

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Case No. 8:08-cv-01735-VMC-TBM**

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| <hr/> FEDERAL TRADE COMMISSION, |) |
| |) |
| Plaintiff, |) |
| |) |
| v. |) |
| |) |
| UNITED HOME SAVERS, LLP, |) |
| a Florida limited liability partnership, |) |
| |) |
| STEPHANIE DIETSCHY, |) |
| individually and as a partner, officer and/or |) |
| manager of United Home Savers, and |) |
| |) |
| DARIN DIETSCHY, |) |
| individually and as a partner, officer and/or |) |
| manager of United Home Savers, |) |
| |) |
| Defendants. |) |
| <hr/> |) |

STIPULATED PERMANENT INJUNCTION AND FINAL JUDGMENT

This matter comes before the Court on the complaint of Plaintiff, Federal Trade Commission (“FTC” or “Commission”), against Defendants United Home Savers, LLP, Stephanie Dietschy, and Darin Dietschy. On September 3, 2008, the Commission filed a Complaint for Injunctive and Other Equitable Relief in this matter pursuant to Sections 5(a) and 13(b) of the Federal Trade Commission Act

dispute between them without adjudication. Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED:**

FINDINGS

1. This Court has jurisdiction of the subject matter of this case and the parties hereto pursuant to 28 U.S.C. §§ 1331, 1337(a), 1345, and 15 U.S.C. §§ 45(a) and 53(b).
2. Venue in the Middle District of Florida is proper as to all parties.

freely and without coercion and acknowledge that they have read, understand, and are prepared to abide by the provisions of this Final Order.

8. This Final Order is in addition to, and not in lieu of, any other civil or

sound recordings, images, and any other data or data compilations stored in any medium from which information can be obtained and translated, if necessary, into reasonably usable form and is synonymous in meaning and equal in scope to the usage of the term in the Federal Rules of Civil Procedure 34(a). A draft or non-identical copy of a document is a separate document within the meaning of the term.

6. “Mortgage foreclosure rescue service” means any service, product, or program wherein the offeror, expressly or by implication, claims that it can assist a

of the time of a foreclosure sale; and giving notice of any kind with respect to filing for bankruptcy.

7. The term “and” also means “or,” and the term “or” also means “and.”

ORDER

I. PROHIBITED BUSINESS ACTIVITIES

IT IS ORDERED that Defendants United Home Savers, LLP, Stephanie Dietschy, and Darin Dietschy, and their successors, assigns, agents, employees, officers, servants, and all other persons or entities in active concert or participation with them who receive actual notice of this Final Order by personal service, facsimile, or otherwise, whether acting directly or through any corporation, subsidiary, division or other device, are hereby permanently restrained and enjoined from:

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

- (1) that any home mortgage foreclosure can or will be stopped, postponed, or prevented;
- (2) an ability to help all consumers, regardless of their individual circumstances or situations;
- (3) the likelihood that home mortgage foreclosure can or will be stopped, postponed, or prevented;

- (4) the degree of past success of any efforts to stop, postpone, or prevent home mortgage foreclosures;
- (5) the number of satisfied customers or customer complaints;
- (6) the terms of any refund or guarantee;
- (7) the likelihood that a consumer will receive a full or partial refund if a home mortgage foreclosure is not stopped, postponed, or prevented;
- (8) any approval, endorsement, or rating by the Better Business Bureau or any other consumer advocacy or consumer protection association; or
- (9) any fact material to a consumer's decision to purchase any mortgage foreclosure rescue service.

B. Falsely representing, or assisting others to falsely represent, expressly or by implication, any material fact in connection with the advertising, marketing, promoting, offering for sale, sale, or distribution of any other good or service.

II. PROHIBITIONS AGAINST DISTRIBUTION OF CUSTOMER INFORMATION

IT IS FURTHER ORDERED that Defendants United Home Savers, LLP, Stephanie Dietschy, and Darin Dietschy, and their ~~successors~~ assigns, agents, employees, officers, servants, and all other persons or entities in active concert or participation with them who receive actual notice of this Final Order by personal service, facsimile, or otherwise, whether acting directly or through any corporation, subsidiary, division or other device, are permanently restrained and enjoined from selling, renting, leasing, transferring or otherwise disclosing the individual name, address, telephone number, email address, credit card

number, social security number, bank account number or other identifying information of any person who provided any such information to Defendants at any time in connection with the advertising, marketing, promoting, offering sale, or sale of mortgage foreclosure rescue services provided, however, that Defendants may disclose such identifying information to any law enforcement or regulatory agency, or as required by any law, regulation or court order.

III. MONETARY JUDGMENT AND CONSUMER REDRESS

IT IS FURTHER ORDERED that:

A. Judgment is hereby entered in favor of the Commission and against Defendants, United Home Savers, LLP, Stephanie Dietschy, and Darin Dietschy, jointly and severally, in the amount of \$4,100,000 for the payment of equitable monetary relief – including, but not limited to, redress of consumer injury and/ or disgorgement, and for paying any attendant expenses of administration of any redress fund.

B. Except as provided in Section IV of this Final Order, the judgment shall be suspended upon payment of \$ 21,694.22: Upon entry of this Final Order, Defendants United Home Savers, LLP, Stephanie Dietschy, and Darin Dietschy, and Plaintiff will stipulate to transfer \$16,297.64 in funds held in Mercantile Bank account ending 7813; \$5290.61 in funds held in Mercantile Bank account ending 0147; \$50.00 in funds held in Mercantile Bank account ending 0422; \$ 52.94 in funds held in Wachovia Bank account ending 3954; and \$3.03 in funds held in Old Harbor Bank account ending in 3116, all of which were frozen pursuant to the Temporary Restraining Order, entered by the Court on

September 4, 2008, and the Stipulated Preliminary Injunction, entered by the Court on September 12, 2008. The Defendants shall pay all amounts due to the Commission in cash by electronic funds transfer to the Commission, or to such agent as the Commission may direct, pursuant to instructions provided by the Commission.

C. Funds paid over to the Commission pursuant to this Section shall be deposited into a fund administered by the Commission or its designated representative to be used for equitable relief, including, but not limited to, redress for consumer injury and any attendant expenses for the administration of any redress fund. Defendants will cooperate fully to assist the Commission in identifying consumers who may be entitled to redress pursuant to this Final Order. In the event that direct redress to consumers is wholly or partially impracticable or funds remain after redress is completed, the Commission may apply funds for any other equitable relief (including consumer information remedies) that it determines to be reasonably related to Defendants' practices alleged in the complaint. Any funds not used for this 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.

D. Defendants relinquish all dominion, control, and title to the funds paid to the fullest extent permitted by law. Defendants shall make no claim to or demand for

judgment pursuant to this Final Order, including but not limited to a nondischargeability complaint in any bankruptcy case. Defendants further stipulate and agree that the facts alleged in the Complaint establish all elements necessary to sustain an action pursuant to, and that this Final Order shall have collateral estoppel effect for purposes of, Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C. § 523(a)(2)(A).

F. Defendants acknowledge and agree that the judgment entered pursuant to this Section is equitable monetary relief, solely remedial in nature, and is not a fine, penalty, punitive assessment, or forfeiture.

G. Defendants are hereby required, in accordance with 31 U.S.C. § 7701, to furnish to the Commission Defendants' taxpayer identifying numbers (social security number or employer identification number), which shall be used for purposes of collecting and reporting on any delinquent amount arising out of Defendants' relationship with the government.

IV. RIGHT TO REOPEN AS TO MONETARY JUDGMENT

above, which contain material information upon which the Commission relied in negotiating and agreeing to the terms of this Final Order.

B. If, upon motion by plaintiff, this Court should find that one or more Defendant failed to disclose any material asset, or materially misrepresented the value of any asset, or made any other material misrepresentation in or omission from the Financial Statements, the Court shall reinstate the suspended judgment against such Defendant, in favor of the Commission, in the amount of \$4,100,000, which the Defendants and the Commission stipulate is the amount of consumer injury jointly and severally caused by the defendants, less any payments made to the Commission, plus interest from the entry date of this Final Order, pursuant to 28 U.S.C. § 1961. Provided, however, that in all other respects, this Final Order shall remain in full force and effect unless otherwise ordered by the Court.

V. COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purposes of (i) monitoring and investigating compliance with any provision of this Final Order, and (ii) investigating the accuracy of any Defendant's financial statements upon which the Commission's agreement to this Final Order is expressly premised:

A. Within ten (10) days of receipt of written notice from a representative of the Commission, Defendants each shall submit additional written reports, which are true and accurate and sworn to under penalty of perjury; produce documents for inspection and copying; appear for deposition; and provide entry during normal business hours to any business location in each Defendant's possession, direct or indirect control to inspect the

business operation.

B. In addition, the Commission is authorized to use all other lawful means, including but not limited to:

1. Obtaining discovery from any person, without further leave of court, using the procedures prescribed by Fed. R Civ. P. 30, 31, 33, 34, 36, 45, and 69; and
2. Having its representatives pose as consumers and suppliers to Defendants, Defendants' employees, or any other entity managed or controlled in whole or in part by any Defendant, without the necessity of identification or prior notice.

C. Defendants each 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 any conduct subject to this Final Order. The person interviewed may have counsel present.

Provided, however that nothing in this Final 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, 57b-1, to obtain any documentary material, tangible things, testimony, or information relevant to unfair or deceptive acts or practices affecting commerce (within the meaning of 15 U.S.C. § 45(a)(1)).

VI. COMPLIANCE REPORTING BY DEFENDANTS

IT IS FURTHER ORDERED that, in order that compliance with the provisions of

2. Defendants shall notify the Commission of any changes in structure of Corporate Defendant or any business entity that any Defendant directly or indirectly controls, or has an ownership interest in, that may affect compliance obligations arising under this Final Order, including but not limited to: incorporation or other organization; a dissolution, assignment, sale, merger, or other action; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this Final Order; or a change in the business name or address, at least thirty (30) days prior to such change, provided that, with respect to any such change in the business entity about which a Defendant learns less than thirty (30) days prior to the date such action is to take place, such Defendant shall notify the Commission as soon as is practicable after obtaining such knowledge.

B. Sixty (60) days after the date of entry of this Final Order and annually thereafter for a period of five (5) years, Defendants each shall provide a written report to the FTC, which is true and accurate and sworn to under penalty of perjury, setting forth in detail the manner and form in which they have complied and are complying with this Final Order. This report shall include, but not be limited to:

1. For each Individual Defendant:

- b. such Defendant's then-current employment status (including self-employment), including the name, addresses, and telephone numbers of each business that such Defendant is affiliated with, employed by, or performs services for; a detailed description of the nature of the business; and a detailed description of such Defendant's duties and responsibilities in connection with the business or employment; and
- c. Any other changes required to be reported under Subsection A of this Section.

2. For all Defendants:

- a. A copy of each acknowledgment of receipt of this Final Order, obtained pursuant to the Section titled "Distribution of Order by Defendants"; and
- b. Any other changes required to be reported under Subsection A of this Section.

C. Each Defendant shall notify the Commission of the filing of a bankruptcy petition by such Defendant within fifteen (15) days of filing.

D. For the purposes of this Final Order, Defendants shall, unless otherwise directed by the Commission's authorized representatives, send by overnight courier all reports and notifications required by this Final Order to the Commission, to the following address:

Associate Director for Enforcement
Federal Trade Commission
600 Pennsylvania Avenue, N.W., Room NJ-2122
Washington, D.C. 20580
RE: FTC v. United Home Savers LLP et al.

Provided that, in lieu of overnight courier, Defendants may send such reports or notifications by first-class mail, but only if Defendants contemporaneously send an electronic version of such report or notification to the Commission at DEB.Brief@ftc.gov.

E. For purposes of the compliance reporting and monitoring required by this Final Order, the Commission is authorized to communicate directly with each Defendant.

VII. RECORDKEEPING PROVISIONS

IT IS FURTHER ORDERED that, for a period of eight (8) years from the date of entry of this Final Order, Defendants ~~and~~ whose businesses where any Defendant is the majority owner or otherwise controls the business and their agents, employees, officers, corporations, and those persons in active concert or participation with them who receive actual notice of this Final Order by personal service, facsimile, or otherwise, in connection with the advertising, marketing, promoting, offering for sale, or sale of mortgage foreclosure rescue services, are hereby restrained and enjoined from failing to create and retain the following records:

- A. Accounting records that reflect the cost of goods or services sold, revenues generated, and the disbursement of such revenues;
- B. Personnel records accurately reflecting: the name, address, and telephone

number of each person employed in any capacity by such business, including as an independent contractor; that person's job title or position; the date upon which the person commenced work; and the date and reason for the person's termination, if applicable;

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

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

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

F. All records and documents necessary to demonstrate full compliance with each provision of this Final Order, including but not limited to, copies of acknowledgments of receipt of this Final Order required by the Sections titled "Distribution of Order by Defendants" and "Acknowledgment of Receipt of Order by Defendants" and all reports submitted to the FTC pursuant to the Section titled "Compliance Reporting."

VIII. DISTRIBUTION OF ORDER BY DEFENDANTS

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

A. Corporate Defendant: The Corporate Defendant must deliver a copy of this Final Order to (1) all of its principals, officers, directors, and managers; (2) all of its

business where an Individual Defendant is not a controlling person of a business but otherwise engages in conduct related to the subject matter of this Final Order, such Defendant must deliver a copy of this Final Order to all principals and managers of such business before engaging in such conduct.

D. Defendants must secure a signed and dated statement acknowledging receipt of the Final Order, within thirty (30) days of delivery, from all persons receiving a copy of the Final Order pursuant to this Section.

IX. ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANTS

IT IS FURTHER ORDERED that each Defendant, within five (5) business days of receipt of this Final Order as entered by the Court, must submit to the Commission a truthful sworn statement acknowledging receipt of this Final Order, in the form of Attachments A and B.

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AGREED AS TO FORM AND CONTENT:

/s/ Harold E. Kirtz
Harold E. Kirtz
Federal Trade Commission
225 Peachtree Street, Suite 1500
Atlanta, Georgia 30303
(404) 656-1357 (telephone)
(404) 656-1379 (fax)
hkirtz@ftc.gov
Attorney for Plaintiff

/s/ Stephanie Dietsch
United Home Savers, LLP
By: Stephanie Dietsch
President and Partner of
United Home Savers, LLP

/s/ Stephanie Dietsch
Stephanie Dietsch
Individually and as Officer and
Partner of United Home
Savers, LLP

/s/ Darin Dietsch
Darin Dietsch
Individually and as Officer and
Partner of United Home
Savers, LLP

ATTACHMENT A

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Case No. 8:08-cv-01735-VMC-TBM

| | | |
|--|---|---|
| FEDERAL TRADE COMMISSION, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| UNITED HOME SAVERS, LLP |) | |
| a Florida limited liability partnership, |) | |
| |) |) |
| STEPHANIE DIETSCHY, |) | |

District of Florida).

3. My current employer is . My current business address is . My current business telephone number is . My current residential address is . My current residential telephone number is .

4. The current business address of United Home Savers, LLP, is . The current business telephone number of United Home Savers, LLP, is .

5. On [date], I received a copy of the Stipulated Permanent Injunction and Final Judgment, which was signed by the Honorable Virginia Covington and entered by the Court on [date of entry of the Order]. A true and correct copy of the Final Order I received is appended to this Affidavit.

6. On [date], United Home Savers, LLP, received a copy of the Stipulated Permanent Injunction and Final Judgment, which was signed by the Honorable Virginia Covington and entered by the Court on [date of entry of the Order]. A true and correct copy of the Final Order it received is appended to this Affidavit.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on _____[date], at _____[city and state].

Stephanie Dietschy, individually and as an officer of United Home Savers, LLP.

State of _____, City of _____
Subscribed and sworn to before me this _____ day of _____, 20__.

Notary Public
My Commission Expires:

ATTACHMENT B

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Case No. 8:08-cv-01735-VMC-TBM

FEDERAL TRADE COMMISSION,)
)
Plaintiff,)
)
v.)
)
UNITED HOME SAVERS, LLP)
a Florida limited liability partnership,)
)
STEPHANIE DIETSCHY,)
individually and as a partner, officer and/or)
manager of United Home Savers, and)
)
DARIN DIETSCHY,)
individually and as a partner, officer and/or)
manager of United Home Savers,)
)
Defendants.)
,5-VMC-TBM)

. My current residential telephone number is _____ .

4. On [date], I received a copy of the Stipulated Permanent Injunction and Final Judgment, which was signed by the Honorable Virginia Covington and entered by the Court on [date of entry of the Order]. A true and correct copy of the Final Order I received is appended to this Affidavit.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on _____[date], at _____ [city and state].

Darin Dietschy, individually and as an officer of United Home Savers, LLP

State of _____, City of _____

Subscribed and sworn to before me this ____ day of _____, 20__.

Notary Public
My Commission Expires: