

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

Case No. 5:04cv49

**FILED**  
STATESVILLE, N.C.

**SEP 29 2004**

U.S. DISTRICT COURT  
W. DIST. OF NC

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FEDERAL TRADE COMMISSION,	)
	)
	)
Plaintiff,	)
	)
	)
vs.	)
	)
	)
TELEPHONE PROTECTION AGENCY, INC.,	)
a North Carolina corporation;	)
	)
ROBERT THOMPSON, a/k/a	)
GREG THOMPSON,	)
individually and as an officer of TELEPHONE	)
PROTECTION AGENCY, INC.;	)
	)
REBECCA PHILLIPS,	)
individually and as an officer of TELEPHONE	)
PROTECTION AGENCY, INC.; and	)
	)
ALEX MCKAUGHN,	)
individually and as an officer of TELEPHONE	)
PROTECTION AGENCY, INC.,	)
	)
Defendants.	)

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**STIPULATED JUDGMENT AND ORDER FOR PERMANENT INJUNCTION AS TO DEFENDANTS TELEPHONE PROTECTION AGENCY, INC. AND REBECCA PHILLIPS**

Plaintiff, the Federal Trade Commission ("FTC" or "Commission"), commenced this action by filing its Complaint for permanent injunction and other relief pursuant to Sections 5, 13(b), and 19 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 45, 53(b), and 57b, charging that the Defendants engaged in unfair or deceptive acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, and the FTC's Rule entitled "Telemarketing Sales

DOCUMENT  
SCANNED

11

Rule” (the “TSR” or the “Rule”), 16 C.F.R. Part 310. The Commission and Defendants Telephone Protection Agency, Inc. and Rebecca Phillips hereby agree to the entry of this Stipulated Judgment and Order for Permanent Injunction (“Order”).

THEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

**FINDINGS**

1. This Court has jurisdiction over the subject matter and the Defendants pursuant to 28 U.S.C. §§ 1331, 1337(a), and 1345, and under 15 U.S.C. §§ 45(a), 53(b), 57b, 6102(c), and 6105(b). Venue is proper as to the Defendants in the Western District of North Carolina under 28 U.S.C. §§ 1391(b) and (c), and 15 U.S.C. § 53(b).
2. The activities of the Defendants were in or affecting commerce, as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.
3. The Complaint states a claim upon which relief may be granted to the FTC under Sections 5(a)(1), 13(b) and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a), 53(b), and 57b.
4. Defendant Rebecca Phillips filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code, 11 U.S.C. §§ 101 et seq., in the United States Bankruptcy Court for the Western District of North Carolina, Case No. 03-51449, on August 18, 2003. On November 24, 2003, the Court issued an order discharging the debtor, but has not closed the case. The Commission’s action against Defendant Rebecca Phillips is not stayed by 11 U.S.C. § 362(a) because 11 U.S.C. § 362(c) applies and this action is an exercise of the Commission’s police or regulatory power as a governmental unit pursuant to 11 U.S.C. § 362(b)(4), and thus falls within an exemption to the automatic stay.

5. Defendants have entered into this Order freely and without coercion. Defendants further acknowledge that they have read and understand the provisions of this Order, and are prepared to abide by them.

6. Defendants waive all rights to seek judicial review or otherwise challenge or contest the validity of this Order. Defendants further waive and release any claim that they may have for attorneys' fees as a prevailing party under the Equal Access to Justice Act, 28 U.S.C. § 2412, as amended by Pub. L. 104-121, 110 Stat. 847, 863-64 (1996), and any claim they may have against the Commission, its employees, representatives, or agents.

7. Entry of this Order in settlement of this action is in the public interest.

#### **DEFINITIONS**

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

1. "Asset" means any legal or equitable interest in, or right 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, and all cash, wherever located.
2. "Defendants" means Telephone Protection Agency, Inc. and Rebecca Phillips, except as otherwise indicated.
3. "Document" is synonymous in meaning and equal in scope to the usage of the term in Federal Rule of Civil Procedure 34(a), and includes emails, writings, drawings, graphs, charts, photographs, audio and video recordings, computer records, and other data compilations from which information can be obtained and translated, if necessary, into reasonably usable form

through detection devices. A draft or non-identical copy is a separate document within the meaning of the term.

4. "Person" means a natural person, organization or other legal entity, including a corporation, partnership, proprietorship, association, or cooperative, or any other group or combination acting as an entity.

5. "Telemarketing" means any plan, program, or campaign (whether or not covered by the Telemarketing Sales Rule, 16 C.F.R. Part 310), that is conducted to induce the purchase of goods or services by means of the use of one or more telephones.

## **ORDER**

### **I. PERMANENT BAN**

**IT IS THEREFORE ORDERED** that Defendants Telephone Protection Agency, Inc. and Rebecca Phillips are permanently restrained and enjoined from engaging, participating, assisting, or facilitating in any manner or capacity whatsoever, directly or indirectly, individually or through any corporation, subsidiary, division, or other device, in any telemarketing of any kind.

### **II. PROHIBITION AGAINST MISREPRESENTATIONS**

**IT IS FURTHER ORDERED** that in connection with the advertising, promotion, offering for sale, or sale of goods or services by any means whatsoever, each Defendant, and each of their successors, assigns, officers, agents, servants, employees, and those persons in active concert or participation with them who receive actual notice of this Order by personal service, facsimile, or otherwise, whether acting directly or through any corporation, subsidiary, division, or other device, are hereby permanently restrained and enjoined from making, directly or by implication, orally or in writing, any false or misleading representation or omission, or assisting others in making any such false or misleading representation or omission, including false or

misleading representations or omissions about material aspects of the performance, efficacy, nature or central characteristics of a product or service that is the subject of a sales offer, such as representations that:

A. Consumers will receive fewer telemarketing calls, or none at all, as a result of purchasing Defendant's products or services;

B. Defendant can or will register a consumer with, or enroll him or her in, any federal, state or private list or program to prevent or limit unsolicited telemarketing calls, including the National Do Not Call Registry maintained by the FTC;

C. Defendant can or will protect or enhance a consumer's privacy or the confidentiality of the consumer's personal financial information by any means, including:

1. Notifying telemarketers, direct and electronic mail marketers, credit reporting agencies or any other entity not to sell or lease the consumer's name, telephone number, address, bank account number, or credit or debit account number to any person or company under any circumstances; and

2. Notifying list brokers to stop selling or leasing the consumer's name, telephone number, address, bank account number, or credit or debit account number;

D. Defendant can or will reduce, prevent or halt unsolicited marketing offers from reaching a consumer, including telemarketing calls, unsolicited commercial email or regular mail; and

E. A consumer will receive an EZ Hang Up Device, TeleZapper or other device, program or software designed, marketed or represented to reduce or stop telemarketing calls or unsolicited commercial email from reaching the consumer.

### III. PROHIBITION AGAINST UNAUTHORIZED BILLING

**IT IS FURTHER ORDERED** that, in connection with the advertising, promotion, offering for sale or sale of goods or services by any means whatsoever, each Defendant, and each of their successors, assigns, officers, agents, servants, employees, and those persons in active concert or participation with them who receive actual notice of this Order by personal service, facsimile, or otherwise, whether acting directly or indirectly through any corporation, subsidiary, division, or other device, are hereby permanently restrained and enjoined both from submitting a charge to a consumer's credit or debit card or bank account and from otherwise billing a consumer:

A. Without having clearly and conspicuously disclosed to the consumer all material terms and conditions of the transaction; and

B. Without having previously obtained the consumer's express written authorization for any such charge, debit or billing, in a document that includes the consumer's signature.

### IV. MONETARY JUDGMENT

**IT IS FURTHER ORDERED** that judgment in the amount of \$672,717.85 is hereby entered against Defendant Telephone Protection Agency, Inc., in settlement of this action; *provided, however*, that payment of this judgment shall be suspended, and *provided further*, that this judgment shall be subject to the conditions set forth in Paragraph V below.

A. Any and all funds paid pursuant to this Paragraph or Paragraph V shall be deposited into a fund administered by the Commission 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 fund. In the event that redress to purchasers is wholly or partially impracticable, or any funds remain after redress is completed, the Commission may apply any remaining funds for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to the Defendants' practices alleged in the complaint. Any funds not used for such equitable relief shall be deposited in the United States Treasury as disgorgement. Defendants shall have no right to contest the Commission's choice of remedies under this Paragraph.

B. In accordance with 31 U.S.C. § 7701, Defendant Telephone Protection Agency, Inc., is hereby required, unless it has done so already, to furnish the FTC with its taxpayer identification number (Employer Identification Number or Social Security Number) which shall be used for purposes of collecting and reporting on any delinquent amount arising from Defendant's monetary obligation to the government.

C. Defendant Rebecca Phillips is further required, unless she has done so already, to provide the Commission with clear, legible and full-size photocopies of all valid driver's licenses that she possesses, which will be used for reporting and compliance purposes.

