

**SEMIANNUAL FEDERAL COURT  
LITIGATION STATUS REPORT**

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

June 30, 2023

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**SUMMARY OF CASES**

	<b>Dist. Ct.</b>	<b>Ct. App.*</b>	<b>S. Ct.</b>	<b>Total</b>
PETITIONS FOR REVIEW	0	2	0	2
INJUNCTION AND CONSUMER REDRESS CASES	42	14	1	57
CIVIL PENALTY AND ENFORCEMENT CASES	29	1	0	30
SUBPOENA AND CID ENFORCEMENTS	5	0	0	5
SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION	15	4	1	20
AMICUS CURIAE BRIEFS	2	10	0	12
<b>TOTALS</b>	<b>93</b>	<b>31</b>	<b>2</b>	<b>126</b>

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\* 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**

***ILLUMINA v. FTC***, No. 23-60167 (5th Cir.)

Parties: Illumina, Inc.  
Grail, LLC

Assigned Attorneys: Matthew Hoffman (OGC)  
Anisha Dasgupta

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

Status: Petition for review filed 4/5/23.  
Illumina and Grail's opening brief filed 6/5/23; Commission's answering  
brief due 7/26/23; Illumina and Grail's reply brief due 8/16/23.  
Oral argument scheduled for 9/12/23.

***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 6/10/22; Traffic Jam's reply brief filed  
9/9/22.  
Oral argument held 5/3/23.

**(B) Rulemakings**

(None Pending)

**INJUNCTIONS AND CONSUMER REDRESS**

**(A) Preliminary Injunctions (Mergers/Acquisitions)**

***FTC v. AMGEN***, No. 1:23-cv-03053 (N.D. Ill.)

Parties: Amgen Inc.  
Horizon Therapeutics PLC  
States of New York, California, Illinois, Minnesota, Washington, and  
Wisconsin (Co-Plaintiffs)

Assigned Attorneys: Nathan Brenner (Office of Director/BC)  
Jordan Andrew (BC/Mergers I)  
Jacob Danziger  
Evelyn Hopkins  
Evan Johnson  
Matt Joseph  
Stephen Mohr  
Dylan Naegele  
Tyler Sanborn  
Anjelica Sarmiento  
Andrew Scheperle  
Hilla Shimshoni  
Jessica Weiner  
Rachel Sifuentes (BCP/MRO)

Nature of Action: Action for preliminary injunction to block the proposed acquisition of  
Horizon Therapeutics PLC., a pharmaceutical company, by Amgen Inc.

Status: Complaint filed 5/16/23.  
Stipulated TRO entered 5/17/23.  
Amended complaint filed 6/22/23.  
Answer to amended complaint and counterclaims filed 6/29/23.

***FTC v. INTERCONTINENTAL EXCHANGE*** No. 3:23-cv-1710 (N.D. Cal.)

Parties: Intercontinental Exchange, Inc  
Black Knight, Inc

Assigned Attorneys: Abby Dennis (Office of Director/BC)  
Neal Jonathan Perlman  
Susan Musser  
Janet Kim (BC/Mergers II)  
Laura Antonini  
Ashley Masters (BC/Mergers III)  
Caitlin Cipicchio

Catharine Bill  
Christopher Lamar  
Daniel Aldrich  
Jessica Drake  
Lauren Sillman  
Nicolas Stebinger  
Nina Shishir Thanawala  
Peter Alan Richman  
Steven Couper  
Christopher Matthew Megaw (BC/Mergers IV)

Nature of Action: Action for preliminary injunction to block proposed acquisition of rival mortgage loan technology provider Black Knight, Inc by Intercontinental Exchange, Inc (ICE).

Status: Complaint filed 4/10/23.  
Emergency motion for TRO filed 4/21/23.  
Defendants' answers to complaint and affirmative defenses filed 4/25/23.  
Commission's motion to strike affirmative defenses filed 5/16/23.  
Defendants' response to Commission's motion to strike filed 5/30/23.  
Commission's reply filed 6/6/23.  
Status conference held 6/22/23.  
Defendants; submission addressing the court's authority to stay the administrative hearing filed 6/23/23; Commission's response filed 6/28/23.

***FTC v. LOUISIANA CHILDREN'S MEDICAL CENTER***, No. 2:23-cv-1890 (E.D. La.); No. 1:23-cv-01103 (D.D.C.)

Parties: Louisiana Children's Medical Center  
HCA Healthcare, Inc.  
Attorney General of the State of Louisiana (Intervenor)

Assigned Attorneys: Daniel Matheson (Office of Director/BC)  
James Weingarten  
Susan Musser  
Neal Perlman  
Adam Pergament (Mergers IV/BC)  
Mark Seidman  
Stephen Rodger (Mergers I/BC)

Nature of Action: Action to require compliance with filing requirements of HSR Act in connection with acquisition by Louisiana Children's Medical Center (LCMC) of three competing hospitals from HCA Healthcare, and for preliminary injunction pending court's ruling on the merits.

Status: Petition filed 4/20/23.  
Defendants' motions to dismiss for lack of personal jurisdiction and to transfer case filed 4/24/23; Commission's opposition to motions filed 4/26/23; Defendants' reply filed 4/28/23.  
Order denying motion to dismiss as moot and granting motion to transfer case entered 5/23/23.  
Case transferred to E.D. La. 6/7/23.  
Motion to intervene by to Intervene by Attorney General of the State of Louisiana filed 6/9/23.  
Defendant's motion to consolidate case with *Louisiana Children's Medical Center v. Attorney General of the United States*, No. 2:23-1305, filed 6/13/23.  
Defendants' answer to petition filed 6/20/23.  
Order granting motion to consolidate cases entered 6/22/23.

***FTC v. META PLATFORMS, INC. et al.***, No. 5:22-cv-04325 (N.D. Cal.)

Parties: Meta Platforms, Inc.  
Within Unlimited, Inc.

Assigned Attorneys: Abby Dennis (Office of Director/BC)  
Susan Musser  
Jeanine Balbach (BC/Mergers II)  
Peggy Bayer Femenella  
Eric Elmore  
Justin Epner  
Joshua Goodman  
Sean Hughto  
Frances Anne Johnson  
Andrew Lowdon  
Lincoln Mayer  
Timothy Singer  
Michael Barnett (BC/Mergers I)  
Adam Pergament (BC/ Mergers IV)  
Anthony Saunders  
Bradley Grossman (OGC)

Nature of Action: Action for preliminary injunction to block the proposed acquisition of Within Unlimited, Inc., a virtual reality fitness company, by Meta Platforms, Inc.

Status: Complaint filed 7/27/22.  
TRO entered 7/29/22.  
Amended Complaint filed 10/7/22.  
Commission's motion to strike certain affirmative defenses filed 9/9/22;  
Defendants' opposition filed 9/23/22; Commission's reply filed

9/30/22; oral argument heard 10/21/22; motion granted in part 11/2/22.

Defendants' motion to dismiss amended complaint filed 10/13/22;  
Commission's opposition filed 10/27/22; Defendants' reply filed 10/31/22.  
Commission's motion for preliminary injunction filed 10/31/22;  
Defendants' opposition filed 11/14/22; Commission's reply filed 11/21/22.

Evidentiary hearing held from 12/8/22 to 12/20/22.

Order denying preliminary injunction entered 1/31/23.

***FTC v. MICROSOFT CORP.***, No. 3:23-cv-2880 (N.D. Cal.)

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

Assigned Attorneys: James Harris Weingarten (Office of Director/BC)  
Jennifer Fleury  
Amanda Leigh Butler (BC/Mergers II)  
Cem Akleman  
David Morris  
Edmund Saw  
Ethan Gurwitz  
Joseph Alexander Ansaldo  
James Abell  
James Gossmann  
Kassandra DiPietro  
Maria Cirincione  
Meredith Levert  
Merrick Pastore  
Michael Blevins  
Michael Anthony Franchak  
Nicole Callan  
Peggy Femenella  
Stephen Santulli  
Erika Ruth Wodinsky (WR-SF)

Nature of Action: Action for preliminary injunction to block proposed acquisition of Activision Blizzard, Inc by Microsoft Corporation.

Status: Complaint filed 6/12/23.  
TRO entered 6/13/23.  
Evidentiary hearing held on 6/22/23 to 6/29/23.



**(B) Preliminary Injunctions (Other)**

(None Pending)

**(C) Permanent Injunctions/Consumer Redress\***

***FTC v. ACRO Services LLC***, No. 3:22-cv-00895 (M.D. Tn.)

Parties: ACRO Services, LLC, also d/b/a Capital Compliance Solutions  
American Consumer Rights Organization, also d/b/a Tristar Consumer  
Law Organization  
First Call Processing LLC  
Music City Ventures, Inc., also d/b/a Tri Star Consumer Group  
Nashville Tennessee Ventures, Inc., also d/b/a Integrity Resolution Group  
Reliance Solutions, LLC, also d/b/a Reliance Services, LLC  
Thacker & Associates Int'l LLC  
Consumer Protection Resources, LLC  
Sean Austin  
John Steven Huffman  
John Preston Thompson

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

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and  
Telemarketing Sales Rule in connection with the sale of purported credit  
card debt relief services.

Status: Complaint filed 11/7/22.  
TRO entered 11/21/22.  
Stipulated preliminary injunction order entered 12/13/22.  
Stipulated orders for permanent injunction and monetary judgment entered  
4/28/23.  
Commission's motion for default judgment as to ACRO Services LLC,  
American Consumer Rights Organization, Consumer Protection  
Resources, LLC, First Call Processing LLC, Music City Ventures,  
INC., Nashville Tennessee Ventures, Inc., Reliance Solutions,  
LLC, Thacker & Associates Int'l LLC filed 6/16/23.

***FTC v. AMERICAN VEHICLE PROTECTION CORP.***, No 0:22-cv-60298 (S.D. Fla.)

Parties: American Vehicle Protection Corp.  
Tony Gonzalez

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

Tony Gonzalez Consulting Group, Inc.  
Charles Gonzales  
CG3 Solutions, Inc.  
Daniel Kole  
Kole Consulting Group, Inc.

Assigned Attorneys: Hans Clausen (SER)  
Christopher Gleason  
Harold Kirtz

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 purported extended automobile warranties.

Status: Complaint filed 2/2/22.  
Order consolidating case with No. 22-cv-60301 entered 2/28/22.  
Motion to dismiss complaint by defendants filed 3/25/22; FTC's opposition filed 4/8/22; defendants' reply filed 4/15/22.  
Defendants' motion to dismiss denied 10/24/22.  
Stipulated order for permanent injunction and monetary judgment as to defendants American Vehicle Protection Corp., CG3 Solutions, Tony Gonzalez Consulting Group, Tony Gonzales, and Charles Gonzales entered 3/27/23.  
Joint motion to stay proceedings for 60 days to complete settlement negotiations filed 5/2/23.  
Commission's notice of settlement filed 6/22/23.  
Stipulated order for permanent injunction and monetary judgment as to defendants Daniel Kole and Kole Consulting Group, Inc. entered 6/23/23.  
Order closing case entered 6/27/23.

***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: Amy Hocevar (ECR)

Christian Capece  
Derek Diaz  
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.

***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

**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 due 8/30/23.

***FTC v. APEX CAPITAL GROUP, LLC***, No. 22-55342 (9th Cir.); No. 2:18-cv-09573 (C.D. Cal.)

Parties:

- Apex Capital Group, LLC
- Capstone Capital Solutions Limited
- Clik Trix Limited
- Empire Partners Limited
- Interzoom Capital Limited
- Lead Blast Limited
- Mountain Venture Solutions Limited
- Nutra Global Limited
- Omni Group Limited
- Rendezvous it Limited
- Sky Blue Media Limited
- Tactic Solutions Limited
- Phillip Peikos
- David Barnett
- SIA Transact Pro
- Mark Moskvins
- Thomas W. McNamara (Receiver)
- Wells Fargo & Co. (Proposed Intervenor)
- Wells Fargo Bank N.A. (Proposed Intervenor)

Assigned Attorneys: Jonathan W. Ware (BCP/ENF)  
Sarah Waldrop  
Delilah Vinzon (WRO/LA)  
Michael Bergman (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Restore Online Shoppers' Confidence Act, and the Electronic Fund Transfer Act in connection with the marketing of supposedly "free trial" offers for personal care products and dietary supplements online.

Status: Complaint filed 11/14/18.  
Ex parte TRO entered 11/16/18.  
Stipulated preliminary injunctions entered 12/19/18.  
Amended complaint naming SIA Transact Pro and Mark Moskvins filed 5/30/19.  
Stipulated orders for permanent injunction and monetary judgment as to David Barnett, Phillip Peikos, Apex Capital Group, LLC, Capstone Capital Solutions Limited, Klik Trix Limited, Empire Partners Limited, Interzoom Capital Limited, Lead Blast Limited, Mountain Venture Solutions Limited, Nutra Global Limited, Omni Group Limited, Rendezvous IT Limited, Sky Blue Media Limited, and Tactic Solutions Limited entered 9/11/19.  
Stipulated order for permanent injunction and monetary judgment as to Mark Moskvins and SIA Transact Pro entered 1/15/20.  
Motion to set aside monetary judgment in light of *AMG* filed 7/9/21; Commission's opposition filed 8/9/21; reply filed 8/16/21; motion denied 9/3/21.  
Wells Fargo's motion to intervene to challenge monetary judgment filed 1/18/22; Commission's opposition filed 2/7/22; Wells Fargo's reply filed 2/21/22; order denying motion to intervene entered 3/10/22.  
Wells Fargo's notice of appeal filed 3/31/22.  
Wells Fargo's opening brief filed 8/10/22; Commission's answering brief filed 10/11/22; Receiver's answering brief filed 10/11/22; Wells Fargo's reply filed 12/1/22.  
Oral argument scheduled for 10/20/23.

***FTC v. BCO CONSULTING SERVICES, INC.***, No. 8:23-cv-00699-JWH (ADSx) (C. D. Cal.)

Parties: BCO Consulting Services, Inc. d/b/a Students Loan Services LLC  
SLA Consulting Services Inc. f/k/a Student Loan Advocates LLC  
Gianni Olilang  
Brandon Clores  
Kishan Bhakta  
Allan Radam

Assigned Attorneys: Katherine Aizpuru (BCP/DFP)  
Samuel Jacobson  
Mary Weaver

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Telemarketing Act, and the Gramm-Leach-Bliley Act in connection with the marketing and sale of student loan debt relief services.

Status: Complaint filed 4/24/23.  
Ex parte TRO entered 5/2/23; amended ex parte TRO entered 5/3/23; TRO extended 5/16/23.  
Stipulated preliminary injunction entered 5/22/23.

***FTC v. BINT OPERATIONS LLC***, No. 4:21-cv-00518-KGB (E.D. Ark.)

Parties: BINT Operations LLC  
Lashonda Moore  
Marlon Deandre Moore  
State of Arkansas (Co-Plaintiff)

Assigned Attorneys: Reid Tepfer (SWR)  
Luis Gallegos  
Anne Lejeune  
David Alex  
Serena Mosley-Day

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Consumer Review Fairness Act, and Arkansas state consumer protection laws in connection with the operation of a “blessing loom” style pyramid scheme.

Status: Complaint filed 6/16/21.  
Defendants’ motion to dismiss for lack of jurisdiction filed 8/05/21;  
motion denied 3/31/22.  
Commission’s motion for summary judgment filed 1/27/23; defendants’  
opposition filed 2/16/23; Commission’s reply filed 2/18/23.

***FTC v. CONSUMER DEFENSE, LLC***, Nos. 18-15462, 19-16000, 19-17326; 20-15143, 20-15144 (9<sup>th</sup> Cir.); No. 2:18-cv-00030 (D. Nev.)

Parties: Consumer Defense, LLC  
Consumer Link, Inc.  
Preferred Law, PLLC  
American Home Loan Counselors

Consumer Defense Group, LLC (formerly known as Modification Review Board, LLC)  
Consumer Defense, LLC  
Brown Legal, Inc.  
AM Property Management, LLC  
Fmg Partners, LLC  
Zinly, LLC  
Jonathan P. Hanley  
Benjamin R. Horton  
Sandra X. Hanley  
American Home Loans, LLC

Assigned Attorneys: Gregory Ashe (BCP/FP)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Mortgage Assistance Relief Service Rule in connection with the marketing and sale of mortgage assistance relief.

Status: Complaint filed 1/8/18.  
TRO entered 1/10/18.  
FTC Motion for preliminary injunction filed 1/8/18; Defendants' opposition filed 2/12/18; Commission reply filed 2/14/18; Preliminary Injunction entered 2/20/18.  
Defendant Benjamin R Horton's motion to dismiss filed 1/22/18; Commission's response to motion filed 2/5/18; reply filed 2/15/18; motion denied 6/7/18.  
Defendants AM Property Management, LLC, American Home Loan Counselors, American Home Loans, LLC, Brown Legal, Inc, Consumer Defense Group, LLC, Consumer Defense, LLC, FMG Partners, LLC, Jonathan P. Hanley, Sandra X. Hanley, Preferred Law, PLLC, Zinly, LLC's motions to dismiss filed 2/12/18; Commission's responses to motions filed 2/26/18; replies filed 3/5/18; motion denied 6/7/18.  
Notice of appeal to Ninth Circuit of preliminary injunction filed 03/21/18 (No. 18-15462). Appellants' opening brief filed 4/18/18; Commission's answering brief filed 5/16/18; reply brief filed 6/6/18; Oral argument held 9/14/18. Decision by 9<sup>th</sup> Circuit affirming district court's entry of preliminary injunction entered 6/17/19.  
Receiver Thomas McNamara motion for order to sell Receivership property filed 4/18/18; Commission concurrence filed 4/30/18; Defendants' opposition filed 5/1/18; Receiver reply filed 5/8/18; Order granting motion entered 1/18/19.  
Stipulated final order for permanent injunction and monetary judgment as to defendant Benjamin Horton entered 6/5/18.

Commission's motion for entry of clerk's default as to defendants Consumer Defense, LLC (Nevada) and Consumer Link, Inc. filed 8/7/18; Clerk's entry of default as to Consumer Defense, LLC (Nevada) and Consumer Link Inc. entered 1/28/19; default vacated on 6/14/19.

Defendant Hanley motion to vacate order granting Receiver's motion to sell property filed 1/28/19; Receiver opposition filed 1/31/19; Commission opposition filed 2/5/19; Order denying motion entered 4/30/19.

Defendant Hanley notice of appeal to Ninth Circuit of order denying motion to vacate order granting Receiver's motion to sell property filed 5/10/19 (No. 19-16000); Ninth Circuit order dismissing appeal for failure to file fees entered 7/17/19.

Commission's motion for default judgment against defendants Consumer Defense, LLC (Nevada) and Consumer Link, Inc. filed 5/7/19; Commission notice of withdrawal of motion filed 6/25/19.

Commission motion for summary judgment filed 7/15/19; defendants' opposition filed 10/2/19; defendant Hanley's opposition filed 10/5/19; Commission reply brief filed 11/5/19.

Order granting Commission motion for summary judgment entered 12/5/19.

Receiver Thomas McNamara motion to approve sale of Park City condo filed 8/30/19; Commission concurrence filed 9/13/19; defendants' opposition filed 9/13/19; receiver's reply filed 9/20/19; order granting motion entered 10/9/19.

Defendant Hanley's notice of appeal to Ninth Circuit of order granting receiver's motion for approval of sale of Park City condo filed 11/12/19 (No. 19-7326); Ninth Circuit order dismissing Hanley's appeal for failure to prosecute entered 3/20/20.

Defendant Sandra Hanley's notice of appeal to Ninth Circuit of order granting summary judgment filed 2/3/20 (No. 20-15143).

Defendant Jonathan Hanley's notice of appeal to Ninth Circuit of order granting summary judgment filed 2/3/20 (No. 20-15144).

Appellants Hanleys' opening briefs filed 6/23/21; FTC's response brief filed 8/23/21; Hanleys' reply brief filed 9/13/21.

Decision by the Ninth Circuit vacating monetary judgment under Section 13(b) and remanding to the District Court to consider whether award is appropriate pursuant to Section 19 entered 1/22/22.

FTC motion for entry of judgment pursuant to Section 19 filed 3/22/22; Defendants' opposition filed 4/5/22; FTC reply filed 4/12/22.

Order granting FTC motion for monetary judgment pursuant to Section 19 entered 12/30/22.

Judgment of \$11,906,792 against the Hanleys entered 1/3/23.

Hanleys' motion for order to stop FTC from distributing funds filed 1/20/23; Commission's opposition filed 2/3/23; Hanleys' reply filed 2/9/23.



***FTC v. CREDIT BUREAU CENTER, LLC.***, 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 Bergman (OGC)

**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.

***FTC v. ECOLOGICAL FOX, LLC***, Nos. 19-1925, 19-2387, 19-2204, 19-2306, 19-2387, 20-1594, 20-2215, 21-1452 (4<sup>th</sup> Cir.); No. 1:18-cv-03309 (D. Md.)

Parties: Ecological Fox, LLC  
Luke Chadwick  
Andris Pukke a/k/a Marc Romeo a/k/a Andy Storm  
Peter Baker  
Global Property Alliance, Inc. d/b/a Sanctuary Bay, Sanctuary Belize, The Reserve, Kanantik, Laguna Palms, Bamboo Springs, Eco Futures, Eco Futures Development, Eco Futures Belize, Sittee River Wildlife Reserve, Buy Belize, Buy International  
Sittee River Wildlife Reserve d/b/a Sanctuary Bay d/b/a Sanctuary Belize d/b/a The Reserve  
Buy Belize, Llc d/b/a Sanctuary Bay d/b/a Sanctuary Belize d/b/a The Reserve d/b/a Kanantik d/b/a Laguna Palms d/b/a Bamboo Springs  
Buy International, Inc. d/b/a Sanctuary Bay d/b/a Sanctuary Belize d/b/a The Reserve d/b/a Kanantik d/b/a Laguna Palms d/b/a Bamboo Springs  
Foundation Development Management Inc.

Eco-Futures Development d/b/a Sanctuary Bay d/b/a Sanctuary Belize  
d/b/a The Reserve  
Eco-Futures Belize Limited d/b/a Sanctuary Bay d/b/a Sanctuary Belize  
d/b/a The Reserve  
Power Haus Marketing  
Brandi Greenfield  
BG Marketing, LLC  
Prodigy Management Group, LLC  
John Usher  
Rod Kazazi  
Foundation Partners f/k/a Red Crane Advisors, Inc.  
Frank Costanzo a/k/a Frank Green a/k/a Frank Peerless Green a/k/a Frank  
Connelly a/k/a Frank Connelly-Costanzo  
Belize Real Estate Affiliates, LLC d/b/a Coldwell Banker Belize d/b/a  
Coldwell Banker Southern Belize  
Exotic Investor, LLC d/b/a Coldwell Banker Belize d/b/a Coldwell Banker  
Southern Belize  
Southern Blaze Realty, LLC d/b/a Coldwell Banker Belize d/b/a Coldwell  
Banker Southern Belize  
Sanctuary Belize Property Owners' Association d/b/a The Reserve  
Property Owners' Association  
Atlantic International Bank, Ltd.  
Angela Chittenden  
Beach Bunny Holdings, LLC  
The Estate of John Pukke a/k/a The Estate of Janis Pukke a/k/a The Estate  
of John Andris Pukke  
John Vipulis  
Deborah Connelly  
Newport Land Group, LLC a/k/a Laguna Palms a/k/a Sanctuary Belize  
a/k/a Bamboo Springs a/k/a The Reserve  
Michael Santos  
Proposed Intervenors, Yu Lin, Quan Lin, Jamie Teng, Juliana  
Tengonciang, Alfonso Kolb Jr., Jasmin Tengonciang, Roel Pahl,  
Clarissa Tengonciang, Allan Prijoles, Mary Jane Prijoles, Darren  
Christian, Chan Martin, Julie Santos, David Heiman, and  
Heartland Property Group, Inc

Assigned Attorneys: Jonathan Cohen (BCP/ENF)  
Amanda Kostner  
Benjamin Theisman  
Elizabeth Averill  
Khouryanna DiPrima

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  
real estate investments and related services.

Status:

Complaint filed 10/31/18.  
TRO entered 11/11/18.  
Motion for interim preliminary injunction filed 11/15/18; response in opposition filed 11/16/18; reply filed 11/18/18.  
Order extending TRO, to remain in effect as an interim preliminary injunction through the conclusion of a show cause hearing, entered 11/20/18.  
Defendant Atlantic International Bank, LTD's motion to dismiss filed 12/14/18; response in opposition filed 1/22/19; defendant's response filed 1/31/19.  
Defendant Andris Pukke's motion to transfer case to the Central District of California filed 12/14/18.  
Notice of appeal from 11/20/18 order by defendant Atlantic National Bank filed 12/19/18.  
Commission's amended complaint filed 1/15/19.  
Order denying defendant Atlantic International Bank's motion to dismiss entered 2/1/19.  
Order denying defendant Andris Pukke's motion to dismiss certain claims in the amended complaint entered 3/4/19.  
Commission's motion to hold defendants John Vipulis, Peter Baker, Andris Pukke, and John Usher in contempt filed 3/5/19; response in opposition filed by defendant Peter Baker 3/7/19.  
Preliminary injunction hearing held 3/11/19-3/22/19.  
Motion to dismiss for failure to state a claim by defendant Michael Santos filed 3/18/19; Commission's response filed 4/1/19.  
Order modifying interim preliminary injunction entered 3/28/19.  
Order granting Commission's motion to stay proceedings as to defendants Frank Costanzo, Ecological Fox, LLC, and Deborah Connelly entered 4/4/19.  
Motion to dismiss for lack of jurisdiction by defendant Atlantic International Bank, LTD filed 4/4/19; Commission's response filed 6/7/19.  
Order denying defendant Anris Pukke's motion to dismiss entered 4/30/19.  
Appellant Atlantic International Bank, LTD's (No. 19-1925) opening brief filed 5/14/19; Commission's response brief filed 6/12/19;  
Commission's motion for stay of proceedings as to defendants Frank Costazno, Ecological Fox LLC, and Deborah Connelly filed 7/23/19; order granting motion entered 7/26/19.  
Commission's proposed preliminary injunction filed 8/12/19; defendant Chadwick's opposition to proposed preliminary injunction filed 8/22/19; Commission's reply in support of preliminary injunction filed 9/3/19.  
Defendant Chadwick's motion to dismiss for lack of jurisdiction filed 8/22/19; Commission's response to motion filed 8/27/19; order denying motion to dismiss entered 9/5/19.

Order extending stay of litigation against Atlantic International Bank entered 9/6/19.

Joint motion to dismiss Atlantic International Bank's appeal (No. 19-1925) filed 9/10/19.

Stipulated order for permanent injunction and monetary judgment against defendant Atlantic International Bank entered 9/25/19.

Preliminary injunction as to defendants Andris Pukke, Peter Baker, Luke Chadwick, John Usher, Certain Corporate Defendants, and the estate of John Pukke entered 10/3/19.

Memorandum opinion and order addressing calculation of equitable monetary relief entered 10/17/19.

Order that defendants' are not entitled to jury trials on the contempt motions entered 10/22/19.

Notice of appeal of preliminary injunction by defendant Peter Baker (No. 19-2306) filed 10/25/19.

Notice of appeal of preliminary injunction by defendant Andris Pukke (No. 19-2204) filed 10/29/19.

Notice of appeal of preliminary injunction by defendant Luke Chadwick (No. 19-2387) filed 12/2/19; order dismissing appeal for failure to prosecute entered 4/17/20.

Baker's opening brief filed 12/27/19; Pukke's opening brief filed 12/30/19; Commission's answering brief to Baker and Pukke appeals filed 2/3/20; opinion affirming preliminary injunction issued 2/24/20.

Stipulated final orders for permanent injunction and monetary judgment against Brandi Greenfield, BG Marketing LLC, Rod Kazazi, and Foundation Partners entered 1/4/20.

Stipulated final order against relief defendants Angela Chittenden and Beach Bunny Holdings LLC entered 1/10/20.

Bench trial held 1/21/20 through 2/12/20.

Order denying motion by Peter Baker to dismiss the case as sanction against FTC entered 4/22/20.

Notice of appeal by Peter Baker (No. 20-1594) filed 5/26/20.

Baker's opening brief filed 6/23/20; Commission's response brief filed 7/10/20.

Baker's appeal dismissed 9/28/20.

Notice of appeal (No. 20-2215) by Andris Pukke filed 11/9/20.

Final order for permanent injunction and monetary judgment against Defendants Andris Pukke, Peter Baker, and Luke Chadwick entered 1/13/21.

Final order of contempt against Defendants Andris Pukke, Peter Baker, and John Usher entered 1/13/21.

Amended final order for permanent injunction and monetary judgment entered 3/24/21.

Notices of appeal filed 4/20/21, 4/21/21, 4/29/21, 5/3/21, 5/14/21.

All appeals except Luke Chadwick's consolidated 5/18/21.

Appellants' motions for summary disposition filed 7/11/21; Commission's opposition filed 7/16/21; order deferring decision on motion entered 7/19/21.

Appellants' opening brief in consolidated appeals (No. 20-2215) filed 8/12/21; FTC's response brief filed 11/18/21; brief by Receiver filed 11/18/21; Appellants' reply brief filed 12/22/21.

Motion to intervene in district court proceeding by Yu Lin, Quan Lin, Jamie Teng, Juliana Tengonciang, Alfonso Kolb Jr., Jasmin Tengonciang, Roel Pahl, Clarissa Tengonciang, Allan Prijoles, Mary Jane Prijoles, Darren Christian, Chan Martin, Julie Santos, David Heiman, and Heartland Property Group, Inc, investors in a defendant company who seek to challenge orders placing company's assets in receivership, filed 11/12/21; Commission's opposition filed 12/13/21; reply filed 10/27/21.

Order granting joint motion for an indicative ruling that Court would enter proposed stipulated order resolving all matters in dispute between FTC and stipulating defendants, if the Fourth Circuit remanded for that purpose, entered 3/8/22.

Fourth Circuit order remanding appeals for limited purpose of adopting a settlement decree entered 3/17/22.

Stipulated order modifying final order for permanent injunction and monetary relief as to Luke Chadwick, Prodigy Management Group LLC, Belize Real Estate Affiliates LLC, Exotic Investor LLC, and Southern Belize Realty LLC, entered 13/24/22.

Commission motion to dismiss appeal by Luke Chadwick, Exotic Investor, and Prodigy Management filed 3/24/22; opposition to dismissal by nonparties (Kanantik entities) filed 4/1/22; Commission reply filed 4/4/22; order dismissing appeal, ruling that Kanantik entities lack appellate standing, entered 6/16/22.

Order by district court denying motion to intervene by Yu Lin et al. entered 6/23/22.

Notices of appeal from denial of motions to intervene and set aside judgment Yu Lin et al. filed 7/8/22 and 7/13/22.

Ora argument in consolidated appeals held 9/13/22.

Yu Lin appellants' opening brief filed 8/19/22; FTC's brief filed 10/21/22; appellants' reply brief filed 11/14/22.

Opinion affirming injunctive relief against all defendants, contempt sanction against individual defendants, and district court's finding that Pukke must pay remaining balance of monetary judgment from *AmeriDebt*, but vacating equitable monetary relief judgment against individual defendants in light of *AMG*, entered 11/1/22.

Order denying petition for rehearing and rehearing en banc by Andris Pukke entered 12/30/22.

Commission's motion to reform and reaffirm final orders filed 1/31/23; Defendants' response filed 2/6/23; Commission's reply filed 2/21/23.

Oral argument in Yu Lin appeal held 3/8/23.  
Receiver's motion for settlement and motion for order approving settlement with Jorge Diaz-Cueto and Bella Mar Estates filed 4/7/23; order granting motion entered 4/20/23.  
Defendants' motion for return of property filed 5/5/23; Commission's response filed 5/11/23.  
Order granting in part, denying in part Commission's motion to reform and reaffirm final orders and denying defendant's motion for return of property entered 5/31/23.  
Order implementing next stage of consumer redress entered 6/14/23.  
Order reforming and reaffirming final orders entered 6/15/23.

***FTC v. ELEGANT SOLUTIONS, INC.***, Nos. 23-55117, 20-55766 (9th Cir.); 8:19-cv-01333 (C.D. Cal.)

Parties: Elegant Solutions, Inc., d/b/a Federal Direct Group  
Trend Capital Ltd., d/b/a Mission Hills Federal  
Dark Island Industries, Inc., d/b/a Federal Direct Group, and f/k/a  
Cosmopolitan Funding Inc.  
Heritage Asset Management, Inc., d/b/a National Secure Processing  
Tribune Management, Inc., d/b/a The Student Loan Group  
Mazen Radwan  
Rima Radwan  
Labiba Velazquez  
Dean Robbins

Assigned Attorneys: Michelle Grajales (BCP/FP)  
Samuel Jacobson  
John Jacobs  
Imad Abyad (OGC)  
Matthew Hoffman

Alleged Conduct: Deceptive acts or practices in violation of Section 5 of the FTC Act and the Telemarketing Sales Rule in connection with marketing and sale of student loan debt relief services.

Status: Complaint filed 7/8/19.  
Stipulated preliminary injunction entered 7/17/19.  
Amended Complaint filed 8/27/19.  
Cross-motions for summary judgment by FTC and defendants filed 3/9/20; FTC's opposition to defendants' motion filed 3/30/20; defendants' opposition to FTC's motion filed 3/31/20; replies filed 4/6/20.  
Order staying trial pending resolution of summary judgment motions entered 5/29/20.  
Defendants' notice of appeal filed 7/20/20.

Commission's motion to hold appeal in abeyance until after Supreme Court decides *AMG* filed 12/7/20; appellants' opposition filed 12/8/20.

Appellants' opening briefs filed 12/21/20.

Appellants' revised opening briefs filed 6/1/21.

FTC brief filed 7/30/21.

Reply brief filed 8/19/21.

Appellate oral argument heard 12/9/21.

Ninth Circuit opinion affirming judgment of the district court, except as to portion providing disgorgement to Treasury if consumer redress is not possible, entered 6/9/22.

District court order on remand modifying judgment entered 11/18/22.

Defendants' motion for order that monetary redress be completed by a certain date and that relief be limited to consumers who submitted declarations filed 12/23/22; FTC's opposition filed 12/30/23; defendant's reply filed 1/9/23; motion denied 1/20/23.

Defendants' notice of appeal filed 2/3/23.

Opinion by 9th Circuit granting summary affirmance for FTC entered 4/26/23.

***FTC v. ENDO PHARMACEUTICALS INC.***, No. 22-5137 (D.C. Cir.); No. 1:21-cv-00217 (D.D.C.)

Parties: Endo Pharmaceuticals Inc.  
Endo International, plc  
Impax Laboratories, LLC  
Amneal Pharmaceuticals, Inc.

Assigned Attorneys: James Weingarten (BC/Office of the Director)  
Eric Sprague (BC/HC)  
Kara Monahan  
Markus Meier  
Emma Dick  
Evan Cartagena  
Garth Huston  
Jamie Towey  
Mark Hegdus (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 an illegal agreement to eliminate competition in the oxymorphone market, a long-acting opioid used for the treatment of moderate to severe pain.

Status: Complaint filed 1/25/21.



Defendants' motions to dismiss filed 4/26/21; FTC opposition filed 6/10/21; Defendants' replies filed 7/02/21; motion to dismiss granted 3/4/22

FTC notice of appeal filed 5/23/22.

FTC's opening brief filed 12/21/22; appellees' brief filed 2/21/22; FTC's reply brief filed 3/14/22.

Oral argument before the D.C. Circuit held on 5/1/23.

***FTC v. F9 ADVERTISING LLC***, No. 3:19-cv-01174 (D.P.R.)

Parties: F9 Advertising LLC  
Gopalkrishna Pai  
Ace Initiative Group, LLC  
Connected AD Station LLC  
Fastlane Sales, LLC  
Hyper Marketing Solutions LLC  
Media Redefined LLC  
Primed Marketing LLC  
Responsive Media LLC

Assigned Attorneys: Michael Schaefer (BCP/ENF)  
Gregory J. Madden

Alleged Conduct: Deceptive acts or practices in violation of the Restore Online Shoppers' Confidence Act in connection with "free trial" and negative option online marketing.

Status: Complaint filed 2/21/19.  
Order granting Commission's motion for entry of default against defendants Ace Initiative Group, LLC, Connected AD Station LLC, Fastlane Sales LLC, Hyper Marketing Solutions, LLC, Media Redefined, LLC, Primed Marketing, LLC, and Responsive Media, LLC entered 3/25/19.  
Order staying case pending the resolution of the ongoing criminal proceedings entered 5/16/19.  
Motion by defendants to reopen case, admitting allegations in the Complaint, filed 12/8/22.  
Order referring case to mediation entered 3/30/23.

***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)  
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  
Oral argument held 6/30/22; Court's ruling denying motion for preliminary injunction, vacating TRO, and converting receivership to monitorship announced from the bench 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.

***FTC v. FIRST AMERICAN PAYMENT SYSTEMS, LP***, No. 4:22-cv-654 (E.D. Tex.)

Parties: First American Payment Systems, LP  
Think Point Financial, LLC  
Elliot Management Group, LLC

Assigned Attorneys; Jason Clark Moon (SWR)

Alleged Conduct: Deceptive and unfair acts or practices in violation of Section 5(a) of the Federal Trade Commission Act and the Restore Online Shoppers' Confidence Act, in conjunction with the sale of payment processing services.

Status: Complaint filed 7/29/22.  
Joint motion for settlement to enter stipulated order for permanent injunction and monetary judgment filed 10/26/22.  
Stipulated order for permanent injunction and monetary judgment entered 3/10/23.

***FTC v. FLEETCOR TECHNOLOGIES, INC.***, No. 1:19-cv-05727 (N.D. Ga.)

Parties: FleetCor Technologies, Inc.  
Ronald Clarke

Assigned Attorneys: Brittany Frassetto (BCP/FP)  
Greg Madden

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.

***FTC v. F&G INTERNATIONAL GROUP HOLDINGS, LLC.***, No. 6:20-cv-73 (S.D. Ga.)

Parties: F&G International Group Holdings, LLC.  
FG International, LLC.  
J. Glenn Davis

Assigned Attorneys: Anna Burns (SER)  
Brian Martin Welke (BCP/ENF)  
Philip Brown  
Alejandro Rosenberg

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with false or unsubstantiated R-value claims about their architectural coating products.

Status: Complaint filed 7/28/20.

Commission motion for sanctions for spoliation filed 2/24/21; Defendants' response filed 3/12/21; Commission reply filed 3/26/21.  
Commission's motion for summary judgment against all Defendants filed 10/5/2021; Defendants' opposition filed 10/26/21; Commission's reply filed 11/9/21.  
Defendants' motion to dismiss or, in the alternative, motion for summary judgment on FTC's claims for equitable monetary relief filed 10/15/2021; Commission's opposition filed 10/20/21; defendants' reply filed 11/9/21.  
Order granting Commission's motion for summary judgment entered 8/19/22.  
Final judgment for permanent injunction against defendants F & G International Group Holdings, LLC, FG International, LLC, and J. Glenn Davis entered 8/19/22.

***FTC v. GLOBAL E-TRADING, LLC.***, No. 8:23-cv-796 (M.D. Fla.)

Parties: Global E-Trading, LLC d/b/a Chargebacks911  
Gary Cardone  
Monica Eaton  
State of Florida (Co-Plaintiff)

Assigned Attorneys: Evan Rose (WRSF)  
Roberta Tonelli  
Denise Oki

Alleged Conduct: Deceptive and unfair practices in violation of Section 5 of the FTC Act in connection with disputing chargebacks with misleading information and manipulating merchants' chargeback rates.

Status: Complaint filed 4/12/23.  
Defendants' motion to dismiss filed 6/13/23; motion denied 6/28/23.  
Defendants' amended motion to dismiss filed 6/29/23.

***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 v. GREEN EQUITABLE SOLUTIONS***, 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.  
ROES 1-10  
California Department of Financial Protection and Innovation (Co-Plaintiff)

**Assigned Attorneys:** Miles D. Freeman (WRO)  
Taylor Steinbacher  
Carla Lyn Cheung  
Karina Ann Layugan  
Louis Thomas Laverone

**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.

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

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: Amy Teng (NWRO)  
Carole Reynolds

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.

**FTC v. HEWITT**, No. 21-56037 (9th Cir.); No. 2:09-cv-04719 (C.D. Cal.)

Parties: John Beck Amazing Profits, LLC, *et al.*  
Gary Hewitt

Assigned Attorneys: Matthew Hoffman (OGC)

Alleged Conduct: Violations of the FTC Act and the Telemarketing Sales Rule regarding sales and marketing of get rich quick schemes.

Status: Complaint filed 6/30/09.  
Final order granting permanent injunction and other equitable relief entered 8/23/12; affirmed on appeal 3/3/16.  
Motion by Gary Hewitt to vacate monetary portion of the judgment in light of *AMG* filed 5/24/21; FTC's opposition file 6/7/21; reply filed 6/14/21; order denying motion to vacate entered 8/19/21; notice of appeal filed 9/17/21.  
Hewitt's opening brief filed 3/28/21; FTC's brief filed 6/27/22; Hewitt's reply brief filed 10/25/22.  
Oral argument scheduled held 2/16/23.  
Opinion affirming judgment of district court entered 5/11/23.

**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.  
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.

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

Parties: Kochava, Inc.

Assigned Attorneys: James Harlow (DOJ)  
Kate Talmor  
Michael Andrew Zee

Brian Shull (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.

***FTC v. LAKE***, Nos. 8:22-cv-003, 8:15-cv-585 (C.D. Cal.)

**Parties:** Dennis Edward Lake

**Assigned Attorneys:** Mark Hegedus (OGC)

**Alleged Conduct:** Deceptive practices in violation of Section 5(a) of the FTC Act, the Mortgage Assistance Relief Services Rule, and the Telemarketing Sales Rule in connection with the marketing and sale of mortgage assistance relief services.

**Status:** Complaint filed 4/14/15.  
Amended final monetary judgment and permanent injunction against Denny Lake entered 3/22/16.  
Bankruptcy petition by lake to discharge judgment debt filed 11/13/17.  
Adversary complaint by FTC seeking order that judgment debt is nondischargeable filed 2/9/18; bankruptcy court order denying FTC motion for summary judgment on nondischargeability entered 4/22/21; order dismissing FTC adversary complaint entered 2/22/22.  
FTC notice of appeal to district court filed 3/8/22.  
FTC's opening brief filed 5/16/22; Lake's responding brief filed 6/16/22; FTC's reply brief filed 6/30/22.  
Opinion reversing bankruptcy court and remanding with instructions to enter judgment in favor of the FTC entered 12/12/22.

***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.  
Order for joint status report due by 7/5/23 entered 6/20/23.

***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 (BC/WRO)  
Christopher Harris (BC/M4)  
Anusha Sunkara  
Albert Teng  
Stuart Hirschfeld (BC/NWRO)  
Danica Noble  
Michelle White (BCP/FP)  
Nicholas Widnell (BC/M1)

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.

***FTC v. NATIONAL UROLOGICAL GROUP, INC.***, Nos. 10-125; 19-1445 (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 scheduled for 7/18/23.

***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.

***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. 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

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.

***FTC v. NUDGE LLC***, No. 2:19-cv-00867 (D. Utah)

Parties: Nudge LLC  
Response Marketing Group, d/b/a 3 Day Real Estate Training, Abundance Edu, LLC, Affluence Edu, LLC, American Money Tour, Cash Flow EDU, Clark EDU, LLC, Edge 2 Real Estate, Evtech Media North, Flip for Life, Flipping For Life, Income Events, Insider's Financial Education, LLC, Leading Financial Education, LLC, Onwealth, Power Flip, Prosper Live, Property Education, LLC, Renovate To Rent, Simple Real Estate Training, Smart Flip, Snap Flip, US Education Advance, Vintage Flip, Visionary Events, Wealth Tribe, Women's Empowerment, Yancey Events, Yancey, LLC, and Your Real Estate Today  
BuyPD  
Brandon B. Lewis  
Ryan C. Poelman  
Phillip W. Smith  
Shawn L. Finnegan  
Clint R. Sanderson  
Dean Graziosi  
Scott Yancey  
Utah Division of Consumer Protection (Co-Plaintiff)

Assigned Attorneys: Darren Lubetzky (NER)  
Brian Lasky  
Christopher Miller  
Savvas Diacosavvas  
Karen O'Connell  
Laura Zuckerwise  
Vikram Jagadish

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, and the Telemarketing Sales Rule in connection with a real estate investment training scheme.

