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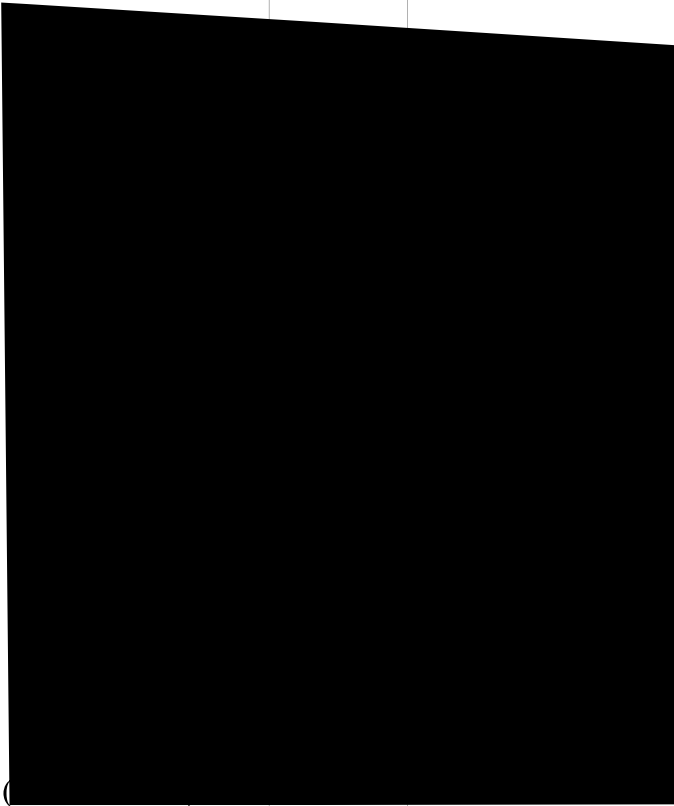
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their mobile phones not only by using the specific names of other treatment centers as keywords, but also by prominently using the names of those other clinics in the ads in a format that effectively masquerades as the searched-for clinics. When consumers have clicked on a number of these ads, they have

prohibits unfair or deceptive acts or practices in or affecting commerce. The FTC also enforces section 2 of the FTC Act, 15 U.S.C. § 2, which prohibits false advertising claims for food, drugs, devices, services, or cosmetics in or affecting commerce. The FTC also enforces OARFPA, 15 U.S.C. § 404d, which prohibits unfair or deceptive acts or practices in connection with substance use

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19. The following is an example of an in-text search Ad using dynamic keyword insertion. Customer and address is an UDC clinic located in Nashville, TN. Typing the phrase "customer and address nashville TN" into Google's search engine on a mobile device produced the following search results:



20. The Customer and address name and its location ("address Nashville TN") appear prominently in the headline of the search Ad. Customer name, however, does not. The second line of the advertisement entices consumers to "Call The Phone Number Now!" , GL - e su 2 P*



CALL R a e I reached the Recovery Health Centers of America?

AG NT We're a recovery help line. Were you looking for help?

26. The following is an excerpt from a call on January 19, 2023

AG NT Hi, how can I help you?

CALL R Is this Banyan treatment center?

AG NT This is a centralized admissions line for substance abuse. Are you struggling with addiction?

CALL R Yes, but I'm looking for Banyan because I know they take my insurance.

AG NT Okay. And what insurance is that?

27. The following is an excerpt from a call on February 22, 2022

AG NT Admissions, this is Alex. Are you calling for yourself or for a loved one?

CALL R Well, myself, but I had a ready call yesterday and somebody with, like, insurance or something was supposed to call me back today, but they never did.

AG NT Somebody with insurance was supposed— Were you seeking help?

CALL R Yeah, like, cost.

AG NT Okay, are you covered under health insurance?

CALL R I'm not sure. That's what the call was going to be about.

AG NT Okay. Who are you trying to reach? Because I'm a treatment center.

CALL R Yeah that's exactly—Cumber and Leighs, a r k 7 a w i x k a 3 Y —F F b Y

ei

AG NT [*aus* Nah I jus: no: sure why we wou d be ca ing you back about
wha: your insurance is. You wou d be the one to te us wha: your insurance is.

CALL R No, I a ready to d wha: y insurance was. They was going to ca e
back with wha: the cos: was for IOP [intensi e ou:pa:ien: progra].

