

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

SIMPLE HEALTH PLANS LLC, et al.,

Defendants.

Case No.: 18-cv-62593-DPG

**DEFENDANT STEVEN DORFMAN'S LIMITED RESPONSE TO
RECEIVER'S INTERIM STATUS REPORT CONCERNING THE
FEDERAL TRADE COMMISSION'S PROPOSED CASE MANAGEMENT SCHEDULE**

Defendant, Steven Dorfman ("**Dorfman**"), through undersigned counsel, files this limited response to the *Receiver's Interim Status Report Concerning the Federal Trade Commission's Proposed Case Management Schedule and Document Production to Defendant Steven [sic] Dorfman* [D.E. 73] (the "**Status Report**") filed by the court-appointed temporary receiver (the "**Receiver**"). Mr. Dorfman files this limited response to correct certain misrepresentations by the Receiver or his counsel to the Court regarding Mr. Dorfman and the plaintiff, the Federal Trade Commission (the "**FTC**"), and states:

In the Status Report, the Receiver represents that he objects to the "unduly long continuance of the Preliminary Injunction Hearing." Status Report, p. 1. To that end, the Receiver voiced his support for the FTC's proposed scheduling order which, ironically, had not even been filed at the time the Receiver's Status Report was filed. *See* FTC's proposed scheduling order (the "**FTC's Proposed Scheduling Order**"), D.E. 74, filed after the Status Report was filed.

The Receiver goes on to assert in the Status Report that Mr. Dorfman's proposed scheduling order (the "**Dorfman Proposed Scheduling Order**"), D.E. 75, unduly prolongs this proceeding and is unwarranted. However, as is evidenced by the parties' respective scheduling orders, *both parties propose the same date for the preliminary injunction hearing: April 16, 2019*. Indeed the only distinction between the proposed scheduling orders is the deadline by which the parties must file their respective briefs, with the FTC seeking to unnecessarily limit Mr. Dorfman's response time while preserving a generous amount of time for it to file its reply. Accordingly, Mr. Dorfman is baffled by the Receiver's assertion that the Dorfman Proposed Scheduling Order somehow seeks to delay this proceeding any more than the FTC's, especially since the Receiver has represented on multiple occasions that he is a mere neutral third party and arm of the Court.

The Receiver's assertion that Mr. Dorfman is seeking to unnecessarily delay this proceeding is all the more unfounded as it is the FTC, not Mr. Dorfman, that requested that the preliminary injunction hearing not be scheduled before April 8, 2019. Additionally, the FTC has delayed this proceeding at least twice due to: (i) the FTC's alleged inability to operate during the government shutdown, *see FTC's Motion to Temporarily Stay Proceedings in Light of United States Government Cessation* [D.E. 58], and (ii) the FTC's failure to comply with the Court's order and produce discovery to Mr. Dorfman, *see* minute entry granting Mr. Dorfman's motion to compel the FTC to produce court-ordered discovery [D.E. 72].

Mr. Dorfman reserves the right to respond to the remaining unfounded allegations in the Status Report, but submits the instant limited response so that the Court can consider a more comprehensive set of facts surrounding the parties' proposed competing scheduling orders before choosing one.

Dated: February 8, 2019

DLA Piper LLP (US)

/s/ Ryan D. O'Quinn

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served this 8th day of February, 2019, by the Notice of Electronic Filing, and was electronically filed with the Clerk of the Court via the CM/ECF system, which generates a notice of the filing to all attorneys of record.

/s/ Ryan D. O'Quinn

Ryan D. O'Quinn