

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

FEDERAL TRADE COMMISSION,  
  
Plaintiff,  
  
v.  
  
GM FUNDING INC., et al.  
  
Defendants.

Case No. SACV 02-1026 DOC (MLGx)

**STIPULATED ORDER  
MODIFYING THE STIPULATED  
JUDGMENT AND ORDER FOR  
PERMANENT INJUNCTION AS TO  
DEFENDANTS GM FUNDING INC.,  
ROBERT D. KUTZNER, GLOBAL  
MORTGAGE FUNDING INC., AND  
DAMIAN R. KUTZNER [95]**

Plaintiff, the Federal Trade Commission (“Commission” or “FTC”), filed its Complaint pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), and sections 521(a) and 522(a) of the Gramm-Leach-Bliley Act (“GLB Act”), 15 U.S.C. §§ 6821(a) 6822(a).

On May 5, 2003, the Court entered the Stipulated Judgment and Order for Permanent Injunction as to Defendants GM Funding Inc., Robert D. Kutzner, Global Mortgage Funding Inc., and Damian R. Kutzner. DE 36 (the “2003 Order”).

On May 31, 2016, the Commission filed a new Complaint against Damian R. Kutzner pursuant to Section 13(b) of the Federal Trade Commission (“FTC Act”), 15 U.S.C. § 53(b), and the 2009 Omnibus Appropriations Act, Public Law 111-8, Section 626, 123 Stat. 524, 678 (Mar. 11, 2009) (“Omnibus Act”), as

1 clarified by the Credit Card Accountability Responsibility and Disclosure Act of  
2 2009, Public Law 111-24, Section 511, 123 Stat. 1734, 1763-64 (Mar. 22, 2009)  
3 (“Credit Card Act”), and amended by the Dodd-Frank Wall Street Reform and  
4 Consumer Protection Act, Public Law 111-203, Section 1097, 124 Stat. 1376,  
5 2102-03 (July 21, 2010) (“Dodd-Frank Act”), 12 U.S.C. § 5538. *See FTC v.*  
6 *Damian Kutzner, et al.*, No. SACV16-00999-BRO (AFMx) (C.D. Cal.) (the “2016  
7 FTC Case”). On May 31, 2016, the FTC also sought a Temporary Restraining  
8 Order (“TRO”) in the 2016 FTC Case, which that court granted on June 1, 2016.

9 Based on the same facts submitted in support of the TRO in the 2016 FTC  
10 Case, on June 27, 2016, the FTC submitted its Notice of Application and  
11 Application for an Order to Show Cause Why Damian Kutzner Should not be Held  
12 in Contempt. DE 39 (“Contempt Application”). On July 1, 2016, this Court issued  
13 its Order that Damian Kutzner Show Cause Why He Should not be Held in  
14 Contempt. DE 45.

15 The Commission and Damian R. Kutzner stipulate to the entry of this  
16 Stipulated Order Modifying the Stipulated Judgment and Order for Permanent  
17 Injunction as to Defendants GM Funding Inc., Robert D. Kutzner, Global  
18 Mortgage Funding Inc., and Damian R. Kutzner (“Order”) to resolve all matters in  
19 dispute in this action between them. This Order supersedes and replaces the 2003  
20 Order as to Damian R. Kutzner. It does not in any way modify the 2003 Order as  
21 to any other defendants in this case.

22 Upon entry of this Order, the FTC and Damian R. Kutzner agree that they  
23 will enter into a stipulation dismissing Damian R. Kutzner from the 2016 FTC  
24 Case.

25  
26  
27 **THEREFORE, IT IS ORDERED** as follows:  
28

**FINDINGS**

1  
2 1. This Court has jurisdiction over this matter.

3 2. The Contempt Application alleges that Damian R. Kutzner violated  
4 the 2003 Order by, directly or indirectly, misrepresenting to consumers that they  
5 could expect to receive \$75,000 each or to have their mortgages voided by being  
6 added to a mass joinder case to be litigated by lawyers with sufficient expertise to  
7 handle complex lender fraud matters.

8 3. Only for purposes of this action, Damian R. Kutzner admits the facts  
9 necessary to establish jurisdiction.

10 4. For purposes of any proceeding in which the FTC is a party, Damian  
11 R. Kutzner does not contest that the FTC could submit sufficient evidence to  
12 demonstrate by clear and convincing evidence the following:

13 a. Damian R. Kutzner owned or controlled Brookstone Law P.C., a  
14 California corporation; Brookstone Law P.C., a Nevada corporation;  
15 Advantis Law P.C.; and Advantis Law Group P.C. (collectively, “the  
16 law firms”).

17 b. Damian R. Kutzner managed and controlled the sales and marketing  
18 for the law firms, including hiring and firing sales personnel and  
19 drafting or editing sales scripts.

20 c. At least from January 1, 2011 to June 2, 2016, Damian R. Kutzner,  
21 acting alone or in concert with others, formulated, directed,  
22 controlled, had the authority to control, or participated in the acts and  
23 practices set forth in the Contempt Application.

24 d. The law firms made the following misrepresentations to consumers to  
25 convince them to sign up for litigation against their lenders:  
26  
27  
28

- i. The law firms were likely to obtain relief for consumers, including in some instances “at least \$75,000” or consumers’ homes free and clear;
  - ii. The law firms would seek to void consumers’ mortgages;
  - iii. The law firms had a team of experienced lawyers and personnel to litigate mass joinder cases alleging lender fraud and related claims on behalf of hundreds or thousands of clients simultaneously.
  - iv. The law firms would file lawsuits on behalf of all consumers that paid for lender litigation services.
- e. Damian R. Kutzner managed the sales personnel that made the representations identified in paragraph 4.d, knew that the sales personnel were making these representations, and knew the representations were false.
- f. In 2016, Damian R. Kutzner helped formulate and send past due notices to clients of the law firms, telling those clients that they owed \$5,000 each, in contradiction to the terms of the retainer agreements and based on hours calculations that the law firms could not justify. At the time of the mailings, Damian R. Kutzner knew that the demand for more money contradicted the retainer agreements and that the law firms could not substantiate the claimed hours calculations.
- g. As a result of Damian R. Kutzner’s violative behavior, consumers suffered injury of Eighteen Million, Three Hundred Seventy-Six Thousand, Four Hundred Ninety-Nine Dollars and Fifteen Cents (\$18,376,499.15).

5. Damian R. Kutzner waives any claim that he may have under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this

1 action and the 2016 FTC Case through the date of this Order, and agrees to bear his  
2 own costs and attorney fees in this action and the 2016 FTC Case.

3 6. Damian R. Kutzner and the Commission waive all rights to appeal or  
4 otherwise challenge or contest the validity of this Order.

### 5 **DEFINITIONS**

6 For the purposes of this Order, the following definitions apply:

7 A. **“Assisting others”** includes:

- 8 1. performing customer service functions, including receiving or  
9 responding to consumer complaints;
- 10 2. formulating or providing, or arranging for the formulation or  
11 provision of, any advertising or marketing material, including  
12 any telephone sales script, direct mail solicitation, or the design,  
13 text, or use of images of any Internet website, email, or other  
14 electronic communication;
- 15 3. formulating or providing, or arranging for the formulation or  
16 provision of, any marketing support material or service,  
17 including web or Internet Protocol addresses or domain name  
18 registrations for any Internet websites, affiliate marketing  
19 services, or media placement services;
- 20 4. providing names of, or assisting in the generation of, potential  
21 customers;
- 22 5. performing marketing, billing, or payment services of any kind;  
23 or
- 24 6. acting or serving as an owner, officer, director, manager, or  
25 principal of any entity.

26 B. **“Financial product or service”** means any product, service, plan, or  
27 program represented, expressly or by implication, to:  
28

- 1           1.     provide any consumer, arrange for any consumer to receive, or
- 2                 assist any consumer in receiving, a loan or other extension of
- 3                 credit;
- 4           2.     provide any consumer, arrange for any consumer to receive, or
- 5                 assist any consumer in receiving, credit, debit, or stored value
- 6                 cards;
- 7           3.     improve, repair, or arrange to improve or repair, any
- 8                 consumer's credit record, credit history, or credit rating; or
- 9           4.     provide advice or assistance to improve any consumer's credit
- 10                record, credit history, or credit rating.

11           C.     **“The law firms”** means Brookstone Law P.C. (California),  
12 Brookstone Law P.C. (Nevada), Advantis Law P.C., and Advantis Law Group  
13 P.C., and their successors and assigns.

14           D.     **“Person”** includes a natural person, organization, or other legal entity,  
15 including a corporation, partnership, proprietorship, association, cooperative, or  
16 any other group or combination acting as an entity.

17           E.     **“Secured or unsecured debt relief product or service”** means:

- 18           1.     With respect to any mortgage, loan, debt, or obligation between
- 19                 a person and one or more secured or unsecured creditors or debt
- 20                 collectors, any product, service, plan, or program represented,
- 21                 expressly or by implication, to:
  - 22                 a.     stop, prevent, or postpone any mortgage or deed of
  - 23                       foreclosure sale for a person's dwelling, any other sale of
  - 24                       collateral, any repossession of a person's dwelling or
  - 25                       other collateral, or otherwise save a person's dwelling or
  - 26                       other collateral from foreclosure or repossession;

- 1                   b.     negotiate, obtain, or arrange a modification, or  
2                   renegotiate, settle, or in any way alter, any terms of the  
3                   mortgage, loan, debt, or obligation, including a reduction  
4                   in the amount of interest, principal balance, monthly  
5                   payments, or fees owed by a person to a secured or  
6                   unsecured creditor or debt collector;
- 7                   c.     obtain any forbearance or modification in the timing of  
8                   payments from any secured or unsecured holder or  
9                   servicer of any mortgage, loan, debt, or obligation;
- 10                  d.     negotiate, obtain, or arrange any extension of the period  
11                  of time within which a person may (i) cure his or her  
12                  default on the mortgage, loan, debt, or obligation, (ii)  
13                  reinstate his or her mortgage, loan, debt, or obligation,  
14                  (iii) redeem a dwelling or other collateral, or (iv) exercise  
15                  any right to reinstate the mortgage, loan, debt, or  
16                  obligation or redeem a dwelling or other collateral;
- 17                  e.     obtain any waiver of an acceleration clause or balloon  
18                  payment contained in any promissory note or contract  
19                  secured by any dwelling or other collateral; or
- 20                  f.     negotiate, obtain, or arrange (i) a short sale of a dwelling  
21                  or other collateral, (ii) a deed-in-lieu of foreclosure, or  
22                  (iii) any other disposition of a mortgage, loan, debt, or  
23                  obligation other than a sale to a third party that is not the  
24                  secured or unsecured loan holder.

25                  The foregoing shall include any manner of claimed assistance,  
26                  including auditing or examining a person's application for the  
27                  mortgage, loan, debt, or obligation.  
28





1 **III. PROHIBITION AGAINST MISREPRESENTATIONS RELATING**  
2 **TO ANY PRODUCTS OR SERVICES**

3 **IT IS FURTHER ORDERED** that Damian R. Kutzner, his officers, agents,  
4 employees, and attorneys, and all other persons in active concert or participation  
5 with any of them, who receive actual notice of this Order, whether acting directly  
6 or indirectly, in connection with the advertising, marketing, promoting, offering for  
7 sale, or selling of any product, service, plan, or program, are permanently  
8 restrained and enjoined from misrepresenting, or assisting others in  
9 misrepresenting, expressly or by implication:

10 A. the likelihood of obtaining any relief for consumers;

11 B. that consumers will be added to a lawsuit;

12 C. any material aspect of the nature or terms of any refund, cancellation,  
13 exchange, or repurchase policy, including the likelihood of a consumer obtaining a  
14 full or partial refund, or the circumstances in which a full or partial refund will be  
15 granted to the consumer;

16 D. that any person is affiliated with, endorsed or approved by, or  
17 otherwise connected to any other person; government entity; public, non-profit, or  
18 other non-commercial program; or any other program;

19 E. the nature, expertise, position, or job title of any person who provides  
20 any product, service, plan, or program;

21 F. the person who will provide any product, service, plan, or program to  
22 any consumer;

23 G. that any person providing a testimonial has purchased, received, or  
24 used the product, service, plan, or program;

25 H. that the experience represented in a testimonial of the product, service,  
26 plan, or program represents the person's actual experience resulting from the use of  
27 the product, service, plan, or program under the circumstances depicted in the  
28 advertisement; or

1 I. any other fact material to consumers concerning any good or service,  
2 such as: the total costs; any material restrictions, limitations, or conditions; or any  
3 material aspect of its performance, efficacy, nature, or central characteristics.

4 **IV. MONETARY JUDGMENT**

5 **IT IS FURTHER ORDERED** that judgment in the amount of Eighteen  
6 Million, Three Hundred Seventy-Six Thousand, Four Hundred Ninety-Nine  
7 Dollars and Fifteen Cents (\$18,376,499.15) is entered in favor of the Commission  
8 against Damian R. Kutzner, as compensatory contempt relief. Damian R. Kutzner  
9 is ordered to pay the FTC this amount immediately upon the entry of this Order.

10 **V. ADDITIONAL MONETARY PROVISIONS**

11 **IT IS FURTHER ORDERED** that:

12 A. Damian R. Kutzner relinquishes dominion and all legal and equitable  
13 right, title, and interest in all assets transferred pursuant to this Order and may not  
14 seek the return of any assets.

15 B. The facts alleged in the Contempt Application will be taken as true,  
16 without further proof, in any subsequent civil litigation by or on behalf of the  
17 Commission, including in a proceeding to enforce its rights to any payment or  
18 monetary judgment pursuant to this Order, such as a nondischargeability complaint  
19 in any bankruptcy case.

20 C. The facts alleged in the Contempt Application establish all elements  
21 necessary to sustain an action by the Commission pursuant to Section 523(a)(2)(A)  
22 of the Bankruptcy Code, 11 U.S.C. § 523(a)(2)(A), and this Order will have  
23 collateral estoppel effect for such purposes.

24 D. Damian R. Kutzner acknowledges that his Taxpayer Identification  
25 Numbers (Social Security Numbers or Employer Identification Numbers), which  
26 he previously submitted to the Commission, may be used for collecting and  
27  
28

1 reporting on any delinquent amount arising out of this Order, in accordance with  
2 31 U.S.C. §7701.

3 E. All money paid to the Commission pursuant to this Order may be  
4 deposited into a fund administered by the Commission or its designee to be used  
5 for equitable relief, including consumer redress and any attendant expenses for the  
6 administration of any redress fund. If a representative of the Commission decides  
7 that direct redress to consumers is wholly or partially impracticable or money  
8 remains after redress is completed, the Commission may apply any remaining  
9 money for such other equitable relief (including consumer information remedies)  
10 as it determines to be reasonably related to Damian R. Kutzner's practices alleged  
11 in the Contempt Application. Any money not used for such equitable relief is to be  
12 deposited to the U.S. Treasury as disgorgement. Damian R. Kutzner has no right  
13 to challenge any actions the Commission or its representatives may take pursuant  
14 to this Subsection.

15 **VI. CUSTOMER INFORMATION**

16 **IT IS FURTHER ORDERED** that Damian R. Kutzner, his officers, agents,  
17 employees, and attorneys, and all other persons in active concert or participation  
18 with any of them, who receive actual notice of this Order, are permanently  
19 restrained and enjoined from directly or indirectly:

20 A. failing to provide sufficient customer information to enable the  
21 Commission to efficiently administer consumer redress. If a representative of the  
22 Commission requests in writing any information related to redress, Damian R.  
23 Kutzner must provide it, in the form prescribed by the Commission, within 14  
24 days.

25 B. disclosing, using, or benefitting from customer information, including  
26 the name, address, telephone number, email address, social security number, other  
27 identifying information, or any data that enables access to a customer's account  
28

1 (including a credit card, bank account, or other financial account), that any  
2 defendant from this case or the 2016 FTC Case obtained prior to entry of this  
3 Order in connection with any product or service related to consumers' mortgages;  
4 and

5 C. failing to destroy such customer information in all forms in their  
6 possession, custody, or control within 30 days after entry of this Order.

7 *Provided, however,* that customer information need not be disposed of, and  
8 may be disclosed, to the extent requested by a government agency or required by  
9 law, regulation, or court order.

