

1 Willard K. Tom  
General Counsel

2 Laura M. Sullivan  
3 Leah E. Frazier  
James L. Chen  
4 lsullivan@ftc.gov; lfrazier@ftc.gov; jchen2@ftc.gov  
Federal Trade Commission  
5 600 Pennsylvania Avenue  
Mail Drop NJ 3676  
6 Washington, DC 20580  
Tel: (202)-326-3327 (Sullivan);(-3332) Frazier;(-2659) Chen  
7 Fax: (202)-326-3768

8 John D. Jacobs (Local Counsel)  
jjacobs@ftc.gov  
9 California Bar No. 134154  
Federal Trade Commission  
10 10877 Wilshire Blvd., Ste. 700  
Los Angeles, CA 90024  
11 Tel: (310) 824-4343  
Fax: (310) 824-4380

12 Attorneys for Plaintiff FTC  
13

14 **UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 Federal Trade Commission,  
17 Plaintiff,

18  
19  
20  
21 Federal Loan Modification  
Law Center, LLP, et. al.

22 Defendants.  
23  
24

) Case No. SACV09-401 CJC (MLGx)

) **AMENDED NOTICE OF**  
) **MOTION AND**  
) **MOTION FOR SUMMARY**  
) **JUDGMENT AGAINST**  
) **DEFENDANT BOAZ MINITZER**

) Judge: Hon. Cormac J. Carney

) Date: November 15, 2010

) Time: 1:30pm

) Place: Courtroom 9B

25 **TO: DEFENDANT BOAZ MINITZER**

26 Please take notice that on November 15, 2010, or as soon thereafter as  
27 counsel may be heard by the Court, Plaintiff Federal Trade Commission will and  
28 hereby does move the Court for summary judgment against Defendant Boaz  
Minitzer (“Defendant”) as to all counts of Plaintiff’s 2nd Amended Complaint.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Plaintiff seeks summary judgment on the grounds that there is no genuine issue as to any material fact and that Plaintiff is entitled to judgment as a matter of law for the reasons that: Section 5(a) of the Federal Trade Commission Act, 15 U.S.C. § 45(a) prohibits deceptive acts and practices in or affecting commerce; pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 13(b), the Court is authorized to grant equitable relief, including injunctive and monetary relief, for violations of Section 5 of the FTC Act; Defendant has violated Section 5(a) by misrepresenting to consumers that Defendant will obtain a mortgage loan modification or stop foreclosure for them in all or virtually all instances; Defendants have violated Section 5(a) by misrepresenting to consumers that Defendant is part of, affiliated with or endorsed by the United States Government; and other reasons as set forth in the accompanying memorandum of points and authorities.

This motion is based on this Notice of Motion and Motion; on the accompanying memorandum of points and authorities; on the exhibits filed in support of this Motion; on all pleadings and other documents on file in this action; and on such other matters as may be presented to the Court at the time of the hearing.

This motion is made following the conference of counsel pursuant to L.R. 7-3 which took place on June 16, 2010 and in several telephone conversations thereafter.

1 Dated: October 13, 2010

Respectfully submitted,

2  
3 Willard K. Tom  
General Counsel

4 James L. Chen

5 Laura M. Sullivan  
6 Leah E. Frazier  
James L. Chen  
7 lsullivan@ftc.gov; lfrazier@ftc.gov;  
jchen2@ftc.gov  
8 Federal Trade Commission  
600 Pennsylvania Avenue  
9 Mail Drop NJ 3676  
Washington, DC 20580  
10 Tel: (202)-326-3327 (Sullivan)  
(-3332) Frazier;(-2659) Chen  
11 Fax: (202)-326-3768

12 John D. Jacobs (Local Counsel)  
jjacobs@ftc.gov  
13 California Bar No. 134154  
Federal Trade Commission  
14 10877 Wilshire Blvd., Ste. 700  
Los Angeles, CA 90024  
15 Tel: (310) 824-4343  
16 Fax: (310) 824-4380

17 Attorneys for Plaintiff FTC  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I, James L. Chen, certify as follows:

I am over the age of 18 and am employed by the Federal Trade Commission. My business address is 600 Pennsylvania Avenue, NW, Mail Stop NJ-3158, Washington, DC 20580.

On October 13, 2010, I caused the attached document entitled "PLAINTIFF'S AMENDED NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANT BOAZ MINITZER" and associated Memorandum of Point and Authorities to be served, by the following means, on the following individuals:

By Overnight Delivery and Email

Boaz Minitzer  
[Street address omitted  
per L.R. 79-5.4]  
Los Angeles, CA 90036  
boaz@datastability.com

*Defendant Pro Se*

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 13, 2010

/s/ James L. Chen  
James L. Chen