

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

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

HIGHER GOALS MARKETING LLC, a Florida
limited liability company, et al.,

Defendants.

Case No. 6:17-cv-2048-ORL-31-KRS

(E-Filed Nov. 30, 2017)

**PLAINTIFF’S EMERGENCY MOTION FOR NOTICED¹ TEMPORARY
RESTRAINING ORDER WITH ASSET FREEZE, APPOINTMENT OF A
RECEIVER, OTHER EQUITABLE RELIEF, AND AN ORDER TO SHOW CAUSE
WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE**

Plaintiff, the Federal Trade Commission (“FTC”), moves the Court pursuant to Federal Rule of Civil Procedure 65 and Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), for a Temporary Restraining Order with Asset Freeze, Appointment of a Receiver, Other Equitable Relief, and Order to Show Cause Why a

¹ Unlike many other cases in which the FTC files a complaint under seal and moves *ex parte* for a temporary restraining order, here the FTC intends to serve this Motion and the supporting materials on Defendants as soon as practicable. FTC counsel inquired about Defendant Higher Goals Marketing’s business practices during the depositions of Defendants Anderson, Brownell, Deese, and Norris in *FTC v. Life Management Services of Orange County, LLC*, No. 6:16-cv-982-Orl-41TBS (M.D. Fla. filed June 7, 2016). Defendants, therefore, have been on notice of the FTC’s interest in their activities since the fall of 2016, yet they have persisted in their illegal conduct. FTC counsel will apprise the Court of their efforts to serve Defendants.

Preliminary Injunction Should Not Issue. A proposed temporary restraining order (“TRO”) order is attached to this Motion.

As grounds for this Motion, the FTC states that Defendants have engaged in, and are continuing to engage in, acts and practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and multiple provisions of the FTC’s Telemarketing Sales Rule (“TSR”), 16 C.F.R. Part 310. Specifically, Defendants are engaged in an ongoing telemarketing scam that has defrauded more than 1,500 consumers struggling with credit-card debt, leading to total consumer harm of more than \$2 million. Since July 2016, Defendants have used illegal robocalls to contact consumers, in violation of 16 C.F.R. § 310.4(b)(1)(v)(A), including many consumers who have listed their telephone numbers on the National Do Not Call Registry, in violation of 16 C.F.R. § 310.4(b)(1)(iii)(B). Defendants then pitch a service that they falsely promise will result in a permanent and substantial reduction in consumers’ credit-card interest rates, saving consumers thousands of dollars. Defendants collect an up-front fee of between \$500 and \$5,000, in violation of 16 C.F.R. § 310.4(a)(5)(i), but they rarely, if ever, deliver the promised results.

As explained in the Memorandum in support of this Motion, the FTC has provided the Court with ample evidence showing that: (1) the FTC is likely to succeed in establishing that Defendants’ conduct violates Section 5(a) FTC Act, and multiple provisions of the TSR; and (2) the equities weigh in favor of granting the injunctive relief sought here.

Given the nature of Defendants’ fraud, the TRO should include provisions freezing Defendants’ assets, appointing a temporary receiver over the Corporate Defendants, and granting the FTC and the right to take limited expedited discovery. Such relief will halt

Defendants' ongoing fraud, prevent Defendants' dissipation of assets and destruction of relevant evidence, protect the Court's ability to provide redress to consumer victims, and preserve the Court's ability to award full and effective relief by maintaining the status quo pending the Court's ruling on the requested preliminary injunction.

Counsel for the FTC are located in Washington, DC, and respectfully request at least 24- hours' notice of any hearing on this Motion to allow them to appear in person before the Court and to provide them time to serve Defendants with a copy of any order scheduling a hearing.

WHEREFORE, for the above-stated reasons and those set forth in the accompanying Memorandum, and the exhibits submitted in support thereof, the FTC respectfully requests that the Court grant this Motion and enter the proposed TRO, which:

- a. Temporarily restrains Defendants from further violations of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the TSR, as alleged in the Complaint;
- b. Temporarily freezes Defendants' assets;
- c. Appoints a temporary receiver to take control of Corporate Defendants Higher Goals Marketing LLC, and Sunshine Freedom Services LLC, and their assets;
- d. Temporarily restrains and enjoins Defendants from destroying or concealing documents, and from transferring, concealing, or otherwise disposing of assets;
- e. Temporarily requires third parties holding Defendants' assets to freeze those assets;
- f. Grants limited expedited discovery; and
- g. Requires Defendants to show cause why the Court should not issue a

preliminary injunction extending such temporary relief pending an adjudication on the merits.

Dated: November 30, 2017.

Respectfully submitted,

DAVID C. SHONKA
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FEDERAL TRADE COMMISSION

Certificate of Service

The undersigned counsel for the Federal Trade Commission certifies that on November 30, 2017, he provided a copy of the foregoing Emergency Motion for Noticed TRO to a process server for hand delivery, along with the Complaint and Summons in this action, on each of the following Defendants:

Higher Goals Marketing LLC, a Florida limited liability company
c/o Brandun Anderson, Registered Agent
2633 Dixie Lane, Kissimmee, Florida 34744

Sunshine Freedom Services LLC, a Florida limited liability company
c/o Gerald Starr, Jr., Registered Agent
5240 Curtis Boulevard, Cocoa, Florida 32927

Brandun L. Anderson
3716 Prairie Reserve Boulevard
Orlando, Florida 32824

Lea A. Brownell
1544 Zinnia Drive
Deltona, Florida 32725

Melissa M. Deese
16543 Cedar Run Drive
Orlando, Florida 32828

Wayne T. Norris
290 Satinwood Circle
Kissimmee, Florida 34743

Gerald D. Starr, Jr.
5240 Curtis Boulevard
Cocoa, Florida 32927

Travis L. Teel
508 Cresting Oak Circle
Orlando, Florida 32824

/s/ Joshua A. Doan