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11 Attorneys for Plaintiff  
12 FEDERAL TRADE COMMISSION

13 **UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 \_\_\_\_\_ ) Case No. CV 11-6397 DSF (Ex)  
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1 Plaintiff Federal Trade Commission (“FTC”) hereby responds to Defendants’  
2 and Relief Defendants’ (collectively “Defendants”) Objections to Evidence Submitted  
3 in Support of Plaintiff FTC’s Motion for Summary Judgment (Dkt. No. 427).

4 **I. GENERAL RESPONSES**

5 General Response 1 (“GR 1”):

6 Although Defendants claim that they are objecting “to the evidence,”  
7 Defendants object to the fact itself, and not the underlying evidence. These objections  
8 are improper.

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10 General Response 2 (“GR 2”):

11 In nearly every objection, Defendants make improper boilerplate objections to  
12 all of the evidence that the FTC submitted in support of its fact. For instance,  
13 Defendants’ Objection to Separate Statement Paragraph 316 states:

14 Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex. 608) ¶ 21.xxx-aaaa; Menjivar  
15 Dec. (PX 1) ¶ 25, Att. P (p. 28 (27:2-13)); Cagnacci Dec. (Ex. 663) ¶ 3, Ex. 503  
16 (16:25- 17:15); McKenney Dec. (PX 2) ¶ ¶ 12, 20-23; McBee Dep. (Ex. 620)  
17 151:15-152:21 on the ground that the statement is vague as to time and person,  
18 and unsupported by admissible evidence. Fed. R. Evid. 602 (vague).

19 These objections are impermissibly vague, failing to specify the evidence to which  
20 the objection is made and offering no argument to support it. It is impossible for  
21 the FTC to substantively respond to such objections. Furthermore, such objections  
22 do not comply with this Court’s Standing Order, which requires objections to be  
23 argued with specificity and states “[d]o not submit blanket or boilerplate objections  
24 to the opponent’s statements of undisputed fact. The objections will be overruled  
25 and disregarded.” (Dkt. No. 205 at 13:1-2.)

1 General Response 3 (“GR 3”):

2 Defendants object to the testimony of Robert E. McKenzie, as well as  
3 statements contained in his Expert Report, as “improper expert opinion,” but  
4 provide no explanation of why Mr. McKenzie’s opinions are improper.

5 Mr. McKenzie possesses the necessary knowledge, skill, experience, training and  
6 education to be qualified as an expert pursuant to Federal Rule of Evidence 702.

7 Mr. McKenzie has over four decades of tax and tax relief experience, both working  
8 as a Revenue Officer at the IRS and as a licensed tax attorney.

9 Mr. McKenzie is a nationally renowned expert in collections before the IRS, and  
10 wrote the treatise on collections, entitled “Representation Before the United States  
11 Tax Court.” He has lectured extensively on the subject of taxation, and presented  
12 courses before thousands of CPAs, attorneys and enrolled agents nationwide.

13 Recently, he was appointed to the Internal Revenue Service Advisory Council.

14 Mr. McKenzie has negotiated Offers in  
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1 (Ex. 643) 201:12-202:23, 205:18-25, Ex. 211 (Dec. ¶ 13) on the ground that the  
2 statement is vague, ambiguous, argumentative, and irrelevant. ATR also had  
3 administrative staff and accounting functions, and whether they were nominated as  
4 such is irrelevant Fed. R. Evid. 602 (vague and ambiguous); Fed. R. Civ. P.  
5 56(c)(4) (argumentative); Fed. R. Evid. 401 and 402 (irrelevant).

6 FTC's Response: These objections should be overruled for the reasons set  
7 out in GR 1.

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9 Separate Statement Paragraph 11:  
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1            FTC's Response: Defendants' objection to this statement is moot because  
2 Defendants do not dispute the fact that Il Kon Park invoked his Fifth Amendment  
3 right against self-incrimination in refusing to respond to Requests for Admission  
4 ("RFA") and deposition questions. Instead, Defendants only object to the extent  
5 that this fact incorrectly states that there was one RFA to which Il Kon Park did not  
6 invoke the Fifth Amendment. The FTC acknowledges that Il Kon Park invoked  
7 the Fifth Amendment in refusing to respond to any RFA. Therefore, this objection  
8 is irrelevant and should be overruled.

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10 Separate Statement Paragraph 100:

11            Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,  
12 Ex. 1002 (Expert Report ¶ 19) on the ground that the statement is improper  
13 argument, vague, improper expert opinion, an incomplete hypothetical, not a fact,  
14 and unsupported by admissible evidence. The statement lacks sufficient detail to  
15 present a true situation to assess viability for tax relief. Fed. R. Civ. P. 56(c)(4)  
16 (improper argument); Fed. R. Evid. 602 (vague); Fed. R. Evid. 702 (improper  
17 expert opinion).

18            FTC's Response: These objections should be overruled for the reasons set  
19 out in GR 1, 2 and 3. Mr. McKenzie's expert opinion on what the background  
20 information about a taxpayer is needed to determine if the taxpayer might be  
21 eligible for tax relief is admissible because: (a) his specialized knowledge will help  
22 the trier of fact to understand the evidence; (b) his testimony is based on sufficient  
23 facts and data; (c) his testimony is the product of reliable principles and methods;  
24 and (d) he has reliably applied to principles and methods to the facts of the case.  
25 Fed. R. Evid. 702.

1 Separate Statement Paragraph 104:

2 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,  
3 Ex. 1002 (Expert Report ¶ 22) on the ground that the statement is improper  
4 argument, vague as to "detailed" and "careful," improper expert opinion, an  
5 incomplete hypothetical, not a fact, and unsupported by admissible evidence. The  
6 statement lacks sufficient detail to present a true situation to assess viability for tax  
7 relief. Fed. R. Civ. P. 56(c)(4) (improper argument); Fed. R. Evid. 602 (vague);  
8 Fed. R. Evid. 702 (improper expert opinion).

9 FTC's Response: These objections should be overruled for the reasons set  
10 out in GR 1, 2 and 3. Mr. McKenzie's expert opinion about whether a detailed  
11 personal interview and careful review of all relevant documents is necessary to  
12 assess potential tax relief remedies available to consumers, is admissible because:  
13 (a) his specialized knowledge will help the trier of fact to understand the evidence;  
14 (b) his testimony is based on sufficient facts and data; (c) his testimony is the  
15 product of reliable principles and methods; and (d) he has reliably applied to  
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FTC's Response

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1 Separate Statement Paragraph 113:

2 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,  
3 Ex. 1002 (Expert Report ¶ 103); Hawkins Dec. (Ex. 671) ¶ 44 on the ground that  
4 the statement is improper argument, vague as to "complexities," "short," "most,"  
5 and "might," improper expert opinion, not a fact, and unsupported by admissible  
6 evidence. Fed. R. Civ. P. 56(c)(4) (improper argument); Fed. R. Evid. 602 (vague);  
7 Fed. R. Evid. 702 (improper expert opinion).

8 FTC's Response: These objections should be overruled for the reasons set  
9 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on the necessary length of  
10 an interview to make a preliminary determination that a taxpayer might qualify for  
11 an Offer in Compromise is admissible because: (a) his specialized knowledge will  
12 help the trier of fact to understand the evidence; (b) his testimony is based on  
13 sufficient facts and data; (c) his testimony is the product of reliable principles and  
14 methods; and (d) he has reliably applied to principles and methods to the facts of  
15 the case. Fed. R. Evid. 702.

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17 Separate Statement Paragraph 114:

18 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 144:21-  
19 145:2 on the ground that the statement is improper argument, vague, improper  
20 expert opinion, not a fact, and unsupported by admissible evidence. Fed. R. Civ. P.  
21 56(c)(4) (improper argument); Fed. R. Evid. 602 (vague); Fed. R. Evid. 702  
22 (improper expert opinion).

23 FTC's Response: These objections should be overruled for the reasons set  
24 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on what information a tax  
25 practitioner must evaluate to determine a taxpayer's potential eligibility for an  
26 Offer in Compromise is admissible because: (a) his specialized knowledge will  
27 help the trier of fact to understand the evidence; (b) his testimony is based on  
28 sufficient facts and data; (c) his testimony is the product of reliable principles and

1 methods; and (d) he has reliably applied to principles and methods to the facts of  
2 the case. Fed. R. Evid. 702.

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4 Separate Statement Paragraph 115:

5 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,  
6 Ex. 1002 (Expert Report ¶ 86) on the ground that the statement is improper  
7 argument, vague as to "complete and accurate" and "predict with certainty,"  
8 improper expert opinion, not a fact, irrelevant, and unsupported by admissible  
9 evidence. Fed. R. Civ. P. 56(c)(4) (improper argument); Fed. R. Evid. 602 (vague);  
10 Fed. R. Evid. 702 (improper expert opinion); Fed. R. Evid. 401 and 402  
11 (irrelevant).

12 FTC's Response: These objections should be overruled for the reasons set  
13 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on whether it is possible to  
14 predict with certainty the amount of an Offer in Compromise that the IRS might  
15 ultimately accept is admissible because: (a) his specialized knowledge will help the  
16 trier of fact to understand the evidence; (b) his testimony is based on sufficient  
17 facts and data; (c) his testimony is the product of reliable principles and methods;  
18 and (d) he has reliably applied to principles and methods to the facts of the case.  
19 Fed. R. Evid. 702.

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21 Separate Statement Paragraph 116:

22 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,  
23 Ex. 1002 (Expert Report ¶ 73) on the ground that the statement is improper  
24 argument, vague as to "future ability to pay," improper expert opinion, lacks  
25 foundation, and unsupported by admissible evidence. The expert cannot state what  
26 the IRS considers, but only what the IRS guidelines require. Fed. R. Civ. P.  
27 56(c)(4) (improper argument); Fed. R. Evid. 602 (vague and lacks foundation);  
28 Fed. R. Evid. 702 (improper expert opinion).

1            FTC's Response: These objections should be overruled for the reasons set  
2 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on what the IRS considers  
3 in determining a taxpayer's eligibility for an Offer in Compromise is admissible  
4 because: (a) his specialized knowledge will help the trier of fact to understand the  
5 evidence; (b) his testimony is based on sufficient facts and data; (c) his testimony  
6 is the product of reliable principles and methods; and (d) he has reliably applied to  
7 principles and methods to the facts of the case. Fed. R. Evid. 702. Additionally,  
8 Mr. McKenzie's significant tax relief experience lays adequate foundation for his  
9 opinion on IRS practices. *Hangarter v. Provident Life & Acc. Ins. Co.*, 373 F.3d  
10 998, 1016 (9th Cir. 2004) (significant experience lays sufficient foundation for  
11 expert to testify on industry practices).

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13 Separate Statement Paragraph 117:

14            Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,  
15 Ex. 1002 (Expert Report ¶ 74) on the ground that the statement is improper  
16 argument, vague as to "accuracy" and "hard assets," improper expert opinion, not a  
17 fact, irrelevant, and unsupported by admissible evidence. Fed. R. Civ. P. 56(c)(4)  
18 (improper argument); Fed. R. Evid. 602 (vague); Fed. R. Evid. 702 (improper  
19 expert opinion); Fed. R. Evid. 401, 402 (irrelevant).

20            FTC's Response: These objections should be overruled for the reasons set  
21 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on whether, for purposes of  
22 an Offer in Compromise, a tax practitioner needs to know the value of the  
23 taxpayer's hard assets with accuracy is admissible because: (a) his specialized  
24 knowledge will help the trier of fact to understand the evidence; (b) his testimony  
25 is based on sufficient facts and data; (c) his testimony is the product of reliable  
26 principles and methods; and (d) he has reliably applied to principles and methods  
27 to the facts of the case. Fed. R. Evid. 702.

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1 support an Offer in Compromise application is admissible because: (a) his  
2 specialized knowledge will help the trier of fact to understand the evidence; (b) his  
3 testimony is based on sufficient facts and data; (c) his testimony is the product of  
4 reliable principles and methods; and (d) he has reliably applied to principles and  
5 methods to the facts of the case. Fed. R. Evid. 702. Additionally,  
6 Mr. McKenzie’s significant tax relief experience lays adequate foundation for his  
7 opinion on IRS practices. *Hangarter*, 373 F.3d at 1016.

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9 Separate Statement Paragraph 129:

10 Defendants’ Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,  
11 Ex. 1002 (Expert Report ¶ 100) on the ground that the statement is vague as to  
12 “long and cumbersome,” overbroad, and unsupported by admissible evidence. Fed.  
13 R. Evid. 602.

14 FTC’s Response: These objections should be overruled for the reasons set  
15 out in GR 1 and 2.

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17 Separate Statement Paragraph 131  
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1 expert opinion, and unsupported by admissible evidence. Fed. R. Civ. P. 56(c)(4)  
2 (improper argument); Fed. R. Evid. 602 (vague); Fed. R. Evid. 702 (improper  
3 expert opinion).

4 FTC's Response: These objections should be overruled for the reasons set  
5 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on the difficulty of  
6 obtaining an Offer in Compromise based on effective tax administration is  
7 admissible because: (a) his specialized knowledge will help the trier of fact to  
8 understand the evidence; (b) his testimony is based on sufficient facts and data; (c)  
9 his testimony is the product of reliable principles and methods; and (d) he has  
10 reliably applied to principles and methods to the facts of the case. Fed. R. Evid.  
11 702.

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13 Separate Statement Paragraph 139:

14 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,  
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1 understand the evidence; (b) his testimony is based on sufficient facts and data; (c)  
2 his testimony is the product of reliable principles and methods; and (d) he has  
3 reliably applied to principles and methods to the facts of the case. Fed. R. Evid.  
4 702.

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6 Separate Statement Paragraph 146:

7 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,  
8 Ex. 1002 (Expert Report ¶ 50) ) on the ground that the statement is improper  
9 argument, vague as to "reduce" and "merely," inadmissible expert opinion, and  
10 unsupported by admissible evidence. Fed. R. Civ. P. 56(c)(4) (improper argument);  
11 Fed. R. Evid. 602 (vague); Fed. R. Evid. 702 (improper expert opinion).

12 FTC's Response: These objections should be overruled for the reasons set  
13 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on the ability of installment  
14 agreements to reduce a taxpayer's tax obligations is admissible because: (a) his  
15 specialized knowledge will help the trier of fact to understand the evidence; (b) his  
16 testimony is based on sufficient facts and data; (c) his testimony is the product of  
17 reliable principles and methods; and (d) he has reliably applied to principles and  
18 methods to the facts of the case. Fed. R. Evid. 702.

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20 Separate Statement Paragraph 147:

21 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,  
22 Ex. 1002 (Expert Report ¶ 50) on the ground that the statement is improper  
23 argument, vague as to "accruals," inadmissible expert opinion, and unsupported by  
24 admissible evidence. Fed. R. Civ. P. 56(c)(4) (improper argument); Fed. R. Evid.  
25 602 (vague); Fed. R. Evid. 702 (improper expert opinion).

26 FTC's Response: These objections should be overruled for the reasons set  
27 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on whether interest and  
28 penalties continue to accrue under an installment agreement is admissible because:

1 (a) his specialized knowledge will help the trier of fact to understand the evidence;  
2 (b) his testimony is based on sufficient facts and data; (c) his testimony is the  
3 product of reliable principles and methods; and (d) he has reliably applied to  
4 principles and methods to the facts of the case. Fed. R. Evid. 702.

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6 Separate Statement Paragraph 148:

7 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,  
8 Ex. 1002 (Expert Report ¶ 52) on the ground that the statement is improper  
9 argument, vague as to "reduce," inadmissible expert opinion, and unsupported by  
10 admissible evidence. Fed. R. Civ. P. 56(c)(4) (improper argument); Fed. R. Evid.  
11 602 (vague); Fed. R. Evid. 702 (improper expert opinion).

12 FTC's Response: These objections should be overruled for the reasons set  
13 out in GR 1, 2, and 3. Mr. McKenzie's expert opinion on whether a taxpayer's tax  
14 obligations are reduced by being placed in currently not collectible status is  
15 admissible because: (a) his specialized knowledge will help the trier of fact to  
16 understand the evidence; (b) his testimony is based on sufficient facts and data; (c)  
17 his testimony is the product of reliable principles and methods; and (d) he has  
18 reliably applied to principles and methods to the facts of the case. Fed. R. Evid.  
19 702.

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21 Separate Statement Paragraph 155:

22 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J  
23 (Admission, ATR, RFA 145): Adv. Inf., Hahn and Park RFA (Ex. 599) 145; Adv.  
24 Inf., Def. Hahn Stip. Dec. (Ex. 608) ¶ 17.ccc-ddd; Karlin Dec. (Ex. 647) ¶¶ 6-9;  
25 Karlin Stip. (Ex. 648) ¶ 11 on the ground that the statement is vague as to  
26 "supposed actual experiences," and unsupported by admissible evidence. Fed. R.  
27 Evid. 602.



1 not challenged Defendants’ advertising claims pertaining to bank levies or wage  
2 garnishments, do not make the FTC’s evidence inadmissible, and Defendants cite  
3 to no authority for this proposition, thus failing to comply with this Court’s  
4 Standing Order. (Dkt. No. 205 at 12:20-21 (evidentiary objection must include  
5 “citation to authority”).)

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7 Separate Statement Paragraph 177:

8 Defendants’ Objections: Objection to Edelman Stip. (Ex. 644) ¶ 4, Ex. 265;  
9 Epstein Stip. (Ex. 645) ¶¶ 4, 7, Ex. 466(a); Feinstein Stip. (Ex. 646) ¶ 8, Ex. 405(a)  
10 (30-and 60- second); Moody Stip. (Ex. 650) ¶ 8, Ex. 275 (30-and 60-second); Scott  
11 Stip. (Ex. 655) ¶ 5, Ex. 476 (15-second); Stachurski Stip. (Ex. 658) ¶ 5, Ex. 460  
12 (30- and 60- second); Johnson Dec. (Ex. 672) ¶ 6, Att. C (30- and 60-second);  
13 Menjivar Dec. (Ex. 665) ¶¶ 3-4, 6-7, Atts. B (pp. 5, 12-13), and C (pp. 5, 11, 13)  
14 (transcripts) on the ground that the statement is vague, improper argument, and  
15 unsupported by admissible evidence. Fed. R. Evid. 602 (vague); Fed. R. Civ. P.  
16 56(c)(4) (improper argument).

17 FTC’s Response: These objections should be overruled for the reasons set  
18 out in GR 1 and 2. Furthermore, Defendants’ claim that the fact is “unsupported  
19 by admissible evidence” cannot extend to the Stipulated Testimonial Declarations  
20 of Matthew Edelman on Behalf of Treehouse Media Services, Inc. (Ex. 644);  
21 Donald Epstein on Behalf of Cornerstone Media Group, LLC (Ex. 645); Peter  
22 Feinstein on Behalf of Higher Power Marketing (Ex. 646); Sarah Moody on Behalf  
23 of Diamond Media and Marketing, Inc. (Ex. 650); James J. Scott on Behalf of  
24 AGM Video (Ex. 655); and Erik Stachurski on Behalf of Marketing & Media  
25 Services, LLC (Ex. 658), to which the Defendants stipulated and waived all  
26 objections.

1 Separate Statement Paragraph 183:

2 Defendants' Objections: Objection to Epstein Stip. (Ex. 645) ¶ 4, Ex.  
3 466(b); Scott Stip. (Ex. 655) ¶ 5, Ex. 478; Gordon Dec. (Ex. 668) ¶ 3, Ex. 365 (60-  
4 second script); Menjivar Dec. (Ex. 665) ¶¶ 3-6, Atts. A (pp. 18, 25), B (pp. 20, 28)  
5 (transcripts) on the ground that the statement is unsupported by admissible  
6 evidence since the FTC admitted in response to RFAs 48 and 49 that they have not  
7 challenged advertising claims relating to bank levies and wage garnishments,  
8 FTC's RFA Resp. Nos. 48-49 (Ex. 400).

9 FTC's Response: This objection should be overruled for the reasons set out  
10 in GR 2. The FTC's responses to RFAs 48 and 49, in which the FTC states it has  
11 not challenged Defendants' advertising claims pertaining to bank levies or wage  
12 garnishments, do not make the FTC's evidence inadmissible, and Defendants cite  
13 to no authority for this proposition, thus failing to comply with this Court's  
14 Standing Order. (Dkt. No. 205 at 12:20-21 (evidentiary objection must include  
15 "citation to authority").) Furthermore, Defendants' claim that the fact is  
16 "unsupported by admissible evidence" cannot extend to the Stipulated Testimonial  
17 Declarations of Donald Epstein on Behalf of Cornerstone Media Group, LLC (Ex.  
18 645), and James J. Scott on Behalf of AGM Video (Ex. 655), to which the  
19 Defendants stipulated and waived all objections.

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21 Separate Statement Paragraph 187:

22 Defendants' Objections: Objection to Epstein Stip. (Ex. 645) ¶ 4, Ex. 466(b)  
23 (30- and 60-second); Scott Stip. (Ex. 655) ¶ 5, Exs. 477-478; Gordon Dec. (Ex.  
24 668) ¶ 3, Ex. 365 (60-second script); Menjivar Dec. (Ex. 665) ¶¶ 3-6, Atts. A (pp.  
25 11, 18, 24), B (pp. 19-20, 27) (transcripts) on the ground that the statement is  
26 vague, improper argument, and unsupported by admissible evidence. Fed. R. Evid.  
27 602 (vague); Fed. R. Civ. P. 56(c)(4) (improper argument).

1            FTC’s Response: These objections should be overruled for the reasons set  
2 out in GR 1 and 2. Furthermore, Defendants’ claim that the fact is “unsupported  
3 by admissible evidence” cannot extend to the Stipulated Testimonial Declarations  
4 of Donald Epstein on Behalf of Cornerstone Media Group, LLC (Ex. 645), and  
5 James J. Scott on Behalf of AGM Video (Ex. 655), to which the Defendants  
6 stipulated and waived all objections.

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8 Separate Statement Paragraph 198:

9            Defendants’ Objections: Objection to Epstein Stip. (Ex. 645) ¶ 4, Ex.  
10 466(c); Scott Stip. (Ex. 655) ¶ 5, Ex. 478; Stachurski Stip. (Ex. 658) ¶ 5, Ex. 460;  
11 Menjivar Dec. (Ex. 665) ¶¶ 3-5, Att. A (pp. 33, 40) (transcript) on the ground that  
12 the statement is vague as to “small print,” improper argument, and unsupported by  
13 admissible evidence. Fed. R. Evid. 602 (vague); Fed. R. Civ. P. 56(c)(4).

14            FTC’s Response: These objections should be overruled for the reasons set  
15 out in GR 1 and 2. Furthermore, Defendants’ claim that the fact is “unsupported  
16 by admissible evidence” cannot extend to the Stipulated Testimonial Declarations  
17 of Donald Epstein on Behalf of Cornerstone Media Group, LLC (Ex. 645); James  
18 J. Scott on Behalf of AGM Video (Ex. 655); and Erik Stachurski on Behalf of  
19 Marketing & Media Services, LLC (Ex. 4f2(5r7r2 2.)ted bhrik Stachurski on Behalf of

1 FTC's Response: These objections should be overruled for the reasons set  
2 out in GR 1 and 2. Furthermore, Defendants' claim that the fact is "unsupported  
3 by admissible evidence" cannot extend to the Stipulated Testimonial Declarations  
4 of Matthew Edelman on Behalf of Treehouse Media Services, Inc. (Ex. 644);  
5 Donald Epstein on Behalf of Cornerstone Media Group, LLC (Ex. 645); Malcolm  
6 Karlin on Behalf of Karlin + Pimsler, Inc.; and Erik Stachurski on Behalf of  
7 Marketing & Media Services, LLC (Ex. 658), to which the Defendants stipulated  
8 and waived all objections.

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10 Separate Statement Paragraph 232:

11 Defendants' Objections: Objection to Collins Dep. (Ex. 643) 78:9-10,  
12 79:13-15, 201:12-202:23, Ex. 211 (Dec. ¶ 5, Att. B); Feinstein Stip. (Ex. 646) ¶ 10,  
13 Ex. 405(e); May Stip. (Ex. 649) ¶ 5, Exs. 445(a) and (b) (Summerall ads); Renaldo  
14 Dec. (Ex. 654) ¶ 6, Ex. 497 (30-second and 60-second Summerall ads); Sopchak  
15 Stip. (Ex. 657) ¶ 10, Ex. 289(a)-(q); Stachurski Stip. (Ex. 658) ¶ 5, Ex. 460;  
16 Sullivan Stip. (Ex. 661) ¶ 6, Ex. 521(a)-(g); Tatosian Stip. (Ex. 662) ¶¶ 11.c, 12,  
17 Ex. 231(b)-(e); Menjivar Dec. (PX 1) ¶ 14, Att. M; McKenney Dec. (PX 2) ¶ 6.b,  
18 Att. B. on the ground that the statement is irrelevant since the FTC admitted in  
19 response to RFAs 48 and 49 that they have not challenged the advertising claims  
20 relating to bank levies and wage garnishments, FTC's RFA Resp. Nos. 48-49 (Ex.  
21 400). Fed. R. Evid. 401, 402.

22 FTC's Response: This objection should be overruled for the reasons set out  
23 in GR 2. The FTC's responses to RFAs 48 and 49, in which the FTC states it has  
24 not challenged Defendants' advertising claims pertaining to bank levies or wage  
25 garnishments, do not make the FTC's evidence inadmissible, and Defendants cite  
26 to no authority for this proposition, thus failing to comply with this Court's  
27 Standing Order. (Dkt. No. 205 at 12:20-21 (evidentiary objection must include  
28 "citation to authority").)

1 Separate Statement Paragraph 236:

2 Defendants' Objections: Objection to Collins Dep. (Ex. 643) 321:6-9,  
3 201:12-202:23, Ex. 211 (Dec. ¶ 5, Atts. A-B); May Stip. (Ex. 649) ¶ 5, Exs. 445(a)  
4 and (b); Renaldo Dec. (Ex. 654) ¶ 6, Ex. 497; Stachurski Stip. (Ex. 658) ¶ 5, Ex.  
5 460; Staviskly Stip. (Ex. 659) ¶ 6, Exs. 428, 429; Sullivan Stip. (Ex. 661) ¶ 6, Ex.  
6 521(a)-(g); Tatosian Stip. (Ex. 662) ¶¶ 9- 10, 12, Exs. 228-231(a)-(e); McKenney  
7 Dec. (PX 2) ¶ .b, Att. B on the ground that the statement is improper legal  
8 argument and vague. Fed. R. Civ. P. 56(c)(4) (improper legal argument); Fed. R.  
9 Evid. 602 (vague).

10 FTC's Response: These objections should be overruled for the reasons set  
11 out in GR 1.

12  
13 Separate Statement Paragraph 237:

14 Defendants' Objections: Objection to Collins Dep. (Ex. 643) 104:18-  
15 105:15, 201:12-202:23, Ex. 211 (Dec. ¶ 11) (4/2007-9/2010); Feinstein Stip. (Ex.  
16 646) ¶¶ 5, 11, 12, Exs. 407-410 (fall 2008- 9/2010); Staviskly Stip. (Ex. 659) ¶ 7,  
17 Ex. 430 (6/2007-8/2008); Steinhart Dec. (Ex. 660) ¶¶ 3-4, Ex. 294 (“AS SEEN IN  
18 THE WALL STREET JOURNAL”); Menjivar Dec. (PX 1) ¶¶ 49-50; Jaundoo  
19 Dec. (PX 22) ¶ 3, Att. A; Hiatt Dec. (Ex. 631) ¶ 3, Att. A; Stevenson Dec. (Ex.  
20 639) ¶ 2, Att. A on the ground that the statement is unsupported by admissible  
21 evidence.

22 FTC's Response: This objection should be overruled for the reasons set out  
23 in GR 2. Furthermore, Defendants' claim that the fact is “unsupported by  
24 admissible evidence” cannot extend to the Stipulated Testimonial Declarations of  
25 Peter Feinstein on Behalf of Higher Power Marketing (Ex. 646), and Peter Stavisky  
26 on Behalf of Barrington Media Group (Ex. 659), to which the Defendants  
27 stipulated and waived all objections.

1 Separate Statement Paragraph 242:

2 Defendants' Objections: Objection to Collins Dep. (Ex. 643) 106:9-108:12,  
3 201:12-202:23, Exs. 159, 161-183, 185-190, 211 (Dec. ¶ 11); Feinstein Stip. (Ex.  
4 646) ¶ 11, Exs. 407-408; Staviskly Stip. (Ex. 659) ¶ 7, Ex. 430; Menjivar Dec. (PX  
5 1) ¶¶ 49, 50, Atts. PP-SS on the ground that the statement is unsupported by  
6 admissible evidence since the FTC admitted in response to RFAs 48 and 49 that  
7 they have not challenged the advertising claims relating to bank levies and wage  
8 garnishments, FTC's RFA Resp. Nos. 48-49 (Ex. 400).

9 FTC's Response: This objection should be overruled for the reasons set out  
10 in GR 2. The FTC's responses to RFAs 48 and 49, in which the FTC states it has  
11 not challenged Defendants' advertising claims pertaining to bank levies or wage  
12 garnishments, do not make the FTC's evidence inadmissible, and Defendants cite  
13 to no authority for this proposition, thus failing to comply with this Court's  
14 Standing Order. (Dkt. No. 205 at 12:20-

1 Dec. (PX 20) ¶ 3; Hosang-Roberts Dec. (PX 21) ¶ 2; Jaundoo Dec. (PX 22) ¶ 2;  
2 Kline Dec. (PX 23) ¶ 2; Madson Dec. (PX 24) ¶ 3; Mesler Dec. (PX 25) ¶¶ 2, 13;  
3 Monday Dec. (PX 26) ¶ 2; Pickett Dec. (PX 27) ¶ 3; Tobias Dec. (PX 29) ¶ 2;  
4 Violante Dec. (PX 30) ¶¶ 2-3; Wales Dec. (PX 31) ¶ 2; Ward Dec. (PX 32) ¶ 2;  
5 McCloud Dec. (PX 40) ¶ 2; Phillips Dec. (PX 41) ¶ 2, Anderson Dec. (Ex. 625)  
6 ¶ 2; Cochran Dec. (Ex. 627) ¶ 2; Cook Dec. (Ex. 628) ¶ 2; Faulkner Dec. (Ex. 629)  
7 ¶ 2; Greet Dec. (Ex. 630) ¶ 2; Pisor Dec. (Ex. 634) ¶ 2; Pratt Dec. (Ex. 635) ¶ 2;  
8 Richey (Bobby) Dec. (Ex. 636) ¶ 2; Vieau Dec. (Ex. 640) ¶ 2; Woods Dec. (Ex.  
9 642) ¶ 2 on the ground that the statement is argumentative and unsupported by  
10 admissible evidence. Fed. R. Civ. P. 56(c)(4) (argumentative).

11 FTC's Response: These objections should be overruled for the reasons set  
12 out in GR 1 and 2.

13  
14 Separate Statement Paragraph 265:

15 Defendants' Objections: Objection to Fullerton Dec. (PX 18) ¶ 2 (“ninety  
16 percent ... could be forgiven”); Gaunt Dec. (PX 19) ¶ 3 (“could reduce ... to a  
17 fraction”); Grimmette Dec. (PX 20) ¶ 2 (“pennies on the dollar”); Jaundoo Dec.  
18 (PX 22) ¶ 2 (“could reduce ... to a fraction”); Madson Dec. (PX 24) ¶ 3 (“pennies  
19 on the dollar”); Mesler Dec. (PX 25) ¶ 2 (“a fraction”); Monday Dec. (PX 26) ¶ 2  
20 (“pennies on the dollar”); Pratt Dec. (Ex. 635) ¶ 2; Tobias Dec. (PX 29) ¶ 2  
21 (“pennies on the dollar”); Ward Dec. (PX 32) ¶ 2 (“would reduce ... to a small  
22 fraction”); Anderson Dec. (Ex. 625) ¶ 2 (“fraction”); Cochran Dec. (Ex. 627) ¶ 2  
23 (“could be lowered to a third, or less”); Faulkner Dec. (Ex. 629) ¶ 2 (“could settle  
24 tax debts for a very small amount of what was owed”); Richey (Bobby) Dec. (Ex.  
25 636) ¶ 2 (“pennies on the dollar”); Woods Dec. (Ex. 642) ¶ 2 (“pennies on the  
26 dollar”) on the ground that the statement is argumentative and unsupported by  
27 admissible evidence. Fed. R. Civ. P. 56(c)(4) (argumentative).

28

1            FTC's Response: These objections should be overruled for the reasons set  
2 out in GR 1 and 2.

3  
4 Separate Statement Paragraph 266:

5            Defendants' Objections: Objection to Fullerton Dec. (PX 18) ¶ 2; Gaunt  
6 Dec. (PX 19) ¶ 2; Grimmette Dec. (PX 20) ¶ 2; Hosang-Roberts Dec. (PX 21) ¶ 2;  
7 Jaundoo Dec. (PX 22) ¶ 2; Kline Dec. (PX 23) ¶ 2; Madson Dec. (PX 24) ¶ 3;  
8 Mesler Dec. (PX 25) ¶ 2; Monday Dec. (PX 26) ¶ 2; Pickett Dec. (PX 27) ¶ 2;  
9 Violante Dec. (PX 30) ¶ 2; Wales Dec. (PX 31) ¶ 2; Ward Dec. (PX 32) ¶ 2;  
10 Cochran Dec. (Ex. 627) ¶ 2; Greet Dec. (Ex. 630) ¶ 2; Hiatt Dec. (Ex. 631) ¶ 3 on  
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1 ¶ 6 on the ground that the statement is vague, ambiguous, and unsupported by  
2 admissible evidence. Fed. R. Evid. 602.

3 FTC's Response: These objections should be overruled for the reasons set  
4 out in GR 1 and 2.

5  
6 Separate Statement Paragraph 276:

7 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.  
8 608) ¶¶ 16.i-p, 20.nnn-llll; Ayaso Dep. 81:11-25, Ex. 307 (Dec. ¶ 6); Bachtle Dec.  
9 (Ex. 613) ¶¶ 4, 6 (“I had no idea whether these people actually qualified for Offers  
10 in Compromise or Penalty Abatements.”); Badr Dec. (Ex. 614) ¶¶ 2, 4, 6, 8, Ex.  
11 471 (11/23/11 Dec. ¶ 3); Costell Dec. (Ex. 617) ¶ 2; Garcia Dep. (Ex. 619) 209:23-  
12 210:24, Ex. 9 (Dec. ¶ 32); Pismopulos Dep. (Ex. 622) 90:4-22; Walker Dec. (Ex.  
13 624) ¶ 6 on the ground that the statement is argumentative, overbroad, and  
14 unsupported by admissible evidence. Fed. R. Civ. P. 56(c)(4) (argumentative).

15 FTC's Response: These objections should be overruled for the reasons set  
16 out in GR 1 and 2.

17  
18 Separate Statement Paragraph 281:

19 Defendants' Objections: Objection to Former Employees: Bachtle Dec. (Ex.  
20 613) ¶ 2, Ex. 487 (10/18/10 Dec. ¶ 8) (“very brief”); Badr Dec. (Ex. 614) ¶ 2, Ex.  
21 471 (11/23/11 Dec. ¶ 8) (“lasted about five minutes”); Costell Dec. (Ex. 617) ¶ 5  
22 (“usually lasted less than ten minutes”); Davenhall Dec. (Ex. 618) ¶ 6 (Avery  
23 “brief”); McBee Dep. (Ex. 620) 87:1-6 (interview “usually didn't last more than ten  
24 minutes”), 208:22-210:14, Ex. 124 (Dec. ¶ 11); Mosessian Dec. (Ex. 621) ¶ 5  
25 (“usually lasted around ten minutes”); Pismopulos Dep. (Ex. 622) 51:13-52:15, Ex.  
26 470 (Dec. ¶ 10) (“brief interviews”); Investigators: Menjivar Dec. (PX 1) ¶¶ 25, 31,  
27 Atts. P (pp. 10- 18), V (pp. 4, 8-16 (3:23-25, 7-15)); Cagnacci Dec. (Ex. 663) ¶¶ 2-  
28 3, Exs. 501, (pp. 7-13), 503, (pp. 6-12); McKenney Dec. (PX 2) ¶¶ 9, 19 on the

1 ground that the statement is vague, argumentative, overbroad, and unsupported by  
2 admissible evidence. Fed. R. Evid. 602 (vague); Fed. R. Civ. P. 56(c)(4)  
3 (argumentative).

4 FTC's Response

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1 Pickett Dec. (PX 27) ¶ 4; Tobias Dec. (PX 29) ¶ 3; Violante Dec. (PX 30) ¶ 5;  
2 Wales Dec. (PX 31) ¶ 7; Ward Dec. (PX 32) ¶ 5; Phillips Dec. (PX 41) ¶ 3; Seward  
3 Dec. (PX 42) ¶ 3; Anderson Dec. (Ex. 625) ¶ 3; Hertzog Dec. (PX 43) on the  
4 ground that the statement is vague and argumentative. Fed. R. Evid. 602 (vague);  
5 Fed. R. Civ. P. 56(c)(4) (argumentative).

6 FTC's Response

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1 Separate Statement Paragraph 287:

2 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.  
3 608) ¶¶ 21.uu-vv, 32.u-v, 32.tt-uu; Former Employees: Bachtle Dec. (Ex. 613) ¶ 8;  
4 McBee Dep. (Ex. 620) 208:22- 210:14, Ex. 124 (Dec. ¶ 11); Pismopulos Dep. (Ex.  
5 622) 146:4-16; Investigators: Menjivar Dec. (PX 1) ¶¶ 25, 31, Atts. P (p. 14  
6 (13:22-24)), V (pp. 17-18 (16:23-17:4)); Cagnacci Dec. (Ex. 663) ¶¶ 2, 3, Exs. 501  
7 (9:9-11, 10:24-25, 19:25), 503 (9:13-16, 14:14-16); Consumers: Faulkner Dec.  
8 (Ex. 629) ¶ 3; Greet Dec. (Ex. 630) ¶ 4; Pisor Dec. (Ex. 634) ¶ 2 on the ground that  
9 the statement is vague, speculative, argumentative, and unsupported by admissible  
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1 Separate Statement Paragraph 289:

2       Defendants' Objections: Objection to Former Employees: Bachtle Dec. (Ex.  
3 613) ¶ 5; Pismopulos Dep. (Ex. 622) 95:11-13; Investigators: Menjivar Dec. (PX  
4 1) ¶¶ 25, 31, Atts. P (pp. 12- 19), V (pp. 9-15); Cagnacci Dec. (Ex. 663) ¶¶ 2-3,  
5 Exs. 501 (pp. 7- 13), 503 (pp. 6-12); McKenney Dec. (PX 2) ¶¶ 9, 19; Menjivar  
6 Dec. (Ex. 665) ¶¶ 18-25, Atts. I- N (screen shots of database fields) on the ground  
7 that the statement is vague as to time and person, argumentative, and unsupported

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1 FTC's Response: These objections should be overruled for the reasons set  
2 out in GR 1 and 2.

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4 Separate Statement Paragraph 291:

5 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.  
6 608) ¶ 32.uuu-xxx; Menjivar Dec. (PX 1) ¶¶ 25, 31, Atts. P (pp. 12-19), V (pp. 9-  
7 15); Cagnacci Dec. (Ex. 663) ¶¶ 2-3, Exs. 501 (pp. 7-13), 503 (pp. 6-12);  
8 McKenney Dec. (PX 2) ¶¶ 9, 19; Menjivar Dec. (Ex. 665) ¶¶ 18-25, Atts. I-N  
9 (screen shots of database fields); Bachtle Dec. (Ex. 613) ¶ 5 on the ground that the  
10 statement is vague, argumentative, and unsupported by admissible evidence. The  
11 FTC seeks to improperly extrapolate this statement as applicable to all interviews.  
12 Moreover, this statement is irrelevant to the determination of a Penalty Abatement  
13 and to the extent not a single ATR client has been shown to have been denied tax  
14 relief because of this. Fed. R. Evid. 602 (vague); Fed. R. Civ. P. 56(c)(4)  
15 (argumentative).

16 FTC's Response: These objections should be overruled for the reasons set  
17 out in GR 1 and 2.

18  
19 Separate Statement Paragraph 292:

20 Defendants' Objections: Objection to Menjivar Dec. (Ex. 665) ¶¶ 18-25,  
21 Atts. I-N (comparing contents of undercover calls with entries in ATR's Call-In  
22 Database); Garcia Dep. (Ex. 619) 209:23- 210:24, Ex. 9 (Dec. ¶ 33) on the ground  
23 that the statement is vague, unsupported by admissible evidence, and irrelevant,  
24 McBee Dep. (Ex. 383) 236:3-16. Obviously, not all of the information obtained  
25 was relevant or required for purposes of ATR's work. Fed. R. Evid. 602 (vague);  
26 Fed. R. Evid. 401, 402 (irrelevant).

27 FTC's Response: These objections should be overruled for the reasons set  
28 out in GR 1 and 2.

1 Separate Statement Paragraph 293:

2 Defendants' Objections: Objection to Former Employees: Barton Dec. (PX  
3 7) ¶ 11; Badr Dec. (Ex. 614) ¶ 2, Ex. 471 (11/23/11 Dec. ¶ 8); Coleman Dep. (Ex.  
4 616) 27:19- 28:18, Ex. 358 (Dec. ¶ 6); Costell Dec. (Ex. 617) ¶¶ 5; McBee Dep.  
5 (Ex. 620) 87:7-21, 208:22- 210:14, Ex. 124 (Dec. ¶ 11); Mosessian Dec. (Ex. 621)  
6 ¶ 5; Investigators: Menjivar Dec. (PX 1) ¶¶ 25, 31, Atts. P (pp. 18-19 (17:17-  
7 18:24)), V (pp. 16-17 (15:10-16:2)); Cagnacci Dec. (Ex. 663) ¶¶ 2-3, Exs. 501  
8 (13:11-14:3), 503 (10:20-12:25); McKenney Dec. (PX 2) ¶¶ 10, 20; Consumers:  
9 See, e.g., Dillon Dec. (PX 17) ¶ 4; Hosang- Roberts Dec. (PX 21) ¶ 4; Jaundoo  
10 Dec. (PX 22) ¶ 4; Madson Dec. (PX 24) ¶¶ 4-5; Pickett Dec. (PX 27) ¶¶ 4-5;  
11 Cochran Dec. (Ex. 627) ¶ 4; McCloud Dec. ¶ 3; Pratt Dec. (Ex. 635) ¶ 3; Tobias  
12 Dec. (PX 29) ¶ 3; Woods Dec. (Ex. 642) ¶ 4 on the ground that the statement is  
13 argumentative and unsupported by admissible evidence. Fed. R. Civ. P. 56(c)(4)  
14 (argumentative).

15 FTC's Response: These objections should be overruled for the reasons set  
16 out in GR 1 and 2.

17  
18 Separate Statement Paragraph 294:

19 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J  
20 (Admission, ATR RFA 214); Adv. Inf., Hahn and Park RFA (Ex. 599) 214; Adv.  
21 Inf., Def. Hahn Stip. Dec. (Ex. 608) ¶ 36.s; Adv. Inf., Def. Park Stip. Dec. (Ex.  
22 608) ¶ 17.s; Ayaso Dep. (Ex. 612) 81:11-25, Ex. 307 (Dec. ¶ 7); Bachtle Dec. (Ex.  
23 613) ¶¶ 2, 6-7, Ex. 487 (10/18/10 Dec. ¶ 8); Badr Dec. (Ex. 614) ¶¶ 2, 5, Ex. 471  
24 (11/23/11 Dec. ¶ 8); Barton Dec. (PX 7) ¶ 11; Byrd Dec. (PX 8) ¶ 30; Costell Dec.  
25 (Ex. 617) ¶¶ 5-6; Davenhall Dec. (Ex. 618) ¶ 9; Garcia Dep. (Ex. 619) 209:23-  
26 210:24, Ex. 9 (Dec. ¶¶ 15, 32); McBee Dep. (Ex. 620), 208:22-210:14, Ex. 124  
27 (Dec. ¶ 11); Mosessian Dec. (Ex. 621) ¶¶ 2, 5; Pismopulos Dep. (Ex. 622) 51:13-  
28 52:15, Ex. 470 (Dec. ¶¶ 10, 12); Walker Dec. (Ex. 624) ¶ 3 on the ground that the

1 statement is vague, overbroad, irrelevant, and unsupported by admissible evidence.  
2 These were not cold calls. The people who called and made it through to the sales  
3 representatives were pre-screened. Fed. R. Evid. 602 (vague); Fed. R. Civ. P.  
4 56(c)(4) (argumentative); Fed. R. Evid. 401, 402.

5 FTC's Response: These objections should be overruled for the reasons set  
6 out in GR 1 and 2.

7  
8 Separate Statement Paragraph 295:

9 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.  
10 608) ¶ 23.k; Bachtle Dec. (Ex. 613) ¶ 7; McBee Dep. (Ex. 620) 87:22-89:18,  
11 208:22- 210:14, Ex. 124 (Dec. ¶¶ 14, 20) on the ground that the statement is vague,  
12 argumentative, and unsupported by admissible evidence. Fed. R. Evid. 602  
13 (vague); Fed. R. Civ. P. 56(c)(4) (argumentative).

14 FTC's Response: These objections should be overruled for the reasons set  
15 out in GR 1 and 2.

16  
17 Separate Statement Paragraph 296:

18 Defendants' Objections: Objection to Bachtle Dec. (Ex. 613) ¶ 7 on the  
19 ground that the statement is unsupported by admissible evidence, Bachtle Dec. (Ex.  
20 388), ¶¶ 3, 8 (Always truthful with clients, never lied. "I knew ATR could help the  
21 caller in some fashion, but perhaps not in the form of an OIC or a PA. In those  
22 cases, I sold the caller what was referred to as a 'Catch All.'")

23 FTC's Response: This objection should be overruled for the reasons set out  
24 in GR 2. Simply because Mr. Bachtle stated elsewhere that he never lied to clients  
25 does not made the submitted evidence inadmissible, and Defendants cite no  
26 authority for this proposition, thus failing to comply with this Court's Standing  
27 Order. (Dkt. No. 205 at 12:20-21 (evidentiary objection must include "citation to  
28 authority".))



1 Separate Statement Paragraph 299:

2 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.  
3 608) ¶¶ 20.vvvv-xxxx, 21.bbbb-eeee, 32.qqq-ttt, 36.e-f; Bachtle Dec. (Ex. 613)  
4 ¶¶ 4, 6; Badr Dec. (Ex. 614) ¶¶ 4- 6; Walker Dec. (Ex. 624) ¶ 6; McKenzie Dep.  
5 (Ex. 677) 28:1- 15, Ex. 1002 (Expert Report ¶¶ 19, 22-23, 86, 102-104, 109, 121)  
6 on the ground that the statement is vague, improper expert opinion, and  
7 unsupported by admissible evidence. Fed. R. Evid. 602 (vague); Fed. R. Evid. 701  
8 (improper expert opinion).

9 FTC's Response: These objections should be overruled for the reasons set  
10 out in GR 1, 2 and 3. Mr. McKenzie's expert opinion of whether, after the  
11 interviews ATR's sales representatives conducted, it was possible to know  
12 consumers' qualifications for Offers in Compromise and Penalty Abatements, is  
13 admissible because: (a) his specialized knowledge will help the trier of fact to  
14 understand the evidence; (b) his testimony is based on sufficient facts and data; (c)  
15 his testimony is the product of reliable principles and methods; and (d) he has  
16 reliably applied to principles and methods to the facts of the case. Fed. R. Evid.  
17 702.

18  
19 Separate Statement Paragraph 300:

20 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J  
21 (Admission, ATR RFA 197, 199 202, 204, 210); Former Employees: Barton Dec.  
22 (PX 7) ¶ 12; Byrd Dec. (PX 8) ¶ 30; Ayaso Dep. (Ex. 612) 81:11-25, Ex. 307 (Dec.  
23 ¶ 12); Badr Dec. (Ex. 614) Ex. 471(11/23/11 Dec. ¶ 8); Costell Dec. (Ex. 617) ¶ 5;  
24 Davenhall Dec. (Ex. 618) ¶ 6; McBee Dep. (Ex. 620) 89:19- 90:1; Mosessian Dec.  
25 (Ex. 621) ¶ 5; Walker Dec. (Ex. 624) ¶ 3; Investigators: Menjivar Dec. (PX 1)  
26 ¶¶ 25, 31, Atts. P (pp. 20, 31 (19:12-22, 30:5-15), V (pp. 17, 21, 32 (16:1-16, 20:6-  
27 8, 31:10-21); Cagnacci Dec. (Ex. 663) ¶¶ 2- 3, Exs. 501 (3:22, 16:5-7, 23:23-24:4,  
28 503 (3:20, 14:8-11); McKenney Dec. (PX 2) ¶¶ 10, 20; Consumers: See, e.g.,

1 Deweese Dec. (PX 16) ¶ 4; Madson Dec. (PX 24) ¶ 5; Pickett (PX 27) ¶ 5; Boyd  
2 Dec. (PX 38) ¶ 3; Faulkner Dec. (Ex. 629) ¶ 3; Richey (Bobby) Dec. ¶ 4 on the  
3 ground that the statement is vague as to time and person and unsupported by  
4 admissible evidence. Fed. R. Evid. 602.

5 FTC's Response: These objections should be overruled for the reasons set  
6 out in GR 1 and 2.

7  
8 Separate Statement Paragraph 301:

9 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.  
10 608) ¶ 21.nnn-uuu; Investigators: Menjivar Dec. (PX 1) ¶¶ 25, 31, Atts. P (pp. 29-  
11 32, 47 (28:19-30:6, 30:3-5, 31:12-18, 46:1-9), V (pp. 17, 21, 32 (16:1-16, 20:6-8,  
12 31:10-21); Cagnacci Dec. (Ex. 663) ¶¶ 2-3, Exs. 501 (3:22, 16:5-7, 23:23- 24:4,  
13 503 (3:20, 14:8-11; McKenney Dec. (PX 2)

1 63:24- 64:3)), V (pp. 22, 30, 33 (21:7-11 (“in terms of getting this case resolved, . .  
2 . we've done it 19,000 times. So, we're very, very good at what we do. We are the  
3 best at what we do.”), 29:12- 14, 32:17-20)); **Consumers:** *See, e.g.*, Gaunt (PX 19)  
4 ¶ 4 (“expertise in doing this for many clients.”); Madson Dec. (PX 24) ¶ 5 (“ATR  
5 has done this many times before and never failed”); Greet Dec. (Ex. 630) ¶ 5;  
6 McHughes Dec. (Ex. 632) ¶ 3; Richey (Carole) Dec. (Ex. 637) ¶ 3 (“very high  
7 success rate”); Seward (PX 42) ¶ 3 on the ground that the statement is vague as to  
8 time and person and unsupported by admissible evidence. Fed. R. Evid. 602.

9 FTC’s Response: These objections should be overruled for the reasons set  
10 out in GR 1 and 2.

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12 Separate Statement Paragraph 306:

13 Defendants’ Objections: Objection to Former Employees: Barton Dec. (PX  
14 7) ¶ 12; McBee Dep. (Ex. 620) 95:13-25; Investigators: Menjivar Dec. (PX 1) ¶ 25,  
15 ¶ 31, Att. P (p. 27 (26:11-20)), Att. V (p. 18 (17:16- 18)); Cagnacci Dec. (Ex. 663)  
16 ¶¶ 2-3, Exs. 501 (16:11-15, 18:3- 10, 19:4-5, 22:23-25), 503 (15:14-16, 17:16-19);  
17 Consumers: Fullerton Dec. (PX 18) ¶ 5; Gaunt Dec. (PX 19) ¶ 5; Jaundoo Dec.  
18 (PX 22) ¶ 4; Tobias Dec. (PX 29) ¶ 3; Ward Dec. (PX 32) ¶¶ 13, 18; Hertzog  
19 Dec.(PX 43) ¶ 4; Greet Dec. (Ex. 630) ¶¶ 4-5, 10 on the ground that the statement  
20 is argumentative, irrelevant, and unsupported by admissible evidence, since the  
21 FTC admitted in response to RFAs 48 and 49 that they have not challenged  
22 advertising claims relating to bank levies and wage garnishments, FTC's RFA  
23 Resp., Nos. 48-49 (Ex. 400). Fed. R. Civ. P. 56(c)(4) (argumentative); Fed. R.  
24 Evid. 401, 402 (irrelevant).

25 FTC’s Response: These objections should be overruled for the reasons set  
26 out in GR 1 and 2. The FTC’s responses to RFAs 48 and 49, in which the FTC  
27 states it has not challenged Defendants’ advertising claims pertaining to bank  
28 levies or wage garnishments, do not make the FTC’s evidence inadmissible, and

1 Defendants cite to no authority for this pr

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1 and wage garnishments, FTC's RFA Resp., Nos. 48-49 (Ex. 400). Fed. R. Civ. P.  
2 56(c)(4) (argumentative); Fed. R. Evid. 401, 402 (irrelevant).

3 FTC's Response: These objections should be overruled for the reasons set  
4 out in GR 1 and 2. The FTC's responses to RFAs 48 and 49, in which the FTC  
5 states it has not challenged Defendants' advertising claims pertaining to bank  
6 levies or wage garnishments, do not make the FTC's evidence inadmissible, and

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1 Dec. (Ex. 663) ¶¶ 2-3, Exs. 501 (16:11-19), 503 (14:20-15:16); McBee Dep. (Ex.  
2 620) 94:13-95:25, Ex. 107 (“Close” Script) (“First I'm going to fax you the IRS  
3 Power of Attorney. Fill it out and fax it right back to me. We'll file that with the  
4 IRS right away. That will prevent the IRS from pursuing aggressive collection  
5 against you such as bank levies or wage garnishments.”); Fullerton Dec. (PX 18)  
6 ¶ 5; Gaunt Dec. (PX 19) ¶ 5; Jaundoo Dec. (PX 22) ¶ 4; Greet Dec. (Ex. 630) ¶¶ 4-  
7 5, 10 on the ground that the statement is vague as to time and person and irrelevant  
8 since the FTC admitted in response to RFAs 48 and 49 that they have not  
9 challenged advertising claims relating to bank levies and wage garnishments,  
10 FTC's RFA Resp., Nos. 48-49 (Ex. 400). Fed. R. Evid. 602 (vague); Fed. R. Evid.  
11 401, 402 (irrelevant).

12 FTC's Response: These objections should be overruled for the reasons set  
13 out in GR 1.

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15 Separate Statement Paragraph 313:

16 Defendants' Objections: Objection to Menjivar Dec. (PX 1) ¶ 31, Att. V (p.  
17 18-19 (17:24-18:1) (“I'm going to send you out a questionnaire package, and it's  
18 real simple. It's just like the consultation you and I just went through.”); Cagnacci  
19 Dec. (Ex. 663) ¶ 3, Ex.503 (16:25-17:3) (“I'm going to send you a questionnaire  
20 package. Now, this is real simple. It's just like the consultation you and I just went  
21 through.”); McBee Dep. (Ex. 620) 94:13-25, 97:7-14 (“Then we're going to send  
22 you the Questionnaire, which we'll use to put your case together. It's simple; you  
23 fill it out and send it back.”) on the ground that the statement is vague as to time  
24 and person, argumentative, and unsupported by admissible evidence. Fed. R. Evid.  
25 602 (vague); Fed. R. Civ. 56(c)(4) (argumentative).

26 FTC's Response: These objections should be overruled for the reasons set  
27 out in GR 1 and 2.

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1 Separate Statement Paragraph 314:

2 Defendants' Objections: Objection to Menjivar Dec. (PX 1) ¶¶ 25, 31 Att. P  
3 (pp. 30 (29:20-23)); Att. V (pp. 18-19, 41, 44 (17:23-18:4, 40:1-6, 43:12-14));  
4 Cagnacci Dec. (Ex. 663) ¶¶ 2-3, Exs. 501 (16:22-17:4), 503 (16:25-17:3) on the  
5 ground that the statement is vague as to time and person and unsupported by  
6 admissible evidence. Fed. R. Evid. 602.

7 FTC's Response: These objections should be overruled for the reasons set  
8 out in GR 1 and 2.

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10 Separate Statement Paragraph 315:

11 Defendants' Objections: Objection to Fullerton Dec. (PX 18) ¶ 6 on the  
12 ground that the statement is vague as to time and person and unsupported by  
13 admissible evidence. Fed. R. Evid. 602.

14 FTC's Response: These objections should be overruled for the reasons set  
15 out in GR 1 and 2.

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17 Separate Statement Paragraph 316:

18 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.  
19 608) ¶ 21.xxx-aaaa; Menjivar Dec. (PX 1) ¶ 25, Att. P (p. 28 (27:2-13)); Cagnacci  
20 Dec. (Ex. 663) ¶ 3, Ex. 503 (16:25- 17:15); McKenney Dec. (PX 2) ¶¶ 12, 20-23;  
21 McBee Dep. (Ex. 620) 151:15-152:21 on the ground that the statement is vague as  
22 to time and person, and unsupported by admissible evidence. Fed. R. Evid. 602

1 Separate Statement Paragraph 317:

2 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J  
3 (Admission, ATR RFA 215-217, "Close" Script (Ex. 107)); Adv. Inf., Def. Hahn  
4 Stip. Dec. (Ex. 608) ¶ 36.u; Adv. Inf., Def. Park Stip. Dec. (Ex. 608) ¶ 17.u;  
5 McBee Dep. (Ex. 620) 94:13-25, 97:15-21, 208:22-210:14, Exs. 107, 124 (Dec.  
6 ¶ 12, Att. A) ("We then send those documents to the IRS. They do their part, which  
7 takes 3 to 6 months."); Menjivar Dec. (PX 1) ¶¶ 25, 31, Atts. P (pp. 30-31, 52  
8 (29:25- 30:2, 51:11-12)), V (pp. 19, 38 (18:8-17, 37:1-11)); Cagnacci Dec. (Ex.  
9 663) ¶¶ 2-3, Exs. 501 (17:24-18:2, 19:20-21), 503 (17:5-12, 17:21-23); McKenney  
10 Dec. (PX 2) ¶ 12; Mesler Dec. (PX 25) ¶ 4 ("three months"); Gaunt Dec. (PX 19)  
11 ¶ 5 ("several months"); Tobias Dec. (PX 29) ¶ 4 ("within a few weeks to a few  
12 months"); Greet Dec. (Ex. 630) 7 (3 to 6 months); Woods Dec. (Ex. 642) ¶ 5 (3 to  
13 6 months) on the ground that the statement is vague as to time and person. Fed. R.  
14 Evid. 602.

15 FTC's Response: These objections should be overruled for the reasons set  
16 out in GR 1.

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18 Separate Statement Paragraph 318:

19 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J  
20 (Admission, ATR RFA 228-229); Adv. Inf., Hahn and Park RFA (Ex. 599) 228-  
21 229; Menjivar Dec. (PX 1) ¶¶ 25, 31, Atts. P (pp. 33-35 (32:25-33:2, 34:10- 23)),  
22 V (pp. 26-28, 45 (25:21- 26:4, 27:9-12, 46:14-16)); Cagnacci Dec. (Ex. 663) ¶¶ 2-  
23 3, Exs. 501 (19:14-21), 503 (18:24- 19:1); McKenney Dec. (PX 2) ¶¶ 11, 22;  
24 McBee Dep. (Ex. 620) 94:13-25, 98:5-12, Ex. 107 ("For this service, there's a one-  
25 time flat fee of \$ . That handles your case from start to finish."); Deweese Dec. (PX  
26 16) ¶ 5 (up front fee covering total cost of services); Dillon Dec. (PX 17) ¶ 4 (up  
27 front, one-time fee); Gaunt Dec. (PX 19) ¶ 4 (one-time fee); Mesler Dec. (PX 25)

1 ¶ 5 (one-time fee to resolve case); Rutenbeck Dec. (PX 28) ¶ 3; Tobias Dec. (PX  
2 29) ¶ 3 on the ground that the statement is vague as to time and person. Fed. R.  
3 Evid. 602.

4 FTC's Response: These objections should be overruled for the reasons set  
5 out in GR 1.

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7 Separate Statement Paragraph 319:

8 Defendants' Objections: Objection to Adv. Inf., Def. Hahn. Dec. (Ex. 608)  
9 ¶ 22.j; Bachtle Dec. (Ex. 613) ¶ 2, Ex. 488 (12/31/11 Dec. ¶ 4) (Apr. 2002-Feb.  
10 2003); Badr Dec. (Ex. 614) Ex. 471(11/23/11 Dec. ¶¶ 2, 7) (Feb. 2005); Barton  
11 Supp. Dec. (Ex. 615) ¶¶ 2-3 (Apr.-July 2009); Coleman Dep. (Ex. 616) 15:23-25,  
12 27:19-28:18, 75:4-21, 76:20-25, 78:5-7, 91:17- 92:13, Exs. 358 (Dec. ¶¶ 2, 5)  
13 (Mar.-Sept. 2010), 580, 581, 583; Costell Dec. (Ex. 617) ¶¶ 2,4 (July 2005);  
14 McBee Dep. (Ex. 620) 94:13-99:1, 208:22-210:14, Exs. 107, 124 (Dec. ¶ 12, Att.  
15 A) (Jan. 2006-Feb. 2008); Mosessian Dec. (Ex. 621) ¶¶ 2, 6 (June 2005-Mar.  
16 2006); Pismopulos Dep. (Ex. 622) 51:13-52:15, Ex. 470 (Dec. ¶¶ 9-10) (2000);  
17 Walker Dec. (Ex. 624) ¶¶ 2-3 (Jan. 2001-Sept. 2002); Menjivar Dec. (PX 1) ¶ 60.b,  
18 Att. BBB; Menjivar Dec. (PX 33) ¶ 13, Att. D; Menjivar Dec. (Ex. 665) ¶¶ 10-11,  
19 Att. F (pp. 7-9) (photographs of "Close" script posted at ATR premises) on the  
20 ground that the statement is vague, overbroad, and unsupported by admissible  
21 evidence, Coleman Dep. (Ex. 381) 37:11-15 (some didn't follow script), 77:13-17  
22 (Close script had handwritten instruction "Don't say everything" on it); McBee  
23 Dep. (Ex. 383) 96:1-10 (also used catch all). Fed. R. Evid. 602.

24 FTC's Response: These objections should be overruled for the reasons set  
25 out in GR 1 and 2.

1 Separate Statement Paragraph 323:

2       Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.  
3 608) ¶¶ 21,jjj, 22.m.vii; Former Employees: Byrd Dec. (PX 8) ¶ 24; Ayaso Dep.  
4 (Ex. 612) 81:11-25, Ex. 307 (Dec. ¶ 13); Bachtle Dec. (Ex. 613) ¶ 7; Garcia Dep.  
5 (Ex. 619) 209:23- 210ia Dep.

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1 ¶ 15); Dewese Dec. (PX 16) ¶¶ 4, 23 on the ground that the statement is vague as  
2 to time and person and unsupported by admissible evidence, Deft's. Supp. Interrog.  
3 Resp. No. 16 (Ex. 404); Deft's Furt. Resp. to RFPs, No. 45, Ex. E (Ex. 405). Fed.  
4 R. Evid. 602.

5 FTC's Response: These objections should be overruled for the reasons set  
6 out in GR 1 and 2.

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8 Separate Statement Paragraph 326:

9 Defendants' Objections

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1 2008); Mosessian Dec. (Ex. 621) ¶¶ 2, 6 (June 2005-Mar. 2006); Walker Dec. (Ex.  
2 624) ¶¶ 2-3 (Jan. 2001-Sept. 2002); Menjivar Dec. (PX 1) ¶ 60.c, Att. CCC;  
3 Menjivar Dec. (PX 33) ¶ 14, Att. E; Menjivar Dec. (Ex. 665) ¶¶ 10-11, Att. F (pp.  
4 8, 10- 11, 13, 15, 17) (photographs of “Objections” script posted at ATR premises)  
5 on the ground that the statement is vague and unsupported by admissible evidence.  
6 Fed. R. Evid. 602.

7 FTC’s Response: These objections should be overruled for the reasons set  
8 out in GR 1 and 2.

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10 Separate Statement Paragraph 330:

11 Defendants’ Objections: Objection to Menjivar Dec. (PX 1) ¶ 60.c, Att.  
12 CCC on the ground that the statement is unsupported by admissible evidence.

13 FTC’s Response: This objection should be overruled for the reasons set out  
14 in GR 2.

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16 Separate Statement Paragraph 335:

17 Defendants’ Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.  
18 608) ¶ 24.q; Cagnacci Dec. (Ex. 663) ¶¶ 2-3, Exs. 501 (20:2- 3), 503 (19:23-24);  
19 McBee Dep. (Ex. 620) 114:2-16 (90 percent of payments processed were check-  
20 by-phone payments) on the ground that the statement is vague as to time and  
21 person and unsupported by admissible evidence. Fed. R. Evid. 602.

22 FTC’s Response: These objections should be overruled for the reasons set  
23 out in GR 1 and 2.

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25 Separate Statement Paragraph 337:

26 Defendants’ Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.  
27 608) ¶ 36.w; Adv. Inf., Def. Park Stip. Dec. (Ex. 608) ¶ 17.w; Byrd Dec. (PX 8)

1 ¶¶ 3, 29 (\$3,200 to \$15,000); Coleman Dep. (Ex. 616) at 78:11-18, Ex. 582  
2 (\$3,900 to \$25,000); Davenhall Dec. (Ex. 618) ¶¶ 2, 7 (\$2,500 (with power of  
3 attorney) to over \$10,000); Garcia Dep. (Ex. 619) 209:23-210:24, Ex. 9 (Dec. ¶¶ 3,  
4 31 (\$5,000 to \$20,000)); McBee Dep. (Ex. 620) 208:22-210:14, Ex. 124 (Dec ¶¶ 2,  
5 8) (\$3,900 to \$25,000)); Walker Dec. Dec. ¶¶ 3¶¶ 3,  
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1 Separate Statement Paragraph 339:

2 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J  
3 (Admission, ATR RFA 242); Adv. Inf., Hahn and Park RFA (Ex. 599) 242; Adv.  
4 Inf., Def. Hahn Stip. Dec. (Ex. 608) ¶¶ 21.ffff-hhhh, 30.c, 36.dd; Former  
5 Employees: Bachtle Dec. (Ex. 613) ¶ 10; Badr Dec. (Ex. 614) Ex. 471(11/23/11  
6 Dec. ¶¶ 9; McBee Dep. (Ex. 620) 139:13-20; Investigators: Menjivar Dec. (PX 1)  
7 ¶¶ 25, 31, Atts. P, V; Cagnacci Dec. (Ex. 663) ¶¶ 2-3, Exs. 501, 503; McKenney  
8 Dec. (PX 2) ¶¶ 13, 22; Consumers: Deweese Dec. (PX 16) ¶ 5; Gaunt Dec. (PX 19)  
9 ¶ 6; Grimmette Dec. (PX 20) ¶ 5; Hosang-Roberts Dec. (PX 21) ¶¶ 6, 22; Jaundoo  
10 Dec. (PX 22) ¶ 4; Mesler Dec. (PX 25) ¶ 5; Monday Dec. (PX 26) ¶ 7; Pickett Dec.  
11 (PX 27) ¶ 6; Bragg Dec. (Ex. 626-1) ¶ 4; Cochran Dec. (Ex. 627) ¶ 4; Pratt Dec.  
12 (Ex. 635) ¶¶ 3, 8; Woods Dec. (Ex. 642) ¶ 5 on the ground that the statement is  
13 vague as to time and person and unsupported by admissible evidence. Fed. R. Evid.  
14 602.

15 FTC's Response: These objections should be overruled for the reasons set  
16 out in GR 1 and 2.

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18 Separate Statement Paragraph 340:

19 Defendants' Objections: Objection to Bachtle Dec. (Ex. 613) ¶ 10; Badr  
20 Dec. (Ex. 614) Ex. 471(11/23/11 Dec. ¶ 9) the ground that the statement is vague  
21 as to time and person and unsupported by admissible evidence. Fed. R. Evid. 602.

22 FTC's Response: These objections should be overruled for the reasons set  
23 out in GR 1 and 2.

24  
25 Separate Statement Paragraph 341:

26 Defendants' Objections: Objection to Deweese Dec. (PX 16) ¶¶ 4-5, 12, 23,  
27 35; Fullerton Dec. (PX 18) ¶¶ 3, 5; Gaunt Dec. (PX 19) ¶¶ 4-5; Grimmette Dec.  
28 (PX 20) ¶¶ 4, 19; Hosang-Roberts Dec. (PX 21) ¶¶ 4, 22; Madson Dec. (PX 24)

1 ¶¶ 4-5; Monday Dec. (PX 26) ¶¶ 5-8; Pickett Dec. (PX 27) ¶¶ 5, 39; Tobias Dec.  
2 (PX 29) ¶¶ 3, 5; Violante Dec. (PX 30) ¶¶ 5, 27; Boyd Dec. (PX 38) ¶¶ 3, 6;  
3 McCloud Dec. (PX 40) ¶¶ 3, 6; Phillips Dec. (PX 41) ¶¶ 3, 7; Seward Dec. (PX 42)  
4 ¶ 3; Hertzog Dec. (PX 43) ¶¶ 3, 8; Faulkner Dec. (Ex. 629) ¶¶ 3-4; Greet Dec. (Ex.  
5 630) ¶¶ 4, 14; Pisor Dec. (Ex. 634) ¶¶ 2, 7; Pratt Dec. (Ex. 635) ¶¶ 3-5; Richey  
6 (Carole) Dec. (Ex. 637) ¶¶ 3, 8; Woods Dec. (Ex. 642) ¶¶ 4-6 on the ground that  
7 the statement is argumentative and unsupported by admissible evidence. The FTC  
8 offers the declarations of only 21 out of nearly 20,000 ATR clients. Fed. R. Civ. P  
9 56(c)(4).

10 FTC's Response: These objections should be overruled for the reasons set  
11 out in GR 1 and 2.

12 Separate Statement Paragraph 342:

13 Defendants' Objections: Objection to Dewese Dec. (PX 16) ¶ 4; Dillon  
14 Dec. (PX 17) ¶ 4; Fullerton Dec. (PX 18) ¶¶ 3-4; Gaunt Dec. (PX 19) ¶¶ 4-5;  
15 Grimmette Dec. (PX 20) ¶¶ 4-5; Hosang-Roberts (PX 21) ¶ 4; Jaundoo Dec. (PX  
16 22) ¶ 4; Kline Dec. (PX 23) ¶ 5; Madson Dec. (PX 24) ¶ 5; Mesler Dec. (PX 25)  
17 ¶ 4; Monday Dec. (PX 26) ¶¶ 5- 6; Pickett Dec. (PX 27 5; Rutenbeck Dec. (PX 28)  
18 ¶ 3; Tobias Dec. (PX 29) ¶ 3; Violante Dec. (PX 30) ¶¶ 5, 7, 10; Ward Dec. (PX  
19 32) ¶¶ 5-6; Boyd Dec. (PX 38) ¶ 3; Isom Dec. (PX 39) ¶ 3; McCloud Dec. (PX 40)  
20 ¶ 3; Phillips Dec. (PX 41) ¶ 3; Seward Dec. (PX 42) ¶ 3; Hertzog Dec. (PX 43) ¶ 3;  
21 Cook Dec. (Ex. 628) ¶ 3; Faulkner Dec. (Ex. 629) ¶¶ 3-4; Greet Dec. (Ex. 630) ¶ 4;  
22 Hiatt Dec. (Ex. 631) ¶¶ 3-4; McHughes Dec. (Ex. 632) ¶¶ 3-4; Pisor Dec. (Ex. 634)  
23 ¶ 2; Pratt Dec. (Ex. 635) ¶ 5; Richey (Carole) Dec. (Ex. 637) ¶ 3 Shoham Dec. ¶ 2;  
24 Vieau Dec. ¶ 3; Woods Dec. ¶ 6 on the ground that the statement is argumentative  
25 and unsupported by admissible evidence. The FTC offers declarations of only 21  
26 out of nearly 20,000 ATR clients. Fed. R. Civ. P 56(c)(4).  
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1            FTC's Response: These objections should be overruled for the reasons set  
2 out in GR 1 and 2.

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4 Separate Statement Paragraph 343:

5            Defendants' Objections: Objection to Ward Dec. (PX 32) ¶¶ 5, 11, 18;  
6 Woods Dec. (Ex. 642) ¶ 8; Garcia Dep. (Ex. 619) 209:23-210:24, Ex. 9 (Dec. ¶ 19)  
7 on the ground that the statement is argumentative and unsupported by admissible  
8 evidence. If a rare consumer believed that ATR would file his or her tax returns, it  
9 was the consumer's fault. Fed. R. Civ. P 56(c)(4).

10           FTC's Response: These objections should be overruled for the reasons set  
11 out in GR 1 and 2.

1            FTC's Response: These objections should be overruled for the reasons set  
2 out in GR 1 and 2.

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4 Separate Statement Paragraph 345:

5            Defendants' Objections: Objection to Pickett Dec. (PX 27) ¶¶ 12, 26, 39,  
6 Att. J; Hertzog Dec. (PX 43) ¶ 6; Faulkner Dec. (Ex. 629) ¶¶ 6, 12; McHughes  
7 Dec. (Ex. 632) ¶ 5; Pratt Dec. (Ex. 635) ¶ 10; Byrd Dec. (PX 8) ¶ 24; Garcia Dep.  
8 (Ex. 619) 209:23-210:24, Ex. 9 (Dec. ¶ 18) on the ground that the statement is  
9 argumentative and unsupported by admissible evidence, McKenzie Dep. (Ex. 384)  
10 76:16-22, 77:9-78:4; Ayaso Dep. (Ex. 379) 205:2-21, 212:13-16, Ex. 313; (Ex.  
11 412) Call In database records 60920, 57092, 56851, 54281, 53579, 51243 (goal  
12 reflects Pen Ab/PP (payment plan)); Garcia Dep. (Ex. 382) 176:2-5 (goal is what  
13 client signed up for); Deft's. Am. Supp.

1 FTC's Response: These objections should be overruled for the reasons set  
2 out in GR 1 and 2.

3  
4 Separate Statement Paragraph 348:

5 Defendants' Objections: Objection to Jaundoo Dec. (PX 22) ¶ 6; Cook Dec.  
6 (Ex. 628) ¶ 5; Walker Dec. (Ex. 624) ¶ 8 on the ground that the statement is  
7 argumentative in that it contends that customers did not agree to pay ATR to  
8 enforce the statute of limitations on their tax debt and unsupported by admissible  
9 evidence, Garcia Dep. (Ex. 382) 176:2-5, Ex. 333; (Ex. 402) Call In database  
10 records 36823, 34454, 32785 (goal is what client signed up for), 175:5-12 (goal  
11 field on record said "statute" which she understood to mean statute of limitations),  
12 72:16-74:7, 74:10-16 (installment agreement is a strategy to permit time to go by  
13 until statute of limitations expires); Ayaso Dep. (Ex. 379) 77:21-24, 78:3-7, 80:3-9,  
14 12-15, 159:22-160:6, 8-11 (installment agreement is a strategy to permit time to go  
15 by until statute of limitations expires); Deft's. Am. Supp. Interrog. Resp. (Ex. 404)  
16 No. 16; Deft's Furt. Resp. to RFPs (Ex. 405) Nos. , Ex. D (spreadsheet from Call In  
17 database records reflecting customers for whom statute of limitations was enforced  
18 and att isit tio. 16; Deft' (-1.6866d Fei.68dd;was enfor50t. P 6d 6 att is)10i

1 database notes reflect considerable work done for Richey (Ex. 410). Fed. R. Civ. P  
2 56(c)(4).

3 FTC's Response: These objections should be overruled for the reasons set  
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1 Separate Statement Paragraph 359:

2 Defendants' Objections: Objection to McBee Dep. (Ex. 620) 177:3-180:14,

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1 Separate Statement Paragraph 368:

2 Defendants' Objections: Objection to Fullerton Dec. (PX 18) ¶ 7; Hertzog  
3 Dec. (PX 43) ¶ 5; Cochran Dec. (Ex. 627) ¶ 9; Pisor Dec. (Ex. 634) ¶ 7; Richey  
4 (Bobby) Dec. (Ex. 636) ¶ 11; Stevenson Dec. (Ex. 639) ¶ 7 on the ground that the  
5 statement is unsupported by admissible evidence and irrelevant since the FTC  
6 admitted in response to RFAs 48 and 49 that they have not challenged advertising  
7 claims relating to bank levies and wage garnishments, FTC's RFA Resp., Nos. 48-  
8 49 (Ex. 400). Fed. R. Evid. 401, 402.

9 FTC's Response: These objections should be overruled for the reasons set  
10 out in GR 1 and 2. The FTC's responses to RFAs 48 and 49, in which the FTC  
11 states it has not challenged Defendants' advertising claims pertaining to bank  
12 levies or wage garnishments, do not make the FTC's evidence inadmissible, and  
13 Defendants cite to no authority for this proposition, thus failing to comply with this  
14 Court's Standing Order. (Dkt. No. 205 at 12:20-21 (evidentiary objection must  
15 include "citation to authority").)

16  
17 Separate Statement Paragraph 369:

18 Defendants' Objections: Objection to Deweese Dec. (PX 16) ¶¶ 17-18, 26;  
19 Madson Dec. (PX 24) ¶ 16, Att. E; Mesler Dec. (PX 25) ¶ 8; Ward Dec. (PX 32)  
20 ¶ 13; McHughes Dec. (Ex. 632) ¶¶ 7-8; Richey (Bobby) Dec. (Ex. 636) ¶¶ 9, 11 on  
21 the ground that the statement is unsupported by admissible evidence since the FTC  
22 admitted in response to RFAs 48 and 49 that they have not challenged advertising  
23 claims relating to bank levies and wage garnishments, FTC's RFA Resp., Nos. 48-  
24 49 (Ex. 400).

25 FTC's Response: This objection should be overruled for the reasons set out  
26 in GR 2. The FTC's responses to RFAs 48 and 49, in which the FTC states it has  
27 not challenged Defendants' advertising claims pertaining to bank levies or wage  
28 garnishments, do not make the FTC's evidence inadmissible, and Defendants cite

1 to no authority for this proposition, thus failing to comply with this Court's  
2 Standing Order. (Dkt. No. 205 at 12:20-21 (evidentiary objection must include  
3 "citation to authority".))

4  
5 Separate Statement Paragraph 372:

6 Defendants' Objections: Objection to McBee Dep. (Ex. 620) 139:4-141:15,  
7 147:8-24, Ex. 117; Deweese Dec. (PX 16) ¶ 7, Att. B (p. 2); Dillon Dec. (PX 17)  
8 ¶ 9, Att. B (p. 2); Gaunt Dec. (PX 19) ¶ 8, Att. B (p. 2); Grimmette Dec. (PX 20)  
9 ¶ 7, Att. B; Kline Dec. (PX 23) ¶ 7, Att. A; Monday Dec. (PX 26) ¶ 11, Att. C;  
10 Pickett Dec. (PX 27) ¶ 9, Att. B (p. 2); Rutenbeck Dec. (PX 28) ¶ 9, Att. C; Woods  
11 Dec. (Ex. 642) ¶ 9, Att. C on the ground that the statement is vague, argumentative,  
12 and unsupported by admissible evidence. Fed. R. Evid. 602 (vague); Fed. R. Civ.  
13 P. 56(c)(4) (argumentative).

14 FTC's Response: These objections should be overruled for the reasons set  
15 out in GR 1 and 2.

16  
17 Separate Statement Paragraph 373:

18 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J  
19 (Admission, ATR RFA 253); Adv. Inf., Hahn and Park RFA (Ex. 599) 253; Adv.  
20 Inf., Def. Hahn Stip. Dec. (Ex. 608) ¶¶ 21.ffff-gggg, 30.c, 36.dd; Former  
21 Employees: Bachtle Dec. (Ex. 613) ¶ 10; Badr Dec. (Ex. 614) ¶ 9; McBee Dep.  
22 (Ex. 620) 139:4-141:15, 147:8-24, Ex. 117; Investigators: Cagnacci Dec. (Ex. 663)  
23 ¶¶ 2-3, Exs. 501, 503; McKenney Dec. (PX 2) ¶¶ 13, 22; Consumers: Deweese  
24 Dec. (PX 16) ¶ 5; Gaunt Dec. (PX 19) ¶ 6; Grimmette Dec. (PX 20) ¶ 5; Hosang-  
25 Roberts Dec. (PX 21) ¶¶ 6, 22; Jaundoo Dec. (PX 22) ¶ 4; Mesler Dec. (PX 25)  
26 ¶ 5; Monday Dec. (PX 26) ¶ 7; Pickett Dec. (PX 27) ¶ 6; Woods Dec. (Ex. 642)

1 ¶ 9, Att. C on the ground that the statement is unsupported by admissible evidence.  
2 There is no evidence that consumers were not told of the refund policy by phone if  
3 they asked during the call.

4 FTC's Response: These objections should be overruled for the reasons set  
5 out in GR 2. Defendants also do not cite to any authority to support their  
6 evidentiary objection, and thus fail to comply with this Court's Standing Order.  
7 (Dkt. No. 205 at 12:20-21 (evidentiary objection must include "citation to  
8 authority".))

9  
10 Separate Statement Paragraph 374:

11 Defendants' Objections: Objection to Dewese Dec. (PX 16) ¶ 7 (received  
12 package approx. one week); Dillon Dec. (PX 17) ¶ 9 (one week); Grimmette Dec.  
13 (PX 20) ¶ 7, Att. B; Jaundoo Dec. (PX 22) ¶ 5 (a week or so); Kline Dec. (PX 23)  
14 ¶ 7, Att. A; Madson Dec. (PX 24) ¶ 9 (a week or two); Mesler Dec. (PX 25) ¶ 6  
15 (within a week); Monday Dec. (PX 26) ¶ 11, Att. C (postmark shows package  
16 mailed day after hiring ATR); Wales Dec. (PX 31) ¶ 17, Att. C; Woods Dec. (Ex.  
17 642) ¶ 9 (received package one day before policy expired) on the ground that the  
18 statement is vague as to time and person, and unsupported by admissible evidence.  
19 Fed. R. Evid. 602 (vague).

20 FTC's Response: These objections should be overruled for the reasons set  
21 out in GR 1 and 2.

22  
23 Separate Statement Paragraph 376:

24 Defendants' Objections: Objection to Gaunt Dec. (PX 19) ¶ 8; Hosang-  
25 Roberts Dec. (PX 21) ¶ 14; Jaundoo Dec. (PX 22) ¶¶ 7-8; Pratt Dec. (Ex. 635) ¶ 8  
26 on the ground that the statement is vague as to time and person, overbroad,  
27 unsupported by admissible evidence, and lacks foundation/assumes facts not in  
28 evidence/mischaracterizes evidence to the extent the FTC seeks to extrapolate the

1 statement as applicable to all consumers who received a letter in the mail from  
2 ATR. Fed. R. Evid. 602.

3 FTC's Response: These objections should be overruled for the reasons set  
4 out in GR 1 and 2.

5  
6 Separate Statement Paragraph 377:

7 Defendants' Objections: Objection to McBee Dep. (Ex. 620) 141:18-142:6,  
8 Ex. 119; Dillon Dec. (PX 17), ¶ 9, Att. B (p. 3); Gaunt Dec. (PX 19) ¶ 8, Att. B (p.  
9 6); Monday Dec. (PX 26) ¶ 11, Att. C; Woods Dec. (Ex. 642) ¶ 9, Att. C on the  
10 ground that the statement is vague as to time and person and argumentative. Fed.  
11 R. Evid. 602 (vague); Fed. R. Civ. P. 56(c)(4) (argumentative).

12 FTC's Response: These objections should be overruled for the reasons set  
13 out in GR 1.

14  
15 Separate Statement Paragraph 378:

16 Defendants' Objections: Objection to McBee Dep. (Ex. 620) 142:7-143:9,  
17 Ex. 120; Hahn 2/18/11 Dec. (Ex. 670) ¶ 3 (“lengthy questionnaires”); Dillon Dec.  
18 (PX 17), ¶ 9, Att. B, pp.4-13; Gaunt Dec. (PX 19) ¶ 8, Att. B (pp. 7- 16); Monday  
19 Dec. (PX 26) ¶ 11, Att. C; Pickett Dec. (PX 27) ¶ 9, Att. B (pp. 6-15); Woods Dec.  
20 (Ex. 642) ¶ 9, Att. C on the ground that the statement is vague as to time and  
21 person and argumentative. Fed. R. Evid. 602 (vague); Fed. R. Civ. P. 56(c)(4)  
22 (argumentative).

23 FTC's Response: These objections should be overruled for the reasons set  
24 out in GR 1.

25  
26 Separate Statement Paragraph 379:

27 Defendants' Objections: Objection to McBee Dep. (Ex. 620) 143:10-  
28 144:12, Ex. 121; Dillon Dec. (PX 17), ¶ 9, Att. B (p. 14) on the ground that the

1 statement is vague as to time and person and argumentative. Fed. R. Evid. 602  
2 (vague); Fed. R. Civ. P. 56(c)(4) (argumentative).

3 FTC's Response: These objections should be overruled for the reasons set  
4 out in GR 1.

5  
6 Separate Statement Paragraph 380:

7 Defendants' Objections: Objection to McBee Dep. (Ex. 620) 144:13-145:4,  
8 Ex. 122; Hahn 2/18/11 Dec. (Ex. 670) ¶ 3 ("lengthy questionnaires"); Dillon Dec.  
9 (PX 17), ¶ 9, Att. B (pp. 15-24); Monday Dec. (PX 26) ¶ 11, Att. C on the ground  
10 that the statement is vague as to time and person and argumentative. Fed. R. Evid.  
11 602 (vague); Fed. R. Civ. P. 56(c)(4) (argumentative).

12 FTC's Response: These objections should be overruled for the reasons set  
13 out in GR 1.

14  
15 Separate Statement Paragraph 381:

16 Defendants' Objections: Objection to McBee Dep. (Ex. 620) 145:5-17, Ex.  
17 123; Dillon Dec. (PX 17), ¶ 9, Att. B (pp. 26-28); Gaunt Dec. (PX 19) ¶ 8, Att. B  
18 ( pp. 17- 19); Monday Dec. (PX 26) ¶ 11, Att. C; Woods Dec. (Ex. 642) ¶ 9, Att. C  
19 on the ground that the statement is vague and argumentative. Fed. R. Evid. 602  
20 (vague); Fed. R. Civ. P. 56(c)(4) (argumentative).

21 FTC's Response: These objections should be overruled for the reasons set  
22 out in GR 1.

23  
24 Separate Statement Paragraph 382:

25 Defendants' First Objection: Objection to Mosessian Dec. (Ex. 621) ¶ 11 on  
26 the ground that the statement is unsupported by admissible evidence and lacks  
27 foundation/assumes facts not in evidence/mischaracterizes evidence, McBee Dep.  
28 (Ex. 383) 25:3-5 ("we didn't have a shredder"). Uncorroborated testimony of one,

1 9 month employee. cannot be attributed to ATR and all other employees, when  
2 relevant time period is over ten years of business. Fed. R. Evid. 602.

3 FTC's Response: These objections should be overruled for the reasons set  
4 out in GR 1 and 2.

5 Defendants' Second Objection

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1            FTC’s Response: These objections should be overruled for the reasons set  
2 out in GR 1 and 2.

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4 Separate Statement Paragraph 384:

5            Defendants’ Objections: Objection to Byrd Dec. (PX 8) ¶ 29 (“impossible to  
6 keep up with the high volume of files”); Garcia Dep. (Ex. 619) 209:23-210:24, Ex.  
7 9 (Dec. ¶ 14) (compared working at ATR to “the ‘I Love Lucy’ chocolate bonbon  
8 episode”); McBee Dep. (Ex. 620) 208:22-210:14, Ex. 124 (Dec. ¶ 26); Walker  
9 Dec. (Ex. 624) ¶ 4 (“difficult to keep up with the cases at ATR”) Menjivar Dec.  
10 (PX 1) ¶ 60.v, Att. JJJ (p. 3) (“understaffed and . . . overloaded”) on the ground  
11 that the statement is vague as to time and person, argumentative, and unsupported  
12 by admissible evidence, Brandon Dec. (Ex. 390) ¶¶ 1-8. (describing work as Tax  
13 Resolution specialist, no State Bar action, satisfied customers). Fed. R. Evid. 602  
14 (vague); Fed. R. Civ. P. 56(c)(4) (argumentative).

15            FTC’s Response: These objections should be overruled for the reasons set  
16 out in GR 1 and 2.

17  
18 Separate Statement Paragraph 386:

19            Defendants’ Objections: Objection to Ayaso Dep. (Ex. 612) 243:4-22;  
20 Walker Dec. (Ex. 624) ¶ 6 on the ground that the statement is argumentative and  
21 unsupported by admissible evidence, Brandon Dec. (Ex. 390) ¶¶ 5, 7 (information  
22 provided by customer to sales representative was different than what documents  
23 later provided by customer reflected; sales representatives and tax resolution  
24 employees communicated regularly). Fed. R. Civ. P. 56(c)(4).

25            FTC’s Response: These objections should be overruled for the reasons set  
26 out in GR 1 and 2.

1 Separate Statement Paragraph 387:

2 Defendants' Objections: Objection to Garcia Dep. (Ex. 619) 283:18-284:16;  
3 Singh Dep. (Ex. 623) 64:23-65:9, 147:13-149:1, Ex. 338 (Dec. ¶ 10); Walker Dec.  
4 (Ex. 624) ¶ 6 on the ground that the statement is argumentative and unsupported by  
5 admissible evidence, Brandon Dec. (Ex. 390) ¶¶ 5, 7 (information provided by  
6 customer to sales representative was different than what documents later provided  
7 by customer reflected; sales representatives and tax resolution employees  
8 communicated regularly). Fed. R. Civ. P. 56(c)(4).

9 FTC's Response: These objections should be overruled for the reasons set  
10 out in GR 1 and 2.

11  
12 Separate Statement Paragraph 388:

13 Defendants' Objections: Objection to Dewese Dec. (PX 16) ¶ 13;  
14 Grimmette Dec. (PX 20) ¶ 10 (“waited patiently for approximately nine months”);  
15 Tobias Dec. (PX 29) ¶ 9; Seward Dec. (PX 42) ¶ 4 (“waited months”); Pisor Dec.  
16 (Ex. 634) ¶¶ 3-4 on the ground that the statement is vague as to person,  
17 argumtati,ve and unsupported [(adm). 1(i)5.3(ssible eviden. ). Fed. RE evEx.02n,  
18 s vags”). Fed. R. Civ. P. 56(c)(4).FTC's Response

1 persons, unsupported by admissible evidence, and lacks foundation/assumes facts  
2 not in evidence/mischaracterizes evidence, as what may have happened to a few  
3 customers when compared to nearly 20,000 customers over more than 10 years  
4 cannot be attributed to all cases over all years, Ayaso Dep. (Ex. 379) 105:12-  
5 106:13, 16-19, 21, 112:15-21, 113:14-21, 114:3-9, 12, 15-24, 115:2, 127:19-  
6 128:10, 13-15, 17-18, 129: 14-15, 17, 19-20, 129:22-130:8, 140:10-15, 17-19, 21-  
7 25, 173:24-175:7, Exs. 308, 309, 311 (various entries on Call In database records  
8 indicating and testimony that consumer's calls were returned). Fed. R. Civ. P.  
9 56(c)(4) (argumentative); Fed. R. Evid. 602 (vague; lacks foundation/assumes facts  
10 not in evidence/mischaracterizes evidence).

11 FTC's Response: These objections should be overruled for the reasons set  
12 out in GR 1 and 2.

13  
14 Separate Statement Paragraph 390:

15 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.  
16 608) ¶ 36. ff-jj; Grimmette Dec. (PX 20) ¶ 10; Kline Dec. (PX 23) ¶ 10; Mesler Dec  
17 (PX 25) ¶¶ 7-8, 13; Pickett Dec. (PX 27) ¶¶ 14, 22; Boyd Dec. (PX 38) ¶ 4;  
18 McCloud Dec. (PX 40) ¶ 4; Hiatt Dec. (Ex. 631) ¶ 10; McHughes Dec. (Ex. 632)  
19 ¶¶ 7-9, 13-14; Pisor Dec. (Ex. 634) ¶ 3; Pratt Dec. (Ex. 635) ¶ 8; Richey (Bobby)  
20 Dec. (Ex. 636) ¶¶ 8, 10-11 on the ground that the statement is argumentative,  
21 vague as to time and persons, unsupported by admissible evidence, and lacks  
22 foundation/assumes facts not in evidence/mischaracterizes evidence, as what may  
23 have happened to a few customers when compared to nearly 20,000 customers  
24 over more than 10 years cannot be attributed to all cases over all years, (Exs. 392,  
25 393, 394, 395, 396, 397); Brandon Dec. (Ex. 390) ¶ 6 (serviced numerous  
26 customers who were "extremely pleased with the results ATR was able to achieve  
27 for them"); Ayaso Dep. (Ex. 379) 105:12-106:13, 16-19, 21, 112:15-21, 113:14-  
28 21, 114:3-9, 12, 15-24, 115:2, 127:19-128:10, 13-15, 17-18, 129: 14-15, 17, 19-20,

1 129:22-130:8, 140:10-15, 17-19, 21-25, 173:24-175:7, Exs. 308, 309, 311 (various  
2 entries on Call In database records indicating and testimony that updated  
3 information was provided to consumers). Fed. R. Civ. P. 56(c)(4) (argumentative);  
4 Fed. R. Evid. 602 (vague; lacks foundation/assumes facts not in  
5 evidence/mischaracterizes evidence).

6 FTC's Response: These objections should be overruled for the reasons set  
7 out in GR 1 and 2.

8  
9 Separate Statement Paragraph 392:

10 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.  
11 608) ¶ 36.ss; Adv. Inf., Def. Park Stip. Dec. (Ex. 608) ¶ 17.ee, ss; Byrd Dec. (PX  
12 8) ¶¶ 20, 23; Ayaso Dep. (Ex. 612) 81:11-25, Ex. 307 (Dec. ¶ 11) ("99% . . . did  
13 not qualify for OICs"); Garcia Dep. (Ex. 619) 209:23-210:24, Ex. 9 (Dec. ¶¶ 15,  
14 17, 20, 24); Singh Dep. (Ex. 623) 64:23-65:9, Ex. 338 (Dec. ¶ 9); Walker Dec. (Ex.  
15 624) ¶ 5 on the ground that the statement is vague as to time and persons,  
16 argumentative, and unsupported by admissible evidence, Deft's. Am. Supp.  
17 Interrog. Resp. (Ex. 404) No. 8; Deft's. Furt. Resp. to RFPs (Ex. 405) Nos. 58, Ex.  
18 F (spreadsheet from Call In database reflecting successful results). Fed. R. Evid.  
19 602 (vague); Fed. R. Civ. P. 56(c)(4) (argumentative).

20 FTC's Response: These objections should be overruled for the reasons set  
21 out in GR 1 and 2.

22  
23 Separate Statement Paragraph 393:

24 Defendants' Objections: Objection to Byrd Dec. (PX 8) ¶¶ 20, 23; Ayaso  
25 Dep. (Ex. 612) 81:11-25, Ex. 307 (Dec. ¶¶ 7, 11-12); Bachtel Dec. (Ex. 613) ¶ 2,  
26 Ex. 487 (10/18/10 Dec. ¶ 9); Garcia Dep. (Ex. 619) 209:23-210:24, Ex. 9 (Dec.  
27 ¶¶ 23-24); McBee Dep. (Ex. 620) 208:22-210:14, Ex. 124 (Dec. ¶ 26); Singh Dep.  
28 (Ex. 623) 64:23-65:9, 147:13-24, Ex. 338 (Dec. ¶ 9); Walker Dec. (Ex. 624) ¶ 5 on

1 the ground that the statement is vague as to time and persons, argumentative,  
2 unsupported by admissible evidence, and lacks foundation/assumes facts not in  
3 evidence/mischaracterizes evidence, as what may have happened to a few  
4 customers when compared to nearly 20,000 customers over more than 10 years  
5 cannot be attributed to all cases over all years, Ayaso Dep. (Ex.379) 150:1-14;  
6 170:10-13; 171:1-9; 185:7-186:6; 205:2-9; 206:22-207:9; 269:9-12; 215:9-15, Exs.  
7 310-316. (relief sold was achieved for customers). Fed. R. Evid. 602 (vague; lacks  
8 foundation/assumes facts not in evidence/mischaracterizes evidence); Fed. R. Civ.  
9 P. 56(c)(4) (argumentative).

10 FTC's Response: These objections should be overruled for the reasons set  
11 out in GR 1 and 2.

12  
13 Separate Statement Paragraph 395:

14 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.  
15 608) ¶ 36.ss-tt; Adv. Inf., Def. Park Stip. Dec. (Ex. 608) ¶ 17(tt); Byrd Dec. (PX 8)  
16 ¶¶ 21, 23; Ayaso Dep. (Ex. 612) 81:11- 25, Ex. 307 (Dec. ¶¶ 7, 11-13, 16-17);  
17 Bachtle Dec. (Ex. 613) ¶ 2, Ex. 487 (10/18/10 Dec. ¶ 9); Garcia Dep. (Ex. 619)  
18 209:23- 210:24, Ex. 9 (Dec. ¶¶ 15-18, 20, 23-24); Singh Dep. (Ex. 623) 64:23-  
19 65:9, Ex. 338 (Dec. ¶ 9); Walker Dec. (Ex. 624) ¶¶ 5, 7-8 on the ground that the  
20 statement is vague, argumentative, and unsupported by admissible evidence,  
21 Seaman Dep. (Ex. 386) 210:1-21 (in some cases, customers failed to provide  
22 information needed to obtain relief for over two years and nothing could be done  
23 for them without their information); Gordon Dec. (Ex. 407) ¶ 9; Pismopolous Dep.  
24 (Ex. 385) 23:22-24:13 (customers failed to fill out questionnaires and provide  
25 needed documents preventing ATR from getting tax relief); Ayaso Dep. (Ex. 379)  
26 139:10-13, 15-23, 181:9-16, 20-182:8, 10-14, 16-18 (frequently had to go back to  
27 clients for missing information needed for relief); Garcia Dep. (Ex. 382) 224:20-  
28 24, 225:1-2 (clients sometimes failed to provide information); Singh Dep. (Ex.

1 387) 48:15-19, 21-49:2, 49:5-18 (sometimes it took 30, 60, 90 days, even longer to  
2 get information from clients). Fed. R. Evid. 602 (vague); Fed. R. Civ. P. 56(c)(4)  
3 (argumentative).

4 FTC's Response: These objections should be overruled for the reasons set  
5 out in GR 1 and 2.

6  
7 Separate Statement Paragraph 396:

8 Defendants' Objections: Objection to Byrd Dec. (PX 8) ¶ 23; Ayaso Dep.  
9 (Ex. 612) 81:11-25, Ex. 307 (Dec. ¶¶ 13) (noting Circular 230 prohibits filing  
10 frivolous applications); Garcia Dep. (Ex. 619) 209:23-210:24, Ex. 9 (Dec. ¶ 24);  
11 Singh Dep. (Ex. 623) 64:23-65:9, Ex. 338 (Dec. ¶¶ 9, 11); Walker Dec. (Ex. 624)  
12 ¶ 6 (noting Circular 230 prohibits filing frivolous application) on the ground that  
13 the statement is vague as to time and person. Fed. R. Evid. 602.

14 FTC's Response: These objections should be overruled for the reasons set  
15 out in GR 1.

16  
17 Separate Statement Paragraph 397:

18 Defendants' Objections: Objection to Ayaso Dep. (Ex. 612) 81:11-  
19 25,195:21-25, 199:25-202:12, Ex. 307 (Dec. ¶ 17) on the ground that the statement  
20 is vague as to time and person. Fed. R. Evid. 602.

21 FTC's Response: These objections should be overruled for the reasons set  
22 out in GR 1.

23  
24 Separate Statement Paragraph 398:

25 Defendants' Objections: Objection to Dewese Dec. (PX 16) ¶¶ 10, 16, Att.  
26 E; Madson Dec. (PX 24) ¶¶ 10, 13; Menjivar Dec. (Ex. 665) ¶¶ 15, 17, Att. H  
27 (spreadsheet of ATR notes about hiding customers' assets or income) on the  
28

1 ground that the statement is vague as to time and person and unsupported by  
2 admissible evidence. Fed. R. Evid. 602.

3 FTC's Response: These objections should be overruled for the reasons set  
4 out in GR 1 and 2. Statements on the cited spreadsheet are admissible as  
5 statements of an opposing party. Fed. R. Evid. 801(d)(2).

6  
7 Separate Statement Paragraph 399:

8 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J  
9 (Admission, ATR RFA 285, 288); Adv. Inf., Hahn and Park RFA (Ex. 599) 285,  
10 288; Dewese Dec. (PX 16) ¶ 19; Madson Dec. (PX 24) ¶ 13; Seward Dec. (PX  
11 42) ¶ 5; Pratt Dec. (Ex. 635) ¶ 7; Byrd Dec. (PX 8) ¶ 21; Ayaso Dep. (Ex. 612)  
12 81:11-25, Ex. 307 (Dec. ¶ 17); Mosessian Dec. (Ex. 621) ¶ 2; McBee Dep. (Ex.  
13 620) 54:19-24 on the ground that the statement is vague as to time and person and  
14 unsupported by admissible evidence, McKenzie Dep. (Ex. 384) 92:13-18, 93:6-  
15 94:18 (75% of OIC's are obtained after an appeal). Fed. R. Evid. 602.

16 FTC's Response: These objections should be overruled for the reasons set  
17 out in GR 1 and 2.

18  
19 Separate Statement Paragraph 400:

20 Defendants' Objections: Objection to McKenzie Dep. (Ex. 677) 28:1-15,  
21 Ex. 1002 (Expert Report ¶¶ 127-166) on the ground that the statement is improper  
22 argument, disputed expert opinion, and unsupported by admissible evidence,  
23 Brandon Dec. (Ex. 390) ¶¶ 10-27 (disputing expert conclusions and providing  
24 substantiation for conclusions reached re qualifications). Fed. R. Civ. P. 56(c)(4)  
25 (improper argument); Fed. R. Evid. 702 (improper expert opinion).

26 FTC's Response: These objections should be overruled for the reasons set  
27 out in GR 1, 2 and 3. Mr. McKenzie's expert opinion on whether the callers in the  
28 undercover calls qualified for the Offers in Compromise or Penalty Abatements for

1 which the Defendants' sales representatives told them they qualified, is admissible  
2 because: (a) his specialized knowledge will help the trier of fact to understand the  
3 evidence; (b) his testimony is based on sufficient facts and data; (c) his testimony  
4 is the product of reliable principles and methods; and (d) he has reliably applied to  
5 principles and methods to the facts of the case. Fed. R. Evid. 702.

6  
7 Separate Statement Paragraph 401:

8 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J  
9 (Admission, ATR RFA 282-284); Adv. Inf., Hahn and Park RFA (Ex. 599) 282-  
10 284; Dewese Dec. (PX 16) ¶¶ 34-35; Grimmette Dec. (PX 20) ¶ 19; Kline Dec.



1 objection, and thus fail to comply with this Court’s Standing Order. (Dkt. No. 205  
2 at 12:20-21 (evidentiary objection must include “citation to authority”).)

3  
4 Separate Statement Paragraph 409:

5 Defendants’ Objections: Objection to Seward Dec. (PX 42) ¶¶ 6-7; Vieau  
6 Dec. (Ex. 640) ¶ 4 on the ground that the statement is vague as to time and person,  
7 overbroad, unsupported by admissible evidence, and lacks foundation/assumes  
8 facts not in evidence/mischaracterizes evidence, as what may have happened to  
9 two customers when compared to nearly 20,000 customers over more than 10 years  
10 does not support the implication of the statement. Fed. R. Evid. 602.

11 FTC’s Response: These objections should be overruled for the reasons set  
12 out in GR 1 and 2.

13  
14 Separate Statement Paragraph 410:

15 Defendants’ Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.  
16 608) ¶ 36.z; Adv. Inf., Def. Park Stip. Dec. (Ex. 608) ¶ 17.z; Menjivar Dec. (PX 1)  
17 Att. 33:10- 13 (“Who is it that you bank with? ... What is your Social for the file  
18 here?”) 65:1-2 (“grab your checkbook”), Att. 44:23 (“So, who do you bank with?”)  
19 , 45:12- 19 (“So, on the Wachovia account, how does your name appear? . . . I  
20 need to get some accounting information from you on the Wachovia account, so  
21 grab your checkbook . . . .”); Wales Dec. (PX 31) ¶ 9 on the ground that the  
22 statement is vague as to time and persons, overbroad, and unsupported by  
23 admissible evidence. Fed. R. Evid. 602.

24 FTC’s Response: These objections should be overruled for the reasons set  
25 out in GR 1 and 2.

Separate Statement Paragraph 411:

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1 FTC's Response: These objections should be overruled for the reasons set  
2 out in GR 1.

3  
4 Separate Statement Paragraph 418:

5 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J  
6 (Admission, ATR RFA 235); Adv. Inf., Hahn and Park RFA (Ex. 599) 235; Adv.  
7 Inf., Def. Hahn Stip. Dec. (Ex. 608) ¶ 25.z; Adv. Inf., Def. Park Stip. Dec. (Ex.  
8 608) ¶ 17.mm; McBee Dep. (Ex. 620) 208:22-210:14, Ex. 124 (Dec. ¶ 23); Gaunt  
9 Dec. (PX 19) ¶ 10 ("would need to be refiled") on the ground that the statement is  
10 vague as to time and person and unsupported by admissible evidence. Fed. R. Evid.  
11 602.

12 FTC's Response: These objections should be overruled for the reasons set  
13 out in GR 1 and 2.

14  
15 Separate Statement Paragraph 420:

16 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.  
17 608) ¶¶ 29.o, 36.g-h; Adv. Inf., Def. Park Stip. Dec. (Ex. 608) ¶ 17.g-h, oo-pp;  
18 **Former Employees:** Bachtle Dec. (Ex. 613) ¶ 11; Coleman Dep. (Ex. 616) 27:19-  
19 28:18, 56:9-24, Ex. 358 (Dec.) ¶ 8; McBee Dep. (Ex. 620) 206:2-206:11;  
20 **Consumers:** Gaunt Dec. (PX 19) & 12; Madson Dec. (PX 24) ¶¶ 21-22, Att. G;  
21 Rutenbeck Dec. (PX 28) ¶ 10; Parker Dec. (Ex. 633) ¶ 2, Att. A (¶ 13) (\$47,000 in  
22 unauthorized charges); Woods Dec. (Ex. 642) ¶¶ 8, 11; Menjivar Dec. (PX 1)  
23 ¶ 60.y.ii, Att. FFFF on the ground that the statement is unsupported by admissible  
24 evidence, Bachtle Dec. (Ex. 388) ¶¶ 9, 10 (callers provided payment authorization;  
25 no one at ATR ever asked him to charge caller's credit cards or bank accounts  
26 without authorization); McBee Dep. (Ex. 383) 121:13-21 (obtained written  
27 authorization for credit cards); Coleman Dep. (Ex. 381) 99:10-21, 25-101:7, 10-12,  
28

1 14-24 (sales representatives obtained authorization and in case of partial payments,  
2 advised clients of dates on which next payments were due). Fed. R. Evid. 602.

3 FTC's Response: This objection should be overruled for the reasons set out  
4 in GR 2.

5  
6 Separate Statement Paragraph 421:

7 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.  
8 608) ¶ 24.qq-tt; Gaunt Dec. (PX 19) ¶ 12; Rutenbeck Dec. (PX 28) ¶¶ 7, 10 on the  
9 ground that the statement is unsupported by admissible evidence, Bachtle Dec. (Ex.  
10 388) ¶¶ 9, 10 (callers provided payment authorization; no one at ATR ever asked  
11 him to charge caller's credit cards or bank accounts without authorization); McBee  
12 Dep. (Ex. 383) 121:13-21 (obtained written authorization for credit cards);  
13 Coleman Dep. (Ex. 381) 99:10-21, 25-101:7, 10-12, 14-24 (sales representatives  
14 obtained authorization and in case of partial payments, advised clients of dates on  
15 which next payments were due). Fed. R. Evid. 602.

16 FTC's Response: This objection should be overruled for the reasons set out  
17 in GR 2.

18  
19 Separate Statement Paragraph 422:

20 Defendants' Objections: Objection to Ayaso Dep. 81:11-25, Ex. 307 (Dec.  
21 ¶ 12); Barton Dec. (PX 7) ¶ 14; Byrd Dec. (PX 8) ¶ 17; Bachtle Dec. (Ex. 613) ¶ 2,  
22 Ex. 487 (10/18/10 Dec. ¶ 10); Garcia Dep. (Ex. 619) 209:23-210:24, Ex. 9 (Dec.  
23 ¶¶ 26-30); McBee Dep. (Ex. 620) 208:22-210:14, Ex. 124 (Dec. ¶¶ 7, 9);  
24 Mosessian Dec. (Ex. 621) ¶¶ 2, 9; Singh Dep. (Ex. 623) 64:23-65:9, Ex. 338 (Dec.  
25 ¶ 12); Walker Dec. (Ex. 624) ¶¶ 7-9; Collins Dep. (Ex. 643) 201:12-202:23, Ex.  
26 211 (Dec. ¶ 14, Att. D); Johnson Dec. (Ex. 672) ¶ 3, Att. A (pp. 2, 5, 36-37, 49-50,  
27 53); Menjivar Dec. (PX 1) ¶ 60.v.y.i-iii, Atts. JJJ (p. 2) (memo about A "massive  
28 complaints"); EEEE-GGGG; Walker Dec. (Ex. 624) ¶¶ 2, 9; Menjivar Dec. (PX

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1 ¶ 26 (many clients complained about unauthorized charges); Coleman Dep. (Ex.  
2 616) 27:19-28:18, 56:9-24, Ex. 358 (Dec.) ¶ 8; Garcia Dep. (Ex. 619) 209:23-  
3 210:24, Ex. 9 (Dec. ¶ 26); McBee Dep. (Ex. 620) 206:7-11; **Consumers:** Gaunt  
4 Dec. (PX 19) ¶ 12; Madson Dec. (PX 24) ¶ 22; Rutenbeck Dec. (PX 28) ¶ 12;  
5 Wales Dec. (PX 31) ¶ 14; Cook Dec. (Ex. 628) ¶ 6; Faulkner Dec. (Ex. 629) ¶¶ 6,  
6 11; McCloud Dec. ¶ 4; Pisor Dec. (Ex. 634) ¶ 4; Woods Dec. (Ex. 642) ¶¶ 13, 15;  
7 **Other:** Menjivar Dec. (PX 1) ¶ 60.y.ii, Att. FFFF; Menjivar Dec. (PX 33) ¶ 11,  
8 Att. B; Almond Dec. (PX 10) ¶ 9 on the ground that the statement is vague as to  
9 time and person. Fed. R. Evid. 602.

10 FTC's Response: These objections should be overruled for the reasons set  
11 out in GR 1.

12  
13 Separate Statement Paragraph 426:

14 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.  
15 608) ¶ 29.y-aa; Adv. Inf., Def. Park Stip. Dec. (Ex. 608) ¶ 17.jj, aaa; Menjivar Dec.  
16 (PX 1) ¶ 60.z, Att. HHHH; Bachtle Dec. (Ex. 613) ¶ 2, Ex. 487 (10/18/10 Dec.  
17 ¶ 10); Almond Dec. (PX 10) ¶ 10 on the ground that the statement is  
18 argumentative, vague as to time and person, and unsupported by admissible  
19 evidence, Ayaso Dep. (Ex. 379) 50:19-51:3. (information provided by customer  
20 was different than information from IRS). Fed. R. Civ. P. 56(c)(4) (argumentative);  
21 Fed. R. Evid. 602 (vague).

22 FTC's Response: These objections should be overruled for the reasons set  
23 out in GR 1 and 2.

24  
25 Separate Statement Paragraph 427:

26 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.  
27 608) ¶ 29.aa; Adv. Inf., Def. Park Stip. Dec. (Ex. 608) ¶ 17.hh, aaa; Almond Dec.  
28 (PX 10) ¶ 10; Collins Dep. (Ex. 643) 189:9- 190:8, 197:12-198:1, 201:12-202:23,

1 Exs. 207, 210, 211 (Dec. ¶ 14, Att. D); Johnson Dec. (Ex. 672) ¶ 3, Att. A (pp. 34,  
2 51, 55- 56); Woods Dec. (Ex. 642) ¶ 13 on the ground that the statement is vague  
3 as to time and person and argumentative. ATR could not seek relief for customers  
4 if they failed to supply necessary information, Pismopolous Dep. (Ex. 385) 23:22-  
5 24:13; Ayaso Dep. (Ex. 379) 139:10-13, 15-23, 181:9-16, 20-182:8, 10-14, 16-18  
6 (client data was often missing, sometimes clients weren't truthful); Garcia Dep.  
7 (Ex. 382) 224:20-24, 225:1-2 (clients sometimes fail to provide information);  
8 Singh Dep. (Ex.387) 48:15-19, 21-49:2, 49:5-18 (sometimes information is  
9 missing); Seaman Dep. (Ex. 386) 210:1-21 (customers failed to provide  
10 information, some for over two years preventing tax relief). Fed. R. Civ. P.  
11 56(c)(4).

12 FTC's Response: These objections should be overruled for the reasons set  
13 out in GR 1.

14  
15 Separate Statement Paragraph 428:

16 Defendants' Objections: Objection to Adv. Inf., Def. Hahn Stip. Dec. (Ex.  
17 608) ¶ 21.xxx-yyy; Fullerton Dec. (PX 18) ¶ 6; Jaundoo Dec. (PX 22) ¶ 5 on the  
18 ground that the statement is vague as to time and person, overbroad, and  
19 unsupported by admissible evidence. Fed. R. Evid. 602.

20 FTC's Response: These objections should be overruled for the reasons set  
21 out in GR 1 and 2.

22  
23 Separate Statement Paragraph 429:

24 Defendants' Objections: Objection to Hiatt Dec. (Ex. 631) ¶¶ 6-7 on the  
25 ground that the statement is vague as to time and person, overbroad,  
26 argumentative, and unsupported by admissible evidence. Fed. R. Civ. P. 56(c)(4)  
27 (argumentative); Fed. R. Evid. 602 (vague).

1            FTC’s Response: These objections should be overruled for the reasons set  
2 out in GR 1 and 2.

3  
4 Separate Statement Paragraph 430:

5            Defendants’ Objections: Objection to Dillon Dec. (PX 17) ¶¶ 6-7, 9 (learned  
6 about negative reviews); Fullerton Dec. (PX 18) (ATR did not stop garnishments  
7 immediately as promised); Grimmette Dec (PX 20) ¶¶ 15- 16; Kline Dec. (PX 23)  
8 ¶¶ 13-14 (ATR did not take action promised so contacted tax authorities himself);  
9 Monday Dec. (PX 26) ¶ 11; Violante Dec. (PX 30) ¶¶ 16-24; Seward Dec. (PX 42)  
10 ¶ 6 on the ground that the statement is vague as to time and person, overbroad,  
11 argumentative, and unsupported by admissible evidence. Fed. R. Civ. P. 56(c)(4)  
12 (argumentative); Fed. R. Evid. 602 (vague).

13            FTC’s Response: These objections should be overruled for the reasons set  
14 out in GR 1 and 2.

15  
16 Separate Statement Paragraph 431:

17            Defendants’ Objections: Objection to Monday Dec. (PX 26) ¶ 11; Hiatt  
18 Dec. (Ex. 631) ¶¶ 6-7 on the ground that the statement is vague as to time and  
19 person, overbroad, argumentative, and unsupported by admissible evidence. Fed.  
20 R. Civ. P. 56(c)(4) (argumentative); Fed. R. Evid. 602 (vague).

21            FTC’s Response: These objections should be overruled for the reasons set  
22 out in GR 1 and 2.

23  
24 Separate Statement Paragraph 432:

25            Defendants’ Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J  
26 (Admission, ATR RFA 331); Former Employees: McBee Dep. (Ex. 620) 208:22-  
27 210:14, Ex. 124 (Dec. ¶¶ 7, 9); Mosessian Dec. (Ex. 621) ¶ 9 (“there were no  
28 refunds”); Consumers: See, e.g., Dewese Dec. (PX 16) ¶ 23; Hosang- Roberts

1 Dec. (PX 21) ¶ 16; Jaundoo Dec. (PX 22) ¶ 7; Kline Dec. (PX 23) ¶ 14; Madson  
2 Dec. (PX 24) ¶ 22; Monday Dec. (PX 26) ¶ 18; Pickett Dec. (PX 27) ¶ 27, Att. J;  
3 Tobias Dec. (PX 29) ¶ 16; Violante Dec. (PX 30) ¶¶ 20-21, 24; Wales Dec. (PX  
4 31) ¶ 15; Ward Dec. (PX 32) ¶ 18; McCloud Dec. (PX 40) ¶ 4; Phillips Dec. (PX  
5 41) ¶ 6; Cook Dec. (Ex. 628) ¶ 6; Faulkner Dec. (Ex. 629) ¶¶ 6, 11; Isom Dec. (PX  
6 39) ¶ 5; Pisor Dec. (Ex. 634) ¶ 4; Pratt Dec. (Ex. 635) ¶ 8; Other: Johnson Dec. ¶ 3,  
7 Att. A (pp. 51-52); Almond Dec. (PX 10) ¶ 10; Menjivar Dec. (PX 33) ¶ 11, Att.  
8 B on the ground that the statement is vague as to time and person, argumentative,  
9 and unsupported by admissible evidence, Seaman Dep. (Ex. 386) 230:20-21,  
10 231:5-6; Rec.'s 1st Report, Ex. 571) § VI.J. and Charts, pp. 6, 11 (describing  
11 millions of dollars in refunds, credits and chargebacks). Fed. R. Civ. P. 56(c)(4)  
12 (argumentative); Fed. R. Evid. 602 (vague).

13 FTC's Response: These objections should be overruled for the reasons set  
14 out in GR 1 and 2.

15  
16 Separate Statement Paragraph 434:

17 Defendants' Objections: Objection to Dodge Dec. (Ex. 667) ¶ 5, Att. J  
18 (Admission, ATR RFA 332); Adv. Inf., Hahn and Park RFA (Ex. 599) 332; Adv.  
19 Inf., Def. Hahn Stip. Dec. (Ex. 608) ¶ 36.ccc-ddd; Adv. Inf., Def. Park Stip. Dec.  
20 (Ex. 608) ¶ 17.ccc- ddd; Fullerton Dec. (PX 18) ¶ 17, Att. D; Hosang-Roberts Dec.  
21 (PX 21) ¶¶ 17, 21, Att. A; Jaundoo Dec. (PX 22) ¶ 13, Att. F; Pickett Dec. (PX 27)  
22 ¶¶ 32, 35-37; Violante Dec. (PX 30) ¶¶ 22, 26- 27 on the ground that the statement  
23 is vague as to time and person, argumentative, and unsupported by admissible  
24 evidence. Fed. R. Evid. 602 (vague); Fed. R. Civ. P. 56(c)(4) (argumentative).

25 FTC's Response: These objections should be overruled for the reasons set  
26 out in GR 1 and 2.



1 refunds, cancellations, stop payments and chargebacks in the amount of  
2 approximately \$4,268,400).

3 FTC's Response: This objection should be overruled for the reasons set out  
4 in GR 2. Defendants also do not cite to any authority to support their evidentiary  
5 objection, and thus fail to comply with this Court's Standing Order. (Dkt. No. 205  
6 at 12:20-21 (evidentiary objection must include "citation to authority").)

7  
8 Separate Statement Paragraph 460:

9 Defendants' Objections: Objection to Menjivar Dec. (Ex. 665) ¶ 78 on the  
10 ground that the statement is unsupported by admissible evidence, Deft's. Am.  
11 Supp. Interrog. Resp. (Ex. 404) No.14; Deft's Furt. Resp. to RFPs (Ex. 405) Nos.  
12 33, Ex. B.

13 FTC's Response: This objection should be overruled for the reasons set out  
14 in GR 2. Defendants also do not cite to any authority to support their evidentiary  
15 objection, and thus fail to comply with this Court's Standing Order. Dkt. No. 205  
16 at 12:20-21 (evidentiary objection must include "citation to authority").)

17  
18 Dated: July 16, 2012

Respectfully Submitted,

19 /s/Karen D. Dodge  
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