

The Honorable Marsha J. Pechman

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FEDERAL TRADE COMMISSION,

Plaintiff

v.

JESSE WILLMS, individually and as a  
director or owner of I 021018 1016363, and  
1524948 Alberta Ltd Circle Media Bids  
Limited; Coastwest Holdings Limited; Farend  
Services Ltd; JDW Media, LLC Net Sof

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1021018 ALBERTA LTD, also d.b.a  
ust ThināMedia, Credit Report America,  
eDirect Sof ware, WuLongsource, and Wuyi  
Source;  
1016363 ALBERTA LTD, also d.b.a  
eDirect Sof ware;  
1524948 ALBERTA LTD, also d.b.a Terra  
Maräeting Group, SwipeBids.com, and  
SwipeAuctions.com;  
CIRCLE MEDIA BIDS LIMITED, also  
d.b.a. SwipeBids.com, SwipeAuctions.com,  
and Selloffauctions.com;  
COASTWEST HOLDINGS LIMITED;  
FAREND SERVICES LTD;  
JDW MEDIA, LLC;  
NET SOFT MEDIA, LLC, ~~SwipeBids.com~~

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SwipeAuctions.c

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1 te s or the criteria for contextual or behavioral advertising delivery; tracking, testing,  
2 optimizing, or otherwise assessing the ef cacy of any advertisement; registering or  
3 advising others about the registration of domain names; presenting or making available to  
4 others the opportunity to participate in any advertising campaign or to act as a publisher  
5 of advertising or driving traffic to an web page, URL, or mobile application; (c)  
6 providing names, or assisting in the generation, of potential customers; or (d) processing  
7 or arranging for processing of credit card, debit card, Automated Clearinghouse (ACH) <sup>ñ</sup>  
8 debits, remotely-created checks, or payments through any other system.

9 4. "Corporate Defendants" means 1021018 Alberta Ltd, also d.b.a. Just ThinkMedia,  
10 Credit Report America, Wulongsource, and Wuyi Source; 1016363 Alberta Ltd, also  
11 d.b.a. eOirect Sof ware; 1524948 Alberta Ltd, also d.b.a. TerraMarketing Group,  
12 SwipeBids.com, and SwipeAuctions.com; CircleMedia Bids Limited, also d.b.a.  
13 SwipeBids.com, SwipeAuctions.com, and Selloffauctions.com; Coastwest Holdings  
14 Limited; Farend Services Ltd; JOWMedia, LLC; Net Sof Media, LLC, also d.b.a.  
15 SwipeBids.com; SphereMedia, LLC, also d.b.a SwipeBids.com and SwipeAuctions.com;  
16 TrueNet, LLC, also d.b.a. Selloffauctions.com; Mobile WebMedia, LLC, and their  
17 successors and assigns.

18 5. "Marketing Aff iate" means any person or entity with whom defendants are in direct  
19 privity who participates with defendants in marketing any product or service.

20 6. "Product or service" includes merchandise, goods, plans, and programs.

21 ORDER

22 I. MISREPRESENTATIONS TO THIJ

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1 ho receive actual notice of this Order by personal





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E. Defendant Brett Callister agrees that the facts as alleged in the Complaint filed in this action shall be taken as true without further proof in any bankruptcy case or subsequent civil litigation pursued by the Commission to enforce its rights to any payment or money judgment pursuant to this Order including, but not limited to, a nondischargeability complaint in any bankruptcy case. Defendant Brett Callister further stipulates and agrees that the facts alleged in the Complaint establish all elements necessary to sustain an action by the Commission pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.c. § 523(a)(2)(A), and that this Order shall have collateral estoppel effect for such purposes;

F. The Commission's agreement to this Order is expressly premised upon the truthfulness, accuracy, and completeness of defendant Brett Callister's financial condition as represented in the financial statements dated April 4, 2011, and September 23, 2011, and supporting documents, which contain material information upon which the Commission relied in negotiating and agreeing to the terms of this Order. If, upon motion by the Commission, this Court finds that defendant Brett Callister has failed to disclose any material asset, or materially misrepresented the value of any asset, ~~the~~

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V. COMPLIANCE REPORTING

IT IS FURTHER ORDERED that defendant Brett Callister make timely submissions to the Commission:

Ap One hundred and eighty (180) days after entry of this Order, defendant Brett Callister must submit a compliance report, sworn under penalty of perjury:

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B. For twenty (20) years following entry of this Order, defendant Brett Callister must submit a compliance notice, sworn under penalty of perjury, within fourteen (14) days of change in the following:

1. Defendant Brett Callister must report any change in: (a) any designated sales offices or points of contact; (b) the structure of any entity that he has any ownership interest in or directly or indirectly controls that may affect compliance obligations arising under this Order, including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order;
2. Additionally, defendant Brett Callister must report any change in its long-term strategy and investment

C.

D.

E.

[Debrief@ftc.gov](mailto:Debrief@ftc.gov)

1 Associate Director for Enforcement, Bureau of Consumer Protection, Federal  
2 Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, DC 20580.

3 The subject line must begin: FTC v. Jesse Willms, e/ al. II 003I

4 V . COMPLIANCE MONITORING

5 IT IS FURTHER ORDERED that, for the purpose of monitoring defendant Brett  
6 Callister's compliance with this Order:

7 A. Within fourteen (14) days of receipt of a written request from a representative of  
8 the Commission, defendant Brett Callister must submit additional compliance  
9 reports or other requested information, which must be sworn under penalty of  
10 perjury; appear for depositions; and produce documents for inspection and  
11 copying. The Commission is also authorized to obtain discovery, without further  
12 leave of court, using any of the procedures prescribed by Federal Rules of Civil  
13 Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69;

14 B. For matters concer ing this Order, the Commission is authorized to communicate  
15 directly with defendant Brett Callister. Defendant Brett Callister must pe nit  
16 representatives of the Commission to interview any employee or other person  
17 af liated with him who has agreed to such an interview. The person interviewed  
18 may have counsel present; and

19 c. The ey in i rtte v. p. l. t. v. 7 p y g o n i h P t G e r f a i v o a

1 Specifically, defendant Brett Callister, for any business in which he individually or collectively  
2 with any other defendant, is a majority owner or directly or indirectly controls, must maintain the  
3 following records

- 4 A. Accounting records showing the revenues from all products or services sold, all  
5 costs incurred in generating those revenues, and the resulting net profit or loss;
- 6 B. Personnel records showing for each person providing services, whether as an  
7 employee or otherwise, that person's name, address, and telephone numbers;  
8 that person's job title or position; the dates of service; and if applicable, reason  
9 for the person's termination;
- 10 c. Complaints and refund requests whether received directly or indirectly, as  
11 through a third party, and any responses;
- 12 D. A copy of each advertisement or other marketing material; and
- 13 E. All records necessary to demonstrate full compliance with each provision of this  
14 Order, including submissions to the Commission.

15 VIII. ORDER ACKNOWLEDGMENTS

16 IT IS FURTHER ORDERED that defendant Brett Callister obtain acknowledgments of  
17 receipt of this Order:

- 18 A. Defendant Brett Callister, within seven (7) days of entry of this Order, must  
19 submit to the Commission an acknowledgment of receipt of this Order sworn  
20 under penalty of perjury;
- 21 B. For five (5) years after entry of this Order, defendant Brett Callister, for any  
22 business that he, individually or collectively with any other defendant, is the  
23 majority owner or directly or indirectly controls, must deliver a copy of this Order  
24 to: (1) all principals, officers, directors, and managers; (2) all employees, agents,  
25 and representatives who participate in conduct related to the subject matter of the  
26 Order; and (3) any business entity resulting from any change in structure as set  
27 forth in the Section titled "Compliance Reporting." Delivery must occur with  
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seven (7) days of entry of this Order for current personnel. To all others, delivery must occur before they assume their responsibilities and

c. From each individual or entity to which defendant Brett Callister delivered a copy of this Order, he must obtain, within thirty (30) days, a signed and dated acknowledgment of receipt of this Order.

IX. RETENTION OF JURISDICTION

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

SO ORDERED, this 6th day of March, 2012.



United States District Judge

Presented by  
For Plaintiff

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