Status: Complaint filed 11/5/19.  
Order granting TRO in part entered 12/19/19.  
Defendants' motion to dismiss filed 11/19/19; Commission's opposition filed 12/2/19; defendants' reply filed 12/11/19; Commission's sur-reply filed 12/18/19; order denying in part motion to dismiss entered 12/31/19.  
Stipulated preliminary injunction entered 12/19/19.  
Defendants' motion to stay proceedings pending Supreme Court review of availability of monetary relief under Section 13(b) of the FTC Act filed 12/30/19; Commission's opposition filed 1/13/20; reply filed 1/27/20; motion denied 3/25/20.  
Defendants' motion to stay pending the Supreme Court's decisions in *Credit Bureau Center* and *AMG Capital Mgmt* filed 7/20/20; Commission's opposition filed 8/3/20; reply filed 8/17/20.  
Amended complaint adding new defendants Dean Graziosi and Scott Yancey filed 11/18/20.  
Motion for partial summary judgment by Utah Division of Consumer Protection filed 12/21/20; opposition and cross-motion for partial summary judgment by Defendants BuyPD, Shawn Finnegan, Brandon Lewis, Nudge LLC, Ryan Poelman, Response Marketing Group, Clint Sanderson, and Phillip Smith filed 1/25/21; Utah's reply filed 2/8/21; Defendants' additional reply filed 3/4/21.  
Third party complaint in intervention for declaratory relief against all defendants by American Estate and Trust DBO Erryl Sloan IRA, Erryl Sloan, E&R Enterprise, Rosemary Sloan, American Estate and Trust FBO Rosemary Sloan IRA filed 12/22/20.  
Motion to dismiss for failure to state a claim by Defendants Dean Graziosi and Scott Yancey filed 1/19/21; Commission opposition filed 2/16/21; Defendants' reply filed 3/2/21.  
Motion for partial summary judgment on availability of monetary relief by Defendants BuyPD, Shawn Finnegan, Brandon Lewis, Nudge LLC, Ryan Poelman, Response Marketing Group, Clint Sanderson, and Phillip Smith filed 5/5/21; Commission opposition filed 6/2/21; Defendants' reply filed 6/16/21.  
Hearing held on 7/9/21.  
Order denying cross-motions for partial summary judgment on Utah's claim entered 7/9/21.  
Memorandum decision and order denying motion to dismiss for failure to state a claim entered 7/26/21.  
Order granting Defendants' motion for partial summary judgment on monetary relief entered 9/15/21.

Cross-motions for summary judgment filed 10/18/21; oppositions filed 11/23 and 11/24/21; replies filed 12/15/21.  
Order granting in part and denying in part both Commission's and defendants' motions for summary judgment entered 6/14/22.  
Stipulated order for preliminary injunction, monetary judgment, and other relief as to defendant Scott Yancey entered 4/24/23.  
Stipulated order for preliminary injunction, monetary judgment, and other relief as to defendant Dean Graziosi entered 4/24/23.  
Stipulated order for permanent injunction, monetary judgment, and other relief as to remaining defendants entered 5/18/23.

***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  
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.  
Clerks' entry of default as to Regenerative Medicine Institute of America, LLC and Superior Healthcare, LLC entered 11/5/21.  
Commission's motion for summary judgment filed 3/17/23; defendant Steven D. Peyroux's opposition filed 5/4/23; defendant Brent Detelich's opposition filed 5/12/23; Commission's reply to Peyroux filed 5/25/23; Commission's reply to Detelich filed 6/2/23.

***FTC v. PUBLISHERS CLEARING HOUSE LLC***, No. 2:23-cv-4735 (E.D.N.Y.)

Parties: Publisher's Clearing House LLC

Assigned Attorneys: Joshua Doan (BCP/MP)  
Miry Kim  
Savvas Diacosavvas (NER)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a) and the CAN-SPAM Act in connection with

defendant's misleading of consumers into believing a purchase is necessary to win their sweepstakes or would increase their chances of winning.

Status: Complaint filed 6/26/23.  
Stipulated order for permanent injunction, monetary judgment, and other relief entered 6/30/23.

***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: Annette Soberats (BCP/AP)  
Christine Lee DeLorme  
Edward Glennon  
Andrew Wone  
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 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 scheduled for 9/18/23.

***FTC v. RAGINGBULL.COM, LLC***, No. 1:20-cv-3538 (D. Md.)

Parties: Ragingbull.com, LLC f/k/a Lighthouse Media, LLC  
Jeffrey M. Bishop  
Kyle W. Dennis  
Jason Bond  
MFA Holdings Corp.  
Jason Bond, LLC  
Winston Corp.  
Winston Research, Inc.  
Sherwood Ventures, LLC

Assigned Attorneys: Colleen Robbins (BCP/MP)  
Laura Basford  
Thomas Biesty  
Sung Kim

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 the marketing and sale of online services related to stock and options trading.

Status: Complaint filed 12/7/20.  
TRO and order to show cause why a preliminary injunction should not issue entered 12/8/20.  
Defendants' response to order to show cause filed 1/13/21; Commission reply filed 1/27/21; hearing held 3/19/21  
Amended complaint filed 2/4/21.  
Motion to dismiss by Defendants Jason Bond, LLC, and Sherwood Ventures, LLC filed 4/16/21; motion to dismiss for failure to state a claim and strike request for monetary relief by Defendants Kyle W. Dennis, Winston Corp., and Winston Research Inc. filed



4/16/21; Commission opposition filed 5/18/21; Defendant Kyle Dennis's reply filed 6/1/21.  
Notice of voluntary dismissal as to Defendants Winston Corp., and Winston Research Inc. filed 5/18/21; order of dismissal entered 5/18/21.  
Commission motion to amend complaint filed 6/11/21; Defendant Kyle Dennis's opposition filed 6/25/21; opposition by Jeffrey M. Bishop, Jason Bond, LLC, RagingBull.com, LLC, and Sherwood Ventures, LLC filed 7/02/21; FTC reply filed 7/15/21.  
Motion to intervene by Stripe, Inc. filed 12/20/21; Commission's response filed 1/3/22; reply by Stripe filed 1/19/22; order denying motion entered 3/15/22.  
Stipulated final order for permanent injunction, monetary judgment, and other relief as to Ragingbull.com, LLC, Sherwood Ventures, LLC, Jason Bond, LLC, Jeffrey M. Bishop and Jason Bond entered 3/15/22.  
Commission's second amended complaint filed 3/15/22; answer by defendants Kyle Dennis filed 3/29/23.  
Motion to dismiss by Kyle Dennis filed 4/5/22; Commission's opposition filed 4/19/22; reply filed 5/3/22; motion denied 3/15/23.  
Commission's motion to strike jury demand and certain affirmative defenses from answer by Kyle Dennis filed 4/19/23; defendant's response filed 5/3/23; Commission's reply filed 5/17/23.

***FTC v. RANDO et al.***, No. 3:22-cv-487 (M.D. Fla.)

Parties: Michael Rando  
Valerie Rando  
Prosperity Training Technology  
Elite Customer Services, LLC  
Digital Business Scaling LLC  
First Coast Matchmakers Inc.  
First Coast Matchmakers LLC  
Financial Consulting Management Group LLC  
Resource Management Investments, LLC

Assigned Attorneys: Brian Welke (BCP/ENF)  
Hong Park  
Sana Chaudhry

Alleged Conduct: Deceptive acts or practices in violation of Section 5, the Telemarketing Sales Rules (TSR), the COIVD-19 Consumer Protection Act (CCPA), and multiple provisions of the Business Opportunity Rule (BOR) for falsely promising consumers quick boosts to their credit scores and for misleading them to think they could run their own credit repair companies.

Status: Complaint filed 5/2/22.  
TRO with asset freeze entered 5/3/22.  
Stipulated preliminary injunction entered 9/27/22.  
Joint motion to stay proceedings pending Commission approval of  
settlement filed 10/12/22; order staying case entered 10/18/22.  
Joint motion for permanent injunction filed 12/15/22.  
Stipulated order for permanent injunction and monetary judgement entered  
1/10/23.

***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.

***FTC v. ROSS***, 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.

***FTC v. SIMPLE HEALTH PLANS, LLC***, Nos. 19-10840, 19-11932, 21-13116 (11th Cir.), No.  
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

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 11<sup>th</sup> 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.

Eleventh 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 v. SL FINANCE LLC, et al.***, No. 8:23-cv-698 (C.D. Cal.)

Parties: SL Finance LLC  
Michael Castillo  
Christian Castillo

Assigned Attorneys: Katherine Aizpuru (BCP/FP)  
Samuel Jacobson  
Carlton Mosley  
John Jacobs (WRLA)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Telemarketing Act, the COVID-19 Act, and the Gramm-Leach-Bliley Act in connection with the marketing and sale of student loan debt relief services.

Status: Complaint filed 4/24/23.  
Ex parte TRO entered on 5/2/23; TRO extended 5/16/23.  
Stipulated preliminary injunction entered 5/22/23.

***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.

***FTC v. SURESCRIPTS, LLC***, No. 1:19-cv-01080 (D.D.C.)

Parties: Surescripts, LLC

Assigned Attorneys: Bradley Albert (BC/HC)  
Markus Meier  
David B. Schwartz  
Joseph P. Mathias  
Tanya O'Neil  
Daniel Matheson  
Jordy Hur  
Timothy Grayson  
Nicholas Leefer  
Andrew Kennedy

Alleged Conduct: Unfair methods of competition in violation of Section 5(a) of the FTC Act, in connection with the defendants' anticompetitive scheme to maintain its monopolies in markets for electronic prescription routing and eligibility.

Status: Complaint filed 4/17/19.  
Surescripts' motion to dismiss for lack of jurisdiction filed 7/12/19;  
Commission's opposition to motion filed 8/23/19; reply to motion filed 9/13/19; order denying motion to dismiss entered 1/17/20.  
Motion to amend order denying Surescripts' motion to dismiss to certify two aspects of the order for interlocutory appeal filed 3/6/20;  
Commission's opposition filed 3/27/20; reply filed 4/10/20; motion denied 5/21/20.  
Stipulated order dismissing without prejudice the Commission's request for equitable monetary relief entered 5/17/21.  
FTC and Surescripts, LLC motions for summary judgment filed 3/28/22; oppositions briefs filed 4/25/22; reply briefs filed 5/16/22.  
Oral argument on summary judgment motions held 3/16/23.  
Order granting FTC's motion for partial summary judgment on market definition and monopoly power, deferring ruling on Surescripts' motion for summary judgment, entered 3/30/23.

