

1 WILLIAM E. KOVACIC
General Counsel

2 TRACY S. THORLEIFSON
3 MARY T. BENFIELD
Federal Trade Commission
4 915 Second Avenue, Suite 2896
Seattle, WA 98174
5 Phone: (206)220-6350
Facsimile: (206) 220-6366

6 BLAINE T. WELSH
7 Assistant United States Attorney
333 Las Vegas Blvd, South, Suite 5000
8 Las Vegas, NV 89101
Phone (702) 388-6336

9 Attorneys for Plaintiff
10 Federal Trade Commission

11
12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14
15 FEDERAL TRADE COMMISSION,

16 Plaintiff,

17 v.

18 3RD UNION CARD SERVICES INC.,
doing business as
19 PHARMACYCARDS.COM,
a Delaware Corporation,
20 DAVID GRAHAM TURNER,
individually and doing business as
21 HELMCREST, LTD., and
PHARMACYCARDS.COM, and as an
22 officer or director of 3RD UNION CARD
SERVICES and STEVE PEARSON,
23 individually and doing business as
HELMCREST, LTD., and
24 PHARMACYCARDS.COM, and as an
officer or director of 3RD UNION CARD
25 SERVICES,

26 Defendants.

CV-S-04-0712-RCJ-RJJ

AMENDED COMPLAINT FOR
INJUNCTION AND OTHER
EQUITABLE RELIEF

1 Plaintiff, the Federal Trade Commission (“the FTC” or “the Commission”), for its
2 complaint alleges:

3 1. The FTC brings this action under Sections 5(a) and 13(b) of the Federal
4 Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a) and 53(b), to obtain temporary,
5 preliminary and permanent injunctive relief, rescission or reformation of contracts,
6 restitution, disgorgement, and other equitable relief in connection with defendants’
7 unauthorized debiting of consumers’ checking accounts, which constitute unfair acts or
8 practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

9
10 **JURISDICTION AND VENUE**

11 2. Subject matter jurisdiction is conferred upon this Court by 15 U.S.C.
12 §§ 45(a) and 53(b), and 28 U.S.C. §§ 1331, 1337(a), and 1345.

13 3. Venue in the District of Nevada is proper under 15 U.S.C. § 53(b) and 28
14 U.S.C. §§ 1391(b), (c), and (d).

15
16 **PLAINTIFF**

17 4. Plaintiff Federal Trade Commission is an independent agency of the
18 United States Government created by statute. 15 U.S.C. §§ 41 *et seq.* The Commission
19 enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or
20 deceptive acts or practices in or affecting commerce. The Commission may initiate
21 federal district court proceedings by its own attorneys to enjoin violations of the FTC
22 Act and to secure such equitable relief as may be appropriate in each case, including
23 restitution for injured consumers. 15 U.S.C. § 53(b).

24
25 **DEFENDANTS**

26 5. Defendant 3rd Union Card Services, Inc. (“3rd Union”), is a Delaware
27 corporation that does business as Pharmacards.com. Its mailing address is 555 Route
28 78, Swanton, Vermont. Its registered agent is Harvard Business Services, Inc., 25

1 Greystone Manor, Lewes, Delaware. 3rd Union transacts or has transacted business in
2 the District of Nevada.

3 6. Defendant David Graham Turner is an officer or director of 3rd Union.
4 Turner has operated the Pharmacards.com scheme doing business under the name of
5 HelmCrest, Ltd., as well as through 3rd Union. At all times material to this complaint,
6 acting alone or in concert with others, he has formulated, directed, controlled, or
7 participated in the acts and practices of the corporate defendants, including the acts and
8 practices set forth in this complaint. Turner claims to reside in London, England.
9 Through HelmCrest, Turner has also done business from 377 Edgware Road, Marble
10 Arch, London, England W2 1BT and 37 B New Cavendish Street, London, England
11 W1M 8JQR. Through telephone calls, facsimile transmissions, email and other
12 correspondence, Turner has transacted business in the District of Nevada.

