UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

FEDERAL TRADE COMMISSION, *et al.,* Plaintiffs, v. AMERICAN FUTURE SYSTEMS, INC., *et al.,* Defendants.	Case No. 2:20-cv-02266 Judge Joel H. Slomsky

PLAINTIFF FTC'S MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, FOR SUMMARY ADJUDICATION OF ISSUES

Plaintiff Federal Trade Commission ("FTC") hereby respectfully moves this Court, pursuant to Federal Rule of Civil Procedure 56, for summary judgment against American Future Systems, Inc., also d/b/a Progressive Business Publications, Progress Business Publications, Inc., and Center for Education & Employment Law; Progressive Business Publications of New Jersey, Inc., and Edward Satell ("AFS Defendants") on all counts brought by the FTC against them contained in the First Amended Complaint (ECF 43, Counts I, II, and IV).

As shown in the Memorandum and Plaintiffs' Joint Statement of Undisputed Material Facts, together with the exhibits thereto, summary judgment is appropriate in this case because there is no genuine dispute as to any material fact, and the FTC is entitled to judgment as a matter of law. The uncontroverted evidence shows that the AFS Defendants violated Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the Unordered Merchandise Statute, 39 U.S.C. § 3009.

A proposed Order entering judgment in favor of the FTC on its claims and setting forth the need for injunctive relief is attached hereto. Upon entry of judgment against the AFS Defendants,

the FTC will provide a memorandum citing the relevant facts and setting forth the applicable law regarding the proper scope of a permanent injunction along with a proposed injunction.

Respectfully submitted,

Dated: 6/26/2023

/s/ *Amy C. Hocevar*

AMY C. HOCEVAR (Ohio Bar #0075510)
DEREK E. DIAZ (Ohio Bar #0069755)
CHRISTIAN M. CAPECE (New York Bar #4045936)
MARIS K.V. SNELL (Florida Bar #125585)
CONOR P. DUFFY (New York Bar #5203757)
Federal Trade Commission
1111 Superior Avenue, Suite 200
Cleveland, Ohio 44114
Hocevar: (216) 263-3409 | ahocevar@ftc.gov
Diaz: (216) 263-3421 | ddiaz@ftc.gov
Capece: (216) 263-3419 | ccapece@ftc.gov
Snell: (216) 263-3412 | msnell@ftc.gov
Duffy: (216) 263-3401 | cduffy@ftc.gov
Fax: (216) 263-3426

Attorneys for Plaintiff
FEDERAL TRADE COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2023, copies of the foregoing ***PLAINTIFF FTC'S MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, FOR SUMMARY ADJUDICATION OF ISSUES*** and the Memorandum, Plaintiffs' Joint Statement of Undisputed Material Facts, exhibits therewith, and proposed order were 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 Plaintiffs