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

**FEDERAL TRADE COMMISSION and
UTAH DIVISION OF CONSUMER
PROTECTION,**

Plaintiffs,

vs.

ZURIXX, LLC, et al.,

Defendants.

CLARIFICATION ORDER

Case No. 2:19-cv-713-DAK-DAO

Judge Dale A. Kimball

Magistrate Judge Daphne A. Oberg

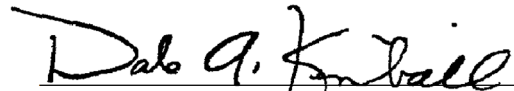
This matter is before the court on Plaintiffs Federal Trade Commission’s and Utah Division of Consumer Protection’s Motions for Clarification or, in the Alternative, for Reconsideration [ECF Nos. 338, 339] of this Court’s November 8, 2021 Memorandum Decision and Order on the Zurixx Defendants’ Motion to Modify Preliminary Injunction Order. The court clarifies that it has not resolved the contested issues relating to how consumer redress under Section 19 of the FTC Act will be measured in this case. The issues were not fully briefed. The court does not believe that the damages available to the FTC under Section 19 of the FTC Act are as expansive as those previously available under Section 13 and that impacts the preliminary injunction with respect to the asset freeze and receivership. However, the parties can more fully address the specifics of the redress issues under Section 19 on summary judgment.

The court also clarifies and modifies its decision as to the release of assets to assist defendants in their defense. While the court originally awarded \$50,000 to each of the Zurixx Defendants, the court modifies that amount to \$50,000 for each individual defendant and

\$100,000 for the combined corporate defendants. There may be separate issues relating to the corporate defendants as opposed to the individual defendants, but those issues would relate to all the corporate entities equally and the entities are all represented by the same counsel. The Zurixx Defendants separated its business into multiple entities for their own purposes which are not necessarily relevant to the legal defense of those entities. Therefore, the total to be released from the asset freeze for legal defense is \$250,000.

DATED this 23rd day of November, 2021.

BY THE COURT:



DALE A. KIMBALL,
UNITED STATES DISTRICT JUDGE