No. 25–1403

In the Supreme Court of the United States

LINA NOLAND, ET AL.,

Petitioners,

v.

FEDERAL TRADE COMMISSION,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SUPPLEMENTAL BRIEF OF PETITIONERS

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QUESTIONS PRESENTED

1. Whether, after *AMG Capital Management, LLC* v. *FTC* and *Loper Bright Enterprises* v. *Raimondo*, the Federal Trade Commission may preserve an ex parte Section 13(b) asset freeze and receivership and obtain a revenue-based, multi-million-dollar monetary judgment through civil contempt where the judgment functions as restitution or disgorgement, is not tied to identified sustained losses, and the only rule-violation damages awarded under Section 19 were $6,829.

2. Whether the Seventh Amendment and due process permit a federal agency to obtain a $7,306,873.14 revenue-based monetary sanction, labeled civil compensatory contempt, through a bench proceeding where the sanction operates as a legal money judgment rather than compensation for proven individualized losses and where the ex parte freeze impaired Petitioners' ability to fund and preserve a jury defense.

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SUPPLEMENTAL BRIEF OF PETITIONERS

Petitioners respectfully submit this supplemental brief under S. Ct. R. 15.8 to call the Court's attention to this Court's decision in *Trump* v. *Slaughter*, 609 U. S. ___ (2026), decided June 29, 2026. Petitioners filed their petition for a writ of certiorari on June 1, 2026. *Slaughter* therefore was unavailable when Petitioners filed their petition.

This submission is restricted to that intervening authority. It does not amend the Questions Presented, add an Article II removal claim, challenge the tenure of any Commissioner, or contend that *Slaughter* automatically invalidates prior FTC actions. It explains only how *Slaughter* reinforces the petition's existing *AMG*, *Jarkesy*, *Loper Bright*, Section 13(b), civil-contempt, Seventh Amendment, and due-process questions.

The petition asks whether the FTC may preserve an ex parte Section 13(b) asset freeze and receivership and then obtain a $7,306,873.14 revenue-based monetary judgment through civil contempt, even though the award was not tied to identified sustained losses and the only rule-violation damages awarded under Section 19 were $6,829. It also asks whether the Seventh Amendment and due process permit that fixed monetary sanction to be imposed through a bench proceeding when it functions as a legal money judgment and the ex parte freeze impaired Petitioners' ability to fund and preserve a jury defense. Pet. i.

I. *Slaughter* confirms that modern FTC enforcement against private parties is executive power

Slaughter's holding concerns the constitutionality of statutory removal protection for FTC Commissioners. In reaching that holding, however, the Court examined the nature of the FTC as it exists today. The Court explained that the Commission administers and enforces approximately eighty statutes spanning much of the national economy. It promulgates rules with the force of law, investigates businesses, conducts enforcement adjudications, and files civil suits on behalf of the United States. *Slaughter*, 609 U. S., ___ (slip op., at 25–27). The Court therefore concluded: "The FTC unquestionably exercises executive power." *Id.*, at 27.

That conclusion is pertinent to the questions already presented. The relief challenged here resulted from governmental enforcement against private parties: an ex parte freeze, a receivership displacing management and controlling assets, contempt proceedings, and a fixed multimillion-dollar judgment. *Slaughter* confirms the executive character of that enforcement machinery.

That conclusion does not resolve the validity of every remedy the FTC seeks. Because the Commission acts through consequential executive enforcement, courts must identify the congressional authorization for the remedy imposed and apply the constitutional protections governing governmental efforts to obtain money judgments from private persons. That is the review the petition requests.

II. Slaughter reinforces the petition's existing *AMG* and *Loper Bright* questions about the source and limits of FTC remedies

Slaughter described the statutory paths available when the FTC goes to federal court. The Court identified injunctions under 15 U. S. C. §53(b), civil penalties under §45(m), and consumer redress under §57b(b), including refunds or return of property. *Slaughter*, 609 U. S., ___ (slip op., at 26–27). Read in context, the decision addresses executive discretion to choose among remedies Congress has supplied. It does not hold that the Commission may create an additional monetary remedy, merge distinct statutory pathways, or avoid conditions Congress placed on a particular form of relief.

That statutory map reinforces the first Question Presented. *AMG Capital Management, LLC* v. *FTC* held that section 13(b) "does not authorize the Commission to seek, or a court to award, equitable monetary relief such as restitution or disgorgement." 593 U. S. 67, 70 (2021). The Court further explained that the provision's text and structure give "permanent injunction" a limited purpose that does not extend to monetary relief. *Id.*, at 75.

Here, the FTC began with an ex parte Section 13(b) freeze and receivership. After *AMG*, that enforcement structure remained in place. The final judgment awarded $6,829 for rule violations under Section 19, yet imposed an additional $7,306,873.14 revenue-based sanction through civil contempt. Pet. 3, 5–8. The petition does not argue that *AMG* abolished civil contempt. It asks whether contempt may be used as the post-*AMG* vehicle for the functional equivalent of restitution or disgorgement when the sanction is based on revenues rather than identified losses sustained.

Slaughter does not decide that question or discuss compensatory contempt. It nevertheless located FTC remedies in specific congressional enactments. Civil contempt can enforce a valid court order, but its label cannot itself enlarge the FTC Act or supply monetary authority that Congress withheld from section 13(b). *Slaughter* thus reinforces the need to determine whether the combined remedial structure imposed below is authorized by the statutes the Court identified.

Loper Bright Enterprises v. *Raimondo* supplies the method for answering that question. Courts must exercise independent judgment when deciding whether an agency acted within its statutory authority. 603 U. S. 369, 412–13 (2024). Historical agency practice, remedial labels, and the FTC's own characterization of its preferred relief cannot substitute for statutory authorization. *Slaughter*'s account of an executive agency selecting among legislatively conferred remedies strengthens, without expanding, the petition's request for independent judicial review of the authority asserted here.

III. *Slaughter* reinforces the existing *Jarkesy*, Seventh Amendment, and due-process questions

Slaughter explained that the FTC may require private parties to comply with its orders on pain of monetary penalties and may seek judicial relief through civil enforcement. *Slaughter*, 609 U. S., ___ (slip op., at 26–27). Those observations do not determine whether this award required a jury. They confirm that the FTC's pursuit of a fixed money judgment is governmental enforcement whose constitutional character cannot turn solely on its label. The resulting disparity between the $7,306,873.14 contempt-based monetary judgment and the $6,829 awarded for section 19 rule-violation damages—approximately 1,070 to 1—underscores the need for the constitutional scrutiny requested in the petition.

SEC v. *Jarkesy* held that the Seventh Amendment applied when the SEC sought civil penalties for securities fraud and emphasized that the remedy is the more important consideration in identifying a suit at common law. 603 U. S. 109, 122–23, 133–34 (2024). The petition invokes that substance-over-label principle. It asks when a sanction called "compensatory contempt" becomes, in operation, a legal money judgment because it is fixed after trial, calculated from revenues, not purgeable, and not tied to proven individualized losses. Pet. 8–11.

Slaughter makes that question more concrete: an executive enforcement agency is selecting and pursuing coercive relief against private parties. The decision does not answer whether contempt was properly classified here. It reinforces why the Court should look beyond the label and decide whether the substance of the $7,306,873.14 award triggered the jury-trial protection recognized in *Jarkesy*.

The same reasoning reinforces the due-process issue already presented. Petitioners contend that the ex parte freeze and receivership deprived them of business control and resources needed to retain counsel and preserve constitutional defenses before the bench proceeding that produced the money judgment. Pet. 5–6, 9–10. *Slaughter* does not adjudicate those procedures. But its recognition that FTC litigation is coercive executive enforcement supports meaningful judicial scrutiny of the procedures and safeguards accompanying that power.

JUSTICE GORSUCH's concurrence provides additional, expressly noncontrolling support for the same existing point. Citing *Jarkesy*, the concurrence discussed the Seventh Amendment jury guarantee and the Due Process Clause's requirement of a fair tribunal when agencies affect private rights. *Slaughter*, 609 U. S., ___ (GORSUCH, J., concurring) (slip op., at 9). It later urged the Court to "restore legislative and judicial powers to where they belong: in Congress and the courts." *Id.*, at 16. Petitioners invoke those observations only to reinforce the jury-trial and due-process questions already in the petition. They do not present a new Article III, nondelegation, or removal issue.

IV. The supplemental authority supports review without altering the case presented

Slaughter fits the sequence of authorities already invoked in the petition. *AMG* requires adherence to the remedial boundaries Congress enacted. *Jarkesy* requires attention to the substance of agency-sought monetary relief. *Loper Bright* requires courts to exercise independent judgment about statutory authority. *Slaughter* now confirms that the modern FTC's litigation and remedial choices are exercises of executive power against private parties.

The petition asks how those established principles apply when the FTC preserves a Section 13(b) enforcement structure after *AMG* and uses civil contempt to obtain a revenue-based monetary judgment without a jury. *Slaughter* does not resolve that question, but it reinforces its national and constitutional importance. That is pertinent without adding a new issue.

CONCLUSION

Petitioners respectfully submit *Trump* v. *Slaughter* as new intervening authority under S. Ct. R. 15.8. For the reasons stated in the petition, as reinforced by *Slaughter*, this Court should grant certiorari.

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