

**QUARTERLY FEDERAL COURT  
LITIGATION STATUS REPORT**

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

March 31, 2013

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## SUMMARY OF CASES

	D. Ct.	Ct. App.*	S. Ct.	Total
PETITIONS FOR REVIEW	0	2	1	3
INJUNCTION AND CONSUMER REDRESS CASES	80	22	2	104
CIVIL PENALTY AND ENFORCEMENT CASES	17	0	0	17
SUBPOENA AND CID ENFORCEMENTS	1	1	0	2
SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION	6	2	0	8
AMICUS CURIAE BRIEFS	3	4	4	11
TOTALS	107	31	7	145

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\* 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.

***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 response due 5/22/13.

***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. 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 6/1/11.  
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.

**(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.  
Order granting motion for stay pending settlement entered 1/15/13.

***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.

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

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.



***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.

***FTC v. AFFILIATE STRATEGIES, INC.***, No. 11-3319 (10th Cir); No. 5:09-CV-04104  
(D. Kan.)

Parties: Affiliate Strategies, Inc.  
Landmark Publishing Group, L.L.C., d/b/a G.F. Institute and Grant  
Funding Institute  
Grant Writers Institute, L.L.C.  
Answer Customers, L.L.C.  
Apex Holdings International, L.L.C.  
Brett Blackman  
Jordan Sevy  
James Rulison  
Real Estate Buyers Financial Network LLC, d/b/a Grant Writers Research  
Network  
Martin Nossov  
Alicia Nossov  
Wealth Power Systems, LLC  
Aria Financial Services LLC  
Direct Marketing Systems, Inc.  
Justin Ely  
Meggie Chapman, d/b/a Meggie Chapman & Associates

Assigned Attorney: Gary L. Ivens (BCP/MP)  
Michael Bergman (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Telemarketing Sales Rule in connection with obtaining and receiving U.S. government grants for consumers.

Status: Complaint filed 7/20/09.

TRO with asset freeze entered 7/24/09.  
Stipulated preliminary injunction entered 9/1/09; amended 11/24/09.  
Amended complaint filed adding defendants Wealth Power Systems, LLC;  
Aria Financial Services LLC; Direct Marketing Systems, Inc.; Justin  
Ely; and Meggie Chapman, d/b/a Meggie Chapman & Associates  
filed 12/9/09.  
Clerk's entry of default against defendant Direct Marketing Systems, Inc.  
2/25/10.  
Second amended complaint filed 6/21/10.  
Clerk's entry of default against defendants Apex Holdings, Affiliate  
Strategies, Landmark Publishing, Grant Writers Institute, Answer  
Customers, and Direct Marketing Systems entered 8/12/10.  
Motion for summary judgment by defendant Chapman filed 12/10/10;  
Commission's opposition filed 1/3/11; reply filed 1/31/11.  
Motion for summary judgment by defendant Aria Financial Services, LLC  
and Wealth Power Systems, LLC filed 12/10/10; Commission's  
opposition filed 1/3/11; reply filed 1/18/11.  
Commission's motion for summary judgment filed 12/10/10; opposition by  
defendants Aria Financial LLC and Wealth Power Systems, LLC  
filed 12/27/10; opposition by defendants Real Estate Buyers Financial  
Network LLC and Martin and Alicia Nossov filed 1/18/11;  
opposition by defendant Meggie Chapman filed 1/18/11; opposition  
by defendant Justin Ely filed 1/26/11; Commission's replies filed  
2/4/11.  
Stipulated permanent injunction and final judgment order against Bret  
Blackman, Justin Ely, Jordan Sevy, and James Rulison entered  
7/21/11.  
Commission's motion for default judgment against several corporate  
defendants filed 7/22/11; order granting motion for default  
judgment against Direct Marketing Systems, Inc. entered 7/26/11.  
Order denying defendant Chapman's motion for summary judgment;  
denying as moot defendants Aria and Wealth Power System's  
motion for summary judgment; and granting in part and denying in  
part plaintiff's motion for summary judgment, entered 7/26/11.  
Default judgment and permanent injunction against Apex Holdings  
International LLC, Affiliate Strategies LLC, Landmark Publishing  
Group LLC, Grant Writers Institute LLC, and Answer Customers  
LLC entered 7/26/11.  
Order for permanent injunction as to defendants Real Estate Buyers  
Network LLC and Martin Nossov entered 8/1/11.  
Consent decree and final judgment order against Wealth Power Systems,  
LLC and Aria Financial Services LLC entered 8/12/11.  
Stipulated order for permanent injunction and monetary judgment against  
Alicia Nossov entered 8/18/11.  
Trial held on 8/22/11 and 8/23/11.

Final judgment order against Real Estate Buyers Financial Network LLC, and Martin Nossov entered 8/24/11.  
Final judgment order and permanent injunction against Meggie Chapman entered 9/26/11.  
Notice of appeal filed 10/27/11; amended 11/17/11.  
Notice of order abating case pending termination of appellant's bankruptcy proceedings entered 11/21/11.  
Commission's motion to vacate abatement filed 12/1/11; appellant's response filed 12/21/11.  
Appellant Meggie Chapman's brief filed 5/3/12; Commission's response brief filed 6/28/12; Chapman's reply brief filed 9/27/12.  
Oral argument held 11/7/12.

***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 3/6/13.

***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.  
Trial set for 2/11/14.

***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 hearing set for 6/21/13.

***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.

***FTC v. AMERICAN TAX RELIEF LLC***, No. 12-71937 (9th Cir.), No. 2:11-CV-06397 (C.D. Cal.); No. 1:10-CV-06123 (N.D. Ill)

Parties: American Tax Relief LLC  
Alexander Seung Hahn  
Joo Hyun Park  
Il Kon Park  
Young Soon Park

Assigned Attorneys: Karen D. Dodge (MWR)  
Marissa J. Reich  
Mark S. Hegedus (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with the advertising, promotion, and sale of tax relief services.

Status: Complaint filed 9/24/2010.  
TRO with asset freeze entered 9/24/10.  
Preliminary injunction with asset freeze entered 11/9/10.  
Order granting defendants' motion to transfer case to the Central District of California entered 7/20/11.  
Petition for mandamus in court of appeals filed 6/20/12; denied 9/5/12.  
Partial summary judgment in favor of the Commission entered 8/8/12.

Stipulated final order and permanent injunction against all defendants entered  
1/29/13.

