

**IN THE UNITED STATES DISTRICT COURT  
THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**FEDERAL TRADE COMMISSION,**

**Plaintiff,**

v.

**THE PRIMARY GROUP INC., a  
corporation f/k/a A Primary Systems  
Group Inc. also d/b/a Primary  
Solutions and PSA Investigations,  
GAIL DANIELS, individually and as  
an officer of THE PRIMARY  
GROUP INC.,**

**Defendants.**

**ORDER**

Presently pending before this Court are: (1) the FTC's Motion for  
Permission to File Motion for Entry of Default Judgment [Doc. 73]; (2) the FTC's  
Motion for Summary Judgment Against All [Doc. 78]; (3) Defendant



access to Defendants' business premises, and granted expedited discovery to determine the existence and location of assets and documents pertinent to the allegations Complaint. TRO Order [Doc. 8]. The TRO also ordered Defendants to appear at a hearing on June 4, at 10:00 A.M. to show cause why the Court should not issue a preliminary injunction against Defendants until a final ruling is issued on the Complaint. *Id.* at 27. A stipulation modifying the terms of the TRO was filed on May which lifted the freeze on two accounts belonging to then-Defendant June Fleming ("Ms. Fleming"). Stipulation Modifying TRO [Doc. Under the provisions of Rule 65(b), the original TRO expired on May 26, See Order of May 27, [Doc. Pursuant to the FTC's motion, the TRO was reinstated on May 28, with an expiration date of June 8, Order of May 28, [Doc. 24].

Prior to the June 4, hearing on the FTC's motion for a preliminary Defendant Gail Daniels ("Ms. Daniels"), acting *pro se*, began a series of filings in both this Court and in the Eleventh Circuit Court of Appeals in an effort to thwart the FTC and this Court from proceeding with the litigation. Ms. Daniels filed two "emergency motions" which sought to unfreeze funds from an

The TRO erroneously stated that the original *ex parte* TRO's duration would extend beyond the fourteen-day time limit imposed by Rule 65(b), and the Order entered May 27, corrected that error.

account in her husband's name and to complain about the FTC's conduct, a motion to dissolve the TRO, and a motion to recuse the undersigned. [Docs. 23, 25.] Those motions were denied [Docs. 24, but the Court advised Ms. Daniels that, to the extent she had evidence that she lacked sufficient funds to pay living

Defendants in the future. Defendant Daniels is instructed to refrain from continuing to attempt to contact this



of Ms. Daniels and Ms. Fleming was approved by the Court on June 19, Stipulation Modifying Permanent Inj. [Doc. 43]. Pursuant to the FTC's Motion for Clerk's Entry of Default as to The Primary Group [Doc. 55], the Clerk entered default as to The Primary Group on August 7, 2015.

C. Ms. Daniels' Refusal to Participate in the Discovery Process and Her Claims of Medical Incapacity

For the majority of this litigation, the FTC had difficulty engaging in discovery due to Ms. Daniels' continuing efforts to avoid responding to discovery requests. On June 24, the FTC filed its proposed Preliminary Report and Discovery Plan after numerous efforts to seek Ms. Daniels' input into the plan were unsuccessful. PL's Prelim. Report & Disc. Plan [Doc. 45]. By Order dated August 19, 2015, the Courte Ms D Discove0 0 0 17344.979 462.720 T419.4[DoTj0 Tc(.) T Tj0.352

On July [redacted] the FTC served three sets of interrogatories and one set of a request for production of documents on Ms. Daniels. PL's Mot. to Compel [Doc. 63], Attach. A, 12. Ms. Daniels failed to respond to the discovery requests, citing health issues. Id. 12-14. On August 25, 2015, the j0 Tc(y) Tj0.164 Twtempt serve tt



On September [redacted] the FTC filed a motion to compel disclosures, discovery responses, and deposition testimony [Doc. 63], and this Court ordered Ms. Daniels to respond by September 30, [redacted] or the motion would be deemed unopposed. Order [Doc. 64]. It was further ordered that, if Ms. Daniels asserted that she had an existing medical condition that presented an inability to appear for a deposition or respond to the FTC's discovery requests, she should [redacted] a motion to stay these requirements with supporting documentation from a Georgia licensed medical professional that provides [redacted]

030 Tr0.9Tw0.605 TcD0 Tc(e0.577 Tw72.109 Tc1.168 0 j

contended that she suffers from several conditions, including iritis (which affects her vision), breathing problems, myasthenia gravis, and post-traumatic stress disorder, and that she suffered a recent stroke. *Id.* at 1-2. She attached a letter from Dr. Nemi, the Medical Director of Lotus Vision, who stated that Ms. Daniels is under his care for iritis in bothe

responding to     FTC's written discovery requests with assistance from a reader and/or typist in the event her vision impedes her ability to read the requests and/or type responses to those requests. By Order dated October 2,     the Court extended the discovery period until November 15, 2015; ordered Ms. Daniels to cooperate with the FTC and to appear for her deposition (and to allow her to bring an individual to assist with the reading of any documents); ordered Ms. Daniels to respond to the FTC's written discovery requests (providing her with alternatives for responding in the event she was unable to type her responses); and denied the motion for medical excuse. Order [Doc. 66].

On October 13-14, 2015, Ms. Daniels filed a second and third motion to provide medical excuse, a motion to dismiss the complaint, and a motion the judge to review the transcripts to correct verbal damaging (sic) inaccuracies and to review the law and to read the FTC guidelines and cases with the FTC and collection agencies (sic) concerning adding and     a personal defendant to a corporate lawsuit and what element of proof that must exist." [Docs. 69 & 70.] Once again, Ms. Daniels failed to provide a certification of a Georgia medical practitioner that she was unable to participate in this litigation. The only letters submitted were: (1) from Dr. Mary Cox, who stated that Ms. Daniels has been under her care, has chronic shortness of breath, and becomes frequently winded

after long monologues [Doc. 70 at 10]; and (2) from a nurse practitioner named Pamela Tinsley, who opined that Ms. Fleming could not "attend" a civil case at this time due to "multiple medical issues." Id. at 7, 10. Ms. Daniels' motions were denied on November 3, Order of Nov. 3, [Doc. 74].

On October 14, Ms. Daniels sat for her deposition. Dep. of Gail F. Daniels taken Oct. 14, 2015 [Docs. 79-1 & 79-2]. However, again in contravention of the Court's prior order, Ms. Daniels made no effort to comply with the FTC's written discovery requests and did not serve any discovery requests upon the FTC within the discovery period. The Court again extended the preliminary injunction for another ninety days. Order of Nov. 24, [Doc. That same day, the FTC filed its motion for summary judgment. PL's Mot. for Summ. J. [Doc.

On November 30, Ms. Daniels filed a number of motions: (1) "Motion to Temporarily Stay All Legal Action Against Defendants Because of Medical Problems the Defendant Not (sic) to Respond Properly" [Doc. 84] ("Motion to Stay"); (2) "Motion to Compel the Plaintiffs [an

Expert Witness and Attorney for Lying to the Court and for the Court to Look at the Surveillance (sic) with the Plaintiffs to Immediately Dismiss (sic) this Case, to Escalate These Findings to Plaintiffs (sic) Superiors" [Doc. 82] ("Motion for Hearing"); and (4) "Motion to Stay to Allow Defendant to Properly Defend Themselves By Allowing Them Time to Do Depositions if Necessary on Michael Goldstein Two Bank Employees and 2 of the Plaintiffs (sic) (sic) When Medically Able Before Any Judgment (sic) or Conclusion" ;DOC. 83] ("Second Motion to Stay").

On December pursuant to Ms. Daniels' email request, this Court conducted a conference call with Ms. Daniels and counsel for the FTC.

Notwithstanding this Court's continual efforts, it was apparent both fo counseed dur0 Tc(g)

Nevertheless, in continued recognition of Ms. Daniels' *pro se* status, and to provide her with one last opportunity to come into compliance with the Court's Orders, by Order dated December [redacted] the Court granted her an extension of time until January 22, 2016, to either: (1) [redacted] her response to the FTC's motion for summary judgment, or (2) [redacted] an opinion from an independent Georgia licensed medical professional that indicates that she suffers from a specific medical condition that prevents her from personally or with assistance responding to the FTC's motion for summary judgment and, if such is the case, state the date by when Daniels can prepare and [redacted] such a response. Order of Dec. [redacted] [Doc. 89]. Ms. Daniels was also instructed that a failure to respond to the FTC's Statement of Material Facts as to Which There is No Genuine Issue to be Tried "Doc. 78-2], supported either by specific citations to evidence, by a valid objection to the admissibility of the alleged fact, or by pointing out that the FTC's citation does not support the alleged fact, will result in such facts deemed as admitted by this Court in accordance with its local rules. *Id.*; see also LR 56.1(B)(2)(a)(2), NDGa. The Court denied the remainder of her motions and extended the preliminary injunction for an additional ninety days. Orders of Dec. [redacted] and Jan. 13, 2016 [Docs. 89,91].

On January 14, 2016, Ms. Daniels filed another notice of appeal to the Eleventh Circuit Court of Appeals from the Court's most recent orders. Notice of Appeal [Doc. 93]. That appeal was later dismissed for want of prosecution.

Cir. No.                      Order of Apr. 4,              [Doc.

On January 25,              Ms. Daniels filed a "Medical Document for Gail Daniels and June Fleming with statement from family members to the judge."

[Doc.              For the most part, the

- (2) A letter from Dr. R. Ahmad stating that Ms. Daniels has been a patient since 2007, is seeking



On February 22, this Court conducted a hearing. Contrary to the Court's Order, Ms. Daniels did not personally appear at the hearing. The Court called Ms. Daniels so that she could appear by telephone conference. Ms. Daniels simultaneously requested more time in which to respond to the allegations against in this case and relief from filing any response due to her various medical conditions.

In one last effort to provide Ms. Daniels with the opportunity to any documents or other evidence she may have to contest the FTC's motion for summary judgment and the allegations made against her in this case, this Court, by Order dated February 22, 2016, granted Ms. Daniels an additional fourteen (14) days, to and through March 7, to any additional evidence she may have in support of her contentions. Order of Feb. 22, 2016 [Doc. 106]. It has been nearly three months since that order, and Ms. Daniels has failed to anything further in support of her claims.

## II. THE FTC'S MOTION FOR PERMISSION TO FILE A MOTION FOR ENTRY OF DEFAULT JUDGMENT [Doc.

Prior to filing its motion for summary judgment as to all Defendants, the FTC sought permission to

o sinc78l19.18l 2220 T1452402Tc( sinc) 0.745 Tc( fo) Tj0 T58(s) Tj0s0 Tw0.

Council 506 U.S. 194, 202 (1993); see also LR 81.3E(2)(I), NDGa. client

is a corp0(i) Tj0 Tc7e54( ) TjETEMCBT/F0 12 Tf1.0c6m9

Lines, No. Civ.A. 3:01CV652, 2002 WL at (E.D. Va. May 29, 2002) (same).

MS. DANIELS' MOTION THE COURT TO CORRECT ITS  
RULING [Doc. 921

Ms. Daniels' motion filed January 14, 2016 [Doc. 92], seeks two remedies. First, she again attempts to have this litigation stayed because of her eye condition and prior hospitalizations, attaching the same physician summary letters that were attached in previous unsuccessful motions. As stated above, Ms.

IV. THE FTC'S MOTION FOR SUMMARY JUDGMENT [Doc. 781

A. FINDINGS OF

Defendant Gail Daniels started the business of The Primary Group under the trade name Primary Solutions in based on a friend's recommendation, although she had no prior experience with the business of debt collection.

Tr. of Prelim. Inj. Hr'g held June 4, 2015 [Doc. 47] ("Tr.") at 141.

2. On April 25, Ms. Daniels filed Articles of Incorporation for A Primary Systems Group Inc., which entity was incorporated that day by the Georgia Secretary of State. Decl. of Michael B. Goldstein, attached as FTC Ex.

[Doc. 5-3] ("Goldstein Decl.") 15 & Attach. A. On August

At the outset, the Court notes that, as this case is before the Court on the FTC's Motion for Summary Judgment, the Court views the evidence presented by the parties in the light most favorable to the non-moving party and has drawn all justifiable inferences in favor of the non-moving party. *Matshushita Elec. Indus. Co. V. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986); *Sunbeam*

2012, Ms. Daniels filed a trade name application with Cobb County, Georgia, to use the name "Primary Solutions Investigations." Id.

3. Ms. Daniels has held herself out as the Chief Financial Officer and Secretary of The Primary Group and as Manager, Vice President, and Treasurer of The Primary Group in applying for corporate bank accounts. Goldstein Decl.

46 & Attachs. B, D, E, R, & V. Ms.

7. Because Ms. Daniels refused to cooperate in responding to discovery requests from the FTC, the precise total amount of revenues received by The

According to Mr. Presley, The Primary Group originally had an office on Johnson Ferry Road where there were about four collection agents, but many employees were terminated because of "poor debt collection practices." Id at 68,

The Primary Group's



- d. Threats made to consumers to have their wages garnished or their property seized.
- e. Improper contacts with consumers' family members or third parties such as employers or co-workers in an effort to pressure the consumers to pay off their alleged debt.
- f. Failure to make required disclosures under the

20. The Primary Group also never provided consumers with written information concerning the procedure by which consumers could dispute purported debts.

During her testimony at the preliminary injunction hearing, Ms. Daniels contended that the consumers who completed sworn declarations were lying about the contacts received from The Primary Group; however, Ms. Daniels has presented no evidence to contradict those declarations during the course of this litigation.

22. None consumers who submitted declarations indicated that they actually sent funds to The Primary Group for the payment of any debt.

#### SUMMARY JUDGMENT STANDARD

Summary judgment is appropriate when "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter FED. R. Crv. P. 56(a). A party seeking summary judgment has the burden of informing the district court of the basis for its motion, and identifying those portions record which it believes demonstrate the absence of a genuine issue of material

Mere assertions that the declarations supporting the FTC's motion are not credible cannot defeat the FTC's motion for summary judgment. *FTC v. Instant Resp. Systems, LLC*, No. 13 Civ.00976(ILG)(VMS), 2015 WL 1650914, at (E.D.N.Y. Apr. 14, 2015) (citation omitted).

fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). "Credibility determinations, the weighing of the evidence, and the drawing of legitimate inferences from the facts are jury functions," and cannot be made by the district court in considering whether to grant summary judgment. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986); see also *Graham v. State Farm Mut. Ins. Co.*, 193 F.3d 1274, 1282 (9th Cir. 1999).

If a movant meets its burden, the party opposing summary judgment must present evidence that shows there is a genuine issue of material fact or that the movant is not entitled to judgment as a matter of law. *Celotex*, 477 U.S. at 324. In determining whether a genuine issue of material fact exists to defeat a motion for summary judgment, the evidence is viewed in the light most favorable to the party opposing summary judgment, "and all justifiable inferences are to be drawn" in favor of that opposing party. *Anderson*, 477 U.S. at 255; see also *Herzog v. Castle Rock*, 193 F.3d 1241, 1246 (9th Cir. 1999). A fact is "material" only if it can affect the outcome of the lawsuit under the governing legal principles. *Anderson*, 477 U.S. at 248. A factual dispute is "genuine" if the evidence would permit a reasonable jury to return a verdict for the nonmoving party. *Id.*,

"If the record presents factual issues, the court must not decide them; it must deny the motion and proceed to trial." *Herzog*, 193 F.3d at 1246. But, "[w]here

the record taken as a whole could not lead a rational trier of fact to        for the non-moving party," summary judgment for the moving party is proper.

475 U.S. at 587.

#### DISCUSSION

Section 5        FTC Act prohibits "unfair or deceptive acts or practices in or affecting commerce." 15 U.S.C. § 45(a)(1). To establish Section 5 liability, the FTC must prove that "(1) there was a representation; (2) the representation likely to mislead customers acting reasonably under the circumstances, and (3) the representationr2(3

debt collection abuses." 15 U.S.C. § 1692(e). The FDCPA applies to collectors," defined as "any person who uses any instrumentality of interstate commerce or the mails in any business the principal purpose of which is the collection of debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another." 15 U.S.C. § 1692(a)(1).

Accordingly, the FDCPA prohibits debt collectors from using "any false, deceptive, or misleading representation or means in connection with the collection of any debt." 15 U.S.C. § 1692e. In determining whether a debt collector's communication is deceptive, the Eleventh Circuit has adopted the "least-sophisticated consumer" standard "to ensure that the FDCPA protects all consumers, the gullible as well as the shrewd." *LeBlanc v. Unifund CCR Partners*, 601 F.3d 1215, 1221 (11th Cir. 2010) (citations omitted). A violation of the FDCPA is deemed an unfair or deceptive act or practice in violation of the FTC Act. *Jerman v. Carlisle, McNellie, Rini, Kramer & Ulrich LPA*, 559 U.S. 573, 577 (2010).

Section 13 of the FTC Act provides that "in proper cases the [FTC] may seek, and after proper proof, the court may issue, a permanent injunction" for violations of "any provision enforced by the FTC." 15 U.S.C. § 53(b). Even if a defendant's unlawful conduct has ceased, a permanent injunction may

still be appropriate "if the defendant's past conduct indicates that there is a reasonable likelihood of further

at the preliminary injunction hearing to the FTC's counsel, who responded that the  
FTC was still

The Eleventh Circuit has held that the district court's range of equitable powers under section \_\_\_\_\_ of the FTC Act includes the power to grant both restitution and disgorgement of ill-gotten gains. *FTC v. Gem Merchandising Corp.*, 87 F.3d 466, 469 \_\_\_\_\_ Cir. 1996). The purpose of disgorgement is "not to compensate the victims of fraud, but to deprive the wrongdoer of his ill-gotten gain." *Id.* at 470 (quoting *SEC v. \_\_\_\_\_*, 583 F.2d 1325, 1335 (5th Ch.



that "defendants in a disgorgement action are not entitled to deduct costs associated with committing their illegal acts."

Id. at 1327 (quoting *FTC v. Bronson Partners*, 654 F.Sd (2d Ch. see also *FTC v. Direct Concepts, Inc.*, F.Sd 1, 14-16 (1st Cir. 2010); *FTC v. Kuykendall*, F.Sd 745, 765-67 (10th Ch. 2004); *FTC v. Febre*, 128 F.2d (7th Cir. 1997). Therefore, based upon precedent in this Circuit, the Court will order judgment against Defendants in the amount of \$980,000, which represents the amount of known revenue received by Defendants as a result of their illegal activity.

Accordingly, this Court GRANTS the FTC's Motion for Summary Judgment [Doc. 78] and enters a Permanent Injunction against Defendants The Primary Group and Gail Daniels as set forth in detail below.

## V. CONCLUSION

Accordingly, for the above reasons, IT IS HEREBY ORDERED as follows:

- (1) The FTC's Motion for Leave to File Motion for Default Judgment [Doc. is DENIED AS MOOT;

Given the entry of a Permanent Injunction, the FTC's Fourth Motion to Extend the Preliminary Injunction [Doc. UO] is DENIED AS MOOT.

- (2) Ms. Daniels' Motion for the Court to Correct Its Ruling [Doc. 92] is DENIED;
- (3) The FTC's Fourth Motion to Extend the Preliminary Injunction [Doc. 78] is DENIED AS MOOT;
- (4) The FTC's Motion for Summary Judgment [Doc. 78] as to former Defendant June Fleming is DENIED AS MOOT; and
- (5) The FTC's Motion for Summary Judgment [Doc. 78] as to Defendants The Primary Group and Gail Daniels is GRANTED, and the following PERMANENT INJUNCTION AND EQUITABLE RELIEF shall issue forthwith against Defendants The Primary Group and Gail Daniels:

PERMANENT INJUNCTION AND EQUITABLE RELIEF

DEFINITIONS

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

- A. "Consumer" means any person.
- B. "Debt" means any obligation or alleged obligation to pay money arising out of a transaction, whether or not such obligation has been reduced to judgment.



any consumer, arrange for any consumer to receive, or assist any consumer in receiving, an extension of consumer credit;

2. provide any consumer, arrange for any consumer to receive, or assist any consumer in receiving, credit repair services; or  
provide any consumer, arrange for any consumer to receive, or assist any consumer in receiving, any secured or unsecured debt relief product or service.

G. "FTC" means the Federal Trade Commission.

H. "Person" means a natural person, an organization or other legal entity, including a corporation, partnership, sole proprietorship, limited liability company, association, cooperative, or any other group or combination acting as an entity.

**"Secured unsecured debt relief product service"** means, with respect to any mortgage, loan, debt, or obligation between a person and one or more secured or unsecured creditors or debt collectors, any product, service, plan, or program represented, expressly or by implication, to;

negotiate, settle, or in any way alter the terms of payment or other terms of the mortgage, loan, debt, or obligation, including but not limited to, a reduction in the amount of interest, principal balance, monthly payments, or fees owed by a person to a secured or unsecured creditor or debt

2. stop, prevent, or postpone any mortgage or deed of foreclosure sale for a person's dwelling, any other sale or other collateral, or otherwise save a person's dwelling or other collateral from foreclosure or repossession;  
  
obtain any forbearance or modification in the timing of payments from any secured or unsecured holder of any mortgage, loan, debt, or obligation;
4. negotiate, obtain, or arrange any extension of the period of time within which the person may
  - (a) cure his or her default on the mortgage, loan, debt, or obligation;
  - (b) reinstate his or her mortgage, loan, debt, or obligation;
  - (c) redeem a dwelling or other collateral; or

- (d) exercise any right to reinstate the mortgage, loan, debt, or obligation or redeem a dwelling or other collateral;
- 5. obtain any waiver of an acceleration clause or balloon payment contained in any promissory note or contract secured by any dwelling or other collateral; or
- 6. negotiate, obtain, or arrange
  - (a) a short sale of a dwelling or other collateral;
  - (b) a \_\_\_\_\_ of foreclosure; or
  - (c) any other disposition of a mortgage, loan, debt, or obligation other than a sale to a third party that is not the \_\_\_\_\_ or unsecured loan holder.

The foregoing shall include any manner of claimed assistance, including, but not limited to, auditing or examining a person's application for the mortgage, loan, debt, or obligation.

**ORDER**

**A. BAN ON DEBT COLLECTION ACTIVITIES**

IT IS THEREFORE ORDERED that Defendants, whether acting directly through any other person, are permanently restrained and \_\_\_\_\_ from:

Participating in debt collection activities; and

2. Advertismg, marketing, promoting, offering for sale, selling, or

That any \_\_\_\_\_ can improve any consumer's record, credit history, or credit rating by permanently removing negative information from the consumer's credit record, credit history, or credit rating, even where such information is accurate and not obsolete;

Any aspect of any \_\_\_\_\_ or unsecured debt relief product of service, including but not limited to, the amount \_\_\_\_\_ savings a consumer will receive from purchasing, using, \_\_\_\_\_ in such secured unsecured debt relief product \_\_\_\_\_ service; the amount time before which a consumer will receive settlement of the consumer's debts; or the reduction or cessation collection calls;

That a consumer will receive legal representation;

T0 1 271. 0 0 1 333.342 254.gEMC/Spain ~~AMCID 1~~BD3 1 271. 0 0 1 34.319 TwO



to, the likelihood of a consumer obtaining a full or partial  
refund, or the circumstances in which a full or partial

Failing to provide sufficient consumer information to enable the

government agency or required by a law, regulation, or court order.

**D. RELIEF**

IT IS FURTHER ORDERED that Judgment in the amount of nine hundred eighty thousand dollars (\$980,000.00) is entered in favor of the FTC and against Defendants The Primary Group and Gail Daniels, jointly and severally, as equitable monetary relief, with post-judgment interest at the legal rate.

The monetary judgment set forth in Section is enforceable against any asset owned by, on behalf of, for the benefit of, or in trust by or for, any Defendant, whether held as tenants common, tenants with or without the right of survivorship, tenants 090 0 0s.19n62iE89fTj3r

such equitable relief shall be deposited to the United States Treasury as equitable disgorgement. Defendants shall have no right to challenge the FTC's choice of remedies under Section shall have no right to contest the manner of distribution chosen by the FTC.

The judgment entered pursuant to this Section is equitable monetary relief, solely remedial in nature, and not a fine, penalty, punitive assessment, or forfeiture.

Defendants are hereby required, unless they have done so already, to furnish the FTC with their taxpayer identifying number and/or social security number, which may be used for collecting and reporting on any delinquent amount arising out of this Order, in accordance with U.S.C. § 7701.

#### E. ORDER ACKNOWLEDGMENTS

IT IS

controls directly or indirectly,

Defendant The Primary Group must: (i) identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the FTC may use to communicate with such Defendant; (ii) identify all of that Defendant's businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses; (iii) describe the activities of each business, including the products and services offered, the means of advertising, marketing, and sales, and the involvement of such Defendant; (iv) describe in detail whether and how such Defendant is in compliance with each Section of this Order; and (v) provide a copy of each Order Acknowledgment obtained pursuant to this Order unless previously submitted to the FTC;

Additionally, Defendant Gail Daniels must: (i) identify all telephone numbers and physical, postal, email, and Internet addresses, including all residences, which representatives of the FTC may use to communicate with

such Defendant; (ii) identify all business activities,  
including any business for which

the entity or any subsidiary, parent, or affiliate that engages in any acts or practices to this

- b. Additionally, Defendant Daniels must report any change in: (i) name, including aliases or fictitious name, or residence address; or (ii) title or role in any business activity, including any business for which Defendant Daniels performs services whether as an employee or otherwise and any entity in which Defendant Daniels has any ownership interest, and identify its name, physical address, and Internet address, if any.



on: " and supplying date, signatory's name, title (if applicable), and signature.

5. Unless otherwise directed by a FTC representative in writing, all submissions to the FTC pursuant to this Order must be emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The

line must begin: *FTC v. The Primary Group, et al*, FTC

Matter

#### G. RECORDKEEPING

IT IS FURTHER ORDERED that each Defendant must create certain records for ten years after entry Order, and retain each such record for five (5) years. Specifically, Defendant The Primary Group Defendant Daniels, for any business in which Defendant Daniels is a owner or

2. Personnel records showing, for each person providing services, whether as an employee or otherwise, that person's: name, addresses, and telephone numbers; job title or position; dates of service; and, if applicable, the reason for
3. Records of all consumer complaints and refund requests, whether received directly or indirectly, such as through a third party, and any response;
4. All records necessary to demonstrate full compliance with each provision of this Order, including all submissions to the FTC; and
5. A copy of each unique advertisement or other marketing material.

#### H. COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of monitoring Defendants' compliance with this Order:

Within fourteen (14) days of receipt of a written request from a representative of the FTC, Defendant Daniels must submit additional compliance reports or other information, which must be sworn under penalty of perjury; appear for



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

**I. ENTRY OF JUDGMENT**

**IT IS FURTHER ORDERED** that there is no just reason for delay of entry of this judgment, and that, pursuant to Federal Rule of Civil Procedure the Clerk immediately shall enter this Order as a final judgment as to Defendants The Primary Group and Gail Daniels.

**J. RETENTION OF JURISDICTION AND CLOSURE OF CASE FILE**

**IT IS FURTHER ORDERED** that this Court retains jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

The Clerk is **DIRECTED** to close the file of this case.

**IT IS SO ORDERED** this of May,

H. COHEN  
United States District Judge