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1	WILLARD K. TOM General Counsel		
2 3	DAVID M. NEWMAN (Calif. Bar #54218) ERIC D. EDMONDSON (DIMENSION) (0) Tiplessia (0) Tiplessia (0) (D.) Tj 17.0400 a 0.006.1C		
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10	Attorneys for Plaintiff Federal Trade Commission		
11			
12	UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA		
13	FEDERAL TRADE	Case No. SACV-09-01324 CJC (RNBx)	
14	COMMISSION,	Notice of Motion and Motion to	
15	Plaintiff,	Dismiss Defendant Gugliuzza's Counterclaim	
16	v.	Date: June 28, 2010	
17	COMMERCE PLANET, INC., et al,	Time: 1:30 p.m. Judge: Cormac J. Carney	
18	Defendants.		
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26	move the Court to dismiss defendant Charles Gugliuzza's Counterclaim (Docket		
27	#43) against the FTC pursuant to Federal Rule of Civil Procedure 12(b)(6).		
28	Pursuant to Local Rule 7-3, on May 18, 2010 (more than five days prior to		

the last day for filing the motion) FTC counsel Eric D. Edmondson and David M.
Newman discussed the Motion with Michael A. Piazza and Donald P. Bunnin,
counsel for defendantCharles Gugliuzza("Gugliuzza"), but were notable to reach
a resolution of the matters presented in the Motion.

As setforth in the accompanying Memorandum of Points and Authorities,
there is good case for the relief requested. Gugliuzza has failed to state a claim
upon which relief can be gr

## CERTIFICATE OF SERVICE

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3	I hereby certify that on May 25, 2010, I electronically filed Plaintiff FTC's Motion to DefendantGugliuzza's Counterclaim with the Clerk of the United States	
4		
5	District Court for the Central District of California, using the Court's CM/ECF	
6	system. The CM/ECF system will send an email notification of the foregoing	
7	filing to the following parties and counsel of record who are registered with the	
8	Court's CM/ECF system:	
9	Michael A. Piazza Wayne R. Gross	
10	Donald A. Bunnin Greenberg, Traurig, LLP	
11	3161 Michelson Drive, Suite 1000 Irvine, CA 92612	
12	Attorneysfor DefendantCharlesGugliuzza	
13	In accordance with the electronic filing procedures of this Court, service has	
14	been effected on the abresaid party, whose course of record are registered uses	
15	of CM/ECF, via electronic sernte Coln accordance veisinss o	
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	Notice of Motion and Motion to Dismiss Counterclaim Page 3	