10 **VII. COOPERATION**

11 **IT IS FURTHER ORDERED** that Damian R. Kutzner must fully  
12 cooperate with representatives of the Commission in this case and in any  
13 investigation related to or associated with the transactions or the occurrences that  
14 are the subject of the Contempt Application. He must provide truthful and  
15 complete information, evidence, and testimony. He must appear for interviews,  
16 discovery, hearings, trials, and any other proceedings that a Commission  
17 representative may reasonably request upon 5 days written notice, or other  
18 reasonable notice, at such places and times as a Commission representative may  
19 designate, without the service of a subpoena. This Section does not preclude  
20 Damian R. Kutzner from invoking any valid Fifth Amendment privilege against  
21 self-incrimination.

22 **VIII. ORDER ANCKNOWLEDGMENTS**

23 **IT IS FURTHER ORDERED** that Damian R. Kutzner obtain  
24 acknowledgments of receipt of this Order:

25 A. Within 7 days of entry of this Order, Damian R. Kutzner must submit  
26 to the Commission an acknowledgment of receipt of this Order sworn under  
27 penalty of perjury.

28

1           B. For five (5) years after entry of this Order, for any business that  
2 Damian R. Kutzner, individually or collectively with any other defendant in this  
3 case or the 2016 FTC Case, is the majority owner or controls directly or indirectly,  
4 must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC  
5 managers and members; (2) all employees, agents, and representatives who  
6 participate in conduct related to the subject matter of the Order; and (3) any  
7 business entity resulting from any change in structure as set forth in the Section  
8 titled Compliance Reporting. Delivery must occur within 7 days of entry of this  
9 Order for current personnel. For all others, delivery must occur before they  
10 assume their responsibilities.

11           C. From each individual or entity to which Damian R. Kutzner delivered  
12 a copy of this Order, he must obtain, within 30 days, a signed and dated  
13 acknowledgment of receipt of this Order.

14 **IX. COMPLIANCE REPORTING**

15           **IT IS FURTHER ORDERED** that Damian R. Kutzner make timely  
16 submissions to the Commission:

17           A. One year after entry of this Order, Damian R. Kutzner must submit a  
18 compliance report, sworn under penalty of perjury:

- 19           1. Damian R. Kutzner must: (a) identify the primary physical,  
20 postal, and email address and telephone number, as designated  
21 points of contact, which representatives of the Commission may  
22 use to communicate with him; (b) identify all of his businesses  
23 by all of their names, telephone numbers, and physical, postal,  
24 email, and Internet addresses; (c) describe the activities of each  
25 business, including the goods and services offered, the means of  
26 advertising, marketing, and sales, and the involvement of any  
27 other defendant in this case or from the 2016 FTC Case; (d)  
28

1 describe in detail whether and how he is in compliance with  
2 each Section of this Order; and (e) provide a copy of each Order  
3 Acknowledgment obtained pursuant to this Order, unless  
4 previously submitted to the Commission.

- 5 2. Additionally, Damian R. Kutzner must: (a) identify all  
6 telephone numbers and all physical, postal, email and Internet  
7 addresses, including all residences; (b) identify all business  
8 activities, including any business for which he performs  
9 services whether as an employee or otherwise and any entity in  
10 which he has any ownership interest; and (c) describe in detail  
11 his involvement in each such business, including title, role,  
12 responsibilities, participation, authority, control, and any  
13 ownership.

14 B. For 20 years after entry of this Order, he must submit a compliance  
15 notice, sworn under penalty of perjury, within 14 days of any change in the  
16 following:

- 17 1. Damian R. Kutzner must report any change in: (a) any  
18 designated point of contact; or (b) the structure of any entity  
19 that he has any ownership interest in or controls directly or  
20 indirectly that may affect compliance obligations arising under  
21 this Order, including: creation, merger, sale, or dissolution of  
22 the entity or any subsidiary, parent, or affiliate that engages in  
23 any acts or practices subject to this Order.
- 24 2. Additionally, Damian R. Kutzner must report any change in:  
25 (a) name, including aliases or fictitious name, or residence  
26 address; or (b) title or role in any business activity, including  
27 any business for which he performs services whether as an  
28

1 employee or otherwise and any entity in which he has any  
2 ownership interest, and identify the name, physical address, and  
3 any Internet address of the business or entity.

