

**SEMIANNUAL FEDERAL COURT
LITIGATION STATUS REPORT**

Office of the General Counsel
Bureau of Competition
Bureau of Consumer Protection
Regional Offices

June 30, 2024

TABLE OF CONTENTS

SUMMARY OF CASES iii

PETITIONS FOR REVIEW 1

 (A) Orders to Cease and Desist..... 1

 (B) Rulemakings..... 1

INJUNCTIONS AND CONSUMER REDRESS 2

 (A) Preliminary Injunctions (Mergers/Acquisitions)..... 2

 (B) Preliminary Injunctions (Other) 7

 (C) Permanent Injunctions/Consumer Redress..... 7

CIVIL PENALTY AND ENFORCEMENT CASES 51

 (A) Consumer Protection 51

 (B) Competition..... 65

SUBPOENA AND CID ENFORCEMENT PROCEEDINGS..... 66

SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION 68

AMICUS CURIAE BRIEFS OR PARTIAL INTERVENTIONS 78

SUMMARY OF CASES

	Dist. Ct.	Ct. App.*	S. Ct.	Total
PETITIONS FOR REVIEW	0	3	0	3
INJUNCTION AND CONSUMER REDRESS CASES	36	13	5	54
CIVIL PENALTY AND ENFORCEMENT CASES	20	3	0	23
SUBPOENA AND CID ENFORCEMENTS	4	0	0	4
SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION	13	6	0	19
AMICUS CURIAE BRIEFS	5	13	1	19
TOTALS	78	38	6	122

* Includes all cases in which appellate proceedings have taken place during the reporting period or are pending; these cases are not counted in the District Court column, even if such proceedings are occurring simultaneously.

PETITIONS FOR REVIEW

(A) Orders to Cease and Desist

INTUIT v. FTC, No. 24-60040 (5th Cir.)

Parties: Intuit, Inc.

Assigned Attorneys: Bradley Grossman (OGC)
Anupama Sawkar

Nature of Action: Petition for review of final Commission order.

Status: Petition for review filed 1/24/24.
Intuit's motion to stay FTC order filed 3/1/24; Commission's opposition to stay filed 3/15/24; order denying stay entered 3/18/24.
Intuit's opening brief filed 4/15/24; Commission's answering brief filed 6/14/24; Intuit's reply brief due 7/12/24.

TRAFFIC JAM EVENTS v. FTC, No. 21-60947 (5th Cir.)

Parties: Traffic Jam Events, LLC
David Jeansonne

Assigned Attorneys: Mariel Goetz (OGC)
Imad Abyad

Nature of Action: Petition for review of final Commission order.

Status: Petition for review filed 12/21/21.
Traffic Jam Event's opening brief filed 3/28/22; Commission's answering brief filed 9/9/22.
Oral argument held 5/3/23.

(B) Rulemakings

NATIONAL AUTOMOBILE DEALERS ASSOCIATION v. FTC, No. 24-60013 (5th Cir.)

Parties: National Automobile Dealers Association
Texas Automobile Dealers Association

Assigned Attorneys: Ben Aiken (OGC)
Matthew Hoffman

Nature of Action: Petition to review final rule regulating the advertising, sales, and financing of vehicles by auto dealers.

Status: Petition for review filed 1/5/24.
Motion for stay filed 1/8/24; motion withdrawn 1/19/24.
Petitioner's brief filed 3/15/24; response filed 5/14/24; reply filed 6/13/24.
Oral argument scheduled for week of 10/7/24.

INJUNCTIONS AND CONSUMER REDRESS

(A) Preliminary Injunctions (Mergers/Acquisitions)

FTC v. IQVIA, No. 1:23-cv-6188 (S.D.N.Y.)

Parties: IQVIA Holdings Inc.
Propel Media, Inc.

Assigned Attorneys: Jennifer Fleury (BC/Office of the Director)
Anjelica Grace Sarmiento (BC/Mergers I)
Stephen Mohr
Jordan Andrew
Christina Perez
Evelyn Hopkins
Habin Chung
Jay Tymkovich
Jessica Moy
Leonardo Chingcuanco
Lily Verbeck
Lisa DeMarchi Sleight
Michael Barnett
Michelle Seo
Stephanie Bovee
Varnitha Sivaprasad
Wade Lippard
Yan Gao
Christopher Lamar (BC/Mergers III)
Nicolas Stebinger
Cory Gordon (BC/Mergers IV)
William Sohn

Gary Mitchell London, Jr (BC/TED)
Ben Aiken (OGC)

Nature of Action: Action for preliminary injunction to prevent consummation of proposed acquisition of DeepIntent, a healthcare advertising firm owned by Propel Media, by IQVIA pending administrative adjudication.

Status: Complaint filed 7/18/23.
Stipulated TRO entered 7/21/23; stipulated amended TRO entered 9/26/23.
Defendant's answer to complaint filed 8/02/2023.
Commission's motion to strike defendant's constitutional and affirmative defenses filed 9/20/23; opposition filed 10/4/23; reply filed 10/11/2023; order granting motion to strike entered 10/31/23.
Commission's memorandum of law in support of motion for preliminary injunction filed 10/25/23; defendants' opposition filed 11/10/23; reply filed 11/16/23.
Preliminary injunction hearing held 11/20/23 to 11/29/23.
Closing arguments heard 12/8/23.
Order granting preliminary injunction entered 12/29/23.
Order closing case following the completion of administrative proceedings entered 4/4/24.

FTC v. KROGER COMPANY, No. 3:24-cv-347 (D. Or.)

Parties: Kroger Company
State of Arizona (Co-Plaintiffs)
State of California
District of Columbia
State of Illinois
State of Maryland
State of Nevada
State of New Mexico
State of Oregon
State of Wyoming

Assigned Attorneys: Trisha Grant (BC/ACP)
Nathan Mendelsohn
Shira Steinberg
Albert Teng (BC/Office of Director)
Laura Hall
Barrett Anderson
Gary London, Jr.
Leora Tyree
Maia Perez

Susan Musser
Charles Dickenson (BC/Mergers IV)
Elizabeth Arens
Emily Blackburn
Eric Olson
Harris Rothman
Jacob Hamburger
Joshua Smith
Katherine Drummonds
Lily Hough
Rohan Pai
Alexander Bryson
Gula Dixon
Anjelica Sarmiento (BC/Mergers I)
Habin Chung
Colin Herd (BC/TED)
Crystal Liu (BC/Mergers III)
Jessica Drake
Keitha Clopper
Lindsay Greene
Eric Edmonson (WR-SF)
Ernest Elmore (BC/Mergers II)
Jeanine Balbach
Theodore Zang (NER-NY)
Janet Kim (BC/Compliance)
Kenneth Libby
Paul Frangie

Nature of Action: Action for preliminary injunction to prevent consummation of proposed acquisition of Albertsons Companies, Inc. by Kroger Company pending administrative adjudication.

Status: Complaint filed 2/26/24.
TRO entered 2/27/24.

FTC v. MICROSOFT CORP., No. 23-15992 (9th Cir.); No. 3:23-cv-2880 (N.D. Cal.)

Parties: Microsoft Corporation
Activision Blizzard, Inc
Amazon.com, Inc

Assigned Attorneys: Jennifer Fleury (Office of Director/BC)
Peggy Bayer Femenella (BC/Mergers II)
James Abell
Cem Akleman

Meredith Levert
Amanda Leigh Butler (BC/Mergers II)
David Morris
Edmund Saw
Joseph Alexander Ansaldo
James Gossmann
Kassandra DiPietro
Maria Cirincione
Merrick Pastore
Michael Blevins
Michael Anthony Franchak
Nicole Callan
Stephen Santulli
Erika Ruth Wodinsky (WR-SF)
Imad Abyad (OGC)
Mark Hegedus

Nature of Action: Action for preliminary injunction to prevent consummation of proposed acquisition of Activision Blizzard, Inc by Microsoft Corporation pending administrative adjudication.

Status: Complaint filed 6/12/23.
TRO entered 6/13/23.
Evidentiary hearing held on 6/22/23 to 6/29/23.
Preliminary Injunction denied 7/10/23.
Notice of appeal filed 7/12/23.
FTC opening brief filed 8/9/23.
Defendant's reply brief filed 9/6/23.
FTC reply brief filed 9/27/23.
Oral argument held 12/6/23.

FTC v. NOVANT HEALTH, INC., No. 24-01526 (4th Cir.): No. 5:24-cv-28 (W.D.N.C.)

Parties: Novant Health, Inc.
Community Health Systems, Inc.

Assigned Attorneys: Nathan Brenner (BC/Mergers IV)
Anusha Sunkara
Christopher Harris
Cory Gordon
Goldie Walker
Jeanne Nichols
Karen Hunt
Kennan Khatib
Louis Naiman

Ryan Maddock
Edward Takashima (BC/ACP)
Kurt Walters
Ethan Stevenson (BC/Office of Director)
Jennifer Fleury
Noel Miller
Susan Musser
Habin Chung (BC/Mergers I)
Matthew Joseph
John Wiegand (WR-SF)
Nicolas Stebinger (BC/Mergers III)
Benjamin Rashkovich (BC/TED)
Justin Lorber
Mariel Goetz (OGC)
Matthew Hoffman
Ben Aiken
Jesselyn Friley

Nature of Action: Action for preliminary injunction to prevent consummation of proposed acquisition of two Community Health Systems, Inc. hospitals by Novant Health, Inc. pending administrative adjudication.

Status: Complaint filed 1/25/24.
TRO entered 1/29/24.
Defendants' answer to complaint filed 2/8/24.
Commission's memorandum in support of preliminary injunction filed 3/15/24; defendant's opposition filed 4/5/24; Commission's reply filed 4/15/24.
Evidentiary hearing held on 5/1/24 to 5/3/24 and 5/7/24 to 5/10/24.
Order denying preliminary injunction entered 6/5/24.
Commission's notice of appeal filed 6/9/24.
Commission's emergency motion for injunction pending appeal filed 6/10/24; defendant's opposition filed 6/13/24; reply filed 6/14/24.
Order of Court of Appeals granting motion for injunctive relief pending appeal entered 6/18/24.

FTC v. TAPESTRY, INC., No. 1:24-cv-3109, (S.D.N.Y.)

Parties: Tapestry, Inc.
Capri Holdings Limited

Assigned Attorneys: Abby Dennis (BC/Mergers II)
Andrew Lowdon
Blake Risenmay
Brandon Boxbaum

Edmund Saw
Frances Johnson
Kassandra DiPietro
Laura Antonini
Nicole Lindquist
Peggy Femenella
Peter Colwell
Sarah Kerman
Timothy Singer
Victoria Sims
Danielle Quinn (BC/Office of Director)

Nature of Action: Action for preliminary injunction to prevent consummation of proposed acquisition of Capri Holdings Limited, an “accessible luxury” handbag company, by Tapestry, Inc. pending administrative adjudication.

Status: Complaint filed 4/22/24.
Stipulated TRO entered 4/24/24.
Defendants’ answer to complaint filed 5/16/24.

(B) Preliminary Injunctions (Other)

(None Pending)

(C) Permanent Injunctions/Consumer Redress*

FTC v. AMAZON.COM, INC., No. 24-3835 (9th Cir.); No. 2:23-cv-01495 (W.D. Wash.)

Parties: Amazon.com, Inc.
States of New York, Connecticut, Pennsylvania, Delaware, Maine,
Maryland, Massachusetts, Michigan, Minnesota, Nevada, New
Hampshire, New Jersey, New Mexico, Oklahoma, Oregon, Rhode Island,
and Wisconsin (Co-Plaintiffs)
American Booksellers Association (Proposed Intervenor)

Assigned Attorneys: Susan Musser (BC/Office of the Director)
John Newman
Danielle Quinn
Edward Takashima (BC/Anticompetitive Practices)
Christina Shackelford (BC/Mergers III)
Megan Henry

* Unless otherwise noted, cases involve suits for permanent injunction and other equitable relief. Post-judgment proceedings in district court are not generally reported.

Zhi Rudy (BC/Mergers II)
Christine Kennedy (BC/TED)
Colin Herd
Daniel Bradley
Daniel Principato
Emily Bolles
Jake Walter-Warner
Kelly Schoolmeester
Stephen Antonio
David Schwartz (BC/HCD)
Emma Dick
Ben Aiken (OGC)

Alleged Conduct: Unfair methods of competition through exclusionary conduct in violation of Section 5(a) of the FTC Act and Section 2 of the Sherman Act to maintain monopoly power in the market for online superstores.

Status: Complaint filed 9/26/23.
Defendant's motion to dismiss filed 12/8/23; response filed 2/6/24;
reply filed 3/22/24.
FTC motion to bifurcate filed 2/29/24; response filed 3/11/24; reply
filed 3/15/24.
Motion to intervene by American Booksellers Association filed 5/8/24;
FTC and defendant responses filed 5/23/24; reply filed 5/31/24.
Order denying intervention entered 6/3/24.
Notice of appeal by American Booksellers Association filed 6/14/24.

FTC v. AMERICAN FUTURE SYSTEMS, INC., No. 2:20-cv-02266 (E.D. Pa.)

Parties: American Future Systems, Inc. d/b/a Progressive Business Publications
d/b/a Progressive Business Publications, Inc. d/b/a Center for
Education & Employment Law
Progressive Business Publications of New Jersey, Inc. d/b/a Progressive
Business Publications, Inc. d/b/a Center for Education and
Employment Law
International Credit Recovery, Inc. d/b/a ICR
Edward M. Satell
Richard Diorio, Jr.
Cynthia Powell
Commonwealth of Pennsylvania (co-plaintiff)

Assigned Attorneys: Derek Diaz (ECR)
Christian Capece
Harris Senturia
Maris Snell

Fil de Banate
Conor Duffy

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Unordered Merchandise Statute, and in violation of Pennsylvania consumer protection law, in connection with Defendants' deceptive selling of and collection of payment for publication subscriptions.

Status: Complaint filed 5/13/20.
Motion to file first amended complaint adding plaintiff Commonwealth of Pennsylvania filed 7/23/2020; motion granted 1/20/21.
Amended complaint filed 1/21/21.
Motion to dismiss for failure to state a claim filed by Defendants Richard Diorio, Jr., International Credit Recovery, Inc., and Cynthia Powell 2/4/21; Commission response filed 3/4/21; Defendant reply filed 3/25/21; motion denied 4/30/21.
Motion to dismiss for Defendants American Future Systems Inc., Progressive Business Publications of New Jersey, Inc., and Edward M. Satell filed 2/11/21; motion denied 4/30/21.
Defendants' motion for judgment on the pleadings filed 6/24/21; motion denied 7/26/21.
Stipulated permanent injunction as to defendants International Credit Recovery, Inc., Richard Diorio, Jr., and Cynthia Powell entered 3/24/2023.
Plaintiffs' and Defendants' cross motions for summary judgment filed 6/26/23; oppositions filed 7/17/23; replies filed 7/24/23.
Orders denying Plaintiffs' and Defendants' cross-motions for summary judgment entered 9/20/23.
Trial held 9/26/23 to 10/19/23.
Plaintiffs' and Defendants' proposed findings of facts and conclusions of law filed 12/04/23.
Closing arguments heard 12/19/23.
Adverse ruling in favor of defendants on all plaintiffs' claims entered 3/29/24.
Plaintiffs' separate motions to alter or amend judgment filed 4/26/24; opposition filed 5/10/24; reply filed 5/17/24.
Order denying plaintiffs' motions to alter or amend entered 6/12/24.

FTC v. AMERICAN SCREENING, LLC, No. 23-1616 (8th Cir.); No. 4:20-cv-1021 (E.D. Mo.)

Parties: American Screening, LLC
Ron Kilgarlin, Jr.
Shawn Kilgarlin

Assigned Attorneys: Dillon Lappe (BCP/ENF)

Omolara Joseney
Anne Collesano
Imad Abyad (OGC)
Michael Bergman

Alleged Conduct: Deceptive acts or practices in violation of Sections 5(a) and 12 of the FTC Act in connection with the sale and marketing of face masks, sanitizer, and other personal protective equipment related to the coronavirus pandemic.

Status: Complaint filed 8/4/20.
FTC's motion for summary judgment filed 10/1/21; defendants' opposition filed 11/1/21; reply filed 11/15/21.
Order granting FTC's motion for summary judgment in part and denying in part, leaving amount of equitable monetary relief to be determined at trial, entered 4/6/22.
Order vacating trial and directing parties to confer regarding remaining monetary relief issues entered 4/8/22.
Joint status report, reporting that parties have been unable to reach agreement to settle case and are prepared to proceed with bench trial on appropriate amount of monetary relief, filed 5/9/22.
FTC motion for summary judgment granted 7/14/22. Defendant's memorandum in response to FTC's proposed judgment filed 8/9/22;
FTC's opposition to defendant's response to proposed final order for permanent injunction and other monetary relief filed 8/16/22.
Final order and judgment for permanent injunction and monetary relief entered 1/31/23.
Defendants' notice of appeal filed 3/30/23; amended notice of appeal filed 3/31/23.
Suggestion of filing bankruptcy as to defendant American Screening filed 4/12/23.
Appellants' opening brief filed 6/9/23; Commission's brief filed 9/6/23; appellants' reply brief filed 10/24/23.
Oral argument heard 4/9/24.
Decision affirming the final order on monetary and injunctive relief entered 6/27/24.

FTC v. AQUA FINANCE, INC., No. 3:24-cv-288 (W.D. Wis.)

Parties: Aqua Finance, Inc.

Assigned Attorneys: Tammy Chung (SWR)
Edward Hynes

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act,

the Truth in Lending Act, and the Fair Credit Reporting Act in connection with misrepresenting the financing terms of water treatment systems and knowingly reporting inaccurate information about consumers' water treatment financing to consumer reporting agencies.

Status: Complaint filed 5/1/24.
Commission's unopposed motion to approve consent judgment filed 5/2/24; Commission's brief in support of motion filed 5/20/24.

FTC v. AUTOMATORS LLC, No 3:23-cv-1444 (S.D. Cal.)

Parties: Automators LLC
Empire Ecommerce LLC
Onyx Distribution LLC
Stryder Holdings LLC
Pelenea Ventures LLC
Roman Cresto
John Cresto
Andrew Chapman
Peregrine Worldwide LLC

Assigned Attorney: Christopher Brown (BCP/DMP)
Colleen Robbins
Frances Kern

Alleged Conduct: Deceptive practices in violation of Section 5(a) of the FTC Act and the Business Opportunity Rule in connection with false and unsubstantiated claims that defendants' "automated" e-commerce platform would lead to substantial profits for "silent partners."

Status: Complaint filed 8/8/23.
Ex parte TRO with asset freeze and appointment of receiver entered 8/11/23.
Stipulated preliminary injunction entered 9/8/23.
Stipulated order for permanent injunction and monetary judgment entered 2/26/24.

FTC v. BLUESNAP, INC., No. 1:24-cv-1898, (N.D. Ga.)

