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Consumer Protection Branch, Civil Division
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15 Plaintiff,
16 v.
17 RETRO DREAMER, a corporation, and
18 CRAIG E. SHARBT - 7.78 131.42 25Van(M/
19 s of
20 RETRO DREAMER
21 Defendants.
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Case No. F Y
NOTICE OF LODGING
[PROPOSED] ORDER

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10 Attorneys for Plaintiff
 United States of America

11 **IN THE UNITED STATES DISTRICT COURT**
 12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
 13 **EASTERN DIVISION**

14 UNITED STATES OF AMERICA,
 Plaintiff,
 15 v.
 16 RETRO DREAMER, a corporation,
 17 and
 CRAIG E. SHARPE and GAVIN S.
 18 BOWMAN,
 individually and as officers of
 19 RETRO DREAMER,
 20 Defendants.

No. FY

**STIPULATED ORDER FOR
 PERMANENT INJUNCTION AND
 CIVIL PENALTY JUDGMENT**

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1 3. Defendants neither admit nor deny any of the allegations in the Complaint,
2 except as specifically stated in this Order. Only for purposes of this action,
3 Defendants admit the facts necessary to establish jurisdiction.

4 4. Defendants waive any claim that they may have under the Equal Access to
5 Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through
6 the date of this Order, and agree to bear their own costs and attorney fees.

7 5. Defendants and Plaintiff waive all rights to appeal or otherwise challenge or
8 contest the validity of this Order.

9 **DEFINITIONS**

10 For the purpose of this Order, the following definitions apply:

11 A. _____ under the age of 13.

12 B.

13 from a child by any means, including but not limited to:

- 14 1. Requesting, prompting, or encouraging a child to submit personal
15 information online;
- 16 2. Enabling a child to make personal information publicly available in
17 identifiable form; or
- 18 3. Passive tracking of a child online.

19 C. _____ s _____ Retro Dreamer, corporation, and its successors and
20 assigns, and Craig E. Sharpe and Gavin S. Bowman.

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- 1 f. Ensure legal or regulatory compliance; or
- 2 g. Fulfill a request of a child as permitted by Section 312.5(c)(3) and (4)
- 3 of COPPA;
- 4 2. So long as the information collected for these activities listed in 1(a)
- 5 (g) is not used or disclosed to contact a specific individual, including
- 6 through behavioral advertising, to amass a profile on a specific
- 7 individual, or for any other purpose.

8 N.

- 9 1. An operator with respect to the collection or maintenance of personal
- 10 information on the website or online service; or
- 11 2. A person who provides support for the internal operations of the
- 12 website or online service and who does not use or disclose
- 13 information protected under this part for any other purpose.

14 O. Web

15 website or online service, or portion thereof, that is targeted to children.

16 **ORDER**

17 **I. INJUNCTION CONCERNING COLLECTION OF PERSONAL**
18 **INFORMATION FROM CHILDREN**

19 IT IS ORDERED that Defendants and Defendants officers, agents,
20 employees, and attorneys, and all other persons in active concert or participation

1 with any of them, who receive actual notice of this Order, whether acting directly
2 or indirectly, in connection with being an operator of any website or online service
3 directed to children or of any website or online service with actual knowledge that
4 it is collecting or maintaining personal information from a child, are hereby
5 permanently restrained and enjoined from

6 Protection Rule, 16 C.F.R. Part 312, including, but not limited to:

7 A. failing to make reasonable efforts, taking into account available technology,
8 to ensure that a parent of a child receives direct notice of Defendants practices
9 with regard to the collection, use, or disclosure of personal information from
10 children, including notice of any material change in the collection, use, or
11 disclosure practices to which the parent has previously consented;

12 B. failing to post a prominent and clearly labeled link to an online notice of its
13 information practices with regard to children on the home or landing page or
14 screen of its website or online service, *and* at each area of the website or online r

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1 Appendix A.

2 **II. MONETARY JUDGMENT FOR CIVIL PENALTY**

3 IT IS FURTHER ORDERED that:

4 A. Judgment in the amount of three hundred thousand dollars (\$300,000) is
5 entered in favor of Plaintiff against Defendants as a civil penalty.

6 B. Defendants are ordered to pay to Plaintiff, by making payment to the
7 Treasurer of the United States, three hundred thousand dollars (\$300,000), which,
8 as Defendants stipulate, their undersigned counsel holds in escrow for no purpose
9 other than payment to Plaintiff. Such payment must be made within seven (7) days
10 of entry of this Order by electronic fund transfer in accordance with instructions
11 previously provided by a representative of Plaintiff.

12 C. Defendants relinquish dominion and all legal and equitable right, title, and
13 interest in all assets transferred pursuant to this Ords

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1 reporting on any delinquent amount arising out of this Order, in accordance with
2 31 U.S.C. § 7701.

3 **III. ORDER ACKNOWLEDGMENTS**

4 IT IS FURTHER ORDERED that Defendants obtain acknowledgments of
5 receipt of this Order:

6 A. Defendants, within seven (7) days of entry of this Order, must submit to the
7 Commission an acknowledgment of receipt of this Order sworn under penalty of
8 perjury.

9 B. For five (5) years after entry of this Order, Defendants must deliver a copy
10 of this Order

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1 7. provide a statement setting forth in detail the means provided for
2 parents to review the personal information collected from their children and to
3 refuse to permit its further use or maintenance; and

4 8. provide a copy of each Order Acknowledgment obtained pursuant to
5 this Order, unless previously submitted to the Commission.

6 B. For ten (10) years after entry of this Order, Defendants must submit a
7 compliance notice, sworn under penalty of perjury, within fourteen (14) days of
8 any change in: (a) any designated point of contact; or (b) the structure of
9 Defendants or any entity that Defendants have any ownership interest in or
10 controls directly or indirectly that may affect compliance obligations arising under
11 this Order, incp6o2.999(O)5.99(h)3.996(i)-2.996(n)4.004(n)3.99ennii, mane(i)-2.999(s)-

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1 _____ and supplying the date, signatory s full name, title (if applicable), and

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1 Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33,
2 34, 36, 45, and 69.

3 B. For matters concerning this Order, the Commission and Plaintiff are
4 authorized to communicate directly with Defendants. Defendants must permit
5 representatives of the Commission and Plaintiff to interview any employee or other
6 person affiliated with Defendants who has agreed to such an interview. The person
7 interviewed may have counsel present.

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FOR DEFENDANTS:

Date: _____

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Tel: (202) 408-5153
Fax: (202) 408-5146
spritchett@mmmlaw.com
bhrothell@mmmlaw.com
Counsel for Retro Dreamer

DEFENDANTS:

Date: _____

Craig E. Sharpe
*Individually and as an officer of
Retro Dreamer*

Date: _____

Gavin S. Bowman
Individually and as an officer of

