

The Honorable Judge Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FEDERAL TRADE COMMISSION,)	No. C14-838 RAJ
Plaintiff,)	STIPULATED ORDER FOR
vs.)	PERMANENT INJUNCTION AND
ONLINEYELLOWPAGES.TODAY.COM, INC.; <i>et al.</i> ,)	MONETARY JUDGMENT AS TO
Defendants.)	DEFENDANT ONI NATHIFA JULIEN

Plaintiff, the Federal Trade Commission (“FTC”), filed its Complaint For Permanent Injunction And Other Equitable Relief in this matter, pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b). The FTC and Defendant Oni Nathifa Julien stipulate to the entry of this Stipulated Final Judgment For Permanent Injunction And Monetary Judgment As To Defendant Oni Nathifa Julien (“Order”) to resolve all matters in dispute in this action between them.

THEREFORE, IT IS ORDERED as follows:

FINDINGS

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2 1. This Court has jurisdiction over this matter.

3 2. The Complaint charges that Defendant Julien participated in deceptive acts or
4 practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, in connection with the sale of
5 Internet business directory listings.

6 3. Defendant Julien neither admits nor denies any of the allegations in the
7 Complaint, except as specifically stated in this Order. Only for purposes of this action,
8 Defendant Julien admits the facts necessary to establish jurisdiction.

9 4. Defendant Julien waives any claim that she may have under the Equal Access to
10 Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date of this
11 Order, and agrees to bear her own costs and attorney fees.

12 5. Defendant Julien waives all rights to appeal or otherwise challenge or contest the
13 validity of this Order.

14
15 **DEFINITIONS**

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

17 1. “Asset” means any legal or equitable interest in, right to, or claim to any real,
18 personal, or intellectual property of any Defendant, or held for the benefit of any Defendant,
19 wherever located, whether in the United States or abroad, including, but not limited to, chattel,
20 goods, instruments, equipment, fixtures, general intangibles, effects, leaseholds, contracts, mail
21 or other deliveries, shares of stock, commodities, futures, inventory, checks, notes, accounts,
22 credits, receivables (as those terms are defined in the Uniform Commercial Code), cash, and
23 trusts, including, but not limited to, any trust held for the benefit of any Defendant, the Individual
24 Defendant’s minor children, if any, or the Individual Defendant’s spouse, if any, and shall
25 include both existing assets and assets acquired after the date of entry of this Order.

26 2. “Business directory” means a collection of listings for consumers, providing their
27 location and/or contact information, in any format, including “hard copy,” Internet websites, or
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1 email, represented to consumers to be available to the users or purchasers of consumers' goods
2 or services.

3 3. "Consumer" means any individual, group, unincorporated association, limited or
4 general partnership, corporation, church or other religious organization, government agency, or
5 other business entity that markets, sells, or otherwise provides products or services, paid or
6 unpaid, to the public.

7 4. "Corporate Defendants" means 709533 Canada Inc., d/b/a Oniks Media and
8 USYellowPageDirectory.com; 7703236 Canada Inc., d/b/a Target Marketing and
9 OnlineYellowPagesToday.com; USYellowPageDirectory.com, Inc.;
10 OnlineYellowPagesToday.com, Inc.; and their successors and assigns.

11 5. "Defendant Julien" means individual defendant Oni Nathifa Julien.

12 6. "Defendants" means and includes Defendant Julien and all Corporate Defendants.

13 7. "Person" means any natural person, an organization or other legal entity,
14 including a corporation, partnership, sole proprietorship, limited liability company, association,
15 cooperative, or any other group or combination acting as an entity.

16 ORDER

17 I. BAN ON MARKETING OR SALE OF BUSINESS DIRECTORIES OR 18 BUSINESS DIRECTORY LISTINGS

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20 **IT IS ORDERED THAT** Defendant Julien is permanently restrained and enjoined from
21 advertising, marketing, promoting, or offering for sale, or assisting in the advertising, marketing,
22 promoting, offering for sale, or sale of, business directories and/or listings in business directories
23 in any format.

24 II. PROHIBITION AGAINST MISREPRESENTATIONS

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26 **IT IS FURTHER ORDERED** that Defendant Julien, her officers, agents, servants,
27 employees, and attorneys, and all other persons in active concert or participation with any of
28 them, who receive actual notice of this Order, whether acting directly or indirectly, in connection

1 with the advertising, marketing, promoting or offering for sale, or sale of any good or service, are
2 permanently restrained and enjoined from:

3 A. Misrepresenting, or assisting others in misrepresenting, expressly or by
4 implication:

- 5 1. that consumers have a preexisting relationship with Defendant Julien or
6 any other person;
- 7 2. that consumers have agreed to purchase a good or service;
- 8 3. that consumers owe money for a good or service;
- 9 4. the nature of Defendant Julien's or any other person's relationship with
10 consumers;
- 11 5. the purpose of any communication with consumers; or
- 12 6. any fact material to consumers concerning any good or service, such as:
13 the total cost; any material restrictions, limitations, or conditions; or any
14 material aspect of the performance, efficacy, nature, or central
15 characteristics of the good or service;

16 B. Failing to disclose in outbound telephone calls to consumers, promptly and in a
17 clear and conspicuous manner:

- 18 1. the identity of the seller;
- 19 2. that the purpose of the call is to sell goods or services;
- 20 3. the nature of the goods or services; and
- 21 4. the total cost to purchase, receive, or use the good or service.

22 **III. PROHIBITION AGAINST COLLECTING ACCOUNTS**

23 **IT IS FURTHER ORDERED** that Defendant Julien, her officers, agents, servants,
24 employees, attorneys, and assigns, and all other persons in active concert or participation with
25 any of them, who receive actual notice of this Order, whether acting directly or indirectly, are
26 permanently restrained and enjoined from attempting to collect or collecting payment for any
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1 listing in any Internet business directory, and from selling, assigning, or otherwise transferring
2 any right to collect payment for any listing in any Internet business directory.

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4 **IV. DISPOSITION OF UNCASHED CHECKS**

5 **IT IS FURTHER ORDERED** that Defendant Julien relinquish dominion and all legal
6 and equitable right, title, and interest in all uncashed checks and other negotiable instruments
7 sent by consumers in response to Defendants' sale of business directory listings. The FTC may
8 dispose of such uncashed checks and other negotiable instruments in any manner that the FTC, in
9 its sole discretion, determines to be appropriate. Defendant Julien has no right to challenge any
10 actions the FTC or its representatives may take pursuant to this Section.

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12 **V. MONETARY JUDGMENT AND SUSPENSION**

13 **IT IS FURTHER ORDERED** that:

14 A. Judgment in the amount of \$3,081,969 (three million eighty-one thousand nine
15 hundred sixty-nine dollars) is entered in favor of the FTC against Defendant Julien as equitable
16 monetary relief.

17 B. The judgment for equitable monetary relief is suspended subject to the
18 Subsections below.

19 C. The FTC's agreement to the suspension of the judgment is expressly premised
20 upon the truthfulness, accuracy, and completeness of the sworn financial statements and related
21 documents (collectively, "financial representations") submitted to the FTC, namely:

- 22 1. the Financial Statement of Individual Defendant Oni Julien signed on
23 August 7, 2014, including the attachments;
- 24 2. the Financial Statement of Corporate Defendant 7703236 Canada Inc., dba
25 Target Marketing signed by Defendant Oni Julien, President, on August 7,
26 2014; and

- 1 3. the additional documentation submitted by letter and email
2 correspondence from Defendant Julien to FTC counsel Maxine Stansell
3 dated as follows:
- 4 a) 7/15/2014, unaudited Financial Statements for:
- 5 (1) 7095333 Canada Inc., for the years ending 11/30/2009,
6 11/30/2010, 11/30/2011, and 11/30/2012;
7 (2) 7703236 Canada Inc., for the years ending 11/30/2011,
8 11/30/2012, and 11/30/2013;
- 9 b) Bank statement records for the Oni Julien account at TD Canada
10 Trust, account number ending in 8758, for transactions between 11/8/2013
11 to 6/30/2014;
- 12 c) Financial Statement for Valencia Media Inc., transmitted by email
13 on 8/8/2014
- 14 d) Tax returns of the corporate defendants, transmitted by email on
15 9/2/2014, including the returns of:
- 16 (1) 7095333 Canada Inc., for 2010, 2011, and 2012;
17 (2) 7703236 Canada Inc., for 2011 and 2012; and
- 18 e) Letter dated 7/29/2014 and faxed to the FTC on 7/30/14;
- 19 f) Email or fax messages on the following dates:
- 20 (1) 7/16/2014;
21 (2) 7/21/2014;
22 (3) 7/29/2014 (faxed on 7/30/14)
23 (4) 8/8/2014;
24 (5) 8/11/2014; and
25 (6) 9/2/2014.

26 D. The suspension of the judgment will be lifted as to Defendant Julien if, upon
27 motion by the FTC, the Court finds that Defendant Julien failed to disclose any material asset,
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1 materially misstated the value of any asset, or made any other material misstatement or omission
2 in the financial representations identified above.

3 E. If the suspension of the judgment is lifted, the judgment becomes immediately
4 due as to Defendant Julien in the amount specified in Subsection A. above (which the parties
5 stipulate only for purposes of this Section represents the consumer injury caused by Defendant
6 Julien's acts and practices alleged in the Complaint).

7 F. So long as the judgment against Defendant Julien remains suspended, the FTC
8 will not seek, and will have no right, to collect any judgment owed by any of the corporate
9 defendants from Defendant Julien.

10 G. Defendant Julien relinquishes dominion and all legal and equitable right, title, and
11 interest in all assets transferred pursuant to this Order and may not seek the return of any assets.

12 H. The facts alleged in the Complaint will be taken as true, without further proof, in
13 any subsequent civil litigation by or on behalf of the FTC, including in a proceeding to enforce
14 its rights to any payment or monetary judgment pursuant to this Order, such as a
15 nondischargeability complaint in any bankruptcy case.

16 I. The facts alleged in the Complaint establish all elements necessary to sustain an
17 action by the FTC pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C.
18 § 523(a)(2)(A), and this Order will have collateral estoppel effect for such purposes.

19 J. All money paid to the FTC pursuant to this Order may be deposited into a fund
20 administered by the FTC or its designee to be used for equitable relief, including consumer
21 redress and any attendant expenses for the administration of any redress fund. If a representative
22 of the FTC decides that direct redress to consumers is wholly or partially impracticable or money
23 remains after redress is completed, the FTC may apply any remaining money for such other
24 equitable relief (including consumer information remedies) as it determines to be reasonably
25 related to Defendants' practices alleged in the Complaint. Any money not used for such
26 equitable relief is to be deposited to the U.S. Treasury as disgorgement. Defendant Julien has no
27 right to challenge any actions the FTC or its representatives may take pursuant to this
28 Subsection.

1 **VI. CUSTOMER INFORMATION**

2 **IT IS FURTHER ORDERED** that Defendant Julien, Defendant Julien’s officers, agents,
3 servants, employees, and attorneys, and all other persons in active concert or participation with
4 any of them, who receive actual notice of this Order, are permanently restrained and enjoined
5 from, directly or indirectly:

6 A. failing to provide, if a representative of the FTC requests in writing any
7 information related to redress, responsive information in Defendant Julien’s possession or
8 control, in the form prescribed by the FTC, within 14 days;

9 B. disclosing, using, or benefitting from customer information, including the name,
10 address, telephone number, email address, Social Security number, other identifying information,
11 or any data that enables access to a customer’s account (including a credit card, bank account, or
12 other financial account) that any Defendant obtained prior to entry of this Order in connection
13 with marketing or sale of business directory listings; and

14 C. if she comes into possession of customer information, failing to destroy such
15 customer information in all forms in their possession, custody, or control within 30 days after
16 receipt of written direction to do so from a representative of the FTC.

17 Provided, however, that customer information need not be disposed of, and may be
18 disclosed, to the extent requested by a government agency or required by law, regulation, or
19 court order.

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21 **VII. ORDER ACKNOWLEDGMENTS**

22 **IT IS FURTHER ORDERED** that Defendant Julien obtain acknowledgments of receipt
23 of this Order:

24 A. Defendant Julien, within 7 days of entry of this Order, must submit to the FTC an
25 acknowledgment of receipt of this Order sworn under penalty of perjury.

26 B. For 3 years after entry of this Order, Defendant Julien, for any business that she is
27 the majority owner or controls directly or indirectly, must deliver a copy of this Order to: (1) all
28 principals, officers, directors, and LLC managers and members; (2) all employees, agents, and

1 representatives who participate in the advertising, marketing, promoting, offering for sale, or sale
2 of any good or service to consumers residing in the United States, where the telephone is used
3 for any of these activities; and (3) any business entity resulting from any change in structure as
4 set forth in the Section titled Compliance Reporting. Delivery must occur within 7 days of entry
5 of this Order for current personnel. For all others, delivery must occur before they assume their
6 responsibilities.

7 C. From each individual or entity to which Defendant Julien delivered a copy of this
8 Order, Defendant Julien must obtain, within 30 days, a signed and dated acknowledgment of
9 receipt of this Order.

11 VIII. COMPLIANCE REPORTING

12 **IT IS FURTHER ORDERED** that Defendant Julien make timely submissions to the
13 FTC:

14 A. One year after entry of this Order, Defendant Julien must submit a compliance
15 report, sworn under penalty of perjury, in which she must:

16 1. identify all telephone numbers and all physical, postal, email and Internet
17 addresses, including all residences;

18 2. identify all business activities, including any business for which such she
19 performs services whether as an employee or otherwise and any entity in which she has any
20 ownership interest;

21 3. describe in detail such Defendant Julien's involvement in each such
22 business, including title, role, responsibilities, participation, authority, control, and any
23 ownership;

24 4. identify the primary physical, postal, and email address and telephone
25 number, as designated points of contact, which representatives of the FTC may use to
26 communicate with her;

27 5. identify all of Defendant Julien's businesses by all of their names,
28 telephone numbers, and physical, postal, email, and Internet addresses;

1 6. describe the activities of each business, including the goods and services
2 offered, the means of advertising, marketing, and sales, and the involvement of any other
3 Defendant;

4 7. describe in detail whether and how Defendant Julien is in compliance with
5 each Section of this Order; and

6 8. provide a copy of each Order Acknowledgment obtained pursuant to this
7 Order, unless previously submitted to the FTC.

8 B. For 10 years after entry of this Order, Defendant Julien must submit a compliance
9 notice, sworn under penalty of perjury, within 14 days of any change in the following:

10 1. her name, including aliases or fictitious name, or residence address;

11 2. her title or role in any business activity, including any business for which
12 she performs services, whether as an employee or otherwise, and any entity in which such she
13 has any ownership interest, and identify the name, physical address, and any Internet address of
14 the business or entity;

15 3. any designated point of contact; or

16 4. the structure of any entity that Defendant Julien has any ownership interest
17 in or controls directly or indirectly that may affect compliance obligations arising under this
18 Order, including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or
19 affiliate that engages in any acts or practices subject to Sections I-II of this Order.

20 C. Defendant Julien must submit to the FTC notice of the filing of any bankruptcy
21 petition, insolvency proceeding, or similar proceeding by or against her within 14 days of its
22 filing.

23 D. Any submission to the FTC required by this Order to be sworn under penalty of
24 perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding:
25 “I declare under penalty of perjury under the laws of the United States of America that the
26 foregoing is true and correct. Executed on: _____” and supplying the date, signatory’s full
27 name, title (if applicable), and signature.

1 E. Unless otherwise directed by an FTC representative in writing, all submissions to
2 the FTC pursuant to this Order must be emailed to DEbrief@ftc.gov or sent by overnight courier
3 (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer
4 Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.
5 The subject line must begin: FTC v. Oni Nathifa Julien, No. X140047.

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7 **IX. RECORDKEEPING**

8 **IT IS FURTHER ORDERED** that Defendant Julien must create certain records for 10
9 years after entry of this Order, and retain each such record for 5 years. Specifically, Defendant
10 Julien, for any business that she, individually or collectively with any other Defendants, is a
11 majority owner or controls directly or indirectly, must create and retain the following records:

12 A. accounting records showing the revenues from all goods or services sold;

13 B. personnel records showing, for each person providing services, whether as an
14 employee or otherwise, that person's name; addresses; telephone numbers; job title or position;
15 dates of service; and (if applicable) the reason for termination;

16 C. records of all consumer complaints and refund requests regarding the subject
17 matter of the Order as set forth in Sections II, whether received directly or indirectly, such as
18 through a third party, and any response;

19 D. all records necessary to demonstrate full compliance with each provision of this
20 Order, including all submissions to the FTC; and

21 E. a copy of each unique advertisement or other marketing material.

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23 **X. COMPLIANCE MONITORING**

24 **IT IS FURTHER ORDERED** that, for the purpose of monitoring Defendant Julien's
25 compliance with this Order, including the financial representations upon which the judgment was
26 suspended:

27 A. Within 14 days of receipt of a written request from a representative of the FTC,
28 Defendant Julien must: submit additional compliance reports or other requested information,

1 which must be sworn under penalty of perjury; and appear for depositions; and produce
2 documents for inspection and copying. The FTC is also authorized to obtain discovery, without
3 further leave of court, using any of the procedures prescribed by Federal Rules of Civil
4 Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69. *Provided that*
5 Defendant Julien, after attempting to resolve a dispute without court action and for good cause
6 shown, may file a motion with this Court seeking an order for one or more of the protections set
7 forth in Rule 26 (c).

8 B. For matters concerning this Order, the FTC is authorized to communicate directly
9 with Defendant Julien. She must permit representatives of the FTC to interview any employee or
10 other person affiliated with her who has agreed to such an interview. The person interviewed
11 may have counsel present.


12 C. The FTC may use all other lawful means, including posing, through its
13 representatives as consumers, suppliers, or other individuals or entities, to Defendants or any
14 individual or entity affiliated with Defendant Julien, without the necessity of identification or
15 prior notice. Nothing in this Order limits the FTC's lawful use of compulsory process, pursuant
16 to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

17 D. Upon written request from a representative of the FTC, any consumer reporting
18 agency must furnish consumer reports concerning Defendant Julien, pursuant to Section 604(1)
19 of the Fair Credit Reporting Act, 15 U.S.C. §1681b(a)(1).

XI. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court retains jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

SO ORDERED this 10th day of March, 2015.



The Honorable Richard A. Jones
United States District Judge

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