

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

B.C. LTD. 0763496, d.b.a. CASH CORNER SERVICES, INC.; B.C. LTD. 0685573, d.b.a. FAMILY CHOICE STORE, INC.; ODOWA ROLAND OKUOMOSE, individually and as a director of Cash Corner Services, Inc., and Family Choice Store, Inc.; and EVELYN OKUOMOSE, individually and as a director of Family Choice Store, Inc.,

Defendants.

Case No. C07-1755 RSM

**DEFAULT JUDGMENT AND  
ORDER FOR PERMANENT  
INJUNCTION AND MONETARY  
RELIEF**

Plaintiff, the Federal Trade Commission ("Commission"), having filed its Complaint under Sections 13(b) and 19 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 53(b) and 57b, and Section 6(b) of the Telemarketing and Consumer Fraud and Abuse Prevention Act ("Telemarketing Act"), 15 U.S.C. §§ 6101-6108, to obtain permanent injunctive relief, rescission of contracts, restitution, disgorgement, and other equitable relief for defendants' deceptive acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the Clerk of the Court having entered a default against defendants B.C. Ltd. 0763496, d.b.a. Cash Corner Services, Inc.; B.C. Ltd. 0685573, d.b.a. Family Choice Store, Inc.; Odowa Roland

FEDERAL TRADE COMMISSION  
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(206) 220-6350

1 Okuomose, and Evelyn Okuomose (hereinafter “defendants”), and the Court having considered  
2 the pleadings, declarations, exhibits, and memoranda filed by plaintiff, and now being advised in  
3 the premises, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure and Local Rule  
4 CR 55(b)(2), makes the following findings and enters the following Permanent Injunction:

5 **FINDINGS**

6 A. This Court has jurisdiction of the subject matter of this action and of the parties  
7 hereto.

8 B. Venue in the Western District of Washington at Seattle is proper.

9 C. The Commission is charged, *inter alia*, with responsibility for administering and  
10 enforcing Section 5 of the FTC Act, 15 U.S.C. § 45, which prohibits unfair or deceptive acts or  
11 practices in or affecting commerce.

12 D. The acts and practices of the defendants are in or affecting commerce, as defined  
13 in Section 4 of the FTC Act, 15 U.S.C. § 44.

14 E. This action was instituted by the Commission under Sections 5, 13(b), and 19 of  
15 the FTC Act, 15 U.S.C. §§ 45, 53(b), and 57b. The Commission seeks permanent injunctive  
16 relief and monetary and other redress for alleged unfair and deceptive acts or practices by the  
17 defendants in connection with telemarketing a lottery, prize promotion, or other game of chance,  
18 to U.S. consumers. Pursuant to Sections 13(b) and 19 of the FTC Act, the Commission has the  
19 authority to seek the relief it has requested.

20 F. The Complaint states claims upon which relief may be granted against defendants  
21 under Sections 5(a), 13(b), and 19 of the Federal Trade Commission Act, 15 U.S.C. §§ 45(a),  
22 53(b), and 57b, and the Telemarketing Act, 15 U.S.C. §§ 6105(b).

23 G. Defendants were served with the Complaint and summons as required by Rule 4 of  
24 the Federal Rules of Civil Procedure.

25 H. Defendants each failed to file an Answer with the Clerk of Court within the time  
26 set forth by Rule 12(a) of the Federal Rules of Civil Procedure or otherwise defend this action.

27 I. The Clerk of this Court, pursuant to Rule 55(a) of the Federal Rules of Civil  
28 Procedure and Local Rule CR 55(a), entered a default against defendants on May 9, 2008. The

1 FTC is therefore entitled to a default judgment pursuant to Rule 55(b)(2) of the Federal Rules of  
2 Civil Procedure and Local Rule CR 55(b)(2).

3 J. The Court now finds that, in connection with telemarketing a lottery, prize  
4 promotion, or other game of chance, defendants have violated Section 5(a) of the FTC Act, 15  
5 U.S.C. § 45(a), by misrepresenting, expressly or by implication, orally or in writing, that:

6 1. consumers have won and will receive a large cash award if they make a  
7 payment, such as a “tax” or “fee;” and

8 2. defendants have provided the consumer with a negotiable bank draft or  
9 check.

10 K. The Court now also finds that, in connection with telemarketing a lottery, prize  
11 promotion, or other game of chance, defendants have violated the Telemarketing Sales Rule  
12 (“TSR”), 16 C.F.R. Part 310, by:

13 1. misrepresenting, expressly or by implication, any material aspect of a prize  
14 promotion, including, but not limited to, misrepresenting consumers have won and will  
15 receive a large cash award if they pay a tax or fee, and that the check consumers receive is  
16 a negotiable bank draft or check, in violation of Section 310.3(a)(2)(v), 16 C.F.R.  
17 § 310.3(a)(2)(v); and

18 2. providing “substantial assistance or support” to any seller or telemarketer,  
19 while knowing or consciously avoiding knowing that the seller or telemarketer is engaged  
20 in acts or practices that violate Sections 310.3(a)(2)(v) of the TSR, in violation of Section  
21 310.3(b), 16 C.F.R. § 310.3(b).

22 L. Defendants Odowa Roland Okuomose and Evelyn Okuomose are each individually  
23 liable for the violations attributed to them as described above.

24 M. Defendants are jointly and severally liable for the violations attributed to them as  
25 described above.

26 N. Defendants have caused consumer injury in the amount of at least \$1,050,793  
27 (USD).

28 O. Defendants are likely to continue to engage in the activities alleged in the

1 Complaint unless they are prohibited from making or assisting in making false or misleading  
2 statements or representations in connection with the advertising, offering for sale, or sale of any  
3 good or service.

4 P. Plaintiff is entitled to permanent injunctive relief, redress to consumers, and  
5 disgorgement from defendants in the forms and amounts set forth below.

6 Q. Entry of this Order is in the public interest.  
7

### 8 DEFINITIONS

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

- 10 1. **“Assisting”** means providing goods or services to any person or entity  
11 engaged in telemarketing, including but not limited to: (a) preparing, printing, or  
12 transmitting correspondence requesting any action on the part of consumers or  
13 businesses; (b) preparing, printing, or transmitting to consumers or businesses any  
14 counterfeit checks, money orders, currency, or any other purportedly negotiable  
15 instruments; (c) obtaining or receiving payments from consumers or businesses,  
16 whether as a money service business or otherwise; (d) obtaining or receiving  
17 financial or account information from any consumer or business; (e)  
18 communicating in any way on behalf of the seller or telemarketer; (f) developing,  
19 providing, or arranging for the development or provision of sales scripts or any  
20 other marketing material; (g) verifying, processing, fulfilling, or arranging for the  
21 fulfillment of orders; (h) developing, providing, or arranging for the provision of  
22 names of potential customers; (i) providing or arranging for the provision of post  
23 office boxes or the services of commercial mail receiving agencies; or (j)  
24 performing or providing marketing services of any kind.
- 25 2. **“Defendants”** means B.C. Ltd. 0763496, d.b.a. Cash Corner Services, Inc.; B.C. Ltd.  
26 0685573, d.b.a. Family Choice Store, Inc.; Odowa Roland Okuomose, and Evelyn  
27 Okuomose.
- 28 3. **“Material”** means likely to affect a person’s choice of, or conduct regarding, goods or

1 services.

2 4. “**Seller**” means seller as defined in the FTC Telemarketing Sales Rule, 16 C.F.R.

3 5. § 310.2(z).

4 6. “**Telemarketer**” means telemarketer as defined in the FTC Telemarketing Sales Rule, 16  
5 C.F.R. § 310.2(bb).

6 7. “**Telemarketing**” means telemarketing as defined in the FTC Telemarketing Sales Rule,  
7 16 C.F.R. § 310.2(cc).

8  
9 **ORDER**

10 **I.**

11 **PROHIBITED PRACTICES**

12 **IT IS THEREFORE ORDERED** that defendants, their successors and assigns, officers,  
13 agents, servants, employees, and attorneys, and those persons in active concert or participation  
14 with them who receive actual notice of this Order by personal service or otherwise, whether  
15 acting directly or through any person, trust, corporation, subsidiary, division or other device, or  
16 any of them, in connection with the advertising, promoting, telemarketing, offering for sale,  
17 selling or distributing of any good or service to U.S. residents, are hereby permanently restrained  
18 and enjoined from:

19 A. Misrepresenting, expressly or by implication, orally or in writing, in connection  
20 with telemarketing a lottery, prize promotion, or other game of chance, that consumers have won  
21 and will receive a large cash award if they make a payment, such as a “tax” or “fee;”

22 B. Misrepresenting, expressly or by implication, orally or in writing, to any consumer  
23 that defendants have provided the consumer with a negotiable bank draft or check;

24 C. Assisting others who violate Paragraph A or B of Section I of this Order; and

25 D. Violating, or assisting others in violating, any provision of the Telemarketing Sales  
26 Rule (“TSR”), 16 C.F.R. Part 310, including, but not limited to:

27 1. Section 310.3(a)(2)(v), 16 C.F.R. § 310.3(a)(2)(v), by misrepresenting,  
28 expressly or by implication, directly or through their agents, any material aspect of a prize

1 promotion, including, but not limited to, misrepresenting that consumers have won and  
2 will receive a large cash award if they pay a “tax” or “fee;” and misrepresenting that the  
3 check consumers receive is a negotiable bank draft or check; and

4 2. Section 310.3(b), 16 C.F.R. § 310.3(b), by providing substantial assistance  
5 or support to any seller or telemarketer, while knowing or consciously avoiding knowing  
6 that the seller or telemarketer is engaged in acts or practices that violate any provision of  
7 the TSR including, but not limited to, Section 310.3(a)(2)(v) of the TSR, 16 C.F.R.  
8 § 310.3(b).

9 **II.**

10 **PROHIBITED DISCLOSURE OF CUSTOMER INFORMATION**

11 **IT IS FURTHER ORDERED** that defendants, their successors and assigns, officers,  
12 agents, servants, employees, and attorneys, and those persons in active concert or participation  
13 with them who receive actual notice of this Order by personal service or otherwise, whether  
14 acting directly or through any person, trust, corporation, subsidiary, division or other device, or  
15 any of them, are hereby permanently restrained and enjoined from selling, renting, leasing,  
16 transferring, or otherwise disclosing the name, address, telephone number, Social Security  
17 number, credit card number, bank account number, e-mail address or other identifying information  
18 of any person who paid any money to defendants at any time prior to entry of this Order in  
19 connection with a lottery, prize promotion, or other game of chance. *Provided, however,* that  
20 defendants may disclose such identifying information to a law enforcement agency or as required  
21 by any law, regulation or court order.

22 **III.**

23 **MONETARY JUDGMENT**

24 **IT IS FURTHER ORDERED** that:

25 A. Judgment is entered in favor of the FTC and against defendants, jointly and  
26 severally, in the amount of \$1,050,793; and

27 B. All funds received pursuant to this Order shall be deposited into a fund  
28 administered by the Commission or its agent to be used for equitable relief, including but not

1 limited to consumer redress, and any attendant expenses for the administration of such equitable  
2 relief. In the event that direct redress to consumers is wholly or partially impracticable or funds  
3 remain after redress is completed, the Commission may apply any remaining funds for such other  
4 equitable relief (including consumer information remedies) as it determines to be reasonably  
5 related to the defendants' practices alleged in the Complaint. Any funds not used for such  
6 equitable relief shall be deposited to the U.S. Treasury as disgorgement. Defendants shall have no  
7 right to challenge the Commission's choice of remedies under this Section. Defendants shall have  
8 no right to contest the manner of distribution chosen by the Commission. No portion of funds  
9 received pursuant to this judgment shall be deemed a payment of any fine, penalty, or punitive  
10 assessment.

11 **IV.**

12 **RETENTION OF JURISDICTION**

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

15  
16 **SO ORDERED**, this 30<sup>th</sup> day of January, 2009

17  
18 

19 **RICARDO S. MARTINEZ**  
20 **UNITED STATES DISTRICT JUDGE**

21 Respectfully Submitted,

22 /s/Kathryn C. Decker  
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