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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Federal Trade Commission,
Plaintiff,
vs.
Money Now Funding, LLC, et al.,
Defendants.

No. CV-13-01583-PHX-ROS

FINAL JUDGMENT AND ORDER FOR
PERMANENT INJUNCTION AND
EQUITABLE MONETARY JUDGMENT
AS TO DEFENDANT DINO
MITCHELL

Plaintiff, the Federal Trade Commission (“Commission” or “FTC”), filed its Complaint for Permanent Injunction and Other Equitable Relief (Doc. 3), subsequently amended by the First Amended Complaint for Permanent Injunction and Other Equitable Relief (Doc. 194) (as amended, the “Complaint”), pursuant to Sections 13(b) and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b) & 57b. The FTC subsequently filed a Motion for Default Judgment against Defendant Dino Mitchell (“Defendant Mitchell”) on all counts of the First Amendment Complaint.

Defendant Mitchell was served with the Complaint in this action (Doc. 32), but has not opposed, defended, or answered the Complaint (Docs. 78 & 85). Furthermore, the Complaint is well pled and the relief sought in the Complaint is reflected in the proposed order submitted with the Motion. Having considered the Complaint, memorandum of law and exhibits, and other evidence filed in this matter, the Court granted the Commission’s Motion for Default Judgment against Defendant Dino Mitchell (Doc. 356) and enters this final judgment and order.

FINDINGS

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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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6. **“Designated Person”** means any Person, other than the Business Opportunity Seller, whose goods or services the Business Opportunity Seller suggests, recommends, or requires that the purchaser

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12. **“Provide Locations, Outlets, Accounts, or Customers”** means to furnish a prospective purchaser with existing or potential locations, outlets, accounts, or customers; requiring, recommending, or suggesting one or more locations or lead generation companies; providing a list of locator or lead generating companies; collecting a fee on behalf of one or more locators or lead generating companies; offering to furnish a list of locations; or otherwise assisting the prospective purchaser in obtaining his or her own locations, outlets, accounts, or customers.

13. **“Representatives”** means Defendant Mitchell’s officers, agents, servants, employees, and attorneys, and all other Persons

1 | earn money while working from home or from locations other than the business premises
2 | of the Defendants, whether or not a Business Opportunity.

3 | **ORDER**

4 | **I.**

5 | **Prohibition against Misrepresentations**

6 | **IT IS ORDERED** Defendant Mitchell and his Representatives, whether acting
7 | directly or indirectly, in connection with the advertising, marketing, promotion, offering
8 | for sale, or sale of any products or services, are **permanently restrained and enjoined**
9 | **from** misrepresenting or assisting others in misrepresenting, expressly or by implication:

10 | A. That Defendant Mitchell or any other Person offers, sells, or provides loans
11 | or cash advances;

12 | B. The amount of income, earnings, or profits that a Person may or is likely to
13 | earn, or that other Persons have earned;

14 | C. That Defendant Mitchell or any other Person will provide, locate, or obtain
15 | leads containing the names or contact information of Persons potentially interested in
16 | products or services Defendant Mitchell or any other Person purports to offer;

17 | D. That Defendant Mitchell or any other Person will contact, sell, or provide
18 | services to businesses consumers refer;

19 | E. The total cost to purchase, receive, or use any products or services; or

20 | F. Any material aspect of the performance, efficacy, nature, or central
21 | characteristics of any product or service.

22 | **II.**

23 | **Prohibitions Related to the Sale and Marketing**
24 | **of Business or Work-at-home Opportunities**

25 | **IT IS FURTHER ORDERED** Defendant Mitchell and his Representatives,
26 | whether acting directly or indirectly, in connection with the advertising, marketing,
27 | promotion, offering for sale, or sale of any Business Opportunity or Work-at-home
28 | Opportunity, are **permanently restrained and enjoined from:**

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C. From each individual or entity to which Defendant Mitchell delivered a copy of this Order, Defendant Mitchell must obtain, within thirty

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Now Funding (which Defendant Mitchell must describe if he knows or should know due to his own involvement);

- 6) Describe in detail whether and how Defendant Mt compliance with each Section of this Order; and
- 7) Provide a copy of each Order Acknowledgment obtained pursuant to this Order unless previously submitted to the Commission.

B. For twenty (20) years after entry of this Order Defendant Mtfen1.9(c)-21.8(h)-25.5 submit a compliance notice, sworn under penalty of perjury, within fourteen (14) days of any change in the following:

- 1) Name, including aliases or fictitious names, or residence address;
- 2) Any designated point of contact;
- 3) Title or role in any business activity, including any business for which Defendant Mtfen1.7(c)-21.6(h)-25.3(e)-21.6(l)-21.7(l)-21.7(perfor)5

has any ownership interest, and identify the name, physical address, and any Internet address of the business or entity; and

4) The structure of any entity that Defendant Mitchell 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.

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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XII.

Retention of Jurisdiction

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

Dated this 15th day of July, 2015.

Honorable Roslyn O. Silver

