

- B. Venue in this District is proper.
- C. The Court finds that, in connection with marketing medical alert services, Defendant Jason Abraham violated Section 5 of the FTC Act, 15 U.S.C. § 45(a) (Telemarketing Sales Rule), 16 C.F.R. Part 310, and the Unordered Merchandise Statute, 39 U.S.C. § 3009.
- D. Absent a permanent injunction, Defendant Jason Abraham is likely to continue to engage in the activities alleged in the Commission's Complaint.
- E. This Order is in addition to, and not in lieu of, any other civil or criminal remedies that may be provided by law.
- F. Defendant Jason Abraham shall bear his own costs and attorney fees.
- G. Defendant Jason Abraham has caused consumer injury in the amount of three million four hundred thirty two thousand four hundred sixty two dollars (\$3,432,462.00).
- H. Entry of this Order is in the public interest.

II.

DEFINITIONS

For purposes of this Order, the following definitions shall apply:

- A. "Corporate Defendant" means Instant Response Systems, LLC, also d/b/a Response Systems, B.B. Mercantile, Ltd., Medical Alert Industrial, and Medical Alert Services, and its successors and assigns.
- B. "Defendants" means Individual Defendant and C2(a)5db -0.1"

broker-dealer, escrow agent, title company, commodity trading company, credit card processor, payment processor, third party processor, merchant bank, acquiring bank, independent sales organization, payment gateway, insurance company, trustee, or precious metal dealer.

- D. **“Individual Defendant”** means Jason Abraham, a/k/a Yaakov Abraham.
- E. **“Medical Alert Goods or Services”** shall mean any good or service consisting of a transmitter and/or a console that either connects to a person’s telephone or otherwise enables a person to receive assistance from a monitoring service, first responder, or other third party.

III.

BAN ON ACTIVITIES RELATING TO MEDICAL ALERT GOODS OR SERVICES

IT IS FURTHER ORDERED that Individual Defendant is permanently restrained and enjoined from advertising, marketing, promoting, or offering for sale, or assisting in the advertising, marketing, promoting, or offering for sale of, any medical alert goods or services.

IV.

PROHIBITION AGAINST MISREPRESENTATIONS

IT IS HEREBY ORDERED that Individual Defendant, whether acting directly or indirectly, in connection with promoting or offering for sale any goods or services, is permanently restrained and enjoined from misrepresenting, or assisting others in misrepresenting, expressly or by implication:

- A. That consumers have ordered, purchased, or agreed to purchase goods or services, and therefore owe money; or
- B. Any other fact material to consumers concerning any goods or services.

- B. Any other fact material to consumers concerning any good or service, such as: the total costs to purchase, receive, or use, and the quantity of, the good or service; any material aspect of the performance, efficacy, nature, characteristics, benefits, or qualities of the good or service; and any material aspect of the nature or terms of any refund, cancellation, exchange or repurchase policy.

V.

INJUNCTION CONCERNING UNORDERED MERCHANDISE

IT IS HEREBY ORDERED that Individual Defendant, whether acting directly or indirectly, in connection with promoting or offering for sale any good or service, is permanently restrained and enjoined from

- A. Sending any merchandise without the prior expressed request or consent of the recipient unless such merchandise is clearly and conspicuously marked as a free sample and has attached to it a clear and conspicuous statement that the recipient may treat the merchandise as a gift and may retain, use, discard, or dispose of it in any manner without any obligation whatsoever to the sender; or
- B. Sending any communication, including, but not limited to, bills, invoices, reminders, letters, notices, or dunning communications, in any manner seek to obtain payment for any merchandise shipped without the prior expressed request or consent of the recipient.

VI.

PROHIBITION ON COLLECTING PAYMENT

or assigning, or otherwise tran

as it determines to be reasonably related to Defendants

IX.
CUSTOMER INFORMATION

of this Order. Upon such transfers to the Commission, the freeze against the assets of Individual Defendant shall be lifted permanently.

XI.

RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court retains jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

SO ORDERED:

DATED: April 14, 2015

V

I. Leo Glasser
Senior United States District Judge