

1 WILLIAM E. KOVACIC
General Counsel
2
3 SERENA VISWANATHAN
RIELLE C. MONTAGUE
HEATHER HIPPSLEY
4 Federal Trade Commission
600 Pennsylvania Avenue, NW
5 Mail Drop NJ-3212
Washington, DC 20580
6 Tel: (202) 326-3244,-2645,-3285
Fax: (202) 326-3259

7 RAYMOND E. MCKOWN
8 Calif. Bar. No. 150975
Federal Trade Commission
9 10877 Wilshire Boulevard
Suite 700
10 Los Angeles, CA 90024
Tel: (310) 824-4325
11 Fax: (310) 824-4380

12 Attorneys for Plaintiff
FEDERAL TRADE COMMISSION

13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**
15 **WESTERN DIVISION**

16 FEDERAL TRADE COMMISSION,

17 Plaintiff,

18 v.

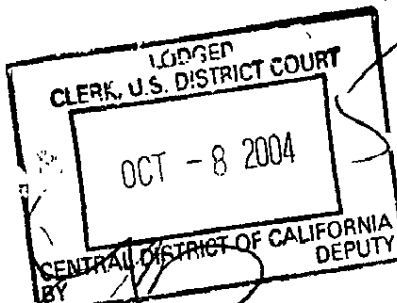
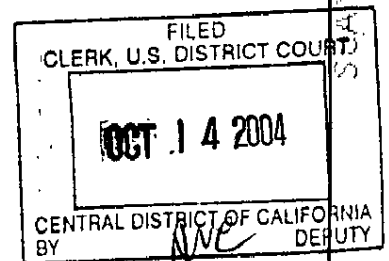
19 MEDIA MAVERICK, INC.,
20 d/b/a MAVERICK MARKETING
21 GROUP, d/b/a MAVERICK MEDIA,
22 d/b/a BALANCE BRACELET USA,
23 MARK JONES, and CHARLES
CODY,

24 Defendants.

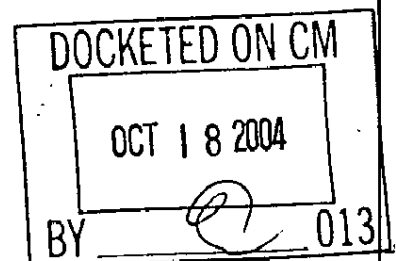
Case No. 04-3395-SVW (CWx)

**STIPULATED FINAL ORDER
FOR PERMANENT INJUNCTION
AND SETTLEMENT OF CLAIMS
FOR MONETARY RELIEF**

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25
26 Plaintiff, the Federal Trade Commission ("FTC" or "Commission") has filed
27 a Complaint for Permanent Injunction and Other Equitable Relief ("Complaint")
28 against Media Maverick, Inc. ("Maverick"), d/b/a Maverick Marketing Group,
d/b/a Maverick Media, d/b/a Balance Bracelet USA, Mark Jones, and Charles

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1 Cody (collectively, "Defendants"), pursuant to Section 13(b) of the Federal Trade
2 Commission Act ("FTC Act"), 15 U.S.C. § 53(b), alleging deceptive acts or
3 practices and false advertisements in violation of Sections 5(a) and 12 of the FTC
4 Act, 15 U.S.C. §§ 45(a) and 52.

5 The Commission and Defendants have stipulated to the entry of the
6 following Stipulated Final Order for Permanent Injunction and Settlement of
7 Claims for Monetary Relief ("Order") in settlement of the Commission's
8 Complaint against Defendants, without Defendants admitting liability for any of
9 the matters alleged in the Complaint. The Court, being advised in the premises,
10 finds:

11 FINDINGS

- 12 1. This Court has jurisdiction over the subject matter of this case and
13 jurisdiction over all parties. Venue lies properly with this Court.
- 14 2. The Complaint states a claim upon which relief can be granted, and
15 the Commission has the authority to seek the relief which is stipulated
16 to in this Order.
- 17 3. The acts and practices of Defendants were and are in or affecting
18 commerce, as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.
- 19 4. Defendants waive all rights to seek judicial review or otherwise
20 challenge or contest the validity of this Order. Defendants also waive
21 any claim that they may have held under the Equal Access to Justice
22 Act, 28 U.S.C. § 2412, concerning the prosecution of this action to
23 the date of this Order.
- 24 5. Each party shall bear its own costs and attorneys' fees.
- 25 6. Entry of this Order is in the public interest.
- 26 7. Pursuant to Federal Rule of Civil Procedure 65(d), the provisions of
27 this Order are binding upon Defendants, and their officers, agents,
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1 servants, employees, and all other persons or entities in active concert
2 or participation with them, who receive actual notice of this Order by
3 personal service or otherwise.

4 **DEFINITIONS**

5 For the purposes of this Order, the following definitions shall apply:

6 1. "Defendants" means:

7 (a) Mark Jones and Charles Cody, individually and in each
8 person's capacity as an officer of Media Maverick, Inc.; and

9 (b) Media Maverick, Inc., d/b/a Maverick Marketing Group, d/b/a
10 Maverick Media, d/b/a Balance Bracelet USA, a corporation, its
11 divisions and subsidiaries, its successors and assigns, its officers, and
12 employees.

13 2. "Individual Defendant" shall refer to each of Mark Jones and Charles
14 Cody.

15 3. "Pain-relief product" shall refer to any product or device that is
16 advertised, marketed, promoted, offered for sale, distributed or sold
17 with express or implied representations that the product will relieve
18 musculoskeletal or other pain.

19 4. "Covered product" means any "food," "drug," "cosmetic," or
20 "device" as those terms are defined in Section 15 of the FTC Act, 15
21 U.S.C. § 55, or any product sold in conjunction with such foods,
22 drugs, cosmetics, or devices.

23 5. "Competent and reliable scientific evidence" means tests, analyses,
24 research, studies, or other evidence based on the expertise of
25 professionals in the relevant area, that have been conducted and
26 evaluated in an objective manner by persons qualified to do so, using
27 procedures generally accepted in the profession to yield accurate and
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reliable results.

6. "Advertising" means any written or verbal statement, illustration or depiction that is designed to effect a sale or create interest in the purchasing of goods or services, whether it appears in a brochure, newspaper, magazine, pamphlet, leaflet, circular, mailer, book insert, free standing insert, letter, catalogue, poster, chart, billboard, public transit card, point of purchase display, packaging, package insert, label, film, slide, radio, television or cable television, audio program transmitted over a telephone system, program-length commercial ("infomercial"), Internet or in any other medium.

7. "Asset(s)" means any legal or equitable interest in, right to, or claim to, any real and personal property, including without limitation, chattels, goods, instruments, equipment, fixtures, general intangibles, leaseholds, mail or other deliveries, inventory, checks, notes, accounts, credits, contracts, receivables, shares of stock, funds, and all cash, wherever located.

8. "Document(s)" or "record(s)" shall refer to:

(a) The original or a true copy of any written, typed, printed, electronically stored, transcribed, taped, recorded, filmed, punched, or graphic matter or other data compilations of any kind, including, but not limited to, letters, e-mail or other correspondence, messages, memoranda, interoffice communications, notes, reports, summaries, manuals, magnetic tapes or discs, tabulations, books, records, checks, invoices, work papers, journals, ledgers, statements, returns, reports, schedules, or files; and

(b) Any information stored on any desktop personal computer ("PC") and workstations, laptops, notebooks, and other portable

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1 computers, whether assigned to individuals or in pools of computers
2 available for shared use; and home computers used for work-related
3 purposes; backup disks and tapes, archive disks and tapes, and other
4 forms of offline storage, whether stored onsite with the computer
5 used to generate them, stored offsite in another company facility or
6 stored offsite by a third-party, such as in a disaster recovery center;
7 and computers and related offline storage used by Defendants'
8 associates, who include persons who are not employees of the
9 company or who do not work on company premises.

10 9. A requirement that any Defendant "notify," "furnish," "provide," or
11 "submit" to the Commission means that the Defendant shall send the
12 necessary information via first class mail, costs prepaid, or via
13 overnight carrier, to:

14 Associate Director for Advertising Practices
15 Federal Trade Commission
16 600 Pennsylvania Avenue, N.W.
17 Washington D.C. 20580
18 Attn: *FTC v. Media Maverick, Inc., et al.*

19 10. The terms "and" and "or" in this Order shall be construed
20 conjunctively or disjunctively, as necessary, to make the applicable
21 sentence or phrase inclusive, rather than exclusive.

22 11. The term "including" shall mean "including without limitation."

