UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Federal Trade Commission, Plaintiff, v. Midway Industries Limited Liability Company, *et al.* Defendants.	**Case No. JFM 14-CV-2312**

PLAINTIFF'S OPPOSITION TO THE EPSTEIN DEFENDANTS' MOTION TO SHORTEN TIME FOR PLAINTIFF TO RESPOND TO MOTION TO AUTHORIZE PAYMENT OF ATTORNEYS' FEES FROM FROZEN ASSETS AND MOTION FOR EXPEDITED CONSIDERATION

Plaintiff Federal Trade Commission ("FTC") hereby opposes the Epstein Defendants' ("Movants") Motion to Shorten Time for Plaintiff to Respond to Motion to Authorize Payment of Attorneys' Fees from Frozen Assets and Motion for Expedited Consideration. (Doc 26.) The Epstein Defendants filed their Motion to Authorize Payment of Attorneys' Fees near the close of business on August 6, 2014. (Doc 23.) Movants did not request expedited consideration of their Motion at that time, instead attempting to manufacture a crisis with the instant request that the FTC have one day to prepare its response.

Movants request a shortening of time to limit an unidentified "harm" occurring as a result of the Epstein Defendants' "inability to pay their attorneys." (Doc 26-1, ¶ 3.) But any alleged crisis is of Defendants' own making as Movants made a tactical decision to refuse the release of $50,000 for attorneys' fees agreed to by the FTC. (Doc 23-1.) Attorneys Gregory T. Lawrence and Hannah Kon of the Baltimore firm of Conti Fenn & Lawrence have entered their appearances on behalf of the Epstein Defendants and thus the Epstein Defendants are represented

by counsel. (Docs. 21 and 22.) No preliminary injunction hearing is currently scheduled and the deadlines in the Order granting the Temporary Restraining Order for the provision of Defendants' financial information (Doc 9) have already passed. There is simply no exigency requiring such an extremely expedited response to the Motion.

Pursuant to Local Rule 105, the FTC's response is due Wednesday, August 20. Despite not having moved initially for expedited consideration, late afternoon on Friday, August 8, counsel for the Epstein Defendants requested that the FTC file its opposition by close of business on Monday, August 11. (Doc 26-3.) FTC lead counsel Harris Senturia has been on vacation since August 6 (the date of filing of the Epstein Defendants' Motion for Attorneys' Fees), is currently out of the country, and is returning on August 13. As a result, Mr. Senturia informed opposing counsel that he had been out of the office, would not be in a position to file the opposition on Monday as requested, but upon his return to the office on Wednesday, August 13, would work diligently to file a response. (*Id.*)

The FTC can be prepared to file its Opposition by August 15, but is not in a position to file its Opposition by close of business today. Contrary to Movants' self-serving statements that there would be no prejudice to the FTC in requiring a response by close of business today, the FTC's response must address multiple incorrect or misleading misstatements of law and fact contained in the Epstein Defendants' Motion for Attorneys' Fees (which consists of a nine-page memorandum relying on 17 cases and five exhibits). The FTC respectfully requests that this Court deny the Epstein Defendants' Motion to Shorten Time for Plaintiff to Respond to Motion to Authorize Payment of Attorneys' Fees from Frozen Assets and Motion for Expedited Consideration. (Doc 26.)

Respectfully submitted,

Dated: August 12, 2014

/s/Amy C. Hocevar

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CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2014, the foregoing Plaintiff's Opposition to Epstein Defendants' Motion to Shorten Time for Plaintiff to Respond to Motion to Authorize Payment of Attorneys' Fees from Frozen Assets and Motion for Expedited Consideration was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt who may access this filing through the Court's system.

/s/Amy C. Hocevar
Attorney for Plaintiff