

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 23-cv-22553-BLOOM/Torres

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HELLO HELLO MIAMI, LLC,
and LUIS E. LEON AMARIS a/k/a LUIS LEON,
individually and as an officer of HELLO HELLO
MIAMI, LLC,

Defendants.

DEFAULT FINAL JUDGMENT AND PERMANENT INJUNCTION

THIS CAUSE is before the Court upon Plaintiff United States of America's Motion for Default Final Judgment, ECF No. [23] (the "Motion") pursuant to Federal Rules of Civil Procedure 55(b) and 65 and 15 U.S.C. § 53(b) against Defendants Hello Hello Miami, LLC and Luis E. Leon Amaris, based on Defendants' violations of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 45(a), 45(m)(1)(A), 53(b), 56(a), and 57b, the Telemarketing and Consumer Fraud and Abuse Prevention Act ("Telemarketing Act"), 15 U.S.C. § 6105, and the Telemarketing Sales Rule ("TSR"), as amended, 16 C.F.R. Part 310. The Court has carefully considered the Motion, the record in this case, and the applicable law, and is otherwise fully advised. Accordingly, it is:

ORDERED AND ADJUDGED that:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court, having considered the Complaint and supporting declarations, the Motion for Entry of Default Judgment and Permanent Injunction, the Clerk of Court's entries of default, and being otherwise advised, finds that:

1. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331, 1337(a), 1345.
2. The United States District Court for the Southern District of Florida is the proper venue for this action under 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to this Complaint occurred in this district.
3. The Complaint states a claim upon which relief may be granted against Defendants under the FTC Act, 15 U.S.C. §§ 45(a), 45(m)(1)(A), 53(b), 56(a), and 57b, the Telemarketing Act, 15 U.S.C. § 6105, and the TSR, 16 C.F.R. Part 310.
4. Defendants Hello Hello Miami, LLC and Luis E. Leon Amaris executed waivers of service pertaining to this lawsuit on July 24, 2023, and September 15, 2023, respectively.
5. Defendants have failed to answer or otherwise defend this action.
6. The Clerk of the Court properly entered default against Defendant Hello Hello Miami, LLC on October 10, 2023. ECF No. 17.
7. The Clerk of the Court properly entered default against Defendant Luis E. Leon Amaris on November 20, 2023. ECF No. 21.
8. All well-pleaded allegations in the Complaint are taken as true because Defendants have defaulted. *Surtain v. Hamlin Terrace Found.*, 789 F.3d 1239, 1245 (11th Cir. 2015). The Court finds that the Complaint's allegations are well pleaded.
9. Defendants voice over internet protocol ("VoIP") services transmitted robocalls from foreign telemarketers to United States consumers. Many of these pre-recorded messages impersonated Amazon in order to fraudulently induce consumers to purchase goods or services or provide personal information. Of the over thirty-seven million calls transmitted by Defendants during the period from October 6, 2021, to February 20, 2022 (the "traceback period"), approximately 52% of the calls were to U.S. customers on the national Do Not Call Registry ("DNC Registry"). Almost

100% of these calls were of a duration of one minute or less. Massive volumes of very short calls are a distinct feature of fraudulent robocall campaigns.

10. Defendants repeatedly received notice that their customers were using their services to transmit these illegal robocalls, from both the Federal Communications Commission and the International Traceback Group, but failed to stop transmitting the traffic for months, if at all. Defendants' actions provided substantial assistance or support to customers that Defendants knew, or consciously avoided knowing, were transmitting calls that violated the TSR.

11. After receiving notice of the substance of their customers' calls, Defendants informed the FTC that they terminated a number of customers, including Invoketel, which Defendants claimed to have suspended on January 19, 2022. However, Defendants continued to transmit Invoketel's traffic, and collect payments from Invoketel, until at least May 15, 2022.

12. The Court finds that absent a permanent injunction, Defendants are likely to continue assisting the transmission of illegal telemarketing calls. Defendants' past actions, including misrepresenting facts to the FTC and transmitting illegal calls after being explicitly notified of the content of the calls, establishes an unacceptable risk that, absent a permanent injunction, Defendants will continue to violate the FTC Act, the Telemarketing Act, and the TSR.

13. In a case involving statutory enforcement under a statute that authorizes injunctive relief, "no specific finding of irreparable harm is necessary, no showing of the inadequacy of other remedies at law is necessary, and no balancing of the interests of the parties is required" in order for the Court to issue a permanent injunction. *See United States v. Livdahl*, 356 F. Supp. 2d 1289, 1290–91 (S.D. Fla. 2005).

14. Accordingly, a permanent injunction constraining Defendants' future activities and ensuring they cannot continue transmitting fraudulent calls on behalf of their clients is necessary in order to protect consumers.

15. This Court has the authority to issue this Default Final Judgment and Permanent Injunction pursuant to 15 U.S.C. 53(b) and Federal Rules of Civil Procedure 55(b) and 65.

16. For the purpose of this Order, the following definitions apply:

A. “**Assisting**” includes, but is not limited to, providing or reselling Voice Over Internet Protocol (“VoIP”) telephony services.

B. “**Defendants**” means Luis E. Leon Amaris, individually, and Hello Hello Miami, LLC, collectively, or in any combination.

a. “**Hello Hello Miami**” means Hello Hello Miami, LLC and its successors, and assignees.

b. “**Luis Leon**” means Luis E. Leon Amaris.

C. “**DNC Registry**” means the National Do Not Call registry, maintained by the FTC, of consumers who do not wish to receive certain types of telemarketing calls, established by the Telemarketing Sales Rule, 16 C.F.R. Part 310.

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

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

I. PERMANENT BAN ON ASSISTING AND FACILITATING

IT IS ORDERED that Defendants, whether acting directly or indirectly, are permanently restrained and enjoined from Assisting or providing substantial assistance or support to any Person that Defendants know, or should know, is engaged in initiating, causing the initiation of, or transmitting Telemarketing calls that (1) deliver prerecorded messages, (2) are placed to

numbers on the DNC Registry; or (3) impersonate another Person.

II. PROHIBITION ON VIOLATING THE TELEMARKETING SALES RULE

IT IS FURTHER ORDERED that Defendants, their agents, employees, and all other Persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with Telemarketing, are permanently restrained and enjoined from engaging in, causing others to engage in, or Assisting others engaging in violating the Telemarketing Sales Rule, 16 C.F.R. Part 310.

III. SCREENING OF CURRENT AND PROSPECTIVE CUSTOMERS

IT IS FURTHER ORDERED that Defendants, their agents, employees, and all other Persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are permanently restrained and enjoined from providing VoIP telephony services or telephone numbers to any new or prospective customer, without first engaging in a reasonable screening of that customer. For existing customers, such reasonable screening must occur and be completed within 60 days of the entry of this Order. For all customers, such reasonable screening must recur annually. Such reasonable screening must include, but not be limited to:

A. Obtaining from each prospective or current customer (including the principal(s) and controlling Person(s) with a majority interest in the entity, and any alter egos, corporate DBA names, trade name, fictitious name or aliases under which such Person(s) conduct or have conducted the business) the following information:

1. A description of the nature of the prospective customer's business, including describing the nature of the goods and services sold and methods of sale;

- a. For prospective customers who describe their business as involving

Telemarketing or telephone calls to solicit the purchase of goods or services or charitable contributions, obtaining the prospective customer's Subscription Account Number for accessing the DNC Registry, and determining whether the customer uses prerecorded messages. For any such customer that uses prerecorded messages, Defendants must ask the customer for evidence of express written agreement the customer obtained from each person called;

- b. For prospective customers who describe their business as involving the resale or offering of VoIP telephony services, the resale or licensing of telephone numbers, or any other telecommunications or information services, obtaining the prospective customer's Universal Service Fund registration number;
2. The name of the principal(s) and controlling Person(s) of the entity, and Person(s) with a majority ownership interest in the entity;
 3. The name of the entity's employee responsible for compliance with the Telemarketing Sales Rule and other state and federal laws governing Telemarketing and automated dialing;
 4. A list of all business and trade names, fictitious names, DBAs, and Internet websites under or through which the customer has transacted business;
 5. Each physical address at which the prospective customer has conducted business or will conduct the business(es) identified pursuant to subsection (1) of this Section III.A;
 6. The billing address and email address associated with the customer's

means and source of payment for Defendants' services, as well as the name of the Person or entity paying for Defendants' services.

7. The customer's federal taxpayer ID number;
8. The customer's state or country of incorporation or formation;
9. The names of trade and bank references;
10. Whether Defendants have received subpoenas, civil investigative demands, traceback requests or other complaints about the customer; and
11. Whether the prospective customer (including the principal(s), controlling Person(s) of the customer, and any Person(s) with a majority ownership interest in the customer) has ever been the subject of a lawsuit filed by the Federal Trade Commission ("Commission") or the subject of any other law enforcement action by any other state or federal agency.

B. Taking reasonable steps to review and assess the accuracy of the information provided pursuant to Section III.A of this Order, including but not limited to: (1) reviewing the Internet websites used by the customer; (2) reviewing public databases hosted by state governments that contain information about the incorporation or formation of business entities; (3) checking the Federal Communications Commission's website that publishes Universal Service Fund registration numbers; (4) searching the FTC's website to determine if the customer or its control Persons have been the subject of FTC enforcement action; (5) reviewing all subpoenas, civil investigative demands, and complaints about the customer; and (6) performing internet searches about the customer and its control Persons.