23 **PROHIBITED REPRESENTATIONS**

24 **I.**

25 **IT IS HEREBY ORDERED** that Defendants, directly or through any
26 corporation, partnership, subsidiary, division, trade name, or other entity, and their
27 officers, agents, servants, employees, and all persons or entities in active concert
28 or participation with them who receive actual notice of this Order by personal

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1 service, or otherwise, in connection with the manufacturing, labeling, advertising,
2 promotion, offering for sale, sale, or distribution of the Balance Bracelet or any
3 pain-relief product, are hereby permanently restrained and enjoined from making,
4 or assisting others in making, directly or by implication, including through the use
5 of endorsements, any misrepresentation:

- 6 A. that the Balance Bracelet, or any pain-relief product, provides relief
7 from pain, including, but not limited to, arthritis pain, joint pain, back
8 pain, and injury-related pain; and
- 9 B. about the absolute or comparative health benefits, performance, or
10 efficacy of the Balance Bracelet or any pain-relief product.

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12 **II.**

13 **IT IS FURTHER ORDERED** that Defendants, directly or through any
14 corporation, subsidiary, division, trade name, or other device, and their officers,
15 agents, servants, employees and all persons or entities in active concert or
16 participation with them who receive actual notice of this Order, by personal
17 service or otherwise, in connection with the manufacturing, labeling, advertising,
18 promotion, offering for sale, sale, or distribution of any covered product, are
19 hereby permanently restrained and enjoined from making any representation, in
20 any manner, expressly or by implication, including through the use of
21 endorsements, about the absolute or comparative benefits, performance, efficacy,
22 or safety of any covered product unless the representation is true, non-misleading,
23 and at the time the representation is made, Defendants possess and rely upon
24 competent and reliable scientific evidence that substantiates the representation.

25
26 **III.**

27 **IT IS FURTHER ORDERED** that Defendants shall immediately recall
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1 from any person, partnership, corporation or other entity that is offering for sale,
2 selling or distributing to consumers, all packaging and labeling for the Balance
3 Bracelet and any pain-relief product containing, expressly or by implication, any
4 of the prohibited misrepresentations set forth in Paragraph I above; provided,
5 however, that in lieu of a recall, Defendants may immediately repackage and re-
6 label all offending packages and labels of the Balance Bracelet and any pain-relief
7 product in such a manner as to ensure that no misrepresentations prohibited by this
8 Order are disseminated.

9
10 **MONETARY RELIEF AND CONSUMER REDRESS**

11 **IV.**

12 **IT IS FURTHER ORDERED** that judgment in the amount of four hundred
13 thousand dollars (\$400,000) is hereby entered in favor of the Commission and
14 against Defendants, jointly and severally, for consumer redress. The judgment
15 shall be paid as follows:

- 16 A. Payment shall be made pursuant to the terms and conditions set forth
17 in the Joint Stipulation and Agreement of Compromise, Settlement
18 and Release, as amended, in the case of *William Pate et al. v. Media*
19 *Maverick, Inc., et al.*, Case No. 03CC05796 (Calif. Super. Ct., Orange
20 Cty.) ("Class Settlement"), as set forth in the final approval order of
21 the state court. Upon Defendants' fulfillment of all terms and
22 conditions of Section II.A. of the Class Settlement, the equitable
23 monetary judgment in this Paragraph IV shall be deemed satisfied,
24 and the Commission shall, within ten (10) days, file an appropriate
25 Satisfaction of Judgment with the Court.
- 26 B. Payment to the FTC pursuant to the Class Settlement shall be made
27 by certified check or other guaranteed funds payable to and delivered
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1 to the Commission, or by wire transfer in accord with instructions
2 provided by the Commission. All funds paid to the Commission
3 pursuant to the Class Settlement and this Order shall be deposited
4 into a fund administered by the Commission or its agent to be used
5 for equitable relief, including but not limited to consumer redress, and
6 any attendant expenses for the administration of such equitable relief.
7 No redress funds shall be disbursed by the Commission until the
8 expiration of the claims filing period set forth in Section II.A. of the
9 Class Settlement.

10 C. In the event that the Commission provides consumer redress, the
11 Commission's redress administrator shall notify the Commission as to
12 how the funds were disbursed ("Redress Report") at the conclusion of
13 the Commission's redress program. The Commission shall provide a
14 copy of the Redress Report to Defendants and class plaintiffs'
15 counsel within thirty (30) days of receipt of the Redress Report;
16 however Defendants and class plaintiffs' counsel shall have no right
17 to contest the manner of distribution chosen by the Commission,
18 *provided that* the manner of distribution chosen by the Commission
19 comports with the terms of this Order.

