UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

FEDERAL TRADE COMMISSION, Plaintiff, v. MAIL TREE INC., *et al.*, Defendants.	Case No. 15-cv-61034 Judge James I. Cohn Magistrate Judge Jared M. Strauss

JOINT STATUS REPORT

Pursuant to this Court's Status Report Order, dated June 20, 2023 (Dkt. 116), Plaintiff Federal Trade Commission ("FTC") respectfully submits the following Joint Status Report regarding the status of the related criminal case, *United States v. Pisoni, et al.*, Case No. 15-20339-CR-DPG (S.D. Fla.) ("Criminal Case").

In preparing this report, the FTC conferred with Defendant Marcus Pradel; Defendant John Leon; Kevin Malek, counsel for Defendant Matthew Pisoni; Richard Klugh, counsel for Defendant Victor Ramirez; and Assistant United States Attorney Edward Stamm, point of contact for the United States in the Criminal Case. The FTC attempted to contact all other parties through their last known contact information, but to date has been unable to reach them for consultation.

On June 12, 2015, the Court stayed this case pending resolution of the Criminal Case. (Dkt. 60; *see also* Dkt. 65 (order extending stay to include third party discovery)).

The Criminal Case remains pending in district court before Judge Gayles as to three defendants, Matthew Pisoni, Marcus Pradel, and Victor Ramirez. The fourth defendant, John Leon, pled guilty to conspiring to commit mail fraud. (Cr. Dkt. 155).

On July 27, 2017, following a jury trial, Defendants Pisoni, Pradel and Ramirez were convicted on the first count of the Indictment, Conspiracy to Commit Mail Fraud, 18 U.S.C. § 1349, and acquitted of all other charges. (*See* Cr. Dkt. 3, 342, 343, 344). The defendants appealed their convictions. (Cr. Dkt. 473, 477, 479). All four defendants were sentenced on November 28, 2017. (Cr. Dkt. 449-452).

On February 27, 2018, the Eleventh Circuit granted the appellants' joint unopposed motion to stay their appeals pending the ongoing district court proceedings. *United States v. Pisoni, et al.*, No. 17-15545-BB (11th Cir. Feb. 27, 2018).

On June 11, 2018, Judge Gayles granted the defendants' motions for bond pending appeal and "for 60 days to file a motion for new trial based on newly discovered evidence recently provided by the Government as well as any discovery related motions." (Cr. Dkt. 568).

On August 10, 2018, the defendants in the Criminal Case filed a joint motion for new trial and a motion for discovery and an evidentiary hearing. (Cr. Dkt. 581, 583). On October 24, 2018, Judge Gayles entered an order suspending the briefing schedule on those motions pending the court's rulings on discovery-related matters. (Cr. Dkt. 602).

On January 22, 2020, Judge Gayles set a briefing schedule on defendants' joint motion for new trial. (Cr. Dkt. 690). The briefing was completed on August 6, 2020. (Cr. Dkt. 694, 712, 718). On December 3, 2020, the district court heard oral argument on the motion and ordered the parties to submit proposed findings of fact and conclusions of law by January 29, 2021. (Cr. Dkt. 731-32). On July 16 and 22, 2021, the district court notified the parties and the Eleventh Circuit that the motion for a new trial would be granted. (Cr. Dkt. 748, 750).

On August 5, 2021, the Eleventh Circuit remanded the case to the district court and

concluded the appeal. (Cr. Dkt. 755).

On November 18, 2022, Judge Gayles entered an Order Granting New Trial, vacating the convictions and sentences of Defendants Pisoni, Pradel and Ramirez and ordering a new trial. (Cr. Dkt. 767). The court's order was unsealed on December 7, 2022. (Cr. Dkt. 770).

On May 3, 2023, Judge Gayles entered an Order Continuing Trial, which set the Criminal Case "for Jury Trial … during the two-week trial period that begins January 22, 2024." (Cr. Dkt. 794).

Respectfully submitted,

Dated: July 5, 2023

/s/ Guy G. Ward
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Certificate of Service

I, Guy G. Ward, hereby certify that, on July 5, 2023, the attached Joint Status Report was served through the CM/ECF system on all counsel of record.

/s/ Guy G. Ward
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