

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
26
27

CARLTON MOSLEY
cmosley@ftc.gov
GREGORY A. ASHE
gashe@ftc.gov
FEDERAL TRADE COMMISSION
600 Pennsylvania Ave., NW
Washington, DC 20580
Telephone: (202) 326-2163 (Mosley)
Telephone: (202) 326-3719 (Ashe)
Facsimile: (202) 326 -4380

Attorneys for Plaintiff
FEDERAL TRADE COMMISSION

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

**INTERCONTINENTAL SOLUTIONS LLC,
et al.,**

Defendants.

Case No. 8:23-CV-01495e.9L MC(-)Tj0phenSpTf1
INJUNCTION,

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
26
27

to Sections 13(b) and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b) and 57b, the Telemarketing and Consumer Fraud and Abuse Prevention Act (“Telemarketing Act”), and Section 522(a) of the Gramm-Leach-Bliley Act (“GLB Act”), 15 U.S.C. § 6822(a), (3)TjT(4)TjT5c -01001 Tw 7.06 0 Td(T)-4.b329

FINDINGS

By stipulation of the parties, the Court finds that:

- A. The Court has jurisdiction over this matter.
- B. The Complaint charges that Defendants participated in deceptive acts or practices in violation of Section 5(a) of the FTC Act, multiple provisions of the TSR, and Section 521 of the GLB Act, in connection with Defendants’ marketing and sale of student loan debt relief services.
- C. 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, Settling Defendant admits the facts necessary to establish jurisdiction.
- D. Settling Defendant waives any claim that it 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 agrees to bear its own costs and attorney fees.
- E. Settling Defendants waive all rights to appeal or otherwise challenge or contest the validity of this Order.
- F. For the avoidance of doubt, this Order does not affect the rights of non-Settling Defendants to continue defending this action.
- G. This Order is in the public interest.

1 activity that is the subject of the Complaint in this matter, and which the
2 Receiver has reason to believe is owned or controlled in whole or in part by any
3 Settling Defendant.
4

5 F. **“Secured or Unsecured Debt Relief Product or Service”** means:

6 1. With respect to any mortgage, loan, debt, or obligation between a person and
7 one or more secured or unsecured creditors or debt collectors, any product,
8 service, plan, or program represented, expressly or by implication, to:
9

10 a. stop, prevent, or postpone any mortgage or deed of foreclosure sale
11 for a person’s dwelling, any other sale of collateral, any repossession
12 of a person’s dwelling or other collateral, or otherwise save a person’s
13 dwelling or other collateral from foreclosure or repossession;
14

15 b. negotiate, obtain, or arrange a modification, or renegotiate, settle,
16 reduce, or in any way alter any terms of the mortgage, loan, debt, or
17 obligation, including a reduction in the amount of interest, principal
18 balance, monthly payments, or fees owed by a person to a secured or
19 unsecured creditor or debt collector;
20

21 c. obtain any forbearance or modification in the timing of payments
22 from any secured or unsecured holder or servicer of any mortgage,
23 loan, debt, or obligation;
24
25
26
27

1 d. negotiate, obtain, or arrange any extension of the period of time
2 within which a person may (i) cure his or her default on the mortgage,
3 loan, debt, or obligation, (ii) reinstate his or her mortgage, loan, debt,
4 or obligation, (iii) redeem a dwelling or other collateral, or (iv)
5 exercise any right to reinstate the mortgage, loan, debt, or obligation
6 or redeem a dwelling or other collateral;
7

8 e. obtain any waiver of an acceleration clause or balloon payment
9 contained in any promissory note or contract secured by any dwelling
10 or other collateral; or
11

12 f. negotiate, obtain, or arrange (i) a short sale of a dwelling or other
13 collateral, (ii) a deed-in-lieu of foreclosure, or (iii) any other
14 disposition of a mortgage, loan, debt, or obligation other than a sale to
15 a third party that is not the secured or unsecured loan holder.
16
17

18 The foregoing shall include any manner of claimed assistance, including
19 auditing or examining a person's application for the mortgage, loan, debt, or
20 obligation.
21

22 2. With respect to any loan, debt, or obligation between a person and one or
23 more unsecured creditors or debt collectors, any product, service, plan, or
24 program represented, expressly or by implication, to:
25

26 a. repay one or more unsecured loans, debts, or obligations; or
27

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
26
27

b. combine unsecured loans, debts, or obligations into one or more new loans, debts, or obligations. .i deal (ons)0..1 (a1y p)894 (ar obl.1 (a1 (ns,)3.progr.2

1 removing negative information from the Consumer's credit record
2 or history, even where such information is accurate and not
3 obsolete;

4
5 5. That a Consumer will save money; or

6 6. Any other fact material to consumers concerning any good or
7 service, such as: the total costs; any material restrictions,
8 limitations, or conditions; or any material aspect of its
9 performance, efficacy, nature, or central characteristics; or
10

11 B. Creating or causing to be created, directly or indirectly, a remotely
12 created payment order as payment for such product or service.
13

14
15 **PROHIBITION AGAINST UNSUBSTANTIATED**
16 **CLAIMS**

17 **III. IT IS FURTHER ORDERED** that Settling Defendant, its officers, agents,
18 employees, and attorneys, and all other Persons in active concert or
19 participation with any of them, who receive actual notice of this Order,
20 whether acting directly or indirectly, in connection with the advertising,
21 marketing, promoting, offering for sale, or selling of any product
22
23
24
25
26
27

CONTINUATION OF RECEIVERSHIP

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
26
27

V IT IS FURTHER ORDERED that Thomas McNamara, Esq., shall
continue as a permanent receiver over the Receivership Entities with full
powers of a permanent receiver, including but not limited to those powers

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
26
27

account number xxxx4166 in the name of Express

Enrollment, LLC;

d. Electronic Merchant Solutions shall, within ten (10)

business days of receipt of a copy of this Order, transfer to

the Receiver or his designated agent all funds, if any, in

account number xxxx9101 in the name of Express

Enrollment, LLC;

e. JP Morgan Chase Bank shall, within ten (10) business days

of receipt of a copy of this Order, transfer to the Receiver

or his designated agent all funds, if any, in account number

xxxx2978 in the name of Express Enrollment, LLC;

f. PayArc shall, within ten (10) business days of receipt of a

copy of this Order, transfer to the Receiver or his

designated agent all funds, if any, in account number

xxxx8693 in the name of Express Enrollment, LLC;

g. Greenspoon Marder shall, within ten (10) business days of

receipt (,)3.1 .am tver orp(C)0.8 (;)TJEMC 2ohL1-la (r6w72ohL1-la (-)X

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
26
27

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
26
27

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
26
27

J. The facts alleged in the Complaint establish all elements necessary to sustain an action by the FTC 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.

K. Settling Defendant acknowledges that their Taxpayer Identification Numbers (Social Security Numbers or Employer Identification Numbers), which Settling Defendants previously submitted to the FTC, may be used for collecting and reporting on any delinquent amount arising out of this Order, in accordance with 31 U.S.C. §7701.

L. All money received by the FTC pursuant to this Order may be deposited into a fund administered by the FTC 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 FTC decides that direct redress to consumers is wholly or partially impracticable or money remains after such redress is completed, the FTC may apply any remaining money for such related relief (including consumer information remedies) as it determines to be reasonably related to Settling Defendant’s practices alleged in the Complaint. Any money not used for relief is to be deposited to the U.S. Treasury. Settling

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
26
27

ORDER ACKNOWLEDGMENTS

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
26
27

IX IT IS FURTHER ORDERED that Settling Defendant obtain
acknowledgments of receipt of this Order:

A. Settling Defendant, within 7 days of entry of this Order, must submit to

COMPLIANCE REPORTING

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
26
27

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

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

1. Settling Defendant must: (a) identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the FTC may use to communicate with Settling Defendant; (b) identify all of that Settling Defendant’s businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses; (c) 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; (d) describe in detail whether and how that Settling Defendant is in compliance with each Section of this Order; and (e) provide a copy of each Order Acknowledgment obtained pursuant to

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
26
27

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
26
27

Settling Defendant or any individual or entity affiliated with Settling Defendant, without the necessity of identification or prior notice.

Nothing in this Order limits the FTC’s lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

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

RETENTION OF JURISDICTION

XIII IT IS FURTHER ORDERED that this Court retains jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

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
26
27

SO STIPULATED AND AGREED.



CARLTON B. MOSLEY
cmosley@ftc.gov
GREGORY A. ASHE
gashe@ftc.gov
FEDERAL TRADE COMMISSION

4
5
