

**SEMIANNUAL FEDERAL COURT
LITIGATION STATUS REPORT**

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

December 31, 2023

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SUMMARY OF CASES

	Dist. Ct.	Ct. App.*	S. Ct.	Total
PETITIONS FOR REVIEW	0	2	0	2
INJUNCTION AND CONSUMER REDRESS CASES	52	13	3	68
CIVIL PENALTY AND ENFORCEMENT CASES	28	3	0	31
SUBPOENA AND CID ENFORCEMENTS	6	0	0	6
SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION	13	6	1	20
AMICUS CURIAE BRIEFS	3	13	0	12
TOTALS	102	39	3	146

* 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

ILLUMINA v. FTC, No. 23-60167 (5th Cir.)

Parties: Illumina, Inc.
Grail, LLC

Assigned Attorneys: Matthew Hoffman (OGC)
Anisha Dasgupta

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

Status: Petition for review filed 4/5/23.
Illumina and Grail's opening brief filed 6/5/23; Commission's answering brief due 7/26/23; Illumina and Grail's reply brief due 8/16/23.
Oral argument held 9/12/23.
Opinion rejecting petitioner's constitutional challenges and upholding Commission's antitrust analysis in substantial part, but vacating and remanding for reconsideration on one issue, entered 12/15/23.

TRAFFIC JAM EVENTS v. FTC, No. 21-60947 (5th Cir.)

Parties: Traffic Jam Events, LLC
David Jeansonne

Assigned Attorneys: Mariel Goetz (OGC)
Imad Abyad

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

Status: Petition for review filed 12/21/21.
Traffic Jam Event's opening brief filed 3/28/22; Commission's answering brief filed 9/9/22.
Oral argument held 5/3/23.

(B) Rulemakings

(None Pending)

INJUNCTIONS AND CONSUMER REDRESS

(A) Preliminary Injunctions (Mergers/Acquisitions)

FTC v. AMGEN, No. 1:23-cv-03053 (N.D. Ill.)

Parties: Amgen Inc.
Horizon Therapeutics PLC
States of New York, California, Illinois, Minnesota, Washington, and
Wisconsin (Co-Plaintiffs)

Assigned Attorneys: Nathan Brenner (Office of Director/BC)
Jordan Andrew (BC/Mergers I)
Jacob Danziger
Evelyn Hopkins
Evan Johnson
Matt Joseph
Stephen Mohr
Dylan Naegele
Tyler Sanborn
Anjelica Sarmiento
Andrew Scheperle
Hilla Shimshoni
Jessica Weiner
Rachel Sifuentes (BCP/MRO)

Nature of Action: Action for preliminary injunction to prevent consummation of proposed acquisition of Horizon Therapeutics PLC., a pharmaceutical company, by Amgen Inc pending administrative adjudication.

Status: Complaint filed 5/16/23.
Stipulated TRO entered 5/17/23.
Amended complaint filed 6/22/23.
Answer to amended complaint and counterclaims filed 6/29/23.
Commission's memorandum of law in support of motion for preliminary injunction filed 7/14/2023; defendants' response filed 8/22/23.
Defendants' motion for summary judgment filed 8/21/23.
Joint motion to dismiss case filed 9/1/23.
Joint stipulation entered and case dismissed 9/1/23.

FTC v. INTERCONTINENTAL EXCHANGE No. 3:23-cv-1710 (N.D. Cal.)

Parties: Intercontinental Exchange, Inc
Black Knight, Inc

Assigned Attorneys: Abby Dennis (Office of Director/BC)

Neal Jonathan Perlman
Susan Musser
Janet Kim (BC/Mergers II)
Laura Antonini
Ashley Masters (BC/Mergers III)
Caitlin Cipicchio
Catharine Bill
Christopher Lamar
Daniel Aldrich
Jessica Drake
Lauren Sillman
Nicolas Stebinger
Nina Shishir Thanawala
Peter Alan Richman
Steven Couper
Christopher Matthew Megaw (BC/Mergers IV)

Nature of Action: Action for preliminary injunction to prevent consummation of proposed acquisition of rival mortgage loan technology provider Black Knight, Inc by Intercontinental Exchange, Inc (ICE) pending administrative adjudication.

Status: Complaint filed 4/10/23.
Order granting TRO entered 4/21/23.
Defendants' answers to complaint, affirmative defenses, and counterclaims filed 4/25/23.
Commission's motion to strike affirmative defenses filed 5/16/23; defendants' opposition filed 5/30/23; Commission's reply filed 6/6/23.
Commission's memorandum in support of motion for a preliminary injunction filed 6/2/23; defendants' opposition filed 6/16/23; Commission's reply filed 6/23/23.
Defendants' submission addressing the court's authority to stay the administrative hearing filed 6/23/23; Commission's response filed 6/28/23; order denying parties' submission as moot entered 7/1/23.
Joint stipulation for dismissal filed 8/7/23.

FTC v. IQVIA, No. 1:23-cv-6188 (S.D.N.Y.)

Parties: IQVIA Holdings Inc.
Propel Media, Inc.

Assigned Attorneys: Jennifer Fleury (BC/Office of the Director)
Anjelica Grace Sarmiento (BC/Mergers I)
Stephen Mohr
Jordan Andrew

Christina Perez
Evelyn Hopkins
Habin Chung
Jay Tymkovich
Jessica Moy
Leonardo Chingcuanco
Lily Verbeck
Lisa DeMarchi Sleigh
Michael Barnett
Michelle Seo
Stephanie Bovee
Varnitha Sivaprasad
Wade Lippard
Yan Gao
Christopher Lamar (BC/Mergers III)
Nicolas Stebinger
Cory Gordon (BC/Mergers IV)
William Sohn
Gary Mitchell London , Jr (BC/TED)

Nature of Action: Action for preliminary injunction to prevent consummation of proposed acquisition of DeepIntent, a healthcare advertising firm owned by Propel Media, by IQVIA pending administrative adjudication.

Status: Complaint filed 7/18/23.
Stipulated TRO entered 7/21/23; stipulated amended TRO entered 9/26/23.
Defendant's answer to complaint filed 8/02/2023.
Commission's motion to strike defendant's constitutional and affirmative defenses filed 9/20/23; opposition filed 10/4/23; reply filed 10/11/2023; order granting motion to strike entered 10/31/23.
Commission's memorandum of law in support of motion for preliminary injunction filed 10/25/23; defendants' opposition filed 11/10/23; reply filed 11/16/23.
Preliminary injunction hearing held 11/20/23 to 11/29/23.
Closing arguments heard 12/8/23.
Order granting preliminary injunction entered 12/29/23.

FTC v. JOHN MUIR HEALTH, No. 5:23-cv-5952 (N.D. Cal.)

Parties: John Muir Health
Tenet Healthcare Corporation
State of California (Co-Plaintiff)

Assigned Attorneys: Noel Miller (BC/Office of the Director)
Nicolas Stebinger (BC/Mergers III)

Erik Herron (BC/Mergers II)
Erika Wodinsky (WR-SF)
John Phillip Wiegand
Lucy Rosenzweig
Matthew Erik Delgado
Peter Colwill
Peter Huston

Nature of the Action: Action for a preliminary injunction to prevent consummation of proposed acquisition of San Ramon Regional Health Center, a healthcare provider owner by Tenet Healthcare Corporation, by John Muir Health pending administrative adjudication.

Status: Complaint filed 11/17/23.
Stipulated TRO entered 11/20/23.
Answer to complaint filed 12/08/23.
Stipulation of dismissal following defendants' abandonment of transaction entered 12/18/23,

FTC v. LOUISIANA CHILDREN'S MEDICAL CENTER, No. 2:23-cv-1890 (E.D. La.); No. 1:23-cv-01103 (D.D.C.)

Parties: Louisiana Children's Medical Center
HCA Healthcare, Inc.
Attorney General of the State of Louisiana (Intervenor)

Assigned Attorneys: Daniel Matheson (Office of Director/BC)
James Weingarten
Susan Musser
Neal Perlman
Adam Pergament (Mergers IV/BC)
Mark Seidman
Stephen Rodger

Nature of Action: Action to require compliance with filing requirements of HSR Act in connection with acquisition by Louisiana Children's Medical Center (LCMC) of three competing hospitals from HCA Healthcare, and for preliminary injunction pending court's ruling on the merits.

Status: Petition filed 4/20/23.
Defendants' motions to dismiss for lack of personal jurisdiction and to transfer case filed 4/24/23; Commission's opposition to motions filed 4/26/23; Defendants' reply filed 4/28/23.
Order denying motion to dismiss as moot and granting motion to transfer case entered 5/23/23.
Case transferred to E.D. La. 6/7/23.

Motion to intervene by to Intervene by Attorney General of the State of Louisiana filed 6/9/23.
Defendant's motion to consolidate case with *Louisiana Children's Medical Center v. Attorney General of the United States*, No. 2:23-1305, filed 6/13/23.
Defendants' answer to petition filed 6/20/23.
Order granting motion to consolidate cases entered 6/22/23.
Order granting summary judgment and dismissing the FTC's claims filed 9/27/2023.

FTC v. MICROSOFT CORP., No. 23-15992 (9th Cir.); No. 3:23-cv-2880 (N.D. Cal.)

Parties: Microsoft Corporation
Activision Blizzard, Inc
Amazon.com, Inc

Assigned Attorneys: James Harris Weingarten (Office of Director/BC)
Jennifer Fleury
Amanda Leigh Butler (BC/Mergers II)
Cem Akleman
David Morris
Edmund Saw
Joseph Alexander Ansaldo
James Abell
James Gossmann
Kassandra DiPietro
Maria Cirincione
Meredith Levert
Merrick Pastore
Michael Blevins
Michael Anthony Franchak
Nicole Callan
Peggy Femenella
Stephen Santulli
Erika Ruth Wodinsky (WR-SF)
Imad Abyad (OGC)
Mark Hegedus

Nature of Action: Action for preliminary injunction to prevent consummation of proposed acquisition of Activision Blizzard, Inc by Microsoft Corporation pending administrative adjudication.

Status: Complaint filed 6/12/23.
TRO entered 6/13/23.
Evidentiary hearing held on 6/22/23 to 6/29/23.
Preliminary Injunction denied 7/10/23.

Notice of appeal filed 7/12/23.
FTC opening brief filed 8/9/23.
Defendant's reply brief filed 9/6/23.
FTC reply brief filed 9/27/23.
Oral argument held 12/6/23.

FTC v. SANOFI, No. 1:23-cv-13046 (D. Mass.)

Parties: Sanofi
Genzyme Corporation
Maze Therapeutics, Inc.

Assigned Attorneys: James Weingarten (BC/Office of the Director)
Elena Ponte (BC/Mergers I)
Hilla Shimshoni
James Southworth
James Weiss
Joseph Neely
Keith Holleran
Robert Sanborn
Stephen Mohr

Nature of the Action: Action for a preliminary injunction to prevent consummation of an agreement between Sanofi and Maze Therapeutics during an ongoing Part III proceeding.

Status: Complaint and motion for TRO filed 12/11/23.
Voluntary dismissal in light of transaction agreement termination filed 12/13/23.

(B) Preliminary Injunctions (Other)

(None Pending)

(C) Permanent Injunctions/Consumer Redress*

FTC v. ACRO SERVICES LLC, No. 3:22-cv-00895 (M.D. Tn.)

Parties: ACRO Services, LLC, also d/b/a Capital Compliance Solutions
American Consumer Rights Organization, also d/b/a Tristar Consumer
Law Organization
First Call Processing LLC

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

Music City Ventures, Inc., also d/b/a Tri Star Consumer Group
Nashville Tennessee Ventures, Inc., also d/b/a Integrity Resolution Group
Reliance Solutions, LLC, also d/b/a Reliance Services, LLC
Thacker & Associates Int'l LLC
Consumer Protection Resources, LLC
Sean Austin
John Steven Huffman
John Preston Thompson

Assigned Attorneys: Margaret Burgess (SER)
Alan Bakowski
Natalya Rice

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

Status: Complaint filed 11/7/22.
TRO entered 11/21/22.
Stipulated preliminary injunction order entered 12/13/22.
Stipulated orders for permanent injunction and monetary judgment entered
4/28/23.
Commission's motion for default judgment as to ACRO Services LLC,
American Consumer Rights Organization, Consumer Protection
Resources, LLC, First Call Processing LLC, Music City Ventures,
INC., Nashville Tennessee Ventures, Inc., Reliance Solutions,
LLC, Thacker & Associates Int'l LLC filed 6/16/23.
Default final order for permanent injunction and monetary judgment as to
ACRO Services LLC, American Consumer Rights Organization,
Consumer Protection Resources, LLC, First Call Processing LLC,
Music City Ventures, INC., Nashville Tennessee Ventures, Inc.,
Reliance Solutions, LLC, Thacker & Associates Int'l LLC entered
8/9/23.

FTC v. AMAZON.COM, INC., No. 2:23-cv-01495 (W.D. Wash.)

Parties: Amazon.com, Inc.
States of New York, Connecticut, Pennsylvania, Delaware, Maine, Maryland,
Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New
Jersey, New Mexico, Oklahoma, Oregon, Rhode Island, and Wisconsin
(Co-Plaintiffs)

Assigned Attorneys: Susan Musser (BC/Office of the Director)
John Newman
Danielle Quinn
Edward Takashima (BC/Anticompetitive Practices)

Christina Shackelford (BC/Mergers III)
Megan Henry
Zhi Rudy (BC/Mergers II)
Christine Kennedy (BC/TED)
Colin Herd
Daniel Bradley
Daniel Principato
Emily Bolles
Jake Walter-Warner
Kelly Schoolmeester
Stephen Antonio
David Schwartz (BC/HCD)
Emma Dick

Alleged Conduct: Unfair methods of competition through exclusionary conduct in violation of Section 5(a) of the FTC Act and Section 2 of the Sherman Act to maintain monopoly power in the market for online superstores.

Status: Complaint filed 9/26/23.
Defendant's motion to dismiss filed 12/8/23.

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
Harris Senturia
Maris Snell
Fil de Banate
Conor Duffy

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Unordered Merchandise Statute, and in violation of Pennsylvania consumer protection law, 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; motion granted 1/20/21.
Amended complaint filed 1/21/21.
Motion to dismiss for failure to state a claim filed by Defendants Richard Diorio, Jr., International Credit Recovery, Inc., and Cynthia Powell 2/4/21; Commission response filed 3/4/21; Defendant reply filed 3/25/21; motion denied 4/30/21.
Motion to dismiss for Defendants American Future Systems Inc., Progressive Business Publications of New Jersey, Inc., and Edward M. Satell filed 2/11/21; motion denied 4/30/21.
Defendants' motion for judgment on the pleadings filed 6/24/21; motion denied 7/26/21.
Stipulated permanent injunction as to defendants International Credit Recovery, Inc., Richard Diorio, Jr., and Cynthia Powell entered 3/24/2023.
Plaintiffs' and Defendants' cross motions for summary judgment filed 6/26/23; oppositions filed 7/17/23; replies filed 7/24/23.
Orders denying Plaintiffs' and Defendants' cross-motions for summary judgment entered 9/20/23.
Trial held 9/26/23 to 10/19/23.
Plaintiffs' and Defendants' proposed findings of facts and conclusions of law filed 12/04/23.
Closing arguments heard 12/19/23.

FTC v. AMERICAN SCREENING, LLC, No. 23-1616 (8th Cir.); No. 4:20-cv-1021 (E.D. Mo.)

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

Assigned Attorneys: Dillon Lappe (BCP/ENF)
Omolara Joseney
Anne Collesano
Imad Abyad (OGC)
Michael Bergman (OGC)

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's motion for summary judgment filed 10/1/21; defendants' opposition filed 11/1/21; reply filed 11/15/21.

Order granting FTC's motion for summary judgment in part and denying in part, leaving amount of equitable monetary relief to be determined at trial, entered 4/6/22.

Order vacating trial and directing parties to confer regarding remaining monetary relief issues entered 4/8/22.

Joint status report, reporting that parties have been unable to reach agreement to settle case and are prepared to proceed with bench trial on appropriate amount of monetary relief, filed 5/9/22.

FTC motion for summary judgment granted 7/14/22. Defendant's memorandum in response to FTC's proposed judgment filed 8/9/22;

FTC's opposition to defendant's response to proposed final order for permanent injunction and other monetary relief filed 8/16/22.

Final order and judgment for permanent injunction and monetary relief entered 1/31/23.

Defendants' notice of appeal filed 3/30/23; amended notice of appeal filed 3/31/23.

Suggestion of filing bankruptcy as to defendant American Screening filed 4/12/23.

Appellants' opening brief filed 6/9/23; Commission's brief filed 9/71/23; appellants' reply brief filed 10/24/23.

FTC v. APEX CAPITAL GROUP, LLC, No. 22-55342 (9th Cir.); No. 2:18-cv-09573 (C.D. Cal.)

Parties:

- Apex Capital Group, LLC
- Capstone Capital Solutions Limited
- Clik Trix Limited
- Empire Partners Limited
- Interzoom Capital Limited
- Lead Blast Limited
- Mountain Venture Solutions Limited
- Nutra Global Limited
- Omni Group Limited
- Rendezvous it Limited
- Sky Blue Media Limited
- Tactic Solutions Limited
- Phillip Peikos
- David Barnett
- SIA Transact Pro
- Mark Moskvins
- Thomas W. McNamara (Receiver)
- Wells Fargo & Co. (Proposed Intervenor)
- Wells Fargo Bank N.A. (Proposed Intervenor)

Assigned Attorneys: Jonathan W. Ware (BCP/ENF)

Sarah Waldrop
Delilah Vinzon (WRLA)
Michael Bergman (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Restore Online Shoppers' Confidence Act, and the Electronic Fund Transfer Act in connection with the marketing of supposedly "free trial" offers for personal care products and dietary supplements online.

Status: Complaint filed 11/14/18.
Ex parte TRO entered 11/16/18.
Stipulated preliminary injunctions entered 12/19/18.
Amended complaint naming SIA Transact Pro and Mark Moskvins filed 5/30/19.
Stipulated orders for permanent injunction and monetary judgment as to David Barnett, Phillip Peikos, Apex Capital Group, LLC, Capstone Capital Solutions Limited, Klik Trix Limited, Empire Partners Limited, Interzoom Capital Limited, Lead Blast Limited, Mountain Venture Solutions Limited, Nutra Global Limited, Omni Group Limited, Rendezvous IT Limited, Sky Blue Media Limited, and Tactic Solutions Limited entered 9/11/19.
Stipulated order for permanent injunction and monetary judgment as to Mark Moskvins and SIA Transact Pro entered 1/15/20.
Motion to set aside monetary judgment in light of *AMG* filed 7/9/21; Commission's opposition filed 8/9/21; reply filed 8/16/21; motion denied 9/3/21.
Wells Fargo's motion to intervene to challenge monetary judgment filed 1/18/22; Commission's opposition filed 2/7/22; Wells Fargo's reply filed 2/21/22; order denying motion to intervene entered 3/10/22.
Wells Fargo's notice of appeal filed 3/31/22.
Wells Fargo's opening brief filed 8/10/22; Commission's answering brief filed 10/11/22; Receiver's answering brief filed 10/11/22; Wells Fargo's reply filed 12/1/22.
Oral argument heard 10/19/23.
Decision affirming in part and dismissing in part order denying motion to intervene entered 12/12/23.

FTC v. AUTOMATORS LLC, No 3:23-cv-1444 (S.D. Cal.)

Parties: Automators LLC
Empire Ecommerce LLC
Onyx Distribution LLC
Stryder Holdings LLC
Pelenea Ventures LLC
Roman Cresto

John Cresto
Andrew Chapman
Peregrine Worldwide LLC

Assigned Attorney: Christopher Brown (BCP/DMP)
Colleen Robbins
Frances Kern

Alleged Conduct: Deceptive practices in violation of Section 5(a) of the FTC Act and the Business Opportunity Rule in connection with false and unsubstantiated claims that defendants' "automated" e-commerce platform would lead to substantial profits for "silent partners."

Status: Complaint filed 8/8/23.
Ex parte TRO with asset freeze and appointment of receiver entered 8/11/23.
Stipulated preliminary injunction entered 9/8/23.

FTC v. BCO CONSULTING SERVICES, INC., No. 8:23-cv-00699-JWH (ADSx) (C. D. Cal.)

Parties: BCO Consulting Services, Inc. d/b/a Students Loan Services LLC
SLA Consulting Services Inc. f/k/a Student Loan Advocates LLC
Gianni Olilang
Brandon Clores
Kishan Bhakta
Allan Radam

Assigned Attorneys: Katherine Aizpuru (BCP/DFP)
Samuel Jacobson
Mary Weaver
John Jacobs (WRLA)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Telemarketing Act, and the Gramm-Leach-Bliley Act in connection with the marketing and sale of student loan debt relief services.

Status: Complaint filed 4/24/23.
Ex parte TRO entered 5/2/23; amended ex parte TRO entered 5/3/23; TRO extended 5/16/23.
Stipulated preliminary injunction entered 5/22/23.
Stipulated order for permanent injunction and monetary relief as to SLA, Olilang, and Radam entered 10/11/23.
Stipulated order for permanent injunction and monetary relief as to BCO, Clores, and Bhakta entered 10/24/23.

FTC v. BINT OPERATIONS LLC, No. 4:21-cv-00518-KGB (E.D. Ark.)

Parties: BINT Operations LLC
Lashonda Moore
Marlon Deandre Moore
State of Arkansas (Co-Plaintiff)

Assigned Attorneys: Reid Tepfer (SWR)
Luis Gallegos
Anne Lejeune
David Alex
Serena Mosley-Day

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Consumer Review Fairness Act, and Arkansas state consumer protection laws in connection with the operation of a “blessing loom” style pyramid scheme.

Status: Complaint filed 6/16/21.
Defendants’ motion to dismiss for lack of jurisdiction filed 8/05/21;
motion denied 3/31/22.
Commission’s motion for summary judgment filed 1/27/23; defendants’
opposition filed 2/16/23; Commission’s reply filed 2/18/23.
Stipulated order for permanent injunction entered 8/28/23.

FTC v. BRIDGE IT, INC, No. 1:23-cv-9651 (S.D.N.Y.)

Parties: Bridge It, Inc.

Assigned Attorneys: James Doty (BCP/FP)
Mark Glassman
Patrick Roy

Alleged Conduct: Deceptive and unfair practices in violation of Section 5(a) of the FTC Act in connection with enrollment in a cash advance membership plan.

Status: Complaint filed 11/2/23.
Stipulated order for permanent injunction and monetary relief entered
11/8/23.

FTC v. CELSIUS NETWORK LLC., No. 1:23-cv-6009 (S.D.N.Y.)

Parties: Celsius Network Inc.
Celsius Network LLC
Celsius Networks Lending LLC
Celsius Lending LLC

Celsius Keyfi LLC
Celsius Mining LLC
Celsius US Holding LLC
Celsius US LLC
Celsius Management Corp.
Alexander Mashinsky
Shlomi Daniel Leon
Hanoch Goldstein

Assigned Attorneys: Katherine Worthman (BCP/FP)
Katherine Marie Aizpuru

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act and the Gramm-Leach-Bliley Act in connection with the marketing and sale of cryptocurrency lending and custody services.

Status: Complaint filed 7/13/23.
Stipulated final order as to corporate defendants entered 8/16/23.
Order denying individual defendants' motions to dismiss entered 12/12/23.

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)

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 filed 6/23/21; FTC's response brief filed 8/23/21; Hanleys' reply brief filed 9/13/21.

Decision by the Ninth Circuit vacating monetary judgment under Section 13(b) and remanding to the District Court to consider whether award is appropriate pursuant to Section 19 entered 1/22/22.

FTC motion for entry of judgment pursuant to Section 19 filed 3/22/22; Defendants' opposition filed 4/5/22; FTC reply filed 4/12/22.

Order granting FTC motion for monetary judgment pursuant to Section 19 entered 12/30/22.

Judgment of \$11,906,792 against the Hanleys entered 1/3/23.

Hanleys' motion for order to stop FTC from distributing funds filed 1/20/23; Commission's opposition filed 2/3/23; Hanleys' reply filed 2/9/23.

Order denying Hanley's motion to require FTC to do claims procedure entered 7/27/23.

FTC v. CREDIT BUREAU CENTER, LLC., No. 21-2945 (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: Lisa Bohl (MWR)
Elizabeth Scott
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.
Commission's petition for writ of certiorari denied 5/3/21.
Commission's motion for amended judgment and other relief filed in district court 5/6/21; defendants' response in opposition to motion and counter-motion to enforce mandate filed 5/28/21; Commission's reply in support of motion filed 6/11/21; defendants' reply in support of counter-motion filed 6/17/21; hearing on motions held 7/14/21.

District court's opinion and order granting the FTC's motion and denying defendants' countermotion entered 9/13/21; modified final judgment entered 9/13/21.
Notice of appeal of order granting FTC's motion to alter or amend its judgment filed 10/22/21.
Petition for writ of mandamus filed in Seventh Circuit 10/22/21; order denying petition entered 10/27/21
Appellants' opening brief filed 2/22/22; FTC's brief filed 4/4/22; appellants' reply brief filed 4/25/22.
Oral argument held 6/3/22.
Opinion affirming amended judgment entered 8/30/23.
Petition for panel rehearing and rehearing en banc filed 10/13/23.
Order denying petition for rehearing entered 11/3/23.

FTC v. CRI GENETICS, No. 2:23-cv-9824 (C.D. Cal.)

Parties: CRI Genetics
State of California (Co-Plaintiff)

Assigned Attorneys: Katharine Barach (NWR)
Nadine Samter
Carla Lyn Cheung (WRLA)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act in connection with marketing of DNA testing services.

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

FTC v. ECOLOGICAL FOX, LLC, No. 22-958 (S. Ct.); Nos. 19-1925, 19-2387, 19-2204, 19-2306, 19-2387, 20-1594, 20-2215, 21-1452, 23-1742 (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
Proposed Intervenors, Yu Lin, Quan Lin, Jamie Teng, Juliana
Tengonciang, Alfonso Kolb Jr., Jasmin Tengonciang, Roel Pahl,
Clarissa Tengonciang, Allan Prijoles, Mary Jane Prijoles, Darren
Christian, Chan Martin, Julie Santos, David Heiman, and
Heartland Property Group, Inc

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

Brad Grossman (OGC)
Ben Aiken

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 Costazno, 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.

Baker's appeal dismissed 9/28/20.

Notice of appeal (No. 20-2215) by Andris Pukke filed 11/9/20.

Final order for permanent injunction and monetary judgment against Defendants Andris Pukke, Peter Baker, and Luke Chadwick entered 1/13/21.

Final order of contempt against Defendants Andris Pukke, Peter Baker, and John Usher entered 1/13/21.

Amended final order for permanent injunction and monetary judgment entered 3/24/21.

Notices of appeal filed 4/20/21, 4/21/21, 4/29/21, 5/3/21, 5/14/21.

All appeals except Luke Chadwick's consolidated 5/18/21.

Appellants' motions for summary disposition filed 7/11/21; Commission's opposition filed 7/16/21; order deferring decision on motion entered 7/19/21.

Appellants' opening brief in consolidated appeals (No. 20-2215) filed 8/12/21; FTC's response brief filed 11/18/21; brief by Receiver filed 11/18/21; Appellants' reply brief filed 12/22/21.

Motion to intervene in district court proceeding by Yu Lin, Quan Lin, Jamie Teng, Juliana Tengonciang, Alfonso Kolb Jr., Jasmin Tengonciang, Roel Pahl, Clarissa Tengonciang, Allan Prijoles, Mary Jane Prijoles, Darren Christian, Chan Martin, Julie Santos, David Heiman, and Heartland Property Group, Inc, investors in a defendant company who seek to challenge orders placing company's assets in receivership, filed 11/12/21; Commission's opposition filed 12/13/21; reply filed 10/27/21.

Order granting joint motion for an indicative ruling that Court would enter proposed stipulated order resolving all matters in dispute between FTC and stipulating defendants, if the Fourth Circuit remanded for that purpose, entered 3/8/22.

Fourth Circuit order remanding appeals for limited purpose of adopting a settlement decree entered 3/17/22.

Stipulated order modifying final order for permanent injunction and monetary relief as to Luke Chadwick, Prodigy Management Group LLC, Belize Real Estate Affiliates LLC, Exotic Investor LLC, and Southern Belize Realty LLC, entered 13/24/22.

Commission motion to dismiss appeal by Luke Chadwick, Exotic Investor, and Prodigy Management filed 3/24/22; opposition to dismissal by nonparties (Kanantik entities) filed 4/1/22; Commission reply filed 4/4/22; order dismissing appeal, ruling that Kanantik entities lack appellate standing, entered 6/16/22.

Order by district court denying motion to intervene by Yu Lin et al. entered 6/23/22.

Notices of appeal from denial of motions to intervene and set aside judgment Yu Lin et al. filed 7/8/22 and 7/13/22.

Ora argument in consolidated appeals held 9/13/22.

Yu Lin appellants' opening brief filed 8/19/22; FTC's brief filed 10/21/22; appellants' reply brief filed 11/14/22.

Opinion affirming injunctive relief against all defendants, contempt sanction against individual defendants, and district court's finding that Pukke must pay remaining balance of monetary judgment from *AmeriDebt*, but vacating equitable monetary relief judgment against individual defendants in light of *AMG*, entered 11/1/22.

Order denying petition for rehearing and rehearing en banc by Andris Pukke entered 12/30/22.

Commission's motion to reform and reaffirm final orders filed 1/31/23; Defendants' response filed 2/6/23; Commission's reply filed 2/21/23.

Oral argument in Yu Lin appeal held 3/8/23.

Petition for certiorari by Pukke, Baker, and Usher filed 3/30/23; FTC opposition brief filed 6/2/23; reply brief filed 7/15/23; petition denied 10/2/23.

Receiver's motion for settlement and motion for order approving settlement with Jorge Diaz-Cueto and Bella Mar Estates filed 4/7/23; order granting motion entered 4/20/23.

Defendants' motion for return of property filed 5/5/23; Commission's response filed 5/11/23.

Order granting in part, denying in part Commission's motion to reform and reaffirm final orders and denying defendant's motion for return of property entered 5/31/23.

Order implementing next stage of consumer redress entered 6/14/23.

Order reforming and reaffirming final orders entered 6/15/23.

Notice of appeal by Peter Baker, Andris Pukke, and John Usher filed 7/14/23; opening brief filed 9/26/23; FTC response brief filed 11/17/23; reply brief filed 12/8/23.

FTC v. ENDO PHARMACEUTICALS INC., No. 22-5137 (D.C. Cir.); No. 1:21-cv-00217 (D.D.C.)

Parties: Endo Pharmaceuticals Inc.
Endo International, plc
Impax Laboratories, LLC
Amneal Pharmaceuticals, Inc.

Assigned Attorneys: James Weingarten (BC/Office of the Director)
Eric Sprague (BC/HC)
Kara Monahan
Markus Meier
Emma Dick
Evan Cartagena
Garth Huston
Jamie Towey
Mark Hegedus (OGC)

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 an illegal agreement to eliminate competition in the oxymorphone market, a long-acting opioid used for the treatment of moderate to severe pain.

Status: Complaint filed 1/25/21.
Defendants' motions to dismiss filed 4/26/21; FTC opposition filed 6/10/21; Defendants' replies filed 7/02/21; motion to dismiss granted 3/4/22
FTC notice of appeal filed 5/23/22.
FTC's opening brief filed 12/21/22; appellees' brief filed 2/21/22; FTC's reply brief filed 3/14/22.
Oral argument before the D.C. Circuit held 5/1/23.
Opinion affirming district court's dismissal of the FTC's complaint entered 8/25/23.

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.
Motion by defendants to reopen case, admitting allegations in the Complaint, filed 12/8/22.
Order referring case to mediation entered 3/30/23.

Stipulated order for permanent injunction and monetary judgment as to
defendants Gopalkrishna Pai and F9 Advertising entered 10/12/23.
Order closing case entered 10/12/23.

FTC v. FINANCIAL EDUCATION SERVICES, No. 2:22-cv-11120 (E.D. Mich.)

Parties: Financial Education Services, Inc.
United Wealth Services, Inc.
VR-Tech LLC
VR-Tech MGT LLC
CM Rent Inc.
Youth Financial Literacy Foundation
Parimal Naik
Michael Toloff
Christopher Toloff
Gerald Thompson

Assigned Attorneys: Gregory Ashe (BCP/FP)
Michelle Grajales
Julia Heald
Michael Goldstein

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the
Credit Repair Organizations Act, and the Telemarketing Sales Rule in
connection with the marketing, offering, and collecting of credit repair
services and investment opportunities.

Status: Complaint filed 5/23/22.
Ex parte TRO entered 5/24/22.
Preliminary injunction hearing held 6/30/22.
Order denying preliminary injunction, vacating TRO, and converting
receivership to monitorship entered 7/18/22.
Motion to dismiss filed by defendants VR-Tech MGT, CM Rent, Michael
Toloff, and Christopher Toloff filed 7/25/22; FTC opposition filed
8/8/22; Defendants' reply filed 8/22/22.
Order denying Toloff Defendants' motion to dismiss entered 2/13/23.
First amended complaint filed 3/27/23.
Motion to dismiss by defendant Gerald Thompson filed 4/10/23; FTC
opposition filed 5/1/23; Thompson's reply filed 5/8/23.
Order denying Thompson's motion to dismiss entered 11/21/23.

FTC v. FLEETCOR TECHNOLOGIES, INC., No. 23-12539 (11th Cir.); No. 1:19-cv-05727
(N.D. Ga.)

Parties: FleetCor Technologies, Inc.
Ronald Clarke

Assigned Attorneys: Brittany Frassetto (BCP/FP)
Greg Madden
Matthew Hoffman (OGC)
Jesselyn Friley

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.
Commission motion for summary judgment filed 4/16/21; Defendants' cross motion for partial summary judgment and opposition to Commission's motion filed 5/16/21; Commission response filed 6/18/21.
Commission motion to stay pending resolution of administrative litigation or dismiss without prejudice filed 8/13/21; Defendants' response filed 8/27/21; Commission reply filed 9/10/21; motion denied 2/7/22.
Order granting Commission's motion for summary judgment entered 8/9/22.
Commission's motion for permanent injunction and other relief filed 12/19/22; Defendants' opposition filed 1/20/23; Commission's reply filed 2/3/23.
Order granting Commission's motion for permanent injunction entered 6/8/23.
Notice of appeal filed 8/4/23.
Appellants' opening brief filed 11/1/23; Commission's response brief due 1/29/24.

FTC v. GLOBAL E-TRADING, LLC., No. 8:23-cv-796 (M.D. Fla.)

Parties: Global E-Trading, LLC d/b/a Chargebacks911
Gary Cardone
Monica Eaton
State of Florida (Co-Plaintiff)

Assigned Attorneys: Evan Rose (WRSF)
Roberta Tonelli
Denise Oki

Alleged Conduct: Deceptive and unfair practices in violation of Section 5 of the FTC Act in connection with disputing chargebacks with misleading information and manipulating merchants' chargeback rates.

Status: Complaint filed 4/12/23.

Defendants' motion to dismiss filed 6/13/23; motion denied 6/28/23.
Defendants' amended motion to dismiss filed 6/29/23; Commission's
opposition filed 7/20/23.
Stipulated order for permanent injunction, monetary relief, statutory relief,
and final judgment entered 11/29/23.

FTC v. GOLDEN SUNRISE NUTRACEUTICAL, INC., No. 1:20-cv-01060 (E.D. Cal.)

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

Assigned Attorneys: Edward Hynes (SWR)
Reid Tepfer

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.
Stipulated order for permanent injunction and monetary judgment as to
Defendant Stephen Meis entered 6/11/21.
Motion for summary judgment as to defendants Golden Sunrise
Nutraceutical, Inc., Golden Sunrise Pharmaceutical, Inc., and Huu
Tieu filed 10/1/21.
Motion to self-represent by Huu Tieu on behalf of himself, Golden Sunrise
Nutraceutical, and Golden Sunrise Pharmaceutical filed 6/21/22;
motion denied 6/23/22.
Opposition to FTC's summary judgment motion by Huu Tieu filed
11/03/22; order striking opposition as untimely entered 12/14/22.

FTC v. GRAND CANYON EDUCATION, No. 2:23-cv-2711 (D. Ariz.)

Parties: Grand Canyon Education
Grand Canyon University
Brian Mueller

Assigned Attorneys: Brian Clifton Berggren (BCP/ENF)
Michael Tankersley
Naomi Takagi (BCP/FP)

Alleged Conduct: Deceptive practices in violation of Section 5(a) of the FTC Act in connection with advertising that the defendant's University is a non-profit institution and misrepresentations regarding doctoral programs.

Status: Complaint filed 12/27/2023.

FTC v. GREEN EQUITABLE SOLUTIONS, No. 2:22-cv-6499 (C.D. Cal.)

Parties: Green Equitable Solutions, dba Academy Home Services
South West Consulting Enterprises, Inc.
Apex Consulting and Associates, dba Golden Home Services
Infocom Entertainment LTD, Inc., dba Amstar Service Group
Dominic Ahiga
Roger Scott Dyer
Equity Relief Funding, Inc.
Advent Consulting, Inc.
Armando Solis Barron
Michael Robin Nabati
MostCap Enterprises Corp. (Relief Defendant)
California Department of Financial Protection and Innovation (Co-Plaintiff)

Assigned Attorneys: Miles D. Freeman (WRLA)
Carla Lyn Cheung
Karina Ann Layugan
Taylor Steinbacher (CA DFPI)
Louis Thomas Laverone

Alleged Conduct: Violations of Sections 5 of the FTC Act, the Credit Card Act, the Telemarketing Act, MARS Rule, and the Telemarketing Sales Rule, in connection with deceptive advertising for the sale of mortgage assistance relief services.

Status: Complaint filed 9/12/22.
Preliminary injunction with asset freeze entered 9/29/22.
Amended complaint filed 10/28/22.
Defendants' answers to amended complaint filed 11/21/22, 12/15/22, 12/20/22, 1/5/23.
Commission's motion to strike certain affirmative defenses and crossclaim of defendant Roger Scott Dyer filed 1/20/23; defendant's opposition filed 2/2/23; Commission's reply filed 2/10/23.
Commission's motion to strike certain affirmative defenses of defendants Nabati and MostCap Enterprises Corp. and crossclaims and corresponding jury demand of defendant Nabati filed 2/9/23; defendants' opposition filed 3/3/23; Commission's reply filed 3/10/23.

Joint stipulation for order extending the preliminary injunction order to defendant Nabati and defendant MostCap Enterprises Corp filed 4/26/23; motion granted 4/26/23.

Commission's motion for summary judgment filed 6/9/23.

Commission's motion for preliminary injunction as to defendant Solis Barron filed 6/9/23; motion granted 7/5/23.

Default against relief defendant MostCap Enterprises Corp. entered 7/17/23.

Commission's motion for entry of default judgment as to corporate defendants and the relief defendant filed 8/23/23.

FTC v. HARRIS ORIGINALS OF NY, INC., No. 2:22-cv-4260 (E.D.N.Y.)

Parties: Harris Originals of NY, Inc.
Consumer Adjustment Corp., USA
Consumer Adjustment Corp.
800 Prime Place Properties, LLC
States of New York, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Louisiana, Maryland, Nevada, North Carolina, Washington, California (co-plaintiffs)

Assigned Attorneys: Taylor Bates (BCP/ENF)
Amy Teng (NWRO)
Carole Reynolds (BCP/FP)

Alleged Conduct: Violations of the FTC Act, TILA, EFTA, and state statutes in connection with practice of deceptively and unilaterally adding protection plans to customers' retail installment sales contracts perpetrated by sellers of military themed gifts and jewelry to active and reserve military members.

Status: Complaint filed 7/20/22.
Stipulated order for permanent injunction, monetary judgment and other relief entered 7/21/22.
NY Attorney General's motion for pre-motion conference regarding defendants' compliance with stipulated order filed 5/23/23.
Order reopening case entered 5/24/23.
Pre-motion conference held 6/20/23.
Plaintiffs' motion to lift suspension of judgment or compel compliance with consent order served on defendants 7/7/23; plaintiff's notice of motion, defendants' opposition, and plaintiffs' reply filed 8/4/23.
Hearing on motion scheduled for 1/3/24.

FTC v. HEY DUDE INC., No. 2:23-cv-1412 (C.D. Cal.)

Parties: Hey Dude Inc.

Assigned Attorneys: Delilah Vinzon (WRLA)
Robert Quigley

Alleged Conduct: Deceptive practices in violation of Section 5(a) of the FTC Act and the Mail, Internet, or Telephone Order Merchandise Rule (MITOR) in connection with failing to offer consumers the opportunity to cancel late shipments and suppressing negative customer reviews on the Hey Dude Shoes website.

Status: Complaint filed 9/11/23.
Final order granting permanent injunction, monetary judgment, and other equitable relief entered 10/26/23.

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: Korin Felix (BCP/ENF)
Omolara Joseney
Reenah L. Kim
Hong Park
Amanda C. Basta
Kimberly L. Nelson
Anna M. Burns
Phillip Z. Brown

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.

Commission motions for summary judgment as to Defendants EDebitPay

LLC, Dale Paul Cleveland, William Wilson, Earl Robinson, Patricia Brandmeier Robinson, James McCarter, Mark Ward, iStream Financial Services Inc., Kris Axberg, Richard Joachim, and Guadalupe Andrews filed 2/8/21; Defendants' oppositions filed 4/8/21; Commission replies filed 5/20/21.

Motion for summary judgment by Defendants Kris Axberg, Richard Joachim, and iStream Financial Services, Inc. filed 6/17/21.

Pending motions for summary judgment terminated without prejudice 6/21/21.

Cross-motions for summary judgment by Commission and Defendants filed 8/10/21; oppositions filed 10/29/21; replies filed 12/3/21; opposition by defendant Earl G. Robinson filed 12/13/21.

Unopposed motion to stay resolution of motions as to defendants iStream Financial Services, Inc., Kris Axberg, and Richard Joachim pending finalization of settlement filed 12/15/21.

Stipulated permanent injunction and monetary relief as to defendants iStream Financial Services, Kris Axberg, and Richard Joachim entered 2/24/22.

Motion to dismiss Guadalupe Andrews on behalf of estate of defendant Chet Andrews filed 3/9/22; Commission's opposition brief filed 3/23/22; reply filed 4/6/22; order finding motion moot entered 6/23/22.

Order denying Commission's motions for summary judgment, granting in part and denying in part motion for summary judgment by defendants EDebit Pay, Dale Cleveland and William Wilson, and orders denying other motions for summary judgment, entered 3/28/22.

Stipulated orders resolving claims against estates of defendants Jerry Robinson and Chet Andrews entered 6/22/22.

Proposed stipulated order for permanent injunction, monetary judgment, and other relief as to defendant Mark Ward filed 12/22/23.

Trial scheduled to begin 1/9/24.

FTC v. INTERCONTINENTAL SOLUTIONS LLC, 8:23-cv-1495 (C.D. Cal.)

Parties: Intercontinental Solutions
Express Enrollment LLC
Marco Manzi
Ivan Esquivel
Robert Kissinger
Thomas McNamara

Assigned Attorneys: Carlton Mosley (BCP/FP)
Gregory Ashe
Jeffrey Tang (WRLA)

Alleged Conduct: Deceptive practices in violation of Section 5(a) of the FTC Act, the Telemarketing Sales Rule, and the GLB Act in connection with misrepresentations surrounding a debt repayment scheme.

Status: Complaint filed 8/14/23.
TRO with asset freeze and appointment of receiver entered 8/16/23.
Stipulated preliminary injunction entered 8/30/23.

FTC v. KOCHAVA, INC., 2:22-cv-00377 (D. Idaho)

Parties: Kochava, Inc.

Assigned Attorneys: Brian Shull (BCP/DPIP)
Julia Horwitz
Elizabeth Scott

Alleged Conduct: Unfair practices in violation of Section 5(a) of the FTC Act in connection with data broker's sale of consumer data, including data that reveal consumers' visits to sensitive locations.

Status: Complaint filed 8/29/22.
Motion to dismiss for failure to state a claim filed 10/28/22; FTC's opposition filed 11/18/22; Kochava's reply filed 12/2/22; hearing on motion to dismiss held 2/21/23; motion to dismiss granted with leave to amend 5/4/23.
First amended complaint filed 6/05/23.
Motion to dismiss for failure to state a claim filed 7/5/23; FTC's opposition filed 8/9/23; Kochava's reply filed 8/30/23; FTC sur-reply filed 9/7/23.

FTC v. KW TECHNOLOGY INC., No. 1:23-cv-6633 (E.D. N.Y.)

Parties: KW Technology Inc.
KW Technology NV Inc.
Gary Kong
Timothy Wetzal

Assigned Attorneys: Robin Rock (SER)

Alleged Conduct: Deceptive practices in violation of Section 5(a) of the FTC Act in connection with advertising claims made about "Invisible Mask" product relating to the COVID-19 pandemic.

Status: Complaint filed 9/6/23.
Stipulated order for permanent injunction, monetary judgement, and other relief entered 10/24/23.

FTC v. LURN, INC., No. 8:23-cv-2622 (D. Mar.)

Parties: Lurn, Inc.
Anik Singal
Tyrone Cohen
David Kettner

Assigned Attorneys: Joshua Doan (BCP/DMP)
Ryan McAuliffe
Benjamin Davidson

Alleged Conduct: Deceptive practices in violation of Section 5(a) of the FTC Act and violations of the TSR in connection with marketing of investment opportunity.

Status: Complaint filed 9/27/23.
Stipulated order for permanent injunction and other relief entered 10/26/23.

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)
William Hodor

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.
Commission status report on status of criminal case filed 3/1/21.
Unopposed motion for specific relief from asset freeze filed 5/4/22; order granting motion entered 5/9/22.
Commission status report on criminal case filed 12/20/22.
Defendant's unopposed motion for specific relief from asset freeze filed 1/5/23; order granting motion entered 1/6/23.
Defendant's unopposed motion to amend/correct order on motion for miscellaneous relief filed 4/18/23; order granting motion entered 4/19/23.
Defendant's unopposed motion for specific relief from asset freeze filed 6/20/23; order granting motion entered 6/20/23.

FTC v. MDK MEDIA, INC., No. 2:14-cv-05099 (C.D. Cal.)

Parties: MDK Media, Inc.
Makonnen Demessow Kebede
Tendenci Media, LLC
Mindkontrol Industries, LLC
Christopher Thomas DeNovellis
Ancapa Media, LLC
Wayne Calvin Byrd II
Bear Communications, LLC
James Matthew Dawson
Network One Commerce Inc.
Casey Lee Adkisson
Erdi Development, LLC
Ocean Tactics, LLC
Fraser R. Thompson
Phwoar, LLC
Darcy Michael Wedd
Concise Consulting, Inc.
MMJX Consulting, Inc.
Michael Peter Pajaczkowski

Assigned Attorneys: Faye Chen Barnouw (WRLA)
Maricela Segura

Alleged Conduct: Deceptive and unfair business acts and practices in connection with the placement of unauthorized charges on consumers' mobile phone bills.

Status: Complaint filed 7/3/14.
TRO issued 7/7/14.
Amended complaint filed 10/6/14.
Final orders for permanent injunction and monetary judgment against MDK Media Inc., Makonnen Kebede, Tendenci Media LLC, Sarah Ann Brekke, Mindkontrol Industries LLC, Christopher Thomas DeNovellis, Anacapa Media LLC, Wayne Calvin Byrd II, Bear Communications LLC, James Matthew Dawson, Network One Commerce Inc., and Casey Lee Adkisson entered 5/6/15.
Orders staying case entered 7/23/15 and 10/20/15.
Final orders for permanent injunction against Darcy Michael Wedd, Phwoar, LLC, Fraser Robert Thompson, Ocean Tactics, LLC, Erdolo Levy Eromo, Erdi Development LLC, Michael Pajackowski, Concise Consulting, Inc., and MMJX Consulting, Inc. entered 11/15/23.

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

Parties: Meta Platforms, Inc., f/k/a Facebook, Inc.

Assigned Attorneys: Daniel John Matheson (BC/Office of the Director)
Susan Musser
Jessica Moy
Nathan Brenner
Krisha Cerilli (BC/TED)
Maria DiMoscato
Ario Fazli
Erin Frake
Patricia Galvan
Melissa Ihnat
June Im
Alicia Loh
Gary London, Jr.
Justin Lorber
Owen Masters
Noel Miller
Njeri Mugure
David Owyang
Stephen Pearson
Mark Silvia

Tim Slattery
Michael Smith
Jennifer Tarr
Peter Taylor
Oren Vitenson
Rebecca Weinstein
Sylvia Zhang
Robert Zuver, Jr.
Karen Goff (WRSF)
Christopher Harris (BC/Merger IV)
Anusha Sunkara
Albert Teng
Stuart Hirschfeld (NWRO)
Danica Noble
Michelle White (BCP/FP)
Nicholas Widnell (BC/Mergers I)

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.

Status: Complaint filed 12/9/20.
Facebook motion to dismiss filed 3/10/21; Commission opposition filed 4/7/21; Facebook reply filed 4/21/21; motion granted, order dismissing without prejudice entered 6/28/21.
Amended complaint filed 8/19/21.
Facebook motion to dismiss FTC's amended complaint filed 10/4/21; Commission opposition filed 11/17/21; Facebook reply filed 12/1/21; motion denied 1/11/22.

FTC v. NATIONAL UROLOGICAL GROUP, INC., Nos. 19-1445, 19-1445, 10-125 (S. Ct); Nos. 21-14161, 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: Tawana E. Davis (BCP/AP)
Edward Glennon
Mary Johnson

Mariel Goetz (OGC)
Amanda Basta (BCP/ENF)
Evan Mendelson
Cheryl Burris
Stephen Dowdell
Theodore Hoppock
Sydney Knight
Amanda Kostner
Cindy Liebes
Crystal Ostrum
Edwin Rodriguez
Alejandro Rosenberg
Valerie Verduce

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.

Motion for relief from judgment by Defendants Hi-Tech Pharmaceuticals, Inc. and Jared Wheat filed 5/13/21; Commission's opposition filed 5/26/21; Defendants' reply filed 6/9/21; motion denied 9/30/21.

Notice of appeal filed by Hi-Tech Pharmaceuticals, Stephen Smith, and Jared Wheat filed 11/22/21.
Appellants' opening brief filed 3/4/22; Commission's brief filed 5/4/22; appellants' reply brief filed 6/24/22.
Oral argument heard 7/18/23.
Opinion affirming district court's denial of relief from contempt judgment entered 8/29/23.
Writ of certiorari filed 12/27/23.

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
Lisa Bohl
Rachel Sifuentes
Michael Tankersley (BCP/FPD)

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 Neora LLC and Jeffrey Olson'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.
Defendants Neora LLC and Jeffrey Olson's motion for judgment on the pleadings filed 5/17/21; Commission response filed 6/7/21; Defendant's response filed 6/21/21.
Order granting defendants' motion for judgment on the pleadings with respect to FTC's claim for monetary relief, but denied in all other respects, entered 8/2/21.
Commission's motion for judgment on the pleadings on all affirmative defenses filed 5/3/22; Neora's opposition filed 5/24/22; Commission's reply filed 6/1/22; order granting Commission's motion entered 8/8/22.
Cross-motions for summary judgment filed 7/13/22; oppositions filed 8/13/22; order denying motions as moot entered 9/29/22.

Trial held 10/17/22 to 10/25/22.
Parties' post-trial briefs filed 11/23/22.
Order ruling against FTC on all counts and ordering all costs taxed against
FTC entered 9/28/23.
Order reducing costs taxed on FTC entered 10/24/23.
Neora motion for attorney's fees filed 12/22/23.

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
Sarah Waldrop
James H. Davis

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.
Commission motion for sanctions for contempt against Defendants James
D. Noland Jr., Scott Harris, Thomas Sacca, Success by Media,
LLC, and Success by Media Holdings Inc. filed 6/23/21.
Contempt motion against the FTC by contempt defendants filed 2/24/22;
Commission's opposition filed 3/10/22; contempt defendants'
reply filed 3/16/22; motion denied 3/28/22.

Order denying without prejudice Commission's motion for contempt sanctions entered 3/22/22; motion for reconsideration denied 3/30/22.

