

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

FEDERAL TRADE COMMISSION,

Civ. No. 1:16-cv-00720-CL

Plaintiff,

OPINION AND ORDER

v.

ADEPT MANAGEMENT INC., et al,

Defendants.

CLARKE, Magistrate Judge.

This case comes before the Court on post-trial motions. For the reasons below, Hoyal Defendants' Motion for Reconsideration (#705) is denied, the Simpson Defendants' Motion to Reconsider (#717) is denied, Defendant Lydia Puglsey's Motion for Reconsideration (#718) is denied, Defendant William Strickler's Motion for Reconsideration (#720) is denied.

DISCUSSION

I. Hoyal Defendants' Motion is Denied.

The Hoyal Defendants move for reconsideration and for amendment to the Court's Findings of Fact and Conclusions of Law. They contend that a recent decision of the United States Court of Appeals for the Third Circuit, *FTC v. Shire Viropharma, Inc.*, 917 F.3d 147, No. 18-8071 (3d Cir. February 25, 2019), requires this Court to dismiss the claims against the defendants for past violations of the FTC Act. The Court disagrees.

First, the Court considered the *Shire* case prior to entering its Findings of Fact and Conclusions of Law. The Hoyal Defendants alerted the Court to the existence of the Third Circuit's decision in their Supplemental Conclusion of Law (#674), and the Court read and considered that filing prior to issuing its decision. The Court ultimately rejected the *Shire* case as contrary to well-established precedent in the Ninth Circuit and as distinguishable from the facts in the case at bar. The Hoyal Defendants' motion for reconsideration presents no new facts or legal authority, and the Court can find no reason to amend its prior decision. The motion is denied.

II. Simpson Defendants' Motion to Reconsider is denied.

The Simpson Defendants' motion is based on the same theory as the Hoyal Defendants' motion, and explicitly joins in that motion as well. For the same reasons discussed above, the Simpson Defendants' motion is denied.

III. Defendant Lydia Pugsley and William Strickler's motions are denied.

Defendants Lydia Pugsley and William Strickler move to join in the motions filed by the Hoyal defendants. These motions are denied for the reasons below.

ORDER

Defendants' motions for reconsideration (## 705, 717, 718, 720) are denied.

It is so ORDERED and DATED this 7 day of June, 2019.



MARK D. CLARKE

United States Magistrate Judge