

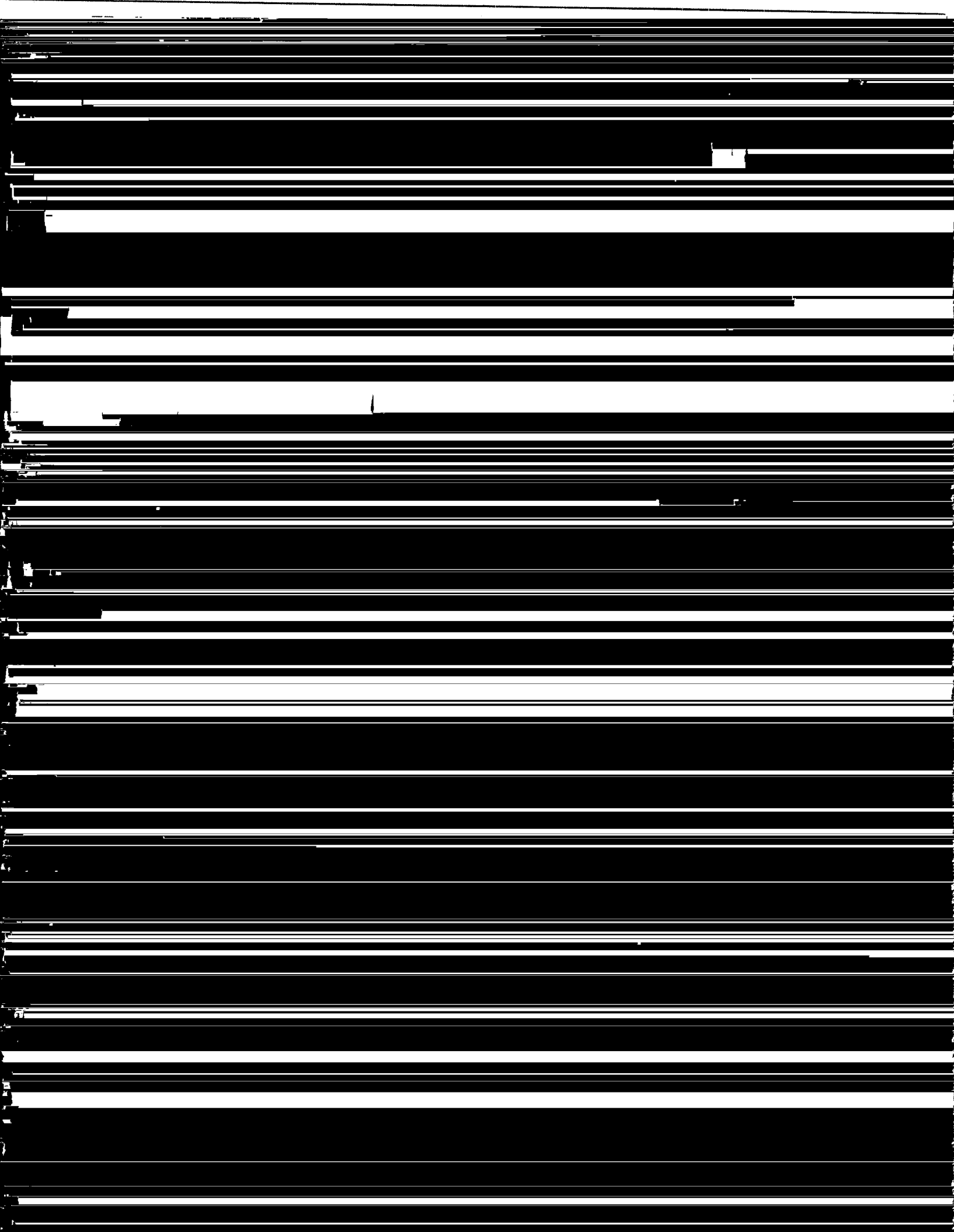
1 Act ("FTC Act") to obtain injunctive relief, rescission of contracts, restitution, disgorgement and

