

1 UNITED STATES DISTRICT COURT
 2 CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION

3 FEDERAL TRADE COMMISSION,)

4 Plaintiff)

5 v.)

6 BURNLOUNGE, INC.,)
 7 a corporation;)
 8 JUAN ALEXANDER ARNOLD,)

9 an individual;)
 10 JOHN TAYLOR,)
 an individual;)

11 ROB DEBOER,)
 an individual; and)

12 SCOTT ELLIOTT,)
 an individual;)

Defendants.)

Case No. CV 07-3654 GW FMOx

**STIPULATED FINAL ORDER
 FOR PERMANENT INJUNCTION
 AND OTHER EQUITABLE RELIEF
 AGAINST DEFENDANT SCOTT
 ELLIOTT**

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 JS-2/JS-3 _____
 Scan Only _____

13 Plaintiff Federal Trade Commission ("Commission" or "FTC") filed a
 14 Complaint for a permanent injunction and other equitable relief pursuant to Section
 15 13(b) of the Federal Trade Commission Act ("FTC Act"). The Complaint charged
 16 Defendants with violations of Section 5(a) of the FTC Act, as amended, 15 U.S.C.
 17 § 45(a).

18 Plaintiff FTC and Defendant Scott Elliott ("Defendant Elliott") have agreed
 19 to entry of this Stipulated Final Order for Permanent Injunction and Other
 20 Equitable Relief ("Order") by the Court to resolve all charges against Defendant
 21 Elliott set forth in the Complaint and all matters in dispute between Plaintiff and
 22 Defendant Elliott in this action. Plaintiff and Defendant Elliott having requested
 23 the Court to enter this Order, the Court hereby finds and orders as follows:

24 **FINDINGS**

25 1. This is an action by the FTC instituted pursuant to Sections 5(a) and
 26 13(b) of the FTC Act, 15 U.S.C. §§ 45(a) and 53(b). The Commission seeks both
 27 permanent injunctive relief and consumer redress against Defendants for alleged
 28 deceptive acts and practices in connection with the advertising, marketing and sale

1 of opportunities to operate on-line digital music stores.

2 2. This Court has jurisdiction of the subject matter of this case and over
3 Defendant Elliott.

4 3. Venue in the Central District of California is proper.

5 4. The Complaint states claims upon which relief may be granted
6 against Defendant Elliott under Sections 5 and 13(b) of the FTC Act, as amended,
7 15 U.S.C. §§ 45 and 53(b).

8 5. The activities of Defendant Elliott charged in the Complaint are in or
9 affecting commerce, as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

10 6. Defendant Elliott has entered into this Stipulated Final Judgment and
11 Permanent Injunction ("Order") freely and without coercion. Defendant Elliott
12 further acknowledges that he has read or otherwise been fully advised of the
13 provisions of this Order and is prepared to abide by it.

14 7. Defendant Elliott denies liability for the charges in the Complaint, and
15 there has been no final adjudication of whether the charges in the Complaint are
16 true.

17 8. Defendant Elliott has waived all rights to seek judicial review or
18 otherwise challenge or contest the validity of this Order. Defendant Elliott has also
19 waived all claims under the Equal Access to Justice Act, 28 U.S.C. § 2412, as
20 amended by PL 104-121, 110 Stat. 847, 863-64 (1996).

21 9. Defendant Elliott waives all rights to seek appellate review or
22 otherwise challenge or contest the validity of this Order.

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

25 11. This action and the relief awarded herein are in addition to, and not in
26 lieu of, other remedies as may be provided by law, including both civil and
27 criminal remedies.

28 12. Entry of this Order is in the public interest.

1
2 **DEFINITIONS**

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

4 1. "Business Venture" means any written or oral business arrangement,
5 however denominated, whether or not covered by 16 C.F.R. Parts 436 or 437, that
6 consists of the payment of any consideration for (i) the right or means to offer, sell,
7 or distribute goods or services (whether or not identified by a trademark, service
8 mark, trade name, advertising or other commercial symbol); and (ii) assistance to
9 any person in connection with or incident to the establishment, maintenance, or
10 operation of a new business, or the entry by an existing business into a new line or
11 type of business.

