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8 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA
9

10 FEDERAL TRADE COMMISSION,

11 Plaintiff,

12 v.
13

14 CRYSTAL EWING, individually and as a director
or officer of Classic Productions, LLC;

15 CLASSIC PRODUCTIONS, LLC, a Nevada
16 limited liability corporation;

17 GLOBAL ACCESS MANAGEMENT
18 SYSTEMS, INC., a Nevada company, also d/b/a
Citra-Slim 4;

19 RICKI BLACK, individually and as an officer or
20 director of Global Access Management Systems,
Inc.;

21 HEALTH NUTRITION PRODUCTS, LLC, a
22 Delaware limited liability company, also d/b/a
23 HNP LLC, d/b/a W8-B-Gone, and d/b/a Quick &
Easy;

24 HOWARD RAFF, a/k/a HOWARD BRUCE,
25 individually and as an officer or director of Health
26 Nutrition Products, LLC;

Case No. 2:14-cv-000683-RFB-VCF

**[Proposed] FINAL JUDGMENT
AND ORDER FOR INJUNCTIVE
AND OTHER RELIEF**

1 DAVID RAFF, individually and as a *de facto*
2 officer or director of Health Nutrition Products,
3 LLC;

4 OMNI PROCESSING CENTER, a Nevada
5 company;

6 MBE MANAGEMENT LLC, a Nevada limited
7 liability company;

8 SHIRLEY MURPHY, individually and as a
9 director or officer of Omni Processing Center;

and

10 RONALD BOYDE, individually and as a director
11 or officer of Omni Processing Center and a *de*
12 *facto* director or officer of MBE Management
13 LLC,

Defendants.

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15 Plaintiff, the Federal Trade Commission (“FTC” or “Commission”) brought this action
16 for injunctive and equitable monetary relief against Crystal Ewing, Classic Productions, LLC,
17 Global Access Management Systems, Inc. (“GAM”), Ricki Black, Health Nutrition Products,
18 LLC (“HNP”), Howard Raff, David Raff, Omni Processing Center (“Omni”), MBE Management
19 LLC (“MBE”), Shirley Murphy, and Ronald Boyde in connection with the advertising,
20 marketing, and sale of purported weight-loss pills “Citra-Slim 4” and/or “W8-B-Gone” and/or
21 “Quick & Easy” (collectively the “Subject Products”). In the Amended Complaint, the FTC
22 asserted that Defendants’ activities violated Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§
23 45(a) and 52, and requested injunctive and equitable monetary relief against all Defendants
24 pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b).
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1 The Clerk entered default on Defendant GAM on June 23, 2014 (ECF # 38) and on Omni
2 and MBE on July 18, 2014 (ECF # 46).

3 On July 1, 2015, the FTC filed its motion for summary judgment against Defendants
4 Ewing, Classic, Black, HNP, Howard Raff, David Raff, Shirley Murphy, and Ronald Boyde
5 ECF # 73. On February 24, 2016, the Court held a hearing on the FTC's motion for summary
6 judgment against Defendants HNP, David Raff, and Howard Raff. On March 16, 2016, the
7 Court entered Stipulated Final Judgments and Orders for Permanent Injunction and Other
8 Equitable Relief as to Ewing, Classic Productions, and Black. On October 24, 2017, the Court
9 granted the Commission's motion for summary judgment on all counts of the Amended
10 Complaint against Defendants HNP, David Raff, Howard Raff, Shirley Murphy, and Ronald
11 Boyde (collectively, "Defendants"). Based upon the record established in this case, the Court
12 now enters this Final Judgment and Order for Injunctive and Other Relief pursuant to Federal
13 Rule of Civil Procedure 58 against Defendants.
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16 FINDINGS

17 1. This Court has jurisdiction over the subject matter of this case and each of the
18 parties. Venue lies properly with this Court.

19 2. At all relevant times, the Defendants acts and practices have been in or affecting
20 commerce, as "commerce" is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

21 3. The evidence admitted on summary judgment establishes that Defendants
22 engaged in deceptive acts or practices through the making of false advertisements in violation of
23 Section 5 of the FTC Act, 15 U.S.C. § 45, by representing, directly or indirectly, expressly or by
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1 implication, that the Subject Products cause rapid and substantial weight loss and that
2 Defendants' provided a 100% no strings attached refund to unsatisfied consumers.

3 4. The evidence admitted on summary judgment establishes that Defendants
4 engaged in deceptive acts or practices through the making of false advertisements in violation of
5 Section 5 of the FTC Act, 15 U.S.C. § 45, by representing, directly or indirectly, expressly or by
6 implication, that they possessed substantiation for their claims about the Subject Products.
7

8 5. The evidence admitted on summary judgment establishes that Defendants
9 engaged in deceptive acts or practices through the making of false advertisements in violation of
10 Section 5 of the FTC Act, 15 U.S.C. § 45, by representing, directly or indirectly, expressly or by
11 implication, that clinical tests existed showing an average weight loss of 5 pounds every four
12 days.
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14 6. The evidence admitted on summary judgment established that a reasonable
15 likelihood exists that Defendants would continue to engage in the activities alleged unless
16 permanently enjoined from such acts and practices. At different points in time, the Defendants
17 designed and operated a large network of shell companies, used fictitious names in official
18 documents and in correspondence with state regulators, hid behind expired corporations, and
19 attempted to employ straw officers in an effort to conceal their unlawful scheme. They lied to
20 consumers about their products' efficacy and the "science" underlying those claims, and stymied
21 consumers' refund requests. They persisted with their scheme over many years by changing the
22 product's name and advertising while continuing to cite results invented out of whole cloth.
23

24 Thus, this Court held that injunctive relief is warranted against Defendants.
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1 marketing material; (e) verifying, processing, fulfilling or arranging for the fulfillment of orders;
2 (f) developing, providing or arranging for the provision of names of potential customers; (g)
3 collecting or arranging for the collection of accounts receivable or other amounts owed; (h)
4 providing or arranging for the provision of post office boxes or the services of commercial mail
5 receiving agencies; or (i) performing or providing marketing services of any kind.
6

7 B. “**Commerce**” means as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

8 C. “**Defendants**” means Defendants HNP, David Raff, Howard Raff, Shirley
9 Murphy, and Ronald Boyde, individually, collectively, or in any combination.

10 D. “**Endorsement**” means as defined in 16 C.F.R. § 255.0(b).

11 E. “**Food**,” “**drug**,” and “**device**” shall mean as defined in Section 15 of the FTC
12 Act, 15 U.S.C. § 55.

13 F. “**Person**” means a natural person, an organization, or other legal entity, including
14 a corporation, partnership, sole proprietorship, limited liability company, association,
15 cooperative, or any other group or combination acting as an entity.
16

17 G. “**Reliably Reported**,” for a human clinical test or study (“test”), means a report
18 of the test has been published in a peer-reviewed journal, and such published report provides
19 sufficient information about the test for experts in the relevant field to assess the reliability of the
20 results.
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22 H. The term “**including**” in this Order means “including without limitation.”
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1 **FINAL ORDER**

2 **I. PERMANENT BAN ON WEIGHT-LOSS PRODUCTS, PROGRAMS, AND**
3 **SERVICES**

4 **IT IS ORDERED** that Defendants are permanently restrained and enjoined from
5 manufacturing, labeling, advertising, marketing, promoting, offering for sale, selling, or
6 distributing, or Assisting others in manufacturing, labeling, advertising, marketing, promoting,
7 offering for sale, sale, or distributing any weight loss product, program, or service.

8 **II. PROHIBITION AGAINST MISREPRESENTATIONS AND**
9 **UNSUBSTANTIATED CLAIMS**

10 **IT IS FURTHER ORDERED** that Defendants, their successors and assigns, and
11 officers, agents, directors, servants, employees, and attorneys, and those persons in active concert
12 or participation with them who receive actual notice of this Order by personal service or
13 otherwise, whether acting directly or indirectly, in connection with the manufacturing, labeling,
14 advertising, promotion, offering for sale, sale, or distribution of any product, program, or service,
15 are hereby permanently restrained and enjoined from:

17 A. misrepresenting, or Assisting others in misrepresenting, expressly or by
18 implication, any fact material to a consumer's decision to purchase any product, program, or
19 service, including without limitation:

- 20 1. the benefits, performance, efficacy, safety, or side effects of any product,
21 program, or service, including but not limited to the health benefits of any
22 product, program, or service;
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- 1 2. the terms and conditions of any policies and practices regarding refunds,
- 2 including, but not limited to, that unsatisfied consumers will receive a full
- 3 refund;
- 4 3. the existence of an expert endorser;
- 5 4. the qualifications of an expert endorser;
- 6 5. that an expert endorser has evaluated a product, program, or service's features
- 7 or characteristics; and
- 8 6. the nature or extent of an expert endorser's evaluation of a product, program
- 9 or service;
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11 *Provided, however,* that for the purposes of Section II.A, Assisting others requires that
12 the Defendant knew, should have known, or could have known about the misrepresentation.

13 B. making any representation, expressly or by implication, about the benefits,
14 performance, efficacy, safety, or side effects of any product, program, or service, unless at the
15 time such representation is made, Defendants possess and rely upon competent and reliable
16 evidence, which when appropriate based on the expertise of professionals in the relevant area,
17 must be competent and reliable scientific evidence, that is sufficient in quality and quantity,
18 based on standards generally accepted in the relevant fields when considered in light of the entire
19 body of relevant and reliable evidence, to substantiate that the representation is true.

20 For health-related claims regarding the benefits, performance, efficacy, safety, or side effects of
21 any product, program, or service, Defendants, at the time such representation is made, must
22 possess and rely upon competent and reliable scientific evidence that is sufficient in quality and
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1 quantity, based on standards generally accepted in the relevant fields when considered in light of
2 the entire body of relevant and reliable evidence, to substantiate that the representation is true.

3 For purposes of this Section, competent and reliable scientific evidence means tests,
4 analyses, research, or studies (1) that have been conducted and evaluated in an objective manner
5 by qualified persons; (2) that are generally accepted in the profession to yield accurate and
6 reliable results; and (3) as to which, when they are human clinical tests or studies, all underlying
7 or supporting data and documents generally accepted by experts in the field as relevant to an
8 assessment of such testing as set forth in the Section entitled Preservation of Records Relating to
9 Competent and Reliable Human Clinical Tests or Studies are available for inspection and
10 production to the Commission.
11

12 **III. PROHIBITED REPRESENTATIONS REGARDING TESTS OR STUDIES**

13 **IT IS FURTHER ORDERED** that Defendants, their successors and assigns, and
14 officers, agents, directors, servants, employees, and attorneys, and all other persons in active
15 concert or participation with any of them, who receive actual notice of this Order, whether acting
16 directly or indirectly, in connection with the manufacturing, labeling, advertising, promotion,
17 offering for sale, sale, or distribution of any product, program, or service, in or affecting
18 commerce, are permanently restrained and enjoined from misrepresenting, or Assisting others in
19 misrepresenting, in any manner, expressly or by implication, including through the use of a
20 product, program, or service name, endorsement, depiction, or illustration, the existence,
21 contents, validity, results, conclusions, or interpretations of any test, study, or research, or that
22 the benefits of such product, program, or service are scientifically proven.
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1 *Provided, however,* that for the purposes of Section III, Assisting others requires that the
2 Defendant knew, should have known, or could have known about the misrepresentation.

3 **IV. PRESERVATION OF RECORDS RELATING TO COMPETENT AND**
4 **RELIABLE HUMAN CLINICAL TESTS OR STUDIES**

5 **IT IS FURTHER ORDERED** that, with regard to any human clinical test or study
6 (“test”) upon which Defendants rely to substantiate any claim covered by Section II of this
7 Order, Defendants shall secure and preserve all underlying or supporting data and documents
8 generally accepted by experts in the field as relevant to an assessment of the test, including, but
9 not necessarily limited to:
10

11 A. All protocols and protocol amendments, reports, articles, write-ups, or other
12 accounts of the results of the test, and drafts of such documents reviewed by the test sponsor or
13 any other person not employed by the research entity;

14 B. All documents referring or relating to recruitment; randomization; instructions,
15 including oral instructions, to participants; and participant compliance;

16 C. Documents sufficient to identify all test participants, including any participants
17 who did not complete the test, and all communications with any participants relating to the test;
18 all raw data collected from participants enrolled in the test, including any participants who did
19 not complete the test; source documents for such data; any data dictionaries; and any case report
20 forms;
21

22 D. All documents referring or relating to any statistical analysis of any test data,
23 including, but not limited to, any pretest analysis, intent-to-treat analysis, or between-group
24 analysis performed on any test data; and
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1 E. All documents referring or relating to the sponsorship of the test, including all
2 communications, including contacts, between any sponsor and the test's researchers

