

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**FEDERAL TRADE COMMISSION and
OFFICE OF THE ATTORNEY GENERAL,
STATE OF FLORIDA,
DEPARTMENT OF LEGAL AFFAIRS,**

Plaintiffs,

v.

Case: No. 8:15-cv-1417-T-23AEP

E.M. SYSTEMS & SERVICES, LLC, a Florida limited liability company; **ADMINISTRATIVE MANAGEMENT & DESIGN, LLC**, a Florida limited liability company; **KLS INDUSTRIES, LLC**, d/b/a **SATISFIED SERVICE SOLUTIONS, LLC**, a Florida limited liability company; **EMPIRICAL DATA GROUP TECHNOLOGIES, LLC**, a Florida limited liability company; **EPIPHANY MANAGEMENT SYSTEMS, LLC**, a Florida limited liability company; **STEVEN D. SHORT**, an individual; **KARISSA L. DYAR**, an individual; **ONE EASY SOLUTION LLC**, a Florida limited liability company; **CHRISTOPHER C. MILES**, an individual; **JASON E. GAGNON**, an individual; **KENNETH A. SALLIES**, an individual; **MATTHEW B. THOMAS**, an individual; **CARDREADY, LLC**, a California limited liability company; **BRANDON A. BECKER**, an individual; **JAMES F. BERLAND**, an individual; and **ANDREW S. PADNICK**, an individual,

Defendants.

**STIPULATED ORDER FOR PERMANENT INJUNCTION AND MONETARY
JUDGMENT AS TO ONE EASY SOLUTION LLC AND CHRISTOPHER C. MILES**

Plaintiffs Federal Trade Commission and the Office of the Attorney General, State of Florida, Department of Legal Affairs (“Florida Attorney General”) filed their *Amended Complaint For Permanent Injunction And Other Equitable Relief* (“Amended Complaint”) in

this matter pursuant to Sections 13(b) and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b) and 57b; the Telemarketing and Consumer Fraud and Abuse Prevention Act (“Telemarketing Act”), 15 U.S.C. §§ 6101-6108; and the Florida Deceptive and Unfair Trade Practices Act (“FDUTPA”), Chapter 501, Part II, Florida Statutes (2014). Plaintiffs and Defendants One Easy Solution LLC and Christopher C. Miles (“Settling Defendants”) stipulate to the entry of this *Stipulated Order For Permanent Injunction and Monetary Judgment as to One Easy Solution LLC and Christopher C. Miles* (“Order”) to resolve all matters in dispute in this action between them.

THEREFORE, IT IS ORDERED as follows:

FINDINGS

- 1.** This Court has jurisdiction over this matter.
- 2.** The Amended Complaint charges that the Settling Defendants participated in deceptive acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45; in violation of the FTC’s Trade Regulation Rule entitled “Telemarketing Sales Rule” (“TSR”), 16 C.F.R. Part 310; and in violation of FDUTPA.
- 3.** Settling Defendants neither admit nor deny any of the allegations in the Amended Complaint, except as specifically stated in this Order. Only for purposes of this action, Settling Defendants admit the facts necessary to establish jurisdiction.
- 4.** Settling 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 agree to bear their own costs and attorneys’ fees.
- 5.** Settling Defendants waive all rights to appeal or otherwise challenge or contest the validity of this Order.

DEFINITIONS

For purposes of this Order, the following definitions apply:

A. “Debt Relief Product or Service” means any product, service, plan or program represented, directly or by implication, to renegotiate, settle, or in any way alter the terms of payment or other terms of the debt between a Person and one or more unsecured creditors or debt collectors, including, but not limited to, a reduction in the balance, interest rate, or fees owed by a Person to an unsecured creditor or debt collector.

B. “One Easy Defendants” means One Easy Solutions, LLC, its successors and assigns, Jason E. Gagnon, Matthew B. Thomas, Christopher C. Miles, and Kenneth A. Sallies, individually, collectively, or in any combination.

C. “Person” means an individual, group, unincorporated association, limited or general partnership, corporation, or entity.

D. “Receiver” means Burton W. Wiand.

E. “Settling Defendants” means One Easy Solution, LLC, its successors and assigns, and Christopher C. Miles.

F. “Telemarketing” means any plan, program, or campaign which is conducted to induce the purchase of goods or services by use of one or more telephones, and which involves a telephone call, whether or not covered by the Telemarketing Sales Rule.

I. BAN ON TELEMARKETING

IT IS ORDERED that Settling Defendants are permanently restrained and enjoined from participating in telemarketing, whether directly or through an intermediary.

II. BAN ON MARKETING DEBT RELIEF PRODUCTS OR SERVICES

IT IS FURTHER ORDERED that Settling Defendants are permanently restrained and

enjoined from advertising, marketing, promoting, or offering for sale or assisting others in advertising, marketing, promoting, or offering for sale any Debt Relief Product or Service.

III. PROHIBITION AGAINST MISREPRESENTATIONS

IT IS FURTHER ORDERED that Settling Defendants, Settling Defendants' 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, in connection with the advertising, marketing, promoting or offering for sale, or sale of any good or service, are permanently restrained and enjoined from misrepresenting, or assisting others in misrepresenting, expressly or by implication:

- A.** The total costs to purchase, receive, or use the good or service;
- B.** That any Person is affiliated with, endorsed or approved by, or otherwise connected to any other Person;
- C.** The terms of any policy about refunds, cancellations, exchanges, or repurchases;
- D.** Any material aspect of the performance, efficacy, nature, or characteristics of the product or service; or
- E.** Any other material fact.

IV. PROHIBITION AGAINST UNSUBSTANTIATED CLAIMS

IT IS FURTHER ORDERED that Settling Defendants, the Settling Defendants' 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, in connection with the advertising, marketing, promoting or offering for sale, or sale of any good or service, are permanently restrained and enjoined from making any representation or assisting others in making any representation, expressly or by implication, about the benefits,

performance, or efficacy of any product or service, unless, at the time such representation is made, Settling Defendants possess and rely upon competent and reliable evidence that substantiates that the representation is true.

V. MONETARY JUDGMENT

IT IS FURTHER ORDERED that:

A. Judgment in the amount of Two Million Five Hundred Sixty-seven Thousand One Hundred and Seventy-four Dollars (\$2,567,174.00) is entered in favor of the Plaintiffs against Settling Defendants, jointly and severally, as equitable monetary relief.

B. In partial satisfaction of the monetary judgment, within seven (7) days of receiving notice of this Stipulated Order by any means, the entities listed below shall turn over the account or asset identified below to the Receiver by electronic fund transfer in accordance with the instructions provided by counsel for the Receiver or otherwise instructed by counsel for Receiver:

1. Wells Fargo Bank, N.A., its parent corporation, subsidiaries, principals, and agents shall turn over:
 - a. Account No. XXXXXX5857, held in the name of One Easy Solution, LLC;
 - b. Account No. XXXXXX8711, held in the name of One Easy Solutions, LLC; and
 - c. Account No. XXXXX2774, held in the name of One Easy Solutions, LLC.

C. Settling Defendants hereby grant to the Plaintiffs all legal and equitable right, title, and interest in all assets held by the Receiver, including the funds identified above in Section V, Paragraph B and those in the name of or for the benefit of Settling Defendants. After satisfaction of any Court-authorized payments to the Receiver, the Receiver shall transfer the Settling Defendants' remaining assets and the net proceeds, if any, from the sale of any

remaining assets belonging to the Settling Defendants, to the Plaintiffs. Any assets or proceeds turned over to Plaintiffs as part of Subsection B. or this subsection, shall be applied to the monetary judgment described in Subsection A.

D. Defendant Miles is ordered to pay to Plaintiffs Six Thousand Six Hundred Dollars (\$6,600.00), which, as Defendant Miles stipulates, his undersigned counsel holds in escrow for no purpose other than payment to Plaintiffs. Such payment must be made within seven (7) days of entry of this Order by electronic fund transfer in accordance with instructions provided by a representative of the Commission or the Florida Attorney General's Office. Upon such payment and all other asset transfers described in Subsections B and C, the remainder of the judgment is suspended, subject to the Subsections below.

E. Plaintiffs' agreement to the partial suspension of the judgment against the Settling Defendants is expressly premised upon the truthfulness, accuracy, and completeness of the sworn financial statements and related documents (collectively, "financial representations") submitted to Plaintiffs, namely:

1. Financial Statement of Christopher C. Miles, signed by Christopher C. Miles on May 8, 2016, including the attachments; and
2. Financial Statement of One Easy Solution, LLC, signed by Christopher C. Miles on August 11, 2016.

F. The suspension of the judgment will be lifted as to any Settling Defendant if, upon motion by Plaintiffs, the Court finds that Settling 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 Settling Defendants in the amount specified in Subsection A. above, which parties stipulate only for purposes of this Section represents the One Easy Defendants' unjust enrichment alleged in the Amended Complaint, less any payment previously made pursuant to this Section, plus interest computed from the date of entry of this Order.

H. Settling 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 Amended Complaint will be taken as true, without further proof, in any subsequent civil litigation by or on behalf of the Commission, 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 Amended Complaint establish all elements necessary to sustain an action by Plaintiffs 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. Settling Defendants acknowledge that their Taxpayer Identification Numbers (Social Security Number or Employer Identification Number), which the Settling Defendant previously submitted to Plaintiffs, may be used for collecting and reporting any delinquent amount arising out of this Order, in accordance with 31 U.S.C. § 7701.

L. All money paid to Plaintiffs pursuant to this Order may be deposited into a fund administered by the Plaintiff Federal Trade Commission or its designee to be used for equitable relief, including consumer redress and any attendant expenses for the administration of any redress fund. If Plaintiffs decide that direct redress to consumers is wholly or partially impracticable or money remains after redress is completed, Plaintiffs may apply any remaining money for such other equitable relief (including consumer information remedies) as they determine to be reasonably related to the Settling Defendant's practices alleged in the Amended Complaint. All funds not used for the equitable relief described above in this subsection ("remaining funds") is to be divided equally between the Commission and the Florida Attorney General, with half to be deposited to the U.S. Treasury as disgorgement and half to be deposited to the Department of Legal Affairs Revolving Trust Fund as attorney's fees and costs of ongoing monitoring and enforcement. Settling Defendants have no right to challenge any actions Plaintiffs or their representatives may take pursuant to this subsection.

VI. LIFTING OF ASSET FREEZE

IT IS FURTHER ORDERED that the asset freeze is modified to permit the transfers of funds and assets identified in the Section V of this Order. Upon completion of those transfers or payments, the asset freeze is dissolved.

VII. RECEIVERSHIP TERMINATION

IT IS FURTHER ORDERED that the Receiver must complete all duties within 120 days after entry of this Order, but any party or the Receiver may request that the Court extend that Receiver's term for good cause.

VIII. CUSTOMER INFORMATION

IT IS FURTHER ORDERED that the Settling Defendants, the Settling Defendants' 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, are permanently restrained and enjoined from, directly or indirectly:

A. Failing to provide sufficient customer information to enable Plaintiffs to efficiently administer consumer redress. If a representative of either Plaintiff requests in writing any information related to redress, the Settling Defendants must provide it, in the form prescribed by that Plaintiff, within 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 Settling Defendant obtained prior to entry of this Order in connection with marketing or sale of Debt Relief Products or Services; and

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

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.

IX. COOPERATION

IT IS FURTHER ORDERED that Settling Defendants must fully cooperate with representatives of Plaintiffs in this case and in any investigation related to or associated with the transactions or the occurrences that are the subject of the Amended Complaint. Settling Defendants must provide truthful and complete information, evidence, and testimony. Defendant Miles must appear, and Defendant One Easy Solution, LLC, must cause its officers, employees, representations, or agents, to appear, for interviews, discovery, hearings, trials, and any other proceedings that a representative of either Plaintiff may reasonably request upon 5 days written notice, or other reasonable notice, at such places and times as the representative may designate, without the service of a subpoena.

X. ORDER ACKNOWLEDGMENTS

IT IS FURTHER ORDERED that Settling Defendants obtain acknowledgments of receipt of this Order:

A. Each of Settling Defendants, within 7 days of entry of this Order, must submit to Plaintiffs an acknowledgment of receipt of this Order sworn under penalty of perjury.

B. For 20 years after entry of this Order, Defendant Miles, for any business that he, individually or collectively with any other One Easy Defendant, is the majority owner or

controls directly or indirectly, and Defendant One Easy Solution, LLC, must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees, 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 7 days of entry of this Order for current personnel. For all others, delivery must occur before they assume their responsibilities.

C. From each Person to which a Settling Defendant delivered a copy of this Order, that Settling Defendant must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

XI. COMPLIANCE REPORTING

IT IS FURTHER ORDERED that Settling Defendants make timely submissions to Plaintiffs:

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

1. Each Settling Defendant must: (a) identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the Commission and Florida Attorney General may use to communicate with that Settling Defendant; (b) identify all of that Settling 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 goods and services offered, the means of advertising, marketing, and sales, and the involvement of any other Settling Defendant (which Defendant Miles must describe if he knows or should know due to his involvement); (d) describe in detail whether and

how that Settling 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 Plaintiffs.

2. Additionally, Defendant Miles 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 he performs services whether as an employee or otherwise and any entity which he has any ownership interest; and (c) describe in detail that his involvement in each such business, including title, role, responsibilities, participation, authority, control, and any ownership.

B. For 20 years after entry of this Order, each Settling Defendant must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the following:

1. Each Settling Defendant must report any change in: (a) any designated point of contact; or (b) the structure of One Easy Solution, LLC, or any entity that Settling 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 of any subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order.

2. Additionally, Defendant Miles must report any change in: (a) name, including aliases or fictitious names, or residence address; or (b) title or role in any business activity, including any business for which he performs services, whether as an employee or otherwise, and any entity in which he has any ownership interest, and identify the name, physical address, and any Internet address of the business or entity.

C. Each Settling Defendant must submit to Plaintiffs notice of the filing of any bankruptcy petition, insolvency proceeding, or similar proceeding by or against that Settling Defendant within 14 days of its filing.

D. Any submission to Plaintiffs 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 Plaintiffs’ representative in writing, all submissions to the Commission 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. Christopher C. Miles, X150051. All submissions to the Florida Attorney General pursuant to this Order must be emailed to cpenforcement@myfloridalegal.com or sent to: Office of The Attorney General, Director of Consumer Protection Division, 3507 East Frontage Road #325, Tampa, Florida 33607.

XII. RECORDKEEPING

IT IS FURTHER ORDERED that Settling Defendants must create certain records for 20 years after entry of this Order, and retain each such record for 5 years. Specifically, Defendant One Easy Solution, LLC, and Defendant Miles, for any business that Defendant Miles individually or collectively with any Defendant, is a majority owner or controls directly or indirectly, must create and retain the following records:

A. accounting records showing the revenues from all goods 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 Plaintiffs; and

E. a copy of each unique advertisement or other marketing material.

XIII. COMPLIANCE MONITORING

IT IS FURTHER ORDERED that for the purpose of monitoring Settling 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 14 days of receipt of a written request from a representative of either Plaintiff, each of the Settling Defendants must: submit additional compliance reports or other requested information, which must be sworn under penalty of perjury; and appear for depositions; and produce documents for inspection and copying. Plaintiffs are 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, Plaintiffs are authorized to communicate directly with each of Settling Defendants. Settling Defendants must permit representatives of Plaintiffs to interview any employee or other individual affiliated with any Settling Defendant who has agreed to such an interview. The individual interviewed may have counsel present.

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

D. Upon written request from a representative of the Commission or the Florida Attorney General, any consumer reporting agency must furnish consumer reports concerning the Defendant Miles, pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C. §1681b(a)(1).

IX. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court retains jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

SO ORDERED this ___ day of _____, 2016.

STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE

STIPULATED:

Plaintiffs:

FEDERAL TRADE COMMISSION



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FOR DEFENDANTS:

Defendant:

Dated: 8/19/2016



CHRISTOPHER C. MILES,
In his individual capacity and as owner and
manager of One Easy Solution, LLC

For Defendants:

Dated: 8/19/16



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