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14 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
15 EUREKA DIVISION

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 LAWRENCE L. DUSKIN, individually, and also
20 doing business as HollywoodColorContacts.com,
21 WorldColorContacts.com, and
TopModelContacts.com,
22 Defendant.

1 and 57b. Defendant has waived service of the summons and the Complaint and Defendant
2 stipulate to the entry of this Stipulated Order for Civil Penalties, Permanent Injunction, and Other Relief.

3 3 2 UGHU ' WR UHVROYH DOO PDWWHUV LQ GLVSXWH LQ WKL

4 THEREFORE, IT IS ORDERED as follows

5 FINDINGS

6 1. This Court has jurisdiction over this matter.

7 2. The Complaint states a claim upon which relief may be granted against Defendant under

8 SHFWLRQV D DQG E RI WKH)DLUQHVV WR &RQWDFW /HQ

9 7608(a) and (b), and Sections 5(a)(1), 5(m)(l)(A), 13(b), 16(a), and 19(a)(1) of the Federal Trade

10 &RPPLVVLRQ \$FW 3) 7 & \$FW ' 8 6 8(b), 156(a), and 57b(a)(l) P \$

11 3. Defendant neither admits nor denies any of the allegations in the Complaint, except as
12 specifically stated in this Order. Only for purposes of this action, Defendant admits the facts necessary
13 to establish jurisdiction

14 4. Defendant waives any claim that he may have under the Equal Access to Justice Act, 28
15 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order, and agrees to
16 bear his own costs and attorney fees.

17 5. Defendant and Plaintiff waive all rights to appeal or otherwise challenge or contest the
18 validity of this Order.

19 ORDER

20 DEFINITIONS

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

22 1. 'Contact lens' PHDQV DQ\ FRQWDFW OHQV IRU ZKLFK 6WD
23 prescription.

24 2. 'Defendant' means Lawrence L. Duskin, individually, and also doing business as
25 HollywoodColorContacts.com, WorldColorContacts.com, TopModelContacts.com, and any
26

1 combination of the foregoing.

2 I. BAN ON SELLING CONTACT LENSES

3 IT IS ORDERED that Defendant is permanently restrained and enjoined from
4 advertising, marketing, promoting, dispensing, or selling, or assisting others in advertising, marketing,
5 promotion, dispensing, or selling, contact lenses.

6 II. MONETARY JUDGMENT FOR CIVIL PENALTY AND PARTIAL SUSPENSION

7 IT IS FURTHER ORDERED that:

8 A. Judgment in the amount of \$575,000 is entered in favor of Plaintiff against Defendant as a
9 civil penalty, pursuant to Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A).

10 B. Defendant is ordered to pay Plaintiff, by making payment to the Treasurer of the United
11 States, \$60,000 which, as Defendant stipulates, his undersigned counsel holds in escrow for
12 no purpose other than payment to Plaintiff. Such payment must be made within 7 days of
13 entry of this Order by electronic fund transfer in accordance with instructions previously
14 provided by a representative of Plaintiff. Upon such payment, the remainder of the judgment
15 is suspended, subject to the Subsections below.

16 C. 7KH & RPPLVLRQ DQG 3ODLQWLI of part of the judgment is
17 H[SUHVVO\ SUHPLVHG XSRQ WKH WUXWKIXOQHVV DFF
18 ILQDQFLDO VWDWHPHQWV DQG UHODWHG GRFXPHQWV
19 submitted to the Commission, namely:

- 20 1. Financial Statement of Defendant signed on February 9, 2018, including the attachments;
- 21 2. \$GGLWLRQDO GRFXPHQWDWLRQ VXEPLWWHG IURP 'H
22 LQFOXGLQJ D OHWWHU IURP -Forms for 2014 and WD [
23 2017;
- 24 3. \$GGLWLRQDO GRFXPHQWDWLRQ VXEPLWWHG IURP 'H
25 LQFOXGLQJ 'HIHQGDQW 1-R forms from 2010, 2015, 2016 and 2017; and
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brokerage account statements dated 1/1/2018 to 3/3/2018 and for 4/1/2018 to 4/30/2018, and

4. \$ G G L W L R Q D O G R F X P H Q W D W L R Q V X E P L W W H G I U R P ' H

consisting of a letter dated June 8, 2018.

D. The suspension of the judgment will be lifted if, upon motion by the Commission or Plaintiff, the Court finds that Defendant failed to disclose any material asset, materially misstated the

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D. Defendant acknowledges that his Taxpayer Identification Numbers (Social Security Number or Employer Identification Numbers), which Defendant previously ~~submitted~~ to the Commission, may be used for collecting and reporting on any delinquent amount arising out of this Order, in accordance with 31 U.S.C. 75182.59 681.46 Tmt

1 affiliate that engages in any acts or practices subject to this Order;

2 3. Name, including aliases or fictitious name, or residence address; and

3 4. Title or role in any business activity, including any business for which Defendant
4 performs services whether as an employee or otherwise and any entity in which
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- 1 A. Accounting records showing the revenues from all goods or services sold;
- 2 B. Personnel records showing, for each person providing services, whether as an employee or
- 3 RWKHU ZLVH WKDW SHUVRQ ¶ V QDPH D GIDU HAVS HV
- 4 of service; and (if applicable) the reason for termination;
- 5 C. Records of all consumer complaints and refund requests concerning the subject matter of
- 6 the Order, whether received directly or indirectly, such as through a third party, and any
- 7 response;
- 8 D. Copies of all unique sales scripts, training materials, advertisements, or other marketing
- 9 materials for contact lenses; and
- 10 E. All records necessary to demonstrate full compliance with each provision of this Order,
- 11 including all submissions to the Commission.
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VII. COMPLIANCE MONITORING

IT IS FURTHER ORDERED WKDW IRU WKH SXUSRVH RI PRQLWRU

16 this Order:

- 17 A. Within 14 days of receipt of written request from a representative of the Commission or
- 18 Plaintiff, Defendant must: submit additional compliance reports or other requested
- 19 information, which must be sworn under penalty of perjury; appear for depositions; and
- 20 produced documents for inspection and copying. The Commission and Plaintiff are also
- 21 authorized to obtain discovery, without further leave of court, using any of the procedures
- 22 prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions),
- 23 31, 33, 34, 36, 45, and 69.
- 24
- 25 B. For matters concerning this Order, the Commission or Plaintiff is authorized to
- 26 communicate directly with Defendant. Defendant must permit representatives of the
- 27 Commission and Plaintiff to interview any employee or other person affiliated with
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