***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, “pay-day” 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.

***FTC v. AUTOMATED ELECTRONIC CHECKING, INC.***, No. 3:13-CV-00056 (D.Nev.)

Parties: Automated Electronic Checking, Inc.  
John P. Lawless  
Kenneth Mark Turville

Assigned Attorneys: Janet Ammerman (BCP/DMP)  
Michelle Chua  
Paul B. Spelman  
Gregory W. Addington

Alleged Conduct: Deceptive acts or practices in violation of Section 5 of the FTC Act by obtaining consumers' financial account information and making fraudulent and unauthorized debits to consumers' accounts.

Status: Complaint filed 2/5/13.  
Stipulated permanent injunction and final order entered 3/11/13.

***FTC v. BEONY INTERNATIONAL LLC***, No. 1:11-CV-02488 (N.D. Ill.)

Parties: Beony International LLC  
Mario Milanovic  
Cody Adams

Assigned Attorney: John C. Hallerud (MWR)

Alleged Conduct: Deceptive acts or practices in violation of Sections 5 and 12 of the FTC Act in connection with the advertising, marketing and promotion of weight loss and other products to consumers.

Status: Complaint filed 4/13/11.  
TRO with other equitable relief and order to show cause why a preliminary injunction should not be issued entered 4/18/11.  
Stipulated preliminary injunction entered 4/29/11.  
Order freezing assets and requiring repatriation of assets entered 3/7/12.  
Stipulated final judgment and permanent injunction as to defendants Beony International, LLC and Mario Milanovic entered 1/28/13.  
Stipulated final judgment and permanent injunction as to defendant Cody Adams entered 2/08/13.

***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.

***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 Orb 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 due 5/6/13.

***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.

***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  
Alpa D. Gandhi  
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.

***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  
Raymond E. McKown (WRLA)  
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 due 6/21/13.  
Commission's brief due 7/22/13.

***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.

***FTC v. CONSUMER ADVOCATES GROUP EXPERTS LLC***, No. 2:12-CV-04736 (C.D. Cal.)

Parties: Consumer Advocates Group Experts LLC, d/b/a Consumer Advocates Group  
Paramount Asset Management Corp., d/b/a National Financial Rescue Corp,  
National Financial Rescue Group, American Forensic Loan Auditors  
Ryan Zimmerman

Assigned Attorneys: Mary T. Benfield (NWR)  
Miry Kim  
Raymond E. McKown (WRLA)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 of the FTC Act and Mortgage Assistance Relief Services Rule in connection with the sale and marketing of mortgage assistance programs.

Status: Complaint filed 5/30/12.  
Preliminary injunction, appointment of a temporary receiver and other equitable relief entered 6/7/12.  
Stipulated final judgment and permanent injunction entered 2/1/13.

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

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

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.

***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 set for week of 5/28/13 and week of 6/3/13.

***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.

***FTC v. DEBT RELIEF USA***, No. 3:11-CV-02059 (N.D. Tex.)

Parties: Debt Relief USA Inc  
Kelly Reilly  
Alvin Bell  
James Wojcik  
Valerie Leath

Assigned Attorneys: Susan Arthur (SWR)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 involving advertising, marketing, promotion, and offering for sale or sale of debt relief services.

Status: Complaint filed 8/17/11.  
Stipulated permanent injunction and final order as to defendant Debt Relief USA Inc entered 9/27/11.  
Stipulated final judgment and order for permanent injunction and monetary relief as to defendants Valerie Leath and James Wojcik entered 9/27/11.  
Joint motion to stay case filed 9/26/12.  
Stipulated final judgment and order for permanent injunction and monetary relief against Defendants Kelly Reilly and Alvin Bell entered 12/3/12.

***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.

***FTC v. DISH NETWORK, LLC***, No. 3:12-cv-03221 (C.D. Ill.)

Parties: Dish Network, LLC.

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

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.

***FTC v. DR PHONE COMMUNICATION, INC.***, No. 3:12-CV-02631 (N.D. Cal.)

Parties: DR Phone Communication, Inc.  
David Rosenthal

Assigned Attorneys: Laura M. Solis (NWR)  
Nadine S. Samter

Alleged Conduct: Deceptive acts and practices in violation of Section 5 of the FTC Act in connection with the sale and marketing of prepaid telephone calling cards.

Status: Complaint filed 5/22/12.

***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.

***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  
Key Tech Software Solutions LLC  
Emory L. Holley, IV  
Lisa Miller  
Rares Stelea  
Justin Journey

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 Journey, 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.  
Trial set for 4/18/14.

***FTC v. E.M.A. NATIONWIDE, INC.***, No. 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

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.

***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.

***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: Ann 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 set for week of 6/3/13.

***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 1<sup>st</sup> 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 due 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.

***FTC v. FORENSIC CASE MANAGEMENT SERVICES, INC.***, No. 2:11-CV-07484  
(C.D. Cal.)

Parties: Forensic Case Management Services, Inc., d/b/a Commercial  
Investigations, Inc., FCMS Inc., Commercial Recovery Solutions  
Inc., Rumson Bolling & Associates  
Specialized Recovery Inc., d/b/a Joseph, Steven & Associates, and  
Specialized Debt Recovery  
Commercial Receivables Acquisition Inc., d/b/a Commercial Recovery  
Authority, Inc., and The Forwarding Company  
David M. Hynes II, a/k/a David M. Hynes Jr.  
James Hynes  
Heather True  
Frank E. Lindstrom, Jr.  
Kevin Medley  
Lorena Quiroz-Hynes, a/k/a Lorena Quiroz, and Lorena Hynes  
Kester-Archwood, LLC  
Vesper Collins, LLC  
Innsbruck, LLC  
Ramillies, LLC

Assigned Attorneys: Christopher Koegel (BCP/FP)  
Rebecca Unruh  
Seena Gressin  
Raymond McKown (WRLA)

Alleged Conduct: Unfair and deceptive acts or practices in violation of Section 5 and the FDCPA related to debt collection practices.

