

1 the Court having reviewed Plaintiff's Motion and accompanying documents, and Defendants'
2 Response, if any, and Plaintiff's Reply and attachment thereto, if any, hereby,

3 ORDERS that Plaintiff's Request for Relief in its Motion for a Default Order against
4 AVTECH DIRECT, also doing business as AVTECH COMPUTERS, a California
5 Corporation; and EDUCATIONAL PURCHASING SERVICES, a California corporation is
6 GRANTED as follows:

7 1. Defendants and all successors, assigns, transferees, officers, agents, servants,
8 employees, representatives, and all other persons or entities in active concert or participation
9 with defendant are hereby enjoined and permanently restrained in the State of Washington
10 from directly or indirectly engaging in any of the following conduct:

11 1. Using false or misleading information in the subject line of a
12 commercial electronic mail message.

13 2. Initiating the transmission of a commercial electronic mail message
14 with false or misleading header information;

15 3. Misrepresenting the identity of the sender or the point of origin of a
16 commercial electronic mail message.

17 4. Engaging in any conduct in violation of the Controlling the Assault of
18 Non-Solicited Pornography and Marketing Act ("CAN-SPAM Act"), 15 U.S.C. § 7701,
19 et seq.

20 5. Making any misrepresentations in the context of any advertising of
21 products or services.

22 6. Creating a false sense of urgency, exclusivity, or a restriction on
23 available products or services in the context of any advertising of services or products.

24 7. Failing to stop sending unsolicited electronic mail messages to any
25 consumer who, by any means whatsoever, has requested to not receive future such
26 messages from defendant.

1 8. Falsely implying directly or indirectly that a commercial electronic mail
2 solicitation is official, administrative in nature, or originates from the recipients' place
3 of business.

4 9. Engaging in any conduct which violates RCW 19.86, the Unfair
5 Business Practices – Consumer Protection Act.

6 10. Engaging in the practices described 2.12 through 2.21 of the Findings
7 of Fact herein.

8 11. Failing to monitor the methods advertisers use to market its products to
9 consumers over the Internet or through email.

10 12. Marketing or selling its products through advertisers who violate RCW
11 19.190, the Unsolicited Commercial Electronic Mail Act, or the Controlling the Assault of Non-
12 Solicited Pornography and Marketing Act (“CAN-SPAM Act”), 15 U.S.C. § 7701, et seq;

13 2. Defendants shall pay Plaintiff’s costs and attorney’s fees in the amount of
14 \$67,882.80. Interest on any unpaid balance of this amount shall accrue in the amount of 12%
15 per annum;

16 3. Defendants shall pay \$3 million in civil penalties; and

17 4. Defendants shall pay damages in the amount of \$375,000.00 to the Seattle
18 School District.

19 DATED this _5____ day of December, 2005.

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21 _____
22 RICARDO S. MARTINEZ
23 UNITED STATES DISTRICT JUDGE
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1 Presented by:

2 ROB McKENNA
3 Attorney General

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