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 12 UNITED STATES DISTRICT COURT  
 13 CENTRAL DISTRICT OF CALIFORNIA  
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15 UNITED STATES OF AMERICA,

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 17 Plaintiff,

18 v.

19 RESPONSE TREE LLC, a California  
 20 corporation, and

21 DEREK THOMAS DOHERTY,  
 22 individually and as an officer of  
 23 RESPONSE TREE LLC

24 Defendants.  
 25

Case No. & 9

COMPLAINT FOR PERMANENT  
 INJUNCTION, CIVIL PENALTIES,  
 AND OTHER RELIEF

26  
 27 Plaintiff, the United States of America, acting upon notification and  
 28 authorization to the Attorney General by the Federal Trade Commission ("FTC"),

1 pursuant to Section 16(a)(1) of the Federal Trade Commission Act, 15 U.S.C. §  
2 56(a)(1), for its Complaint alleges:

3 1. Plaintiff brings this action under Sections 5(a), 5(m)(1)(A), 13(b)  
4 16(a), and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C.  
5 §§ 45(a), 45(m)(1)(A), 53(b), 56(a), and 57b and Section 6 of the Telemarketing  
6 and Consumer Fraud and Abuse Prevention Act (“Telemarketing Act”), 15 U.S.C.  
7 § 6105, to obtain a permanent injunction, civil penalties, and other relief for  
8 Defendants acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C.  
9 § 45(a), and the FTC’s Telemarketing Sales Rule (the “TSR”), as amended, 16  
10 C.F.R. Part 310. Defendants violated the FTC Act and TSR by operating a  
11 deceptive lead generation business that resulted in millions of unlawful  
12 telemarketing calls based on invalid consumer consent

### 13 JURISDICTION AND VENUE

14 2. This Court has subject matter jurisdiction pursuant to 28 U.S.C.  
15 §§ 1331, 1337(a), 1345, and 1355.

16 3. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(1),  
17 1391(b)(2), 1391(c)(2), 1391(d), 1395(a), and 5 U.S.C. § 53(b).

### 18 PLAINTIFF

19 4. This action is brought by the United States of America upon referral  
20 from the FTC. The FTC is an independent agency of the United States  
21 Government created by the FTC Act, 15 U.S.C. §§ 58. The FTC enforces  
22 Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive  
23 acts or practices in or affecting commerce. The FTC also enforces the  
24 Telemarketing Act, 15 U.S.C. § 6102, and the TSR, 16 C.F.R. Part 310, which  
25 prohibit deceptive and abusive telemarketing acts or practices.

### 26 DEFENDANTS

27 5. Defendant Response Tree LLC (“Response Tree”) California  
28 corporation with its principal place of business at 3333 Michelson Drive, Suite

1 300, Irvine, CA 92612. Response Tree transacts or has transacted business in this  
2 District and throughout the United States. Response Tree has owned, operated,  
3 and controlled the internet domain PatriotRefi.com, AgedPeopleMeet.com,  
4 ClickToWinAChance.com, and others. Response Tree took PatriotRefi.com,  
5 AgedPeopleMeet.com, ClickToWinAChance.com, and others down after  
6 receiving the FTC's Civil Investigative Demand (CID) on 01/02/24 (19-cv-0024) (i)-(j)-(k)-(l)-(m)-(n)-(o)-(p)-(q)-(r)-(s)-(t)-(u)-(v)-(w)-(x)-(y)-(z)-(aa)-(ab)-(ac)-(ad)-(ae)-(af)-(ag)-(ah)-(ai)-(aj)-(ak)-(al)-(am)-(an)-(ao)-(ap)-(aq)-(ar)-(as)-(at)-(au)-(av)-(aw)-(ax)-(ay)-(az)-(ba)-(bb)-(bc)-(bd)-(be)-(bf)-(bg)-(bh)-(bi)-(bj)-(bk)-(bl)-(bm)-(bn)-(bo)-(bp)-(bq)-(br)-(bs)-(bt)-(bu)-(bv)-(bw)-(bx)-(by)-(bz)-(ca)-(cb)-(cc)-(cd)-(ce)-(cf)-(cg)-(ch)-(ci)-(cj)-(ck)-(cl)-(cm)-(cn)-(co)-(cp)-(cq)-(cr)-(cs)-(ct)-(cu)-(cv)-(cw)-(cx)-(cy)-(cz)-(da)-(db)-(dc)-(dd)-(de)-(df)-(dg)-(dh)-(di)-(dj)-(dk)-(dl)-(dm)-(dn)-(do)-(dp)-(dq)-(dr)-(ds)-(dt)-(du)-(dv)-(dw)-(dx)-(dy)-(dz)-(ea)-(eb)-(ec)-(ed)-(ee)-(ef)-(eg)-(eh)-(ei)-(ej)-(ek)-(el)-(em)-(en)-(eo)-(ep)-(eq)-(er)-(es)-(et)-(eu)-(ev)-(ew)-(ex)-(ey)-(ez)-(fa)-(fb)-(fc)-(fd)-(fe)-(ff)-(fg)-(fh)-(fi)-(fj)-(fk)-(fl)-(fm)-(fn)-(fo)-(fp)-(fq)-(fr)-(fs)-(ft)-(fu)-(fv)-(fw)-(fx)-(fy)-(fz)-(ga)-(gb)-(gc)-(gd)-(ge)-(gf)-(gg)-(gh)-(gi)-(gj)-(gk)-(gl)-(gm)-(gn)-(go)-(gp)-(gq)-(gr)-(gs)-(gt)-(gu)-(gv)-(gw)-(gx)-(gy)-(gz)-(ha)-(hb)-(hc)-(hd)-(he)-(hf)-(hg)-(hh)-(hi)-(hj)-(hk)-(hl)-(hm)-(hn)-(ho)-(hp)-(hq)-(hr)-(hs)-(ht)-(hu)-(hv)-(hw)-(hx)-(hy)-(hz)-(ia)-(ib)-(ic)-(id)-(ie)-(if)-(ig)-(ih)-(ii)-(ij)-(ik)-(il)-(im)-(in)-(io)-(ip)-(iq)-(ir)-(is)-(it)-(iu)-(iv)-(iw)-(ix)-(iy)-(iz)-(ja)-(jb)-(jc)-(jd)-(je)-(jf)-(jg)-(jh)-(ji)-(jj)-(jk)-(jl)-(jm)-(jn)-(jo)-(jp)-(jq)-(jr)-(js)-(jt)-(ju)-(jv)-(jw)-(jx)-(jy)-(jz)-(ka)-(kb)-(kc)-(kd)-(ke)-(kf)-(kg)-(kh)-(ki)-(kj)-(kk)-(kl)-(km)-(kn)-(ko)-(kp)-(kq)-(kr)-(ks)-(kt)-(ku)-(kv)-(kw)-(kx