UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

FEDERAL TRADE COMMISSION, and

Plaintiff,

v.

STUDENT DEBT DOCTOR LLC, a Florida limited liability company,

and

GARY BRENT WHITE, JR., individually and as an officer of Defendant Student Debt Doctor LLC,

Defendants.

SEALED

17-CV-61937 WPD_____

***Ex Parte* TEMPORARY RESTRAINING ORDER WITH ASSET FREEZE, APPOINTMENT OF A RECEIVER, AND OTHER EQUITABLE RELIEF, AND ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE**

Plaintiff, the Federal Trade Commission ("FTC"), having filed its Complaint for Permanent Injunction and Other Equitable Relief ("Complaint"), pursuant to Section 13(b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b) and the Telemarketing and Consumer Fraud and Abuse Prevention Act ("Telemarketing Act"), 15 U.S.C. §§ 6101-6108, now moves, pursuant to Federal Rule of Civil Procedure 65(b), for an *ex parte* Temporary Restraining Order with Asset Freeze, Appointment of a Receiver, and Other Equitable Relief, and Order to Show Cause Why a Preliminary Injunction Should Not Issue ("Order") against Defendants Gary Brent White, Jr. and Student Debt Doctor LLC.

The Court, having considered the Complaint, the *ex parte* motion and memorandum for a temporary restraining order, and all declarations, exhibits, and points and authorities attached in

support, and being otherwise advised, **GRANTS** Plaintiff's motion for a temporary restraining order and **FINDS** and **ORDERS** as follows:

I. FINDINGS OF FACT

A. This Court has jurisdiction over the subject matter of this case, and there is good cause to believe it will have jurisdiction over all parties hereto;

B. Venue in this district is proper;

C. There is good cause to believe that Defendants have engaged in and are likely to engage in acts or practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a) and the FTC's Trade Regulation Rule entitled the "Telemarketing Sales Rule" ("TSR"), 16 C.F.R. Part 310;

D. There is good cause to believe that immediate and irreparable harm will result from Defendants' ongoing violations of the FTC Act and the TSR, unless Defendants are restrained and enjoined by Order of this Court;

E. There is good cause to believe that immediate and irreparable damage to this Court's ability to grant effective final relief for consumers (including monetary restitution, rescission, disgorgement, or refunds) will occur from the sale, transfer, destruction, or other disposition or concealment by Defendants of assets, Documents, records, or other evidence if Defendants are provided with Plaintiff's application, assets of the Defendants are not frozen, and the Corporate Defendant is not placed into receivership. Therefore, there is good cause for the Court to: (1) issue this Order without prior notice to Defendants pursuant to Federal Rule of Procedure 65(b); (2) freeze the assets of Defendants; (3) appoint a Receiver over the Receivership Entities; (4) grant Plaintiff and the Receiver immediate access to the Corporate Defendant's business premises; and (5) order the ancillary relief described below;

F. Weighing the equities and considering Plaintiff's likelihood of ultimate success on the merits, it is in the public interest that the Court enter this *ex parte* Order that temporarily: (1) enjoins Defendants from making misrepresentations and violating the TSR; (2) freezes the assets of the Defendants; (3) appoints a Receiver over the Receivership Entities; (4) requires the Defendants to fully disclose all their assets; (5) grants permission to Plaintiff and the Receiver to immediately access the business premises of the Corporate Defendant and the records of the Corporate Defendant; (6) orders Defendants to show cause why a preliminary injunction should not issue; and (7) provides other equitable relief; and

G. No security is required of any agency of the United States for issuance of a temporary restraining order. Fed. R. Civ. P. 65(c).

II. DEFINITIONS

For purposes of this Order, the following definitions shall apply:

A. "**Assisting others**" includes, but is not limited to: (a) providing administrative services, including, but not limited to, filing business registrations with federal, state, or local government entities, establishing bank or merchant accounts, and/or handling banking transactions; (b) acting as an officer, director, or registered agent of a business entity; (c) establishing mail accounts or mail receiving boxes, and/or providing mailing or printing services; (d) performing customer service functions, including, but not limited to, forwarding mail received from consumers and/or receiving or responding to consumer complaints; (e) formulating or providing, or arranging for the formulation or provision of, any sales script or other marketing material; (f) providing names of, or assisting in the generation of, potential customers; and (g) performing or providing marketing or billing services of any kind, including, but not limited to, performing or providing telemarketing services.

B. "**Corporate Defendant"** means Student Debt Doctor LLC and its divisions, subsidiaries, affiliates, successors, assigns, and any fictitious business entities or business names created or used by these entities, or any of them.

C. **"Defendant(s)"** means Corporate Defendant and Gary Brent White, Jr., individually, collectively, or in any combination.

D. "**Debt relief product or service"** means any product, service, plan, or program represented, expressly or by implication, to renegotiate, settle, or in any way alter the terms of payment or other terms of a debt or obligation between a person and one or more creditors or debt collectors, including a reduction in the balance, interest rate, or fees owed by a person to a creditor or debt collector.

E. "**Document**" or "**Documents**" means any materials listed in Federal Rule of Civil Procedure 34(a), and includes writings, drawings, graphs, charts, photographs, audio and video recordings, computer records, and other data compilations from which information can be obtained and translated, if necessary, through detection devices into reasonably usable form. A draft or non-identical copy is a separate document within the meaning of the term.

F. **"Electronic Data Host"** means any person or entity in the business of storing, hosting, or otherwise maintaining electronically stored information. This includes, but is not limited to, any entity hosting a website or server, and any entity providing "cloud based" electronic storage.

G. "**Financial institution**" means any bank, savings and loan institution, credit union, or any financial depository of any kind, including, but not limited to, any brokerage house, trustee, broker-dealer, escrow agent, title company, commodity trading company, or precious metal dealer.

