





DEFENDANTS DANIEL WALLACE AND NUTRACLICK, LLC

[Redacted Signature]

Date: 9/16/2020

DANIEL WALLACE, INDIVIDUALLY  
AND AS AN OFFICER OF NUTRACLICK, LLC

DEFENDANT PATRICK CARROLL

[Handwritten Signature]

Date: 9/16/2020

PATRICK CARROLL, INDIVIDUALLY  
AND AS AN OFFICER OF NUTRACLICK, LLC

TERMS OF THE PROPOSED ORDER

FINDINGS

1. This Court has jurisdiction over this matter.
2. The Complaint charges that Defendants violated Section 4 of ROSCA, 15 U.S.C. § 8403, and the Telemarketing Sales Rule ("TSR"), 16 C.F.R. § 310.3(a)(1)(vii), by charging consumers for products sold both on the internet and by phone through a Negative Option Feature without first clearly and conspicuously disclosing that consumers were required to call Defendant NutraClick, LLC one day prior to the end of consumers' "free trial" to prevent recurring charges.
3. Defendants neither admit nor deny any of the allegations in the Complaint, except as specifically stated in this Order. Only for purposes of this action, Defendants admit the facts necessary to establish jurisdiction.
4. Defendants waive any claim that they may have under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order, and agree to bear their own costs and attorney fees.
5. Defendants waive all rights to appeal or otherwise challenge or contest the validity of this Order.



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1 structure as set forth in the Section titled Compliance Reporting. Delivery must  
2 occur within 7 days of entry of this Order for current personnel. For all others,  
3 delivery must occur before they assume their responsibilities.

4 C. From each individual or entity to which a Defendant delivered a copy of  
5 this Order, that Defendant must obtain, within 30 days, a signed and dated  
6 acknowledgment of receipt of this Order.

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1 must be retrievable by date and by the consumer's name, telephone number, or  
2 billing information;

3 D. all records necessary to demonstrate full compliance with each provision of  
4 this Order, including all submissions to the Commission; and

5 E. a copy of each unique advertisement or other marketing material.

6 **VII. COMPLIANCE MONITORING**

7 IT IS FURTHER ORDERED that, for the purpose of monitoring  
8 Defendants' compliance with this Order, including any failure to transfer any  
9 assets as required by this Order:

10 A. Within 14 days of receipt of a written request from a representative of the  
11 Commission, each Defendant must submit to the Commission all compliance reports

12 other requested information, which must be sworn under penalty of perjury  
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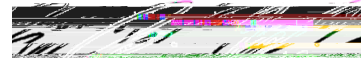


**Certificate of Service**

I hereby certify that on September 21, 2020, I caused a true and correct copy of this STIPULATION TO STIPULATED FINAL ORDER FOR PERMANENT INJUNCTION AND OTHER EQUITABLE RELIEF and the proposed order to be served by the following means on the following persons:

**By email, consented to in writing, pursuant to Fed. R. Civ. P. 5(b)(2)(e):**

Leonard L. Gordon  
VENABLE LLP  
1270 Avenue of the Americas, 24<sup>th</sup> Floor  
New York, NY 10020  
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*Attorney for Defendants NutraClick, LLC; Daniel Wallace; and Patrick Carroll*



Brian M. Welke