

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

FEDERAL TRADE COMMISSION, et al, Plaintiffs, vs. ZURIXX, LLC, et als, Defendants.	Case No. 2:19-cv-00713-DAK-DAO District Judge Dale A. Kimball Magistrate Judge Daphne A. Oberg
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MOTION IN OPPOSITION FOR CONTEMPT OF COURT

TO THE HONORABLE JUDGE DALE A. KIMBALL:

David Efron and Efron Dorado, S.E., through the undersigned counsel, respectfully state and pray as follows:

1. The undersigned party just received Receiver's request to submit for decision on a second motion for contempt which we might have overlooked with the dozens of documents with hundreds of pages that are recently being filed in the present case as to all the parties. We hereby submit our opposition to contempt for the following reasons:

- A. Rule 62.1 this matter is barred because this case has already been appealed to the 10th Circuit Court of Appeals, number 20-4090 and has been duly briefed. The undersigned and the Receiver are waiting further action from the appellate court. This District Court has no jurisdiction at this time and does not have a mandate from the Court of Appeals to continue this case at this time. We are exhausting this remedy before asking the 10th Circuit to stay these proceedings.

- B. The original owner Efron Dorado, S.E., a party herein, is no longer the property owner of the shopping center or the landlord because said property was foreclosed on and on December 2020 title was transferred.
- C. The matter being discussed has been ruled on by the local Puerto Rico court **against** the Receiver, with the Receiver's attorneys in Puerto Rico having participated, submitting Receiver to jurisdiction of local court which ruled against Receiver.
- D. There's also a pending motion in the case between these parties in the United States District Court for the District of Puerto Rico in which the Receiver is in default, having not having responded to our petition. Civil 19-mc-00403-JAG United States District Court of Puerto Rico.
- E. The action being sought by the Receiver is unreasonable, violative of our property rights, and unnecessary, as all of the discovery materials including files, hard drives, and computers have already been taken from Zurixx's offices early on, over a year ago by Receiver through his agents being given access by this same party against whom they now request contempt.
- F. These actions would further be disruptive to the ongoing business which would be irreparably damaged.

WHEREFORE, the herein appearing parties request of this Honorable Court that it deny Receiver's motion for sanctions in this case.

WE HEREBY CERTIFY that on this same date, we electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to attorneys of record.

In San Juan, Puerto Rico for Salt Lake City, Utah, this 11th day of March, 2021.

Respectfully submitted,

/s/ David Efron

DAVID EFRON

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