

THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

2. The Complaint charges that the Settling Defendant provided substantial assistance and support to the Nudge Defendants in the marketing and sale of real estate training services in violation of Section 310.3(b) of the Telemarketing Sales Rule, 16 C.F.R. Part 310 (“TSR”).

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

4. The Settling Defendant waives any claim that he may have under the Equal

ORDER

I. PROHIBITION AGAINST MISREPRESENTATIONS

IT IS ORDERED that the Settling Defendant, the Settling Defendant's officers, agents, and employees, 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 advertising, marketing, promoting, or offering for sale any good or service, are permanently restrained and enjoined from making or assisting others in making any misrepresentations, expressly or by implication:

- A. That consumers are likely to earn substantial income, or a specific level or range of actual or potential income;
- B. That any training or coaching program is only available for a select group of consumers who have to qualify to join the program;
- C. Regarding the need or purpose for obtaining consumers' financial information;
- D. Regarding any Material Connection between the Settling Defendant and any individual or entity offering or affiliated with a product or service;
- E. That any consumer review or endorsement is truthful or is made by an actual user of such product or service or entity;
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II. PROHIBITION AGAINST ASSISTING AND FACILITATING

IT IS FURTHER ORDERED that the Settling Defendant, the Settling Defendant's officers, agents, and employees, 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, are permanently restrained and enjoined from providing substantial assistance or support to any individual or entity that they know, or should know, is engaged in:

- A. Misrepresenting, expressly or by implication, any material aspect of the performance, efficacy, nature, or central characteristics of any goods and services;
or
- B. Any deceptive, unfair, or abusive act or practice prohibited by Section 5 of the FTC Act or by the Telemarketing Sales Rule, a copy of which is attached.

III. MONETARY JUDGMENT

IT IS FURTHER ORDERED that:

- A. Judgment in the amount of

IV. ADDITIONAL MONETARY PROVISIONS

IT IS FURTHER ORDERED that:

A. The Settling Defendant relinquishes dominion and all legal and equitable right, title, and interest in all assets transferred pursuant to this Order and may not seek the return of any assets.

B. The facts alleged in the Complaint will be taken as true, without further proof, in any subsequent civil litigation by or on behalf of the Commission, including in a proceeding to enforce its rights to any payment or monetary judgment pursuant to this Order, such as a nondischargeability complaint in any bankruptcy case.

C. The facts alleged in the Complaint establish all elements necessary to sustain an action by the Commission pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral estoppel effect for such purposes.

D. The Settling Defendant acknowledges that his Taxpayer Identification Numbers (Social Security Numbers or Employer Identification Numbers), which the Settling Defendant must submit 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. §7701.

E. All money received by the Commission pursuant to this Order may be deposited into a fund administered by the Commission or its designee to be used for consumer relief, such as redress and any attendant expenses for the administration of any redress fund. If a representative of the Commission decides that direct redress to consumers is wholly or partially

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Provided, however, that customer information need not be disposed of, and may be

Delivery must occur within 7 days of entry of this Order for current personnel. For all others, delivery must occur before they assume their responsibilities.

C. From each individual or entity to which a Settling Defendant delivered a copy of this Order, that Settling Defendant must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

VIII. COMPLIANCE REPORTING

IT IS FURTHER ORDERED that the Settling Defendant make timely submissions to the Commission:

A. One year after entry of this Order, the Settling Defendant must submit a compliance report, sworn under penalty of perjury and:

1. Identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the Commission may use to communicate with

6. Describe the activities of each business, including the goods and services offered, the means of advertising, marketing, and sales, and the involvement of any other Defendant (which the Settling Defendant must describe if he knows or should know due to his own involvement);
7. Describe in detail whether and how the Settling Defendant is in compliance with each Section of this Order; and
8. Provide a copy of each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to the Commission.

B. For 10 years after entry of this Order, the Settling 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;
2. The structure of any entity that the Settling 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.
3. Name, including aliases or fictitious name, or residence address; and
4. Title or role in any business activity, including any business for which the Settling Defendant performs services whether as an employee or otherwise and any entity in which the Settling Defendant has any ownership interest, and identify the name, physical address, and any Internet address of the business or entity.

C. The Settling Defendant must submit to the Commission notice of the filing of any bankruptcy petition, insolvency proceeding, or similar proceeding by or against the Settling 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 on: _____” 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 (not the 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: FTC v. Dean Graziosi (X200004).

IX. RECORDKEEPING

IT IS FURTHER ORDERED that the Settling Defendant must create certain records for

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

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

X. COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of monitoring the Settling Defendant's compliance with this Order, including any failure to transfer any assets as required by this Order:

A. Within 14 days of receipt of a written request from a representative of the Commission, the Settling Defendant must: submit additional compliance reports or other requested information, which must be sworn under penalty of perjury; appear for depositions; and produce documents for inspection and 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 depositions), 31, 33, 34, 36, 45, and 69.

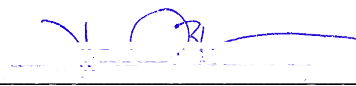
D. Upon written request from a representative of the Commission, any consumer reporting agency must furnish consumer reports concerning the Settling Defendants, pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C. §1681b(a)(1).

XI. 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.

Signed April 24, 2023.

BY THE COURT



David Barlow
United States District Judge

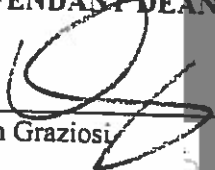
Date 4/20/23



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Date: 3/30/23

DEFENDANT DEAN G IOSI



Dean Graziosi

Date: 3-29-23