

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

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FEDERAL TRADE COMMISSION,	)	
	)	
Plaintiff,	)	Case No. 1:14-cv-23109-CIV-RNS
	)	
v.	)	<b>PLAINTIFF'S RESPONSE TO</b>
	)	<b>DEFENDANT GARY L. KIEPER'S</b>
PARTNERS IN HEALTH CARE	)	<b>PRO SE MOTION FOR</b>
ASSOCIATION, INC., <i>et al.</i> ,	)	<b>CLARIFICATION</b>
	)	
Defendants.	)	

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Plaintiff, the Federal Trade Commission (the "FTC" or "Commission"), files this Response to Defendant Gary L. Kieper's *Pro Se* Motion for Clarification [ECF No. 102] concerning the Show Cause Hearing held on December 22, 2014, before Magistrate Judge Alicia M. Otazo-Reyes, and states:

1. *Pro se* defendant Kieper requests that Magistrate Judge Otazo-Reyes clarify the purpose of the Court's recommendation after the December 22, 2014 Show Cause Hearing, that the FTC and Kieper file a stipulated motion seeking permission from Judge Scola for a limited lift of the asset freeze [ECF No. 99]. In addition, Kieper sets forth his own understanding of the purpose of the limited lift of the asset freeze, which includes allowing him to use proceeds from an asset sale to pay for his own living expenses [ECF No. 102]. Kieper's understanding, however, fails to accurately characterize the more limited purpose articulated by this Court.

2. As this Court noted during the Show Cause Hearing, the question of whether Kieper would be granted limited relief from the asset freeze for his living

expenses was already settled by Judge Scola [ECF No. 94]. Indeed, the Transcript of the

Show Cause Hearing states:

12 MR. IVENS: Even if you purge yourself of contempt,  
13 there still should be some sanctions for it. So that is my  
14 first thing.  
15 The second thing is, yes, the Federal Trade  
16 Commission, the staff of the Federal Trade Commission, in  
17 consultation with our managers, almost always allow or  
18 stipulate to some limited lift of the asset freeze to pay  
19 attorneys' fees or to pay for living expenses.  
20 Mr. Kieper's expense motion is currently before Judge  
21 Scola.  
22 THE COURT: Well, Judge Scola denied the motion this  
23 morning.  
(Transcript at 32, lines 12-23).

3. Notwithstanding the clear language above, Kieper appears to suggest that somehow Magistrate Judge Otazo-Reyes overturned Judge's Scola's Order Denying Motion for Limited Relief from Asset Freeze for Payment of Living Expenses. Nowhere does the Transcript of the Show Cause Hearing support such a position. Rather, the Transcript repeatedly supports the position that the limited lift of the asset freeze was solely for the limited purpose of permitting Kieper to use proceeds from the sale of a boat in order to comply with this Court's Turnover Orders [ECF Nos. 57, 65] (Tr. at 30, lines 8-16; 33, lines 7-16).

4. For the foregoing reasons, the FTC requests that the Court deny the Motion for Clarification.

Respectfully submitted,

*s/ Christopher E. Brown*  
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Christopher E. Brown (Special Bar No. A5501993)  
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CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2015, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send a notice of electronic filing to the following:

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and that I served the following defendant in the manner noted:

BY FIRST-CLASS MAIL, POSTAGE PREPAID:

PARTNERS IN HEALTH CARE ASS'N, INC.  
GARY KIEPER  
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Oshkosh, WI 54902

s/ Christopher E. Brown  
Christopher E. Brown