

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

_____)	
FEDERAL TRADE COMMISSION,)	
)	
Plaintiff,)	Case No. 13-cv-1999
)	
v.)	Judge Andrea R. Wood
)	
CONSTRUCT DATA PUBLISHERS, a,s)	Magistrate Judge Mason
a foreign corporation, also doing business)	
as FAIR GUIDE,et al,)	
)	
Defendants.)	
_____)	

DEFAULT JUDGMENT AND ORDER FOR
PERMANENT INJUNCTION AND OTHER EQUITABLE
RELIEF AGAINST CONSTRUCT DATA PUBLISHERS A.S.

Plaintiff, the Federal Trade Commission (“FTC” or “Commission”), filed its Complaint for Permanent Injunction and Other Equitable Relief (“Complaint”) in this matter against Defendants Construct Data Publishers, Wolfgang Valvoda, and Susanne Anhorn, pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b). The FTC now having filed its Motion for Entry of Default Judgment and Order for Permanent Injunction and Other Equitable Relief Against Defendant Construct Data Publishers, a.s. (“Defaulting Defendant”), and the Court having considered the FTC’s motion, and supporting exhibits, and the entire record in this matter, the FTC’s motion is hereby granted, and IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

FINDINGS

1. This is an action by the Commission under Sections 5(a) and 13(b) of the FTC Act, 15 U.S.C. §§ 45(a) and 53(b). The Commission's Complaint seeks permanent injunctive relief against Defendants in connection with their offering for sale or sale of Internet directory listings in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and seeks equitable monetary relief in the form of consumer redress and/or disgorgement. Pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), the Commission has the authority to seek the relief contained herein.

2. This Court has jurisdiction over the subject matter of this case and personal jurisdiction over the parties hereto.

3. The Commission's Complaint states facts upon which relief may be granted under Sections 5(a) and 13(b) of the FTC Act, 15 U.S.C. §§ 45(a) and 53(b).

4. Venue in the United States District Court for the Northern District of Illinois is proper pursuant to 15 U.S.C. § 53(b) and 28 U.S.C. § 1391(b), (c) and (d).

5. The activities of Defendants are "in affecting commerce" as "commerce" is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

6. Defaulting Defendant was properly served with the Summons and Complaint in this matter. On December 16, 2015, the Court granted the motion of counsel for Defaulting Defendant to withdraw, and Defaulting Defendant has been unrepresented since that time. On March 16, 2016, the Court entered default as to Defaulting Defendant pursuant to Fed. R. Civ. P. 55(a).

7. The factual allegations in the Commission's Complaint are taken as true against Defaulting Defendant. Those allegations and the evidence supporting them establish that Defaulting Defendant violated Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

8. The Court now finds that, in connection with the offering for sale or sale of Business Directory listings, Defaulting Defendant has violated Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), by falsely representing to consumers, expressly or by implication, that consumers have a preexisting business relationship with Defendants.

9. The Court further finds that, in connection with the offering for sale or sale of Business Directory listings, Defaulting Defendant has violated Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), by falsely representing to consumers, expressly or by implication, that Defendants are affiliated or otherwise connected with a particular trade show or exhibition, or the organizer of that event.

10. It is proper to enter this Default Judgment and Order for Permanent Injunction and Other Equitable Relief Against Constructa Publishers a.s. ("Order") to prevent a recurrence of Defaulting Defendant's violation of the FTC Act, 15 U.S.C. § 45, and to enter equitable monetary relief against Defaulting Defendant.

11. Defendants' net sales to U.S. consumers (total sales minus refunds, returns, and chargebacks) amounted to at least \$7,020,962.75 United States Dollars from the conduct alleged in the Commission's Complaint.

12. The Commission is therefore entitled to equitable monetary relief against Defaulting Defendant in the amount of \$7,020,962.75 United States Dollars, for which Defaulting Defendant is jointly and severally liable.

13. This Order is in addition to, and not in lieu of, any other civil or criminal remedies that may be provided by law.

14. Entry of this Order is in the public interest.

DEFINITIONS

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

1. "Business Directory" means a collection of listings of consumers, providing their location, contact

I. BAN ON CERTAIN ACTIVITIES

IT IS ORDERED that Defaulting Defendant, whether acting directly or indirectly, is permanently restrained and enjoined from advertising, marketing, promoting, offering for sale, or selling, or assisting in the advertising, marketing, promoting, offering for sale, or sale of, Business Directories and/or lists in Business Directories.

II. PROHIBITIONS AGAINST MISREPRESENTATIONS

IT IS FURTHER ORDERED that Defaulting Defendant's officers, agents, employees, and all other persons in active cooperation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with the advertising, marketing, promoting, offering for sale, or sale of any good or service, are permanently restrained and enjoined from misrepresenting, or assisting others in misrepresenting, expressly or by implication:

- A. That consumers have a preexisting business relationship with any Defendant or any other person;
- B. That Defendants or any other persons affiliated or otherwise connected with a particular trade show or exhibition, or the organizer of that event;
- C.

G. Any fact material to consumers concerning any good or service, such as: the total cost; any material restrictions, limitations, or conditions; or any material aspect of the performance, efficacy, nature, or central characteristics.

III. MONETARY JUDGMENT

IT IS FURTHER ORDERED that:

A. Judgment in the amount of Seven Million, Twenty Thousand, Nine Hundred Sixty Two United States Dollars and 75 Cents (\$7,020,962.75 USD), is entered in favor of the Commission against Defaulting Defendant as equitable monetary relief.

B. Defaulting Defendant is ordered to pa

B. Failing to destroy such customer information in all forms in their possession, custody, or control within 30 days after receipt of written direction to do so from a representative of the Commission.

Provided, however, that customer information need not be disposed of, and may be disclosed, to the extent requested by a governmental agency or required by a law, regulation, or court order.

VI. PROHIBITION ON COLLECTING ON ACCOUNTS

IT IS FURTHER ORDERED that Defaulting Defendant's officers, agents, employees, and all other persons in active cooperation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are permanently restrained and enjoined from attempting to collect or seeking payment for any listing in any Business Directory, and from selling, assigning, or otherwise transferring any right to collect payment for any listing in any Business Directory.

VII. ORDER ACKNOWLEDGMENTS

IT IS FURTHER ORDERED that Defaulting Defendant obtain acknowledgments of receipt of this Order:

A. Defaulting Defendant, within 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 5 years after entry of this Order, Defaulting Defendant 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 fr

4. describe in detail whether and how the Defendant is in compliance with each Section of this Order; and

5. provide a copy of each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to the Commission.

B. For 20 years after entry of this Order, Defaulting Defendant must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the following:

1. any designated point of contact; or
2. the structure of Defaulting Defendant or any entity that Defaulting Defendant 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.

C. Defaulting Defendant must submit to the Commission notice of the filing of any bankruptcy petition, insolvency proceedings, or similar proceeding by or against Defaulting 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. Executed: _____" 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 (noted U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin with FTC v. Construct Data Publishers, a.s. FTC Matter No. X130040.

IX. RECORDKEEPING

X. COMPLIANCE MONITORING

IT IS FURTHER ORDERED

XI. LIFTING OF ASSET FREEZE

IT IS FURTHER ORDERED that the freeze on the assets of Defaulting Defendant shall remain in effect until the Commission has received the total amount required by Section III above, provided, however, that Defaulting Defendant may transfer funds to the extent necessary to make all payments required by Section III. Upon payment to the Commission of the total amount required by Section III above, the freeze on the assets of Defaulting Defendant shall be lifted permanently.

XII. 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 this 25th day of August, 2016.

A rectangular area containing a handwritten signature in black ink, which appears to read "Andrea R. Wood". The signature is written over a light-colored background that has been scanned with some digital artifacts.

Honorable Andrea R. Wood
United States District Judge