

**SEMIANNUAL FEDERAL COURT
LITIGATION STATUS REPORT**

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

December 31, 2022

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SUMMARY OF CASES

	Dist. Ct.	Ct. App.*	S. Ct.	Total
PETITIONS FOR REVIEW	0	1	0	1
INJUNCTION AND CONSUMER REDRESS CASES	36	15	2	53
CIVIL PENALTY AND ENFORCEMENT CASES	20	0	0	20
SUBPOENA AND CID ENFORCEMENTS	3	0	0	3
SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION	10	4	1	15
AMICUS CURIAE BRIEFS	1	8	0	9
TOTALS	70	28	3	101

* 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 occurring simultaneously.

PETITIONS FOR REVIEW

(A) Orders to Cease and Desist

TRAFFIC JAM EVENTS v. FTC, No. 21-60947 (5th Cir.)

Parties: Traffic Jam Events, LLC
David Jeansonne

Assigned Attorneys: Joel Marcus (OGC)
Imad Abyad

Nature of Action: Petition for review of final Commission order.

Status: Petition for review filed 12/21/21.
Traffic Jam Event's opening brief filed 3/28/22; Commission's
answering brief filed 6/10/22; Traffic Jam's reply brief filed
9/9/22.

(B) Rulemakings

(None Pending)

INJUNCTIONS AND CONSUMER REDRESS

(A) Preliminary Injunctions (Mergers/Acquisitions)

FTC v. META PLATFORMS, INC. et al., No. 5:22-cv-04325 (N.D. Cal.)

Parties: Meta Platforms, Inc.
Within Unlimited, Inc.

Assigned Attorneys: Abby Dennis (Office of Director/BC)
Susan Musser
Jeanine Balbach (BC/Mergers II)
Peggy Bayer Femenella
Eric Elmore
Justin Epner
Joshua Goodman
Sean Hughto
Frances Anne Johnson
Andrew Lowdon
Lincoln Mayer
Timothy Singer

Michael Barnett (BC/Mergers I)
Adam Pergament (BC/ Mergers IV)
Anthony Saunders
Bradley Grossman (OGC)

Nature of Action: Action for preliminary injunction to block the proposed acquisition of Within Unlimited, Inc., a virtual reality fitness company, by Meta Platforms, Inc.

Status: Complaint filed 7/27/22.
TRO entered 7/29/22.
Amended Complaint filed 10/7/22.
Commission's motion to strike certain affirmative defenses filed 9/9/22;
Defendants' opposition filed 9/23/22; Commission's reply filed 9/30/22; oral argument heard 10/21/22; motion granted in part 11/2/22.
Defendants' motion to dismiss amended complaint filed 10/13/22;
Commission's opposition filed 10/27/22; Defendants' reply filed 10/31/22.
Commission's motion for preliminary injunction filed 10/31/22;
Defendants' opposition filed 11/14/22; Commission's reply filed 11/21/22.
Evidentiary hearing held from 12/8/22 to 12/20/22.

(B) Preliminary Injunctions (Other)

(None Pending)

(C) Permanent Injunctions/Consumer Redress*

FTC v. ACRO Services LLC, No. 3:22-cv-00895 (M.D. TN.)

Parties: ACRO Services, LLC, also d/b/a Capital Compliance Solutions
American Consumer Rights Organization, also d/b/a Tristar Consumer Law Organization
First Call Processing LLC
Music City Ventures, Inc., also d/b/a Tri Star Consumer Group
Nashville Tennessee Ventures, Inc., also d/b/a Integrity Resolution Group
Reliance Solutions, LLC, also d/b/a Reliance Services, LLC
Thacker & Associates Int'l LLC
Consumer Protection Resources, LLC
Sean Austin

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

John Steven Huffman
John Preston Thompson

Assigned Attorneys: Margaret Burgess (SER)
Alan Bakowski
Natalya Rice

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and
Telemarketing Sales Rule in connection with the sale of purported credit
card debt relief services.

Status: Complaint filed 11/7/22.
Temporary restraining order entered 11/21/22.
Stipulated preliminary injunction order entered 12/13/22.

FTC V. AMERICAN VEHICLE PROTECTION CORP., No 0:22-cv-60298 (S.D. Fla.)

Parties: American Vehicle Protection Corp.
Tony Gonzalez
Tony Gonzalez Consulting Group, Inc.
CG3 Solutions, Inc.
Daniel Kole
Kole Consulting Group, Inc.

Assigned Attorneys: Hans Clausen (SER)
Christopher Gleason
Harold Kirtz

Alleged conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and
the Telemarketing Sales Rule in connection with the marketing and sale of
purported extended automobile warranties.

Status: Complaint filed 2/2/22.
Order consolidating case with No. 22-cv-60301 entered 2/28/22.
Motion to dismiss complaint by defendants filed 3/25/22; FTC's
opposition filed 4/8/22; defendants' reply filed 4/15/22.
Defendants' motion to dismiss denied 10/24/22.

FTC v. AMERICAN FUTURE SYSTEMS, INC., No. 2:20-cv-02266 (E.D. Pa.)

Parties: American Future Systems, Inc. d/b/a Progressive Business Publications
d/b/a Progressive Business Publications, Inc. d/b/a Center for
Education & Employment Law
Progressive Business Publications of New Jersey, Inc. d/b/a Progressive
Business Publications, Inc. d/b/a Center for Education and
Employment Law

International Credit Recovery, Inc. d/b/a ICR
Edward M. Satell
Richard Diorio, Jr.
Cynthia Powell
Commonwealth of Pennsylvania (co-plaintiff)

Assigned Attorneys: Amy Hocevar (ECR)
Christian Capece
Derek Diaz
Harris Senturia
Maris Snell
Fil de Banate
Conor Duffy

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Unordered Merchandise Statute, and in violation of Pennsylvania consumer protection law, in connection with Defendants' deceptive selling of and collection of payment for publication subscriptions.

Status: Complaint filed 5/13/20.
Motion to file first amended complaint adding plaintiff Commonwealth of Pennsylvania filed 7/23/2020; motion granted 1/20/21.
Amended complaint filed 1/21/21.
Motion to dismiss for failure to state a claim filed by Defendants Richard Diorio, Jr., International Credit Recovery, Inc., and Cynthia Powell 2/4/21; Commission response filed 3/4/21; Defendant reply filed 3/25/21; motion denied 4/30/21.
Motion to dismiss for Defendants American Future Systems Inc., Progressive Business Publications of New Jersey, Inc., and Edward M. Satell filed 2/11/21; motion denied 4/30/21.
Defendants' motion for judgment on the pleadings filed 6/24/21; motion denied 7/26/21.

FTC v. AMERICAN SCREENING, LLC, No. 4:20-cv-1021 (E.D. Mo.)

Parties: American Screening, LLC
Ron Kilgarlin, Jr.
Shawn Kilgarlin

Assigned Attorneys: Dillon Lappe (BCP/ENF)
Omolara Joseney
Anne Collesano

Alleged Conduct: Deceptive acts or practices in violation of Sections 5(a) and 12 of the FTC Act in connection with the sale and marketing of face masks, sanitizer, and other personal protective equipment related to the coronavirus pandemic.

Status: Complaint filed 8/4/20.
FTC's motion for summary judgment filed 10/1/21; defendants' opposition filed 11/1/21; reply filed 11/15/21.
Order granting FTC's motion for summary judgment in part and denying in part, leaving amount of equitable monetary relief to be determined at trial, entered 4/6/22.
Order vacating trial and directing parties to confer regarding remaining monetary relief issues entered 4/8/22.
Joint status report, reporting that parties have been unable to reach agreement to settle case and are prepared to proceed with bench trial on appropriate amount of monetary relief, filed 5/9/22.
FTC motion for summary judgment granted 7/14/22.

FTC v. APEX CAPITAL GROUP, LLC, No. 22-55342 (9th Cir.); No. 2:18-cv-09573 (C.D. Cal.)

Parties: Apex Capital Group, LLC
Capstone Capital Solutions Limited
Clik Trix Limited
Empire Partners Limited
Interzoom Capital Limited
Lead Blast Limited
Mountain Venture Solutions Limited
Nutra Global Limited
Omni Group Limited
Rendezvous it Limited
Sky Blue Media Limited
Tactic Solutions Limited
Phillip Peikos
David Barnett
SIA Transact Pro
Mark Moskvins
Thomas W. McNamara (Receiver)
Wells Fargo & Co. (Proposed Intervenor)
Wells Fargo Bank N.A. (Proposed Intervenor)

Assigned Attorneys: Jonathan W. Ware (BCP/ENF)
Sarah Waldrop
Delilah Vinzon (WRO/LA)
Michael Bergman (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Restore Online Shoppers' Confidence Act, and the Electronic Fund Transfer Act in connection with the marketing of supposedly "free trial" offers for personal care products and dietary supplements online.

Status: Complaint filed 11/14/18.
Ex parte TRO entered 11/16/18.
Stipulated preliminary injunctions entered 12/19/18.
Amended complaint naming SIA Transact Pro and Mark Moskvins filed 5/30/19.
Stipulated orders for permanent injunction and monetary judgment as to David Barnett, Phillip Peikos, Apex Capital Group, LLC, Capstone Capital Solutions Limited, Klik Trix Limited, Empire Partners Limited, Interzoom Capital Limited, Lead Blast Limited, Mountain Venture Solutions Limited, Nutra Global Limited, Omni Group Limited, Rendezvous IT Limited, Sky Blue Media Limited, and Tactic Solutions Limited entered 9/11/19.
Stipulated order for permanent injunction and monetary judgment as to Mark Moskvins and SIA Transact Pro entered 1/15/20.
Motion to set aside monetary judgment in light of *AMG* filed 7/9/21; Commission's opposition filed 8/9/21; reply filed 8/16/21; motion denied 9/3/21.
Wells Fargo's motion to intervene to challenge monetary judgment filed 1/18/22; Commission's opposition filed 2/7/22; Wells Fargo's reply filed 2/21/22; order denying motion to intervene entered 3/10/22.
Wells Fargo's notice of appeal filed 3/31/22.
Wells Fargo's opening brief filed 8/10/22; Commission's answering brief filed 10/11/22; Receiver's answering brief filed 10/11/22; Wells Fargo's reply filed 12/1/22.

FTC v. BENEFYTT TECHNOLOGIES, INC., No. 8:22-cv-1794 (M.D. Fla.)

Parties: Benefytt Technologies, Inc., fka Health Insurance Innovations Inc.
Health Plan Intermediaries Holdings, LLC
Healthpocket, Inc., dba Agile Health Insurance
Gavin D. Southwell
Amy E. Brady

Assigned Attorneys: Matthew G. Schiltz (MWRO)
Claire E.W. Stewart
Elizabeth C. Scott

Alleged Conduct: Deceptive acts or practices in violation of Section 5 of the FTC Act, the Telemarketing Act, and the Restore Online Shoppers' Confidence Act, regarding misrepresentations of health insurance products.

Status: Complaint filed 8/8/22.
Stipulated orders for permanent injunction and other relief as to all defendants entered 8/11/22.

FTC v. BINT OPERATIONS LLC, No. 4:21-cv-00518-KGB (E.D. Ark.)

Parties: BINT Operations LLC
Lashonda Moore
Marlon Deandre Moore
State of Arkansas (Co-Plaintiff)

Assigned Attorneys: Reid Tepfer (SWR)
Luis Gallegos
Anne Lejeune
David Alex

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Consumer Review Fairness Act, and Arkansas state consumer protection laws in connection with the operation of a “blessing loom” style pyramid scheme.

Status: Complaint filed 6/16/21.
Motion to dismiss for lack of lack of jurisdiction by defendants filed 8/05/21; motion denied on 3/31/22.

FTC v. CONSUMER DEFENSE, LLC, Nos. 18-15462, 19-16000, 19-17326; 20-15143, 20-15144 (9th Cir.); No. 2:18-cv-00030 (D. Nev.)

Parties: Consumer Defense, LLC
Consumer Link, Inc.
Preferred Law, PLLC
American Home Loan Counselors
Consumer Defense Group, LLC (formerly known as Modification Review Board, LLC)
Consumer Defense, LLC
Brown Legal, Inc.
AM Property Management, LLC
Fmg Partners, LLC
Zinly, LLC
Jonathan P. Hanley
Benjamin R. Horton
Sandra X. Hanley
American Home Loans, LLC

Assigned Attorneys: Gregory Ashe (BCP/FP)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Mortgage Assistance Relief Service Rule in connection with the marketing and sale of mortgage assistance relief.

Status: Complaint filed 1/8/18.
TRO entered 1/10/18.
FTC Motion for preliminary injunction filed 1/8/18; Defendants' opposition filed 2/12/18; Commission reply filed 2/14/18; Preliminary Injunction entered 2/20/18.
Defendant Benjamin R Horton's motion to dismiss filed 1/22/18; Commission's response to motion filed 2/5/18; reply filed 2/15/18; motion denied 6/7/18.
Defendants AM Property Management, LLC, American Home Loan Counselors, American Home Loans, LLC, Brown Legal, Inc, Consumer Defense Group, LLC, Consumer Defense, LLC, FMG Partners, LLC, Jonathan P. Hanley, Sandra X. Hanley, Preferred Law, PLLC, Zinly, LLC's motions to dismiss filed 2/12/18; Commission's responses to motions filed 2/26/18; replies filed 3/5/18; motion denied 6/7/18.
Notice of appeal to Ninth Circuit of preliminary injunction filed 03/21/18 (No. 18-15462). Appellants' opening brief filed 4/18/18; Commission's answering brief filed 5/16/18; reply brief filed 6/6/18; Oral argument held 9/14/18. Decision by 9th Circuit affirming district court's entry of preliminary injunction entered 6/17/19.
Receiver Thomas McNamara motion for order to sell Receivership property filed 4/18/18; Commission concurrence filed 4/30/18; Defendants' opposition filed 5/1/18; Receiver reply filed 5/8/18; Order granting motion entered 1/18/19.
Stipulated final order for permanent injunction and monetary judgment as to defendant Benjamin Horton entered 6/5/18.
Commission's motion for entry of clerk's default as to defendants Consumer Defense, LLC (Nevada) and Consumer Link, Inc. filed 8/7/18; Clerk's entry of default as to Consumer Defense, LLC (Nevada) and Consumer Link Inc. entered 1/28/19; default vacated on 6/14/19.
Defendant Hanley motion to vacate order granting Receiver's motion to sell property filed 1/28/19; Receiver opposition filed 1/31/19; Commission opposition filed 2/5/19; Order denying motion entered 4/30/19.
Defendant Hanley notice of appeal to Ninth Circuit of order denying motion to vacate order granting Receiver's motion to sell property filed 5/10/19 (No. 19-16000); Ninth Circuit order dismissing appeal for failure to file fees entered 7/17/19.
Commission's motion for default judgment against defendants Consumer Defense, LLC (Nevada) and Consumer Link, Inc. filed 5/7/19; Commission notice of withdrawal of motion filed 6/25/19.

Commission motion for summary judgment filed 7/15/19; defendants' opposition filed 10/2/19; defendant Hanley's opposition filed 10/5/19; Commission reply brief filed 11/5/19.
Order granting Commission motion for summary judgment entered 12/5/19.
Receiver Thomas McNamara motion to approve sale of Park City condo filed 8/30/19; Commission concurrence filed 9/13/19; defendants' opposition filed 9/13/19; receiver's reply filed 9/20/19; order granting motion entered 10/9/19.
Defendant Hanley's notice of appeal to Ninth Circuit of order granting receiver's motion for approval of sale of Park City condo filed 11/12/19 (No. 19-7326); Ninth Circuit order dismissing Hanley's appeal for failure to prosecute entered 3/20/20.
Defendant Sandra Hanley's notice of appeal to Ninth Circuit of order granting summary judgment filed 2/3/20 (No. 20-15143).
Defendant Jonathan Hanley's notice of appeal to Ninth Circuit of order granting summary judgment filed 2/3/20 (No. 20-15144).
Appellants Hanleys' opening briefs filed 6/23/21; FTC's response brief filed 8/23/21; Hanleys' reply brief filed 9/13/21.
Decision by the Ninth Circuit vacating monetary judgment under Section 13(b) and remanding to the District Court to consider whether award is appropriate pursuant to Section 19 entered 1/22/22.
FTC motion for entry of judgment pursuant to Section 19 filed 3/22/22; Defendants' opposition filed 4/5/22; FTC reply filed 4/12/22.
Order granting FTC motion for monetary judgment pursuant to Section 19 entered 12/30/22.

FTC v. CREDIT BUREAU CENTER, LLC., No. 21-2945 (7th Cir.), No. 1:17-cv-00194 (N.D. Ill.)

Parties: Credit Bureau Center, LLC, f/k/a MyScore, LLC d/b/a efreescore.com, creditupdates.com, and freecreditnation.com
Michael Brown
Danny Pierce
Andrew Lloyd

Assigned Attorneys: Guy Ward (MWR)
Elizabeth Scott
Michael Bergman (OGC)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Restore Online Shoppers' Confidence Act, and the Fair Credit Reporting Act in connection with the marketing of credit monitoring services.

Status: Complaint filed 1/10/17.