Parties: BlueSnap, Inc.
BlueSnap Payment Services LTD
Ralph Dangelmaier
Terry Monteith

Assigned Attorneys: Alan Bakowski (SER)
Margaret Burgess
Natalya Rice

Alleged Conduct: Deceptive and unfair acts and practices in violation of Section 5(a) of the FTC Act and the Telemarketing Sales Rule in connection with knowingly processing payments for deceptive and fraudulent merchants.

Status: Complaint filed 5/1/24.
Stipulated order for permanent injunction, monetary judgments, and other relief entered 5/1/24.

FTC v. BIZ2CREDIT, INC., No. 1:24-cv-2001 (S.D.N.Y.)

Parties: Biz2Credit, Inc.
Itria Ventures LLC

Assigned Attorneys: James Doty (BCP/DFP)
Evan Zullo

Alleged Conduct: Deceptive and unfair practices in violation of Section 5(a) of the FTC Act in connection with falsely promising to process PPP loan applications quickly but instead delaying the process and setting up roadblocks.

Status: Complaint filed 3/18/24.
Stipulated order for permanent injunction, monetary judgment, and other relief entered 3/20/24.

FTC v. CANCER RECOVERY FOUNDATION INT'L INC., No. 4:24-cv-881 (S.D. Tex.)

Parties: Cancer Recovery Foundation International, Inc. d/b/a Women's Cancer Fund
Gregory B. Anderson
State of Maryland (Co-Plaintiffs)
State of North Carolina
State of Florida
State of Oklahoma
State of Texas
State of Virginia
State of Wisconsin
State of Oregon
State of Massachusetts
State of California

Assigned Attorneys: Miry Kim (BCP/DMP)

Alleged Conduct: Deceptive and unfair acts and practices in violation of Section 5(a) of the FTC Act in connection with operating a sham charity and deceiving donors who sought to offer financial support to women battling cancer.

Status: Complaint filed 3/11/24.

FTC v. CELSIUS NETWORK LLC., No. 1:23-cv-6009 (S.D.N.Y.)

Parties: Celsius Network Inc.
Celsius Network LLC
Celsius Networks Lending LLC
Celsius Lending LLC
Celsius Keyfi LLC
Celsius Mining LLC
Celsius US Holding LLC
Celsius US LLC
Celsius Management Corp.
Alexander Mashinsky
Shlomi Daniel Leon
Hanoch Goldstein

Assigned Attorneys: Stephanie Liebner (BCP/FP)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act and the Gramm-Leach-Bliley Act in connection with the marketing and sale of cryptocurrency lending and custody services.

Status: Complaint filed 7/13/23.
Stipulated final order as to corporate defendants entered 8/16/23.
Order denying individual defendants' motions to dismiss entered 12/12/23.
Order staying discovery through 11/1/24, entered on 1/9/24.
Order granting in part FTC's motion to strike defendants' affirmative defenses entered 4/12/24.

FTC v. CHASE NISSAN, No. 3:24-cv-12 (D. Conn.)

Parties: Chase Nissan LLC d/b/a Manchester City Nissan
Patrick Dibre
Refaat Soboh
Michael Hamadi
Aiham Alkhatib

Matthew Chmielinski
Fred Mojica
State of Connecticut (Co-Plaintiff)

Assigned Attorneys: Samuel Jacobson (BCP/DFP)
Edward Smith
Paul Mezan

Alleged Conduct: Deceptive and unfair acts and practices in violation of Section 5(a) of the FTC Act in connection with systematically deceiving consumers about the price of certified used cars, add-ons, and government fees.

Status: Complaint filed 1/4/24.
Amended complaint filed 1/19/24.
Defendants' answer to amended complaint filed 3/4/24.

FTC v. CREDIT BUREAU CENTER, LLC., No. 23-853 (S. Ct.); No. 21-2945 (7th Cir.), No. 1:17-cv-00194 (N.D. Ill.)

Parties: Credit Bureau Center, LLC, f/k/a MyScore, LLC d/b/a efreescore.com,
creditupdates.com, and freecreditnation.com
Michael Brown
Danny Pierce
Andrew Lloyd

Assigned Attorneys: Lisa Bohl (MWR)
Elizabeth Scott
Michael D. Bergman (OGC)
Matthew M. Hoffman

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Restore Online Shoppers' Confidence Act, and the Fair Credit Reporting Act in connection with the marketing of credit monitoring services.

Status: Complaint filed 1/10/17.
Ex parte TRO entered 1/11/17.
Stipulated preliminary injunction as to defendants Danny Pierce and Andrew Lloyd entered 2/8/17.
Stipulated preliminary injunction as to defendants Michael Brown and Credit Bureau Center entered 2/21/17.
Order finding defendant Michael Brown in civil contempt entered 6/28/17.
Stipulated order for permanent injunction and monetary judgment as to defendants Danny Pierce and Andrew Lloyd entered 10/26/17.

Commission's motion for summary judgment against remaining defendants Michael Brown and Credit Bureau Center, LLC filed 3/2/18; defendants' response filed 3/12/18; order granting motion for summary judgment entered 6/26/18.

Notice of appeal by defendants Michael Brown and Credit Bureau Center, LLC filed 8/22/18.

Motion by defendants Michael Brown, Credit Bureau Center, LLC to stay district court's final injunction pending appeal filed 8/31/18; response in opposition filed 9/17/18; district court order granting motion to stay in part, barring Commission from distributing funds recovered to consumers pending conclusion of appeal, but otherwise denying, entered 9/26/18.

Amended notice of appeal of post-judgment order denying defendants' request to pay their attorneys from the receivership estate filed 10/26/18.

Order consolidating appeals entered 11/16/18.

Appellants' brief filed 12/5/18.

Order denying defendants Michael Brown and Credit Bureau Center, LLC's motion for stay of judgment pending appeal entered 1/8/19.

Commission's brief filed 3/12/19; appellants' reply brief filed 4/1/19.

Oral argument heard 4/17/19.

Order vacating the restitution award and affirming the judgment in other respects entered by the Seventh Circuit 8/21/19.

Commission's petition for writ of certiorari filed 12/19/19; Credit Bureau Center's brief in opposition filed 4/14/20; Commission's reply brief filed 4/28/20.

Case consolidated with *AMG Capital Mgmt., LLC v. FTC* 7/9/20; consolidation voided and certiorari vacated 11/9/20.

Commission's petition for writ of certiorari denied 5/3/21.

Commission's motion for amended judgment and other relief filed in district court 5/6/21; defendants' response in opposition to motion and counter-motion to enforce mandate filed 5/28/21; Commission's reply in support of motion filed 6/11/21; defendants' reply in support of counter-motion filed 6/17/21; hearing on motions held 7/14/21.

District court's opinion and order granting the FTC's motion and denying defendants' countermotion entered 9/13/21; modified final judgment entered 9/13/21.

Notice of appeal of order granting FTC's motion to alter or amend its judgment filed 10/22/21.

Petition for writ of mandamus filed in Seventh Circuit 10/22/21; order denying petition entered 10/27/21.

Appellants' opening brief filed 2/22/22; FTC's brief filed 4/4/22; appellants' reply brief filed 4/25/22.

Oral argument held 6/3/22.

Opinion affirming amended judgment entered 8/30/23.

Petition for panel rehearing and rehearing en banc filed 10/13/23.
Order denying petition for rehearing entered 11/3/23.
Cert petition filed 2/1/24; opposition filed 5/8/24.
Cert petition denied 6/17/24.

FTC v. DOXO, INC., No. 2:24-cv-569 (W.D. Wash.)

Parties: Doxo, Inc.
Steve Shivers
Roger Parks

Assigned Attorneys: Edward Smith (BCP/FP)
James Doty

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Gramm-Leach-Bliley Act, and the Restore Online Shoppers' Confidence Act in connection with the use of misleading search ads to impersonate consumers' billers and deceptive design practices to mislead consumers about junk fees.

Status: Complaint filed 4/25/24.
Defendants' motion to dismiss for failure to state a claim filed 6/24/24.

FTC v. ELITE IT PARTNERS, No. 23-1206 (S. Ct.); No. 23-4009 (10th Cir.); No. 2:19-cv-00125 (D. Utah)

Parties: Elite IT Partners d/b/a Elite IT Home
James Michael Martinos

Assigned Attorneys: Amanda R. Grier (BCP/MP)
Colleen Robbins
Elsie Kappler
Michael D. Bergman (OGC)
Matthew M. Hoffman

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Telemarketing Sale Rule, and Section 4 of the Restore Online Shoppers' Confidence Act in connection with computer technical support scheme.

Status: Complaint filed 2/25/19.
TRO entered 2/26/19.
Preliminary injunction entered 5/6/19.
Stipulated order for Permanent injunction and monetary judgement entered 12/9/19.

Defendants' motion to vacate monetary judgment in light of *AMG* filed 3/17/22; FTC opposition filed 4/14/22; defendants' reply filed 5/12/22; order denying motion to vacate entered 1/23/23.

Notice of appeal filed 1/26/23.

Defendants' opening brief filed 4/28/23; FTC's answering brief filed 6/30/23; defendants' reply brief filed 7/21/23.

Oral argument heard 11/15/23.

Decision affirming order denying motion to vacate judgment based on intervening change in law filed 1/23/24.

Petition for rehearing en banc filed 3/8/24; order denying petition for rehearing en banc entered 3/21/24.

Petition for writ of certiorari filed 5/7/24.

FTC v. THEFBAMACHINE INC., No. 24-cv-6635 (D.N.J.)

Parties: TheFBAMachine Inc.
Passive Scaling Inc.
Sales Support New Jersey Inc.
1HR Deliveries Inc.
Hourly Relief Inc.
3PL Logistic Automation Inc.
FBA Support NJ Corp.
Daily Distro LLC
Closter Green, d/b/a Wraith & Co.
Bratislav Rozenfeld, a/k/a Steven Rozenfeld and Steven Rozen
Amanda Rozenfeld, a/k/a Amanda Peremen and Amanada Peremen

Assigned Attorneys: Fran Kern (BCP/DMP)
Colleen Robbins

Alleged Conduct: Deceptive and unfair acts or practices in violation of Section 5(a) of the FTC Act, the Business Opportunity Rule, and the Consumer Review Fairness Act in connection with offering automated online stores purporting to use AI-enhanced software.

Status: Complaint filed 6/3/24.
Ex parte TRO with asset freeze and appointment of receiver entered 6/3/24.
Amended complaint filed 6/14/24.

FTC v. FINANCIAL EDUCATION SERVICES, No. 2:22-cv-11120 (E.D. Mich.)

Parties: Financial Education Services, Inc.
United Wealth Services, Inc.
VR-Tech LLC

VR-Tech MGT LLC
CM Rent Inc.
Youth Financial Literacy Foundation
Parimal Naik
Michael Toloff
Christopher Toloff
Gerald Thompson

Assigned Attorneys: Gregory Ashe (BCP/FP)
Julia Heald
Michael Goldstein

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Credit Repair Organizations Act, and the Telemarketing Sales Rule in connection with the marketing, offering, and collecting of credit repair services and investment opportunities.

Status: Complaint filed 5/23/22.
Ex parte TRO entered 5/24/22.
Preliminary injunction hearing held 6/30/22.
Order denying preliminary injunction, vacating TRO, and converting receivership to monitorship entered 7/18/22.
Motion to dismiss filed by defendants VR-Tech MGT, CM Rent, Michael Toloff, and Christopher Toloff filed 7/25/22; FTC opposition filed 8/8/22; Defendants' reply filed 8/22/22.
Order denying Toloff Defendants' motion to dismiss entered 2/13/23.
First amended complaint filed 3/27/23.
Motion to dismiss by defendant Gerald Thompson filed 4/10/23; FTC opposition filed 5/1/23; Thompson's reply filed 5/8/23.
Order denying Thompson's motion to dismiss entered 11/21/23.
Order granting motion to stay to consider final settlement entered 5/30/24.

FTC v. FLEETCOR TECHNOLOGIES, INC., No. 23-12539 (11th Cir.); No. 1:19-cv-05727
(N.D. Ga.)

Parties: FleetCor Technologies, Inc.
Ronald Clarke

Assigned Attorneys: Daniel Hanks (BCP/FP)
James Doty Matthew Hoffman (OGC)
Jesselyn Friley

Alleged Conduct: Deceptive and unfair acts or practices in violation of Section 5(a) of the FTC Act in connection with the advertising, marketing, and offering of commercial fuel card products.

Status: Complaint filed 12/20/19.
Commission motion for summary judgment filed 4/16/21; Defendants' cross motion for partial summary judgment and opposition to Commission's motion filed 5/16/21; Commission response filed 6/18/21.
Commission motion to stay pending resolution of administrative litigation or dismiss without prejudice filed 8/13/21; Defendants' response filed 8/27/21; Commission reply filed 9/10/21; motion denied 2/7/22.
Order granting Commission's motion for summary judgment entered 8/9/22.
Commission's motion for permanent injunction and other relief filed 12/19/22; Defendants' opposition filed 1/20/23; Commission's reply filed 2/3/23.
Order granting Commission's motion for permanent injunction entered 6/8/23.
Notice of appeal filed 8/4/23.
Appellants' opening brief filed 11/1/23; Commission's response brief filed 1/29/24; reply brief filed 2/20/24.

FTC v. FLOATME CORP., No. 5:24-cv-1 (W.D. Tex.)

Parties: FloatMe Corp.
Joshua Sanchez
Ryan Cleary

Assigned Attorneys: James Doty (BCP/DFP)
Angel Reyes (CFPB)

Alleged Conduct: Deceptive and unfair practices in violation of Section 5 of the FTC Act in connection with luring consumers with false promises of free money advances and using dark patterns to make it difficult for consumers to cancel.

Status: Complaint filed 1/2/24.
Proposed order for preliminary injunction filed 1/2/24.
Stipulated order for permanent injunction, monetary judgment, and other relief entered 1/22/24.
Order administratively closing case entered 2/9/24.

FTC v. GOLDEN SUNRISE NUTRACEUTICAL, INC., No. 1:20-cv-01060 (E.D. Cal.)

Parties: Golden Sunrise Nutraceutical, Inc.
Golden Sunrise Pharmaceutical, Inc.
Huu Tieu
Stephen Meis

Assigned Attorneys: Edward Hynes (SWR)
Reid Tepfer

Alleged Conduct: Deceptive acts and practices in violation of Sections 5(a) and 12 of the FTC Act in connection with the marketing and sale of purported COVID-19, cancer, and Parkinson's disease treatments.

Status: Complaint filed 07/30/20.
TRO entered 08/05/20.
Stipulated preliminary injunctions entered 08/27/20.
Stipulated order for permanent injunction and monetary judgment as to Defendant Stephen Meis entered 6/11/21.
Motion for summary judgment as to defendants Golden Sunrise Nutraceutical, Inc., Golden Sunrise Pharmaceutical, Inc., and Huu Tieu filed 10/1/21.
Motion to self-represent by Huu Tieu on behalf of himself, Golden Sunrise Nutraceutical, and Golden Sunrise Pharmaceutical filed 6/21/22; motion denied 6/23/22.
Opposition to FTC's summary judgment motion by Huu Tieu filed 11/03/22; order striking opposition as untimely entered 12/14/22.
FTC status report filed 4/11/24.

FTC v. GRAND CANYON EDUCATION, No. 2:23-cv-2711 (D. Ariz.)

Parties: Grand Canyon Education
Grand Canyon University
Brian Mueller

Assigned Attorneys: Brian Clifton Berggren (BCP/FP)
Michael Tankersley
Carlton Mosley

Alleged Conduct: Deceptive practices in violation of Section 5(a) of the FTC Act in connection with advertising that the defendant's University is a non-profit institution and misrepresentations regarding doctoral programs.

Status: Complaint filed 12/27/23.

Defendants' motions to dismiss filed 2/9/24; FTC's opposition filed 2/29/24; replies filed 3/124 and 3/7/24.

FTC v. GREEN EQUITABLE SOLUTIONS, No. 24-2408 (9th. Cir.); No. 2:22-cv-6499 (C.D. Cal.)

Parties: Green Equitable Solutions, dba Academy Home Services
South West Consulting Enterprises, Inc.
Apex Consulting and Associates, dba Golden Home Services
Infocom Entertainment LTD, Inc., dba Amstar Service Group
Dominic Ahiga
Roger Scott Dyer
Equity Relief Funding, Inc.
Advent Consulting, Inc.
Armando Solis Barron
Michael Robin Nabati
MostCap Enterprises Corp. (Relief Defendant)
California Department of Financial Protection and Innovation (Co-Plaintiff)

Assigned Attorneys: Miles D. Freeman (WRLA)
Carla Lyn Cheung
Karina Ann Layugan
Taylor Steinbacher (CA DFPI)
Louis Thomas Laverone
Mariel Goetz (OGC)
Anupama Sawkar

Alleged Conduct: Violations of Sections 5 of the FTC Act, the Credit Card Act, the Telemarketing Act, MARS Rule, and the Telemarketing Sales Rule, in connection with deceptive advertising for the sale of mortgage assistance relief services.

Status: Complaint filed 9/12/22.
Preliminary injunction with asset freeze entered 9/29/22.
Amended complaint filed 10/28/22.
Defendants' answers to amended complaint filed 11/21/22, 12/15/22, 12/20/22, 1/5/23.
Commission's motion to strike certain affirmative defenses and crossclaim of defendant Roger Scott Dyer filed 1/20/23; defendant's opposition filed 2/2/23; Commission's reply filed 2/10/23.
Commission's motion to strike certain affirmative defenses of defendants Nabati and MostCap Enterprises Corp. and crossclaims and corresponding jury demand of defendant Nabati filed 2/9/23;

defendants' opposition filed 3/3/23; Commission's reply filed 3/10/23.
Joint stipulation for order extending the preliminary injunction order to defendant Nabati and defendant MostCap Enterprises Corp filed 4/26/23; motion granted 4/26/23.
Commission's motion for summary judgment filed 6/9/23.
Commission's motion for preliminary injunction as to defendant Solis Barron filed 6/9/23; motion granted 7/5/23.
Default against relief defendant MostCap Enterprises Corp. entered 7/17/23.
Commission's motion for entry of default judgment as to corporate defendants and the relief defendant filed 8/23/23.
Order granting plaintiffs' motion for summary judgment entered 2/2/24.
Notice of appeal filed 4/17/24.

FTC v. HARRIS ORIGINALS OF NY, INC., No. 2:22-cv-4260 (E.D.N.Y.)

Parties: Harris Originals of NY, Inc.
Consumer Adjustment Corp., USA
Consumer Adjustment Corp.
800 Prime Place Properties, LLC
States of New York, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Louisiana, Maryland, Nevada, North Carolina, Washington, California (co-plaintiffs)

Assigned Attorneys: Taylor Bates (BCP/ENF)
Amy Teng (NWRO)
Carole Reynolds (BCP/FP)

Alleged Conduct: Violations of the FTC Act, TILA, EFTA, and state statutes in connection with practice of deceptively and unilaterally adding protection plans to customers' retail installment sales contracts perpetrated by sellers of military themed gifts and jewelry to active and reserve military members.

