

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge R. Brooke Jackson

Civil Action No. 11-cv-1396-RBJ-KLM

FEDERAL TRADE COMMISSION, and
STATE OF COLORADO, *ex rel.*
JOHN W. SUTHERS, ATTORNEY GENERAL

Plaintiffs,

v.

RUSSELL T. DALBEY;
DEI, LLLP;
DALBEY EDUCATION INSTITUTE, LLC;
IPME, LLLP; and
CATHERINE L. DALBEY

Defendants.

ORDER

Plaintiffs and the Dalbeys entered into a stipulated judgment, filed July 17, 2013. ECF No. 282. Now the Dalbeys challenge the government's determination of their "maximum ability to pay" for purposes of the monetary relief provisions of the stipulated judgment. ECF No. 293. The respective positions of the parties as reflected in the Dalbeys' motion, the government's response, and the Dalbeys' reply are, at least on the face of the pleadings, absurdly divergent. The government submits that, based upon its investigation of the Dalbey's past income, gifts and other transfers of assets, and the Dalbeys' lifestyle, the Dalbeys' maximum ability to pay is \$1,708,996.58. In contrast, the Dalbeys maintain that their maximum ability to pay is only \$8,997.00.

The Court directs the parties to set the matter for an evidentiary hearing at which time the Court will consider such evidence and argument as the parties present. In the meantime, the Court recommends that the parties consider further efforts to reach a compromise, perhaps including professional mediation.

DATED this 22nd day of October, 2014.

BY THE COURT:

A handwritten signature in black ink, appearing to read "R. Brooke Jackson", written in a cursive style. The signature is positioned above a horizontal line.

R. Brooke Jackson
United States District Judge