

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

EVOKE WELLNESS, LLC, a limited liability company;

EVOKE HEALTH CARE MANAGEMENT, LLC, a limited liability company;

JONATHAN MOSELEY, individually and as an owner, officer, or member of Evoke Wellness, LLC, and Evoke Health Care Management, LLC; and

JAMES HULL, individually and as an owner, officer, or member of Evoke Wellness, LLC, and Evoke Health Care Management, LLC;

Defendants.

Case No. _____

**COMPLAINT FOR
PERMANENT INJUNCTION,
CIVIL PENALTY JUDGMENT,
AND OTHER RELIEF**

Plaintiff, the Federal Trade Commission (“FTC” or “Commission”), for its Complaint alleges:

1. Plaintiff brings this action for Defendants’ violations of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52, and Section 8023 of the Opioid Addiction Recovery Fraud Prevention Act of 2018 (“OARFPA”), 15 U.S.C. § 45d. Defendants lure consumers to call their substance use disorder treatment clinics with deceptive Google advertisements and then their telemarketers misrepresent the identity of the clinic for which they work. For these violations, Plaintiff seeks relief, including a permanent injunction, civil penalties, and other relief, pursuant to Sections 5(m)(1)(A), 13(b), and 19 of the FTC Act, 15 U.S.C. §§ 45(m)(1)(A), 53(b), and 57b, and OARFPA.

SUMMARY OF THE CASE

2. Defendants have tricked consumers into contacting Evoke’s call center by using deceptive Google search ads (“Search Ads”) to masquerade as the specific substance use disorder (“SUD”) clinics searched for by consumers. Defendants have targeted consumers using Google on their mobile phones not only by using the specific names of other treatment centers as keywords, but also by prominently using the names of those other clinics in the ads in a format that effectively masquerades as the searched-for clinics. When consumers have clicked on or dialed the telephone number in those Search Ads, Defendants have funneled them to Defendants’ call center. Defendants’ telemarketers have continued that same masquerade through a deceptive telemarketing pitch to consumers who placed these calls in response to the Search Ads, typically by claiming that consumers had reached a centralized admissions office or addiction treatment hotline, rather than a call center associated with Defendants’ company and its handful of clinics. Even when callers have clearly indicated that they sought a different, specific treatment clinic, admission agents have consistently sustained the callers’ misimpressions created by Defendants’ deceptive ads.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), 1345, and 1355.

4. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(1), (b)(2), (c)(1), (c)(2), and (d), 1395(a), and 15 U.S.C. § 53(b).

PLAINTIFF

5. The FTC is an independent agency of the United States Government created by the FTC Act, which authorizes the FTC to commence this district court civil action by its own attorneys. 15 U.S.C. §§ 41–58. The FTC enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which

prohibits unfair or deceptive acts or practices in or affecting commerce. The FTC also enforces Section 12 of the FTC Act, 15 U.S.C. § 52, which prohibits false advertisements for food, drugs, devices, services, or cosmetics in or affecting commerce. The FTC also enforces OARFPA, 15 U.S.C. § 45d, which prohibits unfair or deceptive acts or practices in connection with substance use disorder treatment products and services.

DEFENDANTS

6. Defendant Evoke Wellness, LLC (“Evoke Wellness”) is a Florida limited liability company with its principal address at 3600 Red Road, Miramar, FL 33025. Evoke Wellness provides substance use disorder treatment for drug and alcohol use disorders, including opioid use disorders. These treatments include medically supervised detox, acute detox, dual diagnosis treatment, and outpatient treatment at its Florida-based clinic. Evoke Wellness transacts or has transacted business in this District and throughout the United States.

7. Defendant Evoke Health Care Management, LLC (“Evoke HCM”), also d/b/a Evoke Health, is a Florida limited liability company with its principal place of business at 3600 Red Road, Suite 601-A, Miramar, FL 33025. Evoke HCM has acted as a management service company for Evoke Wellness and six other affiliated clinics located in Ohio, Massachusetts, Florida, and Texas. As part of those management services, Evoke HCM has advertised and marketed the SUD treatment services of Evoke Wellness through a variety of advertising channels, including Google. Evoke HCM also has handled calls from consumers seeking admission (and customer service calls) on behalf of Evoke Wellness through its own call center located in Florida. Evoke HCM transacts or has transacted business in this District and throughout the United States.