Status: Complaint filed 7/20/22.
Stipulated order for permanent injunction, monetary judgment and other relief entered 7/21/22.
NY Attorney General's motion for pre-motion conference regarding defendants' compliance with stipulated order filed 5/23/23.
Order reopening case entered 5/24/23.
Pre-motion conference held 6/20/23.
Plaintiffs' motion to lift suspension of judgment or compel compliance with consent order served on defendants 7/7/23; plaintiff's notice of motion, defendants' opposition, and plaintiffs' reply filed 8/4/23.

Hearing on motion held 1/3/24.

FTC v. HORNBEAM SPECIAL SITUATIONS, LLC, No. 1:17-cv-03094 (N.D. Ga.)

Parties: Hornbeam Special Situations, LLC
Cardinal Points Holdings, LLC
Cardinal Points Management, LLC d/b/a Clear Compass Digital Group
Gyroscope Management Holdings, LLC
EDebitPay, LLC
Platinum Online Group, LLC d/b/a Premier Membership Clubs
Clickxchange Media, LLC
iStream Financial Services, Inc.
Jerry L. Robinson
Earl G. Robinson
James McCarter
Keith Merrill
Mark Ward
Dale Paul Cleveland
William R. Wilson
Kris Axberg
Richard Joachim
Chet Andrews
Patricia Brandmeier Robinson [executor of estate of Jerry L. Robinson]

Assigned Attorneys: Korin Felix (BCP/ENF)
Omolara Joseney
Reenah L. Kim
Hong Park
Amanda C. Basta
Kimberly L. Nelson
Anna M. Burns
Phillip Z. Brown

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, Section 4 of Restore Online Shoppers' Confidence Act, and the FTC's Telemarketing Sales Rule in connection with the marketing of various products or services, including memberships in online discount clubs, to consumers seeking payday, cash advance, or other subprime loans.

Status: Complaint filed 8/15/17.
Consent motion to stay case for 90 days as to defendant Keith Merrill filed 10/6/17; order granting stay entered 10/11/17.
Consent motion to stay case and suspend filing obligations upon the death of defendant Jerry L. Robinson filed 11/15/17; order granting consent motion entered 11/21/17.

Stipulated permanent injunction and monetary judgment as to Keith Merrill entered 1/10/18.

Motions to dismiss by defendants Mark Ward, Dale Paul Cleveland, EDebitPay, LLC, William Wilson, Kris Axberg, Richard Joachim, iStream Financial Services, Inc, and Earl Robinson filed 2/9/18; response in opposition 2/23/18; opinion and order denying motion entered 4/16/18.

Motion to dismiss by defendant by Patricia Brandmeier Robinson filed 3/22/18; response in opposition 4/5/18; order denying motion entered 4/16/18.

Motion to dismiss complaint for lack of subject matter jurisdiction by defendants Chet Andrews, Kris Axberg, Dale Paul Cleveland, EDebitPay, LLC, Richard Joachim, James McCarter, Earl G. Robinson, Patricia Brandmeier Robinson, Mark Ward, William R. Wilson, iStream Financial Services, Inc. filed 4/20/18; Commission's opposition filed 5/4/18; reply filed 5/11/18; order denying motion, but ordering supplemental briefing on part of the court's 4/16/18 opinion, entered 7/11/18.

Defendants' response to court's 7/11/18 request for supplemental briefing filed 7/23/18; Commission's response to court's request filed 7/30/18.

Order vacating part of court's 4/16/18 opinion and granting Commission leave to file an amended complaint entered 10/15/18.

Amended complaint filed 11/5/18.

Motions to dismiss for failure to state a claim by defendants iStream Financial Services, Inc, Chet Andrews, Patricia Brandmeier Robinson, Dale Paul Cleveland, EDebitPay, LLC, William Wilson, James McCarter, Mark Ward, and Earl Robinson filed 11/15/18; Commission's opposition filed 12/13/18; defendants' reply filed 2/8/19; order denying motions to dismiss entered 2/12/19.

Order granting Defendants' request for leave to file an interlocutory appeal entered 7/24/19.

Order of 11th Circuit denying petition to appeal entered 11/20/19.

Defendants' motion to stay pending the Supreme Court's decision in *AMG Capital Mgmt., LLC v. FTC* filed 7/20/20; Commission's opposition filed 8/3/20; defendants' reply filed 8/10/20; order denying motion to stay entered 9/10/20.

Commission motions for summary judgment as to Defendants EDebitPay LLC, Dale Paul Cleveland, William Wilson, Earl Robinson, Patricia Brandmeier Robinson, James McCarter, Mark Ward, iStream Financial Services Inc., Kris Axberg, Richard Joachim, and Guadalupe Andrews filed 2/8/21; Defendants' oppositions filed 4/8/21; Commission replies filed 5/20/21.

Motion for summary judgment by Defendants Kris Axberg, Richard Joachim, and iStream Financial Services, Inc. filed 6/17/21.

Pending motions for summary judgment terminated without prejudice

6/21/21.
Cross-motions for summary judgment by Commission and Defendants filed 8/10/21; oppositions filed 10/29/21; replies filed 12/3/21; opposition by defendant Earl G. Robinson filed 12/13/21.
Unopposed motion to stay resolution of motions as to defendants iStream Financial Services, Inc., Kris Axberg, and Richard Joachim pending finalization of settlement filed 12/15/21.
Stipulated permanent injunction and monetary relief as to defendants iStream Financial Services, Kris Axberg, and Richard Joachim entered 2/24/22.
Motion to dismiss Guadalupe Andrews on behalf of estate of defendant Chet Andrews filed 3/9/22; Commission's opposition brief filed 3/23/22; reply filed 4/6/22; order finding motion moot entered 6/23/22.
Order denying Commission's motions for summary judgment, granting in part and denying in part motion for summary judgment by defendants EDebit Pay, Dale Cleveland and William Wilson, and orders denying other motions for summary judgment, entered 3/28/22.
Stipulated orders resolving claims against estates of defendants Jerry Robinson and Chet Andrews entered 6/22/22.
Stipulated order for permanent injunction, monetary judgment, and other relief as to defendant Mark Ward entered 1/5/24.
Trial begins 1/9/24; trial concluded 2/2/24.
Order entering default judgment as to corporate defendants but judgement in favor of individual defendants entered 3/21/24; amended judgment entered 5/1/24.
Motion for attorney fees by Earl G. Robinson filed 4/19/24; motion for attorney fees by William R. Wilson filed 4/22/24; FTC's opposition filed 5/21/24; replies filed 6/4/24 and 6/11/24.

FTC v. INTERCONTINENTAL SOLUTIONS LLC, 8:23-cv-1495 (C.D. Cal.)

Parties: Intercontinental Solutions
Express Enrollment LLC
Marco Manzi
Ivan Esquivel
Robert Kissinger
Thomas McNamara

Assigned Attorneys: Carlton Mosley (BCP/FP)
Gregory Ashe
Jeffrey Tang (WRLA)

Alleged Conduct: Deceptive practices in violation of Section 5(a) of the FTC Act, the

Telemarketing Sales Rule, and the GLB Act in connection with misrepresentations surrounding a debt repayment scheme.

Status: Complaint filed 8/14/23.
TRO with asset freeze and appointment of receiver entered 8/16/23.
Stipulated preliminary injunction entered 8/30/23.
Stipulated order for permanent injunction and monetary relief as to Intercontinental Solutions, Ivan Esquivel, and Robert Kissinger entered 3/15/24.
Stipulated order for permanent injunction and monetary relief as to Express Enrollment entered 3/15/24.
Stipulated order for permanent injunction and monetary relief as to Marco Manzi entered 3/18/24.

FTC v. KOCHAVA, INC., 2:22-cv-00377 (D. Idaho)

Parties: Kochava, Inc.

Assigned Attorneys: Brian Shull (BCP/DPIP)
Julia Horwitz
Elizabeth Scott

Alleged Conduct: Unfair practices in violation of Section 5(a) of the FTC Act in connection with data broker's sale of consumer data, including data that reveal consumers' visits to sensitive locations.

Status: Complaint filed 8/29/22.
Motion to dismiss for failure to state a claim filed 10/28/22; FTC's opposition filed 11/18/22; Kochava's reply filed 12/2/22; hearing on motion to dismiss held 2/21/23; motion to dismiss granted with leave to amend 5/4/23.
First amended complaint filed 6/05/23.
Motion to dismiss for failure to state a claim filed 7/5/23; FTC's opposition filed 8/9/23; Kochava's reply filed 8/30/23; FTC sur-reply filed 9/7/23.
Motion to dismissed denied 2/3/24.

FTC v. MAIL TREE INC., No. 0:15-cv-61034 (S.D. Fla.)

Parties: Awards Research Consultant, LLC
John Leon
MCP Marketing Activities, LLC d/b/a Magellan Mail and Magellan Marketing
Mail Tree Inc.

Mailpro Americas Corp.
Masterpiece Marketing, LLC d/b/a Affiliated Opportunities Group d/b/a
Corporate Accounting Authority d/b/a Dispatch Notifications
Services d/b/a Information Reporting Group d/b/a Priority
Information Exchange

Michael McKay Co.

Matthew Pisoni

Serena Pisoni

Marcus Pradel

Victor Ramirez

Romeria Global, LLC d/b/a Lowenstein Varick and Nagel

Spin Mail, Inc.

Supreme Media, LLC

Trans National Concepts, Inc.

Vernier Holdings, Inc.

Assigned Attorneys: Guy Ward (MWR)
William Hodor

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in
connection with sweepstakes scam.

Status: Complaint filed 5/18/15.
Ex parte TRO entered 5/19/15.
Preliminary injunction against all defendants except Marcus Pradel and
Trans National Concepts entered 6/12/15.
Stipulated preliminary injunction as to defendants Marcus Pradel and
Trans National Concepts entered 6/12/15.
Order staying case entered 6/12/15.
Unopposed motion for specific relief from asset freeze filed 10/4/19; order
granting motion entered 10/7/19.
Commission status report on status of criminal case filed 3/1/21.
Unopposed motion for specific relief from asset freeze filed 5/4/22; order
granting motion entered 5/9/22.
Commission status report on criminal case filed 12/20/22.
Defendant's unopposed motion for specific relief from asset freeze
filed 1/5/23; order granting motion entered 1/6/23.
Defendant's unopposed motion to amend/correct order on motion for
miscellaneous relief filed 4/18/23; order granting motion entered
4/19/23.
Defendant's unopposed motion for specific relief from asset freeze filed
6/20/23; order granting motion entered 6/20/23.
Stipulated orders for permanent injunction and other relief as to individual
defendants Matthew Pisoni, Marcus Pradel, and John Leon entered
6/21/24.

FTC v. META PLATFORMS, INC., No. 1:20-cv-3590 (D.D.C.)

Parties: Meta Platforms, Inc., f/k/a Facebook, Inc.

Assigned Attorneys: Daniel John Matheson (BC/Office of the Director)
Susan Musser
Jessica Moy
Nathan Brenner
Krisha Cerilli (BC/TED)
Maria DiMoscato
Ario Fazli
Erin Frake
Patricia Galvan
Melissa Ihnat
June Im
Alicia Loh
Gary London, Jr.
Justin Lorber
Owen Masters
Noel Miller
Njeri Mugure
David Owyang
Stephen Pearson
Mark Silvia
Tim Slattery
Michael Smith
Jennifer Tarr
Peter Taylor
Oren Vitenson
Rebecca Weinstein
Sylvia Zhang
Robert Zuver, Jr.
Karen Goff (WRSF)
Christopher Harris (BC/Merger IV)
Anusha Sunkara
Albert Teng
Stuart Hirschfeld (NWRO)
Danica Noble
Michelle White (BCP/FP)
Nicholas Widnell (BC/Mergers I)

Alleged Conduct: Unfair methods of competition in violation of Section 5 of the FTC Act in connection with the illegal maintenance of a personal social networking monopoly through a years-long course of anticompetitive conduct including the acquisition of rivals.

Status: Complaint filed 12/9/20.
Facebook motion to dismiss filed 3/10/21; Commission opposition filed 4/7/21; Facebook reply filed 4/21/21; motion granted, order dismissing without prejudice entered 6/28/21.
Amended complaint filed 8/19/21.
Facebook motion to dismiss FTC's amended complaint filed 10/4/21; Commission opposition filed 11/17/21; Facebook reply filed 12/1/21; motion denied 1/11/22.
Meta motion for summary judgment filed 4/5/24; FTC motion for partial summary judgment filed 5/24/24; FTC updated memorandum in support of motion for partial summary judgment filed 6/4/24.

FTC v. NATIONAL UROLOGICAL GROUP, INC., Nos. 19-1445, 19-1445, 10-125 (S. Ct.); Nos. 21-14161, 17-15695, 14-13131, 14-13972, 09-10617 (11th Cir.); No. 1:04-cv-03294 (N.D. Ga.)

Parties: National Urological Group, Inc., d/b/a Warner Laboratories
National Institute for Clinical Weight Loss, Inc.
Hi-Tech Pharmaceuticals, Inc.
Jared Wheat
Thomasz Holda
Michael Howell
Stephen Smith
Terrill Mark Wright, M.D.

Assigned Attorneys: Tawana E. Davis (BCP/AP)
Edward Glennon
Mary Johnson
Mariel Goetz (OGC)
Amanda Basta (BCP/ENF)
Evan Mendelson
Cheryl Burris
Stephen Dowdell
Theodore Hoppock
Sydney Knight
Amanda Kostner
Cindy Liebes
Crystal Ostrum
Edwin Rodriguez
Alejandro Rosenberg
Valerie Verduce

Alleged Conduct: Deceptive practices in violation of Sections 5 and 12 of the FTC Act in connection with the sale of a purported weight loss product.

Status: Complaint filed 11/10/04.

Final judgment entered 12/16/08.
Notice of appeal filed 2/4/09.
Opinion affirming district court order entered 12/15/09.
Petition for rehearing *en banc* filed 1/29/10; order denying petition entered 4/26/10.
Appellant's petition for a writ of certiorari filed 7/23/10; Commission's opposition filed 9/24/10; appellant's petition denied 11/1/10.
Commission's motion to hold defendants Hi-Tech Pharmaceuticals, Stephen Smith and Jared Wright in contempt filed 11/1/11; defendant's opposition filed 12/2/11.
Commission's motion to hold defendant Terrill Mark Wright in contempt filed 3/21/12.
Order to show cause why defendants Wright, Hi-Tech Pharmaceuticals, Stephen Smith, and Jared Wright should not be held in contempt entered 5/11/12; response filed 11/13/12.
Motion for contempt judgment filed 10/22/12; defendants' response filed 2/14/12; Commission's reply brief filed 1/10/13.
Order finding defendants liable for contempt and ordering further proceedings on remedy entered 8/8/13.
Trial on contempt remedies held on 1/21/14 - 1/24/14.
Order holding defendants liable for contempt and directing compensatory sanctions to redress consumers entered 5/14/14.
Defendants' notices of appeal filed 7/11/14 and 7/14/14.
Order by district court imposing coercive contempt sanction and directing that defendants Jared Wheat and Stephen Smith be incarcerated until they comply with product recall entered 9/2/14.
Petition for mandamus by defendants Wheat and Smith seeking to overturn coercive contempt order filed 9/4/14; denied 9/4/14.
Notice of appeal from coercive contempt order and emergency motion for a stay by defendants Wheat and Smith filed 9/4/14; Commission's opposition filed 9/5/14; motion for stay denied 9/5/14; motion to voluntarily dismiss appeal filed 9/8/14; appeal no. 14-13972 dismissed 10/15/14.
Motion to purge contempt defendants of contempt filed 9/26/14; Commission's opposition filed 9/26/14.
Second motion to purge contempt defendants or release contempt defendants pending determination of less restrictive mean to purge contempt filed 10/16/14; Commission's response filed 1/13/15; granted 1/20/15.
Motion to stay execution of judgment pending appeal entered 10/30/14; denied 1/23/15.
Appellants' briefs (No. 14-13131) filed 10/30/14.
Order that the US Marshal's Service release Jared Wheat and Stephen Smith from incarceration entered 11/10/14.
Commission's answering brief (No. 14-13131) filed 1/9/15; appellants' reply briefs filed 2/17/15.

Oral argument in Eleventh Circuit held 4/17/15.
Opinion vacating district court's judgment of contempt and remanding case to district court for further proceedings entered 5/5/15.
Commission's motion for clarification filed 6/4/15; Hi-Tech Pharmaceuticals response filed 6/18/15.
Commission's motion for entry of contempt judgement relating to Hi-Tech Pharmaceuticals, Inc., Jared Wheat, and Stephen Smith's violation of section VI and motion for compensatory sanctions filed 8/20/15; opposition filed 10/9/15; Commission's reply filed 10/26/15; order denying motion with leave to refile entered 11/4/15.
Contempt hearing held 3/27/17 - 4/7/17.
Final judgment against defendants Hi-Tech Pharmaceuticals, Inc., Jared Wheat, and Stephen Smith, and Terrill Mark Wright entered 10/31/17.
Defendants Hi-Tech Pharmaceuticals, Inc., Stephen Smith and Jared Wheat's notice of appeal filed 12/21/17; appellants' briefs filed 3/30/18; Commission's answering brief filed 6/14/18; reply briefs filed 7/30/18.
Oral argument held 7/26/19.
Opinion affirming district court judgment entered 9/18/19.
Appellants' petition for rehearing en banc filed 11/1/19; denied 1/29/20.
Appellant Hi-Tech Pharmaceuticals' petition for writ of certiorari filed 6/26/20; certiorari denied 11/2/20.
Motion for relief from judgment by Defendants Hi-Tech Pharmaceuticals, Inc. and Jared Wheat filed 5/13/21; Commission's opposition filed 5/26/21; Defendants' reply filed 6/9/21; motion denied 9/30/21.
Notice of appeal filed by Hi-Tech Pharmaceuticals, Stephen Smith, and Jared Wheat filed 11/22/21.
Appellants' opening brief filed 3/4/22; Commission's brief filed 5/4/22; appellants' reply brief filed 6/24/22.
Oral argument heard 7/18/23.
Opinion affirming district court's denial of relief from contempt judgment entered 8/29/23.
Writ of certiorari filed 12/27/23.
Writ of certiorari denied 6/3/24.

FTC v. NEORA LLC, No. 3:19-cv-19699 (D.N.J.); No. 3:20-cv-01979 (N.D. Tex.)

Parties: Neora LLC, f/k/a Nerium International, LLC
Jeffrey Olson
Signum Biosciences, Inc.
Signum Nutralogix

Assigned Attorneys: Guy Ward (MWR)

Katharine Roller
Lisa Bohl
Rachel Sifuentes
Michael Tankersley (BCP/FPD)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) and 12 of the FTC Act in connection with advertising, promoting, and distributing a nutritional supplement.

