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

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FEDERAL TRADE COMMISSION and  
UTAH DIVISION OF CONSUMER  
PROTECTION,

Plaintiffs,

v.

ZURIXX, LLC, *et al.*

Defendants.

**UTAH DIVISION OF CONSUMER  
PROTECTION'S OPPOSITION TO THE  
JSS DEFENDANTS' MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

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

District Judge Dale A. Kimball  
Magistrate Judge Daphne A. Oberg

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The Utah Division of Consumer Protection ("Division") submits this Opposition to the JSS Defendants' Motion for Partial Summary Judgment as to Relief Under Section 13(b) and BODA.

## ARGUMENT

The JSS Defendants<sup>1</sup> argue that the Division cannot obtain fines or seek penalties for violations of the Utah Business Opportunity Disclosure Act ([Utah Code Ann. § 13-15-1](#), et seq.) (“BODA”) in this judicial action. JSS Defendants incorporate the Zurixx Defendants<sup>2</sup> claim that the Supreme Court’s decision in [AMG Cap. Mgmt., LLC v. FTC](#), 141 S. Ct. 1341, 1347 (2021), by analogy, strips the Court of the ability to impose penalties for violations of BODA. *See* [Zurixx] Defendants’ Motion for Partial Summary Judgment to relief Under Section 13(b) and BODA, [Docket # 245](#) (May 12, 2021). As with the Zurixx Motion, JSS Defendants’ Motion is wrong. *AMG* does not touch upon, or have any applicability to, BODA. The Utah Legislature expressly provided that the Division may bring a judicial action for BODA violations. BODA also specifically provides that the courts may grant “any other relief” appropriate for violations of BODA. By authorizing a judicial cause of action and providing that courts may grant “any other relief,” the Legislature gave courts the ability to impose fines for violations of BODA. Further, where a statute creates a judicial cause of action without specifying a particular remedy, the Court has the inherent power to fashion an appropriate remedy.

For the reasons set forth in the Division’s Opposition to The Zurixx Defendants’ Motion for Partial Summary Judgment, JSS Defendants’ Motion for Partial Summary Judgment as to

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<sup>1</sup>The JSS Defendants are JSS Investment Ventures, JSS Trust, Gerald D. Spangler, and Stephenie Spangler.

<sup>2</sup> Zurixx Defendants are 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.

BODA should be denied. The Division hereby incorporates the arguments and reasons set forth in its Opposition to Zurixx Defendants' Motion for Partial Summary Judgment as to BODA.

**CONCLUSION**

For the reasons stated above, the Court should deny the JSS Defendants' Motion for Partial Summary Judgment as to relief under BODA.

Respectfully submitted this 15th day of June 2021.

/s/ Robert G. Wing

Robert G. Wing (4445)

*Signed by filing attorney with permission of  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on June 15, 2021, a true and correct copy of the foregoing UTAH DIVISION OF CONSUMER PROTECTION'S OPPOSITION TO JSS DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT was served on counsel for all parties via electronic filing with the Court's ECF service.

/s/ Joni Ostler  
Joni Ostler