UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA Case No. 04-2228Wiv-Marttadandstra

FEDERALTRADECOMMISSION,

Plaintiff,

CALL CENTER EXPRESS CORPORATION

a corporation,

EDGAR

"Commission") Motion for SummaryJudgment (D.E.137)filedon July 7,2005. This motion is befort the undersigned on the consent of the parties pursuant to 28 U.S.C. §636(c). By separate Order, the undersigned granted the FTC's motion for summaryjudgment. Therefore, the Court hereby enters this Final Judgment in favor of the FTC and against the named defendants,jointly and severally, as more fully explained below.
DEFINITIONS

For purposes of this Order, the following definitions shall apply:
1. "Plaintiff' means the Federal Trade Commission.
2. "DefendanW means Corporate Defendants and Individual Defendants.
3. 'Corporate Defendants" means Call Center Express Corporation (herein "Call
Center Express" or "CCE") and Pro Line Card LL€ (herein "Pro Line").
4. "Individual DefbtsnmeansEdgar Alirio Gonzalez, Pablo Jose Martinez, and
CarlosFelipe Mendcz (''Defendant Gonzalez,"''Defendant Martinez," and "Defendant Mtndtz," respectively).
5. "Receiver" means Lewis B. Freeman and Partners, Inc., the Permanent Receiver
appointed by the Court in this matter.
6. "Assets" means any legal or equitable interest

but not limited to receiving or responding to customer complaints, receiving identifying and financial information from consumers,and communicating with consumers about extensions of credit; (2) developingor providing or arranging for the development or provision of sales scripts or anyother marketing material; (3)providing namesof, or arrangingfor the provision of names of, potential customers; or (4) performing marketing services of any kind.
8. "Advance Fee Credit Cards" meansthe advertisement, promotion, offering for
sale, purported sale, or sale of any product or service represented to establish credit or debit accounts in exchange for a fee or similar payment by the purchaser prior to the issuance of a credit or debit account, including, but not limited to a merchandise buying club membership card that offers an extension of credit.
9. uConsumer" means a purck, customer, subscriber, or natural person.
10. "Credit related products" means any product, program, or service that is
advertised, promoted, offered for sale, or sold to consumers as a method by which consumers may establish or obtain any extension of credit or credit device, including, but not limited to credit cards, lines of credit, or loans, merchandise buying club membership cards that offer an extension of credit, loans, or financing; or as a method to restore, repair or impmve derogatory information contained in a consumer's creditreporting files; or as a method to consolidate or liquidate debt.
11. "Document" is synonymousin meaning and equal

reasonably wable form. A draft or non-identical copy of a document is a separate document within the meaning of the tern.
12. "Material" as used in ParagraphXI and IIImeans likely to

program or service, or assistingothers in the same; and B. Nothing in this

liited to telemarketing, the

or services that are the subject of a sales offer;
2. All material restrictions, limitations, or conditions to purchase, receive, or use the goods or scrvices that are the subject of the sales offer; and
3. If the seller has a policy of not making refbnds, cancellations, exchanges,
or repurchases, a statement informing the customer that this is the seller's policy;
or, if the seller or telemarketer makes a representation about a refimd,
cancellation, exchange, or repurchase policy, a statement of all material terms and
conditions of such policy.
IV. MONETARY RELIEF
ITIS FURTHERORDEREDthat:
A. Judgment is hereby enteredjointly and severally against Defendants Call Center Express, Pro Line, Edgar Alirio Gonzalez, Pablo Jose Martinez, and Carlos FeIipe Mendez in the amount of THIRTEENMILLION,NINE HUNDREDAND SEVENTY-EIGHT THOUSAND, NINE HUNDREDAND TWENTY-THREEDOLLARS ($1 3,978,923.00) with post-judgment interest at the legal rate, for equitable monetary relief, including, but not limited to consumer redress and for paying any attendant expenses of administering any redress fund;
B. Defendants relinquish all rights, title, and

Preliminary Injunction Orders referenced in subparagraph B. Defendants shall assist the Commission with its efforts to collect on the judgment that is not satisfied by surrender of Defendants' hzen assets, including, but not limited to providing the Commission with semiannua1reports of their income and expenses-sworn to under penalty of perjury -and their tax returns. The semiannual reports shall bc provided by Dcccmber 31'' and June 30' of each year, and the tax returns shall be provided within ten (10) days of filing such returns with the state or federal government, and to continue until such time as the judgment is satisfied in full;

for collection, reporting, and compliance purposes, within ten (10) days of the Court's entry of this Order.
V. CUSTOMER LISTS

ITIS FURTHER ORDEREDthat Defendants, and their successors, assigns, directors, officers, agents, servants, employees, attorneys and dl other persons or entities in activeconcert or participation with them, who receive actualnotice of this Order by personal service or otherwise, whether actingdirectly or through

DefendantsCall CenterExpressCorporationand ProLine Card LLC. Funds received as consumer redress arc excepted from this provision. Within forty-five (45) days after entry of this Order, the Receiver shall file with the Court and serve on the parties a frnal accounting and request for payment of such reasonable compensation as to the DefendantsCall Center Express, Pro Line, Edgar Gonzalez, Pablo Martinez,and

IX. ENFORCEMENT OF CONTRACTS

ITIS WURTHER ORDEREDthat Defendants are hereby permanently restrained and enjoined from demanding payment on, or enforcing or threatening to enforce, any contract or agreement, in conjunction with the sale of advance fee credit cards or any other credit reIated product entered into by any Defendant prior to the effectivedate of this Order.
X COMPLIANCEREPORTING BY DEFENDANTS
ITIS FURTHER ORDERED that in order that compliance with the provisions of this Order may be monitored:
A. For a period of five (5) years from the date of entry of this Order,
1. Each Individual Defendant shall noti@ the Commission of the following:
a. Any Indivi 637.200em�(Orges8 Tc 2.5427 13.125 132.4396 42�(f76)Tjm�(Any)Tj�-00313 3d1all 09980990 3dti@ 4 d7der, p604T2043202 Tj�-0duties8 Tc 12 5 0 12.6 Orges8 Tc 12 0 0 12.625 426.00.62527.320

2. Defendants shall notify the Commission of any changesin corporate structure or any business entity tkat cach Dcfcndant directly or indirectly controls, or has an ownership interest in, that may affect compliance obligations arising under this Order, including, but not limited to a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor entity; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order, the filingof a bankruptcy petition; or a
change in the corporate name or address, at least thirty (30) days prior to such change,providedthat, with respect to any proposed change in the corporation
about which the Defendants learn less than thirty (30) days prior to the date such action is to take place, Dcfeddants shall notifj. the Commission as soonas is practicable after obtaining such knowledge.
B. One hundred eighty(180) days after the date of entry of this Order, Defendants
shall

business; and
c. Any other changes required to be reported under subparagraph A of
this Paragraph.
2. For all Defendants:
a. A copy of each acknowlcdgmcnt of receipt of this Order, obtained
pursuant to ParagraphXm, and
b. Any other changes rquired to be reported under subparagraphA of
this Paragraph.
C. For the purposes of this Order, Defmdants shall, unless otherwise directed by the Cornmission's authorized rcpmtntativts,mail all written notifications to the Commission to: RegionalDirector
Federal Trade Commission

Southeast Region
225 Peachtree Street, N.E.,Ste. 1500
Atlanta, Georgia 30303
Re: FE v. Call Center,%press Corporation, ef aZ.
Civil Action No. 04-22289-Civ-MarhezJBandstra

D. For purposes of the compliance reporting and monitoring required by this Order,
the Commission is authorizedto communicatedirectlywith Defendants.
XI. AUTHORITY TO MONITOR COMPLIANCE

ITIS FURTHER ORDEREDthat, for the purpose of monitoring and investigating compliance with any provision of this Order,
A. Within ten (10)days of receipt of written notice from a representativeof the Commission, Defendants each shall submit additional written reports, sworn to under penalty of perjury; produce documents for inspection and copying; appear for deposition; andlorprovide entry duringnormal business hours to anybusiness location in such Defendant's possession or

direct or indirect control to inspect the business operation;
B. In addition, the Commission is authorized to monitor compliance with this Order
by all other lawful means, including but not limited to the following:
1. Obtaining discovery fiom any person, without further leave of court, using
the procedures prescribed by Fed. R. Civ. P. 30,31,33,34,36, and 45;
2. Posing as consumers and suppliers to: Defendants' employees, or any
other entity managed or controlled in whole or in part by the Defendants, without
the necessity of identification or prior notice; and
C. Defendants shall permit representatives of the Commission to interview any
employer, consultant, independentcontractor, representative, agent, or employee who has agreed
to such an interview, relating in any way to any conduct subject to this Order. The person
interviewed may have counsel present.
Provided, however, that nothing in thisOrder 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 usfairor
deceptive acts or practices in or afffeting commerce (within Td�(20)Tj�3v1rj�1n4 T6 T.550 Td�(present.)Tj�ET�EMCa o

are hereby restrained and enjoined hm 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. Pemnncl records accurately reflectingthe 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 servicespurchased, to the extent such information is obtained in the ordinary course of business;
D. Complaints and reWrequests(whether received directly, indirectly or through
any third party) and any responses to those complaints or requests;
E. Copies of all sales scripts, training materials, advertisements, or other marketing
materials; and
F. All records and documents necessary to demonstrate full compliance with each
provision of this Order, including, but not limited to copies of acknowledgments of receipt of this

(5) days of service of this Order upon Dcfmdant. For new personnel, delivery shall occur prior to them assuming their responsibilities.
B. For anybusiness that any Individual Defendant controls, directly or indirectly, or
in which any Individual Defendant has a majority ownership interest, such Individual Defendant must

XV. RETENTION OF JURISDICTION

ITISFURTHER ORDERED that this Court shall rctain jurisdiction of

FEDERALTRADECOMM~SSION v. CALL CENTER EXPRESSEl'AL. SERVICE LIST
Case No.04-22289-Civ-Marlin=-