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Subject: Activity in Case 0:18-cv-62593-DPG Federal Trade Commission v. Simple Health Plans, LLC Order on Expedited Motion

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U.S. District Court
Southern District of Florida

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Case Name: Federal Trade Commission v.

Simple Health Plans, LLC

Case Number: 0:18-cv-62593-DPG <https://ecf.flsd.uscourts.gov/cgi-bin/DktRpt.pl?537826>

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Docket Text:

PAPERLESS ORDER denying [145] Defendant

Steven Dorfman's Expedited Motion to Stay Proceeding Pending Final Resolution

of Appeal. The Court is not divested of its jurisdiction over this matter as "an interlocutory appeal does not completely divest the district court of jurisdiction." *Green Leaf Nursery v. E.I. DuPont De Nemours and Co*, 341 F.3d 1292, 1309 (11th Cir. 2003) ("The district court has authority to proceed forward with portions of the case not related to the claims on appeal..." (quoting *May v. Sheahan*, 226 F.3d 876, 880 n.2 (7th Cir. 2000))). In addition, courts consider four factors to determine whether to issue a stay pending appeal: "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits;

(2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987). The Court finds that, based on these factors, Mr. Dorfman has failed to establish that a stay is warranted. Signed by Judge Darrin P. Gayles (hs01)

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