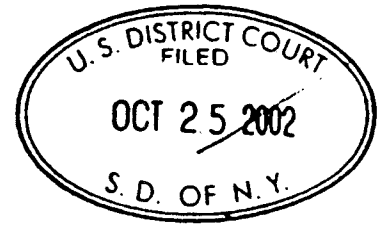


UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK



FEDERAL TRADE COMMISSION,
600 Pennsylvania Ave., N.W.,
Washington, DC 20580,

Petitioner,

v.

MOREHEAD McKIM GALLAHER
FUNERAL DIRECTORS, INC., and
MICHAEL J. BANNON,
424 West 51st Street,
New York, NY 10019,

Respondents.

No. M18-304

ORDER OF CIVIL CONTEMPT

Petitioner, the Federal Trade Commission, has moved this Court for an Order holding respondents Morehead McKim Gallaher Funeral Directors, Inc. ("Morehead McKim"), and Morehead McKim's director/manager, Michael J. Bannon, in civil contempt for failing to comply with this Court's Order of June 28, 2002. The Order of June 28 required Morehead McKim to comply in full with a Civil Investigative Demand ("CID") that was issued to Morehead McKim by the Federal Trade Commission. After considering the papers of record and all arguments presented by the parties, this Court finds 1) that the Order of June 28 directed to Morehead McKim is clear and unambiguous; 2) that there is clear and convincing evidence that Morehead McKim failed to comply with the June 28 Order; 3) there is clear and convincing evidence that Morehead McKim has made no attempt to comply, and has made no showing that it is unable to comply, with the June 28 Order; 4) that clear and convincing evidence shows that Michael J.

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Bannon is responsible for the affairs of Morehead McKim and has the power to direct compliance with the June 28 Order; and 5) there is clear and convincing evidence that Michael J. Bannon has made no attempt to comply with the June 28 Order.

WHEREFORE IT IS ORDERED that respondents Morehead McKim and Michael J. Bannon are hereby held in civil contempt as a result of their failure to comply with this Court's Order of June 28, 2002. In order for respondents to purge themselves of this contempt, it is ordered that:

1. Within 5 days after entry of this Order, respondents Morehead McKim and Michael J. Bannon shall (as directed by this Court's Order of June 28, 2002) comply in full with the CID issued by the Commission to Morehead McKim on April 12, 2002;

2. In the event that respondents fail to comply with the provision above, they shall, beginning on the sixth day after entry of this Order and continuing until they have complied in full with the CID, be jointly and severally liable for a monetary sanction of \$500 per day;

3. In the event that, on the 11th day after entry of this Order, respondents have failed to comply in full with this Court's Order of June 28, 2002, this Court shall ~~direct that respondent~~ ^{ing him} Michael J. Bannon ~~be arrested by the United States Marshall~~ and subjected to civil commitment until such time as respondents have complied in full with the Commission's CID.

SO ORDERED

Date:

10/25/02


United States District Judge

CERTIFIED AS A TRUE COPY ON

THIS DATE Oct 25, 2002

BY 

() Clerk
() Deputy

DC

impose sanctions, including, if appropriate, issuing an arrest warrant for