)-(ky)-(kz)-(la)-(lb)-(lc)-(ld)-(le)-(lf)-(lg)-(lh)-(li)-(lj)-(lk)-(ll)-(lm)-(ln)-(lo)-(lp)-(lq)-(lr)-(ls)-(lt)-(lu)-(lv)-(lw)-(lx)-(ly)-(lz)-(ma)-(mb)-(mc)-(md)-(me)-(mf)-(mg)-(mh)-(mi)-(mj)-(mk)-(ml)-(mm)-(mn)-(mo)-(mp)-(mq)-(mr)-(ms)-(mt)-(mu)-(mv)-(mw)-(mx)-(my)-(mz)-(na)-(nb)-(nc)-(nd)-(ne)-(nf)-(ng)-(nh)-(ni)-(nj)-(nk)-(nl)-(nm)-(no)-(np)-(nq)-(nr)-(ns)-(nt)-(nu)-(nv)-(nw)-(nx)-(ny)-(nz)-(oa)-(ob)-(oc)-(od)-(oe)-(of)-(og)-(oh)-(oi)-(oj)-(ok)-(ol)-(om)-(on)-(oo)-(op)-(oq)-(or)-(os)-(ot)-(ou)-(ov)-(ow)-(ox)-(oy)-(oz)-(pa)-(pb)-(pc)-(pd)-(pe)-(pf)-(pg)-(ph)-(pi)-(pj)-(pk)-(pl)-(pm)-(pn)-(po)-(pp)-(pq)-(pr)-(ps)-(pt)-(pu)-(pv)-(pw)-(px)-(py)-(pz)-(qa)-(qb)-(qc)-(qd)-(qe)-(qf)-(qg)-(qh)-(qi)-(qj)-(qk)-(ql)-(qm)-(qn)-(qo)-(qp)-(qq)-(qr)-(qs)-(qt)-(qu)-(qv)-(qw)-(qx)-(qy)-(qz)-(ra)-(rb)-(rc)-(rd)-(re)-(rf)-(rg)-(rh)-(ri)-(rj)-(rk)-(rl)-(rm)-(rn)-(ro)-(rp)-(rq)-(rr)-(rs)-(rt)-(ru)-(rv)-(rw)-(rx)-(ry)-(rz)-(sa)-(sb)-(sc)-(sd)-(se)-(sf)-(sg)-(sh)-(si)-(sj)-(sk)-(sl)-(sm)-(sn)-(so)-(sp)-(sq)-(sr)-(ss)-(st)-(su)-(sv)-(sw)-(sx)-(sy)-(sz)-(ta)-(tb)-(tc)-(td)-(te)-(tf)-(tg)-(th)-(ti)-(tj)-(tk)-(tl)-(tm)-(tn)-(to)-(tp)-(tq)-(tr)-(ts)-(tt)-(tu)-(tv)-(tw)-(tx)-(ty)-(tz)-(ua)-(ub)-(uc)-(ud)-(ue)-(uf)-(ug)-(uh)-(ui)-(uj)-(uk)-(ul)-(um)-(un)-(uo)-(up)-(uq)-(ur)-(us)-(ut)-(uu)-(uv)-(uw)-(ux)-(uy)-(uz)-(va)-(vb)-(vc)-(vd)-(ve)-(vf)-(vg)-(vh)-(vi)-(vj)-(vk)-(vl)-(vm)-(vn)-(vo)-(vp)-(vq)-(vr)-(vs)-(vt)-(vu)-(vv)-(vw)-(vx)-(vy)-(vz)-(wa)-(wb)-(wc)-(wd)-(we)-(wf)-(wg)-(wh)-(wi)-(wj)-(wk)-(wl)-(wm)-(wn)-(wo)-(wp)-(wq)-(wr)-(ws)-(wt)-(wu)-(wv)-(ww)-(wx)-(wy)-(wz)-(xa)-(xb)-(xc)-(xd)-(xe)-(xf)-(xg)-(xh)-(xi)-(xj)-(xk)-(xl)-(xm)-(xn)-(xo)-(xp)-(xq)-(xr)-(xs)-(xt)-(xu)-(xv)-(xw)-(xx)-(xy)-(xz)-(ya)-(yb)-(yc)-(yd)-(ye)-(yf)-(yg)-(yh)-(yi)-(yj)-(yk)-(yl)-(ym)-(yn)-(yo)-(yp)-(yq)-(yr)-(ys)-(yt)-(yu)-(yv)-(yw)-(yx)-(yy)-(yz)-(za)-(zb)-(zc)-(zd)-(ze)-(zf)-(zg)-(zh)-(zi)-(zj)-(zk)-(zl)-(zm)-(zn)-(zo)-(zp)-(zq)-(zr)-(zs)-(zt)-(zu)-(zv)-(zw)-(zx)-(zy)-(zz)

