

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

FEDERAL TRADE COMMISSION,

Plaintiff,

vs.

SIMPLE HEALTH PLANS LLC, a Florida limited
liability company, et al.,

Defendants.

Case No.: 18-cv-62593-DPG

**PLAINTIFF FTC'S OPPOSITION TO DEFENDANT DORFMAN'S
MOTION TO STRIKE THE FTC'S REPLY MEMORANDUM
IN SUPPORT OF A PRELIMINARY INJUNCTION**

Defendant Steven Dorfman has filed an eleventh hour Motion to Strike the FTC's Reply Memorandum in Support of the Preliminary Injunction (D.E. 123) ("Motion to Strike"), once again showing complete disregard for the Court's Preliminary Injunction Scheduling Order (D.E. 76). The Court's Order, which Dorfman does not acknowledge in his Motion to Strike, provides that the FTC may "file responsive or supplemental pleadings, materials, affidavits or memoranda with the Court and serve the same on counsel for Mr. Dorfman no later than April 8, 2019."¹ (D.E. 76 at 1). The FTC filed its Reply Memorandum and accompanying supplemental evidence on the designated date in compliance with this Order.

In addition to being expressly authorized by the Court's Scheduling Order, the FTC's Reply Memorandum and every piece of accompanying evidence relate directly to matters raised in Dorfman's opposition and declaration. In addition, this "new evidence" consists almost entirely of Dorfman's own business records, which he not only is already familiar with, but to

¹ During the parties' meet and confer, the FTC reminded Dorfman's counsel of this provision of the Court's order and the FTC's compliance therewith, but Dorfman nonetheless proceeded with his Motion.

which he has had access *for the last five months*. The FTC was not required to preview the evidence for Dorfman prior to filing its reply, nor is it the fault of the FTC that the evidence of fraud in this case is so voluminous.

For the reasons stated above, the FTC respectfully requests that the Court deny Defendant Dorfman's Motion to Strike.

Dated: April 12, 2019

Respectfully submitted,

ALDEN F. ABBOTT
General Counsel

/s/ Joannie Wei

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on this April 12, 2019, by the Notice of Electronic Filing, and was electronically filed with the Court via the CM/ECF system, which generates a notice of filing to all counsel of record.

/s/ Joannie Wei

JOANNIE WEI, Special Bar No. A5502492