that [they] may be potentially returned to the duped consumers, would sanction an injustice." ER 99.

In sum, the district court acted well within the scope of its remedial discretion in determining that Oxford was an alter ego of Benjamin and Leanne Hoskins and in ruling that Leanne was liable for the funds she pulled out of it.[32] A federal court may disregard corporate form "in the interests of public convenience, fairness, and equity * * *." *SEC v. Elmas Trading Corp.*, 620 F. Supp. 231, 234 (D. Nev. 1984), *aff'd mem.*, 805 F.2d 1039 (9th Cir. 1986). Such an approach is particularly appropriate here, where the Commission proceeds "not as an ordinary litigant, but as a statutory guardian charged with safeguarding the public interest in enforcing the * * * laws." *SEC v. Mgmt. Dynamics, Inc.*, 515 F.2d 801, 808 (2d Cir. 1975).[33]

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[32] Contrary to defendants' contention (Br. 57-59), it is immaterial that the Commission did not specifically allege alter ego liability in its complaint. Alter ego liability is an equitable, remedial doctrine. *St. Paul Fire & Marine Ins. Co. v. Pepsico, Inc.*, 884 F.2d 688, 698 (2d Cir. 1989). Thus, a federal court is not constrained by the specific terms of a litigant's prayer for relief. *See* FED. R. CIV. P. 54(c) (judgments, except default judgments, should grant the relief to which each party is entitled, even if the party has not demanded that relief in its pleadings).

[33] Defendants contend that it is inequitable to require Ms. Hoskins to disgorge more money on top of an even larger award against her

C. There is No Requirement to Trace the Specific Assets to be Disgorged

defendant to escape disgorgement merely by spending down illicit gains while protecting legitimately obtained assets. See, e.g., Bronson Partners, 654 F.3d at 373; Banner Fund Int'l, 211 F.3d at 617. Thus, defendants' assertion that the FTC has not established that it can trace specific dollar amounts from Ivy Capital, to Oxford Financial, and thence to Leanne Hoskins's current possession is legally irrelevant. Defendants do not dispute that Leanne Hoskins received $1.1 million that she did not have previously as a result of money transferred from Ivy Capital to Oxford Financial. That is enough to support the judgment. See Bronson Partners, 654 F.3d at 374.

example, if assets nominally titled in Ms. Hoskins’s name were jointly controlled by Hoskins, then equity may require disgorgement without further inquiry.

proceeding brought under the Federal Debt Collection Procedures Act in the district court, not here. See 28 U.S.C. §§ 3001 et seq. In that proceeding,

CONCLUSION

For the foregoing reasons, the judgment of the district court should be affirmed.

Respectfully submitted,

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February 21, 2014

STATEMENT OF RELATED CASES

In accordance with Ninth Circuit Rule 28-2.6, Plaintiff-Appellee, Federal Trade Commission, states that it is unaware of any related case.

CERTIFICATE OF COMPLIANCE

CERTIFICATE FOR BRIEF IN PAPER FORMAT

No. 13-16052

I, Leslie Rice Melman, certify that this brief is identical to the version submitted electronically on February 21, 2014.

Dated: February 26, 2014 s/Leslie Rice Melman
LESLIE RICE MELMAN