

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
Miami Division**

FEDERAL TRADE COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	
)	Case No.: 18-61017-CIV-
POINTBREAK MEDIA, LLC, et al.,)	ALTONAGA/Seltzer
)	
Defendants.)	
)	

**RELIEF DEFENDANT JENNEFER RAMSEY’S ANSWER TO
FIRST AMENDED COMPLAINT FOR PERMANENT INJUNCTION AND OTHER
EQUITABLE RELIEF**

Relief Defendant Jennefer Ramsey (“Ramsey” or “Relief Defendant”), by and through her counsel, files the following response to the First Amended Complaint for Permanent Injunction and Other Equitable Relief (the “Amended Complaint”) filed against her by Plaintiff, the Federal Trade Commission (“the FTC” or “Plaintiff”), as follows:

1. Ramsey admits that the Amended Complaint purports to be brought under the statutes and regulations cited in Paragraph 1 of the Amended Complaint.

JURISDICTION AND VENUE

2-3. Paragraphs 2-3 call for a legal conclusion, and thus, no response is required.

PLAINTIFF

4-5. Paragraphs 4-5 call for a legal conclusion, and thus, no response is required.

DEFENDANTS

6-16. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 6-16. To the extent an answer is required, the allegations are denied.

17. Ramsey admits that Justin Ramsey resides in Boca Raton, Florida. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the remaining allegations contained in Paragraph 17. To the extent further answer is required, the remaining allegations are denied.

17-23. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 17-23. To the extent an answer is required, the allegations are denied.

RELIEF DEFENDANTS

24. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraph 24. To the extent an answer is required, the allegations are denied. Additionally, whether Watt has a legitimate claim to the funds is a legal conclusion and thus no response is required.

25. Ramsey admits that she resides in this district. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the remaining allegations contained in Paragraph 25. To the extent further answer is required, the remaining allegations are denied. Additionally, whether Ramsey has a legitimate claim to the funds is a legal conclusion and thus no response is required.

COMMON ENTERPRISE

26-27. Paragraphs 26-27 call for a legal conclusion, and thus, no response is required. To the extent an answer is required, the allegations are denied.

COMMERCE

28. Paragraph 28 calls for a legal conclusion, and thus, no response is required. To the extent an answer is required, the allegations are denied.

DEFENDANTS' BUSINESS ACTIVITIES

Overview

29-31. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 29-31. To the extent an answer is required, the allegations are denied.

Google My Business

32-34. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 32-34. To the extent an answer is required, the allegations are denied.

Defendants Target Consumers With Threatening Robocalls

35-46. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 35-46. To the extent an answer is required, the allegations are denied.

Defendants' Sales Agents Use False Statements to Sell Google Listing Services

47-49. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 47-49. To the extent an answer is required, the allegations are denied.

Defendants' Claims of Google Authorization or Affiliation

50-58. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 50-58. To the extent an answer is required, the allegations are denied.

Defendant's Threats of Removal from Google

59-69. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 59-69. To the extent an answer is required, the allegations are denied.

Defendants' Promises of Unique Keywords Linked to the Consumer's Business

70-85. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 70-85. To the extent an answer is required, the allegations are denied.

Defendants Upsell Consumers on a "Citation Program"

86-95. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 86-95. To the extent an answer is required, the allegations are denied.

Defendants' Unauthorized Consumer Billing

96-98. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 96-98. To the extent an answer is required, the allegations are denied..

**DEFENDANTS' COMMON ENTERPRISE
AND SHIFTING CORPORATE IDENTITIES**

99. Paragraph 99 calls for a legal conclusion, and thus, no response is required. To the extent Paragraph 99 does not call for a legal conclusion, Ramsey is without

sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraph 99. To the extent an answer is required, the allegations are denied.

Pointbreak Media, LLC

100-124. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 100-124. To the extent an answer is required, the allegations are denied.

DCP Marketing, LLC

125-136. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 125-136. To the extent an answer is required, the allegations are denied.

Modern Spotlight LLC and Modern Spotlight Group LLC

137-161. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 137-161. To the extent an answer is required, the allegations are denied.

Modern Source Media, LLC

162-173. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 162-173. To the extent an answer is required, the allegations are denied.

Perfect Image Online LLC

174-179. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 174-179. To the extent an answer is required, the allegations are denied.

Modern Internet Marketing LLC

180-184. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 180-184. To the extent an answer is required, the allegations are denied.

Allstar Data, LLC

185-191. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 185-191. To the extent an answer is required, the allegations are denied.

National Business Listings, LLC

192-197. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 192-197. To the extent an answer is required, the allegations are denied.

