

1 BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General
Civil Division
2 ARUN G. RAO
Deputy Assistant Attorney General
3 AMANDA N. LISKAMM
Director, Consumer Protection Branch
4 RACHAEL L. DOUD
Assistant Director, Consumer Protection Branch
5 ROWAN L. REID
Trial Attorney
6 Consumer Protection Branch
Civil Division, U.S. Department of Justice
7 450 5th Street NW, Suite 6400-S
8 Washington, DC 20530
Telephone: (202) 532-4315
9 Facsimile: (202) 514-8742
Email Address: rowan.l.reid@usdoj.gov
10 *Attorneys for Plaintiff United States of America*

11 REZA SINA, Cal. Bar No. 250428
reza@sinalawgroup.com
12 Sina Law Group
3727 W. Magnolia Blvd. #277
13 Burbank, CA 91505
Telephone: (310) 957-2057
14 Facsimile: (425) 409-0763
15 *Attorney for Defendants Response Tree LLC and Derek Thomas Doherty*

16 UNITED STATES DISTRICT COURT
17 CENTRAL DISTRICT OF

18
19
20
21
22
23
24
25
26
27
28

1 Plaintiff, the United States of America, acting upon notification and
2 authorization to the Attorney General by the Federal Trade Commission
3 (“Commission” or “FTC”), filed its Complaint for Permanent Injunction, Civil
4 Penalties, and Other Relief (“Complaint”) pursuant to Sections 5(a), 5(m)(1)(A),
5 13(b), 16(a), and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C.
6 §§ 45(a), 45(m)(1)(A), 53(b), 56(a), and 57b; the Telemarketing and Consumer
7 Fraud and Abuse Prevention Act (“Telemarketing Act”), 15 U.S.C. § 6105; and the
8 FTC’s Telemarketing Sales Rule (the “TSR”), as amended, 16 C.F.R. Part 310.
9 Plaintiff and Defendants, Response Tree LLC and Derek Thomas Doherty,
10 stipulate to the entry of a Stipulated Order for Permanent Injunction, Civil Penalty
11 Judgment, and Other Relief (“Stipulated Order”) to resolve all matters in dispute in
12 this action between them.

13 Plaintiff and Defendants have agreed to entry of the Stipulated Order

14 (l003500Bk14040004104072354.448458563-3)4(4)(i)-3(r)300(500310)Or6a73(a)B(l

15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Complaint, except as specifically stated in this Order. Only for purposes of this
2 action, Defendants admit the facts necessary to establish jurisdiction.

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

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

8 II. DEFINITIONS

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

10 A. **õE qxgt gf 'kphqt o cvkppö** means information from or about an
11 individual consumer, including (a) first and last name; (b) a home or other physical
12 address, including street name, name of a city or town, or zip code; (c) an email
13 address or other online contact information, such as a social media username; (d) a
14 telephone number, including mobile number; (e) gender; (f) age or date of birth;
15 (g) response to any survey or multiple-choice question about circumstances
16 specific to the consumer, such as education level, employment status, or household
17 debt; (h) biometric information; or (i) any information combined with any of (a)
18 through (h).

19 B. **õF ghgpf cpwö** means the Corporate Defendant and Individual
20 Defendant, individually, collectively, or in any combination.

21 1. **õE qtr qt cvg'F ghgpf cpwö** means Response Tree LLC and its
22 successors and assigns.

23 2. **õKpf klf wcnF ghgpf cpwö** means Derek Thomas Doherty.

24 C. **õNgc f 'I gpgt cvkppö** means (a) using marketing techniques to identify
25 or attract prospective customers' interest in a third party's product or service; (b)
26 obtaining, or assisting others in obtaining, Covered Information of prospective
27 customers for a third party's product or service; or (c) providing any such Covered
28 Information of prospective customers to a third party.

1 Registry, maintained by the Commission, of persons who do not wish to receive
2 Outbound Telephone Calls to induce the purchase of goods or services.

3 **V. BAN ON THE COLLECTION, SALE, TRANSFER,**
4 **OR DISCLOSURE OF COVERED INFORMATION IN CONNECTION**
5 **WITH LEAD GENERATION**

6 IT IS FURTHER ORDERED that Defendants, Defendants' officers, agents,
7 employees, and attorneys, and all other Persons in active concert or participation
8 with any of them, who receive actual notice of this Order, whether acting directly
9 or indirectly, are permanently restrained and enjoined from collecting any
10 consumer's Covered Information, or selling, transferring, or otherwise disclosing
11 any consumer's Covered Information to any Person, in connection with Lead
12 Generation.

