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1 3. Relief Defendant Gonsalves is not a *bona fide* purchaser with legal
2 and equitable title to these funds or assets, and instead holds the funds and assets in
3 constructive trust for the benefit of these consumers.

4 4. Except as expressly specified herein, Gonsalves neither admits nor
5 denies the allegations in the Complaint. Only for purposes of this action,
6 Gonsalves admits the facts necessary to establish jurisdiction.

7 5. Gonsalves waives any claim that she may have under the Equal
8 Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action
9 through the date of this Order, and agrees to bear her own costs and attorney fees.

10 6. Gonsalves waives any claim that she may have against the
11 Commission, the Receiver, or their agents.

12 7. Gonsalves and the Commission waive all rights to appeal or otherwise
13 challenge or contest the validity of this Order.

14 **DEFINITIONS**

15 For the purposes of this Order, the following definitions apply:

16 A. “**Financial product or service**” means any product, service, plan, or
17 program represented, expressly or by implication, to:

18 1. provide any consumer, arrange for any consumer to receive, or
19 assist any consumer in receiving, a loan or other extension of credit;

20 2. provide any consumer, arrange for any consumer to receive, or
21 assist any consumer in receiving, credit, debit, or stored value cards;

22 3. improve, repair, or arrange to improve or repair, any
23 consumer’s credit record, credit history, or credit rating; or

24 4. provide advice or assistance to improve any consumer’s credit
25 record, credit history, or credit rating.

26 B. “**Other Defendants**” includes: Brian Pacios (a/k/a Brian Barry and
27 Brian Kelly), Chad Caldaronello (a/k/a Chad Carlson and Chad Johnson), Justin
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1 Moreira (a/k/a Justin Mason, Justin King, and Justin Smith), Derek Nelson (a/k/a
2 Dereck Wilson), Denny Lake (also d/b/a JD United, U.S. Crush, Advocacy
3 Division, Advocacy Department, Advocacy Agency, and Advocacy Program),
4 C.C. Enterprises, Inc. (also d/b/a HOPE Services, Trust Payment Center, and
5 Retention Divisions), and D.N. Marketing, Inc. (also d/b/a HAMP Services and
6 Trial Payment Processing), including their successors, assigns, affiliates, or
7 subsidiaries, and each of them by whatever names each might be known.

8 C. “**Relief Defendant**” means Cortney Gonsalves.

9 **ORDER**

10 **I. MONETARY JUDGMENT**

11 IT IS ORDERED that:

12 A. Judgment in the amount of Two Hundred-Eighteen Thousand, Seven
13 Hundred Sixty-Eight Dollars (\$218,768) as equitable monetary relief is entered in
14 favor of the Commission and against Relief Defendant.

15 B. Any entity or person, including Defendant or any financial institution,
16 holding Relief Defendant’s frozen assets must transfer those assets to the Receiver
17 in accordance with the Receiver’s instructions, within seven days of the entry of
18 this Order. Those assets include: Wells Fargo account no. XXXXXX2953; Wells
19 Fargo account no. XXXXXX0392; and Wells Fargo account no. XXXXXX1575.
20 After the Receiver’s court-approved fees have been fully satisfied, the Receiver
21 must transfer the balance to the Commission.

22 C. Relief Defendant shall take all steps necessary to assist in the transfer
23 of all frozen assets, including those identified in Subsection B. In the event it is
24 necessary to execute additional documents to transfer, liquidate, or assign Relief
25 Defendant’s assets or any other assets surrendered under this Order, Relief
26 Defendant shall execute such documents within three days of a request from a
27 representative of the Commission.
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1 D. The Asset Freeze in the Preliminary Injunction is modified only with
2 respect to Relief Defendant Gonsalves. Once all of Relief Defendant's frozen
3 assets are transferred in accordance with subsection B, the Asset Freeze will
4 dissolve with respect to Relief Defendant Gonsalves.

5 E. Relief Defendant relinquishes dominion and all legal and equitable
6 right, title, and interest in all assets transferred pursuant to this Order and may not
7 seek the return of any assets.

8 F. The facts alleged in the Complaint will be taken as true, without
9 further proof, in any subsequent civil
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1 as it determines to be reasonably related to Relief Defendant's practices alleged in

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1 DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to:
2 Associate Director for Enforcement, Bureau of Consumer Protection, Federal
3 Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The
4 subject line must begin: *FTC v. Lake* – Cortney Gonsalves, X150052.

5 **IV. COMPLIANCE MONITORING**

6 IT IS FURTHER ORDERED that, for the purpose of monitoring Relief
7 Defendant's compliance with this Order, including any failure to transfer any
8 assets as required by this Order:

9 A. Within 14 days of receipt of a written request from a representative of
10 the Commission, Relief Defendant must: submit the requested information, which
11 must be sworn under penalty of perjury; appear for depositions; and produce
12 documents for inspection and copying. The Commission is also authorized to
13 obtain discovery, without further leave of court, using any of the procedures
14 prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic
15 depositions), 31, 33, 34, 36, 45, and 69.

16 B. For matters concerning this Order, the Commission is authorized to
17 communicate directly with Relief Defendant. Relief Defendant must permit
18 representatives of the Commission to interview any employee or other person
19 affiliated with her who has agreed to such an interview. The person interviewed
20 may have counsel present.

21 C. The Commission may use all other lawful means, including posing
22 through its representatives as consumers, suppliers, or other individuals or entities,
23 to Relief Defendant or any individual or entity affiliated with Relief Defendant,
24 without the necessity of identification or prior notice. Nothing in this Order limits
25 the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20
26 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

1 D. Upon written request from a representative of the Commission, any
2 consumer reporting agency must furnish consumer reports concerning Relief
3 Defendant pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C.
4 §1681b(a)(1).

5 **V. RETENTION OF JURISDICTION**

6 IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this
7 matter for all purposes of construction, modification, and enforcement of this
8 Order.

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11 **IT IS SO ORDERED**, this 4th day of December, 2015.

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14 Dated: December 4, 2015



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16 CORMAC J. CARNEY
17 UNITED STATES DISTRICT JUDGE
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