



of this Stipulated Order for Permanent Injunction and Final Judgment (the "Order") without a trial or adjudication of any issue of law or fact herein.

**NOW, THEREFORE**, the Commission and Jody Michael Smith, having requested the Court to enter this Order, and the Court having considered the Order reached among the parties and for other cause appearing, it is **ORDERED, ADJUDGED, AND DECREED** as follows:

#### FINDINGS

1. This Court has jurisdiction over the subject matter pursuant to 28 U.S.C. §§ 1331 and 1337(a), and 15 U.S.C. §§ 53(b) and 57b.
2. This Court has jurisdiction over Jody Michael Smith.
3. Venue in the United States District Court for the Northern District of Illinois is proper.
4. The activities of Jody Michael Smith are in or affecting commerce, as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.
5. The Commission's Complaint states a claim upon which relief may be granted against Jody Michael Smith under Section 5 of the FTC Act, 15 U.S.C. § 45, and CAN-SPAM, 15 U.S.C. § 7701 *et seq.*
6. Jody Michael Smith has entered into this Order freely and without coercion. Jody Michael Smith further acknowledges that he has read the provisions of this Order and is able to abide by them.
7. Jody Michael Smith does not admit any of the allegations set forth in the Complaint, other than jurisdictional facts, and denies liability for any of the violations alleged in the Complaint.
8. Jody Michael Smith waives: (a) all rights to seek judicial review or otherwise challenge or contest the validity of this Order; (b) any claim he may have against the Commission, its employees,





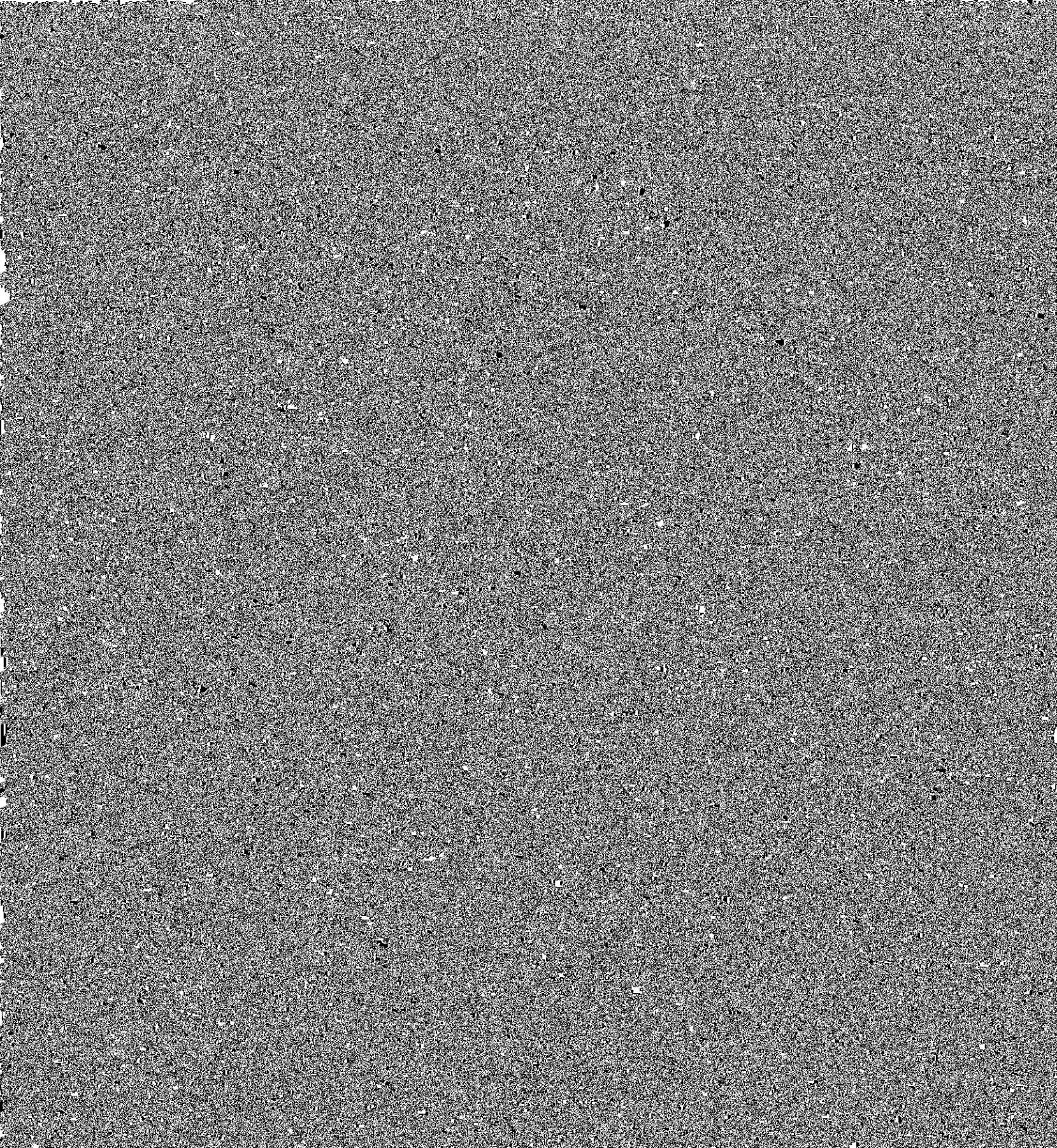








13. "IP address" means a destination commonly expressed as a string of characters

























purpose of transferring funds pursuant to Sections V.B and VI.A of this Order, and shall be dissolved upon transfer of all such funds.