12 2. "Consumer" means an actual or potential purchaser, customer,
13 subscriber, or natural person.

14 3. "Defendant Elliott" means Defendant Scott Elliott.

15 4. The term "document" is synonymous in meaning and equal in scope to
16 the usage of the term in Federal Rule of Civil Procedure 34(a), and includes
17 writings, drawings, graphs, charts, photographs, audio and video recordings,
18 electronically stored information, computer records, and other data compilations
19 from which information can be obtained and translated, if necessary, through
20 detection devices into reasonably usable form. A draft or non-identical copy is a
21 separate document within the meaning of the term.

22 5. "Material fact" means any fact likely to affect a person's choice of, or
23 conduct regarding, goods or services.

24 6. "Multi-Level Marketing Program" means any marketing program in
25 which participants pay money to the program promoter in return for which the
26 participants obtain the right to: (1) recruit additional participants, or have
27 additional participants placed by the promoter or any other person into the program
28 participant's downline, tree, cooperative, income center, or other similar program

1 grouping; (2) sell goods or services; and (3) receive payment or other
2 compensation, in whole or in part, based upon the sales of those in the participants
3 downline, tree, cooperative, income center or similar program grouping.

4 7. "Participating in any prohibited marketing scheme" includes, but is
5 not limited to, promoting, marketing, advertising, offering for sale, or selling, or
6 assisting others in the offering for sale or selling the right to participate in, the
7 prohibited marketing scheme, as well as acting or serving as an officer, director,
8 employee, salesperson, agent, shareholder, advisor, consultant, independent
9 contractor, or distributor, or acting as a speaker or spokesperson on behalf of, any
10 prohibited marketing scheme.

11 8. "Prohibited Marketing Scheme" means a pyramid sales scheme, Ponzi
12 scheme, chain marketing scheme, or other marketing plan or program in which
13 participants pay money or valuable consideration in return for which they obtain
14 the right to receive rewards for recruiting other participants into the program, and
15 those rewards are unrelated to the sale of products or services to persons who are
16 not participants in the marketing plan or program.

17 **ORDER**

18 **I. Prohibition Against Participating in Any Prohibited Marketing Scheme**

19 IT IS THEREFORE ORDERED that Defendant Elliott and his agents,
20 servants, employees, and attorneys, and those persons in active concert or
21 participation with him who receive actual notice of this Order by personal service
22 or otherwise, whether acting directly or through any entity, corporation, subsidiary,
23 division, or other device are permanently restrained and enjoined from engaging,
24 participating or assisting in any manner or capacity whatsoever, in any Prohibited
25 Marketing Scheme.

26 **II. Prohibited Representations**

27 IT IS FURTHER ORDERED that, in connection with the advertising,
28 promotion, offering for sale, or sale, or assisting others in the advertising,

1 promotion, offering for sale, or sale of any Multi-level Marketing Program or
2 Business Venture, Defendant Elliott and his agents, servants, employees, and
3 attorneys, and those persons in active concert or participation with him who
4 receive actual notice of this Order by personal service or otherwise, whether acting
5 directly or through any entity, corporation, subsidiary, division, or other device, are
6 hereby permanently restrained and enjoined from making, expressly or by
7 implication, orally or in writing, any false or misleading statement or
8 misrepresentation of material fact including, but not limited to, the following:

9 A. Misrepresentations about the amount of sales, income, or profits that a
10 participant in such Multi-level Marketing Program or Business Venture can
11 reasonably expect to achieve;

12 B. Misrepresentations about the amount of sales, income, or profits that a
13 participant or participants in such Multi-level Marketing Program or Business
14 Venture have actually achieved;

15 C. Misrepresentations about the profitability of participating in such
16 Multi-level Marketing Program or Business Venture

17 D. Misrepresentations that a person who participates in such Multi-level
18 Marketing Program or Business Venture can reasonably expect to recoup his or her
19 investment;

20 E. Misrepresentations of any reward offered to or earned by participants
21 in such Multi-level Marketing Program or Business Venture; and

