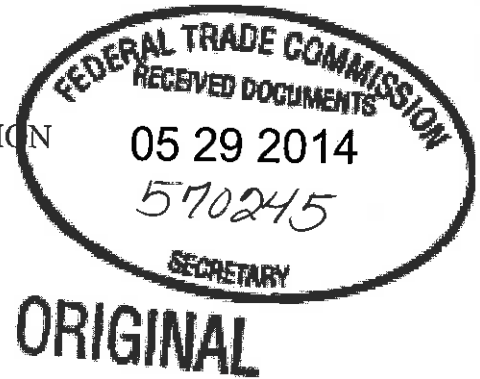


UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION



COMMISSIONERS: Edith Ramirez, Chairwoman  
Julie Brill  
Maureen K. Ohlhausen  
Joshua D. Wright

\_\_\_\_\_)  
In the matter of: )  
)  
Jerk, LLC, a limited liability company, ) DOCKET NO. 9361  
)  
Also d/b/a JERK.COM, and )  
) PUBLIC  
John Fanning, )  
Individually and as a member of )  
Jerk, LLC, )  
)  
Respondents. )  
\_\_\_\_\_)

**RESPONDENT JOHN FANNING'S RESPONSES TO COMPLAINT COUNSEL'S  
FIRST REQUESTS FOR ADMISSIONS**

Pursuant to Rule 3.32(b), Respondent John Fanning provides the following responses to Complaint Counsel's First Requests for Admissions:

1. Respondents have operated the website Jerk.com.

**Denied.**

2. Respondents have controlled or have had the authority to control the content displayed on Jerk.com.

**Denied.**

3. Respondents have rented the domain name Jerk.com from Louis Lardas.

**Denied.**

4. Jerk, LLC has represented P.O. Box 277, Hingham, MA 02043 as a business address.

**Admit.**

5. John Fanning has had authority to control Jerk, LLC.

**Denied.**

6. John Fanning hired Harvard Business Services to incorporate Jerk, LLC and serve as Jerk, LLC's registered agent.

**Denied.**

7. John Fanning has controlled a bank account for Jerk, LLC at Bank of America, N.A.

**Object to the term "controlled" as ambiguous. Notwithstanding the objection, Respondent denies.**

8. John Fanning has controlled a PayPal, Inc. account for Jerk, LLC.

**9. Object to the term "controlled" as ambiguous. Notwithstanding the objection, Respondent denies.**

10. John Fanning has hired Stripe, Inc. to process payments from consumers to Jerk, LLC.

**Denied.**

11. John Fanning has hired Immedion to provide data hosting services for Jerk, LLC.

**Denied.**

12. John Fanning has rented P.O. Box 277, Hingham, MA 02043.

**Denied.**

12. John Fanning has solicited persons to invest in Jerk, LLC.

**Denied.**

13. John Fanning has supervised persons working for or on behalf of Jerk, LLC.

**Denied.**

14. John Fanning has corresponded through the email address support@jerk.com.

**Denied.**

15. John Fanning has received complaints from consumers regarding Jerk.com.

**Denied.**

16. John Fanning has ordered the removal of at least one profile from Jerk.com after receiving a consumer removal request.

**Denied.**

17. Jerk.com has displayed millions of unique profiles about persons.

**Objections: (1) The term “profile” is undefined and ambiguous. (2) This information was as readily available to the FTC at Jerk.com and the burden of deriving or ascertaining whether the “Jerk.com has displayed millions of unique profiles about persons” is substantially same for the FTC as for Jerk. (3) This Request for Admission is an improper attempt by the FTC to shift the burden of proof from the FTC to Jerk. Notwithstanding the objection, Respondent Fanning denies.**

