

**SEMIANNUAL FEDERAL COURT  
LITIGATION STATUS REPORT**

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

June 30, 2021

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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	56	13	4	73
CIVIL PENALTY AND ENFORCEMENT CASES	13	1	0	14
SUBPOENA AND CID ENFORCEMENTS	3	0	0	3
SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION	7	4	1	12
AMICUS CURIAE BRIEFS	0	4	1	5
<b>TOTALS</b>	<b>79</b>	<b>24</b>	<b>6</b>	<b>109</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**

***1-800 CONTACTS v. FTC***, No. 18-3848 (2d Cir.)

Parties: 1-800 Contacts, Inc.

Assigned Attorneys: Imad Dean Abyad (OGC)  
Mariel Goetz

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

Status: Petition for review filed 12/30/18.  
Petitioner's opening brief filed 6/7/19.  
Commission's answering brief filed 9/6/19.  
Petitioner's reply brief filed 10/4/19.  
Oral arguments held on 3/5/20.  
Opinion granting petition for review and remanding case with instructions for Commission to dismiss the complaint entered 6/11/21.

***IMPAX LABORATORIES, INC. v. FTC***, No. 19-60394 (5th Cir.)

Parties: Impax Laboratories, Inc.

Assigned Attorneys: Bradley Grossman (OGC)

Nature of Action: Petition for review of Commission's opinion and order against Impax Laboratories, Inc.

Status: Petition for review filed 6/6/19.  
Petitioner's brief filed 10/3/19; Commission's brief filed 12/9/19;  
petitioner's reply brief filed 12/30/19.  
Oral argument held 6/9/20.  
Opinion denying petition for review, upholding Commission's ruling that Impax's reverse payment settlement with Endo was an unfair method of competition, entered 4/13/21.

**(B) Rulemakings**

(None Pending)

**INJUNCTION AND CONSUMER REDRESS CASES**

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

***FTC v. HACKENSACK MERIDIAN HEALTH***, No. 20-cv-18140 (D.N.J.)

Parties: Hackensack Meridian Health  
Englewood Healthcare Foundation

Assigned Attorneys: Lindsey Bohl (BC/Mergers IV)  
Emily Bowne  
Chris Caputo  
Jonathan Lasken  
Nandu Machiraju  
Nathan Brenner  
Kati Williams  
Harris Rothman  
Anthony Saunders  
Samantha Gordon  
Elizabeth Arens  
Chris Megaw

Nature of Action: Action for preliminary injunction to block the proposed merger between Hackensack Meridian Health and Englewood Healthcare.

Status: Complaint filed 12/4/20.  
TRO entered 12/4/20.  
Commission motion for preliminary injunction filed 3/22/21; Defendants' opposition filed 4/12/21; Commission reply filed 4/29/21.  
Evidentiary hearing held from 5/10/21 to 5/18/21.

***FTC v. ILLUMINA, INC.***, No. 1:21-cv-873 (D.D.C.); 3:21-cv-800 (S.D. Cal.)

Parties: Illumina, Inc.  
GRAIL, Inc.

Assigned Attorneys: Susan Musser (BC/Office of the Director)  
Betty Jean McNeil (BC/Mergers I)  
Catherine Sanchez  
Daniel Zach  
David Gonen  
Dylan Naegele  
Eric Edmondson  
Jonathan Ripa  
Jordan Andrew

Joseph Neely  
Lauren Gaskin  
Matthew Joseph  
Nicholas Widnell  
Nicolas Stebinger  
Samuel Fulliton  
Sarah Wohl  
Steven Mohr  
Wade Lippard  
William Cooke

Nature of Action: Action for preliminary injunction to block the proposed merger between Illumina Inc., and GRAIL, Inc.

Status: Complaint filed 4/1/21.  
Order granting defendant's motion to transfer case to the Southern District of California entered 4/22/21.  
Commission's motion to dismiss the complaint granted 5/28/21.

***FTC v. PEABODY ENERGY CORPORATION***, No. 4:20-cv-00317 (E.D. Mo.)

Parties: OGE Energy Corp.  
Peabody Energy Corporation

Assigned Attorneys: Amy E. Dobrzynski (BC/Mergers II)  
Daniel Matheson  
Alicia Burns-Wright  
Cecelia Waldeck  
Christopher Caputo  
Elizabeth Arens  
Ernest Eric Elmore  
Jeanine Balbach  
Jonathan Lasken  
Joshua Goodman  
Maria Cirincione  
Michael Anthony Franchak  
Phillip Kehl  
Sean Hughto  
Stephen Santulli  
Taylor Alexander

Nature of Action: Action for preliminary injunction against a joint venture between Peabody Energy Corporation and Arch Coal related to their coal mining operations.

Status: Complaint filed 2/26/20.

Commission's motion for preliminary injunction filed 5/29/20; Peabody Energy's opposition filed 6/25/20.  
Preliminary injunction entered 9/29/20.  
Commission stipulation of dismissal filed 1/28/21; order granting stipulation entered 2/2/21.

***FTC v. PROCTOR & GAMBLE COMPANY***, No. 1:20-cv-03593 (D.D.C)

Parties: Proctor & Gamble Company  
Billie, Inc.

Assigned Attorneys: Jonathan Herman Lasken (BC/Office of the Director)  
Greta Burkholder (BC/Mergers III)  
Keitha Clopper  
Clarke Edwards  
Megan Henry  
Marc Schneider  
Brian Telpner

Nature of Action: Action for preliminary injunction to enjoin Procter & Gamble Company's proposed \$295 million acquisition of Billie, Inc.

Status: Complaint filed 12/9/20.  
Commission stipulation of dismissal filed 1/6/21.

***FTC v. THOMAS JEFFERSON UNIVERSITY***, No. 20-3499 (3d Cir.); No. 2:20-cv-01113 (E.D. Pa.)

Parties: Thomas Jefferson University  
Albert Einstein Healthcare Network  
Commonwealth of Pennsylvania (co-plaintiff)

Assigned Attorneys: Charles E. Dickinson (BC/Mergers IV)  
Mark D. Seidman  
Tracy W. Wertz  
Albert Teng  
Christopher D. Harris  
Guia Dixon  
Gustav Peter Chiarello, III  
James H. Weingarten  
Jamie E. France  
Jonathan R. Wright  
Ryan T. Andrews  
Brad Grossman (OGC)

Nature of Action: Action for preliminary injunction to block the proposed merger of

Jefferson Health and Albert Einstein Healthcare Network.

Status: Complaint filed 2/27/20.  
TRO entered 2/28/20.  
Commission's motion for preliminary injunction denied 12/8/20.  
Notice of appeal filed 12/10/20.  
Commission's emergency motion to Third Circuit for injunction pending appeal filed 12/11/20; motion denied 12/21/20.  
Case dismissed 3/4/21.

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

(None Pending)

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

*FTC v. ABBVIE, INC.*, Nos. 18-2621, 18-2748, 18-2758 (3d Cir.); No. 2:14-cv-05151 (E.D. Pa.)

Parties: AbbVie, Inc.  
Abbott Laboratories  
Unimed Pharmaceuticals, LLC  
Besins Healthcare, Inc.  
Teva Pharmaceuticals USA, Inc.

Assigned Attorneys: Markus Meier (BC)  
Patricia M. McDermott  
Kara Monahan  
Peter Taylor  
Matthew Hoffman (OGC)  
Mark Hegedus  
Joel Marcus

Alleged Conduct: Unfair methods of competition in violation of Section 5(a) of the FTC Act arising from baseless patent infringement lawsuits against potential generic competitors.

Status: Complaint filed 9/8/14.  
Defendants' motion to dismiss filed 11/12/14; Commission's brief in opposition filed 12/12/14; order granting motion to dismiss as to Count II of the complaint (thereby dismissing defendant Teva from the case) entered 5/6/15.  
Commission's motion for entry of judgment under Rule 54(b) filed 6/5/15; response in opposition by Abbott Laboratories, Abbvie, Inc. and

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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.



Unimed Pharmaceuticals filed 6/25/15; Commission's reply filed 7/2/15; order holding pending Rule 54(b) motion in abeyance entered 7/8/15; motion to direct entry denied 8/26/15.

Commission's motion for reconsideration of dismissal filed 7/20/15; defendant's response filed 7/31/15; reply filed 8/7/15; motion for reconsideration denied 8/25/15.

Defendants' motion for summary judgment on Count 1 of complaint filed 6/5/17; Commission's response in opposition filed 7/11/17; reply filed 7/26/17; order denying motion entered 9/15/17.

Commission's motion for partial summary judgment filed 6/5/17; defendants' response in opposition filed 7/10/17; reply filed 7/27/17; order granting motion entered 9/15/17.

Trial held 2/7/18- 3/1/18.

Defendants' motion for reconsideration of 9/15/17 order filed 3/23/18; Commission's response filed 4/4/18; reply filed 4/8/18; order denying motion for reconsideration entered 6/27/18.

Monetary judgment in favor of Commission entered 7/18/18.

Commission's notice of appeal from dismissal of pay-for-delay count and declination of an injunction (Case No. 18-2621) filed 7/23/18.

Defendants AbbVie, Inc, Abbott Laboratories, and Unimed Pharmaceuticals, LLC's notice of appeal from finding of sham litigation and monetary judgment (Case No. 18-2748) filed 8/8/18.

Defendant Besins Healthcare, Inc's notice of appeal from finding of sham litigation and monetary judgment (Case No. 18-2758) filed 8/13/18.

Order granting joint motion to dismiss Teva Pharmaceuticals USA, Inc. as a party to the appeal entered 3/12/19.

Commission's opening brief filed 3/28/19; Abbvie's response/opening brief in its cross-appeal filed 6/5/19; Commission's reply/response brief filed 7/19/19; reply briefs of Abbott Laboratories, AbbVie Inc, Unimed Pharmaceuticals LLC, and Besins Healthcare, Inc. filed 9/30/19.

Oral argument held 1/15/20.

Commission's supplemental brief filed 1/29/20; defendant's supplemental brief filed 1/29/20.

Supplemental briefs on parties' positions in light of Supreme Court's grant of certiorari in *AMG Capital Mgmt., LLC v. FTC* filed 7/24/20.

Opinion reversing district court's dismissal of reverse-payment claim, affirming in part and reversing in part district court's decision regarding sham patent litigation claims, reversing disgorgement judgment, and affirming denial of an injunction entered 9/30/20.

Cross-petitions for rehearing filed 11/16/20; petitions denied 12/4/20.

Case remanded to the district court on 12/14/20.

AbbVie petition for writ of certiorari filed 3/18/21; Commission's opposition filed 5/19/21; AbbVie's reply filed 6/1/21; petition denied 6/21/21.

***FTC v. ABSOLUTE FINANCIAL SERVICES, LLC***, No. 0:20-cv-2596 (D.S.C.)

Parties: Absolute Financial Services, LLC  
Absolute Financial Services Recovery, LLC  
AFSR Global Logistics, LLC  
LaShone Elam aka LaShone Caldwell  
Talesia Neely

Assigned Attorneys: Marguerite Moeller (BCP/FP)  
Gregory Ashe  
Michael Goldstein

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Fair Debt Collection Practices Act in connection with debt collection operation.

Status: Complaint filed 7/13/20.  
TRO entered 7/17/20.  
Stipulated preliminary injunction entered 10/2/20.  
Stipulated final order and judgment for permanent injunction as to defendant Talesia Neely entered 3/17/21; stipulated final order for permanent injunction and monetary judgment as to Defendants Absolute Financial LLC, Absolute Financial Services Recovery LLC, AFSR Global Logistics LLC, and Lashone Elam entered 3/17/21.

***FTC v. ACQUINITY INTERACTIVE, LLC.***, No. 0:14-cv-60166 (S.D. Fla.)

Parties: Burton Katz  
On Point Global LLC  
On Point Employment LLC  
On Point Guides LLC f/k/a Rogue Media Services LLC  
Dragon Global LLC  
Dragon Global Management LLC  
Dragon Global Holdings LLC  
Waltham Technologies LLC  
Cambridge Media Series LLC f/k/a License America Media Series LLC  
Issue Based Media LLC  
DG DMV LLC  
Direct Market LLC  
Bronco Family Holdings LP a/k/a Bronco Holdings Family LP  
Burton Katz  
Robert Zangrillo  
Brent Levison  
Elisha Rothman

Assigned Attorneys: Sana Chaudry (BCP/ENF)  
Sarah Waldrop

Alleged Conduct: Deceptive practices in violation of a 2014 permanent injunction in connection with an online marketing scheme that falsely offered consumers government services but delivering only worthless “guides.”

Status: Complaint filed 7/29/13.  
Stipulated final judgment and order for permanent injunction entered 10/9/14.  
Commission motion for order to show cause why Defendant Burton Katz, his companies, and others acting in concert with him should not be held in contempt filed 2/12/20; show cause order entered 2/14/20.  
Commission motion for TRO and preliminary injunction filed 4/30/21; defendants’ response in opposition entered 5/14/21; Commission reply filed 5/21/21.

***FTC v. ADEPT MANAGEMENT, INC.***, Nos. 19-35668, 19-35669 (9th Cir.); No. 1:16-cv-00720 (D. Ore.)

Parties: Adept Management, Inc.  
Anchor Publishing Group, Inc.  
Associated Publishers Network, Inc.  
Atlas Business Consulting, LLC  
Clarity Group, LLC  
Consolidated Publishers Exchange, Inc. d/b/a Premier Subscription Services, Processing Express Solutions  
Crown Resource Management, LLC  
Customer Access Services, Inc.  
Express Publishers Service, Inc. d/b/a Associated Billing Service, Associated Periodical Network, Associated Publishers Readership, Billing Services of Circulation, Circulation Billing Marketplace, Circulation Network Services d/b/a Global Billing Service d/b/a Lakeshore Publishers Billing, Magazine Billing Network, Magazine Distribution Marketplace, Magazine Payment Processing, National Magazine Network, Publication Network Services, Publishers Billing Marketplace, Publishers Distribution Network, Publishers Magazine Services, Readers Magazine Services, Readers Payment Network, Subscription Billing Agency, Subscription Billing Network, United Billing Service, United Publishers Agency  
HCG, Inc.  
Henry Cricket Group, LLC  
Hoyal & Associates, Inc.  
Liberty Publishers Service, Inc. d/b/a Allied Publishing Services, American Consumer Publishers Association, Associated Publishers Services,

Billing Services of America, Bradford Publishing Service, Circulation Billing Services, Global Publishers Center, Lakeshore Publishers Service, Magazine Billing Services, Magazine Distribution Service, Magazine Payment Services, Magazine Subscriber Services, Magazine Subscriptions Center, National Magazine Services, Periodical Billing Services, Platinum Subscription Service, Publication Service Networks, Publishers Access Services, Publishers Billing Services, Publishers Consolidated Subscription Services, Publishers Distribution Center, Publishers Education Services, Publishers Magazine Billing, Publishers Magazine Payment, Publishers Marketplace Services, Publishers Network Exchange, Publishers Payment Services, Publishers Periodical Service, Publishers Processing Service, Publishers Services Exchange, Readers Billing Services, Readers Payment Service, Seascope Publishers Network, Slo Call Center, Subscription Billing Service, Subscription Payment Exchange, Subscription Payment Services, United Publishers Services

Magazine Clearing Exchange

Magazine Link, Inc.

Maximillian, Inc. d/b/a Maxmillian, Inc.

Northwest Data Services, LLC

PPP Magazines, Inc.

Publishers Payment Processing, Inc.

Reality Kats, LLC

Specialties, Inc.

Subscription House Agency, Inc.

United Publishers Exchange, Inc. d/b/a Associated Publishers Network, Circulation Billing Network, Magazine Billing Associates, Premier Subscription Network, Publishers Billing Network, Publishers Magazine Exchange

Wineoceros Wine Club, Inc.

Linda Babb

Shannon Bacon a/k/a Shannon Balero, Shannon Gordon

Jeffrey Hoyal

Lori Hoyal

Colleen Kaylor

Laura Lovrien a/k/a Laura Babb

Noel Parducci a/k/a Noel Littlefield, Noelle Littlefield

Lydia Pugsley a/k/a Lydia Babb

Dennis Simpson

William Strickler

Assigned Attorneys: Laura Solis (NWR)  
Richard McKewen  
Connor Shively  
Sophia Calderón  
Stephen Fairchild

Jack Metzler (OGC)

**Alleged Conduct:** Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with a nationwide campaign relying on misrepresentations to solicit newspaper renewals and new subscriptions from consumers.

**Status:** Complaint filed 4/27/16.  
Motion to dismiss for failure to state a claim filed 6/27/16; Commission's opposition filed 7/11/16; order denying motion to dismiss entered 11/3/16.  
Motions for stay pending resolution of criminal proceedings filed 1/27/17; Commission's response filed 1/31/17; replies filed 2/17/17; motions denied 2/23/17.  
Motion for summary judgment filed 4/14/17; Commission's opposition filed 5/4/17; reply filed 5/26/17; motion deferred 6/13/17.  
Default judgment as to defendants Adept Management, Inc., Anchor Publishing Group, Inc., Associated Publishers Network, Inc., Atlas Business Consulting LLC, Clarity Group, Inc., Consolidated Publishers Exchange, Inc., Crown Resource Management LLC, Customer Access Services, Inc., Express Publishers Service, Inc., HCG, Inc., Henry Cricket Group, LLC, Liberty Publishers Service, Inc., Magazine Clearing Exchange, Inc., Magazine Link, Inc., Maximillian, Inc., North West Data Services LLC, PPP Magazines, Inc., Publishers Payment Processing, Inc., Publishers Payment Processing, Inc., Specialties, Inc., Subscription House Agency, Inc., United Publishers Exchange, Inc., and Wineoceros Wine Club, Inc. ("Defaulting Defendants") entered 8/7/17.  
Commission's motion for default judgment and permanent injunction order as to Defaulting Defendants filed 3/13/18; response in opposition to motion by defendants Jeffrey Hoyal, Lori Hoyal, Hoyal & Associates, Inc. filed 3/27/18; Commission's reply filed 3/30/18; response in opposition to motion by defendants Reality Kats, LLC, Dennis Simpson filed 4/6/18; Commission's reply filed 4/12/18.  
Motions for summary judgment by defendants Linda Babb, Colleen Kaylor, William Strickler, Noel Parducci, Reality Kats, LLC, Dennis Simpson, Shannon Bacon, Jeffrey Hoyal, Lori Hoyal, Hoyal & Associates, Inc, Laura Lovrien, Lydia Pugsley filed 8/17/18; Commission's response in opposition filed 8/31/18; defendants' reply filed 9/7/18.  
Commission's motion for summary judgment filed 8/17/18; response in opposition by defendants Colleen Kaylor, Jeffrey Hoyal, Hoyal & Associates, Inc, Noel Parducci, Lori Hoyal, Linda Babb, Shannon Bacon, William Strickler, Reality Kats, LLC, Dennis Simpson, Publishers Payment Processing, Inc, Lydia Pugsley, Laura Lovrien filed 8/31/18.

Order granting in part and denying in part Commission's motion for summary judgment and denying defendants' motion for summary judgment entered 9/25/18.  
Trial held 11/6/18 through 12/5/18.  
Order denying defendants Hoyal & Associates, Jeffrey Hoyal, and Lori Hoyal's motion for stay pending resolution of appeal in *FTC v. AMG* (Case. No. 16-17197, 9th Cir.) entered 2/19/19.  
Order denying defendants Dennis Simpson and Reality Kats, LLC's motion for reconsideration of court's summary judgment in favor of the Commission entered 4/18/19.  
Order for permanent injunction against all defendants and monetary judgment against defendants Dennis Simpson, Jeffrey Hoyal, and Lori Hoyal entered 6/10/19.  
Defendant Noel Parducci's motion for reconsideration of court's order for permanent injunction and monetary judgment filed 6/24/19; defendant Bacon joined 6/25/19; Commission's response filed 7/8/19; order denying motion entered 7/10/19.  
Notices of appeal by Reality Kats defendants and Hoyal defendants filed 8/7/19 (9th Cir.).  
Reality Kats defendants' opening brief filed 11/15/19.  
Commission's motion to consolidate appeals granted 12/11/19.  
Hoyal defendants' opening and cross-appeal brief filed 2/10/20; Lennon third-party defendants' brief filed 2/10/20; Commission's consolidated answering brief filed 6/8/20; appellants' reply briefs filed 7/29/20.  
Order staying appeal pending Supreme Court decision in *AMG Capital Mgmt., LLC v. FTC* entered 9/11/20.  
Order re-opening appeal entered 4/23/21.  
Commission supplemental brief addressing impact of *AMG* filed 5/7/21.  
Order affirming injunctive relief and vacating monetary award entered 6/11/21.

***FTC v. ADVOCARE INTERNATIONAL, L.P.***, No. 4:19-cv-00715 (E.D. Tex.)

Parties:                   Advocare International, L.P.  
                                Danny McDaniel  
                                Diane McDaniel  
                                Carlton Hardman  
                                Lisa Hardman  
                                Brian Connolly

Assigned Attorneys: M. Hasan Aijaz (SWR)  
                                Tom Carter

Alleged Conduct:       Unfair and deceptive practices in violation of Section 5(a) of the FTC Act in connection with operation of a pyramid scheme.

Status: Complaint filed 10/2/19.  
Stipulated final order for permanent injunction and monetary judgment as to defendants AdvoCare International, L.P. and Connolly entered 10/9/19.  
Stipulated final order for permanent injunction and monetary judgement as to defendants Carlton Hardman and Lisa Hardman entered 10/9/19.  
Defendant Danny McDaniel's motion to dismiss for failure to state a claim filed 10/21/19; Commission's response filed 11/5/19; defendant's reply filed 11/11/19.  
Order granting Defendant Danny McDaniel's motion to dismiss for failure to state a claim entered 11/16/20.  
Defendants Danny McDaniel and Diane McDaniel motion for entry of judgment filed 12/17/20; Commission opposition filed 12/31/20; Defendants' reply filed 1/7/21; order granting motion in substantial part entered 1/27/21.  
Judgment dismissing Commission's claims with prejudice against Defendants Diane McDaniel and Danny McDaniel entered 1/27/21.

***FTC v. AGORA FINANCIAL, LLC***, No. 1:19-cv-03100 (D. Md.)

Parties: Agora Financial, LLC  
NewMarket Health, LLC  
NewMarket Health Publishing, LLC  
Health Sense Media, LLC  
Health Sense Publishing, LLC  
Zachary Scheidt  
Dr. Richard Gerhauser

Assigned Attorneys: Dillon J. Lappe (BCP/ENF)  
Gregory Madden  
Omolara Joseney  
Alejandro Rosenberg

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with the marketing and sale of financial and health-related newsletters, publications, and subscription services.

Status: Complaint filed 10/24/19.  
Motion to dismiss for failure to state a claim by defendants filed 1/30/20; Commission's response filed 2/13/20; Defendant's response filed 2/27/20.  
Preliminary injunction hearing held 2/7/20.  
Preliminary injunction entered 3/2/20.  
Order denying motion to dismiss entered 3/2/20.

Order granting joint motion to stay case pending Commission approval of settlement entered 7/23/20.

Stipulated order for permanent injunction and monetary judgment entered 2/8/21.

***FTC v. ALCAZAR NETWORKS, INC.***, No. 6:20-cv-2200 (M.D. Fla.)

Parties: Alcazar Networks, Inc.  
Gavin Grabias

Assigned Attorneys: Virginia G. Rosa (BCP/MP)  
Ian Barlow

Alleged Conduct: Assisting and facilitating violations of the FTC's Telemarketing Sales Rule, including calls to numbers on the National Do Not Call Registry, in connection with the offering of Voice over Internet Protocol services to telemarketers.

Status: Complaint filed 12/3/20.  
Motion for approval of stipulated final order filed 12/3/20.  
Stipulated final order for permanent injunction and monetary judgment entered 1/11/21.

***FTC v. AMERICAN FINANCIAL SUPPORT SERVICES INC.***, No. 20-55092 (9th Cir.); No. 8:19-cv-02109 (C.D. Cal.)

Parties: American Financial Support Services Inc.  
Arete Financial Group  
Arete Financial Group LLC  
CBC Conglomerate LLC  
Diamond Choice Inc.  
J&L Enterprise LLC  
La Casa Bonita Investments, Inc.  
US Financial Freedom Center, Inc.  
Carey G. Howe  
Anna C. Howe  
Shunmin "Mike" Hsu  
Ruddy Palacios  
Oliver Pomazi  
Jay Singh  
MJ Wealth Solutions, LLC

Assigned Attorneys: Stephen Fairchild (NWR)  
Richard McKewen

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 marketing and sale of student loan debt relief services.

Status: Complaint filed 11/4/19.  
Ex parte TRO with asset freeze, appointment of temporary receiver, and immediate access entered 11/4/19.  
Preliminary injunction hearing held 11/18/19; chambers order granting preliminary injunction entered 11/26/19.  
Preliminary injunction order entered 12/17/19.  
Notice of appeal by defendants Carey G. Howe, Shunmin Mike Hsu, Ruddy Palacios, and Oliver Pomaz filed 1/24/20.  
Stipulated order for permanent injunction and monetary relief against Carey G. Howe, Anna C. Howe, Shunmin "Mike" Hsu, Ruddy Palacios, and Oliver Pomazi entered 9/9/20.  
Appellants' motion to dismiss appeal voluntarily granted 9/16/20.  
Commission motion for default judgment against Defendants Arete Financial Group; Arete Financial Group LLC; CBC Conglomerate LLC; Diamond Choice Inc.; J&L Enterprise LLC; La Casa Bonita Investments, Inc.; and Relief Defendant MJ Wealth Solutions, LLC, filed 1/8/21.  
Order staying case to consider approval of settlement agreement entered 2/8/21.  
Proposed stipulated order for permanent injunction and monetary relief against American Financial Support Services Inc., US Financial Freedom Center, Inc., and Jay Singh filed 6/14/21.

***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

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

the Unordered Merchandise Statute, 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.

***FTC v. AMERICAN SCREENING, LLC***, 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 v. AMG SERVICES, INC.***, No. 19-508 (S. Ct.); Nos. 16-17197, 14-16468 (9th Cir.); No. 2:12-cv-00536 (D. Nev.)

Parties: AMG Services, Inc.  
Red Cedar Services, Inc., d/b/a 500FastCash  
SFS, Inc., d/b/a OneClickCash  
Tribal Financial Services, Inc., d/b/a Ameriloan, d/b/a UnitedCashLoan,  
d/b/a USFastCash, d/b/a Miami Nation Enterprises.  
AMG Capital Management, LLC  
Level 5 Motorsports, LLC  
Lead Flash Consulting, LLC  
Black Creek Capital Corporation  
Broadmoor Capital Partners, LLC

Muir Law Firm, LLC  
Scott A. Tucker  
Blaine A. Tucker  
Timothy J. Muir  
Don E. Brady  
Robert D. Campbell  
Troy L. LittleAxe  
Park 269 LLC  
Kim C. Tucker

Assigned Attorneys: Nikhil Singhvi (BCP/FP)  
Iona Rusu  
Jason Schall  
Jack Metzler (OGC)  
Joel Marcus

Alleged Conduct: Deceptive acts and practices in violation of Section 5, the Truth in Lending Act, and the Electronic Fund Transfer Act, in connection with offering and extending credit, payday loans, and the collection of those loans.

Status: Complaint filed 4/2/12.  
Motion to dismiss by all defendants filed 5/25/12; Commission's response filed 6/11/12.  
Partial withdrawals of motions to dismiss filed 10/15/12 and 10/16/12.  
Stipulated preliminary injunction entered 12/27/12.  
Commission's amended motion for partial summary judgment filed 3/7/13; defendants' responses filed 3/25/13.  
Motion for legal determination on tribal sovereign immunity by defendants AMG Services, Inc., Red Cedar Services, Inc., SFS, Inc., and Tribal Financial Services filed 4/8/13; cross-motion for legal determination by defendant Troy Little Axe filed 4/10/13; Commission's response filed 4/19/13.  
Commission's amended complaint filed 4/12/13.  
Report and recommendation by magistrate that Commission's motion for partial summary judgment and defendant's motion for legal determination on tribal sovereign immunity be granted in part and denied in part entered 7/16/13.  
Joint motion for permanent injunction and judgment as to defendants AMG Services, SFS, Inc., MNE Services, Inc., AMG Capital Management, LLC, Level 5 MotorSports, LLC, LeadFlash Consulting, LLC, Black Creek Capital Corp., Broadmoor Capital Partners, LLC, Scott A. Tucker, Blaine A. Tucker, Don E. Brady, Robert D. Campbell, and Troy L. Little Axe, Jr. filed 7/18/13.  
Motion for summary judgment by Commission filed 9/30/13; Muir defendants' opposition filed 11/29/13; remaining defendants' opposition filed 12/4/13; Commission's reply filed 12/20/13.

Motions for summary judgment by defendants filed 9/30/13;  
Commission's opposition filed 12/4/13; defendants' reply filed  
12/20/13.

Order granting joint motion for permanent injunction and judgment as to  
defendants AMG Services, SFS, Inc., MNE Services, Inc., AMG  
Capital Management, LLC, Level 5 MotorSports, LLC, LeadFlash  
Consulting, LLC, Black Creek Capital Corp., Broadmoor Capital  
Partners, LLC, Scott A. Tucker, Blaine A. Tucker, Don E. Brady,  
Robert D. Campbell, and Troy L. Little Axe, Jr. entered 10/8/13.

Report and recommendation by magistrate that Commission's motion for  
summary judgment be granted in part and denied in part, and that  
defendant's motion for summary judgment be denied, entered  
1/28/14; defendant's objections filed 2/14/14; Commission's  
response filed 3/2/14.

Order adopting magistrate's 7/16/13 report and recommendations entered  
3/7/14.

Order adopting magistrate's 1/28/14 report and recommendations entered  
5/29/14.

Stipulation and order to dismiss defendants Timothy J. Muir and the Muir  
Law Firm, LLC entered 9/8/14.

Order denying defendants' motion to enforce settlement entered 7/16/14;  
notice of appeal filed 7/30/14; Ninth Circuit order dismissing  
appeal for lack of jurisdiction entered 10/30/14.

Stipulated permanent injunction and monetary judgment as to defendants  
AMG Services and MNE Services, Inc. entered 1/23/15.

Stipulated permanent injunction and monetary judgment against  
defendants Troy Little Axe, Jr., Don Brady and Robert Campbell  
entered 3/17/15.

Motion for preliminary injunction by the Commission filed 5/8/15;  
responses filed 5/26/15.

Stipulated orders for permanent injunction and equitable monetary relief  
as to defendants Red Cedar Services, Inc. and SFS, Inc. entered  
11/25/15.

Motion for summary judgment by Commission filed 1/20/16; defendants'  
opposition filed 2/26/16; Commission's reply filed 3/18/16.

Motion for summary judgment by defendants filed 1/20/16; Commission's  
opposition filed 2/26/16; defendants' reply filed 3/18/16.

Order granting Commission's motion for summary judgment, denying  
defendants' motion for summary judgment, and awarding  
permanent injunction and monetary relief of \$1.3 billion entered  
9/30/16.

Notice of appeal filed 11/29/16.

Appellant's opening brief filed 7/21/17; Commission's answering brief  
filed 12/11/17; reply brief filed 1/16/18.

Oral argument held 8/15/18.

Panel opinion, affirming district court's summary judgment and relief order, entered 12/3/18.  
Order denying appellant's motion for rehearing *en banc* entered 6/20/19.  
Petition for writ of certiorari filed 10/18/19; brief of respondent FTC filed 12/13/19; reply brief of petitioners filed 12/20/19; certiorari granted 7/9/20.  
Brief of petitioners filed 9/25/20; brief of respondent FTC filed 11/30/20; reply of petitioners filed 12/30/20.  
Supreme Court argument heard on 1/13/21.  
Opinion holding that Section 13(b) of the FTC Act does not permit monetary remedies, reversing and remanding, entered 4/22/21.

***FTC v. ASSOCIATED COMMUNITY SERVICES, INC.***, No. 2:21-cv-10174 (E.D. Mich.)

Parties: Associated Community Services, Inc. d/b/a A.C. Services  
Central Processing Services, LLC  
Community Services Appeal, LLC  
The Dale Corporation  
Directele, Inc.  
Robert William Burland  
Richard T. Cole  
Amy Burland  
Barbara Cole  
Scot Stepek  
Nikole Gilstorf  
Antonio G. Lia  
John Lucidi  
States of Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia (Co-Plaintiffs)

Assigned Attorneys: Tracy S. Thorleifson (NWR)  
Colin McDonald

Alleged Conduct: Deceptive acts or practices in violation of Section 5 of the FTC Act and the Telemarketing Sales Rule in connection with a telemarketing scheme that solicited donations from consumers under the false pretense of charitable donations.

Status: Complaint filed 1/26/21.

Stipulated orders for permanent injunctions and monetary judgments  
against all defendants entered 3/3/21.  
Consent judgments against all defendants entered 3/31/21.

***FTC v. BEAM FINANCIAL, INC.***, No. 3:20-cv-8119 (N.D. Cal.)

Parties: Beam Financial, Inc.  
Yinan Du

Assigned Attorneys: Daniel O. Hanks (BCP/FP)  
Gregory John Madden

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in  
connection with false promises of high interest rates and “24/7” access to  
funds for customers of a mobile banking application.

Status: Complaint filed 11/18/20.  
Stipulated order for permanent injunction and monetary judgment  
resolving the action as to all defendants entered 3/30/21.

***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  
Matt Wilshire  
Anne Lejeune

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 06/16/21.

***FTC v. CARDIFF***, Nos. 20-55858, 20-55397, 20-55066, 19-56397 (9th Cir.); No. 5:18-cv-  
02104 (C.D. Cal.)

Parties: Jason Cardiff  
Eunjung Cardiff  
Danielle Cadiz  
Redwood Scientific Technologies, Inc. (California Corp.) d/b/a Rengalife

Redwood Scientific Technologies, Inc. (Nevada Corp.)  
Redwood Scientific Technologies, Inc. (Delaware Corp.)  
Identify, LLC  
Advanced Mens Institute Prolongz LLC d/b/a AMI  
Runway Products, LLC  
Carols Place Limited Partnership  
Jacques Poujade (third party)  
True Pharmastrip, Inc. (proposed intervenor)  
VPL Medical, Inc. (intervenor limited to VPL TRO and PI)  
Inter/Media Time Buying Corporation (third party)

Assigned Attorneys: Stacy Rene Procter (WRLA)  
Edwin Rodriguez (BCP/AP)  
Elizabeth Sanger  
James Prunty  
Shira Modell  
Mark Hegedus (OGC)

Alleged Conduct: Deceptive acts or practices in violation of Sections 5(a) and 12 of the FTC Act, the Restore Online Shoppers' Confidence Act, the Electronic Fund Transfer Act, and the FTC's Telemarketing Sales Rule in connection with the advertising and marketing of smoking cessation, weight-loss, and sexual-performance aids.

Status: Complaint filed 10/10/18.  
Preliminary injunction with asset freeze and other equitable relief as to defendants Redwood Scientific Technologies, Inc. (California), Redwood Scientific Technologies, Inc. (Nevada), Redwood Scientific Technologies, Inc. (Delaware), Identify, LLC. Advanced Mens Institute Prolongz LLC, Runway Products, LLC, and Carols Place Limited Partnership entered 10/24/18.  
Stipulated preliminary injunction as to defendant Danielle Cadiz entered 11/2/18.  
Preliminary injunction with asset freeze and other equitable relief as to defendants Jason Cardiff and Eunjung Cardiff entered 11/8/18.  
Clerk's entry of default as to defendants Redwood Scientific Technologies, Inc., a California corporation, Redwood Scientific Technologies, Inc., a Nevada corporation, and Redwood Scientific Technologies, Inc., a Delaware corporation, Advanced Mens Institute Prolongz, LLC, and Runaway Products, LLC, entered 3/5/19.  
Clerk's entry of default as to defendant Identify, LLC entered 3/7/19.  
Order granting joint stipulation for permanent injunction as to defendant Danielle Cadiz entered 5/16/19.  
Commission's application for contempt against defendants Eunjung Cardiff, Jason Cardiff, and third-party Jacques Poujade for

violations of the TRO and preliminary injunction filed 6/17/19; opposition to contempt motion filed 7/8/19; reply in support of contempt motion filed 7/15/19.

Order finding defendant Jason Cardiff in contempt entered 7/29/19; order finding defendant Jason Cardiff no longer in contempt entered 7/30/19.

Motion to intervene by True Pharmastrip, Inc. filed 10/18/19; Commission's opposition to motion filed 10/28/19; reply in support of motion filed 11/4/19; order denying motion entered 1/10/20.

Order requiring turnover of funds entered 10/29/19.

Application to modify or stay order requiring turnover of funds pending appeal filed 11/22/19; Commission's opposition to application filed 11/26/19; reply in support of application filed 11/27/19; order denying application entered 12/17/19.

Notice of appeal by Jacques Poujade filed 11/27/19.

Motion by Jaques Poujade in 9<sup>th</sup> Circuit to stay lower court action filed 12/23/19; motion denied 2/28/20.

Notice of appeal by True Pharmastrip, Inc., filed 1/15/20.

Motion to dissolve preliminary injunction by Eunjung Cardiff and Jason Cardiff filed 1/20/20; motion denied 3/30/20.

Commission's motion for contempt against Eunjung Cardiff and Jason Cardiff for violation of preliminary injunction filed 3/2/20; order holding Cardiff Defendants in contempt entered 3/31/20.

Notice of appeal by Eunjung Cardiff and Jason Cardiff filed 4/7/20; appeal dismissed for lack of jurisdiction on 6/26/20.

Appellants Poujade and TPI's opening brief filed 4/6/20; FTC's answering brief filed 7/13/20; Poujade and TPI reply brief filed 8/3/20.

Commission's motion for contempt against Jacques Poujade filed 5/29/20.

Commission's motion for contempt sanctions against Jason Cardiff and Eunjung Cardiff for failure to comply with 3/31/20 contempt order filed 6/19/20; opposition to sanctions motion filed 7/10/20; reply in support of sanctions motion filed 7/17/20; reply in opposition filed 7/21/20; order of contempt and provisional sanctions entered 7/24/20.

Cardiffs' "notice of purge of contempt" filed 9/3/20; Commission's opposition filed 9/4/20; Cardiff reply filed 9/5/20; order finding Cardiffs in contempt but deferring incarceration entered 9/9/20.

Temporary restraining order with asset freeze and other equitable relief and order to show cause why a preliminary injunction should not issue against VPL entered 6/24/20.

Preliminary injunction with asset freeze and other equitable relief against VPL entered 7/7/20.

Notice of appeal by VPL and Jason Cardiff filed 8/19/20.

Motion for summary reversal of preliminary injunction by VPL and Jason Cardiff filed 8/21/20; FTC opposition filed 8/31/20; VPL/Cardiff



reply filed 9/5/20; order denying motion for summary reversal entered 10/16/20.

Appellants VPL/Cardiff opening brief filed 9/16/20; FTC answering brief filed 10/13/20; VPL/Cardiff reply brief filed 11/3/20.

District court order granting summary judgment but deferring entry of final judgment and default judgment against corporate defendants until Supreme Court's resolution of *AMG* entered on 10/9/20.

Ninth Circuit opinion dismissing Poujade/TPI appeal for lack of appellate jurisdiction and affirming district court order denying permissive intervention issued 12/7/20.

Oral argument in VPL preliminary injunction appeal held on 3/2/21; Ninth Circuit order holding the matter pending *AMG* outcome entered 3/3/21.

Ninth Circuit order vacating VPL preliminary injunction and remanding for further proceedings consistent with *AMG* entered 4/28/21

District court order that FTC pay all VPL-related Receivership fees and expenses incurred post-*AMG* and directing Receiver to release half of the remaining VPL funds in the receivership estate entered 5/24/21.

Order ruling that FTC is still entitled to Section 19 monetary relief for the Cardiffs' ROSCA violations but the FTC is precluded from introducing its computation of monetary relief at this stage because the ROSCA computation and the evidence supporting it were not disclosed during discovery, also that the FTC is entitled to seek non-monetary relief under Section 13(b) without filing an administrative complaint, entered 6/29/21.

***FTC v. CONSUMER DEFENSE, LLC***, Nos. 18-15462, 19-16000, 19-17326; 20-15143, 20-15144 (9th 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)  
Imad Abyad (OGC)

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 v. COTTELLI***, No. 20-15717 (9th Cir.); No. 2:18-cv-00035 (D. Nev.)

Parties: Shad Cottelli, a/k/a Shad Applegate  
EMP Media, Inc., also d/b/a MyEx.com  
Aniello "Neil" Infante  
State of Nevada (co-plaintiff)

Assigned Attorneys: Megan Cox (BCP/DPIP)  
Simon Han  
Matthew Hoffman (OGC)  
Mariel Goetz

Alleged Conduct: Unfair acts and practices in violation of Section 5(a) of the FTC Act, in connection with the operation of the nonconsensual pornography (or "revenge porn") website MyEx.com.

Status: Complaint filed 1/9/18.  
Order granting stipulated permanent injunction as to Defendant Aniello Infante entered 1/10/18.  
Order granting motion for alternative service as to Shad Cottelli entered 2/1/18.

Clerk's entry of default as to EMP Media, Inc. and Shad Cottelli entered 5/11/18.  
Plaintiffs' motion for default judgment filed 6/11/18.  
Order granting motion for default judgment and permanent injunction and other relief 6/15/18.  
Defendant Cottelli's motion to set aside the default judgment filed 3/13/20; Commission's opposition filed 3/27/20; order denying motion entered 4/9/20.  
Notice of appeal by Cotelli filed 4/20/20.  
Cotelli's opening brief filed 7/8/20; Commission's answering brief filed 9/23/20; Cotelli's reply brief filed 11/13/20.  
Oral argument held 3/9/21.  
Ninth Circuit opinion affirming default judgment against Shad Cottelli issued 3/30/21.  
Defendant Cottelli's petition for panel rehearing filed 5/13/21; petition denied 5/20/21.  
Defendant Cottelli's petition for rehearing en banc filed 6/28/21.

***FTC v. CREDIT BUREAU CENTER, LLC***, No. 19-825 (S. Ct.); Nos. 18-3310, 18-2847 (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: Guy Ward (MWR)  
Douglas McKenney  
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.

***FTC v. CRITICAL RESOLUTION MEDIATION, LLC***, No 1:20-cv-3932 (N.D. Ga.)

Parties: Critical Resolution Mediation, LLC  
Parliament Services, LLC  
Brian Charles McKenzie  
Tracey Dottrice Warren

Assigned Attorneys: Hans Christian Clausen (SER)  
Robin L. Rock

Alleged Conduct: Deceptive and abusive debt-collection practices in violation of Section 5(a) of the FTC Act and the Fair Debt Collection Practices Act.

Status: Complaint filed 9/22/20.  
TRO entered 9/30/20.  
Preliminary injunction entered 11/10/20.

Commission's amended complaint filed 1/26/21.  
Stipulated preliminary injunction with asset freeze and other equitable relief against Defendant Tracey Dottrice Warren entered 3/2/21.  
Joint motion for a 90-day stay of proceedings needed for settlement filed 5/10/21; motion granted 5/11/21.

***FTC v. DIGITAL INCOME SYSTEM, INC.***, No 1:20-cv-24721 (S.D. Fla.)

Parties: Digital Income System, Inc.  
Derek J. Foley  
William Foley  
Christopher B. Frye  
Jennifer Hedrick  
Kaitlyn Scott

Assigned Attorneys: Harold Kirtz (SER)  
Lara Tumeh

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Business Opportunity Rule in connection with the marketing and sale of a purported money-making opportunity.

Status: Complaint filed 11/16/20.  
TRO entered 11/17/20; TRO extended 12/02/20.  
Stipulated preliminary injunction as to defendants Digital Income System, Inc, Derek Foley, William Foley, Kaitlyn Scott, and Jennifer Hedrick entered 12/18/20.  
Preliminary injunction as to Christopher B. Frye entered 12/18/20.  
Entry of default as to defendants Christopher B. Frye and Kaitlyn Scott 12/23/20.  
Commission motion for default judgment filed 1/13/21; order granting motion as to Defendants Christopher Brandon Frye and Kaitlyn Scott entered 3/23/21.  
Court mediator's mediation report and notice of settlement entered 4/26/21.  
Order administratively closing case entered 4/27/21.  
Commission notice of settlement approval filed 5/26/21.

***FTC v. DISRUPTION THEORY LLC***, No. 3:20-cv-06919 (N.D. Cal.)

Parties: Disruption Theory LLC  
Emergent Technologies LLC  
Marc Grisham, a/k/a Mark Grisham  
Courtney Grisham, a/k/a Courtney Brooks

Assigned Attorneys: N. Diana Chang (WRSF)

Sarah Schroeder  
Emily Burton

**Alleged Conduct:** Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with the marketing and sale of nonexistent “unlimited minutes” inmate calling plans.

**Status:** Complaint filed 10/5/20.  
Ex parte TRO with asset freeze entered 10/6/20.  
Commission stipulation with proposed order lifting asset freeze filed 5/4/21; stipulated order entered 5/6/21.  
Commission motion for summary judgment as to Defendant Marc Grisham filed 6/24/21.  
Commission motion for default judgment as to Defendants Disruption Theory, LLC, and Courtney Grisham filed 6/24/21.

***FTC v. ECOLOGICAL FOX, LLC***, Nos. 19-1925, 19-2387, 19-2204, 19-2306, 19-2387, 20-1594, 20-2215 (4th 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

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

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 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.  
Appeals consolidated 5/18/21.

***FTC v. ELECTRONIC PAYMENT SOLUTIONS OF AMERICA, INC.***, No. 2:17-cv-02535  
(D. Ariz.)

Parties:                    Electronic Payment Solutions of America, Inc.  
                                  Electronic Payment Services, Inc.  
                                  KMA Merchant Services, LLC  
                                  Dynasty Merchants, LLC  
                                  Jay Wigdore  
                                  Michael Abelmessseh aka Michael Stewart  
                                  Nikolas Mihilli  
                                  Electronic Payment Systems, LLC  
                                  Electronic Payment Transfer, LLC  
                                  John Dorsey

Thomas McCann  
Michael Peterson

Assigned Attorneys: James Evans (BCP/MP)  
Jody Goodman

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the FTC's Telemarketing Sales Rule in connection with telemarketing scheme that told consumers they could earn thousands of dollars by lending money to small businesses.

Status: Complaint filed 7/28/17.  
First amended complaint filed 3/9/18.  
Stipulated order for permanent injunction and monetary judgment against defendants KMA Merchant Services LLC and Michael Abdelmesseh entered 6/13/18.  
Stipulated order for permanent injunction and monetary judgment against Dynasty Merchants, LLC and Nikolas Mihilli entered 1/9/19.  
Motion to dismiss FTC's claim for monetary relief by Electronic Payment Systems, LLC, and Electronic Payment Transfer, LLC filed 4/24/19; Commission's opposition filed 5/8/19; defendants' reply filed 5/24/19; Motion denied 8/28/19.  
Stipulated order for permanent injunction and monetary judgment against Michael Peterson entered 8/28/19.  
Motion to amend answer by Electronic Payment Systems, LLC, and Electronic Payment Transfer, LLC filed 5/31/19; Commission's opposition filed 6/14/19; defendants' reply filed 7/5/19; motion denied 8/28/19.  
Motion for judgment on the pleadings by John Dorsey and Thomas McCann filed 6/11/19; Commission's opposition filed 6/25/19; defendants' reply filed 7/12/19; motion denied 8/28/19.  
Motion to reconsider or certify denial of motion to dismiss by Electronic Payment Systems, LLC, and Electronic Payment Transfer, LLC filed 9/10/19; Commission's opposition filed 9/24/19; defendants' reply filed 10/1/19; motion denied 10/23/19.  
Motion for summary judgment by Electronic Payment Systems, LLC and Electronic Payment Transfer filed 3/18/20; FTC's opposition filed 4/16/20; reply filed 4/22/20; motion denied 8/31/20.  
Motion for summary judgment by John Dorsey and Thomas McCann filed 9/25/20; Commission's opposition filed 10/16/20; defendants' reply filed 11/10/20.  
Motion for summary judgment by the Commission filed 9/25/20; defendants' oppositions filed 11/25/20; Commission response filed 1/8/21  
Stipulated orders for permanent injunction and judgment against Defendants Electronic Payment Systems of America, Inc., Electronic Payment Services Inc., and Jay Wigdore entered 1/22/21.  
Motion for reconsideration of motion for judgment on the pleadings by Defendants John Dorsey and Thomas McCann filed 5/10/21.

***FTC v. ELEGANT SOLUTIONS, INC.***, Nos. 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  
Imad Abyad (OGC)

Assigned Attorneys: Michelle Grajales (BCP/FP)  
Samuel Jacobson

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 v. ENDO PHARMACEUTICALS INC.***, 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

**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.

***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.

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

Parties: Facebook, Inc.

Assigned Attorneys: Daniel John Matheson (BC/Office of the Director)  
David Owyang (BC/TED)  
Eric Cochran  
Gary London, Jr.  
Henry Hauser  
Krisha Cerilli  
Maria DiMoscato  
Mark Silvia  
Michael Mikawa  
Michael Smith  
Noel Miller  
Owen Masters  
Patricia Galvan  
Rebecca Weinstein  
Robert Zuver, Jr.  
Sylvia Zhang

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 and imposition of anticompetitive conditions on third-party software developers' access to valuable interconnections to its platform.

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 due by 8/19/21.

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

Parties: FleetCor Technologies, Inc.  
Ronald Clarke

Assigned Attorneys: Thomas Kost (BCP/FP)  
Brittany Frassetto  
Thomas Kane  
Greg Madden  
Chris Leach

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.

***FTC v. FRONTIER COMMUNICATIONS CORP.***, No. 2:21-cv-4155 (C.D. Cal.)

Parties: Frontier Communications Corporation  
Frontier Communications Parent, Inc.  
Frontier Communications Intermediate, LLC  
Frontier Communications Holdings, LLC  
States of Arizona, California, Florida, Indiana, Michigan, North Carolina, and Wisconsin (Co-Plaintiffs)

Assigned Attorneys: Barbara Chun (WRLA)  
Robert Quigley  
Miles Freeman

Alleged Conduct: Deceptive and unfair acts or practices in violation of Section 5 of the FTC Act in connection with the advertising and sale of Internet service plans that failed to reach speeds promised to consumers.

Status: Complaint filed 5/19/21.

***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.

***FTC v. GDP NETWORK, LLC.***, No. 6:20-cv-1192 (M.D. Fla.)

Parties: GDP Network, LLC  
G & G Success, LLC  
G & N Squared, LLC  
Gino De Paz  
Grace De Paz  
Shabana Khublal  
State of Florida (Plaintiff)

Assigned Attorneys: Audrey Austin (MWR)  
Samantha Colleen Gordon  
William Joseph Hodor

Alleged Conduct: Deceptive and unfair acts or practices in violation of Section 5(a) of the FTC Act and the FTC's Telemarketing Sales Rule in connection with an alleged sham credit card interest rate reduction operation.

Status: Complaint filed 7/6/20.  
TRO entered 7/10/20.  
Preliminary injunction with asset freeze entered 8/14/20.  
Clerk's entry of default as to G & G Success LLC, G & N Squared LLC, and GDP Network LLC entered 10/1/20.  
Commission motion for entry of stipulated order for permanent injunction and monetary judgment against Defendants Gino De Paz and Grace De Paz filed 6/14/21.

***FTC v. GOLDEN SUNRISE NUTRACEUTICAL, INC.***, No. 1:20-AT-00540 (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.



***FTC v. HEALTH RESEARCH LABORATORIES LLC***, No. 2:17-cv-467 (D. Me.)

Parties: Health Research Laboratories LLC  
Kramer Duhon

Assigned Attorneys: Elizabeth K. Nach (BCP/AP)  
James A. Prunty  
Elizabeth Averill (BCP/ENF)

Nature of Action: Deceptive acts or practices in violation of Sections 5(a) and 12 of the FTC Act, the FTC's Telemarketing Sales Rule, and the Electronic Fund Transfer Act and its implementing regulation in connection with the marketing and sale of products that purported to cause weight loss; and treat arthritis, joint and back pain, and memory loss.

Status: Complaint filed 11/30/17.  
Joint motion for entry of stipulated final judgment and order permanent injunction and other equitable relief filed 11/30/17.  
Stipulated final judgment and order for permanent injunction and other equitable relief entered 1/17/18.  
Commission's contempt motion for violation of final judgment and order for permanent injunction filed 12/17/19; defendants' response in opposition filed 12/31/19; order denying motions entered 8/12/20.  
Telephonic hearing held 4/8/20.  
Defendants' motion to stay Commission administrative proceedings filed 11/30/20; Commission's opposition filed 12/21/20; defendants' reply filed 12/23/20; motion denied 1/20/21.

***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: R. Michael Waller (BCP/ENF)  
Korin Felix  
Elizabeth J. Averill  
Omolara Joseney  
Reenah L. Kim  
Hong Park  
Amanda C. Basta  
Kimberly L. Nelson  
Anna M. Burns

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; motions terminated without prejudice 6/21/21.

***FTC v. INMATE MAGAZINE SERVICE, INC.***, No. 3:21-cv-00294 (N.D. Fla.)

Parties: Inmate Magazine Services, Inc.  
318 Florida  
318 Wyoming  
Inmate Magazine Services of NA, LLC  
Inmate Magazine Plus.com of NA, LLC  
Roy Snowden  
Florida Office of the Attorney General (Co-Plaintiff)

Assigned Attorneys: Margaret Burgess (SER)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Mail Order Rule in connection with the marketing, sale, and distribution of magazine subscription services to incarcerated consumers and their families.

Status: Complaint filed 2/16/21.  
TRO with asset freeze and appointment of a temporary receiver entered 2/22/21.

Stipulated preliminary injunction with asset freeze and other equitable relief as to defendant Roy Snowden entered 3/3/21.  
Clerk's entry of default as to corporate defendants entered 5/11/21.

***FTC v. INNOVATIVE DESIGNS, INC.***, Nos. 20-3379 (3d Cir.); 2:16-cv-01669 (W.D. Pa.)

Parties: Innovative Designs, Inc.

Assigned Attorneys: Alejandro Rosenberg (BCP/ENF)  
Omolara Bewaji Joseney  
Imad Abyad (OGC)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with the advertising of Insultex House Wrap.

Status: Complaint filed 11/3/16.  
Bench trial held from 7/29/19 to 7/30/19.  
Motion for judgment on partial findings by defendant filed 3/27/20;  
Commission's response filed 4/17/20; telephonic hearing on motion for judgment on partial findings held 5/1/20.  
Order granting defendant's motion for judgment on partial findings entered 9/24/20.  
Commission's notice of appeal filed 11/23/20.  
Commission's opening brief filed 2/8/21; Appellee's opening brief filed 3/23/21; Commission's reply filed 4/13/21.  
Oral argument held 7/8/21.

***FTC v. LEAD EXPRESS, INC.***, No. 2:20-cv-00840 (D. Nev.)

Parties: Lead Express Inc.  
Camel Coins, Inc.  
Sea Mirror Inc.  
Naito Corp.  
Kotobuki Marketing, Inc.  
Ebisu Marketing, Inc.  
Hotei Marketing, Inc.  
Daikoku Marketing, Inc.  
La Posta Tribal Lending Enterprise d/b/a Harvest Moon Financial, Gentle Breeze Online, and Green Stream Lending  
Takehisa Naito  
Keishi Ikeda

Assigned Attorneys: Gregory Ashe (BCP/FP)  
Helen Clark  
Rufus Jenkins (BCP/DLTA)

**Alleged Conduct:** Deceptive acts or practices in violation of Section 5 of the FTC Act, the Telemarketing Sales Rule, Truth in Lending Act, and Electronic Fund Transfer Act in connection with the offering and extension of credit in the form of high-fee short-term “payday” loans

**Status:** Complaint filed 5/11/20.  
Stipulated preliminary injunctions entered 6/19/20.  
Joint motion to stay case to consider settlement with defendants Lead Express, Camel Coins, Sea Mirror, Naito Corp., Kotobuki Marketing, Ebisu Marketing, Hotei Marketing, Daikoku Marketing, Takehisa Naito, and Keishi Ikeda filed 10/20/20; order granting stay entered 10/20/20.  
Commission’ motion for default judgment against Defendant La Posta Tribal Lending Enterprise filed 11/20/20; defendant’s opposition filed 12/2/20; Commission’s reply filed 12/9/20.  
Stipulated order for permanent injunction as to defendants Lead Express, Camel Coins, Sea Mirror, Naito Corp., Kotobuki Marketing, Ebisu Marketing, Hotei Marketing, Daikoku Marketing, Takehisa Naito, and Keishi Ikeda entered 4/1/21.

***FTC v. LENDING CLUB CORP.***, No. 3:18-cv-02454 (N.D. Cal.)

**Parties:** Lending Club Corporation d/b/a Lending Club

**Assigned Attorneys:** Katharine Roller (BCP/FP)  
Matthew Wilshire  
Helen Clark

**Alleged Conduct:** Deceptive and unfair acts or practices in violation of Section 5(a) of the FTC Act and the Privacy of Consumer Financial Information Rule in connection with the advertising, promotion, and sale of unsecured loans.

**Status:** Complaint filed 4/25/18.  
Motion to dismiss complaint filed 6/18/18; response in opposition filed 7/18/18; reply in support of motion filed 8/1/18; order granting motion in part and denying in part entered 10/3/18.  
First amended complaint filed 10/22/18.  
Cross-motions for summary judgment filed 2/27/20; oppositions filed 3/26/20; replies filed 4/16/20.  
Order granting in part and denying in part FTC’s and defendant’s motions for summary judgment entered 6/1/20.  
Case stay pending Supreme Court’s resolution of *AMG Capital Mgmt. v FTC* entered 8/21/20.  
Case stay lifted 4/28/21.  
Stipulated order striking the Commission’s prayer for equitable monetary relief entered 5/14/21.

**FTC v. LIFE MANAGEMENT SERVICES OF ORANGE COUNTY, INC.**, No. 19-14248  
(11th Cir.); No. 6:16-cv-00982 (M.D. Fla.)

Parties: Life Management Services of Orange County, Inc.  
Loyal Financial and Credit Services LLC d/b/a FOC Credit and Reward  
Services  
IVD Recovery LLC  
KWP Services LLC  
KWP Services of Florida LLC  
LPSOFFLA LLC  
LPSOFFLORIDA LLC  
PW&F Consultants of Florida LLC  
UAD Secure Services LLC  
UAD Secure Service of Florida LLC  
URB Management LLC  
YCC Solutions LLC  
YFP Solutions LLC  
Kevin Guice  
Chase Jackowski  
Linda McNealy  
Clarence Wahl a/k/a Harry Wahl  
Karen Wahl  
Robert Guice (Relief Defendant)  
Timothy Woods (Relief Defendant)  
State of Florida (Plaintiff)

Assigned Attorneys: Tejasvi Srimushnam (BCP/MP)  
Joshua Doan  
Michael Bergman (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Telemarketing Sales Rule, and the Florida Deceptive and Unfair Trade Practices Act in connection with the sale of debt relief services.

Status: Complaint filed 6/7/16.  
Stipulated preliminary injunction entered 6/30/16.  
Motion for summary judgment as to defendant Kevin Guice filed 5/1/17; opposition filed 5/30/17; Commission's reply filed 6/14/17; order granting summary judgment and permanent injunction entered 12/7/18.  
Notice of stipulated proposed orders for permanent injunction and monetary judgment against all defendants except Kevin Guice filed 9/1/17.  
Order for permanent injunction and monetary relief against Kevin Guice entered 12/7/18.

Order granting summary judgment, with permanent injunction and monetary relief, against Kevin Guice entered 12/10/18.  
Motion to Alter or Amend Judgment against Kevin Guice filed on 01/8/19. Stipulated final orders against defendants Chase Jackowski, Linda McNealy, Clarence Wahl, Karen Wahl, and corporate defendants Life Management Services of Orange County, LLC, Loyal Financial & Credit Services, LLC, IVD Recovery, LLC, KWP Services, LLC, KWP Services of Florida LLC, LPSOFFLA LLC, LPSOFFLORIDA L.L.C., PW&F Consultants of Florida LLC, UAD Secure Services LLC, UAD Secure Service of FL LLC, URB Management, LLC, YCC Solutions LLC, and YFP Solutions LLC entered 4/23/19.  
Stipulated final orders against relief defendants Robert Guice and Timothy Woods entered 4/23/19.  
Order denying motion to alter or amend judgement against Kevin Guice entered 9/24/19.  
Notice of appeal of final judgment by Kevin Guice filed 10/24/19.  
Appellant Kevin Guice's opening brief filed 2/22/21; Commission's brief filed 4/19/21.

***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)  
Douglas McKenney

**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.

***FTC v. MODA LATINA BZ, INC.***, No. 2:20-cv-10832 (C.D. Cal.)

**Parties:** Moda Latina BZ, Inc.  
Esther Virginia Fernandez Aguirre  
Marco Cesar Zarate Quiroz

**Assigned Attorneys:** Roberto Anguizola (BCP/MP)  
P. Connell McNulty  
Virginia G. Rosa

**Alleged Conduct:** Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Telemarketing Sales Rule in connection with the marketing and sale of fraudulent work-at-home opportunities to consumers.

**Status:** Complaint filed 11/30/20.  
Stipulated TRO with asset freeze as to individual defendants entered 12/23/20.  
Stipulated permanent injunction and monetary judgment entered 3/1/21.

***FTC v. MONETA MANAGEMENT, LLC***, No. 9:21-cv-81139 (S.D. Fla.)

**Parties:** Moneta Management, LLC  
Moneta Management, Inc.  
Michael Todd Greene

**Assigned Attorneys:** Lara Tumeh (SER)

**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 use of payment-processing services to aid a criminal student debt relief scam.



Status: Complaint filed 6/29/21.  
Joint motion for entry of stipulated order for permanent injunction and monetary judgment filed 6/29/21.

***FTC v. NATIONAL LANDMARK LOGISTICS, LLC***, No. 0:20-cv-2592 (D.S.C.)

Parties: National Landmark Logistics, LLC  
National Landmark Service of United Recovery, LLC  
Liberty Solutions & Associates, LLC  
LSA Processing System, LLC  
Silverlake Landmark Recovery Group, LLC  
Jean Cellent aka Jean-Pierre Cellent  
James Dennison  
Eric Dennison

Associated Attorneys: Gregory Ashe (BCP/FP)  
Marguerite Moeller  
Johanna Valenzuela  
Michael Goldstein

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Fair Debt Collection Practices Act in connection with debt collection operation.

Status: Complaint filed 7/13/20.  
TRO entered 7/17/20.  
Stipulated preliminary injunction as to defendants Liberty Solutions & Associates, LSA Processing System, James Dennison, and Eric Dennison entered 8/25/20.  
Stipulated preliminary injunction as to defendants National Landmark Logistics, National Landmark Service of United Recovery, Silverlake Landmark Recovery Group, and Jean Cellent entered 10/8/20.  
Joint motion to stay case to consider settlement with defendants Liberty Solutions & Associates, LSA Processing System, James Dennison, and Eric Dennison filed 11/16/20; order granting stay entered 11/19/20.  
Stipulated permanent injunction and monetary judgment as to Defendants James Dennison, Eric Dennison, Liberty Solutions & Associates, and LSA Processing Systems entered 2/9/21.

***FTC v. NATIONAL UROLOGICAL GROUP, INC.***, Nos. 10-125; 19-1445 (S. Ct); Nos. 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  
Jack Metzler (OGC)  
Amanda Basta (BCP/ENF)  
Evan Mendelson

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.

***FTC v. NATIONAL WEB DESIGN***, No. 2:20-cv-846 (D. Utah)

Parties: National Web Design, LLC  
B2B Website Design, LLC d/b/a Affiliate Web Design  
Amazon Affiliate Program, LLC d/b/a The Affiliate Consultants  
R&C Consultation, LLC d/b/a R&C Consulting  
Randon J. Morris a/k/a Randy Morris

Assigned Attorneys: Laura C. Basford (BCP/MP)  
D. Allen Dreschel

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the FTC's Telemarketing Sale Rule in connection with the sale and marketing of fraudulent work-from-home business opportunity programs through illegal robocalls.

Status: Complaint filed 11/30/20.  
Ex parte TRO granting asset freeze, appointment of temporary receiver, and immediate access entered 12/1/20.  
Order granting joint motion to stay proceedings pending Commission review of a proposed settlement entered 1/13/21.  
Stipulated permanent injunction and monetary judgment entered 3/12/21.

***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  
David O'Toole

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 Neora 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.

***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

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.

***FTC v. JAMES NOLAND***, 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

Associated Attorneys: Evan Michael Mendelson (BCP/ENF)  
Jonathan Wesley Ware

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.  
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.  
Motion for summary judgment as to monetary remedies filed 6/23/21.

***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

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 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.

***FTC v. UNKNOWN PARTIES DECEIVING CONSUMERS***, No. 5:20-cv-2494 (N.D. Ohio)

Parties: One or more unknown parties deceiving consumers into making purchases through [www.cleanyos.com](http://www.cleanyos.com) | [www.arlysol.com](http://www.arlysol.com) | [www.broclea.com](http://www.broclea.com) | [www.cadclea.com](http://www.cadclea.com) | [www.cleancate.com](http://www.cleancate.com) | [www.cleankler.com](http://www.cleankler.com) | [www.cleanula.com](http://www.cleanula.com) | [www.clean-sale.com](http://www.clean-sale.com) | [www.clean-sell.com](http://www.clean-sell.com) | [www.clorox-sale.com](http://www.clorox-sale.com) | [www.clorox-sales.com](http://www.clorox-sales.com) | [www.cloroxstore.com](http://www.cloroxstore.com) | [www.crlisol.com](http://www.crlisol.com) | [www.elysol.com](http://www.elysol.com) | [www.littletoke.com](http://www.littletoke.com) | [www.lybclean.com](http://www.lybclean.com) | [www.lysoiclean.com](http://www.lysoiclean.com) | [www.lysol-clean.com](http://www.lysol-clean.com) | [www.lysol-cleaners.com](http://www.lysol-cleaners.com) | [www.lysol-free.com](http://www.lysol-free.com) | [www.lysolsales.com](http://www.lysolsales.com) | [www.lysolservicebest.com](http://www.lysolservicebest.com) | [www.lysol-sell.com](http://www.lysol-sell.com) | [www.lysol-wipe.com](http://www.lysol-wipe.com) | [www.thaclean.com](http://www.thaclean.com)

Assigned Attorneys: Harris Senturia (ECR)  
Adrienne Watson  
Fil de Banate

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) and 45(a) of the FTC Act in connection with counterfeit websites purporting to sell Clorox and Lysol cleaning and disinfecting products.

Status: Complaint filed 11/4/2020.  
TRO entered 11/05/2020.  
Preliminary injunction entered 11/19/20.

***FTC v. PUBLISHERS BUSINESS SERVICES, INC.***, No. 19-507 (S. Ct.); Nos. 17-15600; 11-17270 (9th Cir.); No. 2:08-cv-00620 (D. Nev.)

Parties: Publishers Business Services, Inc.  
Ed Dantuma Enterprises, Inc. d/b/a Publishers Direct Services d/b/a  
Publishers Business Services  
Persis Dantuma  
Brenda Dantuma Schang



Dries Dantuma  
Dirk Dantuma  
Jeffrey Dantuma  
Edward Fred Dantuma

Assigned Attorneys: Faye Chen Barnouw (WRLA)  
Maricela Segura  
Karen Goff (WRSF)  
Joel Marcus (OGC)  
Mariel Goetz

Alleged Conduct: Deceptive acts and practices in violation of section 5(a) and the Telemarketing Sales Rule in connection with the marketing and sale of magazine subscriptions.

Status: Complaint filed 5/14/08.  
Amended complaint filed 2/5/09.  
Commission's motion for summary judgment filed 7/31/09; opposition filed 11/23/09; reply filed 12/7/09.  
Order granting the Commission's motion for summary judgment entered 4/7/10.  
Order for permanent injunction as to all defendants entered 4/7/10.  
Commission's opening brief on the issue of damages filed 4/20/10.  
Final judgment as to all defendants entered 7/25/11.  
Commission's opening brief filed 2/13/12; defendants' answering brief filed 4/13/12; reply brief filed 5/11/12.  
Memorandum disposition remanding case to district court entered 9/19/13.  
Petition for writ of certiorari filed 2/27/14.  
Petition for writ of certiorari denied 6/9/14.  
Commission's motion for monetary judgment filed 5/31/16; defendants' brief on damages filed 7/19/16; Commission's reply filed 8/9/16.  
Order granting Commission's motion for judgment entered 3/2/17.  
Notice of appeal filed 3/31/17.  
Appellants' opening brief filed 8/30/17; Commission's answering brief filed 10/30/17; reply brief filed 12/20/17.  
Oral argument held 8/15/18.  
Opinion affirming judgment of the district court entered 8/31/18.  
Appellants' petition for rehearing filed 10/15/18; Commission's opposition filed 12/20/18.  
Order denying appellants' petition for rehearing *en banc* entered 6/19/19.  
Petition for writ of certiorari filed 10/18/19; Commission's brief in opposition filed 12/13/19; reply brief filed 12/23/19; supplemental brief of petitioners filed 6/30/20.  
Writ of certiorari granted and order remanding to the Ninth Circuit in light of the Court's ruling in *AMG* entered 5/3/21.

Ninth Circuit opinion affirming the district court's permanent injunction, vacating the awarded monetary judgment for equitable relief under 13(b), and remanded for further proceedings to determine if further relief is warranted entered 6/10/21.

***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 (Plaintiff)

Assigned Attorneys: Annette Soberats (BCP/AP)  
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.

***FTC v. QYK Brands, LLC***, 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  
Delilah Vinzon (WR-LA)

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.

***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)  
Gordon Sommers  
Laura Basford  
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.

***FTC v. ROCA LABS, INC.***, Nos. 6:20-cv-2117, 8:15-cv-2231 (M.D. Fla.)

Parties: Roca Labs, Inc.  
Roca Labs Nutraceutical USA, Inc.  
Don Juravin  
George C. Whiting

Assigned Attorneys: Carl H. Settlemeyer (BCP/AP)  
Paul Bryan Spelman  
Mariel Goetz (OGC)  
Kimberly Nelson (BCP/ENF)  
Michael Mora

Alleged Conduct: Violations of Sections 5(a) and 12 of the FTC Act in connection with the deceptive marketing of weight loss products.

Status: Complaint filed 9/24/15.  
Permanent injunction and monetary judgment against all defendants entered 11/6/18.  
Notice of appeal by defendant Don Juravin from bankruptcy court's ruling that the judgment debt he owes to the Commission is not dischargeable filed 11/10/20.  
Order dismissing appeal for failure to prosecute entered 4/2/21.

***FTC v. SEED CONSULTING, LLC***, No. 2:21-cv-00154 (D. Nev.)

Parties: Seed Consulting, LLC d/b/a Seed Capital d/b/a Foundation Funding  
Credit Navigator, LLC  
Erik Gantz  
Randy Lang

Assigned Attorneys: Brian Lasky (NER)  
Christopher Y. Miller

Alleged Conduct: Deceptive acts or practices in violation of Section 5 of the FTC Act, the  
Telemarketing Sales Rule, and the Consumer Review Fairness Act in  
connection with a credit card stacking scheme.

Status: Complaint filed 1/29/21.  
Stipulated permanent injunction and monetary judgment entered 2/1/21.

***FTC v. SIMPLE HEALTH PLANS, LLC***, Nos. 19-10840, No. 19-11932 (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)  
James Davis  
Joannie Wei  
Kenneth Hawkins  
Roberto Menjivar  
Nathaniel Al-Najjar  
Brad Grossman (OGC)

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.

***FTC v. SPM THERMO-SHIELD, INC.***, No. 2:20-cv-542 (M.D. Fla.)

Parties: SPM Thermo-Shield, Inc.

Peter J. Spiska  
George P. Spiska

Assigned Attorneys: Joshua Millard (BCP/ENF)  
Kristy Tillman

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

Status: Complaint filed 7/28/20.  
Defendants' motion to dismiss filed 10/5/20; Commission's opposition filed 10/19/20; order denying defendants' motion entered 11/6/20.  
Motion to dismiss by Defendants filed 5/14/21; Commission's opposition filed 5/24/21; order granting motion in part as to request for equitable monetary relief and denying in all other respects entered 5/27/21.  
Amended complaint filed 6/2/21.

***FTC v. STUDENT ADVOCATES TEAM, LLC***, No. 8:19-cv-01728 (C.D. Cal.)

Parties: Student Advocates Team, LLC  
Progress Advocates Group, LLC, d/b/a Student Advocates  
Student Advocates Group, LLC  
Assurance Solution Services, LLC  
Bradley Jason Hunt  
Sean Quincy Lucero  
Equitable Acceptance Corp.

Assigned Attorneys: John Jacobs (WR-LA)  
Delilah Vinzon  
Maricela Segura

Nature of Action: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Telemarketing Sales Rule, and the Truth in lending Act and its implementing Regulation Z, in connection with marketing, promotion, offering for sale, sale, and extension of credit for the purchase of student loan debt relief services.

Status: Complaint filed 9/11/19.  
Stipulated order for permanent injunction, monetary relief and final judgment as to Equitable Acceptance Corporation entered 9/12/19.  
Default entered by the clerk against corporate defendants on 10/23/19.  
Motion to dismiss by defendants Bradley Jason Hunt and Sean Quincy Lucero filed 10/18/19; Commission's opposition filed 10/28/19; defendants' reply in support filed 11/4/19; order denying motion

entered 12/18/19.  
FTC's motion to strike affirmative defenses filed 2/14/20; order striking Defendants' affirmative defenses entered 4/8/20.  
Stipulated order staying case pending Commission review of proposed settlement entered 3/11/21.  
Stipulated orders of permanent injunctions, monetary relief, and final judgment as to all remaining Defendants entered 5/17/21.

***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  
Savvas Socrates Diacosavvas

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.

***FTC v. SUPERIOR PRODUCTS INTERNATIONAL II, INC.***, No. 2:20-cv-2366 (D. Kans.)

Parties: Superior Products International II, Inc.  
Joseph E. Pitchett

Assigned Attorneys: Adrienne Lighten (BCP/ENF)  
Jonathan Ware  
Jon Fleenor

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

Status: Complaint filed 7/28/20.  
Defendants' answer filed 9/28/20.  
Commission's motion to strike affirmative defense filed 10/19/20; defendants' response filed 11/2/20; Commission's reply filed 11/16/20; order granting commission's motion to strike defendants' affirmative defense entered 12/18/20.



Commission's notice of change in law and withdrawal of request for equitable monetary relief filed 5/10/21.  
Motion for leave to file amended complaint filed 6/22/21.

***FTC v. SUPERTHERM, INC.***, No. 3:20-cv-8190 (D. Ariz.)

Parties: SuperTherm, Inc.  
Roberto Guerra  
Susana Guerra

Assigned Attorneys: Jonathan Wesley Ware (BCP/ENF)  
Michelle Schaefer

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.  
Clerk's entry of default as to all defendants entered 9/11/20.  
Order for Commission to show cause why case should not be dismissed for failure to prosecute entered 1/8/21; Commission response filed 1/22/21.  
Motion for default judgment against all Defendants filed 3/26/21;  
Commission supplemental brief filed 4/26/21.

***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

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 v. TATE'S AUTO CENTER***, No. 3:18-cv-008176 (D. Ariz.)

Parties: Tate's Auto Center of Winslow Inc.  
Tates Automotive Inc.  
Tate Ford Lincoln Mercury Inc. d/b/a Tate's Auto Center  
Tate's Auto Center of Gallup Inc.  
Richard Berry  
Linda Tate

Assigned Attorneys: Gregory Ashe (BCP/FP)  
Naomi Takagi  
Dan Hanks  
Francis Conlon

Alleged Conduct: Deceptive acts or practices in violation of Section 5 of the FTC Act and the Truth in Lending Act and its implementing regulations in connection with the marketing, sale, and financing of motor vehicles.

Status: Complaint filed 7/31/18.  
Defendant's notice of filing bankruptcy filed 3/19/19; Commission's response filed 3/27/19.  
Commission's motion for summary judgment as to individual defendant Richard Berry and relief defendant Linda Tate filed 3/24/20; defendants' opposition filed 5/22/20; Commission's reply filed 6/11/20.  
Stipulated order for permanent injunction and monetary judgment as to four corporate defendants entered 8/18/20.  
Commission motion for summary judgment granted in part and denied in part 2/5/21.  
Order granting joint stipulation to stay case pending Commission review of settlement agreement entered 4/23/21.

***FTC v. VYERA PHARMACEUTICALS, LLC***, 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 S. Albert  
Armine Black  
Daniel W. Butrymowicz  
Leah Hubinger  
Lauren Peay  
Neal Perlman  
J. Maren Schmidt  
James Weingarten (BC/Office of the Director)

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.

***FTC v. WELLCO, INC.***, No. 1:21-cv-2081 (S.D.N.Y.)

Parties: Wellco, Inc.  
George M. Moscone

Assigned Attorneys: Carl H. Settlemyer (BCP/AP)  
Michael F. Ostheimer

Alleged Conduct: Deceptive acts or practices in violation of Section 5 of the FTC Act in connection with the marketing and selling of indoor TV antennas and amplifiers.

Status: Complaint filed 3/10/21.

Stipulated order for permanent injunction and monetary judgment entered 4/7/21.

***FTC v. YELLOWSTONE CAPITAL, LLC***, No. 1:20-cv-6023 (S.D.N.Y.)

Parties: Yellowstone Capital, LLC  
Fundry, LLC  
Yitzhak Stern aka Isaac Stern  
Jeffrey Reece

Assigned Attorneys: Evan Zullo (BCP/FP)  
Ioana Gorecki  
Christopher Leach

Alleged Conduct: Deceptive and unfair acts or practices in violation of Section 5 of the FTC Act in connection with the advertising, offering, and repayment of small business financing.

Status: Complaint filed 8/3/20.  
Defendants' motion to dismiss filed 10/2/20; Commission's opposition to motion filed 10/16/20; motion denied 10/30/20.  
Stipulated order for permanent injunction and monetary judgment entered 5/4/21.

***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  
Michelle 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.

***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

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.

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

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

***UNITED STATES v. APPFOLIO, INC.***, No. 1:20-cv-3563 (D.D.C.)

Parties: Appfolio, Inc.

Assigned Attorneys: Zachary Dietert (DOJ/CPB)

Alleged Conduct: Violations of the Fair Credit Reporting Act in connection with failures to follow reasonable procedures in preparing background screening reports that were sold to thousands of property-management companies.

Status: Complaint filed 12/8/20.  
Stipulated proposed order for permanent injunction and civil penalty

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

judgment filed 12/8/20; stipulated order entered 1/12/21.

***UNITED STATES v. CARTISIM CORPORATION***, No. 2:21-cv-212 (E.D.N.Y)

Parties: Cartisim Corporation  
Simon Ebrani

Assigned Attorneys: Bonni Perlin (AUSA)  
Kevin Yim  
Benjamin Cornfeld (DOJ/Civ)

Alleged Conduct: Violations of the Better Online Ticket Sales Act (BOTS) in connection with the use of automated ticket-buying software to circumvent legal limits on online ticket purchases and unlawfully re-selling these tickets for revenue.

Status: Complaint filed 1/14/21.  
Stipulated order for permanent injunction and civil penalty judgment entered 1/15/21.

***UNITED STATES v. CONCERT SPECIALS, INC.***, No. 2:21-cv-214 (E.D.N.Y.)

Parties: Concert Specials, Inc.  
Steven Ebrani

Assigned Attorneys: Bonni Perlin (AUSA)  
Kevin Yim  
Benjamin Cornfeld (DOJ/Civ)

Alleged Conduct: Violations of the Better Online Ticket Sales Act (BOTS) in connection with the use of automated ticket-buying software to circumvent legal limits on online ticket purchases and unlawfully re-selling these tickets for revenue.

Status: Complaint filed 1/14/21.  
Stipulated order for permanent injunction and civil penalty judgment entered 1/19/21.

***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.

***UNITED STATES v. DISH NETWORK LLC***, Nos. 17-3111, 13-2282 (7th Cir.); 3:09-cv-3073  
(C.D. Ill.)

Parties: Dish Network L.L.C.

Assigned Attorneys: Russell Deitch (BCP/MP)  
Patrick Runkle (DOJ/CPB)  
Lisa Hsiao

Alleged Conduct: Violations of Section 5 and the Telemarketing Sales Rule in connection with abandoned calls and telephone calls to consumers on the National Do Not Call Registry.

Status: Complaint filed 3/25/09.  
Defendant's motion to dismiss filed 5/21/09; plaintiff's response in opposition filed 7/17/09; defendant's reply filed 7/27/09; plaintiff's sur-reply filed 9/11/09.  
Order denying motion to dismiss entered 11/2/09.  
Defendant's motion for reconsideration or interlocutory appeal filed 11/19/09; plaintiff's response filed 12/22/09; order denying motion entered 2/4/10.  
Memorandum in opposition to motion/petition filed 5/21/10.  
Motion to compel 7/30/10; memorandum in opposition to motion 8/16/10; memorandum in support of motion filed 9/24/10; order on motion to compel entered 12/9/10.  
Appeal of magistrate judge decision to district court filed 12/29/10.  
Defendants' motion to stay action under doctrine of primary jurisdiction filed 12/21/10; opposition filed 1/12/11.  
Order directing the parties to file an administrative complaint with the FCC, to obtain its interpretation of statutory language entered 2/4/11.

Order vacating magistrate's decision denying Commission's motion for leave to file second amended complaint entered 3/12/13.  
Amended complaint filed 3/12/13.  
Petition for writ of mandamus by Dish Network filed 6/12/13.  
Order denying petition for mandamus entered 7/3/13.  
United States' motion for summary judgment filed 12/23/13; opposition filed 3/6/14.  
Motion for summary judgment by Dish Network filed 1/6/14; opposition filed 5/30/14.  
United States' motion for summary judgment filed 5/30/14.  
Order directing parties to file memoranda addressing issue of deference to agency's interpretation of its regulations entered 7/8/14; parties' memoranda of law filed 8/8/14; parties' responses to each other's memoranda filed 8/22/14.  
Order granting partial summary judgment for United States and partial summary judgment for Dish Network entered 12/12/14.  
Motion for sanctions by United States and state plaintiffs filed 7/20/15; memorandum in opposition filed 8/21/15; reply filed 9/10/15; order granting motion in part and denying in part entered 10/13/15.  
Trial on civil penalties held 1/19/16-2/17/16.  
Trial on permanent injunctive relief held 10/25/16-11/2/16.  
Stipulated order for permanent injunction and civil penalty judgment entered 6/5/17.  
Defendant's notice of appeal filed 10/6/17.  
Appellant-defendant's brief filed 2/22/18; United States' brief filed 6/22/18; reply brief filed 8/10/18.  
Oral argument held 9/17/18.  
Seventh Circuit opinion affirming judgment of the district court, except for its holding that Dish is liable for "substantially assisting" Star Satellite and its measure of damages, vacating as to those matters, and remanding for further proceedings, entered 3/26/20.  
Petition for rehearing and rehearing *en banc* by Dish Network filed 6/10/20; petition denied 6/25/20.  
Stipulated order for monetary judgment entered 12/4/20.  
Judgment in favor of United States entered 1/7/21.

***FTC v. GRAND BAHAMA CRUISE LINE, LLC***, No. 6:20-cv-00052 (M.D. Fla.)

Parties: Grand Bahama Cruise Line, LLC  
Ultimate Vacation Group, LLC  
Tropical Accommodations LLC  
VSC, LLC  
Cabb Group, LLC  
Florida V.S.C. Inc.  
Jonathan Blake Curtis  
Anthony DiGiacomo



Christopher A. Cotroneo  
Christina R. Peterson  
Robert J. Peterson II

Assigned Attorneys: Christopher E. Brown (BCP/MP)  
Jody Goodman

Alleged Conduct: Violations of Section 5(a) of the FTC Act and the FTC's Telemarketing Sales Rule in connection with the operation of a telemarketing campaign offering "free" cruise vacations that initiated illegal robocalls, calls to numbers on the Do-Not-Call registry, and calls with spoofed caller IDs.

Status: Complaint filed 1/10/20.  
Stipulated final order for permanent injunction and monetary judgment as to defendants Cabb Group, LLC, Christina R. Peterson, and Robert J. Peterson II entered 1/15/20.  
Stipulated final order for permanent injunction and monetary judgment as to defendant Christopher A. Cotroneo entered 1/15/20.  
Order granting motion to stay proceedings pending Commission's approval of settlement entered 2/2/21; order lifting stay as to non-settling defendants entered 4/27/21.

***UNITED STATES v. JUST IN TIME TICKETS, INC.***, No. 2:21-cv-215 (E.D.N.Y)

Parties: Just in Time Tickets, Inc.  
Evan Kohanian

Assigned Attorneys: Bonni Perlin (AUSA)  
Kevin Yim  
Benjamin Cornfeld (DOJ/Civ)

Alleged Conduct: Violations of the Better Online Ticket Sales Act (BOTS) in connection with the use of automated ticket-buying software to circumvent legal limits on online ticket purchases and unlawfully re-selling these tickets for revenue.

Status: Complaint filed 1/14/21.  
Stipulated order for permanent injunction and civil penalty judgment entered 1/15/21.

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

Parties: Match Group, Inc.

Assigned Attorneys: Reid Tepfer (SWR)  
Hasan Aijaz

Matthew Wilshire

**Alleged Conduct:** Deceptive acts and practices in violation of section 5(a) 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.

***UNITED STATES v. MYLIFE.COM, INC.***, No. 2:20-cv-6692 (C.D. Cal.)

**Parties:** MyLife.com, Inc.  
Jeffrey Tinsley

**Assigned Attorneys:** Lisa Hsiao (DOJ/CPB)

Zachary Dietert  
Patrick Raymond Runkle

**Alleged Conduct:** Deceptive acts and practices in violation of Section 5 of the FTC Act, the Restore Online Shoppers' Confidence Act, the Telemarketing Sales Rule, and the Fair Credit Reporting Act in connection with "teaser background reports" that often falsely claimed to include information about arrest, criminal, and sex offender records, as well as misleading billing and marketing practices.

**Status:** Complaint filed 7/27/20.  
Defendants' motions to dismiss filed 9/29/20; motions stricken 9/30/20.  
Defendants' motions to dismiss refiled 10/1/20; United States' opposition filed 10/19/20; defendants' reply filed 10/26/20; motions to dismiss denied 11/6/20.

***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  
Kristin Williams (BCP/AP)

Mary Johnson  
Brady Williams

**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.

***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:** Marguerite Moeller (BCP/FP)  
Gregory Ashe  
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 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.

**UNITED STATES v. VIVINT SMART HOME INC.**, No. 2:21-cv-267 (D. Utah)

Parties: Vivint Smart Home, Inc.

Assigned Attorneys: Brian M. Boynton (DOJ/Civ)  
Alisha Crovetto

Alleged Conduct: Violations of Section 5 of the FTC Act, the Fair Credit Reporting Act, and Red Flags Rule in connection with a scheme to improperly obtain consumer credit reports in order to qualify potential customers for financing for its home monitoring and security products.

Status: Complaint filed 4/29/21.  
Stipulated order for permanent injunction and civil penalty judgment entered 5/3/21.

**FTC v. ZURIXX LLC**, No. 2:19-cv-00713 (D. Utah)

Parties: Zurixx, LLC  
Brand Management Holdings, LLC  
CAC Investment Ventures, LLC (Puerto Rico)  
CAC Investment Ventures, LLC (Utah)  
Carlson Development Group, LLC (Utah)  
Carlson Development Group, LLC (Puerto Rico)  
CJ Seminar Holdings, LLC  
Dorado Marketing and Management, LLC  
JSS Investment Ventures, LLC  
JSS Trust  
Zurixx Financial, LLC (Utah)  
Zurixx Financial, LLC (Puerto Rico)  
Cristopher A. Cannon  
James M. Carlson  
Jeffrey D. Spangler  
Gerald D. Spangler  
Stephenie J. Spangler  
Utah Division of Consumer Protection (co-plaintiff)

Assigned Attorneys: Collot Guerard (BCP/MP)  
Joshua Doan  
Amanda Grier  
Thomas Harris

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC, the Consumer Review Fairness Act, the Telemarketing Sales Rule, as well as the Utah Consumer Sales Practices Act and the Utah Business Opportunity Disclosure Act in connection with the marketing and sale of real estate investment products and services.

Status: Complaint filed 9/30/19.  
TRO entered 10/1/19.  
Preliminary injunction entered 11/1/19.  
Defendants' motion for partial dismissal filed 11/19/19; Commission's opposition file 12/17/19; defendants' reply filed 12/31/19.  
Order denying defendants' motion to dismiss entered 2/26/20.  
Defendants' motion for interlocutory appeal and partial dismissal filed 3/11/20; Commission's opposition filed 3/25/20; defendants' reply filed 4/8/20.  
Order denying defendants' motion for interlocutory appeal and partial dismissal entered 4/28/20.  
Amended complaint filed 5/12/20.  
Defendants' motion to dismiss filed 8/17/20; Commission's opposition filed 9/14/20; defendants' reply filed 9/28/20.  
Order denying defendants' motion to dismiss, to stay discovery, and for relief from the preliminary injunction entered 11/24/20.  
Amended complaint filed 2/12/21.  
Motion to intervene by Annelise Agee, Byron Aldrink, Brian Banks, Joshua Jackson, Polar Prutaseranee, and Jeanne Rietzke filed 5/11/21; Commission opposition filed 6/7/21; Movants' reply filed 6/28/21.  
Motion for partial summary judgment by Defendants Brand Management Holdings, CAC Investment Ventures, CAC Investment Ventures Utah, CJ Seminar Holdings, Christopher Cannon, James Carlson, Carlson Development Group Puerto Rico, Carlson Development Group Utah, Dorado Marketing and Management, Jeffrey Spangler, Zurixx, Zurixx Financial Puerto Rico, and Zurixx Financial Utah filed 5/12/21; Commission opposition filed 6/9/21; Defendants' reply filed 6/23/21.  
Motion for partial summary judgment by Defendants JSS Investment Ventures, JSS Trust, Gerald Spangler, and Stephanie Spangler filed 5/28/21; Commission opposition filed 6/9/21; Defendants' reply filed 6/29/21.

**(B) Competition**

*None*

**SUBPOENA AND CID ENFORCEMENT PROCEEDINGS**

***FTC v. NETLATITUDE INC.***, No. 4:21-mm-1300 (S.D. Tex.)

Parties: Netlatitude, Inc.

Assigned Attorneys: Miles Freeman (WR-LA)  
James Elliot (SWR)

Nature of Action: Petition to enforce a CID

Status: Petition filed 5/8/21.

***FTC v. PLATINUM PLUS PRINTING, LLC***, No. 1:21-mc-00092 (D.D.C.)

Parties: Platinum Plus Printing, LLC

Assigned Attorneys: Burke Kappler (OGC)  
Michele Arington

Nature of Action: Petition to enforce a CID

Status: Petition filed 6/24/21.

***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.

**SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION**

***ALDABE v. COHEN***, No. 1:21-cv-803 (D. Md.)

Parties: Fermin Aldabe

Assigned Attorneys: Kimberly Phillips (AUSA)

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.  
Plaintiff's motion for default judgment filed 6/10/21; Commission's opposition filed 6/11/21; motion denied 6/22/21.

***AXON ENTERPRISE INCORPORATED v. FTC***, 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  
Joel Marcus (OGC)

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.

***BLOCK & LEVITON, LLP v. FTC***, Nos. 21-1172, 21-1195 (1st Cir.); No. 2:19-cv-00963 (D. Mass.)

Parties: Block & Leviton, LLP

Assigned Attorneys: Michele Arington (OGC)  
Jason Weida (AUSA)

Nature of Action: Action under the Freedom of Information Act seeking access to agency records withheld by the Commission.

Status: Complaint filed 12/18/19.  
Motion for summary judgment by Commission and intervenor Facebook filed 5/15/20; plaintiff's opposition filed 6/5/20; replies filed 6/19/20.  
Hearing by video on motions for summary judgment held 7/30/20.  
Order granting in part and denying in part motions for judgment, directing Commission to file supplemental *Vaughn* Index, entered 10/15/20.  
Commission's supplemental *Vaughn* Index filed 11/16/20.  
Motion by Facebook to stay FTC's disclosure of certain documents filed 12/3/20; opposition by Block & Leviton filed 12/16; response by Commission filed 12/17/20; order denying motion but granting temporary stay to allow opportunity to appeal entered 2/22/21  
Motion by Block & Leviton to enforce judgment as to certain documents filed 2/17/21; Commission and Facebook responses filed 3/3/21; order granting motion with temporary stay to allow opportunity to appeal entered on 3/5/21.  
Facebook's notices of appeal filed 3/1/21 and 3/9/21.  
Stay pending appeal by Ninth Circuit granted 3/18/21.  
Facebook's opening brief in consolidated appeals filed 4/8/21; Commission's brief filed 4/15/21; Block & Leviton's response brief filed 4/22/21; Facebook's reply brief filed 5/6/21.  
Stipulation for voluntary dismissal by Facebook filed and judgment dismissing appeals entered 6/8/21  
Stipulation of dismissal in district court by Block & Leviton filed 6/8/21.

***BOARD OF DENTAL EXAMINERS OF ALABAMA v. FTC***, No. 2:20-cv-1310 (N.D. Ala.)

Parties: Board of Dental Examiners of Alabama

Assigned Attorneys: Mariel Goetz (OGC)

Nature of Action: Action seeking to stop the Commission's investigation into the board's alleged antitrust practices, claiming immunity under the state-action doctrine.



Status: Complaint filed 9/2/20.  
Motion to dismiss by Commission filed 11/13/20; plaintiff's opposition filed 12/4/20; Commission's reply filed 12/21/20.  
Order consolidating case with private antitrust litigation against Board and entering a limited stay pending a decision in *Leeds v. Board of Dental Examiners of Alabama* entered 12/4/20.  
Complaint dismissed without prejudice for lack of jurisdiction 2/3/21.

***COLE v. AICS***, No. 19-35894 (9th Cir.); No. 1:18-cv-00011 (D. Alaska)

Parties: Stephen Cole

Assigned Attorneys: Joel Marcus (OGC)

Nature of Action: Action seeking an order compelling the FTC to investigate a pharmacy program for anticompetitive action.

Status: Amended complaint adding FTC filed 5/9/19.  
Plaintiff's motion for order requiring FTC to initiate antitrust review of 340B pharmacy program filed 5/9/19; denied 6/6/19.  
Federal defendants' motion to dismiss filed 7/17/19; response in opposition by Cole filed 8/5/19.  
Order granting federal defendants' motions to dismiss entered 10/11/19.  
Notice of appeal by Cole filed 10/25/19.  
Appellant's opening brief filed 2/14/20; government's answering brief filed 5/26/20.  
Judgment affirming the district court's opinion and dismissing the Cole appeal entered 1/26/21.

***CONSUMERS FOR AUTO RELIABILITY & SAFETY v. FTC***, No. 1:17-cv-00540 (D.D.C.)

Parties: Consumers for Auto Reliability and Safety  
Center for Auto Safety  
U.S. Public Interest Research Group, Inc.

Assigned Attorneys: Bradley Grossman (OGC)  
Michele Arington

Nature of Action: Action for declaratory and injunctive relief under the Administrative Procedure Act in connection with the Commission's consent orders with General Motors and two dealerships regarding the advertising of used motor vehicles.

Status: Complaint filed 3/24/17.  
Amended complaint filed 5/2/17.

Commission's motion to hold case in abeyance or, in the alternative, for an extension of time filed 5/16/17; opposition filed 5/30/17; motion to stay granted 6/13/17.

Commission's motion to dismiss filed 9/8/17; response in opposition filed 10/5/17; Commission's reply filed 10/27/17.

Motion hearing held 9/18/18.

Motion by plaintiffs for leave to file two new documents in connection with pending motion to dismiss filed 3/9/20; Commission's opposition filed 3/23/20; plaintiffs' reply filed 3/30/20.

***FOWLER v. T-MOBILE USA, INC., FTC, ET AL.***, No. 2:20-cv-1516 (D. Ariz.)

Parties: JaMarlin Fowler

Assigned Attorneys: Kwan Piensook (AUSA)  
Michele Arington (OGC)

Nature of Action: Action by former Sprint customer seeking damages and injunctive relief for copyright infringement, negligence, fraud, theft, breach of contract, breach of privacy, and alleging government inaction and contributory infringement in response to his complaints.

Status: Complaint filed 7/30/20.  
United States' motion to dismiss federal defendants filed 11/2/20;  
plaintiff's opposition filed 11/16/20; United States' reply filed  
11/24/20.  
Order granting dismissal of federal defendants entered 6/16/21.

***KYLE v. FTC***, No. 4:21-cv-9004 (W.D. Mo.); No. 1:20-cv-6775 (N.D. Ill.)

Parties: Robert Kyle  
Jo Ann Treumann

Assigned Attorneys: Charles Thomas (AUSA)  
Michele Arington (OGC)

Nature of Action: Action seeking an order compelling the FTC to produce information requested in a subpoena and *Touhy* request.

Status: Petition filed 11/16/20.  
Case transferred to the Western District of Missouri 1/13/21.  
Commission opposition to petition to compel compliance with a subpoena  
filed 2/25/21; Plaintiffs' reply filed 3/12/21.  
Oral argument held 4/9/21.  
Order granting Petition in part and denying in part entered 4/14/21.

***LOUISIANA REAL ESTATE APPRAISERS BOARD v. FTC***, No. 20-1018 (S. Ct.); No. 19-30796 (5th Cir.); No. 3:19-cv-00214 (M.D. La.)

Parties: Louisiana Real Estate Appraisers Board

Assigned Attorneys: Mark Hegedus (OGC)  
John J. Gaupp (DOJ)

Nature of Action: Action seeking declaratory judgment that the LREAB is exempt from antitrust laws under the state action doctrine.

Status: Complaint filed 4/11/19.  
Plaintiff's motion to stay administrative proceedings pending judicial review and for expedited treatment filed 4/17/19; Commission's opposition filed 5/13/19; plaintiff's reply filed 5/17/19.  
Commission's motion to dismiss filed 6/7/19; plaintiff's opposition filed 6/18/19; Commission's reply filed 6/25/19.  
Order granting motion to stay administrative proceedings entered 7/29/19.  
Notice of appeal of order granting motion to stay filed 9/26/19.  
Commission's opening brief filed 11/7/19; appellee's brief filed 12/9/19; Commission's reply brief filed 1/10/20.  
Oral argument heard 5/5/20.  
Judgment vacated 10/2/20.  
Plaintiff's petition for rehearing filed 11/17/20; order denying petition for rehearing entered 12/1/20.  
Plaintiff's motion to stay issuance of mandate filed 12/3/20; order denying motion to stay entered 12/4/20; mandate issued 12/14/20.  
Plaintiff's writ of certiorari filed 1/29/21; writ of certiorari denied 4/5/21.

***NACSO NON-PROFIT BUSINESS LEAGUE, INC. v. CFPB & FTC***, No. 0:20-cv-61010 (S.D. Fla.)

Parties: NACSO Non-Profit Business League, Inc.

Assigned Attorneys: Imad Abyad (OGC)

Nature of Action: Action seeking a declaratory judgment as to the invalidity of a provision of the Telemarketing Sales Rule.

Status: Amended complaint adding FTC filed 9/15/20.  
Commission's motion to dismiss filed 12/3/20; Plaintiff's response filed 1/20/21; Commission reply filed 2/10/21.  
Order granting dismissal for lack of subject matter jurisdiction entered 3/8/21.

***NATIONAL HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION et al v. BLACK et al.***, 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  
Marie Choi (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; plaintiff's opposition filed 5/28/21; Commission's reply filed 6/18/21.

***RICHARD ZEITLIN v. FTC***, No. 20-16128 (9th Cir.); No. 2:19-cv-00698 (D. Nev.)

Parties: Richard Zeitlin  
Unified Data Services, LLC  
Compliance Consultants, LLC  
American Technology Services, LLC

Assigned Attorneys: Bradley Grossman (OGC)  
Brian W. Irvin (DOJ)

Nature of Action: Action seeking declaratory judgment, challenging an FTC staff opinion letter advising that the TSR's restrictions on "prerecorded messages" apply to soundboard technology.

Status: Complaint filed 4/24/19.

Commission's motion to dismiss filed 6/28/19; plaintiffs' response to motion filed 7/11/19; Commission's reply filed 8/2/19.  
Order granting Commission's motion to dismiss entered 4/10/20.  
Notice of appeal filed 6/8/20.  
Appellant's opening brief filed 2/5/21; Commission's answering brief filed 5/10/21.

**AMICUS CURIAE BRIEFS OR PARTIAL INTERVENTIONS**

***D. BLAINE LEEDS v. ADOLPHUS JACKSON***, No. 19-11502 (11th Cir.)

Assigned Attorneys: Mark S. Hegedus (OGC)

Nature of Action: Private action alleging antitrust violations preventing competition from teledentistry services, raising issue of the active supervision component of state-action defense asserted by the Board of Dental Examiners of Alabama.

Status: Brief for the United States and the Commission as amici curiae supporting plaintiffs-appellees filed 9/11/19.  
Motion to participate in oral argument by United States filed 6/5/20; motion granted 6/10/20.  
Oral argument held 7/8/20.

***NCAA v. ALSTON***, No. 20-512 (S. Ct.)

Assigned Attorneys: Mark S. Hegedus (OGC)

Nature of Action: Private action alleging that the NCAA violated the Sherman Act by limiting the education-related benefits that schools could offer student-athletes.

Status: Brief for the United States and the Commission as amici curiae supporting the respondents filed 3/10/21.  
Motion for leave to participate in oral argument by United States filed 3/10/21; motion granted 3/19/21.  
Oral argument held 3/31/21.  
Opinion in favor of the respondents, affirming district court's judgment that the NCAA's compensation restrictions violated the Sherman Act, entered 6/21/21.

***SMILEDIRECTCLUB, LLC v. BATTLE***, No. 19-12227 (11th Cir.)

Assigned Attorneys: Mark S. Hegedus (OGC)

Nature of Action: Private action alleging antitrust violations preventing competition from teledentistry services, raising issue of the active supervision component of the state-action defense asserted by Georgia Board of Dentistry members.

Status: Brief for the United States and the Commission as amici curiae supporting plaintiffs-appellees filed 9/26/19.  
Motion to participate in oral argument by United States filed 4/10/20; motion granted 4/29/20.  
Oral argument held 5/20/20.  
Opinion holding that Board members are not entitled to state-action defense entered 8/11/20.  
Rehearing en banc ordered 12/8/20.  
Amicus brief for the United States filed 1/25/21.  
Motion to participate in oral argument by United States filed 1/29/21; motion granted 2/2/21.  
Oral argument held 2/23/21.

***TEWINKLE v. CAPITAL ONE, INC.***, No. 20-2049 (2d Cir.)

Assigned Attorneys: Bradley Grossman (OGC)

Nature of Action: Private action alleging violations of the Equal Credit Opportunity Act and raising the question of who is an “applicant” subject to the protections of the ECOA, which prohibits discrimination in credit transactions based on membership in protected categories.

Status: Amicus brief for the Commission and the Consumer Financial Protection Bureau filed 10/7/20.  
Motion to participate in oral argument by CFPB filed 4/15/21; motion granted 4/19/21.  
Oral argument held 4/28/21.

***UFCW LOCAL 1500 WELFARE FUND v. ABBVIE, INC.***, No. 20-2402 (7th Cir.)

Assigned Attorneys: Bradley Grossman (OGC)

Nature of Action: Private action alleging anticompetitive conduct and involving the interpretation and application of *FTC v. Actavis, Inc.*

Status: Commission’s amicus brief filed 10/13/20.  
Oral argument held 2/25/21.