

THE HONORABLE RICARDO MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON,

Plaintiff,

v.

AVTECH DIRECT, also doing business as
AVTECH COMPUTERS and
EDUCATIONAL PURCHASING
SERVICES; ARLENE SEDIQZAD, also
known as ARLENE GRANT and ARLENE
HUNZIKER, manager of AVTECH
DIRECT, individually and on behalf of her
marital community; and GARY
HUNZIKER, manager of AVTECH
DIRECT, individually and on behalf of his
marital community; MD&I
CORPORATION, a California for-profit
corporation; and MIN HUI ZHAO, also
known as MICHAEL ZHAO, individually
and on behalf of his marital community,

Defendants.

No. C04-2171 RSM

STIPULATION AND ORDER OF
PERMANENT INJUNCTION AGAINST
MD&I CORPORATION AND MIN HUI
ZHAO A/K/A MICHAEL ZHAO

I. STIPULATION

1.1 Plaintiff, State of Washington (“State”), and MD&I Corporation (“MD&I”) and
Min Hui Zhao, individually and on behalf of his marital community (collectively “Zhao”), have
agreed on a basis for the settlement of the matters alleged in the Complaint, and to the entry of

1 this Stipulation and Order without the need for trial or adjudication of any issue of law or fact.
2 Concurrent with the execution of this Stipulation and Order, the parties shall execute and file a
3 Settlement Agreement and Release in the form attached hereto as **Exhibit A**. Exhibit A is
4 incorporated into this Stipulation and Order by reference.
5

6 1.2 The State, MD&I and Zhao hereby stipulate that upon execution of this
7 Stipulation, MD&I and Zhao shall inform all successors, assigns, transferees, officers, agents,
8 servants, employees, representatives, and all other persons or entities in active concert or
9 participation with MD&I and/or Zhao of the terms and conditions of this Stipulation.

10 1.3 The State, MD&I and Zhao also hereby stipulate that MD&I and Zhao, along with
11 their officers, agents, servants, employees, representatives, successors and assigns, and all those
12 persons or entities acting in concert or participation with MD&I and/or Zhao, shall be and hereby
13 are PERMANENTLY ENJOINED and restrained from directly and indirectly engaging in any of
14 the following conduct within Washington State or directed to citizens of Washington:
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- 16 a. Advertising or marketing any of MD&I's products either directly or through a
17 third party in a manner that violates the Controlling the Assault of Non-Solicited
18 Pornography and Marketing Act ("CAN-SPAM Act"), 15 U.S.C. § 7701, et seq.;
- 19 b. Advertising or marketing any of MD&I's products either directly or through a
20 third party in a manner that violates RCW 19.190, the Unsolicited Commercial
21 Electronic Mail Act;
- 22 c. Advertising or marketing any of MD&I's products either directly or through a
23 third party in a manner that violates RCW 19.86, the Unfair Business Practices –
24 Consumer Protection Act;
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d. In the context of a business agreement with a third party to advertise and/or market MD&I's products, failing to reasonably ascertain in what manner the products are being advertised; failing to reasonably ensure that the products are being advertised legally; and failing to discontinue the business relationship if MD&I or Zhao discovers that the products are being advertised illegally; and

1.4 Compliance with section 1.3 may be demonstrated in part by maintaining records containing copies of advertisements of MD&I's products used by MD&I in its own advertising; and copies of advertisements used by third-party advertisers paid by MD&I to advertise its products.

IT IS SO STIPULATED.

Dated this __ day of _____, 2006.

ROB MCKENNA
Attorney General

GROFF MURPHY TRACHTENBERG
& EVERARD PLLC

Katherine M. Tassi, WSBA #32908

Linda Y. Chu, WSBA # 29584

*Assistant Attorney General
Attorney for Plaintiff
State of Washington*

*Attorneys for Defendants MD&I
Corporation, Min Hui Zhao and his
marital community*

MD&I Corporation

Min Hui Zhao a/k/a Michael Zhao,
individually and on behalf of his marital
community

By: _____
Its: _____

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II. ORDER

IT IS SO ORDERED.

DATED this 27 day of February 2006.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

Presented by:

ROB MCKENNA
Attorney General

GROFF MURPHY TRACHTENBERG
& EVERARD PLLC

Katherine M. Tassi, WSBA # 32908

Linda Y. Chu, WSBA # 29584

*Assistant Attorney General
Attorney for Plaintiff
State of Washington*

*Attorneys for Defendants MD&I
Corporation, Min Hui Zhao and his
marital community*

MD&I Corporation

Min Hui Zhao a/k/a Michael Zhao,
individually and on behalf of his marital
community

By: _____
Its: _____