Status: Complaint filed 9/12/11.  
Ex parte TRO with asset freeze, appointment of receiver, and expedited discovery entered 9/14/11.  
Preliminary injunction entered 9/27/11.  
Stipulated final judgment and order for permanent injunction and other equitable relief as to defendants Kevin Medley and Frank E. Lindstrom entered 3/14/12.  
Amended complaint adding defendants Kester-Archwood, LLC, Vesper Collins, LLC, Innsbruck, LLC, and Ramillies, LLC filed 6/12/12.  
Stipulated final judgment as to relief defendants Vesper Collins, LLC, Ramillies, LLC, and Innsbruck, LLC entered 1/3/13.  
Stipulated final judgment and permanent injunction as to defendants Forensic Case Management Services, Inc., Specialized Recovery, Inc., Commercial Receivables Acquisition, Inc., David M. Hynes II, Lorena Quiroz-Hynes, James S. Hynes, and Heather True entered 1/4/13.  
Default judgment as to relief defendant Kester-Archwood, LLC entered 2/25/13.

***FTC v. FORTUNE HI-TECH MARKETING., 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.

***FTC v. FREEDOM COMPANIES MARKETING, Inc., No. 1:12-cv-05743 (N.D. Ill.)***

Parties: Freedom Companies, Inc.  
Freedom Companies Marketing, Inc.  
Freedom Companies Lending, Inc.  
Freedom Information Services  
Haiti Management, Inc.  
Grupo Marketing Domincana  
David F. Preiner  
Daniel Hungria

Assigned Attorneys: David O'Toole (MWR)  
Joannie Wei  
Matthew H. Wernz

Alleged Conduct: Violations of Section 5 of the FTC Act and the Commission's MARS Rules.

Status: Complaint filed 7/23/12.  
Stipulated preliminary injunction entered 7/31/12.  
Amended complaint adding defendant Daniel Hungria filed 8/10/12.  
Stipulated preliminary injunction as to defendant Daniel Hungria entered 8/20/12.  
Stipulated order for permanent injunction and final judgment entered 12/19/12.

***FTC v. GARDEN OF LIFE INC., 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)  
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.

***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: Deanya T. Kueckelhan (SWR)  
Eric Nelson Roberson  
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.

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

Parties:	Grant Connect, LLC	MSC Online, Inc.
	Global Gold, Inc.	Paid To Process, Inc.
	Global Gold Limited	Premier Plus Member, Inc.
	Horizon Holdings, LLC	Total Health, Inc.
	O'Connell Gray LLC	Vcomm, Inc.
	Vantex Group, LLC	Rachael A. Cook
	Vertek Group, LLC	James J. Gray
	Pink LP	Steven R. Henriksen
	Consolidated Merchant Solutions, LLC	Michael L. Henriksen, Jr.

OS Marketing Group, LLC	Juliette M. Kimoto
Acai, Inc.	Tasha Jn Paul
AllClear Communications, Inc.	Kyle R. Kimoto
Dragon Group, Inc.	Randy D. O'Connell
Elite Benefits, Inc.	Johnnie Smith
Global Fulfillment, Inc.	Healthy Allure, Inc.
Juliette M. Kimoto Asset Protection Trust	Juliette M. Kimoto
Randy D. O'Connell	

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.

***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.

***FTC v. HOLD BILLING SERVICES, LTD.***, 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.

***FTC v. HOPE FOR CAR OWNERS, LLC***, No. 2:12-CV-00778 (E.D. Cal.)

Parties: Hope for Car Owners, LLC  
Patrick Freeman

Assigned Attorneys: Gregory Ashe (BCP/DFP)  
Stephanie Rosenthal

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with advertising, marketing, promotion, and sale of vehicle loan assistance relief services.

Status: Complaint filed 3/27/12.  
TRO entered 4/4/12.  
Stipulated permanent injunction as to defendant Patrick Freeman entered 4/16/12.  
Request for entry of default as to Hope for Car Owners, LLC filed 5/31/12; clerk's entry of default entered 6/5/12.  
Order granting preliminary injunction as to defendant Hope for Car Owners, LLC entered 8/28/12.  
Stipulated final order as to defendant Patrick Freeman entered 11/30/12.  
Motion for entry of judgment by default against defendant Hope for Car Owners, LLC filed 12/21/12.  
Magistrate Judge's recommendation that Commission's motion for default judgment as to Hope for Car Owners, LLC be granted entered 1/24/13.  
Order adopting Magistrate's recommendations and default judgment against Hope for Car Owners, LLC entered 2/21/13.

***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; appellant's brief filed 3/8/13; Commission's brief due 5/10/13.  
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.

***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 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; Commissions' responsive brief due 5/6/13.

***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

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 11<sup>th</sup> Circuit filed 3/21/13.  
Jurisdictional question by 11<sup>th</sup> Circuit issued 3/22/13.

***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. 2:11-CV-00283 (D. Nev.)

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

Mowab, Inc  
Melyna Harrison  
Leanne Hoskins

Keirsten Kirschbaum  
Tracy Lyman

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

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.

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

Parties:	Jeremy D. Johnson	Anthon Holdings Corp.
	Big Bucks Pro, Inc.	Blue Net Progress, Inc.
	Blue Streak Progressing, Inc.	Bolt Marketing, Inc.
	Bottom Dollar, Inc.	Bumble Marketing, Inc.
	Business First, Inc.	Business Loan Success, Inc.
	CPA Upsell, Inc.	CS Processing, Inc.
	Cloud Nine Marketing, Inc.	Cold Bay Media, Inc.
	Costnet Discounts, Inc.	Cutting Edge Processing, Inc.
	J Media, Inc.	Diamond EBusiness First, Inc.
	Ebusiness Success, Inc.	Elite Debit, Inc.
	Employee Plus, Inc.	Excess Net Success, Inc.
	Duane Fielding	Fiscal Fidelity, Inc.
	Fitness Processing, Inc.	Funding Search Success, Inc.
	Success, Inc.	Funding GG Processing, Inc.
	GGL Rewards, Inc.	Highlight Marketing, Inc.
	Hooper Processing, Inc.	I Works, Inc.

Internet Business Source, Inc.	Internet Economy, Inc.
Internet Fitness, Inc.	JRB Media, Inc.
Jet Processing, Inc.	Andy Johnson
Loyd Johnston	Scott Leavitt
Lifestyles for Fitness, Inc.	Market Funding Solutions, Inc.
Mist Marketing, Inc.	Money Harvest, Inc.
Monroe Processing, Inc.	Scott Muir
Net Business Success, Inc.	Net Commerce, Inc.
Net Discounts, Inc.	Net Fit Trends, Inc.
Net Success, Inc.	Network Agenda, LLC
Optimum Assistance, Inc.	Bryce Payne
Kevin Pilon	Power Processing, Inc.
Premier Performance, Inc.	Pro Internet Services, Inc.
Razor Processing, Inc.	Rebate Deals, Inc.
Revive Marketing, Inc.	Ryan Riddle
Simcor Marketing, Inc.	Terrason Spinks
Success Marketing, Inc.	Summit Processing, Inc.
Tran Voyage, Inc.	TranFirst, Inc.
Unlimited Processing, Inc.	Xcel Processing, Inc.
eCom Success, Inc.	

