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ATTORNEYS FOR PLAINTIFF

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

FIRST CREDIT ALLIANCE, INC.,  
CREDIT SERVICES OF AMERICA, INC.,  
PHILIP D. PESTRICHELLO, a.k.a.  
PHILIP DANIEL, and  
ALLYSON PESTRICHELLO, a.k.a.  
ALLYSON SILVER,

Defendants.

CV: 3:00CV1049 (CFD)

## **STIPULATED FINAL JUDGMENT AND ORDER FOR PERMANENT INJUNCTION**

Plaintiff, the Federal Trade Commission ("Commission"), filed its complaint on June 8, 2000 for permanent injunction and other relief, including restitution to consumers, pursuant to Sections 13(b) and 19 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 53(b) and 57b, charging Defendants First Credit Alliance, Inc. ("FCA"); Credit Services of America, Inc. ("CSA"); Philip D. Pestrichello, and Allyson Pestrichello with violating Section 5 of the FTC Act.

The parties, represented by the attorneys whose names appear herein, have agreed to the entry of this Stipulated Final Judgment and Order for Permanent Injunction ("Order") and have requested that the Court enter the same to resolve all matters of dispute between them in this action without trial or adjudication of any issue of law or fact herein.

NOW, THEREFORE, the Commission and Defendants having requested this Court to enter this Final Judgment, **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** as follows:

### **FINDINGS**

1. This Court has jurisdiction of the subject matter of this case and all parties hereto;
2. Venue is proper as to all parties in the District of Connecticut;
3. The activities of Defendants 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 under Sections 5(a), 13(b) and 19 of the FTC Act, 15 U.S.C. §§ 45(a), 53(b) and 57b.
5. Defendants waive all claims under the Equal Access to Justice Act, 28 U.S.C. § 2412, *amended by* Pub. L. 104-121, 110 Stat 847, 863-64 (1996);
6. Defendants waive all rights to seek judicial review or otherwise to challenge or contest the validity of this Order, and further waive any claim Defendants may have against the Commission, the Receiver, or their employees and agents,;
7. Entry of this Order is in the public interest; and
8. This Order shall not constitute and shall not be interpreted to constitute either an admission by any Defendant or a finding by the Court that any Defendant has engaged in violations of the FTC Act.

### **DEFINITIONS**

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

1. "Credit-related goods or services" means any good or service which 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 restore, repair, or improve derogatory information contained in consumers' credit reporting files; or as a method to consolidate or liquidate debts.
2. "Material" means likely to affect a person's choice of, or conduct regarding, goods or services.
3. "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 or 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.

5. "Defendants" means Defendants CSA, FCA, and Philip D. Pestrichello.
6. "Plaintiff" means the Federal Trade Commission.

### **PERMANENT BAN**

#### **I.**

**IT IS THEREFORE ORDERED** that Defendants, and each of them, and their successors, assigns, directors, officers, agents, servants, employees, salespersons, corporations, subsidiaries, affiliates, and other persons directly or indirectly under the control of any of the Defendants or in active concert or participation with any of the Defendants 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, directly or indirectly, participating, controlling, directing, managing, or receiving any remuneration of any kind whatsoever from, or holding any ownership or controlling interest, share, or stock in, or serving as an officer, director, trustee, or general manager of, any business or business entity engaged, in whole or in part in advertising, marketing, promoting, offering for sale, or sale of any credit-related goods or services, or assisting others engaged in the same.

### **PROHIBITED BUSINESS PRACTICES**

#### **II.**

**IT IS FURTHER ORDERED** that in connection with the advertising, marketing, promoting, offering for sale, or sale of products or services, or assisting others, including but not limited to Allyson Pestrichello, engaged in the advertising, marketing, promoting, offering for sale, or sale of products or services, Defendants, and each of them, and their successors, assigns, directors, officers, agents, servants, employees, salespersons, corporations, subsidiaries, affiliates, and other persons directly or indirectly under the control of any of the Defendants or in active concert or participation with any of the Defendants 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 misrepresenting, expressly or by implication:

- A. that after paying a fee, consumers will receive a credit card or other extension of credit;
- B. that a consumer's processing fee will be refunded if they do not obtain the promised credit card;
- C. the nature or terms of Defendants' refund or cancellation policies;
- D. any fact material to a consumer's decision to pay a fee for any loan or extension of credit; and
- E. any other fact material to a consumer's decision to purchase any product or service.

Nothing in this Section or in any other Section of this Order shall void any of the ban provisions set forth in Section I of this Order.

**III.**

**IT IS FURTHER ORDERED** that in connection with the advertising, marketing, promoting, offering for sale, or sale of any products or services, Defendants are hereby permanently restrained and enjoined from using any aliases, pen names, or pseudonyms, or otherwise misrepresenting their true identities in the course of business dealings or in publicly filed documents.

**CUSTOMER LISTS**

**IV.**

**IT IS FURTHER ORDERED** that Defendants, and each of them, and their successors, assigns, directors, officers, agents, servants, employees, salespersons, corporations, subsidiaries, affiliates, and other persons directly or indirectly under the control of any of the Defendants or in active concert or participation with any of the Defendants 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 using or selling, leasing, transferring, or otherwise disclosing to any person the name, address, telephone number, credit card number, bank account number, e-mail address, or other identifying information of: (1) any person who paid any money to any of the Defendants; (2) any person solicited by any of the Defendants; or (3) any person on a list maintained by any of the Defendants for future solicitation. Defendants are further ordered to turn over to the Commission within three (3) days of the entry of this Order, all such identifying information and all copies thereof in the Defendants' possession, custody or control, in whatever format maintained, including but not limited to mailing lists, mailing labels, computer disks, and data compilations. *Provided, however,* that Defendants may disclose such identifying information to a law enforcement agency or as required by any law, regulation, or court order.

**CONSUMER REDRESS**

**V.**

**IT IS FURTHER ORDERED** that judgment in the amount of \$1,186,271 is entered jointly and severally against Defendants, and their successors and assigns. Based upon the sworn representations of Defendants and Defendant Allyson Pestrichello in their financial disclosure statement sworn to on July 23, 2001 (the date of the final revisions to the disclosure statement) and related documents including, but not limited to the corporate financial declaration dated June 15, 2001, and subject to the reopening conditions set forth in Section VII, this liability will be suspended upon payment by Defendant CSA, FCA, Philip Pestrichello, or Allyson Pestrichello of \$80,888.58.

**VI.**

**IT IS FURTHER ORDERED** that Defendants are hereby required, in accordance with 31 U.S.C. § 7701, to furnish to the FTC their respective taxpayer identifying numbers (Social Security Number or Employer Identification Number), which shall be used for purposes of collecting and reporting on any delinquent amount arising out of such person's relationship with the government.

## RIGHT TO REOPEN

### VII.

**IT IS FURTHER ORDERED** that, within five (5) Business days after entry of this Order, Defendants shall submit to the Commission a truthful sworn and notarized statement, in the form shown on Appendix A, that shall reaffirm and attest to the truthfulness, accuracy, and completeness of their financial statements originally dated February 28, 2001 and revised as of July 23, 2001, and related documents (collectively designated the "Financial Statements"), including, but not limited to the declaration of the corporate defendants dated June 15, 2001, that were submitted to the Commission. The Commission is authorized to verify any information provided in the Financial Statements with any appropriate third party, including but not limited to, any financial institution or credit reporting bureau. The Commission's agreement to this Order is expressly premised upon the truthfulness, accuracy, and completeness of Defendants CSA, FCA, Philip Pestrichello, and Allyson Pestrichello's financial condition as represented in the Financial Statements referenced above, which contain material information upon which the Commission relied in negotiating and agreeing to the terms of this Order, and which will be reaffirmed by Defendants pursuant to this Paragraph.

A. If, upon motion by the Commission, this Court finds that any of the Defendants failed to file the sworn statement required by this Section, or filed a financial statement that failed to disclose any material asset, or materially misrepresented the value of any asset, or made any other material misrepresentation in or omission from any financial statement, the judgment herein shall be reopened for the purpose of increasing the amount Defendants shall pay the Commission pursuant to Section V above, to \$1,186,271 dollars less any amounts previously paid, representing the approximate amount of consumer injury, and which will become immediately due and payable. For purposes of this Section and any subsequent proceedings to enforce payment, including but not limited to, a non-dischargeability complaint filed in a bankruptcy proceeding, Defendants waive any right to contest any of the allegations in the Commission's complaint.

B. All funds paid pursuant to this Paragraph 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 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 the 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. No portion of this Judgment for equitable monetary relief shall be deemed a fine, penalty or punitive assessment, or forfeiture. The Commission shall have full and sole discretion to:

1. Determine the criteria for participation by individual claimants in any consumer redress program implemented pursuant to this Order;
2. Determine the manner and timing of any notices to be given to consumers regarding the existence and terms of such programs; and
3. Delegate any and all tasks connected with such redress program to any individuals, partnerships, or corporations; and pay reasonable fees, salaries, and expenses incurred thereby from the payments made pursuant to this Order;

C. Defendants expressly waive their rights to litigate the issue of disgorgement. Defendants acknowledge and agree that all money paid pursuant to this Order is irrevocably paid to the Commission for purposes of settlement between Plaintiff and Defendants; and

D. Upon entry of this Order, and payment in full received by the Commission pursuant to Section V of this Order and Section IV of Allsyon Pestrichello's Order, the freeze of Defendants' assets shall be lifted.

### VIII.

**IT IS FURTHER ORDERED** that the redress administrator shall destroy all records relating to this matter six (6) years after the transfer of any remaining redress funds to the FTC Treasury account or the closing of the account from which such funds were disbursed, whichever is earlier, provided that no records shall be destroyed unless and until a representative of the Commission has received and approved the redress administrator's final accounting report. Records shall be destroyed in accordance with disposal methods and procedures to be specified by the Commission. The Commission may, in its sole discretion, require that such records, in whole or in part, be transferred, in lieu of destruction, to the Commission.

### **RECORD KEEPING REQUIREMENTS**

### IX.

**IT IS FURTHER ORDERED** that, for a period of five (5) years from the date of entry of this Order, Defendants, in connection with any business where Defendant Philip Pestrichello is the majority owner of the business or directly or indirectly manage or control the business, and where the business is engaged in the sale of products or services to consumers, is hereby permanently restrained and enjoined from failing to create, and from failing to retain for a period of three (3) years following the date of such creation, unless otherwise specified:

A. Books, records and accounts that, in reasonable detail, accurately and fairly reflect the cost of goods or services sold, revenues generated, and the disbursement of such revenues;

B. 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. The businesses subject to this Paragraph shall retain such records for any terminated employee for a period of two (2) years following the date of termination;

C. Records containing the names, addresses, phone numbers, dollar amounts paid, quantity of items or services purchased or provided, and description of items or services purchased or provided for all consumers to whom such business has sold or provided any goods or services;

D. Records that reflect, for every consumer complaint or refund request, whether received directly or indirectly or through any third party:

1. The consumer's name, address, telephone number and the dollar amount paid by the consumer;
2. The written complaint or refund request, if any, and the date of the complaint or refund request;

3. The basis of the complaint, including the name of any salesperson complained against, and the nature and result of any investigation conducted by Defendants concerning any complaint;
4. Each response and the date of the response;
5. Any final resolution and the date of the resolution; and
6. In the event of a denial of a refund request, the reason for the denial; and

E. Copies of all sales scripts, training materials, advertisements, or other marketing materials utilized; *provided* that copies of all sales scripts, training materials, advertisements, or other marketing materials utilized shall be retained for (3) years after the last date of dissemination of any such materials.

### **MONITORING COMPLIANCE OF SALES PERSONNEL**

#### **X.**

**IT IS FURTHER ORDERED** that Defendants, and each of them, and their successors, assigns, directors, officers, agents, servants, employees, salespersons, corporations, subsidiaries, affiliates, and other persons directly or indirectly under the control of any of the Defendants or in active concert or participation with any of the Defendants 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, in connection with any business where Defendants Philip Pestrichello is the majority owner of the business or directly or indirectly manages or controls the business, and where the business is engaged in the sale of products or services to consumers, are hereby permanently restrained and enjoined from:

A. Failing to take reasonable steps sufficient to monitor and ensure that all employees and independent contractors engaged in sales or other customer service functions comply with Sections I through IV of this Order. Such steps shall include, at a minimum, the following: (1) listening to the oral representations made by persons engaged in sales or other customer service functions; (2) establishing a procedure for receiving and responding to consumer complaints; and (3) ascertaining the number and nature of consumer complaints regarding transactions in which each employee or independent contractor is involved; *provided* that this Part does not authorize or require Defendants to take any steps that violate any federal, state, or local laws;

B. Failing promptly to investigate fully any consumer complaint received by any business to which this Part applies; and

C. Failing to take corrective action with respect to any salesperson whom any of the Defendants determines is not complying with this Order, which may include training, disciplining, and/or terminating such salesperson.

### **COMPLIANCE REPORTING**

#### **XI.**

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

A. For a period of five (5) years from the date of entry of this Order, Defendants shall notify the Commission of the following:

1. Any changes in Defendant Philip Pestrichello's residence, mailing addresses, and telephone numbers, within ten (10) days of the date of such change;
2. Any change in Defendant Philip Pestrichello's employment status (including self-employment) within ten (10) days of such change. Such notice shall include the name and address of each business that Defendant Philip Pestrichello is affiliated with or employed by, a statement of the nature of the business, and a statement of such Defendant's duties and responsibilities in connection with the business or employment. Such notice shall also indicate any relationship that Defendant Allyson Pestrichello has with each business that Defendant Philip Pestrichello is affiliated with or employed by; and
3. Any proposed change in the corporate structure of Defendants FCA or CSA, or any proposed change in the structure of any business entity owned or controlled by Defendant Philip Pestrichello, such as creation, incorporation, dissolution, assignment, sale, merger, creation, dissolution of subsidiaries, proposed filing of a bankruptcy petition, or change in the corporate name or address, or any other change that may affect compliance



obligations arising out of this Order, thirty (30) days prior to the effective date of any proposed change; *provided, however*, that, with respect to any proposed change in the corporation about which any of the Defendants learns less than thirty (30) days prior to the date such action is to take place, such Defendant shall notify the Commission as soon as is practicable after learning of such proposed change;

B. One hundred eighty (180) days after the date of entry of this Order, Defendants shall provide a written report to the Commission, sworn to under penalty of perjury, setting forth in detail the manner and form in which Defendants have complied with and are complying with this Order. This report shall include but not be limited to:

1. Defendant Philip Pestrichello's then current residential address and telephone number;
2. Defendant Philip Pestrichello's then current employment, business addresses and telephone numbers, a description of the business activities of each such employer, and his title and responsibilities for each employer;
3. A copy of each acknowledgment of receipt of this Order obtained by Defendants pursuant to Section XV;
4. A statement describing the manner in which each of the Defendants has complied and is complying with the (a) the injunctive provisions of this Order, and (b) the consumer redress provisions of this Order;

C. Upon written request by a representative of the Commission, each of the Defendants shall submit additional written reports (under oath, if requested) and produce documents on fifteen (15) days notice with respect to any conduct subject to this Order;

D. 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:

Regional Director  
Federal Trade Commission  
Northeast Region  
One Bowling Green, Suite 318  
New York, NY 10004  
Re: *FTC v. First Credit Alliance, et al.*

E. For the purposes of this Part, "employment" includes the performance of services as an employee, consultant, or independent contractor; and "employers" include any individual or entity for whom any of the Defendants performs services as an employee, consultant, or independent contractor; and

F. For purposes of the compliance reporting required by this Part, the Commission is authorized by Defendants to communicate directly with them.

**COMMISSION'S AUTHORITY TO MONITOR COMPLIANCE**

**XII.**

**IT IS FURTHER ORDERED** that the Commission is authorized to monitor Defendants' compliance with this Order by all lawful means, including but not limited to the following means:

A. The Commission is authorized, without further leave of Court, to obtain discovery from any person in the manner provided by Chapter V of the Federal Rules of Civil Procedure, Fed. R. Civ. P. 26 - 37, including the use of compulsory process pursuant to Fed. R. Civ. P. 45, for the purpose of monitoring and investigating Defendants' compliance with any provision of this Order;

B. The Commission is authorized to use representatives posing as consumers or suppliers to Defendants, Defendants' employees, or any other entity managed or controlled in whole or in part by any of the Defendants where the business is engaged in the sale of products or services to consumers, without the necessity of identification or prior notice.

C. 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 investigate whether Defendants have violated any provision of this Order, Section 5 of the FTC Act, 15 U.S.C. § 45.

**ACCESS TO BUSINESS PREMISES**

**XIII.**

**IT IS FURTHER ORDERED** that, for a period of five (5) years from the date of entry of this Order, for the purpose of further determining compliance with this Order, Defendants shall permit

representatives of the Commission, within three (3) business days of receipt of written notice from the Commission:

A. Access during normal business hours to any office, or facility storing documents, of any business where: (1) Defendant Philip Pestrichello is the majority owner of the business or directly or indirectly manages or controls the business, and where (2) the business is engaged in the sale of products or services to consumers. In providing such access, Defendants shall permit representatives of the Commission to inspect and copy all documents relevant to any matter contained in this Order; and shall permit Commission representatives access to remove documents relevant to any matter contained in this Order for a period not to exceed five (5) business days so that the documents may be inspected, inventoried, and copied; and

B. To interview the officers, directors, and employees, including all personnel involved in responding to consumer complaints or inquiries, and all sales personnel, whether designated as employees, consultants, independent contractors or otherwise, of any business to which Section (A) of this Part applies, concerning matters relating to compliance with the terms of this Order. The person interviewed may have counsel present.

*Provided that*, upon application of the Commission, the Court may enter an *ex parte* order granting immediate access to Defendants' business premises for the purposes of inspecting and copying all documents relevant to any matter contained in this Order.

#### **ORDER DISTRIBUTION**

#### **XIV.**

**IT IS FURTHER ORDERED** that, for a period of five (5) years from the date of entry of this Order, Defendants, their successors and assigns, shall:

A. Provide a copy of this Order to, and obtain a signed and dated acknowledgment of receipt of same from, each officer or director, each individual serving in a management capacity, all personnel involved in responding to consumer complaints or inquiries, and all sales personnel, whether designated as employees, consultants, independent contractors or otherwise, immediately upon employing or retaining any such persons, for FCA, CSA, and any business where: (1) Defendant Philip Pestrichello is the majority owner of the business or directly or indirectly manages or controls the business, and where (2) the business is engaged in the sale of products or services to consumers; and

B. Maintain for a period of three (3) years after creation, and upon reasonable notice, make available to representatives of the Commission, the original signed and dated acknowledgments of the receipt of copies of this Order, as required in Section A of this Part.

**ACKNOWLEDGMENT OF RECEIPT OF ORDER**

**XV.**

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

**RETENTION OF JURISDICTION**

**XVI.**

**IT IS FURTHER ORDERED** that this Court will retain jurisdiction of this matter for the purpose of enabling any of the parties to this Order to apply to the Court at any time for such further

orders or directives as may be necessary or appropriate for the interpretation or modification of this Order, for the enforcement of compliance therewith or the punishment of violations thereof.

The parties, by their respective counsel, hereby consent to the terms and conditions of the Order as set forth above and consent to the entry thereof. This Order may be executed on separate pages.

**FOR DEFENDANTS:**

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Eliot Gersten  
Gersten & Clifford (CT05213) and as an officer of First Credit  
214 Main St.  
Hartford, Connecticut 06106  
(860) 527-7044  
Attorney for Defendants

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Philip Pestrichello, individually  
Alliance and Credit Services of America

**FOR PLAINTIFF:**

Barbara Anthony  
Regional Director

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Ronald L. Waldman (CT21531)  
Ann F. Weintraub (CT21824)  
Attorneys  
Federal Trade Commission, Northeast Region  
One Bowling Green, Suite 318  
New York, New York 10004  
(212) 607-2829

**SO ORDERED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

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Christopher F. Droney  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

FIRST CREDIT ALLIANCE, INC.,  
CREDIT SERVICES OF AMERICA, INC.,  
PHILIP D. PESTRICHELLO, a.k.a.  
PHILIP DANIEL, and  
ALLYSON PESTRICHELLO, a.k.a.  
ALLYSON SILVER,

Defendants.

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**Appendix A**

I, Philip Pestrichello, hereby state that the information contained in my personal financial disclosure form sworn to on July 23, 2001 (the date of the final revisions to the disclosure form) and related documents including but not limited to the corporate financial declaration dated June 15, 2001, are true, accurate, and complete as of the date of its execution and of its submission to the Federal Trade Commission. A copy of the aforementioned financial statement and declaration are attached hereto as Attachment A.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_, 2001.

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Philip Pestrichello, individually  
and as an officer of First Credit  
Alliance and Credit Services of  
America

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

FIRST CREDIT ALLIANCE, INC.,  
CREDIT SERVICES OF AMERICA, INC.,  
PHILIP D. PESTRICHELLO, a.k.a.  
PHILIP DANIEL, and  
ALLYSON PESTRICHELLO, a.k.a.  
ALLYSON SILVER,

Defendants.

CV: 3:00CV1049 (CFD)

**Appendix B**

**AFFIDAVIT OF PHILIP PESTRICHELLO**

Philip Pestrichello, being duly sworn, hereby states and affirms as follows:

1. My name is Philip Pestrichello. My current residence address is 4498 NW 25 Way Boca Raton, Florida 33434. I am a citizen of the United States of America and am over the age of eighteen. I have personal knowledge of the facts set forth in this Affidavit.
2. I am a defendant in FTC v. First Credit Alliance, et al., Civil Action Number 3:99-CV-1049, pending in the United States District Court for the District of Connecticut.
3. On \_\_\_\_\_, I received a copy of the Stipulated Judgment and Order for Permanent Injunction Consent Decree (“Stipulated Judgment”), which was signed by the Honorable



Christopher F. Droney and entered by the Court on \_\_\_\_\_. A true and correct copy of the Stipulated Judgment I received 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. Executed on \_\_\_\_\_, at \_\_\_\_\_.

\_\_\_\_\_  
Philip Pestrichello

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

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2001.

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