





Defendant Engle transacts or has transacted business in the Northern District of Georgia.

COMMERCE

6. At all times material to this complaint, Defendant Engle has maintained a substantial course of trade in or

In addition to offering merchandise via Internet.

only after the consumer has filed a complaint against Defendant

_____ a governmental agency or the Better Business Bureau

[REDACTED]

Rule"), and revised the Rule on September 21, 1993. The revised Rule became effective on March 1, 1994, and has remained in full force and effect since that time.

18. The Rule applies to sales in which the buyer has ordered merchandise from the seller by mail or directly or indirectly by telephone, such as by fax machines and computers.

16 C.F.R. §§ 435.1 and 435.2 (a) and (b).

19. The Rule prohibits a seller from soliciting any order

21. The Rule also requires that a seller deem an order canceled and make a prompt refund to the buyer whenever the seller has failed to ship within the specified time period and

delay or to cancel the order 16 C.F.R. § 435.1(c).



relief, including redress, disgorgement and restitution, to prevent and remedy any violations of any provision of law enforced by the FTC.

28. Section 19 of the FTC Act, 15 U.S.C. § 57b, authorizes the Court to grant such relief as the Court finds necessary to redress injury to consumers or other persons resulting from

~~_____~~

29. This Court, in the exercise of its equitable jurisdiction, may award other ancillary relief to remedy injury ~~caused by Defendant Eagle's law violations~~

such relief as the Court finds necessary to

redress injury to consumers resulting from Defendant Engle's violations of the FTC Act and the Mail or Telephone Order Merchandise Rule, including but not limited to, rescission of contracts, the refund of monies paid, and the disgorgement of ill-gotten monies; and

4. Award Plaintiff the costs of bringing this action, as