8. Defendant Jonathan Moseley (“Moseley”) has been, at all times relevant to this Complaint, the Chief Information Officer for Evoke Wellness and the Chief Executive Officer for

Evoke HCM. At times relevant to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices of Evoke Wellness and Evoke HCM. Moseley has approved advertising content, reviewed and approved content of evokewellnessfl.com, purchased media, and monitored and analyzed ad performance. Defendant Moseley resides in this District and in connection with the matters alleged herein, transacts or has transacted business in this District and throughout the United States.

9. Defendant James Hull (“Hull”) is the Chief Marketing Officer for Evoke Wellness and the Vice President of Digital Marketing for Evoke HCM (hereinafter, Evoke Wellness and Evoke HCM will be referred to collectively as “Evoke”). At times relevant to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices of Evoke. Hull has approved advertising content, reviewed and approved content of evokewellnessfl.com, purchased media, and monitored and analyzed ad performance. Defendant Hull resides in this District and in connection with the matters alleged herein, transacts or has transacted business in this District and throughout the United States.

COMMERCE

10. At all times relevant to this Complaint, Defendants have maintained a substantial course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

BACKGROUND ON SUBSTANCE USE DISORDERS AND TREATMENT

11. According to the 2022 National Survey on Drug Use and Health (“2022 National Survey”) conducted by the Substance Abuse and Mental Health Services Administration (“SAMHSA”) of the United States Department of Health and Human Services, approximately 54.6 million people aged 12 or older – 19.4 percent of people in that age group – needed substance use

treatment for problems related to the use of alcohol or addictive drugs in the previous year. However, only 13.1 million people – less than a quarter of the people who were classified as needing it – received any type of SUD treatment in the year prior to the 2022 National Survey.

12. Among those individuals who recognized that they needed treatment and yet did not receive it, commonly stated reasons for failing to obtain treatment included not knowing how or where to get treatment (52.2%), not being able to afford the cost (47.9%), and not finding a treatment program or healthcare professional they wanted to go to (38.8%).

13. For prospective patients, identifying where to get treatment is both daunting and challenging. In fact, the 2020 National Survey of Substance Abuse Treatment Services report states that there are over 16,000 different SUD treatment facilities, the characteristics of which vary widely in terms of size, capacity, services provided, smoking policies, integration with mental health treatment, accessibility, clinical and therapeutic approaches, age range and gender of patients, and payment options. Ninety percent of facilities reported accepting cash or self-payment for services, while 74% accepted private insurance, 71% accepted Medicaid, and 42% accepted Medicare.

DEFENDANTS' BUSINESS ACTIVITIES

Google Ads

14. Evoke, like many other SUD treatment clinics, advertises its services online. One of the ways Evoke advertises is through Google's online advertising platform ("Google Ads"), where advertisers can pay to have their ads displayed in response to consumer search queries, including search queries entered on consumers' mobile phones. According to one industry study, over 85% of those seeking addiction treatment use Google search.

15. To set up their Google Ads accounts, advertisers select keywords, which are terms they think potential customers are likely to use when searching for a particular product or service.

Advertisers link these keywords to headlines and text descriptions that are displayed as search results. Google disseminates these advertisements through an auction process: if an advertiser bids more than others to have its advertisement displayed in response to certain keywords, that ad will likely appear first as a “sponsored ad” in consumers’ Google search results.

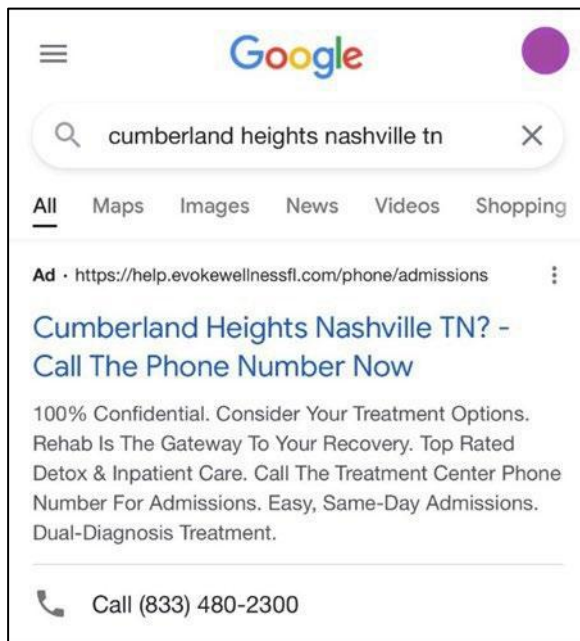
16. On mobile devices, Google’s “sponsored ads” typically display the advertiser’s telephone number, and consumers can “click-to-call” the phone number displayed in the ad or dial the number manually.

17. Google also offers advertisers a feature called “dynamic keyword insertion.” Dynamic keyword insertion allows advertisers to insert consumers’ searched-for keywords into the text of the actual advertisement displayed to consumers.

Evoked’s Deceptive Use of Google’s Dynamic Keyword Insertion Feature

18. Evoke has generated patient leads for its SUD clinics through the deceptive use of dynamic keyword insertion. Specifically, Evoke has selected and bid on the names of other (non-Evoke) clinics as keywords, and then instructed Google to insert the names of those other clinics into the headline text of Evoke’s ads. In other words, if a consumer searches for a non-Evoke SUD clinic that Evoke has selected as a keyword, they will see an Evoke-sponsored ad with a headline *displaying the name of the searched-for SUD clinic* at or near the top of that consumer’s search results. These ads also typically include references to various treatment services offered, a request for consumers to “Call The Treatment Center Phone Number for Admissions,” followed by a phone number with an integrated click-to-call feature.

19. The following is an example of an Evoke Search Ad using dynamic keyword insertion. Cumberland Heights is an SUD clinic located in Nashville, TN. Typing the phrase “cumberland heights nashville TN” into Google’s search engine on a mobile device produced the following search result:



20. The Cumberland Heights name and its location (Nashville TN) – “Cumberland Heights Nashville TN?”– appear prominently in the headline of the Search Ad. Evoke’s name, however, does not. The second line of the advertisement tells consumers to “Call The Phone Number Now.”

21. The text underneath the prominent two-line headline, namely, “Top Rated Detox & Inpatient Care. Call the Treatment Center Phone Number for Admissions.,” conveys the message that the advertisement is sponsored by Cumberland Heights or that the searcher has found Cumberland Heights, a “top rated” clinic. Although the top of the ad, in small font, displays Evoke’s URL, www.evokewellnessfl.com, given its size in the context of a small mobile phone display, its placement above a much larger, prominent headline that features the consumer’s search terms, and the

ambiguity of the clinic's name – “evokewellnessfl” suggests bringing forth wellness from addiction – it is insufficient to dispel the net impression that the ad is for Cumberland Heights or that the click-to-call feature will call Cumberland Heights.

22. In fact, Evoke, not Cumberland Heights, paid for the advertisement in Paragraph 19 above. Consumers who click on the phone number in Evoke's dynamic keyword insertion Search Ads think they are calling the clinic displayed in the ad, namely, the consumers' searched-for clinic. Instead, they reach Evoke's call center.

23. From 2021 to 2023, Evoke's deceptive dynamic keyword insertion ad campaigns generated at least 68,510 Search Ads (defined by Google as “impressions”), and the campaigns have led to at least 3,502 consumer calls to Evoke's call center.

24. When greeting callers, Evoke's telemarketers reinforce the deceptive impression created by the dynamic keyword insertion ad campaign. First, Evoke's telemarketers do not tell callers that they have reached Evoke. Instead, at times material to this Complaint, Evoke has instructed telemarketers to introduce themselves to callers through generic statements such as the following:

“Admissions, this is _____. Who do I have the pleasure of speaking with?”

“Good morning/afternoon. This is _____; how may I assist you today?”

“Recovery helpline, this is _____. How can I help you today?”

25. Moreover, Evoke's telemarketers routinely continue the deception even if a consumer specifically asks whether they contacted the searched-for clinic. For example, the following is an excerpt from a call between an Evoke telemarketer and a caller looking for another clinic on January 10, 2023:

AGENT: Good afternoon, this is Jordan.

CALLER: Have I reached the Recovery Health Centers of America?

AGENT: We're a recovery helpline. Were you looking for help?

26. The following is an excerpt from a call on January 19, 2023:

AGENT: Hi, how can I help you?

CALLER: Is this Banyan treatment center?

AGENT: This is a centralized admissions line for substance abuse. Are you struggling with addiction?

CALLER: Yes, but I'm looking for Banyan because I know they take my insurance.

AGENT: Okay. And what insurance is that?

27. The following is an excerpt from a call on February 22, 2022:

AGENT: Admissions, this is Alex. Are you calling for yourself or for a loved one?

CALLER: Well, myself, but I had already called yesterday and somebody with, like, insurance or something was supposed to call me back today, but they never did.

AGENT: Somebody with insurance was supposed— Were you seeking help?

CALLER: Yeah, like, cost.

AGENT: Okay, are you covered under health insurance?

CALLER: I'm not sure. That's what the call was going to be about.

AGENT: Okay. Who are you trying to reach? Because I'm a treatment center.

CALLER: Yeah that's exactly—Cumberland Heights, correct?

AGENT: *[Pause]* Nah I'm just not sure why we would be calling you back about what your insurance is. You would be the one to tell us what your insurance is.

CALLER: No, I already told what my insurance was. They was going to call me back with what the cost was for IOP [intensive outpatient program].

AGENT: Okay.

CALLER: And how much it would cost to get in.

AGENT: What's your name?

CALLER: *[Redacted]*

AGENT: Okay. And what type of health insurance are you covered under?

CALLER: Cigna.

AGENT: Okay. Because I don't have a file here for you.

CALLER: Okay. I even got the email, let's see, of who I talked to, *[Redacted]*? I had to send my COVID test where I recently tested positive.

AGENT: Okay. Yeah, I'm—

CALLER: It was CCRS—

AGENT: Okay. I'm more like a centralized office, so I don't work, you know, directly *in*, you know, Cumberland Heights. That might be where this confusion is coming from.

28. Evoke trains its telemarketers to assess callers for admission based on their ability to pay for Evoke's programs. Evoke only admits patients for SUD treatment who have private insurance or who are willing and able to pay out-of-pocket for Evoke's services, typically quoted as \$1,000/day for multiweek treatment programs. Indeed, Evoke's telemarketing training stresses the importance of qualifying patients' ability to pay prior to answering specific questions about Evoke or

its services; call center onboarding training materials instruct new telemarketers to “[p]rovid[e] general information to questions—not focusing on one specific program until PA [Preliminary Assessment] and insurance are both approved.”

29. If Evoke’s admissions agents determine that the potential patient does not have private insurance, they often then reveal that they work for Evoke. For example, the following is an excerpt from a call on December 21, 2022:

AGENT: Good morning, admissions. How can I help?

CALLER: Good morning. Do you guys take Sunshine Health, Medicaid?

AGENT: This is Evoke Wellness in Miramar, Florida. I don’t have a contract with Medicaid.

30. Similarly, the following is an excerpt from a call on January 9, 2023:

AGENT: Admissions, this is Katie, how may I help you?

CALLER: Hi, I’m calling on behalf of my brother. He’s here with me, but he’s going to go into your program.

AGENT: All right. And what’s your brother’s name?

CALLER: *[Redacted]*.

AGENT: And what’s his date of birth?

CALLER: *[Redacted]*.

AGENT: So, is this your phone number?

CALLER: Yes.

AGENT: What’s your name?

CALLER: Sorry, hello?

AGENT: What’s your name so I can put it down for caller ID?

CALLER: *[Redacted]*.

AGENT: All right. And what type of coverage does your brother use?

CALLER: Sorry?

AGENT: What type of medical coverage does your brother use?

CALLER: He has Tufts. I have the ID card here.

AGENT: Is it through the state or is it through an employer?

CALLER: Through the state.

AGENT: And what's the ID number?

CALLER: It's *[Redacted]*.

AGENT: *[Redacted]*

CALLER: Correct. That's the member ID. Did you need the MassHealth ID?

AGENT: No, the member ID should be fine. And you said this was through Medicaid, correct?

CALLER: Sorry?

AGENT: You said this is through Medicaid, correct?

CALLER: It's through MassHealth.

AGENT: Okay.

CALLER: Maybe it's a state thing. I don't know. It's the Mass State health insurance.

AGENT: Okay. But at our specific facility we are not contracted with state insurance. We won't be able to accept it, but what I can do is get a referral for him for another facility in Massachusetts that does accept it. If he wants to come to our program it would be about \$1000 a day, I'm not sure if that's something that's

feasible for you guys?

CALLER: You guys did used to take this insurance.

AGENT: So, this is Evoke Wellness. Is that who you meant to call?

CALLER: Sorry?

AGENT: Are you, did you mean to call Evoke Wellness?

CALLER: No, RCA in Westminster.

AGENT: Okay, well I—

CALLER: I am calling the number. It came up wrong.

AGENT: It's probably just the redirection. I can get—I'll have RCA call you if you'd like. We work with them.

31. Evoke uses an online call-tracking platform that enables Evoke's telemarketers to view what ad campaign generated the displayed Evoke Search Ad. In fact, Evoke trains its telemarketers to track leads into its call center, and to "Note the lead source" on the online platform interface when answering an inbound call. Recorded calls show that Evoke's telemarketers have known that callers have searched for another non-Evoke clinic but instead have reached Evoke's call center.

32. The goal of Evoke's deceptive scheme is to divert callers who are searching for other clinics into Evoke's treatment centers. For example, one caller, who sought admission to Aloha Detox, ultimately agreed to treatment at Evoke Wellness. The following is an excerpt from an April 17, 2022 call prior to admission:

AGENT: Thank you for calling admissions, how can I help you?

CALLER: Hi, do you have any beds open?

AGENT: Yeah. So, the facilities that I work with do have bed availability. What is

it exactly you are struggling with?

CALLER: No, I was, I wanted to go to Aloha Detox in Delray Beach.

AGENT: Okay. Do you have health insurance at this time?

CALLER: I do.

AGENT: Okay. So typically what we would do is we would do an insurance verification, and then we would just have to complete an assessment with you over the phone.

CALLER: Okay. *[Redacted, about 10 seconds]*

AGENT: Well, we're not Aloha directly, we direct people to that facility, so we would have to collect the insurance on our basis. Do you happen to have that information? . . .

AGENT: Yeah, I was just looking at all the information here. So, based off the insurance pull, we're most likely going to recommend Evoke Wellness. Are you familiar with them?

CALLER: What is this? What's that?

AGENT: Evoke Wellness. It's a substance abuse treatment facility in Miramar, Florida.

CALLER: No, I want to go to Aloha.

AGENT: Okay.

CALLER: I just told you that.

AGENT: So, is there a particular reason why you're dead set on that program?

CALLER: Yep.

AGENT: I am familiar with that program, we have a relationship with them, I'm

just trying to get an understanding of why? . . .

CALLER: Excuse me sir, can I just go to where I want to go? You recommended it to me and I said okay, but I want to go to Aloha. I mean, do you have their phone number so I can just call straight?

AGENT: Well, why wouldn't you want to take a suggestion?

CALLER: *[Pause, caller's friend bursts out laughing]* Dude. This is not—

AGENT: I'm not trying to sit here and sell you treatment, right? I know Aloha personally—

CALLER: No, you basically are! Like, just, I just told you where I wanted to go—

33. Further calls exchanged between this individual caller and the Evoke call center show that this caller ultimately agreed to go to Evoke Wellness and even boarded a flight to travel there.

34. Based on the facts and violations of law alleged in this Complaint, the FTC has reason to believe that Defendants are violating or are about to violate laws enforced by the Commission because Defendants continue to use deceptive Google Ads campaigns to disseminate ads for their clinics.

VIOLATIONS OF THE FTC ACT

35. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits “unfair or deceptive acts or practices in or affecting commerce.”

36. Misrepresentations or deceptive omissions of material fact constitute deceptive acts or practices prohibited by Section 5(a) of the FTC Act.

37. Section 12 of the FTC Act, 15 U.S.C. § 52, prohibits the dissemination of any false advertisement in or affecting commerce for the purpose of inducing, or which is likely to induce, the purchase of food, drugs, devices, services, or cosmetics. The offering for sale and sale of substance

use disorder treatment services is a “service” for purposes of Section 12 of the FTC Act, 15 U.S.C.

§ 52.

Count I

38. In numerous instances, in connection with the advertising, marketing, promotion, offering for sale, or sale of Defendants’ substance use disorder treatment services, including but not limited to the means set forth in Paragraphs 18 through 33 above, Defendants have represented, directly or indirectly, expressly or by implication, that:

- a. Search Ads Defendants disseminate for their clinics are advertisements for the SUD clinics consumers searched for;
- b. the telephone number in Defendants’ Search Ads is the telephone number of the SUD clinic consumers searched for; and
- c. consumers who click-to-call or dial the telephone number for the SUD clinic displayed in Defendants’ Search Ads will reach or have reached the SUD clinic they searched for.

39. In fact:

- a. Search Ads Defendants disseminate for their clinics are not advertisements for the SUD clinics consumers searched for;
- b. the telephone number in Defendants’ Search Ads is not the telephone number of the SUD clinic consumers searched for; and
- c. consumers who click-to-call or dial the telephone number for the SUD clinic displayed in Defendants’ Search Ads will not reach or have not reached the SUD clinic they searched for.

