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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION, Plaintiff, v. QYK BRANDS LLC d/b/a Glowyy, et al., Defendants.	Case No. 8:20-cv-01431-PSG-KES PLAINTIFF'S APPLICATION TO EXCEED PAGE LIMIT FOR MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Plaintiff Federal Trade Commission ("FTC") respectfully requests leave to file its Memorandum in Support of Plaintiff's Motion for Summary Judgment ("Summary Judgment Memo"), longer than the 25-page limitation allowed under Local Rule 11-6. The FTC has made every effort to be both brief and complete in setting forth the legal and factual bases for summary judgment in this case, as required by Local Rule 7-5. For the reasons set forth below, the FTC submits that good cause exists to permit additional pages in the Summary Judgment Memo. A proposed order accompanies this motion.

The Summary Judgment Memo describes how the Defendants, acting as a common enterprise, violated the FTC Act, 15 U.S.C. § 45, and the Mail, Internet, or Telephone Order Merchandise Rule ("MITOR" or the "Rule"), 16 C.F.R. Part 435. The FTC alleges that the Defendants violated the FTC Act and MITOR by deceiving consumers with false shipping and COVID-19 prevention claims, leveraging fear of disease for profit. For several months beginning in March 2020, hand sanitizer was nearly impossible to find. The Defendants took advantage of this demand with false promises that the company had sanitizer "In Stock" and would ship it in days. Instead, Defendants immediately charged consumers' credit cards, issued shipping labels, and then waited weeks—sometimes months—before sending ordered merchandise, if at all.

In addition, Defendants, primarily through Dr. J's Natural LLC and Jacqueline Nguyen made outrageous COVID-19 prevention and treatment claims, *i.e.*, that their product, Basic Immune IGG, can prevent, treat, or reduce risk of COVID-19. Defendants made these claims particularly targeting a Vietnamese speaking audience and knowing these claims were likely false and not backed by scientific evidence. These deceptive practices violated Sections 5 and 12 of the FTC Act.

Finally, the FTC alleges that the Individual Defendants Rakesh Tammabattula and Jacqueline Nguyen personally participated in, or knew and had authority to control, the deceptive acts and practices in the Amended Complaint and therefore the Court may hold them personally liable for any monetary or injunctive relief the Court grants.

The Summary Judgment Memo sets forth the legal and factual bases for liability of the Common Enterprise and the two Individual Defendants, as well as the basis for and scope of monetary relief sought. To adequately address the various legal standards and fully set forth the factual predicates, the FTC needs to exceed the 25-page limit.

WHEREFORE, Plaintiff respectfully requests that the Court issue an order allowing the filing of the FTC's Summary Judgment Memo in excess of twenty-five pages.

Respectfully submitted,

Dated: February 15, 2022

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Certificate of Service

I certify that on February 15, 2022, I caused a true copy of the Plaintiff's Motion to Exceed Page Limit for Memorandum in Support of Plaintiff's Motion for Summary Judgment and [Proposed] Order to be served by the following means on the following persons:

By Notice of Electronic Filing via the Court's CM/ECF System, pursuant to Local Rule 5-3.2:

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/s/ Kristy Tillman
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