

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT,
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION**

**STATE OF FLORIDA,
DEPARTMENT OF LEGAL AFFAIRS,
OFFICE OF THE ATTORNEY GENERAL,**

CASE NO.: 05-02976

DIVISION: E

Plaintiff,

v.

**SCOTT J. FILARY, an individual, and
DONALD E. TOWNSEND, an individual,**

Defendants.

STIPULATED TEMPORARY INJUNCTION

Plaintiff, State of Florida, Department of Legal Affairs, Office of the Attorney General (the “Attorney General”), and Defendants, Scott J. Filary and Donald E. Townsend, by and through their undersigned counsel, stipulate and agree to a temporary injunction, as follows:

1. No bond is required from the Attorney General for the temporary injunction.
2. Defendant Scott J. Filary and Defendant Donald E. Townsend are each enjoined and prohibited, until further Order of the Court, from:
 - A. Initiating, assisting in the transmission, or procuring the initiation of a commercial electronic mail message that contains false or misleading information in the header.
 - B. Initiating, assisting in the transmission, or procuring the initiation of a commercial electronic mail message that contains false or misleading information in the subject line of the e-mail.
 - C. Registering any domain name or maintaining any domain name registration using information that is incorrect or falsifies the identity of the actual registrant.
 - D. Making or assisting others in making any express or implied representation or omission of a material fact that is false or misleading in any e-mail or website promoting a product or service for the benefit of any Defendant.

- E. Promoting or facilitating the sale or delivery of any product or service through use of deceptive means for the benefit of any Defendant.
- F. Destroying, erasing, mutilating, concealing, altering, transferring, or otherwise disposing of, in any manner, directly or indirectly (including engaging others to act on any Defendant's behalf), any documents, computers, computerized files, storage media on which information is stored or saved, contracts, accounting data, correspondence (including electronic correspondence), advertisements, webpages, customer lists, affiliate lists and codes, financial records and any other documents or records of any kind that relate to the acts, practices and personal finances of each Defendant, acting individually or in concert with others.
- G. Forming a business or organizational identity as a method of avoiding the terms and conditions of the Injunction; and affirmatively requiring each Defendant to disclose the terms and conditions of the Injunction to all officers, employees, representatives, agents, successors, assigns, or any other person who acts under or who will act under, by, through, or on behalf of any Defendant engaged in any activity involving commercial e-mail, instant messaging, or internet promotion.
- H. Transferring an interest in or title to real estate located in Florida, unless Defendant provides 60 days notice to the Court and the parties of intent to transfer such an interest or title.

Stipulated and agreed to by counsel for the parties. Dated this ____ day of April, 2005.

CHARLES J. CRIST, JR.
ATTORNEY GENERAL

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