UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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FEDERAL TRADE COMMISSION and
PEOPLE OF THE STATE OF NEW YORK,

Plaintiffs,

v.

18-CV-1163
ORDER

CAMPBELL CAPITAL LLC, *et al.*,

Defendants.

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On October 23, 2018, the plaintiffs commenced this civil law enforcement action, this Court granted the plaintiffs' motion to temporarily seal the case, and this Court referred this case to United States Magistrate Judge Michael J. Roemer for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Docket Items 1, 11, 13. On the same day, the plaintiffs filed an *ex parte* motion for a temporary restraining order with an asset freeze, appointment of a receiver, and other equitable relief, and they also requested an order to show cause why a preliminary injunction should not issue. Docket Item 2. The plainitffs also filed an *ex parte* motion for an expedited hearing on their *ex parte* motion for a temporary restraining order. Docket Item 9. The next day, Judge Roemer issued a Report and Recommendation ("R&R") finding that the plaintiffs' motions should be granted. Docket Item 14.

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a de novo review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ.

P. 72(b)(3). Because the defendants are not yet on notice of this *ex parte* proceeding and therefore do not have an opportunity to object, this Court conducts a de novo review of all of Judge Roemer's recommendations.

Based on that review and this Court's review of the plaintiffs' submissions, the Court accepts and adopts Judge Roemer's recommendation to grant the plaintiffs' motion for an *ex parte* temporary restraining order and related relief.

For the reasons stated above, in the R&R, and in the separately issued *ex parte* temporary restraining order, the plaintiffs' motion for an *ex parte* temporary restraining order and related relief, Docket Item 2, is GRANTED on the terms set forth in this Court's *ex parte* temporary restraining order, and the plaintiffs' motion for an *expedited hearing* on the temporary restraining order and related relief, Docket Item 9, is DISMISSED as moot. An *ex parte* temporary restraining order with other relief accompanies this order and this Court will enter it separately on the docket in this proceeding. Notwithstanding the referral order of October 23, 2018, Docket Item 11, a Status Conference is scheduled for NOVEMBER 2, 2018 at 3:00 P.M.

SO ORDERED.

Dated: October 25, 2018
Buffalo, New York

***s/Lawrence J. Vilardo***
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE