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5 **UNITED STATES DISTRICT COURT**
6 **WESTERN DISTRICT OF WASHINGTON**
7 **AT SEATTLE**

8 **UNITED STATES OF AMERICA,**

9 Plaintiff,

10 v.

11 **IMPULSE MEDIA GROUP, INC.,**

12 a Washington corporation,

13 Defendant.

No. CV05-1285L

**United States' Request
Regarding Attendance at the
Court Ordered Settlement
Conference**

14 **NOTE ON MOTION CALENDAR:**
(October 22, 2007)

15 A Court-ordered Settlement Conference ("Conference") is scheduled in this case for
16 October 25, 2007, before United States Magistrate Judge James P. Donohue. The government is
17 prepared to engage in meaningful settlement talks at the Conference on October 25th.

18 The government is aware that LR 39.1(c)(4)(E) requires that, "[i]n addition to counsel,
19 parties . . . having authority to settle . . . must attend the mediation in person." As the Court
20 may be aware, the Department of Justice brought this action on referral from the Federal Trade
21 Commission ("FTC" or "Commission"), which will review and ultimately accept or reject any
22 settlement. The decisions of the FTC are made collectively by five Commissioners. Only the
23 Commissioners have "binding authority" to accept or reject a settlement on the Commission's
24 behalf, and meetings of the Commissioners are governed by the Government in the Sunshine
25 Act, 5 U.S.C. § 552b. Thus, no individual has binding settlement authority for the Commission.
26 In other cases in which court orders require personal attendance by someone with full settlement
27

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CV05-1285L

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1 authority, the FTC has sent an official from the Commission who is familiar with Commission
2 policies and can speak authoritatively about Commission practice and policy regarding
3 settlement of the case in question.

4 The government can confirm that the United States will participate in person through the
5 lead attorney from the Department of Justice (the undersigned) and through the FTC's Regional
6 Director for the Northwest Region, Charles Harwood. The government respectfully asks the
7 Court, given the nature of the Commission, to enter the attached Order noting the government's
8 compliance with the Settlement Conference Order in this matter.

9 The Defendant opposes the relief requested in this Request.

10 Dated: October 11, 2007

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12 FOR PLAINTIFF UNITED STATES OF AMERICA

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CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such to the following CM/ECF registrant:

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