***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: James Weingarten (BC/Office of the Director)  
Geoffrey Green (BC/ACP)  
Mark Woodward  
Joseph Baker  
Wesley Carson  
Elizabeth Gillen  
Phillip Kehl  
Lauren Patterson  
Edward Takashima  
Michael Turner  
Rachel Frank (BC/Mergers III)

Alleged Conduct: Violations of Section 5 of the FTC Act, Section 3 of the Clayton Act, and laws enforced by state plaintiffs through 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 filed 12/23/22.  
Defendant Corteva Inc. and Syngenta Corporation's motion to dismiss for failure to state a claim filed 1/13/23; Commission's opposition filed 2/10/23; defendants' replies filed 3/3/23 and 3/7/23.

***FTC v. TRIANGLE MEDIA CORP.*** No. 22-56012 (9th Cir.); No. 3:18-cv-01388 (S.D. Cal.)

Parties: Triangle Media Corporation, *et al.*  
Wells Fargo & Co. (Proposed Intervenor)  
Wells Fargo Bank N.A. (Proposed Intervenor)

Assigned Attorneys: Jonathan W. Ware (BCP/ENF)  
Matthew Wernz  
Rebecca Church  
Samantha Gordon  
Michael Bergman (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Restore Online Shoppers' Confidence Act, and the Electronic Fund Transfer Act in connection with the marketing of supposedly "free trial" offers for personal care products and dietary supplements online.

Status: Complaint filed 6/25/18; amended complaint filed 12/11/18.  
Stipulated orders for permanent injunction and monetary judgment entered 5/29/19.  
Motion to intervene and void monetary judgment and receivership in light of *AMG* by Well Fargo filed 11/10/21; oppositions by FTC and Receiver filed 12/20/21; reply filed 1/10/22; order denying intervention entered 9/22/22; notice of appeal filed 10/27/22.  
Wells Fargo opening brief filed 3/8/23; FTC responding brief filed 5/9/23; Wells Fargo reply brief due 6/29/23.  
Oral argument scheduled for 10/20/23.

***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 "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.

***FTC v. VYERA PHARMACEUTICALS, LLC***, 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  
James Weingarten (BC/Office of the Director)  
Brad 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 Mulledy 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.

***FTC v. ZAAPPAAZ, LLC***, 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.

***FTC v. ZYCAL BIOCEUTICALS HEALTHCARE COMPANY, INC.***, No. 4:20-cv-10249 (D. Mass.)

Parties: Zycal Bioceuticals Healthcare Company, Inc.  
James J. Scaffidi  
Excellent Marketing Results, Inc.  
Michael McGahee

Assigned Attorneys: Mary L. Johnson (BCP/AP)  
Edwin Rodriguez  
Sarah Botha

Alleged Conduct: Deceptive acts or practices in violation of Sections 5(a) and 12 of the FTC Act in connection with the marketing of purported joint pain relief products.

Status: Complaint filed 2/10/20.  
Stipulated order for permanent injunction and monetary judgment against Excellent Marketing Results and Michael McGahee entered 2/19/20.  
FTC's motion to strike Zycal defendants' affirmative defenses and crossclaim filed 4/30/20; EMR defendants' motion to dismiss crossclaim for failure to state a claim filed 5/22/20; Zycal defendants' consolidated opposition filed 6/12/20; Commission's reply filed 6/25/20; EMR defendants' reply filed 6/26/20; Zycal defendants' surreply filed 7/2/20; hearing on motions held 11/23/20; order granting in part and denying in part FTC's motion to strike affirmative defenses and crossclaim, and granting EMR defendants' motion to dismiss crossclaim, entered 3/16/21.  
ZyCal motion for partial judgment on the pleadings filed 5/25/21; FTC's response filed 6/7/21; ZyCal reply filed 6/14/21; FTC's surreply filed 6/24/21; hearing on motion held 9/3/21; order denying Zycal's motion entered 9/3/21.  
Settlement order of dismissal, subject to reopening within 60 days if settlement is not consummated, entered 12/9/22.  
Stipulated order for permanent injunction entered 2/07/23.

## **CIVIL PENALTY AND ENFORCEMENT CASES\***

### **(A) Consumer Protection**

***UNITED STATES v. AKOURY***, No. 2:23-cv-26 (E.D. Tenn.)

Parties: Dalal A. Akoury  
Dalal Akoury MD, PLLC  
AWAREmed Wholistic Urgent Care, PLLC

Assigned Attorneys: Ben Cunningham (DOJ)  
Zachary Cowan  
Alexandra Ortiz Hadley  
Amy Kaplan

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

Alleged Conduct: Violations of Sections 5 and 12 of the FTC Act and Section 8023 of the Opioid Act related to false claims regarding addiction treatment services.

Status: Complaint filed 3/16/23.  
Stipulated order for permanent injunction entered 3/21/23.

***UNITED STATES v. AMAZON.COM INC.***, No. 2:23-cv-811 (W.D. Wash.)

Parties: Amazon.com Inc.  
Amazon.com Services LLC

Assigned Attorneys: James Nelson (DOJ)  
Kayla Stahman  
Rachael Doud

Alleged Conduct: Violations of Sections 5 of the FTC Act and 1303(c) and 1306(d) of the Children’s Online Privacy Protections Act of 1998 (“COPPA”).

Status: Complaint filed 5/31/23.

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

Parties: Amazon.com Inc.

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.

Status: Complaint filed 6/21/23.

***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  
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.

***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.

***UNITED STATES v. CONNORS***, No. 2:23-cv-475 (M.D. Fla.)

**Parties:** Michael J. Connors  
ProTouch Marketing, LLC  
Woodford Hills, LLC  
Oakhill Research, LLC  
Evergreen Marketing, LLC

Sterling Health, LLC  
Clara Vista Media, LLC

Assigned Attorneys: Mary Englehart (DOJ/CIV)  
Rafael Reneri (BCP/AP)  
Richard Quaresima  
Serena Viswanathan  
Shira Modell

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) and Section 12 of the FTC Act as well as violation of OARFPA in connection with products advertised as effective ways to quit smoking.

Status: Complaint filed 6/29/23.

***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  
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.

***UNITED STATES v. DAMIANO***, No. 0:22-cv-60779 (S.D. Fla)

Parties: Anthony Joseph Damiano  
Funeral & Cremation Group of North America, LLC  
Legacy Cremation Services, LLC

Assigned Attorneys: Cody Herche (DOJ)  
James Weinkle  
Wandaly Fernandez Garcia  
Katherine Ho  
Rebecca Plett (BCP/MP)  
Thomas Harris

Alleged Conduct: Violations of Section 5 of the FTC Act and the Commission's Funeral Rule for misrepresenting prices and location of services, illegally threatening and failing to return cremated remains to consumers, and failing to provide required disclosures.

Status: Complaint filed 4/22/22.  
Stipulated order for permanent injunction and monetary judgment entered 4/06/23.

***FTC v. DAY PACER LLC***, 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: Adam Wesolowski (BCP/FP)  
Mark Glassman  
Patrick Roy  
William Joseph Hodor

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.

***UNITED STATES v. EASY HEALTHCARE CORP.***, No. 1:23-cv-3107 (N.D. Ill.)

Parties: Easy Healthcare Corporation

Assigned Attorneys: Rachel Baron (DOJ)

Alleged Conduct: Violations of Section 5 of the FTC Act in relation to sharing of users' private information with third parties, disclosing of users' sensitive health data, and failure to notify consumers of these unauthorized disclosures.

Status: Complaint filed 5/17/23.  
Stipulated order for permanent injunction, civil penalty judgment, and other relief entered 6/22/23.

***UNITED STATES v. EDMODO, LLC***, No. 3:23-cv-2495 (N.D. Cal.)

Parties: Edmodo, LLC

Assigned Attorneys: James Thomas Nelson (DOJ)  
Vivian Wang

Alleged Conduct: Violations of Section 5 of the FTC Act and the Children's Online Privacy Protection Act in relation to unauthorized collection of personal information from children under the age of 13 without prior parental consent and the use of that unauthorized personal data for advertising.

Status: Complaint filed 5/22/23.  
Stipulated order for permanent injunction and civil penalty judgment entered 6/27/23.

***FTC v. ELITE IT PARTNERS***, 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 Bergman (OGC)

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.

***UNITED STATES v. EPIC GAMES***, No. 5:22-cv-518 (E.D.N.C.)

Parties: Epic Games, Inc.

Assigned Attorneys: Michael Wadden (DOJ/CPB)  
Andrew Hasty (BC/DPIP)  
James Trilling  
Amanda Koulousias

Alleged Conduct: Deceptive acts or practices in violation of Section 5 of the FTC Act and the Children's Online Privacy Protection Act ("COPPA") in connection with collection of personal information from children under 13 who played Fortnite and use of dark patterns to dupe players into making unintentional purchases.

Status: Complaint filed 12/19/22.  
Consent motion for entry of stipulated order for permanent injunction and civil penalty judgment filed 12/19/22.  
Stipulated order for permanent injunction and civil penalty judgment entered 2/07/23.

**UNITED STATES v. ERIC ANTHONY NEPUTE**, No. 4:21-cv-00437 (E.D. Mo.)

Parties: Eric Anthony Nepute  
Quickwork LLC d/b/a Wellness Warrior

Assigned Attorneys: Ben Cornfeld (DOJ/CPB)  
Brandon Robers  
Zachary Cowan  
Kristin Williams (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 dietary supplements containing vitamin D and zinc treat or prevent COVID-19 and are as good or better than available COVID-19 vaccines at treating or preventing the virus.

Status: Complaint filed 4/15/21.  
Stipulated preliminary injunction entered 5/5/21.  
Defendant Nepute's motion to dismiss and motion for sanctions filed 6/3/21; United States' opposition filed 6/17/21; Defendant Quickwork's partial joinder of Nepute's motion to dismiss filed 6/18/21; Defendant Nepute reply filed 6/28/21; Defendant Quickwork's partial joinder of Nepute's reply filed 6/28/21.  
Motion to dismiss denied 12/8/21.  
United States' motion for contempt filed 3/4/22; oppositions by Nepute and Quickwork filed 4/1/22; United States' reply filed 4/15/22.  
United States' motion for partial summary judgment filed 9/2/22; opposition by Nepute filed 11/20/22; reply filed 11/23/22.  
Defendants' motion for partial summary judgment filed 9/2/22; opposition filed 11/9/22; reply by Nepute filed 11/23/22.  
Stipulated order for permanent injunction and civil penalty judgment as to Quickwork entered 11/14/22.  
Show cause hearing held 12/19/22.  
Stipulated order resolving United States' motion for civil contempt entered 1/19/23.

**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.  
Oral argument held 6/30/22; Court's ruling denying motion for preliminary injunction, vacating TRO, and converting receivership to monitorship announced from the bench 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.

***UNITED STATES OF AMERICA v. FACEBOOK INC***, No. 1:19-cv-2184 (D.D.C.)

Parties: Facebook, Inc.

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

Nature of Action: 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 v. GOODRX HOLDINGS, LLC.,*** No. 4:23-cv-460 (N.D. Cal.)

Parties: GoodRx Holdings, Inc.

Assigned Attorneys: Sarah Williams (DOJ/CIV)  
Sharanya Mohan

Nature of Action: Violations of the Health Breach Notification Rule in connection with GoodRx Holdings, Inc.'s failure to notify consumers and others of its unauthorized disclosures of consumers' personal health information to Facebook, Google, and other companies.

Status: Complaint filed 2/1/23.  
Stipulated order for permanent injunction, civil penalty judgment, and other relief entered 2/17/23.

***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

Nature of Action: 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.

***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 file 8/23; order granting as to Counts 1 and 2 entered 8/24/22.

***UNITED STATES v. MICROSOFT CORP.***, No. 2:23-cv-836 (W.D. Wash.)

Parties: Microsoft Corporation

Assigned Attorneys: James Nelson (DOJ)  
Rebecca Cohen  
Katherine Ho

Alleged Conduct: Violations of Section 5 of the FTC Act and the Children’s Online Privacy Protection Act (“COPPA”) in connection with unauthorized collection and disclosure of personal information from children under the age of 13

without parental notification and consent, and without compliance with COPPA requirements.

Status: Complaint filed 6/5/23.  
Stipulated order for permanent injunction, civil penalty judgment, and other relief entered 6/9/23.

***UNITED STATES v. NEXWAY SASU***, No. 1:23-cv-900 (D.D.C.)

Parties: Nexway Sasu  
Nexway Group AG  
Asknet Solutions AG  
Nexway, Inc.  
Asknet, Inc  
Victor Iezuitov  
Casey Potenzzone

Assigned Attorneys: Claude F. Scott, Jr. (DOJ/CIV)

Alleged Conduct: Violations of Section 5 of the FTC Act and the Telemarketing Sales Rule in connection with the company, CEO and chief strategy officer's facilitation of tech scams through credit card laundering.

Status: Complaint filed 4/3/23.  
Stipulated order for permanent injunction, monetary judgment, and other relief entered 4/13/23.

***FTC v. PRECISION PATIENT OUTCOMES, INC.***, No. 3:22-cv-07307-AGT (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.

***FTC v. RCG ADVANCES LLC***, 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  
Elizabeth Kwok

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.

***FTC v. ROMERO***, No. 5:21-cv-343 (M.D. Fla.)

Parties: Frank Romero d/b/a Trend Deploy

Assigned Attorneys: Michael Mora (BCP/ENF)  
Christopher Erickson

Alleged Conduct: Violations of Sections 5(a) and 12 of the FTC Act, the Mail Order Rule, and the COVID-19 Consumer Protection Act in connection with the marketing and sale of personal protective equipment during the COVID-19 pandemic.

Status: Complaint filed 6/29/21.  
Motion to dismiss complaint by Frank Romero filed 8/30/21; FTC opposition filed 9/20/21; Romero's reply filed 10/19/21; motion denied 6/29/22.  
Motion to stay by Frank Romero 3/04/22; FTC's opposition filed 3/18/22; order denying defendants' motion to stay entered 4/26/22.  
Commission motion for summary judgment filed 9/02/22; defendant's opposition filed 10/7/22; FTC reply filed 10/28/22.  
Commission's motion for summary judgment granted 2/27/23.  
Commission's proposed injunction, proposed judgment for monetary relief, and proposed civil penalty judgment filed 3/23/23.  
Final judgment and order for permanent injunction entered 5/15/23.

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

Parties: Stratics Networks, Inc.  
Netlatitude, 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.  
Defendants' motions to dismiss filed 6/7/23, 6/8/23, and 6/20/23.  
Stipulated order for permanent injunction, monetary judgment, and other relief as to defendants Netlatitude and Kurt Hannigan entered 6/16/23.

***UNITED STATES v. TURBO SOLUTIONS INC.***, 4:22-mc-369 (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.

***FTC v. WEALTHPRESS HOLDINGS LLC***, No. 3:23-cv-00046 (M.D. Fla.)

Parties: Wealthpress Holdings LLC  
InvestPub LLC  
Conor Lynch  
Roger Scott

Assigned Attorneys: Andrew Hudson (BCP/MP)  
Ryan McAuliffe

Alleged Conduct: Violations of Section 5 of the FTC Act and the Restore Online Shoppers' Confidence Act in connection to deception of consumers to spend exorbitant amounts of money to purchase Defendants' services, often with unsubstantiated claims about purported benefits of such services.

Status: Complaint filed 1/12/23.  
Stipulated order for permanent injunction, monetary judgment, civil penalty judgment, and other relief entered 3/28/23.

***UNITED STATES v. XCAST LABS***, No. 2:23-cv-3646 (C.D. Cal.)

Parties: XCast Labs, Inc.

Assigned Attorneys: Zachary Dietert (DOJ/CPB)

Alleged Conduct: Violations of Section 5 of the FTC Act and the Telemarketing and Consumer Fraud and Abuse Prevention Act in connection with the delivering of billions of illegal robocalls to American consumers.

Status: Complaint filed 5/12/23.

***UNITED STATES v. XLEAR, INC.***, No. 2:21-cv-00640-RJS (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**

(None Pending)

**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.

***FTC v. BACHI.TECH CORP.***, No. 2:22-6463 (D.N.J.)

Parties: Bachi.Tech Corporation  
Spread Technologies LLC

Assigned Attorneys: Larkin Turner (BCP/ FP)  
Michael Tankersley

Alleged Conduct: Petition to enforce a CID.

Status: Petition filed 11/4/22.  
Respondents' response to petition filed 12/5/22.  
Order directing parties to meet and confer entered 12/27/23.  
Joint status report filed 2/17/23.  
Commission's reply in support of motion for order to show cause filed 2/8/23.  
Telephonic conference held 3/8/23 and 4/14/23.  
Order directing parties to meet and confer entered 4/14/23.

Joint status reports filed 5/8/23, 5/24/23, and 6/28/23.

Order terminating motion for order to show cause without prejudice to its renewal if meet and confer efforts prove unsuccessful entered 6/29/23.

***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.

***FTC v. POP VAPOR CO. LLC***, No. 1:23-mc-22 (D.D.C.)

Parties: Pop Vapor Co., LLC

Assigned Attorneys: Burke Kappler (OGC)

Alleged Conduct: Petition to enforce a CID.

Status: Petition filed 3/8/23.  
FTC's notice of voluntary dismissal due to respondent's compliance filed 3/29/23.

***FTC v. THE STRATICS GROUP INC.***, No. 0:21-cv-61250 (S.D. Fla.)

Parties: The Stratics Group, Inc.

Assigned Attorneys: Suzanne Barth (BCP/MP)

Christopher Brown

Nature of Action: Petition to enforce a CID.

Status: Petition filed 6/15/21.  
Stratics motion for leave to file response to petition filed 7/06/21; FTC opposition filed 7/07/21; Stratics reply filed 7/12/21.  
Telephonic hearing held 11/30/21.  
FTC request for clarification of oral ruling filed 12/16/21.  
Stratics response and motion for summary judgment filed 12/23/21; FTC response filed 1/03/22; Stratics reply filed 1/10/22.  
Order denying as moot Stratics motion for leave to file a response to FTC petition entered 3/23/22.  
Order denying Stratics motion for summary judgment as procedurally improper, directing filing of joint status report, entered 9/8/22  
Status reports filed 10/7/22.  
Hearing held 12/15/22; order from the bench that Stratics has 30 days to comply with the CIDs.  
Order to show cause entered 12/16/22.  
Stratics response to petition filed 1/17/23.  
FTC status report and recommending that case be administratively closed filed 1/31/23.  
Order dismissing case without prejudice entered 1/31/23.

**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 11/03/22.

Notice of appeal filed 12/02/22.  
Appellant's informal opening brief filed 12/30/23; United States' informal response brief filed 1/9/23.

***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, and 6/6/23.

***ASHE v. HARGRAVE et al***, No. 3:23-cv-41 (M.D. Fla.)

Parties: Michael Ashe (Plaintiff)  
Sheri Ashe

Assigned Attorneys: Matt Hoffman (OGC)  
Robin Rock (SER)

Nature of Action: Action seeking to prevent the FTC from enforcing a \$14 million lien on property sold to Kevin and Tiffany Hargrave.

Status: Complaint filed 1/11/23.  
FTC motion to dismiss for failure to state a claim filed 3/15/23; Ashe response filed 3/29/23.  
Amended complaint filed 3/29/23,  
FTC motion to dismiss amended complaint filed 4/7/23; Ashe opposition filed 4/18/23; FTC reply filed 5/8/23.

***AXON ENTERPRISE INCORPORATED v. FTC***, No. 21-86 (S. Ct.), No. 20-15662 (9th Cir.);  
No. 2:20-cv-00014 (D. Ariz.)

Parties: Axon Enterprise Inc.

Assigned Attorneys: Bradley Craigmyle (DOJ/FPB)

Chetan Patil  
Rebecca Cutri-Kohart  
Mariel Goetz (OGC)  
Imad Abyad

Nature of Action: Action seeking a judicial declaration that the Commission does not have the authority to scrutinize plaintiffs' business affairs and that the appropriate forum to adjudicate legality of plaintiffs' acquisition is in an Article III court.

Status: Complaint filed 1/3/20.  
Motion for preliminary injunction and supporting memorandum of points and authorities by plaintiff entered 1/9/20; Commission's opposition filed 1/23/20; plaintiff's reply filed 1/30/20.  
Telephonic hearing held 4/1/20.  
Order dismissing complaint without prejudice due to a lack of subject matter jurisdiction entered 4/8/20.  
Notice of appeal filed 4/13/20.  
Axon's opening brief filed 5/1/20; Commission's answering brief filed 6/1/20; Axon's reply brief filed 6/15/20.  
Oral argument by video held 7/17/20. Axon emergency motion to enjoin FTC administrative trial filed 9/29/20; Commission's opposition filed 10/2/20.  
Ninth Circuit order staying FTC administrative trial pending appeal entered 10/2/20.  
Opinion affirming the dismissal of Axon's complaint entered 1/28/21.  
Axon petition for rehearing en banc filed 3/15/21; petition denied 4/15/21.  
Axon motion to stay mandate to file writ of certiorari filed 4/15/21; Commission opposition filed 4/19/21; motion granted 4/21/21.  
Axon petition for writ of certiorari filed 7/20/21; Commission opposition filed 9/22/21; Axon's reply filed 10/6/21; Axon's supplemental brief filed 12/20/21.  
Certiorari granted 1/24/22.  
Axon's merits brief filed 5/9/22; Commission's response brief filed 8/8/2022; Axon's reply brief filed 9/7/2022.  
Oral argument held 11/7/2022.  
Opinion reversing and remanding to the district court for further proceedings entered 4/14/23.  
Order by district court staying the case for 60 days entered 6/9/23.

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

Parties: Bloomberg L.P.

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

Alleged Conduct: 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.

***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)

Alleged Conduct: 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, and 6/15/23.

***CHILDHOOD LEUKEMIA FOUNDATION v. FTC***, No. 3:23-cv-3034 (D.N.J.)

Parties: Childhood Leukemia Foundation, Inc.

Assigned Attorneys: Oliver McDonald (DOJ/CIV)  
Kimberly Ruthsatz Stephens

Nature of Action: Action for declaratory injunctive relief challenging FTC's authority to  
investigate deceptive fundraising activities by purported non-profit.

Status: Complaint filed 6/2/23.

