

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 15-20270-CIV-GAYLES/TURNOFF

FEDERAL TRADE COMMISSION

Plaintiff,

vs.

REGENCY FINANCIAL SERVICES, LLC,  
a Florida corporation, and

**FILED UNDER SEAL**

IVAN LEVY, individually and as an officer  
of Defendant Regency Financial Services,  
LLC,

Defendants.

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**TEMPORARY RESTRAINING ORDER, ASSET FREEZE ORDER, AND ORDER FOR  
OTHER EQUITABLE RELIEF**

Plaintiff Federal Trade Commission has filed a complaint against Defendants Regency Financial Services, LLC, and Ivan Levy, and also moved pursuant to Section 13(b) of the Federal Trade Commission Act, 15 U.S.C. § 53(b) (second proviso), for an *ex parte* temporary restraining order, asset freeze order, and order to show cause why a preliminary injunction should not issue.

**FINDINGS**

This Court has considered the Complaint; *Ex Parte* Motion for a Temporary Restraining Order; and the declarations, exhibits, and other papers filed in support of the *ex parte* motion. The Court finds that:

- A. This Court has jurisdiction over the subject matter of this case, and there is good cause to believe it will have jurisdiction over the parties.
- B. This Court is a proper venue for this case.

C. There is good cause to believe that Defendants have engaged in, and are likely to engage in the future in, acts or practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and Section 310.3 of the FTC's Telemarketing Sales Rule, 16 C.F.R. § 310.3, and that the FTC is therefore likely to succeed on the merits of this action.

D. There is good cause to believe that this temporary restraining order is in the public interest, and no private interest of the Defendants outweighs the public interest.

E. There is good cause to believe that Defendants, if informed of the *ex parte* motion, would hide assets and destroy evidence, thus immediately and irreparably damaging the Court's ability to grant complete relief, including possible monetary restitution to consumers. There is thus good cause to believe that this Order should be entered without prior notice to the Defendants.

F. Unlike private litigants, the FTC, as an agency of the United States, is not required to give security before a temporary restraining order may issue.

#### DEFINITIONS

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

A. "Asset" means anything, or any interest in anything, of economic value or that may be the subject of ownership, whether real or personal, tangible or intangible, legal or equitable, located within or outside the United States, or existing before or acquired after the date of entry of this Order, including any account, account receivables, bond, cash, certificate of deposit, chattel, check, contract, credit, currency, document, equipment, fixture, fund, good, income, inventory, instrument, investment, leasehold, line of credit, list of consumer names, mail or other deliverable, note, premises, property, receivable, revenue, security, share of stock, or trust.

B. "Defendants" means the Individual Defendants and the Corporate Defendant, individually, collectively, or in any combination.

1. "Individual Defendant" means Ivan Levy, and by whatever other names he may be known.

2. “Corporate Defendant” means Regency Financial Services, LLC, and its successors and assigns, as well as any subsidiaries, and any fictitious business entities or business names created or used by this entity.

C. “Document” has the same meaning as the term is defined in Federal Rule of Civil Procedure 34(a) and as the term “writing” is defined in Federal Rule of Evidence 1001, and shall include within its meaning any and all accounts, analyses, audio recordings, books, canceled checks, charts, check stubs, computer records, correspondence, data compilations, desk calendars, diaries, drawings, films, financial statements, graphs, inter-office memoranda or written communications of any nature, invoices, ledgers, letters, licenses, logs, memoranda, minutes of meetings, notes, notes of conversations, notes of meetings, notes of telephone calls, papers, photographs, receipts, recordings, recordings of conversations either in writing or by means of any mechanical or electrical recording device, records, reports, schedules, telegrams, telephone bills, time sheets, videotapes or video recordings, and any differing versions of the foregoing whether denominated formal, informal or otherwise, as well as copies of the foregoing which differ in any way, including handwritten notations or other written or printed matter of any nature, from the original. The foregoing specifically includes information stored in any form, including electronic form, on a computer or in a computer database or otherwise, including electronic mail.

D. “Financial Institution” means any establishment dealing with financial transactions of any kind, whether within or outside the United States, including any automated clearing house processor, bank, bank debit processing agent, brokerage house, broker-dealer, commercial mail receiving agency, commodity trading company, credit card payment processor or agent, credit union, customer service agent, escrow agent, mail holding or forwarding company, money market or mutual fund, network transaction processor, precious metal dealer, retirement fund custodian, savings and loan institution, storage company, trustee, title company, or other financial institution or depository of any kind.

E. “Person” means any individual, group, unincorporated association, limited or general partnership, corporation, or other business entity.

**I.**

**PROHIBITED BUSINESS ACTIVITIES**

IT IS THEREFORE ORDERED that Defendants, Defendants' 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 indirectly, in connection with the advertising, marketing, promotion, offering for sale, or sale of vehicle loan assistance relief services, are restrained and enjoined from:

A. Misrepresenting, or assisting others in misrepresenting, expressly or by implication:

1. That any Defendant will obtain for a consumer a loan modification that will prevent repossession and substantially reduce the consumer's loan interest rates and monthly payments;

2. Any Defendant's refund policy, including the likelihood that a consumer will obtain a full or partial refund, or the circumstances in which a full or partial refund will be provided to the consumer; or

3. Any other material fact.

**II.**

**POSTING NOTICE OF LAWSUIT ON WEBSITES**

IT IS ORDERED that Defendants, Defendants' 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 indirectly, are restrained and enjoined from:

A. Failing to immediately take whatever action is necessary to ensure that any website used by any Defendant in connection with the advertising, marketing, promotion, offering

for sale, or sale of vehicle loan assistance relief service, including the websites located at [www.SaveCarUSA.com](http://www.SaveCarUSA.com), [www.Credit-Yogi.com](http://www.Credit-Yogi.com), and [www.CarPaymentHelpCenter.com](http://www.CarPaymentHelpCenter.com), shall:

1. Prominently display the following statement:

The Federal Trade Commission has filed a lawsuit against Regency Financial Services, LLC, alleging that it has engaged in deceptive practices in connection with the advertising, marketing, promotion, offering for sale, or sale of vehicle loan assistance relief service. The United States District Court for the Southern District of Florida has issued a temporary restraining order prohibiting the alleged practices. You may obtain additional information directly from the FTC at [www.ftc.gov](http://www.ftc.gov).

2. Provide a hypertext link to the FTC's home page at [www.ftc.gov](http://www.ftc.gov), or another home page designated by counsel for the FTC.

### III.

#### ASSET FREEZE

IT IS ORDERED that Defendants, Defendants' 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 indirectly, are restrained and enjoined from:

A. Alienating, assigning, concealing, converting, disposing of, dissipating, disbursing, encumbering, granting or incurring a lien or security interest or other interest in, liquidating, loaning, pledging, removing, selling, spending, transferring, withdrawing, or otherwise disposing of any Asset, or any interest therein, that is, whether in whole or in part, directly or indirectly:

1. Controlled, managed, or owned by, or held for the benefit of, or in the actual or constructive possession of any Defendant; or
2. Controlled, managed, or owned by, or held for the benefit of, or in the actual or constructive possession of any Person that is, whether in whole or in part, directly or indirectly, controlled, managed, or owned by any Defendant, including any Assets held by or for any Defendant by any Financial Institution;

B. Cashing any check or depositing or processing any payment from any consumer, client, or customer of any of the Defendants;

C. Incurring cash advances or charges on any checking card, credit card, or debit card issued in the name, singly or jointly, of any Defendant;

D. Obtaining a personal or secured loan; and

E. Opening or causing to be opened any commercial mail box, safe deposit box, or storage facility titled in the name of any Defendant, or subject to access by any Defendant or under any Defendant's control.

*Provided, however,* that this Section does not prohibit the repatriation of Assets, as required by Section IX of this Order.

#### IV.

#### **DUTIES OF THIRD PARTIES HOLDING DEFENDANTS' ASSETS**

IT IS ORDERED that any Financial Institution or Person, which is served with a copy of this Order, or otherwise has actual or constructive knowledge of this Order, shall:

A. Hold and retain within its control and prohibit the assignment, conversion, disbursement, dissipation, encumbrance, hypothecation, liquidation, loan, pledge, removal, sale, transfer, withdrawal, or other disposal of any Asset held by or under its control that is:

1. Associated with charges, credits, or debits made on behalf of any Defendant including reserve funds or settlement funds held by payment processors or their agents, insurance companies, or other Persons;

2. Held in any account maintained in the name of, or for the benefit of, or subject to withdrawal by, any Defendant or other party subject to Section III above;

3. Held on behalf of, or for the benefit of, any Defendant or any other party subject to Section III, above; or

4. Subject to access or use by, or under the signatory power of, any Defendant or other Person subject to Section III above.

B. Deny Defendants access to any safe deposit boxes or storage facilities that are either:

1. Subject to access by any Defendant or other Person subject to Section III above; or

2. Titled in the name, individually or jointly, of any Defendant, or other Person subject to Section III above;

C. Provide the FTC, within three (3) business days of the date of service of this Order, a sworn statement setting forth:

1. The identification number of each account or Asset titled in the name, individually or jointly, of any Defendant, or held on behalf of, or for the benefit of, any Defendant or other Person subject to Section III above, including all trust accounts managed on behalf of any Defendant or subject to any Defendant's control;

2. The balance of each such account, or a description of the nature and value of such Asset;

3. The identification and location of any safe deposit box, commercial mail 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 or other party subject to Section III above, whether in whole or in part; and

4. If the account, safe deposit box, storage facility, or other Asset has been closed or removed, the date closed or removed and the balance on said date;

D. Within three (3) business days of a written request from the FTC, provide to the FTC copies of all records or other documents pertaining to each such account or Asset, including originals or copies of account applications, account statements, corporate resolutions, signature cards, checks, drafts, deposit tickets, transfers to and from the accounts, all other debit and credit instruments or slips, currency transaction reports, 1099 forms, and safe deposit box logs.

*Provided, however,* that this Section does not prohibit the repatriation of Assets, as required by Section IX of this Order.

V.

**SUSPENSION OF COLLECTION ON ACCOUNTS**

IT IS ORDERED that Defendants, Defendants' 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 indirectly, are restrained and enjoined from:

A. Assigning any right to collect, attempting to collect, or collecting any payment for any vehicle loan assistance relief service.

VI.

**FINANCIAL STATEMENTS AND ACCOUNTING**

IT IS ORDERED that no later than three (3) business days after service of this Order:

A. Each Individual Defendant shall prepare and deliver to counsel for the FTC a completed "Financial Statement of Individual Defendant" form, which is attached as **Attachment A**;

B. Each Corporate Defendant shall also prepare and deliver to counsel for the FTC a completed "Financial Statement of Corporate Defendant" form, which is attached as **Attachment B**;

C. For each business entity owned, controlled, or managed by an Individual Defendant, and for each trust of which such Individual Defendant is a trustee, regardless of whether it is a defendant in this case, each Individual Defendant shall prepare and deliver to counsel for the FTC a completed "Financial Statement of Corporate Defendant" form, which is attached as **Attachment B**;

D. Each Defendant shall also prepare and deliver to counsel for the FTC a statement, verified under oath, of all payments, transfers, or assignments of any Assets worth \$5,000 or more since January 2001. Such statements shall include: (a) the amount transferred or assigned; (b) the name of each transferee or assignee; (c) the date of the assignment or transfer; and (d) the type and amount of consideration paid by or to the Defendant. Each statement shall specify the



name and address of each Financial Institution at which Defendant has accounts or safe deposit boxes; and

E. Each Defendant shall also prepare and deliver to counsel for the FTC a detailed accounting, verified under oath, of all gross and net profits obtained from, derived from, or related in any way to the offering for sale or sale of Internet directory listings.

## VII.

### **PRESERVATION OF RECORDS**

IT IS ORDERED that Defendants, Defendants' 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 indirectly, are restrained and enjoined from:

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

B. Altering, concealing, destroying, erasing, mutilating, transferring, or otherwise disposing of, in any manner, directly or indirectly, any documents, including electronically stored materials, that relate in any way to the business practices or business or personal finances of Defendants; to the business practices or finances of entities directly or indirectly under the control of Defendants; or to the business practices or finances of entities directly or indirectly under common control with any other Defendant.

## VIII.

### **PROHIBITION ON DISCLOSING CUSTOMER INFORMATION**

IT IS ORDERED that Defendants, Defendants' 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 indirectly, are restrained and enjoined from:

A. Leasing, renting, selling, or otherwise disclosing the address, bank account number, birth date, credit card number, e-mail address, name, Social Security number, telephone number, or other financial or identifying personal information of any Person from whom or about whom any Defendant obtained such information in connection with the advertising, marketing, promotion, offering for sale, or sale of vehicle loan assistance relief services; and

B. Benefitting from or using the address, bank account number, birth date, credit card number, e-mail address, name, Social Security number, telephone number, or other financial or identifying personal information of any Person from whom or about whom any Defendant obtained such information in connection with the advertising, marketing, promotion, offering for sale, or sale of vehicle loan assistance relief services.

*Provided, however,* 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.

## IX.

### REPATRIATION OF ASSETS AND DOCUMENTS

IT IS ORDERED that Defendants 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 held by or for Defendants or under Defendants' direct or indirect control, jointly, severally, or individually, that were transferred outside the territory of the United States from within the territory of the United States.

B. Within three (3) business days following service of this Order, provide the FTC 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 are held by or for any Defendant or are under any Defendant's direct or indirect control, jointly, severally, or individually, including the addresses

and names 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 disposition, dissipation, or transfer whatsoever of any such Documents or Assets.

D. Within three (3) business days following service of this Order, provide the FTC access to Defendants' Documents held by Financial Institutions or other entities outside the territorial United States, by signing and delivering to the FTC's counsel the Consent to Release of Financial Records attached to this Order as **Attachment C**.

## X.

### INTERFERENCE WITH REPATRIATION

IT IS ORDERED that Defendants, Defendants' 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 indirectly, are restrained and enjoined from:

A. Taking any action that may result in the encumbrance or dissipation of Assets held by or for Defendants or under Defendants' direct or indirect control, jointly, severally, or individually, that were transferred outside the territory of the United States from within the territory of the United States, or in the hindrance of the repatriation required by the preceding Section IX of this Order, including:

1. Sending any e-mail, facsimile, letter, statement, 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 all Assets have been fully repatriated pursuant to the preceding Section of this Order.

2. 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 re-

quired pursuant to a court order, until all Assets have been fully repatriated pursuant to the preceding Section of this Order.

**XI.**

**DISTRIBUTION OF ORDER BY DEFENDANTS**

IT IS ORDERED that Defendants shall immediately provide a copy of this Order to each of their corporations, subsidiaries, affiliates, partners, divisions, sales entities, successors, assigns, members, officers, directors, employees, independent contractors, agents, servants, attorneys, spouses, representatives, and any other persons in active concert or participation with them. Within five (5) business days following service of this Order, Defendants shall serve on the FTC an affidavit identifying the name, title, addresses, telephone numbers, date of service, and manner of service of the persons Defendants have served with a copy of this Order in compliance with this provision.

**XII.**

**SERVICE OF ORDER**

IT IS ORDERED that copies of this Order may be served by facsimile transmission, personal or overnight delivery, first class mail, electronic mail, or personally, by agents and employees of the FTC or any state, provincial, federal, or international law enforcement agency, or by private process server, on: (1) Defendants; (2) any Financial Institution or Person that holds, controls, or maintains custody of any Documents or Assets of any Defendant; or (3) any other Financial Institution or Person 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.

**XIII.**

**CONSUMER REPORTING AGENCIES**

IT IS FURTHER that, pursuant to Section 604 of the Fair Credit Reporting Act, 15 U.S.C. § 1681b, any consumer reporting agency shall furnish a consumer or credit report concerning any Defendant to the FTC.

**XIV.**

**SERVICE UPON PLAINTIFF**

IT IS ORDERED that any correspondence, papers, and pleadings related to this Order shall be served upon Plaintiff by electronic mail, or overnight mail, courier delivery, or facsimile if electronic mail is not feasible, to:

Federal Trade Commission  
Attn: Anna M. Burns  
225 Peachtree Street, Suite 1500  
Atlanta, GA 30303  
Fax: (404) 656-1379  
Email: [aburns@ftc.gov](mailto:aburns@ftc.gov)

**XV.**

**DURATION OF TEMPORARY RESTRAINING ORDER**

IT IS ORDERED that the Temporary Restraining Order granted herein shall expire on February 11, 2015, at 3:30 P.M. (EST), 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.

**XVI.**

**ORDER TO SHOW CAUSE REGARDING PRELIMINARY INJUNCTION**

IT IS ORDERED that each Defendant shall appear before this Court on February 11, 2015, at 1:30 P.M. (EST), at the Wilkie D. Ferguson, Jr. United States Courthouse, Courtroom 11-1, 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 them from further violations of the Fair Trade Commission Act, continuing the freeze of their assets, and imposing such additional relief as may be appropriate.

**XVII.**

**SERVICE OF PLEADINGS, MEMORANDA, AND OTHER EVIDENCE**

IT IS ORDERED that Defendants shall file with the Court and serve on the FTC's counsel any answering affidavits, pleadings, motions, expert reports or declarations, and/or legal memoranda no later than four (4) business days prior to the hearing on the FTC's request for a preliminary injunction.

The FTC may file responsive or supplemental pleadings, materials, affidavits, or memoranda with the Court and serve the same on counsel for Defendants no later than one (1) day prior to the preliminary injunction hearing in this matter, provided that service shall be performed by personal or overnight delivery, electronic filing, electronic mail, or facsimile.


Documents shall be delivered so that they shall be received by the other parties no later than 4:00 P.M. (EST) on the appropriate dates listed in this Section.

**XVIII.**

**RETENTION OF JURISDICTION**

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

**DONE AND ORDERED** in Chambers at Miami, Florida this 27th day of January, 2015.

  
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Honorable Darrin P. Gayles  
United States District Judge