

CLERK OF DISTRICT COURT


AUG 22 2010



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FEDERAL TRADE COMMISSION,)
)
 Plaintiff,)
)
 v.)
)
 ECONOMIC RELIEF)
 TECHNOLOGIES, LLC,)
 a Nevada limited liability company,)
)
 SAFERIDE WARRANTY LLC,)
 a Florida limited liability company,)
)
 VP MARKETING, LLC,)
 a Georgia limited liability company,)
)
 JASON JAMES EYER,)
)
 KARA SINGLETON ADAMS, and)
)
 JAMES A. SCHOENHOLZ,)
)
 Defendants.)

Case No. 1 09-cv-3347 TCB


Judgment and Final Order

Plaintiff Federal Trade Commission (“FTC” or “Commission”) commenced this action on November 30, 2009, by filing a complaint for permanent injunction and other equitable relief pursuant to Sections 13(b) and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b) and 57b, and the Telemarketing and Consumer Fraud and Abuse Prevention Act (“Telemarketing Act”), 15 U.S.C. §§ 6101-6108. The complaint charges Defendants Economic Relief Technologies, LLC, SafeRide Warranty LLC, VP Marketing, LLC, Jason James Eyer, Kara Singleton Adams, and James A. Schoenholz (“Defendants”) with violating Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the FTC’s “Telemarketing Sales Rule” (“TSR”), 16 C.F.R. Part 310, by engaging in deceptive and abusive telemarketing campaigns involving credit card interest rate reduction services and automobile service contracts.

Defendants were properly served with a summons and a copy of the complaint, but failed to plead or otherwise defend. An Entry of Default was entered by the Clerk as to Economic Relief Technologies, LLC, SafeRide Warranty LLC, VP Marketing, LLC, Jason James Eyer, and Kara Singleton Adams on January 27, 2010, and as to James A. Schoenholz on June 30, 2010.

The Commission now seeks, pursuant to Fed. R. Civ. P. 55(b)(2), the entry of a Judgment and Final Order (“Final Order”) on all counts of the complaint against the Defendants. Having considered the memorandum and exhibits filed in support of the Commission’s motion and the entire record in this matter, and now being fully advised in the premises, the Court grants the Commission’s motion for the Final Order.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

FINDINGS

1. This is an action by the Commission instituted under Sections 13(b) and 19 of the FTC Act, 15 U.S.C. §§ 53(b) and 57b, the Telemarketing Act, 15 U.S.C. §§ 6101-6108, and the TSR, 16 C.F.R. Part 310. Pursuant to these statutes and regulations, the Commission has the authority to seek the relief it has requested.

2. The Commission’s complaint states a claim upon which relief may be granted against Defendants under Sections 5(a), 13(b), and 19 of the FTC Act, 15 U.S.C. §§ 45(a), 53(b), and 57b, the Telemarketing Act, 15 U.S.C. §§ 6101-6108, and the TSR, 16 C.F.R. Part 310.

3. This Court has jurisdiction over the subject matter of this case and personal jurisdiction over the parties pursuant to 28 U.S.C. §§ 1331, 1337(a), and 1345, and 15 U.S.C. §§ 45(a), 53(b), 57b, 6102(c), and 6105(b).

4. Venue in the United States District Court for the Northern District of Georgia is proper pursuant to 15 U.S.C. § 53(b) and 28 U.S.C. § 1391(b) and (c).

5. The activities alleged in the complaint are or were “in or affecting commerce” as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

6. Defendants were properly served with process, as required by Fed. R. Civ. P. 4, and failed to plead or otherwise defend against the action brought against them within the time set forth in Fed. R. Civ. P. 12(a).

7. An Entry of Default was properly entered by the Clerk against Defendants Economic Relief Technologies, LLC, SafeRide Warranty LLC, VP Marketing, LLC, Jason James Eyer, and Kara Singleton Adams on January 27, 2010. An Entry of Default was properly entered against Defendant James A. Schoenholz on June 30, 2010.

8. Because defaults have been entered against the Defendants, the factual allegations of the Commission’s complaint are taken as true against Defendants.

9. Together with substantial evidence presented by the Commission in

this case, the allegations taken as true establish that Defendants have engaged in deceptive and abusive acts and practices in the offering for sale and sale of credit card interest rate reduction services and automobile service contracts in violation of Section 5(a) of the FTC Act and the TSR.

10. Based on the evidence presented to the Court, there is a substantial likelihood that Defendants will engage in the same or similar activities as alleged in the complaint unless they are permanently enjoined from such acts and practices.

