

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF TEXAS
3 SHERMAN DIVISION

4 FEDERAL TRADE COMMISSION,

5 Plaintiff,

6 v.

7 NATIONAL HOMETEAM SOLUTIONS, LLC;

8 NATIONAL FINANCIAL SOLUTIONS, LLC;

9 UNITED FINANCIAL SOLUTIONS, LLC;

10 NATIONWIDE FORECLOSURE SERVICES, LLC;

11 EVALAN SERVICES, LLC;

12 ELANT, LLC;

13 ELIAS H. TAYLOR, aka ELI TAYLOR;

14 EVERARD TAYLOR, aka EVERARDO TAYLOR;

15 EMANUEL TAYLOR; and

16 EDWIN P. TAYLOR, SR., aka ED TAYLOR,

17 Defendants.

Civil Action No. 4:08-cv-067

**STIPULATED PERMANENT
INJUNCTION AND FINAL
ORDER AS TO DEFENDANTS
EVALAN SERVICES, LLC, AND
EVERARD TAYLOR**

18
19 This matter comes before the Court on Complaint of plaintiff Federal Trade Commission
20 (“FTC” or “Commission”) against defendants National Hometeam Solutions, LLC; National
21 Financial Solutions, LLC; United Financial Solutions, LLC; Nationwide Foreclosure Services,
22 LLC; Evalan Services, LLC; Elant, LLC; Elias H. Taylor; Everard Taylor; Emanuel Taylor; and
23 Edwin P. Taylor, Sr. On February 26, 2008, the Commission filed a Complaint for Injunctive
24 and Other Equitable Relief (Dkt. #1) in this matter pursuant to Sections 5(a) and 13(b) of the
25 Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a) and 53(b). The FTC charged
26 defendants with engaging in deceptive acts or practices in connection with the marketing and
27 sale of mortgage foreclosure rescue services, in violation of Section 5(a) of the FTC Act, 15
28 U.S.C. § 45(a). The Commission and defendants Evalan Services, LLC, and Everard Taylor

Final Order as to Everard Taylor

1 have agreed to settle all matters of dispute between them without adjudication. Accordingly, it is
2 hereby **ORDERED, ADJUDGED, AND DECREED:**

3 **FINDINGS**

4 1. This Court has jurisdiction over the subject matter of this case and personal
5 jurisdiction over defendants.

6 2. Venue in the Eastern District of Texas is proper as to all parties.

7 3. The activities of defendants are in or affecting commerce, as defined in the FTC
8 Act, 15 U.S.C. § 44.

9 4. The Complaint states a claim upon which relief may be granted against
10 Defendants under Sections 5(a) and 13(b) of the FTC Act, 15 U.S.C. §§ 45(a) and 53(b).

11 5. Defendants waive all rights to seek judicial review or otherwise challenge or
12 contest the validity of this Final Order.

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1 (E) advising or acting as a consultant to others on the commencement or management of a
2 business venture; or (F) performing marketing services of any kind.

3 2. “Defendants” means Evalan Services, LLC, and Everard Taylor, whether acting
4 directly or through any successor, assign, agent, employee, entity, corporation, subsidiary,
5 division, or other device, including acting through National Financial Assistance, LLC.

6 3. “Documents” means writings, drawings, graphs, charts, photographs,
7 sound recordings, images, and any other data or data compilations stored in any medium from
8 which information can be obtained and translated, if necessary, into reasonably usable form and
9 is synonymous in meaning and equal in scope to the usage of the term in the Federal Rules of
10 Civil Procedure 34(a). A draft or non-identical copy of a document is a separate document
11 within the meaning of the term.

12 4. “Employer” means any individual or entity for whom any defendant performs
13 services as an employee, consultant, or independent contractor.

14 5. “Employment” means the performance of services as an employee, consultant, or
15 independent contractor.

16 6. “Material” means likely to affect a person’s choice of, or conduct regarding,
17 goods or services.

18 7. “Mortgage foreclosure rescue service” shall mean any service, product, or
19 program wherein the offeror, expressly or by implication, claims that it can assist a homeowner
20 in any manner to: (A) stop, prevent, or postpone any home mortgage foreclosure sale; (B) obtain
21 any forbearance from any beneficiary or mortgagee; (C) exercise any statutory right of
22 reinstatement; (D) obtain any extension of the period within which the owner may reinstate his
23 or her obligation; (E) obtain any waiver of an acceleration clause contained in any promissory
24 note or contract secured by a deed of trust or mortgage on a residence in foreclosure or contained
25 in that deed of trust or mortgage; (F) obtain a loan or advance of funds; (G) avoid or ameliorate
26 the impairment of the owner’s credit resulting from the recording of a notice of default or the
27 conduct of a foreclosure sale; (H) save the owner’s residence from foreclosure; or (I) assist the
28 owner in obtaining from the beneficiary, mortgagee, trustee under a power of sale, or counsel for
the beneficiary, mortgagee, or trustee, the remaining proceeds from the foreclosure sale of the

1 owner's residence. The foregoing shall include any manner of claimed assistance, including, but
2 not limited to, debt, budget, or financial counseling; receiving money for the purpose of
3 distributing it to creditors; contacting creditors on behalf of the homeowner; arranging or
4 attempting to arrange for an extension of the period within which the owner of property sold at
5 foreclosure may cure his or her default; arranging or attempting to arrange for any delay or
6 postponement of the time of a foreclosure sale; and giving advice of any kind with respect to
7 filing for bankruptcy.

8 8. The term "and" also means "or," and the term "or" also means "and."

9 **ORDER**

10 **I. PROHIBITED BUSINESS ACTIVITIES**

11 **IT IS ORDERED** that defendants Evalan Services, LLC, and Everard Taylor, and their
12 successors, assigns, agents, employees, officers, servants, and all other persons or entities in
13 active concert or participation with them who receive actual notice of this Final Order by
14 personal service, facsimile, or otherwise, whether acting directly or through any corporation,
15 subsidiary, division or other device, are hereby permanently restrained and enjoined from:

16 A. Falsely representing, or assisting others to falsely represent, expressly
17 or by implication, any material fact in connection with the advertising, marketing, promoting,
18 performance, offering for sale, or sale of any mortgage foreclosure rescue service, including but
19 not limited to misrepresenting:

- 20 (1) that home mortgage foreclosure can or will be stopped, postponed, or
21 prevented in all or virtually all instances;
- 22 (2) the likelihood that home mortgage foreclosure can or will be stopped,
23 postponed, or prevented;
- 24 (3) the degree of past success of any efforts to stop, postpone, or prevent
25 home mortgage foreclosures;
- 26 (4) the terms of any refund or guarantee;
- 27 (5) the likelihood that a consumer will receive a full or partial refund if a
28 home mortgage foreclosure is not stopped, postponed, or prevented;

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- (6) any record regarding consumer satisfaction or complaints or approval or ratings by the Better Business Bureau or any other consumer advocacy or consumer protection association; or
- (7) any fact material to a consumer's decision to purchase any mortgage foreclosure rescue service.

B.

1 B. Within seven (7) business days after receiving notice of the entry of this Final
2 Order, defendants shall pay \$5,000 to the FTC, by certified check or other guaranteed funds,
3 payable to and delivered to the FTC, or by wire transfer in accordance with directions provided
4 by the FTC.

5 C. All funds paid pursuant to this Final Order shall be deposited into a fund
6 administered by the Commission or its agent to be used for equitable relief, including but not
7 limited to consumer redress and any attendant expenses for the administration of any redress
8 funds. In the event that direct redress to consumers is wholly or partially impracticable or funds
9 remain after redress is completed, the Commission may apply any remaining funds for such
10 other equitable relief (including consumer information remedies) as it determines to be
11 reasonably related to the defendants' practices alleged in the Complaint. Any funds not used for
12 such equitable relief shall be deposited with the United States Treasury as disgorgement.
13 Defendants shall have no right to challenge the Commission's choice of remedies or manner of
14 distribution under this Section.

15 D. Defendants expressly waive their rights to litigate the issue of disgorgement.

16 E. Defendants acknowledge and agree that all money paid pursuant to this Final
17 Order is irrevocably paid to the Commission for purposes of settlement between plaintiff and
18 defendants.

19 F. The Commission and defendants acknowledge and agree that this judgment for
20 equitable monetary relief is solely remedial in nature and is not a fine, penalty, punitive
21 assessment, or forfeiture.

22 G. Defendants agree that, if they fail to timely and completely fulfill the
23 payment and other obligations set forth in this Final Order, the facts alleged in the Complaint
24 filed in this matter shall be taken as true in any subsequent litigation filed by the Commission to
25 enforce its rights pursuant to this Final Order, including, but
26 not limited to, a nondischargeability complaint in any bankruptcy case.

27 H. Defendants are hereby required, in accordance with 31 U.S.C. § 7701, to furnish
28 to the Commission defendants' taxpayer identifying numbers (social security number or

1 employer identification number), which shall be used for purposes of collecting and reporting on
2 any delinquent amount arising out of defendants' relationship with the government.

3 **IV. RIGHT TO REOPEN AS TO MONETARY JUDGMENT**

4 **IT IS FURTHER ORDERED** that:

5 A. The Commission's agreement to, and the Court's approval of, this Final Order is
6 expressly premised upon the truthfulness, accuracy, and completeness of the financial statements
7 signed by each defendant as follows:

- 8 (1) Evalan Services, LLC , dated March 3, 2008,
9 (2) Everard Taylor, dated May 8, 2008, and
10 (3) Everard Taylor, dated May 9, 2008,

11 all of which include material information relied upon by the Commission in negotiating and
12 agreeing to the terms of this Final Order.

13 B. If, upon motion, this Court should find that Evalan Services, LLC, or Everard
14 Taylor has made a material misrepresentation or omitted material information concerning their
15 financial condition, then the suspension of the monetary judgment shall be vacated, and the
16 Court, without further adjudication, shall enter judgment holding said defendant liable to the
17 Commission in the amount of \$217,878, less any payments made to the FTC, plus interest from
18 the entry date of this Final Order, pursuant to 28 U.S.C. § 1961.

19 C. Any proceedings instituted under this Section IV are in addition to, and not in lieu
20 of, any other civil or criminal remedies as may be provided by law, including any other
21 proceedings that the FTC may initiate to enforce this Final Order.

22 **V. COOPERATION WITH FTC COUNSEL**

23 **IT IS FURTHER ORDERED** that defendants Evalan Services, LLC, and Everard
24 Taylor shall, in connection with this action or any subsequent investigations related to or
25 associated with the transactions or the occurrences that are the subject of the FTC's Complaint,
26 cooperate in good faith with the FTC and appear at such places and times as the FTC shall
27 reasonably request, after written notice, for interviews, conferences, review of documents, and
28 for such other matters as may be reasonably requested by the FTC.

1 **VI. COMPLIANCE MONITORING**

2 **IT IS FURTHER ORDERED** that, for the purpose of monitoring and investigating
3 compliance with any provision of this Final Order,

4 A. Within ten (10) days of receipt of written notice from a representative of the
5 Commission, Evalan Services, LLC, and Everard Taylor each shall submit additional written
6 reports, sworn to under penalty of perjury; produce documents for inspection and copying;
7 appear for deposition; and/or provide entry during normal business hours to any business
8 location in such defendant's possession or direct or indirect control to inspect the business
9 operation;

10 B. In addition, the Commission is authorized to monitor compliance with this Final
11 Order by all other lawful means, including, but not limited to, the following:

12 (1) Obtaining discovery from any person, without further leave of
13 court, using the procedures prescribed by Fed. R. Civ. P. 30, 31, 33, 34,
14 36, and 45;

15 (2) Posing as consumers and suppliers to Evalan Services, LLC, and Everard
16 Taylor, their employees, or any entity managed or controlled in whole or
17 part by any defendant, without the necessity of identification or prior
18 notice; and

19 C. Evalan Services, LLC, and Everard Taylor shall permit representatives of the
20 Commission to interview any employer, consultant, independent contractor, representative,
21 agent, or employee who has agreed to such an interview, relating in any way to any conduct
22 subject to this Final Order. The person interviewed may have counsel present.

23 *Provided, however,* that nothing in this Final Order shall limit the Commission's lawful
24 use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-
25 1, to obtain any documentary material, tangible things, testimony, or information relevant to
26 unfair or deceptive acts or practices in or affecting commerce (within the meaning of 15 U.S.C.
27 § 45(a)(1)).
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1 *provided* that, with respect to any proposed change in the corporation
2 about which the defendants learn less than thirty (30) days prior to the
3 date such action is to take place, defendants shall notify the Commission
4 as soon as is practicable after obtaining such knowledge.

5 B. One hundred eighty (180) days after the date of entry of this Final Order, Evalan
6 Services LLC, and Everard Taylor each shall provide a written report to the Commission, sworn
7 to under penalty of perjury, setting forth in detail the manner and form in which they have
8 complied and are complying with this Final Order. This report shall include, but not be limited
9 to:

10 (1) For individual defendant Everard Taylor:

11 (a) His then-current residence address, mailing address, and telephone
12 number;

13 (b) His then-current employment and business addresses and
14 telephone numbers, a description of the business activities of each
15 such employer or business, and his title and responsibilities for
16 each such employer or business; and

17 (c) Any other changes required to be reported under Section VII.A.

18 (2) For all defendants:

19 (a) A copy of each acknowledgment of receipt of this Final Order,
20 obtained pursuant to Section X below;

21 (b) A statement describing the manner in which defendants have
22 complied and are complying with the provisions set forth in
23 Sections I-III above; and

24 (c) Any other changes required to be reported under subparagraphs A
25 or B of this Section.

