

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION at LEXINGTON

CIVIL ACTION NO. 13-123-KSF

FEDERAL TRADE COMMISSION, *et al.*

PLAINTIFFS

v.

ORDER

FORTUNE HI-TECH MARKETING, INC,
a Kentucky corporation, *et al.*

DEFENDANTS

* * * * *

Currently before the Court is the motion of the Receiver, Robb Evans and Robb Evans & Associates, LLC (“Receiver”), for an order approving and authorizing the Receiver to commence litigation in the Receiver’s discretion against highly compensated representatives of the Receivership Defendants to recover commission and bonus payments made by the Receivership Defendants [DE #185]. This motion has been served on all parties to this action as well as on all known non-consumer, non-employee creditors of the receivership estate with the Receiver offering to provide a complete copy of the motion to any interested party upon written request. Additionally, the motion and supporting pleadings have been posted on the Receiver’s website for this case. The plaintiff, the Federal Trade Commission, has filed a response to this motion, supporting the Receiver’s request to pursue this litigation strategy to increase the funds available for consumer redress. No other response or objection to this motion has been filed with the Court, and the time for so filing has expired. The Court finds the Receiver’s motion to be well taken and consistent with the stipulated preliminary injunction entered in this matter [DE #134].

Accordingly, the Court, being fully and sufficiently advised, hereby **ORDERS** as follows:

- (1) the Receiver's motion [DE #185] is **GRANTED**;
- (2) without limiting the generality of the foregoing, the Court hereby authorizes the Receiver to commence litigation, in the Receiver's discretion, against highly compensated representatives of the Receivership Defendants to recover commission and bonus payments made by the Receivership Defendants; and
- (3) notice of the motion is sufficient based on the service of the motion and all supporting papers on the parties to this action, service of a notice of filing of the motion on all known non-consumer, non-employee creditors of the receivership estate with the Receiver offering to provide a complete copy of the motion to any interested party upon written request, and the Receiver's posting of the motion and supporting pleadings on the Receiver's website for this case.

This January 30, 2014.



Signed By:

Karl S. Forester K S F
United States Senior Judge