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

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.

**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 brief due 4/18/13.

**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.

**FTC v. LAKHANY**, No. 8:12-CV-00337 (C.D. Cal.)

Party: Sameer Lakhany  
The Credit Shop LLC  
Fidelity Legal Services LLC  
Titanium Realty Inc.  
Precision Law Center Inc.  
Precision Law Center LLC  
Brian Pacios  
Assurity Law Group Inc.  
National Legal Network Inc.

Assigned Attorneys: John David Jacobs (WRO)  
Mark L. Glassman (BCP/FP)  
Teresa N. Kosmidis

Alleged Conduct: Complaint filed 3/5/12  
TRO with asset freeze and other equitable relief entered 3/7/12.  
Preliminary injunction with asset freeze and other equitable relief as to defendants Sameer Lakhany, The Credit Shop, LLC, Fidelity Legal Services LLC, and Titanium Realty Inc. entered 3/19/12.  
Preliminary injunction with asset freeze and other equitable relief as to defendants Precision Law Center Inc., and Precision Law Center LLC entered 3/22/12.  
First amended complaint filed 3/22/12;



Preliminary injunction with asset freeze and other equitable relief as to defendants Brian Pacios and National Legal Network Inc. entered 4/24/12.

Final order and permanent injunction entered 2/28/13.

***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

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.

**FTC v. LESHIN**, 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 11/17/09 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 Ferndon'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 set for 5/22/13.

***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.

***FTC v. LOANPOINTE, LLC***, No. 12-4006 (10th Cir.); No. 2:10-CV-00225 (D. Utah).

Parties: LoanPointe, LLC  
Eastbrook, LLC  
Joe S. Strom  
Benjamin J. Lonsdale  
James C. Endicott  
Mark S. Lofgren

Attorneys: Christopher Koegel (BCP/FP)  
Stephanie Rosenthal

Gregory A. Ashe  
Jeannette F. Swent (AUSA)  
Imad D.Abyad (OGC)

**Alleged Conduct:** Deceptive acts and practices in violation of Section 5, the Fair Debt Collection Practices Act, and the Credit Practices Rule in connection with payday loans and related collection practices.

**Status:** Complaint filed 3/15/10.  
Stipulated preliminary injunction entered 4/2/10.  
Stipulated orders for voluntary dismissal of defendants Benjamin J. Lonsdale and James C. Endicott entered 6/18/10.  
Stipulated final order for permanent injunction and settlement of claims as to defendant Mark Lofgren entered 8/26/10.  
Commission's motion for summary judgment filed 2/16/11; opposition by defendants Eastbrook, LLC, LoanPointe, LLC, and Joe Strom filed 4/18/11; reply filed 5/5/11.  
Summary judgment granted 9/16/11.  
Commission's revised proposed final order filed 10/03/11; defendants' response filed 10/07/11.  
Final order of judgment and permanent injunction as to defendants Eastbrook, LLC, Loanpointe, LLC, and Joe Storm entered 12/09/11.  
Notice of appeal filed 1/6/12.  
Appellants' opening brief filed 3/19/12; Commission's brief filed 4/23/12.  
Oral argument held 9/19/12.

***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.

***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)  
Deanya T. Kueckelhan  
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.



***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.  
Hearing on motion for preliminary injunction against defendant Mikael Marczak scheduled for 4/10/13.

***FTC v. NAFSO VLM, INC.***, No. 2:12-CV-00781 (E.D. Cal.)

Parties: NAFSO VLM, Inc., d/b/a Vehicle Loan Modification  
Kore Services, LLC, d/b/a Auto Debt Consulting and Car Loans  
Modification  
Naythem Nafso  
Michael Kamfiroozie

Assigned Attorneys: Gregory Ashe (BCP/FP)  
Stephanie Rosenthal

Alleged Conduct: Deceptive acts and practices in violation of Section 5 in connection with advertising, marketing, and sale of vehicle loan assistance relief services.

Status: Complaint filed 3/27/12.  
TRO granted in part and denied in part 3/29/12.  
Stipulated preliminary injunction entered 4/20/12.  
Stipulated final order for permanent injunction entered 2/8/13.

***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 permanent injunction entered 12/5/12.

***FTC v. NATIONAL COLLECTOR'S MINT, INC.***, No. 1:13-00345 (S.D.N.Y.)

Parties: National Collector's Mint, Inc.  
Avram C. Freedberg

Assigned Attorneys: Gary L. Ivens (BCP/DMP)  
Svetlana Gans

Alleged Conduct: Deceptive acts or practices in violation of Section 5 and the Telemarketing Sales Rule in connection with the sale of purportedly valuable coins and collectibles.

Status: Complaint filed 1/15/13.  
Stipulated final order and permanent injunction entered 1/17/13.

*FTC v. NATIONAL SOLUTIONS LLC*, No. 6:11-CV-01131 (M.D. Fla.)

Parties: National Solutions LLC, d/b/a Blue Scape Timeshares International, Country Wide Timeshares, Countrywide Timesharesales MA, Landmark Timeshares, Property Direct, Quicksale Property, Sun Property Networks, Sun Property's, Universal Property, VIM Timeshares.  
Landmark Marketing LLC, d/b/a Blue Scape Timeshares, Country Wide Timeshares International, Property DRK, Quick Sale Advisers, Quick Sale International, Universal Property International.  
Red Solutions LLC, d/b/a City Resorts, Resort Advisors.  
Enterprise America, LLC, d/b/a American Timeshares, Exit Week, Resort Advisors International  
Investments Group of Florida, LLC, d/b/a Resort Advisors AM  
Multiglobe LLC, d/b/a Universal Property  
Leandro Velazquez  
Samuel Velazquez  
Joel Velazquez  
Kiomary Cruz  
Edgar Gonzalez  
Vicente Virgilio  
Aaron Weiss  
Rebecca Melendez (Contempt Defendant)

Assigned Attorneys: William Hodor (MWR)  
Theresa Marie McGrew

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Telemarketing Sales Rule in connection with the sale/resale of timeshare properties.

Status: Complaint filed 7/11/2011.  
Ex parte TRO with asset freeze, appointment of receiver and other equitable relief entered 7/12/11.  
Preliminary injunction as to all defendants except Vicente Virgilio entered 8/09/11.  
Motion for order to show cause why defendants Leandro Velazquez and non-party Rebecca Melendez should not be held in civil contempt filed 12/16/11.  
Clerk's entry of default as to National Solutions LLC entered 1/3/12.  
Clerk's entry of default as to Enterprise America, Investments Group of Florida, LLC, Landmark Marketing LLC, Multiglobe LLC, Red Solutions LLC, entered 1/3/12.  
Order granting stipulated motion to dismiss Vicente Birgilio and Aaron Weiss entered 1/9/12.  
Contempt hearing held 3/6/12.  
Commission's memorandum in support of its contempt motion filed

5/2/12; response in opposition filed 5/23/12.  
Order denying Commission's contempt motion entered 7/9/12.  
Commission's motion for summary judgment against defendants Kiomary Cruz, Enterprise America, LLC, Investment Group of Florida, LLC, Landmark Marketing, LLC, Multiglobe LLC, National Solutions LLC, Red Solutions LLC filed 8/29/12.  
Commission's motion for summary judgment against defendant Leandaro Velaquez filed 8/31/12.  
Amended complaint for permanent injunction against Kiomary Cruz filed 12/10/12.  
Stipulated final judgment and permanent injunction as to defendants Edgar Gonzalez, Samuel Velazquez, Joel Velazquez, and Leandro Velazquez entered 1/2/13.  
Motion for entry of default judgment against Kiomary Cruz granted 2/26/13.  
Order for permanent injunction and monetary relief as to defendants National Solutions LLC, Landmark Marketing LLC, Red Solutions LLC, Enterprise America LLC, Investments Group of Florida LLC, MultiGlobe LLC, and Kiomary Cruz entered 3/5/13.

***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)

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.

***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  
Raymond McKown

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.

***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 (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 defedants 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 case for lack of appellate jurisdiction entered 1/22/13.  
Ninth Circuit mandate returning case to District Court to determine whether defendants are in compliance and whether to impose coercive sanctions issued 3/19/13.

***FTC v. NHS SYSTEMS, INC.***, Nos. 12-3267, 11-2375, 09-3899 (3d Cir.); No. 2:08-CV-02215  
(E.D. Pa.)

Parties: NHS Systems, Inc., d/b/a National Healthcare Solutions, National Health Net Online  
Harry F. Bell, Jr.  
Physician Health Service, LLC, d/b/a American Health Benefits On Line  
Donna Newman  
John E. Bartholomew  
Plus Health Savings, Inc.  
Physicians Health Systems, Inc.  
Health Management, LLC  
6676529 Canada, Inc.  
Nicole Bertrand  
Barry Kirstein  
“Dannie Boie”, a person whose true identity is unknown  
PHS Enterprises, Inc.  
First Step Management, Inc.  
Gold Dot, Inc.  
Linke Jn Paul  
Tasha Jn Paul  
Nevada Business Solutions, Inc.  
Interface Management, Inc., d/b/a Galaxy Member Benefits  
Beginning Again, Inc.

Assigned Attorneys: Christopher Panek (ECR)  
Steven W. Balster  
Jack Metzler (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Telemarketing Sales Rule involving misrepresentations of affiliation with U.S. government agencies, promises of tax refunds/rebates or health benefits to obtain bank account information, and unauthorized billing.

Status: Complaint filed 5/13/08.  
TRO with asset freeze entered 5/14/08.  
Stipulated preliminary injunction as to defendants NHS Systems, Inc.; Harry F. Bell, Jr.; Physician Health Service, LLC; Plus Health Savings, Inc.; Physician Health Systems, Inc.; and Health Management, LLC entered 6/10/08.  
Stipulated preliminary injunction as to defendants John E. Bartholomew; Interface Management, Inc.; and Beginning Again, Inc. entered 1/30/09.  
Amended complaint adding claims and defendants Plus Health Savings, Inc.; Physicians Health Systems, Inc.; Health Management, LLC; 6676529 Canada, Inc.; Nicole Bertrand; Barry Kirstein; “Dannie

Boie”; PHS Enterprises, Inc.; First Step Management, Inc.; Gold Dot, Inc.; Linke Jn Paul; Tasha Jn Paul; Nevada Business Solutions, Inc.; Interface Management, Inc.; and Beginning Again, Inc. filed 7/6/09.

TRO with asset freeze as to defendants 6676529 Canada, Inc.; Nicole Bertrand; Barry Kirstein; “Dannie Boie”; PHS Enterprises, Inc.; First Step Management, Inc.; Gold Dot, Inc.; Linke Jn Paul; Tasha Jn Paul; and Nevada Business Solutions, Inc. entered 7/9/09.

Preliminary injunction as to defendants 6676529 Canada, Inc.; Nicole Bertrand; Barry Kirstein; “Dannie Boie”; PHS Enterprises, Inc.; First Step Management, Inc.; Gold Dot, Inc.; Linke Jn Paul; Tasha Jn Paul; and Nevada Business Solutions, Inc. entered 7/24/09.

Order granting Commission’s motion to require third party Teledraft, Inc. to turn over funds to receiver entered 9/24/09.

Notice of appeal by Teledraft filed 10/5/09.

Teledraft’s motion for stay pending appeal filed 8/5/09; Commission’s memorandum in opposition filed 10/20/09, modified 10/21/09; order denying motion entered 12/10/09.

3d Cir. order requiring parties to file memorandum on jurisdiction entered 10/18/09; memoranda filed 11/2/09.

Appellant’s motion for stay filed 12/18/09; Commission’s response in opposition filed 12/23/09.

Order dismissing appeal for lack of jurisdiction entered 1/8/10.

Motion to show cause why Teledraft should not be held in contempt filed 3/17/10; Teledraft response in opposition filed 3/31/10.

Commission’s motion for summary judgment as to NHS/PHS defendants (NHS Systems, Inc.; Harry F. Bell, Jr.; Physician Health Service, LLC; Donna Newman; Plus Health Savings, Inc.; Physicians Health Systems, Inc.; Health Management, LLC; 6676529 Canada, Inc; Nicole Bertrand; Barry Kirstein; David James Greer a/k/a Dannie Boie; PHS Enterprises, Inc.; First Step Management, Inc.; Gold Dot, Inc.; Linke Jn Paul; Tasha Jn Paul; and Nevada Business Solutions, Inc.) filed 10/1/10; response filed 9/19/11.

Order of contempt as to defendant Teledraft entered 5/13/11.

Notice of appeal of contempt order by Teledraft filed 5/19/11.

Commission’s motion to dismiss appeal for lack of jurisdiction filed 6/10/11; response by appellant filed 6/23/11; Commission’s reply filed 6/30/11; order granting motion to dismiss case for lack of jurisdiction entered 7/20/11.

Order staying contempt order until magistrate has made final determination as to amount of compensatory sanctions owed by Teledraft entered 6/17/11.

Order imposing compensatory sanction on Teledraft entered 7/8/11.

Defendants Tasha Jn Paul and Linke Jn Paul response to motion for summary judgment filed 8/3/11; Commission’s reply 11/3/11.



Commission's second motion to approve stipulated final order for permanent injunction and monetary relief as to defendant Donna Newman filed 11/18/11.  
Order by District Court Judge affirming magistrate judge's 7/07/11 order awarding compensatory damages and referred matter to magistrate judge for further findings entered 11/30/11.  
Commission's second motion for entry of stipulated final order for permanent injunction and monetary relief as to defendant Harry F. Bell, Jr. filed 2/16/12.  
Stipulated final order for permanent injunction and monetary relief as to defendant Donna Newman filed 5/4/12.  
Notice of appeal by Teledraft filed 8/14/12.  
Suggestion of bankruptcy filed by appellant Teledraft, 12/11/12.  
Order directing parties to address applicability of automatic bankruptcy stay issued 12/26/12; Commission's response filed 1/9/13.  
Order holding that bankruptcy stay does not apply entered 1/30/12.  
Commission's motion for summary judgment and permanent injunction as to all remaining defendants filed 3/28/13.  
Appellant's brief due but not filed 3/15/13; appeal dismissed 4/23/13.

***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: Ann 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.

***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  
Ryan Holte

**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.

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

Parties: PCCare247 Inc.  
PC Care247 Solutions Private Limited  
Connexions Infotech Inc.  
Connexions IT Services Private Limited, d/b/a Connexions 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.

***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.  
Trial set for September 2013.

***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)

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.

***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.

***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)  
Raymond E. McKown  
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 set for 5/15/13.

***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.

***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)  
Raymond E. McKown

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. SECURITY CREDIT SERVICES, LLC***, No. 1:13-CV-00799 (N.D. Ga.)

Parties: Security Credit Services, LLC  
Jacob Law Group, PLLC

Assigned Attorneys: Chris Michael Couillou (SER)  
Dama J. Brown

Alleged Conduct: Deceptive acts and practices in violation of Section 5 of the FTC Act and the  
FDCPA in connection with varied and inconsistent explanations to  
consumers regarding debt collection fees.

Status: Complaint filed 3/13/13.  
Stipulated final judgment and order for permanent injunction entered  
3/19/13.

***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  
The Veracity Group, LLC  
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.

***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.

***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.

***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.  
Trial set for January 2014.

***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.

***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 Werns (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 3/21/13.

***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  
Skorprios 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.

***FTC v. TRUDEAU***, No. 12-6 (S. Ct.); Nos. 10-2418, 10-1383, 08-4249 (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

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

**Alleged Conduct:** Deceptive practices in violation of Sections 5 and 12 in connection with the sale of a dietary supplement and violations of a 1998 stipulated order for permanent injunction and final judgment against Kevin Trudeau.

**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 contempt 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.  
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.  
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.  
Motion to hold Trudeau in contempt for failing to pay contempt sanction filed by Commission 7/16/12.  
Trudeau's brief filed 7/23/10.  
Order denying Trudeau's motion to modify consumer redress provision in contempt sanction order filed 8/17/12.  
Commission's brief filed 8/23/10.  
Oral argument held 9/24/10.  
Order by district court denying Trudeau's motion for declaratory judgment regarding scope of performance bond provision in supplemental final order entered 9/27/10.  
Court of appeals 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.  
Petition denied 10/9/12.  
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.

***FTC v. VACATION PROPERTY SERVICES, INC.***, No. 8:11-CV-00595 (M.D. Fla.)

Parties: Vacations Property Services, Inc.  
Vacation Property Sellers Inc. d/b/a Timeshare Experts; Higher Level  
Marketing Inc. d/b/a Vacation Services  
Albert M. Wilson  
David S. Taylor  
Frank M. Perry, Jr.

Assigned Attorneys: William T. Maxson (BCP/MP)  
Dotan Weinman

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Telemarketing Sales Rule in connection with telephone calls to consumers.

Status: Complaint filed 3/22/11.

TRO entered 3/23/11.  
Order denying motion for preliminary injunction and dissolving TRO as to defendant David Taylor entered 4/21/11.  
Order granting stipulated preliminary injunction as to defendants Vacation Property Sellers, Inc. and Frank M. Perry, Jr. entered 4/21/11.  
Order granting in part and denying in part motion for preliminary injunction entered 5/5/11.  
Stipulated final judgment and order for permanent injunction as to defendants Frank M. Perry, Jr, Higher Level Marketing, Inc., and Vacation Property Sellers, Inc. entered 9/30/11.  
Commission's motion for summary judgment filed 1/6/12.  
Commission's motion for default judgment against Vacation Property Services, Inc. filed 1/13/12.  
Order granting motion to approve settlement as to defendant David S. Taylor entered 3/15/12  
Stipulated final judgment and order for permanent injunction as to defendant David S. Taylor entered 3/20/12.  
Order granting in part Commission's motions for summary and default judgment entered 5/21/12.  
Stipulated final judgment and order for permanent injunction as to defendant Albert M. Wilson entered 8/23/12.  
Final judgment and permanent injunction as to defendant Vacation Property Services, Inc. entered 1/8/13.

***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.



***FTC v. WASHINGTON DATA RESOURCES, INC.***, Nos. 12-13392, 10-12901, 10-10716, 10-10715 (11th Cir.); No. 8:09-CV-02309 (M.D. Fla.)

**Parties:** Washington Data Resources, Inc.  
Optimum Business Solutions, LLC  
Crowder Law Group, P.A.  
Richard A. Bishop  
Brent McDaniel  
Tyna Caldwell  
Douglas A. Crowder  
Bruce Meltzer  
Kathleen Lewis, a/k/a Kathy Lewis

**Assigned Attorneys:** Jonathan L. Kessler (ECR)  
Michael Milgrom  
Christopher D. Panek  
Mark S. Hegedus (OGC)  
Michael D. Bergman

**Alleged Conduct:** Deceptive acts and practices in violation of Section 5 and the Telemarketing Sales Rule in connection with the marketing and sale of mortgage loan modification and foreclosure relief services.

**Status:** Complaint filed 11/12/09.  
TRO with asset freeze entered 11/13/09.  
Stipulated preliminary injunction as to defendants Optimum Business Solutions, LLC; Crowder Law Group, P.A.; Tyna Caldwell; Bruce Meltzer; and Kathleen Lewis entered 11/8/09; modified 3/17/10.  
Stipulated preliminary injunction as to defendant Douglas A. Crowder entered 11/23/09; modified 11/25/09.  
Stipulated preliminary injunction as to defendant Brent McDaniel entered 12/4/09.  
Order adopting Magistrate Judge's report and issuing preliminary injunction as to defendant Richard A. Bishop entered 12/14/09.  
Order granting in part and denying in part defendant Brent Mc Daniel's motion to modify asset freeze and denying Richard A. Bishop's emergency motion to modify or dissolve asset freeze entered 1/15/10.  
Notices of appeal (10-10715, 10-10716) by defendant Richard A. Bishop filed 2/12/10.  
Order dismissing appeal (10-10716) of denial of asset freeze motion for lack of jurisdiction entered 4/13/10.  
Richard A. Bishop's renewed motion to modify asset freeze filed 4/30/10; Commission's opposition filed 5/14/10; reply filed 5/26/10.  
Order denying renewed motion to modify asset freeze entered 6/15/10.  
Notice of appeal (10-12091) by Richard A. Bishop filed 6/22/10.  
Bishop's appellate brief filed 8/23/10.

Commission's answering brief filed 9/27/10.  
Bishop's reply brief filed 10/21/10.  
Commission's proposed stipulated final judgment and order as to  
defendants Kathleen Lewis and Optimum Business Solutions, LLC  
filed 11/19/10.  
Defendants' motions for summary judgment denied 3/25/11.  
Stipulated judgment against defendants Crowder Law Group, P.A.,  
Optimum Business Solutions, LLC, Bruce Meltzer, and Kathleen  
Lewis entered 3/28/11.  
Oral argument held 4/14/11.  
Opinion upholding preliminary injunction against defendant Richard  
Bishop but vacating asset freeze issued 4/25/11.  
Commission's motion to modify preliminary injunction as to Richard  
Bishop filed 5/20/11; response filed 6/03/11.  
Order granting motion in part and denying motion in part entered 8/12/11.  
Permanent injunction and judgment against Douglas A. Crowder entered  
9/29/11.  
Trial held on 10/3-11/11.  
Order in favor of Commission entered 4/23/12.  
Order for permanent injunction against Richard Bishop, Brent McDaniel  
and Tyna Caldwell entered 6/8/12.  
Judgment in favor of the Commission against Washington Data  
Resources, Inc., Brent McDaniel, Richard A. Bishop, and Tyna  
Caldwell entered 6/20/12.  
Notice of appeal filed 6/22/12.  
Appellant's opening brief filed 8/13/12; Commission's response brief filed  
10/3/12; appellant's reply brief filed 10/9/12.  
Opinion affirming district court's order entered 1/16/13.

***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. 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  
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.

***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 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 refileing in the District of New Jersey, entered 3/25/13

***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.

***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**

***UNITED STATES v. AMAZON.COM, INC.***, No. 1:13-CV-00002 (D.D.C.)

Parties: Amazon.com, Inc.

Assigned Attorneys: Shannon L. Pederson (DOJ/CPB)

Alleged Conduct: Deceptive acts and practices in violation of the Textile Act by claiming, without qualification, that the fiber used in numerous textile products is “bamboo.”

Status: Complaint filed 1/3/13.  
Stipulated final judgment and order entered 1/11/13.

***UNITED STATES v. COX***, No. 8:11-CV-01910 (C.D. Cal.)

Parties: Roy M. Cox, Jr.  
Capital Solutions Group, S.A. and its foreign affiliate  
Transfers Argentina, S.A. and its foreign affiliate  
Public Service and its foreign affiliate  
Marketing Strategy Group and its foreign affiliate

Castle Rock Capital Management Inc. and its foreign affiliate  
Castle Rock Capital Management, S.A. and its foreign affiliate  
Capital Solutions Group, S.A. and its foreign affiliate

Assigned Attorneys: Carol Lyn Wallack (DOJ/CPB)  
Matthew Samuel Ebert

Alleged Conduct: Deceptive acts and practice in violation of Section 5 and the Telemarketing Sales Rule in connection with telephone calls made to person’s on the National Do Not Call Registry.

Status: Complaint filed 12/12/11.  
Order staying case pending Commission’s approval of proposed settlement entered 11/27/12.

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

Stipulated judgment and order for permanent injunction against defendant  
Roy M. Cox., Jr. entered 2/4/13.  
Notice of dismissal by United States filed 2/13/13.

**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. 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.  
Trial set for 4/8/14.



**UNITED STATES v. FEATURE FILMS FOR FAMILIES, INC.**, Nos. 2:12-CV-00811, 2:11-CV-00419 (D. Ut.); 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 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.

***UNITED STATES v. LEON MAX, INC.***, No. 1:13-CV-00003 (D.D.C.)

Parties: Leon Max, Inc.

Assigned Attorneys: Shannon L. Pederson (DOJ/CPB)

Alleged Conduct: Deceptive acts and practices in violation of the Textile Act by claiming, without qualification, that the fiber used in numerous textile products is “bamboo.”

Status: Complaint filed 1/3/13.  
Stipulated final judgment and order entered 1/9/13.

***UNITED STATES v. MACY’S, INC.***, No. 1:13-CV-00004 (D.D.C.)

Parties: Macy’s, Inc.

