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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

FEDERAL TRADE COMMISSION, and
UTAH DIVISION OF CONSUMER
PROTECTION,

Plaintiffs,

v.

ZURIXX, LLC, et al.

Defendants.

**DEFENDANTS JSS INVESTMENT
VENTURES, JSS TRUST, GERALD D.
SPANGLER, & STEPHENIE
SPANGLER'S MOTION FOR PARTIAL
SUMMARY JUDGMENT PURSUANT TO
FRCP 56 & DU-CIV 7-1(a)(4)**

Case No.: 2:19-cv-00713-DAK-DAO

Judge Dale Kimball

Magistrate Judge Daphne A. Oberg

RELIEF SOUGHT AND GROUNDS FOR MOTION

Pursuant to Federal Rule of Civil Procedure 56, Defendants JSS Investment Ventures, JSS Trust, Gerald D. Spangler, and Stephenie Spangler (collectively "JSS Defendants"), by and through undersigned counsel, hereby move this Court for an order of partial summary judgment holding that the Federal Trade Commission ("FTC") is not entitled to equitable monetary relief

under Section 13(b) of the FTC Act, 15 U.S.C. § 53, and that the Utah Division of Consumer Protection (the “Division”) is not entitled to any monetary relief under the Utah Business Opportunity Disclosure Act (“BODA”).

Pursuant to DU-Civ 7-1(a)(4), the JSS Defendants incorporate by reference the arguments and reasons set forth in Defendants Zurixx, LLC, Brand Management Holdings, LLC, CAC Investment Ventures, LLC, CAC Investment Ventures, LLC (Puerto Rico), Carlson Development Group, LLC, Carlson Development Group, LLC (Puerto Rico), CJ Seminar Holdings, LLC, Dorado Marketing and Management, LLC, Zurixx Financial, LLC, Zurixx Financial, LLC (Puerto Rico), Christopher A. Cannon, James M. Carlson, and Jeffrey D. Spangler’s (collectively, the “Zurixx Defendants”) Motion for Partial Summary Judgment as to Relief Under Section 13(b) and BODA. (ECF No. 245).

ARGUMENT

The operative complaint is Plaintiffs’ Second Amended Complaint (“SAC”). (ECF No. 219.) In Counts I, II, III, and IV of the SAC, the FTC seeks an equitable monetary judgment of approximately \$530 million for equitable redress and restitution for consumers and disgorgement of Defendants’ ill-gotten gains under Section 13(b) of the FTC Act for violations of Section 5 of the FTC Act. The FTC brings each of these counts against all Defendants.

In the SAC, the Division seeks to impose either fines or penalties against all Defendants under the Utah Business Opportunity Disclosure Act (“BODA”).

Pursuant to DU-Civ 7-1(a)(4), the JSS Defendants incorporate by reference the arguments and reasons set forth in the Zurixx Defendants’ Motion for Summary Judgment. (ECF No. 245.)

CONCLUSION

The JSS Defendants request summary judgment and incorporate by reference the Zurixx Defendants' Motion for Partial Summary Judgment as the grounds for granting the JSS Defendants' Motion. The Court should enter an order stating that the FTC is not entitled to any equitable monetary relief under Section 13(b) and that the Division is not entitled to any monetary relief under BODA.

DATED: May 28, 2021.

ARMSTRONG TEASDALE LLP

/s/ Brennan H. Moss
Brennan H. Moss
Michael A. Gehret
*Attorneys for JSS Investment Ventures, JSS
Trust, Gerald D. Spangler, and Stephenie J.
Spangler*

CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2021, a true and correct copy of the foregoing was served via the Court's electronic notification system to all parties registered to receive notice in this action.

/s/ Shelby Irvin
Shelby Irvin