

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 17-60907-CIV-MORENO

FEDERAL TRADE COMMISSION, *et al.*,

Plaintiffs,

v.

JEREMY LEE MARCUS, *et al.*,

Defendants.

**RELIEF DEFENDANTS JLMJP POMPARNO LLC, HALFPAY INTERNATIONAL, LLC,
HALFPAY NV LLC, AND NANTUCKET COVE OF ILLINOIS, LLC'S ANSWER
AND DEFENSES TO PLAINTIFFS' FIRST AMENDED COMPLAINT FOR
PERMANENT INJUNCTION AND OTHER EQUITABLE RELIEF**

Relief Defendants **JLMJP Pompano LLC, Halfpay International, LLC, Halfpay NV LLC, and Nantucket Cove of Illinois, LLC** (“**Relief Defendants**”), by and through undersigned counsel, hereby file their answer and respond to Plaintiffs Federal Trade Commission (“FTC”) and State of Florida’s First Amended Complaint for Permanent Injunction and Other Equitable Relief (“Complaint”) and assert defenses as follows:

1. Relief Defendants admit that the FTC brought this action under the statutes referenced in paragraph 1 of the Complaint, but denies that the FTC is entitled to relief under those statutes and further denies that Relief Defendants have engaged in acts or practices in violation of the FTC Act or any other rule or statute. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 of the Complaint to the extent they pertain to the remaining defendants in this case.

2. Relief Defendants that the State of Florida brought this action under the statutes referenced in paragraph 2 of the Complaint, but deny that the State of Florida is entitled to relief

under those statutes and further denies that Relief Defendants have engaged in acts or practices in violation of the FDUTPA or any other rule or statute or that an enforcement action serves the public interest as required by the FDUTPA Section 501.702(2), Florida Statutes. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2 of the Complaint to the extent they pertain to the remaining defendants in this case.

SUMMARY OF THE CASE

3. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 of the Complaint.

4. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4 of the Complaint.

5. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5 of the Complaint.

6. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 6 of the Complaint.

7. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7 of the Complaint.

8. Paragraph 8 of the Complaint asserts a legal conclusion with respect to the common enterprise allegations as to which no response is required. To the extent a response is required, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8 of the Complaint.

JURISDICTION AND VENUE

9. Paragraph 9 of the Complaint asserts a legal conclusion as to which no response is required. To the extent a response is required, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 9 of the Complaint.

10. Paragraph 10 of the Complaint asserts a legal conclusion as to which no response is required. To the extent a response is required, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10 of the Complaint.

11. Paragraph 11 of the Complaint asserts a legal conclusion as to which no response is required. To the extent a response is required, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 11 of the Complaint.

PLAINTIFFS

12. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 12 of the Complaint.

13. Paragraph 13 of the Complaint asserts a legal conclusion as to which no response is required. To the extent a response is required, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 13 of the Complaint.

14. Paragraph 14 of the Complaint asserts a legal conclusion as to which no response is required. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 14 of the Complaint.

DEFENDANTS

15. Insofar as the allegations in paragraph 15 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 15 of the Complaint.

16. Insofar as the allegations in paragraph 16 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16 of the Complaint.

17. Insofar as the allegations in paragraph 17 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 17 of the Complaint.

18. Insofar as the allegations in paragraph 18 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 18 of the Complaint.

19. Insofar as the allegations in paragraph 19 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 19 of the Complaint.

20. Insofar as the allegations in paragraph 20 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 20 of the Complaint.

21. Insofar as the allegations in paragraph 21 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 21 of the Complaint.

22. Insofar as the allegations in paragraph 22 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 22 of the Complaint.

23. Insofar as the allegations in paragraph 23 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 23 of the Complaint.

24. Insofar as the allegations in paragraph 24 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 24 of the Complaint.

25. Insofar as the allegations in paragraph 25 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 25 of the Complaint.

26. Insofar as the allegations in paragraph 26 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 26 of the Complaint.

27. Insofar as the allegations in paragraph 27 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 27 of the Complaint.

28. Insofar as the allegations in paragraph 28 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 28 of the Complaint.

29. Insofar as the allegations in paragraph 29 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 29 of the Complaint.

30. Insofar as the allegations in paragraph 30 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 30 of the Complaint.

31. Insofar as the allegations in paragraph 31 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 31 of the Complaint.

32. Insofar as the allegations in paragraph 32 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 32 of the Complaint.

33. Insofar as the allegations in paragraph 33 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 33 of the Complaint.

34. Insofar as the allegations in paragraph 34 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 34 of the Complaint.

