

The Honorable Thomas S. Zilly

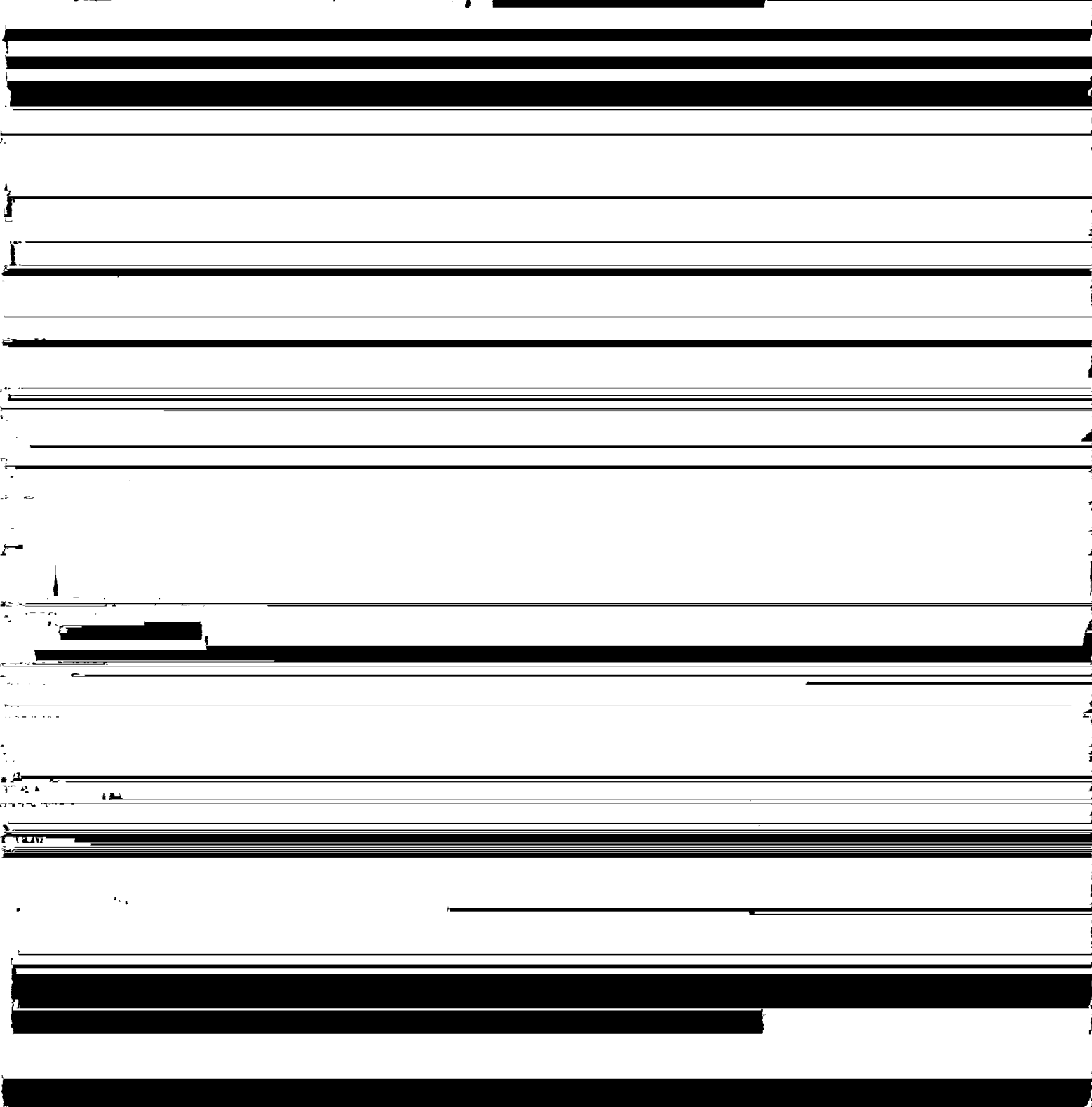
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1. The ETC brings this action under Section 12(b)(3) of the Federal Trade Commission Act, 15 U.S.C. § 56b.

[REDACTED]

1 | Washington.

2 |         7. Defendant Ty Nguyen, a.k.a. Hiep Manh Nguyen, is or has been an owner, officer or  
3 | director of Global and Commutel/Marketing USA. At all times material to this Complaint, acting  
4 | alone or in concert with others Ty Nguyen formulated, directed, controlled or participated in the acts



1 Washington.

2 12. Defendant Kelly Nguyen, a.k.a. Phu Minh Huy Nguyen, is or has been an owner, officer  
3 or director of ABS. At all times material to this Complaint, acting alone or in concert with others,  
4 Kelly Nguyen formulated, directed, controlled or participated in the acts and practices of ABS,  
5 including the acts and practices set forth in this Complaint. Defendant Kelly Nguyen transacts or has  
6 transacted business in the Western District of Washington.

7 13. Defendant Minh Tam Vo is or has been an owner, officer or director of ABS. At all  
8 times material to this Complaint, acting alone or in concert with others, Minh Tam Vo formulated,  
9 directed, controlled or participated in the acts and practices of ABS, including the acts and practices set  
10 forth in this Complaint. Defendant Minh Tam Vo transacts or has transacted business in the Western  
11 District of Washington.

