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

APR 03 2008
APR 03 2008
JUDGE ROBERT W. GETTLEMAN
UNITED STATES DISTRICT COURT

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

1522838 ONTARIO INC., a corporation, d/b/a
International Industrial Trade Directory, et al.,

Defendants.

Civil No. 06 C 5378

Hon. Robert W. Gettleman

Magistrate Judge Nan R. Nolan

**STIPULATED ORDER FOR PERMANENT INJUNCTION AND FINAL
JUDGMENT AS TO DEFENDANT EMMA G. WANJIKU**

Plaintiff, the Federal Trade Commission ("FTC" or "Commission"), filed its Complaint for Permanent Injunction and Other Equitable Relief ("Complaint") against Defendants 1522838 Ontario Inc., d/b/a International Industrial Trade Directory, Gerhard Mintz, a/k/a Gerry Mintz, William George Fisk, a/k/a Michael Robert Petreikis, a/k/a Michael Kelly, and Emma G. Wanjiku, pursuant to Section 13(b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b). The Complaint charges Defendants with deceptive acts and practices in connection with the purported sale of business and travel directory listings, business and travel directory advertising, office supplies, and consulting services. The Complaint alleges that Defendants' deceptive acts and practices violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

The Commission and Defendant Emma G. Wanjiku, having been represented by counsel and acting by and through such counsel, have now stipulated to the entry of the following Stipulated Order for Permanent Injunction and Final Judgment as to Defendant Wanjiku ("Order") in settlement of the Commission's Complaint against her.

APPENDIX TO AFFIDAVIT OF
EMMA G. WANJIKU SWORN BEFORE
ME ON THIS 23rd DAY OF
JANUARY 2008



NOW, THEREFORE, the Commission and Defendant Emma G. Wanjiku, having requested the Court to enter this Order, and the Court having considered the Order and for other cause appearing, it is **ORDERED, ADJUDGED, AND DECREED** as follows:

FINDINGS

1. The Complaint is an action by the Commission instituted under Sections 5(a) and 13(b) of the FTC Act, 15 U.S.C. §§ 45(a) and 53(b). Pursuant to these sections of the FTC Act, the Commission has the authority to seek the relief contained herein.

2. The Commission's Complaint states a claim upon which relief may be granted against Defendant Emma G. Wanjiku under Sections 5(a) and 13(b) of the FTC Act, 15 U.S.C. §§ 45(a) & 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 activities of Defendant Emma G. Wanjiku are in or affecting commerce, as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

5. Defendant Emma G. Wanjiku, without admitting the allegations set forth in the Commission's Complaint, agrees to entry of this Order.

6. The parties shall each bear their own costs and attorney's fees incurred in this action and 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.

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

8. Pursuant to Federal Rule of Civil Procedure 65(d), the provisions of this Order are binding upon Defendant Emma G. Wanjiku, her officers, agents, servants, employees, attorneys,

corporations, successors and assigns, and upon those persons or entities in active concert or participation with them who receive actual notice of this Order by personal service or otherwise.

DEFINITIONS

1. "Plaintiff," "Commission," or "FTC" means the Federal Trade Commission.
2. "Defendant" or "Defendants," means 1522838 Ontario Inc., d/b/a International Industrial Trade Directory, Gerhard Mintz, a/k/a Gerry Mintz, William George Fisk, a/k/a Michael Robert Petreikis, a/k/a Michael Kelly, and Emma G. Wanjiku, and each of them by whatever names they may be known.
3. "Defendant Wanjiku" means Emma G. Wanjiku, by that name and whatever other names she may be known.
4. "Account number" means any credit or debit card number, bank account number, deposit account number, personal identification number ("PIN"), access code, or security code, needed to charge or debit a consumer's account.
5. "Asset" or "assets" means any legal or equitable interest in, right to, or claim to, any real and personal property, including, but not limited to, chattels, goods, instruments, equipment, fixtures, general intangibles, effects, leaseholds, mail or other deliveries, inventory, checks, notes, accounts, credits, receivables, funds, monies, and all cash, wherever located, and shall include both existing assets and assets acquired after the date of entry of this Order.
6. "Assisting others" means providing any of the following goods or services to any person or entity, including, but not limited to: (a) preparing, printing, or transmitting invoices; (b) providing for or arranging for the provision of mail or telephone lists that contain, incorporate, or utilize consumers' account numbers; (c) preparing or providing, or causing to be prepared or

provided, telephone sales scripts or other materials for use in connection with the promotion of products or services to consumers; (d) providing, mailing, or shipping, or arranging for the provision, mailing, or shipping, of fulfillment products or services; (e) providing or arranging for the provision of telemarketing services; (f) providing or facilitating the means of obtaining payment from consumers, by opening or maintaining financial accounts or by providing or facilitating access to the credit card or bank account payment and collection system; (g) performing or providing marketing services of any kind; (h) developing, providing, or arranging for the provision of names of potential customers; (i) providing or arranging for the provision of post office boxes or the services of commercial receiving agencies; (j) recording or verifying sales solicitations; or (k) performing customer service functions, including, but not limited to, receiving or responding to consumer complaints, obtaining or receiving identifying and financial information from consumers, and communicating with consumers on behalf of the seller or telemarketer.

7. "Consumer" means any individual, group, unincorporated association, limited or general partnership, corporation, or other business entity.

8. "Document" or "record" is synonymous in meaning and equal in scope to the usage of the term 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 the term.

9. "Material" means likely to affect a person's choice of, or conduct regarding,

goods or services.

10. "Person" or "persons" 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. "Telemarketing" means a plan, program, or campaign (whether or not covered by the Telemarketing Sales Rule, 16 C.F.R. Part 310) which is conducted to induce the purchase of goods or services or a charitable contribution, by use of one or more telephones.

ORDER

I. PROHIBITED BUSINESS ACTIVITIES

IT IS THEREFORE ORDERED that Defendant Wanjiku, and her 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 advertising, promotion, offering for sale, sale, or provision of any good or service, including, but not limited to, business and travel directory listings, business and travel directory advertising, office supplies, and consulting services, are hereby permanently restrained and enjoined from:

A. Making any express or implied representation or omission of material fact that is false or misleading, in any manner, including but not limited to, any false or misleading statement:

1. That consumers have a preexisting business relationship with any

Defendant or other person;

2. That consumers have agreed to purchase: (a) business directory advertisements or listings; (b) travel directory advertisements or listings; (c) office supplies; or (d) consulting services;

3. That consumers owe money to any Defendant or other person for: (a) business directory advertisements or listings; (b) travel directory advertisements or listings; (c) office supplies; or consulting services;

4. That consumers purchased: (a) business directory advertisements or listings; (b) travel directory advertisements or listings; (c) office supplies; or (d) consulting services;

5. Concerning the nature of any Defendant's relationship with consumers, and the purpose of said Defendant's communication with consumers;

6. Concerning any fact material to a consumer's decision to purchase any good or service; and

B. Assisting others who violate any provision of Subsection A of this Section.

II. RIGHT TO REOPEN

IT IS FURTHER ORDERED that:

A. By agreeing to this Order, Defendant Wanjiku reaffirms and attests to the truthfulness, accuracy, and completeness of the individual financial statement she submitted to the Commission, and executed on February 1, 2007; and, the supplemental financial information included in Defendant Wanjiku's letter to her counsel dated April 26, 2007, and the accompanying Exhibits A - G, which were forwarded to the FTC's counsel on May 4, 2007. The

Commission's agreement to this Order is expressly premised upon the financial condition of Defendant Wanjiku, as represented in her financial statement and all other supporting documents, which contain material information upon which the Commission relied in negotiating and agreeing to the terms of this Order.

If, upon motion of the Commission and following a finding by the Court that Defendant Wanjiku failed to disclose any material asset, materially misrepresented the value of any asset, or made any other material misrepresentation or omission from her financial statement, including all attachments and subsequent amendments and corrections, the Court shall enter judgment against Defendant Wanjiku in favor of the Commission in the amount of Four Million Dollars (USD) (\$4,000,000.00 (USD)) (an estimate of the minimum amount of consumer injury caused by the activities alleged in the Commission's Complaint between 2002 and 2006), and the entire amount of the judgment shall become immediately due and payable less any amount already paid; *provided, however*, that in all other respects, this Order shall remain in full force and effect unless otherwise ordered by the Court; and

B. Any proceedings instituted under this Section shall be in addition to, and not in lieu of, any other civil or criminal remedies that may be provided by law, including, but not limited to, contempt proceedings, or any other proceedings that the Commission or the United States might initiate to enforce this Order. For purposes of this Section, if Defendant Wanjiku is found by the Court to have failed to disclose any material asset, materially misrepresented the value of any asset, or made any other material misrepresentation or omission from her financial statement, including all attachments and subsequent amendments and corrections, Defendant Wanjiku waives any right to contest any of the allegations in the Commission's Complaint.

III. SUSPENSION OF COLLECTION ON ACCOUNTS

IT IS FURTHER ORDERED that Defendant Wanjiku, and her officers, agents, directors, servants, employees, salespersons, independent contractors, attorneys, corporations, subsidiaries, affiliates, successors, and assigns, and all other persons 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 hereby permanently restrained and enjoined from attempting to collect, collecting, or assigning any right to collect payment on any invoice sent by Defendants prior to the entry of this Order, including Defendants' invoices for: (1) business directory advertisements or listings, (2) travel directory advertisements or listings, (3) office supplies, or (4) consulting services.

IV. PROHIBITIONS REGARDING CONSUMER INFORMATION

IT IS FURTHER ORDERED that Defendant Wanjiku, and her officers, agents, directors, servants, employees, salespersons, independent contractors, attorneys, corporations, subsidiaries, affiliates, successors, and assigns, and all other persons 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 hereby permanently restrained and enjoined from using, selling, renting, leasing, transferring, benefitting from 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 about whom any Defendant obtained such information in connection with the activities alleged in the Complaint; *provided, however*, that Defendant

Wanjiku may disclose such identifying information to a law enforcement agency or as required by any law, regulation, or court order, and shall disclose such identifying information to the Commission at its request pursuant to this Order.

V. COOPERATION WITH FTC COUNSEL

IT IS FURTHER ORDERED that Defendant Wanjiku, shall, in connection with this action or any subsequent investigations related to or associated with the transactions or the occurrences that are the subject of the FTC's Complaint, cooperate in good faith with the FTC and appear at such places and times as the FTC shall reasonably request, after written notice, for interviews, conferences, discovery, review of documents, and for such other matters as may be reasonably requested by the FTC. If requested in writing by the FTC, Defendant Wanjiku shall appear and provide truthful testimony in any trial, deposition, or other proceeding related to or associated with the transactions or the occurrences that are the subject of the Complaint, without the service of a subpoena. Whenever possible, the FTC will attempt to conduct such interviews, conferences, discovery or other review by telephone or videoconferencing.

VI. 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, Defendant Wanjiku shall submit additional written reports, sworn to under penalty of perjury, produce documents for inspection and copying; appear for deposition; and/or provide entry, if applicable, during normal business hours to any business location in her 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 and suppliers to Defendant Wanjiku, her employees, or any other entity managed or controlled in whole or in part by her, if applicable, without the necessity of identification or prior notice; and

C. Defendant Wanjiku 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)).

VII. COMPLIANCE REPORTING BY DEFENDANT WANJIKU

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,

1. Defendant Wanjiku 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 the ownership of Defendant Wanjiku 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 Defendant Wanjiku is affiliated with, employed by, creates or forms, or performs services for; a statement of the nature of the business; and a statement of Defendant Wanjiku's duties and responsibilities in connection with the business or employment; and

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

2. Defendant Wanjiku shall notify the Commission of any changes in corporate structure of any business entity that Defendant Wanjiku directly or indirectly control(s), 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 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, Defendant Wanjiku shall provide a written report to the Commission, sworn to under penalty of perjury, setting forth in detail the manner and form in which she has complied and is complying with this

Order. This report shall include, but not be limited to:

1. The then-current residence address, mailing addresses, and telephone numbers of Defendant Wanjiku;
2. The then-current employment and business addresses and telephone numbers of Defendant Wanjiku, a description of the business activities of each such employer or business, and the title and responsibilities of Defendant Wanjiku for each such employer or business; and
3. Any other changes required to be reported under Subsection A of this Section.
4. A copy of each acknowledgment of receipt of this Order, obtained pursuant to Section X; and

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

Associate Director for Enforcement
Federal Trade Commission
601 New Jersey Avenue N.W.
Washington, D.C. 20580
Re: *FTC v. 1522838 Ontario Inc., et al.*, No. 06 C 5378 (N.D. Ill.)

and a copy sent to:

Regional Director
Federal Trade Commission
Midwest Region
55 W. Monroe St., Suite 1825
Chicago, IL 60603
Re: *FTC v. 1522838 Ontario Inc., et al.*, No. 06 C 5378 (N.D. Ill.)

D. For purposes of the compliance reporting and monitoring required by this Order, the Commission is authorized to communicate directly with Defendant.

VIII. RECORD KEEPING PROVISIONS

IT IS FURTHER ORDERED that, for a period of eight (8) years from the date of entry of this Order, in connection with any business in which: (1) Defendant Wanjiku is the majority owner of the business or directly or indirectly manages or controls the business, and (2) the business involves the promotion, offering for sale, or sale of any product or service to U.S. consumers, Defendant Wanjiku and her 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. 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; and

F. 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 Section X, and all reports submitted to the FTC pursuant to Section VIII.

IX. DISTRIBUTION OF ORDER BY DEFENDANT WANJIKU

IT IS FURTHER ORDERED that, for a period of five (5) years from the date of entry of this Order, Defendant Wanjiku shall deliver a copy of this Order to all principals, officers, directors, and managers of that business. Defendant Wanjiku 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 Wanjiku. For new personnel, delivery shall occur prior to them assuming their responsibilities.

A. **Defendant Wanjiku as control person:** For any business that Defendant Wanjiku controls, directly or indirectly, or in which Defendant Wanjiku has a majority ownership interest, Defendant Wanjiku must deliver a copy of this Order to all principals, officers, directors, and managers of that business. Defendant Wanjiku 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 (5) days of service of this Order upon Defendant Wanjiku. For new personnel, delivery shall occur prior to them assuming their responsibilities.

B. **Defendant Wanjiku as employee or non-control person:** For any business

where Defendant Wanjiku is not a controlling person of a business but otherwise engages in conduct related to the subject matter of this Order, Defendant Wanjiku must deliver a copy of this Order to all principals and managers of such business before engaging in such conduct; and

C. Defendant Wanjiku 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 Section.

X. ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANT WANJIKU

IT IS FURTHER ORDERED that Defendant Wanjiku, 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 at **Appendix A**, acknowledging receipt of this Order.

XL DISSOLUTION OF ASSET FREEZE

IT IS FURTHER ORDERED that the freeze on Defendant Wanjiku's assets imposed by the Temporary Restraining Order with Asset Freeze that was entered by the Court on September 21, 2005, shall be lifted upon the entry of this Order by the Court. A financial institution shall be entitled to rely upon a letter from Plaintiff stating that the freeze on Defendant Wanjiku's assets has been dissolved.

XII. SEVERABILITY

IT IS FURTHER ORDERED that the provisions of this Order are separate and severable from one another. If any provision is stayed or determined to be invalid, the remaining provisions shall remain in full force and effect.

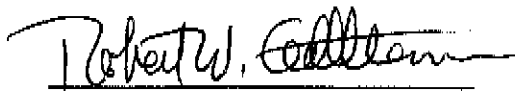
XIII. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for

purposes of construction, modification, and enforcement of this Order.

The Commission and Defendant Emma G. Wanjiku hereby stipulate and agree to entry of the foregoing Stipulated Order, which shall constitute a final judgment in this action.

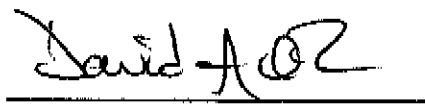
IT IS SO ORDERED, this 15th day of April, ~~2008~~ ²⁰⁰⁸



HON. ROBERT W. GETTLEMAN
United States District Judge

SIGNED AND STIPULATED BY:

Dated: April 2, 2008
~~January 23, 2008~~



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Federal Trade Commission

Dated: January 23, 2008


EMMA G. WANJIKU, Individually

Approved as to Form:

Dated: _____

EUGENE E. MURPHY, JR.
JOHN N. HOURIHANE, JR.
MICHAEL H. ISRAEL
Murphy & Hourihane, L.L.C.
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(312) 606-8765 [Facsimile]
Attorneys for Defendant

APPENDIX A

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

_____)	
FEDERAL TRADE COMMISSION,)	
)	
Plaintiff,)	Civil No. 06 C 5378
)	
v.)	Hon. Robert W. Gettleman
)	
1522838 ONTARIO INC., a corporation, d/b/a)	Magistrate Judge Nan R. Nolan
International Industrial Trade Directory, et al.,)	
)	
Defendants.)	
_____)	

EMMA G. WANJIKU [Name of Defendant], being duly sworn, hereby

states and affirms as follows:

1. My name is EMMA G WANJIKU My current residence address is 67
ATKINSON DR, AURORA, ONT. I am a citizen of KENYA 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. 1522838 Ontario Inc., et al.* (United States District
Court for the Northern District of Illinois).

3. On JANUARY 16, 2008 [date], I received a copy of the Stipulated
Order for Permanent Injunction and Final Judgment as to Defendant Emma G. Wanjiku, which
was signed by the Honorable Robert W. Gettleman, and entered by the Court on

_____ [date of entry of Order]. A true and correct copy of the Order
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 JANUARY 23, 2008 [date], at TORONTO, ONTARIO [city and state/province]



EMMA G. WANTIKU
[Signature with full name of Defendant]

EMMA G. WANTIKU
[Print full name of Defendant]

Province of ONTARIO, City of TORONTO

Subscribed and sworn to before me
this 23rd day of JANUARY, 2008.



Notary Public
My Commission Expires:
STANLEY GORSZMAN