

FILED

SEP 16 2 04 PM '05



JURISDICTION AND VENUE

2 This Court has subject matter jurisdiction over Plaintiff's claims pursuant to 28

U.S.C. §§ 1331(a), 1337(a), and 1345, and 15 U.S.C. §§ 45(a) and 53(b).

3. Venue in the United States District Court for the Middle District of Tennessee is proper under 28 U.S.C. § 1391(b) and (c) and 15 U.S.C. § 53(b).

END PARTIES



615, Antioch, Tennessee 37013, and has conducted business from 325 Rural Hill Road, Antioch, Tennessee 37013. Defendant Exam Prep transacts or has transacted business in this district.

7. Defendant Future Planning, LLC, d/b/a Exam Prep, LLC, and Registration Department, ("Future Planning") is a Tennessee limited liability company with its principal place

of business at 1004 Nashville, Tennessee 37211. Defendant

Future Planning also has used a mailing address of P.O. Box 715, Antioch, Tennessee 37013, and has conducted business from 325 Rural Hill Road, Antioch, Tennessee 37013. Defendant Future Planning transacts or has transacted business in this district.

8. Defendant Sean Terrance Asberry is the owner and manager of Defendants Exam

Prep, LLC. Individually or in concert with others, he directs, controls,

in the acts and practices set forth herein. He resides, transacts, or has

Full federal benefits and paid training. The advertisements invite readers to call a toll

Defendants:

**\$ ATTENTION \$ Now Hiring
2002, 2003 postal jobs**

Full federal benefits and paid training

Full federal benefits and paid training

No Experience Necessary.
Cover Card OK Call Now

1-866-898-2195 ext 102

**\$ Announcement \$
Hiring For**

check, and then tell consumers that they are "qualified." Defendants then describe to consumers that positions, e.g., sorters, clerks, and carrier positions, are currently available and are in the geographic area where consumers live. Defendants describe to consumers a range of average [redacted] and state that the positions come with full federal benefits.

... exist [redacted] in passing the test

23 Therefore the representations set forth in paragraph 20 are false and misleading

§ 45(a).

COUNT III

23. Defendants represent, expressly or by implication, that consumers who use Defendants' materials are more likely to pass the postal employment examination than consumers who do not use Defendants' materials.

24. In truth and in fact, consumers who use Defendants' materials are not more likely to pass the postal employment examination than consumers who do not use Defendants' materials.

Therefore the representations set forth in paragraph 23 are false and misleading

COUNT V

29. Defendants represent, expressly or by implication, that the fee paid to Defendants to receive their materials is fully refundable.

30. In truth and in fact, in many instances, the fee paid to Defendants to receive their materials is not fully refundable.

31. Therefore, the representations set forth in paragraph 29 are false and misleading.

§ 45(a).

CONSUMER INJURY

32. Consumers throughout the United States have suffered and continue to suffer substantial monetary loss as a result of Defendants' violations of the FTC Act as set forth above.

In addition, the Defendants have been unjustly enriched as a result of their unlawful acts and

Without injunctive relief by this Court, the Defendants are likely to continue to injure

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Commission, pursuant to Section 13(b) of the FTC Act, 15

U.S.C., and 16 C.F.R. 312.2(a), requests that this Court:

(1) Award Plaintiff such preliminary and ancillary relief as may be necessary to avert the likelihood of consumer injury during the pendency of this action, and to preserve the possibility of effective final relief, including, but not limited to, temporary and preliminary injunctions, including an order freezing each Defendant's assets, and the appointment of an equity receiver;

(2) Permanently enjoin Defendants from violating Section 5(a) of the FTC Act as alleged in the Complaint, and from such violations in connection with the advertising, offering for sale,

or other promotion of employment goods or services;

888-1-800-370-1500

Atlanta, Georgia 30303

vverduce@ftc.gov

(404) 656-1355 (telephone)

(404) 656-1370 (facsimile)