

allegations of fact or law set forth in the Complaint; or evidence supporting a violation of any

4. **"Promissory note(s)"** shall mean any contract, agreement, or commitment by one party to pay another party a sum of money over time or on demand, including cash flow notes; leases; pensions; mortgages; deeds of trust; lottery winning payouts; car, motorcycle, boat, or airplane payments; structured settlements; annuities; and viatical settlements.

5. **"Testimonial"** shall mean "endorsement," as endorsement is defined in 16 C.F.R.

§ 255.0(c). The two terms shall be treated identically in this Order pursuant to 16 C.F.R.

§ 255.0(c).

costs prepaid, to:

Colorado Attorney General
Attn: Consumer Fraud Unit (Re: Russell T. Dalbey)
1525 Sherman Street, 7th Floor
Denver, Colorado 80203

Provided that, in lieu of overnight courier, Stipulating Defendants may send such reports or notifications by first-class mail, but only if Stipulating Defendants contemporaneously send an electronic version of such report or notification to the Colorado Attorney General's

I. PROHIBITED PRACTICES

IT IS THEREFORE ORDERED that Stipulating Defendant and her officers, agents, servants, employees, attorneys, and those persons in active concert or participation with her who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any corporation, partnership, subsidiary, division, or other device, when making oral or written statements or providing documentation that will be used, or may be used, by any third

distribution of such third party's products, programs, or services, including any business, money-

making or investment opportunities or ventures (including products, programs, or services

testimonialist with compensation, access to promissory note leads not generally made available to non-testimonialists, and reimbursement of money paid for materials, workshops, seminars, boot camps, programs, or services) by failing to

disclose the material connection in personal written statements or

1. Stipulating Defendant learns that the statement or document is used in a

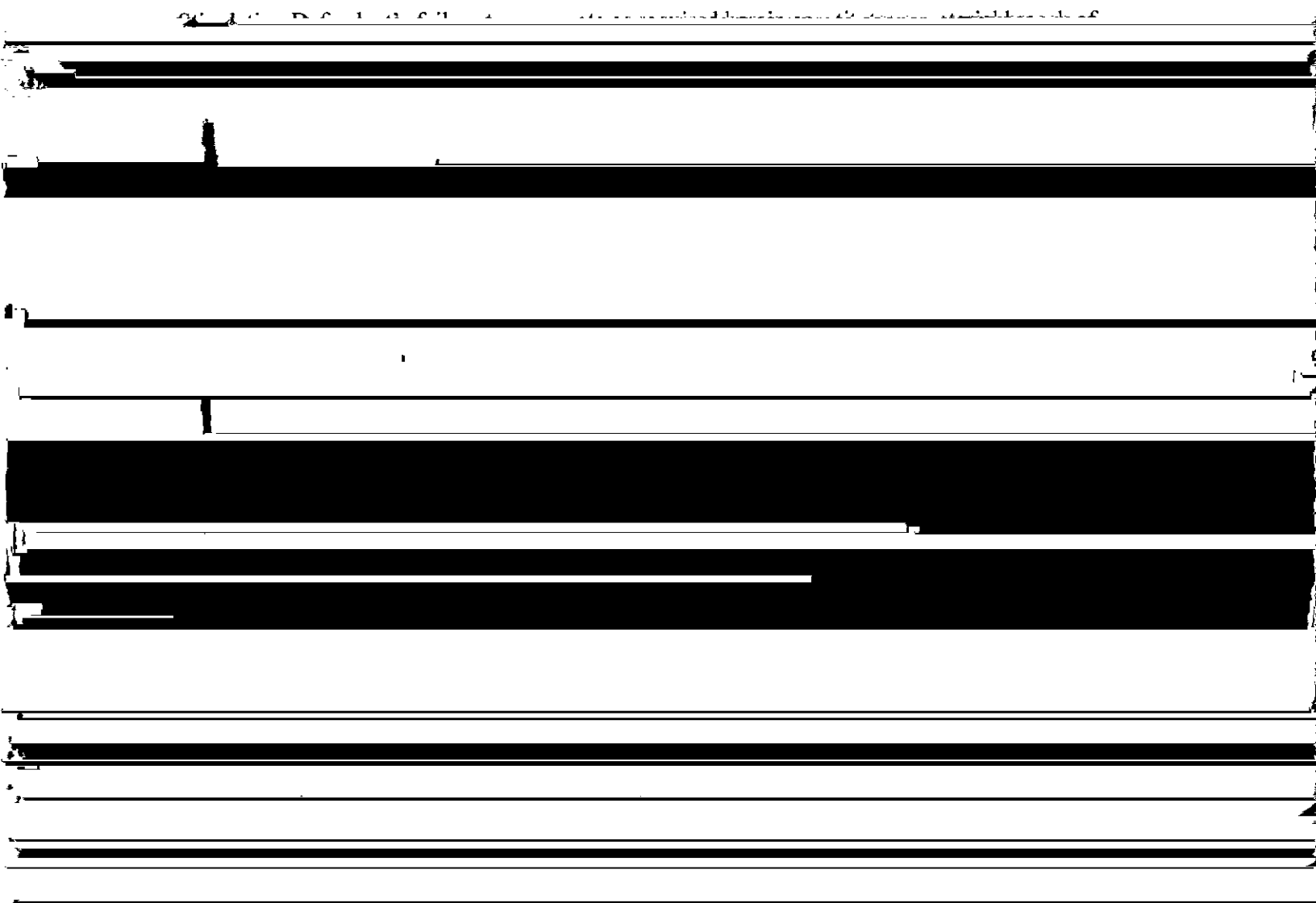
2. Stipulating Defendant's opinions, beliefs, findings, or experiences change such that the previously offered statement or document is rendered false, deceptive, misleading, unsubstantiated, or otherwise materially inaccurate; and

document(s)); and include as an attachment a copy of this Order. Stipulating Defendant shall make such a request as soon as practicable, but no later than twenty (20) days after becoming aware of the use of the statement or document or the material change at issue in Subpart II.A.

III. COOPERATION WITH PLAINTIFFS

IT IS FURTHER ORDERED that Stipulating Defendant shall, upon reasonable written

- D. Providing truthful declarations, affidavits, certifications, and written testimony that may be reasonably requested by the Commission or the Colorado Attorney General's Office; and
- E. Appearing and providing truthful testimony at any trial, deposition, or other proceeding. Stipulating Defendant agrees to accept service of any subpoena to appear and provide testimony in such proceedings and will accept such service at the address provided to the Commission at her Investigative Hearing on February 3, 2010, or at such subsequent address as she reports pursuant to Subpart V.A.1.a.



without further leave of court, using the procedures prescribed by Fed. R. Civ. P. 30, 31, 33, 34, 36, 45 and 69; and

- C. Stipulating Defendant shall permit representatives of the Commission and the Colorado Attorney General's Office to interview any employer, consultant,

such an interview, relating in any way to any conduct subject to this Order. The person interviewed may have counsel present.

Provided however, that nothing in this Order shall limit the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1, to obtain any documentary material, tangible things, testimony, or information relevant to unfair or deceptive acts or practices in or affecting commerce (within the meaning of 15 U.S.C.

Stipulation to Dismiss with Prejudice - 11-01-11

[REDACTED]

Attorney General's Office of the following:

[REDACTED] Appearance in Stipulating Defendant's residence mailing

[REDACTED]

Stipulation to Dismiss with Prejudice - 11-01-11

[REDACTED]

Order, including: incorporation or other organization; a dissolution,
assignment, sale, merger, or other action; the creation or dissolution of a

subsidiary, parent, or affiliate that engages in any acts or practices subject
to this Order; or a change in the business name or address, at least thirty
(30) days prior to such change, *provided* that, with respect to any such
change in the business entity about which Stipulating Defendant learns
less than thirty (30) days prior to the date such action is to take place,

B. Ninety (90) days after the date of entry of this Order, Stipulating Defendant shall provide a written report to the FTC, which is true and accurate and sworn to under penalty of perjury, setting forth in detail the manner and form in which she has complied and is complying with this Order. This report shall include, but not be limited to:

1. Stipulating Defendant's then-current residence address, mailing addresses, and telephone numbers;

2. Stipulating Defendant's then-current employment status, ~~including self-~~

[REDACTED]

or collectively, is the majority owner or directly or indirectly controls, or for any other business or any of its divisions, subsidiaries, affiliates, successors, and assigns:

A. In which Stipulating Defendant has made oral or written statements or provided

documentation that have been used, will be used, or may be used by any third party in connection with the advertising, promotion, marketing, offering for sale,

~~sale or distribution of such third party's products, programs, or services.~~

person commenced work; the date and reason for the person's termination, if applicable; and the amount of compensation disbursed to the person, *provided however*, that Stipulating Defendant must comply with the requirements in this Paragraph (Subpart VI.A.2) only if the person

revenues, profits, expenses, or costs that relate to the content of any

VII. DISTRIBUTION OF ORDER

IT IS FURTHER ORDERED that for a period of three (3) years from the date of entry _____

of this Order, Stipulating Defendant shall deliver copies of the Order as directed below:

~~For any business that Stipulating Defendant controls directly or indirectly, or in~~

other members or similarly-situated employees exercising the acquisition and/or

use of testimonials, before engaging in such conduct; and

- C. Within thirty (30) days of delivery and prior to engaging in any conduct related to the subject matter of this Order, Stipulating Defendant must secure a signed and dated statement acknowledging receipt of the Order from all persons receiving a copy of the Order pursuant to this Part (Part VII).

VIII. ACKNOWLEDGMENT OF RECEIPT OF ORDER

IT IS FURTHER ORDERED that Stipulating Defendant, within seven (7) days of receipt of this Order as entered by the Court, must submit to the Commission and the Colorado Attorney General's Office a truthful sworn statement acknowledging receipt of this Order.

IX. RETENTION OF JURISDICTION

SO ORDERED:

[Handwritten signature] *CO. + MCA. De*

SO STIPULATED:

David P. Frankel

DAVID P. FRANKEL
ALYSA S. BERNSTEIN
MICHELLE R. ROSENTHAL

MARSHA KELLOGG
STIPULATING DEFENDANT

SO ORDERED:

Dated: _____

UNITED STATES DISTRICT JUDGE

SO STIPULATED:

DAVID P. FRANKEL
ALYSA S. BERNSTEIN
MICHELLE R. ROSENTHAL
600 Pennsylvania Avenue, NW
Federal Trade Commission
Washington, DC 20580

Marsha Kellogg

MARSHA KELLOGG
STIPULATING DEFENDANT
[Signature]

OF ANTONIO J. DEEDMAN