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1 Plaintiff, the Federal Trade Commission (“FTC”), filed its Complaint for Permanent  
2 Injunction and Other Equitable Relief (“Complaint”) for a permanent injunction and other  
3 equitable relief in this matter, pursuant to Section 13(b) of the Federal Trade Commission Act  
4 (“FTC Act”), 15 U.S.C. § 53(b). The FTC and Defendants Theresa Bartholomew and John  
5 Bartholomew stipulate to the entry of this Final Order for Permanent Injunction and Settlement  
6 of Claims (“Order”) to resolve all matters in dispute in this action between them. The proposed  
7 order is attached hereto.  
8

### 9 FINDINGS

10 By stipulation of the parties, the Court finds as follows:

- 11 1. This is an action by the FTC instituted under Section 13(b) of the FTC Act, 15 U.S.C. §  
12 53(b). The Complaint charges that Defendants participated in unfair acts or practices in  
13 violation of Section 5 of the FTC Act, 15 U.S.C. § 45, in connection with the disclosure  
14 of consumers’ sensitive personal information. The Complaint seeks both permanent  
15 injunctive relief and equitable monetary relief for Defendants’ alleged unfair acts or  
16 practices as alleged therein.  
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- 18 2. The FTC has the authority under Section 13(b) of the FTC Act to seek the relief it has  
19 requested, and the Complaint states a claim upon ratr C Act t under Se4-nt  
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1 6. The Stipulating Defendants neither admit nor deny any of the allegations in the  
2 Complaint, except as specifically stated in this Order. Only for purposes of this action,  
3 the Stipulating Defendants admit the facts necessary to establish jurisdiction.

4 7. The Stipulating Defendants waive all rights to appeal or otherwise challenge or contest  
5 the validity of this Order. The Stipulating Defendants also waive any claim that they may  
6 have held under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the  
7 prosecution of this action to the date of this Order. The FTC and the Stipulating  
8 Defendants each shall bear its own costs and attorneys' fees.

9  
10 8. This action and the relief awarded herein are in addition to, and not in lieu of, other  
11 remedies as may be provided by law, including both civil and criminal remedies.

12  
13 9. Entry of this Order is in the public interest.

14 **DEFINITIONS**

15 For the purpose of this Order, the following definitions apply:

- 16 1. **“Corporate Defendants”** means Sequoia One, LLC and Gen X Marketing Group, LLC,  
17 and their successor-2(e)-6(f)-7( )6.72 re fTd (y) -a9e6u50.72 re f 84 0.72da312da312daa312daa312

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1 extent necessary to process payment for any product or service sold by that Stipulating  
2 Defendant directly to that consumer and for which that Stipulating Defendant has the  
3 consumer's express, informed consent for that sale.

4 **PROHIBITED MISREPRESENTATIONS RELATING TO FINANCIAL RELATED**  
5 **PRODUCTS OR SERVICES**

6 **II. IT IS FURTHER ORDERED** that the Stipulating Defendants and their officers, agents,  
7 employees, and attorneys, and those Persons or entities in active concert or participation  
8 with any of them who receive actual notice of this Order by personal service, facsimile  
9 transmission, email, or otherwise, whether acting directly or indirectly, in connection  
10 with the advertising, marketing, promotion, offering for sale, or selling of any Financial  
11 product or service, are hereby permanently restrained and enjoined from misrepresenting  
12 or assisting others in misrepresenting, expressly or by implication:

- 13  
14 A. The likelihood that any Person will obtain a loan or other extension of credit; and  
15 B. The terms or rates that are available for any loan or other extension of credit.  
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17 **PROHIBITED MISREPRESENTATIONS RELATING TO ALL PRODUCTS OR**  
18 **SERVICES**

19 **III. IT IS FURTHER ORDERED** that the Stipulating Defendants and their officers, agents,  
20 employees, and attorneys, and those Persons or entities in active concert or participation  
21 with any of them who receive actual notice of this Order by personal service, facsimile  
22 transmission, email, or otherwise, whether acting directly or indirectly, in connection  
23 with the advertising, marketing, promotion, offering for sale, or selling of any product or  
24 service, are hereby permanently restrained and enjoined from misrepresenting or assisting  
25 others in misrepresenting, expressly or by implication:  
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A. That a consumer has authorized or otherwise consented to the purchase of a product or service;

B. That any particular outcome or result from a product or service is guaranteed, assured, highly likely or probable, or very likely or probable;

C. The nature or terms of any refund, cancellation, exchange, or repurchase policy, including, but not limited to, the likelihood of a consumer obtaining a full or partial refund, or the circumstances in which a full or partial refund will be provided to the consumer; and

D. Any other fact material to consumers concerning any product or service, such as: the total costs; any material restrictions, limitations, or conditions; or any material

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identifying information, or any data that enables access to a customer's account

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1 the truthfulness, accuracy, and completeness of the Stipulating Defendants' sworn  
2 financial statements and related documents (collectively, "financial  
3 representations") submitted to the FTC, namely (1) the Financial Statement of  
4 Individual Defendant Theresa Bartholomew signed on April 26, 2015, including the  
5 attachments, and (2) the Financial Statement of Individual Defendant John  
6 Bartholomew signed on April 24, 2015, including the attachments.  
7

8 E. The suspension of the judgment will be lifted as to any Stipulating Defendant if,  
9 upon motion by the FTC, the Court finds that that Stipulating Defendant failed to  
10 disclose any material asset, materially misstated the value of any asset, or made any  
11 other material misstatement or omission in the financial representations identified  
12 above.  
13

14 F. If the suspension of the judgment is lifted, the judgment becomes immediately due  
15 as to that Stipulating Defendant in the amount specified in Subsection A above  
16 (which the parties stipulate only for purposes of this Section represents the  
17 consumer injury alleged in the Complaint), less any payment previously made  
18 pursuant to this Section, plus interest computed from the date of entry of this Order.  
19

20 G. All money paid to the FTC pursuant to this Order may be deposited into a fund  
21 administered by the FTC or its designee to be used for equitable relief, including  
22 consumer redress and any attendant expenses for the administration of any redress  
23 fund. If a representative of the FTC decides that direct redress to consumers is  
24 wholly or partially impracticable or money remains after redress is completed, the  
25 FTC may apply any remaining money for such other equitable relief (including  
26 consumer information remedies) as the FTC determines to be reasonably related to  
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1 pursuant to Section 604(a)(1) of the Fair Credit Reporting Act, 15 U.S.C. §  
2 1681b(a)(1).

3 **COOPERATION**

4 **VI. IT IS FURTHER ORDERED** the Stipulating Defendants must fully cooperate with  
5 representatives of the FTC in this case and in any investigation related to or associated  
6 with the transactions or the occurrences that are the subject of the Complaint. The  
7 Stipulating Defendants must provide truthful and complete information, evidence, and  
8 testimony. The Stipulating Defendants must appear for interviews, discovery, hearings,  
9 trials, and any other proceedings that a FTC representative may reasonably request upon  
10 5 days written notice, or other reasonable notice, at such places and times as a FTC  
11 representative may designate, without the service of a subpoena.  
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14 **ORDER ACKNOWLEDGMENTS**

15 **VII. IT IS FURTHER ORDERED** that the Stipulating Defendants obtain acknowledgments  
16 of receipt of this Order:  
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18 A. Each Stipulating Defendants, within 7 days of entry of this Order, must submit to  
19 the FTC an acknowledgment of receipt of this Order sworn under penalty of  
20 perjury.  
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22 B. For 5 years after entry of this Order, each Stipulating Defendant for any business  
23 that such Defendant, individually or collectively with any other Defendant, is the  
24 majority owner or controls directly or indirectly, must deliver a copy of this Order  
25 to: (1) all principals, officers, directors, and LLC managers and members; (2) all  
26 employees, agents, and representatives who participate in conduct related to the  
27 subject matter of the Order; and (3) any business entity resulting from any change  
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1 this Order; and (e) provide a copy of each Order Acknowledgment  
2 obtained pursuant to this Order, unless previously submitted to the FTC;

- 3 2. Additionally, each Stipulating Defendant must: (a) identify all telephone  
4 numbers and physical, postal, email, and Internet addresses, including all  
5 residences; (b) identify all business activities, including any business for  
6 which the Stipulating Defendant performs services whether as an  
7 employee or otherwise and any entity in which the Stipulating Defendant  
8 has any ownership interest; and (c) describe in detail the Stipulating  
9 Defendant's involvement in each such business, including title, role,  
10 responsibilities, participation, authority, control, and any ownership.  
11

12 B. For 20 years following entry of this Order, each Stipulating Defendant must  
13 submit a compliance notice, sworn under penalty of perjury, within 14 days of  
14 any change in the following:  
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- 16 1. Each Stipulating Defendant must report any change in: (a) any designated  
17 point of contact; or (b) the structure of any entity that the Stipulating  
18 Defendant has any ownership interest in or controls directly or indirectly  
19 that may affect compliance obligations arising under this Order, including:  
20 creation, merger, sale, or dissolution of the entity or any subsidiary,  
21 parent, or affiliate that engages in any acts or practices subject to this  
22 Order.  
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- 24 2. Additionally, each Stipulating Defendant must report any change in: (a)  
25 name, including aliases or fictitious name, or residence address; or (b) title  
26 or role in any business activity, including any business for which the  
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1 Stipulating Defendant performs services whether as an employee or  
2 otherwise and any entity in which the Stipulating Defendant has any  
3 ownership interest, and identify the name, physical address, and Internet  
4 address of the business entity.

5 C. Each Stipulating Defendant must submit to the FTC notice of the filing of any  
6 bankruptcy petition, insolvency proceeding, or similar proceeding by or against  
7 such Stipulating Defendant within 14 days of its filing.  
8

9 D. Any submission to the FTC required by this Order to be sworn under penalty of  
10 perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by  
11 concluding: “I declare under penalty of perjury under the laws of the United  
12 States of America that the foregoing is true and correct. Executed on:\_\_\_\_\_” and  
13 supplying the date, signatory’s full name, title (if applicable), and signature.  
14

15 E. Unless otherwise directed by a FTC representative in writing, all submissions to  
16 the FTC pursuant to this Order must be emailed to DEbrief@ftc.gov or sent by  
17 overnight courier (not the U.S. Postal Service) to: Associate Director for  
18 Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600  
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