UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

SEP 1 6 ir01)5

FEDERAL TRADE COMMISSION, Plaintiff,

v.

PLATINUM HEALTH PLUS, LLC; FIESTA MARKETING, LLC; TELEMEDIA, LLC; MICHAEL P. GARCIA; and
R. GARCIA,
Defendants.

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2. Venue is proper in the Southern District of Florida.
3. The activities of defendants are in or affecting commerce, as defined in Section 4 of the
FTC Act, 15 U.S.C. 4 44.
4. The Complaint states a claim upon which relief may be granted against defendants
under Sections 5 and 13(b) of the FTC Act, 15 U.S.C.$5 45 and 53(b).
5. Defendants have waived all rights to seek judicial review or otherwise challenge or
contest the validity of this Order, and further waive and release any claim defendants may have against the Commission, its employees, and agents, including any rights that may arise under the Equal Access to Justice Act, 28 U.S.C. 5 2412, amended by Pub. L. 104-121, 110 Stat. 847,863-64 (1996).
6. The parties shall each bear their own costs and attorneys' fees incurred in this action.

DEFINITION

For purposes of this Order the following definition shall apply:
"Medical Services Program" shall mean any product or service that is represented to or does in
fact assist consumers in obtaining access to or paying for any medical products or sewices.

I. PROHIBITED BUSINESS ACTIVITIES

IT IS FURTHER ORDERED that defendants, and their successors and assigns, agents,
servants, employees, and those persons in active concert that
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D. Misrepresenting, expressly or by implication, any other materiai fact.

11. MONETARY JUDGMENTICONSUMER RELIEF
IT IS FURTHER ORDEREDthat:
A. Within ten (10)days of entry of this Order, defendants shall pay to the Commission
$293,113.85 for restitution to the consumers affected by the practices alleged in the Complaint.
B. All funds paid pursuant to this Section shall be deposited into a fund administered by
the Commission or its designated agent to be used for equitable relief, including, but not limited to, consumer restitution and any attendant expenses for the administration of any redress fund. In the event that direct restitution for consumers is wholly or partially impracticable or funds remain after redress is completed, the Commission may apply any remaining funds for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to the defendants' practices alleged in the Complaint. Any hds not used for such equitable relief shall be deposited into the U.S. Treasury as disgorgement. Defendants shall have no right to challenge the Commission's choice of remedies under this Section.
C. The Commission shall send consumers eligible for restitution a check and release of
claim related to the purchase for

the business or directly or indirectly controls the business and (2) the business is

in the ownership of the individual defendant in any busmess entity, within ten
(10) days of the date of such change. Such notice shall include the name and address of each business that the defendant is affiliated with, employed by,
creates or forms, or performs services for; a statement of the nature of the
business; and a statement of the defendant's duties and responsibilities in
connection with the business or employment; and
c. Any changes in the defendant's name or use of any aliases or fictitious names.
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business, and the title and responsibilities of the defendant, for each such
employer or business; and
c. Any other changes required to be reported under subparagraph A of this Section.
2. For all defendants:
a. A copy of each acknowledgment of receipt of this Order, obtained pursuant to
Paragraph VII; and
b. Any other changes required to be reported under subparagraph A of this Section.
C. For the purposes of this Order, defendants shall, unless otherwise directed by the Commission's authorized representatives, mail all written notifications to the Commission to: Charles A. Harwood, Director, Northwest Region
Federal Trade Commission
915 2nd Avenue, Suite 2896
Seattle, WA 98 174
D. For purposes of the compliance reporting required

procedures prescribed by Fed. R. Civ. P. 30,31,33,34,36, and 45; and
2. Posing as customers and suppliers to defendants, or any other entity engaged in the
marketing of any medical discount program or other medical service program that is
managed or controlled in whole or in part by defendants, without the necessity of
identification or prior notice.
C. Defendants shall permit representatives of the Commission to interview any employer,
consultant, independent contractor, representative, agent, or employee who has agreed to such an interview, relating in any way to the marketing of any medical discount program or other medical services program. The person interviewed may have counsel present.
Provided that nothing in this Order shall limit the Commission's lawful use of compulsory
process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§49 and 57b-1, to obtain any documentary material, tangible things, testimony, or information relevant to unfair or deceptive acts or practices in or affecting commerce within the meaning of 15 U.S.C. § 45(a)(l).

VII. DISTRIBUTION OF ORDER BY DEFENDANTS

IT IS FURTHER ORDERED that, for a period of three (3) years from the date of entry of this Order, defendants shall deliver a copies of the Order as directed below:
A. Each corporate defendant must deliver a copy of this Order to all of its principals,
officers, directors, and managers, and to all of its employees, agents, and representatives who engage in the marketing of any medical discount program or other medical services program. For current personnel, delivery shall be within five (5) days of service of this Order upon the corporate defendant. For new personnel, delivery shall occur prior to them assuming their responsibilities.
B. For any business engaged in the marketing of any medical discount program or other
medical services program that an individual defendant controls, directly or indirectly, or in which the individual defendant has a majority ownership interest, the individual defendant must deliver a copy of this Order to all principals, officers, directors, and managers of the business. The individual defendant must also deliver copies of this Order to employees, agents, and representatives of that business who engage in the marketing of any medical discount program or other medical services program. For

FEDERAL TRADE COMMISSION
9 15 Second Ave., Su. 2896
Seattle, Washington 98174

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current personnel, delivery shall be within five (5) days of service of this Order upon the individual defendant. For new personnel, delivery shall occur prior to them assuming their responsibilities.
C. For any business where an individual defendant is not a controlling person but otherwise engages in the marketing of any medical discount program or other medical services program, the individual defendant must deliver a copy of this Order to all principals and managers of such business before cngaging in such conduct.
D. Defendants must secure a signed &d dated statement acknowledging receipt of the
Order within thirty (30) days of delivery, from all persons receiving a copy of this Order.

VIII. ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANTS

IT IS FURTHER ORDERED that each defendant, within five (5) business days of receipt of
this Order as entered by the Court, must submit to the Commission a truthful sworn statement acknowledging receipt of this Order.

IX. RETENTION OF JURlSDICTION
IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for
purposes of construction, modification and enforcement of this Order.

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DATED this 15 day of w,2005.

UNITED STATE8 DISTRICT JUDGE

Presented by:
DEFENDANTS

FEDERAL TRADE COMMISSION
915 Second Ave., Su. 2896
Seattle. Washington 98 174

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Jarnewsneed
McDermott, Will & Emery LLP
600 13th Street, N.W.
For Defendants Platinum Health Plus, LLC Fiesta Marketing, LLC, and Telemedia, LLC

PLAINTIFF

Eleaniir Durham

Gal S. Young
For Federal Trade Commission
915 2nd Ave., Rm.