

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

FILED

SEP 24 2004

WACO DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

FEDERAL TRADE COMMISSION,
Plaintiff,

v.

ASSAIL, INC., KYLE KIMOTO, et al.,
Defendants.

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CIVIL ACTION NO. W-03-CA-007

**FINAL MONETARY JUDGMENT AS TO
DEFENDANTS KYLE KIMOTO AND ASSAIL, INC.**

After consideration of the evidence presented by the Commission in its Motion to Impose Suspended Judgment and the Response, if any, of Defendants Kyle Kimoto and Assail, Inc. thereto, it is

ORDERED that the suspended portion of the previously ordered \$106 million monetary judgment in the amount of \$105,706,000.00 is hereby imposed as a judgment against Kyle Kimoto and Assail, Inc., jointly and severally, and the Plaintiff may execute upon such judgment immediately and engage in discovery in aid of execution. It is further

ORDERED, pursuant to Fed. R. Civ. P. 54(b), that there is no just reason for delay and the Clerk of the Court shall immediately enter this Order as a final order.

SIGNED this 24th day of September, 2004.

[Signature]
WALTER S. SMITH, JR.
Chief United States District Judge