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1 The Federal Trade Commission (“Commission” or “FTC”) has filed a  
 2 Complaint seeking a permanent injunction and other equitable relief pursuant to  
 3 Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §  
 4 53(b), charging Defendants with operating a common enterprise that has  
 5 deceptively and unlawfully advertised offers to purchase, finance, and lease  
 6 vehicles and engaged in deceptive and unfair practices involving the financing of  
 7 vehicles. The Commission’s Complaint alleges that Defendants’ deceptive and  
 8 unfair practices violate Section 5(a) of the FTC Act, 15 U.S.C. §45; the Truth in  
 9 Lending Act (“TILA”), 15 U.S.C. §§ 1601-1666j, and its implementing Regulation  
 10 Z, 12 C.F.R. § 226; and the Consumer Leasing Act (“CLA”), 15 U.S.C. §§ 1667  
 11 1667f, and its implementing Regulation 12 C.F.R. § 213

12 The Commission also has filed a Motion for a Preliminary Injunction and  
 13 Other Equitable Relief (“Motion”) against Defendants, seeking preliminary relief  
 14 in connection with the acts and practices alleged in the Complaint relating to  
 15 Counts I-II and VII-IX.

16 The Court, having considered the FTC’s Complaint, the Motion, the  
 17 memorandum of points and authorities in support of the Motion, including the  
 18 declarations and exhibits attached thereto, and Defendant’s opposition to the  
 19 motion, and being otherwise advised, makes the following findings of fact and  
 20 conclusions of law:

21  
 22 **FINDINGS**

23 1. This is an action by the Commission instituted under Section 13(b) of  
 24 the FTC Act, 15 U.S.C. § 53(b); TILA, 15 U.S.C. §§ 1601-1666j; and the CLA,  
 25 15 U.S.C. §§ 1667-1667f. The Commission has authority to seek the relief contained  
 26 herein.

27 2. The Commission’s Complaint states a claim upon which relief may be  
 28 granted against Defendants under Section 5(a) of the FTC Act, 15 U.S.C. §45



1           6.     There is good cause to believe that immediate and continuing harm  
2 will result from Defendants’ ongoing violations unless Defendants are restrained  
3 and enjoined by order of the Court.

4           7.     Weighing the equities and considering the FTC’s likelihood of  
5 success, the entry of this Preliminary Injunction Order (“Order”) is in the public  
6 interest.

7           8.     As an agency of the United States, no security is required of the  
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34 accompanying text or other visual elements so that it is easily  
noticed, read, and understood.

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1 acting directly or indirectly, in connection with an advertisement for any  
2 extension of consumer credit, are preliminarily restrained and enjoined from:

3 A. Stating, expressly or by implication:

4 1. The amount or percentage of any down payment, the number of  
5 payments or period of repayment, the amount of any payment, or the  
6 amount of any finance charge, without disclosing clearly and  
7 conspicuously all of the following terms:

8 a. The amount or percentage of the down payment;

9 b. The terms of repayment; and

10 c. The annual percentage rate, using the term “annual percentage  
11 rate” or the abbreviation “APR.” If the annual percentage rate  
12 may be increased after consummation of the credit transaction,  
13 that fact must also be disclosed; or

14 2. A rate of finance charge without stating the rate as an “annual  
15 percentage rate” or the abbreviation “APR,” using that term; or

16 B. Failing to comply in any respect with Regulation Z, 12 C.F.R. Part  
17 226, as amended, and the Truth in Lending Act, as amended, 15 U.S.C. §§ 1601  
18 1667.

19 IV. CONSUMER LEASING ACT

20 IT IS FURTHER ORDERED THAT [§ID 9>> BDC BT 1 01 108.02 2dwER4[§ID 9>> BDC E

- 1 2. The total amount due at lease signing or delivery;
- 2 3. Whether or not a security deposit is required;
- 3 4. The number, amounts, and timing of scheduled payments; and
- 4 5. That an extra charge may be imposed at the end of the lease term in a
- 5 lease in which the liability of the consumer at the end of the lease term
- 6 is based on the anticipated residual value of the vehicle; or

7 B. Failing to comply in any respect with Regulation M, 12 C.F.R. Part  
8 213, as amended, and the Consumer Leasing Act, 15 U.S.C. §§ 1667, as  
9 amended.

10 V. TEMPORARY REMOVAL OF DECEPTIVE REVIEWS

11 IT IS FURTHER ORDERED that Defendants, Defendants' officers,  
12 agents, employees, and attorneys, and those persons or entities in active concert or  
13 participation with any of them who receive actual notice of this Order, including  
14 any person hosting or otherwise controlling any Internet content, server, or website  
15 that contains any existing reviews or testimonials that do not comply with Sections  
16 I.E and I.C (hereinafter "Deceptive Reviews"), immediately upon service of the  
17 Order upon them, shall:

18 A. Immediately take any necessary steps to ensure that any Deceptive  
19 Reviews on any website, blog, social media service are no longer  
20 viewable or accessible to the public using the Internet;

21 B. Preserve any (1) Internet content, servers, or websites that contain  
22 Deceptive Reviews, by preserving such content, servers, or websites in the  
23 format in which they were maintained as of the date of entry of this Order,  
24 and (2) electronically stored information related to Deceptive Reviews.

25 C. Within ten (10) days following this Order, notify in writing counsel for  
26 the FTC of any Deceptive Reviews subject to Section V.A.B.

1 VI. PRESERVATION OF RECORDS

2 IT IS FURTHER ORDERED that Defendants, Defendants’ officers,  
3 agents, employees, attorneys, and those persons or entities in active concert or  
4 participation with any of them who receive actual notice of this Order, whether  
5 acting directly or indirectly, are hereby preliminarily restrained and enjoined  
6 destroying, erasing, mutilating, concealing, altering, transferring, or otherwise  
7 disposing of, in any manner, directly or indirectly, any documents, including, but  
8 not limited to electronically stored information, voicemail, or text messages on  
9 personal devices or email accounts, that relate to the business practices,  
10 advertising or marketing, or business or finances, of Defendants, or an entity  
11 directly or indirectly under the control of Defendants.

12 VII. NOTICE OF FINANCIAL TRANSACTIONS, NEW ENTITIES, AND  
13 LITIGATION

14 IT IS FURTHER ORDERED that Defendants shall provide counsel for the  
15 Commission with notice of the following while this Order is in effect:  
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Such notice shall include: (1) the name of the business entity; (2) the address and telephone number of the business entity; (3) the names of the business entity officers, directors, principals. BT 5X7 BT /F2 13b356>-2<0003>] T714p4pb.62 T Q

