

**SEMIANNUAL FEDERAL COURT  
LITIGATION STATUS REPORT**

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

December 31, 2021

TABLE OF CONTENTS

SUMMARY OF CASES ..... iii

PETITIONS FOR REVIEW ..... 1

    (A) Orders to Cease and Desist..... 1

INJUNCTION AND CONSUMER REDRESS CASES..... 2

    (A) Preliminary Injunctions (Mergers/Acquisitions)..... 2

    (B) Preliminary Injunctions (Other) ..... 3

    (C) Permanent Injunctions/Consumer Redress..... 3

CIVIL PENALTY AND ENFORCEMENT CASES ..... 64

    (A) Consumer Protection ..... 64

    (B) Competition..... 71

SUBPOENA AND CID ENFORCEMENT PROCEEDINGS..... 72

SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION..... 75

AMICUS CURIAE BRIEFS OR PARTIAL INTERVENTIONS ..... 80

**SUMMARY OF CASES**

	<b>Dist. Ct.</b>	<b>Ct. App.*</b>	<b>S. Ct.</b>	<b>Total</b>
PETITIONS FOR REVIEW	0	3	0	3
INJUNCTION AND CONSUMER REDRESS CASES	43	14	4	61
CIVIL PENALTY AND ENFORCEMENT CASES	16	1	0	17
SUBPOENA AND CID ENFORCEMENTS	10	1	0	11
SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION	7	2	0	9
AMICUS CURIAE BRIEFS	2	5	1	8
TOTALS	78	26	5	109

---

\* 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**

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

Parties: 1-800 Contacts, Inc.

Assigned Attorneys: Joel Marcus (OGC)  
Imad Abyad

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

Status: Petition for review filed 12/21/21.

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

Parties: 1-800 Contacts, Inc.

Assigned Attorneys: Imad Dean Abyad (OGC)  
Mariel Goetz

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

Status: Petition for review filed 12/30/18.  
Petitioner's opening brief filed 6/7/19.  
Commission's answering brief filed 9/6/19.  
Petitioner's reply brief filed 10/4/19.  
Oral arguments held on 3/5/20.  
Opinion granting petition for review and remanding case with instructions  
for Commission to dismiss the complaint entered 6/11/21.  
FTC petition for rehearing or rehearing en banc filed 8/6/21; petition  
denied 8/26/21.

***IMPAX LABORATORIES, INC. v. FTC***, No. 21-406 (S. Ct.); No. 19-60394 (5th Cir.)

Parties: Impax Laboratories, Inc.

Assigned Attorneys: Bradley Grossman (OGC)

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

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

Oral argument held 6/9/20.

Opinion denying petition for review, upholding Commission's ruling that Impax's reverse payment settlement with Endo was an unfair method of competition, entered 4/13/21.

Petition for certiorari filed 9/10/21; Commission's brief in opposition filed 11/15/21; Impax's reply filed 11/23/21; petition for certiorari denied 12/13/21.

**(B) Rulemakings**

(None Pending)

**INJUNCTIONS AND CONSUMER REDRESS**

**(A) Preliminary Injunctions (Mergers/Acquisitions)**

***FTC v. HACKENSACK MERIDIAN HEALTH***, No. 21-2603 (3d Cir); No. 20-cv-18140 (D.N.J.)

Parties: Hackensack Meridian Health  
Englewood Healthcare Foundation

Assigned Attorneys: Lindsey Bohl (BC/Mergers IV)  
Emily Bowne  
Chris Caputo  
Jonathan Lasken  
Nandu Machiraju  
Nathan Brenner  
Kati Williams  
Harris Rothman  
Anthony Saunders  
Samantha Gordon  
Elizabeth Arens  
Chris Megaw  
Charles Dickenson  
J. Wells Harrell  
Jamie France  
Jonathan Robert Wright  
Rohan Pai  
Susan Musser  
Mariel Goetz (OGC)

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

Status: Complaint filed 12/4/20.

TRO entered 12/4/20.  
Commission motion for preliminary injunction filed 3/22/21; Defendants' opposition filed 4/12/21; Commission reply filed 4/29/21.  
Evidentiary hearing held from 5/10/21 to 5/18/21.  
Order granting motion for preliminary injunction entered 8/4/21.  
Notice of appeal from Englewood and Hackensack filed 8/25/21.  
Appellants' brief filed 9/15/2021; Commission's answering brief filed 11/3/2021; appellants' reply brief filed 11/12/21.  
Oral argument held 12/7/21.

**(B) Preliminary Injunctions (Other)**

(None Pending)

**(C) Permanent Injunctions/Consumer Redress\***

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

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

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

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

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

---

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

7/2/15; order holding pending Rule 54(b) motion in abeyance entered 7/8/15; motion to direct entry denied 8/26/15.  
Commission's motion for reconsideration of dismissal filed 7/20/15; defendant's response filed 7/31/15; reply filed 8/7/15; motion for reconsideration denied 8/25/15.  
Defendants' motion for summary judgment on Count 1 of complaint filed 6/5/17; Commission's response in opposition filed 7/11/17; reply filed 7/26/17; order denying motion entered 9/15/17.  
Commission's motion for partial summary judgment filed 6/5/17; defendants' response in opposition filed 7/10/17; reply filed 7/27/17; order granting motion entered 9/15/17.  
Trial held 2/7/18- 3/1/18.  
Defendants' motion for reconsideration of 9/15/17 order filed 3/23/18; Commission's response filed 4/4/18; reply filed 4/8/18; order denying motion for reconsideration entered 6/27/18.  
Monetary judgment in favor of Commission entered 7/18/18.  
Commission's notice of appeal from dismissal of pay-for-delay count and declination of an injunction (Case No. 18-2621) filed 7/23/18.  
Defendants AbbVie, Inc, Abbott Laboratories, and Unimed Pharmaceuticals, LLC's notice of appeal from finding of sham litigation and monetary judgment (Case No. 18-2748) filed 8/8/18.  
Defendant Besins Healthcare, Inc's notice of appeal from finding of sham litigation and monetary judgment (Case No. 18-2758) filed 8/13/18.  
Order granting joint motion to dismiss Teva Pharmaceuticals USA, Inc. as a party to the appeal entered 3/12/19.  
Commission's opening brief filed 3/28/19; Abbvie's response/opening brief in its cross-appeal filed 6/5/19; Commission's reply/response brief filed 7/19/19; reply briefs of Abbott Laboratories, AbbVie Inc, Unimed Pharmaceuticals LLC, and Besins Healthcare, Inc. filed 9/30/19.  
Oral argument held 1/15/20.  
Commission's supplemental brief filed 1/29/20; defendant's supplemental brief filed 1/29/20.  
Supplemental briefs on parties' positions in light of Supreme Court's grant of certiorari in *AMG Capital Mgmt., LLC v. FTC* filed 7/24/20.  
Opinion reversing district court's dismissal of reverse-payment claim, affirming in part and reversing in part district court's decision regarding sham patent litigation claims, reversing disgorgement judgment, and affirming denial of an injunction entered 9/30/20.  
Cross-petitions for rehearing filed 11/16/20; petitions denied 12/4/20.  
Case remanded to the district court on 12/14/20.  
AbbVie petition for writ of certiorari filed 3/18/21; Commission's opposition filed 5/19/21; AbbVie's reply filed 6/1/21; petition denied 6/21/21.  
Commission's motion in district court to voluntarily dismiss remaining

reverse payment claim filed 7/30/21; order dismissing claim entered 8/2/21.

***FTC v. ACQUINITY INTERACTIVE, LLC***, No. 0:14-cv-60166 (S.D. Fla.)

Parties:                    Burton Katz  
                                 On Point Global LLC  
                                 On Point Employment LLC  
                                 On Point Guides LLC f/k/a Rogue Media Services LLC  
                                 Dragon Global LLC  
                                 Dragon Global Management LLC  
                                 Dragon Global Holdings LLC  
                                 Waltham Technologies LLC  
                                 Cambridge Media Series LLC f/k/a License America Media Series LLC  
                                 Issue Based Media LLC  
                                 DG DMV LLC  
                                 Direct Market LLC  
                                 Bronco Family Holdings LP a/k/a Bronco Holdings Family LP  
                                 Burton Katz  
                                 Robert Zangrillo  
                                 Brent Levison  
                                 Elisha Rothman

Assigned Attorneys: Sana Chaudry (BCP/ENF)  
                                 Sarah Waldrop  
                                 Steven M. Wernikoff  
                                 Christopher J. Erickson  
                                 John C. Hallerud  
                                 Matthew H. Wernz

Alleged Conduct:        Deceptive practices in violation of a 2014 permanent injunction in connection with an online marketing scheme that falsely offered consumers government services but delivering only worthless “guides.”

Status:                     Complaint filed 7/29/13.  
                                 Stipulated final judgment and order for permanent injunction entered 10/9/14.  
                                 Commission motion for order to show cause why Defendant Burton Katz, his companies, and others acting in concert with him should not be held in contempt filed 2/12/20; show cause order entered 2/14/20.  
                                 Commission motion for TRO and preliminary injunction filed 4/30/21; defendants’ response in opposition entered 5/14/21; Commission reply filed 5/21/21.  
                                 Preliminary injunction entered 8/13/21; amended preliminary injunction entered 8/18/21.

Commission's motion for summary contempt ruling filed 8/27/21; Dragon Global Defendants' motion for summary ruling that they are not in contempt filed 8/27/21; oppositions filed 9/10/21; replies filed 9/17/21.

Order granting Commission's motion for summary contempt ruling as to On Point Global LLC, On Point Employment LLC, On Point Guides LLC, Waltham Technologies LLC, Cambridge Media Series LLC, Issue Based Media LLC, DG DMV LLC, Direct Market LLC, Bronco Family Holdings, Burton Katz, and Brent Levison; denying Commission's motion as to Dragon Global Defendants and Elisha Rothman; and granting Dragon Global Defendants' motion for summary contempt ruling entered 9/29/21.

Show cause hearing regarding Elisha Rothman's contempt liability, in conjunction with bench trial in *FTC v On Point Global LLC*, No. 1:19-cv-25046 (S.D. Fla.), held 11/3/21-11/10/21.

Verdict and order in *FTC v On Point Global LLC* memorializing ruling that Elisha Rothman is not liable for contempt entered 11/16/21.

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

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

Assigned Attorneys: Stephen Fairchild (NWR)  
Richard McKewen

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

Status: Complaint filed 11/4/19.  
Ex parte TRO with asset freeze, appointment of temporary receiver, and

immediate access entered 11/4/19.  
Preliminary injunction hearing held 11/18/19; chambers order granting preliminary injunction entered 11/26/19.  
Preliminary injunction order entered 12/17/19.  
Notice of appeal by defendants Carey G. Howe, Shunmin Mike Hsu, Ruddy Palacios, and Oliver Pomaz filed 1/24/20.  
Stipulated order for permanent injunction and monetary relief against Carey G. Howe, Anna C. Howe, Shunmin “Mike” Hsu, Ruddy Palacios, and Oliver Pomazi entered 9/9/20.  
Appellants’ motion to dismiss appeal voluntarily granted 9/16/20.  
Commission motion for default judgment against Defendants Arete Financial Group; Arete Financial Group LLC; CBC Conglomerate LLC; Diamond Choice Inc.; J&L Enterprise LLC; La Casa Bonita Investments, Inc.; and Relief Defendant MJ Wealth Solutions, LLC, filed 1/8/21.  
Order staying case to consider approval of settlement agreement entered 2/8/21.  
Proposed stipulated order for permanent injunction and monetary relief against American Financial Support Services Inc., US Financial Freedom Center, Inc., and Jay Singh filed 6/14/21.  
Stipulated order for permanent injunction and monetary judgment against American Financial Support Services Inc., US Financial Freedom Center, Inc., and Jay Singh entered 8/10/21.

***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

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.

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

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

Assigned Attorneys: Dillon Lappe (BCP/ENF)  
Omolara Joseney  
Anne Collesano

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 motion for summary judgment filed 10/1/21.

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

Parties: AMG Services, Inc.  
Red Cedar Services, Inc., d/b/a 500FastCash  
SFS, Inc., d/b/a OneClickCash  
Tribal Financial Services, Inc., d/b/a Ameriloan, d/b/a UnitedCashLoan,  
d/b/a USFastCash, d/b/a Miami Nation Enterprises.  
AMG Capital Management, LLC  
Level 5 Motorsports, LLC  
Lead Flash Consulting, LLC  
Black Creek Capital Corporation

Broadmoor Capital Partners, LLC  
Muir Law Firm, LLC  
Scott A. Tucker  
Blaine A. Tucker  
Timothy J. Muir  
Don E. Brady  
Robert D. Campbell  
Troy L. LittleAxe  
Park 269 LLC  
Kim C. Tucker

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

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

Status: Complaint filed 4/2/12.  
Motion to dismiss by all defendants filed 5/25/12; Commission's response filed 6/11/12.  
Partial withdrawals of motions to dismiss filed 10/15/12 and 10/16/12.  
Stipulated preliminary injunction entered 12/27/12.  
Commission's amended motion for partial summary judgment filed 3/7/13; defendants' responses filed 3/25/13.  
Motion for legal determination on tribal sovereign immunity by defendants AMG Services, Inc., Red Cedar Services, Inc., SFS, Inc., and Tribal Financial Services filed 4/8/13; cross-motion for legal determination by defendant Troy Little Axe filed 4/10/13; Commission's response filed 4/19/13.  
Commission's amended complaint filed 4/12/13.  
Report and recommendation by magistrate that Commission's motion for partial summary judgment and defendant's motion for legal determination on tribal sovereign immunity be granted in part and denied in part entered 7/16/13.  
Joint motion for permanent injunction and judgment as to defendants AMG Services, SFS, Inc., MNE Services, Inc., AMG Capital Management, LLC, Level 5 MotorSports, LLC, LeadFlash Consulting, LLC, Black Creek Capital Corp., Broadmoor Capital Partners, LLC, Scott A. Tucker, Blaine A. Tucker, Don E. Brady, Robert D. Campbell, and Troy L. Little Axe, Jr. filed 7/18/13.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Notice of appeal filed 11/29/16.

Appellant's opening brief filed 7/21/17; Commission's answering brief filed 12/11/17; reply brief filed 1/16/18.  
Oral argument held 8/15/18.  
Panel opinion, affirming district court's summary judgment and relief order, entered 12/3/18.  
Order denying appellant's motion for rehearing *en banc* entered 6/20/19.  
Petition for writ of certiorari filed 10/18/19; brief of respondent FTC filed 12/13/19; reply brief of petitioners filed 12/20/19; certiorari granted 7/9/20.  
Brief of petitioners filed 9/25/20; brief of respondent FTC filed 11/30/20; reply of petitioners filed 12/30/20.  
Supreme Court argument heard on 1/13/21.  
Opinion holding that Section 13(b) of the FTC Act does not permit monetary remedies, reversing and remanding, entered 4/22/21.  
District court order on remand granting relief defendants' motion for summary judgment to the extent that it opposes an award of equitable monetary relief to the FTC, granting Tucker defendants' motion for summary judgment to the extent that it opposes an award of equitable monetary relief to the FTC, and denying FTC's motion for summary judgment to the extent that it requests equitable monetary relief, and judgment entered 9/3/21.

***FTC v. AUTOMATIC FUNDS TRANSFER SERVICES***, No. 1:21-cv-2932 (D.D.C.)

Parties: Automatic Funds Transfer Services, Inc.  
Eric Johnson

Assigned Attorneys: Russell Scott Deitch (BCP/MP)

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

Status: Complaint filed 11/8/21.  
Stipulated order and permanent injunction entered 11/17/21.

***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  
Matt Wilshire

Anne Lejeune

**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.  
Motion to dismiss for lack of lack of jurisdiction by defendants filed 8/05/21; Commission’s opposition filed 8/18/21; defendants’ reply filed 9/4/21.

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

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

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

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

**Status:** Complaint filed 10/10/18.  
Preliminary injunction with asset freeze and other equitable relief as to defendants Redwood Scientific Technologies, Inc. (California),

Redwood Scientific Technologies, Inc. (Nevada), Redwood Scientific Technologies, Inc. (Delaware), Indentify, LLC, Advanced Mens Institute Prolongz LLC, Runway Products, LLC, and Carols Place Limited Partnership entered 10/24/18.

Stipulated preliminary injunction as to defendant Danielle Cadiz entered 11/2/18.

Preliminary injunction with asset freeze and other equitable relief as to defendants Jason Cardiff and Eunjung Cardiff entered 11/8/18.

Clerk's entry of default as to defendants Redwood Scientific Technologies, Inc., a California corporation, Redwood Scientific Technologies, Inc., a Nevada corporation, and Redwood Scientific Technologies, Inc., a Delaware corporation, Advanced Mens Institute Prolongz, LLC, and Runaway Products, LLC, entered 3/5/19.

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

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

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

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

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

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

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

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

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

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

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

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

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

Appellants Poujade and TPI's opening brief filed 4/6/20; FTC's answering

brief filed 7/13/20; Poujade and TPI reply brief filed 8/3/20.  
Commission's motion for contempt against Jacques Poujade filed 5/29/20.  
Commission's motion for contempt sanctions against Jason Cardiff and Eunjung Cardiff for failure to comply with 3/31/20 contempt order filed 6/19/20; opposition to sanctions motion filed 7/10/20; reply in support of sanctions motion filed 7/17/20; reply in opposition filed 7/21/20; order of contempt and provisional sanctions entered 7/24/20.  
Cardiffs' "notice of purge of contempt" filed 9/3/20; Commission's opposition filed 9/4/20; Cardiff reply filed 9/5/20; order finding Cardiffs in contempt but deferring incarceration entered 9/9/20.  
Temporary restraining order with asset freeze and other equitable relief and order to show cause why a preliminary injunction should not issue against VPL entered 6/24/20.  
Preliminary injunction with asset freeze and other equitable relief against VPL entered 7/7/20.  
Notice of appeal by VPL and Jason Cardiff filed 8/19/20.  
Motion for summary reversal of preliminary injunction by VPL and Jason Cardiff filed 8/21/20; FTC opposition filed 8/31/20; VPL/Cardiff reply filed 9/5/20; order denying motion for summary reversal entered 10/16/20.  
Appellants VPL/Cardiff opening brief filed 9/16/20; FTC answering brief filed 10/13/20; VPL/Cardiff reply brief filed 11/3/20.  
District court order granting summary judgment but deferring entry of final judgment and default judgment against corporate defendants until Supreme Court's resolution of *AMG* entered on 10/9/20.  
Ninth Circuit opinion dismissing Poujade/TPI appeal for lack of appellate jurisdiction and affirming district court order denying permissive intervention issued 12/7/20.  
Oral argument in VPL preliminary injunction appeal held on 3/2/21; Ninth Circuit order holding the matter pending *AMG* outcome entered 3/3/21.  
Ninth Circuit order vacating VPL preliminary injunction and remanding for further proceedings consistent with *AMG* entered 4/28/21  
District court order that FTC pay all VPL-related Receivership fees and expenses incurred post-*AMG* and directing Receiver to release half of the remaining VPL funds in the receivership estate entered 5/24/21.  
Order ruling that FTC is still entitled to Section 19 monetary relief for the Cardiffs' ROSCA violations but the FTC is precluded from introducing its computation of monetary relief at this stage because the ROSCA computation and the evidence supporting it were not disclosed during discovery, also that the FTC is entitled to seek non-monetary relief under Section 13(b) without filing an administrative complaint, entered 6/29/21.  
Order ruling that the FTC does not have to pay any receivership expenses

and that the proposed final judgments against individual and corporate defendants will be adopted when the receivership is terminated, entered 12/20/21.

***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)  
Imad Abyad (OGC)

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

Status: Complaint filed 1/8/18.  
TRO entered 1/10/18.  
FTC Motion for preliminary injunction filed 1/8/18;  
Defendants' opposition filed 2/12/18; Commission reply filed 2/14/18;  
Preliminary Injunction entered 2/20/18.  
Defendant Benjamin R Horton's motion to dismiss filed 1/22/18;  
Commission's response to motion filed 2/5/18; reply filed 2/15/18; motion denied 6/7/18.  
Defendants AM Property Management, LLC, American Home Loan Counselors, American Home Loans, LLC, Brown Legal, Inc, Consumer Defense Group, LLC, Consumer Defense, LLC, FMG Partners, LLC, Jonathan P. Hanley, Sandra X. Hanley, Preferred Law, PLLC, Zinly, LLC's motions to dismiss filed 2/12/18;  
Commission's responses to motions filed 2/26/18; replies filed 3/5/18; motion denied 6/7/18.

Notice of appeal to Ninth Circuit of preliminary injunction filed 03/21/18 (No. 18-15462). Appellants' opening brief filed 4/18/18; Commission's answering brief filed 5/16/18; reply brief filed 6/6/18; Oral argument held 9/14/18. Decision by 9<sup>th</sup> 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.

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

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

Assigned Attorneys: Megan Cox (BCP/DPIP)  
Mariel Goetz (OGC)

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

Status: Complaint filed 1/9/18.  
Order granting stipulated permanent injunction as to Defendant Aniello Infante entered 1/10/18.  
Order granting motion for alternative service as to Shad Cottelli entered 2/1/18.  
Clerk's entry of default as to EMP Media, Inc. and Shad Cottelli entered 5/11/18.  
Plaintiffs' motion for default judgment filed 6/11/18.  
Order granting motion for default judgment and permanent injunction and other relief 6/15/18.  
Defendant Cottelli's motion to set aside the default judgment filed 3/13/20; Commission's opposition filed 3/27/20; order denying motion entered 4/9/20.  
Notice of appeal by Cotelli filed 4/20/20.  
Cotelli's opening brief filed 7/8/20; Commission's answering brief filed 9/23/20; Cotelli's reply brief filed 11/13/20.  
Oral argument held 3/9/21.  
Ninth Circuit opinion affirming default judgment against Shad Cottelli issued 3/30/21.  
Defendant Cottelli's petition for panel rehearing filed 5/13/21; petition denied 5/20/21.  
Defendant Cottelli's petition for rehearing en banc filed 6/28/21; petition denied for untimeliness on 9/13/21.

***FTC v. CREDIT BUREAU CENTER, LLC***, No. 19-825 (S. Ct.); Nos. 21-2945, 21-2936, 18-3310, 18-2847 (7th Cir.); No. 1:17-cv-00194 (N.D. Ill.)

Parties: Credit Bureau Center, LLC, f/k/a MyScore, LLC d/b/a efreescore.com, creditupdates.com, and freecreditnation.com

Michael Brown  
Danny Pierce  
Andrew Lloyd

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

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

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

Commission's petition for writ of certiorari filed 12/19/19; Credit Bureau Center's brief in opposition filed 4/14/20; Commission's reply brief filed 4/28/20.

