

## IN THE UNITED STATES DISTRICT COURT

## FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FEDERAL TRADE COMMISSION,

Plaintiff,

**CIVIL ACTION** 

v.

NO. 00-3281

:

MERCURY MARKETING OF DELAWARE, INC., & NEAL D.

SAFERSTEIN,

Defendants.

Preliminary Injunction

	and continue to violate, the Stipulated Final Judgment and Order for Permanent
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	Injunction ("2001 Order") entered by this Court on March 1, 2001.
3	There is good cause to believe that if this Interim Relief is not entered immediate and
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	irreparable damage to the Commission's shility to obtain offective final will of fine
	irreparable damage to the Commission's ability to obtain effective final relief for
	consumers barmed by the Defendants' violations of the 2001 Order will come from 1
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IT IS THEREFORE ORDERED that Defendants Neal D. Saferstein and Mercury, whether doing business in the corporate name or doing business under any trade name or other name including but not limited to CoInternet net Maroury Internet Services Maroury

continued violations of the 2001 Order, from the Defendants' billing practices.

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		authorization as to the method of payment: and
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		authorization as to the method of payment: and
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	 С.	Violating any provision of the FTC's Telemarketing Sales Rule.
	- - C.	- <u>-</u>
		Violating any provision of the FTC's Telemarketing Sales Rule.  IT IS FURTHER ORDERED that Defendants and their successors, assigns, officers,
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IT IN FUNTURD ARNERED that this Court shall estate is mindiation of this matter for

all purposes.

SO ORDERED, this 29 day of 50c, 2003 at 30 o'clock.

BY THE COURT:

CLIFFORD SCOTT GREEN, S.J.



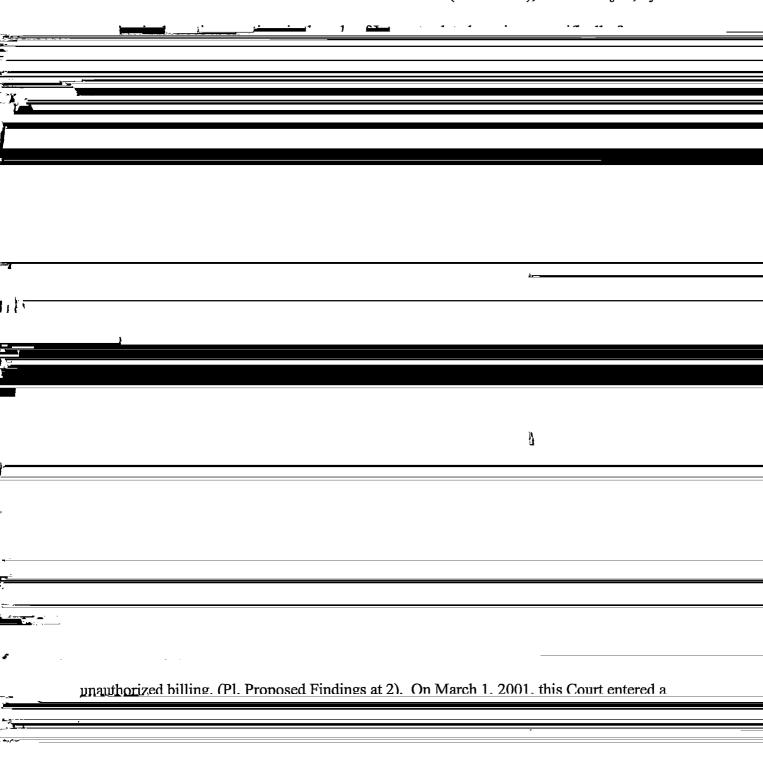
## IN THE UNITED STATES DISTRICT COURT FOR THE FASTERN DISTRICT OF DEVINORY MANYA

(J3)

FEDERAL TRADE COMMISSION,	:		
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v.	: : :	NO. 00-3281	JAN 0 5 2004
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MERCURY MARKETING OF	: :		many of the decision theorem

## I. BACKGROUND

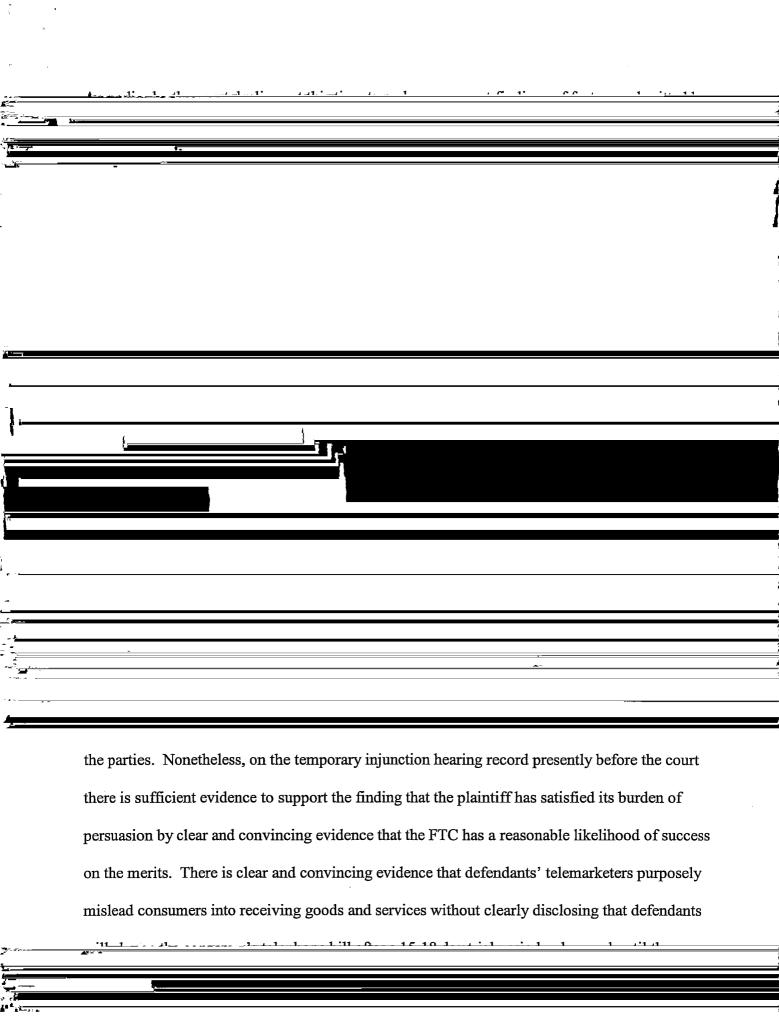
In June 2000, the Federal Trade Commission filed a complaint alleging that Defendants violated Section 5 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §28, by



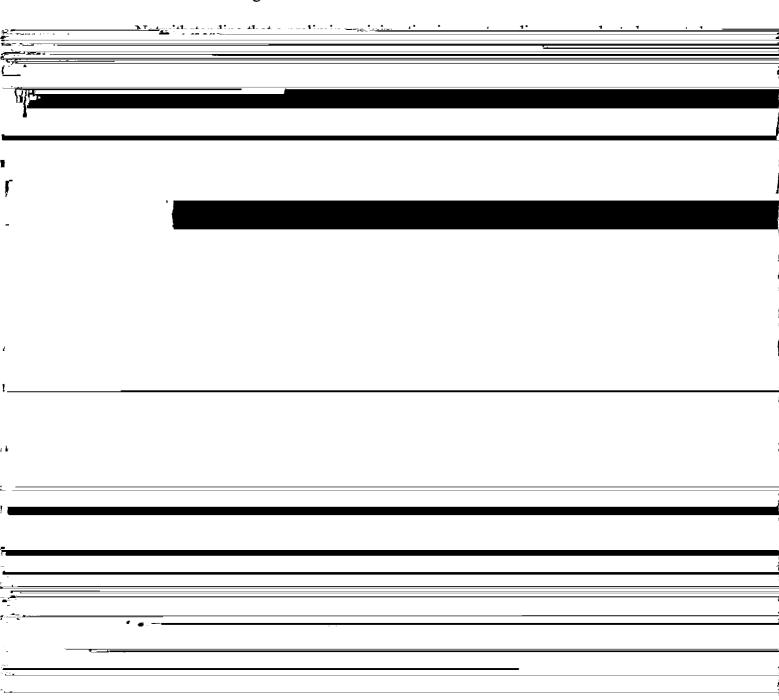
from: (1) Billing consumers without their authorization, using a negative option feature, as that		Presently before the court is FTC's request for injunctive relief to prevent allegedly
from: (1) Billing consumers without their authorization, using a negative option feature, as that		
from: (1) Billing consumers without their authorization, using a negative option feature, as that		Continuing violations of the ofice bated indement and ander The FTC goales to evision Defendants
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Order, and the likelihood that this fraud will continue until a final resolution of the FTC's present



have similarly complained. Now, based on thousands of citizen complaints, the FTC seeks to enforce the stipulated order by these contempt proceedings. Clearly the problem is not de minimus as defendants urge.



only in limited circumstances, the evidence of record clearly supports a preliminary injunction to prevent the public from continuing to be deceived and deprived of funds in an unauthorized way.

The remedy is appropriate here where: (1) there is high likelihood that Plaintiff will succeed on the merits: (2) the injunction is limited and tailored to prevent the unauthorized conduct of

	the status quo. Defendants have proposed certain alternate remedies as appropriate 2. The	
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