UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v. **Case No: 8:15-cv-2231-T-35TBM**

ROCA LABS, INC., a corporation, ROCA LABS NUTRACEUTICAL USA, INC., a corporation, DON JURAVIN, individually, DON JURAVIN, as an officer of Roca Labs, Inc. and Roca Labs Nutraceutical USA, Inc. Must Cure Obesity, Co and Juravin, Inc., GEORGE C. WHITING, individually, GEORGE C. WHITING, as an officer of Roca Labs, Inc. and Roca Labs Nutraceutical USA, Inc. and Zero Calorie Labs, Inc., MUST CURE OBESITY, CO., a corporation, JURAVIN, INCORPORATED, a corporation, and ZERO CALORIE LABS, INC., a corporation,

Defendants.

ORDER

THIS CAUSE comes before the Court for consideration of Defendants' Motion to Alter, Amend, and/or Clarify Order Granting Summary Judgment for Plaintiff (Dkt. 235), and Response in opposition thereto filed by Plaintiff, (Dkt. 236).

On September 14, 2018, this Court granted Plaintiff's Motion for Summary Judgment against all Defendants on all counts. (Dkt. 234). Regarding damages, however, this Court ruled that while disgorgement was the proper remedy, measured "by the amount of gross sales revenue minus the amount of customer refunds returned to consumers," Plaintiff's "reasonable approximation" of $1,354,000.00 as the customer

refund amount was not supported anywhere in the record. (Id.) Consequently, this Court took the amount of damages "under advisement" and ordered the Parties to file supplemental memoranda addressing the appropriate amount of customer refunds. (Id.)

Accordingly, this Court has not yet entered a final judgment and will not do so until the issue of damages has been resolved. Upon consideration of the foregoing, it is hereby **ORDERED** that Defendants' Motion to Alter, Amend, and/or Clarify Order Granting Summary Judgment for Plaintiff is **GRANTED**. (Dkt. 235)

DONE and **ORDERED** in Tampa, Florida, this 12th day of October, 2018.

MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person