

Sealed

FILED by *[Signature]* D.C.  
JUN 09 2014  
STEVEN M. LARIMORE  
CLERK U. S. DIST. CT.  
S. D. of FLA. - MIAMI

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

FEDERAL TRADE COMMISSION, and  
STATE OF FLORIDA

Plaintiffs,

v.

YOUR YELLOW PAGES, INC., a Florida  
corporation, also doing business as EBS  
COLLECTIONS,

RAPID PAGES, INC., a Florida corporation,  
also doing business as RAPID YELLOW  
PAGES,

CITY PAGES, INC., a Florida corporation,  
also doing business as CITY YELLOW  
PAGES and ONLINE CITY YELLOW  
PAGES,

DONOVAN B. HINDS a/k/a Donovan B.  
Hinds, individually and as an officer,  
director, or owner of YOUR YELLOW  
PAGES, INC. and CITY PAGES, INC.,

ANDREW BEITLER, individually and as an  
officer, director, or owner of RAPID  
PAGES, INC., and

ERNEST BAXTER a/k/a Ernest Baster a/k/a  
Carl Jenkins, individually, and as an officer,  
director, manager, or owner of YOUR  
YELLOW PAGES, INC., CITY PAGES,  
INC. and RAPID PAGES, INC.

Defendants.

Case No. **14-22129**

Judge **CIV-MARTINEZ**

FILED UNDER SEAL

**GOODMAN**

COMPLAINT FOR PERMANENT INJUNCTION AND OTHER EQUITABLE RELIEF

Plaintiffs, the Federal Trade Commission (“FTC” or “Commission”), and the State of Florida, for their Complaint allege:

1. The FTC brings this action under Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), to obtain temporary, preliminary, and permanent injunctive relief, rescission or reformation of contracts, restitution, the refund of monies paid, disgorgement of ill-gotten monies, and other equitable relief for Defendants’ acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

2. The State of Florida, by and through its Attorney General, Pamela Jo Bondi, brings this action under the Florida Deceptive and Unfair Trade Practices Act (“FDUTPA”), Fla. Stat. § 501.201 et seq., to obtain temporary, preliminary and permanent injunctive relief, rescission or reformation of contracts, restitution, the refund of monies paid, disgorgement of ill-gotten monies, and other equitable relief, as well as civil penalties, for Defendants’ acts or practices in violation of the FDUTPA. The State of Florida has conducted an investigation, and the head of the enforcing authority, Attorney General Pamela Jo Bondi, has determined that an enforcement action serves the public interest.

#### **JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), 1345, and 1367 and 15 U.S.C. §§ 45(a) and 53(b).

4. Venue is proper in this district under 28 U.S.C. § 1391(b)(2), (c)(2), (c)(3), and (d) and 15 U.S.C. § 53(b).

**PLAINTIFFS**

5. The FTC is an independent agency of the United States Government created by statute. 15 U.S.C. §§ 41-58. The FTC enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce.

6. The FTC is authorized to initiate federal district court proceedings, by its own attorneys, to enjoin violations of the FTC Act and to secure such equitable relief as may be appropriate in each case, including rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies. 15 U.S.C. §§ 53(b) and 56(a)(2)(A).

7. The State of Florida is the enforcing authority under the FDUTPA pursuant to Florida Statutes Section 501.203(2) and is authorized to pursue this action to enjoin violations of the FDUTPA and to obtain legal, equitable or other appropriate relief, including rescission or reformation of contracts, restitution, the refund of monies paid, disgorgement of ill-gotten monies, civil penalties, or other relief as may be appropriate. Fla. Stat. § § 501.207, 501.2075 and 501.2077.

**DEFENDANTS**

8. *Defendant Your Yellow Pages, Inc. ("YYP"), also doing business as EBS Collections* is a Florida corporation, with its principal place of business at 7590 NW 53<sup>rd</sup> Street, Suite 337, Miami, FL 33166. Defendant YYP transacts or has transacted business in this district and throughout the United States. During the time period June 2012 through January 2014, YYP received and deposited more than \$2.6 million in payments made to it by consumers into its corporate bank account.

