

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case No. 09-23507-CIV-GOLD/MCALILEY

_____)
FEDERAL TRADE COMMISSION,)
)
Plaintiff,)
)
V.)
)
KIRKLAND YOUNG, LLC a limited)
liability company, and)
)
DAVID BOTTON, individually and as)
manager of Kirkland Young, LLC)
)
Defendants.)
_____)

NOTICE

Plaintiff Federal Trade Commission, through its counsel, hereby files this Notice for purposes of updating the Court of the proposed settlement currently pending, and hereby states the following:

1. The parties have been actively negotiating a settlement of this matter and Defendants are expressly agreeable to terms that have been memorialized in a proposed final order. Individual and Corporate Defendants have shown their intent to settle on these terms by signing the proposed final order, and Plaintiff FTC's counsel has submitted the proposed final order with a formal recommendation to the Commission seeking its review and approval of the proposed settlement.

2. As with all litigated cases of the FTC, the Commission must vote and approve any proposed settlement prior to Plaintiff FTC's counsel filing the proposed final order with this Honorable Court.
3. Plaintiff FTC's counsel will promptly notify this Court and the parties of the outcome of the Commission's vote regarding this matter.

Respectfully submitted,

WILLARD K. TOM
General Counsel

Dated: February 24, 2011

/s/Robin L. Rock
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Certificate of Service

I hereby certify that on February 24, 2011, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or *pro se* parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Robin L. Rock
Robin L. Rock

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