UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 17-60907-CIV-MORENO

FEDERAL TRADE COMMISSION, and

STATE OF FLORIDA,

Plaintiffs,

v.

JEREMY LEE MARCUS, *et al.*,

Defendants and Relief Defendants.

**Plaintiff Federal Trade Commission's Motion to Be Excused From the October 10, 2019 Hearing, or in the Alternative, to Appear Telephonically**

Plaintiff, the Federal Trade Commission (the "FTC"), files this motion in connection with the Court's Order at Doc. 420 granting third-party PNC Bank's Request for Hearing (D.E. 405) and setting a hearing for this Thursday, October 10, 2019 (the "Hearing"). The FTC respectfully requests that the Court excuse the FTC from the Hearing, or should the Court wish to hear from the FTC, allow it to appear telephonically.

The Hearing is related to the Receiver's objections to Judge Seltzer's June 11, 2019 Report and Recommendation regarding a motion to compel filed by the Court-appointed Receiver against a third party, PNC Bank. D.E. 357, 363, 367, 380, 403, 405. The FTC took no position on the Receiver's underlying motion to compel (D.E. 357, p. 20) and therefore did not participate in the underlying briefing or the hearing before Judge Seltzer. Accordingly, the FTC respectfully requests that the Court excuse the FTC from the upcoming Hearing, which will not prejudice any party in this matter.

In the alternative, should the Court wish to hear from the FTC during the Hearing, the FTC respectfully requests permission to appear by telephone. Appearing telephonically would eliminate the FTC's incursion of travel expenses necessary to send its attorney(s) from Atlanta, Georgia to attend the Hearing in Miami, Florida and would not prejudice any party in this matter.

Counsel for the FTC has conferred with counsel for the Receiver and with counsel for PNC Bank, and neither objects to the relief requested in this motion.

Dated: October 8, 2019.

Respectfully submitted,

ALDEN F. ABBOTT
General Counsel

*/s/ Angeleque P. Linville*
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FEDERAL TRADE COMMISSION

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 8th day of October, 2019, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system. I also certify that the foregoing document is being served this date on all counsel of record or pro se parties via transmission of Notices of Electronic Filing generated by the CM/ECF system, or for those counsel or parties who are not authorized to receive CM/ECF Notices of Electronic Filing, is being served in the manner specified.

/s/ *Angeleque P. Linville*
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