

**SEMIANNUAL FEDERAL COURT
LITIGATION STATUS REPORT**

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

December 30, 2019

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Zinly, LLC
Jonathan P. Hanley
Benjamin R. Horton
Sandra X. Hanley
American Home Loans, LLC

Assigned Attorneys: Gregory Ashe (BCP/FP)
Jason Schall
Imad Abyad (OGC)

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

Status: Complaint filed 1/8/18.
TRO entered 1/10/18.
FTC Motion for Preliminary injunction filed 1/8/18;
Defendants' opposition filed 2/12/18; Commission reply filed 2/14/18;
Preliminary Injunction entered 2/20/18.
Defendant Benjamin R Horton's motion to dismiss filed 1/22/18;
Commission's response to motion filed 2/5/18; reply filed 2/15/18; motion denied 6/7/18.
Defendants AM Property Management, LLC, American Home Loan Counselors, American Home Loans, LLC, Brown Legal, Inc, Consumer Defense Group, LLC, Consumer Defense, LLC, FMG Partners, LLC, Jonathan P. Hanley, Sandra X. Hanley, Preferred Law, PLLC, Zinly, LLC's motions to dismiss filed 2/12/18;
Commission's responses to motions filed 2/26/18; replies filed 3/5/18; motion denied 6/7/18.
Notice of appeal to Ninth Circuit of preliminary injunction filed 03/21/18 (No. 18-15462). Appellants' opening brief filed 4/18/18;
Commission's answering brief filed 5/16/18; reply brief filed 6/6/18; Oral argument held 9/14/18. Decision by 9th Circuit affirming district court's entry of preliminary injunction entered 6/17/19.
Receiver Thomas McNamara motion for order to sell Receivership property filed 4/18/18; Commission concurrence filed 4/30/18;
Defendants' opposition filed 5/1/18; Receiver reply filed 5/8/18;
Order granting motion entered 1/18/19.
Stipulated final order for permanent injunction and monetary judgment as to defendant Benjamin Horton entered 6/5/18.
Commission's motion for entry of clerk's default as to defendants Consumer Defense, LLC (Nevada) and Consumer Link, Inc. filed 8/7/18. Clerk's entry of default as to Consumer Defense, LLC

(Nevada) and Consumer Link Inc. entered 1/28/19. Default vacated on 6/14/19.

Defendant Hanley motion to vacate order granting Receiver's motion to sell property filed 1/28/19; Receiver opposition filed 1/31/19; Commission opposition filed 2/5/19; Order denying motion entered 4/30/19.

Defendant Hanley notice of appeal to Ninth Circuit of order denying motion to vacate order granting Receiver's motion to sell property filed 5/10/19 (No. 19-16000); Ninth Circuit order dismissing appeal for failure to file fees entered 7/17/19.

Commission's motion for default judgment against defendants Consumer Defense, LLC (Nevada) and Consumer Link, Inc. filed 5/7/19; Commission notice of withdrawal of motion filed 6/25/19.

Commission motion for summary judgment filed 7/15/19; defendants' opposition filed 10/2/19; defendant Hanley's opposition filed 10/5/19; Commission reply brief filed 11/5/19.

Order granting Commission motion for summary judgment entered 12/5/19.

Receiver Thomas McNamara motion to approve sale of Park City condo filed 8/30/19; Commission concurrence filed 9/13/19; defendants' opposition filed 9/13/19; receiver's reply filed 9/20/19; order granting motion entered 10/9/19.

Defendant Hanley's notice of appeal to Ninth Circuit of order granting receiver's motion for approval of sale of Park City condo filed 11/12/19 (No. 19-7326).

FTC v. CREDIT BUREAU CENTER, LLC, Nos. 18-3310, 18-2847 (7th Cir.); No. 1:17-cv-00194 (N.D. Ill.)

Parties: Credit Bureau Center, LLC, f/k/a MyScore, LLC d/b/a efreescore.com, credit updates.com, and freecreditnation.com
Michael Brown
Danny Pierce
Andrew Lloyd

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

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

Status: Complaint filed 1/10/17.
Ex parte TRO entered 1/11/17.

Stipulated preliminary injunction as to defendants Danny Pierce and Andrew Lloyd entered 2/8/17.

Stipulated preliminary injunction as to defendants Michael Brown and Credit Bureau Center entered 2/21/17.

Order finding defendant Michael Brown in civil contempt entered 6/28/17.

Stipulated order for permanent injunction and monetary judgment as to defendants Danny Pierce and Andrew Lloyd entered 10/26/17.

Commission's motion for summary judgment against remaining defendants Michael Brown and Credit Bureau Center, LLC filed 3/2/18; defendants' response filed 3/12/18; order granting motion for summary judgment entered 6/26/18.

Notice of appeal by defendants Michael Brown and Credit Bureau Center, LLC filed 8/22/18.

Motion by defendants Michael Brown, Credit Bureau Center, LLC to stay district court's final injunction pending appeal filed 8/31/18; response in opposition filed 9/17/18; district court order granting motion to stay in part, barring Commission from distributing funds recovered to consumers pending conclusion of appeal, but otherwise denying, entered 9/26/18.

Amended notice of appeal of post-judgment order denying defendants' request to pay their attorneys from the receivership estate filed 10/26/18.

Order consolidating appeals entered 11/16/18.

Appellants' brief filed 12/5/18.

Order denying defendants Michael Brown and Credit Bureau Center, LLC's motion for stay of judgment pending appeal entered 1/8/19.

Commission's brief filed 3/12/19; appellants' reply brief filed 4/1/19.

Oral argument heard 4/17/19.

Order vacating the restitution award and affirming the judgment in other respects entered by the Seventh Circuit 8/21/19.

Commission's petition for writ of certiorari filed 12/19/19.

FTC v. D-LINK SYSTEMS, INC., No. 3:17-cv-00039 (N.D. Cal.)

Parties: D-Link Corporation
D-Link Systems, Inc.

Assigned Attorneys: Kevin Moriarty (BCP/DPIP)
Cathlin Tully
Jarad Brown
Katherine McCarron
Brian Berggren

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act in connection with the design, marketing, and sale of routers and internet protocol cameras.

Memorandum opinion and order addressing calculation of equitable monetary relief entered 10/17/19.
Order that defendants are not entitled to jury trials on the contempt motions entered 10/22/19.
Notice of appeal of preliminary injunction by defendant Peter Baker (No. 19-2306) filed 10/25/19; Baker's opening brief filed 12/27/19; Commission's response brief due 1/31/20.
Notice of appeal of preliminary injunction by defendant Andris Pukke (No. 19-2204) entered 10/29/19; Pukke's opening brief filed 12/30/19; Commission's reply brief due 1/30/20.
Notice of appeal of preliminary injunction by defendant Luke Chadwick (No. 19-2387) entered 12/2/19.
Bench trial scheduled to commence 1/21/20.

FTC v. EDUCARE CENTRE SERVICES, INC., No. 3:19-cv-00196 (W.D. Tex.)

Parties: Educare Centre Services, Inc., d/b/a Credit Card Services, Card Services, Credit Card Financial Services, Care Net, Tripletel Inc., Revit Educ Srvc, L.L. Vision, Care Value Services, and Card Value Services

Globex Telecom, Inc.

Tripletel, Inc.

Prolink Vision, S.R.L.

Sam Madi

Mohammad Souheil, a/k/a Mohammed Souheil and Mike Souheil

Wissam Abedel Jalil, a/k/a Sam Jalil

Charles Kharouf

9506276 Canada, Inc.,

9896988 Canada Inc.

State of Ohio (co-plaintiff)

Assigned Attorneys: Ronnie Brooke (BCP/MP)
Christopher Brown

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Telemarketing Sales Rule, and Ohio law in connection with the telemarketing and sale of credit interest rate reduction services.

Status: Complaint filed 7/18/19.
TRO entered 7/19/19
Preliminary injunction against Wissam Abedel Jalil, Tripletel, and Educare entered 7/30/19.
Order denying motions to dismiss by Mohammad Souheil and 9896988 Canada entered 10/22/19.
First amended complaint filed 12/3/19.
TRO against Globex and 9506276 Canada entered 12/3/19.
Preliminary injunction against remaining defendants entered 12/17/19.

Media Redefined LLC
Primed Marketing LLC
Responsive Media LLC

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

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

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

FTC v. FIRST CHOICE HORIZON LLC, No. 6:19-cv-01028 (M.D. Fla.)

Parties: First Choice Horizon LLC
First Southern Trust LLC
First United Mutual LLC
Premier Union Trust LLC d/b/a Second Choice Horizon
South Premier Trust LLC
Suncoast Mutual LLC
Raymond Gonzalez
Carlos S. Guerrero d/b/a CSG Solutions
Joshua Hernandez

Assigned Attorneys: Barbara Bolton (SER)
Michael A. Boutros

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

Status: Complaint filed 6/3/19.
TRO entered 6/3/19.
Stipulated preliminary injunction entered 6/27/19.
Amended stipulated preliminary injunction entered 12/17/19.
Bench trial set for trial term beginning 11/2/20.

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

Parties: FleetCor Technologies, Inc.
Ronald Clarke

Assigned Attorneys: Thomas Kost (BCP/FP)
Brittany Frassetto
Thomas Kane

Alleged Conduct: Deceptive and unfair acts or practices in violation of Section 5(a) of the FTC Act in connection with the advertising, marketing, and offering of commercial fuel card products.

Status: Complaint filed 12/20/19.

FTC v. GERBER PRODUCTS, CO., No. 2:14-cv-06771 (D. N.J.)

Parties: Gerber Products Co., d/b/a Nestle Nutrition, d/b/a Nestle Infant Nutrition, d/b/a Nestle Nutrition North America

Assigned Attorneys: Andrew Wone (BCP/AP)
Michelle Rusk
Sarah Botha

Alleged Conduct: Deceptive acts and practices in violation of Sections 5(a) and 12 of the FTC Act in connection with the marketing of an infant formula purporting to prevent allergies.

Status: Complaint filed 10/29/14.
Case stayed until 2/25/16.
Order extending stay of case entered 3/1/16.
Defendant's motion to dismiss for lack of subject matter jurisdiction or to stay pending decision in *FTC v. Shire ViroPharma* (3d Cir.) filed 11/9/18; Commission's opposition filed 12/3/18; reply filed 12/10/18; motion withdrawn 4/3/19.
Order administratively terminating action for 60 days, pending consummation of settlement, entered 4/30/19.
Joint motion for entry of stipulated final judgment filed 6/28/19.
Final judgment and order for permanent injunction and other equitable relief entered 7/15/19.

FTC v. GLOBAL ASSET FINANCIAL SERVICES GROUP, LLC, No. 3:19-cv-00055
(W.D.N.C.)

Parties: Global Asset Financial Services Group, LLC
Regional Asset Maintenance LLC
Midwestern Alliance, LLC
10D Holdings, Inc.
Trans America Consumer Solutions, LLC
LLI Business Innovations, LLC
Tacs I, LLC
Tacs II, LLC
TacsIII, LLC
Cedar Rose Holdings & Development, Inc.
Ankh Ali
Aziza Ali
Kenneth Moody
David Carr
Jeremy Scinta
Omar Hussain

Assigned Attorneys: Quinn Martin (BCP/FP)
Gregory Ashe
Jesse Hubbard

Nature of Action: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Fair Debt Collection Practices Act in connection with the defendants' debt collection practices, including attempts to harass consumers into paying debts that they do not actually owe.

Status: Complaint filed 2/4/19.
TRO entered 2/4/19.
Stipulated preliminary injunction as to defendants Omar Hussain and Cedar Rose Holdings & Development, Inc. entered 2/15/19.
Stipulated preliminary injunction as to defendants Global Asset Financial Services Group, LLC, Ankh Ali, Aziza Ali, and Kenneth Moody entered 2/15/19.
Stipulated preliminary injunction as to defendants 10D Holdings, Inc, Trans America Consumer Solutions, LLC, Midwestern Alliance, LLC, TACS I, LLC, TACS II, LLC, TACS III, LLC, and David Carr entered 2/25/19.
Stipulated preliminary injunction as to defendant Regional Asset Maintenance, LLC, entered 2/28/19.
Stipulated preliminary injunction as to defendants LLI Business Innovations, LLC and Jeremy Scinta entered 3/5/19.
Stipulated final order for permanent injunction and settlement of claims as to defendants Ankh Ali, Aziza Ali, Kenneth Moody, and Global

Assigned Attorneys: Tejasvi Srimushnam (BCP/MP)
Joshua A. Doan

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the FTC's Telemarketing Sales Rule in connection with the sale of interest-rate-reduction services to consumers struggling with credit card debt.

Status: Complaint filed 11/29/17.
Stipulated preliminary injunctions against all defendants and order appointing receiver entered 12/28/17.
Order granting motion to stay proceedings pending Commission approval of proposed settlements entered 6/8/18.
Unopposed motion for entry of stipulated orders for permanent injunction and monetary relief as to defendants Brandun Anderson, Lea Brownell, Wayne Norris, Gerald Starr, Jr, Sunshine Freedom Services LLC, Travis Teel, and Melissa Deese filed 8/9/18.
Stipulated orders for permanent injunction and monetary relief against defendants Sunshine Freedom Services, LLC, Brandun Anderson, Lea Brownell, Melissa Deese, Wayne Norris, Gerald Starr, and Travis Teel entered 3/18/19.
Magistrate judge's report and recommendation filed 11/6/19.
Order adopting report and recommendations for default judgment in favor of the Commission entered 11/26/19.

FTC v. HITE MEDIA GROUP LLC, No. 2:18-cv-02221 (D. Ariz.)

