

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

	)	
	)	
<b>In the Matter of</b>	)	
	)	<b>FILE NO 151-0000</b>
<b>Fortiline, LLC</b>	)	
<b>a North Carolina Limited Liability</b>	)	
<b>Company.</b>	)	
	)	
	)	

**AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST**

The Federal Trade Commission (“Commission”), having initiated an investigation of certain acts and practices of proposed respondent Fortiline, LLC, hereinafter “Proposed Respondent” and it now appearing that Proposed Respondent is willing to enter into an Agreement Containing Consent Order to Cease and Desist (“Consent Agreement”) from certain acts and practices, and providing for other relief,

**IT IS HEREBY AGREED** by and between Proposed Respondent, by its duly authorized officers and attorneys, and counsel for the Commission that:

1. Proposed Respondent is a limited liability company organized, existing, and doing business under and by virtue of the laws of the state of North Carolina with its principal place of business at 7025 Northwinds Drive NW, Concord, North Carolina 28027.
2. Proposed Respondent admits all the jurisdictional facts set forth in the draft of Complaint here attached.
3. Proposed Respondent waives:
  - a. any further procedural steps;
  - b. the requirement that the Commission’s Decision and Order, attached hereto and made a part hereof, contain a statement of findings of fact and conclusions of law;
  - c. all rights to seek judicial review or otherwise to challenge or contest the validity of the Decision and Order entered pursuant to this Consent Agreement; and

- d. any claim under the Equal Access to Justice Act.
4. The Commission may issue its Complaint in this matter at any time after it accepts the Consent Agreement for public comment.
5. Proposed Respondent shall submit an initial compliance report, pursuant to Commission Rule 2.33, 16 C.F.R. § 2.33, no later than twenty (20) days after the date which Proposed Respondent executes this Consent Agreement and every thirty (30) days thereafter until the Decision and Order becomes final. Each compliance report shall set forth in precise detail the manner in which Proposed Respondent has complied or has prepared to comply, is complying, and will comply with the Consent Agreement and the Decision and Order. Proposed Respondent shall provide sufficient information and documentation to enable the Commission to determine independently whether Proposed Respondent is in compliance with the Consent Agreement and the Decision and Order. Such report will not become part of the public record unless and until the Consent Agreement and Decision and Order are accepted by the Commission for public comment.
6. Each report submitted pursuant to Paragraph 5 above shall be verified by a notarized signature or self-verified in a manner set forth in 28 U.S.C. § 1746. Section 2.41(a) of the Commission's Rules, 16 C.F.R. § 2.41, requires that an original and two copies of all compliance reports be filed with the Commission. Proposed Respondent shall file an original report and one copy with the Secretary of the Commission, and shall send at least one copy directly to the Bureau of Competition's Compliance Division [in electronic format].
7. This Consent Agreement, and any compliance reports filed pursuant to this Consent Agreement, shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this Consent Agreement is accepted by the Commission it, together with the draft of Complaint contemplated thereby, will be placed on the public record for a period of thirty (30) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this Consent Agreement and so notify Proposed Respondent, in which event it will take such action as it may consider appropriate, or issue and serve its Complaint (in such form as the circumstances may require) and Decision and Order, in disposition of the proceeding.
8. This Consent Agreement is for settlement purposes only and does not constitute an admission by Proposed Respondent that the law has been violated as alleged in the draft of Complaint here attached, or that the facts as alleged in the draft Complaint, other than jurisdictional facts, are true.
9. This Consent Agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, 16 C.F.R. § 2.34, the Commission may, without further notice to Proposed Respondent: (1) issue and serve its Complaint corresponding in form and substance with the draft of

Complaint here attached and its Decision and Order, and (2) make information public with respect thereto.

10. When so entered, the Decision and Order will have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time as provided by statute for other orders. The Decision and Order shall become final upon service. Delivery of the Complaint and the Decision and Order to Proposed Respondent by any means provided in § 4.4(a) of the Commission's Rules, 16 C.F.R. § 4.4(a), including, but not limited to, delivery to an office within the United States of counsel for Proposed Respondent identified on this Consent Agreement, shall constitute service. Proposed Respondent waives any rights it may have to any other manner of service.
11. The Complaint may be used in construing the terms of the Decision and Order, and no agreement, understanding, representation, or interpretation not contained in the Decision and Order, or the Consent Agreement may be used to vary or contradict the terms of the Decision and Order.
12. By signing this Consent Agreement, Proposed Respondent represents and warrants that it can fulfill all the terms of and accomplish the full relief contemplated by the attached Decision and Order, and that all parents, subsidiaries, affiliates, and successors necessary to effectuate the full relief contemplated by this Consent Agreement and the attached Decision and Order are parties, or are within the control of parties to this Consent Agreement and the attached Decision and Order.
13. Proposed Respondent has read the proposed Complaint and the Decision and Order contemplated hereby. Proposed Respondent understands that once the Decision and Order has been issued, it will be required to file one or more compliance reports setting forth in detail the manner in which it has complied, is complying, and will comply with the Decision and Order.
14. Proposed Respondent agrees to comply with the draft Decision and Order from the date it signs this Consent Agreement. Proposed Respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the Decision and Order after it becomes final.

**FORTILINE, LLC**

\_\_\_\_\_  
Timothy Tysinger  
Executive Chairman  
Fortiline, LLC

Dated: \_\_\_\_\_

\_\_\_\_\_  
Timothy J. Muris  
Kirkland & Ellis LLP  
Counsel for Fortiline, LLC

Dated: \_\_\_\_\_

**FEDERAL TRADE COMMISSION**

\_\_\_\_\_  
Mark Taylor  
Attorney  
Bureau of Competition

**Approved:**

\_\_\_\_\_  
Geoffrey M. Green  
Assistant Director  
Bureau of Competition

\_\_\_\_\_  
Deborah L. Feinstein  
Director  
Bureau of Competition