Case consolidated with *FTC v. James Noland*, No. 2:20-cv-00047 (lead action), on 7/26/22 (see that case for further developments).

FTC v. NOLAND, Nos. 23-3757, 21-15767, 21-16679 (9th Cir.); 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

Assigned Attorneys: Evan Michael Mendelson (BCP/ENF)
Jonathan Wesley Ware
Sarah Waldrop
Mark Hegedus (OGC)
Imad Abyad
Jesselyn Friley

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.

Motion for sanctions against individual defendants for intentional spoliation of evidence filed 1/28/21; Defendants' opposition filed 2/19/21; Commission's reply filed 2/25/21.

Motion for summary judgment as to liability filed 3/12/21; Defendants' opposition filed 5/3/21; Commission's reply filed 6/28/21.

Order denying motion to intervene by Success by Health affiliates entered 4/1/21; notice of appeal by would-be intervenors filed 4/19/21; appellants' motion for voluntary dismissal of appeal granted 7/23/21.

Motion for preliminary injunction with asset freeze and receivership filed 5/18/21; Defendants' opposition filed 6/11/21; Commission's reply filed 6/16/21.

Commission's motion for summary judgment as to monetary remedies filed 6/23/21; defendants' opposition filed 8/6/21; Commission's reply filed 8/16/21.

Motion to dissolve the preliminary injunction order and stay or dismiss 13(b) proceedings by individual defendants filed 7/30/21; Commission's opposition filed 8/6/21; defendants' reply filed 8/13/21.

FTC motion for sanctions for intentional spoliation of evidence granted 8/30/21.

Order granting FTC's motion for summary judgment on liability entered 9/9/21.

Order granting FTC motion for preliminary injunction with asset freeze and receivership, and denying individual defendants' motion to dissolve preliminary injunction and stay or dismiss 13(b) proceedings, entered 9/23/21.

Notice of appeal of preliminary injunction order and denial of motion to dismiss by individual defendants filed 10/8/21.

Order denying FTC motion for summary judgment on remedies entered 11/23/21.

Motion for voluntary dismissal of appeal granted 12/14/21.

FTC's motion to apply summary judgment on liability order to corporate defendants filed 1/31/22; defendants' opposition filed 2/14/22; denied without prejudice 2/17/22.

Motion to set aside judgment by individual defendants filed 2/22/22; FTC's opposition filed 3/4/22; reply filed 3/10/22; denied 3/28/22.

Case consolidated with *FTC v. Netforce Seminars*, No. 2:00-cv-02260, on 7/26/22.

Bench trial held 1/25/23 to 2/10/23.

Commission's proposed final order as to individual defendants filed 5/24/23; individual defendants' objection filed 6/1/23; Commission's response filed 6/12/23; individual defendants' reply filed 6/13/23.

Order lifting stay as to corporate defendants entered 6/10/23.

Stipulated final orders for permanent injunction and monetary judgment against corporate defendants Success By Media Holdings Inc., Success By Media LLC, and Enhanced Capital Funding entered 9/18/23.

Final order for permanent injunction and monetary judgment against individual defendants James D. Noland, Jr., Lina Noland, Scott Harris, and Thomas G. Sacca entered 9/18/23.

Notice of appeal by Jay Noland, Lina Noland, Scott Harris, and Thomas Sacca filed 11/17/23.

FTC et al. v. PEYROUX et al., No. 1:21-cv-3329 (N.D. Ga.)

Parties: Steven D. Peyroux
Brent J. Detelich
Regenerative Medicine Institute of America, LLC
Physicians Business Solutions, LLC
Superior Healthcare, LLC
State of Georgia (Co-Plaintiff)

Assigned Attorneys: Elizabeth Nach (BCP/AP)
Robert Van Someren Greve
Stacy Cammarano
Cassandra Rasmussen

Alleged Conduct: Deceptive acts and practices in connection with marketing claims about efficacy of stem cell therapy for various orthopedic ailments.

Status: Complaint filed 8/16/21.
Plaintiff's motion for summary judgment filed 3/17/23; defendant Steven D. Peyroux and corporate defendants' opposition filed 5/4/23; defendant Brent Detelich's opposition filed 5/12/23; Plaintiff's reply to Peyroux and corporate defendants filed 5/25/23; Plaintiff's reply to Detelich filed 6/2/23.

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 (Co-Plaintiff)

Assigned Attorneys: Annette Soberats (BCP/AP)
Christine Lee DeLorme

Edward Glennon
Andrew Wone
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.
Order granting defendants a jury trial entered 4/26/21.
Order dismissing without prejudice the FTC's claim for monetary relief entered 9/17/21.
Defendants' motion for summary judgment filed 4/14/22; Commission's opposition filed 6/18/22; defendants' reply filed 7/11/22.
Order granting Individual Defendant Mark Underwood's motion for partial summary judgment on NY State's claims entered 7/5/22.
Order denying Defendants' motion for summary judgment entered 12/19/22.
FTC's motion to participate in the jury trial filed 12/1/23.
Trial set for 2/21/24.

FTC v. QYK BRANDS, LLC, No. 22-55446 (9th Cir.); No. 8:20-cv-1431 (C.D. Cal.)

Parties: QYK Brands, LLC d/b/a Glowwy
DRJSNATURAL, LLC
Theo Pharmaceuticals, Inc.
EASII, Inc.
Rakesh Tammabattula
Jacqueline Nguyen

Assigned Attorneys: Katherine Johnson (BCP/ENF)
Kristy Tillman
Christopher Erickson
Delilah Vinzon (WR-LA)
Mariel Goetz (OGC)

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.
Amended complaint adding new defendants Theo Pharmaceuticals, Inc. and EASII, Inc. filed 5/19/21.
Defendants' motion to dismiss case filed 6/23/21; Commission's opposition filed 11/12/21; defendants' reply filed 11/19/21.
Order denying defendants' motion to dismiss entered 11/30/21.
Motion for summary judgment by the Commission filed 2/15/22; counter-motion for partial summary judgment by defendants filed 2/16/22; oppositions to each motion filed 3/18/22; replies filed 3/25/22.
Minute order granting Commission's motion for summary judgment and denying defendants' motions for partial summary judgment entered 4/6/22.
Final order for permanent injunction entered 4/22/22.
Defendants' notice of appeal filed 4/29/22.
Defendants' motion for partial stay of injunction pending appeal filed 4/29/22; Commission's opposition filed 6/3/22; reply filed 6/10/22; order by district court denying stay entered 6/21/22.
Appellants' motion to Ninth Circuit for stay pending appeal filed 6/30/22.
Appellants' opening brief filed 7/6/22; FTC answering brief filed 9/28/22; appellants' reply brief filed 11/1/22.
Oral argument heard 3/6/23.
New oral argument following departure of Judges Kleinfeld and Watford heard 9/18/23.

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)
Laura Basford
Thomas Biesty
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 and order to show cause why a preliminary injunction should not issue entered 12/8/20.
Defendants' response to order to show cause filed 1/13/21; Commission reply filed 1/27/21; hearing held 3/19/21.
Amended complaint filed 2/4/21.
Motion to dismiss by Defendants Jason Bond, LLC, and Sherwood Ventures, LLC filed 4/16/21; motion to dismiss for failure to state a claim and strike request for monetary relief by Defendants Kyle W. Dennis, Winston Corp., and Winston Research Inc. filed 4/16/21; Commission opposition filed 5/18/21; Defendant Kyle Dennis's reply filed 6/1/21.
Notice of voluntary dismissal as to Defendants Winston Corp., and Winston Research Inc. filed 5/18/21; order of dismissal entered 5/18/21.
Commission motion to amend complaint filed 6/11/21; Defendant Kyle Dennis's opposition filed 6/25/21; opposition by Jeffrey M. Bishop, Jason Bond, LLC, RagingBull.com, LLC, and Sherwood Ventures, LLC filed 7/02/21; FTC reply filed 7/15/21.
Motion to intervene by Stripe, Inc. filed 12/20/21; Commission's response filed 1/3/22; reply by Stripe filed 1/19/22; order denying motion entered 3/15/22.
Stipulated final order for permanent injunction, monetary judgment, and other relief as to Ragingbull.com, LLC, Sherwood Ventures, LLC, Jason Bond, LLC, Jeffrey M. Bishop and Jason Bond entered 3/15/22.

Commission's second amended complaint filed 3/15/22; answer by defendants Kyle Dennis filed 3/29/23.
Motion to dismiss by Kyle Dennis filed 4/5/22; Commission's opposition filed 4/19/22; reply filed 5/3/22; motion denied 3/15/23.
Commission's motion to strike jury demand and certain affirmative defenses from answer by Kyle Dennis filed 4/19/23; defendant's response filed 5/3/23; Commission's reply filed 5/17/23.
Stipulated final order for permanent injunction and other relief as to Kyle Dennis entered 9/11/23.

FTC v. REJUVICA LLC, No. 8:23-cv-1286 (C.D. Cal.)

Parties: Rejuvica LLC
Kyle Armstrong
Kyle Dilger

Assigned Attorneys: Aaron Michael Schue (WRLA)
Courtney Estep (BCP/AP)
Shira Modell

Alleged Conduct: Deceptive practices in violation of Section 5(a) and 12 of the FTC Act and the Opioid Addiction Recovery Fraud Prevention Act in connection with deceptive marketing claiming that defendants' product can reduce alcohol cravings.

Status: Complaint filed 7/18/23.
Stipulated order for permanent injunction and monetary relief entered 7/20/23.

FTC v. RHINELANDER AUTO CENTER, INC., No. 3:23-cv-737 (D. Wis.)

Parties: Rhineland Auto Center, Inc.
Rhineland Motor Company
Rhineland Auto Group LLC
Rhineland Import Group LLC
Daniel Towne
State of Wisconsin (Co-Plaintiff)

Assigned Attorneys: Rachel Granetz (MWR)
Rachel Sifuentes
Nathan Nash

Alleged Conduct: Deceptive and unfair acts or practices in violation of Section 5(a) of the FTC Act, the Equal Credit Opportunity Act, and Wisconsin State Law in connection with automobile dealer's add-on products and discriminatory costs.

Status: Complaint filed 10/24/23.
Stipulated orders for permanent injunction and monetary judgment entered
11/06/23.

FTC v. RITE AID CORP., No. 2:23-cv-5023 (E.D. Pa.)

Parties: Rite Aid Corporation
Rite Aid Hdqtrs. Corp.

Assigned Attorneys: Brian Welke (BCP/ENF)
Christopher Erickson
Leah Frazier (BCP/FP)
Robin Wetherill (BCP/DPIP)

Alleged Conduct: Unfair acts and practices in violation of Section 5(a) of the FTC Act and a
Commission order in connection with installment of facial recognition
technology and the failure to implement reasonable security procedures
around the use of facial recognition.

Status: Complaint filed 12/19/23.

FTC v. ROOMSTER CORP., No. 1:22-cv-7389 (S.D.N.Y.)

Parties: Roomster Corp.
Jonathan Shriber
Roman Zaks
Jonathan Martinez
State of California (co-plaintiff)
State of Colorado (co-plaintiff)
State of Florida (co-plaintiff)
State of Illinois (co-plaintiff)
Commonwealth of Massachusetts (co-plaintiff)
State of New York (co-plaintiff)

Assigned Attorneys: Angeleque Linville (SER)
Valerie Verduce

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in
connection with the marketing of rental platform listings.

Status: Complaint filed 8/30/22.
Stipulated permanent injunction as to Defendant Jonathan Martinez,
including monetary relief to Plaintiff States, entered 9/6/22.

Defendant's motion to dismiss filed on 10/31/22; FTC and State Plaintiffs' opposition filed 12/5/22; Defendants' reply brief filed 12/21/22; motion to dismiss denied 2/1/23.

FTC v. ROSS, No. 23-405 (S. Ct.); No. 22-2078 (4th Cir.); No. 1:08-CV-03233 (D. Md.)

Parties: Innovative Marketing, Inc., *et al.*
Kristy Ross

Assigned Attorneys: Matthew Hoffman (OGC)
Miriam Lederer (BCP/ENF)

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

Status: Complaint filed 12/2/08.
Order for permanent injunction and monetary relief entered 9/24/12; affirmed on appeal 2/25/14; petition for writ of certiorari denied 10/6/14.
Motion by Kristy Ross to vacate monetary portion of the judgment in light of *AMG* filed 9/9/21; Commission's opposition filed 9/22/21; reply by Kristy Ross filed 10/6/21; order denying motion entered 9/14/22; notice of appeal filed 10/12/22.
Ross's opening brief filed 12/07/22; Commission's answering brief filed 1/20/23; Commission's corrected response brief filed 1/23/23; Ross's reply brief filed 2/17/23.
Supplemental briefs filed 5/1/23.
Oral argument heard 5/3/23.
Opinion affirming decision of district court entered 7/19/23.
Petition for writ of certiorari by Ross filed 10/16/23.

FTC v. SIMPLE HEALTH PLANS, LLC, Nos. 19-10840, 19-11932, 21-13116 (11th Cir.), No. 0:18-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)

Purba Mukerjee
Joannie Wei
Roberto Menjivar
Brad Grossman (OGC)
Matthew Hoffman

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.
11th 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.

Commission motion for summary judgment filed 1/15/21; Steven Dorfman's opposition filed 2/12/21; Commission's reply filed 2/16/21.

Defendant Steven Dorfman's motion for summary judgment filed 1/15/21; Commission's opposition filed 2/12/21; Steven Dorfman's reply filed 2/16/21.

Defendant Steven Dorfman's emergency motion to dissolve preliminary injunction filed 4/22/21; Commission opposition filed 4/30/21; Dorfman's reply filed 5/3/21; Commission supplemental brief filed 6/10/21; Dorfman's supplemental brief filed 6/10/21.

Order denying Dorfman's emergency motion to dissolve preliminary injunction entered 9/5/21.

Stipulated order for permanent injunction and suspended monetary judgment as to defendant Candida Girouard entered 9/8/21.

Notice of appeal from order denying motion to dissolve preliminary injunction filed 9/10/21.

Dorfman opening brief filed 11/24/21.

FTC brief filed 1/26/22.

Dorfman reply brief filed 3/18/22.

Oral argument held 9/14/22.

Opinion affirming decision of district court entered 1/27/23.

FTC motion to lift stay filed 1/31/23.

Defendant Dorfman's counsel's motion to withdraw and for 60-day extension filed 2/2/23; motion to withdraw granted 2/6/23.

Order denying Dorfman's motion to stay issued 3/15/23.

Order staying case for 60 days until ruling on cross motions for summary judgment issued 3/23/23.

Order removing matter from trial calendar until after court rules on pending motions entered 6/28/23.

FTC v. SL FINANCE LLC, et al., No. 8:23-cv-698 (C.D. Cal.)

Parties: SL Finance LLC
Michael Castillo
Christian Castillo

Assigned Attorneys: Katherine Aizpuru (BCP/FP)
Samuel Jacobson
Carlton Mosley
John Jacobs (WRLA)
Mary Weaver

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Telemarketing Act, the COVID-19 Act, and the Gramm-Leach-Bliley Act in connection with the marketing and sale of student loan debt relief services.

Status: Complaint filed 4/24/23.
Ex parte TRO entered on 5/2/23; TRO extended 5/16/23.
Stipulated preliminary injunction entered 5/22/23.
Stipulated final order for permanent injunction and monetary relief entered
10/24/23.

FTC v. SMITH, No. 2:23-cv-4848 (E.D. Penn.)

Parties: Samuel James Smith d/b/a Weblio, a/k/a Weblio Squeeze
Robert Williams Shafer d/b/a Shafer MM&I, a/k/a MMI
Charles Joseph Garis, Jr.
Business Revolution Group Inc. d/b/a Joe Gaines

Assigned Attorneys: Patrick Connell McNulty (BCP/MP)
Lauren Rivard

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 of a
business opportunity scheme.

Status: Complaint filed 12/8/23.
TRO entered 12/22/23.

FTC v. SOLLERS, INC, No. 2:23-cv-21250 (D. N.J.)

Parties: Sollers, Inc.
Sollers Education, LLC
New Jersey (Co-Plaintiff)

Assigned Attorneys: Wendy Miller (BCP/DFP)
Paul Mezan

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and
the Holder Rule in connection with for-profit school's false
representations about its job-placement rates and use of "income share
agreements" to finance students' education that lacked required
disclosures.

Status: Complaint filed 10/18/23.
Stipulated order for permanent injunction and monetary relief entered
10/19/23.

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
Jonathan Cohen
Savvas Socrates Diacosavvas (NER)

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.
Status report by FTC filed 10/26/21 and 4/14/22.
Motion to stay by Kevin J. Lipsitz filed 6/17/22; FTC opposition filed 6/26/22.
Hearing held and order from the bench granting stay entered 6/26/22.
Joint status report filed 10/14/22.
Joint motion to stay pending settlement filed 2/6/23; motion granted 2/7/23.
Stay lifted and discovery schedule entered 9/6/23.
Joint motion to stay pending settlement filed 12/6/23; motion granted 12/11/23.

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

Parties: Surescripts, LLC

Assigned Attorneys: Bradley Albert (BC/HC)
Markus Meier
David B. Schwartz
Joseph P. Mathias
Tanya O'Neil
Daniel Matheson
Jordy Hur
Timothy Grayson
Nicholas Leefer
Andrew Kennedy

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.
Stipulated order dismissing without prejudice the Commission's request
for equitable monetary relief entered 5/17/21.
FTC and Surescripts, LLC motions for summary judgment filed 3/28/22;
oppositions briefs filed 4/25/22; reply briefs filed 5/16/22.
Oral argument on summary judgment motions held 3/16/23.
Order granting FTC's motion for partial summary judgment on market
definition and monopoly power, deferring ruling on Surescripts'
motion for summary judgment, entered 3/30/23.
Stipulated order for permanent injunction and equitable relief entered
8/9/23.

FTC v. SYNGENTA CROP PROTECTION AG, et al., 1:22-cv-00828 (M.D.N.C.)

Parties: Syngenta Crop Protection AG
Syngenta Corporation
Syngenta Crop Protection, LLC
Corteva, Inc.
State of California (Co-Plaintiff)
State of Colorado (Co-Plaintiff)
State of Illinois (Co-Plaintiff)
State of Indiana (Co-Plaintiff)
State of Iowa (Co-Plaintiff)
State of Minnesota (Co-Plaintiff)
State of Nebraska (Co-Plaintiff)
State of Oregon (Co-Plaintiff)
State of Tennessee (Co-Plaintiff)
State of Texas (Co-Plaintiff)
State of Wisconsin (Co-Plaintiff)
State of Washington (Co-Plaintiff)

Assigned Attorneys: James Weingarten (BC/Office of the Director)
Geoffrey Green (BC/ACP)
Joseph Baker
Karna Adams
Wesley Carson
Elizabeth Gillen
Phillip Kehl
Lauren Patterson
Michael Turner

Alleged Conduct: Violations of Section 5 of the FTC Act, Section 3 of the Clayton Act, and laws enforced by state plaintiffs through loyalty programs that block competition from manufacturers of low-cost generic agricultural pesticides even after relevant patents have expired.

Status: Complaint filed 9/29/22.
Defendants' motions to dismiss filed 12/12/22; plaintiff's response filed 12/23/22.
Amended complaint adding two state plaintiffs filed 12/23/22.
Defendants' motion to dismiss filed 1/13/23; plaintiffs' opposition filed 2/10/23; defendants' replies filed 3/3/23.
Oral argument on defendants' motions to dismiss held 12/1/23.

FTC v. TRAFFIC AND FUNNELS, LLC, No. 3:23-cv-1277 (M.D. Ten.)

Parties: Traffic and Funnels, LLC
WE Capital, LLC
Evans and Welch, Inc.
Evans and Welch Holdings, LLC
Taylor Welch
Christopher Evans
Payton Welch
Ashton Shanks

Assigned Attorneys: Frances Kern (FTC/DMP)
Virginia 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 money-making and investment opportunities.

Status: Complaint filed 12/05/2023.
Proposed stipulated order for permanent injunction and monetary judgment as to defendant Christopher Evans filed 12/11/23.
Proposed stipulated order for permanent injunction and monetary judgment as to defendants Traffic and Funnels LLC, WE Capital LLC, Evans and Welch, Inc., Evans and Welch Holdings, LLC, Taylor Welch, Payton Welch, and Ashton Shanks filed 12/11/23.

FTC v. TRANSUNION RENTAL SCREENING SOLUTIONS, No. 1:23-cv-2659 (D. Col.)

Parties: TransUnion Rental Screening Solutions, Inc.
Trans Union LLC
Consumer Financial Protection Bureau (Co-Plaintiff)

Assigned Attorneys: Whitney Moore (BCP/DPIP)

Jarad A. Brown

Alleged Conduct: Violations of the Fair Credit Reporting Act by failing to ensure the accuracy of background information provided to tenants and landlords that interfered with the ability of consumers to find housing.

Status: Complaint filed 10/12/23.
Stipulated order for permanent injunction, monetary judgement, civil penalty judgment, and other relief entered 10/18/23.

FTC v. TRIANGLE MEDIA CORP. No. 22-56012 (9th Cir.); No. 3:18-cv-01388 (S.D. Cal.)

Parties: Triangle Media Corporation, *et al.*
Wells Fargo & Co. (Proposed Intervenor)
Wells Fargo Bank N.A. (Proposed Intervenor)

Assigned Attorneys: Jonathan W. Ware (BCP/ENF)
Matthew Wernz
Rebecca Church
Samantha Gordon
Michael Bergman (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Restore Online Shoppers' Confidence Act, and the Electronic Fund Transfer Act in connection with the marketing of supposedly "free trial" offers for personal care products and dietary supplements online.

Status: Complaint filed 6/25/18; amended complaint filed 12/11/18.
Stipulated orders for permanent injunction and monetary judgment entered 5/29/19.
Motion to intervene and void monetary judgment and receivership in light of *AMG* by Well Fargo filed 11/10/21; oppositions by FTC and Receiver filed 12/20/21; reply filed 1/10/22; order denying intervention entered 9/22/22; notice of appeal filed 10/27/22.
Wells Fargo opening brief filed 3/8/23; FTC responding brief filed 5/9/23; Wells Fargo reply brief due 6/29/23.
Oral argument heard on 10/19/23.
Opinion affirming in part and dismissing in part district court's order denying motion to intervene entered 12/12/23.

FTC v. U.S. ANESTHESIA PARTNERS, INC., No. 4:23-cv-3560 (S.D. Tex.)

Parties: U.S. Anesthesia Partners, Inc.
Welsh, Carson, Anderson & Stowe XI, L.P.
WCAS Associates XI, LLC
Welsh, Carson, Anderson & Stowe XII, L.P.

WCAS Associates XII, LLC
WCAS Management Corporation
WCAS Management, L.P.
WCAS Management, LLC

Assigned Attorneys: Bradley Scott Albert (BC/HC)
Dylan Herts
Eric Sprague
Garth Huston
Gary Schorr
Leah Hubinger
Michael Arin
Neal Perlman
Patrick Kennedy
Timothy Grayson
Kara Monahan

Alleged Conduct: Anticompetitive conduct in violation of Section 5(a) of the FTC Act, Section 2 of the Sherman Act, and Section 7 of the Clayton Act in connection with multi-year scheme to consolidate anesthesia practices in Texas.

Status: Complaint filed 9/21/23.
Defendants' motion to dismiss filed 11/20/23.

FTC v. VOYAGER DIGITAL LLC, No. 1:23-cv-8960 (S.D. N.Y.)

Parties: Voyager Digital LLC
Voyager Digital Holdings, Inc.
Voyager Digital Ltd.
Stephen Ehrlich
Francine Ehrlich (Relief Defendant)

Assigned Attorneys: Quinn Martin (BCP/FP)
Larkin Turner
Sanya Shahrabi
Katherine Aizpuru

Alleged Conduct: Deceptive conduct in violation of the Section 5(a) of the FTC Act and the Gramm-Leach-Bliley Act in connection with false claims that consumer deposits made through defendants' cryptocurrency network were FDIC insured.

Status: Complaint filed 10/12/23.
Stipulated order for permanent injunction and monetary judgment as to corporate defendants entered 11/27/23.

FTC v. VISION ONLINE, No. 6:23-cv-1041 (M.D. Fla.)

Parties: Vision Online, Inc.
Ganadores IBR, Inc.
Vision Online Digital
Vision Online English, LLC
Vision Online Latino, LLC
Richard Alvarez
Sara Alvarez
Robert Shemin
Bryce Chamberlain

Assigned Attorneys: Joseph Ronald Brooke, Jr. (BCP/MP)
Virginia Rosa

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Business Opportunity Rule, the “Cooling-Off Rule”, and the Consumer Review Fairness Act of 2016 in connection with advertising and selling business trainings and opportunities targeting Spanish-speaking consumers.

Status: Complaint filed 6/5/23.
Ex parte TRO entered 6/7/23.
Preliminary injunctions with respect to all defendants entered 7/18/23 and 8/1/23.
Joint motion to stay proceedings pending Commission approval of settlement with respect to all defendants except Robert Shemin filed 11/3/23; order staying case with respect to the eight settling defendants entered 11/20/23.

FTC v. VYERA PHARMACEUTICALS, LLC, No. 22-728 (2d. Cir.); 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 A. Albert
Armine Black
Daniel W. Butrymowicz
Leah Hubinger
Lauren Peay
Neal Perlman
Maren Haneberg
James Weingarten (BC/Office of the Director)
Brad Grossman (OGC)

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.
Commission letter motion for spoliation sanctions against Defendants filed 5/17/21; defendants' responses filed 5/21/21; order imposing sanctions entered 6/1/21.
Order dismissing Commission's prayer for equitable monetary relief entered 6/2/21.
Stipulated order for permanent injunction and equitable monetary relief against Phoenixus AG, Vyera Pharmaceuticals, LLC, and Kevin Mulledy entered 12/7/21.
Trial against Martin Shkreli held 12/10/21 to 12/22/21.
Opinion and order finding Shkreli liable for federal and state antitrust law violations and ordering him barred for life from the pharmaceutical industry and requiring him to pay \$64.6 million in equitable monetary relief entered 1/14/22.
Order for permanent injunction and equitable monetary relief entered 2/4/22.
Shkreli's notice of appeal filed 4/5/22.
Shkreli's appeal brief filed 12/23/22; FTC and states' appellee brief filed 3/23/23; Shkreli's reply brief filed 4/13/23.
Oral argument heard 12/14/23.

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

Parties: Zaappaaz, LLC
Azim Makanojiya

Assigned Attorneys: Anne Collesano (BCP/ENF)

Adrienne Lighten
Michele 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.
Cross-motions for summary judgment filed 10/26/22; FTC opposition to defendants' motion filed 12/02/22; defendants' opposition to Commission's motion filed 12/27/22; defendants' corrected reply in support of their motion for partial summary judgment filed 1/24/23; FTC reply in support of its motion filed 1/24/23.
Magistrate judge's report and recommendation that FTC's motion for summary judgment be granted in part and denied in part, and that defendants' motion for partial summary judgment be denied, entered 6/9/23; order adopting recommendations entered 8/3/23.
Trial held 12/18/23.

CIVIL PENALTY AND ENFORCEMENT CASES*

(A) Consumer Protection

UNITED STATES v. AMAZON.COM INC., No. 2:23-cv-811 (W.D. Wash.)

Parties: Amazon.com Inc.
Amazon.com Services LLC

Assigned Attorneys: James Nelson (DOJ)
Kayla Stahman
Rachael Doud

Alleged Conduct: Violations of Sections 5 of the FTC Act and 1303(c) and 1306(d) of the Children's Online Privacy Protections Act of 1998 ("COPPA").

Status: Complaint filed 5/31/23.
Stipulated order for permanent injunction, civil penalty judgement, and other relief entered 7/19/23.

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

FTC v. AMAZON.COM INC., No. 2:23-cv-932 (W.D. Wash.)

Parties: Amazon.com Inc.
Neil Lindsay
Russell Grandinetti
Jamil Ghani

Assigned Attorneys: Evan Mendelson (BCP/ENF)
Jonathan Cohen
Olivia Jerjian
Thomas Nardini
Colin MacDonald (NWR)

Alleged Conduct: Violations of Section 5 of the FTC Act and the Restore Online Shoppers' Confidence Act ("ROSCA") for enrolling consumers in its Amazon Prime service without their consent.

Status: Complaint filed 6/21/23.
Amazon's motion to strike improper complaint allegations filed 7/17/23;
FTC's response filed 7/31/23; reply filed 8/4/23.
Amended complaint filed 9/20/23.
Defendants' motions to dismiss amended complaint filed 10/18/23; FTC's
opposition filed 11/17/2; replies filed 12/8/23.

UNITED STATES v. B4B EARTH TEA LLC, No. 1:22-cv-1159 (E.D.N.Y.)

Parties: B4B Earth Tea, LLC
B4B Corp.
Andrew Martin Sinclair

Assigned Attorneys: James Nelson (DOJ/CPB)
Zachary Dietert
Michael Blume (DOJ/EDNY)
Michael Shane (FDA)
Robert van Someren Greve (BCP/AP)

Alleged Conduct: Violations of the COVID-19 Consumer Protection Act, and Sections 5 and 12 of the FTC Act, in connection with false or unsubstantiated claims that an herbal tea containing aloe vera and honey treats or prevents COVID-19, is as good or better than available vaccines at treating or preventing the virus, and is clinically proven to treat and prevent COVID-19.

Status: Complaint filed 3/3/22.
Defendant Sinclair's motions to dismiss filed 6/1/22; United States' opposition filed 6/15/22.
Order granting 60-day stay entered 6/30/22.
Joint status report filed 10/28/22.

United States status report filed 4/7/23; defendants' status report filed 4/10/23.
Order denying Sinclair's motions to dismiss entered 12/7/23.

UNITED STATES v. BURGERIM GROUP USA, No. 2:22-cv-825 (C.D. Cal.)

Parties: Burgerim Group USA, Inc.
Burgerim Goup, Inc.
Oren Loni

Assigned Attorneys: Marcus Smith (DOJ)
Stephen Tosini

Alleged Conduct: Violations of Section 5 of the FTC Act and the Franchise Rule by enticing consumers to purchase franchises using false promises while withholding information required by the rule.

Status: Complaint filed 2/7/22.
United States' application for clerk to enter default against Burgerim Group USA, Inc. and Burgerim Group, Inc. filed 5/23/22.
Order granting time for service of process and request of default entered 6/13/22.
Clerk entry of default as to Burgerim Group USA, Inc. and Bugerim Group Inc. on 7/14/22.
Mediation report filed 10/26/23.
Stipulated order for permanent injunction and monetary judgments for civil penalty and consumer redress as to defendant Oren Loni entered 11/20/23.
United States' application for default judgment against Burgerim Group USA, Inc. and Burgerim Group, Inc. filed 12/22/23.

UNITED STATES v. CONNORS, No. 2:23-cv-475 (M.D. Fla.)

Parties: Michael J. Connors
ProTouch Marketing, LLC
Woodford Hills, LLC
Oakhill Research, LLC
Evergreen Marketing, LLC
Sterling Health, LLC
Clara Vista Media, LLC

Assigned Attorneys: Mary Englehart (DOJ/CIV)
Rafael Reneri (BCP/AP)
Richard Quaresima
Serena Viswanathan
Shira Modell

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) and Section 12 of the FTC Act as well as violation of OARFPA in connection with products advertised as effective ways to quit smoking.

Status: Complaint filed 6/29/23.
Order for permanent injunction, monetary judgment, civil penalty judgment, and other relief against all defendants entered 7/26/23.

UNITED STATES v. CONSUMERINFO.COM, No. 8:23-cv-1494 (C.D. Cal.)

Parties: Consumerinfo.com, Inc., d/b/a Experian Customer Services

Assigned Attorneys: James Thomas Nelson (DOJ)
Ross McDougall Cuff

Alleged Conduct: Deceptive acts and practices in violations of Section 5(a) of the FTC Act and the CAN-SPAM Act.

Status: Complaint filed 8/14/23; proposed stipulated order for permanent injunction filed 8/14/23; notice of settlement filed 8/14/23.
Stipulated order for permanent injunction, civil penalty judgment, and other relief entered 8/22/23.

UNITED STATES v. CONSUMER LAW PROTECTION, No. 4:22-cv-01243 (E.D. Mo.)

Parties: Consumer Law Protection, LLC
Consumer Rights Counsel
Premier Reservations Group, LLC
Resort Transfer Group, LLC
Square One Development Group, Inc., dba Square One Group
Square One Group, LLC
Timeshare Help Source
Farmington Allegiance, LLC
Mainline Partners, LLC
The Jake and Avery Irrevocable Trust dated September 11, 2019
The Maggie and Lucy Irrevocable Trust dated September 11, 2019
Christopher Carroll
George Reed
LouAnn Reed
Scott Jackson
Eduardo Balderas
State of Wisconsin (co-plaintiff)

Assigned Attorneys: Ellen Bowden McIntyre (DOJ)
Amy Pentz Kaplan
Samantha Denny (MWR)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the FTC's Cooling Off Rule, and state law in connection with the promotion and sale of fraudulent timeshare exit services to seniors.

Status: Complaint filed 11/21/22.
Defendants' motions to dismiss filed 1/27/23, 2/08/23, and 2/09/23;
opposition to motions by the United States filed 3/03/23;
Defendants' replies filed 3/16/23 and 3/20/23.
Order denying defendants' motions to dismiss entered 9/25/23.

FTC v. DAY PACER LLC, No. 23-3310 (7th Cir.); 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: Mark Glassman (BCP/FP)
Patrick Roy
William Joseph Hodor
Mark Hegedus (OGC)

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.

Status: Complaint filed 3/22/19.
Status hearing held 6/10/19.
Order striking two of defendants' affirmative defenses entered 2/28/20.
FTC's motion for summary judgment filed 8/2/21; Defendants' cross-motions for summary judgment and oppositions to FTC's motion filed 10/1/21; amended cross-motions and oppositions filed 10/8/21; FTC reply in support of its motion and opposition to cross-motions filed 12/10/21; Defendants' replies in support of their cross-motions for summary judgment filed 1/5/22 and 1/7/22.
Notice of death of Defendant David Cumming filed 2/25/22; FTC motion to substitute personal representative of Cumming's estate filed 4/5/22; personal representative's opposition filed 5/26/22; FTC's reply in support of motion to substitute filed 6/3/22.
Order reassigning case to Honorable Lindsay C. Jenkins 2/27/23.
Joint status report filed 5/24/23.
Order granting FTC's motions for substitution and summary judgment against defendants entered 9/1/23.

Hearing on injunctive relief and civil penalties held 11/8/23.
Order for permanent injunction against Day Pacer defendants (Day Pacer LLC, Edutrek LLC, Raymond Fitzgerald, and Ian Fitzgerald) entered 11/21/23.
Notice of appeal by Day Pacer defendants filed 11/29/23.
Motion to stay order pending appeal filed 11/29/23; FTC's opposition filed 12/13/23; defendants' reply filed 12/19/23.
Memorandum regarding civil penalties by personal representative of Cumming's estate filed 12/8/23; FTC's opposition filed 12/19/23.

FTC v. ELITE IT PARTNERS, No. 23-4009 (10th Cir.); No. 2:19-cv-00125 (D. Utah)

Parties: Elite IT Partners d/b/a Elite IT Home
James Michael Martinos

Assigned Attorneys: Amanda R. Grier (BCP/MP)
Colleen Robbins
Elsie Kappler
Michael Bergman (OGC)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Telemarketing Sale Rule, and Section 4 of the Restore Online Shoppers' Confidence Act in connection with computer technical support scheme.

Status: Complaint filed 2/25/19.
TRO entered 2/26/19.
Preliminary injunction entered 5/6/19.
Stipulated order for Permanent injunction and monetary judgement entered 12/9/19.
Defendants' motion to vacate monetary judgment in light of *AMG* filed 3/17/22; FTC opposition filed 4/14/22; defendants' reply filed 5/12/22; order denying motion to vacate entered 1/23/23.
Notice of appeal filed 1/26/23.
Defendants' opening brief filed 4/28/23; FTC's answering brief filed 6/30/23; defendants' reply brief filed 7/21/23.
Oral argument heard 11/15/23.

UNITED STATES v. ERIC ANTHONY NEPUTE, No. 4:21-cv-00437 (E.D. Mo.)

Parties: Eric Anthony Nepute
Quickwork LLC d/b/a Wellness Warrior

Assigned Attorneys: Ben Cornfeld (DOJ/CPB)
Brandon Robers
Zachary Cowan
Kristin Williams (BCP/AP)

Alleged Conduct: Violations of the COVID-19 Consumer Protection Act, and Sections 5 and 12 of the FTC Act, in connection with false or unsubstantiated claims that dietary supplements containing vitamin D and zinc treat or prevent COVID-19 and are as good or better than available COVID-19 vaccines at treating or preventing the virus.

Status: Complaint filed 4/15/21.
Stipulated preliminary injunction entered 5/5/21.
Defendant Nepute's motion to dismiss and motion for sanctions filed 6/3/21; United States' opposition filed 6/17/21; Defendant Quickwork's partial joinder of Nepute's motion to dismiss filed 6/18/21; Defendant Nepute reply filed 6/28/21; Defendant Quickwork's partial joinder of Nepute's reply filed 6/28/21.
Motion to dismiss denied 12/8/21.
United States' motion for contempt filed 3/4/22; oppositions by Nepute and Quickwork filed 4/1/22; United States' reply filed 4/15/22.
United States' motion for partial summary judgment filed 9/2/22; opposition by Nepute filed 11/20/22; reply filed 11/23/22.
Defendants' motion for partial summary judgment filed 9/2/22; opposition filed 11/9/22; reply by Nepute filed 11/23/22.
Stipulated order for permanent injunction and civil penalty judgment as to Quickwork entered 11/14/22.
Show cause hearing held 12/19/22.
Stipulated order resolving United States' motion for civil contempt entered 1/19/23.
Order granting in part and denying in part United States' partial motion for summary judgment, and denying Defendant Nepute's partial motion for summary judgment, entered 7/19/23.
Stipulated order resolving claims against Defendant Nepute entered 8/2/23.

FTC v. FINANCIAL EDUCATION SERVICES, No. 2:22-cv-11120 (E.D. Mich.)

Parties: Financial Education Services, Inc.
United Wealth Services, Inc.
VR-Tech LLC
VR-Tech MGT LLC
CM Rent Inc.
Youth Financial Literacy Foundation
Parimal Naik
Michael Toloff
Christopher Toloff
Gerald Thompson
LK Commercial Lending LLC
Statewide Commercial Lending LLC
Gayle L Toloff

Assigned Attorneys: Gregory Ashe (BCP/FP)
Michelle Grajales
Julia Heald
Michael Goldstein

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Credit Repair Organizations Act, and the Telemarketing Sales Rule in connection with the marketing, offering, and collecting of credit repair services and investment opportunities.

Status: Complaint filed 5/23/22.
Ex parte TRO entered 5/24/22.
PI hearing held 6/30/22.
Order denying preliminary injunction, vacating TRO, and converting receivership to monitorship entered 7/18/22.
Motion to dismiss by Defendants VR-Tech MGT, CM Rent, Michael Toloff, and Christopher Toloff filed 7/25/22; FTC opposition filed 8/8/22; Defendants' reply filed 8/22/22.
Order denying Toloff Defendants' motion to dismiss entered 2/13/23.
First amended complaint filed 3/27/23.
Motion to dismiss by Defendant Gerald Thompson filed 4/10/23; FTC opposition filed 5/1/23; Defendant's reply filed 5/8/23.
Order denying Thompson's motion to dismiss entered 11/21/23.

UNITED STATES v. FACEBOOK INC, No. 23-5280 (D.C. Cir.); No. 1:19-cv-2184 (D.D.C.)

Parties: Facebook, Inc.

Assigned Attorneys: Katherine Ho (DOJ)
Patrick Runkle
Zachary Cowan
Jason Lee
Lisa Hsiao

Nature of Action: Action seeking civil penalties, an injunction, and other equitable relief for Facebook's violation of a 2012 order for violated Section 5(a) of the FTC Act.

Status: Complaint filed 7/24/19.
Stipulated order for payment of civil penalty and modification by FTC of 2012 administrative order entered 4/23/20.
Facebook motion to enjoin FTC proceeding to modify 2020 administrative order filed 5/31/23; United States' opposition filed 8/16/23; reply filed 9/13/23.
Oral argument heard 10/17/23.
Order denying motion to enjoin filed 11/27/23.

Notice of appeal filed 11/28/23.
Motion for injunction pending appeal filed 12/12/23; United States' opposition filed 12/28/23.

UNITED STATES v. FLUENT, LLC., No. 9:23-cv-81045 (S.D. Fla.)

Parties: Fluent, LLC
RewardZone USA, LLC d/b/a Flash Rewards, Up Rewards, The Reward
Genius, National Consumer Center
Deliver Technology, LLC d/b/a Flash Rewards
Search Works Media, LLC d/b/a/ FindDreamJobs, StartACareerToday
Ease Wins, LLC d/b/a JobsOnDemand

Assigned Attorneys: James Weinkle (DOJ)
Zachary Cowan

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. §45(a), the FTC Telemarketing Sales Rule, and the CAN-SPAM Act in connection with defendants' failure to notify consumers of its unauthorized disclosure of consumers' personal information to telemarketers.

Status: Complaint filed 7/18/23.
Order approving proposed stipulated order for permanent injunction, monetary judgment, civil penalty, and other relief and closing case entered 10/2/23.

FTC v. GRAVITY DEFYER MEDICAL TECHNOLOGY CORP., No. 1:22-cv-1464 (D.D.C.)

Parties: Gravity Defyer Medical Technology
Alexander Elnekaveh

Assigned Attorneys: Maria Del Monaco (ECR)
Adrienne Jenkins
Dana Barragate
Matthew Scheff

Nature of Action: Violations of a 2001 Commission order and Sections 5(a) and 12 of the FTC Act in connection with deceptive pain-relief claims for Gravity Defyer footwear.

Status: Complaint filed 5/25/22.
Defendants' motion to dismiss filed 7/25/22; FTC opposition filed 8/8/22; defendants' reply filed 8/15/22.
Order consolidating FTC enforcement case with defendant's declaratory judgment case, No. 1:22-cv-1157 (lead case), entered 8/2/22.

Defendants' renewed motion to dismiss filed 4/7/23; FTC opposition filed 4/21/23; defendants' reply filed 4/28/23.

UNITED STATES v. HELLO HELLO MIAMI, LLC, No. 1:23-cv-22553 (S.D. Fla.)

Parties: Hello Hello Miami, LLC
Luis E. Leon Amaris a/k/a Luis Leon

Assigned Attorneys: Rowan Reid (DOJ)
James Weinkle
Meredith Reiter
Christine M. Todaro (BCP/MP)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the FTC Telemarketing Sales Rule in connection with providing services to foreign telemarketers, calling consumers on the National "Do Not Call" Registry, and conducting robocalls to consumers who have not consented.

Status: Complaint filed 7/18/23.
United States' motion for default judgment filed 12/4/23.
Default final judgment for permanent injunction with civil penalty entered 12/22/23.

FTC v. INSTANT CHECKMATE, No. 3:23-cv-01674 (S.D. Cal.)

Parties: Instant Checkmate, LLC
Truthfinder, LLC
The Control Group Media Company, LLC
Intelicare Direct, LLC
PubRec, LLC

Assigned Attorneys: Katherine McCarron (BCP/DPIP)
Robin Wetherill

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Fair Credit Reporting Act in connection with provision of background report services.

Status: Complaint filed 9/11/23.
Stipulated order for permanent injunction and civil penalty judgment

entered 10/11/23.

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

Parties: Match Group, Inc.
Match Group, LLC, f/k/a Match.com, LLC

Assigned Attorneys: Reid Tepfer (SWR)
Jason Moon
Hasan Aijaz
Sarah Zuckerman
Jack O’Gorman
Erica Hilliard
Nicole Conte

Alleged Conduct: Deceptive and unfair acts and practices in violation of Section 5(a) of the FTC Act and Restore Online Shoppers’ Confidence Act 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.
Joint status report on the effects of *AMG* filed 6/7/21.
Order asking for FTC brief clarifying “equitable relief” that is sought for Counts I and II in the complaint entered 12/16/21.
FTC brief clarifying equitable relief sought filed 12/27/21.
Order denying in part and granting in part motion to dismiss entered 3/24/22.
Amended complaint filed 7/19/22.
Motion to dismiss by Match Group LLC filed 8/12/22; FTC response file 8/23; order granting as to Counts 1 and 2 entered 8/24/22.
Commission’s and Match Group’s cross-motions for summary judgment filed 9/11/23; oppositions filed 10/16/23; replies filed 11/6/23.

FTC v. PRECISION PATIENT OUTCOMES, INC., No. 3:22-cv-07307 (N.D. Cal.)

Parties: Precision Patient Outcomes, Inc.
Margrett Priest Lewis

Assigned Attorneys: Abdiel Lewis (BCP/WRSF)
Evan Rose

Michael Naranjo

Alleged Conduct: Violations of Section 5 of the FTC Act and the COVID-19 Consumer Protection Act in connection with false or unsubstantiated claims that dietary supplement could treat or prevent COVID-19 or increase the efficacy of vaccines.

Status: Complaint filed 11/18/22.
First amended complaint filed 1/13/23.
Defendants' motion to dismiss filed 2/3/23; FTC's response filed 2/17/23; defendant's reply filed 2/24/23; FTC's sur-reply filed 3/3/23.
Order denying Defendants' motion to dismiss entered 5/3/23.
FTC motion to strike affirmative defenses filed 6/7/23; defendants' opposition filed 6/21/23; FTC's reply filed 6/21/23.
Order staying proceedings pending finalization of settlement terms entered 11/30/23.

FTC v. RCG ADVANCES LLC, No. 1:20-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: Gregory Ashe (BCP/FP)
Julia Heald
Elizabeth Kwok

Alleged Conduct: Unfair and deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Gramm-Leach-Bliley 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.
First amended complaint for civil penalties, permanent injunction, monetary relief, and other relief filed 6/10/21.
FTC motion to strike affirmative defenses filed 7/8/21; Defendants' opposition filed 8/6/21; court denied motion 8/18/21.
Order granting consent motion to stay case for 120 days to consider settlement agreement as to Defendants Ram Capital Funding LLC and Tzvi Reich entered 10/5/21.

Stipulated motion to stay case to consider settlement as to Defendants Ram Capital Funding LLC and Tzvi Reich filed 10/5/21.
Stipulated permanent injunction and monetary judgment as to Defendants Ram Capital Funding LLC and Tzvi Reich entered 1/4/22.
Stipulated motion to stay case to consider settlement as to Defendants RCG Advances and Robert Giardina filed 4/6/22.
FTC motion for summary judgment against Defendant Jonathan Braun filed 4/8/22; Braun opposition filed 5/15/22; FTC reply filed 6/3/22.
Stipulated permanent injunction and monetary judgment as to Defendants RCG Advances and Robert Giardina entered 6/2/22.
Order terminating FTC's motion for summary judgment against Defendant Jonathan Braun entered 11/29/22.
Order granting partial summary judgment in favor of FTC on liability entered 9/27/23.
Final order for permanent injunction as to Defendant Braun entered 10/30/23.
Trial on damages scheduled to begin 1/8/24.

UNITED STATES v. STRATICS NETWORKS INC., No. 3:23-cv-313 (S.D. Cal.)

Parties: Stratics Networks, Inc.
Netaltitude, Inc.
Atlas Investment Ventures LLC
Tek Ventures, LLC
ACE Business Solutions LLC
Atlas Marketing Partners, Inc.
Eric Petersen
Todd Diroberto
Sandra Barnes

Assigned Attorneys: Daniel Crane-Hirsch (DOJ/CPB)
Matthew Robinson
Zachary Dietert

Alleged Conduct: Violations of Section 5 of the FTC Act and Section 6 of the Telemarketing and Consumer Fraud and Abuse Prevention Act in relation to use of technology to initiate outbound robocalls to consumers' phones to illegally telemarket various goods and services.

Status: Complaint filed 2/16/23.
Stipulated order for permanent injunction, monetary judgment, and other relief as to defendants Kasm and Kenan Azzeh entered 2/23/23.
Stipulated order for permanent injunction, monetary judgment, and other relief as to defendants Netlatitude and Kurt Hannigan entered 6/16/23.

Motions to dismiss by defendants filed 6/7/23, 6/8/23, and 6/20/23: United States' opposition filed 8/23/23; reply filed 10/11/23.

UNITED STATES v. TURBO SOLUTIONS INC., 4:22-mc-369 (S.D. Tex.)

Parties: Turbo Solutions Inc., f/k/a Alex Miller Financial Services Inc., d/b/a Alex Miller Credit Repair
Alexander V. Miller

Assigned Attorneys: Daniel Hu (DOJ)
Marcus Smith
Stephen Tosini
Gregory Ashe (BCP/FP)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Telemarketing Sales Rule (TSR), and the Credit Repair Organization Act ("CROA") for inducing consumers to purchase the defendants' credit repair services.

Status: Complaint filed 3/1/22.
Ex parte TRO entered 3/4/22.
Preliminary injunction entered 3/18/22.
Motion to dismiss by defendants filed 5/15/22; United States opposition filed 6/6/22; reply filed 6/16/22.
Order denying motion to dismiss entered 1/3/23.

UNITED STATES v. TWITTER, No. 3:22-cv-3070 (N.D. Cal.)

Parties: Twitter, Inc.

Assigned Attorneys: Emmet Ong (AUSA)
Deborah Sohn (DOJ-CIV)
Scott Kennedy
Zachary Cowan

Alleged Conduct: Violations of Section 5 of the FTC Act and a 2011 Commission Order by misrepresenting the extent to which Twitter maintained and protected the privacy of nonpublic consumer information.

Status: Complaint filed 5/25/22,
Stipulated order for civil penalty judgment, monetary relief, and injunctive relief entered 5/26/22.
Defendant's motion for protective order and relief from consent order filed 7/13/23.
Plaintiff's stipulation with proposed order extending briefing deadlines on defendant's motion for protective order filed 7/19/23; order

granting stipulation entered 7/19/23.
Order setting hearing on defendant's motion for protective order and relief from consent order entered 7/19/23.
Plaintiff's opposition/response to defendant's motion for protective order and relief from consent order filed 9/11/23; Defendant's reply filed 10/11/23.
Order denying defendant's motion for protective order entered 11/16/23.

UNITED STATES v. VICEROY MEDIA SOLUTIONS, No. 3:23-cv-3516 (N.D. Cal.)

Parties: Viceroy Media Solutions, LLC d/b/a quick-jobs.com, and
localjobsindex.com
Voltron Interactive, LLC
Sunil Kanda
Quynh Tran a/k/a Kayli Tran

Assigned Attorneys: Zachary Cowan (DOJ)
Kenneth Brakebill

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the FTC Telemarketing Sales Rule in connection with telemarketing lead generator's operation of websites that acted as "consent farms" to collect consumers' personal information and get consumers' supposed consent to receive telemarketing robocalls.

Status: Complaint filed 7/14/23.
Stipulated order for civil penalty judgment, permanent injunction, and other relief entered 7/17/23.

UNITED STATES v. VISION SOLAR, No. 2:23-cv-01387 (D. Ariz.)

Parties: Vision Solar LLC
Solar Xchange LLC
Mark Getts
State of Arizona (Co-Plaintiff)

Assigned Attorneys: Coleen Schoch (DOJ)
Nicole Frazer

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Telemarketing Sales Rule in connection with calls to consumers whose numbers are listed on the DNC Registry, false claims of affiliation with a utility company or government agency, and misrepresentations about the benefits that consumers will receive by installing defendant's solar panels.

Status: Complaint filed 7/14/23.

Stipulated order for permanent injunction, civil penalty judgment, and other relief as to defendants Solar Xchange LLC and Mark Getts entered filed 7/20/23.

FTC v. WALMART, No. 1:22-cv-03372 (D.D.C)

Parties: Walmart Inc.

Assigned Attorneys: Karen Dodge (MWR)
Matthew Schiltz
Rachel Sifuentes

Alleged conduct: Violations of Section 5(a) of the FTC Act, the Telemarketing Sales Rule (TSR), and the Telemarketing Sales Act for allowing its money transfer services to be used fraudulently and consequently deceive consumers out of hundreds of millions of dollars.

