

Roberto Anguizola (ranguizola@ftc.gov)
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Lauren Rivard (lrivard@ftc.gov)
(Each appearing pursuant to DUCivR 83-1.1(d)(1))
600 Pennsylvania Avenue, NW, CC-6316
Washington DC, 20580
202-326-3284 (Anguizola)
202-326-3187 (Doan)
202-326-2450 (Rivard)
Attorneys for Plaintiff Federal Trade Commission

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Assistant Attorneys General
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160 East 300 South, Fifth Floor
Salt Lake City, Utah 84114
Tel: (801) 366-0310
Attorneys for Plaintiff Utah Division of Consumer Protection

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

FEDERAL TRADE COMMISSION
and UTAH DIVISION OF
CONSUMER PROTECTION,

Plaintiffs,

v.

ZURIXX, LLC, *et al.*,

Defendants.

**APPLICATION FOR WRIT OF
CONTINUING GARNISHMENT**

Case No. 2:19-cv-00713-DAK-DAO

District Judge Dale A. Kimball
Magistrate Judge Daphne A. Oberg

The Federal Trade Commission, an independent agency of the United States government, and the Utah Division of Consumer Protection apply in accordance with 28 U.S.C. § 3205(b)(1) to the Clerk of Court for the United States District Court for the District of Utah to issue a Writ of Continuing Garnishment upon the judgment entered against the defendant CAC Investment Ventures, LLC (PR) (hereafter referred to as “the Judgment debtor”), whose last known address is:

Centro Comercial Paseo del Plata
602 Ave. José Efrón, Office 1002
Dorado, PR 00646

The Judgment debtor is represented by counsel, whose address is:

Z. Ryan Pahnke
Ray Quinney & Nebeker P.C.
36 South State Street, Suite 1400
Salt Lake City, UT 84111

1. A judgment in the amount of \$2,333,333.33 plus costs and post-judgment interest at the rate of 0.98%, was entered, jointly and severally, against the Judgment debtor, CAC Investment Ventures, LLC (PR) on or about February 15, 2022 (Dkt. 365.). The judgment balance as of August 19, 2022, is \$2,339,284.13.

2. The Federal Trade Commission demanded payment of the judgment debt from the Judgment debtor not less than 30 days before the date of this application, and the Judgment debtor has failed to satisfy the debt.

3. Based on the information in their possession, the Federal Trade Commission and the Utah Division of Consumer Protection believe that the Garnishee has money, accounts, funds or property of the Judgment debtor in its possession, custody or control, and said property is a nonexempt interest of the Judgment debtor subject to garnishment.

The name and address of the garnishee is:

UBS Bank USA
c/o Joshua S. Bratspies
Sherman Wells Sylvester & Stamelman LLP
210 Park Avenue, 2nd Floor
Florham Park, NJ 07932

WHEREFORE, the Federal Trade Commission and the Utah Division of Consumer Protection request that the clerk issue a Writ of Continuing Garnishment to the garnishee.

Dated this 19th day of August, 2022.

Respectfully submitted,

/s/ Lauren Rivard

Roberto Anguizola

Joshua Doan

Lauren Rivard

(Each appearing per DUCivR 83-1.1(d)(1))

Federal Trade Commission

600 Pennsylvania Ave. NW, CC-6316

Tel: (202) 326-2450

Email: ranguizola@ftc.gov

Email: jdoan@ftc.gov

Email: lrivard@ftc.gov

Attorneys for Plaintiff

FEDERAL TRADE COMMISSION

/s/ Robert G. Wing

(Signed by Filing Attorney with
Permission of Plaintiff's Attorney)

/s/ Lauren Rivard

Robert G. Wing (4445) (rwing@agutah.gov)

Thomas M. Melton (4999) (tmelton@agutah.gov)

Kevin McLean (16101) (kmclean@agutah.gov)

Assistant Attorneys General

Utah Attorney General's Office

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Salt Lake City, Utah 84114

Tel: (801) 366-0310

Attorneys for Plaintiff Utah Division of
Consumer Protection

Certificate of Service

I HEREBY CERTIFY that on August 19, 2022, a true and correct copy of the foregoing document was served on counsel for all parties via electronic filing with the Court's ECF service.

/s/Lauren Rivard
Lauren Rivard

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ZURIXX, LLC, *et al.*,

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**ANSWER OF THE GARNISHEE
FORM**

Case No. 2:19-cv-00713-DAK-DAO

District Judge Dale A. Kimball
Magistrate Judge Daphne A. Oberg

I, _____ (Declarant), as the

_____ (Garnishee's official name)

BEING DULY SWORN DEPOSE AND SAY:

1. Choose one as applicable:

GARNISHEE IS AN INDIVIDUAL

Garnishee is or was doing business in name of _____

GARNISHEE IS A PARTNERSHIP OR TRUST.

Declarant is the _____ (Title) of a partnership or
trust known as _____ which is registered in the State
of _____.

GARNISHEE IS A GOVERNMENTAL ENTITY.

Declarant is the _____ (title of declarant) of the
_____ (official name of government entity) with a
principal office located at _____.

GARNISHEE IS A CORPORATION.

Declarant is the _____ (title of declarant) of the
_____ (corporation name), which is organized under the
laws of the State of _____.

2. The Garnishee may be contacted through the following individual, at the following telephone number(s), and with the following identifying information:

3. On the ____ day of _____, 20__, Garnishee was served with the Writ of Continuing Garnishment.

4. Declarant states the following regarding the subject of the Writ:

Yes No

___ ___ The Garnishee has custody, control or possession of the following property in which the Judgment debtor maintain an interest, including funds, accounts, monies, stock or earnings of the Judgment debtor, as described below:

	Description of Property	Approximate Value	Description of Debtor's Interest of Property
(1)	_____	_____	_____
(2)	_____	_____	_____
(3)	_____	_____	_____
(4)	_____	_____	_____

5. Declarant states the following regarding whether there is any other garnishment currently in effect as to the property. If the answer is yes, the declarant describes the other action below.

Yes No

____ _

6. Garnishee anticipates owing to the judgment-debtor in the future, the following property including funds, accounts, monies, stock or earnings of the Judgment debtor:

Yes No

____ _

	<u>Amount</u>	<u>Estimate Date or Period Due</u>
(1)	\$ _____	_____
(2)	\$ _____	_____
(3)	\$ _____	_____
(4)	\$ _____	_____

7. Check the applicable line below if you DENY that you hold property subject to this order of garnishment.

_____ The Garnishee has the following objections, defenses, or set-offs to the Federal Trade Commission and the Utah Division of Consumer Protection's right to the claimed property of the Judgment debtor:

_____ The Judgment debtor has account(s) at this institution. However, the account(s) currently contain no assets. The Garnishee, _____, will forward assets as they become available in the account(s).

_____ The Garnishee is in no manner and upon no account indebted or under liability to the Judgment debtor, and the Garnishee does not have in Garnishee's possession or control any property belonging to the Judgment debtor, or in which the Garnishee has an interest; and is in no manner liable as Garnishee in this action for the following reasons(s): _____

8. Garnishee delivered the Answer to the Clerk of Court for the United States District Court for the District of Utah at: 351 South West Temple, Rm. 1.100, Salt Lake City, Utah, 84101. The Garnishee mailed a copy of this Answer by first-class mail to the Judgment debtor, CAC Investment Ventures, LLC (PR), Centro Comercial Paseo del Plata, 602 Ave. José Efrón, Office 1002, Dorado, PR 00646, and its attorney, Z. Ryan Pahnke, Ray Quinney & Nebeker P.C., 36 South State Street, Suite 1400 Salt Lake City, UT 84111, as well as to Joshua Doan, Roberto Anguizola, and Lauren Rivard, Federal Trade Commission, 600 Pennsylvania

Avenue, NW, Mailstop CC-6316, Washington, DC 20580, and Robert Wing,
Thomas Melton, and Kevin McLean, Utah Attorney General's Office, 160 East
300 South, Fifth Floor, Salt Lake City, Utah, 84114.

Representative of Garnishee

(Title)

(Address)

(Telephone Number)

Subscribed and sworn before
me this ___ day of _____ 20__.
Notary Public

(SEAL)

My Commission expires:

ATTACHMENT TO ANSWER OF GARNISHEE

The Original Answer (and checks or money order **upon entry of the Court's Final Disposition Order**) must be mailed to:

Clerk, United States District Court
District of Utah
351 South West Temple, Rm. 1.100
Salt Lake City, Utah 84101

A copy of the answer must also be delivered to:

Roberto Anguizola
Joshua Doan
Lauren Rivard
Federal Trade Commission
600 Pennsylvania Avenue, NW
Mailstop CC-6316
Washington, DC 20580

Robert G. Wing
Thomas M. Melton
Kevin McLean
Assistant Attorneys General
Utah Attorney General's Office
160 East 300 South, Fifth Floor
Salt Lake City, Utah 84114

A copy of the answer must be sent to the Judgment debtor:

CAC Investment Ventures, LLC (PR)
Centro Comercial Paseo del Plata
602 Ave. José Efrón, Office 1002
Dorado, PR 00646

Z. Ryan Pahnke
Ray Quinney & Nebeker P.C.
36 South State Street, Suite 1400
Salt Lake City, UT 84111

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FOR THE DISTRICT OF UTAH

FEDERAL TRADE COMMISSION
and UTAH DIVISION OF
CONSUMER PROTECTION,

Plaintiffs,

v.

ZURIXX, LLC, *et al.*,

Defendants.

**CLERK'S NOTICE OF POST-
JUDGMENT GARNISHMENT AND
INSTRUCTIONS TO DEFENDANT-
JUDGMENT DEBTOR**

Case No. 2:19-cv-00713-DAK-DAO

District Judge Dale A. Kimball
Magistrate Judge Daphne A. Oberg

You are hereby notified that property in the possession, custody or control of the garnishee including any and all funds, accounts, monies, stock or earnings of CAC Investment Ventures, LLC (PR), (hereafter referred to as “the Judgment debtor”), including but not limited to all funds in accounts ending in 9917, 0018, 9886, and 7067 is being taken by the Federal Trade Commission and the Utah Division of Consumer Protection which have a court judgment in Civil Action No. 2:19-CV-00713-DAK-DAO, the United States District Court for the District of Utah, in the sum of \$2,333,333.33. A judgment balance of \$2,339,284.13 remains outstanding as of August 19, 2022.

In addition, you are hereby notified that there are exemptions under the law, which may apply if you, the Judgment debtor, can demonstrate to the Court that they apply. The attached Notice to Judgment Debtor Regarding Exemptions and Exemption Claim Form summarize the major exemptions.

You have a right to ask the Court to return your property to you if you think you do not owe the money, or that an exemption applies.

If you want a hearing, you must file your objection[s] within twenty (20) days of receipt of the Writ or within twenty (20) days of receipt of the answer of the garnishee. You must file your objection[s] with the Clerk of Court for the

United States District Court for the District of Utah at 351 South West Temple, Rm. 1.100, Salt Lake City, Utah, 84101 and reference Civil Action No. 2:19-CV-00713-DAK-DAO. You must also send a copy of your objection[s] and Request for Hearing to Joshua Doan, Roberto Anguizola, and Lauren Rivard, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Mailstop CC-6316, Washington, DC 20580, and Robert Wing, Thomas Melton, and Kevin McLean, Utah Attorney General's Office, 160 East 300 South, Fifth Floor, Salt Lake City, Utah, 84114.

If you wish, you may use the Request for Hearing Form and the Exemption Claim Form and follow the instructions contained in the Notice to Judgment Debtor Regarding Exemptions. The hearing will take place when scheduled by the Court in accordance with 28 U.S.C. § 3205(c)(5).

You should explain to the judge why you believe that the taken property is exempt or why you think you do not owe a debt to the Federal Trade Commission and the Utah Division of Consumer Protection; however, please note that the issues to be decided in this action will be limited: (1) To the validity of any claim for exemption; (2) to compliance with any statutory requirements for the issuance of the Writ; and (3) Only if the judgment is by

default and only to the extent that the Constitution or any other law of the United States provides a right to review, to: (a) The probable validity of the claim for the judgment debt; and (b) the existence of good cause for setting aside such judgment. The burden is on you to prove the grounds in support of your objection[s] and right to a hearing.

If you live outside the federal judicial district from which the Writ issued, you may request, not later than twenty (20) days after you receive this notice, that this proceeding be transferred by the Court to the federal judicial district in which you reside. You must make your request in writing and deliver it to the Clerk of the Court for the United States District Court for the District of Utah, 351 South West Temple, Rm. 1.100, Salt Lake City, Utah, 84101. You must also send a copy of your request to Joshua Doan, Roberto Anguizola, and Lauren Rivard, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Mailstop CC-6316, Washington, DC 20580, and Robert Wing, Thomas Melton, and Kevin McLean, Utah Attorney General's Office, 160 East 300 South, Fifth Floor, Salt Lake City, Utah, 84114.

Be sure to keep a copy of this packet for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer

or an office of public legal assistance. The Clerk is not permitted to give legal advice, but may be able to refer you to other sources of information.

Date: _____

Gary P. Serdar
CLERK OF COURT
UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

By _____
DEPUTY CLERK

Roberto Anguizola (ranguizola@ftc.gov)
Joshua Doan (jdoan@ftc.gov)
Lauren Rivard (lrivard@ftc.gov)
(Each appearing pursuant to DUCivR 83-1.1(d)(1))
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FOR THE DISTRICT OF UTAH

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Defendants.

**INSTRUCTIONS TO THE
GARNISHEE**

Case No. 2:19-cv-00713-DAK-DAO

District Judge Dale A. Kimball
Magistrate Judge Daphne A. Oberg

TO: UBS Bank USA
c/o Joshua S. Bratspies
Sherman Wells Sylvester & Stamelman LLP
210 Park Avenue, 2nd Floor
Florham Park, NJ 07932

PLEASE READ THESE INSTRUCTIONS CAREFULLY. THIS GARNISHMENT IS ISSUED PURSUANT TO FEDERAL LAW AND MAY BE DIFFERENT FROM STATE GARNISHMENTS.

Attached is a Writ of Continuing Garnishment instructing you to provide the following information, in writing, under oath, within ten (10) days of receipt of the Writ:

- (1) Whether you have in your possession, custody or control any of the property of the Judgment debtor, including funds, accounts, monies, stock or earnings of the Judgment debtor, including but not limited to all funds in accounts ending in 9917, 0018, 9886, and 7067;
- (2) A description of such property and the value of the property; and
- (3) A description of any previous garnishment to which such property is subject and the extent to which any remaining property is not exempt.

You are required by law to file an Answer to the Writ within ten (10) days of your receipt of the Writ with the Clerk of Court for the United States District Court for the District of Utah, 351 South West Temple, Rm. 1.100, Salt Lake City, Utah, 84101. You may complete the attached form entitled "ANSWER OF THE GARNISHEE FORM" and use it as your written answer to the Writ.

You must also serve a copy of your answer on the Judgment debtor, CAC Investment Ventures, LLC (PR), Centro Comercial Paseo del Plata, 602 Ave. José Efrón, Office 1002, Dorado, PR 00646, and its attorney, Z. Ryan Pahnke, Ray Quinney & Nebeker P.C., 36 South State Street, Suite 1400 Salt Lake City, UT 84111, as well as upon Joshua Doan, Roberto Anguizola, and Lauren Rivard, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Mailstop CC-6316, Washington, DC 20580, and Robert Wing, Thomas Melton, and Kevin McLean, Utah Attorney General's Office, 160 East 300 South, Fifth Floor, Salt Lake City, Utah, 84114..

You are required to withhold and retain any property in which the Judgment debtor has, or may in the future have a substantial non-exempt interest, until the Court's Entry of the Final Disposition Order which will direct you as to payment of the withheld and retained funds and will provide further instructions as to future payments.

1. AMOUNT GARNISHED. All money, accounts, funds, or property of the Judgment debtor to the extent of judgment in the amount of \$2,333,333.33 plus cost and post-judgment interest at the rate of 0.98% per annum, since May 16, 2022 with a balance of \$2,339,284.13.
2. Mail remittances payable by check or money order **upon entry of the Court's Final Disposition Order in Continuing Garnishment to:**

Clerk, United States District Court
District of Utah
351 South West Temple, Rm. 1.100
Salt Lake City, Utah 84101

Indicate on each remittance the name of the judgment-debtor, CAC Investment Ventures, LLC (PR), and the case number, 2:19-CV-00713-DAK-DAO, so that proper credit will be given.

3. This is a continuing garnishment. The garnishment can only be terminated by satisfaction of the full amount of the debt, a court order, or exhaustion of the property held by you. This garnishment remains in effect as to any property, funds, accounts, monies, stock or earnings of the Judgment debtor that may be deposited with you or transferred to you on behalf of the Judgment debtor at any future date until payment of the full amount of the debt or until termination by court order.

The attached Writ or Disposition Order was obtained by the Federal Trade Commission and the Utah Division of Consumer Protection, pursuant to the Federal Debt Collection Procedures Act, 28 U.S.C. § 3205. If you fail to answer the Writ or fail to withhold property in accordance with the Writ, the Federal Trade Commission and the Utah Division of Consumer Protection may petition the Court for an Order requiring you to appear before the Court to answer the Writ and to so withhold property before the appearance date. The procedures established under 31 C.F.R. Part 212 for identifying and protecting federal benefits deposited to accounts at financial institutions DO NOT apply to this garnishment order. The garnishee should comply with the terms of this writ and the disposition order, including instructions for withholding, retaining or turning over any funds deposited to any account(s), pending further order of the court.

If you fail to appear, or you appear and fail to show good cause why you failed to comply with the Writ, the court will enter judgment against you for the value of the Judgment debtor's nonexempt interest in such property (including nonexempt disposable earnings).

The Court may also award a reasonable attorney's fee to the Federal Trade Commission and the Utah Division of Consumer Protection and against

you if the writ is not answered within the time specified herein and if the Federal Trade Commission and the Utah Division of Consumer Protection file a petition requiring you to appear.

If you have any additional questions, please call Joshua Doan at telephone number (202) 326-3187, Roberto Anguizola at telephone number (202) 326-3284, or Lauren Rivard at telephone number (202) 326-2450.

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Defendants.

**NOTICE TO JUDGMENT DEBTOR
REGARDING EXEMPTIONS**

Case No. 2:19-cv-00713-DAK-DAO

District Judge Dale A. Kimball
Magistrate Judge Daphne A. Oberg

The attached post-judgment process has been issued at the request of the Federal Trade Commission and the Utah Division of Consumer Protection.

The law provides that certain property is exempt and cannot be taken. An exemption claim form is not included with this process, because it is not available to you. Property exemptions are only available to individual Judgment debtors. (28 U.S.C. § 3014(a)).

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REQUEST FOR HEARING

Case No. 2:19-cv-00713-DAK-DAO

District Judge Dale A. Kimball
Magistrate Judge Daphne A. Oberg

I hereby request a court hearing. Notice of the hearing should be mailed to me at: _____
(Address)

My objection and/or other reason[s] for seeking a hearing is the following: __

Date: _____

Signature of Judgment Debtor

Judgment Debtor's Printed Name

Judgment Debtor's Address

Judgment Debtor's Telephone No.

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**WRIT OF CONTINUING
GARNISHMENT**

Case No. 2:19-cv-00713-DAK-DAO

District Judge Dale A. Kimball
Magistrate Judge Daphne A. Oberg

TO: UBS Bank USA
c/o Joshua S. Bratspies
Sherman Wells Sylvester & Stamelman LLP
210 Park Avenue, 2nd Floor
Florham Park, NJ 07932

The Federal Trade Commission and the Utah Division of Consumer Protection have filed an Application for Writ of Continuing Garnishment against the property of CAC Investment Ventures, LLC (PR) (hereafter referred to as “the Judgment debtor”) in accordance with 28 U.S.C. § 3205.

1. A judgment has been entered, jointly and severally, against the Judgment debtor, CAC Investment Ventures, LLC (PR) in the amount of \$2,333,333.33 plus interest at the rate of 0.98%, per annum with a balance of \$2,339,284.13 as of August 19, 2022.

2. You are hereby required to withhold and retain pending further order, any property, funds, accounts, monies, stock or earnings of the Judgment debtor, including but not limited to, all funds in account ending in 9917, 0018, 9886, and 7067.

3. You are further required by law to answer in writing, under

oath, within ten (10) days after receipt of the Writ, providing the following information: (1) Whether you have any property owned by or due to the Judgment debtor, including funds, accounts, monies, stock, or earnings in your custody, control or possession; (2) A description of the property and the value of the property; (3) A description of any previous garnishment to which such property is subject and the extent to which any remaining property is not exempt; (4) The amount you are holding, owe, or anticipate owing to the Judgment debtor.

4. You must, within ten (10) days of your receipt of this Writ, file the original written answer to this Writ with the Clerk of Court for the United States District Court for the District of Utah at 351 South West Temple, Rm. 1.100, Salt Lake City, Utah, 84101. Additionally, you are required by law to serve a copy of your answer upon the Judgment debtor, CAC Investment Ventures, LLC (PR), Centro Comercial Paseo del Plata, 602 Ave. José Efrón, Office 1002, Dorado, PR 00646, and its attorney, Z. Ryan Pahnke, Ray Quinney & Nebeker P.C., 36 South State Street, Suite 1400 Salt Lake City, UT 84111, as well as upon Joshua Doan, Roberto Anguizola, and Lauren Rivard, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Mailstop CC-6316, Washington, DC 20580, and

Robert Wing, Thomas Melton, and Kevin McLean, Utah Attorney General's Office, 160 East 300 South, Fifth Floor, Salt Lake City, Utah, 84114.

5. Under the law, there is property, which may be exempt from garnishment. Property which the court may rule exempt, upon issuance of the Disposition Order or an Agreed Garnishment, is listed on the attached Exemption Claim Form directed to the Judgment debtor.

6. If you fail to answer this Writ or withhold property in accordance with this Writ, the Federal Trade Commission and the Utah Division of Consumer Protection may petition the Court for an order requiring you to appear before the Court.

7. If you fail to appear or do appear and fail to show good cause why you failed to comply with this Writ, the Court may enter a judgment against you for the value of the Judgment debtor's non-exempt property. It is unlawful to pay or deliver to the Judgment debtor any item attached by this Writ.

8. The Court may also award a reasonable attorney's fee against you if the Writ is not answered within the time specified and if the Federal Trade Commission and the Utah Division of Consumer Protection file a petition requiring you to appear.

Date: _____

Gary P. Serdar
CLERK OF COURT
UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

By _____
DEPUTY CLERK