Ex parte TRO entered 1/11/17.
Stipulated preliminary injunction as to defendants Danny Pierce and Andrew Lloyd entered 2/8/17.
Stipulated preliminary injunction as to defendants Michael Brown and Credit Bureau Center entered 2/21/17.
Order finding defendant Michael Brown in civil contempt entered 6/28/17.
Stipulated order for permanent injunction and monetary judgment as to defendants Danny Pierce and Andrew Lloyd entered 10/26/17.
Commission's motion for summary judgment against remaining defendants Michael Brown and Credit Bureau Center, LLC filed 3/2/18; defendants' response filed 3/12/18; order granting motion for summary judgment entered 6/26/18.
Notice of appeal by defendants Michael Brown and Credit Bureau Center, LLC filed 8/22/18.
Motion by defendants Michael Brown, Credit Bureau Center, LLC to stay district court's final injunction pending appeal filed 8/31/18; response in opposition filed 9/17/18; district court order granting motion to stay in part, barring Commission from distributing funds recovered to consumers pending conclusion of appeal, but otherwise denying, entered 9/26/18.
Amended notice of appeal of post-judgment order denying defendants' request to pay their attorneys from the receivership estate filed 10/26/18.
Order consolidating appeals entered 11/16/18.
Appellants' brief filed 12/5/18.
Order denying defendants Michael Brown and Credit Bureau Center, LLC's motion for stay of judgment pending appeal entered 1/8/19.
Commission's brief filed 3/12/19; appellants' reply brief filed 4/1/19.
Oral argument heard 4/17/19.
Order vacating the restitution award and affirming the judgment in other respects entered by the Seventh Circuit 8/21/19.
Commission's petition for writ of certiorari filed 12/19/19; Credit Bureau Center's brief in opposition filed 4/14/20; Commission's reply brief filed 4/28/20.
Case consolidated with *AMG Capital Mgmt., LLC v. FTC* 7/9/20; consolidation voided and certiorari vacated 11/9/20.
Commission's petition for writ of certiorari denied 5/3/21.
Commission's motion for amended judgment and other relief filed in district court 5/6/21; defendants' response in opposition to motion and counter-motion to enforce mandate filed 5/28/21; Commission's reply in support of motion filed 6/11/21; defendants' reply in support of counter-motion filed 6/17/21; hearing on motions held 7/14/21.
District court's opinion and order granting the FTC's motion and denying defendants' countermotion entered 9/13/21; modified final judgment entered 9/13/21.

Notice of appeal of order granting FTC's motion to alter or amend its judgment filed 10/22/21.
Petition for writ of mandamus filed in Seventh Circuit 10/22/21; order denying petition entered 10/27/21
Appellants' opening brief filed 2/22/22; FTC's brief filed 4/4/22; appellants' reply brief filed 4/25/22.
Oral argument held 6/3/22.

FTC v. ECOLOGICAL FOX, LLC, Nos. 19-1925, 19-2387, 19-2204, 19-2306, 19-2387, 20-1594, 20-2215, 21-1452 (4th Cir.); No. 1:18-cv-03309 (D. Md.)

Parties: Ecological Fox, LLC
Luke Chadwick
Andris Pukke a/k/a Marc Romeo a/k/a Andy Storm
Peter Baker
Global Property Alliance, Inc. d/b/a Sanctuary Bay, Sanctuary Belize, The Reserve, Kanantik, Laguna Palms, Bamboo Springs, Eco Futures, Eco Futures Development, Eco Futures Belize, Sittee River Wildlife Reserve, Buy Belize, Buy International
Sittee River Wildlife Reserve d/b/a Sanctuary Bay d/b/a Sanctuary Belize d/b/a The Reserve
Buy Belize, Llc d/b/a Sanctuary Bay d/b/a Sanctuary Belize d/b/a The Reserve d/b/a Kanantik d/b/a Laguna Palms d/b/a Bamboo Springs
Buy International, Inc. d/b/a Sanctuary Bay d/b/a Sanctuary Belize d/b/a The Reserve d/b/a Kanantik d/b/a Laguna Palms d/b/a Bamboo Springs
Foundation Development Management Inc.
Eco-Futures Development d/b/a Sanctuary Bay d/b/a Sanctuary Belize d/b/a The Reserve
Eco-Futures Belize Limited d/b/a Sanctuary Bay d/b/a Sanctuary Belize d/b/a The Reserve
Power Haus Marketing
Brandi Greenfield
BG Marketing, LLC
Prodigy Management Group, LLC
John Usher
Rod Kazazi
Foundation Partners f/k/a Red Crane Advisors, Inc.
Frank Costanzo a/k/a Frank Green a/k/a Frank Peerless Green a/k/a Frank Connelly a/k/a Frank Connelly-Costanzo
Belize Real Estate Affiliates, LLC d/b/a Coldwell Banker Belize d/b/a Coldwell Banker Southern Belize
Exotic Investor, LLC d/b/a Coldwell Banker Belize d/b/a Coldwell Banker Southern Belize
Southern Blaze Realty, LLC d/b/a Coldwell Banker Belize d/b/a Coldwell Banker Southern Belize

Sanctuary Belize Property Owners' Association d/b/a The Reserve
Property Owners' Association
Atlantic International Bank, Ltd.
Angela Chittenden
Beach Bunny Holdings, LLC
The Estate of John Pukke a/k/a The Estate of Janis Pukke a/k/a The Estate
of John Andris Pukke
John Vipulis
Deborah Connelly
Newport Land Group, LLC a/k/a Laguna Palms a/k/a Sanctuary Belize
a/k/a Bamboo Springs a/k/a The Reserve
Michael Santos
Proposed Intervenors, Yu Lin, Quan Lin, Jamie Teng, Juliana
Tengonciang, Alfonso Kolb Jr., Jasmin Tengonciang, Roel Pahl,
Clarissa Tengonciang, Allan Prijoles, Mary Jane Prijoles, Darren
Christian, Chan Martin, Julie Santos, David Heiman, and
Heartland Property Group, Inc

Assigned Attorneys: Jonathan Cohen (BCP/ENF)
Amanda Kostner
Benjamin Theisman
Elizabeth Averill
Khouryanna DiPrima

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and
the Telemarketing Sales Rule in connection with the marketing and sale of
real estate investments and related services.

Status: Complaint filed 10/31/18.
TRO entered 11/11/18.
Motion for interim preliminary injunction filed 11/15/18; response in
opposition filed 11/16/18; reply filed 11/18/18.
Order extending TRO, to remain in effect as an interim preliminary
injunction through the conclusion of a show cause hearing, entered
11/20/18.
Defendant Atlantic International Bank, LTD's motion to dismiss filed
12/14/18; response in opposition filed 1/22/19; defendant's
response filed 1/31/19.
Defendant Andris Pukke's motion to transfer case to the Central District
of California filed 12/14/18.
Notice of appeal from 11/20/18 order by defendant Atlantic National Bank
filed 12/19/18.
Commission's amended complaint filed 1/15/19.
Order denying defendant Atlantic International Bank's motion to dismiss
entered 2/1/19.

Order denying defendant Andris Pukke's motion to dismiss certain claims in the amended complaint entered 3/4/19.

Commission's motion to hold defendants John Vipulis, Peter Baker, Andris Pukke, and John Usher in contempt filed 3/5/19; response in opposition filed by defendant Peter Baker 3/7/19.

Preliminary injunction hearing held 3/11/19-3/22/19.

Motion to dismiss for failure to state a claim by defendant Michael Santos filed 3/18/19; Commission's response filed 4/1/19.

Order modifying interim preliminary injunction entered 3/28/19.

Order granting Commission's motion to stay proceedings as to defendants Frank Costanzo, Ecological Fox, LLC, and Deborah Connelly entered 4/4/19.

Motion to dismiss for lack of jurisdiction by defendant Atlantic International Bank, LTD filed 4/4/19; Commission's response filed 6/7/19.

Order denying defendant Anris Pukke's motion to dismiss entered 4/30/19.

Appellant Atlantic International Bank, LTD's (No. 19-1925) opening brief filed 5/14/19; Commission's response brief filed 6/12/19;

Commission's motion for stay of proceedings as to defendants Frank Costazno, Ecological Fox LLC, and Deborah Connelly filed 7/23/19; order granting motion entered 7/26/19.

Commission's proposed preliminary injunction filed 8/12/19; defendant Chadwick's opposition to proposed preliminary injunction filed 8/22/19; Commission's reply in support of preliminary injunction filed 9/3/19.

Defendant Chadwick's motion to dismiss for lack of jurisdiction filed 8/22/19; Commission's response to motion filed 8/27/19; order denying motion to dismiss entered 9/5/19.

Order extending stay of litigation against Atlantic International Bank entered 9/6/19.

Joint motion to dismiss Atlantic International Bank's appeal (No. 19-1925) filed 9/10/19.

Stipulated order for permanent injunction and monetary judgment against defendant Atlantic International Bank entered 9/25/19.

Preliminary injunction as to defendants Andris Pukke, Peter Baker, Luke Chadwick, John Usher, Certain Corporate Defendants, and the estate of John Pukke entered 10/3/19.

Memorandum opinion and order addressing calculation of equitable monetary relief entered 10/17/19.

Order that defendants' are not entitled to jury trials on the contempt motions entered 10/22/19.

Notice of appeal of preliminary injunction by defendant Peter Baker (No. 19-2306) filed 10/25/19.

Notice of appeal of preliminary injunction by defendant Andris Pukke (No. 19-2204) filed 10/29/19.

Notice of appeal of preliminary injunction by defendant Luke Chadwick (No. 19-2387) filed 12/2/19; order dismissing appeal for failure to prosecute entered 4/17/20.

Baker's opening brief filed 12/27/19; Pukke's opening brief filed 12/30/19; Commission's answering brief to Baker and Pukke appeals filed 2/3/20; opinion affirming preliminary injunction issued 2/24/20.

Stipulated final orders for permanent injunction and monetary judgment against Brandi Greenfield, BG Marketing LLC, Rod Kazazi, and Foundation Partners entered 1/4/20.

Stipulated final order against relief defendants Angela Chittenden and Beach Bunny Holdings LLC entered 1/10/20.

Bench trial held 1/21/20 through 2/12/20.

Order denying motion by Peter Baker to dismiss the case as sanction against FTC entered 4/22/20.

Notice of appeal by Peter Baker (No. 20-1594) filed 5/26/20.

Baker's opening brief filed 6/23/20; Commission's response brief filed 7/10/20.

Baker's appeal dismissed 9/28/20.

Notice of appeal (No. 20-2215) by Andris Pukke filed 11/9/20.

Final order for permanent injunction and monetary judgment against Defendants Andris Pukke, Peter Baker, and Luke Chadwick entered 1/13/21.

Final order of contempt against Defendants Andris Pukke, Peter Baker, and John Usher entered 1/13/21.

Amended final order for permanent injunction and monetary judgment entered 3/24/21.

Notices of appeal filed 4/20/21, 4/21/21, 4/29/21, 5/3/21, 5/14/21.

All appeals except Luke Chadwick's consolidated 5/18/21.

Appellants' motions for summary disposition filed 7/11/21; Commission's opposition filed 7/16/21; order deferring decision on motion entered 7/19/21.

Appellants' opening brief in consolidated appeals (No. 20-2215) filed 8/12/21; FTC's response brief filed 11/18/21; brief by Receiver filed 11/18/21; Appellants' reply brief filed 12/22/21.

Motion to intervene in district court proceeding by Yu Lin, Quan Lin, Jamie Teng, Juliana Tengonciang, Alfonso Kolb Jr., Jasmin Tengonciang, Roel Pahl, Clarissa Tengonciang, Allan Prijoles, Mary Jane Prijoles, Darren Christian, Chan Martin, Julie Santos, David Heiman, and Heartland Property Group, Inc, investors in a defendant company who seek to challenge orders placing company's assets in receivership, filed 11/12/21; Commission's opposition filed 12/13/21; reply filed 10/27/21.

Order granting joint motion for an indicative ruling that Court would enter proposed stipulated order resolving all matters in dispute between

FTC and stipulating defendants, if the Fourth Circuit remanded for that purpose, entered 3/8/22.
Fourth Circuit order remanding appeals for limited purpose of adopting a settlement decree entered 3/17/22.
Stipulated order modifying final order for permanent injunction and monetary relief as to Luke Chadwick, Prodigy Management Group LLC, Belize Real Estate Affiliates LLC, Exotic Investor LLC, and Southern Belize Realty LLC, entered 13/24/22.
Commission motion to dismiss appeal by Luke Chadwick, Exotic Investor, and Prodigy Management filed 3/24/22; opposition to dismissal by nonparties (Kanantik entities) filed 4/1/22; Commission reply filed 4/4/22; order dismissing appeal, ruling that Kanantik entities lack appellate standing, entered 6/16/22.
Order by district court denying motion to intervene by Yu Lin et al. entered 6/23/22.
Notices of appeal from denial of motions to intervene and set aside judgment Yu Lin et al. filed 7/8/22 and 7/13/22.
Ora argument in consolidated appeals held 9/13/22.
Yu Lin appellants' opening brief filed 8/19/22; FTC's brief filed 10/21/22; appellants' reply brief filed 11/14/22.
Opinion affirming injunctive relief against all defendants, contempt sanction against individual defendants, and district court's finding that Pukke must pay remaining balance of monetary judgment from *AmeriDebt*, but vacating equitable monetary relief judgment against individual defendants in light of *AMG*, entered 11/1/22.
Order denying petition for rehearing and rehearing en banc by Andris Pukke entered 12/30/22.
Oral argument in Yu Lin appeal scheduled for 3/8/23.

FTC v. ELECTRONIC PAYMENT SOLUTIONS OF AMERICA, INC., No. 2:17-cv-02535
(D. Ariz.)

Parties: Electronic Payment Solutions of America, Inc.
 Electronic Payment Services, Inc.
 KMA Merchant Services, LLC
 Dynasty Merchants, LLC
 Jay Wigdore
 Michael Abelmessseh aka Michael Stewart
 Nikolas Mihilli
 Electronic Payment Systems, LLC
 Electronic Payment Transfer, LLC
 John Dorsey
 Thomas McCann
 Michael Peterson

Assigned Attorneys: James Evans (BCP/MP)

Jody Goodman
Bikram Bandy
Karen Hobbs
Michelle Chua

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the FTC's Telemarketing Sales Rule in connection with telemarketing scheme that told consumers they could earn thousands of dollars by lending money to small businesses.

Status: Complaint filed 7/28/17.
First amended complaint filed 3/9/18.
Stipulated order for permanent injunction and monetary judgment against defendants KMA Merchant Services LLC and Michael Abdelmesseh entered 6/13/18.
Stipulated order for permanent injunction and monetary judgment against Dynasty Merchants, LLC and Nikolas Mihilli entered 1/9/19.
Motion to dismiss FTC's claim for monetary relief by Electronic Payment Systems, LLC, and Electronic Payment Transfer, LLC filed 4/24/19; Commission's opposition filed 5/8/19; defendants' reply filed 5/24/19; Motion denied 8/28/19.
Stipulated order for permanent injunction and monetary judgment against Michael Peterson entered 8/28/19.
Motion to amend answer by Electronic Payment Systems, LLC, and Electronic Payment Transfer, LLC filed 5/31/19; Commission's opposition filed 6/14/19; defendants' reply filed 7/5/19; motion denied 8/28/19.
Motion for judgment on the pleadings by John Dorsey and Thomas McCann filed 6/11/19; Commission's opposition filed 6/25/19; defendants' reply filed 7/12/19; motion denied 8/28/19.
Motion to reconsider or certify denial of motion to dismiss by Electronic Payment Systems, LLC, and Electronic Payment Transfer, LLC filed 9/10/19; Commission's opposition filed 9/24/19; defendants' reply filed 10/1/19; motion denied 10/23/19.
Motion for summary judgment by Electronic Payment Systems, LLC and Electronic Payment Transfer filed 3/18/20; FTC's opposition filed 4/16/20; reply filed 4/22/20; motion denied 8/31/20.
Motion for summary judgment by John Dorsey and Thomas McCann filed 9/25/20; Commission's opposition filed 10/16/20; defendants' reply filed 11/10/20.
Motion for summary judgment by the Commission filed 9/25/20; defendants' oppositions filed 11/25/20; Commission response filed 1/8/21
Stipulated orders for permanent injunction and judgment against Defendants Electronic Payment Systems of America, Inc., Electronic Payment Services Inc., and Jay Wigdore entered 1/22/21.
Motion for reconsideration of motion for judgment on the pleadings by Defendants John Dorsey and Thomas McCann filed 5/10/21.

Order 1) denying defendants' motion to strike, 2) granting in part and denying in part the FTC's motion for summary judgment against Defendants Electronic Payment Systems LLC, Electronic Payment Transfer LLC, John Dorsey, and Thomas McCann, and entering judgment against these Defendants on Counts II and VI of the First Amended Complaint, 3) granting the FTC's motion to withdraw parts of motion for summary judgment regarding monetary relief, 4) denying a permanent injunction, 5) granting in part and denying in part Dorsey and McCann's motion for summary judgment, 6) dismissing without prejudice the FTC's claim for equitable monetary relief against Electronic Payment Systems LLC, Electronic Payment Transfer LLC, John Dorsey and Thomas McCann, and 7) denying Dorsey and McCann's motion for reconsideration of order on motion for judgment on the pleadings, entered 8/11/21.

Settlement conference held and preliminary settlement reached on 11/10/21.

Order granting joint motion to stay further proceeding as to Electronic Payment Systems LLC, Electronic Payment Transfer LLC, John Dorsey, and Thomas McCann entered 1/28/22.

Order approving stipulation for dismissal as to Electronic Payment Systems LLC, Electronic Payment Transfer LLC, John Dorsey, and Thomas McCann entered 5/28/22.

Order approving stipulation for dismissal of claims with prejudice entered 7/5/22.

Order dismissing with prejudice case in its entirety entered 8/9/22.

FTC v. ELEGANT SOLUTIONS, INC., Nos. 20-55766 (9th Cir.); 8:19-cv-01333 (C.D. Cal.)

