

**IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT,
IN BROWARD COUNTY, FLORIDA**

**OFFICE OF THE ATTORNEY GENERAL,
STATE OF FLORIDA,
DEPARTMENT OF LEGAL AFFAIRS,**

PLAINTIFF,

v.

CASE NO.: CACE-18-015915

**LAWRENCE JOSEPH FORNO, an individual, and
RICHARD B. MEYER, an individual;**

DEFENDANTS.

**ORDER GRANTING TEMPORARY *EX PARTE* INJUNCTION
WITH ASSET FREEZE, APPOINTMENT OF RECEIVER, OTHER ANCILLARY
EQUITABLE RELIEF AND EXPEDITED DISCOVERY**

This matter came before the Court upon Plaintiff's *Ex Parte* Motion for Temporary Injunction with Asset Freeze and Other Equitable Relief and Memorandum in Support (referred to herein as the "Motion"), pursuant to Section 812.035, Florida Statutes, and Rule 1.610, Florida Rules of Civil Procedure.

FACTUAL AND LEGAL FINDINGS

The Court, having carefully reviewed the Attorney General's complaint, Motion, the affidavits and accompanying exhibits in support thereof, and otherwise being fully advised, finds that:

1. This Court has jurisdiction over the subject matter of this case and has jurisdiction of all parties hereto. Fla. Const. Art. 5, §§ 20(c)(3), 26.012, 34.01, and 812.035, Fla. Stat.
2. Venue in this circuit is proper. §§ 47.011, 47.021, and 47.031, Fla. Stat.
3. The Attorney General, State of Florida, Department of Legal Affairs ("Attorney General") is authorized to seek relief for violations of Florida's Theft Statute as an enforcing

authority under the statute. § 812.035, Fla. Stat. Such relief includes, *inter alia*, injunctive relief, restraining orders, and performance bonds. § 812.035(5), Fla. Stat. Moreover, this Court has the inherent authority to enter ancillary relief to give effect to its injunctive orders. *See, e.g., Porter v. Warner Holding Co.*, 66 S.Ct. 1086, 1089, 328 U.S. 395, 399 (1946), *F.T.C. v. Gem Merch. Corp.*, 87 F.3d 466, 469 (11th Cir. 1996), *Langford v. Wauchula State Bank*, 4 So. 2d 10, 11 (Fla. 1941), and *Circle Fin. Co. v. Peacock*, 399 So. 2d 81, 84 (Fla. 1st DCA 1981).

A. The Attorney General has a Clear Legal Right to a Temporary Injunction

4. Florida's Theft Statute expressly authorizes an enforcing authority to seek injunctive relief. Accordingly, to obtain the injunctive relief authorized by Florida's Theft Statute, the Attorney General's sole burden as an enforcement authority is to establish that it has a clear legal right to the requested relief. *See, e.g., Storer Communications, Inc. v. State, Dept. of Legal Affairs*, 591 So. 2d 238, 240 (Fla. 4th DCA 1991); *Rudge v. City of Stuart*, 65 So. 3d 645 at 647 (4th DCA 2011); *Reinhold Construction, Inc. v. City Council for City of Vero Beach*, 429 So.2d 699 (Fla. 4th DCA 1983); *State of Florida, Dept. of Environmental Regulation v. Kaszyk*, 590 So. 2d 1010, 1012 (3d DCA 1991); and *Miami-Dade County v. Fernandez*, 905 So. 2d 213, 215-16 (3d DCA 2005).

5. To establish that the Attorney General has a clear legal right to the requested temporary relief, the Attorney General's Motion must set forth competent, substantial evidence that demonstrates that the Attorney General has a substantial likelihood of success on the merits of its facial allegations. *See, e.g., 3299 N. Fed. Highway, Inc. v. Bd. of County Com'rs of Broward County*, 646 So. 2d 215, 222 (Fla. 4th DCA 1994), *Gold Coast Chem. Corp. v. Goldberg*, 668 So. 2d 326, 327 (Fla. 4th DCA 1996), *Playpen S., Inc. v. City of Oakland Park*, 396 So. 2d 830, 831 (Fla. 4th DCA 1981), *Singletary v. Costello*, 665 So. 2d 1099, 1102 (Fla. 4th DCA 1996), and *State v. Beeler*, 530 So. 2d 932, 934 (Fla. 1988). "A substantial likelihood of success on the merits is shown if good

reasons for anticipating that result are demonstrated.” *Reinhold Construction, Inc.*, 429 So. 2d at 699.

6. The competent substantial evidence submitted in support of the Attorney General’s Motion demonstrates that there are good reasons for anticipating that the Attorney General will prevail in proving the allegations in its Complaint that Defendants Lawrence Forno and Richard B. Meyer (“Defendants”), through entities they control, have engaged in, and are likely to continue to engage in, acts or practices that violate Florida’s Theft Statute.

7. To prevail on an action for civil theft, a plaintiff must prove by a showing of clear and convincing evidence that the defendant: (1) knowingly; (2) obtained or used, or endeavored to obtain or use, the property of another; (3) with felonious intent; (4) to deprive the other person of their right to or a benefit from the property or appropriate the property to the defendant's own use or to the use of a person not entitled to the use of the property.” *See, e.g.*, § 812.014, Fla. Stat., *Stuart L. Stein, P.A. v. Miller Indus., Inc.*, 564 So. 2d 539 (Fla. 4th DCA 1990), *Hawthorne v. Lyons*, 192 So. 3d 1279, 1280 (1st DCA 2016) (internal citation omitted), *State v. Dunmann*, 427 So. 2d 166 (Fla. 1983), *Pelletier v. Cutler*, 543 So. 2d 406 (Fla. 4th DCA 1989), and *Friedman v. Lauderdale Medical Equipment Service, Inc.*, 591 So. 2d 328 (Fla. 4th DCA 1992). “Obtains or uses [includes] obtaining property by fraud, willful misrepresentation of a future act, or false promise.” Section 812.012(3)(c), Florida Statutes; *see also State v. Hurley*, 676 So.2d 1010 (Fla. 2d DCA 1996).

8. The Court finds good cause to believe that the Defendants’ conduct at issue is orchestrated in connection with business entities controlled by the Defendants, which include Defendant Forno’s purported law firm (known as Lawrence J. Forno, P.A.), as well as the following business entities: Citi Financial Services Incorporated International, Mellon Mortgage Services

Corp., Default Investor Corp., Default Strategies, LLC, WCI Financial Corporation, Florida Real Estate Investment Center, Inc., and Rockland Trust CC Partners, Inc.

9. The Defendants and these related business entities constitute an enterprise, as defined in Section 812.035(9), and are collectively referred to herein as the “Enterprise.”

10. The competent substantial evidence submitted in support of the Attorney General’s Motion demonstrates that there are good reasons for anticipating that the Attorney General will prevail on the merits of its action and provide clear and convincing evidence that the Defendants, through their operation of the Enterprise, knowingly obtained or used, or endeavored to obtain or use, the property of others; with felonious intent to deprive others of their right to or a benefit from the property or appropriate the property to the Defendants’ own use or to the use of a person not entitled to the use of the property.

11. The Court finds good cause to believe that Defendants Forno, Meyer, and the Enterprise, which includes Defendant Forno’s law office that served as the vehicle through which sham legal claims were filed and to which court-awarded Excess Funds were disbursed, acted in unison and in furtherance of a theft scheme. Further, based on the competent substantial evidence, it appears that the purpose of the theft scheme has been to knowingly obtain Excess Funds which belong to others, with felonious intent to appropriate the funds to the Defendants, the Enterprise, or others not entitled to the use of the funds (and thus depriving the entities or individuals who were properly owed these funds of their right to and/or benefit from the funds).

12. More specifically, the Court finds good cause exists to believe that Defendant Forno knowingly and intentionally filed multiple lawsuits and legal claims containing false assertions that the Enterprise was entitled to Excess Funds when, in fact, the Enterprise had no legitimate interest in the real property that generated the Excess Funds.

13. The Court finds good reason to believe that Defendant Meyer knowingly and intentionally assisted Defendant Forno file these lawsuits and legal claims, which contain false representations that the Enterprise was entitled to Excess Funds.

14. Additionally, the Court finds good cause to believe that Defendant Forno knowingly and intentionally filed, with Meyer's knowing and intentional assistance, multiple lawsuits and legal claims to obtain Excess Funds purportedly on behalf of various parties without these parties' consent or knowledge.

15. The Court also finds good reasons exist to believe that Defendant Forno and Defendant Meyer knowingly and intentionally submitted, or caused to be submitted, falsified assignments of mortgage and other fake documents to courts across the State of Florida in connection with the above-referenced legal claims.

16. Further, the Court finds good cause to believe that, as a result of court orders and judgments entered in the Enterprise's sham lawsuits, various governmental agencies across the State of Florida disbursed Excess Funds to the Defendants, including disbursements they received through Defendant Forno's attorney trust account, which were then transferred to other Enterprise bank accounts for the Defendants' own use or to others not entitled to the funds.

17. Accordingly, given that the evidence submitted demonstrates a substantial likelihood of the Attorney General's success on the merits of the facial allegations in its Complaint, the Attorney General has established a clear legal right to a temporary injunction against the Defendants and their Enterprise.

18. The competent substantial evidence submitted in support of the Attorney General's Motion clearly demonstrates that it is in the public's interest to temporarily enjoin the Defendants and the Enterprise's filing of fraudulent and unmeritorious legal claims and prohibit their disposal,

transfer, liquidation, assignment, relocation, or dissipation of assets related to the scheme. Moreover, such relief is warranted because the Enterprise has no legitimate interest in continuing to benefit from its elaborate theft scheme.

**B. Ancillary Equitable Relief and Other Remedies Provided for by
Florida's Theft Statute are Warranted**

19. The purpose of a temporary injunction is to preserve the status quo pending the final outcome of the case. *See, Bautista REO U.S., LLC v. ARR Investments, Inc.*, 2017 WL 3085349, at *2 (4th DCA 2017).

20. A trial court has broad discretion in granting temporary injunctions. *Id.* To ensure that this Court's temporary injunction effectively prevents future harm and preserves the status quo, ancillary equitable relief (in the form of a temporary receiver, performance bonds, immediate access to the Enterprise's business premises to preserve evidence, and expedited discovery and disclosures) is necessary.

21. In addition to authorizing injunctive relief, Florida's Theft Statute provides for relief in the form of performance bonds. § 812.035(5), Fla. Stat.

22. Moreover, this Court has the inherent authority to enter an *ex parte* order appointing a temporary receiver upon a showing that there is a strong likelihood of success on the merits at trial. *See, e.g., Granada Lakes Villas Condo. Ass'n, Inc. v. Metro-Dade Investments Co.*, 125 So. 3d 756, 758–59 (Fla. 2013), *Apalachicola N.R. Co. v. Sommers*, 79 Fla. 816, 85 So. 361, 362 (1920)), and *Phillips v. Greene*, 994 So.2d 371 (3d DCA 2008).

23. A temporary receivership appointed without notice to preserve the property and interests of the parties during the pendency of a lawsuit may include parties that are not parties named in the action, but are in possession of the named parties' assets. *See, Puma Enterprises Corp. v. Vitale*, 566 So. 2d 1343, 1345 (Fla. 3d DCA 1990).

24. Expedited discovery and immediate access to the Enterprise's business premises are warranted given the inherent nature of civil theft proceedings. Additionally, such an order will prevent irreparable injury to the public in the form of the dissipation or concealment of assets or destruction of documents by allowing the temporary receiver or Attorney General to locate documents and assets related to the Enterprise.

C. Temporary Relief Without Notice is Warranted

25. Additionally, it appears from the specific facts in the affidavits submitted in support of the Attorney General's Motion that immediate and irreparable injury, loss or damage will result from the Enterprise's ongoing violations of Florida's Theft Statute unless this Court enters an *ex parte* order enjoining the Defendants and their Enterprise and granting ancillary equitable relief necessary to give effect to the injunction. Such irreparable injury, loss or damage includes, *inter alia*, the transfer, disposition, dissipation or concealment by Defendants of the illicit funds generated from the Enterprise's conduct, as well as the destruction or concealment of Documents, records or other evidence.

26. For example, the Attorney General provided documentation that Defendant Meyer established numerous corporate entities (with various bank accounts) with names that are substantially similar to legitimate financial institutions. The Enterprise used these entities, many of which were not registered to do business in the State of Florida, in the conduct at issue in this matter, including, *inter alia*, falsely claiming that the companies held mortgages on properties that had generated Excess Funds.

27. The Attorney General also provided a transcript of an online video in which Defendant Meyer discussed steps he would take to conceal assets to avoid a monetary judgment.

28. The Attorney General submitted evidence that during the past five (5) years Defendant Forno represented to courts that a business organization, Lawrence J. Forno, P.A., existed when no such business had been registered with the State of Florida since 2009.

29. Additionally, the Attorney General submitted evidence that Defendant Forno, despite being made aware that the legal actions he was filing were not authorized or were based on false information, continued to file such actions and share with Defendant Meyer in the illicit proceeds that were generated from the sham legal actions.

30. Moreover, the possibility of criminal prosecution and a large monetary judgment depriving Defendants of the fruits of their illicit labor provide Defendants with ample incentive to conceal otherwise recoverable assets, as well as destroy evidence.

31. Finally, based on the evidence supporting the Attorney General's Motion, Defendants have demonstrated their lack of regard for proper judicial process and this State's courts. Accordingly, it is reasonable to believe that Defendants will show similar disregard for discovery procedures and preservation requirements in this matter.

32. The Attorney General's Motion includes an appropriate certification by movant's attorneys as to why notice to Defendants should not be provided, pursuant to rule 1.610 (a)(1)(B) of the Florida Rules of Civil Procedure.

33. Therefore, for these reasons, and in accordance with Rule 1.610, Florida Rules of Civil Procedure, it is wholly warranted that this Order be granted without prior notice to Defendants.

34. Based on these findings, the Attorney General's *Ex Parte* Motion for Temporary Injunction with Asset Freeze and Other Equitable Relief and Memorandum in Support is **GRANTED** as set forth below.

ORDER

I.

DEFINITIONS

For the purpose of this Temporary Injunction Order (“Order”), the following definitions shall apply:

A. “**Asset(s)**” means any legal or equitable interest in, right to, or claim to, any of the following: any real, personal, or intellectual property including chattel, goods, instruments, equipment, fixtures, general intangibles, effects, leaseholds, contracts, mail or other deliveries, shares or stock, securities, inventory, checks, notes, accounts, credits, receivables (as those terms are defined in the Uniform Commercial Code), insurance policies, lines of credit, cash, trusts (including asset protection trusts), funds or any other accounts at any bank or savings and loan institution, or at/with any broker-dealer, escrow agent, title company, insurance company, commodity trading company, precious metal dealer, payment processor, credit card processor, acquiring bank, merchant bank, independent sales organization, third-party processor, payment gateway or other financial institution or depository of any kind, or any interest therein, wherever located, including outside the United States.

B. “**Document(s)**” means any and all items or things falling within the scope of Rule 1.350(a) of the Florida Rules of Civil Procedure, including, but not limited to, electronically stored information, writings, drawings, graphs, charts, photographs, audio and video recordings, computer records, correspondence, electronic mail, memorandum, notices, and any other data compilations from which information can be obtained and translated, if necessary, through detection devices into reasonably usable form. A draft or non-identical copy of a document is a separate document within the meaning of the term.

C. **“Enterprise’s”** means any sole proprietorship, partnership, corporation, business trust, subsidiaries, affiliate entities or other legal entity, or any association or group of individuals associated in fact although not a legal entity that is controlled, directly or indirectly, by Defendant Lawrence Forno and/or Defendant Richard B. Meyer, including, but not limited to, Lawrence J. Forno P.A., Citi Financial Services Incorporated International, Mellon Mortgage Services Corp., Default Investor Corp., Default Strategies, LLC, WCI Financial Corporation, Florida Real Estate Investment Center, Inc., and Rockland Trust CC Partners, Inc.

D. **“Excess Funds”** means monies derived from a tax deed sale, foreclosure, quiet title, or quit claim action that remain after certain debts on the property have been paid.

E. **“Financial Institution”** means any bank, savings and loan institution, credit union, credit card company or any financial depository of any kind, including, but not limited to, any brokerage house, trustee, broker-dealer, escrow agent, title company, commodity trading company, or precious metal dealer.

F. **“Person”** means a natural person, organization, or other legal entity, including a corporation, limited liability company, partnership, proprietorship, association, cooperative, government or governmental subdivision or agency, or any other group or combination acting as an entity.

G. **“Plaintiff or Attorney General”** means the Office of the Attorney General, State of Florida, Department of Legal Affairs.

H. **“Receiver” or “Temporary Receiver”** means the temporary receiver appointed by the Court, Jeffrey C. Schneider, PA, Levine Kellogg Lehman Schneider + Grossman LLP, 201 South Biscayne Boulevard, 22nd Floor, Miami Center, Miami, Florida 33130, pursuant to this Order, and any deputy receivers that shall be named by the temporary receiver.

I. **“Receivership Entities or Receivership Entity”** means any sole proprietorship, partnership, corporation, business trust, subsidiaries, affiliate entities or other legal entity, or any association or group of individuals associated in fact although not a legal entity that is controlled, directly or indirectly, by Defendant Lawrence Forno and/or Defendant Richard B. Meyer, including, but not limited to, Lawrence J. Forno P.A., Citi Financial Services Incorporated International, Mellon Mortgage Services Corp., Default Investor Corp., Default Strategies, LLC, WCI Financial Corporation, Florida Real Estate Investment Center, Inc., Rockland Trust CC Partners, Inc., Prestige Realty Services Florida LLC, Real Estate Acceptance Corp, and USA TAX DEEDS.COM, INC.

J. **“Representative”** means any of the Defendants or the **Enterprise’s** directors officers, agents, servants, successors, assigns, employees, contractors and attorneys, and any other **Person** or entity who acts under, by, through or on the Defendants or the **Enterprise’s** behalf or who is otherwise in active concert or participation with the Defendants or the **Enterprise**.

II.

PROHIBITED ACTIVITIES

IT IS ORDERED that Defendants Forno and Meyer, the **Enterprise** and their **Representatives** who receive actual notice of this Order by personal service or otherwise, whether acting directly or indirectly, are temporarily restrained and ENJOINED from:

- A. Committing and future violation of Section 812.014, Florida Statutes, by knowingly obtaining, using, or endeavoring to obtain or to use, the property of another with intent to, either temporarily or permanently: (a) deprive the other person of a right to the property or a benefit from the property [or] (b) appropriate the property to his or her own use or to the use of any person not entitled to the use of the property;

- B. Making any claim for Excess Funds, or assisting or advising any individual or entity making a claim for Excess Funds in which such a claim involves the use of any of the following:
- i. Any fake, forged, or otherwise falsified mortgage, promissory note, assignment of mortgage, affidavit (*e.g.*, affidavit of indebtedness, affidavit of interest, or affidavit of service of process) or any other fake, forged or falsified **Document**;
 - ii. Any false or misleading material representation or material omission pertaining to the true holder of mortgage or promissory note;
 - iii. Any material false or misleading representation or material omission pertaining to any contracts or agreements; or
 - iv. Any express or implied false or misleading material representation or material omission.
- C. Disclosing, using, or benefitting from consumer information, including name, address, telephone number, email address, social security number, other identifying information, or any data that enables access to a consumer's account (including a credit card, bank, or other financial account), of any **Person** which any Defendant or the **Enterprise** obtained prior to this action.

III.

ASSET FREEZE

IT IS FURTHER ORDERED that, except as otherwise provided below, Defendants, the **Enterprise, Receivership Entities** and their **Representatives** who receive actual notice of this Order by personal service or otherwise, whether acting directly or indirectly through any entity,

corporation, subsidiary, division, director, manager, member, affiliate, independent contractor, accountant, financial advisor, or other device, are hereby temporarily ENJOINED from:

A. Transferring, liquidating, converting, encumbering, conveying, pledging, loaning, selling, concealing, dissipating, disbursing, assigning, relinquishing, spending, withdrawing, alienating, granting a lien or security interest or other interest in, or otherwise disposing of any **Assets** (as defined in Section I (A) of this Order), including but not limited to, funds, real or personal property, accounts, shares of stock, goods, instruments, equipment, fixtures, inventory, motorized vehicles of any nature, checks, notes, accounts, credits, receivables, cash, stored value cards, trusts (including asset protection trusts), or other **Assets** or funds on deposit with any bank, savings and loan, securities brokerage institution or other financial institution, or any interest therein, whether they are owned, controlled, held, or in constructive possession in whole or in part, by any Defendant, the **Enterprise**, or **Receivership Entity**, 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, the **Enterprise** or **Receivership Entity** wherever located, including outside the United States, that:

1. is held in any account for which any Defendant, the **Enterprise**, or **Receivership Entity** is, or was, an authorized signor on the date that this Order was signed;
2. were used in the course of, intended for use in the course of, derived from, or realized through conduct in violation of Florida's Theft Statute;
3. were commingled with any funds that were used in the course of, intended for use in the course of, derived from, or realized through conduct in violation of Florida's Theft Statute; or

4. are directly or indirectly traceable to any funds that: (a) were used in the course of, intended for use in the course of, derived from, or realized through conduct in violation of Florida's Theft Statute or (b) commingled with funds that were used in the course of, intended for use in the course of, derived from, or realized through conduct in violation of Florida's Theft Statute;

B. Obtaining a personal or secured loan encumbering the **Assets** identified in Section III(A) of this Order;

C. Incurring liens or other encumbrances on real property, personal property, or other **Assets** identified in Section III(A) of this Order;

D. Physically opening or causing to be opened any safe deposit boxes, commercial mailboxes, or storage facilities titled in the name of any Defendant or the **Enterprise**, either individually or jointly, or subject to access by any Defendant, **Enterprise** or **Receivership Entity** without prior approval of the Receiver.

Excluded Assets: For purposes of this Order, **Assets** shall not include any **Asset** (including accounts) in the name of the following entities: DFK Leasing; Synergy IG LLC; and Michigan Insurance Company. Any Defendant, **Enterprise** entity or **Receivership Entity** may request that this Court modify this Order to release their interest in a frozen **Asset** by properly filing and serving a written motion with competent substantial evidence that such **Asset(s)**:

- i. Were not used in the course of, intended for use in the course of, derived from, or realized through conduct in violation of Florida's Theft Statute;
- ii. Were not commingled with any funds that were used in the course of, intended for use in the course of, derived from, or realized through conduct in violation of Florida's Theft Statute; or

- iii. Are not directly or indirectly traceable to any funds that: (a) were used in the course of, intended for use in the course of, derived from, or realized through conduct in violation of Florida's Theft Statute or (b) commingled with funds that were used in the course of, intended for use in the course of, derived from, or realized through conduct in violation of Florida's Theft Statute.

IV.

DUTIES OF FINANCIAL INSTITUTIONS AND OTHER THIRD PARTIES

IT IS FURTHER ORDERED that any banking, savings, or brokerage institution, depository, credit card processor, payment processor, merchant bank, acquiring bank, independent sales organization, third-party processor, payment gateway, financial institution, insurance company, business entity, or **Person** served with a copy of this Order that (a) holds, controls, or maintains custody of any account, safe deposit box or **Asset** (defined in Section I (A)) subject to Section III of this Order or (b) has held, controlled, or maintained custody of any such account, safe deposit box or **Asset** identified in Section III of this Order at any time since the date of entry of this Order shall:

A. **IMMEDIATELY** hold and retain within its control and prohibit the withdrawal, removal, assignment, transfer, pledge, encumbrance, disbursement, dissipation, relinquishment, conversion, sale, or other disposal of any such account, safe deposit box or **Assets**, as well as all **Documents** or other property related to such account, safe deposit box or **Assets**, except by further order of this Court;

B. Deny any **Person**, except the Receiver acting pursuant to this Order, access to any safe deposit box, commercial mail box, or storage facility that is identified in Section III of this Order.

C. **WITHIN FIVE (5) DAYS** of receiving a copy of this Order, shall provide the Plaintiff's counsel or the Receiver, with a sworn statement setting forth:

1. the identification number of each account, safe deposit box or **Asset** of all **Assets** identified in Section III of this Order;
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 mail box, or storage facility that is identified in Section III of this Order.

D. **WITHIN TEN (10) BUSINESS DAYS** after being served with a request from the Attorney General or the Receiver, promptly provide Attorney General or the Receiver with copies of all records or other documentation pertaining to such account, safe deposit box or **Asset**, 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 mail boxes and storage facilities.

V.

FINANCIAL DISCLOSURES

IT IS FURTHER ORDERED that each Defendant shall, for themselves individually and for each entity or member of the **Enterprise**, within five (5) days of service of this Order upon them, prepare and deliver to Plaintiff's counsel and the Receiver:

A. Completed financial statements on the forms attached to this Order as **Attachment A** (Individual Financial Statement) for themselves individually, and **Attachment B** (Corporate Financial Statement) for each business entity under which they conduct business or of which they are an officer, and for each trust for which any Defendant is a trustee. The financial statements shall be accurate as of the date of entry of this Order and signed under penalty of perjury. Each Defendant shall include in the financial statements all information requested in the statements, including a full description of all funds and **Assets**, whether located inside or outside of the United States, that are: (a) titled in the name of such Defendant or **Receivership Entity**, jointly, severally, or individually; (b) held by any **Person** or entity for the benefit of such Defendant or the **Enterprise**; or (c) under the direct or indirect control of such Defendant or the **Enterprise**. Defendants shall attach to these completed financial statements copies of all local, state, provincial, and federal income and property tax returns, with attachments and schedules, as called for by the instructions to the financial statements;

B. A completed statement, signed under penalty of perjury, of all payments, transfers, or assignments of **Assets** worth \$1,000 or more since January 1, 2014. Such statement shall include: (1) the amount transferred or assigned; (2) the name of each transferee or assignee; (3) the date of transfer or assignment; and (4) the type and amount of consideration paid to Defendant or **Receivership Entity**. Each statement shall specify the name and address of each financial institution and brokerage firm at which the Defendant or the **Receivership Entity** has accounts or

safe deposit boxes. These statements shall include **Assets** held in foreign and domestic accounts; and

C. A completed IRS Form 4506, appended to this Order as **Attachment C**, requesting tax returns for each Defendant and Receivership Entity for each of the past four years be sent to the Attorney General at the following address:

Assistant Attorney General Kristen Pesicek
Office of the Florida Attorney General, Consumer Protection Division
110 SE 6th Street, 10th Floor
Fort Lauderdale, Florida 33301

VI.

FOREIGN ASSET REPATRIATION

IT IS FURTHER ORDERED that within five (5) days following the service of this Order, each Defendant shall, for themselves individually and each entity or member of the **Enterprise**:

A. Provide the Attorney General and Receiver with a full description, verified under oath and accurate as of the date of this Order, of all **Documents** and **Assets** outside of the United States which are: (1) titled in the name, individually or jointly, of any Defendant or the **Enterprise**; or (2) held by any **Person** or entity for the benefit of any Defendant or the **Enterprise**; or (3) under the direct or indirect control, whether jointly or singly, of any Defendant or the **Enterprise**;

B. Provide the Attorney General and Receiver access to all records of accounts or **Assets** of any Defendant or the **Enterprise** held by financial institutions located outside the territorial United States by signing the Consent to Release of Financial Records appended to this Order as **Attachment D**;

C. Transfer to the territory of the United States, and in the case of the **Receivership Entities** deliver to the Receiver, all **Documents** and **Assets** located in foreign countries which are: (1) titled in the name individually or jointly of any Defendant or the **Enterprise**; or (2) held by

any **Person** or entity, for the benefit of any Defendant or the **Enterprise**; or (3) under the direct or indirect control of any Defendant or the **Enterprise**, whether jointly or singly; and

D. The same business day as any repatriation, (1) notify counsel for the Attorney General and Receiver of the name and location of the financial institution or other entity that is the recipient of such funds, **Documents**, or **Assets**; and (2) serve this Order on any such financial institution or other entity.

VII.

INTERFERENCE WITH REPATRIATION

IT IS FURTHER ORDERED that Defendants, the **Enterprise** and their **Representatives**, whether acting directly or through any entity, corporation, subsidiary, division, director, manager, member, affiliate, independent contractor, accountant, financial advisor, or other device, are hereby temporarily restrained and enjoined from taking any action, directly or indirectly, which 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 statement, letter, fax, e-mail, 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 such time that all Defendants or the **Enterprise’s 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 Defendants or the **Enterprise’s Assets** have been fully repatriated pursuant to this Order.

VIII.

CONSUMER CREDIT REPORTS

IT IS FURTHER ORDERED that any consumer reporting agency served with this Order shall promptly furnish consumer reports as requested concerning any Defendant or the **Enterprise** to counsel for the Attorney General. The Attorney General may also directly access any Defendant or the **Enterprise's** consumer report.

IX.

PRESERVATION OF RECORDS AND REPORT(S) OF NEW BUSINESS ACTIVITY

IT IS FURTHER ORDERED that Defendants, the **Enterprise** and their **Representatives**, as well as any document custodians, *e.g.*, financial institutions, e-mail service providers, receiving actual notice of this Order, whether acting directly or through any entity, corporation, subsidiary, division, director, manager, member, affiliate, independent contractor, accountant, financial advisor, or other device, 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, **Assets**, or business or personal finances of any Defendant or the **Enterprise**, (2) the business practices or finances of entities directly or indirectly under the control of any Defendant or the **Enterprise**, or (3) the business practices or finances of entities directly or indirectly under common control with any Defendant or the **Enterprise**, including: any and all marketing materials, Internet pages, consumer complaints, call detail records, recordings of consumer calls, telephone logs, telephone scripts, contracts, correspondence, e-mail, corporate books and records, accounting data, financial statements, receipt books, ledgers, personal and business canceled checks and check registers, bank statements, calendars, appointment books, and tax returns;

B. Failing to create and maintain **Documents** that, in reasonable detail, accurately, fairly, and completely reflect any Defendants or the **Enterprise**, incomes, disbursements, transactions, and use of any of the Defendants or the **Enterprise's Assets**; and

C. Creating, operating, or exercising any control over any new business entity, whether newly formed or previously inactive, including any partnership, limited partnership, joint venture, sole proprietorship, or corporation, without first providing the Attorney General and Receiver with a written statement under oath, 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.

X.

APPOINTMENT OF TEMPORARY RECEIVER

IT IS FURTHER ORDERED that Jeffrey C. Schneider, PA, *Levine Kellogg Lehman Schneider + Grossman LLP, 201 South Biscayne Boulevard, 22nd Floor, Miami Center, Miami, Florida 33130*, is appointed temporary receiver for the **Receivership Entities**. The Receiver shall be the agent of this Court, and solely the agent of this Court, in acting as Receiver under this Order. The Receiver shall be accountable directly to this Court.

XI.

RECEIVER'S DUTIES AND AUTHORITIES

IT IS FURTHER ORDERED that the Receiver is authorized and directed to accomplish the following:

A. Assume full control of the **Receivership Entities** by removing, as the Receiver deems necessary or advisable, any director, officer, independent contractor, employee, or agent of any such entities, including any Defendant, from control of, management of, or participation in,

the affairs of the **Receivership Entities**;

B. Take exclusive custody, control, and possession of all **Assets** and **Documents** of, or in the possession, custody, or under the control of the **Receivership Entities**, wherever situated. The Receiver shall have full power to divert mail and to sue for, collect, receive, take in possession, hold, and manage all **Assets** and **Documents** of the **Receivership Entities** and other **Persons** or entities whose financial interests are now under the direction, possession, custody, or control of the **Enterprise** Entities. The Receiver shall assume control over the **Receivership Entities'** income and profits therefrom and all sums of money now or hereafter due or owing to the **Enterprise**. Provided, however, that the Receiver shall not attempt to collect any amount from a consumer or client if the Receiver believes the consumer was a victim of the violations of law alleged in the Complaint in this matter, without prior Court approval;

C. Take all steps necessary to secure and take exclusive custody of each commercial location from which the Defendants or the **Enterprise** operate their businesses. Such steps may include, but are not limited to, any of the following, as the Receiver deems necessary or advisable: (1) serving this Order; (2) completing a written inventory of all **Assets** of the **Receivership Entities** ("Receivership **Assets**"); (3) obtaining pertinent information from all employees and other agents of the Defendants or the **Enterprise**, including 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 or agent; (4) photographing and videotaping any or all portions of the location; (5) securing the location by changing the locks and disconnecting any internet access or other means of access to the computers, internet or records maintained at that location; and (6) requiring any **Persons** present on the premises at the time this Order is served to leave the premises, to provide the Receiver with proof of identification, or to demonstrate to the satisfaction of the Receiver that such **Persons** are

not removing from the premises **Documents** or **Assets** of the Defendants or the **Enterprise**. Law enforcement personnel, including police or sheriffs, may assist the Receiver in implementing these provisions in order to keep the peace and maintain security. If requested by the Receiver, such law enforcement personnel shall provide appropriate and necessary assistance to the Receiver to implement this Order and is authorized to use any necessary and reasonable force to do so;

D. Conserve, hold, and manage all Receivership **Assets**, and perform all acts necessary or advisable to preserve the value of those **Assets** in order to prevent any irreparable loss, damage, or injury to consumers or creditors of the **Enterprise**, including determining the available **Assets** and preventing the unauthorized transfer, withdrawal, or misapplication of **Assets**;

E. Enter into and cancel contracts, and purchase insurance as advisable or necessary;

F. Prevent the inequitable distribution of **Assets** and determine, adjust, and protect, to the extent reasonably practicable, the interests of **Persons** whose funds or other property was misappropriated by the **Enterprise**, and creditors who have transacted business with the **Enterprise**;

G. Manage and administer the business of the Receivership until further order of this Court by performing all incidental acts that the Receiver deems to be advisable or necessary, which includes but is not limited to retaining, hiring, or dismissing any employees, independent contractors, or agents, provided that the Receiver shall suspend business operations of the **Enterprise's** corporate entities if, in the judgment of the Receiver, such operations cannot be continued legally or profitably;

H. Choose, engage, and employ attorneys, accountants, appraisers, and other independent contractors and technical specialists, as the Receiver deems advisable or necessary in the performance of duties and responsibilities under the authority granted by this Order;

I. Make payments and disbursements from the receivership estate that are necessary or advisable for carrying out the directions of, or exercising the authority granted by, this Order. The Receiver shall apply to the Court for prior approval of any payment of any debt or obligation incurred by the **Receivership Entities** prior to the date of entry of this Order, except payments that the Receiver deems necessary or advisable to secure **Assets** of the **Receivership Entities**, such as rental payments;

J. Suspend business operations of the **Receivership Entities** if in the judgment of the Receiver, such operations cannot be continued legally and profitably;

K. Prevent the destruction or erasure of any web page or website registered to and operated, in whole or in part, by the **Receivership Entities**;

L. Institute, compromise, adjust, appear in, intervene in, or become party to such actions or proceedings in state, federal or foreign courts or arbitration proceedings as the Receiver deems necessary and advisable to preserve or recover the **Assets** of the **Receivership Entities**, or that the Receiver deems necessary and advisable to carry out the Receiver's mandate under this Order, including actions challenging fraudulent or voidable transfers;

M. Defend, compromise, adjust, or otherwise dispose of any or all actions or proceedings instituted in the past or in the future against the Receiver in his role as Receiver, or against the **Receivership Entities**, as the Receiver deems necessary and advisable to preserve the **Assets** of the **Receivership Entities**, or as the Receiver deems necessary and advisable to carry out the Receiver's mandate under this Order;

N. Issue subpoenas to obtain **Documents** and records pertaining to the receivership, and conduct discovery in this action on behalf of the receivership estate;

O. Open one or more bank accounts as designated depositories for funds of the **Receivership Entities**. The Receiver shall deposit all funds of the **Receivership Entities** in such a designated account and shall make all payments and disbursements from the Receivership estate from such an account. The Receiver shall serve copies of monthly account statements on all parties;

P. Maintain accurate records of all receipts and expenditures incurred as Receiver;

Q. Allow the Plaintiff's agents, employees and assistants, as well as Defendants' **Representatives** and Defendants themselves, reasonable access to the premises of the **Receivership Entities**, or any other premises where the **Receivership Entities** conduct business. The purpose of this access shall be to inspect and copy any and all books, records, **Documents**, accounts, and other property owned by, or in the possession of, the **Receivership Entities** or its agents. The Receiver shall have the discretion to determine the time, manner, and reasonable conditions of such access;

R. Allow the Plaintiff's agents, employees and assistants, as well as Defendants' **Representatives** and Defendants themselves, reasonable access to **Documents** in the possession, custody, or control of the **Receivership Entities**, or on their behalf, including, but not limited to, books, records, tapes, discs, accounting data, checks, correspondence, forms, advertisements, brochures, manuals, electronically stored data, banking records, customer lists, customer files, invoices, telephone records, ledgers and payroll records, and any other Document or record that relates to the business practices or finances of the **Receivership Entities**, including electronically stored information (such as electronic mail);

S. Cooperate with reasonable requests for information or assistance from any state or federal law enforcement agency; and

T. File timely reports with the Court at reasonable intervals, or as otherwise directed by the Court.

XII.

TRANSFER OF RECEIVERSHIP PROPERTY TO RECEIVER

IT IS FURTHER ORDERED that the **Receivership Entities**, their **Representatives**, and any other **Person** with possession, custody or control of property of, or records relating to, the Defendants or the **Enterprise** shall, upon notice of this Order, immediately notify the Receiver of, and, upon receiving a request from the Receiver, immediately transfer or deliver to the Receiver possession, custody, and control of, the following:

- A. All **Assets** of the **Receivership Entities** subject to Part III of this Order;
- B. All **Documents** of the Defendants and the **Enterprise**, including 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;
- C. All computers, electronic devices, mobile devices and machines and data in whatever form used to conduct the business of the Defendants and the **Enterprise**;
- D. All **Assets** and **Documents** belonging to other **Persons** or entities whose interests are under the direction, possession, custody, or control of the Defendants and the **Enterprise**; and
- E. All keys, codes, user names and passwords necessary to gain or to secure access to any **Assets** or **Documents** of the Defendants and the **Enterprise**, including access to their business premises, means of communication, accounts, computer systems, or other property.

In the event that any **Person** or entity fails to deliver or transfer any **Asset** or Document, or otherwise fails to comply with any provision of this section, the Receiver may file an *ex parte* Affidavit of Non-Compliance regarding the failure. Upon filing of the affidavit, the Court may

authorize, without additional process or demand, Writs of Possession or Sequestration or other equitable writs requested by the Receiver. The writs shall authorize and direct the sheriff or deputy sheriff of any county, or any federal or state law enforcement officer, to seize the **Asset**, Document, or other item covered by this section and to deliver it to the Receiver.

XIII.

PROVISION OF INFORMATION TO RECEIVER

IT IS FURTHER ORDERED that the Defendants and the **Enterprise** shall provide to the Receiver within five (5) days of service of this Order, the following:

A. A list of all **Assets** and property, including accounts that are held in any name other than the name of the Defendants or the **Enterprise**; and

B. A list of all agents, employees, officers, servants and those **Persons** in active concert and participation with the Defendants or the **Enterprise**, who have been associated or done business with the Defendants or the **Enterprise** within four (4) years of the date this Order is entered.

XIV.

COOPERATION WITH THE RECEIVER

IT IS FURTHER ORDERED that Defendants, the **Enterprise**, their **Representatives**, and any other **Person** served with a copy of this Order shall fully cooperate with and assist the Receiver in taking and maintaining possession, custody, or control of the **Documents** of the Defendants and the **Enterprise**. This cooperation and assistance shall include, but not be limited to: providing information to the Receiver that the Receiver deems necessary to exercise the authority and discharge the responsibilities of the Receiver under this Order; providing any password required to access any computer, mobile device, electronic file, or telephonic data in any medium. The entities obligated to cooperate with the Receiver under this provision include, but

are not limited to, banks, broker-dealers, savings and loans, 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.

XV.

NO INTERFERENCE WITH THE RECEIVER

IT IS FURTHER ORDERED that Defendants, the **Enterprise**, and their **Representatives**, whether acting directly or through any entity, corporation, subsidiary, division, director, manager, member, affiliate, independent contractor, accountant, financial advisor, or other device, except as provided herein, as stipulated by the parties, or as directed by further order of the Court, are hereby restrained and enjoined from:

- A. Interfering with the Receiver's efforts to manage, or take custody, control, or possession of, the **Assets** and/or **Documents** subject to this Receivership;
- B. Transferring, receiving, secreting, concealing, altering, erasing, mutilating, selling, encumbering, pledging, assigning, liquidating, or otherwise disposing of any **Assets** or **Documents** owned, controlled, or in the possession or custody of, or in which an interest is held or claimed by, the Defendants, the **Enterprise**, or the Receiver;
- C. Refusing to cooperate with the Receiver or the Receiver's duly authorized agents in the exercise of their duties or authority under any order of this Court; and
- D. Doing any act to threaten or harass in any way the Receiver, or the Receiver's agents, or any other **Person** who may have information relating to the allegations in the Plaintiff's

Complaint or information that may otherwise be useful to the Receiver in the exercise of their duties or authority under this or any other Order of this Court.

XVI.

STAY OF ACTIONS AGAINST DEFENDANTS

IT IS FURTHER ORDERED that, except by leave of this Court, Defendants, the **Enterprise**, their **Representatives**, corporations, subsidiaries, divisions, or affiliates, and all investors, creditors, stockholders, lessors, customers and other **Persons** seeking to establish or enforce any claim, right, or interest against or on behalf of Defendants or the **Enterprise**, and all others acting for or on behalf of such **Persons**, are hereby enjoined from taking action that would interfere with the exclusive jurisdiction of this Court over the **Assets** or **Documents** of the Defendants, including, but not limited to:

A. Petitioning, or assisting in the filing of a petition, that would cause any Defendant or **Enterprise** entity to be placed in bankruptcy;

B. Commencing, prosecuting, or continuing a judicial, administrative, or other action or proceeding against the Defendants or the **Enterprise**, including the issuance or employment of process against the Defendants or the **Enterprise**, except that such actions may be commenced if necessary to toll any applicable statute of limitations;

C. Filing or enforcing any lien on any **Asset** of the Defendants or the **Enterprise**, taking or attempting to take possession, custody, or control of any **Asset** of the Defendants or the **Enterprise**, or attempting to foreclose, forfeit, alter, or terminate any interest in any **Asset** of the Defendants or the **Enterprise**, whether such acts are part of a judicial proceeding, are acts of self-help, or otherwise; or

D. Initiating any other process or proceeding that would interfere with the Receiver's efforts to manage or take custody, control, or possession of, the **Assets** or **Documents** subject to this receivership;

PROVIDED that this Order does not stay: (i) the commencement or continuation of a criminal action or proceeding; (ii) the commencement or continuation of an action or proceeding by a governmental entity to enforce such governmental entity's police or regulatory power; or (iii) the enforcement of a judgment, other than a money judgment, obtained in an action or proceeding by a governmental entity to enforce such governmental entity's police or regulatory power.

XVII.

COMPENSATION OF RECEIVER

IT IS FURTHER ORDERED that the Receiver, and all **Persons** or entities retained or hired by the Receiver as authorized under this Order, shall be 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 or in the possession or control of the **Enterprise**, or which may be received by the **Receivership Entities**. The Receiver 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 (60) days after the date of entry of this Order. The Receiver shall not increase the hourly rates used as the bases for such fee applications without prior approval of the Court.

XVIII.

NO BOND REQUIRED OF THE ATTORNEY GENERAL

IT IS FURTHER ORDERED that the Attorney General is not required to file a bond with the Clerk of this Court pursuant to Rule 1.610(b), Florida Rules of Civil Procedure.

XIV.

PERFORMANCE BONDS

IT IS FURTHER ORDERED that Defendant Forno may request by written motion that this Court enter an order modifying this injunction restraining the use of the interest on trust account ("IOTA") that was opened and currently maintained in the name of Lawrence J. Forno, P.A. and the Court will consider such a request upon Defendant Forno submitting to the Court sufficient competent evidence that: (1) the IOTA account is owned, operated and controlled by an valid legal entity that is properly registered with the State of Florida to conduct business within Florida; and (2) Defendant Forno has paid for the issuance of a performance bond in an amount equal to the amount of funds in the above-referenced IOTA account that have been frozen pursuant to Section III of this Order.

XV.

IMMEDIATE ACCESS TO DEFENDANTS AND THE ENTERPRISE'S BUSINESS PREMISES AND RECORDS

IT IS FURTHER ORDERED that, to allow the Attorney General and the Receiver to preserve **Assets** and evidence relevant to this action, and to conduct discovery, the Attorney General, the Receiver, and their agents and assistants, shall have immediate access to all business premises and storage facilities, owned, controlled, or used by the Defendants and the **Enterprise**.

A. Such locations shall include, but are not limited to:

- 1) The non-resident premises located at 7151 Pembroke Rd. Pembroke Pines, FL 33023.
- 2) Any other non-residence premises where the Defendants or the **Enterprise** conduct business, collections operations, or customer service operations;

3) Any non-residence premises where **Documents** related to the Defendants or the **Enterprise** businesses and/or **Assets** are stored or maintained;

4) Any non-residence premises where any **Assets** belonging to any of the Defendants or the **Enterprise** are stored or maintained and

B. The Attorney General, the Receiver, and their agents, employees, independent contractors and assistants, are authorized to remove **Documents** from the Defendants and the **Enterprise's** premises to be inspected, inventoried, and copied for the purpose of preserving discoverable material in connection with this action. Such material shall be returned within seven (7) business days of completing inspection, inventory and copying;

C. To prevent the destruction of electronic data, **IMMEDIATELY** upon service of this Order upon the Defendants and the **Enterprise**, any computers or other electronic data storage devices, whether they are at a location other than those listed in this Order, including the personal residences of the Defendants, containing such information shall be powered down (turned off) in the normal course for the operating systems used on such devices and **shall not be used until produced for copying and inspection, along with any codes needed for access.**

D. If any computers, smart phones, tablets, other electronic data storage devices containing information related to the business practices or finances of any Defendant or the **Enterprise** are at a location other than those listed in this Order, including the personal residences of the Defendants, the Defendants shall produce to the Receiver all such computers, smart phones, tablets, other electronic data storage devices for imaging within twenty-four (24) hours of service of this Order.

E. The Defendants, the **Enterprise**, and all employees or agents of the Defendants shall provide the Plaintiff and the Receiver with any necessary means of access to the Defendants'

and **Enterprise** entities' **Documents** and records, including, without limitation, the locations of the Defendants' and **Enterprise** entities' business premises, keys and combinations to locks, computer access codes, passwords, and storage area access information.

F. Furthermore, the Receiver shall allow the Defendants reasonable access to the premises and business records of the Defendants and **Enterprise** entities within his possession for the purpose of inspecting and copying materials relevant to this action. The Receiver shall have the discretion to determine the time, manner, and reasonable conditions of such access.

G. **Authority of Law Enforcement:** **IT IS FURTHER ORDERED** that the Attorney General and the Receiver are authorized to obtain the assistance of the Florida's Department of Law Enforcement and other federal, state and local law enforcement officers of the jurisdiction where the pertinent premise is located. Such law enforcement personnel are authorized to assist the Attorney General and Receiver in implementing the provisions in this Order to keep the peace and maintain security. If requested by the Attorney General or Receiver, such law enforcement personnel shall provide appropriate and necessary assistance to the Attorney General to implement this Order, including the Break Order provisions described below, and are authorized to use any necessary and reasonable force to do so.

H. **Break Order:** **IT IS FURTHER ORDERED** that any and all law enforcement personnel including, but not limited to, the sheriffs for their respective jurisdictions in Florida where the pertinent premise is located, shall, if requested by the Attorney General or Receiver, make demand for entry into the Defendants or enterprise's business premises and/or any other non-residence premises described above in this Section, including, but not limited to the premises located at: 7151 Pembroke Rd. Pembroke Pines, FL 33023.

If entry into any of these premises is refused or otherwise not forthcoming, or no one is at the location at the time of enforcement of the Court's Order, such law enforcement personnel shall use the force of their respective jurisdiction to break and enter that premises or any structure or enclosure located at that premises as described above in this Section, to execute this Order and to remove all **Persons** from said premises during such immediate access.

I. The Attorney General's access to the Defendants and the **Enterprise's Documents** pursuant to this Section shall not provide grounds for the Defendants to object to any subsequent request for **Documents** served by the Attorney General.

XVI.

IMMEDIATE PRODUCTION OF BUSINESS RECORDS BY DEFENDANTS AND THE ENTERPRISE

THER ORDERED that the Defendants and the **Enterprise** shall, within five (5) days of receiving notice of this Order, produce to the Attorney General for inspection, inventory, and/or copying, at 110 S.E. 6th Street, Floor 10, Fort Lauderdale, Florida 33301, to the attention of Assistant Attorney General Kristen Pesicek all **Documents** that relate to, reflect and/or concern any and all business activities conducted by the **Enterprise**, or by any other entity owned or controlled by any of the Defendants that has, directly or indirectly, filed any legal action seeking Excess Funds or has received any Excess Funds, directly or indirectly, since September 1, 2013. The required **Documents** include, but are not limited to, the following materials:

- (1) For all clients who paid or entered into contracts with the Defendants or the **Enterprise** for Excess Funds services,
 - a. all contact information for any clients or their agents with whom the Defendants, the **Enterprise** or any of the Defendants or **Enterprise's Representatives** communicated, including: names, phone numbers, addresses, and e-mail addresses;
 - b. all contracts and agreements, including any amendments or addendums;

- c. all filings and correspondence with any court in Florida concerning any action seeking Excess Funds;
 - d. all **Documents** reflecting any consideration the Defendants or the **Enterprise** provided in exchange for all mortgages the Defendants or **Enterprise** represented they held in any claim the Defendants or the **Enterprise** filed for excess funds;
 - e. copies of all correspondence, including electronic mail, with the clients' agents;
- (2) All accounting information, including profit and loss statements, annual reports, receipt books, ledgers, personal and business canceled checks and check registers, bank statements, appointment books, copies of federal, state or local business or personal income or property tax returns, and 1099 forms.

The Plaintiff shall return any original **Documents** produced pursuant to this section within seven (7) days of the Defendants' production.

XVII.

EXPEDITED DISCOVERY

IT IS FURTHER ORDERED that, notwithstanding the time periods, notice provisions, and other requirements of the Florida Rules of Civil Procedure, the Attorney General is granted leave, at any time after entry of this Order, to conduct limited expedited discovery as to parties and non-parties for the purpose of discovering: (1) the nature, location, status, and extent of Defendants' or the **Enterprise's Assets**; (2) the nature and location of **Documents** reflecting Defendants' or the **Enterprise's** businesses, business transactions, and operations; or (3) compliance with this Order. The limited expedited discovery set forth in this section shall proceed as follows:

- A. The Attorney General and/or Receiver may take the depositions of parties and non-parties upon forty-eight (48) hours' notice;

- B. The Attorney General and/or Receiver may serve upon parties requests for production of **Documents** or inspection that require production or inspection within five (5) calendar days of service and may serve subpoenas upon non-parties that direct production or inspection within five (5) calendar days of service;
- C. The Attorney General and/or Receiver may serve deposition notices and other discovery requests upon the parties to this action by e-mail, facsimile or overnight courier and depositions may be taken by telephone or other remote electronic means;
- D. Any discovery taken pursuant to this Order is in addition to, and is not subject to, the presumptive limits on discovery set forth in the Florida Rules of Civil Procedure and Local Rules of this Court; and
- E. If a Defendant fails to appear for a properly noticed deposition or fails to comply with a request for production or inspection, that Defendant may be prohibited from introducing evidence at a future hearing or trial in this case.

XVIII.

SERVICE OF THIS ORDER

IT IS FURTHER ORDERED the Attorney General or Receiver may serve copies of this Order by any means, including mail, in person, electronic mail, or facsimile transmission, upon any financial institution or other entity or Person that may have possession, custody, or control of any **Documents** or **Assets** of any Defendant or the **Enterprise**, or that may otherwise be subject to any provision of this Order. Service upon any branch or office of any financial institution shall effect service upon the entire financial institution.

XIX.

SERVICE UPON THE ATTORNEY GENERAL

IT IS FURTHER ORDERED that Defendants shall serve all pleadings, memoranda, correspondence, affidavits, declarations, or other **Documents** related to this Order by: e-mail at Kristen.Pesicek@myfloridalegal.com or overnight shipment through a third-party commercial carrier for delivery at 110 SE 6th Street, 10th Floor, Fort Lauderdale, Florida 33301, and to the attention of Assistant Attorney General Kristen Pesicek.

XX.

DEFENDANTS' DUTY TO DISTRIBUTE ORDER

IT IS FURTHER ORDERED that Defendants shall immediately provide a copy of this Order to:

- A. each judge presiding over a legal action for Excess Funds filed by or on behalf of the Defendants, the **Enterprise** or their **Representatives**, including but not limited to legal actions filed by attorneys other than Defendant Forno;
- B. each clerk of court in each judicial circuit where a legal action for Excess Funds has been filed by or on behalf of the Defendants, the **Enterprise** or their **Representatives**, including but not limited to legal actions filed by attorneys other than Defendant Forno; and
- C. each of the **Enterprise's** officers, directors, employees, independent contractors, client companies, agents, attorneys, spouses and **Representatives**.

The Defendants shall, within ten (10) days from the date of entry of this Order, provide the Attorney General with a sworn statement which confirms that Defendants have provided copies of the Order as required by this section, including: (A) the names and addresses of each entity or **Person** to whom Defendants provided a copy of the Order; (B) the means which the Order was

provided, e.g., via electronic mail, United States Postal Office; and (C) the date the Order was provided. Furthermore, Defendants shall not take any action that would encourage their **Representatives** 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.

XXI.

DURATION OF TEMPORARY INJUNCTION ORDER

IT IS FURTHER ORDERED that the Temporary Injunction Order granted herein shall remain in effect until further order of this Court.

XII.

RETENTION OF JURISDICTION

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

IT IS SO ORDERED:

DATED: September 21, 2018


CIRCUIT COURT JUDGE
Sandra Perlman

STATE OF FLORIDA
BROWARD COUNTY
I DO HEREBY CERTIFY the within and foregoing is a true
and correct copy of the original as it appears on record
and file in the office of the Circuit Court Clerk of Broward
County, Florida.
WITNESS my hand and official Seal at Fort Lauderdale
Florida, this the 21 day of September, 2018.
Clerk of the Court

