

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

Federal Trade Commission,)	Civil Action No.: 0:20-cv-02592-JMC
)	
Plaintiff,)	
v.)	
)	
National Landmark Logistics LLC, also)	STIPULATED PERMANENT INJUNCTION AND MONETARY JUDGMENT AS TO DEFENDANTS LIBERTY SOLUTIONS & ASSOCIATES, LLC, LSA PROCESSING SYSTEM, LLC, JAMES DENNISON, AND ERIC DENNISON
d/b/a UBS TRStar Systems, LLC;)	
National Landmark Service of United)	
Recovery LLC; Liberty Solutions &)	
Associates, LLC; LSA Processing System,)	
LLC; Silverlake Landmark Recovery)	
Group, LLC; Jean Cellent, a/k/a Jean-)	
Pierre Cellent, in his individual and)	
corporate capacity; James Dennison, in his)	
individual and corporate capacity; and)	
Eric Dennison, in his individual and)	
corporate capacity,)	
)	
Defendants.)	
)	

Plaintiff the Federal Trade Commission (“FTC”) commenced this civil action on July 13, 2020, pursuant to Sections 13(b) and 19 of the FTC Act, 15 U.S.C. §§ 53(b) and 57b, and Section 814(a) of the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692l(a). (ECF No. 2.) On July 17, 2020, on motion by the FTC, the court entered an *ex parte* Temporary Restraining Order (“TRO”) with asset freeze and other equitable relief against Defendants. (ECF No. 21.) On August 14, 2020, the court extended the TRO for thirty (30) days. (ECF No. 53.) On August 25, 2020, the court entered a Stipulated Preliminary Injunction as to Defendants Liberty Solutions & Associates, LLC, LSA Processing System, LLC, James Dennison, and Eric Dennison (the “Liberty Solutions Defendants”). (ECF No. 57.) Now, the FTC, the Liberty Solutions Defendants, and the Receiver, by and through their undersigned counsel, have stipulated and agreed to entry of this Order for Permanent Injunction and Monetary Judgment (“Order”) to resolve all matters in dispute

in this action between them.

FINDINGS OF FACT

By stipulation of the parties, the court finds that:

- A. The court has jurisdiction over this matter.
- B. The Complaint charges that the Liberty Solutions Defendants participated in unlawful acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and multiple provisions of the FDCPA, 15 U.S.C. §§ 1692–1692p, in connection with the collection and attempted collection of purported debts.
- C. The Liberty Solutions Defendants neither admit nor deny any of the allegations in the Complaint, except as specifically stated in this Order. Only for purposes of this action, the Liberty Solutions Defendants admit the facts necessary to establish jurisdiction.
- D. The Liberty Solutions Defendants waive all rights to seek judicial review or otherwise challenge or contest the validity of this Order.
- E. The Liberty Solutions Defendants waive any claim that they may have under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order, and agrees to bear their own costs and attorney’s fees.
- F. This Order is in the public interest.

DEFINITIONS

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

- A. **“Consumer”** means any Person.
- B. **“Corporate Defendants”** means National Landmark Logistics LLC, National Landmark Service of United Recovery LLC, Liberty Solutions & Associates LLC, LSA Processing Systems, LLC, Silverlake Landmark Recovery Group, LLC, and each of their subsidiaries, affiliates, successors, and assigns.
- C. **“Corporate Settling Defendants”** means Liberty Solutions & Associates LLC, LSA Processing Systems, LLC, and each of their subsidiaries, affiliates, successors, and assigns.
- D. **“Debt”** means any obligation or alleged obligation to pay money arising out of a transaction, whether or not such obligation has been reduced to judgment.
- E. **“Debt Collection Activities”** means any activity of a Debt Collector to collect or attempt to collect, directly or indirectly, a Debt owed or due, or asserted to be owed or due.
- F. **“Debt Collector”** means any Person who uses any instrumentality of interstate commerce or the mail in any business the principal purpose of which is the collection of any Debts,

or who regularly collects or attempts to collect, directly or indirectly, Debts owed or due or asserted to be owed or due another. The term also includes any creditor who, in the process of collecting its own Debts, uses any name other than its own which would indicate that a third Person is collecting or attempting to collect such Debts. The term also includes any Person to the extent such Person collects or attempts to collect any Debt that was in default at the time it was obtained by such Person.

