

0068076 2007 8:00:00 FIRST STEEL INDUSTRIES, INC. (55) 133-0150-1.57

 ORIGINAL

1 WILLIAM BLUMENTHAL
General Counsel

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1 **ORDER**

2 **DEFINITIONS**

3 For purposes of this Order, the following Definitions shall apply:

4 1. "Ammann" means Dieter Ammann, a resident of the Central District
5 of California, and a principal, officer, director, and manager of Defendant 7DMI.

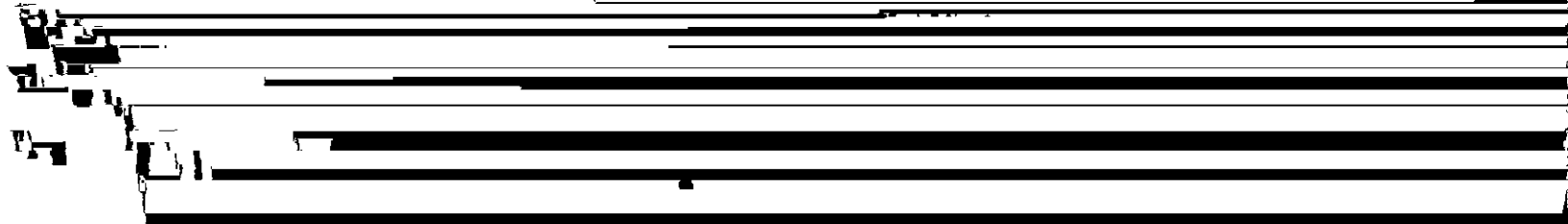
6 2. "7DMI" means 7 Day Marketing, Inc., a California corporation with
7 its principal place of business at 7271 Paramount Blvd., Pico Rivera, CA 90660, its

1 customer lists; or (d) performing advertising or marketing services or consulting
2 services of any kind for any such person or entity. *Provided, however*, “assisting
3 others” shall not include (1) providing the following fulfillment services performed
4 for third-party sellers: (i) processing orders, (ii) shipping orders, or
5 (iii) inventory management; or (2) the selling, licensing, implementation of, and
6 training on the implementation of software used by third-party sellers for
7 processing orders, shipping orders, payment processing, and inventory
8 management.

9 6. “Commerce” means as defined in Section 4 of the FTC Act, 15 U.S.C.
10 § 44.

11 7. “Competent and reliable scientific evidence” means tests, analyses,
12 research, studies, or other evidence based on the expertise of professionals in the

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1 thousand one hundred twenty-three dollars (\$14, 455,123.00) for redress to
2 consumers. *Provided, however,* that this judgment shall be suspended and, subject
3 to the provisions of Paragraph VIII, shall be satisfied if Defendant Ammann timely
4 and completely fulfills the payment obligations set forth below.

5 B. Defendant Ammann shall pay to the Commission the sum of seventy
6 thousand dollars (\$70,000). Defendant has placed this seventy thousand dollars
7 (\$70,000) payment into a non-interest bearing trust account at the law firm of
8 Defendant's counsel; Venable LLP, which shall be held by Defendant's counsel in

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1 the manner of distribution chosen by the Commission. No portion of any payment

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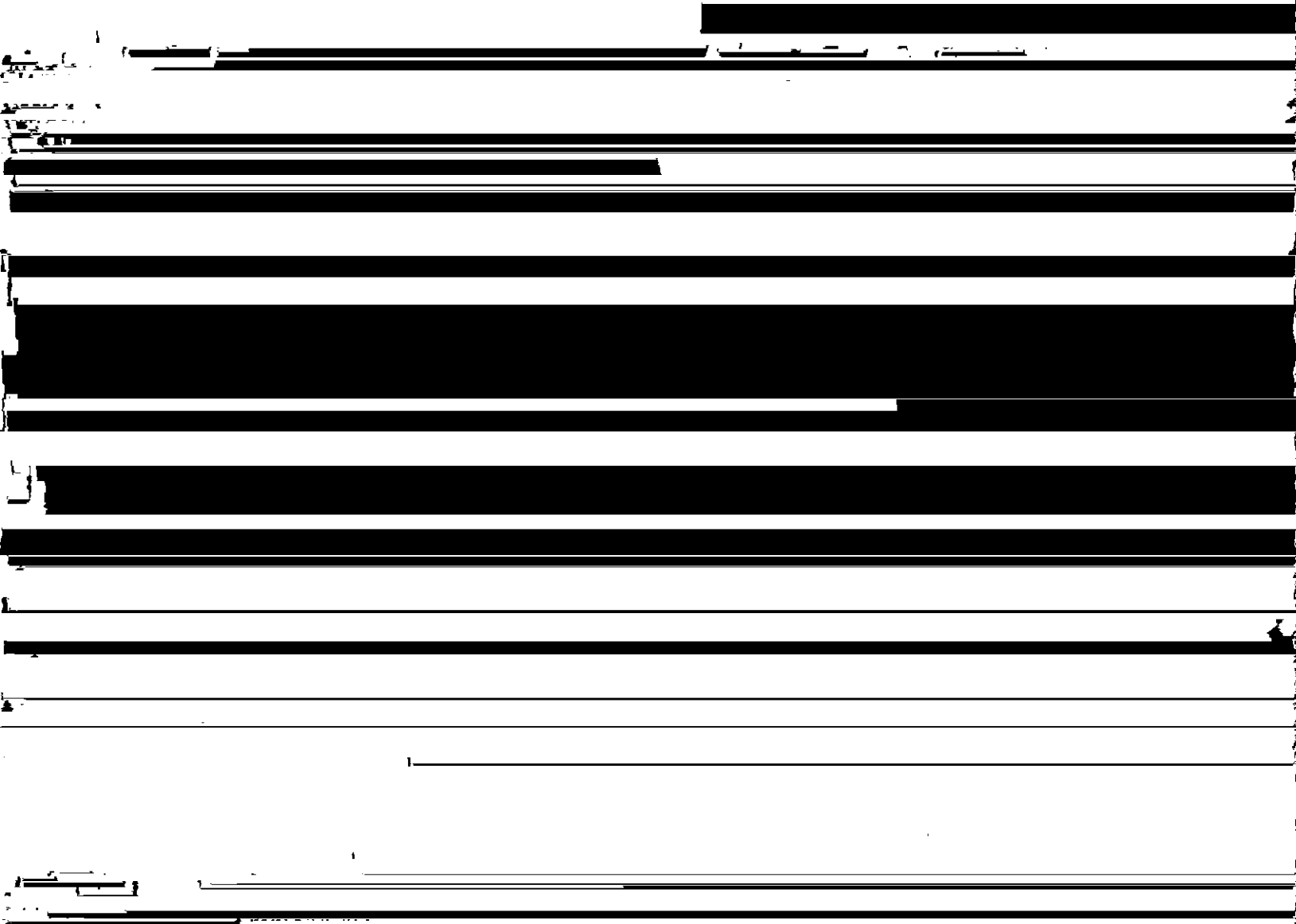
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1 **RIGHT TO REOPEN**

2 **VIII.**

3 **IT IS FURTHER ORDERED** that:

4 A. The Commission's agreement to this Order is expressly premised
5 upon the truthfulness, accuracy, and completeness of Defendant Ammann's
6 certified financial statements and supporting documents dated August 6, 2007, as
7 well as any and all subsequent addenda thereto, including the Supplemental
8 Schedule A and other materials provided to the FTC by counsel on October 5,
9 2007. Defendant stipulates that all of these materials are truthful, accurate, and
10 complete. These documents contain material information upon which the
11 Commission relied in negotiating and agreeing to the terms of this Order.



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1 4. Any other change required to be reported under Subparagraph
2 A of this Paragraph.

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

6 Associate Director for Enforcement
7 Federal Trade Commission
8 600 Pennsylvania Avenue, N.W.,
9 Washington, D.C. 20580
10 Re: FTC v. 7 Day Marketing, Inc., et al., Civil Action _____

11 D. For purposes of the compliance reporting required by this Paragraph,
12 the Commission is authorized to communicate directly with Defendant.

13 **RECORD KEEPING PROVISIONS**

14 **XII.**

15 **IT IS FURTHER ORDERED** that, for a period of eight (8) years from the
16 date of entry of this Order, for any business in which Defendant Ammann is a
17 majority owner or otherwise directly or indirectly controls the business, and his
18 agents, employees, officers, corporations, successors, and assigns, and those
19 persons in active concert or participation with them who receive actual notice of
20 this Order by personal service or otherwise, are hereby restrained and enjoined
21 from failing to create and retain the following records:

22 A. Accounting records that reflect the cost of any goods or services sold,
23 revenues generated, and disbursement of such revenues;

24 B. Personnel records accurately reflecting: the name, address, and
telephone number of each person employed in any capacity by such business,
including as an independent contractor; that person's job title or position; the date

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RETENTION OF JURISDICTION

XIV.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

SO STIPULATED:

[Handwritten signatures]