Parties: Elegant Solutions, Inc., d/b/a Federal Direct Group
Trend Capital Ltd., d/b/a Mission Hills Federal
Dark Island Industries, Inc., d/b/a Federal Direct Group, and f/k/a
Cosmopolitan Funding Inc.
Heritage Asset Management, Inc., d/b/a National Secure Processing
Tribune Management, Inc., d/b/a The Student Loan Group
Mazen Radwan
Rima Radwan
Labiba Velazquez
Dean Robbins

Assigned Attorneys: Michelle Grajales (BCP/FP)
Samuel Jacobson
John Jacobs
Imad Abyad (OGC)
Matthew Hoffman

Alleged Conduct: Deceptive acts or practices in violation of Section 5 of the FTC Act and the Telemarketing Sales Rule in connection with marketing and sale of student loan debt relief services.

Status: Complaint filed 7/8/19.
Stipulated preliminary injunction entered 7/17/19.
Amended Complaint filed 8/27/19.
Cross-motions for summary judgment by FTC and defendants filed 3/9/20; FTC's opposition to defendants' motion filed 3/30/20; defendants' opposition to FTC's motion filed 3/31/20; replies filed 4/6/20.
Order staying trial pending resolution of summary judgment motions entered 5/29/20.
Defendants' notice of appeal filed 7/20/20.
Commission's motion to hold appeal in abeyance until after Supreme Court decides *AMG* filed 12/7/20; appellants' opposition filed 12/8/20.
Appellants' opening briefs filed 12/21/20.
Appellants' revised opening briefs filed 6/1/21.
FTC brief filed 7/30/21.
Reply brief filed 8/19/21.
Appellate oral argument heard 12/9/21.
Ninth Circuit opinion affirming judgment of the district court, except as to portion providing disgorgement to Treasury if consumer redress is not possible, entered 6/9/22.
District court order on remand modifying judgment entered 11/18/22.
Defendants' motion for order that monetary redress be completed by a certain date and that relief be limited to consumers who submitted declarations filed 12/23/22; FTC's opposition filed 12/30/23.

FTC v. ENDO PHARMACEUTICALS INC., No. 22-5137 (D.C. Cir.); No. 1:21-cv-00217 (D.D.C.)

Parties: Endo Pharmaceuticals Inc.
Endo International, plc
Impax Laboratories, LLC
Amneal Pharmaceuticals, Inc.

Assigned Attorneys: James Weingarten (BC/Office of the Director)
Eric Sprague (BC/HC)
Kara Monahan
Markus Meier
Emma Dick
Evan Cartagena
Garth Huston
Jamie Towey
Mark Hegdus (OGC)

Alleged Conduct: Violations of Sections 1 and 2 of the Sherman Act and unfair methods of competition in violation of Section 5 of the FTC Act, in connection with an illegal agreement to eliminate competition in the oxymorphone market, a long-acting opioid used for the treatment of moderate to severe pain.

Status: Complaint filed 1/25/21.
Defendants' motions to dismiss filed 4/26/21; FTC opposition filed 6/10/21; Defendants' replies filed 7/02/21; motion to dismiss granted 3/4/22
FTC notice of appeal filed 5/23/22.
FTC's opening brief filed 12/21/22; appellees' brief due 2/21/22; FTC's reply brief due 3/14/22.

FTC v. F9 ADVERTISING LLC, No. 3:19-cv-01174 (D.P.R.)

Parties: F9 Advertising LLC
Gopalkrishna Pai
Ace Initiative Group, LLC
Connected AD Station LLC
Fastlane Sales, LLC
Hyper Marketing Solutions LLC
Media Redefined LLC
Primed Marketing LLC
Responsive Media LLC

Assigned Attorneys: Michael Schaefer (BCP/ENF)
Gregory J. Madden

Alleged Conduct: Deceptive acts or practices in violation of the Restore Online Shoppers' Confidence Act in connection with "free trial" and negative option online marketing.

Status: Complaint filed 2/21/19.
Order granting Commission's motion for entry of default against defendants Ace Initiative Group, LLC, Connected AD Station LLC, Fastlane Sales LLC, Hyper Marketing Solutions, LLC, Media Redefined, LLC, Primed Marketing, LLC, and Responsive Media, LLC entered 3/25/19.
Order staying case pending the resolution of the ongoing criminal proceedings entered 5/16/19.
Motion by defendants to reopen case, admitting allegations in the Complaint, filed 12/8/22.
Order granting joint motion for proposed schedule entered 12/30/22.

FTC v. FINANCIAL EDUCATION SERVICES, No. 2:22-cv-11120 (E.D. Mich.)

Parties: Financial Education Services, Inc.

United Wealth Services, Inc.
VR-Tech LLC
VR-Tech MGT LLC
CM Rent Inc.
Youth Financial Literacy Foundation
Parimal Naik
Michael Toloff
Christopher Toloff
Gerald Thompson

Assigned Attorneys: Gregory Ashe (BCP/FP)
Michelle Grajales
Julia Heald
Michael Goldstein

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Credit Repair Organizations Act, and the Telemarketing Sales Rule in connection with the marketing, offering, and collecting of credit repair services and investment opportunities.

Status: Complaint filed 5/23/22.
Ex parte TRO entered 5/24/22
Oral argument held 6/30/22; Court's ruling denying motion for preliminary injunction, vacating TRO, and converting receivership to monitorship announced from the bench 6/30/22.
Order denying preliminary injunction, vacating TRO, and converting receivership to monitorship entered 7/18/22.
Motion to dismiss filed by Defendants VR-Tech MGT, CM Rent, Michael Toloff, and Christopher Toloff filed 7/25/22; FTC opposition filed 8/8/22; Defendants' reply filed 8/22/22.

FTC v. FIRST AMERICAN PAYMENT SYSTEMS, LP, No. 4:22-cv-654 (E.D. Tex.)

Parties: First American Payment Systems, LP
Think Point Financial, LLC
Elliot Management Group, LLC

Assigned Attorneys; Jason Clark Moon (SWRO)

Alleged Conduct: Deceptive and unfair acts or practices in violation of Section 5(a) of the Federal Trade Commission Act and the Restore Online Shoppers' Confidence Act, in conjunction with the sale of payment processing services.

Status: Complaint filed 7/29/22.

Joint motion for settlement to enter stipulated order for permanent injunction and monetary judgment filed 10/26/22.

FTC v. FLEETCOR TECHNOLOGIES, INC., No. 1:19-cv-05727 (N.D. Ga.)

Parties: FleetCor Technologies, Inc.
Ronald Clarke

Assigned Attorneys: Brittany Frassetto (BCP/FP)
Greg Madden

Alleged Conduct: Deceptive and unfair acts or practices in violation of Section 5(a) of the FTC Act in connection with the advertising, marketing, and offering of commercial fuel card products.

Status: Complaint filed 12/20/19.
Commission motion for summary judgment filed 4/16/21; Defendants' cross motion for partial summary judgment and opposition to Commission's motion filed 5/16/21; Commission response filed 6/18/21.
Commission motion to stay pending resolution of administrative litigation or dismiss without prejudice filed 8/13/21; Defendants' response filed 8/27/21; Commission reply filed 9/10/21; motion denied 2/7/22.
Order granting Commission's motion for summary judgment entered 8/9/22.
Commission's motion to enter permanent injunction filed 12/19/22.

FTC v. F&G INTERNATIONAL GROUP HOLDINGS, LLC., No. 6:20-cv-73 (S.D. Ga.)

Parties: F&G International Group Holdings, LLC.
FG International, LLC.
J. Glenn Davis

Assigned Attorneys: Anna Burns (SER)
Brian Martin Welke (BCP/ENF)
Philip Brown
Alejandro Rosenberg

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with false or unsubstantiated R-value claims about their architectural coating products.

Status: Complaint filed 7/28/20.
Commission motion for sanctions for spoliation filed 2/24/21; Defendants' response filed 3/12/21; Commission reply filed 3/26/21.

Commission's motion for summary judgment against all Defendants filed 10/5/2021; Defendants' opposition filed 10/26/21; Commission's reply filed 11/9/21.
Defendants' motion to dismiss or, in the alternative, motion for summary judgment on FTC's claims for equitable monetary relief filed 10/15/2021; Commission's opposition filed 10/20/21; defendants' reply filed 11/9/21.
Order granting Commission's motion for summary judgment entered 8/19/22.

FTC v. HEWITT, No. 21-56037 (9th Cir.); No. 2:09-cv-04719 (C.D. Cal.)

Parties: John Beck Amazing Profits, LLC, *et al.*
Gary Hewitt

Assigned Attorneys: Matthew Hoffman (OGC)

Alleged Conduct: Violations of the FTC Act and the Telemarketing Sales Rule regarding sales and marketing of get rich quick schemes.

Status: Complaint filed 6/30/09.
Final order granting permanent injunction and other equitable relief entered 8/23/12; affirmed on appeal 3/3/16.
Motion by Gary Hewitt to vacate monetary portion of the judgment in light of *AMG* filed 5/24/21; FTC's opposition filed 6/7/21; reply filed 6/14/21; order denying motion to vacate entered 8/19/21; notice of appeal filed 9/17/21.
Hewitt's opening brief filed 3/28/21; FTC's brief filed 6/27/22; Hewitt's reply brief filed 10/25/22.
Oral argument scheduled for 2/16/23.

FTC v. GOLDEN SUNRISE NUTRACEUTICAL, INC., No. 1:20-cv-01060 (E.D. Cal.)

Parties: Golden Sunrise Nutraceutical, Inc.
Golden Sunrise Pharmaceutical, Inc.
Huu Tieu
Stephen Meis

Assigned Attorneys: Edward Hynes (SWR)
Reid Tepfer

Alleged Conduct: Deceptive acts and practices in violation of Sections 5(a) and 12 of the FTC Act in connection with the marketing and sale of purported COVID-19, cancer, and Parkinson's disease treatments.

Status: Complaint filed 07/30/20.

TRO entered 08/05/20.
Stipulated preliminary injunctions entered 08/27/20.
Stipulated order for permanent injunction and monetary judgment as to Defendant Stephen Meis entered 6/11/21.
Motion for summary judgment as to defendants Golden Sunrise Nutraceutical, Inc., Golden Sunrise Pharmaceutical, Inc., and Huu Tieu filed 10/1/21.
Motion to self-represent by Huu Tieu on behalf of himself, Golden Sunrise Nutraceutical, and Golden Sunrise Pharmaceutical filed 6/21/22; motion denied 6/23/22.
Opposition to FTC's summary judgment motion by Huu Tieu filed 11/03/22; order striking opposition as untimely entered 12/14/22.

FTC v. GREEN EQUITABLE SOLUTIONS, No. 2:22-cv-6499 (C.D. Cal.)

Parties: Green Equitable Solutions, dba Academy Home Services
South West Consulting Enterprises, Inc.
Apex Consulting and Associates, dba Golden Home Services
Infocom Entertainment LTD, Inc., dba Amstar Service Group
Dominic Ahiga
Roger Scott Dyer
Equity Relief Funding, Inc.
Advent Consulting, Inc.
Armando Solis Barron
Michael Robin Nabati
MostCap Enterprises Corp.
ROES 1-10

Assigned Attorneys: Miles D. Freeman (WRO)
Taylor Steinbacher
Carla Lyn Cheung
Karina Ann Layugan
Louis Thomas Laverone

Alleged Conduct: Violations of Sections 5 of the FTC Act, the Credit Card Act, the Telemarketing Act, MARS Rule, and the Telemarketing Sales Rule, in connection with deceptive advertising for the sale of mortgage assistance relief services.

Status: Complaint filed 9/12/22.

Preliminary injunction with asset freeze entered 9/29/22.
Amended complaint filed 10/28/22.

FTC v. HARRIS ORIGINALS OF NY, INC., No. 2:22-cv-4260 (E.D. NY)

Parties: Harris Originals of NY, Inc.
Consumer Adjustment Corp., USA
Consumer Adjustment Corp.
800 Prime Place Properties, LLC
States of New York, Connecticut, Delaware, Florida, Georgia, Idaho,
Illinois, Iowa, Kansas, Louisiana, Maryland, Nevada, North
Carolina, Washington, California (co-plaintiffs)

Assigned Attorneys: Amy Teng (NWRO)
Carole Reynolds

Alleged Conduct: Violations of the FTC Act, TILA, EFTA, and state statutes in connection
with practice of deceptively and unilaterally adding protection plans to
customers' retail installment sales contracts perpetrated by sellers of
military themed gifts and jewelry to active and reserve military members.

Status: Complaint filed 7/20/22.
Stipulated order for permanent injunction, monetary judgment and other
relief entered 7/21/22.

FTC v. HORNBEAM SPECIAL SITUATIONS, LLC, No. 1:17-cv-03094 (N.D. Ga.)

Parties: Hornbeam Special Situations, LLC
Cardinal Points Holdings, LLC
Cardinal Points Management, LLC d/b/a Clear Compass Digital Group
Gyroscope Management Holdings, LLC
EDebitPay, LLC
Platinum Online Group, LLC d/b/a Premier Membership Clubs
Clickxchange Media, LLC
iStream Financial Services, Inc.
Jerry L. Robinson
Earl G. Robinson
James McCarter
Keith Merrill
Mark Ward
Dale Paul Cleveland
William R. Wilson
Kris Axberg
Richard Joachim
Chet Andrews
Patricia Brandmeier Robinson [executor of estate of Jerry L. Robinson]

Assigned Attorneys: Korin Felix (BCP/ENF)
Omolara Joseney
Reenah L. Kim
Hong Park

Amanda C. Basta
Kimberly L. Nelson
Anna M. Burns
Phillip Z. Brown

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, Section 4 of Restore Online Shoppers' Confidence Act, and the FTC's Telemarketing Sales Rule in connection with the marketing of various products or services, including memberships in online discount clubs, to consumers seeking payday, cash advance, or other subprime loans.

Status: Complaint filed 8/15/17.
Consent motion to stay case for 90 days as to defendant Keith Merrill filed 10/6/17; order granting stay entered 10/11/17.
Consent motion to stay case and suspend filing obligations upon the death of defendant Jerry L. Robinson filed 11/15/17; order granting consent motion entered 11/21/17.
Motions to dismiss by defendants Mark Ward, Dale Paul Cleveland, EDebitPay, LLC, William Wilson, Kris Axberg, Richard Joachim, iStream Financial Services, Inc, and Earl Robinson filed 2/9/18; response in opposition 2/23/18; opinion and order denying motion entered 4/16/18.
Motion to dismiss by defendant by Patricia Brandmeier Robinson filed 3/22/18; response in opposition 4/5/18; order denying motion entered 4/16/18.
Motion to dismiss complaint for lack of subject matter jurisdiction by defendants Chet Andrews, Kris Axberg, Dale Paul Cleveland, EDebitPay,LLC, Richard Joachim, James McCarter, Earl G. Robinson, Patricia Brandmeier Robinson, Mark Ward, William R. Wilson, iStream Financial Services, Inc. filed 4/20/18; Commission's opposition filed 5/4/18; reply filed 5/11/18; order denying motion, but ordering supplemental briefing on part of the court's 4/16/18 opinion, entered 7/11/18.
Defendants' response to court's 7/11/18 request for supplemental briefing filed 7/23/18; Commission's response to court's request filed 7/30/18.
Order vacating part of court's 4/16/18 opinion and granting Commission leave to file an amended complaint entered 10/15/18.
Amended complaint filed 11/5/18.
Motions to dismiss for failure to state a claim by defendants iStream Financial Services, Inc, Chet Andrews, Patricia Brandmeier Robinson, Dale Paul Cleveland, EDebitPay, LLC, William Wilson, James McCarter, Mark Ward, and Earl Robinson filed 11/15/18; Commission's opposition filed 12/13/18; defendants' reply filed 2/8/19; order denying motions to dismiss entered 2/12/19.
Order granting Defendants' request for leave to file an interlocutory

appeal entered 7/24/19.
Order of 11th Circuit denying petition to appeal entered 11/20/19.
Defendants' motion to stay pending the Supreme Court's decision in *AMG Capital Mgmt., LLC v. FTC* filed 7/20/20; Commission's opposition filed 8/3/20; defendants' reply filed 8/10/20; order denying motion to stay entered 9/10/20.
Commission motions for summary judgment as to Defendants EDebitPay LLC, Dale Paul Cleveland, William Wilson, Earl Robinson, Patricia Brandmeier Robinson, James McCarter, Mark Ward, iStream Financial Services Inc., Kris Axberg, Richard Joachim, and Guadalupe Andrews filed 2/8/21; Defendants' oppositions filed 4/8/21; Commission replies filed 5/20/21.
Motion for summary judgment by Defendants Kris Axberg, Richard Joachim, and iStream Financial Services, Inc. filed 6/17/21.
Pending motions for summary judgment terminated without prejudice 6/21/21.
Cross-motions for summary judgment by Commission and Defendants filed 8/10/21; oppositions filed 10/29/21; replies filed 12/3/21; opposition by defendant Earl G. Robinson filed 12/13/21.
Unopposed motion to stay resolution of motions as to defendants iStream Financial Services, Inc., Kris Axberg, and Richard Joachim pending finalization of settlement filed 12/15/21.
Stipulated permanent injunction and monetary relief as to defendants iStream Financial Services, Kris Axberg, and Richard Joachim entered 2/24/22.
Motion to dismiss Guadalupe Andrews on behalf of estate of defendant Chet Andrews filed 3/9/22; Commission's opposition brief filed 3/23/22; reply filed 4/6/22; order finding motion moot entered 6/23/22.
Order denying Commission's motions for summary judgment, granting in part and denying in part motion for summary judgment by defendants EDebit Pay, Dale Cleveland and William Wilson, and orders denying other motions for summary judgment, entered 3/28/22.
Stipulated orders resolving claims against estates of defendants Jerry Robinson and Chet Andrews entered 6/22/22.

FTC v. HUMAN RESOURCE DEVELOPMENT SERVICES, No. 1:22-cv-1919 (N.D. Ill.)

Parties: Human Resource Development Services Inc, d/b/a Saint James School of
Medicine and HRDS.
Delta Financial Solutions Inc.
Kaushik Guha

Assigned Attorneys: Quinn Martin (BCP/FP)
Michele Grajales

James Davis (MWR)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a), the Telemarketing Sales Rules (TSR), the Trade Regulation Rule Concerning Preservation of Consumers' Claims and Defenses ("Holder Rule"), and the Trade Regulation Rule Concerning Credit Practices in the marketing of a for-profit medical school's medical license test pass rate and residency matches.

Status: Complaint filed 4/14/22.
Stipulated order for permanent injunction and monetary judgment entered 4/15/22.

FTC v. LAKE, Nos. 8:22-cv-003, 8:15-cv-00585 (C.D. Cal.)

Parties: Dennis Edward Lake

Assigned Attorneys: Mark Hegedus (OGC)

Alleged Conduct: Deceptive practices in violation of Section 5(a) of the FTC Act, the Mortgage Assistance Relief Services Rule, and the Telemarketing Sales Rule in connection with the marketing and sale of mortgage assistance relief services.

Status: Complaint filed 4/14/15.
Amended final monetary judgment and permanent injunction against Denny Lake entered 3/22/16.
Bankruptcy petition by lake to discharge judgment debt filed 11/13/17.
Adversary complaint by FTC seeking order that judgment debt is nondischargeable filed 2/9/18; bankruptcy court order denying FTC motion for summary judgment on nondischargeability entered 4/22/21; order dismissing FTC adversary complaint entered 2/22/22.
FTC notice of appeal to district court filed 3/8/22.
FTC's opening brief filed 5/16/22; Lake's responding brief filed 6/16/22; FTC's reply brief filed 6/30/22.
Order reversing bankruptcy court and remanding with instructions to enter judgment in favor of the FTC entered 12/12/22.

FTC v. KOCHAVA, INC., 2:22-cv-00377 (D. Idaho)

Parties: Kochava, Inc.

Assigned Attorneys: James Harlow (DOJ)
Kate Talmor
Michael Andrew Zee

Brian Shull (DPIP)
Julia Horwitz
Elizabeth Scott

Alleged Conduct: Unfair practices in violation of Section 5(a) of the FTC Act in connection with data broker's sale of geolocation data that reveal consumers' visits to sensitive locations.

Status: Complaint filed 8/29/22.
Motion to dismiss for failure to state a claim filed 10/28/22; FTC's opposition filed 11/18/22; Kochava's reply filed 12/02/22.

FTC v. MAIL TREE INC., No. 0:15-cv-61034 (S.D. Fla.)

Parties: Awards Research Consultant, LLC
John Leon
MCP Marketing Activities, LLC d/b/a Magellan Mail and Magellan Marketing
Mail Tree Inc.
Mailpro Americas Corp.
Masterpiece Marketing, LLC d/b/a Affiliated Opportunities Group
d/b/a Corporate Accounting Authority d/b/a Dispatch Notifications Services d/b/a Information Reporting Group d/b/a Priority Information Exchange
Michael McKay Co.
Matthew Pisoni
Serena Pisoni
Marcus Pradel
Victor Ramirez
Romeria Global, LLC d/b/a Lowenstein Varick and Nagel
Spin Mail, Inc.
Supreme Media, LLC
Trans National Concepts, Inc.
Vernier Holdings, Inc.

Assigned Attorneys: Guy Ward (MWR)
Douglas McKenney

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with sweepstakes scam.

Status: Complaint filed 5/18/15.
Ex parte TRO entered 5/19/15.
Preliminary injunction against all defendants except Marcus Pradel and Trans National Concepts entered 6/12/15.
Stipulated preliminary injunction as to defendants Marcus Pradel and

Trans National Concepts entered 6/12/15.
Order staying case entered 6/12/15.
Unopposed motion for specific relief from asset freeze filed 10/4/19; order granting motion entered 10/7/19.
Commission status report on status of criminal case filed 3/1/21.
Unopposed motion for specific relief from asset freeze filed 5/4/22; order granting motion entered 5/9/22.
Commission status report on criminal case filed 12/20/22.

FTC v. META PLATFORMS, INC., No. 1:20-cv-3590 (D.D.C.)

Parties: Meta Platforms, Inc., f/k/a Facebook, Inc.

Assigned Attorneys: Daniel John Matheson (BC/Office of the Director)
Susan Musser
Jessica Moy
Nathan Brenner
Krisha Cerilli (BC/TED)
Maria DiMoscato
Ario Fazli
Erin Frake
Patricia Galvan
Melissa Ihnat
Gary London, Jr.
Justin Lorber
Owen Masters
Noel Miller
Njeri Mugure
David Owyang
Stephen Pearson
Mark Silvia
Tim Slattery
Michael Smith
Jennifer Tarr
Peter Taylor
Oren Vitenson
Rebecca Weinstein
Robert Zuver, Jr.
Sylvia Zhang
Karen Goff (BC/WRO)
Christopher Harris (BC/M4)
Anusha Sunkara
Albert Teng
Stuart Hirschfeld (BC/NWRO)
Danica Noble
Michelle White (BCP/FP)

Nicholas Widnell (BC/M1)

Alleged Conduct: Unfair methods of competition in violation of Section 5 of the FTC Act in connection with the illegal maintenance of a personal social networking monopoly through a years-long course of anticompetitive conduct including the acquisition of rivals.

Status: Complaint filed 12/9/20.
Facebook motion to dismiss filed 3/10/21; Commission opposition filed 4/7/21; Facebook reply filed 4/21/21; motion granted, order dismissing without prejudice entered 6/28/21.
Amended complaint filed 8/19/21.
Facebook motion to dismiss FTC's amended complaint filed 10/4/21; Commission opposition filed 11/17/21; Facebook reply filed 12/1/21; motion denied 1/11/22.

FTC v. NATIONAL UROLOGICAL GROUP, INC., Nos. 10-125; 19-1445 (S. Ct); Nos. 21-14161, 17-15695, 14-13131, 14-13972, 09-10617 (11th Cir.); 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: Tawana E. Davis (BCP/AP)
Edward Glennon
Mary Johnson

Mariel Goetz (OGC)
Amanda Basta (BCP/ENF)
Evan Mendelson
Cheryl Burris
Stephen Dowdell
Theodore Hoppock
Sydney Knight
Amanda Kostner
Cindy Liebes
Crystal Ostrum
Edwin Rodriguez
Alejandro Rosenberg
Valerie Verduce

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

Status: Complaint filed 11/10/04.
Final judgment entered 12/16/08.
Notice of appeal filed 2/4/09.
Opinion affirming district court order entered 12/15/09.
Petition for rehearing *en banc* filed 1/29/10; order denying petition entered 4/26/10.
Appellant's petition for a writ of certiorari filed 7/23/10; Commission's opposition filed 9/24/10; appellant's petition denied 11/1/10.
Commission's motion to hold defendants Hi-Tech Pharmaceuticals, Stephen Smith and Jared Wright in contempt filed 11/1/11; defendant's opposition filed 12/2/11.
Commission's motion to hold defendant Terrill Mark Wright in contempt filed 3/21/12.
Order to show cause why defendants Wright, Hi-Tech Pharmaceuticals, Stephen Smith, and Jared Wright should not be held in contempt entered 5/11/12; response filed 11/13/12.
Motion for contempt judgment filed 10/22/12; defendants' response filed 2/14/12; Commission's reply brief filed 1/10/13.
Order finding defendants liable for contempt and ordering further proceedings on remedy entered 8/8/13.
Trial on contempt remedies held on 1/21/14 - 1/24/14.
Order holding defendants liable for contempt and directing compensatory sanctions to redress consumers entered 5/14/14.
Defendants' notices of appeal filed 7/11/14 and 7/14/14.
Order by district court imposing coercive contempt sanction and directing that defendants Jared Wheat and Stephen Smith be incarcerated until they comply with product recall entered 9/2/14.
Petition for mandamus by defendants Wheat and Smith seeking to overturn coercive contempt order filed 9/4/14; denied 9/4/14.
Notice of appeal from coercive contempt order and emergency motion for a stay by defendants Wheat and Smith filed 9/4/14; Commission's opposition filed 9/5/14; motion for stay denied 9/5/14; motion to voluntarily dismiss appeal filed 9/8/14; appeal no. 14-13972 dismissed 10/15/14.
Motion to purge contempt defendants of contempt filed 9/26/14; Commission's opposition filed 9/26/14.
Second motion to purge contempt defendants or release contempt defendants pending determination of less restrictive mean to purge contempt filed 10/16/14; Commission's response filed 1/13/15; granted 1/20/15.
Motion to stay execution of judgment pending appeal entered 10/30/14; denied 1/23/15.
Appellants' briefs (No. 14-13131) filed 10/30/14.

Order that the US Marshal's Service release Jared Wheat and Stephen Smith from incarceration entered 11/10/14.
Commission's answering brief (No. 14-13131) filed 1/9/15; appellants' reply briefs filed 2/17/15.
Oral argument in Eleventh Circuit held 4/17/15.
Opinion vacating district court's judgment of contempt and remanding case to district court for further proceedings entered 5/5/15.
Commission's motion for clarification filed 6/4/15; Hi-Tech Pharmaceuticals response filed 6/18/15.
Commission's motion for entry of contempt judgement relating to Hi-Tech Pharmaceuticals, Inc., Jared Wheat, and Stephen Smith's violation of section VI and motion for compensatory sanctions filed 8/20/15; opposition filed 10/9/15; Commission's reply filed 10/26/15; order denying motion with leave to refile entered 11/4/15.
Contempt hearing held 3/27/17 - 4/7/17.
Final judgment against defendants Hi-Tech Pharmaceuticals, Inc., Jared Wheat, and Stephen Smith, and Terrill Mark Wright entered 10/31/17.
Defendants Hi-Tech Pharmaceuticals, Inc., Stephen Smith and Jared Wheat's notice of appeal filed 12/21/17; appellants' briefs filed 3/30/18; Commission's answering brief filed 6/14/18; reply briefs filed 7/30/18.
Oral argument held 7/26/19.
Opinion affirming district court judgment entered 9/18/19.
Appellants' petition for rehearing en banc filed 11/1/19; denied 1/29/20.
Appellant Hi-Tech Pharmaceuticals' petition for writ of certiorari filed 6/26/20; certiorari denied 11/2/20.
Motion for relief from judgment by Defendants Hi-Tech Pharmaceuticals, Inc. and Jared Wheat filed 5/13/21; Commission's opposition filed 5/26/21; Defendants' reply filed 6/9/21; motion denied 9/30/21.
Notice of appeal filed by Hi-Tech Pharmaceuticals, Stephen Smith, and Jared Wheat filed 11/22/21.
Appellants' opening brief filed 3/4/22; Commission's brief filed 5/4/22; appellants' reply brief filed 6/24/22.

FTC v. NEORA LLC, No. 3:19-cv-19699 (D. N.J.); No. 3:20-cv-01979 (N.D. Tex.)

Parties: Neora LLC, f/k/a Nerium International, LLC
Jeffrey Olson
Signum Biosciences, Inc.
Signum Nutralogix

Assigned Attorneys: Guy Ward (MWR)
Katharine Roller
Lisa Bohl

Douglas McKenney
Christine Carson

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) and 12 of the FTC Act in connection with advertising, promoting, and distributing a nutritional supplement.

Status: Complaint filed 11/1/19.
Stipulated order for permanent injunction as to Defendants Signum Biosciences Inc. and Signum Nutralogix entered 11/15/19.
Defendants Neroa LLC and Jeffrey Olson's motion to dismiss filed 12/11/19; Commission's opposition filed 12/23/19; defendants reply filed 12/30/19.
Order granting defendants' motion to transfer case to the U.S. District Court for the Northern District of Texas entered 7/27/20.
Defendants Neora LLC and Jeffrey Olson's motion for judgment on the pleadings filed 5/17/21; Commission response filed 6/7/21; Defendant's response filed 6/21/21.
Order granting defendants' motion for judgment on the pleadings with respect to FTC's claim for monetary relief, but denied in all other respects, entered 8/2/21.
Commission's motion for judgment on the pleadings on all affirmative defenses filed 5/3/22; Neora's opposition filed 5/24/22; Commission's reply filed 6/1/22; order granting Commission's motion entered 8/8/22.
Cross-motions for summary judgment filed 7/13/22; oppositions filed 8/13/22; order denying motions as moot entered 9/29/22.
Trial held 10/17/22 to 10/25/22.
Parties' post-trial briefs filed 11/24/22.

FTC v. NETFORCE SEMINARS, No. 2:00-cv-02260 (D. Ariz.)

Parties: Netforce Seminars
Scott Harris
Thomas Socca
J.D. Noland
Richard Slaback
Darin Epps
Edward Lamont

Associated Attorneys: Evan Mendelson (BCP/ENF)
Jonathan Ware
Sarah Waldrop
James H. Davis

Alleged Conduct: Contempt action for violations of a 2002 permanent injunction in connection with a pyramid scheme.

Status: Stipulated final judgment and order for permanent injunction against J.D. Noland entered 7/2/02.
Motion for an order to show cause why James D. Noland, Jr., Success by Media Holdings Inc., and Success by Media LLC should not be held in contempt filed 1/17/20; Defendant J.D. Nolan response filed 2/20/20; Commission's reply filed 2/27/20.
Motion for order to show cause why Scott Harris and Thomas Sacca should not be held in contempt filed 4/10/20; Defendants' responses filed 6/15/20; Commission's reply filed 6/22/20.
Order granting motions to show cause in part and denying in part (court will address FTC's request for civil contempt sanctions after it resolves FTC's request for a permanent injunction in *FTC v. Noland*) entered 7/6/20.
Commission motion for sanctions for contempt against Defendants James D. Noland Jr., Scott Harris, Thomas Sacca, Success by Media, LLC, and Success by Media Holdings Inc. filed 6/23/21.
Contempt motion against the FTC by contempt defendants filed 2/24/22; Commission's opposition filed 3/10/22; contempt defendants' reply filed 3/16/22; motion denied 3/28/22.
Order denying without prejudice Commission's motion for contempt sanctions entered 3/22/22; motion for reconsideration denied 3/30/22.
Case consolidated with *FTC v. James Noland*, No. 2:20-cv-00047 (lead action), on 7/26/22.

FTC v. JAMES NOLAND, Nos. 21-15767, 21-16679 (9th Cir.); No. 2:20-cv-00047 (D. Ariz.)

Parties: James D. Noland, Jr.
Lina Noland
Scott A. Harris
Thomas G. Sacca, Jr.
Success by Media Holdings Incorporated Success by Media d/b/a Success by Health
Success by Media, LLC, d/b/a Success by Health
Thomas G. Sacca

Assigned Attorneys: Evan Michael Mendelson (BCP/ENF)
Jonathan Wesley Ware
Sarah Waldrop
Mark Hegedus (OGC)
Imad Abyad

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Merchandise Rule, and the Cooling-Off Rule, in connection with a pyramid scheme.

Status: Complaint filed 1/8/20.
TRO with asset freeze entered 1/8/20.
Amended complaint for permanent injunction filed 1/17/20.
TRO as to Thomas G. Sacca entered 1/17/20.
Preliminary injunction hearing held 2/12/20.
Preliminary injunction entered 2/27/20.
Defendants' motion to dismiss case or compel joinder of parties filed 7/28/20; Commission's opposition filed 7/31/20; reply filed 8/7/20; order denying motion entered 9/21/20.
Defendants' motion to dissolve or modify the preliminary injunction filed 9/7/20; Commission's opposition filed 9/21/20; reply filed 9/28/20; order denying motion entered 10/27/20.
Defendants' motion to stay pending the Supreme Court's decisions in *Credit Bureau Center* and *AMG Capital Mgmt* filed 10/21/20; Commission's opposition filed 11/4/20; reply filed 11/12/20; order denying stay entered 12/3/20.
Motion for sanctions against individual defendants for intentional spoliation of evidence filed 1/28/21; Defendants' opposition filed 2/19/21; Commission's reply filed 2/25/21.
Motion for summary judgment as to liability filed 3/12/21; Defendants' opposition filed 5/3/21; Commission's reply filed 6/28/21.
Order denying motion to intervene by Success by Health affiliates entered 4/1/21; notice of appeal by would-be intervenors filed 4/19/21; appellants' motion for voluntary dismissal of appeal granted 7/23/21.
Motion for preliminary injunction with asset freeze and receivership filed 5/18/21; Defendants' opposition filed 6/11/21; Commission's reply filed 6/16/21.
Commission's motion for summary judgment as to monetary remedies filed 6/23/21; defendants' opposition filed 8/6/21; Commission's reply filed 8/16/21.
Motion to dissolve the preliminary injunction order and stay or dismiss 13(b) proceedings by individual defendants filed 7/30/21; Commission's opposition filed 8/6/21; defendants' reply filed 8/13/21.
FTC motion for sanctions for intentional spoliation of evidence granted 8/30/21.
Order granting FTC's motion for summary judgment on liability entered 9/9/21.
Order granting FTC motion for preliminary injunction with asset freeze and receivership, and denying individual defendants' motion to

dissolve preliminary injunction and stay or dismiss 13(b) proceedings, entered 9/23/21.
Notice of appeal of preliminary injunction order and denial of motion to dismiss by individual defendants filed 10/8/21.
Order denying FTC motion for summary judgment on remedies entered 11/23/21.
Motion for voluntary dismissal of appeal granted 12/14/21.
FTC's motion to apply summary judgment on liability order to corporate defendants filed 1/31/22; defendants' opposition filed 2/14/22; denied without prejudice 2/17/22.
Motion to set aside judgment by individual defendants filed 2/22/22; FTC's opposition filed 3/4/22; reply filed 3/10/22; denied 3/28/22.
Case consolidated with *FTC v. Netforce Seminars*, No. 2:00-cv-02260, on 7/26/22.
Bench trial scheduled for 1/25/23.

FTC v. NUDGE LLC, No. 2:19-cv-00867 (D. Utah)

Parties: Nudge LLC
Response Marketing Group, d/b/a 3 Day Real Estate Training, Abundance Edu, LLC, Affluence Edu, LLC, American Money Tour, Cash Flow EDU, Clark EDU, LLC, Edge 2 Real Estate, Evtech Media North, Flip for Life, Flipping For Life, Income Events, Insider's Financial Education, LLC, Leading Financial Education, LLC, Onwealth, Power Flip, Prosper Live, Property Education, LLC, Renovate To Rent, Simple Real Estate Training, Smart Flip, Snap Flip, US Education Advance, Vintage Flip, Visionary Events, Wealth Tribe, Women's Empowerment, Yancey Events, Yancey, LLC, and Your Real Estate Today
BuyPD
Brandon B. Lewis
Ryan C. Poelman
Phillip W. Smith
Shawn L. Finnegan
Clint R. Sanderson
Dean Graziosi
Scott Yancey
Utah Division of Consumer Protection (Co-Plaintiff)

Assigned Attorneys: Darren Lubetzky (NER)
Brian Lasky
Christopher Miller
Savvas Diacosavvas
Karen O'Connell
Laura Zuckerwise
Vikram Jagadish

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, and the Telemarketing Sales Rule in connection with a real estate investment training scheme.

Status: Complaint filed 11/5/19.
Order granting TRO in part entered 12/19/19.
Defendants' motion to dismiss filed 11/19/19; Commission's opposition filed 12/2/19; defendants' reply filed 12/11/19; Commission's sur-reply filed 12/18/19; order denying in part motion to dismiss entered 12/31/19.
Stipulated preliminary injunction entered 12/19/19.
Defendants' motion to stay proceedings pending Supreme Court review of availability of monetary relief under Section 13(b) of the FTC Act filed 12/30/19; Commission's opposition filed 1/13/20; reply filed 1/27/20; motion denied 3/25/20.
Defendants' motion to stay pending the Supreme Court's decisions in *Credit Bureau Center* and *AMG Capital Mgmt* filed 7/20/20; Commission's opposition filed 8/3/20; reply filed 8/17/20.
Amended complaint adding new defendants Dean Graziosi and Scott Yancey filed 11/18/20.
Motion for partial summary judgment by Utah Division of Consumer Protection filed 12/21/20; opposition and cross-motion for partial summary judgment by Defendants BuyPD, Shawn Finnegan, Brandon Lewis, Nudge LLC, Ryan Poelman, Response Marketing Group, Clint Sanderson, and Phillip Smith filed 1/25/21; Utah's reply filed 2/8/21; Defendants' additional reply filed 3/4/21.
Third party complaint in intervention for declaratory relief against all defendants by American Estate and Trust DBO Erryl Sloan IRA, Erryl Sloan, E&R Enterprise, Rosemary Sloan, American Estate and Trust FBO Rosemary Sloan IRA filed 12/22/20.
Motion to dismiss for failure to state a claim by Defendants Dean Graziosi and Scott Yancey filed 1/19/21; Commission opposition filed 2/16/21; Defendants' reply filed 3/2/21.
Motion for partial summary judgment on availability of monetary relief by Defendants BuyPD, Shawn Finnegan, Brandon Lewis, Nudge LLC, Ryan Poelman, Response Marketing Group, Clint Sanderson, and Phillip Smith filed 5/5/21; Commission opposition filed 6/2/21; Defendants' reply filed 6/16/21.
Hearing held on 7/9/21.
Order denying cross-motions for partial summary judgment on Utah's claim entered 7/9/21.
Memorandum decision and order denying motion to dismiss for failure to state a claim entered 7/26/21.
Order granting Defendants' motion for partial summary judgment on monetary relief entered 9/15/21.

Cross-motions for summary judgment filed 10/18/21; oppositions filed 11/23 and 11/24/21; replies filed 12/15/21.

Order granting in part and denying in part both Commission's and defendants' motions for summary judgment entered 6/14/22.

FTC v. PASSPORT AUTOMOTIVE GROUP, INC., No. 8:22-cv-02670-GLS (D. Md.)

Parties: Passport Automotive Group, Inc.
Passport Motorcars, Inc. also d/b/a Passport Nissan of Marlow Heights,
Passport Nissan of Virginia, and Passport Infiniti of Alexandria
Import Motorcars, Inc. also d/b/a Passport Mazda
Autos International, Inc. also d/b/a Passport Infiniti of Suitland
Passport Imports, Inc. also d/b/a Passport Toyota
Passport Motors Holding, Inc. also d/b/a Passport MINI of Montgomery
County
Passport of Alexandria, Inc. also d/b/a Passport MINI of Alexandria
International Motor Cars, Inc. also d/b/a Passport BMW
Everett A. Hellmuth, III
Jay Klein

Assigned Attorneys: Samuel Jacobson (BC/DFP)
Larkin Turner

Alleged Conduct: Deceptive acts and practices in violation of section 5(a) in connection with the defendants' marketing and sale of vehicles; unfair discrimination in violation of section 5(a) in connection with defendants' sale of vehicles; discriminatory lending in violation of the Equal Credit Opportunity Act and Regulation B.

Status: Complaint filed 10/18/22.
Stipulated Order for permanent injunction, monetary judgment, and other relief entered 10/21/22.

FTC et al. v. PEYROUX et al., No. 1:21-cv-3329 (N.D. Ga.)

Parties: Steven D. Peyroux
Brent J. Detelich
Regenerative Medicine Institute of America, LLC
Physicians Business Solutions, LLC
Superior Healthcare, LLC
State of Georgia (Co-Plaintiff)

Assigned Attorneys: Amber Lee (BCP/AP)
Elizabeth Nach
Robert Van Someren Greve
Stacy Noel Cammarano

Cassandra Rasmussen

Alleged Conduct: Deceptive acts and practices in connection with marketing claims about efficacy of stem cell therapy for various orthopedic ailments.

Status: Complaint filed 8/16/21.
Motions for summary judgment due 3/17/23.

FTC v. QUINCY BIOSCIENCE HOLDING CO., INC., No. 17-3745 (2d Cir.); No. 17-3791 (2d Cir.); No. 1:17-cv-00124 (S.D.N.Y.)

Parties: Quincy Bioscience Holding Company, Inc.
Quincy Bioscience, LLC
Prevagen, Inc. d/b/a Sugar River Supplements
Quincy Bioscience Manufacturing, LLC
Mark Underwood
State of New York (Plaintiff)

Assigned Attorneys: Annette Soberats (BCP/AP)
Christine Lee DeLorme
Edward Glennon
Andrew Wone
Bradley D. Grossman (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Sections 5(a) and 12 of the FTC Act, the New York Executive Law, and the New York General Business Law, in connection with the marketing of defendants' purported memory improvement supplement, Prevagen.

Status: Complaint filed 1/9/17.
Motion to dismiss for failure to state a claim filed 4/6/17; Commission's opposition filed 4/25/17; reply filed 5/5/17; order granting motion entered 9/29/17.
Commission's notice of appeal filed 11/21/17.
Commission's opening brief filed 2/28/18; appellees' brief filed 5/30/18; Commission's reply filed 6/13/18; appellees' corrected brief filed 6/15/18; Commission's corrected brief filed 7/17/18.
Oral argument held 2/8/19.
Order vacating the judgment of the District Court and remanding the case for further proceedings entered 2/21/19.
Corporate defendants' supplemental brief on motions to dismiss filed 6/17/19; individual defendants' supplemental brief on motions to dismiss filed 6/18/19; Commission's opposition to corporate defendants' motions filed 7/1/19; Commission's opposition to individual defendants' motions filed 7/2/19.
Order denying motion to dismiss with respect to the validity of the FTC's

quorum and as to claims against individual defendant Mark Underwood but granting motion to dismiss as to the claims against individual defendant Michael Beaman entered 7/24/19.
Order granting in part and denying in part Plaintiffs' motion to strike eight affirmative defenses entered 3/2/20.
Order granting defendants a jury trial entered 4/26/21.
Order dismissing without prejudice the FTC's claim for monetary relief entered 9/17/21.
Defendants' motion for summary judgment filed 4/14/22; Commission's opposition filed 6/18/22; defendants' reply filed 7/11/22.
Order granting Individual Defendant Mark Underwood's motion for partial summary judgment on NY State's claims entered 7/5/22.
Order denying Defendants' motion for summary judgment entered 12/19/22.

FTC v. QYK Brands, LLC, No. 22-55446 (9th Cir.); No. 8:20-cv-1431 (C.D. Cal.)

Parties: QYK Brands, LLC d/b/a Glowwy
DRJSNATURAL, LLC
Theo Pharmaceuticals, Inc.
EASII, Inc.
Rakesh Tammabattula
Jacqueline Nguyen

Assigned Attorneys: Katherine Johnson (BCP/ENF)
Kristy Tillman
Christopher Erickson
Delilah Vinzon (WR-LA)
Mariel Goetz (OGC)

Alleged Conduct: Deceptive acts or practices in violation of Sections 5(a) and 12 of the FTC Act in connection with the sale and marketing of face masks, sanitizer, and other personal protective equipment related to the coronavirus pandemic.

Status: Complaint filed 8/4/20.
Stipulated TRO entered 8/9/20.
Stipulated preliminary injunction entered 8/26/20.
Amended complaint adding new defendants Theo Pharmaceuticals, Inc. and EASII, Inc. filed 5/19/21.
Defendants' motion to dismiss case filed 6/23/21; Commission's opposition filed 11/12/21; defendants' reply filed 11/19/21.
Order denying defendants' motion to dismiss entered 11/30/21.
Motion for summary judgment by the Commission filed 2/15/22; counter-motion for partial summary judgment by defendants filed 2/16/22; oppositions to each motion filed 3/18/22; replies filed 3/25/22.
Minute order granting Commission's motion for summary judgment and

denying defendants' motions for partial summary judgment entered 4/6/22.
Final order for permanent injunction entered 4/22/22.
Defendants' notice of appeal filed 4/29/22.
Defendants' motion for partial stay of injunction pending appeal filed 4/29/22; Commission's opposition filed 6/3/22; reply filed 6/10/22; order by district court denying stay entered 6/21/22.
Appellants' motion to Ninth Circuit for stay pending appeal filed 6/30/22.
Appellants' opening brief filed 7/6/22; FTC answering brief filed 9/28/22; appellants' reply brief filed 11/1/22.
Oral argument scheduled for 3/6/23.

FTC v. RAGINGBULL.COM, LLC, No. 1:20-cv-3538 (D. Md.)

Parties: Ragingbull.com, LLC f/k/a Lighthouse Media, LLC
Jeffrey M. Bishop
Kyle W. Dennis
Jason Bond
MFA Holdings Corp.
Jason Bond, LLC
Winston Corp.
Winston Research, Inc.
Sherwood Ventures, LLC

Assigned Attorneys: Colleen Robbins (BCP/MP)
Emily Sommers
Laura Basford
Thomas Biesty
Sung Kim

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Restore Online Shoppers' Confidence Act in connection with the marketing and sale of online services related to stock and options trading.

Status: Complaint filed 12/7/20.
TRO and order to show cause why a preliminary injunction should not issue entered 12/8/20.
Defendants' response to order to show cause filed 1/13/21; Commission reply filed 1/27/21; hearing held 3/19/21
Amended complaint filed 2/4/21.
Motion to dismiss by Defendants Jason Bond, LLC, and Sherwood Ventures, LLC filed 4/16/21; motion to dismiss for failure to state a claim and strike request for monetary relief by Defendants Kyle W. Dennis, Winston Corp., and Winston Research Inc. filed 4/16/21; Commission opposition filed 5/18/21; Defendant Kyle Dennis's reply filed 6/1/21.

Notice of voluntary dismissal as to Defendants Winston Corp., and Winston Research Inc. filed 5/18/21; order of dismissal entered 5/18/21.

Commission motion to amend complaint filed 6/11/21; Defendant Kyle Dennis's opposition filed 6/25/21; opposition by Jeffrey M. Bishop, Jason Bond, LLC, RagingBull.com, LLC, and Sherwood Ventures, LLC filed 7/02/21; FTC reply filed 7/15/21.

Motion to intervene by Stripe, Inc. filed 12/20/21; Commission's response filed 1/3/22; reply by Stripe filed 1/19/22; order denying motion entered 3/15/22.

Stipulated final order for permanent injunction, monetary judgment, and other relief as to Ragingbull.com, LLC, Sherwood Ventures, LLC, Jason Bond, LLC, Jeffrey M. Bishop and Jason Bond entered 3/15/22.

Second amended complaint filed 3/15/22.

Motion to dismiss by Kyle Dennis filed 4/5/22; Commission's opposition filed 4/19/22; reply filed 5/3/22.

FTC v. RANDO et al., No. 3:22-cv-487 (M.D. Fla.)

Parties: Michael Rando
Valerie Rando
Prosperity Training Technology
Elite Customer Services, LLC
Digital Business Scaling LLC
First Coast Matchmakers Inc.
First Coast Matchmakers LLC
Financial Consulting Management Group LLC
Resource Management Investments, LLC

Assigned Attorneys: Brian Welke (BCP/ENF)
Hong Park
Sana Chaudhry

Alleged Conduct: Deceptive acts or practices in violation of Section 5, the Telemarketing Sales Rules (TSR), the COIVD-19 Consumer Protection Act (CCPA), and multiple provisions of the Business Opportunity Rule (BOR) for falsely promising consumers quick boosts to their credit scores and for misleading them to think they could run their own credit repair companies.

Status: Complaint filed 5/2/22.
TRO with asset freeze entered 5/3/22.
Stipulated preliminary injunction entered 9/27/22.
Joint motion to stay proceedings pending Commission approval of settlement filed 10/12/22; order staying case entered 10/18/22.
Joint motion for permanent injunction filed 12/15/22.

FTC v. ROOMSTER CORP., No. 1:22-cv-7389 (S.D.N.Y.)

Parties: Roomster Corp.
Jonathan Shriber
Roman Zaks
Jonathan Martinez
State of California (co-plaintiff)
State of Colorado (co-plaintiff)
State of Florida (co-plaintiff)
State of Illinois (co-plaintiff)
Commonwealth of Massachusetts (co-plaintiff)
State of New York (co-plaintiff)

Assigned Attorneys: Angeleque Linville (SER)
Valerie Verduce

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with the marketing of rental platform listings.

Status: Complaint filed 8/30/22.
Stipulated permanent injunction as to Defendant Jonathan Martinez, including monetary relief to Plaintiff States, entered 9/6/22.
Defendant's motion to dismiss filed on 10/31/22; FTC and State Plaintiffs' opposition filed 12/5/22; Defendants' reply brief filed 12/21/22.

FTC v. ROSS, No. 22-2078 (4th Cir.); No. 1:08-CV-03233 (D. Md.)

Parties: Innovative Marketing, Inc., *et al.*
Kristy Ross

Assigned Attorneys: Matthew Hoffman (OGC)
Miriam Lederer (BCP/ENF)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 involving computer security software purchases, scans, and advertising.

Status: Complaint filed 12/2/08.
Order for permanent injunction and monetary relief entered 9/24/12; affirmed on appeal 2/25/14; petition for writ of certiorari denied 10/6/14.
Motion by Kristy Ross to vacate monetary portion of the judgment in light of *AMG* filed 9/9/21; Commission's opposition filed 9/22/21; reply by Kristy Ross filed 10/6/21; order denying motion entered 9/14/22; notice of appeal filed 10/12/2222.

Ross's opening brief filed 12/07/23 FTC answering brief due 1/06/23.

FTC v. SIMPLE HEALTH PLANS, LLC, Nos. 19-10840, 19-11932, 21-13116 (11th Cir.), No. 18-cv-62593 (S.D. Fla.)

Parties: Simple Health Plans, LLC
Health Benefits One LLC d/b/a Health Benefits Center d/b/a Simple Health d/b/a Simple Health Plans d/b/a Simple Insurance d/b/a Simple Insurance Plans d/b/a Simple Auto d/b/a Simple Home d/b/a Simple Home Plans d/b/a Simple Care d/b/a Simple Life d/b/a National Dental Savings
Health Center Management LLC
Innovative Customer Care LLC
Simple Insurance Leads LLC d/b/a Health Insurance Services
Senior Benefits One LLC
Steven J. Dorfman

Assigned Attorneys: Elizabeth Scott (MWR)
Purba Mukerjee
Joannie Wei
Roberto Menjivar
Brad Grossman (OGC)
Matthew Hoffman

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and FTC's Telemarketing Sales Rule in connection with the sale and marketing of limited benefit insurance plans and medical discount memberships.

Status: Complaint filed 10/29/18
TRO entered 10/31/18; order extending TRO entered 12/21/18.
Notice of appeal by defendant Steven J. Dorfman as to order on motion for temporary restraining order, order on motion to appoint receiver, order on motions for order to show cause, and order on motion to strike filed 3/4/19.
Order of dismissal from USCA for lack of jurisdiction entered 4/16/19.
Preliminary injunction hearing held 4/16/19.
Preliminary injunction entered 5/14/19.
Notice of appeal of preliminary injunction filed 5/15/19.
Order by district court denying defendants' motion to stay proceedings pending appeal entered 5/31/19.
Order by 11th Circuit denying appellant Steven Dorfman's motion to stay lower court proceedings entered 6/11/19.
Defendant Steven Dorfman's motion to dissolve preliminary injunction filed 6/4/19; Commission's opposition filed 6/17/19.

Appellant Steven Dorfman's opening brief filed 5/24; Commission's brief filed 7/24/19; Dorfman's reply brief filed 8/14/19.
Amended complaint filed 10/31/19.
Motion to dismiss amended complaint filed 12/16/19; Commission's response filed 12/30/19; Dorfman's response filed 1/6/20; motion granted in part 6/15/20.
Eleventh Circuit opinion affirming district court's preliminary injunction against Steven Dorfman entered 2/5/20.
Preliminary injunction as to Candida Girouard entered 4/2/20.
Second amended complaint filed 6/23/20.
Defendants' motion to stay pending the Supreme Court's decisions in *Credit Bureau Center* and *AMG Capital Mgmt* filed 7/10/20; Commission's opposition filed 7/17/20; order denying stay entered 8/3/20.
Motion to dismiss second amended complaint by Steven Dorfman and Candida Girouard filed 7/15/20; Commission's opposition filed 7/29/20; reply filed 8/5/20, order denying motion to dismiss entered 10/19/20.
Commission motion for summary judgment filed 1/15/21; Steven Dorfman's opposition filed 2/12/21; Commission's reply filed 2/16/21.
Defendant Steven Dorfman's motion for summary judgment filed 1/15/21; Commission's opposition filed 2/12/21; Steven Dorfman's reply filed 2/16/21.
Defendant Steven Dorfman's emergency motion to dissolve preliminary injunction filed 4/22/21; Commission opposition filed 4/30/21; Dorfman's reply filed 5/3/21; Commission supplemental brief filed 6/10/21; Dorfman's supplemental brief filed 6/10/21.
Order denying Dorfman's emergency motion to dissolve preliminary injunction entered 9/5/21.
Stipulated order for permanent injunction and suspended monetary judgment as to defendant Candida Girouard entered 9/8/21.
Notice of appeal from order denying motion to dissolve preliminary injunction filed 9/10/21.
Dorfman opening brief filed 11/24/21.
FTC brief filed 1/26/22.
Dorfman reply brief filed 3/18/22.
Argument held on 9/14/22.

FTC v. SUPERGOODDEALS.COM, INC., No. 1:20-cv-3027 (E.D.N.Y.)

Parties: SuperGoodDeals.com, Inc.
Kevin J. Lipsitz
U.S. Attorney's Office, Eastern District of New York (Intervenor)

Assigned Attorneys: Brian Martin Welke (BCP/ENF)

Evan Mendelson
Savvas Socrates Diacosavvas

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with the advertising of facemasks and other personal protective equipment.

Status: Complaint filed 7/8/20.
Unopposed motion by U.S. Attorney's Office to intervene and to stay case during pendency of parallel criminal case filed 9/15/20; motion granted 9/18/20.
Status report by FTC filed 10/26/21 and 4/14/22.
Motion to stay by Kevin J. Lipsitz filed 6/17/22; FTC opposition filed 6/26/22.
Hearing held and order from the bench granting stay entered 6/26/22.
Joint status report filed 10/14/22.

FTC v. SUPERIOR PRODUCTS INTERNATIONAL II, INC., No. 2:20-cv-2366 (D. Kans.)

Parties: Superior Products International II, Inc.
Joseph E. Pitchett

Assigned Attorneys: Adrienne Lighten (BCP/ENF)
Jonathan Ware
Jon Fleenor

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with false or unsubstantiated R-value and energy savings claims about their architectural coating products.

Status: Complaint filed 7/28/20.
Defendants' answer filed 9/28/20.
Commission's motion to strike affirmative defense filed 10/19/20; defendants' response filed 11/2/20; Commission's reply filed 11/16/20; order granting commission's motion to strike defendants' affirmative defense entered 12/18/20.
Commission's notice of change in law and withdrawal of request for equitable monetary relief filed 5/10/21.
Motion for leave to file amended complaint filed 6/22/21; Defendants' response filed 7/6/21; FTC's reply filed 7/20/21; motion granted 8/27/21.
Amended complaint filed 8/30/21.
Cross-motions for summary judgment filed 3/14/22; oppositions filed 4/26/22; replies filed 5/10/22.
Memorandum and order granting in part and denying in part each party's motion for summary judgment entered 9/22/22.

Permanent injunction and limited monetary judgment entered 9/22/22.

FTC v. SURESCRIPTS, LLC, No. 1:19-cv-01080 (D.D.C.)

Parties: Surescripts, LLC

Assigned Attorneys: Bradley Albert (BC/HC)
Markus Meier
David B. Schwartz
Joseph P. Mathias
Tanya O'Neil
Daniel Matheson
Jordy Hur
Timothy Grayson
Nicholas Leefer

Alleged Conduct: Unfair methods of competition in violation of Section 5(a) of the FTC Act, in connection with the defendants' anticompetitive scheme to maintain its monopolies in markets for electronic prescription routing and eligibility.

Status: Complaint filed 4/17/19.
Surescripts' motion to dismiss for lack of jurisdiction filed 7/12/19;
Commission's opposition to motion filed 8/23/19; reply to motion filed 9/13/19; order denying motion to dismiss entered 1/17/20.
Motion to amend order denying Surescripts' motion to dismiss to certify two aspects of the order for interlocutory appeal filed 3/6/20;
Commission's opposition filed 3/27/20; reply filed 4/10/20; motion denied 5/21/20.
Stipulated order dismissing without prejudice the Commission's request for equitable monetary relief entered 5/17/21.
FTC and Surescripts, LLC motions for summary judgment filed 3/28/22; oppositions briefs filed 4/25/22; reply briefs filed 5/16/22.
Oral argument scheduled for 3/16/23.

FTC v. SYNGENTA CROP PROTECTION AG, et al., 1:22-cv-00828 (M.D.N.C.)

Parties: Syngenta Crop Protection AG
Syngenta Corporation
Syngenta Crop Protection, LLC
Corteva, Inc.
State of California (Co-Plaintiff)
State of Colorado (Co-Plaintiff)
State of Illinois (Co-Plaintiff)
State of Indiana (Co-Plaintiff)
State of Iowa (Co-Plaintiff)
State of Minnesota (Co-Plaintiff)

State of Nebraska (Co-Plaintiff)
State of Oregon (Co-Plaintiff)
State of Tennessee (Co-Plaintiff)
State of Texas (Co-Plaintiff)
State of Wisconsin (Co-Plaintiff)
State of Washington (Co-Plaintiff)

Assigned Attorneys: James Weingarten (BC/Office of the Director)
Geoffrey Green (BC/ACP)
Mark Woodward
Joseph Baker
Eric Brooks
Wesley Carson
Elizabeth Gillen
Phillip Kehl
Lauren Patterson
Edward Takashima

Alleged Conduct: Violations of Section 5 of the FTC Act, Section 3 of the Clayton Act, and laws enforced by state plaintiffs through loyalty programs that block competition from manufacturers of low-cost generic agricultural pesticides even after relevant patents have expired.

Status: Complaint filed 9/29/22.
Defendants' motions to dismiss filed 12/12/22.
Amended complaint filed 12/23/22.

FTC v. TRIANGLE MEDIA CORP. No. 22-56012 (9th Cir.); No. 3:18-cv-01388 (S.D. Cal.)

Parties: Triangle Media Corporation, *et al.*
Wells Fargo & Co. (Proposed Intervenor)
Wells Fargo Bank N.A. (Proposed Intervenor)

Assigned Attorneys: Jonathan W. Ware (BCP/ENF)
Matthew Wernz
Rebecca Church
Samantha Gordon
Michael Bergman (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Restore Online Shoppers' Confidence Act, and the Electronic Fund Transfer Act in connection with the marketing of supposedly "free trial" offers for personal care products and dietary supplements online.

Status: Complaint filed 6/25/18; amended complaint filed 12/11/18.
Stipulated orders for permanent injunction and monetary judgment entered

5/29/19.

Motion to intervene and void monetary judgment and receivership in light of *AMG* by Well Fargo filed 11/10/21; oppositions by FTC and Receiver filed 12/20/21; reply filed 1/10/22; order denying intervention entered 9/22/22; notice of appeal filed 10/27/22. Wells Fargo opening brief due 2/6/23; FTC responding brief due 3/8/23; Wells Fargo reply brief due 3/29/23.

FTC v. VONAGE, Case No. 3:22-cv-6435 (D.N.J.)

Parties: Vonage Holdings Corp.; Vonage America LLC, also d/b/a Vonage For Home; Vonage Business, Inc.

Assigned Attorneys: Stephanie Liebner (BCP/DFP)
Angel Reyes

Alleged Conduct: Deceptive acts or practices in violation of Section 5 of the FTC Act and the Restore Online Shoppers' Confidence Act in connection with advertising and selling communication services, including Voice over Internet Protocol ("VoIP") phone services, to residential and small business consumers.

Status: Complaint filed 11/03/22.
Stipulated order and permanent injunction entered 12/10/22.

FTC v. VYERA PHARMACEUTICALS, LLC, No. 22-728 (2d. Cir.); No. 1:20-cv-00706 (S.D.N.Y.)

Parties: Vyera Pharmaceuticals, LLC
Phoenixus AG
Kevin Mulleady
Martin Shkreli
State of New York (Co-Plaintiff)
State of California (Co-Plaintiff)
State of Illinois (Co-Plaintiff)
State of North Carolina (Co-Plaintiff)
State of Ohio (Co-Plaintiff)
Commonwealth of Pennsylvania (Co-Plaintiff)
Commonwealth of Virginia (Co-Plaintiff)

Assigned Attorneys: Markus H. Meier (BC/HC)
Bradley A. Albert
Armine Black
Daniel W. Butrymowicz
Leah Hubinger
Lauren Peay

Neal Perlman
Maren Haneberg
James Weingarten (BC/Office of the Director)
Brad Grossman (OGC)

Alleged Conduct: Violations of Sections 1 and 2 of the Sherman Act and unfair methods of competition in violation of Section 5 of the FTC Act, in connection with scheme to maintain a monopoly for the life-saving drug, Daraprim.

Status: Complaint filed 1/27/20.
Amended complaint adding six state plaintiffs filed 4/14/20.
Defendants' motions to dismiss filed 5/22/20; FTC's opposition to defendants' motions to dismiss filed 7/6/20; defendants' replies filed 7/27/20; order denying the motions to dismiss entered 8/18/20.
Commission letter motion for spoliation sanctions against Defendants filed 5/17/21; defendants' responses filed 5/21/21; order imposing sanctions entered 6/1/21.
Order dismissing Commission's prayer for equitable monetary relief entered 6/2/21.
Stipulated order for permanent injunction and equitable monetary relief against Phoenixus AG, Vyera Pharmaceuticals, LLC, and Kevin Mulledy entered 12/7/21.
Trial against Martin Shkreli held 12/10/21 to 12/22/21.
Opinion and order finding Shkreli liable for federal and state antitrust law violations and ordering him barred for life from the pharmaceutical industry and requiring him to pay \$64.6 million in equitable monetary relief entered 1/14/22.
Order for permanent injunction and equitable monetary relief entered 2/4/22.
Shkreli's notice of appeal filed 4/5/22; Shkreli's appeal brief filed 12/23/22; FTC and states' appellee brief due 3/23/23.

FTC v. YGRENE ENERGY FUND, Inc., No. 2:22-cv-7864 (C.D. Cal.)

Parties: Ygrene Energy Fund, Inc.

Assigned Attorneys: Robert J. Quigley (WRO)
John Jacobs
Karina Ann Layugan

Alleged Conduct: Deceptive acts and practices in violation of Sections 5 of the FTC Act, the Credit Card Act, and the MAP Rule, in conjunction with the marketing and sale of financing for homeowners.

Status: Complaint filed 10/28/22.

Stipulated order for permanent injunction, monetary judgment and other relief entered 11/12/22; amended order entered 11/17/22.

FTC v. ZAAPPAAZ, LLC, No. 4:20-cv-2717 (S.D. Tex.)

Parties: Zaappaaz, LLC
Azim Makanojiya

Assigned Attorneys: Anne Collesano (BCP/ENF)
Adrienne Lighten
Michele Schaefer
James Elliott (SER)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in connection with the failure to deliver on promises to quickly ship products like face masks, sanitizer, and other personal protective equipment related to the coronavirus pandemic.

Status: Complaint filed 8/4/20.
Stipulated preliminary injunction entered 8/8/20.
Cross-motions for summary judgment filed 10/26/22;; FTC opposition to defendants' motion filed 12/02/22; defendants' opposition to Commission's motion filed 12/27/22.

FTC v. ZYCAL BIOCEUTICALS HEALTHCARE COMPANY, INC., No. 4:20-cv-10249 (D. Mass.)

Parties: Zycal Bioceuticals Healthcare Company, Inc.
James J. Scaffidi
Excellent Marketing Results, Inc.
Michael McGahee

Assigned Attorneys: Mary L. Johnson (BCP/AP)
Edwin Rodriguez
Sarah Botha

Alleged Conduct: Deceptive acts or practices in violation of Sections 5(a) and 12 of the FTC Act in connection with the marketing of purported joint pain relief products.

Status: Complaint filed 2/10/20.
Stipulated order for permanent injunction and monetary judgment against Excellent Marketing Results and Michael McGahee entered 2/19/20.
FTC's motion to strike Zycal defendants' affirmative defenses and crossclaim filed 4/30/20; EMR defendants' motion to dismiss

crossclaim for failure to state a claim filed 5/22/20; Zycal defendants' consolidated opposition filed 6/12/20; Commission's reply filed 6/25/20; EMR defendants' reply filed 6/26/20; Zycal defendants' surreply filed 7/2/20; hearing on motions held 11/23/20; order granting in part and denying in part FTC's motion to strike affirmative defenses and crossclaim, and granting EMR defendants' motion to dismiss crossclaim, entered 3/16/21. ZyCal motion for partial judgment on the pleadings filed 5/25/21; FTC's response filed 6/7/21; ZyCal reply filed 6/14/21; FTC's surreply filed 6/24/21; hearing on motion held 9/3/21; order denying Zycal's motion entered 9/3/21. Settlement order of dismissal, subject to reopening within 60 days if settlement is not consummated, entered 12/9/22.

CIVIL PENALTY AND ENFORCEMENT CASES*

(A) Consumer Protection

UNITED STATES v. AXIS LED GROUP, No. 3:22-cv-1389 (N.D. Ohio)

Parties: Axis LED Group, LLC
ALG-Health LLC
Adam J Harmon

Assigned Attorneys: Ellen Bowden McIntyre (DOJ)
Matthew A. Robinson
Brendan F. Barker
Julia Solomon Ensor (BC/ENF)

Alleged Conduct: Violations of Section 5 of the FTC Act, the Made in USA Labeling Rule, the COVID-19 Act, and other deceptive acts and practices surrounding the mislabeling of products as "Made in the USA" and misleading claims relating to personal protective equipment.

Status: Complaint filed 8/5/22.
Stipulated order for permanent injunction, monetary relief and civil penalty entered 9/8/22.

UNITED STATES v. B4B EARTH TEA LLC, No. 1:22-cv-1159 (E.D.N.Y.)

Parties: B4B Earth Tea, LLC
B4B Corp.
Andrew Martin Sinclair

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

Assigned Attorneys: James Nelson (DOJ/CPB)
Zachary Dietert
Michael Blume (DOJ/EDNY)
Michael Shane (FDA)
Robert van Someren Greve (BCP/AP)

Alleged Conduct: Violations of the COVID-19 Consumer Protection Act, and Sections 5 and 12 of the FTC Act, in connection with false or unsubstantiated claims that an herbal tea containing aloe vera and honey treats or prevents COVID-19, is as good or better than available vaccines at treating or preventing the virus, and is clinically proven to treat and prevent COVID-19.

Status: Complaint filed 3/3/22.
Defendant Sinclair's motions to dismiss filed 6/1/22; United States' opposition filed 6/15/22.
Order granting 60-day stay entered 6/30/22.
Joint status report filed 10/28/22.

UNITED STATES OF AMERICA v. BURGERIM GROUP USA, No. 2:22-cv-825 (C.D. Cal.)

Parties: Burgerim Group USA, Inc.
Burgerim Goup, Inc.
Oren Loni

Assigned Attorneys: Marcus Smith (DOJ)
Stephen Tosini

Alleged Conduct: Violations of Section 5 of the FTC Act and the Franchise Rule by enticing consumers to purchase franchises using false promises while withholding information required by the rule.

Status: Complaint filed 2/7/22.
United States' application for clerk to enter default against Burgerim Group USA, Inc. and Burgerim Group, Inc. filed 5/23/22.
Order granting time for service of process and request of default entered 6/13/22.
Clerk entry of default as to Burgerim Group USA, Inc. and Bugerim Group Inc. on 7/14/22.

UNITED STATES OF AMERICA v. CONSUMER LAW PROTECTION, No. 4:22-cv-01243 (E.D. Mo.)

Parties: Consumer Law Protection, LLC
Consumer Rights Counsel
Premier Reservations Group, LLC

Resort Transfer Group, LLC
Square One Development Group, Inc., dba Square One Group
Square One Group, LLC
Timeshare Help Source
Farmington Allegiance, LLC
Mainline Partners, LLC
The Jake and Avery Irrevocable Trust dated September 11, 2019
The Maggie and Lucy Irrevocable Trust dated September 11, 2019
Christopher Carroll
George Reed
LouAnn Reed
Scott Jackson
Eduardo Balderas
State of Wisconsin (co-plaintiff)

Assigned Attorneys: Ellen Bowden McIntyre (DOJ)
Amy Pentz Kaplan
Samantha Denny (MWR)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the FTC's Cooling Off Rule, and state law in connection with the promotion and sale of fraudulent timeshare exit services to seniors.

Status: Complaint filed 11/21/22.

UNITED STATES OF AMERICA v. DAMIANO, No. 0:22-cv-60779 (S.D. Fla)

Parties: Anthony Joseph Damiano
Funeral & Cremation Group of North America, LLC
Legacy Cremation Services, LLC

Assigned Attorneys: Cody Herche (DOJ)
James Weinkle
Wandaly Fernandez Garcia
Katherine Ho
Rebecca Plett (BCP/MP)
Thomas Harris

Alleged Conduct: Violations of Section 5 of the FTC Act and the Commission's Funeral Rule for misrepresenting prices and location of services, illegally threatening and failing to return cremated remains to consumers, and failing to provide required disclosures.

Status: Complaint filed 4/22/22

FTC v. DAY PACER LLC, No. 1:19-cv-01984 (N.D. Ill.)

Parties: Day Pacer LLC, f/k/a College Criteria LLC, d/b/a Edutrek, EdSoup,
Our School Search, College Info and Degree Spots
Edutrek L.L.C. d/b/a EdSoup
Raymond Fitzgerald
Ian Fitzgerald
David Cumming

Assigned Attorneys: Adam Wesolowski (BCP/FP)
Mark Glassman
Patrick Roy
William Joseph Hodor

Alleged Conduct: Violations of the Telemarketing Sales Rule in connection with unsolicited
calls about educational programs to consumers who submitted their
contact information to websites promising help with job searches, public
benefits, and other unrelated programs.

Status: Complaint filed 3/22/19.
Status hearing held 6/10/19.
Order striking two of defendants' affirmative defenses entered 2/28/20.
FTC's motion for summary judgment filed 8/2/21; Defendants' cross-
motions for summary judgment and oppositions to FTC's motion
filed 10/1/21; amended cross-motions and oppositions filed
10/8/21; FTC reply in support of its motion and opposition to
cross-motions filed 12/10/21; Defendants' replies in support of
their cross-motions for summary judgment filed 1/5/22 and 1/7/22.
Notice of death of Defendant David Cumming filed 2/25/22; FTC motion
to substitute personal representative of Cumming's estate filed
4/5/22; personal representative's opposition filed 5/26/22; FTC's
reply in support of motion to substitute filed 6/3/22.

FTC v. DK AUTOMATION, LLC, et al., No. 1:22-cv-23760 (S.D. Fla.)

Parties: DK Automation LLC
AMZ Automation LLC
THATLifeStyleNinja LLC
Proficient Supply LLC
Digital Ninjaz LLC
Zonbase, Inc
Kevin David Hulse
David Shawn Arnett

Assigned Attorneys: Colleen Robbins (BCP/MP)
Sophia Siddiqui

Alleged conduct: Deceptive and unfair acts or practices in violation of Section 5(a) of the FTC Act, Business Opportunity Rule, and the Consumer Review Fairness Act in connection with the marketing and sale of business opportunities.

Status: Complaint filed 11/16/22.
Stipulated order for permanent injunction, monetary judgment and other relief entered 11/18/22.

FTC v. ELITE IT PARTNERS, No. 2:19-cv-00125 (D. Utah)

Parties: Elite IT Partners d/b/a Elite IT Home
James Michael Martinos

Assigned Attorneys: Amanda R. Grier (BCP/MP)
Colleen Robbins
Elsie Kappler

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Telemarketing Sale Rule, and Section 4 of the Restore Online Shoppers' Confidence Act in connection with computer technical support scheme.

Status: Complaint filed 2/25/19.
TRO entered 2/26/19.
Preliminary injunction entered 5/6/19.
Stipulated order for Permanent injunction and monetary judgement entered 12/9/19.
Defendants' motion to vacate monetary judgment in light of *AMG* filed 3/17/22; FTC opposition filed 4/14/22; defendants' reply filed 5/12/22.

UNITED STATES v. EPIC GAMES, No. 5:22-cv-518 (E.D.N.C.)

Parties: Epic Games, Inc.

Assigned Attorneys: Michael Wadden (DOJ/CPB)
Andrew Hasty (BC/DPIP)
James Trilling
Amanda Koulousias

Alleged Conduct: Deceptive acts or practices in violation of Section 5 of the FTC Act and the Children's Online Privacy Protection Act ("COPPA") in connection with collection of personal information from children under 13 who played Fortnite and use of dark patterns to dupe players into making unintentional purchases.

Status: Complaint filed 12/19/22.

Consent motion for entry of stipulated order for permanent injunction and civil penalty judgment filed 12/9/22.

UNITED STATES v. ERIC ANTHONY NEPUTE, No. 4:21-cv-00437 (E.D. Mo.)

Parties: Eric Anthony Nepute
Quickwork LLC d/b/a Wellness Warrior

Assigned Attorneys: Ben Cornfeld (DOJ/CPB)
Brandon Robers
Zachary Cowan
Kristin Williams (BCP/AP)

Alleged Conduct: Violations of the COVID-19 Consumer Protection Act, and Sections 5 and 12 of the FTC Act, in connection with false or unsubstantiated claims that dietary supplements containing vitamin D and zinc treat or prevent COVID-19 and are as good or better than available COVID-19 vaccines at treating or preventing the virus.

Status: Complaint filed 4/15/21.
Stipulated preliminary injunction entered 5/5/21.
Defendant Nepute's motion to dismiss and motion for sanctions filed 6/3/21; United States' opposition filed 6/17/21; Defendant Quickwork's partial joinder of Nepute's motion to dismiss filed 6/18/21; Defendant Nepute reply filed 6/28/21; Defendant Quickwork's partial joinder of Nepute's reply filed 6/28/21.
Motion to dismiss denied 12/8/21.
United States' motion for contempt filed 3/4/22; oppositions by Nepute and Quickwork filed 4/1/22; United States' reply filed 4/15/22.
United States' motion for partial summary judgment filed 9/2/22; opposition by Nepute filed 11/20/22; reply filed 11/23/22.
Defendants' motion for partial summary judgment filed 9/2/22; opposition filed 11/9/22; reply by Nepute filed 11/23/22.
Stipulated order for permanent injunction and civil penalty judgment as to Quickwork entered 11/14/22.

FTC v. GRAVITY DEFYER MEDICAL TECHNOLOGY CORP., No. 1:22-cv-1464 (D.D.C.)

Parties: Gravity Defyer Medical Technology
Alexander Elnekaveh

Assigned Attorneys: Maria Del Monaco (ECR)
Adrienne Jenkins
Dana Barragate
Matthew Scheff

Nature of Action: Violations of a 2001 Commission order and Sections 5(a) and 12 of the FTC Act in connection with deceptive pain-relief claims for Gravity Defyer footwear.

Status: Complaint filed 5/25/22.
Defendants' motion to dismiss filed 7/25/22; FTC opposition filed 8/8/22;
defendants' reply filed 8/15/22.
Order consolidating FTC enforcement case with defendant's declaratory judgment case, No. 1:22-cv-1157 (lead case), entered 8/2/22.

FTC v. MATCH GROUP, INC., No. 3:19-cv-02281 (N.D. Texas)

Parties: Match Group, Inc.
Match Group, LLC, f/k/a Match.com, LLC

Assigned Attorneys: Reid Tepfer (SWR)
Hasan Aijaz
Matthew Wilshire
Sarah Zuckerman
Jack O'Gorman
Erica Hilliard

Alleged Conduct: Deceptive acts and practices in violation of section 5(a) in connection with the defendant's online dating service.

Status: Complaint filed 9/25/19.
Defendant's motion to dismiss for failure to state a claim filed 10/17/19;
Commission's response filed 11/5/19; defendant's reply filed 11/19/19.
Order staying case pending a ruling on Match Group's motion to dismiss entered 4/22/20.
Order staying case pending Supreme Court decision in *FTC v. Credit Bureau Center* entered 10/9/20.
Joint status report on the effects of *AMG* filed 6/7/21.
Order asking for FTC brief clarifying "equitable relief" that is sought for Counts I and II in the complaint entered 12/16/21.
FTC brief clarifying equitable relief sought filed 12/27/21.
Order denying in part and granting in part motion to dismiss entered 3/24/22.
Amended complaint filed 7/19/22.
Motion to dismiss by Match Group LLC filed 8/12/22; FTC response file 8/23; order granting as to Counts 1 and 2 entered 8/24/22.

FTC v. PRECISION PATIENT OUTCOMES, INC., No. 3:22-cv-07307-AGT (N.D. Cal.)

Parties: Precision Patient Outcomes, Inc.

Margrett Priest Lewis

Assigned Attorneys: Abdiel Lewis (BCP/WRSF)
Evan Rose

Alleged Conduct: Violations of Section 5 of the FTC Act and the COVID-19 Consumer Protection Act in connection with false or unsubstantiated claims that dietary supplement could treat or prevent COVID-19 or increase the efficacy of vaccines.

Status: Complaint filed 11/18/22.

FTC v. RCG ADVANCES LLC, No. 1:20-cv-04432 (S.D.N.Y.)

Parties: RCG Advances, LLC, f/k/a Richmond Capital Group LLC, d/b/a Viceroy
Capital Funding and Ram Capital Funding
Ram Capital Funding LLC
Robert L. Giardina
Tzvi Reich
Jonathan Braun

Assigned Attorneys: Gregory Ashe (BCP/FP)
Julia Heald
Elizabeth Kwok

Alleged Conduct: Unfair and deceptive acts or practices in violation of Section 5(a) of the FTC Act and the Gramm-Leach-Bliley Act in connection with the marketing, offering, and collecting of small business financing.

Status: Complaint filed 6/10/20.
Ram Capital Funding, LLC and Tzvi Reich's motion to dismiss filed 8/10/20; motion denied 8/13/20.
Robert L. Giardina's motion to dismiss filed 8/21/20; motion denied 10/30/20.
First amended complaint for civil penalties, permanent injunction, monetary relief, and other relief filed 6/10/21.
FTC motion to strike affirmative defenses filed 7/8/21; Defendants' opposition filed 8/6/21; court denied motion 8/18/21.
Order granting consent motion to stay case for 120 days to consider settlement agreement as to Defendants Ram Capital Funding LLC and Tzvi Reich entered 10/5/21.
Stipulated motion to stay case to consider settlement as to Defendants Ram Capital Funding LLC and Tzvi Reich filed 10/5/21.
Stipulated permanent injunction and monetary judgment as to Defendants Ram Capital Funding LLC and Tzvi Reich entered 1/4/22.

Stipulated motion to stay case to consider settlement as to Defendants RCG Advances and Robert Giardina filed 4/6/22.

FTC motion for summary judgment against Defendant Jonathan Braun filed 4/8/22; Braun opposition filed 5/15/22; FTC reply filed 6/3/22.

Stipulated permanent injunction and monetary judgment as to Defendants RCG Advances and Robert Giardina entered 6/2/22.

FTC v. ROMERO, No. 5:21-cv-343 (M.D. Fla.)

Parties: Frank Romero d/b/a Trend Deploy

Assigned Attorneys: Michael Mora (BCP/ENF)
Christopher Erickson

Alleged Conduct: Violations of Sections 5(a) and 12 of the FTC Act, the Mail Order Rule, and the COVID-19 Consumer Protection Act in connection with the marketing and sale of personal protective equipment during the COVID-19 pandemic.

Status: Complaint filed 6/29/21.
Motion to dismiss complaint by Frank Romero filed 8/30/21; FTC opposition filed 9/20/21; Romero's reply filed 10/19/21.
Motion to stay by Frank Romero 3/04/22; FTC's opposition filed 3/18/22; order denying defendants' motion to stay entered 4/26/22.
Order denying motion to dismiss entered 6/29/22.
Commission motion for summary judgment filed 9/02/22; defendant's opposition filed 10/7/22; FTC reply filed 10/28/22.

FTC v. SAN JUAN IPA, No. 1:22-cv-02961 (D.D.C.)

Parties: San Juan IPA, Inc.

Assigned Attorneys: Kenneth Libby (BC/Compliance)

Alleged Conduct: Violations of a 2005 Commission order that prohibited participation in or facilitation of agreement among independent physicians on price-related terms in negotiations with payors.

Status: Complaint filed 9/30/22.
Stipulating final judgment and order for permanent injunction and civil penalty entered 11/30/22.

UNITED STATES OF AMERICA v. TURBO SOLUTIONS INC. et al., 4:22-mc-369 (S.D. Tex.)

Parties: Turbo Solutions Inc., f/k/a Alex Miller Financial Services Inc., d/b/a Alex
Miller Credit Repair
Alexander V. Miller

Assigned Attorneys: Daniel Hu (DOJ)
Marcus Smith
Stephen Tosini
Gregory Ashe (BCP/FP)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the
Telemarketing Sales Rule (TSR), and the Credit Repair Organization Act
("CROA") for inducing consumers to purchase the defendants' credit
repair services.

Status: Complaint filed 3/1/22.
Ex parte TRO entered 3/4/22.
Preliminary injunction entered 3/18/22.
Motion to dismiss by defendants filed 5/15/22; United States opposition
filed 6/6/22; reply filed 6/16/22; order denying motion to dismiss
entered 1/3/23.

FTC v. WALMART, No. 1:22-cv-03372 (D.D.C)

Parties: Walmart Inc.

Assigned Attorneys: Karen Dodge (MWR)
Matthew Schiltz
Rachel Sifuentes

Alleged conduct: Violations of Section 5(a) of the FTC Act, the Telemarketing Sales Rule
(TSR), and the Telemarketing Sales Act for allowing its money transfer
services to be used fraudulently and consequently deceive consumers out
of hundreds of millions of dollars.

Status: Complaint filed 6/28/22.
Walmart's motion to dismiss for failure to state a claim filed 8/29/22;
FTC's opposition filed 10/05/22; Walmart's reply filed 10/28/22.

UNITED STATES v. XLEAR, INC., No. 2:21-cv-00640-RJS (D. Utah)

Parties: Xlear, Inc.
Nathan Jones

Assigned Attorneys: Noah Katzen (DOJ/CPB)
Alison Crovetto
Keith Fentonmiller (BCP/AP)

Courtney Estep

Alleged Conduct: Violations of the COVID-19 Consumer Protection Act and Sections 5 and 12 of the FTC Act in connection with false or unsubstantiated claims that Xlear nasal spray treats or prevents COVID-19.

Status: Complaint filed 10/28/21

(B) Competition

UNITED STATES OF AMERICA v. BIGLARI HOLDINGS, INC., 1:21-cv-03331 (D.D.C.)

Parties: Biglari Holdings, Inc.

Assigned Attorneys: Kenneth Libby (BC/Compliance)
Kelly Horne

Alleged Conduct: Violations of the notice and waiting period requirements of the Hart-Scott-Rodino Act with respect to the acquisition of shares of Cracker Barrel Old Country Store, Inc.

Status: Complaint filed 12/22/21.
FTC's motion for entry of judgment filed 5/9/22.
Order of final judgment for civil penalty entered 10/05/22.

SUBPOENA AND CID ENFORCEMENT PROCEEDINGS

FTC v. BACHI.TECH CORP., No. 2:22-6463 (D.N.J.)

Parties: Bachi.Tech Corporation
Spread Technologies LLC

Assigned Attorneys: Larkin Turner (BCP/ FP)
Michael Tankersley

Alleged Conduct: Petition to enforce a CID.

Status: Petition filed 11/4/22.

FTC v. MATCH GROUP INC., No. 1:22-mc-00054 (D.D.C.)

Parties: Match Group, Inc.

Assigned Attorneys: Sarah Choi (BCP/DPIP)

Elizabeth Averill
Michele Arington (OGC)

Alleged Conduct: Petition to enforce a CID.

Status: Petition filed 5/26/22.
Match emergency motion to temporarily seal record filed 6/2/22; FTC
opposition filed 6/7/22.
Emergency motion to temporarily seal record denied and show cause order
entered 6/8/22.
Match opposition to petition filed 7/8/22; FTC reply filed 7/18/22.

FTC v. THE STRATICS GROUP INC., No. 0:21-cv-61250 (S.D. Fla.)

Parties: The Stratics Group, Inc.

Assigned Attorneys: Suzanne Barth (BCP/MP)
Christopher Brown

Nature of Action: Petition to enforce a CID.

Status: Petition filed 6/15/21.
Stratics motion for leave to file response to petition filed 7/06/21; FTC
opposition filed 7/07/21; Stratics reply filed 7/12/21.
Telephonic hearing held 11/30/21.
FTC request for clarification of oral ruling filed 12/16/21.
Stratics response and motion for summary judgment filed 12/23/21; FTC
response filed 1/03/22; Stratics reply filed 1/10/22.
Order denying as moot Stratics motion for leave to file a response to FTC
petition entered 3/23/22.
Order denying Stratics motion for summary judgment as procedurally
improper, directing filing of joint status report, entered 9/8/22
Status reports filed 10/7/22.
Hearing held 12/15/22; order from the bench that Stratics has 30 days to
comply with the CIDs.
Order to show cause entered 12/16/22.

SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION

ALDABE v. UNITED STATES OF AMERICA, No. 22-2250 (4th Cir.); No. 1:21-cv-803 (D.
Md.)

Parties: Fermin Aldabe

Assigned Attorneys: Kimberly Phillips (AUSA)

Joel Marcus (OGC)

Nature of Action: Action seeking a judicial declaration that the Commission exceeded its authority in its litigation against Atlantic International Bank. Ltd., causing negligent personal injury to a non-party consumer.

Status: Complaint filed 3/30/21.
Motion to substitute United States for FTC Defendants filed 5/3/21;
Plaintiff's cross motion to stay motion to substitute filed 5/24/21;
United States' reply filed 6/7/21.
Order granting motion to substitute United States entered 3/30/22.
Motion to dismiss by United States filed 4/19/22.
Order granting United States' motion to dismiss entered 11/03/22.
Notice of appeal filed 12/02/22.

AMERICANS FOR PROSPERITY FOUNDATION v. FTC, No. 1:21-cv-03207 (D.D.C)

Parties: Americans for Prosperity Foundation

Assigned Attorneys: Anna Walker (AUSA)
Michele Arington (OGC)

Nature of Action: Action seeking records under the Freedom of Information Act.

Status: Complaint filed 12/8/21.
FTC answer filed 2/9/22.
Order directing parties to file a joint status report and proposed schedule for proceeding entered 2/10/22.
Joint status report with proposed schedule filed and order adopting schedule entered 3/10/22.
Joint status reports filed 5/9/22, 7/8/22, 9/6/22, and 11/7/22.

AMERICAN VEHICLE PROTECTION CORP., v. FTC, No. 0:22-cv-60298 (S.D. Fla.)

Parties: American Vehicle Protection Corp.
CG3 Solutions Inc.
Tony Allen Gonzalez
Tony Gonzalez Consulting Group, Inc.
Charles Gonzalez

Assigned Attorneys: Matthew Hoffman (OGC)

Nature of Action: Action seeking declaratory ruling that FTC lacks statutory authority to proceed against American Vehicle Protection Corp. et al. in federal court.

Status: Complaint filed 2/8/22.

Order consolidating with case No. 22-cv-60298 entered 2/28/22.
First amended complaint against the FTC filed 3/8/22.
FTC's motion to dismiss for lack of jurisdiction filed 4/18/22; plaintiffs' opposition filed 5/2/22; FTC's reply filed 5/9/22.
Order granting FTC's motion to dismiss entered 10/25/22.

AXON ENTERPRISE INCORPORATED v. FTC, No. 21-86 (S. Ct.), No. 20-15662 (9th Cir.);
No. 2:20-cv-00014 (D. Ariz.)

Parties: Axon Enterprise Inc.

Assigned Attorneys: Bradley Craigmyle (DOJ/FPB)
Chetan Patil
Rebecca Cutri-Kohart
Joel Marcus (OGC)
Imad Abyad

Nature of Action: Action seeking a judicial declaration that the Commission does not have the authority to scrutinize plaintiffs' business affairs and that the appropriate forum to adjudicate legality of plaintiffs' acquisition is in an Article III court.

Status: Complaint filed 1/3/20.
Motion for preliminary injunction and supporting memorandum of points and authorities by plaintiff entered 1/9/20; Commission's opposition filed 1/23/20; plaintiff's reply filed 1/30/20.
Telephonic hearing held 4/1/20.
Order dismissing complaint without prejudice due to a lack of subject matter jurisdiction entered 4/8/20.
Notice of appeal filed 4/13/20.
Axon's opening brief filed 5/1/20; Commission's answering brief filed 6/1/20; Axon's reply brief filed 6/15/20.
Oral argument by video held 7/17/20. Axon emergency motion to enjoin FTC administrative trial filed 9/29/20; Commission's opposition filed 10/2/20.
Ninth Circuit order staying FTC administrative trial pending appeal entered 10/2/20.
Opinion affirming the dismissal of Axon's complaint entered 1/28/21.
Axon petition for rehearing en banc filed 3/15/21; petition denied 4/15/21.
Axon motion to stay mandate to file writ of certiorari filed 4/15/21; Commission opposition filed 4/19/21; motion granted 4/21/21.
Axon petition for writ of certiorari filed 7/20/21; Commission opposition filed 9/22/21; Axon's reply filed 10/6/21; Axon's supplemental brief filed 12/20/21.
Certiorari granted 1/24/22.

Axon's merits brief filed 5/9/22; Commission's response brief filed 8/8/2022; Axon's reply brief filed 9/7/2022.
Oral argument held 11/7/2022.

BLOOMBERG L.P. v. FTC, 1:22-cv-03309 (D.D.C.)

Parties: Bloomberg L.P.

Assigned Attorneys: John Moustakas (AUSA)
Mariel Goetz (OGC)

Alleged Conduct: Action seeking records under the Freedom of Information Act.

Status: Complaint filed 10/28/22.
FTC Answer filed 12/7/22.
Joint status report proposing briefing schedule filed 12/20/22.
FTC's motion for summary judgment due 3/8/23.

CHAMBER OF COMMERCE v. FTC, No. 1:22-cv-02070 (D.D.C.)

Parties: Chamber of Commerce of the United States of America

Assigned Attorneys: Douglas Dreier (AUSA)
Brad Grossman (OGC)

Alleged Conduct: Action seeking records under the Freedom of Information Act.

Status: Complaint filed 7/14/22.
FTC Answer filed 9/21/22.
Joint status reports filed 10/6/22 and 12/7/22.

FUNCTIONAL GOVERNMENT INITIATIVE v. FTC, No. 1:22-cv-1614 (D.D.C.)

Parties: Functional Government Initiative

Assigned Attorneys: Stephanie Johnson (DOJ)
Burke Kappler (OGC)

Nature of Action: Action seeking records under the Freedom of Information Act.

Status: Complaint filed 6/7/22.
FTC Answer filed 8/21/22.
Joint status reports filed 9/6/22, 10/13/22, and 1/17/23.

FUNCTIONAL GOVERNMENT INITIATIVE v. FTC, No. 1:22-cv-03273-CKK (D.D.C.)

Parties: Functional Government Initiative

Assigned Attorneys: Dedra S. Curteman (AUSA)
Michael Bergman (OGC)

Nature of Action: Action seeking records regarding infant formula under the Freedom of Information Act.

Status: Complaint filed 10/26/22

GRAVITY DEFYER MEDICAL TECHNOLOGY CORP. v. FTC, No. 1:22-cv-1157 (D.D.C.)

Parties: Gravity Defyer Medical Technology Corp.
Alexander Elnekaveh

Assigned Attorneys: James Harlow (DOJ)
Noah Katzen
Adrienne Jenkins (ECR)
Maria Ann Del Monaco
Matthew Scheff
Joel Marcus (OGC)

Nature of Action: Action seeking declaratory judgment that FTC's prospective civil penalty action against Gravity Defyer would violate the First Amendment.

Status: Complaint filed 4/26/22; amended complaint filed 7/22/22.
Order consolidating defensive action (lead case) with FTC enforcement action, No. 22-cv-1464, entered 8/2/22.
Commission motion to dismiss for failure to state a claim filed 8/16/22; opposition filed 8/30/22; reply FTC filed 9/16/22.

GULF COAST RACING LLC v. HORSERACING INTEGRITY AND SAFETY AUTHORITY, 2:22-cv-00146 (N.D. Tex.)

Parties: Gulf Coast Racing LLC
LRP Group Ltd
Valle de Los Tesoros Ltd
Global Gaming LSP LLC
Texas Horsemen's Partnership LLP

Assigned Attorneys: Alexander Sverdlov (DOJ)
Stephen Ehrlich
Joel Marcus (OGC)

Alleged Conduct: Action seeking a temporary restraining order and a preliminary injunction against the Commission and the Horseracing Integrity and Safety

Authority to prevent the enforcement of the horseracing rules approved by the Commission.

Status: Complaint filed 7/29/22.
Motion to intervene by the State of Texas and Texas Racing Commission filed 9/7/22; FTC's opposition filed 9/28/22; reply filed 10/12/22; motion to intervene denied 10/21/22.
Amended complaint filed 11/21/22.

KOCHAVA, INC. v. FTC, 2:22-cv-349 (D. Idaho)

Parties: Kochava, Inc.

Assigned Attorneys: James Harlow (DOJ)
Kate Talmor
Michael Andrew Zee
Joel Marcus (OGC)

Alleged Conduct: Suit for declaratory and injunctive relief in anticipation of being targeted by the FTC for a potential civil enforcement action.

Status: Complaint filed 8/12/22.

LABMD, INC., v. FTC and DAUGHERTY v. FTC, Nos. 1:21-cv-3525, No. 1:21-cv-3526 (N.D. Ga.)

Parties: LabMD, Inc.
Michael J. Daugherty

Assigned Attorneys: Aaron Joshua Ross (AUSA)
Burke Kappler (OGC)

Nature of Action: Suit for damages under the Federal Tort Claims Act, alleging that the FTC was negligent in investigating and litigating its data security case against LabMD.

Status: Complaints filed 8/25/21.
Amended complaints filed 11/23/21.
Commission's motion to dismiss filed 3/5/22; plaintiff's response to motion filed 5/23/22; Commission's reply filed 6/21/22.

LOUISIANA v. HORSERACING INTEGRITY & SAFETY AUTHORITY, INC., No. 22-30458 (5th Cir.); No. 6:22-cv-01934 (W.D. La.)

Parties: State of Louisiana
Louisiana State Racing Commission

Louisiana Horsemen's Benevolent & Protective Association
Louisiana Thoroughbred Breeders Association
Jockeys Guild
State of West Virginia
West Virginia Racing Commission
Bernard Chatters
Edward Fenasci
Larry Findley, Sr.
Warren Harang
Gerard Melancon

Assigned Attorneys: Alexander Sverdlov (DOJ)
Marie Choi (OGC)
Austin King

Nature of Action: Action seeking a temporary restraining order and a preliminary injunction against the Commission and the Horseracing Integrity and Safety Authority to prevent the enforcement of the horseracing rules approved by the Commission and declare them invalid under the Administrative Procedure Act.

Status: Complaint filed 6/30/22.
Motion for preliminary injunction filed 6/29/22; FTC's opposition filed 7/15/22; Reply filed 7/22/22; order granting motion for preliminary injunction entered 7/26/22.
Notice of appeal filed by the Commission filed 7/30/22.
FTC's motion for stay pending appeal in 5th Circuit filed 8/1/22; opposition filed 8/3/22; FTC reply filed 8/4/22; order granting stay in part and denying in part entered 8/8/22.
FTC's opening brief filed 8/15/22; Appellees' brief filed 8/19/22; FTC's reply brief filed 8/23/22.
Oral argument held 8/30/22.
Opinion remanding to the district court for further proceedings in light of decision in *National Horsemen's Benevolent and Protective Association v. Black*, No. 22-10387, lifting temporary stay, entered 11/15/22.

NATIONAL HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION et al v. BLACK, No. 22-10387 (5th Cir.); No. 5:21-cv-71 (N.D. Tex.)

Parties: National Horsemen's Benevolent and Protective Association
Arizona Horsemen's Benevolent and Protective Association
Arkansas Horsemen's Benevolent and Protective Association
Indiana Horsemen's Benevolent and Protective Association
Illinois Horsemen's Benevolent and Protective Association
Louisiana Horsemen's Benevolent and Protective Association

Mountaineer Park Horsemen's Benevolent and Protective Association
Nebraska Horsemen's Benevolent and Protective Association
Oklahoma Horsemen's Benevolent and Protective Association
Oregon Horsemen's Benevolent and Protective Association
Pennsylvania Horsemen's Benevolent and Protective Association
Washington Horsemen's Benevolent and Protective Association
Tampa Bay Horsemen's Benevolent and Protective Association

Assigned Attorneys: Alexander Sverdlov (DOJ)
Brian Stoltz
Joe Busa, Jr.
Mark Stern
Marie Choi (OGC)
Austin King

Nature of Action: Action seeking a declaratory judgment that the Horseracing Integrity and Safety Act (HISA) is unconstitutional and the Commission should be permanently enjoined from implementing and enforcing the law.

Status: Complaint filed 3/15/21.
Amended complaint filed 4/2/21.
Commission's motion to dismiss filed 4/30/21; plaintiffs' opposition filed 5/28/21; Commission's reply filed 6/18/21.
Oral argument held 2/16/22.
Memorandum opinion dismissing plaintiffs' claims entered 3/31/22.
Notices of appeal filed by plaintiffs and intervenors filed 4/19/22 and 4/20/22.
Plaintiff-Appellants' and Intervenor-Appellants' briefs filed 6/28/22; Commission's brief filed 7/27/22; Appellants' reply filed 8/17/22.
Oral argument heard 8/30/22.
Opinion reversing district court judgment and remanding, ruling that HISA is facially unconstitutional under the private non-delegation doctrine, entered 11/18/22.

OKLAHOMA v. UNITED STATES, No. 22-5487 (6th Cir.); No. 5:21-cv-104 (W.D. Ky)

Parties: State of Oklahoma
Oklahoma Horse Racing Commission
State of West Virginia
West Virginia Racing Commission
Hanover Shoe Farms, Inc.
Oklahoma Quarter Horse Racing Association
Tulsa County Public Facilities Authority
Global Gaming RP, LLC
Will Rogers Downs, LLC
U.S. Trotting Association

State of Louisiana
Horsereing Integrity and Safety Authority
Leonard S. Coleman, Jr.
Nancy M. Cox

Assigned Attorneys: Alexander Sverdlov (DOJ)
Joe Busa, Jr.
Mark Stearn
Marie Choi (OGC)
Austin King

Nature of Action: Action seeking a declaratory judgment that the Horsereing Integrity and Safety Act (HISA) is unconstitutional and the Commission should be permanently enjoined from implementing and enforcing the law.

Status: Complaint filed 4/26/21.
Commission's motion to dismiss filed 8/16/21; plaintiffs' opposition filed 9/15/21; Commission's reply filed 10/27/21.
Memorandum opinion dismissing the plaintiffs' claims entered 6/3/22.
Notice of appeal by plaintiffs filed 6/9/22.
Appellants' opening brief filed 7/19/22; FTC's corrected responding brief filed 9/20/22; Apellants' reply brief filed 10/11/22.
Oral argument held 12/07/22.
Court letter requesting supplemental briefing issued 12/30/22.

AMICUS CURIAE BRIEFS OR PARTIAL INTERVENTIONS

DESLANDES v. MCDONALD'S USA, LLC, Nos. 22-2333, 22-2334 (7th Cir.)

Assigned Attorneys: Matthew Hoffman (OCC)
Joel Marcus

Alleged Conduct: Private action raising questions whether the district court misapplied the ancillary-restraints doctrine and whether the district court misread *NCAA v. Alston*, 141 S. Ct. 2141 (2021), as changing the legal standards governing when a restraint is per se unlawful or can be condemned after a quick look.

Status: Brief for the United States and the FTC as amici curiae in support of neither party filed 11/9/22.

INGRAM v. EXPERIAN, No. 21-2430 (3d Cir.)

Assigned Attorneys: Imad Abyad (OCC)
Joel Marcus

Alleged Conduct: Private actions asking for the reversal of a lower court decision that would create an exception to the Fair Credit Reporting Act (FCRA) by allowing furnishers of credit information to decline to investigate when consumers dispute inaccurate information in certain circumstances.

Status: Brief of CFPB and FTC as amici curiae in support of plaintiff-appellant and reversal filed 9/13/22.

JAZZ PHARMACEUTICALS v. AVADELS CNS PHARMACEUTICALS, No. 1:21-cv-691 (D. Del.)

Assigned Attorneys: Holly Vedova (BC)
Markus Meir
Bradley Albert
Daniel Butymowicz
Rebecca Egeland
Anupama Sawkar

Alleged Conduct: Private action alleging violations of the Hatch-Waxman framework and the harmful effects of improper Orange Book listings.

Status: Brief for the FTC as amicus curiae filed 11/10/22.

LOUIS v. BLUEGREEN VACATIONS, UNLIMITED, No. 22-12217 (11th Cir.)

Assigned Attorneys: Imad Abyad (OGC)
Joel Marcus

Alleged Conduct: Private action raising question regarding standing by active servicemember and his wife to sue their lender for violations of the Military Lending Act (MLA).

Status: Brief of CFPB and FTC as amici curiae filed in support of plaintiffs-appellants and reversal filed 11/21/22.

MAYER v. HOLIDAY INN CLUB VACATIONS, No. 22-11734 (11th Cir.)

Assigned Attorneys: Imad Abyad (OCC)
Joel Marcus

Alleged Conduct: Private action raising question whether Fair Credit Reporting Act's reasonable investigation requirement distinguishes between distinguish between "legal" and "factual" disputes.

Status: Brief of CFPB and FTC as amici curiae filed in support of plaintiffs-appellants and reversal filed 12/16/22.

REGENERON PHARMACEUTICALS v. NOVARTIS PHARMA AG et al., No. 22-427 (2d Cir.)

Assigned Attorneys: Matthew Hoffman (OGC)
Joel Marcus

Nature of Action: Private antitrust action raising product market definition questions.

Status: Amicus brief for the Commission and the United States in support of neither party filed 6/17/22.

SESSA v. TRANSUNION, LLC, No. 22-87 (2d Cir.)

Assigned Attorneys: Joel Marcus (OGC)
Seth Frotman (CFPB)
Steven Bressler
Laura Hussain
Ryan Cooper

Nature of Action: Private action raising question whether the Fair Credit Reporting Act draws a distinction between “legal” inaccuracies and “factual” inaccuracies regarding the required procedures for ensuring the accuracy of information in consumers’ credit reports.

Status: Brief for the CFPB and the Commission as amici curiae supporting plaintiff filed 5/5/22.
Argument scheduled for 3/3/23.

TERADATA v. SAP, No. 22-1286 (Fed. Cir.)

Assigned Attorneys: Patrick Kuhlmann (DOJ)
Bradley Grossman (OGC)

Nature of Action: Private action alleging illegal tying in violation of the antitrust laws, involving dismissal of the antitrust claims for failure to define the relevant markets.

Status: Brief for the United States and the Commission as amici curiae supporting neither party filed 5/25/22.

UFCW LOCAL 1500 WELFARE FUND v. ABBVIE, INC., No. 20-2402 (7th Cir.)

Assigned Attorneys: Bradley Grossman (OGC)

Nature of Action: Private action alleging anticompetitive conduct and involving the interpretation and application of *FTC v. Actavis, Inc.*

Status: Commission's amicus brief filed 10/13/20.
Oral argument held 2/25/21.
Opinion affirming district court's dismissal of complaint entered 8/02/22.