

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 17-60907-CIV-Moreno

FEDERAL TRADE COMMISSION, and

STATE OF FLORIDA,

Plaintiffs,

v.

JEREMY LEE MARCUS, *et al.*,

Defendants and Relief Defendants.

**STIPULATION OF ALL PARTIES TO STAY PROCEEDINGS AND TOLL  
DEADLINES**

Counsel for Plaintiffs Federal Trade Commission (“FTC”) and Office of the Attorney General, State of Florida, Department of Legal Affairs (“State of Florida”) (collectively “Plaintiffs”) and all remaining Defendants<sup>1</sup> and Relief Defendants<sup>2</sup> (collectively with the Plaintiffs “the Parties”) have agreed to terms that will settle their dispute, subject to review and approval by the FTC’s Commission and the State of Florida’s Chief Deputy Attorney General. The Parties therefore respectfully request the entry of an order to stay proceedings and toll all deadlines in order to allow the FTC’s Commission to vote on and the State of Florida’s Chief

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<sup>1</sup> These defendants are Jeremy Lee Marcus, Craig Davis Smith and Yisbet Segrea. Seventeen additional defendants, all jointly and severally liable, are in default or have default final judgments entered against them, along with orders specifying final default judgment procedures as to their liability (Docs. 99, 162, 163).

<sup>2</sup> The remaining relief defendants are Jack Marcus and James Marcus. Thirteen additional relief defendants sued in this case have defaulted or have an order of default final judgment against them, along with orders specifying final default judgment procedures as to their liability (Docs. 99, 162), or have an Order of Final Judgement on the Pleadings by Consent entered against them (Doc. 174).

Deputy Attorney General to consider those terms before submitting them to the Court for its consideration, as follows:

1. Defendants, Jeremy Lee Marcus, Craig Davis Smith and Yisbet Segrea, have signed proposed settlements – *i.e.*, a Stipulated Order for Permanent Injunction and Monetary Judgment – that FTC counsel plans to recommend to the Commission and the State of Florida’s counsel plans to recommend to the State of Florida’s Chief Deputy Attorney General.

2. Similarly, the Relief Defendants, Jack Marcus and James Marcus, have entered into agreements with the Court-appointed Receiver to return funds that Plaintiffs’ claim are the product of ill-gotten gains that they received for no return consideration. The Court has already approved one of those turnover agreements (Doc. 223), and the Plaintiffs’ anticipate it will soon receive the second turnover agreement for its consideration. Plaintiffs’ counsel therefore plan to recommend dismissing these Relief Defendants from the case.

3. The FTC and State of Florida are independent agencies. A bi-partisan body of commissioners (“Commission”) heads the FTC. Neither the FTC nor the State of Florida’s counsel have authority to file the proposed settlements for the Court’s consideration or dismiss a party from the case until the matters are reviewed and approved by the FTC’s Commission<sup>3</sup> and the State of Florida’s Chief Deputy Attorney General. The approval process takes some time, usually 60 to 90 days.

4. If the FTC’s Commission and/or the State of Florida’s Chief Deputy Attorney General approve the settlements and dismissals, one or both of Plaintiffs’ counsel will promptly file them with the Court. If the proposed settlements and dismissals have not yet been filed with

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<sup>3</sup> With regard to the FTC, Commission action, such as settling litigated matters or dismissing parties from a case, may only be taken with affirmative concurrence of a majority of the participating members of the Commission. *See* C.F.R. § 4.14(c).

the Court by June 15, 2018, Plaintiffs' counsel propose to advise the Court of the status of this case by filing a status report at that time. If any of the recommendations are rejected or agreements break down, one or more of the Plaintiffs' counsel will promptly notify the Court by filing a motion to lift the stay and recalculate the tolled deadlines as to the affected parties.

Respectfully submitted this \_\_\_\_\_ day of March, 2018.

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UNITED STATES DISTRICT COURT  
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FEDERAL TRADE COMMISSION, and

STATE OF FLORIDA,

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JEREMY LEE MARCUS, *et al.*,

Defendants and Relief Defendants.

**ORDER STAYING PROCEEDINGS AND TOLL DEADLINES**

THIS CAUSE came before the Court upon the Stipulation of All Parties to Stay Proceedings and Toll Deadlines (Doc. \_\_\_\_ ).

THE COURT having considered the stipulation and the pertinent portions of the record, and being otherwise fully advised in the premises, it is

**ADJUDGED** that:

1. This action is hereby STAYED until further Order of the Court.
2. Plaintiffs shall notify the Court by **June 15, 2018** of the status of the proceedings.
3. The Clerk of this Court shall mark this cause as closed for statistical purposes and place the matter in a civil suspense file.
4. The Court shall retain jurisdiction and the case shall be restored to the active docket upon proper motion of a party.

5. This Order shall not prejudice the rights of the parties to this litigation or otherwise affect the rights, obligations or duties of the Court-appointed Receiver in carrying out his lawful duties.

**DONE AND ORDERED** in Chambers at Miami, Florida, this \_\_\_\_\_ day of March, 2018.

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FEDERICO A. MORENO  
UNITED STATES DISTRICT JUDGE

Copies provided to:  
All Parties of Record

**Serres, Ellen**

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**U.S. District Court**

**Southern District of Florida**

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The following transaction was entered by Verduce, Valerie on 3/21/2018 at 9:33 AM EDT and filed on 3/21/2018

**Case Name:** Federal Trade Commission et al v. Marcus et al  
**Case Number:** [0:17-cv-60907-FAM](#)  
**Filer:** Federal Trade Commission  
**Document Number:** [224](#)

**Docket Text:**

**Agreed MOTION to Stay Proceedings and Toll Deadlines by Federal Trade Commission. Responses due by 4/4/2018 (Attachments: # (1) Text of Proposed Order Staying Proceedings and Tolling Deadlines)(Verduce, Valerie)**

**0:17-cv-60907-FAM Notice has been electronically mailed to:**

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