

FILED by ET D.C.

MAY 22 2003

CLARENCE MADDUX
CLERK U. S. DIST. CT.
S. D. OF FLA. - MIAMI

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case No. 02-21754-CV- GRAHAM/GARBER

FEDERAL TRADE COMMISSION

Opportunity Ventures" (the "Franchise Rule" or the "Rule"), 16 C.F.R. Part 436, and moved *ex parte* for a Temporary Restraining Order ("TRO") pursuant to Rule 65 of the Federal Rules of Civil Procedure and S.D. Fla. L.R. 7.1.E. That same day, this Court, having considered the Complaint, memorandum of law, declarations, and other exhibits filed in support of Plaintiff's motion, issued a TRO including an asset freeze and appointment of a temporary receiver. Now, Plaintiff, the Federal Trade Commission and Defendant Morgenstern offer the following

Stipulated Final Judgment and Order for Permanent Injunction and Other Equitable Relief as to Defendant Morgenstern (the "Final Order").

Upon the joint motion of the FTC and Morgenstern, it is hereby **ORDERED, ADJUDGED, and DECREED** as follows:

FINDINGS

1. This Court has jurisdiction over the subject matter of this case and the parties hereto.

2. Venue is proper as to all parties in the Southern District of Florida under 15

7. Defendant Morgenstern acknowledges that he has read the provisions of this Final Order and has agreed to abide by them.

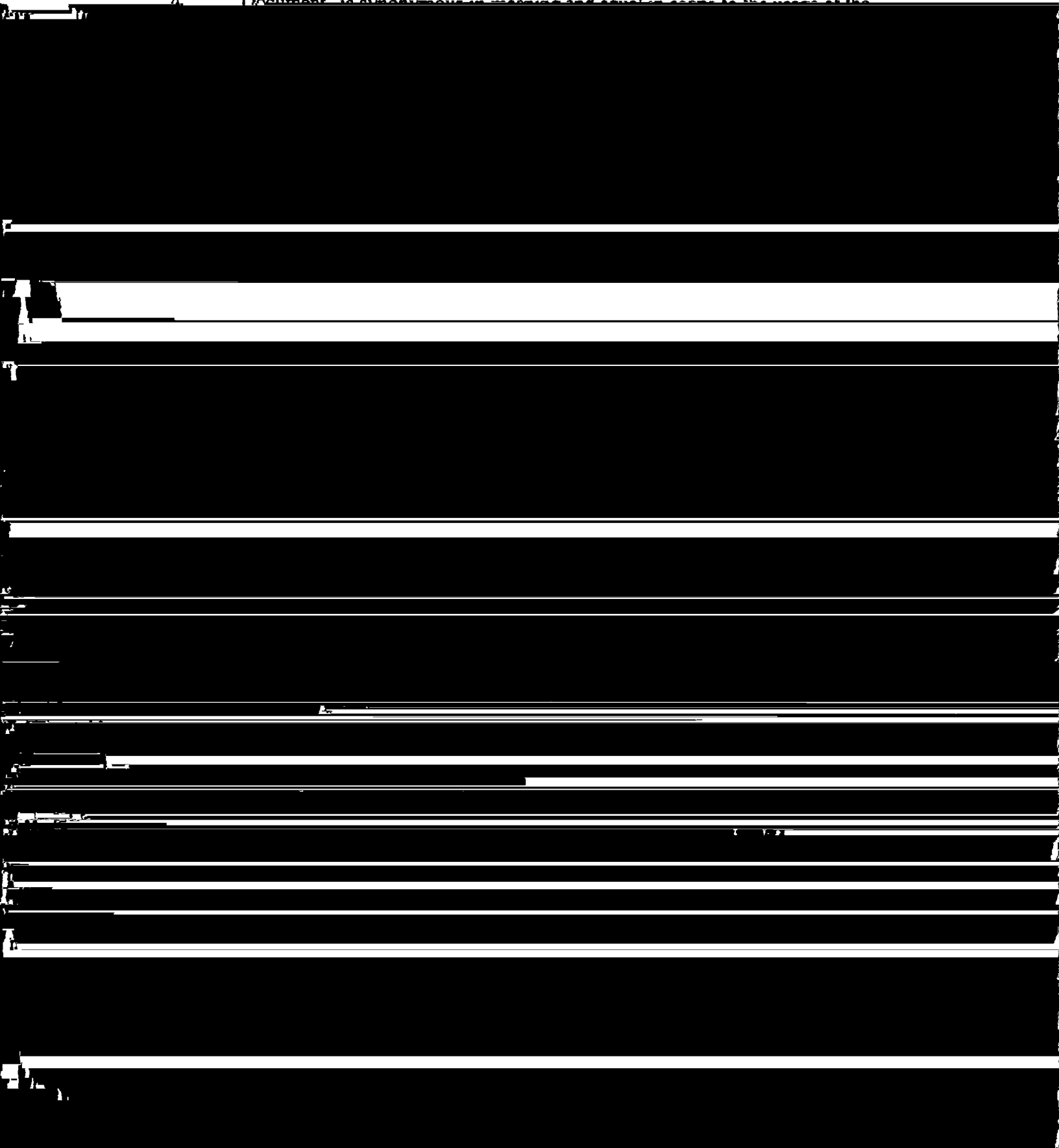
8. Defendant Morgenstern waives all rights to seek appellate review or otherwise challenge or contest the validity of this Final Order.

9. Defendant Morgenstern waives and releases any claim he may have against the FTC and its employees, representatives or agents.

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

notice of this Final Order by personal service or otherwise (Fed. R. Civ. P. 65(d));

4. "Document" is synonymous in meaning and equal in scope to the words of the



well in each purchaser's particular locations;

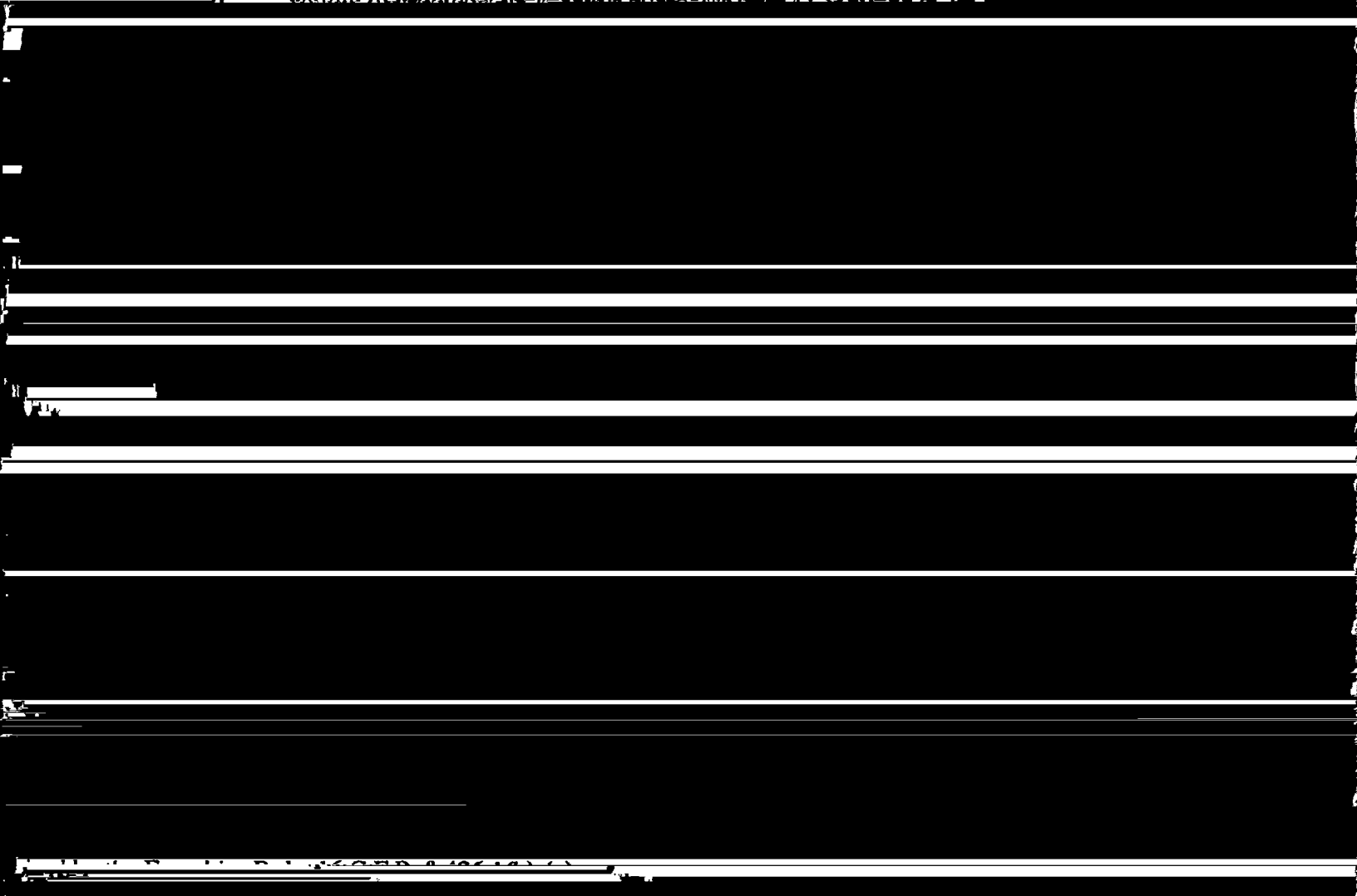
- D. That references have purchased Defendant's business ventures or will provide reliable descriptions of experiences with the business venture; or
- E. That Defendant has obtained the consent of store owners in the prospective business venture purchaser's geographic area for the placement of display racks.

VIOLATIONS OF THE FRANCHISE RULE PROHIBITED

II.

IT IS FURTHER ORDERED that, Defendant is hereby restrained and enjoined from violating or assisting others to violate any provisions of the Franchise Rule, 16 C.F.R. Part 436, as currently promulgated or as it may hereafter be amended, by, including but not limited to:

- A. Failing to provide a prospective purchaser with a complete and accurate disclosure document as required by the Franchise Rule, 16 C.F.R. § 436.1(a);
- B. Failing to provide a prospective purchaser with a service claim document as



Making any claim or representation to prospective purchasers that is contradictory

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statement, dated October __, 2002, and provided to the Commission, which includes material information upon which the Commission relied in negotiating and consenting to this Final Order. If upon motion by the Commission, this

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

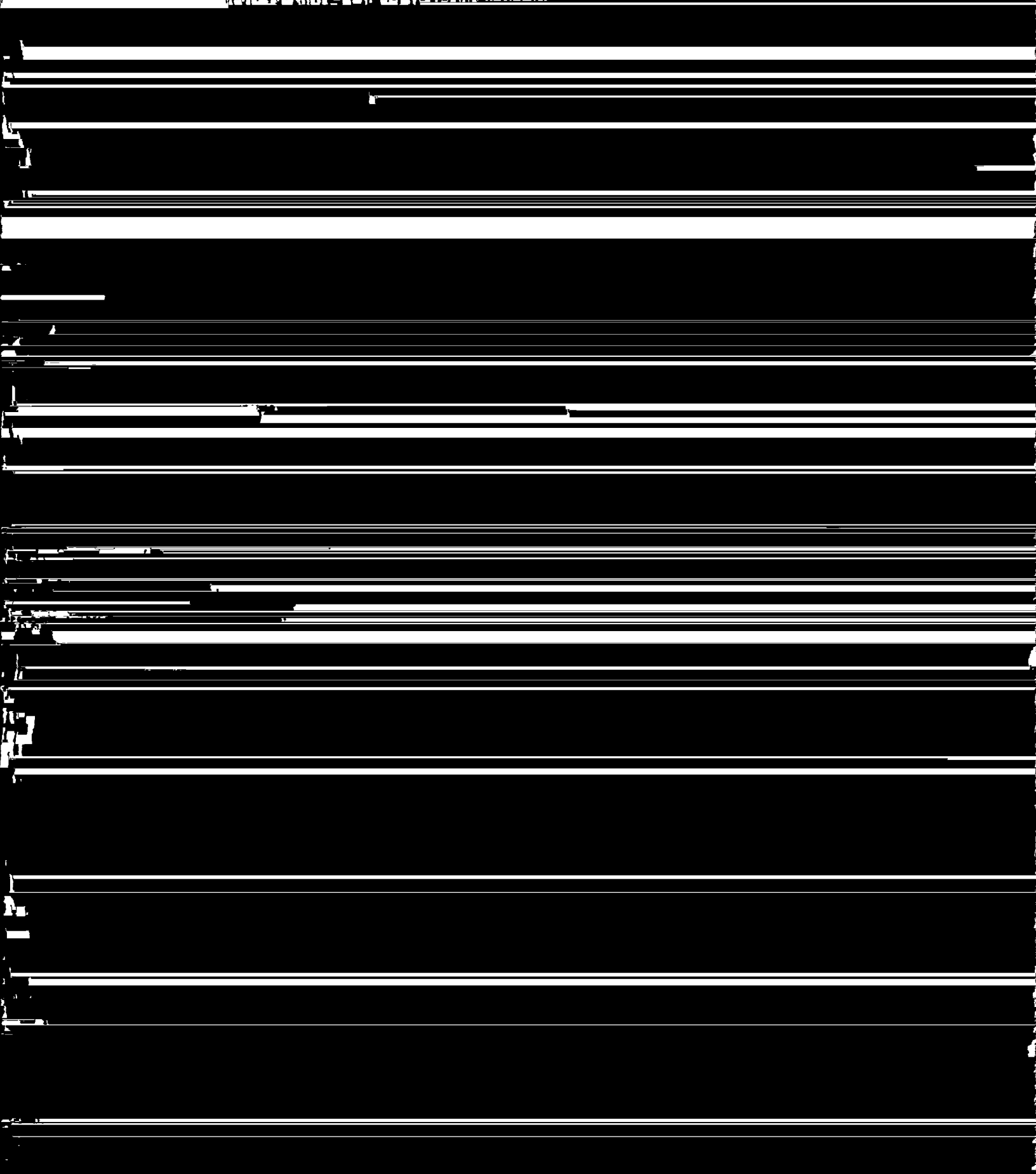
CUSTOMER LISTS

VI.

~~IT IS FURTHER ORDERED that Defendant is permanently restrained and enjoined~~



paid quantity of items or services purchased and description of items or services

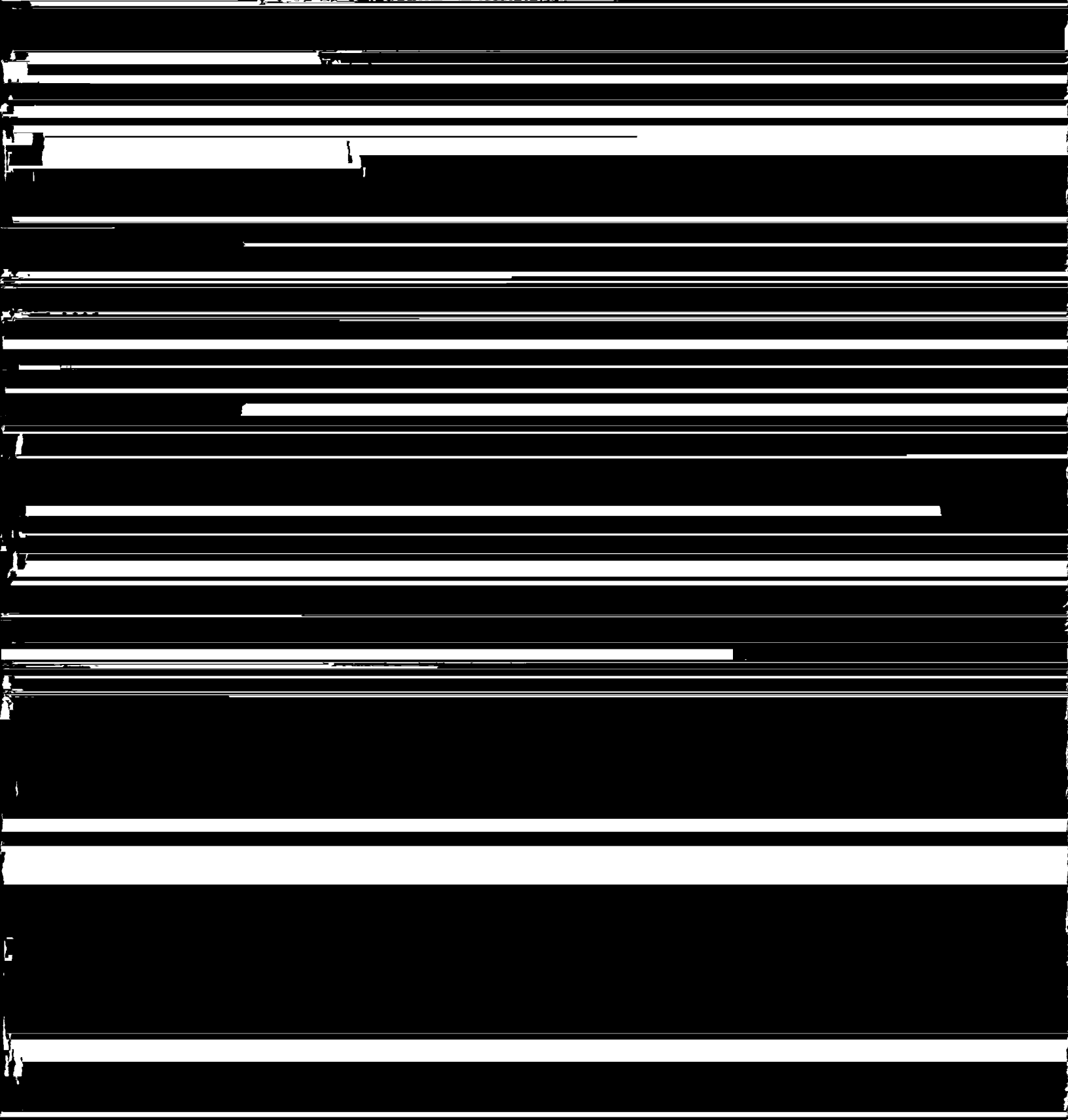


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Morgenstern shall provide a written report to the FTC, sworn to under penalty of perjury, setting forth in detail the measures and forms which he has compiled and

employee, consultant, or independent contractor.

- F. For purposes of the compliance reporting required by this Paragraph, the Commission is authorized to communicate with Morgenstern at:

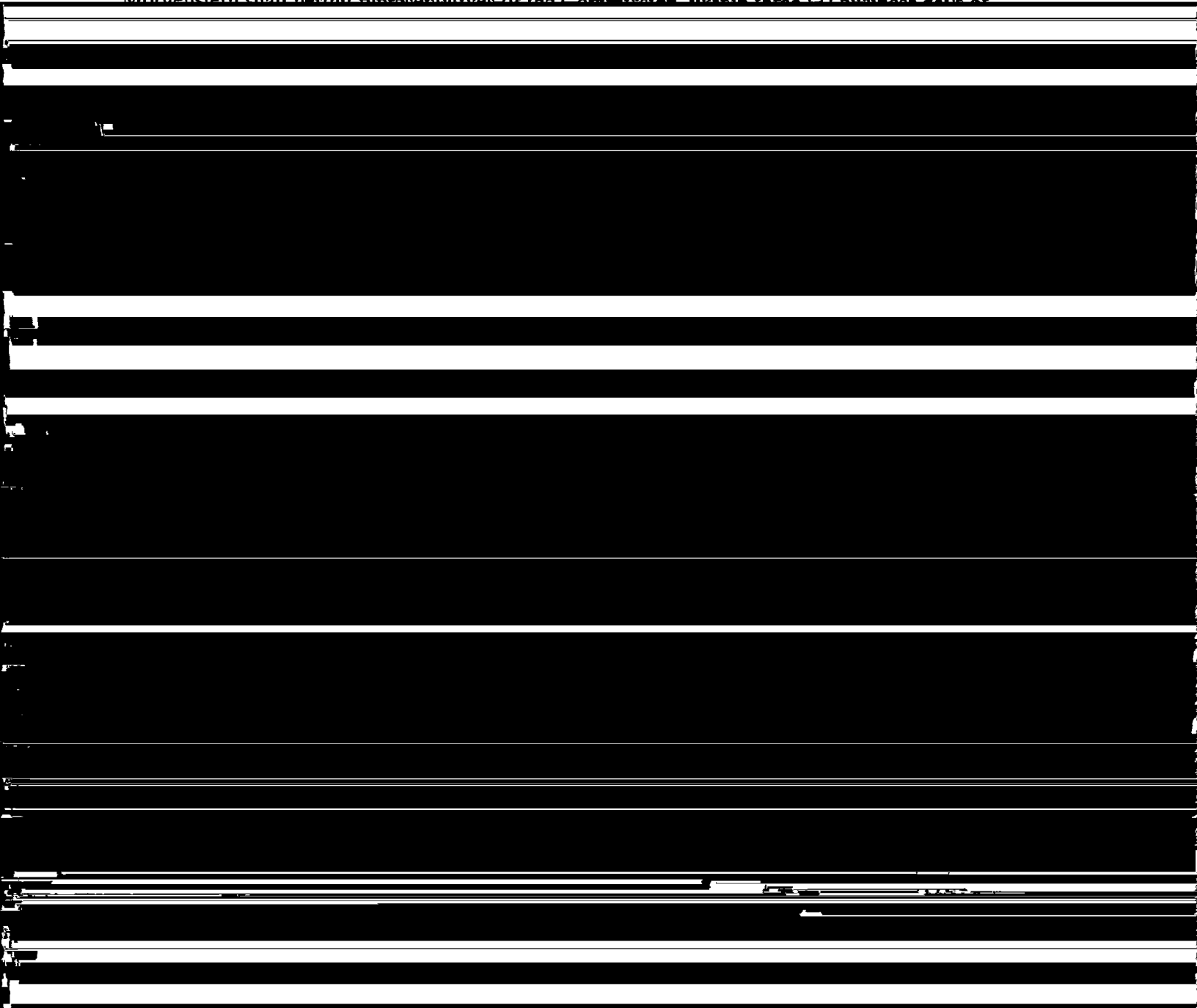


Morgenstern and any of his employees, or any other entity managed or controlled in whole or in part by Morgenstern.

