

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

6 *Attorneys for Defendant Tom Alkazin and*  
7 *Relief Defendant Bethany Alkazin*

8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF ARIZONA

10	Federal Trade Commission,	)	No. 2:15-cv-01578-JJT
11		)	
11	Plaintiff,	)	<b>DEFENDANTS TOM AND</b>
12		)	<b>BETHANY ALKAZIN'S FIRST</b>
12	v.	)	<b>AMENDED ANSWER TO</b>
13	Vemma Nutrition Company, <i>et al.</i> ,	)	<b>PLAINTIFF FEDERAL TRADE</b>
14		)	<b>COMMISSION'S COMPLAINT FOR</b>
14	Defendants.	)	<b>PERMANENT INJUNCTION AND</b>
15		)	<b>OTHER EQUITABLE RELIEF</b>

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

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

26 **JURISDICTION AND VENUE**

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



**COMMON ENTERPRISE**

1  
2 11. The allegations in Paragraph 11 of the Complaint are not directed at Alkazin  
3 and therefore, no response is required. To the extent Paragraph 11 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 11, and therefore  
6 denies the same.

7  
**COMMERCE**

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

11  
**DEFENDANTS' BUSINESS PRACTICES**

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

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

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

27 16. The allegations in Paragraph 16 of the Complaint are not directed at Alkazin  
28 and therefore, no response is required. To the extent Paragraph 16 is deemed to contain

1 allegations against or concerning Alkazin, Alkazin is without sufficient knowledge or  
2 information to form a belief as to the truth of the allegations in Paragraph 16, and therefore  
3 denies the same.

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

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

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

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

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

24 22. To the extent the allegations in Paragraph 22 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 subparts (a)-(b) of Paragraph 22 were made by or are  
27 attributed to Alkazin, and thus, no response to the allegations regarding those statements  
28 is required and (ii) that the quoted statements, and any documents or transcripts

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

3 23. To the extent the allegations in Paragraph 23 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 23 were made by or are 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 24. To the extent the allegations in Paragraph 24 of the Complaint are directed  
10 at Alkazin, Alkazin denies the allegations. Alkazin further alleges that (i) none of the  
11 statements purportedly quoted in Paragraph 24 were made by or are 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 25. To the extent the allegations in Paragraph 25 of the Complaint are directed  
16 at Alkazin, Alkazin denies the allegations. Alkazin further alleges that (i) none of the  
17 statements purportedly quoted in Paragraph 25 were made by, or are attributed to,  
18 Alkazin, and thus, no response to the allegations regarding those statements is required  
19 and (ii) that the quoted statements, and any documents or transcripts containing the  
20 purported statements and providing context for those statements, speak for themselves.

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

1           27. To the extent the allegations in Paragraph 27 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 27 were made by, or attributed to, Alkazin,  
4 and thus, no response to the allegations regarding those statements is required and (ii)  
5 that the quoted statements, and any documents or transcripts containing the purported  
6 statements and providing context for those statements, speak for themselves.

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

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

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

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

24           32. Alkazin admits the allegations in Paragraph 32 of the Complaint that  
25 Thomas Alkazin created a workbook titled “Roadmap to Success – A Working Plan for  
26 Creating Wealth Through the Vemma Opportunity,” and that the workbook has gone  
27 through several iterations. Alkazin further admits the allegation that Vemma has required  
28

1 company approval of certain materials prior to their publication, including the Roadmap.  
2 Alkazin denies the remaining allegations in Paragraph 32.

3 **Defendants' Income Claims**

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

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

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

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

27 37. To the extent the allegations in Paragraph 37 of the Complaint are directed at  
28 Alkazin, Alkazin denies the allegations. Alkazin further alleges (i) that none of the

1 statements purportedly quoted in Paragraph 37 subparts (a)-(g) were made by, or attributed  
2 to, Alkazin, and thus, no response to the allegations regarding those statements is required  
3 and (ii) that the quoted statements, and any documents or transcripts containing the  
4 purported statements and providing context for those statements, speak for themselves.

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

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

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

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

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

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

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



**Vemma's Compensation Plan**

1  
2 45. The allegations in Paragraph 45 of the Complaint are not directed at  
3 Alkazin and therefore, no response is required. To the extent Paragraph 45 is deemed to  
4 contain allegations against or concerning Alkazin, Alkazin admits only that, upon  
5 information and belief, Vemma's compensation plan was at one point a binary system  
6 where one could earn rewards for building two "downlines" with individuals enrolling  
7 either as an Affiliate or a customer.

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

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

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

22 49. The allegations in Paragraph 49 of the Complaint are not directed at  
23 Alkazin and therefore, no response is required. To the extent Paragraph 49 is deemed to  
24 contain allegations against or concerning Alkazin, Alkazin admits only, upon information  
25 and belief, that at one point, Affiliates could achieve 120 personal volume points in a  
26 month by personally purchasing products worth that same number in "qualifying  
27 volume" points or "QV" for personal consumption or resale, or by having double that  
28 amount (i.e., 240 QV) purchased by their personally enrolled customers, or some

1 combination of both. Alkazin is without sufficient knowledge or information to form a  
2 belief as to the truth of the remaining allegations, and therefore denies the same.

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

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

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

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

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

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

28

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

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

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

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

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

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

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

28           63. Alkazin denies the allegations in Paragraph 63.

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

1  
2 64. The allegations in Paragraph 64 of the Complaint constitute a legal  
3 argument to which no response is required. To the extent Paragraph 64 is deemed to  
4 contain allegations of fact against or concerning Alkazin, Alkazin denies the allegations.  
5 Alkazin affirmatively asserts that he is not liable under Section 5(a) of the FTC Act, 15  
6 U.S.C. § 45(a), as alleged, or at all.

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

**COUNT I – ILLEGAL PYRAMID**

12  
13 66. Alkazin denies the allegations in Paragraph 66 of the Complaint.

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

**COUNT II – INCOME CLAIMS**

17  
18 68. Alkazin denies the allegation in Paragraph 68 of the Complaint.

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

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

**COUNT III – FAILURE TO DISCLOSE**

23  
24 71. Alkazin denies the allegations in Paragraph 71 of the Complaint.

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

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

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

4                           **COUNT IV – MEANS AND INSTRUMENTALITIES**

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

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

9                           **COUNT V – RELIEF DEFENDANT**

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

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

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

13                           **COUNT VI – CONSUMER INJURY**

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

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

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

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

22                           **AFFIRMATIVE DEFENSES**

23          1. The FTC’s Claims for injunctive relief, as sought here, may be  
24 unconstitutional. The FTC seeks a “permanent injunction to prevent future violations of  
25 the FTC Act.” Compl. at 26. It is unclear what this sought for restriction might entail,  
26 what harms it seeks to remedy, or whom it might encompass. Consequently, the FTC’s  
27 sought for relief, including potential restrictions on the content, or manner and method, of  
28 Alkazin’s communications with third parties, may violate the First Amendment to the

1 United States Constitution as a prior restraint on protected speech and may impermissibly  
2 chill protected speech. The FTC's requested relief may be more restrictive than is  
3 necessary to accomplish the remedial objective of preventing any purported violations of  
4 the FTC Act, and therefore, violate the First Amendment and exceed the scope of the  
5 FTC's authority under the law. Further, the FTC's attempt to hold Alkazin responsible  
6 for unspecified conduct, actions, or statements of other Defendants and third parties may  
7 violate the First Amendment, and exceed the scope of the FTC's authority. Further, the  
8 FTC's attempt to hold Alkazin responsible for purported harm suffered by residents of  
9 countries other than the United States unconstitutionally and improperly exceeds the  
10 scope of the FTC's authority under the law. Alkazin reserves the right to further amend  
11 this affirmative defense as discovery progresses, and as the FTC's allegations, and the  
12 nature and form of the requested remedies, become more concrete.

13 2. The FTC's claims for injunctive relief are not authorized or available at law  
14 or equity. In support of this defense, Alkazin incorporates herein the statements set forth  
15 in Affirmative Defense #1 above. Alkazin reserves the right to further amend this  
16 affirmative defense as discovery progresses, and as the FTC's allegations, and the nature  
17 and form of the requested remedies, become more concrete.

18 3. Alkazin acted reasonably, in good faith, and in accordance with any  
19 applicable standards and duties.

20 4. The Vemma corporate defendants have maintained and enforced policies to  
21 prevent "inventory loading."

### 22 **PRAYER FOR RELIEF**

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

RESPECTFULLY SUBMITTED this 15th day of July, 2016.

**COPPERSMITH BROCKELMAN PLC**

By s/ Keith Beauchamp

Keith Beauchamp  
Marvin C. Ruth

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

**CERTIFICATE OF SERVICE**

I hereby certify that on July 15, 2016, 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