#### **V. RIGHT TO REOPEN**

**IT IS FURTHER ORDERED** that:

A. The Commission's agreement to this Stipulated Judgment is expressly premised upon the financial condition of Defendants Telephone Protection Agency, Inc., as represented in

the sworn financial statements provided to the Commission by Defendant Telephone Protection Agency, Inc. dated October 16, 2003 (as supplemented November 12, 2003), and May 13, 2004, all of which include material information upon which the Commission relied in negotiating and consenting to this Stipulated Judgment;

B. If, upon motion by the Commission, this Court finds that Defendant Telephone Protection Agency, Inc. made a material misrepresentation or omitted material information concerning the Defendant's financial condition, then the Court shall enter a modified judgment holding the Defendant liable to the Commission for the full amount of \$672,717.85, which the Plaintiff and Defendant stipulate is the amount of consumer injury caused by Defendant. This amount, less the sum of any payments previously made pursuant to this Stipulated Judgment, shall become immediately due and payable, together with interest computed at the rate prescribed under 28 U.S.C. § 1961, as amended;

C. Defendant Telephone Protection Agency, Inc. agrees that the facts as alleged in the Complaint filed in this action shall be taken as true in any subsequent litigation filed by the Commission to enforce its rights pursuant to this Stipulated Judgment, including but not limited to a nondischargeability complaint in any bankruptcy proceeding; and

D. Any proceedings instituted under this Section are in addition to, and not in lieu of, any other civil or criminal remedies as may be provided by law, including any other proceedings that the FTC may initiate to enforce this Stipulated Judgment.

## **VI. TRANSFER OF CUSTOMER LISTS**

**IT IS FURTHER ORDERED** that Defendants and their successors, assigns, officers, agents, servants, employees, and those persons in active concert or participation with them who



receive actual notice of this Order by personal service, facsimile, or otherwise, whether acting directly or through any corporation, subsidiary, division, or other device, are hereby permanently restrained and enjoined from selling, renting, leasing, transferring or otherwise disclosing the name, address, telephone number, credit card number, bank account number, e-mail address, or other identifying information obtained by the Defendants at any time prior to entry of this Order in connection with any business engaged in telemarketing; *provided, however*, that Defendants may disclose such identifying information to a law enforcement agency, or as required by any law, regulation or court order, or as may be necessary in connection with litigation or court proceedings.

#### **VII. ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANTS**

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

#### **VIII. DISTRIBUTION OF ORDER BY DEFENDANTS**

**IT IS FURTHER ORDERED** that, for a period of seven (7) years from the date of entry of this Order, Defendants shall deliver copies of this Order as directed below:

A. **Corporate Defendant:** Defendant Telephone Protection Agency, Inc. must delivery a copy of this Order to all principals, officers, directors and managers. Defendant Telephone Protection Agency, Inc. also must deliver copies of this Order to all of its employees, agents, and representatives who engage in conduct related to the subject matter of the Order. For current personnel, delivery shall be within five (5) days of service of this Order upon Defendant. For new personnel, delivery shall occur prior to their assumption of their responsibilities;

B. **Defendant Rebecca Phillips as Control Person:** For any business that Defendant Rebecca Phillips controls, directly or indirectly, or in which she has a majority ownership interest, Defendant Rebecca Phillips must deliver a copy of this Order to all principals, officers, directors and managers of that business. Defendant Rebecca Phillips must also deliver copies of this Order to all employees, agents and representatives of that business who engage in conduct related to the subject matter of the Order. For current personnel, delivery shall be within five (5) days of service of this Order upon Defendant. For new personnel, delivery shall occur prior to their assumption of their responsibilities;

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

D. Defendants must secure a signed and dated statement acknowledging receipt of the Order within thirty (30) days of delivery, from all persons receiving a copy of the Order pursuant to this paragraph.

#### **IX. COMPLIANCE REPORTING BY DEFENDANTS**

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

- A. For a period of seven (7) years from the date of entry of this Order,
  1. Defendant Rebecca Phillips shall notify the Commission of the following:

a. Any changes in her residence, mailing addresses, and telephone numbers, within ten (10) days of the date of such change;

b. Any changes in her employment status (including self-employment), and any change in her ownership in any business entity, within ten (10) days of the date of such change. Such notice shall include the name and address of each business that she is affiliated with, employed by, creates or forms, or performs services for; a statement of the nature of the business; and a statement of her duties and responsibilities in connection with the business or employment; and

c. Any changes in her name or use of any aliases or fictitious names; and

2. Defendants Telephone Protection Agency, Inc., and Rebecca Phillips shall notify the Commission of any changes in the corporate structure of Telephone Protection Agency, Inc. or of any business entity that Rebecca Phillips directly or indirectly controls, 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 corporate name or address at least thirty (30) days prior to such change; *provided that*, with respect to any such proposed change about which the Defendant learns less than thirty (30) days prior to the date such action is to take place, the Defendant shall notify the Commission as soon as is practicable after obtaining such knowledge;

B. One hundred eighty (180) days after the date of entry of this Order, Defendants Telephone Protection Agency, Inc. and Rebecca Phillips, each shall provide a written report to the Commission, 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 Defendant Rebecca Phillips:
  - a. Her then-current residence address, mailing addresses, and telephone numbers;
  - b. Her then-current employment and business addresses and telephone numbers, a description of the business activities of each such employer or business, and the title and responsibilities she has, for each such employer or business; and
  - c. Any other changes required to be reported under subparagraph A of this Section; and
2. For Defendants Telephone Protection Agency, Inc. and Rebecca Phillips:
  - a. A copy of each acknowledgment of receipt of this Order obtained pursuant to Paragraph VIII; and
  - b. Any other changes required to be reported under subparagraph A of this Section;

C. For the purposes of this Order, Defendants shall, unless otherwise directed by the Commission's authorized representatives, mail all written notifications to the Commission to:

Associate Director for Marketing Practices  
Federal Trade Commission  
600 Pennsylvania Ave. N.W. - Rm. H-238  
Washington, DC 20580

Re: FTC v. Telephone Protection Agency, et. al.,  
Civil Action No. 5:04cv49; and

D. For purposes of the compliance reporting required by this Paragraph, the Commission is authorized to communicate directly with Defendants.

#### **X. RECORD-KEEPING PROVISIONS**

**IT IS FURTHER ORDERED** that, for a period of ten (10) years from the date of entry of this Order, in connection with any business that either Defendant directly or indirectly controls or has a majority ownership interest in, Defendants Telephone Protection Agency, Inc. and Rebecca Phillips 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; 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 responses to those complaints or requests;

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

F. All authorizations from consumers for the purchase of goods or services sold by either of the Defendants, or any of their agents, apparent agents or independent contractors; and

G. All records and documents necessary to demonstrate full compliance 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 Commission pursuant to paragraphs IX and XI.

## XI. COMPLIANCE MONITORING

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

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

B. In addition, the Commission is authorized to monitor 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 prescribed by Fed. R. Civ. P. 30, 31, 33, 34, 36, and 45; and
2. Posing as consumers and suppliers to: Defendant Telephone Protection Agency, Inc. or Rebecca Phillips; the employees of Defendant Telephone Protection Agency, Inc. or Rebecca Phillips; or any other entity managed or controlled in whole or in part by Defendant Telephone Protection Agency, Inc. or Rebecca Phillips, without the necessity of identification or prior notice; and

C. Defendants Telephone Protection Agency, Inc. and Rebecca Phillips 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)).

## **XII. FEES AND COSTS**



**IT IS FURTHER ORDERED** that each party to this Order, having agreed to do so, shall bear its own costs and attorneys' fees incurred in connection with this action.

**XIII. RETENTION OF JURISDICTION**

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

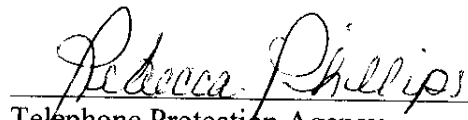
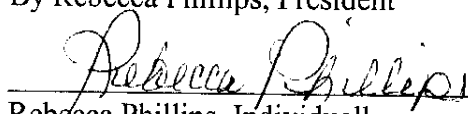
**FOR THE PLAINTIFF:**

William E. Kovacic  
General Counsel

  
  
\_\_\_\_\_  
Russell Deitch  
Craig Tregillus  
Federal Trade Commission  
600 Pennsylvania Ave. N.W. - Rm. 238  
Washington, D.C. 20580

**FOR THE DEFENDANTS:**

\_\_\_\_\_  
F. Kelly Smith  
Law Offices of F. Kelly Smith  
216 Sixteenth St., Ste. 1210  
Denver, Colorado 80202  
Attorney for Defendant Telephone Protection  
Agency, Inc., and Rebecca Phillips

  
\_\_\_\_\_  
Telephone Protection Agency,  
By Rebecca Phillips, President  
  
\_\_\_\_\_  
Rebecca Phillips, Individually

SO ORDERED this 1<sup>st</sup> day of July, 2004.

