

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

CASE NO.: 8:09-cv-2309-T-23TBM

WASHINGTON DATA
RESOURCES, et al.,

Defendants.

ORDER

The Federal Trade Commission moves (Doc. 457) for a default judgment against the defendant Washington Data Resources, Inc., a defunct and inactive corporation administratively dissolved by the Florida Department of State on September 24, 2010, for failure to submit an annual report.* Fla. Stat. § 607.1420(1)(a) (providing as grounds for administrative dissolution the corporation's failure to file an annual report). Because a dissolved corporation nevertheless continues the corporate existence to "wind up" affairs and liquidate assets, an injunction is warranted and the motion (Doc. 457) is **GRANTED IN PART**. *See* Fla. Stat. § 607.1405.

* *See* Inquire By Name, Fla. Dep't of State, Division of Corporations, <http://www.sunbiz.org/corinam.html>. The clerk entered a default against Washington Data on November 1, 2010. (Doc. 202)

The FTC requests a judgment in the amount of \$2,638,974, an amount equal to the combined liability of the defendants John Brent McDaniel, Richard Bishop, and Tyna Caldwell. “Although a defaulted defendant admits well-pleaded allegations of liability, allegations relating to the amount of damages are not admitted by virtue of default.” *Miller v. Paradise of Port Richey, Inc.*, 75 F. Supp. 2d 1342, 1346 (M.D. Fla. 1999) (Bucklew, J). Owned by McDaniel and controlled by McDaniel and Bishop, Washington Data ceased on September 7, 2009, the conduct that violated the FTC Act and the Telemarketing Sales Rule. *See* Doc. 454, at 53-55; Doc. 441, at 7 (Trial Transcript Oct. 6, 2011, at 7). Accordingly, judgment shall enter against Washington Data in the amount of \$1,974,270, the same amount entered against McDaniel and Bishop. *See* Doc. 454, at 64-66.

IV. Injunction

Washington Data Resources, Inc., is enjoined for ten years as follows:

A. Definitions

“**Debt-relief product or service**” means a product or service, including a mortgage-assistance product or service, designed or purportedly designed to negotiate, settle, or alter the terms of a debt or obligation.

“**Defendant**” means Washington Data Resources, Inc. “**Other defendant**” means Crowder Law Group, P.A., f/k/a Jackson, Crowder & Associates, P.A., and

d/b/a Legal Support Services; Douglas A. Crowder; Bruce Meltzer; Richard A. Bishop; John Brent McDaniel; Tyna Caldwell; and Kathleen Lewis.

“Financial product or service” means a product or service, including a debt-relief product or service and a mortgage-assistance product or service, designed or purportedly designed to assist a consumer attempting to receive credit or improve a credit rating.

“Mortgage-assistance product or service” means a product or service designed or purportedly designed to assist a consumer with preventing or postponing a foreclosure sale or a repossession of the consumer’s dwelling or with modifying a term of either a residential loan or a residential “short sale.”

“Person” means a natural person and a corporation or other business entity.

“Telemarketing” means a plan, program, or campaign that uses a telephone and involves more than one interstate telephone call to induce the purchase of a good or service.

B. Prohibitions

The defendant shall not (1) market or provide or assist a person in marketing or providing a debt-relief product or service; (2) telemarket or assist a person in telemarketing a financial product or service; (3) attempt to collect, sell, or assign a right to collect money from a consumer who agreed to purchase a mortgage-assistance product or service from the defendant or an other defendant.

C. Consumer Information

The defendant shall not disclose or use consumer information, such as a name, address, telephone number, email address, social security number, other identifying information, or data that enables access to a customer's financial account (including a credit card, bank account, or other financial account), that a defendant or other defendant obtained by operating Optimum Business Solutions, LLC, a/k/a Attorney Finance Services, LLC, and d/b/a Attorney Finance Services; Crowder Law Group, P.A., f/k/a Jackson, Crowder & Associates, P.A., and d/b/a Legal Support Services; or Legal Admin Services, Inc; and Meltzer Law Group. On or before thirty days after the entry of this injunction, the defendant shall destroy consumer information in the defendant's possession, custody, or control. The defendant shall destroy consumer information in a manner that immediately and finally prevents further access to the information.

D. Judgment

The defendant shall deposit money paid to the FTC into an account administered by the FTC and used for consumer redress. The FTC shall deposit into the United States Treasury money not used for consumer redress. Judgment interest shall accrue in accord with 28 U.S.C. § 1961(a).

Jurisdiction is retained to construe, modify, and enforce this injunction.

* * *

The motion for a default judgment (Doc. 457) is **GRANTED IN PART**. The clerk is directed to (1) **VACATE** the June 11, 2012, judgment (Doc. 460), (2) enter judgment for the FTC and against the defendants Bishop, McDaniel, and Washington Data Resources, jointly and severally, in the amount of \$1,974,270, and (3) enter judgment for the FTC and against the defendant Caldwell in the amount of \$664,704. Judgment interest shall accrue from June 11, 2012. The clerk is directed to close the case.

ORDERED in Tampa, Florida, on June 19, 2012.



STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE