

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

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

Case No: 6:23-cv-1041-WWB-DCI

UNDER SEAL

VISION ONLINE, INC., GANADORES  
IBR, INC., VISION ONLINE DIGITAL,  
LLC, VISION ONLINE ENGLISH, LLC,  
VISION ONLINE LATINO, LLC,  
RICHARD ALVAREZ, SARA ALVAREZ,  
ROBERT SHEMIN, and BRYCE  
CHAMBERLAIN,

Defendants.

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**ORDER**

THIS CAUSE is before the Court on the Federal Trade Commission's ("**FTC**") *Ex Parte* Motion to Seal Docket and Entire Case File Temporarily ("**Motion to Seal**," Doc. 2), *Ex Parte* Motion for Temporary Restraining Order ("**Motion for TRO**," Doc. 3), *Ex Parte* Request for Monitor (Doc. 5), and *Ex Parte* Motion for Leave to File Memorandum of Law in Excess of 25 Pages (Doc. 6).

In consideration of the FTC's Motion to Seal, it is **ORDERED** that, good cause having been shown, the Motion to Seal (Doc. 2) is **GRANTED**, and the docket sheet and all pleadings and papers filed in the above-captioned matter shall be sealed. The seal shall lift automatically without further order of the Court at 5:00 p.m., five business days after the date of this Order unless the FTC moves to continue the seal before it is automatically lifted, in which case the seal shall remain in place until this Court rules on

such a motion. This Order shall only be construed to prohibit disclosure of any of the sealed information by the Office of the Clerk of the Court. This Order shall not be construed to prohibit service or other disclosure by the FTC and Court-appointed Receiver, or those acting on either the FCT's or Receiver's behalf. Additionally, the Court finds that good cause to exceed the page limitation has been shown and the FTC's *Ex Parte* Motion for Leave to File Memorandum of Law in Excess of 25 Pages (Doc. 6) is **GRANTED**.

### **TEMPORARY RESTRAINING ORDER**

The FTC has filed its Complaint for Permanent Injunction, Monetary Relief, and Other Relief ("**Complaint**," Doc. 1) pursuant to the Federal Trade Commission Act ("**FTC Act**"), 15 U.S.C. §§ 45(m)(1)(A)–(B), 53(b), and 57b, the Business Opportunity Rule, the Cooling-Off Rule, and the Consumer Review Fairness Act ("**CRFA**"), 15 U.S.C. § 45b, and have moved, pursuant to Federal Rule of Civil Procedure 65(b), for an *ex parte* TRO.

The Court, having considered the Complaint, the *ex parte* Motion for TRO, and all declarations, exhibits, and the memorandum of points and authorities attached in support, and being otherwise advised, **GRANTS** the FTC's Motion for TRO and **FINDS** and **ORDERS** as follows:

#### **I. FINDINGS**

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

B. There is good cause to believe that in numerous instances, Defendants, in the sale of workshops, mentoring, and business opportunities ("**Defendants' Products**"): (1) have made material misrepresentations regarding earnings claims and the nature of services

provided to purchasers of their products; (2) posted deceptive reviews and testimonials; (3) provided key documents in a language other than the one Defendants used to offer their products for sale; (4) failed to provide required disclosures; (5) failed to notify consumers properly that they have only three days to cancel; and (6) suppressed consumer complaints.

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), the Business Opportunity Rule, the Cooling-Off Rule, and the CRFA and that the FTC is therefore likely to prevail on the merits of this action.

D. There is good cause to believe that Defendants have collected gross revenues of at least \$30 million in connection with their unlawful practices.

E. There is good cause to believe that immediate and irreparable harm will result from Defendants' ongoing violations of the FTC Act, the Business Opportunity Rule, the Cooling-Off Rule, and the CRFA unless Defendants are restrained and enjoined by order of this Court.

F. There is good cause to believe that immediate and irreparable damage to the Court's ability to grant effective final relief for consumers—including monetary restitution, rescission, or refunds—will occur from the sale, transfer, destruction or other disposition or concealment by Defendants of their assets or records, unless Defendants are immediately restrained and enjoined by order of this Court; and that, in accordance with Rule 65(b), the interests of justice require that this Order be granted without prior notice to Defendants. Thus, there is good cause for relieving the FTC of the duty to provide Defendants with prior notice of its Motion for TRO.

G. Good cause exists for appointing a temporary monitor over the Corporate Defendants, preserving Corporate Defendants' assets and documents, freezing Individual Defendants' assets, permitting the FTC and the Monitor immediate access to the Defendants' business premises, and permitting the FTC and the Monitor to take expedited discovery.

H. Weighing the equities and considering the FTC's likelihood of ultimate success on the merits, a temporary restraining order with an asset freeze, the appointment of a temporary monitor, immediate access to business premises, expedited discovery, and other equitable relief is in the public interest.

I. This Court has authority to issue this Order pursuant to 15 U.S.C. §§ 53(b), 57b; Fed. R. Civ. P. 65; and 28 U.S.C. § 1651.

