UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FEDERAL TRADE COMMISSION, Plaintiff, v. PUBLISHERS BUSINESS SERVICES, INC., a corporation; ED DANTUMA ENTERPRISES, INC., a corporation, also dba PUBLISHERS DIRECT SERVICES	Case No. 2:08-cv-00620-APG-GWF STIPULATED ORDER FOR MONETARY JUDGMENT

Dantuma (dkt. 152), and ordered an evidentiary hearing to resolve the monetary claims (dkt. 151).

An evidentiary hearing on the monetary claims was held in March and June 2011, and on July 25, 2011, the Court issued an "Order re Equitable Damages" directing Publishers Business Services, Ed Dantuma Enterprises, Edward Dantuma, and Dries Dantuma pay the FTC the sum of $191,211 (dkt. 248). The $191,211 sum was paid. However, the FTC appealed in 2011, which resulted in a remand from the Ninth Circuit. On remand the District Court, on February 1, 2017, awarded the FTC the sum of $23,773,147.78 as monetary equitable relief against defendants Publishers Business Services, Inc., Ed Dantuma Enterprises, Inc., Edward Dantuma, Dries Dantuma, Brenda Dantuma Schang, Dirk Dantuma, and Jeffrey Dantuma; found Persis Dantuma not liable for monetary relief (dkt. 322), and entered Judgment in this case (dkt. 323). Defendants appealed the Judgment. In 2018, the Ninth Circuit affirmed the Judgment, and in 2019, Defendants filed a petition to the Supreme Court for writ of certiorari.

On April 22, 2021, the Supreme Court issued its decision in *AMG Capital Management, LLC v. FTC*, 593 U.S. __, 141 S. Ct. 1341 (2021), holding that Section "13(b)'s 'permanent injunction' language does not authorize the [FTC] directly to obtain court-ordered monetary relief." *Id.* at 1347. On May 3, 2021, the Supreme Court granted PBS's petition for *certiorari*, vacated the Judgment in this case, and remanded the case to the Ninth Circuit Court of Appeals for further consideration in light of *AMG Capital Management v. FTC*.

On June 10, 2021, the Ninth Circuit issued a Memorandum Disposition affirming this Court's order of permanent injunction, vacating this Court's order of equitable monetary relief under Section 13(b), and remanded for further proceedings to determine whether any other relief is warranted (dkt. 341). On August 5, 2021, this Court issued its "Order on Mandate" directing the parties to "confer about a Stipulated Judgment resolving this case" (dkt.344).

The Commission and the remaining Defendants, Publishers Business Services, Inc., Ed Dantuma Enterprises, Inc., dba Publishers Direct Services and Publishers Business Services, Brenda Dantuma Schang, Dries Dantuma, Dirk Dantuma, and Jeffrey Dantuma, hereby stipulate to the entry of this "Stipulated Order for Monetary Relief" ("Order") to resolve all remaining matters in dispute in this action.

THEREFORE, IT IS ORDERED as follows:

FINDINGS

1. This Court has jurisdiction over this matter.

2. The Complaint charges that Defendants participated in unfair or deceptive acts and practices in connection with the marketing and sale of magazine subscriptions, in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, and the FTC's Telemarketing Sales Rule ("TSR"), 16 C.F.R. Part 310.

3. The Permanent Injunction (dkt. 152), entered by the Court on April 7, 2010, against Defendants Publishers Business Services, Inc., Ed Dantuma Enterprises, Inc., dba Publishers Direct Services and Publishers Business Services, Persis Dantuma, Edward Dantuma, Brenda Dantuma Schang, Dries Dantuma, Dirk Dantuma, and Jeffrey Dantuma, remains in full force and effect.

4. Defendants have paid to the Commission One Hundred Ninety-One Thousand Two Hundred Nineteen Dollars ($191,219) pursuant to the Court's July 25, 2011 Order Re Equitable Damages (dkt. 248).

5. 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. Defendants waive and release any claims that they may have against the Commission that relate to this action.

6. Defendants and the Commission waive all rights to appeal or otherwise challenge or contest the validity of this Order.

2. the Financial Statement of Individual Defendant Dries Dantuma, signed on September 8, 2021;

3. the Financial Statement of Individual Defendant Dirk Dantuma, signed on September 12, 2021;

4. the Financial Statement of Individual Defendant Jeffrey Dantuma, signed on September 8, 2021;

5. the Articles of Dissolution of Corporate Defendant Publishers Business Services, Inc., filed on December 12, 2011 with the Florida Secretary of State; and

6. the Financial Statement of Corporate Defendant Ed Dantuma Enterprises, Inc., signed by Dirk Dantuma, Director, on September 30, 2021.

C. The suspension of the Judgment will be lifted as to any Defendant if, upon motion by the Commission, the Court finds that Defendant failed to disclose any material asset, materially misstated the value of any asset, or made any other material misstatement or omission in the financial representations identified above8.2 (n,)6.1 (t)

judgment pursuant to this Order, such as a nondischargeability complaint in any bankruptcy case.

G. 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 this Order will have collateral estoppel effect for such purposes.

H. Defendants acknowledge that their Taxpayer Identification Numbers (Social Security Numbers or Employer Identification Numbers), which Defendants previously submitted to the Commission, may be used for collecting and reporting on any delinquent amount arising out of this Order, in accordance with 31 U.S.C. §7701.

I. All money received by the Commission pursuant to this Order may be deposited into a fund administered by the Commission or its designee to be used for consumer relief, such as redress and any attendant expenses for the administration of any redress fund. If a representative of the Commission decides that direct redress to consumers is wholly or partially impracticable or money remains after such redress is completed, the Commission may apply any remaining money for such related relief (including consumer information remedies) as it determines to be reasonably related to Defendants' practices alleged in the Complaint. Any money not used for relief is to be deposited to the U.S. Treasury. Defendants have no right t- as ,ht (e)3.6.6 (a)12..[8 (An)8.33.5 (la)12 (s't-)cticnehe Uommi(si)

other requested information, which must be sworn under penalty of perjury; appear for depositions; and produce documents for inspection and copying. The Commission is also authorized to obtain discovery, without further leave of court, using any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69.

B. For matters concerning this Order, the Commission is authorized to communicate directly with each Defendant. Defendants must permit representatives of the Commission to interview any employee or other person affiliated with any Defendant who has agreed to such an interview. The person interviewed may have counsel present.

C. The Commission may use all other lawful means, including posing, through its representatives as consumers, suppliers, or other individuals or entities, to Defendants or any individual or entity affiliated with Defendants, without the necessity of identification or prior notice. Nothing in this Order limits the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

D. Upon written request from a representative of the Commission, any consumer reporting agency must furnish consumer reports concerning Individual

25th May

May 24, 2022

Fax: (305) 372-2738

hgoldfarb@homerbonner.com

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SO STIPULATED AND AGREED:

For Plai[illegible]

Date: _____

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Maricela Se[illegible]ura
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[illegible] Publishers Business Services, Inc. [illegible]d Dantuma Inc., Brenda Dantuma Schang, Dries Dantuma, [illegible]uma, and Jeffrey [illegible]antuma:

Date: _____

Peter W. Homer
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[illegible]

Date: _____

Dirk Dantuma, Indiv[illegible]ally, as a Director of Ed Dan[illegible]tuma Enterprises, Inc., an[illegible] behalf of Publishers Business Services, Inc. [illegible]

Date: 3/7/22

Bren[illegible]uma Schang, Individually and as a Director [illegible] Dantuma Enterprises, Inc.

Date: _____

Dries Dantuma, [illegible]dually and as a Director of Ed Dantuma Enterprises, Inc.

Date: [illegible]

Jeffrey Dant[illegible] individually and as a Director of Ed Dantu[illegible]a Enterprises, Inc.

Date:

S LATED AND GR E

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