

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

05-2044

CIV-MORENO

PLAINTIFF,

MAGISTRATE JUDGE  
GARBER

v.

GOLD LEAF DISTRIBUTION, CO., a  
Florida corporation,

LUZ AMPORO UGARTE, A/K/A  
LUZ UGARTE, individually and as an  
officer of the corporation, and

FILED by \_\_\_\_\_ D.C.  
INTAKE  
FEB 14 2005

[REDACTED]

of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the FTC's Trade Regulation Rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" ("Franchise Rule" or "Rule"), 16 C.F.R. Part 436.

JURISDICTION AND VENUE

[REDACTED]

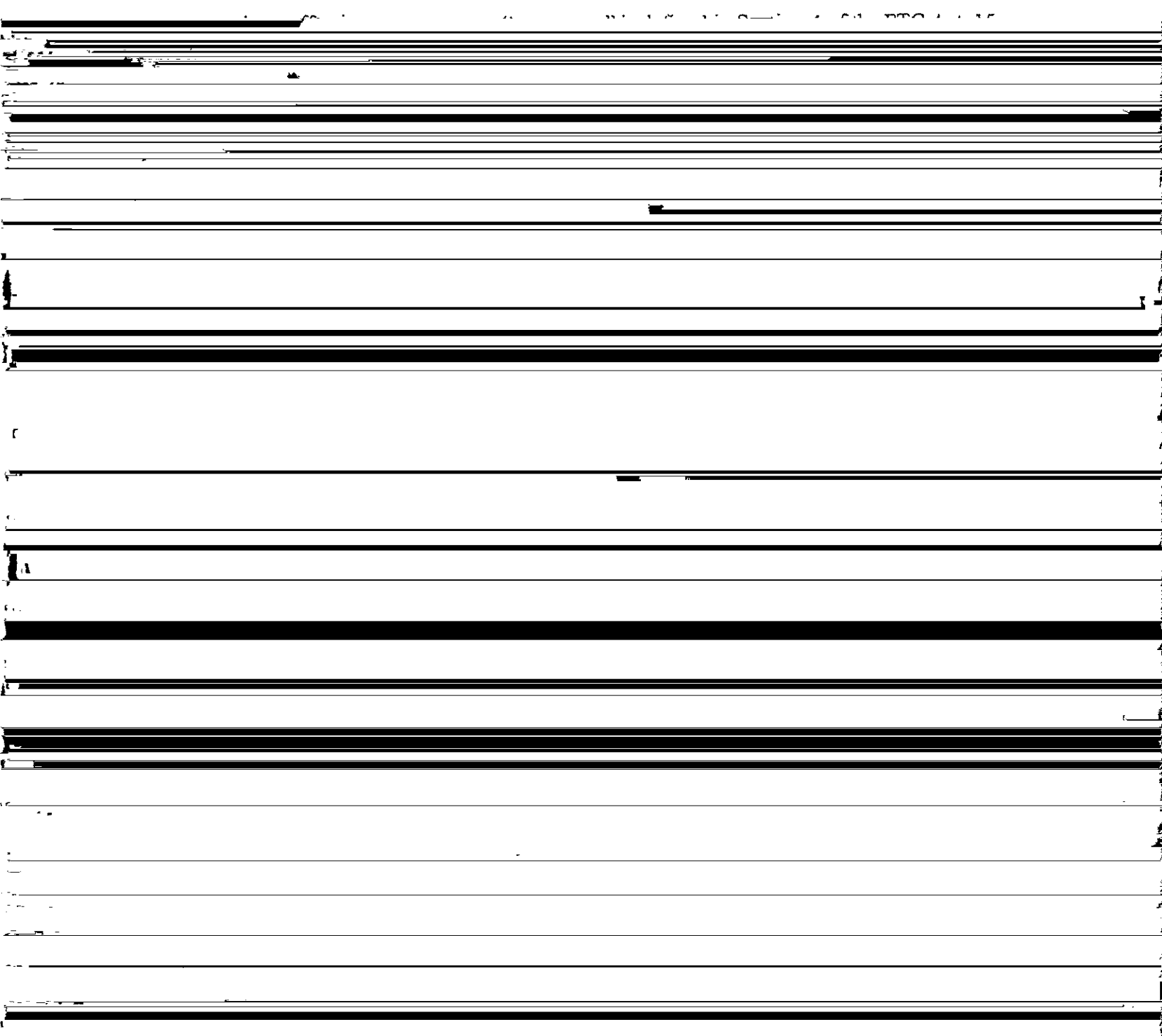
§§ 1331, 1337(a), 1345, and 1355, and 15 U.S.C. §§ 45(m)(1)(A), 53(b), 56(a), and 57b. This action arises under 15 U.S.C. § 45(a).

3. Venue in the United States District Court for the Southern District of Florida is

complaint, acting alone or in concert with others, he has formulated, directed, controlled, or participated in the acts and practices of the corporate defendant, including the acts and practices set forth in this complaint.

COMMERCE

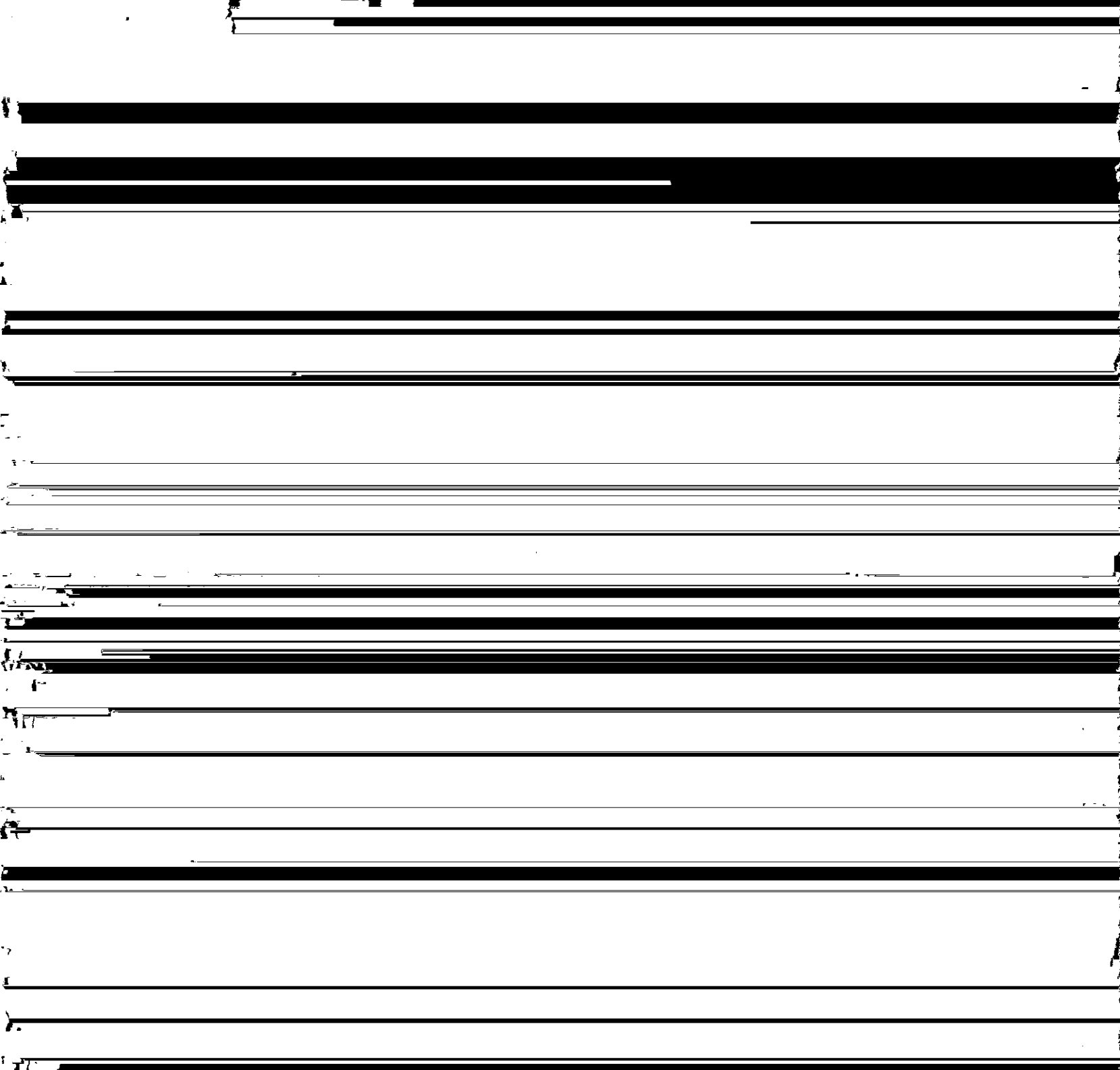
7. At all times relevant to this complaint, the defendants have maintained a substantial course of trade in the offering for sale and sale of cigar distributorship business



11. The defendants do not provide potential purchasers with a basic disclosure document.

THE FRANCHISE RULE

12. The business ventures sold by the defendants are franchises -- "franchise" is



(d) clearly and conspicuously disclose, in immediate conjunction with any generally disseminated earnings claim, additional information including the number and percentage of prior purchasers known by the franchisor to

have achieved the same or better results 16 C.F.R. § 436.1(c)(3) - (4).

15 Pursuant to Section 18(d)(3) of the FTC Act, 15 U.S.C. § 57a(d)(3), and 16 C.F.R.

material which constitutes a reasonable basis for the claim is available to prospective franchisees;  
and/or (3) failing to provide prospective franchisees with an earnings claim document, as  
prescribed by the Rule.

CONSUMER INJURY

18. Consumers in the United States have suffered and will suffer substantial monetary  
loss as a result of the defendants' violations of Section 5(a) of the FTC Act and the Franchise

~~Defendants' actions have caused and will cause substantial monetary loss to consumers~~

contracts, and the refund of money.

~~72 This Court in the exercise of its equitable jurisdiction may award ancillary relief~~

to remedy injury caused by the defendants' law violations.

**PRAYER FOR RELIEF**

WHEREFORE, plaintiff requests that this Court, as authorized by Sections 5(a), 5(m)(1)(A), 13(b) and 19 of the FTC Act, 15 U.S.C. §§ 45(a), 45(m)(1)(A), 53(b), and 57b, and pursuant to its own equitable powers:

1. Enter judgment against the defendants and in favor of the plaintiff for each violation alleged in this complaint;
2. Permanently enjoin the defendants from violating the FTC Act and the

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