18. Respondents have represented to consumers that users create all the profiles that appear on Jerk.com.

**Denied.**

19. The majority of profiles on Jerk.com reflect 0/0 votes for the Jerk/Not a Jerk votes tally.

**Objections: (1) The term “profile” is undefined and ambiguous. (2) This information was readily available to the FTC at Jerk.com and the burden of deriving or ascertaining whether the “majority of profiles on Jerk.com reflect 0/0 votes for Jerk/Not a Jerk votes tally” is substantially same for the FTC as for Jerk. (3) This Request for Admission is an improper attempt by the FTC to shift**

**the burden of proof from the FTC to Jerk. Notwithstanding the objection, Respondent Fanning denies.**

20. The majority of profiles on Jerk.com have not contained comments about the profiled subject.

**Objections: (1) The term “profile” is undefined and ambiguous. (2) This information was readily available to the FTC at Jerk.com and the burden of deriving or ascertaining whether the “majority of profiles on Jerk.com have not contained comments about the profiled subject” is substantially same for the FTC as for Jerk. (3) This Request for Admission is an improper attempt by the FTC to shift the burden of proof from the FTC to Jerk. Notwithstanding the objection, Respondent Fanning denies.**

21. Respondents have created the majority of profiles on Jerk.com.

**Objection. The term “created” and “profile” is undefined and ambiguous. Notwithstanding the objection, Respondent Fanning denies.**

22. Respondents have created profiles on Jerk.com without the authorization of the profiled subject.

**Objections: (1) The term “profile” is undefined and ambiguous. (2) Whether Jerk “created ‘profiles’ on Jerk.com without authorization of the profiled subject” is neither relevant to, nor reasonably expected to yield information relevant to, whether Jerk made alleged deceptive representations regarding the “source of Jerk content” or “Jerk memberships.” See Rule 3.31(c)(1), 3.32(a). Notwithstanding the objection, Respondent Fanning denies.**

23. Respondents have hired a Romanian company called Software Assist to design Jerk.com.

**Denied.**

24. Respondents’ agent(s) have registered the following applications with Facebook: Jerk.com, Jerk2.com, Jerk3.com, Jerk4.com, and Jerk.be.

**Objection. Whether Jerk registered the above applications with Facebook is neither relevant to, nor reasonably expected to yield information relevant to, whether Jerk made alleged deceptive representations regarding the “source of Jerk content” or “Jerk memberships.” See Rule 3.31(c)(1), 3.32(a). Notwithstanding the objection, Respondent Fanning denies.**

25. Respondents' agent(s) have downloaded names and images of Facebook users by accessing Facebook's application programming interfaces.

**Denied.**

26. Respondents have created profiles on Jerk.com using names and images that Respondents' agent(s) obtained from Facebook.

**Objection. The term "create" and the term "profile" is undefined and ambiguous. Notwithstanding the objection, Respondent denies.**

27. Facebook disabled the applications Jerk.com, Jerk2.com, Jerk3.com, Jerk4.com, and Jerk.be.

**Objection. Whether Jerk disabled the above applications with Facebook is neither relevant to, nor reasonably expected to yield information relevant to, whether Jerk made alleged deceptive representations regarding the "source of Jerk content" or "Jerk memberships." See Rule 3.31(c)(1), 3.32(a). Notwithstanding the objection, Respondent denies.**

28. Respondents have posted user names and images obtained from Facebook on Jerk.com in violation of Facebook's policies.

**Objection. Whether Jerk violated Facebook's policies is neither relevant to, nor reasonably expected to yield information relevant to, whether Jerk made alleged deceptive representations regarding the "source of Jerk content" or "Jerk memberships." See Rule 3.31(c)(1), 3.32(a).**

**Notwithstanding the objection, Respondent denies.**

29. The only method presented on Jerk.com for consumers to contact Jerk.com or Jerk, LLC has been through the "Contact" link on Jerk.com.

**Objection. Whether the "only method presented on Jerk.com for consumers to contact Jerk.com or Jerk, LLC has been through the 'Contact' link on Jerk.com" is neither relevant to, nor reasonably expected to yield information relevant to, whether Jerk made alleged deceptive representations regarding the "source of Jerk content" or "Jerk memberships." See Rule 3.31(c)(1), 3.32(a).**

**Notwithstanding the objection, Respondent denies.**

30. Jerk.com, including on its "Contact Us" webpage, has not displayed any physical address, email address, or telephone number for Jerk.com or Jerk, LLC.

**Objection.** Whether “Jerk.com...has not displayed any physical address, email address, or telephone number for Jerk.com or Jerk, LLC” is neither relevant to, nor reasonably expected to yield information relevant to, whether Jerk made alleged deceptive representations regarding the “source of Jerk content” or “Jerk memberships.” *See* Rule 3.31(c)(1), 3.32(a).

**Notwithstanding the objection, Respondent denies.**

31. Jerk.com’s “Contact Us” webpage has offered consumers the ability to submit a message to Jerk.com for a \$25 fee.

**Objection.** Whether “Jerk.com’s ‘Contact Us’ webpage has offered” non-members “the ability to submit a message to Jerk.com for a \$25 fee” is neither relevant to, nor reasonably expected to yield information relevant to, whether Jerk made alleged deceptive representations regarding the “source of Jerk content” or “Jerk memberships.” *See* Rule 3.31(c)(1), 3.32(a). Furthermore, Jerk denies it cost a jerk.com user \$25.00 to send a single message to jerk.com. A Jerk.com user may email the website at support@jerk.com or utilize jerk.com’s paid support feature, which costs \$25.00. **Notwithstanding the objection, Respondent denies.**

32. Respondents have sold to consumers \$30 membership subscriptions to Jerk.com.

**Denied.**

33. Respondents have represented to consumers that the \$30 membership subscription to Jerk.com would offer subscribing consumers the ability to manage their reputations and to resolve disputes with people with whom they are in conflict.

**Denied.**

34. Compared with consumers who did not buy the \$30 membership subscription to Jerk.com, those who did buy the membership did not obtain from Respondents any additional ability to manage their reputations and to resolve disputes with people with whom they are in conflict.

**Denied.**

**CERTIFICATE OF SERVICE**

I hereby certify that on May 29, 2014, I caused a true and accurate copy of the foregoing document entitled Respondent John Fanning's Responses to Complaint Counsel's First Requests for Admissions to be served electronically through the FTC's e-filing system and I caused a true and accurate copy of the foregoing to be served as follows:

One electronic copy electronic courtesy copy to the Office of the Secretary:

Donald S. Clark, Secretary  
Federal Trade Commission  
600 Pennsylvania Ave., N.W., Room H-159  
Washington, DC 20580  
Email: [secretary@ftc.gov](mailto:secretary@ftc.gov)

One paper copy and one electronic copy to the Office of the Administrative Law Judge:

The Honorable D. Michael Chappell  
Chief Administrative Law Judge  
600 Pennsylvania Avenue, N.E., Room H-110  
Washington, DC 20580  
Email: [oyalj@ftc.gov](mailto:oyalj@ftc.gov)

One paper copy and one electronic copy to the Office of the Counsel for the Federal Trade Commission:

Sarah Schroeder  
Yan Fang  
Kerry O'Brien  
Federal Trade Commission  
901 Market Street, Suite 670  
San Francisco, CA 94103  
Email: [sschroeder@ftc.gov](mailto:sschroeder@ftc.gov)  
[yfang@ftc.gov](mailto:yfang@ftc.gov)  
[kobrien@ftc.gov](mailto:kobrien@ftc.gov)

One paper copy and one electronic copy to counsel for Jerk, LLC:

Maria Crimi Speth  
Jaburg & Wilk, P.C.  
3200 N. Central Ave., Suite 2000  
Phoenix, AZ 85012

/s/ Peter F. Carr, II  
Peter F. Carr, II  
ECKERT, SEAMANS, CHERIN & MELLOTT, LLC  
Two International Place, 16<sup>th</sup> Floor  
Boston, MA 02110  
617.342.6800  
617.342.6899 (FAX)

Dated: May 29, 2014