

**United States District Court
District of Utah**



D. Mark Jones
Clerk of Court

Anne W. Morgan
Chief Deputy Clerk

October 20, 2020

David Efron/Efron Dorado SE
P.O. Box 29314
San Juan, PR 00929-0314

RE: NOTICE OF APPEAL
Federal Trade Commission et al v. Zurixx et al
Movant/Appellant Receiver/Appellee
Lower Docket: 2:19-cv-00713-DAK
Tenth Circuit: 20-04090

Dear Appellant:

Attached are the following supplemental documents in connection with the Notice of Appeal filed in the above captioned case:

Updated Copy of the Docket Sheet
Order Denying Motion for Reconsideration

The record on appeal will be transmitted to the Court of Appeals at a later date in accordance with the Rules of Court for the U.S. Court of Appeals for the 10th Circuit. This case does not contain any sealed entries or documents.

Sincerely,

D. Mark Jones, Clerk

By:

A handwritten signature in black ink, appearing to be "ET", followed by a horizontal line extending to the right.

Elizabeth Toscano
Deputy Clerk

DMJ:

cc: Clerk, U.S. Court of Appeals, Tenth Circuit
Judge Dale A. Kimball
Counsel of Record
District: 1088
Fee Status: Paid

(b)(1)(A),MAG,APPEAL,JURY,OBJMAG

Email All Attys

Email All Attys and Secondary Emails

US District Court Electronic Case Filing System
District of Utah (Central)
CIVIL DOCKET FOR CASE #: 2:19-cv-00713-DAK-DAO

Federal Trade Commission et al v. Zurixx et al
Assigned to: Judge Dale A. Kimball
Referred to: Magistrate Judge Daphne A. Oberg
Case in other court: Tenth Circuit, 20-04090
Cause: 15:0045 FTC Franchise Rule

Date Filed: 09/30/2019
Jury Demand: Defendant
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government Plaintiff

Plaintiff

Federal Trade Commission

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Defendant

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V.

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Date Filed	#	Page	Docket Text
09/30/2019	<u>1</u>		COMPLAINT against CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial (Fee Status: Waived) (Electronic document provided on disc.) filed by Utah Division of Consumer Protection, Federal Trade Commission. (Attachments: # <u>1</u> Civil Cover Sheet 1) Assigned to Judge Dale A. Kimball (rks) (Entered: 09/30/2019)
09/30/2019	<u>2</u>		MOTION to Seal Case filed by Plaintiffs Federal Trade Commission, Utah Division of Consumer Protection. (Attachments: # <u>1</u> Text of Proposed Order)(rks) (Entered: 09/30/2019)
09/30/2019	<u>3</u>		MOTION for Leave to File Excess Pages filed by Plaintiffs Federal Trade Commission, Utah Division of Consumer Protection. (Attachments: # <u>1</u> Text of Proposed Order)(rks) (Entered: 09/30/2019)
09/30/2019	<u>4</u>		MOTION for Temporary Restraining Order and Memorandum in Support, MOTION for Order to Show Cause and Memorandum in Support filed by Plaintiffs Federal Trade Commission, Utah Division of Consumer Protection. (Attachments: # <u>1</u> Text of Proposed Order)(rks) (Entered: 09/30/2019)
09/30/2019	<u>5</u>		Certification of Collot Guerard in Support re <u>4</u> MOTION for Temporary Restraining Order and Memorandum in Support MOTION for Order to Show Cause and Memorandum in Support, <u>3</u> MOTION for Leave to File Excess Pages filed by Plaintiffs Federal Trade Commission, Utah Division of Consumer Protection. (rks) (Entered: 09/30/2019)
09/30/2019	<u>6</u>		NOTICE OF FILING of Plaintiff's Recommendation for a Monitor filed by Plaintiffs Federal Trade Commission, Utah Division of Consumer Protection. (rks) (Entered: 09/30/2019)
09/30/2019	<u>7</u>		NOTICE of Appearance by Collot Guerard on behalf of Federal Trade Commission (rks) (Entered: 09/30/2019)
09/30/2019	<u>8</u>		NOTICE of Appearance by Joshua Doan on behalf of Federal Trade Commission (rks) (Entered: 09/30/2019)
09/30/2019	<u>9</u>		NOTICE of Appearance by Miry Kim on behalf of Federal Trade Commission (rks) (Entered: 09/30/2019)
09/30/2019	<u>10</u>		

		ORDER RE: PROCEDURES FOR EMERGENCY MOTION. Signed by Judge Dale A. Kimball on 9/30/2019. (Attachments: # <u>1</u> Mailing Certificate) (eat) (Entered: 09/30/2019)
09/30/2019	<u>11</u>	**SEALED** NOTICE OF HEARING ON MOTION re: <u>4</u> MOTION for Temporary Restraining Order and MOTION for Order to Show Cause (Notice generated by DAK Chambers): Motion Hearing is set for 10/1/2019 at 02:00 PM in Rm 3.400 before Judge Dale A. Kimball. (eat) (Entered: 09/30/2019)
09/30/2019	<u>12</u>	APPENDIX to <u>4</u> MOTION for Temporary Restraining Order, MOTION for Order to Show Cause filed by Plaintiffs Federal Trade Commission, and Utah Division of Consumer Protection. (Attachments: # <u>1</u> Exhibit 2, # <u>2</u> Exhibit 3, # <u>3</u> Exhibit 4, # <u>4</u> Exhibit 5, # <u>5</u> Exhibit 6, # <u>6</u> Exhibit 7, # <u>7</u> Exhibit 8, # <u>8</u> Exhibit 9, # <u>9</u> Exhibit 10, # <u>10</u> Exhibit 11, # <u>11</u> Exhibit 12, # <u>12</u> Exhibit 13, # <u>13</u> Exhibit 14, # <u>14</u> Exhibit 15, # <u>15</u> Exhibit 16, # <u>16</u> Exhibit 17, # <u>17</u> Exhibit 18, # <u>18</u> Exhibit 20, # <u>19</u> Exhibit 21, # <u>20</u> Exhibit 22, # <u>21</u> Exhibit 23, # <u>22</u> Exhibit 24, # <u>23</u> Exhibit 25, # <u>24</u> Exhibit 26, # <u>25</u> Exhibit 27, # <u>26</u> Exhibit 28, # <u>27</u> Exhibit 29, # <u>28</u> Exhibit 30, # <u>29</u> Exhibit 31, # <u>30</u> Exhibit 32, # <u>31</u> Exhibit 33, # <u>32</u> Exhibit 34, # <u>33</u> Exhibit 35, # <u>34</u> Exhibit 36, # <u>35</u> Exhibit 37, # <u>36</u> Exhibit 38, # <u>37</u> Exhibit 39, # <u>38</u> Exhibit 40, # <u>39</u> Exhibit 41, # <u>40</u> Exhibit 42, # <u>41</u> Exhibit 43, # <u>42</u> Exhibit 44, # <u>43</u> Exhibit 45, # <u>44</u> Exhibit 46, # <u>45</u> Exhibit 47, # <u>46</u> Exhibit 48, # <u>47</u> Exhibit 50, # <u>48</u> Exhibit 51: Part 1 (Pages 1–100), # <u>49</u> Exhibit 51: Part 2 (Pages 101–200), # <u>50</u> Exhibit 51: Part 3 (Pages 201–300), # <u>51</u> Exhibit 51: Part 4 (Pages 301–350), # <u>52</u> Exhibit 51: Part 5 (Pages 351–400), # <u>53</u> Exhibit 51: Part 6 (Pages 401–417), # <u>54</u> Exhibit 52, # <u>55</u> Exhibit 53, # <u>56</u> Exhibit 54, # <u>57</u> Exhibit 55, # <u>58</u> Exhibit 56, # <u>59</u> Exhibit 57, # <u>60</u> Exhibit 58, # <u>61</u> Exhibit 60, # <u>62</u> Exhibit 61, # <u>63</u> Exhibit 62, # <u>64</u> Exhibit 63, # <u>65</u> Exhibit 64, # <u>66</u> Exhibit 65, # <u>67</u> Exhibit 66, # <u>68</u> Exhibit 67, # <u>69</u> Exhibit 68, # <u>70</u> Exhibit 69, # <u>71</u> Exhibit 70, # <u>72</u> Exhibit 71, # <u>73</u> Exhibit 72, # <u>74</u> Exhibit 73, # <u>75</u> Exhibit 74, # <u>76</u> Exhibit 75, # <u>77</u> Exhibit 76, # <u>78</u> Exhibit 77, # <u>79</u> Exhibit 78, # <u>80</u> Exhibit 79, # <u>81</u> Exhibit 80, # <u>82</u> Exhibit 81, # <u>83</u> Exhibit 82, # <u>84</u> Exhibit 83, # <u>85</u> Exhibit 84, # <u>86</u> Exhibit 85, # <u>87</u> Exhibit 86, # <u>88</u> Exhibit 87, # <u>89</u> Exhibit 90, # <u>90</u> Exhibit 91, # <u>91</u> Exhibit 92, # <u>92</u> Exhibit 93, # <u>93</u> Exhibit 94, # <u>94</u> Exhibit 95)(eat) (Entered: 09/30/2019)
09/30/2019	<u>13</u>	ORDER granting <u>2</u> Motion to Seal Case. Signed by Judge Dale A. Kimball on 9/30/2019. (Attachments: # <u>1</u> Mailing Certificate) (eat) (Entered: 09/30/2019)
09/30/2019	<u>14</u>	ORDER granting <u>3</u> Motion for Leave to File Excess Pages. Signed by Judge Dale A. Kimball on 9/30/2019. (Attachments: # <u>1</u> Mailing Certificate) (eat) (Entered: 09/30/2019)
09/30/2019	<u>15</u>	**RESTRICTED DOCUMENT** Summons Issued as to Zurixx. (nl) (Entered: 10/01/2019)
09/30/2019	<u>16</u>	**RESTRICTED DOCUMENT** Summons Issued as to Zurixx Financial. (nl) (Entered: 10/01/2019)
09/30/2019	<u>17</u>	**RESTRICTED DOCUMENT** Summons Issued as to Jeffrey D. Spangler. (nl) (Entered: 10/01/2019)
09/30/2019	<u>18</u>	**RESTRICTED DOCUMENT** Summons Issued as to James M. Carlson. (nl) (Entered: 10/01/2019)
09/30/2019	<u>19</u>	**RESTRICTED DOCUMENT** Summons Issued as to Christopher A. Cannon. (nl) (Entered: 10/01/2019)
09/30/2019	<u>20</u>	**RESTRICTED DOCUMENT** Summons Issued as to Carlson Development Group. (nl) (Entered: 10/01/2019)
09/30/2019	<u>21</u>	**RESTRICTED DOCUMENT** Summons Issued as to CJ Seminar Holdings. (nl) (Entered: 10/01/2019)
10/01/2019	<u>22</u>	

