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US DISTRICT COURT E.D.N.Y.

★ SEP 20 2016 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-against-

TRENDS SERVICE IN KOMMUNIKATIE,
B.V., KOMMUNIKATIE SERVICE
BUITENLAND, B.V., and ERIK DEKKER,
individually and as an officer of TRENDS
SERVICE IN KOMMUNIKATIE, B.V., and
KOMMUNIKATIE SERVICE BUITENLAND,
B.V.,

Defendants.

Civil Action No. 16-2770 (ILG)(SMG)

~~PROPOSED~~ **CONSENT DECREE
AND FINAL JUDGMENT**

WHEREAS, the United States commenced this action against defendants TRENDS SERVICE IN KOMMUNIKATIE, B.V. (“Trends”), KOMMUNIKATIE SERVICE BUITENLAND, B.V. (“KSB”), and ERIK DEKKER, individually and as an officer of Trends and KSB, (“Dekker”) (collectively, “the Defendants”) by filing a Complaint in this Court;

WHEREAS, the Complaint states a claim for relief under the Fraud Injunction Statute, 18 U.S.C. § 1345;

WHEREAS, on June 1, 2016, having considered the *ex parte* application of the United States, the Court issued a temporary restraining order as to the Defendants;

WHEREAS, the United States and Defendants Trends, KSB, and Dekker wish to settle this action upon the following terms without further litigation;

WHEREAS, the parties hereby agree to fully and finally settle this matter without any admissions of liability or wrongdoing on the part of Defendants Trends, KSB, and Dekker;

WHEREAS, neither this Consent Decree and Final Judgment, nor the fact that the Defendants have agreed to a permanent injunction, shall constitute an admission of liability, be admitted into evidence or otherwise used against them in any other matter, save for a matter to enforce this Stipulated Consent Decree and Final Judgment; and

WHEREAS, the Defendants are not citizens or residents of the United States but wish to finally resolve the matters alleged in the Complaint without further litigation and therefore agree that this Court may enter and enforce this Consent Decree and Final Judgment against them in the United States, but specifically do not submit to this Court's jurisdiction (or the jurisdiction of any court in the United States) for any other purpose by entering into this Consent Decree and Final Judgment;

NOW THEREFORE, pursuant to 18 U.S.C. § 1345 and the inherent power of this Court, it is hereby ORDERED, ADJUDGED and DECREED that:

1. Defendants Trends, KSB, and Dekker, their agents, officers, employees, and successors, and all other persons and entities in active concert or participation with them are permanently enjoined from committing mail fraud, as defined by 18 U.S.C. § 1341;

2. Defendants Trends, KSB, and Dekker, their agents, officers, employees, and successors, and all other persons and entities in active concert or participation with them are permanently enjoined from using the United States mail or causing others to use the United States mail to distribute the following "covered material," as defined in subparagraphs A-E, *infra*:

A. any advertisements, solicitations, or promotional materials on behalf of any actual or fictional individual or entity purporting to offer psychic, clairvoyant or astrological items or services for a fee;

- B. any advertisements, solicitations, or promotional materials that represent, directly or indirectly, expressly or impliedly, that the recipient of the mailing was specifically selected to receive the mailing based on a reason other than the fact that the recipient's name appears on a mailing list;
- C. any advertisements, solicitations, or promotional materials that represent, directly or indirectly, expressly or impliedly, that services or items offered for purchase will, or could
 - (a) improve the recipient's financial condition;
 - (b) increase the recipient's odds and/or probability of winning a lottery or other game of chance;
 - (c) bring the recipient luck or good fortune; or
 - (d) entitle the recipient to receive an inheritance or other payment from a party other than the seller of the goods and services;
- D. any advertisements solicitations, or promotional materials that represent directly or indirectly, expressly or impliedly, that the recipient has won, will win, or will receive cash or prizes; or
- E. any advertisements, solicitations, or promotional materials that contain any other materially false or misleading statements.

3. Defendants Trends, KSB, and Dekker, their agents, officers, employees, and successors, and all other persons and entities in active concert or participation with them are permanently enjoined from taking any action to forward or receive United States mail or mail dispatched from the United States that responds, by sending payment or otherwise, to any covered material.

4. Defendants Trends, KSB, and Dekker, their agents, officers, employees, and successors, and all other persons and entities in active concert or participation with them are permanently enjoined from performing “caging services” on any United States mail or mail dispatched from the United States that responds to any covered material, including opening, handling, or forwarding such mail; entering or inputting data about U.S. residents into a database or forwarding such information; handling, or forwarding, or depositing payments from U.S. residents, including currency, bank checks, certified checks, money orders, or credit card charge authorizations.

5. Defendants Trends, KSB, and Dekker, their agents, officers, employees, and successors, and all other persons and entities in active concert or participation with them are permanently enjoined from selling, offering for sale, licensing, renting, disclosing or utilizing for any purpose other than the defense of any legal action any lists of U.S. residents or mailing lists of any type that have been compiled from U.S. residents’ responses to any covered material, except that the Defendants may disclose such lists to their legal counsel as necessary for the defense of any other (a) legal actions in which a defendant has been named as a party, or (b) criminal investigations where a defendant has been identified by law enforcement as a target of the investigation.

6. Within 30 days of the date of entry of this Consent Decree, unless otherwise required to be maintained pursuant to law or unless retention by Defendant’s legal counsel of such lists is necessary for the defense of any other (a) legal actions in which a Defendant has been named as a party, or (b) criminal investigations where a Defendant has been identified by law enforcement as a target of the investigation, Defendants Trends, KSB, and Dekker, their agents, officers, and employees, and all other persons and entities in active concert or

participation with them are ordered to dispose of any lists of U.S. residents or mailing lists of any type compiled from U.S. residents' responses to any covered materials. Disposal shall be by means that protect against unauthorized access to the personal information, such as by burning or shredding any papers, and by erasing or destroying any electronic media, to ensure that the personal information cannot practicably be read or reconstructed. After completing the disposal, the Defendants shall provide to Plaintiff a certification, sworn under penalty of perjury, detailing what materials were identified for disposal and in what manner disposal was accomplished, and certifying that the Defendants no longer have in their possession any such lists. Defendants who retain such lists for purposes of the defense of any other pending legal actions shall provide to Plaintiff a certification, sworn under penalty of perjury, stating that such lists are retained and describing the format in which such lists are retained.

7. The Defendants hereby relinquish ownership of any United States mail or mail dispatched from the United States that is addressed to any of Defendants' P.O. boxes and that constitutes covered material or responds to any covered material. The Defendants waive any and all objections to the United States Postal Inspection Service detaining and disposing of such United States mail in accordance with applicable law.

8. The United States Postal Inspection Service is authorized to detain and open:
- A. any and all United States mail or mail dispatched from the United States that is addressed to any of the Defendants' P.O. boxes in the Netherlands, that constitutes covered material or responds to any covered material;
 - B. any covered material that is deposited or caused to be deposited into the United States mail by the Defendants, their agents, officers, or employees,

or any other persons or entities in active concert or participation with them; and

- C. any covered material brought into the United States as freight by the Defendants, their agents, officers, or employees, or any other persons or entities in active concert or participation with them that is intended for distribution in the United States mail.

The United States Postal Inspection Service shall return any currency, bearer instruments (including but not limited to money orders and travelers checks), and any personal effects that can be positively identified with its sender. This return shall include a letter notifying the sender of the disposition of this matter, attached here as Exhibit A. The United States Postal Inspection Service is authorized to destroy any and all detained mail (including but not limited to envelopes, order forms, correspondence, personal checks, and payment card information (PCI)).

9. Within seven (7) days after the entry of this Consent Decree and Final Judgment, the Defendants are ordered to submit to the United States an acknowledgment of receipt of this Consent Decree and Final Judgment sworn under penalty of perjury.

10. This Consent Decree and Final Judgment shall not be modified except in writing by the Parties and approved by the Court.

11. The Parties agree to bear their own costs and attorneys' fees in this action.

12. The Temporary Restraining Order entered on June 1, 2016, is superseded by this Consent Decree and Final Judgment and is hereby vacated and dissolved.

13. This Stipulated Consent Decree and Final Judgment contains the entire agreement between the Parties with respect to the subject matter herein.

14. The undersigned parties and counsel each represent that he or it is fully authorized to enter into the terms and conditions of this Consent Decree and Final Judgment and to execute and legally bind to this document the Party which he or it represents.

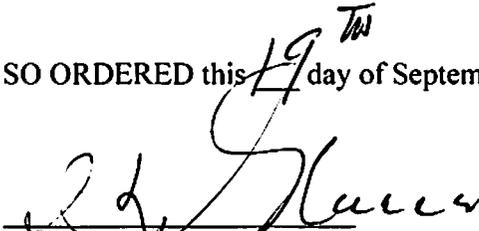
15. The Defendants hereby agree to waive, release, and remit any and all claims, either directly or indirectly against the United States and its agencies, employees, representatives and agents, including but not limited to the Department of Justice, the United States Postal Inspection Service, and their employees, with respect to this action.

16. This Consent Decree and Final Judgment may be signed by the parties and counsel in counterparts, each of which constitutes an original and all of which constitute one and the same Consent Decree and Final Judgment. Signatures delivered by facsimile transmission, or as .pdf attachments to emails, shall constitute acceptable, binding signatures for purposes of this Consent Decree and Final Judgment.

