

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

PHYSICIAN'S TECHNOLOGY, LLC, a
corporation,

WILLOW LABS, LLC, a corporation,

DAVID SUTTON, individually and as an
officer of PHYSICIAN'S
TECHNOLOGY, LLC, and

RONALD SHAPIRO, individually and as
an officer of PHYSICIAN'S
TECHNOLOGY, LLC, and WILLOW
LABS, LLC.

Defendants.

Case No. 2:20-cv-11694

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

Plaintiff, the Federal Trade Commission ("FTC"), for its Complaint alleges:

1. The FTC brings this action under Section 13(b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b), to obtain 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 Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a)

and 52, in connection with the manufacturing, labeling, advertising, marketing, distribution, and sale of low-level light devices under the brand name “Willow Curve” (herein referred to as “Willow Curve”).

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), and 1345.

3. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(1), (b)(2), (b)(3), (c)(1), (c)(2), 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 Section 12 of the FTC Act, 15 U.S.C. § 52, which prohibits false advertisements for food, drugs, devices, services, or cosmetics in or affecting commerce.

5. The FTC is authorized to initiate federal district court proceedings, by its own attorneys, to enjoin violations of the FTC Act 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).

DEFENDANTS

6. Defendant Physician's Technology, LLC ("Physician's Technology") is a Michigan corporation with its principal place of business at 23 East Front Street, Suite 200, Monroe, Michigan 48161. Physician's Technology transacts or has transacted business in this District and throughout the United States. At all times material to this Complaint, acting alone or in concert with others, Physician's Technology has advertised, marketed, distributed, or sold Willow Curve to consumers throughout the United States.

7. Defendant Willow Labs, LLC ("Willow Labs") is a Michigan corporation with its principal place of business at 747 South Monroe Street, Monroe, Michigan 48161. Willow Labs transacts or has transacted business in this District and throughout the United States. Since 2017, acting alone or in concert with others, Willow Labs has advertised, marketed, distributed, or sold Willow Curve to consumers throughout the United States.

8. Defendant Ronald Shapiro is the Medical Director of Physician's Technology and a managing member of both that company and Willow Labs. At all times material to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices set forth in this Complaint. As co-founder and -owner of Physician's Technology and Willow Labs and co-inventor of Willow Curve,

among other things, Defendant Shapiro: (1) developed, managed, and controlled business and marketing strategy for Willow Curve; (2) was in charge of evaluating the scientific support for Willow Curve's advertising claims; (3) actively participated in the creation, review, and approval of advertising concepts and ad copy for Willow Curve, including materials containing advertising claims that form the basis of this complaint; (4) personally made deceptive claims about the health benefits of Willow Curve to the public; (5) responded to inquiries from the media, potential investors, and others about scientific support for Willow Curve's advertising claims and its compliance with regulations promulgated by the Food and Drug Administration; and (6) actively participated in and controlled decision-making with respect to whether and when to pay refunds to purchasers of Willow Curve.

9. Defendant David Sutton is the Chief Executive Officer of Physician's Technology and a managing member of both that company and Willow Labs. At all times material to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices set forth in this Complaint. As co-founder and -owner of Physician's Technology and Willow Labs and co-inventor of Willow Curve, among other things, Defendant Sutton: (1) developed, managed, and controlled business and marketing strategy for Willow Curve; (2) actively participated in the

creation, review, and approval of advertising concepts and ad copy for Willow Curve, including materials containing advertising claims that form the basis of this complaint; (3) was responsible for developing and implementing refund policies for Willow Curve; (4) personally made deceptive claims about the health benefits of Willow Curve to the public; (5) responded to inquiries from the media, potential investors, and others about scientific support for Willow Curve's advertising claims and its compliance with regulations promulgated by the Food and Drug Administration; and (6) actively participated in and controlled decision-making with respect to whether and when to pay refunds to purchasers of Willow Curve.

COMMON ENTERPRISE

10. Defendants Physician's Technology and Willow Labs (collectively, "Corporate Defendants") have operated as a common enterprise while engaging in the deceptive acts and practices alleged below. Corporate Defendants have conducted the business practices described below through interrelated companies that have common ownership, officers, managers, business functions, employees, and office locations, and that commingled funds relating to the marketing and sale of Willow Curve. Because these Corporate Defendants have operated as a common enterprise, each of them is jointly and severally liable for the acts and practices alleged below. Defendants Shapiro and Sutton formulated, directed,

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