

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 06-80180 - CIV-RYSKAMP/VITUNAC

FEDERAL TRADE COMMISSION,



This matter comes before the Court on stipulation of Plaintiff Federal Trade Commission ("FTC" or "Commission") and Defendant Qadir Kaid ("Defendant" or "Kaid").

On February 27, 2006, the Commission filed a Complaint for Injunctive and Other Equitable Relief, including rescission, restitution, redress, and disgorgement, pursuant to Section

15 U.S.C. § 52(a) (1) (A) (i) (FTC Act), 15 U.S.C. § 52(a) (1) (A) (ii)

ex parte Temporary Restraining Order ("TRO") pursuant to Rule 65 of the Federal Rules of Civil Procedure. That same day, this Court, having considered the Complaint, memorandum of law, declarations, and other exhibits filed in support of the Commission's motion, issued a TRO including an asset freeze and appointment of a temporary receiver. On March 8, 2006, the Court entered a Preliminary Injunction Order that provided for a continuation of all of the relief in the TRO. On September 21, 2006, the Clerk filed the Commission's First Amended Complaint, and on September 25, 2006, the Court entered an Amended Preliminary Injunction, which continued all of the relief in the Preliminary Injunction Order and expanded the receivership to cover,

3. The activities of Defendant are in or affecting commerce, as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

granted against Defendant under Sections 5(a)(1) and 13(b) of the FTC Act, 15 U.S.C. §§ 45(a)(1) and 53(b)

5. The Commission and Defendant stipulate and agree to this Final Order to settle and resolve all matters in dispute arising from the First Amended Complaint in the above-captioned matter to the date of entry of this Final Order.

6. Defendant has waived all rights that may arise under the Equal Access to Justice Act, 28 U.S.C. § 2412, *amended by* Pub. L. 104-121, 110 Stat. 847, 863-64 (1996).

7. Defendant has entered into this Final Order freely and without coercion. Defendant acknowledges that he has read the provisions of this Final Order and has agreed to

DEFINITIONS

For the purpose of this Final Order, the following definitions shall apply:

1. **“Amended Preliminary Injunction”** means the amended preliminary injunction

under D.E. 2221 issued by this Court on September 25, 2006 in combination with any

subsequent order modifying the same.

“Amended Preliminary Injunction” means the amended preliminary injunction issued by this Court on September 25, 2006 in combination with any

personal property of Defendant, or held for the benefit of Defendant, wherever located, including, but not limited to, “goods,” “instruments,” “equipment,” “fixtures,” “general intangibles,” “inventory,” “checks,” “notes” (as these terms are defined in the Uniform

carrier or other entity to obtain local telephone service provided through an assigned telephone number and to be billed for such service on a monthly (or periodic) basis.

7. **“Nationwide Defendants”** means: Nationwide Connections, Inc.; Access One Communications, Inc.; Network One Services, Inc.; Willoughby Farr; Mary Lou Farr; Yaret Garcia; Erika Riaboukha; and Qadir Kaid.

8. **“Plaintiff”** means the Federal Trade Commission.

9. **“Receiver”** shall mean the receiver appointed in the Amended Preliminary Injunction. The term “receiver” also includes any deputy receivers as may be named by the receiver.

10. **“Receivership Defendants”** means: (1) Nationwide Connections, Inc., Access One Communications, Inc., Network One Services, Inc.; (2) the following affiliated entities acting in active concert or participation with them or the Individual Defendants, namely

~~411EVT, Inc., CELL INFO USA, Inc., Enhanced Billing Services, Inc., Toll Free Gateway, Inc.~~

PROHIBITED BUSINESS ACTIVITIES

I.

IT IS THEREFORE ORDERED that Defendant and his Representatives are hereby permanently restrained and enjoined from directly or indirectly misrepresenting, expressly or by implication, in writing or orally, that a consumer is obligated to pay any charge that has not been expressly authorized.

II.

IT IS FURTHER ORDERED that Defendant and his Representatives are hereby

~~permanently restrained and enjoined from billing or submitting any charge for billing as a Line~~



EQUITABLE MONETARY RELIEF

V.

IT IS FURTHER ORDERED that:

A. Judgment is hereby entered in favor of the Commission and against Defendant in the amount of seventy-five thousand dollars (\$75,000.00). Defendant shall relinquish all right, title, and interest in those Assets in Appendix A that are transferred to the Commission, or its designee or agent, pursuant to Paragraph V(B). Within five (5) business days of entry of this Final Order, Defendant shall take all steps necessary to facilitate the transfer to the Commission, or its designee or agent, of such Assets in Appendix A to which Defendant relinquishes all right, title, and interest.

B. Within ten (10) business days of entry of this Final Order, Defendant shall

its parent corporation, subsidiaries, affiliates, principals, and agents, shall transfer all funds held in the accounts in Appendix A, less twenty-five thousand dollars (\$25,000.00), to

the administration of any redress fund. In the event that direct redress to consumers is wholly or partially impracticable or funds remain after redress is completed, the Commission may apply any remaining funds for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to Defendant's practices alleged in the First Amended Complaint. Any funds not used for such equitable relief shall be deposited to the United States Treasury as disgorgement. Defendant shall have no right to challenge the Commission's choice of remedies under this Paragraph.

VII.

[REDACTED]

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;

other entity managed or controlled in whole or in part by Defendant,
without the necessity of identification or prior notice; and

- C. Defendant shall permit representatives of the Commission to interview any

B. One hundred eighty (180) days after the date of entry of this Final Order, Defendant shall provide a written report to the FTC, sworn to under penalty of perjury, setting

Order. This report shall include, but not be limited to:

RECORD KEEPING PROVISIONS

XII.

IT IS FURTHER ORDERED that, for a period of eight (8) years from the date of entry of this Final Order, in connection with any business that Defendant directly or indirectly

~~owns, controls, or has a majority ownership interest in, Defendant and his agents, employees,~~

~~and assigns, and those persons in active concert or participation with~~

F. All records and documents necessary to demonstrate full compliance with each provision of this Final Order, including but not limited to, copies of acknowledgments of receipt of this Final Order, required by Paragraph XIII, and all reports submitted to the FTC pursuant to Paragraphs X and XI.

DISTRIBUTION OF FINAL ORDER BY DEFENDANT

XIII.

IT IS FURTHER ORDERED that, for a period of five (5) years from the date of entry of this Final Order, Defendant shall deliver copies of the Final Order as directed below:

A. For any business that Defendant controls, directly or indirectly, or in which Defendant has a majority ownership interest. Defendant must deliver a copy of this Final Order

to all principals, officers, directors, and managers of that business. Defendant must also deliver copies of this Final Order to all employees, agents, and representatives of that business who

STIPULATED AND AGREED AS FOLLOWS:

FOR THE PLAINTIFF:

DATED: March 24, 2008

P. AR

FOR THE DEFENDANT:

DATED: 2/8/2008

M. D. D.

