

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

In his Opposition, Crosby argues that FTC's proposed ban on the sale of credit repair products and services "would be a violation of my First Amendment Right to freedom of speech." Oe60Tj11.2rst Amendme

interest.” *Id.*¹

The FTC’s proposed ban on advertising or selling credit repair products and services is valid because of the government’s substantial interest in preventing deceptive advertising. *See United States v. Readers Digest Ass’n*, 464 F. Supp. 1037, 1051 (D. Del. 1978) (“The Government’s interest in preventing the use of deceptive advertising is a legitimate and important one.”). The proposed ban directly advances this interest and is sufficiently tailored in light of Defendant’s pervasive misrepresentations and continued invo

¹ The prohibition need not be the *least* restrictive means.

forth in the proposed order is narrowly tailored to the circumstances of this case.

Nonetheless, the FTC now proposes modified order language that prohibits false and misleading representations that are not protected speech. *See Miller v. Stuart*, 117 F.3d 1376, 1382 (11th Cir. 1997) (noting that “[t]he government may completely ban false and inherently misleading commercial speech”).

Section I of the FTC’s modified Proposed Order provides for a total ban on Defendant’s advertising, marketing, promoting or sale of credit repair services. As noted above, such a ban is valid because of the government’s substantial interest in preventing deceptive advertising and Crosby’s extensive and continued use of misleading advertising for credit repair services. *See Gill*, 265 F.3d at 957.

In Section II, the FTC no longer proposes a total ban on credit repair products, but instead prohibits certain claims that are false. As explained in the FTC’s Motion for Summary Judgment, assertions that consumers can improve their credit scores “into the 700s in as little as 30 days” or “remove any or all negatives” are false and deceptive. *See Mot. Summ. J.* at 10-14. Additionally, Crosby has advised individuals to obtain a Taxpayer Identification Number or Employer Identification Number to use in lieu of that person’s Social Security Number for the purpose of concealing adverse credit information. For instance, in an email to Ronald L. Wray, Crosby states that his credit repair program will provide instructions on how to obtain “a NEW 9-Digit Number that can be used for building credit with credit cards, bank loans, mortgage loans, auto loans ect. [sic].” Ex. 2. p.2. Advising an individual to obtain a number to use in lieu of a Social Security number for

