

**SEMIANNUAL FEDERAL COURT
LITIGATION STATUS REPORT**

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

December 31, 2020

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SUMMARY OF CASES

	Dist. Ct.	Ct. App.*	S. Ct.	Total
PETITIONS FOR REVIEW	0	3	0	3
INJUNCTION AND CONSUMER REDRESS CASES	63	15	4	82
CIVIL PENALTY AND ENFORCEMENT CASES	7	1	0	8
SUBPOENA AND CID ENFORCEMENTS	3	0	0	3
SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION	10	3	0	13
AMICUS CURIAE BRIEFS	0	4	0	4
TOTALS	84	26	4	113

* 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 occurring simultaneously.

PETITIONS FOR REVIEW

(A) Orders to Cease and Desist

1-800 CONTACTS v. FTC, No. 18-3848 (2d Cir.)

Parties: 1-800 Contacts, Inc.

Assigned Attorneys: Imad Dean Abyad (OGC)
Mariel Goetz

Nature of Action: Petition for review of final Commission order.

Status: Petition for review filed 12/30/18.
Petitioner's opening brief filed 6/7/19.
Commission's answering brief filed 9/6/19.
Petitioner's reply brief filed 10/4/19.
Oral arguments held on 3/5/20.

IMPAX LABORATORIES, INC. v. FTC, No. 19-60394 (5th Cir.)

Parties: Impax Laboratories, Inc.

Assigned Attorneys: Bradley Grossman (OGC)

Nature of Action: Petition for review of Commission's opinion and order against Impax Laboratories, Inc.

Status: Petition for review filed 6/6/19.
Petitioner's brief filed 10/3/19; Commission's brief filed 12/9/19;
petitioner's reply brief filed 12/30/19.
Oral argument held 6/9/20.

OTTO BOCK HEALTHCARE NORTH AMERICA v. FTC, No. 19-1265 (D.C. Cir.)

Parties: Otto Bock HealthCare North America, Inc.

Assigned Attorneys: Imad Dean Abyad (OGC)
Joel Marcus

Nature of Action: Petition for review of final Commission order.

Status: Petition for review filed 12/30/19.
Petition dismissed 12/14/20.

(B) Rulemakings

(None Pending)

INJUNCTION AND CONSUMER REDRESS CASES

(A) Preliminary Injunctions (Mergers/Acquisitions)

FTC v. COSTAR GROUP, INC., No. 1:20-cv-3518 (D.D.C.)

Parties: CoStar Group, Inc.
RentPath Holdings, Inc.

Assigned Attorneys: Susan Musser (BC)
Helder Agostinho
Steven Couper
Derek Diaz
Jessica Drake
Kelly Fabian
Kurt Herrera-Heintz
Armando Irizarry
Steven Keely
Nicolas Stebinger

Nature of Action: Action to enjoin CoStar Group, Inc.'s proposed \$588 million acquisition of competitor RentPath Holdings, Inc.

Status: Complaint filed 12/3/20.
TRO entered 12/4/20.
Stipulated dismissal due to abandonment of transaction filed 12/30/20.

FTC v. HACKENSACK MERIDIAN HEALTH, No. 20-cv-18140 (D.N.J.)

Parties: Hackensack Meridian Health
Englewood Healthcare Foundation

Assigned Attorneys: Lindsey Bohl (BC/Mergers IV)
Emily Bowne
Chris Caputo
Jonathan Lasken
Nandu Machiraju
Nathan Brenner
Kati Williams
Harris Rothman

Anthony Saunders
Samantha Gordon
Elizabeth Arens
Chris Megaw

Nature of Action: Action for preliminary injunction to block the proposed merger between Hackensack Meridian Health and Englewood Healthcare.

Status: Complaint filed 12/4/20
TRO entered 12/4/20.

FTC v. METHODIST LE BONHEUR HEALTHCARE, No. 2:20-cv-2835 (W.D. Tenn.)

Parties: Methodist Le Bonheur Healthcare
Tenet Healthcare Corporation
State of Tennessee (Plaintiff)

Assigned Attorneys: Amy Ritchie (BC/Mergers IV)
Melissa Hill
Jennifer Milici
Susan Musser
Laura Krachman
Gary Schorr
Chris Megaw
Marsha Richard
Emily Blackburn
Ryan Andrews
Elizabeth Arens

Nature of Action: Action for preliminary injunction to block the proposed acquisition of the Saint Francis Hospitals owned by Tenet Healthcare by Methodist Le Bonheur Healthcare.

Status: Complaint filed 11/16/20.
TRO entered 11/17/20.
Commission's complaint dismissed following abandonment of merger 12/23/20.

FTC v. PEABODY ENERGY CORPORATION, No. 4:20-cv-00317 (E.D. Mo.)

Parties: OGE Energy Corp.
Peabody Energy Corporation

Assigned Attorneys: Amy E. Dobrzynski (BC/Mergers II)

Daniel Matheson
Alicia Burns-Wright
Cecelia Waldeck
Christopher Caputo
Elizabeth Arens
Ernest Eric Elmore
Jeanine Balbach
Jonathan Lasken
Joshua Goodman
Maria Cirincione
Michael Anthony Franchak
Phillip Kehl
Sean Hughto
Stephen Santulli
Taylor Alexander

Nature of Action: Action for preliminary injunction against a joint venture between Peabody Energy Corporation and Arch Coal related to their coal mining operations.

Status: Complaint filed 2/26/20.
Commission's motion for preliminary injunction filed 5/29/20; Peabody Energy's opposition filed 6/25/20
Preliminary injunction entered 9/29/20.

FTC v. PROCTOR & GAMBLE COMPANY., No. 1:20-cv-03593 (D.D.C)

Parties: Proctor & Gamble Company
Billie, Inc.

Assigned Attorneys: Jonathan Herman Lasken (BC/Office of the Director)
Greta Burkholder (BC/Mergers III)
Keitha Clopper
Clarke Edwards
Megan Henry
Marc Schneider
Brian Telpner

Nature of Action: Action for preliminary injunction to enjoin Procter & Gamble Company's proposed \$295 million acquisition of Billie, Inc.

Status: Complaint filed 12/9/20.

FTC v. THOMAS JEFFERSON UNIVERSITY, No. 20-3499 (3d Cir.); No. 2:20-cv-01113
(E.D. Pa.)

Parties: Thomas Jefferson University

Albert Einstein Healthcare Network
Commonwealth of Pennsylvania (co-plaintiff)

Assigned Attorneys: Charles E. Dickinson (BC/Mergers IV)
Mark D. Seidman
Tracy W. Wertz
Albert Teng
Christopher D. Harris
Guia Dixon
Gustav Peter Chiarello, III
James H. Weingarten
Jamie E. France
Jonathan R. Wright
Ryan T. Andrews
Brad Grossman (OGC)

Nature of Action: Action for preliminary injunction to block the proposed merger of
Jefferson Health and Albert Einstein Healthcare Network.

Status: Complaint filed 2/27/20.
TRO entered 2/28/20.
Commission's motion for preliminary injunction denied 12/8/20.
Notice of appeal filed 12/10/20.
Commission's emergency motion to Third Circuit for injunction pending
appeal filed 12/11/20; motion denied 12/21/20.

(B) Preliminary Injunctions (Other)

(None Pending)

(C) Permanent Injunctions/Consumer Redress*

FTC v. 8 FIGURE DREAM LIFESTYLE LLC, No. 8:19-cv-01165 (C.D. Cal.)

Parties: 8 Figure Dream Lifestyle, LLC
JL Net Bargains, Inc.
Kappy Enterprises, LLC
Millionaire Mind Enterprises, LLC
OEA, LLC d/b/a Online Entrepreneur Academy d/b/a 14 Day Champion
Challenge d/b/a 14 Day Challenge, LLC
Spirit Consulting Group, Inc.
John Bain
Alex Dee, f/k/a Alex S. Dowlatshahi
Brian Kaplan
Jerrold Maurer a/k/a Jerry Maurer

Assigned Attorneys: Dorothy Emily Wu (WRLA)
P. Connell McNulty (BCP/MP)
Thomas L. Harris

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Telemarketing Sales Rule in connection with the marketing and sale of fraudulent money-making opportunities to consumers.

Status: Complaint filed 6/12/19.
TRO with asset freeze entered 6/13/19.
Stipulated order extending TRO until preliminary injunction hearing entered 6/24/19.
Motion for relief from order freezing assets filed 7/2/19; Commission's opposition to motion for relief filed 7/5/19; Order denying motion for relief entered 7/8/19.
Preliminary injunction entered 7/19/19.
Motion to modify order freezing assets filed 10/21/19; Commission's opposition filed 10/28/19; Reply in support of motion filed 11/4/19; order granting in part motion to modify asset freeze entered 12/9/19.
Joint application for settlement approval of stipulated order for permanent injunction and monetary judgment as to defendant OEA, LLC filed

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

2/28/20.

Stipulated order for permanent injunction and monetary judgment against defendant OEA, LLC entered 3/2/20.

Order granting stipulation to stay case for 60 days to consider approval of settlement agreement entered 6/8/20.

Amended stipulated order for permanent injunction and monetary judgment against defendants 8 Figure Dream Lifestyle LLC; JL Net Bargains, Inc.; Kappy Enterprises LLC; Millionaire Mind Enterprises LLC; Spirit Consulting Group, Inc.; John A. Bain; Alex Dee, f/k/a Alex S. Dowlatshahi; Brian M. Kaplan; and Jerrold S. Maurer, a/k/a Jerry Maurer, entered 9/9/20.

FTC v. ABBVIE, INC., Nos. 18-2621, 18-2748, 18-2758 (3d Cir.); No. 2:14-cv-05151 (E.D. Pa.)

Parties: AbbVie, Inc.
Abbott Laboratories
Unimed Pharmaceuticals, LLC
Besins Healthcare, Inc.
Teva Pharmaceuticals USA, Inc.

Assigned Attorneys: Markus Meier (BC)
Patricia M. McDermott
Kara Monahan
Peter Taylor
Matthew Hoffman (OGC)
Mark Hegedus
Joel Marcus

Alleged Conduct: Unfair methods of competition in violation of Section 5(a) of the FTC Act arising from baseless patent infringement lawsuits against potential generic competitors.

Status: Complaint filed 9/8/14.
Defendants' motion to dismiss filed 11/12/14; Commission's brief in opposition filed 12/12/14; order granting motion to dismiss as to Count II of the complaint (thereby dismissing defendant Teva from the case) entered 5/6/15.
Commission's motion for entry of judgment under Rule 54(b) filed 6/5/15; response in opposition by Abbott Laboratories, Abbvie, Inc. and Unimed Pharmaceuticals filed 6/25/15; Commission's reply filed 7/2/15; order holding pending Rule 54(b) motion in abeyance entered 7/8/15; motion to direct entry denied 8/26/15.
Commission's motion for reconsideration of dismissal filed 7/20/15; defendant's response filed 7/31/15; reply filed 8/7/15; motion for reconsideration denied 8/25/15.

Defendants' motion for summary judgment on Count 1 of complaint filed 6/5/17; Commission's response in opposition filed 7/11/17; reply filed 7/26/17; order denying motion entered 9/15/17.

Commission's motion for partial summary judgment filed 6/5/17; defendants' response in opposition filed 7/10/17; reply filed 7/27/17; order granting motion entered 9/15/17.

Trial held 2/7/18- 3/1/18.

Defendants' motion for reconsideration of 9/15/17 order filed 3/23/18; Commission's response filed 4/4/18; reply filed 4/8/18; order denying motion for reconsideration entered 6/27/18.

Monetary judgment in favor of Commission entered 7/18/18.

Commission's notice of appeal from dismissal of pay-for-delay count and declination of an injunction (Case No. 18-2621) filed 7/23/18.

Defendants AbbVie, Inc, Abbott Laboratories, and Unimed Pharmaceuticals, LLC's notice of appeal from finding of sham litigation and monetary judgment (Case No. 18-2748) filed 8/8/18.

Defendant Besins Healthcare, Inc's notice of appeal from finding of sham litigation and monetary judgment (Case No. 18-2758) filed 8/13/18.

Order granting joint motion to dismiss Teva Pharmaceuticals USA, Inc. as a party to the appeal entered 3/12/19.

Commission's opening brief filed 3/28/19; Abbvie's response/opening brief in its cross-appeal filed 6/5/19; Commission's reply/response brief filed 7/19/19; reply briefs of Abbott Laboratories, AbbVie Inc, Unimed Pharmaceuticals LLC, and Besins Healthcare, Inc. filed 9/30/19.

Oral argument held 1/15/20.

Commission's supplemental brief filed 1/29/20; defendant's supplemental brief filed 1/29/20.

Supplemental briefs on parties' positions in light of Supreme Court's grant of certiorari in *AMG Capital Mgmt., LLC v. FTC* filed 7/24/20.

Opinion reversing district court's dismissal of reverse-payment claim, affirming in part and reversing in part district court's decision regarding sham patent litigation claims, reversing disgorgement judgment, and affirming denial of an injunction entered 9/30/20.

Cross-petitions for rehearing filed 11/16/20; petitions denied 12/4/20.

Case remanded to the district court on 12/14/20.

FTC v. ABSOLUTE FINANCIAL SERVICES, LLC, No. 0:20-cv-2596 (D.S.C.)

Parties: Absolute Financial Services, LLC
Absolute Financial Services Recovery, LLC
AFSR Global Logistics, LLC
LaShone Elam aka LaShone Caldwell
Talesia Neely

Assigned Attorneys: Marguerite Moeller (BCP/FP)
Gregory Ashe
Michael Goldstein

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Fair Debt Collection Practices Act in connection with debt collection operation.

Status: Complaint filed 7/13/20.
TRO entered 7/17/20.
Stipulated preliminary injunction entered 10/2/20.

FTC v. ADEPT MANAGEMENT, INC., Nos. 19-35668, 19-35669 (9th Cir.); No. 1:16-cv-00720 (D. Ore.)

Parties: Adept Management, Inc.
Anchor Publishing Group, Inc.
Associated Publishers Network, Inc.
Atlas Business Consulting, LLC
Clarity Group, LLC
Consolidated Publishers Exchange, Inc. d/b/a Premier Subscription Services, Processing Express Solutions
Crown Resource Management, LLC
Customer Access Services, Inc.
Express Publishers Service, Inc. d/b/a Associated Billing Service, Associated Periodical Network, Associated Publishers Readership, Billing Services of Circulation, Circulation Billing Marketplace, Circulation Network Services d/b/a Global Billing Service d/b/a Lakeshore Publishers Billing, Magazine Billing Network, Magazine Distribution Marketplace, Magazine Payment Processing, National Magazine Network, Publication Network Services, Publishers Billing Marketplace, Publishers Distribution Network, Publishers Magazine Services, Readers Magazine Services, Readers Payment Network, Subscription Billing Agency, Subscription Billing Network, United Billing Service, United Publishers Agency
HCG, Inc.
Henry Cricket Group, LLC
Hoyal & Associates, Inc.
Liberty Publishers Service, Inc. d/b/a Allied Publishing Services, American Consumer Publishers Association, Associated Publishers Services, Billing Services of America, Bradford Publishing Service, Circulation Billing Services, Global Publishers Center, Lakeshore Publishers Service, Magazine Billing Services, Magazine Distribution Service, Magazine Payment Services, Magazine Subscriber Services, Magazine Subscriptions Center, National Magazine Services, Periodical Billing Services, Platinum Subscription Service, Publication Service

Networks, Publishers Access Services, Publishers Billing Services, Publishers Consolidated Subscription Services, Publishers Distribution Center, Publishers Education Services, Publishers Magazine Billing, Publishers Magazine Payment, Publishers Marketplace Services, Publishers Network Exchange, Publishers Payment Services, Publishers Periodical Service, Publishers Processing Service, Publishers Services Exchange, Readers Billing Services, Readers Payment Service, Seascope Publishers Network, Slo Call Center, Subscription Billing Service, Subscription Payment Exchange, Subscription Payment Services, United Publishers Services

Magazine Clearing Exchange

Magazine Link, Inc.

Maximillian, Inc. d/b/a Maxmillian, Inc.

Northwest Data Services, LLC

PPP Magazines, Inc.

Publishers Payment Processing, Inc.

Reality Kats, LLC

Specialties, Inc.

Subscription House Agency, Inc.

United Publishers Exchange, Inc. d/b/a Associated Publishers Network, Circulation Billing Network, Magazine Billing Associates, Premier Subscription Network, Publishers Billing Network, Publishers Magazine Exchange

Wineoceros Wine Club, Inc.

Linda Babb

Shannon Bacon a/k/a Shannon Balero, Shannon Gordon

Jeffrey Hoyal

Lori Hoyal

Colleen Kaylor

Laura Lovrien a/k/a Laura Babb

Noel Parducci a/k/a Noel Littlefield, Noelle Littlefield

Lydia Pugsley a/k/a Lydia Babb

Dennis Simpson

William Strickler

Assigned Attorneys: Laura Solis (NWR)
Richard McKewen
Connor Shively
Sophia Calderón
Stephen Fairchild
Jack Metzler (OGC)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with a nationwide campaign relying on misrepresentations to solicit newspaper renewals and new subscriptions from consumers.

Status:

Complaint filed 4/27/16.

Motion to dismiss for failure to state a claim filed 6/27/16; Commission's opposition filed 7/11/16; order denying motion to dismiss entered 11/3/16.

Motions for stay pending resolution of criminal proceedings filed 1/27/17; Commission's response filed 1/31/17; replies filed 2/17/17; motions denied 2/23/17.

Motion for summary judgment filed 4/14/17; Commission's opposition filed 5/4/17; reply filed 5/26/17; motion deferred 6/13/17.

Default judgment as to defendants Adept Management, Inc., Anchor Publishing Group, Inc., Associated Publishers Network, Inc., Atlas Business Consulting LLC, Clarity Group, Inc., Consolidated Publishers Exchange, Inc., Crown Resource Management LLC, Customer Access Services, Inc., Express Publishers Service, Inc., HCG, Inc., Henry Cricket Group, LLC, Liberty Publishers Service, Inc., Magazine Clearing Exchange, Inc., Magazine Link, Inc., Maximillian, Inc., North West Data Services LLC, PPP Magazines, Inc., Publishers Payment Processing, Inc., Publishers Payment Processing, Inc., Specialties, Inc., Subscription House Agency, Inc., United Publishers Exchange, Inc., and Wineoceros Wine Club, Inc. ("Defaulting Defendants") entered 8/7/17.

Commission's motion for default judgment and permanent injunction order as to Defaulting Defendants filed 3/13/18; response in opposition to motion by defendants Jeffrey Hoyal, Lori Hoyal, Hoyal & Associates, Inc. filed 3/27/18; Commission's reply filed 3/30/18; response in opposition to motion by defendants Reality Kats, LLC, Dennis Simpson filed 4/6/18; Commission's reply filed 4/12/18.

Motions for summary judgment by defendants Linda Babb, Colleen Kaylor, William Strickler, Noel Parducci, Reality Kats, LLC, Dennis Simpson, Shannon Bacon, Jeffrey Hoyal, Lori Hoyal, Hoyal & Associates, Inc, Laura Lovrien, Lydia Pugsley filed 8/17/18; Commission's response in opposition filed 8/31/18; defendants' reply filed 9/7/18.

Commission's motion for summary judgment filed 8/17/18; response in opposition by defendants Colleen Kaylor, Jeffrey Hoyal, Hoyal & Associates, Inc, Noel Parducci, Lori Hoyal, Linda Babb, Shannon Bacon, William Strickler, Reality Kats, LLC, Dennis Simpson, Publishers Payment Processing, Inc, Lydia Pugsley, Laura Lovrien filed 8/31/18.

Order granting in part and denying in part Commission's motion for summary judgment and denying defendants' motion for summary judgment entered 9/25/18.

Trial held 11/6/18 through 12/5/18.

Order denying defendants Hoyal & Associates, Jeffrey Hoyal, and Lori Hoyal's motion for stay pending resolution of appeal in *FTC v. AMG* (Case. No. 16-17197, 9th Cir.) entered 2/19/19.

Order denying defendants Dennis Simpson and Reality Kats, LLC's motion for reconsideration of court's summary judgment in favor of the Commission entered 4/18/19.

Order for permanent injunction against all defendants and monetary judgment against defendants Dennis Simpson, Jeffrey Hoyal, and Lori Hoyal entered 6/10/19.

Defendant Noel Parducci's motion for reconsideration of court's order for permanent injunction and monetary judgment filed 6/24/19; defendant Bacon joined 6/25/19; Commission's response filed 7/8/19; order denying motion entered 7/10/19.

Notices of appeal by Reality Kats defendants and Hoyal defendants filed 8/7/19 (9th Cir.).

Reality Kats defendants' opening brief filed 11/15/19.

Commission's motion to consolidate appeals granted 12/11/19.

Hoyal defendants' opening and cross-appeal brief filed 2/10/20; Lennon third-party defendants' brief filed 2/10/20; Commission's consolidated answering brief filed 6/8/20; appellants' reply briefs filed 7/29/20.

Order staying appeal pending Supreme Court decision in *AMG Capital Mgmt., LLC v. FTC* entered 9/11/20.

FTC v. ADVOCARE INTERNATIONAL, L.P., No. 4:19-cv-00715 (E.D. Tex.)

Parties: Advocare International, L.P.
Danny McDaniel
Diane McDaniel
Carlton Hardman
Lisa Hardman
Brian Connolly

Assigned Attorneys: M. Hasan Aijaz (SWR)
Aaron J. Haberman (BCP/MP)

Alleged Conduct: Unfair and deceptive practices in violation of Section 5(a) of the FTC Act in connection with operation of a pyramid scheme.

Status: Complaint filed 10/2/19.
Stipulated final order for permanent injunction and monetary judgment as to defendants AdvoCare International, L.P. and Connolly entered 10/9/19.
Stipulated final order for permanent injunction and monetary judgement as to defendants Carlton Hardman and Lisa Hardman entered 10/9/19.

Defendant Danny McDaniel's motion to dismiss for failure to state a claim filed 10/21/19; Commission's response filed 11/5/19; defendant's reply filed 11/11/19.

Order granting Defendant Danny McDaniel's motion to dismiss for failure to state a claim entered 11/16/20.

FTC v. AGE OF LEARNING, INC., No. 2:20-cv-7996 (C.D. Cal.)

Parties: Age of Learning, Inc. d/b/a ABCmouse

Assigned Attorneys: Joannie Wei (MWR)
Kenneth Abbe
Matthew Wernz

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with misrepresentations about membership cancellations resulting in membership renewals without proper consent.

Status: Complaint filed 9/1/20.
Stipulated order for permanent injunction and monetary judgment in the amount of \$10,000,000 entered 9/8/20.

FTC v. AGORA FINANCIAL, LLC, No. 1:19-cv-03100 (D. Md.)

Parties: Agora Financial, LLC
NewMarket Health, LLC
NewMarket Health Publishing, LLC
Health Sense Media, LLC
Health Sense Publishing, LLC
Zachary Scheidt
Dr. Richard Gerhauser

Assigned Attorneys: Dillon J. Lappe (BCP/ENF)
Gregory Madden
Omolara Joseney
Alejandro Rosenberg

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with the marketing and sale of financial and health-related newsletters, publications, and subscription services.

Status: Complaint filed 10/24/19.
Motion to dismiss for failure to state a claim by defendants filed 1/30/20;
Commission's response filed 2/13/20; Defendant's response filed 2/27/20.
Preliminary injunction hearing held 2/7/20.

Preliminary injunction entered 3/2/20.
Order denying motion to dismiss entered 3/2/20.
Order granting joint motion to stay case pending Commission approval of settlement entered 7/23/20.

FTC v. ALCAZAR NETWORKS, INC., No. 6:20-cv-2200 (M.D. Fla.)

Parties: Alcazar Networks, Inc.
Gavin Grabias

Assigned Attorneys: Virginia G. Rosa (BCP/MP)
Ian Barlow

Alleged Conduct: Assisting and facilitating violations of the FTC's Telemarketing Sales Rule, including calls to numbers on the National Do Not Call Registry, in connection with the offering of Voice over Internet Protocol services to telemarketers.

Status: Complaint filed 12/3/20.
Motion for approval of stipulated final order filed 12/3/20.

FTC v. AMERICAN FINANCIAL SUPPORT SERVICES INC., No. 20-55092 (9th Cir.); No. 8:19-cv-02109 (C.D. Cal.)

Parties: American Financial Support Services Inc.
Arete Financial Group
Arete Financial Group LLC
CBC Conglomerate LLC
Diamond Choice Inc.
J&L Enterprise LLC
La Casa Bonita Investments, Inc.
US Financial Freedom Center, Inc.
Carey G. Howe
Anna C. Howe
Shunmin "Mike" Hsu
Ruddy Palacios
Oliver Pomazi
Jay Singh
MJ Wealth Solutions, LLC

Assigned Attorneys: Stephen Fairchild (NWR)
Richard McKewen

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and FTC's Telemarketing Sales Rule in connection with the marketing and sale of student loan debt relief services.

Status: Complaint filed 11/4/19.
Ex parte TRO with asset freeze, appointment of temporary receiver, and immediate access entered 11/4/19.
Preliminary injunction hearing held 11/18/19; chambers order granting preliminary injunction entered 11/26/19.
Preliminary injunction order entered 12/17/19.
Notice of appeal by defendants Carey G. Howe, Shunmin Mike Hsu, Ruddy Palacios, and Oliver Pomaz filed 1/24/20.
Stipulated order for permanent injunction and monetary relief against Carey G. Howe, Anna C. Howe, Shunmin “Mike” Hsu, Ruddy Palacios, and Oliver Pomazi entered 9/9/20.

FTC v. AMERICAN FUTURE SYSTEMS, INC., No. 2:20-cv-02266 (E.D. Pa.)

Parties: American Future Systems, Inc. d/b/a Progressive Business Publications
d/b/a Progressive Business Publications, Inc. d/b/a Center for
Education & Employment Law
Progressive Business Publications of New Jersey, Inc. d/b/a Progressive
Business Publications, Inc. d/b/a Center for Education and
Employment Law
International Credit Recovery, Inc. d/b/a ICR
Edward M. Satell
Richard Diorio, Jr.
Cynthia Powell
Commonwealth of Pennsylvania (co-plaintiff)

Assigned Attorneys: Amy Hocevar (ECR)
Christian Capece
Derek Diaz
Jonathan Kessler

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Unordered Merchandise Statute, in connection with Defendants’ deceptive selling of and collection of payment for publication subscriptions.

Status: Complaint filed 5/13/20.
Motion to file first amended complaint adding plaintiff Commonwealth of Pennsylvania filed 7/23/2020.

FTC v. AMERICAN SCREENING, LLC, No. 4:20-cv-1021 (E.D. Mo.)

Parties: American Screening, LLC
Ron Kilgarlin, Jr.
Shawn Kilgarlin

Assigned Attorneys: Dillon Lappe (BCP/ENF)
Nicholas Cartier

Alleged Conduct: Deceptive acts or practices in violation of Sections 5(a) and 12 of the FTC Act in connection with the sale and marketing of face masks, sanitizer, and other personal protective equipment related to the coronavirus pandemic.

Status: Complaint filed 8/4/20.

FTC v. AMG SERVICES, INC., No. 19-508 (S. Ct.); Nos. 16-17197, 14-16468 (9th Cir.); No. 2:12-cv-00536 (D. Nev.)

Parties: AMG Services, Inc.
Red Cedar Services, Inc., d/b/a 500FastCash
SFS, Inc., d/b/a OneClickCash
Tribal Financial Services, Inc., d/b/a Ameriloan, d/b/a UnitedCashLoan,
d/b/a USFastCash, d/b/a Miami Nation Enterprises.
AMG Capital Management, LLC
Level 5 Motorsports, LLC
Lead Flash Consulting, LLC
Black Creek Capital Corporation
Broadmoor Capital Partners, LLC
Muir Law Firm, LLC
Scott A. Tucker
Blaine A. Tucker
Timothy J. Muir
Don E. Brady
Robert D. Campbell
Troy L. LittleAxe
Park 269 LLC
Kim C. Tucker

Assigned Attorneys: Nikhil Singhvi (BCP/FP)
Iona Rusu
Jason Schall
Jack Metzler (OGC)
Joel Marcus

Alleged Conduct: Deceptive acts and practices in violation of Section 5, the Truth in Lending Act, and the Electronic Fund Transfer Act, in connection with offering and extending credit, payday loans, and the collection of those loans.

Status: Complaint filed 4/2/12.
Motion to dismiss by all defendants filed 5/25/12; Commission's response

filed 6/11/12.

Partial withdrawals of motions to dismiss filed 10/15/12 and 10/16/12.

Stipulated preliminary injunction entered 12/27/12.

Commission's amended motion for partial summary judgment filed 3/7/13; defendants' responses filed 3/25/13.

Motion for legal determination on tribal sovereign immunity by defendants AMG Services, Inc., Red Cedar Services, Inc., SFS, Inc., and Tribal Financial Services filed 4/8/13; cross-motion for legal determination by defendant Troy Little Axe filed 4/10/13; Commission's response filed 4/19/13.

Commission's amended complaint filed 4/12/13.

Report and recommendation by magistrate that Commission's motion for partial summary judgment and defendant's motion for legal determination on tribal sovereign immunity be granted in part and denied in part entered 7/16/13.

Joint motion for permanent injunction and judgment as to defendants AMG Services, SFS, Inc., MNE Services, Inc., AMG Capital Management, LLC, Level 5 MotorSports, LLC, LeadFlash Consulting, LLC, Black Creek Capital Corp., Broadmoor Capital Partners, LLC, Scott A. Tucker, Blaine A. Tucker, Don E. Brady, Robert D. Campbell, and Troy L. Little Axe, Jr. filed 7/18/13.

Motion for summary judgment by Commission filed 9/30/13; Muir defendants' opposition filed 11/29/13; remaining defendants' opposition filed 12/4/13; Commission's reply filed 12/20/13.

Motions for summary judgment by defendants filed 9/30/13; Commission's opposition filed 12/4/13; defendants' reply filed 12/20/13.

Order granting joint motion for permanent injunction and judgment as to defendants AMG Services, SFS, Inc., MNE Services, Inc., AMG Capital Management, LLC, Level 5 MotorSports, LLC, LeadFlash Consulting, LLC, Black Creek Capital Corp., Broadmoor Capital Partners, LLC, Scott A. Tucker, Blaine A. Tucker, Don E. Brady, Robert D. Campbell, and Troy L. Little Axe, Jr. entered 10/8/13.

Report and recommendation by magistrate that Commission's motion for summary judgment be granted in part and denied in part, and that defendant's motion for summary judgment be denied, entered 1/28/14; defendant's objections filed 2/14/14; Commission's response filed 3/2/14.

Order adopting magistrate's 7/16/13 report and recommendations entered 3/7/14.

Order adopting magistrate's 1/28/14 report and recommendations entered 5/29/14.

Stipulation and order to dismiss defendants Timothy J. Muir and the Muir Law Firm, LLC entered 9/8/14.

Order denying defendants' motion to enforce settlement entered 7/16/14; notice of appeal filed 7/30/14; Ninth Circuit order dismissing appeal for lack of jurisdiction entered 10/30/14.

Stipulated permanent injunction and monetary judgment as to defendants AMG Services and MNE Services, Inc. entered 1/23/15.

Stipulated permanent injunction and monetary judgment against defendants Troy Little Axe, Jr., Don Brady and Robert Campbell entered 3/17/15.

Motion for preliminary injunction by the Commission filed 5/8/15; responses filed 5/26/15.

Stipulated orders for permanent injunction and equitable monetary relief as to defendants Red Cedar Services, Inc. and SFS, Inc. entered 11/25/15.

Motion for summary judgment by Commission filed 1/20/16; defendants' opposition filed 2/26/16; Commission's reply filed 3/18/16.

Motion for summary judgment by defendants filed 1/20/16; Commission's opposition filed 2/26/16; defendants' reply filed 3/18/16.

Order granting Commission's motion for summary judgment, denying defendants' motion for summary judgment, and awarding permanent injunction and monetary relief of \$1.3 billion entered 9/30/16.

Notice of appeal filed 11/29/16.

Appellant's opening brief filed 7/21/17; Commission's answering brief filed 12/11/17; reply brief filed 1/16/18.

Oral argument held 8/15/18.

Panel opinion, affirming district court's summary judgment and relief order, entered 12/3/18.

Order denying appellant's motion for rehearing *en banc* entered 6/20/19.

Petition for writ of certiorari filed 10/18/19; brief of respondent FTC filed 12/13/19; reply brief of petitioners filed 12/20/19; certiorari granted 7/9/20.

Brief of petitioners filed 9/25/20; brief of respondent FTC filed 11/30/20; reply of petitioners filed 12/30/20.

Supreme Court argument scheduled for 1/13/20.

FTC v. BEAM FINANCIAL, INC., No. 3:20-cv-8119 (N.D. Cal.)

Parties: Beam Financial, Inc.
Yinan Du

Assigned Attorneys: Daniel O. Hanks (BCP/FP)
Gregory John Madden

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with false promises of high interest rates and "24/7" access to funds for customers of a mobile banking application.

Status: Complaint filed 11/18/20.

FTC v. CARDIFF, Nos. 20-55858, 20-55397, 20-55066, 19-56397 (9th Cir.); No. 5:18-cv-02104 (C.D. Cal.)

Parties: Jason Cardiff
Eunjung Cardiff
Danielle Cadiz
Redwood Scientific Technologies, Inc. (California Corp.) d/b/a Rengalife
Redwood Scientific Technologies, Inc. (Nevada Corp.)
Redwood Scientific Technologies, Inc. (Delaware Corp.)
Identify, LLC
Advanced Mens Institute Prolongz LLC d/b/a AMI
Runway Products, LLC
Carols Place Limited Partnership
Jacques Poujade (third party)
True Pharmastrip, Inc. (proposed intervenor)
VPL Medical, Inc. (intervenor limited to VPL TRO and PI)
Inter/Media Time Buying Corporation (third party)

Assigned Attorneys: Stacy Rene Procter (WRLA)
Edwin Rodriguez (BCP/DAP)
Elizabeth Sanger
James Prunty
Shira Modell
Mark Hegedus (OGC)

Alleged Conduct: Deceptive acts or practices in violation of Sections 5(a) and 12 of the FTC Act, the Restore Online Shoppers' Confidence Act, the Electronic Fund Transfer Act, and the FTC's Telemarketing Sales Rule in connection with the advertising and marketing of smoking cessation, weight-loss, and sexual-performance aids.

Status: Complaint filed 10/10/18.
Preliminary injunction with asset freeze and other equitable relief as to defendants Redwood Scientific Technologies, Inc. (California), Redwood Scientific Technologies, Inc. (Nevada), Redwood Scientific Technologies, Inc. (Delaware), Indentify, LLC, Advanced Mens Institute Prolongz LLC, Runway Products, LLC, and Carols Place Limited Partnership entered 10/24/18.
Stipulated preliminary injunction as to defendant Danielle Cadiz entered 11/2/18.
Preliminary injunction with asset freeze and other equitable relief as to defendants Jason Cardiff and Eunjung Cardiff entered 11/8/18.
Clerk's entry of default as to defendants Redwood Scientific

Technologies, Inc., a California corporation, Redwood Scientific Technologies, Inc., a Nevada corporation, and Redwood Scientific Technologies, Inc., a Delaware corporation, Advanced Mens Institute Prolongz, LLC, and Runaway Products, LLC, entered 3/5/19.

Clerk's entry of default as to defendant Identify, LLC entered 3/7/19.

Order granting joint stipulation for permanent injunction as to defendant Danielle Cadiz entered 5/16/19.

Commission's application for contempt against defendants Eunjung Cardiff, Jason Cardiff, and third-party Jacques Poujade for violations of the TRO and preliminary injunction filed 6/17/19; opposition to contempt motion filed 7/8/19; reply in support of contempt motion filed 7/15/19.

Order finding defendant Jason Cardiff in contempt entered 7/29/19; order finding defendant Jason Cardiff no longer in contempt entered 7/30/19.

Motion to intervene by True Pharmastrip, Inc. filed 10/18/19; Commission's opposition to motion filed 10/28/19; reply in support of motion filed 11/4/19; order denying motion entered 1/10/20.

Order requiring turnover of funds entered 10/29/19.

Application to modify or stay order requiring turnover of funds pending appeal filed 11/22/19; Commission's opposition to application filed 11/26/19; reply in support of application filed 11/27/19; order denying application entered 12/17/19.

Notice of appeal by Jacques Poujade filed 11/27/19.

Motion by Jaques Poujade in 9th Circuit to stay lower court action filed 12/23/19; motion denied 2/28/20.

Notice of appeal by True Pharmastrip, Inc., filed 1/15/20.

Motion to dissolve preliminary injunction by Eunjung Cardiff and Jason Cardiff filed 1/20/20; motion denied 3/30/20.

Commission's motion for contempt against Eunjung Cardiff and Jason Cardiff for violation of preliminary injunction filed 3/2/20; order holding Cardiff Defendants in contempt entered 3/31/20.

Notice of appeal by Eunjung Cardiff and Jason Cardiff filed 4/7/20; appeal dismissed for lack of jurisdiction on 6/26/20.

Appellants Poujade and TPI's opening brief filed 4/6/20; FTC's answering brief filed 7/13/20; Poujade and TPI reply brief filed 8/3/20.

Commission's motion for contempt against Jacques Poujade filed 5/29/20.

Commission's motion for contempt sanctions against Jason Cardiff and Eunjung Cardiff for failure to comply with 3/31/20 contempt order filed 6/19/20; opposition to sanctions motion filed 7/10/20; reply in support of sanctions motion filed 7/17/20; reply in opposition filed 7/21/20; order of contempt and provisional sanctions entered 7/24/20.

Cardiffs' "notice of purge of contempt" filed 9/3/20; Commission's

opposition filed 9/4/20; Cardiff reply filed 9/5/20; order finding Cardiffs in contempt but deferring incarceration entered 9/9/20.
Temporary restraining order with asset freeze and other equitable relief and order to show cause why a preliminary injunction should not issue against VPL entered 6/24/20.
Preliminary injunction with asset freeze and other equitable relief against VPL entered 7/7/20.
Notice of appeal of preliminary injunction by VPL and Jason Cardiff filed 8/19/20.
Motion for summary reversal of preliminary injunction by VPL and Jason Cardiff filed 8/21/20; FTC opposition filed 8/31/20; VPL/Cardiff reply filed 9/5/20; order denying motion for summary reversal entered 10/16/20.
Appellants VPL/Cardiff opening brief filed 9/16/20; FTC answering brief filed 10/13/20; VPL/Cardiff reply brief filed 11/3/20.
Order granting summary judgment but deferring entry of final judgment and default judgment against corporate defendants until Supreme Court's resolution of *AMG* entered on 10/9/20.
Ninth Circuit opinion dismissing Poujade/TPI appeal for lack of appellate jurisdiction and affirming district court order denying permissive intervention issued 12/7/20.
Oral argument in VPL/Cardiff preliminary injunction appeal scheduled for 3/2/21.

FTC v. COMPLETE MERCHANT SOLUTIONS, LLC, No. 2:20-cv-00864 (D. Utah)

Parties: Complete Merchant Solutions, LLC
Jack Wilson

Assigned Attorneys: Christine Todaro (BCP/MP)
Laura Basford
Benjamin Davidson

Alleged Conduct: Unfair acts and practices in violation of Section 5(a) of the FTC Act in connection with payment processing.

Status: Complaint filed 12/9/20.
Stipulated order for permanent injunction and monetary judgment entered 12/29/20.

FTC v. CONSUMER DEFENSE, LLC, Nos. 18-15462, 19-16000, 19-17326; 20-15143, 20-15144 (9th Cir.); No. 2:18-cv-00030 (D. Nev.)

Parties: Consumer Defense, LLC
Consumer Link, Inc.
Preferred Law, PLLC

American Home Loan Counselors
Consumer Defense Group, LLC (formerly known as Modification Review Board, LLC)
Consumer Defense, LLC
Brown Legal, Inc.
AM Property Management, LLC
Fmg Partners, LLC
Zinly, LLC
Jonathan P. Hanley
Benjamin R. Horton
Sandra X. Hanley
American Home Loans, LLC

Assigned Attorneys: Gregory Ashe (BCP/FP)
Jason Schall
Imad Abyad (OGC)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Mortgage Assistance Relief Service Rule in connection with the marketing and sale of mortgage assistance relief.

Status: Complaint filed 1/8/18.
TRO entered 1/10/18.
FTC Motion for preliminary injunction filed 1/8/18;
Defendants' opposition filed 2/12/18; Commission reply filed 2/14/18;
Preliminary Injunction entered 2/20/18.
Defendant Benjamin R Horton's motion to dismiss filed 1/22/18;
Commission's response to motion filed 2/5/18; reply filed 2/15/18; motion denied 6/7/18.
Defendants AM Property Management, LLC, American Home Loan Counselors, American Home Loans, LLC, Brown Legal, Inc, Consumer Defense Group, LLC, Consumer Defense, LLC, FMG Partners, LLC, Jonathan P. Hanley, Sandra X. Hanley, Preferred Law, PLLC, Zinly, LLC's motions to dismiss filed 2/12/18;
Commission's responses to motions filed 2/26/18; replies filed 3/5/18; motion denied 6/7/18.
Notice of appeal to Ninth Circuit of preliminary injunction filed 03/21/18 (No. 18-15462). Appellants' opening brief filed 4/18/18;
Commission's answering brief filed 5/16/18; reply brief filed 6/6/18; Oral argument held 9/14/18. Decision by 9th Circuit affirming district court's entry of preliminary injunction entered 6/17/19.
Receiver Thomas McNamara motion for order to sell Receivership property filed 4/18/18; Commission concurrence filed 4/30/18;
Defendants' opposition filed 5/1/18; Receiver reply filed 5/8/18;
Order granting motion entered 1/18/19.

Stipulated final order for permanent injunction and monetary judgment as to defendant Benjamin Horton entered 6/5/18.

Commission's motion for entry of clerk's default as to defendants Consumer Defense, LLC (Nevada) and Consumer Link, Inc. filed 8/7/18. Clerk's entry of default as to Consumer Defense, LLC (Nevada) and Consumer Link Inc. entered 1/28/19. Default vacated on 6/14/19.

Defendant Hanley motion to vacate order granting Receiver's motion to sell property filed 1/28/19; Receiver opposition filed 1/31/19; Commission opposition filed 2/5/19; Order denying motion entered 4/30/19.

Defendant Hanley notice of appeal to Ninth Circuit of order denying motion to vacate order granting Receiver's motion to sell property filed 5/10/19 (No. 19-16000); Ninth Circuit order dismissing appeal for failure to file fees entered 7/17/19.

Commission's motion for default judgment against defendants Consumer Defense, LLC (Nevada) and Consumer Link, Inc. filed 5/7/19; Commission notice of withdrawal of motion filed 6/25/19.

Commission motion for summary judgment filed 7/15/19; defendants' opposition filed 10/2/19; defendant Hanley's opposition filed 10/5/19; Commission reply brief filed 11/5/19.

Order granting Commission motion for summary judgment entered 12/5/19.

Receiver Thomas McNamara motion to approve sale of Park City condo filed 8/30/19; Commission concurrence filed 9/13/19; defendants' opposition filed 9/13/19; receiver's reply filed 9/20/19; order granting motion entered 10/9/19.

Defendant Hanley's notice of appeal to Ninth Circuit of order granting receiver's motion for approval of sale of Park City condo filed 11/12/19 (No. 19-7326); Ninth Circuit order dismissing Hanley's appeal for failure to prosecute entered 3/20/20.

Defendant Sandra Hanley's notice of appeal to Ninth Circuit of order granting summary judgment filed 2/3/20 (No. 20-15143).

Defendant Jonathan Hanley's notice of appeal to Ninth Circuit of order granting summary judgment filed 2/3/20 (No. 20-15144).

Appellants Hanleys' opening briefs due 1/22/21.

FTC v. COTTELLI, No. 20-15717 (9th Cir.); No. 2:18-cv-00035 (D. Nev.)

Parties: Shad Cottelli, a/k/a Shad Applegate
EMP Media, Inc., also d/b/a MyEx.com
Aniello "Neil" Infante
State of Nevada (co-plaintiff)

Assigned Attorneys: Megan Cox (BCP/DPIP)

Simon Han
Matthew Hoffman (OGC)

Alleged Conduct: Unfair acts and practices in violation of Section 5(a) of the FTC Act, in connection with the operation of the nonconsensual pornography (or “revenge porn”) website MyEx.com.

Status: Complaint filed 1/9/18.
Order granting stipulated permanent injunction as to Defendant Aniello Infante entered 1/10/18.
Order granting motion for alternative service as to Shad Cottelli entered 2/1/18.
Clerk’s entry of default as to EMP Media, Inc. and Shad Cottelli entered 5/11/18.
Plaintiffs’ motion for default judgment filed 6/11/18.
Order granting motion for default judgment and permanent injunction and other relief 6/15/18.
Defendant Cottelli’s motion to set aside the default judgment filed 3/13/20; Commission’s opposition filed 3/27/20; order denying motion entered 4/9/20.
Notice of appeal by Cotelli filed 4/20/20.
Cotelli’s opening brief filed 7/8/20; Commission’s answering brief filed 9/23/20; Cotelli’s reply brief filed 11/13/20.
Oral argument scheduled for 3/9/21.

FTC v. CREDIT BUREAU CENTER, LLC, No. 19-825 (S. Ct.); Nos. 18-3310, 18-2847 (7th Cir.); No. 1:17-cv-00194 (N.D. Ill.)

Parties: Credit Bureau Center, LLC, f/k/a MyScore, LLC d/b/a efreescore.com, creditupdates.com, and freecreditnation.com
Michael Brown
Danny Pierce
Andrew Lloyd

Assigned Attorneys: Guy Ward (MWR)
Douglas McKenney
Michael Bergman (OGC)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Restore Online Shoppers’ Confidence Act, and the Fair Credit Reporting Act in connection with the marketing of credit monitoring services.

Status: Complaint filed 1/10/17.
Ex parte TRO entered 1/11/17.
Stipulated preliminary injunction as to defendants Danny Pierce and

Andrew Lloyd entered 2/8/17.
Stipulated preliminary injunction as to defendants Michael Brown and Credit Bureau Center entered 2/21/17.
Order finding defendant Michael Brown in civil contempt entered 6/28/17.
Stipulated order for permanent injunction and monetary judgment as to defendants Danny Pierce and Andrew Lloyd entered 10/26/17.
Commission's motion for summary judgment against remaining defendants Michael Brown and Credit Bureau Center, LLC filed 3/2/18; defendants' response filed 3/12/18; order granting motion for summary judgment entered 6/26/18.
Notice of appeal by defendants Michael Brown and Credit Bureau Center, LLC filed 8/22/18.
Motion by defendants Michael Brown, Credit Bureau Center, LLC to stay district court's final injunction pending appeal filed 8/31/18; response in opposition filed 9/17/18; district court order granting motion to stay in part, barring Commission from distributing funds recovered to consumers pending conclusion of appeal, but otherwise denying, entered 9/26/18.
Amended notice of appeal of post-judgment order denying defendants' request to pay their attorneys from the receivership estate filed 10/26/18.
Order consolidating appeals entered 11/16/18.
Appellants' brief filed 12/5/18.
Order denying defendants Michael Brown and Credit Bureau Center, LLC's motion for stay of judgment pending appeal entered 1/8/19.
Commission's brief filed 3/12/19; appellants' reply brief filed 4/1/19.
Oral argument heard 4/17/19.
Order vacating the restitution award and affirming the judgment in other respects entered by the Seventh Circuit 8/21/19.
Commission's petition for writ of certiorari filed 12/19/19; Credit Bureau Center's brief in opposition filed 4/14/20; Commission's reply brief filed 4/28/20.
Case consolidated with *AMG Capital Mgmt., LLC v. FTC* 7/9/20; consolidation voided and certiorari vacated 11/9/20.

FTC v. CRITICAL RESOLUTION MEDIATION, LLC, No 1:20-cv-3932 (N.D. Ga.)

Parties: Critical Resolution Mediation, LLC
Parliament Services, LLC
Brian Charles McKenzie

Assigned Attorneys: Hans Christian Clausen (SER)
Robin L. Rock

Alleged Conduct: Deceptive and abusive debt-collection practices in violation of Section 5(a) of the FTC Act and the Fair Debt Collection Practices Act.

Status: Complaint filed 9/22/20.
TRO entered 9/30/20.
Preliminary injunction entered 11/10/20.

FTC v. DIGITAL INCOME SYSTEM, INC., No 1:20-cv-24721 (S.D. Fla.)

Parties: Digital Income System, Inc.
Derek J. Foley
William Foley
Christopher B. Frye
Jennifer Hedrick
Kaitlyn Scott

Assigned Attorneys: Harold Kirtz (SER)
Lara Tumeh

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Business Opportunity Rule in connection with the marketing and sale of a purported money-making opportunity.

Status: Complaint filed 11/16/20.
TRO entered 11/17/20; TRO extended 12/02/20.
Stipulated preliminary injunction as to defendants Digital Income System, Inc, Derek Foley, William Foley, Kaitlyn Scott, and Jennifer Hedrick entered 12/18/20.
Preliminary injunction as to Christopher B. Frye entered 12/18/20.
Entry of default as to defendants Christopher B. Frye and Kaitlyn Scott 12/23/20.

FTC v. DISRUPTION THEORY LLC, No. 3:20-cv-06919 (N.D. Cal.)

Parties: Disruption Theory LLC
Emergent Technologies LLC
Marc Grisham, a/k/a Mark Grisham
Courtney Grisham, a/k/a Courtney Brooks

Assigned Attorneys: N. Diana Chang (WRSF)
Sarah Schroeder
Emily Burton

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with the marketing and sale of nonexistent “unlimited minutes” inmate calling plans.

Status: Complaint filed 10/5/20.

Ex parte TRO with asset freeze entered 10/6/20.

FTC v. ECOLOGICAL FOX, LLC, Nos. 19-1925, 19-2387, 19-2204, 19-2306, 19-2387, 20-1594 (4th Cir.); No. 1:18-cv-03309 (D. Md.)

Parties:

- Ecological Fox, LLC
- Luke Chadwick
- Andris Pukke a/k/a Marc Romeo a/k/a Andy Storm
- Peter Baker
- Global Property Alliance, Inc. d/b/a Sanctuary Bay, Sanctuary Belize, The Reserve, Kanantik, Laguna Palms, Bamboo Springs, Eco Futures, Eco Futures Development, Eco Futures Belize, Sittee River Wildlife Reserve, Buy Belize, Buy International
- Sittee River Wildlife Reserve d/b/a Sanctuary Bay d/b/a Sanctuary Belize d/b/a The Reserve
- Buy Belize, Llc d/b/a Sanctuary Bay d/b/a Sanctuary Belize d/b/a The Reserve d/b/a Kanantik d/b/a Laguna Palms d/b/a Bamboo Springs
- Buy International, Inc. d/b/a Sanctuary Bay d/b/a Sanctuary Belize d/b/a The Reserve d/b/a Kanantik d/b/a Laguna Palms d/b/a Bamboo Springs
- Foundation Development Management Inc.
- Eco-Futures Development d/b/a Sanctuary Bay d/b/a Sanctuary Belize d/b/a The Reserve
- Eco-Futures Belize Limited d/b/a Sanctuary Bay d/b/a Sanctuary Belize d/b/a The Reserve
- Power Haus Marketing
- Brandi Greenfield
- BG Marketing, LLC
- Prodigy Management Group, LLC
- John Usher
- Rod Kazazi
- Foundation Partners f/k/a Red Crane Advisors, Inc.
- Frank Costanzo a/k/a Frank Green a/k/a Frank Peerless Green a/k/a Frank Connelly a/k/a Frank Connelly-Costanzo
- Belize Real Estate Affiliates, LLC d/b/a Coldwell Banker Belize d/b/a Coldwell Banker Southern Belize
- Exotic Investor, LLC d/b/a Coldwell Banker Belize d/b/a Coldwell Banker Southern Belize
- Southern Blaze Realty, LLC d/b/a Coldwell Banker Belize d/b/a Coldwell Banker Southern Belize
- Sanctuary Belize Property Owners' Association d/b/a The Reserve Property Owners' Association
- Atlantic International Bank, Ltd.
- Angela Chittenden
- Beach Bunny Holdings, LLC

The Estate of John Pukke a/k/a The Estate of Janis Pukke a/k/a The Estate
of John Andris Pukke
John Vipulis
Deborah Connelly
Newport Land Group, LLC a/k/a Laguna Palms a/k/a Sanctuary Belize
a/k/a Bamboo Springs a/k/a The Reserve
Michael Santos

Assigned Attorneys: Jonathan Cohen (BCP/ENF)
Amanda Kostner
Benjamin Theisman
Elizabeth Averill
Khouryanna DiPrima
Theodore (Jack) Metzler (OGC)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and
the Telemarketing Sales Rule in connection with the marketing and sale of
real estate investments and related services.

Status: Complaint filed 10/31/18.
TRO entered 11/11/18.
Motion for interim preliminary injunction filed 11/15/18; response in
opposition filed 11/16/18; reply filed 11/18/18.
Order extending TRO, to remain in effect as an interim preliminary
injunction through the conclusion of a show cause hearing, entered
11/20/18.
Defendant Atlantic International Bank, LTD's motion to dismiss filed
12/14/18; response in opposition filed 1/22/19; defendant's
response filed 1/31/19.
Defendant Andris Pukke's motion to transfer case to the Central District
of California filed 12/14/18.
Notice of appeal from 11/20/18 order by defendant Atlantic National Bank
filed 12/19/18.
Commission's amended complaint filed 1/15/19.
Order denying defendant Atlantic International Bank's motion to dismiss
entered 2/1/19.
Order denying defendant Andris Pukke's motion to dismiss certain claims
in the amended complaint entered 3/4/19.
Commission's motion to hold defendants John Vipulis, Peter Baker,
Andris Pukke, and John Usher in contempt filed 3/5/19; response
in opposition filed by defendant Peter Baker 3/7/19.
Preliminary injunction hearing held 3/11/19-3/22/19.
Motion to dismiss for failure to state a claim by defendant Michael Santos
filed 3/18/19; Commission's response filed 4/1/19.
Order modifying interim preliminary injunction entered 3/28/19.

Order granting Commission's motion to stay proceedings as to defendants Frank Costanzo, Ecological Fox, LLC, and Deborah Connelly entered 4/4/19.

Motion to dismiss for lack of jurisdiction by defendant Atlantic International Bank, LTD filed 4/4/19; Commission's response filed 6/7/19.

Order denying defendant Anris Pukke's motion to dismiss entered 4/30/19.

Appellant Atlantic International Bank, LTD's (No. 19-1925) opening brief filed 5/14/19; Commission's response brief filed 6/12/19;

Commission's motion for stay of proceedings as to defendants Frank Costanzo, Ecological Fox LLC, and Deborah Connelly filed 7/23/19; order granting motion entered 7/26/19.

Commission's proposed preliminary injunction filed 8/12/19; defendant Chadwick's opposition to proposed preliminary injunction filed 8/22/19; Commission's reply in support of preliminary injunction filed 9/3/19.

Defendant Chadwick's motion to dismiss for lack of jurisdiction filed 8/22/19; Commission's response to motion filed 8/27/19; order denying motion to dismiss entered 9/5/19.

Order extending stay of litigation against Atlantic International Bank entered 9/6/19.

Joint motion to dismiss Atlantic International Bank's appeal (No. 19-1925) filed 9/10/19.

Stipulated order for permanent injunction and monetary judgment against defendant Atlantic International Bank entered 9/25/19.

Preliminary injunction as to defendants Andris Pukke, Peter Baker, Luke Chadwick, John Usher, Certain Corporate Defendants, and the estate of John Pukke entered 10/3/19.

Memorandum opinion and order addressing calculation of equitable monetary relief entered 10/17/19.

Order that defendants are not entitled to jury trials on the contempt motions entered 10/22/19.

Notice of appeal of preliminary injunction by defendant Peter Baker (No. 19-2306) filed 10/25/19.

Notice of appeal of preliminary injunction by defendant Andris Pukke (No. 19-2204) filed 10/29/19.

Notice of appeal of preliminary injunction by defendant Luke Chadwick (No. 19-2387) filed 12/2/19; order dismissing appeal for failure to prosecute entered 4/17/20.

Baker's opening brief filed 12/27/19; Pukke's opening brief filed 12/30/19; Commission's answering brief to Baker and Pukke appeals filed 2/3/20; opinion affirming preliminary injunction issued 2/24/20.

Stipulated final orders for permanent injunction and monetary judgment against Brandi Greenfield, BG Marketing LLC, Rod Kazazi, and Foundation Partners entered 1/4/20.
Stipulated final order against relief defendants Angela Chittenden and Beach Bunny Holdings LLC entered 1/10/20.
Bench trial held 1/21/20 through 2/12/20.
Order denying motion by Peter Baker to dismiss the case as sanction against FTC entered 4/22/20.
Notice of appeal by Peter Baker (No. 20-1594) filed 5/26/20.
Baker's opening brief filed 6/23/20; Commission's response brief filed 7/10/20.

FTC v. EDUCARE CENTRE SERVICES, INC., No. 9506276 (5th Cir.); No. 3:19-cv-00196 (W.D. Tex.)

Parties: Educare Centre Services, Inc., d/b/a Credit Card Services, Card Services, Credit Card Financial Services, Care Net, Tripletel Inc., Revit Educ Srvc, L.L. Vision, Care Value Services, and Card Value Services
Globex Telecom, Inc.
Tripletel, Inc.
Prolink Vision, S.R.L.
Sam Madi
Mohammad Souheil, a/k/a Mohammed Souheil and Mike Souheil
Wissam Abedel Jalil, a/k/a Sam Jalil
Charles Kharouf
9506276 Canada, Inc.,
9896988 Canada Inc. (relief defendant)
State of Ohio (co-plaintiff)

Assigned Attorneys: Ronnie Brooke (BCP/MP)
Christopher Brown

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Telemarketing Sales Rule, and Ohio law in connection with the telemarketing and sale of credit interest rate reduction services.

Status: Complaint filed 7/18/19.
TRO entered 7/19/19
Preliminary injunction against Wissam Abedel Jalil, Tripletel, and Educare entered 7/30/19.
Order denying motions to dismiss by Mohammad Souheil and 9896988 Canada entered 10/22/19.
First amended complaint filed 12/3/19.
TRO against Globex and 9506276 Canada entered 12/3/19.
Preliminary injunction against remaining defendants entered 12/17/19.

Order denying motion to dissolve the TRO by defendants Souheil, Prolink Vision, 9896988 Canada, Globex Telecom, and 9506276 Canada entered 1/14/20.

Order granting FTC's motion for contempt against Globex Telecom and 9506276 entered 1/17/20.

Order denying motion for summary judgment by defendants Souheil, Prolink Vision, and 9896988 Canada entered 1/17/20.

Order holding Globex Telecom and 9506276 Canada in contempt of court entered 1/29/20.

Notice of appeal of preliminary injunction and asset freeze by Mohammad Souheil and relief defendant 9896988 Canada filed 2/18/20; motion for stay pending appeal in 5th Circuit filed 4/14/20; FTC opposition filed 4/24/20; appellants' opening brief filed 5/12/20; stay denied 6/4/20.

Order of civil contempt against defendant Charles Kharouf entered 3/17/20.

Order denying motions to dismiss by Mohammad Souheil and relief defendant 9896988 Canada entered 3/23/20.

Clerk's entry of default against Globex Telecom and 9506276 Canada entered 4/7/20.

Clerk's entry of default against Charles Kharouf entered 4/7/20.

Order granting motion to stay proceedings as to Souheil, 9896988 Canada, Prolink Vision, Globex Telecom, and 9506276 Canada pending agency review of proposed settlement entered 6/16/20.

Joint motion to suspend briefing in appeal filed 6/17/20; order dismissing appeal without prejudice entered 6/19/20.

Stipulated orders for permanent injunctions and monetary judgment as to defendants Mohammad Souheil, 9896988 Canada, Inc., Prolink Vision, S.R.L., Globex Telecom, Inc., 9506276 Canada, Inc.; Wissam Jalil and Tripletel, Inc.; Sam Madi and Educare Centre Services, Inc.; and Charles Kharouf entered 9/22/20.

FTC v. ELECTRONIC PAYMENT SOLUTIONS OF AMERICA, INC., No. 2:17-cv-02535
(D. Ariz.)

Parties: Electronic Payment Solutions of America, Inc.
 Electronic Payment Services, Inc.
 KMA Merchant Services, LLC
 Dynasty Merchants, LLC
 Jay Wigdore
 Michael Abelmessseh aka Michael Stewart
 Nikolas Mihilli
 Electronic Payment Systems, LLC
 Electronic Payment Transfer, LLC
 John Dorsey
 Thomas McCann
 Michael Peterson

Assigned Attorneys: James Evans (BCP/MP)
Jody Goodman

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the FTC's Telemarketing Sales Rule in connection with telemarketing scheme that told consumers they could earn thousands of dollars by lending money to small businesses.

Status: Complaint filed 7/28/17.
First amended complaint filed 3/9/18.
Stipulated order for permanent injunction and monetary judgment against defendants KMA Merchant Services LLC and Michael Abdelmesseh entered 6/13/18.
Stipulated order for permanent injunction and monetary judgment against Dynasty Merchants, LLC and Nikolas Mihilli entered 1/9/19.
Motion to dismiss FTC's claim for monetary relief by Electronic Payment Systems, LLC, and Electronic Payment Transfer, LLC filed 4/24/19; Commission's opposition filed 5/8/19; defendants' reply filed 5/24/19; Motion denied 8/28/19.
Stipulated order for permanent injunction and monetary judgment against Michael Peterson entered 8/28/19.
Motion to amend answer by Electronic Payment Systems, LLC, and Electronic Payment Transfer, LLC filed 5/31/19; Commission's opposition filed 6/14/19; defendants' reply filed 7/5/19; motion denied 8/28/19.
Motion for judgment on the pleadings by John Dorsey and Thomas McCann filed 6/11/19; Commission's opposition filed 6/25/19; defendants' reply filed 7/12/19; motion denied 8/28/19.
Motion to reconsider or certify denial of motion to dismiss by Electronic Payment Systems, LLC, and Electronic Payment Transfer, LLC filed 9/10/19; Commission's opposition filed 9/24/19; defendants' reply filed 10/1/19; motion denied 10/23/19.
Motion for summary judgment by Electronic Payment Systems, LLC and Electronic Payment Transfer filed 3/18/20; FTC's opposition filed 4/16/20; reply filed 4/22/20; motion denied 8/31/20.
Motion for summary judgment by John Dorsey and Thomas McCann filed 9/25/20; Commission's opposition filed 10/16/20; defendants' reply filed 11/10/20.
Motion for summary judgment by the Commission filed 9/25/20; defendants' oppositions filed 11/25/20.

FTC v. ELEGANT SOLUTIONS, INC., Nos. 20-55766 (9th Cir.); 8:19-cv-01333 (C.D. Cal.)

Parties: Elegant Solutions, Inc., d/b/a Federal Direct Group
Trend Capital Ltd., d/b/a Mission Hills Federal
Dark Island Industries, Inc., d/b/a Federal Direct Group, and f/k/a
Cosmopolitan Funding Inc.
Heritage Asset Management, Inc., d/b/a National Secure Processing
Tribune Management, Inc., d/b/a The Student Loan Group
Mazen Radwan
Rima Radwan
Labiba Velazquez
Dean Robbins
Imad Abyad (OGC)

Assigned Attorneys: Michelle Grajales (BCP/FP)
Samuel Jacobson

Alleged Conduct: Deceptive acts or practices in violation of Section 5 of the FTC Act and
the Telemarketing Sales Rule in connection with marketing and sale of
student loan debt relief services.

Status: Complaint filed 7/8/19.
Stipulated preliminary injunction entered 7/17/19.
Amended Complaint filed 8/27/19.
Cross-motions for summary judgment by FTC and defendants filed
3/9/20; FTC's opposition to defendants' motion filed 3/30/20;
defendants' opposition to FTC's motion filed 3/31/20; replies filed
4/6/20.
Order staying trial pending resolution of summary judgment motions
entered 5/29/20.
Defendants' notice of appeal filed 7/20/20.
Commission's motion to hold appeal in abeyance until after Supreme
Court decides *AMG* filed 12/7/20; appellants' opposition filed
12/8/20.
Appellants' opening briefs filed 12/21/20.

FTC v. F9 ADVERTISING LLC, No. 3:19-cv-01174 (D.P.R.)

Parties: F9 Advertising LLC
Gopalkrishna Pai
Ace Initiative Group, LLC
Connected AD Station LLC
Fastlane Sales, LLC
Hyper Marketing Solutions LLC
Media Redefined LLC
Primed Marketing LLC

Responsive Media LLC

Assigned Attorneys: Michael Schaefer (BCP/ENF)
Gregory J. Madden

Alleged Conduct: Deceptive acts or practices in violation of the Restore Online Shoppers' Confidence Act in connection with "free trial" and negative option online marketing.

Status: Complaint filed 2/21/19.
Order granting Commission's motion for entry of default against defendants Ace Initiative Group, LLC, Connected AD Station LLC, Fastlane Sales LLC, Hyper Marketing Solutions, LLC, Media Redefined, LLC, Primed Marketing, LLC, and Responsive Media, LLC entered 3/25/19.
Order staying case pending the resolution of the ongoing criminal proceedings entered 5/16/19.

FTC v. FACEBOOK, INC., No. 1:20-cv-3590 (D.D.C.)

Parties: Facebook, Inc.

Assigned Attorneys: Daniel John Matheson (BC/Office of the Director)
David Owyang (BC/TED)
Eric Cochran
Gary London, Jr.
Henry Hauser
Krisha Cerilli
Maria DiMoscato
Mark Silvia
Mary Casale
Michael Mikawa
Michael Smith
Noel Miller
Owen Masters
Patricia Galvan
Rebecca Weinstein
Robert Zuver, Jr.
Sylvia Zhang

Alleged Conduct: Unfair methods of competition in violation of Section 5 of the FTC Act in connection with the illegal maintenance of a personal social networking monopoly through a years-long course of anticompetitive conduct including the acquisition of rivals and imposition of anticompetitive conditions on third-party software developers' access to valuable interconnections to its platform.

Status: Complaint filed 12/9/20.

FTC v. FIRST CHOICE HORIZON LLC, No. 6:19-cv-01028 (M.D. Fla.)

Parties: First Choice Horizon LLC
First Southern Trust LLC
First United Mutual LLC
Premier Union Trust LLC d/b/a Second Choice Horizon
South Premier Trust LLC
Suncoast Mutual LLC
United Choice Plus LLC
Southern Choice LLC
Southern Pride LLC
Sun Premier LLC
Financial Service Trust LLC
Raymond Gonzalez
Carlos S. Guerrero d/b/a CSG Solutions
Joshua Hernandez

Assigned Attorneys: Michael A. Boutros (SER)
Robin Rock

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

Status: Complaint filed 6/3/19.
TRO entered 6/3/19.
Stipulated preliminary injunction entered 6/27/19.
First amended complaint filed 7/16/19.
Amended stipulated preliminary injunction entered 12/17/19.
Order granting joint motion to stay case for 60 days entered 5/27/20.
Stipulated order for permanent injunction and monetary judgment as to all defendants entered 7/27/20.
Judgment in favor of plaintiff and against defendants entered 7/28/20.

FTC v. FLEETCOR TECHNOLOGIES, INC., No. 1:19-cv-05727 (N.D. Ga.)

Parties: FleetCor Technologies, Inc.
Ronald Clarke

Assigned Attorneys: Thomas Kost (BCP/FP)
Brittany Frassetto
Thomas Kane
Greg Madden

Chris Leach

Alleged Conduct: Deceptive and unfair acts or practices in violation of Section 5(a) of the FTC Act in connection with the advertising, marketing, and offering of commercial fuel card products.

Status: Complaint filed 12/20/19.

FTC v. F&G INTERNATIONAL GROUP HOLDINGS, LLC., No. 6:20-cv-73 (S.D. Ga.)

Parties: F&G International Group Holdings, LLC.
FG International, LLC.
J. Glenn Davis

Assigned Attorneys: Anna Burns (SER)
Brian Martin Welke (BCP/ENF)
Philip Brown
Alejandro Rosenberg

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with false or unsubstantiated R-value claims about their architectural coating products.

Status: Complaint filed 7/28/20.

FTC v. GDP NETWORK, LLC., No. 6:20-cv-1192 (M.D. Fla.)

Parties: GDP Network, LLC
G & G Success, LLC
G & N Squared, LLC
Gino De Paz
Grace De Paz
Shabana Khublal
State of Florida (Plaintiff)

Assigned Attorneys: Audrey Austin (MWR)
Samantha Colleen Gordon
William Joseph Hodor

Alleged Conduct: Deceptive and unfair acts or practices in violation of Section 5(a) of the FTC Act and the FTC's Telemarketing Sales Rule in connection with an alleged sham credit card interest rate reduction operation.

Status: Complaint filed 7/6/20.
TRO entered 7/10/20.
Preliminary injunction with asset freeze entered 8/14/20.

Clerk's entry of default as to G & G Success LLC, G & N Squared LLC, and GDP Network LLC entered 10/1/20.

FTC v. GOLDEN SUNRISE NUTRACEUTICAL, INC., No. 1:20-AT-00540 (E.D. Cal.)

Parties: Golden Sunrise Nutraceutical, Inc.
Golden Sunrise Pharmaceutical, Inc.
Huu Tieu
Stephen Meis

Assigned Attorneys: Zach Keller (SWR)
Reid Tepfer
Edward Hynes

Alleged Conduct: Deceptive acts and practices in violation of Sections 5(a) and 12 of the FTC Act in connection with the marketing and sale of purported COVID-19, cancer, and Parkinson's disease treatments.

Status: Complaint filed 07/30/20.
TRO entered 08/05/20.
Stipulated preliminary injunctions entered 08/27/20.

FTC v. HEALTH RESEARCH LABORATORIES LLC, No. 2:17-cv-467 (D. Me.)

Parties: Health Research Laboratories LLC
Kramer Duhon

Assigned Attorneys: Elizabeth K. Nach (BCP/AP)
James A. Prunty

Nature of Action: Deceptive acts or practices in violation of Sections 5(a) and 12 of the FTC Act, the FTC's Telemarketing Sales Rule, and the Electronic Fund Transfer Act and its implementing regulation in connection with the marketing and sale of products that purported to cause weight loss; and treat arthritis, joint and back pain, and memory loss.

Status: Complaint filed 11/30/17.
Joint motion for entry of stipulated final judgment and order permanent injunction and other equitable relief filed 11/30/17.
Stipulated final judgment and order for permanent injunction and other equitable relief entered 1/17/18.
Commission's contempt motion for violation of final judgment and order for permanent injunction filed 12/17/19; defendants' response in opposition filed 12/31/19; order denying motions entered 8/12/20.
Telephonic hearing held 4/8/20.
Defendants' motion to stay Commission administrative proceedings filed

11/30/20; Commission's opposition filed 12/21/20; defendants' reply filed 12/23/20.

FTC v. HORNBEAM SPECIAL SITUATIONS, LLC, No. 1:17-cv-03094 (N.D. Ga.)

Parties: Hornbeam Special Situations, LLC
 Cardinal Points Holdings, LLC
 Cardinal Points Management, LLC d/b/a Clear Compass Digital Group
 Gyroscope Management Holdings, LLC
 EDebitPay, LLC
 Platinum Online Group, LLC d/b/a Premier Membership Clubs
 Clickxchange Media, LLC
 iStream Financial Services, Inc.
 Jerry L. Robinson
 Earl G. Robinson
 James McCarter
 Keith Merrill
 Mark Ward
 Dale Paul Cleveland
 William R. Wilson
 Kris Axberg
 Richard Joachim
 Chet Andrews
 Patricia Brandmeier Robinson [executor of estate of Jerry L. Robinson]

Assigned Attorneys: R. Michael Waller (BCP/ENF)
 Korin Felix
 Elizabeth J. Averill
 Omolara Joseney
 Reenah L. Kim
 Hong Park
 Amanda C. Basta
 Kimberly L. Nelson
 Anna M. Burns

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, Section 4 of Restore Online Shoppers' Confidence Act, and the FTC's Telemarketing Sales Rule in connection with the marketing of various products or services, including memberships in online discount clubs, to consumers seeking payday, cash advance, or other subprime loans.

Status: Complaint filed 8/15/17.
 Consent motion to stay case for 90 days as to defendant Keith Merrill filed 10/6/17; order granting stay entered 10/11/17.
 Consent motion to stay case and suspend filing obligations upon the death of defendant Jerry L. Robinson filed 11/15/17; order granting

consent motion entered 11/21/17.

Motions to dismiss by defendants Mark Ward, Dale Paul Cleveland, EDebitPay, LLC, William Wilson, Kris Axberg, Richard Joachim, iStream Financial Services, Inc, and Earl Robinson filed 2/9/18; response in opposition 2/23/18; opinion and order denying motion entered 4/16/18.

Motion to dismiss by defendant by Patricia Brandmeier Robinson filed 3/22/18; response in opposition 4/5/18; order denying motion entered 4/16/18.

Motion to dismiss complaint for lack of subject matter jurisdiction by defendants Chet Andrews, Kris Axberg, Dale Paul Cleveland, EDebitPay,LLC, Richard Joachim, James McCarter, Earl G. Robinson, Patricia Brandmeier Robinson, Mark Ward, William R. Wilson, iStream Financial Services, Inc. filed 4/20/18; Commission's opposition filed 5/4/18; reply filed 5/11/18; order denying motion, but ordering supplemental briefing on part of the court's 4/16/18 opinion, entered 7/11/18.

Defendants' response to court's 7/11/18 request for supplemental briefing filed 7/23/18; Commission's response to court's request filed 7/30/18.

Order vacating part of court's 4/16/18 opinion and granting Commission leave to file an amended complaint entered 10/15/18.

Amended complaint filed 11/5/18.

Motions to dismiss for failure to state a claim by defendants iStream Financial Services, Inc, Chet Andrews, Patricia Brandmeier Robinson, Dale Paul Cleveland, EDebitPay, LLC, William Wilson, James McCarter, Mark Ward, and Earl Robinson filed 11/15/18; Commission's opposition filed 12/13/18; defendants' reply filed 2/8/19; order denying motions to dismiss entered 2/12/19.

Order granting Defendants' request for leave to file an interlocutory appeal entered 7/24/19.

Order of 11th Circuit denying petition to appeal entered 11/20/19.

Defendants' motion to stay pending the Supreme Court's decision in *AMG Capital Mgmt., LLC v. FTC* filed 7/20/20; Commission's opposition filed 8/3/20; defendants' reply filed 8/10/20; order denying motion to stay entered 9/10/20.

FTC v. IBACKPACK OF TEXAS LLC, No. 3:19-cv-00160 (S.D. Tex.)

Parties: iBackPack of Texas, LLC
Douglas Monahan

Assigned Attorneys: Patrick Roy (BCP/FP)
Daniel Hanks

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in

connection with the defendants' deceptive practices in the course of multiple crowdfunding campaigns.

Status: Complaint filed 5/6/19.
Order denying motion for permanent injunction as moot entered 5/21/19.
Commission's request for entry of default filed 8/26/19; clerk's entry of default entered 8/28/19.
Commission's motion for summary judgment against Douglas Monahan filed 2/7/20.
Commission's motion for entry of default judgment against iBackPack of Texas filed 2/7/20.
Order granting stay pending likely submission of a proposed stipulated order entered 3/27/20.
Proposed stipulated order for permanent injunction and monetary judgment against Douglas Monahan filed 5/11/20.
Order granting default judgment against iBackPack of Texas entered 10/6/20.
Stipulated order for permanent injunction and monetary judgment against Douglas Monahan entered 10/6/20.

FTC v. INNOVATIVE DESIGNS, INC., Nos. 20-3379 (3d Cir.); 2:16-cv-01669 (W.D. Pa.)

Parties: Innovative Designs, Inc.

Assigned Attorneys: Alejandro Rosenberg (BCP/ENF)
Omolara Bewaji Joseney
Imad Abyad (OGC)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with the advertising of Insultex House Wrap.

Status: Complaint filed 11/3/16.
Bench trial held from 7/29/19 to 7/30/19.
Motion for judgment on partial findings by defendant filed 3/27/20;
Commission's response filed 4/17/20; telephonic hearing on motion for judgment on partial findings held 5/1/20.
Order granting defendant's motion for judgment on partial findings entered 9/24/20.
Commission's notice of appeal filed 11/23/20.

FTC v. LEAD EXPRESS, INC., No. 2:20-cv-00840 (D. Nev.)

Parties: Lead Express Inc.
Camel Coins, Inc.
Sea Mirror Inc.

