

**QUARTERLY FEDERAL COURT
LITIGATION STATUS REPORT**

Office of the General Counsel
Bureau of Competition
Bureau of Consumer Protection
Regional Offices

December 31, 2011

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SUMMARY OF CASES

	D. Ct.	Ct. App.*	S. Ct.	Total
PETITIONS FOR REVIEW	0	3	1	4
INJUNCTION AND CONSUMER REDRESS CASES	75	16	0	91
CIVIL PENALTY AND ENFORCEMENT CASES	19	0	0	19
SUBPOENA AND CID ENFORCEMENTS	2	1	0	3
SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION	7	2	0	9
AMICUS CURIAE BRIEFS	1	2	1	4
TOTALS	104	24	2	130

* Includes all cases in which appellate proceedings have taken place during the reporting period or are pending; these cases are not counted in the District Court column, even if such proceedings are going on simultaneously.

PETITIONS FOR REVIEW

(A) Orders to Cease and Desist

GEMTRONICS, INC. v. FTC, No. 11-1301 (4th Cir.)

Parties: Gemtronics, Inc.
William H. Isley

Assigned Attorneys: Barbara E. Bolton (SER)
John F. Daly (OGC)

Nature of Action: Petition for review of a Commission decision finding defendants engaged in deceptive acts and practices in violation of Section 5 and 12 involving the advertising and sale of products purporting to prevent, treat, or cure cancer.

Status: Petition filed 3/29/11.
Order denying motion to proceed in forma pauperis entered 4/6/11.
Motion by defendant to file amicus brief without consent of all parties on appeal filed 4/18/11.
Response/Answer by defendant's to file amicus brief filed 4/26/11; Order granted entered 4/28/11.
Motion by Commission to dismiss appeal entered 4/27/11;
Response/Answer filed 5/2/11.
Order file granting motion to suspend filed 4/27/11.
Court order granting motion to dismiss appeal entered 6/30/11.
Petition for rehearing filed 7/11/11.
Order denying petition for rehearing entered 9/7/11.

POLYPORE INTERNATIONAL, INC v. FTC, No. 11-10375 (11th Cir.)

Parties: Polypore International, Inc.

Assigned Attorney: Michele Arington (OGC)

Nature of Action: Petition for review of final divestiture order

Status: Petition filed 2/28/11.
Polypore's brief filed 4/26/11.
Commission's brief filed 6/20/11.
Polypore's reply brief filed 7/19/11.
Oral argument set for 1/25/12.

REALCOMP II, LTD. v. FTC, No. 11-16 (S. Ct.); No. 09-4596 (6th Cir.)

Parties: Realcomp II, Ltd.

Assigned Attorney: Imad D. Abyad (OGC)

Nature of Action: Petition for review of a Commission decision finding that the acts and practices of an association of real estate brokers in connection with multiple listing services unreasonably restrained trade in violation of Section 5 of the FTC Act and Section 1 of the Sherman Act.

Status: Petition filed 12/31/09.
Realcomp II motion for stay pending appeal filed 1/28/10; Commission's response in opposition filed 2/5/10; order denying motion entered 2/9/10.
Realcomp II brief filed 2/9/10.
Commission's brief filed 4/19/10.
Realcomp II reply brief filed 5/20/10.
Oral argument held 1/20/11.
Decision upholding Commission order entered 4/6/2011.
Petition for certiorari filed 6/28/11.
Commission's opposition to certiorari filed 8/30/11.
Certiorari denied 10/12/11.

(B) Rulemakings

NAT'L AUTOMOBILE DEALERS ASS'N v. FTC, No. 11-1313 (D.C. Cir.)

Parties: National Automobile Dealers Association

Assigned Attorneys: David Sieradzki (OGC)

Nature of Action: Petition for review of FTC's rules implementing credit score disclosure requirements of the Dodd-Frank Act.

Status: Petition filed on 9/9/11.
Commission's motion to dismiss case for lack of jurisdiction filed 10/26/11.

INJUNCTION AND CONSUMER REDRESS CASES

(A) Preliminary Injunctions (Mergers/Acquisitions)

FTC v. GRACO INC., 1:11-CV-02239 (D.D.C)

Parties: Graco Inc.
Illinois Tool Workers Inc.
ITW Finishing LLC

Assigned Attorneys: Phillip L. Broyles (BC)
Amanda Jane Hamilton
Peter Richman
Rebecca Powers Dick

Alleged Conduct: Action for preliminary injunction and other equitable relief for violations of Section 5 of the FTC Act and Section 7 of the Clayton Act in connection with a proposed acquisition of a competitor in the market for industrial liquid finishing equipment in North America.

Status: Complaint filed 12/16/11.
Motion for TRO filed 12/16/11; order denying motion without prejudice and requiring defendants to give two weeks notice before consummation of transaction entered 12/19/11.
Defendants' motion to dismiss for lack of personal jurisdiction and improper venue filed 12/23/11; opposition filed 12/28/11.

FTC v. OSF HEALTHCARE SYSTEM, 3:11-CV-50344 (N.D. Ill.)

Parties: OSF Healthcare System
Rockford Health System
Humana Inc. (Intervenor Plaintiff)
Coventry Health Care Inc. (Intervenor Plaintiff)
Swedish American Health System Corp. (Intervenor)
UnitedHealth Group, Inc. (Intervenor)
Health Care Service Corporation (Intervenor)

Assigned Attorneys: Matthew Reilly (BC)
Jeffrey H. Perry
Katherine Amy Ambrogi
Kenneth W. Field
Mark S. Hegedus (OGC)

Alleged Conduct: Action for TRO and preliminary injunction for violations of Section 5 of the FTC Act and Section 7 of the Clayton Act in connection with a hospital merger.

Status: Complaint filed 11/18/11
Commission's motion for preliminary injunction filed 11/18/11;
opposition filed 11/23/11; reply 12/15/11.
Hearing on motion for preliminary injunction set for 2/01/12.

FTC v. PHOEBE PUTNEY HEALTH SYSTEM, INC., No. 11-12906 (11th Cir.);
No. 1:11-CV-00058 (M.D. Ga.)

Parties: Phoebe Putney Health System, Inc.
Phoebe Putney Memorial Hospital, Inc.
Phoebe North, Inc.
HCA, Inc.
Palmyra Park Hospital, Inc.
Hospital Authority of Albany-Dougherty County

Assigned Attorneys: John F. Daly (OGC)
Imad D. Abyad
Leslie R. Melman
Edward D. Hassi (BC)
Priya Viswanath
Sara Y. Razi
Thomas H. Brock
Matthew K. Reilly
Matthew Tabas
Peter C. Herrick

Alleged Conduct: Action for preliminary injunction and other equitable relief for violations of Section 5 of the FTC Act and Section 7 of the Clayton Act in connection with the monopolization of inpatient general acute care services sold to commercial health plans and their customers in Albany, Georgia and surrounding area.

Status: Sealed complaint filed 4/20/11.
Order granting motion for TRO entered 4/21/11.
Motions to dismiss complaint or, in the alternative, for summary judgment by defendants filed 5/16/11.
Briefs of the Commission and the State of Georgia in further support of motion for preliminary injunction and in opposition to defendants' motions to dismiss or for summary judgment filed 6/1/11.
Order granting motions to dismiss and denying motion for preliminary injunction entered 6/27/11.
Commission's notice of appeal filed 6/28/11.

Commission's emergency motion for injunction pending appeal and to expedite appeal filed 6/29/11.
Injunction pending appeal granted 7/6/11.
Commission's opening brief filed 7/27/11; appellees' answering brief filed 8/17/11; Commission's reply brief filed 8/24/11.
Order affirming district court entered 12/09/11.

FTC v. PROMEDICA HEALTH SYSTEMS, INC., No. 3:11-CV-0047 (N.D. Ohio)

Parties: Promedica Health Systems Inc.
State of Ohio (co-plaintiff)

Assigned Attorneys: Matthew Reilly (BC)
Jeffrey Perry
Sara Razi
Janelle Filson

Nature of Action: Action for preliminary injunction against further consolidation of acquired competitor, in violation of Section 7 of the Clayton Act.

Status: Complaint filed 1/7/11.
TRO entered 1/7/11.
Preliminary injunction entered 3/29/11.
Commission's motion for modification of preliminary injunction filed 12/19/11.

(B) Preliminary Injunctions (Other)

(None pending)

(C) Permanent Injunctions/Consumer Redress*

FTC v. AFFILIATE STRATEGIES, INC., No. 11-3319 (10th Cir); No. 5:09-CV-04104
(D. Kan.)

Parties: Affiliate Strategies, Inc.
Landmark Publishing Group, L.L.C., d/b/a G.F. Institute and Grant
Funding Institute
Grant Writers Institute, L.L.C.
Answer Customers, L.L.C.
Apex Holdings International, L.L.C.
Brett Blackman
Jordan Sevy
James Rulison
Real Estate Buyers Financial Network LLC, d/b/a Grant Writers Research
Network
Martin Nossov
Alicia Nossov
Wealth Power Systems, LLC
Aria Financial Services LLC
Direct Marketing Systems, Inc.
Justin Ely
Meggie Chapman, d/b/a Meggie Chapman & Associates

Assigned Attorney: Gary L. Ivens (BCP/MP)
Michael Bergman (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the
Telemarketing Sales Rule in connection with obtaining and receiving U.S.
government grants for consumers.

Status: Complaint filed 7/20/09.
TRO with asset freeze entered 7/24/09.
Stipulated preliminary injunction entered 9/1/09; amended 11/24/09.
Amended complaint filed adding defendants Wealth Power Systems,
LLC; Aria Financial Services LLC; Direct Marketing Systems,
Inc.; Justin Ely; and Meggie Chapman, d/b/a Meggie Chapman &
Associates filed 12/9/09.
Clerk's entry of default against defendant Direct Marketing Systems, Inc.
2/25/10.
Second amended complaint filed 6/21/10.

* Unless otherwise noted, cases involve suits for permanent injunction and other equitable relief. Post-judgment proceedings in district court are not generally reported.

Clerk's entry of default against defendants Apex Holdings, Affiliate Strategies, Landmark Publishing, Grant Writers Institute, Answer Customers, and Direct Marketing Systems entered 8/12/10.

Motion for summary judgment by defendant Chapman filed 12/10/10; Commission's opposition filed 1/3/11; reply filed 1/31/11.

Motion for summary judgment by defendant Aria Financial Services, LLC and Wealth Power Systems, LLC filed 12/10/10; Commission's opposition filed 1/3/11; reply filed 1/18/11.

Commission's motion for summary judgment filed 12/10/10; opposition by defendants Aria Financial LLC and Wealth Power Systems, LLC filed 12/27/10; opposition by defendants Real Estate Buyers Financial Network LLC and Martin and Alicia Nossov filed 1/18/11; opposition by defendant Meggie Chapman filed 1/18/11; opposition by defendant Justin Ely filed 1/26/11; Commission's replies filed 2/4/11.

Stipulated permanent injunction and final judgment order against Bret Blackman, Justin Ely, Jordan Sevy, and James Rulison entered 7/21/11.

Commission's motion for default judgment against several corporate defendants filed 7/22/11; order granting motion for default judgment against Direct Marketing Systems, Inc. entered 7/26/11.

Order denying defendant Chapman's motion for summary judgment; denying as moot defendants Aria and Wealth Power System's motion for summary judgment; and granting in part and denying in part plaintiff's motion for summary judgment, entered 7/26/11.

Default judgment and permanent injunction against Apex Holdings International LLC, Affiliate Strategies LLC, Landmark Publishing Group LLC, Grant Writers Institute LLC, and Answer Customers LLC entered 7/26/11.

Order for permanent injunction as to defendants Real Estate Buyers Network LLC and Martin Nossov entered 8/1/11.

Consent decree and final judgment order against Wealth Power Systems, LLC and Aria Financial Services LLC entered 8/12/11.

Stipulated order for permanent injunction and monetary judgment against Alicia Nossov entered 8/18/11.

Trial held on 8/22/11 and 8/23/11.

Final judgment order against Real Estate Buyers Financial Network LLC, and Martin Nossov entered 8/24/11.

Final judgment order and permanent injunction against Meggie Chapman entered 9/26/11.

Notice of appeal filed 10/27/11; amended 11/17/11.

Notice of order abating case pending termination of appellant's bankruptcy proceedings entered 11/21/11.

Commission's motion to vacate abatement filed 12/1/11; appellant's response filed 12/21/11.

FTC v. ALCOHOLISM CURE CORPORATION, No. 3:10-CV-00266 (M.D. Fla.)

Parties: Alcoholism Cure Corporation, d/b/a Alcoholism Cure Foundation
Robert Douglas Krotzer

Assigned Attorneys: Karen Mandel (BCP/AP)
Elise Whang
Serena Viswanathan

Alleged Conduct: Deceptive acts and practices in violation of Section 5 involving false advertising claims in connection with cures for alcoholism and related unauthorized billing.

Status: Complaint filed 3/29/10.
Stipulated preliminary injunction entered 5/26/10.
Default against Alcoholism Cure Corp. entered 9/22/10.
Commission motion for summary judgment filed 4/6/11; opposition by defendant Robert Douglass Krotzer filed 4/28/11.
Order granting Commission's motion for summary judgment entered 9/16/11.
Commission motion for default judgment against Alcoholism Cure Corp. filed 10/31/11; order referring motion for report and recommendations entered 11/02/11; report and recommendation for default judgment against Alcoholism Cure Corp. entered 12/05/11.

FTC v. AMBERVINE MARKETING LLC, No. 1:11-CV-02487 (N.D. Ill.)

Parties: Ambervine Marketing LLC
Encastle Inc.
Zachary S. Graham

Assigned Attorneys: Guy Ward (MWR)

Alleged Conduct: Deceptive acts or practices in violation of Sections 5 and 12 of the FTC Act in connection with the advertising, marketing and promotion of weight loss and other products to consumers.

Status: Complaint filed 4/13/11.
Commission's motion for TRO entered 4/13/11.
Stipulated TRO with other equitable relief and order to show cause why a preliminary injunction should not issued entered 4/13/11; extended 4/28/11.
Answer to complaint filed 5/20/11.
Stipulated preliminary injunction entered 5/23/11.

FTC v. AMERICAN ENTERTAINMENT DISTRIBUTORS, INC., No. 11-10150-EE (11th Cir); No. 1:04-CV-22431 (S.D. Fla.)

Parties: American Entertainment Distributors, Inc.
Automated Entertainment Dispensers, Inc.
Automated Entertainment Machines, Inc.
Universal Technical Support, Inc.
Universal Cybercom Corporation
Russell G. MacArthur, Jr.
Miriam Smolyansky (personal representative for estate of deceased defendant Anthony Rocco Andreoni)
James R. MacArthur
Mauricio A. Paz
Miriam Smolyansky, a/k/a Masha Tango

Assigned Attorneys: Michael Tankersley (BCP/MP)
Ruthanne M. Deutsch (OGC)

Alleged Conduct: Deceptive practices in violation of Section 5 and the Franchise Rule in connection with the sale of a business opportunity venture involving automated DVD and VHS movie rental machines.

Status: Complaint for injunctive and other equitable relief filed 9/28/04.
TRO entered 9/29/04.
Stipulated preliminary injunction as to defendants American Entertainment Distributors, Inc. and James R. MacArthur entered 10/21/04.
Stipulated preliminary injunction as to defendants Universal Cybercom Corporation and Mauricio A. Paz entered 11/24/04.
Order modifying TRO entered 12/29/04.
Stipulated preliminary injunction as to defendants Automated Entertainment Dispensers, Inc., Universal Technical Support, Inc., Anthony Rocco Andreoni and Miriam Smolyansky entered 1/5/05.
Stipulated amendment of preliminary injunction as to defendant Anthony Rocco Andreoni entered 1/5/05.
Stipulated preliminary injunction with asset freeze as to defendant Russell G. MacArthur, Jr. entered 1/21/05.
Default judgment and final order for permanent injunction as to American Entertainment Distributors, Inc., Automated Entertainment Machines, Inc. and James R. MacArthur entered 2/22/05.
Commission's motion to stay discovery until criminal proceedings are completed filed 8/30/05; defendants' response filed 9/6/05; Commission's response filed 9/9/05; order granting motion to stay entered 10/17/05.
Order reopening case and lifting stay entered 5/13/08.
Commission's motion for summary judgment against defendant Russell G. MacArthur, Jr. filed 10/24/08.

Stipulated proposed final orders as to Mauricio A. Paz, Universal Cybercom Corporation, Automated Entertainment Distributors, Inc., and Universal Technical Support, Inc. filed 1/16/09.
Final order and permanent injunction as to defendant Russell G. MacArthur, Jr. entered 7/21/09.
Stipulated final order as to defendant Miriam Andreoni entered 11/17/10.
Stipulated final orders as to defendants Mauricio A. Paz, Universal Cybercom Corporation, Automated Entertainment Distributors, Inc., and Universal Technical Support, Inc. entered 11/18/10.
Notice of appeal by defendant Miriam Andreoni filed 1/12/11.
Brief for appellant filed 3/3/11.
Brief for the Commission filed 4/11/11.
Decision affirming district court entered 7/8/11.
Motion for summary judgment against defendant the Estate of Anthony Rocco Andreoni filed 9/9/11.

FTC v. AMERICAN PRECIOUS METALS, LLC, No. 0:11-CV-61072 (S.D. Fla.)

Parties: American Precious Metals, LLC
Sam J. Goldman
Harry Tanner, Jr.
Andrea Tanner

Assigned Attorneys: Dama J. Brown (SER)
Harold E. Kirtz
Sana Chriss

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Telemarketing Sales Rule in connection with the defendants' marketing, distribution, and sale to consumers of precious metals investment opportunity.

Status: Complaint filed 5/10/11.
TRO granted 5/13/11.
Stipulated preliminary injunction as to all defendants entered 5/24/11.
Pretrial conference set for 10/21/11.
Motion to dismiss complaint filed 6/8/11.
Motion for summary judgment filed 9/6/11.
Amended complaint adding Sam Goldman as defendant filed 10/11/11.
Preliminary injunction against Sam Goldman entered 12/28/11.

FTC v. AMERICAN TAX RELIEF LLC, No. 2:11-CV-06397 (C.D. Cal.); No. 1:10-CV-06123
(N.D. Ill)

Parties: American Tax Relief LLC
Alexander Seung Hahn
Joo Hyun Park
Il Kon Park
Young Soon Park

Assigned Attorneys: Karen D. Dodge (MWR)
Marissa J. Reich

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with defendants' advertising, promotion, and sale of tax relief services.

Status: Complaint filed 9/24/2010.
TRO with asset freeze entered 9/24/10.
Preliminary injunction with asset freeze entered 11/9/10.
Order granting defendants' motion to transfer case to the Central District of California entered 7/20/11.

FTC v. ASIA PACIFIC TELECOM, INC., No. 1:10-CV-03168 (N.D. Ill.)

Parties: Asia Pacific Telecom, Inc., d/b/a Asia Pacific Networks
Repo B.V.
SBN Peripherals, Inc., d/b/a SBN Dials
Johan Hendrik Smit Duyzentkunst
Janneke Bakker-Smit Duyzentkunst

Assigned Attorneys: Steven M. Wernikoff (MWR)
James H. Davis

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Telemarketing Sales Rule involving prerecorded telemarketing calls for a variety of products.

Status: Complaint filed 5/24/10.
TRO with asset freeze entered 5/25/10; extended 5/27/10.
Preliminary injunction as to defendants Asia Pacific Telecom, Inc. and Repo B.V. entered 6/15/10.
Preliminary injunction as to defendants Johan Hendrik Smit Duyzentkunst, Janneke Bakker-Smit Duyzentkunst, and SBN Peripherals, Inc. entered 7/1/10.
Commission's motion for partial summary judgment filed 6/28/11; granted in part and denied in part 7/26/11.

FTC v. BEONY INTERNATIONAL LLC, No. 1:11-CV-02488 (N.D. Ill.)

Parties: Beony International LLC
Mario Milanovic
Cody Adams

Assigned Attorney: John C. Hallrud (MWR)

Alleged Conduct: Deceptive acts or practices in violation of Sections 5 and 12 of the FTC Act in connection with the advertising, marketing and promotion of weight loss and other products to consumers.

Status: Complaint filed 4/13/11.
TRO with other equitable relief and order to show cause why a preliminary injunction should not issued entered 4/18/11.
Stipulated preliminary injunction entered 4/29/11.

FTC v. BLUEHIPPO FUNDING, LLC, No. 11-374 (2d Cir.); No. 1:08-CV-01819 (S.D.N.Y.)

Parties: BlueHippo Funding, LLC
BlueHippo Capital LLC
Joseph K. Rensin

Assigned Attorneys: Amanda C. Basta (BCP/ENF)
Michael D. Bergman (OGC)
David C. Shonka

Alleged Conduct: Contempt proceeding for violations of a permanent injunction in connection with the sale of personal computers, televisions, and other consumer electronics.

Status: Complaint filed 2/22/08.
Stipulated final judgment and order for permanent injunction entered 4/9/08.
Motions for contempt and to modify permanent injunction against BlueHippo Funding, LLC, BlueHippo Capital LLC, and Joseph K. Rensin filed 11/17/09.
Order to show cause why defendants should not be held in contempt entered 11/16/09; modified 11/18/09.
Defendants' memoranda of law filed 12/7/09 and 12/11/09; Commission's reply memoranda of law filed 12/11/09 and 12/12/09.
Trial held 2/9/10-2/11/10; closing argument held 2/19/10.
Order granting motion for contempt entered 7/27/10; judgment entered 7/30/10.
Commission's motion to amend/correct judgment and order filed 8/27/10; defendants' opposition filed 9/24/10; Commission's reply filed 10/8/10.
Order denying Commission's motion to amend/correct judgment and order entered 12/1/10.
Notice of appeal filed 2/1/11.
Commission's brief filed 5/16/11.
Appellee's brief filed 8/15/11.
Commission's reply brief filed 9/12/11.
Argument set for 2/23/12.

FTC v. BURNLOUNGE, INC., No. 2:07-CV-03654 (C.D. Cal.)

Parties: BurnLounge, Inc.
Juan Alexander Arnold
John Taylor
Rob DeBoer
Scott Elliott

Assigned Attorneys: Chris M. Couillou (SER)
Dama Brown
David C. Fix (BCP/MP)
Ruthanne M. Deutsch (OGC)

Alleged Conduct: Deceptive practices in violation of Section 5 in connection with the advertising, marketing, and sale of opportunities to operate on-line digital music stores.

Status: Complaint filed 6/6/07.
Stipulated preliminary injunction as to defendant Scott Elliott entered 7/2/07.
Stipulated preliminary injunction as to defendant BurnLounge, Inc. entered 7/3/07.
Stipulated preliminary injunction as to defendant Rob DeBoer entered 8/7/07.
Stipulated preliminary injunction as to defendant John Taylor entered 8/8/07.
Stipulated preliminary injunction as to defendant Juan Alexander Arnold entered 8/21/07.
Commission's motion to show cause why defendants BurnLounge and Juan Alexander Arnold should not be held in contempt for violation of stipulated preliminary injunction filed 4/24/08; defendants' opposition filed 5/7/08; Commission's reply filed 5/8/08; order granting motion to show cause entered 5/19/08.
Stipulated final order for permanent injunction and other equitable relief as to defendant Scott Elliott entered 6/16/08.
Defendants BurnLounge and Juan Alexander Arnold opposition to order to show cause filed 6/24/08; Commission's response filed 7/7/08; defendants' reply filed 7/8/08.
Order finding BurnLounge in violation of court injunction entered 8/4/08.
Trial held 12/9/08 to 12/22/08.
Post-trial briefs filed 3/6/09.
Closing arguments held 3/30/09.
Commission's motion to protect frozen assets from collection efforts by third parties filed 5/15/09; hearing on motion held 7/13/09.
Statement of decision entered 7/1/11.

Final judgment and order for permanent injunction and other equitable relief against defendants Burnlounge, Inc., Juan Alexander Arnold, John Taylor and Orb Deboer entered 7/25/11.
Defendants' ex parte application to vacate judgment filed 7/29/11;
Commission's reply filed 8/1/11; order granting ex part application entered 8/4/11.

FTC v. CENTRAL COAST NUTRACEUTICALS, INC, No. 1:10-CV-04931 (N.D. Ill.)

Parties: Central Coast Nutraceuticals, Inc.
Fit for Life, LLC
Graham D. Gibson
Health and Beauty Solutions, LLC
Michael A. McKenzy
Simply Naturals, LLC
iLife Health and Wellness, LLC

Assigned Attorneys: David A. O'Toole (MWR)
Rozina C. Bhimani
Theresa M. McGrew
Joannie T. Wei

Alleged Conduct: Deceptive acts and practices in violation of Sections 5 and 12 of the FTC Act, the Electronic Fund Transfer Act, and Regulation E in connection with defendants' advertising, marketing, promotion, and sale of health and beauty products.

Status: Complaint filed 8/05/10.
TRO with asset freeze entered 8/06/10.
Stipulated preliminary injunction entered 9/17/10.
Stipulated final order for permanent injunction and final judgment as to all defendants entered 12/30/11.

FTC v. CEPHALON, INC., No. 2:08-CV-02141 (E.D. Pa.), formerly No. 1:08-CV-00244
(D.D.C.)

Parties: Cephalon, Inc.

Assigned Attorneys: Markus H. Meier (BC)
Saralisa C. Brau
Bradley S. Albert
Alpa D. Gandhi
Garth W. Huston
Suzanne Munck

Alleged Conduct: Violations of Section 5 in connection with inducing generic companies to abandon patent challenge and agreeing to refrain from producing a generic form of the drug Provigil.

Status: Complaint for injunctive relief in D.D.C. filed 2/13/08.
Order granting defendant's motion to transfer case to E.D. Pa. entered 4/28/08.
Defendant's motion to dismiss filed 5/2/08; Commission's opposition to motion filed 6/2/08; defendant's reply filed 6/20/08.
First amended complaint filed 8/12/09.
Defendant's motion to dismiss filed 8/31/09; Commission's response in opposition filed 9/14/09; oral argument held 10/21/09.
Order and memorandum denying motion to dismiss entered 3/29/10.

FTC v. CHASE FINANCIAL FUNDING INC., No. 8:04-CV-00549 (C.D. Cal.)

Parties: Chase Financial Funding Inc.
James F Berry
Suzanna Admire
Jeremy Alexander
Chase Enterprise
WCM QSUB-34

Assigned Attorneys: Faye C. Barnouw (WR-LA)
Nikhil Singhvi

Alleged Conduct: Deceptive acts and practices in violation the Federal Trade Commission Act and the Truth in Lending Act.

Status: Complaint filed 5/12/04.
Parties executed stipulated final judgment 12/04.
FTC initiates contempt proceedings 6/28/05
Stipulated order resolving contempt proceedings entered 12/7 05.
Bankruptcy proceedings initiated 4/20/06.
Bankruptcy proceedings closed 7/8/11.
Motion to reopen to enter final judgment and order for permanent injunction and other equitable relief filed 10/17/11.

FTC v. CIRCA DIRECT LLC, No. 1:11-CV-02172 (D. N.J.)

Parties: Circa Direct LLC
Andrew Davidson

Assigned Attorneys: Elizabeth O. Tucci (BCP/AP)
Laura Sullivan

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with the advertising, marketing and promotion of acai berry-based weight loss products and other products.

Status: Complaint filed 4/18/11.
TRO and order to show cause entered 4/19/11.
Answer to complaint filed 5/6/11.
Stipulated preliminary injunction order entered 6/1/11.

FTC v. COMMERCE PLANET, INC., No. 8:09-CV-01324 (C.D. Cal.)

Parties: Commerce Planet, Inc., d/b/a Online Supplier
Michael Hill
Charles Gugliuzza
Aaron Gravitz

Assigned Attorneys: David M. Newman (WR-SF)
Eric D. Edmondson
Raymond E. McKown (WR-LA)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with the marketing and sale of “Online Auction Starter Kits” and automatic debiting of monthly charges to consumer credit cards.

Status: Complaint filed 11/10/09.
Stipulated final orders for permanent injunction and monetary relief against Commerce Planet, Inc., Michael Hill, and Aaron Gravitz entered 11/18/09.
Motion to dismiss as to defendant Charles Gugliuzza filed 1/19/10; Commission’s opposition to motion filed 2/1/10; defendants’ reply filed 2/8/10; order denying defendants’ motion to dismiss entered 2/12/10.
Defendant Charles Gugliuzza’s answer impleading Superfly Advertising, Inc. (a Delaware corporation) and Superfly Advertising, Inc. (an Indiana corporation) as third-party defendants filed 4/16/10; amended answer adding counterclaim against Commission filed 5/4/10.
Motion to dismiss Charles Gugliuzza’s counterclaim filed 5/25/10; Gugliuzza’s opposition filed 6/21/10; Commission’s reply filed 6/28/10.
Motion to dismiss third-party defendant Superfly Advertising, Inc. filed 6/22/10; Gugliuzza’s opposition filed 7/19/10; reply by third-party defendant Superfly Advertising, Inc. filed 7/26/10.
Order granting third-party defendant Superfly Advertising’s motion to dismiss entered 8/5/10.
Amended third-party complaint against counter defendants Superfly Advertising, Inc. (an Indiana corporation) and Superfly Advertising, Inc. (a Delaware corporation) by defendant Charles Gugliuzza filed 8/25/10.
Motion to dismiss first amended third-party complaint by third-party defendant Superfly Advertising, Inc. filed 9/15/10; order granting motion entered 10/27/10.
Second amended third-party complaint against counter defendants Superfly Advertising, Inc. (an Indiana corporation) and Superfly Advertising, Inc. (a Delaware corporation) by defendant Charles Gugliuzza filed 11/16/10.

Motion to dismiss second amended third-party complaint by third-party defendant Superfly Advertising, Inc. filed 11/29/10; order granting motion entered 12/28/10.

Motion for summary judgment by defendant Charles Gugliuzza filed 4/22/11.

First amended complaint for permanent injunction and other equitable relief filed 6/29/11.

Defendant Charles Gugliuzza's motion for summary judgment filed 7/27/11; Commission's opposition filed 8/22/11; reply filed 8/29/11; order denying motion for summary judgment entered 9/08/11.

FTC v. CONSUMER HEALTH BENEFITS ASS'N, No. 1:10-CV-03551 (E.D.N.Y.)

Parties:	Consumer Health Benefits Association	John Schwartz
	Jeffery Burman	Barbara Taube
	Century Senior Services	Rita B. Werner
	Guarantee Trust Life Insurance	Ronald K. Werner
	Richard Holson III	Vantage America Solutions
	Louis Leo	Windi Tow
	National Association for Americans	
	National Benefits Consultants, LLC	
	National Benefits Solutions, LLC	

Assigned Attorneys: Karen A. Dahlberg (NER)
Leonard L. Gordon

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Telemarketing Sales Rule in connection with defendants' marketing, distribution, and sale of medical discount plans.

Status: Complaint filed 8/03/10.
Stipulation and order modifying ex parte TRO as to defendant Louis Leo entered 8/25/10.
Stipulation and order modifying ex parte TRO as to defendants Ron Werner and Rita Werner entered 8/25/10.
Stipulated preliminary injunction order as to defendant Louis J. Leo entered 9/21/10.
Stipulated preliminary injunction as to defendants Ron Werner and Rita Werner entered 10/01/10.
Preliminary injunction as to corporate defendants entered 10/5/10.
Clerk's entry of default as to corporate defendants 11/15/10.
Stipulation and order modifying the preliminary injunction order as to defendants Louis Leo, Rita and Ronald Werner entered 3/31/11.
Commission's motion for leave to amend complaint naming additional defendants filed 5/06/11; magistrate judge's decision granting motion entered 8/18/11.
Appeals of magistrate judge's decision by proposed defendants filed 9/06/11.
Commission's amended complaint filed 10/13/11.
Motion to dismiss by John Schwartz and Wendi Tow filed 11/22/11.

FTC v. COULOMB MEDIA, INC., No. 2:11-CV-11618 (E.D. Mich.)

Parties: Coulomb Media, Inc.
Cody Jay Low

Assigned Attorneys: Sara C. DePaul (ECR)
Steven W. Balster

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with the advertising, marketing and promotion of acai berry products.

Status: Complaint filed 4/15/11.
Stipulated TRO with equitable relief entered 5/6/11; extended 5/16/11.
Stipulated preliminary injunction entered 6/9/11.
Stipulated order removing case from court's docket and directing the parties to file status reports every 30 days entered 7/29/11.

FTC v. DALBEY, No. 1:11-CV-01396 (D. Colo.)

Parties: Russell T. Dalbey
DEI, LLLP
Dalbey Education Institute, LLC
IPME, LLLP
Catherine L. Dalbey
Marsha Kellogg

Assigned Attorneys: Alysa S. Bernstein (BCP/AP)
David P. Frankel
Michelle Robyn Rosenthal

Alleged Conduct: Deceptive practices in violation of Section 5 and the FTC's Telemarketing Sales Rule in connection with defendants' marketing of wealth-building program.

Status: Complaint filed 5/26/11.
Stipulated final order for permanent injunction and other equitable relief as to defendant Marsha Kellogg entered 6/7/11.
Joint motion for stipulated preliminary injunction filed 9/29/11.
Stipulated order for preliminary injunction and other equitable relief as to defendant Russell T. Dalbey entered 10/11/11.
Trial set for week of 1/22/13.

FTC v. DEBT ADVOCACY CENTER, LLC, No. 1:09-CV-02712 (N.D. Ohio)

Parties: Debt Advocacy Center, LLC CreditLaw Group
Smith, Gromann & Davidson, P.A. Credit Services Alliance, Inc.
Edward J. Davidson Bradford R. Geisen
John W. Smith Maurice Jackson
Glen E. Gromann Patrick Butler
Kevin McCormick

Assigned Attorneys: Michael B. Rose (ECR)
Michael Milgrom
Steven W. Balster
Maria del Monaco

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the TSR in connection with mortgage loan modification services, charging consumer accounts, and refunds of consumer fees.

Status: Complaint filed 11/19/09.
TRO entered 11/20/09.
Stipulated preliminary injunction entered 1/25/10.
Amended complaint adding claims and defendants CreditLaw Group; Credit Services Alliance, Inc.; Bradford R. Geisen; Maurice Jackson; and Patrick Butler filed 5/14/10.
Order to show cause why defendant Edward J. Davidson should not be held in contempt of court for violating the stipulated preliminary injunction entered 1/14/11.
Jury trial set for 4/16/12.

FTC v. DEBT RELIEF USA, No. 3:11-CV-02059 (N.D. Tex.)

Parties: Debt Relief USA Inc
Kelly Reilly
Alvin Bell
James Wojcik
Valerie Leath

Assigned Attorneys: Susan Arthur (SWR)
Shereen El Domeiri

Alleged Conduct: Deceptive acts and practices in violation of Section 5 involving advertising, marketing, promotion, offering for sale or sale of debt relief services.

Status: Complaint filed 8/17/11.
Stipulated permanent injunction and final order as to defendant Debt Relief USA Inc entered 9/27/11.
Stipulated final judgments and orders for permanent injunction and Monetary Relief as to defendants Valerie Leath and James Wojcik entered 9/27/11.

FTC v. DIRECT BENEFITS GROUP, LLC, No. 6:11-CV-01186 (M.D. Fla.)

Parties: Direct Benefits Group, LLC
Voice Net Global, LLC
Solid Core Solutions, Inc.
WKMS, Inc.
Kyle Wood
Mark Berry

Assigned Attorneys: Harold E. Kirtz (SER)
Barbara E. Bolton

Alleged Conduct: Unfair or deceptive acts and practices in violation of Section 5 involving unauthorized charges to consumer bank accounts.

Status: Complaint filed 7/18/11.
TRO entered 7/19/11.
Permanent injunction entered 08/19/11.
Stipulated permanent injunction and final order as to defendant Debt Relief USA, Inc.; Valerie Leath; James Wojcik entered 9/27/11.

FTC v. DIRECT FINANCIAL MANAGEMENT, INC., No. 1:10-CV-07194 (N.D. Ill.)

Parties: Direct Financial Management, Inc.
2194673 Ontario Inc., d/b/a The Elite Financial Group
F&F Payment Processing, Inc.
Bajada Management Group Inc.
David D. Richards
Baird B. Fisher
Jacqueline M. Fisher
Joseph B. Foley

Assigned Attorneys: John C. Hallerud (MWR)
Guy G. Ward
Charles M. Evans

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the
Telemarketing Sales Rule in connection with the marketing and sale of
credit card interest rate reduction services.

Status: Complaint filed 11/8/10.
TRO with asset freeze and show cause order entered 11/8/10.
Preliminary injunction as to defendants Direct Financial Management,
Inc., 2194673 Ontario, Inc., and David D. Richards entered
11/22/10.
Preliminary injunction as to defendant Joseph B. Foley entered 12/2/10.
Default against defendants Direct Financial Management, Inc.,
219463 Ontario Inc., David D. Richards, and Joseph B. Foley
entered 1/13/11.

FTC v. DIRECT MARKETING CONCEPTS, INC., No. 1:07-CV-11870 (D. Mass.)

Parties: Direct Marketing Concepts, Inc.
ITV Direct, Inc.
ITV Global, Inc.
Donald W. Barrett
Robert Maihos

Assigned Attorneys: Edward Glennon (BCP/AP)
Shira D. Modell
Heather Hipsley

Alleged Conduct: Deceptive acts or practices in violation of Section 5 of the FTC Act in connection with the advertising, promotion, and sale of a book entitled “The Weight Loss Cure ‘They’ Don’t Want You to Know About.”

Status: Complaint filed 10/4/07.
Amended complaint adding defendant ITV Global, Inc. filed 10/17/07.
Defendants’ motion to dismiss filed 11/15/07; Commission’s opposition filed 11/29/07.
Order denying defendants’ motion to dismiss entered 7/9/08.
Commission’s motion to file second amended complaint filed 4/17/09; response in opposition filed 5/1/09; Commission’s reply filed 5/13/09; order denying motion entered 8/13/09.
Suggestion of death as to Robert Maihos filed 6/30/11.

FTC v. DLXM LLC, No. 1:11-CV-01889 (E.D.N.Y)

Parties: DLXM LLC d/b/a DLX Marketing
Michael Volozin

Assigned Attorneys: Ann F. Weintraub (NER)
David W. Dulabon

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with the advertising, marketing and promotion of weight-loss products containing acai berries.

Status: Complaint filed 4/18/11.
Stipulated preliminary injunction entered 5/6/11.

FTC v. DUNLEVY, No. 1:11-CV-01226 (N.D. Ga.)

Party: Charles Dunlevy

Assigned Attorney: Robin L. Rock (SER)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with the advertising, marketing and promotion of weight-loss products containing acai berries.

Status: Complaint filed 4/14/11.
TRO and order to show cause entered 4/15/11.
Stipulated preliminary injunction with asset preservation and other equitable relief entered 5/3/11.

FTC v. DUTCHMAN ENTERPRISES, LLC, No. 2:09-CV-00141 (D.N.J.)

Parties: Dutchman Enterprises, LLC
United Community Services of America, Inc., d/b/a UCSA Dealers Group
Dennis Lee

Assigned Attorneys: Joshua S. Millard (BCP/ENF)
Lemuel Dowdy

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with claims of an automobile fuel-savings device.

