

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

Case No. 24-cv-23976-ALTMAN/LETT

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

ECOM GENIE CONSULTING LLC, et al.

Defendants and Relief Defendants.

**STIPULATED ORDER FOR PERMANENT INJUNCTION, MONETARY  
JUDGMENT, AND OTHER RELIEF AS TO LUNAR CAPITAL VENTURES LLC  
AND PROFITABLE AUTOMATION, LLC**

Plaintiff, the Federal Trade Commission (“FTC”), filed its Complaint for Permanent Injunction, Monetary Judgment, and Other Relief pursuant to Sections 13(b) and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b) & 57b. Through counsel and the Court-appointed Receiver, having filed a joint motion, the FTC and Defendants Lunar Capital Ventures LLC and Profitable Automation, LLC. (“collectively, Stipulating Defendants”) stipulate to the entry of this Order for Permanent Injunction, Monetary Judgment, and Other Relief (“Order”) to resolve all matters in dispute in this action between them.

THEREFORE, IT IS ORDERED as follows:

**FINDINGS**

1. This Court has jurisdiction over this matter.
2. The Complaint charges that Stipulating Defendants participated in deceptive acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, in the marketing and selling of e-commerce business opportunities by making false or unsubstantiated earnings claims and violating multiple trade regulation rule provisions.

3. The FTC has sufficiently demonstrated that Stipulating Defendants have engaged in and are likely to engage in acts or practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the FTC's Trade Regulation Rule entitled "Disclosure Requirements and Prohibitions Concerning Business Opportunities", 16 C.F.R. Part 437, as amended, and that Plaintiff is therefore likely to prevail on the merits of this action. The FTC has established a likelihood of success in showing that Stipulating Defendants have made false or unsubstantiated statements, and engaged in other unfair or deceptive acts or practices in the marketing of business opportunities.

4. The FTC has sufficiently demonstrated that Defendants in this case have taken at least \$13.9 million from consumers in connection with their unlawful practices.

5. Stipulating Defendants neither admit nor deny any of the allegations in the Complaint, except as specifically stated in this Order. Only for purposes of this action, Stipulating Defendants admit the facts necessary to establish jurisdiction.

6. Stipulating Defendants waive and release any claims that they may have against the FTC, including any claim that they may have under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order, and agrees to bear their own costs and attorney fees.

7. Stipulating Defendants and the FTC waive all rights to appeal or otherwise challenge or contest the validity of this Order.

## DEFINITIONS

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

A. "**Assisting Others**" includes the following:

1. performing customer service functions, including receiving or responding to consumer complaints;

2. formulating or providing, or arranging for the formulation or provision of, any advertising or marketing material, including any telephone sales script, direct mail solicitation, or the design, text, or use of images of any Internet website, email, or other electronic communication;
3. formulating or providing or arranging for the formulation or provision of, any marketing support material or service, including web or Internet Protocol addresses or domain name registration for any Internet website, affiliate marketing services, or media placement services;
4. providing names of, or assisting in the generation of, potential customers;
5. performing marketing, billing, payment processing, or payment services of any kind; or
6. acting or serving as an owner, officer, director, manager, or principal of any entity.

B. “**Business Opportunity**” means a commercial arrangement in which:

1. A seller solicits a prospective purchaser to enter into a new business; and
2. The prospective purchaser makes a required payment; and
3. The seller, expressly or by implication, orally or in writing, represents that the seller or one or more designated persons will:
  - i. Provide locations for the use or operation of equipment, displays, vending machines, or similar devices, owned, leased, controlled, or paid for by the purchaser; or
  - ii. Provide outlets, accounts, or customers, including Internet outlets, accounts, or customers, for the purchaser’s goods or services; or

- iii Buy back any or all of the goods or services that the purchaser makes, produces, fabricates, grows, breeds, modifies, or provides, including providing payment for such services as, for example, stuffing envelopes from the purchaser's home.
- C. **“Defendants”** means Ecom Genie Consulting LLC; Lunar Capital Ventures LLC; Profitable Automation, LLC; Steven J. Mayer; Trevor Duffy Young; and Wessam Baiz; and relief defendants Alpine Management Group Inc.; Baiz Sales, LLC; Salespreneurs, LLC; and Vicenza Capital Corp.
- D. **“Earnings Claim(s)”** means any oral, written, or visual representation to a prospective purchaser that conveys, expressly or by implication, a specific level or range of actual or potential sales, or gross or net income or profits. Earnings Claims include, but are not limited to: (1) any chart, table, or mathematical calculation that demonstrates possible results based upon a combination of variables; and (2) any statements from which a prospective purchaser can reasonably infer that he or she will earn a minimum level of income.
- E. **“General Media”** means any instrumentality through which a person may communicate with the public, including, but not limited to, television, radio, print, Internet, billboard, website, commercial bulk email, and mobile communications.
- F. **“Receiver”** means Mark Bernet, the receiver appointed in Section XI of the Preliminary Injunctions entered as to each Defendant [ECF Nos. 40, 59, 63, and 64], and any deputy receivers that shall be named by the receiver.
- G. **“Receivership Entities”** includes Ecom Genie Consulting LLC; Lunar Capital Ventures LLC; Profitable Automation, LLC; Alpine Management Group Inc.; Baiz Sales, LLC; Salespreneurs, LLC; and Vicenza Capital Corp., as well as any other

entity that has conducted any business related to the marketing or sale of Defendants' business opportunities, including receipt of assets derived from any activity that is the subject of the Complaint in this matter, and that the Receiver determines is controlled or owned by any Defendant.

- H. **"Receivership Estate"** means all assets of the Receivership Entities, including:
- (a) any assets of the Receivership Entities currently in the possession of the Receiver;
  - (b) all the funds, property, premises, accounts, documents, mail, and all other assets of, or in the possession or under the control of the Receivership Entities, wherever situated, the income and profits therefrom, all sums of money now or hereafter due or owing to the Receivership Entities, and any other assets or property belonging or owed to the Receivership Entities; (c) any assets of the Receivership Entities held in asset protection trusts; (d) any reserve funds or other accounts associated with any payments processed on behalf of any Receivership Entities, including such reserve funds held by a payment processor, credit card processor, or bank; and (e) all proceeds from the sale of such assets, except those assets the sale of which the Receiver determines will not add appreciably to the value of the estate.
- I. **"Stipulating Defendants"** means Lunar Capital Ventures LLC ("Lunar") and Profitable Automation, LLC ("Profitable Automation").

## **ORDER**

### **I. BAN ON SELLING AND MARKETING BUSINESS OPPORTUNITIES**

IT IS ORDERED that Stipulating Defendants are permanently restrained and enjoined from advertising, marketing, promoting, distributing, or offering for sale, or Assisting Others in the advertising, marketing, promoting, distributing, or offering for sale of, any Business Opportunity.

## II. PROHIBITED BUSINESS ACTIVITIES

IT IS FURTHER ORDERED that Stipulating Defendants, and their agents, officers, employees, and attorneys, and all other persons in active concert or participation with them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or indirectly, in connection with the advertising, marketing, promoting, or offering for sale of any goods or services, are permanently restrained and enjoined from:

A. Making any Earnings Claims, or Assisting Others in making any Earnings Claims, to a prospective purchaser, unless the Earnings Claim is non-misleading and, at the time the Earnings Claim is made, Stipulating Defendants (1) have a reasonable basis for the Earnings Claim; (2) have in their possession written materials that substantiate the claimed earnings and that the claimed earnings are typical for consumers similarly situated to those to whom the claim is made; and (3) make the written substantiation for Earnings Claims available upon request to the consumer, potential purchaser or investor, the Receiver, or the FTC;

B. Making any Earnings Claims in the General Media, or Assisting Others in making any Earnings Claims in the General Media, unless the Earnings Claim is non-misleading and, at the time the Earnings Claim is made, Stipulating Defendants (1) have a reasonable basis for the Earnings Claim; (2) have in their possession written substantiation of any Earnings Claims; and (3) state in immediate conjunction with the claim (a) the beginning and ending dates when the represented earnings were achieved and (b) the number and percentage of all persons who purchased the good(s) or service(s) offered prior to the ending date in Section II.B.3.a who achieved at least the stated level of earnings;

C. Making, or Assisting Others in making, false or unsubstantiated testimonials about Defendants or any companies advertised by Defendants, or failing to disclose that positive reviews

of, and testimonials about, Defendants or companies advertised by Defendants were made by Defendants' current or former owners, officers, employees, affiliate marketers or agents;

D. Misrepresenting, or Assisting Others in misrepresenting, terms or conditions of refund or cancellation policies in the marketing of goods or services; and

E. Misrepresenting or Assisting Others in misrepresenting, expressly or by implication, any other fact material to consumers concerning any good or service, such as: the total costs; the amount of time necessary to achieve the represented results; any material restrictions, limitations, or conditions; or any material aspect of its performance, efficacy, nature, or central characteristics.

### **III. MONETARY JUDGMENT**

IT IS FURTHER ORDERED that:

A. Judgment in the amount of Thirteen Million Nine Hundred Eighty Eight Thousand Seven Hundred and Twelve Dollars (\$13,988,712) is entered in favor of the FTC against Lunar Capital Ventures LLC as monetary relief. Lunar's liability for the judgment shall be joint and several with other Defendants to the extent previously or subsequently ordered.

B. Judgment in the amount of Six Million Twenty-Four Thousand Two Hundred and Eleven Dollars (\$6,024,211) is entered in favor of the FTC against Profitable Automation, LLC as monetary relief. Profitable Automation's liability for the judgment shall be joint and several with any other Defendants to the extent previously or subsequently ordered

C. In partial satisfaction of the judgment against the Stipulating Defendants, immediately upon entry of this Order, Stipulating Defendants are ordered to surrender to Receiver all control, title, dominion, and interest each has to the following assets:

- i All interest the Stipulating Defendants have in funds in any accounts in the name of the Receivership Entities;
- ii All cash held by the Receiver; and

- iii All assets owned by the Receivership Entities, including any real, personal, or intellectual property, chattel, goods, instruments, equipment, fixtures, general intangibles, effects, leaseholds, claims and causes of action, contracts, mail, or other deliveries, shares or stock, securities, inventory, checks, notes, accounts, credits, receivables, insurance policies, lines of credit, cash, trusts (including asset protection trusts), lists of consumer names and reserve funds or any other accounts associated with any payments processed by, or on behalf of, Lunar Capital Ventures LLC, Ecom Genie LLC, or Profitable Automation, LLC.

D. To the extent they are not already in the possession of the Receiver, Stipulating Defendants shall deliver the assets identified in Subsection C above to the Receiver's possession within 7 days of the entry of this Order, or shall make satisfactory arrangements with the Receiver to transfer title and ownership. Stipulating Defendants shall cooperate fully with the Receiver and take such steps as the Receiver may require in the Receiver's sole and absolute opinion and judgment, including executing any documents and providing any necessary information, to cause the transfer to the Receivership Estate of legal and equitable title to the property and assets identified in Subsection C above.

E. Except for the lists of consumer names and customer information identified in Section IV below, the Receiver shall, as soon as practicable, commence the sale of the unliquidated assets identified in Subsections C above and surrendered pursuant to this Order using a commercially reasonable procedure. The Receiver shall hold the surrendered assets, and the proceeds from the sale of the unliquidated assets, for future transfer in accordance with further instructions from the Court.

F. Stipulating Defendants relinquish dominion and all legal and equitable right, title, and



interest in all assets transferred pursuant to this Order and may not seek the return of any assets.

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

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

I. Stipulating Defendants acknowledge that their Tax Identification Numbers (Social Security Numbers or Employer Identification Numbers), which they previously provided to the FTC, may be used for reporting and other lawful purposes, including collecting on any delinquent amount arising out of this Order in accordance with 31 U.S.C. § 7701.

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

K. The freeze of Stipulating Defendants' assets imposed under Section III of the Preliminary Injunction issued on November 4, 2024 (ECF No. 38), is modified to permit the payment and transfers identified in Subsection C of this Section. Upon completion of such

payments and/or transfers, the asset freeze imposed under the Preliminary Injunction Order is dissolved as to Stipulating Defendants.

L. Stipulating Defendants must fully cooperate with the FTC as to the asset freeze. Stipulating Defendants must take all steps reasonably necessary to assist in the transfer of each asset identified in Subsection C. If required to execute appropriate documents to transfer any asset identified in Subsection C, Stipulating Defendants must execute such documents within three days of a written request from a representative of the FTC.

#### **IV. BAN ON USE OF CUSTOMER INFORMATION**

IT IS FURTHER ORDERED that Stipulating Defendants, and their agents, officers, employees, and attorneys, and all other persons in active concert or participation with them are permanently restrained and enjoined from directly or indirectly:

A. Failing to provide sufficient customer information to enable the FTC to efficiently administer consumer redress. Stipulating Defendants represent that they have provided this redress information to the FTC, including all information in their possession, custody, and control. If a representative of the FTC requests in writing any information related to redress, Stipulating Defendants must provide it, in the form prescribed by the FTC, within 14 days;

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

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

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

## **V. COOPERATION**

IT IS FURTHER ORDERED that Stipulating Defendants must fully cooperate with representatives of the FTC and the Receiver in this case and in any investigation related to or associated with the transactions or the occurrences that are the subject of the Complaint. Stipulating Defendants must provide truthful and complete information, evidence, and testimony. Stipulating Defendants must appear for interviews, discovery, hearings, trials, and any other proceedings that an FTC representative or the Receiver may reasonably request upon 5 days written notice, or other reasonable notice, at such places and times as an FTC representative may designate, without the service of a subpoena.

## **VI. RECEIVERSHIP**

IT IS FURTHER ORDERED that the Receiver shall take the necessary steps to wind down the businesses of the Receivership Entities, liquidate assets, and pay any net proceeds to the FTC to satisfy the monetary judgment in this Order. In carrying out these duties, the Receiver shall be the agent of this Court, shall be accountable directly to this Court, and is authorized and directed to:

A. Take any and all steps that the Receiver concludes are appropriate to wind down the affairs of the Receivership Entities.

B. Continue to exercise full control over the Receivership Entities and continue to collect, marshal, and take custody, control, and possession of all the funds, property, premises, accounts, documents, mail, and other assets of, or in the possession or under the control of the Receivership Entities, wherever situated, the income and profits therefrom, and all sums of money now or hereafter due or owing to the Receivership Entities.

C. Continue to have full control over the management and personnel of the Receivership Entities.

D. Take all steps necessary or advisable, including issuing subpoenas, to locate and liquidate all other assets of the Receivership Entities, cancel the Receivership Entities' contracts, collect on amounts owed to the Receivership Entities, and take such other steps as may be necessary to wind down the Receivership Entities efficiently.

E. To the extent not already completed, the Receiver shall as soon as practicable after the entry of this Order, take exclusive custody, control, and possession of all assets identified in Section III.C of this Order.

F. Sell the nonliquidated assets of the Receivership Estate using commercially reasonable procedure without further order of the Court.

G. The Receiver shall give reasonable notice to the FTC of any settlements or compromises by the Receiver concerning the Receivership Estate, before the settlement or compromise is consummated. Within 20 days of this notice, the FTC shall have the opportunity to object to any such settlement, by filing a motion with the Court.

H. Make payments and disbursements from the Receivership Estate that are necessary or advisable for carrying out the directions of, or exercising the authority granted by, this Order. The Receiver shall apply to the Court for prior approval of any payment of any debt or obligation incurred by the Receivership Entities prior to the date of entry of the temporary restraining order in this action, except payments that the Receiver deems necessary or advisable to ensure assets of the Receivership Entities are not lost, stolen, or dissipated.

I. Institute actions or proceedings in state, federal, or foreign courts as the Receiver deems necessary and advisable to preserve or recover the assets of the Receivership Entities, or that

the Receiver deems necessary and advisable to carry out the Receiver's mandate under this Order, including actions challenging fraudulent or voidable transfers.

J. Defend any or all actions or proceedings instituted against the Receivership Entities, as the Receiver deems necessary and advisable to preserve the assets of the Receivership Entities.

K. Continue to maintain accurate records of all receipts and expenditures incurred as the Receiver.

L. Perform all acts necessary or advisable to complete an accurate accounting of assets of the Receivership Estate, and prevent unauthorized transfer, withdrawal, or misapplication of said assets.

M. Continue to be entitled to reasonable compensation for the performance of the Receiver's duties pursuant to this Order, including duties performed by the Receiver's agents, including accountants and lawyers, and for the cost of actual out-of-pocket expenses incurred by them, from the assets of the Receivership Estate, at the hourly rate previously agreed to by the Receiver.

## **VII. RECEIVERSHIP TERMINATION**

IT IS FURTHER ORDERED that:

A. Unless extended for good cause shown, no later than 180 days from entry of the Order for Permanent Injunction, Monetary Judgment, and Other Relief having been entered as to all Defendants, the Receiver shall file and serve on the parties a report (the "Final Report") to the Court that details the steps taken to dissolve the Receivership Estate. The Final Report must include an accounting of the Receivership Estate's finances and total assets and a description of what other actions, if any, must be taken to wind down the Receivership.

B. The Receiver shall mail copies of the Final Report to all known creditors of the Receivership Entities with a notice stating that any objections to paying any assets of the Receivership

Entities to satisfy the Receiver's costs and expenses and the monetary judgment set forth in this Order must be submitted to the Court and served by mail upon the Receiver and the parties within twenty-eight (28) days of the mailing of the Final Report.

C. No later than fourteen (14) days after submission of the Final Report, the Receiver shall file an application for payment of compensation and expenses associated with his performance of his duties as Receiver.

D. The Court will review the Final Report and any objections to the report and, absent a valid objection, will issue an order directing that the Receiver:

1. Pay the reasonable costs and expenses of administering the Receivership, including compensation of the Receiver and the Receiver's personnel authorized by Section VI of this Order or other orders of this Court and the actual out-of-pocket costs incurred by the Receiver in carrying out his duties;
2. Pay all remaining funds to the FTC or its designated agent to reduce the monetary judgment in Section III.

E. With Court approval, the Receiver may hold back funds for a specified period as a reserve to cover additional fees and costs related to actions to be addressed in a supplemental application. If the Receiver does not make a supplemental application for fees and expenses within the specified period, or if funds remain in the reserve funds after the payment of fees and expenses approved by the Court in response to such a supplemental application, all funds in the reserve funds shall be immediately paid to the FTC or its designated agents.

F. Any and all uncollected judgments obtained for the benefit of the Stipulating Defendants shall be assigned to the FTC for further collection efforts.

### **VIII. ORDER ACKNOWLEDGMENTS**

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

A. Stipulating Defendants, within 7 days of entry of this Order, must submit to the FTC an acknowledgment of receipt of this Order sworn under penalty of perjury.

B. For 10 years after entry of this Order, Stipulating Defendants, for any business that they are the majority owner or control directly or indirectly, must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees having managerial responsibilities for conduct related to the subject matter of the Order and all agents, officers, and representatives who participate in conduct related to the subject matter of the Order; and (3) any business entity resulting from any change in structure as set forth in the Section titled Compliance Reporting. Delivery must occur within 7 days of entry of this Order for current personnel. For all others, delivery must occur before they assume their responsibilities.

C. From each individual or entity to which Stipulating Defendants delivered a copy of this Order, Stipulating Defendants must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

### **IX. COMPLIANCE REPORTING**

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

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

(a) identifying the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the FTC may use to communicate with Defendant;

(b) identifying all business activities, including any business for which the Defendant performs services whether as an employee or otherwise and any entity in which the Defendant has any ownership interest;

(c) describing in detail the Defendant's involvement in each such business, including title, role, responsibilities, participation, authority, control, and any ownership;

(d) identifying all of the Defendant's businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses;

(e) describing the activities of each business, including the goods and services offered, the means of advertising, marketing, and sales, and the involvement of any other Defendant;

(f) describing in detail whether and how the Defendant is in compliance with each Section of this Order; and

(g) providing a copy of each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to the FTC.

B. For 10 years after entry of this Order, each Stipulating Defendant must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the following:

(a) name, including aliases or fictitious name, or residence address;

(b) any designated point of contact;

(c) title or role in any business activity, including any business for which the Stipulating Defendant performs services whether as an employee or otherwise and any entity in which the Stipulating Defendant has any ownership interest, and identify the name, physical address, and any Internet address of the business or entity; or

(d) the structure of any entity that the Stipulating 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.

C. Stipulating Defendants must submit to the FTC notice of the filing of any bankruptcy petition, insolvency proceeding, or similar proceeding by or against them within 14 days of its filing.

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

E. Unless otherwise directed by an FTC representative in writing, all submissions to the FTC pursuant to this Order must be emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: FTC v. Ecom Genie Consulting LLC et al. (Steven J. Mayer et al.), No. 24-cv-23976 (X250005).

## **X. RECORDKEEPING**

IT IS FURTHER ORDERED that Stipulating Defendants must create certain records for 10 years after entry of the Order, and retain each such record for 5 years. Specifically, Stipulating Defendants for any business that they are a majority owner or control directly or indirectly, must create and retain the following records:

- A. accounting records showing the revenues from all goods or services sold;
- B. personnel records showing, for each person providing services, whether as an employee or otherwise, that person’s: name; addresses; telephone numbers; job title or position;

dates of service; and (if applicable) the reason for termination;

C. records of all consumer complaints and refund requests, whether received directly or indirectly, such as through a third party, and any response;

D. all records necessary to demonstrate full compliance with each provision of this Order, including all submissions to the FTC; and

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

## **XI. COMPLIANCE MONITORING**

IT IS FURTHER ORDERED that, for the purpose of monitoring Stipulating Defendants' compliance with this Order, including the financial representations upon which 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 FTC, Stipulating Defendants must: submit additional compliance reports or other requested information, which must be sworn under penalty of perjury; appear for depositions; and produce documents for inspection and copying. The FTC is also authorized to obtain discovery, without further leave of court, using any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30 (including depositions by remote means), 31, 33, 34, 36, 45, and 69.

B. For matters concerning this Order, the FTC is authorized to communicate directly with Stipulating Defendants. The FTC will use reasonable efforts to also communicate with or copy any known counsel. Stipulating Defendants must permit representatives of the FTC to interview any employee or other person affiliated with Stipulating Defendants who has agreed to such an interview. The person interviewed may have counsel present.

C. The FTC may use all other lawful means, including posing, through its representatives as consumers, suppliers, or other individuals or entities, to Stipulating Defendants or any individual or entity affiliated with them, without the necessity of identification or prior notice.

Nothing in this Order limits the FTC's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

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

## **XII. RETENTION OF JURISDICTION**

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

**SO ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

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UNITED STATES DISTRICT JUDGE

**SO STIPULATED AND AGREED:**

**FOR PLAINTIFF:**

**FEDERAL TRADE COMMISSION**

/s/ Molly Rucki

Date: July 16, 2025

Sara Tonnesen  
Molly Rucki  
Attorneys  
Federal Trade Commission  
600 Pennsylvania Avenue, NW, CC-8543  
Washington, DC 20580  
(202) 326-2879; stonnesen@ftc.gov  
(202) 326-3774; mrucki@ftc.gov

**FOR DEFENDANT LUNAR CAPITAL VENTURES LLC:**

/s/ Mark Bernet, Receiver

Date: June 18, 2025

Mark Bernet, Receiver

**FOR DEFENDANT PROFITABLE AUTOMATION, LLC:**

/s/ Mark Bernet, Receiver

Date: June 18, 2025

Mark Bernet, Receiver