

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.

**PLAINTIFFS' MOTION FOR ENTRY OF STIPULATED ORDER OF VOLUNTARY
DISMISSAL WITHOUT PREJUDICE AS TO
RELIEF DEFENDANT JAMES MARCUS**

Pursuant to Rules 41(a)(2) and 66 of the Federal Rules of Civil Procedure, Plaintiffs, the Federal Trade Commission and the Office of the Attorney General, State of Florida, Department of Legal Affairs (collectively, "Plaintiffs"), submit this motion for entry of the attached Stipulated Order of Voluntary Dismissal Without Prejudice as to Relief Defendant James Marcus (the "Stipulated Order"), and as grounds state as follows:

1. Based in part upon a turnover motion and proposed order filed by the Receiver (D.E. 234) and subsequently entered by the Court (D.E. 246, 269), and the Receiver and James Marcus' ensuing agreements regarding the same, Plaintiffs seek an order of voluntary dismissal without prejudice as to relief defendant James Marcus.

2. Relief defendant James Marcus has stipulated and agreed to the attached Stipulated Order.

3. In addition, Plaintiffs' counsel has conferred with counsel for the Receiver in this

matter, and the Receiver does not object to this Motion.

For the foregoing reasons, Plaintiffs respectfully request that this Court enter the attached Stipulated Order.

Respectfully submitted this 11th day of September, 2018.

Respectfully submitted,

ALDEN F. ABBOTT
Acting General Counsel

/s/ Angeleque P. Linville

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of September, 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 or *pro se* parties 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
Angeleque P. Linville

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**STIPULATED ORDER OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE AS TO
RELIEF DEFENDANT JAMES MARCUS**

Plaintiffs, the Federal Trade Commission and the Office of the Attorney General, State of Florida, Department of Legal Affairs (collectively, "Plaintiffs"), and relief defendant James Marcus agree to the entry of this Stipulated Order of Voluntary Dismissal Without Prejudice as to Relief Defendant James Marcus (the "Order").

NOW THEREFORE, Plaintiffs and relief defendant James Marcus, having requested the Court to enter this Order, and the Court having considered the same,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. Relief defendant James Marcus is hereby voluntarily dismissed without prejudice as a relief defendant in this action;

2. Relief defendant James Marcus waives any claim that he may have against Plaintiffs, their employees, representatives, or agents, and all claims under the Equal Access to Justice Act, 28 U.S.C. § 2412, *as amended by* Pub. L. 104-121, 110 Stat. 847, 863-64 (1996); and

3. Relief defendant James Marcus shall bear his own costs and attorney's fees incurred in this action.

Plaintiffs and relief defendant James Marcus hereby stipulate and agree to entry of the foregoing Order.

DONE AND ORDERED in Chambers at Miami, Florida, this _____ day of _____, 2018.

THE HONORABLE FEDERICO A. MORENO
United States District Court Judge
Southern District of Florida

SO STIPULATED AND AGREED:

FOR PLAINTIFFS:

Dated: 9/11/18



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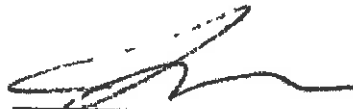
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FOR RELIEF DEFENDANT JAMES MARCUS:

Dated: 9-10-18



**RELIEF DEFENDANT JAMES MARCUS,
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