4 C. Damian R. Kutzner must submit to the Commission notice of the  
5 filing of any bankruptcy petition, insolvency proceeding, or similar proceeding by  
6 or against him within 14 days of its filing.

7 D. Any submission to the Commission required by this Order to be  
8 sworn under penalty of perjury must be true and accurate and comply with 28  
9 U.S.C. § 1746, such as by concluding: “I declare under penalty of perjury under  
10 the laws of the United States of America that the foregoing is true and correct.  
11 Executed on: \_\_\_\_\_” and supplying the date, signatory’s full name, title (if  
12 applicable), and signature.

13 E. Unless otherwise directed by a Commission representative in writing,  
14 all submissions to the Commission pursuant to this Order must be emailed to  
15 DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to:  
16 Associate Director for Enforcement, Bureau of Consumer Protection, Federal  
17 Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The  
18 subject line must begin: FTC v. GM Funding Inc., X030002.

19 **X. RECORDKEEPING**

20 **IT IS FURTHER ORDERED** that Damian R. Kutzner must create certain  
21 records for 20 years after entry of the Order, and retain each such record for 5  
22 years. Specifically, for any business that Damian R. Kutzner, individually or  
23 collectively with any other defendants from this case or the 2016 FTC Case, is a  
24 majority owner or controls directly or indirectly, he must create and retain the  
25 following records:

26 A. accounting records showing the revenues from all goods or services  
27 sold;

1 B. personnel records showing, for each person providing services,  
2 whether as an employee or otherwise, that person's: name; addresses; telephone  
3 numbers; job title or position; dates of service; and (if applicable) the reason for  
4 termination;

5 C. records of all consumer complaints and refund requests, whether  
6 received directly or indirectly, such as through a third party, and any response;

7 D. all records necessary to demonstrate full compliance with each  
8 provision of this Order, including all submissions to the Commission; and

9 E. a copy of each unique advertisement or other marketing material.

10 **XI. COMPLIANCE MONITORING**

11 **IT IS FURTHER ORDERED** that, for the purpose of monitoring Damian  
12 R. Kutzner's compliance with this Order and enforcement of the monetary  
13 sanction:

14 A. Within 14 days of receipt of a written request from a representative of  
15 the Commission, Damian R. Kutzner must: submit additional compliance reports  
16 or other requested information, which must be sworn under penalty of perjury;  
17 appear for depositions; and produce documents for inspection and copying. The  
18 Commission is also authorized to obtain discovery, without further leave of court,  
19 using any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30  
20 (including telephonic depositions), 31, 33, 34, 36, 45, and 69.

21 B. For matters concerning this Order, the Commission is authorized to  
22 communicate directly with Damian R. Kutzner. Damian R. Kutzner must permit  
23 representatives of the Commission to interview any employee or other person  
24 affiliated with him or any company he owns, controls, or performs services for  
25 who has agreed to such an interview. The person interviewed may have counsel  
26 present.




1 C. The Commission may use all other lawful means, including posing,  
2 through its representatives as consumers, suppliers, or other individuals or entities,  
3 to Damian R. Kutzner or any individual or entity affiliated with him, without the  
4 necessity of identification or prior notice. Nothing in this Order limits the  
5 Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of  
6 the FTC Act, 15 U.S.C. §§ 49, 57b-1.

7 D. Upon written request from a representative of the Commission, any  
8 consumer reporting agency must furnish consumer reports concerning Damian R.  
9 Kutzner, pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C.  
10 §1681b(a)(1).

11 **XII. RETENTION OF JURISDICTION**

12 **IT IS FURTHER ORDERED** that this Court retains jurisdiction of this  
13 matter for purposes of construction, modification, and enforcement of this Order.

14  
15 **SO ORDERED**, this 9<sup>th</sup> day of January, 2016

16   
17 \_\_\_\_\_  
18 HONORABLE DAVID O. CARTER  
19 UNITED STATES DISTRICT JUDGE  
20  
21  
22  
23  
24  
25  
26  
27  
28