Naito Corp.
Kotobuki Marketing, Inc.
Ebisu Marketing, Inc.
Hotei Marketing, Inc.
Daikoku Marketing, Inc.
La Posta Tribal Lending Enterprise d/b/a Harvest Moon Financial, Gentle
Breeze Online, and Green Stream Lending
Takehisa Naito
Keishi Ikeda

Assigned Attorneys: Gregory Ashe (BCP/FP)
Helen Clark
Rufus Jenkins (BCP/DLTA)

Alleged Conduct: Deceptive acts or practices in violation of Section 5 of the FTC Act, the
Telemarketing Sales Rule, Truth in Lending Act, and Electronic Fund
Transfer Act in connection with the offering and extension of credit in the
form of high-fee short-term “payday” loans

Status: Complaint filed 5/11/20.
Stipulated preliminary injunctions entered 6/19/20.
Joint motion to stay case to consider settlement with defendants Lead
Express, Camel Coins, Sea Mirror, Naito Corp., Kotobuki
Marketing, Ebisu Marketing, Hotei Marketing, Daikoku
Marketing, Takehisa Naito, and Keishi Ikeda filed 10/20/20; order
granting stay entered 10/20/20.
Commission’ motion for default judgment against Defendant La Posta
Tribal Lending Enterprise filed 11/20/20; defendant’s opposition
filed 12/2/20; Commission’s reply filed 12/9/20.

FTC v. LENDING CLUB CORP., No. 3:18-cv-02454 (N.D. Cal.)

Parties: Lending Club Corporation d/b/a Lending Club

Assigned Attorneys: Katharine Roller (BCP/FP)
Jason Schall
Matthew Wilshire
Leah Frazier
Helen Clark
Mike Tankersley

Alleged Conduct: Deceptive and unfair acts or practices in violation of Section 5(a) of the
FTC Act and the Privacy of Consumer Financial Information Rule in
connection with the advertising, promotion, and sale of unsecured loans.

Status: Complaint filed 4/25/18.

Motion to dismiss complaint filed 6/18/18; response in opposition filed 7/18/18; reply in support of motion filed 8/1/18; order granting motion in part and denying in part entered 10/3/18.
First amended complaint filed 10/22/18.
Cross-motions for summary judgment filed 2/27/20; oppositions filed 3/26/20; replies filed 4/16/20.
Order granting in part and denying in part FTC's and defendant's motions for summary judgment entered 6/1/20.
Case stay pending Supreme Court's resolution of *AMG Capital Mgmt. v FTC* entered 8/21/20.

FTC v. LIFE MANAGEMENT SERVICES OF ORANGE COUNTY, INC., No. 19-14248
(11th Cir.); No. 6:16-cv-00982 (M.D. Fla.)

Parties: Life Management Services of Orange County, Inc.
Loyal Financial and Credit Services LLC d/b/a FOC Credit and Reward Services
IVD Recovery LLC
KWP Services LLC
KWP Services of Florida LLC
LPSOFFLA LLC
LPSOFFLORIDA LLC
PW&F Consultants of Florida LLC
UAD Secure Services LLC
UAD Secure Service of Florida LLC
URB Management LLC
YCC Solutions LLC
YFP Solutions LLC
Kevin Guice
Chase Jackowski
Linda McNealy
Clarence Wahl a/k/a Harry Wahl
Karen Wahl
Robert Guice (Relief Defendant)
Timothy Woods (Relief Defendant)
State of Florida (Plaintiff)

Assigned Attorneys: Tejasvi Srimushnam (BCP/MP)
Joshua Doan
Michael Bergman (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Telemarketing Sales Rule, and the Florida Deceptive and Unfair Trade Practices Act in connection with the sale of debt relief services.

Status: Complaint filed 6/7/16.

Stipulated preliminary injunction entered 6/30/16.
Motion for summary judgment as to defendant Kevin Guice filed 5/1/17;
opposition filed 5/30/17; Commission's reply filed 6/14/17; order
granting summary judgment and permanent injunction entered
12/7/18.
Notice of stipulated proposed orders for permanent injunction and
monetary judgment against all defendants except Kevin Guice filed
9/1/17.
Order for permanent injunction and monetary relief against Kevin Guice
entered 12/7/18.
Order granting summary judgment, with permanent injunction and
monetary relief, against Kevin Guice entered 12/10/18.
Motion to Alter or Amend Judgment against Kevin Guice filed on
01/8/19. Stipulated final orders against defendants Chase
Jackowski, Linda McNealy, Clarence Wahl, Karen Wahl, and
corporate defendants Life Management Services of Orange
County, LLC, Loyal Financial & Credit Services, LLC, IVD
Recovery, LLC, KWP Services, LLC, KWP Services of Florida
LLC, LPSOFFLA LLC, LPSOFFLORIDA L.L.C., PW&F
Consultants of Florida LLC, UAD Secure Services LLC, UAD
Secure Service of FL LLC, URB Management, LLC, YCC
Solutions LLC, and YFP Solutions LLC entered 4/23/19.
Stipulated final orders against relief defendants Robert Guice and Timothy
Woods entered 4/23/19.
Order denying motion to alter or amend judgement against Kevin Guice
entered 9/24/19.
Notice of appeal of final judgment by Kevin Guice filed 10/24/19.
Kevin Guice's opening brief due 2/8/21

FTC v. MAIL TREE INC., No. 0:15-cv-61034 (S.D. Fla.)

Parties: Awards Research Consultant, LLC
John Leon
MCP Marketing Activities, LLC d/b/a Magellan Mail and Magellan
Marketing
Mail Tree Inc.
Mailpro Americas Corp.
Masterpiece Marketing, LLC d/b/a Affiliated Opportunities Group
d/b/a Corporate Accounting Authority d/b/a Dispatch Notifications
Services d/b/a Information Reporting Group d/b/a Priority
Information Exchange
Michael McKay Co.
Matthew Pisoni
Serena Pisoni
Marcus Pradel
Victor Ramirez

Romeria Global, LLC d/b/a Lowenstein Varick and Nagel
Spin Mail, Inc.
Supreme Media, LLC
Trans National Concepts, Inc.
Vernier Holdings, Inc.

Assigned Attorneys: Guy Ward (MWR)
Douglas McKenney

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with sweepstakes scam.

Status: Complaint filed 5/18/15.
Ex parte TRO entered 5/19/15.
Preliminary injunction against all defendants except Marcus Pradel and Trans National Concepts entered 6/12/15.
Stipulated preliminary injunction as to defendants Marcus Pradel and Trans National Concepts entered 6/12/15.
Order staying case entered 6/12/15.
Unopposed motion for specific relief from asset freeze filed 10/4/19; order granting motion entered 10/7/19.

FTC v. MIDWEST RECOVERY SYSTEMS, LLC, No. 4:20-cv-1674 (E.D. Mo.)

Parties: Midwest Recovery Systems, LLC
Brandon Tumber
Kenny Conway
Joseph Smith

Assigned Attorneys: Daniel Dwyer (BCP/FP)
Christopher Leach
Katherine White

Alleged Conduct: Deceptive acts or practices in violation of Sections 5(a) and 19 of the FTC Act, the Fair Debt Collection Practices Act, and the Fair Credit Reporting Act in connection with debt collection practices that allegedly placed bogus or highly questionable debts onto consumers' credit reports to coerce them to pay the debts.

Status: Complaint filed 11/25/20.
Stipulated order for permanent injunction and monetary judgment entered 12/23/20.

FTC v. MOBE LTD., Nos. 18-13715, 18-13716, 20-10191 (11th Cir.); No. 6:18-cv-00862 (M.D. Fla.)

Parties: MOBE Ltd.
MOBEProcessing.com, Inc.
Transaction Management USA, Inc.
MOBETraining.com, Inc.
MOBE Pro Limited
MOBE Online Ltd.
9336-0311 Quebec, Inc. d/b/a Business Education Training
MattLloydPublishing.com Pty Ltd.
MOBE Inc.
Matthew Lloyd McPhee a/k/a Matt Lloyd
Russell W. Whitney, Jr. (deceased) and Ingrid Whitney, as personal
representative of Russell Whitney's estate (substituted defendant)
Susan Zanghi

Assigned Attorneys: Sung Kim (BCP/MP)
Benjamin Davidson
Jack Metzler (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act in connection with the marketing and sale of an online business education program.

Status: Complaint filed 6/4/18.
Ex parte TRO entered 6/5/18; order extending TRO entered 6/19/18.
Emergency motion for relief from TRO and, to extent necessary, to intervene by Qualpay, Inc. filed 6/22/18
Motion to approve stipulated preliminary injunction as to Defendant Susan Zanghi filed 6/25/18; order granting motion entered 8/20/18.
Motion to approve stipulated preliminary injunction as to Defendant Russell Whitney filed 7/3/18; order granting motion entered 8/20/18.
Motion by interested party Synovus Bank for emergency relief from TRO and to intervene filed 7/10/18.
Ordering denying motion for emergency relief by intervenor Qualpay, Inc. and Synovus Bank entered 8/8/18.
Motion by Synovus Bank for clarification regarding order filed 8/13/18; order denying motion for clarification entered 8/16/18.
Notice of appeal (No. 18-13715), as to 8/8/18 court order, by Synovus Bank filed 8/31/18; order granting motion to voluntarily dismiss appeal entered 11/13/18.
Notice of appeal (No. 18-13716), as to 8/16/18 court order, by intervenor Qualpay, Inc. filed 8/31/18; docket closed on 11/13/2018.
Order granting consent motion to stay all proceedings as to defendant Susan Zanghi filed 10/24/18.

Stipulated order for permanent injunction and monetary judgment against defendant Susan Zanghi entered 12/6/18.

Clerk's entry of default against defendants 9336-0311 Quebec Inc., MOBE Inc., MOBE Ltd., MOBE Pro Limited, MOBEProcessing.com, Inc., MOBETraining.com, Inc., Matt Lloyd Publishing.com Pty Ltd., Matthew Lloyd McPhee, Mobe Online Ltd., and Transaction Management USA, Inc. entered 2/1/19.

Order granting Matthew Lloyd McPhee's motion to set aside clerk's default entered 4/19/19.

Commission's amended motion for entry of default judgment and permanent injunction against 9336-0311 Quebec Inc., MOBE Inc., MOBE Ltd., MOBE Pro Limited, MOBEProcessing.com, Inc., MOBETraining.com, Inc., Matt Lloyd Publishing.com Pty Ltd., Mobe Online Ltd., and Transaction Management USA, Inc. filed 5/2/19; order denying motion without prejudice entered 7/1/2019.

Order substituting Ingrid Whitney, in her capacity as the personal representative of the estate of deceased defendant Russell Whitney, as defendant entered 5/10/19.

Order granting appointment of a Special Receiver to investigate claims against Qualpay and Synovus Bank entered 5/23/19.

Synovus Bank's motion to intervene and for leave to file proposed complaint-in-intervention filed 9/3/2019; Magistrate's report and recommendation to deny Synovus' motion to intervene entered 10/23/2019; order adopting magistrate's recommendation and denying Synovus' motion to intervene entered 12/19/2019.

Stipulated order for monetary judgment against defendant Ingrid Whitney, as personal representative of Russell Whitney's estate, entered 12/18/19.

Order approving Receiver's settlement agreement with defendant Matthew Lloyd McPhee entered 12/19/19.

Notice of appeal (No. 20-10191) of order denying intervention by Synovus Bank filed 1/15/20.

Commission's renewed motion for entry of default judgment and permanent injunction against 9336-0311 Quebec Inc., MOBE Inc., MOBE Ltd., MOBE Pro Limited, MOBEProcessing.com, Inc., MOBETraining.com, Inc., Matt Lloyd Publishing.com Pty Ltd., Mobe Online Ltd., and Transaction Management USA, Inc. filed 2/12/20; order granting motion filed 4/13/20.

Stipulated order for permanent injunction and monetary judgment against defendant Matthew Lloyd McPhee entered 3/5/20.

Special receiver's motion to approve settlement with Synovus Bank and terminate special receivership filed on 9/17/20; order granting motion entered 11/12/20.

Synovus motion to voluntarily dismiss appeal (No. 20-10191) filed

12/9/20; appeal dismissed 12/10/20.

FTC v. MODA LATINA BZ, INC., No. 2:20-cv-10832 (C.D. Cal.)

Parties: Moda Latina BZ, Inc.
Esther Virginia Fernandez Aguirre
Marco Cesar Zarate Quiroz

Assigned Attorneys: Roberto Anguizola (BCP/MP)
P. Connell McNulty
Virginia G. Rosa

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Telemarketing Sales Rule in connection with the marketing and sale of fraudulent work-at-home opportunities to consumers.

Status: Complaint filed 11/30/20.

Stipulated TRO with asset freeze as to individual defendants entered 12/23/20.

FTC v. NATIONAL LANDMARK LOGISTICS, LLC, No. 0:20-cv-2592 (D.S.C.)

Parties: National Landmark Logistics, LLC
National Landmark Service of United Recovery, LLC
Liberty Solutions & Associates, LLC
LSA Processing System, LLC
Silverlake Landmark Recovery Group, LLC
Jean Cellent aka Jean-Pierre Cellent
James Dennison
Eric Dennison

Associated Attorneys: Gregory Ashe (BCP)
Marguerite Moeller
Johanna Valenzuela
Michael Goldstein

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Fair Debt Collection Practices Act in connection with debt collection operation.

Status: Complaint filed 7/13/20.
TRO entered 7/17/20.
Stipulated preliminary injunction as to defendants Liberty Solutions & Associates, LSA Processing System, James Dennison, and Eric Dennison entered 8/25/20.

Stipulated preliminary injunction as to defendants National Landmark Logistics, National Landmark Service of United Recovery, Silverlake Landmark Recovery Group, and Jean Cellent entered 10/8/20.

Joint motion to stay case to consider settlement with defendants Liberty Solutions & Associates, LSA Processing System, James Dennison, and Eric Dennison filed 11/16/20; order granting stay entered 11/19/20.

FTC v. NATIONAL UROLOGICAL GROUP, INC., Nos. 10-125; 19-1445 (S. Ct); Nos. 17-15695, 14-13131, 14-13972, 09-10617 (11th Cir.); No. 1:04-cv-03294 (N.D. Ga.)

Parties: National Urological Group, Inc., d/b/a Warner Laboratories
National Institute for Clinical Weight Loss, Inc.
Hi-Tech Pharmaceuticals, Inc.
Jared Wheat
Thomasz Holda
Michael Howell
Stephen Smith
Terrill Mark Wright, M.D.

Assigned Attorneys: Sydney M. Knight (BCP/AP)
Tawana E. Davis
Edward Glennon
Mary Johnson
Jack Metzler (OGC)
Amanda Basta (BCP/ENF)

Alleged Conduct: Deceptive practices in violation of Sections 5 and 12 of the FTC Act in connection with the sale of a purported weight loss product.

Status: Complaint filed 11/10/04.
Final judgment entered 12/16/08.
Notice of appeal filed 2/4/09.
Opinion affirming district court order entered 12/15/09.
Petition for rehearing *en banc* filed 1/29/10; order denying petition entered 4/26/10.
Appellant's petition for a writ of certiorari filed 7/23/10; Commission's opposition filed 9/24/10; appellant's petition denied 11/1/10.
Commission's motion to hold defendants Hi-Tech Pharmaceuticals, Stephen Smith and Jared Wright in contempt filed 11/1/11; defendant's opposition filed 12/2/11.
Commission's motion to hold defendant Terrill Mark Wright in contempt filed 3/21/12.
Order to show cause why defendants Wright, Hi-Tech Pharmaceuticals, Stephen Smith, and Jared Wright should not be held in contempt entered 5/11/12; response filed 11/13/12.

Motion for contempt judgment filed 10/22/12; defendants' response filed 2/14/12; Commission's reply brief filed 1/10/13.

Order finding defendants liable for contempt and ordering further proceedings on remedy entered 8/8/13.

Trial on contempt remedies held on 1/21/14 - 1/24/14.

Order holding defendants liable for contempt and directing compensatory sanctions to redress consumers entered 5/14/14.

Defendants' notices of appeal filed 7/11/14 and 7/14/14.

Order by district court imposing coercive contempt sanction and directing that defendants Jared Wheat and Stephen Smith be incarcerated until they comply with product recall entered 9/2/14.

Petition for mandamus by defendants Wheat and Smith seeking to overturn coercive contempt order filed 9/4/14; denied 9/4/14.

Notice of appeal from coercive contempt order and emergency motion for a stay by defendants Wheat and Smith filed 9/4/14; Commission's opposition filed 9/5/14; motion for stay denied 9/5/14; motion to voluntarily dismiss appeal filed 9/8/14; appeal no. 14-13972 dismissed 10/15/14.

Motion to purge contempt defendants of contempt filed 9/26/14; Commission's opposition filed 9/26/14.

Second motion to purge contempt defendants or release contempt defendants pending determination of less restrictive mean to purge contempt filed 10/16/14; Commission's response filed 1/13/15; granted 1/20/15.

Motion to stay execution of judgment pending appeal entered 10/30/14; denied 1/23/15.

Appellants' briefs (No. 14-13131) filed 10/30/14.

Order that the US Marshal's Service release Jared Wheat and Stephen Smith from incarceration entered 11/10/14.

Commission's answering brief (No. 14-13131) filed 1/9/15; appellants' reply briefs filed 2/17/15.

Oral argument in Eleventh Circuit held 4/17/15.

Opinion vacating district court's judgment of contempt and remanding case to district court for further proceedings entered 5/5/15.

Commission's motion for clarification filed 6/4/15; Hi-Tech Pharmaceuticals response filed 6/18/15.

Commission's motion for entry of contempt judgement relating to Hi-Tech Pharmaceuticals, Inc., Jared Wheat, and Stephen Smith's violation of section VI and motion for compensatory sanctions filed 8/20/15; opposition filed 10/9/15; Commission's reply filed 10/26/15; order denying motion with leave to refile entered 11/4/15.

Contempt hearing held 3/27/17 - 4/7/17.

Final judgment against defendants Hi-Tech Pharmaceuticals, Inc., Jared Wheat, and Stephen Smith, and Terrill Mark Wright entered 10/31/17.

Defendants Hi-Tech Pharmaceuticals, Inc., Stephen Smith and Jared Wheat's notice of appeal filed 12/21/17; appellants' briefs filed 3/30/18; Commission's answering brief filed 6/14/18; reply briefs filed 7/30/18.

Oral argument held 7/26/19.

Opinion affirming district court judgment entered 9/18/19.

Appellants' petition for rehearing en banc filed 11/1/19; denied 1/29/20.

Appellant Hi-Tech Pharmaceuticals' petition for writ of certiorari filed 6/26/20; certiorari denied 11/2/20.

FTC v. NATIONAL WEB DESIGN, No. 2:20-cv-846 (D. Utah)

Parties: National Web Design, LLC
B2B Website Design, LLC d/b/a Affiliate Web Design
Amazon Affiliate Program, LLC d/b/a The Affiliate Consultants
R&C Consultation, LLC d/b/a R&C Consulting
Randon J. Morris a/k/a Randy Morris

Assigned Attorneys: Laura C. Basford (BCP/MP)
D. Allen Dreschel

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the FTC's Telemarketing Sale Rule in connection with the sale and marketing of fraudulent work-from-home business opportunity programs through illegal robocalls.

Status: Complaint filed 11/30/20.
Ex parte TRO granting asset freeze, appointment of temporary receiver, and immediate access entered 12/1/20.

FTC v. NEORA LLC, No. 3:19-cv-19699 (D. N.J.); No. 3:20-cv-01979 (N.D. Tex.)

Parties: Neora LLC, f/k/a Nerium International, LLC
Jeffrey Olson
Signum Biosciences, Inc.
Signum Nutralogix

Assigned Attorneys: Guy Ward (MWR)
Katharine Roller
David O'Toole

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) and 12 of the FTC Act in connection with advertising, promoting, and distributing a nutritional supplement.

