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U.S. DISTRICT COURT  
DISTRICT OF NEVADA  
ENTERED & SERVED  
MAR 31 2005  
CLERK, U.S. DISTRICT COURT  
DEPUTY

FILED  
MAR 1 2005  
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT



**Introduction**

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Plaintiff Federal Trade Commission originally brought suit against defendants after receiving

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consumer complaints that defendants had

1 F.3d 745, 764 (10th Cir. 2004); *McGregor v. Chierco*, 206 F.3d 1378, 1387 (11th Cir. 2000).

2 A. Prohibited Business Activities in the CFC

1 presentations seem more concerned with convincing consumers that the financial aid process can be  
2 difficult and contains many potential pitfalls, something which plaintiff does not contest.

3 While “[d]eception may result from the use of statements not technically false or which may  
4 literally be true,” *U.S. v. Ninety-Five Barrels*, 265 U.S. 438, 443 (1924), by drafting the term  
5 “falsely” into the prohibitions of Section I of the Stipulated Final Order, the court feels that plaintiff  
6 has set a higher bar to meet than simple misrepresentation. The difficulty this court has in finding

7 the representations and acts cited by plaintiff to be false is that the violations plaintiff cited

1 failure to comply with Section II(a) of the Stipulated Final Order. The court is distressed by

2 defendants' failure for the affirmative disclosures were made by the stipulated order. Ct. 870

