

**QUARTERLY FEDERAL COURT  
LITIGATION STATUS REPORT**

Office of the General Counsel  
Bureau of Competition  
Bureau of Consumer Protection  
Regional Offices

September 30, 2008

No. 97

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## SUMMARY OF CASES

	D. Ct.	Ct. App.*	S. Ct.	Total
PETITIONS FOR REVIEW		3	1	4
INJUNCTION AND CONSUMER REDRESS CASES	77	10	1	88
CIVIL PENALTY AND ENFORCEMENT CASES	5			5
SUBPOENA AND CID ENFORCEMENTS	2	1		3
SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION	8	2		10
AMICUS CURIAE BRIEFS		4	1	5
TOTALS	92	20	3	115

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\*Includes all cases in which appellate proceedings have taken place during the reporting period or are pending; these cases are not counted in the District Court column, even if such proceedings are going on simultaneously.

## **PETITIONS FOR REVIEW**

### **(A) Orders to Cease and Desist**

***CHICAGO BRIDGE & IRON COMPANY N.V. v. FTC***, No. 05-60192 (5th Cir.)

Parties: Chicago Bridge & Iron Company N.V.  
Chicago Bridge & Iron Company

Assigned Attorneys: David C. Shonka (OGC)  
Imad D. Abyad

Nature of Action: Petition for review of Commission order challenging an acquisition as  
anticompetitive.

Status: Petition filed 3/11/05.  
Petition dismissed without prejudice on 4/4/05.  
Deadline for reinstatement of petition extended to 10/11/05.  
Petition for review reinstated 10/11/05.  
Petitioners' motion to adduce additional evidence filed 12/15/05.  
Commission's opposition to motion to adduce filed 1/20/06.  
Petitioners' reply re motion to adduce filed 1/30/06.  
Petitioners' motion to adduce denied 4/13/06.  
Petitioners' merits brief filed 6/21/06.  
Commission's responsive brief filed 8/21/06.  
Petitioner's reply brief filed 9/29/06.  
Oral argument held 5/2/07.  
Opinion denying petition to review issued 1/25/08.  
Petitions for panel rehearing and rehearing *en banc* filed 3/7/08.  
Commission's response to petition for rehearing *en banc* filed 3/31/08.  
Order granting petition for panel rehearing, mooting petition for rehearing  
*en banc*, entered 7/2/08.  
Opinion withdrawn and new opinion substituted 7/2/08.  
Petitioners' motion for stay of mandate filed 7/15/08; Commission's  
opposition filed 7/17/08; order denying motion entered 8/7/08.  
Supreme Court order extending time to file petition for certiorari to  
12/1/08 entered 9/23/08.

***EVANSTON NORTHWESTERN HEALTHCARE CORP. v. FTC***, No. 07-3378 (7th Cir.)

Parties: Evanston Northwestern Healthcare Corporation  
ENH Medical Group., Inc.

Assigned Attorney: Michele Arington (OGC)

Nature of Action: Petition for review of Commission decision that a hospital merger violated  
Section 7 of the Clayton Act.

Status: Petition filed 10/02/07.  
Order directing Commission to submit memorandum addressing whether  
petition should be dismissed for lack of jurisdiction entered  
10/09/07.  
Commission's jurisdictional memorandum filed 10/11/07; petitioners'  
response filed 1/23/08.  
Stipulation of dismissal filed 7/3/08; order of dismissal entered 7/7/08.

***NORTH TEXAS SPECIALTY PHYSICIANS v. FTC***, No. 06-60023 (5th Cir.)

Party: North Texas Specialty Physicians

Assigned Attorneys: Michele Arington (OGC)  
Michael Bloom (BC)

Nature of Action: Petition for review of Commission Order that petitioner's price fixing in its negotiations with payors, including insurance companies and health plan, was unlawful.

Status: Petition filed 1/10/06.  
Petitioner's motion to stay FTC final order filed 1/26/06.  
Commission's response in opposition to petitioner's motion to stay filed 1/31/06.  
Order granting petitioner's motion to stay temporarily entered 2/1/06.  
Petitioner's reply in support of its motion to stay filed 2/2/06.  
Order vacating the temporary stay and denying the motion for stay entered 3/16/06.  
Brief of American Medical Association and Texas Medical Association as Amici Curiae in Support of Petitioner filed 5/22/06.  
Petitioner's brief filed 6/8/06.  
Commission's brief filed 8/9/06.  
Petitioner's reply brief filed 9/7/06.  
Oral argument held 3/5/07.  
Opinion affirming Commission on liability but remanding for modification of final order entered 5/14/08.  
Petitioner's petition for rehearing *en banc* filed 6/30/08.  
Revised opinion entered 7/17/08.  
Order denying petition for rehearing *en banc* entered 7/18/08.

**RAMBUS INC. v. FTC.**, No. 07-1086, 07-1124 (D.C. Cir.)

Party: Rambus Inc.

Assigned Attorneys: Leslie Melman (OGC)  
John F. Daly  
Imad D. Abyad

Nature of Action: Petition for review of a Commission final order to cease and desist from making misrepresentations to standard-setting organizations and compelling licensing of patented technologies.

Status: Petition filed 4/4/07.  
Second petition for review from the Commission's order on reconsideration filed 5/3/07.  
Petitioner's brief filed 9/21/07.  
Commission's brief filed 11/21/07.  
Petitioner's reply brief filed 12/21/07.  
Oral argument held 2/14/08.  
Opinion and judgment granting the petitions for review entered 4/22/08.  
Commission's petition for rehearing *en banc* filed 6/6/08.  
Order denying petition for rehearing *en banc* entered 8/26/08.

**(B) Rulemakings**

(None pending)

**INJUNCTION AND CONSUMER REDRESS CASES**

**(A) Preliminary Injunctions (Mergers/Acquisitions)**

***FTC v. INOVA HEALTH SYSTEM FOUNDATION***, No. 1:08-CV-00460 (E.D. Va.)

Parties: Inova Health System Foundation  
Prince William Health System

Assigned Attorneys: Norman Armstrong (BC)  
Albert Kim

Alleged Conduct: Petition for a preliminary injunction enjoining defendants from taking any steps to consummate a merger pending resolution of an FTC proceeding to consider anticompetitive effects.

Status: Complaint filed 5/12/08.  
Order granting joint motion to dismiss complaint without prejudice entered 6/12/08.



**FTC v. WHOLE FOODS MARKET, INC.**, No. 07-5276 (D.C. Cir.); No. 1:07-CV-01021 (D.D.C.)

Parties: Whole Foods Market, Inc.  
Wild Oats Market, Inc.

Assigned Attorneys: Catherine M. Moscatelli (BC)  
Imad D. Abyad (OGC)  
John F. Daly

Alleged Conduct: Unfair methods of competition in violation of Section 5 in connection with Whole Foods' proposed acquisition of Wild Oats Market, Inc.

Status: Complaint filed 6/6/07.  
TRO entered 6/7/07.  
Preliminary injunction denied 8/16/07.  
Notice of appeal filed 8/17/07.  
Emergency motion for injunction pending appeal filed 8/17/07; motion denied 8/23/07.  
Defendant's motion to dismiss appeal as moot filed 10/9/07;  
Commission's opposition filed 10/22/07.  
Order that the motion to dismiss be referred to the merits panel and setting a briefing schedule entered 12/11/07.  
Commission's brief filed 1/14/08.  
Appellees' brief filed 2/13/08.  
Commission's reply brief filed 2/27/08.  
Oral argument held 4/23/08.  
Opinion reversing district court decision entered 7/29/08.  
Appellees' petition for rehearing *en banc* filed 8/26/08; Commission's response filed 9/12/08.

**(B) Preliminary Injunctions (Other)**

(None pending)

**(C) Permanent Injunctions/Consumer Redress\***

***FTC v. 1522838 ONTARIO INC.***, No. 1:06-CV-05378 (N.D. Ill.)

Parties: 1522838 Ontario Inc., d/b/a International Industrial Trade Directory  
Gerhard Mintz, a/k/a Gerry Mintz  
William George Fisk, a/k/a Michael Kelly and Michael Robert Petreikis  
Emma G. Wanjiku

Assigned Attorney: David A. O'Toole (MWR)

Alleged Conduct: Violations of Section 5 in connection with sending fake invoices to consumers for business directory and office supply services and goods never ordered or purchased.

Status: Complaint filed 10/4/06.  
Ex parte TRO entered 10/4/06.  
Stipulated preliminary injunction with asset freeze and other equitable relief against defendants 1522838 Ontario Inc. and Gerhard Mintz entered 10/20/06.  
Stipulated order for permanent injunction and final judgment as to defendants 1522838 Ontario Inc. and Gerhard Mintz entered 3/21/07.  
Stipulated order for permanent injunction and final judgment as to defendant Emma G. Wanjiku entered 4/15/08.  
Commission's motion for summary judgment as to defendant Michael Robert Petreikis filed 7/7/08.

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\* Unless otherwise noted, cases involve suits for permanent injunction and other equitable relief. Post-judgment proceedings in district court are not generally reported.

***FTC v. 6554962 CANADA INC.***, No. 1:08-CV-02309 (N.D. Ill.)

Parties: 6554962 Canada Inc., d/b/a Union Consumers Benefits  
Naeem Alvi

Assigned Attorney: Guy G. Ward (MWR)

Alleged Conduct: Violation of Section 5 and the Telemarketing Sales Rule in connection with a false and deceptive telemarketing campaign purporting to offer medical discount packages.

Status: Complaint filed 4/23/08.  
TRO with asset freeze entered 4/24/08.  
Order extending TRO entered 5/1/08.  
Stipulated preliminary injunction entered 6/9/08.

***FTC v. 9107-4021 QUEBEC, INC.***, No. 1:08-CV-01051 (N.D. Ohio)

Parties: 9107-4201 Quebec, Inc., d/b/a Med Provisions, Pronto Meds  
9107-5424 Quebec, Inc.  
Zonecon Technologies  
Pooja Malhotra  
Sameer Palhotra  
Ravinder Chawla  
Amit Malhotra

Assigned Attorneys: Michael Milgrom (ECR)  
Sara C. De Paul

Alleged Conduct: Violation of Section 5 and the Telemarketing Sales Rule in connection with unfair and deceptive practices purporting to offer savings on prescription drug costs.

Status: Complaint filed 4/24/08.  
TRO entered 4/25/08.  
Stipulated order extending TRO entered 5/5/08.  
Stipulated preliminary injunction entered 6/5/08.  
Amended complaint adding defendants filed 8/15/08.  
Stipulated preliminary injunction as to new defendants entered 9/29/08.

***FTC v. 9131-4740 QUEBEC, INC.***, No. 1:07-CV-02242 (N.D. Ohio)

Parties: 9131-4740 Québec, Inc., d/b/a Fusion Telekom  
JPE Holdings, Inc., d/b/a Fusion Telekom  
Jean-Pierre Brault  
Eli Foner

Assigned Attorneys: Jonathan L. Kessler (ECR)  
Michael B. Rose  
Harris A. Senturia  
Julie A. Lady

Alleged Conduct: Violations of Section 5 and the Telemarketing Sales Rule in connection  
with a prepaid phone card billing scam.

Status: Complaint filed 7/25/07.

***FTC v. ACCUSEARCH, INC.***, No. 08-8003 (10th Cir.); No. 2:06-CV-00105 (D. Wyo.)

Parties: Accusearch, Inc., d/b/a Abika.com  
Jay Patel

Assigned Attorneys: Tracy Thorleifson (NWR)  
Lawrence DeMille-Wagman (OGC)

Alleged Conduct: Unfair practices in violation of Section 5 in connection with the sale of confidential consumer phone records.

Status: Complaint filed 5/1/06.  
Defendants' motion to dismiss for failure to state a claim filed 6/6/06;  
Commission's response to motion to dismiss filed 6/20/06;  
defendants' reply filed 6/28/06; motion denied 7/13/06.  
Commission's motion to strike affirmative defenses filed 8/24/06.  
Defendants' motions for summary judgment filed 12/8/06; Commission's  
opposition filed 12/26/06.  
Commission's motion for summary judgment filed 1/22/07; defendants'  
opposition filed 2/5/07.  
Hearing on summary judgment motions held 2/28/07.  
Order vacating trial date of 4/9/07, pending ruling on cross-motions for  
summary judgment, entered 3/21/07.  
Order granting in part and denying in part Commission's motion to strike  
affirmative defenses entered 3/28/07.  
Commission's motion for summary judgment granted 9/28/07.  
Defendants' motions for summary judgment denied 9/28/07.  
Order and judgment for permanent injunction and other equitable relief  
entered 12/20/07.  
Notice of appeal filed 1/9/08.  
Appellants' brief filed 4/21/08.  
Commission's brief filed 6/6/08.  
Appellants' reply brief filed 6/18/08.  
Amicus brief of Canadian Privacy Commissioner filed 6/26/08; response  
by appellants filed 7/10/08.  
Oral argument set for 11/17/08.

***FTC v. AIRBORNE HEALTH, INC.***, No. 2:08-CV-05300 (C.D. Cal.)

Parties: Airborne Health, Inc., d/b/a Airborne, Inc. and Knight-McDowell  
Labs  
Airborne Holdings, Inc.  
Victoria Knight McDowell  
Thomas J. McDowell

Assigned Attorneys: Christine J. Lee (BCP/AP)  
Theodore H. Hoppock  
Gregory W. Fortsch  
Stacy R. Procter (WR-LA)

Alleged Conduct: Deceptive acts and practices in violation of Sections 5 and 12 in  
connection with the marketing and sale of airborne cold, sickness,  
or infection prevention products.

Status: Complaint filed 8/13/08.  
Stipulated final judgment and order for permanent injunction entered  
9/5/08.

*FTC v. ALTERNATEL, INC.*, No. 1:08-CV-21433 (S.D. Fla.)

Parties: Alternatel, Inc.  
G.F.G. Enterprises LLC, d/b/a Mystic Prepaid  
Voice Prepaid, Inc.  
Telecom Express, Inc.  
Voice Distributors, Inc.  
Lucas Friedlander  
Moses Greenfield  
Nicholas Gulakos  
Frank Wendorff

Assigned Attorneys: Janis Claire Kestenbaum (BCP/MP)  
Roberto Anguizola  
Arturo Anton DeCastro

Alleged Conduct: Deceptive acts and practices in violation of Section 5 involving prepaid phone cards, misrepresentation of call minutes, and failure to disclose fees.

Status: Complaint filed 5/19/08.  
TRO entered 5/23/08.  
Defendants' Rule 12(b)(2) motion to dismiss filed 5/23/08; Commission's opposition to motion filed 6/9/08; defendants' reply filed 6/19/08; Commission's sur-reply filed 7/10/08.  
Defendants' Rule 12(b)(1), 12(b)(6), and 12(b)(7) motions to dismiss filed 7/1/08; Commission's opposition to motions filed 7/21/08.

***FTC v. AMERICAN ENTERTAINMENT DISTRIBUTORS, INC.***, No. 1:04-CV-22431 (S.D. Fla.)

Parties: American Entertainment Distributors, Inc.  
Automated Entertainment Dispensers, Inc.  
Automated Entertainment Machines, Inc.  
Universal Technical Support, Inc.  
Universal Cybercom Corporation  
Russell G. MacArthur, Jr.  
Anthony Rocco Andreoni  
James R. MacArthur  
Mauricio A. Paz  
Miriam Smolyansky, a/k/a Masha Tango

Assigned Attorneys: Deborah Matties (BCP/MP)  
Michael Tankersley

Alleged Conduct: Deceptive practices in violation of Section 5 and the Franchise Rule in connection with the sale of a business opportunity venture involving automated DVD and VHS movie rental machines.

Status: Complaint for injunctive and other equitable relief filed 9/28/04.  
TRO entered 9/29/04.  
Stipulated preliminary injunction as to defendants American Entertainment Distributors, Inc. and James R. MacArthur entered 10/21/04.  
Stipulated preliminary injunction as to defendants Universal Cybercom Corporation and Mauricio A. Paz entered 11/24/04.  
Order modifying TRO entered 12/29/04.  
Stipulated preliminary injunction as to defendants Automated Entertainment Dispensers, Inc., Universal Technical Support, Inc., Anthony Rocco Andreoni and Miriam Smolyansky entered 1/5/05.  
Stipulated amendment of preliminary injunction as to defendant Anthony Rocco Andreoni entered 1/5/05.  
Stipulated preliminary injunction with asset freeze as to defendant Russell G. MacArthur, Jr. entered 1/21/05.  
Default judgment and final order for permanent injunction as to American Entertainment Distributors, Inc., Automated Entertainment Machines, Inc. and James R. MacArthur entered 2/22/05.  
Commission's motion to stay discovery until criminal proceedings are completed filed 8/30/05; defendants' response filed 9/6/05; Commission's response filed 9/9/05; order granting motion to stay entered 10/17/05.  
Order reopening case and lifting stay entered 5/13/08.  
Trial set for 12/8/08.



***FTC v. AMERIDEBT, INC.***, No. 07-1381 (4th Cir.); No. 8:03-CV-03317 (D. Md.)

Parties: AmeriDebt, Inc.  
DebtWorks, Inc.  
Andris Pukke  
Pamela Pukke, a/k/a Pamela Shuster, relief defendant

Assigned Attorneys: Malini Mithal (BCP/ENF)  
Lucy E. Morris (BCP/FP)  
Allison I. Brown  
Michael Bergman (OGC)

Alleged Conduct: Deceptive practices in violation of Section 5 and the Gramm-Leach-Bliley Act in connection with the offering of credit counseling services.

Status: Complaint filed 11/19/03.  
Defendants' motions to dismiss filed 1/14/04; Commission's memoranda in opposition filed 2/6/04; Defendants' reply briefs filed 2/27/04.  
Hearings on motions to dismiss held 5/3/04.  
Order denying motion to dismiss entered 9/24/04.  
Defendant AmeriDebt, Inc.'s notice of Chapter 11 bankruptcy case and automatic stay filed 6/7/04; Commission's response filed 6/10/04; defendant's reply filed 6/25/04; order denying motion for stay entered 9/24/04.  
Commission's motion for summary judgment against defendants DebtWorks, Inc. and Andris Pukke filed 3/18/05.  
Commission's motion for preliminary injunction, including asset freeze, against defendants DebtWorks, Inc. and Andris Pukke filed 3/30/05.  
Hearing on motion for preliminary injunction held 4/15/05; preliminary injunction entered 4/20/05.  
Order granting in part and denying in part Commission's motion for summary judgment entered 6/20/05.  
Stipulated final judgment and order as to AmeriDebt, Inc. entered 7/25/05.  
Defendant Andris Pukke's voluntary petition under Chapter 11 filed 8/26/05; entered 9/1/05.  
Order staying bankruptcy case entered 10/5/05.  
Stipulated final judgment and order as to Pamela Pukke entered 2/9/06.  
Stipulated final judgment and permanent injunction as to defendants Debtworks, Inc. and Andris Pukke entered 5/17/06.  
Order holding Andris Pukke and non-party Peter Baker in contempt of final judgment entered 3/30/07.  
Applications by Commission and Receiver for incarceration of Andris Pukke and Peter Baker filed 4/30/07.  
Order of incarceration for civil contempt as to Andris Pukke and Peter

Baker entered 5/2/07.  
Motion for stay of incarceration by Peter Baker and Andris Pukke filed 5/3/07; denied 5/8/07.  
Notice of appeal of civil incarceration order filed 5/4/07.  
Motion by Andris Pukke and Peter Baker to dismiss appeal filed 5/22/07; order granting motion and dismissing appeal entered 5/22/07.  
Order approving stipulation for conditional release of Peter Baker from incarceration entered 5/15/07.  
Order approving stipulation for conditional release of Andris Pukke entered 5/31/07.

***FTC v. ASSAIL, INC.***, No. 6:03-CV-00007 (W.D. Tex.)

Parties: Assail, Inc.  
Kyle Kimoto  
Joel Best

Assigned Attorneys: Robert S. Kaye (BCP/MP)  
Douglas V. Wolfe (BCF/ENF)

Alleged Conduct: Contempt proceedings for violating the telemarketing ban in a stipulated permanent injunction and final order.

Status: Complaint filed 1/9/03.  
Stipulated order for permanent injunction and monetary judgment as to defendants Kyle Kimoto and Assail, Inc. entered 9/22/03.  
Stipulated order for permanent injunction and monetary judgment as to defendant Joel Best entered 9/8/04.  
Motion for contempt and for order to show cause as to Kyle Kimoto filed 6/13/08.  
Unopposed motion for contempt and for order modifying stipulated final order as to Joel Best filed 6/24/08.  
Order granting motion to show cause as to Kyle Kimoto entered 6/30/08.  
Stipulated order finding Joel Best in contempt, requiring disgorgement of funds, modifying final order to ban further involvement with marketing credit-related services, and granting other relief entered 6/30/08.

***FTC v. BAY AREA BUSINESS COUNCIL, INC.***, No. 1:02-CV-05762 (N.D. Ill.)

Parties: Bay Area Business Council, Inc.  
Peter J. Porcelli, II.  
Bonnie Harris  
Christopher Tomasulo  
Safe Harbour Foundation of Florida, Inc.  
Silverstone Lending, LLC  
Silverstone Financial, LLC  
Thomas Little

Assigned Attorneys: David A. O'Toole (MWR)  
Guy G. Ward  
Marissa Reich

Alleged Conduct: Civil contempt action for violations of a 1996 consent order that prohibited defendants from making misrepresentations during sales calls to businesses.

Status: Complaint filed 8/13/02.  
Order granting Commission's summary judgment as to all defendants entered 4/9/04.  
Commission's motion for order to show cause why defendants Peter J. Porcelli, II, Bonnie Harris, Christopher Tomasulo, and respondents Safe Harbour Foundation of Florida, Inc., Silverstone Lending, LLC, Silverstone Financial, LLC, and Thomas Little should not be held in contempt filed 2/27/08.  
Commission's motion to consolidate case with *FTC v. Safe Harbour Foundation of Florida, Inc.*, No. 08-1185 (N.D. Ill.), filed 2/27/08.  
Order granting motion for an order to show cause entered 8/27/08.

***FTC v. BC, LTD.***, No. 2:07-CV-01755 (W.D.Wash.)

Parties: BC, Ltd. d/b/a Cash Corner Services, Inc.  
BC, Ltd. d/b/a Family Choice Store, Inc.  
Odowa Roland Okuomose, individually and d/b/a Cash Corner Services, Inc. and Family Choice Store, Inc.  
Evelyn Okuomose, individually and d/b/a Family Choice Store, Inc.

Assigned Attorneys: Kathryn C. Decker (NWR)  
Eleanor Durham

Alleged Conduct: Violations of Section 5 and the Telemarketing Sales Rule in connection with a deceptive lottery scheme.

Status: Complaint filed 10/31/07.  
Ex parte TRO and asset freeze entered 10/31/07.  
Preliminary injunction and other equitable relief entered 11/13/07.  
Clerk's entry of default against all defendants 5/9/08.

***FTC v. BREITLING***, No. 5:08-CV-00494 (W.D. Okla.)

Parties: Steven Anthony Breitling, d/b/a ICS Financial Group, ICS Financial Firm, ICS A Financial Co., ICS Financial Services, Integrated Credit Services, ICS Financial Associates

Assigned Attorneys: Emily B. Robinson (SWR)  
James E. Hunnicutt

Alleged Conduct: Unfair and deceptive practices in violation of Section 5 and the Telemarketing Sales Rule involving alleged guaranteed advance-fee loans.

Status: Complaint filed 5/12/08.  
TRO with asset freeze entered 5/12/08.  
Stipulated preliminary injunction entered 5/21/08.  
Order denying defendant's motion for TRO or alternatively for preliminary injunction, denying Commission's motion for order to return frozen funds, and clarifying and modifying stipulated preliminary injunction entered 6/11/08.

***FTC v. BRONSON PARTNERS, LLC***, No. 3:04-CV-01866 (D. Conn.)

Parties: Bronson Partners, LLC, d/b/a New England Diet Center and Bronson Day Spa  
Martin Howard  
H&H Marketing, LLC (relief defendant)  
Sandra Howard (relief defendant)

Assigned Attorney: Robin E. Eichen (NER)

Alleged Conduct: Deceptive practices in violation of Sections 5 and 12 of the FTC Act in connection with the sale of purported weight-loss products.

Status: Complaint filed 11/4/04.  
Stipulated preliminary injunction entered 2/24/05.  
Amended complaint for permanent injunction and other equitable relief, adding relief defendants H&H Marketing, LLC and Sandra Howard, filed 6/13/05.  
Commission's motion for contempt filed 9/23/05; response filed 10/14/05.  
Order granting Commission's motion for contempt entered 3/1/06.  
Commission's motion for summary judgment filed 11/1/06; defendants' opposition filed 12/28/06; Commission's reply filed 2/8/07.  
Oral argument on motion for summary judgment held 9/19/07.  
Decision granting Commission's motion for summary judgment as to liability entered 7/10/08.

**FTC v. BURNLOUNGE, INC.**, No. 2:07-CV-03654 (C.D. Cal.)

Parties: BurnLounge, Inc.  
Juan Alexander Arnold  
John Taylor  
Rob DeBoer  
Scott Elliott

Assigned Attorneys: Chris M. Couillou (SER)  
Gerald S. Sachs  
David C. Fix (BCP/MP)  
Kenneth Abbe (WR-LA)

Alleged Conduct: Deceptive practices in violation of Section 5 in connection with the advertising, marketing, and sale of opportunities to operate on-line digital music stores.

Status: Complaint filed 6/6/07.  
Stipulated preliminary injunction as to defendant Scott Elliott entered 7/2/07.  
Stipulated preliminary injunction as to defendant BurnLounge, Inc. entered 7/3/07.  
Stipulated preliminary injunction as to defendant Rob DeBoer entered 8/7/07.  
Stipulated preliminary injunction as to defendant John Taylor entered 8/8/07.  
Stipulated preliminary injunction as to defendant Juan Alexander Arnold entered 8/21/07.  
Commission's motion to show cause why defendants BurnLounge and Juan Alexander Arnold should not be held in contempt for violation of stipulated preliminary injunction filed 4/24/08; defendants' opposition filed 5/7/08; Commission's reply filed 5/8/08; order granting motion to show cause entered 5/19/08.  
Stipulated final order for permanent injunction and other equitable relief as to defendant Scott Elliott entered 6/16/08.  
Defendants BurnLounge and Juan Alexander Arnold opposition to order to show cause filed 6/24/08; Commission's response filed 7/7/08; defendants' reply filed 7/8/08.  
Order finding BurnLounge in violation of court injunction entered 8/4/08.  
Trial set for 12/2/08.

***FTC v. CEPHALON, INC.***, No. 2:08-CV-02141 (E.D. Pa.), formerly No. 1:08-CV-00244 (D.D.C.)

Party: Cephalon, Inc.

Assigned Attorneys: Jeffrey C. Bank (BC)  
Bradley S. Albert  
Saralisa C. Brau  
Mark J. Woodward

Alleged Conduct: Violations of Section 5 in connection with inducing generic companies to abandon patent challenge and agreeing to refrain from producing generic drug Provigil.

Status: Complaint for injunctive relief in D.D.C. filed 2/13/08.  
Order granting defendant's motion to transfer case to E.D. Pa. entered 4/28/08.  
Defendant's motion to dismiss filed 5/2/08; Commission's opposition to motion filed 6/2/08; defendant's reply filed 6/20/08.

***FTC v. CHASE FINANCIAL FUNDING, INC.***, No. 8:04-CV-00549 (C.D. Cal.)

Parties: Chase Financial Funding, Inc.  
James F. Berry  
Suzanne Admire  
Jeremy Alexander  
Chase Enterprises, LLC (relief defendant)  
WCM QSUB-34, Inc. (relief defendant)

Assigned Attorneys: Katherine Worthman (BCP/FP)  
Faye Chen Barnouw (WR-LA)

Alleged Conduct: Deceptive practices in violation of Section 5, the Truth in Lending Act and Regulation Z in connection with mortgage loans.

Status: Complaint filed 5/12/04.  
Stipulated preliminary injunction entered 5/28/04.  
First amended complaint for injunctive and other equitable relief, adding relief defendants Chase Enterprises, LLC and WCM QSUB-34, Inc., filed 12/14/04.  
Order to show cause why defendant James F. Berry should not be held in contempt for violating the May 28, 2004 Stipulated Preliminary Injunction and December 15, 2004 Stipulation and Order entered 7/1/05.  
Order for issuance of bench warrant for arrest of James F. Berry entered 8/15/05.  
Defendants Chase Financial Funding and Chase Enterprises' Chapter 7 bankruptcy protection filed 9/26/05.  
James F. Berry arrested, pursuant to bench warrant, 10/31/05.  
Stipulation and order regarding contempt of James F. Berry, releasing him from custody, entered 12/8/05.  
Defendant James F. Berry's Chapter 7 bankruptcy petition filed 5/5/06.



***FTC v. CHECK INVESTORS, INC.***, No. 08-37 (S. Ct.), Nos. 05-3558, 05-3957 (3d Cir.); No. 2:03-CV-02115 (D.N.J.)

Parties: Check Investors, Inc.,  
Check Enforcement, Inc.,  
Jaredco, Inc.,  
Barry S. Sussman  
Elisabeth M. Sussman, a/k/a Elisabeth Rabin (relief defendant)  
Charles T. Hutchins

Assigned Attorneys: Gregory A. Ashe (BCP/FP)  
Seena D. Gressin  
Karen S. Hobbs  
Lawrence DeMille-Wagman (OGC)

Alleged Conduct: Deceptive practices in violation of the Fair Debt Collection Practices Act and Section 5 in connection with the collection of payments for checks returned by financial institutions for non-sufficient funds.

Status: Complaint filed 5/12/03.  
TRO with asset freeze, expedited discovery, and other equitable relief entered 5/19/03.  
Preliminary injunction entered 8/14/03.  
Commission's motion to dismiss counterclaim filed 1/20/04.  
Defendants' motion to stay filed 2/3/04.  
Order granting Commission's motion to dismiss counterclaim and denying defendants' motion to stay entered 3/8/04.  
First amended complaint for injunctive and other equitable relief, changing Elisabeth Sussman from a defendant to a relief defendant filed 10/4/04.  
Stipulated final order for settlement of claims as to relief defendant Elisabeth Sussman, requiring payment of \$600,000 for consumer redress, entered 10/5/04.  
Commission's motion for summary judgment filed 12/31/04.  
Oral argument on cross-motions for summary judgment, at which the Court orally granted the Commission's motion and denied defendants' motion, held 2/14/05.  
Opinion granting the Commission's motion for summary judgment and denying the defendants' motion entered 7/15/05.  
Final order for judgment and permanent injunction entered 7/15/05.  
Defendant Hutchins' notice of appeal (No. 05-3558) filed 7/24/05.  
Defendant Hutchins' motion to stay judgment filed 7/14/05; Commission's opposition filed 8/25/05.  
Remaining defendants' notice of appeal (No. 05-3957) filed 8/17/05.  
Appellant Hutchins' brief filed 1/11/06; Appellant Sussman's brief filed 1/17/06; Commission's brief filed 2/21/06.  
Oral argument held 10/4/06.

Decision in favor of Commission issued 9/6/07.  
Appellant Hutchins' and Appellant Check Investors' petition for rehearing  
*en banc* filed 12/6/07; denied 2/6/08.  
Petitions for certiorari filed 7/3/08; Commission's response due 10/8/08.

***FTC v. CHINERY***, No. 3:05-CV-03460 (D.N.J.)

Parties: Robert Chinery, Jr.  
Tracy A. Chinery  
RTC Research & Development, LLC

Assigned Attorneys: David Frankel (BCP/AP)  
Karen Mandel

Alleged Conduct: Deceptive practices in violation of Sections 5 and 12 of the FTC Act in  
connection with the sale of the dietary supplement Xenadrine EFX.

Status: Complaint filed 7/11/05.  
Defendants Tracy Chinery and RTC's motions to dismiss and in the  
alternative for summary judgment filed 9/6/05.  
Defendant Robert Chinery's motion to dismiss and in the alternative for  
summary judgment filed 9/9/05.  
Order referring the case to mediation entered 9/26/05.  
Commission's oppositions to all motions to dismiss filed 10/3/05.  
Order staying litigation pending resolution of ongoing mediation entered  
10/29/05.  
Consent order withdrawing pending motions without prejudice entered  
3/31/06.  
Stipulated final order for permanent injunction and settlement of claims  
for monetary relief, as to defendants Robert Chinery, Jr. and RTC  
Research & Development, LLC, providing for consumer redress of  
\$8 - \$12.8 million, entered 12/26/06.  
Order lifting litigation stay as to defendant Tracy Chinery entered 3/2/07.  
Defendant Tracy Chinery's motion to dismiss or, in the alternative, for  
summary judgment filed 3/7/07; Commission's opposition filed  
4/16/07; reply filed 5/8/07.  
Order denying motion to dismiss and dismissing motion for summary  
judgment without prejudice entered 7/5/07.  
Defendant Tracy Chinery's motion for summary judgment filed 9/2/08.

***FTC v. CITY WEST ADVANTAGE, INC.***, No. 2:08-CV-00609 (D. Nev.)

Parties: City West Advantage, Inc., d/b/a Unified Services  
James S. Slemboski

Assigned Attorneys: Kenneth H. Abbe (WR-SF)  
Eric D. Edmondson  
Blaine T. Welsh (AUSA)

Alleged Conduct: Unfair and deceptive practices in violation of Section 5 involving offers of shopping sprees or free gifts in return for providing bank account information.

Status: Complaint filed 5/13/08.  
Order denying motion for TRO entered 5/20/08.  
Preliminary injunction hearing held 6/12/08.  
Preliminary injunction entered 7/22/08.

***FTC v. CLARK***, 3:08-CV-00497 (W.D. Ky.)

Parties: James Franklin Clark  
Carrie Ann Hatcher

Assigned Attorneys: Deborah A. Marrone (NER)  
Michele Stolls

Alleged Conduct: Deceptive acts and practices in violation of Sections 5 and 12 in connection with the marketing of products purporting to treat, prevent, or cure cancer.

Status: Complaint filed 9/17/08.  
Stipulated order for permanent injunction and settlement of claims for monetary relief against all defendants entered 9/22/08.

***FTC v. CLIFTON TELECARD ALLIANCE***, No. 2:08-CV-01480 (D.N.J.)

Parties: Clifton Telecard One, LLC, d/b/a Clifton Telecard Alliance and CTA, Inc.  
Mustafa Qattous

Assigned Attorneys: Colleen B. Robbins (BCP/MP)  
LaShawn M. Johnson  
Tracey Thomas

Alleged Conduct: Violations of Section 5 in connection with deceptive marketing practices in selling prepaid phone cards to consumers.

Status: Complaint filed 3/25/08.  
TRO entered 3/28/08.

***FTC v. COMPUCREDIT CORPORATION***, No. 1:08-CV-01976 (N.D. Ga.)

Parties: CompuCredit Corporation  
Jefferson Capital Systems, LLC

Assigned Attorneys: Mark L. Glassman (BCP/FP)  
Gregory A. Ashe  
Katherine Worthman  
Leah Frazier  
David Wiese  
Chris Michael Couillou (SER)

Alleged Conduct: False and deceptive practices in violation of Section 5 involving credit cards with undisclosed fees, misrepresentations as to the amount of credit, and a debt collection program as an offer to transfer balances.

Status: Complaint filed 6/10/08.  
CompuCredit's motion to dismiss filed 7/21/08; Commission's opposition filed 8/22/08; CompuCredit's reply filed 9/4/08.  
Jefferson Capital's motion to dismiss filed 8/22/08; Commission's opposition filed 9/5/08; Jefferson Capital's reply filed 9/9/08.  
Oral argument on motions to dismiss held 9/11/08.

**FTC v. CONNELLY**, No. 8:06-CV-00701 (C.D. Cal.)

Parties: Dennis Connelly  
Richard Wade Torkelson  
Joanne Garneau, a/k/a Joanne Torkelson, d/b/a Prosper Financial Solutions  
Financial Liberty Services, LLC  
Homeland Financial Services  
National Support Services, LLC  
United Debt Recovery, LLC  
Freedom First Financial, LLC  
USA Debt Co, LLC, a/k/a UsaDebtCo.com  
Robina Capital, Inc., d/b/a Prosper Financial Solutions

Assigned Attorneys: Jennifer Larabee (WR-LA)  
John Jacobs  
Barbara Chun  
Dean Graybill (WR-SF)  
Eric Edmondson

Alleged Conduct: Deceptive practices in violation of Section 5 in connection with the offer and sale of a nationwide debt-negotiation program.

Status: Complaint filed 8/3/06.  
Ex parte TRO entered 8/11/06.  
Stipulated preliminary injunction as to defendant Joanne Garneau filed 10/10/06.  
Stipulated preliminary injunction as to defendants Freedom First Financial, LLC and USA Debt Co, LLC filed 10/12/06.  
Preliminary injunction as to defendants Dennis Connelly, Richard Wade Torkelson, Homeland Financial Services, National Support Services, LLC and United Debt Recovery, LLC filed 10/13/06.  
First amended complaint for injunctive and other equitable relief, adding defendants Financial Liberty Services, LLC and Robina Capital, Inc., d/b/a Prosper Financial Solutions, filed 11/27/06.  
Trial commenced 2/1/07.  
Stipulated final order against defendants Joannie Garneau and Robina Capital, Inc. entered 2/23/07.  
Stipulated final order as to defendants Freedom First Financial, LLC and USA Debt Co, LLC entered 2/23/07.  
Stipulated final orders as to defendants Dennis Connelly and Richard Wade Torkelson entered 9/21/07.

***FTC v. CRUZ***, No. 3:08-CV-01877 (D.P.R.)

Parties: Zolio Cruz, a/k/a Zolio Cruz-Carrion, d/b/a International Marketing

Assigned Attorneys: Edwin Rodriguez (BCP/ENF)  
Malini Mithal  
Matthew Wilshire

Alleged Conduct: Deceptive acts and practices in violation of Section 5 related to marketing of work at home opportunities.

Status: Complaint filed 8/7/08.

***FTC v. DATA BUSINESS SOLUTIONS INC.***, No. 1:08-CV-02783 (N.D. Ill.)

Parties: Data Business Solutions Inc., d/b/a Internet Listing Service Corp., ILS Corp., ILSCORP.NET, Domain Listing Service Corp., DLSCORP.NET, DLS Corp.  
1646153 Ontario Inc., d/b/a Internet Listing Service Corp., ILS Corp., ILSCORP.NET, Domain Listing Service Corp., DLSCORP.NET, DLS Corp.  
Ari Balabanian  
Isaac Benlolo  
Kirk Mulveney  
Steven E. Dale  
Pearl Keslassy

Assigned Attorneys: Karen D. Dodge (MWR)  
Marissa J. Reich

Alleged Conduct: Deceptive practices in violation of Section 5 involving domain name registrars and billing for search optimization services not provided.

Status: Complaint filed 5/14/08.  
TRO with asset freeze entered 5/14/08.  
Order extending TRO entered 5/22/08.  
Stipulated order extending TRO entered 6/11/08.  
Stipulated preliminary injunctions entered 6/30/08.  
Amended complaint adding defendants filed 8/11/08.  
Preliminary injunction against 1646153 Ontario Inc. and Steven E. Dale entered 9/30/08.

*FTC v. DAVISON & ASSOCIATES, INC.*, No. 06-2907 (3d Cir.), No. 2:97-CV-01278 (W.D. Pa.)

Parties: Davison & Associates, Inc. George M. Davison III  
Thomas Dowler Gordon M. Davison  
Manufacturer's Support Services, Inc. Barbara Davison  
Barbara Miele

Assigned Attorneys: Steven W. Balster (ECR)  
Michael Milgrom  
Brenda W. Doubrava  
Albert W. Schollaert (AUSA)

Alleged Conduct: Deceptive practices in the sale of invention-promotion services.

Status: Complaint filed 7/15/97.  
TRO, including asset freeze and appointment of receiver, entered 7/15/97;  
extended by agreement.  
Amended complaint adding defendants filed 3/23/98.  
Stipulated permanent injunction as to defendant Dowler entered 2/22/99.  
Commission motion for summary judgment filed 4/5/99.  
Defendants' opposition to summary judgment filed 6/1/99.  
Commission reply to defendants' opposition to summary judgment filed  
6/17/99.  
Hearing on summary judgment motion held 8/4/99.  
Commission's motion for preliminary injunction filed 4/3/01.  
Defendants' response filed 4/25/01.  
Commission's reply filed 5/4/01.  
Defendants' reply filed 5/21/01.  
Memorandum opinion denying Commission's motion for a preliminary  
injunction entered 3/31/03.  
Order referring case to Magistrate Judge Gary L. Lancaster entered  
4/24/03.  
Report and recommendation of Magistrate Judge Lancaster that  
Commission's motion for summary judgment be denied entered  
4/24/03.  
Commission's objections to the report and recommendation filed 5/8/03.  
Defendants' opposition to Commission's objections filed 5/22/03.  
Commission's reply in support of objections filed 6/2/03.  
Order denying motion for summary judgment adopting magistrate's report  
and recommendations entered 6/10/03.  
Settlement conference before magistrate held 2/23/04.  
Order requiring the Commission to file an amended pretrial statement  
entered 2/23/04.  
Commission's revised pretrial narrative statement filed 4/29/04.  
Trial held 6/21/05-7/6/05.

Final judgment awarding \$26 million in consumer redress entered 3/17/06.  
Defendants' motion to modify the judgment filed 3/24/06; denied in part  
and granted in part by oral rulings on 5/11/06 and 5/12/06, entered  
5/19/06.  
Order staying execution of judgment on appeal provided that defendants  
post supersedeas bond of \$12 million entered 5/19/06.  
Defendants' motion to amend amount of the supersedeas bond filed  
5/30/06; denied 6/2/06.  
Notice of appeal filed 6/5/06.  
Court of Appeals order granting defendants' emergency motion for stay  
and remanding for further consideration of the amount of the  
supersedeas bond entered 6/8/06.  
District court hearing regarding the amount of the supersedeas bond held  
7/6/06; order approving stipulation regarding supersedeas bond  
entered 7/26/06.  
Appellant's opening brief filed 10/2/06.  
Commission's brief filed 11/17/06.  
Appellant's reply brief filed 1/4/07.  
Order staying oral argument pending settlement negotiations entered  
5/4/07.  
Joint motion for partial remand to district court for entry of consent decree  
filed 6/13/08; granted 6/18/08.  
Consent order for permanent injunction as to all remaining defendants  
entered 7/8/08.

***FTC v. DIRECT CONNECTION CONSULTING, INC.***, No. 1:08-CV-01739 (N.D. Ga.)

Parties: Direct Connection Consulting, Inc., d/b/a Sure Touch Long Distance  
Digicom, LLC, d/b/a DigiTouch Long Distance  
Elliott Borenstein  
Joann R. Winter

Assigned Attorney: Valerie M. Verduce (SER)

Alleged Conduct: False and deceptive practices in violation of Section 5 involving  
telemarketers offering free goods and services not provided and billing of  
credit cards and bank accounts.

Status: Complaint filed 5/14/08.  
Order granting motion for TRO entered 5/14/08.  
Order extending TRO entered 5/23/08.  
Order extending TRO through 7/25/08 entered 6/5/08.  
Orders granting motions for relief from TRO entered 6/16/08 and 6/20/08.  
Preliminary injunction entered 7/25/08.



***FTC v. DIRECT MARKETING CONCEPTS, INC.***, No. 1:04-CV-11136 (D. Mass.)

Parties: Direct Marketing Concepts, Inc., d/b/a Today's Health and Direct Fulfillment  
ITV Direct, Inc., d/b/a Direct Fulfillment  
Healthy Solutions, LLC, d/b/a Direct Business Concepts  
Health Solutions, Inc.  
Donald W. Barrett  
Alejandro Guerrero, a/k/a Alex Guerrero  
Michael Howell  
Greg Geremesz  
Triad ML Marketing, Inc.  
King Media, Inc.  
Allen Stern  
Robert Maihos  
Lisa Stern (relief defendant)  
Steven Ritchey (relief defendant)  
BP International, Inc.(relief defendant)

Assigned Attorneys: Edward Glennon (BCP/AP)  
Shira Modell  
Heather Hipsley  
James Trilling  
Kial Young

Alleged Conduct: Deceptive practices in violation of Section 5 in connection with the sale of two dietary supplement products.

Status: Complaint filed 6/1/04.  
Preliminary injunction as to defendants Direct Marketing Concepts, Inc., ITV Direct, Inc. and Donald W. Barrett entered 6/23/04.  
Amended complaint for permanent injunction and other equitable relief adding defendant Robert Maihos and relief defendants Lisa Stern, Steven Richey and BP International, Inc., filed 4/20/05.  
Stipulated final order for permanent injunction and settlement of claims for monetary relief as to defendants Health Solutions, Inc. and Alejandro Guerrero entered 9/28/05.  
Stipulated final order for permanent injunction and settlement of claims for monetary relief as to defendants Healthy Solutions, LLC, Gregory Geremesz and Michael Howell entered 9/29/05.  
Commission's motion for summary judgment as to remaining defendants filed 12/15/05; defendants' responses in opposition filed 2/10/06; Commission's reply filed 3/3/06.  
Hearing on motion for summary judgment held 7/6/06.  
Order granting in part and denying in part Commission's motion for summary judgment entered 7/14/08.

Trial on remaining counts set for 10/27/08.

***FTC v. DIRECT MARKETING CONCEPTS, INC.***, No. 1:07-CV-11870 (D. Mass.)

Parties: Direct Marketing Concepts, Inc.  
ITV Direct, Inc.  
ITV Global, Inc.  
Donald W. Barrett  
Robert Maihos

Assigned Attorneys: Edward Glennon (BCP/AP)  
Shira Modell  
Heather Hipsley

Alleged Conduct: Deceptive acts or practices in violation of Section 5 of the FTC Act in connection with the advertising, promotion, and sale of a book entitled “The Weight Loss Cure ‘They’ Don’t Want You to Know About.”

Status: Complaint filed 10/4/07.  
Amended complaint adding defendant ITV Global, Inc. filed 10/17/07.  
Defendants’ motion to dismiss filed 11/15/07; Commission’s opposition filed 11/29/07.  
Order denying defendants’ motion to dismiss entered 7/9/08.

***FTC v. EDGE SOLUTIONS, INC.***, No. 2:07-CV-04087 (E.D.N.Y.)

Parties: Edge Solutions, Inc., a DE corp., a/k/a Debt Settlement Co. and Debt Elimination Center  
Edge Solutions, Inc., a NY corp., a/k/a Debt Settlement Co. and Debt Elimination Center  
Money Cares, Inc., a/k/a Debt Settlement Co. and Debt Elimination Center  
Miriam Lovinger, individually and d/b/a Edge Solutions, Inc.  
Robert Lovinger, individually and d/b/a Edge Solutions, Inc.  
Pay Help, Inc.

Assigned Attorneys: Ann F. Weintraub (NER)  
Carole A. Paynter  
Nur-ul-Haq  
Ronald L. Waldman

Alleged Conduct: Deceptive practices in violation of Section 5 in connection with advertising, marketing, promoting, offering for sale, and sale of debt settlement services.

Status: Complaint filed 10/1/07.  
Motion for TRO with asset freeze filed 10/1/07; entered 10/12/07.  
Stipulated preliminary injunction entered 11/2/07.  
Stipulated order and permanent injunction entered 8/4/08; amended order entered 8/29/08.

***FTC v. EMC MORTGAGE CORPORATION***, No. 4:08-CV-00338 (E.D. Tex.)

Parties: EMC Mortgage Corporation  
The Bear Stearns Companies LLC

Assigned Attorneys: Lucy Morris (BCP/FP)  
Stephen J. Shin  
Kristin M. Williams

Alleged Conduct: Deceptive acts and practices in violation of Section 5, the Fair Debt Collection Practices Act, the Fair Credit Reporting Act, the Truth in Lending Act, and Regulation Z in connection with the acquisition, servicing, and collection of mortgage loans and related securities.

Status: Complaint filed 9/9/08.  
Stipulated final judgment and order entered 9/9/08.

***FTC v. ESSEX MARKETING GROUP, INC.***, No. 2:02-CV-03415 (E.D.N.Y.)

Parties: Essex Marketing Group, Inc.  
Westbrook Marketing Group, Inc.  
Westbrook Marketing Associates, LLC  
Manhattan Vending, LLC  
Richard J. Guadagno, a/k/a Rich Dano, Rich Guadano and Richard Guadago  
Jack G. Schwartz  
Henry Sanchez

Assigned Attorney: Ann F. Weintraub (NER)

Alleged Conduct: Deceptive practices in violation of Section 5 and the Franchise Rule in connection with the offering and sale of vending machine business ventures.

Status: Complaint filed 6/13/02.  
Order that case be put under seal entered 6/14/02.  
Stipulated TRO against all parties except Schwartz entered 6/27/02.  
Stipulated TRO against Schwartz entered 7/17/02.  
Stipulated preliminary injunction against Schwartz entered 10/4/02.  
Seal lifted 10/11/02.  
Stipulated preliminary injunction against all parties except Schwartz entered 2/27/03.  
Matter stayed pending parallel criminal prosecution; stay lifted 11/5/04.  
Guadagno bankruptcy petition filed 9/22/04.  
Adverse complaint filed 12/27/04.  
Order discharging Chapter 7 debtor entered 5/3/06.  
Fully briefed summary judgment motion filed 6/5/06.  
Bankruptcy court's agreement to continued abstention of matter while proceeding in district court entered 6/27/06.  
Order staying adverse complaint, pending decision on motion for summary judgment, entered 6/28/06.  
Order denying motion for summary judgment, without prejudice to renew, entered 7/20/06.  
Defendant Guadagno's motion for stay pending the outcome of the criminal trial filed 8/7/06; Commission's opposition filed 8/10/06; Guadagno's reply filed 8/11/06; motion for stay granted 9/22/06.  
Stipulated order lifting stay entered 1/5/07.  
Oral argument on motion for summary judgment held 4/18/08.  
Order granting summary judgment as to defendants Richard J. Guadagno and all corporate defendants and denying summary judgment as to defendant Henry Sanchez entered 7/8/08.

***FTC v. FINANCIAL ADVISORS & ASSOCIATES INC.***, No. 8:08-CV-00907 (M.D. Fla.)

Parties: Financial Advisors & Associates Inc., d/b/a Freedom Financial,  
MyUnsecuredCreditCard.com,  
James Sweet

Assigned Attorneys: Stephen L. Cohen (BCP/MP)  
Ethan Ray Arenson

Alleged Conduct: Deceptive practices in violation of Section 5 involving catalog cards being offered as credit cards and non-refundable up-front fees.

Status: Complaint filed 5/12/08.  
TRO with asset freeze entered 5/13/08.  
Preliminary injunction entered 6/13/08.  
Stipulated final judgment and order for permanent injunction entered 9/9/08.

***FTC v. FLEISHER***, No. 1:08-CV-00493 (E.D. Va.)

Parties: Michael S. Fleisher

Assigned Attorneys: Gregory A. Ashe (BCP/FP)  
Elizabeth Tucci (BCP/ENF)  
Matthew Wilshire

Alleged Conduct: Deceptive practices in violation of Section 5 involving patent and trademark services.

Status: Complaint filed 5/16/08.

***FTC v. FORECLOSURE SOLUTIONS, LLC***, No. 1:08-CV-01075 (N.D. Ohio)

Parties: Foreclosure Solutions, LLC  
Timothy A. Buckley

Assigned Attorneys: Jonathan L. Kessler (ECR)  
Larissa L. Bungo

Alleged conduct: Deceptive practices in violation of Section 5 in connection with the selling of mortgage foreclosure rescue services.

Status: Complaint filed 4/29/08.  
Preliminary injunction hearing held 6/17/08.

***FTC v. FTN PROMOTIONS, INC.***, No. 8:07-CV-01279 (M.D. Fla.)

Parties: FTN Promotions, Inc.  
Guardian Marketing Services Corp.  
Strategia Marketing, LLC  
Co-Compliance, LLC  
JPW Consultants, Inc.  
Travel Agents Direct, LLC  
Bay Pines Travel, Inc.  
Suntasia Properties, Inc.  
Byron W. Wolf  
Roy A. Eliasson  
Alfred H. Wolf  
Donald L. Booth  
Jeffrey P. Wolf  
John Louis Smith, II

Assigned Attorneys: Todd M. Kossow (MWR)  
Rozina C. Bhimani  
William J. Hodor

Alleged Conduct: Violations of the Telemarketing Sales Rule in connection with a telemarketing scheme which offered “free” trial memberships in travel clubs.

Status: Complaint filed 7/23/07.  
Ex parte TRO as to all defendants entered 7/23/07.  
Magistrate Judge’s report and recommendation for permanent injunction entered 12/21/07.  
Order adopting Magistrate Judge’s report and recommendations entered 01/15/08.  
Preliminary injunction as to defendants Donald L. Booth, Jeffrey P. Wolf, and Alfred H. Wolf entered 3/27/08.  
Stipulated order for permanent injunction and final order against defendant Donald L. Booth entered 8/27/08.

**FTC v. GLOBAL MARKETING GROUP, INC., No. 8:06-CV-02272 (M.D. Fla.)**

Parties: Global Marketing Group, Inc.  
Global Business Solutions, LLC  
GlobalPay, Inc.  
GlobalPay, LLC  
GlobalPay BV  
Synergy Consulting Services, LLC  
First Processing Corporation  
Ira N. Rubin  
Phoelicia Daniels (relief defendant)  
Elite Funding Group, Inc.  
One World Group, LLC  
One World Corporation  
EFT Commerce, LLC  
Celsius International, LLC  
Celsius, LLC, d/b/a Global Productions  
Gemini Trading Group, LLC  
Gemini Trading Group, Inc., d/b/a Gembill  
Kwikbill.Com, LTD.  
Ewallet Express, Inc.  
One Pharm Services, Inc.  
17407, LLLP  
555018, LLC  
Marketing Services, LLC, d/b/a Med-Cost  
Merchant Provider Solutions, LLC  
Merchant Provider Solutions, LTD., d/b/a MPS, LTD.  
Unitrade Business, LLC  
Kevin D. Astl

Assigned Attorneys: James H. Davis (MWR)  
David O'Toole  
Theresa McGrew

Alleged Conduct: Violations of Section 5 and the Telemarketing Sales Rule in connection with processing electronic debits and credits from consumer bank accounts and facilitating advance fee credit card telemarketing fraud.

Status: Complaint filed 12/11/06.  
Ex parte TRO, asset freeze and order to show cause why a preliminary injunction should not issue entered 12/12/06.  
Stipulated preliminary injunction against the original defendants entered 1/11/07.  
First amended complaint, adding defendant Kevin D. Astl and 17 corporate defendants, filed 3/19/07.  
Motion for preliminary injunction against defendants named in first

amended complaint filed 4/9/07; granted 6/19/07.  
Joint motion to modify the stipulated preliminary injunction as to  
defendant Ira Rubin filed 6/25/07; granted 7/9/07.  
Motion for order to show cause why defendant Ira Rubin should not be  
held in contempt filed 12/14/07.  
Order granting motion for order to show cause entered 1/15/08.  
Order finding defendant Ira Rubin in contempt and issuing bench warrant  
for his arrest entered 1/30/08.  
Amended preliminary injunction extending receivership to defendant Ira  
Rubin personally entered 3/30/08.  
Clerk's entry of default against all corporate defendants 8/21/08.

***FTC v. GLUCORELL, INC.***, 6:08-CV-01649 (M.D. Fla.)

Parties: Glucorell, Inc.  
Anafit, Inc.  
Laurence Berube  
Jerel Scott Ferguson

Assigned Attorney: Alysa S. Bernstein (BCP/AP)

Alleged Conduct: Deceptive acts and practices in violation of Sections 5 and 12 in connection  
with the advertising, marketing, and sale of products purporting to prevent  
and treat diabetes and cancer

Status: Complaint filed 9/25/08.



***FTC v. HANDICAPPED & DISABLED WORKSHOPS, INC.***, No. 2:08-CV-00908 (D. Ariz.)

Parties: Handicapped & Disabled Workshops, Inc., f/k/a Handi-Tech Company  
Handi-Hope Industries, Inc.  
Handi-Ship, LLC  
Bruce D. Peoples  
George Thomas  
Joshua D. Abramson

Assigned Attorneys: Kathleen Benway (BCP-MP)  
Gary L. Ivens

Alleged Conduct: Violations of Section 5 and the Telemarketing Sales Rule involving soliciting purchases to benefit handicapped and disabled workers and mailing and billing consumers for unordered products.

Status: Complaint filed 5/13/08.  
TRO entered 5/16/08.  
Stipulated preliminary injunction entered 5/23/08.  
Default as to Handicapped & Disabled Workshops, Inc., Handi-Hope Industries, Inc., and Handi-Ship LLC entered 6/23/08.  
Motion for default judgment against Handicapped & Disabled Workshops, Inc., Handi-Hope Industries, Inc. and Handi-Ship, LLC filed 9/11/08.

***FTC v. HELPING HANDS OF HOPE, INC.***, No. 2:08-CV-00909 (D. Ariz.)

Parties: Helping Hands of Hope, Inc.  
U.S. Blind Services, Inc.  
Employment Opportunities of America, Inc.  
Third Strike Employment, Inc.  
Robyn Mayhan

Assigned Attorneys: John D. Jacobs (WR)  
Barbara Chun

Alleged Conduct: Violations of Section 5, the Telemarketing Sales Rule, and the Unordered Merchandise Statute involving the sale of products to ostensibly benefit the disabled and sending consumers products not ordered.

Status: Complaint filed 5/13/08.  
TRO with asset freeze entered 5/13/08.  
Stipulated order extending TRO entered 5/21/08.  
Preliminary injunction entered 6/13/08.

***FTC v. IFC CREDIT CORPORATION***, No. 1:07-CV-03155 (N.D. Ill.)

Parties: IFC Credit Corporation

Assigned Attorneys: Robert J. Schroeder (NWR)  
David M. Horn  
Maxine R. Stansell

Alleged Conduct: Unfair and deceptive acts in violation of Section 5 of the FTC Act in connection with financing the sales of telecommunications services and related products to businesses and religious and other non-profit organizations.

Status: Complaint filed 6/6/07.  
Motion for preliminary injunction filed 6/6/07.  
Commission's and defendants' motions for summary judgment filed 3/28/08.  
Trial set for 11/10/08.

***FTC v. INTEGRITY FINANCIAL ENTERPRISES, LLC***, No. 8:08-CV-00914 (M.D. Fla.)

Parties: Integrity Financial Enterprises, LLC, d/b/a Infinity Financial, National Benefit Exchange  
National Benefit Exchange  
Robert J. Fischbach

Assigned Attorneys: Ann F. Weintraub (NER)  
Thomas A. Cohn  
Robin E. Eichen

Alleged Conduct: Deceptive practices involving offers of credit cards with advance fees in violation of Section 5 and the Telemarketing Sales Rule.

Status: Complaint filed 5/13/08.  
TRO entered 5/14/08.  
Stipulated preliminary injunction entered 5/28/08  
Default as to Integrity Financial Enterprises, LLC and National Benefit Exchange, Inc. entered 6/23/08.

***FTC v. INTERBILL, LTD.***, No. 2:06-CV-01644 (D. Nev.)

Parties: InterBill, Ltd.  
Thomas Wells

Assigned Attorneys: Tracy Thorleifson (NWR)  
Mary Benfield  
Blaine T. Welsh (AUSA)

Alleged Conduct: Violations of Section 5 in connection with providing payment processing services that debited consumers' checking accounts, without authorization, for fraudulent medical discount cards.

Status: Complaint filed 12/26/06.  
Defendants' answer impleading Wells Fargo Bank as third party defendant filed 4/23/07.  
Third party defendant Wells Fargo answer filed 7/16/07  
Third party defendant Wells Fargo motion to dismiss filed 12/05/07; defendants' response filed 2/19/08; third party defendant Wells Fargo's reply filed 3/4/08.  
Commission's motion for summary judgment filed 1/17/08; defendants' response filed 2/19/08; Commission's reply filed 3/4/08.  
Joint motion to stay proceedings pending ruling on motion for summary judgment filed 2/22/08.  
Oral argument on Commission's motion for summary judgment held 4/9/08.  
Order granting summary judgment, directing Commission to submit proposed order, and granting motion to dismiss of third party defendant Wells Fargo entered 4/9/08.  
Commission proposed order and supplemental memorandum on injunctive relief filed 4/17/08; defendants' response and objections filed 5/5/08; Commission's reply filed 5/12/08.  
Order dismissing defendants' third party complaint against Wells Fargo entered 4/30/08.

**FTC v. INTERNATIONAL PRODUCT DESIGN, INC.**, No. 07-1980 (4th Cir.); No. 1:97-CV-01114 (E.D. Va.)

Parties: International Product Design, Inc.  
Julian Gumpel  
Technical Lithographers Inc., d/b/a Patent and Trademark Institute of America (PTI)  
United Licensing Corporation  
International Patent Advisors Inc.  
Datatech Consulting Inc.  
International Product Marketing Inc.  
Unicorp Consulting Inc., d/b/a/ UNI Corp. Inc.  
Azure Communications Inc.  
London Communications Inc.  
International Licensing Corp., Inc.  
Robert N. Waxman  
Peter Doran  
Michael Fleisher  
Darrell Mormando  
Greg Wilson

Assigned Attorneys: Elizabeth Tucci (BCP/ENF)  
Matthew Wilshire  
Michele Arington (OGC)

Alleged Conduct: Violations of a 1998 final order in connection with operating a fraudulent invention promotion service.

Status: Complaint filed 7/14/97.  
Stipulated final judgments (including \$250,000 redress fund and, as to two defendants, ban on selling invention promotion services), entered 11/17/98.  
Emergency motion for ex parte TRO with ancillary equitable relief filed 1/9/07; entered 1/18/07.  
Motion for an order to show cause why Julian Gumpel and eight business entities under his control should not be held in contempt filed 1/9/07; order entered 1/10/07.  
Emergency motion for preliminary injunction, pending decision on Commission's motion to show cause why Julian Gumpel and eight business entities under his control should not be held in contempt filed 1/8/07; preliminary injunction entered 1/18/07.  
Motion for order to show cause why Michael Fleisher, Darrell Mormando and Greg Wilson should not be held in contempt for violating the stipulated order filed 3/2/07; entered 3/12/07.  
Emergency motion for TRO and preliminary injunction, pending decision on Commission's motion to show cause, filed 3/5/07; denied

3/14/07.  
Show cause hearing for all contempt defendants held 4/30/07-5/3/07;  
finding of contempt entered 5/3/07.  
Motion for preliminary injunction as to defendants Michael Fleisher,  
Darrell Mormando, and Greg Wilson filed 7/13/07; motion granted  
8/27/07.  
Order for monetary relief in the amount of \$61 million entered 8/27/07.  
Final judgment in favor of Commission entered 8/28/07.  
Defendant Michael Fleisher's notice of appeal filed 9/25/07.  
District court order granting Commission's motion for turnover of  
certain assets of defendants Gumpel and Mormando and assets  
held by Receiver entered 12/7/07.

***FTC v. JAB VENTURES, LLC***, No. 2:08-CV-04868 (C.D. Cal.)

Parties: Jab Ventures, LLC  
Jason Brailow

Assigned Attorneys: Gregory Ashe (BCP/FP)  
Mark Morelli (BCP/ENF)  
Raymond E. McKown (WR-LA)

Alleged Conduct: Deceptive acts and practices in violation of Sections 5 and 12, the  
Electronic Fund Transfer Act, and Regulation E in connection with the  
advertising, marketing, sale, and billing of dietary supplements and weight  
loss products.

Status: Complaint filed 7/16/08.  
Stipulated order for permanent injunction as to all defendants entered  
8/20/08.

***FTC v. LANE LABS-USA, INC.***, No. 2:00-CV-03174 (D.N.J.)

Parties: Lane Labs-USA, Inc.  
Cartilage Consultants, Inc.  
Andrew J. Lane  
I. William Lane

Assigned Attorneys: Connie Vecellio (BCP/ENF)  
Elsie Kappler  
Amanda C. Basta  
Susan J. Steele (DOJ/CIV)

Alleged Conduct: Violations of stipulated final orders in relation to the marketing and sale of two dietary supplements.

Status: Complaint filed 6/28/00.  
Stipulation and final order as to defendants Cartilage Consultants and I. William Lane entered 6/30/00.  
Notice of refiling of stipulation and final order as to defendants Lane Labs-USA and Andrew J. Lane entered 9/27/00.  
Stipulation and final order for consumer redress and disbursement of funds entered 10/17/00.  
Motion to hold Lane Labs-USA, Andrew Lane, and I. William Lane in contempt filed 1/12/07; opposition filed 3/19/07; order granting motion to hold defendants in contempt entered 12/18/07.

***FTC v. LESHIN***, No. 0:06-CV-61851 (S.D. Fla.)

Parties: Randall Leshin  
Randall L. Leshin, P.A., d/b/a Express Consolidation, Express  
Consolidation, Inc., and Consumer Credit Consolidation, Inc.  
Maureen A. Gaviola  
Charles Ferdon

Assigned Attorneys: Michael Tankersley (BCP/MP)  
Philip P. Tumminio

Alleged Conduct: Violations of Section 5 and the Telemarketing Sales Rule in making  
misrepresentations about non-profit status and the fees and benefits of the  
defendants' debt consolidation programs.

Status: Complaint filed 12/11/06.  
Stipulated interim order entered 1/26/07.  
Amended complaint, adding defendant Charles Ferdon and an additional  
Section 5 misrepresentation count, filed 3/21/07.  
Commission's motion for order to show cause why Defendants Leshin,  
Randall L. Leshin, P.A., and Express Consolidation, Inc. should  
not be held in contempt for violating stipulated interim order filed  
5/11/07.  
Motion for partial summary judgment on Section 5 and TSR counts filed  
6/5/07; denied 1/7/08.  
Stipulated permanent injunctions and judgment as to all defendants entered  
5/5/08.  
Motion for relief from final judgment by Randall L. Leshin, Randall  
L. Lechin, P.A., Express Consolidation, Inc., and Charles Ferdon  
filed 6/30/08.  
Order denying motion for relief from final judgment entered 8/5/08.



***FTC v. LOUIE***, No. 2:06-CV-07619 (C.D. Cal.)

Parties: Eric G. Louie, d/b/a Fastcashathome.com,  
Fastcashathome.homestead.com and Hometypers.com  
Calvin G. Louie, d/b/a Moneymakingsecret.homestead.com,  
Realcashprograms.com and Dataentrypro.com

Assigned Attorneys: Eleanor Durham (NWR)  
Jennifer Larabee  
John D. Jacobs (WR-LA)

Alleged Conduct: Violations of Section 5 in connection with the deceptive marketing and sale of internet-based work-at-home business opportunities.

Status: Complaint filed 11/30/06.  
Stipulated TRO entered 12/19/06.  
Preliminary injunction entered 4/4/07.  
Stipulated permanent injunction and final order entered 8/19/08.

***FTC v. MAGAZINE SOLUTIONS***, No. 2:07-CV-00692 (W.D. Pa.)

Parties: Magazine Solutions, LLC, d/b/a/ MagazineSolutions, United Publishers' Service, Read-N-Save America  
United Publishers' Service, Inc., d/b/a/ Magazine Solutions, MagazineSolutions, Read-N-Save America  
Joseph Martinelli  
Barbara DeRiggi  
James Rushnock

Assigned Attorneys: Dana Barragate (ECR)  
Michael Milgrom  
Julie Lady

Alleged Conduct: Violations of Section 5 of the FTC Act and the Telemarketing Sales Rule in connection with conducting a nationwide telemarketing campaign that purports to offer free coupons but actually sells magazine subscriptions.

Status: Complaint filed 5/23/07.  
Motion for preliminary injunction filed 5/24/07; entered 8/16/07.  
Order granting preliminary injunction as to defendants Magazine Solutions, United Publishers Service, and Joseph Martinelli, and denying preliminary injunction as to defendants Barbara DeRiggi and James Rushnock entered 6/20/07.  
Commission's motion to strike defendant's affirmative defenses filed 7/17/07; granted in part and denied in part 9/25/07.  
Defendant's motion to stay filed 9/4/07; motion denied 9/21/07.  
Commission's motion for contempt against defendants Magazine Solutions, United Publishers' Service, Inc. and Joseph Martinelli filed 12/5/07; defendants' response filed 12/21/07.  
Commission's motion for asset preservation over defendants Magazine Solutions and United Publishers' Service, Inc. filed 12/19/07; defendants' response filed 1/4/08.  
Order holding defendants in contempt of preliminary injunction and granting injunctive relief entered 1/16/08.  
Order granting Commission's motion for asset preservation order entered 1/16/08.  
Defendants' motion to reconsider asset preservation order filed 2/6/08; Commission's opposition filed 2/19/08; defendants' motion denied 3/10/08.  
Commission's motion for sanctions filed 4/9/08; defendants' response filed 4/24/08; denied 5/13/08.  
Commission's and Barbara DeRiggi's motions for summary judgment filed 5/7/08; responses in opposition to motions for summary judgment filed 7/21/08; replies filed 8/7/08.

***FTC v. MEDICAL BILLERS NETWORK, INC.***, No. 1:05-CV-02014 (S.D.N.Y.)

Parties: Medical Billers Network, Inc.  
Chris Taylor  
Caceres Quality Distribution, Inc.  
Wilson Jose Caceres  
Knarek Kalantaryan (relief defendant)

Assigned Attorneys: Jonathan Platt (NER)  
Mazor Matzkevich  
Carole Paynter

Alleged Conduct: Deceptive practices in violation of Section 5 and the Telemarketing Sales Rule in connection with the sale of medical billing employment opportunities.

Status: Complaint filed 2/10/05.  
TRO entered 2/18/05; extended 2/28/05; 3/18/05.  
Stipulated preliminary injunction entered 3/23/05.  
Amended complaint for injunctive and other equitable relief, adding defendants Caceres Quality Distribution, Inc. and Wilson Jose Caceres and relief defendant Knarek Kalantaryan, filed 7/1/05.  
Motion for contempt filed 9/30/05.  
Stipulated order of contempt and modified preliminary injunction entered 12/6/05.  
Order adjudging defendant Caceres in civil contempt entered 3/17/06.  
Order denying Commission's request for defendant Caceres to restore assets subject to the asset freeze entered 6/21/06.  
Commission's motion for summary judgment filed 2/13/07; opposition and cross-motion for summary judgment by defendants Chris Taylor and Wilson Jose Caceres filed 5/29/07.  
Motion for summary judgment by defendants Taylor and Medical Billers Network, Inc. filed 5/29/07; Commission's opposition and reply filed 8/24/07.  
Order granting in part and denying in part Commission's motion for summary judgment and granting in part and denying in part defendants' motion for summary judgment entered 3/31/08.

***FTC v. MEDLAB, INC.***, No. 3:08-CV-00822 (N.D. Cal.)

Parties: Medlab, Inc.  
Pinnacle Holdings, Inc.  
Metabolic Research Associates, Inc.  
U.S.A. Health, Inc.  
L. Scott Holmes

Assigned Attorneys: Kerry O'Brien (WR-SF)  
Evan Rose  
Sarah Schroeder

Alleged Conduct: Violation of Sections 5 and 12 in connection with falsely claiming that its weight-loss pills cause users to lose weight without dieting or exercise.

Status: Complaint filed 2/6/08.  
Defendants' answer filed 4/4/08.  
Commission's motion to strike affirmative defenses and jury demand filed 4/24/08; defendants' opposition filed 6/19/08; Commission's reply to opposition filed 7/3/08.  
Order granting in part and denying in part Commission's motion to strike affirmative defenses and granting Commission's motion to strike jury demand entered 7/22/08.

***FTC v. MORTGAGE FORECLOSURE SOLUTIONS, INC.***, No. 8:08-CV-00388 (M.D. Fla.)

Parties: Mortgage Foreclosure Solutions, Inc.  
Debra Behrens  
Michael Siani

Assigned Attorney: Dama J. Brown (SER)

Alleged Conduct: Violations of Section 5 in connection with mortgage foreclosure rescue fraud.

Status: Complaint filed 2/26/08.  
TRO entered 2/27/08.  
Stipulated preliminary injunction entered 3/7/08.

***FTC v. MYSTERY SHOP LINK, LLC***, No. 2:07-CV-01791 (C.D. Cal.)

Parties: Mystery Shop Link, LLC  
Tangent Group, LLC  
Robin Larry Murphy  
Kenneth Johnson  
Andrew Holman  
Harp Marketing Services Inc.  
Aiden Reddin  
Marc Gurney

Assigned Attorneys: Guy G. Ward (MWR)  
David A. O'Toole  
John D. Jacobs (WR-LA)

Alleged Conduct: Violations of Section 5 and in contempt of a 1997 final order in a related case in connection with a "mystery shopping" employment scam.

Status: Complaint filed 3/16/07.  
Motion for preliminary injunction filed 3/23/07.  
Stipulated order for preliminary injunction as to defendants Kenneth Johnson and Robin Larry Murphy entered 4/19/07.  
Stipulated order for preliminary injunction as to defendants Mystery Shop Link, LLC, Tangent Group, LLC, and Andrew Holman entered 5/2/07.  
Stipulated order for preliminary injunction as to Harp Marketing Services, Inc., Aiden Reddin, and Marc Gurney entered 5/3/07.

***FTC v. NATIONAL AUDIT DEFENSE NETWORK, INC.***, No. 2:02-CV-00131 (D. Nev.)

Parties: National Audit Defense Network, Inc.  
Tax Coach, Inc., d/b/a Tax Ready  
Oryan Management, Inc.  
Robert Bennington  
Cort Christie  
Alan Rodrigues  
Weston J. Coolidge

Assigned Attorneys: Erika Wodinsky (WR-SF)  
Jerome M. Steiner  
Blaine T. Welsh (AUSA)

Alleged Conduct: Deceptive practices in violation of Section 5 and the Truth in Lending Act by failing to provide refunds in a timely manner in connection with the sale of income tax-reducing strategies and services.

Status: Complaint filed 1/30/02.  
TRO entered 2/1/02.  
Stipulated preliminary injunction entered 2/25/02.  
Amended complaint adding defendants Weston J. Coolidge and Oryan Management, Inc. filed 12/30/02.  
Commission's motion for summary judgment filed 1/14/05; defendant Coolidge's response filed 2/7/05; defendant Christie's response filed 2/8/05; defendant Rodrigues' response filed 2/11/05; Commission's replies filed 2/22/05.  
Defendant Rodrigues' motion for summary judgment filed 1/14/05; Commission's response filed 2/4/05; reply filed 2/17/05.  
Defendant Christie's motion for summary judgment filed 1/21/05; Commission's response filed 1/31/05; reply filed 2/11/05.  
Order granting Commission's motion for summary judgment against Weston J. Coolidge and Oryan Management, Inc and denying Commission's motion for summary judgment against Cort Christie entered 10/12/05.  
Order denying Christie's motion for summary judgment entered 10/12/05.  
Order denying Commission's motion for summary judgment against Alan Rodrigues, and denying Rodrigues' motion for summary judgment, subject to reinstatement after Rodrigues obtains a new attorney, entered 10/12/05.  
Commission's request for reinstatement of its motion for summary judgment against Alan Rodrigues filed 11/16/05.  
Stipulated final judgment and order for permanent injunction and other equitable relief as to defendant National Audit Defense Network, Inc. entered 8/25/06.

***FTC v. NATIONAL HOMETEAM SOLUTIONS, LLC***, No. 4:08-CV-00067 (E.D. Tex.)

Parties: National HomeTeam Solutions, LLC  
National Financial Solutions, LLC  
United Financial Solutions, LLC  
Nationwide Foreclosure Services, LLC  
Evalan Services, LLC  
Elant, LLC  
Elias H. Taylor, a/k/a Eli Taylor  
Everard Taylor, a/k/a Everardo Taylor  
Emanuel Taylor  
Edwin P. Taylor, Sr., a/k/a Ed Taylor

Assigned Attorneys: Sarah Schroeder (WR-SF)  
Dean C. Graybill  
Evan Rose  
Janice L. Charter  
Emily Robinson (SWR)

Alleged Conduct: Violations of Section 5 in connection with advertising and offering for sale service to homeowners that purports to stop home foreclosure sales.

Status: Complaint filed 2/26/08.  
TRO entered 2/27/08.  
Stipulated preliminary injunction entered 3/6/08.  
Stipulated permanent injunctions and final orders as to all defendants entered 9/8/08.

***FTC v. NATIONAL PRIZE INFORMATION GROUP CORP.***, No. 2:06-CV-01305 (D. Nev.)

Party: National Prize Information Group Corp. d/b/a Las Vegas Actionable Awards Program; Prize Search Express; Department of Unclaimed Awards; United States Sweepstakes Advisory; United States of America Patriotism Awards; National Bureau of Prize Information; Lapham Vargas and Cornell; and Directors Office John Rincon

Assigned Attorneys: Laura Fremont (WR-SF)  
Janice L. Charter  
Kenneth H. Abbe (WR-SF)  
Blaine T. Welsh (AUSA)

Alleged Conduct: Violations of Section 5 in connection with mailing deceptive representations about sweepstakes and cash prizes to consumers.

Status: Complaint filed 10/18/06.  
TRO, asset freeze and order to show cause entered 10/18/06.  
Preliminary injunction entered 11/27/06.  
Defendants' answer filed 12/18/06.  
Commission's motion for summary judgment filed 3/16/07.  
Order granting motion for summary judgment entered 7/29/08.



***FTC v. NATIONAL UROLOGICAL GROUP, INC.***, No. 1:04-CV-03294 (N.D. Ga.)

Parties: National Urological Group, Inc., d/b/a Warner Laboratories  
National Institute for Clinical Weight Loss, Inc.  
Hi-Tech Pharmaceuticals, Inc.  
Jared Wheat  
Thomasz Holda  
Michael Howell  
Stephen Smith  
Terrill Mark Wright, M.D.

Assigned Attorneys: Sydney M. Knight (BCP/AP)  
Tawana E. Davis  
Edward Glennon  
Mary Johnson  
Theodore Hoppock

Alleged Conduct: Deceptive practices in violation of Sections 5 and 12 in connection with the sale of a purported weight loss product.

Status: Complaint filed 11/10/04.  
Stipulated final order for permanent injunction and settlement of claims for monetary relief against Michael Howell filed 4/14/05.  
Order granting in part and denying in part Commission's motion to strike defendants' affirmative defenses and to dismiss counterclaims, and granting motion to strike jury demand entered 6/24/05.  
Order granting consent motion to extend discovery entered 2/28/06.  
Commission's motion to lift protective order and compel discovery from Terrill Mark Wright, M.D. filed 4/20/06; order granting in part and denying in part entered 6/6/06.  
Commission's answer to counterclaims of defendant National Urological Group and National Institute for Clinical Weight Loss, Inc. filed 6/9/06.  
Order administratively closing case, pending the status of defendant Wright's health and availability for deposition, entered 8/10/06.  
Order permitting parties to complete other discovery that can be conducted without defendant Wright entered 8/14/06.  
Order granting motion to reopen case entered 5/22/07.  
Defendants' motion for summary judgment filed 8/24/07; Commission's opposition filed 11/5/07; reply brief filed 12/15/07.  
Order granting the Commission's motion to strike the defendants' reply brief and directing defendants to re-file their brief in compliance with the page limit entered 12/28/07.  
Defendants' reply brief filed 3/19/08.  
Order granting the Commission's motion for summary judgment and denying defendants' motion for summary judgment entered 6/4/08.

***FTC v. NATIONWIDE CONNECTIONS, INC.***, Nos. 07-14531-EE, 06-16635-EE (11th Cir.);  
No. 9:06-CV-80180 (S.D. Fla.); No. 5:07-CV-05758 (N.D. Cal.); No. 07-05156 (Bankr.  
N.D. Cal.)

Parties: Nationwide Connections, Inc.  
Access One Communications, Inc.  
Network One Services, Inc.  
Willoughby Farr  
Mary Lou Farr  
Yaret Garcia  
Erika Riaboukha  
Qaadir Kaid  
Billing Concepts, Inc.  
ACI Billing Services, Inc., d/b/a OAN  
BSG Clearing Solutions North America, LLC  
The Billing Resource, d/b/a Integretel

Assigned Attorneys: Collot Guerard (BCP/MP)  
Robert Schoshinski  
Michael Mora (BCP/ENF)  
John Singer (OGC)  
Lawrence DeMille-Wagman

Alleged Conduct: Unfair and deceptive practices in violation of Section 5 in connection with  
the initiation of phone charges for purported long distance collect calls.

Status: Complaint filed 2/27/06.  
TRO, asset freeze and preliminary injunction order entered 3/8/06.  
First amended complaint adding defendants Billing Concepts, Inc., ACI  
Billing Services, Inc. d/b/a OAN, BSG Clearing Solutions North  
America, LLC and The Billing Resource d/b/a Integretel filed  
9/21/06.  
Amended preliminary injunction order entered 9/22/06.  
Contempt order against Willoughby Farr, Mary Lou Farr and Danny  
Trujillo (non-party) entered 9/22/06.  
Notice of appeal of amended preliminary injunction by defendant The  
Billing Resource d/b/a Integretel (“Integretel”) (No. 06-16635)  
filed 11/11/06.  
Order by 11th Cir. granting Integretel's motion to stay appeal  
pending district court's resolution of motion to modify amended  
preliminary injunction entered 1/29/07.  
Order by district court denying Integretel's motion to amend preliminary  
injunction entered 9/14/07.  
Integretel's petition for Chapter 11 bankruptcy in N.D. Cal. bankruptcy  
court filed 9/16/07.  
District court order staying all proceedings against Integretel

due to its bankruptcy filing entered 9/20/07; order vacated 9/21/07.  
Commission's adversary complaint in N.D. Cal. bankruptcy court (No. 07-5156) filed 9/20/07.  
Notice of appeal by Integretel from orders of 9/14/07 and 9/21/07 filed 9/24/07.  
Integretel's emergency motion in district court for stay pending appeal filed 9/25/07; order conditionally granting motion, provided Integretel transfers \$1.7 million to the Receiver, entered 9/27/07.  
Integretel's emergency motion for stay pending appeal in 11th Cir. filed 10/11/07; Commission's opposition filed 10/15/07.  
Order by 11th Cir. temporarily granting Integretel's emergency motion for stay pending appeal entered 10/17/07.  
Stipulated final judgment and permanent injunction as to defendant Mary Lou Farr entered 10/24/07.  
Order by 11th Cir. denying Integretel's emergency motion for stay pending appeal and terminating temporary stay entered 11/5/07.  
Motion for summary judgment against defendants Billing Concepts, Inc., ACI Billing Services, Inc. d/b/a OAN, BSG Clearing Solutions North America, LLC, Willoughby Farr, Yaret Garcia, Erike Riaboukha, and Qadir Kaid filed 11/6/07.  
Order by bankruptcy court enjoining FTC from prosecuting enforcement action entered 11/7/07.  
Commission's notice of appeal from 11/7/07 bankruptcy court order filed 11/8/07.  
Commission's motion in N.D. Cal. for stay pending appeal of 11/7/07 bankruptcy court order and for change of venue filed 11/15/07.  
Order by bankruptcy court enjoining FTC and the receiver in the enforcement action from pursuing a contempt proceeding ancillary to the enforcement action entered 11/27/07.  
Commission's notice of appeal from 11/27/07 bankruptcy court order filed 11/28/07.  
Commission's motion in N.D. Cal. for stay pending appeal of 11/27/07 bankruptcy court order filed 11/30/07.  
Integretel's brief in 11th Cir. filed 12/3/07; Commission's response filed 2/4/08; Integretel's reply brief filed 2/28/08.  
Order by N.D. Cal. denying Commission's stay motions and change of venue motion entered 3/7/08.  
Stipulated final judgment and order for permanent injunction and consumer redress as to defendant Willoughby Farr entered 2/19/08.  
Stipulated final judgment and order for permanent injunction and consumer redress as to defendants Billing Concepts, Inc., ACI Billing Services, Inc. d/b/a Oan, and BSG Clearing Solutions North America, LLC entered 3/18/08.  
Order by bankruptcy court extending preliminary injunction enjoining Commission enforcement action through 6/14/08 entered 3/18/08.

Commission's notice of appeal from 3/18/08 bankruptcy court order filed 3/19/08.

Stipulated final judgment and order for permanent injunction and consumer redress as to defendant Qadir Kaid entered 3/28/08.

Stipulated final judgment and order for permanent injunction and consumer redress as to defendant Erika Riaboukha entered 4/7/08.

Stipulated final judgment and order for permanent injunction and consumer redress as to defendant Yaret Garcia entered 4/11/08.

***FTC v. NEISWONGER***, No. 08-3077 (8th Cir.); No. 4:96-CV-02225 (E.D. Mo.)

Parties: Richard C. Neiswonger  
William S. Reed  
Asset Protection Group, Inc.

Assigned Attorneys: Joshua Millard (BCP/ENF)  
Melinda Claybaugh  
Michele Arington (OGC)

Alleged Conduct: Civil contempt action for violations of a 1997 permanent injunction in connection with marketing a business opportunity.

Status: Complaint filed 11/13/96.  
Stipulated final judgment and order for permanent injunction entered 2/28/97.  
Motions for a civil contempt order, ex parte TRO and preliminary injunction filed 7/17/06.  
TRO and order to show cause entered 7/17/06; extended to 10/25/06.  
Show cause hearings held 10/25-26/06.  
Second permanent injunction modifying permanent injunction as to defendant Neiswonger entered 4/23/07.  
Civil contempt order entered 4/23/07.  
Preliminary injunction entered 6/12/07.  
Show cause hearing as to a permanent injunction against defendants Reed and Asset Protection Group, Inc. scheduled for 8/29/07; rescheduled for 11/1/07.  
Commission's proposed stipulated order for permanent injunction as to defendants in *FTC v. Asset Protection Group, Inc.* filed 9/28/07; entered 10/23/07.  
Commission's proposed amended civil contempt order against all defendants filed 4/4/08; defendant Neiswonger's objection filed 4/11/08; Commission's reply filed 4/21/08.  
Amended civil contempt order against all defendants entered 7/30/08.  
Defendants' motion to stay amended civil contempt order pending appeal filed 8/11/08; Commission's opposition filed 8/18/08.  
Notice of appeal by defendants filed 8/27/08.  
Commission's motion for contempt of amended civil contempt order filed 9/19/08; defendant Neiswonger's response filed 9/25/08.  
Appellants' brief due 11/12/08; Commission's brief due 12/12/08.

***FTC v. NEOVI, INC.***, No. 3:06-CV-01952 (S.D. Cal.)

Parties: Neovi, Inc., d/b/a Neovi Data Corporation and Qchex.com  
G7 Productivity Systems, Inc., d/b/a Qchex.com  
James M. Danforth  
Thomas Villwock

Assigned Attorneys: Deborah Matties (BCP/MP)  
Patricia Poss  
Lara S. Kaufmann  
John D. Jacobs (WR-LA)

Alleged Conduct: Unfair practices in violation of Section 5 in connection with the offering and sale of online check services.

Status: Complaint filed 9/19/06.  
Memorandum of points and authorities in support of plaintiff's motion for TRO with other equitable relief and order to show cause filed 9/19/06; joint stipulation and TRO with other equitable relief entered 9/22/06.  
Show cause hearing held 11/17/06.  
Motion for preliminary injunction denied 1/19/07.  
Order granting Commission's motion for summary judgment entered 9/16/08.

***FTC v. NETWORK SERVICES DEPOT, INC.***, No. 2:05-CV-00440 (D. Nev.)

Parties: Network Services Depot, Inc.  
Network Marketing, LLC, d/b/a Network Services Marketing  
Net Depot, Inc.  
Network Services Distribution, Inc.  
Sunbelt Marketing, Inc.  
Charles V. Castro  
Elizabeth L. Castro  
Gregory High  
Phyllis Watson (relief defendant)

Assigned Attorneys: Lisa D. Rosenthal (WR-SF)  
Kerry O'Brien

Alleged Conduct: Deceptive practices in violation of Section 5 and the Franchise Rule in connection with the sale of "internet kiosk" business opportunities.

Status: Complaint filed 4/5/05.  
TRO with asset freeze entered 4/6/05.  
Stipulated preliminary injunction as to all defendants except Net Depot, Inc., entered 4/14/05.  
Defendants' motion for summary judgment or, alternatively, summary adjudication, filed 11/29/05; Commission's response filed 12/16/05.  
Stipulation of dismissal of defendant Net Depot, Inc. filed 12/12/05; granted 12/21/05.  
Commission's motion for summary judgment filed 11/29/05; defendants' opposition filed 12/16/05.  
Order granting Commission's motion for summary judgment and denying defendants' motion for summary judgment entered 9/29/06.

***FTC v. NEXTCLICK MEDIA, LLC***, No. 3:08-CV-01718 (N.D. Ca.)

Parties                      Nextclick Media, LLC, d/b/a StopSmoking180.com,  
   StopSmokingResolution.com, BeautifulSkin.com,  
   OnLineDirectProducts  
   Next Internet, LLC  
   Kenneth Chan  
   Albert Chen

Assigned Attorney:      Thomas Dahdouh (WR-SF)

Alleged Conduct:        Violations of Section 5 in connection with offering free trials of products  
   including herbal patches for smoking cessation.

Status:                      Complaint filed 3/31/08.  
   Preliminary injunction entered 4/23/08.

***FTC v. NHS SYSTEMS, INC.***, No. 2:08-CV-02215 (E. D. Pa.)

Parties:                      NHS Systems, Inc., d/b/a National Healthcare Solutions, National Health  
   Net Online  
   Harry F. Bell, Jr.  
   Physician Health Service, LLC  
   Donna Newman  
   John E. Bartholomew

Assigned Attorneys:    Harris A. Senturia (ECR)  
   Julie A. Lady

Alleged Conduct:        Deceptive practices in violation of Section 5 involving misrepresentations  
   of affiliation with U.S. government agencies, promises of tax  
   refunds/rebates or health benefits to obtain bank account information, and  
   unauthorized billing.

Status:                      Complaint filed 5/13/08.  
   TRO with asset freeze entered 5/14/08.  
   Stipulated preliminary injunction entered 6/10/08.



***FTC v. NORTH AMERICAN HERB AND SPICE CO., LLC***, No. 1:08-CV-03169 (N.D. Ill.)

Parties: North American Herb and Spice Co., LLC  
Judy K. Gray

Assigned Attorneys: Christine J. Lee (BCP/AP)  
James A. Trilling

Alleged Conduct: Deceptive practices in violation of Sections 5 and 12 involving dietary supplements purporting to treat health conditions, including colds and flu.

Status: Complaint filed 6/2/08.  
Stipulated final judgment and order for permanent injunction entered 7/31/08.

***FTC v. NU-GEN NUTRITION, INC.***, No. 1:08-CV-05309 (N.D. Ill.)

Parties: Nu-Gen Nutrition, Inc.  
Vitasalus, Inc.  
Robert Cloutier

Assigned Attorney: Steven M. Wernikoff (MWR)

Alleged Conduct: Deceptive acts and practices in violation of Sections 5 and 12 in connection with the marketing of products purporting to treat, prevent, or cure cancer.

Status: Complaint filed 9/18/08.  
Stipulated order for permanent injunction and settlement of claims for monetary relief entered 9/19/08.

***FTC v. PATTEN***, No. 1:08-CV-05560 (N.D. Ill.)

Parties: Glenn L. Patten d/b/a Glenn L. Patten Marketing Solutions and Marketing Solutions

Assigned Attorney: Theresa M. McGrew (MWR)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Telemarketing Sales Rule in connection with the sale of information on consumers' bank accounts and credit cards to telemarketers of advance fee credit cards.

Status: Complaint filed 9/29/08.

***FTC v. PAYNELESS CREDIT REPAIR LLC***, No. 3:08-CV-01160 (N.D. Tex.)

Parties: Payneless Credit Repair LLC  
Lesley L. Payne

Assigned Attorneys: Thomas B. Carter (SWR)  
Eliseo N. Padilla  
James E. Elliott

Alleged Conduct: Deceptive acts and practices in violation of Section 5 and the Credit Repair Organizations Act in connection with the sale of credit repair services.

Status: Complaint filed 7/10/08.  
TRO with asset freeze entered 7/10/08.  
Stipulated preliminary injunction entered 7/17/08.

**FTC v. PEOPLES CREDIT FIRST, LLC**, Nos. 04-16615-CC, 06-11827, 06-13254 (11th Cir.);  
No. 8:03-CV-02353 (M.D. Fla.); No. SC08-1009 (Fla. S. Ct.)

Parties: Peoples Credit First, LLC  
Consumer Preferred, LLC, formerly known as Consumer First, LLC  
Shaun Olmstead  
Julie Connell

Assigned Attorneys: Valerie M. Verduce (SER)  
John A. Singer (OGC)

Alleged Conduct: Deceptive practices in violation of Section 5 in connection with the sale of  
an advance-fee credit card.

Status: Complaint filed 11/10/03.  
TRO with asset freeze entered 11/10/03.  
Stipulated preliminary injunction continuing asset freeze entered  
12/23/03.  
Commission's motion for summary judgment filed 10/27/04.  
Defendant Julie Connell's motion to strike Commission's motion for  
summary judgment filed 11/8/04; Commission's response filed  
11/10/04; order denying motion to strike entered 11/10/04.  
Defendant Shaun Olmstead's motion for summary judgment filed  
11/15/04; Commission's response filed 11/24/04.  
Defendants Peoples Credit First, LLC and Consumer Preferred, LLC's  
motion for summary judgment filed 11/18/04; Commission's  
response filed 11/24/04.  
Notice of appeal by non-parties subject to receivership filed 12/13/04.  
Appellants' brief filed 3/5/05.  
Appeal dismissed for failure to prosecute due to appellants' failure to  
correct their record excerpts to conform to the 11th Cir.'s local  
rules, 4/27/05.  
Order denying Appellants' motion to reinstate appeal entered 6/21/05.  
Order granting Commission's motion for summary judgment and denying  
defendants' motions for summary judgment, permanently enjoining  
them from advance fee loan sales, entered 12/18/05.  
Judgment in favor of the Commission holding defendants liable,  
individually and severally, for \$10,156,700 entered 12/18/05.  
Amended notice of appeal of final judgment (No. 06-11827) filed 3/17/06.  
Notice of appeal of order on motion to compel filed by defendant Shaun  
Olmstead and Julie Connell 6/2/06.  
Appellants' opening brief (No. 06-11827) filed 6/15/06; Commission's  
brief filed 8/25/06.  
Appellants' opening brief (No. 04-16615-CC) filed 9/16/06;  
Commission's brief filed 11/9/06.  
Oral argument (No. 06-11827) held 1/9/07.

Summary judgment order affirmed by Eleventh Circuit 7/19/07.  
Oral argument (No. 06-13254) held 1/22/08.  
Order by Eleventh Circuit certifying question to the Florida Supreme Court entered 5/29/08.  
Peoples Credit First's opening brief in Florida Supreme Court filed 7/29/08; Commission's answering brief filed 9/5/08; amicus brief of Prof. Daniel Kleinberger filed 9/10/08; Peoples Credit First's reply brief filed 10/1/08.

***FTC v. PUBLISHERS BUSINESS SERVICES, INC.***, No. 2:08-CV-00620 (D. Nev.)

Parties: Publishers Business Services, Inc.  
Ed Dantuma, Enterprises, Inc., d/b/a Publishers Direct Services, Publishers Business Services  
Persis A. Dantuma  
Edward F. Dantuma  
Brenda Dantuma Schang

Assigned Attorneys: Faye C. Barnouw (WR-LA)  
Raymond E. McKown  
Maricela Segura

Alleged Conduct: Violation of Section 5 and the Telemarketing Sales Rule in connection with the deceptive and abusive telemarketing of magazine subscriptions.

Status: Complaint filed 5/14/08.  
Order denying TRO and setting hearing on motion for preliminary injunction entered 5/23/08.  
Stipulated preliminary injunction entered 6/3/08.  
Commission's motion to strike affirmative defenses filed 9/2/08;  
defendants' response filed 9/22/08.

***FTC v. SAFE HARBOUR FOUNDATION OF FLORIDA, INC.***, No. 1:08-CV-01185 (N.D. Ill.)

Parties: Safe Harbour Foundation of Florida, Inc.  
Silverstone Lending, LLC  
Silverstone Financial, LLC  
Keystone Financial, LLC  
Southeast Advertising, Inc.  
MT25 LLC  
Peter J. Porcelli, II  
Bonnie A. Harris  
Christopher Tomasulo

Assigned Attorneys: David A. O'Toole (MWR)  
Guy G. Ward  
Marissa Reich

Alleged Conduct: Violations of Section 5, Equity Protection Act, and the Truth in Lending Act in connection with mortgage foreclosure rescue fraud.

Status: Complaint filed 2/27/08.  
Commission's motion to reassign and consolidate case with *FTC v. Bay Area Business Council, Inc.*, 02-5762 (N.D. Ill.) filed 2/27/08.  
Commission's motion for preliminary injunction filed 8/27/08; withdrawn with leave to refile 10/16/08.

***FTC v. SELECT PERSONNEL MANAGEMENT, INC.***, No. 1:07-CV-00529 (N.D. Ill.)

Parties: Select Personnel Management, Inc., d/b/a Select Management Solutions  
1402473 Ontario Limited, d/b/a Select Home Services, Fence Crafters  
1489841 Ontario Inc., d/b/a Select Property Services  
2105635 Ontario Limited  
Special T Services Group Inc.  
United Registration Services Inc.  
James Stewart  
Luigi Paulozza  
Philip J. Richards

Assigned Attorneys: William J. Hodor (MWR)  
John C. Hallerud  
Theresa M. McGrew

Alleged Conduct: Violations of Section 5 and the Telemarketing Sales Rule in connection  
with false representations about credit card interest rate reduction services.

Status: Complaint filed 1/29/07.  
TRO, asset freeze and order to show cause why a preliminary injunction  
should not issue entered 1/29/07.  
Preliminary injunction entered 2/12/07.  
Motion for default as to all defendants filed 5/11/07; granted 5/18/07.  
Amended complaint adding defendants filed 8/18/08.

***FTC v. SPEAR SYSTEMS, INC.***, No. 1:07-CV-05597 (N.D. Ill.)

Parties: Spear Systems, Inc.  
9064-9252 Quebec, Inc.  
9151-1154 Quebec, Inc.  
HBE, Inc.  
Abaragidan Gnanendran  
Bruce Parker  
Lisa Kimsey  
Xavier Ratelle

Assigned Attorneys: Steven M. Wernikoff (MWR)  
Marissa J. Reich

Alleged Conduct: Violations of Sections 5 and 12 of the FTC Act and the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 in connection with the deceptive marketing of dietary supplement products.

Status: Complaint filed 10/3/07.  
Motion for ex parte TRO with asset freeze filed 10/3/07; granted 10/3/07.  
Stipulated preliminary injunction as to defendant Lisa Kimsey entered 10/25/07.  
Preliminary injunction as to defendant Xavier Ratelle entered 10/25/07.  
Amended complaint adding defendants filed 5/15/08.  
Stipulated order for permanent injunction and final judgment as to defendants Spear Systems, Inc., Bruce Parker, and Lisa Kimsey entered 5/23/08.

***FTC v. STEFANCHIK***, No. 07-35359 (9th Cir.); No. 2:04-CV-01852 (W.D. Wash.)

Parties: John Stefanchik  
Scott B. Christensen  
Beringer Corporation  
Atlas Marketing, Inc  
Justin W. Ely  
Premier Consulting Group, Inc.

Assigned Attorneys: Nadine S. Samter (NWR)  
Eleanor Durham  
Leslie Melman (OGC)

Alleged Conduct: Deceptive practices in violation of Section 5 and the Telemarketing Sales Rule in connection with the sale of a program to make money buying and selling mortgage paper.

Status: Complaint filed 8/24/04.  
Commission's motion for preliminary injunction filed 8/24/04.  
Stipulated preliminary injunction as to defendants Atlas Marketing, Inc. and Scott B. Christensen entered 10/20/04.  
Preliminary injunction as to John Stefanchik and Beringer Corporation entered 12/16/04.  
Amended preliminary injunction as to John Stefanchik and Beringer Corporation entered 1/3/05.  
First amended complaint for permanent injunction and other equitable relief, adding defendants Justin W. Ely and Premier Consulting Group, Inc., filed 4/1/05.  
Stipulated final judgments and orders for permanent injunction and other equitable relief against defendants Atlas Marketing, Inc., Premier Consulting Group, Inc., and their respective principals, Scott Christensen, and Justin Ely, entered 11/14/06.  
Commission's and defendants' motions for summary judgment filed 2/12/07.  
Stipulated final judgment and order for permanent injunction entered 4/3/07.  
Notice of appeal filed 5/4/07.  
Appellants' brief filed 1/28/08; Commission's answering brief filed 3/13/08; appellants' reply brief filed 3/31/08.



***FTC v. STROBEL***, No. 2:08-CV-00326 (E.D. Tex.)

Parties: Rudolph J. Strobel, a/k/a Lee Harrison  
Leanna R. Harrison

Assigned Attorneys: Anne D. LeJeune (SWR)  
Gary D. Kennedy  
Luis Gallegos

Alleged Conduct: Deceptive acts or practices in violation of Section 5 and the Credit Repair Organizations Act in connection with sale of credit repair services.

Status: Complaint filed 8/27/08.  
TRO with asset freeze entered 8/28/08.  
Stipulated preliminary injunction entered 9/10/08.

***FTC v. TELEBRANDS CORP.***, No. 2:07-CV-03525 (D.N.J.)

Parties: Telebrands Corp.  
TV Savings, LLC  
Ajit Khubani  
Poonam Khubani (relief defendant)

Assigned Attorneys: Constance Vecellio (BCP/ENF)  
Mark Morelli  
Leslie Melman (OGC)

Alleged Conduct: Unfair or deceptive acts or practices in connection with the marketing of an electronic muscle stimulation belt.

Status: Complaint filed 7/30/07.  
Motion to dismiss by relief defendant Poonam Khubani filed 10/9/07.  
Motion to dismiss by defendants Telebrands Corp., TV Savings, LLC, and Ajit Khubani filed 10/9/07; Commission's opposition filed 11/13/07; defendants' reply filed 11/20/07.  
Orders denying without prejudice defendants' motions to dismiss entered 6/30/08.

**FTC v. TRUDEAU**, Nos. 1:03-CV-03904; 1:98-CV-00168 (N.D. Ill.)

**Parties:** Kevin Trudeau  
Shop America (USA), LLC  
Robert Barefoot  
Deonna Enterprises, Inc.  
Karbo, Inc.  
Karbo Enterprises, Inc.  
Shop America Marketing Group  
TruStar Global Media  
K.T. Corp.  
TruCom, LLC

**Assigned Attorneys:** Laureen Kapin (BCP-ENF)  
Elizabeth Tucci  
Sandhya Prabhu  
David O'Toole (MWR)

**Alleged Conduct:** Deceptive practices in violation of Sections 5 and 12 in connection with the sale of a dietary supplement and violations of a 1998 stipulated order for permanent injunction and final judgment against Kevin Trudeau.

**Status:** Complaint filed 6/9/03.  
Stipulated final order for permanent injunction and settlement of claims for monetary relief as to defendants Kevin Trudeau, Shop America (USA), LLC, Shop America Marketing Group, LLC, Trustar Global Media, Limited and Relief defendants K.T. Corporation, Limited and TruCom, LLC, including monetary relief of approximately \$2.1 million, entered 9/3/04.  
Motion to show cause why defendant Trudeau should not be held in contempt filed 9/13/07.  
Order holding Trudeau in contempt for violating permanent injunction entered 11/16/07.  
Hearing on remedy for violating permanent injunction held 7/22-25/08.  
Judgment confirming 11/16/07 order, requiring payment of \$5 million by Trudeau, and providing for other relief entered 8/7/08.  
Commission's motion to amend/correct judgment filed 8/21/08; response by Trudeau filed 9/22/08.

***FTC v. UNITED HOME SAVERS, LLP***, No. 8:08-CV-01735 (M.D. Fla.)

Parties: United Home Savers, LLP  
Stephanie Dietschy  
Darin Dietschy

Assigned Attorneys: Harold Kirtz (SER)  
Bradley Elbein

Alleged Conduct: Deceptive acts and practices in violation of Section 5 related to sale of mortgage foreclosure rescue services.

Status: Complaint filed 9/3/08.  
TRO with asset freeze entered 9/4/08.  
Stipulated preliminary injunction entered 9/12/08.

**FTC v. UNIVERSAL PREMIUM SERVICES, INC.**, No. 08-55838 (9th Cir.); No. 2:06-CV-00849 (C.D. Cal.)

Parties: Universal Premium Services, Inc., a/k/a Premier Benefits, Inc.  
Consumer Reward Network, Inc.  
Star Communications LLC  
Membership Services Direct, Inc., a/k/a Continuity Partners, Inc.  
Connect2USA, Inc.  
Brian K. MacGregor  
Harijinder Sidhu  
Joseph F. LaRosa, Jr.  
Pranot Sangprasit  
William Thomas Heichert  
Michael Howard Cushing  
Paul P. Tosi  
Manh D. Cao  
Merchant Risk Management, Inc.  
Pantel One, Corporation  
All Star Access, Inc.  
Prime Time Ventures, Inc.  
Christine MacGregor  
Midwest Properties, Inc.

Assigned Attorneys: Faye C. Barnouw (WR-LA)  
Jennifer M. Brennan  
Michael D. Bergman (OGC)

Alleged Conduct: Deceptive practices in violation of Section 5 and the Telemarketing Sales Rule in connection with the purported marketing and sale of discount passes and calling cards.

Status: Complaint filed 2/14/06.  
Ex parte TRO with asset freeze entered 2/21/06.  
Preliminary injunction with asset freeze entered 3/22/06.  
First amended complaint adding defendants Merchant Risk Management, Inc., Pantel One, Corporation, All Star Access, Inc., Prime Time Ventures, Inc., Christine MacGregor and Midwest Properties, Inc. filed 5/8/06.  
Notice of appeal of the preliminary injunction by defendants Brian MacGregor and Membership Services Direct, Inc. filed 5/22/06.  
Default against All Star Access, Inc. and Prime Time Ventures, Inc. entered 6/28/06.  
Order granting appellants' motion to dismiss appeal entered 7/17/06.  
Default entered against Merchant Risk Management, Inc. and Pantel One Corporation entered 8/18/06.  
Amended stipulated final orders for permanent injunction and other

equitable relief against defendants Joseph F. LaRosa, Jr., Pranot Sangpravit, William Heichert, Michael H. Cushing, Manh Dac Cao and Harijinder Sidhu entered 3/8/07.

Motion for summary judgment as to defendants Brian K. MacGregor and Membership Services Direct, Inc. filed 2/9/07.

Stipulated final order for permanent injunction and other equitable relief against defendant Paul Tosi entered 2/12/07.

Stipulated order appointing Special Master to determine equitable monetary relief to be imposed against Brian MacGregor and Membership Services Direct, Inc. entered 3/14/07.

Motion for summary judgment as to defendants Christine MacGregor and Midwest Properties, Inc. filed 3/30/07.

Stipulated final order as to defendants Christine MacGregor and Midwest Properties, Inc. entered 8/31/07.

Motion to hold receivership defendants' assets in constructive trust for the benefit of consumers filed on 10/26/07; granted 11/30/07.

Stipulated final order as to defendants Universal Premium, Inc., Consumer Reward, Inc., Star Communications LLC, All Star Access, Inc., Prime Time Ventures, Inc., Connect2USA, Inc., Merchant Risk Management, Inc., and Pantel One Corp. entered 2/1/08.

Notice of appeal by defendants Brian K. MacGregor and Membership Services, Inc. filed 5/20/08.

Appellants' opening brief due 11/26/08; Commission's answering brief due 12/26/08.

***FTC v. USA FINANCIAL, LLC***, No. 8:08-CV-00899 (M.D. Fla.)

Parties: USA Financial, LLC  
American Financial Card, Inc., f/k/a Capital Financial, Inc.  
Jeffrey R. Deering  
Richard R. Guarino  
John F. Buschel, Jr.

Assigned Attorneys: Gideon E. Sinasohn (SER)  
Chris M. Couillou

Alleged Conduct: Unfair and deceptive practices in violation of Section 5 and the  
Telemarketing Sales Rule involving telemarketing of advance-fee credit  
cards and falsely failing to deliver the promised card and benefits.

Status: Complaint filed 5/12/08.  
Order granting TRO and appointing a receiver entered 5/12/08.  
Stipulated order extending TRO entered 5/20/08.  
Stipulated preliminary injunction entered 7/29/08.

***FTC v. U.S. WORK ALLIANCE, INC.***, No. 1:08-CV-02053 (N.D. Ga.)

Parties: U.S. Work Alliance, Inc., d/b/a Exam Services  
Tyler F. Long  
Brenda M. Long

Assigned Attorneys: Shibani Baksi (SER)  
Harold E. Kirtz

Alleged conduct: Unfair and deceptive practices in violation of Section 5 involving  
newspaper advertisements and website postings for Post Office jobs and  
employment.

Status: Complaint filed 6/19/08.  
Hearing on TRO held 6/27/08.  
TRO entered 7/8/08.

***FTC v. WARSHAK***, No. 1:06-Cv-00051 (S.D. Ohio)

Parties: Steve Warshak  
Berkeley Premium Nutraceuticals, Inc.  
Lifekey, Inc.  
Warner Health Care, Inc.  
Wagner Nutraceuticals, Inc.  
Carri Warshak (relief defendant)  
Harriet Warshak (relief defendant)  
Paul Kellogg (relief defendant)

Assigned Attorneys: Tawana Davis (BCP/AP)  
Edward Glennon  
Mark S. Morelli (BCP/ENF)  
Malini Mithal

Alleged Conduct: Unfair and deceptive practices in violation of Sections 5 and 12 of the FTC Act, the Electronic Fund Transfer Act, and the Unordered Merchandise Statute in connection with the sale of health-related dietary supplements.

Status: Complaint filed 1/30/06.  
Order staying case, pending outcome of the criminal trial, entered 12/27/06.  
Order lifting stay entered 3/5/08.

**FTC v. WEBSOURCE MEDIA, L.L.C.**, No. 08-20285 (5th Cir.), No. 4:06-CV-01980 (S.D. Tex.)

Parties: WebSource Media, L.L.C.  
BizSitePro, L.L.C.  
Eversites, L.L.C.  
Telsource Solutions, Inc.  
Telsource International, Inc.  
Marc R. Smith  
Kathleen A. Smalley  
Keith Hendrick  
Steven L. Kennedy  
John O. Ring  
James E. McCubbin, Jr.  
WebSource Media, L.P.

Assigned Attorneys: James Elliott (SWR)  
Susan E. Arthur  
Eliseo N. Padilla  
Imad D. Abyad (OGC)

Alleged Conduct: Unfair and deceptive practices in violation of Section 5 in connection with the sale of internet website design and hosting services.

Status: Complaint filed 6/12/06.  
Ex parte TRO with asset freeze entered 6/12/06.  
Amended complaint adding defendant WebSource Media, L.P. filed 6/21/06.  
Stipulated preliminary injunction entered 6/21/06.  
Modified preliminary injunction entered 1/10/07.  
Second modified preliminary injunction entered 2/15/07.  
Defendant Stephen L. Kennedy's motion for summary judgment filed 4/30/07; Commission's response filed 5/21/07; denied 7/2/07.  
Stipulated final order, including approximately \$1.2 million in consumer redress, against defendants WebSource Media, L.L.C., WebSource Media, L.P., BizSitePro, L.L.C., Eversites, L.L.C, Telsource Solutions, Inc., Telesource International, Inc., Marc R. Smith, Kathleen A. Smalley, Keith D. Hendrick, John O. Ring, and James E. McCubbin, Jr. entered 7/17/07.  
Stipulated final judgment and order for permanent injunction against defendant Kathleen A. Smalley entered 7/17/07.  
Trial held 12/3-12/14/07.  
Final judgment and order for permanent injunction against defendant Steven L. Kennedy for \$4,108,131.32 entered 3/17/08.  
Defendant Steven L. Kennedy's motion for new trial filed 3/31/08, denied 4/4/08.



Notice of appeal filed 4/29/08.  
Appellant Steven L. Kennedy's opening brief due 10/7/08; Commission's  
brief due 11/10/08.

***FTC v. WESTBERRY ENTERPRISES INC.,*** No. 1:08-CV-01375 (W.D. La.)

Parties: Westberry Enterprises, Inc.  
Timothy Stuart Westberry

Assigned Attorney: Thomas B. Carter (SWR)

Alleged Conduct: Deceptive acts or practices in violation of Sections 5 and 12 in connection  
with the marketing of products purporting to treat, prevent, or  
cure cancer.

Status: Complaint filed 9/18/08.  
Stipulated order for permanent injunction and settlement of claims for  
monetary relief entered 9/19/08.

***FTC v. YOUR MAGAZINE PROVIDER, INC.,*** No. 9:08-CV-00064 (D. Mont.)

Parties: Your Magazine Provider, Inc.  
D.B.A. Periodicals  
U.S. Magazine Services  
Jason W. Ellsworth

Assigned Attorneys: Mary T. Benfield (NWR)  
Kathryn C. Decker

Alleged Conduct: Unfair and deceptive practices and acts in violation of Section 5 and the  
Telemarketing Act involving magazine subscriptions and undisclosed  
monthly charges.

Status: Complaint filed 5/12/08.  
TRO entered 5/14/08.  
Order extending TRO entered 5/29/08.  
Stipulated preliminary injunction entered 6/5/08.

***FTC v. YOUR MONEY ACCESS, LLC***, No. 2:07-CV-05147 (E.D. Pa.)

Parties: Your Money Access, LLC  
YMA Co., LLC  
Derrelle Janey  
Tarzenea Dixon

Assigned Attorneys: Michelle Ann Chua (BCP/MP)  
David C. Fix  
Philip Tumminio

Alleged Conduct: Violations of Section 5 and the Telemarketing Sales Rule in connection with the practice of unauthorized debiting of consumers' bank accounts.

Status: Complaint filed 12/6/07.  
Default as to defendant Your Money Access, LLC entered 1/16/08.  
Default as to defendant YMA Co., LLC entered 3/3/08.  
Commission's motion for default judgment as to corporate defendants Your Money Access, LLC and YMA Co., LLC filed 5/20/08; corporate defendants' response filed 6/3/08; Commission's response filed 6/12/08.

**CIVIL PENALTY AND ENFORCEMENT CASES\***

**(A) Consumer Protection**

***UNITED STATES v. CIVIC DEVELOPMENT GROUP, LLC***, No. 2:07-CV-04593 (D.N.J.)

Parties: Civic Development Group, LLC  
Scott Pasch  
David Keezer

Assigned Attorneys: Matthew Wilshire (BCP/ENF)  
Mark L. Josephs (DOJ/CIV)  
Suzette A. Smikle

Alleged Conduct: Violations of a Commission administrative order and the Telemarketing Sales Rule in connection with a telemarketing scheme that made misrepresentations to consumers when fund-raising for police, firefighter, and other non-profit organizations.

Status: Complaint filed 9/24/07.

***UNITED STATES v. GLOBAL MORTGAGE FUNDING, INC.***, No. 8:07-CV-01275 (C.D. Cal.)

Parties: Global Mortgage Funding, Inc., f/d/b/a Global Realty, Inforte Financial, and U.S. Escrow  
Damian Robert Kutzner

Assigned Attorneys: Thomas Dahdouh (WR)  
Daniel K. Crane-Hirsch (DOJ/CIV)

Alleged Conduct: Violations of Section 5 and the Telemarketing Sales Rule in connection with telemarketing calls to consumers to provide mortgage and related financial services.

Status: Complaint filed 10/30/07.

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\* Includes all suits in which civil penalties are sought; consumer redress, injunctions, and ancillary equitable relief may also be sought.

***UNITED STATES v. PLANET EARTH SATELLITE, INC.***, No. 2:08-CV-01274 (D. Ariz.)

Parties: Planet Earth Satellite, Inc. d/b/a Teichert Marketing  
Thomas Teichert

Assigned Attorneys: Russell S. Deitch (BCP/MP)  
Gary Ivens  
Alan Phelps (DOJ/CIV)  
Richard G. Patrick (AUSA)

Alleged Conduct: Violations of the Telemarketing Sales Rule in connection with telephone calls to consumers on the National Do Not Call Registry.

Status: Complaint filed 7/10/08.  
Stipulated final judgment and order for permanent injunction entered 7/25/08.

***UNITED STATES v. QVC, INC.***, No. 2:04-CV-01276 (E.D. Pa.)

Party: QVC, Inc.

Assigned Attorneys: Mark Morelli (BCP/ENF)  
Mark Josephs (DOJ/CIV)  
David R. Hoffman (AUSA)

Alleged Conduct: Violations of the Commission's order and Sections 5 and 12 of the FTC Act in connection with sales of a variety of products through its television home shopping network.

Status: Complaint filed 3/24/04.  
Third-party complaint by QVC against Vitaquest International, Inc., Shari Lieberman, Bee-Alive, Inc., Madeline Balletta, Nutrition 21, Inc. and Sanofi-Synthelabo, Inc. filed 4/14/04.  
Third-party defendants' motion to dismiss and strike third-party complaint filed 6/9/04; defendant's response in opposition filed 7/12/04; United States' response filed 7/12/04; third-party defendants' reply filed 7/30/04.  
United States' motion to strike third-party complaint filed 7/12/04; defendant's response in opposition filed 7/29/04; United States' reply filed 8/13/04.  
Hearing on the motion to dismiss held 11/15/04.  
Order denying third-party defendants' motion to dismiss and United States' motion to strike entered 2/9/05.  
Motion for partial summary judgment resolving liability filed 3/10/06; order granting partial summary judgment entered 9/29/06.

**UNITED STATES v. STAR SATELLITE, LLC**, No. 2:08-CV-00797 (D. Nev.)

Parties: Star Satellite, LLC d/b/a/ Tenaya Marketing  
Walter Eric Myers  
The Myers Irrevocable Trust, Cindy Myers and Zachary T. Ball as  
trustees, Katie Myers and Mallory Myers (relief defendants)

Assigned Attorneys: Russell S. Dietch (BCP/MP)  
Gary Ivens  
Alan Phelps (DOJ/CIV)  
Robert R. Edelman (AUSA)

Alleged Conduct: Deceptive acts or practices in violation of Section 5 and the Telemarketing  
Sales Rule in connection with abandoned calls and telephone calls to  
consumers on the National Do Not Call Registry.

Status: Complaint filed 6/19/08.  
Stipulated judgment and order for permanent injunction entered 7/21/08.

**(B) Competition**

(None pending)

**SUBPOENA AND CID ENFORCEMENT PROCEEDINGS**

***FTC v. DINAMICA FINANCIERA LLC***, No. 2:08-CV-04649 (C.D. Cal.)

Parties: Dinamica Financiera LLC

Assigned Attorneys: Stacy R. Procter (WR-LA)  
John A. Singer (OGC)

Alleged Conduct: Petition for an order enforcing a civil investigative demand.

Status: Petition filed 7/16/08.  
Order enforcing civil investigative demand entered 7/31/08.  
Commission's application for a show cause order why respondent should not be held in contempt filed 8/20/08.  
Order to show cause why respondent should not be held in civil contempt entered 8/21/08.  
Civil contempt order entered 9/22/08.

***FTC v. TAKE-TWO INTERACTIVE SOFTWARE, INC.***, No. 1:08-MC-00360 (D. D.C.)

Parties: Take-Two Interactive Software, Inc.

Assigned Attorneys: John A. Singer (OGC)  
Leslie R. Melman

Alleged Conduct: Emergency petition for an order enforcing a subpoena and a civil investigative demand.

Status: Petition filed 6/5/08.  
Order to show cause why petition should not be granted entered 6/10/08.  
Opposition to petition filed 6/16/08.  
Stipulation of dismissal filed 8/29/08.

*FTC v. TARRIFF*, No. 08-5205 (D.C. Cir.); No. 1:08-MC-00217 (D.D.C.)

Parties:                    Scott Tarriff  
                                 Edward Maloney  
                                 Paul Campanelli

Assigned Attorneys: Lawrence DeMille-Wagman (OGC)

Alleged Conduct:        Petition for an order enforcing three subpoenas issued in furtherance  
                                 of a law enforcement investigation.

Status:                    Petition filed 4/16/08.  
                                 Order to show cause why petition should not be granted entered 4/17/08.  
                                 Response to petition filed 5/7/08; Commission's reply filed 5/14/08.  
                                 Order granting petition for an order enforcing subpoenas entered 6/2/08.  
                                 Notice of appeal filed 6/30/08.  
                                 Appellants' brief due 11/28/08; Commission's brief due 12/29/08;  
                                 appellants' reply brief due 1/12/09; final briefs due 2/4/09.

**SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION**

***CARTER, FULLERTON & HAYES, LLC v. FTC***, No. 1:07-CV-01041 (D.D.C.)

Parties: Carter, Fullerton & Hayes, LLC

Assigned Attorneys: Michele Arington (OGC)  
Beverly Russell (DOJ/CIV)

Nature of Action: Freedom of Information Act claim resulting from Commission's alleged withholding of requested documents and denial of a fee waiver.

Status: Complaint filed 6/12/07.  
Commission's motion for summary judgment filed 8/16/07; plaintiff's opposition filed 8/27/07; Commission's reply filed 9/14/07.  
Order granting in part and denying in part Commission's motion for summary judgment entered 10/25/07.  
Commission's renewed motion for summary judgment filed 12/05/07; plaintiff's opposition filed 12/18/07.  
Commission notices to the court regarding recently discovered documents filed 6/5/08, 6/20/08, 7/17/08, and 8/25/08.  
Order denying without prejudice Commission's renewed motion for summary judgment, directing Commission to file comprehensive motion for summary judgment, entered 9/19/08.



***CARTER, FULLERTON & HAYES, LLC v. FTC***, No. 1:08-CV-00182 (E.D. Va.)

Parties: Carter, Fullerton & Hayes, LLC

Assigned Attorneys: Michele Arington (OGC)  
Lauren Wexler (AUSA)

Nature of Action: Freedom of Information Act claim resulting from Commission's alleged withholding of requested documents.

Status: Complaint filed 2/27/08.  
Commission motion for summary judgment filed 4/30/08; plaintiff's response filed 5/28/08.  
Commission's motion for leave to withdraw motion for summary judgment filed 6/5/08.  
Hearing held 6/13/08.  
Order granting motion to withdraw and resetting briefing schedule entered 6/17/08.  
Commission's motion for summary judgment filed 7/24/08; plaintiff's opposition filed 8/6/08; Commission's reply filed 8/13/08.  
Hearing held 8/15/08.

***DIRECT MARKETING CONCEPTS, INC. v. FTC***, No. 1:05-CV-11930 (D. Mass.)

Parties: Direct Marketing Concepts, Inc.  
ITV Direct, Inc.  
Donald Barrett

Assigned Attorney: Lawrence DeMille-Wagman (OGC)

Nature of Action: Action for declaratory and injunctive relief, and damages, claiming that the advertising substantiation standard violates plaintiffs' constitutional rights.

Status: Complaint filed 9/23/05.  
Commission's motion to dismiss for lack of jurisdiction filed 12/12/05; plaintiffs' opposition filed 2/14/06; Commission's reply filed 3/10/06.  
Hearing regarding motion to dismiss held 7/6/06.  
Order granting motion to dismiss entered 7/14/08.

***ELECTRONIC PRIVACY INFORMATION CENTER v. FTC***, No. 1:08-CV-00448 (D.D.C)

Party: Electronic Privacy Information Center

Assigned Attorneys: Rob Mahini (OGC)  
Marina Braswell (AUSA)

Nature of Action: Freedom of Information Act claim resulting from Commission's alleged withholding of requested documents.

Status: Complaint filed 3/14/08.  
Amended complaint filed 5/9/08.  
Order of dismissal and stipulation of settlement entered 7/9/08.

***FUERST HUMPHREY ITTLEMAN, PL v. FTC***, No. 1:08-CV-20012 (S.D. Fla.)

Party: Fuerst Humphrey Ittleman, PL

Assigned Attorneys: Rob Mahini (OGC)  
Carole M. Fernandez (AUSA)

Nature of Action: Freedom of Information Act claim resulting from Commission's alleged withholding of requested documents.

Status: Complaint filed 1/3/08.  
Amended complaint filed 5/7/08.  
Commission's motion for summary judgment filed 8/8/08.

***HERSHISER v. FTC***, No. 6:08-CV-00603 (D.N.M.)

Parties: Mark Hershiser  
Marianne Hershiser  
Native Essence Herb Company

Assigned Attorneys: Leslie Melman (OGC)  
Drake Cutini (DOJ/CIV)  
Jan Elizabeth Mitchell (AUSA)

Alleged Conduct: Action for declaratory relief and a permanent injunction involving FTC dietary supplement advertising guidelines and herbs or herbal remedies.

Status: Complaint filed 6/25/08.  
Plaintiffs' motion for preliminary injunction filed 7/15/08; Commission's opposition filed 7/31/08.  
Commission's motion to dismiss filed 7/31/08; plaintiffs' opposition filed 8/25/08; Commission's reply filed 9/9/08.  
Hearing on plaintiff's motion for preliminary injunction held 9/11/08.

***IMEGA v. MUKASEY***, No. 08-1981 (3d Cir.); No. 3:07-CV-02625 (D.N.J.)

Parties: Interactive Media Entertainment and Gaming Association (iMega), Inc.

Assigned Attorney: Imad D. Abyad (OGC)

Nature of Action: Action for equitable relief claiming that the regulation of an online gambling site violated plaintiffs' constitutional rights of expression and privacy.

Status: Complaint against Commission, Attorney General of the United States, and Federal Reserve filed 6/5/07.  
Plaintiff's first motion for preliminary injunction filed 7/10/07.  
Defendant's opposition to TRO and motion to dismiss filed 8/21/07.  
Plaintiff's opposition to motion to dismiss filed 9/10/07.  
Defendant's reply in support of motion to dismiss filed 9/21/07.  
Defendants' motion to dismiss granted 3/4/08.  
Notice of appeal filed 4/1/08.  
Appellant's brief filed 9/29/08; government's brief due 10/29/08.

***KAMINSKY v. FTC***, No. 1:08-CV-01042 (E.D.N.Y.)

Party: Barry Kaminsky

Assigned Attorney: Imad Abyad (OGC)

Nature of Action: Freedom of Information Act claim resulting from Commission's alleged withholding of requested documents.

Status: Complaint filed 3/7/08.  
Order dismissing case pursuant to a stipulated settlement entered 8/11/08.

***NORTH AMERICAN BROADCASTING, LLC v. UNITED STATES***, No. 07-56299 (9th Cir.);  
No. 2:06-CV-02515 (C.D. Cal.)

Party: North American Broadcasting, LLC

Assigned Attorney: Lawrence DeMille-Wagman (OGC)

Nature of Action: Action under 42 U.S.C §§ 1983 and 1988 to secure monetary relief for alleged violations of plaintiff's due process and other constitutional rights.

Status: Complaint filed 9/28/00.  
Stipulated agreement to stay proceedings for six months filed 1/9/01; entered 1/11/01.  
Order continuing stay entered 6/18/01.  
Case dismissed, as to defendant Byron Moldo, 8/21/03.  
Plaintiff's first amended complaint naming United States and Commission employees Darren Bowie and Julie Abbate as defendants, but omitting the Federal Trade Commission, filed 1/17/06.  
Defendants' motion to dismiss filed 3/10/06; Commission's opposition filed 3/21/06; defendants' reply filed 3/27/06.  
Order dismissing case without prejudice as to all defendants entered 4/3/06.  
New complaint naming only United States as defendant (No. CV-06-2515 AHM (RCx)) filed 4/25/06.  
United States' motion to dismiss filed 7/25/06; N.A.B.'s opposition filed 8/14/06; reply filed 8/22/06; order denying motion to dismiss entered 8/23/06.  
United States' answer filed 8/28/06.  
United States' motion for summary judgment filed 6/25/07; granted 7/31/07.  
Plaintiff's notice of appeal filed 8/27/07.  
Appellant's brief filed 2/25/08; brief of United States filed 5/6/08; appellant's reply brief filed 6/25/08.

***O'NEIL v. STATE BAR OF MONTANA***, No. 9:08-CV-00091 (D. Mont.)

Parties: Jerry O'Neil

Assigned Attorney: John A. Singer (OGC)

Nature of Action: Action for declaratory judgment involving the practice of law and alleged failures of the Commission and the Department of Justice related thereto.

Status: Complaint filed 6/30/08.

**AMICUS CURIAE BRIEFS or PARTIAL INTERVENTIONS**

***ALTRIA v. GOOD***, No. 07-562 (S. Ct.)

Assigned Attorney: Lawrence DeMille-Wagman

Nature of Action: State-law challenges to FTC-authorized statements regarding tar and nicotine yields in cigarette advertising and whether they are expressly or impliedly preempted by state law.

Status: Petition for certiorari granted 1/18/08.  
Brief of former Commissioners and senior staff of the FTC as amici curiae filed 4/7/08.  
Brief of former Commissioners of the FTC as amici curiae filed 6/18/08.  
Brief of the United States and the Commission as amicus curiae filed 6/18/08.  
Oral argument set for 10/6/08.

***IN RE CIPROFLOXACIN HYDROCHLORIDE ANTITRUST LITIGATION***, No. 08-1097  
(Fed. Cir.)

Assigned Attorney: Imad D. Abyad (OGC)

Nature of Action: Private action concerning agreements between defendants Bayer AG and its U.S. subsidiary Bayer Corporation in violation of antitrust laws.

Status: Brief of Commission as amicus curiae in support of appellants filed 1/25/08.  
Oral argument held 6/4/08.

***IN RE DDAVP DIRECT PURCHASER ANTITRUST LITIGATION***, No. 06-5525 (2d Cir.)

Assigned Attorney: Imad D. Abyad (OGC)

Nature of Action: Private action concerning whether direct purchasers of a brand-name pharmaceutical product lacked antitrust standing to bring monopolization claims against defendant drug manufacturers arising out of the manufacturers' enforcement of a fraudulently obtained patent.

Status: Brief of United States and Commission as amici curiae in support of plaintiffs-appellants filed 5/25/07.  
Oral argument held 9/15/08.

***IN THE MATTER OF THE PETITION FOR REVIEW OF COMMITTEE ON ATTORNEY  
ADVERTISING OPINION 39***, No. 60,003 (N.J. Sup. Ct.)

Assigned Attorneys: Gustav Chiarello (OPP)  
Maureen Olhausen  
John F. Daly (OGC)

Nature of Action: Private action to vacate Opinion 39 of the Committee on Attorney Advertising appointed by the Supreme Court of New Jersey.

Status: Brief of the Commission as amicus curiae, in support of petition, filed 5/9/07.  
Report of special master filed 6/30/08.

***WHITFIELD v. RADIAN GUARANTY, INC.***, No. 07-834 (S. Ct.); No. 05-5017 (3d Cir.)

Assigned Attorney: Lawrence DeMille-Wagman (OGC)

Nature of Action: Private action involving whether a mortgage insurance company was required to provide a consumer with a Fair Credit Reporting Act adverse action notice.

Status: Brief of the Commission as amicus curiae, supporting appellants and urging reversal, filed 3/14/06.  
Oral argument held 1/19/07.  
Ruling in favor of Commission's position entered 8/30/07.  
Petition for rehearing filed by defendant 9/13/07; petition denied 9/24/07.  
Petition for writ of certiorari filed 12/19/07; Whitfield's response filed 5/5/08.  
Petition for certiorari granted, judgment vacated, and case remanded to the Third Circuit 6/9/08.  
Order by Third Circuit dismissing appeal as moot entered 8/21/08.