13 **VI. MONETARY JUDGMENT FOR CIVIL PENALTY AND**
14 **SUSPENSION**

15 IT IS FURTHER ORDERED that:

16 A. Judgment in the amount of Seven Million Dollars (\$7,000,000) is
17 entered in favor of Plaintiff against Defendants, jointly and severally, as a civil
18 penalty.

19 B. Defendants are ordered to pay to Plaintiff, by making payment to the
20 Treasurer of the United States, Seven Million Dollars (\$7,000,000). This judgment
21 is suspended subject to the Subsections below.

22 C. Plaintiff's agreement to the suspension of the judgment is expressly
23 premised upon the truthfulness, accuracy, and completeness of Defendants' sworn
24 financial statements and related documents (collectively, "financial
25 representations") submitted to the Commission, namely:

- 26 1. The Financial Statement of Corporate Defendant Response Tree
27 LLC signed on July 11, 2023 by Derek Thomas Doherty;
28

- 1 2. The Financial Statement of Individual Defendant Derek Thomas
- 2 Doherty signed on July 11, 2023, including attachments;
- 3 3. The monthly statements for Corporate Defendant Response Tree
- 4 LLC's bank account at J.P. Morgan Chase, N.A. for account
- 5 ending in -3237 for the period July 15, 2020 to January 30, 2023;
- 6 4. The monthly statements for Corporate Defendant Response Tree
- 7 LLC's bank account at J.P. Morgan Chase, N.A. for account
- 8 ending in -3252 for the period November 3, 2020 to March 8,
- 9 2022; and
- 10 5. The Declaration of Derek Thomas Doherty signed on August 30,
- 11 2023.

12 D. The suspension of the judgment will be lifted as to any Defendant if,

13 upon motion by Plaintiff, the Court finds that Defendant failed to disclose any

14 material asset, materially misstated the value of any asset, or made any other

15 material misstatement or omission in the financial representations identified above.

16 E. If the suspension of the judgment is lifted, the judgment becomes

17 immediately due as to that Defendant in the amount specified in Subsection A

18 above (which the parties stipulate only for purposes of this Section represents the

19 amount of the civil penalty for the violations alleged in the Complaint), plus

20 interest computed from the date of entry of this Order.

