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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

ASCEND CAPVENTURES INC., also doing business as Ascend Ecom LLC**,** *et al*.

Defendants.

Case No. 2:24-cv-07660-SPG(JPRx)

PLAINTIFF'S AND DEFENDANTS' STIPULATION TO A CONTINUANCE OF THE OCTOBER 9, 2024 PRELIMINARY INJUCTION HEARING

Current hearing date: October 9, 2024
New hearing date: October 23, 2024

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Plaintiff Federal Trade Commission ("FTC" or "Plaintiff") and Defendants Ascend Capventures Inc., Ascend Ecommerce Inc., Ascend Administration Inc., Ascend Ecom LLC, Ascend Distribution LLC, William Michael Basta, and Jeremy Kenneth Leung (collectively, "Defendants" and, together with the FTC, the "Parties") respectfully file this stipulation requesting that the Court extend the TRO and continue the preliminary injuction hearing in this matter that is currently scheduled for Wednesday, October 9, 2024 at 3:00 pm to Wednesday, October 23, 2024, or such other date as the Court may set.

Plaintiff filed a Complaint and Application for a Temporary Restraining Order ("TRO") in this matter, under seal, on Monday, September 9, 2024. Dkt. 1, 4, 6, 11-21. This Court granted the TRO on Friday, September 13, 2024, and set a show cause hearing for Wednesday, September 25, 2024 ("PI Hearing") as to whether the Court should enter a preliminary injunction in this matter. Dkt. 30. Counsel for Defendants was not engaged, and did not receive a copy of the Complaint and TRO, until September 20, 2024. (See supporting Decl. of Virginia Sanderson ["Sanderson Decl."], filed concurrently herewith, at ¶2.)

This is the Parties' second request to extend the TRO and continue the PI hearing. The Parties previously stipulated to continue the PI Hearing from September 25, 2024 to October 9, 2024, which was granted by the Court on September 24, 2024. Dkt. 42. However, the Parties require additional time beyond October 9, 2024 to continue their discussions regarding a potential stipulated preliminary injunction and to complete any necessary expedited discovery. Specifically, the Parties require additional time for depositions of the individual defendants, for the location and turnover of records, and for negotiating the terms of a potential stipulated preliminary injunction that may eliminate the need for the PI hearing altogether. (Sanderson Decl. at ¶¶3-4.) Through counsel, the FTC and Defendants have been in regular communication since their first extension request regarding these matters. (*Id.* ¶4.) Through counsel, Defendants have also been in touch with the Receiver appointed by

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the Court in the TRO. (*Id.* ¶5.) The requested extension is limited to only two (2) weeks and does not unnecessarily prolong the TRO. Therefore, the Parties now jointly request a further extension of the PI hearing to October 23, 2024, or such other date as the Court deems appropriate.

The Parties further stipulate that any deadlines in the TRO fixed to the date of the PI hearing be extended in accordance with the new PI hearing date; but any deadline in the TRO fixed to the date of the issuance of the TRO will not be extended.

DATED: October 3, 2024

s/ Virginia Sanderson
Virginia Sanderson
Attorneys for Defendants

DATED: October 3, 2024

s/ Jody Goodman
Jody Goodman
Attorneys for FTC

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