Case consolidated with *AMG Capital Mgmt., LLC v. FTC* 7/9/20; consolidation voided and certiorari vacated 11/9/20.

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

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

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

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

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

Status: Complaint filed 9/22/20.  
TRO entered 9/30/20.  
Preliminary injunction entered 11/10/20.  
Commission's amended complaint filed 1/26/21.  
Stipulated preliminary injunction with asset freeze and other equitable relief against Defendant Tracey Dottrice Warren entered 3/2/21.  
Joint motion for a 90-day stay of proceedings needed for settlement filed 5/10/21; motion granted 5/11/21.  
Stipulated permanent injunction and monetary judgment as to all defendants entered 8/10/21.

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

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

Assigned Attorneys: Harold Kirtz (SER)  
Lara Tumeh

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

Status: Complaint filed 11/16/20.  
TRO entered 11/17/20; TRO extended 12/02/20.  
Stipulated preliminary injunction as to defendants Digital Income System, Inc, Derek Foley, William Foley, Kaitlyn Scott, and Jennifer Hedrick entered 12/18/20.  
Preliminary injunction as to Christopher B. Frye entered 12/18/20.  
Entry of default as to defendants Christopher B. Frye and Kaitlyn Scott 12/23/20.  
Commission motion for default judgment filed 1/13/21; order granting motion as to Defendants Christopher Brandon Frye and Kaitlyn Scott entered 3/23/21.  
Court mediator's mediation report and notice of settlement entered 4/26/21.  
Order administratively closing case entered 4/27/21.  
Commission notice of settlement approval filed 5/26/21.  
Stipulated orders for permanent injunction and monetary relief as to Jennifer Hedrick, Digital Income System, Derek Foley, and William Foley entered 7/1/21.

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

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

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

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

Status: Complaint filed 10/5/20.  
Ex parte TRO with asset freeze entered 10/6/20.  
Commission stipulation with proposed order lifting asset freeze filed 5/4/21; stipulated order entered 5/6/21.  
Commission motion for summary judgment as to Defendant Marc Grisham filed 6/24/21.  
Commission motion for default judgment as to Defendants Disruption Theory, LLC, and Courtney Grisham filed 6/24/21.  
Motion for default judgment as to other defendants granted 9/1/21.  
Stipulated settlement agreement and order for permanent injunction against defendant Marc Grisham entered 10/14/21.

***FTC v. ECOLOGICAL FOX, LLC***, Nos. 19-1925, 19-2387, 19-2204, 19-2306, 19-2387, 20-1594, 20-2215, 21-1452 (4th Cir.); No. 1:18-cv-03309 (D. Md.)

Parties: Ecological Fox, LLC  
Luke Chadwick  
Andris Pukke a/k/a Marc Romeo a/k/a Andy Storm  
Peter Baker  
Global Property Alliance, Inc. d/b/a Sanctuary Bay, Sanctuary Belize, The Reserve, Kanantik, Laguna Palms, Bamboo Springs, Eco Futures, Eco Futures Development, Eco Futures Belize, Sittee River Wildlife Reserve, Buy Belize, Buy International  
Sittee River Wildlife Reserve d/b/a Sanctuary Bay d/b/a Sanctuary Belize d/b/a The Reserve  
Buy Belize, Llc d/b/a Sanctuary Bay d/b/a Sanctuary Belize d/b/a The Reserve d/b/a Kanantik d/b/a Laguna Palms d/b/a Bamboo Springs  
Buy International, Inc. d/b/a Sanctuary Bay d/b/a Sanctuary Belize d/b/a The Reserve d/b/a Kanantik d/b/a Laguna Palms d/b/a Bamboo Springs  
Foundation Development Management Inc.  
Eco-Futures Development d/b/a Sanctuary Bay d/b/a Sanctuary Belize d/b/a The Reserve  
Eco-Futures Belize Limited d/b/a Sanctuary Bay d/b/a Sanctuary Belize d/b/a The Reserve  
Power Haus Marketing  
Brandi Greenfield  
BG Marketing, LLC  
Prodigy Management Group, LLC  
John Usher  
Rod Kazazi  
Foundation Partners f/k/a Red Crane Advisors, Inc.

Frank Costanzo a/k/a Frank Green a/k/a Frank Peerless Green a/k/a Frank Connelly a/k/a Frank Connelly-Costanzo  
Belize Real Estate Affiliates, LLC d/b/a Coldwell Banker Belize d/b/a Coldwell Banker Southern Belize  
Exotic Investor, LLC d/b/a Coldwell Banker Belize d/b/a Coldwell Banker Southern Belize  
Southern Blaze Realty, LLC d/b/a Coldwell Banker Belize d/b/a Coldwell Banker Southern Belize  
Sanctuary Belize Property Owners' Association d/b/a The Reserve Property Owners' Association  
Atlantic International Bank, Ltd.  
Angela Chittenden  
Beach Bunny Holdings, LLC  
The Estate of John Pukke a/k/a The Estate of Janis Pukke a/k/a The Estate of John Andris Pukke  
John Vipulis  
Deborah Connelly  
Newport Land Group, LLC a/k/a Laguna Palms a/k/a Sanctuary Belize a/k/a Bamboo Springs a/k/a The Reserve  
Michael Santos

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

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

Status: Complaint filed 10/31/18.  
TRO entered 11/11/18.  
Motion for interim preliminary injunction filed 11/15/18; response in opposition filed 11/16/18; reply filed 11/18/18.  
Order extending TRO, to remain in effect as an interim preliminary injunction through the conclusion of a show cause hearing, entered 11/20/18.  
Defendant Atlantic International Bank, LTD's motion to dismiss filed 12/14/18; response in opposition filed 1/22/19; defendant's response filed 1/31/19.  
Defendant Andris Pukke's motion to transfer case to the Central District of California filed 12/14/18.  
Notice of appeal from 11/20/18 order by defendant Atlantic National Bank filed 12/19/18.

Commission's amended complaint filed 1/15/19.  
Order denying defendant Atlantic International Bank's motion to dismiss entered 2/1/19.  
Order denying defendant Andris Pukke's motion to dismiss certain claims in the amended complaint entered 3/4/19.  
Commission's motion to hold defendants John Vipulis, Peter Baker, Andris Pukke, and John Usher in contempt filed 3/5/19; response in opposition filed by defendant Peter Baker 3/7/19.  
Preliminary injunction hearing held 3/11/19-3/22/19.  
Motion to dismiss for failure to state a claim by defendant Michael Santos filed 3/18/19; Commission's response filed 4/1/19.  
Order modifying interim preliminary injunction entered 3/28/19.  
Order granting Commission's motion to stay proceedings as to defendants Frank Costanzo, Ecological Fox, LLC, and Deborah Connelly entered 4/4/19.  
Motion to dismiss for lack of jurisdiction by defendant Atlantic International Bank, LTD filed 4/4/19; Commission's response filed 6/7/19.  
Order denying defendant Anris Pukke's motion to dismiss entered 4/30/19.  
Appellant Atlantic International Bank, LTD's (No. 19-1925) opening brief filed 5/14/19; Commission's response brief filed 6/12/19;  
Commission's motion for stay of proceedings as to defendants Frank 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.

Due date for Chadwick's opening brief extended to 2/28/22.

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

Parties:                    Electronic Payment Solutions of America, Inc.  
                                  Electronic Payment Services, Inc.

KMA Merchant Services, LLC  
Dynasty Merchants, LLC  
Jay Wigdore  
Michael Abelmessseh aka Michael Stewart  
Nikolas Mihilli  
Electronic Payment Systems, LLC  
Electronic Payment Transfer, LLC  
John Dorsey  
Thomas McCann  
Michael Peterson

Assigned Attorneys: James Evans (BCP/MP)  
Jody Goodman  
Bikram Bandy  
Karen Hobbs  
Michelle Chua

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

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

Motion for summary judgment by Electronic Payment Systems, LLC and Electronic Payment Transfer filed 3/18/20; FTC's opposition filed 4/16/20; reply filed 4/22/20; motion denied 8/31/20.

Motion for summary judgment by John Dorsey and Thomas McCann filed 9/25/20; Commission's opposition filed 10/16/20; defendants' reply filed 11/10/20.

Motion for summary judgment by the Commission filed 9/25/20; defendants' oppositions filed 11/25/20; Commission response filed 1/8/21

Stipulated orders for permanent injunction and judgment against Defendants Electronic Payment Systems of America, Inc., Electronic Payment Services Inc., and Jay Wigdore entered 1/22/21.

Motion for reconsideration of motion for judgment on the pleadings by Defendants John Dorsey and Thomas McCann filed 5/10/21.

Order 1) denying defendants' motion to strike, 2) granting in part and denying in part the FTC's motion for summary judgment against Defendants Electronic Payment Systems LLC, Electronic Payment Transfer LLC, John Dorsey, and Thomas McCann, and entering judgment against these Defendants on Counts II and VI of the First Amended Complaint, 3) granting the FTC's motion to withdraw parts of motion for summary judgment regarding monetary relief, 4) denying a permanent injunction, 5) granting in part and denying in part Dorsey and McCann's motion for summary judgment, 6) dismissing without prejudice the FTC's claim for equitable monetary relief against Electronic Payment Systems LLC, Electronic Payment Transfer LLC, John Dorsey and Thomas McCann, and 7) denying Dorsey and McCann's motion for reconsideration of order on motion for judgment on the pleadings, entered 8/11/21.

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

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

Assigned Attorneys: Michelle Grajales (BCP/FP)  
Samuel Jacobson  
John Jacobs  
Imad Abyad (OGC)  
Matthew Hoffman

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

**Status:** Complaint filed 7/8/19.  
Stipulated preliminary injunction entered 7/17/19.  
Amended Complaint filed 8/27/19.  
Cross-motions for summary judgment by FTC and defendants filed 3/9/20; FTC's opposition to defendants' motion filed 3/30/20; defendants' opposition to FTC's motion filed 3/31/20; replies filed 4/6/20.  
Order staying trial pending resolution of summary judgment motions entered 5/29/20.  
Defendants' notice of appeal filed 7/20/20.  
Commission's motion to hold appeal in abeyance until after Supreme Court decides *AMG* filed 12/7/20; appellants' opposition filed 12/8/20.  
Appellants' opening briefs filed 12/21/20.  
Appellants' revised opening briefs filed 6/1/21.  
FTC brief filed 7/30/21.  
Reply brief filed 8/19/21.  
Appellate oral argument heard 12/9/21.

***FTC v. ENDO PHARMACEUTICALS INC.***, 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

**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.

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

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

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

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

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

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

Parties: Facebook, Inc.

Assigned Attorneys: Daniel John Matheson (BC/Office of the Director)  
David Owyang (BC/TED)  
Eric Cochran  
Gary London, Jr.  
Krisha Cerilli  
Maria DiMoscato  
Mark Silvia  
Michael Mikawa  
Michael Smith  
Noel Miller  
Owen Masters

Patricia Galvan  
Rebecca Weinstein  
Robert Zuver, Jr.  
Sylvia Zhang

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

**Status:** Complaint filed 12/9/20.  
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.

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

**Parties:** FleetCor Technologies, Inc.  
Ronald Clarke

**Assigned Attorneys:** Brittany Frassetto (BCP/FP)  
Greg Madden

**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.

***FTC v. FRONTIER COMMUNICATIONS CORP.***, No. 2:21-cv-4155 (C.D. Cal.)

**Parties:** Frontier Communications Corporation  
Frontier Communications Parent, Inc.

Frontier Communications Intermediate, LLC  
Frontier Communications Holdings, LLC  
State California, (Co-Plaintiff)  
States of Arizona, Florida, Indiana, Michigan, North Carolina, and  
Wisconsin (dismissed Co-Plaintiffs)

Assigned Attorneys: Barbara Chun (WRLA)  
Robert Quigley  
Miles Freeman  
Matthew Fine

Alleged Conduct: Deceptive and unfair acts or practices in violation of Section 5 of the FTC Act in connection with the advertising and sale of Internet service plans that failed to reach speeds promised to consumers.

Status: Complaint filed 5/19/21.  
Motion to dismiss the complaint by defendants filed 7/20/21; plaintiffs' consolidated opposition filed 8/13/21; defendants' reply filed 8/30/21.  
Order denying in part and granting in part defendants' motion to dismiss, dismissing all state claims except California's for lack of personal jurisdiction, entered 10/4/21.

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

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

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

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

Status: Complaint filed 7/28/20.  
Commission motion for sanctions for spoliation filed 2/24/21; Defendants' response filed 3/12/21; Commission reply filed 3/26/21.  
Commission's motion for summary judgment against all Defendants filed 10/5/2021; Defendants' opposition filed 10/26/21; Commission's reply filed 11/9/21.

Defendants' motion to dismiss or, in the alternative, motion for summary judgment on FTC's claims for equitable monetary relief filed 10/15/2021; Commission's opposition filed 10/20/21.

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

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

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

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

Status: Complaint filed 7/6/20.  
TRO entered 7/10/20.  
Preliminary injunction with asset freeze entered 8/14/20.  
Clerk's entry of default as to G & G Success LLC, G & N Squared LLC, and GDP Network LLC entered 10/1/20.  
Commission motion for entry of stipulated order for permanent injunction and monetary judgment against Defendants Gino De Paz and Grace De Paz filed 6/14/21.  
Motion for default judgment against remaining defendants filed 8/27/21; magistrate judge report and recommendation that the district court enter FTC's proposed order against defaulting defendants entered 11/3/21.  
Final order for permanent injunction and monetary relief against individual defendants entered 11/24/21.

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

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

Assigned Attorneys: 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.

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

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

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

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

Status: Complaint filed 8/15/17.  
Consent motion to stay case for 90 days as to defendant Keith Merrill filed 10/6/17; order granting stay entered 10/11/17.  
Consent motion to stay case and suspend filing obligations upon the death of defendant Jerry L. Robinson filed 11/15/17; order granting consent motion entered 11/21/17.  
Motions to dismiss by defendants Mark Ward, Dale Paul Cleveland, EDebitPay, LLC, William Wilson, Kris Axberg, Richard Joachim, iStream Financial Services, Inc, and Earl Robinson filed 2/9/18; response in opposition 2/23/18; opinion and order denying motion entered 4/16/18.  
Motion to dismiss by defendant by Patricia Brandmeier Robinson filed 3/22/18; response in opposition 4/5/18; order denying motion entered 4/16/18.  
Motion to dismiss complaint for lack of subject matter jurisdiction by defendants Chet Andrews, Kris Axberg, Dale Paul Cleveland, EDebitPay, LLC, Richard Joachim, James McCarter, Earl G. Robinson, Patricia Brandmeier Robinson, Mark Ward, William R. Wilson, iStream Financial Services, Inc. filed 4/20/18; Commission's opposition filed 5/4/18; reply filed 5/11/18; order denying motion, but ordering supplemental briefing on part of the court's 4/16/18 opinion, entered 7/11/18.  
Defendants' response to court's 7/11/18 request for supplemental briefing filed 7/23/18; Commission's response to court's request filed 7/30/18.  
Order vacating part of court's 4/16/18 opinion and granting Commission leave to file an amended complaint entered 10/15/18.  
Amended complaint filed 11/5/18.  
Motions to dismiss for failure to state a claim by defendants iStream Financial Services, Inc, Chet Andrews, Patricia Brandmeier Robinson, Dale Paul Cleveland, EDebitPay, LLC, William Wilson, James McCarter, Mark Ward, and Earl Robinson filed 11/15/18; Commission's opposition filed 12/13/18; defendants' reply filed 2/8/19; order denying motions to dismiss entered 2/12/19.  
Order granting Defendants' request for leave to file an interlocutory appeal entered 7/24/19.  
Order of 11th Circuit denying petition to appeal entered 11/20/19.  
Defendants' motion to stay pending the Supreme Court's decision in *AMG Capital Mgmt., LLC v. FTC* filed 7/20/20; Commission's

opposition filed 8/3/20; defendants' reply filed 8/10/20; order denying motion to stay entered 9/10/20.

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.

***FTC v. INMATE MAGAZINE SERVICE, INC.***, No. 3:21-cv-00294 (N.D. Fla.)

Parties: Inmate Magazine Services, Inc.  
318 Florida  
318 Wyoming  
Inmate Magazine Services of NA, LLC  
Inmate Magazine Plus.com of NA, LLC  
Roy Snowden  
Florida Office of the Attorney General (Co-Plaintiff)

Assigned Attorneys: Margaret Burgess (SER)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Mail Order Rule in connection with the marketing, sale, and distribution of magazine subscription services to incarcerated consumers and their families.

Status: Complaint filed 2/16/21.  
TRO with asset freeze and appointment of a temporary receiver entered 2/22/21.  
Stipulated preliminary injunction with asset freeze and other equitable relief as to defendant Roy Snowden entered 3/3/21.  
Clerk's entry of default as to corporate defendants entered 5/11/21.  
Order staying the case pending approval of settlement entered 7/9/21.  
Final judgment granting a permanent injunction and monetary relief as to corporate defendants entered 10/26/21.

Order closing case entered 10/28/21.

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

Parties: Innovative Designs, Inc.

Assigned Attorneys: Alejandro Rosenberg (BCP/ENF)  
Katherine Johnson  
Imad Abyad (OGC)  
Michael D. Bergman

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

Status: Complaint filed 11/3/16.  
Bench trial held from 7/29/19 to 7/30/19.  
Motion for judgment on partial findings by defendant filed 3/27/20;  
Commission's response filed 4/17/20; telephonic hearing on  
motion for judgment on partial findings held 5/1/20.  
Order granting defendant's motion for judgment on partial findings  
entered 9/24/20.  
Commission's notice of appeal filed 11/23/20.  
Commission's opening brief filed 2/8/21; Appellee's opening brief filed  
3/23/21; Commission's reply filed 4/13/21.  
Oral argument held 7/8/21.  
Opinion of the Third Circuit affirming district court's order filed 7/22/21.  
Defendant's application for attorney's fees and expenses under EAJA filed  
11/19/21; Commission's opposition filed 12/16/21.

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

Parties: Lead Express Inc.  
Camel Coins, Inc.  
Sea Mirror Inc.  
Naito Corp.  
Kotobuki Marketing, Inc.  
Ebisu Marketing, Inc.  
Hotei Marketing, Inc.  
Daikoku Marketing, Inc.  
La Posta Tribal Lending Enterprise d/b/a Harvest Moon Financial, Gentle  
Breeze Online, and Green Stream Lending  
Takehisa Naito  
Keishi Ikeda

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

Rufus Jenkins (BCP/DLTA)

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

**Status:** Complaint filed 5/11/20.  
Stipulated preliminary injunctions entered 6/19/20.  
Joint motion to stay case to consider settlement with defendants Lead Express, Camel Coins, Sea Mirror, Naito Corp., Kotobuki Marketing, Ebisu Marketing, Hotei Marketing, Daikoku Marketing, Takehisa Naito, and Keishi Ikeda filed 10/20/20; order granting stay entered 10/20/20.  
Commission’ motion for default judgment against Defendant La Posta Tribal Lending Enterprise filed 11/20/20; defendant’s opposition filed 12/2/20; Commission’s reply filed 12/9/20.  
Stipulated order for permanent injunction as to defendants Lead Express, Camel Coins, Sea Mirror, Naito Corp., Kotobuki Marketing, Ebisu Marketing, Hotei Marketing, Daikoku Marketing, Takehisa Naito, and Keishi Ikeda entered 4/1/21.  
Order granting default judgment, directing final judgment against La Posta Tribal Lending Enterprise, entered 9/13/21.

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

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

**Assigned Attorneys:** Katharine Roller (BCP/FP)  
Matthew Wilshire  
Helen Clark

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

**Status:** Complaint filed 4/25/18.  
Motion to dismiss complaint filed 6/18/18; response in opposition filed 7/18/18; reply in support of motion filed 8/1/18; order granting motion in part and denying in part entered 10/3/18.  
First amended complaint filed 10/22/18.  
Cross-motions for summary judgment filed 2/27/20; oppositions filed 3/26/20; replies filed 4/16/20.  
Order granting in part and denying in part FTC’s and defendant’s motions for summary judgment entered 6/1/20.

Case stay pending Supreme Court's resolution of *AMG Capital Mgmt. v FTC* entered 8/21/20.

Case stay lifted 4/28/21.

Stipulated order striking the Commission's prayer for equitable monetary relief entered 5/14/21.

Joint motion to enter stipulated order for permanent injunction and monetary judgment of \$18 million filed 7/14/21.

Stipulated final order entered 7/19/21.

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

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

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

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

Status: Complaint filed 6/7/16.  
Stipulated preliminary injunction entered 6/30/16.  
Motion for summary judgment as to defendant Kevin Guice filed 5/1/17;

opposition filed 5/30/17; Commission's reply filed 6/14/17; order granting summary judgment and permanent injunction entered 12/7/18.

Notice of stipulated proposed orders for permanent injunction and monetary judgment against all defendants except Kevin Guice filed 9/1/17.

Order for permanent injunction and monetary relief against Kevin Guice entered 12/7/18.

Order granting summary judgment, with permanent injunction and monetary relief, against Kevin Guice entered 12/10/18.

Motion to Alter or Amend Judgment against Kevin Guice filed on 01/8/19. Stipulated final orders against defendants Chase Jackowski, Linda McNealy, Clarence Wahl, Karen Wahl, and corporate defendants Life Management Services of Orange County, LLC, Loyal Financial & Credit Services, LLC, IVD Recovery, LLC, KWP Services, LLC, KWP Services of Florida LLC, LPSOFFLA LLC, LPSOFFLORIDA L.L.C., PW&F Consultants of Florida LLC, UAD Secure Services LLC, UAD Secure Service of FL LLC, URB Management, LLC, YCC Solutions LLC, and YFP Solutions LLC entered 4/23/19.

Stipulated final orders against relief defendants Robert Guice and Timothy Woods entered 4/23/19.

Order denying motion to alter or amend judgement against Kevin Guice entered 9/24/19.

Notice of appeal of final judgment by Kevin Guice filed 10/24/19.

Appellant Kevin Guice's opening brief filed 2/22/21; Commission's brief filed 4/19/21.

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

Parties:

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

Spin Mail, Inc.  
Supreme Media, LLC  
Trans National Concepts, Inc.  
Vernier Holdings, Inc.

Assigned Attorneys: Guy Ward (MWR)  
Douglas McKenney

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

Status: Complaint filed 5/18/15.  
Ex parte TRO entered 5/19/15.  
Preliminary injunction against all defendants except Marcus Pradel and Trans National Concepts entered 6/12/15.  
Stipulated preliminary injunction as to defendants Marcus Pradel and Trans National Concepts entered 6/12/15.  
Order staying case entered 6/12/15.  
Unopposed motion for specific relief from asset freeze filed 10/4/19; order granting motion entered 10/7/19.  
Commission status report on status of criminal case filed 3/1/21.

***FTC v. MONETA MANAGEMENT, LLC***, No. 9:21-cv-81139 (S.D. Fla.)

Parties: Moneta Management, LLC  
Moneta Management, Inc.  
Michael Todd Greene

Assigned Attorneys: Lara Tumeh (SER)

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 use of payment-processing services to aid a criminal student debt relief scam.

Status: Complaint filed 6/29/21.  
Joint motion for entry of stipulated order for permanent injunction and monetary judgment filed 6/29/21.  
Stipulated order for permanent injunction and monetary judgment entered 7/8/21  
Final judgment in favor of FTC entered 7/8/21.

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

Parties: National Landmark Logistics, LLC  
National Landmark Service of United Recovery, LLC  
Liberty Solutions & Associates, LLC

LSA Processing System, LLC  
Silverlake Landmark Recovery Group, LLC  
Jean Cellent aka Jean-Pierre Cellent  
James Dennison  
Eric Dennison

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

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

Status: Complaint filed 7/13/20.  
TRO entered 7/17/20.  
Stipulated preliminary injunction as to defendants Liberty Solutions & Associates, LSA Processing System, James Dennison, and Eric Dennison entered 8/25/20.  
Stipulated preliminary injunction as to defendants National Landmark Logistics, National Landmark Service of United Recovery, Silverlake Landmark Recovery Group, and Jean Cellent entered 10/8/20.  
Joint motion to stay case to consider settlement with defendants Liberty Solutions & Associates, LSA Processing System, James Dennison, and Eric Dennison filed 11/16/20; order granting stay entered 11/19/20.  
Stipulated permanent injunction and monetary judgment as to Defendants James Dennison, Eric Dennison, Liberty Solutions & Associates, and LSA Processing Systems entered 2/9/21.  
Stipulated permanent injunction and monetary judgment as to the National Landmark Defendants entered 9/30/21.

***FTC v. NATIONAL UROLOGICAL GROUP, INC.***, Nos. 10-125; 19-1445 (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  
Jack Metzler (OGC)  
Amanda Basta (BCP/ENF)  
Evan Mendelson

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.

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

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

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

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.

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

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

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

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

Status: Stipulated final judgment and order for permanent injunction against J.D. Noland entered 7/2/02.  
Motion for an order to show cause why James D. Noland, Jr., Success by Media Holdings Inc., and Success by Media LLC should not be held in contempt filed 1/17/20; Defendant J.D. Nolan response filed 2/20/20; Commission's reply filed 2/27/20.  
Motion for order to show cause why Scott Harris and Thomas Sacca should not be held in contempt filed 4/10/20; Defendants' responses filed 6/15/20; Commission's reply filed 6/22/20.  
Order granting motions to show cause in part and denying in part (court will address FTC's request for civil contempt sanctions after it resolves FTC's request for a permanent injunction in *FTC v. Noland*) entered 7/6/20.  
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; motion granted 7/2/21.

***FTC v. JAMES NOLAND***, Nos. 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  
Mark Hegedus (OGC)  
Imad Abyad

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

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

BuyPD  
Brandon B. Lewis  
Ryan C. Poelman  
Phillip W. Smith  
Shawn L. Finnegan  
Clint R. Sanderson  
Dean Graziosi  
Scott Yancey  
Utah Division of Consumer Protection (Co-Plaintiff)

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

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

Status: Complaint filed 11/5/19.  
Order granting TRO in part entered 12/19/19.  
Defendants' motion to dismiss filed 11/19/19; Commission's opposition filed 12/2/19; defendants' reply filed 12/11/19; Commission's sur-reply filed 12/18/19; order denying in part motion to dismiss entered 12/31/19.  
Stipulated preliminary injunction entered 12/19/19.  
Defendants' motion to stay proceedings pending Supreme Court review of availability of monetary relief under Section 13(b) of the FTC Act filed 12/30/19; Commission's opposition filed 1/13/20; reply filed 1/27/20; motion denied 3/25/20.  
Defendants' motion to stay pending the Supreme Court's decisions in *Credit Bureau Center* and *AMG Capital Mgmt* filed 7/20/20; Commission's opposition filed 8/3/20; reply filed 8/17/20.

Amended complaint adding new defendants Dean Graziosi and Scott Yancey filed 11/18/20.

Motion for partial summary judgment by Utah Division of Consumer Protection filed 12/21/20; opposition and cross-motion for partial summary judgment by Defendants BuyPD, Shawn Finnegan, Brandon Lewis, Nudge LLC, Ryan Poelman, Response Marketing Group, Clint Sanderson, and Phillip Smith filed 1/25/21; Utah's reply filed 2/8/21; Defendants' additional reply filed 3/4/21.

Third party complaint in intervention for declaratory relief against all defendants by American Estate and Trust DBO Erryl Sloan IRA, Erryl Sloan, E&R Enterprise, Rosemary Sloan, American Estate and Trust FBO Rosemary Sloan IRA filed 12/22/20.

Motion to dismiss for failure to state a claim by Defendants Dean Graziosi and Scott Yancey filed 1/19/21; Commission opposition filed 2/16/21; Defendants' reply filed 3/2/21.

Motion for partial summary judgment on availability of monetary relief by Defendants BuyPD, Shawn Finnegan, Brandon Lewis, Nudge LLC, Ryan Poelman, Response Marketing Group, Clint Sanderson, and Phillip Smith filed 5/5/21; Commission opposition filed 6/2/21; Defendants' reply filed 6/16/21.

Hearing held on 7/9/21.

Order denying cross-motions for partial summary judgment on Utah's claim entered 7/9/21.

Memorandum decision and order denying motion to dismiss for failure to state a claim entered 7/26/21.

Order granting Defendants' motion for partial summary judgment on monetary relief entered 9/15/21.

Cross-motions for summary judgment filed 10/18/21; oppositions filed 11/23 and 11/24/21; replies filed 12/15/21.

***FTC v. ON POINT GLOBAL LLC***, Nos. 20-10790, 20-11615 (11th Cir.); No. 1:19-cv-25046 (S.D. Fla.)

Parties:

- On Point Global LLC, also d/b/a On Point
- On Point Employment LLC
- On Point Guides LLC, f/k/a Rogue Media Services LLC
- DG DMV LLC
- On Point Domains LLC
- Final Draft Media LLC
- Waltham Technologies LLC
- Cambridge Media Series LLC, f/k/a License America Media Series LLC
- Issue Based Media LLC
- Bella Vista Media LTD, also d/b/a BV Media
- Carganet S.A., also d/b/a G8 Labs
- Dragon Global LLC
- Dragon Global Management LLC

Dragon Global Holdings LLC  
Direct Market LLC  
Bluebird Media LLC  
Borat Media LLC  
Bring Back the Magic Media LLC  
Chametz Media LLC  
Chelsea Media LLC  
Coinstar Media LLC  
Domain Development Studios LLC  
Domain Dividends Media LLC  
Eagle Media LLC  
Falcon Media LLC  
GNR Media LLC  
Island Media LLC  
Leatherback Media Group LLC  
Macau Media LLC  
CEG Media LLC, f/k/a Matzoh Media LLC  
MBL Media LTD. Inc.  
Orange and Blue Media LLC  
Orange Grove Media LLC  
Panther Media LLC  
Pirate Media LLC  
Pivot Media Group LLC  
PJ Groove Media LLC  
Sandman Media Group LLC  
Shadow Media LLC  
Skylar Media LLC  
Slayer Billing LLC  
Spartacus Media LLC  
Very Busy Media LLC  
Wasabi Media LLC  
Yamazaki Media LLC  
Bronco Family Holdings LP, a/k/a Bronco Holdings Family LP  
Bal Family LP  
Cardozo Holdings LLC  
714 Media Ltd.  
MAC Media Ltd.  
On Point Capital Partners LLC  
License America Management LLC  
License America Holdings LLC  
Blackbird Media LLC  
Burton Katz  
Brent Levison  
Robert Zangrillo  
Arlene Mahon  
Elisha Rothman

Christopher Sherman

Assigned Attorneys: Sarah Waldrop (BCP/ENF)  
Sana Chaudhry  
Christopher Erickson  
Nicholas Cartier  
Brad Grossman (OGC)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with an online marketing scheme that falsely offered consumers government services but provided only useless “guides.”

Status: Complaint filed 12/19/19.  
Ex parte TRO entered 12/13/19.  
Preliminary injunction entered 1/14/20.  
Notices of appeal from preliminary injunction (appeal No. 20-10790) filed 2/26/20 and 2/28/20.  
Order denying defendants’ motion to stay asset freeze pending appeal of preliminary injunction entered 3/20/20.  
Appellants’ motion for stay of asset freeze pending appeal filed 3/30/20; Commission’s opposition filed 4/9/20; reply filed 4/16/20; Eleventh Circuit order denying stay entered 4/28/20.  
Order by district court denying Robert Zangrillo’s motion for relief from asset freeze entered 4/8/20.  
Notice of interlocutory appeal from order denying relief from asset freeze by Zangrillo (appeal No. 20-11615) filed 4/27/20.  
Appellants’ opening briefs in No. 20-10790 filed 4/7/20; Commission’s answering brief filed 6/8/20; appellants’ reply briefs filed 7/9/20; receivership entities’ motion to adopt portions of individual appellants’ brief filed 7/13/20; Commission’s response filed 7/23/20; receivership entities’ reply filed 7/30/20.  
Zangrillo’s opening appeal brief in No. 20-11615 filed 6/8/20; Commission’s answering brief filed 7/22/20; Zangrillo’s reply brief filed 8/12/20.  
Commission’s motion to file supplemental brief in No. 20-10790 addressing Supreme Court’s decision in *Liu v. SEC* filed 8/10/20; motion granted 10/16/20; appellants’ responding supplemental briefs filed 10/30/20.  
Order by district court modifying preliminary injunction as to Dragon Global Management entered 9/28/20.  
Eleventh Circuit order granting joint motion to dismiss appeal No. 20-11615 entered 2/19/21.  
Motion in district court for modification of the preliminary injunction to lift asset freeze as to individual defendants Burton Katz, Brent Levison, Arlene Mahon, Elisha Rothman, Christopher Sherman,

and Robert Zangrillo filed 4/23/21; Commission's opposition filed 5/7/21; defendants' reply filed 5/14/21.

Defendants' motion for partial summary judgment on unavailability of monetary relief under Section 13(b) following Supreme Court's *AMG* decision filed 5/24/21; Commission's opposition filed 6/14/21; defendants' reply filed 6/21/21.

Motions for summary judgment by 1) Dragon Global Defendants, On Point Capital Partners, and Robert Zangrillo, and 2) Arlene Mahon filed 6/7/21; Commission's opposition filed 6/28/21; replies filed 7/12/21.

Commission's motion for summary judgment filed 6/7/2 and refiled 7/9/21; defendants' opposition filed 7/23/21; Commission's reply filed 8/6/21.

Eleventh Circuit order granting motion by appellants other than Zangrillo and his companies to dismiss appeal (No. 20-10790) entered 7/14/21.

Oral argument in Zangrillo's appeal held 7/22/21.

Second motion to dissolve asset freeze and wind up receivership by Defendants Burton Katz, Brent Levison, Eli Rothman, Christopher Sherman, and associated Corporate Defendants filed 7/15/21; Commission's opposition filed 7/26/21; reply filed 8/2/21.

Order granting defendant's motion for partial summary judgment on unavailability of monetary relief under Section 13(b), denying relief from the asset freeze as to contempt defendants in *FTC v. Acquinity Interactive*, No. 0:14-cv-60166 (S.D. Fla.), and releasing other defendants from the asset freeze entered 8/13/21.

Order granting in part and denying in part cross-motions for summary judgment, holding that summary judgment is appropriately entered in favor of the FTC as to 1) Burton Katz, Brent Levison, and associated Corporate Defendants, and 2) the Dragon Global Defendants, including permanent injunction, entered 9/29/21.

Stipulated order for permanent injunction against Arlene Mahon entered 10/18/21.

Eleventh Circuit opinion vacating asset freeze against Robert Zangrillo and his companies but upholding behavioral restrictions in the preliminary injunction entered 11/4/21; opinion corrected 12/21/21.

Bench trial held 11/3/21-11/10/21.

Verdict and order following bench trial and amended permanent injunction entered 11/16/21.

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

Parties: One or more unknown parties deceiving consumers into making purchases through [www.cleanyos.com](http://www.cleanyos.com) | [www.arlysol.com](http://www.arlysol.com) | [www.broclea.com](http://www.broclea.com) |

www.cadclea.com | www.cleancate.com | www.cleankler.com |  
www.cleanula.com | www.clean-sale.com | www.clean-sell.com |  
www.clorox-sale.com | www.clorox-sales.com | www.cloroxstore.com |  
www.crlisol.com | www.elysol.com | www.littletoke.com |  
www.lybclean.com | www.lysoiclean.com | www.lysol-clean.com |  
www.lysol-cleaners.com | www.lysol-free.com | www.lysolsales.com |  
www.lysol-servicebest.com | www.lysol-sell.com | www.lysol-wipe.com |  
www.thaclean.com

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

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

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

***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

Assigned Attorneys: Amber Lee (BCP/AP)  
Elizabeth Nach  
Robert Van Someren Greve

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

Status: Complaint filed 8/16/21.  
Clerk's entry of default as to Regenerative Medicine Institute of America  
and Superior Healthcare entered 11/5/21.

***FTC v. PUBLISHERS BUSINESS SERVICES, INC.***, No. 19-507 (S. Ct.); Nos. 17-15600; 11-  
17270 (9th Cir.); No. 2:08-cv-00620 (D. Nev.)

Parties: Publishers Business Services, Inc.  
Ed Dantuma Enterprises, Inc. d/b/a Publishers Direct Services d/b/a  
Publishers Business Services

Persis Dantuma  
Brenda Dantuma Schang  
Dries Dantuma  
Dirk Dantuma  
Jeffrey Dantuma  
Edward Fred Dantuma

Assigned Attorneys: Faye Chen Barnouw (WRLA)  
Maricela Segura  
Mariel Goetz (OGC)

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

Status: Complaint filed 5/14/08.  
Amended complaint filed 2/5/09.  
Commission's motion for summary judgment filed 7/31/09; opposition filed 11/23/09; reply filed 12/7/09.  
Order granting the Commission's motion for summary judgment entered 4/7/10.  
Order for permanent injunction as to all defendants entered 4/7/10.  
Commission's opening brief on the issue of damages filed 4/20/10.  
Final judgment as to all defendants entered 7/25/11.  
Commission's opening brief filed 2/13/12; defendants' answering brief filed 4/13/12; reply brief filed 5/11/12.  
Memorandum disposition remanding case to district court entered 9/19/13.  
Petition for writ of certiorari filed 2/27/14.  
Petition for writ of certiorari denied 6/9/14.  
Commission's motion for monetary judgment filed 5/31/16; defendants' brief on damages filed 7/19/16; Commission's reply filed 8/9/16.  
Order granting Commission's motion for judgment entered 3/2/17.  
Notice of appeal filed 3/31/17.  
Appellants' opening brief filed 8/30/17; Commission's answering brief filed 10/30/17; reply brief filed 12/20/17.  
Oral argument held 8/15/18.  
Opinion affirming judgment of the district court entered 8/31/18.  
Appellants' petition for rehearing filed 10/15/18; Commission's opposition filed 12/20/18.  
Order denying appellants' petition for rehearing *en banc* entered 6/19/19.  
Petition for writ of certiorari filed 10/18/19; Commission's brief in opposition filed 12/13/19; reply brief filed 12/23/19; supplemental brief of petitioners filed 6/30/20.  
Writ of certiorari granted and order remanding to the Ninth Circuit in light of the Court's ruling in *AMG* entered 5/3/21.  
Ninth Circuit opinion affirming the district court's permanent injunction,

vacating the awarded monetary judgment for equitable relief under 13(b), and remanding for further proceedings to determine if further relief is warranted, entered 6/10/21

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

Parties: Quincy Bioscience Holding Company, Inc.  
Quincy Bioscience, LLC  
Prevagen, Inc. d/b/a Sugar River Supplements  
Quincy Bioscience Manufacturing, LLC  
Mark Underwood  
State of New York (Plaintiff)

Assigned Attorneys: Annette Soberats (BCP/AP)  
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.

***FTC v. QYK Brands, LLC***, 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  
Delilah Vinzon (WR-LA)

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

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

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

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

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

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

the Restore Online Shoppers' Confidence Act in connection with the marketing and sale of online services related to stock and options trading.

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

***FTC v. SIMPLE HEALTH PLANS, LLC***, Nos. 19-10840, 19-11932, 21-13116 (11th Cir.), No. 18-cv-62593 (S.D. Fla.)

Parties: Simple Health Plans, LLC  
Health Benefits One LLC d/b/a Health Benefits Center d/b/a Simple Health d/b/a Simple Health Plans d/b/a Simple Insurance d/b/a Simple Insurance Plans d/b/a Simple Auto d/b/a Simple Home d/b/a Simple Home Plans d/b/a Simple Care d/b/a Simple Life d/b/a National Dental Savings  
Health Center Management LLC  
Innovative Customer Care LLC  
Simple Insurance Leads LLC d/b/a Health Insurance Services  
Senior Benefits One LLC  
Steven J. Dorfman

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

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 11<sup>th</sup> Circuit denying appellant Steven Dorfman's motion to stay lower court proceedings entered 6/11/19.  
Defendant Steven Dorfman's motion to dissolve preliminary injunction filed 6/4/19; Commission's opposition filed 6/17/19.  
Appellant Steven Dorfman's opening brief filed 5/24; Commission's brief filed 7/24/19; Dorfman's reply brief filed 8/14/19.  
Amended complaint filed 10/31/19.  
Motion to dismiss amended complaint filed 12/16/19; Commission's response filed 12/30/19; Dorfman's response filed 1/6/20; motion granted in part 6/15/20.  
Eleventh Circuit opinion affirming district court's preliminary injunction against Steven Dorfman entered 2/5/20.  
Preliminary injunction as to Candida Girouard entered 4/2/20.  
Second amended complaint filed 6/23/20.  
Defendants' motion to stay pending the Supreme Court's decisions in *Credit Bureau Center* and *AMG Capital Mgmt* filed 7/10/20; Commission's opposition filed 7/17/20; order denying stay entered 8/3/20.  
Motion to dismiss second amended complaint by Steven Dorfman and Candida Girouard filed 7/15/20; Commission's opposition filed 7/29/20; reply filed 8/5/20, order denying motion to dismiss entered 10/19/20.  
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 due 1/26/22.

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

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

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

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

Status: Complaint filed 7/28/20.  
Defendants' motion to dismiss filed 10/5/20; Commission's opposition  
filed 10/19/20; order denying defendants' motion entered 11/6/20.  
Motion to dismiss by Defendants filed 5/14/21; Commission's opposition  
filed 5/24/21; order granting motion in part as to request for  
equitable monetary relief and denying in all other respects entered  
5/27/21.  
Amended complaint filed 6/2/21.

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

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

Equitable Acceptance Corp.

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

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

Status: Complaint filed 9/11/19.  
Stipulated order for permanent injunction, monetary relief and final judgment as to Equitable Acceptance Corporation entered 9/12/19.  
Default entered by the clerk against corporate defendants on 10/23/19.  
Motion to dismiss by defendants Bradley Jason Hunt and Sean Quincy Lucero filed 10/18/19; Commission's opposition filed 10/28/19; defendants' reply in support filed 11/4/19; order denying motion entered 12/18/19.  
FTC's motion to strike affirmative defenses filed 2/14/20; order striking Defendants' affirmative defenses entered 4/8/20.  
Stipulated order staying case pending Commission review of proposed settlement entered 3/11/21.  
Proposed stipulated orders of permanent injunctions, monetary relief, and final judgment as to all remaining Defendants filed 5/17/21.  
Stipulated orders and final judgment as to remaining Defendants entered 10/21/21.

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

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

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

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

Status: Complaint filed 7/8/20.

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

Status report by FTC filed 10/26/21.

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

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

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

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

Status: Complaint filed 7/28/20.  
Defendants' answer filed 9/28/20.  
Commission's motion to strike affirmative defense filed 10/19/20; defendants' response filed 11/2/20; Commission's reply filed 11/16/20; order granting commission's motion to strike defendants' affirmative defense entered 12/18/20.  
Commission's notice of change in law and withdrawal of request for equitable monetary relief filed 5/10/21.  
Motion for leave to file amended complaint filed 6/22/21; Defendants' response filed 7/6/21; FTC's reply filed 7/20/21; motion granted 8/27/21.  
Amended complaint filed 8/30/21.

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

Parties: SuperTherm, Inc.  
Roberto Guerra  
Susana Guerra

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

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

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

Order for Commission to show cause why case should not be dismissed for failure to prosecute entered 1/8/21; Commission response filed 1/22/21.  
Motion for default judgment against all Defendants filed 3/26/21; Commission supplemental brief filed 4/26/21.  
Order granting FTC's motion for default judgment entered 8/5/21.  
Judgment and permanent injunction against all Defendants entered 8/5/21.

***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

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

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

Assigned Attorneys: Gregory Ashe (BCP/FP)  
Naomi Takagi  
Dan Hanks  
Francis Conlon

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

Status: Complaint filed 7/31/18.  
Defendant's notice of filing bankruptcy filed 3/19/19; Commission's response filed 3/27/19.  
Commission's motion for summary judgment as to individual defendant Richard Berry and relief defendant Linda Tate filed 3/24/20; defendants' opposition filed 5/22/20; Commission's reply filed 6/11/20.  
Stipulated order for permanent injunction and monetary judgment as to four corporate defendants entered 8/18/20.  
Commission motion for summary judgment granted in part and denied in part 2/5/21.  
Order granting joint stipulation to stay case pending Commission review of settlement agreement entered 4/23/21.  
Order dismissing Linda Tate entered 7/26/21  
Stipulated order for permanent injunction and monetary relief as to Richard Berry entered 7/30/21.

