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11 Attorneys for Plaintiff
12 FEDERAL TRADE COMMISSION

13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15
16 FEDERAL TRADE COMMISSION,

17 Plaintiff,

18 v.
19

20 AMERICAN TAX RELIEF LLC, d/b/a
American Tax Relief, *et al.*,

21 Defendants, and
22

23 YOUNG SOON PARK, a/k/a
Young S. Son, *et al.*,

24 Relief Defendants.
25

Case No. CV 11-6397 DSF (Ex)

**FTC'S RESPONSES TO
DEFENDANTS' OBJECTIONS
TO EVIDENCE SUBMITTED IN
SUPPORT OF PLAINTIFF FTC'S
MOTION FOR SUMMARY
JUDGMENT**

Date: August 6, 2012
Time: 1:30 p.m.
Ctrm: 840 (Roybal Federal Bldg.)

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1 Plaintiff Federal Trade Commission (“FTC”) hereby responds to Defendants’
2 and Relief Defendants’ (collectively “Defendants”) Objections to Evidence Submitted
3 in Support of Plaintiff FTC’s Motion for Summary Judgment (Dkt. No. 427).

4 **I. GENERAL RESPONSES**

5 General Response 1 (“GR 1”):

6 Although Defendants claim that they are objecting “to the evidence,”
7 Defendants object to the fact itself, and not the underlying evidence. These objections
8 are improper.

9
10 General Response 2 (“GR 2”):

11 In nearly every objection, Defendants make improper boilerplate objections to
12 all of the evidence that the FTC submitted in support of its fact. For instance,
13 Defendants’ Objection to Separate Statement Paragraph 316 states:

14 Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex. 608) ¶ 21.xxx-aaaa; Menjivar
15 Dec. (PX 1) ¶ 25, Att. P (p. 28 (27:2-13)); Cagnacci Dec. (Ex. 663) ¶ 3, Ex. 503
16 (16:25- 17:15); McKenney Dec. (PX 2) ¶ ¶ 12, 20-23; McBee Dep. (Ex. 620)
17 151:15-152:21 on the ground that the statement is vague as to time and person,
18 and unsupported by admissible evidence. Fed. R. Evid. 602 (vague).

19 These objections are impermissibly vague, failing to specify the evidence to which
20 the objection is made and offering no argument to support it. It is impossible for
21 the FTC to substantively respond to such objections. Furthermore, such objections
22 do not comply with this Court’s Standing Order, which requires objections to be
23 argued with specificity and states “[d]o not submit blanket or boilerplate objections
24 to the opponent’s statements of undisputed fact. The objections will be overruled
25 and disregarded.” (Dkt. No. 205 at 13:1-2.)

1 General Response 3 (“GR 3”):

2 Defendants object to the testimony of Robert E. McKenzie, as well as
3 statements contained in his Expert Report, as “improper expert opinion,” but
4 provide no explanation of why Mr. McKenzie’s opinions are improper.

5 Mr. McKenzie possesses the necessary knowledge, skill, experience, training and
6 education to be qualified as an expert pursuant to Federal Rule of Evidence 702.

7 Mr. McKenzie has over four decades of tax and tax relief experience, both working
8 as a Revenue Officer at the IRS and as a licensed tax attorney.

9 Mr. McKenzie is a nationally renowned expert in collections before the IRS, and
10 wrote the treatise on collections, entitled “Representation Before the United States
11 Tax Court.” He has lectured extensively on the subject of taxation, and presented
12 courses before thousands of CPAs, attorneys and enrolled agents nationwide.

13 Recently, he was appointed to the Internal Revenue Service Advisory Council.

14 Mr. McKenzie has negotiated Offers in Compromise, Penalty Abatements, and
15 installment agreements before the IRS, and has served as an expert witness in
16 several tax malpractice cases and arbitrations regarding IRS representation.

17 McKenzie Dep. (Ex. 677) 28:1-15, Ex. 1002 (Expert Report ¶¶ 1-7, Appx. 1).

18
19 **II. SPECIFIC RESPONSES**

20 Separate Statement Paragraph 10:

21 Defendants’ Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J
22 (Admission, ATR RFA 293); Adv. Inf., Hahn and Park RFA (Ex. 599) 293; Adv.
23 Inf., Def. Hahn Stip. Dec. (Ex. 608) ¶ 13.ii-qq; Ayaso Dep. (Ex. 612) 81:11-25, Ex.
24 307 (Dec. ¶ 5); Barton Dec. (PX 7) ¶ 6; Byrd Dec. (PX 8) ¶ 10; Coleman Dep. (Ex.
25 616) 63:11-64:10, Ex. 576; Garcia Dep. (Ex. 619) 209:23- 210:24, Ex. 9 (Dec.
26 ¶ 5); McBee Dep. (Ex. 620) 12:8-12:14, 208:22-210:14, Ex. 124 (Dec. ¶ 4);
27 Mosessian Dec. (Ex. 621) ¶ 4; Pismopulos Dep. (Ex. 622) 51:13-52:15, Ex. 470
28 (Dec. ¶ 7); Singh Dep. (Ex. 623) 64:23-65:9, Ex. 338 (Dec. ¶¶ 5-6); Collins Dep.

1 (Ex. 643) 201:12-202:23, 205:18-25, Ex. 211 (Dec. ¶ 13) on the ground that the
2 statement is vague, ambiguous, argumentative, and irrelevant. ATR also had
3 administrative staff and accounting functions, and whether they were nominated as
4 such is irrelevant Fed. R. Evid. 602 (vague and ambiguous); Fed. R. Civ. P.
5 56(c)(4) (argumentative); Fed. R. Evid. 401 and 402 (irrelevant).

6 FTC's Response: These objections should be overruled for the reasons set
7 out in GR 1.

8
9 Separate Statement Paragraph 11:

10 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
11 608) ¶ 13.nn-oo; McBee Dep. (Ex. 620) 57:15-17; Mosessian Dec. (Ex. 621) ¶ 4 on
12 the ground that the statement is vague, ambiguous, and irrelevant. ATR had staff
13 that performed accounting functions, and whether they were nominated as a
14 "department" is irrelevant. Fed. R. Evid. 602 (vague and ambiguous); Fed. R.
15 Evid.401, 402 (irrelevant).

16 FTC's Response: These objections should be overruled for the reasons set
17 out in GR 1.

18
19 Separate Statement Paragraph 16:

20 Defendants' Objection: Objection to Rec.'s 1st Report, p. 3, § III.C, pp. 3,
21 17; Seaman Dep. (Ex. 682) 125:10-18 on the ground that the statement is
22 unsupported by admissible evidence, Rec.'s 1st Report, p. 3 § III.C., p. 17
23 § VII.A.; (Seaman Dep. (Ex. 682) 125:10-18; Seaman Dep. (Ex. 386) 19:7-17,
24 136:8-23, 190:15-191:8 Receiver located check registers and bank records.

25 FTC's Response: This objection should be overruled for the reasons set out
26 in GR 2.

1 Separate Statement Paragraph 22:

2 Defendants' Objection: Objection to *U.S. v. Chun, a/k/a Alex Hahn*, Case
3 No. SA CR 02-0291 AHS (C.D. Cal. Oct. 27, 2006), Dkt. No. 55 at ¶ 9 on the
4 ground that the statement is unsupported by admissible evidence because evidence
5 shows that the order found Hahn to be the owner of ATR for purposes of
6 sentencing only. Fed. R. Evid. 401, 402.

7 FTC's Response: Defendants incorrectly claim that "the order [at issue]
8 found Hahn to be the owner of ATR for purposes of sentencing only," when in fact
9 Judge Stotler's order states: "*the Court finds* for purposes of sentencing is owned
10 by defendant." (Emphasis added.) Putting aside Defendants' improper
11 characterization, this Court may take judicial notice of Judge Stotler's findings in
12 the prior criminal proceeding against Defendant Hahn. Fed. R. Evid. 201.

13
14 Separate Statement Paragraph 53:

15 Defendants' Objection: Objection to Menjivar Dec. (PX 1) ¶ Att. A, p. 6 on
16 the ground that the statement is vague as to whether ATR refers to ATR, LLC or
17 ATR, the d/b/a of Joo Park. Fed. R. Evid. 602.

18 FTC's Response: This objection should be overruled for the reasons set out
19 in GR 1.

20
21 Separate Statement Paragraph 99:

22 Defendants' Objection: Objection to Adv. Inf., Rel. Def. II Kon Park Stip.
23 Dec. (Ex. 611) ¶¶ 1-2; Rel. Defs. RFA (Ex 600) 1-9 on the ground that the
24 statement is not supported by independent admissible evidence and therefore an
25 adverse inference is improper. *Doe v. Glazer*, 232 F.3d 1258, 1264 (9th Cir. 2000)
26 (holding that an "adverse inference can only be drawn when independent evidence
27 exists of the fact to which the party refuses to answer"). Further, Defendants did
28 not respond to any RFA.

1 FTC's Response: Defendants' objection to this statement is moot because
2 Defendants do not dispute the fact that Il Kon Park invoked his Fifth Amendment
3 right against self-incrimination in refusing to respond to Requests for Admission
4 ("RFA") and deposition questions. Instead, Defendants only object to the extent
5 that this fact incorrectly states that there was one RFA to which Il Kon Park did not
6 invoke the Fifth Amendment. The FTC acknowledges that Il Kon Park invoked
7 the Fifth Amendment in refusing to respond to any RFA. Therefore, this objection
8 is irrelevant and should be overruled.

9
10 Separate Statement Paragraph 100:

11 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
12 Ex. 1002 (Expert Report ¶ 19) on the ground that the statement is improper
13 argument, vague, improper expert opinion, an incomplete hypothetical, not a fact,
14 and unsupported by admissible evidence. The statement lacks sufficient detail to
15 present a true situation to assess viability for tax relief. Fed. R. Civ. P. 56(c)(4)
16 (improper argument); Fed. R. Evid. 602 (vague); Fed. R. Evid. 702 (improper
17 expert opinion).

18 FTC's Response: These objections should be overruled for the reasons set
19 out in GR 1, 2 and 3. Mr. McKenzie's expert opinion on what the background
20 information about a taxpayer is needed to determine if the taxpayer might be
21 eligible for tax relief is admissible because: (a) his specialized knowledge will help
22 the trier of fact to understand the evidence; (b) his testimony is based on sufficient
23 facts and data; (c) his testimony is the product of reliable principles and methods;
24 and (d) he has reliably applied to principles and methods to the facts of the case.
25 Fed. R. Evid. 702.

1 Separate Statement Paragraph 104:

2 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
3 Ex. 1002 (Expert Report ¶ 22) on the ground that the statement is improper
4 argument, vague as to "detailed" and "careful," improper expert opinion, an
5 incomplete hypothetical, not a fact, and unsupported by admissible evidence. The
6 statement lacks sufficient detail to present a true situation to assess viability for tax
7 relief. Fed. R. Civ. P. 56(c)(4) (improper argument); Fed. R. Evid. 602 (vague);
8 Fed. R. Evid. 702 (improper expert opinion).

9 FTC's Response: These objections should be overruled for the reasons set
10 out in GR 1, 2 and 3. Mr. McKenzie's expert opinion about whether a detailed
11 personal interview and careful review of all relevant documents is necessary to
12 assess potential tax relief remedies available to consumers, is admissible because:
13 (a) his specialized knowledge will help the trier of fact to understand the evidence;
14 (b) his testimony is based on sufficient facts and data; (c) his testimony is the
15 product of reliable principles and methods; and (d) he has reliably applied to
16 principles and methods to the facts of the case. Fed. R. Evid. 702.

17

18 Separate Statement Paragraph 105:

19 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
20 Ex. 1002 (Expert Report ¶ 22) on the ground that the statement is improper
21 argument, vague as to "minor inaccuracies," improper expert opinion, an
22 incomplete hypothetical, not a fact, and unsupported by admissible evidence,
23 McKenzie Dep. (Ex. 384) 62:10-63:17 (determined hypothetical consumer did not
24 qualify in less than a minute). Fed. R. Civ. P. 56(c)(4) (improper argument); Fed.
25 R. Evid. 602 (vague); Fed. R. Evid. 702 (improper expert opinion).

26 FTC's Response: These objections should be overruled for the reasons set
27 out in GR 1, 2 and 3. Mr. McKenzie's expert opinion about whether minor
28 inaccuracies can alter the outcome in tax matters is admissible because: (a) his

1 specialized knowledge will help the trier of fact to understand the evidence; (b) his
2 testimony is based on sufficient facts and data; (c) his testimony is the product of
3 reliable principles and methods; and (d) he has reliably applied to principles and
4 methods to the facts of the case. Fed. R. Evid. 702.

5
6 Separate Statement Paragraph 106:

7 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
8 Ex. 1002 (Expert Report ¶ 22) on the ground that the statement is improper
9 argument, vague as to "comprehensive," improper expert opinion, an incomplete
10 hypothetical, not a fact, and unsupported by admissible evidence. The statement
11 lacks sufficient detail to present a true situation to assess viability for tax relief.
12 Fed. R. Civ. P. 56(c)(4) (improper argument); Fed. R. Evid. 602 (vague); Fed. R.
13 Evid. 702 (improper expert opinion).

14 FTC's Response: These objections should be overruled for the reasons set
15 out in GR 1, 2 and 3. Mr. McKenzie's expert opinion about when it is appropriate
16 to assess the remedies potentially available to a taxpayer is admissible because: (a)
17 his specialized knowledge will help the trier of fact to understand the evidence; (b)
18 his testimony is based on sufficient facts and data; (c) his testimony is the product
19 of reliable principles and methods; and (d) he has reliably applied to principles and
20 methods to the facts of the case. Fed. R. Evid. 702.

21
22 Separate Statement Paragraph 107:

23 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
24 Ex. 1002 (Expert Report ¶ 23) on the ground that the statement is improper
25 argument, vague as to "considerable," improper expert opinion, not a fact, and
26 unsupported by admissible evidence. Fed. R. Civ. P. 56(c)(4) (improper argument);
27 Fed. R. Evid. 602 (vague); Fed. R. Evid. 702 (improper expert opinion).

1 FTC's Response: These objections should be overruled for the reasons set
2 out in GR 1, 2 and 3. Mr. McKenzie's expert opinion about the training and
3 experience needed to interview a taxpayer and review documents to assess
4 potential tax relief remedies is admissible because: (a) his specialized knowledge
5 will help the trier of fact to understand the evidence; (b) his testimony is based on
6 sufficient facts and data; (c) his testimony is the product of reliable principles and
7 methods; and (d) he has reliably applied to principles and methods to the facts of
8 the case. Fed. R. Evid. 702.

9
10 Separate Statement Paragraph 108:

11 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 137:22-
12 138:1 on the ground that the statement is irrelevant because the FTC admitted in
13 response to RFAs 48 and 49 that they have not challenged advertising claims
14 relating to bank levies and wage garnishments, FTC's RFA Resp., Nos. 48-49 (Ex.
15 400). Fed. R. Evid. 401, 402.

16 FTC's Response: This objection should be overruled for the reasons set out
17 in GR 1.

18
19 Separate Statement Paragraph 109:

20 Defendants' Objections: Objection to Internal Revenue Manual 5.1.19.1 and
21 5.1.19.4 on the ground that the statement is unsupported by admissible evidence.

22 FTC's Response: This objection should be overruled for the reasons set out
23 in GR 2. Additionally, this Court may take judicial notice of the Internal Revenue
24 Manual, which is available on the Internal Revenue Service website at
25 <http://www.irs.gov/irm/index.html>. Fed. R. Evid. 201. *See also Hamilton v.*
26 *Paulson*, 542 F.Supp.2d 37, 52 n. 15 (D.D.C. 2008) (documents maintained on
27 website of U.S. agency subject to judicial notice).

1 Separate Statement Paragraph 113:

2 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
3 Ex. 1002 (Expert Report ¶ 103); Hawkins Dec. (Ex. 671) ¶ 44 on the ground that
4 the statement is improper argument, vague as to "complexities," "short," "most,"
5 and "might," improper expert opinion, not a fact, and unsupported by admissible
6 evidence. Fed. R. Civ. P. 56(c)(4) (improper argument); Fed. R. Evid. 602 (vague);
7 Fed. R. Evid. 702 (improper expert opinion).

8 FTC's Response: These objections should be overruled for the reasons set
9 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on the necessary length of
10 an interview to make a preliminary determination that a taxpayer might qualify for
11 an Offer in Compromise is admissible because: (a) his specialized knowledge will
12 help the trier of fact to understand the evidence; (b) his testimony is based on
13 sufficient facts and data; (c) his testimony is the product of reliable principles and
14 methods; and (d) he has reliably applied to principles and methods to the facts of
15 the case. Fed. R. Evid. 702.

16
17 Separate Statement Paragraph 114:

18 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 144:21-
19 145:2 on the ground that the statement is improper argument, vague, improper
20 expert opinion, not a fact, and unsupported by admissible evidence. Fed. R. Civ. P.
21 56(c)(4) (improper argument); Fed. R. Evid. 602 (vague); Fed. R. Evid. 702
22 (improper expert opinion).

23 FTC's Response: These objections should be overruled for the reasons set
24 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on what information a tax
25 practitioner must evaluate to determine a taxpayer's potential eligibility for an
26 Offer in Compromise is admissible because: (a) his specialized knowledge will
27 help the trier of fact to understand the evidence; (b) his testimony is based on
28 sufficient facts and data; (c) his testimony is the product of reliable principles and

1 methods; and (d) he has reliably applied to principles and methods to the facts of
2 the case. Fed. R. Evid. 702.

3
4 Separate Statement Paragraph 115:

5 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
6 Ex. 1002 (Expert Report ¶ 86) on the ground that the statement is improper
7 argument, vague as to "complete and accurate" and "predict with certainty,"
8 improper expert opinion, not a fact, irrelevant, and unsupported by admissible
9 evidence. Fed. R. Civ. P. 56(c)(4) (improper argument); Fed. R. Evid. 602 (vague);
10 Fed. R. Evid. 702 (improper expert opinion); Fed. R. Evid. 401 and 402
11 (irrelevant).

12 FTC's Response: These objections should be overruled for the reasons set
13 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on whether it is possible to
14 predict with certainty the amount of an Offer in Compromise that the IRS might
15 ultimately accept is admissible because: (a) his specialized knowledge will help the
16 trier of fact to understand the evidence; (b) his testimony is based on sufficient
17 facts and data; (c) his testimony is the product of reliable principles and methods;
18 and (d) he has reliably applied to principles and methods to the facts of the case.
19 Fed. R. Evid. 702.

20
21 Separate Statement Paragraph 116:

22 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
23 Ex. 1002 (Expert Report ¶ 73) on the ground that the statement is improper
24 argument, vague as to "future ability to pay," improper expert opinion, lacks
25 foundation, and unsupported by admissible evidence. The expert cannot state what
26 the IRS considers, but only what the IRS guidelines require. Fed. R. Civ. P.
27 56(c)(4) (improper argument); Fed. R. Evid. 602 (vague and lacks foundation);
28 Fed. R. Evid. 702 (improper expert opinion).

1 FTC's Response: These objections should be overruled for the reasons set
2 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on what the IRS considers
3 in determining a taxpayer's eligibility for an Offer in Compromise is admissible
4 because: (a) his specialized knowledge will help the trier of fact to understand the
5 evidence; (b) his testimony is based on sufficient facts and data; (c) his testimony
6 is the product of reliable principles and methods; and (d) he has reliably applied to
7 principles and methods to the facts of the case. Fed. R. Evid. 702. Additionally,
8 Mr. McKenzie's significant tax relief experience lays adequate foundation for his
9 opinion on IRS practices. *Hangarter v. Provident Life & Acc. Ins. Co.*, 373 F.3d
10 998, 1016 (9th Cir. 2004) (significant experience lays sufficient foundation for
11 expert to testify on industry practices).

12
13 Separate Statement Paragraph 117:

14 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
15 Ex. 1002 (Expert Report ¶ 74) on the ground that the statement is improper
16 argument, vague as to "accuracy" and "hard assets," improper expert opinion, not a
17 fact, irrelevant, and unsupported by admissible evidence. Fed. R. Civ. P. 56(c)(4)
18 (improper argument); Fed. R. Evid. 602 (vague); Fed. R. Evid. 702 (improper
19 expert opinion); Fed. R. Evid. 401, 402 (irrelevant).

20 FTC's Response: These objections should be overruled for the reasons set
21 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on whether, for purposes of
22 an Offer in Compromise, a tax practitioner needs to know the value of the
23 taxpayer's hard assets with accuracy is admissible because: (a) his specialized
24 knowledge will help the trier of fact to understand the evidence; (b) his testimony
25 is based on sufficient facts and data; (c) his testimony is the product of reliable
26 principles and methods; and (d) he has reliably applied to principles and methods
27 to the facts of the case. Fed. R. Evid. 702.

28

1 Separate Statement Paragraph 120:

2 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
3 144:21-148:11 Ex. 1002 (Expert Report ¶¶ 19-20); Form 433-A, Section 4 on the
4 ground that the statement is improper argument, vague, improper expert opinion,
5 lacks foundation, not a fact, and unsupported by admissible evidence. What the
6 IRS considers varies with the person conducting the review. The expert cannot
7 state what the IRS considers, but only what the IRS guidelines require. Fed. R. Civ.
8 P. 56(c)(4) (improper argument); Fed. R. Evid. 602 (vague and lacks foundation);
9 Fed. R. Evid. 702 (improper expert opinion).

10 FTC's Response: These objections should be overruled for the reasons set
11 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on what assets the IRS
12 considers in determining a taxpayer's eligibility for an Offer in Compromise is
13 admissible because: (a) his specialized knowledge will help the trier of fact to
14 understand the evidence; (b) his testimony is based on sufficient facts and data; (c)
15 his testimony is the product of reliable principles and methods; and (d) he has
16 reliably applied to principles and methods to the facts of the case. Fed. R. Evid.
17 702. Additionally, Mr. McKenzie's significant tax relief experience lays adequate
18 foundation for his opinion on IRS practices. *Hangarter*, 373 F.3d at 1016.

19
20 Separate Statement Paragraph 121:

21 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
22 Ex. 1002 (Expert Report ¶ 75); Moore (Thomas) Dec. (Ex. 679) ¶ 31 4 on the
23 ground that the statement is improper argument, vague, improper expert opinion,
24 lacks foundation, and not a fact. What the IRS considers varies with the person
25 conducting the review. The expert cannot state what the IRS considers, but only
26 what the IRS guidelines require. Fed. R. Civ. P. 56(c)(4) (improper argument);
27 Fed. R. Evid. 602 (vague and lacks foundation); Fed. R. Evid. 702 (improper
28 expert opinion).

1 FTC's Response: These objections should be overruled for the reasons set
2 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on how the IRS determines
3 the value of bank accounts and investments is admissible because: (a) his
4 specialized knowledge will help the trier of fact to understand the evidence; (b) his
5 testimony is based on sufficient facts and data; (c) his testimony is the product of
6 reliable principles and methods; and (d) he has reliably applied to principles and
7 methods to the facts of the case. Fed. R. Evid. 702. Additionally,
8 Mr. McKenzie's significant tax relief experience lays adequate foundation for his
9 opinion on IRS practices. *Hangarter*, 373 F.3d at 1016.

10
11 Separate Statement Paragraph 122:

12 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
13 149:21-150:11, Ex. 1002 (Expert Report ¶ 20); Moore (Thomas) Dec. (Ex. 679)
14 ¶ 31 on the ground that the statement is improper argument, vague, improper
15 expert opinion, lacks foundation, not a fact, and unsupported by admissible
16 evidence. What the IRS considers varies with the person conducting the review.
17 The expert cannot state what the IRS considers, but only what the IRS guidelines
18 require. Fed. R. Civ. P. 56(c)(4) (improper argument); Fed. R. Evid. 602 (vague
19 and lacks foundation); Fed. R. Evid. 702 (improper expert opinion).

20 FTC's Response: These objections should be overruled for the reasons set
21 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on how the IRS determines
22 a taxpayer's expenses is admissible because: (a) his specialized knowledge will
23 help the trier of fact to understand the evidence; (b) his testimony is based on
24 sufficient facts and data; (c) his testimony is the product of reliable principles and
25 methods; and (d) he has reliably applied to principles and methods to the facts of
26 the case. Fed. R. Evid. 702. Additionally, Mr. McKenzie's significant tax relief
27 experience lays adequate foundation for his opinion on IRS practices. *Hangarter*,
28 373 F.3d at 1016.

1 Separate Statement Paragraph 126:

2 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
3 Ex. 1002 (Expert Report ¶ 104); Moore (Thomas) Dec. (Ex. 679) ¶¶ 29, 31 on the
4 ground that the statement is improper argument, vague as to "extensive
5 documentation," improper expert opinion, and unsupported by admissible
6 evidence. The FTC's expert testified that "reasonable documentation" is required.
7 Fed. R. Civ. P. 56(c)(4) (improper argument); Fed. R. Evid. 602 (vague); Fed. R.
8 Evid. 702 (improper expert opinion).

9 FTC's Response: These objections should be overruled for the reasons set
10 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on the extent of
11 documentation a consumer must submit to the IRS to support an Offer in
12 Compromise application is admissible because: (a) his specialized knowledge will
13 help the trier of fact to understand the evidence; (b) his testimony is based on
14 sufficient facts and data; (c) his testimony is the product of reliable principles and
15 methods; and (d) he has reliably applied to principles and methods to the facts of
16 the case. Fed. R. Evid. 702.

17
18 Separate Statement Paragraph 128:

19 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
20 Ex. 1002 (Expert Report ¶ 104); Moore (Thomas) Dec. (Ex. 679) ¶¶ 29-31 on the
21 ground that the statement is improper argument, vague as to "substantial" and
22 "other assets," improper expert opinion, lacks foundation, not a fact, and
23 unsupported by admissible evidence. The FTC's expert testified that "reasonable
24 documentation" is required. Fed. R. Civ. P. 56(c)(4) (improper argument); Fed. R.
25 Evid. 602 (vague and lacks foundation); Fed. R. Evid. 702 (improper expert
26 opinion).

27 FTC's Response: These objections should be overruled for the reasons set
28 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on what the IRS requires to

1 support an Offer in Compromise application is admissible because: (a) his
2 specialized knowledge will help the trier of fact to understand the evidence; (b) his
3 testimony is based on sufficient facts and data; (c) his testimony is the product of
4 reliable principles and methods; and (d) he has reliably applied to principles and
5 methods to the facts of the case. Fed. R. Evid. 702. Additionally,
6 Mr. McKenzie’s significant tax relief experience lays adequate foundation for his
7 opinion on IRS practices. *Hangarter*, 373 F.3d at 1016.

8
9 Separate Statement Paragraph 129:

10 Defendants’ Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
11 Ex. 1002 (Expert Report ¶ 100) on the ground that the statement is vague as to
12 “long and cumbersome,” overbroad, and unsupported by admissible evidence. Fed.
13 R. Evid. 602.

14 FTC’s Response: These objections should be overruled for the reasons set
15 out in GR 1 and 2.

16
17 Separate Statement Paragraph 131:

18 Defendants’ Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
19 Ex. 1002 (Expert Report ¶ 102) on the ground that the statement is vague as to
20 “vast majority” and argumentative. Fed. R. Evid. 602 (vague); Fed. R. Civ. P.
21 56(c)(4) (argumentative).

22 FTC’s Response: These objections should be overruled for the reasons set
23 out in GR 1.

24
25 Separate Statement Paragraph 132:

26 Defendants’ Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
27 Ex. 1002 (Expert Report ¶ 56) on the ground that the statement is improper
28 argument, vague as to “very difficult,” inadmissible expert opinion, and

1 unsupported by admissible evidence. Fed. R. Civ. P. 56(c)(4) (improper argument);
2 Fed. R. Evid. 602 (vague); Fed. R. Evid. 702 (improper expert opinion).

3 FTC's Response: These objections should be overruled for the reasons set
4 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on the difficulty of
5 obtaining an Offer in Compromise based on doubt as to collectability is admissible
6 because: (a) his specialized knowledge will help the trier of fact to understand the
7 evidence; (b) his testimony is based on sufficient facts and data; (c) his testimony
8 is the product of reliable principles and methods; and (d) he has reliably applied to
9 principles and methods to the facts of the case. Fed. R. Evid. 702.

10
11 Separate Statement Paragraph 133:

12 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
13 Ex. 1002 (Expert Report ¶ 87) on the ground that the statement is improper
14 argument, vague as to "rarely," inadmissible expert opinion, and unsupported by
15 admissible evidence. Fed. R. Civ. P. 56(c)(4) (improper argument); Fed. R. Evid.
16 602 (vague); Fed. R. Evid. 702 (improper expert opinion).

17 FTC's Response: These objections should be overruled for the reasons set
18 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on the difficulty of
19 obtaining an Offer in Compromise based on doubt as to liability is admissible
20 because: (a) his specialized knowledge will help the trier of fact to understand the
21 evidence; (b) his testimony is based on sufficient facts and data; (c) his testimony
22 is the product of reliable principles and methods; and (d) he has reliably applied to
23 principles and methods to the facts of the case. Fed. R. Evid. 702.

24
25 Separate Statement Paragraph 134:

26 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
27 Ex. 1002 (Expert Report ¶ 88) on the ground that the statement is improper
28 argument, vague as to "rarely" and "effective tax administration," inadmissible

1 expert opinion, and unsupported by admissible evidence. Fed. R. Civ. P. 56(c)(4)
2 (improper argument); Fed. R. Evid. 602 (vague); Fed. R. Evid. 702 (improper
3 expert opinion).

4 FTC's Response: These objections should be overruled for the reasons set
5 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on the difficulty of
6 obtaining an Offer in Compromise based on effective tax administration is
7 admissible because: (a) his specialized knowledge will help the trier of fact to
8 understand the evidence; (b) his testimony is based on sufficient facts and data; (c)
9 his testimony is the product of reliable principles and methods; and (d) he has
10 reliably applied to principles and methods to the facts of the case. Fed. R. Evid.
11 702.

12
13 Separate Statement Paragraph 139:

14 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
15 Ex. 1002 (Expert Report ¶ 106) on the ground that the statement is improper
16 argument, vague as to "generally," inadmissible expert opinion, and unsupported
17 by admissible evidence. Fed. R. Civ. P. 56(c)(4) (improper argument); Fed. R.
18 Evid. 602 (vague); Fed. R. Evid. 702 (improper expert opinion).

19 FTC's Response: These objections should be overruled for the reasons set
20 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on the categories of relief
21 from penalties is admissible because: (a) his specialized knowledge will help the
22 trier of fact to understand the evidence; (b) his testimony is based on sufficient
23 facts and data; (c) his testimony is the product of reliable principles and methods;
24 and (d) he has reliably applied to principles and methods to the facts of the case.
25 Fed. R. Evid. 702.

1 Separate Statement Paragraph 140:

2 Defendants' Objections: Objection McKenzie Dep. (Ex. 677) 28:1- 15, Ex.
3 1002 (Expert Report ¶ 113.D) on the ground that the statement is improper
4 argument, vague, inadmissible expert opinion, not a fact, and unsupported by
5 admissible evidence. Fed. R. Civ. P. 56(c)(4) (improper argument); Fed. R. Evid.
6 602 (vague); Fed. R. Evid. 702 (improper expert opinion).

7 FTC's Response: These objections should be overruled for the reasons set
8 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on the requirements for
9 reasonable cause is admissible because: (a) his specialized knowledge will help the
10 trier of fact to understand the evidence; (b) his testimony is based on sufficient
11 facts and data; (c) his testimony is the product of reliable principles and methods;
12 and (d) he has reliably applied to principles and methods to the facts of the case.
13 Fed. R. Evid. 702.

14
15 Separate Statement Paragraph 141:

16 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
17 Ex. 1002 (Expert Report ¶ 121) on the ground that the statement is improper
18 argument, vague, not a fact, inadmissible expert opinion, and unsupported by
19 admissible evidence. Fed. R. Civ. P. 56(c)(4) (improper argument); Fed. R. Evid.
20 602 (vague); Fed. R. Evid. 702 (improper expert opinion).

21 FTC's Response: These objections should be overruled for the reasons set
22 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on whether it is necessary to
23 determine the specific facts of a taxpayer's failure to comply with tax laws to
24 determine if the taxpayer may be eligible for an abatement of penalties is
25 admissible because: (a) his specialized knowledge will help the trier of fact to
26 understand the evidence; (b) his testimony is based on sufficient facts and data; (c)
27 his testimony is the product of reliable principles and methods; and (d) he has
28

1 reliably applied to principles and methods to the facts of the case. Fed. R. Evid.
2 702.

3
4 Separate Statement Paragraph 144:

5 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
6 Ex. 1002 (Expert Report ¶ 109) on the ground that the statement is improper
7 argument, vague as to "rarely," inadmissible expert opinion, and unsupported by
8 admissible evidence. The expert is not qualified to state the frequency with which
9 the IRS grants an OIC on a particular basis. Fed. R. Civ. P. 56(c)(4) (improper
10 argument); Fed. R. Evid. 602 (vague); Fed. R. Evid. 702 (improper expert
11 opinion).

12 FTC's Response: These objections should be overruled for the reasons set
13 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on the frequency with
14 which Interest Abatements are granted by the IRS is admissible because: (a) his
15 specialized knowledge will help the trier of fact to understand the evidence; (b) his
16 testimony is based on sufficient facts and data; (c) his testimony is the product of
17 reliable principles and methods; and (d) he has reliably applied to principles and
18 methods to the facts of the case. Fed. R. Evid. 702.

19
20 Separate Statement Paragraph 145:

21 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
22 Ex. 1002 (Expert Report ¶¶ 27, 50) on the ground that the statement is improper
23 argument, vague, inadmissible expert opinion, and unsupported by admissible
24 evidence. Fed. R. Civ. P. 56(c)(4) (improper argument); Fed. R. Evid. 602 (vague);
25 Fed. R. Evid. 702 (improper expert opinion).

26 FTC's Response: These objections should be overruled for the reasons set
27 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on installment agreements
28 is admissible because: (a) his specialized knowledge will help the trier of fact to

1 understand the evidence; (b) his testimony is based on sufficient facts and data; (c)
2 his testimony is the product of reliable principles and methods; and (d) he has
3 reliably applied to principles and methods to the facts of the case. Fed. R. Evid.
4 702.

5
6 Separate Statement Paragraph 146:

7 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
8 Ex. 1002 (Expert Report ¶ 50)) on the ground that the statement is improper
9 argument, vague as to "reduce" and "merely," inadmissible expert opinion, and
10 unsupported by admissible evidence. Fed. R. Civ. P. 56(c)(4) (improper argument);
11 Fed. R. Evid. 602 (vague); Fed. R. Evid. 702 (improper expert opinion).

12 FTC's Response: These objections should be overruled for the reasons set
13 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on the ability of installment
14 agreements to reduce a taxpayer's tax obligations is admissible because: (a) his
15 specialized knowledge will help the trier of fact to understand the evidence; (b) his
16 testimony is based on sufficient facts and data; (c) his testimony is the product of
17 reliable principles and methods; and (d) he has reliably applied to principles and
18 methods to the facts of the case. Fed. R. Evid. 702.

19
20 Separate Statement Paragraph 147:

21 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
22 Ex. 1002 (Expert Report ¶ 50) on the ground that the statement is improper
23 argument, vague as to "accruals," inadmissible expert opinion, and unsupported by
24 admissible evidence. Fed. R. Civ. P. 56(c)(4) (improper argument); Fed. R. Evid.
25 602 (vague); Fed. R. Evid. 702 (improper expert opinion).

26 FTC's Response: These objections should be overruled for the reasons set
27 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on whether interest and
28 penalties continue to accrue under an installment agreement is admissible because:

1 (a) his specialized knowledge will help the trier of fact to understand the evidence;
2 (b) his testimony is based on sufficient facts and data; (c) his testimony is the
3 product of reliable principles and methods; and (d) he has reliably applied to
4 principles and methods to the facts of the case. Fed. R. Evid. 702.

5
6 Separate Statement Paragraph 148:

7 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
8 Ex. 1002 (Expert Report ¶ 52) on the ground that the statement is improper
9 argument, vague as to "reduce," inadmissible expert opinion, and unsupported by
10 admissible evidence. Fed. R. Civ. P. 56(c)(4) (improper argument); Fed. R. Evid.
11 602 (vague); Fed. R. Evid. 702 (improper expert opinion).

12 FTC's Response: These objections should be overruled for the reasons set
13 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on whether a taxpayer's tax
14 obligations are reduced by being placed in currently not collectible status is
15 admissible because: (a) his specialized knowledge will help the trier of fact to
16 understand the evidence; (b) his testimony is based on sufficient facts and data; (c)
17 his testimony is the product of reliable principles and methods; and (d) he has
18 reliably applied to principles and methods to the facts of the case. Fed. R. Evid.
19 702.

20
21 Separate Statement Paragraph 155:

22 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J
23 (Admission, ATR, RFA 145): Adv. Inf., Hahn and Park RFA (Ex. 599) 145; Adv.
24 Inf., Def. Hahn Stip. Dec. (Ex. 608) ¶ 17.ccc-ddd; Karlin Dec. (Ex. 647) ¶¶ 6-9;
25 Karlin Stip. (Ex. 648) ¶ 11 on the ground that the statement is vague as to
26 "supposed actual experiences," and unsupported by admissible evidence. Fed. R.
27 Evid. 602.

1 FTC's Response: These objections should be overruled for the reasons set
2 out in GR 1 and 2. Furthermore, Defendants' claim that the fact is "unsupported
3 by admissible evidence" cannot extend to the Stipulated Testimonial Declaration of
4 Malcolm Karlin on Behalf of Karlin + Pimsler, Inc. (Ex. 648), to which the
5 Defendants stipulated and waived all objections.

6
7 Separate Statement Paragraph 156:

8 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J
9 (Admission, ATR, RFA 146, 171); Adv. Inf., Hahn and Park RFA (Ex. 599) 146,
10 171; Adv. Inf., Def. Hahn Stip. Dec. (Ex. 608) ¶ 17.hhh-iii; Moore (Conor) Dec.
11 (Ex. 678) ¶ 7, Att. B (pp. 2, 109-111); Menjivar Dec. (Ex. 665) ¶¶ 34-35; ATR
12 Am. Further Resp. to Req. for Prod. Doc. (Ex. 603), Responses to Req. Nos. 48,
13 50; ATR Supp. Interrog Resp. (Ex. 604), Resp to No. 10 on the ground that the
14 statement is vague as to "experiences" and "supposedly" and unsupported by
15 admissible evidence. Fed. R. Evid. 602.

16 FTC's Response: These objections should be overruled for the reasons set
17 out in GR 1 and 2.

18
19 Separate Statement Paragraph 162:

20 Defendants' Objections: Objection to Kreindler Aff. (PX 36) ¶ 8, Ex. F;
21 Parseghian Dec. (Ex. 652) ¶¶ 3, 5, Ex. 440; Steinhart Dec. (Ex. 660) ¶ 5, Exs. 293-
22 294; Olecki Cert. (Ex. 680) ¶ 3, Att. C (Benfatti 11/12/04 Dep. 159: 5- 25, 160:1-6,
23 Ex. 3) on the ground that the statement unsupported by admissible evidence since
24 the FTC admitted in response to RFAs 48 and 49 that they have not challenged
25 advertising claims relating to bank levies and wage garnishments, FTC's RFA
26 Resp. Nos. 48-49 (Ex. 400).

27 FTC's Response: This objection should be overruled for the reasons set out
28 in GR 2. The FTC's responses to RFAs 48 and 49, in which the FTC states it has

1 not challenged Defendants’ advertising claims pertaining to bank levies or wage
2 garnishments, do not make the FTC’s evidence inadmissible, and Defendants cite
3 to no authority for this proposition, thus failing to comply with this Court’s
4 Standing Order. (Dkt. No. 205 at 12:20-21 (evidentiary objection must include
5 “citation to authority”).)

6
7 Separate Statement Paragraph 177:

8 Defendants’ Objections: Objection to Edelman Stip. (Ex. 644) ¶ 4, Ex. 265;
9 Epstein Stip. (Ex. 645) ¶¶ 4, 7, Ex. 466(a); Feinstein Stip. (Ex. 646) ¶ 8, Ex. 405(a)
10 (30-and 60- second); Moody Stip. (Ex. 650) ¶ 8, Ex. 275 (30-and 60-second); Scott
11 Stip. (Ex. 655) ¶ 5, Ex. 476 (15-second); Stachurski Stip. (Ex. 658) ¶ 5, Ex. 460
12 (30- and 60- second); Johnson Dec. (Ex. 672) ¶ 6, Att. C (30- and 60-second);
13 Menjivar Dec. (Ex. 665) ¶¶ 3-4, 6-7, Atts. B (pp. 5, 12-13), and C (pp. 5, 11, 13)
14 (transcripts) on the ground that the statement is vague, improper argument, and
15 unsupported by admissible evidence. Fed. R. Evid. 602 (vague); Fed. R. Civ. P.
16 56(c)(4) (improper argument).

17 FTC’s Response: These objections should be overruled for the reasons set
18 out in GR 1 and 2. Furthermore, Defendants’ claim that the fact is “unsupported
19 by admissible evidence” cannot extend to the Stipulated Testimonial Declarations
20 of Matthew Edelman on Behalf of Treehouse Media Services, Inc. (Ex. 644);
21 Donald Epstein on Behalf of Cornerstone Media Group, LLC (Ex. 645); Peter
22 Feinstein on Behalf of Higher Power Marketing (Ex. 646); Sarah Moody on Behalf
23 of Diamond Media and Marketing, Inc. (Ex. 650); James J. Scott on Behalf of
24 AGM Video (Ex. 655); and Erik Stachurski on Behalf of Marketing & Media
25 Services, LLC (Ex. 658), to which the Defendants stipulated and waived all
26 objections.

1 Separate Statement Paragraph 183:

2 Defendants' Objections: Objection to Epstein Stip. (Ex. 645) ¶ 4, Ex.
3 466(b); Scott Stip. (Ex. 655) ¶ 5, Ex. 478; Gordon Dec. (Ex. 668) ¶ 3, Ex. 365 (60-
4 second script); Menjivar Dec. (Ex. 665) ¶¶ 3-6, Atts. A (pp. 18, 25), B (pp. 20, 28)
5 (transcripts) on the ground that the statement is unsupported by admissible
6 evidence since the FTC admitted in response to RFAs 48 and 49 that they have not
7 challenged advertising claims relating to bank levies and wage garnishments,
8 FTC's RFA Resp. Nos. 48-49 (Ex. 400).

9 FTC's Response: This objection should be overruled for the reasons set out
10 in GR 2. The FTC's responses to RFAs 48 and 49, in which the FTC states it has
11 not challenged Defendants' advertising claims pertaining to bank levies or wage
12 garnishments, do not make the FTC's evidence inadmissible, and Defendants cite
13 to no authority for this proposition, thus failing to comply with this Court's
14 Standing Order. (Dkt. No. 205 at 12:20-21 (evidentiary objection must include
15 "citation to authority").) Furthermore, Defendants' claim that the fact is
16 "unsupported by admissible evidence" cannot extend to the Stipulated Testimonial
17 Declarations of Donald Epstein on Behalf of Cornerstone Media Group, LLC (Ex.
18 645), and James J. Scott on Behalf of AGM Video (Ex. 655), to which the
19 Defendants stipulated and waived all objections.

20
21 Separate Statement Paragraph 187:

22 Defendants' Objections: Objection to Epstein Stip. (Ex. 645) ¶ 4, Ex. 466(b)
23 (30- and 60-second); Scott Stip. (Ex. 655) ¶ 5, Exs. 477-478; Gordon Dec. (Ex.
24 668) ¶ 3, Ex. 365 (60-second script); Menjivar Dec. (Ex. 665) ¶¶ 3-6, Atts. A (pp.
25 11, 18, 24), B (pp. 19-20, 27) (transcripts) on the ground that the statement is
26 vague, improper argument, and unsupported by admissible evidence. Fed. R. Evid.
27 602 (vague); Fed. R. Civ. P. 56(c)(4) (improper argument).

1 FTC’s Response: These objections should be overruled for the reasons set
2 out in GR 1 and 2. Furthermore, Defendants’ claim that the fact is “unsupported
3 by admissible evidence” cannot extend to the Stipulated Testimonial Declarations
4 of Donald Epstein on Behalf of Cornerstone Media Group, LLC (Ex. 645), and
5 James J. Scott on Behalf of AGM Video (Ex. 655), to which the Defendants
6 stipulated and waived all objections.

7
8 Separate Statement Paragraph 198:

9 Defendants’ Objections: Objection to Epstein Stip. (Ex. 645) ¶ 4, Ex.
10 466(c); Scott Stip. (Ex. 655) ¶ 5, Ex. 478; Stachurski Stip. (Ex. 658) ¶ 5, Ex. 460;
11 Menjivar Dec. (Ex. 665) ¶¶ 3-5, Att. A (pp. 33, 40) (transcript) on the ground that
12 the statement is vague as to “small print,” improper argument, and unsupported by
13 admissible evidence. Fed. R. Evid. 602 (vague); Fed. R. Civ. P. 56(c)(4).

14 FTC’s Response: These objections should be overruled for the reasons set
15 out in GR 1 and 2. Furthermore, Defendants’ claim that the fact is “unsupported
16 by admissible evidence” cannot extend to the Stipulated Testimonial Declarations
17 of Donald Epstein on Behalf of Cornerstone Media Group, LLC (Ex. 645); James
18 J. Scott on Behalf of AGM Video (Ex. 655); and Erik Stachurski on Behalf of
19 Marketing & Media Services, LLC (Ex. 658), to which the Defendants stipulated
20 and waived all objections.

21
22 Separate Statement Paragraph 219:

23 Defendants’ Objections: Objection to Edelman Stip. (Ex. 644) ¶ 4, Ex. 266;
24 Epstein Stip. (Ex. 645) ¶ 8, Ex. 466(d); Karlin Stip. (Ex. 648) ¶¶ 14, 19, 25, Ex.
25 260; Stachurski Stip. (Ex. 658) ¶ 5, Ex. 460; Menjivar Dec. (Ex. 665) ¶¶ 3-4, 8,
26 Att. D (p. 6, 14) (transcripts) on the ground that the statement is vague, improper
27 argument, and unsupported by admissible evidence. Fed. R. Evid. 602 (vague);
28 Fed. R. Civ. P. 56(c)(4) (improper argument).

1 FTC's Response: These objections should be overruled for the reasons set
2 out in GR 1 and 2. Furthermore, Defendants' claim that the fact is "unsupported
3 by admissible evidence" cannot extend to the Stipulated Testimonial Declarations
4 of Matthew Edelman on Behalf of Treehouse Media Services, Inc. (Ex. 644);
5 Donald Epstein on Behalf of Cornerstone Media Group, LLC (Ex. 645); Malcolm
6 Karlin on Behalf of Karlin + Pimsler, Inc.; and Erik Stachurski on Behalf of
7 Marketing & Media Services, LLC (Ex. 658), to which the Defendants stipulated
8 and waived all objections.

9
10 Separate Statement Paragraph 232:

11 Defendants' Objections: Objection to Collins Dep. (Ex. 643) 78:9-10,
12 79:13-15, 201:12-202:23, Ex. 211 (Dec. ¶ 5, Att. B); Feinstein Stip. (Ex. 646) ¶ 10,
13 Ex. 405(e); May Stip. (Ex. 649) ¶ 5, Exs. 445(a) and (b) (Summerall ads); Renaldo
14 Dec. (Ex. 654) ¶ 6, Ex. 497 (30-second and 60-second Summerall ads); Sopchak
15 Stip. (Ex. 657) ¶ 10, Ex. 289(a)-(q); Stachurski Stip. (Ex. 658) ¶ 5, Ex. 460;
16 Sullivan Stip. (Ex. 661) ¶ 6, Ex. 521(a)-(g); Tatosian Stip. (Ex. 662) ¶¶ 11.c, 12,
17 Ex. 231(b)-(e); Menjivar Dec. (PX 1) ¶ 14, Att. M; McKenney Dec. (PX 2) ¶ 6.b,
18 Att. B. on the ground that the statement is irrelevant since the FTC admitted in
19 response to RFAs 48 and 49 that they have not challenged the advertising claims
20 relating to bank levies and wage garnishments, FTC's RFA Resp. Nos. 48-49 (Ex.
21 400). Fed. R. Evid. 401, 402.