17. This Consent Decree and Final Judgment shall constitute a final judgment and order in this action.

The Clerk of the Court shall close this case.

SO ORDERED this ^{Tw}19 day of September, 2016.

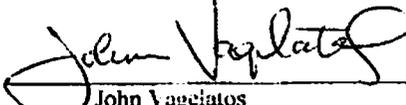

I. Leo Glasser, U.S.D.J.

IT IS HEREBY AGREED:

THE UNITED STATES OF AMERICA

Dated: Brooklyn, New York
September 19, 2016

ROBERT L. CAPERS
United States Attorney
Eastern District of New York

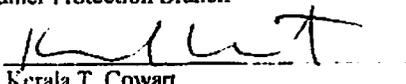
By: 
John Vagelatos
Assistant United States
Attorney
Tel. (718) 254-6182

Dated: Washington, DC
September 19, 2016

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General
Civil Division
United States Department of Justice

JONATHAN F. OLIN
Deputy Assistant Attorney General

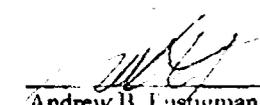
MICHAEL S. BLUME
Director
Consumer Protection Branch

By: 
Kerala T. Cowart
Trial Attorney
U.S. Department of Justice
Tel. (202) 353-3881

DEFENDANTS

Dated: New York, New York
September __, 2016

OLSIAN FROME WOLOSKY LP
Counsel for Defendants
Trends Service In Kommunikatie, B.V.,
Kommunikatie Service Buitenland, B.V., and
Erik Dekker, individually and as an officer of
Trends Service In Kommunikatie, B.V., and
Buitenland, B.V.,

By: 
Andrew B. Fustigman
Tel. (212) 451-2300

Dated: Utrecht, the Netherlands
September 19, 2016

**TRENDS SERVICE IN
KOMMUNIKATIE, B.V.**

By:  E.P. Dekker

Dated: Utrecht, the Netherlands
September 19, 2016

**KOMMUNIKATIE SERVICE
BUITENLAND, B.V.**

By:  E.P. Dekker

Dated: Utrecht, the Netherlands
September 19, 2016

ERIK DEKKER


Erik Dekker

EXHIBIT A



UNITED STATES POSTAL INSPECTION SERVICE

DOJ MAIL FRAUD TEAM

[merge fields—Date

First Name, Last Name
Address 1
Address 2
City, State Zip]

Re: United States of America v. Trends Service in Kommunikatie, B.V., et al.
Civil Action Number 16-CV-2770 (ILG)(SMG)

Dear Sir/Madam:

We are writing to you because you previously mailed [merge field—money/bearer instrument/personal item and specific amount of remission] to a P.O. box owned by one of two Dutch companies, Trends Service in Kommunikatie, B.V. (“Trends”) or Kommunikatie Service Buitenland, B.V. (“KSB”). We are returning your [merge field—money/bearer instrument/personal item and specific amount of remission].

The United States Department of Justice (DOJ) has filed civil charges against Trends, KSB, and their owner and director, Erik Dekker. The case, filed in the Eastern District of New York, alleged that the defendants engaged in a scheme to defraud victims through the mail. Specifically, DOJ alleged that the defendants have used their P.O. boxes in the Netherlands to receive payments from mass-mailing fraud schemes. The alleged schemes sent out solicitations that looked like personalized letters, when, in reality, hundreds of thousands of identical letters were mailed to potential victims. DOJ alleged that the solicitations falsely claimed that the recipient had won, or would soon win or receive, money or valuable prizes. Some solicitations instructed recipients to pay a fee in order to receive their winnings; others urged recipients to purchase goods or services based on false promises of guaranteed future lottery wins.

On June 1, 2016, the United States District Court made a probable cause determination that the defendants were engaging in the mail fraud scheme described above. Among other things, the Court ordered the U.S. Postal Service to detain mail sent to P.O. boxes in the Netherlands that were owned by the defendants.

On [insert date], the District Court entered a permanent injunction against the defendants, prohibiting them from participating in any scheme that uses the U.S. mail to send fraudulent solicitations or collect payments from victims. This injunction also requires USPS to return to consumers any currency, bearer instruments (such as money orders or travelers checks), or personal items that can be identified with a specific sender. Enclosed, please find the [merge field—money/bearer instrument/personal item and specific amount of remission] that was identified as belonging specifically to you.

Should you have any questions about this notice, please contact [merge field—name of USPS POC] with the U.S. Postal Inspection Service at [merge field—contact phone number]. For more information, visit [insert URL for press release website.]