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Federal Trade Commission

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11 **IN THE UNITED STATES DISTRICT COURT**  
12 **FOR THE DISTRICT OF NEVADA**

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14 In the Matter of

15 FEDERAL TRADE COMMISSION,

16 Plaintiff,

17 vs.

18 A AAAAUTO CAR BROKERS, INC.;  
AAA ANYWHERE ANYTIME AUTO  
19 BROKERS, INC.; and

20 KATHERINE ANN CARTER, individually  
and as an officer of said corporations.

21 Defendants.  
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STIPULATED FINAL ORDER  
FOR PERMANENT  
INJUNCTION AND  
SETTLEMENT OF CLAIMS  
FOR CONSUMER REDRESS

23 Plaintiff, the Federal Trade Commission (“Commission”), and defendants A AAAAuto  
24 Brokers, Inc., AAA Anywhere Anytime Auto Brokers, Inc., and Katherine Ann Carter, individually  
25 and as an owner or officer of said corporations (“defendants”), hereby stipulate and agree to the following terms of settlement:  
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1 against the defendants under the terms stated herein. This Stipulated Final Order for Permanent  
2 Injunction and Settlement of Claims for Consumer Redress (“Order”) against A AAAAuto Brokers,  
3 Inc., AAA Anywhere Anytime Auto Brokers, Inc., and Katherine Ann Carter resolves all matters  
4 raised by the Complaint the Commission filed against said defendants pursuant to Sections 13(b) of the  
5 Federal Trade Commission Act, 15 U.S.C. §§ 53(b), which charged defendants with violating Section  
6 5(a) of the FTC Act, 15 U.S.C. 45(a).

7 The Summons and Complaint having been served on defendants, plaintiff Commission and  
8 defendants request that the Court enter the accompanying Order with the following terms to resolve all  
9 matters of dispute between them in this action:

10 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** as follows:

11 **FINDINGS**

- 12 1. This Court has jurisdiction over the subject matter and the parties.
- 13 2. Venue is proper as to all parties in the District of Nevada.
- 14 3. The activities of defendants are in or affecting commerce, as defined in the FTC Act,  
15 15 U.S.C. § 44.
- 16 4. The Complaint states a claim upon which relief may be granted against defendants  
17 under §§ 5(a)(1) and (13(b) of the FTC Act, 15 U.S.C. §§ 45(a)(1) and 53(b).
- 18 5.

- 1 8. This Order is for settlement purposes only and does not constitute and shall not be  
2 interpreted to constitute an admission by defendants that they have engaged in violations  
3 of any law or regulation, including but not limited to the FTC Act, or that the facts  
4 alleged in the Complaint, other than the jurisdictional facts, are true.
- 5 9. Entry of this Order is in the public interest.

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7 **ORDER**

8 **DEFINITIONS**

- 9 1. “Material” means likely to affect a person’s choice of, or conduct regarding, goods or  
10 services;
- 11 2. Unless otherwise indicated, the term “defendants” refers to and includes  
12 A AAAAuto Brokers, Inc., AAA Anywhere Anytime Auto Brokers, Inc., and  
13 Katherine Ann Carter;
- 14 3. “Automobile Transportation Brokerage services” means the business of arranging for  
15 the transportation of consumers’ automobiles by truck, rail, or ship in Commerce;
- 16 4. “Automobile Transportation Broker” means any person, partnership, corporation or  
17 entity engaged in the business of arranging for the transportation of consumers’  
18 automobiles by truck, rail or ship in commerce.

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20 **PROHIBITED BUSINESS ACTIVITIES**

21 **I.**

22 **IT IS HEREBY ORDERED** that, in connection with the advertising, promotion, offering for  
23 sale, sale or provision of automobile transportation brokerage services, the defendants, and each of  
24 their successors, assigns, officers, agents, servants, employees, subsidiaries and affiliates, and those  
25 persons in active concert or participation with them who receive actual notice of this Order by personal  
26 service or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, or  
27 other device, are hereby restrained and enjoined from, directly or indirectly:





1 defendants. If, at any time following entry of this Order, the Commission obtains evidence that the  
2 defendants' representations on their financial statements concerning their assets, liabilities or net worth  
3 were materially fraudulent, misleading, inaccurate or incomplete, the Commission may, upon motion to  
4 the Court, request that this Order be reopened for the purposes of requiring the defendant who made  
5 materially fraudulent, misleading, inaccurate or incomplete representation to pay additional consumer  
6 redress, and the defendants agree not to contest any reasonable evidence the Commission introduces  
7 on consumer injury; *provided however*, that in all other respects this Order shall remain in full force  
8 and effect unless otherwise ordered by the Court; *and provided further*, that proceedings initiated  
9 under this Part are in addition to, and not in lieu of, any other civil or criminal remedies as may be  
10 provided by law, including any other proceedings the Commission may initiate to enforce this Order.

