

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

RECEIVED

FEDERAL TRADE COMMISSION,  
  
Plaintiff,  
  
v.  
  
CLICKFORMAIL.COM, INC., a Texas  
corporation also doing business as  
ALLPREAPPROVED.COM, and  
  
HARVEY B. VAUGHN, III, individually and  
as an officer of CLICKFORMAIL.COM, INC.,  
  
Defendants.

OCT 2 - 2003

JUDGE DAVID H. COAR

Civ. No. 03C 3033

Judge Coar

Magistrate Judge Bobrick

NOTICE OF FILING

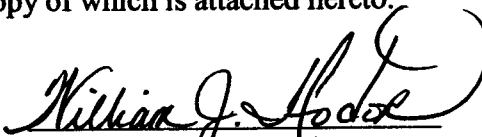
To: Marimichael Skubel, Esq.  
KIRKLAND & ELLIS  
655 Fifteenth Street, N.W.  
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Joseph M. Graham, Esq.  
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Aon Center, 200 East Randolph Drive  
Chicago, Illinois 60601

PLEASE TAKE NOTICE that on October 2, 2003, Plaintiff filed the **Stipulated Permanent Injunction and Final Judgment Order** with the United States District Court for the Northern District of Illinois, Eastern Division, a copy of which is attached hereto.

Dated: Oct. 2, 2003

  
WILLIAM J. HODOR  
Attorney for Plaintiff  
Federal Trade Commission



Final Judgment Order (“Order”) without a trial or adjudication of any issue of law or fact herein.

**NOW, THEREFORE**, the Commission and Defendants, having requested the Court to enter this Order,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** as follows:

**FINDINGS**

1. This is an action by the Commission instituted under Section 13(b) of the FTC Act, 15 U.S.C. § 53(b). The Complaint seeks permanent injunctive relief and consumer redress against Defendants in connection with the marketing, advertising, promotion, offering for sale, sale or provision of credit-related products, programs or services.
2. The Complaint states a claim upon which relief may be granted against Defendants under Sections 5 and 13(b) of the FTC Act, 15 U.S.C. §§ 45 and 53(b).
3. This Court has jurisdiction over the subject matter of this case and all parties hereto. Venue in the Northern District of Illinois is proper.
4. The alleged practices of Defendants are in or affecting commerce, as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.
5. The Commission has the authority under Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), to seek the relief it has requested.
6. Defendants, without admitting the allegations set forth in the Complaint, except those contained in Paragraphs 1 through 7 therein, agree to entry of this Order. The FTC, by executing this Order, does not admit that any defense to the Complaint is valid.
7. No portion of the payment as herein provided shall be deemed a payment of any fine, penalty, forfeiture, or punitive assessment and no provision of this Order shall be

constructed as an admission or finding that any Defendant has engaged in violations of the FTC Act or any other law. The Commission intends for this Order to constitute a complete settlement of its claims against Defendants for the matters alleged in its Complaint.

8. Defendants enter into this Order freely and without coercion, and acknowledge that they understand the provisions of this Order and are prepared to abide by its terms. At all times, Defendants have been represented by counsel, including the negotiations that led to this Order.

9. The parties shall each bear their own costs and attorney's fees incurred in this action. Defendants have waived all claims under the Equal Access to Justice Act, 28 U.S.C. § 2412, and all rights to seek judicial review, or otherwise to challenge the validity of this Order.

10. Entry of this Order is in the public interest.

#### **ORDER**

#### **DEFINITIONS**

1. "Asset" or "Assets" means any legal or equitable interest in, right to, or claim to, any real and/or 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. "Assisting others" means: (1) performing customer service functions including, but not limited to, receiving or responding to consumer complaints, receiving identifying and financial information from consumers, and communicating with consumers about extensions of credit; (2) developing, providing or arranging for the development or provision of sales scripts or any other marketing material; (3) providing names of, or arranging for the provision of, names of

potential customers; or (4) performing marketing services of any kind.

3. **“Credit-related products, programs, or services”** mean any product, program, or service that is advertised, offered for sale, or sold to consumers as a method by which consumers may establish or obtain any extension of credit or credit device, including, but not limited to, credit cards, loans, or financing, or as a method to consolidate or liquidate debts.

4. **“Customer”** means any person who has paid, or may be required to pay, for goods or services offered for sale or sold by Defendants.