\_\_\_\_\_  
THE HONORABLE RICHARD L. VOORHEES  
UNITED STATES DISTRICT JUDGE





**XIII. RETENTION OF JURISDICTION**

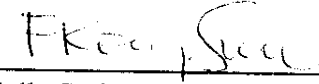
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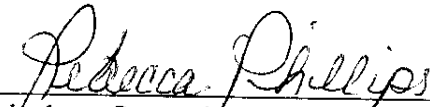
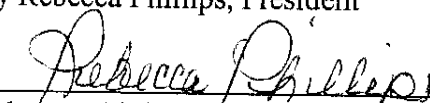
**FOR THE PLAINTIFF:**

William E. Kovacic  
General Counsel

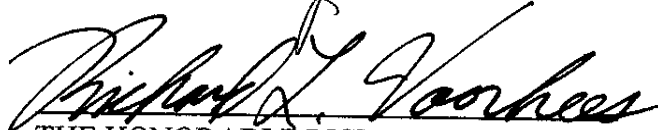
  
  
\_\_\_\_\_  
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Craig Tregillus  
Federal Trade Commission  
600 Pennsylvania Ave. N.W. - Rm. 238  
Washington, D.C. 20580

**FOR THE DEFENDANTS:**

  
\_\_\_\_\_  
F. Kelly Smith  
Law Offices of F. Kelly Smith  
216 Sixteenth St., Ste. 1210  
Denver, Colorado 80202  
Attorney for Defendant Telephone Protection  
Agency, Inc., and Rebecca Phillips

  
\_\_\_\_\_  
Telephone Protection Agency,  
By Rebecca Phillips, President  
  
\_\_\_\_\_  
Rebecca Phillips, Individually

SO ORDERED this 1<sup>st</sup> day of July, 2004.

  
\_\_\_\_\_  
THE HONORABLE RICHARD L. VOORHEES  
UNITED STATES DISTRICT JUDGE

**Certificate of Service by Mail**

I, Russell Deitch, certify as follows:

I am over the age of 18 years and am not a party to this action.

I work for the Federal Trade Commission in Washington, D.C. My business address is as follows: Federal Trade Commission, 6<sup>th</sup> Street and Pennsylvania Ave., N.W., Room 238, Washington, D.C. 20580. On September 20, 2004, I certify that I caused the proposed Stipulated Judgment with Defendants Telephone Protection Agency and Rebecca Phillips to be served on the following attorneys by overnight mail at the following addresses:

F. Kelly Smith, Esq.  
216 Sixteenth St., Suite 1210  
Denver, Colorado 80202

Harold J. Bender  
200 N. McDowell Street  
Charlotte, NC 28204

Executed at Washington, D.C. on September 20, 2004.



Russell Deitch

**Certificate of Service by Mail**

I, Russell Deitch, certify as follows:

I am over the age of 18 years and am not a party to this action.

I work for the Federal Trade Commission in Washington, D.C. My business address is as follows: Federal Trade Commission, 6<sup>th</sup> Street and Pennsylvania Ave., N.W., Room 238, Washington, D.C. 20580. On September 20, 2004, I certify that I caused the proposed Stipulated Judgment with Defendants Telephone Protection Agency and Rebecca Phillips to be served on the following attorneys by overnight mail at the following addresses:

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216 Sixteenth St., Suite 1210  
Denver, Colorado 80202

Harold J. Bender  
200 N. McDowell Street  
Charlotte, NC 28204

Executed at Washington, D.C. on September 20, 2004.



Russell Deitch

United States District Court  
for the  
Western District of North Carolina  
October 1, 2004

\* \* MAILING CERTIFICATE OF CLERK \* \*

Re: 5:04-cv-00049

True and correct copies of the attached were mailed by the clerk to the following:

Russell Deitch, Esq.  
Federal Trade Commission  
Room H-238  
600 Pennsylvania Ave., N.W.  
Washington, DC 20580

Craig Tregillus, Esq.  
Federal Trade Commission  
Rm. H-238  
600 Pennsylvania Ave., N.W.  
Washington, DC 20580

F. Kelly Smith, Esq.  
216 Sixteenth St., Suite 1210  
Denver, CO 80202

Harold J. Bender, Esq.  
Law Office of Harold Bender  
200 North McDowell Street  
Charlotte, NC 28204

cc:  
Judge ( )  
Magistrate Judge ( )  
U.S. Marshal ( )  
Probation ( )  
U.S. Attorney ( )  
Atty. for Deft. ( )  
Defendant ( )  
Warden ( )  
Bureau of Prisons ( )  
Court Reporter ( )  
Courtroom Deputy ( )  
Orig-Security ( )  
Bankruptcy Clerk's Ofc. ( )  
Other \_\_\_\_\_ ( )

Date: 10-1-04

Frank Johns, Clerk

By: Carolyn B. Bouchard  
Deputy Clerk