3 *Provided, however,* the preceding preservation requirement shall not apply to a Reliably
4 Reported test, unless the test was conducted, controlled, or sponsored, in whole or in part by: (1)
5 Defendants; (2) Defendants' officers, agents, representatives, or employees; (3) any other person
6 or entity in active concert or participation with Defendants; (4) any person or entity affiliated
7 with or acting on behalf of Defendants; (5) any supplier of any ingredient contained in the
8 product at issue to any of the foregoing or to the product's manufacturer; or (6) the supplier or
9 manufacturer of such product.
10

11 For any test conducted, controlled, or sponsored, in whole or in part, by Defendants,
12 Defendants must establish and maintain reasonable procedures to protect the confidentiality,
13 security, and integrity of any personal information collected from or about participants. These
14 procedures shall be documented in writing and shall contain administrative, technical, and
15 physical safeguards appropriate to Defendants' size and complexity, the nature and scope of
16 Defendants' activities, and the sensitivity of the personal information collected from or about the
17 participants.
18

19 **V. FDA APPROVED CLAIMS**

20 **IT IS FURTHER ORDERED** that nothing in this Order shall prohibit Defendants from:
21

22 A. Making any representation for any drug that is permitted in labeling for such drug
23 under any tentative or final monograph promulgated by the Food and Drug Administration, or
24 under any new drug application approved by the Food and Drug Administration; and
25
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1 B. Making any representation for any product that is specifically permitted in
2 labeling for such product by regulations promulgated by the Food and Drug Administration
3 pursuant to the Nutrition Labeling and Education Act of 1990 or permitted under Sections 303-
4 304 of the Food and Drug Administration Modernization Act of 1997.

5
6 **VI. MONETARY JUDGMENT**

7 **IT IS FURTHER ORDERED** that:

8 A. Judgment is hereby entered in favor of the Commission and against Defendants,
9 jointly and severally with each other and with Classic Productions and Ewing, for equitable
10 monetary relief, including but not limited to consumer redress, in the amount of \$1,544,313.02,
11 which is the amount of injury suffered by consumers (less refunds) who purchased W8-B-Gone,
12 or unjust enrichment obtained by Defendants, resulting from Defendants' violations of the FTC
13 Act. All taxes and fees assessed against the Defendants resulting from the sale or transfer of
14 assets shall not reduce the amount of the judgment.
15

16 B. Judgment is hereby entered in favor of the Commission and against Defendants,
17 jointly and severally with each other, for equitable monetary relief, including but not limited to
18 consumer redress, in the amount of \$957,082.73, which is the amount of injury suffered by
19 consumers (less refunds) who purchased Quick & Easy, or unjust enrichment obtained by the
20 Defendants, resulting from the Defendants' violations of the FTC Act. All taxes and fees
21 assessed against the Defendants resulting from the sale or transfer of assets shall not reduce the
22 amount of the judgment.
23

24 C. All funds paid to the Commission pursuant to this Section shall be deposited into
25 a fund administered by the Commission or its designee to be used for equitable relief, including
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1 consumer redress and any attendant expenses for the administration of any redress fund. In the
2 event that direct restitution to consumers is wholly or partially impracticable or money remains
3 after redress is completed, the Commission may apply any remaining money for such equitable
4 relief (including consumer information remedies) as it determines to be reasonably related to
5 Defendants' practices as alleged in the Complaint. Any money not used for such equitable relief
6 will be deposited to the U.S. Treasury as disgorgement. Defendants have no right to challenge
7 any actions the Commission or its representatives may take pursuant to this Subsection.
8

9 D. Defendants acknowledge that their Taxpayer Identification Numbers (Social
10 Security Numbers or Employer Identification Numbers), which Defendants must submit to the
11 Commission within ten (10) days of entry of this Final Judgment, may be used for collecting and
12 reporting on any delinquent amount arising out of this Order, in accordance with 31 U.S.C.
13 § 7701.
14

15 F. Defendants relinquish dominion and all legal and equitable right, title, and interest
16 in all assets transferred pursuant to this Order and may not seek the return of any assets.

17 G. The facts alleged in the Complaint will be taken as true, without further proof, in
18 any subsequent civil litigation by or on behalf of the Commission in a proceeding to enforce its
19 rights to any payment or monetary judgment pursuant to this Order, such as a
20 nondischargeability complaint in any bankruptcy case.
21

22 H. The facts alleged in the Complaint establish all elements necessary to sustain an
23 action by the Commission pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C. §
24 523(a)(2)(A), and this Order will have collateral estoppel effect for such purposes.
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1 **VII. CONSUMER INFORMATION**

2 **IT IS FURTHER ORDERED** that Defendants, their agents, servants, employees, and
3 attorneys, and all other persons in active concert or participation with any of them, who receive
4 actual notice of this Order, whether acting directly or indirectly, are permanently restrained and
5 enjoined from:

6 A. Failing to provide sufficient consumer information to enable the Commission to
7 efficiently administer consumer redress. If a representative of the Commission requests in
8 writing any information related to redress, Defendants must provide it, in the form prescribed by
9 the Commission, within 14 days of Defendants' receipt of such a request.
10

11 B. Disclosing, using, or benefitting from consumer information, including the name,
12 address, telephone number, email address, social security number, other identifying information,
13 or any data that enables access to a consumer's account (including a credit card, bank account, or
14 other Financial Account) that any Defendants obtained prior to entry of this Order in connection
15 with the sale of any Subject Product; and
16

17 C. Failing to destroy such consumer information in all forms in their possession,
18 custody, or control within 30 days of entry of this Order. *Provided, however,* that consumer
19 information need not be disposed of, and may be disclosed, to the extent requested by a
20 government agency or required by law, regulation, or court order.
21

22 **VIII. FINAL JUDGMENT ACKNOWLEDGEMENTS**

23 **IT IS FURTHER ORDERED** that Defendants obtain acknowledgments of receipt of
24 this Final Judgment:
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26

1 A. Each Defendant, within 7 days of entry of this Final Judgment, must submit to the
2 Commission an acknowledgment of receipt of this Final Judgment sworn under penalty of
3 perjury.

4 B. For 20 years after entry of this Final Judgment, each Defendant (for any business
5 that such Defendant, individually or collectively with any other Defendants, is the majority
6 owner or controls directly or indirectly) must deliver a copy of this Final Judgment to:

8 (1) all principals, officers, directors, and LLC managers and members;

9 (2) all employees, agents, and representatives who participate in conduct related
10 to the subject matter of the Order;

11 (3) any business entity resulting from any change in structure as set forth in the
12 Section titled Compliance Reporting; and
13

14 Delivery must occur within 7 days of entry of this Final Judgment for current personnel. For all
15 others, delivery must occur before they assume their responsibilities.

16 C. From each individual or entity to which a Defendant delivered a copy of this Final
17 Judgment, that Defendant must obtain, within 30 days, a signed and dated acknowledgment of
18 receipt of this Final Judgment.

19 **IX. COMPLIANCE REPORTING**

20 **IT IS FURTHER ORDERED** that Defendants make timely submissions to the
21 Commission:
22

23 A. 60 days after entry of this Final Judgment, each Defendant must submit a
24 compliance report, sworn under penalty of perjury, in which:
25
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1 i. Each Defendant must: (a) identify the primary physical, postal, and email address
2 and telephone number, as designated points of contact, which representatives of
3 the Commission may use to communicate with Defendant; (b) identify all of that
4 Defendant's businesses by all of their names, telephone numbers, and physical,
5 postal, email, and Internet addresses; (c) describe the activities of each business,
6 including the products, programs, goods, and services offered, the means of
7 advertising, marketing, and sales, and the involvement of any other Defendant
8 named in the Amended Complaint; (d) describe in detail whether and how that
9 Defendant is in compliance with each Section of this Final Judgment; and (e)
10 provide a copy of each Order Acknowledgment obtained pursuant to this Final
11 Judgment, unless previously submitted to the Commission.
12

13 ii. Additionally, each Defendant must: (a) identify all telephone numbers and all
14 physical, postal, email and Internet addresses, including all residences; (b)
15 identify all business activities, including any business for which such Defendant
16 performs services whether as an employee or otherwise and any entity in which
17 such Defendant has any ownership interest; and (c) describe in detail such
18 Defendant's involvement in each such business, including title, role,
19 responsibilities, participation, authority, control, and any ownership.
20

21 B. For 20 years after entry of this Final Judgment, each Defendant must submit a
22 compliance notice, sworn under penalty of perjury, within 14 days of any change in the
23 following:
24

1 i. Each Defendant must report any change in (a) any designated point of contact;
2 or (b) the structure of any entity in which Defendant has any ownership interest or
3 which Defendant controls directly or indirectly that may affect compliance
4 obligations arising under this Order, including the creation, merger, sale, or
5 dissolution of the entity or any subsidiary, parent, or affiliate that engages in any
6 acts or practices subject to this Order.
7

8 ii. Additionally, each Defendant must report any change in (a) name, including
9 aliases or fictitious name, or residence address; or (b) title or role in any business
10 activity, including any business for which such Defendant performs services
11 whether as an employee or otherwise and any entity in which such Defendant has
12 any ownership interest, and identify the name, physical address, and any Internet
13 address of the business or entity.
14

15 C. Each Defendant must submit to the Commission notice of the filing of any
16 bankruptcy petition, insolvency proceeding, or similar proceeding by or against such Defendant
17 within 14 days of its filing.
18

19 D. Any submission to the Commission required by this Final Judgment to be sworn
20 under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by
21 concluding: “I declare under penalty of perjury under the laws of the United States of America
22 that the foregoing is true and correct. Executed on: _____” and supplying the date, signatory’s
23 full name, title (if applicable), and signature.
24

25 E. Unless otherwise directed by a Commission representative in writing, all
26 submissions to the Commission pursuant to this Order must be emailed to DEbrief@ftc.gov or

1 sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement,
2 Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, NW,
3 Washington, D.C. 20580. The subject line must begin: *FTC v. Crystal Ewing, et al.*, X140063

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5 **X. RECORDKEEPING PROVISIONS**

6 **IT IS FURTHER ORDERED** that Defendants must create certain records for 20 years
7 after entry of the Final Judgment, and retain each such record for 5 years. Specifically,
8 Defendants, for any business in which that Defendant, individually or collectively with any other
9 Defendant named in the Amended Complaint, is a majority owner or controls directly or
10 indirectly, must create and retain the following records:

11 A. Accounting records showing the revenues from all products, programs, or services
12 sold, all costs incurred in generating those revenues, and the resulting net profit or loss;

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

16 C. All records necessary to demonstrate full compliance with each provision of this
17 Order, including all submissions to the Commission; and
18

19 D. A copy of each unique advertisement or other marketing material.
20

21 **XI. COMPLIANCE MONITORING**

22 **IT IS FURTHER ORDERED** that, for the purpose of monitoring Defendants'
23 compliance with this Final Judgment:

24 A. Within 14 days of receipt of a written request from a representative of the
25 Commission, each Defendant must: submit additional compliance reports or other requested
26

1 information, which must be sworn under penalty of perjury; appear for depositions; and produce
2 documents for inspection and copying. The Commission is also authorized to obtain discovery,
3 without further leave of court, using any of the procedures prescribed by Federal Rules of Civil
4 Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69.

5
6 B. For matters concerning this Final Judgment, the Commission is authorized to
7 communicate directly with each Defendant. Defendants must permit representatives of the
8 Commission to interview any employee or other person affiliated with any Defendant who has
9 agreed to such an interview. The person interviewed may have counsel present.

10 C. The Commission may use all other lawful means, including posing, through its
11 representatives as consumers, suppliers, or other individuals or entities, to Defendants or any
12 individual or entity affiliated with Defendants, without the necessity of identification or prior
13 notice. Nothing in this Final Judgment limits the Commission's lawful use of compulsory
14 process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

15
16 D. Upon written request from a representative of the Commission, any credit
17 reporting agency must furnish consumer reports concerning Defendants, pursuant to Section
18 604(1) of the Fair Credit Reporting Act, 15 U.S.C. §1681b(a)(1).

1 Dated: November 9, 2017

2 Respectfully submitted,

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4 */s/ Alejandro G. Rosenberg*

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6 _____
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8 ALEJANDRO G. ROSENBERG
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CERTIFICATE OF SERVICE

I, Alejandro G. Rosenberg, hereby certify that on November 9, 2017, I served the foregoing document electronically on all counsel via CM/ECF and on Ricki Black, pro se, via email at ricki.black@ymail.com.

/s/ Alejandro G. Rosenberg

Alejandro G. Rosenberg