

14-20128

**In The United States Court Of Appeals
For The Fifth Circuit**

Juan Ramon Torres; Eugene Robison,

Plaintiffs - Appellees,

v.

**S.G.E. Management, L.L.C.; Stream Gas & Electric,
L.T.D.; Stream S.P.E. G.P., L.L.C.; Stream S.P.E., L.T.D.;
Ignite Holdings, L.T.D.; et al.,**

Defendants-Appellants.

**Uncontested Motion of Truth In Advertising, Inc. for Leave to File Brief
as *Amicus Curiae* in Favor of Appellees and in Support of Affirmance**

In accordance with Federal Rule of Appellate Procedure 29(b) and Fifth Circuit Rule 29.1, Truth in Advertising, Inc. (TINA.org) respectfully requests leave to file the attached *amicus curiae* brief in favor of Appellees and in support of affirmance of the district court's decision to certify the class. All parties have consented to TINA.org participating as *amicus curiae* in this case, as they did with respect to TINA.org's first *amicus curiae* brief in this case in support of Appellees' Petition for Rehearing *En Banc*, which was granted.

TINA.org is a 501(c)(3) nonprofit, nonpartisan organization whose mission is to combat the systemic and individual harms caused by deceptive marketing. To further its mission, TINA.org investigates deceptive marketing practices and advocates before federal and state government agencies, as well as courts.¹

As explained in more detail in the attached brief, TINA.org has a unique expertise that will assist this Court in better understanding the nature of pyramid schemes and the marketing tactics used by them. TINA.org has referred several matters to and worked with the FTC regarding such illegal ventures and has conducted informational congressional briefings in Washington, D.C. on the topic of pyramid schemes, among other notable efforts in this arena. Thus, the attached *amicus curiae* brief will aid the Court in its consideration of the issues presented in Appellees' brief.

For these reasons, TINA.org respectfully requests leave to file the attached *amicus curiae* brief in favor of Appellees and in support of affirmance.

¹ Not only has TINA.org filed *amicus curiae* briefs in several federal court consumer cases, but it has also participated as *amicus curiae* in a class-action lawsuit filed against a company alleged to be a pyramid scheme, the same type of business Defendants-Appellants are alleged to operating here. *See Bostick v. Herbalife Internat'l of Am., Inc.*, 13-cv-02488 C.D. Cal., Doc. 114.

DATED: May 16, 2016

Respectfully submitted,

/s/ Robert B. Gilbreath

Robert B. Gilbreath
State Bar No. 07904620
Hawkins Parnell
Thackston & Young LLP
4514 Cole Avenue, Suite 500
Dallas, Texas 75205
Telephone: (214) 780-5114
Facsimile: (214) 780-5200

Laura Smith
State Bar No. 428508 CT
Truth in Advertising, Inc.
P.O. Box 927
Madison, Connecticut 06443
Telephone: (203) 421-6210
Facsimile: (203) 421-6211

Certificate of Service

I hereby certify that I electronically filed the foregoing Uncontested Motion of Truth in Advertising, Inc. for Leave to File Brief as *Amicus Curiae* in Favor of Appellees and in Support of Affirmance with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system on May 15, 2016. All participants in the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

Date: May 16, 2016

/s/ Robert B. Gilbreath
Robert B. Gilbreath