		ORDER REFERRING CASE to Magistrate Judge Cecilia M. Romero under 28:636 (b)(1)(A), Magistrate to hear and determine all nondispositive pretrial matters. No attached document. Signed by Judge Dale A. Kimball on 10/1/2019. (eat) (Entered: 10/01/2019)
10/01/2019	<u>23</u>	Minute Entry for proceedings held before Judge Dale A. Kimball: Motion Hearing held on 10/1/2019 re Plaintiffs' <u>4</u> Ex Parte MOTION for Temporary Restraining Order filed by Utah Division of Consumer Protection, and the Federal Trade Commission. After hearing statements from counsel, the court finds that Plaintiffs have demonstrated a pressing need for a temporary restraining order and the court grants the motion. The Ex Parte Temporary Restraining Order is executed and filed in open court. The Order to Show Cause Hearing is set for 10/15/2019 at 10:00 AM in Rm 3.400 before Judge Dale A. Kimball. Attorneys for Plaintiffs: Collot Guerard, Joshua Doan, and Miry Kim for the FTC; Thomas Melton, Robert Wing, and Kevin McLean for the Utah Division of Consumer Protection. Court Reporter: Rebecca Janke. (eat) (Entered: 10/01/2019)
10/01/2019	<u>24</u>	TEMPORARY RESTRAINING ORDER granting <u>4</u> MOTION for Temporary Restraining Order filed by Utah Division of Consumer Protection, and the Federal Trade Commission. Signed by Judge Dale A. Kimball on 10/1/2019. (Attachments: # <u>1</u> Mailing Certificate) (eat) (Entered: 10/01/2019)
10/04/2019	<u>25</u>	ORDER TO UNSEAL CASE. Signed by Judge Dale A. Kimball on 10/4/2019. (jwt) (Additional attachment(s) added on 10/4/2019: # <u>1</u> Plaintiff Division's Notice Regarding Service and Lift of Temporary Seal (received unsigned by email)) (jwt). (Entered: 10/04/2019)
10/04/2019	<u>26</u>	NOTICE OF Unsealing Civil Case (jwt) (Entered: 10/04/2019)
10/04/2019	<u>27</u>	NOTICE of Appearance by Amanda R. Grier on behalf of Federal Trade Commission (Grier, Amanda) (Entered: 10/04/2019)
10/04/2019	<u>28</u>	Stipulated MOTION for Extension of Time Temporary Restraining Order filed by Defendants CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order) Motions referred to Cecilia M. Romero. Attorney Benson L. Hathaway, Jr added to party CJ Seminar Holdings(pty:dft), Attorney Benson L. Hathaway, Jr added to party Christopher A. Cannon(pty:dft), Attorney Benson L. Hathaway, Jr added to party James M. Carlson(pty:dft), Attorney Benson L. Hathaway, Jr added to party Carlson Development Group(pty:dft), Attorney Benson L. Hathaway, Jr added to party Jeffrey D. Spangler(pty:dft), Attorney Benson L. Hathaway, Jr added to party Zurixx(pty:dft), Attorney Benson L. Hathaway, Jr added to party Zurixx Financial(pty:dft)(Hathaway, Benson) (Entered: 10/04/2019)
10/07/2019	<u>29</u>	NOTICE of Appearance by Ryan R. Beckstrom on behalf of CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial (Beckstrom, Ryan) (Entered: 10/07/2019)
10/07/2019	<u>30</u>	NOTICE of Appearance by Benson L. Hathaway, Jr on behalf of CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial (Hathaway, Benson) (Entered: 10/07/2019)
10/07/2019	<u>31</u>	ORDER granting <u>28</u> Stipulated MOTION to Extend the Temporary Restraining Order. The financial and asset disclosures required by Sections VI and VII of the TRO are required to be produced on or before Monday, 10/14/2019. The Order to Show Cause Hearing is continued to 11/5/2019 at 10:30 AM in Rm 3.400 before Judge Dale A. Kimball. Signed by Judge Dale A. Kimball on 10/7/2019. (eat) (Entered: 10/07/2019)
10/07/2019	<u>32</u>	

		NOTICE OF FILING of Response to TRO by KeyBank. (Attachments: # <u>1</u> Envelope) (eat) (Entered: 10/07/2019)
10/11/2019	<u>33</u>	NOTICE of Appearance by Doyle S. Byers on behalf of David K. Broadbent (Byers, Doyle) (Entered: 10/11/2019)
10/11/2019	<u>34</u>	NOTICE of Appearance by Cory A. Talbot on behalf of David K. Broadbent (Talbot, Cory) (Entered: 10/11/2019)
10/11/2019	<u>35</u>	NOTICE of Appearance by Engels Tejeda on behalf of David K. Broadbent (Tejeda, Engels) (Entered: 10/11/2019)
10/11/2019	<u>36</u>	NOTICE of Appearance by Chelsea J. Davis on behalf of David K. Broadbent (Davis, Chelsea) (Entered: 10/11/2019)
10/14/2019	<u>37</u>	Defendant's MOTION for Admission Pro Hac Vice of Stephen R. Freeland , Registration fee \$ 250, receipt number 1088-3394203, filed by Defendants CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial. (Attachments: # <u>1</u> Exhibit Exhibit, # <u>2</u> Exhibit Exhibit, # <u>3</u> Text of Proposed Order Proposed Order)(Beckstrom, Ryan) (Entered: 10/14/2019)
10/14/2019	<u>38</u>	Defendant's MOTION for Admission Pro Hac Vice of Mary M. Gardner , Registration fee \$ 250, receipt number 1088-3394255, filed by Defendants CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial. (Attachments: # <u>1</u> Exhibit Exhibit, # <u>2</u> Exhibit Exhibit, # <u>3</u> Text of Proposed Order Proposed Order)(Beckstrom, Ryan) (Entered: 10/14/2019)
10/14/2019	<u>39</u>	Defendant's MOTION for Admission Pro Hac Vice of Elliot Kelly , Registration fee \$ 250, receipt number 1088-3394266, filed by Defendants CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial. (Attachments: # <u>1</u> Exhibit Exhibit, # <u>2</u> Exhibit Exhibit, # <u>3</u> Text of Proposed Order Proposed Order)(Beckstrom, Ryan) (Entered: 10/14/2019)
10/14/2019	<u>40</u>	Defendant's MOTION for Admission Pro Hac Vice of Michael A. Munoz , Registration fee \$ 250, receipt number 1088-3394269, filed by Defendants CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial. (Attachments: # <u>1</u> Exhibit Exhibit, # <u>2</u> Exhibit Exhibit, # <u>3</u> Text of Proposed Order Proposed Order)(Beckstrom, Ryan) (Entered: 10/14/2019)
10/14/2019	<u>41</u>	Defendant's MOTION for Admission Pro Hac Vice of Leonard L. Gordon , Registration fee \$ 250, receipt number 1088-3394272, filed by Defendants CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial. (Attachments: # <u>1</u> Exhibit Exhibit, # <u>2</u> Exhibit Exhibit, # <u>3</u> Text of Proposed Order Proposed Order)(Beckstrom, Ryan) (Entered: 10/14/2019)
10/15/2019	<u>42</u>	ORDER granting <u>37</u> Motion for Admission Pro Hac Vice of Stephen R. Freeland for Defendants. Attorneys admitted Pro Hac Vice may download a copy of the District of Utah's local rules from the court's web site at http://www.utd.uscourts.gov. Signed by Judge Dale A. Kimball on 10/15/2019. (eat) (Entered: 10/15/2019)
10/15/2019	<u>43</u>	ORDER granting <u>38</u> Motion for Admission Pro Hac Vice of Mary M. Gardner for Defendants. Attorneys admitted Pro Hac Vice may download a copy of the District of Utah's local rules from the court's web site at http://www.utd.uscourts.gov. Signed by Judge Dale A. Kimball on 10/15/2019. (eat) (Entered: 10/15/2019)
10/15/2019	<u>44</u>	