35. Relief Defendant JLMJP Pompano, LLC admits that it is Florida limited liability company with its principal place of business at 1410 SW 3rd Street, Pompano Beach, Florida 33069, but it denies the remaining allegations in paragraph 35 of the Complaint that pertain to it. Insofar as the allegations in paragraph 35 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 35 of the Complaint.

36. Relief Defendant Halfpay International, LLC admits the allegations in sentence one of paragraph 36 of the Complaint, but it denies the remaining allegations in paragraph 36 of the Complaint.

37. Relief Defendant Halfpay NV LLC admits the allegations in sentence one of paragraph 37 of the Complaint, but it denies the remaining allegations in paragraph 37 of the Complaint.

38. Relief Defendant Nantucket Cove of Illinois, LLC admits the allegations in sentence one of paragraph 38 of the Complaint, but it denies the remaining allegations in paragraph 38 of the Complaint.

39. Insofar as the allegations in paragraph 39 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 39 of the Complaint.

40. Insofar as the allegations in paragraph 40 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 40 of the Complaint.

41. Insofar as the allegations in paragraph 41 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 41 of the Complaint.

COMMON ENTERPRISE

42. The allegations in paragraph 42 of the Complaint assert a legal conclusion as to which no response is required. To the extent a response is required, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 42 of the Complaint.

COMMERCE

43. Paragraph 43 of the Complaint asserts a legal conclusion as to which no response is required. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 43 of the Complaint.

DEFENDANTS' BUSINESS ACTIVITIES

44. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 44 of the Complaint.

Defendants' Bogus Loan Campaign

45. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 45 of the Complaint.

46. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 46 of the Complaint.

47. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 47 of the Complaint.

48. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 48 of the Complaint.

49. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 49 of the Complaint.

50. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 50 of the Complaint.

51. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 51 of the Complaint.

52. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 52 of the Complaint.

53. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 53 of the Complaint.

54. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 54 of the Complaint.

55. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 55 of the Complaint.

56. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 56 of the Complaint.

Defendants' Account Takeover Campaign

57. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 57 of the Complaint.

58. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 58 of the Complaint.

Regardless of the Campaign Consumers Get Nothing for Their Money

59. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 59 of the Complaint.

60. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 60 of the Complaint.

61. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 61 of the Complaint.

62. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 62 of the Complaint.

63. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 63 of the Complaint.

64. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 64 of the Complaint.

65. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 65 of the Complaint.

All Corporate Defendants are For-Profit Entities

66. Insofar as the allegations in paragraph 66 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 66 of the Complaint.

67. Insofar as the allegations in paragraph 67 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 66 of the Complaint.

68. Insofar as the allegations in paragraph 68 of the Complaint pertain to a Defendant other than these answering Relief Defendants, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 68 of the Complaint.

VIOLATIONS OF THE FTC ACT

69. Paragraph 69 of the Complaint asserts a legal conclusion as to which no response is required. To the extent a response is required, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 69 of the Complaint.

70. Paragraph 70 of the Complaint asserts a legal conclusion as to which no response is required. To the extent a response is required, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 70 of the Complaint.

COUNT I

**Misrepresentations in Violation of Section 5(a)
(By Plaintiff FTC)**

71. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 71 of the Complaint.

72. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 72 of the Complaint.

73. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 73 of the Complaint.

VIOLATIONS OF THE TELEMARKETING SALES RULE

74. Paragraph 74 of the Complaint asserts a legal conclusion as to which no response is required. To the extent a response is required, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 74 of the Complaint.

75. Paragraph 75 of the Complaint asserts a legal conclusion as to which no response is required. To the extent a response is required, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 75 of the Complaint.

76. Paragraph 76 of the Complaint asserts a legal conclusion as to which no response is required. To the extent a response is required, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 76 of the Complaint.

77. Paragraph 77 of the Complaint asserts a legal conclusion as to which no response is required. To the extent a response is required, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 77 of the Complaint.

78. Paragraph 78 of the Complaint asserts a legal conclusion as to which no response is required. To the extent a response is required, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 78 of the Complaint and its subparts.

79. Paragraph 79 of the Complaint asserts a legal conclusion as to which no response is required. To the extent a response is required, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 79 of the Complaint.

80. Paragraph 80 of the Complaint asserts a legal conclusion as to which no response is required. To the extent a response is required, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 80 of the Complaint.

COUNT II

Misrepresentations About Debt Relief Services (By Both Plaintiffs)

81. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 81 of the Complaint and its subparts.

82. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 82 of the Complaint.

COUNT III

Advance Fee for Debt Relief Services (By Both Plaintiffs)

83. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 83 of the Complaint and its subparts.

84. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 84 of the Complaint.

**VIOLATIONS OF THE FLORIDA UNFAIR AND DECEPTIVE
TRADE PRACTICES ACT**

COUNT IV
(By Plaintiff State of Florida)

85. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 85 of the Complaint.

86. Paragraph 86 of the Complaint asserts a legal conclusion as to which no response is required. To the extent a response is required, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 86 of the Complaint.

87. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 87 of the Complaint.

88. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 88 of the Complaint.

89. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 89 of the Complaint.

90. Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 90 of the Complaint.

RELIEF DEFENDANTS

COUNT V
(By Both Plaintiffs)

91. Insofar as the allegations in paragraph 91 of the Complaint pertain to these answering Relief Defendants, Relief Defendants deny the allegations in paragraph 91 of the Complaint. To the extent the allegations in paragraph 91 of the Complaint pertain to a Defendant other than these answering Relief Defendant, Relief Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 91 of the Complaint.

92. Insofar as the allegations in paragraph 92 of the Complaint pertain to these answering Relief Defendants, Relief Defendants deny the allegations in paragraph 92 of the Complaint. To the extent the allegations in paragraph 92 of the Complaint pertain to a Defendant other than these answering Relief Defendant, Relief Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 92 of the Complaint.

93. Insofar as the allegations in paragraph 93 of the Complaint pertain to these answering Relief Defendants, Relief Defendants deny the allegations in paragraph 93 of the Complaint. To the extent the allegations in paragraph 93 of the Complaint pertain to a Defendant other than these answering Relief Defendant, Relief Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 93 of the Complaint.

CONSUMER INJURY

94. Insofar as the allegations in paragraph 94 of the Complaint pertain to these answering Relief Defendants, Relief Defendants deny the allegations in paragraph 94 of the

Complaint. To the extent the allegations in paragraph 94 of the Complaint pertain to a Defendant other than these answering Relief Defendant, Relief Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 93 of the Complaint.

THE COURT'S POWER TO GRANT RELIEF

95. Paragraph 95 of the Complaint asserts a legal conclusion as to which no response is required. To the extent a response is required, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 95 of the Complaint.

96. Paragraph 96 of the Complaint asserts a legal conclusion as to which no response is required. To the extent a response is required, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 96 of the Complaint.

97. Paragraph 97 of the Complaint asserts a legal conclusion as to which no response is required. To the extent a response is required, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 97 of the Complaint.

98. Paragraph 98 of the Complaint asserts a legal conclusion as to which no response is required. To the extent a response is required, Relief Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 98 of the Complaint.

PRAYER FOR RELIEF

99. Relief Defendants deny that Plaintiffs are entitled to the relief set forth in the Prayer for Relief and its subparts.

AFFIRMATIVE AND OTHER DEFENSES¹

FIRST DEFENSE

Relief Defendants have a legitimate claim to any assets received from Defendants.

SECOND DEFENSE

There is consideration for any assets Relief Defendants may have received from Defendants.

THIRD DEFENSE

Relief Defendants were never the recipients of any ill-gotten monies, gains, or assets.

FOURTH DEFENSE

Relief Defendants hereby give notice that they intend to rely upon any other defense that may become available or appear during the course of continuing and ongoing investigation and discovery in this case. Relief Defendants also hereby reserve the right to assert other and related defenses, as may become available in the event of a determination that this action, or some part thereof, is governed by the substantive law of a state or jurisdiction other than the State of Florida.

WHEREFORE, Relief Defendants requests:

- a) that the Complaint be dismissed with prejudice;
- b) that Plaintiffs take nothing by the Complaint;
- c) that Relief Defendants be awarded their costs, disbursements, attorneys' fees, and expenses incurred herein; and

¹ Relief Defendants rely on their arguments set forth in their Response in Opposition to Plaintiff's Motion to Strike Affirmative and Other Defenses [Dkt. #114] and re-assert the defenses previously pled in their Answer to Plaintiff's original complaint (with the exception of those defenses that were withdrawn voluntarily), subject to the Court's forthcoming ruling on Plaintiff's Motion.

d) that Relief Defendants be awarded such other and further relief as the Court may deem proper.

Dated: October 13, 2017

Respectfully submitted,

By: /s/ Maurice B. VerStandig
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Counsel for Relief Defendants,
*JLMJP Pompano, LLC; Halfpay
International, LLC; Halfpay NV, LLC; and
Nantucket Cove of Illinois, LLC*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of October, 2017, I caused a true and correct copy of the foregoing to be electronically filed with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record either via transmission of Notices of Electronic Filing generated by CM/ECF or in another authorized manner for those counsel or parties authorized to receive electronically Notices of Electronic Filing.

By: /s/ Maurice B. VerStandig
Maurice B. VerStandig