22 FTC's Response: This objection should be overruled for the reasons set out
23 in GR 2. The FTC's responses to RFAs 48 and 49, in which the FTC states it has
24 not challenged Defendants' advertising claims pertaining to bank levies or wage
25 garnishments, do not make the FTC's evidence inadmissible, and Defendants cite
26 to no authority for this proposition, thus failing to comply with this Court's
27 Standing Order. (Dkt. No. 205 at 12:20-21 (evidentiary objection must include
28 "citation to authority").)

1 Separate Statement Paragraph 236:

2 Defendants' Objections: Objection to Collins Dep. (Ex. 643) 321:6-9,
3 201:12-202:23, Ex. 211 (Dec. ¶ 5, Atts. A-B); May Stip. (Ex. 649) ¶ 5, Exs. 445(a)
4 and (b); Renaldo Dec. (Ex. 654) ¶ 6, Ex. 497; Stachurski Stip. (Ex. 658) ¶ 5, Ex.
5 460; Staviskly Stip. (Ex. 659) ¶ 6, Exs. 428, 429; Sullivan Stip. (Ex. 661) ¶ 6, Ex.
6 521(a)-(g); Tatosian Stip. (Ex. 662) ¶¶ 9- 10, 12, Exs. 228-231(a)-(e); McKenney
7 Dec. (PX 2) ¶ .b, Att. B on the ground that the statement is improper legal
8 argument and vague. Fed. R. Civ. P. 56(c)(4) (improper legal argument); Fed. R.
9 Evid. 602 (vague).

10 FTC's Response: These objections should be overruled for the reasons set
11 out in GR 1.

12
13 Separate Statement Paragraph 237:

14 Defendants' Objections: Objection to Collins Dep. (Ex. 643) 104:18-
15 105:15, 201:12-202:23, Ex. 211 (Dec. ¶ 11) (4/2007-9/2010); Feinstein Stip. (Ex.
16 646) ¶¶ 5, 11, 12, Exs. 407-410 (fall 2008- 9/2010); Staviskly Stip. (Ex. 659) ¶ 7,
17 Ex. 430 (6/2007-8/2008); Steinhart Dec. (Ex. 660) ¶¶ 3-4, Ex. 294 (“AS SEEN IN
18 THE WALL STREET JOURNAL”); Menjivar Dec. (PX 1) ¶¶ 49-50; Jaundoo
19 Dec. (PX 22) ¶ 3, Att. A; Hiatt Dec. (Ex. 631) ¶ 3, Att. A; Stevenson Dec. (Ex.
20 639) ¶ 2, Att. A on the ground that the statement is unsupported by admissible
21 evidence.

22 FTC's Response: This objection should be overruled for the reasons set out
23 in GR 2. Furthermore, Defendants' claim that the fact is “unsupported by
24 admissible evidence” cannot extend to the Stipulated Testimonial Declarations of
25 Peter Feinstein on Behalf of Higher Power Marketing (Ex. 646), and Peter Stavisky
26 on Behalf of Barrington Media Group (Ex. 659), to which the Defendants
27 stipulated and waived all objections.

1 Separate Statement Paragraph 242:

2 Defendants' Objections: Objection to Collins Dep. (Ex. 643) 106:9-108:12,
3 201:12-202:23, Exs. 159, 161-183, 185-190, 211 (Dec. ¶ 11); Feinstein Stip. (Ex.
4 646) ¶ 11, Exs. 407-408; Staviskly Stip. (Ex. 659) ¶ 7, Ex. 430; Menjivar Dec. (PX
5 1) ¶¶ 49, 50, Atts. PP-SS on the ground that the statement is unsupported by
6 admissible evidence since the FTC admitted in response to RFAs 48 and 49 that
7 they have not challenged the advertising claims relating to bank levies and wage
8 garnishments, FTC's RFA Resp. Nos. 48-49 (Ex. 400).

9 FTC's Response: This objection should be overruled for the reasons set out
10 in GR 2. The FTC's responses to RFAs 48 and 49, in which the FTC states it has
11 not challenged Defendants' advertising claims pertaining to bank levies or wage
12 garnishments, do not make the FTC's evidence inadmissible, and Defendants cite
13 to no authority for this proposition, thus failing to comply with this Court's
14 Standing Order. (Dkt. No. 205 at 12:20-21 (evidentiary objection must include
15 "citation to authority").)

16
17 Separate Statement Paragraph 245:

18 Defendants' Objections: Objection to Collins Dep. (Ex. 643) 106:9-108:12,
19 Exs. 159-190; Feinstein Stip. (Ex. 646) ¶¶ 11, 12, Exs. 407-410; Staviskly Stip.
20 (Ex. 659) ¶ 7, Ex. 430; Menjivar Dec. (PX 1) ¶¶ 49, 50, Atts. PP-SS on the ground
21 that the statement is improper legal argument and vague. Fed. R. Civ. P. 56(c)(4)
22 (improper legal argument); Fed. R. Evid. 602 (vague).

23 FTC's Response: These objections should be overruled for the reasons set
24 out in GR 1.

25
26 Separate Statement Paragraph 264:

27 Defendants' Objections: Objection to Deweese Dec. (PX 16) ¶ 2; Dillon
28 Dec. (PX 17) ¶ 2; Fullerton Dec. (PX 18) ¶ 2; Gaunt Dec. (PX 19) ¶ 2; Grimmette

1 Dec. (PX 20) ¶ 3; Hosang-Roberts Dec. (PX 21) ¶ 2; Jaundoo Dec. (PX 22) ¶ 2;
2 Kline Dec. (PX 23) ¶ 2; Madson Dec. (PX 24) ¶ 3; Mesler Dec. (PX 25) ¶¶ 2, 13;
3 Monday Dec. (PX 26) ¶ 2; Pickett Dec. (PX 27) ¶ 3; Tobias Dec. (PX 29) ¶ 2;
4 Violante Dec. (PX 30) ¶¶ 2-3; Wales Dec. (PX 31) ¶ 2; Ward Dec. (PX 32) ¶ 2;
5 McCloud Dec. (PX 40) ¶ 2; Phillips Dec. (PX 41) ¶ 2, Anderson Dec. (Ex. 625)
6 ¶ 2; Cochran Dec. (Ex. 627) ¶ 2; Cook Dec. (Ex. 628) ¶ 2; Faulkner Dec. (Ex. 629)
7 ¶ 2; Greet Dec. (Ex. 630) ¶ 2; Pisor Dec. (Ex. 634) ¶ 2; Pratt Dec. (Ex. 635) ¶ 2;
8 Richey (Bobby) Dec. (Ex. 636) ¶ 2; Vieau Dec. (Ex. 640) ¶ 2; Woods Dec. (Ex.
9 642) ¶ 2 on the ground that the statement is argumentative and unsupported by
10 admissible evidence. Fed. R. Civ. P. 56(c)(4) (argumentative).

11 FTC's Response: These objections should be overruled for the reasons set
12 out in GR 1 and 2.

13
14 Separate Statement Paragraph 265:

15 Defendants' Objections: Objection to Fullerton Dec. (PX 18) ¶ 2 (“ninety
16 percent ... could be forgiven”); Gaunt Dec. (PX 19) ¶ 3 (“could reduce ... to a
17 fraction”); Grimmette Dec. (PX 20) ¶ 2 (“pennies on the dollar”); Jaundoo Dec.
18 (PX 22) ¶ 2 (“could reduce ... to a fraction”); Madson Dec. (PX 24) ¶ 3 (“pennies
19 on the dollar”); Mesler Dec. (PX 25) ¶ 2 (“a fraction”); Monday Dec. (PX 26) ¶ 2
20 (“pennies on the dollar”); Pratt Dec. (Ex. 635) ¶ 2; Tobias Dec. (PX 29) ¶ 2
21 (“pennies on the dollar”); Ward Dec. (PX 32) ¶ 2 (“would reduce ... to a small
22 fraction”); Anderson Dec. (Ex. 625) ¶ 2 (“fraction”); Cochran Dec. (Ex. 627) ¶ 2
23 (“could be lowered to a third, or less”); Faulkner Dec. (Ex. 629) ¶ 2 (“could settle
24 tax debts for a very small amount of what was owed”); Richey (Bobby) Dec. (Ex.
25 636) ¶ 2 (“pennies on the dollar”); Woods Dec. (Ex. 642) ¶ 2 (“pennies on the
26 dollar”) on the ground that the statement is argumentative and unsupported by
27 admissible evidence. Fed. R. Civ. P. 56(c)(4) (argumentative).

28

1 FTC's Response: These objections should be overruled for the reasons set
2 out in GR 1 and 2.

3
4 Separate Statement Paragraph 266:

5 Defendants' Objections: Objection to Fullerton Dec. (PX 18) ¶ 2; Gaunt
6 Dec. (PX 19) ¶ 2; Grimmette Dec. (PX 20) ¶ 2; Hosang-Roberts Dec. (PX 21) ¶ 2;
7 Jaundoo Dec. (PX 22) ¶ 2; Kline Dec. (PX 23) ¶ 2; Madson Dec. (PX 24) ¶ 3;
8 Mesler Dec. (PX 25) ¶ 2; Monday Dec. (PX 26) ¶ 2; Pickett Dec. (PX 27) ¶ 2;
9 Violante Dec. (PX 30) ¶ 2; Wales Dec. (PX 31) ¶ 2; Ward Dec. (PX 32) ¶ 2;
10 Cochran Dec. (Ex. 627) ¶ 2; Greet Dec. (Ex. 630) ¶ 2; Hiatt Dec. (Ex. 631) ¶ 3 on
11 the ground that the statement is argumentative, irrelevant, and unsupported by
12 admissible evidence. Fed. R. Civ. P. 56(c)(4) (argumentative); Fed. R. Evid. 401,
13 402 (irrelevant).

14 FTC's Response: These objections should be overruled for the reasons set
15 out in GR 1 and 2.

16
17 Separate Statement Paragraph 269:

18 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J
19 (Admission, ATR RFA 180, 295); Adv. Inf., Hahn and Park RFA (Ex. 599) 180,
20 295; Adv. Inf., Def. Hahn Stip. Dec. (Ex. 608) ¶ 20.mmm, 21.c-k, 21.nn- oo;
21 Barton Dec. (PX 7) ¶ 9; Ayaso Dep. (Ex. 612) 81:11-25, Ex. 307 (Dec. ¶¶ 4, 6-7,
22 10); Bachtle Dec. (Ex. 613) ¶ 2, Ex. 487 (10/18/10 Dec. ¶¶ 2, 6, 8); Badr Dec. (Ex.
23 614) ¶¶ 2, 7 Ex. 471 (11/23/11 Dec. ¶¶ 2, 8, 9); Coleman Dep. (Ex. 616) 31:23-
24 32:16; Costell Dec. (Ex. 617) ¶¶ 2, 5-7; Davenhall Dec. (Ex. 618) ¶¶ 2, 5-6; McBee
25 Dep. (Ex. 620) 208:22-210:14, Ex. 124 (Dec. ¶ 8); Mosessian Dec. (Ex. 621) ¶ 5;
26 Pismopulos Dep. (Ex. 622) 51:13-52:15, Ex. 470 (Dec. ¶¶ 2, 6, 9, 12-13); Walker
27 Dec. (Ex. 624) ¶¶ 3-4 on the ground that the statement is unsupported by
28 admissible evidence.

1 FTC's Response: This objection should be overruled for the reasons set out
2 in GR 2. Defendants also do not cite to any authority to support their evidentiary
3 objection, and thus fail to comply with this Court's Standing Order. (Dkt. No. 205
4 at 12:20-21 (evidentiary objection must include "citation to authority").)

5
6 Separate Statement Paragraph 274:

7 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
8 608) ¶ 27.g-i; Menjivar Dec. (PX 1) ¶ 31, Att. V (pp. 28, 30, 43 (27:18-24, 29:8-11
9 ("When you get my power of attorneys, my name is on there. So again, I'll be
10 managing it from start to finish."), 42:15)); Cagnacci Dec. (Ex. 663) ¶¶ 2, 3, Exs.
11 501 (26:1- 19), 503 (20:17-20) ("Now, my name is on the power of attorneys. So
12 you know, I'll be working with you from start to finish on this case.") on the
13 ground that the statement is vague and lacks foundation/assumes facts not in
14 evidence/mischaracterizes evidence to the extent the FTC seeks to extrapolate the
15 statement as applicable to all consumers who called ATR. Fed. R. Evid. 602.

16 FTC's Response: These objections should be overruled for the reasons set
17 out in GR 1.

18
19 Separate Statement Paragraph 275:

20 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J
21 (Admission, ATR RFA 185); Adv. Inf., Hahn and Park RFA (Ex. 599) 185; Adv.
22 Inf., Def. Hahn Stip. Dec. (Ex. 608) ¶¶ 16.i-p, 20.nnn-llll; Ayaso Dep. 81:11-25,
23 Ex. 307 (Dec. ¶ 6); Bachtle Dec. (Ex. 613) ¶¶ 2, 4 ("no tax experience"), Ex. 487
24 (10/18/10 Dec. ¶ 4); Badr Dec. (Ex. 614) ¶¶ 2, 4, Ex. 471 (11/23/11 Dec. ¶ 3) ("no
25 tax experience"); Costell Dec. (Ex. 617) ¶ 2 ("no tax experience"); Garcia Dep.
26 (Ex. 619) 209:23- 210:24, Ex. 9 (Dec. ¶ 32) ("had absolutely no knowledge about
27 the tax issues they were addressing"); McBee Dep. (Ex. 620) 208:22-210:14, Ex.
28 124 (Dec. ¶ 11); Pismopulos Dep. (Ex. 622) 90:4-91:20; Walker Dec. (Ex. 624)

1 ¶ 6 on the ground that the statement is vague, ambiguous, and unsupported by
2 admissible evidence. Fed. R. Evid. 602.

3 FTC's Response: These objections should be overruled for the reasons set
4 out in GR 1 and 2.

5
6 Separate Statement Paragraph 276:

7 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
8 608) ¶¶ 16.i-p, 20.nnn-llll; Ayaso Dep. 81:11-25, Ex. 307 (Dec. ¶ 6); Bachtle Dec.
9 (Ex. 613) ¶¶ 4, 6 (“I had no idea whether these people actually qualified for Offers
10 in Compromise or Penalty Abatements.”); Badr Dec. (Ex. 614) ¶¶ 2, 4, 6, 8, Ex.
11 471 (11/23/11 Dec. ¶ 3); Costell Dec. (Ex. 617) ¶ 2; Garcia Dep. (Ex. 619) 209:23-
12 210:24, Ex. 9 (Dec. ¶ 32); Pismopulos Dep. (Ex. 622) 90:4-22; Walker Dec. (Ex.
13 624) ¶ 6 on the ground that the statement is argumentative, overbroad, and
14 unsupported by admissible evidence. Fed. R. Civ. P. 56(c)(4) (argumentative).

15 FTC's Response: These objections should be overruled for the reasons set
16 out in GR 1 and 2.

17
18 Separate Statement Paragraph 281:

19 Defendants' Objections: Objection to Former Employees: Bachtle Dec. (Ex.
20 613) ¶ 2, Ex. 487 (10/18/10 Dec. ¶ 8) (“very brief”); Badr Dec. (Ex. 614) ¶ 2, Ex.
21 471 (11/23/11 Dec. ¶ 8) (“lasted about five minutes”); Costell Dec. (Ex. 617) ¶ 5
22 (“usually lasted less than ten minutes”); Davenhall Dec. (Ex. 618) ¶ 6 (Avery
23 “brief”); McBee Dep. (Ex. 620) 87:1-6 (interview “usually didn't last more than ten
24 minutes”), 208:22-210:14, Ex. 124 (Dec. ¶ 11); Mosessian Dec. (Ex. 621) ¶ 5
25 (“usually lasted around ten minutes”); Pismopulos Dep. (Ex. 622) 51:13-52:15, Ex.
26 470 (Dec. ¶ 10) (“brief interviews”); Investigators: Menjivar Dec. (PX 1) ¶¶ 25, 31,
27 Atts. P (pp. 10- 18), V (pp. 4, 8-16 (3:23-25, 7-15)); Cagnacci Dec. (Ex. 663) ¶¶ 2-
28 3, Exs. 501, (pp. 7-13), 503, (pp. 6-12); McKenney Dec. (PX 2) ¶¶ 9, 19 on the

1 ground that the statement is vague, argumentative, overbroad, and unsupported by
2 admissible evidence. Fed. R. Evid. 602 (vague); Fed. R. Civ. P. 56(c)(4)
3 (argumentative).

4 FTC's Response: These objections should be overruled for the reasons set
5 out in GR 1 and 2.

6
7 Separate Statement Paragraph 282:

8 Defendants' Objections: Objection to Menjivar Dec. (Ex. 665) ¶¶ 10-11,
9 Att. F (p. 16) (photograph of notes on desk) on the ground that the statement is
10 irrelevant. Fed. R. Evid. 401, 402.

11 FTC's Response: This objection should be overruled for the reasons set out
12 in GR 1.

13
14 Separate Statement Paragraph 283:

15 Defendants' Objections: Objection to Menjivar Dec. (Ex. 665) ¶ 26 on the
16 ground that the statement is unsupported by admissible evidence and irrelevant.
17 Fed. R. Evid. 401, 402.

18 FTC's Response: These objections should be overruled for the reasons set
19 out in GR 1 and 2.

20
21 Separate Statement Paragraph 284:

22 Defendants' Objections: Objection to **Former Employees:** Bachtle Dec.
23 (Ex. 613) ¶ 2, Ex. 487 (10/18/10 Dec. ¶ 8); Davenhall Dec. (Ex. 618) ¶ 6; McBee
24 Dep. (Ex. 620) 208:22-210:14, Ex. 124 (Dec. ¶ 11); Mosessian Dec. (Ex. 621) ¶ 5;
25 Pismopulos Dep. (Ex. 622) 51:13-52:15, Ex. 470 (Dec. ¶ 11); **Investigators:**
26 Menjivar Dec. (PX 1) ¶¶ 25, 31, Atts. P (pp. 12-19). V (pp. 9-15); Cagnacci Dec.
27 (Ex. 663) ¶¶ 2, 3, Exs. 501 (pp. 7-13), 503 (pp. 6-12); McKenney Dec. (PX 2) ¶¶ 9,
28 19; **Consumers:** *See, e.g.*, Fullerton Dec. (PX 18) ¶ 3; Madson Dec. (PX 24) ¶ 4;

1 Pickett Dec. (PX 27) ¶ 4; Tobias Dec. (PX 29) ¶ 3; Violante Dec. (PX 30) ¶ 5;
2 Wales Dec. (PX 31) ¶ 7; Ward Dec. (PX 32) ¶ 5; Phillips Dec. (PX 41) ¶ 3; Seward
3 Dec. (PX 42) ¶ 3; Anderson Dec. (Ex. 625) ¶ 3; Hertzog Dec. (PX 43) on the
4 ground that the statement is vague and argumentative. Fed. R. Evid. 602 (vague);
5 Fed. R. Civ. P. 56(c)(4) (argumentative).

6 FTC's Response: These objections should be overruled for the reasons set
7 out in GR 1.

8
9 Separate Statement Paragraph 285:

10 Defendants' Objections: Objection to Grimmette Dec. (PX 20) ¶ 4; Jaundoo
11 Dec. (PX 22) ¶ 4; Kline Dec. (PX 23) ¶¶ 4-5; Mesler Dec. (PX 25) ¶ 4; Monday
12 Dec. (PX 26) ¶ 5; Rutenbeck Dec. (PX 28) ¶ 4 on the ground that the statement is
13 vague, overbroad, argumentative, and irrelevant. Fed. R. Evid. 602 (vague); Fed.
14 R. Civ. P. 56(c)(4) (argumentative); Fed. R. Evid. 401, 402.

15 FTC's Response: These objections should be overruled for the reasons set
16 out in GR 1.

17
18 Separate Statement Paragraph 286:

19 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
20 608) ¶¶ 21.ss-tt, 32.a-t; Bachtle Dec. (Ex. 613) ¶ 5; Pismopulos Dep. (Ex. 622)
21 51:13-52:15, 146:4-16, Ex. 470 (Dec. ¶ 11); Menjivar Dec. (PX 1) ¶ 31, Att. V (p.
22 17 (16:21-23)); Menjivar Dec. (Ex. 665) ¶¶ 18-25, Atts. I-N (screen shots showing
23 fields in database) on the ground that the statement is vague, speculative,
24 argumentative, and unsupported by admissible evidence. The FTC seeks to
25 improperly extrapolate this statement as applicable to all interviews. Fed. R. Evid.
26 602 (vague and speculative); Fed. R. Civ. P. 56(c)(4) (argumentative).

27 FTC's Response: These objections should be overruled for the reasons set
28 out in GR 1 and 2.

1 Separate Statement Paragraph 287:

2 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
3 608) ¶¶ 21.uu-vv, 32.u-v, 32.tt-uu; Former Employees: Bachtle Dec. (Ex. 613) ¶ 8;
4 McBee Dep. (Ex. 620) 208:22- 210:14, Ex. 124 (Dec. ¶ 11); Pismopulos Dep. (Ex.
5 622) 146:4-16; Investigators: Menjivar Dec. (PX 1) ¶¶ 25, 31, Atts. P (p. 14
6 (13:22-24)), V (pp. 17-18 (16:23-17:4)); Cagnacci Dec. (Ex. 663) ¶¶ 2, 3, Exs. 501
7 (9:9-11, 10:24-25, 19:25), 503 (9:13-16, 14:14-16); Consumers: Faulkner Dec.
8 (Ex. 629) ¶ 3; Greet Dec. (Ex. 630) ¶ 4; Pisor Dec. (Ex. 634) ¶ 2 on the ground that
9 the statement is vague, speculative, argumentative, and unsupported by admissible
10 evidence. The FTC seeks to improperly extrapolate this statement as applicable to
11 all interviews. Fed. R. Evid. 602 (vague and speculative); Fed. R. Civ. P. 56(c)(4)
12 (argumentative).

13 FTC's Response: These objections should be overruled for the reasons set
14 out in GR 1 and 2.

15
16 Separate Statement Paragraph 288:

17 Defendants' Objections: Objection to Bachtle Dec. (Ex. 613) ¶ 5; Menjivar
18 Dec. (PX 1) ¶¶ 25, 31, Atts. P (pp. 12-19), V (pp. 9-15); Cagnacci Dec. (Ex. 663)
19 ¶¶ 2-3, Exs. 501 (pp. 7-13), 503 (pp. 6- 12); Menjivar Dec. (Ex. 665) ¶¶ 18-25,
20 Atts. I-N (screen shots of database fields); Expert: McKenzie Dep. (Ex. 677) 28:1-
21 15, Ex. 1002 (Expert Report ¶¶ 127-128, 132, 136.a-b, 139, 142.a-b, 144, 148.a-b;
22 162.a-b; 165.b) on the ground that the statement is vague, overbroad,
23 argumentative, and unsupported by admissible evidence. The FTC seeks to
24 improperly extrapolate this statement as applicable to all interviews. Fed. R. Evid.
25 602 (vague); Fed. R. Civ. P. 56(c)(4) (argumentative).

