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Attorneys for the Federal Trade Commission, Defendant.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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CORPORATIONS FOR CHARACTER, L.C.,	)	<b>MOTION TO DISMISS</b>
	)	
Plaintiff,	)	
v.	)	
	)	
FEDERAL TRADE COMMISSION,	)	No. 2:11-cv-0419-BCW
	)	
Defendant.	)	
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Defendant, the Federal Trade Commission (“FTC”), hereby moves to dismiss this action under Federal Rule of Civil Procedure 12(b)(1) because the Court is without jurisdiction. The United States has filed a complaint against plaintiff (“C4C”) and other defendants in the Northern District of Florida alleging that defendants have engaged in deceptive telemarketing campaigns. This Court is without jurisdiction over the instant action because the FTC’s enforcement activities that plaintiff seeks to challenge do not constitute final agency action, as required by the Administrative Procedure Act (“APA”), 5 U.S.C. § 704. Next, the APA only permits challenges to final agency action for which there is “no other adequate remedy

in a court,” 5 U.S.C. § 704, but plaintiff has the adequate remedy of raising its arguments as affirmative defenses in the pending enforcement action in the Northern District of Florida. Finally, plaintiff’s lawsuit represents an attempt to interfere with the United States’ enforcement action. These grounds are discussed more fully in the memorandum in support of this motion. For these reasons, the complaint should be dismissed.

Respectfully submitted,

TONY WEST