IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA

Federal Trade Commission, et al.,	
Plaintiffs,	
v.	Civ. Action 2:17-cv-00228-PAM-MRM
Vylah Tec, LLC, et al.,	
Defendants.	

DEFENDANTS' UNOPPOSED MOTION
FOR LEAVE TO FILE OMNIBUS SUR-REPLY
WITH RESPECT TO THE RECEIVER'S APPLICATIONS FOR FEES

Defendants seek this Court's leave to file a single, omnibus Sur-Reply brief to address in a single filing the new arguments raised in Plaintiffs' Response to Defendants' Objection to the Report & Recommendation Regarding the Receiver's Fees, ECF No. 427, Plaintiffs' Response to Defendants' Opposition to the Receiver's Third Application, ECF No. 422, and the Receiver's anticipated Reply brief on his Third Application for Fees. The Plaintiff's Responses, *see* ECF Nos. 422 and 427, and the Receiver's description of his forthcoming Reply brief, *see* ECF No. 426 (motion for leave to file Reply), both raise new arguments about, *inter alia,* sovereign immunity and this Court's Permanent Injunction and Judgment in a Civil Case which have not been briefed in adversarial fashion in this case, either on the merits or on this fee dispute.

Counsel for the parties and the Receiver have electronically met and conferred about this Motion for Leave and about Defendants' suggestion of filing a single omnibus Sur-Reply brief, not to exceed 12 pages, to be due Tuesday, July 23, 2019, two business days after the Receiver's Reply brief is due. *See* ECF No. 428 (granting leave to file Reply on Friday, July 19, 2019). Counsel for Plaintiffs and the Receiver do not oppose this Motion for Leave.

Defendants respectfully suggest that a single, omnibus Sur-Reply, not to exceed 12 pages, to be filed July 23, 2019, will most efficiently complete the briefing of the Receiver's outstanding fee applications, *i.e.,* his Renewed Application (now before Judge Magnuson) and his Third Application for Fees (now before Mag. J. McCoy). Barring unforeseen developments, briefing would then be complete on the Receiver's various applications for fees, but for Objections and Responses to any forthcoming R&R by Magistrate Judge McCoy on the Receiver's Third Application.

Dated: July 15, 2019

Respectfully submitted,

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Certificate of Service

I, Michael R. Geske, do hereby certify that the foregoing DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO FILE OMNIBUS SUR-REPLY WITH RESPECT TO THE RECEIVER'S APPLICATIONS FOR FEES was electronically filed by me on July 15, 2019 through the CM/ECF electronic filing system of the United States District Court for the Middle District of Florida and was thereby served electronically upon all counsel of record in this case. I have also sent two courtesy copies to the Hon. Paul A. Magnuson's chambers in St. Paul, Minnesota for delivery on Tuesday morning, July 16, 2019.