***FTC v. UNIVERSAL GUARDIAN ACCEPTANCE LLC ET AL.*** No. 2:21-cv-8260 (C.D. Cal.)

Parties: Universal Guardian Acceptance, LLC  
Universal Account Servicing, LLC

Assigned Attorneys: John Jacobs (WR-LA)  
Andrew S. Hudson (BCP/MP)  
Suzanne Barth

Alleged Conduct: Deceptive acts or practices in violation of section 5(a) of the FTC Act in connection with expensive and often ineffective investment trainings from Online Trading Academy (OTA).

Status: Complaint filed 10/19/21.  
Stipulated order for permanent injunction and judgment entered 10/22/21.

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

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

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

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

Status: Complaint filed 1/27/20.  
Amended complaint adding six state plaintiffs filed 4/14/20.  
Defendants' motions to dismiss filed 5/22/20; FTC's opposition to defendants' motions to dismiss filed 7/6/20; defendants' replies filed 7/27/20; order denying the motions to dismiss entered 8/18/20.  
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 Mulleady entered 12/7/21.  
Trial against Martin Shkreli held 12/10/21 to 12/22/21.

***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.

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

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

Assigned Attorneys: Mary L. Johnson (BCP/AP)  
Edwin Rodriguez  
Brady Williams

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

Status: Complaint filed 2/10/20.  
Stipulated order for permanent injunction and monetary judgment against Excellent Marketing Results and Michael McGahee entered 2/19/20.  
FTC's motion to strike Zycal defendants' affirmative defenses and crossclaim filed 4/30/20; EMR defendants' motion to dismiss crossclaim for failure to state a claim filed 5/22/20; Zycal defendants' consolidated opposition filed 6/12/20; Commission's reply filed 6/25/20; EMR defendants' reply filed 6/26/20; Zycal defendants' surreply filed 7/2/20; hearing on motions held 11/23/20; order granting in part and denying in part FTC's motion to strike affirmative defenses and crossclaim, and granting EMR

defendants' motion to dismiss crossclaim, entered 3/16/21.  
ZyCal motion for partial judgment on the pleadings filed 5/25/21; FTC's  
response filed 6/7/21; ZyCal reply filed 6/14/21; FTC's surreply  
filed 6/24/21; hearing on motion held 9/3/21; order denying  
Zycal's motion entered 9/3/21

**CIVIL PENALTY AND ENFORCEMENT CASES\***

**(A) Consumer Protection**

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

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

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

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

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.

***UNITED STATES OF AMERICAN v. ENVIRONMENTAL SAFETY INT'L***, No. 2:21-cv-  
13350 (D.N.J.)

Parties: Environmental Safety International, Inc.  
Joseph Carney

---

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

Sean Carney  
Raymond Carney

Assigned Attorneys: Zachary Cowan (DOJ)  
Amy Hocevar (ECR)

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

Status: Complaint filed 7/6/21.  
Stipulated orders for permanent injunction and civil penalty judgment entered 7/15/21.

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

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

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

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

Status: Complaint filed 1/10/20.  
Stipulated final order for permanent injunction and monetary judgment as to defendants Cabb Group, LLC, Christina R. Peterson, and Robert J. Peterson II entered 1/15/20.  
Stipulated final order for permanent injunction and monetary judgment as to defendant Christopher A. Cotroneo entered 1/15/20.  
Order granting motion to stay proceedings pending Commission's approval of settlement entered 2/2/21; order lifting stay as to non-settling defendants entered 4/27/21.  
Stipulated order for permanent injunction and monetary judgment entered 10/21/21.

**UNITED STATES OF AMERICA v. KUUHUUB INC. ET AL.**, No. 1:21-cv-1758 (D.D.C.)

Parties: Kuuhuub, Inc.  
Kuu Hubb Oy  
Recolor Oy

Assigned Attorneys: Marcus Smith (DOJ)  
Evan Rose (WR-SF)

Alleged Conduct: Violations of the Children’s Online Privacy Protection Act Rule in connection with collection and disclosure of personal information about children who used a coloring book app.

Status: Complaint filed 6/30/21.  
Stipulated order for permanent injunction and civil penalty judgment entered 7/21/21.

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

Parties: Match Group, Inc.

Assigned Attorneys: Reid Tepfer (SWR)  
Hasan Aijaz  
Matthew Wilshire  
Sarah Zuckerman

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

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

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

Parties: MyLife.com, Inc.  
Jeffrey Tinsley

Assigned Attorneys: Lisa Hsiao (DOJ/CPB)  
Zachary Dietert  
Patrick Raymond Runkle  
Jamie Hine (BCP/DPIP)  
Andria Arias  
Whitney Moore

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

Status: Complaint filed 7/27/20.  
Defendants' motions to dismiss filed 9/29/20; motions stricken 9/30/20.  
Defendants' motions to dismiss refiled 10/1/20; United States' opposition filed 10/19/20; defendants' reply filed 10/26/20; motions to dismiss denied 11/6/20.  
Stipulated order to dismiss FTC's claims for equitable monetary relief under 13(b) entered 8/5/21.  
Cross-motions for summary judgment filed 8/23/21; oppositions filed 8/30/21; replies filed 9/3/21.  
Stipulated order for permanent injunction and equitable monetary relief entered 12/15/21.

**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  
Kristin Williams (BCP/AP)  
Mary Johnson  
Brady Williams

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 OF AMERICA v. OPENX TECHNOLOGIES***, No. 2:21-cv-9693 (C.D. Cal.)

Parties: OpenX Technologies, Inc.

Assigned Attorneys: Zachary A. Dietert (DOJ/CPB)  
David G. Crockett, Jr.  
Sarah Choi (BC/DPIP)

Alleged Conduct: Unfair and deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Children's Online Privacy Protection Act of 1998 ("COPPA").

Status: Complaint filed 12/15/20.  
Stipulated order for permanent injunction and civil penalty judgment entered 12/27/21.

***FTC v. RCG ADVANCES LLC***, Nos. 5:21-cv-343, 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: Marguerite Moeller (BCP/FP)  
Gregory Ashe  
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.

***FTC v. ROMERO***, No. 5:21-cv-343 (M.D. Fla.)

Parties: Frank Romero d/b/a Trend Deploy

Assigned Attorneys: Michael Mora (BCP/ENF)  
Christopher Erickson

Alleged Conduct: Violations of Sections 5(a) and 12 of the FTC Act, the Mail Order Rule, and the COVID-19 Consumer Protection Act in connection with the marketing and sale of personal protective equipment during the COVID-19 pandemic.

Status: Complaint filed 6/29/21.  
Motion to dismiss complaint by Frank Romero filed 8/30/21; FTC opposition filed 9/20/21; Romero's reply filed 10/19/21.

**UNITED STATES v. XLEAR, INC.**, No. 2:21-cv-00640-RJS (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.

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

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

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

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

Status: Complaint filed 9/30/19.  
TRO entered 10/1/19.  
Preliminary injunction entered 11/1/19.  
Defendants' motion for partial dismissal filed 11/19/19; Commission's opposition file 12/17/19; defendants' reply filed 12/31/19.  
Order denying defendants' motion to dismiss entered 2/26/20.  
Defendants' motion for interlocutory appeal and partial dismissal filed 3/11/20; Commission's opposition filed 3/25/20; defendants' reply filed 4/8/20.  
Order denying defendants' motion for interlocutory appeal and partial dismissal entered 4/28/20.  
Amended complaint filed 5/12/20.  
Defendants' motion to dismiss filed 8/17/20; Commission's opposition filed 9/14/20; defendants' reply filed 9/28/20.  
Order denying defendants' motion to dismiss, to stay discovery, and for

relief from the preliminary injunction entered 11/24/20.  
Amended complaint filed 2/12/21.  
Motion to intervene by Annelise Agee, Byron Aldrink, Brian Banks, Joshua Jackson, Polar Prutaseranee, and Jeanne Rietzke filed 5/11/21; Commission opposition filed 6/7/21; movants' reply filed 6/28/21.  
Motion for partial summary judgment by Defendants Brand Management Holdings, CAC Investment Ventures, CAC Investment Ventures Utah, CJ Seminar Holdings, Christopher Cannon, James Carlson, Carlson Development Group Puerto Rico, Carlson Development Group Utah, Dorado Marketing and Management, Jeffrey Spangler, Zurixx, Zurixx Financial Puerto Rico, and Zurixx Financial Utah filed 5/12/21; Commission opposition filed 6/9/21; Defendants' reply filed 6/23/21.  
Motion for partial summary judgment by Defendants JSS Investment Ventures, JSS Trust, Gerald Spangler, and Stephanie Spangler filed 5/28/21; Commission opposition filed 6/9/21; Defendants' reply filed 6/29/21.  
Motion for summary judgment by relief defendant Stephanie Spangler filed 5/28/21; Commission opposition file 6/25/21; Stephanie Spangler reply filed 7/9/21.  
Memorandum decision and order granting receiver's second motion for order holding Efron Dorado, S.E. and David Efron in contempt of court and for civil sanctions entered 11/08/21.  
Order granting in part and denying in part defendant's motion to modify preliminary injunction order, granting partial summary judgment as to relief under Section 13(b) and BODA, and denying relief defendant Stephanie Spangler's motion for summary judgment entered 11/08/21; clarification order entered 11/23/21.  
Notice of appeal as to order granting receiver's second motion for order holding Efron Dorado, S.E. and David Efron in contempt of court and for civil sanctions filed 11/17/21.  
Amended stipulated preliminary injunction entered 12/01/21.  
Order granting stipulation of all parties to stay the case for 60 days to permit Commissioners to vote on the proposed final settlement agreement entered 12/16/21.

### **(B) Competition**

***UNITED STATES OF AMERICA v. BIGLARI HOLDINGS, INC., 1:21-cv-03331 (D.D.C.)***

Parties: Biglari Holdings, Inc.

Assigned Attorneys: Kenneth Libby (BC/Compliance)  
Kelly Horne

Alleged Conduct: Violations of the notice and waiting period requirements of the Hart-Scott-Rodino Act with respect to the acquisition of shares of Cracker Barrel Old Country Store, Inc.

Status: Complaint filed 12/22/21.

***UNITED STATES OF AMERICA v. FAIRBANK***, No. 1:21-cv-02325 (D.D.C.)

Parties: Richard D. Fairbank

Assigned Attorneys: Kenneth Libby (BC/Compliance)  
Kelly Horne

Alleged Conduct: Violation of the notice and waiting period requirements of the Hart-Scott-Rodino Act with respect to the acquisition of voting securities of Capital One Financial.

Status: Complaint filed 9/2/21.  
Order for stipulated final judgment entered 12/20/21.

***UNITED STATES OF AMERICA v. WERNER***, No. 1:21-cv-3332 (D.D.C.)

Parties: Clarence L. Werner

Assigned Attorneys: Kenneth Libby (BC/Compliance)  
Kelly Horne

Alleged Conduct: Violations of the notice and waiting period requirements of the Hart-Scott-Rodino Act with respect to the exercise of options to acquire shares of Werner Enterprises, Inc.

Status: Complaint filed 12/22/21.

### **SUBPOENA AND CID ENFORCEMENT PROCEEDINGS**

***FTC v. BROPHY***, No. 1:21-mc-122 (D.D.C)

Parties: Justin Brophy

Assigned Attorneys: Matthew Hoffman (OGC)

Nature of Action: Petition to enforce subpoena issue in Part 3 administrative proceeding.

Status: Petition filed 9/24/21.  
Order to show cause entered 9/29/21

Notice of voluntary dismissal by FTC due to respondent's compliance with subpoena filed 10/20/21; case dismissed 10/20/21.

***FTC v. CARIS LIFE SCIENCES***, No. 1:21-mc-00115 (D.D.C.)

Parties: Caris Life Sciences, Inc.

Assigned Attorneys: Michael Bergman (OGC)

Nature of Action: Petition to enforce subpoenas issued in Part 3 administrative proceeding.

Status: Petition filed 9/30/21.  
Order to show cause entered 10/5/21  
Response to petition filed 11/10/21; Commission's reply filed 11/16/21.

***FTC v. DELTRACON INC.***, No. 8:21-mc-00025 (C.D. Ca.)

Parties: Deltracon Inc.

Assigned Attorneys: Sarah Shifley (NWR)  
Miles Freeman (WRLA)

Nature of Action: Petition to enforce a CID.

Status: Petition filed 7/16/21.  
Order to show cause issued 8/25/21.  
Notice regarding completeness of Deltracon's CID response filed 11/9/21.  
Case administratively closed 11/10/21.

***FTC v. DUNHAM'S ATHLEISURE CORP.***, No. 5:21-mc-50981 (E.D. Mich.)

Parties: Dunham's Athleisure Corporation

Assigned Attorneys: Michael Bergman (OGC)  
Michele Arington

Nature of Action: Petition to enforce a CID.

Status: Petition filed 7/19/21.  
Order for respondent to show cause entered 7/21/21.  
Response to petition filed 8/12/21.  
Stipulation and order to enforce CID entered 8/19/21.

***FTC v. NETLATITUDE INC.***, No. 4:21-mc-1300 (S.D. Tex.)

Parties: Netlatitude, Inc.

Assigned Attorneys: Miles Freeman (WR-LA)  
James Elliot (SWR)

Nature of Action: Petition to enforce a CID.

Status: Petition filed 5/28/21.

***FTC v. NEXWAY, INC.***, No. 1:21-mc-145 (D.D.C)

Parties: Nexway, Inc.

Assigned Attorneys: Joseph Brooke Jr. (BC/MP)  
Russell Deitch

Nature of Action: Petition to enforce a CID.

Status: Petition filed 11/17/21.  
Order to show cause entered 12/06/21.

***FTC v. PLATINUM PLUS PRINTING, LLC***, No. 1:21-mc-00092 (D.D.C.)

Parties: Platinum Plus Printing, LLC

Assigned Attorneys: Burke Kappler (OGC)  
Michele Arington

Nature of Action: Petition to enforce a CID

Status: Petition filed 6/24/21.  
Show cause order entered 7/1/21.  
Opposition to FTC petition filed 7/15/21; FTC reply filed 7/22/21.  
Telephonic hearing held 7/23/21.  
Order granting the FTC petition to enforce subpoena entered 8/03/21.  
Motion for contempt by the FTC filed 9/16/21.  
Show cause order entered 9/17/21.  
Response by Platinum Plus filed 10/15/21; FTC reply filed 10/21/21.  
Notice of voluntary dismissal by FTC following respondent's compliance  
filed 10/26/21.  
Order denying motion for contempt as moot entered 10/26/21.

***FTC v. THE STRATICS GROUP INC.***, No. 0:21-cv-61250 (S.D. Fla.)

Parties: The Stratics Group, Inc.

Assigned Attorneys: Suzanne Barth (BCP/MP)  
Christopher Brown

Nature of Action: Petition to enforce a CID.

Status: Petition filed 6/15/21.  
Stratics motion for leave to file response to petition filed 7/06/21; FTC  
opposition filed 7/07/21; Stratics reply filed 7/12/21.  
Telephonic hearing held 11/30/21.  
FTC request for clarification of oral ruling filed 12/16/21.  
Stratics response and motion for summary judgment filed 12/23/21.

***FTC v. XCAST LABS***, No. 2:21-mc-1026 (C.D. Cal.)

Parties: XCast labs, Inc.

Assigned Attorneys: Allen Dreschel (BCP/MP)  
Miles Freeman (WRLA)

Nature of Action: Petition to enforce a CID.

Status: Petition filed 8/6/21.  
Opposition to petition by XCast Labs filed 9/24/21; FTC reply filed  
10/8/21; surreply in opposition by XCast Labs filed 10/25/21; FTC  
surreply in support of petition filed 11/2/21.  
Magistrate judge's report and recommendation that the CID be enforced  
issued 12/9/21.  
XCast Labs objection to report and recommendation filed 12/23/21.

**SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION**

***ALDABE v. COHEN***, No. 1:21-cv-803 (D. Md.)

Parties: Fermin Aldabe

Assigned Attorneys: Kimberly Phillips (AUSA)  
Joel Marcus (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.

***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.

***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  
Joel Marcus (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.

***CONSUMERS FOR AUTO RELIABILITY & SAFETY v. FTC***, No. 21-5249 (D.C. Cir.); No. 1:17-cv-00540 (D.D.C.)

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

Assigned Attorneys: Bradley Grossman (OGC)  
Joel Marcus

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

Status: Complaint filed 3/24/17.  
Amended complaint filed 5/2/17.  
Commission's motion to hold case in abeyance or, in the alternative, for an extension of time filed 5/16/17; opposition filed 5/30/17; motion to stay granted 6/13/17.  
Commission's motion to dismiss filed 9/8/17; response in opposition filed 10/5/17; Commission's reply filed 10/27/17.  
Motion hearing held 9/18/18.  
Motion by plaintiffs for leave to file two new documents in connection with pending motion to dismiss filed 3/9/20; Commission's opposition filed 3/23/20; plaintiffs' reply filed 3/30/20.  
Memorandum opinion granting Commission's motion to dismiss entered 9/6/21.  
Notice of appeal filed 11/8/21.

***CORONAVIRUS REPORTER ET AL. v. APPLE INC. ET AL.***, No. 3:21-cv-5567 (N.D. Cal.)

Parties: Coronavirus Reporter  
Calid Inc  
Dr. Jefferey D. Isaacs  
Primary Productions LLC

Apple Inc.

Assigned Attorneys: Lisa Z. Marcus (DOJ/Federal Programs)  
Michele Arington (OGC)

Nature of Action: Action for declaratory and injunctive relief under the Administrative Procedure Act seeking Commission enforcement action against Apple.

Status: Complaint filed 7/20/21.  
Amended complaint filed 9/6/21.  
Commission's motion to dismiss filed 11/8/21.  
Notice of voluntary dismissal as to FTC filed 11/23/21.  
Order granting dismissal of FTC entered 11/30/21.

***LABMD, INC., v. FTC and DAUGHERTY v. FTC***, Nos. 1:21-cv-3525, No. 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.

***NATIONAL HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION et al v. BLACK et al.***, 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  
Marie Choi (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; plaintiff's opposition filed 5/28/21; Commission's reply filed 6/18/21. Oral argument set for 2/16/22.

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

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

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

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

Status: Complaint filed 4/24/19.  
Commission's motion to dismiss filed 6/28/19; plaintiffs' response to motion filed 7/11/19; Commission's reply filed 8/2/19.  
Order granting Commission's motion to dismiss entered 4/10/20.  
Notice of appeal filed 6/8/20.  
Appellants' opening brief filed 2/5/21; Commission's answering brief filed 5/10/21; appellants' reply brief filed 7/6/21.  
Oral argument set for 1/13/22.

***STATE OF OKLAHOMA v. UNITED STATES***, No. 5:21-cv-104 (W.D. Okla.)

Parties: State of Oklahoma  
Oklahoma Horse Racing Commission  
State of West Virginia  
West Virginia Racing Commission  
Hanover Shoe Farms, Inc.  
Oklahoma Quarter Horse Racing Association

Tulsa County Public Facilities Authority  
Global Gaming RP, LLC  
Will Rogers Downs, LLC  
U.S. Trotting Association  
State of Louisiana  
Horseracing Integrity and Safety Authority  
Leonard S. Coleman, Jr.  
Nancy M. Cox

Assigned Attorneys: Alexander Sverdlov (DOJ)  
Marie Choi (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 4/26/21.  
Commission's motion to dismiss for lack of jurisdiction filed 8/16/21;  
plaintiffs' opposition filed 9/15/21; Commission's reply filed  
10/27/21.

#### **AMICUS CURIAE BRIEFS OR PARTIAL INTERVENTIONS**

***PATEL v. 7-ELEVEN, INC.***, No. SJC-13166 (MASS SJC)

Assigned Attorneys: Matthew Hoffman (OGC)  
Bradley Grossman  
Joel Marcus

Nature of Action: Private action alleging that franchisees are employees of franchisor for purposes of Massachusetts wage laws.

Status: Amicus brief for the Commission filed 12/02/21.  
Oral argument held 12/8/21.

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

Assigned Attorneys: Mark S. Hegedus (OGC)

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

Status: Brief for the United States and the Commission as amici curiae

supporting plaintiffs-appellees filed 9/11/19.  
Motion to participate in oral argument by United States filed 6/5/20;  
motion granted 6/10/20.  
Oral argument held 7/8/20.  
Opinion dismissing appeal for lack of jurisdiction in light of en banc  
decision in *SmileDirectClub, LLC v. Battle*, No. 19-12227 (11th  
Cir.), issued 7/29/21.

***OXBOW CARBON MINERALS, LLC, ET AL. v. UNION PACIFIC***, No. 21-7093 (D.D.C)

Assigned Attorneys: Mark S. Hegedus (OGC)  
Joel Marcus

Nature of Action: Private action raising question whether the provision of the Staggers Act  
of 1980 allows admission of evidence of alleged collusion among rail  
carriers.

Status: Brief for the Commission as amici curiae supporting rail shipper  
plaintiffs filed 12/22/21.

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

Assigned Attorneys: Mark S. Hegedus (OGC)

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

Status: Brief for the United States and the Commission as amici curiae  
supporting plaintiffs-appellees filed 9/26/19.  
Motion to participate in oral argument by United States filed 4/10/20;  
motion granted 4/29/20.  
Oral argument held 5/20/20.  
Opinion holding that Board members are not entitled to state-action  
defense entered 8/11/20.  
Rehearing en banc ordered 12/8/20.  
Amicus brief for the United States filed 1/25/21.  
Motion to participate in oral argument by United States filed 1/29/21;  
motion granted 2/2/21.  
Oral argument held 2/23/21.  
En banc opinion, ruling that orders denying state-action protection are not  
immediately appealable under the collateral order doctrine, issued  
7/20/21.

***JOHN FRALISH v. BANK OF AMERICA, N.A.***, No. 21-2846 (7th Cir.)

Assigned Attorneys: Mark Hegedus (OGC)

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

Status: Amicus brief for the Commission, Department of Justice, and the Consumer Financial Protection Bureau, and the Board of Federal Reserve filed 12/2/21.

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

Assigned Attorneys: Bradley Grossman (OGC)

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

Status: Amicus brief for the Commission and the Consumer Financial Protection Bureau filed 10/7/20.  
Motion to participate in oral argument by CFPB filed 4/15/21; motion granted 4/19/21.  
Oral argument held 4/28/21.  
Order directing parties to file supplemental briefs entered 7/15/21.  
Order for stipulated withdrawal of appeal entered 9/16/21.  
Letter on behalf of appellant, Bradley Tewinkle, stating the case can be closed, filed 11/15/21.

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

Assigned Attorneys: Bradley Grossman (OGC)

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

Status: Commission’s amicus brief filed 10/13/20.  
Oral argument held 2/25/21.  
Consent motion to dismiss reverse payment claims filed 7/30/21.  
Case dismissed 8/2/21.