13 7. Defendant Steve Pearson is an officer or manager of 3rd Union. Pearson
14 has operated the Pharmacards.com scheme doing business under the name of
15 HelmCrest, Ltd., as well as through 3rd Union. At all times material to this complaint,
16 acting alone or in concert with others, he has formulated, directed, controlled, or
17 participated in the acts and practices of the corporate defendants, including the acts and
18 practices set forth in this complaint. Through HelmCrest, Pearson has also done
19 business from 377 Edgware Road, Marble Arch, London, England W2 1BT and 37 B
20 New Cavendish Street, London, England W1M 8JQR. Through telephone calls,
21 facsimile transmissions, email and other correspondence, Pearson has transacted
22 business in the District of Nevada.

23
24 **COMMERCE**

25 8. At all times relevant to this complaint, defendants have maintained a
26 substantial course of trade in or affecting commerce, as “commerce” is defined in
27 Section 4 of the FTC Act, 15 U.S.C. § 44.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, plaintiff Federal Trade Commission, pursuant to Section 13(b) of
3 the FTC Act, 15 U.S.C. § 53(b), and the Court's own equitable powers, requests that the
4 Court:

5 1. Award plaintiff such preliminary injunctive and ancillary relief as may be
6 necessary to avert the likelihood of consumer injury during the pendency of this action
7 and to preserve the possibility of effective final relief;

8 2. Permanently enjoin defendants from violating the FTC Act as alleged
9 herein;

10 3. Award such relief as the Court finds necessary to redress injury to
11 consumers resulting from defendants' violations of the FTC Act, including, but not
12 limited to, rescission or reformation of contracts, restitution, the refund of monies paid,
13 and the disgorgement of ill-gotten monies; and

14 4. Award plaintiff the costs of bringing this action, as well as such other and
15 additional relief as the Court may determine to be just and proper.

16
17 Dated: Nov. 17th, 2004

18 Respectfully Submitted,
19 WILLIAM E. KOVACIC
20 General Counsel

21 

22 Tracy S. Thorleifson
23 Mary T. Benfield
24 Federal Trade Commission
25 915 Second Avenue, Suite 2896
26 Seattle, WA 98174
27 Phone: (206)220-6350
28 Facsimile: (206) 220-6366

BLAINE T. WELSH
Assistant United States Attorney
333 Las Vegas Blvd, South
Suite 5000
Las Vegas, NV 89101
Phone (702) 388-6336

Attorneys For Plaintiff
Federal Trade Commission

1 **CERTIFICATE OF SERVICE**

2 I, Lauren France, am a citizen of the United States, over the age of eighteen
3 years, and a resident of King County, Washington. I am an employee of the Federal
4 Trade Commission. My business address is 915 Second Avenue, Suite 2896, Seattle,
5 WA 98174.

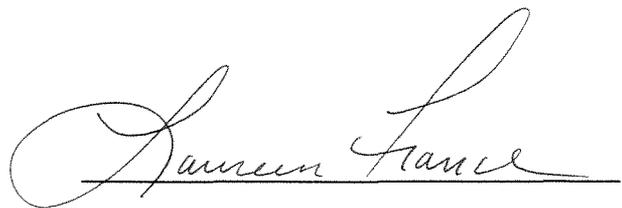
6
7 On November 17, 2004, I transmitted copies of the foregoing
8 document to defendants David Graham Turner, individually and d.b.a. HelmCrest, Ltd.,
9 and Pharmacards.com and Steve Pearson, individually and d.b.a. HelmCrest, Ltd., and
10 Pharmacards.com, at the following email addresses and facsimile telephone numbers:

11
12 Facsimile telephone numbers: (309) 420-6645, (775) 206-2608, 011-44-700-580-0570,
13 and 011-44-2628-4040.

14
15 Email addresses: ccorder@ziplip.com, bpowork@speedpost.net,
16 pharmacards@mailforce.net, outsource@fastmail.us, cashgenerator@fastmail.us,
17 icallanytime@aol.com, paolo.vanoli@ziplip.com, paymypals@yahoo.co.uk,
18 justaskme@hotmail.com, justaskme@msn.com, bigdoris@aol.com,
19 p_barnes@yellowinfopages.com, and zooperman@hotmail.com.

20
21 I declare under penalty of perjury that the foregoing is true and correct.

22
23 Executed this 17 day of November 2004.

24
25 

26 Lauren France, Investigator
27
28