ,:;
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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 Robin Larry Murphy, 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, acting e-mail eged su6 Tc 5.326j�3.634 0 Td�(acting o6tained cuch

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funds transfer services or automated clearing house processing, I -3I", customer service agent, commercial mail receiving agency, m:i\ , .> ,,, ,.. holding or forwarding company, bank, savings and

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XI. RETENTION OF JURISDICTION ,::,
I ,d IT IS FURTHER ORDERED that this Court shall retain !:
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jurisdiction of this matter for all purposes. i-,;I

IT IS SO ORDERED.

Dated:

SIGNED AND STIPULATED BY:

Dated:
Guy G. Mard
David A. O'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 Robin Larry Murphy

Dated:
Robin Larry Murphy

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2 IT IS-.SURZEER.OmERBI) that this Court.s&all retain . ,....
3 jurisdic~ornf.this matter for all purposes:

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... 5 IT TPW:,WERED :

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7 Dated: ... ..
United States District Judge . 8 ;,;<;. , ,

" Dated:

12 Guy G. Ward
David a. O'Toole
13 Federal Tr&:.Commission
55 W. Monroe st., Suite 1825
14 Chicago, IL 60603
(3121 960-5634
15 Attorneys fo,c-P&aintiff Federal Trade Commission
l6

17 ~,t,bL-F(ZALvl. .

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19 William I.:. Rothbard
1217 Yale Street, Suite 104
20 Santa Monica, CA:-91)404.

11 (3101 453-8713

21 Attorneys. for Defendant Robin Larry Murphy

Dated:J$b,L7

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CERTIFICATE OF SERVICE / __I
I, Guy G. Ward, hereby certify that I caused to be