40. Defendants' representations described in Paragraph 38 are false or misleading and constitute deceptive acts or practices and the making of false advertisements in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a), 52.

**VIOLATION OF THE OPIOID ADDICTION RECOVERY
FRAUD PREVENTION ACT OF 2018**

41. The Opioid Addiction Recovery Fraud Prevention Act of 2018 ("OARFPA"), P.L. 115-271, 15 U.S.C § 45d, was enacted on October 24, 2018. OARFPA prohibits unfair or deceptive acts or practices with respect to any substance use disorder treatment service or substance use disorder treatment product. 15 U.S.C. § 45d(a). Section 8022 of OARFPA defines "substance use disorder treatment service" to mean "a service that purports to provide referrals to treatment, treatment, or recovery housing for people diagnosed with, having, or purporting to have a substance use disorder, including an opioid use disorder." P.L. 115-271 § 802, 15 U.S.C. § 45d.

42. Defendants offer substance use disorder treatment services as defined under OARFPA.

43. Pursuant to 15 U.S.C. § 45d(b)(1), a violation of 15 U.S.C. § 45d(a) is treated as a violation of a rule promulgated under the FTC Act regarding unfair or deceptive acts or practices.

44. Pursuant to Section 18(d)(3) of the FTC Act, 15 U.S.C. § 57a(d)(3), a violation of 15 U.S.C. § 45d(a) constitutes an unfair or deceptive act or practice in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

45. Section 19(b) of the FTC Act, 15 U.S.C. § 57b(b), and Section 8023(b) of OARFPA, 15 U.S.C. § 45d(b), authorize this Court to grant such relief as the Court finds necessary to redress injury to consumers resulting from Defendants' violations of OARFPA.

Count II

46. In numerous instances, in connection with the advertising, marketing, promotion, offering for sale, or sale of Defendants' substance use disorder treatment services, including but not

limited to the means set forth in Paragraphs 18 through 33 above, Defendants have represented, directly or indirectly, expressly or by implication, that:

- a. Search Ads Defendants disseminate for their clinics are advertisements for the SUD clinics consumers searched for;
- b. the telephone number in Defendants' Search Ads is the telephone number of the SUD clinic consumers searched for; and
- c. consumers who click-to-call or dial the telephone number of the SUD clinic displayed in Defendants' Search Ads will reach or have reached the SUD clinic they searched for.

47. In fact:

- a. Search Ads Defendants disseminate for their clinics are not advertisements for the SUD clinics consumers searched for;
- b. the telephone number in Defendants' Search Ads is not the telephone number of the SUD clinic consumers searched for; and
- c. consumers who click-to-call or dial the telephone number of the SUD clinic displayed in Defendants' Search Ads will not reach or have not reached the SUD clinic they searched for.

48. Defendants' making of the representations described in Paragraph 46 constitutes deceptive acts or practices in violation of Section 8023(a) of OARFPA, 15 U.S.C. § 45d(a).

CONSUMER INJURY

49. Consumers are suffering, have suffered, and will continue to suffer substantial injury as a result of Defendants' violations of the FTC Act and OARFPA. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers and harm the public interest.

CIVIL PENALTIES

50. Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A), authorizes this Court to award civil penalties for each violation of OARFPA.

51. Each dissemination of an advertisement in which Defendants violated OARFPA by making one or more of the deceptive representations described above constitutes a separate violation for which Plaintiff seeks monetary civil penalties.

52. Defendants violated OARFPA with the knowledge required by Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A).

PRAYER FOR RELIEF

53. Wherefore, Plaintiff requests that the Court:

- a. Enter a permanent injunction to prevent future violations of the FTC Act and OARFPA;
- b. Impose civil penalties for each violation of OARFPA;
- c. Award monetary and other relief within the Court's power to grant; and
- d. Award any additional relief as the Court determines to be just and proper.

Respectfully Submitted,

Date: January 13, 2025

/s/Victor DeFrancis
Victor DeFrancis
Cassandra Rasmussen
FEDERAL TRADE COMMISSION
600 Pennsylvania Avenue, N.W.
Washington, DC 20580
(202) 326-3274; vdefrancis@ftc.gov
(202) 684-0175; crasmussen@ftc.gov

Attorneys for Plaintiff