Assigned Attorneys: Shannon L. Pederson (DOJ/CPB)

Alleged Conduct: Deceptive acts and practices in violation of the Textile Act by claiming, without qualification, that the fiber used in numerous textile products is “bamboo.”

Status: Complaint filed 1/3/13.  
Stipulated final judgment and order entered 1/14/13.

***UNITED STATES v. PATH, INC.***, No. 3:13-CV-00448 (N.D. Cal.)

Parties: Path, Inc.

Assigned Attorneys: Timothy Taesong Finley (DOJ/CPB)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the COPPA in connection with a social networking application that collected and stored the personal information of users’ contacts.

Status: Complaint filed 1/31/13.  
Stipulated order for civil penalties and permanent injunction entered 2/8/13.

**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.

**UNITED STATES v. SEARS, ROEBUCK AND CO.**, No. 1:13-CV-00005 (D.D.C.)

Parties: Sears, Roebuck and Co.  
Kmart Corporation  
Kmart.com LLC

Assigned Attorneys: Shannon L. Pederson (DOJ/CPB)

Alleged Conduct: Deceptive acts and practices in violation of the Textile Act by claiming, without qualification, that the fiber used in numerous textile products is "bamboo."

Status: Complaint filed 1/3/13.

**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. SONKEI COMMUNICATIONS INC.**, No. 8:11-CV-01777 (C.D. Cal.)

Parties: Sonkei Communications Inc., also d/b/a Sonkie and Sonkie One  
Peter J. Turpel  
Joseph Turpel

Assigned Attorneys: Sondra L. Mills (DOJ/CPB)

Alleged Conduct: Violations of Section 5 and the Telemarketing Sales Rule in making telemarketing calls to telephone numbers on the Do Not Call Registry

Status: Complaint filed 11/17/11.  
Mediation partially resolving the case held 1/18/13.

**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.

**UNITED STATES v. SUMPOLEC**, No.6:09-CV-00378 (M.D. Fla.)

Parties: Edward Sumpolec, d/b/a Thermalkool, Thermacool, Energy Conservation Specialists

Assigned Attorneys: Michael J. Davis (BCP/ENF)  
Sang H. Lee (DOJ/CPB)  
Philip M. Toomajian  
Scott H. Park (AUSA)

Alleged Conduct: Violations of Section 5 and the R-Value Rule in connection with the sale of home insulation products.

Status: Complaint filed 2/26/09.  
Default entered 5/29/09; vacated 2/10/10.  
United States' motion for summary judgment filed 12/17/10.  
Judgment against Edward Sumpolec entered 9/12/11.

United States' motion for permanent injunction and civil penalties filed 10/11/11; defendant's response filed 12/09/11; hearing held 7/27/12. Final judgment and permanent injunction against defendant Edward Sumpolec entered 1/9/13.

***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.  
Trial scheduled for 5/13/14.

**(B) Competition**

***UNITED STATES v. BIGLARI HOLDINGS, INC.***, No. 1:12-CV-01586 (D.D.C)

Parties: Biglari Holdings Inc.

Assigned Attorneys: Kenneth Libby (BC)

Alleged Conduct: Violations of the notice and waiting requirements of the Hart-Scott-Rodinio Act.

Status: Complaint filed 9/25/12.  
Plaintiff's motion for entry of stipulated final order filed 9/25/12.

**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: David Sieradzki (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.

***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.

## 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.

**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 (BCP/ENF)  
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 set for 5/22/13.

***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.

***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.



**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.

**NAT'L AUTOMOBILE DEALERS ASS'N v. FTC**, No. 12-5191 (D.C. Cir.); 1:11-CV-01711 (D. D.C.)

Parties: National Automobile Dealers Association

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

Nature of Action: Action for injunction and declaratory relief with respect to the FTC's rules implementing credit score disclosure requirements of the Dodd-Frank Act.

Status: Complaint filed 9/22/11.  
Plaintiff's motion for summary judgment filed 12/16/11.  
Commission's motion to dismiss filed 12/21/11; opposition filed 2/17/12; reply filed 3/23/12.  
Order denying plaintiff's motion for summary judgment and dismissing case entered 5/22/12.  
Notice of appeal filed 6/15/12.  
Appellant's brief filed 10/24/12; Commission's brief filed 11/21/12; appellant's reply filed 12/7/12.  
Oral argument held 2/8/13.  
Appellant's voluntary motion to dismiss filed 3/5/13.  
Motion to dismiss granted 3/7/13.

***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.

***WOOD v. FTC***, No. 3:12-CV-4757 (N.D. Tex.)

Parties: Avis Suzanne Wood

Assigned Attorneys: Jack Metzler (OGC)

Alleged Conduct: Declaratory judgment action by ex-wife of defendant in an FTC action, claiming entitlement to keep payments received under divorce decree.

Status: Complaint filed 11/20/12.  
Plaintiff's motion to dismiss filed 12/28/12.  
Order granting motion to dismiss entered 12/31/12.

**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  
Timothy J. Slattery

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.

***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.

***AURARIA STUDENT HOUSING v. CAMPUS VILLAGE APARTMENTS LLC***, No.11-1569  
(10th Cir.)

Assigned Attorneys: John F. Daly (OGC)  
Michael Bergman  
Robert B. Nicholson (DOJ/AD)  
Nickolai Levin

Nature of Action: Private action involving whether dismissal of an antitrust claim under the state action doctrine is immediately appealable under the collateral order doctrine.

Status: Brief of the United States and FTC as amici curiae in support of dismissal of appeal filed 4/13/12.  
Oral argument held 9/20/12.  
Order dismissing appeal entered 1/4/13.

***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.  
Case circulated for consideration at the Court's 12/7/12 conference, but no order issued.

***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  
Timothy J. Slattery  
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.

***MARX v. GENERAL REVENUE CORP.***, No. 11-1175 (S. Ct.)

Assigned Attorney: David Sieradzki (OGC)

Nature of Action: Private action under the Fair Debt Collection Practices Act.

Status: Brief of the United States, joined by the FTC and Consumer Financial Protection Bureau, in support of the petitioner filed 8/3/12.  
Oral argument held 11/7/12.  
Supreme Court decision in favor of respondent issued 2/26/13.

***MINN-CHEM INC., ET. AL., v. AGRIMUM, 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.  
Response to petition for certiorari due 5/23/13.

***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.

***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.

***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 filed 12/16/11.  
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.