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9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF SANTA CLARA

11 **THE PEOPLE OF THE STATE OF**
12 **CALIFORNIA,**

13 Plaintiff,

14 v.

15 **PAUL WILLIS, CLAUDIA GRIFFIN, PW**
16 **MARKETING LLC, and DOES 1-100 inclusive,**

17 Defendants.

1-02-CV811428

**[PROPOSED] FINAL
JUDGMENT AND
PERMANENT
INJUNCTION**

18 The court, having considered plaintiff's request for entry of judgment by default and the
19 evidence in support thereof, and having heard the arguments of counsel and good cause
20 appearing therefrom:

21 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

22 1. The Court has jurisdiction of the subject matter and the parties.
23 2. Defendants PAUL WILLIS, CLAUDIA GRIFFIN, PW MARKETING LLC
24 were properly served with a copy of the summons and complaint, and failed to answer the
25 complaint or appear and defend the action within the time allowed by law. The defaults of
26 defendants PAUL WILLIS, CLAUDIA GRIFFIN, PW MARKETING LLC were entered
27 upon plaintiff's application.

28 3. Plaintiff has established that defendants PAUL WILLIS, CLAUDIA GRIFFIN

1 AND PW MARKETING LLC, by disseminating deceptive unsolicited commercial email,
2 have committed numerous violations of sections 17538.45, 17538.5, 17538, 17500 and
3 17200 of the Business and Professions Code.

4 4. DOE defendants 1-100 are hereby dismissed without prejudice.

5 5. Entry of this Final Judgment and Permanent Injunction (“Judgment”) is in the
6 public interest.

7 6. The injunctive provisions of this Judgment are applicable to defendants PAUL
8 WILLIS, CLAUDIA GRIFFIN, PW MARKETING LLC and to their agents, employees,
9 representatives, successors, assigns, and to all persons acting by, through, under or on behalf
10 any of them, and to all persons acting in concert with or participating with any of them with
11 actual or constructive knowledge of this Judgment, all of whom shall be referred to as
12 “Defendants.”

13 **INJUNCTIVE PROVISIONS REGARDING BUSINESS PRACTICES**

14 7. Pursuant to California Business and Professions Code sections 17203 and
15 17535, Defendants are hereby permanently enjoined and restrained from directly or
16 indirectly doing any of the following:

17 a. Sending unsolicited commercial email in violation of any of sections
18 17538.4 or 17538.45 of the Business & Professions Code at any time before January 1,
19 2004.

20 b. Sending unsolicited commercial email in violation of any of sections of
21 sections 17529-17529.9 or 17538.45 of the Business and Professions Code, at any time
22 on or after January 1, 2004.

23 c. Using a post office box address, a private mailbox receiving service, or
24 a street address representing a site used for the receipt or delivery of mail or as a
25 telephone answering service in advertisements for goods or services, without complying
26 with the requirements of Section 17538.5 of the Business & Professions Code.

27 d. Accepting payment from a buyer without complying with Section 17538
28 of the Business & Professions Code.

- 1 e. Sending any email that:
- 2 i. appears to have originated from an email address which was neither
- 3 the email address from which the email was actually sent nor an email address at which
- 4 replies could be received by the sender;
- 5 ii. includes false or misleading information about the country or Internet
- 6 mail server from which the email solicitation was sent.
- 7 f. Accessing and using the computers, computer systems or computer
- 8 networks of other persons without their permission or in violation of their terms of
- 9 service.
- 10 g. Using false or misleading information to register for an email address,
- 11 Internet service or an Internet domain name.
- 12 h. Using, retaining, transferring or otherwise making available to another any
- 13 list of email addresses which was compiled, used or sold for purposes of sending
- 14 unsolicited commercial email.
- 15 i. Otherwise committing unlawful, unfair and/or fraudulent business acts or
- 16 practices in violation of the Unfair Competition Law (Chapter 5 [commencing with
- 17 Section 17200] of Part 2 of Division 7 of the Business & Professions Code) or the False
- 18 Advertising Law (Chapter 1 [commencing with Section 17500] of Part 3 of Division 7
- 19 of the Business & Professional Code).
- 20 j. Within ten years from the date of this Judgment, doing any of the
- 21 following without first providing written notice to the Attorney General, in the form of
- 22 a declaration made under penalty of perjury under the laws of the State of California,
- 23 identifying the legal name, trade name(s) and address(es) of the business involved, the
- 24 names and addresses of all partners, directors, officers, and owners of five percent or
- 25 more of the business, and the Internet address of any website used or promoted by the
- 26 business, such notice to be sent to plaintiff's current counsel of record by certified mail:
- 27 i. Engaging in any business under a fictitious business name.
- 28 ii. Participating as an owner, partner, investor, officer, member or

1 manager in any business, other than a publicly traded company, which advertises over
2 the Internet (by email, on the world wide web, or by other means).

3 iii. Holding or taking any economic interest, direct or indirect, in any
4 company (other than a publicly traded company) which advertises over the Internet (by
5 email, on the world wide web, or by other means). For purposes of this Judgment,
6 “economic interest” shall mean and include any direct or indirect ownership, equity, or
7 security interest, which interest is held by defendant or is held by any corporation,
8 partnership or other entity in which any defendant has an ownership or managerial
9 interest.

10 **MONETARY RELIEF**

11 8. Pursuant to Business and Professions Code sections 17206 and 17536,
12 defendants PAUL WILLIS, CLAUDIA GRIFFIN, PW MARKETING LLC shall jointly and
13 severally pay to the California Attorney General on entry of this Judgment a civil penalty in
14 the sum of TWO MILLION DOLLARS (\$2,000,000.00).

15 9. Plaintiff is the prevailing party. PAUL WILLIS, CLAUDIA GRIFFIN, PW
16 MARKETING LLC shall jointly and severally pay plaintiff’s costs.

17 **RETENTION OF JURISDICTION**

18 10. This Court shall retain jurisdiction over this matter for the purpose of enabling
19 any party to this Judgment to apply to the Court at any time for such further orders or
20 directions as may be necessary or appropriate, for the construction or carrying out of this
21 Judgment, for modification of the injunctive provisions of this Judgment, and for plaintiff
22 to apply at any time for enforcement of any provisions of this Judgment and for punishment
23 of any violations of this Judgment.

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- 11. This Judgment shall take effect immediately upon its entry.
- 12. The clerk is ordered to enter this Judgment forthwith.

IT IS SO ORDERED:

Date: October 24, 2003

JUDGE OF THE SUPERIOR COURT