

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

FEDERAL TRADE COMMISSION,	)	
	)	
Plaintiff,	)	Case No. 13-cv-1999
	)	
v.	)	Judge Andrea R. Wood
	)	
CONSTRUCT DATA PUBLISHERS, a.s.,	)	Magistrate Judge Mason
a foreign corporation, also doing business	)	
as FAIR GUIDE,	)	
	)	
WOLFGANG VALVODA,	)	
individually, and as an owner, officer, or director	)	
of CONSTRUCT DATA PUBLISHERS a. s., and	)	
	)	
SUSANNE ANHORN,	)	
individually, and as an owner, officer, or director	)	
of CONSTRUCT DATA PUBLISHERS a. s.,	)	
	)	
Defendants.	)	

**STIPULATED ORDER FOR PERMANENT INJUNCTION  
AND MONETARY JUDGMENT AS TO DEFENDANTS  
SUSANNE ANHORN AND WOLFGANG VALVODA**

Plaintiff, the Federal Trade Commission (“FTC” or “Commission”), filed its Complaint for Permanent Injunction and Other Equitable Relief (“Complaint”) in this matter, pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b). The Commission and Stipulating Defendants Wolfgang Valvoda and Susanne Anhorn (“Stipulating Defendants”) stipulate to the entry of this Stipulated Order for Permanent Injunction and Monetary Judgment (“Order”) to resolve all matters in dispute in this action between them.

**THEREFORE, IT IS ORDERED** as follows:

**FINDINGS**

1. This Court has jurisdiction over this matter, and personal jurisdiction over defendants Wolfgang Valvoda and Susanne Anhorn.
2. The Complaint charges that Defendants participated in deceptive acts or practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), in the offering for sale, or sale of Business Directory listings.
3. Stipulating Defendants neither admit nor deny any of the allegations in the Complaint, except as specifically stated in this Order. Only for purposes of this action, Stipulating Defendants admit the facts necessary to establish jurisdiction.
4. Stipulating Defendants waive any claim that they may have under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order, and agree to bear their own costs and attorneys' fees.
5. Stipulating Defendants waive all rights to appeal or otherwise challenge or contest the validity of this Order.

**DEFINITIONS**

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

1. “**Business Directory**” means a collection of listings of consumers, providing their location, contact information, and/or other details, in any format, represented to consumers to be available to users or purchasers of consumers' goods or services, and/or represented to consumers to be for the purpose of promoting consumers' goods or services.

2. “**Consumer**” includes any individual, group, unincorporated association, limited or general partnership, corporation, or other business entity.

3. “**Corporate Defendant**” means Construct Data Publishers, a.s., also doing business as Fair Guide, and its successors and assigns.

4. “**Defendants**” means all of the Stipulating Defendants and the Corporate Defendant, individually, collectively, or in any combination.

5. “**Individual Defendants**” or “**Stipulating Defendants**” means Wolfgang Valvoda and Susanne Anhorn.

6. “**Person**” includes a natural person, an organization or other legal entity, including a corporation, partnership, sole proprietorship, limited liability company, association, cooperative, or any other group or combination acting as an entity.

7. “**Plaintiff**” means the Federal Trade Commission (“FTC” or “Commission”).

#### I. BAN ON CERTAIN ACTIVITIES

**IT IS ORDERED** that Stipulating Defendants, whether acting directly or indirectly, are permanently restrained and enjoined from advertising, marketing, promoting, offering for sale, or selling, or assisting in the advertising, marketing, promoting, offering for sale, or sale of, Business Directories and/or listings in Business Directories.

#### II. PROHIBITIONS AGAINST MISREPRESENTATIONS

**IT IS FURTHER ORDERED** that Stipulating Defendants, Stipulating Defendants’ officers, agents, employees, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection

with the advertising, marketing, promoting, offering for sale, or sale of any good or service, are permanently restrained and enjoined from misrepresenting, or assisting others in misrepresenting, expressly or by implication:

- A. That consumers have a preexisting business relationship with any Defendant or any other person;
- B. That Defendants or any other person are affiliated or otherwise connected with a particular trade show or exhibition, or the organizer of that event;
- C. That consumers have agreed to purchase a good or service;
- D. That consumers owe money for a good or service;
- E. The nature of any Defendant's or any other person's relationship with consumers;
- F. The purpose of any communication with consumers; or
- G. Any fact material to consumers concerning any good or service, such as: the total cost; any material restrictions, limitations, or conditions; or any material aspect of the performance, efficacy, nature, or central characteristics.

### III. MONETARY JUDGMENT

**IT IS FURTHER ORDERED** that:

A. Judgment in the amount of Two Million, One Hundred Sixty-Six Thousand, Five Hundred Seventy-Eight Dollars and Seventy-Two Cents (\$2,166,578.72) is entered in favor of the Commission against Stipulating Defendant Valvoda.

B. Judgment in the amount of Four Million, Five Hundred Nine Thousand, Nine Hundred Ten Dollars and Eighteen Cents (\$4,509,910.18) is entered in favor of the Commission against Stipulating Defendant Anhorn.



C. Stipulating Defendants are ordered to pay to the Commission Two Hundred Thousand Dollars (\$200,000), which, as Stipulating Defendants stipulate, their undersigned counsel holds in escrow for no purpose other than payment to the Commission. Such payment must be made within 7 days of entry of this Order by electronic fund transfer in accordance with instructions previously provided by a representative of the Commission. Upon such payment, the remainder of the judgment against each Stipulating Defendant is suspended, subject to the Subsections below.

D. The Commission's agreement to the suspension of part of the judgment is expressly premised upon the truthfulness, accuracy, and completeness of Stipulating Defendants' sworn financial statements and related documents (collectively, "financial representations") submitted to the Commission, namely:

1. The Financial Statements of Stipulating Defendant Anhorn signed in July 2013 and on April 24, 2015; and
2. The Financial Statement of Stipulating Defendant Valvoda signed on November 18, 2015, including the attachments.

E. The suspension of the judgment will be lifted as to any Stipulating Defendant if, upon motion by the Commission, the Court finds that the Stipulating Defendant failed to disclose any material asset, materially misstated the value of any asset, or made any other material misstatement or omission in the financial representations identified above.

F. If the suspension of the judgment is lifted as to a Stipulating Defendant, the judgment becomes immediately due as to that Stipulating Defendant in the amount specified in Subsection A. (Stipulating Defendant Valvoda) or Subsection B. (Stipulating Defendant Anhorn)

above (which the parties stipulate only for purposes of this Section, combined represent the consumer injury alleged in the Complaint), less any payment previously made pursuant to this Section, less any payment collected pursuant to a judgment in this action against the Corporate Defendant, plus interest computed from the date of entry of this Order.

G. Stipulating Defendants and their attorneys relinquish dominion and all legal and equitable right, title, and interest in all assets transferred pursuant to this Order, and all assets deposited in the Court registry during the pendency of this litigation, and may not seek the return of any assets.

H. The facts alleged in the Complaint will be taken as true, without further proof, in any subsequent civil litigation by or on behalf of the Commission, including in a proceeding to enforce its rights to any payment or monetary judgment pursuant to this Order, such as a nondischargeability complaint in any bankruptcy case.

I. The facts alleged in the Complaint establish all elements necessary to sustain an action by the Commission pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral estoppel effect for such purposes.

J. All money paid to the Commission pursuant to this Order may be deposited into a fund administered by the Commission or its designee to be used for equitable relief, including consumer redress and any attendant expenses for the administration of any redress fund. If a representative of the Commission decides that direct redress to consumers is wholly or partially impracticable or money remains after redress is completed, the Commission may apply any remaining money for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to Defendants' practices alleged in the Complaint. Any

money not used for such equitable relief is to be deposited to the U.S. Treasury as disgorgement. Stipulating Defendants have no right to challenge any actions the Commission or its representatives may take pursuant to this Subsection.