Status: Complaint filed 11/1/19.

Stipulated order for permanent injunction as to Defendants Signum Biosciences Inc. and Signum Nutralogix entered 11/15/19. Defendants Neroa LLC and Jeffrey Olsen's motion to dismiss filed 12/11/19; Commission's opposition filed 12/23/19; defendants reply filed 12/30/19. Order granting defendants' motion to transfer case to the U.S. District Court for the Northern District of Texas entered 7/27/20.

FTC v. NETFORCE SEMINARS, No. 2:00-cv-02260 (D. Ariz.)

Parties: Netforce Seminars
Scott Harris
Thomas Socca
J.D. Noland
Richard Slaback
Darin Epps
Edward Lamont

Associated Attorneys: Evan Mendelson (BCP/ENF)
Jonathan Ware

Alleged Conduct: Contempt action for violations of a 2002 permanent injunction in connection with a pyramid scheme.

Status: Stipulated final judgment and order for permanent injunction against J.D. Noland entered 7/2/02.
Motion for an order to show cause why James D. Noland, Jr., Success by Media Holdings Inc., and Success by Media LLC should not be held in contempt filed 1/17/20; Defendant J.D. Nolan response filed 2/20/20; Commission's reply filed 2/27/20.
Motion for order to show cause why Scott Harris and Thomas Sacca should not be held in contempt filed 4/10/20; Defendants' responses filed 6/15/20; Commission's reply filed 6/22/20.
Order granting motions to show cause in part and denying in part (court will address FTC's request for civil contempt sanctions after it resolves FTC's request for a permanent injunction in *FTC v. Noland*) entered 7/6/20.

FTC v. JAMES NOLAND, No. 2:20-cv-00047 (D. Ariz.)

Parties: James D. Noland, Jr.
Lina Noland
Scott A. Harris
Thomas G. Sacca, Jr.
Success by Media Holdings Incorporated Success by Media d/b/a Success by Health

Success by Media, LLC, d/b/a Success by Health
Thomas G. Sacca

Associated Attorneys: Evan Michael Mendelson (BCP/ENF)
Jonathan Wesley Ware

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Merchandise Rule, and the Cooling-Off Rule, in connection with a pyramid scheme.

Status: Complaint filed 1/8/20.
TRO with asset freeze entered 1/8/20.
Amended complaint for permanent injunction filed 1/17/20.
TRO as to Thomas G. Sacca entered 1/17/20.
Preliminary injunction hearing held 2/12/20.
Preliminary injunction entered 2/27/20.
Defendants' motion to dismiss case or compel joinder of parties filed 7/28/20; Commission's opposition filed 7/31/20; reply filed 8/7/20; order denying motion entered 9/21/20.
Defendants' motion to dissolve or modify the preliminary injunction filed 9/7/20; Commission's opposition filed 9/21/20; reply filed 9/28/20; order denying motion entered 10/27/20.
Defendants' motion to stay pending the Supreme Court's decisions in *Credit Bureau Center* and *AMG Capital Mgmt* filed 10/21/20; Commission's opposition filed 11/4/20; reply filed 11/12/20; order denying stay entered 12/3/20.

FTC v. NUDGE LLC, No. 2:19-cv-00867 (D. Utah)

Parties: Nudge LLC
Response Marketing Group, d/b/a 3 Day Real Estate Training, Abundance Edu, LLC, Affluence Edu, LLC, American Money Tour, Cash Flow EDU, Clark EDU, LLC, Edge 2 Real Estate, Evtech Media North, Flip for Life, Flipping For Life, Income Events, Insider's Financial Education, LLC, Leading Financial Education, LLC, Onwealth, Power Flip, Prosper Live, Property Education, LLC, Renovate To Rent, Simple Real Estate Training, Smart Flip, Snap Flip, US Education Advance, Vintage Flip, Visionary Events, Wealth Tribe, Women's Empowerment, Yancey Events, Yancey, LLC, and Your Real Estate Today
BuyPD
Brandon B. Lewis
Ryan C. Poelman
Phillip W. Smith
Shawn L. Finnegan
Clint R. Sanderson

Erryl Sloan (Intervenor)
American Estate and Trust DBO Erryl Sloan IRA (Intervenor)
Rosemary Sloan (Intervenor)
American Estate and Trust FBO Rosemary Sloan IRA (Intervenor)
E&R Enterprise (Intervenor)

Assigned Attorneys: Darren Lubetzky (NER)
Brian Lasky
Christopher Miller
Laura Zuckerwise
Savvas Diacosavvas

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, and the Telemarketing Sales Rule in connection with a real estate investment training scheme.

Status: Complaint filed 11/5/19.
Order granting TRO in part entered 12/19/19.
Defendants' motion to dismiss filed 11/19/19; Commission's opposition filed 12/2/19; defendants' reply filed 12/11/19; Commission's sur-reply filed 12/18/19; order denying in part motion to dismiss entered 12/31/19.
Stipulated preliminary injunction entered 12/19/19.
Defendants' motion to stay proceedings pending Supreme Court review of availability of monetary relief under Section 13(b) of the FTC Act filed 12/30/19; Commission's opposition filed 1/13/20; reply filed 1/27/20; motion denied 3/25/20.
Defendants' motion to stay pending the Supreme Court's decisions in *Credit Bureau Center* and *AMG Capital Mgmt* filed 7/20/20; Commission's opposition filed 8/3/20; reply filed 8/17/20.
Commission's motion for partial summary judgment filed 12/21/20.
Third party complaint in intervention for declaratory relief against all defendants by American Estate and Trust DBO Erryl Sloan IRA, Erryl Sloan, E&R Enterprise, Rosemary Sloan, American Estate and Trust FBO Rosemary Sloan IRA filed 12/23/20.

FTC v. NUTRACLICK, LLC, No. 2:20cv8612 (C.D. Cal.)

Parties: Nutraclick, LLC
Daniel Wallace
Patrick Carroll

Associated Attorneys: Brian Welke (BCP/ENF)
Delilah Vinzon

Alleged Conduct: Deceptive acts or practices in violation of Sections 5(a), 16, and 19 of the FTC Act in connection with the deceptive marketing of supplements and beauty products.

Status: Complaint filed 9/21/20.
Stipulated final order for permanent injunction and other equitable relief entered 9/30/20.

FTC v. OMICS GROUP, INC., No. 19-15738 (9th Cir.), No. 2:16-cv-02022 (D. Nev.)

Parties: OMICS Group, Inc. d/b/a OMICS Publishing Group
iMedPub, LLC
Conference Series, LLC
Srinubabu Gedela

Assigned Attorneys: Iona Rusu (BCP/FP)
Gregory Ashe
Michael Tankersley
Mariel Goetz (OGC)
Joel Marcus

Alleged Conduct: Deceptive acts and practices in violation of Section 5 of the FTC Act in connection with the publishing of online publications styled as academic journals.

Status: Complaint filed 8/25/16.
Commission's motion for preliminary injunction filed 9/8/16; Defendants' opposition filed 1/6/17; Commission reply filed 1/19/17; Order granting motion and entering preliminary injunction entered 10/2/17.
Defendants' motion to dismiss filed 1/6/17; Commission's opposition filed 1/19/17; Defendants' reply filed 2/2/17; Order denying motion to dismiss entered 10/2/17.
Commission's motion for summary judgment filed 5/1/18; Defendants' opposition filed 6/22/18; Commission reply filed 7/6/18; Order granting motion entered 3/29/19.
Defendants' motion for summary judgment filed 5/1/18; Commission's opposition filed 5/22/18; Defendants' reply filed 6/22/18; Order denying motion entered 3/29/19.
Defendants' notice of appeal to Ninth Circuit filed 4/11/19.
Appellants' opening brief filed 7/30/19; Commission's answering brief filed 10/11/19; appellants' reply brief filed 12/9/19.
Oral argument held 6/10/20.
Ninth Circuit decision affirming district court's entry of summary judgment entered 9/11/20.

FTC v. UNKNOWN PARTIES DECEIVING CONSUMERS, No. 5:20-cv-2494 (N.D. Ohio)

Parties: One or more unknown parties deceiving consumers into making purchases through www.cleanyos.com | www.arlysol.com | www.broclea.com | www.cadclea.com | www.cleancate.com | www.cleankler.com | www.cleanula.com | www.clean-sale.com | www.clean-sell.com | www.clorox-sale.com | www.clorox-sales.com | www.cloroxstore.com | www.crlysol.com | www.elysol.com | www.littletoke.com | www.lybclean.com | www.lysoiclean.com | www.lysol-clean.com | www.lysol-cleaners.com | www.lysol-free.com | www.lysolsales.com | www.lysolservicebest.com | www.lysol-sell.com | www.lysol-wipe.com | www.thaclean.com

Assigned Attorneys: Harris Senturia (ECR)
Adrienne Watson
Fil de Banate
Harris Senturia

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) and 45(a) of the FTC Act in connection with counterfeit websites purporting to sell Clorox and Lysol cleaning and disinfecting products.

Status: Complaint filed 11/4/2020.
TRO entered 11/05/2020.
Preliminary injunction entered 11/19/20.

FTC v. OTA FRANCHISE CORPORATION, No. 20-55356 (9th Cir.); No. 8:20-CV-00287 (C.D. Cal.)

Parties: OTA Franchise Corporation, also d/b/a Online Trading Academy
Newport Exchange Holdings, Inc., also d/b/a Online Trading Academy
NEH Services, Inc., also d/b/a Online Trading Academy
Eval Shacar (a/k/a Eval Shahr)
Samuel R. Seiden
Darren Kimoto

Assigned Attorneys: John Jacobs (WRLA)
Thomas Biesty (BCP/MP)
Rhonda Perkins
Andrew Hudson
Roberto Anguizola
Imad Abyad (OGC)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Consumer Review Fairness Act of 2016 in connection with the sale

and marketing of training programs, including seminars, courses, and instructional materials on trading and investing.

Status: Complaint filed 2/12/20.
TRO entered 2/25/20.
Preliminary injunction entered 4/2/20.
Defendants' notice of appeal from the preliminary injunction filed 4/3/20.
Appellants' opening brief filed 5/1/20; Commission's answering brief filed 5/29/20.
Stipulated order for permanent injunction and monetary judgment entered 9/11/20.
Voluntary dismissal of defendants' appeal from the preliminary injunction entered 9/22/20.

FTC v. OUTREACH CALLING, INC., No. 1:20-cv-7505 (S.D.N.Y.)

Parties: Outreach Calling, Inc. d/b/a Market Process Group
Production Consulting Corp. d/b/a Outreaching Calling, Inc. d/b/a 7
Production Consulting
Outsource 3000, Inc. d/b/a Outreach Calling, Inc.
Mark Gelvan
Damian Muziani
William English
Thomas Berkenbush
State of New York (Plaintiff)
Commonwealth of Virginia (Plaintiff)
State of Minnesota (Plaintiff)
Gurbir Grewal (Plaintiff)
Paul Rodriguez (Plaintiff)

Assigned Attorneys: Patricia Hsue (BCP/DMP)
Thomas Harris

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Telemarketing Sales Rule in connection with fundraising on behalf of sham charities.

Status: Complaint filed 9/14/20.
Stipulated orders for permanent injunction and monetary judgement as to each defendant entered 10/26/20.

FTC v. PONTE INVESTMENTS, LLC, No. 1-20-cv-00177 (D.R.I.)

Parties: Ponte Investments, LLC, also d/b/a SBA Loan Program and SBA Loan
Program.com
John C. Ponte

Assigned Attorneys: Tom Widor (BCP/FP)
Sanya Shahrasbi
Dan Dwyer

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with claims that defendant is an approved lender for a federal coronavirus relief lending program.

Status: Complaint filed 4/17/20.
Stipulated preliminary injunction entered 4/20/20.
Stipulated final order for permanent injunction entered 9/25/20.

FTC v. PUBLISHERS BUSINESS SERVICES, INC., No. 19-507 (S. Ct.); Nos. 17-15600; 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 d/b/a
Publishers Business Services
Persis Dantuma
Brenda Dantuma Schang
Dries Dantuma
Dirk Dantuma
Jeffrey Dantuma
Edward Fred Dantuma

Assigned Attorneys: Faye Chen Barnouw (WRLA)
Maricela Segura
Karen Goff (WRSF)
Joel Marcus (OGC)

Alleged Conduct: Deceptive acts and practices in violation of section 5(a) and the Telemarketing Sales Rule in connection with the marketing and sale of magazine subscriptions.

Status: Complaint filed 5/14/08.
Amended complaint filed 2/5/09.
Commission's motion for summary judgment filed 7/31/09; opposition filed 11/23/09; reply filed 12/7/09.
Order granting the Commission's motion for summary judgment entered 4/7/10.
Order for permanent injunction as to all defendants entered 4/7/10.
Commission's opening brief on the issue of damages filed 4/20/10.
Final judgment as to all defendants entered 7/25/11.
Commission's opening brief filed 2/13/12; defendants' answering brief filed 4/13/12; reply brief filed 5/11/12.

Memorandum disposition remanding case to district court entered 9/19/13.
Petition for writ of certiorari filed 2/27/14.
Petition for writ of certiorari denied 6/9/14.
Commission's motion for monetary judgment filed 5/31/16; defendants' brief on damages filed 7/19/16; Commission's reply filed 8/9/16.
Order granting Commission's motion for judgment entered 3/2/17.
Notice of appeal filed 3/31/17.
Appellants' opening brief filed 8/30/17; Commission's answering brief filed 10/30/17; reply brief filed 12/20/17.
Oral argument held 8/15/18.
Opinion affirming judgment of the district court entered 8/31/18.
Appellants' petition for rehearing filed 10/15/18; Commission's opposition filed 12/20/18.
Order denying appellants' petition for rehearing *en banc* entered 6/19/19.
Petition for writ of certiorari filed 10/18/19; Commission's brief in opposition filed 12/13/19; reply brief filed 12/23/19.
Supplemental brief of petitioners filed 6/30/20.

FTC v. QUALCOMM, INC., No. 19-16122 (9th Cir.); 5:17-cv-00220 (N.D. Cal.)

Parties: Qualcomm, Inc.

Assigned Attorneys: J. Alexander Ansaldo (BC/ACP)
Dana Abrahamsen
Joseph Baker
Wesley Carson
Kente Cox
Rajesh James
Philip Kehl
Lin Kahn (WRSF)
Jennifer Milici
Michele Arington (OGC)

Alleged Conduct: Unfair methods of competition in violation of Section 5(a) of the FTC Act in connection with defendant's maintenance of a monopoly in baseband processors and semiconductor devices.

Status: Complaint filed 1/17/17.
Motion to dismiss filed 4/3/17; Commission's opposition filed 5/12/17; reply filed 5/16/17; order denying motion entered 6/26/17.
Commission's motion for partial summary judgment filed 8/30/18; Qualcomm's opposition filed 9/24/18; reply filed 10/4/18.
Order granting Commission's motion for partial summary judgment entered 11/6/18.

Commission's pretrial brief filed 12/28/18; defendant's pretrial brief filed 12/28/18.
Trial held 1/4- 1/29/19.
Findings of fact and conclusions of law and final judgment in favor of the Commission, with a permanent injunction, entered 5/21/19.
Notice of appeal filed 5/31/19.
Motion for stay pending appeal by Qualcomm filed 5/28/19;
Commission's opposition filed 6/11/19; Qualcomm's reply filed 6/18/19.
Order by district court denying Qualcomm's motion for a stay pending appeal entered 7/3/19.
Qualcomm's motion to Ninth Circuit for a partial stay pending appeal filed 7/8/19; Commission's opposition filed 7/18/19; Qualcomm's reply filed 7/25/19.
Order by Ninth Circuit granting a partial stay pending appeal entered 8/23/19.
Qualcomm's opening brief filed 8/23/19; Commission's answering brief filed 11/22/19; Qualcomm's reply brief filed 12/13/19.
Oral argument held 2/13/20.
Ninth Circuit opinion reversing the district court's judgment entered 8/11/20.
Commission's petition for rehearing filed 9/25/20; petition denied 10/28/20.

FTC v. QUALPAY, INC., No. 6:20-cv-00945 (M.D. Fla.)

Parties: Qualpay, Inc.

Assigned Attorneys: Benjamin Davidson (BCP/MP)
Sung W. Kim

Alleged Conduct: Unfair acts and practices in violation of Section 5(a) of the FTC Act in connection with payment processing.

Status: Complaint filed 6/1/20.
Motion for entry of stipulated final order for permanent injunction and monetary judgment against Qualpay, Inc. filed 6/1/20; denied without prejudice 6/19/20.
Renewed motion for entry of stipulated final order for permanent injunction and monetary judgment filed 7/1/20.
Order approving final order entered 7/16/20.

FTC v. QUINCY BIOSCIENCE HOLDING CO., INC., No. 17-3745 (2d Cir.); No. 17-3791 (2d Cir.); No. 1:17-cv-00124 (S.D.N.Y.)

Parties: Quincy Bioscience Holding Company, Inc.

Quincy Bioscience, LLC
Prevagen, Inc. d/b/a Sugar River Supplements
Quincy Bioscience Manufacturing, LLC
Mark Underwood

State of New York (Plaintiff)

Assigned Attorneys: Michelle Rusk (BCP/AP)
Annette Soberats
Edward Glennon
Bradley D. Grossman (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Sections 5(a) and 12 of the FTC Act, the New York Executive Law, and the New York General Business Law, in connection with the marketing of defendants' purported memory improvement supplement, Prevagen.

Status: Complaint filed 1/9/17.
Motion to dismiss for failure to state a claim filed 4/6/17; Commission's opposition filed 4/25/17; reply filed 5/5/17; order granting motion entered 9/29/17.
Commission's notice of appeal filed 11/21/17.
Commission's opening brief filed 2/28/18; appellees' brief filed 5/30/18; Commission's reply filed 6/13/18; appellees' corrected brief filed 6/15/18; Commission's corrected brief filed 7/17/18.
Oral argument held 2/8/19.
Order vacating the judgment of the District Court and remanding the case for further proceedings entered 2/21/19.
Corporate defendants' supplemental brief on motions to dismiss filed 6/17/19; individual defendants' supplemental brief on motions to dismiss filed 6/18/19; Commission's opposition to corporate defendants' motions filed 7/1/19; Commission's opposition to individual defendants' motions filed 7/2/19.
Order denying motion to dismiss with respect to the validity of the FTC's quorum and as to claims against individual defendant Mark Underwood but granting motion to dismiss as to the claims against individual defendant Michael Beaman entered 7/24/19.
Order granting in part and denying in part Plaintiffs' motion to strike eight affirmative defenses entered 3/2/20.

FTC v. QYK Brands, LLC, No. 8:20-cv-1431 (C.D. Cal.)

Parties: QYK Brands, LLC d/b/a glowwy
DRJSNATURAL, LLC
Rakesh Tammabattula
Jacqueline Nguyen

Associated Attorneys: Katherine Johnson (BCP/ENF)
Kristy Tillman
Delilah Vinzon (WR-LA)

Alleged Conduct: Deceptive acts or practices in violation of Sections 5(a) and 12 of the FTC Act in connection with the sale and marketing of face masks, sanitizer, and other personal protective equipment related to the coronavirus pandemic.

Status: Complaint filed 8/4/20.
Stipulated TRO entered 8/9/20.
Stipulated preliminary injunction entered 8/26/20.

FTC v. RAGINGBULL.COM, LLC, No. 1:20-cv-3538 (D. Md.)

