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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

FEDERAL TRADE COMMISSION,)
)
)
Plaintiff,)
)
)
v.)
)
NEW HOPE PROPERTY LLC, also dba)
New Hope Modifications LLC, BRIAN)

Civil No.

**COMPLAINT FOR
PERMANENT INJURY** Modif: 4000 0.0000 TD (i)Tj

Plaintiff, the Federal Trade Commission (“FT

relief as may be appropriate in each case, including restitution and disgorgement. 15 U.S.C. § 53(b).

DEFENDANTS

5. Defendant New Hope Property LLC, also doing business as New Hope Modifications LLC and New Hope Modifications, (“NHM”) is a New Jersey limited liability company with its principal place of business at 14000 Horizon Way, Mt. Laurel, New Jersey. NHM transacts or has transacted business in the District of New Jersey. At all times material to this Complaint, NHM, acting alone or in concert with others, has advertised, marketed, and/or sold mortgage loan modification services to consumers throughout the United States.
6. Defendant Brian Mammoccio is a manager, officer and/or director of NHM. At all times material to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices of NHM, including the acts and practices set forth in this Complaint. Defendant Mammoccio resides in this District and transacts or has transacted business in this District and throughout the United States.
7. Defendant Donna Fisher is a manager, officer and/or director of NHM. At all times material to this Complaint, acting alone or in concert with others,

she has formulated, directed, controlled, had the authority to control, or participated in the acts and practices of NHM, including the acts and practices set forth in this Complaint. Defendant Fisher resides in this District and transacts or has transacted business in this District and throughout the United States.

COMMERCE

8. At all times relevant to this complaint, Defendants have maintained a substantial course

Alliance are referred to HUD-approved housing counselors who provide counseling at no cost to consumers.

DEFENDANTS' BUSINESS PRACTICES

10. Since at least August 28, 2007, Defendants have engaged in a course of conduct to advertise, market, offer to sell, and sell to consumers mortgage loan modification and foreclosure relief services. Defendants, using the name New Hope Modifications, market their services to homeowners who are in danger of losing their homes to foreclosure. Defendants maintain at least four Internet websites, www.newhopemodifications.com,
www.newhopemodificationsllc.com,

have more than ten years experience in the mortgage industry and already have working relationships with most mortgage companies.

- c. Are you facing Foreclosure or have you had a change in your financial situation and you can no longer afford your mortgage? If you are falling behind on your payments or think you may fall behind in the ne

thousands of home foreclosure cases. That kind of experience gives us credibility with your lender. Over the years we have developed positive working relationships with key people at most banks. Our integrity and professionalism have earned us a reputation that allows us to be heard when no one else can get through the red tape.

k. **Several companies contacted me recently offering help. What makes you different?**

. . . We have some of the most experienced and well respected specialists in the industry whose sole purpose is to save your house, not buy it, sell it, or send you into bankruptcy. . . .

13. Defendants' websites also contain numerous purported customer testimonials touting Defendants' ability to arrange loan modifications and/or stop foreclosures. In introducing the testimonials, Defendants state: "Our experienced professionals have been helping people like you for years . . . Below are a few testimonials from a few of our many satisfied clients." The testimonials include the following statements:

a. . . . New Hope worked it all out with my bank, and got them to agree to a modification so that I could be back on track, stop foreclosure, and keep my house. THANK YOU!!

b. . . . I commend the caring specialists at New Hope who took care of everything and worked out a payment I could afford.

c. Thank you for helping us and guiding us to save our home. . .

d. I just wanted to take the time to thank you staff for helping to save my house. . .

e. We just wanted to send you a line to say thanks for your help in saving our home. . . Again, we appreciate the hard work that you put

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- f. I want to take a moment to thank you for all of your assistance in arranging a work out program with my mortgage company. . .
14. Defendants' websites include a toll-free number, 877-373-HOPE and encourage consumers to call to "Get a FREE Consultation." Alternatively, Defendants' websites request consumers to complete a short form and submit the information to Defendants after which a representative calls the consumer. The short form asks consumers for their contact information, lender name, monthly mortgage payment, the number of months behind, and whether there is a foreclosure date.
15. Consumers speak with Defendants' telemarketers when they call the toll-free number in response to Defendants' Internet advertising or when Defendants call consumers after receiving consumers' information via the online form.
16. During the telemarketing sales calls, Defendants' representatives collect information from consumers, including details about the consumers' mortgages and income. After consumers provide Defendants with this information, the telemarketers often claim that the consumers are prime candidates for a modi

17. Defendants' telemarketers instruct consumers that they must pay Defendants' fee up-front. The fee is typically in the amount of consumers' monthly mortgage payment. Defendants typically refer to the fee as a mitigation escrow fee. Consumers who express concern about paying the fee are often told that they can pay the fee instead of their regular mortgage payment, because foreclosure proceedings will be stayed while Defendants negotiate with the lender.
18. In numerous instances, consumers are told that if they are not satisfied with Defendants' service they are entitled to a full refund of the fees paid.
19. In numerous instances, Defendants' representatives create a false aura of legitimacy by misrepresenting that Defendants are part of the Hope Now Alliance.
20. Defendants, however, are not members of, affiliated with, or part of the Hope Now Alliance.
21. In numerous instances after consumers have paid Defendants' fee, Defendants fail to return consumers' telephone calls or provide updates about the status of Defendants' purported communications with the consumers' lenders. In other instances, Defendants misrepresent to consumers that negotiations are proceeding smoothly.

24. In numerous instances,

Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.

B. Enter a permanent injunction to prevent future violations of the FTC Act by Defendants;

C. Award such relief as the Court finds necessary to redress injury to consumers resulting from Defendants' violations of the FTC Act, including but not limited to rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies; and

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CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
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