Pinnacle Presence LLC

198-204. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 198-204. To the extent an answer is required, the allegations are denied.

VIOLATIONS OF SECTION 5 OF THE FTC ACT

205. The statute cited in Paragraph 205 speaks for itself, and anything contrary thereto is denied.

206-207. Paragraphs 206-207 state a legal conclusions, to which no response is required. Furthermore, the statutes cited in Paragraphs 206-207 speaks for themselves, and anything contrary thereto is denied.

COUNT I – Deceptive Representations

208-209. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 208-209. To the extent an answer is required, the allegations are denied.

210. Paragraph 210 calls for a legal conclusion, and thus, no response is required. To the extent Paragraph 210 does not call for a legal conclusion, Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 210. To the extent further answer is required, the allegations are denied.

COUNT II – Unfair Billing Practices

211-212. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 211-212. To the extent an answer is required, the allegations are denied.

213. Paragraph 213 calls for a legal conclusion, and thus, no response is required. To the extent an answer is required, the allegations are denied.

VIOLATIONS OF THE TELEMARKETING SALES RULE

214. The statutes, regulations, and amendments thereto cited in Paragraph 214 speak for themselves, and anything contrary thereto is denied.

215-217. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 215-217. To the extent an answer is required, the allegations are denied.

218-219. The regulations cited in Paragraphs 218-219 speaks for themselves, and anything contrary thereto is denied.

220-222. Paragraphs 220-222 call for a legal conclusion, and thus, no response is required. Furthermore, the statutes and regulations cited in Paragraphs 220-222 speaks for themselves and anything contrary thereto is denied.

223. Paragraph 223 calls for a legal conclusion, and thus, no response is required. To the extent an answer is required, the allegations are denied.

COUNT III – Initiating or Causing the Initiation of Unlawful Prerecorded Messages

224-225. Paragraphs 224-225 call for a legal conclusion, and thus, no response is required. To the extent an answer is required, the allegations are denied.

COUNT IV – Calls to Persons Registered on the National Do Not Call Registry

226-227. Paragraphs 226-227 call for a legal conclusion, and thus, no response is required. To the extent an answer is required, the allegations are denied.

COUNT V – Relief Defendants

228. Ramsey is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraph 228. To the extent further answer is required, the allegations are denied.

229-230. Paragraphs 229-230 call for a legal conclusion, and thus, no response is required. To the extent an answer is required, the allegations are denied.

CONSUMER INJURY

231. Paragraph 231 calls for a legal conclusion, and thus, no response is required. To the extent an answer is required, the allegations are denied.

THIS COURT’S POWER TO GRANT RELIEF

232. Paragraph 232 calls for a legal conclusion, and thus, no response is required. Furthermore, the statute cited in Paragraph 232 speaks for itself and anything contrary thereto is denied.

PRAYER FOR RELIEF

To the extent an answer is required to Plaintiff’s prayer for relief, Ramsey denies that Plaintiff is entitled to all or any of the relief requested.

GENERAL DENIAL

All allegations set forth in the Amended Complaint not specifically admitted above are denied.

AFFIRMATIVE DEFENSES

First Affirmative Defense

Plaintiff’s Amended Complaint fails to state claims upon which relief may be granted.

Second Affirmative Defense

Monetary damages sought by Plaintiff should be offset by the benefits received by consumers, refunds paid to consumers, settlements with consumers and the costs associated with the sale of services.

Third Affirmative Defense

Any telephone calls placed by the Defendants were placed to businesses to induce the purchase of goods or services and are therefore exempt from the Telemarketing Sales Rule under 16 C.F.R. § 310.6(b)(7).

WHEREFORE, Ramsey hereby requests dismissal of the First Amended Complaint for Permanent Injunction and Other Equitable Relief and such other and further relief as the Court deems just and proper.

Date: August 7th, 2018

Respectfully submitted,

/s/ Mitchell N. Roth
Mitchell N. Roth
Virginia State Bar #35863
Pro Hac Vice
mroth@rothjackson.com
ROTH JACKSON
8200 Greensboro Drive, Suite 820
McLean, VA 22102
T: 703-485-3535
F: 703-485-3525

Andrew N. Cove
Florida Bar #0562122
anc@covelaw.com
Cove Law, P.A.
225 South 21st Avenue
Hollywood, FL 33020
T: 954-921-1121
F: 954-921-1621

Attorneys for Jennefer Ramsey

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of August 2018, I caused a copy of the foregoing document to be served via ECF on all parties entitled to receive notice.

/s/ Andrew N. Cove
Andrew N. Cove