9. ***Defendant Rapid Pages, Inc. (“Rapid”), also doing business as Rapid Yellow Pages***, is a Florida corporation with its principal place of business at 495 Grand Boulevard, Miramar Beach, Florida 32550. Defendant Rapid transacts or has transacted business in this district and throughout the United States. During the time period March 2013 through January 2014, Rapid deposited more than \$900,000 in payments made to it by consumers into its corporate bank account.

10. ***Defendant City Pages, Inc., (“City”) also doing business as City Yellow Pages and Online City Yellow Pages***, is a Florida corporation with its principal place of business at 113 South Monroe Street, First Floor, Tallahassee, Florida 33319. Defendant City is the registered owner of the fictitious name City Yellow Pages, whose mailing address, registered with the Florida Department of State, Division of Corporations, is 113 South Monroe Street, First Floor, Tallahassee, FL 32301. Defendant City transacts or has transacted business in this district and throughout the United States. During the time period March 2013 through January 2014, Defendant City deposited more than \$1.4 million in payments made to it by consumers into its corporate bank account.

11. ***Defendant Donovan B. Hinds (“Hinds”) a/k/a Donovan B. Hinds*** is or has been an owner, officer, principal, or director of Defendants YYP and City. At all times material to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices set forth in this Complaint. Hinds, in connection with the matters alleged herein, transacts or has transacted business in this district and throughout the United States, including in the State of Florida.

12. Defendant Hinds incorporated and registered both Defendants YYP and City and has been the president of them since their registration. On or about May 31, 2012, Defendant

Hinds incorporated Defendant YYP through the Florida Department of State, Division of Corporations and listed himself as the president and registered agent.

13. Thereafter, Defendant Hinds incorporated Defendant City on or about February 15, 2013. Defendant Hinds listed himself as the president and registered agent. Next, on or about March 8, 2013, Defendant Hinds registered City Yellow Pages as a fictitious name for Defendant City Pages, Inc.

14. On or about June 5, 2012, Defendant Hinds opened a bank account with Bank of America in the name of Defendant YYP and listed himself as president ("YYP Account").

15. Defendant Hinds also is listed as the president on another bank account with Bank of America in the name of Defendant City Pages, Inc. d/b/a City Yellow Pages ("City Account"). On or about April 23, 2013, Defendant Hinds registered a Regus virtual office suite, located at 8333 NW 53<sup>rd</sup> Street, Suite 405, Doral, FL 33166, on behalf of Defendant YYP. According to the Online Virtual Office Agreement electronically signed by Defendant Hinds, his contact address is in Tamarac, FL.

16. Defendant Hinds also opened a merchant processing account on behalf of Defendant YYP with Forte Payment Systems in May of 2013 for the processing of consumer payments. In his merchant application Defendant Hinds listed himself as 100% owner of YYP.

17. *Defendant Ernest Baxter ("Baxter") a/k/a Ernest Baster a/k/a Carl Jenkins* is or has been an owner, officer, principal, or director of Defendants YYP, City, and Rapid. At all times material to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices set forth in this Complaint. Baxter, in connection with the matter alleged herein, transacts or has

transacted business in this district and throughout the United States, including in the State of Florida.

18. Defendant Baxter opened virtual offices, mail boxes, and mail forwarding accounts associated with Corporate Defendants. In some instances, Defendant Baxter had the mail from these boxes forwarded to a Canadian address. In other instances, Defendant Baxter had the mail forwarded to Defendant YYP's mail drop, from which it was then forwarded to Canada. Specifically, Baxter opened the following:

- a. On or about April 12, 2012, Defendant Baxter registered an Offix virtual office suite, located at 7950 NW 53<sup>rd</sup> Street, Suite 337, Miami, FL 33166, on behalf of Defendant YYP and EBS Collections. Baxter had the mail from this address forwarded to himself at The UPS Store, 4148A St. Catherine Street W., Suite #135, Westmount, Quebec Canada;
- b. On or about November 13, 2012, Defendant Baxter registered a Regus virtual office suite, located at 970 Lake Carillon Drive, Suite 300, St. Petersburg, FL 33716, on behalf of Defendant YYP and United Group, Ltd. Baxter had the mail from this address forwarded to himself at The UPS Store, 4148A St. Catherine Street W., Suite 135, Westmount, Quebec Canada;
- c. On or about January 8, 2013, Defendant Baxter registered a Regus virtual office suite, located at 113 South Monroe Street, 1<sup>st</sup> Floor, Tallahassee, FL 32301 on behalf of Defendant City. According to the Online Virtual Office Agreement electronically signed by Defendant Baxter, his contact address was a street address in Montreal, Canada;
- d. On or about August 28, 2013, Defendant Baxter registered a Regus virtual office suite, located at 20 Commerce Drive, Suite 135, Cranford, NJ 07016, on behalf of Defendant City. Baxter had the mail from this address forwarded to YYP's virtual office and mail drop, located at 970 Lake Carillon Drive, Suite 300, St. Petersburg, FL 33716;
- e. On or about November 18, 2013, Defendant Baxter registered a Regus virtual office suite, located at 4400 Route 9 South, Suite 1000, Freehold, NJ 07728, on behalf of Defendant City. According to the Virtual Office Agreement signed by Defendant Baxter, his contact address was 970 Lake Carillon Drive Suite 300, St. Petersburg, FL 33716, which is the address of YYP's virtual office and mail drop;

f. On or about January 17, 2013, Defendant Baxter registered a Regus virtual office suite, located at 495 Grand Blvd., Miramar Beach, FL 32550, on behalf of Defendant Rapid. According to the Online Virtual Office Agreement electronically signed by Defendant Baxter, his contact address is in Montreal, Canada;

g. On or about March 27, 2013, Defendant Baxter registered a Regus virtual office suite, located at 15305 Dallas Parkway, Suite 300, Addison, TX 75001, on behalf of Defendant Rapid. According to the Online Virtual Office Agreement electronically signed by Defendant Baxter his contact address is in Montreal, Canada;

h. On or about July 3, 2013, Defendant Baxter registered a USA2Me virtual office suite, located at 10685-B Hazelhurst Drive, Houston, TX 77043, on behalf of Defendant Rapid. Although this account was registered in the name of Carl Jenkins, the picture identification provided for account was that of Defendant Baxter. The account lists Defendant Baxter's address as Montreal, Canada; and

i. On or about August 13, 2013, Defendant Baxter registered a Regus virtual office suite, located at 2500 Plaza 5, Harborside Financial Center, 25<sup>th</sup> Floor, Jersey City, NJ 07311, on behalf of Defendant Rapid. According to the Online Virtual Office Agreement electronically signed by Defendant Baxter, his contact address was YYP's virtual office and mail drop, located at 970 Lake Carillon Drive, Suite 300, St. Petersburg, FL 33176.

19. Defendant Baxter is the registrant contact, billing contact, administrative contact, and technical contact for Defendant City and Defendant Rapid's domain registrations ([www.cityyellowpages.us](http://www.cityyellowpages.us) and [www.rapidyellowpages.info](http://www.rapidyellowpages.info)). On the Rapid registration, Defendant Baxter uses an address for Defendant City. Defendant Baxter identifies his contact email address on both registrations as [ebscollections@gmail.com](mailto:ebscollections@gmail.com). Defendant YYP also has used the name EBS Collections.

20. **Defendant Andrew Beitler** ("Beitler") is or has been an owner, officer, principal, or director of Rapid. At all times material to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices set forth in this Complaint. Beitler, in connection with the matter alleged

herein, transacts or has transacted business in this district and throughout the United States, including in the State of Florida.

21. Defendant Beitler incorporated Defendant Rapid on or around February 15, 2013, and has been listed as the President of Rapid since its inception. Defendant Beitler listed the principal and mailing addresses of Rapid as 495 Grand Blvd., Miramar Beach, FL 32550.

22. Defendant Beitler opened a bank account with Bank of America in the name of Defendant Rapid (“Rapid Account”). Defendant City received wire transfers from the Rapid Account opened by Beitler.

23. *Defendants YYP, City, and Rapid* (collectively, “Corporate Defendants”), have operated as a common enterprise while engaging in the deceptive acts and practices alleged below. Defendants have conducted the business practices described below through an interrelated network of companies that have common officers, managers, business functions, employees, or office locations, and that have commingled funds. Because these Corporate Defendants have operated as a common enterprise, each of them is jointly and severally liable for the acts and practices alleged below. *Defendants Hinds, Baxter, and Beitler* (collectively, “Individual Defendants”) have formulated, directed, controlled, had the authority to control, or participated in the acts and practices of the Corporate Defendants that constitute the common enterprise.

### COMMERCE

24. At all times material to this Complaint, Defendants have maintained a substantial course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44 and as “trade or commerce” is defined in Florida Statutes Section 501.203(8).



**DEFENDANTS' BUSINESS ACTIVITIES**

25. Since at least 2012, Defendants have engaged in a plan, program, or campaign to deceptively sell listings in their business directories throughout the United States, including in the State of Florida. Consumers targeted by Defendants' scheme have included, among others, small businesses, nonprofits, doctors' offices, and churches (hereinafter "consumers").

26. Defendants market listings in their business directories by making unsolicited, misleading outbound phone calls to United States consumers and by sending unsolicited, misleading invoices or collection letters. In their initial contacts with consumers, Defendants misrepresent, expressly or by implication, that the consumers previously ordered a business directory listing from Defendants and, because the consumers authorized this order, Defendants already have placed listings for the consumers in Defendants' online business directory.

27. In numerous instances, Defendants also inform the consumers that they owe fees for the second year of an alleged two-year business directory listing. Many consumers or their owners or employees inform Defendants that they did not agree to purchase a business directory listing and that they never paid for or authorized the first year of the alleged directory listing. In response, Defendants often purport to have a recording of the consumer ordering the business directory listing, and Defendants tell the consumers that the recording constitutes a binding oral contract. When consumers ask to hear the recordings, Defendants refuse to play them for the consumers.

28. Many consumers ask Defendants to send them a copy of the invoice for the alleged business directory listing. In many instances, Defendants send an invoice to the consumer that misrepresents that the consumers agreed to and that Defendants listed the consumers in their online business directory. The invoices deceptively display the well-known

image of two walking fingers, a symbol frequently associated with a local yellow pages directory. The invoices also misrepresent Defendants' location. Defendants' invoices typically bill consumers anywhere from \$400 to over \$1800 or more for a listing in Defendants' business directory.

29. Because the consumers and their employees did not order a business directory listing from Defendants, they often ignore or otherwise refuse to pay Defendants' invoices. In these cases, Defendants take additional steps to induce consumers to pay. Defendants make multiple collection calls and threaten to add interest charges and legal fees to the original price for the alleged listing in Defendants' business directory. Defendants also threaten to send consumers' accounts to collection, to damage consumers' credit ratings, and even to initiate legal proceedings against the consumers.

30. Defendants have also held themselves out to be a debt collection company, EBS Collections, to mislead consumers to believe that Defendants have referred their accounts to a third party for collection. Defendants have used this ploy to further threaten consumers who refuse to pay Defendants' invoices. Although Defendants represent to consumers that EBS Collections is located in Florida, EBS Collections is not legally incorporated in Florida.

31. In response to Defendants' misleading representations, aggressive collection tactics, and threats, consumers pay Defendants in order to protect their credit ratings, to avoid being sued, and because they believe that paying Defendants will put an end to Defendants' harassing collection efforts.

32. Despite the consumers protest that they never ordered a business directory listing, Defendants induce many consumers to pay their invoices based on the promise that they will no longer contact consumers after payment, and that the accounts of those consumers who do pay

will be closed. Based on these promises, some consumers pay Defendants in order to stop Defendants' harassing phone calls and invoices. Nevertheless, in some instances, Defendants continue to bill consumers even after consumers pay for closing the alleged listings in Defendants' business directory.

### **VIOLATIONS OF THE FTC ACT**

33. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits "unfair or deceptive acts or practices in or affecting commerce."

34. Misrepresentations or deceptive omissions of material fact constitute deceptive acts or practices prohibited by Section 5(a) of the FTC Act.

### **COUNT I**

**(By Plaintiff FTC)**

35. In numerous instances in connection with the marketing, promotion, offering for sale, or sale of business directory listings, Defendants have represented, directly or indirectly, expressly or by implication, through, *inter alia*, telephone calls, invoices, and collection letters that consumers have a preexisting business relationship with Defendants.

36. In truth and in fact, in numerous instances in which Defendants have made the representation set forth in Paragraph 35 of this Complaint, consumers do not have a preexisting business relationship with Defendants.

37. Therefore, Defendants' representation as set forth in Paragraph 35 of this Complaint is false and misleading and constitutes a deceptive act or practice in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

**COUNT II**

**(By Plaintiff FTC)**

38. In numerous instances in connection with the marketing, promotion, offering for sale, or sale of business directory listings, Defendants have represented, directly or indirectly, expressly or by implication, through, *inter alia*, telephone calls, collection letters, and invoices that consumers have agreed to purchase a listing in Defendants' business directory.

39. In truth and in fact, in numerous instances in which Defendants have made the representation set forth in Paragraph 38 of this Complaint, consumers have not agreed to purchase a listing in Defendants' business directory.

40. Therefore, Defendants' representation as set forth in Paragraph 38 of this Complaint is false and misleading and constitutes a deceptive act or practice in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

**COUNT III**

**(By Plaintiff FTC)**

41. In numerous instances in connection with the marketing, promotion, offering for sale, or sale of business directory listings, Defendants have represented, directly or indirectly, expressly or by implication, through, *inter alia*, telephone calls, invoices, or collection letters, that consumers owe money to Defendants for a listing in Defendants' business directory.

42. In truth and in fact, in numerous instances in which Defendants have made the representation set forth in Paragraph 41 of this Complaint, consumers do not owe money to Defendants for a listing in Defendants' business directory.

43. Therefore, Defendants' representation as set forth in Paragraph 41 of this Complaint is false and misleading and constitutes a deceptive act or practice in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

## VIOLATIONS OF THE FDUTPA

### COUNT IV

(By Plaintiff State of Florida)

44. As set forth in Paragraphs 1 through 43 above, which allegations are incorporated as if set forth herein, Defendants have committed acts and practices that are unfair or deceptive in violation of the FDUTPA.

45. Section 501.204(1), Florida Statutes, declares that "unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful."

46. In the course of Defendants trade or commerce, Defendants have committed acts or practices that are unfair or deceptive in violation of the FDUTPA including some or all of the following:

- a. Making false or misleading representations, directly or indirectly, expressly or by implication, through, *inter alia*, telephone calls, invoices, or collection letters, that consumers have a preexisting business relationship with Defendants when in numerous instances, consumers do not have a preexisting business relationship with Defendants; and/or
- b. Making false or misleading representations, directly or indirectly, expressly or by implication, through, *inter alia*, telephone calls, invoices, or

collection letters, that consumers have agreed to purchase a listing in Defendants' business directory when in numerous instances, consumers have not agreed to purchase a listing in Defendants' business directory; and/or

c. Making false or misleading representations, directly or indirectly, expressly or by implication, through, *inter alia*, telephone calls, invoices, or collection letters that consumers owe money to Defendants for a listing in Defendants' business directory when in numerous instances, consumers do not owe money to Defendants for a listing in Defendants' business directory.

47. The Individual Defendants Hinds, Baxter and Beitler are personally liable for the unlawful acts and practices of the Corporate Defendants as each of the Individual Defendants has the authority and power to control or direct the conduct at issue herein and/or actually participated in and directed the conduct at issue herein.

48. The acts and practices of the Defendants as set forth herein were misleading or deceptive and likely to mislead a consumer acting reasonably, and consumers within the State of Florida and elsewhere were actually misled by the acts and practices of the Defendants recited herein.

#### **CONSUMER INJURY**

49. Consumers have suffered and will continue to suffer substantial injury as a result of Defendants' violations of the FTC Act and the FDUTPA. In addition, Defendants have been unjustly enriched as a result of their unlawful acts or practices. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.

**THE COURT'S POWER TO GRANT RELIEF**

50. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court to grant injunctive and such other relief as the Court may deem appropriate to halt and redress violations of any provision of law enforced by the FTC. The Court, in the exercise of its equitable jurisdiction, may award ancillary relief, including rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies, to prevent and remedy any violation of any provision of law enforced by the FTC.

51. Pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction to allow Plaintiff State of Florida to enforce its state law claims against Defendants in this Court for violations of the FDUTPA. Florida Statutes Sections 501.207, 501.2075, and 501.2077 authorize this Court to grant such relief as the Court finds necessary to redress injury to consumers resulting from Defendants' violation of the FDUTPA, including injunctive relief, rescission or reformation of contract, the refund of monies paid, the disgorgement of ill-gotten monies, and civil penalties.

**PRAYER FOR RELIEF**

52. Wherefore, Plaintiff FTC, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), and the Court's own equitable powers, and Plaintiff State of Florida, pursuant to Florida Statutes Sections 501.207, 501.2075, and 501.2077, and as authorized by the Court's own equitable powers, request that the Court:

A. Award Plaintiffs such preliminary injunctive and ancillary relief as may be necessary to avert the likelihood of consumer injury during the pendency of this action and to

preserve the possibility of effective final relief, including but not limited to, temporary and preliminary injunctions and an order freezing assets;

B. Enter a permanent injunction to prevent future violations of the FTC Act and the FDUTPA by Defendants;

C. Award such relief as the Court finds necessary to redress injury to consumers resulting from Defendants' violations of the FTC Act and the FDUTPA, including but not limited to, rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies;


D. Award civil penalties in an amount up to \$10,000.00 per transaction pursuant to Florida Statutes Section 501.2075 and up to \$15,000.00 per transaction pursuant to Florida Statutes Section 501.2077, for the willful acts and practices of the Defendants in violation of the FDUTPA; and

E. Award Plaintiff FTC the cost of bringing this action and Plaintiff State of Florida its attorneys' fees and costs in bringing this action, as well as such other and additional relief as the Court may determine to be just and proper.

Dated: June 9, 2014

Respectfully submitted,

Jonathan E. Nuechterlein  
General Counsel  
Federal Trade Commission

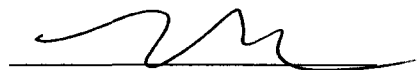
  
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STATE OF FLORIDA

JS 44 (Rev. 12/12)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

**I. (a) PLAINTIFFS** FEDERAL TRADE COMMISSION et al. **DEFENDANTS** YOUR YELLOW PAGES INC. et al.

**FILED by** *SM* **D.C.**  
**JUN 09 2014**  
 STEVEN M. LARIMORE  
 CLERK U. S. DIST. CT.  
 S. D. of FLA. - MIAMI

**14-22129**

**(b)** County of Residence of First Listed Plaintiff  
 (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Miami-Dade  
 (IN U.S. PLAINTIFF CASES ONLY)

**(c)** Attorneys (Firm Name, Address, and Telephone Number)

Anna Burns, Federal Trade Commission, 225 Peachtree Street, N.E.,  
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**NOTE:** IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

**CIV-MARTINEZ**

**(d)** Check County Where Action Arose:  MIAMI-DADE  MONROE  BROWARD  PALM BEACH  MARTIN  ST. LUCIE  INDIAN RIVER  OKEECHOBEE  HIGHLANDS

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff  
 2 U.S. Government Defendant  
 3 Federal Question (U.S. Government Not a Party)  
 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- PTF DEF**  
 1 Citizen of This State  1 Incorporated or Principal Place of Business In This State  
 2 Citizen of Another State  2 Incorporated and Principal Place of Business In Another State  
 3 Citizen or Subject of a Foreign Country  3 Foreign Nation

**GOODMAN**

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Other:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

**V. ORIGIN**

(Place an "X" in One Box Only)

- 1 Original Proceeding  2 Removed from State Court  3 Re-filed (See VI below)  4 Reinstated or Reopened  5 Transferred from another district (specify)  6 Multidistrict Litigation  7 Appeal to District Judge from Magistrate Judgment  8 Remanded from Appellate Court

**VI. RELATED/RE-FILED CASE(S)**

(See instructions):

a) Re-filed Case  YES  NO b) Related Cases  YES  NO

JUDGE

DOCKET NUMBER

**VII. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. Section 45(a), Defendants make misrepresentations in marketing business directories and listings  
 LENGTH OF TRIAL via days estimated (for both sides to try entire case)

**VIII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$**

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

DATE SIGNATURE OF ATTORNEY OF RECORD

**FOR OFFICE USE ONLY**

RECEIPT # AMOUNT IFP JUDGE MAG JUDGE