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20 FEDERAL TRADE COMMISSION

21 UNITED STATES DISTRICT COURT
22 CENTRAL DISTRICT OF CALIFORNIA

23 FEDERAL TRADE COMMISSION,

24 Plaintiff,

25 v.

26 PHILIP A. FLORA,

27 a.k.a. "Phil P.,"

28 Defendant.

Case No. SACV 11-00299 AG (JEMx)

~~[Proposed]~~
ORDER FOR CIVIL CONTEMPT AS
TO DEFENDANT PHILIP FLORA

Upon consideration of evidence filed in connection with this motion as well as a related case, described below, the Court finds and orders as follows:

FINDINGS

1
2 1. In connection with this civil law enforcement action brought by the
3 Federal Trade Commission, this Court entered a Stipulated Permanent Injunction
4 and Final Order (“Final Order”) on August 12, 2011 against Defendant Philip Flora
5 (“Flora”)

6 2. Flora received actual notice of the Final Order.

7 3. Section I of the Final Order permanently enjoins Flora “from sending,
8 or assisting others in the sending of Unauthorized or Unsolicited Commercial
9 Electronic Text Messages to mobile telephones or other wireless devices.”

10 4. In March 2013, the Commission filed a second enforcement action
11 naming Flora and three other defendants. *See FTC v. Flora et al.*, No. 8:13-cv-
12 00381-AG-JEM (C.D. Ca. filed March 5, 2013). In addition to its complaint, the
13 FTC also filed an Application for a Temporary Restraining Order (“TRO”)
14 supported by two volumes of exhibits. In these pleadings, the Commission alleged
15 that since March 2012 Flora and his co-defendants sent over ~~29~~⁵ million ^{of} unsolicited
16 commercial text messages falsely informing recipients that they had been specially
17 selected to receive a free \$1,000 gift card. On November 25, 2013, the Court
18 entered a Final Order for Permanent Injunction against Flora, finding that he
19 violated Section 5(a) of the FTC Act “in the course of sending, or assisting others
20 in sending, millions of Unauthorized or Unsolicited Commercial Electronic Text
21 Messages to mobile telephones or other wireless devices... falsely
22 representing...that consumers had won a contest or been specially selected to
23 receive a gift or prize that was without cost or obligation.” See Dkt. No. ~~25~~³¹ at pp.
24 2-3. This order also imposed a judgment against Flora of \$148,310 as equitable
25 monetary relief, representing the total revenue generated by Flora from his text
26 message spam business.
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