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12 ATTORNEYS FOR PLAINTIFF

13
14 **UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

15
16 FEDERAL TRADE COMMISSION,

17 Plaintiff,

18 v.

19 STEVEN PATRICK GARVEY a/ka/ STEVE
GARVEY, GARVEY MANAGEMENT GROUP,
20 INC., LARK KENDALL a/k/a KENDALL
CARSON, MARK LEVINE, individually and as
21 an officer and director of MODERN
INTERACTIVE TECHNOLOGY, INC., DAVID
22 RICHMOND, individually and as an officer and
director of MODERN INTERACTIVE
23 TECHNOLOGY, INC., and MODERN
INTERACTIVE TECHNOLOGY, INC.,

24 Defendants.
25
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Civil Number

**STIPULATED FINAL ORDER
AND SETTLEMENT OF
CLAIMS FOR MONETARY
RELIEF AS TO DEFENDANT
LARK KENDALL A/K/A
KENDALL CARSON**

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1 persons or entities in active concert or participation with them who receive actual notice of this
2 Order, by personal service or otherwise, in connection with the endorsing, advertising, promotion,
3 offering for sale, sale or distribution of the Enforma System, Fat Trapper, Fat Trapper Plus, or
4 Exercise In A Bottle, or any other product, service, or program, in or affecting commerce, shall not
5 make any representation in any manner, directly or by implication, that she is a nutritionist or that
6 she has any other professional title or expertise unless, at the time the representation is made,
7 defendant possesses the level of education, experience and/or training that members of that
8 profession generally recognize as sufficient to qualify as a member of that profession.

9
10 **III.**

11 IT IS FURTHER ORDERED that defendant, directly or through any corporation,
12 partnership or other device, and her agents, servants, employees and attorney not III.

13 IT IS FURTHER ORDERED that defendant, directly or through any corporation,

14 her agents, servants, employees and attorney not III. 45 TD /sor sale, sale or distribution of the Enforma System, Fat Trapper,

15 as sufficient to qualify as a member of that profession.
16

17
18 **III.**

19
20 T-36-22.2 TD 0.0804 T , and her agents, servants, employees and attorney not

1 **ASSIGNMENT**

2 **VII.**

3 IT IS FURTHER ORDERED that within five (5) business days from the date of entry of
4 this Order, defendant shall execute a written assignment to the Commission in a form substantially
5 similar to the form attached to this Order as Appendix B.

6
7 **RECORD KEEPING**

8 **VIII.**

9 IT IS FURTHER ORDERED that defendant, for a period of five (5) years after the last
10 date of dissemination of any representation covered by this Order, shall maintain and upon request
11 make available to the Commission for inspection and copying:

- 12 A. All advertisements and promotional materials containing the representation;
- 13 B. All materials that were relied upon in disseminating the representation; and
- 14 C. All tests, reports, studies, surveys, demonstrations, or other evidence in their
15 possession, custody, or control that contradict, qualify, or call into question the
16 representation, or the basis relied upon for the representation, including complaints
17 and other communications with consumers or with governmental entities or
18 consumer protection organizations.

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20 **MONITORING**

21 **IX.**

22 IT IS FURTHER ORDERED that defendant, within five (5) business days of entry of this
23 Order, shall notify the Commission of (1) her residence address and mailing address; (2) the name,
24 address, and telephone number of her employer(s); (3) if applicable, the names of her supervisors,
25 and (4) a description of her employer's activities, and her duties and responsibilities.

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XIII.

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

SO STIPULATED:

DAVID P. FRANKEL
THEODORE H. HOPPOCK
Federal Trade Commission
600 Pennsylvania Ave., N.W., Rm. S-4002
Washington, D.C. 20580
(202) 326-2812, -3087 (voice)
(202) 326-3259 (facsimile)

Attorneys for Plaintiff
FEDERAL TRADE COMMISSION

LARK KENDALL a/k/a KENDALL
CARSON

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Suite 1000
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(202) 962-4800 (voice)
(202) 962-8300 (facsimile)

Attorneys for Defendant
LARK KENDALL a/k/a
KENDALL CARSON

SO ORDERED

DATED: _____

UNITED STATES DISTRICT JUDGE

1 **APPENDIX A**

2 **UNITED STATES DISTRICT COURT**
3 **CENTRAL DISTRICT OF CALIFORNIA**

4 FEDERAL TRADE COMMISSION,

5 Plaintiff,

Civil Number

6 v.

7 STEVEN PATRICK GARVEY a/ka/ STEVE
8 GARVEY, GARVEY MANAGEMENT GROUP,
9 INC., LARK KENDALL a/k/a KENDALL
10 CARSON, MARK LEVINE, individually and as
11 an officer and director of MODERN
12 INTERACTIVE TECHNOLOGY, INC., DAVID
13 RICHMOND, individually and as an officer and
14 director of MODERN INTERACTIVE
15 TECHNOLOGY, INC., and MODERN
16 INTERACTIVE TECHNOLOGY, INC.,

17 Defendants.

18 **AFFIDAVIT OF LARK KENDALL**

19 Lark Kendall a/k/a Kendall Carson, being duly sworn, hereby states and affirms:

20 1. My name is Lark Kendall and I am also know as Kendall Carson. I am a citizen of
21 the United States and am over the age of eighteen. I have personal knowledge of the matters

22 1 .

1 I hereby declare under penalty of perjury under the laws of the United States of America
2 that the foregoing is true and correct. Executed on (date) _____, at (city,
3 state) _____.

4
5 _____
6 Lark Kendall a/k/a Kendall Carson

7 STATE OF CALIFORNIA

8 COUNTY OF _____

9
10 BEFORE ME this day personally appeared Lark Kendall a/k/a Kendall Carson, who being
11 first duly sworn, deposes and says that she has read and understands the foregoing statement and
12 that she has executed the same for the purposes contained therein.

13 SUBSCRIBED AND SWORN TO before me this _____ day of _____,
14 2000, by Lark Kendall a/k/a Kendall Carson. She is personally known to me or has presented
15 (state identification) _____ as identification.

16
17 _____
18 Print Name

19 NOTARY PUBLIC
20 STATE OF CALIFORNIA

21 Commission Number
22 Affix Seal

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27 **APPENDIX B**

28 **Assignment**

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