UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, DC 20580

Bureau of Consumer Protection
Division of Marketing Practices

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August 21, 2024

VIA CM/ECF

The Honorable Julien Xavier Neals
United States District Judge
District of New Jersey
MLK Jr. Federal Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07102

Re: *Federal Trade Commission v. TheFBAMachine Inc. et al.*,
No. 2:24-cv-6635 (JXN) (LDW) (D.N.J.)

Dear Judge Neals:

Plaintiff Federal Trade Commission ("Plaintiff") files this letter in response to defendant Amanda Rozenfeld's request to submit a sur-reply to Plaintiff's reply memorandum in support of its application for a preliminary injunction against her (Docket No. 59). Plaintiff contends that a sur-reply is inappropriate here. In her opposition, Ms. Rozenfeld submitted a short affidavit of general denials. In reply, Plaintiff submitted documentary evidence that was *entirely available* to Ms. Rozenfeld before she filed her affidavit, which contradicts her assertions. Her failure to include this type of evidence in her opposition does not justify another bite at the apple.

Should the Court grant Ms. Rozenfeld's request, Plaintiff respectfully requests the opportunity to supplement the record, if appropriate, with additional documentary evidence before or at the preliminary injunction hearing.

Sincerely,

/s/ Frances L. Kern

Frances L. Kern
Attorney

cc: Counsel of record (via CM/ECF)

So ORDERED on 8/22/2024:

JULIEN XAVIER NEALS
United States District Judge