IV. CLIENT REVIEW AND TERMINATION

IT IS FURTHER ORDERED that:

- A. Defendants must immediately terminate, or refrain from entering into, any

business relationship with a customer if a review under Section III reveals that:

1. The customer is engaging in Telemarketing without a Subscription Account Number for accessing the DNC Registry;
2. The customer is offering VoIP telephony services, the resale or licensing of telephone numbers, or any other telecommunications or information services, without a current, valid Universal Service Fund registration number;
3. The customer states it does not have a taxpayer ID number;
4. The customer has provided false, inaccurate, or misleading information in response to Defendants' screening process pursuant to Section III; or
5. The customer refuses to provide any of the information described in Section III.

B. Defendants must also immediately terminate, or refrain from entering into, any business relationship with a customer if Defendants become aware of or obtain any information suggesting that the customer is engaging in conduct prohibited in Sections I or II of this Order.

V. MONETARY JUDGMENT FOR CIVIL PENALTY

A. Judgment in the amount of **\$211,275.69** is entered in favor of the Plaintiff against Luis Leon and Hello Hello Miami, jointly and severally, as a civil penalty.

B. Defendants are ordered to pay to Plaintiff, by making payment to the Treasurer of the United States, **\$211,275.69**. Such payment must be made within 7 days of entry of this Order by electronic fund transfer in accordance with instructions to be provided by a representative of the Plaintiff.

VI. ORDER ACKNOWLEDGMENTS

IT IS FURTHER ORDERED that:

- A. Defendants obtain acknowledgments of receipt of this Order:
- B. Each Defendant, within 7 days of entry of this Order, must submit to the Commission an acknowledgment of receipt of this Order sworn under penalty of perjury.
- C. For 20 years after entry of this Order, Luis Leon, for any business that he, individually or collectively with any other Defendant is the majority owner or controls directly or indirectly, and Hello Hello Miami, must deliver a copy of this Order to all employees having managerial responsibilities for VoIP services and all agents and representatives who participate in VoIP services, and any business entity resulting from any change in structure as set forth in the Section titled Compliance Reporting. Delivery must occur within 7 days of entry of this Order for current personnel. For all others, delivery must occur before they assume their responsibilities. From each individual or entity to which a Defendant delivered a copy of this Order, that Defendant must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

VII. COMPLIANCE REPORTING

IT IS FURTHER ORDERED that Defendants make timely submissions to the Commission:

- A. One year after entry of this Order, each Defendant must submit a compliance report, sworn under penalty of perjury:
 1. Each Defendant must: (a) identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the Commission and Plaintiff may use to communicate with Defendant; (b) identify all of that Defendant's businesses by all of their names, telephone numbers, and physical, postal, email, and Internet

addresses; (c) describe the activities of each business; and the involvement of any other Defendant (which Luis Leon must describe if they know or should know due to their own involvement); (d) describe in detail whether and how that Defendant is in compliance with each Section of this Order; and (e) provide a copy of each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to the Commission.

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

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

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

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

2. Each Defendant must submit to the Commission notice of the filing of any

bankruptcy petition, insolvency proceeding, or similar proceeding by or against such Defendant within 14 days of its filing.

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

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

VIII. RECORDKEEPING

IT IS FURTHER ORDERED that Defendants must create certain records for 20 years after entry of the Order, and retain each such record for 5 years. Specifically, Hello Hello Miami and Luis Leon, for any business that such Defendant, individually or collectively with any other Defendants is a majority owner or controls directly or indirectly, must create and retain the following records:

- A. Accounting records showing the revenues from all goods or services sold;
- B. Personnel records showing, for each person providing services, whether as an employee or otherwise, that person’s: name; addresses; telephone numbers; job title or position; dates of service; and (if applicable) the reason for termination; and
- C. All records necessary to demonstrate full compliance with each provision of this

Order, including all submissions to the Commission.

IX. COMPLIANCE MONITORING

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

A. Within 14 days of receipt of a written request from a representative of the Plaintiff or the Commission, each Defendant must: submit additional compliance reports or other requested information, which must be sworn under penalty of perjury; appear for depositions; and produce documents for inspection and copying. The Plaintiff and Commission are also authorized to obtain discovery, without further leave of court, using any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69.

B. For matters concerning this Order, the Plaintiff and the Commission are authorized to communicate directly with each Defendant. Defendant must permit representatives of the Plaintiff and the Commission to interview any employee or other person affiliated with any Defendant who has agreed to such an interview. The person interviewed may have counsel present.

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

D. Upon written request from a representative of the Commission or Plaintiff, any consumer reporting agency must furnish consumer reports concerning Luis Leon, pursuant to

Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C. §1681b(a)(1).

X. RETENTION OF JURISDICTION

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

DONE AND ORDERED in Chambers at Miami, Florida, on December 22, 2023.

A handwritten signature in black ink, appearing to be 'JB', written over a horizontal line.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record