

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 17-60907-CIV-MORENO

FEDERAL TRADE COMMISSION, *et al.*,

Plaintiffs,

v.

JEREMY LEE MARCUS, *et al.*,

Defendants.

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**RESPONSE TO REPORT AND RECOMMENDATION**

Jonathan E. Perlman, the Permanent Receiver (the “Receiver”), by and through undersigned counsel, files this response to Magistrate Judge Seltzer’s Report and Recommendation dated March 6, 2019 (the “Report and Recommendation”) [ECF. No. 352].

1. On December 12, 2018, the Receiver filed a motion regarding Relief Defendant Teresa Duda’s (“Duda”) failure to vacate and turn over receivership property (the “Motion”) [ECF. No. 324] located at 110 Gloucester Street, Boca Raton, Florida, 33487 (the “Property”). The Motion was referred to Magistrate Judge Barry S. Seltzer [ECF. No. 325] who set the Motion for hearing on February 27, 2019 [ECF. No. 343].

2. At the hearing on the Motion, the Receiver and Duda entered into a stipulation to resolve the Motion. This agreement became memorialized in a Stipulated Order (“Stipulated Order”) [ECF. No. 351]. The Stipulated Order provided that the Receiver and Duda had until March 6, 2019, to amicably resolve the turnover of the Property. The Stipulated Order further stated that “[u]nless the Court is notified of any resolution or turn over of the property by Duda

to the Receiver, the undersigned will recommend that the District Court issue a Writ of Possession for the Property on March 6, 2019.”

3. As a result of Duda’s failure to vacate and turn over the Property by March 6, 2019, Magistrate Judge Seltzer issued the Report and Recommendation recommending that the Court grant the Motion and issue a Writ of Possession for the Property.

4. On March 7, 2019, Duda vacated the Property.

5. The Receiver has secured the Property and is marketing it for sale; thus, there is no need for the Court to issue a Writ of Possession for the Property.

**Dated this 8<sup>th</sup> day of March, 2019.**

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**CERTIFICATE OF SERVICE**

I HEREBY certify that on March 8, 2019, a true and correct copy of the foregoing has been served via email and/or U.S. Mail to all parties listed on the attached service.

s/ Gregory M. Garno  
Gregory M. Garno

**SERVICE LIST**

**Federal Trade Commission v. Jeremy Lee Marcus, et al.  
USDC, SD Fla., Case No. 17-60907-CIV-MORENO/SELTZER**

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