

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.

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**RECEIVER'S UNOPPOSED MOTION TO DISBURSE FUNDS**

Jonathan E. Perlman, Esq., as Receiver (“Receiver”), over the Receivership Entities<sup>1</sup> files this unopposed motion for approval to disburse funds, which are not Receivership estate assets, being held in trust by the Receiver (the “Motion”).

**I. BACKGROUND**

1. On May 8, 2017, the Federal Trade Commission (“FTC”) and Office of the Attorney General, State of Florida, Department of Legal Affairs (“State of Florida”) commenced this action by filing a complaint for permanent injunction and other relief (the “Complaint”) and a motion for a temporary restraining order and other equitable relief alleging that Jeremy Lee

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<sup>1</sup> Receivership Entities are Financial Freedom National, Inc. f/k/a Institute for Financial Freedom, Inc. and Marine Career Institute Sea Frontiers, Inc. d/b/a 321 Loans, Instahelp America, Inc., Helping America Group, United Financial Support, Breeze Financial Solutions, 321Financial Education, Credit Health Plan, Credit Specialists of America, American Advocacy Alliance, and Associated Administrative Services, 321Loans, Inc., f/k/a 321 Loans, Inc. d/b/a 321Financial, Inc., Instahelp America, Inc. f/k/a Helping America Team, Inc. d/b/a Helping America Group, Breeze Financial Solutions, Inc. d/b/a Credit Health Plan and Credit Maximizing Program, US Legal Club, LLC, Active Debt Solutions, LLC f/k/a Active Debt Solutions, Inc. d/b/a Guardian Legal Center, Guardian LG, LLC d/b/a Guardian Legal Group, American Credit Security, LLC f/k/a America Credit Shield, LLC, Paralegal Support Group LLC f/k/a Paralegal Support LLC, Associated Administrative Services, LLC d/b/a Jobfax, Cockburn & Associate LLC, JLMJP Pompano, LLC, Halfpay International, LLC, Halfpay NV, LLC, HP Properties Group, Inc., HP Media, Inc., Omni Management Partners, LLC, Nantucket Cove of Illinois, LLC, Discount Marketing USA, S.A., Viking Management Services, LLC, White Light Media LLC, Blue42, LLC, National Arms, LLC, and 110 Gloucester St., LLC, and their divisions, subsidiaries, affiliates, predecessors, successors, and assigns. [ECF Nos. 21, 102, 222, 286].

Marcus, Craig Davis Smith, Yisbet Segrea and the corporate receivership defendants violated Sections 5(a), of the FTC Act, 15 U.S.C. § 45(a), the FTC's Telemarketing Sales Rule ("TSR"), 16 C.F.R. Part 310 and the Florida Deceptive and Unfair Trade Practices Act ("FDUTPA"), Chapter 501, Part II, Florida Statutes (2016), Fla. Stat. §501.201 *et seq.* and the Telemarketing Act, 15 U.S.C. §§ 6101-6108.

2. On May 9, 2017, the Court granted Plaintiffs' Motion for Temporary Restraining Order and appointed Mr. Perlman as Temporary Receiver.

3. On May 17, 2017, the Court entered a Preliminary Injunction ("PI") appointing Mr. Perlman as Permanent Receiver and authorizing him to, among other things, "[a]ssume full control of the Receivership Defendants," and "[t]ake exclusive custody, control, and possession of all assets and documents of, or in the possession, custody, or under the control of, the Receivership Defendants, wherever situated." [ECF No. 21 at p. 17].

4. Since his appointment, the Receiver has come into possession of certain funds which do not belong to the Receivership Entities, but to certain identified consumers.

5. The Receiver has deposited checks totaling \$7,700 (the "Funds") into his counsel's trust account pending further order from this Court.

## **II. RELIEF REQUESTED**

6. By this Motion, the Receiver seeks an order authorizing the disbursement of the Funds.

7. Here, it is clear that the Funds are not property of the Receivership Entities and fall outside the purview of the Receivership. Rather, the Funds are the rightful property of certain consumers. Therefore, the Funds should be disbursed to the consumers accordingly.

8. The Receiver has conferred with counsel for the FTC and State of Florida. They each have no objection to the relief sought herein.

WHEREFORE, the Receiver respectfully requests this Court to enter an order authorizing the disbursement of the Funds to certain consumers, and for such other and further relief as the Court deems appropriate.

Respectfully submitted this 12<sup>th</sup> day of October 2018.

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### **CERTIFICATE OF SERVICE**

I hereby certify that on October 12, 2018, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record and entities identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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\_\_\_\_\_ /

**ORDER GRANTING RECEIVER JONATHAN E. PERLMAN'S  
UNOPPOSED MOTION TO DISBURSE FUNDS**

This Cause came before the Court upon Receiver Jonathan E. Perlman's Unopposed Motion to Disburse Funds (the "Motion") [ECF No. \_\_\_\_]. The Court having considered the Motion and being otherwise fully advised in the premises, it is:

ORDERED AND ADJUDGED

1. The Motion is GRANTED.
2. The Receiver is authorized to disburse the funds being held in trust as set forth in the Motion to each of the consumers.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
HONORABLE FEDERICO A. MORENO  
UNITED STATES DISTRICT JUDGE

*Copies provided to Counsel of Record.*