

**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 STEPHANIE WATT’S ANSWER TO
FIRST AMENDED COMPLAINT FOR PERMANENT INJUNCTION AND OTHER
EQUITABLE RELIEF**

Relief Defendant Stephanie Watt (“Watt” 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. Watt 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

6-15. Watt is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 6-15. To the extent an answer is required, the allegations are denied.

16. Watt admits that Pillonato resides in Parkland, Florida. Watt is without sufficient knowledge and information to form a belief as to the truth of the remaining allegations contained in Paragraph 16. To the extent further answer is required, the remaining allegations are denied.

17. Watt admits that Justin Ramsey resides in Boca Raton, Florida. Watt 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.

18-23. Watt is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 18-23. To the extent an answer is required, the allegations are denied.

RELIEF DEFENDANTS

24. Watt admits that she resides in this district and that she has received funds from DCP as compensation for services rendered. Watt 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 Watt has a legitimate claim to the funds is a legal conclusion and thus no response is required.

25. Watt admits that Jennefer Ramsey resides in this district. Watt 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. Watt 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. Watt 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. Watt 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. Watt 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. Watt 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. Watt 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. Watt 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. Watt 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. Watt 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, Watt 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. Watt 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

125-135. Watt is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 125-135. To the extent an answer is required, the allegations are denied.

136. Watt admits that she received money from DCP Marketing, either directly or indirectly, for services rendered. Watt is without sufficient knowledge and information to

form a belief as to the truth of the remaining allegations contained in Paragraph 136. To the extent further answer is required, the allegations are denied.

Modern Spotlight LLC and Modern Spotlight Group LLC

137-161. Watt 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. Watt 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. Watt 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. Watt 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. Watt 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. Watt 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. Watt 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. Watt 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, Watt 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. Watt 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. Watt 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. Watt 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, Watt 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).

Fourth Affirmative Defense

To the extent Watt received any funds or assets traceable to unlawful acts or practices, Watt received those funds or assets as part of a contemporaneous exchange for value.

WHEREFORE, Watt 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
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Attorneys for Stephanie Watt

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