Parties: Hite Media Group LLC d/b/a Premium Grants d/b/a PremiumGrants.com
Premium Business Solutions LLC d/b/a Premium Grants d/b/a
PremiumGrants.com d/b/a Premium Services
Premium Domain Services LLC d/b/a Premium Grants d/b/a
PremiumGrants.com d/b/a Premium Services
2 Unique LLC d/b/a Unique Services d/b/a Unique Grants d/b/a
UniqueGrants.com d/b/a Grant Support
Amazing App LLC
Michael Ford Hilliard
Michael De Rosa
Shawn Stumbo
Tiffany Hoffman
Jeremy Silvers

Assigned Attorneys: Ronnie Brooke (BCP/MP)
Russell Deitch

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the FTC's Telemarketing Sales Rule in connection with the sale and offering for sale of grants services.

Status: Complaint filed 7/16/18.
Ex parte TRO with asset freeze entered 7/17/18.
Stipulated preliminary injunction as to defendants Hilliard, Hoffman, De Rosa, Hite Media Group, LLC, 2 Unique, LLC, and Amazing App, LLC entered 7/31/18.
Preliminary injunction as to unstipulated defendants Shawn Stumbo, Jeremy Silvers, Premium Business Solutions, and Premium Domain Services entered 7/31/18.
Application for entry of default against defendants Shawn Stumbo, Premium Domain Services, Jeremy Silvers, and Premium Business Solutions filed 8/28/18; clerk's entry of default entered 8/29/18.
Joint motion to stay for 60 days pending filing of stipulated orders for permanent injunction and monetary judgment as to defendants Michael Ford Hilliard, Amazing APP, LLC, Hite Media Group, LLC, Michael De Rosa, Tiffany Hoffman, and 2 Unique LLC filed 11/9/18; order granting motion entered 11/19/18.
Stipulated orders for permanent injunction and monetary judgments against defendants 2 Unique, LLC, Tiffany Hoffman, Hite Media Group, LLC, Amazing App, LLC, Michael Ford Hilliard, and Michael De Rosa entered 2/26/19.
Commission's motion for default judgment as to defendants Shawn Stumbo, Jeremy Silvers, Premium Business Solutions, LLC, and Premium Domain Services, LLC filed 3/18/19.
Default judgments against defendants Shawn Stumbo, Jeremy Silvers, Premium Business Solutions, LLC, and Premium Domain Services, LLC entered 9/19/19.
Case closed 12/23/19.

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

Parties: Hornbeam Special Situations, LLC
Cardinal Points Holdings, LLC
Cardinal Points Management, LLC d/b/a Clear Compass Digital Group
Gyroscope Management Holdings, LLC
EDebitPay, LLC
Platinum Online Group, LLC d/b/a Premier Membership Clubs
Clickxchange Media, LLC
iStream Financial Services, Inc.
Jerry L. Robinson
Earl G. Robinson
James McCarter
Keith Merrill
Mark Ward

Dale Paul Cleveland
William R. Wilson
Kris Axberg
Richard Joachim
Chet Andrews
Patricia Brandmeier Robinson [executor of estate of Jerry L. Robinson]

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

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

Status: Complaint filed 8/15/17.
Consent motion to stay case for 90 days as to defendant Keith Merrill filed 10/6/17; order granting stay entered 10/11/17.
Consent motion to stay case and suspend filing obligations upon the death of defendant Jerry L. Robinson filed 11/15/17; order granting consent motion entered 11/21/17.
Motions to dismiss by defendants Mark Ward, Dale Paul Cleveland, EDebitPay, LLC, William Wilson, Kris Axberg, Richard Joachim, iStream Financial Services, Inc, and Earl Robinson filed 2/9/18; response in opposition 2/23/18; opinion and order denying motion entered 4/16/18.
Motion to dismiss by defendant by Patricia Brandmeier Robinson filed 3/22/18; response in opposition 4/5/18; order denying motion entered 4/16/18.
Motion to dismiss complaint for lack of subject matter jurisdiction by defendants Chet Andrews, Kris Axberg, Dale Paul Cleveland, EDebitPay, LLC, Richard Joachim, James McCarter, Earl G. Robinson, Patricia Brandmeier Robinson, Mark Ward, William R. Wilson, iStream Financial Services, Inc. filed 4/20/18; Commission's opposition filed 5/4/18; reply filed 5/11/18; order denying motion, but ordering supplemental briefing on part of the court's 4/16/18 opinion, entered 7/11/18.
Defendants' response to court's 7/11/18 request for supplemental briefing

FTC v. INNOVATIVE DESIGNS, INC., No. 2:16-cv-01669 (W.D. Pa.)

Parties: Innovative Designs, Inc.

Assigned Attorneys: Alejandro Rosenberg (BCP/ENF)
Omolara Bewaji Joseney

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

Status: Complaint filed 11/3/16.
Bench trial held from 7/29/19 to 7/30/19.

FTC v. DAMIAN KUTZNER, Nos. 17-56455, 17-56476 (9th Cir.); No. 8:16-cv-00999 (C.D. Cal.)

Parties: Damian Kutzner
Vito Torchia, Jr.
Jonathan Tarkowski
R. Geoffrey Broderick
Charles T. Marshall
Brookstone Law P.C. d/b/a Brookstone Law Group (California)
Brookstone Law P.C. d/b/a Brookstone Law Group (Nevada)
Advantis Law P.C.
Advantis Law Group P.C.
Jeremy Foti

Assigned Attorneys: Benjamin Theisman (BCP/ENF)
Gregory Madden
Thomas Syta (WRLA)
Michael Bergman (OGC)

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

Status: Complaint filed 5/31/16.
Ex parte TRO with asset freeze, appointment of receiver, limited expedited discovery, and other equitable relief entered 6/1/16.
Stipulated preliminary injunction as to Vito Torchia Jr. entered 6/24/16.
Stipulated preliminary injunction as to Damian Kutzner, Charles Marshall, Jonathan Tarkowksi, Advanits Law P.C. and Advantis Law Group P.C. entered 6/24/16.
Preliminary injunction as to Geoffrey Broderick, Brookstone Law P.C. (California and Nevada) entered 6/27/16.
Amended complaint filed 7/6/16.

Stipulated preliminary injunction entered 6/30/16.
Motion for summary judgment as to defendant Kevin Guice filed 5/1/17;
opposition filed 5/30/17; Commission’s reply filed 6/14/17; order
granting summary judgment and permanent injunction entered
12/7/18.
Notice of stipulated proposed orders for permanent injunction and
monetary judgment against all defendants except Kevin Guice filed
9/1/17.
Order for permanent injunction and monetary relief against Kevin Guice
entered 12/7/18.
Order granting summary judgment, with permanent injunction and
monetary relief, against Kevin Guice entered 12/10/18.
Motion to Alter or Amend Judgment against Kevin Guice filed on
01/8/19. Stipulated final orders against defendants Chase
Jackowski, Linda McNealy, Clarence Wahl, Karen Wahl, and
corporate defendants Life Management Services of Orange
County, LLC, Loyal Financial & Credit Services, LLC, IVD
Recovery, LLC, KWP Services, LLC, KWP Services of Florida
LLC, LPSOFFLA LLC, LPSOFFLORIDA L.L.C., PW&F
Consultants of Florida LLC, UAD Secure Services LLC, UAD
Secure Service of FL LLC, URB Management, LLC, YCC
Solutions LLC, and YFP Solutions LLC entered 4/23/19.
Stipulated final orders against relief defendants Robert Guice and Timothy
Woods entered 4/23/19.
Order denying motion to alter or amend judgement against Kevin Guice
entered 9/24/19.
Notice of appeal of final judgment by Kevin Guice filed 10/24/19.

FTC v. LIFEWATCH, No. 16-2310 (7th Cir.); No. 1:15-cv-05781 (N.D. Ill.)

Parties: Lifewatch Inc. d/b/a Lifewatch USA and Medical Alarm Systems
Evan Sirlin
Safe Home Security, Inc.
Medguard Alert, Inc.
Michael May
David Roman

Assigned Attorneys: David O’Toole (MWR)
Samantha Gordon
Roberto Menjivar

Alleged Conduct: Deceptive and unfair acts and practices in violation of Section 5(a) of the
FTC Act, the Telemarketing Act, and the Telemarketing Sales Rule in
connection with robocalls that pitched seniors “free” medical alert
systems.

Status: Complaint filed 6/30/15.
Motion for preliminary injunction filed 7/6/15.
Preliminary injunction hearing held 12/14/15.
Preliminary injunction entered 3/31/16.
Notice of appeal filed 5/31/16.
Amended complaint filed 7/14/16.
Order suspending appeal pending court-ordered mediation entered 7/26/16.
Defendants David Roman, Safe Home Security, Inc. and Medguard Alert, Inc.'s and defendant Mitchel May's motions for summary judgment filed 12/27/17; Commission's response in opposition to motions filed 2/26/18.
Commission's motion for summary judgment filed 12/27/17; defendants' opposition filed 2/26/18; Commission's reply filed 3/19/18.
Order denying parties' cross-motions for summary judgment entered 9/24/18.
Order denying Commission's motion to stay entered 4/23/19.
Order granting the Commission and the State of Florida's renewed motion for stay entered 5/22/19.
Joint motion for entry of stipulated order for permanent injunction and monetary judgment filed 6/24/19.
Order for permanent injunction and monetary judgment entered 7/1/19.

FTC v. MADERA MERCHANT SERVICES, LLC, No. 3:19-cv-00195 (W.D. Tex.)

Parties: Madera Merchant Services, LLC, d/b/a E Check Processing and echeckprocessing.net
B&P Enterprises, LLC
Bruce Woods
Patricia Woods
Victor Rodriguez
State of Ohio (co-plaintiff)

Assigned Attorneys: Ronnie Brooke (MWR)
Christopher Brown

Alleged Conduct: Unfair acts and practices in violation of Section 5(a) of the FTC Act, the Telemarketing Sales Rule and Ohio law in connection with unlawful payment processing, including for a telemarketing credit card interest rate reduction scheme.

Status: Complaint filed 7/18/19.
TRO entered 7/19/19.
Preliminary injunction entered 11/4/19.

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

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

Assigned Attorneys: Guy Ward (MWR)
Douglas McKenney

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

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

FTC v. MANHATTAN BEACH VENTURE, LLC, No. 2:19-cv-07849 (C.D. Cal.)

Parties: Manhattan Beach Venture, LLC, d/b/a Student Loan Relief Department
Christopher E. Lyell
Bradley K. Hansen
Equitable Acceptance Corp.

State of Minnesota (co-plaintiff)

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

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

Status: Complaint filed 9/11/19.
Stipulated order for permanent injunction, monetary relief and final judgment as to Equitable Acceptance Corporation entered 9/13/19.
Stipulated order for permanent injunction, monetary relief and final judgment as to defendants Manhattan Beach Venture, LLC, Christopher E. Lyell, and Bradley K. Hansen entered 9/17/19.

FTC v. MOBE LTD., Nos. 18-13715, 18-13716 (11th Cir.); No. 6:18-cv-00862 (M.D. Fla.)

Parties: MOBE Ltd.
MOBEProcessing.com, Inc.
Transaction Management USA, Inc.
MOBETraining.com, Inc.
MOBE Pro Limited
MOBE Online Ltd.
9336-0311 Quebec, Inc. d/b/a Business Education Training
MattLloydPublishing.com Pty Ltd.
MOBE Inc.
Matthew Lloyd McPhee a/k/a Matt Lloyd
Russell W. Whitney, Jr. (deceased) and Ingrid Whitney, as personal representative of Russell Whitney's estate (substituted defendant)
Susan Zanghi

Assigned Attorneys: Sung Kim (BCP/MP)
Benjamin Davidson

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act in connection with the marketing and sale of an online business education program.

Status: Complaint filed 6/4/18.
Ex parte TRO entered 6/5/18; order extending TRO entered 6/19/18.
Emergency motion for relief from TRO and, to extent necessary, to intervene by Qualpay, Inc. filed 6/22/18

Order holding defendants liable for contempt and directing compensatory sanctions to redress consumers entered 5/14/14.
Defendants' notices of appeal filed 7/11/14 and 7/14/14.
Order by district court imposing coercive contempt sanction and directing that defendants Jared Wheat and Stephen Smith be incarcerated until they comply with product recall entered 9/2/14.
Petition for mandamus by defendants Wheat and Smith seeking to overturn coercive contempt order filed 9/4/14; denied 9/4/14.
Notice of appeal from coercive contempt order and emergency motion for a stay by defendants Wheat and Smith filed 9/4/14; Commission's opposition filed 9/5/14; motion for stay denied 9/5/14; motion to voluntarily dismiss appeal filed 9/8/14; appeal no. 14-13972 dismissed 10/15/14.
Motion to purge contempt defendants of contempt filed 9/26/14; Commission's opposition filed 9/26/14.
Second motion to purge contempt defendants or release contempt defendants pending determination of less restrictive mean to purge contempt filed 10/16/14; Commission's response filed 1/13/15; granted 1/20/15.
Motion to stay execution of judgment pending appeal entered 10/30/14; denied 1/23/15.
Appellants' briefs (No. 14-13131) filed 10/30/14.
Order that the US Marshal's Service release Jared Wheat and Stephen Smith from incarceration entered 11/10/14.
Commission's answering brief (No. 14-13131) filed 1/9/15; appellants' reply briefs filed 2/17/15.
Oral argument in Eleventh Circuit held 4/17/15.
Opinion vacating district court's judgment of contempt and remanding case to district court for further proceedings entered 5/5/15.
Commission's motion for clarification filed 6/4/15; Hi-Tech Pharmaceuticals response filed 6/18/15.
Commission's motion for entry of contempt judgement relating to Hi-Tech Pharmaceuticals, Inc., Jared Wheat, and Stephen Smith's violation of section VI and motion for compensatory sanctions filed 8/20/15; opposition filed 10/9/15; Commission's reply filed 10/26/15; order denying motion with leave to refile entered 11/4/15.
Contempt hearing held 3/27/17 - 4/7/17.
Final judgment against defendants Hi-Tech Pharmaceuticals, Inc., Jared Wheat, and Stephen Smith, and Terrill Mark Wright entered 10/31/17.
Defendants Hi-Tech Pharmaceuticals, Inc., Stephen Smith and Jared Wheat's notice of appeal filed 12/21/17; appellants' briefs filed 3/30/18; Commission's answering brief filed 6/14/18; reply briefs filed 7/30/18.
Oral argument held 7/26/19.

Opinion affirming district court judgment entered 9/18/19.
Appellants' petition for rehearing en banc filed 11/1/19.

FTC v. NATURECITY, LLC, No. 9:19-cv-81387 (S.D. Fla.)

Parties: NatureCity, LLC
Carl Pradelli
Beth Pradelli

Assigned Attorneys: Audrey Austin (MWR)
Guy G. Ward

Alleged Conduct: Deceptive acts or practices in violation of Sections 5(a) and 12 of the FTC Act in connection with the advertising, marketing, distribution, and sale of Aloe vera-based dietary supplements purported to treat various diseases and health conditions.

Status: Complaint filed 10/10/19.

Stipulated order for permanent injunction and monetary judgment entered 10/15/19.

FTC v. NEORA LLC, No. 3:19-cv-19699 (D. N.J.)

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

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

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) and 12 of the FTC Act in connection with advertising, promoting, and distributing a nutritional supplement.

Status: Complaint filed 11/1/19.
Stipulated order for permanent injunction as to Defendants Signum Biosciences Inc. and Signum Nutralogix entered 11/15/19.
Defendants Neora LLC and Jeffrey Olsen's motion to dismiss filed 12/11/19; Commission's opposition filed 12/23/19; defendants reply filed 12/30/19.

FTC v. OMICS GROUP, INC., No. 19-15738 (9th Cir.), No. 2:16-cv-02022 (D. Nev.)

Parties: OMICS Group, Inc. d/b/a OMICS Publishing Group
iMedPub, LLC
Conference Series, LLC
Srinubabu Gedela

Assigned Attorneys: Iona Rusu (BCP/FP)
Gregory Ashe
Mariel Goetz (OGC)
Joel Marcus

Alleged Conduct: Deceptive acts and practices in violation of Section 5 of the FTC Act in connection with the publishing of online publications styled as academic journals.

Status: Complaint filed 8/25/16.
Commission's motion for preliminary injunction filed 9/8/16; Defendants' opposition filed 1/6/17; Commission reply filed 1/19/17; Order granting motion and entering preliminary injunction entered 10/2/17.
Defendants' motion to dismiss filed 1/6/17; Commission's opposition filed 1/19/17; Defendants' reply filed 2/2/17; Order denying motion to dismiss entered 10/2/17.
Commission's motion for summary judgment filed 5/1/18; Defendants' opposition filed 6/22/18; Commission reply filed 7/6/18; Order granting motion entered 3/29/19.
Defendants' motion for summary judgment filed 5/1/18; Commission's opposition filed 5/22/18; Defendants' reply filed 6/22/18; Order denying motion entered 3/29/19.
Defendants' notice of appeal to Ninth Circuit filed 4/11/19.
Appellants' opening brief filed 7/30/19; Commission's answering brief filed 10/11/19; appellants' reply brief filed 12/9/19.

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

Parties: Publishers Business Services, Inc.
Ed Dantuma Enterprises, Inc. d/b/a Publishers Direct Services d/b/a
Publishers Business Services
Persis Dantuma
Brenda Dantuma Schang
Dries Dantuma
Dirk Dantuma
Jeffrey Dantuma
Edward Fred Dantuma

Assigned Attorneys: Faye Chen Barnouw (WRLA)
Maricela Segura
Karen Goff (WRSF)
Joel Marcus (OGC)

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

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

FTC v. QUALCOMM, INC., No. 19-16122 (9th Cir.); 5:17-cv-00220 (N.D. Cal.)

Parties: Qualcomm, Inc.

Assigned Attorneys: J. Alexander Ansaldo (BC/ACP)
Dana Abrahamsen

Joseph Baker
Wesley Carson
Kente Cox
Rajesh James
Philip Kehl
Lin Kahn (WRSF)
Jennifer Milici
Michele Arington (OGC)

Alleged Conduct: Unfair methods of competition in violation of Section 5(a) of the FTC Act in connection with defendant's maintenance of a monopoly in baseband processors and semiconductor devices.

Status: Complaint filed 1/17/17.
Motion to dismiss filed 4/3/17; Commission's opposition filed 5/12/17; reply filed 5/16/17; order denying motion entered 6/26/17.
Commission's motion for partial summary judgment filed 8/30/18; Qualcomm's opposition filed 9/24/18; reply filed 10/4/18.
Order granting Commission's motion for partial summary judgment entered 11/6/18.
Commission's pretrial brief filed 12/28/18; defendant's pretrial brief filed 12/28/18.
Trial held 1/4- 1/29/19.
Findings of fact and conclusions of law and final judgment in favor of the Commission, with a permanent injunction, entered 5/21/19.
Notice of appeal filed 5/31/19.
Motion for stay pending appeal by Qualcomm filed 5/28/19; Commission's opposition filed 6/11/19; Qualcomm's reply filed 6/18/19.
Order by district court denying Qualcomm's motion for a stay pending appeal entered 7/3/19.
Qualcomm's motion to Ninth Circuit for a partial stay pending appeal filed 7/8/19; Commission's opposition filed 7/18/19; Qualcomm's reply filed 7/25/19.
Order by Ninth Circuit granting a partial stay pending appeal entered 8/23/19.
Qualcomm's opening brief filed 8/23/19; Commission's answering brief filed 11/22/19; Qualcomm's reply brief filed 12/13/19.
Oral argument scheduled for 2/13/20.

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

Parties: Quincy Bioscience Holding Company, Inc.
Quincy Bioscience, LLC
Prevagen, Inc. d/b/a Sugar River Supplements

FTC v. TRULY ORGANIC INC., No. 1:19-cv-23832 (S.D. Fla.)

Parties: Truly Organic Inc.
Maxx Harley Appelman

Assigned Attorneys: Julia Solomon Ensor (BCP/ENF)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with advertisement of certain personal care products as organic or certified organic.

Status: Complaint filed 9/13/19.
Stipulated order for permanent injunction and monetary judgment entered 9/18/19.

FTC v. THE UNIVERSITY OF PHOENIX, INC., No. 2:19-cv-05772 (D. Ariz.)

Parties: The University of Phoenix, Inc.
Apollo Education Group, Inc.

Assigned Attorneys: Adam Wesolowski (BCP/FP)
Stephanie Elizabeth Cox
Thomas John Widor

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with advertisement of the benefits of a University of Phoenix education.

Status: Complaint filed 12/10/19.
Stipulated order for permanent injunction and monetary judgment entered 12/20/19.

FTC v. WORLDWIDE EXECUTIVE JOB SEARCH SOLUTIONS, LLC, No. 4:19-cv-00495 (S.D. Tex.)

Parties: Worldwide Executive Job Search Solutions, LLC d/b/a WWEJSS,
Seven Figure Careers, 7FigRecruiters, 7FC, Finnborg Switzer,
ResumeterPro, Creating Job Opportunity, Confidential Jobs Only,
CJOnly, and CJO Private Equity
PrivateEquityHeadhunters.com LLC, also d/b/a Private Equity
Headhunters, PE Headhunters, and PEHHS.com, LLC
Craig N. Chrest

Assigned Attorneys: Ann D. LeJeune (SWR)
James R. Golder
Eric Nelson Roberson

Nature of Action: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Telemarketing Sales Rule in connection with job placement and resume repair services.

Status: Complaint filed 2/13/19.
TRO entered 2/22/19.
Preliminary injunction entered 3/25/19.
Stipulated order for permanent injunction and monetary judgment entered 10/7/19.

CIVIL PENALTY AND ENFORCEMENT CASES*

(A) Consumer Protection

UNITED STATES v. BARTOLI, No. 6:19-cv-01160 (M.D. Fla.)

Parties: Derek Jason Bartoli a/k/a Derek Bartoli d/b/a Phoenix Innovative Solutions, LLC, Marketing Consultation Solutions LLC, and KimRain Marketing LLC.

Assigned Attorneys: Lacy Harwell (AUSA)
Rachel Baron (DOJ/CPB)

Alleged Conduct: Violations of Section 5(a) of the FTC Act and the FTC's Telemarketing Sales Rule in connection with the operation of autodialer to initiate illegal robocalls, calls to numbers on the Do-Not-Call registry, and calls with spoofed caller IDs.

Status: Complaint filed 6/21/19.
Stipulated permanent injunction and monetary relief entered 6/27/19.
Unopposed motion for clarification of final order filed 7/30/19; order granting motion for clarification entered 8/16/19.

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

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

Assigned Attorneys: Jason Schall (BCP/FP)
Leah Frazier
Patrick Roy
William Joseph Hodor

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Telemarketing Sales Rule in connection with the defendants' telemarketing business.

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

Alleged Conduct: Violations of the Children’s Online Privacy Protection Act Rule in connection with collection of personal information from children through YouTube channels without their parents’ consent.

Status: Complaint filed 9/4/19.
Stipulated order for permanent injunction and civil penalty judgment entered 9/10/19.

FTC v. GOTRA, No. 19-1979 (1st Cir.); No. 1:19-cv-00410 (D. R.I.); No. 1:18-cv-10548 (D. Mass.)

Parties: Jasjit Gotra
Alliance Security Inc. f/k/a Versatile Marketing Solutions, Inc. f/k/a VMS Alarms f/k/a VMS f/k/a Alliance Home Protection f/k/a AH Protection
Jessica Merrick a/k/a Jessica Bright a/k/a Jessica Dudlicek
Defend America LLC
Kevin Klink
Power Marketing Promotions LLC d/b/a J Tele Alarms

Assigned Attorneys: Ian L. Barlow (BCP/MP)
Tejasvi Srimushnam

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC, the FTC’s Telemarketing Sales Rule, and the Fair Credit Reporting Act in connection with the marketing and sale of home security systems and monthly alarm monitoring services.

Status: Complaint filed 3/22/18.
Consent motions to approve stipulated final orders for permanent injunctions and civil penalty judgments as to defendants Kevin Klink and Power Marketing Promotions LLC, and as to Jessica Merrick and Defend America LLC filed 3/22/2018.
Motion for preliminary injunction as to defendants Jasit Gotra and Alliance Security filed 3/23/18.
Defendant Jasjit Gotra’s motion to dismiss filed 5/14/18; Commission’s opposition filed 5/24/18, motion denied 7/31/19.
Stipulated final order for permanent injunction and civil penalty judgment as to defendants Power Marketing Promotions, Kevin Klink, Defend America, and Jessica Merrick entered 5/16/19.
Joint opposition by defendants Gotra and Alliance Security, Inc. to the Commission’s motion for preliminary injunction filed 6/3/19; Commission’s reply filed 6/17/19.
Stipulated final order for permanent injunction and civil penalty judgment as to defendant Alliance Security Inc. entered 7/31/19.
Preliminary injunction as to defendant Jasjit Gotra entered 7/31/19.

Order transferring case to District of Rhode Island entered 8/1/19.
Notice of appeal of preliminary injunction by defendant Jasjit Gotra filed
9/30/19.

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

Parties: Match Group, Inc.

Assigned Attorneys: Zachary Keller (SWR)
Hasan Aijaz
Matthew Wilshire

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

Status: Complaint filed 9/25/19.
Defendant's motion to dismiss for failure to state a claim filed 10/17/19;
Commission's response filed 11/5/19; defendant's reply filed
11/19/19.

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

Parties: Zurixx, LLC
Zurixx Financial, LLC
Carlson Development Group, LLC, a
CJ Seminar Holdings, LLC
Cristopher A. Cannon
James M. Carlson
Jeffrey D. Spangler
Utah Division of Consumer Protection (co-plaintiff)

Assigned Attorneys: Christine Todaro (BCP/MP)
Laura Basford
Benjamin Davidson

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

Status: Complaint filed 9/30/19.
TRO entered 10/1/19.
Preliminary injunction entered 11/1/19.
Defendants' motion for partial dismissal filed 11/19/19; Commission's
opposition file 12/17/19; defendants' reply filed 12/31/19.

(B) Competition

UNITED STATES v. CANON INC., No. 1:19-cv-01680 (D.D.C.)

Parties: Canon Inc.
Toshiba Corporation

Assigned Attorneys: Kenneth Libby (BC/Compliance)

Alleged Conduct: Violation of the notice and waiting requirements of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, with respect to the acquisition of Toshiba Medical Systems Corporation from Toshiba Corporation.

Status: Complaint filed 6/10/19.
Stipulated final judgment entered 10/8/19.

UNITED STATES v. THIRD POINT OFFSHORE FUND, No. 1:19-cv-02593 (D.D.C.)

Parties: Third Point Offshore Fund, Ltd.
Third Point Ultra, Ltd.
Third Point Partners Qualified L.P.
Third Point, LLC

Assigned Attorneys: Kenneth A. Libby (BC/Compliance)

Alleged Conduct: Violation of the notice and waiting requirements of the Hart-Scott-Rodino Antitrust Improvements Act with respect to the acquisition of voting securities of Dow DuPont Inc.

Status: Complaint filed 7/24/19.
Stipulated final judgment entered 12/10/19.

SUBPOENA AND CID ENFORCEMENT PROCEEDINGS

FTC v. COMPLETE MERCHANT SOLUTIONS, LLC, No. 2:19-mc-00996 (D. Utah)

Parties: Complete Merchant Solutions, LLC

Assigned Attorneys: Christine Todaro (BCP/MP)
Laura Basford
Benjamin Davidson

Nature of Action: Petition to enforce a CID.

Status: Petition filed 12/23/19.
Show case hearing schedule for 3/5/20.

FTC v. FULLY ACCOUNTABLE, LLC, No. 5:19-mc-00021 (N.D. Ohio)

Parties: Fully Accountable, LLC
Sarah Scava

Assigned Attorneys: Burke W. Kappler (OGC)

Nature of Action: Petition to enforce CIDs seeking testimony.

Status: Petition filed 2/4/19.
Order to show cause entered 5/7/19.
Show cause hearing held 5/20/19.
Order compelling compliance with CIDs entered 5/28/19.
Status report by Commission recommending that case be administratively closed filed 10/30/19.
Order closing case entered 11/4/19.

FTC v. FULLY ACCOUNTABLE, LLC, No. 5:18-mc-00054 (N.D. Ohio)

Parties: Fully Accountable, LLC

Assigned Attorneys: Burke W. Kappler (OGC)

Alleged Conduct: Petition to enforce a CID.

Status: Petition filed 6/8/18.
Order to show cause entered 6/13/18.
Show cause hearing held 8/9/18.
Order compelling compliance with CID entered 8/13/18.

Petition by Fully Accountable to overturn Commission's denial of a petition to quash or limit CIDs seeking testimony filed 11/28/18; Commission's opposition filed 2/4/19.
Status report by Commission recommending that case be administratively closed filed 10/30/19.
Order closing case entered 11/4/19.

FTC v. LAMBERT, No. 0:19-cv-61867 (S.D. Fla.)

Parties: Daniel Lambert
James Verillo
Cruise Operator, Inc.
BPCL Management, LLC
Nationwide Reservations, Inc.
Jeff Tellam
Reservations & Fulfillment Services, Inc.
Paul Heyden
Melissa Hanson
Royal Sea Cruises, Inc.

Assigned Attorneys: Burke W. Kappler (OGC)

Nature of Action: Petition to enforce CIDs seeking materials relevant to ongoing Commission law enforcement investigation.

Status: Petition filed 2/4/19.
Defendants' response to petition filed 10/11/2019; Commission's reply filed 10/18/19.
Show cause hearing held 12/2/19.
Order granting petition in part and denying in part entered 12/3/19.

SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION

AMERICAN FINANCIAL BENEFITS CENTER v. FTC, No. 18-16034 (9th Cir.); No. 4:17-cv-4817 (N.D. Cal.)

Parties: American Financial Benefits Center
Ameritech Financial
Financial Education Benefits Center
Brandon Frere

Assigned Attorneys: Imad Abyad (OGC)
Roberta Tonelli (WRSF)
Sarah Schroeder
Evan Rose

Nature of Action: Action seeking a judicial declaration that the debt relief provision of the Telemarketing Sales Rule (TSR) will not apply to plaintiffs' businesses or, alternatively, that plaintiffs are fully complying with the legal requirements outlined by the TSR.

Status: Complaint filed 8/18/17; amended complaint filed 11/2/17.
Commission's motion to dismiss for lack of jurisdiction filed 10/20/17;
motion to dismiss amended complaint filed 11/16/17; response in
opposition to motion filed 11/30/17; reply to opposition filed
12/7/17; order granting motion to dismiss entered 5/29/18.
Defendants' notice of appeal filed 6/5/18.
Appellants' opening brief filed 10/31/18; Commission's answering brief
filed 2/28/19; appellants' reply brief filed 4/22/19.
Appellants' motion to dismiss case voluntarily filed 11/13/19; order
granting motion entered 11/18/19.

BLOCK & LEVITON, LLP v. FTC, No. 2:19-cv-00963 (D. Mass.)

Parties: Block & Leviton, LLP

Assigned Attorneys: Michele Arington (OGC)
Jason Weida (AUSA)

Nature of Action: Action under the Freedom of Information Act seeking access to agency records withheld by the Commission.

Status: Complaint filed 12/18/19.

CAUSE OF ACTION INSTITUTE v. FTC, No. 1:18-cv-00580 (D.D.C.)

Parties: Cause of Action Institute

Assigned Attorneys: Melanie Hendry (AUSA)

Nature of Action: Action under the Freedom of Information Act seeking access to agency records withheld by the Commission.

Status: Complaint filed 3/15/18.
Commission's motion for summary judgment filed 6/21/19.
Order suspending briefing schedule pending potential settlement of issues entered 7/18/19.
Stipulation of dismissal filed 9/25/19.

COLE v. AICS, No. 19-35894 (9th Cir.); No. 1:18-cv-00011 (D. Alaska)

Parties: Stephen Cole

Assigned Attorneys: Joel Marcus (OGC)

Nature of Action: Action seeking an order compelling the FTC to investigate a pharmacy program for anticompetitive action.

Status: Amended complaint adding FTC filed 5/9/19.
Plaintiff's motion for order requiring FTC to initiate antitrust review of 340B pharmacy program filed 5/9/19; denied 6/6/19.
Federal defendants' motion to dismiss filed 7/17/19; response in opposition by Cole filed 8/5/19.
Order granting federal defendants' motions to dismiss entered 10/11/19.
Notice of appeal by Cole filed 10/25/19.

COMPLETE MERCHANT SOLUTIONS v. FTC, No. 2:19-cv-00963 (D. Utah)

Parties: Complete Merchant Solutions, LLC

Assigned Attorneys: Michael D. Bergman (OGC)

Nature of Action: Action for declaratory judgment and injunctive relief to stop Commission investigation and potential law enforcement action concerning CMS's provision of payment processing services to merchants engaged in fraud.

Status: Complaint filed 12/5/19.

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

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

Assigned Attorneys: Bradley Grossman (OGC)
Michele Arington

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

Status: Complaint filed 3/24/17.
Amended complaint filed 5/2/17.
Commission's motion to hold case in abeyance or, in the alternative, for an extension of time filed 5/16/17; opposition filed 5/30/17; motion to stay granted 6/13/17.
Commission's motion dismiss filed 9/8/17; response in opposition filed 10/5/17; Commission's reply filed 10/27/17.
Motion hearing held 9/18/18.

DOE v. FTC, No. 4:16-cv-00071 (W.D. Mo.)

Parties: John Doe
Jane Doe

Assigned Attorneys: Jeffrey Ray (AUSA)
Burke Kappler (OGC)

Nature of Action: Action seeking damages under the Privacy Act in connection with the disclosure of private and sensitive identifying information.

Status: Complaint filed 1/28/16.
Amended complaint filed 10/21/16.
Commission's motion to dismiss for failure to state a claim filed 11/22/16; plaintiff's opposition filed 12/21/16; reply filed 1/17/17; order denying motion entered 9/11/17.
Commission's motion for summary judgment filed 12/7/18; suggestions in opposition filed 2/13/19; Commission's reply filed 2/27/19.
Order granting motion for summary judgment entered 9/27/19.

ELECTRONIC PRIVACY INFORMATION CENTER v. FTC, No. 1:18-cv-00942 (D.D.C.)

Parties: Electronic Privacy Information Center

Assigned Attorneys: Michele Arington (OGC)
Robert Caplen (AUSA)

Alleged Conduct: Action under the Freedom of Information Act for injunctive and other relief to secure the release of agency records.

Status: Complaint filed 4/20/18.
Joint status report filed 11/19/18.
Joint status report filed 3/7/19.
Joint status report filed 4/12/19.
Facebook's motion to intervene filed 5/3/19; EPIC's opposition filed 6/14/19; Facebook's reply filed 7/12/19.
Order granting Facebook's motion to intervene entered 8/28/19.
Joint status report notifying court that the substantive issues in the action are resolved, leaving only issue of attorney's fees to be addressed, filed 9/25/19.
EPIC's motion for partial summary judgment on attorney's fees filed 11/22/19; Commission's opposition filed 12/13/19; EPIC's reply filed 12/20/19.

LOUISIANA REAL ESTATE APPRAISERS BOARD v. FTC, No. 19-30796 (5th Cir.); No. 3:19-cv-00214 (M.D. La.)

Parties: Louisiana Real Estate Appraisers Board

Assigned Attorneys: Mark Hegedus (OGC)
John J. Gaupp (DOJ)

Nature of Action: Action seeking declaratory judgment that the LREAB is exempt from antitrust laws under the state action doctrine.

Status: Complaint filed 4/11/19.
Plaintiff's motion to stay administrative proceedings pending judicial review and for expedited treatment filed 4/17/19; Commission's opposition filed 5/13/19; plaintiff's reply filed 5/17/19.
Commission's motion to dismiss filed 6/7/19; plaintiff's opposition filed 6/18/19; Commission's reply filed 6/25/19.
Order granting motion to stay administrative proceedings entered 7/29/19.
Notice of appeal of order granting motion to stay filed 9/26/19.
Commission's opening brief filed 11/7/19; appellee's brief filed 12/9/19; Commission's reply brief filed 1/10/20.

MENDEL v. CHAO, No. 4:19-cv-03244 (N.D. Cal.)

Parties: S. Patrick Mendel

Assigned Attorneys: James A. Schart (AUSA)

Nature of Action: Complaint against numerous private parties, as well as federal and state officials, including allegations that FTC improperly failed to investigate anticompetitive conduct by ride hailing services like Uber and Lyft.

Status: Complaint filed 6/7/19.
Federal defendants' motion to dismiss filed 9/23/19; opposition filed 10/7/19; federal defendants' reply filed 10/15/19.
Order granting motion to dismiss entered 11/25/19.

NERIUM INTERNATIONAL, LLC v. FTC, No. 1:19-cv-07189 (N.D. Ill.)

Parties: Nerium International, LLC (now known as Neora, LLC)
Jeffrey Olson

Assigned Attorneys: David A. O'Toole (MWR)
Guy G. Ward
Mariel Goetz (OGC)

Nature of Action: Action for injunction and declaratory judgment that Nerium is not an unlawful pyramid scheme and that the FTC cannot obtain monetary relief.

Status: Complaint filed 11/1/19.
Commission's motion to dismiss for lack of jurisdiction filed 12/23/19.

RICHARD ZEITLIN v. FTC, No. 2:19-cv-00698 (D. Nev.)

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

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

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

Status: Complaint filed 4/24/19.

Commission's motion to dismiss filed 6/28/19; plaintiffs' response to motion filed 7/11/19; Commission's reply filed 8/2/19.

AMICUS CURIAE BRIEFS OR PARTIAL INTERVENTIONS

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

Assigned Attorneys: Mark S. Hegedus (OGC)

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

Status: Brief for the United States and the Commission as amici curiae supporting plaintiffs-appellees filed 9/11/19.

INTELLECTUAL VENTURES I LLC v. CAPITAL ONE FINANCIAL CORP., No. 18-1367 (Fed. Cir.)

Assigned Attorney: Mark Hegedus (OGC)
John Dubiansky (OPP)

Nature of Action: Private action alleging patent infringement claims and antitrust counterclaims, raising question of *Noerr-Pennington* doctrine's application to allegedly anticompetitive conduct that includes patent-litigation activity.

Status: Corrected brief of the Justice Department and the Commission as amici curiae filed in support of in support of neither party filed 5/11/18.
Corrected brief for appellants filed 7/19/18.
Brief for appellees filed 8/28/18.
Reply for appellants filed 9/25/18.
Motion of the United States for leave to participate in oral argument filed 10/22/18; order granting the motion entered 4/24/19.
Oral argument held 6/3/19.
Judgment affirming district court decision entered 9/10/19.
Appellant's petition for rehearing en banc filed 10/10/19; appellees' response to petition filed 11/21/19; order denying rehearing en banc entered 12/11/19.

IN RE PAPLAUSKAS, JR., No. SU-2018-161-M.P (S. Ct. R.I.)

Assigned Attorneys: Joel Marcus (OGC)

Nature of Action: Action raising the question of whether a non-attorney notary public engaged in the unauthorized practice of law while participating in a real estate closing.

Status: Brief for the United States and the Commission as amicus curiae supporting respondent filed 9/17/18.
Commission and DOJ's motion to present oral argument as amici curiae filed 11/21/19.
Oral argument heard 12/5/19.

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

Assigned Attorneys: Mark S. Hegedus (OGC)

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

Status: Brief for the United States and the Commission as amici curiae supporting plaintiffs-appellees filed 9/26/19.

STALEY v. GILEAD SCIENCES, INC., No. 3:19-cv-02573 (N.D. Cal.)

Assigned Attorneys: Markus H Meier (BC/HC)

Nature of Action: Private action alleging anticompetitive conduct by manufacturers of branded HIV medications, raising question of relevant market definition.

Status: Commission's motion to file amicus brief filed 10/25/19.
Order granting motion entered 11/7/29.

TAKEDA PHARMACEUTICAL COMPANY LTD. v. ZYDUS PHARMACEUTICALS (USA) INC., No. 3:18-cv-1994 (D.N.J.)

Assigned Attorney: Kara Monahan (BC/HC)

Nature of Action: Action alleging patent infringement and counterclaims alleging patent-infringement lawsuit is a sham, and raising issue about the application of the *Noerr-Pennington* doctrine in the pharmaceutical industry.

Status: Commission's motion for leave to file an amicus brief filed 6/6/18.
Stipulation and proposed order of partial dismissal filed 7/25/18; order

granting stipulation entered 7/26/18.
Order denying as moot the Commission's motion for leave to file an
amicus brief entered 1/28/19.