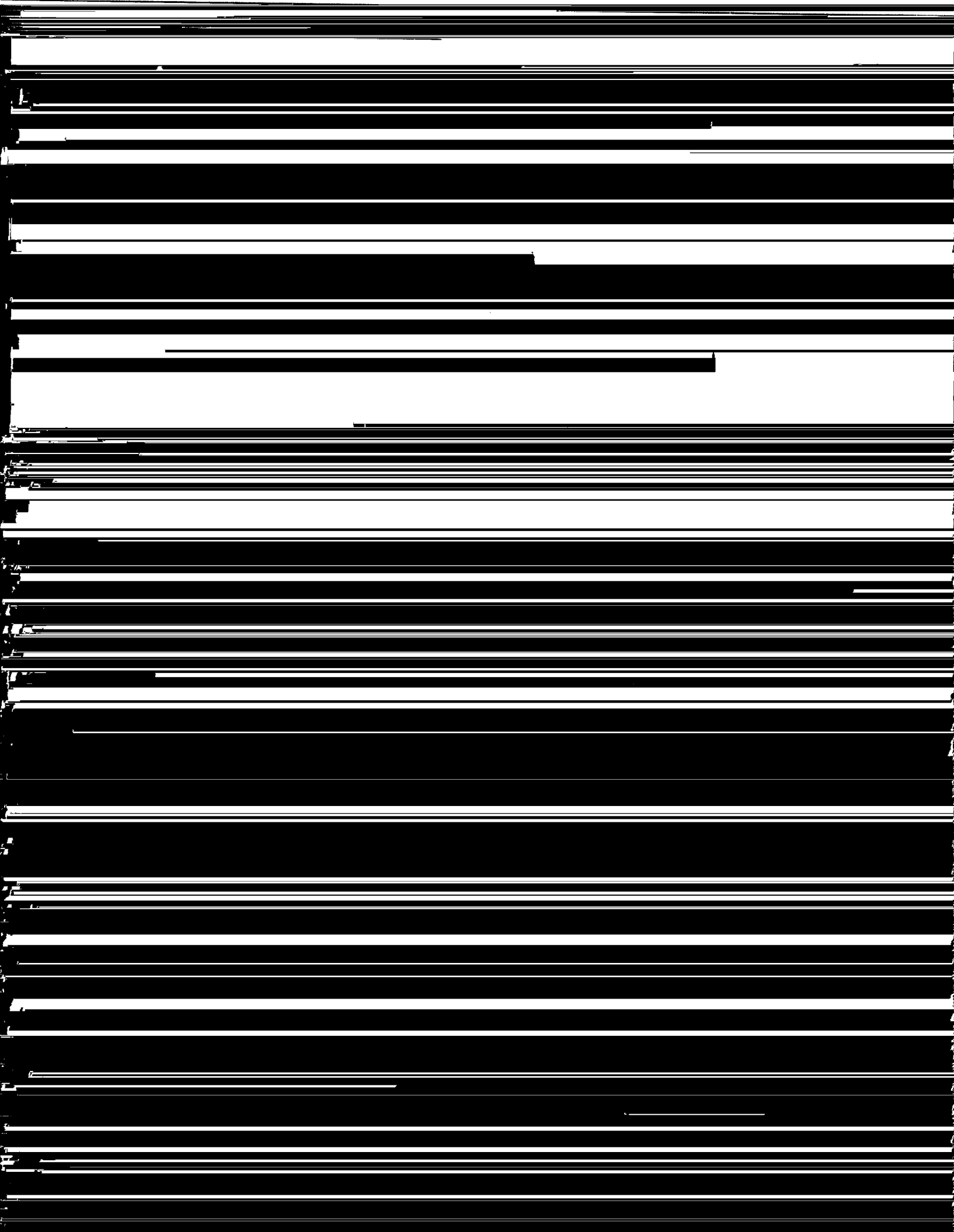
1 software, based on a statement by Brian Demorest. Plaintiff argues Demorest's statement to
2 Bahrami is a nonhearsay admission because Demorest was an agent of Medicor speaking within the
3 scope of his employment during the existence of the relationship. Plaintiff has not shown that
4 Demorest made the statement during the course of his employment. Therefore, Defendants'
5 objection is SUSTAINED. Bahrami further states that he was personally aware of ten customers
6 who had successfully become medical billers. Defendants' objection is OVERRULED as to this
7 portion of Bahrami's testimony.