26 FTC's Response: These objections should be overruled for the reasons set
27 out in GR 1 and 2.

28

1 Separate Statement Paragraph 289:

2 Defendants' Objections: Objection to Former Employees: Bachtle Dec. (Ex.
3 613) ¶ 5; Pismopulos Dep. (Ex. 622) 95:11-13; Investigators: Menjivar Dec. (PX
4 1) ¶¶ 25, 31, Atts. P (pp. 12- 19), V (pp. 9-15); Cagnacci Dec. (Ex. 663) ¶¶ 2-3,
5 Exs. 501 (pp. 7- 13), 503 (pp. 6-12); McKenney Dec. (PX 2) ¶¶ 9, 19; Menjivar
6 Dec. (Ex. 665) ¶¶ 18-25, Atts. I- N (screen shots of database fields) on the ground
7 that the statement is vague as to time and person, argumentative, and unsupported
8 by admissible evidence. The FTC seeks to improperly extrapolate this statement as
9 applicable to all interviews. Fed. R. Evid. 602 (vague); Fed. R. Civ. P. 56(c)(4)
10 (argumentative).

11 FTC's Response: These objections should be overruled for the reasons set
12 out in GR 1 and 2.

13
14 Separate Statement Paragraph 290:

15 Defendants' Objections: Objection to Former Employee: Bachtle Dec. (Ex.
16 613) ¶ 5; Pismopulos Dep. (Ex. 622) 95:16-18; Investigators: Menjivar Dec. (PX
17 1) ¶¶ 25, 31, Atts. P (pp. 12-19), V (pp. 9-15); Cagnacci Dec. (Ex. 663) ¶¶ 2-3,
18 Exs. 501 (pp. 7- 13), 503 (pp. 6-12); McKenney Dec. (PX 2) ¶¶ 9, 19; Menjivar
19 Dec. (Ex. 665) ¶¶ 18-25, Atts. I- N (screen shots of database fields) on the ground
20 that the statement is vague, argumentative, and unsupported by admissible
21 evidence. The FTC seeks to improperly extrapolate this statement as applicable to
22 all interviews. Moreover, this statement is irrelevant to the determination of a
23 Penalty Abatement and to the extent not a single ATR client has been shown to
24 have been denied tax relief because of this. This is also completely irrelevant
25 because an application for an Offer in Compromise may be filed at anytime during
26 the ensuing three months or subsequent period. Fed. R. Evid. 602 (vague); Fed. R.
27 Civ. P. 56(c)(4) (argumentative).

28

1 FTC's Response: These objections should be overruled for the reasons set
2 out in GR 1 and 2.

3
4 Separate Statement Paragraph 291:

5 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
6 608) ¶ 32.uuu-xxx; Menjivar Dec. (PX 1) ¶¶ 25, 31, Atts. P (pp. 12-19), V (pp. 9-
7 15); Cagnacci Dec. (Ex. 663) ¶¶ 2-3, Exs. 501 (pp. 7-13), 503 (pp. 6-12);
8 McKenney Dec. (PX 2) ¶¶ 9, 19; Menjivar Dec. (Ex. 665) ¶¶ 18-25, Atts. I-N
9 (screen shots of database fields); Bachtle Dec. (Ex. 613) ¶ 5 on the ground that the
10 statement is vague, argumentative, and unsupported by admissible evidence. The
11 FTC seeks to improperly extrapolate this statement as applicable to all interviews.
12 Moreover, this statement is irrelevant to the determination of a Penalty Abatement
13 and to the extent not a single ATR client has been shown to have been denied tax
14 relief because of this. Fed. R. Evid. 602 (vague); Fed. R. Civ. P. 56(c)(4)
15 (argumentative).

16 FTC's Response: These objections should be overruled for the reasons set
17 out in GR 1 and 2.

18
19 Separate Statement Paragraph 292:

20 Defendants' Objections: Objection to Menjivar Dec. (Ex. 665) ¶¶ 18-25,
21 Atts. I-N (comparing contents of undercover calls with entries in ATR's Call-In
22 Database); Garcia Dep. (Ex. 619) 209:23- 210:24, Ex. 9 (Dec. ¶ 33) on the ground
23 that the statement is vague, unsupported by admissible evidence, and irrelevant,
24 McBee Dep. (Ex. 383) 236:3-16. Obviously, not all of the information obtained
25 was relevant or required for purposes of ATR's work. Fed. R. Evid. 602 (vague);
26 Fed. R. Evid. 401, 402 (irrelevant).

27 FTC's Response: These objections should be overruled for the reasons set
28 out in GR 1 and 2.

1 Separate Statement Paragraph 293:

2 Defendants' Objections: Objection to Former Employees: Barton Dec. (PX
3 7) ¶ 11; Badr Dec. (Ex. 614) ¶ 2, Ex. 471 (11/23/11 Dec. ¶ 8); Coleman Dep. (Ex.
4 616) 27:19- 28:18, Ex. 358 (Dec. ¶ 6); Costell Dec. (Ex. 617) ¶ 5; McBee Dep.
5 (Ex. 620) 87:7-21, 208:22- 210:14, Ex. 124 (Dec. ¶ 11); Mosessian Dec. (Ex. 621)
6 ¶ 5; Investigators: Menjivar Dec. (PX 1) ¶¶ 25, 31, Atts. P (pp. 18-19 (17:17-
7 18:24)), V (pp. 16-17 (15:10-16:2)); Cagnacci Dec. (Ex. 663) ¶¶ 2-3, Exs. 501
8 (13:11-14:3), 503 (10:20-12:25); McKenney Dec. (PX 2) ¶¶ 10, 20; Consumers:
9 See, e.g., Dillon Dec. (PX 17) ¶ 4; Hosang- Roberts Dec. (PX 21) ¶ 4; Jaundoo
10 Dec. (PX 22) ¶ 4; Madson Dec. (PX 24) ¶¶ 4-5; Pickett Dec. (PX 27) ¶¶ 4-5;
11 Cochran Dec. (Ex. 627) ¶ 4; McCloud Dec. ¶ 3; Pratt Dec. (Ex. 635) ¶ 3; Tobias
12 Dec. (PX 29) ¶ 3; Woods Dec. (Ex. 642) ¶ 4 on the ground that the statement is
13 argumentative and unsupported by admissible evidence. Fed. R. Civ. P. 56(c)(4)
14 (argumentative).

15 FTC's Response: These objections should be overruled for the reasons set
16 out in GR 1 and 2.

17
18 Separate Statement Paragraph 294:

19 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J
20 (Admission, ATR RFA 214); Adv. Inf., Hahn and Park RFA (Ex. 599) 214; Adv.
21 Inf., Def. Hahn Stip. Dec. (Ex. 608) ¶ 36.s; Adv. Inf., Def. Park Stip. Dec. (Ex.
22 608) ¶ 17.s; Ayaso Dep. (Ex. 612) 81:11-25, Ex. 307 (Dec. ¶ 7); Bachtle Dec. (Ex.
23 613) ¶¶ 2, 6-7, Ex. 487 (10/18/10 Dec. ¶ 8); Badr Dec. (Ex. 614) ¶¶ 2, 5, Ex. 471
24 (11/23/11 Dec. ¶ 8); Barton Dec. (PX 7) ¶ 11; Byrd Dec. (PX 8) ¶ 30; Costell Dec.
25 (Ex. 617) ¶¶ 5-6; Davenhall Dec. (Ex. 618) ¶ 9; Garcia Dep. (Ex. 619) 209:23-
26 210:24, Ex. 9 (Dec. ¶¶ 15, 32); McBee Dep. (Ex. 620), 208:22-210:14, Ex. 124
27 (Dec. ¶ 11); Mosessian Dec. (Ex. 621) ¶¶ 2, 5; Pismopulos Dep. (Ex. 622) 51:13-
28 52:15, Ex. 470 (Dec. ¶¶ 10, 12); Walker Dec. (Ex. 624) ¶ 3 on the ground that the

1 statement is vague, overbroad, irrelevant, and unsupported by admissible evidence.
2 These were not cold calls. The people who called and made it through to the sales
3 representatives were pre-screened. Fed. R. Evid. 602 (vague); Fed. R. Civ. P.
4 56(c)(4) (argumentative); Fed. R. Evid. 401, 402.

5 FTC's Response: These objections should be overruled for the reasons set
6 out in GR 1 and 2.

7
8 Separate Statement Paragraph 295:

9 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
10 608) ¶ 23.k; Bachtle Dec. (Ex. 613) ¶ 7; McBee Dep. (Ex. 620) 87:22-89:18,
11 208:22- 210:14, Ex. 124 (Dec. ¶¶ 14, 20) on the ground that the statement is vague,
12 argumentative, and unsupported by admissible evidence. Fed. R. Evid. 602
13 (vague); Fed. R. Civ. P. 56(c)(4) (argumentative).

14 FTC's Response: These objections should be overruled for the reasons set
15 out in GR 1 and 2.

16
17 Separate Statement Paragraph 296:

18 Defendants' Objections: Objection to Bachtle Dec. (Ex. 613) ¶ 7 on the
19 ground that the statement is unsupported by admissible evidence, Bachtle Dec. (Ex.
20 388), ¶¶ 3, 8 (Always truthful with clients, never lied. "I knew ATR could help the
21 caller in some fashion, but perhaps not in the form of an OIC or a PA. In those
22 cases, I sold the caller what was referred to as a 'Catch All.'")

23 FTC's Response: This objection should be overruled for the reasons set out
24 in GR 2. Simply because Mr. Bachtle stated elsewhere that he never lied to clients
25 does not make the submitted evidence inadmissible, and Defendants cite no
26 authority for this proposition, thus failing to comply with this Court's Standing
27 Order. (Dkt. No. 205 at 12:20-21 (evidentiary objection must include "citation to
28 authority".))

1 Separate Statement Paragraph 297:

2 Defendants' Objections: Objection to Byrd Dec. (PX 8) ¶ 30; Badr Dec.
3 (Ex. 614) ¶ 2, Ex. 471 (11/23/11 Dec. ¶ 8; Costell Dec. (Ex. 617) ¶ 5; Garcia Dep.
4 (Ex. 619) 209:23-210:24, Ex. 9 (Dec. ¶¶ 15, 25); McBee Dep. (Ex. 620) 88:20-25
5 (60-70% of callers told they qualified for an OIC); Mosessian Dec. (Ex. 621) ¶ 5;
6 Singh Dep. (Ex. 623) 64:23-65:9, Ex. 338 (Dec. ¶ 9) (80% told they qualified for
7 OICs) on the ground that the statement is vague, argumentative, and unsupported
8 by admissible evidence, Pismopolous Dep. (Ex. 385) 76:2-4, 6, 8-13, 16-77:10, 19-
9 20 (between one in five and one in ten hired ATR); Bachtle Dec. (Ex. 388) ¶ 8
10 (sold catch all to customers, told other customers they did not have a case); McBee
11 Dep. (Ex. (383) 175:3-8, 11-12 (sales representatives told prospective customers a
12 few times a week that they did not qualify for any type of relief). Fed. R. Evid. 602
13 (vague); Fed. R. Civ. P. 56(c)(4) (argumentative).

14 FTC's Response: These objections should be overruled for the reasons set
15 out in GR 1 and 2.

16
17 Separate Statement Paragraph 298:

18 Defendants' Objections: Objection to Former Employees: Ayaso Dep. (Ex.
19 612) 71:12-20; Garcia Dep. (Ex. 619) 209:23-210:24, Ex. 9 (Dec. ¶¶ 15, 23); Singh
20 Dep. (Ex. 623) 64:23-65:9, Ex. 338 (Dec. ¶ 11); Consumers: Monday Dec. (PX 26)
21 ¶¶ 5-6; Rutenbeck Dec. (PX 28) ¶¶ 2, 5, Att. A; Ward Dec. (PX 32) ¶ 5; Faulkner
22 Dec. (Ex. 629) ¶¶ 2-3; Richey (Bobby) Dec. (Ex. 636) ¶ 3 on the ground that the
23 statement is unsupported by admissible evidence.

24 FTC's Response: These objections should be overruled for the reasons set
25 out in GR 2. Defendants also do not cite to any authority to support their
26 evidentiary objection, and thus fail to comply with this Court's Standing Order.
27 (Dkt. No. 205 at 12:20-21 (evidentiary objection must include "citation to
28 authority".))

1 Separate Statement Paragraph 299:

2 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
3 608) ¶¶ 20.vvvv-xxxx, 21.bbbb-eeee, 32.qqq-ttt, 36.e-f; Bachtle Dec. (Ex. 613)
4 ¶¶ 4, 6; Badr Dec. (Ex. 614) ¶¶ 4- 6; Walker Dec. (Ex. 624) ¶ 6; McKenzie Dep.
5 (Ex. 677) 28:1- 15, Ex. 1002 (Expert Report ¶¶ 19, 22-23, 86, 102-104, 109, 121)
6 on the ground that the statement is vague, improper expert opinion, and
7 unsupported by admissible evidence. Fed. R. Evid. 602 (vague); Fed. R. Evid. 701
8 (improper expert opinion).

9 FTC's Response: These objections should be overruled for the reasons set
10 out in GR 1, 2 and 3. Mr. McKenzie's expert opinion of whether, after the
11 interviews ATR's sales representatives conducted, it was possible to know
12 consumers' qualifications for Offers in Compromise and Penalty Abatements, is
13 admissible because: (a) his specialized knowledge will help the trier of fact to
14 understand the evidence; (b) his testimony is based on sufficient facts and data; (c)
15 his testimony is the product of reliable principles and methods; and (d) he has
16 reliably applied to principles and methods to the facts of the case. Fed. R. Evid.
17 702.

18
19 Separate Statement Paragraph 300:

20 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J
21 (Admission, ATR RFA 197, 199 202, 204, 210); Former Employees: Barton Dec.
22 (PX 7) ¶ 12; Byrd Dec. (PX 8) ¶ 30; Ayaso Dep. (Ex. 612) 81:11-25, Ex. 307 (Dec.
23 ¶ 12); Badr Dec. (Ex. 614) Ex. 471(11/23/11 Dec. ¶ 8); Costell Dec. (Ex. 617) ¶ 5;
24 Davenhall Dec. (Ex. 618) ¶ 6; McBee Dep. (Ex. 620) 89:19- 90:1; Mosessian Dec.
25 (Ex. 621) ¶ 5; Walker Dec. (Ex. 624) ¶ 3; Investigators: Menjivar Dec. (PX 1)
26 ¶¶ 25, 31, Atts. P (pp. 20, 31 (19:12-22, 30:5-15), V (pp. 17, 21, 32 (16:1-16, 20:6-
27 8, 31:10-21); Cagnacci Dec. (Ex. 663) ¶¶ 2- 3, Exs. 501 (3:22, 16:5-7, 23:23-24:4,
28 503 (3:20, 14:8-11); McKenney Dec. (PX 2) ¶¶ 10, 20; Consumers: See, e.g.,

1 Deweese Dec. (PX 16) ¶ 4; Madson Dec. (PX 24) ¶ 5; Pickett (PX 27) ¶ 5; Boyd
2 Dec. (PX 38) ¶ 3; Faulkner Dec. (Ex. 629) ¶ 3; Richey (Bobby) Dec. ¶ 4 on the
3 ground that the statement is vague as to time and person and unsupported by
4 admissible evidence. Fed. R. Evid. 602.

5 FTC's Response: These objections should be overruled for the reasons set
6 out in GR 1 and 2.

7
8 Separate Statement Paragraph 301:

9 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
10 608) ¶ 21.nnn-uuu; Investigators: Menjivar Dec. (PX 1) ¶¶ 25, 31, Atts. P (pp. 29-
11 32, 47 (28:19-30:6, 30:3-5, 31:12-18, 46:1-9), V (pp. 17, 21, 32 (16:1-16, 20:6-8,
12 31:10-21); Cagnacci Dec. (Ex. 663) ¶¶ 2-3, Exs. 501 (3:22, 16:5-7, 23:23- 24:4,
13 503 (3:20, 14:8-11; McKenney Dec. (PX 2) ¶¶ 10, 20; Consumers: See, e.g.,
14 Deweese Dec. (PX 16) ¶ 4; (from \$35,000 to \$5,000); Dillon Dec. (PX 17) ¶¶ 4, 16
15 (\$30,000 to \$2,500); Madson Dec. (PX 24) ¶ 5 (\$30,000 to \$3-\$4,000); Violante
16 Dec. (PX 30) ¶¶ 4-5 (\$30,000 to \$10,000); Pratt Dec. (Ex. 635) ¶ 3 (\$32,000 to \$4-
17 \$5,000); Richey (Bobby) Dec. (Ex. 636) ¶ 4 (\$800-\$900,000 to \$23,000); Faulkner
18 Dec. (Ex. 629) ¶ 3 (\$18,000 to \$200- \$1,000) on the ground that the statement is
19 vague as to time and person and unsupported by admissible evidence. Fed. R. Evid.
20 602.

21 FTC's Response: These objections should be overruled for the reasons set
22 out in GR 1 and 2.

23
24 Separate Statement Paragraph 303:

25 Defendants' Objections: Objection to **Investigators:** McKenney Dec. (PX
26 2) ¶¶ 10, 21; Menjivar Dec. (PX 1) ¶¶ 25, 31, Atts. P (pp. 39, 51, 64-65 (38:17-21
27 (“We do hundreds and hundreds of cases a month. In fact, to the tune of over
28 19,000 cases in the last 11 years. . . . So, we're very good at what we do.”), 50:2-4,

1 63:24- 64:3)), V (pp. 22, 30, 33 (21:7-11 (“in terms of getting this case resolved, . .
2 . we've done it 19,000 times. So, we're very, very good at what we do. We are the
3 best at what we do.”), 29:12- 14, 32:17-20)); **Consumers:** *See, e.g.*, Gaunt (PX 19)
4 ¶ 4 (“expertise in doing this for many clients.”); Madson Dec. (PX 24) ¶ 5 (“ATR
5 has done this many times before and never failed”); Greet Dec. (Ex. 630) ¶ 5;
6 McHughes Dec. (Ex. 632) ¶ 3; Richey (Carole) Dec. (Ex. 637) ¶ 3 (“very high
7 success rate”); Seward (PX 42) ¶ 3 on the ground that the statement is vague as to
8 time and person and unsupported by admissible evidence. Fed. R. Evid. 602.

9 FTC’s Response: These objections should be overruled for the reasons set
10 out in GR 1 and 2.

11
12 Separate Statement Paragraph 306:

13 Defendants’ Objections: Objection to Former Employees: Barton Dec. (PX
14 7) ¶ 12; McBee Dep. (Ex. 620) 95:13-25; Investigators: Menjivar Dec. (PX 1) ¶ 25,
15 ¶ 31, Att. P (p. 27 (26:11-20)), Att. V (p. 18 (17:16- 18)); Cagnacci Dec. (Ex. 663)
16 ¶¶ 2-3, Exs. 501 (16:11-15, 18:3- 10, 19:4-5, 22:23-25), 503 (15:14-16, 17:16-19);
17 Consumers: Fullerton Dec. (PX 18) ¶ 5; Gaunt Dec. (PX 19) ¶ 5; Jaundoo Dec.
18 (PX 22) ¶ 4; Tobias Dec. (PX 29) ¶ 3; Ward Dec. (PX 32) ¶¶ 13, 18; Hertzog
19 Dec.(PX 43) ¶ 4; Greet Dec. (Ex. 630) ¶¶ 4-5, 10 on the ground that the statement
20 is argumentative, irrelevant, and unsupported by admissible evidence, since the
21 FTC admitted in response to RFAs 48 and 49 that they have not challenged
22 advertising claims relating to bank levies and wage garnishments, FTC's RFA
23 Resp., Nos. 48-49 (Ex. 400). Fed. R. Civ. P. 56(c)(4) (argumentative); Fed. R.
24 Evid. 401, 402 (irrelevant).

25 FTC’s Response: These objections should be overruled for the reasons set
26 out in GR 1 and 2. The FTC’s responses to RFAs 48 and 49, in which the FTC
27 states it has not challenged Defendants’ advertising claims pertaining to bank
28 levies or wage garnishments, do not make the FTC’s evidence inadmissible, and

1 Defendants cite to no authority for this proposition, thus failing to comply with this
2 Court's Standing Order. (Dkt. No. 205 at 12:20-21 (evidentiary objection must
3 include "citation to authority").)

4
5 Separate Statement Paragraph 307:

6 Defendants' Objections: Objection to Investigators: Menjivar Dec. (PX 1)
7 ¶ 31, Att. V (p. 18 (17:19- 23)); Cagnacci Dec. (Ex. 663) ¶¶ 2-3, Exs. 501 (16:12-
8 19), 503 (15:4-16); Consumers: Ward Dec. (PX 32) ¶¶ 13, 18; Richey (Bobby)
9 (Ex. 636) ¶ 9 on the ground that the statement is vague as to time and person,
10 argumentative, unsupported by admissible evidence, and irrelevant since the FTC
11 admitted in response to RFAs 48 and 49 that they have not challenged advertising
12 claims relating to bank levies and wage garnishments, FTC's RFA Resp., Nos. 48-
13 49 (Ex. 400). Fed. R. Evid. 602 (vague); Fed. R. Civ. P. 56(c)(4) (argumentative);
14 Fed. R. Evid. 401, 402 (irrelevant).

15 FTC's Response: These objections should be overruled for the reasons set
16 out in GR 1 and 2. The FTC's responses to RFAs 48 and 49, in which the FTC
17 states it has not challenged Defendants' advertising claims pertaining to bank
18 levies or wage garnishments, do not make the FTC's evidence inadmissible, and
19 Defendants cite to no authority for this proposition, thus failing to comply with this
20 Court's Standing Order. (Dkt. No. 205 at 12:20-21 (evidentiary objection must
21 include "citation to authority").)

22
23 Separate Statement Paragraph 308:

24 Defendants' Objections: Objection to Former Employees: Bachtle Dec. (Ex.
25 613) ¶ 2, Ex. 487 (10/18/10 Dec. ¶ 6); Barton Dec. (PX 7) ¶ 12; McBee Dep. (Ex.
26 620) 208:22-210:14, Ex. 124 (Dec. ¶ 16); Investigators: Menjivar Dec. (PX 1)
27 ¶ 31, Att. V (pp. 18, 53 (17:16-18, 52:1-8)); Consumers: Gaunt Dec. (PX 19) ¶ 5;
28 Greet Dec. (Ex. 630) ¶ 5; Pratt Dec. (Ex. 635) ¶ 3; Richey (Carole) Dec. (Ex. 637)

1 ¶ 4; Woods Dec. (Ex. 642) ¶¶ 4, 8 on the ground that the statement is vague as to
2 time and person, argumentative, and unsupported by admissible evidence. Fed. R.
3 Evid. 602 (vague); Fed. R. Civ. P. 56(c)(4) (argumentative); Fed. R. Evid. 401, 402
4 (irrelevant).

5 FTC's Response: These objections should be overruled for the reasons set
6 out in GR 1 and 2.

7
8 Separate Statement Paragraph 309:

9 Defendants' Objections: Objection to Menjivar Dec. (PX 1) ¶ 25, Att. P (p.
10 27 (26:11-20)) on the ground that the statement is argumentative, unsupported by
11 admissible evidence, and irrelevant since the FTC admitted in response to RFAs 48
12 and 49 that they have not challenged advertising claims relating to bank levies and
13 wage garnishments, FTC's RFA Resp., Nos. 48-49 (Ex. 400). Fed. R. Civ. P.
14 56(c)(4) (argumentative); Fed. R. Evid. 401, 402 (irrelevant).

15 FTC's Response: These objections should be overruled for the reasons set
16 out in GR 1 and 2. The FTC's responses to RFAs 48 and 49, in which the FTC
17 states it has not challenged Defendants' advertising claims pertaining to bank
18 levies or wage garnishments, do not make the FTC's evidence inadmissible, and
19 Defendants cite to no authority for this proposition, thus failing to comply with this
20 Court's Standing Order. (Dkt. No. 205 at 12:20-21 (evidentiary objection must
21 include "citation to authority").)

22
23 Separate Statement Paragraph 310:

24 Defendants' Objections: Objection to Menjivar Dec. (PX 1) ¶ 31, Att. V (p.
25 18 (17:16-18)) on the ground that the statement is argumentative, unsupported by
26 admissible evidence, and irrelevant, since the FTC admitted in response to RFAs
27 48 and 49 that they have not challenged advertising claims relating to bank levies
28

1 and wage garnishments, FTC's RFA Resp., Nos. 48-49 (Ex. 400). Fed. R. Civ. P.
2 56(c)(4) (argumentative); Fed. R. Evid. 401, 402 (irrelevant).

3 FTC's Response: These objections should be overruled for the reasons set
4 out in GR 1 and 2. The FTC's responses to RFAs 48 and 49, in which the FTC
5 states it has not challenged Defendants' advertising claims pertaining to bank
6 levies or wage garnishments, do not make the FTC's evidence inadmissible, and
7 Defendants cite to no authority for this proposition, thus failing to comply with this
8 Court's Standing Order. (Dkt. No. 205 at 12:20-21 (evidentiary objection must
9 include "citation to authority").)

10
11 Separate Statement Paragraph 311:

12 Defendants' Objections: Objection to Defs. Answers ¶ 21; Adv. Inf., Def.
13 Hahn Stip. Dec. (Ex. 608) ¶ 36.aa-bb; **Former Employees:** Barton Dec. (PX 7)
14 ¶ 12; Coleman Dep. (Ex. 616) 95:6-96:14, Ex. 585; **Investigators:** Menjivar Dec.
15 (PX 1) ¶¶ 25, 31, Atts. P (pp. 26-28, 34-35, 66 (25:20-22, 26:4-8, 27:2-13, 33:24-
16 34:3, 65:10-11)), V (pp. 18, 27-28, 43-46, 50-51, 54 (17:6-13, 26:7-8, 27:1-4,
17 42:2-5, 43:8-9, 44:17-18, 45:8-11, 49:16- 17, 50:7-14, 53:7-14)); Cagnacci Dec.
18 (Ex. 663) ¶ 3, Ex. 503 (20:16-22:6); McKenney Dec. (PX 2) ¶¶ 14, 23;
19 **Consumers:** Deweese Dec. (PX 16) ¶ 5; Grimmette Dec. (PX 20) ¶ 6; Hosang-
20 Roberts Dec. (PX 21) ¶¶ 5, 7; Violante Dec. (PX 30) ¶ 11; Hiatt Dec. (Ex. 631) ¶ 4
21 on the ground that the statement is vague as to time and person. Fed. R. Evid. 602.

22 FTC's Response: These objections should be overruled for the reasons set
23 out in GR 1.

24
25 Separate Statement Paragraph 312:

26 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J
27 (Admission, ATR RFA 215-217, "Close" Script (Ex. 107)); Menjivar Dec. (PX 1)
28 ¶¶ 25, 31, Atts. P (pp. 27-28 (26:5-13, 27:2-13)), V (p. 18 (17:6-23)); Cagnacci

1 Dec. (Ex. 663) ¶¶ 2-3, Exs. 501 (16:11-19), 503 (14:20-15:16); McBee Dep. (Ex.
2 620) 94:13-95:25, Ex. 107 (“Close” Script) (“First I'm going to fax you the IRS
3 Power of Attorney. Fill it out and fax it right back to me. We'll file that with the
4 IRS right away. That will prevent the IRS from pursuing aggressive collection
5 against you such as bank levies or wage garnishments.”); Fullerton Dec. (PX 18)
6 ¶ 5; Gaunt Dec. (PX 19) ¶ 5; Jaundoo Dec. (PX 22) ¶ 4; Greet Dec. (Ex. 630) ¶¶ 4-
7 5, 10 on the ground that the statement is vague as to time and person and irrelevant
8 since the FTC admitted in response to RFAs 48 and 49 that they have not
9 challenged advertising claims relating to bank levies and wage garnishments,
10 FTC's RFA Resp., Nos. 48-49 (Ex. 400). Fed. R. Evid. 602 (vague); Fed. R. Evid.
11 401, 402 (irrelevant).

12 FTC's Response: These objections should be overruled for the reasons set
13 out in GR 1.

14
15 Separate Statement Paragraph 313:

16 Defendants' Objections: Objection to Menjivar Dec. (PX 1) ¶ 31, Att. V (p.
17 18-19 (17:24-18:1) (“I'm going to send you out a questionnaire package, and it's
18 real simple. It's just like the consultation you and I just went through.”); Cagnacci
19 Dec. (Ex. 663) ¶ 3, Ex.503 (16:25-17:3) (“I'm going to send you a questionnaire
20 package. Now, this is real simple. It's just like the consultation you and I just went
21 through.”); McBee Dep. (Ex. 620) 94:13-25, 97:7-14 (“Then we're going to send
22 you the Questionnaire, which we'll use to put your case together. It's simple; you
23 fill it out and send it back.”) on the ground that the statement is vague as to time
24 and person, argumentative, and unsupported by admissible evidence. Fed. R. Evid.
25 602 (vague); Fed. R. Civ. 56(c)(4) (argumentative).

26 FTC's Response: These objections should be overruled for the reasons set
27 out in GR 1 and 2.

28

1 Separate Statement Paragraph 314:

2 Defendants' Objections: Objection to Menjivar Dec. (PX 1) ¶¶ 25, 31 Att. P
3 (pp. 30 (29:20-23)); Att. V (pp. 18-19, 41, 44 (17:23-18:4, 40:1-6, 43:12-14));
4 Cagnacci Dec. (Ex. 663) ¶¶ 2-3, Exs. 501 (16:22-17:4), 503 (16:25-17:3) on the
5 ground that the statement is vague as to time and person and unsupported by
6 admissible evidence. Fed. R. Evid. 602.

7 FTC's Response: These objections should be overruled for the reasons set
8 out in GR 1 and 2.

9
10 Separate Statement Paragraph 315:

11 Defendants' Objections: Objection to Fullerton Dec. (PX 18) ¶ 6 on the
12 ground that the statement is vague as to time and person and unsupported by
13 admissible evidence. Fed. R. Evid. 602.

14 FTC's Response: These objections should be overruled for the reasons set
15 out in GR 1 and 2.

16
17 Separate Statement Paragraph 316:

18 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
19 608) ¶ 21.xxx-aaaa; Menjivar Dec. (PX 1) ¶ 25, Att. P (p. 28 (27:2-13)); Cagnacci
20 Dec. (Ex. 663) ¶ 3, Ex. 503 (16:25- 17:15); McKenney Dec. (PX 2) ¶¶ 12, 20-23;
21 McBee Dep. (Ex. 620) 151:15-152:21 on the ground that the statement is vague as
22 to time and person, and unsupported by admissible evidence. Fed. R. Evid. 602
23 (vague).

24 FTC's Response: These objections should be overruled for the reasons set
25 out in GR 1 and 2.

1 Separate Statement Paragraph 317:

2 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J
3 (Admission, ATR RFA 215-217, "Close" Script (Ex. 107)); Adv. Inf., Def. Hahn
4 Stip. Dec. (Ex. 608) ¶ 36.u; Adv. Inf., Def. Park Stip. Dec. (Ex. 608) ¶ 17.u;
5 McBee Dep. (Ex. 620) 94:13-25, 97:15-21, 208:22-210:14, Exs. 107, 124 (Dec.
6 ¶ 12, Att. A) ("We then send those documents to the IRS. They do their part, which
7 takes 3 to 6 months."); Menjivar Dec. (PX 1) ¶¶ 25, 31, Atts. P (pp. 30-31, 52
8 (29:25- 30:2, 51:11-12)), V (pp. 19, 38 (18:8-17, 37:1-11)); Cagnacci Dec. (Ex.
9 663) ¶¶ 2-3, Exs. 501 (17:24-18:2, 19:20-21), 503 (17:5-12, 17:21-23); McKenney
10 Dec. (PX 2) ¶ 12; Mesler Dec. (PX 25) ¶ 4 ("three months"); Gaunt Dec. (PX 19)
11 ¶ 5 ("several months"); Tobias Dec. (PX 29) ¶ 4 ("within a few weeks to a few
12 months"); Greet Dec. (Ex. 630) 7 (3 to 6 months); Woods Dec. (Ex. 642) ¶ 5 (3 to
13 6 months) on the ground that the statement is vague as to time and person. Fed. R.
14 Evid. 602.

15 FTC's Response: These objections should be overruled for the reasons set
16 out in GR 1.

17
18 Separate Statement Paragraph 318:

19 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J
20 (Admission, ATR RFA 228-229); Adv. Inf., Hahn and Park RFA (Ex. 599) 228-
21 229; Menjivar Dec. (PX 1) ¶¶ 25, 31, Atts. P (pp. 33-35 (32:25-33:2, 34:10- 23)),
22 V (pp. 26-28, 45 (25:21- 26:4, 27:9-12, 46:14-16)); Cagnacci Dec. (Ex. 663) ¶¶ 2-
23 3, Exs. 501 (19:14-21), 503 (18:24- 19:1); McKenney Dec. (PX 2) ¶¶ 11, 22;
24 McBee Dep. (Ex. 620) 94:13-25, 98:5-12, Ex. 107 ("For this service, there's a one-
25 time flat fee of \$. That handles your case from start to finish."); Deweese Dec. (PX
26 16) ¶ 5 (up front fee covering total cost of services); Dillon Dec. (PX 17) ¶ 4 (up
27 front, one-time fee); Gaunt Dec. (PX 19) ¶ 4 (one-time fee); Mesler Dec. (PX 25)

1 ¶ 5 (one-time fee to resolve case); Rutenbeck Dec. (PX 28) ¶ 3; Tobias Dec. (PX
2 29) ¶ 3 on the ground that the statement is vague as to time and person. Fed. R.
3 Evid. 602.

4 FTC's Response: These objections should be overruled for the reasons set
5 out in GR 1.

6
7 Separate Statement Paragraph 319:

8 Defendants' Objections: Objection to Adv. Inf., Def. Hahn. Dec. (Ex. 608)
9 ¶ 22.j; Bachtle Dec. (Ex. 613) ¶ 2, Ex. 488 (12/31/11 Dec. ¶ 4) (Apr. 2002-Feb.
10 2003); Badr Dec. (Ex. 614) Ex. 471(11/23/11 Dec. ¶¶ 2, 7) (Feb. 2005); Barton
11 Supp. Dec. (Ex. 615) ¶¶ 2-3 (Apr.-July 2009); Coleman Dep. (Ex. 616) 15:23-25,
12 27:19-28:18, 75:4-21, 76:20-25, 78:5-7, 91:17- 92:13, Exs. 358 (Dec. ¶¶ 2, 5)
13 (Mar.-Sept. 2010), 580, 581, 583; Costell Dec. (Ex. 617) ¶¶ 2,4 (July 2005);
14 McBee Dep. (Ex. 620) 94:13-99:1, 208:22-210:14, Exs. 107, 124 (Dec. ¶ 12, Att.
15 A) (Jan. 2006-Feb. 2008); Mosessian Dec. (Ex. 621) ¶¶ 2, 6 (June 2005-Mar.
16 2006); Pismopulos Dep. (Ex. 622) 51:13-52:15, Ex. 470 (Dec. ¶¶ 9-10) (2000);
17 Walker Dec. (Ex. 624) ¶¶ 2-3 (Jan. 2001-Sept. 2002); Menjivar Dec. (PX 1) ¶ 60.b,
18 Att. BBB; Menjivar Dec. (PX 33) ¶ 13, Att. D; Menjivar Dec. (Ex. 665) ¶¶ 10-11,
19 Att. F (pp. 7-9) (photographs of "Close" script posted at ATR premises) on the
20 ground that the statement is vague, overbroad, and unsupported by admissible
21 evidence, Coleman Dep. (Ex. 381) 37:11-15 (some didn't follow script), 77:13-17
22 (Close script had handwritten instruction "Don't say everything" on it); McBee
23 Dep. (Ex. 383) 96:1-10 (also used catch all). Fed. R. Evid. 602.

24 FTC's Response: These objections should be overruled for the reasons set
25 out in GR 1 and 2.

1 Separate Statement Paragraph 323:

2 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
3 608) ¶¶ 21,jjj, 22.m.vii; Former Employees: Byrd Dec. (PX 8) ¶ 24; Ayaso Dep.
4 (Ex. 612) 81:11-25, Ex. 307 (Dec. ¶ 13); Bachtle Dec. (Ex. 613) ¶ 7; Garcia Dep.
5 (Ex. 619) 209:23- 210:24, Ex. 9 (Dec. ¶¶ 18-19); McBee Dep. (Ex. 620) 90:2-7,
6 208:22-210:14, Ex. 124 (Dec. ¶¶ 15, 20); Singh Dep. (Ex. 623) 64:23-65:9, Ex.
7 338 (Dec. ¶ 9); Consumers: Pickett Dec. (PX 27) ¶¶ 5, 12, 26, 39, Att. J; Hertzog
8 Dec. (PX 43) ¶¶ 3, 6, 8; Faulkner Dec. (Ex. 629) ¶¶ 3, 6,12; McHughes Dec. (Ex.
9 632) ¶¶ 3-5; Pratt Dec. (Ex. 635) ¶¶ 3, 10 on the ground that the statement is vague
10 as to time and person and unsupported by admissible evidence, Ayaso Dep. (Ex.
11 379) 205:2-21(goal in records was payment plan ("PP"), 212:13-16 (goal in Call In
12 record was what client was sold), Ex. 313; Garcia Dep. (Ex. 382) 176:2-5, (Ex.
13 333) (goal field was what the client signed up for). Fed. R. Evid. 602.

14 FTC's Response: These objections should be overruled for the reasons set
15 out in GR 1 and 2.

16
17 Separate Statement Paragraph 324:

18 Defendants' Objections: Objection to Ayaso Dep. (Ex. 612) 94:1-18, 95:4-
19 13; Bachtle Dec. (Ex. 613) ¶ 7; Richey (Bobby) Dec. (Ex. 636) ¶ 13 on the ground
20 that the statement is vague as to time and person and unsupported by admissible
21 evidence. Fed. R. Evid. 602.

22 FTC's Response: These objections should be overruled for the reasons set
23 out in GR 1 and 2.

24
25 Separate Statement Paragraph 325:

26 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
27 608) ¶ 22.m.ix; McBee Dep. (Ex. 620) 90:8-11, 208:22- 210:14, Ex. 124 (Dec.
28

1 ¶ 15); Dewese Dec. (PX 16) ¶¶ 4, 23 on the ground that the statement is vague as
2 to time and person and unsupported by admissible evidence, Deft's. Supp. Interrog.
3 Resp. No. 16 (Ex. 404); Deft's Furt. Resp. to RFPs, No. 45, Ex. E (Ex. 405). Fed.
4 R. Evid. 602.

5 FTC's Response: These objections should be overruled for the reasons set
6 out in GR 1 and 2.

7
8 Separate Statement Paragraph 326:

9 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
10 608) ¶ 21.kkk, m.viii; McBee Dep. (Ex. 620) 90:12- 91:16, 208:22-210:14, Ex. 124
11 (Dec. ¶ 15); Walker Dec. (Ex. 624) ¶ 8; Jaundoo Dec. (PX 22) ¶¶ 4, 6-7; Cook
12 Dec. (Ex. 628) ¶¶ 3-7 on the ground that the statement is vague and ambiguous and
13 unsupported by admissible evidence, Garcia Dep. (Ex. 382) 176:2-5(goal field was
14 what the client signed up for), 175:5-12 (goal field on record said "statute" which
15 she understood to mean statute of limitations); McBee Dep. (Ex. 383) 90:12-16
16 (heard sales representatives say they would enforce the statute of limitations on a
17 tax debt). Fed. R. Civ. P. 602.

18 FTC's Response: These objections should be overruled for the reasons set
19 out in GR 1 and 2.

20
21 Separate Statement Paragraph 327:

22 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J
23 (Admission, ATR RFA 218, "Objections" (Ex. 108)); Bachtle Dec. (Ex. 613) ¶ 2,
24 Ex. 488 (12/31/11 Dec. ¶ 5) (Apr. 2002- Feb. 2003); Badr Dec. (Ex. 614) Ex.
25 471(11/23/11 Dec. ¶¶ 2, 7 (Feb. 2005); Barton Supp. Dec. (Ex. 615) ¶¶ 2-3 (Apr.-
26 July 2009); Coleman Dep. (Ex. 616) 27:19-28:18, 75:8-21, 76:20-22, 91:17-23,
27 93:4-6, Exs. 358 (Dec.) ¶¶ 2, 5 (Mar.-Sept. 2010), 580, 581, 583; Costell Dec. (Ex.
28 617) ¶¶ 2,4 (July 2005); McBee Dep. (Ex. 620) 102:2-107:12 (Jan. 2006-Feb.

1 2008); Mosessian Dec. (Ex. 621) ¶¶ 2, 6 (June 2005-Mar. 2006); Walker Dec. (Ex.
2 624) ¶¶ 2-3 (Jan. 2001-Sept. 2002); Menjivar Dec. (PX 1) ¶ 60.c, Att. CCC;
3 Menjivar Dec. (PX 33) ¶ 14, Att. E; Menjivar Dec. (Ex. 665) ¶¶ 10-11, Att. F (pp.
4 8, 10- 11, 13, 15, 17) (photographs of “Objections” script posted at ATR premises)
5 on the ground that the statement is vague and unsupported by admissible evidence.
6 Fed. R. Evid. 602.

7 FTC’s Response: These objections should be overruled for the reasons set
8 out in GR 1 and 2.

9
10 Separate Statement Paragraph 330:

11 Defendants’ Objections: Objection to Menjivar Dec. (PX 1) ¶ 60.c, Att.
12 CCC on the ground that the statement is unsupported by admissible evidence.

13 FTC’s Response: This objection should be overruled for the reasons set out
14 in GR 2.

15
16 Separate Statement Paragraph 335:

17 Defendants’ Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
18 608) ¶ 24.q; Cagnacci Dec. (Ex. 663) ¶¶ 2-3, Exs. 501 (20:2- 3), 503 (19:23-24);
19 McBee Dep. (Ex. 620) 114:2-16 (90 percent of payments processed were check-
20 by-phone payments) on the ground that the statement is vague as to time and
21 person and unsupported by admissible evidence. Fed. R. Evid. 602.

22 FTC’s Response: These objections should be overruled for the reasons set
23 out in GR 1 and 2.

24
25 Separate Statement Paragraph 337:

26 Defendants’ Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
27 608) ¶ 36.w; Adv. Inf., Def. Park Stip. Dec. (Ex. 608) ¶ 17.w; Byrd Dec. (PX 8)

1 ¶¶ 3, 29 (\$3,200 to \$15,000); Coleman Dep. (Ex. 616) at 78:11-18, Ex. 582
2 (\$3,900 to \$25,000); Davenhall Dec. (Ex. 618) ¶¶ 2, 7 (\$2,500 (with power of
3 attorney) to over \$10,000); Garcia Dep. (Ex. 619) 209:23-210:24, Ex. 9 (Dec. ¶¶ 3,
4 31 (\$5,000 to \$20,000)); McBee Dep. (Ex. 620) 208:22-210:14, Ex. 124 (Dec ¶¶ 2,
5 8) (\$3,900 to \$25,000)); Walker Dec. (Ex. 624) ¶¶ 2, 4 (\$3,000 to \$20,000);
6 Menjivar Dec. (Ex. 665) ¶¶ 10-11, Att. F (pp. 1, 5) (photographs of “Fee Schedule”
7 posted at ATR premises) on the ground that the statement is unsupported by
8 admissible evidence, Deft’s. Am. Supp. Interrog. Resp. (Ex. 404) No. 11, Ex G
9 (spreadsheet summarizing Call In database records reflecting fees charged in
10 amounts of less than \$2,500).

11 FTC’s Response: This objection should be overruled for the reasons set out
12 in GR 2. Defendants also do not cite to any authority to support their evidentiary
13 objection, and thus fail to comply with this Court’s Standing Order. (Dkt. No. 205
14 at 12:20-21 (evidentiary objection must include “citation to authority”).)

15
16 Separate Statement Paragraph 338:

17 Defendants’ Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J
18 (Admission, ATR RFA 227, Fee Schedule (Ex. 109)); Adv. Inf., Def. Hahn Stip.
19 Dec. (Ex. 608) ¶¶ 24.e-i, 36.w; Coleman Dep. (Ex. 616) 76:20-77:12, 78:11-18,
20 Exs. 581, 582 (\$3,900 to \$25,000); McBee Dep. (Ex. 620) 110:3-112:2, 208:22-
21 210:14, Ex. 109; Menjivar Dec. (PX 1) 60.aa, Att. III; Menjivar Dec. (PX 33)
22 ¶ 17, Att. H; Menjivar Dec. (Ex. 665) ¶¶ 10-11, Att. F (pp. 1, 5) (photographs of
23 “Fee Schedule” posted at ATR premises) on the ground that the statement is
24 unsupported by admissible evidence.

25 FTC’s Response: This objection should be overruled for the reasons set out
26 in GR 2. Defendants also do not cite to any authority to support their evidentiary
27 objection, and thus fail to comply with this Court’s Standing Order. (Dkt. No. 205
28 at 12:20-21 (evidentiary objection must include “citation to authority”).)

1 Separate Statement Paragraph 339:

2 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J
3 (Admission, ATR RFA 242); Adv. Inf., Hahn and Park RFA (Ex. 599) 242; Adv.
4 Inf., Def. Hahn Stip. Dec. (Ex. 608) ¶¶ 21.ffff-hhhh, 30.c, 36.dd; Former
5 Employees: Bachtle Dec. (Ex. 613) ¶ 10; Badr Dec. (Ex. 614) Ex. 471(11/23/11
6 Dec. ¶¶ 9; McBee Dep. (Ex. 620) 139:13-20; Investigators: Menjivar Dec. (PX 1)
7 ¶¶ 25, 31, Atts. P, V; Cagnacci Dec. (Ex. 663) ¶¶ 2-3, Exs. 501, 503; McKenney
8 Dec. (PX 2) ¶¶ 13, 22; Consumers: Deweese Dec. (PX 16) ¶ 5; Gaunt Dec. (PX 19)
9 ¶ 6; Grimmette Dec. (PX 20) ¶ 5; Hosang-Roberts Dec. (PX 21) ¶¶ 6, 22; Jaundoo
10 Dec. (PX 22) ¶ 4; Mesler Dec. (PX 25) ¶ 5; Monday Dec. (PX 26) ¶ 7; Pickett Dec.
11 (PX 27) ¶ 6; Bragg Dec. (Ex. 626-1) ¶ 4; Cochran Dec. (Ex. 627) ¶ 4; Pratt Dec.
12 (Ex. 635) ¶¶ 3, 8; Woods Dec. (Ex. 642) ¶ 5 on the ground that the statement is
13 vague as to time and person and unsupported by admissible evidence. Fed. R. Evid.
14 602.

15 FTC's Response: These objections should be overruled for the reasons set
16 out in GR 1 and 2.

17
18 Separate Statement Paragraph 340:

19 Defendants' Objections: Objection to Bachtle Dec. (Ex. 613) ¶ 10; Badr
20 Dec. (Ex. 614) Ex. 471(11/23/11 Dec. ¶ 9) the ground that the statement is vague
21 as to time and person and unsupported by admissible evidence. Fed. R. Evid. 602.

22 FTC's Response: These objections should be overruled for the reasons set
23 out in GR 1 and 2.

24
25 Separate Statement Paragraph 341:

26 Defendants' Objections: Objection to Deweese Dec. (PX 16) ¶¶ 4-5, 12, 23,
27 35; Fullerton Dec. (PX 18) ¶¶ 3, 5; Gaunt Dec. (PX 19) ¶¶ 4-5; Grimmette Dec.
28 (PX 20) ¶¶ 4, 19; Hosang-Roberts Dec. (PX 21) ¶¶ 4, 22; Madson Dec. (PX 24)

1 ¶¶ 4-5; Monday Dec. (PX 26) ¶¶ 5-8; Pickett Dec. (PX 27) ¶¶ 5, 39; Tobias Dec.
2 (PX 29) ¶¶ 3, 5; Violante Dec. (PX 30) ¶¶ 5, 27; Boyd Dec. (PX 38) ¶¶ 3, 6;
3 McCloud Dec. (PX 40) ¶¶ 3, 6; Phillips Dec. (PX 41) ¶¶ 3, 7; Seward Dec. (PX 42)
4 ¶ 3; Hertzog Dec. (PX 43) ¶¶ 3, 8; Faulkner Dec. (Ex. 629) ¶¶ 3-4; Greet Dec. (Ex.
5 630) ¶¶ 4, 14; Pisor Dec. (Ex. 634) ¶¶ 2, 7; Pratt Dec. (Ex. 635) ¶¶ 3-5; Richey
6 (Carole) Dec. (Ex. 637) ¶¶ 3, 8; Woods Dec. (Ex. 642) ¶¶ 4-6 on the ground that
7 the statement is argumentative and unsupported by admissible evidence. The FTC
8 offers the declarations of only 21 out of nearly 20,000 ATR clients. Fed. R. Civ. P
9 56(c)(4).

10 FTC's Response: These objections should be overruled for the reasons set
11 out in GR 1 and 2.

12 Separate Statement Paragraph 342:

13 Defendants' Objections: Objection to Dewese Dec. (PX 16) ¶ 4; Dillon
14 Dec. (PX 17) ¶ 4; Fullerton Dec. (PX 18) ¶¶ 3-4; Gaunt Dec. (PX 19) ¶¶ 4-5;
15 Grimmette Dec. (PX 20) ¶¶ 4-5; Hosang-Roberts (PX 21) ¶ 4; Jaundoo Dec. (PX
16 22) ¶ 4; Kline Dec. (PX 23) ¶ 5; Madson Dec. (PX 24) ¶ 5; Mesler Dec. (PX 25)
17 ¶ 4; Monday Dec. (PX 26) ¶¶ 5- 6; Pickett Dec. (PX 27 5; Rutenbeck Dec. (PX 28)
18 ¶ 3; Tobias Dec. (PX 29) ¶ 3; Violante Dec. (PX 30) ¶¶ 5, 7, 10; Ward Dec. (PX
19 32) ¶¶ 5-6; Boyd Dec. (PX 38) ¶ 3; Isom Dec. (PX 39) ¶ 3; McCloud Dec. (PX 40)
20 ¶ 3; Phillips Dec. (PX 41) ¶ 3; Seward Dec. (PX 42) ¶ 3; Hertzog Dec. (PX 43) ¶ 3;
21 Cook Dec. (Ex. 628) ¶ 3; Faulkner Dec. (Ex. 629) ¶¶ 3-4; Greet Dec. (Ex. 630) ¶ 4;
22 Hiatt Dec. (Ex. 631) ¶¶ 3-4; McHughes Dec. (Ex. 632) ¶¶ 3-4; Pisor Dec. (Ex. 634)
23 ¶ 2; Pratt Dec. (Ex. 635) ¶ 5; Richey (Carole) Dec. (Ex. 637) ¶ 3 Shoham Dec. ¶ 2;
24 Vieau Dec. ¶ 3; Woods Dec. ¶ 6 on the ground that the statement is argumentative
25 and unsupported by admissible evidence. The FTC offers declarations of only 21
26 out of nearly 20,000 ATR clients. Fed. R. Civ. P 56(c)(4).
27
28

1 FTC's Response: These objections should be overruled for the reasons set
2 out in GR 1 and 2.

3
4 Separate Statement Paragraph 343:

5 Defendants' Objections: Objection to Ward Dec. (PX 32) ¶¶ 5, 11, 18;
6 Woods Dec. (Ex. 642) ¶ 8; Garcia Dep. (Ex. 619) 209:23-210:24, Ex. 9 (Dec. ¶ 19)
7 on the ground that the statement is argumentative and unsupported by admissible
8 evidence. If a rare consumer believed that ATR would file his or her tax returns, it
9 was the consumer's fault. Fed. R. Civ. P 56(c)(4).

10 FTC's Response: These objections should be overruled for the reasons set
11 out in GR 1 and 2.

12
13 Separate Statement Paragraph 344:

14 Defendants' Objections: Objection to Deweese Dec. (PX 16) ¶¶ 4, 35;
15 Dillon Dec. (PX 17) ¶¶ 4, 16; Fullerton Dec. (PX 18) ¶¶ 4-5; Gaunt Dec. (PX 19)
16 ¶¶ 4-6; Grimmette Dec. (PX 20) ¶¶ 4-6, 6; Hosang-Roberts (PX 21) ¶¶ 4, 22;
17 Jaundoo Dec. (PX 22) ¶ 4; Kline Dec. (PX 23) ¶¶ 5-6; Madson Dec. (PX 24) ¶¶ 5-
18 6; Mesler Dec. (PX 25) ¶¶ 4-5, 13; Monday Dec. (PX 26) ¶¶ 5-7, 22; Pickett Dec.
19 (PX 27) ¶¶ 5, 39; Tobias Dec. (PX 29) ¶¶ 3, 5, 16; Violante Dec. (PX 30) ¶ 10;
20 Ward Dec. (PX 32) ¶¶ 5-6, 18; McCloud Dec. (PX 40) ¶ 3; Phillips Dec. (PX 41)
21 ¶ 3; Cook Dec. (Ex. 628) ¶ 3; Faulkner Dec. (Ex. 629) ¶ 4; Greet Dec. (Ex. 630)
22 ¶¶ 4-5, 14; Hiatt Dec. (Ex. 631) ¶ 4; McHughes Dec. (Ex. 632) ¶¶ 3-5; Pisor Dec.
23 (Ex. 634) ¶ 2; Pratt Dec. (Ex. 635) ¶¶ 3, 5; Richey (Bobby) Dec. (Ex. 636 ¶¶ 4-5;
24 Richey (Carole) ¶ 3; Vieau Dec. (Ex. 640) ¶ 3; Woods Dec. (Ex. 642) ¶¶ 4-6, 2 on
25 the ground that the statement is argumentative as it implies that consumers paid
26 ATR in reliance on representations made during the sales calls and unsupported by
27 admissible evidence. Fed. R. Civ. P 56(c)(4).

1 FTC's Response: These objections should be overruled for the reasons set
2 out in GR 1 and 2.

3
4 Separate Statement Paragraph 345:

5 Defendants' Objections: Objection to Pickett Dec. (PX 27) ¶¶ 12, 26, 39,
6 Att. J; Hertzog Dec. (PX 43) ¶ 6; Faulkner Dec. (Ex. 629) ¶¶ 6, 12; McHughes
7 Dec. (Ex. 632) ¶ 5; Pratt Dec. (Ex. 635) ¶ 10; Byrd Dec. (PX 8) ¶ 24; Garcia Dep.
8 (Ex. 619) 209:23-210:24, Ex. 9 (Dec. ¶ 18) on the ground that the statement is
9 argumentative and unsupported by admissible evidence, McKenzie Dep. (Ex. 384)
10 76:16-22, 77:9-78:4; Ayaso Dep. (Ex. 379) 205:2-21, 212:13-16, Ex. 313; (Ex.
11 412) Call In database records 60920, 57092, 56851, 54281, 53579, 51243 (goal
12 reflects Pen Ab/PP (payment plan)); Garcia Dep. (Ex. 382) 176:2-5 (goal is what
13 client signed up for); Deft's. Am. Supp. Interrog. Resp. (Ex. 404) No. 16; Deft's
14 Furt. Resp. to RFPs (Ex. 405), Nos. 40, 41, Ex. C (spreadsheet from Call In
15 database records reflecting customers for whom installment agreements were
16 achieved and amount of fees paid). Fed. R. Civ. P 56(c)(4).

17 FTC's Response: These objections should be overruled for the reasons set
18 out in GR 1 and 2.

19
20 Separate Statement Paragraph 347:

21 Defendants' Objections: Objection to Dewese Dec. (PX 16) ¶ 23 on the
22 ground that the statement is argumentative in that it contends that customers did
23 not agree to pay ATR to arrange to have customers placed on uncollectible status
24 and unsupported by admissible evidence, Garcia Dep. (Ex. 382) 176:2-5 (goal is
25 what client signed up for); Deft's. Am. Supp. Interrog. Resp. (Ex. 404) No. 16;
26 Deft's Furt. Resp. to RFPs (Ex. 405) Nos. 45, 46, Ex. E. (spreadsheet from Call In
27 database records reflecting customers for whom non-collectible status was
28 achieved and amount of fees paid). Fed. R. Civ. P 56(c)(4).

1 FTC's Response: These objections should be overruled for the reasons set
2 out in GR 1 and 2.

3
4 Separate Statement Paragraph 348:

5 Defendants' Objections: Objection to Jaundoo Dec. (PX 22) ¶ 6; Cook Dec.
6 (Ex. 628) ¶ 5; Walker Dec. (Ex. 624) ¶ 8 on the ground that the statement is
7 argumentative in that it contends that customers did not agree to pay ATR to
8 enforce the statute of limitations on their tax debt and unsupported by admissible
9 evidence, Garcia Dep. (Ex. 382) 176:2-5, Ex. 333; (Ex. 402) Call In database
10 records 36823, 34454, 32785 (goal is what client signed up for), 175:5-12 (goal
11 field on record said "statute" which she understood to mean statute of limitations),
12 72:16-74:7, 74:10-16 (installment agreement is a strategy to permit time to go by
13 until statute of limitations expires); Ayaso Dep. (Ex. 379) 77:21-24, 78:3-7, 80:3-9,
14 12-15, 159:22-160:6, 8-11 (installment agreement is a strategy to permit time to go
15 by until statute of limitations expires); Deft's. Am. Supp. Interrog. Resp. (Ex. 404)
16 No. 16; Deft's Furt. Resp. to RFPs (Ex. 405) Nos. , Ex. D (spreadsheet from Call In
17 database records reflecting customers for whom statute of limitations was enforced
18 and amount of fees paid). Fed. R. Civ. P 56(c)(4).

19 FTC's Response: These objections should be overruled for the reasons set
20 out in GR 1 and 2.

21
22 Separate Statement Paragraph 349:

23 Defendants' Objections: Objection to Richey (Bobby) Dec. (Ex. 636) ¶ 13
24 ("I would have never paid ATR \$24,200 solely for the advice that I should file my
25 tax returns."); Ayaso Dep. (Ex. 612) 94:1-18, 95:4-13; Bachtle Dec. (Ex. 613) ¶ 7
26 on the ground that the statement is argumentative in that it contends that customers
27 did not agree to pay ATR to arrange to bring them into compliance with their
28 obligation to file tax returns and unsupported by admissible evidence. Call In

1 database notes reflect considerable work done for Richey (Ex. 410). Fed. R. Civ. P
2 56(c)(4).

3 FTC's Response: These objections should be overruled for the reasons set
4 out in GR 1 and 2.

5
6 Separate Statement Paragraph 352:

7 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
8 608) ¶ 27.n-o; McBee Dep. (Ex. 620) 129:6-131:2 on the ground that the statement
9 is vague as to time and person and unsupported by admissible evidence. Fed. R.
10 Evid. 602.

11 FTC's Response: These objections should be overruled for the reasons set
12 out in GR 1 and 2.

13
14 Separate Statement Paragraph 358:

15 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
16 608) ¶ 23.a-g; Menjivar Dec. (PX 1) ¶¶ 28-30, 33, 36-38, Atts. S-U, W, AACC;
17 McKenney Dec. (PX 2) ¶¶ 15-17 Atts. E-G; Grimmette Dec. (PX 20) ¶ 6; Pratt
18 Dec. (Ex. 635) ¶ 4; Violante Dec. (PX 30) ¶¶ 9, Att. A; Wales Dec. (PX 31) ¶ 5,
19 Att. A; Richey (Carole) Dec. (Ex. 637) ¶ 3; Deininger Dec. (Ex. 666) ¶ 8, Att. C on
20 the ground that the statement is unsupported by admissible evidence and lacks
21 foundation/assumes facts not in evidence/mischaracterizes evidence to the extent
22 the FTC seeks to extrapolate the statement as applicable to all consumers who did
23 not hire ATR. Fed. R. Evid. 602.

24 FTC's Response: These objections should be overruled for the reasons set
25 out in GR 1 and 2.

1 Separate Statement Paragraph 359:

2 Defendants' Objections: Objection to McBee Dep. (Ex. 620) 177:3-180:14,
3 Exs. 114 (one-week letter), 115 (one-month letter), 116 (three-month letter);
4 Menjivar Dec. (PX 1) ¶¶ 28-30, 36-38, Atts. S, AA (one-week letter), T, BB (one-
5 month letter), U, CC (three-month letter); McKenney Dec (PX 2) ¶¶ 15-16, Att. E
6 (one-week letter), Att. F (one-month letter), Att. G (three- month letter);
7 Grimmette Dec. (PX 20) ¶¶ 6-7, Att. B; Violante Dec. (PX 30) ¶ 9, Att. A; Wales
8 Dec. (PX 31) ¶ 5 Att. A; Pratt Dec. (Ex. 635) ¶ 4; Deininger Dec. (Ex. 666) ¶ 8,
9 Att. C on the ground that the statement is unsupported by admissible evidence and
10 lacks foundation/assumes facts not in evidence/mischaracterizes evidence to the
11 extent the FTC seeks to extrapolate the statement as applicable to all consumers
12 who did not hire ATR. Fed. R. Evid. 602.

13 FTC's Response: These objections should be overruled for the reasons set
14 out in GR 1 and 2.

15
16 Separate Statement Paragraph 366:

17 Defendants' Objections: Objection to McBee Dep. (Ex. 620) 28:22-29:5;
18 Menjivar Dec. (PX 1) ¶ 33, Att. W (5:15-16, 22-24); Violante Dec. (PX 30) ¶ 9
19 (“called . . . approximately 6 times to solicit my business”); Wales Dec. (PX 31)
20 ¶ 12; Deininger Dec. (Ex. 666) ¶ 8; Richey (Carole) Dec. (Ex. 637) ¶ 3; Menjivar
21 Dec. (Ex. 665) ¶¶ 10-11, Att. F (p. 6) (photograph of “Follow Up” script posted at
22 ATR premises) on the ground that the statement is unsupported by admissible
23 evidence and lacks foundation/assumes facts not in evidence/mischaracterizes
24 evidence to the extent the FTC seeks to extrapolate the statement as applicable to
25 all consumers who did not hire ATR. Fed. R. Evid. 602.

26 FTC's Response: These objections should be overruled for the reasons set
27 out in GR 1 and 2.

28

1 Separate Statement Paragraph 368:

2 Defendants' Objections: Objection to Fullerton Dec. (PX 18) ¶ 7; Hertzog
3 Dec. (PX 43) ¶ 5; Cochran Dec. (Ex. 627) ¶ 9; Pisor Dec. (Ex. 634) ¶ 7; Richey
4 (Bobby) Dec. (Ex. 636) ¶ 11; Stevenson Dec. (Ex. 639) ¶ 7 on the ground that the
5 statement is unsupported by admissible evidence and irrelevant since the FTC
6 admitted in response to RFAs 48 and 49 that they have not challenged advertising
7 claims relating to bank levies and wage garnishments, FTC's RFA Resp., Nos. 48-
8 49 (Ex. 400). Fed. R. Evid. 401, 402.

9 FTC's Response: These objections should be overruled for the reasons set
10 out in GR 1 and 2. The FTC's responses to RFAs 48 and 49, in which the FTC
11 states it has not challenged Defendants' advertising claims pertaining to bank
12 levies or wage garnishments, do not make the FTC's evidence inadmissible, and
13 Defendants cite to no authority for this proposition, thus failing to comply with this
14 Court's Standing Order. (Dkt. No. 205 at 12:20-21 (evidentiary objection must
15 include "citation to authority").)

16
17 Separate Statement Paragraph 369:

18 Defendants' Objections: Objection to Deweese Dec. (PX 16) ¶¶ 17-18, 26;
19 Madson Dec. (PX 24) ¶ 16, Att. E; Mesler Dec. (PX 25) ¶ 8; Ward Dec. (PX 32)
20 ¶ 13; McHughes Dec. (Ex. 632) ¶¶ 7-8; Richey (Bobby) Dec. (Ex. 636) ¶¶ 9, 11 on
21 the ground that the statement is unsupported by admissible evidence since the FTC
22 admitted in response to RFAs 48 and 49 that they have not challenged advertising
23 claims relating to bank levies and wage garnishments, FTC's RFA Resp., Nos. 48-
24 49 (Ex. 400).

25 FTC's Response: This objection should be overruled for the reasons set out
26 in GR 2. The FTC's responses to RFAs 48 and 49, in which the FTC states it has
27 not challenged Defendants' advertising claims pertaining to bank levies or wage
28 garnishments, do not make the FTC's evidence inadmissible, and Defendants cite

1 to no authority for this proposition, thus failing to comply with this Court's
2 Standing Order. (Dkt. No. 205 at 12:20-21 (evidentiary objection must include
3 "citation to authority".))

4
5 Separate Statement Paragraph 372:

6 Defendants' Objections: Objection to McBee Dep. (Ex. 620) 139:4-141:15,
7 147:8-24, Ex. 117; Deweese Dec. (PX 16) ¶ 7, Att. B (p. 2); Dillon Dec. (PX 17)
8 ¶ 9, Att. B (p. 2); Gaunt Dec. (PX 19) ¶ 8, Att. B (p. 2); Grimmette Dec. (PX 20)
9 ¶ 7, Att. B; Kline Dec. (PX 23) ¶ 7, Att. A; Monday Dec. (PX 26) ¶ 11, Att. C;
10 Pickett Dec. (PX 27) ¶ 9, Att. B (p. 2); Rutenbeck Dec. (PX 28) ¶ 9, Att. C; Woods
11 Dec. (Ex. 642) ¶ 9, Att. C on the ground that the statement is vague, argumentative,
12 and unsupported by admissible evidence. Fed. R. Evid. 602 (vague); Fed. R. Civ.
13 P. 56(c)(4) (argumentative).

14 FTC's Response: These objections should be overruled for the reasons set
15 out in GR 1 and 2.

16
17 Separate Statement Paragraph 373:

18 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J
19 (Admission, ATR RFA 253); Adv. Inf., Hahn and Park RFA (Ex. 599) 253; Adv.
20 Inf., Def. Hahn Stip. Dec. (Ex. 608) ¶¶ 21.ffff-gggg, 30.c, 36.dd; Former
21 Employees: Bachtle Dec. (Ex. 613) ¶ 10; Badr Dec. (Ex. 614) ¶ 9; McBee Dep.
22 (Ex. 620) 139:4-141:15, 147:8-24, Ex. 117; Investigators: Cagnacci Dec. (Ex. 663)
23 ¶¶ 2-3, Exs. 501, 503; McKenney Dec. (PX 2) ¶¶ 13, 22; Consumers: Deweese
24 Dec. (PX 16) ¶ 5; Gaunt Dec. (PX 19) ¶ 6; Grimmette Dec. (PX 20) ¶ 5; Hosang-
25 Roberts Dec. (PX 21) ¶¶ 6, 22; Jaundoo Dec. (PX 22) ¶ 4; Mesler Dec. (PX 25)
26 ¶ 5; Monday Dec. (PX 26) ¶ 7; Pickett Dec. (PX 27) ¶ 6; Woods Dec. (Ex. 642)

1 ¶ 9, Att. C on the ground that the statement is unsupported by admissible evidence.
2 There is no evidence that consumers were not told of the refund policy by phone if
3 they asked during the call.

4 FTC's Response: These objections should be overruled for the reasons set
5 out in GR 2. Defendants also do not cite to any authority to support their
6 evidentiary objection, and thus fail to comply with this Court's Standing Order.
7 (Dkt. No. 205 at 12:20-21 (evidentiary objection must include "citation to
8 authority".))

9
10 Separate Statement Paragraph 374:

11 Defendants' Objections: Objection to Dewese Dec. (PX 16) ¶ 7 (received
12 package approx. one week); Dillon Dec. (PX 17) ¶ 9 (one week); Grimmette Dec.
13 (PX 20) ¶ 7, Att. B; Jaundoo Dec. (PX 22) ¶ 5 (a week or so); Kline Dec. (PX 23)
14 ¶ 7, Att. A; Madson Dec. (PX 24) ¶ 9 (a week or two); Mesler Dec. (PX 25) ¶ 6
15 (within a week); Monday Dec. (PX 26) ¶ 11, Att. C (postmark shows package
16 mailed day after hiring ATR); Wales Dec. (PX 31) ¶ 17, Att. C; Woods Dec. (Ex.
17 642) ¶ 9 (received package one day before policy expired) on the ground that the
18 statement is vague as to time and person, and unsupported by admissible evidence.
19 Fed. R. Evid. 602 (vague).

20 FTC's Response: These objections should be overruled for the reasons set
21 out in GR 1 and 2.

22
23 Separate Statement Paragraph 376:

24 Defendants' Objections: Objection to Gaunt Dec. (PX 19) ¶ 8; Hosang-
25 Roberts Dec. (PX 21) ¶ 14; Jaundoo Dec. (PX 22) ¶¶ 7-8; Pratt Dec. (Ex. 635) ¶ 8
26 on the ground that the statement is vague as to time and person, overbroad,
27 unsupported by admissible evidence, and lacks foundation/assumes facts not in
28 evidence/mischaracterizes evidence to the extent the FTC seeks to extrapolate the

1 statement as applicable to all consumers who received a letter in the mail from
2 ATR. Fed. R. Evid. 602.

3 FTC's Response: These objections should be overruled for the reasons set
4 out in GR 1 and 2.

5
6 Separate Statement Paragraph 377:

7 Defendants' Objections: Objection to McBee Dep. (Ex. 620) 141:18-142:6,
8 Ex. 119; Dillon Dec. (PX 17), ¶ 9, Att. B (p. 3); Gaunt Dec. (PX 19) ¶ 8, Att. B (p.
9 6); Monday Dec. (PX 26) ¶ 11, Att. C; Woods Dec. (Ex. 642) ¶ 9, Att. C on the
10 ground that the statement is vague as to time and person and argumentative. Fed.
11 R. Evid. 602 (vague); Fed. R. Civ. P. 56(c)(4) (argumentative).

12 FTC's Response: These objections should be overruled for the reasons set
13 out in GR 1.

14
15 Separate Statement Paragraph 378:

16 Defendants' Objections: Objection to McBee Dep. (Ex. 620) 142:7-143:9,
17 Ex. 120; Hahn 2/18/11 Dec. (Ex. 670) ¶ 3 (“lengthy questionnaires”); Dillon Dec.
18 (PX 17), ¶ 9, Att. B, pp.4-13; Gaunt Dec. (PX 19) ¶ 8, Att. B (pp. 7- 16); Monday
19 Dec. (PX 26) ¶ 11, Att. C; Pickett Dec. (PX 27) ¶ 9, Att. B (pp. 6-15); Woods Dec.
20 (Ex. 642) ¶ 9, Att. C on the ground that the statement is vague as to time and
21 person and argumentative. Fed. R. Evid. 602 (vague); Fed. R. Civ. P. 56(c)(4)
22 (argumentative).

23 FTC's Response: These objections should be overruled for the reasons set
24 out in GR 1.

25
26 Separate Statement Paragraph 379:

27 Defendants' Objections: Objection to McBee Dep. (Ex. 620) 143:10-
28 144:12, Ex. 121; Dillon Dec. (PX 17), ¶ 9, Att. B (p. 14) on the ground that the

1 statement is vague as to time and person and argumentative. Fed. R. Evid. 602
2 (vague); Fed. R. Civ. P. 56(c)(4) (argumentative).

3 FTC's Response: These objections should be overruled for the reasons set
4 out in GR 1.

5
6 Separate Statement Paragraph 380:

7 Defendants' Objections: Objection to McBee Dep. (Ex. 620) 144:13-145:4,
8 Ex. 122; Hahn 2/18/11 Dec. (Ex. 670) ¶ 3 ("lengthy questionnaires"); Dillon Dec.
9 (PX 17), ¶ 9, Att. B (pp. 15-24); Monday Dec. (PX 26) ¶ 11, Att. C on the ground
10 that the statement is vague as to time and person and argumentative. Fed. R. Evid.
11 602 (vague); Fed. R. Civ. P. 56(c)(4) (argumentative).

12 FTC's Response: These objections should be overruled for the reasons set
13 out in GR 1.

14
15 Separate Statement Paragraph 381:

16 Defendants' Objections: Objection to McBee Dep. (Ex. 620) 145:5-17, Ex.
17 123; Dillon Dec. (PX 17), ¶ 9, Att. B (pp. 26-28); Gaunt Dec. (PX 19) ¶ 8, Att. B
18 (pp. 17- 19); Monday Dec. (PX 26) ¶ 11, Att. C; Woods Dec. (Ex. 642) ¶ 9, Att. C
19 on the ground that the statement is vague and argumentative. Fed. R. Evid. 602
20 (vague); Fed. R. Civ. P. 56(c)(4) (argumentative).

21 FTC's Response: These objections should be overruled for the reasons set
22 out in GR 1.

23
24 Separate Statement Paragraph 382:

25 Defendants' First Objection: Objection to Mosessian Dec. (Ex. 621) ¶ 11 on
26 the ground that the statement is unsupported by admissible evidence and lacks
27 foundation/assumes facts not in evidence/mischaracterizes evidence, McBee Dep.
28 (Ex. 383) 25:3-5 ("we didn't have a shredder"). Uncorroborated testimony of one,

1 9 month employee. cannot be attributed to ATR and all other employees, when
2 relevant time period is over ten years of business. Fed. R. Evid. 602.

3 FTC's Response: These objections should be overruled for the reasons set
4 out in GR 1 and 2.

5 Defendants' Second Objection: Objection to Adv. Inf., Def. Hahn Stip. Dec.
6 (Ex. 608) ¶¶ 19.yy-bbb, 25.oo- qq; on the ground that the statement is not
7 supported by independent admissible evidence and therefore an adverse inference
8 is improper. *Doe v. Glazer*, 232 F.3d 1258, 1264 (9th Cir. 2000) (holding that an
9 "adverse inference can only be drawn when independent evidence exists of the fact
10 to which the party refuses to answer").

11 FTC's Response: Independent admissible evidence exists in the form of the
12 declaration of Christine Mosessian Dec. (Ex. 621) at ¶ 11. Therefore, the adverse
13 inference is permissible, and Defendants' objection should be overruled.

14
15 Separate Statement Paragraph 383:

16 Defendants' Objections: Objection to Byrd Dec. (PX 8) ¶¶ 3, 19 ("worked
17 on approximately 150 to 300 client files" in three and a half months); Ayaso Dep.
18 (Ex. 612) 81:11-25, Ex. 307 (Dec. ¶ 13) ("worked on approximately 250 client
19 files" in approximately 2 years); Garcia Dep. (Ex. 619) 209:23-210:24, Ex. 9
20 (Dec.¶ 23) ("worked on at least 200 to 300 client files" in six months); McBee
21 Dep. (Ex. 620) 208:22- 210:14, Ex. 124 (Dec. ¶ 26); Menjivar Dec. (PX 1) ¶ 60.v,
22 Att. JJJ (p. 3) (internal memo from tax resolution employee complaining that
23 "ATR is understaffed and the employees are overloaded"); Menjivar Dec. (PX 33)
24 ¶ 25 (263 client files found at one tax resolution employee's desk) on the ground
25 that the statement is vague and unsupported by admissible evidence, as the fact that
26 a Tax resolution employee may have worked on hundreds of files over a period of
27 months or years does not establish that they worked on hundreds of cases at one
28 time. Fed. R. Evid. 602.

1 FTC’s Response: These objections should be overruled for the reasons set
2 out in GR 1 and 2.

3
4 Separate Statement Paragraph 384:

5 Defendants’ Objections: Objection to Byrd Dec. (PX 8) ¶ 29 (“impossible to
6 keep up with the high volume of files”); Garcia Dep. (Ex. 619) 209:23-210:24, Ex.
7 9 (Dec. ¶ 14) (compared working at ATR to “the ‘I Love Lucy’ chocolate bonbon
8 episode”); McBee Dep. (Ex. 620) 208:22-210:14, Ex. 124 (Dec. ¶ 26); Walker
9 Dec. (Ex. 624) ¶ 4 (“difficult to keep up with the cases at ATR”) Menjivar Dec.
10 (PX 1) ¶ 60.v, Att. JJJ (p. 3) (“understaffed and . . . overloaded”) on the ground
11 that the statement is vague as to time and person, argumentative, and unsupported
12 by admissible evidence, Brandon Dec. (Ex. 390) ¶¶ 1-8. (describing work as Tax
13 Resolution specialist, no State Bar action, satisfied customers). Fed. R. Evid. 602
14 (vague); Fed. R. Civ. P. 56(c)(4) (argumentative).

15 FTC’s Response: These objections should be overruled for the reasons set
16 out in GR 1 and 2.

17
18 Separate Statement Paragraph 386:

19 Defendants’ Objections: Objection to Ayaso Dep. (Ex. 612) 243:4-22;
20 Walker Dec. (Ex. 624) ¶ 6 on the ground that the statement is argumentative and
21 unsupported by admissible evidence, Brandon Dec. (Ex. 390) ¶¶ 5, 7 (information
22 provided by customer to sales representative was different than what documents
23 later provided by customer reflected; sales representatives and tax resolution
24 employees communicated regularly). Fed. R. Civ. P. 56(c)(4).

25 FTC’s Response: These objections should be overruled for the reasons set
26 out in GR 1 and 2.

1 Separate Statement Paragraph 387:

2 Defendants' Objections: Objection to Garcia Dep. (Ex. 619) 283:18-284:16;
3 Singh Dep. (Ex. 623) 64:23-65:9, 147:13-149:1, Ex. 338 (Dec. ¶ 10); Walker Dec.
4 (Ex. 624) ¶ 6 on the ground that the statement is argumentative and unsupported by
5 admissible evidence, Brandon Dec. (Ex. 390) ¶¶ 5, 7 (information provided by
6 customer to sales representative was different than what documents later provided
7 by customer reflected; sales representatives and tax resolution employees
8 communicated regularly). Fed. R. Civ. P. 56(c)(4).

9 FTC's Response: These objections should be overruled for the reasons set
10 out in GR 1 and 2.

11
12 Separate Statement Paragraph 388:

13 Defendants' Objections: Objection to Deweese Dec. (PX 16) ¶ 13;
14 Grimmette Dec. (PX 20) ¶ 10 (“waited patiently for approximately nine months”);
15 Tobias Dec. (PX 29) ¶ 9; Seward Dec. (PX 42) ¶ 4 (“waited months”); Pisor Dec.
16 (Ex. 634) ¶¶ 3-4 on the ground that the statement is vague as to person,
17 argumentative, and unsupported by admissible evidence. Fed. R. Evid. 602
18 (vague); Fed. R. Civ. P. 56(c)(4).

19 FTC's Response: These objections should be overruled for the reasons set
20 out in GR 1 and 2.

21
22 Separate Statement Paragraph 389:

23 Defendants' Objections: Objection to Coleman Dep. (Ex. 616) 27:19-28:18,
24 38:24-39:7, 55:20-56:7, Ex. 358 (Dec.) ¶ 8; Deweese Dec. (PX 16) ¶ 13; Fullerton
25 Dec. (PX 18) ¶ 6; Kline Dec. (PX 23) ¶¶ 10-12; Pickett Dec. (PX 27) ¶ 20; Seward
26 Dec. (PX 42) ¶ 5; McHughes Dec. (Ex. 632) ¶ 7; Pisor Dec. (Ex. 634) ¶ 3; Richey
27 (Bobby) Dec. (Ex. 636) ¶ 10; Vieau Dec. (Ex. 640) ¶ 5 (called 25 to 30 times in 3
28 months) on the ground that the statement is argumentative, vague as to time and

1 persons, unsupported by admissible evidence, and lacks foundation/assumes facts
2 not in evidence/mischaracterizes evidence, as what may have happened to a few
3 customers when compared to nearly 20,000 customers over more than 10 years
4 cannot be attributed to all cases over all years, Ayaso Dep. (Ex. 379) 105:12-
5 106:13, 16-19, 21, 112:15-21, 113:14-21, 114:3-9, 12, 15-24, 115:2, 127:19-
6 128:10, 13-15, 17-18, 129: 14-15, 17, 19-20, 129:22-130:8, 140:10-15, 17-19, 21-
7 25, 173:24-175:7, Exs. 308, 309, 311 (various entries on Call In database records
8 indicating and testimony that consumer's calls were returned). Fed. R. Civ. P.
9 56(c)(4) (argumentative); Fed. R. Evid. 602 (vague; lacks foundation/assumes facts
10 not in evidence/mischaracterizes evidence).

11 FTC's Response: These objections should be overruled for the reasons set
12 out in GR 1 and 2.

13
14 Separate Statement Paragraph 390:

15 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
16 608) ¶ 36. ff-jj; Grimmette Dec. (PX 20) ¶ 10; Kline Dec. (PX 23) ¶ 10; Mesler Dec
17 (PX 25) ¶¶ 7-8, 13; Pickett Dec. (PX 27) ¶¶ 14, 22; Boyd Dec. (PX 38) ¶ 4;
18 McCloud Dec. (PX 40) ¶ 4; Hiatt Dec. (Ex. 631) ¶ 10; McHughes Dec. (Ex. 632)
19 ¶¶ 7-9, 13-14; Pisor Dec. (Ex. 634) ¶ 3; Pratt Dec. (Ex. 635) ¶ 8; Richey (Bobby)
20 Dec. (Ex. 636) ¶¶ 8, 10-11 on the ground that the statement is argumentative,
21 vague as to time and persons, unsupported by admissible evidence, and lacks
22 foundation/assumes facts not in evidence/mischaracterizes evidence, as what may
23 have happened to a few customers when compared to nearly 20,000 customers
24 over more than 10 years cannot be attributed to all cases over all years, (Exs. 392,
25 393, 394, 395, 396, 397); Brandon Dec. (Ex. 390) ¶ 6 (serviced numerous
26 customers who were "extremely pleased with the results ATR was able to achieve
27 for them"); Ayaso Dep. (Ex. 379) 105:12-106:13, 16-19, 21, 112:15-21, 113:14-
28 21, 114:3-9, 12, 15-24, 115:2, 127:19-128:10, 13-15, 17-18, 129: 14-15, 17, 19-20,

1 129:22-130:8, 140:10-15, 17-19, 21-25, 173:24-175:7, Exs. 308, 309, 311 (various
2 entries on Call In database records indicating and testimony that updated
3 information was provided to consumers). Fed. R. Civ. P. 56(c)(4) (argumentative);
4 Fed. R. Evid. 602 (vague; lacks foundation/assumes facts not in
5 evidence/mischaracterizes evidence).

6 FTC's Response: These objections should be overruled for the reasons set
7 out in GR 1 and 2.

8
9 Separate Statement Paragraph 392:

10 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
11 608) ¶ 36.ss; Adv. Inf., Def. Park Stip. Dec. (Ex. 608) ¶ 17.ee, ss; Byrd Dec. (PX
12 8) ¶¶ 20, 23; Ayaso Dep. (Ex. 612) 81:11-25, Ex. 307 (Dec. ¶ 11) ("99% . . . did
13 not qualify for OICs"); Garcia Dep. (Ex. 619) 209:23-210:24, Ex. 9 (Dec. ¶¶ 15,
14 17, 20, 24); Singh Dep. (Ex. 623) 64:23-65:9, Ex. 338 (Dec. ¶ 9); Walker Dec. (Ex.
15 624) ¶ 5 on the ground that the statement is vague as to time and persons,
16 argumentative, and unsupported by admissible evidence, Deft's. Am. Supp.
17 Interrog. Resp. (Ex. 404) No. 8; Deft's. Furt. Resp. to RFPs (Ex. 405) Nos. 58, Ex.
18 F (spreadsheet from Call In database reflecting successful results). Fed. R. Evid.
19 602 (vague); Fed. R. Civ. P. 56(c)(4) (argumentative).

20 FTC's Response: These objections should be overruled for the reasons set
21 out in GR 1 and 2.

22
23 Separate Statement Paragraph 393:

24 Defendants' Objections: Objection to Byrd Dec. (PX 8) ¶¶ 20, 23; Ayaso
25 Dep. (Ex. 612) 81:11-25, Ex. 307 (Dec. ¶¶ 7, 11-12); Bachtel Dec. (Ex. 613) ¶ 2,
26 Ex. 487 (10/18/10 Dec. ¶ 9); Garcia Dep. (Ex. 619) 209:23-210:24, Ex. 9 (Dec.
27 ¶¶ 23-24); McBee Dep. (Ex. 620) 208:22-210:14, Ex. 124 (Dec. ¶ 26); Singh Dep.
28 (Ex. 623) 64:23-65:9, 147:13-24, Ex. 338 (Dec. ¶ 9); Walker Dec. (Ex. 624) ¶ 5 on

1 the ground that the statement is vague as to time and persons, argumentative,
2 unsupported by admissible evidence, and lacks foundation/assumes facts not in
3 evidence/mischaracterizes evidence, as what may have happened to a few
4 customers when compared to nearly 20,000 customers over more than 10 years
5 cannot be attributed to all cases over all years, Ayaso Dep. (Ex.379) 150:1-14;
6 170:10-13; 171:1-9; 185:7-186:6; 205:2-9; 206:22-207:9; 269:9-12; 215:9-15, Exs.
7 310-316. (relief sold was achieved for customers). Fed. R. Evid. 602 (vague; lacks
8 foundation/assumes facts not in evidence/mischaracterizes evidence); Fed. R. Civ.
9 P. 56(c)(4) (argumentative).

10 FTC's Response: These objections should be overruled for the reasons set
11 out in GR 1 and 2.

12
13 Separate Statement Paragraph 395:

14 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
15 608) ¶ 36.ss-tt; Adv. Inf., Def. Park Stip. Dec. (Ex. 608) ¶ 17(tt); Byrd Dec. (PX 8)
16 ¶¶ 21, 23; Ayaso Dep. (Ex. 612) 81:11- 25, Ex. 307 (Dec. ¶¶ 7, 11-13, 16-17);
17 Bachtle Dec. (Ex. 613) ¶ 2, Ex. 487 (10/18/10 Dec. ¶ 9); Garcia Dep. (Ex. 619)
18 209:23- 210:24, Ex. 9 (Dec. ¶¶ 15-18, 20, 23-24); Singh Dep. (Ex. 623) 64:23-
19 65:9, Ex. 338 (Dec. ¶ 9); Walker Dec. (Ex. 624) ¶¶ 5, 7-8 on the ground that the
20 statement is vague, argumentative, and unsupported by admissible evidence,
21 Seaman Dep. (Ex. 386) 210:1-21 (in some cases, customers failed to provide
22 information needed to obtain relief for over two years and nothing could be done
23 for them without their information); Gordon Dec. (Ex. 407) ¶ 9; Pismopolous Dep.
24 (Ex. 385) 23:22-24:13 (customers failed to fill out questionnaires and provide
25 needed documents preventing ATR from getting tax relief); Ayaso Dep. (Ex. 379)
26 139:10-13, 15-23, 181:9-16, 20-182:8, 10-14, 16-18 (frequently had to go back to
27 clients for missing information needed for relief); Garcia Dep. (Ex. 382) 224:20-
28 24, 225:1-2 (clients sometimes failed to provide information); Singh Dep. (Ex.

1 387) 48:15-19, 21-49:2, 49:5-18 (sometimes it took 30, 60, 90 days, even longer to
2 get information from clients). Fed. R. Evid. 602 (vague); Fed. R. Civ. P. 56(c)(4)
3 (argumentative).

4 FTC's Response: These objections should be overruled for the reasons set
5 out in GR 1 and 2.

6
7 Separate Statement Paragraph 396:

8 Defendants' Objections: Objection to Byrd Dec. (PX 8) ¶ 23; Ayaso Dep.
9 (Ex. 612) 81:11-25, Ex. 307 (Dec. ¶¶ 13) (noting Circular 230 prohibits filing
10 frivolous applications); Garcia Dep. (Ex. 619) 209:23-210:24, Ex. 9 (Dec. ¶ 24);
11 Singh Dep. (Ex. 623) 64:23-65:9, Ex. 338 (Dec. ¶¶ 9, 11); Walker Dec. (Ex. 624)
12 ¶ 6 (noting Circular 230 prohibits filing frivolous application) on the ground that
13 the statement is vague as to time and person. Fed. R. Evid. 602.

14 FTC's Response: These objections should be overruled for the reasons set
15 out in GR 1.

16
17 Separate Statement Paragraph 397:

18 Defendants' Objections: Objection to Ayaso Dep. (Ex. 612) 81:11-
19 25,195:21-25, 199:25-202:12, Ex. 307 (Dec. ¶ 17) on the ground that the statement
20 is vague as to time and person. Fed. R. Evid. 602.

21 FTC's Response: These objections should be overruled for the reasons set
22 out in GR 1.

23
24 Separate Statement Paragraph 398:

25 Defendants' Objections: Objection to Dewese Dec. (PX 16) ¶¶ 10, 16, Att.
26 E; Madson Dec. (PX 24) ¶¶ 10, 13; Menjivar Dec. (Ex. 665) ¶¶ 15, 17, Att. H
27 (spreadsheet of ATR notes about hiding customers' assets or income) on the
28

1 ground that the statement is vague as to time and person and unsupported by
2 admissible evidence. Fed. R. Evid. 602.

3 FTC's Response: These objections should be overruled for the reasons set
4 out in GR 1 and 2. Statements on the cited spreadsheet are admissible as
5 statements of an opposing party. Fed. R. Evid. 801(d)(2).

6
7 Separate Statement Paragraph 399:

8 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J
9 (Admission, ATR RFA 285, 288); Adv. Inf., Hahn and Park RFA (Ex. 599) 285,
10 288; Dewese Dec. (PX 16) ¶ 19; Madson Dec. (PX 24) ¶ 13; Seward Dec. (PX
11 42) ¶ 5; Pratt Dec. (Ex. 635) ¶ 7; Byrd Dec. (PX 8) ¶ 21; Ayaso Dep. (Ex. 612)
12 81:11-25, Ex. 307 (Dec. ¶ 17); Mosessian Dec. (Ex. 621) ¶ 2; McBee Dep. (Ex.
13 620) 54:19-24 on the ground that the statement is vague as to time and person and
14 unsupported by admissible evidence, McKenzie Dep. (Ex. 384) 92:13-18, 93:6-
15 94:18 (75% of OIC's are obtained after an appeal). Fed. R. Evid. 602.

16 FTC's Response: These objections should be overruled for the reasons set
17 out in GR 1 and 2.

18
19 Separate Statement Paragraph 400:

20 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,
21 Ex. 1002 (Expert Report ¶¶ 127-166) on the ground that the statement is improper
22 argument, disputed expert opinion, and unsupported by admissible evidence,
23 Brandon Dec. (Ex. 390) ¶¶ 10-27 (disputing expert conclusions and providing
24 substantiation for conclusions reached re qualifications). Fed. R. Civ. P. 56(c)(4)
25 (improper argument); Fed. R. Evid. 702 (improper expert opinion).

26 FTC's Response: These objections should be overruled for the reasons set
27 out in GR 1, 2 and 3. Mr. McKenzie's expert opinion on whether the callers in the
28 undercover calls qualified for the Offers in Compromise or Penalty Abatements for

1 which the Defendants' sales representatives told them they qualified, is admissible
2 because: (a) his specialized knowledge will help the trier of fact to understand the
3 evidence; (b) his testimony is based on sufficient facts and data; (c) his testimony
4 is the product of reliable principles and methods; and (d) he has reliably applied to
5 principles and methods to the facts of the case. Fed. R. Evid. 702.

6
7 Separate Statement Paragraph 401:

8 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J
9 (Admission, ATR RFA 282-284); Adv. Inf., Hahn and Park RFA (Ex. 599) 282-
10 284; Dewese Dec. (PX 16) ¶¶ 34-35; Grimmette Dec. (PX 20) ¶ 19; Kline Dec.
11 (PX 23) ¶ 15; Madson Dec. (PX 24) ¶ 26; Mesler Dec. (PX 25) ¶¶ 9-10, 13;
12 Monday Dec. (PX 26) ¶ 20; Pickett Dec. (PX 27) ¶ 39; Tobias Dec. (PX 29) ¶¶ 13-
13 14, 16; Violante Dec. (PX 30) ¶¶ 23-24; Ward Dec. (PX 32) ¶ 18; Isom Dec. (PX
14 39) ¶¶ 5-6; McCloud Dec. (PX 40) ¶¶ 5-6; Phillips Dec (PX 41) ¶¶ 5-7; Seward
15 Dec. (PX 42) ¶¶ 5-7; Cochran Dec. (Ex. 627) ¶ 11; Faulkner Dec. (Ex. 629) ¶ 12;
16 Greet Dec. (Ex. 630) ¶¶ 14-15; Hiatt Dec. (Ex. 631) ¶¶ 3, 10; McHughes Dec. (Ex.
17 632) ¶ 14; Pisor Dec. (Ex. 634) ¶¶ 2, 7; Pratt Dec. (Ex. 635) ¶ 10; Richey (Carole)
18 (Ex. 637) ¶ 8; Stevenson Dec. (Ex. 639) ¶ 7; Vieau Dec. (Ex. 640) ¶ 7; Wilson
19 Dec. (Ex. 641) ¶ 8 on the ground that the statement is vague as to time and person
20 as well as "significant" and "majority," argumentative, and unsupported by
21 admissible evidence, Deft's Am. Supp. Interrog. Resp. (Ex. 404), No. 12; Defts'
22 Furt. Resp. to RFPs (Ex. 405), No. 30, Ex. A (Based on readily available data in
23 the Call-In database, ATR saved clients a total of at least \$34,337,992 in taxes by
24 obtaining OICs). Fed. R. Evid. 602 (vague); Fed. R. Civ. P. 56(c)(4)
25 (argumentative).

26 FTC's Response: These objections should be overruled for the reasons set
27 out in GR 1 and 2.

28

1 Separate Statement Paragraph 404:

2 Defendants' Objections: Objection to Byrd Dec. (PX 8) ¶¶ 3, 23 (from
3 Sept.-Dec. 2004 only obtained one OIC); Ayaso Dep. (Ex. 612) 81:11-25, Ex. 307
4 (Dec. ¶¶ 2, 13) (from Aug. 2006-Nov. 2008 obtained one or two OICs); Garcia
5 Dep. (Ex. 619) 209:23- 210:24, Ex. 9 (Dec. ¶¶ 3, 23-24) (July-Dec. 2004) (reduced
6 tax debt of only approximately two customers); Singh Dep. (Ex. 623) 64:23-65:9,
7 Ex. 338 (Dec. ¶¶ 2, 9) (from Jan.-Aug. 2003 only obtained approximately two
8 OICs); Walker Dec. (Ex. 624) ¶¶ 2, 5 (from Jan. 2001-Sept. 2002, only obtained "a
9 very small number" of OICs and did not obtain any PAs); Menjivar Dec. (Ex. 665)
10 ¶¶ 29-33, Atts. P-Q on the ground that the statement is vague, argumentative, and
11 unsupported by admissible evidence, Ex. A Deft's. Am. Supp. Interrog. Resp. (Ex.
12 404) Nos. 8, 16; Deft's. Furt. Resp. to RFPs. (Ex. 405), No. 58, Ex. F (spreadsheet
13 reflecting tax relief achieved for customers), No. 30, Ex. A (Based on readily
14 available data in the Call-In database, ATR saved clients a total of at least
15 \$34,337,992 in taxes by obtaining OICs); Menjivar Dep. (Ex. 401) 37:14 - 38:4,
16 Ex. 376 ¶¶ 48-59, Atts. E-J. Fed. R. Evid. 602 (vague); Fed. R. Civ. P. 56(c)(4)
17 (argumentative).

18 FTC's Response: These objections should be overruled for the reasons set
19 out in GR 1 and 2.

20
21 Separate Statement Paragraph 407:

22 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
23 608) ¶ 28, gg-uu; Deweese Dec. (PX 16) ¶¶ 34-35; Phillips Dec. (PX 41) ¶¶ 4-5, 7;
24 Pisor Dec. (Ex. 634) ¶ 6; Richey (Carole) Dec. (Ex. 637) ¶ 6 on the ground that the
25 statement is unsupported by admissible evidence.

26 FTC's Response: This objection should be overruled for the reasons set out
27 in GR 2. Defendants also do not cite to any authority to support their evidentiary
28

1 objection, and thus fail to comply with this Court’s Standing Order. (Dkt. No. 205
2 at 12:20-21 (evidentiary objection must include “citation to authority”).)

3
4 Separate Statement Paragraph 409:

5 Defendants’ Objections: Objection to Seward Dec. (PX 42) ¶¶ 6-7; Vieau
6 Dec. (Ex. 640) ¶ 4 on the ground that the statement is vague as to time and person,
7 overbroad, unsupported by admissible evidence, and lacks foundation/assumes
8 facts not in evidence/mischaracterizes evidence, as what may have happened to
9 two customers when compared to nearly 20,000 customers over more than 10 years
10 does not support the implication of the statement. Fed. R. Evid. 602.

11 FTC’s Response: These objections should be overruled for the reasons set
12 out in GR 1 and 2.

13
14 Separate Statement Paragraph 410:

15 Defendants’ Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
16 608) ¶ 36.z; Adv. Inf., Def. Park Stip. Dec. (Ex. 608) ¶ 17.z; Menjivar Dec. (PX 1)
17 Att. 33:10- 13 (“Who is it that you bank with? ... What is your Social for the file
18 here?”) 65:1-2 (“grab your checkbook”), Att. 44:23 (“So, who do you bank with?”)
19 , 45:12- 19 (“So, on the Wachovia account, how does your name appear? . . . I
20 need to get some accounting information from you on the Wachovia account, so
21 grab your checkbook”); Wales Dec. (PX 31) ¶ 9 on the ground that the
22 statement is vague as to time and persons, overbroad, and unsupported by
23 admissible evidence. Fed. R. Evid. 602.

24 FTC’s Response: These objections should be overruled for the reasons set
25 out in GR 1 and 2.

1 Separate Statement Paragraph 411:

2 Defendants' Objections: Objection to Wales Dec. (PX 31) ¶¶ 13, 15, 17,
3 Att. D on the ground that the statement is unsupported by admissible evidence.

4 FTC's Response: This objection should be overruled for the reasons set out
5 in GR 2. Defendants also do not cite to any authority to support their evidentiary
6 objection, and thus fail to comply with this Court's Standing Order. (Dkt. No. 205
7 at 12:20-21 (evidentiary objection must include "citation to authority").)

8
9 Separate Statement Paragraph 412:

10 Defendants' Objections: Objection to Rutenbeck Dec. (PX 28) ¶¶ 7, 9-10,
11 12-13 on the ground that the statement is unsupported by admissible evidence.

12 FTC's Response: This objection should be overruled for the reasons set out
13 in GR 2. Defendants also do not cite to any authority to support their evidentiary
14 objection, and thus fail to comply with this Court's Standing Order. (Dkt. No. 205
15 at 12:20-21 (evidentiary objection must include "citation to authority").)

16
17 Separate Statement Paragraph 417:

18 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J
19 (Admission, ATR RFA 234); Adv. Inf., Hahn and Park RFA (Ex. 599) 234; Adv.
20 Inf., Def. Hahn Stip. Dec. (Ex. 608) ¶ 25.aa-cc; Adv. Inf., Def. Park Stip. Dec. (Ex.
21 608) ¶ 17.11; McBee Dep. (Ex. 620) 167:14- 23, 208:22-210:14, Ex. 124 (Dec.
22 ¶ 22); Dewese Dec (PX 16) ¶ 21 (attempted to charge additional fee claiming
23 consumer failed to disclose rental property in initial call); Mesler Dec. (PX 25) ¶ 6;
24 Greet Dec. (Ex. 630) ¶¶ 9-10; Shoham Dec. (Ex. 638) ¶ 3; Menjivar Dec. (PX 1)
25 ¶ 60.y.iii, att. GGGG (p. 2) on the ground that the statement is vague as to time and
26 persons and argumentative in that it contends that ATR charged customers for not
27 fully describing their tax debt in the initial sales call. Fed. R. Evid. 602 (vague);
28 Fed. R. Civ. P. 56(c)(4) (argumentative).

1 FTC's Response: These objections should be overruled for the reasons set
2 out in GR 1.

3
4 Separate Statement Paragraph 418:

5 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J
6 (Admission, ATR RFA 235); Adv. Inf., Hahn and Park RFA (Ex. 599) 235; Adv.
7 Inf., Def. Hahn Stip. Dec. (Ex. 608) ¶ 25.z; Adv. Inf., Def. Park Stip. Dec. (Ex.
8 608) ¶ 17.mm; McBee Dep. (Ex. 620) 208:22-210:14, Ex. 124 (Dec. ¶ 23); Gaunt
9 Dec. (PX 19) ¶ 10 ("would need to be refiled") on the ground that the statement is
10 vague as to time and person and unsupported by admissible evidence. Fed. R. Evid.
11 602.

12 FTC's Response: These objections should be overruled for the reasons set
13 out in GR 1 and 2.

14
15 Separate Statement Paragraph 420:

16 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
17 608) ¶¶ 29.o, 36.g-h; Adv. Inf., Def. Park Stip. Dec. (Ex. 608) ¶ 17.g-h, oo-pp;
18 **Former Employees:** Bachtle Dec. (Ex. 613) ¶ 11; Coleman Dep. (Ex. 616) 27:19-
19 28:18, 56:9-24, Ex. 358 (Dec.) ¶ 8; McBee Dep. (Ex. 620) 206:2-206:11;
20 **Consumers:** Gaunt Dec. (PX 19) & 12; Madson Dec. (PX 24) ¶¶ 21-22, Att. G;
21 Rutenbeck Dec. (PX 28) ¶ 10; Parker Dec. (Ex. 633) ¶ 2, Att. A (¶ 13) (\$47,000 in
22 unauthorized charges); Woods Dec. (Ex. 642) ¶¶ 8, 11; Menjivar Dec. (PX 1)
23 ¶ 60.y.ii, Att. FFFF on the ground that the statement is unsupported by admissible
24 evidence, Bachtle Dec. (Ex. 388) ¶¶ 9, 10 (callers provided payment authorization;
25 no one at ATR ever asked him to charge caller's credit cards or bank accounts
26 without authorization); McBee Dep. (Ex. 383) 121:13-21 (obtained written
27 authorization for credit cards); Coleman Dep. (Ex. 381) 99:10-21, 25-101:7, 10-12,
28

1 14-24 (sales representatives obtained authorization and in case of partial payments,
2 advised clients of dates on which next payments were due). Fed. R. Evid. 602.

3 FTC's Response: This objection should be overruled for the reasons set out
4 in GR 2.

5
6 Separate Statement Paragraph 421:

7 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
8 608) ¶ 24.qq-tt; Gaunt Dec. (PX 19) ¶ 12; Rutenbeck Dec. (PX 28) ¶¶ 7, 10 on the
9 ground that the statement is unsupported by admissible evidence, Bachtle Dec. (Ex.
10 388) ¶¶ 9, 10 (callers provided payment authorization; no one at ATR ever asked
11 him to charge caller's credit cards or bank accounts without authorization); McBee
12 Dep. (Ex. 383) 121:13-21 (obtained written authorization for credit cards);
13 Coleman Dep. (Ex. 381) 99:10-21, 25-101:7, 10-12, 14-24 (sales representatives
14 obtained authorization and in case of partial payments, advised clients of dates on
15 which next payments were due). Fed. R. Evid. 602.

16 FTC's Response: This objection should be overruled for the reasons set out
17 in GR 2.

18
19 Separate Statement Paragraph 422:

20 Defendants' Objections: Objection to Ayaso Dep. 81:11-25, Ex. 307 (Dec.
21 ¶ 12); Barton Dec. (PX 7) ¶ 14; Byrd Dec. (PX 8) ¶ 17; Bachtle Dec. (Ex. 613) ¶ 2,
22 Ex. 487 (10/18/10 Dec. ¶ 10); Garcia Dep. (Ex. 619) 209:23-210:24, Ex. 9 (Dec.
23 ¶¶ 26-30); McBee Dep. (Ex. 620) 208:22-210:14, Ex. 124 (Dec. ¶¶ 7, 9);
24 Mosessian Dec. (Ex. 621) ¶¶ 2, 9; Singh Dep. (Ex. 623) 64:23-65:9, Ex. 338 (Dec.
25 ¶ 12); Walker Dec. (Ex. 624) ¶¶ 7-9; Collins Dep. (Ex. 643) 201:12-202:23, Ex.
26 211 (Dec. ¶ 14, Att. D); Johnson Dec. (Ex. 672) ¶ 3, Att. A (pp. 2, 5, 36-37, 49-50,
27 53); Menjivar Dec. (PX 1) ¶ 60.v.y.i-iii, Atts. JJJ (p. 2) (memo about A "massive
28 complaints"); EEEE-GGGG; Walker Dec. (Ex. 624) ¶¶ 2, 9; Menjivar Dec. (PX

1 33) ¶ 11, Att. B on the ground that the statement is vague as to time and persons,
2 overbroad, and argumentative as it improperly contends that Defendants did not
3 provide the services promised. Fed. R. Evid. 602 (vague); Fed. R. Civ. P. 56(c)(4)
4 (argumentative).

5 FTC's Response: These objections should be overruled for the reasons set
6 out in GR 1.

7
8 Separate Statement Paragraph 423:

9 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
10 608) ¶ 29.a-1; **Former Employees:** Garcia Dep. (Ex. 619) 209:23-210:24, Ex. 9
11 (Dec. ¶¶ 26-27); McBee Dep. (Ex. 620) 195:24-196:4, 206:7-11; Mosessian Dec.
12 (Ex. 621) ¶¶ 2, 9; Singh Dep. (Ex. 623) 64:23-65:9, Ex. 338 (Dec. ¶ 12); Walker
13 Dec. (Ex. 624) ¶ 7; **Consumers:** *See, e.g.*, Fullerton Dec. (PX 18) ¶¶ 9, 11, Att. B;
14 Gaunt Dec. (PX 19) ¶ 13; Jaundoo Dec. (PX 22) ¶ 11- 13, Att. D; Madson Dec.
15 (PX 24) ¶¶ 22-25, Atts. H-J; Mesler Dec. (PX 25) ¶ 10; Pickett Dec. (PX 27) ¶ 26,
16 Att. J; Violante Dec. (PX 30) ¶¶ 20-21, Att. H; Faulkner Dec. (Ex. 629) ¶ 11;
17 Phillips Dec. (PX 41) ¶ 6; Pisor Dec. (Ex. 634) ¶ 4; **Other:** Collins Dep. (Ex. 643)
18 197:12-198:1, Ex. 210; Johnson Dec. (Ex. 672) ¶ 3, Att. A (pp. 5, 36- 37, 49-50,
19 53); Almond Dec. (PX 10) ¶ 9; Menjivar Dec. (PX 1) ¶ 60.y.i, Att. EEEE;
20 Menjivar Dec. (PX 33) ¶ 11, Att. B on the ground that the statement is vague as to
21 time and person. Fed. R. Evid. 602.

22 FTC's Response: These objections should be overruled for the reasons set
23 out in GR 1.

24
25 Separate Statement Paragraph 424:

26 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J
27 (Admission, ATR RFA 329); Adv. Inf., Hahn and Park RFA (Ex. 599) 329; Adv.
28 Inf., Def. Hahn Stip. Dec. (Ex. 608) ¶ 29.o; **Former Employees:** Byrd Dec. (PX 8)

1 ¶ 26 (many clients complained about unauthorized charges); Coleman Dep. (Ex.
2 616) 27:19-28:18, 56:9-24, Ex. 358 (Dec.) ¶ 8; Garcia Dep. (Ex. 619) 209:23-
3 210:24, Ex. 9 (Dec. ¶ 26); McBee Dep. (Ex. 620) 206:7-11; **Consumers:** Gaunt
4 Dec. (PX 19) ¶ 12; Madson Dec. (PX 24) ¶ 22; Rutenbeck Dec. (PX 28) ¶ 12;
5 Wales Dec. (PX 31) ¶ 14; Cook Dec. (Ex. 628) ¶ 6; Faulkner Dec. (Ex. 629) ¶¶ 6,
6 11; McCloud Dec. ¶ 4; Pisor Dec. (Ex. 634) ¶ 4; Woods Dec. (Ex. 642) ¶¶ 13, 15;
7 **Other:** Menjivar Dec. (PX 1) ¶ 60.y.ii, Att. FFFF; Menjivar Dec. (PX 33) ¶ 11,
8 Att. B; Almond Dec. (PX 10) ¶ 9 on the ground that the statement is vague as to
9 time and person. Fed. R. Evid. 602.

10 FTC's Response: These objections should be overruled for the reasons set
11 out in GR 1.

12
13 Separate Statement Paragraph 426:

14 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
15 608) ¶ 29.y-aa; Adv. Inf., Def. Park Stip. Dec. (Ex. 608) ¶ 17.jj, aaa; Menjivar Dec.
16 (PX 1) ¶ 60.z, Att. HHHH; Bachtle Dec. (Ex. 613) ¶ 2, Ex. 487 (10/18/10 Dec.
17 ¶ 10); Almond Dec. (PX 10) ¶ 10 on the ground that the statement is
18 argumentative, vague as to time and person, and unsupported by admissible
19 evidence, Ayaso Dep. (Ex. 379) 50:19-51:3. (information provided by customer
20 was different than information from IRS). Fed. R. Civ. P. 56(c)(4) (argumentative);
21 Fed. R. Evid. 602 (vague).

22 FTC's Response: These objections should be overruled for the reasons set
23 out in GR 1 and 2.

24
25 Separate Statement Paragraph 427:

26 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
27 608) ¶ 29.aa; Adv. Inf., Def. Park Stip. Dec. (Ex. 608) ¶ 17.hh, aaa; Almond Dec.
28 (PX 10) ¶ 10; Collins Dep. (Ex. 643) 189:9- 190:8, 197:12-198:1, 201:12-202:23,

1 Exs. 207, 210, 211 (Dec. ¶ 14, Att. D); Johnson Dec. (Ex. 672) ¶ 3, Att. A (pp. 34,
2 51, 55- 56); Woods Dec. (Ex. 642) ¶ 13 on the ground that the statement is vague
3 as to time and person and argumentative. ATR could not seek relief for customers
4 if they failed to supply necessary information, Pismopolous Dep. (Ex. 385) 23:22-
5 24:13; Ayaso Dep. (Ex. 379) 139:10-13, 15-23, 181:9-16, 20-182:8, 10-14, 16-18
6 (client data was often missing, sometimes clients weren't truthful); Garcia Dep.
7 (Ex. 382) 224:20-24, 225:1-2 (clients sometimes fail to provide information);
8 Singh Dep. (Ex.387) 48:15-19, 21-49:2, 49:5-18 (sometimes information is
9 missing); Seaman Dep. (Ex. 386) 210:1-21 (customers failed to provide
10 information, some for over two years preventing tax relief). Fed. R. Civ. P.
11 56(c)(4).

12 FTC's Response: These objections should be overruled for the reasons set
13 out in GR 1.

14
15 Separate Statement Paragraph 428:

16 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.
17 608) ¶ 21.xxx-yyy; Fullerton Dec. (PX 18) ¶ 6; Jaundoo Dec. (PX 22) ¶ 5 on the
18 ground that the statement is vague as to time and person, overbroad, and
19 unsupported by admissible evidence. Fed. R. Evid. 602.

20 FTC's Response: These objections should be overruled for the reasons set
21 out in GR 1 and 2.

22
23 Separate Statement Paragraph 429:

24 Defendants' Objections: Objection to Hiatt Dec. (Ex. 631) ¶¶ 6-7 on the
25 ground that the statement is vague as to time and person, overbroad,
26 argumentative, and unsupported by admissible evidence. Fed. R. Civ. P. 56(c)(4)
27 (argumentative); Fed. R. Evid. 602 (vague).

1 FTC's Response: These objections should be overruled for the reasons set
2 out in GR 1 and 2.

3
4 Separate Statement Paragraph 430:

5 Defendants' Objections: Objection to Dillon Dec. (PX 17) ¶¶ 6-7, 9 (learned
6 about negative reviews); Fullerton Dec. (PX 18) (ATR did not stop garnishments
7 immediately as promised); Grimmette Dec (PX 20) ¶¶ 15- 16; Kline Dec. (PX 23)
8 ¶¶ 13-14 (ATR did not take action promised so contacted tax authorities himself);
9 Monday Dec. (PX 26) ¶ 11; Violante Dec. (PX 30) ¶¶ 16-24; Seward Dec. (PX 42)
10 ¶ 6 on the ground that the statement is vague as to time and person, overbroad,
11 argumentative, and unsupported by admissible evidence. Fed. R. Civ. P. 56(c)(4)
12 (argumentative); Fed. R. Evid. 602 (vague).

13 FTC's Response: These objections should be overruled for the reasons set
14 out in GR 1 and 2.

15
16 Separate Statement Paragraph 431:

17 Defendants' Objections: Objection to Monday Dec. (PX 26) ¶ 11; Hiatt
18 Dec. (Ex. 631) ¶¶ 6-7 on the ground that the statement is vague as to time and
19 person, overbroad, argumentative, and unsupported by admissible evidence. Fed.
20 R. Civ. P. 56(c)(4) (argumentative); Fed. R. Evid. 602 (vague).

21 FTC's Response: These objections should be overruled for the reasons set
22 out in GR 1 and 2.

23
24 Separate Statement Paragraph 432:

25 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J
26 (Admission, ATR RFA 331); Former Employees: McBee Dep. (Ex. 620) 208:22-
27 210:14, Ex. 124 (Dec. ¶¶ 7, 9); Mosessian Dec. (Ex. 621) ¶ 9 (“there were no
28 refunds”); Consumers: See, e.g., Dewese Dec. (PX 16) ¶ 23; Hosang- Roberts

1 Dec. (PX 21) ¶ 16; Jaundoo Dec. (PX 22) ¶ 7; Kline Dec. (PX 23) ¶ 14; Madson
2 Dec. (PX 24) ¶ 22; Monday Dec. (PX 26) ¶ 18; Pickett Dec. (PX 27) ¶ 27, Att. J;
3 Tobias Dec. (PX 29) ¶ 16; Violante Dec. (PX 30) ¶¶ 20-21, 24; Wales Dec. (PX
4 31) ¶ 15; Ward Dec. (PX 32) ¶ 18; McCloud Dec. (PX 40) ¶ 4; Phillips Dec. (PX
5 41) ¶ 6; Cook Dec. (Ex. 628) ¶ 6; Faulkner Dec. (Ex. 629) ¶¶ 6, 11; Isom Dec. (PX
6 39) ¶ 5; Pisor Dec. (Ex. 634) ¶ 4; Pratt Dec. (Ex. 635) ¶ 8; Other: Johnson Dec. ¶ 3,
7 Att. A (pp. 51-52); Almond Dec. (PX 10) ¶ 10; Menjivar Dec. (PX 33) ¶ 11, Att.
8 B on the ground that the statement is vague as to time and person, argumentative,
9 and unsupported by admissible evidence, Seaman Dep. (Ex. 386) 230:20-21,
10 231:5-6; Rec.'s 1st Report, Ex. 571) § VI.J. and Charts, pp. 6, 11 (describing
11 millions of dollars in refunds, credits and chargebacks). Fed. R. Civ. P. 56(c)(4)
12 (argumentative); Fed. R. Evid. 602 (vague).

13 FTC's Response: These objections should be overruled for the reasons set
14 out in GR 1 and 2.

15
16 Separate Statement Paragraph 434:

17 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J
18 (Admission, ATR RFA 332); Adv. Inf., Hahn and Park RFA (Ex. 599) 332; Adv.
19 Inf., Def. Hahn Stip. Dec. (Ex. 608) ¶ 36.ccc-ddd; Adv. Inf., Def. Park Stip. Dec.
20 (Ex. 608) ¶ 17.ccc- ddd; Fullerton Dec. (PX 18) ¶ 17, Att. D; Hosang-Roberts Dec.
21 (PX 21) ¶¶ 17, 21, Att. A; Jaundoo Dec. (PX 22) ¶ 13, Att. F; Pickett Dec. (PX 27)
22 ¶¶ 32, 35-37; Violante Dec. (PX 30) ¶¶ 22, 26- 27 on the ground that the statement
23 is vague as to time and person, argumentative, and unsupported by admissible
24 evidence. Fed. R. Evid. 602 (vague); Fed. R. Civ. P. 56(c)(4) (argumentative).

25 FTC's Response: These objections should be overruled for the reasons set
26 out in GR 1 and 2.

1 Separate Statement Paragraph 456:

2 Defendants' Objections: Objection to Menjivar Dec. (Ex. 665) ¶¶ 71-77
3 (combined revenues without deducting refunds, chargebacks and settlements) on
4 the ground that the statement is unsupported by admissible evidence, Rec. 1st
5 Report, p. 8, ¶¶ C., E, pp.11-12, ¶¶ K, L; (Seaman Dep. (Ex. 682) 125:10-18 (ATR
6 collected \$91,986,600 in fees from 16,874 fully paying consumers).

7 FTC's Response: This objection should be overruled for the reasons set out
8 in GR 2. Defendants also do not cite to any authority to support their evidentiary
9 objection, and thus fail to comply with this Court's Standing Order. (Dkt. No. 205
10 at 12:20-21 (evidentiary objection must include "citation to authority").)

11
12 Separate Statement Paragraph 457:

13 Defendants' Objections: Objection to Gordon Dec. (Ex. 668) ¶ 4, Ex. 366;
14 Menjivar Dec. (Ex. 665) ¶¶ 71-74 (combined refunds, chargebacks and
15 settlements) on the ground that the statement is unsupported by admissible
16 evidence, Rec. 1st Report, pp.11-12, ¶¶ K, L; Seaman Dep. (Ex. 682) 125:10-18
17 (ATR had refunds, cancellations, stop payments and chargebacks in the amount of
18 approximately \$4,268,400).

19 FTC's Response: This objection should be overruled for the reasons set out
20 in GR 2. Defendants also do not cite to any authority to support their evidentiary
21 objection, and thus fail to comply with this Court's Standing Order. (Dkt. No. 205
22 at 12:20-21 (evidentiary objection must include "citation to authority").)

23
24 Separate Statement Paragraph 458:

25 Defendants' Objections: Objection to Menjivar Dec. (Ex. 665) ¶ 77 on the
26 ground that the statement is unsupported by admissible evidence, Rec. 1st Report,
27 p. 8, ¶¶ C., E, pp. 11-12, ¶¶ K, L; Seaman Dep. (Ex. 682) 125:10-18 (ATR
28 collected \$91,986,600 in fees from 16,874 fully paying consumers and had

1 refunds, cancellations, stop payments and chargebacks in the amount of
2 approximately \$4,268,400).

3 FTC's Response: This objection should be overruled for the reasons set out
4 in GR 2. Defendants also do not cite to any authority to support their evidentiary
5 objection, and thus fail to comply with this Court's Standing Order. (Dkt. No. 205
6 at 12:20-21 (evidentiary objection must include "citation to authority").)

7
8 Separate Statement Paragraph 460:

9 Defendants' Objections: Objection to Menjivar Dec. (Ex. 665) ¶ 78 on the
10 ground that the statement is unsupported by admissible evidence, Deft's. Am.
11 Supp. Interrog. Resp. (Ex. 404) No.14; Deft's Furt. Resp. to RFPs (Ex. 405) Nos.
12 33, Ex. B.

13 FTC's Response: This objection should be overruled for the reasons set out
14 in GR 2. Defendants also do not cite to any authority to support their evidentiary
15 objection, and thus fail to comply with this Court's Standing Order. Dkt. No. 205
16 at 12:20-21 (evidentiary objection must include "citation to authority").)

17
18 Dated: July 16, 2012

Respectfully Submitted,

19
20 /s/Karen D. Dodge
KAREN D. DODGE
21 MARISSA J. REICH
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23
24
25
26
27
28