

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

Plaintiff,

v.

YODEL TECHNOLOGIES, LLC, a limited liability
company, and

ROBERT PULSIPHER, individually and as an
officer of Yodel Technologies LLC,

Defendants.

Case No. _____

STIPULATED ORDER FOR
PERMANENT INJUNCTION, CIVIL
PENALTY JUDGMENT, AND
OTHER RELIEF

Plaintiff, the United States of America, acting upon notification and authorization to the Attorney General by the Federal Trade Commission (“Commission” or “FTC”), filed its Complaint for Permanent Injunction, Civil Penalty, and Other Equitable Relief (“Complaint”), pursuant to Sections 5(a), 5(m)(1)(A), 13(b)(a)(1) and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a), 45(m)(1)(A), 53(b), 56(a)(1) and 57, and Section 6 of the Telemarketing and Consumer Fraud and Abuse Prevention Act (the “Telemarketing Act”), 15 U.S.C. § 6105; and the FTC’s Telemarketing Sales Rule (“TSR”), 16 C.F.R. Part 310. Defendants have waived service of the summons on the Complaint. Plaintiff and Defendants stipulate to the entry of this Stipulated Order for Permanent Injunction, Civil Penalty Judgment, and Other Relief (“Order”) to resolve all matters in dispute in this action between them.

THEREFORE, IT IS ORDERED as follows:

FINDINGS

1. This Court has jurisdiction over this matter.
2. The Complaint charges that Defendants participated in acts or practices in

violation of the FTC's Telemarketing Sales Rule (the "TSR" or "Rule"), as amended, 16 C.F.R. Part 310, by (a) placing telemarketing calls to consumers that delivered prerecorded messages; and (b) placing telemarketing calls to consumers whose telephone numbers were on the National Do Not Call ("DNC") Registry.

3. Defendants neither admit nor deny any of the allegations in the Complaint, except as specifically stated in this Order. Only for purposes of this action Defendants admit the facts necessary to establish jurisdiction.

4. Defendants waive any claim that they may have under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order, and agree to bear their own costs and attorney fees.

5. Defendants waive all rights to appeal or otherwise challenge or contest the validity of this Order.

DEFINITIONS

For the purpose of this Order the following definitions apply:

A. "Defendants" means the Individual Defendant and the Corporate Defendant, individually, collectively, or in any combination.

1. "Corporate Defendant" means Yodel Technologies LLC and its successors and assigns.

2. "Individual Defendant" means Robert Pulsipher.

B. "Telemarketing" means any plan, program, or campaign, which is conducted to induce the purchase of goods or services or a charitable contribution, by use of one or more telephones, whether or not covered by the Telemarketing Sales Rule. This definition includes outbound calls and inbound calls.

ORDER

I. BAN ON TELEMARKETING

IT IS ORDERED that Defendants are permanently restrained and enjoined from participating in Telemarketing, whether directly or through an intermediary.


II. MONETARY JUDGMENT FOR CIVIL PENALTY AND PARTIAL SUSPENSION

IT

VI. ORDER ACKNOWLEDGMENTS

IT IS FURTHER ORDERED that Defendants obtain acknowledgments of receipt of this

Order:

 Each Defendant, within 7 days of entr

1. Each Defendant must: (a) identify the primary physical, postal, and email address and telephone number, as designated point of contact, which representatives of the Commission or Plaintiff may use to comm

obligations arising under this Order, including: creation, ~~or~~ sale, or dissolution of the entity or any subsidiary, parent, or ~~affi~~ that engages in any acts or practices subject to this Order.

2.

VIII. RECORDKEEPING

IT IS FURTHER ORDERED that Defendants ~~sho~~ create certain records for 15 years after entry of the Order, and retain each ~~such~~ record for 5 years. Specifically, Corporate Defendant and each Individual Defendant for ~~business~~ that such Defendant, individually or collectively with any other Defendants, is a ~~major~~ owner or controls directly or indirectly, must create and retain ~~the~~ following records:

- A. Accounting records showing the revenue ~~from~~ all goods or services sold;
- B. Personnel records showing, for each person providing services, whether as an employee or otherwise, that ~~pers~~ons: name; address; telephone numbers; ~~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.

IX. COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the ~~purpose~~ of monitoring Defendants' compliance with this Order and any failure to ~~transfer~~ any assets ~~acquired~~ by this Order:

- A. Within 14 days of receipt of a ~~written~~ request from a ~~representative~~ of the Commission or Plaintiff, each 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 ~~copy~~. The Commission and Plaintiff are also authorized to obtain discovery, without further leave of court, using any of the procedures

— —————

SO STIPULATED AND AGREED:

FOR PLAINTIFF:

THE UNITED STATES OF AMERICA

BRIAN BOYTON

Acting Assistant Attorney General, Civil Division

AMANDA LISKAMM

Director, Consumer Protection Branch

Date: _____

Trial Attorney
Consumer Protection Branch
U.S. Department of Justice
P.O. Box 386
Washington, DC 20044-0386
Telephone:
Fax:
Email:

FEDERAL TRADE COMMISSION

Date: _____

JOHN R. O'GORMAN
Attorneys
FEDERAL TRADE COMMISSION
1999 Bryan St., Suite 2150
Dallas, TX 75201

FOR DEFENDANTS:

COUNSEL

DEFENDANTS:



Date: 05/03/2023

ROGER POLES
AND AS AN OFFICER OF YODEL TECHNOLOGIES, LLC