

**SEMIANNUAL FEDERAL COURT
LITIGATION STATUS REPORT**

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

June 30, 2022

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SUMMARY OF CASES

	Dist. Ct.	Ct. App.*	S. Ct.	Total
PETITIONS FOR REVIEW	0	1	0	1
INJUNCTION AND CONSUMER REDRESS CASES	36	15	2	53
CIVIL PENALTY AND ENFORCEMENT CASES	22	0	0	22
SUBPOENA AND CID ENFORCEMENTS	6	0	0	6
SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION	7	4	1	12
AMICUS CURIAE BRIEFS	2	5	0	7
TOTALS	73	25	3	101

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

PETITIONS FOR REVIEW

(A) Orders to Cease and Desist

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

Parties: 1-800 Contacts, Inc.

Assigned Attorneys: Joel Marcus (OGC)
Imad Abyad

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

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

(B) Rulemakings

(None Pending)

INJUNCTIONS AND CONSUMER REDRESS

(A) Preliminary Injunctions (Mergers/Acquisitions)

FTC v. HACKENSACK MERIDIAN HEALTH, No. 21-2603 (3d Cir); No. 20-cv-18140
(D.N.J.)

Parties: Hackensack Meridian Health
Englewood Healthcare Foundation

Assigned Attorneys: Jonathan Lasken (Office of Director/BC)
Mariel Goetz (OGC)

Nature of Action: Action for preliminary injunction to block the proposed merger between
Hackensack Meridian Health and Englewood Healthcare.

Status: Complaint filed 12/4/20.
TRO entered 12/4/20.
Commission motion for preliminary injunction filed 3/22/21; Defendants'
opposition filed 4/12/21; Commission reply filed 4/29/21.
Evidentiary hearing held from 5/10/21 to 5/18/21.
Order granting motion for preliminary injunction entered 8/4/21.
Notice of appeal from Englewood and Hackensack filed 8/25/21.

Appellants' brief filed 9/15/2021; Commission's answering brief filed 11/3/2021; appellants' reply brief filed 11/12/21.
Oral argument held 12/7/21.
Order affirming district court's grant of preliminary injunction filed 3/22/22.

FTC v. HCA HEALTHCARE, No. 2:22-cv-375 (D. Utah)

Parties: HCA Healthcare
Steward Health Care Systems
Ralph De La Torre

Assigned Attorneys: James Weingarten (BC/Office of Director)
Anthony Saunders (BC/Mergers IV)
Anusha Sunkara (BC/Mergers IV)
Christopher Megaw
Elizabeth Arens
Eric Olson
Guia Dixon
Jeanne Nichols
Jonathan Wright
Mark Seidman
Matthew Frank
Stephanie Cummings
Stephen Rodger (BC/Mergers I)

Nature of Action: Action for a preliminary injunction to block a merger between two large healthcare providers in in a surrounding region of Salt Lake City, Utah.

Status: Complaint filed 6/3/22.
TRO entered 6/6/22.
Joint stipulation of dismissal filed 6/16/22.

FTC et al. v. LIFESPAN et al., No. 1:22-cv-81 (D.R.I.)

Parties: Lifespan Corporation
Care New England Health System
State of Rhode Island (co-plaintiff)

Assigned Attorneys: Jessica Moy (BC/Office of Director)
Susan Musser
Amy Ritchie (BC/Mergers IV)
Anusha Sunkara
Cathleen Williams
Goldie Walker
Joshua Smith

Kennan Khatib
Mark Seidman
Nathan Brenner
Rohan Pai
Susan Musser

Nature of Action: Action for a preliminary injunction to block a merger between Rhode Island's two largest healthcare providers.

Status: Complaint filed 2/18/22.
TRO entered 2/18/22.
Commission's notice of voluntary dismissal filed 2/28/22.

FTC v. LOCKHEED MARTIN CORPORATION et al., No. 1:22-cv-174 (D.D.C.)

Parties: Lockheed Martin Corporation
Aerojet Rocketdyne Holdings, Inc.

Assigned Attorneys: Jonathan Lasken (BC)
Andrew Heimert (OIA)
Jacqueline K. Mendel (BC/Compliance)
Catherine Sanchez (BC/Mergers I)
Christina Perez
Christine Tasso
Dylan Naegele
James E. Southworth
James R. Weiss
Joseph Neely
Lisa Sleigh
Nicholas Widnell
Robert Sanborn
Stephen Mohr
Yan Gao

Nature of Action: Action for preliminary injunction to block a vertical merger between defense contractor Lockheed Martin and Aerojet Rocketdyne Holdings, Inc.

Status: Complaint filed 1/25/22.
TRO entered 1/25/22.
Order granting stipulation of dismissal without prejudice entered 2/15/22.

FTC v. RWJ BARNABAS HEALTH, No. 2:22-cv-3416 (D.N.J)

Parties: RWJ Barnabas, Inc.
Saint Peter's Healthcare System, Inc.

Assigned Attorneys: James Weingarten (BC/Office of Director)
Jessica Moy
Adam Pergament (BC/Mergers IV)
Alexander Bryson
Cory Gordon
Emily Blackburn
Karen Hunt
Mark Seidman
Rohan Pai
Ryan Andrews
Ryan Maddock

Nature of Action: Action for a preliminary injunction to block the acquisition of Saint Peter's Healthcare System by RWJBarnabas Health.

Status: Complaint filed 6/03/22.
TRO granted 6/06/22.
Stipulation of dismissal filed 6/15/22; order of dismissal without prejudice entered 6/21/22.

(B) Preliminary Injunctions (Other)

FTC v. Intuit, Inc., No. 3:22-cv-1973 (N.D. Cal)

Parties: Intuit Inc.

Assigned Attorneys: Frances Kern (BCP/MP)
James Evans
Roberto Anguizola

Nature of Action: Action for a preliminary injunction to stop the company from continuing its deceptive advertising of "free filing" tax preparation service pending completion of administrative litigation.

Status: Complaint filed 3/28/22.
Order denying Commission's emergency motion for a TRO and preliminary injunction entered 4/22/22.

(C) Permanent Injunctions/Consumer Redress*

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

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

Assigned Attorneys: Hans Clausen (SER)
Harold Kirtz

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

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

FTC v. AMERICAN FINANCIAL SUPPORT SERVICES INC., No. 20-55092 (9th Cir.); No. 8:19-cv-02109 (C.D. Cal.)

Parties: American Financial Support Services Inc.
Arete Financial Group
Arete Financial Group LLC
CBC Conglomerate LLC
Diamond Choice Inc.
J&L Enterprise LLC
La Casa Bonita Investments, Inc.
US Financial Freedom Center, Inc.
Carey G. Howe
Anna C. Howe
Shunmin "Mike" Hsu
Ruddy Palacios
Oliver Pomazi
Jay Singh
MJ Wealth Solutions, LLC

Assigned Attorneys: Richard McKewen (NWR)

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

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

Status: Complaint filed 11/4/19.
Ex parte TRO with asset freeze, appointment of temporary receiver, and immediate access entered 11/4/19.
Preliminary injunction hearing held 11/18/19; chambers order granting preliminary injunction entered 11/26/19.
Preliminary injunction order entered 12/17/19.
Notice of appeal by defendants Carey G. Howe, Shunmin Mike Hsu, Ruddy Palacios, and Oliver Pomaz filed 1/24/20.
Stipulated order for permanent injunction and monetary relief against Carey G. Howe, Anna C. Howe, Shunmin "Mike" Hsu, Ruddy Palacios, and Oliver Pomazi entered 9/9/20.
Appellants' motion to dismiss appeal voluntarily granted 9/16/20.
Commission motion for default judgment against Defendants Arete Financial Group; Arete Financial Group LLC; CBC Conglomerate LLC; Diamond Choice Inc.; J&L Enterprise LLC; La Casa Bonita Investments, Inc.; and Relief Defendant MJ Wealth Solutions, LLC, filed 1/8/21.
Order staying case to consider approval of settlement agreement entered 2/8/21.
Proposed stipulated order for permanent injunction and monetary relief against American Financial Support Services Inc., US Financial Freedom Center, Inc., and Jay Singh filed 6/14/21.
Stipulated order for permanent injunction and monetary judgment against American Financial Support Services Inc., US Financial Freedom Center, Inc., and Jay Singh entered 8/10/21.
Stipulated permanent injunction as to defendants Arete Financial Group, Arete Financial Group LLC, CBC Conglomerate LLC, Diamond Choice Inc., J&L Enterprise LLC, La Casa Bonita Investments Inc., and relief defendant MJ Wealth Solutions, LLC entered 3/31/22.

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

Parties: American Future Systems, Inc. d/b/a Progressive Business Publications
d/b/a Progressive Business Publications, Inc. d/b/a Center for
Education & Employment Law
Progressive Business Publications of New Jersey, Inc. d/b/a Progressive
Business Publications, Inc. d/b/a Center for Education and
Employment Law
International Credit Recovery, Inc. d/b/a ICR
Edward M. Satell
Richard Diorio, Jr.

Cynthia Powell
Commonwealth of Pennsylvania (co-plaintiff)

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

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

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

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

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

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

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

Status: Complaint filed 8/4/20.
FTC's motion for summary judgment filed 10/1/21; defendants' opposition filed 11/1/21; reply filed 11/15/21.

Order granting FTC's motion for summary judgment in part and denying in part, leaving amount of equitable monetary relief to be determined at trial, entered 4/6/22.

Order vacating trial and directing parties to confer regarding remaining monetary relief issues entered 4/8/22.

Joint status report, reporting that parties have been unable to reach agreement to settle case and are prepared to proceed with bench trial on appropriate amount of monetary relief, filed 5/9/22.

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

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

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

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

Status: Complaint filed 11/14/18.
Ex parte TRO entered 11/16/18.
Stipulated preliminary injunctions entered 12/19/18.

Amended complaint naming SIA Transact Pro and Mark Moskvins filed 5/30/19.

Stipulated orders for permanent injunction and monetary judgment as to David Barnett, Phillip Peikos, Apex Capital Group, LLC, Capstone Capital Solutions Limited, Clik Trix Limited, Empire Partners Limited, Interzoom Capital Limited, Lead Blast Limited, Mountain Venture Solutions Limited, Nutra Global Limited, Omni Group Limited, Rendezvous IT Limited, Sky Blue Media Limited, and Tactic Solutions Limited entered 9/11/19.

Stipulated order for permanent injunction and monetary judgment as to Mark Moskvins and SIA Transact Pro entered 1/15/20.

Motion to set aside monetary judgment in light of *AMG* filed 7/9/21; Commission's opposition filed 8/9/21; reply filed 8/16/21; motion denied 9/3/21.

Wells Fargo's motion to intervene to challenge monetary judgment filed 1/18/22; Commission's opposition filed 2/7/22; Wells Fargo's reply filed 2/21/22; order denying motion to intervene entered 3/10/22.

Wells Fargo's notice of appeal filed 3/31/22.

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

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

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

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

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

FTC v. CARDIFF, Nos. 20-55858, 20-55397, 20-55066, 19-56397 (9th Cir.); No. 5:18-cv-02104 (C.D. Cal.)

Parties: Jason Cardiff
Eunjung Cardiff

Danielle Cadiz
Redwood Scientific Technologies, Inc. (California Corp.) d/b/a Rengalife
Redwood Scientific Technologies, Inc. (Nevada Corp.)
Redwood Scientific Technologies, Inc. (Delaware Corp.)
Identify, LLC
Advanced Mens Institute Prolongz LLC d/b/a AMI
Runway Products, LLC
Carols Place Limited Partnership
Jacques Poujade (third party)
True Pharmastrip, Inc. (proposed intervenor)
VPL Medical, Inc. (intervenor limited to VPL TRO and PI)
Inter/Media Time Buying Corporation (third party)

Assigned Attorneys: Stacy Rene Procter (WRLA)
Edwin Rodriguez (BCP/AP)
Elizabeth Sanger
James Prunty
Shira Modell
Mark Hegedus (OGC)

Alleged Conduct: Deceptive acts or practices in violation of Sections 5(a) and 12 of the FTC Act, the Restore Online Shoppers' Confidence Act, the Electronic Fund Transfer Act, and the FTC's Telemarketing Sales Rule in connection with the advertising and marketing of smoking cessation, weight-loss, and sexual-performance aids.

Status: Complaint filed 10/10/18.
Preliminary injunction with asset freeze and other equitable relief as to defendants Redwood Scientific Technologies, Inc. (California), Redwood Scientific Technologies, Inc. (Nevada), Redwood Scientific Technologies, Inc. (Delaware), Indentify, LLC, Advanced Mens Institute Prolongz LLC, Runway Products, LLC, and Carols Place Limited Partnership entered 10/24/18.
Stipulated preliminary injunction as to defendant Danielle Cadiz entered 11/2/18.
Preliminary injunction with asset freeze and other equitable relief as to defendants Jason Cardiff and Eunjung Cardiff entered 11/8/18.
Clerk's entry of default as to defendants Redwood Scientific Technologies, Inc., a California corporation, Redwood Scientific Technologies, Inc., a Nevada corporation, and Redwood Scientific Technologies, Inc., a Delaware corporation, Advanced Mens Institute Prolongz, LLC, and Runway Products, LLC, entered 3/5/19.
Clerk's entry of default as to defendant Identify, LLC entered 3/7/19.
Order granting joint stipulation for permanent injunction as to defendant Danielle Cadiz entered 5/16/19.

Commission's application for contempt against defendants Eunjung Cardiff, Jason Cardiff, and third-party Jacques Poujade for violations of the TRO and preliminary injunction filed 6/17/19; opposition to contempt motion filed 7/8/19; reply in support of contempt motion filed 7/15/19.

Order finding defendant Jason Cardiff in contempt entered 7/29/19; order finding defendant Jason Cardiff no longer in contempt entered 7/30/19.

Motion to intervene by True Pharmastrip, Inc. filed 10/18/19; Commission's opposition to motion filed 10/28/19; reply in support of motion filed 11/4/19; order denying motion entered 1/10/20.

Order requiring turnover of funds entered 10/29/19.

Application to modify or stay order requiring turnover of funds pending appeal filed 11/22/19; Commission's opposition to application filed 11/26/19; reply in support of application filed 11/27/19; order denying application entered 12/17/19.

Notice of appeal by Jacques Poujade filed 11/27/19.

Motion by Jaques Poujade in 9th Circuit to stay lower court action filed 12/23/19; motion denied 2/28/20.

Notice of appeal by True Pharmastrip, Inc., filed 1/15/20.

Motion to dissolve preliminary injunction by Eunjung Cardiff and Jason Cardiff filed 1/20/20; motion denied 3/30/20.

Commission's motion for contempt against Eunjung Cardiff and Jason Cardiff for violation of preliminary injunction filed 3/2/20; order holding Cardiff Defendants in contempt entered 3/31/20.

Notice of appeal by Eunjung Cardiff and Jason Cardiff filed 4/7/20; appeal dismissed for lack of jurisdiction on 6/26/20.

Appellants Poujade and TPI's opening brief filed 4/6/20; FTC's answering brief filed 7/13/20; Poujade and TPI reply brief filed 8/3/20.

Commission's motion for contempt against Jacques Poujade filed 5/29/20.

Commission's motion for contempt sanctions against Jason Cardiff and Eunjung Cardiff for failure to comply with 3/31/20 contempt order filed 6/19/20; opposition to sanctions motion filed 7/10/20; reply in support of sanctions motion filed 7/17/20; reply in opposition filed 7/21/20; order of contempt and provisional sanctions entered 7/24/20.

Cardiffs' "notice of purge of contempt" filed 9/3/20; Commission's opposition filed 9/4/20; Cardiff reply filed 9/5/20; order finding Cardiffs in contempt but deferring incarceration entered 9/9/20.

Temporary restraining order with asset freeze and other equitable relief and order to show cause why a preliminary injunction should not issue against VPL entered 6/24/20.

Preliminary injunction with asset freeze and other equitable relief against VPL entered 7/7/20.

Notice of appeal by VPL and Jason Cardiff filed 8/19/20.

Motion for summary reversal of preliminary injunction by VPL and Jason Cardiff filed 8/21/20; FTC opposition filed 8/31/20; VPL/Cardiff reply filed 9/5/20; order denying motion for summary reversal entered 10/16/20.

Appellants VPL/Cardiff opening brief filed 9/16/20; FTC answering brief filed 10/13/20; VPL/Cardiff reply brief filed 11/3/20.

District court order granting summary judgment but deferring entry of final judgment and default judgment against corporate defendants until Supreme Court's resolution of *AMG* entered on 10/9/20.

Ninth Circuit opinion dismissing Poujade/TPI appeal for lack of appellate jurisdiction and affirming district court order denying permissive intervention issued 12/7/20.

Oral argument in VPL preliminary injunction appeal held on 3/2/21; Ninth Circuit order holding the matter pending *AMG* outcome entered 3/3/21.

Ninth Circuit order vacating VPL preliminary injunction and remanding for further proceedings consistent with *AMG* entered 4/28/21

District court order that FTC pay all VPL-related Receivership fees and expenses incurred post-*AMG* and directing Receiver to release half of the remaining VPL funds in the receivership estate entered 5/24/21.

Order ruling that FTC is still entitled to Section 19 monetary relief for the Cardiffs' ROSCA violations, but the FTC is precluded from introducing its computation of monetary relief at this stage because the ROSCA computation and the evidence supporting it were not disclosed during discovery, also that the FTC is entitled to seek non-monetary relief under Section 13(b) without filing an administrative complaint, entered 6/29/21.

Order ruling that the FTC does not have to pay any receivership expenses and that the proposed final judgments against individual and corporate defendants will be adopted when the receivership is terminated, entered 12/20/21.

Final judgment with permanent injunction against the Cardiffs and the corporate defendants entered 3/1/22.

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

Parties: Consumer Defense, LLC
Consumer Link, Inc.
Preferred Law, PLLC
American Home Loan Counselors
Consumer Defense Group, LLC (formerly known as Modification Review Board, LLC)
Consumer Defense, LLC
Brown Legal, Inc.

AM Property Management, LLC
Fmg Partners, LLC
Zinly, LLC
Jonathan P. Hanley
Benjamin R. Horton
Sandra X. Hanley
American Home Loans, LLC

Assigned Attorneys: Gregory Ashe (BCP/FP)
Jack Metzler (OGC)

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

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

(Nevada) and Consumer Link Inc. entered 1/28/19; default vacated on 6/14/19.

Defendant Hanley motion to vacate order granting Receiver's motion to sell property filed 1/28/19; Receiver opposition filed 1/31/19; Commission opposition filed 2/5/19; Order denying motion entered 4/30/19.

Defendant Hanley notice of appeal to Ninth Circuit of order denying motion to vacate order granting Receiver's motion to sell property filed 5/10/19 (No. 19-16000); Ninth Circuit order dismissing appeal for failure to file fees entered 7/17/19.

Commission's motion for default judgment against defendants Consumer Defense, LLC (Nevada) and Consumer Link, Inc. filed 5/7/19; Commission notice of withdrawal of motion filed 6/25/19.

Commission motion for summary judgment filed 7/15/19; defendants' opposition filed 10/2/19; defendant Hanley's opposition filed 10/5/19; Commission reply brief filed 11/5/19.

Order granting Commission motion for summary judgment entered 12/5/19.

Receiver Thomas McNamara motion to approve sale of Park City condo filed 8/30/19; Commission concurrence filed 9/13/19; defendants' opposition filed 9/13/19; receiver's reply filed 9/20/19; order granting motion entered 10/9/19.

Defendant Hanley's notice of appeal to Ninth Circuit of order granting receiver's motion for approval of sale of Park City condo filed 11/12/19 (No. 19-7326); Ninth Circuit order dismissing Hanley's appeal for failure to prosecute entered 3/20/20.

Defendant Sandra Hanley's notice of appeal to Ninth Circuit of order granting summary judgment filed 2/3/20 (No. 20-15143).

Defendant Jonathan Hanley's notice of appeal to Ninth Circuit of order granting summary judgment filed 2/3/20 (No. 20-15144).

Appellants Hanleys' opening briefs filed 6/23/21; FTC's response brief filed 8/23/21; Hanleys' reply brief filed 9/13/21.

Decision by the Ninth Circuit vacating monetary judgment under Section 13(b) and remanding to the District Court to consider whether award is appropriate pursuant to Section 19 entered 1/22/22.

FTC motion for entry of judgment pursuant to Section 19 filed 3/22/22; Defendants' opposition filed 4/5/22; FTC reply filed 4/12/22.

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

Parties: Ecological Fox, LLC
Luke Chadwick
Andris Pukke a/k/a Marc Romeo a/k/a Andy Storm
Peter Baker

Global Property Alliance, Inc. d/b/a Sanctuary Bay, Sanctuary Belize, The Reserve, Kanantik, Laguna Palms, Bamboo Springs, Eco Futures, Eco Futures Development, Eco Futures Belize, Sittee River Wildlife Reserve, Buy Belize, Buy International
 Sittee River Wildlife Reserve d/b/a Sanctuary Bay d/b/a Sanctuary Belize d/b/a The Reserve
 Buy Belize, Llc d/b/a Sanctuary Bay d/b/a Sanctuary Belize d/b/a The Reserve d/b/a Kanantik d/b/a Laguna Palms d/b/a Bamboo Springs
 Buy International, Inc. d/b/a Sanctuary Bay d/b/a Sanctuary Belize d/b/a The Reserve d/b/a Kanantik d/b/a Laguna Palms d/b/a Bamboo Springs
 Foundation Development Management Inc.
 Eco-Futures Development d/b/a Sanctuary Bay d/b/a Sanctuary Belize d/b/a The Reserve
 Eco-Futures Belize Limited d/b/a Sanctuary Bay d/b/a Sanctuary Belize d/b/a The Reserve
 Power Haus Marketing
 Brandi Greenfield
 BG Marketing, LLC
 Prodigy Management Group, LLC
 John Usher
 Rod Kazazi
 Foundation Partners f/k/a Red Crane Advisors, Inc.
 Frank Costanzo a/k/a Frank Green a/k/a Frank Peerless Green a/k/a Frank Connelly a/k/a Frank Connelly-Costanzo
 Belize Real Estate Affiliates, LLC d/b/a Coldwell Banker Belize d/b/a Coldwell Banker Southern Belize
 Exotic Investor, LLC d/b/a Coldwell Banker Belize d/b/a Coldwell Banker Southern Belize
 Southern Blaze Realty, LLC d/b/a Coldwell Banker Belize d/b/a Coldwell Banker Southern Belize
 Sanctuary Belize Property Owners' Association d/b/a The Reserve Property Owners' Association
 Atlantic International Bank, Ltd.
 Angela Chittenden
 Beach Bunny Holdings, LLC
 The Estate of John Pukke a/k/a The Estate of Janis Pukke a/k/a The Estate of John Andris Pukke
 John Vipulis
 Deborah Connelly
 Newport Land Group, LLC a/k/a Laguna Palms a/k/a Sanctuary Belize a/k/a Bamboo Springs a/k/a The Reserve
 Michael Santos
 Proposed Intervenors, Yu Lin, Quan Lin, Jamie Teng, Juliana Tengonciang, Alfonso Kolb Jr., Jasmin Tengonciang, Roel Pahl, Clarissa Tengonciang, Allan Prijoles, Mary Jane Prijoles, Darren

Christian, Chan Martin, Julie Santos, David Heiman, and
Heartland Property Group, Inc

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

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

Status: Complaint filed 10/31/18.
TRO entered 11/11/18.
Motion for interim preliminary injunction filed 11/15/18; response in opposition filed 11/16/18; reply filed 11/18/18.
Order extending TRO, to remain in effect as an interim preliminary injunction through the conclusion of a show cause hearing, entered 11/20/18.
Defendant Atlantic International Bank, LTD's motion to dismiss filed 12/14/18; response in opposition filed 1/22/19; defendant's response filed 1/31/19.
Defendant Andris Pukke's motion to transfer case to the Central District of California filed 12/14/18.
Notice of appeal from 11/20/18 order by defendant Atlantic National Bank filed 12/19/18.
Commission's amended complaint filed 1/15/19.
Order denying defendant Atlantic International Bank's motion to dismiss entered 2/1/19.
Order denying defendant Andris Pukke's motion to dismiss certain claims in the amended complaint entered 3/4/19.
Commission's motion to hold defendants John Vipulis, Peter Baker, Andris Pukke, and John Usher in contempt filed 3/5/19; response in opposition filed by defendant Peter Baker 3/7/19.
Preliminary injunction hearing held 3/11/19-3/22/19.
Motion to dismiss for failure to state a claim by defendant Michael Santos filed 3/18/19; Commission's response filed 4/1/19.
Order modifying interim preliminary injunction entered 3/28/19.
Order granting Commission's motion to stay proceedings as to defendants Frank Costanzo, Ecological Fox, LLC, and Deborah Connelly entered 4/4/19.
Motion to dismiss for lack of jurisdiction by defendant Atlantic International Bank, LTD filed 4/4/19; Commission's response filed 6/7/19.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Notice of appeal by Peter Baker (No. 20-1594) filed 5/26/20.
Baker's opening brief filed 6/23/20; Commission's response brief filed 7/10/20.
Baker's appeal dismissed 9/28/20.
Notice of appeal (No. 20-2215) by Andris Pukke filed 11/9/20.
Final order for permanent injunction and monetary judgment against Defendants Andris Pukke, Peter Baker, and Luke Chadwick entered 1/13/21.
Final order of contempt against Defendants Andris Pukke, Peter Baker, and John Usher entered 1/13/21.
Amended final order for permanent injunction and monetary judgment entered 3/24/21.
Notices of appeal filed 4/20/21, 4/21/21, 4/29/21, 5/3/21, 5/14/21.
All appeals except Luke Chadwick's consolidated 5/18/21.
Appellants' motions for summary disposition filed 7/11/21; Commission's opposition filed 7/16/21; order deferring decision on motion entered 7/19/21.
Appellants' opening brief in consolidated appeals (No. 20-2215) filed 8/12/21; FTC's response brief filed 11/18/21; brief by Receiver filed 11/18/21; Appellants' reply brief filed 12/22/21.
Motion to intervene in district court proceeding by Yu Lin, Quan Lin, Jamie Teng, Juliana Tengonciang, Alfonso Kolb Jr., Jasmin Tengonciang, Roel Pahl, Clarissa Tengonciang, Allan Prijoles, Mary Jane Prijoles, Darren Christian, Chan Martin, Julie Santos, David Heiman, and Heartland Property Group, Inc, investors in a defendant company who seek to challenge orders placing company's assets in receivership, filed 11/12/21; Commission's opposition filed 12/13/21; reply filed 10/27/21.
Order granting joint motion for an indicative ruling that Court would enter proposed stipulated order resolving all matters in dispute between FTC and stipulating defendants, if the Fourth Circuit remanded for that purpose, entered 3/8/22.
Fourth Circuit order remanding appeals for limited purpose of adopting a settlement decree entered 3/17/22.
Stipulated order modifying final order for permanent injunction and monetary relief as to Luke Chadwick, Prodigy Management Group LLC, Belize Real Estate Affiliates LLC, Exotic Investor LLC, and Southern Belize Realty LLC, entered 13/24/22.
Commission motion to dismiss appeal by Luke Chadwick, Exotic Investor, and Prodigy Management filed 3/24/22; opposition to dismissal by nonparties (Kanantik entities) filed 4/1/22; Commission reply filed 4/4/22; order dismissing appeal, ruling that Kanantik entities lack appellate standing, entered 6/16/22.
Order by district court denying motion to intervene by Yu Lin *et al.* entered 6/23/22.

Consolidated appeals tentatively calendared for oral argument the week of
9/13/22 - 9/16/22.

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

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

Assigned Attorneys: James Evans (BCP/MP)
Jody Goodman
Bikram Bandy
Karen Hobbs
Michelle Chua

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

Status: Complaint filed 7/28/17.
First amended complaint filed 3/9/18.
Stipulated order for permanent injunction and monetary judgment against
defendants KMA Merchant Services LLC and Michael
Abdelmessseh entered 6/13/18.
Stipulated order for permanent injunction and monetary judgment against
Dynasty Merchants, LLC and Nikolas Mihilli entered 1/9/19.
Motion to dismiss FTC's claim for monetary relief by Electronic Payment
Systems, LLC, and Electronic Payment Transfer, LLC filed
4/24/19; Commission's opposition filed 5/8/19; defendants' reply
filed 5/24/19; Motion denied 8/28/19.
Stipulated order for permanent injunction and monetary judgment against
Michael Peterson entered 8/28/19.
Motion to amend answer by Electronic Payment Systems, LLC, and
Electronic Payment Transfer, LLC filed 5/31/19; Commission's
opposition filed 6/14/19; defendants' reply filed 7/5/19; motion
denied 8/28/19.

Motion for judgment on the pleadings by John Dorsey and Thomas McCann filed 6/11/19; Commission's opposition filed 6/25/19; defendants' reply filed 7/12/19; motion denied 8/28/19.

Motion to reconsider or certify denial of motion to dismiss by Electronic Payment Systems, LLC, and Electronic Payment Transfer, LLC filed 9/10/19; Commission's opposition filed 9/24/19; defendants' reply filed 10/1/19; motion denied 10/23/19.

Motion for summary judgment by Electronic Payment Systems, LLC and Electronic Payment Transfer filed 3/18/20; FTC's opposition filed 4/16/20; reply filed 4/22/20; motion denied 8/31/20.

Motion for summary judgment by John Dorsey and Thomas McCann filed 9/25/20; Commission's opposition filed 10/16/20; defendants' reply filed 11/10/20.

Motion for summary judgment by the Commission filed 9/25/20; defendants' oppositions filed 11/25/20; Commission response filed 1/8/21

Stipulated orders for permanent injunction and judgment against Defendants Electronic Payment Systems of America, Inc., Electronic Payment Services Inc., and Jay Wigdore entered 1/22/21.

Motion for reconsideration of motion for judgment on the pleadings by Defendants John Dorsey and Thomas McCann filed 5/10/21.

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

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

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

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

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

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

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

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

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

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

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

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

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

Status: Complaint filed 1/25/21.
Defendants' motions to dismiss filed 4/26/21; FTC opposition filed 6/10/21; Defendants' replies filed 7/02/21; motion to dismiss granted 3/4/22
FTC notice of appeal filed 5/23/22.
FTC's opening brief due 9/12/22; appellees' brief due 11/23/22; FTC's reply brief due 12/23/22.

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

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

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

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

Status: Complaint filed 2/21/19.
Order granting Commission's motion for entry of default against defendants Ace Initiative Group, LLC, Connected AD Station LLC, Fastlane Sales LLC, Hyper Marketing Solutions, LLC, Media Redefined, LLC, Primed Marketing, LLC, and Responsive Media, LLC entered 3/25/19.
Order staying case pending the resolution of the ongoing criminal proceedings entered 5/16/19.

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

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

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

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

Status: Complaint filed 5/23/22.
Ex parte TRO entered 5/24/22
Oral argument held 6/30/22; Court's ruling denying motion for preliminary injunction, vacating TRO, and converting receivership to monitorship announced from the bench 6/30/22.

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

Parties: FleetCor Technologies, Inc.
Ronald Clarke

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

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

Status: Complaint filed 12/20/19.
Commission motion for summary judgment filed 4/16/21; Defendants' cross motion for partial summary judgment and opposition to Commission's motion filed 5/16/21; Commission response filed 6/18/21.
Commission motion to stay pending resolution of administrative litigation or dismiss without prejudice filed 8/13/21; Defendants' response filed 8/27/21; Commission reply filed 9/10/21; motion denied 2/7/22.
Trial set to begin 8/29/22.

FTC v. FRONTIER COMMUNICATIONS CORP., No. 2:21-cv-4155 (C.D. Cal.)

Parties: Frontier Communications Corporation
Frontier Communications Parent, Inc.
Frontier Communications Intermediate, LLC
Frontier Communications Holdings, LLC
State California, (Co-Plaintiff)
States of Arizona, Florida, Indiana, Michigan, North Carolina, and Wisconsin (dismissed Co-Plaintiffs)

Assigned Attorneys: Barbara Chun (WRLA)
Robert Quigley
Miles Freeman
Matthew Fine

Alleged Conduct: Deceptive and unfair acts or practices in violation of Section 5 of the FTC Act in connection with the advertising and sale of Internet service plans that failed to reach speeds promised to consumers.

Status: Complaint filed 5/19/21.
Motion to dismiss the complaint by defendants filed 7/20/21; plaintiffs' consolidated opposition filed 8/13/21; defendants' reply filed 8/30/21.
Order denying in part and granting in part defendants' motion to dismiss, dismissing all state claims except California's for lack of personal jurisdiction, entered 10/4/21.

Stipulated order for permanent injunction and monetary judgment entered
5/6/22.

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

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

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

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

Status: Complaint filed 7/28/20.
Commission motion for sanctions for spoliation filed 2/24/21; Defendants'
response filed 3/12/21; Commission reply filed 3/26/21.
Commission's motion for summary judgment against all Defendants
filed 10/5/2021; Defendants' opposition filed 10/26/21;
Commission's reply filed 11/9/21.
Defendants' motion to dismiss or, in the alternative, motion for summary
judgment on FTC's claims for equitable monetary relief filed
10/15/2021; Commission's opposition filed 10/20/21.

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

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

Assigned Attorneys: Edward Hynes (SWR)
Reid Tepfer

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

Status: Complaint filed 07/30/20.
TRO entered 08/05/20.
Stipulated preliminary injunctions entered 08/27/20.

Stipulated order for permanent injunction and monetary judgment as to Defendant Stephen Meis entered 6/11/21.

Motion for summary judgment as to defendants Golden Sunrise Nutraceutical, Inc., Golden Sunrise Pharmaceutical, Inc., and Huu Tieu filed 10/1/21.

Motion to self-represent by Huu Tieu on behalf of himself, Golden Sunrise Nutraceutical, and Golden Sunrise Pharmaceutical filed 6/21/22; motions denied 6/23/22.

FTC v. GRAHAM, No. 3:22-cv-655 (M.D. Fla.)

Parties: Treashonna P. Graham, a/k/a Shonna Graham, a/k/a Treashonna Lee Williams, a/k/a Shonna Lee Williams
C Lee Enterprises LLC, also d/b/a The Grant Bae and Grant Bae Consulting and More

Assigned Attorneys: Daniel Wilkes (BCP-ENF)
Miriam Lederer

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act and the COVID-19 Consumer Protection Act in connection with a fictitious granting writing service targeting minority owned small businesses.

Status: Complaint filed 6/13/22.
Ex parte TRO with asset freeze entered 6/21/22.
Stipulated preliminary injunction entered 7/15/22.

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

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

Chet Andrews
Patricia Brandmeier Robinson [executor of estate of Jerry L. Robinson]

Assigned Attorneys: Korin Felix (BCP/ENF)
Omolara Joseney
Reenah L. Kim
Hong Park
Amanda C. Basta
Kimberly L. Nelson
Anna M. Burns
Phillip Z. Brown

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

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

Motions to dismiss for failure to state a claim by defendants iStream Financial Services, Inc, Chet Andrews, Patricia Brandmeier Robinson, Dale Paul Cleveland, EDebitPay, LLC, William Wilson, James McCarter, Mark Ward, and Earl Robinson filed 11/15/18; Commission's opposition filed 12/13/18; defendants' reply filed 2/8/19; order denying motions to dismiss entered 2/12/19.

Order granting Defendants' request for leave to file an interlocutory appeal entered 7/24/19.

Order of 11th Circuit denying petition to appeal entered 11/20/19.

Defendants' motion to stay pending the Supreme Court's decision in *AMG Capital Mgmt., LLC v. FTC* filed 7/20/20; Commission's opposition filed 8/3/20; defendants' reply filed 8/10/20; order denying motion to stay entered 9/10/20.

Commission motions for summary judgment as to Defendants EDebitPay LLC, Dale Paul Cleveland, William Wilson, Earl Robinson, Patricia Brandmeier Robinson, James McCarter, Mark Ward, iStream Financial Services Inc., Kris Axberg, Richard Joachim, and Guadalupe Andrews filed 2/8/21; Defendants' oppositions filed 4/8/21; Commission replies filed 5/20/21.

Motion for summary judgment by Defendants Kris Axberg, Richard Joachim, and iStream Financial Services, Inc. filed 6/17/21.

Pending motions for summary judgment terminated without prejudice 6/21/21.

Cross-motions for summary judgment by Commission and Defendants filed 8/10/21; oppositions filed 10/29/21; replies filed 12/3/21; opposition by defendant Earl G. Robinson filed 12/13/21.

Unopposed motion to stay resolution of motions as to defendants iStream Financial Services, Inc., Kris Axberg, and Richard Joachim pending finalization of settlement filed 12/15/21.

Stipulated permanent injunction and monetary relief as to defendants iStream Financial Services, Kris Axberg, and Richard Joachim entered 2/24/22.

Motion to dismiss Guadalupe Andrews on behalf of estate of defendant Chet Andrews filed 3/9/22; Commission's opposition brief filed 3/23/22; reply filed 4/6/22; order finding motion moot entered 6/23/22.

Order denying Commission's motions for summary judgment, granting in part and denying in part motion for summary judgment by defendants EDebit Pay, Dale Cleveland and William Wilson, and orders denying other motions for summary judgment, entered 3/28/22.

Stipulated orders resolving claims against estates of defendants Jerry Robinson and Chet Andrews entered 6/22/22.

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

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

Assigned Attorneys: Quinn Martin (BCP/FP)
James Davis (MWR)

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

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

FTC v. INNOVATIVE DESIGNS, INC., Nos. 20-3379 (3d Cir.); 2:16-cv-01669 (W.D. Pa.)

Parties: Innovative Designs, Inc.

Assigned Attorneys: Alejandro Rosenberg (BCP/ENF)
Katherine Johnson
Imad Abyad (OGC)
Michael D. Bergman

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act in
connection with the advertising of Insultex House Wrap.

Status: Complaint filed 11/3/16.
Bench trial held from 7/29/19 to 7/30/19.
Motion for judgment on partial findings by defendant filed 3/27/20;
Commission's response filed 4/17/20; telephonic hearing on
motion for judgment on partial findings held 5/1/20.
Order granting defendant's motion for judgment on partial findings
entered 9/24/20.
Commission's notice of appeal filed 11/23/20.
Commission's opening brief filed 2/8/21; Appellee's opening brief filed
3/23/21; Commission's reply filed 4/13/21.
Oral argument held 7/8/21.
Opinion of the Third Circuit affirming district court's order filed 7/22/21.

Defendant's application for attorney's fees and expenses under EAJA filed 11/19/21; Commission's opposition filed 12/16/21; defendant's reply filed 1/7/22; Commission's sur-reply brief in opposition filed 1/21/22.

Order granting stipulation of dismissal entered 6/29/22.

FTC v. LIFE MANAGEMENT SERVICES OF ORANGE COUNTY, INC., No. 19-14248, No. 21-10688 (11th Cir.); No. 6:16-cv-00982 (M.D. Fla.)

Parties: Life Management Services of Orange County, Inc.
Loyal Financial and Credit Services LLC d/b/a FOC Credit and Reward Services
IVD Recovery LLC
KWP Services LLC
KWP Services of Florida LLC
LPSOFFLA LLC
LPSOFFLORIDA LLC
PW&F Consultants of Florida LLC
UAD Secure Services LLC
UAD Secure Service of Florida LLC
URB Management LLC
YCC Solutions LLC
YFP Solutions LLC
Kevin Guice
Chase Jackowski
Linda McNealy
Clarence Wahl a/k/a Harry Wahl
Karen Wahl
Robert Guice (Relief Defendant)
Timothy Woods (Relief Defendant)
State of Florida (Plaintiff)

Assigned Attorneys: Joshua Doan (BCP/MP)

Michael Bergman (OGC)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Telemarketing Sales Rule, and the Florida Deceptive and Unfair Trade Practices Act in connection with the sale of debt relief services.

Status: Complaint filed 6/7/16.
Stipulated preliminary injunction entered 6/30/16.
Motion for summary judgment as to defendant Kevin Guice filed 5/1/17; opposition filed 5/30/17; Commission's reply filed 6/14/17; order granting summary judgment and permanent injunction entered 12/7/18.

Notice of stipulated proposed orders for permanent injunction and monetary judgment against all defendants except Kevin Guice filed 9/1/17.

Order for permanent injunction and monetary relief against Kevin Guice entered 12/7/18.

Order granting summary judgment, with permanent injunction and monetary relief, against Kevin Guice entered 12/10/18.

Motion to Alter or Amend Judgment against Kevin Guice filed on 01/8/19. Stipulated final orders against defendants Chase Jackowski, Linda McNealy, Clarence Wahl, Karen Wahl, and corporate defendants Life Management Services of Orange County, LLC, Loyal Financial & Credit Services, LLC, IVD Recovery, LLC, KWP Services, LLC, KWP Services of Florida LLC, LPSOFFLA LLC, LPSOFFLORIDA L.L.C., PW&F Consultants of Florida LLC, UAD Secure Services LLC, UAD Secure Service of FL LLC, URB Management, LLC, YCC Solutions LLC, and YFP Solutions LLC entered 4/23/19.

Stipulated final orders against relief defendants Robert Guice and Timothy Woods entered 4/23/19.

Order denying motion to alter or amend judgement against Kevin Guice entered 9/24/19.

Notice of appeal of final judgment by Kevin Guice (No. 19-14248) filed 10/24/19.

Order denying motion to alter or amend judgment and for stay pending appeal and granting Receiver's motion for order directing marshals to put Receiver into possession of Oriskany Drive Property entered 1/29/21,

Notice of appeal (No. 21-10688) filed 2/28/21.

Appellant Kevin Guice's opening brief filed 2/22/21; Commission's brief filed 4/19/21.

Clerk's entry of dismissal for want of prosecution (No. 21-10688) entered 5/19/21.

Opinion affirming summary judgment (No. 19-14248) issued 3/9/22.

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

Parties:

- Awards Research Consultant, LLC
- John Leon
- MCP Marketing Activities, LLC d/b/a Magellan Mail and Magellan Marketing
- Mail Tree Inc.
- Mailpro Americas Corp.
- Masterpiece Marketing, LLC d/b/a Affiliated Opportunities Group d/b/a Corporate Accounting Authority d/b/a Dispatch Notifications Services d/b/a Information Reporting Group d/b/a Priority Information Exchange

Michael McKay Co.
Matthew Pisoni
Serena Pisoni
Marcus Pradel
Victor Ramirez
Romeria Global, LLC d/b/a Lowenstein Varick and Nagel
Spin Mail, Inc.
Supreme Media, LLC
Trans National Concepts, Inc.
Vernier Holdings, Inc.

Assigned Attorneys: Guy Ward (MWR)
Douglas McKenney

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

Status: Complaint filed 5/18/15.
Ex parte TRO entered 5/19/15.
Preliminary injunction against all defendants except Marcus Pradel and Trans National Concepts entered 6/12/15.
Stipulated preliminary injunction as to defendants Marcus Pradel and Trans National Concepts entered 6/12/15.
Order staying case entered 6/12/15.
Unopposed motion for specific relief from asset freeze filed 10/4/19; order granting motion entered 10/7/19.
Commission status report on status of criminal case filed 3/1/21.
Unopposed motion for specific relief from asset freeze filed 5/4/22; order granting motion entered 5/9/22.

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

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

Assigned Attorneys: Daniel John Matheson (BC/Office of the Director)
David Owyang (BC/TED)
Eric Cochran
Gary London, Jr.
Krisha Cerilli
Maria DiMoscato
Mark Silvia
Michael Mikawa
Michael Smith
Noel Miller
Owen Masters
Patricia Galvan
Rebecca Weinstein

Robert Zuver, Jr.
Sylvia Zhang

Alleged Conduct: Unfair methods of competition in violation of Section 5 of the FTC Act in connection with the illegal maintenance of a personal social networking monopoly through a years-long course of anticompetitive conduct including the acquisition of rivals and imposition of anticompetitive conditions on third-party software developers' access to valuable interconnections to its platform.

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

FTC v. NATIONAL UROLOGICAL GROUP, INC., Nos. 10-125; 19-1445 (S. Ct); Nos. 21-14161, 17-15695, 14-13131, 14-13972, 09-10617 (11th Cir.); No. 1:04-cv-03294 (N.D. Ga.)

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

Assigned Attorneys: Tawana E. Davis (BCP/AP)
Edward Glennon
Mary Johnson
Jack Metzler (OGC)
Mariel Goetz
Amanda Basta (BCP/ENF)
Evan Mendelson
Cheryl Burris
Stephen Dowdell
Theodore Hoppock
Sydney Knight
Amanda Kostner
Cindy Liebes
Crystal Ostrum

Edwin Rodriguez
Alejandro Rosenberg
Valerie Verduce

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

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

Motion to stay execution of judgment pending appeal entered 10/30/14; denied 1/23/15.
Appellants' briefs (No. 14-13131) filed 10/30/14.
Order that the US Marshal's Service release Jared Wheat and Stephen Smith from incarceration entered 11/10/14.
Commission's answering brief (No. 14-13131) filed 1/9/15; appellants' reply briefs filed 2/17/15.
Oral argument in Eleventh Circuit held 4/17/15.
Opinion vacating district court's judgment of contempt and remanding case to district court for further proceedings entered 5/5/15.
Commission's motion for clarification filed 6/4/15; Hi-Tech Pharmaceuticals response filed 6/18/15.
Commission's motion for entry of contempt judgement relating to Hi-Tech Pharmaceuticals, Inc., Jared Wheat, and Stephen Smith's violation of section VI and motion for compensatory sanctions filed 8/20/15; opposition filed 10/9/15; Commission's reply filed 10/26/15; order denying motion with leave to refile entered 11/4/15.
Contempt hearing held 3/27/17 - 4/7/17.
Final judgment against defendants Hi-Tech Pharmaceuticals, Inc., Jared Wheat, and Stephen Smith, and Terrill Mark Wright entered 10/31/17.
Defendants Hi-Tech Pharmaceuticals, Inc., Stephen Smith and Jared Wheat's notice of appeal filed 12/21/17; appellants' briefs filed 3/30/18; Commission's answering brief filed 6/14/18; reply briefs filed 7/30/18.
Oral argument held 7/26/19.
Opinion affirming district court judgment entered 9/18/19.
Appellants' petition for rehearing en banc filed 11/1/19; denied 1/29/20.
Appellant Hi-Tech Pharmaceuticals' petition for writ of certiorari filed 6/26/20; certiorari denied 11/2/20.
Motion for relief from judgment by Defendants Hi-Tech Pharmaceuticals, Inc. and Jared Wheat filed 5/13/21; Commission's opposition filed 5/26/21; Defendants' reply filed 6/9/21; motion denied 9/30/21.
Notice of appeal filed by Hi-Tech Pharmaceuticals, Stephen Smith, and Jared Wheat filed 11/22/21.
Appellants' opening brief filed 3/4/22; Commission's brief filed 5/4/22; appellants' reply brief filed 6/24/22.

FTC v. NORTH AMERICAN AUTOMOTIVE SERVICES, No. 1:22-cv-01690 (N.D. Ill.)

Parties: North American Automotive Services, Inc.
Ed Napleton Elmhurst Imports, Inc
Napleton's North Palm Auto Park, Inc.
Napleton's Arlington Heights Motors, Inc.
Napleton Enterprises, LLC

Clermont Motors, LLC
North Palm Motors, LLC
Napleton's Ellwood Motors, Inc.
Napleton Mid River Imports, Inc.
Hitko Kadric
State of Illinois (Co-Plaintiff)

Assigned Attorneys: Helen Clark (BCP/FP)
William Hodor (MWR)

Alleged Conduct: Deceptive and unfair acts or practices in violation of Section 5(a) of the FTC Act, the Equal Credit Opportunity Act (ECOA), and the Truth in Lending Act (TILA) for including illegal junk fees for unwanted "add-ons" onto customers' bills and for discriminating against Black customers by charging them more for financing.

Status: Complaint filed 3/31/22.
Stipulated order for permanent injunction, monetary judgment, and other relief entered 4/5/22.

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

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

Assigned Attorneys: Guy Ward (MWR)
Katharine Roller
Lisa Bohl
Douglas McKenney
Christine Carson

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

Status: Complaint filed 11/1/19.
Stipulated order for permanent injunction as to Defendants Signum Biosciences Inc. and Signum Nutralogix entered 11/15/19.
Defendants Neora LLC and Jeffrey Olson's motion to dismiss filed 12/11/19; Commission's opposition filed 12/23/19; defendants reply filed 12/30/19.
Order granting defendants' motion to transfer case to the U.S. District Court for the Northern District of Texas entered 7/27/20.

Defendants Neora LLC and Jeffrey Olson's motion for judgment on the pleadings filed 5/17/21; Commission response filed 6/7/21; Defendant's response filed 6/21/21.

Order granting defendants' motion for judgment on the pleadings with respect to FTC's claim for monetary relief, but denied in all other respects, entered 8/2/21.

Commission's motion for judgment on the pleadings on all affirmative defenses filed 5/3/22; Neora's opposition filed 5/24/22; Commission's reply filed 6/1/22.

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

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

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

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

Status: Stipulated final judgment and order for permanent injunction against J.D. Noland entered 7/2/02.
Motion for an order to show cause why James D. Noland, Jr., Success by Media Holdings Inc., and Success by Media LLC should not be held in contempt filed 1/17/20; Defendant J.D. Nolan response filed 2/20/20; Commission's reply filed 2/27/20.
Motion for order to show cause why Scott Harris and Thomas Sacca should not be held in contempt filed 4/10/20; Defendants' responses filed 6/15/20; Commission's reply filed 6/22/20.
Order granting motions to show cause in part and denying in part (court will address FTC's request for civil contempt sanctions after it resolves FTC's request for a permanent injunction in *FTC v. Noland*) entered 7/6/20.
Commission motion for sanctions for contempt against Defendants James D. Noland Jr., Scott Harris, Thomas Sacca, Success by Media, LLC, and Success by Media Holdings Inc. filed 6/23/21.

Contempt motion against the FTC by contempt defendants filed 2/24/22; Commission's opposition filed 3/10/22; contempt defendants' reply filed 3/16/22; motion denied 3/28/22.

Order denying without prejudice Commission's motion for contempt sanctions entered 3/22/22; motion for reconsideration denied 3/30/22.

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

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

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

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

Status: Complaint filed 1/8/20.
TRO with asset freeze entered 1/8/20.
Amended complaint for permanent injunction filed 1/17/20.
TRO as to Thomas G. Sacca entered 1/17/20.
Preliminary injunction hearing held 2/12/20.
Preliminary injunction entered 2/27/20.
Defendants' motion to dismiss case or compel joinder of parties filed 7/28/20; Commission's opposition filed 7/31/20; reply filed 8/7/20; order denying motion entered 9/21/20.
Defendants' motion to dissolve or modify the preliminary injunction filed 9/7/20; Commission's opposition filed 9/21/20; reply filed 9/28/20; order denying motion entered 10/27/20.
Defendants' motion to stay pending the Supreme Court's decisions in *Credit Bureau Center* and *AMG Capital Mgmt* filed 10/21/20; Commission's opposition filed 11/4/20; reply filed 11/12/20; order denying stay entered 12/3/20.
Motion for sanctions against individual defendants for intentional spoliation of evidence filed 1/28/21; Defendants' opposition filed 2/19/21; Commission's reply filed 2/25/21.

Motion for summary judgment as to liability filed 3/12/21; Defendants' opposition filed 5/3/21; Commission's reply filed 6/28/21.

Order denying motion to intervene by Success by Health affiliates entered 4/1/21; notice of appeal by would-be intervenors filed 4/19/21; appellants' motion for voluntary dismissal of appeal granted 7/23/21.

Motion for preliminary injunction with asset freeze and receivership filed 5/18/21; Defendants' opposition filed 6/11/21; Commission's reply filed 6/16/21.

Commission's motion for summary judgment as to monetary remedies filed 6/23/21; defendants' opposition filed 8/6/21; Commission's reply filed 8/16/21.

Motion to dissolve the preliminary injunction order and stay or dismiss 13(b) proceedings by individual defendants filed 7/30/21; Commission's opposition filed 8/6/21; defendants' reply filed 8/13/21.

FTC motion for sanctions for intentional spoliation of evidence granted 8/30/21.

Order granting FTC's motion for summary judgment on liability entered 9/9/21.

Order granting FTC motion for preliminary injunction with asset freeze and receivership, and denying individual defendants' motion to dissolve preliminary injunction and stay or dismiss 13(b) proceedings, entered 9/23/21.

Notice of appeal of preliminary injunction order and denial of motion to dismiss by individual defendants filed 10/8/21.

Order denying FTC motion for summary judgment on remedies entered 11/23/21.

Motion for voluntary dismissal of appeal granted 12/14/21.

FTC's motion to apply summary judgment on liability order to corporate defendants filed 1/31/22; defendants' opposition filed 2/14/22; denied without prejudice 2/17/22.

Motion to set aside judgment by individual defendants filed 2/22/22; FTC's opposition filed 3/4/22; reply filed 3/10/22; denied 3/28/22.

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

Parties:

Nudge LLC
 Response Marketing Group, d/b/a 3 Day Real Estate Training, Abundance Edu, LLC, Affluence Edu, LLC, American Money Tour, Cash Flow EDU, Clark EDU, LLC, Edge 2 Real Estate, Evtech Media North, Flip for Life, Flipping For Life, Income Events, Insider's Financial Education, LLC, Leading Financial Education, LLC, Onwealth, Power Flip, Prosper Live, Property Education, LLC, Renovate To Rent, Simple Real Estate Training, Smart Flip, Snap Flip, US Education Advance, Vintage Flip, Visionary Events,

Wealth Tribe, Women's Empowerment, Yancey Events, Yancey, LLC, and Your Real Estate Today

BuyPD

Brandon B. Lewis

Ryan C. Poelman

Phillip W. Smith

Shawn L. Finnegan

Clint R. Sanderson

Dean Graziosi

Scott Yancey

Utah Division of Consumer Protection (Co-Plaintiff)

Assigned Attorneys: Darren Lubetzky (NER)

Brian Lasky

Christopher Miller

Savvas Diacosavvas

Karen O'Connell

Laura Zuckerwise

Vikram Jagadish

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

Status: Complaint filed 11/5/19.
Order granting TRO in part entered 12/19/19.
Defendants' motion to dismiss filed 11/19/19; Commission's opposition filed 12/2/19; defendants' reply filed 12/11/19; Commission's sur-reply filed 12/18/19; order denying in part motion to dismiss entered 12/31/19.
Stipulated preliminary injunction entered 12/19/19.
Defendants' motion to stay proceedings pending Supreme Court review of availability of monetary relief under Section 13(b) of the FTC Act filed 12/30/19; Commission's opposition filed 1/13/20; reply filed 1/27/20; motion denied 3/25/20.
Defendants' motion to stay pending the Supreme Court's decisions in *Credit Bureau Center* and *AMG Capital Mgmt* filed 7/20/20; Commission's opposition filed 8/3/20; reply filed 8/17/20.
Amended complaint adding new defendants Dean Graziosi and Scott Yancey filed 11/18/20.
Motion for partial summary judgment by Utah Division of Consumer Protection filed 12/21/20; opposition and cross-motion for partial summary judgment by Defendants BuyPD, Shawn Finnegan, Brandon Lewis, Nudge LLC, Ryan Poelman, Response Marketing Group, Clint Sanderson, and Phillip Smith filed 1/25/21; Utah's reply filed 2/8/21; Defendants' additional reply filed 3/4/21.

Third party complaint in intervention for declaratory relief against all defendants by American Estate and Trust DBO Erryl Sloan IRA, Erryl Sloan, E&R Enterprise, Rosemary Sloan, American Estate and Trust FBO Rosemary Sloan IRA filed 12/22/20.

Motion to dismiss for failure to state a claim by Defendants Dean Graziosi and Scott Yancey filed 1/19/21; Commission opposition filed 2/16/21; Defendants' reply filed 3/2/21.

Motion for partial summary judgment on availability of monetary relief by Defendants BuyPD, Shawn Finnegan, Brandon Lewis, Nudge LLC, Ryan Poelman, Response Marketing Group, Clint Sanderson, and Phillip Smith filed 5/5/21; Commission opposition filed 6/2/21; Defendants' reply filed 6/16/21.

Hearing held on 7/9/21.

Order denying cross-motions for partial summary judgment on Utah's claim entered 7/9/21.

Memorandum decision and order denying motion to dismiss for failure to state a claim entered 7/26/21.

Order granting Defendants' motion for partial summary judgment on monetary relief entered 9/15/21.

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

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

FTC v. ONE OR MORE UNKNOWN PARTIES DECEIVING CONSUMERS, No. 5:20-cv-2494 (N.D. Ohio)

Parties: One or more unknown parties deceiving consumers into making purchases through www.cleanyos.com | www.arlysol.com | www.broclea.com | www.cadclea.com | www.cleancate.com | www.cleankler.com | www.cleanula.com | www.clean-sale.com | www.clean-sell.com | www.clorox-sale.com | www.clorox-sales.com | www.cloroxstore.com | www.crlisol.com | www.elysol.com | www.littletoke.com | www.lybclean.com | www.lysoiclean.com | www.lysol-clean.com | www.lysol-cleaners.com | www.lysol-free.com | www.lysolsales.com | www.lysolservicebest.com | www.lysol-sell.com | www.lysol-wipe.com | www.thaclean.com

Assigned Attorneys: Harris Senturia (ECR)
Adrienne Watson
Fil de Banate

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) and 45(a) of the FTC Act in connection with counterfeit websites purporting to sell Clorox and Lysol cleaning and disinfecting products.

Status: Complaint filed 11/4/20.
TRO entered 11/05/20.
Preliminary injunction entered 11/19/20.
Voluntary dismissal entered 6/9/22.

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

Parties: Steven D. Peyroux
Brent J. Detelich
Regenerative Medicine Institute of America, LLC
Physicians Business Solutions, LLC
Superior Healthcare, LLC

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

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

Status: Complaint filed 8/16/21.
Clerk's entry of default as to Regenerative Medicine Institute of America and Superior Healthcare entered 11/5/21.

FTC v. PUBLISHERS BUSINESS SERVICES, INC., No. 19-507 (S. Ct.); Nos. 17-15600; 11-7270 (9th Cir.); No. 2:08-cv-00620 (D. Nev.)

Parties: Publishers Business Services, Inc.
Ed Dantuma Enterprises, Inc. d/b/a Publishers Direct Services d/b/a
Publishers Business Services
Persis Dantuma
Brenda Dantuma Schang
Dries Dantuma
Dirk Dantuma
Jeffrey Dantuma
Edward Fred Dantuma

Assigned Attorneys: Faye Chen Barnouw (WRLA)
Maricela Segura
Karen Goff
Blaine T Welsh
Raymond E McKown
Mariel Goetz (OGC)

Alleged Conduct: Deceptive acts and practices in violation of section 5(a) and the Telemarketing Sales Rule in connection with the marketing and sale of

magazine subscriptions.

Status: Complaint filed 5/14/08.
Amended complaint filed 2/5/09.
Commission's motion for summary judgment filed 7/31/09; opposition filed 11/23/09; reply filed 12/7/09.
Order granting the Commission's motion for summary judgment entered 4/7/10.
Order for permanent injunction as to all defendants entered 4/7/10.
Commission's opening brief on the issue of damages filed 4/20/10.
Final judgment as to all defendants entered 7/25/11.
Commission's opening brief filed 2/13/12; defendants' answering brief filed 4/13/12; reply brief filed 5/11/12.
Memorandum disposition remanding case to district court entered 9/19/13.
Petition for writ of certiorari filed 2/27/14.
Petition for writ of certiorari denied 6/9/14.
Commission's motion for monetary judgment filed 5/31/16; defendants' brief on damages filed 7/19/16; Commission's reply filed 8/9/16.
Order granting Commission's motion for judgment entered 3/2/17.
Notice of appeal filed 3/31/17.
Appellants' opening brief filed 8/30/17; Commission's answering brief filed 10/30/17; reply brief filed 12/20/17.
Oral argument held 8/15/18.
Opinion affirming judgment of the district court entered 8/31/18.
Appellants' petition for rehearing filed 10/15/18; Commission's opposition filed 12/20/18.
Order denying appellants' petition for rehearing *en banc* entered 6/19/19.
Petition for writ of certiorari filed 10/18/19; Commission's brief in opposition filed 12/13/19; reply brief filed 12/23/19; supplemental brief of petitioners filed 6/30/20.
Writ of certiorari granted and order remanding to the Ninth Circuit in light of the Court's ruling in *AMG* entered 5/3/21.
Ninth Circuit opinion affirming the district court's permanent injunction, vacating the awarded monetary judgment for equitable relief under 13(b), and remanding for further proceedings to determine if further relief is warranted, entered 6/10/21.
Stipulated consent order entered 5/25/22.

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

Parties: Quincy Bioscience Holding Company, Inc.
Quincy Bioscience, LLC
Prevagen, Inc. d/b/a Sugar River Supplements
Quincy Bioscience Manufacturing, LLC
Mark Underwood

State of New York (Plaintiff)

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

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

Status: Complaint filed 1/9/17.
Motion to dismiss for failure to state a claim filed 4/6/17; Commission's opposition filed 4/25/17; reply filed 5/5/17; order granting motion entered 9/29/17.
Commission's notice of appeal filed 11/21/17.
Commission's opening brief filed 2/28/18; appellees' brief filed 5/30/18; Commission's reply filed 6/13/18; appellees' corrected brief filed 6/15/18; Commission's corrected brief filed 7/17/18.
Oral argument held 2/8/19.
Order vacating the judgment of the District Court and remanding the case for further proceedings entered 2/21/19.
Corporate defendants' supplemental brief on motions to dismiss filed 6/17/19; individual defendants' supplemental brief on motions to dismiss filed 6/18/19; Commission's opposition to corporate defendants' motions filed 7/1/19; Commission's opposition to individual defendants' motions filed 7/2/19.
Order denying motion to dismiss with respect to the validity of the FTC's quorum and as to claims against individual defendant Mark Underwood but granting motion to dismiss as to the claims against individual defendant Michael Beaman entered 7/24/19.
Order granting in part and denying in part Plaintiffs' motion to strike eight affirmative defenses entered 3/2/20.
Order granting defendants a jury trial entered 4/26/21.
Order dismissing without prejudice the FTC's claim for monetary relief entered 9/17/21.
Individual defendant Mark Underwood's motion for partial summary judgment on the claims brought by the NY Attorney General ("NYAG") filed on 3/18/22; NYAG's opposition to Underwood's motion filed 5/6/22 (NYAG's related cross-motion for partial summary judgment filed 5/20/22; NYAG's reply in support of cross-motion filed 6/30/2022); Underwood's reply in support of Underwood's motion and opposition to NYAG's cross-motion filed 6/23/22.
Defendants' motion for summary judgment filed 4/14/22; Commission's

opposition filed 6/18/22.

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

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

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

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

Status: Complaint filed 8/4/20.
Stipulated TRO entered 8/9/20.
Stipulated preliminary injunction entered 8/26/20.
Amended complaint adding new defendants Theo Pharmaceuticals, Inc. and EASII, Inc. filed 5/19/21.
Defendants' motion to dismiss case filed 6/23/21; Commission's opposition filed 11/12/21; defendants' reply filed 11/19/21.
Order denying defendants' motion to dismiss entered 11/30/21.
Motion for summary judgment by the Commission filed 2/15/22; counter-motion for partial summary judgment by defendants filed 2/16/22; oppositions to each motion filed 3/18/22; replies filed 3/25/22.
Minute order granting Commission's motion for summary judgment and denying defendants' motions for partial summary judgment entered 4/6/22.
Final order for permanent injunction entered 4/22/22.
Defendants' notice of appeal filed 4/29/22.
Defendants' motion for partial stay of injunction pending appeal filed 4/29/22; Commission's opposition filed 6/3/22; reply filed 6/10/22; order by district court denying stay entered 6/21/22.
Appellants' motion to Ninth Circuit for stay pending appeal filed 6/30/22.

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

Parties: Ragingbull.com, LLC f/k/a Lighthouse Media, LLC
Jeffrey M. Bishop

Kyle W. Dennis
Jason Bond
MFA Holdings Corp.
Jason Bond, LLC
Winston Corp.
Winston Research, Inc.
Sherwood Ventures, LLC

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

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

Status: Complaint filed 12/7/20.
TRO and order to show cause why a preliminary injunction should not issue entered 12/8/20.
Defendants' response to order to show cause filed 1/13/21; Commission reply filed 1/27/21; hearing held 3/19/21
Amended complaint filed 2/4/21.
Motion to dismiss by Defendants Jason Bond, LLC, and Sherwood Ventures, LLC filed 4/16/21; motion to dismiss for failure to state a claim and strike request for monetary relief by Defendants Kyle W. Dennis, Winston Corp., and Winston Research Inc. filed 4/16/21; Commission opposition filed 5/18/21; Defendant Kyle Dennis's reply filed 6/1/21.
Notice of voluntary dismissal as to Defendants Winston Corp., and Winston Research Inc. filed 5/18/21; order of dismissal entered 5/18/21.
Commission motion to amend complaint filed 6/11/21; Defendant Kyle Dennis's opposition filed 6/25/21; opposition by Jeffrey M. Bishop, Jason Bond, LLC, RagingBull.com, LLC, and Sherwood Ventures, LLC filed 7/02/21; FTC reply filed 7/15/21.
Motion to intervene by Stripe, Inc. filed 12/20/21; Commission's response filed 1/3/22; reply by Stripe filed 1/19/22; order denying motion entered 3/15/22.
Stipulated final order for permanent injunction, monetary judgment, and other relief as to Ragingbull.com, LLC, Sherwood Ventures, LLC, Jason Bond, LLC, Jeffrey M. Bishop and Jason Bond entered 3/15/22.
Second amended complaint filed 3/15/22.

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

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

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

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

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

Status: Complaint filed 5/2/22.
TRO with asset freeze entered 5/3/22.

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

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

Assigned Attorneys: Elizabeth Scott (MWR)
Purba Mukerjee

Joannie Wei
Roberto Menjivar
Brad Grossman (OGC)
Matthew Hoffman

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

Status: Complaint filed 10/29/18
TRO entered 10/31/18; order extending TRO entered 12/21/18.
Notice of appeal by defendant Steven J. Dorfman as to order on motion for temporary restraining order, order on motion to appoint receiver, order on motions for order to show cause, and order on motion to strike filed 3/4/19.
Order of dismissal from USCA for lack of jurisdiction entered 4/16/19.
Preliminary injunction hearing held 4/16/19.
Preliminary injunction entered 5/14/19.
Notice of appeal of preliminary injunction filed 5/15/19.
Order by district court denying defendants' motion to stay proceedings pending appeal entered 5/31/19.
Order by 11th Circuit denying appellant Steven Dorfman's motion to stay lower court proceedings entered 6/11/19.
Defendant Steven Dorfman's motion to dissolve preliminary injunction filed 6/4/19; Commission's opposition filed 6/17/19.
Appellant Steven Dorfman's opening brief filed 5/24; Commission's brief filed 7/24/19; Dorfman's reply brief filed 8/14/19.
Amended complaint filed 10/31/19.
Motion to dismiss amended complaint filed 12/16/19; Commission's response filed 12/30/19; Dorfman's response filed 1/6/20; motion granted in part 6/15/20.
Eleventh Circuit opinion affirming district court's preliminary injunction against Steven Dorfman entered 2/5/20.
Preliminary injunction as to Candida Girouard entered 4/2/20.
Second amended complaint filed 6/23/20.
Defendants' motion to stay pending the Supreme Court's decisions in *Credit Bureau Center* and *AMG Capital Mgmt* filed 7/10/20; Commission's opposition filed 7/17/20; order denying stay entered 8/3/20.
Motion to dismiss second amended complaint by Steven Dorfman and Candida Girouard filed 7/15/20; Commission's opposition filed 7/29/20; reply filed 8/5/20, order denying motion to dismiss entered 10/19/20.

Commission motion for summary judgment filed 1/15/21; Steven Dorfman's opposition filed 2/12/21; Commission's reply filed 2/16/21.

Defendant Steven Dorfman's motion for summary judgment filed 1/15/21; Commission's opposition filed 2/12/21; Steven Dorfman's reply filed 2/16/21.

Defendant Steven Dorfman's emergency motion to dissolve preliminary injunction filed 4/22/21; Commission opposition filed 4/30/21; Dorfman's reply filed 5/3/21; Commission supplemental brief filed 6/10/21; Dorfman's supplemental brief filed 6/10/21.

Order denying Dorfman's emergency motion to dissolve preliminary injunction entered 9/5/21.

Stipulated order for permanent injunction and suspended monetary judgment as to defendant Candida Girouard entered 9/8/21.

Notice of appeal from order denying motion to dissolve preliminary injunction filed 9/10/21.

Dorfman opening brief filed 11/24/21.

FTC brief filed 1/26/22.

Dorfman reply brief filed 3/18/22.

Argument scheduled for week of 9/12/22.

FTC v. SPM THERMO-SHIELD, INC., No. 2:20-cv-542 (M.D. Fla.)

Parties: SPM Thermo-Shield, Inc.
Peter J. Spiska
George P. Spiska

Assigned Attorneys: Joshua Millard (BCP/ENF)
Kristy Tillman

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

Status: Complaint filed 7/28/20.
Defendants' motion to dismiss filed 10/5/20; Commission's opposition filed 10/19/20; order denying defendants' motion entered 11/6/20.
Motion to dismiss by Defendants filed 5/14/21; Commission's opposition filed 5/24/21; order granting motion in part as to request for equitable monetary relief and denying in all other respects entered 5/27/21.
Amended complaint filed 6/2/21.
Motion for summary judgment by FTC filed 2/7/22; defendants' opposition to summary judgment filed 2/28/22; reply filed 3/4/22; order granting FTC's motion for summary judgment entered 3/21/22.

Permanent injunction entered 5/31/22; judgment against SPRM Thermo-Shield, Inc.; George P. Spiska, and Peter J. Spiska entered 6/3/22

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

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

Assigned Attorneys: Brian Martin Welke (BCP/ENF)
Evan Mendelson
Savvas Socrates Diacosavvas

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

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

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

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

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

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

Status: Complaint filed 7/28/20.
Defendants' answer filed 9/28/20.
Commission's motion to strike affirmative defense filed 10/19/20; defendants' response filed 11/2/20; Commission's reply filed 11/16/20; order granting commission's motion to strike defendants' affirmative defense entered 12/18/20.

Commission's notice of change in law and withdrawal of request for equitable monetary relief filed 5/10/21.
Motion for leave to file amended complaint filed 6/22/21; Defendants' response filed 7/6/21; FTC's reply filed 7/20/21; motion granted 8/27/21.
Amended complaint filed 8/30/21.
Cross-motions for summary judgment filed 3/14/22; oppositions filed 4/26/22; replies filed 5/10/22.

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

Parties: Surescripts, LLC

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

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

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

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

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

Assigned Attorneys: Markus H. Meier (BC/HC)
Bradley A. Albert
Armine Black
Daniel W. Butrymowicz
Leah Hubinger
Lauren Peay
Neal Perlman
Maren Haneberg
James Weingarten (BC/Office of the Director)
Brad Grossman (OGC)

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

Status: Complaint filed 1/27/20.
Amended complaint adding six state plaintiffs filed 4/14/20.
Defendants' motions to dismiss filed 5/22/20; FTC's opposition to defendants' motions to dismiss filed 7/6/20; defendants' replies filed 7/27/20; order denying the motions to dismiss entered 8/18/20.
Commission letter motion for spoliation sanctions against Defendants filed 5/17/21; defendants' responses filed 5/21/21; order imposing sanctions entered 6/1/21.
Order dismissing Commission's prayer for equitable monetary relief entered 6/2/21.
Stipulated order for permanent injunction and equitable monetary relief against Phoenixus AG, Vyera Pharmaceuticals, LLC, and Kevin Mulleady entered 12/7/21.
Trial against Martin Shkreli held 12/10/21 to 12/22/21.

Opinion and order finding Shkreli liable for federal and state antitrust law violations and ordering him barred for life from the pharmaceutical industry and requiring him to pay \$64.6 million in equitable monetary relief entered 1/14/22.

Order for permanent injunction and equitable monetary relief entered 2/4/22.

Shkreli's notice of appeal filed 4/5/22.

FTC v. WARRIOR TRADING, No.3:22-cv-30048 (D. Mass.)

Parties: Warrior Trading Inc.
Warrior Operating Inc.
Ross Cameron

Assigned Attorneys: Suzanne Barth (BCP/MP)

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) and the Telemarketing Sales Rules (TSR) for misrepresenting investment opportunities.

Status: Complaint filed 4/19/22.
Stipulated order for permanent injunction and monetary relief against Warrior Trading, Inc., Warrior Operating Inc., and Ross Cameron entered 5/25/22.

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

Parties: Zaappaaz, LLC
Azim Makanojiya

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

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

Status: Complaint filed 8/4/20.
Stipulated preliminary injunction entered 8/8/20.

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

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

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

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

Status: Complaint filed 2/10/20.
Stipulated order for permanent injunction and monetary judgment against Excellent Marketing Results and Michael McGahee entered 2/19/20.
FTC's motion to strike Zycal defendants' affirmative defenses and crossclaim filed 4/30/20; EMR defendants' motion to dismiss crossclaim for failure to state a claim filed 5/22/20; Zycal defendants' consolidated opposition filed 6/12/20; Commission's reply filed 6/25/20; EMR defendants' reply filed 6/26/20; Zycal defendants' surreply filed 7/2/20; hearing on motions held 11/23/20; order granting in part and denying in part FTC's motion to strike affirmative defenses and crossclaim, and granting EMR defendants' motion to dismiss crossclaim, entered 3/16/21.
ZyCal motion for partial judgment on the pleadings filed 5/25/21; FTC's response filed 6/7/21; ZyCal reply filed 6/14/21; FTC's surreply filed 6/24/21; hearing on motion held 9/3/21; order denying Zycal's motion entered 9/3/21.

CIVIL PENALTY AND ENFORCEMENT CASES*

(A) Consumer Protection

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

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

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

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

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

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

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

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

Assigned Attorneys: Marcus Smith (DOJ)
Stephen Tosini

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

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

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

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

Assigned Attorneys: Cody Herche (DOJ)
James Weinkle
Wandaly Fernandez Garcia

Alleged Conduct: Deceptive acts or practices in violation of Section 5 of the FTC Act and the Commission's Trade Regulation Rule Concerning Funeral Industry for Practices ("Funeral Rule") for misrepresenting prices and location of services, illegally threatening and failing to return cremated remains to consumers and failing to provide required disclosures.

Status: Complaint filed 4/22/22

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

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

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

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

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

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

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

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

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

Status: Complaint filed 4/15/21.
Stipulated preliminary injunction entered 5/5/21.
Defendant Nepute's motion to dismiss and motion for sanctions filed 6/3/21; United States' opposition filed 6/17/21; Defendant Quickwork's partial joinder of Nepute's motion to dismiss filed 6/18/21; Defendant Nepute reply filed 6/28/21; Defendant Quickwork's partial joinder of Nepute's reply filed 6/28/21.
Motion to dismiss denied 12/8/21.
United States' Motion for contempt filed 3/4/22; oppositions by Defendants Nepute and Quickwork filed 4/1/22; United States' reply filed 4/15/22.
Trial scheduled to begin 2/6/23.

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

Parties: Gravity Defyer Medical Technology
Alexander Elnekaveh

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

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

Status: Complaint filed 5/25/22.

FTC v. ITMEDIA SOLUTIONS, No. 2:22-cv-73 (C.D. Cal.)

Parties: Itmedia Solutions, LLC
DEV.XYZ LLC

TEAM.XYZ LLC
123 LLC
XYZ LLC
GREAT LLC
General LLC
Media LLC
ADV MARKET DIRECT LLC
Direct Ad Sales LLC
MARKETING SOLUTIONS 33 LLC
DEC MKT LLC
Ads Full3 LLC
Sunset Marketing Services LLC
Arrow Eagle, LLC
Arrow Hawk, LLC
Gen Ads, LLC
Michael Ambrose
Daniel Negari
Jason Ramin
Grant Carpenter
Anisha Hancock
Sione Kaufusi

Assigned Attorneys: Matthew Fine (WRLA)
Daniel Hanks (BCP/FP)
Michael Tankersley

Alleged Conduct: Violations of Sections 5(a) of the FTC Act and provisions of the Fair Credit Reporting Act (FCRA) for enticing consumers to share sensitive financial information and selling that information to marketing companies.

Status: Complaint filed 1/5/22.
Stipulated final order for permanent injunction and monetary judgment of \$1.5 million entered 1/10/22.

UNITED STATES OF AMERICA v. KOHL'S INC., No. 1:22-cv-964 (D.D.C.)

Parties: Kohl's Inc., f/k/a Kohl's Department Stores, Inc.

Assigned Attorneys: Rachael Doud (DOJ)

Alleged Conduct: Deceptive acts or practices in violation of Section 5 of the FTC Act, the Textile Fiber Products Identification Act ("Textile Act"), the Rules and Regulation Under the Textile Fiber Products Identification Act ("Textile Rules") for marketing dozens of rayon products falsely as bamboo.

Status: Complaint filed 4/8/22.

Stipulated order and judgment for civil penalties, permanent injunction, and other relief entered 5/4/22.

UNITED STATES OF AMERICA v. KURBO INC., Et Al., No. 3:22-cv-0946 (N.D. Cal.)

Parties: Kurbo, Inc.
WW International, Inc.

Assigned Attorneys: Rachel Doud (DOJ)
Zachary Cowan
Sharanya Mohan

Alleged Conduct: Violations of Section 5 of the FTC Act and the Commission’s Children Online Privacy Protection Rule (COPPA Rule) for marketing a weight loss app for children that collects personal information without parental permission.

Status: Complaint filed 2/16/22.
Stipulated order for permanent injunction, civil penalties, and other equitable relief entered 3/3/22.

UNITED STATES OF AMERICA v. LITHIONICS BATTERY, No. 8:22-cv-868 (M.D. Fla.)

Parties: Lithionics Battery, LLC
Steven Tartaglia

Assigned Attorneys: Deborah Sohn (DOJ-CIV)
Lacy Harwell, Jr.
Zachary Cowan

Alleged Conduct: Deceptive acts or practices in violation of Section 5 of the FTC Act and the Made in USA Labeling Rule (the “MUSA Labeling Rule”) for falsely labeling and advertising certain batteries that were imported as “Made in the USA.”

Status: Complaint filed 4/12/22.
Joint motion to approve consent judgment and entry of stipulated order filed 4/12/22; motion denied 4/22/22; revised joint motion filed 4/27/22.
Stipulated order for permanent injunction and civil penalty judgment entered 5/4/22.
Judgment against Lithionics Battery, LLC and Steven Tartaglia entered 5/6/22.

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

Parties: Match Group, Inc.

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

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

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

FTC v. R360 LLC Et AL., No. 0:22-cv-60924 (S.D. Fla.)

Parties: R360 LLC
Steven Doumar

Assigned Attorneys: Christine Lee Delorme (BCP/AP)
Karen Mandel

Alleged Conduct: Deceptive acts or practices in violation of Sections 5(a) of the FTC Act and the Opioid Addiction Recovery Fraud Prevention Act of 2018 (“OARFPA”) for deceiving people seeking help for addiction regarding the evaluation and selection criteria for treatment centers in their network.

Status: Complaint filed 5/16/22
Stipulated order for permanent injunction and civil penalty judgment entered 5/23/22.

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

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

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

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

Status: Complaint filed 6/10/20.
Ram Capital Funding, LLC and Tzvi Reich's motion to dismiss filed
8/10/20; motion denied 8/13/20.
Robert L. Giardina's motion to dismiss filed 8/21/20; motion denied
10/30/20.
First amended complaint for civil penalties, permanent injunction,
monetary relief, and other relief filed 6/10/21.
FTC motion to strike affirmative defenses filed 7/8/21; Defendants'
opposition filed 8/6/21; court denied motion 8/18/21.
Order granting consent motion to stay case for 120 days to consider
settlement agreement as to Defendants Ram Capital Funding LLC
and Tzvi Reich entered 10/5/21.
Stipulated motion to stay case to consider settlement as to Defendants
Ram Capital Funding LLC and Tzvi Reich filed 10/5/21
Stipulated permanent injunction and monetary judgment as to Defendants
Ram Capital Funding LLC and Tzvi Reich entered 1/4/22
Stipulated motion to stay case to consider settlement as to Defendants
RCG Advances and Robert Giardina filed 4/6/22
FTC motion for summary judgment against Defendant Jonathan Braun
filed 4/8/22; Braun opposition filed 5/15/22; FTC reply filed
6/3/22
Stipulated permanent injunction and monetary judgment as to Defendants
RCG Advances and Robert Giardina entered 6/2/22.

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

Parties: Frank Romero d/b/a Trend Deploy

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

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

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

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

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

Assigned Attorneys: Daniel Hu (DOJ)
Marcus Smith
Stephen Tosini

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

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

UNITED STATES OF AMERICA v. TWITTER, INC., No. 3:22-cv-3070 (N.D. Cal.)

Parties: Twitter, Inc.

Assigned Attorneys: Emmet Ong (AUSA)
Deborah Sohn (DOJ-CIV)
Zachary Cowan

Alleged Conduct: Violations of Section 5 of the FTC Act and a 2011 Commission Order by

misrepresenting the extent to which Twitter maintained and protected the privacy of nonpublic consumer information.

Status: Complaint filed 5/25/22.
Stipulated order for civil penalty judgment, monetary relief, and injunctive relief entered 5/26/22.

UNITED STATES OF AMERICA v. VISION PATH, No. 1:22-cv-00176 (D.D.C)

Parties: Vision Path, Inc., also d/b/a Hubble Contacts

Assigned Attorneys: Claude F. Scott, Jr. (DOJ)

Alleged Conduct: Violations of Sections 5(a) and 12 of the FTC Act, the Fairness to Contact Lens Consumers Act, and the Contact Lens Rule, including by failing to obtain prescriptions and to properly verify prescription information, and by substituting defendant's lenses for those prescribed to consumers.

Status: Complaint and stipulated order for permanent injunction, civil penalty, and other relief filed 1/25/22.
Final order granting permanent injunction, civil penalty, and other relief entered 1/28/22.

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

Parties: Walmart Inc.

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

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

Status: Complaint filed 6/28/22.

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

Parties: Xlear, Inc.
Nathan Jones

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

Courtney Estep

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

Status: Complaint filed 10/28/21.

FTC v. ZURIXX LLC, No. 2:19-cv-00713 (D. Utah)

Parties: Zurixx, LLC
Brand Management Holdings, LLC
CAC Investment Ventures, LLC (Puerto Rico)
CAC Investment Ventures, LLC (Utah)
Carlson Development Group, LLC (Utah)
Carlson Development Group, LLC (Puerto Rico)
CJ Seminar Holdings, LLC
Dorado Marketing and Management, LLC
JSS Investment Ventures, LLC
JSS Trust
Zurixx Financial, LLC (Utah)
Zurixx Financial, LLC (Puerto Rico)
Cristopher A. Cannon
James M. Carlson
Jeffrey D. Spangler
Gerald D. Spangler
Stephenie J. Spangler (relief defendant)
Utah Division of Consumer Protection (co-plaintiff)

Assigned Attorneys: Robert Anguizola (BCP/MP)
Joshua Doan
Amanda Grier
Thomas Harris
Miry Kim

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC, the Consumer Review Fairness Act, the Telemarketing Sales Rule, as well as the Utah Consumer Sales Practices Act and the Utah Business Opportunity Disclosure Act in connection with the marketing and sale of real estate investment products and services.

Status: Complaint filed 9/30/19.
TRO entered 10/1/19.
Preliminary injunction entered 11/1/19.
Defendants' motion for partial dismissal filed 11/19/19; Commission's opposition file 12/17/19; defendants' reply filed 12/31/19.
Order denying defendants' motion to dismiss entered 2/26/20.

Defendants' motion for interlocutory appeal and partial dismissal filed 3/11/20; Commission's opposition filed 3/25/20; defendants' reply filed 4/8/20.

Order denying defendants' motion for interlocutory appeal and partial dismissal entered 4/28/20.

Amended complaint filed 5/12/20.

Defendants' motion to dismiss filed 8/17/20; Commission's opposition filed 9/14/20; defendants' reply filed 9/28/20.

Order denying defendants' motion to dismiss, to stay discovery, and for relief from the preliminary injunction entered 11/24/20.

Amended complaint filed 2/12/21.

Motion to intervene by Annelise Agee, Byron Aldrink, Brian Banks, Joshua Jackson, Polar Prutaseranee, and Jeanne Rietzke filed 5/11/21; Commission opposition filed 6/7/21; movants' reply filed 6/28/21.

Motion for partial summary judgment by Defendants Brand Management Holdings, CAC Investment Ventures, CAC Investment Ventures Utah, CJ Seminar Holdings, Christopher Cannon, James Carlson, Carlson Development Group Puerto Rico, Carlson Development Group Utah, Dorado Marketing and Management, Jeffrey Spangler, Zurixx, Zurixx Financial Puerto Rico, and Zurixx Financial Utah filed 5/12/21; Commission opposition filed 6/9/21; Defendants' reply filed 6/23/21.

Motion for partial summary judgment by Defendants JSS Investment Ventures, JSS Trust, Gerald Spangler, and Stephanie Spangler filed 5/28/21; Commission opposition filed 6/9/21; Defendants' reply filed 6/29/21.

Motion for summary judgment by relief defendant Stephanie Spangler filed 5/28/21; Commission opposition file 6/25/21; Stephanie Spangler reply filed 7/9/21.

Memorandum decision and order granting receiver's second motion for order holding Efron Dorado, S.E. and David Efron in contempt of court and for civil sanctions entered 11/08/21.

Order granting in part and denying in part defendant's motion to modify preliminary injunction order, granting partial summary judgment as to relief under Section 13(b) and BODA, and denying relief defendant Stephanie Spangler's motion for summary judgment entered 11/08/21; clarification order entered 11/23/21.

Notice of appeal as to order granting receiver's second motion for order holding Efron Dorado, S.E. and David Efron in contempt of court and for civil sanctions filed 11/17/21.

Amended stipulated preliminary injunction entered 12/01/21.

Order granting stipulation of all parties to stay the case for 60 days to permit Commissioners to vote on the proposed final settlement agreement entered 12/16/21.

Stipulated order for permanent injunction and monetary judgment entered
2/15/22.

(B) Competition

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

Parties: Biglari Holdings, Inc.

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

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

Status: Complaint filed 12/22/21.
FTC's motion for entry of judgment filed 5/9/22.

UNITED STATES OF AMERICA v. WERNER, No. 1:21-cv-3332 (D.D.C.)

Parties: Clarence L. Werner

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

Alleged Conduct: Violations of the notice and waiting period requirements of the Hart-Scott-Rodino Act with respect to the exercise of options to acquire shares of Werner Enterprises, Inc.

Status: Complaint filed 12/22/21.
Order for stipulated final judgment entered 4/21/22.

SUBPOENA AND CID ENFORCEMENT PROCEEDINGS

FTC v. CARIS LIFE SCIENCES, No. 1:21-mc-00115 (D.D.C.)

Parties: Caris Life Sciences, Inc.

Assigned Attorneys: Michael Bergman (OGC)

Nature of Action: Petition to enforce subpoenas issued in Part 3 administrative proceeding.

Status: Petition filed 9/30/21.
Order to show cause entered 10/5/21

Response to petition filed 11/10/21; Commission's reply filed 11/16/21.
Commission's motion to stay proceedings pending agency decision
regarding dismissal of action filed 2/10/22; order granting motion
to stay entered 2/11/22.

Commission's motion for voluntary dismissal filed 3/3/22; Order granting
Commission's motion and ordering that case is dismissed
voluntarily entered 3/4/22.

FTC v. NETLATITUDE INC., No. 4:21-mc-1300 (S.D. Tex.)

Parties: Netlatitude, Inc.

Assigned Attorneys: Miles Freeman (WR-LA)
James Elliot (SWR)

Nature of Action: Petition to enforce a CID.

Status: Petition filed 5/28/21.
Commission's motion for hearing or ruling on petition filed 2/7/22; order
setting hearing entered 3/11/22.
Commission's notice of Netlatitude's compliance with CID filed 4/21/22.
Motion hearing is terminated, issue resolved 4/25/22.

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

Parties: Match Group, Inc.

Assigned Attorneys: Sarah Choi (BCP/DPIP)
Elizabeth Averill
Michele Arington (OGC)

Alleged Conduct: Petition to enforce a CID.

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

FTC v. NEXWAY, INC., No. 1:21-mc-145 (D.D.C)

Parties: Nexway, Inc.

Assigned Attorneys: Joseph Brooke Jr. (BC/MP)
Russell Deitch

Nature of Action: Petition to enforce a CID.
Status: Petition filed 11/17/21.
Order to show cause entered 12/06/21.
Order adopting joint stipulation resolving matter entered 1/05/22.

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

Parties: The Stratics Group, Inc.

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

Nature of Action: Petition to enforce a CID.

Status: Petition filed 6/15/21.
Stratics motion for leave to file response to petition filed 7/06/21; FTC opposition filed 7/07/21; Stratics reply filed 7/12/21.
Telephonic hearing held 11/30/21.
FTC request for clarification of oral ruling filed 12/16/21.
Stratics response and motion for summary judgment filed 12/23/21; FTC response filed 1/03/22; Stratics reply filed 1/10/22.
Order denying as moot Stratics motion for leave to file a response to FTC petition entered 7/19/22.

FTC v. XCAST LABS, No. 22-55322 (9th Cir.); No. 2:21-mc-1026 (C.D. Cal.)

Parties: XCast Labs, Inc.

Assigned Attorneys: Allen Dreschel (BCP/MP)
Miles Freeman (WRLA)

Nature of Action: Petition to enforce a CID.

Status: Petition filed 8/6/21.
Opposition to petition by XCast Labs filed 9/24/21; FTC reply filed 10/8/21; surreply in opposition by XCast Labs filed 10/25/21; FTC surreply in support of petition filed 11/2/21.
Magistrate judge's report and recommendation that the CID be enforced issued 12/9/21.
XCast Labs objection to report and recommendation filed 12/23/21; FTC response filed 1/5/22.
Order accepting findings and recommendations of magistrate judge and judgment enforcing CID entered 1/06/22.
Notice of appeal by XCast Labs filed 3/07/22.
Stipulated motion to voluntarily dismiss appeal filed 5/2/22; order

dismissing appeal filed 5/6/22.

SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION

ALDABE v. UNITED STATES OF AMERICA, No. 1:21-cv-803 (D. Md.)

Parties: Fermin Aldabe

Assigned Attorneys: Kimberly Phillips (AUSA)
Joel Marcus (OGC)

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

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

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

Parties: Americans for Prosperity Foundation

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

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

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

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

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

Assigned Attorneys: Matthew Hoffman (OGC)

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

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

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

Parties: Axon Enterprise Inc.

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

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

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

Axon motion to stay mandate to file writ of certiorari filed 4/15/21;
Commission opposition filed 4/19/21; motion granted 4/21/21.
Axon petition for writ of certiorari filed 7/20/21; Commission opposition
filed 9/22/21; Axon's reply filed 10/6/21; Axon's supplemental
brief filed 12/20/21.
Certiorari granted 1/24/22.
Axon's merits brief filed 5/9/22.

CONSUMERS FOR AUTO RELIABILITY & SAFETY v. FTC, No. 21-5249 (D.C. Cir.); No.
1:17-cv-00540 (D.D.C.)

Parties: Consumers for Auto Reliability and Safety
Center for Auto Safety
U.S. Public Interest Research Group, Inc.

Assigned Attorneys: Bradley Grossman (OGC)
Joel Marcus

Nature of Action: Action for declaratory and injunctive relief under the Administrative
Procedure Act in connection with the Commission's consent orders with
General Motors and two dealerships regarding the advertising of used
motor vehicles.

Status: Complaint filed 3/24/17.
Amended complaint filed 5/2/17.
Commission's motion to hold case in abeyance or, in the alternative, for
an extension of time filed 5/16/17; opposition filed 5/30/17;
motion to stay granted 6/13/17.
Commission's motion to dismiss filed 9/8/17; response in opposition filed
10/5/17; Commission's reply filed 10/27/17.
Motion hearing held 9/18/18.
Motion by plaintiffs for leave to file two new documents in connection
with pending motion to dismiss filed 3/9/20; Commission's
opposition filed 3/23/20; plaintiffs' reply filed 3/30/20.
Memorandum opinion granting Commission's motion to dismiss entered
9/6/21.
Notice of appeal filed 11/8/21.
Order granting stipulation for voluntary dismissal entered 3/23/22.

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

Parties: Functional Government Initiative

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

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

Status: Complaint filed 6/7/22.

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

Parties: Gravity Defyer Medical Technology Corp.
Alexander Elnekaveh

Assigned Attorneys: Joel Marcus (OGC)

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

Status: Complaint filed 4/26/22; amended complaint filed 7/22/22.
Commission motion to dismiss for failure to state a claim filed 7/8/22.

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

Parties: LabMD, Inc.
Michael J. Daugherty

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

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

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

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

Parties: State of Louisiana
Louisiana State Racing Commission
Louisiana Horsemen's Benevolent & Protective Association
Louisiana Thoroughbred Breeders Association
Jockeys Guild
State of West Virginia
West Virginia Racing Commission
Bernard Chatters
Edward Fenasci

Larry Findley, Sr.
Warren Harang
Gerard Melancon

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

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

Status: Complaint filed 6/30/22.

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

Parties: National Horsemen's Benevolent and Protective Association
Arizona Horsemen's Benevolent and Protective Association
Arkansas Horsemen's Benevolent and Protective Association
Indiana Horsemen's Benevolent and Protective Association
Illinois Horsemen's Benevolent and Protective Association
Louisiana Horsemen's Benevolent and Protective Association
Mountaineer Park Horsemen's Benevolent and Protective Association
Nebraska Horsemen's Benevolent and Protective Association
Oklahoma Horsemen's Benevolent and Protective Association
Oregon Horsemen's Benevolent and Protective Association
Pennsylvania Horsemen's Benevolent and Protective Association
Washington Horsemen's Benevolent and Protective Association
Tampa Bay Horsemen's Benevolent and Protective Association

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

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

Status: Complaint filed 3/15/21.
Amended complaint filed 4/2/21.

Commission's motion to dismiss filed 4/30/21; plaintiffs' opposition filed 5/28/21; Commission's reply filed 6/18/21.

Oral argument held 2/16/22.

Memorandum opinion dismissing plaintiffs' claims entered 3/31/22.

Notices of appeal filed by plaintiffs and intervenors filed 4/19/22 and 4/20/22.

Plaintiff-Appellants' and Intervenor-Appellants' briefs filed 6/28/22; Commission's brief due 7/27/22.

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

Parties: State of Oklahoma
Oklahoma Horse Racing Commission
State of West Virginia
West Virginia Racing Commission
Hanover Shoe Farms, Inc.
Oklahoma Quarter Horse Racing Association
Tulsa County Public Facilities Authority
Global Gaming RP, LLC
Will Rogers Downs, LLC
U.S. Trotting Association
State of Louisiana
Horseracing Integrity and Safety Authority
Leonard S. Coleman, Jr.
Nancy M. Cox

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

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

Status: Complaint filed 4/26/21.
Commission's motion to dismiss filed 8/16/21; plaintiffs' opposition filed 9/15/21; Commission's reply filed 10/27/21.
Memorandum opinion dismissing the plaintiffs' claims entered 6/3/22.
Notice of appeal by plaintiffs filed 6/9/22.

RICHARD ZEITLIN v. FTC, No. 20-16128 (9th Cir.); No. 2:19-cv-00698 (D. Nev.)

Parties: Richard Zeitlin
Unified Data Services, LLC

Compliance Consultants, LLC
American Technology Services, LLC

Assigned Attorneys: Bradley Grossman (OGC)
Brianna Smith (DOJ)

Nature of Action: Action seeking declaratory judgment, challenging an FTC staff opinion letter advising that the TSR's restrictions on "prerecorded messages" apply to soundboard technology.

Status: Complaint filed 4/24/19.
Commission's motion to dismiss filed 6/28/19; plaintiffs' response to motion filed 7/11/19; Commission's reply filed 8/2/19.
Order granting Commission's motion to dismiss entered 4/10/20.
Notice of appeal filed 6/8/20.
Appellants' opening brief filed 2/5/21; Commission's answering brief filed 5/10/21; appellants' reply brief filed 7/6/21.
Oral argument held 1/13/22.
Judgment affirmed 7/13/22.

AMICUS CURIAE BRIEFS OR PARTIAL INTERVENTIONS

PATEL v. 7-ELEVEN, INC., No. SJC-13166 (MASS SJC)

Assigned Attorneys: Matthew Hoffman (OGC)
Bradley Grossman
Joel Marcus

Nature of Action: Private action alleging that franchisees are employees of franchisor for purposes of Massachusetts wage laws.

Status: Amicus brief for the Commission filed 12/02/21.
Oral argument held 12/8/21.
Opinion holding that Massachusetts independent contractor statute applies to franchisor-franchise relationship and is not in conflict with the FTC Franchise rule entered 3/24/22.

OXBOW CARBON MINERALS, LLC, ET AL. v. UNION PACIFIC, No. 21-7093 (D.D.C)

Assigned Attorneys: Mark S. Hegedus (OGC)
Joel Marcus

Nature of Action: Private action raising question whether the provision of the Staggers Act of 1980 allows admission of evidence of alleged collusion among rail carriers.

Status: Brief for the Commission as amici curiae supporting rail shipper plaintiffs filed 12/22/21.
Oral argument held 3/07/22.
Opinion affirming the District Court decision in part and dismissing in part, vacating the District Court order and remanding for reconsideration of evidence, entered 5/17/22.

JOHN FRALISH v. BANK OF AMERICA, N.A., No. 21-2846 (7th Cir.)

Assigned Attorneys: Mark Hegedus (OGC)

Nature of Action: Private action alleging violations of the Equal Credit Reporting Act and raising the question of who is an “applicant” subject to the protections of the ECOA, which prohibits discrimination in credit transactions based on membership in protected categories.

Status: Amicus brief for the Commission, Department of Justice, and the Consumer Financial Protection Bureau, and the Board of Federal Reserve filed 12/2/21.
Notice of joint stipulation of dismissal filed 1/28/22.

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

Assigned Attorneys: Matthew Hoffman (OGC)
Joel Marcus

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

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

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

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

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

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

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

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

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

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

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

Assigned Attorneys: Bradley Grossman (OGC)

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

Status: Commission's amicus brief filed 10/13/20.
Oral argument held 2/25/21.