

UNITED STATES DISTRICT COURT

ATLANTA DIVISION

Clerk entered default against Unrepresented Corporate Defendants, pursuant to Federal Rule of Civil Procedure 55(a), on July 17, 2018. The FTC now moves this Court for entry of a judgment by default and permanent injunction, pursuant to Federal Rule of Civil Procedure 55(b)(2), against Unrepresented Corporate Defendants. The Court, having considered the

memoranda and exhibits filed in support of said motion, and all other pleadings and filings in this action. **GRANTS** the FTC's Motion and

3. This Court has jurisdiction over the subject matter of this case and has jurisdiction over all the parties hereto, and venue in this district is proper.

4. The activities of Unrepresented Corporate Defendants, as alleged in the Complaint, were in or affecting commerce, as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

5. Each Unrepresented Corporate Defendant is a "debt collector"

collecting "debts," as those terms are defined by the FDCPA, 15 U.S.C. §§ 1692a(6) & (5).

6. Process and service of process as to each Unrepresented Corporate Defendant is proper.

7. Unrepresented Corporate Defendants have failed to answer or otherwise file any response to the Complaint. Accordingly, each Unrepresented Corporate Defendant is in default for failure to plead or otherwise defend in this action.

8. Because of Unrepresented Corporate Defendants' default, the factual

Enterprises, Inc., and American Credit Adjusters, LLC.

10. As alleged in Counts I and III of the Complaint, in numerous instances each Unrepresented Corporate Defendant, directly or indirectly, used false and misleading representations to collect debts. These false and misleading representations were likely to mislead consumers acting reasonably under the circumstances. Therefore, the Unrepresented

Corporate Defendants' practices constitute deceptive acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45(a). In making these representations, each Unrepresented Corporate Defendant also

constitute deceptive acts or practices in violation of Section 5 of the
FTC Act, 15 U.S.C. § 45(a). In making these representations, each

_____ and _____ Defendant also falsely represented the

_____ level of debt in violation of Section 807(9)(A) of

14. As alleged in Count V of the Complaint, in numerous instances each Unrepresented Corporate Defendant, directly or indirectly, failed to provide a consumer, either in an initial communication or a written notice sent within five days after the initial communication, with information about the debt and the right to dispute the debt, in violation of Section 809(a) of the FDCPA, 15 U.S.C. § 1692g(a).

15. Plaintiff FTC has provided a reasonable basis for calculating

any consumer information relating to a debt; (b) prohibits each Unrepresented Corporate Defendant from making certain misrepresentations concerning financial-related products and services,

advertising, marketing, promotion, or sale of a financial-related product or service, such as the terms or rates available for a loan, or the savings a consumer will receive from purchasing a debt relief service; (c) prohibits each Unrepresented Corporate Defendant from disclosing,