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DEFENDANTS' BUSINESS PRACTICES

Overview

8. Defendants have operated as lead generators that collect, aggregate, and sell consumer information or “leads”—for profit. More specifically, Defendants have operated as a “consent farm,” collecting and selling leads that are coupled with the consumer’s purported consent to receive certain outbound telephone calls, including outbound telephone calls that deliver a prerecorded message, otherwise known as robocalls, and calls made to telephone numbers on the do-not-call registry established by the FTC in 2015 (16 C.F.R. § 312.10) and the FCC in 2015 (47 C.F.R. § 64.004).

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Image 1: Patriot Refi Website Home Page

14. At the bottom of the Patriot Refi Website's Homepage, there was a prominent blue button that stated "GET YOUR FAST FREE QUOTE." When a consumer clicked on this button, the webpage was reoriented on the browser so that the portion of the homepage with a black box and the words "START HERE. Get a FREE quote in minutes. Tell Us About Yourself" was at the center of the browser.

1           15. As such, to obtain services, the consumer was prompted to type his  
2 name, address, phone number, email address, and date of birth into the form in the  
3 black box. The consumer submitted his information by clicking the prominently  
4 displayed large blue button in the black box that stated, "GET YOUR FAST FREE  
5 QUOTE." If the consumer did not fill in all the fields on the form requesting his  
6 personal information and then tried to click the "GET YOUR FAST FREE  
7 QUOTE" button, a popup that said, "Please fill out this field" appeared over the  
8 field in which the consumer did not enter information. The consumer was unable  
9 to click.

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1 to purchase a new home, or to take cash out of their existing homes, many  
2 or all consumers never received any quote at all.

3 17. Meanwhile, on the back end, Defendants operate  
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1 disclosure on the Patriot Refi Website homepage that state that the consumer  
2 may be contacted “regarding related products and services.” This disclosure  
3 more expansive in that it opened the door for the consumer’s contact information  
4 to be transferred to marketers of products and services unrelated to those offered  
5 by the Patriot Refi Website. Additionally,

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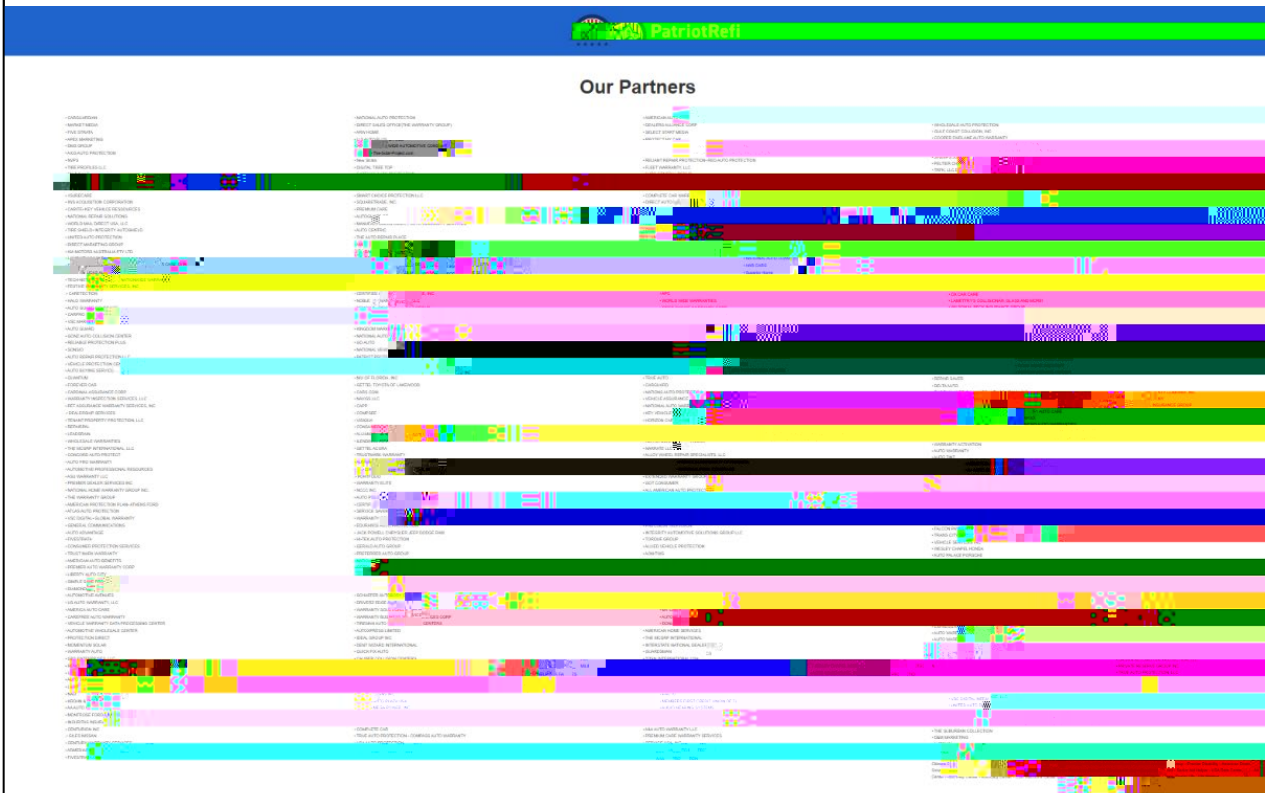


Image 3: Patriot Refi Website's "Our Partners" Page

26. The "California Privacy Notice" webpage contained information related to the California Consumer Privacy Act. The webpage stated the notice was "for California residents and supplements the information contained elsewhere in the Privacy Policy." It also stated "to provide the products or features offered by our site, we must process information about you including Personal Information, and we may sell, share, and use your Personal Information to respond to your request and for business purposes. For example, if you request information about an insurance product or alternative product, your Personal Information may be shared with third parties who can follow up on your request." Contrary to this statement, consumers who submitted their personal information to the Patriot Refi Website received robocalls and other telemarketing calls regarding

1 social security disability benefits, among other topics, which are not all related  
2 to consumers' requests for mortgage-related financial products. Furthermore,  
3 numerous instances consumers did not receive "the products or features offered  
4 by" the Patriot Refi Website.

5 27. Additionally, the consent language states that I agree to the ... Terms  
6 and Conditions. It is unclear to what "Terms and Conditions" this capitalized  
7 phrase was purporting to refer.

8 28. Defendants' use of these deceptive design techniques on the Patriot  
9 Refi Website tricked consumers into providing their personally identifiable  
10 information. This undermined consumers' ability to understand that their  
11 personally identifiable information would be provided to others as a lead for

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1 who did not consent to receiving calls from the campaigns, including consumers  
 2 with telephone numbers registered with the National Do Not Call Registry.

3 37. As another example, between January 2018 and May 2021,  
 4 Technology Services, LLC (“Yodel”), a company that operates a Voice Over  
 5 Internet Protocol service, among other various telemarketing services, transmitted  
 6 millions of calls for its clients, almost all of which were robocalls, to consumers  
 7 based on leads and purported consents that Defendants represented to be  
 8 through their websites. This chart shows how many sales calls Yodel initiated  
 9 based on consumer information that Yodel understood was obtained from five of  
 10 Defendants’ websites during the relevant period:

Nthat Y2N3 (d)

Defendants’ Consent Farm Website	Number	Web Yodels hnen<< (vic)12.1 cw 7 (ni)--2.1

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1 including DMS, were used to initiate outbound telephone calls, including robocalls  
2 and calls made to telephone numbers on the National Do Not Call Registry. In  
3 numerous instances, Defendants' lead generation clients explicitly required that the  
4 "consent" portion of Defendants' websites contain language regarding  
5 recorded calls. Indeed, the block of text on the PatriotRefi Website and others  
6 operated by Defendants that is captured in Images 1 and 2 above specifically state  
7 that a consumer may be contacted "by telephone, which may include artificial or  
8 pre-recorded calls . delivered via automated technology." Defendants also have  
9 known that many, if not all, of their clients and their clients' clients do not and/or  
10 did not have pre-existing business relationships with the consumers they called.

#### 11 Ongoing Nature of Defendants' Unlawful Practices

12 39. Based on the facts and violations of law alleged in this Complaint,  
13 Plaintiff has reason to believe that Defeti5k -1.641 Ta1 (s a)1-1.641 Ta

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1 the TSR, 16 C.F.R. § 310.2.

2 54. In numerous instances, in connection with telemarketing, those sellers  
3 and/or telemarketers to whom Defendants have provided substantial assistance or  
4 support have initiated or caused the initiation of outbound telephone calls that  
5 delivered prerecorded messages to induce the sale of goods or services, in violation  
6 of 16 C.F.R. § 310.4(b)(1)(v).

7 55. In numerous instances, in connection with telemarketing, those sellers  
8 and/or telemarketers to whom Defendants have provided substantial assistance or  
9 support have initiated or caused the initiation of outbound telephone calls  
10 person's telephone number on the National Do Not Call Registry in violation of 16  
11 C.F.R. § 310.4(b)(1)(iii)(B).

12 56. At all relevant times, Defendants knew or consciously avoided  
13 knowing that the sellers and/or telemarketers to whom they provided substantial  
14 assistance or support were making the unlawful calls described in Paragraphs  
15 55, which violated § 310.4(b)(1)(v) of the TSR.

16 57. Defendants' substantial assistanceS.1(d9r(p)8.3 / -0.006 Tw 2.563W(h )-hs D

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