**VII. COOPERATION WITH COMMISSION COUNSEL**

**IT IS FURTHER ORDERED** that Jody Michael Smith shall, in connection with this action or any subsequent investigations related to or associated with the transactions or the occurrences that are the subject of the FTC's Complaint, cooperate in good faith with the FTC and appear at such places and times as the FTC shall reasonably request, after written notice, for interviews, conferences, pretrial discovery, review of documents, and for such other matters as may be reasonably requested by the FTC. If requested in writing by the FTC, Jody Michael Smith shall appear and provide truthful testimony in any trial, deposition, or other proceeding related to or associated with the transactions or the occurrences that are the subject of the Complaint, without the service of a subpoena.

**VIII. COMPLIANCE MONITORING**

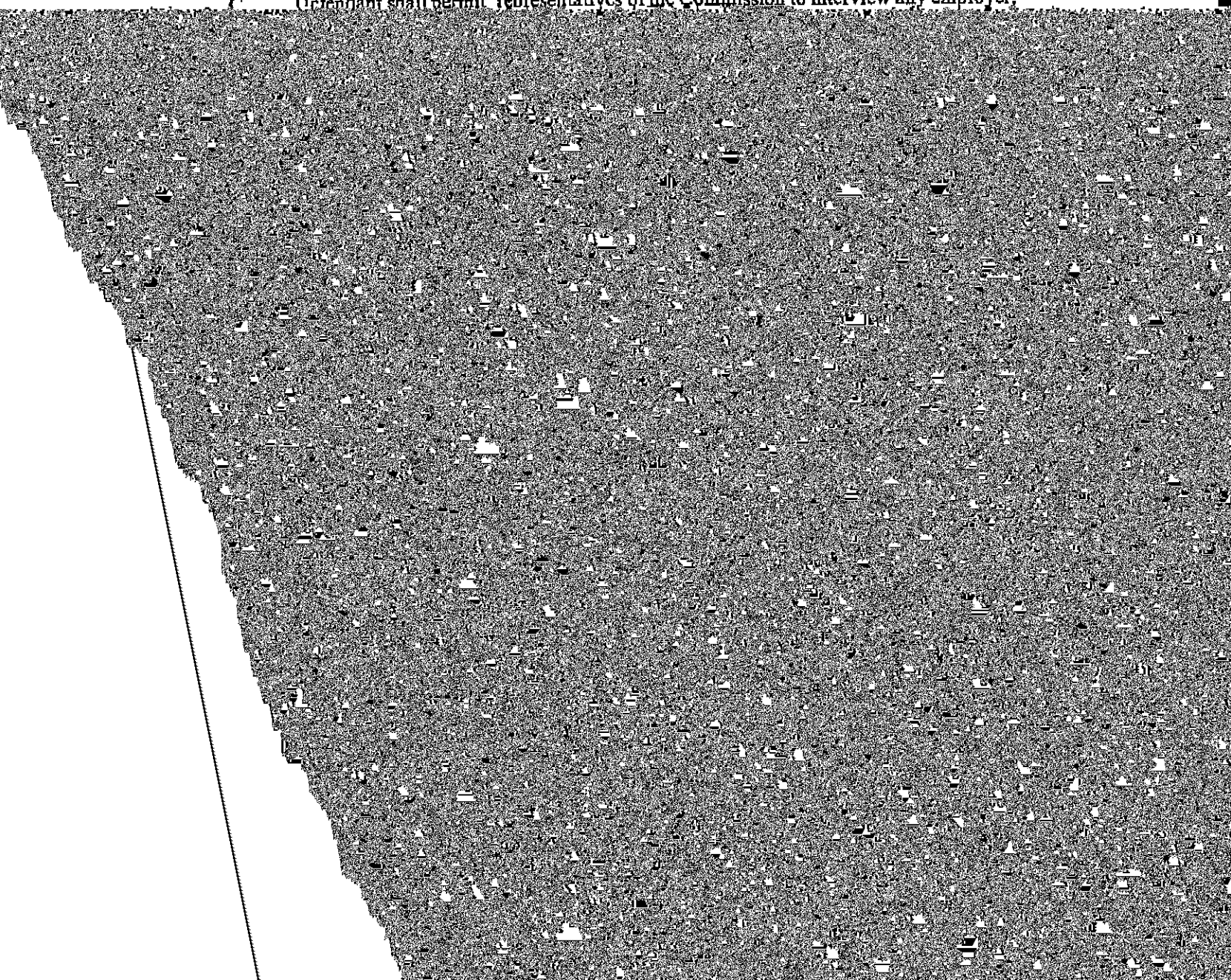
**IT IS FURTHER ORDERED** that, for the purpose of (i) monitoring and investigating compliance with any provision of this Order, and (ii) investigating the accuracy of Jody Michael Smith's financial statement upon which the Commission's agreement to this Order is expressly premised:



B. In addition, the Commission is authorized to use all other lawful means, including but not limited to:

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, 45 and 69;
2. having its representatives pose as consumers and suppliers to Defendant, his employees, or any 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 employer,



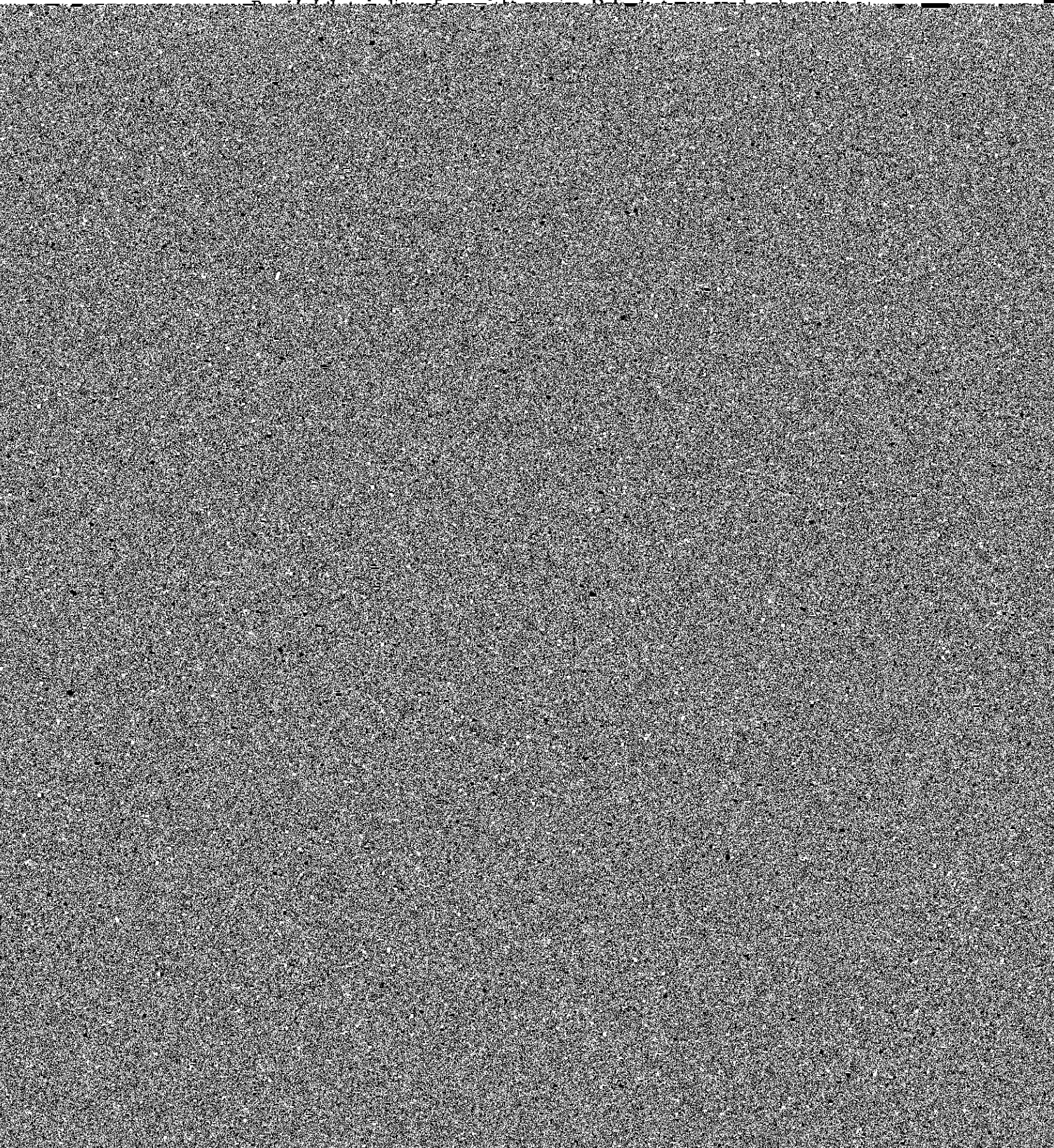






















**STIPULATED AND AGREED TO BY:**

**FOR THE PLAINTIFF:**

**FOR THE DEFENDANT:**

*9. 10/27/09 [Signature]*

