

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FEDERAL TRADE COMMISSION, and

OFFICE OF THE ATTORNEY GENERAL,
STATE OF FLORIDA, DEPARTMENT OF
LEGAL AFFAIRS,

Plaintiffs,

v.

GLOBAL E-TRADING, LLC, a Florida
limited liability company, also d/b/a
CHARGEBACKS911,

GARY CARDONE, individually and as an
officer of GLOBAL E-TRADING, LLC, and

MONICA EATON, individually and as an
officer of GLOBAL E-TRADING, LLC,

Defendants.

Case No. 8:23-cv-796-MSS-CPT

**PLAINTIFFS' UNOPPOSED MOTION TO STAY PROCEEDINGS PENDING
REVIEW OF PROPOSED SETTLEMENT**

The Federal Trade Commission (“FTC”) and the Office of the Attorney General, State of Florida, Department of Legal Affairs (“Florida AG”) (jointly, “Plaintiffs”) respectfully request that the Court enter an order staying any further

proceedings and applicable deadlines in this case for 45 days to allow the FTC Commissioners to review a proposed settlement.

Memorandum of Law

Temporarily staying these proceedings for the requested amount of time is within this Court's authority. District courts have "broad discretion to stay proceedings as an incident to [their] power to control [their] own docket[s]." *Clinton v. Jones*, 520 U.S. 681, 706 (1997). A district court's power to stay proceedings is "not governed by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Carpella v. State Farm Fla. Ins. Co.*, No. 8:18-cv-2396-T-36CPT, 2018 WL 7268163, at *1 (M.D. Fla. Nov. 5, 2018) (quoting *Castle v. Appalachian Tech. Coll.*, 430 F. App'x 840, 841 (11th Cir. 2011)).

Plaintiffs and Global E-Trading, LLC ("Chargebacks911"), Gary Cardone, and Monica Eaton (collectively, "Defendants") have devoted considerable resources to resolving this matter without the need for further litigation. Defendants have signed a proposed settlement, which would resolve this action as to all parties, that FTC counsel is prepared to recommend to the Commission. The FTC is headed by Commissioners appointed by the President and confirmed by the Senate. Certain FTC actions, including agreeing to settle litigated matters, may only be taken by the affirmative concurrence of a majority of participating Commissioners. 16 C.F.R. § 4.14(c). The Commissioners cannot delegate this authority. *Id.*

The requested stay of proceedings will ensure that the parties, and the Court, do not waste valuable resources on a case in which a proposed settlement resolving this action is pending. The requested stay would also allow the parties to postpone the Court-ordered mediation, currently scheduled for November 8, 2023 (Dkt. 41), and further preserve the parties' and the mediator's time and resources. Defendants have represented that they do not oppose this motion.

Assuming the Commission approves the proposed settlement, Plaintiffs promptly will execute and submit the proposed settlement to the Court for approval. If the proposed settlement has not yet been filed with the Court at the expiration of the 45-day stay, Plaintiffs propose to advise the Court of the status of this case by filing a status report at that time.

WHEREFORE, Plaintiffs request that the Court issue an Order granting this unopposed motion for a 45-day stay of further proceedings in this case.

Local Rule 3.01(g) Certification

Pursuant to Local Rule 3.01(g), the undersigned counsel certifies that communication regarding this motion was made with opposing counsel and that opposing counsel does not object to the relief sought herein.

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Respectfully submitted,

Dated: October 17, 2023

/s/ Roberta Diane Tonelli

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(Signed by filing lawyer with permission of
non-filing lawyer)

/s/ Roberta Diane Tonelli

ROBERTA DIANE TONELLI