

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case No. 17-60907-CIV-MORENO

FEDERAL TRADE COMMISSION, and)
STATE OF FLORIDA,)
)
Plaintiffs,)
)
v.)
)
JEREMY LEE MARCUS, *et al.*,)
)
Defendants and Relief Defendants.)

**MOTION TO STAY FTC’S PARTICIPATION IN PROCEEDINGS IN LIGHT OF
UNITED STATES GOVERNMENT CESSATION**

The Federal Trade Commission (“FTC” or “Commission”) hereby moves to stay the proceedings in this case that require the participation of the FTC. In support of this motion, counsel for the FTC states as follows:

1. At the end of the day on December 21, 2018, appropriations for the FTC expired. The FTC had sufficient carryover funds to continue operating through December 28. After that, the agency lacks appropriated funding and does not know when funding will be restored.
2. Absent an appropriation, FTC attorneys are prohibited from working, even on a voluntary basis, “except for emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.
3. There are motions currently pending before the Court. *See* Docs. 324, 327, 330.
4. Counsel for the FTC therefore requests a temporary stay of proceedings requiring the participation of the FTC until Congress has restored appropriations to the FTC.

5. If this motion for a stay is granted, undersigned counsel will notify the Court and the parties as soon as Congress has appropriated funds for the FTC.

6. Counsel for the FTC has conferred with co-counsel, Office of the Attorney General, State of Florida, Department of Legal Affairs; counsel for defendant Jeremy Lee Marcus; and counsel for the Receiver, Jonathan Perlman, who do not object to this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other parties, the FTC hereby moves to stay proceedings requiring its participation until FTC attorneys are permitted to resume their usual civil litigation functions.

Dated: December 28, 2018

Respectfully submitted,

/s/ Angeleque P. Linville
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FEDERAL TRADE COMMISSION

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of December, 2018, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system. I also certify that the foregoing document is being served this date on all counsel of record on the attached Service List via transmission of Notices of Electronic Filing generated by the CM/ECF system, or for those counsel or parties who are not authorized to receive CM/ECF Notices of Electronic Filing, is being served in the manner specified.

/s/ Angeleque P. Linville

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HALFPAY NV LLC; JLMJP POMPANO, LLC; and
NANTUCKET COVE OF ILLINOIS, LLC

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[PROPOSED] ORDER STAYING FTC'S PARTICIPATION IN PROCEEDINGS

THIS CAUSE came before the Court upon the Federal Trade Commission's Motion to Stay FTC's Participation in Proceedings in Light of United States Government Cessation (Doc. ____).

THE COURT has considered the motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is **ADJUDGED** that for good cause shown, the motion is **GRANTED**.

IT IS HEREBY ORDERED that the proceedings in this case that require the participation of the FTC are stayed.

DONE AND ORDERED in Chambers at Miami, Florida, this ____ of _____, 201__.

FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE