





B. "Debt" means any obligation or alleged obligation to pay money arising out of a transaction, whether or not such obligation has been reduced to judgment.

C. "Consumer credit" means credit offered or extended to a natural person primarily for personal, family, or household purposes.

D. "Retail sale" means the sale of goods or products to natural persons.

E. "Settling Corporate Defendants" means CWB Services, LLC; Orion Services, LLC; Sandpoint Capital, LLC; Sandpoint, LLC; Basseterre Capital, LLC (Nevis); Basseterre Capital, LLC (Delaware); Namakan Capital, LLC (Nevis); and Namakan Capital, LLC (Delaware), and their successors, assigns, affiliates, or subsidiaries, and each of them by whatever names each might be known.

F. "Settling Defendants" means Timothy A. Coppinger and the Settling Corporate Defendants, individually, collectively, or in any combination.

G. "Settling Individual Defendant" means Timothy A. Coppinger.

## ORDER

### BAN ON LENDING

I. IT IS THEREFORE ORDERED that Settling Defendants, whether directly or through an intermediary, are permanently restrained and enjoined from, or assisting others engaged in:

A. Providing, arranging for, or assisting a consumer in receiving, a loan or other extension of consumer credit;

B. Advertising, marketing, promoting, offering a loan or other extension of

consumer credit;

C. Attempting to collect or collecting payments on any loan or other extension of consumer credit;

D. Communicating with consumers regarding any loan or other extension of consumer credit; and

E. Selling, assigning, gifting, conveying, or otherwise transferring any purported consumer debt to a third party, including any debt broker, debt buyer, or debt collector.

Provided, however, that this provision does not affect the Settling Individual Defendant's ability to accept employment and undertake duties and responsibilities with an entity that (1) accepts payment for retail sales by several methods, including, but not limited to, payment by credit; (2) offers or extends consumer credit if the offering or extension of consumer credit is incidental to a retail sale; or (3) sells, assigns, or otherwise transfers the right to collect payments on the extension of consumer credit to a third party, debt collector or debt broker, if the extension of that consumer credit was incidental to a retail sale.

## PROHIBITED MISREPRESENTATIONS AND PRACTICES

II. IT IS FURTHER ORDERED that Settling Defendants and Settling Defendants' officers, agents, employees, and attorneys, and all other persons active concert or participation with any of them, who receive actual notice of this Order, whether and directly or indirectly, in connection with promoting or offering for sale any good or service are permanently restrained and enjoined from misrepresenting or assisting others in misrepresenting, expressly or by implication any fact material to consumers concerning any good or service, such as: the total costs; any material restrictions, limitations, or conditions; or any material aspect of its performance, efficacy,

nature, or central characteristics.

### PROHIBITION ON UNAUTHORIZED CHARGES

III. IT IS FURTHER ORDERED that Settling Defendants and Settling Defendants' officers, agents, employees, and attorneys, and all other persons active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are permanently restrained and enjoined from causing debits to be made from any consumer's bank or other financial account, and from billing any consumer for any charge without the consumer's express, informed consent.

### REQUIREMENT OF WRITTEN AUTHORIZATION FOR PREAUTHORIZED ELECTRONIC TRANSFERS

IV. IT IS FURTHER ORDERED that Settling Defendants and Settling Defendants' officers, agents, employees, and attorneys, and all other persons active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are hereby permanently restrained and enjoined from causing debit to be made from any natural person's demand deposit, savings deposit, or other asset account:

A. without obtaining written authorization from that person for any electronic fund transfers authorized in advance to occur at substantially regular intervals from that account; and

B. providing to that person a copy of his or her written authorization signed or similarly authenticated by the person.

### CERTAIN CONSUMER DEBTS EXTINGUISHED

V. IT IS FURTHER ORDERED that all consumer debt recently owed to and owned by the Settling Corporate Defendants is hereby extinguished. Settling Corporate Defendants shall void and not report to any consumer reporting agency any extinguished consumer debt. If

Settling Corporate Defendants have reported any extinguished consumer debt to a consumer-reporting agency, Settling Corporate Defendants shall promptly notify any such consumer reporting agencies that the information reported regarding the debt is inaccurate and the tradeline should be promptly deleted.

#### MONETARY JUDGMENT AND PARTIAL SUSPENSION

VI. IT IS FURTHER ORDERED that:

A. Judgment in the amount of Thirty-two Million, One Hundred Sixteen Thousand, Five Hundred and Thirty-five Dollars (\$32,116,535) is entered in favor of the Commission against Settling Defendants, jointly and severally, as equitable monetary relief.

B. To the extent Settling Defendants have already done so, Settling Defendants are ordered to transfer and relinquish to the court-appointed Receiver in this case, Larry E. Cook, or to his designated agent the following assets within (7) days of entry of this Order, unless otherwise stated:

1. Dominion and all legal and equitable title, and interest in, as well as any amounts receivable from, the following entities, their successors, assigns, affiliates, or subsidiaries, and each of them by whatever names each might be known, whether those rights, titles, interest, and amounts receivable are held by one or more Settling Defendants; Running Girls, LLC; or the Coppinger Family Living Trust; C2 Supply, LLC; TopGard, LLC; JoeOptions, LLC; Leadify, LLC, also d/b/a EdgeTheory; PMF Investment Club; Orange Pal LLC; and CirqueIndy, LLC; and
2. All funds in the following accounts:

- a. Two accounts at Missouri Bank in the name of Timothy A. Coppinger with the account numbers XXX and XXX ;
- b. An account at Missouri Bank in the name of Jane M. Coppinger Irrev. Life Ins. Trust with the account number XXX ;
- c. An account at Missouri Bank in the name of Timothy Coppinger Trust with the account number XXX ;
- d. An account at Missouri Bank in the name of DWTC Enterprises LLC with the account number XXX ;
- e. An account at Missouri Bank in the name of C2 Supply LLC with the account number XXX ; and
- f. An account at Wells Fargo Bank in the name of Running Girls LLC with the account number XXXXXX .

C. Settling Defendants shall cooperate fully with the Receiver and shall execute any instrument or document presented by the Receiver, and do whatever else the Receiver deems necessary or desirable to effect the transfers required by Section VI.B. Upon such transfers, the property shall be assets of the receivership estate.

D. Upon the completion of all transfers described in Section VI.B above, the remainder of the judgment is suspended as to individual Defendant Coppinger, subject to the Subsections below.

E. The Commission's agreement to the suspension of part of the judgment is





the receivership estate that are subsequently transferred back to Settling Individual Defendant after the date of entry of this Order, and may not seek the return of any assets.

C. The facts alleged in the Complaint will be taken as true, without further proof, in any subsequent civil litigation brought on behalf of the Commission 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.

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

E. Settling Defendants acknowledge that their Taxpayer Identification Numbers (Social Security Numbers or Employer Identification Numbers), which Settling Defendants previously submitted to the Commission, may be used for collecting and reporting on any delinquent amount arising out of this Order, in accordance with 31 U.S.C. §7701.

F. 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 of the administration of any redress fund. If a representative of the Commission concludes that direct redress to consumers is wholly or partially impracticable or money remains after redress is completed, the Commission may apply any remaining money for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to Settling Defendants' practices alleged in the Complaint. Any money not used for such equitable relief is to be deposited to the U.S. Treasury as disgorgement. Settling Defendants have no right to challenge any actions the Commission or its

representatives may take pursuant to this Subsection.

G. The asset freeze is hereby modified to permit the transfers identified in Section VI above. Upon completion of those transfers, the asset freeze is dissolved.

#### CUSTOMER INFORMATION

VIII. IT IS FURTHER ORDERED that Settling Defendants and Settling Defendants' officers, agents, employees, and attorneys, and all other persons active concert or participation with any



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 Settling Defendant delivered a copy of this Order, that Defendant must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

### COMPLIANCE REPORTING

XI. IT IS FURTHER ORDERED that Settling Defendants make timely submissions to the Commission:

A. One year after entry of this Order each Settling Defendant must submit a compliance report, sworn under penalty of perjury:

1. Each Settling Defendant must: (a) identify the primary physical, postal, and email address and telephone number designated points of contact, which representatives of the Commission may use to communicate with Defendant; (b) identify all of that Defendant's businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses; (c) describe the activities of each business, including the goods and services offered, the means of advertising, marketing, and sales, and the involvement of any other Settling Defendant (which Individual Defendant Coppinger must describe if he knows or should know due to his own involvement); (d) describe in detail whether and how that Defendant is in compliance with each Section of this Order; and (e) provide a copy of

each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to the Commission.

2. Additionally, Individual Defendant Coppinger must: (a) identify all telephone numbers and all physical, postal and Internet addresses, including all residences; (b) identify all business activities, including any business for which such Defendant performs services whether as an employee or otherwise and any entity which such Defendant has any ownership interest; and (c) describe in detail such Defendant's involvement in each such business, including title, responsibilities, participation, authority, control, and any ownership.

B. For 15 years after entry of this Order each Settling Defendant must submit a compliance notice, sworn under penalty of perjury, within 4 days of any change in the following:

1. Each Settling Defendant must report any change in: any entity that Individual Defendant Coppinger has any ownership interest in or controls directly or indirectly that may affect compliance obligations arising under this Order, including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order.
2. Additionally, Individual Defendant Ce, or dipliance notice, srder.

entity in which such Defendant has a ownership interest, and identify the name, physical address, and any Internet address of the business or entity.

C. Each Settling Defendant must submit to the Commission notice of the filing of any bankruptcy petition, insolvency proceeding, or 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 U.S.C. § 1746, such as by concluding: "I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Execute: \_\_\_\_\_" and supplying the date, signatory's full name, title (if applicable), and signature.

E. Unless otherwise directed by a Commission representative in writing, all submissions to the Commission pursuant to this Order must be emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Also Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: FTC v. CWB Services, LLC et al.: Coppinger, X140065.

#### RECORDKEEPING

XII. IT IS FURTHER ORDERED that Settling Defendants must create certain records for 15 years after entry of the Order and retain each such record for 5 years. Specifically, Individual Defendant Coppinger, for any business that he individually or collectively with any other Settling Defendant, is a majority owner or controls directly or indirectly, must create and retain the following records:

- A. accounting records showing the revenues from all goods or services sold;
- B. personnel records showing, for each person providing services, whether as an employee or otherwise, that person's: name, address; telephone number; job, title or position; dates of service; and (if applicable) the reason for termination;
- C. records of all consumer complaints and refund requests, whether received directly or indirectly, such as through a third party, and any response;
- D. all records necessary to demonstrate compliance with each provision of this Order, including all submissions to the Commission; and
- E. a copy of each unique advertisement or other marketing material.

#### COMPLIANCE MONITORING

XIII. IT IS FURTHER ORDERED that, for the purpose of monitoring Settling Defendants' compliance with this Order, including the financial representations upon which part of the judgment was suspended and any failure to transfer assets as required by this Order:

- A. Within 14 days of receipt of a written request from a representative of the Commission, each Settling Defendant must: submit additional compliance reports or other requested information, which must be sworn under penalty of perjury; appear for depositions; and produce documents for inspection and copying. The Commission is also authorized to obtain discovery, without further leave of court, using any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69.
- B. For matters concerning this Order the Commission is authorized to communicate directly with each Settling Defendant. Settling Defendants must permit representatives of the Commission to interview any employee or other person affiliated with any Settling Defendant

who has agreed to such an interview. The person interviewed may have counsel present.

C. The Commission may use all other lawful means, including posing, through its representatives as consumers, suppliers, or individuals or entities, to Settling Defendants or any individual or entity affiliated with Settling Defendants, without the necessity of identification or prior notice. Nothing in this Order limits the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

D. Upon written request from a representative of the Commission, any consumer reporting agency must furnish consumer reports concerning Individual Defendant Coppinger, pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C. §1681b(a)(1).

#### RECEIVERSHIP

XIV. IT IS FURTHER ORDERED that, upon entry of this Order, the Order Entering Stipulated Preliminary Injunction With An Asset Freeze, Appointment of a Receiver, and Other Equitable Relief, as amended [Docket Entries 134] ("PI") shall expire except as to the provisions regarding the duties and authority of the court-appointed receiver set forth in Sections XI through XV of the PI. The court-appointed receiver must complete all duties and the PI shall expire within 180 days after the date of entry of this Order, but any party or the court-appointed receiver may request that the Court extend the receiver's term for good cause. All assets recovered by the court-appointed receiver after the date of entry of this Order on behalf of any Receivership Defendant, as defined in the PI, shall be transferred to the Commission within 60 days to be used in accordance with Section V of this Order. The asset freeze set forth in Section VI of the PI shall expire pursuant to Section VII.G of this Order.



## **RETENTION OF JURISDICTION**

/s/Charles M. Thomas

Date: July 1, 2015

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Date: May 7, 2015

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