and the FDCPA. The FTC is entitled to judgment against

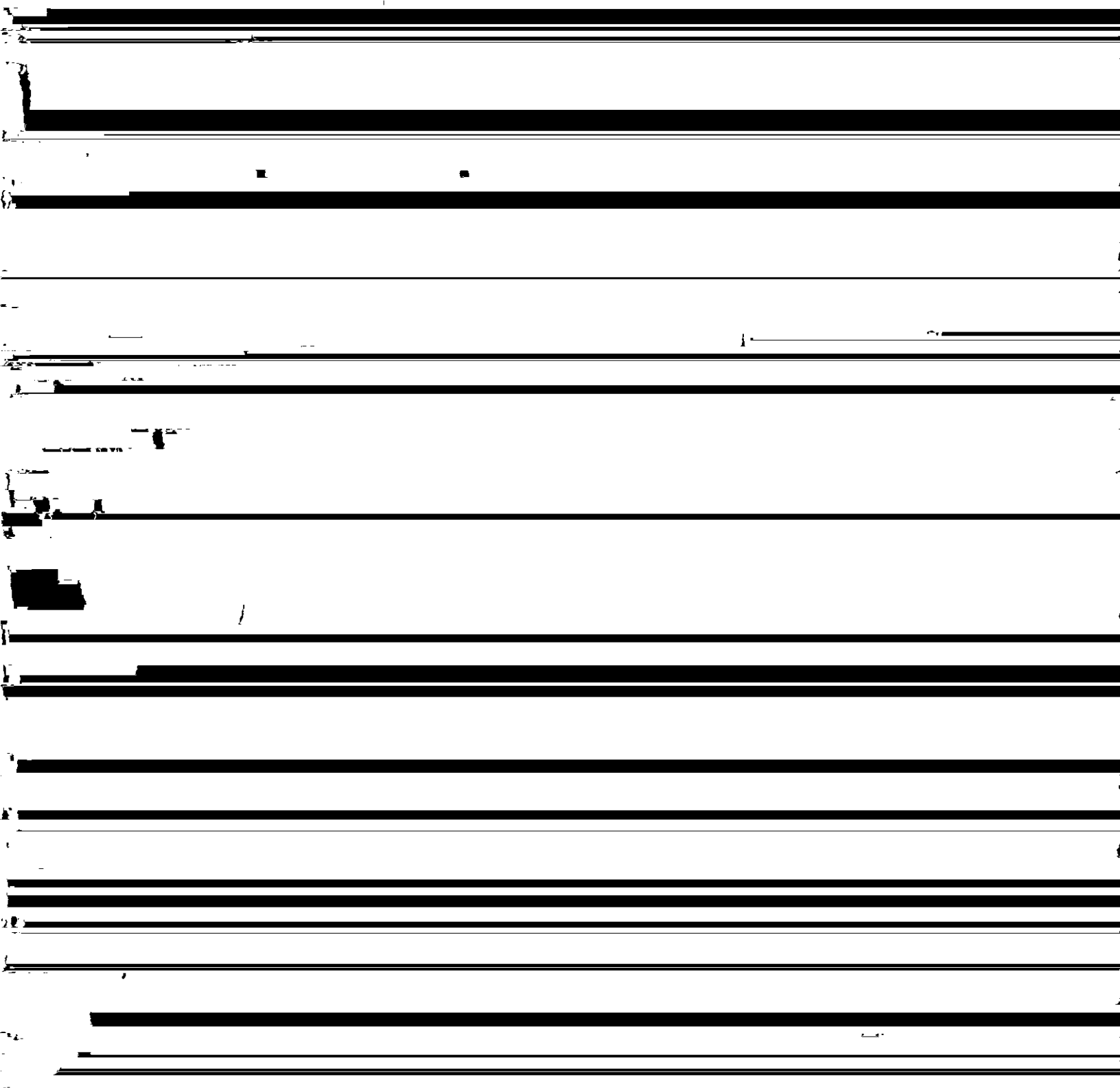
_____ and _____, Defendants, jointly and severally in the

amount of Three Million Four Hundred Sixty-Two Thousand Six
Hundred Sixty-Four Dollars (\$3,462,664.00), the injury caused to
consumers by Unrepresented Corporate Defendants.

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

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

collect, or attempt to collect, directly or indirectly, a debt owed or due, or



B. "Individual Defendants" means Lamar Snow, Jahaan McDuffie, and Glentis Wallace.

"Product or service" means any product, service

plan, or program represented, expressly or by implication, to:

... for a consumer to receive or

A. Negotiate, settle, or in any way alter the terms of payment or

other terms of the mortgage, loan, debt, or obligation, including but not limited to, a reduction in the amount of interest, principal balance, monthly payments, or fees owed by a person to a secured or unsecured creditor or debt collector;

B. Stop, prevent or postpone any mortgage or deed of foreclosure sale for a person's dwelling, any other sale of collateral, any repossession of a person's dwelling or other collateral, or otherwise save a person's dwelling or other collateral from

collateral, (ii) a deed-in-lieu of foreclosure, or (iii) any other disposition of a mortgage, loan, debt, or obligation other than a sale to a third party that is not the secured or unsecured loan holder.

The foregoing shall include any manner of claimed assistance,

[REDACTED]

**PROHIBITED MISREPRESENTATIONS RELATING TO
FINANCIAL-RELATED PRODUCTS OR SERVICES**

II. IT IS FURTHER ORDERED that Unrepresented Corporate

Defendants, Unrepresented Corporate Defendants' officers, agents,

employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with the advertising,

4. Any aspect of any secured or unsecured debt relief product or service, including but not limited to, the amount of savings a consumer will receive from purchasing, using, or enrolling in

amount of time before which a consumer will receive settlement of that consumer's debts; or the reduction or cessation of collection calls;

5. That a consumer will receive legal representation;

6. That any particular outcome or result from a financial-related product or service is guaranteed, assured, highly likely or probable, or very likely or probable;

_____ identified in Subsection B of

this Section III, the asset freeze as to the Unrepresented Corporate Defendants is dissolved.

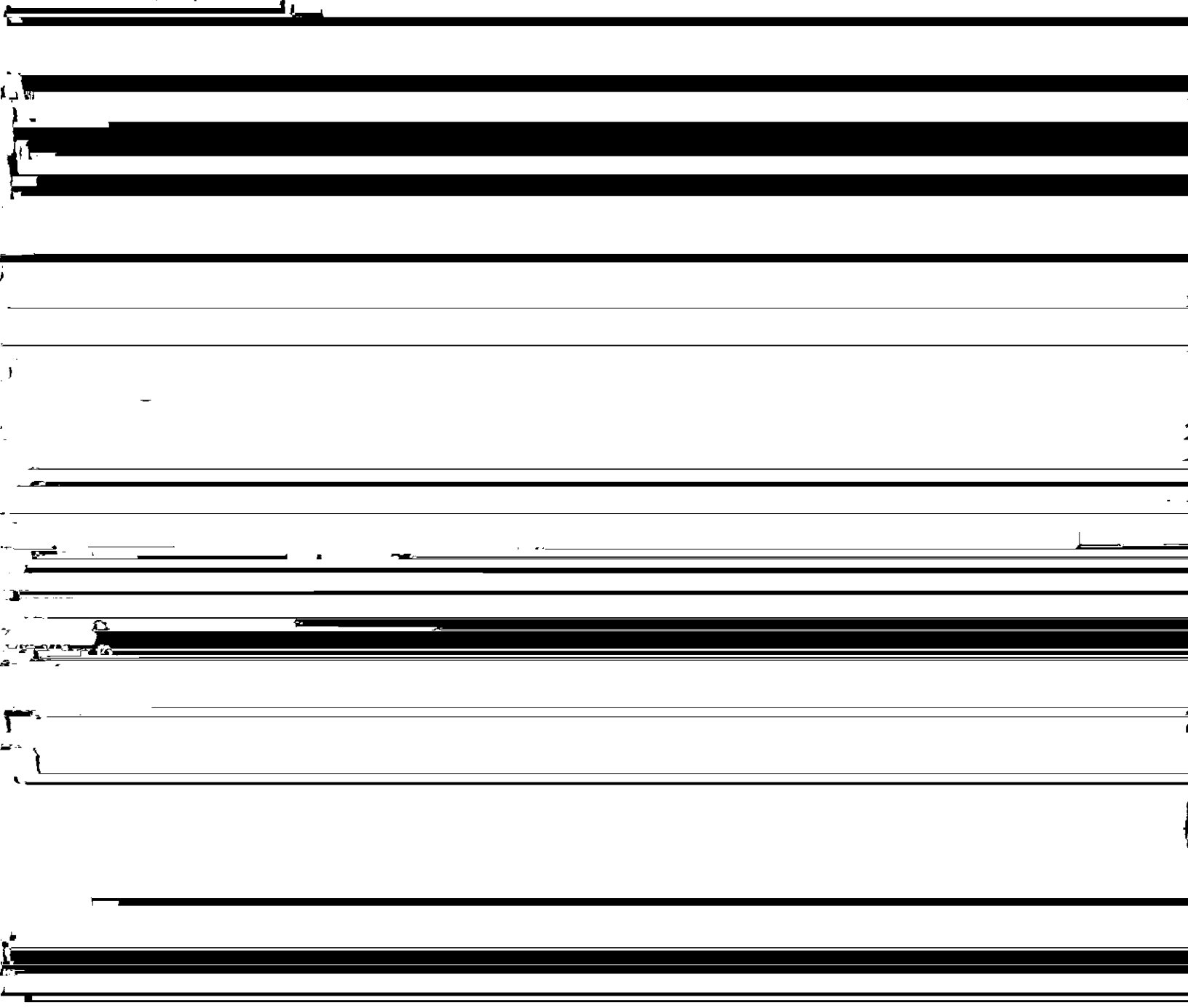
D. The judgment entered pursuant to this Section is equitable

_____ and not a fine penalty

not used for such equitable relief is to be deposited to the U.S. Treasury as disgorgement. Unrepresented Corporate Defendants have no right to challenge any actions the Commission or its representatives may take pursuant to this Subsection.

CONSUMER INFORMATION

~~IT IS FURTHER ORDERED that Unrepresented Corporate~~



enables access to a customer's account (including a credit card, bank
account, or other financial account) that Unrepresented Corporate

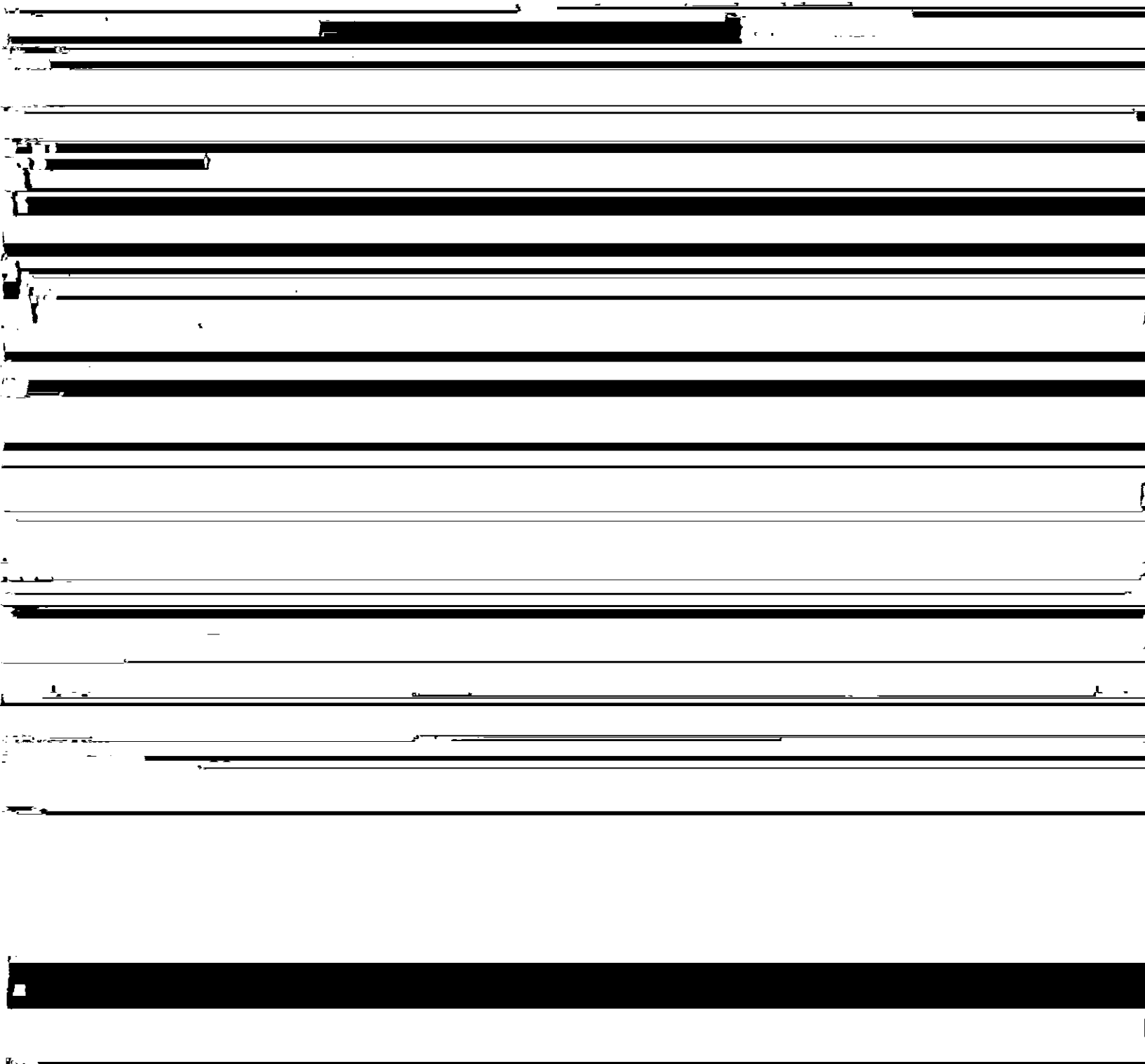
Defendant obtained prior to entry of this Order in connection with any
debt collection activities:

C. 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.

Information need not be disposed of and

assume their responsibilities.

C. From each individual or entity to which Unrepresented Corporate Defendants delivered a copy of this Order, Unrepresented Corporate



Defendant (which Unrepresented Corporate Defendants must

describe if they know or should know due to their own

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

B. personnel records showing, for each person providing services, whether as an employee or otherwise, that person's: name; addresses; telephone numbers; job title or position; dates of service; and (if applicable) the reason for termination;

C. records of all consumer complaints and refund requests, whether received directly or indirectly, such as through a third party, and any response;

D. all records necessary to demonstrate full compliance with each provision of this Order, including all submissions to the Commission:

and

E. a copy of each unique advertisement or other marketing material.

COMPLIANCE MONITORING

V. I

copying. The Commission is also authorized to obtain discovery, without further leave of court, using any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

authorized to communicate directly with Unrepresented Corporate

Defendants. Unrepresented Corporate Defendants must permit

concerning Unrepresented Corporate Defendants, pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C. §1681b(a)(1).

RETENTION OF JURISDICTION

X. 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 yrk day of September, 2018.