12 **COMMERCE**

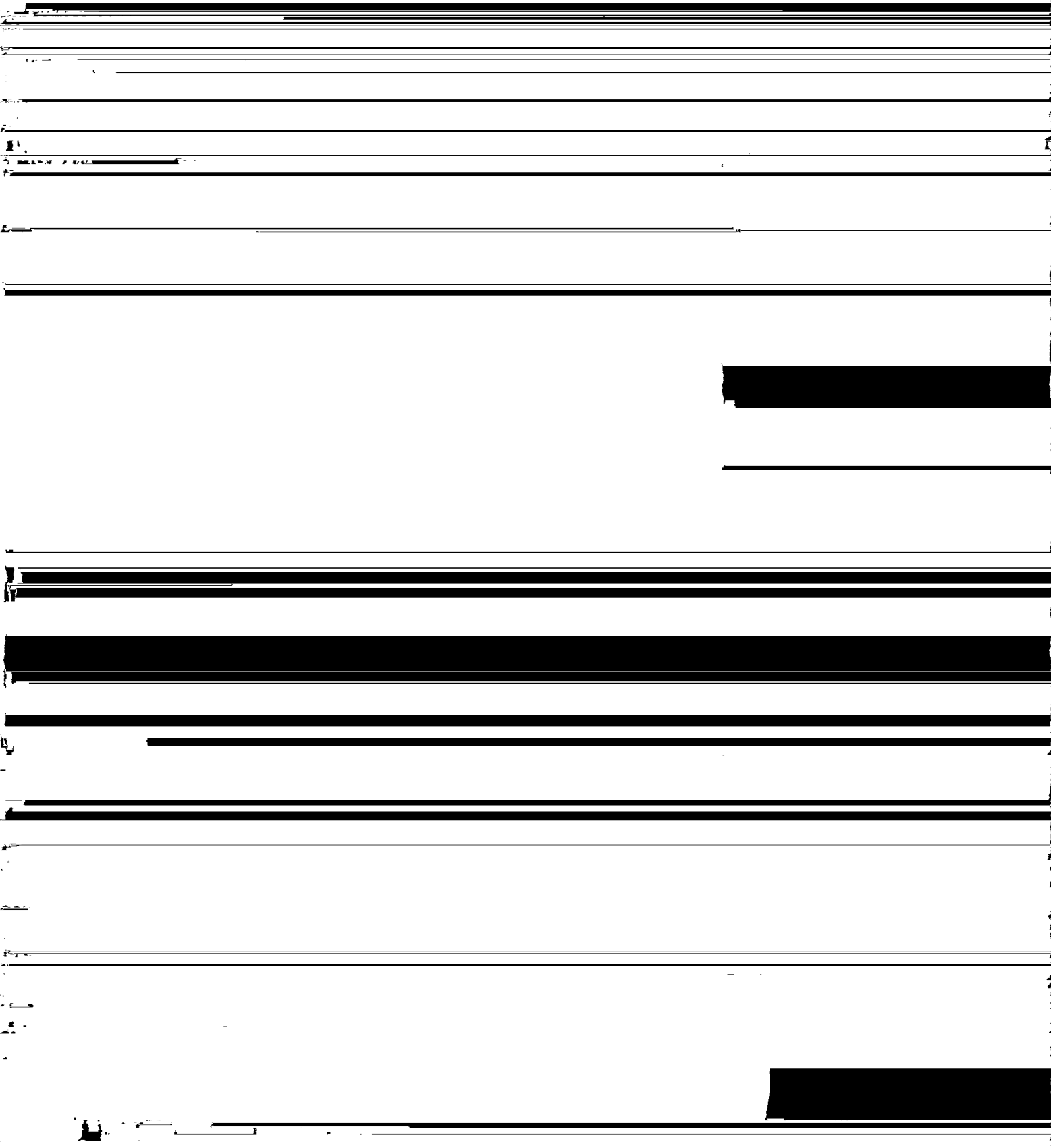
13 14. At all times relevant to this Complaint, defendants have maintained a substantial course  
14 of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C.  
15 § 44.

16 **DEFENDANTS' BUSINESS PRACTICES**



1 as “selling defendants”) use virtually identical deceptive tactics to sell or to induce consumers to pay  
2 for similar business directories and listings in the directories. Typically, selling defendants’  
3 telemarketers tell consumers that they are calling to verify the consumer’s name, address, and  
4 telephone number for a listing in a business directory. Selling defendants’ telemarketers represent,  
5 expressly or by implication, that the consumer previously was listed in the directory or that someone

1 | have expressly stated during a telemarketing call that they are not interested in the selling defendant's  
2 | business directory and/or listing. In other instances, selling defendants simply mail invoices and



1 mailings.

2 **VIOLATIONS OF SECTION 5 OF THE FTC ACT**

3 27. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits unfair or deceptive acts or  
4 practices in or affecting commerce.

5 28. Misrepresentations of material fact constitute unfair or deceptive acts or practices

COUNT III

1  
2 35. In connection with the offering for sale, sale or distribution of their business directory  
3 and/or listings in their business directory, defendants Commutel/Marketing USA, ABS, Ty Nguyen,  
4



1 FTC Act. The Court, in the exercise of its equitable jurisdiction, may award other ancillary relief  
2 including, but not limited to, rescission of contracts and restitution, and the disgorgement of ill-gotten  
3 gains, to prevent and remedy injury caused by defendants' law violations.

4 **PRAYER FOR RELIEF**

5 Wherefore, plaintiff, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), and the  
6 Court's own equitable powers, request this Court to:

- 7 1. Award plaintiff such temporary and preliminary injunctive and ancillary relief as may be  
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