21 **VII. ADDITIONAL MONETARY PROVISIONS**

22 IT IS FURTHER ORDERED that:

23 A. Defendants relinquish dominion and all legal and equitable right, title,

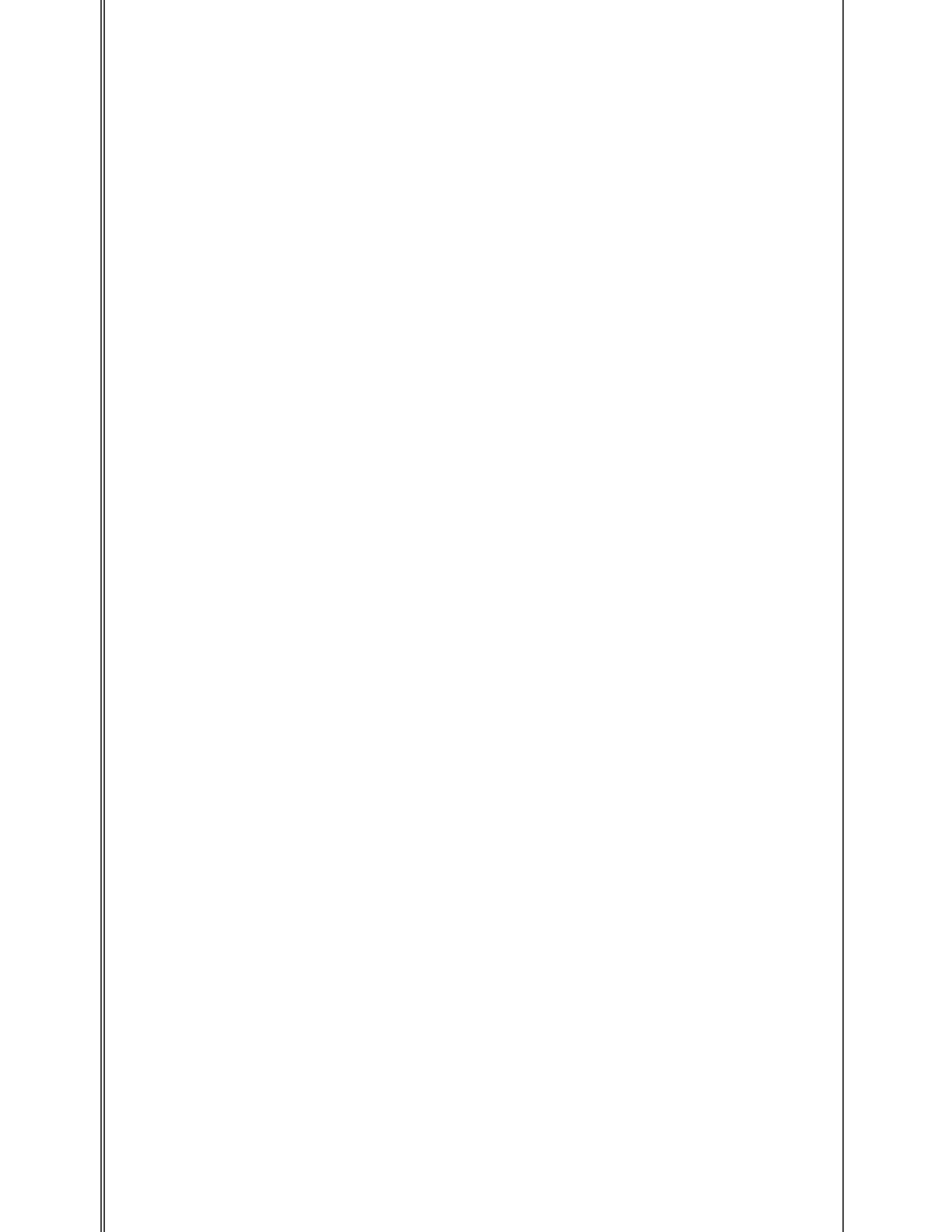
24 and interest in all assets transferred pursuant to this Order and may not seek the

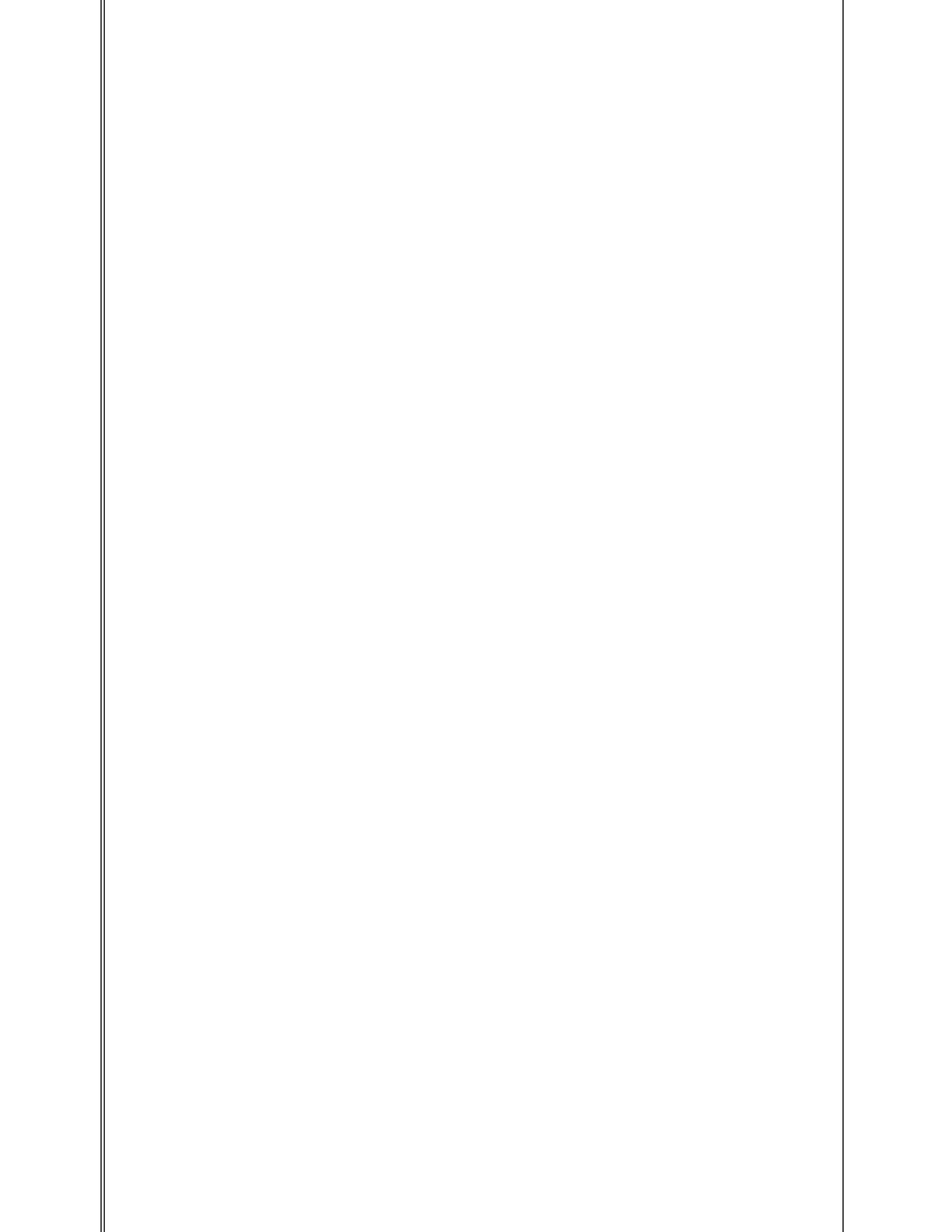
25 return of any assets.

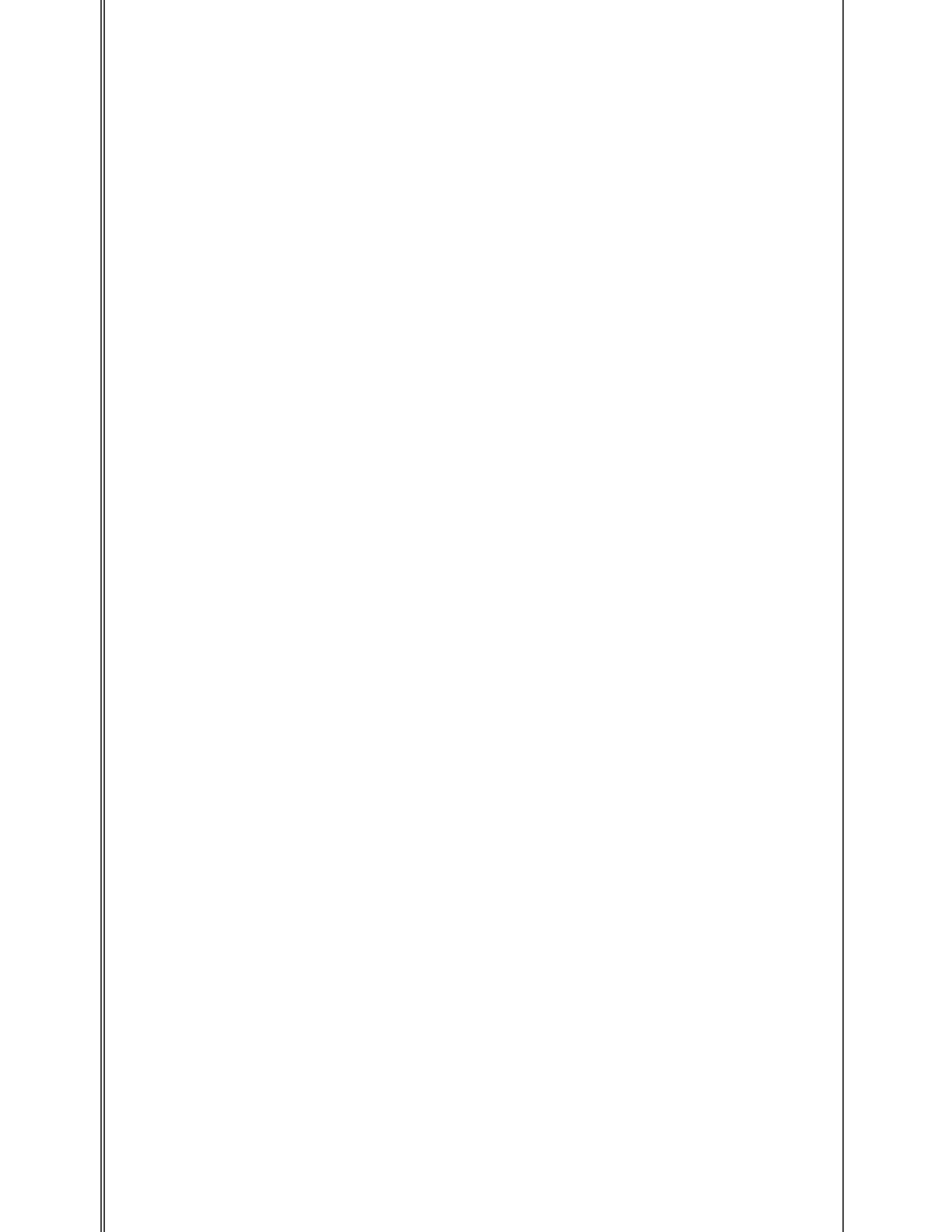
26 B. The facts alleged in the Complaint will be taken as true, without

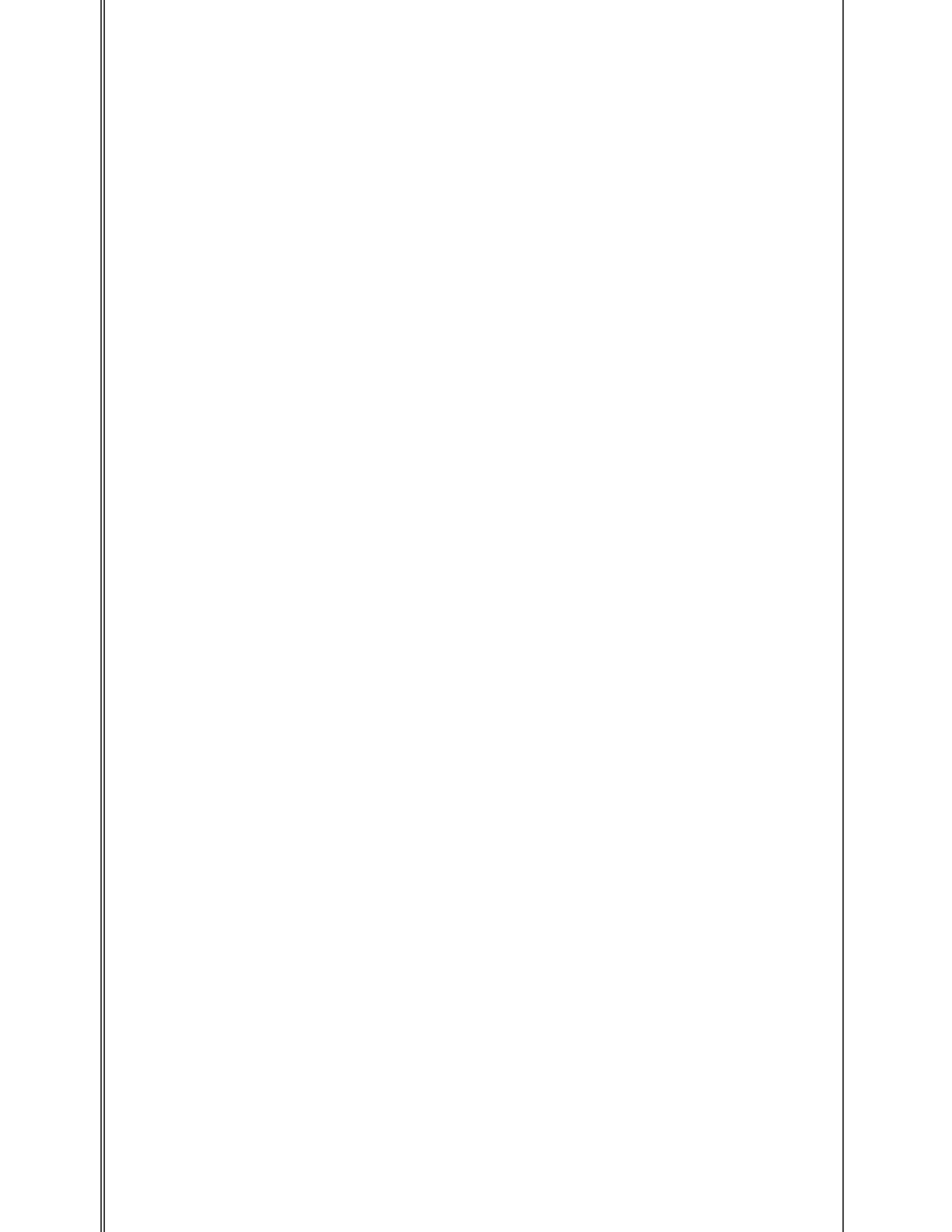
27

28

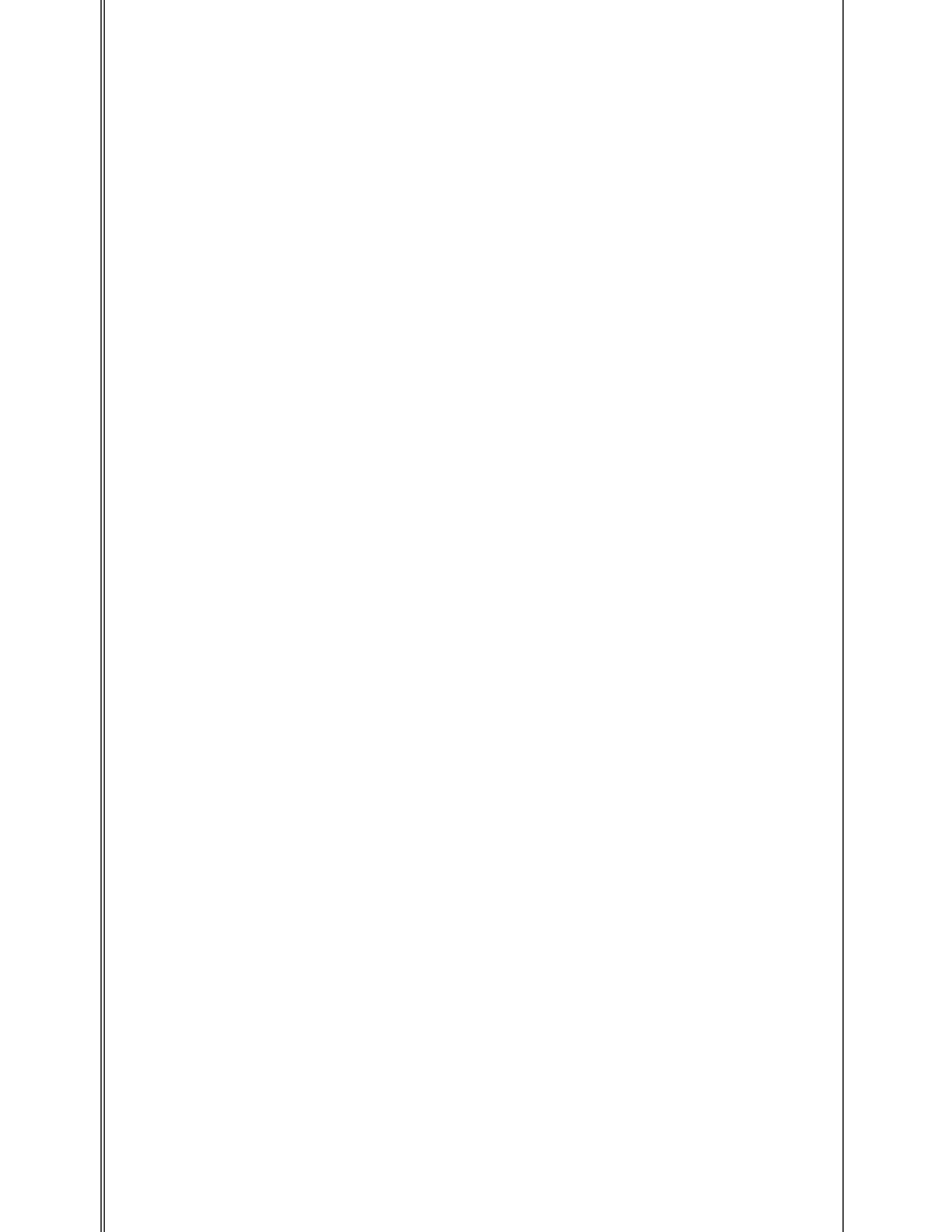


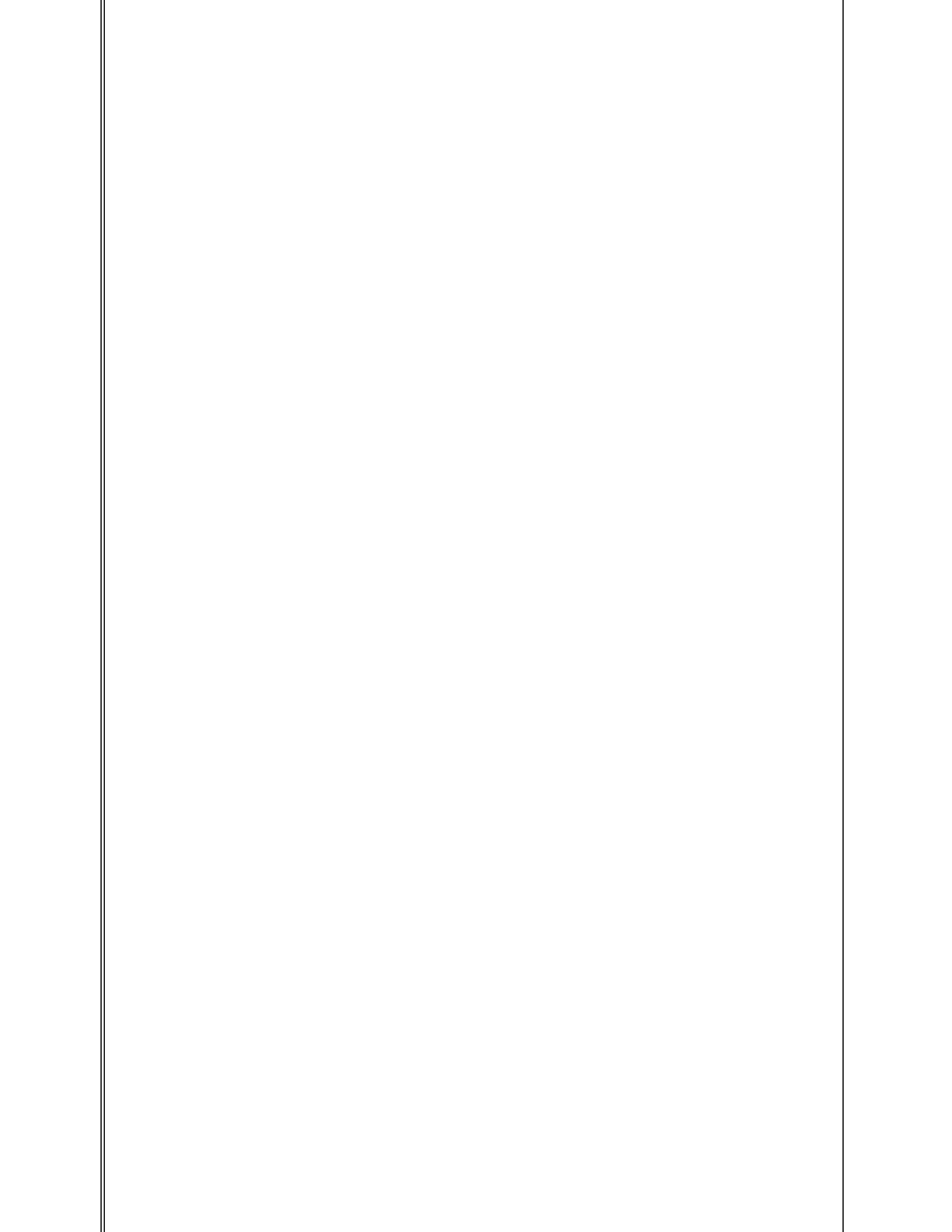






1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28





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

3 **XIV. RETENTION OF JURISDICTION**

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

6
7 **IT IS SO STIPULATED AND AGREED.**

8
9 \ \ \

10

11 \ \ \

12

13 \ \ \

14

15 \ \ \

16

17 \ \ \

18

19 \ \ \

20

21 \ \ \

22

23 \ \ \

24

25 \ \ \

26

27 \ \ \

28

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

FOR DEFENDANT RESPONSE TREE LLC AND

DEREK THOMAS

4-22-11

Individually and as an officer of
Response Tree LLC

REZA SINIA

Sina Law Group

3727 W. Magnolia Blvd #277

Burbank, CA 91505

Attorney for Defendant

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
28

1 **FOR DEFENDANTS RESPONSE TREE LLC AND**
2 **DEREK THOMAS DOHERTY**

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
28

_____ Date: _____

DEREK THOMAS DOHERTY,
Individually and as an officer of *nBT0 g/TT48r of *nBT0 g of *nBT0 g of *nBT0 gee0 g/TT041