20 D. In the event that direct redress to consumers is wholly or partially
21 impracticable or funds remain after the Commission's redress is
22 completed, any remaining funds shall be paid out as follows: within
23 sixty (60) days of the completion of the Commission's redress
24 program, a maximum of \$10,000 to the class plaintiffs' counsel for
25 payment to a non-profit organization for use as *cy pres* relief in
26 accordance with the Class Settlement; and the Commission may apply
27 any remaining funds for such other equitable relief (including
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1 consumer information remedies) as it determines to be reasonably
2 related to Defendants' practices alleged in the Complaint. Any funds
3 not used for such equitable relief shall be deposited to the United
4 States Treasury as disgorgement. Defendants shall have no right to
5 challenge the Commission's choice of remedies under this Paragraph.
6 Defendants shall have no right to contest the manner of distribution
7 chosen by the Commission. No portion of any payments under the
8 judgment herein shall be deemed a payment of any fine, penalty, or
9 punitive assessment.

10 E. Defendants relinquish all dominion, control, and title to the funds
11 paid to the Commission, for use according to the terms of this Order.
12 Defendants shall make no claim to or demand for the return of the
13 funds, directly or indirectly, through counsel or otherwise; and in the
14 event of bankruptcy of any Defendant, Defendants acknowledge that
15 the funds are not part of the debtor's estate, nor does the estate have
16 any claim or interest therein.

17 F. In accordance with 31 U.S.C. § 7701, Defendants are hereby required,
18 unless they have done so already, to furnish to the Commission their
19 respective taxpayer identifying numbers (social security numbers or
20 employer identification numbers) which shall be used for the
21 purposes of collecting and reporting on any delinquent amount
22 arising out of Defendants' relationship with the government.

23 G. Defendants shall, within thirty (30) days of the date of entry of this
24 Order, provide their complete customer lists, including most recently
25 updated contact information and all prior purchase information, to the
26 Commission. The customer lists shall include the names and
27 addresses of all purchasers of the Balance Bracelet and all such pain
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1 relief products, from June 1, 2001, until the date of entry of this
2 Order, and shall include the number and cost of each product
3 purchased, the date of purchase, and the number of times each
4 consumer made a repeat purchase of any item. This customer list
5 shall be provided in the form of a searchable electronic document
6 formatted in Word, Word Perfect, Excel, or Access and supplied on
7 (a) 3.5-inch microcomputer floppy diskettes, high-density,
8 double-sided, formatted for IBM compatible computers (1.44 MB
9 capacity) (b) Iomega ZIP disks formatted for IBM compatible PCs
10 (100 MB capacity); or (c) CD-R74 CD-ROM readable disks
11 formatted to ISO 9660 specifications (650 MB capacity).

12 H. Defendants shall, within thirty (30) days of the date of entry of this
13 Order, provide to the Commission copies of all consumer complaints
14 submitted to Defendants or any of their affiliates, between June 1,
15 2001, and the date of entry of this Order, as well as any responses
16 sent.

17
18 **RIGHT TO REOPEN**

19 **V.**

20 **IT IS FURTHER ORDERED** that, within five (5) days after the date of
21 entry of this Order, each Defendant, individually and on behalf of Defendant
22 Maverick, if appropriate, shall submit to the Commission acknowledgment of
23 receipt of this Order, pursuant to Paragraph VII below. Such statement shall be in
24 the form of the sample appended to this Order and shall reaffirm the truth,
25 accuracy, and completeness of financial information previously submitted to the
26 Commission. The Commission's agreement to this Order is expressly premised on
27 the truthfulness, accuracy, and completeness of Defendants' disclosures of their
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1 financial condition as represented in the financial statements and supporting
2 documents submitted to the Commission by Maverick (executed on November 6,
3 2003), Mark Jones (executed on November 18, 2003), and Charles Cody (executed
4 on November 12, 2003), as well as subsequent financial information conveyed to
5 representatives of the Commission on or about February 3, 2004. If, upon motion
6 by the Commission, the Court finds that a defendant's financial statement(s) failed
7 to disclose any material asset, materially misrepresented the value of any asset, or
8 made any other material misrepresentation or omission, the Court shall enter
9 judgment for consumer redress against Defendants, jointly and severally, in favor
10 of the Commission, in the amount of fourteen million dollars (\$14,000,000),
11 which the Defendants stipulate is the amount of gross sales of the Balance
12 Bracelet. *Provided, however*, that in all other respects this Order shall remain in
13 full force and effect unless otherwise ordered by the Court; and, *provided further*,
14 that proceedings instituted under this provision would be in addition to, and not in
15 lieu of, any other civil or criminal remedies as may be provided by law, including
16 any other proceedings that the Commission may initiate to enforce this Order. For
17 purposes of this Paragraph V, Defendants waive any right to contest any of the
18 allegations in the Complaint.

19
20 **CUSTOMER LISTS**

21 **VI.**

22 **IT IS FURTHER ORDERED** that, except as provided in this Order,
23 Defendants, and their officers, agents, servants, employees, and attorneys and all
24 other persons or entities who receive actual notice of this Order by personal
25 service or otherwise, are permanently restrained and enjoined from selling,
26 renting, leasing, transferring, or otherwise disclosing the name, address, telephone
27 number, credit card number, bank account number, e-mail address, or other
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1 identifying information of any person who purchased a Balance Bracelet before
2 the entry of this Order. *Provided, however,* that Defendants may disclose such
3 identifying information to any law enforcement agency, or as required by any law,
4 regulation, or court order.

5
6 **ACKNOWLEDGMENT OF RECEIPT OF ORDER**

7 **VII.**

8 **IT IS FURTHER ORDERED** that each Defendant, within five (5)
9 business days of receipt of this Order as entered by the Court, must submit to the
10 Commission a truthful sworn statement acknowledging receipt of this Order.

11
12 **DISTRIBUTION OF ORDER**

13 **VIII.**

14 **IT IS FURTHER ORDERED** that, for a period of three (3) years from the
15 date of entry of this Order, Defendants shall deliver copies of the Order as directed
16 below:

- 17 A. **Defendant Maverick:** Defendant must deliver a copy of this Order to
18 all of its principals, officers, directors, and managers. Defendant also
19 must deliver copies of this Order to all of its employees, agents, and
20 representatives who engage in conduct related to the subject matter of
21 the Order. For current personnel, delivery shall be within five (5)
22 days of service of this Order upon Defendant. For new personnel,
23 delivery shall occur prior to them assuming their responsibilities.
- 24 B. **Individual Defendant as Control Person:** For any business that an
25 Individual Defendant controls, directly or indirectly, or in which
26 Individual Defendant has a majority ownership interest, Individual
27 Defendant must deliver a copy of this Order to all principals, officers,
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1 directors, and managers of that business. Individual Defendant must
2 also deliver copies of this Order to all employees, agents, and
3 representatives of that business who engage in conduct related to the
4 subject matter of the Order. For current personnel, delivery shall be
5 within five (5) days of service of this Order upon Defendant. For new
6 personnel, delivery shall occur prior to them assuming their
7 responsibilities.

8 **C. Individual Defendant as employee or non-control person:** For any
9 business where an Individual Defendant is not a controlling person of
10 a business but otherwise engages in conduct related to the subject
11 matter of this Order, Individual Defendant must deliver a copy of this
12 Order to all principals and managers of such business before
13 engaging in such conduct.

14 **D.** Defendants must secure a signed and dated statement acknowledging
15 receipt of the Order, within thirty (30) days of delivery, from all
16 persons receiving a copy of the Order pursuant to this Paragraph VIII.
17

18 **COMPLIANCE MONITORING**

19 **IX.**

20 **IT IS FURTHER ORDERED** that, for the purpose of monitoring and
21 investigating compliance with any provision of this Order,

22 **A.** Within ten (10) days of receipt of written notice from a representative
23 of the Commission, each Defendant shall submit additional written
24 reports, sworn to under penalty of perjury; produce documents for
25 inspection and copying; appear for deposition; and/or provide entry
26 during normal business hours to any business location in such
27 Defendant's possession or direct or indirect control to inspect the
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business operation;

B. In addition, the Commission is authorized to monitor Defendants' compliance with this Order by all other lawful means, including but not limited to the following:

- (1) obtaining discovery from any person, without further leave of court, using the procedures proscribed by Fed. R. Civ. P. 30, 31, 33, 34, 36, and 45;
- (2) posing as consumers to Defendants, Defendants' employees, or any other entity managed or controlled in whole or in part by any Defendant, without the necessity of identification or prior notice; and

C. Defendants shall permit representatives of the Commission to interview any employer, consultant, independent contractor, representative, agent, or employee who has agreed to such an interview, relating in any way to any conduct subject to this Order. The person interviewed may have counsel present. *Provided, however,* that nothing in this Order shall limit 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, to obtain any documentary material, tangible things, testimony, or information relevant to unfair or deceptive acts or practices in or affecting commerce (within the meaning of 15 U.S.C. § 45(a)(1)).

COMPLIANCE REPORTING BY DEFENDANTS

X.

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

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- A. For a period of three (3) years from the date of entry of this Order,
- (1) Each Individual Defendant shall notify the Commission of the following:
 - (a) Any changes in residence, mailing addresses, and telephone numbers of Individual Defendant, within twenty (20) days of the date of such change;
 - (b) Any changes in employment status (including self-employment) of Individual Defendant, and any change in the ownership of the Individual Defendant in any business entity, within twenty (20) days of the date of such change. Such notice shall include the name and address of each business that the Individual Defendant is affiliated with, employed by, creates or forms, or performs services for; a statement of the nature of the business; and a statement of the Individual Defendant's duties and responsibilities in connection with the business or employment; and
 - (c) Any changes in the Individual Defendant's name or use of any aliases or fictitious names;
 - (2) Defendant Maverick shall notify the Commission of any changes in corporate structure, or any business entity that an Individual Defendant directly or indirectly control(s), or has an ownership interest in, that may affect compliance obligations arising under this Order, including but not limited to a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor entity; the creation or dissolution of a subsidiary, parent, or affiliate that

engages in any acts or practices subject to this Order; the filing of a bankruptcy petition; or a change in the corporate name or address, at least thirty (30) days prior to such change, *provided* that, with respect to any proposed change in the corporation about which the Defendant Maverick learns less than thirty (30) days prior to the date such action is to take place, Defendant Maverick shall notify the Commission as soon as is practicable after obtaining such knowledge.

B. Ninety (90) days after the date of entry of this Order, each Defendant shall provide a written report to the FTC, sworn to under penalty of perjury, setting forth in detail the manner and form in which they have complied and are complying with this Order. This report shall include, but not be limited to:

- (1) For each Individual Defendant:
 - a. The then-current residence address, mailing addresses, and telephone numbers of the Individual Defendant;
 - b. The then-current employment and business addresses and telephone numbers of the Individual Defendant, a description of the business activities of each such employer or business, and the title and responsibilities of the Individual Defendant, for each such employer or business; and
 - c. Any other changes required to be reported under Subparagraph A of this Section.

- (2) For all Defendants:
 - a. A copy of each acknowledgment of receipt of this Order, obtained pursuant to Paragraph VII; and

b. Any other changes required to be reported under Subparagraph A of this Section.

C. For purposes of the compliance reporting and monitoring required by this Order, the Commission is authorized to communicate directly with Defendants. Defendants may have counsel present.

RECORD KEEPING PROVISIONS

XI.

IT IS FURTHER ORDERED that, for a period of six (6) years from the date of service of this Order, Defendant Maverick and Individual Defendants, if engaging or assisting others engaged in the advertising, marketing, promotion, offering for sale, distribution or sale of any covered product, in or affecting commerce, and any business where (1) any Individual Defendant is the majority owner or an officer or director of the business, or directly or indirectly manages or controls the business and where (2) the business engages, or assists others engaged in, the advertising, marketing, promotion, offering for sale, distribution or sale of any covered product, in or affecting commerce, and their agents, employees, officers, corporations, successors, and assigns, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are hereby restrained and enjoined from failing to create and retain the following records:

- A. Accounting records that reflect the cost of goods or services sold, revenues generated, and the disbursement of such revenues;
- B. Personnel records accurately reflecting: the name, address, and telephone number of each person employed in any capacity by such business, including as an independent contractor; that person's job title or position; the date upon which the person commenced work;

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- and the date and reason for the person's termination, if applicable;
- C. Customer files containing the names, addresses, telephone numbers, dollar amounts paid, quantity of items or services purchased, and description of items or services purchased, to the extent such information is obtained in the ordinary course of business;
- D. Complaints and refund requests (whether received directly, indirectly or through any third party), and any response to those complaints or requests;
- E. Copies of all advertisements, promotional materials, sales scripts, training materials, or other marketing materials utilized in the advertising, marketing, promotion, offering for sale, distribution or sale of any product or service, to the extent such information is prepared in the ordinary course of business;
- F. All materials that were relied upon in making any representations contained in the materials identified in Subparagraph E, including all documents evidencing or referring to the accuracy of any claim therein or to the efficacy of any covered product or service, including, but not limited to, all tests, reports, studies, demonstrations, as well as all evidence that confirms, contradicts, qualifies, or calls into question the accuracy of such claims regarding the efficacy of such product or service;
- G. Records accurately reflecting the name, address, and telephone number of each manufacturer or laboratory engaged in the development or creation of any testing obtained for the purpose of advertising, marketing, promoting, offering for sale, distributing, or selling any covered product; and
- H. All records and documents necessary to demonstrate full compliance

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with each provision of this Order, including but not limited to, copies of acknowledgments of receipt of this Order, required by Paragraph VIII, and all reports submitted to the FTC pursuant to Paragraph X.

SCOPE OF ORDER

XII.

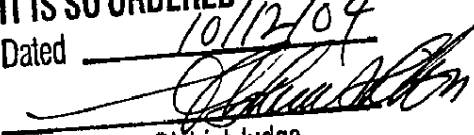
IT IS FURTHER ORDERED that this Order resolves only claims against Defendants as alleged in the Complaint. This Order does not preclude the Commission from initiating further action or seeking any remedy against any other persons or entities, including without limitation persons or entities who may be subject to portions of this Order by virtue of actions taken in concert or participation with any of the Defendants, and persons or entities in any type of indemnification or contractual relationship with any of the Defendants.

RETENTION OF JURISDICTION

XIII.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

SO STIPULATED:

IT IS SO ORDERED
Dated 10/12/04

United States District Judge

SCANNED

1 WILLIAM E. KOVACIC
2 General Counsel

3 *Rielle Montague*

4 SERENA VISWANATHAN
5 RIELLE C. MONTAGUE
6 HEATHER HIPPSLEY
7 Federal Trade Commission
8 600 Pennsylvania Avenue, NW
9 Mail Drop NJ-3212
10 Washington, DC 20580

MEDIA MAVERICK, INC.
by: Mark Jones, President and Chief
Executive Officer

8 RAYMOND E. MCKOWN
9 Calif. Bar. No. 150975
10 Federal Trade Commission
11 10877 Wilshire Boulevard
12 Suite 700
13 Los Angeles, CA 90024

MARK JONES

11 Attorneys for Plaintiff

CHARLES CODY

12 WILLIAM ROTHBARD, ESQ.
13 2002 4th Street, Suite 109
14 Santa Monica, CA 90405

15 Attorney for Defendants

17 ~~SO ORDERED, this _____ day of _____, 2004.~~

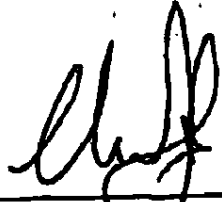
20 _____
21 HON. STEPHEN V. WILSON
22 UNITED STATES DISTRICT JUDGE

SCANNED

SO STIPULATED:

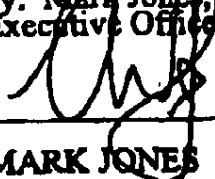
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WILLIAM E. KOVACIC
General Counsel



SERENA VISWANATHAN
RIELLE C. MONTAGUE
HEATHER HIPPSLEY
Federal Trade Commission
600 Pennsylvania Avenue, NW
Mail Drop NJ-3212
Washington, DC 20580

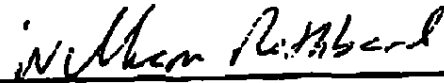
MEDIA MAVERICK, INC.
by: Mark Jones, President and Chief
Executive Officer



MARK JONES

RAYMOND E. MCKOWN
Calif. Bar. No. 150975
Federal Trade Commission
10877 Wilshire Boulevard
Suite 700
Los Angeles, CA 90024

CHARLES CODY



Attorneys for Plaintiff

WILLIAM ROTHBARD, ESQ.
2002 4th Street, Suite 109
Santa Monica, CA 90405

Attorney for Defendants

SO ORDERED, this _____ day of _____, 2004.

~~**HON. STEPHEN V. WILSON**
UNITED STATES DISTRICT JUDGE~~

SCANNED

1 **WILLIAM E. KOVACIC**
2 General Counsel

3 _____
4 **SERENA VISWANATHAN**
5 **RIELLE C. MONTAGUE**
6 **HEATHER HIPPSLEY**
7 Federal Trade Commission
8 600 Pennsylvania Avenue, NW
9 Mail Drop NJ-3212
10 Washington, DC 20580

_____ **MEDIA MAVERICK, INC.**
by: Mark Jones, President and Chief
Executive Officer

11 **RAYMOND E. MCKOWN**
12 Calif. Bar. No. 150975
13 Federal Trade Commission
14 10877 Wilshire Boulevard
15 Suite 700
16 Los Angeles, CA 90024

_____ **MARK JONES**


_____ **CHARLES CODY**

17 **Attorneys for Plaintiff**

_____ **WILLIAM ROTHBARD, ESQ.**
2002 4th Street, Suite 109
Santa Monica, CA 90405

Attorney for Defendants

18 **SO ORDERED, this** _____ **day of** _____ **2004.**

19 _____
20 _____
21 **HON. STEPHEN V. WILSON**
22 **UNITED STATES DISTRICT JUDGE**

1 *Sample Acknowledgment of Receipt*

2 **UNITED STATES DISTRICT COURT**
3 **CENTRAL DISTRICT OF CALIFORNIA**
4 **WESTERN DIVISION**

5 FEDERAL TRADE COMMISSION,

6 Plaintiff,

7
8 v.

Case No. 03-3395-SVW (CWx)

AFFIDAVIT OF DEFENDANT

9 MEDIA MAVERICK, INC.,
10 d/b/a MAVERICK MARKETING
11 GROUP, d/b/a MAVERICK MEDIA,
12 d/b/a BALANCE BRACELET USA,
13 MARK JONES, and CHARLES
14 CODY,

15 Defendants.

16 1. My name is _____. My current residence address is

17 _____ I am a citizen of
18 the United States and am over the age of eighteen. I have personal knowledge of
19 the facts set forth in this Affidavit.

20 2. I am a defendant in FTC v. Media Maverick, Inc., et al. 03-3395-
21 SVW (CWx) in the United States District Court for the Central District of
22 California.

23 3. On [date], I received a copy of the Stipulated Final Order for
24 Permanent Injunction and Settlement of Claims for Monetary Relief, which was
25 signed by the Honorable Stephen V. Wilson and entered by the Court on [date of
26 entry of Order]. A true and correct copy of the Order I received is appended to
27 this Affidavit.

28 4. *[If defendant signed financial statements on behalf of the*

SCANNED

1 corporation] I am [job title] of Media Maverick, Inc., d/b/a Balance Bracelet USA,
2 a defendant in FTC v. Media Maverick, Inc., et al. 03-3395-SVW (CWx) in the
3 United States District Court for the Central District of California. I reaffirm and
4 swear to the truthfulness, accuracy and completeness of the financial information
5 and sworn financial statements that I submitted on behalf of Media Maverick, Inc.
6 to the Federal Trade Commission on or about _____, 2003 and
7 _____, 2004.

8 5. I reaffirm and swear to the truthfulness, accuracy and completeness of
9 the financial information and sworn financial statements that I submitted on my
10 behalf to the Federal Trade Commission on or about _____, 2003 and
11 _____, 2004.

12 I declare under penalty of perjury under the laws of the United States that
13 the
14 foregoing is true and correct. Executed on [date], at [city, state/province,
15 country].

16
17
18 _____ [full name of defendant]
19

20
21 State of _____, City of _____

22 Subscribed and sworn to before me
23 this ____ day of _____, 2004.

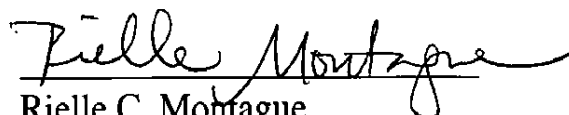
24 _____
25 Notary Public
26 My Commission Expires:
27 _____
28

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2004, I caused true and correct copies of the Stipulated Final Order for Permanent Injunction and Settlement of Claims for Monetary Relief on the following counsel via Federal Express:

William Rothbard
2002 4th Street
Suite 109
Santa Monica, CA 90405

Counsel for Media Maverick, Inc., Mark Jones, and Charles Cody


Rielle C. Montague
Attorney for Plaintiff
Federal Trade Commission

SCANNED

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