Status: Complaint filed 6/28/22.
Walmart's motion to dismiss for failure to state a claim filed 8/29/22;
FTC's opposition filed 10/05/22; Walmart's reply filed 10/28/22.
Order granting in part and denying in part Walmart's motion to dismiss entered 3/27/23.
Walmart's motion to certify interlocutory appeal filed 4/12/23; FTC's opposition filed 5/8/23; Walmart's reply filed 5/18/23.
FTC amended complaint filed 6/30/23.
Walmart's second motion to dismiss filed 8/11/23; FTC's opposition filed 9/15/23; Walmart's reply filed 10/9/23.
FTC's notice of supplemental authority filed 12/19/23; Walmart's response filed 12/21/23.

UNITED STATES v. XCAST LABS, No. 2:23-cv-3646 (C.D. Cal.)

Parties: XCast Labs, Inc.

Assigned Attorneys: Zachary Dietert (DOJ/CPB)

Alleged Conduct: Violations of Section 5 of the FTC Act and the Telemarketing and Consumer Fraud and Abuse Prevention Act in connection with the delivering of billions of illegal robocalls to American consumers.

Status: Complaint filed 5/12/23.
Stipulated order for permanent injunction, civil penalty judgment, and other relief entered 12/28/23.

UNITED STATES v. XLEAR, INC., No. 2:21-cv-00640 (D. Utah)

Parties: Xlear, Inc.
Nathan Jones

Assigned Attorneys: Noah Katzen (DOJ/CPB)
Alison Crovetto
Keith Fentonmiller (BCP/AP)
Courtney Estep

Alleged Conduct: Violations of the COVID-19 Consumer Protection Act and Sections 5 and 12 of the FTC Act in connection with false or unsubstantiated claims that Xlear nasal spray treats or prevents COVID-19.

Status: Complaint filed 10/28/21.

UNITED STATES v. YODEL TECHNOLOGIES, No. 8:23-cv-1575 (M.D. Fla.)

Parties: Yodel Technologies, LLC d/b/a Yodel Technology Services
Robert Pulsipher

Assigned Attorneys: Lacy Harwell Jr. (DOJ)
Zachary Cowan

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, U.S.C. § 45(a), and the Telemarketing Sales Rule in connection with the delivering of billions of illegal robocalls to American consumers.

Status: Complaint filed 7/14/23.
Stipulated order for permanent injunction, civil penalty judgment, and other relief entered 8/4/23.

(B) Competition

FTC v. SEVEN & I HOLDINGS, No. 23-cv-03600 (D.D.C.)

Parties: Seven & I Holdings, Co. Ltd.
7-Eleven, Inc.

Assigned Attorneys: James Weingarten (BC/Office of the Director)
Nicolas Stebinger
Angelike Mina (BC/Compliance)
Christine Tasso
Eric Rohlck
Sebastian Lorigo

Maribeth Petrizzi

Alleged Conduct: Violation of a Commission order in connection with acquisition of a retail fuel outlet without required prior notice to the Commission.

Status: Complaint filed 12/4/23.

SUBPOENA AND CID ENFORCEMENT PROCEEDINGS

FTC v. ACIA17 AUTOMOTIVE, INC. et al, No. 1:23-cv-2500 (N.D. Ill.)

Parties: ACIA17 Automotive, Inc.
ACIA ACQ Corp.

Assigned Attorneys: James Davis (MWR)
Rachel Granetz
Rachel Sifuentes

Alleged Conduct: Petition to enforce a CID.

Status: Petition filed 4/20/23.
Motion for order entering joint stipulation providing schedule for respondents' compliance with the CID filed 8/29/2023; order entered 10/4/2023.

FTC v. BACHI.TECH CORP., No. 2:22-cv-6463 (D.N.J.)

Parties: Bachi.Tech Corporation
Spread Technologies LLC

Assigned Attorneys: Larkin Turner (BCP/ FP)
Michael Tankersley

Alleged Conduct: Petition to enforce a CID.

Status: Petition filed 11/4/22.
Respondents' response to petition filed 12/5/22.
Order directing parties to meet and confer entered 12/27/23.
Joint status report filed 2/17/23.
Commission's reply in support of motion for order to show cause filed 2/8/23.
Telephonic conference held 3/8/23 and 4/14/23.
Order directing parties to meet and confer entered 4/14/23.
Joint status reports filed 5/8/23, 5/24/23, and 6/28/23.

Order terminating motion for order to show cause without prejudice to its renewal if meet and confer efforts prove unsuccessful entered 6/29/23.

Joint status report filed 8/24/23.

Order dismissing case entered 12/4/23.

FTC v. BOOTH, No. 3:23-mc-9, No. 3:23-cv-20386 (D.N.J.)

Parties: Katherine Booth
Eric Frankenfield
Kimberly Wetmore

Assigned Attorneys: Colin MacDonald (NWR)
Mary Elizabeth Howe

Alleged Conduct: Petition to enforce CIDs.

Status: Petition filed 9/13/23.
Voluntary dismissal by FTC following respondents' agreement to comply with CIDs filed 10/23/23.

FTC v. MATCH GROUP INC., No. 1:22-mc-00054 (D.D.C.)

Parties: Match Group, Inc.

Assigned Attorneys: Sarah Choi (BCP/DPIP)
Alejandro Rosenberg
Michele Arington (OGC)

Alleged Conduct: Petition to enforce a CID.

Status: Petition filed 5/26/22.
Match emergency motion to temporarily seal record filed 6/2/22; FTC opposition filed 6/7/22.
Emergency motion to temporarily seal record denied and show cause order entered 6/8/22.
Match primary motion to seal filed 6/21/22; FTC opposition filed 7/5/22; Match reply filed 7/12/22.
Match opposition to petition filed 7/8/22; FTC reply filed 7/18/22.
Match motion for limited discovery regarding FTC's abuse of process and to supplement the record filed on 7/20/22; FTC opposition filed 8/3/22; Match reply filed 8/22/22.
Order denying Match's motions to seal and motion for limited discovery entered 5/1/23.
Order for Match to submit to the Court for in camera review the disputed documents in dispute entered 11/28/23.

FTC v. RETAIL SERVICES & SYSTEMS, No. 1:23-mc-28 (E.D. Va.)

Parties: Retail Services & Systems d/b/a Total Wine & More

Assigned Attorneys: Christina Joanne Brown (BC/Anticompetitive Practices)
Patricia McDermott

Alleged Conduct: Petition to enforce a CID.

Status: Petition filed 10/20/2023.
Ordered to show cause entered 10/31/23.
Opposition to petition filed 11/14/23; FTC's reply filed 11/21/23.
Notice of settlement in principle and request to continue show cause hearing filed 12/9/23.
Joint motion to stay filed 12/18/23; order granting stay for 120 days entered 12/19/23.

FTC v. WERRELL, No. 9:23-mc-700 (D.S.C.)

Parties: David Werrell

Assigned Attorneys: Colin MacDonald (NWR)
Mary Elizabeth Howe

Alleged Conduct: Petition to enforce a CID.

Status: Petition filed 9/13/23.
Notice of voluntary dismissal following respondents' agreement to comply with CID filed 10/10/23.

SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION

ALDABE v. UNITED STATES OF AMERICA, No. 22-2250 (4th Cir.); No. 1:21-cv-803 (D. Md.)

Parties: Fermin Aldabe

Assigned Attorneys: Kimberly Phillips (AUSA)
Mariel Goetz (OGC)

Nature of Action: Action seeking a judicial declaration that the Commission exceeded its authority in its litigation against Atlantic International Bank. Ltd., causing negligent personal injury to a non-party consumer.

Status: Complaint filed 3/30/21.

Motion to substitute United States for FTC Defendants filed 5/3/21;
Plaintiff's cross motion to stay motion to substitute filed 5/24/21;
United States' reply filed 6/7/21.
Order granting motion to substitute United States entered 3/30/22.
Motion to dismiss by United States filed 4/19/22.
Order granting United States' motion to dismiss entered 11/3/22.
Notice of appeal filed 12/2/22.
Appellant's informal opening brief filed 12/30/23; United States' informal
response brief filed 1/9/23; informal reply brief filed 1/18/23.

AMERICA FIRST LEGAL FOUNDATION v. FTC, No. 1:23-CV-2765 (D.D.C)

Parties: Americans for Prosperity Foundation

Assigned Attorneys: John Bardo (AUSA)
Michele Arington (OGC)
Imad Abyad

Nature of Action: Action seeking records under the Freedom of Information Act.

Status: Complaint filed 12/8/21.

AMERICANS FOR PROSPERITY FOUNDATION v. FTC, No. 1:21-cv-03207 (D.D.C)

Parties: Americans for Prosperity Foundation

Assigned Attorneys: Anna Walker (AUSA)
Michele Arington (OGC)

Nature of Action: Action seeking records under the Freedom of Information Act.

Status: Complaint filed 12/8/21.
FTC answer filed 2/9/22.
Order directing parties to file a joint status report and proposed schedule
for proceeding entered 2/10/22.
Joint status report with proposed schedule filed and order adopting
schedule entered 3/10/22.
Joint status reports filed 5/9/22, 7/8/22, 9/6/22, 11/7/22, 1/6/23, 3/3/23,
4/7/23, 6/6/23, 8/7/23, and 10/6/23.

ASHE v. HARGRAVE et al, No. 3:23-cv-41 (M.D. Fla.)

Parties: Michael Ashe
Sheri Ashe

Assigned Attorneys: Matt Hoffman (OGC)

Robin Rock (SER)

Nature of Action: Action seeking to prevent the FTC from enforcing a \$14 million lien on property sold to Kevin and Tiffany Hargrave.

Status: Complaint filed 1/11/23.
FTC motion to dismiss for failure to state a claim filed 3/15/23; Ashe response filed 3/29/23.
Amended complaint filed 3/29/23,
FTC motion to dismiss amended complaint filed 4/7/23; Ashe opposition filed 4/18/23; FTC reply filed 5/8/23.
Magistrate judge's report and recommendation that FTC's motion to dismiss be granted entered 11/17/23.
Plaintiffs' notice of voluntary dismissal filed 12/1/23.
Case dismissed 12/4/23.

AXON ENTERPRISE INCORPORATED v. FTC, No. 21-86 (S. Ct.), 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
Mariel Goetz (OGC)
Imad Abyad

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.
Opinion affirming the dismissal of Axon's complaint entered 1/28/21.
Axon petition for rehearing en banc filed 3/15/21; petition denied 4/15/21.
Axon motion to stay mandate to file writ of certiorari filed 4/15/21;
Commission opposition filed 4/19/21; motion granted 4/21/21.
Axon petition for writ of certiorari filed 7/20/21; Commission opposition filed 9/22/21; Axon's reply filed 10/6/21; Axon's supplemental brief filed 12/20/21.
Certiorari granted 1/24/22.
Axon's merits brief filed 5/9/22; Commission's response brief filed 8/8/2022; Axon's reply brief filed 9/7/2022.
Oral argument held 11/7/2022.
Opinion reversing and remanding to the district court for further proceedings entered 4/14/23.
Order by district court staying the case for 60 days entered 6/9/23.
Amended complaint filed 8/30/23.
Stipulation of dismissal following Commission's dismissal of administrative case filed 10/10/23.
Order granting stipulation and dismissing case entered 10/11/23.

BLOOMBERG L.P. v. FTC, 1:22-cv-03309 (D.D.C.)

Parties: Bloomberg L.P.

Assigned Attorneys: John Moustakas (AUSA)
Mariel Goetz (OGC)

Alleged Conduct: Action seeking records under the Freedom of Information Act.
Status: Complaint filed 10/28/22.
FTC Answer filed 12/7/22.
Joint status report proposing briefing schedule filed 12/20/22.
FTC's motion for summary judgment filed 3/8/23; Bloomberg's opposition and cross-motion for summary judgment filed 5/12/23; Commission's response/reply filed 9/5/2023; Bloomberg's reply filed 9/29/23.

BUY BELIZE, LLC v. UNITED STATES, No. 1:23-cv-1025 (Fed Cl.)

Parties: Buy Belize, LLC
Buy International, Inc.
Eco-Development Futures, Inc.
Eco-Futures, Belize, Ltd.
Foundation Development Management, Inc.
Global Property Alliance, Inc.
Power Haus Marketing
Sanctuary Belize Property Owners' Association
Sittee River Wildlife Reserve
The Estate of John Pukke

Assigned Attorneys: John Jacob Todor (DOJ)
Eric Evan Laufgraben
Brad Grossman (OGC)

Nature of Action: Action alleging that the monetary judgment against the Buy Belize Entities in the FTC enforcement action *In re Sanctuary Belize Litigation* is an illegal extraction and seeking financial compensation.

Status: Complaint filed 7/3/23.
United States' motion to dismiss for lack of jurisdiction and failure to state a claim filed 9/29/23; Buy Belize Entities' opposition filed 10/27/23; reply filed 11/13/23.

CHAMBER OF COMMERCE v. FTC, No. 1:22-cv-02070 (D.D.C.)

Parties: Chamber of Commerce of the United States of America

Assigned Attorneys: Douglas Dreier (AUSA)
Brad Grossman (OGC)

Alleged Conduct: Action seeking records under the Freedom of Information Act.

Status: Complaint filed 7/14/22.
FTC Answer filed 9/21/22.
Joint status reports filed 10/6/22, 12/7/22, 4/14/23, 6/15/23, 8/15/2023, and 12/15/2023.

CHILDHOOD LEUKEMIA FOUNDATION v. FTC, No. 3:23-cv-3034 (D.N.J.)

Parties: Childhood Leukemia Foundation, Inc.

Assigned Attorneys: Oliver McDonald (DOJ/CIV)
Kimberly Ruthsatz Stephens

Mariel Goetz (OGC)
Michele Arington

Nature of Action: Action for declaratory injunctive relief challenging FTC's authority to investigate deceptive fundraising activities by purported non-profit.

Status: Complaint filed 6/2/23.
Government's pre-motion letter in anticipation of filing a motion to dismiss filed 8/8/23; CLF's response filed 8/15/23; pre-motion conference held 8/24/23.
Notice of voluntary dismissal by CLF filed 10/23/23.

CURO HEALTH SERVICES LLC v. FEDERAL TRADE COMMISSION, No. 3:23-mc-13
(M.D. Tenn.)

Parties: Curo Health Services LLC

Assigned Attorneys: Mark Hegedus (OGC)
Michael Charles Tackeff (AUSA)

Nature of Action: Motion for a rule 502(d) order in connection with information requested in ongoing FTC merger investigation.

Status: Motion for 502(d) order filed 7/18/23.
Commission's opposition filed 8/1/2023; reply filed 8/8/23.
Motion withdrawn 10/12/23.

FUNCTIONAL GOVERNMENT INITIATIVE v. FTC, No. 1:22-cv-1614 (D.D.C.)

Parties: Functional Government Initiative

Assigned Attorneys: Stephanie Johnson (DOJ)
Burke Kappler (OGC)

Nature of Action: Action seeking records regarding oil and gas under the Freedom of Information Act.

Status: Complaint filed 6/7/22.
FTC Answer filed 8/21/22.
Joint status reports filed 9/6/22, 10/13/22, 1/17/23, 4/14/23, 6/2/23, 7/11/23, 7/31/23, 8/31/23, 11/13/23, and 12/21/23.

FUNCTIONAL GOVERNMENT INITIATIVE v. FTC, No. 1:22-cv-03273-CKK (D.D.C.)

Parties: Functional Government Initiative

Assigned Attorneys: Dedra S. Curteman (AUSA)
Michael Bergman (OGC)
Kristin B. Hill

Nature of Action: Action seeking records regarding infant formula under the Freedom of Information Act.

Status: Complaint filed 10/26/22.
FTC answer filed 1/6/23.
Joint status reports filed 2/24/23, 3/24/23, 4/24/23, 5/23/23, 6/23/23, 8/22/23, 10/23/23, and 12/18/23.

FUNCTIONAL GOVERNMENT INITIATIVE v. FTC, No. 1:23-cv-403 (D.D.C.)

Parties: Functional Government Initiative

Assigned Attorneys: Benton Peterson (AUSA)
Michele Arington (OGC)

Nature of Action: Action seeking records regarding meat and poultry under the Freedom of Information Act.

Status: Complaint filed 2/13/23.
FTC answer filed 5/3/23.
Joint status reports filed 5/17/23, 6/03/23, 8/10/26, 9/25/23, and 11/28/23.

GULF COAST RACING LLC v. HORSERACING INTEGRITY AND SAFETY AUTHORITY
Nos. 5:23-cv-77; 2:22-cv-00146, (N.D. Tex.)

Parties: Gulf Coast Racing LLC
LRP Group Ltd
Valle de Los Tesoros Ltd
Global Gaming LSP LLC
Texas Horsemen's Partnership LLP

Assigned Attorneys: Alexander Sverdlov (DOJ)
Stephen Ehrlich
Mariel Goetz (OGC)

Alleged Conduct: Action seeking a temporary restraining order and a preliminary injunction against the Commission and the Horseracing Integrity and Safety Authority to prevent the enforcement of the horseracing rules approved by the Commission.

Status: Complaint filed 7/29/22.

Motion to intervene by the State of Texas and Texas Racing Commission filed 9/7/22; FTC's opposition filed 9/28/22; reply filed 10/12/22; motion to intervene denied 10/21/22.

Plaintiffs' motion for summary judgment filed 11/21/22; FTC's cross-motion for summary judgment filed 3/6/23.

Motion for TRO and preliminary injunction by Global Gaming LSP LLC filed 4/05/23; FTC opposition filed 4/7/23; reply filed 4/8/23.

Order denying TRO and reserving judgment on motion for preliminary injunction entered 4/10/23.

