

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS:

William E. Kovacic, Chairman
Pamela Jones Harbour
Jon Leibowitz
J. Thomas Rosch

_____)	
In the Matter of)	
)	
NATIONAL ASSOCIATION OF)	
MUSIC MERCHANTS, INC.)	Docket No.
)	
a corporation.)	
_____)	

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

The Federal Trade Commission (“Commission”), having initiated an investigation of certain acts and practices of the National Association of Music Merchants, Inc. (“NAMM”), hereinafter referred to as “Proposed Respondent,” and it now appearing that Proposed Respondent is willing to enter into an Agreement Containing Consent Order to Cease and Desist (“Consent Agreement”) from certain acts and practices, and providing for other relief,

IT IS HEREBY AGREED by and between Proposed Respondent and its attorneys, and counsel for the Commission that:

1. Proposed Respondent NAMM is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York with its principal place of business located at 5790 Armada Drive, Carlsbad, CA 92008.
2. Proposed Respondent admits all the jurisdictional facts set forth in the draft of Complaint here attached.
3. Proposed Respondent waives:
 - a. any further procedural steps;
 - b. the requirement that the Commission’s Decision and Order, attached hereto and made a part hereof, contain a statement of findings of fact and conclusions of law;

- c. all rights to seek judicial review or otherwise to challenge or contest the validity of the Decision and Order entered pursuant to this Consent Agreement; and,
 - d. any claim under the Equal Access to Justice Act.
4. Proposed Respondent shall submit an initial report, pursuant to Section 2.33 of the Commission's Rules, 16 C.F.R. § 2.33, within fifteen (15) days of the date on which it executes this Consent Agreement and every thirty (30) days thereafter until the Decision and Order becomes final. Each such report shall be signed by the Proposed Respondent and shall set forth in detail the manner in which the Proposed

Proposed Respondent also waives any right it may otherwise have to service of any appendices or attachments to the Decision and Order, and agrees that it is bound to comply with and will comply with the Decision and Order to the same extent as if they had been served with copies of the appendices or attachments, where Proposed Respondent is already in possession of copies of them.

9. The Complaint may be used in construing the terms of the Decision and Order, and no agree

Signed this ____ day of _____, 2008

**NATIONAL ASSOCIATION OF
MUSIC MERCHANTS**

Joe Lamond, President & CEO

**FEDERAL TRADE
COMMISSION**

By: _____
William L. Lanning

Approved:

Melanie Sabo
Assistant Director
Anticompetitive Practices Division
Bureau of Competition

Kenneth Glazer
Deputy Director
Bureau of Competition

David Wales
Acting Director
Bureau of Competition