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2 MAXINE R. STANSELL  
3 Federal Trade Commission  
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5 Seattle, Washington 98174  
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10 CA Bar No. 116286  
11 Federal Trade Commission  
12 10877 Wilshire Boulevard  
13 Los Angeles, CA 90024  
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15 (310) 824 4380 (fax)

16 ATTORNEYS FOR PLAINTIFF

17 UNITED STATES DISTRICT COURT  
18 CENTRAL DISTRICT OF CALIFORNIA  
19 WESTERN DIVISION

20 FEDERAL TRADE COMMISSION,  
21  
22 Plaintiff,  
23  
24 v.  
25  
26 MITCHELL D. GOLD, *et al.*,  
27  
28 Defendants.

SA CV 98-968 Doc  
No. ~~CV-99-2895-CBM~~ (RZx)  
STIPULATED ORDER FOR  
PERMANENT INJUNCTION AS  
TO STEVEN JOHN CHINARIAN

19 Plaintiff, the Federal Trade Commission ("FTC" or "Commission"), has filed a  
20 complaint for a permanent injunction and other relief, pursuant to Section 13(b) of the  
21 Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b), charging defendants  
22 Mitchell David Gold, Patricia Ann Cooley Gold, Herbert Gold, Celia Gold, Jonathan  
23 Philip Cohen, Steven John Chinarian, U.S. Marketing, Inc., and North American  
24 Charitable Services, Inc., with violations of Section 5 of the FTC Act, 15 U.S.C. § 45,  
25 in connection with solicitations of charitable donations by telephone and by mail. The  
26 Commission and defendant Steven John Chinarian (hereinafter "defendant" or  
27 "defendant Chinarian"), having been represented by counsel and acting by and through  
28 such counsel, has consented to entry of this Stipulated Order for Permanent Injunction

LOGGED  
CLERK, U. S. DISTRICT COURT  
FEB 27 2003  
CENTRAL DISTRICT OF CALIFORNIA  
BY SOUTHERN DIVISION DEPUTY

FILED  
MAR - 6 2003  
CLERK, U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION AT SANTA ANA  
DEPUTY

- Priority
- Send
- Clsd
- Enter
- JS-5/JS-6
- JS-2/JS-3

ENTER BALIGMS  
MAR - 7 2003  
FEDERAL TRADE COMMISSION  
915 Second Ave., Su 2896  
Seattle, Washington 98174  
(206) 220-6350

287

1 and Other Equitable Relief as to Steven John Chinarian ("Order") without a trial or  
2 adjudication of any issue of law or fact therein.

3 NOW, THEREFORE, the Commission and defendant Chinarian, having  
4 requested the Court to enter this Order, **IT IS HEREBY ORDERED, ADJUDGED**  
5 **AND DECREED** as follows:  
6

7 **FINDINGS**

8 1. This is an action by the Commission under Section 13(b) of the FTC Act,  
9 15 U.S.C. § 53(b). Pursuant to this Section, the Commission has the authority to seek  
10 the relief contained herein.

11 2. The Commission's complaint states a claim upon which relief may be  
12 granted against defendant Chinarian under Sections 5(a) and 13(b) of the FTC Act, 15  
13 U.S.C. §§ 45(a) and 53(b).

14 3. This Court has jurisdiction of the subject matter of this case and all the  
15 parties hereto. Venue in the Central District of California is proper.

16 4. The alleged activities of defendant Chinarian are in or affecting commerce,  
17 as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

18 5. The parties shall each bear their own costs and attorney's fees incurred in  
19 this action and have waived all claims under the Equal Access to Justice Act, 28 U.S.C.  
20 § 2412.

21 6. Defendant has waived all rights to seek appellate review or otherwise  
22 challenge or otherwise to contest the validity of this Order.

23 7. This Order does not constitute, and shall not be interpreted to constitute,  
24 either an admission by defendant or a finding by the Court that defendant has engaged  
25 in any violations of the FTC Act, 15 U.S.C. § 45(a).

26 8. Entry of this Order is in the public interest.  
27  
28

## DEFINITIONS

1  
2 1. For purposes of this Order the following definitions shall apply:

3 2. "Donation" or "contribution" means money or any item of value provided  
4 in response to a solicitation made on behalf, or in the name, of any nonprofit  
5 organization, including any payment for advertising or any listing in any magazine,  
6 journal or other publication produced by, or on behalf of, or in the name of, any  
7 nonprofit organization.

8 3. "Donor" or "consumer" means any person or business solicited for a  
9 donation or contribution.

10 4. "Material fact" means a fact likely to affect a person's decision as to the  
11 amount of, or whether to make, a donation, contribution, or purchase.

12 5. "Nonprofit organization" means any person that is, or is represented to be,  
13 a nonprofit entity or that has, or is represented to have, a charitable purpose,  
14 specifically including any entity that purports to benefit, either in whole or in part,  
15 purported law enforcement, firefighting, or veterans' organizations, personnel, or  
16 programs, or individuals who suffer from an illness or injury.

17 6. "Person" means a natural person, organization or other legal entity,  
18 including a corporation, partnership, proprietorship, association, cooperative,  
19 government agency, or any other group or combination acting as an entity.

20 7. "Solicitor" means any person who solicits donations or contributions.

21 8. "Telemarketing" means any plan, program, or campaign that involves  
22 attempts to induce consumers to purchase any item, good, service, partnership, interest,  
23 trust interest, other beneficial interest, or chance to win a prize, by means of telephone  
24 sales presentations, provided that the term "telemarketing" does not include  
25 transactions that are not completed until after a face-to-face contact between the seller  
26 or solicitor and the consumers solicited. This includes but is not limited to,  
27 participating in such a plan, program, or campaign, managing others who participate in  
28 such a plan, program, or campaign, operating an enterprise conducting such a plan,

1 program, or campaign, or otherwise participating as an officer, director, employee or  
2 independent contractor in an enterprise that conducts such a plan, program, or  
3 campaign.

## 4 5 **ORDER**

### 6 **I. PROHIBITION ON FUNDRAISING**

7 IT IS THEREFORE ORDERED that defendant Chinarian is hereby restrained  
8 and enjoined from engaging, participating, or assisting in any manner or in any capacity  
9 whatsoever in the solicitation of contributions from any donor, whether directly,  
10 indirectly, in concert with others, or through any intermediary, business entity, person  
11 or device. Under this prohibition, defendant shall not be employed by, hold any  
12 ownership interest in, direct, control, manage, advise or provide consulting services to,  
13 any sole proprietorship, corporation, partnership, person or other entity that solicits  
14 contributions or is involved in the business of fundraising, including, but not limited to,  
15 a non-profit organization; nor shall defendant receive benefits or payments the amount  
16 of which is based on the amount of contributions solicited by another entity; provided,  
17 however, that this provision shall not prohibit defendant Chinarian from providing to a  
18 non-profit organization volunteer services for which he receives no compensation of  
19 any kind.

### 20 21 **II. PERFORMANCE BOND FOR TELEMARKETING**

22 IT IS FURTHER ORDERED that defendant Chinarian shall be permanently  
23 restrained and enjoined from engaging, participating, or assisting in any manner or in  
24 any capacity whatsoever in telemarketing, whether directly, indirectly, in concert with  
25 others, or through any intermediary, business entity, or device unless he first obtains a  
26 performance bond in the amount set forth below and maintains the bond in that  
27 principal sum so long as he engages in such activities.

1           A.     The bond shall be conditioned upon compliance by defendant with Section  
2 5 of the FTC Act, 15 U.S.C. § 45 ("Section 5"), and with the provisions of this Order.  
3 The bond shall be deemed continuous and remain in full force and effect as long as  
4 defendant continues to engage, participate or assist in any manner or in any capacity  
5 whatsoever in telemarketing whether directly, indirectly, in concert with others, or  
6 through any intermediary, business entity, or device, and for at least one (1) year after  
7 he has ceased to engage in any such activity. The bond shall cite this Order as the  
8 subject matter of the bond, and shall provide surety thereunder against financial loss  
9 due, in whole or in part, to any violation of Section 5 of the FTC Act, or to any  
10 violation of the provisions of this Order.

11           B.     The bond shall be an insurance agreement providing surety for financial  
12 loss issued by a surety company that holds a Federal Certificate of Authority As  
13 Acceptable Surety On Federal Bonding and Reinsuring. Such bond shall inure to the  
14 FTC for use as consumer redress or disgorgement owed as a result of any violation of  
15 Section 5 of the FTC Act or this Order. Said performance bond shall be executed in  
16 favor of the FTC if the FTC demonstrates to this Court, or to a Magistrate thereof, by a  
17 preponderance of the evidence, that defendant Chinarian has violated any condition of  
18 the bond.

19           C.     Defendant Chinarian shall not disclose the existence of the performance  
20 bond to any prospective purchaser or donor without also disclosing clearly and  
21 prominently at the same time: "THIS BOND IS REQUIRED BY ORDER OF THE U.S.  
22 DISTRICT COURT IN SETTLEMENT OF CHARGES THAT DEFENDANT  
23 ENGAGED IN A PATTERN AND PRACTICE OF MAKING FALSE AND  
24 MISLEADING REPRESENTATIONS IN CONNECTION WITH SOLICITING BY  
25 TELEPHONE." If defendant Chinarian, directly or indirectly, discloses the existence  
26 of a bond to a prospective purchaser or donor in writing, the required disclosure shall  
27 be set forth in a clear and conspicuous manner, separated from all other text in 100%  
28

1 black ink against a light background, in print at least as large as the main text of the  
2 document, and enclosed in a box containing only the required disclosure.

3 D. Defendant Chinarian shall provide a copy of any bond required by this  
4 Paragraph to the Federal Trade Commission at least ten (10) days prior to the  
5 commencement of any activity or business for which the bond is required.

6 E. The bond required by this Paragraph shall be in addition to, and not in lieu  
7 of, any other bond required by law.

8 F. Proceedings instituted under this Paragraph are in addition to, and not in  
9 lieu of, any other civil or criminal remedies as may be provided by law, including any  
10 other proceedings the FTC may initiate to enforce this Order.

11 G. The principal amount of the required bond shall be set at \$100,000.  
12

### 13 III. MISREPRESENTATIONS PROHIBITED

14 IT IS FURTHER ORDERED that defendant Chinarian and those persons in  
15 active concert or participation with him who receive actual notice of this Order by  
16 personal service, facsimile or otherwise, whether acting directly or through any  
17 corporation, subsidiary, division or other device, are hereby permanently restrained and  
18 enjoined from making, or assisting in making, material misrepresentations in  
19 connection with telemarketing.  
20

### 21 IV. MONITORING COMPLIANCE OF SALES PERSONNEL

22 IT IS FURTHER ORDERED that defendant Chinarian, in connection with any  
23 business engaged in telemarketing in which he is the majority owner or directly or  
24 indirectly manages or controls the business, is hereby permanently restrained and  
25 enjoined from:

26 A. Failing to take reasonable steps sufficient to monitor and ensure that all  
27 employees and independent contractors engaged in sales or other customer service  
28 functions comply with Paragraph III of this Order (enjoining misrepresentations).

1 "Monitor" means to use non-commissioned employees to listen to oral solicitations  
2 made by persons engaged in telemarketing, where consumers and solicitors may be  
3 notified that calls may be monitored, but notice that a specific call is being monitored is  
4 not given to the solicitor; where the individual performing the monitoring function  
5 listens to the entire telephone call and keeps records regarding any misrepresentations,  
6 and where a substantial percentage of all solicitations are so monitored. Monitoring  
7 may be accomplished by tape-recording solicitations for later review or by  
8 contemporaneous remote access to each solicitor's telephone calls. *Provided* that this  
9 Paragraph does not authorize or require defendant Chinarian to take any steps that  
10 violate any federal, state, or local laws;

11 B. Failing to establish a procedure for receiving and responding to consumer  
12 complaints;

13 C. Failing to ascertain the number and nature of consumer complaints  
14 regarding transactions in which each employee or independent contractor is involved;

15 D. Failing to promptly to investigate fully any consumer complaint received  
16 by any business to which this Paragraph applies; and

17 E. Failing to take corrective action with respect to any sales person whom  
18 defendant Chinarian determines is not complying with this Order, which may include  
19 training, disciplining or terminating such sales person.  
20

## 21 V. RIGHT TO REOPEN

22 A. IT IS FURTHER ORDERED that, by agreeing to this Order, defendant  
23 Chinarian reaffirms and attests to the truthfulness, accuracy, and completeness of the  
24 Financial Disclosure Form and related materials transmitted to the FTC on May 3,  
25 2002. Plaintiff's agreement to this Order is expressly premised upon the truthfulness,  
26 accuracy, and completeness of defendant Chinarian's representations regarding his  
27 financial condition in the Financial Disclosure Form referenced above, which contains  
28 material information upon which plaintiff relied in negotiating and agreeing to the

1 terms of this Order. If, upon motion by the Commission, this Court finds that the  
2 defendant failed to disclose any material asset or source of income, or materially  
3 misrepresented the value of any asset or source of income, or made any other material  
4 misrepresentation in or omission from the Financial Disclosure Form and related  
5 materials, the Court shall enter judgment against defendant, in favor of the  
6 Commission, in the amount of \$1 million, and the entire amount of the judgment shall  
7 become immediately due and payable.