Order consolidating with lead case 5:21-cv-00071 and administratively closing member case entered 4/11/23 (see *National Horsemen's Benevolent and Protective Association v. Black* for further developments).

LABMD, INC., v. FTC and DAUGHERTY v. FTC, Nos. 23-11428, 23-11431 (11th Cir.); Nos. 1:21-cv-3525, 1:21-cv-3526 (N.D. Ga.)

Parties: LabMD, Inc.
Michael J. Daugherty

Assigned Attorneys: Aaron Joshua Ross (AUSA)
Burke Kappler (OGC)

Nature of Action: Suit for damages under the Federal Tort Claims Act, alleging that the FTC was negligent in investigating and litigating its data security case against LabMD.

Status: Complaints filed 8/25/21.
Amended complaints filed 11/23/21.
Commission's motion to dismiss filed 3/5/22; plaintiff's response to motion filed 5/23/22; Commission's reply filed 6/21/22.
Motion to dismiss granted 3/2/23.
Notice of appeal filed 4/26/23.
Appellants' opening briefs filed 7/5/23; FTC briefs filed 8/31/23;
Appellants' reply briefs filed 9/20/23.
Opinion affirming dismissal of complaints entered 9/29/23.

LOUISIANA v. HORSERACING INTEGRITY & SAFETY AUTHORITY, INC., No. 22-30458 (5th Cir.); No. 6:22-cv-01934 (W.D. La.)

Parties: State of Louisiana
Louisiana State Racing Commission
Louisiana Horsemen's Benevolent & Protective Association
Louisiana Thoroughbred Breeders Association
Jockeys Guild
State of West Virginia

West Virginia Racing Commission
Bernard Chatters
Edward Fenasci
Larry Findley, Sr.
Warren Harang
Gerard Melancon

Assigned Attorneys: Alexander Sverdlov (DOJ)
Mariel Goetz (OGC)

Nature of Action: Action seeking a temporary restraining order and a preliminary injunction against the Commission and the Horseracing Integrity and Safety Authority to prevent the enforcement of the horseracing rules approved by the Commission and declare them invalid under the Administrative Procedure Act.

Status: Complaint filed 6/30/22.
Motion for preliminary injunction filed 6/29/22; FTC's opposition filed 7/15/22; Reply filed 7/22/22; order granting motion for preliminary injunction entered 7/26/22.
Notice of appeal filed by the Commission filed 7/30/22.
FTC's motion for stay pending appeal in 5th Circuit filed 8/1/22; opposition filed 8/3/22; FTC reply filed 8/4/22; order granting stay in part and denying in part entered 8/8/22.
FTC's opening brief filed 8/15/22; Appellees' brief filed 8/19/22; FTC's reply brief filed 8/23/22.
Oral argument held 8/30/22.
Opinion remanding to the district court for further proceedings in light of decision in *National Horsemen's Benevolent and Protective Association v. Black*, No. 22-10387, lifting temporary stay, entered 11/18/22.
Commission's petition for panel rehearing filed 1/3/23; denied 1/31/23.
Amended complaint and motion for TRO filed 2/6/2023.
Motion to strike complaint filed 3/6/2023; reply filed 4/3/23.
Memorandum in support of TRO filed 7/28/23.
Magistrate judge's report and recommendation that amended complaint be stricken and case be stayed pending outcome of appeal in *National Horsemen's Benevolent and Protective Association v. Black* entered 9/13/23.
Order adopting recommendation and staying case entered 9/14/023.

LOUISIANA CHILDREN'S MEDICAL CENTER v. ATTORNEY GENERAL OF THE UNITED STATES et al, Nos. 2:23-cv-1305, 2:23-cv-1311 (E.D. La.)

Parties: Louisiana Children's Medical Center
HCA Healthcare Inc.

State of Louisiana (Intervenor)

Assigned Attorneys: Yixi Cecilia Cheng (DOJ/ATR)
Michael Mikawa
Brock Darren Dupre (AUSA)

Nature of Action: Action seeking a declaratory judgment that the HSR Act does not apply to hospital acquisition approved by state, by virtue of state action doctrine.

Status: Complaint filed 4/19/23.
Order granting motion to intervene by the State of Louisiana entered 5/2/23.
Order consolidating cases entered 5/9/23.
Intervenor complaint filed 7/6/23.
Cross-motions for summary judgment filed 7/18/23 and 7/19/23; oppositions filed 8/9/23 and 8/10/23; replies filed 8/24/23 and 8/28/23.
Order granting Hospitals' and State's motions for summary judgment, denying FTC's motion for summary judgment, and dismissing case entered 9/27/23.

META PLATFORMS v. FTC, No.1:23-cv-3562 (D.D.C.)

Parties: Meta Platforms

Assigned Attorneys: Cynthia Liao (DOJ/Fed Programs)
Mariel Goetz (OGC)
Jesselyn Friley

Nature of Action: Action seeking injunctive and declaratory relief against the enforcement of an agency order based on a variety of constitutional claims.

Status: Complaint and motion for preliminary injunction filed 11/29/23.
Commission's motion to dismiss and opposition to motion for preliminary injunction filed 12/13/23; Meta's response to motion to dismiss and reply in support of motion for preliminary injunction filed 12/27/23.

NATIONAL HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION et al v. BLACK, Nos. 23-10521, 23-10522, 22-10387 (5th Cir.); No. 5:21-cv-71 (N.D. Tex.)

Parties: National Horsemen's Benevolent and Protective Association
Arizona Horsemen's Benevolent and Protective Association
Arkansas Horsemen's Benevolent and Protective Association
Indiana Horsemen's Benevolent and Protective Association
Illinois Horsemen's Benevolent and Protective Association

Louisiana Horsemen's Benevolent and Protective Association
Mountaineer Park Horsemen's Benevolent and Protective Association
Nebraska Horsemen's Benevolent and Protective Association
Oklahoma Horsemen's Benevolent and Protective Association
Oregon Horsemen's Benevolent and Protective Association
Pennsylvania Horsemen's Benevolent and Protective Association
Washington Horsemen's Benevolent and Protective Association
Tampa Bay Horsemen's Benevolent and Protective Association

Assigned Attorneys: Alexander Sverdlov (DOJ)
Brian Stoltz
Joe Busa, Jr.
Mark Stern
Mariel Goetz (OGC)

Nature of Action: Action seeking a declaratory judgment that the Horseracing Integrity and Safety Act (HISA) is unconstitutional and the Commission should be permanently enjoined from implementing and enforcing the law.

Status: Complaint filed 3/15/21.
Amended complaint filed 4/2/21.
Commission's motion to dismiss filed 4/30/21; plaintiffs' opposition filed 5/28/21; Commission's reply filed 6/18/21.
Oral argument held 2/16/22.
Memorandum opinion dismissing plaintiffs' claims entered 3/31/22.
Notices of appeal filed by plaintiffs and intervenors filed 4/19/22 and 4/20/22.
Plaintiff-Appellants' and Intervenor-Appellants' briefs filed 6/28/22; Commission's brief filed 7/27/22; Appellants' reply filed 8/17/22.
Oral argument heard 8/30/22.
Opinion reversing district court judgment and remanding, ruling that HISA is facially unconstitutional under the private non-delegation doctrine, entered 11/18/22.
FTC's petition for panel rehearing filed 1/03/23; denied 1/31/23.
FTC's opposition to Gulf Coast Racing plaintiffs' motion for summary judgment and cross-motion for summary judgment (from consolidated case 5:23-cv-077) filed 3/6/23.
Plaintiffs' motion for injunction filed 3/8/23; plaintiffs' emergency motion for preliminary injunction filed 3/27/23; FTC's opposition filed 3/29/23; reply filed 3/30/23; order granting in part emergency motion for preliminary injunction entered 3/31/23.
Order consolidating case 5:23-cv-77 with lead case 5:21-cv-00071 entered 4/11/23.
Amended complaint and motion for preliminary injunction by Gulf Coast Racing plaintiffs filed 4/12/23.
Second amended complaint filed 4/14/23.

Opinion and order dismissing amended complaint entered 5/11/23.
Plaintiffs' motion for injunction pending appeal filed 5/5/23; FTC's
opposition filed 5/11/23; reply filed 5/12/23; denied 5/11/23.
Notices of appeal filed 5/17/23 and 5/18/23.
Appellants' opening briefs filed 7/5/23; Commission's brief filed 8/4/23;
appellant's reply brief filed 8/25/23.
Oral argument held 10/4/23.

WALMSLEY et al v. FTC et al, No 232687 (8th Cir.); No. 3:23-cv-81 (E.D. Ark.)

Parties: Bill Walmsley
Jon Moss
Iowa Horsemen's Benevolent and Protective Association

Assigned Attorneys: Alexander Sverdlov (DOJ-CIV)
Joshua Newton
Stephen Ehrlich

Nature of Action: Action seeking injunctive and declaratory relief against the FTC and the Commission claiming that the Horseracing Integrity and Safety Act (HISA) is unconstitutional and the Commission should be permanently enjoined from implementing and enforcing the law.

Status: Complaint filed 4/6/23.
Plaintiffs' motion for preliminary injunction filed 4/11/23; FTC opposition
filed 5/15/23; Plaintiffs' reply filed 5/23/23.
Order denying plaintiffs' motion for preliminary injunction entered
7/11/23.
Notice of appeal filed 7/21/23.
Appellant's brief filed 10/11/23; Commission's response brief filed
12/13/23.

AMICUS CURIAE BRIEFS OR PARTIAL INTERVENTIONS

APPLIED MEDICAL RESOURCES CORP. v. MEDTRONIC, INC., No. 8-23-cv-268 (C.D. Cal.)

Assigned Attorneys: Nicholas Aaron Leefer (BC/Health Care)
Geoffrey Green (BC/Anticompetitive Practices)
Mark Woodward

Alleged Conduct: Private actions alleging monopolization and unlawful restraints of trade in the market for advanced bipolar devices in the United States.

Status: Brief for the FTC as amicus curiae in connection with defendant's motion

to dismiss filed 7/3/223.
Order denying motion to dismiss entered 8/2/23.

CFPB v. TOWNSTONE FINANCIAL INC., No. 23-1654 (7th Cir.)

Assigned Attorneys: James Doty (BCP/FP)
Mariel Goetz (OGC)

Alleged Conduct: Private action challenging a district court ruling that invalidated an anti-discrimination rule in the Equal Credit Opportunity Act (ECOA).

Status: Brief for the FTC as amicus curiae filed 6/21/23.
Oral argument heard 12/8/23.

DESLANDES v. MCDONALD'S USA, LLC, Nos. 22-2333, 22-2334 (7th Cir.)

Assigned Attorneys: Matthew Hoffman (OGC)
Mariel Goetz

Alleged Conduct: Private action raising questions whether the district court misapplied the ancillary-restraints doctrine and whether the district court misread *NCAA v. Alston*, 141 S. Ct. 2141 (2021), as changing the legal standards governing when a restraint is per se unlawful or can be condemned after a quick look.

Status: Brief for the United States and the FTC as amici curiae in support of neither party filed 11/9/22.
Oral argument held 3/31/23.
Opinion vacating district court judgment and remanding case for further proceedings entered 8/25/23.

INGRAM v. EXPERIAN, No. 21-2430 (3d Cir.)

Assigned Attorneys: Imad Abyad (OGC)
Mariel Goetz

Alleged Conduct: Private actions asking for the reversal of a lower court decision that would create an exception to the Fair Credit Reporting Act (FCRA) by allowing furnishers of credit information to decline to investigate when consumers dispute inaccurate information in certain circumstances.

Status: Brief of CFPB and FTC as amici curiae in support of plaintiff-appellant and reversal filed 9/13/22.
Oral argument held 3/22/23.
Opinion and order reversing district court decision entered 10/6/23.

IN RE BYSTOLIC ANTITRUST LITIGATION, No. 23-410 (2d Cir.)

Assigned Attorneys: Mariel Goetz (OGC)
Brad Grossman
Markus Meier (BC/HC)
Bradley Albert
Daniel Butrymowicz
Timothy Kamal-Grayson
Joseph Mathias

Nature of Action: Private action alleging reverse payment to impede generic entry by maker of the branded high blood pressure drug Bystolic.

Status: Brief for the FTC as amicus curiae filed 6/20/23.
Oral argument heard 12/7/23.

JONES v. GOOGLE INC., No. 21-16281 (9th Cir.)

Assigned Attorneys: Mariel Goetz (OGC)

Nature of Action: Private action raising questions on whether the Children’s Online Privacy Protection Act (COPPA) preempts state laws that are consistent with COPPA’s treatment of regulated activities.

Status: Brief of FTC as amicus curiae filed in support of neither party filed 5/20/22.
Order reversing district court’s dismissal of the third amended complaint on preemption grounds and remanding entered 7/13/23.

LOUIS v. BLUEGREEN VACATIONS, UNLIMITED, No. 22-12217 (11th Cir.)

Assigned Attorneys: Imad Abyad (OGC)
Mariel Goetz

Alleged Conduct: Private action raising questions regarding standing by active servicemember and his wife to sue their lender for violations of the Military Lending Act (MLA).

Status: Brief of CFPB and FTC as amici curiae filed in support of plaintiffs-appellants and reversal filed 11/21/22.
Oral argument heard 10/6/23.

MAYER v. HOLIDAY INN CLUB VACATIONS, No. 22-11734 (11th Cir.)

Assigned Attorneys: Imad Abyad (OCC)
Mariel Goetz

Alleged Conduct: Private action raising questions whether Fair Credit Reporting Act's reasonable investigation requirement distinguishes between distinguish between "legal" and "factual" disputes.

Status: Brief of CFPB and FTC as amici curiae filed in support of plaintiffs-appellants and reversal filed 12/16/22.
Oral argument heard 10/3/23.

MYLAN PHARMACEUTICALS v. SANOFI-AVENTIS, No. 2:23-cv-836 (W.D. Penn.)

Assigned Attorneys: Neal Jonathan Perlman (BC/Health Care)

Alleged Conduct: Private action concerning the alleged monopolization of injectable insulin by abusing FDA regulatory processes through the "Orange Book."

Status: Brief for the FTC as amicus curiae in connection with defendant's motion to dismiss filed 11/20/23.

NETCHOICEC, LLC v. ROB BONTA, No. 23-2969 (9th Cir.)

Assigned Attorneys: Alvaro M. Bedoya (Commissioner)

Alleged Conduct: Action challenging California's Age Appropriate Design Code Act.

Status: Brief of FTC Commissioner Alvaro Bedoya in support of defendant-appellant filed 12/20/23.

REGENERON PHARMACEUTICALS v. NOVARTIS PHARMA AG et al., No. 22-427 (2d Cir.)

Assigned Attorneys: Matthew Hoffman (OGC)
Mariel Goetz

Nature of Action: Private antitrust action raising product market definition questions.

Status: Amicus brief for the Commission and the United States in support of neither party filed 6/17/22.

Oral argument heard 10/11/23.

ROBERTS v. CARTER-YOUNG, INC., No. 23-1911 (4th Cir.)

Assigned Attorneys: Mariel Goetz (OGC)
Matthew Hoffman

Nature of Action: Private action concerning the requirements of a furnisher regarding disputed credit information under the Fair Credit Reporting Act.

Status: Brief of the CFPB and FTC as amici curiae in support of plaintiff-appellant filed 12/8/23.

SESSA v. TRANSUNION, LLC, No. 22-87 (2d Cir.)

Assigned Attorneys: Mariel Goetz (OGC)
Seth Frotman (CFPB)
Steven Bressler
Laura Hussain
Ryan Cooper

Nature of Action: Private action raising question whether the Fair Credit Reporting Act draws a distinction between “legal” inaccuracies and “factual” inaccuracies regarding the required procedures for ensuring the accuracy of information in consumers’ credit reports.

Status: Brief for the CFPB and the Commission as amici curiae supporting plaintiff filed 5/5/22.
Argument held 3/3/23.
Opinion and order vacating district court’s judgment of dismissal and remanding for further proceedings entered 7/17/23.

SULUKI V. CREDIT ONE BANK, No. 23-721 (2d Cir.)

Assigned Attorneys: Bradley Grossman (OGC)

Nature of Action: Private action concerning the duty of furnishers under the Fair Credit Reporting Act to dispute information on their credit reports.

Status: Brief of CFPB and FTC and amici curiae in support of plaintiff-appellant filed 10/2/2023.

TERADATA v. SAP, No. 22-1286 (Fed. Cir.), No. 23-16065 (9th Cir.)

Assigned Attorneys: Patrick Kuhlmann (DOJ)
Bradley Grossman (OGC)

Nature of Action: Private action alleging illegal tying in violation of the antitrust laws, involving dismissal of the antitrust claims for failure to define the relevant markets.

Status: Brief for the United States and the Commission as amici curiae supporting neither party filed 5/25/22.
Oral argument held 6/8/23.
Order transferring appeal to 9th Cir. entered 8/1/23.
9th Cir. order granting parties' joint request to adopt Fed. Cir. briefing and DOJ/FTC amicus brief entered 9/14/23.
Oral argument in 9th Cir. scheduled for 2/12/24.

SAGE CHEMICAL, INC v. SUPERNUS PHARMECUTICALS, INC No. 1:22-cv-1302 (D. Del.)

Assigned Attorneys: Markus Meier (BC/HC)
Bradley Albert
Daniel Butrymowicz
Rebekah Conlon
Rebecca Egeland

Nature of Action: Private action alleging that multiple defendants including Supernus Pharmaceuticals Inc. have engaged in unlawful strategies to delay or block entry of a generic version of the branded apomorphine drug Apokyn.

Status: Brief for the FTC as amicus curiae in connection with defendants' omnibus motion to dismiss filed 3/22/23.