

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

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

Case No: 8:12-cv-586-T-35EAJ

PRO CREDIT GROUP, LLC, a Florida limited liability company, BRETT FISHER, individually and as an officer, owner, director, member, or manager of Pro Credit Group, LLC, SANDERS LEGAL GROUP, P.A., a Florida corporation, SANDERS LAW, P.A., a Florida corporation, ANDRE KEITH SANDERS, individually and as an officer, owner, director, member, or manager of Sanders Legal Group, P.A., and My Success Track, LLC, MY SUCCESS TRACK, LLC, a Florida limited liability company, CONSUMER CREDIT GROUP, LLC, a Florida limited liability company, DALE ROBINSON, individually,

THIS CAUSE

Motion for Entry of Default Judgment and Order for Permanent Injunction and Other Equitable Relief as to Defendants My Success Track, LLC and Consumer Credit Group, LLC. (Dkt. 213) Upon consideration of all relevant filings, case law, and being otherwise fully advised, the Court hereby **GRANTS** motion.

Complaint on March 19, 2012 for a permanent injunction and other equitable relief in this matter, pursuant to Sections 13(b) and 19 of the Federal Trade

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§ 6101 *et seq.* The Court granted leave to file and entered an Amended Complaint on November 14, 2012. (Dkt. 183) The FTC alleged that Defendants

ther corporations and individuals,

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connection with the alleged deceptive marketing of a service to lower con

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Defendants were properly served with the Complaint, (Dkt. 41; Dkt. 83), but failed to Answer or otherwise respond to it. The Amended Complaint was served via ECF upon the Court-appointed Receiver for MST and CCG (Dkt. 183),

again without any response. Moreover, a principal of both companies, Dale Robinson, has actively engaged in this litigation in his individual capacity *pro se*, and had notice of the claims pending against MST and CCG; yet, he declined to

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court to enter a default judgment. DIRECTV, Inc. v. Trawick, 359 F. Supp. 2d 1204, 1206 (M.D. Ala. 2005). To enter a judgment, there must be a sufficient basis in the pleadings to support the entry of judgment. Id. held to admit facts that are not well-

□ _____, 994 F.2d 595, 605 (9th Cir. 1993)).

deliberately made implied claims, used to induce the purchase of a particular

□ Id.

The TSR prohibits, among other things: (1) requesting or receiving payment of any fee for any debt relief service until and unless the telemarketer has renegotiated or otherwise altered the terms of at least one debt pursuant to a valid contractual agreement and the customer has made at least one payment pursuant to that agreement, 16 C.F.R. § 310.4(a)(5)(i); (2) misrepresenting, while engaged in telemarketing, material aspects of any debt relief service, including the amount of money that a customer may save by using such service, 16 C.F.R. § 310.3(a)(2)(x); and (3) initiating an outbound telephone call that delivers a prerecorded message to induce the purchase of a good or service unless the seller has obtained from the recipient of the call an express agreement, in writing, agreeing to receive calls that deliver prerecorded messages by or on behalf of a specific seller, 16 C.F.R. § 310.4(b)(1)(v)(A) and (B).

3. The activities of Defendants MST and CCG are in or affecting commerce, as defined in the FTC Act, 15 U.S.C. § 44.

4. The Amended Complaint charges that Defendants participated in deceptive acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, and abusive or deceptive telemarketing acts or practices in violation of the

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marketing or sale of a service purporting to lower the interest rates on

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5. The FTC has the authority under Sections 13(b) and 19 of the FTC Act, 15 U.S.C. §§

10. The

taken as true as against defendants CCG and MST.

11. As alleged in the Amended Complaint, defendants CCG and MST, participated in a common enterprise to market or sell a service purporting to lo

In addition to promising lower interest rates, as part of the Interest Rate Reduction Scheme, Defendants misrepresented to consumers that they had lenders, they would negotiate lower interest rates within a few months, consumers would save thousands of dollars as a result of these negotiations, consumers were to receive assistance from personal financial consultants, and consumers would receive full refunds upon request.

12. As alleged in the Amended Complaint, the Defendants had no

Instead, the Defendants offered consumers a budget plan stating the obvious; namely, that consumers could pay off their credit cards early by incurring no new charges and making payments that exceeded the required monthly minimums. Consumers did not save thousands of dollars as a result of the Interest negotiations but spent hundreds of dollars on a service that provided little or no benefit. Further, the Interest Rate Reduction Defendants failed to provide consumers with the promised personalized financial consultants and, despite a

17. It is proper in this case to enter eq

lists of consumer names, accounts, credits, premises, receivables, funds, or cash, wherever located, whether in the United States or abroad.

2.

sale any good or service, are permanently restrained and enjoined from misrepresenting or assisting others in misrepresenting, expressly or by implication:

- A. the total costs to purchase, receive, or use the good or service;
- B. the terms of any policy regarding refunds, cancellations, exchanges, or repurchase; and
- C. any other material fact, including but not limited to: any material restrictions, limitations, or conditions; or any material aspect of the performance, efficacy, nature, or central characteristics of the good or service.

IV. MONETARY JUDGMENT

A. Judgment in the amount of **Eighteen Million, Four Hundred and Sixty- Eight Thousand, and Fifty-Eight dollars (\$18,468,058)** is entered in favor of the Commission against Defendants, jointly and severally, as equitable monetary relief.

B.

A. Defendants relinquish dominion and all legal and equitable right, title, and interest in all assets transferred pursuant to this Order. Defendants also relinquish dominion over and all legal and equitable right, title, and interest in all assets held by the Receiver in the name of or for the benefit of Consumer Credit Group, LLC; My Success Track, LLC; Ideal Interest, LLC. Defendants shall not seek the return of any assets.

B. The facts alleged in the Amended Complaint will be taken as true, without further proof, in any subsequent civil litigation by or on behalf of the Commission, including in a proceeding to enforce its rights to any payment or monetary judgment pursuant to this Order, such as a nondischargeability complaint in any bankruptcy case.

C. The facts alleged in the Amended Complaint establish all elements necessary to sustain an action by the Commission pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral estoppel effect for such purposes.

D. Identification Numbers) may be used for collecting and reporting on any delinquent amount arising out of this Order, in accordance with 31 U.S.C. § 7701.

E. All money paid to the Commission pursuant to this Order may be deposited into a fund administered by the Commission or its designee to be used for equitable relief, including consumer redress and any attendant expenses for the administration of any redress fund. If a representative of the Commission

A. Defendants, within 7 days of entry of this Order, must submit to the Commission an acknowledgment of receipt of this Order sworn under penalty of perjury.

B. For 10 years after entry of this Order, each Defendant must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees, agents, and representatives who participate in conduct related to the subject matter of the Order; and (3) any business entity resulting from any change in structure as set forth in the Section titled Compliance Reporting. Delivery must occur within 7 days of entry of this Order for current personnel. For all others, delivery must occur before they assume their responsibilities.

C. From each individual or entity to which a Defendant delivers a copy of this Order, that Defendant must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

IX. COMPLIANCE REPORTING

IT IS FURTHER ORDERED that Defendants make timely submissions to the Commission as follows:

A. Within 180 days after entry of this Order, each Defendant must submit a compliance report, sworn under penalty of perjury. In that report, each Defendant must:

1. Identify the primary physical, postal, and email address and telephone number, as designated points of contact, which

subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order.

C. Each Defendant must submit to the Commission notice of the filing of any bankruptcy petition, insolvency proceeding, or any similar proceeding by or against such Defendant within 14 days of its filing.

D. Any submission to the Commission required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28

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the laws of the United States of America that the foregoing is true and correct.

Executed on: _____

A. Accounting records showing the revenues from all goods or services sold, all costs incurred in generating those revenues, and the resulting net profit or loss;

B. Personnel records showing, for each person providing services, telephone numbers; job title or position; dates of service; and, if applicable, the reason for termination;

C. Records of all consumer complaints and refund requests, whether

