

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

START CONNECTING LLC, d/b/a USA Student Debt Relief, a Florida limited liability company;

START CONNECTING SAS, d/b/a USA Student Debt Relief, a Colombia corporation;

DOUGLAS R. GOODMAN, individually and as an officer of START CONNECTING LLC;

DORIS E. GALLON-GOODMAN, individually and as an officer of START CONNECTING LLC; and

JUAN S. ROJAS, individually and as an officer of START CONNECTING LLC and START CONNECTING SAS,

Defendants.

Case No. 8:24-cv-1626-KKM-AAS

**PLAINTIFF'S UNOPPOSED MOTION FOR RELIEF FROM THE  
MEDIATION ORDER'S PARTY ATTENDANCE REQUIREMENT**

Because only a majority of Federal Trade Commissioners has full authority to settle claims brought by the Plaintiff, the Federal Trade Commission ("FTC"), the FTC seeks relief from the Mediation Order's

requirement that “each party (and in the case of a corporate party, a corporate representative) with full authority to settle shall attend and participate in the mediation conference” scheduled for March 14, 2025.

(Doc. 103 at 2). The FTC requests that the Court revise the Mediation Order to deem the participation of FTC counsel and the immediate availability of an FTC manager to be sufficient, which would be consistent with the FTC’s past participation in mediation conferences in this Circuit as well as recognition in the Federal Rules of Civil Procedure and case law of the practical realities of settling litigation where a federal agency is a party.

The FTC is led by up to five Commissioners appointed by the President and confirmed by the Senate. *See* 15 U.S.C. § 41. Certain FTC actions, including agreeing to settle litigated matters, may only be taken by the affirmative concurrence of the majority of participating Commissioners. *See* 16 C.F.R. § 4.14(c). The Commission cannot delegate its settlement authority to staff, though it often places significant weight on staff’s recommendation whether to accept a settlement proposal. *See id.* Thus, for the FTC to supply a representative “with full authority to settle” this case, (Doc. 103 at 2), all Commissioners would need to personally attend the mediation conference. This would present a practical impossibility. Furthermore, any meeting of a quorum of the Federal Trade Commissioners is subject to federal open

meeting laws, which could conflict with the requirement that the mediation be confidential. *See* 5 U.S.C. § 552b; *cf.* (Doc. 103 at 2); M.D. Fla. L.R. 4.03(g).

Where, as here, a governmental agency is ordered to discuss potential settlement, *see* Fed. R. Civ. P. 16(c), the Advisory Committee Notes to Rule 16 expressly contemplate that it may not be possible for someone at the agency with full settlement authority to personally attend:

Particularly in litigation in which governmental agencies or large amounts of money are involved, there may be no one with on-the-spot settlement authority, and the most that should be expected is access to a person who would have a major role in submitting a recommendation to the body or board with ultimate decision-making responsibility. The selection of the appropriate representative should ordinarily be left to the party and its counsel.

Fed. R. Civ. P. 16(c), advisory committee's note to 1993 amendment.

Especially for an initial settlement conference ordered as a matter of course, “requiring a representative of the government with ultimate settlement authority to be present” may inappropriately “impose[] a major inconvenience” without “a real and palpable need.” *In re Stone*, 986 F.2d 898, 904–05 (5th Cir. 1993); *see also United States v. U.S. Dist. Ct. for N. Mariana Islands*, 694 F.3d 1051, 1060 (9th Cir. 2012) (“As it was the first [settlement] conference to be held in the case, the court did not have a basis to conclude that the direct involvement of the critical decisionmaker for the federal government was needed to achieve a settlement.”). Indeed, Local Rule 4.03(d)

provides that “a party’s surrogate satisfactory to the mediator” may attend the mediation in lieu of the party itself. M.D. Fla. L.R. 4.03(d).

Accordingly, counsel for the FTC requests that the Court revise the Mediation Order’s party attendance requirement as to the FTC by deeming it sufficient for FTC counsel to have “access” to a manager “who would have a major role in submitting a recommendation” about settlement to the full Commission. Fed. R. Civ. P. 16(c), advisory committee’s note to 1993 amendment. Specifically, FTC counsel requests that the Mediation Order allow for the undersigned counsel to personally attend the mediation conference on behalf of the FTC, and for a manager at the FTC who is responsible for reviewing FTC counsel’s settlement recommendation to be immediately available for consultation by telephone. FTC staff and managers have an informed understanding of what the full Commission would likely accept in a settlement agreement and can commit to advocating that the Commission approve any agreement(s) reached during the mediation, though of course cannot guarantee how the full Commission will ultimately vote. This alternative arrangement has been deemed sufficient in recent mediation conferences conducted in this Circuit involving the FTC, and has led to productive mediation sessions. *See, e.g.*, Dkt. 141, *FTC v. World Patent Mktg., Inc.*, Case No. 1:17-cv-20848-DPG (S.D. Fla. Dec. 19, 2017) (allowing FTC counsel to personally attend the mediation “with supervising attorneys for

the FTC available for consultation by telephone”); *see also* Dkt. 315, *FTC v. Simple Health Plans, LLC*, Case No. 0:18-cv-62593-DPG (S.D. Fla. Aug. 3, 2020) (same); Dkt. 184, *FTC v. Pointbreak Media, LLC*, Case No. 0:18-cv-61017-CMA (S.D. Fla. Oct. 15, 2018) (same).

As required by Local Rules 3.01(g) and 4.03(d), FTC counsel has proposed this alternative to the Mediation Order’s party-attendance requirement to the selected mediator as well as counsel for non-defaulted Defendants and the Receiver. The mediator believes the FTC’s alternative proposal is satisfactory, and the Receiver has no objection. Defense counsel also has no objection so long as FTC counsel commits to taking all available and permissible actions to ensure the Commissioners approve any settlement reached at mediation. As already discussed, this commitment is part of the FTC’s alternative proposal.

\* \* \*

For the foregoing reasons, consistent with past mediation conferences involving the FTC and other authority, the FTC moves this Court to revise the Mediation Order’s party attendance requirement as to the FTC, *see* (Doc. 103 at 2), so that it is sufficient for the undersigned FTC counsel to personally attend the mediation conference and for a manager at the FTC who is responsible for reviewing FTC counsel’s settlement recommendation to the Commission to be immediately available for consultation by telephone.

Respectfully submitted,

Dated: January 31, 2025

/s/ Nathan H. Nash  
Nathan Nash  
D'Laney Gielow  
Federal Trade Commission  
Midwest Region  
230 S. Dearborn, Suite 3030  
Chicago, Illinois 60604  
Phone: (312) 960-5624  
E-mail: nnash@ftc.gov  
dgielow@ftc.gov

Attorneys for Plaintiff  
FEDERAL TRADE COMMISSION

**LOCAL RULE 3.01(g) CERTIFICATION**

Pursuant to Local Rule 3.01(g), I certify that I consulted with counsel for the non-defaulted Defendants and the Court-appointed Receiver about the relief requested in this motion. The Receiver stated that he has no objection, while defense counsel stated that the non-defaulted Defendants do not oppose the FTC's requested relief so long as FTC counsel commits to taking all available and permissible actions to ensure that the Commissioners approve any settlement reached at mediation.

/s/ Nathan H. Nash  
Attorney for Plaintiff FTC

**CERTIFICATE OF SERVICE**

I certify that, on or about January 31, 2025, I filed this Motion using the Court's electronic filing system, which will deliver a copy of this filing to all counsel of record. I further certify that I am causing a copy of this motion to be sent via email to the following *pro se* defaulted Defendant:

Juan S. Rojas  
[jayrojas423@gmail.com](mailto:jayrojas423@gmail.com)  
Calle 16 N # 6N-21  
Oficina (401)  
Cali, VC 760045  
Colombia

/s/ Nathan H. Nash  
Attorney for Plaintiff FTC