J. 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 the purpose of this Order, the following definitions shall apply:

A. **"Corporate Defendants"** means Vision Online, Inc., Ganadores IBR, Inc., Vision Online Digital, LLC, Vision Online English, LLC, Vision Online Latino, LLC, and each of their subsidiaries, affiliates, successors, and assigns.

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

C. **"Document"** is synonymous in meaning and equal in scope to the usage of "document" and "electronically stored information" in Federal Rule of Civil Procedure 34(a) and includes writings, drawings, graphs, charts, photographs, sound and video

recordings, images, internet sites, web pages, websites, electronic correspondence, including e-mail and instant messages, contracts, accounting data, advertisements, FTP Logs, Server Access Logs, books, written or printed records, handwritten notes, telephone logs, telephone scripts, receipt books, ledgers, personal and business canceled checks and check registers, bank statements, appointment books, computer records, customer or sales databases, and any other electronically stored information, including Documents located on remote servers or cloud computing systems, and other data or data compilations from which information can be obtained directly or, if necessary, after translation into a reasonably usable form. A draft or non-identical copy is a separate document within the meaning of the term.

D. **“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.

E. **“Earnings Claim(s)”** means any representation, specific or general, about income, revenues, financial gains, percentage gains, profit, net profit, gross profit, or return on investment. Earnings Claims include, but are not limited to: (a) any chart, table, or mathematical calculation that demonstrates possible results based upon a combination of variables; (b) any statements from which a prospective purchaser can reasonably infer that he or she will earn a minimum level of income (e.g., “earn enough money to buy a Porsche,” “earn a six-figure income,” or “earn your investment back within one year”); (c) references to quitting one’s job, not having to work, or living off income from online sales or real estate investing; (d) references to increased purchases or savings, including a

home, cars, boats, vacations, or travel; (e) any statements, claims, success stories, endorsements, or testimonials about the performance or profitability of representatives, endorsers, instructors or customers; and (f) any representation, even hypothetical, of how much money a consumer could or would earn.

F. **“General Media”** means all print, electronic, internet, social networking, radio, and other media outlets.

G. **“Individual Defendant(s)”** means Richard Alvarez, Sara Alvarez, Robert Shemin, and Bryce Chamberlain, individually, collectively, or in any combination.

H. **“Monitor”** means the temporary monitor appointed by this Order and any deputy monitors that shall be named by the temporary monitor.

I. **“Monitored Entities”** means Corporate Defendants and any other entity that has conducted any business related to the marketing or sale of Defendants’ Products, including receipt of assets derived from any activity that is the subject of the Complaint in this matter, and that the Monitor determines is controlled or owned by any Defendant.

J. **“Person”** means any natural person or any entity, corporation, partnership, or association of persons.

### III. **PROHIBITED BUSINESS ACTIVITIES**

Defendants and their officers, agents, employees, and attorneys, and all other persons in active concert or participation with them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or indirectly, in connection with the advertising, marketing, promoting, or offering for sale of any goods or services, are temporarily restrained and enjoined from:

A. Making any Earnings Claims, unless, the Earnings Claim is non-misleading; and at the time the Earnings Claims are made, Defendants: (1) have a reasonable basis for the claim; (2) have in their possession written materials that substantiate the claimed earnings and that the claimed earnings are typical for consumers similarly situated to those to whom the claim is made; and (3) make the written substantiation for Earnings Claims available upon request to the consumer, potential purchaser or investor, the Monitor, and Plaintiff;

B. Misrepresenting or assisting others in misrepresenting, expressly or by implication that consumers: (1) will learn everything they need to know at Defendants' three-day workshops to make substantial income through real estate investment or online selling; (2) will complete their first real estate deal during or immediately after the real estate investment workshop; and (3) who pay for and attend a real estate bootcamp will complete a profitable real estate deal at the bootcamp;

C. Misrepresenting or assisting others in misrepresenting, expressly or by implication that Defendants' Products:

1. will allow purchasers to earn thousands of dollars in profit without needing a significant amount of money, good credit, or legal immigration status to succeed;
2. are only offered for a limited time;
3. can only be purchased at the workshop;
4. are only offered to selected consumers vetted by Defendants to ensure they will be successful;
5. provide purchasers with 100 percent funding for real estate deals; or

6. provide purchasers with personalized assistance from experts or mentors who will walk consumers through completing real estate deals, including helping them find offers, drafting contracts, and obtaining funding;

D. Misrepresenting that: (1) Defendants need detailed financial information from consumers to determine if the consumers qualify for a mentoring package; and (2) consumers should increase their credit card limits and apply for additional credit cards to finance real estate deals;

E. Making false testimonials about Defendants or Defendants' Products, or failing to disclose that positive reviews of, and testimonials about, Defendants or Defendants' Products have been from Corporate Defendants' owners, officers, employees, or agents;

F. Providing purchasers of Defendants' Products with any documents in a language different from the one Defendants used to offer Defendants' Products for sale, including purchase agreements that outline the cancellation policy and include other material terms of purchase;

G. Failing to furnish buyers with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language as that principally used in the oral sales presentation, a "NOTICE OF CANCELLATION" or "NOTICE OF RIGHT TO CANCEL" in duplicate, that buyers can use to cancel the transaction, and orally inform buyers of their right to cancel the transaction; and

H. Offering provisions in form contracts that (1) prohibit or restrict individual consumers' ability to communicate reviews, performance assessments, and similar analyses about a seller's goods, services, or conduct; or (2) that impose a penalty or fee against individual consumers who engage in such communications.



#### **IV. PROHIBITION ON RELEASE OF CUSTOMER INFORMATION**

Defendants and their officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are hereby temporarily restrained and enjoined from:

A. Selling, renting, leasing, transferring, or otherwise disclosing, the name, address, birth date, telephone number, e-mail address, credit card number, bank account number, Social Security number, or other financial or identifying information of any person that any Defendant obtained in connection with any activity that pertains to the subject matter of this Order; and

B. Benefitting from or using the name, address, birth date, telephone number, e-mail address, credit card number, bank account number, Social Security number, or other financial or identifying information of any person that any Defendant obtained in connection with any activity that pertains to the subject matter of this Order.

Provided, however, that Defendants may disclose such identifying information to a law enforcement agency, to their attorneys as required for their defense, as required by any law, regulation, or court order, or in any filings, pleadings, or discovery in this action in the manner required by the Federal Rules of Civil Procedure and by any protective order in the case.

#### **V. PRESERVATION OF RECORDS AND ASSETS**

Defendants and their officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of

this Order, whether acting directly or indirectly, are hereby temporarily restrained and enjoined from:

A. Destroying, erasing, falsifying, writing over, mutilating, concealing, altering, transferring, or otherwise disposing of, in any manner, directly or indirectly, Documents that relate to: (1) the business, business practices, Defendants' Products, marketing, assets, or business or personal finances of any Defendant; (2) the business practices or finances of entities directly or indirectly under the control of any Defendant; or (3) the business practices or finances of entities directly or indirectly under common control with any other Defendant;

B. Disbursing, spending, liquidating, or assigning any Corporate Defendant's assets in the amount of \$5,000 or greater, in any manner, directly or indirectly, without the Monitor's prior approval, except that each Corporate Defendant may make the following payments without Monitor approval for obligations due during the pendency of this Order that do not exceed \$5,000:

1. Payments of reasonable and customary expenses to fulfill contractual obligations to third parties other than the Individual Defendants;
2. Payments to fulfill federal, state, and local tax obligations;
3. Payments to employees that are reasonable and customary—but not including payments to the directors, owners, officers, or Individual Defendants—as required under the Fair Labor Standards Act or other state laws; and

C. Failing to create and maintain Documents that, in reasonable detail, accurately, fairly, and completely reflect Defendants' incomes, revenues, disbursements, transactions, and use of Defendants' assets.

## **VI. ASSET FREEZE OF INDIVIDUAL DEFENDANTS' ASSETS**

The Individual Defendants and their agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are hereby temporarily restrained and enjoined from:

A. Transferring, liquidating, converting, encumbering, pledging, loaning, selling, concealing, dissipating, disbursing, assigning, relinquishing, spending, withdrawing, granting a lien or security interest or other interest in, or otherwise disposing of any assets that are:

1. owned or controlled, directly or indirectly, by any Individual Defendant;
2. held, in part or in whole, for the benefit of any Individual Defendant;
3. in the actual or constructive possession of any Individual Defendant; or
4. owned or controlled by, 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 Individual Defendant.

B. Opening or causing to be opened any safe deposit boxes, commercial mailboxes, or storage facilities titled in the name of any Individual Defendant or subject to access by any Individual Defendant, except as necessary to comply with written requests from the Monitor acting pursuant to its authority under this Order;

C. Incurring charges or cash advances on any credit, debit, or ATM card issued in the name, individually or jointly, of any Corporate Defendant or any corporation, partnership, or other entity directly or indirectly owned, managed, or controlled by any Individual

Defendant or of which any Individual Defendant is an officer, director, member, or manager. This includes any corporate bankcard or corporate credit card account for which any Individual Defendant is, or was on the date that this Order was signed, an authorized signor; or

D. Cashing any checks or depositing any money orders or cash received from consumers, clients, or customers of any Individual Defendant.

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

## **VII. DUTIES OF ASSET HOLDERS OF DEFENDANTS' ASSETS AND OTHER THIRD PARTIES**

Any financial or brokerage institution, Electronic Data Host, credit card processor, payment processor, merchant bank, acquiring bank, independent sales organization, third party processor, payment gateway, insurance company, business entity, or person who receives actual notice of this Order, by service or otherwise, that has: (a) held, controlled, or maintained custody, through an account or otherwise, of any Document on behalf of any Defendant or any asset that has been owned or controlled, directly or indirectly, by any Defendant, is held, in part or in whole, for the benefit of any Defendant, is in the actual or constructive possession of any Defendant, or is owned or controlled by, 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; (b) held, controlled, or maintained custody, through an account or otherwise, of any Document or asset associated with credits, debits, or charges made on behalf of any Defendant, including reserve funds held by payment processors, credit card processors, merchant banks, acquiring banks, independent sales organizations, third party processors, payment gateways, insurance companies, or other entities; or (c) has extended credit to any Defendant, including through a credit card account, shall:

A. With respect only to Individual Defendants hold, preserve, and retain within its control and prohibit the withdrawal, removal, alteration, assignment, transfer, pledge, encumbrance, disbursement, dissipation, relinquishment, conversion, sale, or other disposal of any such Document or asset of any Individual Defendant, as well as all Documents or other property related to such assets, except by further order of this Court; provided, however, that this provision does not prohibit an Individual Defendant from incurring charges on a personal credit card established prior to entry of this Order, up to the pre-existing credit limit;

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

C. Within three days of receiving a copy of this Order, provide the FTC's counsel and the Monitor a sworn statement setting forth, for each asset or account covered by this Section:

1. The identification number of each such 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 this Order is served, and, if the account or other 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 other asset was remitted; and
3. The identification of any safe deposit box, commercial mailbox, or storage facility that is either titled in the name, individually or jointly, of any Individual Defendant, or is otherwise subject to access by any Individual Defendant; and

D. Upon the request of the FTC's counsel or the Monitor, promptly provide them with copies of all records or other Documents pertaining to any account or asset covered by this Section, including originals or copies of account applications, account statements, 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 safe deposit boxes, commercial mailboxes, and storage facilities.

#### **VIII. FINANCIAL DISCLOSURES**

Each Defendant, within five days of service of this Order upon them, shall prepare and deliver to the FTC's counsel and the Monitor:

- A. Completed financial statements on the forms attached to the Motion for TRO as **Attachment D** (Financial Statement of Individual Defendant, Doc. 3-135) for each Individual Defendant and **Attachment E** (Financial Statement of Corporate Defendant, Doc. 3-136) for each Corporate Defendant; and

B. Completed **Attachment F** (IRS Form 4506, Request for Copy of a Tax Return, Doc. 3-137) for each Individual and Corporate Defendant.

C. A detailed accounting of: (1) each Individual Defendant's net income (or loss) from real estate investment, whether actively (e.g., flipping, wholesaling, etc.) or passively (e.g., making loans, rental income—including AirBnB rentals, etc.) for the years 2019, 2020, 2021, 2022, and 2023; (2) each Individual Defendant's net income (or loss) from online selling of goods (including selling goods through Amazon and Shopify websites) for the years 2019, 2020, 2021, 2022, and 2023.

#### **IX. REPATRIATION AND ACCOUNTING OF FOREIGN ASSETS**

Within five days of the service of this Order, each Defendant shall:

A. Provide the FTC's counsel and the Monitor with a full accounting, verified under oath and accurate as of the date of this Order, of all assets, Documents, and accounts outside of the United States that are: (1) titled in the name, individually or jointly, of any Defendant; (2) held by any Person for the benefit of any Defendant or 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 (3) under the direct or indirect control, whether jointly or singly, of any Defendant;

B. Take all steps necessary to provide the FTC's counsel and the Monitor with access to all Documents and records relating to Defendants that may be held by third parties located outside of the territorial United States of America, including signing the Consent to Release of Financial Records (Doc. 3-138) attached to the Motion for TRO as **Attachment G**.

C. Transfer to the territory of the United States all Documents and assets located in foreign countries that are: (1) titled in the name, individually or jointly, of any Individual Defendant; (2) held by any person or entity for the benefit of any Individual Defendant or for the benefit of, any corporation, partnership, asset protection trust, or other entity that is directly or indirectly owned, managed, or controlled by any Individual Defendant; or (3) under the direct or indirect control, whether jointly or singly, of any Individual Defendant; and

D. The same business day as any repatriation: (1) notify the Monitor and counsel for the FTC of the name and location of the financial institution or other entity that is the recipient of such Documents or assets; and (2) serve this Order on any such financial institution or other entity.

**X. NON-INTERFERENCE WITH REPATRIATION OF INDIVIDUAL DEFENDANTS' ASSETS**

Individual Defendants and their agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are hereby temporarily restrained and enjoined from taking any action, directly or indirectly, that may result in the encumbrance or dissipation of foreign assets, or in the hindrance of the repatriation required by this Order, including, but not limited to:

A. Sending any communication 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 all Individual Defendants’ assets have been fully repatriated pursuant to this Order; or



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 that all Individual Defendants' assets have been fully repatriated pursuant to this Order.

#### **XI. CONSUMER CREDIT REPORTS**

The FTC's counsel and the Monitor may obtain credit reports concerning any Defendant pursuant to the Fair Credit Reporting Act, 15 U.S.C. § 1681b(a)(1), and, upon written request, any credit reporting agency from which such reports are requested shall provide them to Plaintiff.

#### **XII. REPORT OF NEW BUSINESS ACTIVITY**

Defendants and their officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are hereby temporarily restrained and enjoined from creating, operating, or exercising any control over any business entity, whether newly formed or previously inactive, including any partnership, limited partnership, joint venture, sole proprietorship, limited liability company, or corporation, without first providing the FTC's counsel and the Monitor with a written statement disclosing: (1) the name of the business entity; (2) the address and telephone number 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.

### **XIII. TEMPORARY MONITOR**

The FTC's *Ex Parte* Request for Monitor (Doc. 5) is **GRANTED**. Mark J. Bernet, Esq. (the "**Monitor**") is appointed as temporary Monitor of the Monitored Entities and any of their affiliates, subsidiaries, successors, and assigns, wherever located. The Monitor shall be solely the agent of this Court in acting as Monitor under this Order. The Monitor shall be accountable directly to this Court.

The Monitor shall have the following duties and authority:

- A. Monitor the Monitored Entities' compliance with this Order by: (1) identifying and reviewing their marketing materials, live events, recordings of live events, live and recorded telephone calls, call logs, call detail records, reports, or other Documents that reflect the Monitored Entities' marketing, advertising, promotion, distribution, offer for sale, or sale or fulfillment of Defendants' Products; (2) ensuring the Monitored Entities provided actual notice of this Order, by personal service or otherwise, to their employees and independent contractors, including, but not limited to, vendors, presenters, instructors, coaches, mentors, sales agents, distributors, subsidiaries, and any other entities or persons who participate in the marketing, advertising, promotion, distribution, offer for sale, or sale of Defendants' Products, and have taken appropriate steps to ensure their compliance with the conduct prohibitions provided in this Order; and (3) whatever other means the Monitor finds appropriate.
- B. Identify and review the Monitored Entities' records and financial transactions, including bank records, as they relate to the practices charged in the Complaint or to Defendants' Products and ensure that all such related documents are preserved;

C. Identify and review the Individual Defendants' financial records and financial transactions as they relate to the practices charged in the Complaint and ensure that all such Documents are preserved;

D. Identify and inventory all assets of the Monitored Entities, including but not limited to:

1. Conducting an accounting of the Monitored Entities' Assets; and
2. Opening and inventorying any safe deposit boxes, commercial mailboxes, or storage facilities titled in the name of any Monitored Entity, either individually or jointly, or subject to access by any Monitored Entity;

E. Review and authorize any Monitored Entities' request to:

1. Incur reasonable charges or cash advances on any credit or bank card issued in the name, individually or jointly, of any Monitored Entity or any corporation, partnership, or other entity directly or indirectly owned, managed, or controlled by any Monitored Entity or of which any Monitored Entity is an officer, director, member, or manager, including but not limited to corporate bank cards or corporate credit card accounts for which any Defendant is, or was on the date that this Order was signed, an authorized signor;
2. Make reasonable payments to fulfill contractual obligations to third parties other than the Individual Defendants;
3. Make payments to fulfill federal, state, and local tax obligations; and
4. Make reasonable and customary payments to the Monitored Entities' employees—other than the directors, owners, officers, or the Individual

Defendants—as required under the Fair Labor Standards Act or other state laws;

F. Maintain accurate records of all receipts and expenditures of the Monitored Entities;

G. Maintain accurate records of all receipts and expenditures incurred as Monitor;

H. The Monitor shall have immediate, unfettered access to all information or Documents the Monitor deems necessary to carry out the Monitor’s duties pursuant to this Order, to the same extent as the Monitored Entities themselves are allowed by right, contract, or practice including, but not limited to:

1. Access to all Documents pertaining to the Monitored Entities’ business activities and finances related to the practices charged in the Complaint or Defendants’ Products wherever located and in whoever’s custody or control;
2. Access to all property or premises in possession of, owned by, or under the control of the Monitored Entities related to the practices charged in the Complaint or Defendants’ Products, wherever located;
3. The right to interview any current or former employee, independent contractor, principal, owner, manager, or member of the Monitored Entities, including Individual Defendants, to obtain and copy pertinent information including, but not limited to, the name, home address, Social Security number, job description, company history, passwords or access codes, method of compensation, and all accrued and unpaid commissions and compensation of each such employee;

4. The right to interview any Monitored Entity's current or former officer, manager, independent contractor, subcontractor, financial institution, vendor, telecommunications provider, agent, service bureau, or other entity involved in the provision of any services from, to, or on behalf of the Monitored Entities, including Individual Defendants to obtain and copy pertinent information;
  5. Access to all Documents of any officer, manager, independent contractor, employee, or agent of any Monitored Entity pertaining to the Monitored Entities' business activities and finances related to the practices charged in the Complaint or Defendants' Products;
  6. The right to copy or image all Documents that the Monitor deems necessary to carry out the Monitor's duties pursuant to this Order, including any documents in the custody or control of Individual Defendants; and
  7. The right to issue subpoenas to obtain Documents and records pertaining to the Monitored Entities, and conduct discovery in this action that the Monitor deems necessary to carry out the Monitor's duties pursuant to this Order;
- I. The Monitor is authorized to choose, engage, and employ attorneys, investigators, accountants, appraisers, and other independent contractors and technical specialists, as the Monitor deems advisable or necessary in the performance of duties and responsibilities under the authority granted by this Order. The Monitor is also authorized to obtain the assistance of the United States Marshal's office and other federal, state, and local law enforcement officers as the Monitor deems necessary to fulfill the duties set forth in this Section. If requested by the Monitor, the United States Marshal shall provide, and state or local law enforcement may provide, appropriate and necessary assistance to the

Monitor to implement this Order and is authorized to use any necessary and reasonable force to do so.

J. Upon determining that a nonparty entity is a Monitored Entity, the Monitor shall promptly notify the entity as well as the parties, and shall inform the entity that it can challenge the Monitor's determination by filing a motion with the Court;

K. The Monitor may apply to the Court for any relief necessary or appropriate to ensure the Monitor can carry out his duties; and

L. If, at any time, the Monitor determines that the Monitored Entities are not in substantial compliance with this Order, the Monitor shall notify the Court immediately.

Prior to the preliminary injunction show cause hearing set by this Order, the Monitor is directed to report to this Court on the Monitor's findings, including:

A. The Monitored Entities' compliance with this Order;

B. An accounting of the Monitored Entities' financial transactions as they relate to the practices charged in the Complaint or Defendants' Products;

C. A description of the Monitored Entities' corporate structures including all parents, subsidiaries, whether wholly or partially owned, divisions, whether incorporated or not, affiliates, branches, charters, joint ventures, partnerships, franchises, operations under assumed names, and all ownership interests of the Monitored Entities.

The Monitor and all personnel hired by the Monitor, as herein authorized, including counsel to the Monitor and the Monitor's 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, in the possession or control of, or which may be received by, the Monitored Entities. The

Monitor 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 days after the date of entry of this Order. The Monitor shall not increase the hourly rates used as the bases for such fee applications without prior approval of the Court.

#### **XIV. PROVISION OF INFORMATION TO THE MONITOR**

Defendants shall provide to the Monitor, immediately upon request, without need of any subpoena or further order, the following:

- A. A list of all Documents pertaining to the Monitored Entities' Earnings Claims and other representations related to the marketing, advertising, promotion, offer for sale, or sale of Defendants' Products, including any such Documents belonging to other persons or entities whose interests are under the direction, custody, or control, or in the possession, of the Monitored Entities;
- B. A list of all assets and accounts of the Monitored Entities, including assets of the Monitored Entities that are held in any name other than the name of a Monitored Entity or by any Person other than a Monitored Entity;
- C. A list of all assets and Documents belonging to other Persons whose interests are under the direction, custody, or control, or in the possession of the Monitored Entities;
- D. A list of all locations where Documents of the Monitored Entities are located and the means to access such Documents within five hours of the Monitor's request;
- E. Access to all Documents of the Monitored Entities including, but not limited to, books and records of accounts, all financial and accounting records, balance sheets, income statements, bank records (including monthly statements, canceled checks,

records of wire transfers, and check registers), client lists, title Documents, and other papers that relate to the practices charged in the Complaint or Defendants' Products;

F. Access to all computers, electronic devices, mobile devices, and machines, onsite or remotely, and any cloud account, including specific method to access account (e.g., login credentials), electronic file in any medium, or other data in whatever form used to conduct the business of the Monitored Entities;

G. Copies of all keys, codes, usernames, and passwords necessary to gain or to secure access to any Assets or Documents of the Monitored Entities including, but not limited to, access to their business premises, means of communication, accounts, computer systems, or other property; and

H. A list of all agents, employees, independent contractors, officers, attorneys, servants, and those Persons in active concert and participation with the Monitored Entities, or who have been associated or done business with the Monitored Entities.

#### **XV. COOPERATION WITH THE MONITOR**

Defendants, the Monitored Entities, and their officers, agents, employees, and attorneys, all other Persons in active concert or participation with any of them, and all other persons or entities served with a copy of this Order shall fully cooperate with and assist the Monitor. This cooperation and assistance shall include, but is not limited to, providing information to the Monitor that the Monitor deems necessary to exercise the authority and discharge the responsibilities of the Monitor under this Order; providing any keys, codes, user names, and passwords required to access any computers, electronic devices, mobile devices, machines, onsite or remotely, and any cloud account, including specific method to access account, or electronic file in any medium; informing the Monitor



of all Persons who owe money to any Monitored Entity; transferring funds at the Monitor's direction; and producing Documents related to the assets and sales and refunds of the Monitored Entities. The entities obligated to cooperate with the Monitor 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, 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 all common carriers, telecommunications companies, and third-party billing agents.

**XVI. NON-INTERFERENCE WITH THE MONITOR**

Defendants, the Monitored Entities, and their officers, agents, 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 are hereby restrained and enjoined from directly or indirectly:

- A. Interfering with the Monitor's efforts to carry out its duties under this Order, including but not limited to interfering with the Monitor's efforts to review Documents or claims related to the Monitored Entities' marketing, advertising, promotion, offer for sale, or sale of the Defendants' Products;
- B. Interfering with the Monitor's efforts to inventory or review the assets or Documents of the Monitored Entities;
- C. Destroying, secreting, defacing, transferring, or otherwise altering or disposing of any Documents of the Monitored Entities;

D. 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 Monitored Entities except as provided in this Order;

E. Refusing to cooperate with the Monitor or the Monitor's duly authorized agents in the exercise of their duties or authority under any order of this Court; and

F. Failing to provide any assistance or information requested by the Monitor in connection with the performance of the Monitor's duties under this Order.

#### **XVII. IMMEDIATE ACCESS TO BUSINESS PREMISES AND RECORDS**

The FTC and the Monitor, and their representatives, agents, contractors, and assistants, shall have immediate access to the business premises, records, and storage facilities, owned, controlled, or used by the Monitored Entities to allow the FTC and the Monitor to preserve assets and evidence relevant to this action and to expedite discovery. Such locations include, but are not limited to, 733 West Colonial Drive, Orlando, Florida 32804, and any offsite location or commercial mailbox used by the Monitored Entities.

If any Documents, computers, or electronic storage devices containing information related to the business practices or finances of the Monitored Entities are at a location other than that listed above, including the personal residence of any Defendant, then, immediately upon receiving notice of this Order, Defendants and the Monitored Entities shall produce to the Monitor all such Documents, computers, and electronic storage devices, along with any codes or passwords needed for access. To prevent the destruction of computer data, upon service of the 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.

If any communications or records of any Monitored Entity are stored with an Electronic Data Host, such entity shall, immediately upon receiving notice of this Order, provide the Monitor 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.

The FTC and the Monitor, and their representatives, agents, contractors, and assistants, are authorized to remove Documents from the Monitored Entities' premises in order that they may be inspected, inventoried, and copied. The FTC shall return any removed materials to the Monitor within five business days of completing inventorying and copying, or such time as is agreed upon by the FTC and the Monitor.

The FTC's access to the Monitored Entities' Documents pursuant to this Section shall not provide grounds for any Defendant to object to any subsequent request for Documents served by Plaintiff.

The FTC and the Monitor, and their representatives, agents, contractors, and assistants, are authorized to obtain the assistance of federal, state, and local law enforcement officers as they deem necessary to effect service and to implement peacefully the provisions of this Order.

#### **XVIII. DISTRIBUTION OF ORDER BY DEFENDANTS**

Defendants shall immediately provide a copy of this Order to each affiliate, telemarketer, marketer, sales entity, successor, assign, member, officer, director, employee, agent, independent contractor, client, attorney, spouse, subsidiary, division,

and representative of any Defendant, and shall, within ten days from the date of entry of this Order, provide the FTC and the Monitor with a sworn statement that this provision of the Order has been satisfied, which statement shall include the names, physical addresses, phone number, and e-mail addresses of each such Person who received a copy of the Order. Furthermore, Defendants shall not take any action that would encourage officers, agents, members, directors, employees, salespersons, independent contractors, attorneys, subsidiaries, affiliates, successors, assigns, or other Persons or entities in active concert or participation with them to disregard this Order or believe that they are not bound by its provisions.

#### **XIX. EXPEDITED DISCOVERY**

Notwithstanding the provisions of Federal Rules of Civil Procedure 26(d), (f) and 30(a)(2)(A)(iii), and pursuant to Rules 30(a), 33, 34, and 45, the FTC and the Monitor are granted leave, at any time after service of this Order, to conduct limited expedited discovery for the purpose of discovering: (1) the nature, location, status, and extent of Defendants' assets; (2) the nature, location, and extent of Defendants' business transactions and operations, including the nature of any substantiation Defendants have for any Earnings Claims; (3) Documents reflecting Defendants' business transactions and operations, including Documents reflecting any substantiation for any Earnings Claims; and (4) compliance with this Order. The limited expedited discovery set forth in this Section shall proceed as follows:

A. The FTC and the Monitor may take the deposition of parties and non-parties upon forty-eight hours' notice. The limitations and conditions set forth in Rules 30(a)(2)(A) and 31(a)(2)(A) regarding subsequent depositions of an individual or corporation shall not

apply to depositions taken pursuant to this Section. Any such deposition taken pursuant to this Section shall not be counted toward the deposition limit set forth in Rules 30(a)(2)(A) and 31(a)(2)(A), and depositions may be taken by telephone or other remote electronic means;

B. The FTC and the Monitor may serve upon parties requests for production of Documents or inspection that require production or inspection within five calendar days of service, provided, however, that three calendar days of notice shall be deemed sufficient for the production of any such Documents that are maintained or stored only in an electronic format;

C. The FTC and the Monitor may serve upon parties interrogatories that require response within five days after service of the interrogatories;

D. The FTC and the Monitor may serve subpoenas upon non-parties that direct production or inspection within five calendar days of service;

E. Service of discovery taken pursuant to this Section shall be sufficient if made by facsimile, e-mail, or by personal or overnight delivery;

F. Any expedited discovery taken pursuant to this Section is in addition to, and is not subject to, the limits on discovery set forth in the Federal Rules of Civil Procedure and the Local Rules of this Court. The expedited discovery permitted by this Section does not require a meeting or conference of the parties, pursuant to Rules 26(d) and (f); and

G. The parties are exempted from making initial disclosures pursuant to Rule 26(a)(1) until further order of this Court.

**XX. SERVICE OF THIS ORDER**

Copies of this Order, the Motion for TRO, and all other pleadings, Documents, and exhibits filed contemporaneously with that Motion, other than the complaint and summons, may be served by any means, including facsimile transmission, e-mail or other electronic messaging, personal or overnight delivery, United States Mail or FedEx, by agents and employees of the FTC, by any law enforcement agency, or by private process server, upon any Defendant or any Person, including any financial institution, that may have possession, custody, or control of any asset or Document of any Corporate Defendant, or that may be subject to any provision of this Order pursuant to Federal Rule of Civil Procedure 65(d)(2). For purposes of this Section, service upon any branch, subsidiary, affiliate, or office of any entity shall effect service upon the entire entity.

**XXI. CORRESPONDENCE AND SERVICE ON THE FTC**

For the purpose of this Order, all correspondence and service of pleadings on the FTC shall be addressed to:

Virginia G. Rosa, Attorney  
J. Ronald Brooke, Jr., Attorney  
Federal Trade Commission  
600 Pennsylvania Ave., NW, CC-8528  
Washington, DC 20580  
202-326-3068 (Rosa)  
202-326-3484 (Brooke)  
[vrosa@ftc.gov](mailto:vrosa@ftc.gov)  
[jbrooke@ftc.gov](mailto:jbrooke@ftc.gov)

**XXII. PRELIMINARY INJUNCTION HEARING**

Pursuant to Federal Rule of Civil Procedure 65(b), Defendants shall appear before this Court on **June 21, 2023, at 8:30 a.m.**, 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 the violations of the law alleged in the Complaint, continuing the

preservation of Corporate Defendants' assets and the freeze of Individual Defendants' assets, continuing the appointment of the Monitor, and imposing such additional relief as may be appropriate. The hearing shall be limited to argument of counsel unless the Court grants express leave to the contrary in advance of the hearing.

### **XXIII. BRIEFS AND AFFIDAVITS CONCERNING PRELIMINARY INJUNCTION**

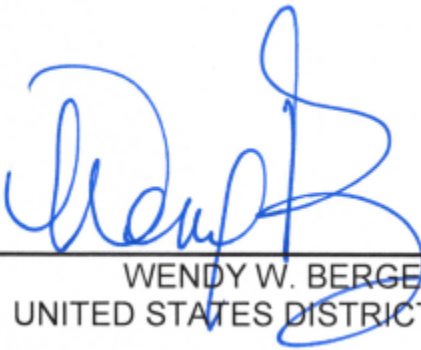
Defendants shall file with the Court and serve on the FTC's counsel any answering pleadings, affidavits, motions, expert reports or declarations, or legal memoranda no later than four days prior to the order to show cause hearing scheduled pursuant to this Order. The FTC may file responsive or supplemental pleadings, materials, affidavits, or memoranda with the Court and serve the same on counsel for Defendants no later than one day prior to the order to show cause hearing. Such affidavits, pleadings, motions, expert reports, declarations, legal memoranda, or oppositions must be served by personal or overnight delivery, facsimile, or e-mail, and be received by the other party or parties no later than 5:00 p.m. on the dates set forth in this Section.

On or before **June 14, 2023**, the parties shall each file a notice, not to exceed five pages, informing this Court if an evidentiary hearing is necessary in this matter. Any party requesting an evidentiary hearing shall: (1) identify with particularity all disputed issues of material fact or credibility determinations that are expected to impact the resolution of the issue; (2) the name, address, and telephone number of any witnesses that the party anticipates calling at a hearing; and (3) the estimated length of the requested hearing. The party shall also attach to its notice a detailed summary or affidavit revealing the substance of each proposed witness's expected testimony and an explanation of why the taking of live testimony would be helpful to this Court.

**XXIV. DURATION OF THE ORDER**

This Order shall expire fourteen days from the date of entry noted below, unless within such time, the Order is extended for an additional period pursuant to Federal Rule of Civil Procedure 65(b)(2).

**DONE** and **ORDERED** in Orlando, Florida on June 7, 2023.



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WENDY W. BERGER  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record