

FILED
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CLERK
U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

FEDERAL TRADE COMMISSION, et al, Plaintiffs, vs. ZURIXX, LLC, et als, Defendants.	Case No. 2:19-cv-00713-DAK-DAO District Judge Dale A. Kimball Magistrate Judge Daphne A. Oberg
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FURTHER MOTION IN OPPOSITION FOR CONTEMPT OF COURT

TO THE HONORABLE JUDGE DALE A. KIMBALL:

David Efron and Efron Dorado, S.E., through the undersigned counsel, respectfully state and pray as follows:

The herein appearing parties adopt by reference our prior motion of March 11, 2021 that this Court deny the Receiver's motion for sanctions.

THE LAW

The Supreme Court's recent unanimous decision in AMG Cap. Mgmt., LLC v. Federal Trade Commission, 141 S.Ct. 1341 (2021) ("AMG") has substantially impacted the potential monetary relief available to Plaintiffs in this case and warrants a modification of the Injunction as the majority of the provisions in that order are now unnecessary and unlawful. AMG makes it clear that the Federal Trade Commission ("FTC") did not follow the law in its use of Section 13(b) of the FTC Act in this case as a basis to seek — and a court is not authorized to award — equitable monetary relief such as restitution or disgorgement under Section 13(b). AMG, 141 S.Ct. at 1344.

THE FACTS

The FTC has now recently removed and otherwise disposed of all of the assets of Zurixx in our premises, having them sold at a public auction by FTC's agents.

Therefore, there is no need for a receiver on our premises.

The Court will note that early on as landlord we facilitated access to FTC agents to remove all files, computer hard drives, etc. from Zurixx's premises. We have now followed up with allowing the FTC agents access to all the furniture and equipment which the FTC has disposed of.

WHEREFORE, the herein appearing parties request of this Honorable Court that it deny Receiver's motion for sanctions in this case.

WE HEREBY CERTIFY that on this same date, we electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to attorneys of record.

In San Juan, Puerto Rico for Salt Lake City, Utah, this 28th day of May, 2021.

Respectfully submitted,

/s/ David Efron

DAVID EFRON

EFRON DORADO, S.E.

PO Box 29314

San Juan, PR 00929-0314

787-765-1535

efron@davidefronlaw.com