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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

DAMIAN KUTZNER, et al.,

Defendants.

No. SACV16-00999-BRO (AFMx)

PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANTS JEREMY FOTI AND CHARLES MARSHALL ON ALL COUNTS

Date: August 28, 2017
Time: 1:30 pm
Location: Courtroom 7C

United States Courthouse
350 West 1st Street
Los Angeles, CA 90012

Plaintiff Federal Trade Commission ("FTC") provides notice that it is moving for summary judgment against defendants Jeremy Foti and Charles Marshall on all counts in its First Amended Complaint, DE 61.

As detailed in the FTC's accompanying Memorandum and Undisputed Statement of Facts and Conclusions of Law, summary judgment is appropriate

because the uncontroverted evidence establishes that there is no genuine dispute about any material fact. Foti and Marshall defrauded consumers out of millions of dollars in violation of the Federal Trade Commission Act, 15 U.S.C. §§ 45 & 13(b), and the Mortgage Assistance Relief Service Rule, 12 C.F.R. § 1015, and the FTC is entitled to judgment as a matter of law.

This motion is made following the conference of counsel pursuant to L.R. 7-3 which took place on June 21, 2017.

/s/ Benjamin J. Theisman
BENJAMIN J. THEISMAN
GREGORY J. MADDEN

Attorneys for Plaintiff
FEDERAL TRADE COMMISSION

Executed this 10th day of July, 2017.

PROOF OF SERVICE

I, Benjamin J. Theisman, on July 10, 2017, served the PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANTS JEREMY FOTI AND CHARLES MARSHALL ON ALL COUNTS, and all supporting documents, through the ECF system.

/s/ Benjamin J. Theisman