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UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

FEDERAL TRADE COMMISSION,	*	
	*	Case No. 2:10-cv-00225-DAK
Plaintiff,	*	
	*	PLAINTIFF’S MOTION
v.	*	FOR SUMMARY JUDGMENT
	*	
LOANPOINTE, LLC, et al.,	*	
	*	
Defendants.	*	

Plaintiff Federal Trade Commission (“FTC”) hereby moves the Court, pursuant to Federal Rule of Civil Procedure 56 and Local Civil Rule 56-1, for summary judgment against

defendants LoanPointe, LLC, Eastbrook, LLC, and Joe Strom (collectively, “Defendants”).¹ As discussed in the FTC’s Memorandum in support of this Motion, summary judgment is appropriate in this case because the FTC has presented overwhelming and uncontroverted evidence that Defendants violated Section 5 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 45, the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §1692 *et seq.*, and the FTC’s Trade Regulation Rule Concerning Credit Practices (“Credit Practices Rule”), 16 C.F.R. Part 444, and because there are no genuine issues of material fact requiring a trial. *Adickes v. S.H. Kress & Co.*, 398 U.S. 144, 157 (1970). The FTC does not believe that oral argument is necessary on this motion.

In particular, the uncontroverted evidence, including Defendants’ own admissions, demonstrates that Defendants offered and extended over the Internet short-term, extremely high interest, unsecured, small principal loans – commonly referred to as “payday loans” – to consumers. Defendants’ loan terms included a wage assignment clause that violates the Credit Practices Rule. Compounding this unlawful practice, Defendants then used unfair and deceptive tactics, in violation of Section 5 of the FTC Act and the FDCPA to collect on these debts. The uncontroverted evidence also demonstrates that individual defendant Strom participated in and had the authority to control, and did participate in and control, all aspects of Defendants’ operations, and that Strom knew or should have known about Defendants’ unlawful business practices.

¹A settlement with defendant Mark Lofgren was entered by the Court on August 26, 2010. (Dkt. #40.) The instant summary judgment motion against the remaining defendants, if granted, would conclude this action.

The FTC seeks a permanent injunction and order that: (1) prohibits Defendants from using wage assignment clauses in credit contracts; (2) prohibits Defendants from making certain misrepresentations in connection with extending credit in general or collecting debts; (3) requires Defendants to disgorge their ill-gotten gains; and (4) enables the FTC to monitor Defendants' compliance with a final order. A proposed order has been filed together with this motion.

Dated: February 16, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

Undersigned counsel certifies that on February 16, 2011, (1) **PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**, (2) **PLAINTIFF'S MEMORANDUM IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT**, (3) **EXHIBITS 1 - 16 IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**, and (4) **[PROPOSED] FINAL ORDER** were electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

Jeannette F. Swent
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/s/Gregory A. Ashe
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