

**SEMIANNUAL FEDERAL COURT
LITIGATION STATUS REPORT**

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

December 31, 2024

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SUMMARY OF CASES

	Dist. Ct.	Ct. App.*	S. Ct.	Total
PETITIONS FOR REVIEW	0	7	0	7
INJUNCTION AND CONSUMER REDRESS CASES	46	9	3	58
CIVIL PENALTY AND ENFORCEMENT CASES	17	3	0	20
SUBPOENA AND CID ENFORCEMENTS	2	0	0	2
SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION	22	9	0	31
AMICUS CURIAE BRIEFS	3	12	0	15
TOTALS	90	40	3	133

* 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

INTUIT v. FTC, No. 24-60040 (5th Cir.)

Parties: Intuit, Inc.

Assigned Attorneys: Bradley Grossman (OGC)
Anupama Sawkar

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

Status: Petition for review filed 1/24/24.
Intuit's motion to stay FTC order filed 3/1/24; Commission's opposition to stay filed 3/15/24; order denying stay entered 3/18/24.
Intuit's opening brief filed 4/15/24; Commission's answering brief filed 6/14/24; Intuit's reply brief filed 7/12/24.
Oral argument held 11/4/24.

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

Parties: Traffic Jam Events, LLC
David Jeansonne

Assigned Attorneys: Mariel Goetz (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 9/9/22.
Oral argument held 5/3/23.

(B) Rulemakings

CHAMBER OF COMMERCE v. FTC, No. 24-13436 (11th Cir.); No. 24-3388 (8th Cir.)

Parties: Chamber of Commerce

Assigned Attorneys: Ben Aiken (OGC)

Brad Grossman
Matt Hoffman

Nature of Action: Petition to review final rule regulating the use of “negative options” in marketing and business practices.

Status: Petition for review filed 10/23/24.
Commission’s notice of filing petitions with the Judicial Panel on Multidistrict Litigation (JPML) filed 11/20/24.
Case transferred to the Eighth Circuit 11/22/24.
Motion for stay filed 12/5/24; Commission’s opposition filed 12/20/24.

CUSTOM COMMUNICATIONS, INC. v. FTC, No. 24-3137 (8th Cir.)

Parties: Custom Communications, Inc.

Assigned Attorneys: Ben Aiken (OGC)
Brad Grossman
Matt Hoffman

Nature of Action: Petition to review final rule regulating the use of “negative options” in marketing and business practices.

Status: Petition for review filed 10/22/24.
Motion for stay filed 12/5/24; Commission’s opposition filed 12/20/24.

ELECTRONIC SECURITY ASSOCIATION v. FTC, No. 24-60542 (5th Cir.); No. 24-3442 (8th Cir.)

Parties: Electronic Security Association
Interactive Advertising Bureau
NCTA – The Internet & Television Association

Assigned Attorneys: Ben Aiken (OGC)
Brad Grossman
Matt Hoffman

Nature of Action: Petition to review final rule regulating the use of “negative options” in marketing and business practices.

Status: Petition for review filed 10/23/24.
Petitioner’s emergency petition for mandamus seeking to compel

Commission notification of the Judicial Panel on Multidistrict Litigation (JPML) filed 11/5/24; Commission opposition filed 11/12/24; reply filed 11/14/24.
Writ of mandamus issued 11/19/24.
Commission’s notice of filing petitions with the JPML filed 11/20/24.
JPML order designating petition to be consolidated in the Eighth Circuit issued 11/21/24.
Order transferring case to Eighth Circuit issued 12/3/24.
Motion for stay filed 12/5/24; Commission’s opposition filed 12/20/24.

MICHIGAN PRESS ASSOCIATION v. FTC, No. 24-3912 (6th Cir.); No. 24-3415 (8th Cir.)

Parties: Michigan Press Association
National Federation of Independent Business

Assigned Attorneys: Ben Aiken (OGC)
Brad Grossman
Matt Hoffman

Nature of Action: Petition to review final rule regulating the use of “negative options” in marketing and business practices.

Status: Petition for review filed 10/22/24.
Commission’s notice of filing petitions with the Judicial Panel on Multidistrict Litigation (JPML) filed 11/20/24.
Order transferring case to Eighth Circuit issued 11/27/24.
Motion for stay filed 12/5/24; Commission’s opposition filed 12/20/24.

NATIONAL AUTOMOBILE DEALERS ASSOCIATION v. FTC, No. 24-60013 (5th Cir.)

Parties: National Automobile Dealers Association
Texas Automobile Dealers Association

Assigned Attorneys: Ben Aiken (OGC)
Matthew Hoffman

Nature of Action: Petition to review final rule regulating the advertising, sales, and financing of vehicles by auto dealers.

Status: Petition for review filed 1/5/24.
Motion for stay filed 1/8/24; motion withdrawn 1/19/24.
Petitioner’s brief filed 3/15/24; response filed 5/14/24; reply filed 6/13/24.
Oral argument heard 10/9/24.

INJUNCTIONS AND CONSUMER REDRESS

(A) Preliminary Injunctions (Mergers/Acquisitions)

FTC v. KROGER COMPANY, No. 3:24-cv-347 (D. Or.)

Parties: Kroger Company
State of Arizona (Co-Plaintiffs)
State of California
District of Columbia
State of Illinois
State of Maryland
State of Nevada
State of New Mexico
State of Oregon
State of Wyoming

Assigned Attorneys: Trisha Grant (BC/ACP)
Nathan Mendelsohn
Shira Steinberg
Albert Teng (BC/Office of Director)
Laura Hall
Barrett Anderson
Gary London, Jr.
Leora Tyree
Maia Perez
Susan Musser
Charles Dickenson (BC/Mergers IV)
Elizabeth Arens
Emily Blackburn
Eric Olson
Harris Rothman
Jacob Hamburger
Joshua Smith
Katherine Drummonds
Lily Hough
Rohan Pai
Alexander Bryson
Gula Dixon
Anjelica Sarmiento (BC/Mergers I)
Habin Chung
Colin Herd (BC/TED)

Crystal Liu (BC/Mergers III)
Jessica Drake
Keitha Clopper
Lindsay Greene
Eric Edmonson (WR-SF)
Ernest Elmore (BC/Mergers II)
Jeanine Balbach
Theodore Zang (NER-NY)
Janet Kim (BC/Compliance)
Kenneth Libby
Paul Frangie

Nature of Action: Action for preliminary injunction to prevent consummation of proposed acquisition of Albertsons Companies, Inc. by Kroger Company pending administrative adjudication.

Status: Complaint filed 2/26/24.
TRO entered 2/27/24.
Memorandum in support of preliminary injunction filed 7/30/24;
response filed 8/12/24.
Preliminary injunction hearing began 8/26/24; closing arguments
heard 9/17/24.
Opinion and order granting preliminary injunction entered 12/10/24.

FTC v. MICROSOFT CORP., No. 23-15992 (9th Cir.); No. 3:23-cv-2880 (N.D. Cal.)

Parties: Microsoft Corporation
Activision Blizzard, Inc
Amazon.com, Inc

Assigned Attorneys: Jennifer Fleury (Office of Director/BC)
Peggy Bayer Femenella (BC/Mergers II)
James Abell
Cem Akleman
Meredith Levert
Amanda Leigh Butler (BC/Mergers II)
David Morris
Edmund Saw
Joseph Alexander Ansaldo
James Gossmann
Kassandra DiPietro
Maria Cirincione
Merrick Pastore
Michael Blevins
Michael Anthony Franchak

Nicole Callan
Stephen Santulli
Erika Ruth Wodinsky (WR-SF)
Imad Abyad (OGC)
Mark Hegedus

Nature of Action: Action for preliminary injunction to prevent consummation of proposed acquisition of Activision Blizzard, Inc by Microsoft Corporation pending administrative adjudication.

Status: Complaint filed 6/12/23.
TRO entered 6/13/23.
Evidentiary hearing held on 6/22/23 to 6/29/23.
Preliminary Injunction denied 7/10/23.
Notice of appeal filed 7/12/23.
FTC opening brief filed 8/9/23.
Defendant's reply brief filed 9/6/23.
FTC reply brief filed 9/27/23.
Oral argument held 12/6/23.

FTC v. TAPESTRY, INC., No. 1:24-cv-3109 (S.D.N.Y.)

Parties: Tapestry, Inc.
Capri Holdings Limited

Assigned Attorneys: Abby Dennis (BC/Mergers II)
Peggy Bayer Femenella
Nicole Lindquist
Laura Antonini
Brandon Boxbaum
Peter Colwell
Kassandra DiPietro
Sean Hughto
Frances Anne Johnson
Sarah Kerman
Andrew Lowdon
Danielle Quinn (BC/Office of Director)
Blake Risenmay
Edmund Saw
Victoria Sims
Timothy Singer
Edward Takashima (BC/Office of Director)

Nature of Action: Action for preliminary injunction to prevent consummation of proposed acquisition of Capri Holdings Limited, an “accessible luxury” handbag company, by Tapestry, Inc. pending administrative adjudication.

Status: Complaint filed 4/22/24.
Stipulated TRO entered 4/24/24.
Defendants’ answer to complaint filed 5/16/24.
Commission’s memorandum in support of preliminary injunction filed 8/6/24; Defendants’ opposition filed 8/20/24; Commission’s reply filed 8/27/24.
Preliminary injunction hearing began 9/9/24; closing arguments heard 9/30/24.
Order granting preliminary injunction entered 10/24/24.
Order closing case entered 12/16/24.

FTC v. TEMPUR SEALY, INC., No. 4:24-cv-2508, (S.D. Tex.)

Parties: Tempur Sealy International, Inc.
Mattress Firm Group, Inc.

Assigned Attorneys: Adam Pergament (BC/Mergers IV)
Amy Ritchie
Arther Durst
Clifford Hwang
JeanAnn Tabbaa
Jeanette Pascale
Kennan Khatib
Lauran Krachman
Maggie Yellen
Richard Mosier
Stephen Rodger
William Sohn
Xuan Gong
Allyson Maltas (BC/Office of Director)
Ethan Stevenson
Maia Perez
Nicolas Stebinger
Noel Miller
Matthew Joseph (BC/Mergers I)

Nature of Action: Action for preliminary injunction to prevent consummation of proposed acquisition of Mattress Firm Group, Inc. by Tempur Sealy International, Inc. pending administrative adjudication.

Status: Complaint filed 7/2/24.

TRO entered 7/16/24.
Commission's motion for preliminary injunction filed 10/4/24;
defendant's opposition filed 10/25/24; Commission's reply filed
11/4/24.
Motions hearing held 11/8/24.
Evidentiary hearing held 11/12/24 through 11/25/24; closing arguments
held 12/16/24.

(B) Preliminary Injunctions (Other)

(None Pending)

(C) Permanent Injunctions/Consumer Redress*

FTC v. 1661, INC., No. 2:24-cv-10329 (C.D. Cal.)

Parties: 1661, Inc. d/b/a GOAT

Assigned Attorneys: Delilah Vinzon (WRLA)
Matthew Fine

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act and MITOR in connection with misrepresentations and shipment delays made in conducting an e-commerce marketplace advertising, marketing, and/or soliciting orders for sneakers and apparel to consumers.

Status: Complaint filed 12/2/24.
Stipulated order for permanent injunction and other relief entered
12/12/24.

FTC v. AMAZON.COM, INC., No. 24-3835 (9th Cir.); No. 2:23-cv-01495 (W.D. Wash.)

Parties: Amazon.com, Inc.
States of New York, Connecticut, Pennsylvania, Delaware, Maine,
Maryland, Massachusetts, Michigan, Minnesota, Nevada, New
Hampshire, New Jersey, New Mexico, Oklahoma, Oregon, Rhode Island,
and Wisconsin (Co-Plaintiffs)
American Booksellers Association (Proposed Intervenor)

Assigned Attorneys: Susan Musser (BC/Office of the Director)

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

John Newman
Danielle Quinn
Edward Takashima (BC/Anticompetitive Practices)
Christina Shackelford (BC/Mergers III)
Megan Henry
Zhi Rudy (BC/Mergers II)
Christine Kennedy (BC/TED)
Colin Herd
Daniel Bradley
Daniel Principato
Emily Bolles
Jake Walter-Warner
Kelly Schoolmeester
Stephen Antonio
David Schwartz (BC/HCD)
Emma Dick
Ben Aiken (OGC)

Alleged Conduct: Unfair methods of competition through exclusionary conduct in violation of Section 5(a) of the FTC Act and Section 2 of the Sherman Act to maintain monopoly power in the market for online superstores.

Status: Complaint filed 9/26/23.
Defendant's motion to dismiss filed 12/8/23; response filed 2/6/24; reply filed 3/22/24.
FTC motion to bifurcate filed 2/29/24; response filed 3/11/24; reply filed 3/15/24.
Motion to intervene by American Booksellers Association filed 5/8/24; FTC and defendant responses filed 5/23/24; reply filed 5/31/24.
Order denying intervention entered 6/3/24.
Notice of appeal by American Booksellers Association filed 6/14/24; appeals court decision affirming district court's order denying intervention issued 12/4/24.
Order granting in part and denying in part plaintiff's motion to dismiss and FTC's motion to bifurcate entered 9/30/24.
Second amended complaint filed 10/31/24.
Defendant's motion for judgment on the pleadings filed 12/6/24.

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

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

Status: Complaint filed 5/13/20.
Motion to file first amended complaint adding plaintiff Commonwealth of Pennsylvania filed 7/23/2020; motion granted 1/20/21.
Amended complaint filed 1/21/21.
Motion to dismiss for failure to state a claim filed by Defendants Richard Diorio, Jr., International Credit Recovery, Inc., and Cynthia Powell 2/4/21; Commission response filed 3/4/21; Defendant reply filed 3/25/21; motion denied 4/30/21.
Motion to dismiss for Defendants American Future Systems Inc., Progressive Business Publications of New Jersey, Inc., and Edward M. Satell filed 2/11/21; motion denied 4/30/21.
Defendants' motion for judgment on the pleadings filed 6/24/21; motion denied 7/26/21.
Stipulated permanent injunction as to defendants International Credit Recovery, Inc., Richard Diorio, Jr., and Cynthia Powell entered 3/24/2023.
Plaintiffs' and Defendants' cross motions for summary judgment filed 6/26/23; oppositions filed 7/17/23; replies filed 7/24/23.
Orders denying Plaintiffs' and Defendants' cross-motions for summary judgment entered 9/20/23.
Trial held 9/26/23 to 10/19/23.
Plaintiffs' and Defendants' proposed findings of facts and conclusions of law filed 12/04/23.
Closing arguments heard 12/19/23.
Adverse ruling in favor of defendants on all plaintiffs' claims entered 3/29/24.
Plaintiffs' separate motions to alter or amend judgment filed 4/26/24;

opposition filed 5/10/24; reply filed 5/17/24.
Order denying plaintiffs' motions to alter or amend entered 6/12/24.
Defendants motion for attorney fees & costs filed 9/3/24; FTC response
filed 10/1/24; Defendants' reply filed 10/8/24.

FTC v. AMERICAN SCREENING, LLC, No. 23-1616 (8th Cir.); 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
Imad Abyad (OGC)
Michael Bergman

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

Status: Complaint filed 8/4/20.
FTC's motion for summary judgment filed 10/1/21; defendants' opposition filed 11/1/21; reply filed 11/15/21.
Order granting FTC's motion for summary judgment in part and denying in part, leaving amount of equitable monetary relief to be determined at trial, entered 4/6/22.
Order vacating trial and directing parties to confer regarding remaining monetary relief issues entered 4/8/22.
Joint status report, reporting that parties have been unable to reach agreement to settle case and are prepared to proceed with bench trial on appropriate amount of monetary relief, filed 5/9/22.
FTC motion for summary judgment granted 7/14/22. Defendant's memorandum in response to FTC's proposed judgment filed 8/9/22;
FTC's opposition to defendant's response to proposed final order for permanent injunction and other monetary relief filed 8/16/22.
Final order and judgment for permanent injunction and monetary relief entered 1/31/23.
Defendants' notice of appeal filed 3/30/23; amended notice of appeal filed 3/31/23.
Suggestion of filing bankruptcy as to defendant American Screening filed 4/12/23.
Appellants' opening brief filed 6/9/23; Commission's brief filed 9/6/23; appellants' reply brief filed 10/24/23.

Oral argument heard 4/9/24.
Decision affirming the final order on monetary and injunctive relief entered 6/27/24.
Appellants' petition for rehearing en banc and for panel rehearing filed 8/7/24; Commission's response in opposition filed 9/9/24; Order denying appellants' petition for rehearing en banc and for panel rehearing entered 9/25/24.

FTC v. ARISE VIRTUAL SOLUTIONS, No. 0:24-cv-61152 (S.D. Fla.)

Parties: Arise Virtual Solutions, Inc. d/b/a/ ARISE

Assigned Attorneys: Nathan Nash (MWR)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act and the Business Opportunity Rule in connection with the presentation of misleading and unsubstantiated earnings claims made in selling the Arise business opportunity to consumers seeking to work from home in customer service, as well as failure to provide required disclosures.

Status: Complaint filed 7/2/24.
Stipulated order for permanent injunction and monetary judgment entered 7/3/24.

FTC v. ASCEND CAPVENTURES, INC., No. 2:24-cv-7660 (C.D. Cal.)

Parties: Ascend Capventures, Inc. d/b/a Ascend Ecom LLC d/b/a Ascend Ecomm LLC d/b/a ACV d/b/a ACV Partners d/b/a Accelerated Ecommerce Ventures d/b/a Ascend Distribution LLC d/b/a Ethix Capital d/b/a ACV Nexus
Ascend Ecommerce, Inc. d/b/a Ascend Ecom LLC
Ascend Administration, Inc.
Ascend Ecom LLC
Ascend Distribution LLC
William Michael Basta
Jeremy Kenneth Leung

Assigned Attorneys: Jody Goodman (BCP/DMP)
Elsie Kappler
Jeffrey Tang (WRLA)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Business Opportunity Rule, and the Consumer Review Fairness Act in connection with misrepresentations made in marketing e-commerce

investment opportunities.

Status: Complaint filed 9/9/24.
Ex parte TRO entered 9/13/24.
Joint stipulation for preliminary injunction filed 10/21/24.

FTC v. AQUA FINANCE, INC., No. 3:24-cv-288 (W.D. Wis.)

Parties: Aqua Finance, Inc.

Assigned Attorneys: Tammy Chung (SWR)
Edward Hynes

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Truth in Lending Act, and the Fair Credit Reporting Act in connection with misrepresenting the financing terms of water treatment systems and knowingly reporting inaccurate information about consumers' water treatment financing to consumer reporting agencies.

Status: Complaint filed 5/1/24.
Commission's unopposed motion to approve consent judgment filed 5/2/24; Commission's brief in support of motion filed 5/20/24.
Stipulated order for permanent injunction and monetary judgment entered 7/5/24.

FTC v. CANCER RECOVERY FOUNDATION INT'L INC., No. 4:24-cv-881 (S.D. Tex.)

Parties: Cancer Recovery Foundation International, Inc. d/b/a Women's Cancer Fund
State of Maryland (Co-Plaintiffs)
State of North Carolina
State of Florida
State of Oklahoma
State of Texas
State of Virginia
State of Wisconsin
State of Oregon
State of Massachusetts
State of California

Assigned Attorneys: Miry Kim (BCP/DMP)
J. Ronald Brooke, Jr.

Alleged Conduct: Deceptive and unfair acts and practices in violation of Section 5(a) of the

FTC Act in connection with operating a sham charity and deceiving donors who sought to offer financial support to women battling cancer.

Status: Complaint filed 3/11/24.
Stipulated order for permanent injunction and other relief entered 12/17/24.

FTC v. CARE.COM., No. 1:24-cv-987 (W.D. Tex.)

Parties: Care.com, Inc.

Assigned Attorneys: Edward Hynes (SWR)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act and the Restore Online Shoppers' Confidence Act in connection with the sale of care-related services.

Status: Complaint filed 8/26/24.
Stipulated order for permanent injunction and monetary relief entered 8/30/24.

FTC v. CAREER STEP LLC., No. 1:24-cv-3354 (N.D. Ga.)

Parties: Career Step LLC d/b/a/ Career Step d/b/a CareerCert d/b/a Carrus

Assigned Attorneys: Sally Tieu (BCP/DFP)
Samuel Jacobson
Stephanie Liebner

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Gramm-Leach-Bliley Act, the Telemarketing Act, and the Telemarketing Sales Rule in connection with the use of false or unsubstantiated representations to convince consumers to enroll in online career-training and certification programs in the healthcare field.

Status: Complaint filed 7/29/24
Stipulated order for permanent junction and monetary relief entered 8/7/24.

FTC v. CELSIUS NETWORK LLC., No. 1:23-cv-6009 (S.D.N.Y.)

Parties: Celsius Network Inc.
Celsius Network LLC

Celsius Networks Lending LLC
Celsius Lending LLC
Celsius Keyfi LLC
Celsius Mining LLC
Celsius US Holding LLC
Celsius US LLC
Celsius Management Corp.
Alexander Mashinsky
Shlomi Daniel Leon
Hanoch Goldstein

Assigned Attorneys: Stephanie Liebner (BCP/FP)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act and the Gramm-Leach-Bliley Act in connection with the marketing and sale of cryptocurrency lending and custody services.

Status: Complaint filed 7/13/23.
Stipulated final order as to corporate defendants entered 8/16/23.
United States' motion to intervene and to stay discovery to avoid prejudice to an ongoing criminal case against Alexander Mashinsky filed 9/11/23; motion granted 9/26/23.
Order denying individual defendants' motions to dismiss entered 12/12/23.
Order granting in part FTC's motion to strike defendants' affirmative defenses entered 4/12/24.

FTC v. CHASE NISSAN, No. 3:24-cv-12 (D. Conn.)

Parties: Chase Nissan LLC d/b/a Manchester City Nissan
Patrick Dibre
Refaat Soboh
Michael Hamadi
Aiham Alkhatib
Matthew Chmielinski
Fred Mojica
State of Connecticut (Co-Plaintiff)

Assigned Attorneys: Samuel Jacobson (BCP/DFP)
Edward Smith
Paul Mezan
Dan Hanks
Dan Dwyer
Julia Heald

Alleged Conduct: Deceptive and unfair acts and practices in violation of Section 5(a) of the FTC Act in connection with systematically deceiving consumers about the price of certified used cars, add-ons, and government fees.

Status: Complaint filed 1/4/24.
Amended complaint filed 1/19/24.
Defendants' answer to amended complaint filed 3/4/24.

FTC v. COULTER MOTOR LLC, No. 2:24-cv-2086 (D. Ariz.)

Parties: Coulter Motor Company, LLC d/b/a Coulter Tempe LP d/b/a Coulter Cadillac Tempe d/b/a Tempe Buick GMP
State of Arizona (Co-Plaintiff)

Assigned Attorneys: Brian Berggren (BCP/FP)
Gregory Ashe
Sanya Shahrabi

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act and the Equal Credit Opportunity Act in connection with misrepresentations made in the pricing and advertisement of new and used vehicles.

Status: Complaint filed 8/15/24.
Stipulated order for permanent injunction and monetary relief under state law entered 9/19/24.

FTC v. DOXO, INC., No. 2:24-cv-569 (W.D. Wash.)

Parties: Doxo, Inc.
Steve Shivers
Roger Parks

Assigned Attorneys: Edward Smith (BCP/FP)
James Doty
Wendy Miller

Alleged Conduct: Deceptive acts or practices in violation of Section 5(a) of the FTC Act, the Gramm-Leach-Bliley Act, and the Restore Online Shoppers' Confidence Act in connection with the use of misleading search ads to impersonate

consumers' billers and deceptive design practices to mislead consumers about junk fees.

Status: Complaint filed 4/25/24.
Defendants' motion to dismiss for failure to state a claim filed 6/24/24;
response filed 7/15/24; reply filed 7/22/24.

FTC v. ECOM GENIE CONSULTING LLC, No. 1:24-cv-23976 (S.D. Fla.)

Parties: Ecom Genie Consulting LLC
Lunar Capital Ventures LLC d/b/a Lunar Automation
Profitable Automation LLC
Steven J. Mayer
Trevor Duffy Young
Wessam Baiz
Alpine Management Group, Inc.
Baiz Sales LLC
Salespreneurs LLC
Vicenza Capital Corp. f/k/a Steven Mayr Lux Corp.

Assigned Attorneys: Molly Rucki (BCP/MP)
Sara Tonnesen

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act and the Business Opportunity Rule in connection with the use of misrepresentations to advertise e-commerce investment and business opportunities.

Status: Complaint filed 10/15/24.
Ex parte TRO with asset freeze and appointment of receiver entered 10/15/24.
Stipulated preliminary injunction as to defendant Trevor D. Young entered 11/21/24.
Stipulated joint motion for preliminary injunction as to defendants Wessam Baiz, Baiz Sales LLC, and Salespreneurs LLC entered 11/25/24.
Stipulated preliminary injunction as to defendants Steven J. Mayer, Ecom Genie Consulting LLC, Alpine Management Group, Inc., and Vicenza Capital Corp. entered 11/25/24.
Notice of joint liability, in connection with motion for default as to defendants Lunar Capital Ventures LLC and Profitable Automation LLC, filed 11/26/24.

FTC v. ELITE IT PARTNERS, No. 23-1206 (S. Ct.); No. 23-4009 (10th Cir.); No. 2:19-cv-00125 (D. Utah)

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

Assigned Attorneys: Amanda R. Grier (BCP/MP)
Colleen Robbins
Elsie Kappler
Michael D. Bergman (OGC)
Matthew M. Hoffman

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

Status: Complaint filed 2/25/19.
TRO entered 2/26/19.
Preliminary injunction entered 5/6/19.
Stipulated order for Permanent injunction and monetary judgement entered 12/9/19.
Defendants' motion to vacate monetary judgment in light of *AMG* filed 3/17/22; FTC opposition filed 4/14/22; defendants' reply filed 5/12/22; order denying motion to vacate entered 1/23/23.
Notice of appeal filed 1/26/23.
Defendants' opening brief filed 4/28/23; FTC's answering brief filed 6/30/23; defendants' reply brief filed 7/21/23.
Oral argument heard 11/15/23.
Decision affirming order denying motion to vacate judgment based on intervening change in law filed 1/23/24.
Petition for rehearing en banc filed 3/8/24; order denying petition for rehearing en banc entered 3/21/24.
Petition for writ of certiorari filed 5/7/24.
Petition for writ of certiorari denied 10/7/24.

FTC v. EMPIRE HOLDINGS GROUP LLC, No. 2:24-cv-4949 (E.D. Pa.)

Parties: Empire Holdings Group LLC d/b/a Ecommerce Empire Builders d/b/a Storefunnels.net
Peter Prusinowski a/k/a Peter Pru

Assigned Attorneys: Amanda Grier (BCP/MP)
Ryan McAuliffe

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act,

the Business Opportunity Rule, and the Consumer Review Fairness Act in connection with false claims and misrepresentations made in the marketing and sale of defendants' e-commerce business opportunities and self-study programs.

Status: Complaint filed 9/18/24.
TRO entered 9/20/24.
Defendant Empire Holdings Group LLC's motion to dismiss for failure to state a claim filed 9/24/24; Commission's opposition filed 10/16/24; defendant's reply filed 10/23/24; order denying motion without prejudice entered 12/18/24.
Stipulated order for preliminary injunction entered 11/8/24.

FTC v. EVOLV TECHNOLOGIES HOLDING, INC., No. 1:24-cv-12940 (D. Mass.)

Parties: Evolv Technologies Holdings, Inc.

Assigned Attorneys: Katherine Campbell (BCP/AP)
Michael Atleson
Tawana Davis

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act in connection with false or unsubstantiated claims made in the marketing of security screening systems.

Status: Complaint filed 11/26/24.
Stipulated order for permanent injunction and other relief entered 12/5/24.

FTC v. THEFBAMACHINE INC., No. 24-cv-6635 (D.N.J.)

Parties: TheFBAMachine Inc.
Passive Scaling Inc.
Sales Support New Jersey Inc.
1HR Deliveries Inc.
Hourly Relief Inc.
3PL Logistic Automation Inc.
FBA Support NJ Corp.
Daily Distro LLC
Closter Green, d/b/a Wraith & Co.
Bratislav Rozenfeld, a/k/a Steven Rozenfeld and Steven Rozen
Amanda Rozenfeld, a/k/a Amanda Peremen and Amanada Peremen

Assigned Attorneys: Fran Kern (BCP/DMP)
Colleen Robbins

Alleged Conduct: Deceptive and unfair acts or practices in violation of Section 5(a) of the FTC Act, the Business Opportunity Rule, and the Consumer Review Fairness Act in connection with offering automated online stores purporting to use AI-enhanced software.

Status: Complaint filed 6/3/24.
Ex parte TRO with asset freeze and appointment of receiver entered 6/3/24.
Amended complaint filed 6/14/24.
Stipulated preliminary injunction as to corporate defendants and Bratislav Rozenfeld entered 8/7/24.
Commission's emergency motion for order to show cause as to why corporate defendants and Bratislav Rozenfeld should not be held in contempt filed 8/29/24; order to show cause entered 8/30/24; corporate defendants' response filed 9/18/24.
Second amended complaint filed 10/15/24.
Motion to intervene by Zoeller Pump Company intervene filed 12/6/24.

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)
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.
Preliminary injunction hearing held 6/30/22.
Order denying preliminary injunction, vacating TRO, and converting receivership to monitorship entered 7/18/22.

Motion to dismiss filed by defendants VR-Tech MGT, CM Rent, Michael Toloff, and Christopher Toloff filed 7/25/22; FTC opposition filed 8/8/22; Defendants' reply filed 8/22/22.

Order denying Toloff Defendants' motion to dismiss entered 2/13/23.

First amended complaint filed 3/27/23.

Motion to dismiss by defendant Gerald Thompson filed 4/10/23; FTC opposition filed 5/1/23; Thompson's reply filed 5/8/23.

Order denying Thompson's motion to dismiss entered 11/21/23.

Order granting motion to stay to consider final settlement entered 5/30/24.

Stipulated final orders for permanent injunction, monetary judgment, and civil penalties entered 8/5/24.

FTC v. FLEETCOR TECHNOLOGIES, INC., No. 23-12539 (11th Cir.); No. 1:19-cv-05727 (N.D. Ga.)

Parties: FleetCor Technologies, Inc.
Ronald Clarke

Assigned Attorneys: Daniel Hanks (BCP/FP)
James Doty Matthew Hoffman (OGC)
Jesselyn Friley

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

Status: Complaint filed 12/20/19.
Commission motion for summary judgment filed 4/16/21; Defendants' cross motion for partial summary judgment and opposition to Commission's motion filed 5/16/21; Commission response filed 6/18/21.
Commission motion to stay pending resolution of administrative litigation or dismiss without prejudice filed 8/13/21; Defendants' response filed 8/27/21; Commission reply filed 9/10/21; motion denied 2/7/22.
Order granting Commission's motion for summary judgment entered 8/9/22.
Commission's motion for permanent injunction and other relief filed 12/19/22; Defendants' opposition filed 1/20/23; Commission's reply filed 2/3/23.
Order granting Commission's motion for permanent injunction entered 6/8/23.
Notice of appeal filed 8/4/23.

Appellants' opening brief filed 11/1/23; Commission's response brief filed 1/29/24; reply brief filed 2/20/24.
Oral argument set for 1/24/25.

FTC v. GLOBAL CIRCULATION, INC., No. 1:24-cv-4927 (N.D. Ga.)

Parties: Global Circulation, Inc.
Kenneth Redon III

Assigned Attorneys: Gregory Ashe (BCP/FP)
Sarah Abutaleb

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Fair Debt Collection Practices Act, and the Gramm-Leach-Bliley Act in connection with defendants' debt collection practices.

Status: Complaint filed 10/29/24.
Ex parte TRO entered 10/29/24.
Stipulated preliminary injunction entered 11/26/24.

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

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

Assigned Attorneys: Edward Hynes (SWR)
Reid Tepfer

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

Status: Complaint filed 07/30/20.
TRO entered 08/05/20.
Stipulated preliminary injunctions entered 08/27/20.
Stipulated order for permanent injunction and monetary judgment as to Defendant Stephen Meis entered 6/11/21.
Motion for summary judgment as to defendants Golden Sunrise Nutraceutical, Inc., Golden Sunrise Pharmaceutical, Inc., and Huu Tieu filed 10/1/21.

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

Opposition to FTC's summary judgment motion by Huu Tieu filed 11/03/22; order striking opposition as untimely entered 12/14/22.

FTC status reports filed 4/11/24 and 7/30/24.

FTC v. GRAND CANYON EDUCATION, No. 2:23-cv-2711 (D. Ariz.)

Parties: Grand Canyon Education
Grand Canyon University
Brian Mueller

Assigned Attorneys: Michael Tankersley (BCP/FP)
Carlton Mosley
Patrick Roy
Gregory Ashe
Laura Antonini

Alleged Conduct: Deceptive practices in violation of Section 5(a) of the FTC Act in connection with advertising that the defendant's University is a non-profit institution and misrepresentations regarding doctoral programs.

Status: Complaint filed 12/27/23.
Defendants' motions to dismiss filed 2/9/24; FTC's opposition filed 2/29/24; replies filed 3/124 and 3/7/24.
Order on Motions to Dismiss, granting in part, denying in part, entered 8/15/2024.
First amended complaint filed, 9/5/24.
Motion to dismiss by Grand Canyon University filed, 9/26/24;
Commission's opposition filed 10/10/24; reply filed 10/17/24.

FTC v. GREEN EQUITABLE SOLUTIONS, No. 24-2408 (9th. Cir.); No. 2:22-cv-6499 (C.D. Cal.)

Parties: Green Equitable Solutions, dba Academy Home Services
South West Consulting Enterprises, Inc.
Apex Consulting & Associates Inc., dba Golden Home Services
Infocom Entertainment LTD, Inc., dba Amstar Service Group
Dominic Ahiga
Roger Scott Dyer
Equity Relief Funding, Inc.
Advent Consulting, Inc.

Armando Solis Barron
Michael Robin Nabati
MostCap Enterprises Corp. (Relief Defendant)
California Department of Financial Protection and Innovation (Co-
Plaintiff)

Assigned Attorneys: Miles D. Freeman (WRLA)
Karina Ann Layugan
Paul Yee (CA DFPI)
Louis Thomas Laverone
Mariel Goetz (OGC)
Matthew Hoffman
Anupama Sawkar

Alleged Conduct: Violations of Sections 5 of the FTC Act, the Credit Card Act, the Telemarketing Act, MARS Rule, the Telemarketing Sales Rule, and the Covid-19 Consumer Protection Act, in connection with deceptive advertising for the sale of mortgage assistance relief services.

Status: Complaint filed 9/12/22.
Preliminary injunction with asset freeze entered 9/29/22.
Amended complaint filed 10/28/22.
Defendants' answers to amended complaint filed 11/21/22, 12/15/22, 12/20/22, 1/5/23.
Commission's motion to strike certain affirmative defenses and crossclaim of defendant Roger Scott Dyer filed 1/20/23; defendant's opposition filed 2/2/23; Commission's reply filed 2/10/23.
Commission's motion to strike certain affirmative defenses of defendants Nabati and MostCap Enterprises Corp. and crossclaims and corresponding jury demand of defendant Nabati filed 2/9/23; defendants' opposition filed 3/3/23; Commission's reply filed 3/10/23.
Joint stipulation for order extending the preliminary injunction order to defendant Nabati and defendant MostCap Enterprises Corp filed 4/26/23; motion granted 4/26/23.
Commission's motion for summary judgment filed 6/9/23.
Commission's motion for preliminary injunction as to defendant Solis Barron filed 6/9/23; motion granted 7/5/23.
Default against relief defendant MostCap Enterprises Corp. entered 7/17/23.
Commission's motion for entry of default judgment as to corporate defendants and the relief defendant filed 8/23/23.
Order granting plaintiffs' motion for summary judgment entered 2/2/24.
Notice of appeal filed 4/17/24.
Barron's opening brief filed 10/7/24; FTC's answering brief filed 12/20/24.

FTC v. GRUBHUB, INC., No. 1:24-cv-12923 (N.D. Ill.)

Parties: GrubHub, Inc.
GrubHub Holding, Inc.
State of Illinois (Co-Plaintiff)

Assigned Attorneys: Lisa Bohl (MWR)
Claire Stewart

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Restore Online Shoppers' Confidence Act, and the Impersonation Rule in connection with the sale of food ordering and delivery services.

Status: Complaint filed 12/17/24.
Stipulated order for permanent injunction and monetary judgment entered 12/31/24.

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

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

Assigned Attorneys: Taylor Bates (BCP/ENF)
Amy Teng (NWRO)
Carole Reynolds (BCP/FP)

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

Status: Complaint filed 7/20/22.
Stipulated order for permanent injunction, monetary judgment and other relief entered 7/21/22.
NY Attorney General's motion for pre-motion conference regarding defendants' compliance with stipulated order filed 5/23/23.
Order reopening case entered 5/24/23.
Pre-motion conference held 6/20/23.

Plaintiffs' motion to lift suspension of judgment or compel compliance with consent order served on defendants 7/7/23; plaintiff's notice of motion, defendants' opposition, and plaintiffs' reply filed 8/4/23.

Hearing on motion held 1/3/24.

Order to reopen claims process amid violation of a prior settlement entered on 9/18/24 and 11/13/24.

Claims portal reopened on 11/24/24.

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.
Stipulated permanent injunction and monetary judgment as to Keith Merrill entered 1/10/18.
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.

Stipulated order for permanent injunction, monetary judgment, and other relief as to defendant Mark Ward entered 1/5/24.

Trial begins 1/9/24; trial concluded 2/2/24.

Order entering default judgment as to corporate defendants but judgement in favor of individual defendants entered 3/21/24; amended judgment entered 5/1/24.

Motion for attorney fees by Earl G. Robinson filed 4/19/24; motion for attorney fees by William R. Wilson filed 4/22/24; FTC's opposition filed 5/21/24; replies filed 6/4/24 and 6/11/24.

Order denying attorney's fees entered 9/5/24.

FTC v. INVITATION HOMES, INC., No. 1:24-cv-4280 (N.D. Ga.)

Parties: Invitation Homes, Inc.

Assigned Attorneys: Christopher Gleason (SER)
Marguerite Moeller
Michael Boutros

Natalya Rice
Robin Rock

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act and the Gramm-Leach-Bliley Act in connection with the advertisement of rental properties to consumers.

Status: Complaint filed 9/24/24.
Stipulated order for permanent injunction and monetary judgment entered 9/27/24.

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

Parties: Kochava, Inc.

Assigned Attorneys: Brian Shull (BCP/DPIP)
Julia Horwitz
Elizabeth Scott

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

Status: Complaint filed 8/29/22.
Motion to dismiss for failure to state a claim filed 10/28/22; FTC's opposition filed 11/18/22; Kochava's reply filed 12/2/22; hearing on motion to dismiss held 2/21/23; motion to dismiss granted with leave to amend 5/4/23.
First amended complaint filed 6/05/23.
Motion to dismiss for failure to state a claim filed 7/5/23; FTC's opposition filed 8/9/23; Kochava's reply filed 8/30/23; FTC sur-reply filed 9/7/23.
Motion to dismissed denied 2/3/24.
Second amended complaint filed 7/15/24.
Motion by Kochava to dismiss for failure to state a claim filed 10/7/24; Commission's opposition filed 10/28/24; reply filed 11/12/24.

FTC v. LEGION MEDIA, ET AL., No. 8:24-cv-1459 (M.D. Fla.)

Parties: Legion Media LLC
KP Commerce Inc.
Pinnacle Payments LLC
Sloan Health Products LLC
Harshil Topiwala

Kirtan Patel
Manindra Garg

Assigned Attorneys : Darren Lubetzky (NER)
Vikram Jagadish
Karen Dahlberg O'Connell

Alleged Conduct: Violations of Section 5(a) of the FTC Act, ROSCA, and EFTA for enrolling consumers, without their knowledge or consent, in continuity plans where they were shipped and charged repeatedly for personal care products that they did not agree to purchase.

Status: Complaint filed 6/17/24.
TRO with asset freeze and appointment of receiver entered 6/18/24.
Stipulated orders for permanent injunction, monetary relief, and other relief entered 9/16/24.

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)
William Hodor

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

Status: Complaint filed 5/18/15.
Ex parte TRO entered 5/19/15.
Preliminary injunction against all defendants except Marcus Pradel and Trans National Concepts entered 6/12/15.
Stipulated preliminary injunction as to defendants Marcus Pradel and Trans National Concepts entered 6/12/15.
Order staying case entered 6/12/15.
Unopposed motion for specific relief from asset freeze filed 10/4/19; order granting motion entered 10/7/19.
Commission status report on status of criminal case filed 3/1/21.
Unopposed motion for specific relief from asset freeze filed 5/4/22; order granting motion entered 5/9/22.
Commission status report on criminal case filed 12/20/22.
Defendant's unopposed motion for specific relief from asset freeze filed 1/5/23; order granting motion entered 1/6/23.
Defendant's unopposed motion to amend/correct order on motion for miscellaneous relief filed 4/18/23; order granting motion entered 4/19/23.
Defendant's unopposed motion for specific relief from asset freeze filed 6/20/23; order granting motion entered 6/20/23.
Stipulated orders for permanent injunction and other relief as to individual defendants Matthew Pisoni, Marcus Pradel, and John Leon entered 6/21/24.
Default judgment and order for permanent injunction and other relief as to various corporate defendants entered 8/28/24.

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

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

Assigned Attorneys: Daniel John Matheson (BC/Office of the Director)
Susan Musser
Noel Miller
Nathan Brenner
David Brunfeld (BC/TED)
Krisha Cerilli
Maria DiMoscato
Ario Fazli
Erin Frake
Patricia Galvan
Doug Gretz
Melissa Ihnat
Alicia Loh
Gary London, Jr.
Justin Lorber

Owen Masters
Thomas Mattes
Njeri Mugure
Stephen Pearson
Ben Rashkovich
Michael Smith
Jennifer Tarr
Peter Taylor
Oren Vitenson
Elan Weinberger
Robert Zuver, Jr.
Karen Goff (WRSF)
Christopher Harris (BC/Merger IV)
Albert Teng
Danica Noble (NWRO)
Nicholas Widnell (BC/Mergers I)

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

Status: Complaint filed 12/9/20.
Facebook motion to dismiss filed 3/10/21; Commission opposition filed 4/7/21; Facebook reply filed 4/21/21; motion granted, order dismissing without prejudice entered 6/28/21.
Amended complaint filed 8/19/21.
Facebook motion to dismiss FTC's amended complaint filed 10/4/21; Commission opposition filed 11/17/21; Facebook reply filed 12/1/21; motion denied 1/11/22.
Meta motion for summary judgment filed 4/5/24; FTC motion for partial summary judgment filed 5/24/24; FTC updated memorandum in support of motion for partial summary judgment filed 6/4/24; Meta reply in support of motion of summary judgment and opposition to FTC motion for partial summary judgment filed 7/12/24; FTC reply in support of motion for partial summary judgment filed 8/9/24; parties' motions denied 11/13/24.
Trial scheduled for 4/14/25.

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

Parties: Netforce Seminars
Scott Harris
Thomas Socca
J.D. Noland

Richard Slaback
Darin Epps
Edward Lamont

Associated Attorneys: Evan Mendelson (BCP/ENF)

Jonathan Ware
Sarah Waldrop
James H. Davis

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

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

FTC v. NGL LABS LLC, No. 2:24-cv-5753 (C.D. Cal.)

Parties: NGL Labs, LLC
Raj Vir
Joao Figueiredo
State of California (Co-Plaintiff)

Assigned Attorneys: Miles Freeman (WRLA)

Carla Cheung
John Jacobs
Siobhan Amin

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Restore Online Shoppers' Confidence Act, and the Children's Online Privacy Protection Rule in connection with the marketing of an anonymous messaging app to children and teens.

Status: Complaint filed 7/9/24.
Stipulated order for permanent injunction and monetary relief entered 7/14/24.

FTC v. NOLAND, Nos. 23-3757, 21-15767, 21-16679 (9th Cir.); No. 2:20-cv-00047 (D. Ariz.)

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

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

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

Status: Complaint filed 1/8/20.
TRO with asset freeze entered 1/8/20.
Amended complaint for permanent injunction filed 1/17/20.
TRO as to Thomas G. Sacca entered 1/17/20.
Preliminary injunction hearing held 2/12/20.
Preliminary injunction entered 2/27/20.
Defendants' motion to dismiss case or compel joinder of parties filed 7/28/20; Commission's opposition filed 7/31/20; reply filed 8/7/20; order denying motion entered 9/21/20.

Defendants' motion to dissolve or modify the preliminary injunction filed 9/7/20; Commission's opposition filed 9/21/20; reply filed 9/28/20; order denying motion entered 10/27/20.

Defendants' motion to stay pending the Supreme Court's decisions in *Credit Bureau Center* and *AMG Capital Mgmt* filed 10/21/20; Commission's opposition filed 11/4/20; reply filed 11/12/20; order denying stay entered 12/3/20.

Motion for sanctions against individual defendants for intentional spoliation of evidence filed 1/28/21; Defendants' opposition filed 2/19/21; Commission's reply filed 2/25/21.

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

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

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

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

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

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

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

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

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

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

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

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

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

Case consolidated with *FTC v. Netforce Seminars*, No. 2:00-cv-02260, on 7/26/22.

Bench trial held 1/25/23 to 2/10/23.
Commission's proposed final order as to individual defendants filed 5/24/23; individual defendants' objection filed 6/1/23; Commission's response filed 6/12/23; individual defendants' reply filed 6/13/23.
Order lifting stay as to corporate defendants entered 6/10/23.
Stipulated final orders for permanent injunction and monetary judgment against corporate defendants Success By Media Holdings Inc., Success By Media LLC, and Enhanced Capital Funding entered 9/18/23.
Final order for permanent injunction and monetary judgment against individual defendants James D. Noland, Jr., Lina Noland, Scott Harris, and Thomas G. Sacca entered 9/18/23.
Notice of appeal by Jay Noland, Lina Noland, Scott Harris, and Thomas Sacca filed 11/17/23.
Opening brief of defendant-appellants filed 6/24/24; answering brief filed 9/6/24; reply filed 10/30/24.

FTC v. NRRM LLC, No. 4:24-cv-1055 (E.D. Mo.)

Parties: NRRM, LLC
American Auto Shield, LLC

Assigned Attorneys: Matthew Scheff (ECR)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act and the Telemarketing Sales Rule in connection with false or misleading statements made in the advertisement, marketing, and sale of vehicle service contracts.

Status: Complaint filed 7/31/24.
Stipulated order for permanent injunction and monetary relief entered 9/17/24.

FTC v. PANDA BENEFIT SERVICES, LLC, No. 8:24-cv-1386, (C.D. Cal.)

Parties: Panda Benefit Services, LLC
Clarity Support Services, LLC
Pacific Quest Services
Prosperity Loan Services, LLC
Public Processing Services, LLC
Quick Start Services, LLC
Select Student Services, LLC
Signature Processing Services, Inc.
Eduardo Avalos Martinez
Emiliano Salinas, Jr.
Christopher Michael Hanson
Melissa Salinas

Assigned Attorneys: Gregory Ashe (BCP/FP)
Sally Tieu
David Hankin (WRLA)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Telemarketing Sales Rule, the Gramm-Leach-Bliley Act, and the Trade Regulation Rule on Impersonation of Government and Business in connection with the deceptive marketing and sale of student loan debt relief services.

Status: Complaint filed 6/24/24.
Ex parte TRO entered 6/24/24.
Preliminary injunction entered 7/8/24.
Stipulated final order for permanent injunction and monetary relief entered 10/2/24.

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

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

Assigned Attorneys: Elizabeth Nach (BCP/AP)
Robert Van Someren Greve
Stacy Cammarano
Cassandra Rasmussen

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

Status: Complaint filed 8/16/21.
Plaintiff's motion for summary judgment filed 3/17/23; defendant Steven D. Peyroux and corporate defendants' opposition filed 5/4/23; defendant Brent Detelich's opposition filed 5/12/23; Plaintiff's reply to Peyroux and corporate defendants filed 5/25/23; Plaintiff's reply to Detelich filed 6/2/23.
Order granting summary judgement for the plaintiffs on liability entered 3/11/24.
FTC proposed order for permanent injunction filed 4/1/24; objections filed 4/22/24; FTC reply filed 5/6/24.
Hearing on relief held 6/17/24.
Orders for permanent injunction and monetary relief entered 12/26/24.

FTC v. QARGO COFFEE, INC., No. 1:24-cv-23978 (S.D. Fla.)

Parties: Qargo Coffee, Inc.
Mark Bastorous a/k/a Mark Bass and Mamdoh Bastorous
Bernadette Bastorous a/k/a Bernadette Shenouda and Bernadatte Bass
Samir Shenouda

Assigned Attorneys: Christine Todaro (BCP/DMP)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act and the Franchise Rule in connection with misrepresentations made in the marketing of coffee shop franchise opportunities.

Status: Complaint filed 10/16/24.
Stipulated order for permanent injunction and monetary judgment entered 10/17/24.

FTC v. QUINCY BIOSCIENCE HOLDING CO., INC., No. 25-12 (2d Cir.); No. 25-16 (2d Cir.); 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 (Co-Plaintiff)

Assigned Attorneys: Christine Lee DeLorme (BCP/AP)

Edward Glennon
Andrew Wone
Tiffany Woo
Bradley D. Grossman (OGC)
Matthew Hoffman
Jesselyn Friley

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

Status: Complaint filed 1/9/17.
Motion to dismiss for failure to state a claim filed 4/6/17; Commission's opposition filed 4/25/17; reply filed 5/5/17; order granting motion entered 9/29/17.
Commission's notice of appeal filed 11/21/17.
Commission's opening brief filed 2/28/18; appellees' brief filed 5/30/18; Commission's reply filed 6/13/18; appellees' corrected brief filed 6/15/18; Commission's corrected brief filed 7/17/18.
Oral argument held 2/8/19.
Order vacating the judgment of the District Court and remanding the case for further proceedings entered 2/21/19.
Corporate defendants' supplemental brief on motions to dismiss filed 6/17/19; individual defendants' supplemental brief on motions to dismiss filed 6/18/19; Commission's opposition to corporate defendants' motions filed 7/1/19; Commission's opposition to individual defendants' motions filed 7/2/19.
Order denying motion to dismiss with respect to the validity of the FTC's quorum and as to claims against individual defendant Mark Underwood but granting motion to dismiss as to the claims against individual defendant Michael Beaman entered 7/24/19.
Order granting in part and denying in part Plaintiffs' motion to strike eight affirmative defenses entered 3/2/20.
Order granting defendants a jury trial entered 4/26/21.
Order dismissing without prejudice the FTC's claim for monetary relief entered 9/17/21.
Defendants' motion for summary judgment filed 4/14/22; Commission's opposition filed 6/18/22; defendants' reply filed 7/11/22.
Order granting Individual Defendant Mark Underwood's motion for partial summary judgment on NY State's claims entered 7/5/22.
Order denying Defendants' motion for summary judgment entered 12/19/22.
FTC's motion to participate in the jury trial filed 12/1/23.
Order granting FTC's motion to participate in jury trial entered 1/3/24.
Jury trial on NY claims conducted 2/21/24 – 3/11/24.

Order denying Defendants' renewed motion for judgment as a matter of law entered 5/3/24.
Opening briefs on corporate defendants' liability under the FTC Act filed 6/28/24.
Order finding corporate defendants liable under Sections 5 and 12 of the FTC Act for claims found by the jury to be materially misleading entered 8/29/24.
Letter advising Court of individual defendant Underwood's agreement to be bound by injunctive relief that the Court determines appropriate for corporate defendants filed 11/5/24.
Order and judgment imposing nationwide injunction on all defendants for all challenged claims entered 11/18/24.
Order denying corporate defendants' motion to modify judgment, and also clarifying that 11/18/24 order is nationwide in scope and constitutes relief for FTC Act violations, entered 12/6/24.
Notices of defendants' appeals from judgment filed 12/19/24.

FTC v. QYK BRANDS, LLC, No. 22-55446 (9th Cir.); No. 8:20-cv-1431 (C.D. Cal.); No. 24-564 (S.Ct.)

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

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

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

Status: Complaint filed 8/4/20.
Stipulated TRO entered 8/9/20.
Stipulated preliminary injunction entered 8/26/20.
Amended complaint adding new defendants Theo Pharmaceuticals, Inc. and EASII, Inc. filed 5/19/21.
Defendants' motion to dismiss case filed 6/23/21; Commission's opposition filed 11/12/21; defendants' reply filed 11/19/21.
Order denying defendants' motion to dismiss entered 11/30/21.

Motion for summary judgment by the Commission filed 2/15/22; counter-motion for partial summary judgment by defendants filed 2/16/22; oppositions to each motion filed 3/18/22; replies filed 3/25/22.
Minute order granting Commission's motion for summary judgment and denying defendants' motions for partial summary judgment entered 4/6/22.
Final order for permanent injunction entered 4/22/22.
Defendants' notice of appeal filed 4/29/22.
Defendants' motion for partial stay of injunction pending appeal filed 4/29/22; Commission's opposition filed 6/3/22; reply filed 6/10/22; order by district court denying stay entered 6/21/22.
Appellants' motion to Ninth Circuit for stay pending appeal filed 6/30/22.
Appellants' opening brief filed 7/6/22; FTC answering brief filed 9/28/22; appellants' reply brief filed 11/1/22.
Oral argument heard 3/6/23.
New oral argument following departure of Judges Kleinfeld and Watford heard 9/18/23.
Decision affirming in part, vacating in part, and remanding entered 4/9/24.
Appellants' petition for rehearing *en banc* filed 5/24/24; petition denied 6/20/24.
Petition for certiorari filed 11/18/24.

FTC v. RIVX AUTOMATION CORP., No. 1:24-cv-23152 (S.D. Fla.)

Parties: RIVX Automation Corp. d/b/a RIVX Funding
RIVX Trucking LLC
RIVX Logistics LLC
RIVX Global Logistics LLC
RIVX Investments LLC d/b/a RIVX Capital d/b/a RIVX Cash Offer
Maceda Transportation Services, Inc. d/b/a RIVX Transportation
C2 Carrier LLC
Antonio Rivodo
Noah Wooten
Propihub LLC
Diamond Cargo LLC
State of Florida (Co-Plaintiff)

Assigned Attorneys: Angeleque Linville (SER)
Harold Kirtz

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Business Opportunity Rule, and the Consumer Review Fairness Act in connection with misrepresentations made in the selling of trucking-related business opportunities.

Status: Complaint filed 8/19/24.
Ex parte TRO with asset freeze and appointment of receiver
8/21/24.
Preliminary injunction entered 9/4/24.
Clerk's entry of default as to as to Noah Wooten and C2 Carrier LLC
entered 10/24/24.

FTC v. SEEK CAPITAL LLC, No. 2:24-cv-9511 (C.D. Cal.)

Parties: Seek Capital LLC d/b/a Seek Business Capital d/b/a SBC Business
Roy Ferman

Assigned Attorneys: Maya Sequeira (BCP/FP)
Katherine Worthman
Aaron Schue (WRLA)
Laura Antonini (BC/Mergers II)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act,
the Telemarketing Act, and the Telemarketing Sales Rule in connection
with misrepresentations made in the marketing of business loans or lines
of credit.

Status: Complaint filed 11/4/24.
Ex parte application for TRO filed 11/4/24.
Ex parte application for order to show cause as to why preliminary
injunction should not issue filed 11/4/24.
Defendants' answer to complaint filed 12/9/24.

FTC v. SMITH, No. 2:23-cv-4848 (E.D. Penn.)

Parties: Samuel James Smith d/b/a Weblio, a/k/a Weblio Squeeze
Robert Williams Shafer d/b/a Shafer MM&I, a/k/a MMI
Charles Joseph Garis, Jr.
Business Revolution Group Inc. d/b/a Joe Gaines

Assigned Attorneys: Connell McNulty (BCP/MP)
Lauren Rivard

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 of a
business opportunity scheme.

Status: Complaint filed 12/8/23.
TRO entered 12/22/23; TRO extended 12/22/23.

Stipulated preliminary injunction against defendants Robert William Shafer, Charles Joseph Garis Jr., and Business Revolution Group Inc. entered 1/30/24.
Preliminary injunction against defendant Samuel J. Smith entered 1/31/24.
Stipulated order for permanent injunction and monetary judgment against defendant Samuel J. Smith entered 5/31/24.
Stipulated order for permanent injunction and monetary judgment against defendant Robert William Shafer entered 8/7/24.
Stipulated order for permanent injunction and monetary judgment against defendants Charles Joseph Garis, Jr. and Business Revolution Group Inc. entered 9/13/24.

FTC v. SOUTHERN GLAZERS WINE & SPIRITS LLC, No. 8:24-cv-2684 (C.D. Cal.)

Parties: Southern Glazers Wine and Spirits LLC

Assigned Attorneys: Christina Brown (BC/ACP)
Dana Abrahamsen
Daniel Blauser
Daniel Chozick
Jordan Klimek
Joseph Conrad
Ross Steinberg
Stephanie Funk
John Jacobs (WRLA)

Alleged Conduct: Deceptive acts and practices in violation of Section 5 of the FTC Act and Section 2 of the Clayton Act in connection with the use of discriminatory pricing practices in the sale of wine and spirits.

Status: Complaint filed 12/12/24.

FTC v. START CONNECTING LLC, No. 8:24-cv-1626 (M.D. Fla.)

Parties: Start Connecting LLC d/b/a United States Student Debt Relief
Start Connecting SAS
Douglas R. Goodman
Doris E. Gallon-Goodman
Juan S. Rojas
Hamlet Garcia Jr. (Would-Be Intervenor)

Assigned Attorneys: Nathan Nash (MWR)
D'Lanry Gielow
Karen Dodge

Taylor Arana

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Telemarketing Sales Rule, and the Gramm-Leach-Bliley Act in connection with the marketing and sale of student loan debt relief services.

Status: Complaint filed 7/9/24.
Ex-parte TRO entered 7/11/24.
Stipulated preliminary injunction as to defendants Start Connecting LLC, Douglas R. Goodman, and Doris Gallon-Goodman entered 9/11/24.
Stipulated preliminary injunction as to defendants Juan S. Rojas and Start Connecting SAS entered 9/19/24.
Motion to intervene by Hamlet Garcia Jr. filed 12/31/24.

FTC v. SUPERIOR SERVICING LLC, No. 2:24-cv-2163 (D. Nev.)

Parties: Superior Servicing LLC
Dennise Merdjanian a/k/a Dennise Correa

Assigned Attorneys: John O’Gorman (SWR)
Luis Gallegos
Reid Tepfer

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Telemarketing Sales Rule, the Gramm-Leach-Bliley Act, and the Impersonation Rule in connection with the operation of a student loan debt relief scheme.

Status: Complaint filed 11/18/24.
TRO entered 11/22/24.
Preliminary injunction hearing held 12/5/24.
Order granting preliminary injunction as to defendant Superior Servicing LLC entered 12/6/24.
Order granting preliminary injunction as to defendant Dennise Merdjanian entered 12/19/24.

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

Parties: Syngenta Crop Protection AG
Syngenta Corporation
Syngenta Crop Protection, LLC
Corteva, Inc.

State of California (Co-Plaintiff)
State of Colorado (Co-Plaintiff)
State of Illinois (Co-Plaintiff)
State of Indiana (Co-Plaintiff)
State of Iowa (Co-Plaintiff)
State of Minnesota (Co-Plaintiff)
State of Nebraska (Co-Plaintiff)
State of Oregon (Co-Plaintiff)
State of Tennessee (Co-Plaintiff)
State of Texas (Co-Plaintiff)
State of Wisconsin (Co-Plaintiff)
State of Washington (Co-Plaintiff)

Assigned Attorneys: Alysson Maltas (BC/Litigation)
Geoffrey Green (BC/ACP)
Joseph Baker
Karna Adams
Wesley Carson
Robert Chen
Elizabeth Gillen
Phillip Kehl
Lauren Patterson
Michael Turner

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

Status: Complaint filed 9/29/22.
Defendants' motions to dismiss filed 12/12/22; plaintiff's response filed 12/23/22.
Amended complaint adding two state plaintiffs filed 12/23/22.
Defendants' motion to dismiss filed 1/13/23; plaintiffs' opposition filed 2/10/23; defendants' replies filed 3/3/23.
Oral argument on defendants' motions to dismiss held 12/1/23.
Order denying defendants' motions to dismiss entered 1/12/24.
Demand for jury trial by Corteva filed 3/15/24; FTC and States' motion to strike jury demand filed 4/5/24; Corteva's opposition to motion to strike and cross-motion for jury trial filed 4/17/24; FTC and States' reply and opposition to cross-motion filed 5/8/24; Corteva's reply filed 5/22/24.

FTC v. U.S. ANESTHESIA PARTNERS, INC., No. 24-20270 (5th Cir.); No. 4:23-cv-3560 (S.D. Tex.)

Parties: U.S. Anesthesia Partners, Inc.
Welsh, Carson, Anderson & Stowe XI, L.P.
WCAS Associates XI, LLC
Welsh, Carson, Anderson & Stowe XII, L.P.
WCAS Associates XII, LLC
WCAS Management Corporation
WCAS Management, L.P.
WCAS Management, LLC

Assigned Attorneys: Bradley Scott Albert (BC/HC)
Dylan Herts
Eric Sprague
Garth Huston
Gary Schorr
Leah Hubinger
Michael Arin
Neal Perlman
Patrick Kennedy
Timothy Grayson
Kara Monahan

Alleged Conduct: Anticompetitive conduct in violation of Section 5(a) of the FTC Act, Section 2 of the Sherman Act, and Section 7 of the Clayton Act in connection with multi-year scheme to consolidate anesthesia practices in Texas.

Status: Complaint filed 9/21/23.
Defendants' motion to dismiss filed 11/20/23; FTC's opposition filed 1/19/24; reply filed 2/26/24.
Order granting motion to dismiss as to defendant Welsh Carson but denying motion to dismiss as to USAP entered 5/13/24.
Notice of appeal by USAP filed 6/12/24.
Motion to stay pending interlocutory appeal by USAP filed 6/13/24.
FTC's motion to dismiss interlocutory appeal for lack of jurisdiction filed 7/19/224;
opposition filed 7/29/24; reply filed 8/5/24.
Appellant's opening brief filed 8/12/24.
Fifth Circuit's order granting motion to dismiss entered 8/15/2024.

FTC v. VISION ONLINE, No. 6:23-cv-1041 (M.D. Fla.)

Parties: Vision Online, Inc.
Ganadores IBR, Inc.
Vision Online Digital

Vision Online English, LLC
Vision Online Latino, LLC
Richard Alvarez
Sara Alvarez
Robert Shemin
Bryce Chamberlain

Assigned Attorneys: Joseph Ronald Brooke, Jr. (BCP/MP)
Virginia Rosa

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, the Business Opportunity Rule, the “Cooling-Off Rule”, and the Consumer Review Fairness Act of 2016 in connection with advertising and selling business trainings and opportunities targeting Spanish-speaking consumers.

Status: Complaint filed 6/5/23.
Ex parte TRO entered 6/7/23.
Preliminary injunctions with respect to all defendants entered 7/18/23 and 8/1/23.
Joint motion to stay proceedings pending Commission approval of settlement with respect to all defendants except Robert Shemin filed 11/3/23; order staying case with respect to the eight settling defendants entered 11/20/23.
Joint application for entry of stipulated orders for permanent injunction and monetary judgment as to the Corporate Defendants, Alvarez Defendants, and Defendant Chamberlain filed 1/17/24.
Order denying joint application denied with request for further briefing on court’s ability to order monetary relief in view of *AMG* entered 3/6/24.
Joint motion for entry of stipulated order for permanent injunction and monetary judgment as to Defendant Chamberlain filed 3/13/24.
Joint motion for entry of stipulated order for permanent injunction and monetary judgment as to the Corporate Defendants and Alvarez Defendants filed 3/13/24.
Final order and judgment for permanent injunction and monetary relief as to the Corporate Defendants, Alvarez Defendants, and Defendant Chamberlain entered 11/18/24.

FTC v. VROOM, INC., No. 4:24-cv-2496 (S.D. Tex.)

Parties: Vroom, Inc.
Vroom, Automotive, LLC

Assigned Attorneys: Luis Gallegos (SWR)

Alleged Conduct: Deceptive acts and practices in violation of Section 5(a) of the FTC Act, MITOR, the Used Car Rule, and the Pre-Sale Availability Rule in connection with misrepresentations and failures to disclose made in the sale of used automotive vehicles.

Status: Complaint filed 7/2/24.
Stipulated order for permanent injunction and monetary relief entered 7/10/24.

FTC v. VYERA PHARMACEUTICALS, LLC, No. 23-1338 (S. Ct.); 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
Matt WeprinBrad Grossman (OGC)

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

Status: Complaint filed 1/27/20.
Amended complaint adding six state plaintiffs filed 4/14/20.
Defendants' motions to dismiss filed 5/22/20; FTC's opposition to defendants' motions to dismiss filed 7/6/20; defendants' replies filed 7/27/20; order denying the motions to dismiss entered 8/18/20.

Commission letter motion for spoliation sanctions against Defendants filed 5/17/21; defendants' responses filed 5/21/21; order imposing sanctions entered 6/1/21.

Order dismissing Commission's prayer for equitable monetary relief entered 6/2/21.

Stipulated order for permanent injunction and equitable monetary relief against Phoenixus AG, Vyera Pharmaceuticals, LLC, and Kevin Mulledy entered 12/7/21.

Trial against Martin Shkreli held 12/10/21 to 12/22/21.

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

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

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

Shkreli's appeal brief filed 12/23/22; FTC and states' appellee brief filed 3/23/23; Shkreli's reply brief filed 4/13/23.

Oral argument heard 12/14/23.

Opinion of Second Circuit affirming district court judgment entered 1/23/24.

Petition for writ of certiorari seeking review of monetary award under state law filed 6/27/24.

Cert petition denied 10/7/24.

FTC v. ZAAPPAAZ, LLC, No. 24-20234 (5th Cir.); 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)
Matthew Hoffman (OGC)
Michael Bergman

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

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

Cross-motions for summary judgment filed 10/26/22; FTC opposition to defendants' motion filed 12/02/22; defendants' opposition to Commission's motion filed 12/27/22; defendants' corrected reply in support of their motion for partial summary judgment filed 1/24/23; FTC reply in support of its motion filed 1/24/23.
Magistrate judge's report and recommendation that FTC's motion for summary judgment be granted in part and denied in part, and that defendants' motion for partial summary judgment be denied, entered 6/9/23; order adopting recommendations entered 8/3/23.
Trial held 12/18/23.
Order for permanent injunction and monetary relief entered 3/28/24.
Notice of appeal filed 5/24/24.
Appellants' brief filed 09/18/24; FTC's brief filed 11/18/24; Appellants' reply brief filed 12/23/24.

CIVIL PENALTY AND ENFORCEMENT CASES*

(A) Consumer Protection

UNITED STATES v. ADOBE, INC., No. 5:24-cv-3630 (N.D. Cal.)

Parties: Adobe, Inc.
Maninder Sawhney
David Wadhvani

Assigned Attorneys: Amber Charles (DOJ/CPB)
Francisco Unger
Wesline Manuepillai (DOJ/CIV)
Zachary Cowan
David DeVito (DOJ/USAO)

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 deceiving consumers by hiding the early termination fee for its most popular subscription plan and making it difficult for consumers to cancel their subscriptions.

Status: Complaint filed 6/17/24.
Complaint re-filed 7/3/24.
Defendants' motion to dismiss filed 10/7/24; order striking motion for

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

failure to comply with standing order entered 10/9/24; corrected motion to dismiss filed 10/9/24; Commission's opposition filed 11/25/24; defendants' reply filed 12/23/24.
Jury trial set for 1/25/27 through 2/5/27.

FTC v. AMAZON.COM INC., No. 2:23-cv-932 (W.D. Wash.)

Parties: Amazon.com Inc.
Neil Lindsay
Russell Grandinetti
Jamil Ghani

Assigned Attorneys: Evan Mendelson (BCP/ENF)
Sana Chaudhry
Jonathan Cohen
Olivia Jerjian
Thomas Nardini
Anthony Saunders
Jonathan Ware
Colin MacDonald (NWR)

Alleged Conduct: Violations of Section 5 of the FTC Act and the Restore Online Shoppers' Confidence Act ("ROSCA") for enrolling consumers in its Amazon Prime service without their consent.

Status: Complaint filed 6/21/23.
Amazon's motion to strike improper complaint allegations filed 7/17/23;
FTC's response filed 7/31/23; reply filed 8/4/23.
Amended complaint filed 9/20/23.
Defendants' motions to dismiss amended complaint filed 10/18/23; FTC's
opposition filed 11/17/23; replies filed 12/8/23.
Order denying defendant's motion to dismiss entered 5/14/24.
Defendant demand for jury trial filed 6/25/24; granted 6/27/24.
Trial scheduled for 9/22/25.

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

Assigned Attorneys: James Nelson (DOJ/CPB)
Zachary Dietert
David Crockett

Michael Blume (DOJ/EDNY)
Michael Shane (FDA)
Robert van Someren Greve (BCP/AP)

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

Status: Complaint filed 3/3/22.
Defendant Sinclair's motions to dismiss filed 6/1/22; United States' opposition filed 6/15/22.
Order granting 60-day stay entered 6/30/22.
Joint status report filed 10/28/22.
United States status report filed 4/7/23; defendants' status report filed 4/10/23.
Order denying Sinclair's motions to dismiss entered 12/7/23.
Answer to complaint filed 2/6/24.
Motion to dismiss defendant's counterclaim filed 4/26/24; response in opposition filed 5/1/24; reply filed 5/7/24.
Default against defendants B4B Earth Tea LLC and B4B Corp. entered 10/11/24.

UNITED STATES v. BYTEDANCE LTD. ET AL, No. 2:24-cv-6535 (C.D. Cal.)

Parties: ByteDance Ltd.
ByteDance Inc.
TikTok Ltd.
TikTok Inc.
TikTok Pte. Ltd.
Tik Tok U.S. Data Security Inc.

Assigned Attorneys: Benjamin Cornfield (DOJ)
Marcus Smith

Alleged Conduct: Collecting, storing, and processing data of children under the age of 13 without parental consent in a manner constituting a violation of COPPA.

Status: Complaint filed 8/2/24.
Answer filed 10/7/24.
Order to show cause as to consolidation with other cases entered 11/14/24; defendant response filed 11/20/24; government response filed 11/21/24.
Order scheduling trial entered 12/10/2024.

Jury trial set for 2/9/27.

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

Parties: Consumer Law Protection, LLC
Consumer Rights Counsel
Premier Reservations Group, LLC
Resort Transfer Group, LLC
Square One Development Group, Inc., dba Square One Group
Square One Group, LLC
Timeshare Help Source
Farmington Allegiance, LLC
Mainline Partners, LLC
The Jake and Avery Irrevocable Trust dated September 11, 2019
The Maggie and Lucy Irrevocable Trust dated September 11, 2019
Christopher Carroll
George Reed
LouAnn Reed
Scott Jackson
Eduardo Balderas
Resort Legal Service, LLC
Square One Corporate Offices, LLC, also dba Resort Legal Services
Kimberly Carroll (as Trustee and Beneficiary of The Jake and Avery Irrevocable Trust)
Timothy McFadden (as Trustee of The Jake and Avery Irrevocable Trust)
Janet Sue Hackworth (as Beneficiary of The Jake and Avery Irrevocable Trust)
State of Wisconsin (co-plaintiff)

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

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

Status: Complaint filed 11/21/22.
Defendants' motions to dismiss filed 1/27/23, 2/08/23, and 2/09/23;
opposition to motions by the United States filed 3/03/23;
Defendants' replies filed 3/16/23 and 3/20/23.
Order denying defendants' motions to dismiss entered 9/25/23.
Order denying defendant's motion to dismiss entered 2/1/24.
Amended complaint filed 4/9/24.

Motion to dismiss amended complaint filed 5/20/24; response in opposition filed 6/3/2024; reply filed 6/12/24.
Order denying defendant's motions to dismiss entered 10/8/24.
Second amended complaint filed 12/18/24.

FTC v. DAVE, INC., No. 2:24-cv-9566 (C.D. Cal.)

Parties: Dave, Inc.
Jason Wilk

Assigned Attorneys: Sean Saper (DOJ/CPB)
Carla Cheung (WRLA)
David Hankin
Daniel Hanks (BCP/FP)
Jason Sanders
Julia Heald

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 of a finance mobile application offering short-term cash advances to consumers.

Status: Complaint filed 11/5/24.
Amended complaint by United States seeking civil penalties filed 12/30/24.

FTC v. DAY PACER LLC, Nos. 24-1273; 24-1289; 23-3310 (7th Cir.); 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: Mark Glassman (BCP/FP)
Patrick Roy
William Joseph Hodor
Mark Hegedus (OGC)

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.
Order reassigning case to Honorable Lindsay C. Jenkins 2/27/23.
Joint status report filed 5/24/23.
Order granting FTC's motions for substitution and summary judgment against defendants entered 9/1/23.
Hearing on injunctive relief and civil penalties held 11/8/23.
Order for permanent injunction against Day Pacer defendants (Day Pacer LLC, Edutrek LLC, Raymond Fitzgerald, and Ian Fitzgerald) entered 11/21/23.
Notice of appeal by Day Pacer defendants filed 11/29/23.
Motion to stay order pending appeal filed 11/29/23; FTC's opposition filed 12/13/23; defendants' reply filed 12/19/23.
Memorandum regarding civil penalties by personal representative of Cumming's estate filed 12/8/23; FTC's opposition filed 12/19/23.
Order staying permanent injunction in part pending appeal entered 1/12/24.
Final judgement and order for civil penalties against all defendants entered 1/23/24.
Notices of appeal by Day Pacer defendants and Cumming Estate filed 2/20/24.
Order consolidating appeals no. 23-3310, 24-1273 and 24-1289 entered 2/26/24.
Appellants' opening briefs filed 5/21/24; Commission's answering brief filed 7/9/24; appellants' reply brief filed 8/9/24.
Oral argument held 10/22/24.

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
LK Commercial Lending LLC
Statewide Commercial Lending LLC
Gayle L Toloff

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.
PI hearing held 6/30/22.
Order denying preliminary injunction, vacating TRO, and converting receivership to monitorship entered 7/18/22.
Motion to dismiss by Defendants VR-Tech MGT, CM Rent, Michael Toloff, and Christopher Toloff filed 7/25/22; FTC opposition filed 8/8/22; Defendants' reply filed 8/22/22.
Order denying Toloff Defendants' motion to dismiss entered 2/13/23.
First amended complaint filed 3/27/23.
Motion to dismiss by Defendant Gerald Thompson filed 4/10/23; FTC opposition filed 5/1/23; Defendant's reply filed 5/8/23.
Order denying Thompson's motion to dismiss entered 11/21/23.
Order granting motion to stay to consider final settlement agreement entered 5/28/2024.
Stipulated order for permanent injunction, monetary judgment, and civil penalty as to defendants VR-Tech Mgt, LLC, Statewide Commercial Lending LLC, Michael Toloff, and Relief Defendant Gayle Toloff entered 8/5/24.
Stipulated order for permanent injunction and monetary judgment as to defendants CM Rent Inc. and Christopher Toloff entered 8/5/24.
Stipulated order for permanent injunction and monetary judgment as to defendant Gerald Thompson entered 8/5/24.
Stipulated order for permanent injunction, monetary judgment, and civil penalty as to defendants Financial Education Services, Inc., United Wealth Services, Inc., VR-Tech, LLC, Youth Financial Literacy

Foundation, LK Commercial Lending LLC, and Parimal Naik entered 8/5/24.

UNITED STATES v. FACEBOOK INC, No. 23-5280 (D.C. Cir.); No. 1:19-cv-2184 (D.D.C.)

Parties: Facebook, Inc.

Assigned Attorneys: Katherine Ho (DOJ)
Patrick Runkle
Zachary Cowan
Jason Lee
Lisa Hsiao
Scott Kennedy

Nature of Action: Action seeking civil penalties, an injunction, and other equitable relief for Facebook's violation of a 2012 order for violated Section 5(a) of the FTC Act.

Status: Complaint filed 7/24/19.
Stipulated order for payment of civil penalty and modification by FTC of 2012 administrative order entered 4/23/20.
Facebook motion to enjoin FTC proceeding to modify 2020 administrative order filed 5/31/23; United States' opposition filed 8/16/23; reply filed 9/13/23.
Oral argument heard 10/17/23.
Order denying motion to enjoin filed 11/27/23.
Notice of appeal filed 11/28/23.
Motion for injunction pending appeal filed 12/12/23; United States' opposition filed 12/28/23; reply filed 1/5/24; motion denied 1/12/24.
Motion for injunction by Facebook in D.C. Circuit filed 1/25/24; response in opposition filed 2/5/24; reply filed 2/12/24; order denying the injunction pending appeal entered 3/12/24.
Facebook's opening brief filed 5/13/24; FTC's answering brief filed 6/12/2024; Facebook's reply brief filed 7/12/24.
Oral argument held 11/5/24.

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

Parties: Gravity Defyer Medical Technology
Alexander Elnekaveh

Assigned Attorneys: Maria Del Monaco (ECR)
Adrienne Jenkins

Dana Barragate
Matthew Scheff

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

Status: Complaint filed 5/25/22.
Defendants' motion to dismiss filed 7/25/22; FTC opposition filed 8/8/22; defendants' reply filed 8/15/22.
Order consolidating FTC enforcement case with defendant's declaratory judgment case, No. 1:22-cv-1157 (lead case), entered 8/2/22.
Defendants' renewed motion to dismiss filed 4/7/23; FTC opposition filed 4/21/23; defendants' reply filed 4/28/23.
Order granting motion to dismiss in part and denying in part entered 3/21/24.
Answer to complaint with jury demand filed 4/2/24.
Order granting motion to extend case deadlines pending settlement entered 10/21/24.

FTC v. GRUBHUB INC., No. 1:24-cv-12923 (N.D. Ill.)

Parties: Grubhub
Grubhub Holdings Inc.
State of Illinois (Co-Plaintiff)

Assigned Attorneys: Lisa Wang Bohl (MWR)
Claire Stewart

Alleged Conduct: Unfair or deceptive acts or practices in violation of the FTC Act and ROSCA for misleading fees, deceptive subscription practices, and false representations made to restaurant partners.

Status: Complaint filed 12/17/24.
Stipulated order for permanent injunction, monetary judgment, and other relief signed on 12/31/24.

UNITED STATES v. LYFT, INC., No. 3:24-cv-7443 (N.D. Cal.)

Parties: Lyft, Inc.

Assigned Attorneys: Pamela Johann (DOJ)
Paulina Angela Stamatelos
Ekta Dharia

Alleged Conduct: Unfair or deceptive acts in violation of the FTC act and prior FTC determinations in connection with false and unsubstantiated hourly earnings claims.

Status: Complaint filed 10/25/24.
Stipulated order for permanent injunction, civil penalty, and other relief entered 11/1/24.

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

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

Assigned Attorneys: Reid Tepfer (SWR)
Jason Moon
Hasan Aijaz
Sarah Zuckerman
Jack O’Gorman
Erica Hilliard
Nicole Conte
Matthew Wilshire
Tammy Chung

Alleged Conduct: Deceptive and unfair acts and practices in violation of Section 5(a) of the FTC Act and Restore Online Shoppers’ Confidence Act in connection with the defendant’s online dating service.

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

Commission's and Match Group's cross-motions for summary judgment filed 9/11/23; oppositions filed 10/16/23; replies filed 11/6/23. Bench trial scheduled for 6/2/25.

UNITED STATES v. STRATICS NETWORKS INC., No. 3:23-cv-313 (S.D. Cal.)

Parties: Stratics Networks, Inc.
Netaltitude, Inc.
Atlas Investment Ventures LLC
Tek Ventures, LLC
ACE Business Solutions LLC
Atlas Marketing Partners, Inc.
Eric Petersen
Todd DiRoberto
Sandra Barnes

Assigned Attorneys: Daniel Petrokas (DOJ/CPB)
Daniel Crane-Hirsch
Zachary Dietert
Rachel Doud
Richard S. Greene IV
Wesline Manuelpillai
Matthew Robinson

Alleged Conduct: Violations of Section 5 of the FTC Act and Section 6 of the Telemarketing and Consumer Fraud and Abuse Prevention Act in relation to use of technology to initiate outbound robocalls to consumers' phones to illegally telemarket various goods and services.

Status: Complaint filed 2/16/23.
Stipulated order for permanent injunction, monetary judgment, and other relief as to defendants Kasm and Kenan Azzeh entered 2/23/23.
Stipulated order for permanent injunction, monetary judgment, and other relief as to defendants Netlatitude and Kurt Hannigan entered 6/16/23.
Motions to dismiss by defendants filed 6/7/23, 6/8/23, and 6/20/23: United States' opposition filed 8/23/23; reply filed 10/11/23.
Hearing on motion to dismiss held 3/5/24.
Order granting motion to dismiss as to Stratics and denying as to Atlas and Ace defendants entered 3/6/24.

UNITED STATES v. TURBO SOLUTIONS INC., 4:24-cv-2451 (S.D. Tex.)

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

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

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

Status: Complaint filed 3/1/22.
Ex parte TRO entered 3/4/22.
Preliminary injunction entered 3/18/22.
Motion to dismiss by defendants filed 5/15/22; United States opposition filed 6/6/22; reply filed 6/16/22.
Order denying motion to dismiss entered 1/3/23.
Government motion for summary judgment filed 8/28/24.

UNITED STATES v. VERKADA INC., No. 3:24-cv-6153 (N.D. Cal.)

Parties: Verkada Inc.

Assigned Attorneys: Ismail Jomo Ramsey (DOJ)
Michelle Lo
Vivian Fu-Ning Wang

Alleged Conduct: Violations of the FTC Act and CAN-SPAM Act for developing security camera without sufficient security measures to prevent the distribution of sensitive material and deceptive and unfair conduct in advertising their products.

Status: Complaint filed 8/30/24.
Stipulated order for permanent injunction, civil penalties, and other injunctive relief entered 9/4/24.

FTC v. WALMART, No. 24-8023 (7th Cir.); No. 1:22-cv-03372 (N.D. Ill.)

Parties: Walmart Inc.

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

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

Status: Complaint filed 6/28/22.
Walmart's motion to dismiss for failure to state a claim filed 8/29/22;
FTC's opposition filed 10/05/22; Walmart's reply filed 10/28/22.
Order granting in part and denying in part Walmart's motion to dismiss entered 3/27/23.
Walmart's motion to certify interlocutory appeal filed 4/12/23; FTC's opposition filed 5/8/23; Walmart's reply filed 5/18/23.
FTC amended complaint filed 6/30/23.
Walmart's second motion to dismiss filed 8/11/23; FTC's opposition filed 9/15/23; Walmart's reply filed 10/9/23.
FTC's notice of supplemental authority filed 12/19/23; Walmart's response filed 12/21/23.
Order granting in part and denying with prejudice in part defendant's motion to dismiss entered 7/3/24.
Defendant motion to certify interlocutory appeal filed 8/1/24; FTC response filed 9/5/24; reply filed 9/19/24.
Order denying FTC motion for reconsideration of 7/3/24 order and granting Walmart's motion to certify interlocutory appeal of 3/27/23 and 7/3/24 orders entered 10/18/24.
7th Circuit order granting Walmart's petition for interlocutory appeal entered 11/18/24.

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

Parties: Xlear, Inc.
Nathan Jones

Assigned Attorneys: Noah Katzen (DOJ/CPB)
Alison Crovetto
Amanda Kelly
Daniel Petrokas
Stephen Tosini
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.
Defendants' motion for judgment on the pleadings filed 9/30/24; United States' opposition filed 11/12/24; defendants' reply filed 12/13/24.

(B) Competition

UNITED STATES v. COHEN, No.1:24-cv-2670 (D.D.C.)

Parties: Ryan Cohen

Assigned Attorneys: Kenneth Libby (BC)

Alleged Conduct: Violations of the HSR Act by exceeding the threshold mandating an HSR filing without making the required disclosures in purchasing voting securities of a bank.

Status: Complaint filed 9/18/24.
Stipulation to judgment and order entered 10/10/24.
Unopposed motion for entry of final judgment filed 12/4/24.

FTC v. SEVEN & I HOLDINGS, No. 1:23-cv-03600 (D.D.C.)

Parties: Seven & I Holdings, Co. Ltd.
7-Eleven, Inc.

Assigned Attorneys: Laura Hall (BC/Office of the Director)
Angelike Mina (BC/Compliance)
Christine Tasso
Eric Rohlek
Sebastian Lorigo
Maribeth Petrizzi

Alleged Conduct: Violation of a Commission order in connection with acquisition of a retail fuel outlet without required prior notice to the Commission.

Status: Complaint filed 12/4/23.
7-Eleven's motion to dismiss filed 2/5/24; FTC's opposition filed 3/06/24;
7-Eleven's reply filed 3/20/24; oral argument held 4/17/24.

SUBPOENA AND CID ENFORCEMENT PROCEEDINGS

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

Parties: Match Group, Inc.

Assigned Attorneys: Sarah Choi (BCP/DPIP)
Alejandro Rosenberg
Michele Arington (OGC)

Alleged Conduct: Petition to enforce a CID.

Status: Petition filed 5/26/22.
Match emergency motion to temporarily seal record filed 6/2/22; FTC opposition filed 6/7/22.
Emergency motion to temporarily seal record denied and show cause order entered 6/8/22.
Match primary motion to seal filed 6/21/22; FTC opposition filed 7/5/22; Match reply filed 7/12/22.
Match opposition to petition filed 7/8/22; FTC reply filed 7/18/22.
Match motion for limited discovery regarding FTC's abuse of process and to supplement the record filed on 7/20/22; FTC opposition filed 8/3/22; Match reply filed 8/22/22.
Order denying Match's motions to seal and motion for limited discovery entered 5/1/23.
Order for Match to submit to the Court for in camera review the disputed documents in dispute entered 11/28/23.
Magistrate's report and recommendation ordering Match to produce 42 of the 64 documents remaining in dispute entered 3/11/24.
Match objections to report and recommendation filed 3/25/24, FTC's response to objections filed 4/9/24; Match reply filed 4/16/24.

FTC v. MGM RESORTS INTERNATIONAL, No. 2:24-cv-1112 (D. Nev.)

Parties: MGM Resorts International

Assigned Attorneys: David Hankin (WRLA)

Alleged Conduct: Petition to enforce a CID.

Status: Petition and motion for order to show cause filed 6/17/24.

MGM's cross-motion to dismiss, transfer, or stay petition and opposition to motion for order to show cause filed 6/26/24.
Order denying without prejudice FTC petition to enforce the CID and staying proceeding entered 12/13/24.

SUITS TO ENJOIN FTC ACTION AND OTHER DEFENSIVE LITIGATION

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

Parties: Fermin Aldabe
Assigned Attorneys: Kimberly Phillips (AUSA)
Mariel Goetz (OGC)

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

Status: Complaint filed 3/30/21.
Motion to substitute United States for FTC Defendants filed 5/3/21;
Plaintiff's cross motion to stay motion to substitute filed 5/24/21;
United States' reply filed 6/7/21.
Order granting motion to substitute United States entered 3/30/22.
Motion to dismiss by United States filed 4/19/22.
Order granting United States' motion to dismiss entered 11/3/22.
Notice of appeal filed 12/2/22.
Appellant's informal opening brief filed 12/30/23; United States' informal response brief filed 1/9/23; informal reply brief filed 1/18/23.
Per curiam opinion affirming in part, vacating in part, and remanding entered 5/2/24.
Appellant's petition for rehearing filed 6/13/24.
Order denying petition for rehearing entered 7/1/24.

AMERICA FIRST LEGAL FOUNDATION v. FTC, No. 1:23-CV-2765 (D.D.C)

Parties: Americans First Legal Foundation

Assigned Attorneys: John Bardo (AUSA)
Michele Arington (OGC)
Imad Abyad

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

Status: Complaint filed 12/8/21.
FTC motion for partial dismissal filed 11/29/23; AFLF opposition filed 1/10/24; FTC reply filed 1/24/24.
Order granting FTC motion for partial dismissal entered 8/25/24.
Order directing parties to meet and file a joint report and proposed schedule for further proceedings entered 9/9/24.
Joint status reports filed 10/10/24, 11/12/24, and 12/12/24.

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

Parties: Americans for Prosperity Foundation

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

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

Status: Complaint filed 12/8/21.
FTC answer filed 2/9/22.
Order directing parties to file a joint status report and proposed schedule for proceeding entered 2/10/22.
Joint status report with proposed schedule filed and order adopting schedule entered 3/10/22.
Joint status reports filed 5/9/22, 7/8/22, 9/6/22, 11/7/22, 1/6/23, 3/3/23, 4/7/23, 6/6/23, 8/7/23, 10/6/23, 1/9/24, 3/8/24, 5/7/24, 7/8/24, 9/6/24, and 11/5/24.

ASBURY AUTOMOTIVE GROUP INC. ET AL v. FTC, No. 4:24-cv-950 (N.D. Tex.)

Parties: Asbury Automotive Group
McDavid Irving-Hon
McDavid Frisco-Hon
Asbury Ft. Worth Ford
Ali Benli

Assigned Attorneys: Issac Belfer (DOJ)
Zachary Cowan
Matthew Hoffman (OGC)

Nature of Action: Action to enjoin administrative proceedings alleging constitutional violations in the Commission's administrative practices.

Status: Complaint filed 10/4/24.

Emergency motion for injunction and stay of FTC administrative proceeding filed 10/14/24; FTC's response filed 11/12/24; reply filed 12/10/2024.

FTC motion to dismiss for failure to state a claim filed 11/12/24; response filed 12/10/2024; reply filed 12/24/24.

ATS TREE SERVICES LLC v. FTC, No. 2:24-cv-1743 (E.D. Pa.)

Parties: ATS Tree Services, LLC

Assigned Attorneys: Rachael Westmoreland (DOJ/Fed Programs)
Arjun Mody
Taisa Goodnature
Mariel Goetz (OGC)
Ben Aiken

Nature of Action: Action seeking declaratory judgment and permanent injunction holding the Commission's noncompete rule unlawful.

Status: Complaint filed 4/25/24.
Plaintiff's motion for preliminary injunction and stay of effective date of rule filed 5/14/24; FTC opposition filed 6/4/24; plaintiff's reply filed 6/25/24.
Hearing on preliminary injunction held 7/10/24.
Order denying motion for preliminary injunction and stay of effective date of rule entered 7/23/24.
Motion to stay by plaintiff filed 9/6/24; FTC's reply filed 9/11/24; reply filed 9/12/24.
Order denying plaintiff's motion to stay entered 9/13/24.
Notice of voluntary by plaintiff filed 10/4/24.

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

Parties: Bloomberg L.P.

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

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

Status: Complaint filed 10/28/22.
FTC Answer filed 12/7/22.
Joint status report proposing briefing schedule filed 12/20/22.
FTC's motion for summary judgment filed 3/8/23; Bloomberg's opposition and cross-motion for summary judgment filed 5/12/23;

Commission's response/reply filed 9/5/2023; Bloomberg's reply filed 9/29/23.

Opinion and order granting in part and denying in part FTC's motion for summary judgment, and granting in part and denying in part Bloomberg's cross-motion for summary judgment, entered 1/16/24.

Stipulation of dismissal entered 8/30/24.

BROOKS v. BANK OF NEW YORK MELLON TRUST, et al., No. 24-3137 (10th Cir.); No. 2:24-cv-2188 (D. Kan.)

Parties: James L. Brooks

Assigned Attorneys: Duston J. Slinkard (AUSA)
Michele Arington (OGC)

Nature of Action: Pro se complaint alleging a conspiracy involving some kind of bank fraud.

Status: Complaint filed 5/2/24.
Motion to dismiss by federal defendants filed 7/23/24; plaintiff's response filed 7/9/24; reply filed 7/16/24.
Order granting motion to dismiss entered 8/14/24.
Notice of appeal filed 9/10/24.
Appellant's brief filed 10/15/24; federal appellees' brief filed 11/14/24; appellant's reply brief filed 12/30/24.

BUY BELIZE, LLC v. UNITED STATES, No. 1:23-cv-1025 (Fed Cl.); No. 23-1742 (4th Cir.)

Parties: Buy Belize, LLC
Buy International, Inc.
Eco-Development Futures, Inc.
Eco-Futures, Belize, Ltd.
Foundation Development Management, Inc.
Global Property Alliance, Inc.
Power Haus Marketing
Sanctuary Belize Property Owners' Association
Sittee River Wildlife Reserve
The Estate of John Pukke
Andris Pukke
Peter Baker
John Usher

Assigned Attorneys: John Jacob Todor (DOJ)
Eric Evan Laufgraben

Brad Grossman (OGC)
Ben Aiken
Matt Hoffman

Nature of Action: Action alleging that the monetary judgment against the Buy Belize Entities in the FTC enforcement action *In re Sanctuary Belize Litigation* is an illegal extraction and seeking financial compensation.

Status: Complaint filed 7/3/23.
Appeal of Andris Pukke, Peter Baker, and John Usher filed 7/14/2023.
United States' motion to dismiss for lack of jurisdiction and failure to state a claim filed 9/29/23; Buy Belize Entities' opposition filed 10/27/23; reply filed 11/13/23.
Opening brief of the defendants filed 9/26/2024; response brief of FTC in Pukke appeal filed 11/17/2024; reply brief filed 11/22/2023.
Oral argument held 10/31/24.
Opinion affirming district court judgment entered 12/12/24.

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

Parties: Chamber of Commerce of the United States of America

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

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

Status: Complaint filed 7/14/22.
FTC Answer filed 9/21/22.
Joint status reports filed 10/6/22, 12/7/22, 4/14/23, 6/15/23, 8/15/23, 12/15/23, and 1/12/24.
FTC's motion for summary judgment filed 4/19/24.
Chamber's unopposed motion to stay the briefing schedule for purposes of discussing settlement filed 5/22/24; motion granted 5/23/24.
Joint status report filed 6/24/24 and 8/22/24.
Case voluntarily dismissed 10/3/24.

CHURCHILL DOWNS INC. ET AL v. HORSERACING INTEGRITY AND SAFETY AUTHORITY, INC ET AL, No. 3:24-cv-706 (W.D. Ky.)

Parties: Churchill Downs Incorporated
The New York Racing Association, Inc.

Assigned Attorneys: Ben Aiken (OGC)

Nature of Action: Action seeking to declare HISA unconstitutional.

Status: Complaint filed 12/4/2024.

EXPRESS SCRIPTS INC. v. FTC, No. 4:24-cv-1263 (E.D. Mo.) (*Express Scripts I*)

Parties: Express Scripts Inc.

Assigned Attorneys: Alexander Resar (DOJ)

Nature of Action: Action alleging constitutional due process violations and bias in connections with Commission's 6(b) study of PBMs.

Status: Complaint filed 9/17/224.
FTC motion to dismiss filed 12/16/24.

EXPRESS SCRIPTS INC. ET AL v. FTC, No. 2:24-cv-1549 (E.D. Mo.) (*Express Scripts II*)

Parties: Express Scripts
Evernorth Health
Ascent Health Services
Medco Health Services
Caremark RX
Zinc Health Services
OptumRx
Optum Rx Holdings
Emisar Pharma Services

Assigned Attorneys: Alexander Resar (DOJ)
Christian Daniel

Nature of Action: Action seeking to enjoin a Part 3 proceeding alleging constitutional violations in the Commission's administrative proceedings.

Status: Complaint and motion for preliminary injunction filed 11/19/24.
FTC's opposition to preliminary injunction filed 12/19/24.

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 regarding oil and gas under the Freedom of Information Act.

Status: Complaint filed 6/7/22.
FTC Answer filed 8/21/22.
Joint status reports filed 9/6/22, 10/13/22, 1/17/23, 4/14/23, 6/2/23, 7/11/23, 7/31/23, 8/31/23, 11/13/23, 12/21/23, 2/1/24, 4/1/24, and 4/24/24, 8/15/24, 9/18/24, 10/17/24, and 11/22/24.

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

Parties: Functional Government Initiative

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

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

Status: Complaint filed 10/26/22.
FTC answer filed 1/6/23.
Joint status reports filed 2/24/23, 3/24/23, 4/24/23, 5/23/23, 6/23/23, 8/22/23, 10/23/23, 12/18/23, 2/16/24, 4/16/24, 6/17/24, 8/16/24, 10/15/24, and 12/16/24.

FUNCTIONAL GOVERNMENT INITIATIVE v. FTC, No. 1:23-cv-403 (D.D.C.)

Parties: Functional Government Initiative

Assigned Attorneys: Benton Peterson (AUSA)
Michele Arington (OGC)

Nature of Action: Action seeking records regarding meat and poultry under the Freedom of Information Act.

Status: Complaint filed 2/13/23.
FTC answer filed 5/3/23.
Joint status reports filed 5/17/23, 6/03/23, 8/10/26, 9/25/23, 11/28/23, 2/2/24, 4/2/24, 8/6/24, 9/9/24, 11/7/24, and 12/10/24

FUNCTIONAL GOVERNMENT INITIATIVE v. FTC, No. 1:24-cv-3022 (D.D.C.)

Parties: Functional Government Initiative

Assigned Attorneys: Christina O'Tousa (DOJ)
Michele Arington (OGC)

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

Status: Complaint filed 10/23/24.

HRNCIR v. FTC, No. 4:24-cv-692 (E.D. Tex.)

Parties: Anthony Hrncir

Assigned Attorneys: J. Kevin McClendon (AUSA)
Michele Arington (OGC)

Nature of Action: Pro se complaint seeking to compel response by federal and state agencies with respect to alleged unauthorized use of plaintiff's intellectual property.

Status: Complaint filed 8/1/24.

KELLY v. HORSERACING INTEGRITY & SAFETY AUTHORITY, INC., No. 4:24-cv-264
(S.D. Iowa)

Parties: Joseph Kelly
Douglas Anderson

Assigned Attorneys: Rachel Sherle (AUSA)
Alexander Sverdlov (DOJ)
Stephen Ehrlich

Nature of Action: Action seeking to declare the delegation of horseracing regulation to a private entity unconstitutional.

Status: Complaint filed 7/29/24.
FTC answer filed 11/18/24.

KROGER v. FTC, No. 1:24-cv-438 (S.D. Ohio)

Parties: The Kroger Co.

Assigned Attorneys: Cassandra Snyder (DOJ)

Nature of Action: Action seeking to find FTC administrative proceedings unconstitutional due to for-cause removal protections of ALJs and the private rights doctrine.

Status: Complaint and motion for preliminary injunction filed 8/19/24;
FTC opposition to preliminary injunction filed 9/16/24; reply filed 9/23/24.
FTC motion to transfer or stay filed 9/16/24; response filed 9/20/24; reply filed 9/25/24.
Hearing on motion to transfer held 10/28/24.

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

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

Assigned Attorneys: Alexander Sverdlov (DOJ)
Mariel Goetz (OGC)

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

Status: Complaint filed 6/30/22.
Motion for preliminary injunction filed 6/29/22; FTC's opposition filed 7/15/22; Reply filed 7/22/22; order granting motion for preliminary injunction entered 7/26/22.
Notice of appeal filed by the Commission filed 7/30/22.

FTC's motion for stay pending appeal in 5th Circuit filed 8/1/22; opposition filed 8/3/22; FTC reply filed 8/4/22; order granting stay in part and denying in part entered 8/8/22.
FTC's opening brief filed 8/15/22; Appellees' brief filed 8/19/22; FTC's reply brief filed 8/23/22.
Oral argument held 8/30/22.
Opinion remanding to the district court for further proceedings in light of decision in *National Horsemen's Benevolent and Protective Association v. Black*, No. 22-10387, lifting temporary stay, entered 11/18/22.
Commission's petition for panel rehearing filed 1/3/23; denied 1/31/23.
Amended complaint and motion for TRO filed 2/6/2023.
Motion to strike complaint filed 3/6/2023; reply filed 4/3/23.
Memorandum in support of TRO filed 7/28/23.
Magistrate judge's report and recommendation that amended complaint be stricken and case be stayed pending outcome of appeal in *National Horsemen's Benevolent and Protective Association v. Black* entered 9/13/23.
Order adopting recommendation and staying case entered 9/14/23.

META PLATFORMS v. FTC, No. 24-5054 (D.C. Cir.); No.1:23-cv-3562 (D.D.C.)

Parties: Meta Platforms

Assigned Attorneys: Cynthia Liao (DOJ/Fed Programs)
Mariel Goetz (OGC)
Jesselyn Friley
Bradley Grossman

Nature of Action: Action seeking injunctive and declaratory relief against the enforcement of an agency order based on a variety of constitutional claims.

Status: Complaint and motion for preliminary injunction filed 11/29/23.
Commission's motion to dismiss and opposition to motion for preliminary injunction filed 12/13/23; Meta's opposition to motion to dismiss and reply in support of motion for preliminary injunction filed 12/27/23; FTC reply filed 1/18/24; surreply by Meta filed 1/25/24.
Hearing held 3/1/24.
Order denying preliminary injunction and motion to dismiss pending Supreme Court's decision in *SEC v. Jarkesy* entered 3/14/24.
Meta's notice of appeal of denial of preliminary injunction filed 3/15/24.
Emergency motion for preliminary injunction by Meta filed 3/18/24; FTC's opposition filed 3/21/2024; reply filed 3/22/24.
Per curium order denying emergency motion entered 3/29/24.
District court case stayed pending decision in *Jarkesy* 4/16/24.

Unopposed motion to hold appeal in abeyance pending decision in *Jarkesy* filed 4/29/24; motion granted 4/30/24.

Stay terminated 11/7/24.

FTC motion to dismiss filed 8/14/24; Meta's opposition filed on 9/13/24; FTC reply filed 9/24/24.

MGM RESORTS INTERNATIONAL v. FTC, No. 1:24-cv-1066 (D.D.C.)

Parties: MGM Resorts International

Assigned Attorneys: Brenda Gonzalez Horowitz (DOJ/USAO)
Imad Abyad (OGC)

Nature of Action: Action seeking injunctive and declaratory relief against the enforcement of an agency CID based on a variety of constitutional claims.

Status: Complaint for declaratory and injunctive relief filed 4/15/24.
Commission's motion to dismiss filed 6/24/24; plaintiff's opposition filed 8/7/24; Commission's reply filed 9/6/24.

