

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 19-61867-cv-RKA

FEDERAL TRADE COMMISSION,

Petitioner,

v.

DANIEL LAMBERT; JAMES VERILLO;
CRUISE OPERATOR, INC.; BPCL
MANAGEMENT, LLC; NATIONWIDE
RESERVATIONS, INC.; JEFF TELLAM;
RESERVATIONS & FULFILLMENT
SERVICES, INC.; PAUL HEYDEN; MELISSA
HANSON; and ROYAL SEAS CRUISES, INC.,

Respondents.

**RESPONDENTS' JOINT OPPOSITION TO THE FEDERAL TRADE COMMISSION'S
PETITION FOR AN ORDER ENFORCING CIVIL INVESTIGATIVE DEMANDS**

Respondents, Daniel Lambert; James Verillo; Cruise Operator, Inc.; BPCL Management, LLC; Nationwide Reservations, Inc.; Jeff Tellam; Reservations & Fulfillment Services, Inc.; Paul Heyden; Melissa Hanson; and Royal Seas Cruises, Inc. (collectively referred to as "Respondents"), through counsel and pursuant to the Court's procedures in cases with multiple Defendants, (*see* Dkt. No. 4), submit this Joint Opposition to The Federal Trade Commission's ("FTC") Petition for an Order Enforcing Civil Investigative Demands ("Petition"), and state the following in support:

INTRODUCTION

The FTC issued a Civil Investigative Demand ("CID") to each of the Respondents on November 21, 2018. Since the CID's were served, Respondents have provided complete written responses to the CID's, and together have produced 2,692 documents. The productions have included all of the documents at issue in the Petition – even communications between and among

the Respondents – for all search terms originally agreed to by the FTC and Respondents, and (other than for three (3) Respondents), those search terms added by the FTC after the parties’ original agreement. The FTC has repeatedly moved the target on Respondents, and have continued to harass Respondents despite their good faith compliance, including by filing the misleading and in some instances patently false Petition. The truth is, the only outstanding productions are emails for three (3) Respondents¹ related to twenty-nine (29) search terms that the FTC unilaterally added to the list of search terms originally agreed to by the parties.

Respondents’ burdensomeness objections thus far are not new, and the only reason Respondents did not file petitions to limit or quash the CID’s is because the FTC agreed to extend the deadline for Respondents to do so while the parties conferred on search terms and various other issues concerning the broad scope of the CID’s. However, when that process appeared to come to a standstill, FTC Staff reneged on the prior agreements and frustrated Respondents’ administrative remedies. Respondents have also shown good cause for the delay in completing their productions. As the undersigned counsel explained to FTC staff on numerous occasions, the requested searches are extremely time-consuming and burdensome to complete. For example, as explained to FTC staff in a July 9, 2019 email,

[b]ecause of the vague and generic [search] terms, there were **over 15,000 emails returned**, the substantial majority of which are not responsive. For example, you included the term “BBB”. That search term, when run on Mr. Lambert’s email for example, returns years’ worth of attorney-client privilege communications between my firm and Mr. Lambert relating to a lawsuit filed against the BBB. The “BBB” search term also returns every single company signature block that references BBB accreditation. An additional example exists with the term “outbound”. Mr. Lambert and Mr. Verrillo both travel frequently. Well the “outbound” search term returns every single reference to an outbound flight. We are thus in the midst of

¹ Daniel Lambert, James Verillo, and Reservations & Fulfillment Services, Inc.

reviewing the *thousands* of returned e-mails. When that review is finished, we will produce the additional responsive documents.

See Ex. A (emphasis added).

Respondents have done their best, given their limited resources, to comply with the FTC's moving targets, including by producing 1,910 documents on September 18, 2019. The fact is, this Court does not need to order compliance with the CID's because the Respondents are *already complying*. Instead, if the Court were to make any findings, it should find that the FTC has acted unreasonably by forcing the Respondents to defend themselves against this action, by ignoring the FTC's procedural requirements and requirements for service of process under Rule 4 of the Federal Rules of Civil Procedure, and by misleading this Court regarding the history of this case and the Respondents' compliance thus far.

FACTUAL BACKGROUND

Since the FTC served the CID's, on November 28, 2018, Respondents have attempted in good faith to cooperate and comply with the FTC's shifting requirements. On December 4, 2018, the undersigned contacted Christopher Brown and Jody Goodman of the FTC ("FTC Staff"), as required by the CID's, to engage in the meet and confer process. *See* Ex. B (Declaration of Jeffrey A. Backman, Esq.) at ¶ 4. The undersigned and FTC Staff conducted an initial meet and confer conference, telephonically, on December 9, 2019. *Id.* at ¶ 5. During the conference, the undersigned requested an extension of time to respond to the CID's, including the filing of any petitions to modify or quash the CID's, while the parties continued to meet and confer. *Id.* FTC staff denied that such an extension was initially requested (which was false), but provided an initial extension of time to respond (from December 21, 2018 to January 7, 2019). *Id.* at ¶ 6. The parties conducted a second meet and confer conference on December 13, 2018, and agreed to multiple modifications and limitations of the CID's, and agreed to a set of search terms for ESI searches.

Id. at ¶ 7. The undersigned memorialized the parties' agreement in an email the next day, December 14, 2018 ("December 14 Email"), making clear that "[t]o the extent you all want to ask for more at a later date, you are free to do so and, in turn, our right to object and/or file a petition will begin to run from the time you seek additional documents or information." *Id.* The undersigned also confirmed in the December 14 Email that, as was stated during the meet and confer telephone calls, "Respondents will respond based on the information within their possession. **Some of the Respondents are no longer in business and may not have access to computers or servers**, but we will provide that information at the time of our written responses." *Id.* (emphasis added).

Thirteen (13) days later, at 6:01 pm on December 27, 2018, FTC Staff responded to the December 14 Email, noting very minor deviations from the previously agreed to modifications to the CID's. *Id.* at ¶ 8. This email came conveniently one day before the government shutdown and while the undersigned was on vacation, as FTC staff was well aware. *Id.* Notably, FTC Staff did *not* deny that Respondents' right to object and/or file a petition to quash or modify the CID's had not lapsed in light of the continuing meet and confer efforts. *Id.* at ¶ 9. Thus, Respondents were under the impression that there was no need to exercise their administrative review rights while they were continuing to confer with FTC Staff. The undersigned responded that Respondents were working on their written responses and conducting the searches previously agreed to by the FTC, and that remaining issues could be resolved upon the FTC's reopening. *Id.* at ¶ 10. FTC Staff did not reply. *Id.*

On January 6, 2019, the undersigned informed FTC Staff that the searches and responses were taking longer than originally anticipated, and that additional time would be required to serve responses and begin productions. *Id.* at ¶ 11. A few weeks later, on January 28, 2019, Respondents

began serving their written responses to the CID's, beginning with Royal Seas Cruises, Inc., BPCL Management, LLC, and Melissa Hanson. *Id.* at ¶ 12. In response, FTC staff, for the first time since December 27, 2018, indicated that they “would like to resolve whatever issues are outstanding.” *Id.* The undersigned suggested that, in light of the current status of productions and burdens placed on the Respondents by the CID's, the Respondents should first complete the written responses for FTC Staff to review and then work through any items the FTC Staff believed required further discussion. *Id.*

Then, on February 11, 2019, FTC Staff's tone suddenly changed, completely disclaiming that the CID's had been modified at all by the parties agreement memorialized in the December 14 Email because the FTC failed to provide a formal written modification, accusing Respondents of defaulting despite their continued efforts to work with the FTC, and requesting another meet and confer regarding the scope of the CID's. *Id.* at ¶ 13. The undersigned met and conferred with FTC Staff on February 22, 2019, and the undersigned once again explained the burdens of the CID's on the various Respondents. *Id.* at ¶ 14. The parties discussed additional search terms and otherwise agreed to the general framework set forth in the December 14 Email, with slight modifications. *Id.* Then, six (6) days later, on February 28, 2019, the FTC moved the target again by providing a modification letter that was at odds with the original modifications agreed to in the December 14 Email. *Id.* at ¶ 15. The February 28 letter attempted to automatically default all of the Respondents, and retroactively denied Respondents of their rights to quash or modify the CID's by “extending” their response deadline to January 7, 2019 – a date already nearly two (2) months in the past. *Id.* So, to summarize, FTC Staff agreed to modified terms on December 14, 2018, then disagreed with those terms two (2) weeks later on the eve of the government shutdown, then continued the meet and confer process two (2) months later when the shutdown ended, but

ultimately “modified” the CID’s by providing a response deadline that had come and gone while the parties were still conferring, essentially giving the Respondents no chance to petition to protect their rights, or even comply within the unreasonable time provided by the FTC.

All the while, Respondents continued to serve written responses and prepare their productions in a good faith effort to comply with the CID’s requirements, and served the last of the written responses in the first week of March 2019. *Id.* at ¶ 16. On March 5, 2019, Respondents made their first production of documents, followed by two more document productions in March 2019. *Id.* at ¶ 17. All in all, 782 documents were produced by Respondents by the end of the month. *Id.* Had FTC Staff reviewed the documents produced, they would have known that the production included responsive communications with or among Respondents. *See* Ex. C (Declaration of Geoffrey Pette, Esq.) at ¶ 9. Instead, fifty-two (52) days after the Respondents’ rolling production began, FTC Staff requested the documents be produced again because the produced files were inexplicably not in their system. *See* Ex. B at ¶ 18.

Despite the fact that, due to FTC error, FTC Staff did not even review the complete production until at least May 8, 2019, when the first round of productions was resent to the FTC, (*see id.*), FTC Staff alleged purported errors with Respondents’ productions in an email dated April 10, 2019 – again, when FTC Staff had not even completed their review of the production, and provided Respondents with only seven (7) days to fix the purported deficiencies. *Id.* at ¶ 19. The undersigned responded by explaining that Respondents were trying to ascertain which new search terms could be reasonably searched, and that supplemental productions have been delayed in part because the “CIDs are addressed to several entities that have not been in operation for years and individuals that have not been involved in the operations for years,” and further, Royal Seas Cruises, Inc. had recently “ceased its marketing business and is winding down affairs. This has

also resulted in layoffs. So getting the right people to focus on th[ese] matters and gather additional information is taking more time than expected.” *Id.* at ¶ 20. The undersigned also offered to cooperate in scheduling investigational hearings. *Id.*

Then, on May 16, 2019, counsel for the FTC emailed a letter to the undersigned requesting additional information from Respondents, much of which had already been provided, and demanding that Respondents cure purported deficiencies in their productions within fourteen (14) days. *Id.* at ¶ 21. The undersigned notified FTC counsel that, although the May 16 letter contained numerous inaccuracies, Respondents were running additional searches but that “[a]s I’ve told your colleagues, all of these entities are either out of business or in wind down mode We have been and will continue to do the best we can but the self-serving deadlines are improper and often unreasonable under the circumstances.” *Id.* at ¶ 22. On May 29, 2019, the undersigned provided a substantive response to FTC counsel’s May 16 letter, explaining in detail what had been produced and what could not be produced at that point in time. *Id.* at ¶ 23. As was made clear in the “Related Entities” bullet point of the responsive email, Respondents had already produced responsive communications *with or among the Respondents*, but-for the additional burdensome search terms that were unilaterally added by the FTC. *Id.* The undersigned explained that

“I am working with the CID recipients to get a better estimate as to when the searches will be completed. At that time, as you may expect, a manual review by counsel will be required. It is unknown at this time the volume of documents that will be returned. As I have previously explained, the majority the business entity CID recipients have been out of business for some time and Royal Seas Cruises has stopped marketing and reduced its staff significantly. This is placing a burden on them and they are doing the best they can.”

Id. The undersigned also reiterated that “the CID recipients have done nothing wrong and are willing to provide information and sit for investigational hearings relating to those matters that may actually fall within the scope of the FTCs jurisdiction.” *Id.* However, the FTC had no intention to continue to work with Respondents, instead notifying Respondents on June 4, 2019

that judicial enforcement proceedings would be commenced despite Respondents' good faith attempts to comply with the CID's and offers to sit for investigational hearings. *Id.* at ¶ 24. The undersigned responded by explaining again that, although Respondents were attempting to comply, additional time was needed due to the breadth of information being requested:

My clients have been running the new search terms. Because of the vague and generic terms, there were over 15,000 emails returned, the substantial majority of which are not responsive. For example, you included the term "BBB". That search term, when run on Mr. Lambert's email for example, returns years' worth of attorney-client privilege communications between my firm and Mr. Lambert relating to a lawsuit filed against the BBB. The "BBB" search term also returns every single company signature block that references BBB accreditation. An additional example exists with the term "outbound". Mr. Lambert and Mr. Verrilo both travel frequently. Well the "outbound" search term returns every single reference to an outbound flight. We are thus in the midst of reviewing the thousands of returned e-mails. When that review is finished, we will produce the additional responsive documents. As I've said repeatedly, an enforcement proceeding is not necessary.

Id. at ¶ 25.

On July 25, 2019, the FTC filed the Petition. Dkt. No. 1. The FTC did not attempt to serve any of the Respondents as required by Rule 4 of the Federal Rules of Civil Procedure, or Section 20(e) of the FTC Act, 15 U.S.C. § 57b-1(e), which requires the FTC to "serve upon such person" a petition for an order of a district court of the United States enforcing a CID. The undersigned informed FTC counsel on more than one occasion that he was not representing the Respondents in the enforcement action (at that time) and that service should be effectuated as was required by due process. *See* Ex. B at ¶ 26. Instead, FTC counsel continued to engage in ex parte communications with the Court in order to get a self-serving Order to Show Cause entered without ever effectuating service of the Petition on any Respondent under Rule 4. The FTC has continuously skirted its own procedures and Federal rules to place Respondents between a rock and a hard place – either comply with overbroad and burdensome requests within an impossible amount of time, or be considered in "default" of a CID that Respondents have attempted to comply with despite the FTC's moving

target for compliance. Ultimately, this Court does not need to order compliance by Respondents because they have complied, except for the supplemental productions of three (3) Respondents, which the undersigned and the three (3) Respondents have been vigorously working to complete. Further, Respondents do not need to be compelled to appear and provide testimony because, as detailed above, they have already offered to cooperate in scheduling investigational hearings that fall within the scope of the FTC's authority.

a. Royal Seas Cruises, Inc.'s Marketing

First of all, the Respondents are not "related" as the FTC describes. *See* Ex. C at ¶ 4. They are a group of individuals and entities, separate and distinct from one another. *Id.* They are not engaged in some robocall scheme as described in paragraphs 5 and 6 of the Petition, and the FTC has provided no evidence to suggest otherwise. *Id.* Further, The FTC's investigations into so called illegal telemarketing is limited to marketing efforts for one specific cruise ship, the M/V Grand Celebration. *See* Ex. 13 to Petition, p. 1.

Royal Seas Cruises, Inc. ("RSC"), in response to Request for Production 3(c), provided a *full* explanation of all the marketing that was conducted for the M/V Grand Celebration. *Id.* at ¶ 14. The materials provided in pages 9-17 of RSC's CID Responses, attached as Exhibit 2 (under seal) to the Declaration of Geoffrey Pette, show clearly that there was no illegal telemarketing or robocalling, and the FTC's allegations of such are not asserted in good faith.² The *only* outbound telemarketing that was conducted was to existing customers who consented to receive

² Given the detail provided by RSC in pages 9-17 of its CID Response, the Declaration of Jody Goodman, (Pet. Ex. 1), alleging *millions of illegal* calls by the Respondents, is not proper or attested to in good faith. RSC's CID Response showed that the relevant telemarketing was completely compliant with the TSR, which Ms. Goodman was aware of when she submitted her declaration. Therefore, Ms. Goodman should be present at the October 22, 2019 hearing in order to be cross-examined if necessary.

telemarketing calls; to individuals who opted in through various websites or by submitting a request for information in the mail; and, for a brief period of time, a third party using technology previously approved by the FTC made outbound calls to consumers other than those that consented through the various means described above. *Id.* at ¶ 15. That third party ceased its marketing efforts on April 15, 2017, well within the six-month grace period provided by the FTC when the FTC rescinded guidance that previously approved of the technology used by the third party. *Id.* at ¶ 16. The FTC has no grounds to accuse the Respondents of illegal telemarketing in light of the thorough information provided in response to the CID's. Further, other than contact with existing customers, no telephone marketing is currently being done for the M/V Grand Celebration. *Id.* at ¶ 17.

b. Status of Productions

The May 29 email from the undersigned to FTC counsel provides in detail the status of the productions provided by the respondents to that point. First, it indicates that Cruise Operator, Inc., BPCL Management, LLC, and Nationwide Reservations, Inc. do not have access to e-mails because they have not been doing business for quite some time. *See* Ex. B at ¶ 23; Ex. C at ¶ 5. Next, e-mail searches for specific terms originally agreed to in the December 14 Email were searched for and produced. *See* Ex. B at ¶ 23; Ex. C at ¶¶ 7-8. Although the FTC had originally agreed that communications with or among the Respondents were not relevant to the FTC's actual inquiry (individuals and companies associated with Jonathan Blake Curtis), Respondents ultimately did produce such communications (other than those emails that Respondents did not have access to), as indicated in the third bullet point of the May 29 email. *See* Ex. B at ¶ 23; *See* Ex. C at ¶ 9.

On September 18, 2019, supplemental productions were made for communications related to the additional search terms as listed in the May 29 email from the undersigned.³ This production, like the first, included communications with or among the Respondents. *See* Ex. C at ¶ 9. The only Respondents that have not completed their production of communications related to the additional search terms are Daniel Lambert, James Verillo, and Reservations & Fulfillment Services, Inc. *Id.* at ¶ 10. The undersigned and these three (3) Respondents are working diligently to complete their reviews in order to produce the remaining communications, but, as the undersigned has explained to the FTC multiple times, such searches and reviews are extremely time consuming because of the generic and broad search terms being employed, and relative lack of resources available to the Respondents to complete the reviews.

ARGUMENT

“The scope of the judicial inquiry in an . . . agency subpoena enforcement proceeding is quite narrow. The critical questions are: (1) whether Congress has granted the authority to investigate; (2) whether procedural requirements have been followed; and (3) whether the evidence is relevant and material to the investigation.” *F.T.C. v. Response Makers, LLC*, No. 10CV1768-WQH-BLM, 2010 WL 4809953, at *2 (S.D. Cal. Nov. 19, 2010); *see also McLaughlin v. Trinity Indus., Inc.*, No. 88-201-CIV-J-16, 1988 WL 391531, at *1 (M.D. Fla. July 27, 1988) (citing *United States v. Morton Salt Company*, 338 U.S. 632, 652 (1950)). “If these factors are shown by the agency, the subpoena should be enforced unless the party being investigated proves the inquiry is unreasonable because it is overbroad or unduly burdensome.” *Id.* (citations omitted). Further,

³ BBB; “Better Business Bureau”; “call center*”; “caller ID”; “Charge back”; Chargeback; “cold call*”; DNC; “do not call list”; “inbound call”; “inbound transfer”; “outbound call*”; Lead w/2 (generate or generator or generating); Script*; Soundboard; Subpoena*; “voice broadcasting”; VOIP.

although a CID respondent must generally exhaust administrative remedies prior to objecting to CID specifications in a federal district court, that requirement may not be used to punish a respondent where the FTC frustrates efforts to seek administrative relief. *F.T.C. v. O'Connell Assocs., Inc.*, 828 F. Supp. 165, 170 (E.D.N.Y. 1993). Here, the FTC did not follow procedural requirements, frustrated Respondents' efforts to seek administrative relief, and the inquiry is unreasonable because it is unduly burdensome. Accordingly, good cause exists to excuse the filing of petitions to quash or modify the CID's, and good cause exists to preclude the Court from entering an order directing Respondents to comply further with the CID's. Moreover, the FTC is seeking production of materials which have almost all been produced already, and investigatory hearings that Respondents have offered to cooperate in since the inception of the investigatory process.

a. The FTC Did Not Follow Procedural Requirements, Thereby Frustrating Respondents' Efforts to Seek Administrative Relief

FTC Staff did not follow their procedural requirements related to CID modification throughout the investigatory process (and later for service of the Petition), and in doing so frustrated Respondents' efforts to seek timely administrative relief. As detailed above, the undersigned counsel for Respondents immediately engaged in the meet and confer process with FTC Staff upon service of the CID's, and expressed objections concerning scope and burdensomeness of the CID's from the outset. *See* Ex. B at ¶ 4-7. In response, FTC Staff agreed to the terms of the December 14 Email, including an extension of time to provide written responses, to begin a rolling production of documents, and preserving Respondents' rights to administrative relief in the event of future modifications by the FTC. *Id.* However, the FTC then proceeded to attempt to informally modify the original agreement via email – not via a formal modification letter as required by 16 C.F.R. § 2.7(l) – the day before the government shutdown, leaving

Respondents in a position where they could not seek any administrative remedy. *Id.* at ¶ 8-10. Moreover, these informal modifications were not final, as FTC Staff sought to continue the meet and confer process nearly two months later, (*id.* at ¶ 12-14), so it was not necessary to seek administrative relief because it appeared the FTC Staff was willing to work with Respondents to avoid motion practice.

When FTC Staff finally modified the CID's pursuant to their own procedures, which they admit they did not originally follow, (*see id.* at ¶ 13), they provided a modification letter with a long passed compliance date, attempting to automatically default Respondents and remove their administrative petition rights. *Id.* at ¶ 15. Respondents could not file a petition for administrative relief at that point because the FTC's modification letter retroactively removed this opportunity and, according to the letter, superseded all previous modifications, including the December 14 agreement to preserve Respondents' petition rights in the event of modifications. *Id.* Respondents had no choice but continue to attempt to comply in good faith to the best of their abilities, while also objecting to the unilaterally imposed modifications in order to preserve their rights to the extent they still could in the face of FTC Staff's procedural snafus. FTC Staff continued to provide informal and self-serving deadlines for the Respondents to comply with the burdensome modifications, each time making compliance impossible within the time provided and ensuring that Respondents would default according to the FTC, further frustrating Respondents' administrative rights. *Id.* at ¶¶ 19-21.

It is clear that FTC Staff's actions did not comply with their procedural requirements, essentially playing good cop bad cop by conferring with counsel for Respondents and leading counsel to believe that objections could be resolved through the meet and confer process rather than through a petition, and then backtracking on the agreed to modifications when it was

convenient for the FTC in order to frustrate Respondents' rights. The FTC has continued to skirt procedural requirements even when filing the Petition, refusing to serve Respondents as required under Rule 4, and engaging in ex parte communications despite being informed that the undersigned counsel had not yet been retained to represent Respondents in this action. *Id.* at ¶ 26. Therefore, it is appropriate for the court to consider the merits of Respondents' burdensomeness objections to the CID's. *See O'Connell Assocs., Inc.*, 828 F. Supp. at 170.

b. The Modifications to the CID's Make the Requests Unduly Burdensome

Completing the searches for the additional terms provided by the FTC has been unduly burdensome, to say the least. Countless days and hours have gone into searching for and reviewing documents. *See Ex. C* at ¶ 11. Outsourced general counsel does not maintain his time pursuant to his agreements with Respondents. However, a well-known e-discovery vendor, Business Intelligence Associates, Inc., estimates that "most reviewers average 40-50 documents per hour" for high level reviews. *Answering Your Questions on Document Review*, BIA, <https://www.biaprotect.com/resources/resource/answering-your-questions-on-document-review> (Oct. 10, 2019). Based upon that average, reviewing just the set of documents that were returned for the FTC's second set of search terms – more than 15,000 documents – will take between 300 to 375 hours to review. The undersigned notified FTC Staff from the outset, and numerous times thereafter, that the CIDs were "addressed to several entities that have not been in operation for years and individuals that have not been involved in the operations for years," and further, Royal Seas Cruises, Inc. had recently "ceased its marketing business and is winding down affairs. This has also resulted in layoffs. So getting the right people to focus on th[ese] matters and gather additional information is taking more time than expected." *Ex. B* at ¶ 20. Nonetheless, FTC Staff

continued to set impossible deadlines. As an example of the burdensomeness of the requests, and as explained to FTC Counsel in May 2019,

[b]ecause of the vague and generic [search] terms, there were over 15,000 emails returned, the substantial majority of which are not responsive. For example, you included the term “BBB”. That search term, when run on Mr. Lambert’s email for example, returns years’ worth of attorney-client privilege communications between my firm and Mr. Lambert relating to a lawsuit filed against the BBB. The “BBB” search term also returns every single company signature block that references BBB accreditation. An additional example exists with the term “outbound”. Mr. Lambert and Mr. Verrilo both travel frequently. Well the “outbound” search term returns every single reference to an outbound flight. We are thus in the midst of reviewing the thousands of returned e-mails. When that review is finished, we will produce the additional responsive documents.

Id. at ¶ 25 (emphasis added).

The fact is, if the FTC wants to maintain its unduly burdensome requests, it must be prepared to wait while the searches and reviews are conducted. Respondents cannot, and should not be expected to, snap their fingers and produce tons of gigabytes of data without reviewing for responsiveness and privilege. Respondents are not withholding any responsive and nonprivileged documents, they simply cannot complete the reviews in the ten (10) days required in the FTC’s self-serving Order to Show Cause.

c. Only Three Respondents’ Supplemental Productions Remain Outstanding

Finally, according to the Petition and May 16 letter from FTC counsel, there are only four (4) requests for production at issue. However, in reality, all but one of the requests have been fully complied with, and for the one outstanding, only three Respondents have not completed their production. *See* Ex. C at ¶¶ 9-10, 18, 20. Respondents will also provide the FTC with amended written responses to the CID’s and certificates of compliance confirming this fact.⁴ *Id.* at ¶ 19.

⁴ Respondents intend to complete these amended written responses to the CID’s prior to the October 22, 2019 hearing.

The four (4) requests for production at issue are as follows:

1. *All Communications between You and any of the Subject Persons related to:*

a. *Automated dialing, Caller Identification Service, Caller ID Name (“CNAM”), data brokerage services, direct inbound calling, Lead Generation, Telemarketing, or Voice Broadcasting;*

b. *Consumer complaints, inquiries from any Better Business Bureau, cease and desist letters, actual, or threatened litigation; or*

c. *Inquiries, subpoenas, or other investigative demands by state or federal law enforcement agencies about unwanted sales calls or Telemarketing.*

As attested to by outsourced general counsel for Respondents, and to be confirmed in Respondents’ forthcoming amended written responses to the CID’s, all responsive and nonprivileged information has been produced, *including* communications between the respondents, even though the December 14 agreement concluded that such communications did not need to be produced. The only potentially outstanding documents are those that will be produced in response to the third request at issue, described below. *Id.* at ¶ 20.

2. *Other than communications produced in response to No. 1, all other communications related to (i) Telemarketing, (ii) the sale, marketing, advertising, promotion, or fulfillment of cruises or travel vacations, or (iii) any government law enforcement investigation between the Company and the following individuals and entities*⁵

⁵ a-mm: Paradise Cruise Line Operator Ltd. Inc.; Kevin M. Sheehan; Daniel Lambert; James Verrillo; Edward Levitan; Charles Kinneer; Reservations & Fulfillment Services, Inc.; Jeff Tellam; BPCL Management, LLC; Nationwide Reservations, Inc.; Ultimate Vacation Group, LLC, dba Royal Bahama Cruise Line; VSC, LLC; Florida VSC, LLC; Jonathan Blake Curtis; Anthony DiGiacomo; Tropical Accommodations, LLC; Christopher Cotroneo; Grand Bahama Cruise Line, LLC; Bethany Worstell; Rita Medrano; Blue Star Cruises, LLC; Carlos E. Pena; Atlantic Accommodations and Cruises, LLC; Felix Garcia; Paul Heyden; Melissa Hanson; ProFronter LLC; ProCall LLC; Lester Stockett aka Aldrin Magispoc; Anthony Percivalle; Emergent Strategies Inc. — Opulent Cloud f/ka/ bpsNode; Desmond Stinnie; Ytel Communications Inc.; Sun Telecom, Ltd.; Survey Association; Net Leads International Ltd. a/k/a Pure Marketing; Avatar Technologies; Juan Ramos a/k/a Scott Livingston; The Port of Palm Beach and any of its employees, officers, or agents.

As attested to by outsourced general counsel for Respondents, and to be confirmed in Respondents' forthcoming amended written responses to the CID's, all responsive and nonprivileged information has been produced, *including* communications between the respondents, even though the December 14 agreement concluded that such communications did not need to be produced. The only potentially outstanding documents are those that will be produced in response to the third request at issue, described below. *Id.* at ¶ 20.

3. *All Communications with any business or individual relating to automated dialing, VoIP origination or termination, Caller Identification Service, CNAM, data brokerage services, direct inbound calling, Lead Generation, Telemarketing, or Voice Broadcasting provided by You or any other business or individual to the Subject Persons.*

This request was modified by the agreed to search terms, and then additional search terms set forth by the FTC. *See* Pet. Ex. 15 (FTC Counsel's May 16, 2019 Letter) at p. 6 (appendix listing search terms). As attested to by outsourced general counsel for Respondents, and to be confirmed in Respondents' forthcoming amended written responses to the CID's, all responsive and nonprivileged information has been produced, *including* communications between the respondents, even though the December 14 agreement concluded that such communications did not need to be produced, *except* for those communications related to the second set of search terms for respondents Daniel Lambert, James Verillo, and Reservations & Fulfillment Services, Inc. *See* Ex. C at ¶¶ 10-11, 20.

4. *All documents related to complaints (and responses thereto) about any unwanted sales or Telemarketing calls, deceptive business practices (such as impersonating another company or misrepresenting the terms of sale), overbilling, refusals to provide refunds, refusals to honor cruise tickets or vacation travel packages, or any complaints about the Subject Persons, including:*

c. *Cease and desist letters, threats of lawsuits, or actual lawsuits*

As attested to by outsourced general counsel for Respondents, and to be confirmed in Respondents forthcoming amended written responses to the CID's, all responsive and nonprivileged information has been produced. *Id.* at ¶ 20. The FTC has taken the position that

Respondents have not complied because they provided complaints and case information rather than all pleadings, filings, or “other litigation-related records.” However, all of these additional documents – other than privileged documents – are public record. Given the amount of complaints that were provided, and limited resources of Respondents, it would be unduly burdensome for Respondents to search for all related records. The FTC already has access to these documents through the public record, and it should not be the burden of Respondents to locate and produce such documents. Respondents have provided all responsive complaints, case numbers, and non-public responses.

CONCLUSION

Based on the foregoing, Respondents have complied with the CID’s, but for limited supplemental productions by three (3) Respondents, which will be produced as soon as possible. Respondents have not raised any new objections, and FTC Staff has frustrated Respondents’ efforts to seek administrative relief. Therefore, Respondents have shown good cause for why no motion to quash or modify was filed, why their productions have not been completed (but will be shortly), and why the Court should not enter an order directing Respondents to comply with the CID’s. Finally, Respondents have not avoided, delayed, or attempted to frustrate the FTC’s investigation or attempts to schedule investigational hearings in any way, therefore the Court need not compel any action by Respondents in absence of such noncompliance. Accordingly, the Petition should be dismissed and the FTC’s investigation should be closed upon completion of Respondents’ remaining productions.

Dated: October 11, 2019

Respectfully submitted,

GREENSPOON MARDER LLP

By: /s/ Jeffrey A. Backman
JEFFREY A. BACKMAN

Florida Bar No. 662501
GREGG I. STROCK
Florida Bar No. 1010140
200 E. Broward Blvd., Suite 1800
Ft. Lauderdale, FL 33301
(954) 491-1120
jeffrey.backman@gmlaw.com
khia.joseph@gmlaw.com
gregg.strock@gmlaw.com
lisa.webster@gmlaw.com

Attorneys for Respondents

My clients have been running the new search terms. Because of the vague and generic terms, there were over 15,000 emails returned, the substantial majority of which are not responsive. For example, you included the term "BBB". That search term, when run on Mr. Lambert's email for example, returns years' worth of attorney-client privilege communications between my firm and Mr. Lambert relating to a lawsuit filed against the BBB. The 'BBB' search term also returns every single company signature block that references BBB accreditation. An additional example exists with the term "outbound". Mr. Lambert and Mr. Verrilo both travel frequently. Well the "outbound" search term returns every single reference to an outbound flight. We are thus in the midst of reviewing the thousands of returned e-mails. When that review is finished, we will produce the additional responsive documents. As I've said repeatedly, an enforcement proceeding is not necessary.

Many of the matters stated by you in your June 4 email are inaccurate. When our additional responsive documents are ready to produce, we will address those inaccuracies in greater detail. Our lack of an immediate response should not be considered a concession that any of your letter, and the effort you made to go through the history of our communication with FTC counsel, are accurate. Indeed, the email correspondence exchanged tells a different story than what's in your June 4 letter.

Sincerely,

Jeffrey A. Backman, Esq.

Partner

200 East Broward Boulevard

Suite 1800

Fort Lauderdale, FL 33301

Toll Free - (888)491-1120

Direct Fax - (954)213-0140

Direct Dial - (954)734-1853

Email: jeffrey.backman@gmlaw.com

<http://www.gmlaw.com>

GreenspoonMarder

From: Kappler, Burke [mailto:bkappler@ftc.gov]

Sent: Monday, July 08, 2019 3:45 PM

To: Jeffrey Backman

Cc: Goodman, Jody; Brown, Christopher; Arington, Michele; Gregg Strock

Subject: 10 Civil Investigative Demands issued to Royal Seas Cruises, Inc., et al.

Dear Mr. Backman:

Following up on my letter dated June 4, I am writing to notify you that the FTC intends to commence a proceeding to enforce the CIDs issued to your clients, likely during the week of [July 15, 2019](#). As I stated, we are willing to refrain from filing if your clients cure the deficiencies identified in my letter dated May 16 promptly. If you have any questions or wish to discuss, please feel free to respond to this message. I am out of the office this week on personal travel with limited access to telephone or email but Jody Goodman and Christopher Brown should be available to speak with you in my absence. Thank you.

Sincerely,

Burke Kappler

Burke W. Kappler

Attorney, Office of General Counsel | Federal Trade Commission | [600 Pennsylvania Avenue, N.W., Washington, D.C. 20580](#) | Mail Stop H-582

T: [202-326-2043](tel:202-326-2043) | F: [202-326-2477](tel:202-326-2477) | C: [703-819-3079](tel:703-819-3079) | bkappler@ftc.gov

GREENSPOON MARDER LLP LEGAL NOTICE

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Unless specifically indicated otherwise, any discussion of tax issues contained in this e-mail, including any attachments, is not, and is not intended to be, "written advice" as defined in Section 10.37 of Treasury Department Circular 230.

A portion of our practice involves the collection of debt and any information you provide will be used for that purpose if we are attempting to collect a debt from you.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 19-61867-cv-RKA

FEDERAL TRADE COMMISSION,

Petitioner,

v.

DANIEL LAMBERT; JAMES VERILLO;
CRUISE OPERATOR, INC.; BPCL
MANAGEMENT, LLC; NATIONWIDE
RESERVATIONS, INC.; JEFF TELLAM;
RESERVATIONS & FULFILLMENT
SERVICES, INC.; PAUL HEYDEN; MELISSA
HANSON; and ROYAL SEAS CRUISES, INC.,

Respondents.

DECLARATION OF JEFFREY A. BACKMAN, ESQ.

1. My name is Jeffrey A. Backman and I am over the age of 18, competent to testify, and I have personal knowledge of the matters stated herein.

2. I am counsel for Respondents, Daniel Lambert; James Verillo; Cruise Operator, Inc.; BPCL Management, LLC; Nationwide Reservations, Inc.; Jeff Tellam; Reservations & Fulfillment Services, Inc.; Paul Heyden; Melissa Hanson; and Royal Seas Cruises, Inc. (collectively referred to as “Respondents”).

3. I have represented the Respondents throughout the process of responding to their respective Civil Investigative Demands (“CID”).

4. The Respondents were served with the CID’s on November 28, 2018, via FedEx, and on December 4, 2018, I contacted Christopher Brown and Jody Goodman of the FTC (“FTC Staff”), as required by the CID’s, to engage in the meet and confer process.

5. I met and conferred telephonically with FTC Staff, for the first time, on December

9, 2019. During the conference, I requested an extension of time to respond to the CID's, including the filing of any petitions to modify or quash the CID's, while the parties continued to meet and confer. *See* Ex. 1 (Dec. 13, 2018 email exchange following up on requests for extensions of time to respond and/or petition to quash or modify the CID's).

6. FTC staff denied that such an extension was initially requested (which was false), but provided an initial extension of time to respond (from December 21, 2018 to January 7, 2019). *See id.*

7. I conducted a second meet and confer conference with FTC Staff on December 13, 2018, and agreed to multiple modifications and limitations of the CID's, and agreed to a set of search terms for ESI searches. I memorialized the parties' agreement in an email the next day, December 14, 2018 ("December 14 Email"), making clear that "[t]o the extent you all want to ask for more at a later date, you are free to do so and, in turn, our right to object and/or file a petition will begin to run from the time you seek additional documents or information." *Id.* I also confirmed in the December 14 Email that, as was stated during the meet and confer telephone calls, "Respondents will respond based on the information within their possession. **Some of the Respondents are no longer in business and may not have access to computers or servers**, but we will provide that information at the time of our written responses." Ex. 2 ("December 14, 2018 Email" memorializing modifications to CID's) (emphasis added).

8. Thirteen (13) days later, at 6:01 pm on December 27, 2018, FTC Staff responded to the December 14 Email, noting very minor deviations from the previously agreed to modifications to the CID's. *See* Ex. 3. This email came conveniently one day before the government shutdown and while I was on vacation, as FTC staff was well aware. *See* Ex. 4 (email indicating that I was out of the office until January 2, 2019).

9. Notably, FTC Staff did *not* deny that Respondents' right to object and/or file a petition to quash or modify the CID's had not lapsed in light of the continuing meet and confer efforts. *See* Ex. 3.

10. I responded to FTC Staff's December 27, 2018 email by informing FTC Staff that Respondents were working on their written responses and conducting the searches previously agreed to by the FTC, and that remaining issues could be resolved upon the FTC's reopening. *See* Ex. 5. FTC Staff did not reply.

11. On January 6, 2019, I informed FTC Staff that the searches and responses were taking longer than originally anticipated, and that additional time would be required to serve responses and begin productions. *See* Ex. 6.

12. A few weeks later, on January 28, 2019, Respondents began serving their written responses to the CID's, beginning with Royal Seas Cruises, Inc., BPCL Management, LLC, and Melissa Hanson. In response, FTC staff, for the first time since December 27, 2018, indicated that they "would like to resolve whatever issues are outstanding." *See* Ex. 7 (Jan. 28, 2018 and Jan. 29, 2019 email exchange). I suggested that, in light of the current status of productions and burdens placed on the Respondents by the CID's, the Respondents should first complete the written responses for FTC Staff to review and then work through any items the FTC Staff believed required further discussion. *Id.*

13. Then, on February 11, 2019, FTC Staff's tone suddenly changed, completely disclaiming that the CID's had been modified at all by the parties agreement memorialized in the December 14 Email because, as admitted by FTC Staff, the FTC failed to provide a formal written modification, accusing Respondents of defaulting despite their continued efforts to work with the FTC, and requesting another meet and confer regarding the scope of the CID's. *See* Ex.

8.

14. I met and conferred with FTC Staff on February 22, 2019, and again explained the burdens of the CID's on the various Respondents. I discussed the possibility of additional search terms with FTC Staff, and we otherwise agreed to the general framework set forth in the December 14 Email, with slight modifications.

15. Then, six (6) days later, on February 28, 2019, the FTC moved the target again by providing a modification letter that was at odds with the original modifications agreed to in the December 14 Email. *See* Ex. 9. The February 28 letter attempted to automatically default all of the Respondents, and retroactively denied Respondents of their rights to quash or modify the CID's by "extending" their response deadline to January 7, 2019 – a date already nearly two (2) months in the past. *Id.*

16. All the while, Respondents continued to serve written responses and prepare their productions in a good faith effort to comply with the CID's requirements, and served the last of the written responses in the first week of March 2019.

17. On March 5, 2019, Respondents made their first production of documents, followed by two more document productions in March 2019. 782 documents were produced by my office on behalf of Respondents by the end of the month.

18. Fifty-two (52) days after the Respondents' rolling production began, FTC Staff requested the documents be produced again because the produced files were inexplicably not in their system. *See* Ex. 10. My office reproduced the documents on May 8, 2019.

19. FTC Staff alleged purported errors with Respondents' production in an email dated April 10, 2019, and provided Respondents with only seven (7) days to fix the purported deficiencies. *See* Ex. 11.

20. I responded by explaining that the Respondents were trying to ascertain which new search terms could be reasonably searched, and that supplemental productions have been delayed in part because the “CIDs are addressed to several entities that have not been in operation for years and individuals that have not been involved in the operations for years,” and further, Royal Seas Cruises, Inc. had recently “ceased its marketing business and is winding down affairs. This has also resulted in layoffs. So getting the right people to focus on th[ese] matters and gather additional information is taking more time than expected.” *See* Ex. 12. I also offered to cooperate in scheduling investigational hearings. *Id.*

21. On May 16, 2019, counsel for the FTC emailed a letter to me requesting additional information from Respondents, much of which had already been provided, and demanding that Respondents cure purported deficiencies in their productions within fourteen (14) days. *See* Ex. 13.

22. In response, I notified FTC counsel that, although the May 16 letter contained numerous inaccuracies, Respondents were running additional searches but that “As I’ve told your colleagues, all of these entities are either out of business or in wind down mode We have been and will continue to do the best we can but the self-serving deadlines are improper and often unreasonable under the circumstances.” *See* Ex. 14.

23. On May 29, 2019, I provided a substantive response to FTC counsel’s May 16 letter, explaining in detail what had been produced and what could not be produced at that point in time. *See* Ex. 15. As was made clear in the “Related Entities” bullet point of the responsive email, Respondents had already produced responsive communications *with or among the Respondents*, but-for the additional burdensome search terms that were unilaterally added by the FTC. *Id.* I also explained that

“I am working with the CID recipients to get a better estimate as to when the searches will be completed. At that time, as you may expect, a manual review by counsel will be required. It is unknown at this time the volume of documents that will be returned. As I have previously explained, the majority the business entity CID recipients have been out of business for some time and Royal Seas Cruises has stopped marketing and reduced its staff significantly. This is placing a burden on them and they are doing the best they can.”

Id. Finally, I reiterated that “the CID recipients have done nothing wrong and are willing to provide information and sit for investigational hearings relating to those matters that may actually fall within the scope of the FTCs jurisdiction.” *Id.*

24. The FTC chose not to schedule hearings, instead notifying Respondents on June 4, 2019 that judicial enforcement proceedings would be commenced despite Respondents’ good faith attempts to comply with the CID’s and offers to sit for investigational hearings. *See* Ex. 16.

25. I responded by explaining again that, although Respondents were attempting to comply, additional time was needed due to the breadth of information being requested:

My clients have been running the new search terms. Because of the vague and generic terms, there were over 15,000 emails returned, the substantial majority of which are not responsive. For example, you included the term “BBB”. That search term, when run on Mr. Lambert’s email for example, returns years’ worth of attorney-client privilege communications between my firm and Mr. Lambert relating to a lawsuit filed against the BBB. The ‘BBB’ search term also returns every single company signature block that references BBB accreditation. An additional example exists with the term “outbound”. Mr. Lambert and Mr. Verrilo both travel frequently. Well the “outbound” search term returns every single reference to an outbound flight. We are thus in the midst of reviewing the thousands of returned e-mails. When that review is finished, we will produce the additional responsive documents. As I’ve said repeatedly, an enforcement proceeding is not necessary.

See Ex. 17.

26. After the Petition was filed, the FTC did not attempt to serve any of the Respondents in a manner required by Rule 4 of the Federal Rules of Civil Procedure. I informed FTC counsel on more than one occasion that I was not representing the Respondents in the enforcement action (at that time) and that service should be effectuated as was required by due

process. *See* Ex. 18.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

/s/ Jeffrey A. Backman
Jeffrey A. Backman, Esq.

Executed on October 11, 2019.

EXHIBIT 1

Received Friday, October 11, 2019 1:28:17 PM
From Jeffrey Backman
Received Thursday, December 13, 2018 1:53:35 PM
Goodman, Jody Brown, Christopher
Gregg Strock
Subject: RE: FTC CID Matter No. 1623005 IWO -ACTI E.FID12481621
Normal

2:00 is good if you're still available. You can just call my direct line at 954.734.1853.

Jeffrey A. Backman, Esq.

Partner

200 East Broward Boulevard

Suite 1800

Fort Lauderdale, FL 33301

Toll Free - (888)491-1120

Direct Fax - (954)213-0140

Direct Dial - (954)734-1853

Email: jeffrey.backman@gmlaw.com

<http://www.gmlaw.com>

GreenspoonMarder

From: Goodman, Jody [mailto:goodman1@ftc.gov]
Sent: Thursday, December 13, 2018 11:4 AM
To: Jeffrey Backman; Brown, Christopher
Cc: Gregg Strock
Subject: RE: FTC CID Matter No. 1623005 [IWOV-ACTIVE.FID12481621]

Thanks, Jeff. You did not request an extension of the petition deadline on our call, but we can discuss this with you today if you'd like. We have discussed your request for an extension of the response deadline with our managers, and we have authority to grant you until January 7th for that. We are also happy to discuss a reasonable schedule for investigational hearings.

We are available today at 2 or 4 for a call. Is one of those times good for you

Best,
Jody

Jody Goodman
Federal Trade Commission
Bureau of Consumer Protection Division of Marketing Practices
400 Pennsylvania Avenue, NW
Washington, D.C. 20580
Tel: (202) 321-3099 Fax: (202) 321-3395
jgoodman1@ftc.gov

From: Jeffrey Backman [mailto:Jeffrey.Backman@gmlaw.com]
Sent: Thursday, December 13, 2018 11:00 AM
To: Brown, Christopher [mailto:cbrown3@ftc.gov]; Goodman, Jody [mailto:jgoodman1@ftc.gov]
Cc: Gregg Strock [mailto:regg.Strock@gmlaw.com]
Subject: FTC CID Matter No. 1623005 IWOV-ACTIVE.FID12481621

Chris/Jody, it was good having that initial conversation on Monday. I've since spoken with my clients about the various parameters we generally discussed and would like to have a follow up call so we can be sure we are all on the same page as we move forward. Are you available this afternoon or tomorrow afternoon

Also, you were going to get back to me on the enlargement of time of all the deadlines - petition, production and hearing. I think it makes sense in light of

our first discuss, and the one that we'll have today or tomorrow, that we all not be bogged down in petitions to Limit/ uash but instead focus on what it seems are really the issues/people/entities you're looking into. We have no objection to you revisiting matters that, for now, you agree don't need to be a part of my clients' responses.

Thanks,

Jeffrey A. Backman, Esq.

Partner

200 East Broward Boulevard

Suite 1800

Fort Lauderdale, FL 33301

Toll Free - (888)491-1120

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Direct Dial - (954)734-1853

Email: jeffrey.backman@gmlaw.com

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GreenspoonMarder

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A portion of our practice involves the collection of debt and any information you provide will be used for that purpose if we are attempting to collect a debt from you.

EXHIBIT 2

r e Friday, October 11, 2019 1:29:30 PM
r Jeffrey Backman
e Friday, December 14, 2018 2:28:23 PM
Goodman, Jody Brown, Christopher
Gregg Strock Richard Epstein
u e RE: FTC CID Matter No. 1623005 38541.0026 IWO -ACTI E.FID12481621
p r a e High
e Normal

Jody and Chris, it was good talking to you again yesterday. I've summarized below what we discussed and agreed to. I've also included the proposed search terms as referenced on the call. It's my understanding that the below is agreeable to you and limits to scope of the CIDs to our clients accordingly. If you want to propose any additional search terms, let me know ASAP, but we'll get started with the below. To the extent you all want to ask for more at a later date, you are free to do so and, in turn, our right to object and/or file a petition will begin to run from the time you seek additional documents or information.

1. Jim Errillo
 - a. Searches will be run on accessible business e-mail accounts utilizing the limitations set forth in 8.c. below.
2. Dan Lambert
 - a. Searches will be run on accessible business e-mail accounts utilizing the limitations set forth in 8.c. below.
3. Melissa Hanson
 - a. Will be a custodian for the ESI searches referenced below for RSC.
4. Paul Heyden
 - a. Will be a custodian for the ESI searches referenced below for RSC.
5. Jeff Tellam
 - a. Will be a custodian for the ESI searches referenced below for RFSI.
6. Cruise Operator, Inc. CO
 - a. We will produce contracts that we are aware of with entities listed on request No. 2 exception Greenspoon Marder .
7. BPCL Management, LLC BPCL
 - a. We will produce contracts that we are aware of with entities listed on request No. 2 exception Greenspoon Marder .
8. Royal Seas Cruises, Inc. RSC
 - a. A summary of all marketing for the relevant time period.
 - b. We will search for documents/emails to and from domain names that we are aware of, if any, associated with all entities listed on Request No. 2 with the exception of BPCLM, RSC, RFSI, NW, CO, James Errillo, Daniel Lambert, Edward Levitan, Charlie Kinnear, Melissa Hanson, Paul Heyden, Jeff Telum, Paradise Cruise Line Operator, Ltd., Inc., Kevin Sheehan, The Port of Palm Beach, and Greenspoon Marder. There are several names and entities on the list with which we are not familiar and do not have domain names we will let you know those in connection with our response.
 - c. We will then run ESI searches using the following search terms only, to and from domain names that we are aware of, if any, associated with the excepted names and entities identified in 8.b. above with the exception of Greenspoon Marder as discussed, no information with Greenspoon Marder will be provided .
 - i. Robo Dial
 - ii. Robo Dialer
 - iii. Robo Dialing
 - iv. Spoof
 - v. Spoof Caller ID
 - vi. Spoof Caller Identification
 - vii. Spoofed
 - viii. Spoofed Caller ID
 - ix. Spoofed Caller Identification
 - x. Spoofing
 - xi. Spoofing Caller ID
 - xii. Spoofing Caller Identification
 - xiii. Pre-Recorded
 - xiv. Pre-Recorded voice
 - xv. Pre-Recorded Message
 - xvi. Pre-recorded
 - xvii. Pre-recorded voice
 - xviii. Pre-recorded Message
9. Nationwide Reservations, Inc. NW
 - a. Same as RSC

10. Reservations Fulfillment Services, Inc. RFSI

a. Same as RSC

11. Subject Persons is limited to the names and entities set forth in Request for production No. 2.

12. All Requests are limited to Telemarketing Calls utilizing prerecorded messages and/or spoofed caller ID.

13. All Requests are limited to the M/ Grand Celebration.

14. No documents or information exchanged with or included counsel need to be provided or logged.

15. The same limitations set forth above with respect to the Requests for Production apply to corresponding Interrogatories.

16. Requests seeking financial, banking and payment processing information do not need to be responded to at this time. However, information regarding financial transactions with Blake Curtis, Tony D. and any of their known related entities listed in the CID will be provided.

17. For Interrogatory 2, we will not disclose the names of the entities, but we will provide specific descriptions of any Telemarketing calls initiated by third parties, if any, engaged by the company.

18. Respondents will respond based on the information within their possession. Some of the Respondents are no longer in business and may not have access to computers or servers, but we will provide that information at the time of our written responses.

19. We will also identify appropriate custodians, if any, other than the 5 individuals specifically referenced above.

20. To the extent, after you review the various forms of marketing and other information, you believe you need additional information, we can address it at that time.

Thanks for working with us on this. We hope to respond, at a minimum, with the start of a rolling production and answers to the Interrogatories, by the extended date of January 7, 2019. If the searches are taking longer, we will let you know and keep you informed of our progress.

Sincerely,

Jeffrey A. Backman, Esq.

Partner

200 East Broward Boulevard

Suite 1800

Fort Lauderdale, FL 33301

Toll Free - (888)491-1120

Direct Fax - (954)213-0140

Direct Dial - (954)734-1853

Email: jeffrey.backman@gmlaw.com

<http://www.gmlaw.com>

GreenspoonMarder

From: Goodman, Jody [mailto:goodman1@ftc.gov]

Sent: hursday, December 13, 2018 11:4 AM

To: Jeffrey Backman; Brown, Christopher

Cc: Gregg Stroch

Subject: R : C CID Matter o. 1 23005 [I AC I . ID12481 21]

Thanks, Jeff. You did not request an extension of the petition deadline on our call, but we can discuss this with you today if you'd like. We have discussed your request for an extension of the response deadline with our managers, and we have authority to grant you until January 7th for that. We are also happy to discuss a reasonable schedule for investigational hearings.

We are available today at 2 or 4 for a call. Is one of those times good for you

Best,

Jody

Jody Goodman

Federal Trade Commission

Bureau of Consumer Protection Division of Marketing Practices

100 Pennsylvania Avenue, NW

Washington, D.C. 20580

Tel: (202) 321-3090 Fax: (202) 321-3395

jgoodman1@ftc.gov

From: Jeffrey Backman Jeffrey.Backman@gmlaw.com
Sent: Thursday, December 13, 2018 11:00 AM
To: Brown, Christopher cbrown3@ftc.gov oodman, Jody jgoodman1@ftc.gov
Cc: regg Strock regg.Strock@gmlaw.com
Subject: FTC CID Matter o. 1 23005 IWOV-ACTIVE.FID12481 21

Chris/Jody, it was good having that initial conversation on Monday. I've since spoken with my clients about the various parameters we generally discussed and would like to have a follow up call so we can be sure we are all on the same page as we move forward. Are you available this afternoon or tomorrow afternoon

Also, you were going to get back to me on the enlargement of time of all the deadlines petition, reduction and hearing. I think it makes sense in light of our first discuss, and the one that we'll have today or tomorrow, that we all not be bogged down in petitions to Limit/ wash but instead focus on what it seems are really the issues/people/entities you're looking into. We have no objection to you revisiting matters that, for now, you agree don't need to be a part of my clients' responses.

