





1 **ORDER**

2 **I. BAN ON PLACING CHARGES ON TELEPHONE BILLS**

3 IT IS HEREBY ORDERED that Settling Defendants are permanently  
4 restrained and enjoined from billing, submitting for billing, or assisting or  
5 facilitating the billing or submitting for billing, charges to any telephone bill,  
6 including but not limited to a bill for any voice, text, or data service.

7 **II. PROHIBITION AGAINST MISREPRESENTATIONS**

8 IT IS FURTHER ORDERED that, in connection with the advertising,  
9 marketing, promotion, offering for sale, sale, or distribution of any product or  
10 service, Settling Defendants, Settling Defendants' officers, agents, employees, and  
11 attorneys, and all other persons in active concert or participation with any of them,  
12 who receive actual notice of this Order, whether acting directly or indirectly, are  
13 permanently restrained and enjoined from making, or assisting others in making,  
14 expressly or by impli

1 officers, agents, employees, and attorneys, and all other persons in active concert  
2 or participation with any of them, who receive actual notice of this Order, whether  
3 acting directly or indirectly, are permanently restrained and enjoined from directly  
4 or indirectly:

5 A. disclosing, using, or benefitting from customer information, including  
6 the name, address, telephone number, email address, social security number, other  
7 identifying information, or any data that enables access to a customer account  
8 (including a credit card, bank account, telephone billing account, or other financial  
9 account), that any Settling Defendant obtained prior to entry of this Order in  
10 connection with the placement of charges on consumers' telephone bills;  
11 and

12 B. failing to destroy such customer information in all forms in their  
13 possession, custody, or control within 30 days after receipt of written direction to  
14 do so from a representative of the Commission.

15 Provided, however, that customer information need not be disposed of, and  
16 may be disclosed, to the extent requested by a government agency or required by  
17 law, regulation, or court order.

## 18 V. COOPERATION

19 IT IS FURTHER ORDERED that Settling Defendants must fully cooperate  
20 with representatives of the Commission in this case and in any investigation  
21 litigation related to or associated with the transactions or the occurrences that are  
22 the subject of the First Amended Complaint. Such Settling Defendants must  
23 provide truthful and complete information, evidence, and testimony. Such  
24 Individual Settling Defendants must appear and such Corporate Settling Defendant  
25 must cause Corporate Settling Defendant's officers, employees, representatives, or  
26 agents to appear for interviews, discovery, hearings, trials, and any other  
27 proceedings that a Commission representative may reasonably request upon 5 days  
28 written notice, or other reasonable notice, at such places and times as a

1 Commission representative may designate, without the service of a subpoena.

2 **VI. ORDER ACKNOWLEDGMENTS**

3 IT IS FURTHER ORDERED that Settling Defendants obtain  
4 acknowledgments of receipt of this Order:

5 A. Each Settling Defendant, within 7 days of entry of this Order, must  
6 submit to the Commission an acknowledgment of receipt of this Order sworn  
7 under penalty of perjury.

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1 Defendants, is a majority owner or controls directly or indirectly, must create and  
2 retain the following records:

3 A. accounting records showing the revenues from all goods or services  
4 sold;

5 B. personnel records showing, for each person providing services,  
6 whether as an employee or otherwise, that person's name; addresses; telephone  
7 numbers; job title or position; date of service; and (if applicable) the reason for  
8 termination;

9 C. records of all consumer complaints and refund requests, whether  
10 received directly or indirectly, such as through a third party, and any response;

11 D. all records necessary to demonstrate compliance with each  
12 provision of this Order, including all submissions to the Commission;

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

#### 14 IX. COMPLIANCE MONITORING

15 IT IS FURTHER ORDERED that, for the purpose of monitoring Settling  
16 Defendants' compliance with this Order:

17 A. Within 14 days of receipt of a written request from a representative of  
18 the Commission, each Settling Defendant must: submit additional compliance  
19 reports or other records [(rS85919 r512.2 (et)8.5 (: s)8.4 (ubm)12.Dc [( a2t0 (l5 (e)3.IN)-04



