

Ninth Circuit Moves Quickly to Apply AMG

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Section 13 (b)log



The 13(b) dominoes are beginning to fall. [Last week](#), a unanimous *AMG* Court found that Section 13(b) does not allow for monetary remedies. A panel of the Ninth Circuit, in *Federal Trade Commission v. Cardiff et al*, quickly took that decision to heart.

In a brief, three-paragraph order, the *per curiam* panel vacated the district court's preliminary injunction order, that had been entered into "to preserve assets pending a final judgment that could include equitable monetary relief in this action under § 13(b) of the FTC." Because "the Supreme Court unanimously held that §13(b) as currently written does not grant the Commission authority to obtain equitable monetary relief," the Ninth Circuit vacated the injunction, remanding the case to the district court "for further proceedings consistent with the Supreme Court's decision in *AMG Capital Management*." While this is the first Circuit Court order we are aware of to apply *AMG* to a pending case, it will certainly not be the last. We expect to see many similar remands and vacations in the days and weeks to come.

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