

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 15-61034-CIV-COHN/STRAUSS

FEDERAL TRADE COMMISSION,

Plaintiff

v.

MAIL TREE INC., *et al.*,

Defendants.

/

**STIPULATED ORDER FOR PERMANENT INJUNCTION AND
OTHER RELIEF AS TO DEFENDANT MATTHEW PISONI**

THIS CAUSE is before the Court on the Joint Motion of Plaintiff Federal Trade Commission and Individual Defendants Matthew Pisoni, Marcus Pradel, and John Leon for Entry of Stipulated Final Orders [DE 133] (“Joint Motion”). The Court has considered the Joint Motion and the record in this case, and is otherwise advised in the premises.

Plaintiff, the Federal Trade Commission (“Commission” or “FTC”), filed its Complaint for Permanent Injunction and Other Equitable Relief (“Complainta5d[(n16 (a3n124.63 0))3

Defendant Matthew Pisoni (

Stipulated Order for Perman

Pisoni (“Order”) to resolve a

THEREFORE, IT IS O

1. This Court has

2. The Complaint charges that Defendants participated in deceptive acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, in the advertising, marketing, promoting, offering for sale, or selling of Prize Promotions.

3. Stipulating Defendant neither admits nor denies any of the allegations in the Complaint, except as specifically stated in this Order. Only for purposes of this action, Stipulating Defendant admits the facts necessary to establish jurisdiction.

4. Stipulating Defendant waives any claim that he 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 agrees to bear his own costs and attorney fees.

5. Stipulating Defendant waives all rights to appeal or otherwise challenge or contest the validity of this Order.

DEFINITIONS

For the purpose of this Order, the following definitions apply:

1. **“Defendants”** means all of the Individual Defendants and the Corporate Defendants, individually, collectively, or in any combination.

a. **“Corporate Defendants”** means Mail Tree Inc.; Michael McKay Co.; Spin Mail, Inc.; MCP Marketing Activities, LLC, also d/b/a Magellan Mail and Magellan Marketing; Trans National Concepts, Inc.; Romeria Global, LLC, also d/b/a Lowenstein Varick and Nagel; Supreme Media, LLC; Vernier Holdings, Inc.; Awards Research Consultant, LLC; Mailpro Americas Corp.; and Masterpiece Marketing, LLC, also d/b/a Affiliated Opportunities Group (AOG), Corporate Accounting Authority (CAA), Dispatch Notification Services (DNS), Information Reporting Group (IRG), National

Directory Center (NDC), and Priority Information Exchange (PIE), and their successors and assigns.

b. **“Individual Defendants”** means Matthew Pisoni, Marcus Pradel, John Leon, and Victor Ramirez.

c. **“Stipulating Defendant”** means Matthew Pisoni.

2. **“Prize Promotion”** means: (1) a sweepstakes or other game of chance; or (2) an oral or written express or implied representation that a person has won, has been selected to receive, or may be eligible to receive, or enter a contest to receive, a prize or purported prize, whether in the form of money, merchandise, or anything of value.

ORDER

I. BAN ON PRIZE PROMOTION

IT IS ORDERED that Stipulating Defendant, whether acting directly or indirectly, is permanently restrained and enjoined from advertising, marketing, promoting, offering for sale, or selling, or assisting in the advertising, marketing, promoting, offering for sale, or selling, of any Prize Promotion.

Provided, however, that if Stipulating Defendant is an employee of a business that may occasionally engage in Prize Promotion that is incidental to its primary business functions, such as a restaurant that may sometimes offer a Prize Promotion to its customers, Stipulating Defendant shall not be restrained and enjoined by this Section from performing official duties within the scope of such employment.

II. PROHIBITION AGAINST MISREPRESENTATIONS

IT IS FURTHER ORDERED that Stipulating Defendant, Stipulating Defendant's officers, agents, and employees, 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 advertising, marketing, promoting, offering for sale, sale, or provision of any good or service, are permanently restrained and enjoined from misrepresenting or assisting others in misrepresenting, expressly or by implication, any fact material to consumers concerning any good or service, such as: the total costs; any material restrictions, limitations, or conditions; or any material aspect of its performance, efficacy, nature, or central characteristics.

III. CUSTOMER INFORMATION

IT IS FURTHER ORDERED that Stipulating Defendant, Stipulating Defendant's officers, agents, and employees, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, are permanently restrained and enjoined from directly or indirectly:

A. disclosing, using, or benefitting from customer information, including the name, address, telephone number, email address, social security number, other identifying information, or any data that enables access to a customer's account (including a credit card, bank account, or other financial account), that any Defendant obtained prior to entry of this Order in connection with the advertising, marketing, promoting, offering for sale, or selling of Prize Promotions; and

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

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.

IV. COOPERATION

IT IS FURTHER ORDERED that Stipulating Defendant must fully cooperate with representatives of the Commission in this case and in any investigation related to or associated with the transactions or the occurrences that are the subject of the Complaint. Stipulating Defendant must provide truthful and complete information, evidence, and testimony

B. For 3 years after entry of this Order, Stipulating Defendant for any

responsibilities, participation, authority, control, and any ownership; (4) identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the Commission may use to communicate with Stipulating Defendant; (5) identify all of Stipulating Defendant's businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses; (6) describe the activities of each business, including the goods and services offered, the means of advertising, marketing, and sales, and the involvement of any other Defendant (which Stipulating Defendant must describe if he knows or should know due to his own involvement); (7) describe in detail whether and how Stipulating Defendant is in compliance with each Section of this Order; and (8) provide a copy of each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to the Commission.

B. For 1

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

C. Records of all consumer complaints and refund requests, whether received directly or indirectly, such as through a third party, eritle hycc -0., t,,.86ycc -0., EOw 0y6e (c

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.

SO STIPULATED AND AGREED:

FOR PLAINTIFF:

WILLIAM J. HODOR
Special Florida Bar No. A5501501
Federal Trade Commission, Midwest Region
230 South Dearborn Street, Room 3030
Chicago, Illinois 60604
(312) 960-5592 [telephone]
(312) 960-5600 [facsimile]
whodor@ftc.gov
Attorney for Plaintiff
FEDERAL TRADE COMMISSION

Date: _____

FOR DEFENDANT MATTHEW PISONI:

MATTHEW PISONI
Defendant

Date: _____

ROBBY H. BIRNBAUM
Greenspoon Marder LLP
2255 Glades Road, Suite 400-E
Boca Raton, Florida 33431
(954) 343-6959 [telephone]
(954) 343-6960 [facsimile]
robby.birnbaum@gmlaw.com
Attorney for Defendant
MATTHEW PISONI

Date: _____