22 F. Misrepresentations of the legality of such Multi-level Marketing
23 Program or Business Venture.

24 **III. Prohibition Against Material Omissions**

25 IT IS FURTHER ORDERED that, in connection with the advertising,
26 promotion, offering for sale, or sale, or assisting others in the advertising,
27 promotion, offering for sale, or sale of any Multi-level Marketing Program or
28 Business Venture, Defendant Elliott and his agents, servants, employees, and

1 attorneys, and those persons in active concert or participation with him who
2 receive actual notice of this Order by personal service or otherwise, whether acting
3 directly or through any entity, corporation, subsidiary, division, or other device, are
4 hereby permanently restrained and enjoined from failing to disclose, clearly and
5 conspicuously, to any participant or prospective participant in any Multi-level
6 Marketing Program or Business Venture to whom any earnings, profits or sales
7 volume claims have been made:

8 A. The number and percentage of participants in the Multi-level
9 Marketing Program or Business Venture who have earned, profited or sold at least
10 the amount represented; and

11 B. The number and percentage of participants in the Multi-level
12 Marketing Program or Business Venture who have made a profit through their
13 participation in the Multi-level Marketing Program or Business Venture.

14 **IV. Equitable Monetary Relief**

15 IT IS FURTHER ORDERED that:

16 A. Judgment is hereby entered in favor of the Commission and against
17 Defendant Elliott in the amount of One hundred and seventeen thousand seven
18 hundred ten and 69/100 dollars (\$117,710.69), for payment of equitable monetary
19 relief.

20 B. Except as provided in Paragraph V of this Order, the judgment shall
21 be suspended if the following conditions are satisfied:

- 22 1. Defendant Elliott shall within ten (10) days of entry of this
23 Order pay to the Federal Trade Commission the amount of
24 Twenty thousand dollars (\$20,000) in equitable monetary relief.
25 No portion of any payments under this Order shall be deemed a
26 payment of any fine, penalty, or punitive assessment.
- 27 2. Defendant Elliott shall pay all amounts due under this
28 Order in cash by electronic funds transfer to the Commission,

1 or to such agent as the Commission may direct, pursuant to
2 instructions provided by the Commission through its attorneys
3 to be used for equitable relief.

4 C. Any and all funds paid pursuant to this Order, including this
5 Paragraph IV, shall be deposited into a fund administered by the Commission or its
6 agent to be used for equitable relief, including, but not limited to, consumer redress
7 and any attendant expenses for the administration of any redress fund. Defendant
8 Elliott will cooperate fully to assist the Commission in identifying consumers who
9 may be entitled to redress pursuant to this Order. In the event that redress to
10 purchasers is wholly or partially impracticable, or any funds remain after redress is
11 completed, the Commission may at its sole discretion apply any remaining funds to
12 such other equitable relief (including consumer information remedies) as it
13 determines to be reasonably related to the practices alleged in the Complaint. Any
14 funds not used for such equitable relief shall be deposited in the United States
15 Treasury as disgorgement. Defendant Elliott shall have no right to contest the
16 manner of distribution chosen by the Commission. The Commission in its sole
17 discretion may use a designated agent to administer consumer redress.

18 **V. Right to Reopen As to Monetary Judgment**

19 IT IS FURTHER ORDERED that:

20 A. The Commission's agreement to this Order is expressly premised upon
21 the truthfulness, accuracy and completeness of the "Financial Statement of
22 Individual Defendant," dated July 12, 2007, that Defendant Elliott has previously
23 submitted to the Commission. Said financial statements and supporting documents
24 contain material information upon which the FTC has relied in negotiating and
25 agreeing to the terms of this Order.

26 B. If, upon motion by the Commission to the Court, the Court finds that
27 Defendant Elliott failed to disclose any material asset, or materially misrepresented
28 the value of any asset, or made any other material misrepresentation in or omission

1 from his financial statement, then judgment in the amount of One hundred and
2 seventeen thousand seven hundred ten and 69/100 dollars (\$117,710.69) shall be
3 entered and will become immediately due and payable, less any payments already
4 made. *Provided, however,* that in all other respects this Order shall remain in full
5 force and effect unless otherwise ordered by the Court.

6 C. For purposes of this Paragraph, and any subsequent proceedings to
7 enforce payment, including, but not limited to, a non-dischargeability complaint
8 filed in a bankruptcy proceeding, Defendant Elliott stipulates to all of the
9 allegations of the FTC's complaint.

10 D. Proceedings instituted under this Paragraph are in addition to, and not
11 in lieu of, any other civil or criminal remedies that may be provided by law,
12 including any other proceedings the FTC may initiate to enforce this Order.

13 **VI. Acknowledgment of Receipt of Order by Defendant**

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

17 **VII. Record Keeping Provisions**

18 IT IS FURTHER ORDERED that for a period of eight (8) years from the
19 date of entry of this Order, Defendant Elliott, in connection with any company or
20 business where Defendant Elliott is the majority owner or otherwise controls the
21 business, whether directly or through any corporation, business entity or person,
22 and his agents, employees, corporations, successors and assigns, and those persons
23 in active concert or participation with him who receive actual notice of this Order
24 by personal service or otherwise are hereby restrained and enjoined from failing to
25 create and retain the following records:

26 A. Accounting records that reflect the cost of goods or services sold,
27 revenues generated, and the disbursement of such revenues;

28 B. Personnel records accurately reflecting: the name, address, and

1 telephone number of each person employed in any capacity by such business,
2 including as an independent contractor; that person's job title or position; the date
3 upon which the person commenced work; and the date and reason for the person's
4 termination, if applicable;

5 C. Customer files containing the names, addresses, phone numbers,
6 dollar amounts paid, quantity of items or services purchased, and description of
7 items or services purchased, to the extent such information is obtained in the
8 ordinary course of business;

9 D. Complaints and refund requests (whether received directly, indirectly
10 or through any third party) and any responses to those complaints or requests;

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

13 F. All records and documents necessary to demonstrate full compliance
14 with each provision of this Order, including but not limited to, copies of
15 acknowledgments of receipt of this Order, required by Paragraph X, and all reports
16 submitted to the FTC pursuant to Paragraph IX.

17 **VIII. Compliance Monitoring**

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

20 A. Within ten (10) days of receipt of written notice from a representative
21 of the Commission, Defendant Elliott shall submit additional written reports,
22 sworn to under penalty of perjury; produce documents for inspection and copying;
23 appear for deposition; and/or provide entry during normal business hours to any
24 business location in such defendant's possession or direct or indirect control to
25 inspect the business operation.

26 B. In addition, the Commission is authorized to monitor compliance with
27 this Order by all other lawful means, including but not limited to the following:

28 1. obtaining discovery from any person, without further leave of

1 court, using the procedures prescribed by Fed. R. Civ. P. 30, 31,
2 33, 34, 36, and 45;

- 3 2. posing as consumers and suppliers to Defendant Elliott, his
4 employees, or any other entity managed or controlled in whole
5 or in part by Defendant Elliott, without the necessity of
6 identification or prior notice; and

7 C. Defendant Elliott shall permit representatives of the Commission to
8 interview any employer, consultant, independent contractor, representative, agent,
9 or employee who has agreed to such an interview, relating in any way to any
10 conduct subject to this Order. The person interviewed may have counsel present.

11 *Provided, however,* that nothing in this Order shall limit the Commission's
12 lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act,
13 15 U.S.C. §§ 49, 57b-1, to obtain any documentary material, tangible things,
14 testimony, or information relevant to unfair or deceptive acts or practices in or
15 affecting commerce (within the meaning of 15 U.S.C. § 45(a)(1)).

16 **IX. Compliance Reporting by Defendant**

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

19 A. For a period of five (5) years from the date of entry of this Order,

- 20 1. Defendant Elliott shall notify the Commission of the
21 following:

- 22 a. Any changes in residence, mailing addresses, and
23 telephone numbers of Defendant Elliott, within ten (10)
24 days of the date of such change;
- 25 b. Any changes in employment status (including
26 self-employment) of Defendant Elliott, and any change in
27 the ownership of Defendant Elliott in any business entity,
28 within ten (10) days of the date of such change. Such

1 notice shall include the name and address of each
2 business that Defendant Elliott is affiliated with,
3 employed by, creates or forms, or performs services for;
4 a statement of the nature of the business; and a statement
5 of Defendant Elliott's duties and responsibilities in
6 connection with the business or employment; and

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

9 2. Defendant Elliott shall notify the Commission of any
10 changes in corporate structure of any business entity that he
11 directly or indirectly controls, or has an ownership interest in,
12 that may affect compliance obligations arising under this Order,
13 including but not limited to a dissolution, assignment, sale,
14 merger, or other action that would result in the emergence of a
15 successor entity; the creation or dissolution of a subsidiary,
16 parent, or affiliate that engages in any acts or practices subject
17 to this Order; the filing of a bankruptcy petition; or a change in
18 the corporate name or address, at least thirty (30) days prior to
19 such change, *provided* that, with respect to any proposed
20 change in the corporation about which Defendant Elliott learns
21 less than thirty (30) days prior to the date such action is to take
22 place, Defendant Elliott shall notify the Commission as soon as
23 is practicable after obtaining such knowledge.

24 B. One hundred eighty (180) days after the date of entry of this Order,
25 Defendant Elliott shall provide a written report to the FTC, sworn to under penalty
26 of perjury, setting forth in detail the manner and form in which he has complied
27 and is complying with this Order. This report shall include, but not be limited to:

28 1. The then-current residence address, mailing addresses, and

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telephone numbers of Defendant Elliott;

2. The then-current employment and business addresses and telephone numbers of Defendant Elliott, a description of the business activities of each such employer or business, and the title and responsibilities of Defendant Elliott, for each such employer or business;

3. A copy of each acknowledgment of receipt of this Order obtained by Defendant Elliott pursuant to Paragraph X of this Order; and

4. Any other changes required to be reported under Subparagraph A of this Paragraph.

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

Federal Trade Commission
Associate Director for Enforcement
601 New Jersey Avenue, N.W.
Washington, D.C. 20001
Re: *FTC v. BurnLounge, et al.* Civ. No. 07-3654-GW FMOx

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

1 **X. Distribution of Order by Defendant**

2 IT IS FURTHER ORDERED that, for a period of five (5) years from the
3 date of entry of this Order, Defendant Elliott shall deliver copies of the Order as
4 directed below:

5 A. For any business that Defendant Elliott controls, directly or indirectly,
6 or in which Defendant Elliott has a majority ownership interest, Defendant Elliott
7 must deliver a copy of this Order to all principals, officers, directors, and managers
8 of that business. Defendant Elliott must also deliver copies of this Order to all
9 employees, agents, and representatives of that business who engage in conduct
10 related to the subject matter of the Order. For current personnel, delivery shall be
11 within five (5) days of service of this Order upon Defendant. For new personnel,
12 delivery shall occur prior to them assuming their responsibilities.

13 B. For any business where Defendant Elliott is not a controlling person
14 of a business but otherwise engages in conduct related to the subject matter of this
15 Order, Defendant Elliott must deliver a copy of this Order to all principals and
16 managers of such business before engaging in such conduct.

17 C. Defendant Elliott must secure a signed and dated statement
18 acknowledging receipt of the Order, within thirty (30) days of delivery, from all
19 persons receiving a copy of the Order pursuant to this Paragraph.

20 **XI. Cooperation with FTC Counsel**

21 IT IS FURTHER ORDERED that Defendant Elliott shall, in connection with
22 this action or any subsequent investigations related to or associated with the
23 transactions or the occurrences that are the subject of the FTC's Complaint,
24 cooperate in good faith with the FTC and appear at such places and times as the
25 FTC shall reasonably request, after written notice, for interviews, conferences,
26 pretrial discovery, review of documents, and for such other matters as may be
27 reasonably requested by the FTC. If requested in writing by the FTC, Defendant
28 Elliott shall appear and provide truthful testimony in any trial, deposition, or other

1 proceeding related to or associated with the transactions or the occurrences that are
2 the subject of the Complaint, without service of subpoena.

3 **XII. Independence of Obligations**

4 IT IS FURTHER ORDERED that each of the obligations imposed by this
5 Order is independent of all other obligations under the Order, and that the
6 expiration of any requirements imposed by this Order shall not affect any other
7 obligation arising under this Order.

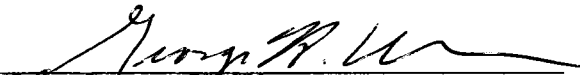
8 **XIII. Costs and Attorneys Fees**

9 IT IS FURTHER ORDERED that each party to this Order bear its own costs
10 and attorneys fees incurred in connection with this action.


11 **XIV. Continued Jurisdiction**

12 IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this
13 matter for all purposes, including construction, modification and enforcement of
14 this Order.


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16 Dated: 16th of June, 2008

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21 Hon. George H. Wu
22 United States District Judge
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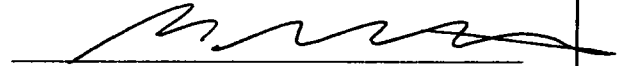
1 **THE PARTIES STIPULATE TO THE FOREGOING ORDER:**

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7 Chris M. Couillou, Esq.
8 ccouillou@ftc.gov
9 Counsel for the Plaintiff
10 Federal Trade Commission
11 225 Peachtree Street, Suite 1500
12 Atlanta, GA 30303
13 (404) 656-1353 (voice)
14 (404) 656-1379 (fax)

15 

16 Thomas A Brackey II, Esq. (SBN162279)
17 tbrackey@freundandbrackey;
18 Freund & Brackey LLP
19 Counsel for Defendant Elliott
20 427 North Camden Drive
21 Beverly Hills, CA 90210
22 (310) 247-2165 (telephone)
23 (310) 247-2190 (facsimile)

24 

25 Defendant Scott Elliott

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 WESTERN DIVISION

4 FEDERAL TRADE COMMISSION,)

5 Plaintiff)

6 v.)

7 BURNLOUNGE, INC.,
8 a corporation;
9 JUAN ALEXANDER ARNOLD,
10 an individual;
11 JOHN TAYLOR,
12 an individual;
13 ROB DEBOER,
14 an individual; and
15 SCOTT ELLIOTT,
16 an individual;
17 Defendants.)

Case No. CV 07-3654 GW FMOx

**AFFIDAVIT CERTIFYING RECEIPT
OF FINAL ORDER**

18 I, Scott Elliott, being duly sworn, hereby states and affirms as follows:

19 1. My name is _____, and I have personal
20 knowledge of the facts set forth in this Affidavit.

21 2. I am a Defendant in the above-styled civil action.

22 3. On _____, 2008, I received a copy of the Final
23 Judgment and Order for Permanent Injunction, which was signed by the Honorable
24 George H. Wu and entered by the Court on ____ of
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1 _____, 2008. A true and correct copy of the Order that was
2 received is appended to this Affidavit.

3

4 **I declare under penalty of perjury that the foregoing is true and correct.**

5 Executed this _____ day of _____, 2008 in _____

6 County, State of _____.

7

8 By: _____

9 Scott Elliott

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15 Notary Public

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17 My Commission expires: _____

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CERTIFICATE OF SERVICE

I, Chris M. Couillou, hereby certify as follows:

1. I am an attorney employed by and representing the Federal Trade Commission. I am not a party to this action.

2. On June 13, 2008, I served the foregoing document, entitled "Stipulated Final Order for Permanent Injunction and Other Equitable Relief Against Defendant Scott Elliott" on interested parties in this matter by causing a true and correct copy to be filed via the CM/ECF system and mailed, postage prepaid, by United States first class mail, to the following:

Thomas A Brackey II, Esq.
Derek S. Lemkin, Esq.
Freund & Brackey LLP
427 North Camden Drive
Beverly Hills, CA 90210

Michael Wachtell, Esq.
Lawrence B. Steinberg, Esq.
Buchalter Nemer, PC
1000 Wilshire Blvd., Suite 1500
Los Angeles, CA 90017-2457

Mr. John Taylor
614 Lester
Houston, Texas 77007

Mr. Robert E. DeBoer
316 Amberwood Circle
Irmo, South Carolina 29063

I hereby certify that the foregoing is true and correct. Executed on this 13th day of June 2008 at Atlanta, Georgia.


Chris M. Couillou
Counsel for Plaintiff
Federal Trade Commission