

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA

PENSACOLA DIVISION

STIPULATED ORDER FOR PERMANENT INJUNCTION AND

MONETARY JUDGMENT AGAINST ROY SNOWDEN

Plaintiffs, the Federal Trade Commission (“FTC”) and the Office of the

Attorney General”), filed their Complaint for Permanent Injunction and Other Relief

“Complaint”) in this court. The FTC has jurisdiction over the defendant pursuant to Sections 13(a)

... to incarcerated consumers and their loved ones. The

Complaint charges that Settling Defendant failed to deliver magazine subscriptions

stated in the solicitation.

B. **“Clear(ly) and conspicuous(ly)”** means that a required disclosure is difficult to miss (i.e., easily noticeable) and easily understandable by ordinary consumers, including in all of the following ways:

disclosure must be made through the same means through which the communication is presented. In any communication made through both

4. In any communication using an interactive electronic medium, such as the Internet or software, the disclosure must be unavoidable.

5. The disclosure must use diction and syntax understandable to ordinary consumers and must appear in each language in which the representation that requires the disclosure appears.

6. The disclosure must comply with these requirements in each medium through which it is received, including all electronic devices and face-to-face communications.

7. The disclosure must not be contradicted or mitigated by, or inconsistent with anything else in the communication .

8. When the representation or sales practice targets a specific audience, such as children, the elderly, or the terminally ill, "ordinary consumers" includes reasonable members of that group.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

means at least as fast and reliable as first-class mail within 7 days of the date on which the buyer's right to Refund vests under the provisions of this Court Order. Provided,

~~by the date on which the Seller's Defendant cannot provide a Refund by the same method~~

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~by the date on which the Seller's Defendant cannot provide a Refund in the form of cash~~

[REDACTED]

[REDACTED]

memorandum or the like sent to the buyer that includes the date that

Settling Defendant sent the credit memorandum or the like to the third

party creditor and the amount of the charge to be removed, or a statement from Settling Defendant acknowledging the cancellation of the order and representing that it has not taken any action regarding the order which will result in a charge to the buyer's account with the third party;

iii. And the buyer tendered partial payment for the unshipped merchandise in the form of cash, check, or money order, a return of the amount tendered in the form of cash, check, or money order sent to the buyer.

[REDACTED]

[REDACTED]

[REDACTED] acknowledging the cancellation of the order and representing that

subscriptions.

II.

REDACTED ORDERED BY COURT IN RE: Settlement Defendant's

officers, agents, employees, and attorneys, and all other persons in active concert or

becomes aware of his inability to Ship within the Applicable Time Period, but in no event later than the Applicable Time Period.

1. Provided, however, that any such Option must either:
 - a. provide a definite revised Shipping date; or
 - b. where the Settling Defendant lacks a reasonable basis for providing a definite revised Shipping date, inform the buyer that:
 - i. the seller is unable to make any representation regarding

the length of the delay; and

- ii. the reason(s) for the delay.

3. Where the Settling Defendant has informed the buyer that he

cannot make any representation regarding the length of the delay pursuant to

Section II R 1 b the Settling Defendant must also Clearly and Conspicuously

that Section.

IV.

IT IS FURTHER ORDERED that Settling Defendant, Settling Defendant's officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them who receive actual notice of this Order, whether

acting directly or indirectly, in connection with the sale of any goods ordered by mail, via the internet, or by telephone are permanently restrained and enjoined from, or

of the Plaintiffs against Settling Defendant as monetary relief, jointly and severally

11 D.C. 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

- d. Account No. XXXXXX7620, held in the name of Inmate Magazine Service, Inc.;
- e. Account No. XXXXXX4995, held in the name of Roy P. Snowden and Madison Snowden;
- f. Account No. XXXXXX8947, held in the name of 318 LLC;
- g. Account No. XXXXXX7227, held in the name of Magazine Subscription Superstore LLC.

2. Hancock Whitney Bank, its parent corporation, subsidiaries, principals,

and agents shall turn over:

- a. Account No. XXXXXX6752, held in the name of 318 LLC;
- b. Account No. XXXXXX9510, held in the name of Inmate Magazine Service of NA I.L.C.

Settling Defendant hereby grants to the Plaintiffs all legal and equitable

the net proceeds, if any, from the sale of any remaining assets belonging to Settling Defendant, to the Plaintiffs. Any assets or proceeds turned over to the Plaintiffs as

_____ shall be applied to the monetary judgment

described in Subsection A, with the remainder of the judgment suspended as described in the following subsections.

2011. ~~materially overstated~~ the value of an asset or made any other

[REDACTED]

[REDACTED]

[REDACTED]

1. ~~materially overstated~~ the value of an asset or made any other

[REDACTED]

[REDACTED]

Monetary Judgment and Suspension Section. Upon completion of those transfers, the

VII. CUSTOMER INFORMATION

IT IS FURTHER ORDERED that Settling Defendant, Settling Defendant's officers, agents, employees, attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether

acting directly or indirectly, are permanently restrained and enjoined from directly or indirectly:

_____ A Failing to provide sufficient customer information to enable Plaintiffs to

C. Failing to destroy such customer information in all forms in their

possession, custody, or control within 30 days after entry of this Order.

Provided, however, that customer information need not be disposed of, and may be disclosed to the extent requested by a government agency or required by law

regulation, or court order.

VIII. COOPERATION

IT IS FURTHER ORDERED that Settling Defendant obtain acknowledgments

of the just of this Order

A. One year after entry of this Order, Settling Defendant must submit a compliance report, sworn under penalty of perjury:

1. Settling Defendant must: (a) identify the primary physical, postal, and email address and telephone number as designated points of contact

otherwise and any entity in which such Defendant has any ownership interest;

and (a) describe in detail Settling Defendant's involvement in each such

business, including title, role, responsibilities, participation, authority, control,
and any ownership.

B. For 15 years after entry of this Order, Settling Defendant must submit a

C. Settling Defendant must submit to Plaintiffs notice of the filing of any bankruptcy petition, insolvency proceeding, or similar proceeding by or against such Defendant within 14 days of its filing.

D. Any submission to Plaintiffs required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such

IT IS FURTHER ORDERED that Settling Defendant must create

certain records for 15 years after entry of the Order, and retain each such record for 5 years. Specifically, for any business that Settling Defendant, individually or collectively with any other Defendants, is a majority owner or controls directly or indirectly, he must create and retain the following records:

- A. Accounting records showing the revenues from all goods or services sold;
- B. Personnel records showing, for each person providing services, whether

which the judgment was suspended:

A. Within 14 days of receipt of a written request from a representative of

U.S.C. §§ 49, 57b-1.

D. Upon written request from a representative of either Plaintiff, any consumer reporting agency must furnish consumer reports concerning Settling Defendant, pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C. §1681b(a)(1).

XIV RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court retains jurisdiction of this matter

for purposes of construction, modification, and enforcement of this Order

225 Peachtree Street, N.E., Suite 1500

Atlanta, GA 30303

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(202) 250-4693 (mobile)

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FLORIDA ATTORNEY GENERAL

