

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 19-61867-CIV-ALTMAN/Hunt

FEDERAL TRADE COMMISSION,

Petitioner,

v.

DANIEL LAMBERT, et al.,

Respondents.

ORDER

THIS MATTER comes before the Court on a *sua sponte* review of the record. Pursuant to the authority conferred by Section 20 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 57b-1, the Petitioner, the Federal Trade Commission (“Commission”), has invoked the aid of this Court, pursuant to Fed. R. Civ. P. 81(a)(5), for an order requiring the Respondents, Daniel Lambert; James Verillo; Cruise Operator, Inc.; BPCL Management, LLC; Nationwide Reservations, Inc.; Jeff Tellam; Reservations & Fulfillment Services, Inc.; Paul Heyden; Melissa Hanson; and Royal Seas Cruises, Inc., to produce documents in compliance with separate Civil Investigative Demands (“CIDs”) issued by the Commission on November 21, 2018, with an original return date of December 21, 2018.

The CIDs were issued in aid of an investigation concerning whether the Respondents’ conduct violated Section 5 of the FTC Act, 15 U.S.C. § 45, or the Commission’s Telemarketing Sales Rule (“TSR”), 16 C.F.R. Part 310, through their telemarketing of cruise vacation packages.

The Court has considered the Commission’s Petition for an Order enforcing its CIDs and the papers filed in support thereof, and it appears to the Court that Petitioner has shown good cause

for the entry of this Order. Accordingly, the Court hereby **ORDERS AND ADJUDGES** that, on or before **October 11, 2019**, each Respondent shall:

1. Produce to the Commission all documents responsive to the CIDs and to the letter from the Petitioner FTC's Office of General Counsel, dated May 16, 2019, including:
 - a. For all Respondents, all communications responsive to Request for Production 1 between or among any of Respondents;
 - b. For all Respondents, all communications responsive to Request for Production 2 between or among any of Respondents;
 - c. For all Respondents except Royal Seas Cruises, Inc., all documents responsive to Request for Production 5 in the CIDs they received;
 - d. For Royal Seas Cruises, Inc., all documents responsive to Request for Productions 9 and 15(c) in the CID it received;
 - e. For Respondents BPCL Management, LLC; Nationwide Reservations, Inc.; Reservation & Fulfillment Services, Inc.; and Jeff Tellam, all documents responsive to Request for Production 6(c) in the CIDs they received;
 - f. For Respondents Cruise Operator, Inc.; Melissa Hanson; Paul Heyden; Daniel Lambert; and James Verillo all documents responsive to Request for Production 9(c) in the CIDs they received;

OR

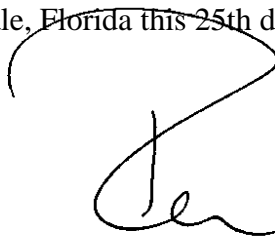
2. File and serve (by hand or electronically via email) on counsel for the Commission their response(s) to the Commission's petition. As none of Respondents filed a petition to limit or quash the CIDs they received, any response to the Commission must demonstrate good cause for their failure to raise such objections previously. Absent

such good cause, no objections that could have been raised in an administrative petition to quash shall be considered. Any reply by the Commission to oppositions filed by any of Respondents shall be filed with the Court and served (by hand or electronically via email) on counsel for Respondents. Such reply(ies) shall be filed and served no later than **seven (7) days** after service of the latest of any opposition by Respondents.

The Court further **ORDERS AND ADJUDGES** as follows:

1. Each Respondent filing an opposition shall appear at a hearing on **October 22, 2019, at 3:30 PM** in Courtroom 207A at the U.S. Courthouse, 299 E. Broward Boulevard, Fort Lauderdale, Florida, and show cause why this Court should not enter an order, subject to the penalty of contempt, directing them to comply with the Commission's CIDs. Unless the Court determines otherwise, notwithstanding the filing or pending of any procedural or other motions, all issues raised by the petition and supporting papers, and any opposition to the petition will be considered at the hearing on the petition, and the allegations of said petition shall be deemed admitted unless controverted by a specific factual showing.
2. This is a summary proceeding, and no party shall be entitled to discovery without further order of the Court upon a specific showing of need.
3. The dates for a hearing and the filing of papers established by this Order shall not be altered without prior order of the Court upon good cause shown.
4. A copy of this Order and copies of said Petition and all other papers filed herein (to the extent not previously served), shall be served upon Respondents or their counsel by the Commission using means as expeditious as practicable.

DONE AND ORDERED in Fort Lauderdale, Florida this 25th day of September 2019.

A handwritten signature in black ink, appearing to read 'Roy K. Altman', written over a horizontal line.

ROY K. ALTMAN
UNITED STATES DISTRICT JUDGE

cc: counsel of record