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UNITED STATES OF AMERICA

12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 **UNITED STATES OF AMERICA,**

15  
16 Plaintiff,

17 v.

18 **VICEROY MEDIA SOLUTIONS, LLC**, also  
19 d/b/a quick-jobs.com and localjobsindex.com, a  
California limited liability corporation;

20 **VOLTRON INTERACTIVE, LLC**, a Delaware  
21 limited liability corporation;

22 **SUNIL KANDA**, individually and as an owner of  
23 **VICEROY MEDIA SOLUTIONS, LLC** and  
24 **VOLTRON INTERACTIVE, LLC**; and

25 **QUYNH TRAN**, a/k/a/ Kayli Tran, individually  
26 and as an owner of **VICEROY MEDIA**  
**SOLUTIONS, LLC** and **VOLTRON**  
27 **INTERACTIVE, LLC**,

28 Defendants.

**Case No. 3:23-cv-3516**

**COMPLAINT FOR CIVIL  
PENALTIES, PERMANENT  
INJUNCTION, AND OTHER  
RELIEF**

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Plaintiff, the United States of America, acting upon notification and authorization to the  
Attorney General



Francisco and throughout the Bay



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1 localjobsindex.com. At times relevant to this Complaint, acting alone or in concert with others,  
2 Tran has formulated, directed, controlled, had the authority to control, or participated in the acts  
3 and practices set forth in this Complaint. Tran, in connection with the matters alleged herein,  
4 transacts or has transacted business in this District and throughout the United States.

5 **COMMON ENTERPRISE**

6 10. Defendants Viceroy and Voltron (collectively, “Corporate Defendants”) have  
7 operated as a common enterprise while engaging in the unlawful practices alleged below.  
8 Corporate Defendants have conducted the business practices described below through an  
9 interrelated network of companies with common ownership, business functions, employees, and  
10 office locations. Corporate Defendants operate as sister companies: Viceroy owns the quick-  
11 jobs.com and localindexjob.com domains while Voltron operates the websites.

12 11. Both Corporate Defendants have the same owners, Kanda and Tran, with no other  
13 employees. In an email dated August 12, 2019, Tran explained: “Viceroy is our sister company –  
14 same owners. Voltron does all the marketing and lead generation, but the [web]sites are registered  
15 under Viceroy.” Because Corporate Defendants have operated as a common enterprise, each entity  
16 is liable for the acts and practices as alleged in this Complaint.

17 **COMMERCE**

18 12. At all times relevant to this Complaint, Defendants have maintained a substantial  
19 course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act,  
20 15 U.S.C. § 44.

21 **THE FEDERAL TRADE COMMISSION**

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1 adopted the original TSR in 1995, extensively amended it in 2003, and amended certain provisions  
2 thereafter. *See* 16 C.F.R. Part 310.

3           16. Under the TSR, an “outbound telephone call” is a telephone call initiated by a  
4 telemarketer to induce the purchase of goods or services or to solicit a charitable contribution. *Id.*  
5 § 310.2(x). A “seller” is any person who, in connection with a telemarketing transaction, provides,  
6 offers to provide, or arranges for others s [(23 (c)4 ( )-83-10 (r)3 (ovi)-)-3 (.F)6 (.R)7.06223

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1 button. *See id.* at 3 (reproduced below).

2 26. Each of the information fields is designated with bold, blue identifying text and a  
3 red asterisk next to it, a symbol that is commonly used on websites to designate a required field,  
4 or one that must be completed to move to the next screen. *Id.* The design of the pop-up window  
5 thus makes it appear as though registering and completing the fields is the only way to view  
6 available jobs. Indeed, an error message appears if a consumer hits the blue “CONTINUE >”  
7 button without completing the fields. *Id.* at 4.

8 27. In between the information fields and the large “CONTINUE” button, there is a  
9 block of plain gray text, which is significantly smaller than both the information fields and the  
10 “CONTINUE >” button. At the end of that text, there is a blue “Skip Here” hyperlink. *Id.* at 3.

11 28. Additionally, well-below the large “CONTINUE >” button, there is a small,  
12 gray line of text on a white background that states “Continue to Results >” *Id.*

13 29. The functionality of the pop-up window permits a consumer to continue to the  
14 search results without entering their information only if they locate and click either of the following  
15 inconspicuous links: (1) the small, light blue “Skip Here” hyperlink at the bottom of the block of  
16 text, or (2) the “Continue to Results >” link found at the very bottom of the pop-up window.

17 30. If a consumer enters their information in the designated fields and clicks the large  
18 “CONTINUE >” button, a second pop-up appears. This pop-up asks the consumer to answer three  
19 additional dropdown questions about their desired type of job (i.e., full time, part time, work from  
20 home, temporary, or seasonal), high school graduation year, and whether the job seeker would like  
21 to further their education (i.e., yes, maybe, probably within 6 months, or no). Each of these  
22 questions is also designated with a red asterisk. Moreover, as with the first pop-up, there is another  
23 large, blue “Agree & Continue >>” button. *Id.* at 5.

24 31. Like the first pop-up, the second pop-up contains a “Skip Here” hyperlink at the  
25 bottom of a block of small text, as well as a “Continue to Results >” link at very bottom of pop-up  
26 window. To advance to the list of jobs, consumers can either click the “Agree & Continue >>”  
27 button, or, if they are able to, find and click on the inconspicuous “Skip Here” or “Continue to  
28 Results >” buttons.





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1 informed choices about whether they wish to receive robocalls and other solicitations. Among  
2 other things, Defendants’ websites do not clearly disclose to consumers that they are  
3 consenting to receive robocalls and other telemarketing solicitations because they:

4 a. Conceal the identity of their marketing “partners” within a hover box,  
5 meaning the text is not visible without hovering the mouse pointer over a specific term, which is  
6 in some cases virtually indistinguishable from surrounding text;

7 b. List up to 90 such marketing “partners” in a hover box;

8 c. Use buttons labeled with terms such as “confirm” and “continue” that do  
9 not put consumers on notice of the legal significance of the actions they are taking;

10 d. Present disclosures in blocks of small, gray text against a white background;

11 e. Use disclosures that are disproportionately small compared to more  
12 prominent, often contradictory, messages and other distractions on the same page; and

13 f.

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1 activity) and live or real-time leads (leads that are available contemporaneously with the  
2 consumer's activity). The cost of live or real-time leads is significantly higher than aged leads.

3 43. Some of Defendants'  
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1 Defendants' websites.

2 43. Additionally, many of Defendants' clients do business under multiple names  
3 ("DBAs"), which appear to further shield from the consumer the identify of the seller that may  
4 deliver a robocall to the consumer. For example, Defendants' client Digital Media Solutions, LLC  
5 ("DMS")

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1 calls to any telephone line, including but not limited to landlines, Voice Over Internet Protocol  
2 lines, and wireless numbers. In addition, texting and delivering ringless voicemails shall likewise  
3 be considered telemarketing.” Taken together, these provisions illustrate Defendants’ knowledge  
4 of the TSR and that Yodel would use leads for telemarketing.

5 47. In an email sent to Kanda in July 2019, a Yodel employee noted that the parties  
6 were addressing the “growing concern for many clients buying any website opt-in data. . . . You  
7 as the data provider, us as the call center, and the end clients working with the call transfer they  
8 take.” This email demonstrates that Defendants knew Yodel was making telemarketing calls on  
9 behalf of others, using Defendants’ leads as a basis for doing so.

10 48. In 2018, Kanda also received an email from a Yodel employee stating “... so we  
11 don’t have enough data from you to generate enough calls to keep up to 5 Yodel agents busy. If  
12 we knew your expected data volumes or if you had a back log of data for us to load that may get  
13 us off the ground.” Kanda replied to this email: “We’re growing pretty fast and should be able to  
14 get to 15k within a month or two. We do have a back log of data we can pull to get started. Is there  
15 a way to do a few agents then?” After a few more exchanges in this email chain, Kanda sent Yodel  
16 an email attaching a .csv data file containing a list of first names, last names, IP addresses, email  
17 addresses, phone numbers, cities, states, zip codes, and created dates, for 275,033 consumers. The  
18 fact that Defendants provided hundreds of thousands of leads for a handful of call center agents  
19 demonstrates Defendant’s knowledge that Yodel agents were making telemarketing robocalls.

20 49. Between August 2018 and August 2021, Yodel purchased 4,040,511 leads from  
21 Defendants. Based on information and belief, between January 2018 and May 2021, Yodel made  
22 over 14 million telemarketing calls to consumers based on the invalid consent a consumer gave on  
23 Defendants’ websites, all or almost all of which are believed to be robocalls.

24 Digital Media Solutions, LLC

25 50. DMS makes outbound telephone calls and uses Yodel’s Business Process  
26 Outsourcing Call Center to power DMS’s performance-based call center campaigns. DMS  
27 previously used Yodel’s dialer technology and agents to connect consumers to DMS clients.

28 51. Defendants’ contract with DMS for “DMS Edu,” which was signed by Tran, states:



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56. In a July 2020 email, Kanda was made aware that Defendants’ client, Education Dynamics, engaged in prerecorded telemarketing based on the leads sold by quick-jobs.com.

57. An Education Dynamics employee notified Kanda that changes to the disclosure language on the registration pop-up needed to be made. Among other things, the employee requested that the disclosure be updated to show that consumers consented to be contacted regarding career alerts “or other opportunities” via “prerecorded messages.” Within a few days,

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1 Dated: July 14, 2023

Respectfully submitted,

2 *Of Counsel:*

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