

JS-6

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

**Federal Trade Commission,**

Plaintiff,

vs.

**Aaron Michael Jones, et al.,**

Defendants.

No. SACV17-00058 DOC (JCGx)

**Entry of Default Judgment and Final  
Order for Permanent Injunction  
Against Defendants Allore, Inc.,  
Audacity LLC, Data World  
Technologies, Inc., Dial Soft  
Technologies, Inc., Digital Marketing  
Solutions, Inc., Savilo Support  
Services, Inc., Secure Alliance Corp.,  
Velocity Information Corp., and  
World Access Media**

Plaintiff, the Federal Trade Commission (“Commission” or “FTC”), filed its Complaint for Civil Penalties, Permanent Injunction and Other Relief (“Complaint,” Docket No. 1) pursuant to Sections 5(a), 5(m)(1)(A), 13(b), and 16(a) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a), 45(m)(1)(A), 53(b), and 56(a), and Section 6 of the Telemarketing and Consumer Fraud and Abuse Prevention Act (the “Telemarketing Act”), 15 U.S.C. § 6105. The FTC alleged that Defendants assisted their numerous telemarketer clients in bombarding American consumers with billions of “robocalls”—calls delivery

1 prerecorded messages—as well as calls to consumers whose telephone numbers  
2 were on the National Do Not Call (“DNC”) Registry, and calls made with  
3 inaccurate, or “spoofed,” caller ID information.

4 The FTC subsequently filed a Motion for Default Judgment against  
5 Defendants Allore, Inc., Audacity LLC, Data World Technologies, Inc., Dial Soft  
6 Technologies, Inc., Digital Marketing Solutions, Inc., Savilo Support Services,  
7 Inc., Secure Alliance Corp., Velocity Information Corp., and World Access Media  
8 (the “Defaulting Dialing Company Defendants”). The Dialing Company  
9 Defendants were served with the Complaint in this action (*see* Docket Nos. 36-40,  
10 58, 59, 61, 73), but have not opposed, defended, or answered the Complaint (*see*  
11 Docket Nos. 41, 60, 62, 71). The Complaint is well pled and the relief sought in the  
12 Complaint is reflected in the proposed order submitted with the Motion for Default  
13 Judgment.

14 Having considered the Complaint, Motion for Default Judgment, exhibits,  
15 and other evidence filed in this matter, and for the reasons set forth in this Court’s  
16 Order Granting Plaintiff’s Motion for Default Judgment dated May 25, 2017 (*see*  
17 Docket No. 86), **it is hereby ordered** that the FTC’s Motion for Default Judgment  
18 against the Dialing Company Defendants is **granted** as follows:

### 19 FINDINGS

20 1. This is an action by the Commission instituted under Sections 5(a),  
21 5(m)(1)(A), 13(b), and 16(a) of the FTC Act, 15 U.S.C. §§ 45(a), 45(m)(1)(A),  
22 53(b), and 56(a), and Section 6 of the Telemarketing and Consumer Fraud and  
23 Abuse Prevention Act (the “Telemarketing Act”), 15 U.S.C. § 6105. The  
24 Commission has authority to seek the relief contained herein.

25 2. The Complaint charges that the Defaulting Dialing Company  
26 Defendants participated in acts or practices in violation of Section 5 of the FTC  
27 Act, 15 U.S.C. § 45, and the FTC’s Telemarketing Sales Rule (“TSR”), as  
28 amended, 16 C.F.R. Part 310, by assisting and facilitating clients of an enterprise

1 who were, among other things: (a) placing telemarketing calls to consumers that  
2 delivered prerecorded messages; (b) placing telemarketing calls to consumers  
3 whose telephone numbers were on the National Do Not Call (“DNC”) Registry;  
4 and (c) transmitting inaccurate caller ID numbers and names with their  
5 telemarketing calls.

6 3. The Commission’s Complaint states a claim upon which relief may be  
7 granted under Section 5 of the FTC Act, 15 U.S.C. § 45, and the TSR, 16 C.F.R.  
8 Part 310.

9 4. This Court has subject matter jurisdiction pursuant to 28 U.S.C.  
10 §§ 1331, 1337(a), and 1345, 15 U.S.C. §§ 45(a), 53(b), 6102(c), and 6105(b).

11 5. Venue is proper in this district under 28 U.S.C. § 1391(b)(1), (b)(2),  
12 (c)(2) and (d), and 15 U.S.C. § 53(b).

13 6. The activities of the Defaulting Dialing Company Defendants as  
14 alleged in the Commission’s Complaint are in or affecting commerce, as  
15 “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

16 7. By virtue of the Court’s decision regarding the FTC’s Motion for  
17 Default Judgment, the Defaulting Dialing Company Defendants are liable for  
18 injunctive relief for violations of Section 5(a) of the FTC Act and the TSR.

19 8. This Order resolves all matters in dispute in this action between the  
20 FTC and the Defaulting Dialing Company Defendants, but not as to any other  
21 person, such as an indemnitee.

22 9. Entry of this Order is in the public interest.

### 23 DEFINITIONS

24 For the purpose of this Order, the following definitions apply:

25 A. “**Dialing Company Defendants**” means Defendants Allorey, Inc.,  
26 Audacity LLC, Data World Technologies, Inc., Dial Soft Technologies, Inc.,  
27 Digital Marketing Solutions, Inc., Savilo Support Services, Inc., Secure Alliance  
28

1 Corp., Velocity Information Corp., and World Access Media, and their successors  
2 and assigns, individually, collectively, or in any combination.

3 B. “**National Do Not Call Registry**” means the “do-not-call” registry of  
4 telephone numbers maintained by the Commission pursuant to 16 C.F.R.  
5 § 310.4(b)(1)(iii)(B).

6 C. “**Person**” means any individual, group, unincorporated association,  
7 limited or general partnership, corporation, or other business entity.

8 D. “**Telemarketing**” means a plan, program, or campaign which is  
9 conducted to induce the purchase of goods or services or a charitable contribution,  
10 by use of one or more telephones and which involves more than one interstate  
11 telephone call.

## 12 ORDER

### 13 I

#### 14 Permanent Bans on Telemarketing, Robocalls, and Calling

#### 15 Telephone Numbers Listed on the National Do Not Call Registry

16 **It is ordered** that the Dialing Company Defendants, whether acting directly  
17 or through an intermediary, **are permanently restrained and enjoined from:**

18 A. Engaging in, or assisting others to engage in Telemarketing, which  
19 includes, without limitation, providing others with access to automated dialing  
20 systems, providing others with Caller ID numbers, and providing others with data  
21 lists containing consumer information;

22 B. Initiating, causing others to initiate, or assisting others in initiating any  
23 telephone call that plays or delivers a prerecorded message;

24 C. Initiating, causing others to initiate, or assisting others in initiating any  
25 telephone call to any telephone number listed on the National Do Not Call  
26 Registry; and

27 D. Holding any ownership interest, share, or stock in any business that  
28 engages in any of the acts and practices listed in paragraphs A–C of this Section.

1 **II**

2 **Cooperation**

3 **It is further ordered** that the Dialing Company Defendants must fully  
4 cooperate with representatives of the Commission in this case and in any  
5 investigation related to or associated with the transactions or the occurrences that  
6 are the subject of the Complaint. The Dialing Company Defendants must provide  
7 truthful and complete information, evidence, and testimony. The Dialing Company  
8 Defendants must cause their officers, employees, representatives, or agents to  
9 appear for interviews, discovery, hearings, trials, and any other proceedings that a  
10 Commission representative may reasonably request upon five days written notice,  
11 or other reasonable notice, at such places and times as a Commission  
12 representative may designate, without the service of a subpoena.

13 **III**

14 **Order Acknowledgments**

15 **It is further ordered** that the Dialing Company Defendants obtain  
16 acknowledgments of receipt of this Order as follows:

17 A. Each Dialing Company Defendant, within seven days of entry of this  
18 Order, must submit to the Commission an acknowledgment of receipt of this Order  
19 sworn under penalty of perjury.

20 B. For five years after entry of this Order, each Dialing Company  
21 Defendant must deliver a copy of this Order to: (1) all principals, officers,  
22 directors, and LLC managers and members, (2) all employees, agents, and other  
23 representatives who participate in conduct related to the subject matter of the  
24 Order, and (3) any business entity resulting from any change in structure as set  
25 forth in the section titled Compliance Reporting. Delivery must occur within seven  
26 days of entry of this Order for current personnel. For all others, delivery must  
27 occur before they assume their responsibilities.

28

1 C. From each individual or entity to which a Dialing Company  
2 Defendant delivered a copy of this Order, it must obtain, within thirty days, a  
3 signed and dated acknowledgment of receipt of this Order.

4 **IV**

5 **Compliance Reporting**

6 **It is further ordered** that the Dialing Company Defendants make timely  
7 submissions to the Commission as follows:

8 A. One year after entry of this Order, each Dialing Company Defendant  
9 must submit a compliance report, sworn under penalty of perjury, which must:

- 10 1) Identify the primary physical, postal, and email address and  
11 telephone number, as designated points of contact, which  
12 representatives of the Commission may use to communicate  
13 with the Defendant;
- 14 2) Identify all of that Defendant's businesses by all of their names,  
15 telephone numbers, and physical, postal, email, and Internet  
16 addresses;
- 17 3) Describe the activities of each business, including the goods  
18 and services offered, the means of advertising, marketing, and  
19 sales, and the involvement of any other Defendant;
- 20 4) Describe in detail whether and how that Defendant is in  
21 compliance with each Section of this Order; and
- 22 5) Provide a copy of each Order Acknowledgment obtained  
23 pursuant to this Order, unless previously submitted to the  
24 Commission.

25 B. For twenty years after entry of this Order, the Dialing Company  
26 Defendants must submit a compliance notice, sworn under penalty of perjury,  
27 within fourteen days of any change in the following:

- 28 1) Any designated point of contact; or

1                     2)     The structure of any Dialing Company Defendant or any entity  
2                                 that a Dialing Company Defendant has any ownership interest  
3                                 in or controls directly or indirectly that may affect compliance  
4                                 obligations arising under this Order, including: creation,  
5                                 merger, sale, or dissolution of the entity or any subsidiary,  
6                                 parent, or affiliate that engages in any acts or practices subject  
7                                 to this Order.

8                     C.     Each Dialing Company Defendant must submit to the Commission  
9                                 notice of the filing of any bankruptcy petition, insolvency proceeding, or similar  
10                                 proceeding by or against it within fourteen days of its filing.

11                     D.     Any submission to the Commission required by this Order to be  
12                                 sworn under penalty of perjury must be true and accurate and comply with 28  
13                                 U.S.C. § 1746, such as by concluding: “I declare under penalty of perjury under  
14                                 the laws of the United States of America that the foregoing is true and correct.  
15                                 Executed on: \_\_\_\_\_” and supplying the date, signatory’s full name, title (if  
16                                 applicable), and signature.

17                     E.     Unless otherwise directed by a Commission representative in writing,  
18                                 all submissions to the Commission pursuant to this Order must be emailed to  
19                                 DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to:  
20                                 Associate Director for Enforcement, Bureau of Consumer Protection, Federal  
21                                 Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The  
22                                 subject line must begin: *FTC v. Aaron Michael Jones, et al.*, Matter Number  
23                                 X170013.

V

**Recordkeeping**

24                     **It is further ordered** that the Dialing Company Defendants must create  
25                                 certain records for twenty years after entry of the Order, and retain each such  
26  
27  
28

1 record for five years. Specifically, each Dialing Company Defendant must create  
2 and retain the following records:

3 A. Accounting records showing the revenues from all goods or services  
4 sold;

5 B. Personnel records showing, for each person providing services,  
6 whether as an employee or otherwise, that person's: name, addresses, telephone  
7 numbers, job title or position, dates of service, and (if applicable) the reason for  
8 termination;

9 C. Records of all consumer complaints, whether received directly or  
10 indirectly, such as through a third party, and any response;

11 D. All records necessary to demonstrate full compliance with each  
12 provision of this Order, including all submissions to the Commission.

## 13 VI

### 14 Compliance Monitoring

15 **It is further ordered** that, for the purpose of monitoring the Dialing  
16 Company Defendants' compliance with this Order:

17 A. Within fourteen days of receipt of a written request from a  
18 representative of the Commission, a Dialing Company Defendant must: (1) submit  
19 additional compliance reports or other requested information, which must be sworn  
20 under penalty of perjury; (2) appear for depositions; and (3) produce documents for  
21 inspection and copying. The Commission is also authorized to obtain discovery,  
22 without further leave of court, using any of the procedures prescribed by Federal  
23 Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36,  
24 45, and 69.

25 B. For matters concerning this Order, the Commission is authorized to  
26 communicate directly with each Dialing Company Defendant. The Dialing  
27 Company Defendants must permit representatives of the Commission to interview  
28



1 anyone employed by or affiliated with any Defendant who has agreed to such an  
2 interview. The person interviewed may have counsel present.

3 C. The Commission may use all other lawful means, including posing,  
4 through its representatives as consumers, suppliers, or other individuals or entities  
5 to the Dialing Company Defendants or any individual or entity affiliated with  
6 them, without the necessity of identification or prior notice. Nothing in this Order  
7 limits the Commission's lawful use of compulsory process, pursuant to Sections 9  
8 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.


9 **VII**

10 **Retention of Jurisdiction**

11 **It is further ordered** that this Court retains jurisdiction of this matter for  
12 purposes of construction, modification, and enforcement of this Order.

13  
14 **It is so ordered.**

15  
16 Dated: May 31, 2017

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18 \_\_\_\_\_  
19 David O. Carter  
20 United States District Judge  
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