***FEDOROVA v. BANK OF AMERICA N.A. et al***, No. 1:22-cv-3486 (N.D. Ill.)

Parties: Elena Fedorova

Assigned Attorneys: Mariel Goetz (OGC)

Nature of Action: Action seeking declaratory and injunctive relief for government agencies'  
alleged failure to investigate conduct complained about by plaintiff.

Status: Complaint filed 7/6/22.  
Memorandum opinion terminating case for failure to state a claim entered  
3/28/23.



***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, and 6/2/23.

***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 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, and 6/23/23.

***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 and 6/03/23.

***GRAVITY DEFYER MEDICAL TECHNOLOGY CORP. v. FTC***, No. 1:22-cv-1157 (D.D.C.)

Parties: Gravity Defyer Medical Technology Corp.

Alexander Elnekaveh

Assigned Attorneys: James Harlow (DOJ)  
Noah Katzen  
Adrienne Jenkins (ECR)  
Maria Ann Del Monaco  
Matthew Scheff  
Mariel Goetz (OGC)

Nature of Action: Action seeking declaratory judgment that FTC's prospective civil penalty action against Gravity Defyer would violate the First Amendment.

Status: Complaint filed 4/26/22; amended complaint filed 7/22/22.  
Order consolidating defensive action (lead case) with FTC enforcement action, No. 22-cv-1464, entered 8/2/22.  
Commission motion to dismiss for failure to state a claim filed 8/16/22; opposition filed 8/30/22; reply FTC filed 9/16/22.  
Order granting motion to dismiss for failure to state a claim entered 3/20/23.

***GULF COAST RACING LLC v. HORSERACING INTEGRITY AND SAFETY AUTHORITY***  
Nos. 5:23-cv-77; 2:22-cv-00146, (N.D. Tex.)

Parties: Gulf Coast Racing LLC  
LRP Group Ltd  
Valle de Los Tesoros Ltd  
Global Gaming LSP LLC  
Texas Horsemen's Partnership LLP

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

Alleged Conduct: 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.

Status: Complaint filed 7/29/22.  
Motion to intervene by the State of Texas and Texas Racing Commission filed 9/7/22; FTC's opposition filed 9/28/22; reply filed 10/12/22; motion to intervene denied 10/21/22.  
Plaintiffs' motion for summary judgment filed 11/21/22; FTC's cross-motion for summary judgment filed 3/6/23.  
Motion for TRO and preliminary injunction by Global Gaming LSP LLC filed 4/05/23; FTC opposition filed 4/7/23; reply filed 4/8/23.

Order denying TRO and reserving judgment on motion for preliminary injunction entered 4/10/23.

Order consolidating with lead case 5:21-cv-00071 and administratively closing member case entered 4/11/23 (see *National Horsemen's Benevolent and Protective Association v. Black* for further developments).

***KOCHAVA, INC. v. FTC*, 2:22-cv-349 (D. Idaho)**

Parties: Kochava, Inc.

Assigned Attorneys: James Harlow (DOJ)  
Kate Talmor  
Michael Andrew Zee  
Mariel Goetz (OGC)

Alleged Conduct: Suit for declaratory and injunctive relief in anticipation of being targeted by the FTC for a potential civil enforcement action.

Status: Complaint filed 8/12/22  
FTC motion to dismiss filed 1/3/23; Kochava response filed 1/24/23; FTC reply filed 2/6/23.  
Memorandum and order granting motion to dismiss entered 5/3/23.

***LABMD, INC., v. FTC and DAUGHERTY v. FTC*, Nos. 1:21-cv-3525, No. 1:21-cv-3526 (N.D. Ga.)**

Parties: LabMD, Inc.  
Michael J. Daugherty

Assigned Attorneys: Aaron Joshua Ross (AUSA)  
Burke Kappler (OGC)

Nature of Action: Suit for damages under the Federal Tort Claims Act, alleging that the FTC was negligent in investigating and litigating its data security case against LabMD.

Status: Complaints filed 8/25/21.  
Amended complaints filed 11/23/21.  
Commission's motion to dismiss filed 3/5/22; plaintiff's response to motion filed 5/23/22; Commission's reply filed 6/21/22.  
Motion to dismiss granted 3/2/23.  
Notice of appeal filed 4/26/23.  
Appellants' opening briefs due 7/5/23.

**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.

**LOUISIANA CHILDREN'S MEDICAL CENTER v. ATTORNEY GENERAL OF THE UNITED STATES et al**, Nos. 2:23-cv-1305, 2:23-cv-1311 (E.D. La.)

Parties: Louisiana Children's Medical Center

HCA Healthcare Inc.  
State of Louisiana (Intervenor)

Assigned Attorneys: Yixi Cecilia Cheng (DOJ/ATR)  
Michael Mikawa  
Brock Darren Dupre (AUSA)

Nature of Action: Action seeking a declaratory judgment that the HSR Act does not apply to hospital acquisition approved by state, by virtue of state action doctrine.

Status: Complaint filed 4/19/23.  
Order granting motion to intervene by the State of Louisiana entered 5/2/23.  
Order consolidating cases entered 5/9/23.

***NATIONAL HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION et al v. BLACK***, Nos. 23-10521, 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)

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 due 7/5/23; Commission's brief due 8/4/23.

***OFFOLTER et al v. HORSERACING INTEGRITY & AUTHORITY et al***, No. 5:23-cv-280  
(W.D. Okla.)

Parties: Joe Offolter  
Mike Biehler  
Randy Blair  
Danny Caldwell  
Bryan Hawk  
Michael Major  
CR Trout  
Scott Young  
Boyd Caster  
Robert Zoellner  
Theresa Luneack  
Kenny Nolen  
Terry Westemeir  
Danial Millar

Robert Burgess

Assigned Attorneys: Mariel Goetz (OGC)

Nature of Action: Action challenging the anti-doping, medication, and racetrack safety rules.

Status: Complaint filed 3/29/23.  
Emergency motion for TRO by plaintiffs filed 3/30/23; withdrawn 4/3/23.  
Notice of voluntary dismissal filed 6/28/23.

***OKLAHOMA v. UNITED STATES***, No. 22-5487 (6th Cir.); No. 5:21-cv-104 (W.D. Ky)

Parties: State of Oklahoma  
Oklahoma Horse Racing Commission  
State of West Virginia  
West Virginia Racing Commission  
Hanover Shoe Farms, Inc.  
Oklahoma Quarter Horse Racing Association  
Tulsa County Public Facilities Authority  
Global Gaming RP, LLC  
Will Rogers Downs, LLC  
U.S. Trotting Association  
State of Louisiana  
Horseracing Integrity and Safety Authority  
Leonard S. Coleman, Jr.  
Nancy M. Cox

Assigned Attorneys: Alexander Sverdlov (DOJ)  
Joe Busa, Jr.  
Mark Stearn  
Mariel Goetz (OGC)

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 4/26/21.  
Commission's motion to dismiss filed 8/16/21; plaintiffs' opposition filed 9/15/21; Commission's reply filed 10/27/21.  
Memorandum opinion dismissing the plaintiffs' claims entered 6/3/22.  
Notice of appeal by plaintiffs filed 6/9/22.  
Appellants' opening brief filed 7/19/22; FTC's corrected responding brief filed 9/20/22; Appellants' reply brief filed 10/11/22.  
Oral argument held 12/07/22.  
Court letter requesting supplemental briefing issued 12/30/22.  
Opinion affirming judgment entered 3/3/23.

Petition for rehearing en banc by Hanover Shoe Farms, Inc. and United States Trotting Association filed 4/17/23; Commission's opposition filed 5/2/23; petition denied 5/18/23.

***WALMSLEY et al v. FTC et al***, 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.

### **AMICUS CURIAE BRIEFS OR PARTIAL INTERVENTIONS**

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

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

Alleged Conduct: 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.

***DESLANDES v. MCDONALD'S USA, LLC***, Nos. 22-2333, 22-2334 (7th Cir.)

Assigned Attorneys: Matthew Hoffman (OGC)  
Mariel Goetz

Alleged Conduct: Private action raising questions whether the district court misapplied the ancillary-restraints doctrine and whether the district court misread *NCAA v. Alston*, 141 S. Ct. 2141 (2021), as changing the legal standards



governing when a restraint is per se unlawful or can be condemned after a quick look.

Status: Brief for the United States and the FTC as amici curiae in support of neither party filed 11/9/22.  
Oral argument held 3/31/23.

***INGRAM v. EXPERIAN***, No. 21-2430 (3d Cir.)

Assigned Attorneys: Imad Abyad (OGC)  
Mariel Goetz

Alleged Conduct: Private actions asking for the reversal of a lower court decision that would create an exception to the Fair Credit Reporting Act (FCRA) by allowing furnishers of credit information to decline to investigate when consumers dispute inaccurate information in certain circumstances.

Status: Brief of CFPB and FTC as amici curiae in support of plaintiff-appellant and reversal filed 9/13/22.  
Oral argument held 3/22/23.

***IN RE BYSTOLIC ANTITRUST LITIGATION***, 1:20-cv-5735 (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.

***JAZZ PHARMACEUTICALS v. AVADELS CNS PHARMACEUTICALS***, No. 1:21-cv-691  
(D. Del.)

Assigned Attorneys: Holly Vedova (BC)  
Markus Meir  
Bradley Albert  
Daniel Butymowicz  
Rebecca Egeland  
Anupama Sawkar

Alleged Conduct: Private action alleging violations of the Hatch-Waxman framework and the harmful effects of improper Orange Book listings.

Status: Brief for the FTC as amicus curiae filed 11/10/22.  
Memorandum opinion granting defendant’s motion for judgment on the pleadings and directing delisting of one of plaintiff’s patents from the FDA’s Orange Book.

***JONES v. GOOGLE INC.***, No. 21-16281 (9th Cir.)

Assigned Attorneys: Mariel Goetz (OGC)

Nature of Action: Private action raising questions on whether the Children’s Online Privacy Protection Act (COPPA) preempts state laws that are consistent with COPPA’s treatment of regulated activities.

Status: Brief of FTC as amicus curiae filed in support of neither party filed 5/20/22.

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

Assigned Attorneys: Imad Abyad (OGC)  
Mariel Goetz

Alleged Conduct: 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 scheduled for 10/6/23.

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

Assigned Attorneys: Imad Abyad (OCC)  
Mariel Goetz

Alleged Conduct: 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 scheduled for 10/3/23.

***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 scheduled for 10/11/23.

***SESSA v. TRANSUNION, LLC***, No. 22-87 (2d Cir.)

Assigned Attorneys: Mariel Goetz (OGC)  
Seth Frotman (CFPB)  
Steven Bressler  
Laura Hussain  
Ryan Cooper

Nature of Action: Private action raising question whether the Fair Credit Reporting Act  
draws a distinction between “legal” inaccuracies and “factual”  
inaccuracies regarding the required procedures for ensuring the accuracy  
of information in consumers’ credit reports.

Status: Brief for the CFPB and the Commission as amici curiae supporting  
plaintiff filed 5/5/22.  
Argument held 3/3/23.

***TERADATA v. SAP***, No. 22-1286 (Fed. 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.

***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: Commission's amicus brief filed 3/22/23.