

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

NOTICE OF APPEAL

Notice is hereby given that Defendant, Steven Dorfman, appeals to the United States Court of Appeals for the Eleventh Circuit from the Court's (i) order of February 22, 2019 (the "**Order**") [D.E. 83] denying Mr. Dorfman's motion to strike the temporary restraining order entered against him and his co-defendants in this proceeding [D.E. 79], and (ii) temporary restraining order instituted on October 31, 2018 (the "**TRO**") [D.E. 15].

Mr. Dorfman may appeal the TRO and the Order as of right as the Order extends the TRO beyond the limits permitted by Rule 65(b)(2) of the Federal Rules of Civil Procedure. *See, Sampson v. Murray*, 415 U.S. 61, 87-88 (1974) (temporary restraining order which is continued beyond the time permissible under the Federal Rules of Civil Procedure must be treated as a preliminary injunction for appealability and appellate purposes); *Levine v. Comcoa, Ltd.*, 70 F.3d 1191, 1193 (11th Cir. 1995); *United Airlines v. U.S. Bank, N.A.*, 406 F.3d 918, 923 (7th Cir. 2005); *United States v. Crawford*, 329 F.3d 131, 136 (2d Cir. 2003); *see also*, 28 U.S.C. 1292(a)(1).

Dated: March 4, 2019

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/s/ Ryan O'Quinn

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CERTIFICATE OF SERVICE

The undersigned certifies that he filed this pleading through the court's electronic filing system and that all parties requesting electronic notice of pleadings have been served with the pleading.

/s/ Ryan O'Quinn _____

Ryan D. O'Quinn