Parties: Ragingbull.com, LLC f/k/a Lighthouse Media, LLC
Jeffrey M. Bishop
Kyle W. Dennis
Jason Bond
MFA Holdings Corp.
Jason Bond, LLC
Winston Corp.
Winston Research, Inc.
Sherwood Ventures, LLC

Assigned Attorneys: Colleen Robbins (BCP/MP)
Gordon Sommers
Laura Basford
Sung Kim

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Restore Online Shoppers' Confidence Act in connection with the marketing and sale of online services related to stock and options trading.

Status: Complaint filed 12/7/20.
TRO entered 12/8/20.

FTC v. RCG ADVANCES LLC, No. 20-cv-04432 (S.D.N.Y.)

Parties: RCG Advances, LLC, f/k/a Richmond Capital Group LLC, d/b/a Viceroy
Capital Funding and Ram Capital Funding
Ram Capital Funding LLC
Robert L. Giardina
Tzvi Reich
Jonathan Braun

Assigned Attorneys: Ioana Gorecki (BCP/FP)
Marguerite Moeller
Gregory Ashe
Elizabeth Kwok

Alleged Conduct: Unfair and deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with the marketing, offering, and collecting of small business financing.

Status: Complaint filed 6/10/20.
Ram Capital Funding, LLC and Tzvi Reich's motion to dismiss filed 8/10/20; motion denied 8/13/20.
Robert L. Giardina's motion to dismiss filed 8/21/20; motion denied 10/30/20.

FTC v. ROCA LABS, INC., Nos. 6:20-cv-2117, 8:15-cv-2231 (M.D. Fla.)

Parties: Roca Labs, Inc.
Roca Labs Nutraceutical USA, Inc.
Don Juravin
George C. Whiting

Assigned Attorneys: Carl H. Settlemyer (BCP/AP)
Paul Bryan Spelman
Mariel Goetz (OGC)

Alleged Conduct: Violations of Sections 5(a) and 12 of the FTC Act in connection with the deceptive marketing of weight loss products.

Status: Complaint filed 9/24/15.
Permanent injunction and monetary judgment against all defendants entered 11/6/18.
Notice of appeal by defendant Don Juravin from bankruptcy court's ruling that the judgment debt he owes to the Commission is not dischargeable filed 11/10/20.

FTC v. SIMPLE HEALTH PLANS, LLC, No. 19-10840, No. 19-11932 (11th Cir.), No. 18-cv-62593 (S.D. Fla.)

Parties: Simple Health Plans, LLC
Health Benefits One LLC d/b/a Health Benefits Center d/b/a Simple Health d/b/a Simple Health Plans d/b/a Simple Insurance d/b/a Simple Insurance Plans d/b/a Simple Auto d/b/a Simple Home d/b/a Simple Home Plans d/b/a Simple Care d/b/a Simple Life d/b/a National Dental Savings
Health Center Management LLC

Innovative Customer Care LLC
Simple Insurance Leads LLC d/b/a Health Insurance Services
Senior Benefits One LLC
Steven J. Dorfman

Assigned Attorneys: Elizabeth Scott (MWR)
James Davis
Joannie Wei
Kenneth Hawkins
Roberto Menjivar
Nathaniel Al-Najjar
Brad Grossman (OGC)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and FTC's Telemarketing Sales Rule in connection with the sale and marketing of limited benefit insurance plans and medical discount memberships.

Status: Complaint filed 10/29/18
TRO entered 10/31/18; order extending TRO entered 12/21/18.
Notice of appeal by defendant Steven J. Dorfman as to order on motion for temporary restraining order, order on motion to appoint receiver, order on motions for order to show cause, and order on motion to strike filed 3/4/19.
Order of dismissal from USCA for lack of jurisdiction entered 4/16/19.
Preliminary injunction hearing held 4/16/19.
Preliminary injunction entered 5/14/19.
Notice of appeal of preliminary injunction filed 5/15/19.
Order by district court denying defendants' motion to stay proceedings pending appeal entered 5/31/19.
Order by 11th Circuit denying appellant Steven Dorfman's motion to stay lower court proceedings entered 6/11/19.
Defendant Steven Dorfman's motion to dissolve preliminary injunction filed 6/4/19; Commission's opposition filed 6/17/19.
Appellant Steven Dorfman's opening brief filed 5/24; Commission's brief filed 7/24/19; Dorfman's reply brief filed 8/14/19.
Amended complaint filed 10/31/19.
Motion to dismiss amended complaint filed 12/16/19; Commission's response filed 12/30/19; Dorfman's response filed 1/6/20; motion granted in part 6/15/20.
Eleventh Circuit opinion affirming district court's preliminary injunction against Steven Dorfman entered 2/5/20.
Preliminary injunction as to Candida Girouard entered 4/2/20.
Second amended complaint filed 6/23/20.
Defendants' motion to stay pending the Supreme Court's decisions in *Credit Bureau Center* and *AMG Capital Mgmt* filed 7/10/20;

Commission's opposition filed 7/17/20; order denying stay entered 8/3/20.

Motion to dismiss second amended complaint by Steven Dorfman and Candida Girouard filed 7/15/20; Commission's opposition filed 7/29/20; reply filed 8/5/20, order denying motion to dismiss entered 10/19/20.

FTC v. SPM THERMO-SHIELD, INC., No. 2:20-cv-542 (M.D. Fla.)

Parties: SPM Thermo-Shield, Inc.
Peter J. Spiska
George P. Spiska

Assigned Attorneys: Joshua Millard (BCP/ENF)
Kristy Tillman

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with false or unsubstantiated R-value and energy savings claims about their architectural coating products.

Status: Complaint filed 7/28/20.
Defendants' motion to dismiss filed 10/5/20; Commission's opposition filed 10/19/20; order denying defendants' motion entered 11/6/20.

FTC v. STUDENT ADVOCATES TEAM, LLC, No. 8:19-cv-01728 (C.D. Cal.)

Parties: Student Advocates Team, LLC
Progress Advocates Group, LLC, d/b/a Student Advocates
Student Advocates Group, LLC
Assurance Solution Services, LLC
Bradley Jason Hunt
Sean Quincy Lucero
Equitable Acceptance Corp.

Assigned Attorneys: John Jacobs (WR-LA)
Delilah Vinzon
Maricela Segura

Nature of Action: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Telemarketing Sales Rule, and the Truth in lending Act and its implementing Regulation Z, in connection with marketing, promotion, offering for sale, sale, and extension of credit for the purchase of student loan debt relief services.

Status: Complaint filed 9/11/19.
Stipulated order for permanent injunction, monetary relief and final

judgment as to Equitable Acceptance Corporation entered 9/12/19.
Default entered by the clerk against corporate defendants on 10/23/19.
Motion to dismiss by defendants Bradley Jason Hunt and Sean Quincy
Lucero filed 10/18/19; Commission's opposition filed 10/28/19;
defendants' reply in support filed 11/4/19; order denying motion
entered 12/18/19.
FTC's motion to strike affirmative defenses filed 2/14/20; order striking
Defendants' affirmative defenses entered 4/8/20.

FTC v. SUPERGOODDEALS.COM, INC., No. 1:20-cv-3027 (E.D.N.Y.)

Parties: SuperGoodDeals.com, Inc.
Kevin J. Lipsitz
U.S. Attorney's Office, Eastern District of New York (Intervenor)

Assigned Attorneys: Brian Martin Welke (BCP/ENF)
Evan Mendelson
Savvas Socrates Diacosavvas

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in
connection with the advertising of facemasks and other personal protective
equipment.

Status: Complaint filed 7/8/20.
Unopposed motion by U.S. Attorney's Office to intervene and to stay case
during pendency of parallel criminal case filed 9/15/20; motion
granted 9/18/20.

FTC v. SUPERIOR PRODUCTS INTERNATIONAL II, INC., No. 2:20-cv-2366 (D. Kans.)

Parties: Superior Products International II, Inc.
Joseph E. Pitchett

Assigned Attorneys: Adrienne Lighten (BCP/ENF)
Jonathan Ware
Jon Fleenor

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in
connection with false or unsubstantiated R-value and energy savings
claims about their architectural coating products.

Status: Complaint filed 7/28/20.
Defendants' answer filed 9/28/20.
Commission's motion to strike affirmative defense filed 10/19/20;
defendants' response filed 11/2/20; Commission's reply filed

11/16/20; order granting commission's motion to strike defendants' affirmative defense entered 12/18/20.

FTC v. SUPERTHERM, INC., No. 3:20-cv-8190 (D. Ariz.)

Parties: SuperTherm, Inc.
Roberto Guerra
Susana Guerra

Assigned Attorneys: Jonathan Wesley Ware (BCP/ENF)
Michelle Schaefer

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with false or unsubstantiated R-value claims about their architectural coating products.

Status: Complaint filed 7/28/20.
Clerk's entry of default as to all defendants entered 9/11/20.

FTC v. SURESCRIPTS, LLC, No. 1:19-cv-01080 (D.D.C.)

Parties: Surescripts, LLC

Assigned Attorneys: Bradley Albert (BC/HC)
Markus Meier
D. Patrick Huyett
David B. Schwartz
Joseph P. Mathias
Tanya O'Neil

Alleged Conduct: Unfair methods of competition in violation of Section 5(a) of the FTC Act, in connection with the defendants' anticompetitive scheme to maintain its monopolies in markets for electronic prescription routing and eligibility.

Status: Complaint filed 4/17/19.
Surescripts' motion to dismiss for lack of jurisdiction filed 7/12/19;
Commission's opposition to motion filed 8/23/19; reply to motion filed 9/13/19; order denying motion to dismiss entered 1/17/20.
Motion to amend order denying Surescripts' motion to dismiss to certify two aspects of the order for interlocutory appeal filed 3/6/20;
Commission's opposition filed 3/27/20; reply filed 4/10/20; motion denied 5/21/20.

FTC v. TATE'S AUTO CENTER, No. 3:18-cv-008176 (D. Ariz.)

Parties: Tate's Auto Center of Winslow Inc.
Tates Automotive Inc.
Tate Ford Lincoln Mercury Inc. d/b/a Tate's Auto Center
Tate's Auto Center of Gallup Inc.
Richard Berry
Linda Tate

Assigned Attorneys: Katherine Worthman (BCP/FP)
Naomi Takagi
Stephanie Cox
Francis Conlon

Alleged Conduct: Deceptive acts or practices in violation of Section 5 of the FTC Act and the Truth in Lending Act and its implementing regulations in connection with the marketing, sale, and financing of motor vehicles.

Status: Complaint filed 7/31/18.
Defendant's notice of filing bankruptcy filed 3/19/19; Commission's response filed 3/27/19.
Commission's motion for summary judgment as to individual defendant Richard Berry and relief defendant Linda Tate filed 3/24/20; defendants' opposition filed 5/22/20; Commission's reply filed 6/11/20.
Stipulated order for permanent injunction and monetary judgment as to four corporate defendants entered 8/18/20.

FTC v. TRAFFIC JAM EVENTS, LLC, No. 2:20-cv-01740 (E.D. La.)

Parties: Traffic Jam Events, LLC
David J. Jeansonne II

Assigned Attorneys: Tom Widor (BCP/FP)
Sanya Shahrabi

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and violations of TILA and Regulation Z.

Status: Complaint filed 6/16/20.
TRO denied 6/26/20.
Notice of voluntary dismissal filed 8/7/20; case dismissed 8/10/20.

FTC v. VYERA PHARMACEUTICALS, LLC, No. 1:20-cv-00706 (S.D.N.Y.)

Parties: Vyera Pharmaceuticals, LLC
Phoenixus AG
Kevin Mulleady
Martin Shkreli
State of New York (Co-Plaintiff)
State of California (Co-Plaintiff)
State of Illinois (Co-Plaintiff)
State of North Carolina (Co-Plaintiff)
State of Ohio (Co-Plaintiff)
Commonwealth of Pennsylvania (Co-Plaintiff)
Commonwealth of Virginia (Co-Plaintiff)

Assigned Attorneys: Markus H. Meier (BC/HC)
Bradley S. Albert
Armine Black
Daniel W. Butrymowicz
Leah Hubinger
D. Patrick Huyett
Lauren Peay
Neal Perlman
J. Maren Schmidt
James Weingarten (BC/Office of the Director)

Alleged Conduct: Violations of Sections 1 and 2 of the Sherman Act and unfair methods of competition in violation of Section 5 of the FTC Act, in connection with scheme to maintain a monopoly for the life-saving drug, Daraprim.

Status: Complaint filed 1/27/20.
Amended complaint adding six state plaintiffs filed 4/14/20.
Defendants' motions to dismiss filed 5/22/20; FTC's opposition to defendants' motions to dismiss filed 7/6/20; defendants' replies filed 7/27/20; order denying the motions to dismiss entered 8/18/20.

FTC v. YELLOWSTONE CAPITAL, LLC, No. 1:20-cv-6023 (S.D.N.Y.)

Parties: Yellowstone Capital, LLC
Fundry, LLC
Yitzhak Stern aka Isaac Stern
Jeffrey Reece

Assigned Attorneys: Evan Zullow (BCP/FP)
Ioana Gorecki
Christopher Leach

Alleged Conduct: Deceptive and unfair acts or practices in violation of Section 5 of the FTC Act in connection with the advertising, offering, and repayment of small business financing.

Status: Complaint filed 8/3/20.
Defendants' motion to dismiss filed 10/2/20; Commission's opposition to motion filed 10/16/20; motion denied 10/30/20.

FTC v. ZAAPPAAZ, LLC, No. 4:20-cv-2717 (S.D. Tex.)

Parties: Zaappaaz, LLC
Azim Makanojiya

Assigned Attorneys: Anne Collesano (BCP/ENF)
Michelle Schaefer
James Elliott (SER)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with the failure to deliver on promises to quickly ship products like face masks, sanitizer, and other personal protective equipment related to the coronavirus pandemic.

Status: Complaint filed 8/4/20.
Stipulated preliminary injunction entered 8/8/20.

FTC v. ZYCAL BIOCEUTICALS HEALTHCARE COMPANY, INC., No. 4:20-cv-10249 (D. Mass.)

Parties: Zycal Bioceuticals Healthcare Company, Inc.
James J. Scaffidi
Excellent Marketing Results, Inc.
Michael McGahee

Assigned Attorneys: Mary L. Johnson (BCP/AP)
Mamie Kresses

Alleged Conduct: Deceptive acts or practices in violation of Sections 5(a) and 12 of the FTC Act in connection with the marketing of purported joint pain relief products.

Status: Complaint filed 2/10/20.
Stipulated order for permanent injunction and monetary judgment against Excellent Marketing Results and Michael McGahee entered 2/19/20.
FTC's motion to strike Zycal defendants' affirmative defenses and

crossclaim filed 4/30/20; EMR defendants' motion to dismiss crossclaim for failure to state a claim filed 5/22/20; Zycal defendants' consolidated opposition filed 6/12/20; Commission's reply filed 6/25/20; EMR defendants' reply filed 6/26/20; Zycal defendants' surreply filed 7/2/20; hearing on motions held 11/23/20.

CIVIL PENALTY AND ENFORCEMENT CASES*

(A) Consumer Protection

UNITED STATES v. APPFOLIO, INC., No. 1:20-cv-3563 (D.D.C.)

Parties: Appfolio, Inc.

Assigned Attorneys: Zachary Dietert (DOJ/CPB)

Alleged Conduct: Violations of the Fair Credit Reporting Act in connection with failures to follow reasonable procedures in preparing background screening reports that were sold to thousands of property-management companies.

Status: Complaint filed 12/8/20.
Stipulated order for permanent injunction and civil penalty judgment entered 12/8/20.

FTC v. DAY PACER LLC, No. 1:19-cv-01984 (N.D. Ill.)

Parties: Day Pacer LLC, f/k/a College Criteria LLC, d/b/a Edutrek, EdSoup,
Our School Search, College Info and Degree Spots
Edutrek L.L.C. d/b/a EdSoup
Raymond Fitzgerald
Ian Fitzgerald
David Cumming

Assigned Attorneys: Adam Wesolowski (BCP/FP)
Mark Glassman
Patrick Roy
William Joseph Hodor

Alleged Conduct: Violations of the Telemarketing Sales Rule in connection with unsolicited calls about educational programs to consumers who submitted their contact information to websites promising help with job searches, public benefits, and other unrelated programs.

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

Status: Complaint filed 3/22/19.
Status hearing held 6/10/19.
Order striking two of defendants' affirmative defenses entered 2/28/20.

UNITED STATES v. DISH NETWORK LLC, Nos. 17-3111, 13-2282 (7th Cir.); 3:09-cv-3073
(C.D. Ill.)

Parties: Dish Network L.L.C.

Assigned Attorneys: Russell Deitch (BCP/MP)
Patrick Runkle (DOJ/CPB)
Lisa Hsiao

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 11/2/09.
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.
Order vacating magistrate's decision denying Commission's motion for
leave to file second amended complaint entered 3/12/13.
Amended complaint filed 3/12/13.
Petition for writ of mandamus by Dish Network filed 6/12/13.
Order denying petition for mandamus entered 7/3/13.
United States' motion for summary judgment filed 12/23/13; opposition
filed 3/6/14.
Motion for summary judgment by Dish Network filed 1/6/14; opposition
filed 5/30/14.
United States' motion for summary judgment filed 5/30/14.

Order directing parties to file memoranda addressing issue of deference to agency's interpretation of its regulations entered 7/8/14; parties' memoranda of law filed 8/8/14; parties' responses to each other's memoranda filed 8/22/14.

Order granting partial summary judgment for United States and partial summary judgment for Dish Network entered 12/12/14.

Motion for sanctions by United States and state plaintiffs filed 7/20/15; memorandum in opposition filed 8/21/15; reply filed 9/10/15; order granting motion in part and denying in part entered 10/13/15.

Trial on civil penalties held 1/19/16-2/17/16.

Trial on permanent injunctive relief held 10/25/16-11/2/16.

Stipulated order for permanent injunction and civil penalty judgment entered 6/5/17.

Defendant's notice of appeal filed 10/6/17.

Appellant-defendant's brief filed 2/22/18; United States' brief filed 6/22/18; reply brief filed 8/10/18.

Oral argument held 9/17/18.

Seventh Circuit opinion affirming judgment of the district court, except for its holding that Dish is liable for "substantially assisting" Star Satellite and its measure of damages, vacating as to those matters, and remanding for further proceedings, entered 3/26/20.

Petition for rehearing and rehearing *en banc* by Dish Network filed 6/10/20; petition denied 6/25/20.

Stipulated order for monetary judgment entered 12/4/20.

FTC v. GRAND BAHAMA CRUISE LINE, LLC, No. 6:20-cv-00052 (M.D. Fla.)

Parties: Grand Bahama Cruise Line, LLC
Ultimate Vacation Group, LLC
Tropical Accommodations LLC
VSC, LLC
Cabb Group, LLC
Florida V.S.C. Inc.
Jonathan Blake Curtis
Anthony DiGiacomo
Christopher A. Cotroneo
Christina R. Peterson
Robert J. Peterson II

Assigned Attorneys: Christopher E. Brown (BCP/MP)
Jody Goodman

Alleged Conduct: Violations of Section 5(a) of the FTC Act and the FTC's Telemarketing Sales Rule in connection with the operation of a telemarketing campaign offering "free" cruise vacations that initiated illegal robocalls, calls to numbers on the Do-Not-Call registry, and calls with spoofed caller IDs.

Status: Complaint filed 1/10/20.
Stipulated final order for permanent injunction and monetary judgment as to defendants Cabb Group, LLC, Christina R. Peterson, and Robert J. Peterson II entered 1/15/20.
Stipulated final order for permanent injunction and monetary judgment as to defendant Christopher A. Cotroneo entered 1/15/20.

FTC v. MATCH GROUP, INC., No. 3:19-cv-02281 (N.D. Texas)

Parties: Match Group, Inc.

Assigned Attorneys: Zachary Keller (SWR)
Hasan Aijaz
Matthew Wilshire

Alleged Conduct: Deceptive acts and practices in violation of section 5(a) in connection with the defendant's online dating service.

Status: Complaint filed 9/25/19.
Defendant's motion to dismiss for failure to state a claim filed 10/17/19;
Commission's response filed 11/5/19; defendant's reply filed 11/19/19.
Order staying case pending a ruling on Match Group's motion to dismiss entered 4/22/20.
Order staying case pending Supreme Court decision in *FTC v. Credit Bureau Center* entered 10/9/20.

UNITED STATES v. MYLIFE.COM, INC., No. 2:20-cv-6692 (C.D. Cal.)

Parties: MyLife.com, Inc.
Jeffrey Tinsley

Assigned Attorneys: Lisa Hsiao (DOJ/CPB)

Zachary Dietert
Patrick Raymond Runkle

Alleged Conduct: Deceptive acts and practices in violation of Section 5 of the FTC Act, the Restore Online Shoppers' Confidence Act, the Telemarketing Sales Rule, and the Fair Credit Reporting Act in connection with "teaser background reports" that often falsely claimed to include information about arrest, criminal, and sex offender records, as well as misleading billing and marketing practices.

Status: Complaint filed 7/27/20.

Defendants' motions to dismiss filed 9/29/20; motions stricken 9/30/20.
Defendants' motions to dismiss refiled 10/1/20; United States' opposition
filed 10/19/20; defendants' reply filed 10/26/20; motions to
dismiss denied 11/6/20.

FTC v. ZURIXX LLC, No. 2:19-cv-00713 (D. Utah)

Parties: Zurixx, LLC
Brand Management Holdings, LLC
CAC Investment Ventures, LLC (Puerto Rico)
Carlson Development Group, LLC (Utah)
Carlson Development Group, LLC (Puerto Rico)
CJ Seminar Holdings, LLC
Dorado Marketing and Management, LLC
JSS Investment Ventures, LLC
JSS Trust
Zurixx Financial, LLC (Utah)
Zurixx Financial, LLC (Puerto Rico)
Christopher A. Cannon
James M. Carlson
Jeffrey D. Spangler
Gerald D. Spangler
Utah Division of Consumer Protection (co-plaintiff)

Assigned Attorneys: Collot Guerard (BCP/DMP)
Joshua Doan
Amanda Grier
Thomas Harris

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC, the
Consumer Review Fairness Act, the Telemarketing Sales Rule, as well as
the Utah Consumer Sales Practices Act and the Utah Business Opportunity
Disclosure Act in connection with the marketing and sale of real estate
investment products and services.

Status: Complaint filed 9/30/19.
TRO entered 10/1/19.
Preliminary injunction entered 11/1/19.
Defendants' motion for partial dismissal filed 11/19/19; Commission's
opposition file 12/17/19; defendants' reply filed 12/31/19.
Order denying defendants' motion to dismiss entered 2/26/20.
Defendants' motion for interlocutory appeal and partial dismissal filed
3/11/20; Commission's opposition filed 3/25/20; defendants' reply
filed 4/8/20.
Order denying defendants' motion for interlocutory appeal and partial
dismissal entered 4/28/20.
Amended complaint filed 5/12/20.

Defendants' motion to dismiss filed 8/17/20; Commission's opposition filed 9/14/20; defendants' reply filed 9/28/20.
Order denying defendants' motion to dismiss, to stay discovery, and for relief from the preliminary injunction entered 11/24/20.

(B) Competition

FTC v. ALIMENTATION COUCHE-TARD, INC., No. 1:20-cv-1816 (D.D.C.)

Parties: Alimentation Couche-Tard, Inc.
Crossamerica Partners, LP

Assigned Attorneys: Kenneth A. Libby (BC/Compliance)
Jeffery Dahnke
Jennifer Lee
Maribeth Petrizzi

Alleged Conduct: Violation of a 2018 order requiring divestitures of 10 retail fuel stations in Minnesota and Wisconsin to Commission-approved buyers no later than June 15, 2018.

Status: Complaint filed 7/6/20.
Stipulated civil penalty judgment entered 7/15/20.

SUBPOENA AND CID ENFORCEMENT PROCEEDINGS

FTC v. BANNON, No. 1:20-mc-111 (D.D.C.)

Parties: Stephen K. Bannon

Assigned Attorneys: Linda Kopp (BC/DPIP)
Brian Berggren
Michele Arington (OGC)

Nature of Action: Petition to enforce a CID.

Status: Petition filed 11/9/20.
Order to show cause entered 11/18/20.
Opposition by Bannon filed 12/9/20; Commission's reply filed 12/18/20.
Show cause hearing held and order from the bench granting petition entered 12/22/20.

FTC v. COMPLETE MERCHANT SOLUTIONS, LLC, No. 2:19-mc-00996 (D. Utah)

Parties: Complete Merchant Solutions, LLC

Assigned Attorneys: Christine Todaro (BCP/MP)

Laura Basford
Benjamin Davidson

Nature of Action: Petition to enforce a CID.

Status: Petition filed 12/23/19.
Order to show cause entered 1/23/20.
CMS opposition to petition filed 2/11/20; Commission's reply filed 2/28/20.
Show case hearing before Magistrate held 3/5/20.
Report and recommendation by Magistrate recommending court compel compliance with CID entered 4/28/20.
Objection by Complete Merchant Solutions to report and recommendation filed 5/12/20; Commission's response filed 5/26/20.
Stipulation of dismissal following settlement filed 12/7/20.

FTC v. KUSHLY, No. 2:20-MC-36 (D. Ariz.)

Parties: Kushly, LLC

Assigned Attorneys: Reid Tepfer (SWR)
Luis Gallegos

Nature of Action: Petition to enforce a CID.

Status: Petition filed 7/30/20.
Order to show cause entered 8/10/20.
Stipulation and proposed order filed 10/2/20.
Order entering stipulation and terminating case entered 10/5/20.

SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION

AXON ENTERPRISE INCORPORATED v. FTC, No. 20-15662 (9th Cir.); No. 2:20-cv-00014 (D. Ariz.)

Parties: Axon Enterprise Inc.

Assigned Attorneys: Bradley Craigmyle (DOJ/FPB)
Chetan Patil
Rebecca Cutri-Kohart
Joel Marcus (OGC)

Nature of Action: Action seeking a judicial declaration that the Commission does not have the authority to scrutinize plaintiffs' business affairs and that the appropriate forum to adjudicate legality of plaintiffs' acquisition is in an Article III court.

Status: Complaint filed 1/3/20.
Motion for preliminary injunction and supporting memorandum of points and authorities by plaintiff entered 1/9/20; Commission's opposition filed 1/23/20; plaintiff's reply filed 1/30/20.
Telephonic hearing held 4/1/20.
Order dismissing complaint without prejudice due to a lack of subject matter jurisdiction entered 4/8/20.
Notice of appeal filed 4/13/20.
Axon's opening brief filed 5/1/20; Commission's answering brief filed 6/1/20; Axon's reply brief filed 6/15/20.
Oral argument by video held 7/17/20.
Axon emergency motion to enjoin FTC administrative trial filed 9/29/20; Commission's opposition filed 10/2/20.
Ninth Circuit order staying FTC administrative trial pending appeal entered 10/2/20.

BLOCK & LEVITON, LLP v. FTC, No. 2:19-cv-00963 (D. Mass.)

Parties: Block & Leviton, LLP

Assigned Attorneys: Michele Arington (OGC)
Jason Weida (AUSA)

Nature of Action: Action under the Freedom of Information Act seeking access to agency records withheld by the Commission.

Status: Complaint filed 12/18/19.
Motion for summary judgment by Commission and intervenor Facebook filed 5/15/20; plaintiff's opposition filed 6/5/20; replies filed 6/19/20.
Hearing by video on motions for summary judgment held 7/30/20.
Order granting in part and denying in part motions for judgment, directing Commission to file supplemental *Vaughn* Index, entered 10/15/20.
Commission's supplemental *Vaughn* Index filed 11/16/20.
Motion by Facebook to stay FTC's disclosure of certain documents filed 12/3/20; opposition by Block & Leviton filed 12/16; response by Commission filed 12/17/20.

BOARD OF DENTAL EXAMINERS OF ALABAMA v. FTC, No. 2:20-cv-1310 (N.D. Ala.)

Parties: Board of Dental Examiners of Alabama

Assigned Attorneys: Mariel Goetz (OGC)

Nature of Action: Action seeking to stop the Commission's investigation into the board's alleged antitrust practices, claiming immunity under the state-action

doctrine.

Status: Complaint filed 9/2/20.
Motion to dismiss by Commission filed 11/13/20; plaintiff's opposition filed 12/4/20; Commission's reply filed 12/21/20.
Order consolidating case with private antitrust litigation against Board and entering a limited stay pending a decision in *Leeds v. Board of Dental Examiners of Alabama* entered 12/4/20.

COLE v. AICS, No. 19-35894 (9th Cir.); No. 1:18-cv-00011 (D. Alaska)

Parties: Stephen Cole

Assigned Attorneys: Joel Marcus (OGC)

Nature of Action: Action seeking an order compelling the FTC to investigate a pharmacy program for anticompetitive action.

Status: Amended complaint adding FTC filed 5/9/19.
Plaintiff's motion for order requiring FTC to initiate antitrust review of 340B pharmacy program filed 5/9/19; denied 6/6/19.
Federal defendants' motion to dismiss filed 7/17/19; response in opposition by Cole filed 8/5/19.
Order granting federal defendants' motions to dismiss entered 10/11/19.
Notice of appeal by Cole filed 10/25/19.
Appellant's opening brief filed 2/14/20; government's answering brief filed 5/26/20.

COMPLETE MERCHANT SOLUTIONS v. FTC, No. 2:19-cv-00963 (D. Utah)

Parties: Complete Merchant Solutions, LLC

Assigned Attorneys: Michael D. Bergman (OGC)

Nature of Action: Action for declaratory judgment and injunctive relief to stop Commission investigation and potential law enforcement action concerning CMS's provision of payment processing services to merchants engaged in fraud.

Status: Complaint filed 12/5/19.
Commission's motion to dismiss filed 2/3/20; CMS's opposition filed 3/2/20; Commission's reply filed 3/16/20.
Motion for leave to amend complaint to add new counts filed 4/2/20; Commission's opposition filed 4/20/20; CMS's reply filed 4/16/20; hearing on motion held 6/11/20; order granting motion entered 7/21/20.
CMS's amended complaint filed 7/28/20.

Joint motion to stay pending review of proposed settlement filed 8/20/20;
order granting stay entered 8/21/20.
Stipulation of dismissal entered and case terminated 12/8/20.

CONSUMERS FOR AUTO RELIABILITY & SAFETY v. FTC, No. 1:17-cv-00540 (D.D.C.)

Parties: Consumers for Auto Reliability and Safety
Center for Auto Safety
U.S. Public Interest Research Group, Inc.

Assigned Attorneys: Bradley Grossman (OGC)
Michele Arington

Nature of Action: Action for declaratory and injunctive relief under the Administrative Procedure Act in connection with the Commission's consent orders with General Motors and two dealerships regarding the advertising of used motor vehicles.

Status: Complaint filed 3/24/17.
Amended complaint filed 5/2/17.
Commission's motion to hold case in abeyance or, in the alternative, for an extension of time filed 5/16/17; opposition filed 5/30/17; motion to stay granted 6/13/17.
Commission's motion dismiss filed 9/8/17; response in opposition filed 10/5/17; Commission's reply filed 10/27/17.
Motion hearing held 9/18/18.
Motion by plaintiffs for leave to file two new documents in connection with pending motion to dismiss filed 3/9/20; Commission's opposition filed 3/23/20; plaintiffs' reply filed 3/30/20.

FOWLER v. T-MOBILE USA, INC., FTC, ET AL., No. 2:20-cv-1516 (D. Ariz.)

Parties: JaMarlin Fowler

Assigned Attorneys: Kwan Piensook (AUSA)
Michele Arington (OGC)

Nature of Action: Action by former Sprint customer seeking damages and injunctive relief for copyright infringement, negligence, fraud, theft, breach of contract, breach of privacy, and alleging government inaction and contributory infringement in response to his complaints.

Status: Complaint filed 7/30/20.

United States' motion to dismiss federal defendants filed 11/2/20;
plaintiff's opposition filed 11/16/20; United States' reply filed
11/24/20.

KYLE v. FTC, No. 1:20-cv-6775 (N.D. Ill.)

Parties: Robert Kyle
Jo Ann Treumann

Assigned Attorneys: Michael D. Claus (AUSA)
Michele Arington (OGC)

Nature of Action: Action seeking an order compelling the FTC to produce information
requested in a subpoena and *Touhy* request.

Status: Petition filed 11/16/20.

LOUISIANA REAL ESTATE APPRAISERS BOARD v. FTC, No. 19-30796 (5th Cir.); No.
3:19-cv-00214 (M.D. La.)

Parties: Louisiana Real Estate Appraisers Board

Assigned Attorneys: Mark Hegedus (OGC)
John J. Gaupp (DOJ)

Nature of Action: Action seeking declaratory judgment that the LREAB is exempt from
antitrust laws under the state action doctrine.

Status: Complaint filed 4/11/19.
Plaintiff's motion to stay administrative proceedings pending judicial
review and for expedited treatment filed 4/17/19; Commission's
opposition filed 5/13/19; plaintiff's reply filed 5/17/19.
Commission's motion to dismiss filed 6/7/19; plaintiff's opposition filed
6/18/19; Commission's reply filed 6/25/19.
Order granting motion to stay administrative proceedings entered 7/29/19.
Notice of appeal of order granting motion to stay filed 9/26/19.
Commission's opening brief filed 11/7/19; appellee's brief filed 12/9/19;
Commission's reply brief filed 1/10/20.
Oral argument heard 5/5/20.
Judgment vacated 10/2/20.
Plaintiff's petition for rehearing filed 11/17/20; order denying petition for
rehearing entered 12/1/20.
Plaintiff's motion to stay issuance of mandate filed 12/3/20; order denying
motion to stay entered 12/4/20; mandate issued 12/14/20.

NACSO NON-PROFIT BUSINESS LEAGUE, INC. v. CFPB & FTC, No. 0:20-cv-61010
(S.D. Fla.)

Parties: NACSO Non-Profit Business League, Inc.

Assigned Attorneys: Imad Abyad (OGC)

Nature of Action: Action seeking a declaratory judgment as to the invalidity of a provision of the Telemarketing Sales Rule.

Status: Amended complaint adding FTC filed 9/15/20.
Commission's motion to dismiss filed 12/3/20.

NERIUM INTERNATIONAL, LLC v. FTC, No. 1:19-cv-07189 (N.D. Ill.)

Parties: Nerium International, LLC (now known as Neora, LLC)
Jeffrey Olson

Assigned Attorneys: Mariel Goetz (OGC)

Nature of Action: Action for injunction and declaratory judgment that Nerium is not an unlawful pyramid scheme and that the FTC cannot obtain monetary relief.

Status: Complaint filed 11/1/19.
Commission's motion to dismiss for lack of jurisdiction filed 12/23/19;
plaintiff's opposition filed 2/6/20; Commission's reply filed
2/20/20; order granting motion to dismiss entered 8/31/20.

OTA FRANCHISE CORPORATION v. FTC, No. 1:20-cv-802 (N.D. Ill.)

Parties: OTA Franchise Corporation, also d/b/a Online Trading Academy
Newport Exchange Holdings, Inc., also d/b/a Online Trading Academy
NEH Services, Inc.
Eval Shacar (a/k/a Eval Shahar)
Samuel R. Seiden
Darren Kimoto

Assigned Attorneys: Mariel Goetz (OGC)

Nature of Action: Action for declaratory judgment and injunctive relief to stop law enforcement action by the Commission concerning OTA's provision of training programs, including seminars, courses, and instructional materials on trading and investing.

Status: Complaint filed 2/4/20.
Commission's motion to dismiss filed 3/30/20.

Defendants' notice of voluntary dismissal filed 9/14/20.
Case terminated 9/28/20.

RICHARD ZEITLIN v. FTC, No. 20-16128 (9th Cir.); No. 2:19-cv-00698 (D. Nev.)

Parties: Richard Zeitlin
Unified Data Services, LLC
Compliance Consultants, LLC
American Technology Services, LLC

Assigned Attorneys: Bradley Grossman (OGC)
Brian W. Irvin (DOJ)

Nature of Action: Action seeking declaratory judgment, challenging an FTC staff opinion letter advising that the TSR's restrictions on "prerecorded messages" apply to soundboard technology.

Status: Complaint filed 4/24/19.
Commission's motion to dismiss filed 6/28/19; plaintiffs' response to motion filed 7/11/19; Commission's reply filed 8/2/19.
Order granting Commission's motion to dismiss entered 4/10/20.
Notice of appeal filed 6/8/20.
Opening brief due 2/5/21.

AMICUS CURIAE BRIEFS OR PARTIAL INTERVENTIONS

D. BLAINE LEEDS v. ADOLPHUS JACKSON, No. 19-11502 (11th Cir.)

Assigned Attorneys: Mark S. Hegedus (OGC)

Nature of Action: Private action alleging antitrust violations preventing competition from teledentistry services, raising issue of the active supervision component of state-action defense asserted by the Board of Dental Examiners of Alabama.

Status: Brief for the United States and the Commission as amici curiae supporting plaintiffs-appellees filed 9/11/19.
Motion to participate in oral argument by United States filed 6/5/20; motion granted 6/10/20.
Oral argument held 7/8/20.

SMILEDIRECTCLUB, LLC v. BATTLE, No. 19-12227 (11th Cir.)

Assigned Attorneys: Mark S. Hegedus (OGC)

Nature of Action: Private action alleging antitrust violations preventing competition from teledentistry services, raising issue of the active supervision component of the state-action defense asserted by Georgia Board of Dentistry members.

Status: Brief for the United States and the Commission as amici curiae supporting plaintiffs-appellees filed 9/26/19.
Motion to participate in oral argument by United States filed 4/10/20; motion granted 4/29/20.
Oral argument held 5/20/20.
Opinion holding that Board members are not entitled to state-action defense entered 8/11/20.
Rehearing en banc ordered 12/8/20; appellant's en banc brief due 1/4/21; appellee's en banc brief due 1/25/21; reply brief due 2/4/21.

TEWINKLE v. CAPITAL ONE, INC., No. 20-2049 (2d Cir.)

Assigned Attorneys: Bradley Grossman (OGC)

Nature of Action: Private action alleging violations of the Equal Credit Opportunity Act and raising the question of who is an "applicant" subject to the protections of the ECOA, which prohibits discrimination in credit transactions based on membership in protected categories.

Status: Amicus brief for the Commission and the Consumer Financial Protection Bureau filed 10/7/20.

UFCW LOCAL 1500 WELFARE FUND v. ABBVIE, INC., No. 20-2402 (7th Cir.)

Assigned Attorneys: Bradley Grossman (OGC)

Nature of Action: Private action alleging anticompetitive conduct and involving the interpretation and application of *FTC v. Actavis, Inc.*

Status: Commission's amicus brief filed 10/13/20.