Thanks,

Jeffrey A. Backman, Esq.

Partner

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GreenspoonMarder

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A portion of our practice involves the collection of debt and any information you provide will be used for that purpose if we are attempting to collect a debt from you.

EXHIBIT 3

Received Friday, October 11, 2019 1:31:39 PM
From: Goodman, Jody
Date: Thursday, December 27, 2018 6:01:27 PM
To: Jeffrey Backman
Brown, Christopher Gregg Strock Richard Epstein Barlow, Ian
Subject: RE: FTC CID Matter No. 1623005 38541.0026 IWO -ACTI E.FID12481621
Priority: Normal

Hi Jeff,

As of tomorrow (12/28) at 11:59 pm, the FTC will be closed due to the government shutdown. We are not permitted to work while the agency is not operating. We nonetheless expect that you will produce timely responses to the CIDs we have served on your clients. Because nobody will be available to send you a link to upload electronic files, please send the data on a CD or flash drive, via FedEx. Should you have urgent questions, a manager will be available to respond. I will send you a contact list via separate email, probably tomorrow.

Since we were not able to confer on your email concerning your responses, I have annotated the substance of your email below, with our comments in red:

1. Jim Errillo
 - a. Searches will be run on accessible business e-mail accounts utilizing the limitations set forth in 8.c. below. **Please identify the companies for which accounts are accessible. Also, searches should be run on personal accounts and text messages, to the extent that personal accounts contain business communications.**
2. Dan Lambert
 - a. Searches will be run on accessible business e-mail accounts utilizing the limitations set forth in 8.c. below. **Please identify the companies for which accounts are accessible. Also, searches should be run on personal accounts and text messages, to the extent that personal accounts contain business communications.**
3. Melissa Hanson
 - a. Will be a custodian for the ESI searches referenced below for RSC.
4. Paul Heyden
 - a. Will be a custodian for the ESI searches referenced below for RSC.
5. Jeff Tellam
 - a. Will be a custodian for the ESI searches referenced below for RFSI. **Dan Lambert and James Errillo should also be custodians for RFSI.**
6. Cruise Operator, Inc. CO
 - a. We will produce contracts that we are aware of with entities listed on request No. 2 exception Greenspoon Marder .
7. BPCL Management, LLC BPCL
 - a. We will produce contracts that we are aware of with entities listed on request No. 2 exception Greenspoon Marder . **We request contracts and agreements with Greenspoon Marder that are not privileged.**
8. Royal Seas Cruises, Inc. RSC
 - a. A summary of all marketing for the relevant time period.
 - b. We will search for documents/emails to and from domain names that we are aware of, if any, associated with all entities listed on Request No. 2 with the exception of BPCLM, RSC, RFSI, NW, CO, James Errillo, Daniel Lambert, Edward Levitan, Charlie Kinnear, Melissa Hanson, Paul Heyden, Jeff Tellam, Paradise Cruise Line Operator, Ltd., Inc., Kevin Sheehan, The Port of Palm Beach, and Greenspoon Marder. **We do not agree to these exceptions. Searches should be run on these individuals and entities.** There are several names and entities on the list with which we are not familiar and do not have domain names we will let you know those in connection with our response.
 - c. We will then run ESI searches using the following search terms only, to and from domain names that we are aware of, if any, associated with the excepted names and entities identified in 8.b. above with the exception of Greenspoon Marder as discussed, no information with Greenspoon Marder will be provided . **All the entities and individuals listed in 2 a - oo should be used as search terms, without business entity terms such as LLC and Inc. In most cases. Searching for an individual's last name will probably yield the best results. In addition, we propose the following terms:**

1. Automated call
2. Automated dial
3. Avatar
4. "Avatar Technologies"
5. BBB
. "Better Business Bureau"
7. bps ode
8. "call center "
9. "caller ID"
10. "Charge back"
11. Chargeback

12. "cold call "
13. D C
14. "do not call list"
15. "inbound call"
16. "inbound transfer"
17. "outbound call "
18. Lead w/2 (generate or generator or generating)
19. rerecorded
20. roCall
21. roFronter
22. obocall
23. Script
24. Soundboard
25. Subpoena
26. "Sun Telecom"
27. "voice broadcasting"
28. VOI
29. tel

- i. Robo Dial
- ii. Robo Dialer
- iii. Robo Dialing
- iv. Spoof
- v. Spoof Caller ID
- vi. Spoof Caller Identification
- vii. Spoofed
- viii. Spoofed Caller ID
- ix. Spoofed Caller Identification
- x. Spoofing
- xi. Spoofing Caller ID
- xii. Spoofing Caller Identification
- xiii. Pre-Recorded
- xiv. Pre-Recorded voice
- xv. Pre-Recorded Message
- xvi. Pre-recorded
- xvii. Pre-recorded voice
- xviii. Pre-recorded Message

9. Nationwide Reservations, Inc. NW

a. Same as RSC

10. Reservations Fulfillment Services, Inc. RFSI

a. Same as RSC

11. Subject Persons is limited to the names and entities set forth in Request for production No. 2.

12. All Requests are limited to Telemarketing Calls utilizing pre-recorded messages and/or spoofed caller ID.

13. All Requests are limited to the M/ Grand Celebration.

14. No documents or information exchanged with or included counsel need to be provided or logged. **We did not agree to this. Non-privileged documents such as communications that involve a third party should be produced. Individual attorney-client documents do not need to be individually logged.**

15. The same limitations set forth above with respect to the Requests for Production apply to corresponding Interrogatories.

16. Requests seeking financial, banking and payment processing information do not need to be responded to at this time. However, information regarding financial transactions with Blake

Curtis, Tony D. and any of their known related entities listed in the CID will be provided.

17. For Interrogatory 2, we will not disclose the names of the entities, but we will provide specific descriptions of any Telemarketing calls initiated by third parties, if any, engaged by the

company. **We disagree you should disclose the names of relevant entities, but not individuals.**

18. Respondents will respond based on the information within their possession. Some of the Respondents are no longer in business and may not have access to computers or servers, but we will provide that information at the time of our written responses.

19. We will also identify appropriate custodians, if any, other than the 5 individuals specifically referenced above.

20. To the extent, after you review the various forms of marketing and other information, you believe you need additional information, we can address it at that time.

Thank you for your cooperation. If you're available to talk tomorrow, I will be available. If not, we will be in touch as soon as we are back in operation.

Regards,
Jody

Jody Goodman
Federal Trade Commission
Bureau of Consumer Protection Division of Marketing Practices
100 Pennsylvania Avenue, NW
Washington, D.C. 20580
Tel: (202) 321-3091 Fax: (202) 321-3395

From: Jeffrey Backman <Jeffrey.Backman@gmlaw.com>
Sent: Wednesday, December 20, 2018 10:45 AM
To: Goodman, Jody <jgoodman1@ftc.gov>
Cc: Brown, Christopher <cbrown3@ftc.gov>; Regg Strock <regg.Strock@gmlaw.com>; Richard Epstein <Richard.Epstein@gmlaw.com>
Subject: Re: FTC CID Matter No. 123005 (38541.002) IWOV-ACTIVE.FID12481 21

I'm out of the office, returning January 2

Jeffrey A. Backman

On Dec 20, 2018, at 10:14 AM, Goodman, Jody <jgoodman1@ftc.gov> wrote:

Hi Jeff,

If you are working today or tomorrow, could we please set a time to discuss this? The FTC is open this week, using its own funds, but we are likely to be shut down as of Friday at noon (and I'm off on Friday anyway).

Best,
Jody

Jody Goodman
Federal Trade Commission
Bureau of Consumer Protection Division of Marketing Practices
100 Pennsylvania Avenue, NW
Washington, D.C. 20580
Tel: (202) 321-3091 Fax: (202) 321-3395

From: Jeffrey Backman <Jeffrey.Backman@gmlaw.com>
Sent: Friday, December 14, 2018 2:28 PM
To: Goodman, Jody <jgoodman1@ftc.gov>; Brown, Christopher <cbrown3@ftc.gov>
Cc: Regg Strock <regg.Strock@gmlaw.com>; Richard Epstein <Richard.Epstein@gmlaw.com>
Subject: E: FTC CID Matter No. 123005 (38541.002) IWOV-ACTIVE.FID12481 21
Importance: High

Jody and Chris, it was good talking to you again yesterday. I've summarized below what we discussed and agreed to. I've also included the proposed search terms as referenced on the call. It's my understanding that the below is agreeable to you and limits to scope of the CIDs to our clients accordingly. If you want to propose any additional search terms, let me know ASAP, but we'll get started with the below. To the extent you all want to ask for more at a later date, you are free to do so and, in turn, our right to object and/or file a petition will begin to run from the time you seek additional documents or information.

1. Jim Ferrillo
 - a. Searches will be run on accessible business e-mail accounts utilizing the limitations set forth in 8.c. below.
2. Dan Lambert
 - a. Searches will be run on accessible business e-mail accounts utilizing the limitations set forth in 8.c. below.

3. Melissa Hanson
 - a. Will be a custodian for the ESI searches referenced below for RSC.
4. Paul Heyden
 - a. Will be a custodian for the ESI searches referenced below for RSC.
5. Jeff Tellam
 - a. Will be a custodian for the ESI searches referenced below for RFSI.
6. Cruise Operator, Inc. CO
 - a. We will produce contracts that we are aware of with entities listed on request No. 2 exception Greenspoon Marder .
7. BPCL Management, LLC BPCL
 - a. We will produce contracts that we are aware of with entities listed on request No. 2 exception Greenspoon Marder .
8. Royal Seas Cruises, Inc. RSC
 - a. A summary of all marketing for the relevant time period.
 - b. We will search for documents/emails to and from domain names that we are aware of, if any, associated with all entities listed on Request No. 2 with the exception of BPCLM, RSC, RFSI, NW, CO, James Errillo, Daniel Lambert, Edward Levitan, Charlie Kinneer, Melissa Hanson, Paul Heyden, Jeff Telum, Paradise Cruise Line Operator, Ltd., Inc., Kevin Sheehan, The Port of Palm Beach, and Greenspoon Marder. There are several names and entities on the list with which we are not familiar and do not have domain names we will let you know those in connection with our response.
 - c. We will then run ESI searches using the following search terms only, to and from domain names that we are aware of, if any, associated with the excepted names and entities identified in 8.b. above with the exception of Greenspoon Marder as discussed, no information with Greenspoon Marder will be provided .
 - i. Robo Dial
 - ii. Robo Dialer
 - iii. Robo Dialing
 - iv. Spoof
 - v. Spoof Caller ID
 - vi. Spoof Caller Identification
 - vii. Spoofed
 - viii. Spoofed Caller ID
 - ix. Spoofed Caller Identification
 - x. Spoofing
 - xi. Spoofing Caller ID
 - xii. Spoofing Caller Identification
 - xiii. Pre-Recorded
 - xiv. Pre-Recorded oice
 - xv. Pre-Recorded Message
 - xvi. Prerecorded
 - xvii. Prerecorded oice
 - xviii. Prerecorded Message
9. Nationwide Reservations, Inc. NW
 - a. Same as RSC
10. Reservations Fulfillment Services, Inc. RFSI
 - a. Same as RSC
11. Sub ect Persons is limited to the names and entities set forth in Request for production No. 2.
12. All Requests are limited to Telemarketing Calls uti ling prerecorded messages and/or spoofed caller ID.
13. All Requests are limited to the M/ Grand Celebration.
14. No documents or information exchanged with or included counsel need to be provided or logged.
15. The same limitations set forth above with respect to the Requests for Production apply to corresponding Interrogatories.
16. Requests seeking financial, banking and payment processing information do not need to be responded to at this time. However, information regarding financial transactions with Blake Curtis, Tony D. and any of their known related entities listed in the CID will be provided.
17. For Interrogatory 2, we will not disclose the names of the entities, but we will provide specific descriptions of any Telemarketing calls initiated by third parties, if any, engaged by the company.
18. Respondents will respond based on the information within their possession. Some of the Respondents are no longer in business and may not have access to computers or servers, but we will provide that information at the time of our written responses.
19. We will also identify appropriate custodians, if any, other than the 5 individuals specifically referenced above.
20. To the extent, after you review the various forms of marketing and other information, you believe you need additional information, we can address it at that time.

Thanks for working with us on this. We hope to respond, at a minimum, with the start of a rolling production and answers to the Interrogatories, by

Sincerely,

Jeffrey A. Backman, Esq.

Partner

200 East Broward Boulevard

Suite 1800

Fort Lauderdale, FL 33301

Toll Free - (888)491-1120

Direct Fax - (954)213-0140

Direct Dial - (954)734-1853

image001.jpg

Sent: Thursday, December 13, 2018 11:17 AM

To: Jeffrey Backman; Brown, Christopher

Cc: Gregg Strock

Subject: R : C CID Matter o. 1 23005 [I AC I . ID12481 21]

Thanks, Jeff. You did not request an extension of the petition deadline on our call, but we can discuss this with you today if you'd like. We have discussed your request for an extension of the response deadline with our managers, and we have authority to grant you until January 7th for that. We are also happy to discuss a reasonable schedule for investigational hearings.

We are available today at 2 or 4 for a call. Is one of those times good for you

Best,

Jody

Jody Woodman

Federal Trade Commission

Bureau of Consumer Protection Division of Marketing Practices

100 Pennsylvania Avenue, NW

Washington, D.C. 20580

Tel: (202) 321-3090 Fax: (202) 321-3395

From: Jeffrey Backman

Sent: Thursday, December 13, 2018 11:00 AM

To: Brown, Christopher; Woodman, Jody

Cc: regg Strock

Subject: FTC CID Matter o. 1 23005 IWUV-ACTIVE.FID12481 21

Chris/Jody, it was good having that initial conversation on Monday. I've since spoken with my clients about the various parameters we generally discussed and would like to have a follow up call so we can be sure we are all on the same page as we move forward. Are you available this afternoon or tomorrow afternoon

Also, you were going to get back to me on the enlargement of time of all the deadlines petition, production and hearing. I think it makes sense in light of our first discuss, and the one that we'll have today or tomorrow, that we all not be bogged down in petitions to Limit/Quash but instead focus on what it seems are really the issues/people/entities you're looking into. We have no objection to you revisiting matters that, for now, you agree don't need to be a part of my clients' responses.

Thanks,

Jeffrey A. Backman, Esq.

Partner

200 East Broward Boulevard

Suite 1800

Fort Lauderdale, FL 33301

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image001.jpg

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Unless specifically indicated otherwise, any discussion of tax issues contained in this e-mail, including any attachments, is not, and is not intended to be, written advice as defined in Section 10.37 of Treasury Department Circular 230.

A portion of our practice involves the collection of debt and any information you provide will be used for that purpose if we are attempting to collect a debt from you.

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EXHIBIT 4

Received Friday, October 11, 2019 1:33:37 PM
From Jeffrey Backman
Received Wednesday, December 26, 2018 10:44:55 AM
Goodman, Jody
Brown, Christopher Gregg Strock Richard Epstein
Subject: Re: FTC CID Matter No. 1623005 38541.0026 IWOV -ACTIVE E.FID12481621
Priority: Normal

I'm out of the office, returning January 2

Jeffrey A. Backman

On Dec 26, 2018, at 10:14 AM, Goodman, Jody <[redacted]> wrote:

Hi Jeff,

If you are working today or tomorrow, could we please set a time to discuss this? The FTC is open this week, using its own funds, but we are likely to be shut down as of Friday at noon (and I'm off on Friday anyway).

Best,
Jody

Jody Goodman
Federal Trade Commission
Bureau of Consumer Protection Division of Marketing Practices
100 Pennsylvania Avenue, NW
Washington, D.C. 20580
Tel: (202) 326-3090 Fax: (202) 326-3395
jody.goodman@ftc.gov

From: Jeffrey Backman <[redacted]>
Sent: Friday, December 14, 2018 2:28 PM
To: Goodman, Jody <[redacted]> Brown, Christopher <[redacted]>
Cc: Gregg Strock <[redacted]> Richard Epstein <[redacted]>
Subject: E: FTC CID Matter No. 1623005 (38541.0026) IWOV-ACTIVE.E.FID12481621
Importance: High

Jody and Chris, it was good talking to you again yesterday. I've summarized below what we discussed and agreed to. I've also included the proposed search terms as referenced on the call. It's my understanding that the below is agreeable to you and limits to scope of the CIDs to our clients accordingly. If you want to propose any additional search terms, let me know ASAP, but we'll get started with the below. To the extent you all want to ask for more at a later date, you are free to do so and, in turn, our right to object and/or file a petition will begin to run from the time you seek additional documents or information.

1. Jim Ferrillo
 - a. Searches will be run on accessible business e-mail accounts utilizing the limitations set forth in 8.c. below.
2. Dan Lambert
 - a. Searches will be run on accessible business e-mail accounts utilizing the limitations set forth in 8.c. below.
3. Melissa Hanson
 - a. Will be a custodian for the ESI searches referenced below for RSC.
4. Paul Heyden
 - a. Will be a custodian for the ESI searches referenced below for RSC.
5. Jeff Tellam
 - a. Will be a custodian for the ESI searches referenced below for RFSI.
6. Cruise Operator, Inc. CO
 - a. We will produce contracts that we are aware of with entities listed on request No. 2 exception Greenspoon Marder.
7. BPCL Management, LLC BPCL
 - a. We will produce contracts that we are aware of with entities listed on request No. 2 exception Greenspoon Marder.

8. Royal Seas Cruises, Inc. RSC

- a. A summary of all marketing for the relevant time period.
- b. We will search for documents/emails to and from domain names that we are aware of, if any, associated with all entities listed on Request No. 2 with the exception of BPCLM, RSC, RFSI, NW, CO, James Errillo, Daniel Lambert, Edward Levitan, Charlie Kinneary, Melissa Hanson, Paul Heyden, Jeff Telum, Paradise Cruise Line Operator, Ltd., Inc., Kevin Sheehan, The Port of Palm Beach, and Greenspoon Marder. There are several names and entities on the list with which we are not familiar and do not have domain names we will let you know those in connection with our response.
- c. We will then run ESI searches using the following search terms only, to and from domain names that we are aware of, if any, associated with the excepted names and entities identified in 8.b. above with the exception of Greenspoon Marder as discussed, no information with Greenspoon Marder will be provided .
 - i. Robo Dial
 - ii. Robo Dialer
 - iii. Robo Dialing
 - iv. Spoof
 - v. Spoof Caller ID
 - vi. Spoof Caller Identification
 - vii. Spoofed
 - viii. Spoofed Caller ID
 - ix. Spoofed Caller Identification
 - x. Spoofing
 - xi. Spoofing Caller ID
 - xii. Spoofing Caller Identification
 - xiii. Pre-Recorded
 - xiv. Pre-Recorded voice
 - xv. Pre-Recorded Message
 - xvi. Pre-recorded
 - xvii. Pre-recorded voice
 - xviii. Pre-recorded Message

9. Nationwide Reservations, Inc. NW

- a. Same as RSC

10. Reservations Fulfillment Services, Inc. RFSI

- a. Same as RSC

11. Subject Persons is limited to the names and entities set forth in Request for production No. 2.

12. All Requests are limited to Telemarketing Calls utilizing pre-recorded messages and/or spoofed caller ID.

13. All Requests are limited to the M/ Grand Celebration.

14. No documents or information exchanged with or included counsel need to be provided or logged.

15. The same limitations set forth above with respect to the Requests for Production apply to corresponding Interrogatories.

16. Requests seeking financial, banking and payment processing information do not need to be responded to at this time. However, information regarding financial transactions with Blake

Curtis, Tony D. and any of their known related entities listed in the CID will be provided.

17. For Interrogatory 2, we will not disclose the names of the entities, but we will provide specific descriptions of any Telemarketing calls initiated by third parties, if any, engaged by the company.

18. Respondents will respond based on the information within their possession. Some of the Respondents are no longer in business and may not have access to computers or servers, but we will provide that information at the time of our written responses.

19. We will also identify appropriate custodians, if any, other than the 5 individuals specifically referenced above.

20. To the extent, after you review the various forms of marketing and other information, you believe you need additional information, we can address it at that time.

Thanks for working with us on this. We hope to respond, at a minimum, with the start of a rolling production and answers to the Interrogatories, by the extended date of January 7, 2019. If the searches are taking longer, we will let you know and keep you informed of our progress.

Sincerely,

Jeffrey A. Backman, Esq.

Partner

200 East Broward Boulevard

Suite 1800

Fort Lauderdale, FL 33301

Toll Free - (888)491-1120

Direct Fax - (954)213-0140

Direct Dial - (954)734-1853

image001.jpg

From: Goodman, Jody
Sent: Thursday, December 13, 2018 11:07 AM
To: Jeffrey Backman; Brown, Christopher
Cc: Gregg Strock
Subject: R : C CID Matter o. 1 23005 [I AC I . ID12481 21]

Thanks, Jeff. You did not request an extension of the petition deadline on our call, but we can discuss this with you today if you'd like. We have discussed your request for an extension of the response deadline with our managers, and we have authority to grant you until January 7th for that. We are also happy to discuss a reasonable schedule for investigational hearings.

We are available today at 2 or 4 for a call. Is one of those times good for you

Best,
Jody

Jody Goodman
Federal Trade Commission
Bureau of Consumer Protection Division of Marketing Practices
100 Pennsylvania Avenue, NW
Washington, D.C. 20580
Tel: (202) 321-3091 Fax: (202) 321-3395

From: Jeffrey Backman
Sent: Thursday, December 13, 2018 11:00 AM
To: Brown, Christopher; Goodman, Jody
Cc: Gregg Strock
Subject: FTC CID matter o. 1 23005 IWUV-ACTIVE.FID12481 21

Chris/Jody, it was good having that initial conversation on Monday. I've since spoken with my clients about the various parameters we generally discussed and would like to have a follow up call so we can be sure we are all on the same page as we move forward. Are you available this afternoon or tomorrow afternoon

Also, you were going to get back to me on the enlargement of time of all the deadlines petition, reduction and hearing. I think it makes sense in light of our first discuss, and the one that we'll have today or tomorrow, that we all not be bogged down in petitions to Limit/ wash but instead focus on what it seems are really the issues/people/entities you're looking into. We have no objection to you revisiting matters that, for now, you agree don't need to be a part of my clients' responses.

Thanks,

Jeffrey A. Backman, Esq.
Partner
200 East Broward Boulevard
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image001.jpg

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EXHIBIT 5

Received Friday, October 11, 2019 1:34:50 PM

From: Jeffrey Backman

Received Tuesday, January 1, 2019 9:36:18 AM

Goodman, Jody

Brown, Christopher Gregg Strock Richard Epstein Barlow, Ian

Subject: Re: FTC CID Matter No. 1623005 38541.0026 IWOV -ACTIVE.E.FID12481621 - FTC contacts during shutdown

Priority: Normal

As you know I've been on vacation. We don't agree with many of the changes/additions you made to our prior understanding set forth in my December 14 email. We are nonetheless working on the written responses and conducting the searches we previously discussed. Upon your return we can work through any remaining issues.

Jeffrey A. Backman

On Dec 31, 2018, at 11:59 AM, Goodman, Jody <jody.goodman@ftc.gov> wrote:

Jeff,

If you need to speak with someone at the FTC during the shutdown, here is contact information for our managers:

Lois Reisman
202-321-3404

Will Maxson
202-321-2335

Kristi Daffan
202-321-2727

Dotan Weinman
202-321-3049

Best,
Jody

From: Goodman, Jody
Sent: Thursday, December 27, 2018 11:01 AM
To: Jeffrey Backman; Jim Ferrillo; Dan Lambert; Richard Epstein; Ian Barlow, Christopher Strock
Cc: Christopher Strock; Jeffrey Backman; Richard Epstein; Ian Barlow, Christopher Strock
Subject: RE: FTC CID Matter No. 1623005 (38541.0026) IWOV-ACTIVE.E.FID12481621

Hi Jeff,

As of tomorrow (12/28) at 11:59 pm, the FTC will be closed due to the government shutdown. We are not permitted to work while the agency is not operating. We nonetheless expect that you will produce timely responses to the CIDs we have served on your clients. Because nobody will be available to send you a link to upload electronic files, please send the data on a CD or flash drive, via FedEx. Should you have urgent questions, a manager will be available to respond. I will send you a contact list via separate email, probably tomorrow.

Since we were not able to confer on your email concerning your responses, I have annotated the substance of your email below, with our comments in red:

1. Jim Ferrillo
 - a. Searches will be run on accessible business e-mail accounts utilizing the limitations set forth in 8.c. below. **Please identify the companies for which accounts are accessible. Also, searches should be run on personal accounts and text messages, to the extent that personal accounts contain business communications.**
2. Dan Lambert

- a. Searches will be run on accessible business e-mail accounts utilizing the limitations set forth in 8.c. below. **Please identify the companies for which accounts are accessible. Also, searches should be run on personal accounts and text messages, to the extent that personal accounts contain business communications.**
3. Melissa Hanson
 - a. Will be a custodian for the ESI searches referenced below for RSC.
4. Paul Heyden
 - a. Will be a custodian for the ESI searches referenced below for RSC.
5. Jeff Tellam
 - a. Will be a custodian for the ESI searches referenced below for RFSI. **Dan Lambert and James Errillo should also be custodians for RFSI.**
6. Cruise Operator, Inc. CO
 - a. We will produce contracts that we are aware of with entities listed on request No. 2 exception Greenspoon Marder .
7. BPCL Management, LLC BPCL
 - a. We will produce contracts that we are aware of with entities listed on request No. 2 exception Greenspoon Marder . **We request contracts and agreements with Greenspoon Marder that are not privileged.**
8. Royal Seas Cruises, Inc. RSC
 - a. A summary of all marketing for the relevant time period.
 - b. We will search for documents/emails to and from domain names that we are aware of, if any, associated with all entities listed on Request No. 2 with the exception of BPCLM, RSC, RFSI, NW, CO, James Errillo, Daniel Lambert, Edward Levitan, Charlie Kinneer, Melissa Hanson, Paul Heyden, Jeff Telum, Paradise Cruise Line Operator, Ltd., Inc., Kevin Sheehan, The Port of Palm Beach, and Greenspoon Marder. **We do not agree to these exceptions. Searches should be run on these individuals and entities.** There are several names and entities on the list with which we are not familiar and do not have domain names we will let you know those in connection with our response.
 - c. We will then run ESI searches using the following search terms only, to and from domain names that we are aware of, if any, associated with the excepted names and entities identified in 8.b. above with the exception of Greenspoon Marder as discussed, no information with Greenspoon Marder will be provided . **All the entities and individuals listed in 2 a - oo should be used as search terms, without business entity terms such as LLC and Inc. In most cases. Searching for an individual s last name will probably yield the best results. In addition, we propose the following terms:**

1. Automated call
2. Automated dial
3. Avatar
4. "Avatar Technologies"
5. BBB
6. "Better Business Bureau"
7. bps ode
8. "call center "
9. "caller ID"
10. "Charge back"
11. Chargeback
12. "cold call "
13. D C
14. "do not call list"
15. "inbound call"
16. "inbound transfer"
17. "outbound call "
18. Lead w/2 (generate or generator or generating)
19. rerecorded
20. roCall
21. roFronter
22. obocall
23. Script
24. Soundboard
25. Subpoena
26. "Sun Telecom"
27. "voice broadcasting"
28. VOI
29. tel

- i. Robo Dial
 - ii. Robo Dialer
 - iii. Robo Dialing

- iv. Spoof
- v. Spoof Caller ID
- vi. Spoof Caller Identification
- vii. Spoofed
- viii. Spoofed Caller ID
- ix. Spoofed Caller Identification
- x. Spoofing
- xi. Spoofing Caller ID
- xii. Spoofing Caller Identification
- xiii. Pre-Recorded
- xiv. Pre-Recorded voice
- xv. Pre-Recorded Message
- xvi. Pre-recorded
- xvii. Pre-recorded voice
- xviii. Pre-recorded Message

9. Nationwide Reservations, Inc. NW

a. Same as RSC

10. Reservations Fulfillment Services, Inc. RFSI

a. Same as RSC

11. Subject Persons is limited to the names and entities set forth in Request for production No. 2.

12. All Requests are limited to Telemarketing Calls utilizing prerecorded messages and/or spoofed caller ID.

13. All Requests are limited to the M/ Grand Celebration.

14. No documents or information exchanged with or included counsel need to be provided or logged. **We did not agree to this. Non-privileged documents such as communications that involve a third party should be produced. Individual attorney-client documents do not need to be individually logged.**

15. The same limitations set forth above with respect to the Requests for Production apply to corresponding Interrogatories.

16. Requests seeking financial, banking and payment processing information do not need to be responded to at this time. However, information regarding financial transactions with Blake

Curtis, Tony D. and any of their known related entities listed in the CID will be provided.

17. For Interrogatory 2, we will not disclose the names of the entities, but we will provide specific descriptions of any Telemarketing calls initiated by third parties, if any, engaged by the company. **We disagree you should disclose the names of relevant entities, but not individuals.**

18. Respondents will respond based on the information within their possession. Some of the Respondents are no longer in business and may not have access to computers or servers, but we will provide that information at the time of our written responses.

19. We will also identify appropriate custodians, if any, other than the 5 individuals specifically referenced above.

20. To the extent, after you review the various forms of marketing and other information, you believe you need additional information, we can address it at that time.

Thank you for your cooperation. If you're available to talk tomorrow, I will be available. If not, we will be in touch as soon as we are back in operation.

Regards,
Jody

Jody Goodman
Federal Trade Commission
Bureau of Consumer Protection Division of Marketing Practices
100 Pennsylvania Avenue, NW
Washington, D.C. 20580
Tel: (202) 32-309 Fax: (202) 32-3395

From: Jeffrey Backman

Sent: Wednesday, December 2, 2018 10:45 AM

To: Goodman, Jody

Cc: Brown, Christopher regg Strock Richard Epstein

Subject: e: FTC CID Matter o. 1 23005 (38541.002) IWOV-ACTIVE.FID12481 21

I'm out of the office, returning January 2

Jeffrey A. Backman

On Dec 2 , 2018, at 10:14 AM, oodman, Jody <[redacted]> wrote:

Hi Jeff,

If you are working today or tomorrow, could we please set a time to discuss this? The FTC is open this week, using its own funds, but we are likely to be shut down as of Friday at noon (and I'm off on Friday anyway).

Best,
Jody

Jody oodman
Federal Trade Commission
Bureau of Consumer Protection Division of Marketing Practices
100 Pennsylvania Avenue, NW
Washington, D.C. 20580
Tel: (202) 32 309 Fax: (202) 32 3395
<[redacted]>

From: Jeffrey Backman <[redacted]>
Sent: Friday, December 14, 2018 2:28 PM
To: oodman, Jody <[redacted]> ; oon, Christophe <[redacted]>
Cc: regg Strock <[redacted]> ; ichard Epstein <[redacted]>
Subject: E: FTC CID Matter o. 1 23005 (38541.002) IWOV-ACTIVE.FID12481 21
Importance: High

Jody and Chris, it was good talking to you again yesterday. I've summarized below what we discussed and agreed to. I've also included the proposed search terms as referenced on the call. It's my understanding that the below is agreeable to you and limits to scope of the CIDs to our clients accordingly. If you want to propose any additional search terms, let me know ASAP, but we'll get started with the below. To the extent you all want to ask for more at a later date, you are free to do so and, in turn, our right to object and/or file a petition will begin to run from the time you seek additional documents or information.

1. Jim Herrillo
 - a. Searches will be run on accessible business e-mail accounts utilizing the limitations set forth in 8.c. below.
2. Dan Lambert
 - a. Searches will be run on accessible business e-mail accounts utilizing the limitations set forth in 8.c. below.
3. Melissa Hanson
 - a. Will be a custodian for the ESI searches referenced below for RSC.
4. Paul Heyden
 - a. Will be a custodian for the ESI searches referenced below for RSC.
5. Jeff Tellam
 - a. Will be a custodian for the ESI searches referenced below for RFSI.
6. Cruise Operator, Inc. CO
 - a. We will produce contracts that we are aware of with entities listed on request No. 2 exception Greenspoon Marder.
7. BPCL Management, LLC BPCL
 - a. We will produce contracts that we are aware of with entities listed on request No. 2 exception Greenspoon Marder.
8. Royal Seas Cruises, Inc. RSC
 - a. A summary of all marketing for the relevant time period.
 - b. We will search for documents/emails to and from domain names that we are aware of, if any, associated with all entities listed on Request No. 2 with the exception of BPCLM, RSC, RFSI, NW, CO, James Herrillo, Daniel Lambert, Edward Levitan, Charlie Kinnear, Melissa Hanson, Paul Heyden, Jeff Tellam, Paradise Cruise Line Operator, Ltd., Inc., Kevin Sheehan, The Port of Palm Beach, and Greenspoon Marder. There are several names and entities on

the list with which we are not familiar and do not have domain names we will let you know those in connection with our response.

- c. We will then run ESI searches using the following search terms only, to and from domain names that we are aware of, if any, associated with the excepted names and entities identified in 8.b. above with the exception of Greenspoon Marder as discussed, no information with Greenspoon Marder will be provided .

- i. Robo Dial
- ii. Robo Dialer
- iii. Robo Dialing
- iv. Spoof
- v. Spoof Caller ID
- vi. Spoof Caller Identification
- vii. Spoofed
- viii. Spoofed Caller ID
- ix. Spoofed Caller Identification
- x. Spoofing
- xi. Spoofing Caller ID
- xii. Spoofing Caller Identification
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- xv. Pre-Recorded Message
- xvi. Pre-recorded
- xvii. Pre-recorded oice
- xviii. Pre-recorded Message

9. Nationwide Reservations, Inc. NW

- a. Same as RSC

10. Reservations Fulfillment Services, Inc. RFSI

- a. Same as RSC

11. Subject Persons is limited to the names and entities set forth in Request for production No. 2.

12. All Requests are limited to Telemarketing Calls utilizing prerecorded messages and/or spoofed caller ID.

13. All Requests are limited to the M/ Grand Celebration.

14. No documents or information exchanged with or included counsel need to be provided or logged.

15. The same limitations set forth above with respect to the Requests for Production apply to corresponding

Interrogatories.

16. Requests seeking financial, banking and payment processing information do not need to be responded to at this time. However, information regarding financial transactions with Blake

Curtis, Tony D. and any of their known related entities listed in the CID will be provided.

17. For Interrogatory 2, we will not disclose the names of the entities, but we will provide specific descriptions of any Telemarketing calls initiated by third parties, if any, engaged by the company.

18. Respondents will respond based on the information within their possession. Some of the Respondents are no longer in business and may not have access to computers or servers, but we will provide that information at the time of our written responses.

19. We will also identify appropriate custodians, if any, other than the 5 individuals specifically referenced above.

20. To the extent, after you review the various forms of marketing and other information, you believe you need additional information, we can address it at that time.

Thanks for working with us on this. We hope to respond, at a minimum, with the start of a rolling production and answers to the Interrogatories, by the extended date of January 7, 2019. If the searches are taking longer, we will let you know and keep you informed of our progress.

Sincerely,

Jeffrey A. Backman, Esq.

Partner

200 East Broward Boulevard

Suite 1800

Fort Lauderdale, FL 33301

Toll Free - (888)491-1120

Direct Fax - (954)213-0140

Direct Dial - (954)734-1853

image001.jpg

From: Goodman, Jody
Sent: Thursday, December 13, 2018 11:17 AM
To: Jeffrey Backman; Brown, Christopher
Cc: Gregg Strock
Subject: R : C CID Matter o. 1 23005 [I AC I . ID12481 21]

Thanks, Jeff. You did not request an extension of the petition deadline on our call, but we can discuss this with you today if you'd like. We have discussed your request for an extension of the response deadline with our managers, and we have authority to grant you until January 7th for that. We are also happy to discuss a reasonable schedule for investigational hearings.

We are available today at 2 or 4 for a call. Is one of those times good for you

Best,
Jody

Jody Goodman
Federal Trade Commission
Bureau of Consumer Protection Division of Marketing Practices
100 Pennsylvania Avenue, NW
Washington, D.C. 20580
Tel: (202) 32 309 Fax: (202) 32 3395
[jeffrey.backman@ftc.gov](#)

From: Jeffrey Backman
Sent: Thursday, December 13, 2018 11:00 AM
To: Brown, Christopher Goodman, Jody
Cc: regg Strock
Subject: FTC CID matter o. 1 23005 INV-UV-ACTIVE.FID12481 21

Chris/Jody, it was good having that initial conversation on Monday. I've since spoken with my clients about the various parameters we generally discussed and would like to have a follow up call so we can be sure we are all on the same page as we move forward. Are you available this afternoon or tomorrow afternoon

Also, you were going to get back to me on the enlargement of time of all the deadlines petition, reduction and hearing. I think it makes sense in light of our first discuss, and the one that we'll have today or tomorrow, that we all not be bogged down in petitions to Limit/ wash but instead focus on what it seems are really the issues/people/entities you're looking into. We have no objection to you revisiting matters that, for now, you agree don't need to be a part of my clients' responses.

Thanks,

Jeffrey A. Backman, Esq.
Partner
200 East Broward Boulevard
Suite 1800
Fort Lauderdale, FL 33301
Toll Free - (888)491-1120
Direct Fax - (954)213-0140
Direct Dial - (954)734-1853
[jeffrey.backman@ftc.gov](#)

image001.jpg

The information contained in this transmission may be attorney/client privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by reply e-mail.

Unless specifically indicated otherwise, any discussion of tax issues contained in this e-mail, including any attachments, is not, and is not intended to be, written advice as defined in Section 10.37 of Treasury Department Circular 230.

A portion of our practice involves the collection of debt and any information you provide will be used for that purpose if we are attempting to collect a debt from you.

The information contained in this transmission may be attorney/client privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by reply e-mail.

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Unless specifically indicated otherwise, any discussion of tax issues contained in this e-mail, including any attachments, is not, and is not intended to be, written advice as defined in Section 10.37 of Treasury Department Circular 230.

A portion of our practice involves the collection of debt and any information you provide will be used for that purpose if we are attempting to collect a debt from you.

EXHIBIT 6

Received Friday, October 11, 2019 1:36:12 PM

From: Jeffrey Backman

Received Sunday, January 6, 2019 11:27:14 AM

Goodman, Jody

Brown, Christopher Gregg Strock Richard Epstein Barlow, Ian lgreisman@ftc.gov wmaxson@ftc.gov

Subject: RE: FTC CID Matter No. 1623005 38541.0026 - FTC contacts during shutdown IWO -ACTI E.FID12481621

Priority: Normal

All, we've been working on ESI searches and the written responses for each of our clients that received a CID. While we were hoping to have them all completed and a rolling production begin on January 7, 2019, it doesn't appear that is likely to happen. We are still working on them this weekend, but with the intervening holidays and some unexpected conflicts that arose in other matters, we will need more time. We will start serving written responses, along with responsive documents, in accordance with my e-mail of December 14, as soon as they are available.

Sincerely,

Jeffrey A. Backman, Esq.

Partner

200 East Broward Boulevard

Suite 1800

Fort Lauderdale, FL 33301

Toll Free - (888)491-1120

Direct Fax - (954)213-0140

Direct Dial - (954)734-1853

Email: jeffrey.backman@gmlaw.com

<http://www.gmlaw.com>

GreenspoonMarder

From: Goodman, Jody [mailto:goodman1@ftc.gov]

Sent: Monday, December 31, 2018 11:59 AM

To: Jeffrey Backman

Cc: Brown, Christopher; Gregg Strock; Richard Epstein; Barlow, Ian

Subject: R : C CID Matter No. 1623005 38541.0026 [Internal] ACTI E.FID12481621 - FTC contacts during shutdown

Jeff,

If you need to speak with someone at the FTC during the shutdown, here is contact information for our managers:

Lois Reisman

202-32 -3404

lgreisman@ftc.gov

Will Maxson

202-32 -2 35

wmaxson@ftc.gov

Kati Daffan

202-32 -2727

kdaffan@ftc.gov

Dotan Weinman

202-32 -3049

dweinman@ftc.gov

Best,

Jody

From: Goodman, Jody

Sent: Thursday, December 27, 2018 10:01 AM

To: Jeffrey Backman Jeffrey.Backman@gmlaw.com

Cc: Brown, Christopher cbrown3@ftc.gov Gregg Strock regg.Strock@gmlaw.com Richard Epstein Richard.Epstein@gmlaw.com Barlow, Ian

(ibarlow@ftc.gov) ibarlow@ftc.gov

Subject: E: FTC CID Matter o. 1 23005 (38541.002) IWOV-ACTIVE.FID12481 21

i Jeff,

As of tomorrow (12/28) at 11:59 pm, the FTC will be closed due to the government shutdown. We are not permitted to work while the agency is not operating. We nonetheless expect that you will produce timely responses to the CIDs we have served on your clients. Because nobody will be available to send you a link to upload electronic files, please send the data on a CD or flash drive, via FedEx. Should you have urgent questions, a manager will be available to respond. I will send you a contact list via separate email, probably tomorrow.

Since we were not able to confer on your email concerning your responses, I have annotated the substance of your email below, with our comments in red:

1. Jim Errillo
 - a. Searches will be run on accessible business e-mail accounts utilizing the limitations set forth in 8.c. below. Please identify the companies for which accounts are accessible. Also, searches should be run on personal accounts and text messages, to the extent that personal accounts contain business communications.
2. Dan Lambert
 - a. Searches will be run on accessible business e-mail accounts utilizing the limitations set forth in 8.c. below. Please identify the companies for which accounts are accessible. Also, searches should be run on personal accounts and text messages, to the extent that personal accounts contain business communications.
3. Melissa Hanson
 - a. Will be a custodian for the ESI searches referenced below for RSC.
4. Paul Heyden
 - a. Will be a custodian for the ESI searches referenced below for RSC.
5. Jeff Tellam
 - a. Will be a custodian for the ESI searches referenced below for RFSI. Dan Lambert and James Errillo should also be custodians for RFSI.
6. Cruise Operator, Inc. CO
 - a. We will produce contracts that we are aware of with entities listed on request No. 2 exception Greenspoon Marder .
7. BPCL Management, LLC BPCL
 - a. We will produce contracts that we are aware of with entities listed on request No. 2 exception Greenspoon Marder . We request contracts and agreements with Greenspoon Marder that are not privileged.
8. Royal Seas Cruises, Inc. RSC
 - a. A summary of all marketing for the relevant time period.
 - b. We will search for documents/emails to and from domain names that we are aware of, if any, associated with all entities listed on Request No. 2 with the exception of BPCLM, RSC, RFSI, NW, CO, James Errillo, Daniel Lambert, Edward Levitan, Charlie Kinnear, Melissa Hanson, Paul Heyden, Jeff Telum, Paradise Cruise Line Operator, Ltd., Inc., Kevin Sheehan, The Port of Palm Beach, and Greenspoon Marder. We do not agree to these exceptions. Searches should be run on these individuals and entities. There are several names and entities on the list with which we are not familiar and do not have domain names we will let you know those in connection with our response.
 - c. We will then run ESI searches using the following search terms only, to and from domain names that we are aware of, if any, associated with the excepted names and entities identified in 8.b. above with the exception of Greenspoon Marder as discussed, no information with Greenspoon Marder will be provided . All the entities and individuals listed in 2 a - oo should be used as search terms, without business entity terms such as LLC and Inc. In most cases. Searching for an individual s last name will probably yield the best results. In addition, we propose the following terms:

1. Automated call
2. Automated dial
3. Avatar
4. "Avatar Technologies"
5. BBB
 - a. "Better Business Bureau"
7. bps ode
8. "call center "
9. "caller ID"
10. "Charge back"
11. Chargeback
12. "cold call "
13. D C
14. "do not call list"
15. "inbound call"
16. "inbound transfer"
17. "outbound call "
18. Lead w/2 (generate or generator or generating)
19. rerecorded

20. roCall
21. roFronter
22. obocall
23. Script
24. Soundboard
25. Subpoena
26. "Sun Telecom"
27. "voice broadcasting"
28. VOI
29. tel

- i. Robo Dial
 - ii. Robo Dialer
 - iii. Robo Dialing
 - iv. Spoof
 - v. Spoof Caller ID
 - vi. Spoof Caller Identification
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 - xviii. Pre-recorded Message

9. Nationwide Reservations, Inc. NW

a. Same as RSC

10. Reservations Fulfillment Services, Inc. RFSI

a. Same as RSC

11. Subject Persons is limited to the names and entities set forth in Request for production No. 2.

12. All Requests are limited to Telemarketing Calls utilizing prerecorded messages and/or spoofed caller ID.

13. All Requests are limited to the M/ Grand Celebration.

14. No documents or information exchanged with or included counsel need to be provided or logged. **We did not agree to this. Non-privileged documents such as communications that involve a third party should be produced. Individual attorney-client documents do not need to be individually logged.**

15. The same limitations set forth above with respect to the Requests for Production apply to corresponding Interrogatories.

16. Requests seeking financial, banking and payment processing information do not need to be responded to at this time. However, information regarding financial transactions with Blake

Curtis, Tony D. and any of their known related entities listed in the CID will be provided.

17. For Interrogatory 2, we will not disclose the names of the entities, but we will provide specific descriptions of any Telemarketing calls initiated by third parties, if any, engaged by the

company. **We disagree you should disclose the names of relevant entities, but not individuals.**

18. Respondents will respond based on the information within their possession. Some of the Respondents are no longer in business and may not have access to computers or servers, but we will provide that information at the time of our written responses.

19. We will also identify appropriate custodians, if any, other than the 5 individuals specifically referenced above.

20. To the extent, after you review the various forms of marketing and other information, you believe you need additional information, we can address it at that time.

Thank you for your cooperation. If you're available to talk tomorrow, I will be available. If not, we will be in touch as soon as we are back in operation.

Regards,
Jody

Jody Goodman
Federal Trade Commission
Bureau of Consumer Protection Division of Marketing Practices
100 Pennsylvania Avenue, NW
Washington, D.C. 20580

Tel: (202) 32 -309 Fax: (202) 32 -3395

[jeff@ftc.gov](#)

From: Jeffrey Backman [jeff@ftc.gov](#)
Sent: Wednesday, December 12, 2018 10:45 AM
To: Jody Woodman, Jody [jwood@ftc.gov](#)
Cc: Brown, Christophe [cbrown@ftc.gov](#); regg Strock [regg@ftc.gov](#); Richard Epstein [rich@ftc.gov](#)
Subject: re: FTC CID matter (O. I. 23005 (38541.002)) IWOV-ACTIVE.FID12481 21

I'm out of the office, returning January 2

Jeffrey A. Backman

On Dec 2, 2018, at 10:14 AM, Jody Woodman, Jody [jwood@ftc.gov](#) wrote:

Hi Jeff,
If you are working today or tomorrow, could we please set a time to discuss this? The FTC is open this week, using its own funds, but we are likely to be shut down as of Friday at noon (and I'm off on Friday anyway).

Best,
Jody

Jody Woodman
Federal Trade Commission
Bureau of Consumer Protection Division of Marketing Practices
100 Pennsylvania Avenue, NW
Washington, D.C. 20580
Tel: (202) 32 -309 Fax: (202) 32 -3395
[jwood@ftc.gov](#)

From: Jeffrey Backman [jeff@ftc.gov](#)
Sent: Friday, December 14, 2018 2:28 PM
To: Jody Woodman, Jody [jwood@ftc.gov](#); Brown, Christophe [cbrown@ftc.gov](#)
Cc: regg Strock [regg@ftc.gov](#); Richard Epstein [rich@ftc.gov](#)
Subject: E: FTC CID matter (O. I. 23005 (38541.002)) IWOV-ACTIVE.FID12481 21
Importance: High

Jody and Chris, it was good talking to you again yesterday. I've summarized below what we discussed and agreed to. I've also included the proposed search terms as referenced on the call. It's my understanding that the below is agreeable to you and limits to scope of the CIDs to our clients accordingly. If you want to propose any additional search terms, let me know ASAP, but we'll get started with the below. To the extent you all want to ask for more at a later date, you are free to do so and, in turn, our right to object and/or file a petition will begin to run from the time you seek additional documents or information.

1. Jim Herrillo
 - a. Searches will be run on accessible business e-mail accounts utilizing the limitations set forth in 8.c. below.
2. Dan Lambert
 - a. Searches will be run on accessible business e-mail accounts utilizing the limitations set forth in 8.c. below.
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 - a. Will be a custodian for the ESI searches referenced below for RSC.
4. Paul Heyden
 - a. Will be a custodian for the ESI searches referenced below for RSC.
5. Jeff Tellam
 - a. Will be a custodian for the ESI searches referenced below for RFSI.
6. Cruise Operator, Inc. CO

- a. We will produce contracts that we are aware of with entities listed on request No. 2 exception Greenspoon Marder .
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 - a. We will produce contracts that we are aware of with entities listed on request No. 2 exception Greenspoon Marder .
8. Royal Seas Cruises, Inc. RSC
 - a. A summary of all marketing for the relevant time period.
 - b. We will search for documents/emails to and from domain names that we are aware of, if any, associated with all entities listed on Request No. 2 with the exception of BPCLM, RSC, RFSI, NW, CO, James Errillo, Daniel Lambert, Edward Levitan, Charlie Kinneer, Melissa Hanson, Paul Heyden, Jeff Telum, Paradise Cruise Line Operator, Ltd., Inc., Kevin Sheehan, The Port of Palm Beach, and Greenspoon Marder. There are several names and entities on the list with which we are not familiar and do not have domain names we will let you know those in connection with our response.
 - c. We will then run ESI searches using the following search terms only, to and from domain names that we are aware of, if any, associated with the excepted names and entities identified in 8.b. above with the exception of Greenspoon Marder as discussed, no information with Greenspoon Marder will be provided .
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 - ii. Robo Dialer
 - iii. Robo Dialing
 - iv. Spoof
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 - vi. Spoof Caller Identification
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13. All Requests are limited to the M/ Grand Celebration.
14. No documents or information exchanged with or included counsel need to be provided or logged.
15. The same limitations set forth above with respect to the Requests for Production apply to corresponding Interrogatories.
16. Requests seeking financial, banking and payment processing information do not need to be responded to at this time. However, information regarding financial transactions with Blake Curtis, Tony D. and any of their known related entities listed in the CID will be provided.
17. For Interrogatory 2, we will not disclose the names of the entities, but we will provide specific descriptions of any Telemarketing calls initiated by third parties, if any, engaged by the company.
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Thanks for working with us on this. We hope to respond, at a minimum, with the start of a rolling production and answers to the Interrogatories, by the extended date of January 7, 2019. If the searches are taking longer, we will let you know and keep you informed of our progress.

Sincerely,

Jeffrey A. Backman, Esq.
Partner
200 East Broward Boulevard
Suite 1800

Fort Lauderdale, FL 33301
Toll Free - (888)491-1120
Direct Fax - (954)213-0140
Direct Dial - (954)734-1853

image001.jpg

From: Goodman, Jody
Sent: Thursday, December 13, 2018 11:17 AM
To: Jeffrey Backman; Brown, Christopher
Cc: Gregg Strock
Subject: R : C CID Matter o. 1 23005 [I AC I . ID12481 21]

Thanks, Jeff. You did not request an extension of the petition deadline on our call, but we can discuss this with you today if you'd like. We have discussed your request for an extension of the response deadline with our managers, and we have authority to grant you until January 7th for that. We are also happy to discuss a reasonable schedule for investigational hearings.

We are available today at 2 or 4 for a call. Is one of those times good for you

Best,
Jody

Jody Goodman
Federal Trade Commission
Bureau of Consumer Protection Division of Marketing Practices
100 Pennsylvania Avenue, NW
Washington, D.C. 20580
Tel: (202) 32 3-309 Fax: (202) 32 3-3395

From: Jeffrey Backman
Sent: Thursday, December 13, 2018 11:00 AM
To: Brown, Christopher; Goodman, Jody
Cc: Gregg Strock
Subject: FTC CID Matter o. 1 23005 1W0V-ACTIVE.FID12481 21

Chris/Jody, it was good having that initial conversation on Monday. I've since spoken with my clients about the various parameters we generally discussed and would like to have a follow up call so we can be sure we are all on the same page as we move forward. Are you available this afternoon or tomorrow afternoon

Also, you were going to get back to me on the enlargement of time of all the deadlines petition, reduction and hearing. I think it makes sense in light of our first discuss, and the one that we'll have today or tomorrow, that we all not be bogged down in petitions to Limit/ Wash but instead focus on what it seems are really the issues/people/entities you're looking into. We have no objection to you revisiting matters that, for now, you agree don't need to be a part of my clients' responses.

Thanks,

Jeffrey A. Backman, Esq.
Partner
200 East Broward Boulevard
Suite 1800
Fort Lauderdale, FL 33301
Toll Free - (888)491-1120
Direct Fax - (954)213-0140
Direct Dial - (954)734-1853

image001.jpg

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EXHIBIT 7

Received Friday, October 11, 2019 1:37:08 PM
From: Jeffrey Backman
Received Tuesday, January 29, 2019 11:28:27 PM
Goodman, Jody; Khia Joseph; Brown, Christopher
Gregg Strock 38541 0026 Royal Seas Cruises Inc FTC CID to Royal Seas Cruises Inc 21 1 E Mail
Subject: RE: FTC/CID Matter - Executed Responses / 38541.0026 IWO -Active.FID12481621
Priority: Normal

I'm in meetings this morning then travelling to Orlando for meetings and a multi-day mediation through the end of the week. I also know that some of my client contacts are out of pocket. My suggestion is that we finish the responses for all of our clients and get those to you for review. Then, we can work through any items you believe require follow up or further discussion.

Jeffrey A. Backman, Esq.

Partner

200 East Broward Boulevard

Suite 1800

Fort Lauderdale, FL 33301

Toll Free - (888)491-1120

Direct Fax - (954)213-0140

Direct Dial - (954)734-1853

Email: jeffrey.backman@gmlaw.com

<http://www.gmlaw.com>

GreenspoonMarder

From: Goodman, Jody [mailto:goodman1@ftc.gov]
Sent: Tuesday, January 29, 2019 9:38 AM
To: Khia Joseph; Brown, Christopher
Cc: Jeffrey Backman; Gregg Strock
Subject: R : C CID Matter Executed Responses 38541.002 [I Active. ID12481 21]

Dear Khia and Jeff,

We are not permitted to access files from external links such as the one you sent. Could you please send PDFs of the documents

Also, we would like to resolve whatever issues are outstanding. Jeff, are you available for a call later this afternoon

Thanks,

Jody

Jody Goodman
Federal Trade Commission
Bureau of Consumer Protection Division of Marketing Practices
100 Pennsylvania Avenue, NW
Washington, D.C. 20580
Tel: (202) 321-3099 Fax: (202) 321-3395
jgoodman1@ftc.gov

From: Khia Joseph [mailto:khia.Joseph@gmlaw.com]
Sent: Monday, January 28, 2019 1:33 PM
To: Goodman, Jody [mailto:jgoodman1@ftc.gov]; Brown, Christopher [mailto:cbrown3@ftc.gov]
Cc: Jeffrey Backman [mailto:Jeffrey.Backman@gmlaw.com]; Gregg Strock [mailto:regg.Strock@gmlaw.com]; 38541 0026 Royal Seas Cruises Inc FTC CID to Royal Seas Cruises Inc 21 1 E Mail [mailto:F12481 21.Active@gmlaw.imatege.work]
Subject: FTC/CID Matter - Executed Responses / 38541.002 IWOV-Active.FID12481 21

Jody and Chris:

Re Jeffrey Backman's email a couple of weeks ago, we have encountered some previously unforeseen conflicts.

Please go to this link <https://spaces.hightail.com/receive/F---BmVTV-p> to download the written responses to the CIDs from Royal Seas Cruises, Bahamas Paradise Cruise Line Management and Melissa Anson. The password to retrieve the documents is FTC12819.

These are also being sent via mail. The remaining responses are nearing completion and should be sent to you shortly.

The clients are also in the process of completing their document searches and we hope to begin a rolling production soon.

Sincerely,

GreenspoonMarder

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e t nt to e re c m n n ot e

reen oon r er

t ro r ou e r Su te

Fort u er e F

n: :

rect: F :

khia.joseph@gmlaw.com

www.gmlaw.com

Effective January 1, 2018 Greenspoon Marder A became Greenspoon Marder LL

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EXHIBIT 8

re Friday, October 11, 2019 1:45:44 PM
re [Goodman, Jody](#)
e Monday, February 11, 2019 12:17:12 PM
Jeffrey Backman Khia Joseph Brown, Christopher
Gregg Strock 38541 0026 Royal Seas Cruises Inc FTC CID to Royal Seas Cruises Inc 21 1 E Mail
ue RE: FTC/CID Matter - Executed Responses / 38541.0026 IWO -Active.FID12481621
e Normal

Jeff,

our rolling production of documents (which has not even started) does not obviate the need for us to discuss matters pertaining to CID production ASA .

rior to the partial government shutdown, we had several discussions pursuant to the “meet and confer” requirement set forth in the CID Specifications. We made considerable efforts to narrow the scope of the CIDs in order to reduce the burden of production for your clients. We also informed you orally and/or via email (dated December 13, 2018) that we obtained authority from our manager to grant your request for an extension of the response deadline until *an ar* . Because the parties had not finali ed our agreement, we did not yet reduce this agreement to writing in the form of a modification letter signed by our Associate Director, as specified in Instruction I-3 of the CIDs.

er your email dated December 14, 2018, you attempted to summariz e our agreed upon modifications to the CIDs. We had several disagreements with your summary, regarding which we attempted to contact you to discuss via telephone on December 2 , 2018. Because your email notification stated that you would be on vacation until January 2, 2019, I drafted a detailed email response to your summary in her email dated December 27, 2018, and advised that the impending partial government shutdown would preclude us from further discussions until we returned to the office. On January 1, 2019, you responded via email that you disagreed with our understanding regarding the agreed upon modifications to the CIDs, but that your clients were working on the written responses and conducting searches. On January , 2019, you advised via email that due to unforeseen circumstances, you would not be able to meet the previously agreed upon production extension of January 7, 2019. On January 28, 2019, we received another email from your office stating that once again unforeseen circumstances necessitated further delay of the document production. On January 29, 2019, I responded via email to request a time and date for us to discuss the unresolved issues regarding the CID production, to which you responded that you would be in several meetings throughout the week and that you prefer to finish responses before further discussions. On February 5, 2019, I once again emailed you to set up a time for us to discuss the scope of the CID production, to which you responded on February 9, 2019 that you are unavailable for the entire week.

The continued delay of discussions regarding the unresolved issues pertaining to the scope of the CIDs is unacceptable. our clients’ failure to timely produce documents and answers to interrogatories (from FSI, ationwide, Lambert, and Verrillo) constitutes a default and grounds for a referral of this matter to the Commission’s Office of eneral Counsel for judicial enforcement of the CID in federal court. We hope to avoid that course of action. lease let us know of your availability t ee to resolve these matters.

egards,

Jody oodman
Federal Trade Commission
Bureau of Consumer rotection Division of Marketing ractices
00 ennsylvania Avenue, W
Washington, D.C. 20580
Tel: (202) 32 -309 Fax: (202) 32 -3395
[jeffrey.backman@ftc.gov](#)

From: Jeffrey Backman Jeffrey.Backman@gmlaw.com
Sent: Saturday, February 09, 2019 4:44 M
To: [oodman, Jody](#) jgoodman1@ftc.gov khia.Joseph@gmlaw.com Brown, Christopher cbrown3@ftc.gov
Cc: regg Strock regg.Strock@gmlaw.com 38541 002 oyal Seas Cruises Inc FTC CID to oyal Seas Cruises Inc 21 1 E Mail F12481 21 .Active@gmlaw.imatege.work
Subject: E: FTC/CID Matter - Executed esponses / 38541.002 IWOV-Active.FID12481 21

i Jody, I’ve been out of the office dealing with some things. I’ll be out this week too. Searches are being conducted and the rolling production should hopefully begin this week.

Sincerely,

Jeffrey A. Backman, Esq.
Partner

200 East Broward Boulevard
Suite 1800
Fort Lauderdale, FL 33301
Toll Free - (888)491-1120
Direct Fax - (954)213-0140
Direct Dial - (954)734-1853
Email: jeffrey.backman@gmlaw.com
<http://www.gmlaw.com>

GreenspoonMarder

From: Goodman, Jody [[mailto: goodman1@ftc.gov](mailto:goodman1@ftc.gov)]
Sent: Tuesday, February 05, 2019 10:50 AM
To: Jeffrey Backman; Khia Joseph; Brown, Christopher
Cc: Gregg Strock; 38541.002 Royal Seas Cruises Inc C CID to Royal Seas Cruises Inc 21 1 Mail
Subject: R : C CID Matter Executed Responses 38541.002 [I Active. ID12481 21]

We need to discuss the status of your production sooner rather than later. Are you available this afternoon Tomorrow

Jody Goodman
Federal Trade Commission
Bureau of Consumer Protection Division of Marketing Practices
100 Pennsylvania Avenue, NW
Washington, D.C. 20580
Tel: (202) 321-3099 Fax: (202) 321-3395
jgoodman1@ftc.gov

From: Jeffrey Backman Jeffrey.Backman@gmlaw.com
Sent: Tuesday, January 29, 2019 10:01 AM
To: Goodman, Jody jgoodman1@ftc.gov Khia Joseph hia.Joseph@gmlaw.com Brown, Christopher cbrown3@ftc.gov
Cc: regg Strock regg.Strock@gmlaw.com 38541.002 Royal Seas Cruises Inc FTC CID to Royal Seas Cruises Inc 21 1 E Mail
F12481.21.Active@gmlaw.com
Subject: E: FTC/CID Matter - Executed Responses / 38541.002 IWOV-Active.FID12481 21

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Fort Lauderdale, FL 33301
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Direct Fax - (954)213-0140
Direct Dial - (954)734-1853
Email: jeffrey.backman@gmlaw.com
<http://www.gmlaw.com>

GreenspoonMarder

From: Goodman, Jody [[mailto: goodman1@ftc.gov](mailto:goodman1@ftc.gov)]
Sent: Tuesday, January 29, 2019 9:38 AM
To: Khia Joseph; Brown, Christopher
Cc: Jeffrey Backman; Gregg Strock
Subject: R : C CID Matter Executed Responses 38541.002 [I Active. ID12481 21]

Dear Khia and Jeff,
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Also, we would like to resolve whatever issues are outstanding. Jeff, are you available for a call later this afternoon

Thanks,

Jody

Jody Goodman
Federal Trade Commission
Bureau of Consumer Protection Division of Marketing Practices
100 Pennsylvania Avenue, NW
Washington, D.C. 20580
Tel: (202) 32-309 Fax: (202) 32-3395
jgoodman1@ftc.gov

From: Khia Joseph khia.Joseph@gmlaw.com
Sent: Monday, January 28, 2019 1:33 PM
To: Goodman, Jody jgoodman1@ftc.gov; Brown, Christopher cbrown3@ftc.gov
Cc: Jeffrey Backman Jeffrey.Backman@gmlaw.com; Regg Strock regg.Strock@gmlaw.com; 38541.002 Royal Seas Cruises Inc; FTC CID to Royal Seas Cruises Inc; 211E Mail F12481.21.Active@gmlaw.imanage.work
Subject: FTC/CID Matter - Executed Responses / 38541.002 IWOV-Active.FID12481.21

Jody and Chris:

Re Jeffrey Backman's email a couple of weeks ago, we have encountered some previously unforeseen conflicts.

Please go to this link https://spaces.hightail.com/receive/F_BmVTv_p to download the written responses to the CIDs from Royal Seas Cruises, Bahamas Paradise Cruise Line Management and Melissa Hanson. The password to retrieve the documents is FTC12819.

These are also being sent via mail. The remaining responses are nearing completion and should be sent to you shortly.

The clients are also in the process of completing their document searches and we hope to begin a rolling production soon.

Sincerely,

Office
Greenwood Center
1000 Pennsylvania Avenue, NW
Washington, DC 20580
Fort Lauderdale, FL
Phone: (305) 461-1000
Direct: (305) 461-1000
Fax: (305) 461-1000

khia.joseph@gmlaw.com
www.gmlaw.com

Effective January 1, 2018 Greenspoon Marder A became Greenspoon Marder LL

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EXHIBIT 9

Received Friday, October 11, 2019 1:47:21 PM
From: Brown, Christopher
Received Thursday, February 28, 2019 5:26:16 PM
Jeffrey Backman Goodman, Jody
Gregg Strock
Subject: RE: FTC CID Matter No. 1623005 IWO -ACTI E.FID12481621
Normal

2019-2-28 modification letter to Jeff Backman.pdf

Jeff,

Please see attached correspondence regarding modifications to the CID.

Regards,

Christopher

Christopher E. Brown
Attorney
Federal Trade Commission
Bureau of Consumer Protection | Division of Marketing Practices
600 Pennsylvania Avenue, NW | Mailstop CC-8528 | Washington, DC 20580
(202) 326-2825 (telephone) | (202) 326-3395 (fax)
cbrown3@ftc.gov

From: Jeffrey Backman Jeffrey.Backman@gmlaw.com
Sent: Thursday, December 13, 2018 1:54 PM
To: Goodman, Jody jgoodman1@ftc.gov Brown, Christopher cbrown3@ftc.gov
Cc: Gregg Strock regg.Strock@gmlaw.com
Subject: E: FTC CID Matter No. 1623005 IWOV-ACTIVE.FID12481621

2:00 is good if you're still available. You can just call my direct line at 954.734.1853.

Jeffrey A. Backman, Esq.
Partner
200 East Broward Boulevard
Suite 1800
Fort Lauderdale, FL 33301
Toll Free - (888)491-1120
Direct Fax - (954)213-0140
Direct Dial - (954)734-1853
Email: jeffrey.backman@gmlaw.com
<http://www.gmlaw.com>

GreenspoonMarder

From: Goodman, Jody [<mailto:goodman1@ftc.gov>]
Sent: Thursday, December 13, 2018 11:44 AM
To: Jeffrey Backman; Brown, Christopher
Cc: Gregg Strock
Subject: RE: FTC CID Matter No. 1623005 [Internal] AC I . ID12481621

Thanks, Jeff. You did not request an extension of the petition deadline on our call, but we can discuss this with you today if you'd like. We have discussed your request for an extension of the response deadline with our managers, and we have authority to grant you until January 7th for that. We are also happy to discuss a reasonable schedule for investigational hearings.

We are available today at 2 or 4 for a call. Is one of those times good for you

Best,
Jody

Jody Goodman
Federal Trade Commission
Bureau of Consumer Protection Division of Marketing Practices
400 Pennsylvania Avenue, NW
Washington, D.C. 20580
Tel: (202) 321-3091 Fax: (202) 321-3395
jgoodman1@ftc.gov

From: Jeffrey Backman Jeffrey.Backman@gmlaw.com
Sent: Thursday, December 13, 2018 11:00 AM
To: Brown, Christopher cbrown3@ftc.gov; Goodman, Jody jgoodman1@ftc.gov
Cc: Regg Strock regg.Strock@gmlaw.com
Subject: FTC CID Matter No. 123005 IWOV-ACTIVE.FID12481 21

Chris/Jody, it was good having that initial conversation on Monday. I've since spoken with my clients about the various parameters we generally discussed and would like to have a follow up call so we can be sure we are all on the same page as we move forward. Are you available this afternoon or tomorrow afternoon?

Also, you were going to get back to me on the enlargement of time of all the deadlines, litigation, reduction and hearing. I think it makes sense in light of our first discuss, and the one that we'll have today or tomorrow, that we all not be bogged down in litigation to Limit/Quash but instead focus on what it seems are really the issues/people/entities you're looking into. We have no objection to you revisiting matters that, for now, you agree don't need to be a part of my clients' responses.

Thanks,

Jeffrey A. Backman, Esq.
Partner
200 East Broward Boulevard
Suite 1800
Fort Lauderdale, FL 33301
Toll Free - (888)491-1120
Direct Fax - (954)213-0140
Direct Dial - (954)734-1853
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<http://www.gmlaw.com>

GreenspoonMarder

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UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Bureau of Consumer Protection
Division of Marketing Practices

February 28, 2019

VIA PDF E-MAIL ATTACHMENT
(Jeffrey.Backman@gmlaw.com)

Cruise Operator, Inc., Reservations & Fulfillment Services, Inc.,
BPCL Management, LLC, Nationwide Reservations, Inc.,
Daniel Lambert, James Verillo, Jeff Tellam, Royal Seas, Inc.,
Paul Heyden, and Melissa Hanson
c/o Jeffrey A. Backman, Esq.
Greenspoon Marder LLP
200 East Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301

Re: Civil Investigative Demands issued November 21, 2018 to Cruise Operator, Inc., Reservations & Fulfillment Services, Inc., BPCL Management, LLC, Nationwide Reservations, Inc., Daniel Lambert, James Verillo, Jeff Tellam, Royal Seas, Inc., Paul Heyden, and Melissa Hanson in FTC Matter No. 1623005 regarding a Nonpublic Investigation of Telemarketers, Sellers, Suppliers, or Others

Mr. Backman:

This letter modifies the above-referenced Civil Investigative Demands ("CIDs") as follows:

- The return deadline for answers to interrogatories and the requests for production of documents is extended to Monday, January 7, 2019
- Additional modifications are:

SPECIFICATIONS

"Subject Persons": "Subject Persons" is defined as the individuals and entities set forth in Request for Production No. 2(a) through (oo) involved in the sale, marketing, advertising, promotion, and/or fulfillment of cruise vacations or travel vacation packages aboard the M/V Grand Celebration, including efforts to identify individuals potentially interested in purchasing such a cruise vacation.

A. Requests for Production of Documents

- 1. All Communications between You and any of the Subject Persons related to:
 - b. Consumer complaints, inquiries from any Better Business Bureau, cease and desist letters, actual, or threatened litigation;****

This interrogatory is modified to read:

Consumer complaints, inquiries from any Better Business Bureau, cease and desist letters, actual, or threatened litigation *related to Telemarketing*;

- 2. Other than communications produced in response to No. 1, all other communications related to (i) Telemarketing, (ii) the sale, marketing, advertising, promotion, or fulfillment of cruises or travel vacations, or (iii) any government law enforcement investigation between the Company and the following individuals and entities, regardless of whether they meet the definition of "Subject Persons":**

This interrogatory is modified to read:

Other than communications produced in response to No. 1, all other communications related to (i) Telemarketing, (ii) the sale, marketing, advertising, promotion, or fulfillment of cruises or travel vacations *in connection with Telemarketing*, or (iii) any government law enforcement investigation *related to Telemarketing* between the Company and *the individuals and entities set forth in Request for Production No. 2(a) through (oo)*.

- 3. All of Your contracts, terms of service, written agreements with, and all invoices to or from:
 - d. Any company or individual that has registered, hosted, or designed a website for You or any of the Subject Persons; and****

This interrogatory is modified to read:

All of Your contracts, terms of service, written agreements with, and all invoices to or from:

Any company or individual that has registered, hosted, or designed a website for You or any of the Subject Persons *in connection with Telemarketing*; and

B. Requests for Answers to Interrogatories

8. For each Subject Person, provide:

- f. **The means and source of payment used to pay the Company for services rendered to that Subject Person (such as the name of the payor, the name of the financial institution, and bank account and routing number information or credit card number);**

You shall respond for the Subject Persons listed in Request for Production No. 2(k) through (x) on or before the return deadline. Commission staff reserves the right to request, if necessary, that You respond for all remaining Subject Persons on or before the date of the investigational hearing.

- g. **The amount of money the Company paid to and/or received from that Subject Person in each calendar year since 2015**

You shall respond for the Subject Persons listed in Request for Production No. 2(k) through (x) on or before the return deadline. Commission staff reserves the right to request, if necessary, that You respond for all remaining Subject Persons on or before the date of the investigational hearing.

13. **Identify the name of all banks and financial institutions with which the Company has maintained any depository or credit accounts during the Applicable time Period, and provide all related bank account and credit card numbers**

This interrogatory is modified to read:

Identify the name of all banks and financial institutions with which the Company has maintained any depository or credit accounts *through which it has transacted business with any of the Subject Persons listed in Request for Production No. 2(k) through (x)* during the Applicable Time Period, and provide all related bank account and credit card numbers.

14. **Identify the name of all payment processors with which the Company has maintained any account during the Applicable Time Period.**

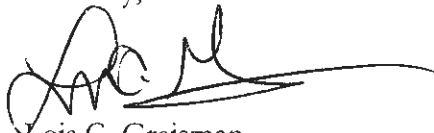
This interrogatory is modified to read:

Identify the name of all payment processors with which the Company has maintained any account *through which it has transacted business with any of the Subject Persons listed in Request for Production No. 2(k) through (x)* during the Applicable Time Period.

This constitutes the full extent of any modifications to the CID to which we have agreed pursuant to 16 C.F.R. §§ 2.7 (l) and 2.10(a)(5), and supersedes any previous modifications.

If you have any questions concerning the CID or this letter, please contact Christopher E. Brown (cbrown3@ftc.gov or (202) 326-2825) or Jody Goodman (jgoodman1@ftc.gov or (202) 326-3096). Thank you for your ongoing cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lois C. Greisman', with a long horizontal flourish extending to the right.

Lois C. Greisman
Associate Director

cc: Christopher E. Brown
Jody Goodman

EXHIBIT 10

re Friday, October 11, 2019 1:52:47 PM
re Tyndall, Reeve
e Friday, April 26, 2019 5:04:02 PM
Gregg Strock Goodman, Jody Brown, Christopher
Jeffrey Backman
ue RE: File Request - FTC Request to Reproduce
e Normal

Mr. Backman,

The files are not on our system unfortunately. This was my mistake.

We would also like to bring to your attention that the documents that you have produced thus far do not comply with the CID's production requirements (see pages A1 A2). Several metadata fields appear to be missing, including the Subject, To, From, and CC fields for email. We will need to have the data reproduced to us with those fields.

Thanks,
eeve

eeve Tyndall, Investigator
Federal Trade Commission
Bureau of Consumer Protection,
Division of Marketing Practices
100 Pennsylvania Ave. NW CC-8528
Washington, DC 20580
Phone: (202) 32 -2452
Fax: (202) 32 -3395

From: Gregg Strock [mailto:Gregg.Strock@gmlaw.com]
Sent: Friday, April 26, 2019 4:51 PM
To: Goodman, Jody; Brown, Christopher
Cc: Jeffrey Backman; 38541 002 Royal Seas Cruises Inc C CID to Royal Seas Cruises Inc 21 1 Mail; Jessica Serrano Cartagena; Tyndall, Reeve
Subject: RE: File Request - FTC Request to Reproduce

We received the email below. Any particular reason you need us to produce again

Gregg I. Strock, Esq.
Attorney
Green Spoon Marder
200 East Broward Blvd., Suite 1800
Ft. Lauderdale, Florida 33301
Tel: (954) 491-1120
Email: gregg.strock@gmlaw.com
<http://www.gmlaw.com>



From: Jessica Serrano Cartagena
Sent: Friday, April 26, 2019 3:31 PM
To: Gregg Strock
Subject: RE: File Request - FTC Request to Reproduce

From: rtyndall@ftc.gov [mailto:rtyndall@ftc.gov]
Sent: Friday, April 26, 2019 3:19 PM
To: Jessica Serrano Cartagena
Subject: RE: File Request - FTC Request to Reproduce

all@ c.go has e ese a ile om o .
se he li k elow ose sec el .

Ms. Serrano-Cartagena, could you reproduce the below referenced documents in the Royal Seas Matter. Thanks again for your assistance and let me know if there are any issues.

JV000001 - JV000045 (James Verrillo Emails)
MH000001 - MH000008 (Melissa Hanson Emails)
RFS000001 - RFS000275 (Reservation & Fulfillment Services, Inc.)
RSC000001 - RSC000512 (Royal Seas' Documents)

rtyndall@ftc.gov has requested a file from you.

Please click on the link below to send files back:

[\[Redacted Link\]](#)

In order to send a file securely, please do not use your email reader's reply function. Rather click the above-enclosed link, and upload through the secure web interface for an encrypted file transfer

The request file is only valid for 4 day(s) or up to 1 transaction(s) only.
(If clicking the link in this message does not work, copy and paste the link into the address bar of your browser.)

Secured by [\[Redacted\]](#)

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Unless specifically indicated otherwise, any discussion of tax issues contained in this e-mail, including any attachments, is not, and is not intended to be, written advice as defined in Section 10.37 of Treasury Department Circular 230.

A portion of our practice involves the collection of debt and any information you provide will be used for that purpose if we are attempting to collect a debt from you.

EXHIBIT 11

Received Friday, October 11, 2019 1:54:04 PM
From: Goodman, Jody
Date: Wednesday, April 10, 2019 11:21:09 AM
Jeffrey Backman Gregg Strock
Brown, Christopher 38541 0026 Royal Seas Cruises Inc FTC CID to Royal Seas Cruises Inc 21 1 E Mail
Subject: RE: FTC/CID Matter - document production IWO -Active.FID12481621
Normal

Jeff,

We are concerned that you have not produced the entire universe of documents we would expect to see in response to the CIDs. Our position continues to be that all CID responses are limited by the FTC's Modification Letter dated February 28, 2019, not your email of December 14, 2018. To the extent that your CID responses are limited by the latter and not the former, please supplement your answers to interrogatories and document production immediately.

Although we cannot purport to know the entirety of what you have not produced, at a minimum we see the following problems:

In response to numerous requests for production your clients have answered that "CID target will provide responsive information, if any, within its possession, custody or control." Please supplement each of these responses to plainly indicate whether your client did in fact provide responsive information. If no such information responsive to a particular request is in your client's possession, custody or control, then please state so accordingly.

As to all CID recipients:

Your responses and production to Questions 1 and 2 are insufficient, and perhaps illustrative of our disagreement concerning the scope of the CID. We are seeking relevant communications and documents between and among the CID recipients, on the topics articulated in the CID. In other words, for example, production of communications between FSI and Blake Curtis or Anthony Di Iacomo are merely a part of what we seek. We also expect you to produce internal communications (between Dan Lambert and Jeff Tellam, for example) about the marketing conducted by various contractors and call centers.

As to all CID recipients except for Royal Seas:

We disagree with your interpretation of request for production 5, which reads:

All Communications with any business or individual relating to automated dialing, Vol origination or termination, Caller Identification Service, C AM, data brokerage services, direct inbound calling, Lead generation, Telemarketing, or Voice Broadcasting provided by you or any other business or individual to the Subject persons.

You have stated you are not producing documents responsive to this request because your clients do not conduct "any type of marketing described in the CID." If we accept that statement as true, your clients may still have communicated with *inter arte* about such marketing. Your clients' responses do not address whether any such communications exist.

Your production is not complete as to request for production 9.c.:

All documents related to complaints (and responses thereto) about any unwanted sales or Telemarketing calls, deceptive business practices (such as impersonating another company or misrepresenting the terms of sale), overbilling, refusals to provide refunds, refusals to honor cruise tickets or vacation travel packages, or any complaints about the Subject persons, including:

- a. Complaints from consumers
- b. Complaints from the Better Business Bureau
- c. Cease and desist letters, threats of lawsuits, or actual lawsuits.

You provided complaints from several lawsuits, without providing any other documents related to those lawsuits. Documents related to those cases (excluding privileged materials), would include pleadings, motions, and other docketed items from each case, as well as communications among your clients, and between your clients and third parties, concerning the litigation. This would include settlement agreements.

As to Royal Seas:

Royal Seas' CID responses are also inadequate. Please produce all relevant communications between Royal Seas and the other CID recipients. Also, in numerous instances, the responses to document requests (e.g., Question 3) and answers to interrogatories (e.g., Questions 2, 11, 12) fail to identify by name the relevant businesses and/or individuals that performed services or actions. For example, you must identify by name each lead generator, and not merely refer to "various consent based opt in lead generators." As requested above for all other CID recipients, please supplement Royal Seas' written responses to state plainly whether Royal Seas did in fact provide responsive information. For example, Royal Seas' document production does not appear to include email correspondence and/or agreements with lead generators or autodialer vendors, call records, or scripts. We expect that such documents would be in Royal Seas' possession, custody or control.

As we said above, the above examples are just examples we cannot know precisely what you have not produced. We advise you to carefully read the CIDs to ensure that you have fully responded. And, if there are no documents responsive to a particular request, please notify us in writing to that effect.

We have been extremely accommodating of your schedule, but we need to conclude the CID process and schedule investigational hearings, preferably for mid- to late May. **e e r o u e u e m e n t r e o n e n o c u m e n t b r** If supplemental responses and document production are not forthcoming, we may need to proceed with referral of this matter to the Commission's Office of General Counsel for judicial enforcement. We are available this week if you would like to discuss.

Best,
Jody

Jody Goodman
Federal Trade Commission
Bureau of Consumer Protection Division of Marketing Practices
100 Pennsylvania Avenue, NW
Washington, D.C. 20580
Tel: (202) 321-3091 Fax: (202) 321-3395
jgoodman1@ftc.gov

From: Jeffrey Backman Jeffrey.Backman@gmlaw.com
Sent: Tuesday, April 09, 2019 9:10 AM
To: [Jody Goodman](mailto:jgoodman1@ftc.gov); [regg Strock](mailto:regg.Strock@gmlaw.com)
Cc: Brown, Christopher cbrown3@ftc.gov; [38541 002](mailto:38541002@royal-seas.com); [royal Seas Cruises Inc](mailto:royal-seas@royal-seas.com); [FTC CID to](mailto:FTCID@royal-seas.com); [royal Seas Cruises Inc](mailto:royal-seas@royal-seas.com); 211E Mail F12481 21; Active@imgl.com
Subject: E: FTC/CID Matter - document production IWOV-Active.FID12481 21

Good morning. I need to speak with my clients in greater detail, but I believe some searches on the disputed search terms are still being run.

Is there something in particular you're looking for? Do you have any questions or concerns regarding what has been provided thus far?

Jeffrey A. Backman, Esq.
Partner
200 East Broward Boulevard
Suite 1800
Fort Lauderdale, FL 33301
Toll Free - (888)491-1120
Direct Fax - (954)213-0140
Direct Dial - (954)734-1853
Email: jeffrey.backman@gmlaw.com
<http://www.gmlaw.com>

GreenspoonMarder

From: Goodman, Jody [[mailto: goodman1@ftc.gov](mailto:goodman1@ftc.gov)]
Sent: Tuesday, April 02, 2019 5:20 PM
To: Gregg Strock; Jeffrey Backman
Cc: Brown, Christopher
Subject: R : C CID Matter document production

Jeff/ reg,

Is your production complete, or should we expect additional documents? Please let us know as soon as possible.

Thanks,
Jody

Jody Goodman
Federal Trade Commission
Bureau of Consumer Protection Division of Marketing Practices
100 Pennsylvania Avenue, NW
Washington, D.C. 20580

Tel: (202) 32 -309 Fax: (202) 32 -3395
jgoodman1@ftc.gov

From: regg Strock regg.Strock@gmlaw.com
Sent: Wednesday, March 0 , 2019 3:20 M
To: Tyndall, eeve rtyndall@ftc.gov Jessica Serrano-Cartagena Jessica.Serrano-Cartagena@gmlaw.com oodman, Jody jgoodman1@ftc.gov
Subject: E: FTC/CID Matter - document production / 38541.002 need addl FTC link

We have some more documents. lease send another link.

regg I. Strock, Esq.
ate
reen oon r er
200 East Broward Blvd., Suite 1800
Ft. Lauderdale, Florida 33301
Tel: (954) 491-1120
Email: gregg.strock@gmlaw.com
<http://www.gmlaw.com>

GreenspoonMarder

From: yndall, Reeve [<mailto:rtyndall@ftc.gov>]
Sent: uesday, March 05, 2019 4:42 PM
To: Jessica Serrano Cartagena; Goodman, Jody
Cc: Gregg Strock
Subject: R : C CID Matter document production 38541.002 [need addl C link]

Sent another upload link to both of you. Let me know if you have any issues.

From: Jessica Serrano Cartagena [<mailto:Jessica.Serrano.Cartagena@gmlaw.com>]
Sent: uesday, March 05, 2019 4:3 PM
To: yndall, Reeve; Goodman, Jody
Cc: Gregg Strock
Subject: C CID Matter document production 38541.002 [need addl C link]

ood afternoon,

The first batch of document production was sent earlier today. We were unaware the link is valid only as a one-time use.

At your earliest convenience, can you please send us an additional FTC link so that I may upload the additional ip folders to your attention.

Thank you,
Jessica Serrano-Cartagena

GreenspoonMarder

Jessica Serrano-Cartagena
Litigation Paralegal
Greenspoon Marder LLP
200 East Broward Boulevard, Suite #1800
Fort Lauderdale, FL 33301
Office: (954) 491-1120, Ext. 2646
Jessica.Serrano-Cartagena@gmlaw.com | www.gmlaw.com

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EXHIBIT 12

re Friday, October 11, 2019 1:56:29 PM
re Jeffrey Backman
e Tuesday, April 23, 2019 3:31:46 PM
goodman1@ftc.gov Brown, Christopher cbrown3@ftc.gov
Gregg Strock 38541 0026 Royal Seas Cruises Inc FTC CID to Royal Seas Cruises Inc 21 1 E Mail
ue FW: FTC/CID Matter - document production IWO -Active.FID12481621
e Normal

Jody, we are not ignoring you or our agreement to produce documents. As the responses state and as we have discussed several times, our agreement to produce documents was based upon my December 12 e-mail. After the end of the shut-down, when you, me and Chris got on a follow up call, we went through that e-mail again and the substantial majority of the substance of it was in dispute. In fact, much of what you outline below as your areas of concern change the agreement we had in other words, you are asking for new information and production outside the scope of our prior agreement. To suggest that our clients have not complied with their obligations based upon matters outside the scope of the prior agreement is improper.

As I also previously told you, our clients are trying to figure out which, if any, of your additional proposed search terms can be reasonably searched. I hope to have that information soon.

The hold-up has been, in part, because your CIDs are addressed to several entities that have not been in operation for years and individuals that have not been involved in the operations for years. And recently, Royal Seas has ceased its marketing business and is winding down affairs. This has also resulted in layoffs. So getting the right people to focus on this matters and gather additional information is taking more time than expected.

If you'd like to schedule investigational hearings, please let me know proposed dates.

Jeffrey A. Backman, Esq.

Partner
200 East Broward Boulevard
Suite 1800
Fort Lauderdale, FL 33301
Toll Free - (888)491-1120
Direct Fax - (954)213-0140
Direct Dial - (954)734-1853
Email: jeffrey.backman@gmlaw.com
<http://www.gmlaw.com>

GreenspoonMarder

From: Goodman, Jody [mailto:goodman1@ftc.gov]
Sent: Wednesday, April 10, 2019 11:21 AM
To: Jeffrey Backman; Gregg Strock
Cc: Brown, Christopher; 38541 002 Royal Seas Cruises Inc C CID to Royal Seas Cruises Inc 21 1 Mail
Subject: R : C CID Matter document production [I Active. ID12481 21]

Jeff,

We are concerned that you have not produced the entire universe of documents we would expect to see in response to the CIDs. Our position continues to be that all CID responses are limited by the FTC's Modification Letter dated February 28, 2019, not your email of December 14, 2018. To the extent that your CID responses are limited by the latter and not the former, please supplement your answers to interrogatories and document production immediately.

Although we cannot purport to know the entirety of what you have not produced, at a minimum we see the following problems:

In response to numerous requests for production your clients have answered that "CID target will provide responsive information, if any, within its possession, custody or control" please supplement each of these responses to plainly indicate whether your client did in fact provide responsive information. If no such information responsive to a particular request is in your client's possession, custody or control, then please state so accordingly.

As to all CID recipients:

our responses and production to F s 1 and 2 are insufficient, and perhaps illustrative of our disagreement concerning the scope of the CID. We are seeking relevant communications and documents between and among the CID recipients, on the topics articulated in the CID. In other words, for example, production of communications between FSI and Blake Curtis or Anthony Di iacomo are merely a part of what we seek. We also expect you to produce internal communications (between Dan Lambert and Jeff Tellam, for example) about the marketing conducted by various contractors and call centers.

As to all CID recipients except for Royal Seas:

We disagree with your interpretation of request for production 5, which reads:

All Communications with any business or individual relating to automated

dialing, Vol origination or termination, Caller Identification Service, C AM, data brokerage services, direct inbound calling, Lead eneration, Telemarketing, or Voice Broadcasting provided by ou or any other business or individual to the Subject ersons.

ou have stated you are not producing documents responsive to this request because your clients do not conduct "any type of marketing described in the CID." If we accept that statement as true, your clients may still have communicated with t er arte about such marketing. our clients' responses do not address whether any such communications exist.

our production is not complete as to equest for roduction 9.c.:

All documents related to complaints (and responses thereto) about any unwanted sales or Telemarketing calls, deceptive business practices (such as impersonating another company or misrepresenting the terms of sale), overbilling, refusals to provide refunds, refusals to honor cruise tickets or vacation travel packages, or any complaints about the Subject ersons, including:

- a. Complaints from consumers
- b. Complaints from the Better Business Bureau
- c. Cease and desist letters, threats of lawsuits, or actual lawsuits .

ou provided complaints from several lawsuits, without providing any other documents related to those lawsuits. documents related to those cases (excluding privileged materials), would include pleadings, motions, and other docketed items from each case, as well as communications among your clients, and between your clients and third parties, concerning the litigation. This would include settlement agreements.

As tooyal Seas:

oyal Seas' CID responses are also inadequate. lease produce all relevant communications betweenoyal Seas and the other CID recipients. Also, in numerous instances, the responses to document requests (e.g., o. 3) and answers to interrogatories (e.g., os. 2, 11, 12) fail to identify by name the relevant businesses and/or individuals that performed services or actions. For example, you must identify by name each lead generator, and not merely refer to "various consent based opt in lead generators." As requested above for all other CID recipients, please supplementoyal Seas' written responses to state plainly whetheroyal Seas did in fact provide responsive information. For example,oyal Seas' document production does not appear to include email correspondence and/or agreements with lead generators or autodialer vendors, call records, or scripts. We expect that such documents would be inoyal Seas' possession, custody or control.

As we said above, the above examples are just examples we cannot know precisely what you have not produced. We advise you to carefully read the CIDs to ensure that you have fully responded. And, if there are no documents responsive to a particular request, please notify us in writing to that effect.

We have been extremely accommodating of your schedule, but we need to conclude the CID process and schedule investigational hearings, preferably for mid- to late May. **e e ro uce u ement re on e n oment b r** If supplemental responses and document production are not forthcoming, we may need to proceed with referral of this matter to the Commission's Office of eneral Counsel for judicial enforcement. We are available this week if you would like to discuss.

Best,
Jody

Jodyoodman
Federal Trade Commission
Bureau of Consumerrotection Division of Marketing ractices
00 ennsylvania Avenue, W
Washington, D.C. 20580
Tel: (202) 32 -309 Fax: (202) 32 -3395
jgoodman1@ftc.gov

From: Jeffrey Backman Jeffrey.Backman@gmlaw.com
Sent: Tuesday, April 09, 2019 9:10 AM
To: oodman, Jody jgoodman1@ftc.gov regg Strock regg.Strock@gmlaw.com
Cc: Brown, Christopher cbrown3@ftc.gov 38541 002oyal Seas Cruises Inc FTC CID tooyal Seas Cruises Inc 21 1E Mail F12481 21.Active@gmlaw.imatege.work
Subject: E: FTC/CID Matter - document production IWOV-Active.FID12481 21

ood morning. I need to speak with my clients in greater detail, but I believe some searches on the disputed search terms are still being run.

Is there something in particular you're looking for? Do you have any questions or concerns regarding what has been provided thus far?

Jeffrey A. Backman, Esq.

Partner

200 East Broward Boulevard

Suite 1800

Fort Lauderdale, FL 33301

Toll Free - (888)491-1120

Direct Fax - (954)213-0140

Direct Dial - (954)734-1853

Email: jeffrey.backman@gmlaw.com

<http://www.gmlaw.com>

GreenspoonMarder

From: Goodman, Jody [<mailto:goodman1@ftc.gov>]

Sent: Tuesday, April 02, 2019 5:20 PM

To: Gregg Strock; Jeffrey Backman

Cc: Brown, Christopher

Subject: R : C CID Matter document production

Jeff/ reg,

Is your production complete, or should we expect additional documents? Please let us know as soon as possible.

Thanks,

Jody

Jody Goodman

Federal Trade Commission

Bureau of Consumer Protection Division of Marketing Practices

400 Pennsylvania Avenue, NW

Washington, D.C. 20580

Tel: (202) 326-3099 Fax: (202) 326-3395

jgoodman1@ftc.gov

From: Gregg Strock [regg.Strock@gmlaw.com]

Sent: Wednesday, March 07, 2019 3:20 PM

To: Tyndall, Reeve [rtyndall@ftc.gov]; Jessica Serrano-Cartagena [Jessica.Serrano-Cartagena@gmlaw.com]; Goodman, Jody [jgoodman1@ftc.gov]

Subject: RE: FTC/CID Matter - document production / 38541.002 [need addl FTC link]

We have some more documents. Please send another link.

Gregg I. Strock, Esq.

Partner

200 East Broward Blvd., Suite 1800

Ft. Lauderdale, Florida 33301

Tel: (954) 491-1120

Tel: (954) 491-1120

Email: gregg.strock@gmlaw.com

<http://www.gmlaw.com>

GreenspoonMarder

From: Tyndall, Reeve [<mailto:rtyndall@ftc.gov>]

Sent: Tuesday, March 05, 2019 4:42 PM

To: Jessica Serrano Cartagena; Goodman, Jody

Cc: Gregg Strock

Subject: R : C CID Matter document production 38541.002 [need addl C link]

Sent another upload link to both of you. Let me know if you have any issues.

From: Jessica Serrano Cartagena [<mailto:Jessica.Serrano-Cartagena@gmlaw.com>]
Sent: uesday, March 05, 2019 4:3 PM
To: yndall, Reeve; Goodman, Jody
Cc: Gregg Strock
Subject: C CID Matter document production 38541.002 [need addl C link]

ood afternoon,

The first batch of document production was sent earlier today. We were unaware the link is valid only as a one-time use.

At your earliest convenience, can you please send us an additional FTC link so that I may upload the additional ip folders to your attention.

Thank you,
Jessica Serrano-Cartagena

GreenspoonMarder

Jessica Serrano-Cartagena
Litigation Paralegal
Greenspoon Marder LLP
200 East Broward Boulevard, Suite #1800
Fort Lauderdale, FL 33301
Office: (954) 491-1120, Ext. 2646
Jessica.Serrano-Cartagena@gmlaw.com | www.gmlaw.com

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EXHIBIT 13

re Friday, October 11, 2019 1:57:26 PM

re Kappler, Burke

re Thursday, May 16, 2019 2:25:02 PM

Jeffrey Backman

Arington, Michele Goodman, Jody Brown, Christopher

re 10 Civil Investigative Demands Issued to Royal Seas Cruises, Inc., et al.

re Normal

re

2019-05-16 Ltr Kappler to Backman FINAL.pdf

Dear Mr. Backman:

My name is Burke Kappler and I am an attorney with the Federal Trade Commission's Office of General Counsel. Please see the attached letter regarding several civil investigative demands issued to Royal Seas Cruises, Inc., and others and please feel free to contact me with any questions. Thank you.

Sincerely,

Burke Kappler
Attorney, Office of General Counsel Federal Trade Commission 400 Pennsylvania Avenue, N.W., Washington, D.C. 20580 Mail Stop 00582
T: 202-321-2043 F: 202-321-2477 C: 703-819-3079 burke.kappler@ftc.gov



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Burke W. Kappler
Attorney
Office of General Counsel

Direct Dial: 202-326-2043
Fax : 202-326-2477
E-mail: bkappler@ftc.gov

May 16, 2019

BY EMAIL

Jeffrey A. Backman
200 East Broward Boulevard
Suite 1800
Fort Lauderdale, FL 33301
Email: Jeffrey.Backman@gmlaw.com

Re: Civil Investigative Demands issued November 21, 2018 to:

- (1) Cruise Operator, Inc.;
- (2) Reservations & Fulfillment Services, Inc.;
- (3) BPCL Management, LLC;
- (4) Nationwide Reservations, Inc.;
- (5) Royal Seas Cruises, Inc.;
- (6) Daniel Lambert;
- (7) James Verrillo;
- (8) Jeff Tellam;
- (9) Paul Heyden; and
- (10) Melissa Hanson.

Dear Mr. Backman:

I am an attorney with the Federal Trade Commission's Office of General Counsel. I am writing to inform you that staff in the FTC's Bureau of Consumer Protection, Division of Marketing Practices, have referred the above-listed civil investigative demands (CIDs) to our office because each of these recipients have failed to comply with the CIDs, as modified by the letter from Lois Greisman dated February 28, 2019. If this noncompliance continues, this office may seek to enforce the CIDs by filing a process enforcement action in federal district court.

These CIDs were issued nearly six months ago. None of these recipients filed a petition to limit or quash the CID. Yet it appears that the recipients have failed to comply with multiple CID specifications. We would be within our rights to enforce all of the CID specifications. Nonetheless, in the interests of efficient fact-finding and moving this investigation forward, we would be willing to forego requiring a full and complete response to each CID in its entirety, provided that each CID recipient cures its deficiencies by answering the following four targeted specifications as

directed below in a timely manner.

1. Request for Production 1 (all CIDs).

As modified by Ms. Greisman's February 28, 2019, letter, this specification asks for the following information:

All Communications between You and any of the Subject Persons related to:

- a. Automated dialing, Caller Identification Service, Caller ID Name ("CNAM"), data brokerage services, direct inbound calling, Lead Generation, Telemarketing, or Voice Broadcasting;
- b. Consumer complaints, inquiries from any Better Business Bureau, cease and desist letters, actual, or threatened litigation related to Telemarketing; or
- c. Inquiries, subpoenas, or other investigative demands by state or federal law enforcement agencies about unwanted sales calls or Telemarketing.

Although the recipients have produced some documents responsive to this specification, this production appears incomplete. To cure these deficiencies, each recipient should produce responsive communications between it and the other CID recipients, each of whom has been identified as a "Subject Person."¹ Specifically, recipients must produce responsive communications between and among the following entities:

- (1) Cruise Operator, Inc.;
- (2) Reservations & Fulfillment Services, Inc.;
- (3) BPCL Management, LLC;
- (4) Nationwide Reservations, Inc.;
- (5) Royal Seas Cruises, Inc.;
- (6) Daniel Lambert;
- (7) James Verrillo;
- (8) Jeff Tellam;
- (9) Paul Heyden; and
- (10) Melissa Hanson.

¹ As defined in Ms. Greisman's February 28, 2019 modification letter, "Subject Persons" means "the individuals and entities set forth in Request for Production No. 2(a) through (oo) involved in the sale, marketing, advertising, promotion, and/ or fulfillment of cruise vacations or travel vacation packages aboard the M/V Grand Celebration, including efforts to identify individuals potentially interested in purchasing such a cruise vacation." Each of the CID recipients is identified in this Request for Production No. 2(a) through (oo).

2. Request for Production 2 (all CIDs).

As modified by Ms. Greisman's February 28, 2019, letter, this specification asks for the following information:

Other than communications produced in response to No. 1, all other communications related to (i) Telemarketing, (ii) the sale, marketing, advertising, promotion, or fulfillment of cruises or travel vacations in connection with Telemarketing, or (iii) any government law enforcement investigation related to Telemarketing between the Company and the individuals and entities set forth in Request for Production No. 2(a) through (oo).

Although the recipients have produced some documents responsive to this specification this production, too, appears incomplete. To cure these deficiencies, each recipient should produce responsive communications between it and the other CID recipients, each of whom has been set forth in Request for Production No. 2(a) through (oo). Specifically, recipients must produce responsive communications between and among the following entities:

- (1) Cruise Operator, Inc.;
- (2) Reservations & Fulfillment Services, Inc.;
- (3) BPCL Management, LLC;
- (4) Nationwide Reservations, Inc.;
- (5) Royal Seas Cruises, Inc.;
- (6) Daniel Lambert;
- (7) James Verrillo;
- (8) Jeff Tellam;
- (9) Paul Heyden; and
- (10) Melissa Hanson.

3. Request for Production 5 (all CIDs except CID to Royal Seas Cruises, Inc.); and

Request for Production 9 (CID to Royal Seas Cruises, Inc.).

This specification asks for the following information:

All Communications with any business or individual relating to automated dialing, VoIP origination or termination, Caller Identification Service, CNAM, data brokerage services, direct inbound calling, Lead Generation, Telemarketing, or Voice Broadcasting provided by You or any other business or individual to the Subject Persons.

Each recipient should produce those communications that are responsive to this

specification and to the search terms included in the attached Appendix 1.

4. **Request for Production 6(c) (CIDs to BPCL Management, LLC; Nationwide Reservations, Inc.; Reservation & Fulfillment Services, Inc.; and Jeff Tellam);**

Request for Production 9(c) (CIDs to Cruise Operator, Inc.; Melissa Hanson; Paul Heyden; Daniel Lambert; and James Verillo); and

Request for Production 15(c) (CID to Royal Seas Cruises, Inc.).

This specification asks for the following information:

All documents related to complaints (and responses thereto) about any unwanted sales or Telemarketing calls, deceptive business practices (such as impersonating another company or misrepresenting the terms of sale), overbilling, refusals to provide refunds, refusals to honor cruise tickets or vacation travel packages, or any complaints about the Subject Persons, including: . . .

c. Cease and desist letters, threats of lawsuits, or actual lawsuits.

Although the recipients have produced some documents responsive to this specification, this production, too, appears incomplete. To cure these deficiencies, each recipient must produce all documents related to actual lawsuits in its possession, custody, or control, including but not limited to complaints, pleadings, litigation filings, or other litigation-related records.

* * *

To cure these deficiencies, each recipient should produce the information described above on or before Thursday, May 30, 2019, along with a certificate of compliance from each recipient. Any failure to do so may result in the Office of General Counsel commencing judicial enforcement of that CID.

The recipients must produce this information to the custodians identified in the CIDs according to the directions and instructions provided. Further, in light of the number of CID recipients at issue, we further request that any production clearly indicate the submitter for each document to avoid confusion and to enable the Commission to abide by its statutory obligations. *See, e.g.*, 15 U.S.C. § 57b-2. This letter does not modify any of these CIDs, which have not been modified since February 28, 2019.

Please feel free to contact me if you have questions or wish to discuss.

Sincerely,

s/ Burke W. Kappler

Attorney, Federal Trade Commission

cc:

Michele Arington, Assistant General Counsel for Trial Court Litigation
(by email to marington@ftc.gov)

Jody Goodman
Attorney, Division of Marketing Practices
(by email to jgoodman1@ftc.gov)

Christopher Brown
Attorney, Division of Marketing Practices
(by email to cbrown3@ftc.gov)

Appendix 1: Search Terms

1. Automated call*
2. Automated dial*
3. Avatar
4. "Avatar Technologies"
5. BBB
6. "Better Business Bureau"
7. bpsNode
8. "call center*"
9. "caller ID"
10. "Charge back"
11. Chargeback
12. "cold call*"
13. DNC
14. "do not call list"
15. "inbound call"
16. "inbound transfer"
17. "outbound call*"
18. Lead w/2 (generate or generator or generating)
19. Prerecorded
20. ProCall
21. ProFronter
22. Robocall*
23. Script*
24. Soundboard
25. Subpoena*
26. "Sun Telecom"
27. "voice broadcasting"
28. VOIP
29. Ytel
30. Robo Dial
31. Robo Dialer
32. Robo Dialing
33. Spoof
34. Spoof Caller ID
35. Spoof Caller Identification
36. Spoofed
37. Spoofed Caller ID
38. Spoofed Caller Identification
39. Spoofing
40. Spoofing Caller ID
41. Spoofing Caller Identification
42. Pre-Recorded
43. Pre-Recorded Voice
44. Pre-Recorded Message
45. Prerecorded
46. Prerecorded Voice
47. Prerecorded Message

EXHIBIT 14

re Friday, October 11, 2019 1:59:31 PM
re Jeffrey Backman
e Friday, May 24, 2019 12:59:22 PM
Kappler, Burke
Arlington, Michele Goodman, Jody Brown, Christopher
ue Re: 10 Civil Investigative Demands Issued to Royal Seas Cruises, Inc., et al.
e Normal

I have been and continue to be out of the office. I will be out most of next week. I've discussed the letter and will have a response as soon as I have all the information needed to appropriately respond. Our letter has a lot of inaccuracies which will need to be addressed. But my clients are working on running additional searches and getting additional information, subject of course to any additional objections we may have. As I've told your colleagues, all of these entities are either out of business or in wind down mode. There's also an intervening holiday. We have been and will continue to do the best we can but the self serving deadlines are improper and often unreasonable under the circumstances.

Jeffrey A. Backman

On May 24, 2019, at 12:34 M, Kappler, Burke wrote:

Dear Mr. Backman:

I am writing to follow up on my email and letter dated May 1, 2019. I haven't received any response from you to date. As a reminder, the Commission expects that the CID recipients will be making a production on May 30. If you have any questions about this, feel free to contact me.

Sincerely,

Burke Kappler

ur e er
Attorney, Office of General Counsel Federal Trade Commission 00 Pennsylvania Avenue, N.W., Washington, D.C. 20580 Mail Stop -582
T: 202-32-2043 F: 202-32-2477 C: 703-819-3079

From: Kappler, Burke
Sent: Thursday, May 1, 2019 2:25 M
To: [redacted]
Cc: [redacted] Brown, Christopher [redacted]
Subject: 10 CIVIL INVESTIGATIVE DEMANDS ISSUED TO ROYAL SEAS CRUISES, INC., ET AL.

Dear Mr. Backman:

My name is Burke Kappler and I am an attorney with the Federal Trade Commission's Office of General Counsel. Please see the attached letter regarding several civil investigative demands issued to Royal Seas Cruises, Inc., and others and please feel free to contact me with any questions. Thank you.

Sincerely,

ur e er
Attorney, Office of General Counsel Federal Trade Commission 00 Pennsylvania Avenue, N.W., Washington, D.C. 20580 Mail Stop -582
T: 202-32-2043 F: 202-32-2477 C: 703-819-3079

EXHIBIT 15

re Friday, October 11, 2019 2:00:10 PM

re Jeffrey Backman

re Wednesday, May 29, 2019 7:51:18 PM

Kappler, Burke

Arlington, Michele Goodman, Jody Brown, Christopher Gregg Strock 38541 0026 Royal Seas Cruises Inc FTC CID to Royal Seas Cruises

Inc 21 1 E Mail

re RE: 10 Civil Investigative Demands Issued to Royal Seas Cruises, Inc., et al. 38541.0026 IWO -Active.FID12481621

re Normal

Burke, for the reasons I've explained repeatedly to Jody and Chris, and as I briefly mentioned the other day, I disagree with many of the statements in your May 1, 2019 correspondence. Candidly, what occurred here was not right. I raised issues with the scope of the CIDs from day one both Jody and Chris were fully aware of my clients' willingness and intentions to seek to quash and/or modify the CIDs. As a result, Jody and Chris agreed to modifications to avoid the motion practice. Those agreements are accurately reflected in my December 14, 2018 e-mail correspondence. About 5 weeks after that e-mail, FTC counsel advised that they took issue with certain parts of that e-mail. We spoke and, ultimately, with very few clarifications, the terms of my December 14 e-mail were confirmed. Many weeks later, on February 28, 2019, we received Ms. Reisman's letter. I immediately let FTC counsel know that it was not an accurate reflection of the parties' agreements to modify the CIDs. To now suggest that my clients somehow agreed to something they didn't, or that my clients waived their rights to move to quash or modify the CID is absurd. Knowing what the actual agreement was between the parties demonstrates that the positions in your May 1, 2019 are not accurate. Our position also seems to be based on a misunderstanding of what we've produced so far in full compliance with the modification agreement as reflected in the December 14, 2018 e-mail.

- First, as has been explained to FTC counsel, the following entities do not have access to e-mails. These entities have not been doing business for quite some time.
 - Cruise Operator, Inc.
 - BCL Management, LLC
 - Nationwide Reservations, Inc.
- Second, the CID recipients, as applicable, ran e-mail searches for the date range at issue to and from the following entities with E.O. 13526 limitations and produced everything that was returned from any and all known email domains associated with those individuals/entities identified below.
 - Intimate Vacation Group, LLC, dba Royal Bahama Cruise Line
 - VSC, LLC
 - Florida VSC, LLC
 - Jonathan Blake Curtis
 - Anthony Di Iacomo
 - Tropical Accommodations, LLC
 - Christopher Cotroneo
 - Grand Bahama Cruise Line, LLC
 - Bethany Worstell
 - Rita Medrano
 - Blue Star Cruises, LLC
 - Carlos E. Pena
 - Atlantic Accommodations and Cruises, LLC
 - Felix Garcia
 - ProFronter LLC
 - ProCall LLC
 - Lester Stockett aka Aldrin Magispoc
 - Anthony Mercivalle
 - Emergent Strategies Inc. Opulent Cloud fka bps code
 - Desmond Stinnie
 - Tel Communications Inc.
 - Sun Telecom, Ltd.
 - Survey Association
 - Get Leads International Ltd. aka Pure Marketing
 - Avatar Technologies
 - Juan Ramos aka Scott Livingston
- "Related Entities" (this is in quotes because we do not agree that these individuals/entities are "related") searched
 - Companies/ Persons Searched:
 - Paradise Cruise Line Operator Ltd. Inc. (the CID recipients do not have access to this entity so they did not search this entities' e-mail, but this entity was combined with the search terms identified as "Limited Terms" below)

- Kevin M. Sheehan (the CID recipients do not have access to this individual so they did not search this entities' e-mail, but this individual was combined with the search terms identified as "Limited Terms" below)
- James Verrillo
- Daniel Lambert
- Edward Levitan (the CID recipients do not have access to this individual so they did not search this entities' e-mail, but this individual was combined with the search terms identified as "Limited Terms" below)
- Charles Innear (the CID recipients do not have access to this individual so they did not search this entities' e-mail, but this individual was combined with the search terms identified as "Limited Terms" below)
- Reservations Fulfillment Services, Inc.
- Jeff Tellam (FSI emails)
- Royal Seas Cruises, Inc.
- Paul Hayden (SC emails)
- Melissa Anson (SC emails)
- The Port of Palm Beach and any of its employees, officers or agents (the CID recipients do not have access to this entity so they did not search this entities' e-mail, but this entity was combined with the search terms identified as "Limited Terms" below)
- Limited Terms (anything that had a hit with any of the following terms was produced)
 - obo Dial
 - obo Dialer
 - obo Dialing
 - Spoof
 - Spoof Caller ID
 - Spoof Caller Identification
 - Spoofed
 - Spoofed Caller ID
 - Spoofed Caller Identification
 - Spoofing
 - Spoofing Caller ID
 - Spoofing Caller Identification
 - re-recorded
 - re-recorded Voice
 - re-recorded Message
 - rerecorded
 - rerecorded Voice
 - rerecorded Message
 - Automated
- searches ran:
 - The Law Firm of Greenspoon Marder, LL

Based upon the above, we believe that the CID recipients have complied with the terms of the CIDs as modified by the parties' agreements.

Despite the above, and without waiving our position as it relates to the parties' prior agreement to modify the CIDs, my clients take your threats seriously and are absolutely willing to continue to work with the FTC. But of course this cooperation is not without limitations. As I've explained to FTC counsel, the CID recipients have done nothing wrong and are willing to provide information and sit for investigational hearings relating to those matters that may actually fall within the scope of the FTCs jurisdiction. We were previously told that the real scope of the CIDs was wholly unclear on their face was into those individuals and companies associated with Jonathan Blake Curtis this is why we did not put restrictions on the searches of e-mails associated with those individuals/entities' domains.

our letter included an Appendix with additional search terms you'd like run.

- As you can see from the above, the following terms from the Appendix attached to your May 1 correspondence have already been included in the searches run by the CID recipients:
 - Automated call
 - Automated dial
 - Avatar
 - "Avatar Technologies"
 - bps ode
 - rerecorded
 - roCall
 - roFronter
 - obocall
 - "Sun Telecom"

tel

- For those CID recipients for whom e-mails can still be accessed, the CID recipients are in the process of running additional searches on the following requested terms from your Appendix (if a term is not included below it is because of the general nature of the term of the burden that would be imposed in having to search for and review returned documents):

- BBB
- "Better Business Bureau"
- "call center "
- "caller ID"
- "Charge back"
- Chargeback
- "cold call "
- D C
- "do not call list"
- "inbound call"
- "inbound transfer"
- "outbound call "
- Lead w/2 (generate or generator or generating)
- Script
- Soundboard
- Subpoena
- "voice broadcasting"
- VOI

Hopefully this addresses your concerns. I am working with the CID recipients to get a better estimate as to when the searches will be completed. At that time, as you may expect, a manual review by counsel will be required. It is unknown at this time the volume of documents that will be returned. As I have previously explained, the majority the business entity CID recipients have been out of business for some time and Royal Seas Cruises has stopped marketing and reduced its staff significantly. This is placing a burden on them and they are doing the best they can.

Should you wish to discuss any of the matters above in greater detail, let me know and we can set up a call.

Sincerely,

Jeffrey A. Backman, Esq.

Partner

200 East Broward Boulevard
Suite 1800

Fort Lauderdale, FL 33301

Toll Free - (888)491-1120

Direct Fax - (954)213-0140

Direct Dial - (954)734-1853

Email: jeffrey.backman@gmlaw.com

<http://www.gmlaw.com>

GreenspoonMarder

From: Kappler, Burke [mailto:bkappler@ftc.gov]

Sent: Friday, May 24, 2019 12:33 PM

To: Jeffrey Backman

Cc: Arlington, Michele; Goodman, Jody; Brown, Christopher

Subject: R : 10 Civil Investigative Demands Issued to Royal Seas Cruises, Inc., et al.

Dear Mr. Backman:

I am writing to follow up on my email and letter dated May 1, 2019. I haven't received any response from you to date. As a reminder, the Commission expects that the CID recipients will be making a production on May 30. If you have any questions about this, feel free to contact me.

Sincerely,

Burke Kappler

From: appler, Burke

Sent: Thursday, May 1, 2019 2:25 M

To: Jeffrey.Backman@gmlaw.com Jeffrey.Backman@gmlaw.com

Cc: Arington, Michele MA I TO @ftc.gov oodman, Jody jgoodman1@ftc.gov Brown, Christopher cbrown3@ftc.gov

Subject: 10 Civil Investigative Demands Issued tooyal Seas Cruises, Inc., et al.

Dear Mr. Backman:

My name is Burke appler and I am an attorney with the Federal Trade Commission's Office of eneral Counsel. lease see the attached letter regarding several civil investigative demands issued tooyal Seas Cruises, Inc., and others and please feel free to contact me with any questions. Thank you.

Sincerely,

ur e er
Attorney, Office of eneral Counsel Federal Trade Commission 00 ennsylvania Avenue, .W., Washington, D.C. 20580 Mail Stop -582
T: 202-32 -2043 F: 202-32 -2477 C: 703-819-3079

EE S OO MA DE LL LE AL OTICE
The information contained in this transmission may be attorney/client privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by reply e-mail.

Unless specifically indicated otherwise, any discussion of tax issues contained in this e-mail, including any attachments, is not, and is not intended to be, written advice as defined in Section 10.37 of Treasury Department Circular 230.

A portion of our practice involves the collection of debt and any information you provide will be used for that purpose if we are attempting to collect a debt from you.

EXHIBIT 16

re Friday, October 11, 2019 2:01:14 PM
re Kappler, Burke
e Tuesday, June 4, 2019 5:48:40 PM
Jeffrey Backman
Arlington, Michele Goodman, Jody Brown, Christopher Gregg Strock 38541 0026 Royal Seas Cruises Inc FTC CID to Royal Seas Cruises
Inc 21 1 E Mail
ue RE: 10 Civil Investigative Demands Issued to Royal Seas Cruises, Inc., et al. 38541.0026 IWO -Active.FID12481621
e Normal
ae
2019.06.04 Ltr Att03.pdf 2019.06.04 Ltr Att02.pdf 2019.06.04 Ltr Att01.pdf 2019.06.04 Ltr Kappler to Backman.pdf

Dear Mr. Backman:

Please see the attached letter, with supporting attachments, informing you that the FTC will be commencing judicial proceedings to enforce the CIDs issued to your clients and otherwise responding to your email below. Thank you.

Sincerely,

Burke Kappler

re er
Attorney, Office of General Counsel Federal Trade Commission 500 Pennsylvania Avenue, N.W., Washington, D.C. 20580 Mail Stop 582
T: 202-321-2043 F: 202-321-2477 C: 703-819-3079

From: Jeffrey Backman Jeffrey.Backman@gmlaw.com
Sent: Wednesday, May 29, 2019 7:51 AM
To: Kappler, Burke bkappler@ftc.gov
Cc: Arlington, Michele MA I TO @ftc.gov Goodman, Jody jgoodman1@ftc.gov Brown, Christopher cbrown3@ftc.gov Gregg Strock regg.Strock@gmlaw.com 38541 0026 Royal Seas Cruises Inc FTC CID to Royal Seas Cruises Inc 21 1 E Mail F12481 21 .Active@gmlaw.imate.manage.work
Subject: E: 10 Civil Investigative Demands Issued to Royal Seas Cruises, Inc., et al. (38541.0026) IWOV-Active.FID12481 21

Burke, for the reasons I've explained repeatedly to Jody and Chris, and as I briefly mentioned the other day, I disagree with many of the statements in your May 1, 2019 correspondence. Candidly, what occurred here was not right. I raised issues with the scope of the CIDs from day one both Jody and Chris were fully aware of my clients' willingness and intentions to seek to quash and/or modify the CIDs. As a result, Jody and Chris agreed to modifications to avoid the motion practice. Those agreements are accurately reflected in my December 14, 2018 e-mail correspondence. About 5 weeks after that e-mail, FTC counsel advised that they took issue with certain parts of that e-mail. We spoke and, ultimately, with very few clarifications, the terms of my December 14 e-mail were confirmed. Many weeks later, on February 28, 2019, we received Ms. Reisman's letter. I immediately let FTC counsel know that it was not an accurate reflection of the parties' agreements to modify the CIDs. To now suggest that my clients somehow agreed to something they didn't, or that my clients waived their rights to move to quash or modify the CID is absurd. Knowing what the actual agreement was between the parties demonstrates that the positions in your May 1, 2019 are not accurate. Our position also seems to be based on a misunderstanding of what we've produced so far in full compliance with the modification agreement as reflected in the December 14, 2018 e-mail.

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 - Nationwide Reservations, Inc.
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 - VSC, LLC
 - Florida VSC, LLC
 - Jonathan Blake Curtis
 - Anthony Di Iacomo
 - Tropical Accommodations, LLC
 - Christopher Cotroneo
 - Grand Bahama Cruise Line, LLC
 - Bethany Worstell

- o ita Medrano
- o Blue Star Cruises, LLC
- o Carlos E. ena
- o Atlantic Accommodations and Cruises, LLC
- o Felix arcia
- o roFronter LLC
- o roCall LLC
- o Lester Stockett aka Aldrin Magispoc
- o Anthony ercivalle
- o Emergent Strategies Inc. Opulent Cloud fka bps ode
- o Desmond Stinnie
- o tel Communications Inc.
- o Sun Telecom, Ltd.
- o Survey Association
- o et Leads International Ltd. aka ure Marketing
- o Avatar Technologies
- o Juan amos aka Scott Livingston

- “ related Entities” (this is in quotes because we do not agree that these individuals/entities are “related) searched
 - o Companies/ ersons Searched:
 - aradise Cuise Line Operator ltd. Inc. (the CID recipients do not have access to this entity so they did not search this entities’ e-mail, but this entity was combined with the search terms identified as “Limited Terms” below)
 - evin M. Sheehan (the CID recipients do not have access to this individual so they did not search this entities’ e-mail, but this individual was combined with the search terms identified as “Limited Terms” below)
 - James Verrillo
 - Daniel Lambert
 - Edward Levitan (the CID recipients do not have access to this individual so they did not search this entities’ e-mail, but this individual was combined with the search terms identified as “Limited Terms” below)
 - Charles innear (the CID recipients do not have access to this individual so they did not search this entities’ e-mail, but this individual was combined with the search terms identified as “Limited Terms” below)
 - eservations Fulfillment Services, Inc.
 - Jeff Tellam (FSI emails)
 - oyal Seas Cruises, Inc.
 - aul eyden (SC emails)
 - Melissa anson (SC emails)
 - The ort of alm Beach and any of its employees, officers or agents (the CID recipients do not have access to this entity so they did not search this entities’ e-mail, but this entity was combined with the search terms identified as “Limited Terms” below)
 - o Limited Terms (anything that had a hit with any of the following terms was produced)
 - obo Dial
 - obo Dialer
 - obo Dialing
 - Spoof
 - Spoof Caller ID
 - Spoof Caller Identification
 - Spoofed
 - Spoofed Caller ID
 - Spoofed Caller Identification
 - Spoofing
 - Spoofing Caller ID
 - Spoofing Caller Identification
 - re- ecorded
 - re- ecorded Voice
 - re- ecorded Message
 - rerecorded
 - rerecorded Voice
 - rerecorded Message
 - Automated

- o searches an:
 - o The Law Firm of reenspoon Marder, LL

Based upon the above, we believe that the CID recipients have complied with the terms of the CIDs as modified by the parties’ agreements.

Despite the above, and without waiving our position as it relates to the parties' prior agreement to modify the CIDs, my clients take your threats seriously and are absolutely willing to continue to work with the FTC. But of course this cooperation is not without limitations. As I've explained to FTC counsel, the CID recipients have done nothing wrong and are willing to provide information and sit for investigational hearings relating to those matters that may actually fall within the scope of the FTCs jurisdiction. We were previously told that the real scope of the CIDs wholly unclear on their face was into those individuals and companies associated with Jonathan Blake Curtis this is why we did not put restrictions on the searches of e-mails associated with those individuals/entities' domains.

our letter included an Appendix with additional search terms you'd like run.

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 - Automated dial
 - Avatar
 - "Avatar Technologies"
 - bps ode
 - rerecorded
 - roCall
 - roFronter
 - obocall
 - "Sun Telecom"
 - tel

- For those CID recipients for whom e-mails can still be accessed, the CID recipients are in the process of running additional searches on the following requested terms from your Appendix (if a term is not included below it is because of the general nature of the term of the burden that would be imposed in having to search for and review returned documents):
 - BBB
 - "Better Business Bureau"
 - "call center "
 - "caller ID"
 - "Charge back"
 - Chargeback
 - "cold call "
 - D C
 - "do not call list"
 - "inbound call"
 - "inbound transfer"
 - "outbound call "
 - Lead w/2 (generate or generator or generating)
 - Script
 - Soundboard
 - Subpoena
 - "voice broadcasting"
 - VOI

opefully this addresses your concerns. I am working with the CID recipients to get a better estimate as to when the searches will be completed. At that time, as you may expect, a manual review by counsel will be required. It is unknown at this time the volume of documents that will be returned. As I have previously explained, the majority the business entity CID recipients have been out of business for some time andoyal Seas Cruises has stopped marketing and reduced its staff significantly. This is placing a burden on them and they are doing the best they can.

Should you wish to discuss any of the matters above in greater detail, let me know and we can set up a call.

Sincerely,

Jeffrey A. Backman, Esq.

Partner

200 East Broward Boulevard

Suite 1800

Fort Lauderdale, FL 33301

Toll Free - (888)491-1120

Direct Fax - (954)213-0140

Direct Dial - (954)734-1853

Email: jeffrey.backman@gmlaw.com
<http://www.gmlaw.com>

GreenspoonMarder

From: Kappler, Burke [<mailto:bkappler@ftc.gov>]
Sent: Friday, May 24, 2019 12:33 PM
To: Jeffrey Backman
Cc: Arington, Michele; Goodman, Jody; Brown, Christopher
Subject: R : 10 Civil Investigative Demands Issued to Royal Seas Cruises, Inc., et al.

Dear Mr. Backman:

I am writing to follow up on my email and letter dated May 1, 2019. I haven't received any response from you to date. As a reminder, the Commission expects that the CID recipients will be making a production on May 30. If you have any questions about this, feel free to contact me.

Sincerely,

Burke Kappler

Burke Kappler
Attorney, Office of General Counsel Federal Trade Commission 400 Pennsylvania Avenue, N.W., Washington, D.C. 20580 Mail Stop 582
T: 202-32-2043 F: 202-32-2477 C: 703-819-3079 bkappler@ftc.gov

From: Kappler, Burke
Sent: Thursday, May 1, 2019 2:25 PM
To: Jeffrey.Backman@gmlaw.com Jeffrey.Backman@gmlaw.com
Cc: Arington, Michele MAI@ftc.gov Goodman, Jody jgoodman1@ftc.gov Brown, Christopher cbrown3@ftc.gov
Subject: 10 Civil Investigative Demands Issued to Royal Seas Cruises, Inc., et al.

Dear Mr. Backman:

My name is Burke Kappler and I am an attorney with the Federal Trade Commission's Office of General Counsel. Please see the attached letter regarding several civil investigative demands issued to Royal Seas Cruises, Inc., and others and please feel free to contact me with any questions. Thank you.

Sincerely,

Burke Kappler
Attorney, Office of General Counsel Federal Trade Commission 400 Pennsylvania Avenue, N.W., Washington, D.C. 20580 Mail Stop 582
T: 202-32-2043 F: 202-32-2477 C: 703-819-3079 bkappler@ftc.gov

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Unless specifically indicated otherwise, any discussion of tax issues contained in this e-mail, including any attachments, is not, and is not intended to be, "written advice" as defined in Section 10.37 of Treasury Department Circular 230.

A portion of our practice involves the collection of debt and any information you provide will be used for that purpose if we are attempting to collect a debt from you.

EXHIBIT 17

re Friday, October 11, 2019 2:02:21 PM
re Jeffrey Backman
re Tuesday, July 9, 2019 9:14:05 PM
Kappler, Burke
Goodman, Jody Brown, Christopher Arington, Michele Gregg Strock 38541 0026 Royal Seas Cruises Inc FTC CID to Royal Seas Cruises
Inc 21 1 E Mail
re RE: 10 Civil Investigative Demands issued to Royal Seas Cruises, Inc., et al. IWO -Active.FID12481621
re Normal

My clients have been running the new search terms. Because of the vague and generic terms, there were over 15,000 emails returned, the substantial majority of which are not responsive. For example, you included the term "BBB". That search term, when run on Mr. Lambert's email for example, returns years' worth of attorney-client privilege communications between my firm and Mr. Lambert relating to a lawsuit filed against the BBB. The "BBB" search term also returns every single company signature block that references BBB accreditation. An additional example exists with the term "outbound". Mr. Lambert and Mr. Verrillo both travel frequently. Well the "outbound" search term returns every single reference to an outbound flight. We are thus in the midst of reviewing the thousands of returned e-mails. When that review is finished, we will produce the additional responsive documents. As I've said repeatedly, an enforcement proceeding is not necessary.

Many of the matters stated by you in your June 4 email are inaccurate. When our additional responsive documents are ready to produce, we will address those inaccuracies in greater detail. Our lack of an immediate response should not be considered a concession that any of your letter, and the effort you made to go through the history of our communication with FTC counsel, are accurate. Indeed, the email correspondence exchanged tells a different story than what's in your June 4 letter.

Sincerely,

Jeffrey A. Backman, Esq.

Partner

200 East Broward Boulevard

Suite 1800

Fort Lauderdale, FL 33301

Toll Free - (888)491-1120

Direct Fax - (954)213-0140

Direct Dial - (954)734-1853

Email: jeffrey.backman@gmlaw.com

<http://www.gmlaw.com>

GreenspoonMarder

From: Kappler, Burke [mailto:bkappler@ftc.gov]

Sent: Monday, July 08, 2019 3:45 PM

To: Jeffrey Backman

Cc: Goodman, Jody; Brown, Christopher; Arington, Michele; Gregg Strock

Subject: 10 Civil Investigative Demands issued to Royal Seas Cruises, Inc., et al.

Dear Mr. Backman:

Following up on my letter dated June 4, I am writing to notify you that the FTC intends to commence a proceeding to enforce the CIDs issued to your clients, likely during the week of [July 15, 2019](#). As I stated, we are willing to refrain from filing if your clients cure the deficiencies identified in my letter dated May 16 promptly. If you have any questions or wish to discuss, please feel free to respond to this message. I am out of the office this week on personal travel with limited access to telephone or email but Jody Goodman and Christopher Brown should be available to speak with you in my absence. Thank you.

Sincerely,

Burke Kappler

Burke W. Kappler

Attorney, Office of General Counsel | Federal Trade Commission | [600 Pennsylvania Avenue, N.W., Washington, D.C. 20580](#) | Mail Stop H-582

T: [202-326-2043](#) | F: [202-326-2477](#) | C: [703-819-3079](#) | bkappler@ftc.gov

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EXHIBIT 18

Mr. Kappler, you haven't asked, but I'm not authorized to accept service of pleadings you filed in a federal court lawsuit against the respondents. You were told months ago that I don't represent them, at least not yet, in that proceeding you initiated but never served. Yet you continued to engage in ex parte communications with the court in order to get a procedurally deficient Order to Show Cause entered again without ever effectuating service of the petition on any respondent and without having the obligation to do so in your self-serving draft of the Order to Show Cause. All of this will be brought to the attention of Judge Altman at the appropriate time. As you also know, your underlying petition completely misstates the facts surrounding the responses to the CIDs and the production of documents by respondents, including supplemental responses and productions you've received since filing the petition (and prior to your latest round of improper ex parte communications).

Are you planning to actually effectuate service of process on the named respondents to this federal court petition you filed? It would seem that due process and basic fairness dictate that no deadline can be imposed that doesn't take into account actual service of the petition.

Jeffrey A. Backman, Esq.

Partner

200 East Broward Boulevard

Suite 1800

Fort Lauderdale, FL 33301

Toll Free - (888)491-1120

Direct Fax - (954)213-0140

Direct Dial - (954)734-1853

Email: jeffrey.backman@gmlaw.com

<http://www.gmlaw.com>



From: Kappler, Burke [mailto:bkappler@ftc.gov]

Sent: Tuesday, October 01, 2019 9:23 AM

To: Jeffrey Backman; Gregg Strock

Cc: Arington, Michele; Brown, Christopher; Goodman, Jody

Subject: Re: Activity in Case 0:19 cv 18 RKA Federal Trade Commission v. Lambert et al Order Setting Cancelling Hearing

Dear Counsel:

This is to inform you that Judge Altman issued an Order to Show Cause today directing the respondents to comply with the CIDs or file oppositions by October 11. Please see the attached. Pursuant to that Order, I will be serving you with hard copies of the Order and the Commission's supporting papers by FedEx delivery. Thank you.

Sincerely,

Burke Kappler

Burke Kappler
Attorney, Office of General Counsel Federal Trade Commission 400 Pennsylvania Avenue, N.W., Washington, D.C. 20580 Mail Stop 582
T: 202-321-2043 F: 202-321-2477 C: 703-819-3079 bkappler@ftc.gov

From: cmecfautosender@flsd.uscourts.gov cmecfautosender@flsd.uscourts.gov

Sent: Tuesday, October 01, 2019 11:59 AM

To: flsd_cmecf_notice@flsd.uscourts.gov

Subject: Activity in Case 0:19-cv- 18 7- A Federal Trade Commission v. Lambert et al Order Setting/Cancelling Hearing

Dear Counsel:
This is to inform you that Judge Altman issued an Order to Show Cause today directing the respondents to comply with the CIDs or file oppositions by October 11. Please see the attached. Pursuant to that Order, I will be serving you with hard copies of the Order and the Commission's supporting papers by FedEx delivery. Thank you.
Sincerely,
Burke Kappler

The following transaction was entered on 10/1/2019 at 11:59 AM EDT and filed on 10/1/2019

Federal Trade Commission v. Lambert et al

Case No. 19-10000 (RKA) (10/1/2019)

Case No. 19-10000 (RKA) (10/1/2019)

See attached document for full details. See attached document for full details. See attached document for full details.

Case No. 19-10000 (RKA) (10/1/2019)

Burke W. Kappler Case No. 19-10000 (RKA) (10/1/2019)

Case No. 19-10000 (RKA) (10/1/2019)

The following document s are associated with this transaction:

Main Document
Case No. 19-10000 (RKA) (10/1/2019)

Case No. 19-10000 (RKA) (10/1/2019)

STAMP dcecfStamp ID 1105629215 Date 10/1/2019 FileNumber 19279477-0 56ae6a0e6ea3fcb6f94167869dbc9511eb046bb357aed4a2dacec1a86f0925abe b40bb7cc3d3c9d905ddef1fb6aa2a926d1fd589d5a4c4ed36483508a7ad5ff

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 19-61867-cv-RKA

FEDERAL TRADE COMMISSION,

Petitioner,

v.

DANIEL LAMBERT; JAMES VERILLO;
CRUISE OPERATOR, INC.; BPCL
MANAGEMENT, LLC; NATIONWIDE
RESERVATIONS, INC.; JEFF TELLAM;
RESERVATIONS & FULFILLMENT
SERVICES, INC.; PAUL HEYDEN; MELISSA
HANSON; and ROYAL SEAS CRUISES, INC.,

Respondents.

DECLARATION OF GEOFFREY PETTE, ESQ.

1. My name is Geoffrey Pette and I am over the age of 18, competent to testify, and I have personal knowledge of the matters stated herein.

2. I am outsourced general counsel for Respondents Cruise Operator, Inc.; BPCL Management, LLC; Nationwide Reservations, Inc.; Reservations & Fulfillment Services, Inc.; and Royal Seas Cruises, Inc., and in that role also represent Daniel Lambert; James Verillo; Jeff Tellam; Paul Heyden; and Melissa Hanson (collectively referred to as “Respondents”).

3. I have been involved in reviewing documents in response to Respondents’ respective Civil Investigative Demands (“CID”).

4. Respondents are not “related” as the FTC describes. They are a group of individuals and entities, separate and distinct from one another. They are not engaged in some robocall scheme as described in paragraphs 5 and 6 of the Petition.

5. Cruise Operator, Inc. and BPCL Management, LLC do not have access to e-mails

because they have not been doing business since December 22, 2016. The same is true for Nationwide Reservations, Inc. as it stopped doing business in early 2016. Each of the companies sold their assets and ceased all payroll activities in 2016.

6. Royal Seas Cruises, Inc. stopped all marketing activities on March 3, 2019, and has no employees as of August 31, 2019.

7. To collect documents responsive to the CID's I reviewed searches for specific terms originally agreed to by the FTC on December 13, 2018 and memorialized in a December 14, 2018 by Jeffrey A. Backman. *See* Ex. 1. I had to review each returned email and document for responsiveness and privilege.

8. I also reviewed (and am still reviewing) email searches, for responsiveness and privilege, for communications related to the additional search terms that had not already been searched) provided by the FTC in the May 16, 2019 Letter from FTC's counsel.

9. Although the FTC had originally agreed that communications with or among the Respondents were not relevant to the FTC's actual inquiry, Respondents did produce such communications. Both productions included communications with or among Respondents.

10. The only Respondents that have not completed their production of communications related to the additional search terms are Daniel Lambert, James Verillo, and Reservations & Fulfillment Services, Inc.

11. I am working diligently with these Respondents to complete their reviews in order to produce the remaining communications, but, as explained to the FTC multiple times, such searches and reviews are extremely time consuming because of the generic and broad search terms being employed, and relative lack of resources available to the Respondents to complete the reviews.

12. Completing the reviews for the search terms provided by the FTC has been unduly burdensome, to say the least. Countless hours and days have gone into reviewing documents for responsiveness and privilege, and organizing the documents for production.

13. Respondents and I have worked during the various intervening holidays in order to timely provide written responses to the CID's and expedite productions.

14. In regards to telemarketing, Royal Seas Cruises, Inc., in response to Request for Production 3(c), provided a full explanation of all the marketing that was conducted for the M/V Grand Celebration. *See* Ex. 2 at pp. 9-17. The materials provided show clearly that there was no illegal telemarketing or robocalling. *Id.*

15. The *only* outbound telemarketing that was conducted was to existing customers who consented to receive telemarketing calls, individuals who opted in through various websites or by submitting a request for information in the mail, and, for a brief period of time, a third party using technology previously approved by the FTC made outbound calls to consumers other than those that consented through the various means described above. *Id.*

16. That third party ceased its marketing efforts on April 15, 2017, well within the six-month grace period provided by the FTC when the FTC rescinded guidance that previously approved of the technology used by the third party. *Id.* *See also* Ex. 3 (2016 FTC Staff Opinion Letter providing six-month grace period ending May 12, 2017).

17. Further, other than contact with existing customers, no telephone marketing is currently being conducted done for the M/V Grand Celebration.

18. According to the FTC's Petition and May 16 letter from FTC counsel, there are only four (4) requests for production at issue. However, in reality, all but one of the requests have been fully complied with, and for the one outstanding, only three Respondents have not completed

their production.

19. Respondents are in the process of preparing amended written responses to the CID's, and certificates of compliance, confirming the same.

20. The four (4) requests for production at issue are as follows:

1. *All Communications between You and any of the Subject Persons related to:*

a. *Automated dialing, Caller Identification Service, Caller ID Name ("CNAM"), data brokerage services, direct inbound calling, Lead Generation, Telemarketing, or Voice Broadcasting;*

b. *Consumer complaints, inquiries from any Better Business Bureau, cease and desist letters, actual, or threatened litigation; or*

c. *Inquiries, subpoenas, or other investigative demands by state or federal law enforcement agencies about unwanted sales calls or Telemarketing.*

All responsive and nonprivileged information has been produced, including communications between the respondents, even though the December 14 agreement concluded that such communications did not need to be produced. The only potentially outstanding documents are those that will be produced in response to the third request at issue, described below.

2. *Other than communications produced in response to No. 1, all other communications related to (i) Telemarketing, (ii) the sale, marketing, advertising, promotion, or fulfillment of cruises or travel vacations, or (iii) any government law enforcement investigation between the Company and the following individuals and entities*¹

¹ a-mm: Paradise Cruise Line Operator Ltd. Inc.; Kevin M. Sheehan; Daniel Lambert; James Verrillo; Edward Levitan; Charles Kinneer; Reservations & Fulfillment Services, Inc.; Jeff Tellam; BPCL Management, LLC; Nationwide Reservations, Inc.; Ultimate Vacation Group, LLC, dba Royal Bahama Cruise Line; VSC, LLC; Florida VSC, LLC; Jonathan Blake Curtis; Anthony DiGiacomo; Tropical Accommodations, LLC; Christopher Cotroneo; Grand Bahama Cruise Line, LLC; Bethany Worstell; Rita Medrano; Blue Star Cruises, LLC; Carlos E. Pena; Atlantic Accommodations and Cruises, LLC; Felix Garcia; Paul Heyden; Melissa Hanson; ProFronter LLC; ProCall LLC; Lester Stockett aka Aldrin Magispoc; Anthony Percivalle; Emergent Strategies Inc. — Opulent Cloud f/ka/ bpsNode; Desmond Stinnie; Ytel Communications Inc.; Sun Telecom, Ltd.; Survey Association; Net Leads International Ltd. a/k/a Pure Marketing; Avatar Technologies; Juan Ramos a/k/a Scott Livingston; The Port of Palm Beach and any of its employees, officers, or agents.

All responsive information has been produced, *including* communications between the respondents, even though the December 14 agreement concluded that such communications did not need to be produced. The only potentially outstanding documents are those that will be produced in response to the third request at issue, described below.

3. *All Communications with any business or individual relating to automated dialing, VoIP origination or termination, Caller Identification Service, CNAM, data brokerage services, direct inbound calling, Lead Generation, Telemarketing, or Voice Broadcasting provided by You or any other business or individual to the Subject Persons.*

This request was modified by the agreed to search terms, and then additional search terms set forth by the FTC. *See* Pet. Ex. 15 (FTC Counsel's May 16, 2019 Letter) at p. 6 (appendix listing search terms). All responsive information has been produced, *including* communications between the respondents, even though the December 14 agreement concluded that such communications did not need to be produced, *except* for those communications related to the second set of search terms for respondents Daniel Lambert, James Verillo, and Reservations & Fulfillment Services, Inc.

4. *All documents related to complaints (and responses thereto) about any unwanted sales or Telemarketing calls, deceptive business practices (such as impersonating another company or misrepresenting the terms of sale), overbilling, refusals to provide refunds, refusals to honor cruise tickets or vacation travel packages, or any complaints about the Subject Persons, including:*

c. *Cease and desist letters, threats of lawsuits, or actual lawsuits*

All responsive information has been produced.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

/s/ Geoffrey Pette
Geoffrey Pette, Esq.

Executed on October 11, 2019.

EXHIBIT 1

r e Friday, October 11, 2019 2:26:43 PM
r Jeffrey Backman
e Friday, December 14, 2018 2:28:23 PM
Goodman, Jody Brown, Christopher
Gregg Strock Richard Epstein
u e RE: FTC CID Matter No. 1623005 38541.0026 IWO -ACTI E.FID12481621
p r a e High
e Normal

Jody and Chris, it was good talking to you again yesterday. I've summarized below what we discussed and agreed to. I've also included the proposed search terms as referenced on the call. It's my understanding that the below is agreeable to you and limits to scope of the CIDs to our clients accordingly. If you want to propose any additional search terms, let me know ASAP, but we'll get started with the below. To the extent you all want to ask for more at a later date, you are free to do so and, in turn, our right to object and/or file a petition will begin to run from the time you seek additional documents or information.

1. Jim Errillo
 - a. Searches will be run on accessible business e-mail accounts utilizing the limitations set forth in 8.c. below.
2. Dan Lambert
 - a. Searches will be run on accessible business e-mail accounts utilizing the limitations set forth in 8.c. below.
3. Melissa Hanson
 - a. Will be a custodian for the ESI searches referenced below for RSC.
4. Paul Heyden
 - a. Will be a custodian for the ESI searches referenced below for RSC.
5. Jeff Tellam
 - a. Will be a custodian for the ESI searches referenced below for RFSI.
6. Cruise Operator, Inc. CO
 - a. We will produce contracts that we are aware of with entities listed on request No. 2 exception Greenspoon Marder .
7. BPCL Management, LLC BPCL
 - a. We will produce contracts that we are aware of with entities listed on request No. 2 exception Greenspoon Marder .
8. Royal Seas Cruises, Inc. RSC
 - a. A summary of all marketing for the relevant time period.
 - b. We will search for documents/emails to and from domain names that we are aware of, if any, associated with all entities listed on Request No. 2 with the exception of BPCLM, RSC, RFSI, NW, CO, James Errillo, Daniel Lambert, Edward Levitan, Charlie Kinnear, Melissa Hanson, Paul Heyden, Jeff Telum, Paradise Cruise Line Operator, Ltd., Inc., Kevin Sheehan, The Port of Palm Beach, and Greenspoon Marder. There are several names and entities on the list with which we are not familiar and do not have domain names we will let you know those in connection with our response.
 - c. We will then run ESI searches using the following search terms only, to and from domain names that we are aware of, if any, associated with the excepted names and entities identified in 8.b. above with the exception of Greenspoon Marder as discussed, no information with Greenspoon Marder will be provided .
 - i. Robo Dial
 - ii. Robo Dialer
 - iii. Robo Dialing
 - iv. Spoof
 - v. Spoof Caller ID
 - vi. Spoof Caller Identification
 - vii. Spoofed
 - viii. Spoofed Caller ID
 - ix. Spoofed Caller Identification
 - x. Spoofing
 - xi. Spoofing Caller ID
 - xii. Spoofing Caller Identification
 - xiii. Pre-Recorded
 - xiv. Pre-Recorded voice
 - xv. Pre-Recorded Message
 - xvi. Pre-recorded
 - xvii. Pre-recorded voice
 - xviii. Pre-recorded Message
9. Nationwide Reservations, Inc. NW
 - a. Same as RSC

10. Reservations Fulfillment Services, Inc. RFSI
 - a. Same as RSC
11. Subject Persons is limited to the names and entities set forth in Request for production No. 2.
12. All Requests are limited to Telemarketing Calls utilizing prerecorded messages and/or spoofed caller ID.
13. All Requests are limited to the M/ Grand Celebration.
14. No documents or information exchanged with or included counsel need to be provided or logged.
15. The same limitations set forth above with respect to the Requests for Production apply to corresponding Interrogatories.
16. Requests seeking financial, banking and payment processing information do not need to be responded to at this time. However, information regarding financial transactions with Blake Curtis, Tony D. and any of their known related entities listed in the CID will be provided.
17. For Interrogatory 2, we will not disclose the names of the entities, but we will provide specific descriptions of any Telemarketing calls initiated by third parties, if any, engaged by the company.
18. Respondents will respond based on the information within their possession. Some of the Respondents are no longer in business and may not have access to computers or servers, but we will provide that information at the time of our written responses.
19. We will also identify appropriate custodians, if any, other than the 5 individuals specifically referenced above.
20. To the extent, after you review the various forms of marketing and other information, you believe you need additional information, we can address it at that time.

Thanks for working with us on this. We hope to respond, at a minimum, with the start of a rolling production and answers to the Interrogatories, by the extended date of January 7, 2019. If the searches are taking longer, we will let you know and keep you informed of our progress.

Sincerely,

Jeffrey A. Backman, Esq.

Partner

200 East Broward Boulevard

Suite 1800

Fort Lauderdale, FL 33301

Toll Free - (888)491-1120

Direct Fax - (954)213-0140

Direct Dial - (954)734-1853

Email: jeffrey.backman@gmlaw.com

<http://www.gmlaw.com>

GreenspoonMarder

From: Goodman, Jody [mailto:goodman1@ftc.gov]
Sent: hursday, December 13, 2018 11:4 AM
To: Jeffrey Backman; Brown, Christopher
Cc: Gregg Stroch
Subject: R : C CID Matter o. 1 23005 [I AC I . ID12481 21]

Thanks, Jeff. You did not request an extension of the petition deadline on our call, but we can discuss this with you today if you'd like. We have discussed your request for an extension of the response deadline with our managers, and we have authority to grant you until January 7th for that. We are also happy to discuss a reasonable schedule for investigational hearings.

We are available today at 2 or 4 for a call. Is one of those times good for you

Best,
Jody

Jody Goodman
Federal Trade Commission
Bureau of Consumer Protection Division of Marketing Practices
100 Pennsylvania Avenue, NW
Washington, D.C. 20580
Tel: (202) 321-309 Fax: (202) 321-3395
jgoodman1@ftc.gov

From: Jeffrey Backman Jeffrey.Backman@gmlaw.com
Sent: Thursday, December 13, 2018 11:00 AM
To: Brown, Christopher cbrown3@ftc.gov oodman, Jody jgoodman1@ftc.gov
Cc: regg Strock regg.Strock@gmlaw.com
Subject: FTC CID Matter o. 1 23005 IWOV-ACTIVE.FID12481 21

Chris/Jody, it was good having that initial conversation on Monday. I've since spoken with my clients about the various parameters we generally discussed and would like to have a follow up call so we can be sure we are all on the same page as we move forward. Are you available this afternoon or tomorrow afternoon

Also, you were going to get back to me on the enlargement of time of all the deadlines petition, reduction and hearing. I think it makes sense in light of our first discuss, and the one that we'll have today or tomorrow, that we all not be bogged down in petitions to Limit/ wash but instead focus on what it seems are really the issues/people/entities you're looking into. We have no objection to you revisiting matters that, for now, you agree don't need to be a part of my clients' responses.

Thanks,

Jeffrey A. Backman, Esq.

Partner

200 East Broward Boulevard

Suite 1800

Fort Lauderdale, FL 33301

Toll Free - (888)491-1120

Direct Fax - (954)213-0140

Direct Dial - (954)734-1853

Email: jeffrey.backman@gmlaw.com

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GreenspoonMarder

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EXHIBIT 2
REDACTED

TO BE FILED
UNDER SEAL UPON
COURT ORDER ON
DE 8

EXHIBIT 3



Lois C. Greisman
Associate Director
Division of Marketing Practices

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

November 10, 2016

Michael Bills
132 S 600 East, Suite 204
Salt Lake City, UT 84102

Re: September 11, 2009 Staff Opinion Letter on Soundboard Technology

Dear Mr. Bills:

We are writing to you regarding the informal staff opinion letter we provided to your former company, Call Assistant, LLC, on September 11, 2009.¹ Our September 2009 letter responded to Call Assistant's inquiry regarding whether the Telemarketing Sales Rule's ("TSR") provisions governing outbound telemarketing calls that deliver prerecorded messages² apply to calls utilizing soundboard technology, which is technology that allows a live agent to communicate with a call recipient by playing recorded audio snippets instead of using his or her own live voice. In the September 2009 letter, staff stated its opinion that the technology, as described by Call Assistant, would not be subject to the prerecorded message provisions of the TSR. Staff's opinion was based on important features that Call Assistant highlighted about its technology – i.e., that for the entire duration of a call made using the technology, a single live agent stays with the call from beginning to end, listens to every word spoken by the call recipient, determines what is heard by the call recipient, and has the ability to interrupt recordings and use his or her own voice to communicate with the call recipient if needed. In our view at that time, these features made the calls "virtually indistinguishable" from normal two-way conversations with live operators and placed them outside the scope of the TSR's prerecorded message provisions.

Since the issuance of our September 2009 letter, staff has received a steadily increasing volume of formal and informal complaints from consumers about telemarketing calls utilizing soundboard technology. Consumers complain that during these calls they are not receiving appropriate recorded responses to their questions or comments. Consumers further complain that often no live telemarketer intervenes to provide a human response when requested to do so, the recorded audio snippets that are played do not adequately address consumer questions, or the call

¹ A copy of the September 11, 2009 staff opinion letter can be found at http://www.ftc.gov/ftic/default.aspx?File=/documents/advisory_opinions/opinion_09_11/opinion0901_1.pdf. Call Assistant, LLC, filed for Chapter 7 bankruptcy on August 13, 2015. *In re Call Assistant LLC*, Case No. 15-11708 (KJC) (Bankr. D. Del. Aug. 13, 2015).

² 16 C.F.R. § 310.4(b)(1)(v).

Michael Bills

Page 2 of 6

is terminated in response to consumers questions. Indeed, media reports also have taken note of this phenomenon, which some in the press have dubbed telemarketing “robot” calls.³ Simply put, since we issued the letter in 2009, staff has seen evidence of the widespread use of soundboard technology in a manner that does not represent a normal, continuous, two-way conversation between the call recipient and a live person. This is inconsistent with the principles we laid out in our September 2009 letter as well as our understanding of the technology at the time we issued the letter.⁴ Moreover, this type of use does not provide the consumer benefits upon which we based our September 2009 opinion.

In response to rising complaints and concerns, staff reached out to the Professional Association for Customer Engagement (“PACE”), which is a trade association representing call centers, and the Soundboard Association, a trade organization representing manufacturers and users of soundboard technology. During the last few months, we have had multiple productive discussions and meetings with PACE and the Soundboard Association to learn more about soundboard technology and obtain industry input regarding the regulatory status of that technology. Both PACE and the Soundboard Association were responsive to requests, provided meaningful input to assist staff in its review of this technology, and highlighted the potential benefits of responsible soundboard use. Staff carefully considered the input of PACE and the Soundboard Association.

A fundamental premise of our September 2009 letter was that soundboard technology was a surrogate for the live agent’s actual voice. A human being cannot conduct separate conversations with multiple consumers at the same time using his or her own voice. Nonetheless, some companies are routinely using soundboard technology in precisely this manner, and these companies are improperly using our September 2009 letter to justify their actions in court proceedings⁵ and in investigations. Indeed, Call Assistant noted publicly that

³ See, e.g., Sean Gallagher, *The New Spam: Interactive Robo-Calls From the Cloud as Cheap as E-Mail*, ARS Technica (Apr. 15, 2015), <http://arstechnica.com/gadgets/2015/04/15/the-new-spam-interactive-robot-calls-from-the-cloud-as-cheap-as-e-mail/>; *Telemarketing*, THE ATLANTIC, (Dec. 20, 2013), <http://www.theatlantic.com/technology/archive/2013/12/almost-human-the-surreal-cyborg-future-of-telemarketing/282537/>; Alexis C. Madrigal, *The Only Thing Weirder Than a Telemarketing Robot*, THE ATLANTIC, (Dec. 13, 2013), <http://www.theatlantic.com/technology/archive/2013/12/the-only-thing-weirder-than-a-telemarketing-robot/282282/>; Zeke Miller & Denver Nicks, *Meet the Robot Telemarketer Who Denies She’s a Robot*, TIME, (Dec. 10, 2013), <http://newsfeed.time.com/2013/12/10/meet-the-robot-telemarketer-who-denies-shes-a-robot/>; *Zeke Miller & Denver Nicks, Meet the Telemarketer Who Denies She’s a Robot*, TIME, (Dec. 10, 2013), <http://www.time.com/time/2013/12/10/meet-the-robot-telemarketer-who-denies-shes-a-robot/>.

⁴ For example, Call Assistant highlighted the ability of its agents to use their own voices during calls using its soundboard technology: “Our technology merely substitutes sound files for the agent’s voice (*although the agent can interject with his or her voice at any time*) . . .” (emphasis supplied). See also September 2009 Letter at 1 (“In response to the greeting, the agent may elect to speak to the call recipient *using his or her voice*, or may press a button to play an appropriate recorded script segment. . . . At all times, even during the playing of a recorded segment, *the agent retains the power to interrupt any recorded message to listen to the consumer and respond appropriately.*”) (emphasis supplied).

⁵ See, e.g., *Fitzhenry v. ADT Corp.*, No. 9:14-CV-80180 (S.D. Fla.); *Barrett v. ADT Corp.*, No. 12:15-CV-1348 (S.D. Ohio).

Michael Bills
Page 3 of 6

one of the advantages of its technology is that “an agent can conduct multiple calls simultaneously.”⁶ Staff also has seen evidence that call centers are using soundboard technology to increase the number of outbound calls they can make. In addition, in our discussions and meetings, industry representatives acknowledged that call centers routinely use soundboard technology to allow a single live agent to handle more than one call at the same time.

The plain language of the TSR provision governing prerecorded calls imposes restrictions on “any outbound telephone call that delivers a prerecorded message.”⁷ It is indisputable that calls made using soundboard technology deliver prerecorded messages. As such, under the plain meaning of the words in the TSR’s prerecorded call provision, outbound telemarketing calls using soundboard technology are covered because such calls “deliver a prerecorded message.”⁸

Given the actual language used in the TSR, the increasing volume of consumer complaints, and all the abuses we have seen since we issued the September 2009 letter, we have decided to revoke the September 2009 letter. It is now staff’s opinion that outbound telemarketing calls that utilize soundboard technology are subject to the TSR’s prerecorded call provisions because such calls do, in fact, “deliver a prerecorded message” as set forth in the plain language of the rule.⁹ Accordingly, outbound telemarketing calls made using soundboard technology are subject to the provisions of 16 C.F.R. § 310.4(b)(1)(v), and can only be made legally if they comply with the requirements set forth in Section 310.4(b)(1)(v)(A) (for calls selling goods or services), Section 310.4(b)(1)(v)(B) (for calls seeking charitable contributions from members or prior donors), or Section 310.4(b)(1)(v)(D) (healthcare messages by a covered entity or its business associate under HIPAA).

In reaching this conclusion, staff did consider whether an express requirement that live agents using soundboard technology only handle one call at a time would change the analysis. Staff has concluded that it would not. First, even with a 1-to-1 limitation in place, such calls would still “deliver a prerecorded message” and therefore would fall within the plain language of 16 C.F.R. 310.4(b)(1)(v). Moreover, in staff’s view, a 1-to-1 limitation would not stop abusive use of the technology. Based on preliminary information provided by industry representatives, a significant percentage of the total number of call center seats utilizing soundboard technology are used to make telemarketing or lead generation calls. A 1-to-1 limitation would allow a lead generation operation to use soundboard technology in which live operators simply press a button to play a prerecorded message offering a good or service that asks the consumer to say “yes” or press 1 on their phone if they are interested. If the consumer says yes or presses 1, the live agent would then transfer the call to the seller who makes a telemarketing pitch. Such calls are indistinguishable from standard lead generation robocalls that are governed by the TSR and are the subject of a large volume of consumer complaints and significant telemarketing abuse. The

⁶ *Nougar, L.C., et al. v. Revocalize, LLC, et al.*, No. 2:11-cv-127, DE 41 (D. Utah, Oct. 18, 2011).

⁷ 16 C.F.R. § 310.4(b)(1)(v).

⁸ *Id.*

⁹ *Id.* Staff notes that representatives of both PACE and the Soundboard Association disagree with this conclusion.

Michael Bills

Page 4 of 6

fact that a live operator, instead of a computer, “delivers” the prerecorded message and transfers interested consumers to sellers makes little difference from the call recipient’s perspective. Thus, even a 1-to-1 limitation would permit soundboard technology to be used to deliver calls that are indistinguishable from the telemarketing robocalls that consumers consider to be abusive and that are illegal under the TSR.

Finally, staff does recognize that when the Commission adopted the TSR’s robocall provisions TSR in 2008, it foresaw that technology could evolve to allow the use of interactive prerecorded messages in telemarketing calls in a manner “essentially indistinguishable from conversing with a human being.”¹⁰ Indeed, soundboard technology, when used properly, may one day approach that level of proficiency. If and when such advances occur, the Commission noted that parties could seek further amendment of the TSR or exemptions from the prerecorded message provisions.¹¹

In order to give industry sufficient time to make any necessary changes to bring themselves into compliance, the revocation of the September 2009 letter will be effective six months from today, on May 12, 2017. As of that date, the September 11, 2009 letter will no longer represent the opinions of FTC staff and cannot be used, relied upon, or cited for any purpose.

In closing, staff notes that revocation of the September 2009 opinion letter does not mean that the TSR prohibits all calls made using soundboard technology. To the contrary, call centers can still use soundboard technology for in-bound calls and to place a wide variety of outbound calls, such as non-telemarketing calls (e.g., political calls, survey calls, and pure informational calls), telemarketing calls that fall within the exemptions set forth in Section 310.4(B)(1)(v)(A), (B), or (D), certain types of charitable donation calls, and calls that are expressly exempt from the TSR under Section 310.6 (e.g., business-to-business calls). In fact, the preliminary data provided indicates that a significant percentage of call center seats that utilize soundboard technology are used for in-bound calls or to place non-telemarketing calls, such as political or charitable calls. As long as those calls remain outside the scope of the TSR, companies can continue to use soundboard technology for those types of calls without violating the TSR. Please note, however, that we do not opine on whether the use of such technology complies with state or other federal laws, including the Telephone Consumer Protection Act, 47 U.S.C. § 227, or its corresponding regulations implemented by the Federal Communications Commission, 47 C.F.R. § 64.1200.

Please be advised that the views expressed in this letter are those of the FTC staff, subject to the limitations in 16 C.F.R. § 1.3. They have not been approved or adopted by the Commission, and they are not binding upon the Commission. However, they do reflect the views of staff members charged with enforcement of the TSR.

¹⁰ *Telemarketing Sales Rule*, 73 Fed. Reg. 51,164, 51,1180 (Aug. 29, 2008).

¹¹ *Id.* (“Accordingly, nothing in this notice should be interpreted to foreclose the possibility of petitions seeking further amendment of the TSR or exemptions from the provisions adopted here.”)

Michael Bills
Page 5 of 6

Sincerely,

Lois C. Greisman
Associate Director
Division of Marketing Practices

Cc: Michele A. Shuster, Esq.
General Counsel, PACE
6530 W. Campus Oval, Suite 210
New Albany, OH 43054

The Soundboard Association
c/o Peter B. Miller, Esq.
Crowell & Moring LLP
1001 Pennsylvania Ave., NW
Washington, DC 20004

Call Assistant, LLC
78-00 3rd Street N., Suite 900
St. Paul, MN 55128

Ronald S. Gellert
Gellert Scali Busenkell & Brown, LLC
1201 N. Orange Street, Suite 300
Wilmington, DE 19801
Counsel for Debtor, Call Assistant, LLC

David Carickhoff
Jennifer L. Dering
Archer & Greiner, P.C.
300 Delaware Ave., Suite 1100
Wilmington, DE 19801
Bankruptcy Trustee for Call Assistant, LLC

Noguar
5286 S 320 West
Murray, UT 84107

Avatar Technologies, Inc.
138 Columbus Ave., 2nd Floor
Mount Vernon, NY 10553

Michael Bills
Page 6 of 6

Robby H. Birnbaum
Greenspoon Marder
One Boca Place, 2255 Glades Road, Suite 400-E
Boca Raton, FL 33431
Counsel for Avatar Technologies, Inc.