AG NT Okay.

CALL R And how uch it: wou d cos: to ge: in.

AG NT What s your na e?

CALL R [*dact d*

AG NT Okay. And wha: type of hea th insurance are you co ered under?

CALL R Cigna.

AG NT Okay. Because I don t ha e a file here for you.

CALL R Okay. I e en got the e ai , e: s see, of who I a ked to, [*dact d* ? I
had to send y COVID tes: where I recen: y tes:ed posi: e.

AG NT Okay. Yeah, I —

CALL R I: was CCR —

AG NT Okay. I ore ike a cen:ra ized office, so I don t work, you know,
direc: y *in*, you know, Cu ber and eigh:s. Tha: igh: be where this confusion is
co ing fro .

28. oke rains i:s te e arke:ers to assess ca:ers for ad:ission based on their abi:i:y to
pay for oke s progra s. oke on y ad:is pa:ien:s for UD rea: en: who ha e pri:a:e
insurance or who are wi:ing and ab e to pay ou:-of-pocke: for oke s ser:ices, typica:y quod as
1,000/day for u:iweek rea: en: progra s. Indeed, oke s te e arke:ing raining s resses the
i:porance of qua:ifying pa:ien:s abi:i:y to pay prior to answering specific quesi:ions about oke or

its services; call center onboarding training materials instruct new tele marketers to “[p]rovide] general information to questions—not focusing on one specific program until PA [Primary Assessment] and insurance are both approved.”

29. If Croke’s admissions agents determine that the potential patient does not have private insurance, they often then reveal that they work for Croke. For example, the following is an excerpt from

A

CALL R [*dact d* .

AG NT A right. And what type of coverage does your brother use?

CALL R Sorry?

AG NT What type of medical coverage does your brother use?

CALL R He has Tufts. I have the ID card here.

AG NT Is it through the state or is it through an employer?

CALL R Through the state.

AG NT And what's the ID number?

CALL R It's [*dact d* .

AG NT [*dact d*

CALL R Correct. That's the member ID. Did you need the Massachusetts ID?

AG NT No, the member ID should be fine. And you said this was through Medicaid, correct?

CALL R Sorry?

AG NT You said this is through Medicaid, correct?

It's the ~~Ad~~

CALL R It's through Massachusetts.

AG NT Okay.

CALL R Maybe it's a state thing. I don't know. It's the Massachusetts health insurance.

AG NT Okay. But at our specific facility we are not contract

just trying to get an understanding of why? . . .

CALLER Excuse me sir, can I just go to where I want to go? You recommended it to me and I said okay, but I want to go to A oha. I mean, do you have their phone number so I can just call straight?

AGENT Well, why wouldn't you want to take a suggestion?

CALLER [*aus*, call r's ri nd brr ts out lau hin] Dude. This is no—

AGENT

person

CALLER

33. Further call

that this caller uti a e y

34. Based on

to be ie e ha: Defendant

because Defendant's con

cinics.

35. Section (

practices in or affecting co erc

36. Misrepresentations

practices prohibited by Section (

37. Section 12 of the FTC Act, 15 U.S.C. § 562, prohibits the dissemination of any false

advertisement

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limited to the means set forth in Paragraphs 18 through 33 above, Defendants have represented, directly or indirectly, expressly or by implication, that:

- a. search Ads Defendants disseminate for their clients are advertisements for the UD clients consumers searched for;
- b. the telephone number in Defendants' search Ads is the telephone number of the UD client consumers searched for; and
- c. consumers who click-to-call or dial the telephone number of the UD client displayed in Defendants' search Ads will reach or have reached the UD client they searched for.

4. In fact:

- a. search Ads Defendants disseminate for their clients are not advertisements for the UD clients consumers searched for;
- b. the telephone number in Defendants' search Ads is not the telephone number of the UD client consumers searched for; and
- c. consumers who click-to-call keep the telephone

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P A Y E F O R R E L I E F

53 Wherefore, Plaintiff requests that the Court

- a. Enter a permanent injunction against Defendant and OARFPA;
- b. Impose civil penalties;
- c. Award monetary damages;
- d. Award any additional relief.

Date: January 13, 2025

Attorney for Plaintiff