26 C. For the purposes of this Final Order, defendants shall, unless otherwise directed
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1 Associate Director
2 Division of Enforcement
3 Federal Trade Commission
4 601 New Jersey Ave., Room 2119
5 Washington, D.C. 20580

6 Re: FTC v. National Hometeam Solutions, et al.,
7 Civil Action No. 4:08-cv-067 (E.D. Tex.).

8 For purposes of the compliance reporting and monitoring required by this Final Order,
9 the Commission is authorized to communicate directly with defendants.

10 **VIII. RECORD KEEPING PROVISIONS**

11 **IT IS FURTHER ORDERED** that, for a period of eight (8) years from the date of entry
12 of this Final Order, defendants Evalan Services, LLC, and Everard Taylor, and those businesses
13 where defendant Everard Taylor is the majority owner or otherwise controls the business, and
14 their agents, directors, officers, employees, corporations, successors, and assigns, and other
15 entities or persons directly or indirectly under their control, and all persons or entities in active
16 concert or participation with any of them who receive actual notice of this Final Order by
17 personal service, facsimile, or otherwise, in connection with the advertising, marketing,
18 promoting, performance, offering for sale, or sale of mortgage foreclosure rescue services, are
19 hereby restrained and enjoined from failing to create and retain the following records:

20 A. Accounting records that reflect the cost of goods or services sold, revenues
21 generated, and the disbursement of such revenues;

22 B. Personnel records accurately reflecting: the name, address, and telephone number
23 of each person employed in any capacity by such business, including as an independent
24 contractor; that person's job title or position; the date upon which the person commenced work;
25 and the date and reason for the person's termination, if applicable;

26 C. Customer files containing the names, addresses, phone numbers, dollar amounts
27 paid, quantity of items or services purchased, and description of items or services purchased, to
28 the extent such information is obtained in the ordinary course of business;

D. Complaints and refund requests (whether received directly, indirectly or through
any third party) and any responses to those complaints or requests;

E. Copies of all sales scripts, training materials, advertisements, or other marketing

1 materials; and

2 F. All records and documents necessary to demonstrate full compliance with each
3 provision of this Final Order, including but not limited to, copies of acknowledgments of receipt
4 of this Final Order, required by Section IX.D., and all reports submitted to the FTC pursuant to
5 Section VII.

6 **IX. DISTRIBUTION OF ORDER BY DEFENDANTS**

7 **IT IS FURTHER ORDERED** that, for a period of five (5) years from the date of entry
8 of this Final Order, defendants shall deliver copies of the Final Order as directed below:

9 A. Defendant Evalan Services, LLC, must deliver a copy of this Final Order to all of
10 its principals, officers, directors, and managers. Evalan Services, LLC, also must deliver copies
11 of this Final Order to all of its employees, agents, independent contractors, and representatives
12 who engage in the advertising, marketing, promoting, performance, offering for sale, or sale of
13 mortgage foreclosure rescue services. For current personnel, delivery shall be within five (5)
14 days of service of this Final Order upon defendants. For new personnel, delivery shall occur
15 prior to them assuming their responsibilities.

16 B. For any business that individual defendant Everard Taylor controls, directly or
17 indirectly, or in which Everard Taylor has a majority ownership interest, Everard Taylor must
18 deliver copies of this Final Order to all principals, officers, directors, and managers of that
19 business as well as to all employees, agents, independent contractors, and representatives of that
20 business who engage in the advertising, marketing, promoting, performance, offering for sale, or
21 sale of mortgage foreclosure rescue services. For current personnel, delivery shall be within five
22 (5) days of service of this Final Order upon defendant. For new personnel, delivery shall occur
23 prior to them assuming their responsibilities.

24 C. For any business where individual defendant Everard Taylor is not a controlling
25 person of a business but otherwise engages in the advertising, marketing, promoting, offering for
26 sale, or sale of mortgage foreclosure rescue services, he must deliver a copy of this Final Order
27 to all principals and managers of such business before engaging in such conduct.

28 D. Evalan Services, LLC, and Everard Taylor must secure a signed and dated

1 statement acknowledging receipt of the Final Order, within thirty (30) days of delivery, from all
2 persons receiving a copy of the Final Order pursuant to this Section.

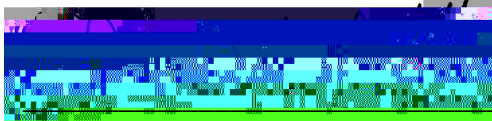
3 **X. ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANTS**

4 **IT IS FURTHER ORDERED** that Evalan Services, LLC, and Everard Taylor, within
5 five (5) business days of receipt of this Final Order as entered by the Court, must each submit to
6 the Commission a truthful sworn statement acknowledging receipt of this Final Order.

7 **XI. RETENTION OF JURISDICTION**

8 **IT IS FURTHER ORDERED** that this Court shall retain jurisdiction of this matter for
9 purposes of construction, modification, and enforcement of this Final Order.

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