

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 05-61559-CIV-MARRA/SELTZER

FEDERAL TRADE COMMISSION,

Plaintiff,

vs.

TRANSNET WIRELESS CORPORATION,
a Florida corporation, et al.

Defendants.

**FINAL JUDGMENT AND ORDER FOR EQUITABLE RELIEF AGAINST
RELIEF DEFENDANT MARGARET PEMBERTON**

This matter comes before the Court on complaint of Plaintiff, Federal Trade Commission (“FTC” or “Commission”), against Relief Defendant Margaret Pemberton. On September 26, 2005, the Commission filed a Complaint for a permanent injunction and other equitable relief in this matter pursuant to Sections 5(a), 13 (b), and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a), 53(b), and 57b. The FTC charged Defendants Nationwide Cyber Systems, Inc., Transnet Wireless Corporation, Paul Pemberton, Farris Pemberton, and Bradley Cartwright with engaging in deceptive acts or practices in connection with the marketing and sale of public access internet kiosk business ventures, in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, and the Trade Regulation Rule regarding Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures (“Franchise Rule” or “Rule”), 16 C.F.R. Part 436. The FTC charged Defendant Margaret Pemberton as a Relief Defendant with

liability for the amount of funds derived from the business of the Corporate Defendants and transferred to her from the other Defendants. The Commission has filed a motion for summary judgment which has been granted by the Court. The findings and conclusions contained in the Order Granting Plaintiff's Motion for Summary Judgment are adopted and incorporated herein. Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED:**

FINDINGS

1. This Court has jurisdiction of the subject matter of this case and the parties hereto pursuant to 28 U.S.C. § § 1331, 1337(a), 1345, and 1355, and 15 U.S.C. §§ 45(a), 53(b), and 57b.
2. Venue in the Southern District of Florida is proper as to all parties.
3. The activities of Defendant Margaret Pemberton are in or affecting commerce, as defined in the FTC Act, 15 U.S.C. § 44.
4. The Complaint states a claim upon which relief may be granted against Defendant Margaret Pemberton under Sections 5(a), 13 (b), and 19 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 45(a), 53(b), and 57b.
5. This Final Order is in addition to, and not in lieu of, any other civil or criminal remedies that may be provided by law.
6. Entry of this Final Order is in the public interest.

ORDER

I. MONETARY RELIEF

IT IS ORDERED that Defendant Margaret Pemberton pay to the FTC the amount of \$1,600,000.00 representing the funds received from the Corporate Defendants, Nationwide Cyber

Systems, Inc., and Transnet Wireless Corporation and from the Individual Defendants, Paul Pemberton, Farris Pemberton, and Bradley Cartwright derived from the business of Nationwide Cyber Systems, Inc., and Transnet Wireless Corporation.

- A. Any funds received by the FTC pursuant to this Final Order shall be deposited into a fund administered by the FTC or its agent to be used for equitable relief, including but not limited to consumer redress and any attendant expenses for the administration of any redress funds. In the event that direct redress to consumers is wholly or partially impracticable or funds remain after redress is completed, the FTC may apply any remaining funds for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to Defendants' practices alleged in the Complaint. Any funds not used for such equitable relief shall be deposited to the U.S. Treasury as equitable disgorgement. Relief Defendant Margaret Pemberton shall no right to challenge the FTC's choice of remedies or the manner of distribution.
- B. The judgment entered pursuant to this Final Order is equitable monetary relief, solely remedial in nature, and not a fine, penalty, punitive assessment or forfeiture.

II. RETENTION OF JURISDICTION

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

SO ORDERED, this 20th day of March, 2007.



Hon. KENNETH A. MARRA
United States District Judge

Furnish copies to:
All counsel of record

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