UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

FEDERAL TRADE COMMISSION, Plaintiff, v. ON POINT GLOBAL LLC, *et al.*, Defendants.	Case No. 19 Civ. 25046 (RNS)

UNOPPOSED JOINT MOTION OF DEFENDANT WALTHAM TECHNOLOGIES, LLC AND RECEIVER MELANIE DAMIAN TO RELEASE DEFENDANT WALTHAM TECHNOLOGIES, LLC FROM RECEIVERSHIP

Defendant Waltham Technologies, LLC ("Waltham") and Temporary Receiver Melanie Damian ("Receiver") hereby jointly move this Court for an order modifying the Temporary Restraining Order [ECF No. 17] ("TRO") entered by this Court on December 13, 2019 and extended via the entry of the Preliminary Injunction [ECF No. 126] issued on January 14, 2020, to release Waltham from receivership:

1. The TRO obtained by Plaintiff Federal Trade Commission ("FTC") directed and authorized the Receiver to, *inter alia*, assume full control of Waltham and its assets.

2. To that end, Waltham provided the Receiver with all necessary information to effectuate the transfer of control of Waltham and its assets to the Receiver, as required by the TRO and Preliminary Injunction.

3. Waltham's lone asset as of the time of the entry of the TRO was $ 1,406.86 located in a bank account with Regions Bank (the "Cash").

4. Waltham and the Receiver are not requesting the release from the Receivership Estate of the Cash, which shall be paid over to the Receivership Estate, and Waltham shall retain any and all of its debts and other liabilities.

5. Rather, Waltham and the Receiver are requesting the release of Waltham from receivership such that the Receiver will no longer be directed or authorized to perform the duties identified in Paragraph 12 of the TRO and/or Section XII of the Preliminary Injunction, with respect to Waltham. While Waltham would of course remain a Defendant and a Corporate Defendant in this action, Waltham would no longer be identified as one of the Receivership Entities.

6. Should the Court grant this Unopposed Joint Motion, Waltham and the Receiver propose that Waltham be entitled to choose its own counsel in this matter and manage its own affairs, subject to the Preliminary Injunction previously entered by this Court.

CERTIFICATION OF CONFERENCE

Undersigned counsel hereby certify that counsel for the FTC represented to them that the FTC does not oppose the relief requested by this Joint Motion.

WHEREFORE, Defendant Waltham Technologies, LLC and Temporary Receiver Melanie Damian respectfully request that this Court enter an order removing Waltham from the receivership previously established by this Court.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 22, 2020, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of via transmission of Notices of Electronic Filing generated by CM/ECF.

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