G. **“Defendants”** means the Corporate Defendants and the Individual Defendants, individually, collectively, or in any combination.

H. **“Individual Defendants”** means Jean Cellent, James Dennison and Eric Dennison, individually, collectively, or in any combination.

I. **“Individual Settling Defendants”** means James Dennison and Eric Dennison, individually, collectively, or in any combination.

J. **“Liberty Solutions Defendants”** means the Corporate Settling Defendants and the Individual Settling Defendants, individually, collectively, or in any combination.

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

L. **“Receivership Entities”** means the Corporate Settling Defendants, as well as any other entity that has conducted any business related to Defendants’ debt collection, including receipt of Assets derived from any activity that is the subject of the Complaint in this matter, and that the Receiver determines is controlled or owned by any Liberty Solutions Defendant.

ORDER

I. BAN ON DEBT COLLECTION AND DEBT BROKERING ACTIVITIES

IT IS THEREFORE ORDERED that the Liberty Solutions Defendants, whether acting directly or through any other Person, are permanently restrained and enjoined from:

- A. Participating in Debt Collection Activities; and
- B. Advertising, marketing, promoting, offering for sale, selling, or buying any Consumer or commercial Debt or any information regarding a Consumer relating to a Debt.

II. PROHIBITION AGAINST MISREPRESENTATIONS

IT IS FURTHER ORDERED that the Liberty Solutions Defendants, their officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are hereby permanently restrained, and enjoined from misrepresenting, or assisting others in misrepresenting, expressly or by implication:

- A. That any Person has a legal obligation to pay Defendants;

B. That any Person is an attorney or affiliated or associated with an attorney or law firm;

C. The nature or terms of any refund, cancellation, exchange, or repurchase policy, including, but not limited to, the likelihood of a Consumer obtaining a full or partial refund, or the circumstances in which a full or partial refund will be provided to the Consumer; and

D. Any fact material to Consumers concerning any product or service, such as the total costs; any material restrictions, limitations, or conditions; or any material aspect of its performance, efficacy, nature, or central characteristics.

III. CUSTOMER INFORMATION

IT IS FURTHER ORDERED that the Liberty Solutions Defendants, their officers, agents, employees, and attorneys, and all other Persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are hereby permanently restrained, and enjoined from:

A. Failing to provide sufficient customer information to enable the FTC to efficiently administer consumer redress. If a representative of the FTC requests in writing any information related to redress, that the Liberty Solutions Defendants must provide it, in the form prescribed by the FTC, within fourteen (14) days;

B. Disclosing, using, or benefitting from customer information, including the name, address, telephone number, email address, social security number, other identifying information, or any data that enables access to a customer's account (including a credit card, bank account, or other financial account), that any Defendant obtained prior to entry of this Order; and

C. Failing to destroy such customer information in all forms in their possession, custody, or control within thirty (30) days after receipt of written direction to do so from a representative of the FTC.

Provided, however, that customer information need not be disposed of, and may be disclosed, to the extent requested by a government agency or required by law, regulation, or court order.

IV. MONETARY JUDGMENT AND PARTIAL SUSPENSION

IT IS FURTHER ORDERED:

A. Judgment in the amount of **SIXTEEN MILLION, FOUR HUNDRED AND EIGHTEEN THOUSAND, THREE HUNDRED AND SIX Dollars** (\$16,418,306.00) is entered in favor of the FTC against the Liberty Solutions Defendants, jointly and severally with any other Defendant against whom judgment may be entered in this action, as equitable monetary relief.

B. In partial satisfaction of the judgment entered against the Liberty Solutions Defendants:

1. All financial institutions holding accounts in the name of, on behalf of, or for the benefit of, any Receivership Entity shall, within ten (10) business days of receipt of a copy of this Order, transfer to the Receiver or his designated agent all funds, if any, in such accounts, including, but not limited to:
 - a. Bank of American shall, within ten (10) business days of receipt of a copy of this Order, transfer to the Receiver or his designated agent all funds, if any, in (i) account number xxxx6041 in the name of Liberty Solutions & Associates, (ii) account number xxxx6054 in the name of Liberty Solutions & Associates, (iii) account number xxxx6118 in the name of Liberty Solutions & Associates, (iv) account number xxxx6121 in the name of Liberty Solutions & Associates, (v) account number xxxx5522 in the name of Mountain Group Services, (vi) account number xxxx5519 in the name of Mountain Group Services, (vii) account number xxxx5552 in the name of Star Courier Plus, (viii) account number xxxx22007 in the name of Star Courier Plus, and (ix) account number xxxx5549 in the name of Star Courier Plus;
 - b. PayArc, LLC shall, within ten (10) business days of receipt of a copy of this Order, transfer to the Receiver or his designated agent all funds, if any, in account number xxxx4827 in the name of Liberty Solutions & Associates;
 - c. TD Bank shall, within ten (10) business days of receipt of a copy of this Order, transfer to the Receiver or his designated agent all funds, if any, in account number xxxx6669 in the name of Liberty Solutions & Associates;
2. Bank of America shall, within ten (10) business days of receipt of a copy of this Order, transfer to the FTC or its designated agent (i) all funds, if any, in account number xxxx7351 in the name of Eric Dennison and (ii) \$3,800 from account number xxxx9108 in the name of Eric Dennison;

C. Upon completion of the asset transfers as set forth in Section IV.B of this Order, the remainder of the judgment as to the Liberty Solutions Defendants is suspended, subject to Subsections E, F, and G below.

D. The asset freeze is modified to permit the transfers identified in this Section. Upon completion of those transfers, the asset freeze as to the Liberty Solutions Defendants is dissolved.

E. The FTC's agreement to the suspension of part of the judgment is expressly premised upon the truthfulness, accuracy, and completeness of the Liberty Solutions Defendants' financial statements and related documents proffered to the FTC, pursuant to court order, through their counsel (collectively, "financial representations"), namely (1) the Financial Statement of Defendant Liberty Solutions & Associates, including the attachments, (2) the Financial Statement of Defendant James Dennison, including the attachments, and (3) the Financial Statement of Defendant Eric Dennison, including the attachments.

F. The suspension of the judgment will be lifted as to a Liberty Solutions Defendant if, upon motion by the FTC, the court finds that such Defendant failed to disclose any material

asset, materially misstated the value of any asset, or made any other material misstatement or omission in the financial representations identified above.

G. If the suspension of the judgment is lifted, the judgment becomes immediately due as to a Liberty Solutions Defendant in the amount specified in Subsection A above (which the parties stipulate only for purposes of this Section represents the consumer injury alleged in the Complaint), less any payment previously made pursuant to this Section, plus interest computed from the date of entry of this Order.

H. The Liberty Solutions Defendants relinquish dominion and all legal and equitable right, title, and interest in all assets transferred pursuant to this Order and may not seek the return of any assets.

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

J. The facts alleged in the Complaint establish all elements necessary to sustain an action by the FTC pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral estoppel effect for such purposes.

K. The Liberty Solutions Defendants acknowledge that their Taxpayer Identification Numbers, which the Liberty Solutions Defendants previously submitted to the FTC, may be used for collecting and reporting on any delinquent amount arising out of this Order, in accordance with 31 U.S.C. § 7701.

L. All money paid to the FTC pursuant to this Order may be deposited into a fund administered by the FTC or its designee to be used for equitable relief, including consumer redress and any attendant expenses for the administration of any redress fund. If a representative of the FTC decides that direct redress to consumers is wholly or partially impracticable or money remains after redress is completed, the FTC may apply any remaining money for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to Defendants' practices alleged in the Complaint. Any money not used for such equitable relief is to be deposited to the U.S. Treasury as disgorgement. The Liberty Solutions Defendants have no right to challenge any actions the FTC or its representatives may take pursuant to this Subsection.

V. CONTINUATION OF RECEIVERSHIP

IT IS FURTHER ORDERED that Deborah Barbier, Esq., shall continue as a permanent receiver over the Receivership Entities with full powers of a permanent receiver, including but not limited to those powers set forth in the Stipulated Preliminary Injunction as to the Liberty Solutions Defendants entered by the court on August 25, 2020 (ECF No. 57), and including full liquidation powers. The Receiver is directed to wind up the Receivership Entities and liquidate all assets within three hundred sixty-five (365) days after entry of this Order. Any party or the Receiver may request that the court extend the Receiver's term for good cause. Upon termination of the receivership and final payment to the Receiver of all approved fees, costs, and expenses, the Receiver shall turn over to the FTC or its designated agent all remaining assets in the receivership

estate.

VI. COOPERATION

IT IS FURTHER ORDERED that the Liberty Solutions Defendants must fully cooperate with representatives of the FTC in this case and in any investigation related to or associated with the transactions or the occurrences that are the subject of the Complaint. The Liberty Solutions Defendants must provide truthful and complete information, evidence, and testimony. The Individual Settling Defendants must appear and the Corporate Settling Defendants must cause their officers, employees, representatives, or agents to appear for interviews, discovery, hearings, trials, and any other proceedings that a representative of the FTC may reasonably request upon five (5) days written notice, or other reasonable notice, at such places and times as a representative of the FTC may designate, without the service of a subpoena. Nothing contained in this Section shall be deemed a waiver by the Individual Settling Defendants of any rights each may have pursuant to the Fifth Amendment to the Constitution of the United States.

VII. ORDER ACKNOWLEDGMENTS

IT IS FURTHER ORDERED that the Liberty Solutions Defendant obtain acknowledgments of receipt of this Order:

A. Each Liberty Solutions Defendant, within seven (7) days of entry of this Order, must submit to the FTC an acknowledgment of receipt of this Order sworn under penalty of perjury.

B. For 5 years after entry of this Order, the Individual Settling Defendants for any business that such Defendant, individually or collectively with any other Defendants, is the majority owner or controls directly or indirectly, and the Corporate Settling Defendants must each deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees having managerial responsibilities for conduct related to the subject matter of the Order, and all agents and representatives who participate in conduct related to the subject matter of the Order; and (3) any business entity resulting from any change in structure as set forth in the Section titled Compliance Reporting. Delivery must occur within seven (7) days of entry of this Order for current personnel. For all others, delivery must occur before they assume their responsibilities.

C. From each individual or entity to which a Liberty Solutions Defendant delivered a copy of this Order, that Defendant must obtain, within thirty (30) days, a signed and dated acknowledgment of receipt of this Order.

VIII. COMPLIANCE REPORTING

IT IS FURTHER ORDERED that the Liberty Solutions Defendants make timely submissions to the FTC:

A. One year after entry of this Order, each Liberty Solutions Defendant must submit a compliance report, sworn under penalty of perjury:

1. Each Liberty Solutions Defendant must: (a) identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the FTC may use to communicate with it; (b) identify all of that Defendant's businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses; (c) describe the activities of each business, including the products and services offered, the means of advertising, marketing, and sales, and the involvement of any other Defendant (which the Individual Settling Defendants must describe if they know or should know due to their own involvement); (d) describe in detail whether and how that Defendant is in compliance with each Section of this Order; and (e) provide a copy of each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to the FTC.
2. Additionally, the Individual Settling Defendants each must: (a) identify all telephone numbers and all physical, postal, email and Internet addresses, including all residences; (b) identify all business activities, including any business for which such Defendant performs services whether as an employee or otherwise and any entity in which such Defendant has any ownership interest; and (c) describe in detail such Defendant's involvement in each such business, including title, role, responsibilities, participation, authority, control, and any ownership.

B. For 10 years after entry of this Order, the Liberty Solutions Defendants must submit a compliance notice, sworn under penalty of perjury, within fourteen (14) days of any change in the following:

1. Each Liberty Solutions Defendant must report any change in: (a) any designated point of contact; or (b) the structure of any Corporate Settling Defendant or any entity that such Defendant has any ownership interest in or controls directly or indirectly that may affect compliance obligations arising under this Order, including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order.
2. Additionally, the Individual Settling Defendants each must report any change in: (a) name, including aliases or fictitious name, or residence address; (b) title or role in any business activity, including any business for which such Defendant performs services whether as an employee or otherwise and any entity in which such Defendant has any ownership interest, and identify the name, physical address, and any Internet address of the business or entity.

C. Each Liberty Solutions Defendant must submit to the FTC notice of the filing of any bankruptcy petition, insolvency proceeding, or similar proceeding by or against it within fourteen (14) days of its filing.

D. Any submission to the FTC required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: "I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on: _____" and supplying the date, signatory's full name, title (if applicable), and signature.

E. Unless otherwise directed by a FTC representative in writing, all submissions to the FTC pursuant to this Order must be emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: FTC v. National Landmark Logistics, X200046.

IX. RECORDKEEPING

IT IS FURTHER ORDERED that the Liberty Solutions Defendants must create certain records for 10 years after entry of the Order, and retain each such record for 5 years. Specifically, (1) the Corporate Settling Defendants and (2) the Individual Settling Defendants for any business that such Defendant, individually or collectively with any other Defendants, is a majority owner or controls directly or indirectly, each must create and retain the following records:

- A. accounting records showing the revenues from all products or services sold;
- B. personnel records showing, for each person providing services, whether as an employee or otherwise, that person's: name; addresses; telephone numbers; job title or position; dates of service; and (if applicable) the reason for termination;
- C. records of all Consumer complaints and refund requests, whether received directly or indirectly, such as through a third party, and any response;
- D. all records necessary to demonstrate full compliance with each provision of this Order, including all submissions to the FTC; and
- E. a copy of each unique advertisement or other marketing material.

X. COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of monitoring the Liberty Solutions Defendants' compliance with this Order, including the financial representations upon which part of the judgment was suspended and any failure to transfer any assets as required by this Order:

- A. Within fourteen (14) days of receipt of a written request from a representative of the FTC, each Liberty Solutions Defendant must: submit additional compliance reports or other requested information, which must be sworn under penalty of perjury; appear for depositions; and produce documents for inspection and copying. The FTC is also authorized to obtain discovery, without further leave of court, using any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69.
- B. For matters concerning this Order, the FTC is authorized to communicate directly with each Liberty Solutions Defendant. The Liberty Solutions Defendants must permit representatives of the FTC to interview any employee or other person affiliated with any Liberty Solutions Defendant who has agreed to such an interview. The person interviewed may have counsel present.

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

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

XI. ENTRY OF JUDGMENT

IT IS FURTHER ORDERED that there is no just reason for delay of entry of this judgment, and that, pursuant to Federal Rule of Civil Procedure 54(b), the Clerk immediately shall enter this Order as a final judgment as to Defendants Liberty Solutions & Associates, LLC, LSA Processing System, LLC, James Dennison, and Eric Dennison.

XII. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this court shall retain jurisdiction of this matter for all purposes.

IT IS SO ORDERED.



United States District Judge

February 9, 2021
Columbia, South Carolina