## 11 12 **ORDER DISTRIBUTION**

### 13 **IV.**

14 **IT IS FURTHER ORDERED** that, for a period of three (3) years from the date of entry of  
15 this Order, defendants, their successors and assigns, and any business of which defendant Katherine  
16 A. Carter is the majority owner or which she directly or indirectly manager or controls, which engages  
17 in, or assists others engaged in, the sale of automobile transportation brokerage services shall:

18 A. Provide a copy of this Order to, and obtain a signed and dated acknowledgment of  
19 receipt of same from, each officer or director, each individual serving in a management capacity, all  
20 personnel involved in responding to consumer complaints or inquiries, and all sales personnel, whether  
21 designated as employees, consultants, independent contractors or otherwise, immediately upon  
22 employing or retaining any such persons; and

23 B. Maintain for a period of three (3) years after creation, and upon reasonable notice,  
24 make available to representatives of the Commission, the original signed and dated acknowledgments  
25 of the receipt of copies of this Order, as required in Subpart A of this Paragraph.

## 26 27 **RECORD KEEPING PROVISIONS**

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**V.**

**IT IS FURTHER ORDERED** that, for a period of three (3) years from the date of entry of

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- b. the written complaint or refund request, if any, and the date of the complaint or refund request;
- c. the basis of the complaint, including the name of any salesperson



1           2.     Any changes in any individual defendant's employment status (including  
2           self-employment) within ten (10) days of such change. Such notice shall include  
3           the name and address of each business that any such defendant is affiliated with  
4           or employed by, a statement of the nature of the business, and a statement of  
5           such defendant's duties and responsibilities in connection with the business or  
6           employment; and

7           3.     Any proposed change in the corporate structure of any corporate defendant, or  
8           any proposed change in the structure of any business entity owned or controlled  
9           by any individual defendant, such as creation, incorporation, dissolution,  
10          assignment, sale, merger, creation, dissolution of subsidiaries, proposed filing of  
11          a bankruptcy petition, or change in the corporate name or address, or any other  
12          change that may affect compliance obligations arising out of this Order, thirty  
13          (30) days prior to the effective date of any proposed change; *provided,*  
14          *however,* that, with respect to any proposed change in the corporation about  
15          which any defendant learns less than thirty (30) days prior to the date such  
16          action is to take place, such defendant shall notify the Commission as soon as is  
17          practicable after learning of such proposed change;

18           B.     One hundred eighty (180) days after the date of entry of this Order, defendants shall  
19          provide a written report to the FTC, sworn to under penalty of perjury, setting forth in detail the manner  
20          and form in which defendants have complied and are complying with this Order. This report shall  
21          include but not be limited to:

- 22           1.     The individual defendant's then current residence address and telephone  
23           number;
- 24           2.     The individual defendant's then current employment, business addresses and  
25           telephone numbers, a description of the business activities of each such  
26           employer, and defendant's title and responsibilities for each employer;

1           3.     A copy of each acknowledgment of receipt of this Order obtained by  
2                     defendant pursuant to Part IV of this Order;

3           4.     A statement describing the manner in which each such defendant has complied  
4                     and is complying with the (a) the injunctive provisions of this Order, and (b) the  
5                     consumer redress provisions of this Order;

6           C.     Upon written request by a representative of the Commission, each defendant shall  
7                     submit additional written reports (under oath, if requested) and produce documents on fifteen (15)  
8                     days' notice with respect to any conduct subject to this Order;

9           D.     For the purposes of this Order, defendants shall, unless otherwise directed by the  
10                    Commission's authorized representatives, mail all written notifications to the Commission to:

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15                                 Federal Trade Commission  
16                                 901 Market Street, Room 570  
17                                 San Francisco, CA 94103

18           E.     For the purposes of this Part, "employment" includes the performance of services as an  
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**ATTACHMENT A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

In the Matter of  
FEDERAL TRADE COMMISSION,  
Plaintiff,  
vs.  
A AAAAUTO CAR BROKERS, INC.;  
AAA ANYWHERE ANYTIME AUTO  
BROKERS, INC.; and  
KATHERINE ANN CARTER, individually  
and as an officer of said corporations.  
Defendants.

CV No.  
AFFIDAVIT OF KATHERINE ANN  
CARTER

Katherine Ann Carter, being duly sworn, hereby states and affirms as follows:

1. My name is Katherine Ann Carter. My current residence address is \_\_\_\_\_  
\_\_\_\_\_. I am a citizen of the United States and am over  
the age of eighteen. I have personal knowledge of the facts set forth in this Affidavit.
2. I am a defendant in A AAAAuto Car Brokers, Inc., AAA Anywhere Anytime Auto  
Brokers, Inc. and Katherine Ann Carter, individually and as an officer of said

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