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Attorneys for Defendant Sound Media Group, Inc.

ENDORSED
FILED
San Francisco County Superior Court

JUN 25 2003

GORDON PARK-LI, Clerk
BY: MARJORIE SCHWARTZ-SCOTT
Deputy Clerk

**SUPERIOR COURT FOR THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO**

JOHN C. BROWN,

Plaintiff,

vs.

SATEX, INC.; SOUND MEDIA GROUP,
INC., and DOES 1 through 20, inclusive,

Defendants.

Case No. CGC 02-414299
Complaint Filed: Dec. 16, 2002
Trial Date: November 3, 2003

**FINAL JUDGMENT AND
PERMANENT INJUNCTION
PURSUANT TO STIPULATION**

Plaintiff, John C. Brown, acting as a private attorney general on behalf of the people of California, filed his Complaint herein, and appearing through his attorney, Redenbacher & Brown, LLP, and Defendants Sound Media Group, Inc. appearing through their attorneys GEORGE & SHIELDS, LLP and;

It appearing to the Court that Plaintiff has acted for the benefit of the people of the State of California, and Plaintiff and Defendant have stipulated and consented to the entry of this Final Judgment and Permanent Injunction without the taking of proof, without admission or other adjudication of any fact or law, and without this Final Judgment and Permanent Injunction constituting evidence or admission of any fact or violation of any law by Defendants for any purpose whatsoever as regards any issue of fact alleged in the complaint, and without

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FINAL JUDGMENT AND PERMANENT INJUNCTION

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this Final Judgment and Permanent Injunction constituting an allegation, waiver, acknowledgment or admission by any party hereto that any of the acts or practices hereby enjoined has been heretofore done, committed or performed by Defendants;

NOW, THEREFORE, THE COURT FINDS AND ORDERS THAT:

The above-named defendant Sound Media Group, Inc., and its officers and employees are enjoined and restrained from engaging in, committing, or performing, directly or indirectly, by any means whatsoever, any of the following acts in the State of California:

1. Initiating any telephone call to any residential telephone line using an artificial or prerecorded voice to deliver a message without the prior express consent of the called party, unless the call is initiated for emergency purposes or is exempted by rule or order any federal or state governmental agency.
2. Initiating any telephone call to any residential telephone line using an automatic telephone dialing system to deliver a message without the prior express consent of the called party, unless the call is initiated for emergency purposes or is exempted by rule or order of any federal or state governmental agency.
3. Initiating any telephone call to any telephone number assigned to a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service for which the called party is charged for the call.
4. Using a telephone facsimile machine, computer, or other device to send an unsolicited advertisement to a telephone facsimile machine.
5. Using an automatic telephone dialing system in such a way that two or more telephone lines of a multi-line business are engaged simultaneously.
6. Initiating any telephone call before the hour of 8 a.m. or after 9 p.m. Pacific time.
7. Initiating a solicitation using an artificial or prerecorded voice message transmitted by an autodialer, without providing a telephone number other than that of the autodialer or prerecorded message player that placed the call. The telephone number provided

1 may not be a 900 number or any other number for which charges exceed local or long distance
2 transmission charges.

3 8. In the absence of a specific request by the subscriber to the contrary, a residential
4 subscriber's do-not-call request shall apply to the particular business entity on whose behalf a
5 call is made, and will not apply to affiliated entities unless the consumer reasonably would
6 expect them to be included given the identification of the caller and the product being
7 advertised.

8 9. This Order shall not be enforceable against any Defendant that establishes any
9 affirmative defense provided for in the Code of Federal Regulations, the United States Code,
10 including the Consumer Telephone Protection Act, and the laws of the State of California.

11 10. For the purpose of this Injunction, the following terms shall have the meaning
12 prescribed thereto:

13 a) The term "emergency purposes" means calls made necessary in any situation
14 affecting the health and safety of consumers.

15 b) The term "telephone call" shall not include a call or message by, or on behalf
16 of, a caller:

- 17 (1) That is not made for a commercial purpose,
- 18 (2) That is made for a commercial purpose but does not include the
19 transmission of any unsolicited advertisement,
- 20 (3) To any person with whom the caller has an established business
21 relationship at the time the call is made, or
- 22 (4) Which is a tax-exempt nonprofit organization.

23 c) The terms "automatic telephone dialing system" and "autodialer" mean
24 equipment which has the capacity to store or produce telephone numbers to be called
25 using a random or sequential number generator and to dial such numbers.

26 d) The term "telephone facsimile machine" means equipment which has the
27 capacity to transcribe text or images, or both, from paper into an electronic signal and to
28 transmit that signal over a regular telephone line, or to transcribe text or images (or
both) from an electronic signal received over a regular telephone line onto paper.

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e) The term "telephone solicitation" means the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person, but such term does not include a call or message:

- (i) To any person with that person's prior express invitation or permission;
- (ii) To any person with whom the caller has an established business relationship; or
- (iii) By or on behalf of a tax-exempt nonprofit organization.

f) The term "established business relationship" means a prior or existing relationship formed by a voluntary two-way communication between a person or entity and a residential subscriber with or without an exchange of consideration, on the basis of an inquiry, application, purchase or transaction by the residential subscriber regarding products or services offered by such person or entity, which relationship has not been previously terminated by either party.

g) The term "unsolicited advertisement" means any material advertising the commercial availability or quality of any property, goods, or services which is transmitted to any person without that person's prior express invitation or permission.

11. Jurisdiction is retained for the purpose of enabling any party in this action to apply to the Court at any time for such further orders, directions, modification or termination as may be necessary or appropriate for the construction, enforcement, or interpretation of this Permanent Injunction.

12. The complaint against Sutex, Inc. and Does 1 through 20 is hereby dismissed.

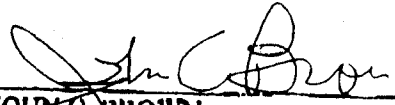
13. This Final Judgment and Permanent Injunction shall take effect immediately upon entry hereof.

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14. The Clerk is ordered to enter this Final Judgment and Permanent Injunction forthwith.


REDENBACHER & BROWN, I.I.P

DATED: June 24, 2003

By: 
JOHN C. BROWN
Attorneys for Plaintiff

GEORGE & SHIELDS, LLP

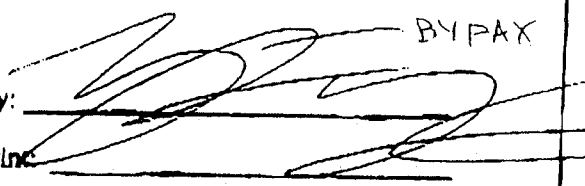
DATED: June 25, 2003

By: 
ROBERT K. GEORGE
Attorneys for Defendant **SOUND MEDIA GROUP, INC.**

BY FAX

SOUND MEDIA GROUP, INC.

DATED: June 25, 2003

By: 
Princ

BY FAX

ORDER OF THE COURT

IT IS SO ORDERED.

DATED: JUN 25 2003 . 2003.

By: **DAVID A. GARCIA**
JUDGE OF THE SUPERIOR COURT