QUARTERLY FEDERAL COURT LITIGATION STATUS REPORT

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

September 30, 2013

No. 117

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SUMMARY OF CASES

	D. Ct.	Ct. App.*	S. Ct.	Total
PETITIONS FOR REVIEW	0	3	1	4
INJUNCTION AND CONSUMER REDRESS CASES	77	19	3	99
CIVIL PENALTY AND ENFORCEMENT CASES	14	1	0	15
SUBPOENA AND CID ENFORCEMENTS	2	2	0	4
SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION	7	2	0	9
AMICUS CURIAE BRIEFS	5	5	4	14
TOTALS	105	32	8	145

* 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 going on simultaneously.

PETITIONS FOR REVIEW

(A) Orders to Cease and Desist

NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS v. FTC, No. 12-1172 (4th Cir.)

Parties: North Carolina State Board of Dental Examiners

Assigned Attorneys: Imad D. Abyad (OGC)

Nature of Action: Petition for review of final order *In re North Carolina [State] Board of Dental Examiners*.

Status:
Petition filed 2/10/12.
Board's opening brief filed 5/10/12.
Commission's response brief filed 6/27/12.
Board's reply brief filed 7/19/12.
Oral argument held 12/5/12.
Opinion holding in the Commission's favor on all issues issued 5/31/13.
Rehearing denied 7/30/13.

POLYPORE INTERNATIONAL, INC v. FTC, No. 12-1016 (S. Ct.); No. 11-10375 (11th Cir.)

Parties: Polypore International, Inc.

Assigned Attorneys: Michele Arington (OGC)

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

Status:
Petition filed 2/28/11.
Polypore's brief filed 4/26/11.
Commission's brief filed 6/20/11.
Polypore's reply brief filed 7/19/11.
Oral argument held 1/25/12.
Opinion affirming Commission's decision and divestiture order entered 7/11/12.
Polypore's petition for panel rehearing or rehearing *en banc* filed 8/27/12.
Order denying Polypore's petition for rehearing entered 10/17/12.
Petition for writ of certiorari filed 1/15/13.
Commission's brief in opposition filed 5/22/13.
Polypore's reply brief filed 6/3/13.
Petition for certiorari denied 6/24/13.

POM WONDERFUL v. FTC, No. 13-1060 (D.C. Cir.)

Parties:	POM Wonderful LLC Roll Global LLC Stewart A. Resnick Lynda Rae Resnick Matthew Tupper
Assigned Attorneys:	Imad D. Abyad (OGC)
Nature of Action:	Petition for review of final Commission order.
Status:	Petition filed 3/8/13. POM and Tupper's opening brief filed 8/14/13. Commission's answering brief due 12/9/13; reply brief due 1/6/14.

FTC v. PROMEDICA HEALTH SYSTEMS, INC., No. 12-3583 (6th Cir.)

Parties:	ProMedica Health Systems, Inc.
Assigned Attorneys:	Michele Arington (OGC)
Nature of Action:	Petition for review of final divestiture order.
Status:	Petition filed 5/18/12. ProMedica's opening brief filed 9/17/12. Commission's answering brief filed 11/14/12. ProMedica's reply brief filed 12/12/12. Oral argument held 3/7/13.

(B) Rulemakings

(None)

INJUNCTION AND CONSUMER REDRESS CASES

(A) Preliminary Injunctions (Mergers/Acquisitions)

FTC v. ARDAGH GROUP S.A. ET AL., No. 1:13-CV-1021 (D.D.C)

Parties: Ardagh Group S.A.
Compagnie De Saint-Gobain
Saint Gobain Containers, Inc.

Assigned Attorneys: Edward D. Hassi (BC)
Amanda J. Hamilton
Angelike A. Mina
Brendan J. McNamara
Catherine M. Moscatelli
James E, Abell, III
Sebatian A. Lorigo
Victoria L. Lippincott
David Sieradzki (OGC)

Alleged Conduct: Action for preliminary injunction for violations of Section 5 of the FTC Act and Section 7 of the Clayton Act, to enjoin Ardagh Group S.A.'s impending acquisition of Saint-Gobain Containers from Compagnie de Saint-Gobain.

Status: Sealed complaint and motion for preliminary injunction filed 7/3/13.
Commission's memorandum in support of its motion for preliminary injunction filed under seal 8/29/13; defendants' memorandum in opposition filed 9/18/13.
Evidentiary hearing scheduled for 11/25/13, 11/26/13, and 11/27/13.

FTC v. PHOEBE PUTNEY HEALTH SYSTEM, INC., No. 11-1160 (S. Ct.); No. 11-12906 (11th Cir.); No. 1:11-CV-00058 (M.D. Ga.)

Parties: Phoebe Putney Health System, Inc.
Phoebe Putney Memorial Hospital, Inc.
Phoebe North, Inc.
HCA, Inc.
Palmyra Park Hospital, Inc.
Hospital Authority of Albany-Dougherty County

Assigned Attorneys: John F. Daly (OGC)
Imad D. Abyad

Leslie R. Melman
Malcolm L. Stewart (DOJ/OSG)
Benjamin J. Horwich
Edward D. Hassi (BC)
Priya Viswanath
Sara Y. Razi
Thomas H. Brock
Matthew Tabas
Peter C. Herrick

Alleged Conduct: Action for preliminary injunction and other equitable relief for violations of Section 5 of the FTC Act and Section 7 of the Clayton Act in connection with the monopolization of inpatient general acute care services sold to commercial health plans and their customers in Albany, Georgia and surrounding area.

Status:

Sealed complaint filed 4/20/11.
Order granting motion for TRO entered 4/21/11.
Motions to dismiss complaint or, in the alternative, for summary judgment by defendants filed 5/16/11.
Briefs of the Commission and the State of Georgia in further support of motion for preliminary injunction and in opposition to defendants' motions to dismiss or for summary judgment filed 6/1/1.
Order granting motions to dismiss and denying motion for preliminary injunction entered 6/27/11.
Commission's notice of appeal filed 6/28/11.
Commission's emergency motion for injunction pending appeal and to expedite appeal filed 6/29/11.
Injunction pending appeal granted 7/6/11.
Commission's opening brief filed 7/27/11; appellees' answering brief filed 8/17/11; Commission's reply brief filed 8/24/11.
Order affirming district court entered 12/09/11.
Petition for writ of certiorari filed 3/23/12; granted 6/25/12.
Commission's brief filed 8/20/12.
Respondents' brief filed 10/1/12.
Commission's reply brief filed 10/31/12.
Oral argument held 11/26/12.
Supreme Court decision reversing Court of Appeals issued 2/19/13.
Court of Appeals remand order issued 5/10/13.
Stipulated preliminary injunction order entered by district court 6/5/13.

(B) Preliminary Injunctions (Other)

(None pending)

(C) Permanent Injunctions/Consumer Redress*

FTC v. A+ FINANCIAL CENTER, LLC, No. 2:12-CV-14373 (S.D. Fla.)

Parties:	A+ Financial Center, LLC Accelerated Accounting Services, LLC Christopher L. Miano Dana M. Miano
Assigned Attorneys:	Bikram Bandy (BCP/MP) William Maxson
Alleged Conduct:	Deceptive acts or practices in violation of Section 5 and the Telemarketing Sales Rule in connection with the sale of phony credit card interest rate reduction services.
Status:	Complaint filed 10/23/12. TRO entered 10/24/12. Preliminary injunction entered 11/1/12. Motion for stipulated final judgment filed 7/3/13; hearing held 7/24/13.

FTC v. A TO Z MARKETING, INC., No. 8:13-cv-00919 (C.D. Cal.)

Parties:	A to Z Marketing, Inc. Apex Members, LLC Apex Solutions, Inc Backend, Inc. Expert Processing Center, Inc. Smart Funding Corp. William D. Goodrich, Atty, Inc. Ratan Baid Madhulika Baid William D Goodrich

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

Assigned Attorneys: Jonathan L Kessler (ECR)
Maria Del Monaco
Stacy Rene Procter
Steven W. Balster

Alleged Conduct: Deceptive acts and practices in violation of Section 5 through the operation of a nationwide scheme regarding mortgage assistance relief services, including loan documentation and transaction services, and loan modification services.

Status: Complaint filed 6/18/13.
TRO entered 6/18/13.
Preliminary injunction against Backend, Inc. entered 7/12/13.
Stipulated preliminary injunction against remaining defendants entered 7/19/13.

FTC v. ACTAVIS, INC. (formerly WATSON PHARMACEUTICALS, INC.), No. 12-416 (S. Ct.); Nos. 12-16488, No. 10-12729 (11th Cir.); No. 1:09-CV-00955 (N.D. Ga.), formerly No. 2:09-CV-00598 (C.D. Cal.)

Parties: Watson Pharmaceuticals, Inc.
Par Pharmaceuticals Companies, Inc.
Paddock Laboratories, Inc.
Solvay Pharmaceuticals, Inc.

Assigned Attorneys: Markus Meier (BC)
Bradley S. Albert
Cynthia A. Liebes (SER)
Mark S. Hegedus (OGC)

Alleged Conduct: Action for a permanent injunction and other equitable relief for violations of the Sections 1 and 2 of the Sherman Act and Section 5 of the FTC Act in connection with agreement between brand name drug manufacturer and generic manufacturers delaying entry of generic drug.

Status: Complaint in C.D. Cal. filed 1/27/09.
Amended complaint filed 2/12/09.
Defendants motion to transfer case to Northern District of Georgia filed 2/27/09; Commission's opposition filed 3/16/09; defendants' reply filed 3/23/09; order transferring case to N.D. Ga. entered 4/9/09.
Second amended complaint filed 5/28/09.
Commission's motion to stay proceeding filed 6/15/09; defendants' opposition filed 6/17/09; Commission's reply filed 7/6/09; order denying motion entered 7/17/09.

Defendants' motions to dismiss second amended complaint filed 7/20/09; Commission's opposition filed 8/21/09; defendants' replies filed 9/11/09.

Order granting motion to dismiss Commission's second amended complaint entered 2/22/10.

Judgment dismissing Commission's claims with prejudice entered 4/21/10

Notice of appeal filed 6/10/10.

Commission's opening brief filed 7/26/10.

Defendants' answering brief filed 11/10/10.

Commission's reply brief filed 12/15/10.

Oral argument held 5/13/11.

Opinion affirming district court issued on 4/25/12.

Commission's petition for rehearing *en banc* filed 6/11/12.

Order denying petition for rehearing *en banc* entered 7/18/12.

Commission's petition for writ of certiorari filed 10/4/12.

Petition granted 12/7/12.

Commission's petition to district court to unseal document filed 12/10/12; motion granted and temporary stay pending appeal entered 12/19/12.

Notice of appeal of order unsealing document by AbbVie Products filed 12/21/12; emergency motion to expedite briefing and stay unsealing order filed 12/26/12; granted 1/10/13.

Commission's Supreme Court merits brief filed 1/22/13.

AbbVie Products' opening brief in 11th Circuit filed 1/31/13; Commission's response filed 2/7/13; AbbVie Products' reply filed 2/19/13.

Respondents' Supreme Court briefs filed 2/21/13.

Commission's Supreme Court reply brief filed 3/18/13.

Oral argument in 11th Circuit held 3/20/13.

11th Circuit opinion affirming district court order lifting seal and dissolving stay filed 3/21/13.

Supreme Court grant of Solicitor General's motion to lift seal on sealed volume of joint appendix entered 3/22/13.

Supreme Court oral argument held 3/25/13.

Supreme Court decision in favor of the FTC, reversing the Eleventh Circuit Court of Appeals and remanding the case for further proceedings consistent with its opinion entered 6/17/13.

Eleventh Circuit order vacating the district court judgment and remanding the case to the district court entered 9/9/13.

FTC v. ACQUINITY INTERACTIVE LLC, ET AL., No. 1:13-cv-5380 (N.D. Ill.)

Parties:	Acquinity Interactive, LLC 7657030 Canada, Inc. Gary Jonas Revenue Path E-Consulting Private Worldwide Commerce Associates, LLC, d/b/a WCA Sarita Somani Firebrand Group, S.L., LLC Matthew Beucler Revenuepath Limited
Assigned Attorneys:	Steven M. Wernikoff (MWR)
Alleged Conduct:	Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Telemarketing Sales Rule, in connection with advertising purportedly free merchandise through unsolicited text messages and robocalls.
Status:	Complaint filed 7/29/13. Motion by Acquinity Interactive to transfer venue to the Southern District of Florida filed 9/30/13.

FTC v. ADVERT MARKETING, No. 4:13-CV-00590 (S.D. Tex.)

Parties:	Advert Marketing, Inc. Scott A. Dalrymple Robert Jerrold Wence
Assigned Attorneys:	Eliseo Noel Padilla (SWR) James E. Elliott
Alleged Conduct:	Deceptive acts or practices in violation of Section 5 and the Telemarketing Sales Rule in connection with text message spam sent to consumers regarding purportedly free merchandise and gift cards.
Status:	Complaint filed 3/5/13. Preliminary injunction entered 3/18/13. Trial set for 6/2/14.

FTC v. AFD ADVISORS, LLC ET AL., No. 1:13-cv-6420 (N.D. Ill.)

Parites: AMG Associates, LLC, d/b/a AMG Medical, d/b/a AMG Medical Associates
Park 295 Corp.
Cal Consulting, LLC, d/b/a Clinacall
9262-2182 Quebec Inc.
9210-7838 Quebec Inc.
Aaron F. Dupont
Charles A. Lamborn, III
Stephane Scebba
Fawaz Sebai, a.k.a. Frank Sebag
AFD Advisors, LLC, d/b/a AFD Medical Advisors

Assigned Attorneys: William J. Hodor (MWR)
Theresa M. McGrew

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Telemarketing Sales Rule, in connection with marketing and selling a medical discount plan primarily to elderly and infirm customers.

Status: Complaint filed 9/9/13.
Order granting TRO and asset freeze entered 9/10/13.
Stipulated preliminary injunction with asset freeze as to defendant Aaron Dupont entered 9/19/13.

FTC v. ALCOHOLISM CURE CORP., No. 12-14039 (11th Cir.), No. 3:10-CV-00266 (M.D. Fla.)

Parties: Alcoholism Cure Corporation, d/b/a Alcoholism Cure Foundation
Robert Douglas Krotzer

Assigned Attorneys: Karen Mandel (BCP/AP)
Serena Viswanathan
Jack Metzler (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 involving false advertising claims in connection with cures for alcoholism and related unauthorized billing.

Status: Complaint filed 3/29/10.
Stipulated preliminary injunction entered 5/26/10.
Default against Alcoholism Cure Corp. entered 9/22/10.
Commission motion for summary judgment filed 4/6/11; opposition by defendant Robert Douglass Krotzer filed 4/28/11.

Order granting Commission's motion for summary judgment entered 9/16/11.
Commission motion for default judgment against Alcoholism Cure Corp. filed 10/31/11; order referring motion for report and recommendations entered 11/02/11; report and recommendation for default judgment against Alcoholism Cure Corp. entered 12/5/11.
Notice of appeal by defendant Krotzer filed 8/1/12.
Appellant's brief filed 3/5/13.
On May 3, the court of appeals ruled, *sua sponte* and prior to the filing of our brief, that the issues raised in Krotzer's *pro se* brief were without merit, and affirmed the ruling below.
Eleventh Circuit order dismissing appeal, affirming district court entered 5/3/13.
Appellant's petition for rehearing en banc filed 5/23/13.
Clerk's order construing appellant's petition for rehearing en banc as a motion for reconsideration, 5/30/2013.
Order denying appellant's petition for rehearing entered 7/22/13.

FTC v. AMBROSIA WEB DESIGN, LLC, No. 2:12-CV-02248 (D. Ariz.)

Parties:
Ambrosia Web Design LLC
Concord Financial Advisors LLC
CAM Services Direct LLC
AFB LLC
Western GPS LLC
Chris Ambrosia
LeRoy Castine, a/k/a Lee Castine

Assigned Attorneys:
Emily Robinson (SWR)
Jason Moon
Thomas Carter

Alleged Conduct:
Deceptive acts or practices in violation of Section 5, the FTC's Trade Regulation Rule, and the Telemarketing Sales Rule in connection with offers of credit card interest rate reduction services.

Status:
Complaint filed 10/22/12.
TRO entered 10/22/12.
Preliminary injunction entered 3/8/13.
Amended complaint filed 4/24/13.
Stipulated final order for permanent injunction and monetary judgment entered 9/4/13.

FTC v. AMERICAN BUSINESS BUILDERS LLC, No. 2:12-CV-02368 (D. Ariz.)

Parties:	American Business Builders, LLC ENF LLC, also d/b/a Network Market Solutions UMS Group LLC United Merchant Services LLC Universal Marketing and Training LLC Unlimited Training Services LLC Shane Michael Hanna, a/k/a Shane Michael Romeo Stephen Spratt
Assigned Attorneys:	Faye Chen Barnouw (WRLA) Nicholas Matthew May Stacy Procter
Alleged Conduct:	Deceptive acts or practices in violation of Section 5 and the Business Opportunity Rule in connection with purported low-cost credit card and other payment processing services for small businesses.
Status:	Complaint filed 11/6/12. TRO entered 11/6/12. Amended complaint filed 12/14/12. Preliminary injunction entered 8/29/13.

FTC v. AMERICAN MORTGAGE CONSULTING GROUP, No. 8:12-CV-01561 (C.D. Cal.)

Parties:	American Mortgage Consulting Group Home Guardian Management Solutions LLC Mark Nagy Atalla
Assigned Attorneys:	Maxine Stansell (NWR) Kathryn Decker Barbara Chun (WRLA)
Alleged Conduct:	Deceptive acts and practices in violation of Section 5 of the FTC Act and the Mortgage Assistance Relief Services Rule in connection with the marketing and sale of mortgage and debt relief services.
Status:	Complaint filed 9/18/12. TRO entered 9/18/12. Stipulated preliminary injunction entered 10/1/12. Stipulated final judgment and order for permanent injunction entered 9/18/13.

FTC v. AMG SERVICES, INC., 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:	Helen Wong (BCP/FP) Jason Schall
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 filed 7/18/13.
Motions for summary judgment by Commission and defendants filed 9/30/13.

FTC v. APPLIED MARKETING SCIENCES, LLC, ET AL., No. 2:13-cv-6794 (C.D. Cal.)

Parties: Applied Marketing Sciences, LLC
Standard Registration Corporation, d/b/a Consolidated Research Authority and CRA
Worldwide Information Systems Inc., d/b/a Specific Monitoring Serivce, d/b/a Specific Reporting Service, d/b/a Universal Information Services, d/b/a Compendium Sampler Services, d/b/a CSS
Liam O. Moran

Assigned Attorneys: David A. O'Toole (MWR)
Faye C. Barnouw
Joannie T. Wei

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act , in connection with a prize promotion scheme.

Status: Complaint filed 9/16/13.
TRO granted 9/16/13.
Stipulated preliminary injunction entered 9/30/13.

FTC v. ASSET AND CAPITAL MANAGEMENT GROUP, ET AL., No. 8:13-cv-1107 (C.D. Cal.)

Parties: Asset and Capital Management Group
Crown Funding Company, LLC
Green Fidelity Allegiance, Inc., d/b/a WRA
Sj Capitol, LLC, d/b/a SCG
Western Capital Group, Inc., d/b/a ERA and LMR
Credit Mp, LLC
One FC, LLC
Thai Han
Jim Tran Phelps
Keith Hua
James Novella

Assigned Attorneys: Gregory A. Ashe (BCP/FP)
Michael D. White
Seena D. Gressin
Maricela Segura (WRLA)

Alleged Conduct: Alleged violations of Section 5(a) of the FTC Act and the Fair Debt Collections Practices Act in connection with abusive and deceptive debt collection practices.

Status: Complaint filed 7/22/13.
TRO entered 7/24/13.
Stipulated preliminary injunction entered 8/19/13.

FTC v. BLUEHIPPO FUNDING, LLC, No. 11-374 (2d Cir.); No. 1:08-CV-01819 (S.D.N.Y.)

Parties: BlueHippo Funding, LLC
BlueHippo Capital LLC
Joseph K. Rensin

Assigned Attorneys: Amanda C. Basta (BCP/ENF)
Michael D. Bergman (OGC)
David C. Shonka

Alleged Conduct: Contempt proceeding for violations of a permanent injunction in connection with the sale of personal computers, televisions, and other consumer electronics.

Status: Complaint filed 2/22/08.
Stipulated final judgment and order for permanent injunction entered 4/9/08.
Motions for contempt and to modify permanent injunction against BlueHippo Funding, LLC, BlueHippo Capital LLC, and Joseph K. Rensin filed 11/17/09.
Order to show cause why defendants should not be held in contempt entered 11/16/09; modified 11/18/09.
Defendants' memoranda of law filed 12/7/09 and 12/11/09; Commission's reply memoranda of law filed 12/11/09 and 12/12/09.
Trial held 2/9/10-2/11/10; closing argument held 2/19/10.
Order granting motion for contempt entered 7/27/10; judgment entered 7/30/10.
Commission's motion to amend/correct judgment and order filed 8/27/10; defendants' opposition filed 9/24/10; Commission's reply filed 10/8/10.
Order denying Commission's motion to amend/correct judgment and order entered 12/1/10.
Notice of appeal filed 2/1/11.
Commission's brief filed 5/16/11.
Appellee's brief filed 8/15/11.
Commission's reply brief filed 9/12/11.
Argument held 2/23/12.

