

**United States District Court
District of Utah**



D. Mark Jones
Clerk of Court

Anne W. Morgan
Chief Deputy Clerk

November 17, 2021

David Efron
Efron Dorado SE
PO 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

Dear Appellant:

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

Copy of the Notice of Appeal (filed 11/17/2021)
Copy of the Docket Sheet
Order or Judgment being appealed from

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 long horizontal line extending to the right.

Elizabeth Toscano
Deputy Clerk

DMJ:

cc: Clerk, U.S. Court of Appeals, Tenth Circuit
Judge Dale A. Kimball
Court Reporter: N/A
Counsel of Record
District: 1088
Fee Status: Not Paid

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

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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PRO SE

Movant

Matt Davis

represented by **Eric K. Schnibbe**

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Movant

Brian Banks
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TERMINATED: 08/10/2021

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Movant

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Movant

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TERMINATED: 08/10/2021

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Movant

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Movant

Annelise Agee
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TERMINATED: 08/10/2021

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Movant

Jeanne Rietzke
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TERMINATED: 08/10/2021

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Movant

Robert Shemin

represented by **Eric K. Schnibbe**
(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

V.

Notice Party

Real Estate Elevated
Receivership Entity

Notice Party

Advanced Education (Ca)
Receivership Entity
doing business as
Will to Win Entrepreneur

V.

Receiver

David K. Broadbent

represented by **Cory A. Talbot**
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 TERMINATED: 03/30/2021

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 ATTORNEY TO BE NOTICED

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>	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)
10/15/2019	<u>45</u>	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)
10/15/2019	<u>46</u>	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)
10/15/2019	<u>47</u>	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)
10/15/2019	48	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)
10/28/2019	<u>49</u>	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. 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 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)
10/31/2019	<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 Proposed Stipulated Preliminary Injunciton)(Grier, Amanda) (Entered: 10/31/2019)
11/01/2019	<u>52</u>	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)
11/01/2019	53	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)
11/01/2019	<u>54</u>	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)

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 EJV 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	143	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	144	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	145	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	146	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	147	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	148	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	149	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	150	REPORT OF ATTORNEY PLANNING MEETING. (Guerard, Collot) (Entered: 06/19/2020)
06/22/2020	151	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	152	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: # 1 Exhibit 1 – Declaration of Michael Rodriguez Ocasio, # 2 Exhibit 2 – Declaration of Hector Emilio Piovanetti Tirado, # 3 Exhibit 3 – Certified Mail Receipts, # 4 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	153	REQUEST to Submit for Decision re 152 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	154	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	155	ORDER granting 152 Ex Parte Motion for Alternative Service. Signed by Judge Dale A. Kimball on 6/25/2020. (eat) (Entered: 06/25/2020)
06/26/2020	156	MEMORANDUM in Opposition and Request for Sanctions Against Receiver's Attorneys re 115 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>	RESPONSE to Motion re <u>185</u> MOTION to Stay filed by Receiver David K. Broadbent. (Talbot, Cory) (Entered: 10/02/2020)
10/14/2020	<u>192</u>	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)
10/20/2020	<u>193</u>	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)
10/20/2020	<u>194</u>	Transmission of Supplemental Preliminary Record to the USCA for the Tenth Circuit re <u>177</u> Notice of Appeal. (Attachments: # <u>1</u> Appendix Containing Updated Docket and Order Denying Motion for Reconsideration) (eat) (Entered: 10/20/2020)
10/21/2020	<u>195</u>	ORDER of the USCA for the Tenth Circuit as to <u>177</u> Notice of Appeal, filed by David Efron. Order filed by Clerk of the Court lifting the abatement and vacating appellants' obligation to notify this court of the entry of district court's order. The parties should address appellate jurisdiction in detail in the merits briefs. Transcript order form due by 10/30/2020 for David Efron and Efron Dorado SE. (eat) (Entered: 10/21/2020)
10/27/2020	196	Minute Entry for proceedings held before Judge Dale A. Kimball: Motion Hearing held on 10/27/2020 re <u>168</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Gerald D. Spangler, JSS Investment Ventures, and JSS Trust; <u>169</u> MOTION to Stay Proceedings Pending Supreme Court Cases filed by Brand Management Holdings, CJ Seminar Holdings, Carlson Development Group Utah, Dorado Marketing and Management, Jeffrey D. Spangler, Zurixx Financial Utah, Carlson Development Group Puerto Rico, Zurixx Financial Puerto Rico, CAC Investment Ventures, Zurixx, James M. Carlson, and Christopher A. Cannon. After hearing statements and arguments from counsel, the court takes the motions under advisement and will issue a ruling in due course. Attorneys for Plaintiffs: Joshua A. Doan, Collot Guerard, and Robert G. Wing. Attorneys for Defendants: Brennan H. Moss, D. Loren Washburn, and Z. Ryan Pahnke. Receiver: David K. Broadbent. Court Reporter: Rebecca Janke. (eat) (Entered: 10/27/2020)
10/28/2020	<u>197</u>	TRANSCRIPT REQUEST FORM filed by David Efron re <u>177</u> Notice of Appeal (No Transcript Needed). (eat) (Entered: 10/28/2020)
10/30/2020	<u>198</u>	MOTION for Relief from Stipulated Preliminary Injunction Order and Motion to Stay Briefing and Memorandum in Support 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. Motions referred to Daphne A. Oberg.(Pahnke, Z.) (Entered: 10/30/2020)
11/02/2020	<u>199</u>	Motions No Longer Referred: <u>198</u> MOTION for Relief from Stipulated Preliminary Injunction Order and Motion to Stay Briefing and Memorandum in Support (med) (Entered: 11/02/2020)
11/04/2020	<u>200</u>	Please be advised the Record is complete for purposes of appeal for USCA case number 20–04090 re <u>177</u> Notice of Appeal. (eat) (Entered: 11/04/2020)
11/04/2020	<u>201</u>	NOTICE of Appearance by Thomas Harris on behalf of Federal Trade Commission (Harris, Thomas) (Entered: 11/04/2020)
11/06/2020	<u>202</u>	Plaintiff's MEMORANDUM in Opposition re <u>198</u> MOTION for Relief from Stipulated Preliminary Injunction Order and Motion to Stay Briefing and Memorandum in Support filed by Plaintiff Federal Trade Commission. (Harris, Thomas) (Entered: 11/06/2020)
11/06/2020	<u>203</u>	MEMORANDUM in Opposition re <u>198</u> MOTION for Relief from Stipulated Preliminary Injunction Order and Motion to Stay Briefing and Memorandum in Support filed by Plaintiff Utah Division of Consumer Protection. (Ostler, Joni) (Entered: 11/06/2020)
11/20/2020	<u>204</u>	REPLY to Response to Motion re <u>198</u> MOTION for Relief from Stipulated Preliminary Injunction Order and Motion to Stay Briefing and Memorandum in Support 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: 11/20/2020)
11/24/2020	<u>205</u>	MEMORANDUM DECISION AND ORDER denying the Spangler Defendants' <u>168</u> Motion to Dismiss for Failure to State a Claim; denying the Zurixx Defendants' <u>169</u> Motion to Stay Proceedings Pending Supreme Court Cases; and denying the Zurixx Defendants' <u>198</u> Motion for Relief from Stipulated Preliminary Injunction Order and Motion to Stay Briefing. Signed by Judge Dale A. Kimball on 11/24/2020. (eat) (Entered: 11/24/2020)
12/09/2020	<u>206</u>	ANSWER to <u>134</u> Amended Complaint,, filed by JSS Investment Ventures, JSS Trust, Gerald D. Spangler.(Moss, Brennan) (Entered: 12/09/2020)
12/14/2020	<u>207</u>	MOTION Alternative Service of Rule 45 Document Subpoena on Bret Ehlers and Memorandum in Support filed by Plaintiff Federal Trade Commission. (Attachments: # <u>1</u> Email thread, # <u>2</u> 2nd Shiller Decl., # <u>3</u> Cover letter and subpoena, # <u>4</u> Affidavit of non–service, # <u>5</u> Affidavit of non–service, # <u>6</u> Correspondence with USPS, # <u>7</u> Text message thread) Motions referred to Daphne A. Oberg.(Doan, Joshua) (Entered: 12/14/2020)
12/18/2020	<u>208</u>	MOTION for Attorney Fees <i>Receiver's Fourth Application for Compensation and Reimbursement of Expenses for the Receiver and Retained Professionals</i> filed by Receiver David K. Broadbent. (Attachments: # <u>1</u> Exhibit A – Receiver Invoice, # <u>2</u> Exhibit B – H&H Invoices, # <u>3</u> Exhibit C – RMA Invoice) Motions referred to Daphne A. Oberg.(Byers, Doyle) (Entered: 12/18/2020)
12/21/2020	<u>209</u>	ORDER granting Plaintiffs' <u>207</u> Motion for Alternative Service of Rule 45 Document Subpoena on Bret Ehlers. Signed by Magistrate Judge Daphne A. Oberg on 12/21/2020. (eat) (Entered: 12/21/2020)
01/06/2021	<u>210</u>	REQUEST to Submit for Decision re <u>208</u> MOTION for Attorney Fees <i>Receiver's Fourth Application for Compensation and Reimbursement of Expenses for the Receiver and Retained Professionals</i> filed by Receiver David K. Broadbent. (Attachments: # <u>1</u> Text of Proposed Order Approving Receiver's Fourth Application for Compensation and Reimbursement of Expenses for

		the Receiver and Retained Professionals)(Byers, Doyle) (Entered: 01/06/2021)
01/07/2021	<u>211</u>	ORDER granting Receiver's 208 Fourth Application for Compensation and Reimbursement of Expenses for the Receiver and Retained Professionals. Signed by Magistrate Judge Daphne A. Oberg on 1/7/2021. (eat) (Entered: 01/07/2021)
01/21/2021	<u>212</u>	MOTION for Leave to File Proposed Second Amended Complaint and Memorandum in Support filed by Plaintiff Federal Trade Commission. (Attachments: # <u>1</u> Proposed Second Amended Complaint, # <u>2</u> Comparison between FAC and Proposed SAC) Motions referred to Daphne A. Oberg.(Doan, Joshua) (Entered: 01/21/2021)
01/26/2021	<u>213</u>	Second MOTION Contempt of Court and Civil Sanctions re <u>166</u> Order on Motion for Miscellaneous Relief,, Memorandum Decision, <u>54</u> Order on Motion for Preliminary Injunction, and Memorandum in Support filed by Receiver David K. Broadbent. (Attachments: # <u>1</u> Exhibit 1 – Efron email, # <u>2</u> Exhibit 2 – Tejada email, # <u>3</u> Exhibit 3 – Van Derdys email, # <u>4</u> Exhibit 4 – Decl of Tejada) Motions referred to Daphne A. Oberg.(Davis, Chelsea) (Entered: 01/26/2021)
01/27/2021	214	Motions No Longer Referred: <u>213</u> Second MOTION Contempt of Court and Civil Sanctions re <u>166</u> Order on Motion for Miscellaneous Relief, Memorandum Decision, <u>54</u> Order on Motion for Preliminary Injunction, and Memorandum in Support. (med) (Entered: 01/27/2021)
02/04/2021	<u>215</u>	NOTICE of Non–Opposition 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>212</u> MOTION for Leave to File Proposed Second Amended Complaint and Memorandum in Support (Pahnke, Z.) (Entered: 02/04/2021)
02/04/2021	<u>216</u>	NOTICE of Non–Opposition to Plaintiffs' Motion for Leave to File a Second Amended Complaint by JSS Investment Ventures, JSS Trust, Gerald D. Spangler re <u>212</u> MOTION for Leave to File Proposed Second Amended Complaint and Memorandum in Support (Gehret, Michael) (Entered: 02/04/2021)
02/05/2021	<u>217</u>	ORDER granting <u>212</u> Motion for Leave to File a Second Amended Complaint. Plaintiffs shall file the Second Amended Complaint in the form found at Doc. No. 212–1 by February 19, 2021. Once filed on the docket, the Second Amended Complaint will be the operative pleading in this case. Signed by Magistrate Judge Daphne A. Oberg on 2/5/2021. (eat) (Entered: 02/05/2021)
02/10/2021	<u>218</u>	Plaintiff's MOTION to Compel Nonparty Matt Davis to Comply With Document Subpoena and Memorandum in Support of <i>Motion to Compwl</i> , MOTION to Expedite Motion to Compel and Memorandum in Support filed by Plaintiff Federal Trade Commission. (Attachments: # <u>1</u> Affidavit Certification of Counsel re Reasonable Efforts to Resolve Discovery Dispute, # <u>2</u> Exhibit 1 Cover Letter, # <u>3</u> Exhibit 2 Document Subpoena, # <u>4</u> Exhibit 3 Email Correspondence, # <u>5</u> Exhibit 4 Email Correspondence, # <u>6</u> Exhibit 5 December 2 Letter, # <u>7</u> Exhibit 6 December 3 Letter, # <u>8</u> Exhibit 7 December 8 Letter, # <u>9</u> Exhibit 8 December 16 Letter, # <u>10</u> Exhibit 9 January 6 Letter, # <u>11</u> Text of Proposed Order) Motions referred to Daphne A. Oberg.(Guerard, Collot) (Entered: 02/10/2021)
02/12/2021	<u>219</u>	AMENDED COMPLAINT (<i>Second</i>) against All Defendants. <i>New Defendants: CAC Investment Ventures LLC (Utah); Stephenie J. Spangler (Relief Defendant)</i> . filed by Federal Trade Commission. (Doan, Joshua) (Entered: 02/12/2021)
02/16/2021	<u>220</u>	**RESTRICTED DOCUMENT** Summons Issued Electronically as to Stephanie J. Spangler. Instructions to Counsel: 1. Click on the document number.

		<p>2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (nmt) (Entered: 02/16/2021)</p>
02/18/2021	<u>221</u>	NOTICE of Appearance by Eric K. Schnibbe on behalf of Matt Davis (Schnibbe, Eric) (Entered: 02/18/2021)
02/18/2021	<u>222</u>	NOTICE of Appearance by Jason A. McNeill on behalf of Matt Davis (McNeill, Jason) (Entered: 02/18/2021)
02/18/2021	<u>223</u>	MEMORANDUM in Opposition re <u>218</u> Plaintiff's MOTION to Compel Nonparty Matt Davis to Comply With Document Subpoena and Memorandum in Support of <i>Motion to Compwl</i> MOTION to Expedite Motion to Compel and Memorandum in Support filed by Movant Matt Davis. (Attachments: # <u>1</u> Text of Proposed Order Order on FTC's Short Form Motion to Compel)(Schnibbe, Eric) (Entered: 02/18/2021)
02/19/2021	<u>224</u>	<p>**RESTRICTED DOCUMENT**Summons Issued Electronically as to CAC Investment Ventures Utah. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (nmt) (Entered: 02/19/2021)</p>
02/19/2021	225	<p>ORDER Setting Zoom Hearing on Motion <u>218</u> Plaintiff's MOTION to Compel Nonparty Matt Davis to Comply With Document Subpoena and Memorandum in Support of <i>Motion to Compwl</i> MOTION to Expedite Motion to Compel and Memorandum in Support : Motion Hearing set for 2/24/2021 at 09:00 AM in Judges Chambers before Magistrate Judge Daphne A. Oberg. Zoom information will be emailed to counsel and available on Judge Oberg's calendar the day before the hearing. Signed by Magistrate Judge Daphne A. Oberg on 2/19/2021. (las) (Entered: 02/19/2021)</p>
02/19/2021	226	<p>Amended ORDER Setting Zoom Hearing on Motion <u>218</u> Plaintiff's MOTION to Compel Nonparty Matt Davis to Comply With Document Subpoena and Memorandum in Support of <i>Motion to Compwl</i> MOTION to Expedite Motion to Compel and Memorandum in Support : Motion Hearing set for 2/24/2021 at 01:00 PM in Judges Chambers before Magistrate Judge Daphne A. Oberg. Time changed due to conflict in the courts calendar. Zoom instructions will be emailed to counsel and available on Judge Oberg's calendar the day before the hearing. Signed by Magistrate Judge Daphne A. Oberg on 2/19/2021. (las) (Entered: 02/19/2021)</p>
02/24/2021	227	<p>Minute Entry for proceedings held before Magistrate Judge Daphne A. Oberg: Motion Hearing held on 2/24/2021 re <u>218</u> Plaintiff's MOTION to Compel Nonparty Matt Davis to Comply With Document Subpoena and Memorandum in Support of <i>Motion to Compwl</i> MOTION to Expedite Motion to Compel and Memorandum in Support filed by Federal Trade Commission. All parties are appearing via zoom. After hearing argument from the parties, the court takes under advisement the issue of which party should bear the costs of compliance with the subpoena. Supplemental cross-briefing of no more than five pages, excluding exhibits, shall be filed by March 1, 2021, addressing (1) the amount of costs and Mr. Davis' ability to pay, and (2) Tenth Circuit case law regarding the factors to be considered in determining what constitutes a significant expense under Rule 45. Responses of no more than five pages shall be filed by March 5, 2021. the court rules on Mr. Davis's objections to specific document requests. Plaintiffs shall submit a proposed order reflecting the court's ruling and the parties' agreements regarding the specific requests by February 26, 2021, after first circulating the proposed of Mr. Davis' counsel. Attorney for Plaintiff: Collot Guerard, Thomas Harris, Robert Wing, Attorney for Defendant: Ryan Pahnke. Eric Schnibbe for Matt Davis. Court Reporter: Electronic-via Zoom.(Time Start: 1:01, Time End: 2:23, Room Chambers.)(las) (Entered: 02/24/2021)</p>

02/26/2021	<u>228</u>	ORDER granting in part Plaintiffs' <u>218</u> Motion to Compel Nonparty Matt Davis to Produce Documents in Compliance with Rule 45 Subpoena. Signed by Magistrate Judge Daphne A. Oberg on 2/26/2021. (eat) (Entered: 02/26/2021)
03/01/2021	<u>229</u>	Plaintiffs' Supplemental BRIEF re <u>218</u> Plaintiff's MOTION to Compel Nonparty Matt Davis to Comply With Document Subpoena and Memorandum in Support of <i>Motion to Compwl</i> MOTION to Expedite Motion to Compel and Memorandum in Support , <u>227</u> Motion Hearing,,,,, filed by Plaintiff Federal Trade Commission. (Harris, Thomas) (Entered: 03/01/2021)
03/01/2021	<u>230</u>	Supplemental MEMORANDUM in Opposition re <u>218</u> Plaintiff's MOTION to Compel Nonparty Matt Davis to Comply With Document Subpoena and Memorandum in Support of <i>Motion to Compwl</i> MOTION to Expedite Motion to Compel and Memorandum in Support filed by Movant Matt Davis. (Attachments: # <u>1</u> Exhibit Declaration of Matthew Davis, # <u>2</u> Exhibit Declaration of Jason A. McNeill, # <u>3</u> Exhibit Salt Lake Legal)(Schnibbe, Eric) (Entered: 03/01/2021)
03/03/2021	<u>231</u>	NOTICE of Appearance by Michelle Quist on behalf of David K. Broadbent (Quist, Michelle) (Entered: 03/03/2021)
03/03/2021	<u>232</u>	Ex Parte (Not Sealed) MOTION for Extension of Time to File Answer re <u>219</u> Amended Complaint filed by Defendants JSS Investment Ventures, JSS Trust, Gerald D. Spangler. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Daphne A. Oberg.(Moss, Brennan) (Entered: 03/03/2021)
03/04/2021	<u>233</u>	DOCKET TEXT ORDER granting <u>232</u> Motion for Extension of Time to Answer. The deadline for Defendants JSS Investment Ventures, LLC, JSS Trust, and Gerald D. Spangler to answer or otherwise respond to the Second Amended Complaint is extended to 3/10/2021. Signed by Magistrate Judge Daphne A. Oberg on 3/4/2021. No attached document. (med) (Entered: 03/04/2021)
03/04/2021	<u>234</u>	REQUEST to Submit for Decision re <u>213</u> Second MOTION Contempt of Court and Civil Sanctions re <u>166</u> Order on Motion for Miscellaneous Relief,, Memorandum Decision, <u>54</u> Order on Motion for Preliminary Injunction, and Memorandum in Support filed by Receiver David K. Broadbent. (Davis, Chelsea) (Entered: 03/04/2021)
03/05/2021	<u>235</u>	REPLY to Response to Motion re <u>218</u> Plaintiff's MOTION to Compel Nonparty Matt Davis to Comply With Document Subpoena and Memorandum in Support of <i>Motion to Compwl</i> MOTION to Expedite Motion to Compel and Memorandum in Support filed by Movant Matt Davis. (Schnibbe, Eric) (Entered: 03/05/2021)
03/05/2021	<u>236</u>	REPLY BRIEF re <u>229</u> Brief, <i>Response to Matt Davis' Supplemental Brief</i> filed by Plaintiff Federal Trade Commission. (Attachments: # <u>1</u> Exhibit Declaration of FTC Investigator, # <u>2</u> Exhibit Transcript Excerpt)(Guerard, Collot) (Entered: 03/05/2021)
03/10/2021	<u>237</u>	ANSWER to <u>219</u> Amended Complaint filed by JSS Investment Ventures, JSS Trust, Gerald D. Spangler, Stephanie J. Spangler. Attorney Brennan H. Moss added to party Stephanie J. Spangler(pty:dft)(Moss, Brennan) (Entered: 03/10/2021)
03/11/2021	<u>238</u>	MEMORANDUM in Opposition re <u>213</u> Second MOTION for Contempt of Court and Civil Sanctions filed by Movant David Efron. (eat) (Entered: 03/11/2021)
03/12/2021	<u>239</u>	ANSWER to <u>219</u> Amended Complaint with Jury Demand filed by Brand Management Holdings, CAC Investment Ventures, CAC Investment Ventures Utah, 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. Attorney Z. Ryan Pahnke added to party CAC Investment Ventures Utah(pty:dft)(Pahnke, Z.) (Entered: 03/12/2021)

03/30/2021	<u>240</u>	NOTICE OF WITHDRAWAL OF COUNSEL of Chelsea J. Davis filed by Chelsea J. Davis on behalf of David K. Broadbent (Davis, Chelsea) (Entered: 03/30/2021)
05/06/2021	<u>241</u>	ORDER: The court requests the parties to submit briefing by May 28, 2021, discussing how the AMG Capital Management, LLC, et al. v. Federal Trade Commission, 141 S. Ct. 1341 (2021), ruling impacts and applies to their case. Signed by Judge Dale A. Kimball on 5/6/2021. (eat) (Entered: 05/06/2021)
05/11/2021	<u>242</u>	MOTION to Intervene filed by Movants Annelise Agee, Byron Aldrink, Brian Banks, Matt Davis, David Efron , Joshua Jackson, Polar Prutaseranee, Jeanne Rietzke. (Attachments: # <u>1</u> Exhibit A – Proposed Complaint, # <u>2</u> Text of Proposed Order Order Granting Proposed Intervenor's Rule 24 Motion to Intervene) Motions referred to Daphne A. Oberg. Attorney Sam Meziani added to party Annelise Agee(pty:mov), Attorney Sam Meziani added to party Byron Aldrink(pty:mov), Attorney Sam Meziani added to party Brian Banks(pty:mov), Attorney Sam Meziani added to party Matt Davis(pty:mov), Attorney Sam Meziani added to party David Efron(pty:mov), Attorney Sam Meziani added to party Joshua Jackson(pty:mov), Attorney Sam Meziani added to party Polar Prutaseranee(pty:mov), Attorney Sam Meziani added to party Jeanne Rietzke(pty:mov)(Meziani, Sam) Modified by striking Matt Davis and David Efron as filers on 5/11/2021 (eat). (Entered: 05/11/2021)
05/11/2021	243	Modification of Docket: re <u>242</u> MOTION to Intervene . Counsel filed the motion on behalf of Movants Matt Davis and David Efron by mistake. The docket text has been corrected and the attorney association to these parties for Sam Meziani has been removed. (eat) (Entered: 05/11/2021)
05/12/2021	<u>244</u>	MOTION to Modify Preliminary Injunction Order re <u>54</u> Order on Motion for Preliminary Injunction, and Memorandum in Support filed by Defendants CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group Utah, Jeffrey D. Spangler, Zurixx, Zurixx Financial Utah. (Attachments: # <u>1</u> Exhibit A–9th Circuit Order) Motions referred to Daphne A. Oberg.(Pahnke, Z.) (Entered: 05/12/2021)
05/12/2021	<u>245</u>	MOTION for Partial Summary Judgment and Memorandum in Support <i>as to Relief Under Section 13(b) and BODA</i> filed by Defendants Brand Management Holdings, CAC Investment Ventures, CAC Investment Ventures Utah, 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> Appendix Appendix of Supporting Evidence, # <u>2</u> Exhibit A–Plaintiffs Supplemental Initial Disclosures, # <u>3</u> Exhibit B–Divisions Responses to Zurixx Defendants Requests for Admission)(Pahnke, Z.) (Entered: 05/12/2021)
05/13/2021	246	Motions No Longer Referred: <u>244</u> MOTION to Modify Preliminary Injunction Order re <u>54</u> Order on Motion for Preliminary Injunction. The district judge will handle the motion. (eat) (Entered: 05/13/2021)
05/18/2021	<u>247</u>	Stipulated MOTION for Extension of Time to File Response/Reply re <u>244</u> MOTION to Modify Preliminary Injunction Order re <u>54</u> Order on Motion for Preliminary Injunction, and Memorandum in Support by Utah Division of Consumer Protection. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order Granting Stipulated Motion for Extension of Time for Plaintiffs to Respond to Defendants' Motion to Modify Preliminary Injunctive Order)(Ostler, Joni) Modified by changing event type to motion for extension of time to file response/reply and correcting docket text on 5/19/2021 (eat). (Entered: 05/18/2021)
05/19/2021	248	*Docket Entry Made in Error* See Docket Entry 249 for clarification. Modification of Docket: re <u>244</u> MOTION to Modify Preliminary Injunction Order. Exhibit A to the document should have been filed under seal. The clerk has sealed the document and counsel is directed to file a redacted

		version of Exhibit A. (eat) Modified by striking entry and adding error text on 5/19/2021 (eat). (Entered: 05/19/2021)
05/19/2021	249	Modification of Docket: re <u>245</u> MOTION for Partial Summary Judgment as to Relief Under Section 13(b) and BODA. Exhibit A to the document should have been filed under seal. The clerk has sealed the document and counsel is directed to file a redacted version of Exhibit A to document <u>245</u> . Exhibit A to the <u>244</u> MOTION to Modify Preliminary Injunction Order has been unsealed. Counsel clarified that Exhibit A to document <u>244</u> does not contain private information and so it has been unsealed. (eat) (Entered: 05/19/2021)
05/19/2021	250	DOCKET TEXT ORDER granting <u>247</u> Stipulated Motion for Extension of Time for Plaintiffs to Respond to Defendants' <u>244</u> Motion to Modify Preliminary Injunction. Plaintiffs' response is due by 6/4/2021. Signed by Magistrate Judge Daphne A. Oberg on 5/19/2021. No attached document. (med) (Entered: 05/19/2021)
05/19/2021	<u>251</u>	NOTICE of Filing Redacted Version of Exhibit A to Defendants' Motion for Partial Summary Judgment as to Relief Under Section 13(b) and BODA by Brand Management Holdings, CAC Investment Ventures, CAC Investment Ventures Utah, 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>245</u> MOTION for Partial Summary Judgment and Memorandum in Support <i>as to Relief Under Section 13(b) and BODA</i> (Attachments: # <u>1</u> Exhibit A–Redacted Version of Plaintiffs Supplemental Initial Disclosures) (Pahnke, Z.) (Entered: 05/19/2021)
05/21/2021	<u>252</u>	MOTION for Leave to File Overlength Memorandum and Memorandum in Support filed by Movants Annelise Agee, Byron W. Aldrink, Joshua Jackson, Polar Prutaseranee, Jeanne Rietzke. Motions referred to Daphne A. Oberg.(Meziani, Sam) (Entered: 05/21/2021)
05/24/2021	253	DOCKET TEXT ORDER granting <u>252</u> Motion for Leave to File Overlength Memorandum. The proposed intervenors' overlength <u>242</u> Motion to Intervene is accepted as filed. Signed by Magistrate Judge Daphne A. Oberg on 5/24/2021. No attached document. (med) (Entered: 05/24/2021)
05/24/2021	<u>254</u>	Stipulated MOTION for Extension of Time to File Response/Reply as to <u>242</u> MOTION to Intervene and Memorandum in Support filed by Plaintiff Federal Trade Commission. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Daphne A. Oberg.(Harris, Thomas) (Entered: 05/24/2021)
05/24/2021	255	DOCKET TEXT ORDER granting <u>254</u> Plaintiff's Motion for Extension of Time to File Response re <u>242</u> MOTION to Intervene. The deadline to file a response is extended to 6/7/2021. Signed by Magistrate Judge Daphne A. Oberg on 5/24/2021. No attached document. (med) (Entered: 05/24/2021)
05/28/2021	<u>256</u>	Memorandum of Law Regarding AMG Capital BRIEF re <u>241</u> Order, filed by Plaintiff Utah Division of Consumer Protection. (Ostler, Joni) (Entered: 05/28/2021)
05/28/2021	<u>257</u>	MOTION for Partial Summary Judgment <i>Defendants JSS Investment Ventures, JSS Trust, Gerald D. Spangler, & Stephanie Spangler's Motion for Partial Summary Judgment Pursuant to FRCP 56 & DU–CIV 7–1(a)(4)</i> filed by Defendants JSS Investment Ventures, JSS Trust, Gerald D. Spangler, Stephanie J. Spangler. (Moss, Brennan) (Entered: 05/28/2021)
05/28/2021	<u>258</u>	Memorandum of Law on the Recent Supreme Court Ruling on Equitable Monetary Relief Under Section 13(b) of the FTC Act BRIEF re <u>241</u> Order, filed by Plaintiff Federal Trade Commission. (Grier, Amanda) (Entered: 05/28/2021)

05/28/2021	<u>259</u>	MOTION for Summary Judgment <i>Relief Defendant Stephanie J. Spangler's Motion for Summary Judgment</i> filed by Defendant Stephanie J. Spangler. (Moss, Brennan) (Entered: 05/28/2021)
05/28/2021	<u>260</u>	Defendants' Position with Respect to Supreme Court Decision in AMG Capital Management BRIEF re <u>241</u> Order, filed by Defendants Brand Management Holdings, CAC Investment Ventures, CAC Investment Ventures Utah, 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: 05/28/2021)
05/28/2021	<u>261</u>	NOTICE of Submission of Receiver's Responses to Court's Order by Zurixx (Quist, Michelle) (Entered: 05/28/2021)
05/28/2021	<u>262</u>	Defendants JSS Investment Ventures, LLC, JSS Trust, Gerald D. Spangler, And Stephenie J. Spangler's Position Regarding AMG Capital Management, LLC BRIEF re <u>241</u> Order, filed by Defendants JSS Investment Ventures, JSS Trust, Gerald D. Spangler, Stephanie J. Spangler. (Wilde, Nicolas) (Entered: 05/28/2021)
05/28/2021	<u>263</u>	Further MEMORANDUM in Opposition re <u>213</u> Second MOTION for Contempt of Court and Civil Sanctions filed by Movant David Efron. (eat) (Entered: 06/01/2021)
06/03/2021	<u>264</u>	NOTICE OF WITHDRAWAL OF COUNSEL of Mark L. Smith filed 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: 06/03/2021)
06/04/2021	<u>265</u>	MEMORANDUM in Opposition re <u>244</u> MOTION to Modify Preliminary Injunction Order re <u>54</u> Order on Motion for Preliminary Injunction, and Memorandum in Support filed by Plaintiff Utah Division of Consumer Protection. (Ostler, Joni) (Entered: 06/04/2021)
06/04/2021	<u>266</u>	MEMORANDUM in Opposition re <u>244</u> MOTION to Modify Preliminary Injunction Order re <u>54</u> Order on Motion for Preliminary Injunction, and Memorandum in Support filed by Plaintiff Federal Trade Commission. (Attachments: # <u>1</u> Appendix Attachment A (Part 1), # <u>2</u> Appendix Attachment A (Part 2))(Grier, Amanda) (Entered: 06/04/2021)
06/07/2021	<u>267</u>	Plaintiff's MEMORANDUM in Opposition re <u>242</u> MOTION to Intervene filed by Plaintiff Federal Trade Commission. (Harris, Thomas) (Entered: 06/07/2021)
06/08/2021	<u>268</u>	MOTION for Attorney Fees <i>Receiver's Fifth Application for Compensation and Reimbursement of Expenses for the Receiver and Retained Professionals</i> filed by Receiver David K. Broadbent. (Attachments: # <u>1</u> Exhibit A – Schedule of Recovered Funds, # <u>2</u> Exhibit B – Receiver Invoice, # <u>3</u> Exhibit C – H&H Invoices, # <u>4</u> Exhibit D – RMA Invoice) Motions referred to Daphne A. Oberg.(Byers, Doyle) (Entered: 06/08/2021)
06/09/2021	<u>269</u>	MEMORANDUM in Opposition re <u>245</u> MOTION for Partial Summary Judgment and Memorandum in Support <i>as to Relief Under Section 13(b) and BODA</i> filed by Plaintiff Utah Division of Consumer Protection. (Ostler, Joni) (Entered: 06/09/2021)
06/09/2021	<u>270</u>	Plaintiff's RESPONSE to Motion re <u>245</u> MOTION for Partial Summary Judgment and Memorandum in Support <i>as to Relief Under Section 13(b) and BODA</i> , <u>257</u> MOTION for Partial Summary Judgment <i>Defendants JSS Investment Ventures, JSS Trust, Gerald D. Spangler, & Stephanie Spangler's Motion for Partial Summary Judgment Pursuant to FRCP 56 & DU–CIV 7–1(a)(4)</i> filed by Plaintiff Federal Trade Commission. (Guerard, Collot) (Entered: 06/09/2021)
06/11/2021	<u>271</u>	

		REPLY to Response to Motion re <u>213</u> Second MOTION Contempt of Court and Civil Sanctions re <u>166</u> Order on Motion for Miscellaneous Relief,, Memorandum Decision, <u>54</u> Order on Motion for Preliminary Injunction, and Memorandum in Support filed by Receiver David K. Broadbent. (Quist, Michelle) (Entered: 06/11/2021)
06/15/2021	<u>272</u>	NOTICE of Appearance by Roberto Anguizola on behalf of Federal Trade Commission (Anguizola, Roberto) (Entered: 06/15/2021)
06/15/2021	<u>273</u>	MEMORANDUM in Opposition re <u>257</u> MOTION for Partial Summary Judgment <i>Defendants JSS Investment Ventures, JSS Trust, Gerald D. Spangler, & Stephanie Spangler's Motion for Partial Summary Judgment Pursuant to FRCP 56 & DU-CIV 7-1(a)(4)</i> filed by Plaintiff Utah Division of Consumer Protection. (Ostler, Joni) (Entered: 06/15/2021)
06/16/2021	<u>274</u>	REQUEST to Submit for Decision re <u>213</u> Second MOTION Contempt of Court and Civil Sanctions re <u>166</u> Order on Motion for Miscellaneous Relief,, Memorandum Decision, <u>54</u> Order on Motion for Preliminary Injunction, and Memorandum in Support filed by Receiver David K. Broadbent. (Quist, Michelle) (Entered: 06/16/2021)
06/17/2021	<u>275</u>	Consent MOTION for Discovery and Memorandum in Support <i>Stipulated Motion re Depositions by Remote Means</i> filed by Plaintiff Federal Trade Commission. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Daphne A. Oberg.(Guerard, Collot) (Entered: 06/17/2021)
06/17/2021	<u>276</u>	MOTION to Amend/Correct and Memorandum in Support <i>Motion to Amend Scheduling Order to Extend Close of Fact Discovery</i> filed by Plaintiff Utah Division of Consumer Protection. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Text of Proposed Order) Motions referred to Daphne A. Oberg.(Ostler, Joni) Modified by changing event type to motion for amended scheduling order on 6/17/2021 (eat). (Entered: 06/17/2021)
06/17/2021	<u>277</u>	MOTION for Short Form Discovery re: Non-Party Deposition of <i>Matt Davis</i> , MOTION to Expedite Motion to Quash Subpoena and for Protective Order filed by Movant Matt Davis. (Attachments: # <u>1</u> Exhibit Subpoena upon Matt Davis to Testify at a Deposition in a Civil Action, # <u>2</u> Text of Proposed Order Order on Motion to Quash Subpoena and for Protective Order) Motions referred to Daphne A. Oberg.(Schnibbe, Eric) (Entered: 06/17/2021)
06/17/2021	<u>278</u>	MOTION to Expedite Consideration of Plaintiffs' Motion to Amend Scheduling Order to Extend Close of Fact Discovery and Memorandum in Support filed by Plaintiff Utah Division of Consumer Protection. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Daphne A. Oberg.(Ostler, Joni) (Entered: 06/17/2021)
06/17/2021	<u>279</u>	MOTION for Leave to File Overlength Reply Memorandum in Support of Motion to Modify Preliminary Injunction Order filed by Defendants CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group Utah, Jeffrey D. Spangler, Zurixx, Zurixx Financial Utah. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order) Motions referred to Daphne A. Oberg.(Pahnke, Z.) (Entered: 06/17/2021)
06/17/2021	280	DOCKET TEXT ORDER granting <u>278</u> Plaintiffs' Motion to Expedite Consideration of Plaintiffs' Motion to Amend Scheduling Order. Any response or opposition to Plaintiffs' <u>276</u> Motion to Amend Scheduling Order shall be filed by June 24, 2021. No reply is permitted unless ordered by the court. Signed by Magistrate Judge Daphne A. Oberg on 6/17/2021. No attached document. (med) (Entered: 06/17/2021)
06/18/2021	<u>281</u>	ORDER granting <u>279</u> Motion for Leave to File Overlength Reply Memorandum in Support of <u>244</u> Motion to Modify Preliminary Injunction Order. Defendants are granted leave to file an overlength reply memorandum not to exceed 18 pages, excluding the face sheet, table of contents, concise introduction, signature block, certificate of service, and exhibits. Signed by

		Judge Dale A. Kimball on 6/18/2021. (eat) (Entered: 06/18/2021)
06/18/2021	<u>282</u>	ORDER granting <u>275</u> Stipulated Motion to Take Depositions by Remote Means. Signed by Magistrate Judge Daphne A. Oberg on 6/18/2021. (eat) (Entered: 06/18/2021)
06/18/2021	<u>283</u>	REPLY to Response to Motion re <u>244</u> MOTION to Modify Preliminary Injunction Order re <u>54</u> Order on Motion for Preliminary Injunction, and Memorandum in Support filed by Defendants CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group Utah, Jeffrey D. Spangler, Zurixx, Zurixx Financial Utah. (Attachments: # <u>1</u> Exhibit A–Agreements, # <u>2</u> Exhibit B–Surveys, # <u>3</u> Exhibit C–Declarations, # <u>4</u> Exhibit D–Declaration, # <u>5</u> Exhibit E–Declaration, # <u>6</u> Exhibit F–Declaration, # <u>7</u> Exhibit G–Declaration)(Pahnke, Z.) (Entered: 06/18/2021)
06/18/2021	<u>284</u>	MOTION for Short Form Discovery re: Non–Party Deposition of <i>Robert Shemin</i> , MOTION to Expedite Motion to Quash Subpoena and for Protective Order filed by Movant Robert Shemin. (Attachments: # <u>1</u> Exhibit Exhibit 1 – Notice of Deposition of Robert Shemin, # <u>2</u> Exhibit Exhibit 2 – Subpoena upon Robert Shemin to Testify at a Deposition in a Civil Action, # <u>3</u> Text of Proposed Order Order on Motion to Quash Subpoena and for Protective Order) Motions referred to Daphne A. Oberg. Attorney Eric K. Schnibbe added to party Robert Shemin(pty:mov)(Schnibbe, Eric) (Entered: 06/18/2021)
06/21/2021	<u>285</u>	MOTION for Extension of Time to File Response/Reply as to <u>242</u> MOTION to Intervene and Memorandum in Support filed by Movants Byron W. Aldrink, Joshua Jackson, Polar Prutaseranee, Jeanne Rietzke. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order) Motions referred to Daphne A. Oberg.(Meziani, Sam) (Entered: 06/21/2021)
06/21/2021	286	DOCKET TEXT ORDER granting <u>285</u> Proposed Intervenors' Motion for Extension of Time to File Reply re <u>242</u> MOTION to Intervene. The deadline to file a reply is extended to 6/28/2021. Signed by Magistrate Judge Daphne A. Oberg on 6/21/2021. No attached document. (med) (Entered: 06/21/2021)
06/23/2021	<u>287</u>	MOTION for Admission Pro Hac Vice of Angel L. Reyes, III , Registration fee \$ 250, receipt number AUTDC–4040204, Attorneys awaiting Pro Hac Vice admission should immediately register to efile and receive electronic notification of case activity in the District of Utah at https://www.pacer.uscourts.gov/cmecf/dcbk.html . Registration requests will not be approved until the court has granted the pro hac vice motion. Instructions are available on the court's website at https://www.utd.uscourts.gov/cmecf–electronic–case–filing . filed by Defendants Brand Management Holdings, CAC Investment Ventures, CAC Investment Ventures Utah, 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 A–Application, # <u>2</u> Text of Proposed Order Proposed Order)(Pahnke, Z.) (Entered: 06/23/2021)
06/23/2021	<u>288</u>	MOTION for Admission Pro Hac Vice of Ryan J. Browne , Registration fee \$ 250, receipt number AUTDC–4040222, Attorneys awaiting Pro Hac Vice admission should immediately register to efile and receive electronic notification of case activity in the District of Utah at https://www.pacer.uscourts.gov/cmecf/dcbk.html .

		<p>Registration requests will not be approved until the court has granted the pro hac vice motion. Instructions are available on the court's website at https://www.utd.uscourts.gov/cmecf-electronic-case-filing.</p> <p>filed by Defendants Brand Management Holdings, CAC Investment Ventures, CAC Investment Ventures Utah, 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 A-Application, # <u>2</u> Text of Proposed Order Proposed Order)(Pahnke, Z.) (Entered: 06/23/2021)</p>
06/23/2021	<u>289</u>	<p>ORDER granting <u>287</u> Motion for Admission Pro Hac Vice of Attorney Angel L. Reyes, III for Brand Management Holdings, CAC Investment Ventures, CAC Investment Ventures Utah, 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, and Zurixx Financial Utah.</p> <p><i>Attorneys admitted Pro Hac Vice must register to efile and receive electronic notification of case activity in the District of Utah at https://www.pacer.uscourts.gov/cmecf/dcbk.html. Instructions are available at https://www.utd.uscourts.gov/cmecf-electronic-case-filing.</i></p> <p><i>Attorneys admitted Pro Hac Vice may download a copy of the District of Utah's local rules from the court's web site at https://www.utd.uscourts.gov/rules-practice.</i></p> <p>Signed by Judge Dale A. Kimball on 6/23/2021. (eat) (Entered: 06/23/2021)</p>
06/23/2021	<u>290</u>	<p>ORDER granting <u>288</u> Motion for Admission Pro Hac Vice of Attorney Ryan J. Browne for Brand Management Holdings, CAC Investment Ventures, CAC Investment Ventures Utah, 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, and Zurixx Financial Utah.</p> <p><i>Attorneys admitted Pro Hac Vice must register to efile and receive electronic notification of case activity in the District of Utah at https://www.pacer.uscourts.gov/cmecf/dcbk.html. Instructions are available at https://www.utd.uscourts.gov/cmecf-electronic-case-filing.</i></p> <p><i>Attorneys admitted Pro Hac Vice may download a copy of the District of Utah's local rules from the court's web site at https://www.utd.uscourts.gov/rules-practice.</i></p> <p>Signed by Judge Dale A. Kimball on 6/23/2021. (eat) (Entered: 06/23/2021)</p>
06/23/2021	<u>291</u>	<p>ORDER granting Receiver's <u>268</u> Fifth Application for Compensation and Reimbursement of Expenses for 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 Magistrate Judge Daphne A. Oberg on 6/23/2021. (eat) (Entered: 06/23/2021)</p>
06/23/2021	<u>292</u>	<p>REPLY to Response to Motion re <u>245</u> MOTION for Partial Summary Judgment and Memorandum in Support <i>as to Relief Under Section 13(b) and BODA</i> filed by Defendants Brand Management Holdings, CAC Investment Ventures, CAC Investment Ventures Utah, 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: 06/23/2021)</p>

06/24/2021	<u>293</u>	RESPONSE to Motion re <u>277</u> MOTION for Short Form Discovery re: Non-Party Deposition of <i>Matt Davis</i> MOTION to Expedite Motion to Quash Subpoena and for Protective Order filed by Plaintiff Utah Division of Consumer Protection. (Ostler, Joni) (Entered: 06/24/2021)
06/24/2021	<u>294</u>	RESPONSE to Motion re <u>284</u> MOTION for Short Form Discovery re: Non-Party Deposition of <i>Robert Shemin</i> MOTION to Expedite Motion to Quash Subpoena and for Protective Order filed by Plaintiff Utah Division of Consumer Protection. (Ostler, Joni) (Entered: 06/24/2021)
06/24/2021	<u>295</u>	MEMORANDUM in Opposition re <u>276</u> MOTION for Amended Scheduling Order filed by Defendants Brand Management Holdings, CAC Investment Ventures, CAC Investment Ventures Utah, CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group Puerto Rico, Carlson Development Group Utah, Dorado Marketing and Management, JSS Investment Ventures, JSS Trust, Gerald D. Spangler, Jeffrey D. Spangler, Stephanie J. Spangler, Zurixx, Zurixx Financial Puerto Rico, Zurixx Financial Utah. (Attachments: # <u>1</u> Exhibit 1)(Moss, Brennan) (Entered: 06/24/2021)
06/25/2021	296	ORDER Setting Zoom Hearing on Motion <u>277</u> MOTION for Short Form Discovery re: Non-Party Deposition of <i>Matt Davis</i> MOTION to Expedite Motion to Quash Subpoena and for Protective Order , <u>276</u> MOTION for Amended Scheduling Order, <u>284</u> MOTION for Short Form Discovery re: Non-Party Deposition of <i>Robert Shemin</i> MOTION to Expedite Motion to Quash Subpoena and for Protective Order : Motion Hearing set for 6/30/2021 at 04:00 PM in Judges Chambers before Magistrate Judge Daphne A. Oberg. Zoom information will be emailed to counsel and available on Judge Oberg's calendar the day before the hearing. If the parties jointly agree to proceed with a hearing in person instead, they must send a joint request at least 48 hours in advance of the hearing to utdec_oberg@utd.uscourts.gov Signed by Magistrate Judge Daphne A. Oberg on 6/25/2021. (las) (Entered: 06/25/2021)
06/25/2021	297	DOCKET TEXT ORDER: The depositions of Matt Davis and Robert Shemin are STAYED pending a ruling on <u>277</u> Mr. Davis' Motion to Quash Subpoena and <u>284</u> Mr. Shemin's Motion to Quash Subpoena. No attached document. Signed by Magistrate Judge Daphne A. Oberg on 6/25/2021. (med) (Entered: 06/25/2021)
06/25/2021	<u>298</u>	MEMORANDUM in Opposition re <u>259</u> MOTION for Summary Judgment <i>Relief Defendant Stephanie J. Spangler's Motion for Summary Judgment</i> filed by Plaintiff Federal Trade Commission. (Attachments: # <u>1</u> Appendix Plaintiffs' Appendix to their Opposition to Relief Defendant Stephenie J. Spangler's Motion for Summary Judgment)(Doan, Joshua) (Entered: 06/25/2021)
06/28/2021	<u>299</u>	REPLY to Response to Motion re <u>242</u> MOTION to Intervene filed by Movants Annelise Agee, Byron W. Aldrink, Brian Banks, Joshua Jackson, Polar Prutaseranee, Jeanne Rietzke. (Meziani, Sam) (Entered: 06/28/2021)
06/29/2021	<u>300</u>	REPLY to Response to Motion re <u>257</u> MOTION for Partial Summary Judgment <i>Defendants JSS Investment Ventures, JSS Trust, Gerald D. Spangler, & Stephanie Spangler's Motion for Partial Summary Judgment Pursuant to FRCP 56 & DU-CIV 7-1(a)(4)</i> JSS Defendants' Reply Memorandum in Support of Motion for Partial Summary Judgment Pursuant to FRCP 56 & DU-CIV 7-1(a)(4) filed by Defendants JSS Investment Ventures, JSS Trust, Gerald D. Spangler, Stephanie J. Spangler. (Moss, Brennan) (Entered: 06/29/2021)
06/30/2021	<u>301</u>	NOTICE of Appearance by Tanner Brad Camp on behalf of JSS Investment Ventures, JSS Trust, Gerald D. Spangler, Stephanie J. Spangler (Camp, Tanner) (Entered: 06/30/2021)

06/30/2021	303	Minute Entry for proceedings held before Magistrate Judge Daphne A. Oberg: Motion Hearing held on 6/30/2021 re <u>276</u> MOTION for Amended Scheduling Order filed by Utah Division of Consumer Protection, <u>284</u> MOTION for Short Form Discovery re: Non-Party Deposition of <i>Robert Shemin</i> MOTION to Expedite Motion to Quash Subpoena and for Protective Order filed by Robert Shemin, <u>277</u> MOTION for Short Form Discovery re: Non-Party Deposition of <i>Matt Davis</i> MOTION to Expedite Motion to Quash Subpoena and for Protective Order filed by Matt Davis. All parties are appearing via zoom. The court hears argument from counsel. The court grants in part <u>276</u> Motion and denies as moot <u>277</u> and <u>284</u> . Written order to follow. Attorney for Plaintiff: Thomas Harris, Collot Guerard, Joni Ostler, Thomas Melton, Robert Wing, Kevin McLean, Attorney for Defendant: D. Loren Washburn, Eric Benson, Tanner Camp. Movant: Eric Schnibbe. Receiver: Cory Talbot. Court Reporter: Electronic-via Zoom.(Time Start: 4:00, Time End: 5:15, Room Chambers.)(las) (Entered: 07/07/2021)
07/02/2021	<u>302</u>	MEMORANDUM DECISION – The court ORDERS that Mr. Davis shall be responsible for the cost of complying with the subpoena. Signed by Magistrate Judge Daphne A. Oberg on 7/2/21. (alf) (Entered: 07/02/2021)
07/07/2021	<u>304</u>	ORDER granting in part and denying in part Plaintiff's <u>276</u> Motion to Amend Scheduling Order; and denying as moot Motions to Quash Subpoenas and for Protective Orders (Docket Numbers <u>277</u> and <u>284</u>). Signed by Magistrate Judge Daphne A. Oberg on 7/7/2021. (eat) (Entered: 07/07/2021)
07/07/2021	<u>305</u>	AMENDED SCHEDULING ORDER: Expert Discovery due by 1/14/2022. Dispositive Motions due by 2/11/2022. 10-Day Jury Trial is RESET for 9/12/2022 at 08:30 AM in Rm 3.400 before Judge Dale A. Kimball. Signed by Magistrate Judge Daphne A. Oberg on 7/7/2021. (eat) (Entered: 07/07/2021)
07/08/2021	<u>306</u>	Stipulated MOTION for Referral to Magistrate Judge for Settlement Conference filed by Defendant Zurixx. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Daphne A. Oberg.(Pahnke, Z.) (Entered: 07/08/2021)
07/09/2021	<u>307</u>	ORDER REFERRING CASE to Magistrate Judge Jared C. Bennett under 28:636 (b)(1) for Settlement. Motion granted: <u>306</u> Stipulated MOTION for Referral to Magistrate Judge for Settlement Conference filed by Zurixx. The Court directs the parties to promptly contact Judge Bennett's chambers to schedule the settlement conference. Signed by Judge Dale A. Kimball on 7/9/2021. (eat) (Entered: 07/09/2021)
07/09/2021	<u>308</u>	MEMORANDUM in Support re <u>259</u> MOTION for Summary Judgment <i>Relief Defendant Stephanie J. Spangler's Motion for Summary Judgment Relief Defendant Stephenie J. Spangler's Reply Memorandum in Support of Motion for Summary Judgment</i> filed by Defendants JSS Investment Ventures, JSS Trust, Gerald D. Spangler, Stephanie J. Spangler. (Moss, Brennan) (Entered: 07/09/2021)
07/14/2021	<u>309</u>	SETTLEMENT CONFERENCE ORDER – Settlement Conference is set for 7/19/2021 at 09:00 AM before Magistrate Judge Jared C. Bennett. The settlement conference will be held at the law offices of Ray Quinney & Nebeker P.C., 36 South State Street, Suite 1400, Salt Lake City, Utah 84111. Signed by Magistrate Judge Jared C. Bennett on 7/14/2021. (eat) (Entered: 07/14/2021)
07/21/2021	<u>310</u>	SETTLEMENT CONFERENCE REPORT: A Settlement Conference was held on 7/19/2021. Parties and counsel were present. The settlement conference was conducted by Magistrate Judge Jared C. Bennett pursuant to the Order of Reference for Settlement. The parties were unable to reach settlement. As settlement proceedings have been completed, the district judge may now issue an Order to Withdraw the Order of Referral for Settlement. (eat) (Entered: 07/21/2021)

07/21/2021	311	ORDER WITHDRAWING <u>307</u> Order Referring Case to Magistrate Judge Jared C. Bennett for Settlement. No attached document. Signed by Judge Dale A. Kimball on 7/21/2021. (eat) (Entered: 07/21/2021)
07/22/2021	<u>312</u>	NOTICE OF WITHDRAWAL OF COUNSEL of Tanner Camp filed by Tanner Brad Camp on behalf of JSS Investment Ventures, JSS Trust, Gerald D. Spangler, Stephanie J. Spangler (Camp, Tanner) (Entered: 07/22/2021)
07/26/2021		***Time in court for civil hearing added for Magistrate Judge Jared C. Bennett (ksm) (Entered: 07/26/2021)
07/31/2021	<u>313</u>	NOTICE OF WITHDRAWAL OF COUNSEL of Collot Guerard filed by Collot Guerard on behalf of Federal Trade Commission (Guerard, Collot) (Entered: 07/31/2021)
08/10/2021	<u>314</u>	MEMORANDUM DECISION AND ORDER denying <u>242</u> Motion to Intervene. Signed by Magistrate Judge Daphne A. Oberg on 8/10/2021. (eat) (Entered: 08/10/2021)
08/17/2021	315	<u>NOTICE OF ZOOM HEARING ON MOTIONS</u> re <u>244</u> MOTION to Modify Preliminary Injunction Order, <u>245</u> MOTION for Partial Summary Judgment, <u>257</u> MOTION for Partial Summary Judgment, and <u>259</u> MOTION for Summary Judgment (Notice generated by DAK Chambers): Motion Hearing is set for 10/6/2021 at 02:00 PM before Judge Dale A. Kimball. The hearing will be conducted via Zoom. 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 +16692545252,,16133447407#,,,,*584299# US (San Jose) +16692161590,,16133447407#,,,,*584299# US (San Jose) 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 Find your local number: https://www.zoomgov.com/u/acx9bO8sSS (eat) (Entered: 08/17/2021)
08/21/2021	<u>316</u>	MOTION for Extension of Time to file an objection to the Memorandum Decision and Order Denying Motion to Intervene (Dkt. 314) and Memorandum in Support filed by Movants Annelise Agee, Byron W. Aldrink, Brian Banks, Joshua Jackson, Polar Prutaseranee, Jeanne Rietzke. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Daphne A. Oberg.(Meziani, Sam) (Entered: 08/21/2021)
08/23/2021	317	DOCKET TEXT ORDER granting <u>316</u> Motion for Extension of Time. The deadline for Students of Zurixx to object to the Memorandum Decision and Order Denying Motion to Intervene is extended to August 31, 2021. Signed by Magistrate Judge Daphne A. Oberg on 8/23/2021. No attached document. (eh) (Entered: 08/23/2021)
08/31/2021	<u>318</u>	MOTION for Attorney Fees <i>Receiver's Sixth Application for Compensation and Reimbursement of Expenses for the Receiver and Retained Professionals</i> filed by Receiver David K. Broadbent.

		(Attachments: # <u>1</u> Exhibit A – Receiver Invoice, # <u>2</u> Exhibit B – H&H Invoices, # <u>3</u> Exhibit C – RMA Invoice) Motions referred to Daphne A. Oberg.(Byers, Doyle) (Entered: 08/31/2021)
08/31/2021	<u>319</u>	OBJECTION TO MAGISTRATE JUDGE DECISION to District Court by Annelise Agee, Byron W. Aldrink, Brian Banks, Joshua Jackson, Polar Prutaseranee, Jeanne Rietzke re <u>314</u> Order on Motion to Intervene, Memorandum Decision (Meziani, Sam) (Entered: 08/31/2021)
09/14/2021	<u>320</u>	Stipulated MOTION to Take Deposition from Non–Parties <i>After the Fact Discovery Deadline</i> filed by Movants Matt Davis, Robert Shemin. (Attachments: # <u>1</u> Text of Proposed Order Granting Stipulated Motion to Permit Depositions After the Fact Discovery Deadline) Motions referred to Daphne A. Oberg.(Schnibbe, Eric) (Entered: 09/14/2021)
09/15/2021	<u>321</u>	REQUEST to Submit for Decision re <u>318</u> MOTION for Attorney Fees <i>Receiver's Sixth Application for Compensation and Reimbursement of Expenses for the Receiver and Retained Professionals</i> filed by Receiver David K. Broadbent. (Attachments: # <u>1</u> Text of Proposed Order)(Byers, Doyle) (Entered: 09/15/2021)
09/16/2021	<u>322</u>	NOTICE of Appearance by Nicolas Castanuela Wilde on behalf of JSS Investment Ventures, JSS Trust, Gerald D. Spangler, Stephanie J. Spangler (Wilde, Nicolas) (Entered: 09/16/2021)
09/27/2021	<u>323</u>	ORDER granting Receiver's <u>318</u> Sixth Application for Compensation and Reimbursement of Expenses for the Receiver and Retained Professionals. Signed by Magistrate Judge Daphne A. Oberg on 9/27/2021. (eat) (Entered: 09/27/2021)
09/28/2021	<u>324</u>	ORDER granting in part <u>320</u> Stipulated Motion to Permit Depositions After the Fact Discovery Deadline. Signed by Magistrate Judge Daphne A. Oberg on 9/28/2021. (eat) Modified by correcting document type and docket text on 9/28/2021. The order is not a memorandum decision (eat). (Entered: 09/28/2021)
09/28/2021	325	Modification of Docket: re <u>324</u> Order on Motion to Take Deposition. The clerk mistakenly filed the order as a memorandum decision. The clerk has corrected the docket text and document type so that it is no longer a memorandum decision. (eat) (Entered: 09/28/2021)
09/28/2021	<u>326</u>	ORDER denying proposed intervenors' <u>319</u> Objection to Magistrate Judge Decision to District Court and Order Denying Motion to Intervene. Signed by Judge Dale A. Kimball on 9/28/2021. (eat) (Entered: 09/28/2021)
10/01/2021	<u>327</u>	NOTICE of SUPPLEMENTAL AUTHORITY by Brand Management Holdings, CAC Investment Ventures, CAC Investment Ventures Utah, CJ Seminar Holdings, Christopher A. Cannon, James M. Carlson, Carlson Development Group Puerto Rico, Carlson Development Group Utah, Dorado Marketing and Management, JSS Investment Ventures, JSS Trust, Gerald D. Spangler, Jeffrey D. Spangler, Stephanie J. Spangler, Zurixx, Zurixx Financial Puerto Rico, Zurixx Financial Utah re <u>245</u> MOTION for Partial Summary Judgment and Memorandum in Support <i>as to Relief Under Section 13(b) and BODA</i> , <u>257</u> MOTION for Partial Summary Judgment <i>Defendants JSS Investment Ventures, JSS Trust, Gerald D. Spangler, & Stephanie Spangler's Motion for Partial Summary Judgment Pursuant to FRCP 56 & DU–CIV 7–1(a)(4)</i> (Attachments: # <u>1</u> Exhibit A–Memorandum Decision and Order Granting Motion for Partial Summary Judgment) (Pahnke, Z.) (Entered: 10/01/2021)
10/04/2021	<u>328</u>	NOTICE of SUPPLEMENTAL AUTHORITY by Federal Trade Commission re <u>266</u> Memorandum in Opposition to Motion, (Attachments: # <u>1</u> Appendix) (Grier, Amanda) (Entered: 10/04/2021)
10/06/2021	329	Minute Entry for proceedings held before Judge Dale A. Kimball: Motion Hearing held on 10/6/2021 re <u>244</u> MOTION to Modify Preliminary Injunction Order, <u>245</u> MOTION for Partial Summary Judgment, <u>257</u> MOTION for Partial Summary Judgment, and <u>259</u> MOTION for

		Summary Judgment. All parties appear by Zoom. After hearing statements and arguments from counsel, the court takes the motions under advisement and will issue a ruling in due course. Attorneys for Plaintiffs: Amanda R. Grier, Joshua A. Doan, Roberto Anguizola, Thomas M. Melton, and Robert G. Wing. Attorneys for Defendants: Eric G. Benson, Z. Ryan Pahnke, D. Loren Washburn, and Brennan H. Moss. Attorneys for Receiver: Cory A. Talbot, Michelle Quist, and Doyle S. Byers. Court Reporter: Rebecca Janke. (eat) (Entered: 10/06/2021)
10/19/2021	<u>330</u>	NOTICE of Appearance by Katherine E. Priest on behalf of Brand Management Holdings, CAC Investment Ventures, CAC Investment Ventures Utah, 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 (Priest, Katherine) (Entered: 10/19/2021)
10/22/2021	<u>331</u>	MOTION to Approve Settlement Agreements with Merchant Account Service Providers filed by Receiver David K. Broadbent. (Attachments: # <u>1</u> Exhibit A – Paysafe Settlement Agreement, # <u>2</u> Exhibit B – Qualpay Settlement Agreement, # <u>3</u> Exhibit C – PPS Settlement Agreement, # <u>4</u> Text of Proposed Order Approving Receiver's Settlement Agreements, etc.) Motions referred to Daphne A. Oberg.(Byers, Doyle) (Entered: 10/22/2021)
10/26/2021	<u>332</u>	ORDER granting <u>331</u> Motion to Approve Receiver's Settlement Agreement with Merchant Account Service Providers. Signed by Judge Dale A. Kimball on 10/26/2021. (eat) (Entered: 10/26/2021)
11/08/2021	<u>333</u>	MEMORANDUM DECISION AND ORDER GRANTING IN PART AND DENYING IN PART the Zurixx Defendants' <u>244</u> Motion to Modify Preliminary Injunction Order; GRANTING the Zurixx Defendants' <u>245</u> Motion for Partial Summary Judgment as to Relief Under Section 13(b) and BODA; GRANTING the Spangler Defendants' <u>257</u> Motion for Partial Summary Judgment; and DENYING Relief Defendant Stephanie Spangler's <u>259</u> Motion for Summary Judgment. The parties shall meet and confer and submit an Amended Preliminary Injunction consistent with this decision within twenty days of the date of this Order. As explained herein, the following ancillary receivership actions are STAYED and ADMINISTRATIVELY CLOSED and all pending motions in those cases are denied without prejudice: 2:20-CV-544, 2:20-CV-545, 2:20-CV-546, 2:20-CV-548, 2:20-CV-549, 2:20-CV-550, 2:20-CV-551, 2:20-CV-552, 2:20-CV-761, 2:20-CV-762, 2:20-CV-763, 2:20-CV-765, and 2:21-CV-331. Signed by Judge Dale A. Kimball on 11/8/2021. (eat) (Entered: 11/08/2021)
11/08/2021	<u>334</u>	MEMORANDUM DECISION AND ORDER GRANTING Receiver's <u>213</u> Second Motion for Order Holding Efron Dorado, S.E. and David Efron in Contempt of Court and for Civil Sanctions. Signed by Judge Dale A. Kimball on 11/8/2021. (eat) (Entered: 11/08/2021)
11/17/2021	<u>335</u>	NOTICE OF APPEAL as to <u>334</u> Memorandum Decision and Order Granting Receiver's Second Motion for Order Holding Efron Dorado, S.E. and David Efron in Contempt of Court and for Civil Sanctions, filed by David Efron. Appeals to the USCA for the 10th Circuit. Fee Status: Not Paid. Filing fee \$505. (eat) (Entered: 11/17/2021)

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 Receiver David K. Broadbent's Second Motion for Order Holding Efron Dorado, S.E. and David Efron in Contempt of Court and for Civil Sanctions [[ECF No. 213](#)]. The court does not believe that oral argument would significantly aid in its determination of the motion. 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.

As noted above, this is the Receiver's second motion for contempt in relation to office space Zurixx leased from Efron Dorado, a Puerto Rico special partnership. The office was closed shortly after legal proceedings were initiated in this matter, and it contained computer servers, documents, furniture, and other property owned by Zurixx. In accordance with his mandate to take control of receivership assets, the Receiver took actions to remove Zurixx's property from the Puerto Rico office and liquidate it or ship it to Utah. On November 8, 2019,

the Receiver filed a copy of the Complaint and Injunction with the United States District Court for the District of Puerto Rico, Case No. 3:19-MC-403. Pursuant to 28 U.S.C. § 754, “a receiver appointed in any civil action or proceeding involving property, real, personal, or mixed, situated in different districts shall . . . be vested with complete jurisdiction and control of all such property with the right to take possession thereof.”

Efron Dorado and David Efron, a partner with Efron Dorado, engaged in repeated efforts to prevent the Receiver from exercising control over the Zurixx property. Despite eighteen months of obstructive tactics by Efron and Efron Dorado, the Receiver sold the property. However, he seeks contempt sanctions in the amount of added legal fees and other expenses incurred as a result of the contumacious behavior.

The court has issued a ruling in this case modifying the Preliminary Injunction based on the Supreme Court’s recent decision in *AMG Capital Management, LLC v. FTC*, 141 S. Ct. 1341 (2021). While the court modified the role of the Receiver, the modification of the Receiver’s role going forward does not change the issues in this motion for contempt. The Receiver was charged with, and continues to be charged with, protecting Zurixx’s assets and making those assets available for consumer redress. The Receiver’s actions with respect to the real property in Puerto Rico have been lawful and appropriate. *AMG* does not impact the Receiver’s contempt motion against Efron and Efron Dorado or excuse Efron or Efron Dorado’s conduct.

In addition, the fact that Receiver has been able to sell the property does not excuse Efron’s and Efron Dorado’s repeated violations of this court’s orders and their institution of two unnecessary legal actions in Puerto Rican courts. Efron and Efron Dorado have repeatedly

ignored controlling law solely because it is not financially beneficial to their position. Their conduct, which was contrary to the Preliminary Injunction and this court's prior orders, caused considerable delays over the course of eighteen months and tens of thousands of dollars in unwarranted expenses to the receivership. What should have been a straight-forward exercise of obtaining and selling office equipment turned into several lawsuits, motions, and appeals. Meanwhile, the funds used for those expenses should have been available for consumer redress in this enforcement action.

Efron and Efron Dorado's pending appeal of the court's first order of contempt does not impact this court's authority to address and enter a second contempt order. The court did not stay its ruling pending the appeal, and the appeal did not relieve Efron and Efron Dorado from complying with this court's orders. However, they continued to commit new and recurring acts of contempt in violation of the Preliminary Injunction and the court's prior orders.

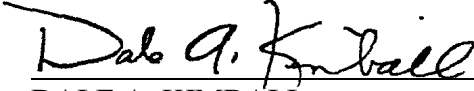
The court finds Efron and Efron Dorado in contempt of court for their continued defiance of the Preliminary Injunction and this court's prior Contempt Order. The court awards the Receiver reasonable attorney's fees and costs incurred in this contempt litigation and the unnecessary cases in Puerto Rico, including the Receiver's fees. The Receiver may file documents demonstrating those fees and costs within thirty days of the date of this Order. At this time, the court declines to issue sanctions to deter future misconduct because the property has been sold. However, the court will impose individual sanctions against both Efron and Efron Dorado if they engage in any conduct in violation of this court's orders.

For the reasons stated above, the court GRANTS the Receiver's Second Motion for Order

Holding Efron Dorado, S.E. and David Efron in Contempt of Court and for Civil Sanctions [ECF No. 213].

DATED this 8th day of November, 2021.

BY THE COURT:



DALE A. KIMBALL
United States District Judge

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

FEDERAL TRADE COMMISSION, and
UTAH DIVISION OF CONSUMER
PROTECTION,

Plaintiffs,

vs.

ZURIXX, LLC, et als.

Defendants.

CASE NUMBER 2:19-CV-00713

JUDGE DALE A. KIMBALL

AMENDED NOTICE OF APPEAL

TO THE HONORABLE JUDGE DALE A. KIMBALL:

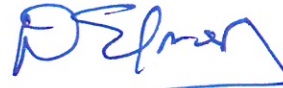
Notice is hereby given that David Efron and Efron Dorado, S.E., notify this Honorable Court that they appeal to the United States Court of Appeals for the Tenth Circuit the Memorandum Decision and Order (Document No. 334) of this Honorable Court entered in the above captioned case on November 8, 2021.

This Amended Notice of Appeal is directly related to the prior Notice of Appeal filed by these same Appellants, which has already been briefed by all affected parties and has not yet been decided, inasmuch as both appeals involve alleged contempts of Court incurred by appearants.

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

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico for Salt Lake City, Utah, this 17th day of November, 2021.



**DAVID EFRON,
EFRON DORADO, S.E.**

pro se

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787-765-1535

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