NATIONAL HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION et al v. BLACK, Nos. 23-10520, 23-10522, 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
Mariel Goetz (OGC)
Ben Aiken

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

Status: Complaint filed 3/15/21.
Amended complaint filed 4/2/21.
Commission's motion to dismiss filed 4/30/21; plaintiffs' opposition filed 5/28/21; Commission's reply filed 6/18/21.
Oral argument held 2/16/22.
Memorandum opinion dismissing plaintiffs' claims entered 3/31/22.
Notices of appeal filed by plaintiffs and intervenors filed 4/19/22 and 4/20/22.
Plaintiff-Appellants' and Intervenor-Appellants' briefs filed 6/28/22; Commission's brief filed 7/27/22; Appellants' reply filed 8/17/22.
Oral argument heard 8/30/22.
Opinion reversing district court judgment and remanding, ruling that HISA is facially unconstitutional under the private non-delegation doctrine, entered 11/18/22.
FTC's petition for panel rehearing filed 1/03/23; denied 1/31/23.
FTC's opposition to Gulf Coast Racing plaintiffs' motion for summary judgment and cross-motion for summary judgment (from consolidated case 5:23-cv-077) filed 3/6/23.
Plaintiffs' motion for injunction filed 3/8/23; plaintiffs' emergency motion for preliminary injunction filed 3/27/23; FTC's opposition filed 3/29/23; reply filed 3/30/23; order granting in part emergency motion for preliminary injunction entered 3/32/23.
Order consolidating case 5:23-cv-77 with lead case 5:21-cv-00071 entered 4/11/23.
Amended complaint and motion for preliminary injunction by Gulf Coast Racing plaintiffs filed 4/12/23.
Second amended complaint filed 4/14/23.
Opinion and order dismissing amended complaint entered 5/11/23.
Plaintiffs' motion for injunction pending appeal filed 5/5/23; FTC's opposition filed 5/11/23; reply filed 5/12/23; denied 5/11/23.
Notices of appeal filed 5/17/23 and 5/18/23.
Appellants' opening briefs filed 7/5/23; Commission's brief filed 8/4/23; appellant's reply brief filed 8/25/23.
Oral argument held 10/4/23.
Opinion affirming district court decision in part and reversing in part entered 7/5/24.
Petition for a writ of certiorari filed 10/2/24; opposing brief filed 11/21/24; reply filed 12/2/24.

PEREZ v. HORSERACING INTEGRITY AND SAFETY AUTHORITY INC., No. 2:24-cv-6297 (S.D.N.Y.)

Parties: Luis Jorge Perez

Assigned Attorneys: Ben Aiken (OGC)

Nature of Action: Action seeks to appeal sanctions under HISA Rules for possessing a banned substance at a racetrack.

Status: Complaint filed 9/12/24.

PROPERTIES OF THE VILLAGES v. FTC, No. 24-13102 (11th Cir.); No. 5:24-cv-316 (M.D. Fla.)

Parties: Properties of the Villages, Inc.

Assigned Attorneys: Ben Aiken (OGC)
Arjun Mody (DOJ)
Taisa Goodnature
Sean Janda
Urja Mittal
Michael Raab

Nature of Action: Action seeking declaratory judgment and permanent injunction holding the Commission's noncompete rule unlawful.

Status: Complaint filed 6/21/24.
Motion for preliminary injunction filed 7/2/24; FTC opposition filed 7/31/24; reply filed 8/15/24.
Hearing on PI motion held 8/15/24.
Preliminary injunction granted 8/15/24.
Notice of appeal filed 9/24/24.
FTC opening brief filed 11/4/24.

RYAN, LLC v. FTC, No. 24-10951 (5th Cir.); No. 3:24-cv-986 (N.D. Tex.)

Parties: Ryan LLC
Chamber of Commerce (Intervenor Plaintiff)
Business Roundtable (Intervenor Plaintiff)
Texas Association of Business (Intervenor Plaintiff)
Longview Chamber of Commerce (Intervenor Plaintiff)

Assigned Attorneys: Rachael Westmoreland (DOJ)
Arjun Mody (DOJ/Fed Programs)
Madeline McMahon (DOJ/CIV)
Taisa Goodnature
Ben Aiken (OGC)

Nature of Action: Action seeking declaratory judgment and permanent injunction holding the Commission's noncompete rule unlawful.

Status: Complaint filed 4/23/24.
Plaintiff's motion to stay effective date and for preliminary injunction filed 5/1/24; FTC response filed 5/29/24; plaintiff's reply filed 6/12/24.
Plaintiff's emergency motion to expedite briefing regarding motion for stay and PI filed 5/1/24; FTC response filed 5/2/24; plaintiff's reply filed 5/2/24; motion denied 5/7/24.
Intervenor complaint by Chamber of Commerce et al. for declaratory and injunctive relief filed 5/9/24.
Chamber's motion to stay effective date of rule and for preliminary injunction filed 5/10/24.
Preliminary injunction enjoining enforcement of the rule against the plaintiffs entered 7/3/24.
Motion for reconsideration on the scope of relief filed 7/10/24; response filed 7/11/2024.; order denying the motion for reconsideration entered 7/11/24.
Plaintiff's motion for summary judgment filed 7/19/24; FTC's motion for summary judgement filed 8/2/24; FTC response filed 8/2/24; plaintiff's response filed 8/9/24; reply filed 8/16/24.
Order granting plaintiff's motion for summary judgment granted and denying FTC's cross-motion for summary judgment entered 8/20/24.
Notice of appeal filed 10/18/24.

SERPE v. FTC ET AL, No. 24-cv-61939 (S.D. Fla.)

Parties: Phillip Serpe

Assigned Attorneys: Stephen Ehrlich (DOJ)

Nature of Action: Action seeking to declare the HISA rules as an unconstitutional delegation of authority and impermissible under the 7th Amendment.

Status: Complaint filed 10/17/24.
Motion for preliminary injunction filed 10/23/24.

SPALDING v. FTC, No. 1:23-cv-3873 (D.D.C.)

Parties: David L. Spalding

Assigned Attorneys: Thomas Duffy (AUSA)
Michele Arington (OGC)

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

Status: Complaint filed 12/26/23.

TEMPUR SEALY INT'L, INC. ET AL v. FTC, No.4:24-cv-3764 (S.D. Tex.)

Parties: Tempur Sealy International
Mattress Firm Group

Assigned Attorneys: Rachel Westmoreland (DOJ)
Daniel Hu

Nature of Action: Action seeking to enjoin the FTC from challenging a merger via administrative proceedings.

Status: Complaint filed 10/4/24.
Motion for preliminary injunction filed 11/5/24.; opposition filed 12/13/24.

WALMSLEY et al v. FTC et al, No 23-2687 (8th Cir.); No. 3:23-cv-81 (E.D. Ark.)

Parties: Bill Walmsley
Jon Moss
Iowa Horsemen's Benevolent and Protective Association

Assigned Attorneys: Alexander Sverdlov (DOJ-CIV)
Joshua Newton
Stephen Ehrlich

Nature of Action: Action seeking injunctive and declaratory relief against the FTC and the Commission claiming 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 4/6/23.
Plaintiffs' motion for preliminary injunction filed 4/11/23; FTC opposition filed 5/15/23; Plaintiffs' reply filed 5/23/23.

Order denying plaintiffs' motion for preliminary injunction entered 7/11/23.
Notice of appeal filed 7/21/23.
Appellant's brief filed 10/11/23; Commission's response brief filed 12/13/23; reply brief filed 1/19/24.
Oral argument held 6/12/24.
Opinion affirming the decision below entered 9/20/24.
Petition for writ of certiorari filed 10/10/24; brief of federal respondents entered 11/6/24; reply filed 11/19/24.

WONG v. FTC, No. 6:24-cv-1410 (W.D. La.)

Parties: Jonathan Wong

Assigned Attorneys: Alexander Sverdlov
Stephen Ehrlich

Nature of Action: Action challenging the enforcement of HISA rules as unconstitutional via improper delegation of legislative authority and a violation of due process.

Status: Complaint filed 10/15/24.
Motion for preliminary injunction filed 10/16/24; response in opposition filed 11/22/24; reply filed 12/9/24.
Motion to dismiss or hold in abeyance filed 11/22/24; response filed 12/16/24; reply filed 12/23/24.

AMICUS CURIAE BRIEFS OR PARTIAL INTERVENTIONS

CFPB v. TOWNSTONE FINANCIAL INC., No. 23-1654 (7th Cir.)

Assigned Attorneys: James Doty (BCP/DFP)
Mariel Goetz (OGC)

Nature of Action: Private action challenging a district court ruling that invalidated an anti-discrimination rule in the Equal Credit Opportunity Act (ECOA).

Status: Brief for the FTC as amicus curiae filed 6/21/23.
Oral argument heard 12/8/23.
Opinion and order reversing and remanding the decision below entered 7/11/24.

CORNISH-ADEBIYI v. CAESARS ENTERTAINMENT, No. 1:23-cv-2536 (D.N.J.)

Assigned Attorneys: Kenneth H. Merber (BC/AP-II)

Nature of Action: Action involving alleged price fixing through use of algorithms by competitors in the hotel lodging industry.

Status: Joint statement of interest of FTC and DOJ filed 3/28/24.
Order granting defendant's motion to dismiss entered 9/30/24.

COSTAR GROUP v. CREXI, No. 23-55662 (9th Cir.)

Assigned Attorneys: Mariel Goetz (OGC)

Nature of Action: Action involving antitrust counterclaims against commercial real estate information firm, CoStar.

Status: Amicus brief of the FTC in support of CREXI filed 1/26/24.
Oral argument heard 10/9/2024.

DUFFY v. YARDI, No. 2:23-cv-1391 (W.D. Wash.)

Assigned Attorneys: Mariel Goetz (OGC)

Nature of Action: Action involving alleged price fixing through use of an algorithm by competitors in the residential housing market.

Status: Joint statement of interest of FTC and DOJ filed 3/1/24.
Order denying defendant's motion to dismiss entered 12/4/24.

EPIC GAMES, INC. v. GOOGLE LLC ET AL, No. 24-6256 (9th Cir.); No. 3:20-5671 (N.D. Cal.)

Assigned Attorneys: Mariel Goetz (OGC)
Kelly Ortiz (BC)

Nature of Action: Action alleging the acquisition and/or maintenance of monopolies in the market for Android apps and seeking injunctive remedies to address this conduct.

Status: Amicus brief of the FTC filed 8/12/24.
Order and permanent injunction entered 10/7/24.
Brief of the United States and the FTC as Amici Curiae in Support of Plaintiff-Appellee filed 10/26/24.

GLOVER AND BOOZE v. OCWEN LOAN SERVICING, No. 23-12579 (11th Cir.)

Assigned Attorneys: Mariel Goetz (OGC)

Nature of Action: Action involving the Fair Debt Collection Practices Act's application to debt collectors collecting pay-to-pay fees.

Status: Brief of CFPB and FTC as amici curiae in support of plaintiffs-appellees filed 2/27/24.
Oral argument held 11/22/24.

NELSON v. EXPERIAN, No. 24-10147 (11th Cir.)

Assigned Attorneys: Mariel Goetz (OGC)

Nature of Action: Action concerning the Fair Credit Reporting Act's requirement that credit reporting agencies conduct a reasonable reinvestigation in response to a consumer's dispute regarding information contained in the consumer's file.

Status: Brief of CFPB and FTC as amici curiae in support of plaintiff-appellant filed 3/29/24.

NETCHOICE, LLC v. ROB BONTA, No. 23-2969 (9th Cir.)

Assigned Attorneys: Alvaro M. Bedoya (Commissioner)

Nature of Action: Action challenging California's Age Appropriate Design Code Act.

Status: Brief of FTC Commissioner Alvaro Bedoya in support of defendant-appellant filed 12/20/23.
Opinion affirming the district court's injunction entered 8/16/24.

RITZ v. NISSAN-INFINITI, No. 23-2181 (3d Cir.)

Assigned Attorneys: Mariel Goetz (OGC)

Nature of Action: Action involving the Fair Credit Reporting Act's requirement that entities furnishing information to credit reporting agencies conduct an investigation with respect to disputed information.

Status: Brief of the CFPB and FTC as amici curiae in support of plaintiff-appellant filed 2/7/24.

ROBERTS v. CARTER-YOUNG, INC., No. 23-1911 (4th Cir.)

Assigned Attorneys: Mariel Goetz (OGC)
Matthew Hoffman

Nature of Action: Private action concerning the requirements of a furnisher regarding disputed credit information under the Fair Credit Reporting Act.

Status: Brief of the CFPB and FTC as amici curiae in support of plaintiff-appellant filed 12/8/23.
Oral argument heard 9/25/24.

SHANAHAN v. IXL LEARNING, INC., No. 3:24-cv-2724 (N.D. Cal.)

Assigned Attorneys: James Erickson Evans (BCP)
Roberto Anguizola

Nature of Action: Private action seeking to enforce the provisions against COPPA against an education services provider.

Status: Amicus brief filed 8/19/24.

SULUKI V. CREDIT ONE BANK, No. 23-721 (2d Cir.)

Assigned Attorneys: Bradley Grossman (OGC)

Nature of Action: Private action concerning the duty of furnishers under the Fair Credit Reporting Act to dispute information on their credit reports.

Status: Brief of CFPB and FTC and amici curiae in support of plaintiff-appellant filed 10/2/2023.
Oral argument heard, with CFPB participating as amicus, on 6/26/24.

TERADATA v. SAP, No. 22-1286 (Fed. Cir.), No. 23-16065 (9th 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.
Oral argument held 6/8/23.
Order transferring appeal to 9th Cir. entered 8/1/23.
9th Cir. order granting parties' joint request to adopt Fed. Cir. briefing and DOJ/FTC amicus brief entered 9/14/23.
Oral argument heard 2/12/24.
Opinion reversing and remanding the decision below entered 12/19/24.

TEVA v. AMNEAL, No. 24-1936 (Fed. Cir.); No. 2:23-cv-20964 (D.N.J.)

Assigned Attorneys: Matthew Hoffman (OGC)
Anupama Sawkar
Bradley Vettraino (OPP)
Ian Barlow
Rahul Rao
Matthew Frank
Clarke Edwards
Jordan Klimek

Nature of Action: Private action challenging the orange book listing of patents related to an inhaler product.

Status: Brief of the FTC as amicus curiae in support of defendant Amneal filed 3/22/24.
Order for stay pending resolution in the Federal Circuit entered 6/16/24.
Amicus brief for the FTC in support of appellees and supporting affirmance entered 9/6/24.
Administrative stay of district court's order entered 12/23/24.

UNITED HEALTHCARE SERVICES, INC v. GILEAD SCIENCES, INC ET AL, No. 24-1639 (9th Cir.)

Assigned Attorneys: Mark Hegedus (OGC)

Nature of Action: Private action alleging an unlawful reverse-payment scheme.

Status: Amicus brief for the FTC in support of neither party filed 9/24/24.