FTC v. BROADWAY GLOBAL MASTER, INC., No. 2:12-CV-00855 (E.D. Cal.)

Parties:	Broadway Global Master, Inc. In-Arabia Solutions Inc. Kirit Patel
Assigned Attorneys:	Austin A.B. Ownbey (WRSF) Kerry O'Brien Sarah Schroeder
Alleged Conduct:	Unfair and deceptive acts or practices in violation of Section 5 and the FDCPA related to debt collection practices.
Status:	Complaint filed 4/3/12. TRO entered 4/5/12. Preliminary injunction and asset freeze entered 4/26/12. Kirit Patel indicted on 21 counts of mail and wire fraud on 8/23/12 Order granting six-month stay entered 9/17/12. Order extending stay for four months entered 3/7/13. Order extending civil stay until November 2013 entered 7/8/13.

FTC v. BURNLOUNGE, INC., Nos. 12-55926, 12-56197, 12-56128 (9th Cir.), No. 2:07-CV-03654 (C.D. Cal.)

Parties:	BurnLounge, Inc. Juan Alexander Arnold John Taylor Rob DeBoer Scott Elliott
Assigned Attorneys:	Chris M. Couillou (SER) Dama Brown David C. Fix (BCP/MP) Burke Kappler (OGC)
Alleged Conduct:	Deceptive practices in violation of Section 5 in connection with the advertising, marketing, and sale of opportunities to operate on-line digital music stores.
Status:	Complaint filed 6/6/07. Stipulated preliminary injunction as to defendant Scott Elliott entered 7/2/07. Stipulated preliminary injunction as to defendant BurnLounge, Inc. entered 7/3/07.

Stipulated preliminary injunction as to defendant Rob DeBoer entered 8/7/07.

Stipulated preliminary injunction as to defendant John Taylor entered 8/8/07.

Stipulated preliminary injunction as to defendant Juan Alexander Arnold entered 8/21/07.

Commission's motion to show cause why defendants BurnLounge and Juan Alexander Arnold should not be held in contempt for violation of stipulated preliminary injunction filed 4/24/08; defendants' opposition filed 5/7/08; Commission's reply filed 5/8/08; order granting motion to show cause entered 5/19/08.

Stipulated final order for permanent injunction and other equitable relief as to defendant Scott Elliott entered 6/16/08.

Defendants BurnLounge and Juan Alexander Arnold opposition to order to show cause filed 6/24/08; Commission's response filed 7/7/08; defendants' reply filed 7/8/08.

Order finding BurnLounge in violation of court injunction entered 8/4/08.

Trial held 12/9/08 to 12/22/08.

Post-trial briefs filed 3/6/09.

Closing arguments held 3/30/09.

Commission's motion to protect frozen assets from collection efforts by third parties filed 5/15/09; hearing on motion held 7/13/09.

Statement of decision entered 7/1/11.

Final judgment and order for permanent injunction and other equitable relief against defendants Burnlounge, Inc., Juan Alexander Arnold, John Taylor and Rob DeBoer entered 7/25/11.

Defendants' ex parte application to vacate judgment filed 7/29/11; Commission's reply filed 8/1/11; order granting ex part application entered 8/4/11.

Amended final judgment entered 3/1/12.

Defendants' motion to amend or alter final judgment filed 3/29/12; Commission's opposition filed 4/9/12; motion denied 5/13/12.

Notice of appeal by defendants Burnlounge and Arnold filed 5/17/12; notice of appeal by defendant Tyler filed 6/27/12; Commission's notice of cross-appeal filed 6/29/12.

Commission's brief as appellee and cross-appellant filed 4/1/13.

Reply briefs from defendants Burnlounge, Arnold, and Taylor filed 6/17/13.

Oral argument set for 12/6/13.

FTC v. CAPRICE MARKETING LLC, ET AL., No: 1:13-CV-6072 (N.D. Ill.)

Parties:	Nuvue Partners LLC Capital Advance LLC Loan Assistance Company ILife Funding LLC Sean C. Mulrooney Odafe Stephen Ogaga Caprice Marketing LLC
Assigned Attorneys:	James Davis (MWR) Elizabeth Coulter Scott Theresa M. McGrew
Alleged Conduct:	Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with the marketing of payday loans.
Status:	Complaint filed 8/27/13. TRO entered 8/29/13. Stipulated preliminary injunction with asset freeze entered 9/12/13.

FTC v. CAREER EXAMS, INC., No. 1:12-CV-00188 (W.D. Ky.)

Parties:	Career Exams, Inc. O'Brien Marketing, Inc. Jeryn B. Lee Derek Jackson
Assigned Attorneys:	Daniel Hanks (BCP/MP) Emily Burton
Alleged Conduct:	Deceptive acts or practices in violation of Section 5 in connection with sale of purported employment goods or services to consumers seeking jobs with the United States Postal Service.
Status:	Complaint filed 11/1/12. TRO entered 11/2/12. Stipulated preliminary injunction entered 11/15/12. Stipulated final judgment and order as to O'Brien Marketing, Inc. and Derek Jackson entered 6/28/13. Stipulated final judgment and order as to remaining defendants entered 7/10/13.

FTC v. CEPHALON, INC., No. 2:08-CV-02141 (E.D. Pa.), formerly No. 1:08-CV-00244 (D.D.C.)

Parties:	Cephalon, Inc.
Assigned Attorneys:	Markus H. Meier (BC) Saralisa C. Brau Bradley S. Albert Garth W. Huston Suzanne Munck
Alleged Conduct:	Violations of Section 5 in connection with inducing generic companies to abandon patent challenge and agreeing to refrain from producing a generic form of the drug Provigil.
Status:	Complaint for injunctive relief in D.D.C. filed 2/13/08. Order granting defendant's motion to transfer case to E.D. Pa. entered 4/28/08. Defendant's motion to dismiss filed 5/2/08; Commission's opposition to motion filed 6/2/08; defendant's reply filed 6/20/08. First amended complaint filed 8/12/09. Defendant's motion to dismiss filed 8/31/09; Commission's response in opposition filed 9/14/09; oral argument held 10/21/09. Order and memorandum denying motion to dismiss entered 3/29/10. Order staying case pending Supreme Court resolution of pay-for-delay pharmaceutical litigation settlements entered 8/29/12. Notice by Commission of Supreme Court decision in *FTC v. Actavis* filed 6/19/13.

FTC v. COMMERCE PLANET, INC., No. 12-57064 (9th Cir.); No. 8:09-CV-01324 (C.D. Cal.)

Parties:	Commerce Planet, Inc., d/b/a Online Supplier Michael Hill Charles Gugliuzza Aaron Gravitz
Assigned Attorneys:	David M. Newman (WRSF) Eric D. Edmondson Michele Arington (OGC)
Alleged Conduct:	Deceptive acts and practices in violation of Section 5 in connection with the marketing and sale of "Online Auction Starter Kits" and automatic debiting of monthly charges to consumer credit cards.
Status:	Complaint filed 11/10/09.

Stipulated final orders for permanent injunction and monetary relief against Commerce Planet, Inc., Michael Hill, and Aaron Gravitz entered 11/18/09.

Motion to dismiss as to defendant Charles Gugliuzza filed 1/19/10; Commission's opposition to motion filed 2/1/10; defendants' reply filed 2/8/10; order denying defendants' motion to dismiss entered 2/12/10.

Defendant Charles Gugliuzza's answer impleading Superfly Advertising, Inc. (a Delaware corporation) and Superfly Advertising, Inc. (an Indiana corporation) as third-party defendants filed 4/16/10; amended answer adding counterclaim against Commission filed 5/4/10.

Motion to dismiss Charles Gugliuzza's counterclaim filed 5/25/10; Gugliuzza's opposition filed 6/21/10; Commission's reply filed 6/28/10.

Motion to dismiss third-party defendant Superfly Advertising, Inc. filed 6/22/10; Gugliuzza's opposition filed 7/19/10; reply by third-party defendant Superfly Advertising, Inc. filed 7/26/10.

Order granting third-party defendant Superfly Advertising's motion to dismiss entered 8/5/10.

Amended third-party complaint against counter defendants Superfly Advertising, Inc. (an Indiana corporation) and Superfly Advertising, Inc. (a Delaware corporation) by defendant Charles Gugliuzza filed 8/25/10.

Motion to dismiss first amended third-party complaint by third-party defendant Superfly Advertising, Inc. filed 9/15/10; order granting motion entered 10/27/10.

Second amended third-party complaint against counter defendants Superfly Advertising, Inc. (an Indiana corporation) and Superfly Advertising, Inc. (a Delaware corporation) by defendant Charles Gugliuzza filed 11/16/10.

Motion to dismiss second amended third-party complaint by third-party defendant Superfly Advertising, Inc. filed 11/29/10; order granting motion entered 12/28/10.

Motion for summary judgment by defendant Charles Gugliuzza filed 4/22/11.

First amended complaint for permanent injunction and other equitable relief filed 6/29/11.

Defendant Charles Gugliuzza's motion for summary judgment filed 7/27/11; Commission's opposition filed 8/22/11; reply filed 8/29/11; order denying motion for summary judgment entered 9/08/11.

Trial held 1/31/12-2/28/12.

Post-trial briefs submitted 3/23/12.

Memorandum of decision in favor of the Commission and directing Commission to file proposed permanent injunction and judgment entered 6/22/12.

Final order and permanent injunction as to all defendants entered 7/17/12.
Defendant Charles Gugliuzza's notice of appeal filed 11/13/12.
Appellant's opening brief filed 7/5/13; Commission's brief due by 12/7/13.

FTC v. CONSTRUCT DATA PUBLISHERS, No. 1:13-CV-01999 (N.D. Ill.)

Parties: Construct Data Publishers, d/b/a Fair Guide
Wolfgang Valvoda
Susanne Anhorn

Assigned Attorneys: Guy G. Ward (MWR)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 of the FTC Act in connection with a scheme deceiving small businesses and other organizations into unintentionally ordering and paying for directory listings.

Status: Complaint filed 3/14/13.
Preliminary injunction entered 4/17/13.

FTC v. CONSUMER HEALTH BENEFITS ASS'N, No. 1:10-CV-03551 (E.D.N.Y.)

Parties:
Consumer Health Benefits Association
Jeffery Burman
Century Senior Services
Guarantee Trust Life Insurance
Richard Holson III
Louis Leo
National Association for Americans
National Benefits Consultants, LLC
National Benefits Solutions, LLC
John Schwartz
Barbara Taube
Rita B. Werner
Ronald K. Werner
Vantage America Solutions
Windi Tow

Assigned Attorneys: Karen A. Dahlberg (NER)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Telemarketing Sales Rule in connection with defendants' marketing, distribution, and sale of medical discount plans.

Status: Complaint filed 8/03/10.
Stipulation and order modifying ex parte TRO as to defendant Louis Leo entered 8/25/10.
Stipulation and order modifying ex parte TRO as to defendants Ron Werner and Rita Werner entered 8/25/10.

Stipulated preliminary injunction order as to defendant Louis J. Leo entered 9/21/10.
Stipulated preliminary injunction as to defendants Ron Werner and Rita Werner entered 10/01/10.
Preliminary injunction as to corporate defendants entered 10/5/10.
Clerk's entry of default as to corporate defendants 11/15/10.
Stipulation and order modifying the preliminary injunction order as to defendants Louis Leo, Rita and Ronald Werner entered 3/31/11.
Commission's motion for leave to amend complaint naming additional defendants filed 5/06/11; magistrate judge's decision granting motion entered 8/18/11.
Appeals of magistrate judge's decision by proposed defendants filed 9/06/11.
Commission's amended complaint filed 10/13/11.
Motions to dismiss by filed 11/22/11; Commission's response in opposition filed 12/13/11.
Orders denying all motions to dismiss entered 5/23/12 & 5/24/12.
Commission's motion for summary judgment filed 7/23/2013; opposition by John Schwartz and Wendi Tow filed 8/30/13; cross-motions for summary judgment by Rita Werner, GTL, Vantage, Century, Rick Holson, Jeff Burman, and Barbara Taube filed 9/4/13, 9/5/13 and 9/6/13.

FTC v. COUNTRYWIDE HOME LOANS, INC., No. 12-55209 (9th Cir.); No. 2:10-CV-04193 (C.D. Cal.)

Parties: Countrywide Home Loans Inc.
BAC Home Loans Servicing LP
Eric R. Calloway (Claimant)
David Kissi (Movant)

Assigned Attorneys: Heather Allen (BCP/DFP)
John David Jacobs
Michael D. Bergman (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 of the FTC Act in connection with the defendants selling, servicing, and collecting mortgage loans.

Status: Complaint filed 6/7/10.
Stipulated consent judgment and order entered 6/15/10.
Claimant Eric R. Calloway's petition for enforcement of consent judgment and order filed 11/23/10; order denying petition entered 1/20/11.
Notice of pro se appeal by David Kissi filed 1/31/11.

Supplemental stipulated consent judgment and order as to defendant BAC Home Loans entered 3/22/12.
Appellant's brief filed 4/20/12; Commission's answering brief filed 8/1/12; appellant's reply brief filed 8/8/12.
Order dismissing appeal for failure to pay fees filed 1/11/13.
Kissi's motion to reinstate appeal filed 1/31/13; granted 2/08/13.
Commission's motion to reinstate order dismissing appeal filed 2/20/13; Kissi's opposition filed 3/12/13; motion denied 3/28/13.

FTC v. CRUZ, No. 1:13-CV-01530 (N.D. Ill.)

Parties: Jason Q. Cruz, d/b/a Appidemic, Inc.

Assigned Attorneys: Steven M. Wernikoff (MWR)
William Joseph Hodor

Alleged Conduct: Deceptive acts and practices in violation of Section 5 of the FTC Act through text message spam representing that consumers have won a contest.

Status: Complaint filed 2/28/13.
TRO entered 3/5/13.
Stipulated preliminary injunction entered 3/19/13.

FTC v. THE CUBAN EXCHANGE, INC., LLC, No. 1:12-CV-05890 (E.D.N.Y.)

Parties: The Cuban Exchange, Inc., also d/b/a CrediSure America and MyiPad.us
Suhaylee Rivera

Assigned Attorneys: Bikram Bandy (BCP/MP)
William Maxson

Alleged Conduct: Deceptive acts or practices in violation of Section 5 and the Telemarketing Sales Rule in connection with scheme to trick consumers into providing bank account and other personal information by falsely claiming that defendants can speed up refund payments from FTC lawsuits that result in consumer redress.

Status: Complaint filed 11/28/12.
TRO entered 11/30/12.
Preliminary injunction entered 1/7/13.
Commission's petition for entry of default filed 3/1/13.

FTC v. DALBEY, No. 1:11-CV-01396 (D. Colo.)

Parties:	Russell T. Dalbey DEI, LLLP Dalbey Education Institute, LLC IPME, LLLP Catherine L. Dalbey
Assigned Attorneys:	Alysa S. Bernstein (BCP/AP) David P. Frankel Michelle Robyn Rosenthal James Trilling Tawana Davis
Alleged Conduct:	Deceptive practices in violation of Section 5 and the FTC's Telemarketing Sales Rule in connection with defendants' marketing of wealth-building program.
Status:	Complaint filed 5/26/11. Stipulated final order for permanent injunction and other equitable relief as to defendant Marsha Kellogg entered 6/7/11. Joint motion for stipulated preliminary injunction filed 9/29/11. Stipulated order for preliminary injunction and other equitable relief as to defendant Russell T. Dalbey entered 10/11/11. Defendants Russell Dalbey's and Catherine Dalbey's motion for partial summary judgment filed 1/6/12; Commission's opposition filed 1/20/12; defendants' reply filed 2/3/12; motion denied 5/29/12. Catherine and Russel Dalbeys motion to dismiss filed 5/4/12; Commission's opposition filed 5/29/12; defendant's reply filed 6/14/12. Russell Dalbey's and Catherine Dalbey's motion for summary judgment filed 11/6/12; Commission's opposition filed 11/27/12; defendants' reply filed 12/14/12. Commission's motion for summary judgment filed 11/6/12; defendants' opposition filed 11/30/12; Commission's reply filed 12/17/12. Order denying Commission's and defendants' motions for summary judgment entered 3/11/13. Trial initially set for week of 5/28/13 and week of 6/3/13. Joint motion to suspend the trial date filed 5/22/13; order granting the motion and vacating the trial entered 5/23/13. Stipulated order for final judgment as to Russell and Catherine Dalbey entered 7/22/13. Stipulated order for final judgment as to the corporate defendants entered 7/29/13.

FTC v. DAYTON FAMILY PRODUCTIONS, INC., No. 2:97-CV-00750 (D. Nev.)

Parties:	Glen E. Burke, d/b/a American Health Associates, LLC
Assigned Attorneys:	Reenah L. Kim (BCP/ENF) Sarah Waldrop
Alleged Conduct:	Deceptive acts and practices in violation of a 1998 order for permanent injunction in connection with telemarketing, by misrepresenting to consumers that they have won a valuable prize and requiring payment in order to retrieve the alleged prize.
Status:	Complaint filed 6/20/97. Permanent injunction entered 10/1/98. Motion for contempt and stipulated preliminary injunction filed 1/28/13. Order granting preliminary injunction entered 3/5/13. Hearing held 9/5/13. Order finding civil contempt liability entered 9/27/13.

FTC v. DIRECT BENEFITS GROUP, LLC, No. 6:11-CV-01186 (M.D. Fla.)

Parties:	Direct Benefits Group, LLC Voice Net Global, LLC Solid Core Solutions, Inc. WKMS, Inc. Kyle Wood Mark Berry
Assigned Attorneys:	Harold E. Kirtz (SER) Barbara E. Bolton
Alleged Conduct:	Unfair or deceptive acts and practices in violation of Section 5 involving unauthorized charges to consumer bank accounts.
Status:	Complaint filed 7/18/11. TRO entered 7/19/11. Preliminary injunction entered 08/19/11. Commission's motion for summary judgment filed 5/15/12. Trial held 11/27/12 - 11/30/12. Order denying defendant's motion for judgment on partial findings, instructing the Commission to file a proposed judgment and permanent injunction entered 7/18/13. Proposed order filed 7/29/13; objection filed 7/31; Commission's response filed 8/7/13.

Final judgment and order for permanent injunction entered 8/12/13.

FTC v. DISH NETWORK, LLC, No. 13-1860 (7th Cir.); No. 3:12-cv-03221 (C.D. Ill.)

Parties: Dish Network, LLC.

Assigned Attorneys: Gary Ivens (BCP/MP)
Russel Deitch
Mark Hegedus (OGC)

Alleged Conduct: Violations of the Telemarketing Sales Rule in connection with phone calls to consumers who have requested Dish Network and its dealers not to call.

Status: Complaint filed 8/22/12.
Defendant's motion to dismiss filed 9/25/12; Commission's opposition filed 10/29/12; defendant's reply filed 11/2/12.
Order denying motion to dismiss and vacating magistrate's decision denying Commission's motion for leave to file a second amended complaint in *United States v. DISH Network, LLC*, No. 09-3073 (*DISH I*) entered 3/12/13.
Judgment dismissing case without prejudice with leave granted to Commission to pursue claims in *DISH I* entered 3/14/13.
DISH Network's notice of appeal filed 4/11/13.
Commission's reply regarding docketing statement (treated by court of appeals as motion to dismiss) filed 5/10/13.
DISH Network's opposition to motion to dismiss filed 5/20/13; Commission's reply filed 5/23/13.
Order dismissing the appeal entered 7/3/13.

FTC v. ECOMMERCE MERCHANTS, LLC, No. 1:13-CV-01534 (N.D. Ill.)

Parties: Ecommerce Merchants, LLC
Cresta Pillsbury
Jan-Paul Diaz
Joshua Brewer
Daniel Stanitski

Assigned Attorneys: Steven Wernikoff (MWR)
Guy G. Ward

Alleged Conduct: Deceptive acts and practices in violation of Section 5 of the FTC Act in connection with unsolicited text message spam sent to consumers regarding purportedly free merchandise.

Status: Complaint filed 2/28/13.
TRO entered 3/7/13.
Preliminary injunction as to defendants Ecommerce Merchants, LLC, Cresta Pillsbury, Jan-Paul Diaz, and Joshua Brewer entered 3/18/13.
Preliminary injunction as to defendant Daniel Stanitski entered 4/4/13.

FTC v. ELH CONSULTING, LLC, No. 2:12-CV-02246 (D. Ariz.)

Parties: ELH Consulting LLC
Purchase Power Solutions LLC
Allied Corporate Connection LLC
Complete Financial Strategies LLC
3Point14 Consultants LLC, d/b/a The Elite Planning Group
Key Tech Software Solutions LLC, d/b/a Key Tech Software Solutions, LLC
Emory L. Holley, IV
Lisa Miller
Rares Stelea
Justin Journay

Assigned Attorneys: Eleanor Durham (NWR)
Laura Solis

Alleged Conduct: Deceptive acts or practices in violation of Section 5 and the Telemarketing Sales Rule in connection with sales or purported services to reduce consumers' credit card interest rates.

Status: Complaint filed 10/22/12.
TRO entered 10/22/12.
Stipulated preliminary injunction as to defendants Key Tech Software Solutions, Justin Journay, 3Point14 Consultants, and Rares Stelea entered 11/18/12.
Preliminary injunction as to defendants ELH Consulting, Purchase Power Solutions, Allied Corporate Connection, Complete Financial Strategies, Emory L. Holley IV, and Lisa Miller entered 3/12/13.
Stipulated judgment and order for permanent injunction and equitable relief against 3Point14 Consultants, LLC and Key Tech Software Solutions, LLC entered 6/12/13.