5. **“Defendant”** or **“Defendants”** means ClickForMail.com, Inc., also doing business as AllPreApproved.com, and Harvey B. Vaughn, III, and each of them, by whatever names each may be known.

6. **“Document”** is synonymous in meaning and equal in scope to the term, as defined in Federal Rule of Civil Procedure 34(a), and includes 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, through detection devices into reasonably usable form. A draft or non-identical copy is a separate document within the meaning of this term.

7. **“Financial Institution”** means any bank, savings and loan institution, credit union, or any financial depository of any kind, including, but not limited to, any brokerage house, trustee, broker-dealer, escrow agent, title company, commodity trading company, or precious metal dealer.

8. **“Internet”** means a worldwide system of linked computer networks that use a common protocol (TCP/IP) to deliver and receive information. The Internet includes, but is not

limited to, the following forms of electronic communication: electronic mail and e-mail mailing lists, the World Wide Web, web sites, newsgroups, Internet Relay Chat, and file transfer protocols thereon, and remote computer access from anywhere in the world thereto.

9. **“Material”** means likely to affect a person’s choice of, or conduct regarding, goods or services.

10. **“Person”** means a natural person, an organization or other legal entity, including a corporation, partnership, sole proprietorship, limited liability company, association, cooperative, or any other group or combination acting as an entity.

11. **“Plaintiff”** means the Federal Trade Commission (“Commission”).

12. **“Web site”** means a set of electronic documents, usually a home page and subordinate pages, readily viewable on a computer by anyone with access to the Web, standard software, and knowledge of the web site’s location or address.

13. **“World Wide Web”** (the “Web”) means a system used on the Internet for cross-referencing and retrieving information.

#### **I. PROHIBITED BUSINESS ACTIVITIES**

**IT IS FURTHER ORDERED** that Defendants, and their officers, agents, directors, servants, employees, salespersons, independent contractors, attorneys, corporations, subsidiaries, affiliates, successors, and assigns, and all other persons or entities in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other device, or any of them, in connection with the marketing, advertising, promotion, offering for sale, sale, or provision of any good or service, including, but not limited to, credit-related products, programs

or services, are hereby permanently restrained and enjoined from:

- A. Misrepresenting, either orally or in writing, directly or by implication:
  - 1. that Defendants will provide consumers with, or arrange for consumers to receive, major credit cards, such as VISA or MasterCard credit cards;
  - 2. that Defendants have arrangements with banks or other financial institutions to offer credit to consumers;
  - 3. that Defendants will provide consumers with any credit-related products, programs, or services; and
  - 4. any material fact prior to a consumer's purchase of any products, programs, or services from Defendants.
- B. Assisting others who violate any provision of Paragraph A of this Section.

## **II. MONETARY RELIEF**

**IT IS FURTHER ORDERED** that:

A. Defendants, ClickForMail.com, Inc., and Harvey B. Vaughn, III, are jointly and severally liable for payment of equitable monetary relief in the amount of eight-hundred fifteen thousand dollars (\$815,000), which shall consist of one cash payment in the amount of five-hundred thousand dollars (\$500,000), a second cash payment in the amount of two-hundred eight thousand dollars (\$208,000), and the assignment of a note valued at one-hundred and seven thousand dollars (\$107,000). The monetary relief ordered herein does not constitute full compensation for the monetary harm alleged in the Complaint in this action and is not accepted as such. The payment required herein shall be made as follows:

- 1. Within ten (10) days of executing this Order, Defendants shall wire

transfer to the Commission five-hundred thousand dollars (\$500,000) to be deposited into a non-interest bearing escrow account established by the Commission for the purpose of receiving payments due under the provisions of this Order.

2. Within ten (10) days of executing this Order, Defendants shall assign and transfer to the Commission all legal and equitable rights, title, and interest to the loan note, contract, or payment obligation executed between ClickForMail.com, Inc. (obligee) and Gil Gonzalez (obligor) in the amount of one-hundred four thousand dollars (\$104,000), plus interest of six percent (6%) per annum, payable in twelve (12) monthly installments. Defendants also shall assign and wire transfer to the Commission all payments made or received pursuant to the terms of said loan note, contract, or payment obligation.

3. On or before September 30, 2003, Defendants shall wire transfer to the Commission the remaining cash payment balance due under this Section of two-hundred eight thousand dollars (\$208,000).

Wire transfers made pursuant to this Order shall be made in accordance with instructions provided by the Commission. Interest computed at the rate prescribed under 28 U.S.C. § 1961, as amended, shall immediately begin to accrue on any unpaid balance.

By signing this order, Defendants relinquish all dominion, control, and title to the monies transferred to the FTC, and agree that all legal and equitable title to said monies is vested in the Commission, for use according to the terms of this Order. In the event this Order is not approved by the Commission, all monies shall be returned to Defendants;



B. After entry of this Order, all funds paid by Defendants pursuant to this Order 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. Defendants will cooperate fully to assist the Commission in identifying consumers who may be entitled to redress pursuant to this Order. In the event that direct redress to consumers is wholly or partially impracticable or 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 Defendants' practices alleged in the Complaint. Any funds not used for such equitable relief shall be deposited to the Treasury as disgorgement. Defendants shall have no right to challenge the Commission's choice of remedies under this Paragraph;

C. Defendants are hereby required, in accordance with 31 U.S.C. § 7701, to furnish to the Commission their respective taxpayer identification numbers (social security numbers or employer identification numbers), which shall be used for purposes of collecting and reporting on any delinquent amount arising out of such persons' relationship with the government; and

D. Defendants agree 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 Order, including, but not limited to a nondischargeability complaint in any bankruptcy proceeding.

### **III. RIGHT TO REOPEN**

**IT IS FURTHER ORDERED** that within ten (10) days after the date of entry of this Order by the Court, Defendants, ClickForMail.com, Inc., and Harvey B. Vaughn, III, shall each

submit to the Commission a truthful sworn statement (in the form shown on **Attachments A and B** to this Order) that shall reaffirm and attest to the truthfulness, accuracy, and completeness of their respective financial statements, namely that of the ClickForMail.com, Inc., dated May 22, 2003, and that of Harvey B. Vaughn, III, dated May 22, 2003, and other supplemental documents and information provided by counsel for Defendants to the Commission in letters dated May 30, 2003, June 3, 2003, and June 26, 2003. The Commission's agreement to this Order is expressly premised upon the financial condition of each Defendant, as represented in their respective financial statements and supplemental documents, which contain material information upon which the Commission relied in negotiating and agreeing upon this Order.

If, upon motion by the Commission, the Court finds that Defendants have failed to submit to the Commission the sworn statements required by this Section, or that either Defendant failed to disclose any material asset, or materially misrepresented the value of any asset, or made any other material misrepresentation in or omission from the financial statements and other documents submitted to the Commission, the Court shall enter judgment against such Defendant, in favor of the Commission, in the amount of three-million, six-hundred thousand dollars (\$3,600,000.00), the total amount of the consumer injury resulting from Defendants' allegedly deceptive conduct, and the entire amount of the judgment shall become immediately due and payable, less any payment already made. Upon entry of a judgment against either Defendant by the Court, Defendants further agree to authorize any third party, including, but not limited to, individuals, banks, savings and loan institutions, pension funds, escrow agents, title companies, brokerage firms, commodity trading companies, business entities, or other financial institutions of any kind, in possession of any assets or funds belonging to or owed to Defendants, to transfer

the assets or funds to the Commission in full or partial satisfaction of the judgment. Said funds are to be transferred to the Commission by cashier's or certified check made payable to the Federal Trade Commission, and mailed to the Director, Federal Trade Commission, Midwest Region, 55 East Monroe Street, Suite 1860, Chicago, Illinois 60603.

*Provided, however,* that in all other respects, this judgment shall remain in full force and effect, unless otherwise ordered by the Court; *provided further,* that proceedings to reopen 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 Commission may initiate to enforce this Order.

#### **IV. DISCLOSURE OF CUSTOMER INFORMATION**

**IT IS FURTHER ORDERED** that Defendants, and their officers, agents, directors, servants, employees, salespersons, independent contractors, attorneys, corporations, subsidiaries, affiliates, successors, and assigns, and all other persons or entities in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other device, or any of them, are permanently restrained and enjoined from selling, renting, leasing, transferring, or otherwise disclosing the name, address, telephone number, social security number, credit card number, bank account number, e-mail address, or other identifying information of any person who paid any money to or received any credit-related products, programs, or services from any Defendant, or whose identifying information was obtained for the purpose of soliciting them to pay money to or receive services from any Defendant at any time prior to the date this Order is entered, in connection with the sale or rendition of the products, programs, or services referenced

in the Complaint. *Provided, however,* that Defendants, their successors, assigns, officers, agents, servants, employees, and all other person or entities in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any corporate or other device, may provide such identifying information to a law enforcement agency or as required by any law, regulation, or court order.

**V. ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANTS**

**IT IS FURTHER ORDERED** that Defendants, within five (5) business days of receipt of this Order as entered by the Court, must submit to the Commission a truthful sworn statement, in the form shown on **Attachment C** to this Order, acknowledging receipt of this Order.

**VI. COMPLIANCE MONITORING**

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

A. Within fifteen (15) days of receipt of written notice from a representative of the Commission, each Defendant 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;

2. posing as consumers to Defendants, Defendants' employees, or any other entity managed or controlled in whole or in part by Defendants, without the necessity of identification or prior notice;

*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)).

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.

#### **VII. 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 three (3) years from the date of entry of this Order,
1. Defendant Harvey B. Vaughn, III, shall notify the Commission of the following:
    - a. Any changes in Defendant's residence, mailing addresses, and telephone numbers, within ten (10) days of the date of such change;
    - b. Any changes in Defendant's employment status (including self-employment) within ten (10) days of the date of such change. Such notice shall

include the name and address of each business that Defendant is affiliated with, employed by, or performs services for; a statement of the nature of the business; and a statement of Defendant's duties and responsibilities in connection with the business;

c. Any changes in Defendant's name or use of any aliases or fictitious names; and

2. Defendant ClickForMail.com, Inc., also doing business as

AllPreApproved.com, shall notify the Commission of any changes in corporate structure 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 corporation; 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 learns less than thirty (30) days prior to the date such action is to take place, 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 Harvey B. Vaughn, III, and ClickForMail.com, Inc., also doing business as AllPreApproved.com, 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. Any changes required to be reported pursuant to Paragraph A above; and
2. A copy of each acknowledgment of receipt of this Order obtained by

Defendants pursuant to Section VIII of this Order.

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:

C. Steven Baker, Regional Director  
Federal Trade Commission, Midwest Region  
55 East Monroe Street, Suite 1860  
Chicago, Illinois 60603  
Re: *FTC v. ClickForMail.com, Inc., et al.*, Civil Action No. 03C 3033

D. For purposes of the compliance reporting required by this Section, the

Commission is authorized to communicate directly with Defendants.

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

**IT IS FURTHER ORDERED** that, for a period of three (3) years from the date of entry of this Order:

A. Defendant ClickForMail.com, Inc., also doing business as AllPreApproved.com, shall deliver a copy of this Order to all principals, officers, directors, managers, employees, agents, and representatives having responsibilities with respect to the subject matter of this Order, and shall secure from each such person a signed and dated statement acknowledging receipt of the Order. Defendant ClickForMail.com, Inc., also doing business as AllPreApproved.com, shall deliver this Order to current personnel within thirty (30) days after the date of entry of this Order, and to new personnel within thirty (30) days after the person assumes such position or responsibilities.

B. Defendant Harvey B. Vaughn, III, shall deliver a copy of this Order to the principals, officers, directors, managers and employees under Defendant Harvey B. Vaughn, III's control for any business that (a) employs or contracts for personal services from Defendant Harvey B. Vaughn, III, and (b) has responsibilities with respect to the subject matter of this Order. Defendant Harvey B. Vaughn, III, shall secure from each such person a signed and dated statement acknowledging receipt of the Order within thirty (30) days after the date of entry of the Order or the commencement of the employment relationship.

#### **IX. RECORD KEEPING PROVISIONS**

**IT IS FURTHER ORDERED** that, for a period of six (6) years from the date of entry of this Order, in connection with any business where Defendant Harvey B. Vaughn, III, is the majority owner of the business or directly or indirectly manages or controls the business, Defendants 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, phone 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. Complaint and refund requests (whether received directly, indirectly or through any third party) and any responses to those complaints or requests; and

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

**X. 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 Order.

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**XI. STIPULATION OF THE PARTIES**

The Commission and Defendants, by and through their counsel, stipulate to the entry of this Stipulated Permanent Injunction and Final Judgment Order.

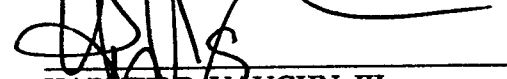
FOR THE PLAINTIFF:



WILLIAM J. KODOR  
STEVEN M. WERNIKOFF  
Federal Trade Commission  
55 East Monroe Street, Suite 1860  
Chicago, Illinois 60603  
(312) 960-5634 [Telephone]  
(312) 960-5600 [Facsimile]

Attorneys for Plaintiff  
FEDERAL TRADE COMMISSION

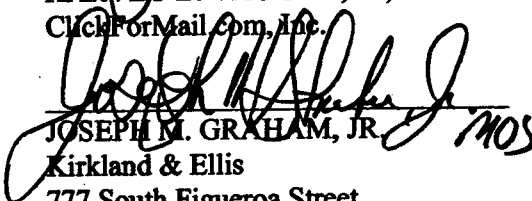
FOR THE DEFENDANTS:



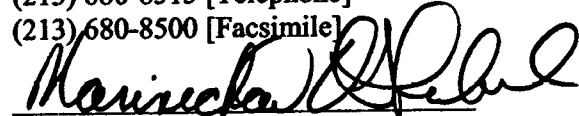
HARVEY B. VAUGHN, III  
Individually



HARVEY B. VAUGHN, III, President  
ClickFormMail.com, Inc.



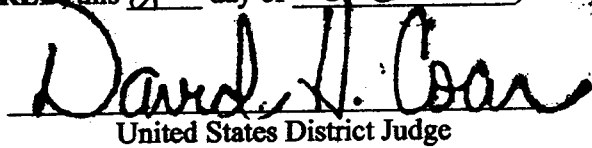
JOSEPH M. GRAHAM, JR.  
Kirkland & Ellis  
777 South Figueroa Street  
Los Angeles, California 90017  
(213) 680-8515 [Telephone]  
(213) 680-8500 [Facsimile]



MARIMICHAEL O. SKUBEL  
Kirkland & Ellis  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005  
(202) 879-5000 [Telephone]  
(202) 879-5200 [Facsimile]

Attorneys for Defendants  
CLICKFORMMAIL.COM, INC.  
HARVEY B. VAUGHN, III

IT IS SO ORDERED this 2<sup>nd</sup> day of Oct, 2003, at 3:30p.m.



United States District Judge



I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

\_\_\_\_\_  
HARVEY B. VAUGHN, III  
Individually, and as President of  
CLICKFORMAIL.COM, INC.

State of \_\_\_\_\_, City of \_\_\_\_\_

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

\_\_\_\_\_



I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

\_\_\_\_\_  
HARVEY B. VAUGHN, III, President  
CLICKFORMAIL.COM, INC.

State of \_\_\_\_\_, City of \_\_\_\_\_

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires:  
\_\_\_\_\_



Injunction and Final Judgment Order, signed by the Honorable \_\_\_\_\_,  
and entered by the Court on \_\_\_\_\_, 200\_\_\_. A true and correct copy of the  
Stipulated Permanent Injunction and Final Judgment Order 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.

\_\_\_\_\_  
HARVEY B. VAUGHN, III  
Individually, and as President of  
CLICKFORMAIL.COM, INC.

State of \_\_\_\_\_, City of \_\_\_\_\_

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires:  
\_\_\_\_\_



**CERTIFICATE OF SERVICE**

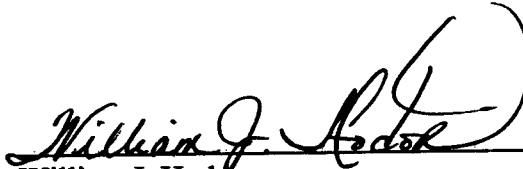
I, William J. Hodor, hereby certify that on this day, I caused to be served true copies of the **Stipulated Permanent Injunction and Final Judgment Order** on the following via overnight Federal Express delivery:

Marimichael Skubel, Esq.  
KIRKLAND & ELLIS  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005-5793

Joseph M. Graham, Esq.  
KIRKLAND & ELLIS  
777 South Figueroa Street  
Los Angeles, California 90017-5800

Rachel Pernic, Esq,  
KIRKLAND & ELLIS  
Aon Center  
200 East Randolph Drive  
Chicago, Illinois 60601

Dated: Oct. 2, 2003

  
\_\_\_\_\_  
William J. Hodor  
Attorney for Plaintiff  
Federal Trade Commission