11. Thus, it is proper in this case to enter equitable monetary relief against Defendants for the consumer injury caused by their violations of the FTC Act and the TSR.

12. For the period from January 1, 2008 through May 31, 2009, Defendants' revenues from the conduct alleged in the FTC's complaint, minus funds returned to consumers through refunds and chargebacks, was \$25,238,411.36. This amount was calculated by the forensic accountant of the receiver appointed by this Court (the "Receiver"), who used Defendants' bank and business records to ascertain the amounts. (Doc. 75).

13. Defendants Economic Relief Technologies, LLC, SafeRide Warranty

LLC, VP Marketing, LLC, Jason James Eyer, Kara Singleton Adams, and James A. Schoenholz are therefore liable for injunctive relief and are jointly and severally liable for monetary relief in the amount of \$25,238,411.36.

14. This Final Order is in addition to, and not in lieu of, any other civil or criminal remedies that may be provided by law.

15. Entry of this Final Order is in the public interest.

DEFINITIONS

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

1. **“Asset” or “Assets”** means any legal or equitable interest in, right to, or claim to, any real or personal property, including, but not limited to, “goods,” “instruments,” “equipment,” “fixtures,” “general intangibles,” “inventory,” “checks,” or “notes” (as these terms are defined in the Uniform Commercial Code), lines of credit, chattels, leaseholds, contracts, mail or other deliveries, shares of stock, lists of consumer names, accounts, credits, premises, receivables, funds, and all cash, wherever located.

2. **“Assisting others”** includes but is not limited to: (1) performing customer service functions, including, but not limited to, receiving or responding to consumer complaints; (2) formulating or providing, or arranging for the

formulation or provision of, any sales script or other marketing material; (3) providing names of, or assisting in the generation of, potential customers; (4) performing or providing marketing or billing services of any kind; (5) acting or serving as an owner, officer, director, manager or principal of any business entity; or (6) providing telemarketing services.

3. **“Individual Defendants”** means Jason James Eyer, Kara Singleton Adams, and James A. Schoenholz , and by whatever other names each may be known.

4. **“Corporate Defendants”** and **“Receivership Defendants”** means Economic Relief Technologies, LLC, SafeRide Warranty LLC, and VP Marketing, LLC; and their successors and assigns, as well as any subsidiaries, and any fictitious business entities or business names created or used by these entities, or any of them.

5. **“Defendants”** means all of the Individual Defendants and the Corporate Defendants, individually, collectively, or in any combination.

6. **“Debt Relief Service”** means any product or service represented, directly or by implication, to renegotiate, settle, or in any way alter the terms of payment or other terms of the debt between a consumer and one or more unsecured

creditors or debt collectors, including, but not limited to, a reduction in the balance, interest rate, or fees owed by a consumer to an unsecured creditor or debt collector.

7. **“Document” or “Documents”** means any materials listed 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, into reasonably usable form through detection devices. A draft or nonidentical copy is a separate Document within the meaning of the term.

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

9. **“Outbound telephone call”** means a telephone call initiated by a telemarketer to induce the purchase of goods or services or to solicit a charitable contribution.

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

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

“FTC”).

12. **“Representatives”** means Defendants’ officers, agents, servants, employees and attorneys, and other persons in active concert or participation with any of them who receive actual notice of this Final Order by personal service, facsimile transmission, email or otherwise.

13. **“Seller”** means any person who, in connection with a telemarketing transaction, provides, offers to provide, or arranges for others to provide goods or services to the customer in exchange for consideration, whether or not such person is under the jurisdiction of the Federal Trade Commission.

14. **“Telemarketer”** means any person who, in connection with telemarketing, initiates or receives telephone calls to or from a customer or donor.

15. **“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.

FINAL ORDER

I. PERMANENT BAN ON DELIVERING PRERECORDED MESSAGES

IT IS THEREFORE ORDERED that Defendants, whether acting directly

or through any person, business entity, trust, corporation, partnership, limited liability company, subsidiary, division, or other device, or any of them, are hereby permanently restrained and enjoined from initiating outbound telephone calls delivering prerecorded messages.

II. PERMANENT BAN ON MARKETING DEBT RELIEF SERVICES

IT IS FURTHER ORDERED that Defendants, whether acting directly or through any person, business entity, trust, corporation, partnership, limited liability company, subsidiary, division, or other device, or any of them, are hereby permanently restrained and enjoined from engaging in, participating in, or assisting others in the marketing, advertising, promotion, offering for sale, or sale of Debt Relief Services.

III. PERMANENT BAN ON MARKETING AUTOMOBILE SERVICE CONTRACTS

IT IS FURTHER ORDERED that Defendants, whether acting directly or through any person, business entity, trust, corporation, partnership, limited liability company, subsidiary, division, or other device, or any of them, are hereby permanently restrained and enjoined from engaging in, participating in, or assisting others in the marketing, advertising, promotion, offering for sale, or sale of automobile service contracts.

IV. PERMANENT BAN ON TELEMARKETING

IT IS FURTHER ORDERED that Defendants, whether acting directly or through any person, business entity, trust, corporation, partnership, limited liability company, subsidiary, division, or other device, or any of them, are hereby permanently restrained and enjoined from participating in, or assisting others in, telemarketing.

V. PROHIBITED PRACTICES RELATING TO ANY GOODS OR SERVICES

IT IS FURTHER ORDERED that Defendants and their Representatives, whether acting directly or through any person, business entity, trust, corporation, partnership, limited liability company, subsidiary, division, or other device, or any of them, in connection with the advertising, marketing, promotion, offering for sale or sale of any good, service, plan, or program, are hereby permanently restrained and enjoined from:

A. Misrepresenting, or assisting others in misrepresenting, expressly or by implication, any material fact, including but not limited to:

1. Any material aspect of the nature or terms of any refund, cancellation, exchange, or repurchase policy, including, but not limited to, the

likelihood of a consumer obtaining a full or partial refund, or the circumstances in which a full or partial refund will be granted to the consumer;

2. That any person is affiliated with, endorsed or approved by, or otherwise connected to any other person; government entity; public, non-profit, or other non-commercial program; or any other program;

3. The total costs to purchase, receive, or use, or the quantity of, the good or service;

4. Any material restriction, limitation, or condition on purchasing, receiving, or using the good or service; and

5. Any material aspect of the performance, efficacy, nature, or characteristics of the good or service; or

B. Providing substantial assistance to any third party to make any material misrepresentation, including, but not limited to, those misrepresentations prohibited by Paragraph A above.

VI. PROHIBITION ON COLLECTING ON ACCOUNTS

IT IS FURTHER ORDERED that Defendants and their Representatives, 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 from any consumer who purchased or agreed to purchase any Defendant's goods or services, where the purported authorization for the alleged sale occurred prior to the entry of this Final Order.

VII. ORDER PROVISION REGARDING CUSTOMER INFORMATION

IT IS FURTHER ORDERED that Defendants and their Representatives are permanently restrained and enjoined from:

A. Disclosing, using, or benefitting from customer information, including the name, address, telephone number, email address, social security number, other identifying information, or any data that enables access to a customer's account (including a credit card, bank account, or other financial account), of any person which any Defendant obtained prior to entry of this Final Order in connection with advertising, marketing, promotion, offering for sale or sale of any Debt Relief Service, automobile service contracts, or any good or service advertised, marketed, promoted, offered for sale or sold using telemarketing calls delivering prerecorded messages; and

B. Failing to dispose of such customer information in all forms in their possession, custody, or control within thirty (30) days after entry of written

authorization from the FTC. Disposal shall be by means that protect against unauthorized access to the customer information, such as by burning, pulverizing, or shredding any papers, and by erasing or destroying any electronic media, to ensure that the customer information cannot practicably be read or reconstructed.

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

VIII. MONETARY JUDGMENT

IT IS FURTHER ORDERED that:

A. Judgment is hereby entered in favor of the Commission and against Defendants, jointly and severally, in the amount of twenty-five million two hundred and thirty-eight thousand four hundred and eleven dollars and thirty-six cents (\$25,238,411.36), as equitable monetary relief for consumer injury. This monetary judgment shall become immediately due and payable by Defendants upon entry of this Final Order, and interest computed at the rate prescribed under 28 U.S.C. § 1961(a), as amended, shall immediately begin to accrue on the unpaid balance;

B. All funds paid to the Commission shall be made by wire transfer in

accordance with directions provided by the Commission, or as otherwise agreed to by the Commission;

C. All funds paid to the Commission 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 such equitable relief. If the Commission determines, in its sole discretion, that direct redress to consumers is wholly or partially impracticable or funds remain after redress is completed, the Commission may apply any remaining funds for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to Defendants' practices alleged in the Complaint. Any funds not used for such equitable relief shall be deposited to the United States Treasury as disgorgement. Defendants shall have no right to challenge the Commission's choice of remedies under this Section. Defendants shall have no right to contest the manner of distribution chosen by the Commission. This judgment for equitable monetary relief is solely remedial in nature and is not a fine, penalty, punitive assessment, or forfeiture;

D. In accordance with 31 U.S.C. § 7701, as amended, each Defendant is hereby required, unless that Defendant has done so already, to furnish to the

Commission the Defendant's 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 that Defendant's relationship with the government. Individual Defendants are further required, unless they already have done so, to provide the Commission with clear, legible and full-size photocopies of all valid driver's licenses that they possess, which will be used for reporting and compliance purposes; and

E. Defendants relinquish all dominion, control, and title to the funds paid to the fullest extent permitted by law. Defendants shall make no claim to or demand for return of the funds, directly or indirectly, through counsel or otherwise.

IX. TURNOVER OF ASSETS

IT IS FURTHER ORDERED that in order to partially satisfy the monetary judgments set forth in Section VIII above, any law firm, financial or brokerage institution, escrow agent, title company, commodity trading company, automated clearing house, payment processor, person, or entity served with a copy of this Final Order, that holds, controls or maintains custody of any account or asset of, on behalf of, or for the benefit of any Defendant, shall turn over all such funds or assets to the Receiver within ten (10) business days of receiving notice of this Final

Order by any means, including but not limited to via email or facsimile.

X. LIFTING OF ASSET FREEZE

IT IS FURTHER ORDERED that the freeze of Defendants assets shall be lifted for the sole purpose of transferring funds and assets pursuant to Sections VIII and IX above and shall be dissolved only upon transfer of all such funds owed to the Commission. A third party shall be entitled to rely upon a letter from Plaintiff stating that the freeze on the assets of a Defendant has been lifted.

XI. RECEIVERSHIP

IT IS FURTHER ORDERED that:

- A. Except as modified by this Section, the receivership imposed by this Court shall continue as set forth in the Order of Preliminary Injunction entered on December 14, 2009. (Doc. 77).
- B. The Receiver shall take all steps necessary to immediately wind down the affairs and marshal the assets of the receivership Defendants from wherever and in whatever form they may be located.
- C. The Receiver shall take all steps necessary to liquidate all receivership assets and those assets that are surrendered to him pursuant to Section IX of this Final Order.

D. The Receiver shall continue to be entitled to compensation for the performance of his duties pursuant to this Final Order, from the assets of the Receivership Defendants, at the billing rate previously agreed to by the Receiver. Within thirty (30) days after entry of this Final Order, and every thirty (30) days thereafter until completed, the Receiver shall file with the Court an accounting and request for the payment of such reasonable compensation.

E. Upon the liquidation of any asset held by or surrendered to the Receiver, the Receiver shall, at the FTC's request, immediately transfer all funds to the FTC or its designated representative in partial satisfaction of the judgment pursuant to Section VIII of this Final Order. The Receiver is authorized to withhold a reasonable sum, not to exceed ten (10) % of the then-current liquid assets for costs, fees and expenses.

F. Upon approval of the Receiver's final report and request for payment, the receivership shall be terminated, and all funds remaining after payment of the Receiver's final approved payment shall be remitted immediately to the FTC or its designated representative.

G. Within five (5) days of termination of the receivership, the Receiver shall return all records of the Receivership Defendants in his possession relating to

their financial affairs to the Individual Defendants so that they may prepare and file all necessary corporate and individual tax returns. The Receiver is also directed to promptly turn over to Plaintiff all records containing the customer information described in Section VII of this Final Order.

XII. MONITORING COMPLIANCE OF SALES PERSONNEL

IT IS FURTHER ORDERED that, in connection with any business: (1) where a Defendant is the majority owner of the business or directly or indirectly controls the business; and (2) where the business is engaged in, or is assisting others engaged in, the advertising, marketing, promotion, offering for sale, sale, or provision of any product or service, such Defendant and its Representatives, whether acting directly or through any person, business entity, trust, corporation, partnership, limited liability company, subsidiary, division, or other device, or any of them, 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-V of this Final Order. These steps shall include adequate monitoring of sales presentations and telephone calls with consumers, and shall also 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;

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

C. Failing to take adequate corrective action with respect to any employee or independent contractor whom such Defendant determines is not complying with this Final Order. This corrective action may include training, disciplining, and/or terminating such employee or independent contractor.

XIII. COMPLIANCE MONITORING

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

A. Within ten (10) days of receipt of written notice from a representative of the Commission, Defendants each shall submit additional written reports, which are true and accurate and sworn to under penalty of perjury; produce documents for inspection and copying; appear for deposition; and provide entry during normal

business hours to any business location in each Defendant's possession or direct or indirect control to inspect the business operation;

B. In addition, the Commission is authorized to use all other lawful means, including but not limited to:

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, 45 and 69;

2. having its representatives pose as consumers and suppliers to Defendants, their employees, or any other entity managed or controlled in whole or in part by any Defendant, without the necessity of identification or prior notice; and

C. Defendants each 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 Final Order. The person interviewed may have counsel present.

Provided, however, that nothing in this Final 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)).

XIV. COMPLIANCE REPORTING

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

- A. For a period of five (5) years from the date of entry of this Final Order,
1. Each Individual Defendant shall notify the Commission of the following:
 - a. Any changes in such Defendant's residence, mailing addresses, and telephone numbers, within ten (10) days of the date of such change:
 - b. Any changes in such Defendant's employment status (including self-employment), and any change in such Defendant's ownership 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 such

Defendant is affiliated with, employed by, creates or forms, or performs services for; a detailed description of the nature of the business; and a detailed description of such Defendant's duties and responsibilities in connection with the business or employment; and

- c. Any changes in such Defendant's name or use of any aliases or fictitious names within ten (10) days of the date of such change;

2. Defendants shall notify the Commission of any changes in structure of any Corporate Defendant or any business entity that any Defendant directly or indirectly controls, or has an ownership interest in, that may affect compliance obligations arising under this Final Order, including but not limited to: incorporation or other organization; a dissolution, assignment, sale, merger, or other action; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this Final Order; or a change in the business name or address, at least thirty (30) days prior to such change, *provided* that, with respect to any such change in the business entity about which a Defendant 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 obtaining such knowledge.

B. One hundred eighty (180) days after the date of entry of this Final Order and annually thereafter for a period of five (5) years, Defendants each shall provide a written report to the FTC, which is true and accurate and sworn to under penalty of perjury, setting forth in detail the manner and form in which they have complied and are complying with this Final Order. This report shall include, but not be limited to:

1. For each Individual Defendant:
 - a. such Defendant's then-current residence address, mailing addresses, and telephone numbers;
 - b. such Defendant's then-current employment status (including self-employment), including the name, addresses, and telephone numbers of each business that such Defendant is affiliated with, employed by, or performs services for; a detailed description of the nature of the business; and a detailed description of such Defendant's duties and responsibilities in connection

with the business or employment; and

- c. Any other changes required to be reported under Subsection A of this Section.

2. For all Defendants:

- a. A copy of each acknowledgment of receipt of this Final Order, obtained pursuant to the Section titled "Distribution of Final Order;" and
- b. Any other changes required to be reported under Subsection A of this Section.

C. Each Defendant shall notify the Commission of the filing of a bankruptcy petition by such Defendant within fifteen (15) days of filing.

D. For the purposes of this Final Order, Defendants shall, unless otherwise directed by the Commission's authorized representatives, send by overnight courier all reports and notifications required by this Final Order to the Commission, to the following address:

Associate Director for Enforcement
Bureau of Consumer Protection
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Re: FTC v. Economic Relief Technologies, LLC, et al., No. 09-CV-3347 (N.D. Ga. 2009).

Provided that, in lieu of overnight courier, Defendants may send such reports or notifications by first-class mail, but only if Defendants contemporaneously send an electronic version of such report or notification to the Commission at:

DEbrief@ftc.gov.

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

XV. RECORD KEEPING PROVISIONS

IT IS FURTHER ORDERED that, for a period of eight (8) years from the date of entry of this Final Order, Defendants, for any business for which they, individually or collectively, are the majority owner or directly or indirectly control, 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 or indirectly, such as through a 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 Final Order, including but not limited to, copies of acknowledgments of receipt of this Final Order required by the Sections titled

“Distribution of Final Order” and “Acknowledgment of Receipt of Final Order” and all reports submitted to the FTC pursuant to the Section titled “Compliance Reporting.”

XVI. DISTRIBUTION OF FINAL ORDER

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

A. Corporate Defendant: Each Corporate Defendant must deliver a copy of this Final Order to (1) all of its principals, officers, directors, and managers; (2) all of its employees, agents, and representatives who engage in conduct related to the subject matter of the Final Order; and (3) any business entity resulting from any change in structure set forth in Subsection A.2 of the Section titled “Compliance Reporting.” For current personnel, delivery shall be within five (5) days of service of this Final Order upon such Defendant. For new personnel, delivery shall occur prior to them assuming their responsibilities. For any business entity resulting from any change in structure set forth in Subsection A.2 of the Section titled “Compliance Reporting,” delivery shall be at least ten (10) days prior to the change in structure.

B. Individual Defendant as control person: For any business that an Individual Defendant controls, directly or indirectly, or in which such Defendant has a majority ownership interest, such Defendant must deliver a copy of this Final Order to (1) all principals, officers, directors, and managers of that business; (2) all employees, agents, and representatives of that business who engage in conduct related to the subject matter of the Final Order; and (3) any business entity resulting from any change in structure set forth in Subsection A.2 of the Section titled "Compliance Reporting." For current personnel, delivery shall be within five (5) days of service of this Final Order upon such Defendant. For new personnel, delivery shall occur prior to them assuming their responsibilities. For any business entity resulting from any change in structure set forth in Subsection A.2 of the Section titled "Compliance Reporting," delivery shall be at least ten (10) days prior to the change in structure.

C. Individual Defendant as employee or non-control person: For any business where an Individual Defendant is not a controlling person of a business but otherwise engages in conduct related to the subject matter of this Final Order, such Defendant must deliver a copy of this Final Order to all principals and managers of such business before engaging in such conduct.

D. Defendants must secure a signed and dated statement acknowledging receipt of the Final Order, within thirty (30) days of delivery, from all persons receiving a copy of the Final Order pursuant to this Section.

XVII. ACKNOWLEDGMENT OF RECEIPT OF FINAL ORDER

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

XVIII. SEVERABILITY

IT IS FURTHER ORDERED that the provisions of this Final 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.


XIX. 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 Final Order.

JUDGMENT IS THEREFORE ENTERED in favor of the Plaintiff and against Defendants, pursuant to all the terms and conditions recited above.

IT IS SO ORDERED.

Dated: July 22, 2010



Honorable Timothy C. Batten, Sr.
United States District Judge

ATTACHMENT A

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

FEDERAL TRADE COMMISSION,)
))
Plaintiff,)
))
v.)
))
ECONOMIC RELIEF)
TECHNOLOGIES, LLC,)
a Nevada limited liability company,)
))
SAFERIDE WARRANTY LLC,)
a Florida limited liability company,)
))
VP MARKETING, LLC,)
a Georgia limited liability company,)
))
JASON JAMES EYER,)
))
KARA SINGLETON ADAMS, and)
))
JAMES A. SCHOENHOLZ,)
))
Defendants.)

Case No. 1 09-cv-3347 TCB

**AFFIDAVIT ATTESTING TO RECEIPT OF
FINAL JUDGMENT AND ORDER FOR PERMANENT INJUNCTION**

I, _____, being duly sworn, hereby state and affirm as follows:

1. My name is _____. I am a citizen of _____ 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. Economic Relief Technologies, LLC., et al.*, Case No. 1:09-cv-3347 (N. D. Ga. 2009). I am also a member/manager of _____, a Defendant in *FTC v. Economic Relief Technologies, LLC., et al.*, Case No. 1:09-cv-3347 (N. D. Ga. 2009).

3. My current employer is _____. My current business address is _____ . My current business telephone number is _____. My current residential address is _____ . My current residential telephone number is _____ .

4. The current business address of Defendant _____

___ is _____. The current business telephone number of Defendant _____ is _____.

5. On _____ [Date], I received a copy of the Final Judgment and Order for Permanent Injunction, which was signed by the Honorable Timothy C. Batten, Sr., and entered by the Court on _____ [Date of Entry of the Final Order]. A true and correct copy of the Final Order I received is appended to this Affidavit.

6. On _____ [Date], _____ [Name of Corporate Defendant] received a copy of the Final Judgment and Order for Permanent Injunction Against Defendants X, Y and Z, which was signed by the Honorable Timothy C. Batten, Sr., and entered by the Court on _____ [Date of Entry of the Final Order]. A true and correct copy of the Final Order it 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 _____ [Date], at _____ [City, State or Province, and Country].

Defendant Name, individually and as an
officer of _____.

State of _____, City of _____

Subscribed and sworn to before me
this ____ day of _____, 2010.

Notary Public
My Commission Expires: