

**SEMIANNUAL FEDERAL COURT  
LITIGATION STATUS REPORT**

Office of the General Counsel  
Bureau of Competition  
Bureau of Consumer Protection  
Regional Offices

June 30, 2020

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**SUMMARY OF CASES**

	<b>Dist. Ct.</b>	<b>Ct. App.*</b>	<b>S. Ct.</b>	<b>Total</b>
PETITIONS FOR REVIEW	0	3	0	3
INJUNCTION AND CONSUMER REDRESS CASES	62	16	5	83
CIVIL PENALTY AND ENFORCEMENT CASES	8	2	0	10
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SUITS TO ENJOIN FTC  
ACTION AND OTHER  
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**PETITIONS FOR REVIEW**

**(A) Orders to Cease and Desist**

*1-800 CONTACTS v. FTC*, No. 18-

**(B) Rulemakings**

(None Pending)



Nature of Action: Action for preliminary injunction against a joint venture between Peabody Energy Corporation and Arch Coal related to their coal mining operations.

Status: Complaint

Nature of Action:





2/28/20.

Order granting stipulation to stay case for 60 days to consider approval of settlement agreement entered 6/8/20.

**FTC v. ABBVIE, INC.**, Nos. 18-2621, 18-2748, 18-2758 (3d Cir.); No. 2:14-cv-05151 (E.D. Pa.)

Parties: AbbVie, Inc.  
Abbott Laboratories  
Unimed Pharmaceuticals, LLC  
Besins Healthcare, Inc.  
Teva Pharmaceuticals USA, Inc.

Assigned Attorneys: Markus Meier (BC)  
Patricia M. McDermott  
Kara Monahan  
Peter Taylor  
Matthew Hoffman (OGC)  
Mark Hegedus  
Joel Marcus

Alleged Conduct: Unfair methods of competition in violation of Section 5(a) of the FTC Act arising from baseless patent infringement lawsuits against potential generic competitors.

Status: Complaint filed 9/8/14.  
Defendants' motion to dismiss filed 11/12/14; Commission's brief in opposition filed 12/12/14; order granting motion to dismiss as to Count II of the complaint (thereby dismissing defendant Teva from the case) entered 5/6/15.  
Commission's motion for entry of judgment under Rule 54(b) filed 6/5/15; response in opposition by Abbott Laboratories, Abbvie, Inc. and Unimed Pharmaceuticals filed 6/25/15; Commission's reply filed 7/2/15; order holding pending Rule 54(b) motion in abeyance entered 7/8/15; motion to direct entry denied 8/26/15.  
Commission's motion for reconsideration of dismissal filed 7/20/15; defendant's response filed 7/31/15; reply filed 8/7/15; motion for reconsideration denied 8/25/15.  
Defendants' motion for summary judgment on Count 1 of complaint filed 6/5/17; Commission's response in opposition filed 7/11/17; reply filed 7/26/17; order denying motion entered 9/15/17.  
Commission's motion for partial summary judgment filed 6/5/17; defendants' response in opposition filed 7/10/17; reply filed 7/27/17; order granting motion entered 9/15/17.  
Trial held 2/7/18- 3/1/18.

Defendants' motion for reconsideration of 9/15/17 order filed 3/23/18;  
Commission's response filed 4/4/18; reply filed 4/8/18; order  
denying motion for reconsideration entered 6/27/18.

Monetary judgment in favor of Commission entered 7/18/18.

Commission's notice of appeal from dismissal of pay-for-delay count and  
declination of an injunction (Case No. 18-2621) filed 7/23/18.

Defendants AbbVie, Inc, Abbott Laboratories, and Unimed  
Pharmaceuticals, LLC's notice of appeal from finding of sham  
litigation and monetary judgment (Case No. 18-2748) filed 8/8/18.

Defendant Besins Healthcare, Inc's notice of appeal from finding of sham  
litigation and monetary judgment (Case No. 18-2758) filed  
8/13/18.

Order granting joint motion to dismiss Teva Pharmaceuticals USA, Inc. as  
a party to the appeal entered 3/12/19.

Commission's opening brief filed 3/28/19; Abbvie's response/opening  
brief in its cross-appeal filed 6/5/19; Commission's reply/response  
brief filed 7/19/19; reply briefs of Abbott Laboratories, AbbVie  
Inc, Unimed Pharmaceuticals LLC, and Besins Healthcare, Inc.  
filed 9/30/19.

Oral argument held 1/15/20.

Commission's supplemental brief filed 1/29/20; defendant's supplemental  
brief filed 1/29/20.

Briefs on parties' positions in light of Supreme Court's grant of certiorari  
in

Network, Subscription Billing Agency, Subscription Billing Network,

William Strickler

Assigned Attorneys: Krista Bush (NWR)  
Laura Solis  
Richard McKewen  
Connor Shively  
Sophia Calderón  
Stephen Fairchild  
W. Stuart Hirschfield

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with a nationwide campaign relying on misrepresentations to solicit newspaper renewals and new subscriptions from consumers.

Status: Complaint filed 4/27/16.  
Motion to dismiss for failure to state a claim filed 6/27/16; Commission's opposition filed 7/11/16; order denying motion to dismiss entered 11/3/16.  
Motions for stay pending resolution of criminal proceedings filed 1/27/17; Commission's response filed 1/31/17; replies filed 2/17/17; motions denied 2/23/17.  
Motion for summary judgment filed 4/14/17; Commission's opposition filed 5/4/17; reply filed 5/26/17; motion deferred 6/13/17.  
Default judgment as to defendants Adept Management, Inc., Anchor Publishing Group, Inc., Associated Publishers Network, Inc., Atlas Business Consulting LLC, Clarity Group, Inc., Consolidated Publishers Exchange, Inc., Crown Resource Management LLC, Customer Access Services, Inc., Express Publishers Service, Inc., HCG, Inc., Henry Cricket Group, LLC, Liberty Publishers Service, Inc., Magazine Clearing Exchange, Inc., Magazine Link, Inc., Maximillian, Inc., North West Data Services LLC, PPP Magazines, Inc., Publishers Payment Processing, Inc., Publishers Payment Processing, Inc., Specialties, Inc., Subscription House Agency, Inc., United Publishers Exchange, Inc., and Wineoceros Wine Club, Inc. ("Defaulting Defendants") entered 8/7/17.  
Commission's motion for default judgment and permanent injunction order as to Defaulting Defendants filed 3/13/18; response in opposition to motion by defendants Jeffrey Hoyal, Lori Hoyal, Hoyal & Associates, Inc. filed 3/13/18; motion for summary judgment filed 4/14/17; Commission's opposition filed 5/4/17; reply filed 5/26/17; motion deferred 6/13/17.

8/17/18; Commission's response in opposition filed 8/31/18; defendants' reply filed 9/7/18.

Commission's motion for summary judgment filed 8/17/18; response in opposition by defendants Colleen Kaylor, Jeffrey Hoyal, Hoyal & Associates, Inc, Noel Parducci, Lori Hoyal, Linda Babb, Shannon Bacon, William Strickler, Reality Kats, LLC, Dennis Simpson, Publishers Payment Processing, Inc, Lydia Pugsley, Laura Lovrien filed 8/31/18.

Order granting in part and denying in part Commission's motion for summary judgment and denying defendants' motion for summary judgment entered 9/25/18.

Trial held 11/6/18 through 12/5/18.

Order denying defendants Hoyal & Associates, Jeffrey Hoyal, and Lori Hoyal's motion for stay pending resolution of appeal in *FTC v. AMG* (Case. No. 16-17197, 9th Cir.) entered 2/19/19.

Order denying defendants Dennis Simpson and Reality Kats, LLC's motion for reconsideration of court's summary judgment in favor of the Commission entered 4/18/19.

Order for permanent injunction against all defendants and monetary judgment against defendants Dennis Simpson, Jeffrey Hoyal, and Lori Hoyal entered 6/10/19.

Defendant Noel Parducci's motion for reconsideration of court's order for permanent injunction and monetary judgment filed 6/24/19; defendant Bacon joined 6/25/19; Commission's response filed 7/8/19; order denying motion entered 7/10/19.

Notices of appeal by Reality Kats defendants and Hoyal defendants filed 8/7/19.

Reality Kats defendants' opening brief filed 11/15/19.

Commission's motion to consolidate appeals granted 12/11/19.

Hoyal defendants' opening and cross-appeal brief filed 2/10/20; Lennon third-party defendants' brief filed 2/10/20; Commission's consolidated answering brief filed 6/8/20; appellants' optional reply briefs due 7/29/20.

***FTC v. ADVOCARE INTERNATIONAL, L.P.***, No. 4:19-cv-00715 (E.D. Tex.)

Parties:                   Advocare International, L.P.  
                                Danny McDaniel  
                                Diane McDaniel  
                                Carlton Hardman  
                                Lisa Hardman  
                                Brian Connolly

Assigned Attorneys: M. Hasan Aijaz (SWR)  
                                Aaron J. Haberman (BCP/MP)

**Alleged Conduct:** Unfair and deceptive practices in violation of Section 5(a) of the FTC Act in connection with operation of a pyramid scheme.

**Status:** Complaint filed 10/2/19.  
Stipulated final order for permanent injunction and monetary judgment as to defendants AdvoCare International, L.P. and Connolly entered 10/9/19.  
Stipulated final order for permanent injunction and monetary judgement as to defendants Carlton Hardman and Lisa Hardman entered 10/9/19.  
Defendant's motion to dismiss for failure to state a claim filed 10/21/19; Commission's response filed 11/5/19; defendant's reply filed 11/11/19.

***FTC v. AGORA FINANCIAL*** *Id* [(FT7.15 Td [(S)-2 (tip)2 (s)2 (sC</MCI 300 38.883 ( )-10 (pe, N5 Tdo. 1:





Defendants' motion to dismiss filed 4/23/18; Commission's opposition filed 5/16/18; defendant's reply filed 5/30/18; order denying defendants' motion entered 8/8/18.

Order granting joint stipulation for a nine-month stay as to defendant Brandon Frere entered 2/4/19.

Order granting joint stipulation for a nine-month stay as to all defendants entered 5/17/19.

Orders extending stay entered 2/3/20 and 6/30/20.

***FTC v. AMERICAN FINANCIAL SUPPORT SERVICES INC.***, No. 20-55092 (9th Cir.); No. 8:19-cv-02109 (C.D. Cal.)

Parties: American Financial Support Services Inc.  
Arete Financial Group  
Arete Financial Group LLC  
CBC Conglomerate LLC  
Diamond Choice Inc.  
J&L Enterprise LLC  
La Casa Bonita Investments, Inc.  
US Financial Freedom Center, Inc.  
Carey G. Howe  
Anna C. Howe  
Shunmin "Mike" Hsu  
Ruddy Palacios  
Oliver Pomazi  
Jay Singh  
MJ Wealth Solutions, LLC

Assigned Attorneys: Stephen Fairchild (NWb0:

***FTC v. AMERICAN FUTURE SYSTEMS, INC.***, No. 2:20-cv-02266 (E.D. Pa.)

Parties: American Future Systems, Inc. d/b/a Progressive Business Publications  
d/b/a Progressive Business Publications, Inc. d/b/a Center for  
Education & Employment Law  
Progressive Business Publications of New Jersey, Inc. d/b/a Progressive  
Business Publications, Inc. d/b/a Center for Education and  
Employment Law  
International Credit Recovery, Inc. d/b/a ICR  
Edward M. Satell  
Richard Diorio, Jr.  
Cynthia Powell

Assigned Attorneys: Christian Capece (ECR)  
Derek Diaz  
Jonathan Kessler  
Amy Hocevar

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and  
the Unordered Merchandise Statute, in connection with Defendants'  
deceptive selling of and collection of payment for publication  
subscriptions.

Status: Complaint filed 5/13/20.

***FTC v. AMG SERVICES, INC.***, No. 19-508 (S. Ct.); Nos. 16-17197, 14-16468 (9th Cir.); No.  
2:12-cv-00536 (D. Nev.)

Parties: AMG Services, Inc.  
Red Cedar Services, Inc., d/b/a 500FastCash  
SFS, Inc., d/b/a OneClickCash  
Tribal Financial Services, Inc., d/b/a Ameriloan, d/b/a UnitedCashLoan,  
d/b/a USFastCash, d/b/a Miami Nation Enterprises.  
AMG Capital Management, LLC  
Level 5 Motorsports, LLC  
Lead Flash Consulting, LLC  
Black Creek Capital Corporation  
Broadmoor Capital Partners, LLC  
Muir Law Firm, LLC

Kim C. Tucker

Assigned Attorneys: Nikhil Singhvi (BCP/FP)  
Iona Rusu  
Jason Schall  
Jack Metzler (OGC)

Alleged Conduct:

Report and recommendation by magistrate that Commission's motion for summary judgment be granted in part and denied in part, and that defendant's motion for summary judgment be denied, entered 1/28/14; defendant's objections filed 2/14/14; Commission's response filed 3/2/14.

Order adopting magistrate's 7/16/13 report and recommendations entered 3/7/14.

Order adopting magistrate's 1/28/14 report and recommendations entered 5/29/14.

Stipulation and order to dismiss defendants Timothy J. Muir and the Muir Law Firm, LLC entered 9/8/14.

Order denying defendants' motion to enforce settlement entered 7/16/14; notice of appeal filed 7/30/14; Ninth Circuit order dismissing appeal for lack of jurisdiction entered 10/30/14.

Stipulated permanent injunction and monetary judgment as to defendants AMG Services and MNE Services, Inc. entered 1/23/15.

Stipulated permanent injunction and monetary judgment against defendants Troy Little Axe, Jr., Don Brady and Robert Campbell entered 3/17/15.

Motion for preliminary injunction by the Commission filed 5/8/15; responses filed 5/26/15.

Stipulated orders for permanent injunction and equitable monetary relief as to defendants Red Cedar Services, Inc. and SFS, Inc. entered 11/25/15.

Motion for summary judgment by Commission filed 1/20/16; defendants' opposition filed 2/26/16; Commission's reply filed 3/18/16.

Motion for summary judgment by defendants filed 1/20/16; Commission's opposition filed 2/26/16; defendants' reply filed 3/18/16.

Order granting Commission's motion for summary judgment, denying defendants' motion for summary judgment, and awarding permanent injunction and monetary relief of \$1.3 billion entered 9/30/16.

Notice of appeal filed 11/29/16.

Appellant's opening brief filed 7/21/17; Commission's answering brief filed 12/11/17; reply brief filed 1/16/18.

Oral argument held 8/15/18.

Panel opinion, affirming district court's summary judgment and relief order, entered 12/3/18.

Order denying appellant's motion for rehearing *en banc* entered 6/20/19.

Petition for writ of certiorari filed 10/18/19; brief of respondent FTC filed 12/13/19; reply brief of petitioners filed 12/20/19.

*FTC v. APEX CAPI 4PBDC* /.

Assigned Attorneys: Elizabeth Nach (BCP/AP)  
Janet Evans

Alleged Conduct: Deceptive acts or practices in violation of Sections 5(a) and 12 of the FTC Act in connection with the advertising, labeling, promotion, offering for sale, sale, or distribution of Synovia and other health-related products.

Status: Complaint filed 12/5/19.  
Proposed stipulated order for permanent injunction and monetary judgment filed 12/5/19.

***FTC v. BLUEHIPPO FUNDING, LLC***, Nos. 11-374, 16-1599, 17-1587, 17-669 (2d Cir.); No. 1:08-cv-01819 (S.D.N.Y.); No. 9:19-cv-80001 (S.D. Fla.); 9:17-ap-01185 (S.D. Fla.)

Parties: BlueHippo Funding, LLC  
BlueHippo Capital LLC  
Joseph K. Rensin

Assigned Attorneys: Amanda C. Basta (BCP/ENF)  
Michael P. Mora  
Michele Arington (OGC)  
Jack Metzler  
Mariel Goetz

Alleged Conduct: Contempt proceeding for violations of a permanent injunction in connection with the sale of personal computers, televisions, and other consumer electronics.

Status: Complaint filed 2/22/08.  
Stipulated final judgment and order for permanent injunction entered 4/9/08.  
Motions for contempt and to modify permanent injunction against BlueHippo Funding, LLC, BlueHippo Capital LLC, and Joseph K. Rensin filed 11/17/09.  
Order to show cause why defendants should not be held in contempt entered 11/16/09; modified 11/18/09.  
Defendants' memoranda of law filed 12/7/09 and 12/11/09; Commission's reply memoranda of law filed 12/11/09 and 12/12/09.  
Trial held 2/9/10-2/11/10; closing argument held 2/19/10.  
Order granting motion for contempt entered 7/27/10; judgment entered 7/30/10.  
Commission's motion to amend/correct judgment and order filed 8/27/10; defendants' opposition filed 9/24/10; Commission's reply filed 10/8/10.  
Order denying Commission's motion to amend/correct judgment and order







Act

defendants Jason Cardiff and Eunjung Cardiff entered 11/8/18.  
Clerk's entry of default as to defendants Redwood Scientific Technologies, Inc., a California corporation, Redwood Scientific Technologies, Inc., a Nevada corporation, and Redwood Scientific Technologies, Inc., a Delaware corporation, Advanced Mens Institute Prolongz, LLC, and Runaway Products, LLC, entered 3/5/19.  
Clerk's entry of default as to defendant Identify, LLC entered 3/7/19.  
Order granting joint stipulation for permanent injunction as to defendant Danielle Cadiz entered 5/16/19.  
Commission's application for contempt against defendants Eunjung Cardiff, Jason Cardiff, and third-party Jacques Poujade for violations of the TRO and preliminary injunction filed 6/17/19; opposition to contempt motion filed 7/8/19; reply in support of contempt motion filed 7/15/19.  
Order finding defendant James Cardiff in contempt entered 7/29/19; order finding defendant James Cardiff no longer in contempt entered 7/30/19.  
Motion to intervene by True Pharmastrip, Inc. filed 10/18/20.  
Order requiring turnover of funds entered 10/29/19.  
Application to modify or stay order requiring turnover of funds pending appeal filed 11/22/19; Commission's opposition to application filed 11/26/19; reply in support of application filed 11/27/19; order denying application entered 12/17/19.  
Notice of appeal by Jacques Poujade filed 11/27/19.  
Motion by Jaques Poujade in 9<sup>th</sup> Circuit to stay lower court action filed 12/23/19; motion denied 2/28/20.  
Notice of appeal by True Pharmastrip, Inc., filed 1/15/20.  
Motion to dissolve preliminary injunction by Eunjung Cardiff and Jason Cardiff filed 1/20/20; motion denied 3/30/20.  
Commission's motion for contempt against Eunjung Cardiff and Jason Cardiff for violation of preliminary injunction filed 3/2/20; order holding Cardiff Defendants in contempt entered 3/31/20.  
Notice of appeal by Eunjung Cardiff and Jason Cardiff filed 4/7/20; appeal dismissed for lack of jurisdiction on 6/26/20.  
Appellants Poujade and TPI's opening brief filed 4/6/20.  
Commission's motion for contempt against Jacques Poujade filed 5/29/20.  
Commission's motion for contempt sanctions against Jason Cardiff and Eunjung Cardiff for failure to comply with 3/31/20 contempt order filed 6/19/20.  
Temporary restraining order with asset freeze and other equitable relief and order to show cause why a preliminary injunction should not issue entered 6/24/20.  
Trial scheduled for 10/20/20.

**FTC v. CONSUMER DEFENSE, LLC**, Nos. 18-15462, 19-16000, 19-17326; 20-15143, 20-15144 (9th Cir.); No. 2:18-cv-00030 (D. Nev.)

Parties: Consumer Defense, LLC  
Consumer Link, Inc.  
Preferred Law, PLLC  
American Home Loan Counselors  
Consumer Defense Group, LLC (formerly known as Modification Review Board, LLC)  
Consumer Defense, LLC  
Brown Legal, Inc.  
AM Property Management, LLC  
Fmg Partners, LLC  
Zinly, LLC  
Jonathan P. Hanley  
Benjamin R. Horton  
Sandra X. Hanley  
American Home Loans, LLC

Assigned Attorneys: Gregory Ashe (BCP/FP)  
Jason Schall  
Imad Abyad (OGC)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Mortgage Assistance Relief Service Rule in connection with the marketing and sale of mortgage assistance relief.

Status: Complaint filed 1/8/18.  
TRO entered 1/10/18.  
FTC Motion for Preliminary injunction filed 1/8/18;  
Defendants' opposition filed 2/12/18; Commission reply filed 2/14/18;  
Preliminary Injunction entered 2/20/18.  
Defendant Benjamin R Horton's motion to dismiss filed 1/22/18;  
Commission's response to motion filed 2/5/18; reply filed 2/15/18; motion denied 6/7/18.  
Defendants AM Property Management, LLC, American Home Loan Counselors, American Home Loans, LLC, Brown Legal, Inc, Consumer Defense Group, LLC, Consumer Defense, LLC, FMG Partners, LLC, Jonathan P. Hanley, Sandra X. Hanley, Preferred Law, PLLC, Zinly, LLC's motions to dismiss filed 2/12/18;  
Commission's responses to motions filed 2/26/18; replies filed 3/5/18; motion denied 6/7/18.  
Notice of appeal to Ninth Circuit of preliminary injunction filed 03/21/18 (No. 18-15462). Appellants' opening brief filed 4/18/18;  
Commission's answering brief filed 5/16/18; reply brief filed 6/6/18; Oral argument held 9/14/18. Decision by 9<sup>th</sup> Circuit

affirming district court's entry of preliminary injunction entered 6/17/19.

Receiver Thomas McNamara motion for order to sell Receivership property filed 4/18/18; Commission concurrence filed 4/30/18; Defendants' opposition filed 5/1/18; Receiver reply filed 5/8/18; Order granting motion entered 1/18/19.

Stipulated final order for permanent injunction and monetary judgment as to defendant Benjamin Horton entered 6/5/18.

Commission's motion for entry of clerk's default as to defendants Consumer Defense, LLC (Nevada) and Consumer Link, Inc. filed 8/7/18. Clerk's entry of default as to Consumer Defense, LLC (Nevada) and Consumer Link Inc. entered 1/28/19. Default vacated on 6/14/19.

Defendant Hanley motion to vacate order granting Receiver's motion to sell property filed 1/28/19; Receiver opposition filed 1/31/19; Commission opposition filed 2/5/19; Order denying motion entered 4/30/19.

Defendant Hanley notice of appeal to Ninth Circuit of order denying motion to vacate order granting Receiver's motion to sell property filed 5/10/19 (No. 19-16000); Ninth Circuit order dismissing appeal for failure to file fees entered 7/17/19.

Commission's motion for default judgment against defendants Consumer Defense, LLC (Nevada) and Consumer Link, Inc. filed 5/7/19; Commission notice of withdrawal of motion filed 6/25/19.

Commission motion for summary judgment filed 7/15/19; defendants' opposition filed 10/2/19; defendant Hanley's opposition filed 10/5/19; Commission reply brief filed 11/5/19.

Order granting Commission motion for summary judgment entered 12/5/19.

Receiver Thomas McNamara motion to approve sale of Park City condo filed 8/30/19; Commission concurrence filed 9/13/19; defendants' opposition filed 9/13/19; receiver's reply filed 9/20/19; order granting motion entered 10/9/19.

Defendant Hanley's notice of appeal to Ninth Circuit of order granting receiver's motion for approval of sale of Park City condo filed 11/12/19 (No. 19-7326); Ninth Circuit order dismissing Hanley's appeal for failure to prosecute entered 3/20/20.

Defendant Sandra Hanley's notice of appeal to Ninth Circuit of order granting summary judgment filed 2/3/20 (No. 20-15143).

Defendant Jonathan Hanley's notice of appeal to Ninth Circuit of order granting summary judgment filed 2/3/20 (No. 20-15144).

Appellants Hanleys' opening briefs due 9/21/20.

***FTC v. CREDIT BUREAU CENTER, LLC***, No. 19-825 (S. Ct.); Nos. 18-3310, 18-2847 (7th Cir.); No. 1:17-cv-00194 (N.D. Ill.)





Preliminary injunction hearing held 3/11/19-3/22/19.  
Motion to dismiss for failure to state a claim by defendant Michael Santos filed 3/18/19; Commission's response filed 4/1/19.  
Order modifying interim preliminary injunction entered 3/28/19.  
Order granting Commission's motion to stay proceedings as to defendants Frank Costanzo, Ecological Fox, LLC, and Deborah Connelly entered 4/4/19.  
Motion to dismiss for lack of jurisdiction by defendant Atlantic International Bank, LTD filed 4/4/19; Commission's response filed 6/7/19.  
Order denying defendant Anris Pukke's motion to dismiss entered 4/30/19.  
Appellant Atlantic International Bank, LTD's (No. 19-1925) opening brief filed 5/14/19; Commission's response brief filed 6/12/19;  
Commission's motion for stay of proceedings as to defendants Frank Costanzo, Ecological Fox LLC, and Deborah Connelly filed 7/23/19; order granting motion entered 7/26/19.  
Commission's proposed preliminary injunction filed 8/12/19; defendant Chadwick's opposition to proposed preliminary injunction filed 8/22/19; Commission's reply in support of preliminary injunction filed 9/3/19.  
Defendant Chadwick's motion to dismiss for lack of jurisdiction filed 8/22/19; Commission's response to motion filed 8/27/19; order denying motion to dismiss entered 9/5/19.  
Order extending stay of litigation against Atlantic International Bank entered 9/6/19.  
Joint motion to dismiss Atlantic International Bank's appeal (No. 19-1925) filed 9/10/19.  
Stipulated order for permanent injunction and monetary judgment against defendant Atlantic International Bank entered 9/25/19.  
Preliminary injunction as to defendants Andris Pukke, Peter Baker, Luke Chadwick, John Usher, Certain Corporate Defendants, and the estate of John Pukke entered 10/3/19.  
Memorandum opinion and order addressing calculation of equitable monetary relief entered 10/17/19.  
Order that defendants are not entitled to jury trials on the contempt motions entered 10/22/19.  
Notice of appeal of preliminary injunction by defendant Peter Baker (No. 19-2306) filed 10/25/19.  
Notice of appeal of preliminary injunction by defendant Andris Pukke (No. 19-2204) filed 10/29/19.  
Notice of appeal of preliminary injunction by defendant Luke Chadwick (No. 19-2387) filed 12/2/19; order dismissing appeal for failure to prosecute entered 4/17/20.  
Baker's opening brief filed 12/27/19; Pukke's opening brief filed 12/30/19; Commission's answering brief to Baker and Pukke





Order denying motion to dissolve the TRO by defendants Souheil, Prolink  
Vision, 9896988 Canada, Globex Telecom, and 9506276 Canada

**Alleged Conduct:** Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the FTC's Telemarketing Sales Rule in connection with telemarketing scheme that told consumers they could earn thousands of dollars by lending money to small businesses.

**Status:** Complaint filed 7/28/17.  
First amended complaint filed 3/9/18.  
Stipulated order for permanent injunction and monetary judgment against

Samuel Jacobson

**Alleged Conduct:** Deceptive acts or practices in violation of Section 5 of the FTC Act and the Telemarketing Sales Rule in connection with marketing and sale of student loan debt relief services.

**Status:** Complaint filed 7/8/19.  
Stipulated preliminary injunction entered 7/17/19.  
Amended Complaint filed 8/27/19.  
Cross-motions for summary judgment by FTC and defendants filed 3/9/20; FTC's opposition to defendants' motion filed 3/30/20; defendants' opposition to FTC's motion filed 3/31/20; replies filed 4/6/20.  
Order staying trial pending resolution of summary judgment motions entered 5/29/20.

***FTC v. ELITE IT PARTNERS***, No. 2:19-cv-00125 (D. Utah)

**Parties:** Elite IT Partners d/b/a Elite IT Home  
James Michael Martinos

**Assigned Attorneys:** Amanda R. Grier (BCP/MP)  
Colleen Robbins  
Elsie Kappler

**Alleged Conduct:** Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Telemarketing Sale Rule, and Section 4 of the Restore Online Shoppers' Confidence Act in connection with computer technical support scheme.

**Status:** Complaint filed 2/25/19.  
TRO entered 2/26/19.  
Preliminary injunction entered 5/6/19.  
Stipulated order for permanent injunction and monetary judgment entered 12/9/19.  
Joint motion to amend permanent injunction entered 2/14/20.  
Order granting motion to amend permanent injunction entered 2/18/20.

***FTC v. F9 ADVERTISING LLC***, No. 3:19-cv-01174 (D.P.R.)

**Parties:** F9 Advertising LLC  
Gopalkrishna Pai  
Ace Initiative Group, LLC  
Connected AD Station LLC  
Fastlane Sales, LLC  
Hyper Marketing Solutions LLC  
Media Redefined LLC

Primed Marketing LLC  
Responsive Media LLC

Assigned Attorneys: Michael Schaefer (BCP/ENF)  
Gregory J. Madden

Alleged Conduct: Deceptive acts or practices in violation of the Restore Online Shoppers' Confidence Act in connection with "free trial" and negative option online marketing.

Status: Complaint filed 2/21/19.  
Order granting Commission's motion for entry of default against defendants Ace Initiative Group, LLC, Connected AD Station LLC, Fastlane Sales LLC, Hyper Marketing Solutions, LLC, Media Redefined, LLC, Primed Marketing, LLC, and Responsive Media, LLC entered 3/25/19.  
Order staying case pending the resolution of the ongoing criminal proceedings entered 5/16/19.

***FTC v. FASHION NOVA, INC.***, No. 2:20-cv-03641 (C.D. Cal.)

Parties: Fas.003 TcC /P <<4-1.15 Tj( )Tj(L)1 (L)it4 (e).2 0 Td 61 PaA1 ( )si03 Tcg-3 (,n002

United Pri



Ioana Gorecki  
Elizabeth Kwok

Alleged Conduct: Unfair and deceptive a



Peggy Pearce

Assigned Attorneys: Elizabeth K. Nach (BCP/AP)

Clickxchange Media, LLC  
iStream Financial Services, Inc.  
Jerry L. Robinson  
Earl G. Robinson  
James McCarter  
Keith Merrill  
Mark Ward  
Dale Paul Cleveland  
William R. Wilson  
Kris Axberg  
Richard Joachim  
Chet Andrews  
Patricia Brandmeier Robinson [executor of estate of Jerry L. Robinson]

Assigned Attorneys: R. Michael Waller (BCP/ENF)  
Korin Felix  
Elizabeth J. Averill 1S.004 T P 0.00



***FTC v. IMPETUS ENTERPRISE, INC.***, No. 8:18-cv-01987 (C.D. Cal.)

Parties: Impetus Enterprise, Inc. d/b/a Aiding Student Relief d/b/a Aiding Student and Teachers d/b/a Aidnest d/b/a Avec Staffing d/b/a National Education Student and Teacher  
Fig Tree and Co., LLC d/b/a Aiding Student Relief d/b/a Aiding Students and Teacher d/b/a Aiding Students and Teachers  
Tuan Dinh Duong a/k/a Thomas Duong a/k/a Thomas Dinh  
Brenda Avitia-Pena  
Brian Colombana d/b/a Futero  
Noel Solutions, LLC  
Jimmy Calderon  
Premier Capital Investments  
Capital Sun Investments

Assigned Attorneys: Barbara Chun (WRLA)  
Brian Welke (BCP/ENF)  
Joshua Millard

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and FTC's Telemarketing Sales Rule in connection with the marketing and sale of student loan debt relief services.

Status: Complaint filed 11/6/18.  
Ex parte TRO with asset freeze and other relief entered 11/13/18.  
Preliminary injunction with asset freeze and other relief entered 11/29/18.  
Superseding preliminary injunction (adding defendants Capital Sun and Jimmy Calderon) entered 4/2/19.  
First amended complaint against Defendants Brenda Avitia-Pena, Jimmy Calderon, Capital Sun Investments, Brian Colombana, Tuan Dinh Duong, Fig Tree and Co., LLC, Impetus Enterprise, Inc., and Noel Solutions, LLC filed 4/3/19.  
Order staying proceedings as to defendants Jimmy Calderon and Capital Sun Investments, LLC pending Commission vote on settlement entered 5/6/19.  
Clerk's entry of default as to defendants Fig Tree and Co., LLC, Impetus Enterprise, Inc., and Noel Solutions, LLC entered 5/17/19.  
Order dismissing defendant Tuan Dinh Duong with prejudice entered 6/5/19.  
Stipulated order for permanent injunction and monetary judgment as to defendants Capital Sun Investments, LLC, and Jimmy Calderon entered 6/18/19.  
Order staying proceedings as to defendant Brenda Avitia-Pena pending Commission vote on settlement entered 6/20/19.

Stipulated order for permanent injunction and monetary judgment as to  
defendant Avitia-Pena entered 8/23/19.  
Commission's motion for summary judgment as to defendant

Advantis Law Group P.C.  
Jeremy Foti

Assigned Attorneys: Benjamin Theisman (BCP/ENF)  
Gregory Madden  
Thomas Syta (WRLA)  
Michael Bergman (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act and the Mortgage Relief Services Rule in connection with the marketing of mortgage assistance relief services.

Status: Complaint filed 5/31/16.  
Ex parte TRO with asset freeze, appointment of receiver, limited expedited discovery, and other equitable relief entered 6/1/16.  
Stipulated preliminary injunction as to Vito Torchia Jr. entered 6/24/16.  
Stipulated preliminary injunction as to Damian Kutzner, Charles Marshall, Jonathan Tarkowski, Advanits Law P.C. and Advantis Law Group P.C. entered 6/24/16.  
Preliminary injunction as to Geoffrey Broderick, Brookstone Law P.C. (California and Nevada) entered 6/27/16.  
Amended complaint filed 7/6/16.  
Preliminary injunction as to Jeremy Foti entered 8/25/16.  
Clerk's entry of default as to Brookstone Law (California), Brookstone Law PC (Nevada), Advantis Law, Advantis Law Group entered 9/8/16.  
TRO with appointment of temporary receiver entered 10/19/16.  
Preliminary injunction with appointment of receiver as to Jeremy Foti entered 11/15/16.  
Stipulated order for permanent injunction and other equitable relief as to Jonathan Tarkowski entered 1/6/17.  
Order dismissing Damian Kutzner entered 2/1/17.  
Stipulated order for permanent injunction and other equitable relief as to Vito Torchia entered 2/15/17.  
Stipulated order for permanent injunction and other equitable relief as to R. Geoffrey Broderick entered 4/14/17.  
Order granting Commssion's motion for default judgment against defendants Brookstone Law P.C. (California), Brookstone Law P.C. (Nevada), Advantis Law P.C., and Advantis Law Group P.C. entered 8/28/17.  
Order granting Commission's motion for summary judgment as to defendants Jeremy Foti and Charles T. Marshall entered 9/5/17.  
Final judgment and order for permanent injunction as to defendants Brookstone Law P.C. (California), Brookstone Law P.C. (Nevada), Advantis Law P.C., and Advantis Law Group P.C. entered 9/8/17.

Final judgment and order for permanent injunction as to defendants  
Jeremy Foti and Charles T. Marshall entered 9/21/17.  
Defendant Jeremy Foti's notice of appeal filed 9/25/17; amended notice of  
appeal filed 12/19/17.  
Defendant Charles T. Marshall's notice of appeal filed 9/28/17.  
Appellant Jeremy Foti's motion to dismiss appeal voluntarily filed 4/6/18;  
order dismissing appeal entered 4/9/18.  
Appellant Charles T. Marshall's opening brief filed 9/14/18;  
Commission's answering brief filed 11/14/18; appellant's reply  
filed 4/25/19.  
Opinion affirming decision of the district court entered 7/16/19.  
Marshall's petition for rehearing en banc filed 8/30/19; order denying  
rehearing en banc entered 9/24/19.  
Marshall's petition for writ of certiorari filed 12/20/19; petition denied  
2/24/20.

***FTC v. LEAD EXPRESS, INC.***, No. 2:20-cv-00840 (D. Nev.)

Parties:                   Lead Express Inc.  
                              Camel Coins, Inc.  
                              Sea Mirror Inc.  
                              Naito Corp.  
                              Kotobuki Marketing, Inc.  
                              Ebisu Marketing, Inc.  
                              Hotei Marketing, Inc.  
                              Daikoku Marketing, Inc.  
                              La Posta Tribal Lending Enterprise d/b/a Harvest Moon Financial, Gentle  
                                  Breeze Online, and Green Stream Lending  
                              Takehisa Naito  
                              Keishi Ikeda





IVD Recovery LLC  
KWP Services LLC  
KWP Services of Florida LLC  
LPSOFFLA LLC  
LPSOFFLORIDA LLC  
PW&F Consultants of Florida LLC  
UAD Secure Services LLC  
UAD Secure Service of Florida LLC  
URB Management LLC  
YCC Solutions LLC  
YFP Solutions LLC  
Kevin Guice  
Chase Jackowski  
Linda McNealy  
Clarence Wahl a/k/a Harry Wahl  
Karen Wahl  
Robert Guice (Relief Defendant)  
Timothy Woods (Relief Defendant)  
State of Florida (Plaintiff)

Assigned Attorneys: Tejasvi Srimushnam (BCP/MP)  
Joshua Doan  
Michael Bergman (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Telemarketing Sales Rule, and the Florida Deceptive and Unfair Trade Practices Act in connection with the sale of debt relief services.

Status: Complaint filed 6/7/16.  
Stipulated preliminary injunction entered 6/30/16.  
Motion for summary judgment as to defendant Kevin Guice filed 5/1/17; opposition filed 5/30/17; Commission's reply filed 6/14/17; order granting summary judgment and permanent injunction entered 12/7/18.  
Notice of stipulated proposed orders for permanent injunction and monetary judgment against all defendants except Kevin Guice filed 9/1/17.  
Order for permanent injunction and monetary relief against Kevin Guice entered 12/7/18.  
Order granting summary judgment, with permanent injunction and monetary relief, against Kevin Guice entered 12/10/18.

Recovery, LLC, KWP Services, LLC, KWP Services of Florida  
LLC, LPSOFFLA LLC, LPSOFFLORIDA L.L.C., PW&F  
Consultants of Florida LLC, UAD Secure Services LLC, UAD

Michael McKay Co.  
Matthew Pisoni  
Serena Pisoni  
Marcus Pradel  
Victor Ramirez  
Romeria Global, LLC d/b/a Lowenstein Varick and Nagel  
Spin Mail, Inc.  
Supreme Media, LLC  
Trans National Concepts, Inc.  
Vernier Holdings, Inc.

Assigned Attorneys: Guy Ward (MWR)  
Douglas McKenney

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in



Notice of appeal (No. 18-13716), as to 8/16/18 court order, by intervenor Qualpay, Inc. filed 8/31/18; docket closed on 11/13/2018.

Order granting consent motion to stay all proceedings as to defendant Susan Zanghi filed 10/24/18.

Stipulated order for permanent injunction and monetary judgment against defendant Susan Zanghi entered 12/6/18.

Clerk's entry of default against defendants 9336-0311 Quebec Inc., MOBE Inc., MOBE Ltd., MOBE Pro Limited, MOBEProcessing.com, Inc., MOBETraining.com, Inc., Matt Lloyd Publishing.com Pty Ltd., Matthew Lloyd McPhee, Mobe Online Ltd., and Transaction Management USA, Inc. entered 2/1/19.

Order granting Matthew Lloyd McPhee's motion to set aside clerk's default entered 4/19/19.

Commission's amended motion for entry of default judgment and permanent injunction against 9336-0311 Quebec Inc., MOBE Inc., MOBE Ltd., MOBE Pro Limited, MOBEProcessing.com, Inc., MOBETraining.com, Inc., Matt Lloyd Publishing.com Pty Ltd., Mobe Online Ltd., and Transaction Management USA, Inc. filed 5/2/19; order denying motion without prejudice entered 7/1/2019.

Order substituting Ingrid Whitney, in her capacity as the personal representative of the estate of deceased defendant Russell Whitney, as defendant entered 5/10/19.

Order granting appointment of a Special Receiver to investigate claims against Qualpay and Synovus Bank entered 5/23/19.

Synovus Bank's motion to intervene and for leave to file proposed complaint-in-intervention filed 9/3/2019; Magistrate's report and recommendation to deny Synovus' motion to intervene entered 10/23/2019; order adopting magistrate's recommendation and denying Synovus' motion to intervene entered 12/19/2019.

Stipulated order for monetary judgment against defendant Ingrid Whitney, as personal representative of Russell Whitney's estate, entered 12/18/19.

Order approving Receiver's settlement agreement with defendant Matthew Lloyd McPhee entered 12/19/2019.

Notice of appeal (No. 20-10191) of order denying intervention by Synovus Bank filed 1/15/20.

Commission's renewed motion for entry of default judgment and permanent injunction against 9336-0311 Quebec Inc., MOBE Inc., MOBE Ltd., MOBE Pro Limited, MOBEProcessing.com, Inc., MOBETraining.com, Inc., Matt Lloyd Publishing.com Pty Ltd., Mobe Online Ltd., and Transaction Management USA, Inc. filed 2/12/20; order granting motion filed 4/13/20.

Stipulated order for permanent injunction and monetary judgment against defendant Matthew Lloyd McPhee entered 3/5/20.





***FTC v. NEORA LLC***, No. 3:19-cv-19699 (D. N.J.); No. 3:20-cv-01979 (N.D. Tex.)

Parties: Neora LLC, f/k/a Nerium International, LLC  
Jeffrey Olson  
Signum Biosciences, Inc.  
Signum Nutralogix

Assigned Attorneys: Guy Ward (MWR)  
Katharine Roller  
David O'Toole

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) and 12 of the FTC







Preliminary injunction hearing held 2/12/20.  
Preliminary injunction entered 2/27/20.

**FTC v. NUDGE LLC**, No. 2:19-cv-00867 (D. Utah)

Parties: Nudge LLC  
Response Marketing Group, d/b/a 3 Day Real Estate Training, Abundance Edu, LLC, Affluence Edu, LLC, American Money Tour, Cash Flow EDU, Clark EDU, LLC, Edge 2 Real Estate, Evtech Media North, Flip for Life, Flipping For Life, Income Events, Insider's Financial Education, LLC, Leading Financial Education, LLC, Onwealth, Power Flip, Prosper Live, Property Education, LLC, Renovate To Rent, Simple Real Estate Training, Smart Flip, Snap Flip, US Education Advance, Vintage Flip, Visionary Events, Wealth Tribe, Women's Empowerment, Yancey Events, Yancey, LLC, and Your Real Estate Today  
BuyPD  
Brandon B. Lewis  
Ryan C. Poelman  
Phillip W. Smith  
Shawn L. Finnegan  
Clint R. Sanderson

Assigned Attorneys: Darren Lubetzky (NER)  
Brian Lasky  
Christopher Miller  
Laura Zuckerwise  
Savvas Diacosavvas

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, and the Telemarketing Sales Rule in connection with a real estate investment training scheme.

Status: Complaint filed 11/5/19.  
Order granting TRO in part entered 12/19/19.  
Defendants' motion to dismiss filed 11/19/19; Commission's opposition filed 12/2/19; defendants' reply filed 12/11/19; Commission's sur-reply filed 12/18/19; order denying in part motion to dismiss entered 12/31/19.  
Stipulated preliminary injunction entered 12/19/19.  
Defendants' motion to stay proceedings pending Supreme Court review of availability of monetary relief under

***FTC v. OMICS GROUP, INC.***, No. 19-15738 (9th Cir.), No. 2:16-cv-02022 (D. Nev.)

Parties: OMICS Group, Inc. d/b/a OMICS Publil ero5-defG. 19BcPa OSGLCtieev.)

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Assigned Attorneys: John Jacobs (WRLA)  
Thomas Biesty (BCP/MP)  
Rhonda Perkins  
Andrew Hudson  
Roberto Anguizola  
Imad Abyad (OGC)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Consumer Review Fairness Act of 2016 in connection with the sale and marketing of training programs, including seminars, courses, and instructional materials on trading and investing.

Status: Complaint filed 2/12/20.  
TRO entered 2/25/20.  
Preliminary injunction entered 4/2/20.  
Defendants' noti

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with claims that defendant is an approved lender for a federal coronavirus relief lending program.

Status: Complaint filed 4/17/20.  
Stipulated preliminary injunction entered 4/20/20.

***FTC v. POSITION GURUS LLC***, No. 2:20-cv-00710 (W.D. Wash.)

Parties: Position Gurus LLC  
Top Shelf Ecommerce LLC  
Aaron Poysky  
Stacy Griego  
Samuel Cohen Brown

Assigned Attorneys: Sophie Helena Calderon (NWR)  
Nadine S. Samter

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Telemarketing Sales Rule, and the Consumer Review Fairness Act, in connection with the advertising, marketing, distribution, and sale of internet marketing business products.

Status: Complaint filed 5/12/20.  
Stipulated orders for permanent injunc

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***FTC v. PROG LEASING, LLC***, No. 1:20-cv-01668 (N.D. Ga.)

Parties: Prog Leasing, LLC d/b/a Progressive Leasing

Assigned Attorneys: Brittany Frassetto (BCP/FP)  
Miya Tandon  
Robin Rock  
Samuel Jacobson  
Thomas Widor

Alleged Conduct:

Order for permanent injunction as to all defendants entered 4/7/10.

Commission's opening brief on the issue of damages filed 4/20/10.

Final judgment as to all defendants entered 7/25/11.

Commission's opening brief filed 2/13/12; defendants' answering brief filed 4/13/12; reply brief filed 5/11/12.

Memorandum disposition remanding case to district court entered 9/19/13.

Petition for writ of certiorari filed 2/27/14.

Petition for writ of certiorari denied 6/9/14.

Commission's motion for monetary judgment filed 5/31/16; defendants' brief on damages filed 7/19/16; Commission's reply filed 8/9/16.

Order granting Commission's motion for judgment entered 3/2/17.

Notice of appeal filed 3/31/17.

Appellants' opening brief filed 8/30/17; Commission's answering brief filed 10/30/17; reply brief filed 12/20/17.

Oral argument held 8/15/18.

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reply filed 5/16/17; order denying motion entered 6/26/17.  
Commission's motion for partial summary judgment filed 8/30/18;  
Qualcomm's opposition filed 9/24/18; reply filed 10/4/18.  
Order granting Commission's motion for partial summary judgment  
entered 11/6/18.  
Commission's pretrial brief filed 12/28/18; defendant's pretrial brief  
filed 12/28/18.  
Trial held 1/4- 1/29/19.  
Findings of fact and conclusions of law and final judgment in favor of  
the Commission, with a permanent injunction, entered 5/21/19.  
Notice of appeal filed 5/31/19.  
Motion for stay pending appeal by Qualcomm filed 5/28/19;  
Commission's opposition filed 6/11/19; Qualcomm's reply filed  
6/18/19.  
Order by district court denying Qualcomm's motion for a stay pending  
appeal entered 7/3/19.  
Qualcomm's motion to Ninth Circuit for a partial stay pending appeal  
filed 7/8/19; Commission's opposition filed 7/18/19; Qualcomm's  
reply filed 7/25/19.  
Order by Ninth Circuit granting a partial stay pending appeal entered  
8/23/19.  
Qualcomm's opening brief filed 8/23/19; Commission's answering brief  
filed 11/22/19; Qualcomm's reply brief filed 12/13/19.  
Oral argument held 2/13/20.

***FTC v. QUALPAY, INC.***, No. 6:20-cv-00945 (M.D. Fla.)

Parties:                      Qualpay, Inc.

Assigned Attorneys: Karen Mandel (BCP/AP)  
Tawana Elaine Davis

Alleged Conduct:

Edward Glennon  
Bradley D. Grossman (OGC)

**Alleged Conduct:** Deceptive acts and practices in violation of Section 5(a) and 12 of the FTC Act, the New York Executive Law, and the New York General Business Law, in connection with the marketing of defendants' purported memory improvement supplement, Prevagen.

**Status:** Complaint filed 1/9/17.  
Motion to dismiss for failure to state a claim filed 4/6/17; Commission's opposition filed 4/25/17; reply filed 5/5/17; order granting motion entered 9/29/17.  
Commission's notice of appeal filed 11/21/17.  
Commission's opening brief filed 2/28/18; appellees' brief filed 5/30/18; Commission's reply filed 6/13/18; appellees' corrected brief filed 6/15/18; Commission's corrected brief filed 7/17/18.  
Oral argument held 2/8/19.  
Order vacating the judgment of the District Court and remanding the case for further proceedings entered 2/21/19.  
Corporate defendants' supplemental brief on motions to dismiss filed 6/17/19; individual defendants' supplemental brief on motions to dismiss filed 6/18/19; Commission's opposition to corporate defendants' motions filed 7/1/19; Commission's opposition to individual defendants' motions filed 7/2/19.  
Order denying motions to dismiss entered 7/24/19.

***FTC v. RENAISSANCE HEALTH PUBLISHING LLC***, No. 9-20-cv-80640 (S.D. Fla.)

**Parties:** Renaissance Health Publishing, LLC d/b/a Renown Health Products.  
James Digeorgia

**Associated Attorneys:** Edward B. Glennon (BCP/AP)  
Sydney Knight

**Alleged Conduct:** Deceptive acts or practices in violation of Sections 5(a) and 12 of the FTC Act in connection with the sale and marketing of Isoprex, a purported pain reliever.

**Status:** Complaint filed 4/15/20.  
Stipulated permanent injunction and monetary judgment entered 4/17/20.

***FTC v. REVENUEWIRE, INC.***, No. 1:20-cv-01032 (D.D.C.)

**Parties:** Revenuewire, Inc. d/b/a SAFECART  
Roberta Leach

Assigned Attorneys: Russell Deitch (BCP/MP)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Telemarketing Sales Rule in connection with payment processing services.

Status: Complaint filed 4/21/20.  
Stipulated order for permanent injunction and monetary judgment entered 4/29/20.

***FTC v. SHAD COTTELLI***, No. 20-15717 (9th Cir.); No. 2:18-cv-00035 (D. Nev.)

Parties: Shad Cottelli, a/k/a Shad Applegate  
EMP Media, Inc., also d/b/a MyEx.com  
Aniello “Neil” Infante  
State of Nevada (co-plaintiff)

Assigned Attorneys: Megan Cox (BCP/DPIP)  
Simon Han  
Matthew Hoffman (OGC)

Alleged Conduct: Unfair acts and practices in violation of Section 5(a) of the FTC Act, in connection with the operation of the nonconsensual pornography (or “revenge porn”) website MyEx.com.

Status: Complaint filed 1/9/18.  
Order granting stipulated permanent injunction as to Defendant Aniello Infante entered 1/10/18.  
Order granting motion for alternative service as to Shad Cottelli entered 2/1/18.  
Clerk’s entry of default as to EMP Media, Inc. and Shad Cottelli entered 5/11/18.  
Plaintiffs’ motion for default judgment filed 6/11/18.  
Order granting motion for default judgment and permanent injunction and other relief 6/15/18.  
Defendant Cottelli’s motion to set aside the default judgment filed 3/13/20; Commission’s opposition filed 3/27/20; order denying motion entered 4/9/20.  
Notice of appeal by Cotelli filed 4/20/20.

***FTC v. SIMPLE HEALTH PLANS, LLC***, No. 19-10840, No. 19-11932 (11th Cir.), No. 18-cv-62593 (S.D. Fla.)

Parties: Simple Health Plans, LLC  
Health Benefits One LLC d/b/a Health Benefits Center d/b/a Simple Health d/b/a Simple Health Plans d/b/a Simple Insurance d/b/a

Simple Insurance Plans d/b/a Simple Auto d/b/a Simple Home  
d/b/a Simple Home Plans d/b/a Simple Care d/b/a Simple Life  
d/b/a National Dental Savings

Health Center Management LLC

Innovative Customer Care LLC

Simple Insurance Leads LLC d/b/a Health Insurance Services

Senior Benefits One LLC

Steven J. Dorfman

Assigned Attorneys: Elizabeth Scott (MWR)

James Davis

Joannie Wei

Kenneth Hawkins

Roberto Menjivar

Nathaniel Al-Najjar

Brad Grossman (OGC)

Preliminary injunction as to Candida Girouard entered 4/2/20.  
Second amended complaint filed 6/23/20.

***FTC v. SLAC, INC.***, No. 5:20-cv-00470 (C.D. Cal.)

Parties: SLAC, Inc., d/b/a Student Loan Assistance Center d/b/a Aspyre  
Navloan, Inc.  
Student Loan Assistance Center, LLC  
Adam Owens

Assigned Attorneys: Jonathan L. Kessler (BCP/ECR)  
Fil M. de Banate  
Maria Del Monaco

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and  
the FTC's Telemarketing Sales Rule in connection with the marketing and  
sale of student loan debt relief services.

Status: Complaint filed 3/9/20.



Commission's motion for summary judgment as to individual defendant Richard Berry and relief defendant Linda Tate filed 3/24/20; defendants' opposition filed 5/22/20; Commission's reply filed 6/11/20.

***FTC v. TEAMI, LLC***, No. 8:20-cv-00518 (M.D. Fla.)

Parties: Teami, LLC  
Adi Halevy  
Yogev Malul

Assigned Attorneys: Christine Delorme (BCP/AP)  
Michael Feuer Ostheimer

Alleged Conduct: Deceptive acts or practices in violation of Sections 5(a) and 12 of the FTC Act, in connection with the labeling, advertising, marketing, distribution, and sale of tea products that purportedly provide health benefits.

Status: Complaint filed 3/5/20.  
Stipulated order for permanent injunction and monetary judgment entered 3/17/20.

***FTC v. TRAFFIC JAM EVENTS, LLC***, No. 2:20-cv-01740 (E.D. La.)

Parties: Traffic Jam Events, LLC  
David J. Jeanson II

Assigned Attorneys: Tom Widor (BCP/FP)  
Sanya Shahrasbi

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act.

Status: Complaint filed 6/16/20.  
Hearing on TRO held 6/25/20; TRO denied 6/26/20.

***FTC v. VYERA PHARMACEUTICALS, LLC***, No. 1:20-cv-00706 (S.D.N.Y.)

Parties: Vyera Pharmaceuticals, LLC  
Phoenixus AG  
Kevin Mulleady  
Martin Shkreli  
State of New York (Co-Plaintiff)  
State of California (Co-Plaintiff)  
State of Illinois (Co-Plaintiff)  
State of North Carolina (Co-Plaintiff)  
State of Ohio (Co-Plaintiff)



Commonwealth of Pennsylvania (Co-Plaintiff)  
Commonwealth of Virginia (Co-Plaintiff)

Assigned Attorneys: Markus H. Meier (BC/HC)  
Bradley S. Albert  
Armine Black  
Daniel W. Butrymowicz  
Leah Hubinger  
D. Patrick Huyett  
Lauren Peay

**CIVIL PENALTY AND ENFORCEMENT CASES\***

**(A) Consumer Protection**

***FTC v. DAY PACER LLC***, No. 1:19-cv-01984 (N.D. Ill.)

Parties: Day Pacer LLC, f/k/a College Criteria LLC, d/b/a Edutrek, EdSoup,  
Our School Search, College Info and Degree Spots  
Edutrek L.L.C. d/b/a EdSoup  
Raymond Fitzgerald  
Ian Fitzgerald  
David Cumming

Assigned Attorneys: Adam Wesolowski (BCP/FP)  
Mark Glassman  
Patrick Roy  
William Joseph Hodor

Alleged Conduct: Violations of the Telemarketing Sales Rule in connection with unsolicited calls about educational programs to consumers who submitted their contact information to websites promising help with job searches, public benefits, and other unrelated programs.

Status: Complaint filed 3/22/19.  
Status hearing held 6/10/19.  
Order striking two of defendants' affirmative defenses entered 2/28/20.

***UNITED STATES v. DISH NETWORK LLC***, No. 17-3111 (7th Cir.); 13-2282 (7th Cir.); 3:09-cv-3073 (C.D. Ill.)

Parties: Dish Network L.L.C.

Assigned Attorneys: Russell Deitch (BCP/MP)  
Patrick Runkle (DOJ/CPB)  
Lisa Hsiao

Alleged Conduct: Violations of Section 5 and the Telemarketing Sales Rule in connection with abandoned calls and telephone calls to consumers on the National Do Not Call registry.

Status: Complaint filed 3/25/09.  
Defendant's motion to dismiss filed 5/21/09; plaintiff's response in opposition filed 7/17/09; defendant's reply filed 7/27/09; plaintiff's

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\* Includes all suits in which civil penalties are sought; consumer redress, injunctions, and ancillary equitable relief may also be sought.

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Petition for rehearing and rehearing *en banc* by Dish Network filed 6/10/20; petition denied 6/25/20.

**UNITED STATES v. FACEBOOK**, No. 1:19-cv-02184 (D.D.C.)

Parties: Facebook, Inc.

Assigned Attorneys: Robin Moore (BCP/DPIP)  
Reenah L. Kim  
Linda Kopp  
Patrick Runkle (DOJ/CPB)  
Jason Lee  
Lisa K. Hsiao

Alleged Conduct: Violations of 2012 FTC order and Section 5(a) of the FTC Act for failing to implement and maintain a reasonable program to protect consumers' privacy and misrepresenting how consumers could control sharing of their personal information.

Status: Complaint filed 7/24/19.  
Proposed stipulated order for civil penalties, monetary judgment, and injunctive relief filed 7/24/19.  
Memorandum opinion approving consent order and stipulated civil penalty judgment entered 4/23/20.

**FTC v. GOTRA**, No. 19-1979 (1st Cir.); No. 1:19-cv-00410 (D. R.I.); No. 1:18-cv-10548 (D. Mass.)

Parties: Jasjit Gotra  
Alliance Security Inc. f/k/a Versatile Marketing Solutions, Inc. f/k/a VMS Alarms f/k/a VMS f/k/a Alliance Home Protection f/k/a AH Protection  
Jessica Merrick a/k/a Jessica Bright a/k/a Jessica Dudlicek  
Defend America LLC  
Kevin Klink  
Power Marketing Promotions LLC d/b/a J Tele Alarms

Assigned Attorneys: Ian L. Barlow (BCP/MP)  
Tejasvi Srimushnam

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC, the FTC's Telemarketing Sales Rule, and the Fair Credit Reporting Act in connection with the marketing and sale of home security systems and monthly alarm monitoring services.

Status: Complaint filed 3/22/18.

Consent motions to approve stipulated final orders for permanent injunctions and civil penalty judgments as to defendants Kevin Klink and Power Marketing Promotions LLC, and as to Jessica



**FTC v. MATCH GROUP, INC.**, No. 3:19-cv-02281-K (N.D. Texas)

Parties: Match Group, Inc.

Assigned Attorneys: Zachary Keller (SWR)  
Hasan Aijaz  
Matthew Wilshire

Alleged Conduct: Deceptive acts and practices in violation of section 5(a) in connection with the defendant's online dating service.

Status: Complaint filed 9/25/19.  
Defendant's motion to dismiss for failure to state a claim filed 10/17/19;  
Commission's response filed 11/5/19; defendant's reply filed 11/19/19.  
Order staying case pending a ruling on Match Group's motion to dismiss entered 4/22/20.

**FTC v. MORTGAGE SOLUTIONS FCS, INC.**, No. 4:20-cv-00110 (N.D. Cal.)

Parties: Mortgage Solutions FCS, Inc., d/b/a Mount Diablo Lending  
Ramon Walker

Assigned Attorneys: David Westley Lincicum (BCP/DPIP)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Fair Credit Reporting Act, and the Gramm-Leach-Bliley Act in connection with mortgage brokering services.

Status: Complaint filed 1/6/20.  
Stipulated order for permanent injunction, civil penalties, and other relief entered 1/10/20.

**FTC v. ZURIXX LLC**, No. 2:19-cv-00713 (D. Utah)

Parties: Zurixx, LLC  
Zurixx Financial, LLC  
Carlson Development Group, LLC, a  
CJ Seminar Holdings, LLC  
Cristopher A. Cannon  
James M. Carlson  
Jeffrey D. Spangler  
Utah Division of Consumer Protection (co-plaintiff)

Assigned Attorneys: Christine Todaro (BCP/MP)  
Laura Basford

Benjamin Davidson



BPCL Management, LLC  
Nationwide Reservations, Inc.  
Jeff Tellam  
Reservations & Fulfillment Services, Inc.  
Paul Heyden  
Melissa Hanson  
Royal Sea Cruises, Inc.

Assigned Attorneys: Burke W. Kappler (OGC)

Nature of Action: Petition to enforce CIDs seeking materials relevant to ongoing Commission law enforcement investigation.

Status: Petition filed 2/4/19.  
Defendants' response to petition filed 10/11/2019; Commission's reply filed 10/18/19.  
Show cause hearing held 12/2/19.  
Order granting petition in part and denying in part entered 12/3/19.  
Joint status reports filed 12/23/19 and 2/3/20.  
Notice by Commission that case may remain closed filed 3/23/20.

**SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION**

***AXON ENTERPRISE INCORPORATED v. FTC***, No. 20-15662 (9th Cir.); No. 2:20-cv-00014 (D. Ariz.)

Parties: Axon Enterprise Inc.

Assigned Attorneys: Bradley Craigmyle (DOJ/FPB)  
Chetan Patil  
Rebecca Cutri-Kohart  
Joel Marcus (OGC)

Nature of Action: Action seeking a judicial declaration that the Commission does not have the authority to scrutinize plaintiffs' business affairs and that the appropriate forum to adjudicate legality of plaintiffs' acquisition is in an Article III court.

Status: Complaint filed 1/3/20.  
Motion for preliminary injunction and supporting memorandum of points and authorities by plaintiff entered 1/9/20; Commission's opposition filed 1/23/20; plaintiff's reply filed 1/30/20.  
Telephonic hearing held 4/1/20.  
Order dismissing complaint without prejudice due to a lack of subject matter jurisdiction entered 4/8/20.  
Notice of appeal filed 4/13/20.

Axon's opening brief filed 5/1/20; Commission's answering brief filed 6/1/20; Axon's reply brief filed 6/15/20.  
Oral argument by video scheduled for 7/17/20.

***BLOCK & LEVITON, LLP v. FTC***, No. 2:19-cv-00963 (D. Mass.)

Parties: Block & Leviton, LLP

Assigned Attorneys: Michele Arington (OGC)  
Jason Weida (AUSA)

Nature of Action: Action under the Freedom of Information Act seeking access to agency records withheld by the Commission.

Status: Complaint filed 12/18/19.  
Motion for summary judgment by Commission and intervenor Facebook filed 5/15/20; plaintiff's opposition filed 6/5/20; replies filed 6/19/20.  
Hearing by video on motions for summary judgment scheduled for 7/30/20.

***COLE v. AICS***, No. 19-35894 (9th Cir.); No. 1:18-cv-00011 (D. Alaska)

Parties: Stephen Cole

Assigned Attorneys: Joel Marcus (OGC)

Nature of Action: Action seeking an order compelling the FTC to investigate a pharmacy program for anticompetitive action.

Status: Amended complaint adding FTC filed 5/9/19.

Nature of Action: Action for declaratory judgment and injunctive relief to stop Commission investigation and potential law enforcement action concerning CMS's provision of payment processing services to merchants engaged in fraud.

Status: Complaint filed 12/5/19.  
Commission's motion to dismiss filed 2/3/20; CMS's opposition file 3/2/20; Commission's reply filed 3/16/20.  
Motion for leave to amend complaint to add new counts filed 4/2/20; Commission's opposition filed 4/20/20; CMS's reply filed 4/16/20; hearing on motion held 6/11/20.

*CONSUMERS FOR AUTO RELIABILITY v. AUTO RELIABILITY (Case No. 13-2 (AF) 4/20/25 v) MC -2 (eFhR) IC*  
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Status: Complaint filed 4/20/18.  
Joint status report filed 11/19/18.  
Joint status report filed 3/7/19.  
Joint status report filed 4/12/19.  
Facebook's motion to intervene filed 5/3/19; EPIC's opposition filed 6/14/19; Facebook's reply filed 7/12/19.  
Order granting Facebook's motion to intervene entered 8/28/19.  
Joint status report notifying court that the substantive issues in the action are resolved, leaving only issue of attorney's fees to be addressed, filed 9/25/19.  
EPIC's motion for partial summary judgment on attorney's fees filed 11/22/19; Commission's opposition filed 12/13/19; EPIC's reply filed 12/20/19.  
Magistrate judge's report and recommendation that EPIC's motion for attorney's fees be denied entered 6/16/20.  
Stipulation of dismissal filed 6/24/20.

**LOUISIANA REAL ESTATE APPRAISERS BOARD v. FTC**, No. 19-30796 (5th Cir.); No. 3:19-cv-00214 (M.D. La.)

Parties: Louisiana Real Estate Appraisers Board

Assigned Attorneys: Mark Hegedus (OGC)  
John J. Gaupp (DOJ)

Nature of Action: Action seeking declaratory judgment that the LREAB is exempt from antitrust laws under the state action doctrine.

Status: Complaint filed 4/11/19.  
Plaintiff's motion to stay administrative proceedings pending judicial review and for expedited treatment filed 4/17/19; Commission's opposition filed 5/13/19; plaintiff's reply filed 5/17/19.  
Commission's motion to dismiss filed 6/7/19; plaintiff's opposition filed 6/18/19; Commission's reply filed 6/25/19.  
Order granting motion to stay administrative proceedings entered 7/29/19.  
Notice of appeal of order granting motion to stay filed 9/26/19.  
Commission's opening brief filed 11/7/19; appellee's brief filed 12/9/19; Commission's reply brief filed 1/10/20.  
Oral argument heard 5/5/20.

**MENDEL v. CHAO**, No. 19-8075 (S. Ct.); No. 19-17380 (9th Cir.); No. 4:19-cv-03244 (N.D. Cal.)

Parties: S. Patrick Mendel

Assigned Attorneys: James A. Schart (AUSA)

Nature of Action: Complaint against numerous private parties, as well as federal and state officials, including allegations that FTC improperly failed to investigate anticompetitive conduct by ride hailing services like Uber and Lyft.

Status: Complaint filed 6/7/19.  
First amended complaint filed 6/20/19.  
Federal defendants' motion to dismiss filed 9/23/19; opposition filed 10/7/19; federal defendants' reply filed 10/15/19.  
Order granting motion to dismiss without prejudice entered 11/25/19.  
Notice of appeal filed 11/25/2019; order dismissing appeal for lack of jurisdiction entered 1/23/20.  
Petition for writ of certiorari filed 3/18/20; petition denied 5/26/20.  
Second amended complaint filed 5/1/20.  
Federal defendants' renewed motion to dismiss filed 5/8/20; plaintiff's opposition filed 5/28/20; federal defendants' reply filed 6/4/20.  
Order granting federal defendants' motion to dismiss entered 6/18/20.

***NERIUM INTERNATIONAL, LLC v. FTC***, No. 1:19-cv-07189 (N.D. Ill.)

Parties: Nerium International, LLC (now known as Neora, LLC)  
Jeffrey Olson

Assigned Attorneys: Mariel Goetz (OGC)

Nature of Action: Action for injunction and declaratory judgment 4 (t)-6 (i)-6 (n)-14 (g)6 44 (g)6 44 (/ (y)16

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Nature of Action: Action for declaratory judgment and injunctive relief to stop law enforcement action by the Commission concerning OTA's provision of training programs, including seminars, courses, and instructional materials on trading and investing.

Status: Complaint filed 2/4/20.  
Commission's motion to dismiss filed 3/30/20.

***RICHARD ZEITLIN v. FTC***, No. 20-16128 (9th Cir.); No. 2:19-cv-00698 (D. Nev.)

Parties: Richard Zeitlin  
Unified Data Services, LLC  
Compliance Consultants, LLC  
American Technology Services, LLC

Assigned Attorneys: Bradley Grossman (OGC)  
Brian W. Irvin (DOJ)

Nature of Action: Action seeking declaratory judgment, challenging an FTC staff opinion

***IN RE PAPLAUSKAS, JR.***, No. SU-2018-161-M.P (S. Ct. R.I.)

Assigned Attorneys: Joel Marcus (OGC)

Nature of Action: Action raising the question of whether a non-attorney notary public engaged in the unauthorized practice of law while participating in a real estate closing.

Status: