

cm

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**FEDERAL TRADE COMMISSION,**

Plaintiff,

v.

**CLASSIC CLOSEOUTS, LLC**, a limited liability company, also d/b/a **CLASSICCLOSEOUTS.COM**; **IVAL GROUP, LLC**, a limited liability company; **AYC HOLDING CORP.**; **110 WEST GRAHAM AVENUE CORP.**; **DANIEL J. GREENBERG**, individually, as an officer of **CLASSIC CLOSEOUTS, LLC**, and d/b/a **THIRDFREE.COM**, and as an officer of **IVAL GROUP, LLC**, **AYC HOLDING CORP.**, and **110 WEST GRAHAM AVENUE CORP.**; **YGC ENTERPRISES, INC.**; **STEPHANIE H. GREENBERG**, individually, as an officer of **YGC ENTERPRISES, INC.**; **HAZEN NY INC.**, also known as **HAZEN NY**; and **JONATHAN BRUK**, also known as **JONATHAN J. BROOK** and **YOCHANON BRUK**, individually, and as an officer of **HAZEN NY INC.**

Defendants.

Civ. No. 2:09 2692 (LDW) (ETB)

~~PLAINTIFF~~ **STIPULATED FINAL  
JUDGMENT AND ORDER FOR  
PERMANENT INJUNCTION AND  
CONSUMER REDRESS AS TO  
DEFENDANTS JONATHAN BRUK  
AND HAZEN NY INC.**

Plaintiff the Federal Trade Commission ("FTC" or "the Commission") commenced this action against defendants Hazen NY Inc., also known as Hazen NY ("Hazen"), and Jonathan Bruk, also known as Jonathan J. Brook and Yochanon Bruk, individually, and as an officer of Hazen NY Inc. ("Bruk") (collectively, "the Bruk Defendants"), by filing its Amended Complaint

on July 22, 2009 for injunctive and other equitable relief, including rescission or reformation of contracts, restitution, and disgorgement of ill-gotten monies, pursuant to Section 13(b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b). The Commission and the Bruk Defendants entered into a Stipulated Preliminary Injunction Order that was so ordered by the Court on September 21, 2009.

The Commission and the Bruk Defendants have now agreed to a settlement of this action without adjudication of any issue of fact or law, and without the Bruk Defendants admitting liability for any of the violations alleged in the Amended Complaint.

**THEREFORE**, on the joint motion of the Commission and the Bruk Defendants, it is hereby **ORDERED, ADJUDGED, AND DECREED** as follows:

**FINDINGS**

1. This Court has jurisdiction over the subject matter of and the parties to this action.
2. Venue is proper in the United States District Court for the Eastern District of New York.
3. The Commission has authority to seek the relief it has requested, and the Amended Complaint states a claim upon which relief may be granted against the Bruk Defendants under Sections 5(a) and 13(b) of the FTC Act, 15 U.S.C. §§ 45(a) and 53(b). The Bruk Defendants do not admit the assertions contained in the Amended Complaint.
4. The activities of the Bruk Defendants are in or affecting commerce, as "commerce" is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.
5. The Commission and the Bruk Defendants stipulate and agree to this Final Judgment and Order ("Final Order") to settle and resolve all matters in dispute arising from the Amended Complaint in the above-captioned action to the date of entry of this Final Order.

6. The Bruk Defendants have entered into this Final Order freely and without coercion. The Bruk Defendants acknowledge that they have read or otherwise been fully advised of the provisions of this Final Order and have agreed to abide by them.
7. The Bruk Defendants waive all rights to seek judicial review or otherwise challenge or contest the validity of this Final Order.
8. The Bruk Defendants further waive and release any claim they might have against the Commission, or any of the Commission's employees, representatives or agents, including any claim that they may have under the Equal Access to Justice Act, 28 U.S.C. § 2412, *as amended by Pub. L. 104-121, 110 Stat. 847, 863-64.*
9. This Final Order is remedial in nature and shall not be construed as payment of a fine, penalty, punitive assessment, or forfeiture.
10. This Final Order, and the relief awarded herein, is in addition to, and not in lieu of, any other remedies that may be provided by law, including both civil and criminal remedies.
11. The parties shall each bear their own costs and attorneys' fees.
12. Entry of this Final Order is in the public interest.

#### DEFINITIONS

1. "Asset" means any legal or equitable interest in, right to, or claim to, any real and personal property including, but not limited to, chattel, goods, instruments, equipment, fixtures, general intangibles, effects, leaseholds, premises, mail or other deliveries, shares of stock, lists of consumer names, inventory, checks, notes, accounts, credits, receivables, funds, and all cash, wherever located.
2. "FTC" or "Commission" means the Federal Trade Commission.

3. **“Individual Defendants”** means Daniel J. Greenberg, individually, as an officer of Classic Closeouts, LLC, and doing business as ThirdFree.com, and as an officer of IVAL Group, LLC, AYC Holding Corp., and 110 West Graham Avenue Corp.; Stephanie H. Greenberg, individually, and as an officer of YGC Enterprises, Inc.; and Jonathan Bruk, also known as Jonathan J. Brook and Yochanon Bruk, individually, and as an officer of Hazen NY Inc.
4. **“Bruk Defendants”** means Hazen NY Inc., also known as Hazen NY, and Jonathan Bruk, also known as Jonathan J. Brook and Yochanon Bruk, individually, and as an officer of Hazen NY Inc., and their successors and assigns.
5. **“Business Defendants”** means Classic Closeouts, LLC, a New York and Nevada limited liability company; IVAL Group, LLC, a New York limited liability company; AYC Holding Corp., a New York corporation; 110 West Graham Avenue Corp., a New York corporation; YGC Enterprises, Inc., a New York corporation; and Hazen NY Inc., a New York corporation, also known as Hazen NY, and their successors and assigns.
6. **“Defendants”** means all of the Individual Defendants and the Business Defendants, individually, collectively, or in any combination.
7. **“Document”** or **“documents”** is synonymous in meaning and equal in scope to the usage of the term 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, through detection devices into reasonably usable form. A draft or non-identical copy is a separate document within the meaning of the term “document.”
8. **“Express Verifiable Authorization”** means:

- a. the consumer's express written or digital authorization to purchase the product or service that is the subject of the transaction and the consumer's authorization to assess a charge against a specified account for payment. Such authorization must include the consumer's signature (the term "signature" includes a verifiable electronic or digital form of signature, to the extent such form of signature is recognized as a valid signature under applicable federal law or state contract law); or
  - b. The consumer's express oral authorization to purchase the product or service that is the subject of the transaction and the consumer's authorization to assess a charge against a specified account for payment that is audio-recorded, as follows:
    - (i) The recording must evidence that the consumer, during that transaction, at a minimum, has provided the last four (4) digits of the account number to be charged;
    - (ii) The recording must include the entirety of the transaction;
    - (iii) The recording can be identified and located by either the consumer's name or telephone number; and
    - (iv) A copy of the recording must be provided upon request to the consumer, the consumer's bank, credit or debit card company or other billing entity, state attorney general or consumer protection agency, and the Commission.
9. "Person" or "persons" 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.
10. "Material" means likely to affect a person's choice of, or conduct regarding, goods or services.

11. The terms “and” and “or” shall be construed conjunctively or disjunctively as necessary, in order to make the applicable phrase or sentence inclusive rather than exclusive.

**ORDER**

**I. PROHIBITED BUSINESS ACTIVITIES**

**IT IS HEREBY ORDERED** that in connection with the advertising, marketing, promotion, offering for sale, or sale of goods or services by any means whatsoever, including, but not limited to, the Internet, the World Wide Web, or any web site, the Bruk Defendants and their officers, agents, employees, and corporations, and those persons in active concert or participation with them who receive actual notice of this Final Order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division or other device, including, but not limited to, fictitious business names, are hereby permanently restrained and enjoined from:

1. Charging, or causing to be charged, any consumer’s credit card or debiting, or causing to be debited, any consumer’s bank account without the consumer’s Express Verifiable Authorization for such charge or debit to be made;
2. Directly or indirectly misrepresenting, expressly or by implication, that a consumer is obligated to pay any charge or debit that has not been expressly authorized by the consumer;
3. Making, or assisting in the making of, expressly or by implication, orally or in writing, any false or misleading statement or representation of material fact in connection with the advertising, marketing, promoting, offering for sale, or sale of any good or service, including, but not limited to, any false or misleading representation in connection with the

advertising, marketing, promoting, offering for sale, or sale of any good or service via the Internet;

4. Making, or assisting in the making of, expressly or by implication, orally or in writing, any false or misleading statement or representation of material fact to credit card companies or financial institutions in connection with disputed posts, charges or debits to consumers' credit cards or bank accounts; and
5. Using any fictitious, false, or assumed title or name, other than their own proper name or any fictitious business name filed with the appropriate state governmental authorities, or otherwise misrepresenting their true identities in the course of business dealings or in publicly filed documents.

## **II. MONETARY JUDGMENT**

**IT IS FURTHER ORDERED that:**

- A. Judgment is hereby entered in favor of the Commission and against the Bruk Defendants in the amount of six hundred fifty-five thousand, one hundred sixty-one dollars (\$655,161), and suspended, subject to the terms and conditions described in this Section and in Section III of this Final Order entitled "Right to Reopen as to Monetary Judgment."
- B. The Bruk Defendants hereby surrender all claims to dominion, control of, and title to all funds belonging to CCL, IVAL, or other Business Defendants paid over to the Commission by third parties pursuant to any final judgment to be entered against such Business Defendants. The Bruk Defendants relinquish all dominion, control, and title to the funds paid to the fullest extent permitted by law. The Bruk Defendants shall make no claim to or demand return of such funds, directly or indirectly, through counsel or otherwise;

- C. Funds paid over to the Commission or its agents pursuant to this Final Order shall be deposited into a fund administered by the Commission or its designated agents to be used for equitable relief, including, but not limited to, consumer redress and any attendant expenses for the administration of any redress fund. The Bruk Defendants shall cooperate fully to assist the Commission in identifying consumers who may be entitled to redress pursuant to this Final Order. In the event that direct redress to consumers is wholly or partially impracticable, or funds remain after redress is completed, the Commission may apply funds for any other equitable relief (including consumer information remedies) that it determines to be reasonably related to the practices alleged in the Amended Complaint. Any funds not used for such equitable relief shall be deposited into the U.S. Treasury as disgorgement. The Bruk Defendants shall have no right to challenge the Commission's choice of remedies under this Section;
- D. The Commission is authorized to verify all information provided by the Bruk Defendants on their financial disclosure forms with all appropriate third parties, including, but not limited to, financial institutions;
- E. The Bruk Defendants acknowledge and agree that the judgment entered pursuant to this Section is equitable monetary relief, solely remedial in nature, and is not a fine, penalty, punitive assessment, or forfeiture;
- F. The Bruk Defendants agree that the facts as alleged in the Amended Complaint filed in this action shall be taken as true without further proof in any bankruptcy case or subsequent civil litigation pursued by the Commission to enforce its rights to any payment or money judgment pursuant to this Final Order, including, but not limited to, a nondischargeability complaint in any bankruptcy case. The Bruk Defendants further stipulate and agree that the facts alleged in



the Amended Complaint establish all elements necessary to sustain an action by the Commission pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C. § 523(a)(2)(A), and that this Final Order shall have collateral estoppel effect for such purposes;

- G. Bruk shall provide the Commission with a clear, legible and full-size photocopy of all valid driver's licenses he possesses, which will be used for reporting and compliance purposes;
- H. The Bruk Defendants are hereby required, in accordance with 31 U.S.C. § 7701, to furnish to the Commission their 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 this Final Order; and
- I. Any proceedings to lift the suspension of judgment instituted under this Section is in addition to, and not in lieu of, any other civil or criminal remedies that may be provided by law, including any other proceedings the Commission may initiate to enforce this Final Order.

### **III. RIGHT TO REOPEN AS TO MONETARY JUDGMENT**

**IT IS FURTHER ORDERED** that:

- A. By agreeing to this Final Order, the Bruk Defendants reaffirm and attest to the truthfulness, accuracy, and completeness of Defendant Bruk's sworn testimony given at his financial disclosure deposition on May 14, 2010, the Bruk Defendants' sworn financial disclosure statements, dated October 7, 2009 and January 8, 2010, the Bruk Defendants' counsel's letters of November 18, 2009, January 7, 2010 and March 26, 2010 (collectively the "Financial Statements"), and the filed tax returns for Bruk for years 2006 to 2008, and for Hazen for year 2008 (the "Tax Returns"). This Court's Final Order, and the Commission's agreement to enter into this Final Order, are expressly premised upon the truthfulness, accuracy, and

completeness of the Bruk Defendants' financial condition, as represented in the Financial Statements and Tax Returns referenced above, which contain material information upon which the Commission relied in negotiating and agreeing to the terms of this Final Order.

- B. If, upon motion by the Commission, this Court should find that the Bruk Defendants failed to disclose any material asset, or materially misrepresented the value of any asset, or made any other material misrepresentation in or omission from the Financial Statements or Tax Returns, the Court shall lift the suspension of judgment against the Bruk Defendants, in favor of the Commission, in the amount of six hundred fifty-five thousand, one hundred sixty-one dollars (\$655,161), which the Commission and the Bruk Defendants stipulate is the amount of consumer injury jointly and severally caused by the Bruk Defendants, less any payments made in partial satisfaction of judgment, plus interest from the entry date of this Final Order, pursuant to 28 U.S.C. § 1961.

*Provided, however,* that in all other respects, this Final Order shall remain in full force and effect unless otherwise ordered by the Court.

- C. It is expressly agreed and understood that absent a finding by this Court that the Bruk Defendants failed to disclose any material asset, or materially misrepresented the value of any asset, or made any other material misrepresentation in or omission from the Financial Statements or Tax Returns, the judgment shall remain suspended in accordance with Section II.A above.

#### **IV. ORDER PROVISION REGARDING CUSTOMER INFORMATION**

**IT IS FURTHER ORDERED** that the Bruk Defendants, and their officers, agents, employees, and corporations, and those persons in active concert or participation with any of them who receive actual notice of this Final Order by personal service or otherwise, whether

acting directly or through any trust, corporation, subsidiary, division, or other device, including, but not limited to, fictitious business names, are hereby 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 activities related to unauthorized charges to consumers' credit cards or bank accounts, including, but not limited to, any customer information obtained through Classiccloseouts.com; 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 this Final Order. 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.

#### V. COMPLIANCE MONITORING

**IT IS FURTHER ORDERED** that, for the purpose of (i) monitoring and investigating compliance with any provision of this Final Order, and (ii) investigating the accuracy of the Bruk Defendants' Financial Statements and Tax Returns upon which the Commission's agreement to this Final Order is expressly premised:

- A. Within ten (10) business days of receipt of written notice from a representative of the Commission, the Bruk 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 Bruk 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; and
  2. having its representatives pose as consumers and suppliers to the Bruk Defendants, their employees, or any other entity managed or controlled in whole or in part by any Bruk Defendant, without the necessity of identification or prior notice, provided that such activities comply with all state and federal laws, rules, and regulations; and
- C. The Bruk 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)).

## **VI. 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. Individual Defendant Bruk shall notify the Commission of the following:**

- a. Any changes in such Defendant's residence, mailing addresses, and telephone numbers, within ten (10) business 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) business 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. The Bruk Defendants shall notify the Commission of any changes in structure of any Business Defendant or any business entity that any Bruk 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 Bruk 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, the Bruk Defendants each shall provide a written report to the Commission, 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 Individual Defendant Bruk:

- 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 names, 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 Order;" and
- b. Any other changes required to be reported under Subsection A of this Section.

- C. Each Bruk 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, the Bruk 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. Classic Closeouts, LLC, X090058

*Provided that, in lieu of overnight courier, the Bruk Defendants may send such reports or notifications by first-class mail, but only if the Bruk Defendants contemporaneously send an electronic version of such report or notification to the Commission at: [DEBrief@ftc.gov](mailto: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 Bruk Defendant.

## VII. RECORDKEEPING

**IT IS FURTHER ORDERED** that, for a period of eight (8) years from the date of entry of this Final Order, in connection with the advertising, marketing, promoting, offering for sale, or sale of goods or services via the Internet, Business Defendant Hazen and Individual Defendant Bruk 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, including via e-mail or websites; 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 Order" and "Acknowledgment of Receipt of Order" and all reports submitted to the Commission pursuant to the Section titled "Compliance Reporting."

#### **VIII. DISTRIBUTION OF ORDER**

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

- A. Business Defendant Hazen: Business Defendant Hazen 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 this 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 Bruk as control person: For any business that Individual Defendant Bruk 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 this 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 Bruk as employee or non-control person: For any business where Individual Defendant Bruk 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. The Bruk Defendants must secure a signed and dated statement acknowledging receipt of this Final Order, within thirty (30) days of delivery, from all persons receiving a copy of this Final Order pursuant to this Section.

**IX. ACKNOWLEDGMENT OF RECEIPT OF ORDER**

**IT IS FURTHER ORDERED** that the Bruk Defendants, 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 acknowledging receipt of this Final Order.

**X. COOPERATION WITH COMMISSION COUNSEL**

**IT IS FURTHER ORDERED** that the Bruk Defendants shall, in connection with this action or any subsequent investigations related to or associated with the transactions or the occurrences that are the subject of the Commission's Amended Complaint, cooperate in good faith with the Commission and appear at such places and times as the Commission shall reasonably request, after written notice, for interviews, conferences, pretrial discovery, production of documents, review of documents, and for such other matters as may be reasonably requested by the Commission. If requested in writing by the Commission, the Bruk Defendants shall appear and provide truthful testimony in any trial, deposition, or other proceeding related to or associated with the transactions or the occurrences that are the subject of the Amended Complaint, without the service of a subpoena.

**XI. SCOPE OF ORDER**

**IT IS FURTHER ORDERED** that this Final Order resolves only claims against the Bruk Defendants, and does not preclude the Commission from initiating further action or seeking any remedy against any other persons or entities, including, but not limited to, persons or entities who may be subject to portions of this Final Order by virtue of actions taken in concert or participation

with the Bruk Defendants, and persons or entities in any type of indemnification or contractual relationship with the Bruk Defendants.

## XII. 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.

### STIPULATED AND AGREED TO BY:

#### PLAINTIFF:

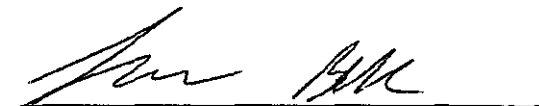


ROBIN E. EICHEN  
KAREN DAHLBERG  
Federal Trade Commission  
Attorneys for Plaintiff  
One Bowling Green, Suite 318  
New York, NY 10004  
(212) 607-2829 (telephone)  
(212) 607-2822 (facsimile)

#### DEFENDANTS:



SHELDON EISENBERGER  
The Law Offices of Sheldon Eisenberger  
Attorneys for Defendants Bruk and Hazen  
30 Broad Street, 27<sup>th</sup> Floor  
New York, NY 10004  
(212) 422-3843 (telephone)  
(212) 422-3844 (facsimile)



JONATHAN BRUK, individually and as an  
officer of defendant HAZEN NY INC.

SO ORDERED, on this 13 day of December, 2010 at        M.

  
LEONARD D. WEXLER  
United States District Court Judge