FTC v. E.M.A. NATIONWIDE, INC., No. 13-4169 (6th Cir.); 1:12-CV-02394 (N.D. Ohio)

Parties:	E.M.A. Nationwide, Inc. New Life Financial Solutions, Inc. 1UC, Inc. 7242701 Canada, Inc. 7242697 Canada, Inc. 7246293 Canada, Inc. 7246421 Canada Inc. James Benhaim Daniel Michaels Phillip Hee Min Kwon Joseph Shamolian Nissim N. Ohayon
Assigned Attorneys:	Chris Panek (ECR) Sara DePaul David L. Sieradzki (OGC)
Alleged Conduct:	Deceptive acts in practices in violation of Section 5 of the FTC Act and the Mortgage Assistance Relief Services Rule in connection with the advertising, sale, and promotion of debt relief services.
Status:	Complaint filed 9/25/12. Order denying Commission's motion for ex-party TRO entered 9/28/12. Stipulated preliminary injunction as to defendants Benhaim, Michaels, and all corporate defendants entered 10/25/12. Stipulated preliminary injunction as to defendant Ohayon entered 10/25/12. Stipulated preliminary injunction as to defendant Shamolian entered 11/20/12. Stipulated preliminary injunction as to defendant Kwon entered 11/27/12. Motion to dismiss by defendants Benhaim, Michaels, and corporate defendants filed 12/11/12; Commission's opposition to motion to dismiss filed 1/14/13; reply filed 2/17/13. Stipulated permanent injunction against defendant Kwon entered 5/14/13. Renewed motion to stay proceedings by defendants 1UC Inc., 7242701 Canada Inc., 7246293 Canada Inc., 7246421 Canada Inc., E.M.A. Nationwide, Inc., Daniel Michaels, and New Life Financial Solutions, Inc. filed 6/4/13; defendants' motion to delay trial date filed 6/11/13; order denying motion to stay and motion to delay entered 6/12/13. Commission's motion for an order to show cause why defendant Dan Michaels should not be held in contempt filed 6/26/13. Stipulated permanent injunction against defendant Shamolian entered 6/27/13. Motion for summary judgment as to Dan Michaels, James Benhaim, and the seven corporate defendants, filed 7/8/13.

Order granting motion for summary judgment entered 8/26/13.
Joint stipulated permanent injunction resolving the remaining claims against Nissim Ohayon entered 9/16/13.
Notice of appeal by Daniel Michaels, James Benhaim, and corporate defendants filed 9/24/13.

FTC v. EMERICA MEDIA CORPORATION, No. 9:13-CV-00003 (D. Mont.)

Parties:
Emerica Media Corporation
Global Voice Mail, Ltd.
Network Assurance, Inc.
Techmax Solutions, Inc.
Voice Mail Professionals, Inc.
Steven V. Sann
Terry D. Lane, a/k/a Terry D. Sann
Nathan M. Sann
Robert M. Braach
Bibliologic, Ltd.
American eVoice, Ltd.
FoneRight, Inc.
HearYou2, Inc.
SecuraDat, Inc.

Assigned Attorneys: Kathryn Decker (NWR)
Richard McKewen

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with recurring charges on consumers' monthly telephone bills for telecommunications services that consumers neither requested nor authorized.

Status:
Complaint filed 1/8/13.
Stipulated preliminary injunctions as to all defendants entered 5/8/13.
Order staying the case until at least 7/8/13, pending developments in a parallel criminal investigation entered 5/9/13.
Order staying the case pending the resolution of a parallel criminal investigation entered 9/24/13.

FTC v. FINANCIAL FREEDOM PROCESSING, INC., No. 12-10520 (5th Cir.); No. 3:10-CV-02446 (N.D. Tex.)

Parties: Financial Freedom Processing, Inc.,
Corey Butcher
Brent Butcher
Debt Consultants of America, Inc.
Debt Professionals of America, Inc.
Robert Creel
Corey Butcher
Nikki Creel, a/k/a Nikki Vrla

Assigned Attorneys: Anne D. LeJeune (SWR)
Gary D. Kennedy
John A. Singer (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with the marketing and sale of debt relief services.

Status: Complaint filed 12/2/10.
Order consolidating case with *FTC v. Debt Consultants of America, Inc.*, No. 3:10-CV-02447 and adding those defendants to this case entered 4/1/11.
Trial held 12/12-12/20/11.
Final judgment in favor of defendants entered 3/12/12.
Notice of appeal by Commission filed 5/10/12.
Commission's brief filed 11/21/12.
Appellees' brief filed 1/25/13.
Commission's reply brief filed 3/12/13.
Oral argument held 6/3/13.
Decision affirming district court judgment entered 8/12/13.

FTC v. FINMAESTROS, LLC, No. 1:12-CV-07195 (S.D.N.Y.)

Parties: Finmaestros, LLC, d/b/a technogennie, 24x7pchelp, 24x7pctech, Transfrontsolutions
New World Services, Inc., d/b/a megabites solutions
Megabites Solutions LLC, d/b/a Mega Bites, Inc., Mega Bits, Inc.
Greybytes Cybertech P. Ltd., d/b/a Bluesystemcare, BCS, 24x7 PCHelp
Shine Solutions Private Limited
Sanjeev K. Sood, a/k/a Sanjiv K. Sood
Animesh Bharti

Assigned Attorneys: Benjamin Davidson (BCP/MP)
Christine M. Todaro

Colleen Brennan Robbins
Kelly Ann Horne

Alleged Conduct: Unfair and deceptive acts and practices in violation of Section 5 of the FTC Act, the Telemarketing Sales Rule, and Telemarketing and Consumer Fraud Abuse Protection Act in relation to the marketing, sale, and promotion of computer protection software.

Status: Complaint filed 9/24/12.
TRO entered 10/5/12.
Preliminary injunction entered 10/9/12.

FTC v. 1st GUARANTY MORTGAGE CORP., No. 11-13569 (11th Cir.); No. 0:09-CV-61840 (S.D. Fla.)

Parties: 1st Guaranty Mortgage Corporation, Inc.
Spectrum Title, Inc.
Crossland Credit Consulting Corp.
Scoreleaper, LLC
Stephen Lalonde
Amy Lalonde
Michael Petroski

Assigned Attorneys: David R. Spiegel (BCP/ENF)
Edwin Rodriguez
Michael Bergman (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5, the Credit Repair Organizations Act, and the Telemarketing Sales Rule in connection with the marketing and sale of mortgage loan refinancing and modification services and credit repair services.

Status: Complaint filed 11/17/09.
TRO with asset freeze entered 11/17/09; extended 12/1/09 and 12/15/09.
Stipulated preliminary injunction as to defendants 1st Guaranty Mortgage Corporation, Inc.; Spectrum Title, Inc.; Crossland Credit Consulting Corp.; Scoreleaper, LLC; and Amy Lalonde entered 12/1/09.
Stipulated preliminary injunction as to defendant Stephen Lalonde entered 12/15/09.
Clerk's entry of default as to corporate defendants 2/4/10.
Commission's motion for summary judgment as to defendants Stephen Lalonde, Amy Lalonde, and Michael Petroski filed 8/26/10.
Defendant Amy Lalonde's opposition to Commission's motion for summary judgment filed 9/10/10; Commission's reply filed 9/27/10.

Commission's motion for default judgment and order for permanent injunction as to corporate defendants filed 10/8/10.

Defendant Michael Petroski's opposition to Commission's motion for summary judgment filed 11/30/10; Commission's reply filed 12/14/10.

Defendant Stephen Lalonde's motion to dismiss Commission's complaint filed 12/30/10; Commission's opposition filed 1/11/11.

Order granting in part Commission's motion for summary judgment, entered 3/30/11.

Final judgment entered against defendants Stephen Lalonde and Michael Petroski, 3/30/11.

Defendant Stephen Lalonde's motion for reconsideration filed 5/10/11; Commission's opposition to motion filed 5/17/11; order denying motion for reconsideration entered 7/20/11.

Default judgment against defendants 1st Guaranty Mortgage, Crossland Credit Consulting, Scoreleaper, and Spectrum Title entered 7/6/11.

Notice of interlocutory appeal by Stephen Lalonde filed 8/01/11.

Defendant Stephen Lalonde's motion to stay execution of judgment and release non-party assets filed 8/1/11; Commission's opposition filed 8/11/11.

Stipulated settlement and final judgment and order for permanent injunction against defendant Amy Lalonde entered 9/26/11.

Defendant Michael Petroski's motion seeking relief from final judgment and order filed 1/18/12; Commission's opposition filed 1/24/12; order denying motion entered 2/22/12.

Defendant Michael Petroski's motion to set aside judgment filed 2/13/13; denied 5/19/12.

Defendant Stephen Lalonde motion for indefinite stay filed 6/29/12; Commission's opposition filed 7/13/12.

Order denying defendant's motion for indefinite stay and extending the due date of appellant's brief entered 9/21/12.

Defendant Stephen Lalonde's appeal brief filed 10/12/12; Commission's responsive brief filed 12/13/12; Lalonde's reply brief filed 6/17/13.

FTC v. FLORA, No. 8:13-CV-00381 (C.D. Cal.)

Parties: Phillip Flora, also d/b/a Seaside Building Marketing Inc. and SB Marketing
Sandra Skipper
Kevin Beans
Dakota Geffre

Assigned Attorneys: Maricela Segura (WRLA)
James Davis

Alleged Conduct: Unfair and deceptive acts or practices in violation of Section 5 of the FTC Act by sending unsolicited text message spam to consumers in order to promote purportedly free merchandise.

Status: Complaint filed 3/5/13.
TRO entered 3/6/13.
Preliminary injunction entered 3/18/13.
Clerk's entry of default against defendant Phillip Flora entered 6/17/13.
Order dismissing Beans, Skipper and Geffre as defendants entered 9/26/13.

FTC v. FORTUNE HI-TECH MARKETING., No. 1:13-CV-00578 (E.D. Ky.); No. 1:13-CV-00578 (N.D. Ill.)

Parties: Fortune Hi-Tech Marketing, Inc.
Alan Clark Holdings, LLC
FHTM Canada, Inc.
FHTM, Inc.
Fortune Network Marketing (UK) Limited
Paul C. Oberson
Thomas A. Mills

Assigned Attorneys: David O'Toole (MWR)
Elizabeth Coulter Scott
John Campbell Hallerud
Rozina Cynthia Bhimani

Alleged Conduct Violations of Section 5 of the FTC Act in connection with an illegal pyramid scheme.

Status: Complaint filed 1/24/13.
Ex parte TRO with asset freeze and appointment of receiver entered 1/24/13.
Defendants' motion to transfer venue from the Northern District of Illinois to the Eastern District of Kentucky granted 5/1/13; transferred 5/2/13.
Stipulated preliminary injunction as to all parties entered 5/28/13.

FTC v. GARDEN OF LIFE INC., No. 12-12382 (11th Cir.); No. 9:06-CV-80226 (S.D. Fla.)

Parties: Garden of Life, Inc.
Jordan S. Rubin

Assigned Attorneys: Karen Mandel (BCP/AP)
Kristin Williams (BCP/ENF)
Richard Michael Waller
Michele Arington (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and 12 in connection with the advertising of a dietary supplement.

Status: Complaint filed 3/08/06.
Stipulated final order and judgment for permanent injunction and other equitable relief entered 3/30/06.
Commission's show cause motion as to why defendants should not be held in contempt filed 9/8/11; defendants' response filed 10/11/11; Commission's reply filed 10/18/11.
Commission's motion to modify stipulated final order and judgment filed 10/25/11; defendants' opposition filed 11/14/11; Commission's reply filed 11/22/11.
Order denying Commission's contempt motion entered 2/27/12.
Notice of appeal by Commission filed 4/26/12.
Commission's opening brief filed 7/3/12; appellees' brief filed 8/31/12; Commission's reply brief filed 9/21/12.
Oral argument held 3/19/13.
Decision affirming district court in significant part, but vacating and remanding for further proceedings on one issue entered 4/15/13.
Commission's withdrawal of contempt motion on issue remanded filed 7/2/13.

FTC v. GOLDMAN SCHWARTZ, INC., No. 4:13-CV-00106 (S.D. Tex.)

Parties: Debtcom, Inc.
Harris County Check Recovery, Inc.
The G. Wright Group, Inc.
Gerald Wright
Starlette Foster
Jennifer Zamora
Goldman Schwartz, Inc.

Assigned Attorneys: Eric Nelson Roberson (SWR)
Luis Gallegos
Thomas B. Carter

Alleged Conduct Violations of Section 5 of the FTC Act and the FDCPA by using threats and other scare tactics to collect debts.

Status: Complaint Filed 1/14/13.
TRO entered 1/16/13.
Preliminary injunction entered 1/28/13.
Defendants' motion for partial summary judgment filed 3/7/13; Commission's response filed 3/28/13.

Hearing held 4/30/13.

FTC v. GRANT CONNECT, LLC, Nos. 12-15481, 11-18023 (9th Cir.), No. 2:09-CV-01349 (D. Nev.)

Parties:

Grant Connect, LLC
Global Gold, Inc.
Global Gold Limited
Horizon Holdings, LLC
O'Connell Gray LLC
Vantex Group, LLC
Vertek Group, LLC
Pink LP
Consolidated Merchant Solutions, LLC
OS Marketing Group, LLC
Acai, Inc.
AllClear Communications, Inc.
Dragon Group, Inc.
Elite Benefits, Inc.
Global Fulfillment, Inc.
Juliette M. Kimoto Asset Protection Trust
Randy D. O'Connell
MSC Online, Inc.
Paid To Process, Inc.
Premier Plus Member, Inc.
Total Health, Inc.
Vcomm, Inc.
Rachael A. Cook
James J. Gray
Steven R. Henriksen
Michael L. Henriksen, Jr.
Juliette M. Kimoto
Tasha Jn Paul
Kyle R. Kimoto
Randy D. O'Connell
Johnnie Smith
Healthy Allure, Inc.
Juliette M. Kimoto

Assigned Attorneys:

Roberto Anguizola (BCP/MP)
Tracey Thomas
Dotan Weinman
Burke Kappler (OGC)

Alleged Conduct:

Deceptive acts and practices in violation of Section 5 and the Electronic Funds Transfer Act in connection with purported access to free government grants, the inadequate disclosure of negative options, and the unauthorized debiting of consumer accounts.

Status:

Complaint filed 7/27/09.
TRO entered 7/28/09.
Stipulated preliminary injunction as to defendants Grant Connect, LLC; Horizon Holdings, LLC; O'Connell Gray LLC; James J. Gray; and Randy D. O'Connell entered 8/18/09.
Preliminary injunction as to defendants Global Gold, Inc.; Vantex Group, LLC; Vertek Group, LLC; Pink LP; Steven R. Henriksen; Rachael A. Cook; and Juliette M. Kimoto entered 9/22/09.
Amended complaint adding defendants Global Gold Limited; Consoli-dated Merchant Solutions, LLC; OS Marketing Group, LLC; Acai, Inc.; AllClear Communications, Inc.; Dragon Group, Inc.; Elite Benefits, Inc.; Global Fulfillment, Inc.; Healthy Allure, Inc.; MSC Online, Inc.;

Paid To Process, Inc.; Premier Plus Member, Inc.; Total Health, Inc.; Vcomm, Inc.; Juliette M. Kimoto Asset Protection Trust; Michael L. Henriksen, Jr.; Tasha Jn Paul; Kyle R. Kimoto; and Johnnie Smith filed 4/21/10.

Stipulated final judgment and order for permanent injunction and monetary relief in favor of FTC and against Johnnie Smith entered 6/10/10.

Preliminary injunction as to defendants Michael L. Hendricksen, Jr.; Tasha Jn Paul; Kyle R. Kimoto; and Johnnie Smith entered 6/17/10.

Cross-motions for summary judgment filed 12/22/10; responses filed 3/14/11 and 3/15/11.

Stipulated final judgment and order for permanent injunction and monetary relief as to defendant Johnnie Smith entered 6/10/11.

Stipulated consent judgment and order for permanent injunction and monetary relief as to defendants Vantex Group, LLC; Vertek Group LLC; Pink LP; Juliette M. Kimoto Asset Protection Trust; and Juliette M. Kimoto entered 8/31/11.

Consent judgment in favor of the Commission and against Vantex Group LLC; Vertek Group LLC; Juliette M. Kimono Asset Protection Trust, and Juliette M. Kimoto in the amount of $29,916,533.38 entered 9/1/11.

Order denying defendants' motion for summary judgment and granting in part and denying in party Commission's motion for summary judgment entered 10/25/11.

Permanent injunction entered 10/25/11.

Judgment in favor of Commission entered 11/02/11.

Motion to amend/correct judgment by defendants Acai, Inc., Health Allure, Inc., MSC Online, Inc., Paid to Process, Inc., Total Health, filed 11/22/11; Commission's response filed 12/08/11; order denying motion entered 12/20/11.

Notice of appeal, No. 11-18023, by defendant Kyle Kimoto filed 12/19/11.

Notice of appeal, No.12-15481, by defendants Acai, Inc. All Clear Communications, Inc., Drago Group, Inc., Elite Benefits Group, Inc., Globe Fulfillment, Inc., Global Gold Limited, Global Gold, Inc., Healthy Allure, Inc., Steven Henrickson, Jr., MSC Online, Inc., Paid to Process, Inc., Premier Plus Members, Inc., Total Health, Inc., and Ucomm, Inc., filed 2/21/12.

Appellant Kyle Kimoto's opening brief in No. 11-18023 filed 4/23/12.

Appellants' opening brief in No. 12-15481 due but not filed on 5/31/12.

Commission's answering brief in No. 11-18023 filed 6/11/12.

Appeal No. 12-15481 dismissed 10/25/12.

Order requiring that *pro bono* counsel be appointed for appellant Kyle Kimoto in No. 11-18023 entered 6/10/13.

Opening brief in No. 11-18023 due 10/25/13; answering brief due 12/6/13; optional reply brief due 1/24/14.

Oral argument in No. 11-18023 set for April 2014.

FTC v. THE GREEN SAVERS, LLC, No. 6:12-CV-01588 (M.D. Fla.)

Parties:	The Green Savers, LLC Christopher Adams Vikash Jawalapersad Pavac, Inc. Advanced Data Software, LLC
Assigned Attorneys:	Joannie Wei (MWR) Rozina Bhimani Theresa Marie McGrew
Alleged Conduct:	Violations of the Telemarketing Act by claiming to provide services that will substantially reduce consumers' credit card interest rates.
Status:	Complaint filed 10/22/12. Stipulated preliminary injunction entered 11/5/12. Default against defendant Christopher Adams entered 5/22/13. Stipulated order for permanent injunction and final order as to The Green Savers, LLC, Pavac, Inc., Advanced Data Software. LLC, and Vikash Jawalapersad entered 6/13/13. Permanent injunction and final judgment as to Christopher Adams entered 9/25/13.

FTC v. HOLD BILLING SERVICES, ET AL., No. 5: 98-CV-00629-FB (W.D. Tex.)

Parties:	Hold Billing Services, Ltd. HBS, Inc. Avery Communications, Inc. Veterans of America Association, Ltd. Thomas M. Lyons Keith C. Calil Milford H. Balaban Billings Services Group Limited (Contempt Defendant) Billing Services Group North America, Inc. (Contempt Defendant) HBS Billing Services Company (Contempt Defendant) Enhanced Billing Services, Inc.(Contempt Defendant) Billing Concepts, Inc. (Contempt Defendant) ACI Billing Services, Inc. (Contempt Defendant)
Assigned Attorneys:	Douglas Wolfe (BCP/ENF)
Alleged Conduct:	Unfair and deceptive billing practices in cramming bills for services upon telephone line subscribers in sweepstakes promotion.

Status: Complaint filed 7/15/98.

Stipulated final judgments entered 9/22/99.
Contempt motion against Billings Services Group Limited, Billing Services Group North America, Inc., HBS Billing Services Company, Enhanced Billing Services, Inc., Billing Concepts, Inc., and ACI Billing Services, Inc. filed 3/28/12; contempt defendants' oppositions filed 4/30/12; Commission's reply filed 5/15/12.
Order conditionally granting Commission's motion for order to show cause regarding contempt entered 3/26/13; further proceedings, including resolution of the contempt motion, referred to Magistrate Judge.
Order referring case to mediation entered 7/8/13; mediation completed by 9/18/13.

FTC v. IAB MARKETING ASSOCIATES, LP, No. 12-16265 (11th Cir.); No. 0:12-CV-61830 (S.D. Fla.)

Party: IAB Marketing Associates
Independent Association of Businesses
Healthcorp International, Inc.
JW Marketing Designs, LLC
International Marketing Agencies LP
International Marketing Management, LLC
Wood, LLC
Health Services Providers, Inc.
Magnolia Technologies Corporation
Fav Marketing Inc.
James C. Wood
James J. Wood
Michael J. Wood
Gary D. Wood
Roy D. Hamilton
Judy M. Hamilton
Magnolia Health Management Corporation
Tressa K. Wood (Relief Defendant)
Avis S. Wood (Relief Defendant)

Assigned Attorneys: Dotan Weinman (MWR)
Patricia Hsue
Jack Metzler (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Sections 5 of FTC Act and the Telemarketing Sales Rule in connection with the advertising, marketing and sale of healthcare insurance.

Status:

Complaint filed 9/18/12.
TRO as to all defendants entered 9/18/12.
Preliminary injunctions entered 10/9/12.
Notice of appeal of preliminary injunction by IAB Marketing Associates and other defendants filed 12/3/12.
Stipulated final order as to Health Service Providers, Inc., Magnolia Technologies Corporation, Fav Marketing Inc., Magnolia Health Management Corporation, Roy D. Hamilton, and Judy M. Hamilton entered 2/19/13.
Commission's amended complaint adding two relief defendants filed 3/4/13.
Motion to dismiss the amended complaint filed by IAB defendants and relief defendant Tressa Wood filed 4/8/13; FTC's response filed 4/22/13.
Appellant's brief filed 3/8/13; Commission's responsive brief filed 5/10/13; appellants' reply brief filed 5/28/13.
Motion by IAB defendants and relief defendant Tressa Wood to transfer venue to the Northern District of Texas filed 6/3/13; Commission's opposition filed 6/20/13.
Motion by defendant Gary Wood to transfer venue to the Northern District of Texas filed 7/2/13; Commission's opposition filed 7/15/13; defendant's reply filed 7/22/13.
Order denying motion to dismiss entered 8/21/13.
Order stating that the asset freeze and preliminary injunction also apply to the relief defendants entered 9/16/13.
Oral argument in Eleventh Circuit set for the week of 2/24/14. Trial in district court scheduled for 3/10/13.

FTC v. IDEAL FINANCIAL SOLUTIONS, No. 2:13-CV-00143 (D. Nev.)

Parties:

Ideal Financial Solutions, Inc.
Ascot Crossing, LLC
Bracknell Shore, Ltd.
Chandon Group, Inc.
Avanix, LLC
Fiscal Fitness, LLC
Steven Sunyich
Michael Sunyich
Christopher Sunyich
Shawn Sunyich
Melissa Sunyich Gardner
Kent Brown
Shane Mosher
Jared Mosher
Thomas W. McNamara

Assigned Attorneys: Megan Gray (BCP/ENF)
Richard Michael Waller

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with a scheme to debit and charge consumers without authorization.

Status: Complaint filed 1/28/13.
TRO entered 1/30/13.
Preliminary injunction entered 2/15/13.
FTC's amended complaint and motion for preliminary injunction and asset freeze against Jared Mosher filed 4/10/13.
Preliminary injunction and asset freeze against Jared Mosher entered 5/10/13.

FTC v. INFORMATION MANAGEMENT FORUM, INC., No. 6:12-cv-00986 (M.D. Fla.)

Parties: Information Management Forum, Inc.d/b/a Vacation Property Marketing, Inc.
Edward Lee Windsor

Assigned Attorneys: S. Spencer Elg (SER)
Valerie Verduce

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with the advertising, marketing, promotion and sale of time share rentals or resale services.

Status: Complaint filed 6/28/12.
TRO entered 6/28/12.
Preliminary injunction entered 7/9/12.
Motion for default judgment for all defendants filed 10/19/12; denied without prejudice 2/1/13.
Commission's renewed motion for default judgment filed 2/27/13.

FTC v. INNOVATIVE MARKETING, INC., No. 12-2340 (4th Cir.); No. 1:08-CV-03233 (D. Md.)

Parties: Innovative Marketing, Inc., d/b/a Billingnow, BillPlanet PTE Ltd., Globedat, Innovative Marketing Ukraine, Revenue Response Sunwell, Synergy Software BV, Winpayment Consultancy SPC, Winsecure Solutions, Winsolutions FZ-LLC
ByteHosting Internet Services, LLC
James Reno, d/b/a Setupahost.net
Sam Jain

Daniel Sundlin, d/b/a Vantage Software, Winsoftware, Ltd.
Marc D'Souza, d/b/a Web Integrated Net Solutions
Kristy Ross
Maurice D'Souza

Assigned Attorneys: Colleen Robbins (BCP/MP)
Paul Spelman
Jack Metzler (OGC)

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

Status:

Complaint filed 12/2/08.
TRO entered 12/2/08.
Preliminary injunction entered 12/12/08.
Civil contempt order against Innovative Marketing for violation of TRO entered 12/19/08.
Stipulated final order for permanent injunction and monetary judgment against defendants James M. Reno and ByteHosting Internet Services, LLC entered 6/23/09.
Default judgment against defendant Sam Jain entered 2/24/10; amended 3/4/10.
Default judgments against defendants Daniel Sundin and Innovative Marketing, Inc. entered 2/24/10.
Commission's motion for summary judgment filed 11/19/10; response filed 12/17/10.
Stipulated final judgment against defendants Marc D'Souza and Maurice D'Souza entered 1/10/11.
Joint motion for disbursement of funds filed 9/27/11; order granting disbursement of funds entered 9/27/11.
Memorandum opinion denying Commission's motion for summary judgment entered 6/11/12.
Commission's supplemental motion for summary judgment filed 6/25/12.
Order in favor of the Commission, granting a permanent injunction and consumer redress entered 9/24/12.
Notice of appeal by defendant Kristy Ross filed 10/24/12.
Appellant's opening brief filed 3/5/13; Commission's responsive brief filed 5/6/13; appellant's reply filed 6/4/13.
Oral argument set for 10/31/13.

FTC v. INNOVATIVE WEALTH BUILDERS, No. 13-11009 (11th Cir.); No. 8:13-CV-00123 (M.D. Fla.)

Parties:	Innovative Wealth Builders, Inc. Carly Janene Pelland, a/k/a Carla Zurita Tamara Dawn Johnson Sheryl Leigh Lopez Independent Resources Corp., d/b/a IRN Payment Systems
Assigned Attorneys:	S. Spencer Elg (SER) Valerie M. Verduce David Sieradzki (OGC)
Alleged Conduct:	Deceptive acts and practices in violation of Section 5 of the FTC Act and the TSR by calling consumers and offering services that purportedly will substantially reduce consumers' credit card interest rates.
Status:	Complaint filed 1/14/13. TRO entered 1/14/13. Stipulated preliminary injunction entered 1/25/13. Motion by non-party Independent Resources Network Corp. (IRN) for modification of stipulated preliminary injunction denied 3/4/13. Notice of appeal by IRN filed 3/5/13. Emergency motion in district court for stay pending appeal denied 3/14/13. Motion for stay pending appeal in 11th Circuit filed 3/21/13. Jurisdictional question by 11th Circuit issued 3/22/13; appellee and appellant responses filed 4/5/13. Appeal dismissed for lack of jurisdiction on 5/15/13. Amended complaint adding Independent Resources Corp., d/b/a IRN Payment Systems, as a defendant entered 6/4/13. Stipulated permanent injunction and final judgment as to Innovative Wealth Builders, Carly Janene Pell, Tamara Dawn Johnson, and Sheryl Leigh Lopez entered 9/9/13.

FTC v. INSTANT RESPONSE SYSTEMS, LLC, No. 1:13-CV-00976 (E.D.N.Y.)

Parties:	Instant Response Systems, LLC B.B. Mercantile, Ltd. Medical Alert Industrial Medical Alert Services Jason Abraham
Assigned Attorneys:	Arturo DeCastro (BCP/DMP) Paul Spelman

Alleged Conduct: Deceptive acts and practices in violation of Section 5 of the FTC Act, Telemarketing Sales Rule, and the Unauthorized Merchandise Statute in connection with unsolicited calls to elderly consumers to sell medical alert services.

Status: Complaint filed 2/25/13.
TRO entered 2/25/13.
Preliminary injunction entered 3/18/13.

FTC v. IVY CAPITAL, INC., No. 13-16052 (9th Cir.); No. 2:11-CV-00283 (D. Nev.)

Parties:

Ivy Capital Inc.
Fortune Learning Systems, LLC.
Fortune Learning, LLC.
Vianet, Inc.
Enrich Wealth Group, LLC
Business Development Div., LLC
Nevada Credit Division, LLC
Corporate Credit Division, LLC
Tax Planning Division, LLC
Zyzac Commerce Solutions, Inc.
The Shipper, LLC
3 Day MBA, LLC
Global Finance Group, LLC
Steven Sonnenberg
Joshua Wickman
Oxford Financial, LLC
Virtucon LLC
Mowab, Inc
Melyna Harrison
Leanne Hoskins
Virtual Profit, LLC
Dream Financial
ICI Development Inc.
Ivy Capital, LLC
Logic Solutions, LLC
Oxford Debts Holdings, LLC
Revsynergy LLC
Sell IT Vizions, LLC
Kyle Kirchbaum
John Harrison
Steven Lyman
Benjamin Hoskins
Christopher Zelig
James Hanchett
Cherrytree Holdings, LLC
S&T Time, LLC
Curva, LLC
Keirsten Kirschbaum
Tracy Lyman

Assigned Attorneys: Emily Burton (BCP/MP)
Shameka Gainey
Leslie Melman (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Telemarketing Sales Rule in connection with the marketing and sale of get rich quick programs and the billing of consumers' accounts.

Status: Complaint filed 2/22/11
TRO entered 2/22/11.
Preliminary injunction entered 3/25/11.
Default as to defendants Business Development Division, LLC, Corporate

Credit Division, LLC, Credit Repair Division, LLC, Nevada Corporate Division, Inc., and Tax Planning Division, LLC entered 4/4/11.

Motion for summary judgment by Defendant Benjamin Hoskins filed 8/8/12; Commission's response filed 9/18/12.

Motion for summary judgment by Defendant Leanne Hoskins filed 9/12/12.

Commission's motion for summary judgment filed 9/12/12.

Stipulated final judgment and order for permanent injunction entered 12/20/12.

Notice of appeal filed 5/23/13.

Order holding appeal in abeyance until post-judgment motion in district court is resolved entered 5/29/13.

Final judgment and order for permanent injunction and monetary relief entered 7/5/13.

Amended notice of appeal filed 7/10/13.

Appellant's brief due 11/15/13; Commission's brief due 1/15/14.

FTC v. JEREMY JOHNSON, Nos. 11-17265, 11-17267, 12-15778, 12-16213, 13-15768, 13-15778, 13-15822 (9th Cir.); No. 2:10-CV-02203 (D. Nev.)

Parties:

Jeremy D. Johnson
Big Bucks Pro, Inc.
Blue Streak Progressing, Inc.
Bottom Dollar, Inc.
Business First, Inc.
CPA Upsell, Inc.
Cloud Nine Marketing, Inc.
Costnet Discounts, Inc.
J Media, Inc.
Ebusiness Success, Inc.
Employee Plus, Inc.
Duane Fielding
Fitness Processing, Inc.
Success, Inc.
GGL Rewards, Inc.
Hooper Processing, Inc.
Internet Business Source, Inc.
Internet Fitness, Inc.
Jet Processing, Inc.
Loyd Johnston
Lifestyles for Fitness, Inc.
Mist Marketing, Inc.
Monroe Processing, Inc.
Net Business Success, Inc.
Anthon Holdings Corp.
Blue Net Progress, Inc.
Bolt Marketing, Inc.
Bumble Marketing, Inc.
Business Loan Success, Inc.
CS Processing, Inc.
Cold Bay Media, Inc.
Cutting Edge Processing, Inc.Diamond
EBusiness First, Inc.
Elite Debit, Inc.
Excess Net Success, Inc.
Fiscal Fidelity, Inc.
Funding Search Success, Inc.Funding
GG Processing, Inc.
Highlight Marketing, Inc.
I Works, Inc.
Internet Economy, Inc.
JRB Media, Inc.
Andy Johnson
Scott Leavitt
Market Funding Solutions, Inc.
Money Harvest, Inc.
Scott Muir
Net Commerce, Inc.

Net Discounts, Inc.
Net Success, Inc.
Optimum Assistance, Inc.
Kevin Pilon
Premier Performance, Inc.
Razor Processing, Inc.
Revive Marketing, Inc.
Simcor Marketing, Inc.
Success Marketing, Inc.
Tran Voyage, Inc.
Unlimited Processing, Inc.
eCom Success, Inc.
Net Fit Trends, Inc.
Network Agenda, LLC
Bryce Payne
Power Processing, Inc.
Pro Internet Services, Inc.
Rebate Deals, Inc.
Ryan Riddle
Terrason Spinks
Summit Processing, Inc.
TranFirst, Inc.
Xcel Processing, Inc.

Assigned Attorneys: Collot Guerard (BCP/MP)
J. Ronald Brooke
Burke Kappler (OGC)
John A. Singer

Alleged Conduct: Deceptive acts and practices in violation of Section 5, the Electronic Fund Transfer Act, and Regulation E in connection with the advertisement of government grants and money-making opportunities.

Status: Complaint filed 12/21/10.
TRO and asset freeze entered 1/13/11.
Preliminary injunction entered 2/10/11.
Notice of interlocutory appeal by defendant Jeremy Johnson (Appeal No. 11-17265) filed 9/22/11; dismissed 6/27/12.
Notice of interlocutory appeal by defendants Duane Fielding, Anthon Holdings Corp., and Network Agenda, LLC (Appeal No. 11-17265) filed 9/23/11; dismissed on appellant's motion 11/17/11.
Notice of appeal of order granting first omnibus motion for sale (Appeal No. 12-15778) filed 4/6/12; appellant's opening brief due but not filed 7/16/12; dismissed by 9th Cir. 11/5/12.
Notice of appeal of order granting receiver's motion for fees (Appeal No. 12-16213) filed 5/21/12; appellant's opening brief due but not filed 9/7/12.
Appeal dismissed for failure to prosecute, 12/20/12.
Notices of appeal of order clarifying preliminary injunction (Nos. 13-15768 and 13-15778) filed 4/18/13 and 4/19/13; appeals consolidated and appellants' opening brief filed 5/17/13; Commission's responsive brief filed 6/28/13; reply brief filed 7/15/13.
Notice of appeal (No. 13-15822) filed 4/24/13; appellants' opening brief filed 6/26/13; Commission's answering brief filed 8/7/13; receiver's brief due 11/24/13.

FTC v. JESTA DIGITAL, LLC, No. 1:13-cv-1372 (D.D.C.)

Parties:	Jesta Digital, LLC
Assigned Attorneys:	Russell Deitch (BCP/MP)
Alleged Conduct:	Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with banner ads falsely alerting consumers that a virus has been detected on their mobile devices.
Status:	Complaint filed 8/20/13. Stipulated final order for permanent injunction and monetary judgment entered 8/23/13.

FTC v. JOHN BECK AMAZING PROFITS, LLC, No. 12-56665 (9th Cir.); 2:09-CV-04719 (C.D. Cal.)

Parties:	John Beck Amazing Profits, LLC John Alexander, LLC Jeff Paul, LLC, d/b/a Shortcuts to Millions, LLC Mentoring of America, LLC Family Products, LLC Douglas Gravink Gary Hewitt John Beck John Alexander Jeff Paul
Assigned Attorneys:	John D. Jacobs (WRLA) Stacy R. Procter Christina Tusan Evan Rose (WRSF) Kenneth H. Abbe Matthew Gold Jack Metzler (OGC)
Alleged Conduct:	Deceptive acts and practices in violation of Section 5 and the Telemarketing Sales Rule in connection with the marketing and sale of get rich quick programs and the billing of consumers' accounts.
Status:	Complaint filed 6/30/09. Preliminary injunction entered 11/17/09. Motion for order to show cause why defendants Jeff Paul, Family

Products, LLC, Mentoring of America, LLC, Gary Hewitt, and Douglas Gravink should not be held in contempt of the preliminary injunction filed 5/19/11; opposition filed 6/1/11; reply filed 6/8/11;
Order granting motion to show cause entered 7/21/11; supplemental response by defendants filed 8/15/11; Commission's objection filed 8/24/11.
Commission's motion for summary judgment filed 8/15/11; defendants' opposition filed 9/24/11; Commission's reply filed 10/11/11.
Order granting Commission's motion for summary judgment and ordering supplemental briefing on scope of injunctive relief and monetary damages entered 4/20/12; Commission's brief filed 5/7/12; defendants' response brief filed 5/14/12; Commission's reply brief filed 5/21/12.
Final order granting permanent injunction and other equitable relief entered 8/23/12.
Defendant Beck's notice of appeal filed 9/7/12.
Defendant Beck's motion for a stay pending appeal filed 10/9/12; denied 10/9/12.
Appellant's brief filed 2/19/13; Commission's responsive brief filed 4/18/13; appellant's reply brief filed 5/2/13.

FTC v. KELLY, No. 1:13-CV-00647 (N.D. Ga.)

Parties: Henry Nolan Kelly

Assigned Attorneys: Robin Leslie Rock (SER)

Alleged Conduct: Violations of Section 5 in connection with stipulated final orders in relation to text message spam sent to consumers regarding purportedly free merchandise.

Status: Complaint filed 2/28/13.
TRO entered 2/28/13.
Order granting preliminary injunction entered 3/27/13.
Stipulated final judgment and order for permanent injunction entered 7/17/13.

FTC v. LAKSHMI INFOSOUL SERVICES PVT LTD., No. 1:12-CV-07191 (S.D.N.Y.)

Parties: Lakshmi Infosoul Services Pvt Ltd.
Somenath Das
Piyush Kheria

Assigned Attorneys: Benjamin Davidson (BCP/MP)

Christine M. Todaro
Colleen Brennan Robbins
Kelly Ann Horne

Alleged Conduct: Unfair and deceptive acts and practices in violation of Section 5 of the FTC Act, the Telemarketing Sales Rule, and Telemarketing and Consumer Fraud Abuse Protection Act in relation to the marketing, sale, and promotion of computer protection software.

Status: Complaint filed 9/24/12.
TRO entered 9/25/12.
Preliminary injunction entered 10/9/12.

FTC v. LANE LABS-USA, INC., No. 09-3909 (3rd Cir.); No. 2:00-CV-03174 (D.N.J.)

Parties: Lane Labs-USA, Inc.
Cartilage Consultants, Inc.
Andrew J. Lane
I. William Lane

Assigned Attorneys: Elsie Kappler (BCP/ENF)
Amanda C. Basta
Susan J. Steele (DOJ/CIV)
Michele Arington (OGC)

Alleged Conduct: Violations of stipulated final orders in relation to the marketing and sale of two dietary supplements.

Status: Complaint filed 6/28/00.
Stipulation and final order as to defendants Cartilage Consultants and I. William Lane entered 6/30/00.
Notice of refiling of stipulation and final order as to defendants Lane Labs-USA and Andrew J. Lane entered 9/27/00.
Stipulation and final order for consumer redress and disbursement of funds entered 10/17/00.
Commission's motions for contempt and for order to show cause against Lane Labs-USA, Andrew Lane, and I. William Lane filed 1/12/07; opposition filed 3/19/07; order granting motion to show cause entered 12/18/07.
Trial held 4/20/09 to 4/24/09.
Commission's post-trial brief filed 5/21/09; defendants' answering briefs filed 6/5/09; Commission's reply brief filed 6/11/09.
Order denying motion for contempt entered 8/10/09.
Notice of appeal filed 10/5/09.
Commission's opening brief filed 12/16/09.

Appellees' answering brief filed 1/15/10.
Commission's reply brief filed 2/5/10.
Oral argument held 9/14/10.
Opinion vacating district court's order and remanding for further proceedings entered 10/26/10.
District court order directing the parties to file proposed findings of fact on the issues remanded by the Third Circuit entered 11/1/2010.
Parties' proposed findings filed 12/15/10.
Order granting Commission's contempt motion entered 11/18/11.
Stipulated order for briefing on damages entered 12/05/11.
Commission's brief on damages filed 1/25/12; defendants' response filed 3/12/12; Commission's reply filed 4/2/12.
Amended stipulation and order for briefing on damages entered 11/28/12; second amended stipulation and order for briefing on damages entered 2/26/13.

FTC v. LEANSPA LLC, No. 13-653 (2d Cir.); No. 3:11-CV-01715 (D. Conn.)

Parties:
LeanSpa, LLC
NutraSlim, LLC
NutraSlim U.K. LTD
Boris Mizhen
Leadclick Media, Inc.
Richard Chiang
Angelina Strano, Relief Defendant
CoreLogic, Inc., Relief Defendant

Assigned Attorneys:
David W. Dulabon (NER)
Michael Bergman (OGC)

Alleged Conduct:
Deceptive acts and practices in violation of Section 5 and the Electronic Fund Transfer Act in connection with the advertising, marketing, promotion, offering for sale, or sale of weight-loss and related health products through various websites.

Status:
Complaint filed 11/07/11.
TRO granted in part 11/14/11.
Preliminary injunction entered 11/22/11.
Amended complaint filed 7/26/12.
Motion for preliminary injunction against defendant Richard Chiang and relief defendant Angelina Strano filed 9/11/12; opposition by Angelina Strano filed 11/15/12; Commission's reply filed 11/29/12.

Motion for stipulated preliminary injunction against Richard Chiang filed 11/15/12.
Preliminary injunction against Richard Chiang entered 1/17/13.
Preliminary injunction against relief defendant Angelina Strano entered 1/29/13.
Second amended complaint filed 2/19/13.
Notice of appeal by relief defendant Angelina Strano filed 2/21/13.
Appellant Strano's opening brief filed 4/22/13; Commission's brief filed 5/28/13; appellant Strano's reply brief filed 6/11/13.
Oral argument heard 6/18/13.
Summary order and judgment by court of appeals affirming preliminary injunction order against Angelina Strano issued 6/20/13.
Commission's motion for leave to amend complaint to add CoreLogic, Inc. as relief defendant filed 6/10/13; defendant Leadclick Media's response filed 7/1/13; Commission's reply filed 7/15/13; order granting motion to amend complaint entered 8/28/13.

FTC v. LESHIN, No. 13-924 (S. Ct.); Nos. 12-12811, 10-10875, 09-15972, 09-12003, 09-11679 (11th Cir.); No. 0:06-CV-61851 (S.D. Fla.)

Parties:
Randall Leshin
Randall L. Leshin, P.A., d/b/a Express Consolidation, Express Consolidation, Inc., and Consumer Credit Consolidation, Inc.
Maureen A. Gaviola
Charles Ferdon

Assigned Attorneys:
Michael Tankersley (BCP/MP)
Douglas Wolfe (BCP/ENF)
Robin Moore
David Sieradzki (OGC)

Alleged Conduct:
Violations of Section 5 and the Telemarketing Sales Rule in making misrepresentations about non-profit status and the fees and benefits of the defendants' debt consolidation programs.

Status:
Complaint filed 12/11/06.
Stipulated interim order entered 1/26/07.
Amended complaint, adding defendant Charles Ferdon and an additional Section 5 misrepresentation count, filed 3/21/07.
Commission's motion for order to show cause why Defendants Leshin, Randall L. Leshin, P.A., and Express Consolidation, Inc. should not be held in contempt for violating stipulated interim order filed 5/11/07.
Motion for partial summary judgment on Section 5 and TSR counts filed 6/5/07; denied 1/7/08.

Stipulated permanent injunctions and judgment as to all defendants entered 5/5/08.

Motion for relief from final judgment by Randall L. Leshin, Randall L. Lechin, P.A., Express Consolidation, Inc., and Charles Ferdon filed 6/30/08.

Order denying motion for relief from final judgment entered 8/5/08.

Commission motion for contempt as to defendants Randall Leshin, Randall Leshin, P.A., Express Consolidation, Inc., Charles Ferndon, and non-party Debt Management Counseling Center, Inc. filed 1/28/09; response filed 2/9/09; hearing held 2/13/09 and 2/17/09.

Order granting motion for contempt for violating stipulated permanent injunction entered 3/27/09; amended 4/3/09.

Notice of appeal (09-11679) filed 4/1/09.

Defendants' emergency motions to stay modified injunction and for hearing filed 4/10/09; order denying motions entered 4/14/09.

Order modifying stipulated permanent injunctions entered 4/15/09.

Appellants' emergency motion for stay pending appeal filed 4/17/09;

Commission's opposition filed 4/20/09; order denying motion entered 4/21/09.

Notice of appeal (09-12003) filed 4/20/09.

Order requesting parties' views on jurisdiction entered 4/17/09; appellants' and Commission's responses filed 5/1/09; order dismissing appeal in part entered 6/26/09.

Order consolidating appeals entered 7/2/09.

Appellants' brief filed 8/19/09.

Commission's answering brief filed 10/9/09.

Appellants' reply brief filed 10/27/09.

District court orders approving monitor reports entered 10/27/09 and 10/30/09.

Notice of appeal (09-15972) filed 11/23/09.

District court orders entered 11/16/09 and 11/17/09.

Amended notice of appeal seeking review of 11/16/09 and 11/1/7/09 orders filed 12/2/09.

Appellants' motion to stay appeal (09-15972) filed 12/14/09; 11th Cir. order granting stay entered 12/29/09.

11th Cir. order (09-15972) requesting filings on jurisdictional issue entered 12/31/09; appellants' and Commission's responses filed 1/14/10.

Final judgment of disgorgement and consumer redress entered 1/26/10; clarified 1/28/10; corrected 1/29/10.

Emergency motion to stay final judgment filed 2/19/10; order denying motion entered 2/25/10.

Notice of appeal (10-10875) filed 2/19/10.

Appellants' emergency motion for relief from judgment filed 3/12/10; Commission's response filed 3/26/10; order denying motion entered 4/1/10.

Appellants' motion for stay pending appeal filed 3/17/10; Commission's response filed 3/26/10; order granting stay pending resolution of 09-11679 and 09-12003 entered 4/1/10.
Oral argument (09-11679, 09-12003) held 4/14/10.
Order consolidating 10-10875 with 09-11679 and 09-12003 entered 4/15/10.
Appellants' renewed motion for relief from judgment filed 4/27/10; Commission's response in opposition filed 4/30/10; denied 7/7/10.
Order consolidating 09-15972 with other appeals entered 5/14/10.
Appellants' brief (10-10875) filed 5/24/10.
Commission's brief (10-10875) filed 6/28/10.
Commission's motion for contempt as to defendants Randall Leshin, Randall Leshin, P.A., Express Consolidation, Inc., Charles Ferndon, and non-party Debt Management Counseling Center, Inc. filed 6/23/10; defendants' response filed 7/28/10; Commission's reply filed 8/4/10.
Commission's supplemental motion for contempt filed 7/14/10; defendants' response filed 8/2/10; Commission's reply filed 8/12/10.
Opinion (10-10875, consolidated with and also issued in 09-11679, 09-12003, and 09-15972) affirming district court's decisions issued 9/3/10.
Order granting in part Commission's motion for contempt entered 3/8/11.
Order denying Commission's supplemental motion for contempt entered 3/24/11.
Commission's motion to convert unpaid balance of civil contempt remedy to a money judgment filed 9/07/11; Defendants' opposition by filed 9/22/11; Commission's reply filed 9/28/11.
Defendant Randall L. Leshin's and Charles Ferdon's motion for new trial or in the alternative for reconsideration filed 3/13/12; Commission's opposition filed 3/27/12; defendants' reply filed 3/30/12; order denying motion for new trial entered 4/24/12;
Notice of appeal filed 5/22/12.
Appellants' opening brief filed 8/3/12; Commission's brief filed 9/27/12; reply brief filed 10/11/12.
Oral argument held 5/22/13.
Court of appeals ruling affirming the district court entered 6/5/13.
Petition for certiorari filed 9/5/13; response due 11/18/13.

FTC v. LIGHTS OF AMERICA, INC., No. 8:10-CV-01333 (C.D. Cal.)

Parties: Lights of America, Inc.
Farooq Vakil
Usman Vakil

Assigned Attorneys: Kimberly Nelson (BCP/ENF)
Gregory J. Madden

Sandhya Brown
Barbara Chun (WRLA)
Mark S. Hegedus (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with defendants' advertising and sale of lighting products.

Status: Complaint filed 9/07/10.
Order granting motion to dismiss complaint as to individual defendants and granting the Commission leave to file an amended complaint entered 12/17/10.
Amended complaint filed 2/8/11; answer to complaint filed 4/18/11.
Order denying individual defendants' motion to dismiss the FTC's amended complaint and denying Lights of America, Inc.'s application to retain the amended complaint under seal entered 3/31/11.
Defendants' motions for summary judgment filed 2/14/12; Commission's opposition and evidentiary objections filed 3/12/12; defendants' replies filed 3/26/12.
Hearing on all summary judgment motions held 4/23/12; order granting Commission's motion, in part, and denying defendants' motions entered 4/25/12.
Defendants' motion for reconsideration filed 9/17/12; Commission's opposition filed 9/24/12.
Order denying defendants' motion for reconsideration entered 10/24/12.
Trial held 10/30/12 to 11/2/12.
Parties' joint request for determination of matter filed 4/12/13; supplemental joint request for determination of matter filed 6/17/13.
Decision ruling in favor of Commission and directing Commission to submit proposed form of judgment entered 9/17/13.
Proposed final judgment and order for injunctive relief filed 9/23/13; defendants' objections filed 9/30/13.

FTC v. LOEWEN, No. 2:12-CV-01207 (W.D. Wash.)

Parties: Matthew Loewen
0803065 B.C. Ltd.
0881046 B.C. Ltd.
Ready Pay Services, Inc.
Xavier Processing Services LLC

Assigned Attorneys: Jennifer Larabee (NWR)
Richard McKewen

Alleged Conduct: Deceptive acts and practices in violation of Section 5 of the FTC Act and the Telemarketing Sales Rule in connection with telemarketing of vehicle

financing.

Status: Complaint filed 7/13/12; answer filed 8/31/12.
Motion for TRO denied 9/12/12.
Commission's motion for summary judgment filed 8/12/13.

FTC v. LOMA INTERNATIONAL BUSINESS GROUP, INC., No. 1:11-CV-01483 (D. Md.)

Parties: Loma International Business Group, Inc.
Services LatinoAmericanos De Maryland, Inc.
Manuel E. Alban
Lola Alban
Henry M. Stichel
Marco Alban

Assigned Attorneys: Eliseo N. Padilla (SWR)
Gary D. Kennedy
Luis H. Gallegos

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with advertising, marketing, and sale of United States immigration and naturalization services.

Status: Complaint filed 6/1/11.
TRO granted 6/2/11.
Motion to extend the ex parte TRO filed 6/10/11; extension granted 6/13/11.
Defendant's motion for release frozen assets filed 6/10/11.
Answer to complaint filed 6/23/11.
Motion for pretrial relief from TRO; motion for TRO; motion for order to show cause filed 6/24/11.
Order granting partial release of frozen funds 6/30/11.
Stipulated preliminary injunction entered 7/25/11.
Commission's request for leave to file amended complaint adding Marco Alban as a defendant granted 10/28/11.
Amended complaint filed 10/28/11; answer filed 11/14/11.
Default as to defendant Marco V. Alban entered 1/23/12; joint motion to set aside default filed 2/17/12; order granting motion entered 2/22/12.
Commission's motion for summary judgment filed 4/19/12; denied 4/20/12.
Motion for summary judgment by Marco Alban filed 4/5/12; Commission's opposition filed 6/8/12; reply filed 6/25/12.
Bench trial held 5/7/12 - 5/15/12 concerning the original defendants, Loma International Business Group, Inc., Servicios LatinoAmericanos de Maryland, Inc., Manuel Alban and Lola Alban; final arguments

held 7/19/12.
Stipulated final judgment and permanent injunction against original defendants entered 3/28/13.
Order denying Marco Alban's motion for summary judgment entered 3/28/13.
Stipulated final order for permanent injunction against Marco Allen entered 8/14/13.

FTC v. MARCZAK., No. 1:12-CV-07192 (S.D.N.Y.)

Parties: Mikael Marczak a/k/a Michale Marczak, d/b/a Virtual PC Solutions, First PC Solutions, Direct PC Solution, Virtual IT Supports, Global Innovative Solutions
Wahid Ali

Assigned Attorneys: Benjamin Davidson (BCP/MP)
Christine M. Todaro
Colleen Brennan Robbins
Kelly Ann Horne

Alleged Conduct: Unfair and deceptive acts and practices in violation of Section 5 of the FTC Act, the Telemarketing Sales Rule, and Telemarketing and Consumer Fraud Abuse Protection Act in relation to the marketing, sale, and promotion of computer protection software.

Status: Complaint filed 9/24/12.
TRO entered 9/25/12.
Preliminary injunction as to defendant Wahid Ali entered 10/9/12.
Stipulated final order for permanent injunction and monetary relief against defendants Conquest Audit Corp. and Mikael Marczak entered 4/25/13.

FTC v. MERCHANT SERVICES DIRECT LLC, ET AL., No. 2:13-cv-00279 (E.D. Wash.)

Parties: Merchant Services Direct LLC, d/b/a Sphyra Inc.
Boost Commerce Inc.
Generation Y Investmenrs LLC
Kyle Lawson Dove
Shane Patrick Hurley

Assigned Attorneys: Jennifer Larabee (NWR)
Nadine S. Samter
Eleanor Durham

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, in connection with the defendants' marketing and sale of debit and credit card payment processing services and equipment.

Status: Complaint filed 7/30/13.
TRO motion hearing held 8/12/13.
Motion to withdraw motion for preliminary injunction filed 8/15/2013; granted 8/20/13.
Trial set for 10/6/14.

FTC v. MONEY NOW FUNDING LLC, ET AL., No. 2:13-cv-1583 (D. Ariz)

Parties: Money Now Funding LLC, a/k/a Cash4Businesses, a/k/a CashFourBusinesses
Rose Marketing LLC
Depaola Marketing LLC
Affiliate Marketing Group LLC
Legal Doxs LLC, a/k/a First Business LLC
US Doc Assist LLC, a/k/a First Business LLC
Affinity Technologies LLC
Marketing Expert Solutions LLC
Lukeroy K Rose, a/k/a Luke Rose
Cordell Bess, a/k/a Blaine Thompson d/b/a JJB Marketing
Solana Depaola
Jennifer Beckman
William D. Claspell, a/k/a Bill Claspell
Richard Frost, a/k/a Richard Strickland
Dino Mitchell, a/k/a Dino Jones
Clinton Rackley a/k/a Clinton Fosse
Lance Himes, a/k/a Raymond Homes, a/k/a Lance Haist
Leary Darling
Donna Duckett, d/b/a D&D Marketing Solutions
Della Frost, d/b/a ZoomDocs LLC
Christopher Grimes, d/b/a Elite Marking Strategies
Alannah M Harre, d/b/a National Marketing Group
Ronald W. Hobbs, d/b/a Ron Hobbs & Associates, d/b/a Sales Academy USA LLC
Janine Lilly, d/b/a Doc Assistant
Michael Mcintyre, d/b/a McIntyre Marketing
Benny Montgomery, d/b/a Montgomery Marketing
Virginia Rios, d/b/a V&R Marketing Solutions
Kendrick Thomas, d/b/a KT Advertising

Assigned Attorneys: Janet Ammerman (BCP/MP)

Rhonda Perkins
James Evans (BCP/AP)

Alleged Conduct: Violations of Section 5(a) of the FTC Act, the Business Opportunity Rule, and the Telemarketing Sales Rule concerning a telemarketing scheme offering consumers business opportunities under a variety of names.

Status: Complaint filed 8/5/13.
TRO entered 8/5/13.
Preliminary injunction order entered 8/19/13.
Preliminary injunction as to defendants Cordell Bess, Clinton Rackley and Ronald Hobbs entered 9/13/13.

FTC v. NATIONAL CARD MONITOR LLC, No. 2:12-02521 (D. Ariz.)

Parties: National Card Monitor LLC, also d/b/a Nationwide Card Monitor
James E. Cox

Assigned Attorneys: Barbara Chun (WRLA)
John Jacobs

Alleged Conduct: Deceptive acts or practices in violation of Section 5 and the Telemarketing Sales Rule in connection with the sale of services that will purportedly reduce consumers' credit card interest rates.

Status: Complaint filed 11/27/12.
TRO entered 11/27/12.
Stipulated preliminary injunction entered 12/5/12.
Stipulation as to order for permanent injunction and final judgment as to defendants National Card Monitor LLC and James E. Cox filed 5/23/13.
Order for permanent injunction and final judgment entered 7/15/13.

FTC v. NATIONAL UROLOGICAL GROUP, INC., No. 10-125 (S. Ct); No. 09-10617 (11th Cir.); No. 1:04-CV-03294 (N.D. Ga.)

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

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

Alleged Conduct: Deceptive practices in violation of Sections 5 and 12 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, Hit-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 12/14/12; Commission's reply brief filed 1/10/13.

FTC v. NELSON GAMBLE & ASSOCIATES, No. 8:12-cv-01504 (C.D. Cal.)

Parties: Nelson Gamble & Associates
Jackson Hunter Morrison & Knight LLP
Blackrock Professional Corporation
Mekhia Capital, LLC
Jeremy R. Nelson

Assigned Attorneys: Gregory A. Ashe (BCP/FP)
Jason Adler
Lisa Rothfarb

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

Status: Complaint filed 9/10/12.
Order granting TRO and asset freeze entered 9/10/12.
Stipulated preliminary injunction entered 10/15/12.
Order granting joint motion to stay case pending Commission approval of a final settlement entered 5/30/13.
Stipulated final order for permanent injunction and settlement of claims entered 8/1/13.

FTC v. NEOVI, INC., Nos. 12-56658, 12-56735, 09-55093 (9th Cir.); No. 3:06-CV-01952 (S.D. Cal.)

Parties: Neovi, Inc., d/b/a Neovi Data Corporation and Qchex.com
G7 Productivity Systems, Inc., d/b/a Qchex.com
James M. Danforth
Thomas Villwock
iProlog Corporation
FreeQuick Wire Corporation

Assigned Attorneys: Korin Ewing Felix (BCP/ENF)
John D. Jacobs (WRLA)
Leslie Melman (OGC)
Jack Metzler

Alleged Conduct: Unfair practices in violation of Section 5 in connection with the offering and sale of online check services.

Status: Complaint filed 9/19/06.
Final order for permanent injunction and other equitable relief entered 1/7/09.
Notice of appeal by defendants filed 1/16/09.
Motion for order to show cause why Thomas Villwock, James M. Danforth, G7 Productivity Systems, Inc., iProlog Corporation, and FreeQuick Wire Corporation should not be held in contempt filed 10/15/09.
Order requiring Commission to show cause why contempt motion should not be dismissed entered 10/16/09; Commission's response filed 10/21/09
Order by district court staying contempt proceedings pending appeal entered 1/19/10.
Opinion affirming district court order entered 5/14/10; amended 6/15/10.
Contempt proceedings reopened 5/14/10.
Final order finding defendants Neovi, Productivity Systems, Thomas Villwock, and James M. Danforth in contempt entered 7/11/12.
Notice of appeal by defendants filed 9/7/12; Commission's cross appeal

filed 9/21/12.
Order by the Ninth Circuit requiring defendants to show cause why appellate jurisdiction exists entered 9/24/12.
Commission's memorandum on jurisdiction filed 10/24/13.
Order dismissing appeal for lack of appellate jurisdiction entered 1/22/13.
Contempt hearing in district court held 8/12/13.

FTC v. NORTH AMERICAN MARKETING AND ASSOCIATES LLC, No. 2:12-cv-00914 (D. Ariz.)

Parties:
North American Marketing and Associates LLC
NAMAA LLC
TM Multimedia Marketing LLC
National Opportunities LLC
World Wide Marketing LLC, d/b/a WWM LLC
Precious Metals Resources LLC
Guaranteed Communications LLC
Superior Multimedia LLC
Kimberly J. Birdsong
Joseph W. Lowry
Tracey J. Morris
Sarah L. Stapel
Alyssie M. Tramel
Daniel Vigil
Sheila A. Lowry
Carl E. Morris, Jr.

Assigned Attorneys:
Anne D. LeJeune (SWR)
Gary D. Kennedy
James E. Elliot
Luis H. Gallegos

Alleged Conduct:
Deceptive acts and practices in violation of Section 5 of the FTC Act and the TSR in connection with the sale and marketing of work-at-home opportunities.

Status:
Complaint filed 5/1/12.
TRO entered 5/2/12.
Preliminary injunction and asset freeze as to defendants Carl E. Morris, Marketing Strategies LLC, Daniel Vigil, National Opportunities, LLC, and Kimberly J. Birdsong entered 5/23/12.
Preliminary injunction and asset freeze as to defendants Joseph W. Lowry, North American Marketing and Associates, LLC, NAMAA LLC, Multimedia Marketing, LLC, World Wide Marketing, LLC, Precious

Metal Resource, LLC, Guaranteed Communications, LLC, Superior Multimedia, LLC, and Sheila A. Lowry entered 5/24/12.

Stipulated final orders as to defendants Carl E. Morris, Jr., Sheila A Lowry, Joseph W. Lowry, Kimberly Birdsong, Sarah L. Stapel, Daniel Vigil, Tracey J. Morris, and Allison Tramel entered 6/20/13.

Stripulated final orders for permanent injunction as to remaining defendants entered 7/8/13.

FTC v. THE ONLINE ENTREPRENEUR, INC., No. 8:12-CV-02500 (M.D. Fla.)

Parties: The Online Entrepreneur, Inc., also d/b/a The Six Figure Program and Ben and Dave's Program
Ben and Dave's Consulting Associates, Inc.
Benjamin Moskel
David Clabeaux

Assigned Attorneys: Barbara Bolton (SER)
Robin Rock

Alleged Conduct: Deceptive acts or practices in violation of Section 5 and the Business Opportunity Rule in connection with sale of business opportunities to consumers.

Status: Complaint filed 11/5/12.
TRO entered 11/6/12.
Stipulated preliminary injunction entered 11/28/12.

FTC v. PAYDAY FINANCIAL LLC, No. 3:11-CV-03017 (D.S.D.)

Parties: Payday Financial, LLC, d/b/a Lakota Cash, Big Sky Cash, Big $ky Cash
Great Sky Finance, LLC, d/b/a Great Sky Cash, Great $ky Cash, Gsky
Western Sky Financial, LLC
Red Stone Financial, LLC, d/b/a Red Stone Cash
Management Systems, LLC, d/b/a Gsky
24-7 Cash Direct, LLC
Red River Ventures, LLC
High Country Ventures, LLC
Financial Solutions, LLC
Martin A. Webb, individually and as an officer of Payday Financial, LLC; Western Sky Financial, LLC; Red Stone Financial, LLC; Management Systems, LLC; 24-7 Cash Direct, LLC; Red River Ventures, LLC; High Country Ventures, LLC; Financial Solutions, LLC

Assigned Attorneys: K. Michelle Grajales (BCP/FP)
LaShawn M. Johnson
Nikhil Singhivi

Alleged Conduct: Unfair and deceptive acts and practices in violation of Section 5, the Credit Practices Rule, and the Electronic Fund Transfer Act in connection with the offering and extension of credit in the form of high-fee, short-term "payday" loans, and the collection of those loans.

Status: Complaint filed 9/6/11.
Stipulated preliminary injunction entered 9/8/11.
Amended complaint filed 3/1/12.
Motion for partial summary judgment by all defendants filed 5/18/12; Commission's response filed 6/14/12; reply by all defendants filed 7/2/12.
Motion for summary judgment by Commission filed 1/31/13.
Order denying defendants' motion for partial summary judgment entered 3/28/13.
Order granting in part and denying in part motion for summary judgment entered 9/30/13.

FTC v. PCCARE247 INC., No. 1:12-CV-07189 (S.D.N.Y.)

Parties: PCCare247 Inc.
PC Care247 Solutions Private Limited
Connexxions Infotech Inc.
Connexxions IT Services Private Limited, d/b/a Connexxions InfoTech Services Pvt. Ltd.
Vikas Agrawal
Navin Pasari
Anuj Agrawal
Sanjay Agarwalla
Parmeshwar Agrawal

Assigned Attorneys: Benjamin Davidson (BCP/MP)
Christine M. Todaro
Colleen Brennan Robbins
Kelly Ann Horne

Alleged Conduct: Unfair and deceptive acts and practices in violation of Section 5 of the FTC Act in relation to the marketing, sale, and promotion of computer protection software.

Status: Complaint filed 9/24/12.
Preliminary injunction entered 11/16/12.

Stipulated final judgment and order against defendant Sanjay Agarwalla entered 4/24/13.

FTC v. PECON SOFTWARE, LTD, No. 1:12-CV-07168 (S.D.N.Y.)

Parties:	Pecon Software, Ltd., d/b/a Pecon Software, Inc.,, Pecon Software Services Pecon Infotech, Ltd. Pecon Software U.K., Ltd. Mahesh Kumar Shah, a/k/a MK Shah Prateek Shah Sujoy Roy Zulfiquar Ali Vikas Kumar Gupta
Assigned Attorneys:	Benjamin Davidson (BCP/MP) Christine M. Todaro Colleen Brennan Robbins Kelly Ann Horne
Alleged Conduct:	Unfair and deceptive acts and practices in violation of Section 5 of the FTC Act, the Telemarketing Sales Rule, and Telemarketing and Consumer Fraud Abuse Protection Act in relation to the marketing, sale, and promotion of computer protection software.
Status:	Complaint filed 9/24/12. TRO entered 9/25/12. Preliminary injunction entered 10/9/12.

FTC v. PREMIER PRECIOUS METALS, INC., No. 0:12-CV-60504 (S.D. Fla.)

Parties:	Premier Precious Metals, Inc. Rushmore Consulting Group, Inc. PPM Credit, Inc. Anthony J. Columbo
Assigned Attorneys:	Barbara Bolton (SER) Dama Brown
Alleged Conduct:	Deceptive acts and practices in violation of section 5 and the TSR in connection with the marketing and sale of precious metals.
Status:	Complaint filed 3/20/12. TRO entered 3/20/12. Preliminary injunction entered 4/3/12.

Commission's motion for summary judgment filed 5/3/13; defendants' response filed 6/17/13.

FTC v. PRIME LEGAL PLANS, LLC, No. 0:12-CV-61872 (S.D. Fla.)

Parties:
Prime Legal Plans, LLC
Consumer Legal Plans, LLC
Freedom Legal Plans, LLC
Frontier Legal Plans, LLC
Reaching U Network, Inc.
123 Save a Home, Inc.
American Hardship LLC
Back Office Support Systems LLC
Consumer Acquisition Network LLC
Legal Service and Billing Partners LLC
Lazaro Dihn
Kim E. Landolfi
Derek B. Radzikowski
Andrew Primavera
Christopher N. Edwards
Jason C. Desmond
The 2007 Irrevocable Life Insurance Trust (Relief Defendant)
Maria Soltura (Relief Defendant)
Shelie L. Desmond (Relief Defendant)

Assigned Attorneys:
Jane Ricci (BCP/FP)
Leah Frazier
Rebecca M. Unruh

Alleged Conduct:
Deceptive acts and practices in violation of Section 5 and the Mortgage Assistance Relief Services Rule in connection with the advertising, marketing, promotion and sale of mortgage relief services.

Status:
Complaint filed 9/24/12.
TRO entered 9/25/12.
Preliminary injunction entered 10/12/12.
Commission's amended complaint filed 3/21/13.
Stipulated final judgment and order for permanent injunction against defendants Kim E. Landolfi, Christopher N. Edwards and Reaching U Network, Inc. entered 5/23/13.
Stipulated final judgment and order for permanent injunction against remaining defendants entered 8/22/13.

FTC v. PRO CREDIT GROUP, LLC, No. 8:12-CV-00586 (M.D. Fla.)

Parties:	Pro Credit Group, LLC Brett Fisher Sanders Legal Group, P.A. Sanders Law, P.A. Andre Keith Sanders My Success Track, LLC Consumer Credit Group, LLC Dale Robinson First Financial Asset Services, Inc. William Balsamo
Assigned Attorneys:	Julia Solomon Ensor (BCP/ENF) Korin Ewing Felix
Alleged Conduct:	Deceptive acts and practices in violation of section 5 and the TSR in connection with the advertising, marketing, promotion and sale of interest rate reduction services, and telemarketing of debt relief services.
Status:	Complaint filed 3/19/12. TRO entered 3/20/12. Order lifting TRO and asset freeze as to Dale Robinson, Consumer Credit Group, and Ideal Interest Inc. entered 4/5/12. Commission's supplemental brief in support of a preliminary injunction filed 4/16/12. Stipulated preliminary injunction as to defendants Brett Fischer and Pro Credit Group entered 4/25/12. Stipulated preliminary injunction as to defendants Andre Keith Sanders, Sanders Legal Group, and Sanders Law, P.A. entered 4/25/12. Preliminary injunction and asset freeze against Defendants Dale Robinson, Consumer Credit Group, LLC, William Balsamo, and First Financial Asset Services entered 10/17/12. Amended complaint filed 11/14/12. Order staying proceedings pending filing of proposed settlement agreements entered 5/13/13. Stipulated permanent injunction as to Brett Fisher, Andrea Keith Sanders, Sanders Law, Sanders Legal Group, PA; William Balsamo, First Financial Asset Services, and Dale Robinson entered 9/5/13. Motion for default judgment against the remaining corporate defendants filed 9/20/13.

FTC v. PUBLISHERS BUSINESS SERVICES, INC., No. 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, Publishers Business Services Persis Dantuma Edward Dantuma Brenda Dantuma Schang Dirk Dantuma Dries Dantuma Jeffrey Dantuma
Assigned Attorneys:	Faye Chen Barnouw (WRLA) Maricela Segura John F. Daly (OGC) Leslie Melman
Alleged Conduct:	Violations of Section 5 and the Telemarketing Sales Rule in connection with the deceptive and abusive telemarketing of magazine subscriptions.
Status:	Complaint filed 5/14/08. Order denying TRO and setting hearing on motion for preliminary injunction entered 5/23/08. Stipulated preliminary injunction entered 6/3/08. Commission's motion to strike affirmative defenses filed 9/2/08; defendants' response filed 9/22/08; Commission's reply filed 10/6/08; order granting in part and denying in part entered 10/16/08. Motion to amend complaint and add defendants filed 12/17/08. Amended complaint adding defendants Dirk Dantuma, Dries Dantuma, and Jeffrey Dantuma filed 2/5/09. Commission's and defendants' cross-motions for summary judgment filed 7/31/09; responses in opposition filed 11/23/09; replies filed 12/7/09. Defendants' motion to strike Commission's summary judgment motion filed 8/7/09; Commission's response filed 8/25/09; defendants' reply filed 9/8/09; order denying motion entered 10/30/09. Order granting Commission's motion for summary judgment and denying defendants' motion for summary judgment entered 4/7/10. Order granting permanent injunction entered 4/7/10. Commission's brief on monetary relief filed 4/20/10; defendants' brief filed 4/30/10; Commission's reply brief filed 6/1/10. Evidentiary hearing on monetary relief held 3/30-31/11, 6/7/11, 6/8/11, and 6/9/11. Judgment against defendants Publishers Business Services, Inc; Ed Dantuma Enterprises, Inc, d/b/a Publisher Direct Services, and Publishers Business Services; Edward Dantuma; and Dries Dantuma in the sum

of $191,219.00 entered 7/25/11.
Commission's notice of appeal filed 9/23/11.
Commission's opening brief filed 2/13/12.
Appellees' brief filed 4/13/12.
Commission's reply brief filed 5/11/12.
Oral argument held 5/15/13.
Order by court of appeals referring case for mediation entered 5/21/13.
Case resubmitted to panel on 8/8/13.
Decision by court of appeals vacating the district court's monetary relief order and remanding the case with instructions to hold Dirk Dantuma, Brenda Shang and Jeff Dantuma individually liable entered 9/19/13.

FTC v. RENTBRO, INC., No. 1:13-CV-01529 (N.D. Ill.)

Parties:	Rentbro, Inc. Daniel Pessin Jacob Engel
Assigned Attorneys:	Joannie T. Wei (MWR) Steven M. Wernikoff
Alleged Conduct:	Violations of Section 5 of the FTC Act by sending unsolicited text message spam to consumers.
Status:	Complaint filed 2/28/13. TRO entered 3/6/13. Stipulated preliminary injunction entered 3/20/13. Stipulated final judgment and order for permanent injunction entered 9/13/13.

FTC v. RESORT PROPERTY DEPOT, INC., No. 8:13-CV-1328 (M.D. Fla.)

Parties:	Resort Property Depot, Inc. Narendra S. Patel
Assigned Attorneys:	Jessica Gray (SER)
Alleged Conduct:	Deceptive acts and practices in violation of Section 5 and the TSR in connection with unsolicited telephone calls to sell or rent timeshare properties.
Status:	Complaint filed 5/20/13. TRO entered 5/21/13. Commission's amended complaint filed 6/21/13.

Defendants' answer filed 7/3/13.
Order granting preliminary injunction 7/26/13.
Trial set for October 2014.

FTC v. RESORT SOLUTION TRUST, INC., No. 8:13-cv-01329 (M.D. Fla.)

Parties: Resort Solution Trust, Inc.
Lincoln Renwick II
Anthony Talavera

Assigned Attorneys: Harold E. Kirtz (SER)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the TSR in connection with unsolicited telephone calls to sell or rent timeshare properties.

Status: Complaint filed 5/20/13.
TRO entered 5/20/13.
Stipulated preliminary injunction entered 6/11/13.
Mediation set for 1/1/14; Trial set for 7/7/14.

FTC v. RINCON MANAGEMENT SERVICES, LLC, No. 5:11-CV-01623 (C.D. Cal.)

Parties: Rincon Management Services LLC., d/b/a Rincon Debt Management, Rincon Filing Services, Pacific Management Recovery
Prime West Management Recovery LLC
Union Management Services LLC., d/b/a Union Filing Services
National Filing Services LLC
City Investment Services LLC
Global Filing Services LLC
Pacific Management Recovery Services LLC
Jason R. Begley
Wayne W. Lunsford
Richard E. Weissman

Assigned Attorneys: Maricela Segura (WRLA)
Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Fair Debt Collection Practices Act in connection with the collection of debts.

Status: Complaint filed 10/11/11
TRO entered 10/11/11.
Preliminary injunction entered 11/10/11.
Defendant's motion for modify preliminary injunction filed 12/21/11; Commission's opposition filed 1/9/12; reply filed 1/13/12.

FTC v. SHOPPER SYSTEMS, LLC, No. 1:12-CV-023919 (S.D. Fla.)

Parties:	Shopper Systems, LLC Revenue Works, LLC, also d/b/a Surplus Supplier EMZ Ventures, LLC Veracity Group, LP Brett Brosseau Michael Moysich Keith Powell
Assigned Attorneys:	Janice Kopec (BCP/MP) Thomas Biesty
Alleged Conduct:	Deceptive acts or practices in violation of Section 5 and the Business Opportunity Rule in connection with the sale of business opportunities involving mystery shopping services.
Status:	Complaint filed 10/29/12. TRO entered 10/31/12. Motion to dismiss filed 1/8/13; reply filed 2/8/13. Stipulated preliminary injunction as to Brosseau Defendants, preliminary injunction as to Moysich defendants entered 1/14/13. Order dissolving TRO and granting limited preliminary injunction as to the Veracity defendants entered 2/4/13. Trial set for 2/24/14. Order denying motion to dismiss entered 7/3/13. Order granting joint motion to stay proceedings pending completion of proposed settlements entered 9/27/13.

FTC v. SOUTHEAST TRUST, LLC **,** No. 0:12-CV-062441 (S.D. Fla.)

Parties:	Southeast Trust, LLC, f/k/a The Debt School, LLC and d/b/a Financial Freedom Credit Counseling Paul Wexler
Assigned Attorneys:	Gregory Ashe (BCP/DFP) Helen Wong Ioana Rusu
Alleged Conduct:	Deceptive acts or practices in violation of Section 5 and the Telemarketing Sales Rule in connection with the sale of services that will purportedly reduce consumers' credit card interest rates.
Status:	Complaint filed 12/10/12. TRO entered 12/11/12.

Stipulated preliminary injunction entered 12/17/12.
Order granting joint motion to stay the case pending Commission approval of a final settlement entered 6/27/13.
Settlement agreement entered 9/23/13.

FTC v. SPRINGTECH 77376, LLC, No. 3:12-CV-04631 (N.D. Cal.)

Parties: Springtech 77376, LLC, also d/b/a Cedarcide.com and cedarsidestore.com
Cedarcide Industries, Inc.
Chemical Free Solutions LLC
Cedar Oil Technologies Corp.
David Glassel

Assigned Attorneys: Kerry O'Brien (WRSF)
Linda K. Badger

Alleged Conduct: Deceptive acts and practices in violation of Section 5 of the FTC Act in connection with advertising, marketing, and sale of pest control products.

Status: Complaint filed 9/5/12.
Motion to change venue filed 12/3/12; Commission's opposition filed 12/7/12.
Entry of default as to defendants Cedarcide Industries, Inc. and Cedar Oil Technologies Corp. on 12/4/12.
Default as to defendant Springtech entered 2/15/13.
Order denying motion to change venue entered 2/21/13.
Stipulated orders for permanent injunction and monetary judgment as to Dave Glassel and Chemical Free Solutions entered 7/18/13.
Motion for default judgment as to the remaining defendants entered 8/18/13; hearing set for 11/19/13.

FTC v. STERLING PRECIOUS METALS, LLC, No. 9:12-CV-80597 (S.D. Fla.)

Parties: Sterling Precious Metals, LLC
Kerry Marshal
Matthew Mayer
Francis R. Zolfay

Assigned Attorneys: Dama J. Brown (SER)
Gideon E. Sinasohn

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the TSR in connection with the sale and marketing of precious metals.

Status: Complaint filed 6/4/12.
Motion to dismiss complaint by all defendants filed 7/11/12; Commission's opposition filed 7/27/12.
Order denying preliminary injunction and TRO entered 9/11/12.
Orders granting joint motion to dismiss defendant Kerry Marshall and stipulated motion for permanent injunction and judgment against remaining defendants entered 8/22/13.

FTC v. ST. LUKE'S HEALTH SYSTEM, LTD., No. 1:13-CV-00116 (D. Idaho)

Parties: St. Luke's Health System Ltd.
Saltzer Medical Group

Assigned Attorneys: J. Thomas Greene (WRSF)
Danica Noble (NWR)
Robert J. Schroeder
Douglas Eugene Litvack (BC)
Henry Chao-Lon Su
Matthew Paul Accornero
Michael James Perry
Peter C. Herrick

Alleged Conduct: Violation of Section 7 of the Clayton Act resulting from hospital system's acquisition of physician group.

Status: Complaint filed 3/12/13.
Case consolidated with *Saint Alphonsus Medical Center – Nampa, Inc. v. St. Luke's Health System, Ltd.* (No. 1:12-CV-00560) on 3/19/13.
Trial held 9/23/13 to 10/21/13.

FTC v. SUBSCRIBERBASE HOLDINGS, INC., No. 1:13-CV-01527 (N.D. Ill.)

Parties: Jeffrey French
All Square Marketing, LLC
Threadpoint, LLC
PC Global Investments, LLC
Slash 20, LLC
Brent Cranmer
Christopher McVeigh
Michael Mazzella
Subscriberbase Holdings, Inc.
Subscriberbase, Inc.

Assigned Attorneys: Matthew Wernz (MWR)

Steven M. Wernikoff

Alleged Conduct: Deceptive acts and practices in violation of Section 5 of the FTC Act in connection with promising purportedly free merchandise to consumers.

Status: Complaint filed 2/28/13.
Stipulated TRO entered 3/7/13.
Stipulated preliminary injunction entered 3/25/13.

FTC v. THE TAX CLUB, INC., No. 1:13-CV-00210 (S.D.N.Y.)

Parties: The Tax Club, Inc.
Manhattan Professional Group, Inc.
5410, Inc.
Marble Base, Inc.
6015, LLC
1800Accountant, LLC
Ikongo, Inc.
Tahuya, Inc.
Visavis, Inc.
HB Marketing Services, LLC
Premier Coaching & Consulting, LLC
Skorpios Holdings, LLC
Edward B. Johnson
Michael M. Savage
Brendon A. Pack
Gary J. Milkwick
Sandra C. Savage

Assigned Attorneys: Ann F. Weintraub (NER)
Darren H. Lubetzky
Savvas Socrates Diacosavvas

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the TSR by inducing consumers to purchase tax preparation products and services purportedly designed to foster small business development.

Status: Complaint filed 1/9/13.
Stipulated preliminary injunction entered 2/8/13.
Commission's amended complaint filed 4/8/13.
Motion to dismiss by defendant 1800Accountant, LLC filed 5/13/13.

FTC v. TRUDEAU, No. 12-6 (S. Ct.); Nos. 08-4249 10-2418, 10-1383, 13-1746, 13-1747, and 13/1898 (7th Cir.); Nos. 1:03-CV-03904, 1:98-CV-00168 (N.D. Ill.)

Parties:
Kevin Trudeau
Shop America (USA), LLC
Robert Barefoot
Deonna Enterprises, Inc.
Karbo, Inc.
Karbo Enterprises, Inc.
Shop America Marketing Group
TruStar Global Media
K.T. Corp.
TruCom, LLC
Law Offices of Marc J. Lane
Winston & Strawn LLP
Website Solutions USA (WSU)
Global Information Network USA (GIN USA)
KT Radio Network (KTRN)
Nataliya Babenko

Assigned Attorneys:
Michael P. Mora (BCP-ENF)
Jonathan Cohen
David O'Toole (MWR)
David Sieradzki (OGC)

Alleged Conduct:
Deceptive practices in violation of Sections 5 and 12 in connection with the sale of a dietary supplement; civil contempt for violations of a 1998 stipulated permanent injunction against Kevin Trudeau in connection with infomercial sales of a weight loss book; civil contempt for failure to comply with 2010 contempt sanction.

Status:
Complaint filed 6/9/03.
Stipulated final order for permanent injunction and settlement of claims for monetary relief as to defendants Kevin Trudeau, Shop America (USA), LLC, Shop America Marketing Group, LLC, Trustar Global Media, Limited and Relief defendants K.T. Corporation, Limited and TruCom, LLC, including monetary relief of approximately $2.1 million entered 9/3/04.

* * * * *

Motion to show cause why defendant Trudeau should not be held in civil contempt for violating permanent injunction, filed 9/13/07.
Order finding Trudeau in contempt for violating permanent injunction entered 11/16/07.
Hearing on remedy for violating permanent injunction held 7/22-25/08.

Judgment confirming 11/16/07 order, requiring monetary payment by Trudeau, and providing for other relief entered 8/7/08.

Commission's motion to amend/correct judgment filed 8/21/08; response by Trudeau filed 9/22/08; Commission's reply filed 10/7/08, corrected 10/21/08.

Supplemental order and judgment entered 11/4/08.

Motion by Trudeau to alter or stay judgment pending appeal filed 11/13/08; Commission's response filed 11/26/08; Trudeau's reply filed 12/3/08; order denying motion entered 12/11/08.

Notice of appeal (08-4249) filed 12/16/08.

Appellant's emergency motion for stay pending appeal filed 12/23/08; Commission's response in opposition filed 1/5/09; appellant's reply filed 1/7/09.

Order denying emergency motion for stay pending appeal entered 1/21/09.

Appellant's brief filed 2/17/09.

Motion by Appellant to file supplemental jurisdictional memorandum filed 3/5/09; order granting motion entered 3/12/09; supplemental jurisdictional memorandum filed 3/12/09.

Commission's answering brief filed 3/19/09.

Appellant's reply brief filed 4/2/09.

Oral argument held 5/14/09.

Seventh Circuit Opinion affirming Trudeau contempt finding but vacating and remanding on monetary payment and other relief entered 8/27/09.

* * * * *

Commission's renewed motion to modify stipulated final order for permanent injunction as to defendant Trudeau filed 11/13/09; defendant's response in opposition filed 12/17/09; Commission's reply filed 2/1/10; defendant's sur-reply filed 3/12/10.

Commission's renewed motion for compensatory monetary remedy as to defendant Trudeau filed 11/13/09; defendant's response in opposition filed 12/17/09, supplemented 1/19/10; Commission's reply filed 2/1/10; defendant's sur-reply filed 3/12/10.

Order finding defendant Trudeau in criminal contempt of court entered 2/11/10; modified 2/17/10.

Notice of appeal (10-1383) of criminal contempt order filed 2/17/10.

Order staying payment of fine pending appeal entered 2/24/10.

Trudeau's motion to stay proceedings pending appeal filed 3/9/10; order denying motion entered 3/12/10.

Supplemental order modifying the stipulated order for permanent injunction and awarding monetary relief entered 4/16/10.

Trudeau's motion to amend the supplemental order filed 4/22/10; Commission's response in opposition filed 5/7/10; Trudeau's reply filed 5/21/10; Commission's sur-reply filed 6/1/10.

Commission's motion to amend the supplemental order filed 5/7/10;

Trudeau's response filed 5/21/10.
Seventh Circuit Opinion (10-1383) vacating finding of criminal contempt and remanding for further proceedings entered 5/20/10.

* * * * *

Corrected supplemental order modifying the stipulated order for permanent injunction and awarding monetary relief entered 6/2/10.
Notice of appeal (10-2418) of supplemental and corrected supplemental orders filed 6/11/10.
Trudeau's emergency motion for stay pending appeal filed 6/15/10; Commission's response filed 6/23/10; Trudeau's reply filed 6/28/10; order denying motion filed 7/14/10.
Trudeau's brief filed 7/23/10; Commission's brief filed 8/23/10; Trudeau's reply filed 9/13/10.
Oral argument held 9/24/10.
Seventh Circuit opinion affirming contempt sanctions and modification of decree, issued 11/29/11.
Trudeau's petition for rehearing *en banc* filed 1/13/12; denied 1/30/12.
Trudeau's petition of certiorari filed 6/28/12; Commission's brief in opposition filed 8/27/12; Trudeau's reply brief filed 9/11/12.
Certiorari denied 10/9/12.

* * * * *

Motion for coercive contempt order to compel Trudeau to comply with 6/2/10 order requiring payment of $37 million contempt sanction, filed by Commission 7/16/12
Trudeau's opposition filed 9/25/12
Commission's reply filed 10/15/12.
Order holding that the Commission has established prima facie showing of Trudeau's contempt for failing to pay sanction, and ordering that Trudeau file a sworn financial statement and appear at a hearing entered 12/6/12.

* * * * *

Order granting Commission's motions to compel Trudeau's attorneys (Winston & Strawn LLP, and Law Offices of Marc J. Lane) and Trudeau-controlled entities (GIN USA, KTRN, and WSU) to comply with subpoenas, issued 3/7/13.
Motion to hold Lane, GIN USA, KTRN, and WSU in contempt for failing to comply with order compelling subpoenas filed by Commission 4/1/13; Motion to file supporting documents under seal filed by Commission 4/1/13.
Order denying motion to file documents under seal issued 4/4/13.

Notices of appeal (13-1746 and 13-1747) of order denying motion to file under seal, filed by Trudeau, Winston & Strawn, Lane, GIN USA, KTRN, and WSU ("Trudeau appellants"), filed 4/9/13 .

Trudeau appellants' motions for emergency stay pending appeal filed with 7th Circuit 4/9/13; 7th Circuit emergency stay issued 4/10/13.

Trudeau appellants' motion for stay pending appeal filed with 7th Circuit on 4/12/13; Commission's opposition filed 4/17/13; 7th Circuit order vacating emergency stay issued 4/19/13; Trudeau appellants' motion to reconsider filed 4/19/13; 7th Circuit order denying reconsideration issued 7/24/13.

Trudeau appellants' motion to dismiss case as moot filed 4/26/13; appeals (13-1746 and 13-1747) dismissed 4/29/13.

* * * * *

Trudeau bankruptcy petition filed 4/22/13.

Trudeau motion to stay discovery in district court contempt proceeding filed 4/23/13; Commission's opposition brief and motion for ruling that automatic stay does not apply to contempt proceeding, filed 4/24/13; Trudeau opposition to Commission's motion filed 4/25/13; District court order granting Commission's motion issued 4/26/13.

Notice of appeal (13-1898) filed by Trudeau 4/26/13; Trudeau's motion for stay pending appeal filed 4/26/13; Commission's opposition filed 4/29/13.

Seventh Circuit order denying stay issued 4/30/13.

Trudeau's appeal voluntarily dismissed 5/24/13.

Bankruptcy proceeding dismissed 5/28/13.

* * * * *

Motion to hold defendant in contempt filed 7/13/12; evidentiary hearings before district court on Commission's motion to hold Trudeau in contempt for failing to pay civil contempt sanction, held 5/21/13 and 6/26-27/13.

Writ *ne exeat* ordering Trudeau to surrender passport and not to leave the United States until further order of court issued 6/25/13.

Order partially granting motion to hold Trudeau in contempt entered 7/26/13.

Order finding Trudeau in contempt of court and directing the US Marshall to take him into custody entered 9/18/13; order releasing Trudeau from custody entered 9/19/13.

FTC v. VACATION COMMUNICATIONS GROUP, No. 6:13-CV-00789 (M.D. Fla.)

Parties:	Vacation Communications Group, LLC Gardner Cline L.L.C. Sheldon Lee Cohen Mark Russell Gardner Tammie Lynn Cline
Assigned Attorneys:	Julie Mayer (NWR) Mary Terese Benfield
Alleged Conduct:	Deceptive acts and practices in violation of Section 5 and the TSR in connection with unsolicited telephone calls to sell or rent timeshare properties.
Status:	Complaint filed 5/20/13. TRO entered 5/20/13. Preliminary injunction against defendants entered 6/6/13. Motion for contempt as to Sheldon Cohen filed 7/2/13; contempt order entered 9/18/13; bench warrant issued 9/19/13. Motion for default as to Sheldon Cohen and Vacation Communications Group filed 8/5/13. Trial set for 8/4/14.

FTC v. VERMA HOLDINGS, LLC, No. 4:13-CV-00594 (S.D. Tex.)

Parties:	Verma Holdings, LLC Rishab Verma
Assigned Attorneys:	Eliseo Noel Padilla (SWR) James E. Elliott
Alleged Conduct:	Deceptive acts and practices in violation of Section 5 in connection with unsolicited text message spam sent to consumers.
Status:	Complaint filed 3/6/13. Stipulated preliminary injunction entered 4/8/13.

FTC v. WELLNESS SUPPORT NETWORK, INC., No. 3:10-CV-04879 (N.D. Cal.)

Parties:	Wellness Support Network, Inc. Robert Held Robyn Held
Assigned Attorneys:	Laura Fremont (WRSF) Kenneth Hatheway Abbe
Alleged Conduct:	Deceptive acts and practices in violation of Sections 5 and 12 of the FTC Act in connection with the marketing and sale of dietary supplements for the treatment of diabetes.
Status:	Complaint filed 10/28/10. Defendants' motion to dismiss filed 12/29/10; memorandum in opposition filed 1/14/11; reply to opposition filed 1/21/11; order granting in part and denying in part motion entered, 4/4/11. Amended complaint filed 4/29/11. Defendants' motion to dismiss first amended complaint filed 6/8/11, Commission's opposition filed 6/29/11; reply filed 7/8/11. Order denying motion to dismiss entered 9/12/11. Dispositive motions due 7/26/13.

FTC v. WISE MEDIA, LLC, No. 1:13-CV-01234 (N.D. Ga.)

Parties:	Wise Media, LLC Brian M. Buckley Winston J. Deloney Concrete Marketing Research, LLC
Assigned Attorneys:	Duane Pozza (BCP/DFP) Robin Thurston Robin L. Rock (SER)
Alleged Conduct:	Deceptive acts and practices in violation of Section 5 of the FTC Act in connection with unauthorized billing for text-message based subscription services.
Status:	Complaint filed 4/16/13. TRO with asset freeze entered 4/19/13.

FTC v. WV UNIVERSAL MANAGEMENT, LLC, No. 6:12-CV-01618 (M.D. Fla.)

Parties: WV Universal Management, LLC, d/b/a Treasure Your Success
Leading Production, LLC
Global Financial Assist, LLC
HES Merchant Services Company, Inc.
Business First Solutions, Inc.
Voiceonyx Corp.
Universal Processing Services of Wisconsin, LLC
Derek Depuydt
Hal E. Smith
Jonathon E. Warren
Ramon Sanchez-Ortega
Willy Plancher
Valbona Toska

Assigned Attorneys: Fil M. De Banate (ECR)
Jonathan Kessler
Michael Milgrom

Alleged Conduct: Deceptive acts or practices in violation of Section 5 and the Telemarketing Sales Rule in connection with sale of services that will purportedly reduce consumers' credit card interest rates.

Status: Complaint filed 10/29/12.
Order granting preliminary injunction entered 11/14/12.
Amended complaint filed 6/18/13.
Motion to dismiss by HES Merchant Services Company filed 8/7/13; Commission's response filed 8/23/13.
Motion for summary judgment by Universal Processing Services filed 8/16/13; Commission's opposition filed 9/16/13; reply filed 9/30/13.
Stipulated order for permanent injunction and final judgment as to defendants Willy Plancher, Valbona Toska, WV Universal Management LLC, Global Financial Assist LLC, and Leading Production LLC entered 9/23/13.

FTC v. WYNDHAM WORLDWIDE CORP., No. 2:13-CV-01887 (D.N.J.); No. 2:12-CV-1365 (D. Ariz.)

Parties: Wyndham Worldwide Corp.
Wyndham Hotel Group, LLC
Wyndham Hotels and Resorts, LLC
Wyndham Hotel Management Inc.

Assigned Attorneys: John A. Krebs (BCP/DPIP)

Katherine E. McCarron
Kevin H. Moriarty
Kristin K. Cohen
Lisa N.W. Schifferle
Jonathan Zimmerman
Andrea Arias

Alleged Conduct: Deceptive acts and practices in violation of Section 5 of the FTC Act in connection with failing to maintain reasonable of appropriate data security of consumer for consumers sensitive information.

Status: Complaint filed 6/26/12.
Defendants' motion to dismiss filed 8/27/12; Commission's response filed 10/1/12; defendants' reply filed 10/23/12.
Motion for leave to file amicus curiae briefs filed by the Chamber of Commerce and the International Franchise Association filed 10/5/12.
Defendants' motion to transfer venue to the District of New Jersey granted 3/25/13.
Order denying defendants' motions to dismiss and amici's motions to file briefs, subject to refiling in the District of New Jersey entered 3/25/13.
Defendants' motions to dismiss re-filed 4/26/13; Commission's opposition filed 5/20/13; defendants' reply filed 6/10/13.

FTC v. YOUR BABY CAN LLC, No. 3:12-CV-02114 (S.D. Cal.)

Parties: Your Baby Can LLC
Hugh Penton, Jr.
Robert Titzer
Infant Learning, Inc., d/b/a The Infant Learning Company

Assigned Attorneys: David Koehler (BCP/AP)
Robin Spector
Rosemary Rosso

Alleged Conduct: Deceptive acts and practices in violation of Section 5 of the FTC Act in connection with the sale, marketing and promotion of Your Baby Can Read! products.

Status: Complaint filed 8/27/12.
Final order granting permanent injunction and other equitable relief as to defendants Your Baby Can LLC and Hugh Penton, Jr. entered 9/12/12.
Amended complaint against Robert Titzer and Infant Learning, Inc. filed 2/27/13.

Trial set for 4/21/14.

FTC v. ZEAL IT SOLUTIONS PVT LTD., No. 1:12-CV-07188 (S.D.N.Y.)

Parties:	Zeal IT Solutions Pvt Ltd. Khishore Gosh
Assigned Attorneys:	Benjamin Davidson (BCP/MP) Christine M. Todaro Colleen Brennan Robbins Kelly Ann Horne
Alleged Conduct:	Unfair and deceptive acts and practices in violation of Section 5 of the FTC Act, the Telemarketing Sales Rule, and Telemarketing and Consumer Fraud Abuse Protection Act in relation to the marketing, sale, and promotion of computer protection software.
Status:	Complaint filed 9/24/12. TRO entered 9/25/12. Preliminary injunction entered 10/9/12.

CIVIL PENALTY AND ENFORCEMENT CASES*

(A) Consumer Protection

FTC v. AJM PACKAGING CORP., No. 1:13-cv-1510-BAH (D.D.C)

Parties:	AJM Packaging Corp.
Assigned Attorneys:	Megan A. Bartley (BCP/ENF)
Alleged Conduct:	Violation of a final commission order regarding the improper labeling of products.
Status:	Complaint filed 9/30/13.

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

UNITED STATES v. BUSINESS RECOVERY SERVICES, LLC, No. 11-17677 (9th Cir.), No. 2:11-CV-00390 (D. Ariz.)

Parties:	Business Recovery Services, LLC Brian Hessler
Assigned Attorneys:	Jessica R. Gunder (DOJ/CPB)
Alleged Conduct:	Violations of Section 5 and the Telemarketing Sales Rule in connection with abandoned calls and telephone calls to consumers on the National Do Not Call registry.
Status:	Complaint filed 3/1/11. Answer to complaint filed 3/28/11; amended answer filed 6/19/12. Order granting preliminary injunction entered 4/15/11. Order denying defendants' motion to modify preliminary injunction, entered 10/17/11. Notice of appeal from order denying motion to modify preliminary injunction filed 11/5/11; appellant's brief filed 12/5/11; United States' brief filed 1/17/12. Defendants' motion to dismiss filed 1/16/12; United States' response filed 2/1/12; reply filed 2/13/12; order denying motion entered 4/10/12. Appeal argued 6/15/12. Court of appeals per curiam affirmance issued 6/20/12. Motion for summary judgment filed 3/6/13. Motion for entry of default as to defendant Business Recovery Services filed 4/4/13. Joint motion for stipulated final judgment filed 9/20/13. Orders granting motion for entry of default and motion for stipulated final judgment and permanent injunction entered 9/30/13.

UNITED STATES v. CERTEGY CHECK SERVICES, No. 1:13-cv-1247 (D.D.C.)

Parties:	Certegy Check Services
Assigned Attorneys:	Ann Frances Entwistle (DOJ/CPB)
Alleged Conduct:	Violations of the FTC Act, the Fair Credit Reporting Act, the Free Annual File Disclosures Rule, and the Duties of Furnishers of Information to Consumer Reporting Agencies Rule, in connection with the issuance of check authorization recommendations.
Status:	Complaint filed 8/15/13. Order granting motion for entry of final judgment and order entered 8/30/13.

UNITED STATES v. DANIEL CHAPTER ONE, No. 10-5370 (D.C. Cir.); No. 1:10-CV-01362 (D.D.C.)

Parties:	Daniel Chapter One James Feijo
Assigned Attorneys:	Laura Kim (BCP/ENF) Kristin M. Williams Jessica R. Gunder (DOJ/CPB)
Alleged Conduct:	Violation of an FTC final cease and desist order in connection with defendants' continued deceptive advertising, promotion, and sale of "cancer-cure" products and failure to send required notification to prior purchasers of such products.
Status:	Complaint filed 8/13/10. United States' motion for preliminary injunction filed 8/25/10. Defendants' motion to dismiss filed 9/1/10. Order denying United States' and defendants' motions, and staying case pending resolution of defendants' appeal of the Commission's cease and desist order entered 9/14/10. Notice of appeal by United States filed 11/12/10. United State's motion to dismiss appeal voluntarily by United States filed 1/3/11. Stay lifted 3/7/11. United States' motion for preliminary injunction filed 3/11/11; opposition filed 3/25/11; reply filed 4/1/11. Defendants' motion for stay filed 3/25/11; opposition filed 4/1/11; reply filed 4/8/11; motion denied 5/10/11. Order granting United States' motion for preliminary injunction entered 6/22/11. United States' motion for order to show cause why Daniel Chapter One, James Feijo, and Patricia Feijo should not be held in contempt of 6/22/11 order filed 7/29/11. United States' motion for summary judgment on liability filed 9/30/11; opposition filed 10/21/11; reply filed 11/30/11. Order finding defendants in contempt entered 5/9/12; contempt purged and order vacated 5/24/12. Summary judgment on liability in favor of the United States entered 9/24/12.

UNITED STATES v. DISH NETWORK L.L.C., No. 13-2282 (7th Cir.); 3:09-CV-03073 (C.D. Ill.)

Parties: Dish Network L.L.C.

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

Alleged Conduct: Violations of Section 5 and the Telemarketing Sales Rule in connection with abandoned calls and telephone calls to consumers on the National Do Not Call registry.

Status: Complaint filed 3/25/09.
Defendant's motion to dismiss filed 5/21/09; plaintiff's response in opposition filed 7/17/09; defendant's reply filed 7/27/09; plaintiff's sur-reply filed 9/11/09.
Order denying motion to dismiss entered 11/2/09.
Defendant's motion for reconsideration or interlocutory appeal filed 11/19/09; plaintiff's response filed 12/22/09; order denying motion entered 2/4/10.
Memorandum in opposition to motion/petition filed 5/21/10.
Motion to compel 7/30/10; memorandum in opposition to motion 8/16/10; memorandum in support of motion filed 9/24/10; order on motion to compel entered, 12/9/10.
Appeal of magistrate judge decision to district court filed 12/29/10.
Defendants' motion to stay action under doctrine of primary jurisdiction filed 12/21/10; opposition filed 1/12/11.
Order directing the parties to file an administrative complaint with the FCC, to obtain its interpretation of statutory language entered 2/4/11.
Order vacating magistrate's decision denying Commission's motion for leave to file second amended complaint entered 3/12/13.
Amended complaint filed 3/12/13.
Petition for writ of mandamus by Dish Network filed 6/12/13.
Order denying petition for mandamus entered 7/3/13.
Trial set for 4/8/14.

UNITED STATES v. EXPERT GLOBAL SOLUTIONS, INC. ET AL., No. 3:13-cv-2611 (N.D. Tex.)

Parties: Expert Global Solutions, Inc., f/k/a NCO Group Inc.
NCO Financial Systems Inc.
ALW Sourcing LLC
Transworld Systems Inc.

Assigned Atorneys: Stephen P. Fahey (AUSA)

Aleged Conduct: Violations of Section 5 of the FTC Act and the Fair Debt Collection Practices Act, in connection with unlawful and deceptive debt collection practices.

Status: Complaint filed 7/8/13.
Stipulated order for permanent injunction and monetary judgment entered 7/16/13.

UNITED STATES v. FEATURE FILMS FOR FAMILIES, INC., Nos. 2:12-CV-00811, 2:11-CV-00419 (D. Utah); No. 4:11-CV-00197 (N.D. Fla.)

Parties: Feature Films for Families, Inc.
Corporations for Character LC
Family Films of Utah, Inc.
Forrest Sandusky Baker, III

Assigned Attorneys: Peter G. Fisher (AUSA)
Daniel M.. Bacza (DOJ/CPB)
Michael Tankersley (BCP)
Arturo DeCastro

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Telemarketing Sales Rule in connection with telemarketing to induce the purchase of goods or services, and to induce charitable contributions, telemarketing calls to consumers on the "Do-Not-Call" list.

Status: Complaint filed 5/5/11.
Defendants' motion to dismiss for failure to state a claim and for improper venue filed 7/25/11; United States' memo in opposition filed 8/8/11; order denying motion entered 10/25/11.
Defendants' counterclaim against the United States filed 11/14/11.
United States' motion to dismiss counterclaims for lack of jurisdiction filed 12/21/11; response in opposition filed 1/09/12; motion denied 5/19/12.
Case transferred to the District of Utah 8/20/12.
Case consolidated with *Corporation for Character v. FTC*, No. 2:11-CV-00419, on 9/6/12.
Defendants' motion for partial summary judgment filed 9/6/12; United States' opposition filed 12/14/12.
United States' motion for partial summary judgment filed 3/1/13.
United States' second motion for partial summary judgment filed 5/17/13.

UNITED STATES v. HARRISON FUNERAL HOME, No. 7:12-CV-03733 (S.D.N.Y.)

Parties: Harrison Funeral Home
John Balsamo

Assigned Attorneys: Natalie N. Kuehler (AUSA)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 of the FTC Act and Funeral Rule in connection with providing funeral goods and services.

Status: Complaint filed 5/10/12.
Amended complaint filed 10/9/12.
Order dismissing action in light of pending settlement agreement entered 7/26/13.
Letter requesting the court reopen the case to allow the parties to finalize a settlement and submit a settlement stipulation and proposed order for the court's approval filed 9/23/13.

UNITED STATES v. MORTGAGE INVESTORS CORP. OF OHIO, INC., No. 8:13-cv-01647 (M.D. Fla.)

Parties: Mortgage Investors Corporation of Ohio, Inc., d/b/a Mortgage Investors Corporation, Amerigroup Mortgage Corporation, Veterans Information Department, and Veterans Home Loans

Assigned Attorneys: Lacy R. Harwell , Jr. (AUSA)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the TSR in connection with home loan refinancing services to current and former U.S. military service members.

Status: Complaint filed 6/25/13.
Order granting motion for stipulated permanent injunction entered 9/17/13.
Judgment in favor of the United States entered 9/18/13.

UNITED STATES v. RMCN CREDIT SERVICES, INC., No. 4:11-CV-00650 (E.D. Tex.)

Parties: RMCN Credit Services, Inc.
Doug Parker
Julie Parker

Assigned Attorneys: Philip Martin Toomjian (DOJ/CPB)
J. Kevin McClendon (AUSA)

Alleged Conduct: Deceptive acts and practices in violation of the Credit Repair Organization Act in connection with advertising and sale of credit repair services.