Status: Complaint filed 1/12/09.
TRO with asset freeze and other equitable relief entered 1/14/09.
Preliminary injunction with asset freeze entered 6/9/09.
Default against corporate defendants Dutchman Enterprises and United Community Services of America, Inc. entered 3/9/11.
Stipulated order for permanent injunction and final judgment as to defendants Dutchman Enterprises, LLC, United Community Services of America, Inc., and Dennis Lee entered 12/07/2011.

FTC v. EDEBITPAY, No. 11-55431 (9th Cir.); No. 2:07-CV-04880 (C.D. Cal.)

Parties: EDebitPay, LLC
Dale Paul Cleveland
William Richard Wilson

Assigned Attorneys: Mark Morelli (BCP/ENF)
Zachary V. Hunter
John D. Jacobs (WR-LA)
Leslie R. Melman (OGC)

Alleged Conduct: Contempt proceedings for violating a stipulated final order.

Status: Complaint filed 7/30/07.
Stipulated final order entered 1/17/08.
Motions for contempt and for order to show cause as to contempt defendants EdebitPay, LLC; Dale Paul Cleveland; and William Richard Wilson filed 5/27/10.
Order to show cause 7/2/10.
Hearing on order to show cause held 11/22/10 and 12/2-12/3/10.
Order finding the defendants in contempt and imposing contempt sanction of \$3,720,774.50 entered 2/4/11.
Notice of appeal filed 3/16/11.
Appellants' opening brief filed 10/06/11; Commission's answering brief filed 12/06/11; appellants' reply brief filed 12/19/11.

FTC v. FINANCIAL FREEDOM PROCESSING, INC., No. 3:10-CV-02446 (N.D. Tex.)

Parties: Financial Freedom Processing, Inc.,
Corey Butcher
Brent Butcher
Debt Consultants of America, Inc.
Debt Professionals of America, Inc.
Robert Creel
Corey Butcher
Nikki Creel, a/k/a Nikki Vrla

Assigned Attorneys: Ann D. LeJeune (SWR)
Gary D. Kennedy
Shereen El Domeiri

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with the marketing and sale of debt relief services.

Status: Complaint filed 12/2/10.
Order consolidating case with *FTC v. Debt Consultants of America, Inc.*,
No. 3:10-CV-02447 and adding those defendants to this case
entered 4/1/11.
Trial held 12/12-12/20/11.

FTC v. 1st GUARANTY MORTGAGE CORP., No. 0:09-CV-61840 (S.D. Fla.)

Parties: 1st Guaranty Mortgage Corporation, Inc.
Spectrum Title, Inc.
Crossland Credit Consulting Corp.
Scoreleaper, LLC
Stephen Lalonde
Amy Lalonde
Michael Petroski

Assigned Attorneys: David R. Spiegel (BCP/ENF)
Edwin Rodriguez
Ruthanne M. Deutsch (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5, the Credit Repair
Organizations Act, and the Telemarketing Sales Rule in connection with
the marketing and sale of mortgage loan refinancing and modification
services and credit repair services.

Status: Complaint filed 11/17/09.
TRO with asset freeze entered 11/17/09; extended 12/1/09 and 12/15/09.
Stipulated preliminary injunction as to defendants 1st Guaranty Mortgage
Corporation, Inc.; Spectrum Title, Inc.; Crossland Credit
Consulting Corp.; Scoreleaper, LLC; and Amy Lalonde entered
12/1/09.
Stipulated preliminary injunction as to defendant Stephen Lalonde entered
12/15/09.
Clerk's entry of default as to corporate defendants 2/4/10.
Commission's motion for summary judgment as to defendants Stephen
Lalonde, Amy Lalonde, and Michael Petroski filed 8/26/10.
Defendant Amy Lalonde's opposition to Commission's motion for
summary judgment filed 9/10/10; Commission's reply filed
9/27/10.
Commission's motion for default judgment and order for permanent
injunction as to corporate defendants filed 10/8/10.
Defendant Michael Petroski's opposition to Commission's motion for
summary judgment filed 11/30/10; Commission's reply filed
12/14/10.
Defendant Stephen Lalonde's motion to dismiss Commission's complaint
filed 12/30/10; Commission's opposition filed 1/11/11.

Order granting in part Commission's motion for summary judgment, entered 3/30/11.
Final judgment entered against defendants Stephen Lalonde and Michael Petroski, 3/30/11.
Defendant Stephen Lalonde's motion for reconsideration filed 5/10/11; Commission's opposition to motion filed 5/17/11; order denying motion for reconsideration entered 7/20/11.
Default judgment against defendants 1st Guaranty Mortgage, Crossland Credit Consulting, Scoreleaper, and Spectrum Title entered 7/6/11.
Notice of interlocutory appeal by Stephen Lalonde filed 8/01/11.
Defendant Stephen Lalonde's motion to stay execution of judgment and release non-party assets filed 8/1/11; Commission's opposition filed 8/11/11.
Stipulated settlement and final judgment and order for permanent injunction against defendant Amy Lalonde entered 9/26/11.

FTC v. FORENSIC CASE MANAGEMENT SERVICES, INC., No. 2:11-CV-07484
(C.D. Cal.)

Parties: Forensic Case Management Services, Inc., d/b/a Commercial Investigations, Inc., FCMS Inc., Commercial Recovery Solutions Inc., Rumson Bolling & Associates
Specialized Recovery Inc., d/b/a Joseph, Steven & Associates, and Specialized Debt Recovery
Commercial Receivables Acquisition Inc., d/b/a Commercial Recovery Authority, Inc., and The Forwarding Company
David M. Hynes II, a/k/a David M. Hynes Jr.
James Hynes
Heather True
Frank E. Lindstrom, Jr.
Lorena Quiroz-Hynes, a/k/a Lorena Quiroz, and Lorena Hynes

Assigned Attorneys: Christopher Koegel (BCP/FP)
Rebecca Unruh
Seena Gressin
Raymond McKown (WR-LA)

Alleged Conduct: Unfair and deceptive acts or practices in violation of Section 5 and the FDCPA related to debt collection practices.

Status: Complaint filed 9/12/2011.
Ex parte TRO with asset freeze, appointment of receiver, and expedited discovery entered 9/14/11.
Preliminary injunction entered 9/27/11.

FTC v. FRONTIER PUBLISHING INC., No. 8:11-CV-01537 (C.D. Cal.)

Parties: Frontier Publishing Inc., d/b/a American Data Group
William J. Clayton, d/b/a Frontier Publishing Inc.

Assigned Attorneys: David Newman (WR-SF)

Alleged Conduct: Violation of Section 5 in connection with the advertising, marketing, promotion, offering for sale or sale of employment products or services.

Status: Complaint filed 10/05/11.
Final judgment and order for permanent injunction and monetary relief entered 10/14/11.

FTC v. FROSTWIRE LLC, 1:11-CV-23643 (S.D. Fla.)

Parties: Frostwire LLC
Angel Leon

Assigned Attorneys: Carl H. Settlemyer III (BCP/AP)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with the file-sharing mobile application and desktop application “Frostwire” causing personal files to be made public.

Status: Complaint filed 10/07/2011.
Stipulated final order for permanent injunction entered 10/12/11.

FTC v. GARDEN OF LIFE INC., No. 9:06-CV-80226 (S.D. Fla.)

Parties: Garden of Life, Inc.
Jordan S. Rubin

Assigned Attorneys: Karen Mandel Muoio (BCP/AP)
Kristin Williams (BCP/ENF)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and 12 in connection with the advertising of a dietary supplement.

Status: Complaint filed 3/08/06.
Stipulated final order and judgment for permanent injunction and other equitable relief entered 3/30/06.
Commission's show cause motion as to why defendants should not be held in contempt filed 9/09/11; order granted 9/13/11; defendants' response filed 10/11/11.
Commission's motion to modify stipulated final order and judgment filed 10/25/11; defendants' opposition filed 11/14/11; Commission's reply filed 11/22/11.

FTC v. GOVERNMENT CAREERS INC., No. 4:09-CV-00721 (D. Ariz.)

Parties: Government Careers Inc.
Jon Coover
Richard Friedberg
Rimona Friedberg

Assigned Attorneys: Barbara Y.K. Chun (WR-LA)
Raymond E. McKown

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with the marketing and sale of employment good and services and related refunds.

Status: Complaint filed 12/28/09.
TRO with asset freeze entered 1/5/10.
Stipulated preliminary injunction against defendants Richard Friedberg and Ramona Friedberg entered 2/2/10.
Stipulated preliminary injunction against defendants Government Careers, Inc. and Jon Coover entered 2/12/10.
Stipulated final order for permanent injunction as to defendants Government Careers Inc. and Jon Coover entered 12/20/10.
Order denying motion to vacate stipulated preliminary injunction against defendants Richard and Rimona Friedberg entered 3/29/11.
Order vacating scheduling dates and requiring parties to file a stipulated motion to dismiss based on settlement or file a joint settlement status report entered 11/29/11.

FTC v. GRANT CONNECT, LLC, No. 11-18023 (9th Cir.), No. 2:09-CV-01349 (D. Nev.)

Parties: Grant Connect, LLC MSC Online, Inc.
Global Gold, Inc. Paid To Process, Inc.
Global Gold Limited Premier Plus Member, Inc.
Horizon Holdings, LLC Total Health, Inc.
O'Connell Gray LLC Vcomm, Inc.
Vantex Group, LLC Rachael A. Cook
Vertek Group, LLC James J. Gray
Pink LP Steven R. Henriksen
Consolidated Merchant Solutions, LLC Michael L. Henriksen, Jr.
OS Marketing Group, LLC Juliette M. Kimoto
Acai, Inc. Tasha Jn Paul
AllClear Communications, Inc. Kyle R. Kimoto
Dragon Group, Inc. Randy D. O'Connell
Elite Benefits, Inc. Johnnie Smith
Global Fulfillment, Inc. Healthy Allure, Inc.
Juliette M. Kimoto Asset Protection Trust Juliette M. Kimoto
Randy D. O'Connell

Assigned Attorneys: Roberto Anguizola (BCP/MP)
Tracey Thomas
Dotan Weinman
Burke Kappler (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Electronic Funds Transfer Act in connection with purported access to free government grants, the inadequate disclosure of negative options, and the unauthorized debiting of consumer accounts.

Status: Complaint filed 7/27/09.
TRO entered 7/28/09.
Stipulated preliminary injunction as to defendants Grant Connect, LLC; Horizon Holdings, LLC; O'Connell Gray LLC; James J. Gray; and Randy D. O'Connell entered 8/18/09.
Preliminary injunction as to defendants Global Gold, Inc.; Vantex Group, LLC; Vertek Group, LLC; Pink LP; Steven R. Henriksen; Rachael A. Cook; and Juliette M. Kimoto entered 9/22/09..
Amended complaint adding defendants Global Gold Limited; Consolidated Merchant Solutions, LLC; OS Marketing Group, LLC; Acai, Inc.; AllClear Communications, Inc.; Dragon Group, Inc.; Elite Benefits, Inc.; Global Fulfillment, Inc.; Healthy Allure, Inc.; MSC Online, Inc.; Paid To Process, Inc.; Premier Plus Member, Inc.; Total Health, Inc.; Vcomm, Inc.; Juliette M. Kimoto Asset Protection Trust; Michael L. Henriksen, Jr.; Tasha Jn Paul; Kyle R. Kimoto; and Johnnie Smith filed 4/21/10.
Stipulated final judgement and order for permanent injunction and

monetary relief in favor of FTC and against Johnnie Smith entered 6/10/11.

Preliminary injunction as to defendants Michael L. Hendricksen, Jr.; Tasha Jn Paul; Kyle R. Kimoto; and Johnnie Smith entered 6/17/10.

Cross-motions for summary judgment filed 12/22/10; responses filed 3/14/11 and 3/15/11.

Stipulated final judgment and order for permanent injunction and monetary relief as to defendant Johnnie Smith entered 6/10/11.

Stipulated consent judgment and order for permanent injunction and monetary relief as to defendants Vantex Group, LLC; Vertek Group LLC; Pink LP; Juliette M. Kimoto Asset Protection Trust; and Juliette M. Kimoto entered 8/31/11.

Consent judgment in favor of the Commission and against Vantex Group LLC; Vertek Group LLC; Juliette M. Kimono Asset Protection Trust, and Juliette M. Kimoto in the amount of \$29,916,533.38 entered 9/1/11.

Order denying defendants' motion for summary judgment and granting in part and denying in party Commission's motion for summary judgment entered 10/25/11.

Permanent injunction entered 10/25/11.

Judgment in favor of Commission entered 11/02/11.

Motion to amend/correct judgment by defendants Acai, Inc., Health Allure, Inc., MSC Online, Inc., Paid to Process, Inc., Total Health, filed 11/22/11; Commission's response filed 12/08/11; order denying motion entered 12/20/11.

Notice of appeal filed by defendant Kyle Kimoto, 12/19/11.

FTC v. HEALTH CARE ONE LLC, No. 8:10-CV-01161 (C.D. Cal.)

Parties: Health Care One LLC
Americans4Healthcare, Inc.
Michael Jay Ellman
Elite Business Solutions, Inc.
Robert Daniel Freeman
Mile High Enterprise Inc.
Bryan Matthew Loving

Assigned Attorneys: Faye C Barnouw (WR-LA)
Barbara Y K Chun
John David Jacobs
Maricela Segura

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Telemarketing Sales Rule in connection with defendants' advertising, marketing, distribution, and sale of medical discount programs.

Status: Complaint filed 8/3/10.
TRO entered 8/3/10.
Stipulated preliminary injunction against Elite Business Solutions, Inc. and Robert Daniel Freeman entered 8/23/10.
Preliminary injunction as to defendants Health Care One LLC, Americans4Healthcare, Inc., and Michael Ellman entered 9/1/10.
Clerk's entry of default as to defendants Health Care One LLC, Americans4Healthcare, Inc., and Michael Ellman entered 12/13/10.
Stipulated order to set aside default as to defendants Health Care One LLC, Americans4Healthcare, Inc., and Michael Ellman entered 12/29/10.
Stipulated final judgment and order for permanent injunction and other equitable relief against defendants Elite Business Solutions, Inc. and Robert Daniel Freeman entered 4/18/11.
Amended complaint filed 4/21/11.
Preliminary injunction against defendants Mile High Enterprise Inc. and Bryan Matthew Loving entered 4/25/11.
Contempt order against defendant Michael Ellman entered 4/29/11.
Default as to defendants Health Care One LLC, Americans4Healthcare, Inc. and Michael Ellman entered 6/16/11.
Stipulated Final Judgment and Order for Permanent injunction and other equitable relief against defendants Americans4Healthcare Inc., Health Care One LLC, Michael Jay Ellman entered 12/05/11.
Stipulated Final Judgment and Order for Permanent Injunction and Other Equitable Relief against Mile High Enterprise Inc, and Bryan Matthew Loving entered 12/05/11.

FTC v. HOLIDAY VACATION MARKETING GROUP, No. 8:11-CV-01319 (D. Md.)

Parties: Holiday Vacation Marketing Group
Happy Life Carribbean Corp.
Happy Life of America, Inc.
Dario A. Jimenez Lopez a/k/a Diego Jimenez
Victor Ramirez

Assigned Attorneys: Sarah Waldrop (BCP/ENF)
Elise B. Kappler

Alleged Conduct: Deceptive acts and practices in violation of Section 5 of the FTC Act in connection with marketing a prize promotion involving a vacation package to consumers.

Status: Complaint filed 5/16/11.
Order granting TRO and order to show cause entered 5/17/11; extended 5/26/11.
Pretrial conference held 5/24/11.
Stipulated preliminary injunction entered 6/3/11.
Default judgment and order for permanent injunction against the three corporate defendants entered 9/27/11.

FTC v. HOPE NOW MODIFICATIONS, LLC, No. 1:09-CV-01204 (D.N.J.)

Parties: Hope Now Modifications, LLC
Hope Now Financial Services Corp., d/b/a Hope Now Modifications
Nick Puglia
Salvatore Puglia
Michael Kwasnik, Esq.
The Law Firm of Kwasnik, Rodio, Kanowitz & Buckley P.C.

Assigned Attorneys: Gregory Ashe (BCP/FP)
Stephanie Rosenthal

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with mortgage loan modification services, refunds, and affiliation with another organization.

Status: Complaint filed 3/17/09.
TRO entered 3/19/09.
Stipulated preliminary injunction entered 4/28/09.
Amended complaint adding defendants Michael Kwasnik, Esq. and The Law Firm of Kwasnik, Rodio, Kanowitz & Buckley P.C. filed 9/14/09.
Stipulated final order for permanent injunction and settlement of claims as to Hope Now Modifications, LLC, Hope Now Financial Services Corp., d/b/a Hope Now Modifications, Nick Puglia, and Salvatore Puglia entered 7/12/10.
Order staying case pending approval of settlement entered 8/17/11.
Stipulated Final Order and Settlement of Claims to Defendants Kwasnik, Rodio, Kanowitz & Buckley & Michael W. Kwasnik entered 11/04/2011.

FTC v. IMM INTERACTIVE, INC., No. 1:11-CV-02484 (N.D. Ill.)

Party: IMM Interactive, Inc. (COPEAC)

Assigned Attorneys: Steven Wernikoff (MWR)

Alleged Conduct: Deceptive acts or practices in violation of Sections 5 and 12 of the FTC Act in connection with the advertising, marketing and promotion of weight loss and other products to consumers.

Status: Complaint filed 4/13/11.
Commission motion for TRO with other equitable relief filed 4/13/11.
Preliminary injunction entered 4/18/11.

FTC v. IMMIGRATION CENTER, No. 3:11-CV-00055 (D. Nev.)

Parties: Immigration Center
Immigration Forms and Publications, Inc.
Charles Doucette, d/b/a Telestaffing, Immigration Forms and Services,
and Immigration Forms Processing
Deborah Stilson d/b/a Liberty Legal Services, American Legal Services,
and Ninner
Alfred Boyce d/b/a Maydene Web Services
Thomas Strawbridge
Robin Meredith
Thomas Laurence
Elizabeth Meredith

Assigned Attorneys: Miry Kim (NWR)
Laura Solis

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with the advertising, marketing, and sale of United States immigration and naturalization services

Status: Complaint filed 1/26/11.
TRO entered 1/26/11.
Stipulated preliminary injunction as to defendants Immigration Center, Charles Doucette, Deborah Stilson, and Alfred Boyce entered 3/3/11.
Default as to defendants Immigration Forms and Publications, Inc., Thomas Laurence, Elizabeth Meredith, and Thomas Strawbridge entered 3/16/11.
Stipulated final judgment and order for permanent injunction and other equitable relief as to Alfred Boyce entered 12/27/11.
Stipulated final judgment and order for permanent injunction and other

equitable relief as defendants Immigration Center, Charles Doucette, and Deborah Stilson entered 12/27/11.

FTC v. INC21.COM CORPORATION, Nos. 11-15330, 10-15608 (9th Cir.); No. 3:10-CV-00022 (N.D. Cal.)

Parties: INC21.com Corporation, d/b/a INC21, INC21.net, INC21 Communications, Global YP, NetOpus, Metro YP, Jumpage Solutions, GoFaxer.com, and FaxFaster.com
Jumpage Solutions, Inc.
GST U.S.A., Inc.
Roy Yu Lin
John Yu Lin
Sheng Lin
Pacific Bell Telephone Company (relief defendant)
The Billing Resource (relief defendant)

Assigned Attorneys: Douglas V. Wolfe (BCF/ENF)
Sandhya P. Brown
Kerry O'Brien (WR-SF)
Leslie Melman (OGC)
David Sieradzki (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Telemarketing Sales Rule involving the marketing and sale of internet services to businesses and unauthorized billing of consumer accounts.

Status: Complaint filed 1/5/10.
TRO entered 1/19/10; extended 2/9/10.
Preliminary injunction entered 2/19/10.
Notice of appeal filed 3/19/10.
Defendants' motion to stay preliminary injunction filed 4/2/10;
Commission's response in opposition filed 4/7/10; defendants' reply filed 4/9/10; order denying motion to stay and amending preliminary injunction entered 4/13/10.
Defendants' motion to amend/correct preliminary injunction filed 4/27/10;
Commission's response in opposition filed 4/28/10; defendants' reply filed 4/29/10; order granting in part and denying in part motion entered 5/26/10.
Commission motion to dismiss appeal for lack of prosecution filed 5/4/10;
order dismissing appeal entered 6/1/10.
Commission's motion for summary judgment filed 6/17/10.
Defendants' motion for partial summary judgment filed 6/17/10.
Order granting Commission's motion for summary judgment and denying defendants' motion for partial summary judgment entered 9/21/10.
Order denying defendants' motion for stay of final order, granting motion

for attorney's fees, and granting Commission's motion to amend the final order's proposed consumer redress plan entered 10/18/10.
Commission's notice of proposed plan for distribution of consumer redress funds filed 11/18/10.
Defendants' opposition to Commission's proposed plan 11/23/10
Order implementing distribution plan entered 1/25/11.
Commission's application for writ of execution filed 2/4/11.
Notice of appeal of order on cross-motions for summary judgment filed 2/7/11.
Order granting application for writ of execution filed 2/8/11.
Defendants' motion to Ninth Circuit for emergency stay of proceedings filed 2/11/11.
Commission's opposition filed 2/25/11.
Ninth Circuit order denying motion for emergency stay filed 3/25/11.
Appellants' initial brief filed 6/27/11.
Commission's brief filed 8/17/11.
Appellants' reply brief filed 9/19/11.
Oral argument set for 2/17/12.

FTC v. INFINITY GROUP SERVICES, No. 8:09-CV-00977 (C.D. Cal.)

Parties: Infinity Group Services, d/b/a IGS and Hope to ASKIGS, Inc.
Kahram Zamani

Assigned Attorneys: Gary D. Kennedy (SWR)
Eliseo N. Padilla
John D. Jacobs (WR-LA)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with mortgage loan modification services, refunds, and up-front fees.

Status: Complaint filed 8/26/09.
Order denying TRO and granting order to show cause why a preliminary injunction should not issue entered 9/2/09.
Order denying preliminary injunction without prejudice entered 10/1/09.
Order granting partial summary judgment entered 9/10/10.
Trial held 9/14-9/30/10.
Findings of fact and conclusion of law entered 6/7/11.
Final judgment and order for permanent injunction and monetary relief entered 9/28/11.

FTC v. INNOVATIVE MARKETING, INC., No. 1:08-CV-03233 (D. Md.)

Parties: Innovative Marketing, Inc., d/b/a Billingnow, BillPlanet PTE Ltd.,
Globedat, Innovative Marketing Ukraine, Revenue Response
Sunwell, Synergy Software BV, Winpayment Consultancy SPC,
Winsecure Solutions, Winsolutions FZ-LLC
ByteHosting Internet Services, LLC
James Reno, d/b/a Setupahost.net
Sam Jain
Daniel Sundlin, d/b/a Vantage Software, Winsoftware, Ltd.
Marc D'Souza, d/b/a Web Integrated Net Solutions
Kristy Ross
Maurice D'Souza (relief defendant)

Assigned Attorneys: Ethan Arenson (BCP/MP)
Colleen B. Robbins
Carmen L. Christopher

Alleged Conduct: Deceptive acts and practices in violation of Section 5 involving computer security software purchases, scans, and advertising.

Status: Complaint filed 12/2/08.
TRO entered 12/2/08.
Preliminary injunction entered 12/12/08.
Civil contempt order against Innovative Marketing for violation of TRO entered 12/19/08.
Stipulated final order for permanent injunction and monetary judgment against defendants James M. Reno and ByteHosting Internet Services, LLC entered 6/23/09.
Default judgment against defendant Sam Jain entered 2/24/10; amended 3/4/10.
Default judgments against defendants Daniel Sundin and Innovative Marketing, Inc. entered 2/24/10.
Commission's motion for summary judgment filed 11/19/10; response filed 12/17/10.
Stipulated final judgment against defendants Marc D'Souza and Maurice D'Souza, entered 1/10/11.
Joint motion for disbursement of funds filed 9/27/11; order granting disbursement of funds entered 9/27/11.

FTC v. IVY CAPITAL, INC., No. 2:11-CV-00283 (D. Nev.)

Parties: Ivy Capital Inc. Virtual Profit, LLC
Fortune Learning Systems, LLC. Dream Financial
Fortune Learning, LLC. ICI Development Inc.
Vianet, Inc. Ivy Capital, LLC
Enrich Wealth Group, LLC Logic Solutions, LLC
Business Development Division, LLC Oxford Debts Holdings, LLC
Nevada Credit Division, LLC Revsynergy LLC
Corporate Credit Division, LLC Sell IT Vizions, LLC
Tax Planning Division, LLC Kyle Kirchbaum
Zyzac Commerce Solutions, Inc. John Harrison
The Shipper, LLC Steven Lyman
3 Day MBA, LLC Benjamin Hoskins
Global Finance Group, LLC Christopher Zelig
Steven Sonnenberg James Hanchett
Joshua Wickman Cherrytree Holdings, LLC
Oxford Financial, LLC S&T Time, LLC
Virtucon LLC Curva, LLC
Mowab, Inc Keirsten Kirschbaum
Melyna Harrison Tracy Lyman
Leanne Hoskins

Assigned Attorneys: Emily Burton (BCP/MP)
Shameka Gainey

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the
Telemarketing Sales Rule in connection with the marketing and sale of get
rich quick programs and the billing of consumers' accounts.

Status: Complaint filed 2/22/11
TRO entered 2/22/11.
Preliminary injunction entered 3/25/11.
Default as to defendants Business Development Division, LLC, Corporate
Credit Division, LLC, Credit Repair Division, LLC, Nevada
Corporate Division, Inc., and Tax Planning Division, LLC entered
4/4/11.

FTC v. JEREMY JOHNSON, Nos. 11-17265, 11-17267 (9th Cir.); No. 2:10-CV-02203 (D. Nev.)

Parties:	Jeremy D. Johnson	Anthon Holdings Corp.
	Big Bucks Pro, Inc.	Blue Net Progress, Inc.
	Blue Streak Progressing, Inc.	Bolt Marketing, Inc.
	Bottom Dollar, Inc.	Bumble Marketing, Inc.
	Business First, Inc.	Business Loan Success, Inc.
	CPA Upsell, Inc.	CS Processing, Inc.
	Cloud Nine Marketing, Inc.	Cold Bay Media, Inc.
	Costnet Discounts, Inc.	Cutting Edge Processing, Inc.
	Diamond J Media, Inc.	EBusiness First, Inc.
	Ebusiness Success, Inc.	Elite Debit, Inc.
	Employee Plus, Inc.	Excess Net Success, Inc.
	Duane Fielding	Fiscal Fidelity, Inc.
	Fitness Processing, Inc.	Funding Search Success, Inc.
	Funding Success, Inc.	GG Processing, Inc.
	GGL Rewards, Inc.	Highlight Marketing, Inc.
	Hooper Processing, Inc.	I Works, Inc.
	Internet Business Source, Inc.	Internet Economy, Inc.
	Internet Fitness, Inc.	JRB Media, Inc.
	Jet Processing, Inc.	Andy Johnson
	Lloyd Johnston	Scott Leavitt
	Lifestyles for Fitness, Inc.	Market Funding Solutions, Inc.
	Mist Marketing, Inc.	Money Harvest, Inc.
	Monroe Processing, Inc.	Scott Muir
	Net Business Success, Inc.	Net Commerce, Inc.
	Net Discounts, Inc.	Net Fit Trends, Inc.
	Net Success, Inc.	Network Agenda, LLC
	Optimum Assistance, Inc.	Bryce Payne
	Kevin Pilon	Power Processing, Inc.
	Premier Performance, Inc.	Pro Internet Services, Inc.
	Razor Processing, Inc.	Rebate Deals, Inc.
	Revive Marketing, Inc.	Ryan Riddle
	Simcor Marketing, Inc.	Terrason Spinks
	Success Marketing, Inc.	Summit Processing, Inc.
	Tran Voyage, Inc.	TranFirst, Inc.
	Unlimited Processing, Inc.	Xcel Processing, Inc.
	eCom Success, Inc.	

Assigned Attorneys: Collot Guerard (BCP/MP)
J. Ronald Brooke
Teresa Chen
Burke Kappler (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5, the Electronic Fund Transfer Act, and Regulation E in connection with the advertisement of government grants and money-making opportunities.

Status: Complaint filed 12/21/10.
TRO and asset freeze entered 1/13/11.
Preliminary injunction entered 2/10/11.
Notice of interlocutory appeal by defendant Jeremy Johnson filed 9/22/11.
Notice of interlocutory appeal by defendants Duane Fielding et al., filed 9/23/11.

FTC v. JOHN BECK AMAZING PROFITS, LLC, No. 2:09-CV-04719 (C.D. Cal.)

Parties: John Beck Amazing Profits, LLC
John Alexander, LLC
Jeff Paul, LLC, d/b/a Shortcuts to Millions, LLC
Mentoring of America, LLC
Family Products, LLC
Douglas Gravink
Gary Hewitt
John Beck
John Alexander
Jeff Paul

Assigned Attorneys: John D. Jacobs (WR-LA)
Stacy R. Procter
Christina Tusan
Katie Harrington-McBride
Evan Rose (WR-SF)
Kenneth H. Abbe
Matthew Gold

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Telemarketing Sales Rule in connection with the marketing and sale of get rich quick programs and the billing of consumers' accounts.

Status: Complaint filed 6/30/09.
Preliminary injunction entered 11/17/09.
Motion for order to show cause why defendants Jeff Paul, Family Products, LLC, Mentoring of America, LLC, Gary Hewitt, and Douglas Gravink should not be held in contempt of the preliminary injunction filed 5/19/11; opposition filed 6/1/11; reply filed 6/8/11; Order granting motion to show cause entered 7/21/11; supplemental response by defendants filed 8/15/11; Commission's objection filed 8/24/11.

Commission's motion for summary judgment filed 8/15/11; defendants' opposition filed 9/24/11; Commission's reply filed 10/11/11.
Trial set for 5/29/12.

FTC v. LABRA, No. 1:11-CV-02485 (N.D. Ill.)

Party: Ricardo Jose Labra

Assigned Attorneys: Steven Wernikoff (MWR)
Joannie T. Wei

Alleged Conduct: Deceptive acts or practices in violation of Sections 5 and 12 of the FTC Act in connection with the advertising, marketing and promotion of weight loss and other products to consumers.

Status: Complaint filed 4/13/11.
Stipulated TRO with other equitable relief and order to show cause why a preliminary injunction should not issue entered on 4/19/11.
Answer to complaint filed 5/5/11.
Stipulated preliminary injunction entered 5/18/11.

FTC v. LANDMARK CLEARING, INC., No. 4:11-CV-00826 (E.D. Tex.)

Parties: Landmark Clearing, Inc.
Larry Wubbena
Eric Loehr

Assigned Attorneys: Michelle Chua (BCP/MP)
Paul Spelman
Svetlana S. Gans
Eliseo Noel Padilla (SWR)

Alleged Conduct: Unfair acts and practices in violation of Section 5 in connection with the processing of debits and charges to consumer financial accounts on behalf of clients.

Status: Complaint filed 12/15/11
Joint motion for stipulated permanent injunction and final order as to all defendants filed 12/16/11.
Permanent injunction entered 12/29/11.

FTC v. LANE LABS-USA, INC., No. 09-3909 (3rd Cir.); No. 2:00-CV-03174 (D.N.J.)

Parties: Lane Labs-USA, Inc.
Cartilage Consultants, Inc.
Andrew J. Lane
I. William Lane

Assigned Attorneys: Elsie Kappler (BCP/ENF)
Connie Vecellio
Amanda C. Basta
Susan J. Steele (DOJ/CIV)
Michele Arington (OGC)

Alleged Conduct: Violations of stipulated final orders in relation to the marketing and sale of two dietary supplements.

Status: Complaint filed 6/28/00.
Stipulation and final order as to defendants Cartilage Consultants and I. William Lane entered 6/30/00.
Notice of refiling of stipulation and final order as to defendants Lane Labs-USA and Andrew J. Lane entered 9/27/00.
Stipulation and final order for consumer redress and disbursement of funds entered 10/17/00.
Commission's motions for contempt and for order to show cause against Lane Labs-USA, Andrew Lane, and I. William Lane filed 1/12/07; opposition filed 3/19/07; order granting motion to show cause entered 12/18/07.
Trial held 4/20/09 to 4/24/09.
Commission's post-trial brief filed 5/21/09; defendants' answering briefs filed 6/5/09; Commission's reply brief filed 6/11/09.
Order denying motion for contempt entered 8/10/09.
Notice of appeal filed 10/5/09.
Commission's opening brief filed 12/16/09.
Appellees' answering brief filed 1/15/10.
Commission's reply brief filed 2/5/10.
Oral argument held 9/14/10.
Opinion vacating district court's order and remanding for further proceedings entered 10/26/10.
District court order directing the parties to file proposed findings of fact on the issues remanded by the Third Circuit entered 11/1/2010.
Parties' proposed findings filed 12/15/10.
Order granting Commission's contempt motion entered 11/18/11.
Stipulated order for briefing on damages entered 12/05/11.

FTC v. LEANSPA LLC, No. 3:11-CV-01715 (D. Conn.)

Parties: LeanSpa, LLC
NutraSlim, LLC
NutraSlim U.K. LTD
Boris Mizhen

Assigned Attorneys: David W. Dulabon (NER)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Electronic Fund Transfer Act in connection with the advertising, marketing, promotion, offering for sale, or sale of weight-loss and related health products through various websites.

Status: Complaint filed 11/07/11.
TRO granted in part 11/14/11.
Preliminary injunction entered 11/22/11.

FTC v. LESHIN, Nos. 10-10875, 09-15972, 09-12003, 09-11679 (11th Cir.); No. 0:06-CV-61851 (S.D. Fla.)

Parties: Randall Leshin
Randall L. Leshin, P.A., d/b/a Express Consolidation, Express Consolidation, Inc., and Consumer Credit Consolidation, Inc.
Maureen A. Gaviola
Charles Ferdon

Assigned Attorneys: Michael Tankersley (BCP/MP)
Douglas Wolfe (BCP/ENF)
David Sieradzki (OGC)
Robin Moore (BCP/ENF)

Alleged Conduct: Violations of Section 5 and the Telemarketing Sales Rule in making misrepresentations about non-profit status and the fees and benefits of the defendants' debt consolidation programs.

Status: Complaint filed 12/11/06.
Stipulated interim order entered 1/26/07.
Amended complaint, adding defendant Charles Ferdon and an additional Section 5 misrepresentation count, filed 3/21/07.
Commission's motion for order to show cause why Defendants Leshin, Randall L. Leshin, P.A., and Express Consolidation, Inc. should not be held in contempt for violating stipulated interim order filed 5/11/07.
Motion for partial summary judgment on Section 5 and TSR counts filed 6/5/07; denied 1/7/08.

Stipulated permanent injunctions and judgment as to all defendants entered 5/5/08.

Motion for relief from final judgment by Randall L. Leshin, Randall L. Lechin, P.A., Express Consolidation, Inc., and Charles Ferdon filed 6/30/08.

Order denying motion for relief from final judgment entered 8/5/08.

Commission motion for contempt as to defendants Randall Leshin, Randall Leshin, P.A., Express Consolidation, Inc., Charles Ferndon, and non-party Debt Management Counseling Center, Inc. filed 1/28/09; response filed 2/9/09; hearing held 2/13/09 and 2/17/09.

Order granting motion for contempt for violating stipulated permanent injunction entered 3/27/09; amended 4/3/09.

Notice of appeal (09-11679) filed 4/1/09.

Defendants' emergency motions to stay modified injunction and for hearing filed 4/10/09; order denying motions entered 4/14/09.

Order modifying stipulated permanent injunctions entered 4/15/09.

Appellants' emergency motion for stay pending appeal filed 4/17/09; Commission's opposition filed 4/20/09; order denying motion entered 4/21/09.

Notice of appeal (09-12003) filed 4/20/09.

Order requesting parties' views on jurisdiction entered 4/17/09; Appellants' and Commission's responses filed 5/1/09; order dismissing appeal in part entered 6/26/09.

Order consolidating appeals entered 7/2/09.

Appellants' brief filed 8/19/09.

Commission's answering brief filed 10/9/09.

Appellants' reply brief filed 10/27/09.

District court orders approving monitor reports entered 10/27/09 and 10/30/09.

Notice of appeal (09-15972) filed 11/23/09.

District court orders entered 11/16/09 and 11/17/09.

Amended notice of appeal seeking review of 11/16/09 and 11/17/09 orders filed 12/2/09.

Appellants' motion to stay appeal (09-15972) filed 12/14/09; 11th Cir. order granting stay entered 12/29/09.

11th Cir. order (09-15972) requesting filings on jurisdictional issue entered 12/31/09; appellants' and Commission's responses filed 1/14/10.

Final judgment of disgorgement and consumer redress entered 1/26/10; clarified 1/28/10; corrected 1/29/10.

Emergency motion to stay final judgment filed 2/19/10; order denying motion entered 2/25/10.

Notice of appeal (10-10875) filed 2/19/10.

Appellants' emergency motion for relief from judgment filed 3/12/10; Commission's response filed 3/26/10; order denying motion entered 4/1/10.

Appellants' motion for stay pending appeal filed 3/17/10; Commission's response filed 3/26/10; order granting stay pending resolution of 09-11679 and 09-12003 entered 4/1/10.

Oral argument (09-11679, 09-12003) held 4/14/10.

Order consolidating 10-10875 with 09-11679 and 09-12003 entered 4/15/10.

Appellants' renewed motion for relief from judgment filed 4/27/10; Commission's response in opposition filed 4/30/10; denied 7/7/10.

Order consolidating 09-15972 with other appeals entered 5/14/10.

Appellants' brief (10-10875) filed 5/24/10.

Commission's brief (10-10875) filed 6/28/10.

Commission's motion for contempt as to defendants Randall Leshin, Randall Leshin, P.A., Express Consolidation, Inc., Charles Ferndon, and non-party Debt Management Counseling Center, Inc. filed 6/23/10; defendants' response filed 7/28/10; Commission's reply filed 8/4/10.

Commission's supplemental motion for contempt filed 7/14/10; defendants' response filed 8/2/10; Commission's reply filed 8/12/10.

Opinion (10-10875, consolidated with and also issued in 09-11679, 09-12003, and 09-15972) affirming district court's decisions issued 9/3/10.

Order granting in part Commission's motion for contempt entered 3/8/11.

Order denying Commission's supplemental motion for contempt entered 3/24/11.

Commission's motion to convert unpaid balance of civil contempt remedy to a money judgment filed 9/07/11; Defendants' opposition by filed 9/22/11; Commission's reply filed 9/28/11.

FTC v. LIGHTS OF AMERICA, INC., No. 8:10-CV-01333 (C.D. Cal.)

Parties: Lights of America, Inc.
Farooq Vakil
Usman Vakil

Assigned Attorneys: Gregory J. Madden (BCP/ENF)
Robin R. Spector
Stacy R. Procter (WR-LA)
Mark S. Hegedus (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with defendants' advertising and sale of lighting products.

Status: Complaint filed 9/07/10.
Order granting motion to dismiss complaint as to individual defendants and granting the Commission leave to file an amended complaint entered 12/17/10.
Amended complaint filed 2/8/11; answer to complaint filed 4/18/11.
Order denying individual defendants' motion to dismiss the FTC's amended complaint and denying Lights of America, Inc.'s application to retain the amended complaint under seal entered 3/31/11.
Settlement conference set for 1/18/12.

FTC v. LOANPOINTE, LLC, No. 2:10-CV-00225 (D. Utah)

Parties: LoanPointe, LLC
Eastbrook, LLC
Joe S. Strom
Benjamin J. Lonsdale
James C. Endicott
Mark S. Lofgren

Attorneys: Christopher Koegel (BCP/FP)
Stephanie Rosenthal
Gregory A. Ashe
Jeannette F. Swent (AUSA)
Imad D.Abyad (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5, the Fair Debt Collection Practices Act, and the Credit Practices Rule in connection with payday loans and related collection practices.

Status: Complaint filed 3/15/10.
Stipulated preliminary injunction entered 4/2/10.

Stipulated orders for voluntary dismissal of defendants Benjamin J. Lonsdale and James C. Endicott entered 6/18/10.
Stipulated final order for permanent injunction and settlement of claims as to defendant Mark Lofgren entered 8/26/10.
Commission's motion for summary judgment filed 2/16/11; opposition by defendants Eastbrook, LLC, LoanPointe, LLC, and Joe Strom filed 4/18/11; reply filed 5/5/11.
Summary judgment granted 9/16/11.
Commission's revised proposed final order filed 10/03/11; defendants' response filed 10/07/11.
Final order of judgment and permanent injunction as to defendants Eastbrook, LLC, Loanpointe, LLC, and Joe Storm entered 12/09/11.

FTC v. LOMA INTERNATIONAL BUSINESS GROUP, INC., No. 1:11-CV-01483 (D. Md.)

Parties: Loma International Business Group, Inc.
Services LatinoAmericanos De Maryland, Inc.
Manuel E. Alban
Lola Alban
Henry M. Stichel

Assigned Attorneys: Eliseo N. Padilla (SWR)
Deanya T. Kueckelham
Gary D. Kennedy
Luis H. Gallegos

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with advertising, marketing, and sale of United States immigration and naturalization services.

Status: Complaint filed 6/1/11.
TRO granted 6/2/11.
Motion to extend the ex parte TRO filed 6/10/11; extension granted 6/13/11.
Defendant's motion for release frozen assets filed 6/10/11.
Answer to complaint filed 6/23/11.
Motion for pretrial relief from TRO; motion for TRO; motion for order to show cause filed 6/24/11.
Order granting partial release of frozen funds 6/30/11.
Stipulated preliminary injunction entered 7/25/11.
Amended complaint filed 10/28/11; answer filed 11/14/11.

FTC v. LUCASLAWCENTER, Nos. 10-56985, 09-72443 (9th Cir.); No. 8:09-CV-00770
(C.D. Cal.)

Parties: LucasLawCenter “Incorporated”, d/b/a Lucas Law Center
Future Financial Services, LLC, d/b/a Lucas Law Center
Paul Jeffrey Lucas
Christopher Francis Betts
Frank Sullivan

Assigned Attorneys: James E. Elliott (SWR)
James E. Hunnicutt
John D. Jacobs (WR-LA)
Michael Bergman (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with the marketing and sale of mortgage loan modification services and refunds to consumers.

Status: Complaint filed 7/7/09.
Amended order granting TRO with asset freeze entered 7/9/09; extended 7/16/09, 8/3/09, and 8/18/09.
Defendants’ motion to release frozen funds to pay attorneys’ fees filed 7/15/09; granted 7/29/09.
Commission’s motion to reconsider and opposition to defendants’ request for release of frozen funds to pay attorneys’ fees filed 7/30/09; order granting motion and vacating 7/29/09 order entered 7/30/09.
Commission’s motion for contempt filed 7/31/09.
Petition for a writ of mandamus and motion to stay district court proceedings filed 7/31/09.
Order by Ninth Circuit denying motion to stay entered 7/31/09.
Commission’s response to petition filed 8/7/09.
District court’s response to petition filed 8/7/09.
Order by Ninth Circuit denying petition for a writ of mandamus entered 8/21/09.
Stipulated preliminary injunction entered 8/24/09.
Order denying Commission’s motion for contempt and defendants’ motion to release frozen funds to pay attorneys’ fees entered 9/30/09.
Commission’s motion for summary judgment filed 4/26/10; defendants’ response in opposition filed 5/3/10; Commission’s reply filed 5/10/10.
Order granting in part and denying in part summary judgment entered 6/3/10.
Final order for permanent injunction and other equitable relief effective at conclusion of case entered 6/3/10.
Order denying Commission’s motion for reconsideration of denial of summary judgment entered 6/21/10.

Order granting joint stipulation to dismiss count 1 without prejudice entered 6/24/10.

Judgment entered 6/25/10.

Notice of appeal by defendant Paul Lucas filed 12/9/10.

Appellant's opening brief filed 8/15/11.

Commission's answering brief filed 10/6/11.

Appellant's reply brief filed 10/11/11.

FTC v. LUNDBECK INC., No. 10-3458 (8th Cir.); No. 0:08-CV-06379 (D. Minn.)

Party: Lundbeck Inc.

Assigned Attorneys: Markus Meier (BC)
Elizabeth Hilder
Mark Hegedus (OGC)

Alleged Conduct: Action for a permanent injunction and other equitable relief for violations of Section 5 of the FTC Act and Section 7 of the Clayton Act in connection with the monopolization of drugs used to treat infants with a congenital heart defect.

Status: Complaint (originally *FTC v. Ovation Pharmaceuticals, Inc.*) filed 12/16/08.
Amended complaint filed 4/10/09.
Motion by Lundbeck Inc. for summary judgment filed 5/22/09;
Commission's response in opposition filed 6/29/09; order denying motion entered 7/21/09.
Trial held 12/7/09 to 12/15/09.
Post-trial briefs filed 1/29/09.
Closing arguments held 3/11/10.
Findings of fact, conclusions of law, and order dismissing action entered 8/31/10.
Notice of appeal by Commission filed 10/28/10.
Commission's opening brief filed 12/27/10.
Appellee's answering brief filed 2/16/11.
Oral argument held 6/16/11.
Opinion affirming district court entered 8/19/11.
Commission's petition for rehearing *en banc* filed 10/03/11;
order denying petition for rehearing entered 11/22/11.

FTC v. MALLETT, No. 1:11-CV-01664 (D.D.C.)

Parties: Christopher Mallett, d/b/a Department of Consumer Services Protection
Commission, U.S. Debt Care, World Law Debt, US Mortgage
Relief Counsel, gov-usdebtreform.net, worldlawdebt.org, fha-
homeloan.info

Assigned Attorneys: Gregory Ashe (BCP/FP)
K. Michelle Grajales
Lisa Anne Rothfarb

Alleged Conduct: Deceptive acts and practices in violation of Section 5, TSR, and MARS
Rule in connection with the marketing and sale of debt relief, tax relief,
and mortgage relief services.

Status: Complaint filed 9/14/11.
Preliminary injunction entered 10/13/11.

FTC v. MILLENIUM TELECARD INC., No. 2:11-CV-02479 (D. N.J.)

Parties: Millenium Telecard Inc.
Coleccion Latina, Inc.
Telecard Center USA, Inc.
Fadi Salim
Millenium Tele Card, LLC
Nichols R. Amato
Mox Telecom America Corp.
Mox Telecom, A.G.
Suncoast Technology, Inc.

Assigned Attorneys: Kathleen Daffan (BCP/MP)
Roberto Anguizola

Alleged Conduct: Deceptive acts and practices in connection with the advertising and
marketing of prepaid telephone calling cards.

Status: Complaint filed 5/2/11.
Order granting TRO and asset freeze entered 5/2/11.
Response to order to show cause by Coleccion Latina, Inc., Millenium
Tele Card , LLC, Millenium Telecard, Inc., Fadi Salim filed
5/10/11.
Commission's brief filed 5/12/11.
Consent order modifying temporary restraints entered 5/19/11.
Answer to complaint filed 6/24/11.
Preliminary Injunction entered 8/16/11.

FTC v. MONEYMAKER, No. 2:11-CV-00461 (D. Nev.)

Parties: Michael Bruce Moneymaker
Daniel De La Cruz
Belfort Capital Ventures, Inc.
Dynamic Online Solutions, LLC
HSC Labs, Inc.
Seaside Ventures Trust
John Doe No.1

Assigned Attorneys: Robin L. Moore (BCP/ENF)
Benjamin J. Theisman

Alleged Conduct: Deceptive practices in violation of Sections 5 in connection with charging consumers' bank accounts without consumers knowledge or consent.

Status: Complaint filed 3/28/11.
TRO entered 3/29/11.
Preliminary injunction with ancillary equitable relief entered 4/15/11.
Joint motion to stay filed 10/29/11; granted 10/28/11.

FTC v. NATIONAL AUDIT DEFENSE NETWORK, INC., No. 2:02-CV-00131 (D. Nev.)

Parties: National Audit Defense Network, Inc.
Tax Coach, Inc., d/b/a Tax Ready
Oryan Management, Inc.
Robert Bennington
Cort Christie
Alan Rodrigues
Weston J. Coolidge

Assigned Attorneys: Janice L. Charter (WR-SF)
Erika Wodinsky
Jerome M. Steiner
Blaine T. Welsh (AUSA)

Alleged Conduct: Deceptive practices in violation of Section 5 and the Truth in Lending Act by failing to provide refunds in a timely manner in connection with the sale of income tax-reducing strategies and services.

Status: Complaint filed 1/30/02.
TRO entered 2/1/02.
Stipulated preliminary injunction entered 2/25/02.
Amended complaint adding defendants Weston J. Coolidge and Oryan Management, Inc. filed 12/30/02.

Commission's motion for summary judgment filed 1/14/05; defendant Coolidge's response filed 2/7/05; defendant Christie's response filed 2/8/05; defendant Rodrigues' response filed 2/11/05; Commission's replies filed 2/22/05.

Defendant Rodrigues' motion for summary judgment filed 1/14/05; Commission's response filed 2/4/05; reply filed 2/17/05.

Defendant Christie's motion for summary judgment filed 1/21/05; Commission's response filed 1/31/05; reply filed 2/11/05.

Order granting Commission's motion for summary judgment against Weston J. Coolidge and Oryan Management, Inc and denying Commission's motion for summary judgment against Cort Christie entered 10/12/05.

Order denying Christie's motion for summary judgment entered 10/12/05.

Order denying Commission's motion for summary judgment against Alan Rodrigues, and denying Rodrigues' motion for summary judgment, subject to reinstatement after Rodrigues obtains a new attorney, entered 10/12/05.

Commission's request for reinstatement of its motion for summary judgment against Alan Rodrigues filed 11/16/05.

Stipulated final judgment and order for permanent injunction and other equitable relief as to defendant National Audit Defense Network, Inc. entered 8/25/06.

Supplement to Commission's motion for summary judgment against Alan Rodrigues filed 9/24/08.

Order granting summary judgment against defendant Alan Rodrigues entered 7/24/09.

Final judgment and order for permanent injunction against defendants Weston J. Coolidge; Oryan Management, Inc.; and Alan Rodrigues entered 6/7/10.

Motion to stay enforcement of judgment by defendant Alan Rodrigues filed 3/24/11; Commission's response filed 4/8/11; reply filed 5/3/11.

FTC v. NATIONAL AWARDS SERVICE ADVISORY, LLC, No. 4:10-CV-05418 (N.D. Cal.)

Parties: National Awards Service Advisory, LLC
Central Processing of Nevada, LLC
International Award Advisors, Inc.
Spectrum Caging Service, Inc.
Prize Registry Bureau, Inc.
Consolidated Data Bureau, Inc.
Registered Data Analytics, Inc.
Lloyd Brannigan Exchange, Inc.
Geovanni Sorino
Jorge A. Castro
Tully A. Lovisa
Steven McClenahan
Lisa Lovisa (relief defendant)

Assigned Attorneys: Sarah E. Schroeder (WR-SF)
Matthew D. Gold
Kerry O'Brien

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with the distribution of mailers representing that consumers have won a multi-million dollar cash prize.

Status: Complaint filed 11/30/10.
TRO with asset freeze entered 12/1/10.
Preliminary injunction with asset freeze entered 12/15/10.
Default as to defendants International Award Advisors, Inc., Spectrum Caging Service, Inc., Prize Registry Bureau, Inc., Consolidated Data Bureau, Inc., Registered Data Analytics, Inc., and Lloyd Brannigan Exchange, Inc. entered 3/17/11.
First amended complaint adding claims against relief defendant Lisa Lovisa filed 7/12/11.

FTC v. NATIONAL SALES GROUP, No. 11-CV-01230 (N.D. Ill)

Parties: National Sales Group
1 Life Marketing LLC d/b/a Executive Sales Network and Certified Jobs
Anthony J. Newton
Jeremy S. Cooley

Assigned Attorneys: Rozina C. Bhimani (MWR)
Guy G. Ward

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the
Telemarketing Sales Rule in connection with the marketing and promotion
of purported employment opportunities to consumers.

Status: Complaint filed 2/22/11.
Ex parte TRO with asset freeze entered 2/22/11.
Stipulated preliminary injunction entered 3/3/11.

FTC v. NATIONAL SOLUTIONS LLC, No. 6:11-CV-01131 (M.D. Fla.)

Parties: National Solutions LLC, d/b/a Blue Scape Timeshares International, Country Wide Timeshares, Countrywide Timesharesales MA, Landmark Timeshares, Property Direct, Quicksale Property, Sun Property Networks, Sun Property's, Universal Property, VIM Timeshares
Landmark Marketing LLC, d/b/a Blue Scape Timeshares, Country Wide Timeshares International, Property DRK, Quick Sale Advisers, Quick Sale International, Universal Property International.
Red Solutions LLC, d/b/a City Resorts, Resort Advisors.
Enterprise America, LLC, d/b/a American Timeshares, Exit Week, Resort Advisors International
Investments Group of Florida, LLC, d/b/a Resort Advisors AM
Multiglobe LLC, d/b/a Universal Property
Leandro Velazquez
Samuel Velazquez
Joel Velazquez
Kiomary Cruz
Edgar Gonzalez
Vicente Virgilio
Aaron Weiss

Assigned Attorneys: William Hodor (MWR)
Theresa Marie McGrew

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Telemarketing Sales Rule in connection with the sale/resale of timeshare properties.

Status: Complaint filed 7/11/2011.
Ex parte TRO with asset freeze, appointment of receiver and other equitable relief entered 7/12/11.
Preliminary injunction as to all defendants except Vicente Virgilio entered 8/09/11.

FTC v. NHS SYSTEMS, INC., Nos. 11-2375, 09-3899 (3d Cir.); No. 2:08-CV-02215 (E.D. Pa.)

Parties: NHS Systems, Inc., d/b/a National Healthcare Solutions, National Health Net Online
Harry F. Bell, Jr.
Physician Health Service, LLC, d/b/a American Health Benefits On Line
Donna Newman
John E. Bartholomew
Plus Health Savings, Inc.
Physicians Health Systems, Inc.
Health Management, LLC
6676529 Canada, Inc.
Nicole Bertrand
Barry Kirstein
“Dannie Boie”, a person whose true identity is unknown
PHS Enterprises, Inc.
First Step Management, Inc.
Gold Dot, Inc.
Linke Jn Paul
Tasha Jn Paul
Nevada Business Solutions, Inc.
Interface Management, Inc., d/b/a Galaxy Member Benefits
Beginning Again, Inc.

Assigned Attorneys: Harris A. Senturia (ECR)
Steven W. Balster

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Telemarketing Sales Rule involving misrepresentations of affiliation with U.S. government agencies, promises of tax refunds/rebates or health benefits to obtain bank account information, and unauthorized billing.

Status: Complaint filed 5/13/08.
TRO with asset freeze entered 5/14/08.
Stipulated preliminary injunction as to defendants NHS Systems, Inc.; Harry F. Bell, Jr.; Physician Health Service, LLC; Plus Health Savings, Inc.; Physician Health Systems, Inc.; and Health Management, LLC entered 6/10/08.
Stipulated preliminary injunction as to defendants John E. Bartholomew; Interface Management, Inc.; and Beginning Again, Inc. entered 1/30/09.
Amended complaint adding claims and defendants Plus Health Savings, Inc.; Physicians Health Systems, Inc.; Health Management, LLC; 6676529 Canada, Inc.; Nicole Bertrand; Barry Kirstein; “Dannie Boie”; PHS Enterprises, Inc.; First Step Management, Inc.; Gold Dot, Inc.; Linke Jn Paul; Tasha Jn Paul; Nevada Business

Solutions, Inc.; Interface Management, Inc.; and Beginning Again, Inc. filed 7/6/09.

TRO with asset freeze as to defendants 6676529 Canada, Inc.; Nicole Bertrand; Barry Kirstein; “Dannie Boie”; PHS Enterprises, Inc.; First Step Management, Inc.; Gold Dot, Inc.; Linke Jn Paul; Tasha Jn Paul; and Nevada Business Solutions, Inc. entered 7/9/09.

Preliminary injunction as to defendants 6676529 Canada, Inc.; Nicole Bertrand; Barry Kirstein; “Dannie Boie”; PHS Enterprises, Inc.; First Step Management, Inc.; Gold Dot, Inc.; Linke Jn Paul; Tasha Jn Paul; and Nevada Business Solutions, Inc. entered 7/24/09.

Order granting Commission’s motion to require third party Teledraft, Inc. to turn over funds to receiver entered 9/24/09.

Notice of appeal by Teledraft filed 10/5/09.

Teledraft’s motion for stay pending appeal filed 8/5/09; Commission’s memorandum in opposition filed 10/20/09, modified 10/21/09; order denying motion entered 12/10/09.

3d Cir. order requiring parties to file memorandum on jurisdiction entered 10/18/09; memoranda filed 11/2/09.

Appellant’s motion for stay filed 12/18/09; Commission’s response in opposition filed 12/23/09.

Order dismissing appeal for lack of jurisdiction entered 1/8/10.

Motion to show cause why Teledraft should not be held in contempt filed 3/17/10; Teledraft response in opposition filed 3/31/10.

Commission’s motion for summary judgment as to NHS/PHS defendants (NHS Systems, Inc.; Harry F. Bell, Jr.; Physician Health Service, LLC; Donna Newman; Plus Health Savings, Inc.; Physicians Health Systems, Inc.; Health Management, LLC; 6676529 Canada, Inc; Nicole Bertrand; Barry Kirstein; David James Greer a/k/a Dannie Boie; PHS Enterprises, Inc.; First Step Management, Inc.; Gold Dot, Inc.; Linke Jn Paul; Tasha Jn Paul; and Nevada Business Solutions, Inc.) filed 10/1/10; response filed 9/19/11.

Order of contempt as to defendant Teledraft entered 5/13/11.

Notice of appeal of contempt order by Teledraft filed 5/19/11.

Commission’s motion to dismiss appeal for lack of jurisdiction filed 6/10/11; response by appellant filed 6/23/11; Commission’s reply filed 6/30/11; order granting motion to dismiss case for lack of jurisdiction entered 7/20/11.

Order staying contempt order until magistrate has made final determination as to amount of compensatory sanctions owed by Teledraft entered 6/17/11.

Order imposing compensatory sanction on Teledraft entered 7/8/11.

Defendants Tasha Jn Paul and Linke Jn Paul response to motion for summary judgment filed 8/3/11; Commission’s reply 11/3/11.

Commission’s second motion to approve stipulated final order for permanent injunction and monetary relief as to defendant Donna Newman filed 11/18/11.

Order by District Court Judge affirming magistrate judge’s 7/07/11 order

awarding compensatory damages and referred matter to magistrate judge for further findings entered 11/30/11.