#### IV. PROHIBITIONS REGARDING CUSTOMER INFORMATION

**IT IS FURTHER ORDERED** that Stipulating Defendants, Stipulating Defendants' officers, agents, employees, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, are permanently restrained and enjoined from directly or indirectly:

A. Disclosing, using, or benefitting from customer information, including the name, address, telephone number, email address, social security number, other identifying information, or any data that enables access to a customer's account (including a credit card, bank account, or other financial account), that any Defendant obtained prior to entry of this Order in connection with the advertising, marketing, promotion, offering for sale, or sale of Business Directory listings; and

B. Failing to destroy such customer information in all forms in their possession, custody, or control within 30 days after receipt of written direction to do so from a representative of the Commission.

*Provided, however,* that customer information need not be disposed of, and may be disclosed, to the extent requested by a government agency or required by a law, regulation, or court order.



**V. PROHIBITION ON COLLECTING ON ACCOUNTS**

**IT IS FURTHER ORDERED** that Stipulating Defendants, Stipulating Defendants' officers, agents, employees, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are permanently restrained and enjoined from attempting to collect or collecting payment for any listing in any Business Directory marketed or sold by Defendants, and from selling, assigning, or otherwise transferring any right to collect payment for any listing in any Business Directory marketed or sold by Defendants.

**VI. ORDER ACKNOWLEDGMENTS**

**IT IS FURTHER ORDERED** that Stipulating Defendants obtain acknowledgments of receipt of this Order:

- A. Each Stipulating Defendant, within 7 days of entry of this Order, must submit to the Commission an acknowledgment of receipt of this Order sworn under penalty of perjury.
- B. For 5 years after entry of this Order, each Stipulating Defendant for any business that such Stipulating Defendant, individually or collectively with any other Defendant, is the majority owner or controls directly or indirectly, must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees, agents, and representatives who participate in conduct related to the subject matter of the Order; and (3) any business entity resulting from any change in structure as set forth in the Section titled Compliance Reporting. Delivery must occur within 7 days of entry of this Order for current personnel. For all others, delivery must occur before they assume their responsibilities.



C. From each individual or entity to which a Stipulating Defendant delivered a copy of this Order, that Stipulating Defendant must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

## VII. COMPLIANCE REPORTING

**IT IS FURTHER ORDERED** that Stipulating Defendants make timely submissions to the Commission:

A. One year after entry of this Order, Stipulating Defendants must submit a compliance report sworn under penalty of perjury. Each Stipulating Defendant must:

1. Identify all telephone numbers and all physical, postal, email and Internet addresses, including all residences;
2. Identify all business activities, including any business for which such Stipulating Defendant performs services whether as an employee or otherwise and any entity in which such Stipulating Defendant has any ownership interest;
3. Describe in detail such Stipulating Defendant's involvement in each such business, including title, role, responsibilities, participation, authority, control, and any ownership;
4. Identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the Commission may use to communicate with such Stipulating Defendant;
5. Identify all of such Stipulating Defendant's businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses;
6. Describe the activities of each business, including the goods and services

offered, the means of advertising, marketing, and sales, and the involvement of any other Defendant (which such Stipulating Defendant must describe if such Stipulating Defendant knows or should know due to his or her own involvement);

7. Describe in detail whether and how such Stipulating Defendant is in compliance with each Section of this Order; and

8. Provide a copy of each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to the Commission.

B. For ten (10) years after entry of this Order, each Stipulating Defendant must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the following:

1. Name, including aliases or fictitious name, or residence address;

2. Title or role in any business activity, including any business for which such Stipulating Defendant performs services whether as an employee or otherwise and any entity in which such defendant has any ownership interest, and identify the name, physical address, and any Internet address of the business or entity;

3. Any designated point of contact; or

4. The structure of any entity that such Stipulating Defendant has any ownership interest in or controls directly or indirectly that may affect compliance obligations arising under this Order, including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order.

C. Each Stipulating Defendant must submit to the Commission notice of the filing of any bankruptcy petition, insolvency proceeding, or any similar proceeding by or against such

Defendant within 14 days of its filing.

D. Any submission to the Commission required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: “I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on: \_\_\_\_\_” and supplying the date, signatory’s full name, title (if applicable), and signature.

E. Unless otherwise directed by a Commission representative in writing, all submissions to the Commission pursuant to this Order must be emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: *FTC v. Construct Data Publishers, a.s.*, FTC Matter No. X130040.

#### VIII. RECORDKEEPING

**IT IS FURTHER ORDERED** that Stipulating Defendants must create certain records for 10 years after entry of the Order, and retain each such record for 5 years. Specifically, each Stipulating Defendant for any business that such Stipulating Defendant, individually or collectively with any other Defendant, is a majority owner or controls directly or indirectly, must create and retain the following records:

- A. Accounting records showing the revenues from all goods or services sold;
- B. Personnel records showing, for each person providing services, whether as an employee or otherwise, that person’s: name; addresses; telephone numbers; job title or position; dates of service; and (if applicable) the reason for termination;



C. Records of all consumer complaints and refund requests, whether received directly or indirectly, such as through a third party, and any response;

D. All records necessary to demonstrate full compliance with each provision of this Order, including all submissions to the Commission; and

E. A copy of each unique advertisement or other marketing material.

#### **IX. COMPLIANCE MONITORING**

**IT IS FURTHER ORDERED** that, for the purpose of monitoring Stipulating Defendants' compliance with this Order, including the financial representations upon which part of the judgment was suspended and any failure to transfer any assets as required by this Order:

A. Within 14 days of receipt of a written request from a representative of the Commission, each Stipulating Defendant must: submit additional compliance reports or other requested information, which must be sworn under penalty of perjury; appear for depositions; and produce documents for inspection and copying. The Commission is also authorized to obtain discovery, without further leave of court, using any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69, provided that Stipulating Defendants, after attempting to resolve a dispute without court action and for good cause shown, may file a motion with this Court seeking an order for one or more of the protections set forth in Rule 26(c).

B. For matters concerning this Order, the Commission is authorized to communicate directly with each Stipulating Defendant. Stipulating Defendant must permit representatives of the Commission to interview any employee or other person affiliated with any Stipulating



Defendant who has agreed to such an interview. The person interviewed may have counsel present.

C. The Commission may use all other lawful means, including posing, through its representatives as consumers, suppliers, or other individuals or entities, to Stipulating Defendants or any individual or entity affiliated with Stipulating Defendants, without the necessity of identification or prior notice. Nothing in this Order limits the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

D. Upon written request from a representative of the Commission, any consumer reporting agency must furnish consumer reports concerning Stipulating Defendants, pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C. §1681b(a)(1).


#### **X. LIFTING OF ASSET FREEZE**

**IT IS FURTHER ORDERED** that the freeze on the assets of Stipulating Defendants shall remain in effect until the Commission has received the payments required by the Monetary Judgment Section above, *provided, however*, that Stipulating Defendants may transfer funds to the extent necessary to make all payments identified in the Monetary Judgment Section. Upon completion of the payments required by the Monetary Judgment Section, the freeze on the assets of Stipulating Defendants is dissolved.

**XI. RETENTION OF JURISDICTION**

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

**SO ORDERED** this 25<sup>th</sup> day of August, 2016.

  
\_\_\_\_\_  
Honorable Andrea R. Wood  
United States District Judge

**SO STIPULATED AND AGREED:**

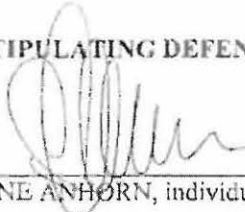
**FOR PLAINTIFF:**

  
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Dated: August 18, 2016

Attorneys for Plaintiff  
FEDERAL TRADE COMMISSION

FOR STIPULATING DEFENDANTS:



\_\_\_\_\_  
SUSANNE ANHORN, individually

Dated: 25/07/, 2016

\_\_\_\_\_  
WOLFGANG VALVODA, individually

Dated: \_\_\_\_\_, 2016



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Dated: 14th June, 2016

Attorneys for Stipulating Defendants


**FOR STIPULATING DEFENDANTS:**

\_\_\_\_\_  
SUSANNE ANHORN, individually

Dated: \_\_\_\_\_, 2016

  
\_\_\_\_\_  
WOLFGANG VALVODA, individually

Dated: 25<sup>th</sup> May, 2016

  
\_\_\_\_\_  
LORI E. LIGHTFOOT

Dated: 14<sup>th</sup> June, 2016

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