

1 Keith Beauchamp (012434)
Marvin C. Ruth (024220)
2 **COPPERSMITH BROCKELMAN PLC**
2800 North Central Avenue, Suite 1200
3 Phoenix, Arizona 85004
4 T: (602) 381-5490
F: (602) 224-6020
5 kbeauchamp@cblawyers.com
mruth@cblawyers.com
6
7 *Attorneys for Defendant Tom Alkazin and*
Relief Defendant Bethany Alkazin

8
9 UNITED STATES DISTRICT COURT
10 DISTRICT OF ARIZONA

11 Federal Trade Commission,) No. 2:15-cv-01578-JJT
12 Plaintiff,)
13 v.) **ANSWER TO COMPLAINT**
14 Vemma Nutrition Company, *et al.*,)
15 Defendants.)
16 Bethany Alkazin, an individual,)
17 Relief Defendant.)
18

19 For their Answer to the Federal Trade Commission's Complaint for Permanent
20 Injunction and Other Equitable Relief (the "Complaint"), Defendant Tom Alkazin and
21 Relief Defendant Bethany Alkazin (together, "Alkazin") hereby deny all allegations of
22 the Complaint unless expressly admitted herein, and further admit, deny, and allege as
23 follows:

24 1. The statements in Paragraph 1 of the Complaint constitute legal argument
25 and a prayer for relief to which no response is required. To the extent a response is
26 required, Alkazin denies that the FTC has any legal claims against Alkazin pursuant to
27 Section 5(a) of the FTC Act and denies that the FTC has any right to relief against
28 Alkazin, as alleged, or at all.

JURISDICTION AND VENUE

2. Alkazin admits the allegation in Paragraph 2 of the Complaint that this Court has subject matter jurisdiction.

3. Alkazin admits the allegation in Paragraph 3 of the Complaint that venue is proper in this district.

PLAINTIFF

4. Alkazin admits the allegations in Paragraph 4 of the Complaint that the FTC is an independent agency of the United States Government created by statute and that the FTC enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a). Alkazin denies any allegation that Alkazin violated Section 5(a) of the FTC Act, and denies that the FTC has any legal claims against Alkazin as alleged, or at all.

5. The allegations in Paragraph 5 of the Complaint constitute legal argument to which no response is required. To the extent Paragraph 5 is deemed to contain allegations against or concerning Alkazin, Alkazin denies the allegations. Further, Alkazin denies that the FTC has any right to relief against Alkazin as alleged, or at all.

6. The allegations in Paragraph 6 of the Complaint are not directed at Alkazin and therefore, no response is required. To the extent Paragraph 6 is deemed to contain allegations against or concerning Alkazin, Alkazin denies the allegations.

7. The allegations in Paragraph 7 of the Complaint are not directed at Alkazin and therefore, no response is required. To the extent Paragraph 7 is deemed to contain allegations against or concerning Alkazin, Alkazin denies the allegations.

8. The allegations in Paragraph 8 of the Complaint are not directed at Alkazin and therefore, no response is required. To the extent Paragraph 8 is deemed to contain allegations against or concerning Alkazin, Alkazin denies the allegations.

9. Alkazin admits the allegation in Paragraph 9 of the Complaint that Tom Alkazin resides in California. Alkazin denies the remaining allegations in Paragraph 9.

1 10. Alkazin admits the allegation in Paragraph 10 of the Complaint that
2 Bethany Alkazin resides in California with her husband Tom Alkazin. Alkazin denies the
3 remaining allegations in Paragraph 10.

4 **COMMON ENTERPRISE**

5 11. The allegations in Paragraph 11 of the Complaint are not directed at Alkazin
6 and therefore, no response is required. To the extent Paragraph 11 is deemed to contain
7 allegations against or concerning Alkazin, Alkazin is without sufficient knowledge or
8 information to form a belief as to the truth of the allegations in Paragraph 11, and therefore
9 denies the same.

10 **COMMERCE**

11 12. The statements in Paragraph 12 of the Complaint constitute legal argument
12 to which no response is required. To the extent Paragraph 12 is deemed to contain
13 allegations against or concerning Alkazin, Alkazin denies the allegations.

14 **DEFENDANTS' BUSINESS PRACTICES**

15 13. The allegations in Paragraph 13 of the Complaint are not directed at
16 Alkazin and therefore, no response is required. To the extent Paragraph 13 is deemed to
17 contain allegations against or concerning Alkazin, Alkazin, upon information and belief,
18 admits the allegations that Vemma Nutrition Company is a multilevel marketing
19 company that promotes health and wellness drinks through independent distributors
20 called "Affiliates" and that the products promoted include health, energy and weight loss
21 products. Alkazin is without sufficient knowledge or information to form a belief as to
22 the truth of the remaining allegations in Paragraph 13, and therefore denies the same.

23 14. The allegations in Paragraph 14 of the Complaint are not directed at
24 Alkazin and therefore, no response is required. To the extent Paragraph 14 is deemed to
25 contain allegations against or concerning Alkazin, upon information and belief, admits
26 the allegations that Affiliates can earn financial and other rewards for building two
27 "teams" or "downlines" of individuals who also enroll with the company, either as an
28 Affiliate or as a customer. Alkazin denies the remaining allegations.

1 15. Alkazin denies the allegations in Paragraph 15 of the Complaint.

2 16. The allegations in Paragraph 16 of the Complaint are not directed at Alkazin
3 and therefore, no response is required. To the extent Paragraph 16 is deemed to contain
4 allegations against or concerning Alkazin, Alkazin is without sufficient knowledge or
5 information to form a belief as to the truth of the allegations in Paragraph 16, and therefore
6 denies the same.

7 17. To the extent the allegations in Paragraph 17 of the Complaint are directed at
8 or concern Alkazin, Alkazin admits only that Vemma is promoted through a variety of
9 channels and that he has spoken at events or meetings promoting Vemma's products and
10 opportunities. Alkazin denies the remaining allegations in Paragraph 17 of the Complaint.

11 18. To the extent the allegations in Paragraph 18 of the Complaint are directed
12 at Alkazin, Alkazin denies the allegations.

13 19. The allegations in Paragraph 19 of the Complaint are not directed at
14 Alkazin, and therefore, no response is required. To the extent Paragraph 19 is deemed to
15 contain allegations against or concerning Alkazin, Alkazin, upon information and belief,
16 admits only that Vemma, at some point in time, had a campaign known as YPR. Alkazin
17 denies the remaining allegations in Paragraph 19.

18 20. To the extent the allegations in Paragraph 20 of the Complaint are directed
19 at or concern Alkazin, Alkazin denies the allegations. Alkazin further alleges that (i)
20 none of the statements purportedly quoted in subparts (a)-(d) of Paragraph 20 were made
21 by or are attributed to Alkazin, and thus, no response to the allegations regarding those
22 statements is required and (ii) that the quoted statements, and any documents or
23 transcripts containing the purported statements and providing context for those
24 statements, speak for themselves.

25 21. To the extent the allegations in Paragraph 21 of the Complaint are directed
26 at Alkazin, Alkazin denies the allegations.

27 22. To the extent the allegations in Paragraph 22 of the Complaint are directed
28 at Alkazin, Alkazin denies the allegations. Alkazin further alleges that (i) none of the

1 statements purportedly quoted in subparts (a)-(b) of Paragraph 22 were made by or are
2 attributed to Alkazin, and thus, no response to the allegations regarding those statements
3 is required and (ii) that the quoted statements, and any documents or transcripts
4 containing the purported statements and providing context for those statements, speak for
5 themselves.

6 23. To the extent the allegations in Paragraph 23 of the Complaint are directed
7 at Alkazin, Alkazin denies the allegations. Alkazin further alleges (i) that none of the
8 statements purportedly quoted in Paragraph 23 were made by or are attributed to Alkazin,
9 and thus, no response to the allegations regarding those statements is required and (ii)
10 that the quoted statements, and any documents or transcripts containing the purported
11 statements and providing context for those statements, speak for themselves.

12 24. To the extent the allegations in Paragraph 24 of the Complaint are directed
13 at Alkazin, Alkazin denies the allegations. Alkazin further alleges that (i) none of the
14 statements purportedly quoted in Paragraph 24 were made by or are attributed to Alkazin,
15 and thus, no response to the allegations regarding those statements is required and (ii)
16 that the quoted statements, and any documents or transcripts containing the purported
17 statements and providing context for those statements, speak for themselves.

18 25. To the extent the allegations in Paragraph 25 of the Complaint are directed
19 at Alkazin, Alkazin denies the allegations. Alkazin further alleges that (i) none of the
20 statements purportedly quoted in Paragraph 25 were made by, or are attributed to,
21 Alkazin, and thus, no response to the allegations regarding those statements is required
22 and (ii) that the quoted statements, and any documents or transcripts containing the
23 purported statements and providing context for those statements, speak for themselves.

24 26. To the extent the allegations in Paragraph 26 of the Complaint are directed
25 at Alkazin, Alkazin denies the allegations. Alkazin further alleges that (i) none of the
26 statements purportedly quoted in Paragraph 26 appear to have been made by, or attributed
27 to, Alkazin, and thus, no response to the allegations regarding those statements is
28 required and (ii) that the quoted statements, and any documents or transcripts containing

1 the purported statements and providing context for those statements, speak for
2 themselves.

3 27. To the extent the allegations in Paragraph 27 of the Complaint are directed
4 at Alkazin, Alkazin denies the allegations. Alkazin further alleges (i) that none of the
5 statements purportedly quoted in Paragraph 27 were made by, or attributed to, Alkazin,
6 and thus, no response to the allegations regarding those statements is required and (ii)
7 that the quoted statements, and any documents or transcripts containing the purported
8 statements and providing context for those statements, speak for themselves.

9 28. To the extent the allegations in Paragraph 28 of the Complaint are directed
10 at Alkazin, Alkazin denies the allegations. Alkazin further alleges (i) that none of the
11 statements purportedly quoted in Paragraph 28 were made by, or attributed to, Alkazin,
12 and thus, no response to the allegations regarding those statements is required and (ii)
13 that the quoted statements, and any documents or transcripts containing the purported
14 statements and providing context for those statements, speak for themselves.

15 29. To the extent the allegations in Paragraph 29 of the Complaint are directed
16 at Alkazin, Alkazin denies the allegations.

17 30. To the extent the allegations in Paragraph 30 of the Complaint are directed
18 at Alkazin, Alkazin admits only that he has provided materials to Affiliates. Alkazin is
19 without sufficient knowledge or information to form a belief as to the truth of the
20 allegations in Paragraph 30, and therefore denies the same.

21 31. The allegations in Paragraph 31 of the Complaint are not directed at
22 Alkazin and therefore, no response is required. To the extent Paragraph 31 is deemed to
23 contain allegations against or concerning Alkazin, Alkazin admits that, upon information
24 and belief, that each Affiliate is provided a personal website. Alkazin denies the
25 remaining allegations.

26 32. Alkazin admits the allegations in Paragraph 32 of the Complaint that
27 Thomas Alkazin created a workbook titled "Roadmap to Success – A Working Plan for
28 Creating Wealth Through the Vemma Opportunity," and that the workbook has gone

1 through several iterations. Alkazin further admits the allegation that Vemma has required
2 company approval of certain materials prior to their publication, including the Roadmap.
3 Alkazin denies the remaining allegations in Paragraph 32.

4 **Defendants' Income Claims**

5 33. To the extent the allegations in Paragraph 33 of the Complaint are directed
6 at Alkazin, Alkazin denies the allegations. Alkazin further alleges that (i) none of the
7 statements purportedly quoted in Paragraph 33 appear to have been made by, or are
8 attributed to, Alkazin, and thus, no response to the allegations regarding those statements
9 is required and (ii) that the quoted statements, and any documents or transcripts
10 containing the purported statements and providing context for those statements, speak for
11 themselves.

12 34. The allegations in Paragraph 34 of the Complaint are not directed at
13 Alkazin and therefore, no response is required. To the extent Paragraph 34 is deemed to
14 contain allegations against or concerning Alkazin, Alkazin denies the allegations and
15 further alleges that the statements quoted in Paragraph 34, and any documents or
16 transcripts containing the statements and providing context for those statements, speak
17 for themselves

18 35. In response to the allegations in Paragraph 35, Alkazin admits only that he
19 made the statements quoted in Paragraph 35, denies any remaining allegations, including
20 any allegation that the statements are misleading, and affirmatively asserts that the
21 statements speak for themselves, as do the documents or transcripts containing, and
22 providing context for, the quoted statements, and that Plaintiff has not accurately or
23 completely summarized the statements.

24 36. Alkazin denies the allegations in Paragraph 36 of the Complaint, asserts
25 that the statements attributed to Alkazin speak for themselves, as do the documents or
26 transcripts containing, and providing context for, the quoted statements, and asserts that
27 Plaintiff has not accurately or completely summarized the statements.

1 37. To the extent the allegations in Paragraph 37 of the Complaint are directed
2 at Alkazin, Alkazin denies the allegations. Alkazin further alleges (i) that none of the
3 statements purportedly quoted in Paragraph 37 subparts (a)-(g) were made by, or
4 attributed to, Alkazin, and thus, no response to the allegations regarding those statements
5 is required and (ii) that the quoted statements, and any documents or transcripts
6 containing the purported statements and providing context for those statements, speak for
7 themselves.

8 38. The allegations in Paragraph 38 of the Complaint are not directed at
9 Alkazin and therefore, no response is required. To the extent Paragraph 38 is deemed to
10 contain allegations against or concerning Alkazin, Alkazin admits only that he has been
11 presented with a check at a company event.

12 39. To the extent the allegations in Paragraph 39 of the Complaint are directed
13 at Alkazin, Alkazin denies the allegations.

14 40. To the extent the allegations in Paragraph 40 of the Complaint are directed
15 at Alkazin, Alkazin denies the allegations and further asserts that the statements included
16 in Paragraph 40, and the documents or transcripts containing the purported statements
17 and providing context for those statements, speak for themselves.

18 41. The allegations in Paragraph 41 of the Complaint are not directed at
19 Alkazin and therefore, no response is required. To the extent Paragraph 41 is deemed to
20 contain allegations against or concerning Alkazin, Alkazin denies the allegations and
21 further asserts that the statements included in Paragraph 41, and the documents or
22 transcripts containing the purported statements and providing context for those
23 statements, speak for themselves.

24 42. To the extent the allegations in Paragraph 42 of the Complaint are directed
25 at Alkazin, Alkazin admits only the allegation that Vemma has published income
26 disclosure statements. Alkazin further alleges that the allegations regarding those income
27 disclosures in Paragraph 42 are incomplete.

1 43. Alkazin is without sufficient knowledge or information to form a belief as
2 to the truth of the allegations in Paragraph 43 of the Complaint, and therefore denies the
3 same.

4 44. Alkazin is without sufficient knowledge or information to form a belief as
5 to the truth of the allegations in Paragraph 44, and therefore denies the same

6 **Vemma's Compensation Plan**

7 45. The allegations in Paragraph 45 of the Complaint are not directed at
8 Alkazin and therefore, no response is required. To the extent Paragraph 45 is deemed to
9 contain allegations against or concerning Alkazin, Alkazin admits only that, upon
10 information and belief, Vemma's compensation plan was at one point a binary system
11 where one could earn rewards for building two "downlines" with individuals enrolling
12 either as an Affiliate or a customer.

13 46. The allegations in Paragraph 46 of the Complaint are not directed at Alkazin
14 and therefore, no response is required. To the extent Paragraph 46 is deemed to contain
15 allegations against or concerning Alkazin, Alkazin admits only that, upon information and
16 belief, at one point Affiliates could reach different rank and bonus levels, which levels
17 were determined by the number of points they could earn during a specified period.

18 47. Alkazin denies the allegations in Paragraph 47 of the Complaint.

19 48. The allegations in Paragraph 48 of the Complaint are not directed at
20 Alkazin and therefore, no response is required. To the extent Paragraph 48 is deemed to
21 contain allegations against or concerning Alkazin, Alkazin admits only that, upon
22 information and belief, at one point, to be qualified, an Affiliate must have (1) a
23 minimum of 120 points in "personal volume" each month, and (2) at least one "active"
24 customer or affiliate on each of the Affiliate's left and right teams. Alkazin is without
25 sufficient knowledge or information to form a belief as to the truth of the remaining
26 allegations, and therefore denies the same.

27 49. The allegations in Paragraph 49 of the Complaint are not directed at
28 Alkazin and therefore, no response is required. To the extent Paragraph 49 is deemed to

1 contain allegations against or concerning Alkazin, Alkazin admits only, upon information
2 and belief, that at one point, Affiliates could achieve 120 personal volume points in a
3 month by personally purchasing products worth that same number in “qualifying
4 volume” points or “QV” for personal consumption or resale, or by having double that
5 amount (i.e., 240 QV) purchased by their personally enrolled customers, or some
6 combination of both. Alkazin is without sufficient knowledge or information to form a
7 belief as to the truth of the remaining allegations, and therefore denies the same.

8 50. The allegations in Paragraph 50 of the Complaint are not directed at
9 Alkazin and therefore, no response is required. To the extent Paragraph 50 is deemed to
10 contain allegations against or concerning Alkazin, Alkazin admits only, upon information
11 and belief, that at one point, “active” customers or affiliates had to have 60 personal
12 volume points in a month by personally purchasing products worth 60 QV that month for
13 personal consumption or resale, having double that purchased by their personally enrolled
14 customers, or some combination of both. Alkazin is without sufficient knowledge or
15 information to form a belief as to the truth of the allegations, and therefore denies the
16 same.

17 51. The allegations in Paragraph 51 of the Complaint are not directed at
18 Alkazin and therefore, no response is required. To the extent Paragraph 51 is deemed to
19 contain allegations against or concerning Alkazin, Alkazin denies the allegations.

20 52. The allegations in Paragraph 52 of the Complaint are not directed at
21 Alkazin and therefore, no response is required. To the extent Paragraph 52 is deemed to
22 contain allegations against or concerning Alkazin, Alkazin denies the allegations.

23 53. The allegations in Paragraph 53 of the Complaint are not directed at
24 Alkazin and therefore, no response is required. To the extent Paragraph 53 is deemed to
25 contain allegations against or concerning Alkazin, Alkazin is without sufficient
26 knowledge or information to form a belief as to the truth of the allegations, and therefore
27 denies the same.

28

1 54. The allegations in Paragraph 54 of the Complaint are not directed at
2 Alkazin and therefore, no response is required. To the extent Paragraph 54 is deemed to
3 contain allegations against or concerning Alkazin, Alkazin denies the allegations.

4 55. The allegations in Paragraph 55 of the Complaint are not directed at
5 Alkazin and therefore, no response is required. To the extent Paragraph 55 is deemed to
6 contain allegations against or concerning Alkazin, Alkazin denies the allegations.

7 56. The allegations in Paragraph 56 of the Complaint are not directed at
8 Alkazin and therefore, no response is required. To the extent Paragraph 56 is deemed to
9 contain allegations against or concerning Alkazin, Alkazin denies the allegations.

10 57. The allegations in Paragraph 57 of the Complaint are not directed at
11 Alkazin and therefore, no response is required. To the extent Paragraph 57 is deemed to
12 contain allegations against or concerning Alkazin, Alkazin denies the allegations.

13 58. The allegations in Paragraph 58 of the Complaint are not directed at
14 Alkazin and therefore, no response is required. To the extent Paragraph 58 is deemed to
15 contain allegations against or concerning Alkazin, Alkazin is without sufficient
16 knowledge or information to form a belief as to the truth of the allegations, and therefore
17 denies the same.

18 59. The allegations in Paragraph 59 of the Complaint are not directed at
19 Alkazin and therefore, no response is required. To the extent Paragraph 59 is deemed to
20 contain allegations against or concerning Alkazin, Alkazin is without sufficient
21 knowledge or information to form a belief as to the truth of the allegations, and therefore
22 denies the same.

23 60. The allegations in Paragraph 60 of the Complaint are not directed at
24 Alkazin and therefore, no response is required. To the extent Paragraph 60 is deemed to
25 contain allegations against or concerning Alkazin, Alkazin is without sufficient
26 knowledge or information to form a belief as to the truth of the allegations, and therefore
27 denies the same.

1 61. The allegations in Paragraph 61 of the Complaint are not directed at
2 Alkazin and therefore, no response is required. To the extent Paragraph 61 is deemed to
3 contain allegations against or concerning Alkazin, Alkazin denies the allegations.

4 62. The allegations in Paragraph 62 of the Complaint are not directed at
5 Alkazin and therefore, no response is required. To the extent Paragraph 62 is deemed to
6 contain allegations against or concerning Alkazin, Alkazin denies the allegations.

7 63. Alkazin denies the allegations in Paragraph 63.

8 **VIOLATIONS OF SECTION 5 OF THE FTC ACT**

9 64. The allegations in Paragraph 64 of the Complaint constitute a legal
10 argument to which no response is required. To the extent Paragraph 64 is deemed to
11 contain allegations of fact against or concerning Alkazin, Alkazin denies the allegations.
12 Alkazin affirmatively asserts that he is not liable under Section 5(a) of the FTC Act, 15
13 U.S.C. § 45(a), as alleged, or at all.

14 65. The allegations in Paragraph 65 of the Complaint constitute a legal
15 argument to which no response is required. To the extent Paragraph 65 is deemed to
16 contain allegations of fact against or concerning Alkazin, Alkazin denies the allegations.
17 Alkazin affirmatively asserts that he is not liable under Section 5(a) of the FTC Act, 15
18 U.S.C. § 45(a), as alleged, or at all.

19 **COUNT I – ILLEGAL PYRAMID**

20 66. Alkazin denies the allegations in Paragraph 66 of the Complaint.

21 67. The allegations in Paragraph 67 of the Complaint constitute a legal
22 argument to which no response is required. To the extent Paragraph 67 is deemed to
23 contain allegations of fact against or concerning Alkazin, Alkazin denies the allegations.

24 **COUNT II – INCOME CLAIMS**

25 68. Alkazin denies the allegation in Paragraph 68 of the Complaint.

26 69. Alkazin denies the allegations in Paragraph 69 of the Complaint.

1 70. The allegations in Paragraph 70 of the Complaint constitute a legal
2 argument to which no response is required. To the extent Paragraph 70 is deemed to
3 contain allegations of fact against or concerning Alkazin, Alkazin denies the allegations.

4 **COUNT III – FAILURE TO DISCLOSE**

5 71. Alkazin denies the allegations in Paragraph 71 of the Complaint.

6 72. Alkazin denies the allegations in Paragraph 72 of the Complaint.

7 73. The allegations in Paragraph 73 of the Complaint constitute a legal
8 argument to which no response is required. To the extent Paragraph 73 is deemed to
9 contain allegations of fact against or concerning Alkazin, Alkazin denies the allegations.

10 74. The allegations in Paragraph 74 of the Complaint constitute a legal
11 argument to which no response is required. To the extent Paragraph 74 is deemed to
12 contain allegations of fact against or concerning Alkazin, Alkazin denies the allegations.

13 **COUNT IV – MEANS AND INSTRUMENTALITIES**

14 75. Alkazin denies the allegations in Paragraph 75 of the Complaint.

15 76. The allegations in Paragraph 76 of the Complaint constitute a legal
16 argument to which no response is required. To the extent Paragraph 76 is deemed to
17 contain allegations of fact against or concerning Alkazin, Alkazin denies the allegations.

18 **COUNT V – RELIEF DEFENDANT**

19 77. Alkazin denies the allegations in Paragraph 77 of the Complaint.

20 78. Alkazin denies the allegations in Paragraph 78 of the Complaint.

21 79. Alkazin denies the allegations in Paragraph 79 of the Complaint.

22 **COUNT VI – CONSUMER INJURY**

23 80. Alkazin denies the allegations in Paragraph 80 of the Complaint.

24 **THE COURT’S POWER TO GRANT RELIEF**

25 81. The allegations in Paragraph 81 of the Complaint constitute a legal
26 argument and a prayer for relief to which no response is required. To the extent
27 Paragraph 81 is deemed to contain allegations of fact against or concerning Alkazin,
28 Alkazin denies the allegations.

1 82. Alkazin denies any allegations in the Complaint that Alkazin has not
2 specifically admitted to herein.

3 **Affirmative Defenses**

4 1. The Complaint fails to state a claim for relief.
5 2. The FTC lacks authority to seek disgorgement from Alkazin.
6 3. The FTC lacks authority to seek damages from Alkazin.
7 4. The FTC's claims for injunctive relief are not authorized or available at law
8 or equity.

9 5. Alkazin acted reasonably, in good faith, and in accordance with any
10 applicable standards and duties.

11 6. The FTC and/or the consumers it purports to represent have failed to
12 mitigate their losses, if any.

13 7. Any losses sustained by the FTC and/or the consumers it purports to represent
14 were caused by the acts or omissions of third parties over whom Alkazin had no control.

15 8. Any consumers represented by the FTC knowingly and voluntarily
16 assumed the risk of losses.

17 9. The Vemma corporate defendants have maintained and enforced policies to
18 prevent "inventory loading."

19 WHEREFORE, Alkazin respectfully requests that the FTC's requests for a
20 permanent injunction and other equitable relief be denied in their entirety, and that the
21 Court award Alkazin his attorneys' fees and any further relief the Court deems
22 appropriate.

23 Respectfully submitted this 30th day of September, 2015.

24 **COPPERSMITH BROCKELMAN PLC**

25 By s/ Marvin C. Ruth

26 Keith Beauchamp

27 Marvin C. Ruth

28 *Attorneys for Defendant Tom Alkazin and
Relief Defendant Bethany Alkazin*

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2015, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants.

s/ Sheri McAlister