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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.

**WRIT OF CONTINUING
GARNISHMENT**

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

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

TO: UBS Financial Services Inc.
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: 08/22/2022

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

By *Monette Hatt*
DEPUTY CLERK



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**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: 08/22/2022

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

By *Monika Hatt*
DEPUTY CLERK