FTC v. PAYDAY FINANCIAL LLC, No. 3:11-CV-03017 (D.S.D.)

Parties: Payday Financial, LLC, d/b/a Lakota Cash, Big Sky Cash, Big \$ky Cash
Great Sky Finance, LLC, d/b/a Great Sky Cash, Great \$ky Cash, Gsky
Western Sky Financial, LLC
Red Stone Financial, LLC, d/b/a Red Stone Cash
Management Systems, LLC, d/b/a Gsky
24-7 Cash Direct, LLC
Red River Ventures, LLC
High Country Ventures, LLC
Financial Solutions, LLC
Martin A. Webb, individually and as an officer of Payday Financial, LLC;
Western Sky Financial, LLC; Red Stone Financial, LLC;
Management Systems, LLC; 24-7 Cash Direct, LLC; Red River
Ventures, LLC; High Country Ventures, LLC; Financial Solutions,
LLC

Assigned Attorneys: K. Michelle Grajales (BCP/FP)
LaShawn M. Johnson
Nikhil Singhivi

Alleged Conduct: Deceptive acts and practices in violation of Section 5, Credit Practices
Rule, and Electronic Fund Transfer Act in connection with the offering
and extension of credit in the form of high-fee, short-term “payday” loans,
and the collection of those loans.

Status: Complaint filed 9/6/11.
Stipulated preliminary injunction entered 9/8/11.

FTC v. PUBLISHERS BUSINESS SERVICES, INC., No. 11-17270 (9th Cir.); No. 2:08-CV-00620 (D. Nev.)

Parties: Publishers Business Services, Inc.
Ed Dantuma Enterprises, Inc., d/b/a Publishers Direct Services,
Publishers Business Services
Persis Dantuma
Edward Dantuma
Brenda Dantuma Schang
Dirk Dantuma
Dries Dantuma
Jeffrey Dantuma

Assigned Attorneys: Faye Chen Barnouw (WR-LA)
Raymond E. McKown
Maricela Segura
Ruthanne M. Deutsch (OGC)

Alleged Conduct: Violations of Section 5 and the Telemarketing Sales Rule in connection with the deceptive and abusive telemarketing of magazine subscriptions.

Status: Complaint filed 5/14/08.
Order denying TRO and setting hearing on motion for preliminary injunction entered 5/23/08.
Stipulated preliminary injunction entered 6/3/08.
Commission's motion to strike affirmative defenses filed 9/2/08; defendants' response filed 9/22/08; Commission's reply filed 10/6/08; order granting in part and denying in part entered 10/16/08.
Motion to amend complaint and add defendants filed 12/17/08.
Amended complaint adding defendants Dirk Dantuma, Dries Dantuma, and Jeffrey Dantuma filed 2/5/09.
Commission's and defendants' cross-motions for summary judgment filed 7/31/09; responses in opposition filed 11/23/09; replies filed 12/7/09.
Defendants' motion to strike Commission's summary judgment motion filed 8/7/09; Commission's response filed 8/25/09; defendants' reply filed 9/8/09; order denying motion entered 10/30/09.
Order granting Commission's motion for summary judgment and denying defendants' motion for summary judgment entered 4/7/10.
Order granting permanent injunction entered 4/7/10.
Commission's brief on monetary relief filed 4/20/10; defendants' brief filed 4/30/10; Commission's reply brief filed 6/1/10.
Evidentiary hearing on monetary relief held 3/30-31/11, 6/7/11, 6/8/11, and 6/9/11.
Judgment against defendants Publishers Business Services, Inc; Ed Dantuma Enterprises, Inc, d/b/a Publisher Direct Services, and

Publishers Business Services; Edward Dantuma; and Dries
Dantumain the sum of \$191,219.00 entered 7/25/11.
Commission's notice of appeal filed 9/23/11.
Commission's opening brief due 2/13/12.

FTC v. RCA CREDIT SERVICES, LLC, No. 11-10044 (11th Cir.); No. 8:08-CV-02062
(M.D. Fla.)

Parties: RCA Credit Services, LLC
Rick Lee Crosby, Jr.
Brady Wellington

Assigned Attorneys: Peter Lamberton (BCP/FP)
Michelle Grajales
James Chen
Ruthanne M. Deutsch (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Credit
Repair Organizations Act in connection with the marketing, promotion,
and sale of credit repair services.

Status: Complaint filed 10/16/08.
Preliminary injunction with asset freeze entered 10/30/08.
Clerk's entry of default against defendant Brady Wellington 12/8/08.
Default judgment and permanent injunction against defendant Brady
Wellington entered 2/25/09.
Commission's motion for summary judgment filed 3/18/10; response in
opposition filed 4/13/10; Commission's reply filed 5/4/10.
Order granting partial summary judgment on six of seven counts entered
7/21/10.
Trial on remaining count held 7/20/10-7/21/10.
Final judgment and permanent injunction as to defendants Rick Lee
Crosby, Jr. and RCA Credit Services, LLC entered 7/29/10.
Commission's motion to alter or amend final order granted 10/14/10.
Amended final order, superseding prior final order entered 7/29/10,
entered 10/15/10.
Notice of appeal filed by defendant Crosby 1/3/11.
Crosby's appeal brief filed 2/15/11.
Commission's brief filed 3/2/11.
Order dismissing appeal in part for lack of jurisdiction entered 2/24/11.
Commission's motion for order to show cause why defendant Rick Lee
Crosby, Jr. should not be held in contempt for violating the final
judgment and permanent injunction filed 6/21/11; opposition filed
7/1/11; order granting motion entered 7/15/11.
Show cause hearing held 8/25/11.
Court of appeals opinion affirming the district court issued 9/14/11.

FTC v. REAL WEALTH, INC., No. 4:10-CV-00060 (W.D. Mo.)

Parties: Real Wealth, Inc., d/b/a American Financial Publications, Emerald Press,
Financial Research, National Mail Order Press, Pacific Press,
United Financial Publications, Wealth Research Marketing Group,
and Wealth Research Publications

Lance Murkin

Assigned Attorneys: Kathleen Benway (BCP/MP)
Kelly Ann Horne

Alleged Conduct: Deceptive acts and practices in violation of Section 5 involving the
marketing and sale of work-at-home and grant schemes.

Status: Complaint filed 1/21/10.
TRO with asset freeze entered 1/26/10; modified 2/4/10.
Stipulated preliminary injunction entered 3/24/10.
Commission's motion for summary judgment filed 2/28/11.
Final judgment and order for permanent injunction granting
Commission's motion for summary judgment entered 5/17/11.
Motion to set aside judgment or to modify final judgment by Lance
Murkin and Real Wealth, Inc. filed 6/13/11; order denying motion
entered 7/28/11.

FTC v. REEBOK INT'L, No. 1:11-CV-02046 (N.D. Ohio)

Parties: Reebok International Ltd.

Assigned Attorney's: Dana Barragate (ECR)
Larissa Bungo
Michael Milgrom

Alleged Conduct: Deceptive acts and practices in violation of section 5 and 12 in connection
with the advertising, marketing, and sale of purported toning footwear
products, including EasyTone and RunTone.

Status: Complaint filed 9/28/2011.
Stipulated final judgment and order for permanent injunction and other
equitable relief entered 9/30/11.

FTC v. RESIDENTIAL RELIEF FOUNDATION, INC., No. 1:10-CV-03214 (D. Md.)

Parties: Residential Relief Foundation, Inc.
Silver Lining Services, LLC
Mitigation America, LLC
James W. Holderness, d/b/a The Law Office of James Holderness
Michael Valenti
Bryan J. Melanson
Jillian N. Melanson
Dennis Strzegowski

Assigned Attorneys: Gregory A. Ashe (BCP/FP)
Robin F. Thurston

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the
Telemarketing Sales Rule in connection with the marketing and sale of
mortgage assistance and debt relief services.

Status: Complaint filed 11/15/10.
TRO with asset freeze entered 11/15/10.
Order staying case pending approval of settlement entered 6/8/11.
Stipulated final order against Residential Relief Foundation defendants
entered 9/20/11.
Stipulated final order against Mitigation American defendants entered
9/30/11.

FTC v. RINCON MANAGEMENT SERVICES, LLC, No. 5:11-CV-01623 (C.D. Cal.)

Parties: Rincon Management Services LLC., d/b/a Rincon Debt Management,
Rincon Filing Services, Pacific Management Recovery
Prime West Management Recovery LLC
Union Management Services LLC., d/b/a Union Filing Services
National Filing Services LLC
City Investment Services LLC
Global Filing Services LLC
Pacific Management Recovery Services LLC
Jason R. Begley
Wayne W. Lunsford
Richard E. Weissman

Assigned Attorney's: Maricela Segura (WRLA)
Raymond E. McKown

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Fair Debt
Collection Practices Act in connection with the collection of debts.

Status: Complaint filed 10/11/11
TRO entered 10/11/11.
Preliminary injunction entered 11/10/11.

FTC v. ROMEO, No. 2:09-CV-01262 (D.N.J.)

Parties: David J. Romeo
Stella Labs, LLC
Nutraceuticals International, LLC
Deborah B. Vickery
V. Craig Peyton
Zoltan Klivinyi

Assigned Attorneys: Victor DeFrancis (BCP/AP)
Elizabeth Tucci

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with the advertising and promotion of a hoodia weight loss product.

Status: Complaint filed 3/20/09.
Stipulation and order for preliminary injunction as to defendants Nutraceuticals International, LLC and David J. Romeo entered 4/27/09.
Stipulation and order for preliminary injunction as to defendants Stella Labs, LLC and V. Craig Peyton entered 4/28/09.
Stipulation and order for preliminary injunction as to defendant Deborah B. Vickery entered 4/29/09.
Commission's notice of voluntary dismissal of defendant Zoltan Klivinyi filed 2/19/10.
Settlement agreement and order as to Deborah B. Vickery and Craig Peyton entered 8/2/10.
Settlement agreement as to David J. Romeo, Nutraceuticals International, LLC, and Stella Labs LLC filed 10/24/11.
Stipulated final judgment and order for injunctive and other equitable relief as to defendants David J. Romeo, Nutraceuticals International, LLC, and Stella Labs, LLC entered 10/25/11.

FTC v. TIMESHARE MEGA MEDIA AND MARKETING GROUP, INC., No. 0:10-CV-62000 (S.D. Fla.)

Parties: Timeshare Mega Media and Marketing Group, Inc.
Timeshare Market Pro, Inc.
Tapia Consulting, Inc.
Joseph Crapella
Pasquale Pappalardo
Lisa Tumminia Pappalardo
Pasqualino Agovino
Louis Tobias Duany
Patricia A. Walker

Assigned Attorneys: William J. Hodor (MWR)
Elizabeth C. Scott

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the
Telemarketing Sales Rule in connection with the marketing and sale of
timeshare resale services.

Status: Complaint filed 10/19/10.
TRO with asset freeze entered 10/20/10.
Preliminary injunction with asset freeze as to corporate defendants and
individual defendant Louis Tobias Duany entered 10/29/10.
Stipulated preliminary injunction with asset freeze as to defendants
Pasquale Pappalardo and Lisa Tumminia Pappalardo entered
11/22/10.
Preliminary injunction with asset freeze as to defendants Joseph Crapella
and Patricia Walker entered 11/22/10.
Default against defendants Timeshare Mega Media and Marketing Group,
Inc., Timeshare Market Pro, Inc., Tapia Consulting, Inc., Joseph
Crapella, Louis Tobias Duany, and Patricia A. Walker entered
3/31/11 and 8/26/11.

FTC v. THOU LEE, No. 1:11-CV-2486 (N.D. Ill.)

Parties: Thou Lee, individually and d/b/a TL Advertising

Assigned Attorneys: Matthew H. Wernz (MWR)
Steven M. Wernikoff

Alleged Conduct: Deceptive acts and practices in violation of Section 5 of the FTC Act in connection with advertising, marketing, and promoting of various Acai Berry Products.

Status: Complaint filed 4/13/11.
TRO granted 4/18/11.
Stipulated preliminary injunction entered 4/29/11.

FTC v. TRUDEAU, Nos. 10-2418, 10-1383, 08-4249 (7th Cir.); Nos. 1:03-CV-03904, 1:98-CV-00168 (N.D. Ill.)

Parties: Kevin Trudeau
Shop America (USA), LLC
Robert Barefoot
Deonna Enterprises, Inc.
Karbo, Inc.
Karbo Enterprises, Inc.
Shop America Marketing Group
TruStar Global Media
K.T. Corp.
TruCom, LLC

Assigned Attorneys: Michael P. Mora (BCP-ENF)
Laureen Kapin
Elizabeth Tucci
Sandhya Prabhu
David O'Toole (MWR)
John F. Daly (OGC)

Alleged Conduct: Deceptive practices in violation of Sections 5 and 12 in connection with the sale of a dietary supplement and violations of a 1998 stipulated order for permanent injunction and final judgment against Kevin Trudeau.

Status: Complaint filed 6/9/03.
Stipulated final order for permanent injunction and settlement of claims for monetary relief as to defendants Kevin Trudeau, Shop America (USA), LLC, Shop America Marketing Group, LLC, Trustar Global Media, Limited and Relief defendants K.T. Corporation, Limited and TruCom, LLC, including monetary relief of

approximately \$2.1 million, entered 9/3/04.

Motion to show cause why defendant Trudeau should not be held in contempt filed 9/13/07.

Order finding Trudeau in contempt for violating permanent injunction entered 11/16/07.

Hearing on remedy for violating permanent injunction held 7/22-25/08.

Judgment confirming 11/16/07 order, requiring monetary payment by Trudeau, and providing for other relief entered 8/7/08.

Commission's motion to amend/correct judgment filed 8/21/08; response by Trudeau filed 9/22/08; Commission's reply filed 10/7/08, corrected 10/21/08.

Supplemental order and judgment entered 11/4/08.

Motion by Trudeau to alter or stay judgment pending appeal filed 11/13/08; Commission's response filed 11/26/08; Trudeau's reply filed 12/3/08; order denying motion entered 12/11/08.

Notice of appeal (08-4249) filed 12/16/08.

Appellant's emergency motion for stay pending appeal filed 12/23/08; Commission's response in opposition filed 1/5/09; appellant's reply filed 1/7/09.

Order denying emergency motion for stay pending appeal entered 1/21/09.

Appellant's brief filed 2/17/09.

Motion by Appellant to file supplemental jurisdictional memorandum filed 3/5/09; order granting motion entered 3/12/09; supplemental jurisdictional memorandum filed 3/12/09.

Commission's answering brief filed 3/19/09.

Appellant's reply brief filed 4/2/09.

Oral argument held 5/14/09.

Opinion affirming Trudeau contempt finding but vacating and remanding on monetary payment and other relief entered 8/27/09.

Commission's renewed motion to modify stipulated final order for permanent injunction as to defendant Trudeau filed 11/13/09; defendant's response in opposition filed 12/17/09; Commission's reply filed 2/1/10; defendant's sur-reply filed 3/12/10.

Commission's renewed motion for compensatory monetary remedy as to defendant Trudeau filed 11/13/09; defendant's response in opposition filed 12/17/09, supplemented 1/19/10; Commission's reply filed 2/1/10; defendant's sur-reply filed 3/12/10.

Order finding defendant Trudeau in criminal contempt of court entered 2/11/10; modified 2/17/10.

Notice of appeal (10-1383) of criminal contempt order filed 2/17/10.

Order staying payment of fine pending appeal entered 2/24/10.

Trudeau's motion to stay proceedings pending appeal filed 3/9/10; order denying motion entered 3/12/10.

Supplemental order modifying the stipulated order for permanent injunction and awarding monetary relief entered 4/16/10.

Trudeau's motion to amend the supplemental order filed 4/22/10; Commission's response in opposition filed 5/7/10; Trudeau's reply

filed 5/21/10; Commission's sur-reply filed 6/1/10.
Commission's motion to amend the supplemental order filed 5/7/10;
Trudeau's response filed 5/21/10.
Opinion (10-1383) vacating finding of criminal contempt and remanding
for further proceedings entered 5/20/10.
Corrected supplemental order modifying the stipulated order for
permanent injunction and awarding monetary relief entered 6/2/10.
Notice of appeal (10-2418) of supplemental and corrected supplemental
orders filed 6/11/10.
Trudeau's emergency motion for stay pending appeal filed 6/15/10;
Commission's response filed 6/23/10; Trudeau's reply filed
6/28/10; order denying motion filed 7/14/10.
Trudeau's brief filed 7/23/10.
Commission's brief filed 8/23/10.
Oral argument held 9/24/10.
Order by district court denying Trudeau's motion for declaratory
judgment regarding scope of performance bond provision in
supplemental final order entered 9/27/10.
Court of appeals opinion affirming contempt sanctions and
modification of decree, issued 11/29/11.

FTC v. TRUMAN FORECLOSURE ASSISTANCE, LLC, No. 11-13464 (11th Cir.); No. 1:09-
CV-23543 (S.D. Fla.)

Parties: Truman Foreclosure Assistance, LLC
Truman Mitigation Services, LLC
Franklin Financial Group US LLC
Eli Hertz
Benzion Jack Itzkowitz, a/k/a Jack Itzkowitz
Richard Zafrani, a/k/a Rick Zafrani

Assigned Attorneys: David M. Wiese (BCP/FP)
Kathleen M. Pessolano
Burker Kappler (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with
the marketing and sale of mortgage loan modification and foreclosure
relief services.

Status: Complaint filed 11/23/09.
Clerk's entry of default as to corporate defendants 1/20/10.
Preliminary injunction entered 3/19/10.
Default judgment and order for permanent injunction and monetary relief
as to corporate defendants entered 5/12/10.
Commission's motion for contempt as to defendants Eli Hertz, Benzion
Jack Itzkowitz, and Richard Zafrani filed 7/1/10; notice by FTC

withdrawing motion for contempt as to defendant Eli Hertz and narrowing scope as to defendants Benzion Jack Itzkowitz and Richard Zafrani filed 8/27/10.
Stipulated agreement and order to dismiss Commission's motion for contempt entered 9/7/10.
Commission's motion for summary judgment filed 12/3/10; responses filed 12/27/10.
Default as to defendants Eli Hertz and Richard Zafrani entered 3/15/11.
Commission's motion for summary judgment filed 5/11/11.
Stipulated final orders for permanent injunction and settlement of claims as to defendants Eli Hertz and Benzion Itzkowitz entered 6/20/11.
Order granting Commission's motion for summary judgment against defendant Zafrani entered 6/23/11.
Notice of appeal by defendant Richard Zafrani filed 7/26/11.
Final order for permanent injunction as to defendant Richard Zafrani entered 8/30/11.
Appeal dismissed 10/25/11.

FTC v. UNITED BENEFITS OF AMERICA, LLC, No. 3:10-CV-00733 (M.D. Tenn.)

Parties: United Benefits, LLC
Timothy Thomas
Kennan Dozier
State of Tennessee (Co-plaintiff)

Assigned Attorneys: Arturo A. DeCastro (BCP-DMP)
Kelly A. Horne

Alleged Conduct: Deceptive acts and practices in violation of Section 5, the Telemarketing Sales Rule, and the Tennessee Consumer Protection Act in connection with United Benefits' marketing of its medical discount program.

Status: Complaint filed 8/3/10.
TRO entered 8/5/10.
Order holding defendants in contempt of TRO and referring matter to U.S. Attorney's Office for consideration of criminal contempt proceedings entered 8/18/10.
Stipulated preliminary injunction as to all defendants entered 8/20/10.
Amended complaint for permanent injunction filed 12/1/10.
Stipulated final order for permanent injunction and monetary judgment against United States Benefits, LLC; Timothy Thomas, and Kennan Dozier entered 9/27/11.

FTC v. U.S. HOMEOWNERS RELIEF, INC., No. 8:10-CV-01452 (C.D. Cal.)

Parties: U.S. Homeowners Relief, Inc.
Waypoint Law Group, Inc.
American Lending Review, Inc.
New Life Solutions, Inc.
D.G.C. Consulting, LLC
DLD Consulting, LLC
Samuel Paul Bain
Macie Mejeco Bain, a/k/a Macie Mejeco Manns
Aminullah Sarpas, a/k/a Amin Sarpas and David Sarpas
Damon Grant Carriger

Assigned Attorneys: Mary T. Benfield (NWR)
Maxine R. Stansell
Jennifer Larabee
David M. Horn
Raymond E. McKown (WR-LA)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the
Telemarketing Sales Rule in connection with the marketing and sale of
loan modification and foreclosure relief services.

Status: Complaint filed 9/27/10.
TRO with asset freeze entered 9/28/10.
Motion for preliminary injunction as to all defendants entered 10/7/10.
Hearing held 10/12/10 and 12/25/10.
Preliminary injunction as to defendants Damon Grant Carriger, D.G.C.
Consulting, LLC, and DLD Consulting, LLC entered 10/14/10.
Preliminary injunction as to defendants Aminullah Sarpas and New Life
Solutions, Inc. entered 10/14/10.
Preliminary injunction as to defendants Samuel Paul Bain, Macie Mejeco
Bain, U.S. Homeowners Relief, Inc., and American Lending
Review, Inc. entered 11/8/10.
Default entered as to defendants American Lending Review Inc., US
Homeowners Relief Inc., and Waypoint Law Group Inc. entered
8/26/11.
Stipulated final judgment and order for permanent injunction and other
equitable relief as to defendants Aminullah Sarpas and New Life
Solutions, Inc. entered 12/01/11.
Stipulated final judgment and offer for permanent injunction and other
equitable relief as to defendant Macie Mejeco Bain entered
12/01/11.
Stipulated final judgment and order for permanent injunction and other
equitable relief as to defendants Damon Grant Carriger, DLD
Consulting, LLC., and D.G.C. Consulting LLC entered 12/05/11.

FTC v. U.S. MORTGAGE FUNDING, INC., No. 9:11-CV-80155 (S.D. Fla.)

Parties: U.S. Mortgage Funding, Inc.
Debt Remedy Partners, Inc.
Lower My Debts.com, LLC.
David Mahler
John Incandela, Jr.
Jamen Lachs

Assigned Attorneys: Jessica D. Gray (SER)
Barbara E. Bolton

Alleged Conduct: Deceptive acts or practices in violation of Section 5 in connection with marketing services to consumers seeking mortgage relief.

Status: Complaint for permanent injunctive relief filed 2/7/11.
Motion for TRO filed 2/7/11; TRO granted 2/9/11.
Default as to defendants Lower My Debts.com, LLC and U.S. Mortgage Funding, Inc. entered 5/5/11.
Commission's motion for default judgment against defendants US Mortgage Funding Inc., LowerMyDebts.com, and John Incandela Jr. filed 7/25/11; order granting part, denying in part entered 9/20/11.
Amended complaint filed 7/26/11.
Default judgment as to U.S. Mortgage Funding and Lower My Debts.com entered 10/17/11
Commission's motion for summary judgment filed 10/17/11.

FTC v. VACATION PROPERTY SERVICES, INC., No. 8:11-CV-00595 (M.D. Fla.)

Parties: Vacations Property Services, Inc.
Vacation Property Sellers Inc. d/b/a Timeshare Experts; Higher Level
Marketing Inc. d/b/a Vacation Services
Albert M. Wilson
David S. Taylor
Frank M. Perry, Jr.

Assigned Attorneys: William T. Maxson (BCP/MP)
Dotan Weinman

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the
Telemarketing Sales Rule in connection with telephone calls to consumers

Status: Complaint filed 3/22/11.
TRO entered 3/23/11.
Order denying motion for preliminary injunction and dissolving TRO
as to defendant David Taylor entered 4/21/11.
Order granting stipulated preliminary injunction as to defendants
Vacation Property Sellers, Inc. and Frank M. Perry, Jr. entered
4/21/11.
Order granting in part and denying in part motion for preliminary
injunction entered 5/5/11.
Stipulated final judgment and order for permanent injunction as to
defendants Frank M. Perry, Jr, Higher Level Marketing, Inc., and
Vacation Property Sellers, Inc. entered 9/30/11.
Trial set for 4/30/12.

FTC v. VAUGHN, No. 2:11-CV-00630 (W.D. Wash.)

Parties: Tanner Garrett Vaughn, individually, and d/b/a Lead Expose, Inc., and
Uptown Media, Inc.

Assigned Attorneys: Julie Mayer (NWR)
Laura Solis

Alleged Conduct: Deceptive acts or practices in violation of Sections 5 and 12 of the FTC
Act in connection with the advertising, marketing and promotion of
weight loss and other products to consumers.

Status: Complaint filed 4/13/11.
Stipulated TRO entered 4/15/11.
Stipulated preliminary injunction entered 4/25/11.
Trial set for 5/21/12.

FTC v. VGC CORPORATION OF AMERICA, No. 1:11-CV-21757 (S.D. Fla.)

Parties: VGC Corporation of America
All Dream Vacations Corp.
Violeta Gonzalez
Cesar Gonzalez
Samir Jose Saer Rodriguez
State of Florida (co-plaintiff)

Assigned Attorneys: Valerie M. Verduce (SER)
Ambar J. Carvalho
Allison Finn (Office of the Fla. A.G.)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 of the FTC Act in connection with marketing a prize promotion involving a vacation package to consumers.

Status: Complaint filed 5/16/11.
Order granting ex parte motion for TRO with asset freeze entered 5/16/11.
Order granting motion for preliminary injunction entered 6/16/11.
Order granting in part motion to suspend proceedings and administratively closing case entered 11/1/11.
Joint motion for approval of judgment and final order filed 12/13/11.

FTC v. WASHINGTON DATA RESOURCES, INC., Nos. 10-12901, 10-10716, 10-10715
(11th Cir.); No. 8:09-CV-02309 (M.D. Fla.)

Parties: Washington Data Resources, Inc.
Optimum Business Solutions, LLC
Crowder Law Group, P.A.
Richard A. Bishop
Brent McDaniel
Tyna Caldwell
Douglas A. Crowder
Bruce Meltzer
Kathleen Lewis, a/k/a Kathy Lewis

Assigned Attorneys: Jonathan L. Kessler (ECR)
Julie A. Lady
Michael Milgrom
Christopher D. Panek
Harris A. Senturia
Mark S. Hegedus (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the
Telemarketing Sales Rule in connection with the marketing and sale of
mortgage loan modification and foreclosure relief services.

Status: Complaint filed 11/12/09.
TRO with asset freeze entered 11/13/09.
Stipulated preliminary injunction as to defendants Optimum Business
Solutions, LLC; Crowder Law Group, P.A.; Tyna Caldwell; Bruce
Meltzer; and Kathleen Lewis entered 11/8/09; modified 3/17/10.
Stipulated preliminary injunction as to defendant Douglas A. Crowder
entered 11/23/09; modified 11/25/09.
Stipulated preliminary injunction as to defendant Brent McDaniel entered
12/4/09.
Order adopting Magistrate Judge's report and issuing preliminary
injunction as to defendant Richard A. Bishop entered 12/14/09.
Order granting in part and denying in part defendant Brent Mc Daniel's
motion to modify asset freeze and denying Richard A. Bishop's
emergency motion to modify or dissolve asset freeze entered
1/15/10.
Notices of appeal (10-10715, 10-10716) by defendant Richard A. Bishop
filed 2/12/10.
Order dismissing appeal (10-10716) of denial of asset freeze motion for
lack of jurisdiction entered 4/13/10.
Richard A. Bishop's renewed motion to modify asset freeze filed 4/30/10;
Commission's response in opposition filed 5/14/10; reply filed
5/26/10.
Order denying renewed motion to modify asset freeze entered 6/15/10.

Notice of appeal (10-12091) by Richard A. Bishop filed 6/22/10.
Bishop's appellate brief filed 8/23/10.
Commission's answering brief filed 9/27/10.
Bishop's reply brief filed 10/21/10.
Commission's proposed stipulated final judgment and order as to
defendants Bruce Meltzer and Crowder Law Group, P.A. filed
11/19/10.
Commission's proposed stipulated final judgment and order as to
defendants Kathleen Lewis and Optimum Business Solutions, LLC
filed 11/19/10.
Defendants' motions for summary judgment denied 3/25/11.
Stipulated judgment against defendants Crowder Law Group, P.A.,
Optimum Business Solutions, LLC, Bruce Meltzer, and Kathleen
Lewis entered 3/28/11.
Oral argument held 4/14/11.
Opinion upholding preliminary injunction against defendant Richard
Bishop but vacating asset freeze issued 4/25/11.
Commission's motion to modify preliminary injunction as to Richard
Bishop filed 5/20/11; response filed 6/03/11.
Order granting motion in part and denying motion in part entered 8/12/11.
Permanent injunction and judgment against Douglas A. Crowder entered
9/29/11.
Trial held on 10/3-11/11.

FTC v. WATSON PHARMACEUTICALS, INC., No. 10-12729 (11th Cir.); No. 1:09-CV-
00955 (N.D. Ga.), formerly No. 2:09-CV-00598 (C.D. Cal.)

Parties: Watson Pharmaceuticals, Inc.
Par Pharmaceuticals Companies, Inc.
Paddock Laboratories, Inc.
Solvay Pharmaceuticals, Inc.

Assigned Attorneys: Markus Meier (BC)
Bradley S. Albert
J. Robert Robertson
Cynthia A. Liebes (SER)
Mark S. Hegedus (OGC)

Alleged Conduct: Action for a permanent injunction and other equitable relief for violations
of the Sections 1 and 2 of the Sherman Act and Section 5 of the FTC Act
in connection with agreement between brand name drug manufacturer and
generic manufacturers delaying entry of generic drug.

Status: Complaint in C.D. Cal. filed 1/27/09.
Amended complaint filed 2/12/09.

Defendants motion to transfer case to Northern District of Georgia filed 2/27/09; Commission's opposition filed 3/16/09; defendants' reply filed 3/23/09; order transferring case to N.D. Ga. entered 4/9/09.
Second amended complaint filed 5/28/09.
Commission's motion to stay proceeding filed 6/15/09; defendants' opposition filed 6/17/09; Commission's reply filed 7/6/09; order denying motion entered 7/17/09.
Defendants' motions to dismiss second amended complaint filed 7/20/09; Commission's opposition filed 8/21/09; defendants' replies filed 9/11/09.
Order granting motion to dismiss Commission's second amended complaint entered 2/22/10.
Judgment dismissing Commission's claims with prejudice entered 4/21/10
Notice of appeal filed 6/10/10.
Commission's opening brief filed 7/26/10.
Defendants' answering brief filed 11/10/10.
Commission's reply brief filed 12/15/10.
Oral argument held 5/13/11.

FTC v. WELLNESS SUPPORT NETWORK, INC., No. 3:10-CV-04879 (N.D. Cal.)

Parties: Wellness Support Network, Inc.
Robert Held
Robyn Held

Assigned Attorneys: Laura Fremont (WR-SF)
Kenneth Hatheway Abbe

Alleged Conduct: Deceptive acts and practices in violation of Sections 5 and 12 of the FTC Act in connection with the marketing and sale of dietary supplements for the treatment of diabetes.

Status: Complaint filed 10/28/10.
Defendants' motion to dismiss filed 12/29/10; memorandum in opposition filed 1/14/11; reply to opposition filed 1/21/11; order granting in part and denying in part motion entered, 4/4/11.
Amended complaint filed 4/29/11.
Defendants' motion to dismiss first amended complaint filed 6/8/11,
Commission's opposition filed 6/29/11; reply filed 7/8/11.
Order denying motion to dismiss entered 9/12/11.

FTC v. WILLMS, No. 2:11-CV-00828 (W.D. Wash)

Parties: Jesse Willms
Peter Graver
Adam Sechrist
Brett Callister
Carey Milne
1021018 Alberta Ltd. d/b/a Just think Media
1016363 Alberta Ltd. d/b/a edirect software
1524948 Alberta Ltd. d/b/a terra Marketing Group
Circle Media Bids Limited d/b/a Swipebids.com
CoastWest Holdings Limited
Elizabeth Graver
Farend Service Ltd.
JDW Media LLC
Mobile Web Media LLC
NetSoft Media LLC
Sphere Media LLC d/b/a SwipeBids.com
True Net LLC d/b/a selloffauctions.com

Assigned Attorneys: Julie K. Mayer (NWR)
Kathryn C. Decker
Nadine Samter
Eleanor Durham

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with the advertising, marketing and sale of variety of teeth whiteners, quick weight loss products and work from home schemes.

Status: Complaint filed 5/16/11.
Amended complaint filed 9/2/11.
Preliminary injunction entered 9/13/11.
Joint notice of settlement filed 11/30/11.

FTC v. YELLOW PAGE MARKETING B.V., No. 1:11-CV-05035 (N.D. Ill.)

Parties: Yellow Page Marketing B.V., d/b/a Yellow Page B.V. and Yellow Page (Netherlands) B.V.
Yellow Publishing Ltd.
Yellow Data Services Ltd.
Jan Marks

Assigned Attorneys: Rozina Cynthia Bhimani (MWR)
Matthew H. Wernz

Alleged Conduct: Deceptive acts and practices in violation of Section 5 of the FTC Act involving a campaign to induce small business and nonprofit organizations in the United States and elsewhere to pay for unordered listings in an internet directory.

Status: Complaint filed 7/26/11.
Ex parte TRO with asset freeze entered 7/26/11.
Preliminary injunction as to defendants Yellow Page Marketing B.V., Yellow Publishing Ltd., and Yellow Data Services Ltd. entered 8/9/11.
Commission's motion for default against defendants Yellow Page Marketing B.V., Yellow Data Services LTD., and Yellow Publishing LTD. filed 12/05/11; granted 12/13/11.

CIVIL PENALTY AND ENFORCEMENT CASES*

(A) Consumer Protection

UNITED STATES v. AMERICALL GROUP, INC., No. 1:11-CV-08895 (N.D. Ill.)

Parties: Americall Group, Inc.

Assigned Attorneys: Thomas P. Walsh (AUSA)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Telemarketing Sales Rule in connection with interfering with or denying, directly or indirectly, a person's right to be placed on an entity-specific do-not-call list and failure to submit a proper caller ID.

Status: Complaint filed 12/15/11.
Stipulated judgment and order for permanent injunction entered 12/15/11.

UNITED STATES v. B.K. HENRY FUNERAL CHAPEL, INC., No. 1:11-CV-01258 (D.D.C.)

Parties: B.K. Henry Funeral Chapel, Inc.
Brian K. Henry
Lisa Henry

Assigned Attorneys: Cindy Cho (DOJ/CPB)

Alleged Conduct: Violations of the Funeral Rule by failing to provide written casket pricing list for customers who inquire in person.

Status: Complaint filed 7/12/11.
Answer to complaint with jury demand filed 9/26/11.

* Includes all suits in which civil penalties are sought; consumer redress, injunctions, and ancillary equitable relief may also be sought.

UNITED STATES v. BUSINESS RECOVERY SERVICES, LLC, No. 2:11-CV-00390
(D. Ariz.)

Parties: Business Recovery Services, LLC
Brian Hessler

Assigned Attorneys: Jessica R. Gunder (DOJ/CPB)

Alleged Conduct: Violations of Section 5 and the Telemarketing Sales Rule in connection with abandoned calls and telephone calls to consumers on the National Do Not Call registry.

Status: Complaint filed 3/1/11.
Answer to complaint filed 3/28/11.
Order granting preliminary injunction entered 4/15/11.

UNITED STATES v. CARTER, No. 1:11-CV-04801 (N.D. Ill.)

Parties: Harry J. Carter, III, individually, and d/b/a Carter Funeral Chapels, Ltd.

Assigned Attorneys: Adrienne Fowler (DOJ/CPB)
LaShonda Hunt (AUSA)

Alleged Conduct: Violation of the Funeral Rule by failing to provide a printed general price list.

Status: Complaint filed 7/15/11.

UNITED STATES v. COX, No. 8:11-CV-0191 (C.D. Cal.)

Parties: Roy M. Cox Jr.
Capital Solutions Group, S.A. and its foreign affiliate
Transfers Argentina, S.A. and its foreign affiliate
Public Service and its foreign affiliate
Marketing Strategy Group and its foreign affiliate
Castle Rock Capital Management Inc. and its foreign affiliate
Castle Rock Capital Management, S.A. and its foreign affiliate
Capital Solutions Group, S.A. and its foreign affiliate

Assigned Attorneys: Carol Lyn Wallack (DOJ/CPB)
Matthew Samuel Ebert

Alleged Conduct: Deceptive acts and practice in violation of Section 5 and the

Telemarketing Sales Rule in connection with telephone calls made to person's on the National Do Not Call Registry.

Status: Complaint filed 12/12/11

UNITED STATES v. DANIEL CHAPTER ONE, No. 10-5370 (D.C. Cir.); No. 1:10-CV-01362 (D.D.C.)

Parties: Daniel Chapter One
James Feijo

Assigned Attorneys: Laura DeMartino (BCP/ENF)
Kristin M. Williams
Ruthanne Deutsch (OGC)
Jessica R. Grunder (DOJ/CPB)

Alleged Conduct: Violation of an FTC final cease and desist order in connection with defendants' continued deceptive advertising, promotion, and sale of "cancer-cure" products and failure to send required notification to prior purchasers of such products.

Status: Complaint filed 8/13/10.
United States' motion for preliminary injunction filed 8/25/10.
Defendants' motion to dismiss filed 9/1/10.
Order denying United States' and defendants' motions, and staying case pending resolution of defendants' appeal of the Commission's cease and desist order entered 9/14/10.
Notice of appeal by United States filed 11/12/10.
United States' motion to dismiss appeal voluntarily by United States filed 1/3/11.
Stay lifted 3/7/11.
United States' motion for preliminary injunction filed 3/11/11; opposition filed 3/25/11; reply filed 4/1/11.
Defendants' motion for stay filed 3/25/11; opposition filed 4/1/11; reply filed 4/8/11; motion denied 5/10/11.
Order granting United States' motion for preliminary injunction entered 6/22/11.

UNITED STATES v. DISH NETWORK L.L.C., No. 3:09-CV-03073 (C.D. Ill.)

Parties: Dish Network L.L.C.

Assigned Attorneys: Russell Deitch (BCP/MP)
Gary Ivens
Daniel K. Crane-Hirsch (DOJ/CPB)
James A. Lewis (AUSA)

Alleged Conduct: Violations of Section 5 and the Telemarketing Sales Rule in connection with abandoned calls and telephone calls to consumers on the National Do Not Call registry.

Status: Complaint filed 3/25/09.
Defendant's motion to dismiss filed 5/21/09; plaintiff's response in opposition filed 7/17/09; defendant's reply filed 7/27/09; plaintiff's sur-reply filed 9/11/09.
Order denying motion to dismiss entered 11/21/09.
Defendant's motion for reconsideration or interlocutory appeal filed 11/19/09; plaintiff's response filed 12/22/09; order denying motion entered 2/4/10.
Memorandum in opposition to motion/petition filed 5/21/10.
Motion to compel 7/30/10; memorandum in opposition to motion 8/16/10; memorandum in support of motion filed 9/24/10; order on motion to compel entered, 12/9/10.
Appeal of magistrate judge decision to district court filed 12/29/10.
Defendants' motion to stay action under doctrine of primary jurisdiction filed 12/21/10; opposition filed 1/12/11.
Order directing the parties to file an administrative complaint with the FCC, to obtain its interpretation of statutory language, entered 2/4/11.
Trial set for 4/2/13.

UNITED STATES v. FEATURE FILMS FOR FAMILIES, INC., No. 4:11-CV-00197
(N.D. Fla.)

Parties: Feature Films for Families, Inc.
Corporations for Character LC
Family of Utah, Inc.
Forrest Sandusky Baker, III

Assigned Attorneys: Peter G. Fisher (AUSA)
Daniel M.. Bacza (DOJ/CPB)
Michael Tankersley (BCP)
Arturo DeCastro

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the
Telemarketing Sales Rule in connection with telemarketing to induce the
purchase of goods or services, and to induce charitable contributions,
telemarketing calls to consumers on the “Do-Not-Call” list.

Status: Complaint filed 5/5/11.
Defendants’ motion to dismiss for failure to state a claim and for improper
venue filed 7/25/11; United States’ memo in opposition filed
8/8/11; order denying motion entered 10/25/11.
Defendants’ counterclaim against the United States filed 11/14/11.
United States’ motion to dismiss counterclaims for lack of jurisdiction
filed 12/21/11.

UNITED STATES v. GODWIN, No. 1:11-CV-03846 (N.D. Ga.)

Parties: Jones O. Godwin, d/b/a skidekids.com

Assigned Attorneys: Alan J. Phelps (DOJ/CPB)
Lena Amanti (AUSA)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Children’s
Online Privacy Protection Act in connection with the privacy policy and
collection practices of the website “skidekids.com”.

Status: Complaint filed 11/08/11.

UNITED STATES v. HO, No. 0:11-CV-03419 (D. Minn.)

Parties: Thy Xuan Ho, a/k/a Brandon Lee, d/b/a MyCuteLens.com

Assigned Attorneys: Alan J. Phelps (DOJ/CPB)
David W. Fuller (AUSA)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Contact Lens Rule in connection with the advertising and sale of contact lenses.

Status: Complaint filed 11/22/11.
Consent decree and order for civil penalties, permanent injunction and other relief entered 12/27/11

UNITED STATES v. JOKESHOP USA, No. 1:11-CV-11221 (D. Mass.)

Parties: Jokeshop USA, LLC, d/b/a Vampfangs and Glowmark Novelties
Scott Smiledge-Ferragamo

Assigned Attorneys: Anton P. Giedt (AUSA)

Alleged Conduct: Violation of the Contact Lens Rule in its selling and advertising of plano contact lenses by failing to obtain the consumer's contact lens prescription or verifying the prescription.

Status: Complaint filed 7/12/11.
Consent decree and order for civil penalties, permanent injunction, and other relief entered 11/28/11.

UNITED STATES v. KIM, No. 1:11-CV-05723 (E.D.N.Y.)

Parties: Gene Kim, d/b/a BuyExclusive.net

Assigned Attorneys: Seth D. Eichenholtz (AUSA)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Contact Lens Rule in connection with the advertising and sale of contact lenses on the website "BuyExclusive.net"

Status: Complaint filed 11/22/11.

FTC v. NAVESTAD, Nos. 11-1949, 11-1950 (2d Cir.), No. 6:09-CV-06329 (W.D.N.Y.)

Parties: Paul Navestad, a/k/a Paul Richard, d/b/a Cash Grant Institute, Global Ad Agency, Global Advertising Agency
Chintana Maspakorn, a/k/a Christina Maskaporn, d/b/a Cash Grant Institute, Global Ad Agency, Global Advertising Agency

Assigned Attorneys: Russell S. Deitch (BCP/MP)
Craig Tregillus
Kathleen Daffan
David L. Sieradzki (OGC)

Alleged Conduct: Violations of the Telemarketing Sales Rule and Section 5 in connection with telephone calls to consumers on the National Do Not Call registry.

Status: Complaint for civil penalties and other relief filed 6/25/09.
TRO with asset freeze and other equitable relief entered 6/25/09.
Preliminary injunction entered 7/21/09.
Order directing defendant Navestad to comply with requirements of the preliminary injunction, entered 3/14/11.
Order striking five affirmative defenses, entered 3/14/11.
Notices of appeal of orders on motion to strike and motion to show cause by defendant Paul Navestad filed 5/10/11.
Motions to dismiss appeals filed 6/22/11.
Order dismissing appeal entered 7/7/11.

UNITED STATES v. RMCN CREDIT SERVICES, INC., No. 4:11-CV-00650 (E.D. Tex.)

Parties: RMCN Credit Services, Inc.
Doug Parker
Julie Parker

Assigned Attorneys: Philip Martin Toomjian (DOJ/CPB)
J. Kevin McClendon (AUSA)

Alleged Conduct: Deceptive acts and practices in violation of the Credit Repair Organization Act in connection with advertising and sale of credit repair services.

Status: Complaint filed 10/12/2011
Defendants' motion to dismiss filed 12/12/11.

UNITED STATES v. ROYAL TRONICS INC.., No. 0:11-CV-62491 (S.D. Fla.)

Parties: Royal Tronics Inc. d/b/a MyCandyEyes.com
Jamil Hindi d/b/a/ MyCandyEyes.com

Assigned Attorneys: Alan J. Phelps (DOJ/CPB)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Contact Lens Rule in connection with the advertising and sale of plano contact lenses without obtaining the consumers' contact lens prescription or verifying the prescription.

Status: Complaint filed 11/22/11.
United States' motion to approve consent judgment filed 11/22/11.

UNITED STATES v. SONKEI COMMUNICATIONS INC., No. 8:11-CV-01777 (C.D. Cal.)

Parties: Sonkei Communications Inc., d/b/a Sonkie and Sonkie One
Peter J. Turpel
Joseph Turpel

Assigned Attorneys: Sondra L. Mills (DOJ/CPB)

Alleged Conduct: Violations of Section 5 and the Telemarketing Sales Rule in making telemarketing calls to telephone numbers on the Do Not Call Registry

Status: Complaint filed 11/17/11.

UNITED STATES v. SUMPOLEC, No. 6:09-CV-00378 (M.D. Fla.)

Parties: Edward Sumpolec, d/b/a Thermalkool, Thermacool, Energy Conservation Specialists

Assigned Attorneys: Michael J. Davis (BCP/ENF)
Philip M. Toomajian (DOJ/CPB)
Scott H. Park (AUSA)

Alleged Conduct: Violations of Section 5 and the R-Value Rule in connection with the sale of home insulation products.

Status: Complaint filed 2/26/09.
Default entered 5/29/09; vacated 2/10/10.
United States' motion for summary judgment filed 12/17/10.
Judgment against Edward Sumpolec entered 9/12/11.
United States' motion for permanent injunction and civil penalties filed 10/11/11.

UNITED STATES v. W3 INNOVATIONS, LLC, No. 5:11-CV-03958 (N.D. Cal.)

Parties: W3 Innovations, LLC, d/b/a Broken Thumbs Apps
Justin Maples

Assigned Attorneys: Alan Phelps (DOJ/CPB)

Alleged Conduct: Violation of Children's Online Privacy Protection Act (COPPA) by collecting and distributing children's personal information without parental consent in connect with iPhone and iPod touch apps.

Status: Complaint filed 8/12/11.
Consent decree and order for civil penalties, injunction, and other relief entered 9/8/11.

(B) Competition

UNITED STATES v. ROBERTS, No. 1:11-CV-02240 (D.D.C.)

Parties: Brian L. Roberts

Assigned Attorneys: Kenneth L. Libby (BC/Mergers)
Roberta S. Baruch (BC)
Sharis Arnold Pozen (DOJ/AT)

Alleged Conduct: Failure to comply with the premerger reporting and waiting requirement of the Hart-Scott-Rodino Act.

Status: Complaint filed 12/16/11.
Stipulated final judgment entered 12/28/11.

SUBPOENA AND CID ENFORCEMENT PROCEEDINGS

FTC v. BOEHRINGER INGELHEIM PHARMACEUTICALS, INC., No. 1:09-MC-00564
(D.D.C.)

Parties: Boehringer Ingelheim Pharmaceuticals, Inc.

Assigned Attorneys: Imad D. Abyad (OGC)
Robert B. Mahini
Leslie R. Melman
David C. Shonka

Alleged Conduct: Petition for an order to enforce a subpoena.

Status: Petition filed 10/23/09.
Order to show cause entered 12/4/09.
Matter transferred to magistrate judge 12/1/10.
Status conference held on 10/24/11.
Hearing on merits held 12/09/11.

FTC v. CHURCH & DWIGHT CO., INC., Nos. 11-5008, 10-5383 (D.C. Cir.);
No. 1:10-MC-00149 (D.D.C.)

Parties Church & Dwight Co., Inc.

Assigned Attorneys: Mark S. Hegedus (OGC)
Leslie R. Melman

Nature of Action: Petition for an order to enforce a subpoena.

Status: Petition filed 2/26/10.
Respondent's motions to stay and transfer case to D.N.J. filed 3/4/10;
Commission's opposition filed 3/8/10; respondent's reply filed
3/18/10; order denying motion as moot filed 10/12/10.
Response to petition filed 5/21/10; Commission's reply filed 6/4/10.
Order granting petition to enforce subpoena entered 10/29/10.
Notice of appeal filed 11/2/10.
Respondent's motion to stay order on motion to enforce filed 11/22/10;
Commission's memorandum in opposition filed 11/29/10;
respondent's reply filed 12/6/10.
Commission's motion to enforce judgment filed 11/22/10; respondent's
response filed 11/29/10; Commission's reply filed 11/30/10.
Order denying respondent's motion to stay and granting Commission's
motion to enforce filed 12/23/10.
Notice of appeal from 12/23/10 order filed 12/29/10.

Motion to enforce 10/29/10 order by Commission filed 4/5/11;
opposition to motion filed 4/19/11; reply filed 4/22/11; sur-reply
filed 5/3/11.
Order denying Commission's motion to enforce as moot relying upon
respondent's representation that production will be completed by
5/27/11 entered 5/17/11.
Appellant's opening brief in consolidated appeals filed 6/1/11.
Commission's brief filed 7/19/11.
Appellant's reply brief filed 8/15/11.
Oral argument held 10/11/11.
Judgment affirming district court opinion entered 12/13/11.

FTC v. STAR PIPE PRODUCTS LTD., No. 4:11-MC-00399 (S.D. Tex.)

Parties: Star Pipe Products Ltd.

Assigned Attorneys: Burke Kappler (OGC)
Keith Wyatt (AUSA)

Nature of Action: Petition for an order to enforce a subpoena.

Status: Petition filed 9/13/11.
Order to show cause entered 9/15/11.
Show cause hearing held 11/1/11.
Order denying petition without prejudice, 11/3/11.

SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION

BASIC RESEARCH v. FTC, No. 2:09-CV-00779 (D. Utah)

Parties: Basic Research
A.G. Waterhouse
Sovage Dermalogic Laboratories
Carter-Reed Company, LLC
Dynakor Pharmacal
Dennis Gay
Mitchell K. Friedlander

Assigned Attorneys: Mark Hegedus (OGC)
Drake Cutini (DOJ/CPB)
Jeannette Swent (AUSA)

Nature of Action: Declaratory judgment action claiming violations of plaintiffs' free speech and due process constitutional rights in connection with advertising for weight loss products.

Status: Complaint filed 8/31/09.
Motion to dismiss complaint filed 10/30/09; plaintiffs' response in opposition filed 12/23/09; Commission's reply filed 1/22/10; plaintiffs' sur-reply filed 4/1/10.
Plaintiffs' motion to consolidate case with *United States v. Basic Research, L.L.C.*, No. 2:09-CV-00972 (D. Utah) filed 11/6/09; Commission's response in opposition filed 11/23/09; plaintiffs' reply filed 12/14/09.
Oral argument on pending motions held 5/6/10.
Memorandum decision denying motion to dismiss complaint and granting motion to consolidate case with *United States v. Basic Research, L.L.C.*, No. 2:09-CV-00972 entered 5/23/11.
Plaintiffs' motion for partial summary judgment filed 8/27/11; Commission's opposition filed on 9/28/11; reply filed 11/01/11; hearing scheduled for 5/10/12.

CORPORATIONS FOR CHARACTER v. FTC, No. 2:11-CV-00419 (D. Utah)

Party: Corporations for Character, L.C.

Assigned Attorneys: Drake Cutini (DOJ/CPB)
David Sieradzki (OGC)
Michael Tankersley (BCP)

Nature of Action: Action for declaratory relief to preclude FTC and USA from proceeding with enforcement litigation against plaintiff.

Status: Complaint filed 5/6/11.
Commission's motion to dismiss for lack of jurisdiction filed 7/18/11;
plaintiff's opposition filed 8/18/11; Commission's reply filed
9/16/11.
Hearing on motion set for 3/8/12.

MODERN IMAGING SOLUTIONS, INC. v. UNITED STATES, No.1:11-CV-0071; 1:11-CV-00344 (Fed. Cl.)

Party: Modern Imaging Solutions, Inc.

Assigned Attorneys: Michele Arington (OGC)
Daniel B. Volk (DOJ/CLB)

Nature of Action: Action for breach of contract in connection with agency's non-payment for unauthorized purchases by FTC employee.

Status: Complaint filed 5/31/11.
Order granting plaintiff's motion to voluntarily dismiss complaint without prejudice entered 8/9/11.
Complaint refiled 10/26/11.
United States' motion to dismiss filed 12/27/11.

NAT'L AUTOMOBILE DEALERS ASS'N v. FTC, No. 1:11-CV-01711 (D.D.C.)

Parties: National Automobile Dealers Association

Assigned Attorney's: David Sieradzki (OGC)
Drake Cutini (DOJ/CPB)

Nature of Action: Action for injunction and declaratory relief with respect to the FTC's rules implementing credit score disclosure requirements of the Dodd-Frank Act.

Status: Complaint filed on 9/22/11.
Plaintiff's motion for summary judgment filed 12/16/11.
Commission's motion to dismiss filed 12/21/11.

NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS v. FTC, No. 11-1679
(4th Cir.), No. 5:11-CV-0049 (E.D.N.C.)

Party: North Carolina State Board of Dental Examiners

Assigned Attorneys: Melissa Westman-Cherry (BC)
Imad D. Abyad (OGC)

Nature of Action: Action for declaratory and injunctive relief with respect to pending Commission adjudicative proceeding.

Status: Complaint filed 2/1/11.
Motion for TRO filed 2/2/11.
Response in opposition to motion filed 2/7/11.
Order denying TRO entered 2/9/11.
Motion to dismiss filed 2/28/11; opposition filed 3/24/11; reply filed 4/7/11.
Order granting motion to dismiss entered 5/3/11.
Notice of appeal filed 6/27/11.
Appellant's brief filed 9/29/11; Commission's brief filed 11/28/11;
Appellant's reply brief filed 12/15/11.

POM WONDERFUL, LLC v. FTC, No. 1:10-CV-01539 (D.D.C.)

Parties: POM Wonderful, LLC

Assigned Attorneys: David L. Sieradzki (OGC)
Drake S. Cutini (DOJ/CPB)

Nature of Action: Declaratory judgment action claiming violation of the FTC Act, the Administrative Procedure Act, and plaintiff's First and Fifth Amendment rights in connection with Commission's application of substantiation standard to POM.

Status: Complaint filed 9/13/10.
Commission's motion to dismiss filed 11/16/10; POM Wonderful's opposition filed 1/13/11; Commission's reply filed 1/24/11.

REASSURE AMERICAN LIFE INSURANCE CO. v. ANDREONI, No. 11-10158 (11th Cir.),
No. 1:08-CV-22664 (S.D. Fla.)

Parties: Reassure American Life Insurance Co. (Plaintiff)
Miriam Sofia Andreoni (Defendant)
Peter and Nadia Smolyanski, Co-Trustees of the
Anthony Andreoni Irrevocable Trust (Defendants)
Bruce E. Warner (Defendant)
Federal Trade Commission (Intervenor)

Assigned Attorneys: Ruthanne M. Deutsch (OGC)
Michael E. Tankersley (BCP/MP)
Daniel O. Hanks

Nature of Action: Interpleader action to determine the disposition of life insurance proceeds, in which the Commission intervened to collect on the judgment in its favor in *FTC v. American Entertainment Distribs., Inc.*

Status: Complaint filed 9/29/08.
FTC's motion to intervene granted, 3/23/10.
Orders granting summary judgment to FTC and substituting it for Miriam Andreoni, entered 11/17/10.
Notice of appeal filed 1/12/11.
Appellants' opening briefs filed 4/11/11 and 5/25/11
Commission's response brief filed 6/23/11.
Oral argument scheduled for 2/28/12.

STAR PIPE PRODUCTS LTD v. FEDERAL TRADE COMMISSION, No. 4:11-MC-00485
(S.D. Tex.)

Parties: Star Pipe Products LTD

Assigned Attorneys: Burke Kappler (OGC)
Leslie Melman

Alleged Conduct: Petition for protective order and stay of disclosure of confidential information produced in response to subpoena issued by the Commission.

Status: Objections and petition for protective order and stay of disclosure/other miscellaneous relief filed 11/09/11.

STATE FARM FIRE & CAS. CO. v. CHAPMAN, No. 2:11-CV-1957 (D. Ariz.)

Parties: State Farm Fire & Casualty Co. (Plaintiff)
Meggie Chapman & Associates (Defendant)
Meggie Chapman (Defendant)
Federal Trade Commission (Defendant)

Assigned Attorneys: Carrie Jane Brennan (AUSA)
Michael Bergman (OGC)

Alleged Conduct: Declaratory judgment action regarding insurance proceeds of defendant against whom final judgment was entered in *FTC v. Affiliate Strategies Inc.*, No. 5:09-CV-04104 (D. Kan.)

Status: Complaint filed 10/06/11
Commission's motion to dismiss for lack of jurisdiction filed 12/15/11.

AMICUS CURIAE BRIEFS or PARTIAL INTERVENTIONS

FEIN, SUCH, KAHN & SHEPARD, PC v. ALLEN, No. 10-1147 (S. Ct.)

Assigned Attorneys: Ruthanne M. Deutsch (OGC)
Melissa Arbus Serry (DOJ/OSG)

Nature of Action: Private action under the Fair Debt Collection Practices Act, addressing the question whether the Act applies to communications from debt collectors to consumers' attorneys

Status: Supreme Court order requesting the views of the United States, issued 10/3/11.
Brief for the United States as amicus curiae, in which the Commission joined, urging denial of certiorari, filed 12/23/11.

IN RE K-DUR ANTITRUST LITIGATION, Nos. 10-2077, 10-2078, 10-2079 (3d Cir.)

Assigned Attorney: John F. Daly (OGC)
Malcolm L. Stewart (DOJ/OSG)

Nature of Action: Private action involving antitrust claims that a drug manufacturer restricted generic drug companies from marketing generic versions of its prescription medication when the manufacturer made settlement agreements with two of the generic companies.

Status: Brief of Commission as amicus curiae in support of plaintiffs/appellants filed 5/18/11.
Oral argument held 12/12/11.

ST. JOSEPH ABBEY, ET. AL. v. PAUL CASTILE, ET. AL., No. 11-20756 (5th Cir.); 2:10-CV-2717 (E.D. Ill.)

Assigned Attorney: Ruthanne M. Deutsch (OGC)

Nature of Action: Private action concerning Louisiana's licensing restrictions on retail casket sales and their effect on the Funeral Rule.

Status: Brief of Commission as amicus curiae in support of neither party filed 12/16/11.

VASSALLE v. MIDLAND FUNDING LLC, No. 3:11-CV-00096 (N.D. Ohio)

Assigned Attorney: Larissa L. Bungo (ECR)

Nature of Action: Private action concerning consumers' rights to defend themselves in ongoing debt collections.

Status: Brief of Federal Trade Commission as amicus curiae in support of plaintiff filed 6/21/11.
Memorandum opinion and judgment entered 8/12/11.
Notice of appeal filed 9/12/11.