ACCESS TO BUSINESS PREMISES

X.

IT IS FURTHER ORDERED that, for a period of five (5) years from the date of entry of this Final Order, for the purpose of further determining compliance with this Final Order, Morgenstern shall permit representatives of the Commission, within three (3) business days of



ACKNOWLEDGMENT OF RECEIPT OF FINAL ORDER

XI.

IT IS FURTHER ORDERED that, within five (5) business days after receipt by

~~Margaret of this Final Order so entered by the Court, Margaret shall submit to the~~

COSTS

XIII.

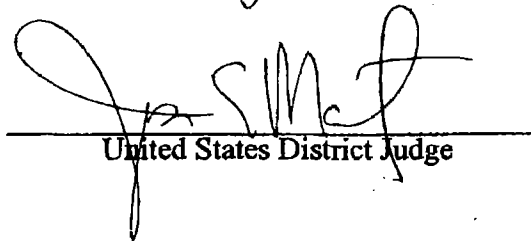
IT IS FURTHER ORDERED that each party shall bear its own costs and attorney's fees

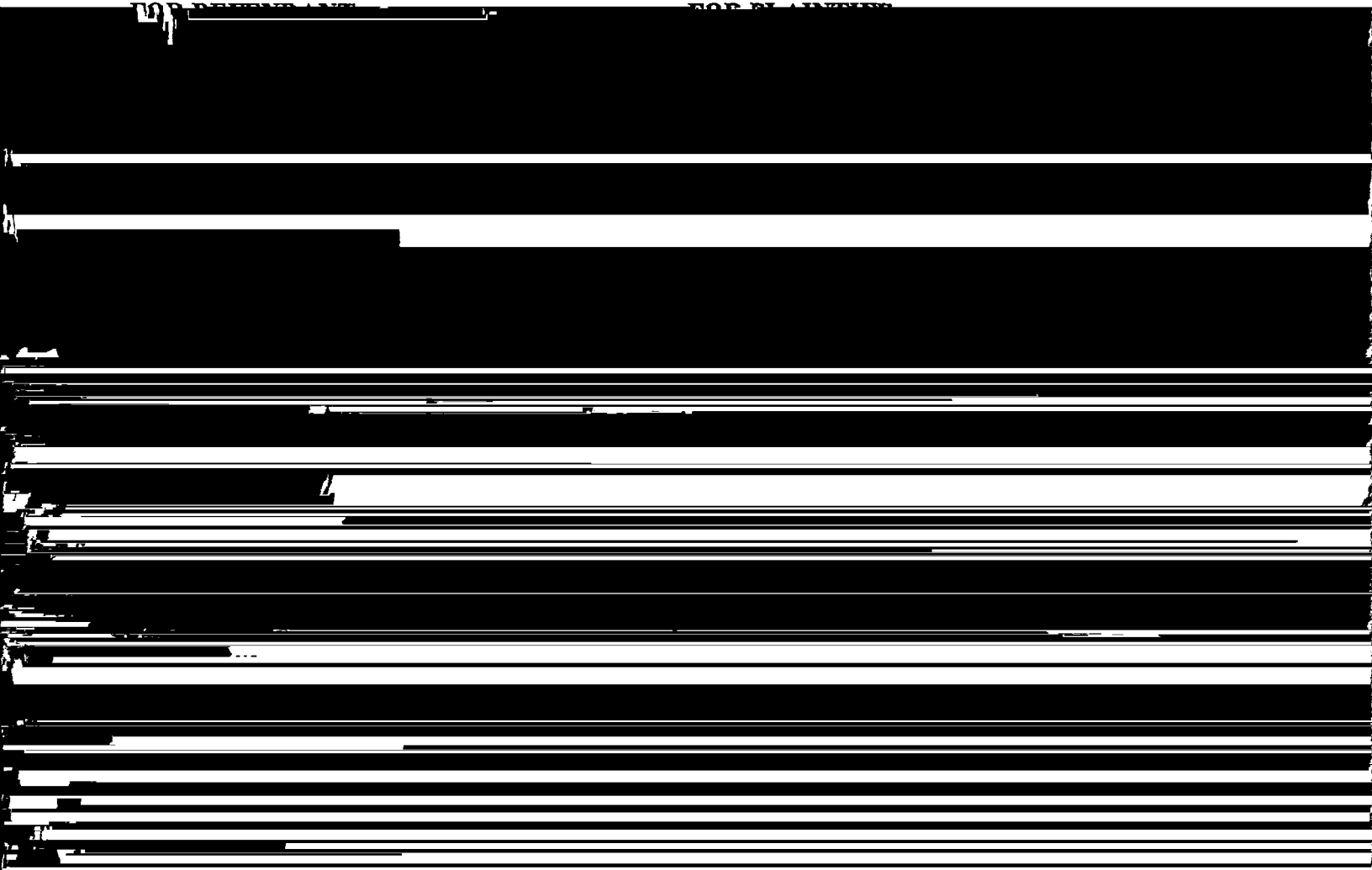
RETENTION OF JURISDICTION

XV.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for the purpose of enabling the parties to apply to the Court at any time for such further orders and directives as may be necessary or appropriate for the interpretation or modification of this Final Order, for the enforcement of compliance therewith, or for the punishment of violations thereof.

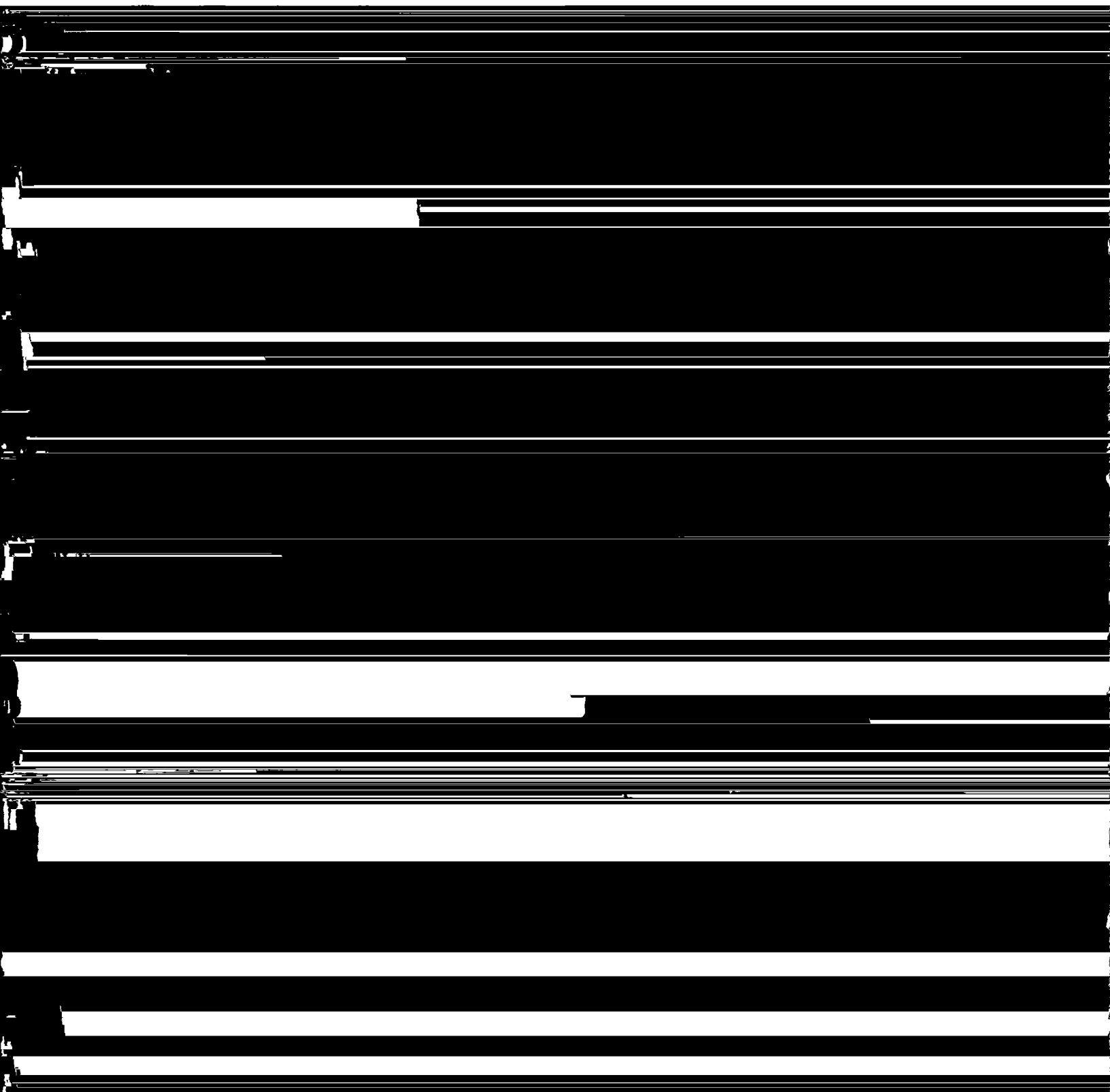
DONE AND ORDERED, this 22 day of May, 2003, in
Miami, Florida.


United States District Judge

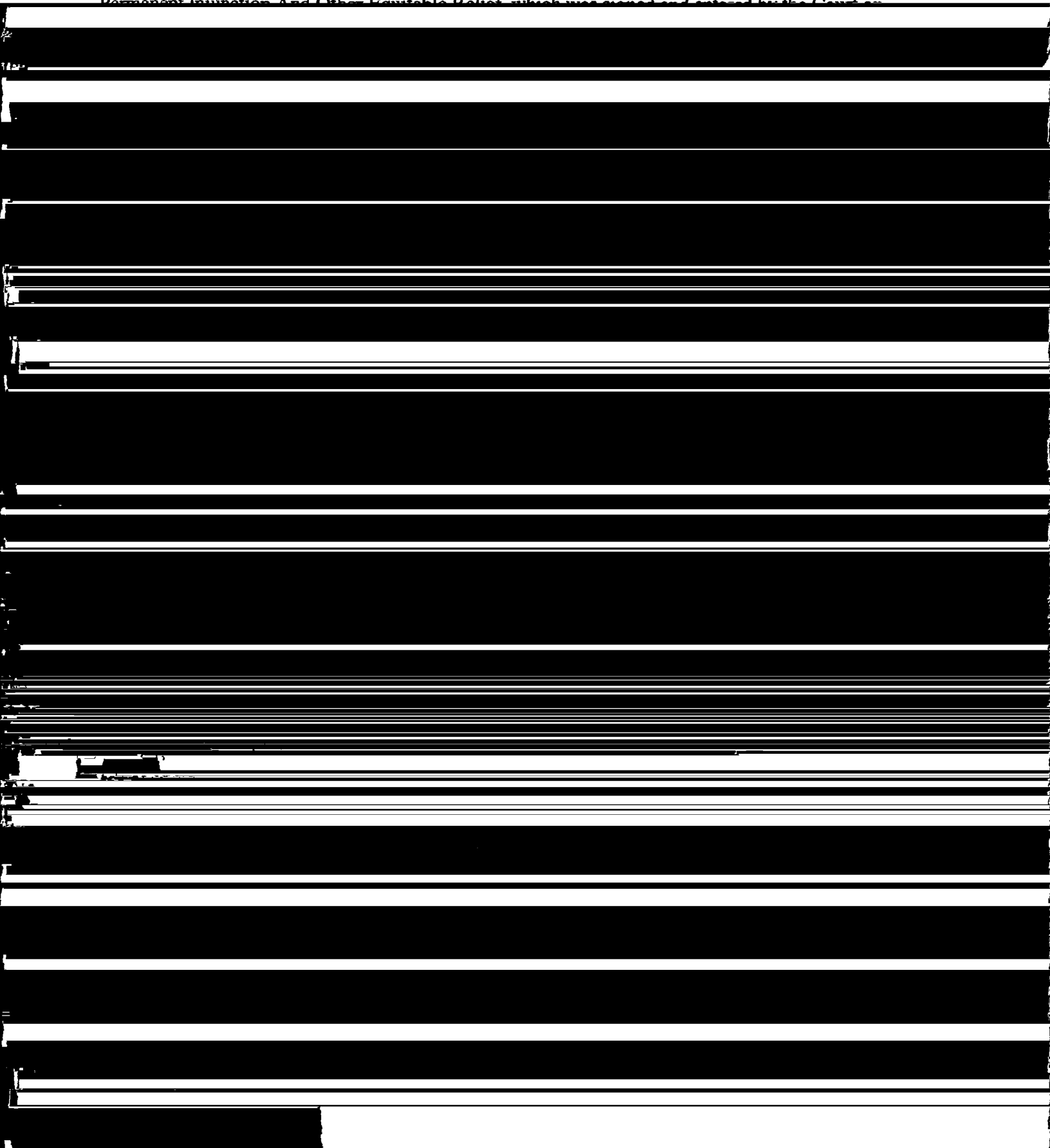


APPENDIX A

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**
Case No. 02-21754-CIV-GRAHAM



3. On _____, 2002, I received a copy of the Stipulated Judgment And Order For
Permanent Injunction And Other Equitable Relief which was signed and entered by the Court on



CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of April 2002, copies of the attached Enclosed Filed

[REDACTED]