

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 17-60907-CIV-MORENO

FEDERAL TRADE COMMISSION, *et al.*,

Plaintiffs,

v.

JEREMY LEE MARCUS, *et al.*,

Defendants.

**ORDER OF FINAL JUDGMENT ON THE PLEADINGS BY CONSENT AGAINST
JLMJP POMPANO, LLC, HALFPAY INTERNATIONAL, LLC, HALFPAY NV LLC,
and NANTUCKET COVE OF ILLINOIS, LLC**

Relief Defendants, JLMJP Pompano, LLC, Halfpay International, LLC, Halfpay NV LLC, and Nantucket Cove of Illinois, LLC (collectively, the "Relief Defendants"), having appeared in this action through counsel, having answered Plaintiffs' First Amended Complaint for Permanent Injunction and Other Equitable Relief [DE No. 127] (the "Complaint"), and having now determined they will consent to the entry of a final judgment on the pleadings, and for good cause shown:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a) and 1345, and 15 U.S.C. §§ 45(a), 53(b), and 6102(c).
2. This Court has supplemental jurisdiction over the claims of the Office of the Attorney General, State of Florida, Department of Legal Affairs ("State of Florida") pursuant to 28 U.S.C. § 1367.
3. Judgment on the pleadings is hereby entered against the Relief Defendants in favor of the Plaintiffs on the Complaint.

4. The Relief Defendants relinquish all legal and equitable right, title, and interest in and to all of their assets.

5. Jonathan E. Perlman (the "Receiver") shall continue as Receiver and, in addition to the rights and obligations of the Receiver set forth in the Preliminary Injunction Order [DE 21] and Order Granting Receiver Jonathan E. Perlman's Agreed Verified Motion to Expand Receivership [DE 102], shall have the following rights and obligations with respect to each of the Relief Defendants:

a. To enter upon, gain access to and take possession of the Relief Defendants' business premises and all of the Relief Defendants' assets; to use, operate, manage, control or lease either directly or through agents under contract with or employed by the Receiver; to receive all income and profits from the use, operation, sale, lease or other disposition of the Relief Defendants' Assets; to care for, preserve, protect, secure and maintain the Relief Defendants' Assets and incur the reasonable expenses necessary for such care, preservation and maintenance; and to do all things and to incur the obligations ordinarily incurred by owners, managers and operators of similar businesses and properties, as such Receiver, and no obligations so incurred shall be at the personal risk or constitute a personal obligation of the Receiver, but shall be solely an obligation of the Receivership Estate.

b. To sell or otherwise dispose of the assets of the Relief Defendants.

c. To pay, to the extent that funds are available, the current monthly direct expenses of the Relief Defendants, including, without limitation (i) heat, light, water, other utilities, repairs, supplies, rent, wages and salaries, and (ii) ordinary and necessary repairs and maintenance to any of the Relief Defendants' Assets.

d. To take possession of and receive from any and all banks and/or savings and loan associations any monies and funds on deposit in said banks and/or savings and loan associations in the name of a Relief Defendant(s).

e. To take possession of all the books and records pertaining to the Relief Defendants, wherever located, as the Receiver deems necessary for the proper administration, management and/or control of the Receivership Estate, and to receive, open, read, and respond to all mail addressed to Relief Defendants.

f. To negotiate and enter into contracts incident to the operation of the Relief Defendants' business and execute and prepare all other documents and to perform all acts, either in the name of the Relief Defendant(s) or in the Receiver's own name, which are necessary or incidental to preserving, protecting, managing and/or controlling the Relief Defendants' assets.

g. To employ agents, attorneys, servants, employees, guards, clerks, and accountants, to administer the Relief Defendants' Assets and to collect the existing and future income.

h. To investigate the manner in which the affairs of the Relief Defendants were conducted and institute such actions and legal proceedings, for the benefit and on behalf of the Relief Defendants, creditors or consumers as the Receiver deems necessary against third parties, including but not limited to, claims seeking imposition of constructive trusts, disgorgement of profits, recovery and/or avoidance of fraudulent transfers (including under Florida Statute § 726.101, et seq.), claims in contract, law, tort and equity.

6. The Receiver shall marshal and liquidate the assets of the Relief Defendants and shall transfer the proceeds of those assets to the Federal Trade Commission ("Commission") upon request at the conclusion of the case against the defendants, unless an earlier request is

granted by the Court. All proceeds paid to the Plaintiffs pursuant to this Order (“joint funds”) shall be deposited into a fund administered by the Commission or its designee to be used for equitable relief, including consumer redress, and any attendant expenses for the administration of any redress fund. If a representative of the Commission decides that direct redress to consumers is wholly or partially impracticable or money remains after redress is completed, the Plaintiffs may in their discretion apply any remaining money for such other equitable relief (including consumer information remedies) as they determine to be reasonably related to Defendants’ practices alleged in the Complaint.

7. All joint funds not used for the equitable relief described in Paragraph 6 above shall be divided equally between the Commission and the State of Florida, with half to be deposited to the U.S. Treasury as disgorgement and half to be deposited to the State of Florida Department of Legal Affairs’ Trust Fund, which may be applied as costs and fees.

8. The Relief Defendants have no right to challenge any actions the Plaintiffs or their representatives may take regarding the joint funds.


9. The Relief Defendants waive and release any claims they may have against the Plaintiffs, the Receiver, and their agents that relate to this action including, but not limited to, any claim that they may have under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action, and agree to bear their own costs and attorney fees.

10. The Relief Defendants waive all rights to appeal or otherwise challenge or contest the validity of this Order.

11. The facts alleged in the Complaint establish all elements necessary to sustain an action by the Plaintiffs pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral estoppel effect for such purposes.

12. This Court retains jurisdiction over this action for purposes of interpreting, enforcing or modifying this Final Judgment and for the purpose of granting such additional relief that may be necessary and appropriate.

SO ORDERED on this 28th day of March, 2017.



FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

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All counsel of record

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Southern District of Florida

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Case Name: Federal Trade Commission et al v. Marcus et al

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Docket Text:

ORDER granting [172] Motion for Judgment. ORDER OF FINAL JUDGMENT ON THE PLEADINGS BY CONSENT AGAINST JLMJP POMPANO, LLC, HALFPAY INTERNATIONAL, LLC, HALFPAY NV, LLC, and NANTUCKET COVE OF ILLINOIS, LLC. Signed by Judge Federico A. Moreno on 11/28/2017. (mmd)

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