

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

Case No. 17-60907-CIV-MORENO/SELTZER

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

MOTION TO LIFT STAYS

The Federal Trade Commission (“FTC” or “Commission”) moves to lift stays of proceedings ordered on January 2, 2019 and January 9, 2019 (Docs. 333, 336). 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, 2018. After that, the agency lacked appropriated funding and FTC attorneys were 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. Counsel for the FTC therefore requested a temporary stay of all proceedings requiring the participation of the FTC until Congress restored appropriations to the FTC.
3. The Honorable Judge Seltzer then granted a stay of proceedings as to two matters pending before him, along with the instruction that the FTC move to lift the stays within one day of the restoration of appropriations (Docs 333, 336).

4. Late Friday evening on January 25, 2019, the FTC received funding until at least February 15, 2019. The FTC has now resumed operations.

5. The FTC therefore respectfully requests lifting the stays.

Dated: January 28, 2019

Respectfully submitted,

/s/ Valerie M. Verduce

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FEDERAL TRADE COMMISSION

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of January, 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/ Valerie M. Verduce

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Defendants and Relief Defendants.

[proposed] ORDER LIFTING STAYS

THIS CAUSE came before the Court upon the Federal Trade Commission's Motion to Lift Stays (Doc. ____).

THE COURT, having considered the motion and the pertinent portions of the record, **ADJUDGES** that for good cause shown, the motion is **GRANTED**.

IT IS HEREBY ORDERED that the stays are lifted.

DONE AND ORDERED in Chambers at Miami, Florida, this ____ of

_____, 201__.

BARRY S. SELTZER
UNITED STATES MAGISTRATE JUDGE