

Contact: Kara Kennedy  
Inspired Southerner Public Relations  
(205) 370-1677  
[kara@inspiredsoutherner.com](mailto:kara@inspiredsoutherner.com)

***Success By Health Affiliates file a class action lawsuit against the Federal Trade Commission for violation of their constitutional rights.***

- *Buffalo Law Review makes the case against the FTC's overreach and claims that the agency has blood on their hands.*
- *Supreme Court is poised to smack down the FTC's overreaching authority that is harming business owners and consumers*

**Phoenix, Arizona (Feb. 21, 2021)** -- Success By Health affiliates have had enough of the Federal Trade Commission's (FTC) overreach and outright theft of their livelihoods. They have taken matters into their own hands and filed a class action lawsuit against the FTC and to intervene in the agency's current action against the company's principles, headed by CEO, Jay Noland. Affiliate Plaintiffs of the suit are explicitly seeking remedy for violations of their Constitutional rights, which are as written in the Constitution are ***Life, Liberty and the Pursuit of Happiness***. Maurice Mitts, of the Mitts Law Firm out of Philadelphia filed the motion on behalf of the affiliates on Feb. 18., in the Federal District Court of Arizona.

The brief specifically outlines that affiliates are seeking a declaratory judgment against the FTC for violation of their Constitutional Rights and to enforce the contractual obligations they made with SBH. The claim also states that affiliates emphatically dispute the FTC's claims that SBH and its principles engaged in deceptive business practices. It goes on to say that the FTC is purposefully keeping affiliates from making a living through sales of the products that they invested in to join SBH. Contrary to the FTC's claims, affiliates have publicly stated that they understood and adhered to the terms and conditions of SBH's business model.

Affiliates also claim that the Temporary Restraining Order the court placed on SBH has impaired them from getting a return on their investment into SBH.

Furthermore, the SBH affiliates claim that the FTC does NOT represent their interests, but instead, have impaired them from doing business with the appointment of a Receiver and through withholding previous commissions earned. The FTC ceased affiliate commissions over 12 months ago and have intentionally bled affiliates dry. This and this alone is an extreme violation of their Constitutional rights.

This latest brief is one in a series filed against the FTC where a number of companies make the claim that they are bleeding business owners dry with their overreach into matters that are not

within their purview. The Buffalo Law Review lays out the case against the FTC's ability to overreach in their latest article.

In the [Buffalo Law Review article](#), *Does the FTC have Blood on Its Hands? An Analysis of FTC Overreach and Abuse of Power After Liu*, (add BLR link) authors Angel Reyes and Benjamin Hunter outline how the FTC has consistently abused its power by overreaching into areas that intentionally harm businesses and business owners. They specifically write about AMG Capital Management, LLC v. Federal Trade Commission, questioning whether or not the FTC through Section 13(b) of the FTC Act has the right to bypass due process safeguards mandated by Congress in Sections 5 and 19 of the Act, in order to conduct warrantless searches and seizures, freezing all assets and imposing punitive monetary damages. With the way the U.S. Supreme Court recently ruled in the SEC v. Liu case, it seems likely that the Supreme Court will limit the FTC's power and abusive behavior.

The article goes on to cite that the FTC has a long history of using disgorgement under Section 13(b) which gives the agency the authority to seek preliminary and permanent injunctions when it believed the law was violated or about to be violated. It also cites a number of cases in which the FTC has abused its power through heavy-handed enforcement methods, unlawful searches and seizures, seizing company assets, files, computers, employee cell phones, and even went as far as holding employees with no attorneys present for hours at a time.

"The FTC has spent considerable time and energy building a foundation of favorable case law to support its ability to use disgorgement. Its strategy has consisted of building a body of precedent, based on old and inapplicable cases, and has aggressively pursued this strategy with the intention of expanding its enforcement abilities. The way it has used its self-created power had caused untold damage to business owners, employees and consumers."

Reyes and Hunter concluded that based on the facts outlined, the Supreme Court should rule against the FTC in the AMG Capital Management Case.

The FTC case against Success By Health (SBH), Jay Noland, and its principles is a clear example of the overreach that Reyes and Hunter outline in their law review article. Noland's attorney Daryl Williams outlined in multiple files with the court that the FTC was allowed to move forward with the case based on the falsified facts presented to the court by a disgruntled executive staff member who lied to the court. Judge Lanza, District Court Judge for the District of Arizona, allowed the FTC to erroneously use Section 13 (b) when he granted the injunctions seizing the assets of SBH, its principles Noland, Harris, and Sacca as well as the 7000 affiliates, and then it appointed a receiver who has stopped at nothing to gut the company and bleed it dry. Lanza's ties to the receiver call into question his lack of discernment when he ruled in favor of the FTC. It should be noted that the District Court for the District of Arizona is located in Maricopa County, Arizona, which has proven to be a haven and spider web filled with corruption.

The Supreme Court heard oral arguments in the AMG Capital Management, LLC., v. FTC case on Jan. 13. This case is the one Noland's attorney Daryl Williams filed amicus briefs on behalf of SBH affiliates.

According to Williams, the United States Supreme Court is poised to slap down the FTC's actions because its conduct under Section 13b of the FTC Act is illegal. So, Judge Lanza will be forced to reverse the orders that he entered against Success By Health and the other defendants in the case before him. Williams says, "The United States Supreme Court is going to tell the FTC it cannot do what it has done to Success By Health, or the principals of the company. In other words, the Supreme Court is going to put the FTC in its place."

Mr. Williams assessment is confirmed by what is said by the SCOTUS blog, found at this [link](#).

"The opinion of the Supreme Court is likely to be unanimous against the FTC," added Williams. As an aside, Williams also said, "I anticipate that Judge Lanza will dismiss the case against the Uruguayan company the FTC sued as part of its claims against Noland." Noland formed the company in Uruguay to expand the business of Success By Health. Williams added, "The district court in Arizona lacks jurisdiction over Noland's Uruguayan corporation."

When the outcome of the AMG case is favorable, it will be the break Noland, the principals and Success By Health need on the pathway to victory. It will also be the beginning of restoring constitutional protections against outrageous charges and damages brought by the overreach of a government agency like the FTC.