United States District Court
for the
Southern District of Florida

Federal Trade Commission, Plaintiff,	)	
v.	)	Civil Action No. 19-25046-Civ-Scola
On Point Global LLC and others, Defendants.	)	

Order

This matter is before the Court upon the Defendants' motions for relief from the asset freeze, for partial summary judgment, and for expedited consideration. As set forth below, the Court **grants in part** the Defendants' motion for relief from the asset freeze (**ECF No. 369**) and **grants** the Defendants' motion for partial summary judgment (**ECF No. 393**.) The Court **denies** the Defendants' motion for expedited consideration of pending motions as the Defendants' have already received substantially all the relief they sought. (**ECF No. 483**.)

On April 22, 2021, the Supreme Court decided *AMG Capital Management v. FTC*, 141 S. Ct. 1341 (2021). In *AMG*, the Supreme Court concluded that Section 13(b) "as currently written does not grant the Commission authority to obtain equitable monetary relief." *Id.* at 1352. In light of this ruling, and because the FTC sought monetary relief from the Defendants pursuant to Section 13(b), the Court finds that partial summary judgment on damages based on Section 13(b) is appropriate. The Court therefore **grants** this motion insofar as it seeks this relief and finds the Defendants are entitled to partial summary judgment on damages pursuant to Section 13(b).

The Court notes, however, that in a related matter, *FTC v. Acquinity Interactive, LLC et al.*, 14-60166-Civ (S.D. Fla.) (the "*Acquinity Matter*") on August 13, 2021, the Court entered a preliminary injunction freezing the assets of Burton Katz, Elisha Rothman, Brent Levison, On Point Global LLC; On Point Employment LLC; On Point Guides LLC f/k/a Rogue Media Services LLC; Dragon Global Holdings LLC; Cambridge Media Series LLC f/k/a License America Media Series LLC; Issue Based Media LLC; DG DMV LLC; Direct Market LLC; and Bronco Family Holdings LP a/k/a Bronco Holdings Family LP (the "Contempt Defendants") (*Acquinity Matter*, ECF No. 175) pending completion of contempt proceedings for violating the Court's Stipulated Final Judgment and Order for Permanent Injunction and Other Equitable Relief as to Burton Katz and others based on the Contempt Defendants' conduct in this

matter. The Court noted it would hold contempt proceedings in the *Acquinity Matter* contemporaneously with trial in this matter. As the Court found a continued asset freeze is appropriate for the Contempt Defendants and entered a preliminary injunction in that matter, the Court **grants in part** the Defendants' motion for relief from the asset freeze and releases from the asset freeze all Defendants other than the Contempt Defendants. For the Contempt Defendants, the motion for relief from the asset freeze is **denied as moot**, consistent with the Court's order in the *Acquinity Matter*.

Finally, the Court notes that the Defendants recently filed a second motion to dissolve asset freeze and wind up receivership. Given the Court's recent ruling in the *Acquinity Matter*, by **August 19, 2021**, the parties shall advise the Court if they wish to submit supplemental briefing detailing how the Court's recent rulings impact the relief sought.

The final matter before the Court is the Defendants' opposed motion to expedite consideration of pending motions in this and the *Acquinity Matter*. The Court recently ruled on all but one of the pending motions raised in that motion—only the Defendants' second motion to dissolve asset freeze remains undecided. As that motion only became fully briefed last week and in light of the Court's order regarding potential supplemental briefing on that motion, the Court **denies** the Defendants' motion for expedited briefing. (**ECF No. 483**.)

Done and ordered at Miami, Florida, on August 13, 2021.

Robert N. Scola, Jr.
United States District Judge