

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

APR 28 2021

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

FEDERAL TRADE COMMISSION,

Plaintiff-Appellee,

ROBB EVANS & ASSOCIATES LLC,  
Temporary Receiver,

Receiver-Appellee,

v.

VPL MEDICAL, INC.,

Intervenor-Appellant,

JASON CARDIFF, *et al.*,

Defendant-Appellant,

and

EUNJUNG CARDIFF, *et al.*,

Defendants,

JACQUES POUJADE,

Objector.

No. 20-55858

D.C. No. 5:18-cv-02104-DMG-PLA

ORDER

Appeal from the United States District Court  
for the Central District of California  
Dolly M. Gee, District Judge, Presiding

Argued and Submitted March 2, 2021  
Submission Vacated March 4, 2021  
Resubmitted April 28, 2021  
Pasadena, California

Before: SILER,\* HURWITZ, and COLLINS, Circuit Judges.

Submission of this case was vacated on March 4, 2021. This case is resubmitted for decision effective as of the date of this order.

As the FTC states in its brief, the district court’s July 7, 2020 preliminary injunction order was entered “to preserve assets pending a final judgment that could include equitable monetary relief” in this action under § 13(b) of the FTC Act, 15 U.S.C. § 53(b). In *AMG Capital Management, LLC v. Federal Trade Commission*, 593 U.S. \_\_\_, 2021 WL 1566607 (Apr. 22, 2021), the Supreme Court unanimously held “that §13(b) as currently written does not grant the Commission authority to obtain equitable monetary relief.” *Id.* at \*8. Accordingly, the July 7, 2020 preliminary injunction is VACATED, and the case is REMANDED to the district court for further proceedings consistent with the Supreme Court’s decision in *AMG Capital Management*.

Each side shall bear its own costs.

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\* The Honorable Eugene E. Siler, United States Circuit Judge for the U.S. Court of Appeals for the Sixth Circuit, sitting by designation.