

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

ACQUINITY INTERACTIVE, LLC, a Florida
limited liability company,

7657030 CANADA, INC., a Canadian
corporation, also d/b/a ACQUINITY
INTERACTIVE,

GARRY JONAS, individually and as an officer
of Acquinity Interactive, LLC and 7657030
Canada, Inc.,

SCOTT MODIST, individually and as an officer
of Acquinity Interactive, LLC and 7657030
Canada, Inc.,

JOSHUA GREENBERG, individually and as an
officer of Acquinity Interactive, LLC and 7657030
Canada, Inc.,

GREGORY VAN HORN, individually and as an
officer of Acquinity Interactive, LLC,

REVENUE PATH E-CONSULTING PRIVATE,
LIMITED, an Indian company,

REVENUEPATH LIMITED, a Cyprus company,

WORLDWIDE COMMERCE ASSOCIATES,
LLC, a Nevada limited liability company, also
d/b/a WCA,

Case No. 14-60166-CIV-
SCOLA/VALLE

SARITA SOMANI, individually and as an officer)
of Worldwide Commerce Associates, LLC,)
Revenue Path E-Consulting Private Limited, and)
Revenuepath Limited,)
))
FIREBRAND GROUP, S.L., LLC, a Nevada)
limited liability company,)
))
MATTHEW BEUCLER, individually and as an)
officer of Firebrand Group, S.L., LLC,)
))
BURTON KATZ, individually and also doing)
business as Polling Associates Inc. and Boomerang)
International, LLC,)
))
JONATHAN SMYTH, individually and also doing)
business as Polling Associates Inc.,)
))
Defendants.)
_____)

**AMENDED COMPLAINT FOR
PERMANENT INJUNCTION AND OTHER EQUITABLE RELIEF**

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

1. The FTC brings this action under Sections 13(b) and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b) and 57(b), and the Telemarketing and Consumer Fraud and Abuse Prevention Act (“Telemarketing Act”), 15 U.S.C. §§ 6101-6108, to obtain temporary, preliminary, and permanent injunctive relief, rescission or reformation of contracts, restitution, the refund of monies paid, disgorgement of ill-gotten monies, and other equitable relief for Defendants’ acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the FTC’s Trade Regulation Rule entitled “Telemarketing Sales Rule” (“TSR”), 16 C.F.R. Part 310.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), and 1345, and 15 U.S.C. §§ 45(a), 53(b), 57(b), 6102(c), and 6105(b).

3. Venue is proper in this district under 28 U.S.C. § 1391(b), (c) and (d), and 15 U.S.C. § 53(b).

PLAINTIFF

4. The FTC is an independent agency of the United States Government created by statute. 15 U.S.C. §§ 41-58. The FTC enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce. The FTC also enforces the Telemarketing Act, 15 U.S.C. §§ 6101-6108. Pursuant to the Telemarketing Act, the FTC promulgated and enforces the TSR, 16 C.F.R. Part 310, which prohibits deceptive and abusive telemarketing acts or practices.

5. The FTC is authorized to initiate federal district court proceedings, by its own attorneys, to enjoin violations of the FTC Act and the TSR and to secure such equitable relief as may be appropriate in each case, including rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies. 15 U.S.C. §§ 53(b), 56(a)(2)(A) & (B), 57(b), 6102(c), and 6105(b).

DEFENDANTS

6. Defendant Acquinity Interactive, LLC is a Florida limited liability corporation with its principal place of business at 2200 SW 10th St., Deerfield Beach, FL 33442. Acquinity

Interactive, LLC transacts or has transacted business in this district and throughout the United States.

7. Defendant 7657030 Canada, Inc., which also does business as Acquinity Interactive, is a Canadian corporation with its registered address at 39 Chambertin, Kirkland, Quebec, Canada H9H 5E3. 7657030 Canada, Inc. transacts or has transacted business in this district and throughout the United States.

8. Defendant Garry Jonas (“Jonas”) is the President of Acquinity Interactive, LLC and 7657030 Canada, Inc. At all times material to this Complaint, acting alone or in concert with others, Jonas has formulated, directed, controlled, had the authority to control, or participated in the acts and practices set forth in this Complaint. Defendant Jonas, in connection with the matters alleged herein, transacts or has transacted business in this district and throughout the United States.

9. Defendant Scott Modist (“Modist”) is the Chief Financial Officer of Acquinity Interactive, LLC and an officer of 7657030 Canada, Inc. At all times material to this Complaint, acting alone or in concert with others, Modist has formulated, directed, controlled, had the authority to control, or participated in the acts and practices set forth in this Complaint. Defendant Modist, in connection with the matters alleged herein, transacts or has transacted business in this district and throughout the United States.

10. Defendant Joshua Greenberg (“Greenberg”) is the Chief Technology Officer of Acquinity Interactive, LLC and an officer of 7657030 Canada, Inc. At all times material to this Complaint, acting alone or in concert with others, Greenberg has formulated, directed,

controlled, had the authority to control, or participated in the acts and practices set forth in this Complaint. Defendant Greenberg, in connection with the matters alleged herein, transacts or has transacted business in this district and throughout the United States.

11. Defendant Gregory Van Horn (“Van Horn”) is the Chief Optimization Officer of Acquinity Interactive, LLC. At all times material to this Complaint, acting alone or in concert with others, Van Horn has formulated, directed, controlled, had the authority to control, or participated in the acts and practices set forth in this Complaint. Defendant Van Horn, in connection with the matters alleged herein, transacts or has transacted business in this district and throughout the United States.

12. Defendant Revenue Path E-Consulting Private Limited is an Indian company with its registered address at Office No. 501, 502, Sacred World, South Wing, Wanawadi, Pune, Maharashtra, 411040, India. Revenue Path E-Consulting Private Limited transacts or has transacted business in this district and throughout the United States.

13. Defendant Revenuepath Limited is a Cyprus company with its registered address at Athinodorous, 3, Dasoupoli, Strovolos, 2025, Nicosia, Cyprus. Revenuepath Limited transacts or has transacted business in this district and throughout the United States.

14. Defendant Worldwide Commerce Associates, LLC, which also does business as WCA (“WCA”), is a Nevada limited liability company with its principal place of business at 3651 Lindell Road, Las Vegas, Nevada 89103. WCA is a wholly-owned subsidiary of Revenue Path E-Consulting Private Limited. WCA transacts or has transacted business in this district and throughout the United States.

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