

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FEDERAL TRADE COMMISSION,)	
)	
Plaintiff,)	No. 03 C 3904
v.)	
)	Judge Robert W. Gettleman
KEVIN TRUDEAU,)	
)	
Defendant.)	

ORDER

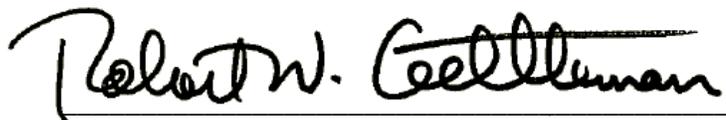
Defendant Kevin Trudeau has filed a motion pursuant to Fed. R. Civ. P. 59(e) to alter or amend (actually, to vacate) the court's November 4, 2008, judgment, and a motion pursuant to Fed. R. Civ. P. 62 to stay that judgment pending appeal. For the reasons stated below, both motions are denied.

First, Rule 59 motions are meant to correct "manifest errors of law or fact" or to address newly discovered evidence. Defendant's motion does neither. It merely rehashes arguments previously considered and rejected by the court and adds a few new arguments never before presented. None of defendant's arguments, however, disclose any manifest error of law or fact. As plaintiff Federal Trade Commission notes, "a 'manifest error' is not demonstrated by the disappointment of a losing party." See Oto v. Metropolitan Life Ins. Co., 224 F.3d 601, 606 (7th Cir. 2009). Defendant's Rule 59 motion represents nothing more than his disappointment and disagreement with the decisions by this court holding him in contempt (for the second time) and fashioning a remedy by ordering him to repay the victims of his contumacious conduct. Defendant's Rule 59(e) motion is denied.

With respect to defendant's motion under Rule 62(d), the court finds no reason to stay its monetary judgment or the injunction. Defendant's primary argument for a stay of the monetary judgment is that he is impecunious. Not only is this claim suspect, but as plaintiff points out defendant has yet to present any verifiable evidence of his financial condition.¹ Certainly, Mr. Trudeau has demonstrated his ability to write books that sell millions of copies and appear on *The New York Times* list of bestsellers. This court's order does not interfere with his First Amendment right to publish or advertise books of any kind. He is under a continuing obligation to refrain from misrepresenting the content of any such book, and the court's injunction in the November 2008 order precludes him only from making any infomercials for a three year period. This order, as previously stated, was necessitated by the court's lack of confidence in Mr. Trudeau to respect or comply with his obligations under previous orders of this court. His repeated contemptuous conduct has proved that he is unreliable as well as untruthful. To stay these remedies would merely prolong the court's discomfort in its ability to assure the integrity of its orders and to protect the public from future misconduct by this defendant.

For these reasons, defendant's Rule 59(e) and Rule 62(d) motions are denied.

ENTER: December 11, 2008


Robert W. Gettleman
United States District Judge

¹Of course, defendant will be required to do just that when he responds to a citation to discover assets.