8       B. All funds paid to the Commission pursuant to this Paragraph shall be  
9 deposited into a fund administered by the Commission or its agent to be used for  
10 equitable relief, including but not limited to consumer redress and any attendant  
11 expenses for the administration of any redress fund. If the Commission determines in  
12 its sole discretion that redress to consumers is wholly or partially impracticable or funds  
13 remain after redress is completed, the Commission may apply any remaining funds for  
14 such other equitable relief, including consumer information remedies, as it determines  
15 to be reasonably related to defendant's practices alleged in the Complaint. Any funds  
16 not used for such equitable relief shall be deposited in the United States Treasury as  
17 disgorgement. Defendant shall have no right to challenge the Commission's choice of  
18 remedies under this Paragraph.

19       C. In all other respects this Order shall remain in full force and effect unless  
20 otherwise ordered by the Court.

21       D. Proceedings instituted under this Paragraph are in addition to, and not in  
22 lieu of, any other civil or criminal remedies as may be provided by law, including any  
23 other proceedings the Commission may initiate to enforce this Order.

24       E. Solely for purposes of this Paragraph, the defendant waives any right to  
25 contest any of the allegations in the Commission's Complaint.  
26  
27  
28



1                                   **VI. ACKNOWLEDGMENT OF RECEIPT OF ORDER**

2           IT IS FURTHER ORDERED that, within five (5) business days after receipt of  
3 this Order as entered by the Court, defendant Chinarian shall submit to the Commission  
4 a truthful sworn statement, in the form shown on Appendix A, that shall acknowledge  
5 receipt of this Order.  
6

7                                   **VII. DISTRIBUTION OF ORDER BY DEFENDANT**

8           IT IS FURTHER ORDERED that, for a period of five (5) years after the date of  
9 the entry of this Order, defendant shall:

10           A.    Provide a copy of this Order to, and obtain a signed and dated  
11 acknowledgment of receipt of the same from, each officer or director, each individual  
12 serving in a management capacity, all personnel involved in responding to consumer  
13 complaints or inquiries, and all sales and solicitation personnel, whether designated as  
14 employees, consultants, independent contractors or otherwise, immediately upon  
15 employing or retaining any such persons, for any business where:

16                   1.    defendant Chinarian is the majority owner of the business, or  
17 directly or indirectly manages or controls the business; and

18                   2.    the business is engaged in telemarketing, or assisting others in  
19 telemarketing; and

20           B.    Maintain for a period of three (3) years after creation, and upon reasonable  
21 notice, make available to representatives of the Commission, the original signed and  
22 dated acknowledgments of the receipt required by subparagraph A.  
23

24                                   **VIII. MAINTENANCE OF RECORDS**

25           IT IS FURTHER ORDERED that defendant, for a period of five (5) years from  
26 the date of entry of this Order, in connection with engaging, participating, or assisting  
27 in any manner or in any capacity whatsoever in telemarketing, whether directly,  
28 indirectly, in concert with others, or through any intermediary, business entity, or

1 device, are hereby permanently restrained and enjoined from failing to create, and from  
2 failing to retain for a period of three (3) years following the date of such creation unless  
3 otherwise specified:

4 A. Accounting records that reflect the cost of goods or services sold, revenues  
5 generated, and the disbursement of such revenues;

6 B. Personnel records accurately reflecting the name, address, and telephone  
7 number of each person employed by defendants in any capacity, that person's job title  
8 or position, the date upon which the employee commenced work, and the date and  
9 reason for the employee's termination, if applicable;

10 C. Customer files containing the names, addresses, and telephone numbers,  
11 dollar amounts paid, quantity of items or services purchased, and description of items  
12 or services purchased, to the extent such information is obtained in the ordinary course  
13 of business;

14 D. Complaints and refund requests (whether received directly or indirectly or  
15 through any third party) and any responses to those complaints or requests; and

16 E. Copies of all sales scripts, training materials, advertisements, or other  
17 marketing materials.

#### 18 19 **IX. COMPLIANCE REPORTING BY DEFENDANT**

20 IT IS FURTHER ORDERED that, in order that compliance with the provisions  
21 of this Order may be evaluated:

22 A. For a period of seven (7) years from the date of entry of this Order,  
23 defendant shall notify the Commission in writing of the following:

24 1. Any changes in his residence, mailing address, and telephone  
25 number, within ten (10) days of the date of such change;

26 2. Any changes in his employment status (including self-employment),  
27 within ten (10) days of such change. Such notices shall include the name and address  
28 of each business with which defendant is affiliated or employed, a statement of the

1 nature of the business, and a statement of the defendant's duties and responsibilities in  
2 connection with the business or employment;

3 3. Any proposed change in the structure of any business that is  
4 engaged in telemarketing, or assisting others in telemarketing, that is owned or  
5 controlled by defendant such as creation, incorporation, dissolution, assignment, sale,  
6 merger, creation or dissolution of subsidiaries, proposed filing of a bankruptcy petition,  
7 or change in the corporate name or address, or any other changes that may affect  
8 compliance obligations arising out of this Order, thirty (30) days prior to the effective  
9 date of any proposed change; provided, however, that with respect to any proposed  
10 change in the corporation about which the defendant learns fewer than thirty (30) days  
11 prior to the date such action is to take place, the defendant shall notify the Commission  
12 as soon as practicable after learning of such proposed change;

13 B. One hundred eighty (180) days after the date of entry of this Order, the  
14 defendant shall provide a written report to the Commission, sworn to under penalty of  
15 perjury, setting forth in detail the manner and form in which the defendant has complied  
16 and is complying with this Order. This report shall include but not be limited to:

- 17 1. Defendant's then-current residence address and telephone number;  
18 2. Defendant's then-current employment, business address and  
19 telephone numbers, a description of the business activities of each such employer, and  
20 the defendant's title and responsibilities for each employer or business;

21 C. For the purposes of this Paragraph, "employment" includes the  
22 performance of services as an employee, consultant, or independent contractor; and  
23 "employers" includes any individual or entity for whom defendant performs services as  
24 an employee, consultant, or independent contractor.

## 25 26 X. COMPLIANCE MONITORING

27 IT IS FURTHER ORDERED that, for the purpose of monitoring and  
28 investigating defendant Chinarian's compliance with any provision of this Order:

1 A. Within ten (10) days of receipt of written notice from a representative of  
2 the Commission, defendant Chinarian shall submit additional written reports, sworn to  
3 under penalty of perjury; produce documents; appear for deposition; and/or provide  
4 entry during normal business hours to any business location in defendant Chinarian's  
5 possession or direct or indirect control to inspect the business operation where such  
6 business is engaged in telemarketing, or assisting others in telemarketing;

7 B. In addition, the Commission is authorized to monitor defendant  
8 Chinarian's compliance with this Order by all other lawful means, including but not  
9 limited to the following:

10 1. obtaining discovery from any person, without further leave of court,  
11 in the manner otherwise provided by the Federal Rules of Civil Procedure;

12 2. posing as consumers and suppliers to defendant Chinarian,  
13 defendant's employees, or any other entity managed or controlled in whole or in part by  
14 defendant Chinarian, without the necessity of identification or prior notice;

15 3. obtaining any documentary material, tangible things, or information  
16 relevant to unfair or deceptive acts or practices in or affecting commerce (within the  
17 meaning of 15 U.S.C. § 45(a)(1)) pursuant to Sections 9 and 20 of the FTC Act, 15  
18 U.S.C. §§ 49, 57b-1.

19 C. Defendant Chinarian shall permit representatives of the Commission to  
20 interview any employer, consultant, independent contractor, representative, agent, or  
21 employee who has agreed to such an interview, relating in any way to any conduct  
22 subject to this Order. The person interviewed may have counsel present.

23 D. For purposes only of the compliance reporting required by this Paragraph,  
24 the Commission is authorized to communicate directly with defendant Chinarian.  
25  
26  
27  
28

1 **XI. NOTICES**

2 IT IS FURTHER ORDERED that for purposes of this Order, defendant shall,  
3 unless otherwise directed by the Commission's authorized representatives, mail all  
4 written notifications to the Commission to:

5  
6 Regional Director  
7 Federal Trade Commission  
8 915 Second Avenue, Suite 2896  
9 Seattle, Washington 98174

10 **XII. RETENTION OF JURISDICTION**

11 IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this  
12 matter for the purpose of enabling either of the parties to this Order to apply to the  
13 Court at any time for such further orders or directives as may be necessary or  
14 appropriate for the interpretation or modification of this Order, for the enforcement of  
15 compliance therewith or for the punishment of violations thereof.

16 **XIII. ENTRY OF THIS JUDGMENT**

17 IT IS FURTHER ORDERED that, as there is no just reason for delay, the Clerk  
18 of the Court is hereby directed to enter this Order.  
19

20  
21 SO ORDERED, this 6 day of March, 2008.

22  
23  
24 David O. Carter  
25 Honorable ~~Commissioner~~ **DAVID O. CARTER**  
26 United States District Judge  
27  
28

1 The parties hereby consent to the terms and conditions set forth above and  
2 consent to entry of this Order without further notice to the parties. Defendants stipulate  
3 and acknowledge that they have consented to entry of this Order freely and without  
4 coercion, that they understand the provisions of the Order, and are prepared to abide by  
5 its terms.  
6

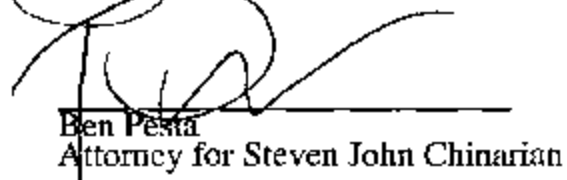
7 **FEDERAL TRADE COMMISSION**

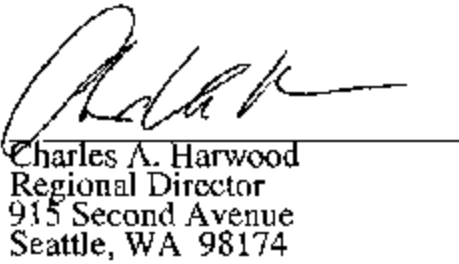
**DEFENDANTS**

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9   
10 Tracy S. Thorleifson

  
Steven John Chinarian

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12 Maxine R. Stansell

  
Ben Pesta  
Attorney for Steven John Chinarian

13   
14  
15 Charles A. Harwood  
16 Regional Director  
17 915 Second Avenue  
18 Seattle, WA 98174

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Attorneys for Plaintiff  
Federal Trade Commission

APPENDIX A

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

MITCHELL D. GOLD, *et al.*,

Defendants.

No. CV-99-2895-CBM (RZx)

AFFIDAVIT OF DEFENDANT

I, \_\_\_\_\_, being duly sworn, hereby state and affirm as follows:

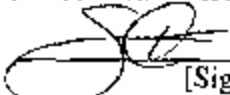
1. My name is \_\_\_\_\_ My current residence address is

\_\_\_\_\_. I am a citizen of the United States and am over the age of eighteen. I have personal knowledge of the facts set forth in this Affidavit.

2. I am a defendant in FTC v. Mitchell, D. Gold et al. (United States District Court for the Central District of California).

3. On \_\_\_\_\_ [date], I received a copy of the Order for Permanent Injunction, which was signed by the Honorable Consuelo B. Marshall and entered by the Court on \_\_\_\_\_ [date of entry of Order]. A true and correct copy of the Order I received is appended to this Affidavit.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on \_\_\_\_\_ [date], at \_\_\_\_\_ [city and state].

  
\_\_\_\_\_  
[Signature/Full name of defendant]

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

## CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing document to be served on all defendants by providing a true and correct copy thereof on the date set forth below by first-class mail, deposited with the United States Postal Service at Seattle, to:

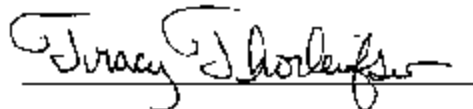
◇ S. Daniel Harbottle, Rutan and Tucker, LLP (counsel for North American Charitable Services, U.S. Marketing, Mitchell Gold, Herbert Gold, and Celia Gold), 714-546-9035, 611 Anton Blvd., Suite 1400, Costa Mesa, CA 92626; Washington:

◇ Frank Battaile, Battaile & Hargrave, LLP (counsel for Jonathan P. Cohen), 949-719-1326, 110 Newport Center Dr., Suite 200, Newport Beach, CA 92660;

◇ Robert C. Moest (counsel for North American Charitable Services, U.S. Marketing, Mitchell Gold, Herbert Gold, and Celia Gold), 310-915-9897, 2530 Wilshire Blvd., 2d Floor, Santa Monica, CA 90403; and

◇ Ben Pesta (counsel for Steven Chinarian), 310-203-2150, 1801 Avenue of the Stars, Ste. 900, Los Angeles, CA 90067.

Date: February 26, 2003



Tracy J. Harbottle