H. "**Individual Defendant**" means Gary Brent White, Jr.

I. "**Person**" means a natural person, an organization or other legal entity, including a corporation, partnership, sole proprietorship, limited liability company, association, cooperative, or any other group or combination acting as an entity.

J. **"Receivership Entity(ies)"** means Corporate Defendant as well as any other entity that the Receiver determines is controlled or owned by any Defendant and (1) conducted any business related to Defendants' marketing of debt relief services, (2) commingled or pooled assets with any Defendant, or (3) otherwise participated in the transfer or receipt of assets stemming from any business activity that is the subject of the Complaint in this matter.

K. "**Telemarketer**" means any Person who, in connection with Telemarketing, initiates or receives telephone calls to or from a customer or donor.

L. "**Telemarketing"** means any plan, program, or campaign that is conducted to induce the purchase of goods or services or a charitable contribution by use of one or more telephones.

III. PROHIBITION ON DECEPTIVE REPRESENTATIONS

IT IS HEREBY ORDERED that Defendants, together with their officers, agents, directors, servants, employees, attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, marketing, promotion, offering for sale, or sale of any good or service, including any debt relief product or service, are hereby temporarily restrained and enjoined from misrepresenting, or assisting others in misrepresenting, directly or indirectly, expressly or by implication, any material fact, including, but not limited to, that consumers who

purchase Defendants' debt-relief services generally will have their monthly payments eliminated or reduced or their loan balances forgiven in whole or in part, often in five years or less.

IV. RESTRICTIONS ON ADVANCE FEES FOR DEBT RELIEF AND CREDIT REPAIR SERVICES

IT IS HEREBY ORDERED that Defendants, together with their officers, agents, directors, servants, employees, attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, marketing, promotion, offering for sale, or sale of any good or service, including any debt relief product or service, are hereby temporarily restrained and enjoined from:

A. Providing, offering to provide, or arranging for others to provide any debt relief service and requesting or receiving payment of any fees or consideration for any debt relief service until and unless:

1. The seller or telemarketer has renegotiated, settled, reduced, or otherwise altered the terms of at least one debt pursuant to a settlement agreement, debt management plan, or other such valid contractual agreement executed by the customer;

2. The customer has made at least one payment pursuant to that settlement agreement, debt management plan, or other valid contractual agreement between the customer and the creditor or debt collector; and

3. To the extent that debts enrolled in a service are renegotiated, settled, reduced, or otherwise altered individually, the fee or consideration either:

a. Bears the same proportional relationship to the total fee for renegotiating, settling, reducing, or altering the terms of the entire debt balance as the individual debt amount bears to the entire debt amount. The individual debt amount and the entire debt amount are those owed at the time the debt was enrolled in the service; or

b. Is a percentage of the amount saved as a result of the renegotiation, settlement, reduction, or alteration. The percentage charged cannot change from one individual debt to another. The amount saved is the difference between the amount owed at the time the debt was enrolled in the service and the amount actually paid to satisfy the debt; and

V. ASSET FREEZE

IT IS FURTHER ORDERED that Defendants, together with their officers, agents, directors, servants, employees, attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other device, except as provided herein, are hereby temporarily restrained and enjoined from, directly or indirectly:

A. Transferring, liquidating, converting, encumbering, pledging, loaning, selling, concealing, dissipating, disbursing, assigning, spending, withdrawing, granting a lien or security interest or other interest in, or otherwise disposing of any funds, real or personal property, accounts, contracts, shares of stock, lists of consumer names, or other assets, or any interest therein, wherever located, including outside the territorial United States, that are:

1. Owned, controlled, or held, in whole or in part, by any Defendant;

2. Held, in whole or in part, for the direct or indirect benefit of any Defendant;

3. In the actual or constructive possession of any Defendant;

4. Held by an agent, including an attorney, of any Defendant as a retainer for the agent's provision of services to any Defendant; or

5. Owned or controlled by, or in the actual or constructive possession of, or otherwise held for the benefit of any corporation, partnership, asset protection trust, or other entity that is directly or indirectly owned, managed, or controlled by any Defendant, or of which any Defendant is an officer, director, manager or member. This includes, but is not limited to, any assets held by, for, or subject to access by any Defendant at any bank, credit union, or savings and loan institution, or at or with any broker-dealer, retirement fund custodian, money market or mutual fund, trustee, escrow agent, storage company, title company, insurance company, commodity trading company, precious metal dealer, payment processor, credit card processor, acquiring bank, merchant bank, independent sales organization, third party processor, payment gateway, automated clearing house processor, network transaction processor, bank debit processing agent, customer service agent, commercial mail receiving agency, mail holding or forwarding company, or other financial institution or depository of any kind, either within or outside the United States; or

6. Held in any account for which any Defendant is, or was on the date that this Order was signed, an authorized signer;

B. Opening or causing to be opened any safe deposit boxes, commercial mail boxes, or storage facilities titled in the name of any Defendant, subject to access by any Defendant, or

under any Defendant ’s control, or private mail boxes titled in the name of, subject to access by, or under the control of the Corporate Defendant;

C. Cashing any checks or depositing or processing any payments from consumers, customers, or clients of Defendants;

D. Incurring charges or cash advances on any credit or bank card issued in the name, individually or jointly, of any Defendant or any corporation, partnership, or other entity directly or indirectly owned, managed, or controlled by any Defendant or of which any Defendant is an officer, director, member or manager. This includes any corporate bank card or corporate credit card account for which any Defendant is or was on the date that this Order was signed, an authorized signor; or

E. Incurring liens or other encumbrances on real property, personal property, or other assets in the name, individually or jointly, of any Defendant or of any corporation, partnership, or other entity directly or indirectly owned, managed, or controlled by any Defendant.