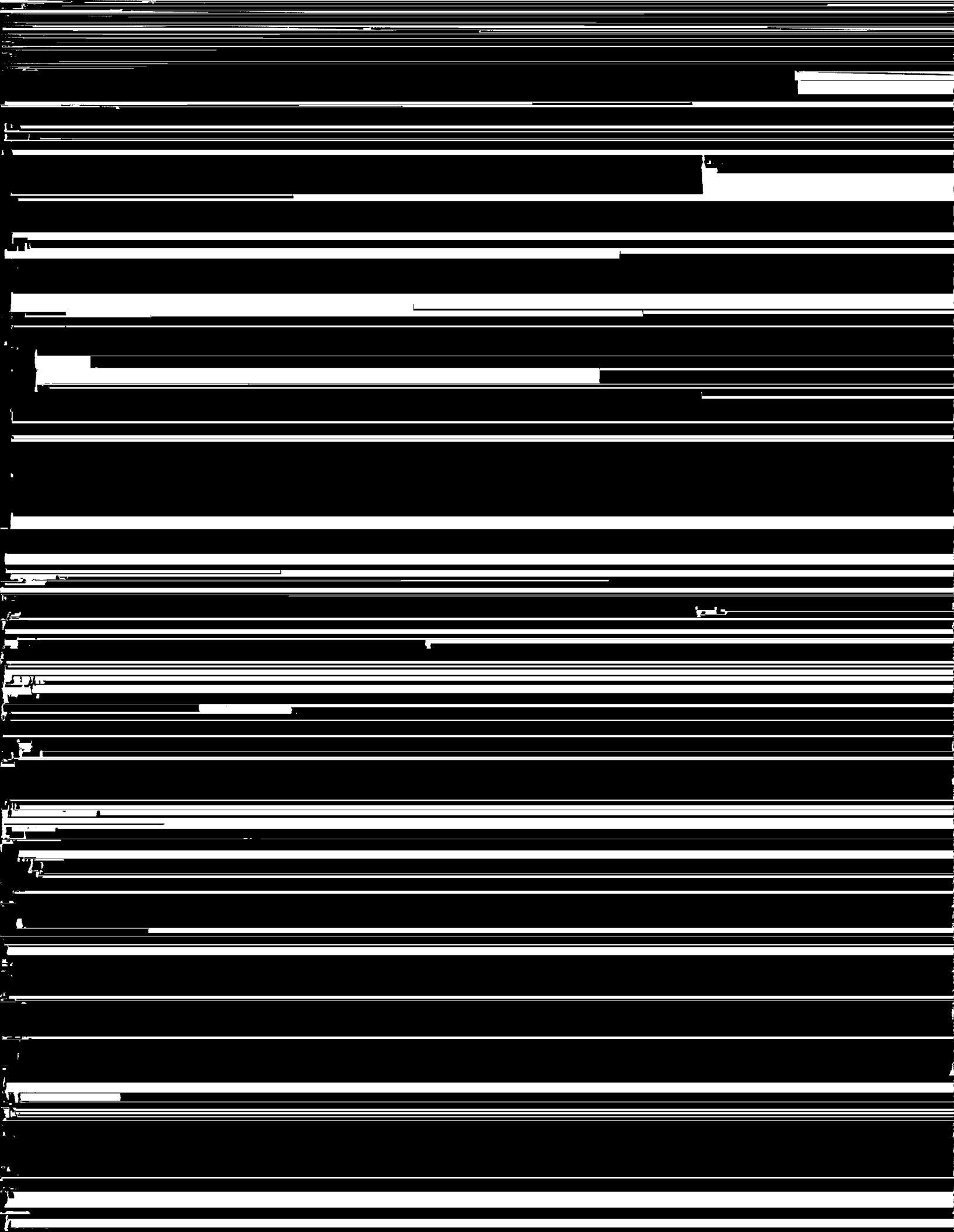
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Defendants' objection is OVERRULED as to this portion of Bahrami's testimony.

[REDACTED]







1 made by Medicor's agents and that Medicor's scripts and advertisements contained
2 misrepresentations. Therefore, whether sales people were fired for making misrepresentations is not

1 telemarketers who received frequent complaints from consumers for making misrepresentations.
2 Matthew Rubin was present in the Customer Service and Sales Departments of Medicor. He
3 received \$1,162,000 from Medicor, either directly or through the S&M Trust. Plaintiff's evidence
4 indicates that although Matthew Rubin

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1 and supervising of employees. Andrew Rubin was aware of misrepresentations made by sales
2 representatives. Andrew Rubin had discussions with Medicor employees about refunds and sales.
3 Andrew Rubin was aware that Medicor had

1 F.3d at 1101-03. Permanent injunctive relief is appropriate when there is a "some cognizable danger
2 of recurring violation." *FTC v. Gill*, 72 F.Supp.2d 1030, 1047 (C.D. Cal. 1999). Plaintiff presents
3 evidence of unlawful conduct by Andrew Robinson, 134 F.3d 1101, 1103 (9th Cir. 2000).

CONCLUSION

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Based on the foregoing, the Court GRANTS the FTC's Motion for Summary Judgment as

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to Defendants Andrew Rubin and Matt Rubin.