Status: Complaint filed 11/1/19.
Stipulated order for permanent injunction as to Defendants Signum Biosciences Inc. and Signum Nutralogix entered 11/15/19.
Defendants Neroa LLC and Jeffrey Olson's motion to dismiss filed 12/11/19; Commission's opposition filed 12/23/19; defendants reply filed 12/30/19.
Order granting defendants' motion to transfer case to the U.S. District Court for the Northern District of Texas entered 7/27/20.
Defendants Neora LLC and Jeffrey Olson's motion for judgment on the pleadings filed 5/17/21; Commission response filed 6/7/21; Defendant's response filed 6/21/21.
Order granting defendants' motion for judgment on the pleadings with respect to FTC's claim for monetary relief, but denied in all other respects, entered 8/2/21.
Commission's motion for judgment on the pleadings on all affirmative defenses filed 5/3/22; Neora's opposition filed 5/24/22; Commission's reply filed 6/1/22; order granting Commission's motion entered 8/8/22.
Cross-motions for summary judgment filed 7/13/22; oppositions filed 8/13/22; order denying motions as moot entered 9/29/22.
Trial held 10/17/22 to 10/25/22.
Parties' post-trial briefs filed 11/23/22.
Order ruling against FTC on all counts and ordering all costs taxed against FTC entered 9/28/23.
Order reducing costs taxed on FTC entered 10/24/23.
Neora motion for attorney's fees filed 12/22/23; FTC response filed 2/14/24; reply filed 3/27/24; sur-reply filed 4/1/24.
Order denying motion for fees entered 5/29/24.

FTC v. NETFORCE SEMINARS, No. 2:00-cv-02260 (D. Ariz.)

Parties: Netforce Seminars
Scott Harris
Thomas Socca
J.D. Noland
Richard Slaback

Darin Epps
Edward Lamont

Associated Attorneys: Evan Mendelson (BCP/ENF)

Jonathan Ware
Sarah Waldrop
James H. Davis

Alleged Conduct: Contempt action for violations of a 2002 permanent injunction in connection with a pyramid scheme.

Status: Stipulated final judgment and order for permanent injunction against J.D. Noland entered 7/2/02.
Motion for an order to show cause why James D. Noland, Jr., Success by Media Holdings Inc., and Success by Media LLC should not be held in contempt filed 1/17/20; Defendant J.D. Nolan response filed 2/20/20; Commission's reply filed 2/27/20.
Motion for order to show cause why Scott Harris and Thomas Sacca should not be held in contempt filed 4/10/20; Defendants' responses filed 6/15/20; Commission's reply filed 6/22/20.
Order granting motions to show cause in part and denying in part (court will address FTC's request for civil contempt sanctions after it resolves FTC's request for a permanent injunction in *FTC v. Noland*) entered 7/6/20.
Commission motion for sanctions for contempt against Defendants James D. Noland Jr., Scott Harris, Thomas Sacca, Success by Media, LLC, and Success by Media Holdings Inc. filed 6/23/21.
Contempt motion against the FTC by contempt defendants filed 2/24/22; Commission's opposition filed 3/10/22; contempt defendants' reply filed 3/16/22; motion denied 3/28/22.
Order denying without prejudice Commission's motion for contempt sanctions entered 3/22/22; motion for reconsideration denied 3/30/22.
Case consolidated with *FTC v. James Noland*, No. 2:20-cv-00047 (lead action), on 7/26/22 (see that case for further developments).

FTC v. NOLAND, Nos. 23-3757, 21-15767, 21-16679 (9th Cir.); No. 2:20-cv-00047 (D. Ariz.)

Parties: James D. Noland, Jr.
Lina Noland
Scott A. Harris
Thomas G. Sacca, Jr.
Success by Media Holdings Incorporated Success by Media d/b/a Success by Health
Success by Media, LLC, d/b/a Success by Health

Thomas G. Sacca

Assigned Attorneys: Evan Michael Mendelson (BCP/ENF)
Jonathan Wesley Ware
Sarah Waldrop
Mark Hegedus (OGC)
Imad Abyad
Jesselyn Friley
Matt Weprin

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Merchandise Rule, and the Cooling-Off Rule, in connection with a pyramid scheme.

Status: Complaint filed 1/8/20.
TRO with asset freeze entered 1/8/20.
Amended complaint for permanent injunction filed 1/17/20.
TRO as to Thomas G. Sacca entered 1/17/20.
Preliminary injunction hearing held 2/12/20.
Preliminary injunction entered 2/27/20.
Defendants' motion to dismiss case or compel joinder of parties filed 7/28/20; Commission's opposition filed 7/31/20; reply filed 8/7/20; order denying motion entered 9/21/20.
Defendants' motion to dissolve or modify the preliminary injunction filed 9/7/20; Commission's opposition filed 9/21/20; reply filed 9/28/20; order denying motion entered 10/27/20.
Defendants' motion to stay pending the Supreme Court's decisions in *Credit Bureau Center* and *AMG Capital Mgmt* filed 10/21/20; Commission's opposition filed 11/4/20; reply filed 11/12/20; order denying stay entered 12/3/20.
Motion for sanctions against individual defendants for intentional spoliation of evidence filed 1/28/21; Defendants' opposition filed 2/19/21; Commission's reply filed 2/25/21.
Motion for summary judgment as to liability filed 3/12/21; Defendants' opposition filed 5/3/21; Commission's reply filed 6/28/21.
Order denying motion to intervene by Success by Health affiliates entered 4/1/21; notice of appeal by would-be intervenors filed 4/19/21; appellants' motion for voluntary dismissal of appeal granted 7/23/21.
Motion for preliminary injunction with asset freeze and receivership filed 5/18/21; Defendants' opposition filed 6/11/21; Commission's reply filed 6/16/21.
Commission's motion for summary judgment as to monetary remedies filed 6/23/21; defendants' opposition filed 8/6/21; Commission's reply filed 8/16/21.

Motion to dissolve the preliminary injunction order and stay or dismiss 13(b) proceedings by individual defendants filed 7/30/21; Commission's opposition filed 8/6/21; defendants' reply filed 8/13/21.

FTC motion for sanctions for intentional spoliation of evidence granted 8/30/21.

Order granting FTC's motion for summary judgment on liability entered 9/9/21.

Order granting FTC motion for preliminary injunction with asset freeze and receivership, and denying individual defendants' motion to dissolve preliminary injunction and stay or dismiss 13(b) proceedings, entered 9/23/21.

Notice of appeal of preliminary injunction order and denial of motion to dismiss by individual defendants filed 10/8/21.

Order denying FTC motion for summary judgment on remedies entered 11/23/21.

Motion for voluntary dismissal of appeal granted 12/14/21.

FTC's motion to apply summary judgment on liability order to corporate defendants filed 1/31/22; defendants' opposition filed 2/14/22; denied without prejudice 2/17/22.

Motion to set aside judgment by individual defendants filed 2/22/22; FTC's opposition filed 3/4/22; reply filed 3/10/22; denied 3/28/22.

Case consolidated with *FTC v. Netforce Seminars*, No. 2:00-cv-02260, on 7/26/22.

Bench trial held 1/25/23 to 2/10/23.

Commission's proposed final order as to individual defendants filed 5/24/23; individual defendants' objection filed 6/1/23; Commission's response filed 6/12/23; individual defendants' reply filed 6/13/23.

Order lifting stay as to corporate defendants entered 6/10/23.

Stipulated final orders for permanent injunction and monetary judgment against corporate defendants Success By Media Holdings Inc., Success By Media LLC, and Enhanced Capital Funding entered 9/18/23.

Final order for permanent injunction and monetary judgment against individual defendants James D. Noland, Jr., Lina Noland, Scott Harris, and Thomas G. Sacca entered 9/18/23.

Notice of appeal by Jay Noland, Lina Noland, Scott Harris, and Thomas Sacca filed 11/17/23.

Opening brief of defendant-appellants filed 6/24/24.

FTC v. OTO ANALYTICS, No. 4:24-cv-1661 (N.D. Cal.)

Parties: Oto Analytics, Inc. d/b/a Womply
Toby Scammell

Assigned Attorneys: Paola Henry (BC/ACP)
Katherine Worthman (BCP/FP)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with misleading consumers into thinking they could get people PPP loans and falsely promising to process applications quickly.

Status: Complaint filed 3/18/24.
Proposed stipulated order for permanent injunction and monetary judgment filed 3/18/24.

FTC v. PANDA BENEFIT SERVICES, LLC, No. 8:24-cv-1386, (C.D. Cal.)

Parties: Panda Benefit Services, LLC
Clarity Support Services, LLC
Pacific Quest Services
Prosperity Loan Services, LLC
Public Processing Services, LLC
Quick Start Services, LLC
Select Student Services, LLC
Signature Processing Services, Inc.
Eduardo Avalos Martinez
Emiliano Salinas, Jr.
Christopher Michael Hanson
Melissa Salinas

Assigned Attorneys: Gregory Ashe (BCP/FP)
Sally Tieu
David Hankin (WRLA)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Telemarketing Sales Rule, the Gramm-Leach-Bliley Act, and the Trade Regulation Rule on Impersonation of Government and Business in connection with the deceptive marketing and sale of student loan debt relief services.

Status: Complaint filed 6/24/24.
Ex parte TRO entered 6/24/24.

FTC et al. v. PEYROUX et al., No. 1:21-cv-3329 (N.D. Ga.)

Parties: Steven D. Peyroux
Brent J. Detelich
Regenerative Medicine Institute of America, LLC

Physicians Business Solutions, LLC
Superior Healthcare, LLC
State of Georgia (Co-Plaintiff)

Assigned Attorneys: Elizabeth Nach (BCP/AP)
Robert Van Someren Greve
Stacy Cammarano
Cassandra Rasmussen

Alleged Conduct: Deceptive acts and practices in connection with marketing claims about efficacy of stem cell therapy for various orthopedic ailments.

Status: Complaint filed 8/16/21.
Plaintiff's motion for summary judgment filed 3/17/23; defendant Steven D. Peyroux and corporate defendants' opposition filed 5/4/23; defendant Brent Detelich's opposition filed 5/12/23; Plaintiff's reply to Peyroux and corporate defendants filed 5/25/23; Plaintiff's reply to Detelich filed 6/2/23.
Order granting summary judgement for the plaintiffs on liability entered 3/11/24.
FTC proposed order for permanent injunction filed 4/1/24; objections filed 4/22/24; FTC reply filed 5/6/24.
Hearing on relief held 6/17/24.

FTC v. QUINCY BIOSCIENCE HOLDING CO., INC., No. 17-3745 (2d Cir.); No. 17-3791 (2d Cir.); No. 1:17-cv-00124 (S.D.N.Y.)

Parties: Quincy Bioscience Holding Company, Inc.
Quincy Bioscience, LLC
Prevagen, Inc. d/b/a Sugar River Supplements
Quincy Bioscience Manufacturing, LLC
Mark Underwood
State of New York (Co-Plaintiff)

Assigned Attorneys: Christine Lee DeLorme (BCP/AP)
Edward Glennon
Andrew Wone
Tiffany Woo
Bradley D. Grossman (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Sections 5(a) and 12 of the FTC Act, the New York Executive Law, and the New York General Business Law, in connection with the marketing of defendants' purported memory improvement supplement, Prevagen.

Status: Complaint filed 1/9/17.
Motion to dismiss for failure to state a claim filed 4/6/17; Commission's opposition filed 4/25/17; reply filed 5/5/17; order granting motion entered 9/29/17.
Commission's notice of appeal filed 11/21/17.
Commission's opening brief filed 2/28/18; appellees' brief filed 5/30/18; Commission's reply filed 6/13/18; appellees' corrected brief filed 6/15/18; Commission's corrected brief filed 7/17/18.
Oral argument held 2/8/19.
Order vacating the judgment of the District Court and remanding the case for further proceedings entered 2/21/19.
Corporate defendants' supplemental brief on motions to dismiss filed 6/17/19; individual defendants' supplemental brief on motions to dismiss filed 6/18/19; Commission's opposition to corporate defendants' motions filed 7/1/19; Commission's opposition to individual defendants' motions filed 7/2/19.
Order denying motion to dismiss with respect to the validity of the FTC's quorum and as to claims against individual defendant Mark Underwood but granting motion to dismiss as to the claims against individual defendant Michael Beaman entered 7/24/19.
Order granting in part and denying in part Plaintiffs' motion to strike eight affirmative defenses entered 3/2/20.
Order granting defendants a jury trial entered 4/26/21.
Order dismissing without prejudice the FTC's claim for monetary relief entered 9/17/21.
Defendants' motion for summary judgment filed 4/14/22; Commission's opposition filed 6/18/22; defendants' reply filed 7/11/22.
Order granting Individual Defendant Mark Underwood's motion for partial summary judgment on NY State's claims entered 7/5/22.
Order denying Defendants' motion for summary judgment entered 12/19/22.
FTC's motion to participate in the jury trial filed 12/1/23.
Order granting FTC's motion to participate in jury trial entered 1/3/24.
Jury trial on NY claims conducted 2/21/24 – 3/11/24.
Order denying Defendants' renewed motion for judgment as a matter of law entered 5/3/24.
Opening briefs on corporate defendants' liability under the FTC Act filed 6/28/24.

FTC v. QYK BRANDS, LLC, No. 22-55446 (9th Cir.); No. 8:20-cv-1431 (C.D. Cal.)

Parties: QYK Brands, LLC d/b/a Glowwy
DRJSNATURAL, LLC
Theo Pharmaceuticals, Inc.
EASII, Inc.

Rakesh Tammabattula
Jacqueline Nguyen

Assigned Attorneys: Katherine Johnson (BCP/ENF)
Kristy Tillman
Christopher Erickson
Delilah Vinzon (WR-LA)
Mariel Goetz (OGC)

Alleged Conduct: Deceptive acts or practices in violation of Sections 5(a) and 12 of the FTC Act in connection with the sale and marketing of face masks, sanitizer, and other personal protective equipment related to the coronavirus pandemic.

Status: Complaint filed 8/4/20.
Stipulated TRO entered 8/9/20.
Stipulated preliminary injunction entered 8/26/20.
Amended complaint adding new defendants Theo Pharmaceuticals, Inc. and EASII, Inc. filed 5/19/21.
Defendants' motion to dismiss case filed 6/23/21; Commission's opposition filed 11/12/21; defendants' reply filed 11/19/21.
Order denying defendants' motion to dismiss entered 11/30/21.
Motion for summary judgment by the Commission filed 2/15/22; counter-motion for partial summary judgment by defendants filed 2/16/22; oppositions to each motion filed 3/18/22; replies filed 3/25/22.
Minute order granting Commission's motion for summary judgment and denying defendants' motions for partial summary judgment entered 4/6/22.
Final order for permanent injunction entered 4/22/22.
Defendants' notice of appeal filed 4/29/22.
Defendants' motion for partial stay of injunction pending appeal filed 4/29/22; Commission's opposition filed 6/3/22; reply filed 6/10/22; order by district court denying stay entered 6/21/22.
Appellants' motion to Ninth Circuit for stay pending appeal filed 6/30/22.
Appellants' opening brief filed 7/6/22; FTC answering brief filed 9/28/22; appellants' reply brief filed 11/1/22.
Oral argument heard 3/6/23.
New oral argument following departure of Judges Kleinfeld and Watford heard 9/18/23.
Decision affirming in part, vacating in part, and remanding entered 4/9/24.
Appellants' petition for rehearing *en banc* filed 5/24/24; petition denied 6/20/24.

FTC v. RESTORO CYPRUS LIMITED, No. 1:24-cv-735 (D.D.C.)

Parties: Restoro Cyprus Limited f/k/a Reimage Limited

Reimage Cyprus Limited f/k/a Reimage Limited

Assigned Attorneys: Russell Deitch (BCP/MP)
Sung Kim

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act in connection with tricking consumers into signing up for computer repair services through deceptive marketing.

Status: Complaint filed 3/14/24.
Joint motion for entry of final judgment filed 3/14/24.
Order granting motion for entry of final judgment entered 3/15/24.

FTC v. RITE AID CORP., No. 2:23-cv-5023 (E.D. Pa.)

Parties: Rite Aid Corporation
Rite Aid Hdqtrs. Corp.

Assigned Attorneys: Brian Welke (BCP/ENF)
Christopher Erickson
Leah Frazier (BCP/DPIP)
Robin Wetherill

Alleged Conduct: Unfair acts and practices in violation of Section 5(a) of the FTC Act and a Commission order in connection with installment of facial recognition technology and the failure to adequately implement a comprehensive information security program.

Status: Complaint filed 12/19/23.
Stipulated order for permanent injunction and other relief entered 2/26/24.

FTC v. ROOMSTER CORP., No. 1:22-cv-7389 (S.D.N.Y.)

Parties: Roomster Corp.
Jonathan Shriber
Roman Zaks
Jonathan Martinez
State of California (co-plaintiff)
State of Colorado (co-plaintiff)
State of Florida (co-plaintiff)
State of Illinois (co-plaintiff)
Commonwealth of Massachusetts (co-plaintiff)
State of New York (co-plaintiff)

Assigned Attorneys: Angeleque Linville (SER)
Valerie Verduce

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with the marketing of rental platform listings.

Status: Complaint filed 8/30/22.
Stipulated permanent injunction as to Defendant Jonathan Martinez, including monetary relief to Plaintiff States, entered 9/6/22.
Defendant's motion to dismiss filed on 10/31/22; FTC and State Plaintiffs' opposition filed 12/5/22; Defendants' reply brief filed 12/21/22; motion to dismiss denied 2/1/23.
Stipulated order for permanent injunction and monetary relief against Roomster Corp., John Shriber, and Roman Zaks entered 9/5/23.

FTC v. ROSS, No. 23-405 (S. Ct.); No. 22-2078 (4th Cir.); No. 1:08-CV-03233 (D. Md.)

Parties: Innovative Marketing, Inc., *et al.*
Kristy Ross

Assigned Attorneys: Matthew Hoffman (OGC)
Miriam Lederer (BCP/ENF)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 involving computer security software purchases, scans, and advertising.

Status: Complaint filed 12/2/08.
Order for permanent injunction and monetary relief entered 9/24/12; affirmed on appeal 2/25/14; petition for writ of certiorari denied 10/6/14.
Motion by Kristy Ross to vacate monetary portion of the judgment in light of *AMG* filed 9/9/21; Commission's opposition filed 9/22/21; reply by Kristy Ross filed 10/6/21; order denying motion entered 9/14/22; notice of appeal filed 10/12/22.
Ross's opening brief filed 12/07/22; Commission's answering brief filed 1/20/23; Commission's corrected response brief filed 1/23/23; Ross's reply brief filed 2/17/23.
Supplemental briefs filed 5/1/23.
Oral argument heard 5/3/23.
Opinion affirming decision of district court entered 7/19/23.
Petition for writ of certiorari by Ross filed 10/16/23; response in opposition filed 12/18/23; reply filed 1/3/2024.