F. The assets affected by this Section shall include: (1) all assets of Defendants as of the time this Order is entered; and (2) assets obtained by Defendants after this Order is entered if those assets are derived from any activity that is the subject of the Complaint in this matter. This Section does not prohibit any transfers to the Receiver of repatriation of foreign assets specifically required by this Order.

VI. DUTIES OF HOLDERS OF ASSETS OF DEFENDANTS

IT IS FURTHER ORDERED that any Person, including but not limited to, any financial or brokerage institution, automated clearing house processor, credit card processor, payment processor, merchant bank, acquiring bank, independent sales organization, third party

processor, payment gateway, insurance company, or business entity that: (a) is served with a copy of this Order or otherwise has actual or constructive knowledge of this Order, and (b) holds, controls, or maintains custody of, or has held, controlled, or maintained custody of at any time since January 2014, any account or asset (including reserve funds held by any automated clearing house processor, credit card processor, payment processor, merchant bank, acquiring bank, independent sales organization, third party processor, payment gateway, insurance company, or other entity) of any Defendant or of any corporation, partnership, asset protection trust, or other entity that is directly or indirectly owned, managed or controlled by any Defendant or of which any Defendant is or was an officer, director, manager, or member shall:

A. Hold and retain within its control and prohibit the withdrawal, removal, assignment, transfer, pledge, hypothecation, encumbrance, disbursement, dissipation, relinquishment, conversion, sale, liquidation, or other disposal of any such account or other assets, as well as all Documents or other property related to such accounts or other assets;

B. Deny any Person, except the Receiver, access to any safe deposit box or storage facility that is titled in the name of any Defendant either individually or jointly, or otherwise subject to access by any Defendant;

C. Provide Plaintiff's counsel and the Receiver, within three (3) days of receiving a copy of this Order, a sworn statement setting forth:

1. The identification number of each account or asset;

2. The balance of each such account, or a description of the nature and value of each such asset as of the close of business on the day on which a copy of this Order was provided and, if the account or asset has been closed or removed, the date closed or

removed, the total funds removed in order to close the account, and the name of the Person or entity to whom such account or asset was remitted; and

3. The identification and location of any safe deposit box or storage facility that is either titled in the name, individually or jointly, of any Defendant , or is otherwise subject to access or control by any Defendant; and

D. Within three (3) days of a request from a Plaintiff's counsel or the Receiver, provide Plaintiff and the Receiver with copies of all records or other Documents pertaining to each such account or asset, including, but not limited to, originals or copies of account applications, account statements, corporate resolutions, signature cards, checks, drafts, deposit tickets, transfers to and from the accounts, including wire transfers and wire transfer instructions, all other debit and credit instruments or slips, currency transaction reports, 1099 forms, and all logs and records pertaining to such safe deposit boxes and storage facilities;

E. Plaintiff may properly serve this Order on any financial or brokerage institution, business entity or Person that holds, controls or maintains custody of any account or other asset of any Defendant or has held, controlled or maintained custody of any account or other asset of any Defendant at any time, by facsimile transmission, hand delivery, or overnight carrier; and

F. This Section shall apply to existing accounts and other assets, assets deposited or accounts opened after the effective date of this Order, and any accounts or other assets maintained, held, or controlled since January 2014. This Section shall not prohibit transfers in accordance with any provision of this Order, any further order of the Court, or by written agreement of the parties.

VII. FINANCIAL REPORTS

IT IS FURTHER ORDERED that each Defendant, within three (3) days of service of this Order, shall prepare and deliver to counsel for Plaintiff and the Receiver:

A. Completed financial statements on the forms served on the Defendants with this Order as Attachment A (Financial Statement of Individual Defendant) for themselves individually, and Attachment B (Financial Statement of Corporate Defendant) for each business entity under which they conduct business or of which they are an officer, director, member, or manager, and for each trust for which any Defendant is a trustee. The financial statement shall be accurate as of the date of entry of this Order and signed under penalty of perjury. Each Defendant shall include in the financial statements all information requested in the statements, including a full listing, verified under oath, of all accounts, funds, and other assets, whether located within or outside the territory of the United States. Defendants shall attach to these completed financial statements copies of all local, state, provincial, and federal income and property tax returns, with attachments and schedules, as called for by the instructions to the financial statements;

B. The name, address, and telephone number of each attorney, accountant, financial planner, investment advisor, stock broker or other individual, corporation, or partnership whom any of them have used for financial, business, trust, or tax advice or services since January 1, 2014; and

C. A completed IRS Form 4506, served on the Defendants with this Order as Attachment C, requesting tax returns for the past four years (2013-2016) and delivered to counsel for the FTC at the following address:

Michael Liggins
Federal Trade Commission
225 Peachtree Street, NE, Suite 1500
Atlanta, Georgia 30303

VIII. PRESERVATION OF RECORDS

IT IS FURTHER ORDERED that Defendants and their officers, agents, servants, employees, attorneys, and all other Persons in active concert or participation with any of them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other device, are hereby temporarily restrained and enjoined from:

A. Failing to create and maintain books, records, accounts, bank statements, current accountants' reports, general ledgers, general journals, cash receipts ledgers, cash disbursements ledgers and source Documents, Documents indicating title to real or personal property, and any other Documents or data which, in reasonable detail, accurately, fairly and completely reflect the Defendants' incomes, disbursements, transactions, dispositions, and use of Defendants' assets; and

B. Destroying, erasing, falsifying, writing over, mutilating, concealing, altering, transferring, or otherwise disposing of, in any manner, directly or indirectly, any Documents, including electronically stored materials, that relate in any way to: (1) the business, business practices, assets, or business or personal finances of any Defendant or any entity directly or indirectly under the control of any Defendant; (2) any webpage or website operated, in whole or in part, on any Defendant's behalf; and (3) any electronic communication sent to or received by Defendants.

IX. REPORT NEW BUSINESS ACTIVITY

IT IS FURTHER ORDERED that Defendants and their officers, agents, servants, employees, attorneys, and all other Persons in active concert or participation with any of them, who receive actual notice of this Order by personal service or otherwise, whether acting directly

or through any trust, corporation, subsidiary, division, or other device, are hereby temporarily restrained and enjoined from creating, operating, or exercising any control over any new business entity, whether newly formed or previously inactive, including any company, limited liability company, partnership, limited partnership, joint venture, sole proprietorship, or corporation, without first providing Plaintiff with a written statement disclosing: (1) the name of the business entity; (2) the address, telephone number, e-mail address, and website address of the business entity; (3) the names of the business entity's officers, directors, principals, managers, and employees; and (4) a detailed description of the business entity's intended activities.

X. PROHIBITION ON RELEASE OF CONSUMER INFORMATION

IT IS FURTHER ORDERED that Defendants and their officers, agents, servants, employees, attorneys, and all other persons or entities in active concert or participation with any of them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other device, are hereby temporarily restrained and enjoined from selling, renting, leasing, transferring, or otherwise disclosing, using, or benefitting from the name, address, birth date, telephone number, e-mail address, Social Security number, Social Insurance number, credit card number, bank account number, or other financial or identifying personal information of any person from whom or about whom any Defendant obtained such information in connection with activities alleged in Plaintiff's Complaint;

Provided, that Defendants may disclose such financial or identifying personal information to a law enforcement agency or as required by any law, regulation, or court order.

XI. TEMPORARY RECEIVER

A. APPOINTMENT OF TEMPORARY RECEIVER

IT IS FURTHER ORDERED that Robert Carey is appointed Temporary Receiver ("Receiver") for the Receivership Entities with the full power of an equity receiver. The Receiver shall be the agent of this Court, and solely the agent of this Court, in acting as Receiver under this Order. The Receiver shall be accountable directly to this Court. The Receiver shall comply with all Local Rules of this Court governing receivers.

B. RECEIVERSHIP DUTIES

IT IS FURTHER ORDERED that the Receiver is directed and authorized to accomplish the following:

1. Assume full control of the Receivership Entities by removing, as the Receiver deems necessary or advisable, any director, officer, employee, independent contractor, or agent of the Receivership Entities, including any Individual Defendant, from control of, management of, or participation in, the affairs of the Receivership Entity;

2. Conserve, hold, manage, and prevent the loss of all assets of the Receivership Entities, and perform all acts necessary or advisable to preserve the value of those assets, including, but not limited to, obtaining an accounting of the assets and preventing transfer, withdrawal, or misapplication of assets, and including the authority to liquidate or close out any open securities or commodity futures positions of the Receivership Entities. The Receiver shall have full power to sue for, collect, and receive, all assets of the Receivership Entities and other persons or entities whose interests are now held by or under the direction, possession, custody, or control of the Receivership Entities.

Provided, however, that the Receiver shall not attempt to collect any amount from a consumer or to allow the Receivership Entities to continue to debit or otherwise charge a consumer's account, if the Receiver believes the consumer was a victim of the deceptive acts or practices alleged in the Complaint in this matter;

3. Obtain, conserve, hold, manage, and prevent the loss of all Documents of the Receivership Entities, and perform all acts necessary or advisable to preserve such Documents. The Receiver shall: divert mail; preserve all Documents of the Recievership Entities that are accessible via electronic means (such as online access to financial accounts and access to electronic Documents held onsite or by Electronic Data Hosts), by changing usernames, passwords or other log-in credentials; and take possession of all electronic Documents of the Receivership Entities stored onsite or remotely.

4. Use any means necessary to secure and take exclusive custody of each location from which the Receivership Entities operate their businesses. Such steps may include, but are not limited to, the following as the Receiver deems necessary or advisable: (a) serving this Order; (b) completing a written inventory of all receivership assets; (c) obtaining pertinent information from all employees and other agents of the Receivership Entities, including, but not limited to, the name, home address, Social Security number, job description, method of compensation, and all accrued and unpaid commissions and compensation of each such employee or agent; (d) videotaping all portions of the locations; (e) securing the locations by changing the locks and alarm codes and disconnecting any internet access or other means of access to the computers, servers, internal networks, or other records maintained at the locations; (f) requiring any persons present on the premises at the time this Order is served to leave the premises, to

provide the Receiver with proof of identification, or to demonstrate to the satisfaction of the Receiver that such persons are not removing from the premises Documents or assets of the Receivership Entities; and (g) employ the assistance of law enforcement officers as the Receiver deems necessary to keep the peace and maintain security.

5. Enter into contracts and purchase insurance as advisable or necessary;

6. Prevent the inequitable distribution of assets and determine, adjust, and protect the interests of consumers and creditors who have transacted business with the Receivership Entities;

7. Manage and administer the business of the Receivership Entities until further order of this Court by performing all incidental acts that the Receiver deems to be advisable or necessary, which includes retaining, hiring, or dismissing any employees, independent contractors, or agents;

8. Choose, engage, and employ attorneys, accountants, appraisers, and other independent contractors and technical specialists, as the Receiver deems advisable or necessary in the performance of duties and responsibilities under the authority granted by this Order;

9. Make payments and disbursements from the receivership estate that are necessary or advisable for carrying out the directions of, or exercising the authority granted by, this Order. The Receiver shall apply to the Court for prior approval of any payment of any debt or obligation incurred by the Receivership Entities prior to the date of entry of this Order, except payments that the Receiver deems necessary or advisable to secure assets of the Receivership Entities, such as rental payments;

10. Determine and implement the manner in which the Receivership Entities will comply with, and prevent violations of, this Order and all other applicable laws;

11. Institute, compromise, adjust, appear in, intervene in, or become party to such actions or proceedings in state, federal, or foreign courts that the Receiver deems necessary and advisable to preserve or recover the assets of the Receivership Entities or that the Receiver deems necessary and advisable to carry out the Receiver's mandate under this Order;

12. Defend, compromise, adjust, or otherwise dispose of any or all actions or proceedings instituted in the past or in the future against the Receiver in his or her role as Receiver, or against the Receivership Entities that the Receiver deems necessary and advisable to preserve the assets of the Receivership Entities or that the Receiver deems necessary and advisable to carry out the Receiver's mandate under this Order;

13. Issue subpoenas to obtain Documents and records pertaining to the receivership, and conduct discovery in this action on behalf of the receivership estate;

14. Take all steps necessary to prevent the modification, destruction, or erasure of any web page, website, or mobile app registered to and operated, in whole or in part, by any Receivership Entity, and to provide access to all such web pages, websites, or mobile apps to Plaintiff's representatives, agents, and assistants, as well as Defendants and their representatives;

15. Open one or more bank accounts as designated depositories for funds of the Receivership Entities. The Receiver shall deposit all funds of the Receivership Entities in such a designated account and shall make all payments and disbursements from the receivership estate from such an account;

16. Open all mail directed to or received by or at the premises, or post office or private or commercial mail boxes of the Receivership Entities, and to inspect all mail opened prior to the entry of this Order, to determine whether items or information therein fall within the mandates of this Order. In connection therewith, the Receiver is authorized to instruct the United States Postmaster and anyone in possession or control of a private or commercial mailbox to hold and/or reroute mail directed to any of the Receivership Entities. The Receivership Entities are directed not to open a new mailbox or take any steps or make any arrangements to receive mail in contravention of this Order, whether through the United States mail, a private or commercial mail depository, or courier service;

17. Maintain accurate records of all receipts and expenditures that he or she makes as Receiver;

18. Cooperate with reasonable requests for information or assistance from any state or federal law enforcement agency, including Plaintiff;

19. Allow the Plaintiff's representatives, agents, and assistants, as well as Defendants and their representatives reasonable access to all Documents in the possession, custody, or control of the Receivership Entities; and

20. File reports with the Court on a timely and reasonable basis.

C. RECEIVER'S REPORTS

IT IS FURTHER ORDERED that the Receiver shall report to this Court on or before the date set for the hearing to Show Cause regarding the Preliminary Injunction, regarding: (1) the steps taken by the Receiver to implement the terms of this Order; (2) the value of all liquidated and unliquidated assets of the Receivership Entities; (3) the sum of all the liabilities of the

Receivership Entities; (4) the steps the Receiver intends to take in the future to: (a) prevent any diminution in the value of assets of the Receivership Entities, (b) pursue receivership assets from third parties, and (c) adjust the liabilities of the Receivership Entities, if appropriate; (5) whether the business of the Receivership Entities can be operated lawfully and profitably; and (6) any other matters which the Receiver believes should be brought to the Court's attention.

Provided, however, if any of the required information would hinder the Receiver's ability to pursue receivership assets, the portions of the Receiver's report containing such information may be filed under seal and not served on the parties.

D. COOPERATION AND NON-INTERFERENCE WITH THE RECEIVER

IT IS FURTHER ORDERED that:

1. Defendants; Receivership entities; Defendants' or Receivership Entities' officers, agents, servants, employees, and attorneys, and all other Persons in active concert or participation with any of them, who receive actual notice of this Order, and any other Person served with a copy of this Order, by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other device, shall fully cooperate with and assist the Receiver. Entities obligated to cooperate with the Receiver under this provision include, but are not limited to, banks, broker-dealers, savings and loans institutions, escrow agents, title companies, commodity trading companies, precious metals dealers, automated clearing house processors, credit card processors, payment processors, merchant banks, acquiring banks, independent sales organizations, third party processors, payment gateways, insurance companies, and other financial institutions and depositories of any kind, as well as common carriers,

telecommunication companies, and third-party billing agents. This cooperation and assistance shall include, but not be limited to:

a. Providing any information to the Receiver that the Receiver deems necessary to exercising the authority and discharging the responsibilities of the Receiver under this Order;

b. Providing any keys, codes, user names, and passwords required to access any computers, electronic devices, and machines (onsite or remotely) and any cloud account (including specific method to access account) or electronic file in any medium;

c. Advising all Persons who owe money to the Receivership Entities that all debts should be paid directly to the Receiver;

d. Transferring funds at the Receiver's direction and producing records related to the assets and sales of the Receivership Entities.

2. Defendants, their officers, agents, servants, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other device, are restrained and enjoined from directly or indirectly:

a. Transacting any of the business of the Receivership Entities;

b. Destroying, secreting, defacing, transferring, or otherwise altering or disposing of any Documents of the Receivership Entities, including, but not limited to, books, records, accounts, writings, drawings, graphs, charts, photographs, audio and video recordings, computer records, and other data

compilations, electronically-stored records, or any other records of any kind or nature;

c. Transferring, receiving, altering, selling, encumbering, pledging, assigning, liquidating, or otherwise disposing of any assets owned, controlled, or in the possession or custody of, or in which an interest is held or claimed by, the Receivership Entities, or the Receiver;

d. Excusing debts owed to the Receivership Defendants;

e. Failing to notify the Receiver of any asset, including accounts, of the Receivership Entities held in any name other than the name of the Receivership Entities, or by any Person or entity other than the Receivership Entities, or failing to provide any assistance or information requested by the Receiver in connection with obtaining possession, custody, or control of such assets;

f. Doing any act or refraining from any act whatsoever to interfere with the Receiver's taking custody, control, possession, or managing of the assets or Documents subject to this receivership; to harass or interfere with the Receiver in any way; to interfere in any manner with the exclusive jurisdiction of this Court over the assets or Documents of the Receivership Entities; or to refuse to cooperate with the Receiver or the Receiver's duly authorized agents in the exercise of their duties or authority under any Order of this Court; or

g. Filing, or causing to be filed, any petition on behalf of the Receivership Defendants for relief under the United States Bankruptcy Code, 11 U.S.C. § 101, *et seq.*, without prior permission from this Court.

3. If the Receiver identifies a nonparty entity as a Receivership Entity, the Receiver shall promptly notify the entity as well as the parties, and inform the entity that it can challenge the Receiver's determination by filing a motion with this Court.

Provided, however, that the Receiver may delay providing such notice until the Receiver has established control of the nonparty entity and its assets and records, if the Receiver determines that notice to the entity or the parties before the Receiver establishes control over the entity may result in the destruction of records, dissipation of assets, or any other obstruction of the Receiver's control of the entity;

4. If in the Receiver's judgment the business operations cannot be continued legally and profitably, the Receiver shall take all steps necessary to ensure that any of the Receivership Entities' web pages, websites, or mobile apps relating to the activities alleged in the Complaint are modified for consumer education and/or informational purposes, and take all steps necessary to ensure that any telephone numbers associated with the Receivership Entities cannot be accessed by the public, or are answered solely to provide information regarding the status of operations and consumer education, including information directing consumers to United States Department of Education websites containing information student loan repayment programs.

E. TRANSFER OF RECEIVERSHIP PROPERTY TO RECEIVER

IT IS FURTHER ORDERED that:

1. Defendants, Relief Entities, their officers, agents, servants, employees, and attorneys, and all other Persons in active concert or participation with any of them, who receive actual notice of this Order, and any other Person with possession, custody or control of property or of records relating to the Receivership Entities shall: (1)

immediately notify the Receiver of; (2) fully cooperate with and assist the Receiver in taking and maintaining possession, custody, or control of; and, (3) upon receiving a request from the Receiver, immediately transfer or deliver to the Receiver possession, custody, and control of, the following:

a. All assets of the Receivership Entities, or those held by or for the benefit of the Receivership Entities, including assets subject to repatriation;

b. All Documents of or pertaining to the Receivership Entities;

c. All assets and Documents belonging to other Persons whose interests are under the direction, custody, possession, custody, control of the Receivership Entities;

d. All computers, electronic devices, machines, mobile devices, and data in whatever form used to conduct the business of the Receivership Entities; and

e. All available insurance information for both existing and prior insurance policies;

f. All keys, codes, user names, and passwords necessary to gain or to secure access to any assets or Documents of the Receivership Entities, including, but not limited to, access to their business premises, means of communication, accounts, computer systems, mail boxes, or other property. This includes providing the necessary means to gain access to private or commercial mail boxes.

2. In the event any Person or entity fails to deliver or transfer any asset or document, or otherwise fails to comply with any provision of this Section, the Receiver

may file *ex parte* an Affidavit of Non-Compliance regarding the failure. Upon filing of the affidavit, the Court may authorize, without additional process or demand, Writs of Possession or Sequestration or other equitable writs requested by the Receiver. The writs shall authorize and direct the United States Marshal or any sheriff or deputy sheriff of any county, or any other federal or state law enforcement officer, to seize the asset, document, or other thing and to deliver it to the Receiver.

F. PROVISION OF INFORMATION TO RECEIVER

IT IS FURTHER ORDERED that Defendants shall provide to the Receiver, immediately upon request, the following:

1. A list of all accounts and other assets of the Receivership Entities that are held in any name other than the name of a Receivership Entity, or by any Person other than a Receivership Entity; and

2. A list of all agents, employees, officers, directors, managers, members, or those Persons in active concert and participation with any Receivership Entity, who have been associated or done business with any Receivership Entity.

3. A description of any Documents covered by attorney-client privilege or attorney work product, including files where such documents are likely to be located, authors or recipients of such documents, and search terms likely to identify such electronic documents.

G. STAY OF ACTIONS

IT IS FURTHER ORDERED that:

1. Except by leave of this Court, during pendency of the receivership ordered herein, Defendants, together with their officers, agents, directors, servants, employees,

attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or indirectly, and all other Persons are hereby stayed from taking any action to establish or enforce any claim, right, or interest for, against, on behalf of, in, or in the name of, the Defendants, any of their subsidiaries, affiliates, partnerships, assets, Documents, or the Receiver or the Receiver's duly authorized agents acting in their capacities as such, including, but not limited to, the following actions:

a. Filing or assisting in the filing of a petition for relief under the Bankruptcy Code, 11 U.S.C. § 101 et seq., or of any similar insolvency proceeding on behalf of the Receivership Entities;

b. Commencing, prosecuting, continuing, entering, or enforcing any suit or proceeding, except that such actions may be filed to toll any applicable statute of limitations;

c. Accelerating the due date of any obligation or claimed obligation; filing, perfecting or enforcing any lien; taking or attempting to take possession, custody, or control of any asset; attempting to foreclose, forfeit, alter, or terminate any interest in any asset, whether such acts are part of a judicial proceeding, are acts of self-help, or otherwise, or setoff of any debt owing to the Receivership Entities that arose before the date of this Order against any claim against the Receivership Entities; or

d. Using self-help or executing, issuing, serving, or causing the execution, issuance or service of, any legal process, including, but not limited to,

attachments, garnishments, subpoenas, writs of replevin, writs of execution, or any other form of process whether specified in this Order or not.

2. This Order does not stay: (1) the commencement or continuation of a criminal action or proceeding; (2) the commencement or continuation of an action or proceeding by a governmental unit to enforce such governmental unit's police or regulatory power; or (3) the enforcement of a judgment, other than a money judgment, obtained in an action or proceeding by a governmental unit to enforce such governmental unit's police or regulatory power.

H. COMPENSATION OF RECEIVER

IT IS FURTHER ORDERED that the Receiver and all personnel hired by the Receiver as herein authorized, including counsel to the Receiver and accountants, are entitled to reasonable compensation for the performance of duties pursuant to this Order and for the cost of actual out-of-pocket expenses incurred by them, from the assets now held by, or in the possession or control of, or which may be received by the Receivership Entities. The Receiver shall file with the Court and serve on the parties periodic requests for the payment of such reasonable compensation, with the first such request filed no more than sixty (60) days after the date of this Order. The Receiver shall not increase the hourly rates used as the bases for such fee applications without prior approval of the Court.

I. RECEIVER'S BOND

IT IS FURTHER ORDERED that the Receiver shall file with the Clerk of this Court a bond in the sum of $25,000 with sureties to be approved by the Court, conditioned that the Receiver will well and truly perform the duties of the office and abide by and perform all acts the Court directs.

XII. IMMEDIATE ACCESS TO BUSINESS PREMISES AND RECORDS

IT IS FURTHER ORDERED that in order to allow Plaintiff and the Receiver to preserve assets and evidence relevant to this action and to expedite discovery:

A. Plaintiff and the Receiver and their counsel, agents, representatives, contractors, and assistants shall have immediate access to all business premises and storage facilities owned, controlled, or used by the Receivership Entities. Such locations include, but are not limited to 3221 NW 10th Terrace, Suite 507/508, Oakland Park, FL 33309 and any offsite location or commercial mailbox used by the Receivership Entities. The Receiver may exclude Defendants, Receivership Entities, and their employees from the business premises during the immediate access.

B. Plaintiff and the Receiver and their counsel, agents, representatives, contractors, and assistants shall also have immediate access to the records of the Receivership Entities, and are authorized to remove Documents and other materials from the Receivership Entities' premises in order that they may be inspected, inventoried, and copied for the purpose of preserving discoverable material in connection with this action.

C. Defendants, together with their officers, agents, directors, servants, employees, attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order by personal service or otherwise, must immediately identify to Plaintiff's counsel and the Receiver: (1) all Defendants' and Receivership Entities' business premises; (2) any other premises where Defendants and Receivership Entities conduct business; (3) any premises where Documents related to the business operations of Defendants and the Receivership Entities are maintained, including the name and location of any electronic data hosts; (4) any premises where assets belonging to Defendants and Receivership Entities are

maintained; and (5) all access codes, keys, passwords, or any other information necessary for Plaintiff and the Receiver to gain immediate access;

D. If any property, records, Documents, computers, or electronic storage devices containing information relating to the Receivership Entities' finances or business practice are located in a residence of any Defendant or are otherwise in the custody or control of any Defendant, then such Defendant and Receivership Entities shall produce them to Receiver within twenty-four (24) hours of service of this Order, along with any codes, keys any passwords, or other information needed for access. In order to prevent the destruction of computer data, upon service of this Order, any such computers or electronic storage devices shall be powered down in the normal course of the operating system used on such devices and shall not be powered up or used until produced for copying and inspection;

E. If any communications or records of any Receivership Entity are stored with an Electronic Data Host, such Receivership Entity shall, immediately upon receiving notice of this order, provide the Receiver with the username , passwords, and any other login credential needed to access the communications and records, and shall not attempt to access, or cause a third party to attempt to access, the communications or records;

F. Plaintiff's access to Receivership Entities' Documents pursuant to this Section shall not provide grounds for any Defendant to object to any subsequent request for Documents served by Plaintiff; and

G. The Receiver shall allow Defendants reasonable access to the business premises of the Receivership Entities and the business records of the Receivership within the Receiver's possession for the purpose of inspecting and copying materials relevant to this action, although

the Receiver shall have the discretion to determine the time, manner, and reasonable condition of such access; and

H. Plaintiff and the Receiver and their counsel, agents, representatives, contractors, and assistants are authorized to obtain the assistance of the U.S. Marshal's Office and other federal, state, and local law enforcement officers as they deem necessary to implement peacefully the provisions of this Order.

XIII. REPATRIATION OF ASSETS AND DOCUMENTS

IT IS FURTHER ORDERED that each Defendant shall:

A. Within three (3) business days following service of this Order, take such steps as are necessary to repatriate to the territory of the United States of America all Documents and assets that are located outside such territory and (1) are held by or for a Defendant; (2) titled in the name, individually or jointly, of any Defendant; (3) or are under a Defendant 's direct or indirect control, jointly, severally, or individually;

B. Within three (3) business days following service of this Order, provide Plaintiff with a full accounting of all Documents and assets that are located outside of the territory of the United States of America or that have been transferred to the territory of the United States of America pursuant to Subsection A above and (1) are held by or for a Defendant; (2) titled in the name, individually or jointly, of any Defendant; (3) or are under a Defendant's direct or indirect control, jointly, severally, or individually. Each Defendant shall also include the names and addresses of any foreign or domestic financial institution or other entity holding the Documents and assets, along with the account numbers and balances;

C. Hold and retain all such Documents and assets and prevent any transfer, disposition, or dissipation whatsoever of any such Documents or assets; and

D. Within three (3) business days following service of this Order, provide Plaintiffs access to Defendants' records and documents held by financial institutions or other entities, whether located outside the territorial United States of America or otherwise, by signing and delivering to Plaintiffs' counsel the Consent to Release of Financial Records served along with this Order as Attachment D.

XIV. NON-INTERFERENCE WITH REPATRIATION

IT IS FURTHER ORDERED that Defendants, their officers, agents, servants, employees, attorneys, and all other persons or entities in active concert or participation with any of them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other device, are hereby temporarily restrained and enjoined from taking any action, directly or indirectly, which may result in the encumbrance or dissipation of foreign assets, or in the hindrance of the repatriation required by the preceding Section XIII of this Order, including, but not limited to:

A. Sending any statement, letter, facsimile, e-mail or wire transmission, or telephoning or engaging in any other act, directly or indirectly, that results in a determination by a foreign trustee or other entity that a "duress" event has occurred under the terms of a foreign trust agreement, until such time that assets have been fully repatriated pursuant to the preceding Section XIII of this Order; and

B. Notifying any trustee, protector or other agent of any foreign trust or other related entities of either the existence of this Order, or of the fact that repatriation is required pursuant to a court order, until such time as assets have been fully repatriated pursuant to the preceding Section XIII of this Order.

XV. CONSUMER REPORTING AGENCIES

IT IS FURTHER ORDERED that Plaintiff may obtain credit reports concerning any Defendant pursuant to Section 604(a)(1) of the Fair Credit Reporting Act, 15 U.S.C. § 1681b(a)(1), and that, upon written request, any credit reporting agency from which such reports are requested shall provide them to Plaintiff.

XVI. DISTRIBUTION OF ORDER BY DEFENDANTS

IT IS FURTHER ORDERED that:

A. Within five (5) days following service of this Order, Defendants shall provide a copy of this Order to each of their Telemarketers, customer service agents, sales agents, corporations, subsidiaries, affiliates, partners, divisions, sales entities, successors, assigns, members, officers, directors, employees, independent contractors, agents, servants, attorneys, spouses, representatives, and all other Persons in active concert or participation with Defendants in the marketing, advertising, promotion, distribution, offer for sale, or sale of debt relief products or services or credit product or services;

B. Within seven (7) days following service of this Order, Defendants shall provide Plaintiff and the Receiver a sworn statement that this Section has been satisfied and that identifies the name, title, physical addresses, telephone numbers, and email addresses of each such person who received a copy of the Order and the date which such Person received it; and

C. Defendants shall not take any action that would encourage officers, agents, members, managers, directors, employees, salespersons, independent contractors, attorneys, subsidiaries, affiliates, successors, assigns, or other Persons or entities in active concert or participation with Defendants to disregard this Order or believe that they are not bound by its provisions.

XVII. EXPIRATION DATE OF TEMPORARY RESTRAINING ORDER

IT IS FURTHER ORDERED that the Temporary Restraining Order granted herein shall expire on **October 17, 2017**, **at 11:59 p.m.** (Eastern Time), unless within such time, the Order, for good cause shown, is extended, or unless, as to any Defendant, the Defendant consents that it should be extended for a longer period of time.

XVIII. ORDER TO SHOW CAUSE REGARDING PRELIMINARY INJUNCTION

IT IS FURTHER ORDERED that, pursuant to Federal Rule of Civil Procedure 65, each Defendant shall appear before this Court on the **16th** day of **October, 2017**, **at 1:15 p.m.** (Eastern Time), at the United States Courthouse, United States District Court for the Southern District of Florida, Ft. Lauderdale, Florida, 33301, Courtroom 205B, to show cause, if there is any, why this Court should not enter a Preliminary Injunction, pending final ruling on the Complaint against Defendants, enjoining Defendants from further violations of the FTC Act, the TSR, and the FDUTPA, continuing the freeze of Defendants' assets, continuing the Receivership, and imposing such additional relief as may be appropriate.

XX. BRIEFS AND AFFIDAVITS CONCERNING PRELIMINARY INJUNCTION

IT IS FURTHER ORDERED that Defendants shall file with the Court and serve on Plaintiff's counsel any answering affidavits, pleadings, motions, expert reports or declarations, and/or legal memoranda no later than **October 10, 2017, at 3 p.m**.

Plaintiff may file responsive or supplemental pleadings, materials, affidavits, motions, or memoranda with the Court and serve the same on counsel for Defendants no later than **October 13, 2017 at 3 p.m**.

Provided that service shall be performed by personal or overnight delivery, by electronic filing, by electronic mail, or by facsimile, and Documents shall be delivered so that they shall be received by the other parties no later than 4:00 p.m. (Eastern Time) on the appropriate dates

listed in this Section. The hearing shall be limited to argument of counsel unless the Court grants express leave to the contrary in advance of the hearing.

XXI. SERVICE OF THIS ORDER

IT IS FURTHER ORDERED that copies of this Order may be served by United States First Class Mail, overnight delivery, facsimile, electronic mail, or personally, by agents or employees of Plaintiff, by agents or employees of the Receiver, by any law enforcement agency, or by private process server, upon any person, financial institution, or other entity that may have possession or control of any property, property right, document, or asset of any Defendant, or that may be subject to any provision of this Order. Service upon any branch or office of any financial institution or entity shall effect service upon the entire financial institution or entity.

XXII. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for all purposes.

SO ORDERED, this 3rd day of October, 2017, at 9:40 a.m.

WILLIAM P. DIMITROULEAS
United States District Judge

Copies to:
All Counsel of Record