Status: Complaint filed 10/12/11.
Defendants' motion to dismiss filed 12/12/11; United States' opposition filed 1/23/12.
Order denying motion to dismiss entered 9/30/12.
Motion for summary judgment by the United States filed 8/20/13.
Motion for partial summary judgment by defendants filed 8/20/13; United States' opposition filed 9/4/13.

UNITED STATES v. SMART TOOLS LLC, No. 3:12-CV-02006 (D. Or.)

Parties: Smart Tools LLC
Kirstin Hegg

Assigned Attorneys: Ann Entwistle (DOJ)
Neil Evans

Alleged Conduct: Violations of Section 5 and the Business Opportunity Rule by selling work-at-home business opportunities that promise purchasers income for locating people who are eligible for a partial refund of their FHA mortgage loan insurance premium.

Status: Complaint filed 11/8/12.

UNITED STATES v. STERLING, No. 3:12-CV-02736 (S.D. Cal.)

Parties: Christopher Andrew Sterling, also d/b/a sterlingvisa.com, rebatedataprocessor.com, and creditcardworker.com

Assigned Attorneys: Ann Entwistle (DOJ/CPB)
Douglas Keehn
Joseph Patrick Price, Jr.

Alleged Conduct: Violations of Section 5 and the Business Opportunity Rule by selling work-at-home rebate and credit card data processing business opportunities.

Status: Complaint filed 11/9/12.
Joint motion to approve consent judgment filed 7/16/13.
Order approving consent judgment entered 9/25/13.

UNITED STATES v. THE ZAKEN CORP., No. 2:12-CV-09631 (C.D. Cal.)

Parties:	The Zaken Corp., also d/b/a The Zaken Corporation, QuickSell, and QuikSell Tiran Zaken
Assigned Attorneys:	Ann Entwistle (DOJ/CPB) Anoiel Khorshid (AUSA)
Alleged Conduct:	Violations of Section 5 and the Business Opportunity Rule in connection with work-at-home opportunity consisting of locating and contacting businesses with excess inventory.
Status:	Complaint filed 11/9/12. Motion for preliminary injunction filed 1/7/13; defendants' opposition filed 2/4/13; United States' reply filed 2/15/13; defendants' opposition filed 3/4/13. Order denying plaintiff's motion for preliminary injunction entered 7/31/13. Trial scheduled for 6/24/14.

(B) <u>Competition</u>

UNITED STATES v. DILLER, No. 1:13-CV-01002-GK (D.D.C.)

Parties:	Barry Diller
Assigned Attorneys:	Kenneth A. Libby (BC)
Alleged Conduct:	Violation of the HSR Act with respect to notice and waiting requirements.
Status:	Complaint filed 7/2/13. Final judgment in favor of the Commission entered 7/3/13.

UNITED STATES v. MACANDREWS & FORBES HOLDINGS INC., No. 1:13-CV-00926 (D.D.C.)

Parties:	MacAndrews & Forbes Holdings Inc.
Assigned Attorneys:	Kenneth A. Libby (BC)
Alleged Conduct:	Violation of the HSR Act with respect to the acquisition of voting securities.
Status:	Complaint filed 6/20/13. Final judgment in favor of Commission entered 7/1/13.

SUBPOENA AND CID ENFORCEMENT PROCEEDINGS

FTC v. BOEHRINGER INGELHEIM PHARMACEUTICALS, INC., No. 12-5393 (D.C. Cir.); No. 1:09-MC-00564 (D.D.C.)

Parties: Boehringer Ingelheim Pharmaceuticals, Inc.

Assigned Attorneys: Mark Hegedus (OGC)
Leslie R. Melman
David C. Shonka

Alleged Conduct: Petition for an order to enforce a subpoena.

Status: Petition filed 10/23/09.
Order to show cause entered 12/4/09.
Matter transferred to magistrate judge 12/1/10.
Status conference held on 10/24/11.
Hearing on merits held 12/09/11.
Order denying Commission's petition as to financial analysis documents and ordering Boehringer to redact and produce the remaining records entered 9/27/12.
Order holding that Boehringer failed to conduct an adequate search of its electronically stored information, and ordering Boehringer to run additional searches entered 10/16/12.
Commission's notice of appeal filed 12/11/12.
Boehringer's motion to dismiss appeal filed 1/28/13; Commission's response in opposition filed 2/11/13; Boehringer's reply filed 2/22/13; order denying motion to dismiss entered 4/12/13.
Commission's initial brief filed 6/28/13; appellees' brief filed 8/28/13; Commission's reply brief filed 9/11/13.

FTC v. CHI, No. 3:13-CV-00256 (S.D. Cal.)

Parties: Ian Chi

Assigned Attorneys: Burke Kappler (OGC)

Alleged Conduct: Petition for an order to enforce a CID.

Status: Petition filed 2/1/13.
Commission's notice of voluntary dismissal filed 6/17/13.

FTC v. NATIONAL PROCESSING CO., No. 1:13-mc-23437 (S.D. Fla.)

Parties:	National Processing Co. Vantiv, Inc.
Assigned Attorneys:	John A. Singer (OGC)
Alleged Conduct:	Petition for an order to enforce a CID.
Status:	Petition filed 9/24/13.

FTC v. THE WESTERN UNION CO., Nos. 13-3100, 13-3272 (2d. Cir.); No.1:13-MC-00131 (S.D.N.Y)

Parties:	The Western Union Company Lonnie Keene Keene Consulting Arizona, LLC
Assigned Attorneys:	Burke Kappler (OGC) Leslie R. Melman
Alleged Conduct:	Petition for an order to enforce a CID.
Status:	Petition filed 4/15/13. Hearing held 5/28/13. Enforcement order entered 6/6/13; revised 6/7/13. Motion by Western Union for clarification or reconsideration filed 6/17/13; Commission's opposition filed 6/19/13; motion denied 6/20/13. Notice of appeal by Commission filed 8/14/13; cross appeal by Western Union filed 8/27/13. Commission's opening brief due 11/27/13.

SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION

ATLANTIC CASUALTY INSURANCE CO. v. FTC, No. 9:13-CV-00063 (D. Mont.)

Parties:	Atlantic Casualty Insurance Co.
Assigned Attorneys:	Michael Bergman (OGC)
Alleged Conduct:	Declaratory judgment action claiming regarding improper damage claims made against plaintiff in the FTC's underlying cramming lawsuit, *FTC v. Emerica Media Corp.*

Status: Complaint filed 3/19/13.

AYUDA INC. ET AL. v. FTC, No. 13-1266 (D.D.C)

Parties: Ayuda, Inc.
Catholic Charities of the Archdiocese of Washington DC
Catholic Legal Immigration Network, Inc.
Legal Aid Justice Center

Assigned Attorneys: Michelle Lo (AUSA)
Jack Metzler (OGC)

Nature of Action: Action alleging violation of the Freedom of Information Act.

Status: Complaint filed 8/20/13; answer due 11/1/13.

BASIC RESEARCH v. FTC, No. 2:09-CV-00779 (D. Utah)

Parties: Basic Research
A.G. Waterhouse
Sovage Dermalogic Laboratories
Carter-Reed Company, LLC
Dynakor Pharmacal
Dennis Gay
Mitchell K. Friedlander

Assigned Attorneys: Lemuel Dowdy (BCP/ENF)
Frank Gorman
Mark Hegedus (OGC)
Drake Cutini (DOJ/CPB)
Jeannette Swent (AUSA)

Nature of Action: Declaratory judgment action claiming violations of plaintiffs' free speech and due process constitutional rights in connection with advertising for weight loss products.

Status: Complaint filed 8/31/09.
Motion to dismiss complaint filed 10/30/09; plaintiffs' response in opposition filed 12/23/09; Commission's reply filed 1/22/10; plaintiffs' sur-reply filed 4/1/10.
Plaintiffs' motion to consolidate case with *United States v. Basic Research, L.L.C.,* No. 2:09-CV-00972 (D. Utah) filed 11/6/09; Commission's response in opposition filed 11/23/09; plaintiffs' reply filed 12/14/09.

Oral argument on pending motions held 5/6/10.
Memorandum decision denying motion to dismiss complaint and granting motion to consolidate case with *United States v. Basic Research, L.L.C.*, No. 2:09-CV-00972 entered 5/23/11.
Plaintiffs' motion for partial summary judgment filed 8/17/11; Commission's opposition filed on 9/28/11; reply filed 11/01/11; order granting motion for partial summary judgment entered 6/1/12; hearing held 5/31/12.
Commission's motion for partial summary judgment filed 5/24/12.
Plaintiff's motion for summary judgment and opposition to Commission's motion for partial summary judgment filed 9/12/12; Commission's response filed 1/31/13; plaintiff's reply memorandum filed 3/29/13.
Hearing on pending summary judgment motions held 5/22/13.

CARIBBEAN CRUISE LINE, INC. v. FTC, No. 13-1195 (D.C. Cir.)

Parties: Caribbean Cruise Line, Inc.

Assigned Attorney: Jack Metzler (OGC)

Nature of Action: Petition for review of Commission's order denying motion to quash civil investigative demand issued to Caribbean Cruise Line, Inc.

Status: Petition filed 6/7/13.
Motion to dismiss by Commission filed 7/3/13; opposition filed 7/18/13.

CARTER, FULLERTON & HAYES, LLC v. FTC, No. 1:12-CV-00448 (E.D. Va.)

Parties: Carter, Fullerton, & Hayes LLC

Assigned Attorneys: Stephen Obermeir (AUSA)
David Sieradzki (OGC)
Dione Stearns

Nature of Action: Action alleging violation of the Freedom of Information Act.

Status: Complaint filed 4/24/12; Commission's answer filed 6/4/12.
Commission's motion for summary judgment filed 8/2/12; Carter's opposition filed 9/27/12; reply filed 10/10/12.
Hearing on motion for summary judgment held 10/19/12.
Motion for summary judgment denied 2/21/13.
Commission's second motion for summary judgment filed 6/3/13; Carter's response in opposition filed 6/24/13; Carter's cross motion for summary judgment filed 6/25/13; Commission's replies filed 7/5/13;

Carter's reply filed 7/10/13.
Oral argument held 7/12/13.

CAUSE OF ACTION v. FTC, No. 1:12-CV-00850 (D.D.C.)

Parties: Cause of Action

Assigned Attorneys: Mitchell Zeff (AUSA)
Michael Bergman (OGC)
Dione Stearns

Nature of Action: Action alleging violation of the Freedom of Information Act.

Status: Complaint filed 5/25/12.
Commission's motion for summary judgment filed 9/28/12; plaintiff's opposition brief filed 11/28/12; Commission's reply brief filed 1/25/13.
Opinion and order granting in part and denying in part the Commission's motion for summary judgment entered 8/19/13.
Final consent judgment entered 9/12/13.

HI TECH PHARMACEUTICALS INC., No. 1:13-CV-00489 (D.D.C.)

Parties: Hi Tech Pharmaceuticals, Inc.

Assigned Attorneys: Drake S. Cutini (DOJ/CPB)
David Sieradzki (OGC)

Nature of Action: Action challenging the FTC's requirement that before making a weight-loss claim, a company must possess "competent and reliable scientific evidence."

Status: Complaint filed 4/10/13.

MODERN IMAGING SOLUTIONS, INC. v. UNITED STATES, No.1:11-CV-0071; 1:11-CV-00344 (Fed. Cl.)

Party: Modern Imaging Solutions, Inc.

Assigned Attorneys: Michele Arington (OGC)
Daniel B. Volk (DOJ/CLB)

Nature of Action: Action for breach of contract in connection with agency's non-payment for unauthorized purchases by FTC employee.

Status: Complaint filed 5/31/11.
Order granting plaintiff's motion to voluntarily dismiss complaint without prejudice entered 8/9/11.
Complaint refiled 10/26/11.
United States' motion to dismiss filed 12/27/11; plaintiff's opposition filed 2/23/12; United States' reply filed 3/12/12; order denying motion to dismiss entered 8/16/12.
Order granting joint motion to stay proceedings entered 7/23/13.

NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS v. FTC, No. 11-1679 (4th Cir.), No. 5:11-CV-0049 (E.D.N.C.)

Party: North Carolina State Board of Dental Examiners

Assigned Attorneys: Melissa Westman-Cherry (BC)
Imad D. Abyad (OGC)

Nature of Action: Action for declaratory and injunctive relief with respect to pending Commission adjudicative proceeding.

Status: Complaint filed 2/1/11.
Motion for TRO filed 2/2/11.
Response in opposition to motion filed 2/7/11.
Order denying TRO entered 2/9/11.
Motion to dismiss filed 2/28/11; opposition filed 3/24/11; reply filed 4/7/11.
Order granting motion to dismiss entered 5/3/11.
Notice of appeal filed 6/27/11.
Appellant's brief filed 10/6/11; Commission's brief filed 11/28/11; appellant's reply brief filed 12/15/11.
Case removed from oral argument calendar 11/28/12.
Court of appeals' order dismissing appeal as moot entered 6/6/13.

AMICUS CURIAE BRIEFS or PARTIAL INTERVENTIONS

ACTELION PHARMACEUTICALS, LTD. v. APOTEX, INC., No. 1:12-CV-05743 (D.N.J.)

Assigned Attorneys: Bradley S. Albert (BC)
Michael J. Perry
James E. Rhilinger
Daniel W. Butrymowicz

Nature of Action: Private action addressing the question whether a branded pharmaceutical company's refusal to sell product samples to potential generic competitors may violate antitrust laws.

Status: Brief of the FTC as amicus curiae filed 3/11/13.

AMERICAN EXPRESS CO. v. ITALIAN COLORS RESTAURANT, No. 12-133 (S. Ct.)

Assigned Attorneys: Michele Arington (OGC)

Nature of Action: Private action addressing whether a court should enforce a mandatory arbitration clause under the Federal Arbitration Act when the plaintiff demonstrates that enforcement of the clause would effectively preclude plaintiff from vindicating its federal antitrust rights.

Status: Brief of the United States and FTC as amici curiae in support of respondents filed 1/29/13.
Supreme Court decision reversing court of appeals issued 6/20/13.

APPLE, INC. v. MOTOROLA, INC., Nos. 2012-1548 and 2012-1549 (Fed. Cir.)

Assigned Attorneys: Richard M. Brunell (Office of the Chairman)
Suzanne Munck (OPP)
William Adkinson, Jr. (OGC)

Nature of Action: A private action addressing the standards for entry of injunctive relief for patent infringement, including patents that are essential to industry standards.

Status: Brief of the FTC as amicus curiae filed 12/4/12.
Oral argument held 9/11/13.

DELGADO v. CAPITAL MANAGEMENT SERVICES, L, No. 13-2030 (7th Cir.)

Assigned Attorneys: Jack Metzler (OGC)

Nature of Action: Private action addressing the application of the Fair Debt Collection Practices Act to the collection of debts barred by the statute of limitations.

Status: Brief of Commission and the Consumer Financial Protection Bureau as amici curiae in response to an invitation from the Seventh Circuit filed 8/14/13.
Oral argument held 9/25/13.

IN RE INTERSTATE BAKERIES CORP., No. 11-1850 (8th Cir.)

Assigned Attorneys: Mark Hegedus (OGC)
Catherine G. O'Sullivan (DOJ/AD)
Robert B. Nicholson
Adam D. Chandler

Nature of Action: Private action involving the proper application of the executory contract doctrine in 11 U.S.C. § 365 to contracts that implement antitrust divestiture decrees.

Status: Brief of the United States and the Federal Trade Commission as amici curiae in support of rehearing filed 5/31/13.
Brief of the United States and the Federal Trade Commission in opposition of the Appellee's motion to dismiss appeal as moot filed 9/26/13.
Oral argument scheduled for 10/22/13.

JACKSON v. PAYDAY FINANCIAL, LLC, No. 12-2617 (7th Cir.)

Assigned Attorney: Michele Arington (OGC)

Nature of Action: Private action involving a provision in payday lenders' contracts requiring arbitration of disputes on Indian reservation.

Status: Brief of Commission as amicus curiae in response to an invitation from the Seventh Circuit filed 9/13/13.

IN RE K-DUR ANTITRUST LITIGATION, Nos. 12-245, 12-265 (S. Ct.); Nos. 10-2077, 10-2078, 10-2079 (3d Cir.)

Assigned Attorney: John F. Daly (OGC)
Mark S. Hegedus
Malcolm L. Stewart (DOJ/OSG)

Nature of Action: Private action involving antitrust claims that a drug manufacturer restricted generic drug companies from marketing generic versions of its prescription medication when the manufacturer made settlement agreements with two of the generic companies.

Status: Brief of Commission as amicus curiae in support of plaintiffs/appellants filed 5/18/11.
Oral argument held 12/12/11.
Opinion reversing the district court entered 7/16/12.
Petitions for writ of certiorari filed 8/24/12 and 8/29/12.
Responses to petitions due 11/5/12.
Order by Supreme Court granting the petitions, vacating the court of appeals' ruling, and remanding for reconsideration in light of decision in *FTC v. Actavis* entered 6/24/13.
Order by the Third Circuit remanding the case to the district court entered 9/9/13.

IN RE LAMICTAL DIRECT PURCHASER ANTITRUST LITIGATION, No. 12-4584 (3rd Cir.); No.2:12-CV-00995 (D.N.J.)

Assigned Attorneys: Markus Meier (BC)
Jamie R. Towey
Melanie J. Brown
John F. Daly (OGC)

Nature of Action: Private action involving antitrust claims that an exclusive license that effectively prevents a branded company from launching an authorized generic constitutes a payment-for-delay in restraint of trade.

Status: Brief of the FTC as amicus curiae, opposing defendants' motion to dismiss, filed 10/5/12.
Order granting motion to dismiss filed 12/6/12.
Notice of appeal filed 12/21/12.
Order, staying appeal pending the Supreme Court's decision in *FTC v. Actavis, Inc.* entered 2/26/13.
Defendants motion to remand case back to district court filed 6/20/13; appellants' response filed 6/25/13.
Court of appeals order remanding the case to the district court for further

proceedings entered 7/2/13.

MINN-CHEM INC., ET. AL., v. AGRIUM., ET. AL., No. 12-650 (S. Ct.); No. 10-1712 (7th Cir.)

Assigned Attorney: John F. Daly (OGC)
Catherine G. O'Sullivan (DOJ/AD)
Robert B. Nicholson
James J. Fredricks
Nickolai H.Levin
Kristen C. Limarzi

Nature of Action: Private action alleging foreign conspiracy to fix the price of potash in violation of Section 1 of the Sherman Act.

Status: Brief of Commission and United States as amici curiae in support of neither part on rehearing *en banc* filed 1/23/12.
Appellants' supplemental brief in response to government's brief filed 1/26/12.
Oral argument held 2/8/12.
Opinion affirming district court entered 6/27/12.
Petition for certiorari filed 11/23/12.
Petition for certiorari dismissed 7/22/13.

MOORE v. VERIZON, No. 4:09-CV-01823 (N.D. Cal.)

Assigned Attorneys: Robin Moore (BCP/ENF)
David Sieradzki (OGC)

Nature of Action: Private class action alleging "cramming" of unauthorized charges onto consumer telephone bills.

Status: Brief of the Commission as amicus curiae in opposition to a proposed settlement filed 8/17/12.
Order approving settlement agreement entered 8/28/13.

MYLAN PHARMACEUTICALS, INC. v. WARNER CHILCOTT PUBLIC LTD. CO., No. 2:12-CV-03824 (E.D. Pa.)

Assigned Attorneys: Markus Meier (BC)
Bradley S. Albert
Heather M. Johnson
Kara Lee Monahan
John F. Daly (OGC)

Nature of Action: Private action under the Hatch-Waxman Act addressing the question whether a branded drug seller can control the 180-day generic exclusivity rights.

Status: Brief of the FTC as amicus curiae filed 11/21/12.
Order denying defendant's motion to dismiss entered 6/12/13.

NWABUEZE v. AT&T, INC., No. 09-cv-1529-SI (N.D. Cal.)

Assigned Attorneys: Reenah L. Kim (BCP/ENF)
Jack Metzler (OGC)

Nature of Action: Class-action suit challenging unauthorized charges from third-party merchants placed on consumers' telephone bills through a practice known as "cramming."

Status: Brief of Commission as amicus curiae in opposition to the proposed settlement, filed 8/30/13.

ST. JOSEPH ABBEY, ET. AL. v. PAUL CASTILE, ET. AL., No. 11-30756 (5th Cir.)

Assigned Attorney: John F. Daly (OGC)

Nature of Action: Private action concerning Louisiana's licensing restrictions on retail casket sales and their effect on the Funeral Rule.

Status: Brief of Commission as amicus curiae in support of neither party filed12/16/11.
Oral argument held 6/7/12.
Opinion and order certifying question of law to Louisiana Supreme Court entered 10/23/12.
Louisiana Supreme Court order declining to consider certified question, entered 1/11/13.
Opinion of U.S. Court of Appeals, affirming judgment that the state statute is unconstitutional, issued 3/20/13.
Defendants' petition for rehearing *en banc* filed 4/3/13; petition denied 4/19/13.
Petition for certiorari denied 10/15/13.

IN RE WELLIBUTRIN XL ANTITRUST LITIGATION, Nos. 2:08-cv-2431 and 2:08-cv-2433 (E.D. Pa)

Assigned Attorneys: Markus Meier (BC/HC)
Mark Hegedus (OGC)

Nature of Action: Action concerning a branded company's commitment not to launch an authorized generic in competition with a generic company.

Status: Brief of Commission as amicus curiae, arguing that *Actavis* applies to no-authorized-generic commitments filed 9/26/13.