		<p>ORDER granting <u>39</u> Motion for Admission Pro Hac Vice of Elliot Kelly for Defendants. Attorneys admitted Pro Hac Vice may download a copy of the District of Utah's local rules from the court's web site at http://www.utd.uscourts.gov. Signed by Judge Dale A. Kimball on 10/15/2019. (eat) (Entered: 10/15/2019)</p>
10/15/2019	<u>45</u>	<p>ORDER granting <u>40</u> Motion for Admission Pro Hac Vice of Michael A. Munoz for Defendants. Attorneys admitted Pro Hac Vice may download a copy of the District of Utah's local rules from the court's web site at http://www.utd.uscourts.gov. Signed by Judge Dale A. Kimball on 10/15/2019. (eat) (Entered: 10/15/2019)</p>
10/15/2019	<u>46</u>	<p>ORDER granting <u>41</u> Motion for Admission Pro Hac Vice of Leonard L. Gordon for Defendants. Attorneys admitted Pro Hac Vice may download a copy of the District of Utah's local rules from the court's web site at http://www.utd.uscourts.gov. Signed by Judge Dale A. Kimball on 10/15/2019. (eat) (Entered: 10/15/2019)</p>
10/15/2019	<u>47</u>	<p>ORDER OF RECUSAL – Magistrate Judge Cecilia M. Romero recused. Signed by Magistrate Judge Cecilia M. Romero on 10/15/2019. (eat) (Entered: 10/15/2019)</p>
10/15/2019	48	<p>ORDER REFERRING CASE to Magistrate Evelyn J. Furse under 28:636 (b)(1)(A), Magistrate to hear and determine all nondispositive pretrial matters. No attached document. Signed by Judge Dale A. Kimball on 10/15/2019. (eat) (Entered: 10/15/2019)</p>
10/28/2019	<u>49</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion for Temporary Restraining Order Hearing held on October 1, 2019, before Judge Dale A. Kimball. Court Reporter/Transcriber: Rebecca Janke, CSR, RMR, Telephone number (801)521-7238.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at www.utd.uscourts.gov. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/18/2019. Redacted Transcript Deadline set for 11/29/2019. Release of Transcript Restriction set for 1/27/2020. (eat) Modified by removing restricted text on 1/27/2020 (rgj). (Entered: 10/28/2019)</p>
10/31/2019	<u>51</u>	<p>Consent MOTION for Preliminary Injunction and Memorandum in Support filed by Plaintiff Federal Trade Commission. (Attachments: # <u>1</u> Text of Proposed Order Proposed Stipulated Preliminary Injunciton)(Grier, Amanda) (Entered: 10/31/2019)</p>
11/01/2019	<u>52</u>	<p>ERRATA to <u>51</u> Consent MOTION for Preliminary Injunction and Memorandum in Support filed by Plaintiff Federal Trade Commission . (Attachments: # <u>1</u> Text of Proposed Order Stipulated Preliminary Injunction Attachments)(Grier, Amanda) (Entered: 11/01/2019)</p>
11/01/2019	53	<p>NOTICE VACATING ORDER TO SHOW CAUSE HEARING set for 11/5/2019 at 10:30 AM before Judge Dale A. Kimball (Notice generated by DAK Chambers). (eat) (Entered: 11/01/2019)</p>
11/01/2019	<u>54</u>	<p>STIPULATED PRELIMINARY INJUNCTION ORDER granting <u>51</u> Stipulated Motion for Preliminary Injunction. Signed by Judge Dale A. Kimball on 11/1/2019. (Attachments: # <u>1</u> Attachment A, # <u>2</u> Attachment B, # <u>3</u> Attachment C) (eat) (Entered: 11/01/2019)</p>

11/06/2019	<u>55</u>	Correspondence from Graydon Campbell re seminar hosted by Zurixx in Ottawa, Canada. (eat) (Entered: 11/06/2019)
11/11/2019	<u>56</u>	MOTION to approve reimbursement of expenses, reissuance of payroll checks, and payment of health insurance premiums filed by Receiver David K. Broadbent. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C) Motions referred to Evelyn J. Furse.(Byers, Doyle) (Entered: 11/11/2019)
11/12/2019	<u>57</u>	Motions No Longer Referred: <u>56</u> MOTION to approve reimbursement of expenses, reissuance of payroll checks, and payment of health insurance premiums (nas) (Entered: 11/12/2019)
11/12/2019	<u>58</u>	ORDER granting Receiver's <u>56</u> Motion to Approve Reimbursement of Expenses, Reissuance of Payroll Checks, and Payment of Health Insurance Premiums. Signed by Judge Dale A. Kimball on 11/12/2019. (eat) (Entered: 11/12/2019)
11/14/2019	<u>59</u>	ORDER TO PROPOSE SCHEDULE – Plaintiffs must propose a schedule to Defendants in the form of a draft Attorney Planning Meeting Report within seven (7) days. See order for additional instructions. Signed by Magistrate Judge Evelyn J. Furse on 11/14/2019. (eat) (Entered: 11/14/2019)
11/18/2019	<u>60</u>	Ex Parte (Not Sealed) MOTION for Leave to File For leave to file overlength partial motion to dismiss filed by Defendants CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order) Motions referred to Evelyn J. Furse.(Hathaway, Benson) (Entered: 11/18/2019)
11/18/2019	<u>61</u>	ORDER granting Defendants' <u>60</u> Ex Parte Motion for Leave to File Overlength Partial Motion to Dismiss. Defendants are authorized to file an overlength Partial Motion to Dismiss not to exceed 30 substantive pages. Signed by Judge Dale A. Kimball on 11/18/2019. (eat) (Entered: 11/18/2019)
11/19/2019	<u>62</u>	Defendant's MOTION to Dismiss and Memorandum in Support filed by Defendants CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial. (Hathaway, Benson) (Entered: 11/19/2019)
11/27/2019	<u>63</u>	MOTION to Approve the Sale of Certain Personal Property, and to Approve Sale Free and Clear of Liens with Valid Liens to Attach to Proceeds and Memorandum in Support filed by Receiver David K. Broadbent. Motions referred to Evelyn J. Furse.(Byers, Doyle) (Entered: 11/27/2019)
12/02/2019	<u>64</u>	Motions No Longer Referred: <u>63</u> MOTION to Approve the Sale of Certain Personal Property, and to Approve Sale Free and Clear of Liens with Valid Liens to Attach to Proceeds and Memorandum in Support (nas) (Entered: 12/02/2019)
12/03/2019	<u>65</u>	MOTION to Amend/Correct AMENDMENT to <u>63</u> MOTION to Approve the Sale of Certain Personal Property, and to Approve Sale Free and Clear of Liens with Valid Liens to Attach to Proceeds and Memorandum in Support filed by Receiver David K. Broadbent. Motions referred to Evelyn J. Furse.(Byers, Doyle) Modified by correcting docket text on 12/3/2019 (eat). (Entered: 12/03/2019)
12/05/2019	<u>66</u>	REPORT OF ATTORNEY PLANNING MEETING. (Guerard, Collot) (Entered: 12/05/2019)
12/05/2019	<u>67</u>	Stipulated MOTION for Initial Scheduling Conference and Memorandum in Support filed by Plaintiff Federal Trade Commission. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Guerard, Collot) (Entered: 12/05/2019)
12/05/2019	<u>68</u>	

		Stipulated MOTION to Add Real Estate Elevated, LLC as a Receivership Entity filed by Receiver David K. Broadbent. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Talbot, Cory) (Entered: 12/05/2019)
12/06/2019	<u>69</u>	ORDER granting <u>68</u> Stipulated Motion to Add Real Estate Elevated, LLC as a Receivership Entity. Signed by Judge Dale A. Kimball on 12/6/2019. (eat) (Entered: 12/06/2019)
12/09/2019	<u>70</u>	Defendant's MOTION to Stay <i>Discovery Pending Outcome of Motion to Dismiss</i> filed by Defendants CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Hathaway, Benson) (Entered: 12/09/2019)
12/13/2019	<u>71</u>	STATUS REPORT <i>Monitor's Report</i> by David K. Broadbent. (Attachments: # <u>1</u> Exhibit 1 – Transfer Pricing Study, etc., # <u>2</u> Exhibit 2 – Accounting Report, # <u>3</u> Exhibit 2A1 – Bank Account and Merchant Summary, # <u>4</u> Exhibit 2A2 – Org. Chart Zurixx, # <u>5</u> Exhibit 2A3 – Owner Distributions, # <u>6</u> Exhibit 2A4 – Zurixx UT Office Payroll 10–25–19, # <u>7</u> Exhibit 2A5 – Zurixx Weekly AP to Pay 10–18–19 JC Final, # <u>8</u> Exhibit 2A6 – Daily Financial Monitoring, # <u>9</u> Exhibit 2A7 – AMEXCC, # <u>10</u> Exhibit 2A8 – 2019 Staff Payroll – Layoffs, # <u>11</u> Exhibit 2A9 – Pro Forma showing new pricing model, # <u>12</u> Exhibit 2A10 – Zurixx Employee and Vendor Payment Summary, # <u>13</u> Exhibit 2A11 – Summary of Financial Statements, # <u>14</u> Exhibit 2A12 – 2018–2017 Zurixx Audit, # <u>15</u> Exhibit 2A13 – Carlson Signed Financial Declaration – Redacted, # <u>16</u> Exhibit 2A14 – Cannon Signed Financial Disclosure – Redacted, # <u>17</u> Exhibit 2A15 – Spangler Signed Financial Disclosure – Redacted, # <u>18</u> Exhibit 2A16 – Zurixx Signed Financial Disclosure – Redacted, # <u>19</u> Exhibit 2A17 – Transfer Pricing Study, etc., # <u>20</u> Exhibit 3 – Declaration of James M. Carlson)(Talbot, Cory) (Entered: 12/13/2019)
12/17/2019	<u>72</u>	Plaintiff's MEMORANDUM in Opposition re <u>62</u> Defendant's MOTION to Dismiss and Memorandum in Support filed by Plaintiff Federal Trade Commission. (Grier, Amanda) (Entered: 12/17/2019)
12/17/2019	<u>73</u>	Plaintiff's MOTION for Leave to File Plaintiff's Motion for Leave to File an Overlength Memorandum in Opposition to Defendants' Partial Motion to Dismiss and Memorandum in Support filed by Plaintiff Utah Division of Consumer Protection. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order Granting Plaintiff's Motion for Leave to File an Overlength Memorandum in Opposition to Defendants' Partial Motion to Dismiss) Motions referred to Evelyn J. Furse.(Wing, Robert) (Entered: 12/17/2019)
12/17/2019	<u>74</u>	ORDER granting Plaintiff Utah Division of Consumer Protection's <u>73</u> Motion for Leave to File an Overlength Memorandum in Opposition to Defendants' Partial Motion to Dismiss. Signed by Judge Dale A. Kimball on 12/17/2019. (eat) (Entered: 12/17/2019)
12/17/2019	<u>75</u>	CORPORATE DISCLOSURE STATEMENT under FRCP 7.1 filed by Defendants CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial. (Hathaway, Benson) (Entered: 12/17/2019)
12/17/2019	<u>76</u>	Plaintiff's RESPONSE to Motion re <u>62</u> Defendant's MOTION to Dismiss and Memorandum in Support filed by Plaintiff Utah Division of Consumer Protection. (Attachments: # <u>1</u> Exhibit Exerpts from Spangler Depo, # <u>2</u> Exhibit Note from Bill File SB82 1994 Redacted, # <u>3</u> Exhibit iMergent Inc. v Giani, # <u>4</u> Exhibit USightcom Order, # <u>5</u> Exhibit Utah DCP v Stevens)(Wing, Robert) (Entered: 12/17/2019)
12/18/2019	77	<u>NOTICE OF HEARING ON MOTIONS</u> re: <u>67</u> Stipulated MOTION for Initial Scheduling Conference and Memorandum in Support , <u>70</u> Defendant's MOTION to Stay <i>Discovery Pending Outcome of Motion to Dismiss</i> : (Notice generated by EJF Chambers) Motion Hearing set for 1/9/2020 at 10:00 AM in Rm 7.400 before Magistrate Judge Evelyn J. Furse. (Inp) (Entered: 12/18/2019)

		12/18/2019)
12/19/2019	<u>78</u>	REQUEST to Submit for Decision re <u>63</u> MOTION to Approve the Sale of Certain Personal Property, and to Approve Sale Free and Clear of Liens with Valid Liens to Attach to Proceeds and Memorandum in Support filed by Receiver David K. Broadbent. (Byers, Doyle) (Entered: 12/19/2019)
12/19/2019	<u>79</u>	MOTION to Approve Settlement with Landlord and Memorandum in Support filed by Receiver David K. Broadbent. (Attachments: # <u>1</u> Exhibit A (Part 1 of 2) – 10–12–2015 Lease Agreement) Motions referred to Evelyn J. Furse.(Byers, Doyle) (Entered: 12/19/2019)
12/19/2019	<u>80</u>	EXHIBITS filed by David K. Broadbent re <u>79</u> MOTION to Approve Settlement with Landlord and Memorandum in Support . (Attachments: # <u>1</u> Exhibit A (Part 2 of 2) – 10–12–2015 Lease Agreement, # <u>2</u> Exhibit B – 11–25–2019 Settlement Agreement and Release, # <u>3</u> Exhibit C – Proposed Order)(Byers, Doyle) (Entered: 12/19/2019)
12/19/2019	<u>81</u>	ORDER granting Receiver's <u>63</u> Amended Motion to Approve the Sale of Certain Personal Property, and to Approve Sale Free and Clear of Liens with Valid Liens to Attach to Proceeds. Signed by Judge Dale A. Kimball on 12/19/2019. (eat) (Entered: 12/19/2019)
12/19/2019	<u>82</u>	NOTICE of Receiver's First Application for Compensation and Reimbursement of Expenses for (1) the Monitor and Retained Professionals, and (2) the Receiver and Retained Professionals by David K. Broadbent (Attachments: # <u>1</u> Exhibit A – Monitor 10–2019, # <u>2</u> Exhibit B – H&H 10–2019, # <u>3</u> Exhibit C – RMA 10–2019, # <u>4</u> Exhibit D – Receiver 11–2019, # <u>5</u> Exhibit E – H&H 11–2019, # <u>6</u> Exhibit F – RMA 11–2019) (Byers, Doyle) Modified by changing event type to motion for payment on 12/19/2019 (eat). (Entered: 12/19/2019)
12/20/2019	<u>83</u>	Motions No Longer Referred: <u>79</u> MOTION to Approve Settlement with Landlord and Memorandum in Support (nas) (Entered: 12/20/2019)
12/23/2019	<u>84</u>	Plaintiff's MEMORANDUM in Opposition re <u>70</u> Defendant's MOTION to Stay <i>Discovery Pending Outcome of Motion to Dismiss</i> filed by Plaintiff Federal Trade Commission. (Guerard, Collot) (Entered: 12/23/2019)
12/31/2019	<u>85</u>	Defendant's MOTION for Leave to File Excess Pages filed by Defendants CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order) Motions referred to Evelyn J. Furse.(Hathaway, Benson) (Entered: 12/31/2019)
12/31/2019	<u>86</u>	Defendant's REPLY to Response to Motion re <u>62</u> Defendant's MOTION to Dismiss and Memorandum in Support of <i>Their Partial Motion to Dismiss</i> filed by Defendants CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial. (Attachments: # <u>1</u> Exhibit Declaration of Elliot A. Kelly, # <u>2</u> Exhibit Exhibit A to Declaration of Elliot A. Kelly)(Hathaway, Benson) (Entered: 12/31/2019)
01/02/2020	<u>87</u>	ORDER granting Defendants' <u>85</u> Motion for Leave to File Excess Pages. Defendants are authorized to file an overlength Reply Motion in Further Support of the Partial Motion to Dismiss not to exceed 31 substantive pages. Signed by Judge Dale A. Kimball on 1/2/2020. (eat) (Entered: 01/02/2020)
01/02/2020	<u>88</u>	NOTICE OF HEARING ON MOTION re <u>62</u> Defendant's MOTION to Dismiss (Notice generated by DAK Chambers): Motion Hearing is set for 2/12/2020 at 02:00 PM in Rm 3.400 before Judge Dale A. Kimball. (eat) (Entered: 01/02/2020)
01/03/2020	<u>89</u>	NOTICE of SUPPLEMENTAL AUTHORITY by Federal Trade Commission re <u>72</u> Memorandum in Opposition to Motion, <u>76</u> Response to Motion, (Attachments: # <u>1</u> Order in FTC

		and Division v. Nudge, LLC, et al.) (Doan, Joshua) (Entered: 01/03/2020)
01/06/2020	<u>90</u>	Defendant's REPLY to Response to Motion re <u>70</u> Defendant's MOTION to Stay <i>Discovery Pending Outcome of Motion to Dismiss</i> filed by Defendants CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial. (Attachments: # <u>1</u> Exhibit Exhibit, # <u>2</u> Exhibit Exhibit)(Hathaway, Benson) (Entered: 01/06/2020)
01/07/2020	<u>91</u>	REQUEST to Submit for Decision re <u>82</u> MOTION for Payment filed by Receiver David K. Broadbent. (Attachments: # <u>1</u> Text of Proposed Order)(Byers, Doyle) (Entered: 01/07/2020)
01/07/2020	<u>92</u>	ORDER granting Receiver's <u>82</u> Motion for Compensation and Reimbursement of Expenses for (1) the Monitor and Retained Professionals, and (2) the Receiver and Retained Professionals. The Receiver is authorized to pay the amounts incurred as outlined in the Motion from the assets in his possession or control as Receiver of the Receivership Entities. Signed by Judge Dale A. Kimball on 1/7/2020. (eat) (Entered: 01/07/2020)
01/07/2020	<u>93</u>	REQUEST to Submit for Decision re <u>80</u> Exhibits, <u>79</u> MOTION to Approve Settlement with Landlord and Memorandum in Support filed by Receiver David K. Broadbent. (Attachments: # <u>1</u> Text of Proposed Order)(Byers, Doyle) (Entered: 01/07/2020)
01/08/2020	<u>94</u>	ORDER granting Receiver's <u>79</u> Motion to Approve Settlement with Landlord. Signed by Judge Dale A. Kimball on 1/8/2020. (eat) (Entered: 01/08/2020)
01/09/2020	95	Minute Entry for proceedings held before Magistrate Judge Evelyn J. Furse: Motion Hearing held on 1/9/2020 re <u>70</u> Defendant's MOTION to Stay <i>Discovery Pending Outcome of Motion to Dismiss</i> filed by CJ Seminar Holdings, Carlson Development Group, Jeffrey D. Spangler, James M. Carlson, Zurixx Financial, Zurixx, Christopher A. Cannon, <u>67</u> Stipulated MOTION for Initial Scheduling Conference and Memorandum in Support filed by Federal Trade Commission. The Court hears argument on the pending Motion to Stay. The court is not ready to make a ruling on the motion at this time. The court asks for more briefing on the issue. Counsel has until January 23, 2020 to file a response and a reply brief, if any, is due February 3, 2020. Attorney for Plaintiff: Collot Guerard, Joshua Doan, Robert Wing, Attorney for Defendant: Leonard Gordon, Benson Hathaway. Court Reporter: Electronic.(Time Start: 9:55:36, Time End: 10:24:26, Room 7.400.)(las) (Entered: 01/09/2020)
01/16/2020	<u>96</u>	MOTION for Discovery and Memorandum in Support of <i>Motion for Clarification</i> filed by Plaintiff Federal Trade Commission. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Guerard, Collot) (Entered: 01/16/2020)
01/23/2020	<u>97</u>	Supplemental RESPONSE to Motion re <u>70</u> Defendant's MOTION to Stay <i>Discovery Pending Outcome of Motion to Dismiss</i> filed by Plaintiff Federal Trade Commission. (Guerard, Collot) (Entered: 01/23/2020)
01/23/2020	<u>98</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion Hearing held on 01/09/2020 before Judge Evelyn J. Furse. Court Reporter/Transcriber Patti Walker, Telephone number (801)364-5440. NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at www.utd.uscourts.gov. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.

		Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/13/2020. Redacted Transcript Deadline set for 2/24/2020. Release of Transcript Restriction set for 4/22/2020. (nl) Modified by removing restricted text on 4/22/2020 (rks). (Entered: 01/23/2020)
01/24/2020	<u>100</u>	MOTION to Approve Dismissal of State Court Litigation and Memorandum in Support filed by Receiver David K. Broadbent. (Attachments: # <u>1</u> Text of Proposed Order)(Talbot, Cory) Modified by changing event type to motion for miscellaneous relief and by correcting docket text on 1/24/2020 (eat). (Entered: 01/24/2020)
01/24/2020	<u>101</u>	SUBSTITUTION OF COUNSEL Eric G. Benson replacing Ryan R. Beckstrom and Benson L. Hathaway, Jr as counsel on behalf of CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial. (Benson, Eric) (Entered: 01/24/2020)
01/27/2020	<u>102</u>	NOTICE of Appearance by Z. Ryan Pahnke on behalf of CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial (Pahnke, Z.) (Entered: 01/27/2020)
01/27/2020	<u>103</u>	ORDER granting <u>100</u> Motion to Approve Dismissal of State Court Litigation. Signed by Judge Dale A. Kimball on 1/27/2020. (eat) (Entered: 01/27/2020)
01/30/2020	<u>104</u>	MEMORANDUM in Opposition re <u>96</u> MOTION for Discovery and Memorandum in Support of <i>Motion for Clarification</i> filed by Defendants CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial. (Benson, Eric) (Entered: 01/30/2020)
01/30/2020	<u>105</u>	EXHIBITS filed by CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial re <u>104</u> Memorandum in Opposition to Motion,. (Benson, Eric) (Entered: 01/30/2020)
01/31/2020	106	<u>AMENDED NOTICE OF HEARING ON MOTION</u> re <u>62</u> Defendant's MOTION to Dismiss (Notice generated by DAK Chambers): Motion Hearing is RESET for 2/12/2020 at 02:00 PM in <u>Rm 7.200</u> before Judge Dale A. Kimball. PLEASE NOTE THE CHANGE IN COURTROOM ONLY. (eat) (Entered: 01/31/2020)
02/03/2020	<u>107</u>	Supplemental MEMORANDUM in Support re <u>70</u> Defendant's MOTION to Stay <i>Discovery Pending Outcome of Motion to Dismiss</i> filed by Defendants CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial. (Pahnke, Z.) (Entered: 02/03/2020)
02/12/2020	<u>108</u>	VACATED pursuant to <u>127</u> Memorandum Decision and Order ORDER granting in part <u>67</u> Stipulated Motion for Initial Scheduling Conference; granting in part <u>70</u> Motion to Stay Discovery; and denying as moot <u>96</u> Motion for Clarification of Magistrate Judge's Oral Ruling on Third Party Discovery. Signed by Magistrate Judge Evelyn J. Furse on 2/12/2020. (eat) Modified by adding docket text and striking entry on 4/28/2020 (eat). (Entered: 02/12/2020)
02/12/2020	109	Minute Entry for proceedings held before Judge Dale A. Kimball: Motion Hearing held on 2/12/2020 re <u>62</u> Defendants' MOTION to Dismiss filed by CJ Seminar Holdings, Carlson Development Group, Jeffrey D. Spangler, James M. Carlson, Zurixx Financial, Zurixx, and Christopher A. Cannon. After hearing statements and arguments from counsel, the court takes the motion under advisement and will issue a ruling in due course. Attorneys for Plaintiffs: Amanda R. Grier, Joshua A. Doan, Thomas M. Melton, Robert G. Wing, and Kevin M. McLean. Attorneys for Defendants: Leonard L. Gordon, Stephen R. Freeland, Eric G. Benson, and Z. Ryan

		Pahnke. Court Reporter: Lindsay Payeur. (eat) (Entered: 02/12/2020)
02/26/2020	<u>110</u>	OBJECTION TO <u>108</u> MAGISTRATE JUDGE DECISION to District Court by Federal Trade Commission (Attachments: # <u>1</u> Appendix Attachment A)(Grier, Amanda) Modified by adding docket entry relationship to magistrate order on 2/26/2020 (eat). (Entered: 02/26/2020)
02/26/2020	<u>111</u>	OBJECTION TO <u>108</u> MAGISTRATE JUDGE DECISION to District Court by Utah Division of Consumer Protection (Faerber, Paula) Modified by adding docket entry relationship to magistrate order on 2/26/2020 (eat). (Entered: 02/26/2020)
02/26/2020	<u>112</u>	MEMORANDUM DECISION AND ORDER denying Defendants' <u>62</u> Motion to Dismiss. Signed by Judge Dale A. Kimball on 2/26/2020. (eat) (Entered: 02/26/2020)
02/28/2020	<u>113</u>	ORDER TO RESPOND re <u>111</u> Objection to Magistrate Judge Decision to District Court filed by Utah Division of Consumer Protection, and <u>110</u> Objection to Magistrate Judge Decision to District Court filed by Federal Trade Commission. Defendants shall file a response to the Objections within 14 days of the date of this Order. Plaintiffs may file a reply in support of their Objections within 10 days of the date of the response. The court will then take the Objections under advisement and issue a ruling as soon as practicable. The court does not anticipate holding a hearing on the Objections. Signed by Judge Dale A. Kimball on 2/28/2020. (eat) (Entered: 02/28/2020)
03/11/2020	<u>114</u>	Defendant's MOTION to Certify for Appeal, Under 28 U.S.C. Section 1292(B), Memorandum Decision and Order on Defendants' Partial Motion to Dismiss re <u>112</u> Order on Motion to Dismiss, Memorandum Decision and Memorandum in Support filed by Defendants CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial. (Attachments: # <u>1</u> Exhibit 1) Motions referred to Evelyn J. Furse.(Pahnke, Z.) (Entered: 03/11/2020)
03/11/2020	<u>115</u>	MOTION for order holding Efron Dorado, S.E. and David Efron in Contempt of Court and Memorandum in Support filed by Receiver David K. Broadbent. (Attachments: # <u>1</u> Exhibit 1 – 11–5–19 Email with attachment) Motions referred to Evelyn J. Furse.(Talbot, Cory) (Entered: 03/11/2020)
03/11/2020	<u>116</u>	ANSWER to <u>1</u> Complaint, with Jury Demand filed by CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial.(Pahnke, Z.) (Entered: 03/11/2020)
03/12/2020	<u>117</u>	NOTICE OF ADR e–mailed to Defendants CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, and Zurixx Financial; and emailed to Plaintiffs Federal Trade Commission, and Utah Division of Consumer Protection. (eat) (Entered: 03/12/2020)
03/12/2020	<u>118</u>	Motions No Longer Referred: <u>115</u> MOTION for order holding Efron Dorado, S.E. and David Efron in Contempt of Court and Memorandum in Support , <u>114</u> Defendant's MOTION to Certify for Appeal, Under 28 U.S.C. Section 1292(B), Memorandum Decision and Order on Defendants' Partial Motion to Dismiss re <u>112</u> Order on Motion to Dismiss, Memorandum Decision and Memorandum in Support (nas) (Entered: 03/12/2020)
03/13/2020	<u>119</u>	RESPONSE re <u>111</u> Objection to Magistrate Judge Decision to District Court, <u>110</u> Objection to Magistrate Judge Decision to District Court, filed by CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial. (Pahnke, Z.) (Entered: 03/13/2020)
03/23/2020	<u>120</u>	RESPONSE re <u>119</u> Response (NOT to motion),, <i>Plaintiffs' Reply in Support of Rule 72(a) Objections to Magistrate Judge's Stay Order [ECF No. 108]</i> filed by Federal Trade

