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6	IN THE UNITED STAT	FS DISTRICT COURT
7	FOR THE DISTRI	
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9	Federal Trade Commission,	No. CV-13-01583-PHX-ROS
10	Plaintiff,	FINAL JUDGMENT AND ORDER FOR
11	VS.	PERMANENT INJUNCTION AND EQUITABLE MONETARY JUDGMENT
12	Money Now Funding, LLC, et al.,	AS TO DEFENDANT DINO MITCHELL
13	Defendants.	
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15	Plaintiff, the Federal Trade Commission	on ("Commission" or "FTC"), filed its
16	Complaint for Permanent Injunction and Oth	er Equitable Relief (Doc. 3), subsequently
17	amended by the First Amended Complaint fo	r Permanent Injunction and Other Equitable
18	Relief (Doc. 194) (as amended, the "Compla	int"), pursuant to Sections 13(b) and 19 of
19	the Federal Trade Commission Act ("FTC Ac	ct"), 15 U.S.C. §§ 53(b) & 57b. The FTC
20	subsequently filed a Motion for Default Judg	ment against Defendant Dino Mitchell
21	("Defendant Mitchell") on all counts of the F	First Amendment Complaint.
22	Defendant Mitchell was served with the	ne Complaint in this action (Doc. 32), but
23	has not opposed, defended, or answered the G	Complaint (Docs. 78 & 85). Furthermore,
24	the Complaint is well pled and the relief soug	ght in the Complaint is reflected in the
25	proposed order submitted with the Motion. I	Having considered the Complaint,
26	memorandum of law and exhibits, and other	evidence filed in this matter, the Court
27	granted the Commission's Motion for Defaul	t Judgment against Defendant Dino Mitchell
28	(Doc. 356) and enters this final judgment and	l order.

1	FINDINGS
2	1. This is an action by the Commission instituted under Sections 13(b) and 19
3	of the FTC Act, 15 U.S.C. §§ 53(b) and 57b
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1	6.	"Designated Person" means any Person, other than the Business
2	Opportunity	Seller, whose goods or services the Business Opportunity Seller suggests,
3	recommends	, or requires that the purchaser
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1	12. " Provide Locations, Outlets, Accounts, or Customers " means to furnish
2	a prospective purchaser with existing or potential locations, outlets, accounts, or
3	customers; requiring, recommending, or suggesting one or more locations or lead
4	generation companies; providing a list of locator or lead generating companies; collecting
5	a fee on behalf of one or more locators or lead generating companies; offering to furnish
6	a list of locations; or otherwise assisting the prospective purchaser in obtaining his or her
7	own locations, outlets, accounts, or customers.
8	13. " Representatives " means Defendant Mitchell's officers, agents, servants,
9	employees, and attorneys, and all other Persons
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1	earn money while working from home or from loc	ations other than the business premises
2	2 of the Defendants, whether or not a Business Oppo	ortunity.
3	3 ORDER	
4	I.	
5	Prohibition against Misr	epresentations
6	5 IT IS ORDERED Defendant Mitchell and	l his Representatives, whether acting
7	directly or indirectly, in connection with the advert	tising, marketing, promotion, offering
8	for sale, or sale of any products or services, are pe	rmanently restrained and enjoined
9	from misrepresenting or assisting others in misrep	resenting, expressly or by implication:
10	0 A. That Defendant Mitchell or any othe	r Person offers, sells, or provides loans
11	1 or cash advances;	
12	2 B. The amount of income, earnings, or	profits that a Person may or is likely to
13	arn, or that other Persons have earned;	
14	4 C. That Defendant Mitchell or any othe	r Person will provide, locate, or obtain
15	5 leads containing the names or contact information	of Persons potentially interested in
16	6 products or services Defendant Mitchell or any oth	ner Person purports to offer;
17	7 D. That Defendant Mitchell or any othe	r Person will contact, sell, or provide
18	8 services to businesses consumers refer;	
19	9 E. The total cost to purchase, receive, o	r use any products or services; or
20	0 F. Any material aspect of the performan	nce, efficacy, nature, or central
21	1 characteristics of any product or service.	
22	2 II.	
23	3 Prohibitions Related to the S	ale and Marketing
24	4 of Business or Work-at-hor	ne Opportunities
25	5 IT IS FURTHER ORDERED Defendant	Mitchell and his Representatives,
26	6 whether acting directly or indirectly, in connection	with the advertising, marketing,
27	7 promotion, offering for sale, or sale of any Busines	ss Opportunity or Work-at-home
28	8 Opportunity, are permanently restrained and enj	joined from:

1	А.	ailing to disclose, or disclose adequately in writing, material in	nformation
2	pertaining to	y opportunity at least seven (7) days before the consumer sign	ns a contract
3	or makes a p	ment in connection with that opportunity including:	
4) Basic identifying information of the seller of the opportu	inity,
5		including the Business Opportunity Seller's name, busin	ess address,
6		and telephone number;	
7) Any civil or criminal actions against the Business Oppor	tunity Seller
8		or affiliates of the Business Opportunity Seller for misre	presentation,
9		fraud, or unfair or deceptive practices within the 10 year	s preceding
10		the date that the opportunity is offered;	
11) Material terms and conditions of any cancellation or refu	and policy;
12		or	
13) Any claim of actual or potential earnings that purchasers	of the
14		opportunity may experience.	
15	В.	Taking any earnings claims unless there is (1) a reasonable bas	is for the
16	claim at the	the claim is made; and (2) written substantiation for the earn	nings claim
17	in the posses	on of Defendant Mitchell at the time the claim is made;	
18	C.	iolating the Business Opportunity Rule, 16 C.F.R. Part 437, as	s amended, a
19	copy of whi	is attached.	
20		III.	
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1	previously	has stated that he or she does not wish to receive an Outbound Telephone Call
2	made by or	on behalf of the Telemarketing Seller whose goods or services are being
3	offered;	
4	В.	Causing the telephone to ring or engaging persons in telephone
5	conversatio	on repeatedly or continuously, with intent to annoy, abuse, or harass the person
6	at the called	d number;
7	C.	Threatening, intimidating, or the using of profane or obscene language; or
8	D.	Initiating Outbound Telephone Calls to a telephone number within a given
9	area code o	n behalf of a Telemarketing Seller who has not, either directly or through
10	another per	son, paid the required annual fee for access to the telephone numbers within
11	that area co	de that are included in the National Do Not Call Registry.
12		IV.
13		Monetary Judgment
14	IT I	S FURTHER ORDERED:
15	А.	Judgment in the amount of One Hundred Forty-One Thousand, Eight
16	Hundred Fi	fty-Six Dollars and Twenty-Four Cents (\$141,856.24) is entered in favor of
17	the Commi	ssion against Defendant Mitchell as equitable monetary relief.
18	В.	All payments under this Order must be
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1	However, that customer information need not be disposed of, and may be
2	disclosed, to the extent requested by a government agency or required by law, regulation,
3	or court order.
4	VII.
5	Cooperation
6	IT IS FURTHER ORDERED Defendant Mitchell must fully cooperate with
7	representatives of the Commission in this case and in any investigation related to or
8	associated with the transactions or the occurrences that are the subject of the Complaint.
9	Defendant Mitchell must provide truthful and complete information, evidence, and
10	testimony. Defendant Mitchell must appear for interviews, discovery, hearings, trials, and
11	any other proceedings that a Commission representative may reasonably request upon
12	five (5) days written notice, or other reasonable notice, at such places and times as a
13	Commission representative may designate, without the service of a subpoena.
14	VIII.
15	Order Acknowledgments
15 16	Order Acknowledgments IT IS FURTHER ORDERED Defendant Mitchell obtain acknowledgments of
16	IT IS FURTHER ORDERED Defendant Mitchell obtain acknowledgments of
16 17	IT IS FURTHER ORDERED Defendant Mitchell obtain acknowledgments of receipt of this Order as follows.
16 17 18	IT IS FURTHER ORDERED Defendant Mitchell obtain acknowledgments of receipt of this Order as follows.A. Defendant Mitchell, within seven (7) days of entry of this Order, must
16 17 18 19	 IT IS FURTHER ORDERED Defendant Mitchell obtain acknowledgments of receipt of this Order as follows. A. Defendant Mitchell, within seven (7) days of entry of this Order, must submit to the Commission an acknowledgment of receipt of this Order sworn under
16 17 18 19 20	IT IS FURTHER ORDERED Defendant Mitchell obtain acknowledgments of receipt of this Order as follows. A. Defendant Mitchell, within seven (7) days of entry of this Order, must submit to the Commission an acknowledgment of receipt of this Order sworn under penalty of perjury.
16 17 18 19 20 21	 IT IS FURTHER ORDERED Defendant Mitchell obtain acknowledgments of receipt of this Order as follows. A. Defendant Mitchell, within seven (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 five (5) years after entry of this Order, Defendant Mitchell, for any
 16 17 18 19 20 21 22 	 IT IS FURTHER ORDERED Defendant Mitchell obtain acknowledgments of receipt of this Order as follows. A. Defendant Mitchell, within seven (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 five (5) years after entry of this Order, Defendant Mitchell, for any business that Defendant Mitchell is the majority owner or controls directly or indirectly,
 16 17 18 19 20 21 22 23 	 IT IS FURTHER ORDERED Defendant Mitchell obtain acknowledgments of receipt of this Order as follows. A. Defendant Mitchell, within seven (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 five (5) years after entry of this Order, Defendant Mitchell, for any business that Defendant Mitchell is the majority owner or controls directly or indirectly, must deliver a copy of this Order to (1) all principals, officers, directors, and LLC
 16 17 18 19 20 21 22 23 24 	 IT IS FURTHER ORDERED Defendant Mitchell obtain acknowledgments of receipt of this Order as follows. A. Defendant Mitchell, within seven (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 five (5) years after entry of this Order, Defendant Mitchell, for any business that Defendant Mitchell is the majority owner or controls directly or indirectly, 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
 16 17 18 19 20 21 22 23 24 25 	 IT IS FURTHER ORDERED Defendant Mitchell obtain acknowledgments of receipt of this Order as follows. A. Defendant Mitchell, within seven (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 five (5) years after entry of this Order, Defendant Mitchell, for any business that Defendant Mitchell is the majority owner or controls directly or indirectly, 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

1	C.	From each individual or entity to which Defendant Mitchell delivered a
2	copy of this	Order, Defendant Mitchell must obtain, within thirty
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1			Now Funding which Defendant Mitchell must describe if he knows
2			or should know due to his own involvement);
3		6)	Describe in detail whether and how Defendant Mt
4			compliance with each Section of this Order; and
5		7)	Provide a copy of each Order Acknowledgment obtained pursuant to
6			this Order unless previously submitted to the Commission.
7	В.	For t	wenty (20) years after entry of this Order Defendant Mtfen1.9(c)-21.8(h)-25.5
8	submit a con	mplian	ce notice, sworn under penalty of perjury, within fourteen (14) days of
9	any change	in the f	following:
10		1)	Name, including aliases or fictitious names, or residence address;
11		2)	Any designated point of contact;
12		3)	Title or role in any business activity, including any business for
13			which Defendant Mtfen1.7(c)-21.6(h)-25.3(e)-21.6(l)-21.7(l)-21.7(perfor)5
has anyløkvn	ership interes	st, and	identify the name, physical address,

and anyl Internet address of the business or entity; and

4) The structure of any entity that Defendant Mitchell has any owners hip interest in or controls directly or indirectly that may affect compliance obligations arising under this Order including: creation, merger, loale, or dissolution of the entity or any subsidiary, parent, or affiliate 20 hat engages in any acts or practices subject to this Order.

1	States of America that the foregoing is true and correct. Executed on:" and
2	supplying the date, signatory's full name, title (if applicable), and signature.
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1	XI.
2	Compliance Monitoring
3	IT IS FURTHER ORDERED, for the purpose of monitoring Defendant
4	Mitchell's compliance with this Order, that:
5	A. Within 14 days of receipt of a written request from a representative of the
6	Commission, Defendant Mitchell must submit additional compliance reports or other
7	requested information, which must be sworn under penalty of perjury; appear for
8	depositions; and produce documents for inspection and copying. The Commission is also
9	authorized to obtain discovery, without further leave of court, using any of the procedures
10	prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions),
11	31, 33, 34, 36, 45, and 69.
12	B. For matters concerning this Order, the Commission is authorized to
13	communicate directly with Defendant Mitchell. Defendant Mitchell must permit
14	representatives of the Commission to interview any employee or other person affiliated
15	with Defendant Mitchell who has agreed to such an interview. The person interviewed
16	may have counsel present.
17	C. The Commission may use all other lawful means, including posing, through
18	its representatives as consumers, suppliers, or other individuals or entities, to Defendant
19	Mitchell or any individual or entity affiliated with him, without the necessity of
20	identification or prior notice. Nothing in this Order limits the Commission's lawful use of
21	compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.
22	D. Upon written request from a representative of the Commission, any
23	consumer reporting agency must furnish consumer reports concerning Defendant
24	Mitchell, pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C.
25	§1681b(a)(1).
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1	XII.
2	Retention of Jurisdiction
3	IT IS FURTHER ORDERED this Court retains jurisdiction of this matter for
4	purposes of construction, modification, and enforcement of this Order.
5	Dated this 15th day of July, 2015.
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8	Honorable Roslyn O. Silver
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