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**Sent:** Wednesday, July 10, 2019 10:47 AM  
**To:** flsd\_cmecf\_notice@flsd.uscourts.gov  
**Subject:** Activity in Case 0:18-cv-62593-DPG Federal Trade Commission v. Simple Health Plans, LLC Order on Motion to Dismiss

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U.S. District Court  
Southern District of Florida

Notice of Electronic Filing

The following transaction was entered on 7/10/2019 10:47 AM EDT and filed on 7/10/2019

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 [134] Defendant

Steven Dorfman's Motion to Dismiss Plaintiff Federal Trade Commission's Complaint. First, the Complaint is not a shotgun pleading. The FTC specifically pleads that Defendant Dorfman and the Corporate Defendants operated as a "common enterprise." [ECF No. 1, 13]. As such, the Complaint does not impermissibly "lump" the Defendants. Rather, it makes specific allegations that can be attributed to all members of the common enterprise. Second, the FTC has pled all fraud claims with sufficient particularity.

Third, as detailed in this Court's prior orders, the FTC is authorized to seek restitution and disgorgement. Fourth, the FTC is not required to allege mutual mistake to obtain the equitable remedy of rescission under

the FTC Act. Finally, the McCarran-Ferguson Act does not deprive the Court of subject matter jurisdiction. <|>See FTC v. IAB Mktg. Assoc., LP</|>, 746 F.3d 1228, 1233 (11th Cir. 2014) (holding that defendants who allegedly marketed medical discount memberships via telemarketing did not engage in the "business of insurance" within the meaning of the McCarran-Ferguson Act.). Signed by Judge Darrin P. Gayles (hs01)

0:18-cv-62593-DPG Notice has been electronically mailed to:

Elan Abraham Gershoni

Elan.Gershoni@dlapiper.com, elan-gershoni-2942@ecf.pacerpro.com, javier.rodriguez@dlapiper.com, raymond.zamora@dlapiper.com

Elizabeth C. Scott

escott@ftc.gov, ecfchicago@ftc.gov

Eric J Silver

esilver@stearnsweaver.com, cgraver@stearnsweaver.com, larrazola@stearnsweaver.com, mfernandez@stearnsweaver.com, rross@stearnsweaver.com

Gera R. Peoples

gera.peoples@akerman.com, magda.cabra@akerman.com

James Davis

jdavis@ftc.gov

Janelle Alicia Weber

jweber@janelleweberlaw.com, filings@leberglaw.com

Joan M. Levit

joan.levit@akerman.com, kimberly.shinder@akerman.com, tami.redi@akerman.com

Joannie Wei

jwei@ftc.gov

Michael Ira Goldberg

michael.goldberg@akerman.com, charlene.cerda@akerman.com, kimberly.matregrano@akerman.com

Naim Shakir Surgeon

naim.surgeon@akerman.com, kelly.connolly@akerman.com

Ryan Dwight O'Quinn

ryan.oquinn@dlapiper.com, docketingchicago@dlapiper.com, javier.rodriguez@dlapiper.com, ryan-oquinn-0619@ecf.pacerpro.com

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