		Commission. (Doan, Joshua) (Entered: 03/23/2020)
03/25/2020	<u>121</u>	MEMORANDUM in Opposition re <u>114</u> Defendant's MOTION to Certify for Appeal, Under 28 U.S.C. Section 1292(B), Memorandum Decision and Order on Defendants' Partial Motion to Dismiss re <u>112</u> Order on Motion to Dismiss, Memorandum Decision and Memorandum in Support filed by Plaintiff Federal Trade Commission. (Grier, Amanda) (Entered: 03/25/2020)
04/07/2020	<u>122</u>	MOTION for Receiver's Second Application for Compensation and Reimbursement of Expenses for the Receiver and Retained Professionals Payment filed by Receiver David K. Broadbent. (Attachments: # <u>1</u> Exhibit A – Receiver Invoices, # <u>2</u> Exhibit B – H&H Invoices, # <u>3</u> Exhibit C – RMA Invoices) Motions referred to Evelyn J. Furse.(Byers, Doyle) (Entered: 04/07/2020)
04/08/2020	<u>123</u>	REPLY to Response to Motion re <u>114</u> Defendant's MOTION to Certify for Appeal, Under 28 U.S.C. Section 1292(B), Memorandum Decision and Order on Defendants' Partial Motion to Dismiss re <u>112</u> Order on Motion to Dismiss, Memorandum Decision and Memorandum in Support filed by Defendants CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Pahnke, Z.) (Entered: 04/08/2020)
04/10/2020	<u>124</u>	NOTICE of SUPPLEMENTAL AUTHORITY by Federal Trade Commission re <u>121</u> Memorandum in Opposition to Motion, (Attachments: # <u>1</u> Nudge Order, # <u>2</u> Nudge Transcript) (Grier, Amanda) (Entered: 04/10/2020)
04/22/2020	<u>125</u>	REQUEST to Submit for Decision re <u>122</u> MOTION for Receiver's Second Application for Compensation and Reimbursement of Expenses for the Receiver and Retained Professionals Payment filed by Receiver David K. Broadbent. (Attachments: # <u>1</u> Text of Proposed Order Approving Receiver's Second, etc.)(Byers, Doyle) (Entered: 04/22/2020)
04/23/2020	<u>126</u>	ORDER granting Receiver's <u>122</u> Second Application for Compensation and Reimbursement of Expenses for the Receiver and Retained Professionals. Signed by Magistrate Judge Evelyn J. Furse on 4/23/2020. (eat) (Entered: 04/23/2020)
04/28/2020	<u>127</u>	MEMORANDUM DECISION AND ORDER GRANTING Plaintiffs' Rule 72(a) Objections to the Magistrate Judge's Stay Order (Docket Entries <u>110</u> and <u>111</u>). The Magistrate Judge's Stay Order (Docket Entry <u>108</u>) is VACATED. Defendants' <u>114</u> Motion to Certify for Appeal Memorandum Decision and Order on Defendants' Partial Motion to Dismiss is DENIED. Signed by Judge Dale A. Kimball on 4/28/2020. (eat) (Entered: 04/28/2020)
04/28/2020	<u>128</u>	Stipulated MOTION Request for Order Regarding Qualified Turnover of Reserve Funds filed by Receiver David K. Broadbent. (Attachments: # <u>1</u> Text of Proposed Order for Qualified Turnover of Reserve Funds) Motions referred to Evelyn J. Furse.(Byers, Doyle) (Entered: 04/28/2020)
04/28/2020	<u>129</u>	Stipulated MOTION Request for Order Regarding Qualified Turnover of Reserve Funds (Paysafe) filed by Receiver David K. Broadbent. (Attachments: # <u>1</u> Text of Proposed Order for Qualified Turnover of Reserve Funds (Paysafe)) Motions referred to Evelyn J. Furse.(Byers, Doyle) (Entered: 04/28/2020)
04/28/2020	<u>130</u>	ORDER granting <u>128</u> Stipulated Motion for Qualified Turnover of \$45,000 in Reserve Funds. Signed by Judge Dale A. Kimball on 4/28/2020. (eat) (Entered: 04/28/2020)
04/28/2020	<u>131</u>	ORDER granting <u>129</u> Stipulated Motion for Qualified Turnover of \$1,055,220.44 in Reserve Funds. Signed by Judge Dale A. Kimball on 4/28/2020. (eat) (Entered: 04/28/2020)
05/08/2020	<u>132</u>	Consent MOTION for Leave to File First Amended Complaint and Memorandum in Support filed by Plaintiff Federal Trade Commission. (Attachments: # <u>1</u> Appendix First Amended Complaint, # <u>2</u> Appendix Redline Comparison, # <u>3</u> Text of Proposed Order) Motions referred to

		Evelyn J. Furse.(Grier, Amanda) (Entered: 05/08/2020)
05/11/2020	<u>133</u>	ORDER granting Plaintiffs' <u>132</u> Unopposed Motion for Leave to File Amended Complaint. Signed by Judge Dale A. Kimball on 5/11/2020. (eat) (Entered: 05/11/2020)
05/12/2020	<u>134</u>	AMENDED COMPLAINT <i>FOR PERMANENT INJUNCTION AND OTHER EQUITABLE RELIEF</i> against CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group, Jeffrey D. Spangler, Zurixx, Zurixx Financial. <i>New Defendants: Brand Management Holdings, LLC, CAC Investment Ventures, LLC, Carlson Development Group, LLC, Dorado Marketing and Management, LLC, JSS Investment Ventures, LLC, JSS Trust, Zurixx Financial, LLC, and Gerald D. Spangler.</i> filed by Federal Trade Commission. (Grier, Amanda) (Entered: 05/12/2020)
05/13/2020		NAME CORRECTION of Carlson Development Group, Zurixx Financial – Because there are 2 parties with the same name but appear in the amended complaint as different parties, the names needed to be modified in order to be identified for docketing purposes. Corrected Name: Carlson Development Group Utah and Carlson Development Group Puerto Rico, Zurixx Financial Utah and Zurixx Financial Puerto Rico. Refer to document number: <u>134</u> Amended Complaint. (rks) (Entered: 05/13/2020)
05/14/2020	<u>135</u>	Stipulated MOTION Stipulated Request for Order Regarding Qualified Turnover of Reserve Funds (Priority Payment Systems) filed by Receiver David K. Broadbent. (Attachments: # <u>1</u> Exhibit A – Proposed Stipulated Order for Qualified Turnover of Reserve Funds, # <u>2</u> Exhibit B – Excerpt from Deposition of James Carlson, dated 10–29–2019) Motions referred to Evelyn J. Furse.(Byers, Doyle) (Entered: 05/14/2020)
05/14/2020	<u>136</u>	ORDER granting <u>135</u> Stipulated Motion for Qualified Turnover of Reserve Funds (Priority Payment Systems). Signed by Judge Dale A. Kimball on 5/14/2020. (eat) (Entered: 05/14/2020)
05/18/2020	137	REASSIGNMENT to Newly Appointed Magistrate Judge. Case Reassigned to Magistrate Judge Daphne A. Oberg. Magistrate Judge Evelyn J. Furse no longer assigned to the case. Case number will now read 2:19–cv–00713–DAK–DAO . Please make changes to document captions accordingly. Motions referred to Daphne A. Oberg.(rks) (Entered: 05/18/2020)
05/18/2020	138	Motions No Longer Referred: <u>115</u> MOTION for order holding Efron Dorado, S.E. and David Efron in Contempt of Court and Memorandum in Support (nas) (Entered: 05/18/2020)
05/29/2020	139	DOCKET TEXT ORDER: Given the recent <u>112</u> Order denying the Motion to Dismiss, <u>127</u> Order vacating the stay, and filing of the <u>134</u> Amended Complaint, the parties are ORDERED to file a revised Attorney Planning Meeting Report and comply with Paragraph 2 of the <u>59</u> Order to Propose Schedule by June 19, 2020. No attached document. Signed by Magistrate Judge Daphne A. Oberg on 5/29/2020. (nas) (Entered: 05/29/2020)
06/01/2020	<u>140</u>	NOTICE OF WITHDRAWAL OF COUNSEL of Leonard L. Gordon, Stephen R. Freeland, Mary M. Gardner, Elliot Kelly, Michael A. Munoz filed by Michael A. Munoz on behalf of CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group Utah, Jeffrey D. Spangler, Zurixx, Zurixx Financial Utah (Munoz, Michael) (Entered: 06/01/2020)
06/04/2020	<u>141</u>	WAIVER OF SERVICE Returned Executed filed by Federal Trade Commission as to Brand Management Holdings Waiver sent on 5/18/2020, answer due 7/17/2020. (Grier, Amanda) (Entered: 06/04/2020)
06/04/2020	<u>142</u>	WAIVER OF SERVICE Returned Executed filed by Federal Trade Commission as to CAC Investment Ventures Waiver sent on 5/18/2020, answer due 7/17/2020. (Grier, Amanda) (Entered: 06/04/2020)

06/04/2020	<u>143</u>	WAIVER OF SERVICE Returned Executed filed by Federal Trade Commission as to Carlson Development Group Puerto Rico Waiver sent on 5/18/2020, answer due 7/17/2020. (Grier, Amanda) (Entered: 06/04/2020)
06/04/2020	<u>144</u>	WAIVER OF SERVICE Returned Executed filed by Federal Trade Commission as to Dorado Marketing and Management Waiver sent on 5/18/2020, answer due 7/17/2020. (Grier, Amanda) (Entered: 06/04/2020)
06/04/2020	<u>145</u>	WAIVER OF SERVICE Returned Executed filed by Federal Trade Commission as to Zurixx Financial Puerto Rico Waiver sent on 5/18/2020, answer due 7/17/2020. (Grier, Amanda) (Entered: 06/04/2020)
06/05/2020	<u>146</u>	NOTICE of Appearance by Z. Ryan Pahnke on behalf of Brand Management Holdings, CAC Investment Ventures, Carlson Development Group Puerto Rico, Dorado Marketing and Management, Zurixx Financial Puerto Rico (Pahnke, Z.) (Entered: 06/05/2020)
06/05/2020	<u>147</u>	NOTICE of Appearance by Eric G. Benson on behalf of Brand Management Holdings, CAC Investment Ventures, Carlson Development Group Puerto Rico, Dorado Marketing and Management, Zurixx Financial Puerto Rico (Benson, Eric) (Entered: 06/05/2020)
06/17/2020	<u>148</u>	NOTICE of Appearance by Brennan H. Moss on behalf of JSS Investment Ventures, JSS Trust, Gerald D. Spangler (Moss, Brennan) (Entered: 06/17/2020)
06/17/2020	<u>149</u>	WAIVER OF SERVICE Returned Executed filed by Gerald D. Spangler, JSS Investment Ventures, JSS Trust as to Gerald D. Spangler Waiver sent on 6/17/2020, answer due 8/17/2020; JSS Investment Ventures Waiver sent on 6/17/2020, answer due 8/17/2020; JSS Trust Waiver sent on 6/17/2020, answer due 8/17/2020. (Moss, Brennan) (Entered: 06/17/2020)
06/19/2020	<u>150</u>	REPORT OF ATTORNEY PLANNING MEETING. (Guerard, Collot) (Entered: 06/19/2020)
06/22/2020	<u>151</u>	SCHEDULING ORDER: Amended Pleadings due by 1/21/2021. Joinder of Parties due by 1/21/2021. Expert Discovery due by 12/3/2021. Dispositive Motions due by 1/15/2022. 10-day Trial is set for 8/15/2022 at 08:30 AM in Rm 3.400 before Judge Dale A. Kimball. Signed by Magistrate Judge Daphne A. Oberg on 6/22/2020. (eat) (Entered: 06/22/2020)
06/23/2020	<u>152</u>	Ex Parte (Not Sealed) MOTION for Service of Pleading(s) to be served: Motion for Order Holding Efron Dorado, S.E. and David Efron in Contempt of Court <i>Ex Parte Motion for Alternative Service</i> filed by Receiver David K. Broadbent. (Attachments: # <u>1</u> Exhibit 1 – Declaration of Michael Rodriguez Ocasio, # <u>2</u> Exhibit 2 – Declaration of Hector Emilio Piovanetti Tirado, # <u>3</u> Exhibit 3 – Certified Mail Receipts, # <u>4</u> Text of Proposed Order Granting Ex Parte Motion for Alternative Service) Motions referred to Daphne A. Oberg.(Talbot, Cory) (Entered: 06/23/2020)
06/23/2020	<u>153</u>	REQUEST to Submit for Decision re <u>152</u> Ex Parte (Not Sealed) MOTION for Service of Pleading(s) to be served: Motion for Order Holding Efron Dorado, S.E. and David Efron in Contempt of Court <i>Ex Parte Motion for Alternative Service</i> filed by Receiver David K. Broadbent. (Talbot, Cory) (Entered: 06/23/2020)
06/23/2020	<u>154</u>	NOTICE of Appearance by Michael A. Gehret on behalf of JSS Investment Ventures, JSS Trust, Gerald D. Spangler (Gehret, Michael) (Entered: 06/23/2020)
06/25/2020	<u>155</u>	ORDER granting <u>152</u> Ex Parte Motion for Alternative Service. Signed by Judge Dale A. Kimball on 6/25/2020. (eat) (Entered: 06/25/2020)
06/26/2020	<u>156</u>	MEMORANDUM in Opposition and Request for Sanctions Against Receiver's Attorneys re <u>115</u> MOTION for order holding Efron Dorado, S.E. and David Efron in Contempt of Court filed by

		David Efron, Efron Dorado, S.E. (eat) (Entered: 06/26/2020)
06/30/2020	<u>157</u>	NOTICE of Appearance by D. Loren Washburn on behalf of Brand Management Holdings, CAC Investment Ventures, CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group Puerto Rico, Carlson Development Group Utah, Dorado Marketing and Management, Jeffrey D. Spangler, Zurixx, Zurixx Financial Puerto Rico, Zurixx Financial Utah (Washburn, D.) (Entered: 06/30/2020)
06/30/2020	<u>158</u>	NOTICE of Appearance by Mark L. Smith on behalf of Brand Management Holdings, CAC Investment Ventures, CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group Puerto Rico, Carlson Development Group Utah, Dorado Marketing and Management, Jeffrey D. Spangler, Zurixx, Zurixx Financial Puerto Rico, Zurixx Financial Utah (Smith, Mark) (Entered: 06/30/2020)
07/06/2020	<u>159</u>	MOTION for Extension of Time Claim Deadline Under the Stipulated Order for Qualified Turnover of Reserve Funds (Priority Payment Systems) filed by Receiver David K. Broadbent. (Attachments: # <u>1</u> Text of Proposed Order Extending Claim Deadline Under the Stipulated Order for Qualified Turnover of Reserve Funds (Priority Payment Systems)) Motions referred to Daphne A. Oberg.(Byers, Doyle) (Entered: 07/06/2020)
07/07/2020	<u>160</u>	ORDER granting <u>159</u> Motion for Extension of Claim Deadline Under the Stipulated Order for Qualified Turnover of Reserve Funds (Priority Payment Systems). Signed by Judge Dale A. Kimball on 7/7/2020. (eat) (Entered: 07/07/2020)
07/10/2020	<u>161</u>	REPLY to Response to Motion re <u>115</u> MOTION for order holding Efron Dorado, S.E. and David Efron in Contempt of Court and Memorandum in Support filed by Receiver David K. Broadbent. (Talbot, Cory) (Entered: 07/10/2020)
07/17/2020	<u>162</u>	ANSWER to <u>134</u> Amended Complaint,, with Jury Demand filed by Brand Management Holdings, CAC Investment Ventures, CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group Puerto Rico, Carlson Development Group Utah, Dorado Marketing and Management, Jeffrey D. Spangler, Zurixx, Zurixx Financial Puerto Rico, Zurixx Financial Utah.(Pahnke, Z.) (Entered: 07/17/2020)
07/21/2020	<u>163</u>	Stipulated MOTION to Add Advanced Education (CA) LLC dba Will to Win Entrepreneur as a Receivership Party and Memorandum in Support filed by Receiver David K. Broadbent. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Daphne A. Oberg.(Tejeda, Engels) (Entered: 07/21/2020)
07/22/2020	<u>164</u>	ORDER granting <u>163</u> Stipulated MOTION to Add Advanced Education (CA) LLC dba Will to Win Entrepreneur as a Receivership Party filed by David K. Broadbent. Advanced Education (Ca) added. Signed by Judge Dale A. Kimball on 7/22/2020. (eat) (Entered: 07/22/2020)
07/24/2020	<u>165</u>	NOTICE OF FILING of Surreply re <u>115</u> MOTION for order holding Efron Dorado, S.E. and David Efron in Contempt of Court filed by Movant David Efron. (eat) (Entered: 07/27/2020)
07/27/2020	<u>166</u>	MEMORANDUM DECISION AND ORDER granting the Receiver's <u>115</u> Motion for Order Holding Efron Dorado, S.E. and David Efron in Contempt of Court, and denying Efron Dorado and Efron's request for sanctions against the Receiver's counsel. Signed by Judge Dale A. Kimball on 7/27/2020. (eat) (Entered: 07/27/2020)
08/06/2020	<u>167</u>	MOTION Receiver's Third Application for Compensation and Reimbursement of Expenses for the Receiver and Retained Professionals filed by Receiver David K. Broadbent. (Attachments: # <u>1</u> Exhibit A – Receiver Invoice, # <u>2</u> Exhibit B – H&H Invoice, # <u>3</u> Exhibit C – RMA Invoice) Motions referred to Daphne A. Oberg.(Byers, Doyle) (Entered: 08/06/2020)

08/17/2020	<u>168</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Defendants JSS Investment Ventures, JSS Trust, Gerald D. Spangler. (Attachments: # <u>1</u> Exhibit A: The JSS Trust)(Moss, Brennan) (Entered: 08/17/2020)
08/18/2020	<u>169</u>	MOTION to Stay <i>Proceedings Pending Supreme Court Cases</i> filed by Defendants Brand Management Holdings, CAC Investment Ventures, CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group Puerto Rico, Carlson Development Group Utah, Dorado Marketing and Management, Jeffrey D. Spangler, Zurixx, Zurixx Financial Puerto Rico, Zurixx Financial Utah. (Attachments: # <u>1</u> Exhibit 1 Plaintiff's Motion for Leave to File Notice of Recently Decided Authority and Brief in Support, # <u>2</u> Exhibit 2 2020.06.24 letter from FTC) Motions referred to Daphne A. Oberg.(Pahnke, Z.) (Entered: 08/18/2020)
08/21/2020	<u>170</u>	NOTICE OF FILING of Order Approving Receiver's Third Application for Compensation and Reimbursement of Expenses for the Receiver and Retained Professionals re <u>167</u> MOTION Receiver's Third Application for Compensation and Reimbursement of Expenses for the Receiver and Retained Professionals filed by Receiver David K. Broadbent. (Byers, Doyle) (Entered: 08/21/2020)
08/21/2020	<u>171</u>	REQUEST to Submit for Decision re <u>167</u> MOTION Receiver's Third Application for Compensation and Reimbursement of Expenses for the Receiver and Retained Professionals filed by Receiver David K. Broadbent. (Byers, Doyle) (Entered: 08/21/2020)
08/21/2020	172	Motions No Longer Referred: <u>169</u> MOTION to Stay <i>Proceedings Pending Supreme Court Cases</i> (med) (Entered: 08/21/2020)
08/21/2020	<u>173</u>	MOTION for Reconsideration and in Compliance with the Court's <u>166</u> MEMORANDUM DECISION AND ORDER granting the Receiver's <u>115</u> Motion for Order Holding Efron Dorado, S.E. and David Efron in Contempt of Court, filed by Movant David Efron. (Attachments: # <u>1</u> Exhibit A and B) Motions referred to Daphne A. Oberg. (eat) (Entered: 08/24/2020)
08/24/2020	<u>174</u>	ORDER granting Receiver's <u>167</u> Third Motion for Compensation and Reimbursement of Expenses for the Receiver and Retained Professionals. Signed by Magistrate Judge Daphne A. Oberg on 8/24/2020. (eat) (Entered: 08/24/2020)
08/24/2020	175	Motions No Longer Referred: <u>173</u> MOTION for Reconsideration re <u>166</u> Order on Motion for Miscellaneous Relief. (med) (Entered: 08/24/2020)
08/26/2020	<u>176</u>	STATUS REPORT by David K. Broadbent. (Attachments: # <u>1</u> Exhibit 1 – Cash Receipts and Disbursements Summary)(Talbot, Cory) (Entered: 08/26/2020)
08/26/2020	<u>177</u>	NOTICE OF APPEAL as to <u>166</u> MEMORANDUM DECISION AND ORDER granting the Receiver's Motion for Order Holding Efron Dorado, S.E. and David Efron in Contempt of Court, and denying Efron Dorado and Efron's request for sanctions against the Receiver's counsel, filed by David Efron. Appeals to the USCA for the 10th Circuit. Fee Status: Paid. Filing fee \$ 505, receipt number 4681091477. (eat) (Entered: 08/26/2020)
08/26/2020	<u>178</u>	Transmission of Preliminary Record to the USCA for the Tenth Circuit re <u>177</u> Notice of Appeal. (Attachments: # <u>1</u> Appendix) (eat) (Entered: 08/26/2020)
08/27/2020	<u>179</u>	USCA Case Number Case Appealed to Tenth Circuit Case Number 20–4090 for <u>177</u> Notice of Appeal, filed by David Efron. (jrj) (Entered: 08/27/2020)
08/27/2020	<u>180</u>	ORDER of the USCA for the Tenth Circuit as to <u>177</u> Notice of Appeal, filed by David Efron. The appeal is abated pending the district court's decision on the pending motion to reconsider. See Fed. R. App. P. 4(a)(4)(B)(i). Status report due 09/28/2020 by David Efron and Efron Dorado SE. Appellant Efron Dorado, S.E., appears to be a corporate entity and consequently must be

		represented by counsel licensed to practice here. David Efron, the other appellant in this case, may not represent Efron Dorado, S.E., because he is not an attorney licensed to practice in this court. For these reasons, on or before September 28, 2020, Appellant Efron Dorado, S.E., shall cause an attorney licensed to practice in the U.S. Tenth Circuit Court of Appeals to enter an appearance in this appeal on its behalf. (eat) (Entered: 08/27/2020)
08/31/2020	<u>181</u>	NOTICE of Appearance by Joni Ostler on behalf of Utah Division of Consumer Protection (Ostler, Joni) (Entered: 08/31/2020)
09/01/2020	<u>182</u>	Plaintiff's MEMORANDUM in Opposition re <u>169</u> MOTION to Stay <i>Proceedings Pending Supreme Court Cases</i> filed by Plaintiff Federal Trade Commission. (Attachments: # <u>1</u> Exhibit Declaration of Gil Miller, Receiver's Accountant, # <u>2</u> Exhibit Paperless Order in Simple Health, # <u>3</u> Exhibit Paperless Order in Kutzner, # <u>4</u> Exhibit July 24, 2020 Letter to Clerk., 3rd Cir.)(Guerard, Collot) (Entered: 09/01/2020)
09/03/2020	<u>183</u>	RESPONSE to Motion re <u>173</u> MOTION re <u>166</u> Order on Motion for Miscellaneous Relief,, Memorandum Decision, filed by Receiver David K. Broadbent. (Talbot, Cory) (Entered: 09/03/2020)
09/14/2020	<u>184</u>	MEMORANDUM in Opposition re <u>168</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Plaintiff Federal Trade Commission. (Doan, Joshua) (Entered: 09/14/2020)
09/18/2020	<u>185</u>	MOTION to Stay filed by Movant David Efron. Motions referred to Daphne A. Oberg. (eat) (Entered: 09/18/2020)
09/18/2020	<u>186</u>	REPLY to Response to Motion re <u>169</u> MOTION to Stay <i>Proceedings Pending Supreme Court Cases</i> filed by Defendants Brand Management Holdings, CAC Investment Ventures, CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group Puerto Rico, Carlson Development Group Utah, Dorado Marketing and Management, Jeffrey D. Spangler, Zurixx, Zurixx Financial Puerto Rico, Zurixx Financial Utah. (Pahnke, Z.) (Entered: 09/18/2020)
09/21/2020	187	Motions No Longer Referred: <u>185</u> MOTION to Stay filed by Movant David Efron. (med) (Entered: 09/21/2020)
09/22/2020	<u>188</u>	NOTICE of SUPPLEMENTAL AUTHORITY by Federal Trade Commission re <u>182</u> Memorandum in Opposition to Motion, <i>First</i> (Guerard, Collot) (Entered: 09/22/2020)
09/28/2020	<u>189</u>	REPLY to Response to Motion re <u>168</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Defendants JSS Investment Ventures, JSS Trust, Gerald D. Spangler. (Gehret, Michael) (Entered: 09/28/2020)
10/01/2020	190	<u>NOTICE OF ZOOM HEARING ON MOTIONS</u> re: <u>169</u> MOTION to Stay Proceedings Pending Supreme Court Cases, and <u>168</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (Notice generated by DAK Chambers): Motion Hearing is set for 10/27/2020 at 03:00 PM before Judge Dale A. Kimball. The hearing will be conducted via Zoom video conference. The parties should not appear in person at the courthouse. The Zoom participation information is as follows: Join ZoomGov Meeting: https://www.zoomgov.com/j/16133447407?pwd=RWtlVFM2c2tmWXZKYUp5NVhTbkZ5UT09 Meeting ID: 161 3344 7407 Password: 584299 One tap mobile

		<p>+16692545252,,16133447407#,,,0#,,584299# US (San Jose) +16468287666,,16133447407#,,,0#,,584299# US (New York)</p> <p>Dial by your location +1 669 254 5252 US (San Jose) +1 646 828 7666 US (New York) Meeting ID: 161 3344 7407 Password: 584299</p> <p>Find your local number: https://www.zoomgov.com/join/abPYf89LJa (eat) (Entered: 10/01/2020)</p>
10/02/2020	<u>191</u>	<p>RESPONSE to Motion re <u>185</u> MOTION to Stay filed by Receiver David K. Broadbent. (Talbot, Cory) (Entered: 10/02/2020)</p>
10/14/2020	<u>192</u>	<p>NOTICE of SUPPLEMENTAL AUTHORITY by Brand Management Holdings, CAC Investment Ventures, CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group Puerto Rico, Carlson Development Group Utah, Dorado Marketing and Management, Jeffrey D. Spangler, Zurixx, Zurixx Financial Puerto Rico, Zurixx Financial Utah re <u>169</u> MOTION to Stay <i>Proceedings Pending Supreme Court Cases</i> (Attachments: # <u>1</u> Supplement FTC v. Abbvie) (Pahnke, Z.) (Entered: 10/14/2020)</p>
10/20/2020	<u>193</u>	<p>MEMORANDUM DECISION AND ORDER denying Efron's <u>173</u> Motion for Reconsideration and In Compliance With the Court's Order; and denying Efron's <u>185</u> Urgent Motion to Stay. Signed by Judge Dale A. Kimball on 10/20/2020. (eat) (Entered: 10/20/2020)</p>

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

FEDERAL TRADE COMMISSION; and
UTAH DIVISION OF CONSUMER
PROTECTION,

Plaintiffs,

vs.

ZURIXX. LLC; *et al.*,

Defendants.

MEMORANDUM DECISION
AND ORDER

Case No. 2:19-CV-713-DAK-DAO

Judge Dale A. Kimball
Magistrate Judge Daphne A. Oberg

This matter is before the court on Efron Dorado, S.E.¹ and David Efron’s Motion for Reconsideration and In Compliance With the Court’s Order [ECF No. 173] and Urgent Motion to Stay [ECF No. 185]. The Receiver David K. Broadbent has responded to both motions and the time for Efron to reply has passed. The court does not believe that oral argument would significantly aid in its determination of the motions. Accordingly, the court issues the following Memorandum Decision and Order based on the parties’ written submissions and the law and facts relevant to the pending motions.

Efron’s Motion to Reconsider raises all the same issues the court previously considered and denied. Efron does not allege that a change in the law or new evidence supports his motion.

¹ While David Efron can appear *pro se* for himself, he cannot do so for Efron Dorado S.E. If David Efron wishes to appear as Efron Dorado S.E.’s attorney, he must follow this court’s *pro hac vice* rules. Until such time as Efron Dorado S.E. is properly before the court, the court will refer to the motions filed *pro se* by David Efron as being only for David Efron.

A motion to reconsider cannot merely reiterate the same arguments previously advanced or arguments that could have been asserted at the time of the original motion. *Servants of the Paracletes v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000).

Efron's motion appears to seek both reversal of the court's prior order and a request that the Receiver comply with the court's prior order. To the extent that his motion seeks to have the Receiver comply with the court's prior order, the parties appear to be in agreement. The court and the parties appear to agree that the parties should agree on a date when the Receiver can remove Zurixx's furniture and equipment from the office.

Efron's Motion to Stay does not present grounds for staying the court's prior order. Efron seeks a stay throughout the appellate process but he does not mention or address any of the factors relevant to a stay pending appeal. The court does not think that Efron has a likelihood of success on appeal and he has not attempted to address the harms any of the parties face. The court's prior order stated that Efron should allow the Receiver to remove the furniture and equipment or compensate the Receiver for the value of those items. There is no basis for concluding that the Receiver's counsel attempted to extort money from Efron when he (1) asked if Efron would rather compensate the Receiver for the items than allow the Receiver to remove the furniture and equipment and (2) provided Efron with a list of the items and estimated values. The court's prior order contemplates that the parties could negotiate on a price for the furniture and equipment if the parties preferred to resolve their dispute through compensation for the value of the items. Such negotiations do not constitute attempted extortion. If Efron does not want to compensate the Receiver for the furniture and equipment, he should simply notify the Receiver

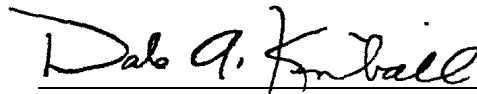
that he does not wish to negotiate and work out a date for the Receiver's removal of the furniture. The court agrees that the parties should attempt to resolve this within fifteen days.

To the extent that Efron seeks a stay based on the ongoing litigation before the Supreme Court regarding the scope of the relief available under the FTC Act, the litigation is irrelevant to issues Efron raises. The FTC Act authorizes injunctions and the Receiver is merely acting pursuant to this court's preliminary injunction order.

For the reasons stated above, the court DENIES Efron's Motion for Reconsideration and In Compliance With the Court's Order [ECF No. 173] and DENIES Efron's Urgent Motion to Stay [ECF No. 185].

DATED this 20th day of October, 2020.

BY THE COURT:



DALE A. KIMBALL
United States District Judge