FTC v. SIMPLE HEALTH PLANS, LLC, Nos. 24-11063, 19-10840, 19-11932, 21-13116
(11th Cir.), No. 0:18-cv-62593 (S.D. Fla.)

Parties: Simple Health Plans, LLC
Health Benefits One LLC d/b/a Health Benefits Center d/b/a Simple Health d/b/a Simple Health Plans d/b/a Simple Insurance d/b/a Simple Insurance Plans d/b/a Simple Auto d/b/a Simple Home d/b/a Simple Home Plans d/b/a Simple Care d/b/a Simple Life d/b/a National Dental Savings Health Center Management LLC
Innovative Customer Care LLC
Simple Insurance Leads LLC d/b/a Health Insurance Services
Senior Benefits One LLC
Steven J. Dorfman

Assigned Attorneys: Elizabeth Scott (MWR)
Purba Mukerjee
Joannie Wei
Roberto Menjivar
Brad Grossman (OGC)
Matthew Hoffman
Mariel Goetz

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and FTC's Telemarketing Sales Rule in connection with the sale and marketing of limited benefit insurance plans and medical discount memberships.

Status: Complaint filed 10/29/18
TRO entered 10/31/18; order extending TRO entered 12/21/18.
Notice of appeal by defendant Steven J. Dorfman as to order on motion for temporary restraining order, order on motion to appoint receiver, order on motions for order to show cause, and order on motion to strike filed 3/4/19.
Order of dismissal from USCA for lack of jurisdiction entered 4/16/19.
Preliminary injunction hearing held 4/16/19.
Preliminary injunction entered 5/14/19.
Notice of appeal of preliminary injunction filed 5/15/19.
Order by district court denying defendants' motion to stay proceedings pending appeal entered 5/31/19.
Order by 11th Circuit denying appellant Steven Dorfman's motion to stay lower court proceedings entered 6/11/19.
Defendant Steven Dorfman's motion to dissolve preliminary injunction filed 6/4/19; Commission's opposition filed 6/17/19.
Appellant Steven Dorfman's opening brief filed 5/24; Commission's brief filed 7/24/19; Dorfman's reply brief filed 8/14/19.
Amended complaint filed 10/31/19.

Motion to dismiss amended complaint filed 12/16/19; Commission's response filed 12/30/19; Dorfman's response filed 1/6/20; motion granted in part 6/15/20.

11th Circuit opinion affirming district court's preliminary injunction against Steven Dorfman entered 2/5/20.

Preliminary injunction as to Candida Girouard entered 4/2/20.

Second amended complaint filed 6/23/20.

Defendants' motion to stay pending the Supreme Court's decisions in *Credit Bureau Center* and *AMG Capital Mgmt* filed 7/10/20; Commission's opposition filed 7/17/20; order denying stay entered 8/3/20.

Motion to dismiss second amended complaint by Steven Dorfman and Candida Girouard filed 7/15/20; Commission's opposition filed 7/29/20; reply filed 8/5/20, order denying motion to dismiss entered 10/19/20.

Commission motion for summary judgment filed 1/15/21; Steven Dorfman's opposition filed 2/12/21; Commission's reply filed 2/16/21.

Defendant Steven Dorfman's motion for summary judgment filed 1/15/21; Commission's opposition filed 2/12/21; Steven Dorfman's reply filed 2/16/21.

Defendant Steven Dorfman's emergency motion to dissolve preliminary injunction filed 4/22/21; Commission opposition filed 4/30/21; Dorfman's reply filed 5/3/21; Commission supplemental brief filed 6/10/21; Dorfman's supplemental brief filed 6/10/21.

Order denying Dorfman's emergency motion to dissolve preliminary injunction entered 9/5/21.

Stipulated order for permanent injunction and suspended monetary judgment as to defendant Candida Girouard entered 9/8/21.

Notice of appeal from order denying motion to dissolve preliminary injunction filed 9/10/21.

Dorfman opening brief filed 11/24/21.

FTC brief filed 1/26/22.

Dorfman reply brief filed 3/18/22.

Oral argument held 9/14/22.

Opinion affirming decision of district court entered 1/27/23.

FTC motion to lift stay filed 1/31/23.

Defendant Dorfman's counsel's motion to withdraw and for 60-day extension filed 2/2/23; motion to withdraw granted 2/6/23.

Order denying Dorfman's motion to stay issued 3/15/23.

Order staying case for 60 days until ruling on cross motions for summary judgment issued 3/23/23.

Order removing matter from trial calendar until after court rules on pending motions entered 6/28/23.

Order granting summary judgment and monetary relief entered 2/7/24.

Notice of appeal filed 4/4/24.

Order dismissing appeal for want of prosecution entered 5/22/24.

FTC v. SMITH, No. 2:23-cv-4848 (E.D. Penn.)

Parties: Samuel James Smith d/b/a Weblio, a/k/a Weblio Squeeze
Robert Williams Shafer d/b/a Shafer MM&I, a/k/a MMI
Charles Joseph Garis, Jr.
Business Revolution Group Inc. d/b/a Joe Gaines

Assigned Attorneys: Connell McNulty (BCP/MP)
Lauren Rivard

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Telemarketing Sales Rule in connection with the marketing of a business opportunity scheme.

Status: Complaint filed 12/8/23.
TRO entered 12/22/23; TRO extended 12/22/23.
Stipulated preliminary injunction against defendants Robert William Shafer, Charles Joseph Garis Jr., and Business Revolution Group Inc. entered 1/30/24.
Preliminary injunction against defendant Samuel J. Smith entered 1/31/24.
Stipulated order for permanent injunction and monetary judgment against defendant Samuel J. Smith entered 5/31/24.

FTC v. SUPERGOODDEALS.COM, INC., No. 1:20-cv-3027 (E.D.N.Y.)

Parties: SuperGoodDeals.com, Inc.
Kevin J. Lipsitz
U.S. Attorney's Office, Eastern District of New York (Intervenor)

Assigned Attorneys: Brian Martin Welke (BCP/ENF)
Evan Mendelson
Jonathan Cohen
Savvas Socrates Diacosavvas (NER)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with the advertising of facemasks and other personal protective equipment.

Status: Complaint filed 7/8/20.
Unopposed motion by U.S. Attorney's Office to intervene and to stay case during pendency of parallel criminal case filed 9/15/20; motion granted 9/18/20.

Status report by FTC filed 10/26/21 and 4/14/22.
Motion to stay by Kevin J. Lipsitz filed 6/17/22; FTC opposition filed 6/26/22.
Hearing held and order from the bench granting stay entered 6/26/22.
Joint status report filed 10/14/22.
Joint motion to stay pending settlement filed 2/6/23; motion granted 2/7/23.
Stay lifted and discovery schedule entered 9/6/23.
Joint motion to stay pending settlement filed 12/6/23; motion granted 12/11/23.
Stipulated order for permanent injunction entered 3/13/24.

FTC v. SYNGENTA CROP PROTECTION AG, et al., 1:22-cv-00828 (M.D.N.C.)

Parties: Syngenta Crop Protection AG
Syngenta Corporation
Syngenta Crop Protection, LLC
Corteva, Inc.
State of California (Co-Plaintiff)
State of Colorado (Co-Plaintiff)
State of Illinois (Co-Plaintiff)
State of Indiana (Co-Plaintiff)
State of Iowa (Co-Plaintiff)
State of Minnesota (Co-Plaintiff)
State of Nebraska (Co-Plaintiff)
State of Oregon (Co-Plaintiff)
State of Tennessee (Co-Plaintiff)
State of Texas (Co-Plaintiff)
State of Wisconsin (Co-Plaintiff)
State of Washington (Co-Plaintiff)

Assigned Attorneys: Alysson Maltas (BC/Litigation)
Geoffrey Green (BC/ACP)
Joseph Baker
Karna Adams
Wesley Carson
Robert Chen
Elizabeth Gillen
Phillip Kehl
Lauren Patterson
Michael Turner

Alleged Conduct: Violations of Section 5 of the FTC Act, Section 3 of the Clayton Act, and laws enforced by state plaintiffs, by implementation of loyalty programs

that block competition from manufacturers of low-cost generic agricultural pesticides even after relevant patents have expired.

Status: Complaint filed 9/29/22.
Defendants' motions to dismiss filed 12/12/22; plaintiff's response filed 12/23/22.
Amended complaint adding two state plaintiffs filed 12/23/22.
Defendants' motion to dismiss filed 1/13/23; plaintiffs' opposition filed 2/10/23; defendants' replies filed 3/3/23.
Oral argument on defendants' motions to dismiss held 12/1/23.
Order denying defendants' motions to dismiss entered 1/12/24.
Demand for jury trial by Corteva filed 3/15/24; FTC and States' motion to strike jury demand filed 4/5/24; Corteva's opposition to motion to strike and cross-motion for jury trial filed 4/17/24; FTC and States' reply and opposition to cross-motion filed 5/8/24; Corteva's reply filed 5/22/24.

FTC v. TRAFFIC AND FUNNELS, LLC, No. 3:23-cv-1277 (M.D. Ten.)

Parties: Traffic and Funnels, LLC
WE Capital, LLC
Evans and Welch, Inc.
Evans and Welch Holdings, LLC
Taylor Welch
Christopher Evans
Payton Welch
Ashton Shanks

Assigned Attorneys: Frances Kern (FTC/DMP)
Virginia Rosa

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Telemarketing Sales Rule in connection with the marketing and sale of money-making and investment opportunities.

Status: Complaint filed 12/05/2023.
Proposed stipulated order for permanent injunction and monetary judgment as to defendant Christopher Evans filed 12/11/23.
Proposed stipulated order for permanent injunction and monetary judgment as to defendants Traffic and Funnels LLC, WE Capital LLC, Evans and Welch, Inc., Evans and Welch Holdings, LLC, Taylor Welch, Payton Welch, and Ashton Shanks filed 12/11/23.
Final order and judgment for permanent injunction and monetary relief as to defendant Christopher Evans entered 3/4/24.

Final order and judgment for permanent injunction and monetary relief as to defendants Traffic and Funnels LLC, WE Capital LLC, Evans and Welch, Inc., Evans and Welch Holdings, LLC, Taylor Welch, Payton Welch, and Ashton Shanks entered 3/4/24.

FTC v. U.S. ANESTHESIA PARTNERS, INC., No. 24-20270 (5th Cir.); No. 4:23-cv-3560 (S.D. Tex.)

Parties: U.S. Anesthesia Partners, Inc.
Welsh, Carson, Anderson & Stowe XI, L.P.
WCAS Associates XI, LLC
Welsh, Carson, Anderson & Stowe XII, L.P.
WCAS Associates XII, LLC
WCAS Management Corporation
WCAS Management, L.P.
WCAS Management, LLC

Assigned Attorneys: Bradley Scott Albert (BC/HC)
Dylan Herts
Eric Sprague
Garth Huston
Gary Schorr
Leah Hubinger
Michael Arin
Neal Perlman
Patrick Kennedy
Timothy Grayson
Kara Monahan

Alleged Conduct: Anticompetitive conduct in violation of Section 5(a) of the FTC Act, Section 2 of the Sherman Act, and Section 7 of the Clayton Act in connection with multi-year scheme to consolidate anesthesia practices in Texas.

Status: Complaint filed 9/21/23.
Defendants' motion to dismiss filed 11/20/23; FTC's opposition filed 1/19/24; reply filed 2/26/24.
Order granting motion to dismiss as to defendant Welsh Carson but denying motion to dismiss as to USAP entered 5/13/24.
Notice of appeal by USAP filed 6/12/24.
Motion to stay pending interlocutory appeal by USAP filed 6/13/24.

FTC v. VISION ONLINE, No. 6:23-cv-1041 (M.D. Fla.)

Parties: Vision Online, Inc.
Ganadores IBR, Inc.
Vision Online Digital
Vision Online English, LLC
Vision Online Latino, LLC
Richard Alvarez
Sara Alvarez
Robert Shemin
Bryce Chamberlain

Assigned Attorneys: Joseph Ronald Brooke, Jr. (BCP/MP)
Virginia Rosa

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Business Opportunity Rule, the “Cooling-Off Rule”, and the Consumer Review Fairness Act of 2016 in connection with advertising and selling business trainings and opportunities targeting Spanish-speaking consumers.

Status: Complaint filed 6/5/23.
Ex parte TRO entered 6/7/23.
Preliminary injunctions with respect to all defendants entered 7/18/23 and 8/1/23.
Joint motion to stay proceedings pending Commission approval of settlement with respect to all defendants except Robert Shemin filed 11/3/23; order staying case with respect to the eight settling defendants entered 11/20/23.
Joint application for entry of stipulated orders for permanent injunction and monetary judgment as to the Corporate Defendants, Alvarez Defendants, and Defendant Chamberlain filed 1/17/24.
Order denying joint application denied with request for further briefing on court’s ability to order monetary relief in view of *AMG* entered 3/6/24.
Joint motion for entry of stipulated order for permanent injunction and monetary judgment as to Defendant Chamberlain filed 3/13/24.
Joint motion for entry of stipulated order for permanent injunction and monetary judgment as to the Corporate Defendants and Alvarez Defendants filed 3/13/24.

FTC v. VYERA PHARMACEUTICALS, LLC, No. 23-1338 (S. Ct.); No. 22-728 (2d. Cir.); No. 1:20-cv-00706 (S.D.N.Y.)

Parties: Vyera Pharmaceuticals, LLC
Phoenixus AG
Kevin Mulleady
Martin Shkreli
State of New York (Co-Plaintiff)
State of California (Co-Plaintiff)
State of Illinois (Co-Plaintiff)
State of North Carolina (Co-Plaintiff)
State of Ohio (Co-Plaintiff)
Commonwealth of Pennsylvania (Co-Plaintiff)
Commonwealth of Virginia (Co-Plaintiff)

Assigned Attorneys: Markus H. Meier (BC/HC)
Bradley A. Albert
Armine Black
Daniel W. Butrymowicz
Leah Hubinger
Lauren Peay
Neal Perlman
Maren Haneberg
Matt WeprinBrad Grossman (OGC)

Alleged Conduct: Violations of Sections 1 and 2 of the Sherman Act and unfair methods of competition in violation of Section 5 of the FTC Act, in connection with scheme to maintain a monopoly for the life-saving drug, Daraprim.

Status: Complaint filed 1/27/20.
Amended complaint adding six state plaintiffs filed 4/14/20.
Defendants' motions to dismiss filed 5/22/20; FTC's opposition to defendants' motions to dismiss filed 7/6/20; defendants' replies filed 7/27/20; order denying the motions to dismiss entered 8/18/20.
Commission letter motion for spoliation sanctions against Defendants filed 5/17/21; defendants' responses filed 5/21/21; order imposing sanctions entered 6/1/21.
Order dismissing Commission's prayer for equitable monetary relief entered 6/2/21.
Stipulated order for permanent injunction and equitable monetary relief against Phoenixus AG, Vyera Pharmaceuticals, LLC, and Kevin Mulleady entered 12/7/21.
Trial against Martin Shkreli held 12/10/21 to 12/22/21.
Opinion and order finding Shkreli liable for federal and state antitrust law violations and ordering him barred for life from the pharmaceutical

industry and requiring him to pay \$64.6 million in equitable monetary relief entered 1/14/22.
Order for permanent injunction and equitable monetary relief entered 2/4/22.
Shkreli's notice of appeal filed 4/5/22.
Shkreli's appeal brief filed 12/23/22; FTC and states' appellee brief filed 3/23/23; Shkreli's reply brief filed 4/13/23.
Oral argument heard 12/14/23.
Opinion of Second Circuit affirming district court judgment entered 1/23/24.
Petition for writ of certiorari seeking review of monetary award under state law filed 6/27/24.

FTC v. ZAAPPAAZ, LLC, No. 24-20234 (5th Cir.); No. 4:20-cv-2717 (S.D. Tex.)

Parties: Zaappaaz, LLC
Azim Makanojiya

Assigned Attorneys: Anne Collesano (BCP/ENF)
Adrienne Lighten
Michele Schaefer
James Elliott (SER)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with the failure to deliver on promises to quickly ship products like face masks, sanitizer, and other personal protective equipment related to the coronavirus pandemic.

Status: Complaint filed 8/4/20.
Stipulated preliminary injunction entered 8/8/20.
Cross-motions for summary judgment filed 10/26/22; FTC opposition to defendants' motion filed 12/02/22; defendants' opposition to Commission's motion filed 12/27/22; defendants' corrected reply in support of their motion for partial summary judgment filed 1/24/23; FTC reply in support of its motion filed 1/24/23.
Magistrate judge's report and recommendation that FTC's motion for summary judgment be granted in part and denied in part, and that defendants' motion for partial summary judgment be denied, entered 6/9/23; order adopting recommendations entered 8/3/23.
Trial held 12/18/23.
Order for permanent injunction and monetary relief entered 3/28/24.
Notice of appeal filed 5/24/24.

CIVIL PENALTY AND ENFORCEMENT CASES*

(A) Consumer Protection

UNITED STATES v. ADOBE, INC., No. 5:24-cv-3630 (N.D. Cal.)

Parties: Adobe, Inc.
Maninder Sawhney
David Wadhvani

Assigned Attorneys: Amber Charles (DOJ/CPB)
Francisco Unger
Wesline Manuelpillai (DOJ/CIV)
Zachary Cowan
David DeVito (DOJ/USAO)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Restore Online Shoppers' Confidence Act in connection with deceiving consumers by hiding the early termination fee for its most popular subscription plan and making it difficult for consumers to cancel their subscriptions.

Status: Complaint filed 6/17/24.

FTC v. AMAZON.COM INC., No. 2:23-cv-932 (W.D. Wash.)

Parties: Amazon.com Inc.
Neil Lindsay
Russell Grandinetti
Jamil Ghani

Assigned Attorneys: Evan Mendelson (BCP/ENF)
Jonathan Cohen
Olivia Jerjian
Thomas Nardini
Colin MacDonald (NWR)

Alleged Conduct: Violations of Section 5 of the FTC Act and the Restore Online Shoppers' Confidence Act ("ROSCA") for enrolling consumers in its Amazon Prime service without their consent.

* Includes all suits in which civil penalties are sought; consumer redress, injunctions, and ancillary equitable relief may also be sought.

Status: Complaint filed 6/21/23.
Amazon's motion to strike improper complaint allegations filed 7/17/23;
FTC's response filed 7/31/23; reply filed 8/4/23.
Amended complaint filed 9/20/23.
Defendants' motions to dismiss amended complaint filed 10/18/23; FTC's
opposition filed 11/17/23; replies filed 12/8/23.
Order denying defendant's motion to dismiss entered 5/14/24.
Defendant demand for jury trial filed 6/25/24; granted 6/27/24.

UNITED STATES v. B4B EARTH TEA LLC, No. 1:22-cv-1159 (E.D.N.Y.)

Parties: B4B Earth Tea, LLC
B4B Corp.
Andrew Martin Sinclair

Assigned Attorneys: James Nelson (DOJ/CPB)
Zachary Dietert
David Crockett
Michael Blume (DOJ/EDNY)
Michael Shane (FDA)
Robert van Someren Greve (BCP/AP)

Alleged Conduct: Violations of the COVID-19 Consumer Protection Act, and Sections 5 and
12 of the FTC Act, in connection with false or unsubstantiated claims that
an herbal tea containing aloe vera and honey treats or prevents COVID-19,
is as good or better than available vaccines at treating or preventing the
virus, and is clinically proven to treat and prevent COVID-19.

Status: Complaint filed 3/3/22.
Defendant Sinclair's motions to dismiss filed 6/1/22; United States'
opposition filed 6/15/22.
Order granting 60-day stay entered 6/30/22.
Joint status report filed 10/28/22.
United States status report filed 4/7/23; defendants' status report filed
4/10/23.
Order denying Sinclair's motions to dismiss entered 12/7/23.
Answer to complaint filed 2/6/24.
Motion to dismiss defendant's counterclaim filed 4/26/24; response in
opposition filed 5/1/24; reply filed 5/7/24.

UNITED STATES v. BURGERIM GROUP USA, No. 2:22-cv-825 (C.D. Cal.)

Parties: Burgerim Group USA, Inc.
Burgerim Goup, Inc.

Oren Loni

Assigned Attorneys: Marcus Smith (DOJ)
Stephen Tosini

Alleged Conduct: Violations of Section 5 of the FTC Act and the Franchise Rule by enticing consumers to purchase franchises using false promises while withholding information required by the rule.

Status: Complaint filed 2/7/22.
United States' application for clerk to enter default against Burgerim Group USA, Inc. and Burgerim Group, Inc. filed 5/23/22.
Order granting time for service of process and request of default entered 6/13/22.
Clerk entry of default as to Burgerim Group USA, Inc. and Bugerim Group Inc. on 7/14/22.
Mediation report filed 10/26/23.
Stipulated order for permanent injunction and monetary judgments for civil penalty and consumer redress as to defendant Oren Loni entered 11/20/23.
United States' application for default judgment against Burgerim Group USA, Inc. and Burgerim Group, Inc. filed 12/22/23.
Default judgment against Burgerim Group USA, Inc. and Burgerim Group, Inc. entered 1/19/24.

UNITED STATES v. CEREBRAL, INC., No. 1:24-cv-21376 (S.D. Fla.)

Parties: Cerebral, Inc.
Kyle Robertson
Zealthy, Inc.
Gronk, Inc.
Bruno Health, P.A.
Alex Martelli
German Echeverry

Assigned Attorneys: Christopher Erickson (BCP/ENF)
Joshua Millard
Francisco Unger (DOJ/USAO)
Markenzy Lapointe
Rosaline Chan
Rachel Doud (DOJ/CPB)
Shana Priore

Alleged Conduct: Deceptive and unfair acts and practices in violation of Section 5(a) of the FTC Act, the Opioid Addiction Recovery Fraud Prevention Act of 2018,

and the Restore Online Shoppers' Confidence Act in connection with deceptive and unfair data security practices, failures to clearly and accurately disclose material terms related to data privacy, security, and cancellation, failure to obtain consumers' express informed consent in relation to material terms, and failures to provide a simple mechanism to stop recurring charges in connection with the sale of online health care services.

Status: Complaint filed 4/12/24.
Notice of settlement as to defendant Cerebral, Inc filed 4/15/24.
Joint stipulation for order for permanent injunction, monetary judgment, civil penalty judgment, and other relief against defendant Cerebral, Inc. filed 4/15/24.
Amended complaint filed 5/31/24.
Stipulated order for permanent injunction, monetary judgment, civil penalty judgment, and other relief against defendant Cerebral, Inc. entered 6/17/24.

UNITED STATES v. CONSUMER LAW PROTECTION, No. 4:22-cv-01243 (E.D. Mo.)

Parties: Consumer Law Protection, LLC
Consumer Rights Counsel
Premier Reservations Group, LLC
Resort Transfer Group, LLC
Square One Development Group, Inc., dba Square One Group
Square One Group, LLC
Timeshare Help Source
Farmington Allegiance, LLC
Mainline Partners, LLC
The Jake and Avery Irrevocable Trust dated September 11, 2019
The Maggie and Lucy Irrevocable Trust dated September 11, 2019
Christopher Carroll
George Reed
LouAnn Reed
Scott Jackson
Eduardo Balderas
Resort Legal Service, LLC
Square One Corporate Offices, LLC, also dba Resort Legal Services
Kimberly Carroll (as Trustee of The Jake and Avery Irrevocable Trust)
Timothy McFadden (as Trustee of The Jake and Avery Irrevocable Trust)
LouAnn Reed (as Trustee of The Maggie and Lucy Irrevocable Trust)
State of Wisconsin (co-plaintiff)

Assigned Attorneys: Ellen Bowden McIntyre (DOJ)
Amy Pentz Kaplan

Samantha Denny (MWR)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the FTC's Cooling Off Rule, and state law in connection with the promotion and sale of fraudulent timeshare exit services to seniors.

Status: Complaint filed 11/21/22.
Defendants' motions to dismiss filed 1/27/23, 2/08/23, and 2/09/23;
opposition to motions by the United States filed 3/03/23;
Defendants' replies filed 3/16/23 and 3/20/23.
Order denying defendants' motions to dismiss entered 9/25/23.
Order denying defendant's motion to dismiss entered 2/1/24.
Amended complaint filed 4/9/24.
Motion to dismiss amended complaint filed 5/20/24; response in
opposition filed 6/3/2024; reply filed 6/12/24.

FTC v. DAY PACER LLC, Nos. 24-1273; 24-1289; 23-3310 (7th Cir.); No. 1:19-cv-01984
(N.D. Ill.)

Parties: Day Pacer LLC, f/k/a College Criteria LLC, d/b/a Edutrek, EdSoup,
Our School Search, College Info and Degree Spots
Edutrek L.L.C. d/b/a EdSoup
Raymond Fitzgerald
Ian Fitzgerald
David Cumming

Assigned Attorneys: Mark Glassman (BCP/FP)
Patrick Roy
William Joseph Hodor
Mark Hegedus (OGC)

Alleged Conduct: Violations of the Telemarketing Sales Rule in connection with unsolicited calls about educational programs to consumers who submitted their contact information to websites promising help with job searches, public benefits, and other unrelated programs.

Status: Complaint filed 3/22/19.
Status hearing held 6/10/19.
Order striking two of defendants' affirmative defenses entered 2/28/20.
FTC's motion for summary judgment filed 8/2/21; Defendants' cross-
motions for summary judgment and oppositions to FTC's motion
filed 10/1/21; amended cross-motions and oppositions filed
10/8/21; FTC reply in support of its motion and opposition to
cross-motions filed 12/10/21; Defendants' replies in support of
their cross-motions for summary judgment filed 1/5/22 and 1/7/22.

Notice of death of Defendant David Cumming filed 2/25/22; FTC motion to substitute personal representative of Cumming's estate filed 4/5/22; personal representative's opposition filed 5/26/22; FTC's reply in support of motion to substitute filed 6/3/22.

Order reassigning case to Honorable Lindsay C. Jenkins 2/27/23.

Joint status report filed 5/24/23.

Order granting FTC's motions for substitution and summary judgment against defendants entered 9/1/23.

Hearing on injunctive relief and civil penalties held 11/8/23.

Order for permanent injunction against Day Pacer defendants (Day Pacer LLC, Edutrek LLC, Raymond Fitzgerald, and Ian Fitzgerald) entered 11/21/23.

Notice of appeal by Day Pacer defendants filed 11/29/23.

Motion to stay order pending appeal filed 11/29/23; FTC's opposition filed 12/13/23; defendants' reply filed 12/19/23.

Memorandum regarding civil penalties by personal representative of Cumming's estate filed 12/8/23; FTC's opposition filed 12/19/23.

Order staying permanent injunction in part pending appeal entered 1/12/24.

Final judgement and order for civil penalties against all defendants entered 1/23/24.

Notices of appeal by Day Pacer defendants and Cumming Estate filed 2/20/24.

Order consolidating appeals no. 23-3310, 24-1273 and 24-1289 entered 2/26/24.

Appellants' opening briefs filed 5/21/24.

FTC v. FINANCIAL EDUCATION SERVICES, No. 2:22-cv-11120 (E.D. Mich.)

Parties: Financial Education Services, Inc.
United Wealth Services, Inc.
VR-Tech LLC
VR-Tech MGT LLC
CM Rent Inc.
Youth Financial Literacy Foundation
Parimal Naik
Michael Toloff
Christopher Toloff
Gerald Thompson
LK Commercial Lending LLC
Statewide Commercial Lending LLC
Gayle L Toloff

Assigned Attorneys: Gregory Ashe (BCP/FP)
Michelle Grajales
Julia Heald

Michael Goldstein

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Credit Repair Organizations Act, and the Telemarketing Sales Rule in connection with the marketing, offering, and collecting of credit repair services and investment opportunities.

Status: Complaint filed 5/23/22.
Ex parte TRO entered 5/24/22.
PI hearing held 6/30/22.
Order denying preliminary injunction, vacating TRO, and converting receivership to monitorship entered 7/18/22.
Motion to dismiss by Defendants VR-Tech MGT, CM Rent, Michael Toloff, and Christopher Toloff filed 7/25/22; FTC opposition filed 8/8/22; Defendants' reply filed 8/22/22.
Order denying Toloff Defendants' motion to dismiss entered 2/13/23.
First amended complaint filed 3/27/23.
Motion to dismiss by Defendant Gerald Thompson filed 4/10/23; FTC opposition filed 5/1/23; Defendant's reply filed 5/8/23.
Order denying Thompson's motion to dismiss entered 11/21/23.
Order granting motion to stay to consider final settlement agreement entered 5/28/2024.

UNITED STATES v. FACEBOOK INC, No. 23-5280 (D.C. Cir.); No. 1:19-cv-2184 (D.D.C.)

Parties: Facebook, Inc.

Assigned Attorneys: Katherine Ho (DOJ)
Patrick Runkle
Zachary Cowan
Jason Lee
Lisa Hsiao

Alleged Conduct: Action seeking civil penalties, an injunction, and other equitable relief for Facebook's violation of a 2012 order for violated Section 5(a) of the FTC Act.

Status: Complaint filed 7/24/19.
Stipulated order for payment of civil penalty and modification by FTC of 2012 administrative order entered 4/23/20.
Facebook motion to enjoin FTC proceeding to modify 2020 administrative order filed 5/31/23; United States' opposition filed 8/16/23; reply filed 9/13/23.
Oral argument heard 10/17/23.
Order denying motion to enjoin filed 11/27/23.

Notice of appeal filed 11/28/23.

Motion for injunction pending appeal filed 12/12/23; United States' opposition filed 12/28/23; reply filed 1/5/24; motion denied 1/12/24.

Motion for injunction by Facebook in D.C. Circuit filed 1/25/24; response in opposition filed 2/5/24; reply filed 2/12/24; order denying the injunction pending appeal entered 3/12/24.

Facebook's opening brief filed 5/13/24; FTC's answering brief filed 6/12/2024; Facebook's reply brief due 7/12/24.

FTC v. GRAVITY DEFYER MEDICAL TECHNOLOGY CORP., No. 1:22-cv-1464 (D.D.C.)

Parties: Gravity Defyer Medical Technology
Alexander Elnekaveh

Assigned Attorneys: Maria Del Monaco (ECR)
Adrienne Jenkins
Dana Barragate
Matthew Scheff

Alleged Conduct: Violations of a 2001 Commission order and Sections 5(a) and 12 of the FTC Act in connection with deceptive pain-relief claims for Gravity Defyer footwear.

Status: Complaint filed 5/25/22.
Defendants' motion to dismiss filed 7/25/22; FTC opposition filed 8/8/22; defendants' reply filed 8/15/22.
Order consolidating FTC enforcement case with defendant's declaratory judgment case, No. 1:22-cv-1157 (lead case), entered 8/2/22.
Defendants' renewed motion to dismiss filed 4/7/23; FTC opposition filed 4/21/23; defendants' reply filed 4/28/23.
Order granting motion to dismiss in part and denying in part entered 3/21/24.
Answer to complaint with jury demand filed 4/2/24.

UNITED STATES v. KUBOTA NORTH AMERICAN CORP., No. 3:24-cv-159 (N.D. Tex.)

Parties: Kubota North American Corp. d/b/a Kubota Engine Corp., Kubota Tractor Corp., Kubota Manufacturing of America Corp., Kubota Industrial Equipment Corp., and Great Plains Manufacturing Inc.

Assigned Attorneys: Sean Saper (DOJ-CIV)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act

and the Made in USA Labeling Rule in connection with the false labeling of millions of wholly imported products as “Made in USA”.

Status: Complaint filed 1/22/24.
Stipulated order for permanent injunction, civil penalty judgment, and other relief entered 1/25/24.

FTC v. MATCH GROUP, INC., No. 3:19-cv-02281 (N.D. Texas)

Parties: Match Group, Inc.
Match Group, LLC, f/k/a Match.com, LLC

Assigned Attorneys: Reid Tepfer (SWR)
Jason Moon
Hasan Aijaz
Sarah Zuckerman
Jack O’Gorman
Erica Hilliard
Nicole Conte

Alleged Conduct: Deceptive and unfair acts and practices in violation of Section 5(a) of the FTC Act and Restore Online Shoppers’ Confidence Act in connection with the defendant’s online dating service.

Status: Complaint filed 9/25/19.
Defendant’s motion to dismiss for failure to state a claim filed 10/17/19;
Commission’s response filed 11/5/19; defendant’s reply filed 11/19/19.
Order staying case pending a ruling on Match Group’s motion to dismiss entered 4/22/20.
Order staying case pending Supreme Court decision in *FTC v. Credit Bureau Center* entered 10/9/20.
Joint status report on the effects of *AMG* filed 6/7/21.
Order asking for FTC brief clarifying “equitable relief” that is sought for Counts I and II in the complaint entered 12/16/21.
FTC brief clarifying equitable relief sought filed 12/27/21.
Order denying in part and granting in part motion to dismiss entered 3/24/22.
Amended complaint filed 7/19/22.
Motion to dismiss by Match Group LLC filed 8/12/22; FTC response filed 8/23; order granting as to Counts 1 and 2 entered 8/24/22.
Commission’s and Match Group’s cross-motions for summary judgment filed 9/11/23; oppositions filed 10/16/23; replies filed 11/6/23.
Bench trial scheduled for 6/2/25.

UNITED STATES v. MONUMENT, INC., No. 1:24-cv-1034 (D.D.C.)

Parties: Monument, Inc.

Assigned Attorneys: Richard Greene (DOJ/CPB)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act and the Opioid Addiction Recovery Fraud Prevention Act of 2018 in connection with defendant's advertising, marketing, promotion, offering for sale, or sale of its alcohol addiction treatment services.

Status: Complaint filed 4/11/24.
Stipulated order for permanent injunction, civil penalty judgment, and other relief entered 6/7/24.

FTC v. PRECISION PATIENT OUTCOMES, INC., No. 3:22-cv-07307 (N.D. Cal.)

Parties: Precision Patient Outcomes, Inc.
Margrett Priest Lewis

Assigned Attorneys: Abdiel Lewis (BCP/WRSF)
Evan Rose
Michael Naranjo

Alleged Conduct: Violations of Section 5 of the FTC Act and the COVID-19 Consumer Protection Act in connection with false or unsubstantiated claims that dietary supplement could treat or prevent COVID-19 or increase the efficacy of vaccines.

Status: Complaint filed 11/18/22.
First amended complaint filed 1/13/23.
Defendants' motion to dismiss filed 2/3/23; FTC's response filed 2/17/23;
defendant's reply filed 2/24/23; FTC's sur-reply filed 3/3/23.
Order denying Defendants' motion to dismiss entered 5/3/23.
FTC motion to strike affirmative defenses filed 6/7/23; defendants'
opposition filed 6/21/23; FTC's reply filed 6/21/23.
Order staying proceedings pending finalization of settlement terms entered
11/30/23.
Stipulated order for permanent injunction and other relief entered 2/15/24.

UNITED STATES v. RAZER, INC., No. 8:24-cv-907 (C.D. Cal.)

Parties: Razer, Inc.
Razer Asia Pacific Pte., Ltd.

Razer USA, Ltd.
Razer Health Pte., Ltd.
Razer Online Pte., Ltd.

Assigned Attorneys: Sean Saper (DOJ)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the COVID-19 Consumer Protection Act in connection with making misleading statements to consumers about the performance, protective benefits, and certification of a face mask called the “Razer Zephyr”, which defendants sold to consumers.

Status: Complaint filed 4/26/24.
Stipulated order for permanent injunction, monetary judgment, civil penalty judgment, and other relief entered 4/30/24.

FTC v. RCG ADVANCES LLC, No. 24-0698 (2d Cir.); No. 1:20-cv-04432 (S.D.N.Y.)

Parties: RCG Advances, LLC, f/k/a Richmond Capital Group LLC, d/b/a Viceroy
Capital Funding and Ram Capital Funding
Ram Capital Funding LLC
Robert L. Giardina
Tzvi Reich
Jonathan Braun

Assigned Attorneys: Gregory Ashe (BCP/FP)
Julia Heald

Alleged Conduct: Unfair and deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Gramm-Leach-Bliley Act in connection with the marketing, offering, and collecting of small business financing.

Status: Complaint filed 6/10/20.
Ram Capital Funding, LLC and Tzvi Reich’s motion to dismiss filed 8/10/20; motion denied 8/13/20.
Robert L. Giardina’s motion to dismiss filed 8/21/20; motion denied 10/30/20.
First amended complaint for civil penalties, permanent injunction, monetary relief, and other relief filed 6/10/21.
FTC motion to strike affirmative defenses filed 7/8/21; Defendants’ opposition filed 8/6/21; court denied motion 8/18/21.
Order granting consent motion to stay case for 120 days to consider settlement agreement as to Defendants Ram Capital Funding LLC and Tzvi Reich entered 10/5/21.

Stipulated motion to stay case to consider settlement as to Defendants Ram Capital Funding LLC and Tzvi Reich filed 10/5/21.
Stipulated permanent injunction and monetary judgment as to Defendants Ram Capital Funding LLC and Tzvi Reich entered 1/4/22.
Stipulated motion to stay case to consider settlement as to Defendants RCG Advances and Robert Giardina filed 4/6/22.
FTC motion for summary judgment against Defendant Jonathan Braun filed 4/8/22; Braun opposition filed 5/15/22; FTC reply filed 6/3/22.
Stipulated permanent injunction and monetary judgment as to Defendants RCG Advances and Robert Giardina entered 6/2/22.
Order terminating FTC's motion for summary judgment against Defendant Jonathan Braun entered 11/29/22.
Order granting partial summary judgment in favor of FTC on liability entered 9/27/23.
Final order for permanent injunction as to Defendant Braun entered 10/30/23.
Trial on damages began 1/8/24; jury verdict entered 1/12/24.
Post-trial memorandums filed 1/24/24.
Findings of fact, conclusion of law, and final judgment entered 2/6/24.
Notice of appeal by Jonathan Braun filed 3/7/24.
Appeal withdrawn 5/30/24.

UNITED STATES v. RESPONSE TREE LLC, No. 8:24-cv-1 (C.D. Cal.)

Parties: Response Tree LLC
Derek Thomas Doherty

Assigned Attorneys: Rowan Reid (DOJ/CPB)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Telemarketing and Consumer Fraud and Abuse Prevention Act in connection with operating a deceptive lead generation business that resulted in millions of unlawful telemarketing calls based on invalid consumer consent.

Status: Complaint filed 1/2/24.
Stipulated order for permanent injunction, civil penalty judgment, and other relief entered 1/16/24.

UNITED STATES v. STRATICS NETWORKS INC., No. 3:23-cv-313 (S.D. Cal.)

Parties: Stratics Networks, Inc.
Netaltitude, Inc.

Atlas Investment Ventures LLC
Tek Ventures, LLC
ACE Business Solutions LLC
Atlas Marketing Partners, Inc.
Eric Petersen
Todd Diroberto
Sandra Barnes

Assigned Attorneys: Daniel Crane-Hirsch (DOJ/CPB)
Matthew Robinson
Zachary Dietert

Alleged Conduct: Violations of Section 5 of the FTC Act and Section 6 of the Telemarketing and Consumer Fraud and Abuse Prevention Act in relation to use of technology to initiate outbound robocalls to consumers' phones to illegally telemarket various goods and services.

Status: Complaint filed 2/16/23.
Stipulated order for permanent injunction, monetary judgment, and other relief as to defendants Kasm and Kenan Azzeh entered 2/23/23.
Stipulated order for permanent injunction, monetary judgment, and other relief as to defendants Netlatitude and Kurt Hannigan entered 6/16/23.
Motions to dismiss by defendants filed 6/7/23, 6/8/23, and 6/20/23; United States' opposition filed 8/23/23; reply filed 10/11/23.
Hearing on motion to dismiss held 3/5/24.
Order granting motion to dismiss as to Stratics and denying as to Atlas and Ace defendants entered 3/6/24.

UNITED STATES v. TURBO SOLUTIONS INC., 4:24-cv-2451 (S.D. Tex.)

Parties: Turbo Solutions Inc., f/k/a Alex Miller Financial Services Inc., d/b/a Alex Miller Credit Repair
Alexander V. Miller

Assigned Attorneys: Daniel Hu (DOJ)
Marcus Smith
Stephen Tosini
Gregory Ashe (BCP/FP)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Telemarketing Sales Rule (TSR), and the Credit Repair Organization Act ("CROA") for inducing consumers to purchase the defendants' credit repair services.

Status: Complaint filed 3/1/22.
Ex parte TRO entered 3/4/22.
Preliminary injunction entered 3/18/22.
Motion to dismiss by defendants filed 5/15/22; United States opposition
filed 6/6/22; reply filed 6/16/22.
Order denying motion to dismiss entered 1/3/23.

FTC v. WALMART, No. 1:22-cv-03372 (D.D.C)

Parties: Walmart Inc.

Assigned Attorneys: Karen Dodge (MWR)
Matthew Schiltz
Rachel Sifuentes

Alleged Conduct: Violations of Section 5(a) of the FTC Act, the Telemarketing Sales Rule (TSR), and the Telemarketing Sales Act for allowing its money transfer services to be used fraudulently and consequently deceive consumers out of hundreds of millions of dollars.

Status: Complaint filed 6/28/22.
Walmart's motion to dismiss for failure to state a claim filed 8/29/22;
FTC's opposition filed 10/05/22; Walmart's reply filed 10/28/22.
Order granting in part and denying in part Walmart's motion to dismiss
entered 3/27/23.
Walmart's motion to certify interlocutory appeal filed 4/12/23; FTC's
opposition filed 5/8/23; Walmart's reply filed 5/18/23.
FTC amended complaint filed 6/30/23.
Walmart's second motion to dismiss filed 8/11/23; FTC's opposition filed
9/15/23; Walmart's reply filed 10/9/23.
FTC's notice of supplemental authority filed 12/19/23; Walmart's
response filed 12/21/23.

UNITED STATES v. WILLIAMS SONOMA, INC., No. 3:24-cv-2396 (N.D. Cal.)

Parties: Williams-Sonoma, Inc. d/b/a Williams Sonoma, Williams Sonoma Home,
Pottery Barn, Pottery Barn Teen, PBTeen, West Elm,
Rejuvenation, Outward, and Mark & Graham

Assigned Attorneys: Mary Englehart (DOJ/CPB)
David DeVito (DOJ/USAO)

Alleged Conduct: Violations of an order previously issued by the Commission in connection
with making numerous false and unsubstantiated representations that

defendants' home goods or other products are "Made in USA" or otherwise of U.S. origin when they are wholly imported or contain significant imported components.

Status: Complaint filed 4/22/24.
Stipulated order for permanent injunction, civil penalty judgment, and other relief entered 4/25/24.

UNITED STATES v. XLEAR, INC., No. 2:21-cv-00640 (D. Utah)

Parties: Xlear, Inc.
Nathan Jones

Assigned Attorneys: Noah Katzen (DOJ/CPB)
Alison Crovetto
Keith Fentonmiller (BCP/AP)
Courtney Estep

Alleged Conduct: Violations of the COVID-19 Consumer Protection Act and Sections 5 and 12 of the FTC Act in connection with false or unsubstantiated claims that Xlear nasal spray treats or prevents COVID-19.

Status: Complaint filed 10/28/21.

(B) Competition

FTC v. SEVEN & I HOLDINGS, No. 1:23-cv-03600 (D.D.C.)

Parties: Seven & I Holdings, Co. Ltd.
7-Eleven, Inc.

Assigned Attorneys: Laura Hall (BC/Office of the Director)
Angelike Mina (BC/Compliance)
Christine Tasso
Eric Rohlek
Sebastian Lorigo
Maribeth Petrizzi

Alleged Conduct: Violation of a Commission order in connection with acquisition of a retail fuel outlet without required prior notice to the Commission.

Status: Complaint filed 12/4/23.
7-Eleven's motion to dismiss filed 2/5/24; FTC's opposition filed 3/06/24;

7-Eleven's reply filed 3/20/24; oral argument held 4/17/24.

SUBPOENA AND CID ENFORCEMENT PROCEEDINGS

FTC v. ACIA17 AUTOMOTIVE, INC. et al, No. 1:23-cv-2500 (N.D. Ill.)

Parties: ACIA17 Automotive, Inc.
ACIA ACQ Corp.

Assigned Attorneys: James Davis (MWR)
Rachel Granetz
Rachel Sifuentes

Alleged Conduct: Petition to enforce a CID.

Status: Petition filed 4/20/23.
Motion for order entering joint stipulation providing schedule for respondents' compliance with the CID filed 8/29/2023; order entered 10/4/2023.
Petition withdrawn 4/22/24.

FTC v. MATCH GROUP INC., No. 1:22-mc-00054 (D.D.C.)

Parties: Match Group, Inc.

Assigned Attorneys: Sarah Choi (BCP/DPIP)
Alejandro Rosenberg
Michele Arington (OGC)

Alleged Conduct: Petition to enforce a CID.

Status: Petition filed 5/26/22.
Match emergency motion to temporarily seal record filed 6/2/22; FTC opposition filed 6/7/22.
Emergency motion to temporarily seal record denied and show cause order entered 6/8/22.
Match primary motion to seal filed 6/21/22; FTC opposition filed 7/5/22; Match reply filed 7/12/22.
Match opposition to petition filed 7/8/22; FTC reply filed 7/18/22.
Match motion for limited discovery regarding FTC's abuse of process and to supplement the record filed on 7/20/22; FTC opposition filed 8/3/22; Match reply filed 8/22/22.

Order denying Match's motions to seal and motion for limited discovery entered 5/1/23.
Order for Match to submit to the Court for in camera review the disputed documents in dispute entered 11/28/23.
Magistrate's report and recommendation ordering Match to produce 42 of the 64 documents remaining in dispute entered 3/11/24.
Match objections to report and recommendation filed 3/25/24, FTC's response to objections filed 4/9/24; Match reply filed 4/16/24.

FTC v. MGM RESORTS INTERNATIONAL, No. 2:24-cv-1112 (D. Nev.)

Parties: MGM Resorts International

Assigned Attorneys: Carla Cheung (WRLA)
David Hankin

Alleged Conduct: Petition to enforce a CID.

Status: Petition and motion for order to show cause filed 6/17/24.
MGM's cross-motion to dismiss, transfer, or stay petition and opposition to motion for order to show cause filed 6/26/24.

FTC v. RETAIL SERVICES & SYSTEMS, No. 1:23-mc-28 (E.D. Va.)

Parties: Retail Services & Systems d/b/a Total Wine & More

Assigned Attorneys: Christina Joanne Brown (BC/Anticompetitive Practices)
Patricia McDermott

Alleged Conduct: Petition to enforce a CID.

Status: Petition filed 10/20/2023.
Ordered to show cause entered 10/31/23.
Opposition to petition filed 11/14/23; FTC's reply filed 11/21/23.
Notice of settlement in principle and request to continue show cause hearing filed 12/9/23.
Joint motion to stay filed 12/18/23; order granting stay for 120 days entered 12/19/23.
Joint notice of voluntary dismissal filed 4/17/24.

SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION

ALDABE v. UNITED STATES OF AMERICA, No. 22-2250 (4th Cir.); No. 1:21-cv-803 (D. Md.)

Parties: Fermin Aldabe

Assigned Attorneys: Kimberly Phillips (AUSA)
Mariel Goetz (OGC)

Nature of Action: Action seeking a judicial declaration that the Commission exceeded its authority in its litigation against Atlantic International Bank. Ltd., causing negligent personal injury to a non-party consumer.

Status: Complaint filed 3/30/21.
Motion to substitute United States for FTC Defendants filed 5/3/21;
Plaintiff's cross motion to stay motion to substitute filed 5/24/21;
United States' reply filed 6/7/21.
Order granting motion to substitute United States entered 3/30/22.
Motion to dismiss by United States filed 4/19/22.
Order granting United States' motion to dismiss entered 11/3/22.
Notice of appeal filed 12/2/22.
Appellant's informal opening brief filed 12/30/23; United States' informal response brief filed 1/9/23; informal reply brief filed 1/18/23.
Per curiam opinion affirming in part, vacating in part, and remanding entered 5/2/24.
Appellant's petition for rehearing filed 6/13/24.

AMERICA FIRST LEGAL FOUNDATION v. FTC, No. 1:23-CV-2765 (D.D.C)

Parties: Americans First Legal Foundation

Assigned Attorneys: John Bardo (AUSA)
Michele Arington (OGC)
Imad Abyad

Nature of Action: Action seeking records under the Freedom of Information Act.

Status: Complaint filed 12/8/21.
FTC motion for partial dismissal filed 11/29/23; AFLF opposition filed 1/10/24; FTC reply filed 1/24/24.

AMERICANS FOR PROSPERITY FOUNDATION v. FTC, No. 1:21-cv-03207 (D.D.C)

Parties: Americans for Prosperity Foundation

Assigned Attorneys: Anna Walker (AUSA)
Michele Arington (OGC)

Nature of Action: Action seeking records under the Freedom of Information Act.

Status: Complaint filed 12/8/21.
FTC answer filed 2/9/22.
Order directing parties to file a joint status report and proposed schedule for proceeding entered 2/10/22.
Joint status report with proposed schedule filed and order adopting schedule entered 3/10/22.
Joint status reports filed 5/9/22, 7/8/22, 9/6/22, 11/7/22, 1/6/23, 3/3/23, 4/7/23, 6/6/23, 8/7/23, 10/6/23, 1/9/24, 3/8/24, and 5/7/24.

ATS TREE SERVICES LLC v. FTC, No. 2:24-cv-1743 (E.D. Pa.)

Parties: ATS Tree Services, LLC

Assigned Attorneys: Rachael Westmoreland (DOJ/Fed Programs)
Arjun Mody
Taisa Goodnature
Mariel Goetz (OGC)
Ben Aiken

Nature of Action: Action seeking declaratory judgment and permanent injunction holding the Commission's noncompete rule unlawful.

Status: Complaint filed 4/25/24.
Plaintiff's motion for preliminary injunction and stay of effective date of rule filed 5/14/24; FTC opposition filed 6/4/24; plaintiff's reply filed 6/25/24.
Hearing scheduled for 7/10/24.

BLOOMBERG L.P. v. FTC, 1:22-cv-03309 (D.D.C.)

Parties: Bloomberg L.P.

Assigned Attorneys: John Moustakas (AUSA)
Mariel Goetz (OGC)

Nature of Action: Action seeking records under the Freedom of Information Act.

Status: Complaint filed 10/28/22.
FTC Answer filed 12/7/22.
Joint status report proposing briefing schedule filed 12/20/22.
FTC's motion for summary judgment filed 3/8/23; Bloomberg's opposition and cross-motion for summary judgment filed 5/12/23; Commission's response/reply filed 9/5/2023; Bloomberg's reply filed 9/29/23.
Opinion and order granting in part and denying in part FTC's motion for summary judgment, and granting in part and denying in part Bloomberg's cross-motion for summary judgment, entered 1/16/24.

BROOKS v. BANK OF NEW YORK MELLON TRUST, et al., No. 2:24-cv-2188 (D. Kan.)

Parties: James L. Brooks

Assigned Attorneys: Duston J. Slinkard (AUSA)
Michele Arington (OGC)

Nature of Action: Pro se complaint alleging a conspiracy involving some kind of bank fraud.

Status: Complaint filed 5/2/24.

BUY BELIZE, LLC v. UNITED STATES, No. 1:23-cv-1025 (Fed Cl.); No. 23-1742 (4th Cir.)

Parties: Buy Belize, LLC
Buy International, Inc.
Eco-Development Futures, Inc.
Eco-Futures, Belize, Ltd.
Foundation Development Management, Inc.
Global Property Alliance, Inc.
Power Haus Marketing
Sanctuary Belize Property Owners' Association
Sittee River Wildlife Reserve
The Estate of John Pukke
Andris Pukke
Peter Baker
John Usher

Assigned Attorneys: John Jacob Todor (DOJ)
Eric Evan Laufgraben
Brad Grossman (OGC)

Ben Aiken
Matt Hoffman

Nature of Action: Action alleging that the monetary judgment against the Buy Belize Entities in the FTC enforcement action *In re Sanctuary Belize Litigation* is an illegal extraction and seeking financial compensation.

Status: Complaint filed 7/3/23.
Appeal of Andris Pukke, Peter Baker, and John Usher filed 7/14/2023.
United States' motion to dismiss for lack of jurisdiction and failure to state a claim filed 9/29/23; Buy Belize Entities' opposition filed 10/27/23; reply filed 11/13/23.
Opening brief of the defendants filed 9/26/2024; response brief of FTC in Pukke appeal filed 11/17/2024; reply brief filed 11/22/2023.

CHAMBER OF COMMERCE v. FTC, No. 1:22-cv-02070 (D.D.C.)

Parties: Chamber of Commerce of the United States of America

Assigned Attorneys: Douglas Dreier (AUSA)
Brad Grossman (OGC)

Nature of Action: Action seeking records under the Freedom of Information Act.

Status: Complaint filed 7/14/22.
FTC Answer filed 9/21/22.
Joint status reports filed 10/6/22, 12/7/22, 4/14/23, 6/15/23, 8/15/23, 12/15/23, and 1/12/24.
FTC's motion for summary judgment filed 4/19/24.
Chamber's unopposed motion to stay the briefing schedule for purposes of discussing settlement filed 5/22/24; motion granted 5/23/24.
Joint status report filed 6/24/24.

CHAMBER OF COMMERCE v. FTC, No. 6:24-cv-148 (E.D. Tex.)

Parties: Chamber of Commerce of the United States of America
Business Roundtable
Texas Association of Business
Longview Chamber of Commerce

Assigned Attorneys: Arjun Mody (DOJ/Fed Programs)
Madeline McMahon
Rachel Westmoreland
Taisa Goodnature

Mariel Goetz (OGC)
Ben Aiken

Nature of Action: Action seeking declaratory judgment and permanent injunction holding the Commission's noncompete rule unlawful.

Status: Complaint filed 4/24/24.
Plaintiff's motion to stay effective date of rule and for preliminary injunction filed 4/24/24.
FTC's motion to limit relief to plaintiff's identified members or transfer venue under the first-to-file rule filed 4/30/24; plaintiff's opposition filed 5/2/24.
Order granting motion to apply the first-to-file doctrine and transferring case to N.D. Tex., where *Ryan v. FTC* is pending, and directing that Chamber move to intervene in that case, entered 5/3/24.
Order dismissing case without prejudice entered 5/30/24.

FUNCTIONAL GOVERNMENT INITIATIVE v. FTC, No. 1:22-cv-1614 (D.D.C.)

Parties: Functional Government Initiative

Assigned Attorneys: Stephanie Johnson (DOJ)
Burke Kappler (OGC)

Nature of Action: Action seeking records regarding oil and gas under the Freedom of Information Act.

Status: Complaint filed 6/7/22.
FTC Answer filed 8/21/22.
Joint status reports filed 9/6/22, 10/13/22, 1/17/23, 4/14/23, 6/2/23, 7/11/23, 7/31/23, 8/31/23, 11/13/23, 12/21/23, 2/1/24, 4/1/24, and 4/24/24.

FUNCTIONAL GOVERNMENT INITIATIVE v. FTC, No. 1:22-cv-03273-CKK (D.D.C.)

Parties: Functional Government Initiative

Assigned Attorneys: Dedra S. Curteman (AUSA)
Michael Bergman (OGC)
Kristin B. Hill

Nature of Action: Action seeking records regarding infant formula shortage under the Freedom of Information Act.

Status: Complaint filed 10/26/22.
FTC answer filed 1/6/23.
Joint status reports filed 2/24/23, 3/24/23, 4/24/23, 5/23/23, 6/23/23,
8/22/23, 10/23/23, 12/18/23, 2/16/24, 4/16/24, and 6/17/24.

FUNCTIONAL GOVERNMENT INITIATIVE v. FTC, No. 1:23-cv-403 (D.D.C.)

Parties: Functional Government Initiative

Assigned Attorneys: Benton Peterson (AUSA)
Michele Arington (OGC)

Nature of Action: Action seeking records regarding meat and poultry under the Freedom of Information Act.

Status: Complaint filed 2/13/23.
FTC answer filed 5/3/23.
Joint status reports filed 5/17/23, 6/03/23, 8/10/26, 9/25/23, 11/28/23,
2/2/24, and 4/2/24.

LOUISIANA v. HORSERACING INTEGRITY & SAFETY AUTHORITY, INC., No. 22-30458 (5th Cir.); No. 6:22-cv-01934 (W.D. La.)

Parties: State of Louisiana
Louisiana State Racing Commission
Louisiana Horsemen's Benevolent & Protective Association
Louisiana Thoroughbred Breeders Association
Jockeys Guild
State of West Virginia
West Virginia Racing Commission
Bernard Chatters
Edward Fenasci
Larry Findley, Sr.
Warren Harang
Gerard Melancon

Assigned Attorneys: Alexander Sverdlov (DOJ)
Mariel Goetz (OGC)

Nature of Action: Action seeking a temporary restraining order and a preliminary injunction against the Commission and the Horseracing Integrity and Safety Authority to prevent the enforcement of the horseracing rules approved by the Commission and declare them invalid under the Administrative Procedure Act.

Status: Complaint filed 6/30/22.
Motion for preliminary injunction filed 6/29/22; FTC's opposition filed 7/15/22; Reply filed 7/22/22; order granting motion for preliminary injunction entered 7/26/22.
Notice of appeal filed by the Commission filed 7/30/22.
FTC's motion for stay pending appeal in 5th Circuit filed 8/1/22; opposition filed 8/3/22; FTC reply filed 8/4/22; order granting stay in part and denying in part entered 8/8/22.
FTC's opening brief filed 8/15/22; Appellees' brief filed 8/19/22; FTC's reply brief filed 8/23/22.
Oral argument held 8/30/22.
Opinion remanding to the district court for further proceedings in light of decision in *National Horsemen's Benevolent and Protective Association v. Black*, No. 22-10387, lifting temporary stay, entered 11/18/22.
Commission's petition for panel rehearing filed 1/3/23; denied 1/31/23.
Amended complaint and motion for TRO filed 2/6/2023.
Motion to strike complaint filed 3/6/2023; reply filed 4/3/23.
Memorandum in support of TRO filed 7/28/23.
Magistrate judge's report and recommendation that amended complaint be stricken and case be stayed pending outcome of appeal in *National Horsemen's Benevolent and Protective Association v. Black* entered 9/13/23.
Order adopting recommendation and staying case entered 9/14/23.

META PLATFORMS v. FTC, No. 24-5054 (D.C. Cir.); No.1:23-cv-3562 (D.D.C.)

Parties: Meta Platforms

Assigned Attorneys: Cynthia Liao (DOJ/Fed Programs)
Mariel Goetz (OGC)
Jesselyn Friley

Nature of Action: Action seeking injunctive and declaratory relief against the enforcement of an agency order based on a variety of constitutional claims.

Status: Complaint and motion for preliminary injunction filed 11/29/23.
Commission's motion to dismiss and opposition to motion for preliminary injunction filed 12/13/23; Meta's opposition to motion to dismiss and reply in support of motion for preliminary injunction filed 12/27/23; FTC reply filed 1/18/24; surreply by Meta filed 1/25/24.
Hearing held 3/1/24.
Order denying preliminary injunction and motion to dismiss pending Supreme Court's decision in *SEC v. Jarkesy* entered 3/14/24.
Meta's notice of appeal of denial of preliminary injunction filed 3/15/24.

Emergency motion for preliminary injunction by Meta filed 3/18/24;
FTC's opposition filed 3/21/2024; reply filed 3/22/24.
Per curium order denying emergency motion entered 3/29/24.
District court case stayed pending decision in *Jarkesy* 4/16/24.
Unopposed motion to hold appeal in abeyance pending decision in *Jarkesy*
filed 4/29/24; motion granted 4/30/24.

MGM RESORTS INTERNATIONAL v. FTC, No. 1:24-cv-1066 (D.D.C.)

Parties: MGM Resorts International

Assigned Attorneys: Brenda Gonzalez Horowitz (DOJ/USAO)
Imad Abyad (OGC)

Nature of Action: Action seeking injunctive and declaratory relief against the enforcement of
an agency CID based on a variety of constitutional claims.

Status: Complaint for declaratory and injunctive relief filed 4/15/24.
Commission's motion to dismiss filed 6/24/24; plaintiff's opposition due
8/7/24; Commission's reply due 9/6/24.

***NATIONAL HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION et al v.
BLACK***, Nos. 23-10520, 23-10522, 22-10387 (5th Cir.); No. 5:21-cv-71 (N.D. Tex.)

Parties: National Horsemen's Benevolent and Protective Association
Arizona Horsemen's Benevolent and Protective Association
Arkansas Horsemen's Benevolent and Protective Association
Indiana Horsemen's Benevolent and Protective Association
Illinois Horsemen's Benevolent and Protective Association
Louisiana Horsemen's Benevolent and Protective Association
Mountaineer Park Horsemen's Benevolent and Protective Association
Nebraska Horsemen's Benevolent and Protective Association
Oklahoma Horsemen's Benevolent and Protective Association
Oregon Horsemen's Benevolent and Protective Association
Pennsylvania Horsemen's Benevolent and Protective Association
Washington Horsemen's Benevolent and Protective Association
Tampa Bay Horsemen's Benevolent and Protective Association

Assigned Attorneys: Alexander Sverdlov (DOJ)
Brian Stoltz
Joe Busa, Jr.
Mark Stern
Mariel Goetz (OGC)
Ben Aiken

Nature of Action: Action seeking a declaratory judgment that the Horseracing Integrity and Safety Act (HISA) is unconstitutional and the Commission should be permanently enjoined from implementing and enforcing the law.

Status: Complaint filed 3/15/21.
Amended complaint filed 4/2/21.
Commission's motion to dismiss filed 4/30/21; plaintiffs' opposition filed 5/28/21; Commission's reply filed 6/18/21.
Oral argument held 2/16/22.
Memorandum opinion dismissing plaintiffs' claims entered 3/31/22.
Notices of appeal filed by plaintiffs and intervenors filed 4/19/22 and 4/20/22.
Plaintiff-Appellants' and Intervenor-Appellants' briefs filed 6/28/22; Commission's brief filed 7/27/22; Appellants' reply filed 8/17/22.
Oral argument heard 8/30/22.
Opinion reversing district court judgment and remanding, ruling that HISA is facially unconstitutional under the private non-delegation doctrine, entered 11/18/22.
FTC's petition for panel rehearing filed 1/03/23; denied 1/31/23.
FTC's opposition to Gulf Coast Racing plaintiffs' motion for summary judgment and cross-motion for summary judgment (from consolidated case 5:23-cv-077) filed 3/6/23.
Plaintiffs' motion for injunction filed 3/8/23; plaintiffs' emergency motion for preliminary injunction filed 3/27/23; FTC's opposition filed 3/29/23; reply filed 3/30/23; order granting in part emergency motion for preliminary injunction entered 3/32/23.
Order consolidating case 5:23-cv-77 with lead case 5:21-cv-00071 entered 4/11/23.
Amended complaint and motion for preliminary injunction by Gulf Coast Racing plaintiffs filed 4/12/23.
Second amended complaint filed 4/14/23.
Opinion and order dismissing amended complaint entered 5/11/23.
Plaintiffs' motion for injunction pending appeal filed 5/5/23; FTC's opposition filed 5/11/23; reply filed 5/12/23; denied 5/11/23.
Notices of appeal filed 5/17/23 and 5/18/23.
Appellants' opening briefs filed 7/5/23; Commission's brief filed 8/4/23; appellant's reply brief filed 8/25/23.
Oral argument held 10/4/23.

PROPERTIES OF THE VILLAGES v. FTC, No. 5:24-cv-316 (M.D. Fla.)

Parties: Properties of the Villages, Inc.

Assigned Attorneys: Mariel Goetz (OGC)
Ben Aiken

Nature of Action: Action seeking declaratory judgment and permanent injunction holding the Commission's noncompete rule unlawful.

Status: Complaint filed 6/21/24.

RYAN, LLC v. FTC, No. 3:24-cv-986 (N.D. Tex.)

Parties: Ryan LLC
Chamber of Commerce (Intervenor Plaintiff)
Business Roundtable (Intervenor Plaintiff)
Texas Association of Business (Intervenor Plaintiff)
Longview Chamber of Commerce (Intervenor Plaintiff)

Assigned Attorneys: Rachael Westmoreland (DOJ)
Arjun Mody (DOJ/Fed Programs)
Madeline McMahon (DOJ/CIV)
Taisa Goodnature
Ben Aiken (OGC)

Nature of Action: Action seeking declaratory judgment and permanent injunction holding the Commission's noncompete rule unlawful.

Status: Complaint filed 4/23/24.
Plaintiff's motion to stay effective date and for preliminary injunction filed 5/1/24; FTC response filed 5/29/24; plaintiff's reply filed 6/12/24.
Plaintiff's emergency motion to expedite briefing regarding motion for stay and PI filed 5/1/24; FTC response filed 5/2/24; plaintiff's reply filed 5/2/24; motion denied 5/7/24.
Intervenor complaint by Chamber of Commerce et al. for declaratory and injunctive relief filed 5/9/24.
Chamber's motion to stay effective date of rule and for preliminary injunction filed 5/10/24.

WALMSLEY et al v. FTC et al, No 23-2687 (8th Cir.); No. 3:23-cv-81 (E.D. Ark.)

Parties: Bill Walmsley
Jon Moss
Iowa Horsemen's Benevolent and Protective Association

Assigned Attorneys: Alexander Sverdlov (DOJ-CIV)
Joshua Newton
Stephen Ehrlich

Nature of Action: Action seeking injunctive and declaratory relief against the FTC and the Commission claiming that the Horseracing Integrity and Safety Act (HISA) is unconstitutional and the Commission should be permanently enjoined from implementing and enforcing the law.

Status: Complaint filed 4/6/23.
Plaintiffs' motion for preliminary injunction filed 4/11/23; FTC opposition filed 5/15/23; Plaintiffs' reply filed 5/23/23.
Order denying plaintiffs' motion for preliminary injunction entered 7/11/23.
Notice of appeal filed 7/21/23.
Appellant's brief filed 10/11/23; Commission's response brief filed 12/13/23; reply brief filed 1/19/24.
Oral argument held 6/12/24.

AMICUS CURIAE BRIEFS OR PARTIAL INTERVENTIONS

CFPB v. TOWNSTONE FINANCIAL INC., No. 23-1654 (7th Cir.)

Assigned Attorneys: James Doty (BCP/DFP)
Mariel Goetz (OGC)

Nature of Action: Private action challenging a district court ruling that invalidated an anti-discrimination rule in the Equal Credit Opportunity Act (ECOA).

Status: Brief for the FTC as amicus curiae filed 6/21/23.
Oral argument heard 12/8/23.

CORNISH-ADEBIYI v. CAESARS ENTERTAINMENT, No. 1:23-cv-2536 (D.N.J.)

Assigned Attorneys: Kenneth H. Merber (BC/AP-II)

Nature of Action: Action involving alleged price fixing through use of algorithms by competitors in the hotel lodging industry.

Status: Joint statement of interest of FTC and DOJ filed 3/28/24.

COSTAR GROUP v. CREXI, No. 23-55662 (9th Cir.)

Assigned Attorneys: Mariel Goetz (OGC)

Nature of Action: Action involving antitrust counterclaims against commercial real estate

information firm, CoStar.

Status: Amicus brief of the FTC in support of CREXI filed 1/26/24.

DUFFY v. YARDI, No. 2:23-cv-1391 (W.D. Wash.)

Assigned Attorneys: Mariel Goetz (OGC)

Nature of Action: Action involving alleged price fixing through use of an algorithm by competitors in the residential housing market.

Status: Joint statement of interest of FTC and DOJ filed 3/1/24.

GLOVER AND BOOZE v. OCWEN LOAN SERVICING, No. 23-12579 (11th Cir.)

Assigned Attorneys: Mariel Goetz (OGC)

Nature of Action: Action involving the Fair Debt Collection Practices Act's application to debt collectors collecting pay-to-pay fees.

Status: Brief of CFPB and FTC as amici curiae in support of plaintiffs-appellees filed 2/27/24.

IN RE BYSTOLIC ANTITRUST LITIGATION, No. 23-410 (2d Cir.)

Assigned Attorneys: Mariel Goetz (OGC)
Brad Grossman
Markus Meier (BC/HC)
Bradley Albert
Daniel Butrymowicz
Timothy Kamal-Grayson
Joseph Mathias

Nature of Action: Private action alleging reverse payment to impede generic entry by maker of the branded high blood pressure drug Bystolic.

Status: Brief for the FTC as amicus curiae filed 6/20/23.
Oral argument heard 12/7/23.
Opinion affirming the district court's dismissal with prejudice entered 5/13/24.

LOUIS v. BLUEGREEN VACATIONS, UNLIMITED, No. 22-12217 (11th Cir.)

Assigned Attorneys: Mariel Goetz (OGC)

Nature of Action: Private action raising questions regarding standing by active servicemember and his wife to sue their lender for violations of the Military Lending Act (MLA).

Status: Brief of CFPB and FTC as amici curiae filed in support of plaintiffs-appellants and reversal filed 11/21/22.
Oral argument heard 10/6/23.
Opinion affirming the decision below entered 6/7/24.

MAYER v. HOLIDAY INN CLUB VACATIONS, No. 22-11734 (11th Cir.)

Assigned Attorneys: Imad Abyad (OGC)
Mariel Goetz

Nature of Action: Private action raising questions whether Fair Credit Reporting Act's reasonable investigation requirement distinguishes between distinguish between "legal" and "factual" disputes.

Status: Brief of CFPB and FTC as amici curiae filed in support of plaintiffs-appellants and reversal filed 12/16/22.
Oral argument heard 10/3/23.
Decision and order affirming district court issued 4/24/24.

MYLAN PHARMACEUTICALS v. SANOFI-AVENTIS, No. 2:23-cv-836 (W.D. Penn.)

Assigned Attorneys: Neal Jonathan Perlman (BC/Health Care)

Nature of Action: Private action concerning the alleged monopolization of injectable insulin by abusing FDA regulatory processes through the "Orange Book."

Status: Brief for the FTC as amicus curiae in connection with defendant's motion to dismiss filed 11/20/23.
Case withdrawn by Mylan 7/17/24.

NELSON v. EXPERIAN, No. 24-10147 (11th Cir.)

Assigned Attorneys: Mariel Goetz (OGC)

Nature of Action: Action concerning the Fair Credit Reporting Act's requirement that credit

reporting agencies conduct a reasonable reinvestigation in response to a consumer's dispute regarding information contained in the consumer's file.

Status: Brief of CFPB and FTC as amici curiae in support of plaintiff-appellant filed 3/29/24.

NETCHOICEC, LLC v. ROB BONTA, No. 23-2969 (9th Cir.)

Assigned Attorneys: Alvaro M. Bedoya (Commissioner)

Nature of Action: Action challenging California's Age Appropriate Design Code Act.

Status: Brief of FTC Commissioner Alvaro Bedoya in support of defendant-appellant filed 12/20/23.

REGENERON PHARMACEUTICALS v. NOVARTIS PHARMA AG et al., No. 22-427 (2d Cir.)

Assigned Attorneys: Matthew Hoffman (OGC)
Mariel Goetz

Nature of Action: Private antitrust action raising product market definition questions.

Status: Amicus brief for the Commission and the United States in support of neither party filed 6/17/22.
Oral argument heard 10/11/23.
Opinion reversing and remanding the opinion below entered 3/18/24.

RITZ v. NISSAN-INFINITI, No. 23-2181 (3d Cir.)

Assigned Attorneys: Mariel Goetz (OGC)

Nature of Action: Action involving the Fair Credit Reporting Act's requirement that entities furnishing information to credit reporting agencies conduct an investigation with respect to disputed information.

Status: Brief of the CFPB and FTC as amici curiae in support of plaintiff-appellant filed 2/7/24.

ROBERTS v. CARTER-YOUNG, INC., No. 23-1911 (4th Cir.)

Assigned Attorneys: Mariel Goetz (OGC)
Matthew Hoffman

Nature of Action: Private action concerning the requirements of a furnisher regarding disputed credit information under the Fair Credit Reporting Act.

Status: Brief of the CFPB and FTC as amici curiae in support of plaintiff-appellant filed 12/8/23.

SULUKI V. CREDIT ONE BANK, No. 23-721 (2d Cir.)

Assigned Attorneys: Bradley Grossman (OGC)

Nature of Action: Private action concerning the duty of furnishers under the Fair Credit Reporting Act to dispute information on their credit reports.

Status: Brief of CFPB and FTC and amici curiae in support of plaintiff-appellant filed 10/2/2023.
Oral argument heard, with CFPB participating as amicus, on 6/26/24.

TERADATA v. SAP, No. 22-1286 (Fed. Cir.), No. 23-16065 (9th Cir.)

Assigned Attorneys: Patrick Kuhlmann (DOJ)
Bradley Grossman (OGC)

Nature of Action: Private action alleging illegal tying in violation of the antitrust laws, involving dismissal of the antitrust claims for failure to define the relevant markets.

Status: Brief for the United States and the Commission as amici curiae supporting neither party filed 5/25/22.
Oral argument held 6/8/23.
Order transferring appeal to 9th Cir. entered 8/1/23.
9th Cir. order granting parties' joint request to adopt Fed. Cir. briefing and DOJ/FTC amicus brief entered 9/14/23.
Oral argument heard 2/12/24.

SAGE CHEMICAL, INC v. SUPERNUS PHARMECUTICALS, INC No. 1:22-cv-1302 (D. Del.)

Assigned Attorneys: Markus Meier (BC/HC)
Bradley Albert

Daniel Butrymowicz
Rebekah Conlon
Rebecca Egeland

Nature of Action: Private action alleging that multiple defendants including Supernus Pharmaceuticals Inc. have engaged in unlawful strategies to delay or block entry of a generic version of the branded apomorphine drug Apokyn.

Status: Brief for the FTC as amicus curiae in connection with defendants' omnibus motion to dismiss filed 3/22/23.
Order denying defendants' omnibus motion to dismiss entered 5/9/24.

TEVA BRANDED PHARM. PRODUCTS R&D v. AMNEAL, No. 2:23-cv-20964 (D.N.J.)

Assigned Attorneys: Bradley Vettraino (OPP)
Ian Barlow
Rahul Rao
Anupama Sawkar
Matthew Frank
Clarke Edwards
Jordan Klimek

Nature of Action: Action involving patent infringement in the pharmaceutical industry and improper listing of patents in the Orange Book.

Status: Brief of the FTC as amicus curiae in support of defendant Amneal filed 3/22/24.

UNITED STATES SOCCER FEDERATION v. RELEVANT SPORTS, No. 23-120 (S. Ct.)

Assigned Attorneys: Mark S. Hegedus (OGC)
Austin L. Raynor (OSG)
Peter Bozzo (ATR)

Nature of Action: Petition for certiorari to the U.S. Court of Appeals for the Second Circuit in private antitrust action alleging unlawful agreement to restrain trade in promoting soccer games.

Status: Views brief of the United States, joined by the Commission, urging denial of the petition filed 3/14/24.
Petition denied 4/22/24.