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12 Attorneys for Plaintiff FTC  
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14 **UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA**

|  |   |   |
|--|---|---|
| 16 Federal Trade Commission,                             | } | Case No. SACV09-401 CJC (MLGx)  |
| 17 Plaintiff,  |   |   |
| 18   | } | <b>NOTICE OF MOTION AND<br/>MOTION FOR SUMMARY<br/>JUDGMENT AGAINST<br/>DEFENDANT BOAZ MINITZER</b> |
| 19   |   |   |
| 20 Federal Loan Modification<br>Law Center, LLP, et. al. |   |   |
| 21 Defendants.   |   |   |
| 22   |   |   |
| 23   | } | Judge: Hon. Cormac J. Carney  |
| 24   |   | Date: November 1, 2010  |
| 25   |   | Time: 1:30pm  |
| 26   | } | Place: Courtroom 9B   |
| 27   |   |   |

28 **TO: DEFENDANT BOAZ MINITZER**

29 Please take notice that on November 1, 2010, or as soon thereafter as  
30 counsel may be heard by the Court, Plaintiff Federal Trade Commission will and  
31 hereby does move the Court for summary judgment against Defendant Boaz  
32 Minitzer ("Defendant") as to all counts of Plaintiff's 2nd Amended Complaint.

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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 6, 2010

Respectfully submitted,

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Attorneys for Plaintiff FTC

1 **CERTIFICATE OF SERVICE**

2 I, James L. Chen, certify as follows:

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

5 On March 4, 2010, I caused the attached document entitled "PLAINTIFF'S  
6 NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT  
7 AGAINST DEFENDANT BOAZ MINITZER" and associated Memorandum of  
Point and Authorities to be served, by the following means, on the following  
8 individuals:

8 By Overnight Delivery and Email

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

12 *Defendant Pro Se*

13  
14  
15 I declare under penalty of perjury that the foregoing is true and correct.

16 Dated: October 6, 2010

17  
18 /s/ James L. Chen

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