

NOTE: CHANGES MADE BY THE COURT

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMERICAN HOME SERVICING  
CENTER, LLC,

CAPITAL HOME ADVOCACY  
CENTER,

NATIONAL ADVOCACY CENTER,  
LLC,

JAIME ABURTO, a/k/a James Aburto,  
and Jamie Aburto, individually, as an  
officer of American Home Servicing  
Center, LLC and National Advocacy  
Center, LLC, and d/b/a A.H.S.C.,  
American Home Servicing Center, Local  
Page, NAC, National Servicing Center,  
NSC Processing, and Secured  
Processing,

MARCUS FIERRO, JR., individually, as  
a member of American Home Servicing

Case No. SACV 18-00597-JLS-KESx

**EX PARTE TEMPORARY  
RESTRAINING ORDER WITH  
ASSET FREEZE, APPOINTMENT  
OF TEMPORARY RECEIVER,  
LIMITED EXPEDITED  
DISCOVERY, AND ORDER TO  
SHOW CAUSE WHY  
PRELIMINARY INJUNCTION  
SHOULD NOT ISSUE**

[Filed Under Seal]



1 Plaintiff, the Federal Trade Commission, has filed its Complaint for  
2 Permanent Injunction and Other Equitable Relief pursuant to Section 13(b) of the  
3 Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), and the 2009  
4 Omnibus Appropriations Act, Public Law 111-8, Section 626, 123 Stat. 524, 678  
5 (Mar. 11, 2009), as clarified by the Credit Card Accountability Responsibility and  
6 Disclosure Act of 2009, Public Law 111-24, Section 511, 123 Stat. 1734, 1763-64  
7 (Mar. 22, 2009), and amended by the Dodd-Frank Wall Street Reform and  
8 Consumer Protection Act, Public Law 111-203, Section 1097, 124 Stat. 1376,  
9 2102-03 (July 21, 2010) (“Dodd-Frank Act”), 12 U.S.C. § 5538, and has moved,  
10 pursuant to Fed. R. Civ. P. 65(b), for a temporary restraining order, asset freeze,  
11 other equitable relief, and an order to show cause why a preliminary injunction  
12 should not issue against Jamie Abur(e)3.5 (f)8ri9 ou not

1           b. Defendants have confirmed mortgage loan modifications on  
2           behalf of consumers.

3           3. There is good cause to believe that Defendants American Home  
4           Servicing Center, LLC (“American Home”), Capital Home Advocacy Center  
5           (“Capital Home”), National Advocacy Center, LLC (“National Advocacy”), Jamie  
6           Aburto, Marcus Fierro, Jr., Eve Christine Rodriguez (“Christina Rodriguez”), and  
7           Sergio Lorenzo Rodriguez have engaged in and are likely to engage in acts or  
8           practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and that  
9           Plaintiff is therefore likely to prevail on the merits of this action. As demonstrated  
10          by the bank records, lease documents, consumer declarations, transcripts of calls,  
11          expert testimony, and testimony from a former employee, the FTC has established  
12          a likelihood of success in showing that Defendants make false representations  
13          about their ability to obtain mortgage loan modifications.

14          4. There is good cause to believe that immediate and irreparable harm  
15          will result from Defendants’ ongoing violations of the FTC Act unless Defendants  
16          are restrained and enjoined by order of this Court.

17          5. There is good cause to believe that immediate and irreparable damage  
18          to the Court’s ability to grant effective final relief for consumers – including  
19          monetary restitution, rescission, disgorgement or refunds – will occur from the  
20          sale, transfer, destruction or other disposition or concealment by Defendants of  
21          their assets or records, unless Defendants are immediately restrained and enjoined  
22          by order of this Court; and that, in accordance with Fed. R. Civ. P. 65(b) and L.R.  
23          65-1, the interests of justice require that this Order be granted without prior notice  
24          to Defendants. Thus, there is good cause for relieving Plaintiff of the duty to  
25          provide Defendants with prior notice of its Motion for a Temporary Restraining  
26          Order.

1           6.     Good cause exists for appointing a temporary receiver over the  
2 Receivership Entities, freezing Defendants' assets, permitting the Plaintiff and the  
3 Receiver immediate access to the Defendants' bus.6 (i)8.z1pv( bu)8. p6 (or)12e6 (r)3.6 (m.4 (r)

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- 1 6. Jaime Aburto; Bank of America; 6391
- 2 7. Jaime Aburto; Comerica; 0386
- 3 8. Jaime Aburto; Comerica; 4656
- 4 9. Jaime Aburto; JP Morgan Chase; 4861
- 5 10. Jaime Aburto; JP Morgan Chase; 8160
- 6 11. American Home; Bank of America; 5909
- 7 12. American Home; Bank of America; 6102
- 8 13. American Home; Bank of America; 6115
- 9 14. American Home Servicing Center/Jaime Aburto; Citibank; 1407
- 10 15. American Home Servicing Center/Jaime Aburto; One West Bank;
- 11 8532
- 12 16. American Home Servicing Center/Jaime Aburto; Pacific Western
- 13 Bank; 9013
- 14 17. American Home Servicing Center/Marcus Fierro, Jr.; JP Morgan
- 15 Chase; 3880
- 16 18. American Home Servicing Center/Marcus Fierro, Jr.; JP Morgan
- 17 Chase; 7052
- 18 19. American Home Servicing Center; Comerica; 1555
- 19 20. Capital Freedom Mortgage Solutions; Bank of America; 2304
- 20 21. Capital Freedom Mortgage Solutions; Bank of America; 2317
- 21 22. Capital Home; Bank of America; 1710
- 22 23. Capital Home; Bank of America; 1723
- 23 24. Marcus Fierro, Jr.; Bank of America; 0215
- 24 25. Marcus Fierro, Jr.; Bank of America; 3952
- 25 26. Marcus Fierro, Jr.; Bank of America; 4423
- 26 27. Marcus Fierro, Jr.; Bank of America; 5177
- 27 28. Marcus Fierro, Jr.; Bank of America; 7380

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- 1 29. Marcus Fierro, Jr.; Bank of America; 7393
- 2 30. Marcus Fierro, Jr.; Bank of America; 7458
- 3 31. Local Page/Jaime Aburto; Comerica; 4197
- 4 32. NAC/Jaime Aburto; Citibank; 4088
- 5 33. National Advocacy/Marcus Fierro, Jr.; Wells Fargo; 3666
- 6 34. National Advocacy/Marcus Fierro, Jr.; Wells Fargo; 3674
- 7 35. National Advocacy; Bank of America; 5912
- 8 36. National Advocacy; Bank of America; 5925
- 9 37. National Advocacy; Bank of America; 5938
- 10 38. National Advocacy; JP Morgan Chase; 8676
- 11 39. National Servicing Center/Eduardo Bello; JP Morgan Chase; 5593
- 12 40. National Servicing Center; Bank of the West; 4311
- 13 41. EC Rodriguez; JP Morgan Chase; 0689
- 14 42. EC Rodriguez; JP Morgan Chase; 5730
- 15 43. EC Rodriguez; JP Morgan Chase; 8412
- 16 44. Sergio L. Rodriguez; Bank of America; 0062
- 17 45. Sergio L. Rodriguez; Bank of America; 1927
- 18 46. Sergio L. Rodriguez; Bank of America; 1930
- 19 47. Sergio L. Rodriguez; Bank of America; 2520
- 20 48. Sergio L. Rodriguez; Bank of America; 5241
- 21 49. Sergio L. Rodriguez; Bank of America; 5254
- 22 50. Sergio L. Rodriguez; Bank of America; 6936
- 23 51. Sergio L. Rodriguez; Citibank; 7001
- 24 52. Sergio Lorenzo Rodriguez; JP Morgan Chase; 4504

25 C. **“Corporate Defendants”** means, collectively, American Home  
26 Servicing Center, LLC (“American Home”), Capital Home Advocacy Center  
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1 (“Capital Home”), and National Advocacy Center, LLC (“National Advocacy”),  
2 and each of their subsidiaries, affiliates, successors, and assigns.

3 D. **“Defendant(s)”** means Corporate Defendants, Jamie Aburto, Marcus  
4 Fierro, Jr., Christina Rodriguez, and Sergio Lorenzo Rodriguez, individually,  
5 collectively, or in any combination.

6 E. **“Document”** is synonymous in meaning and equal in scope to the  
7 usage of “document” and “electronically stored information” in Federal Rule of  
8 Civil Procedure 34(a), Fed. R. Civ. P. 34(a), and includes writings, drawings,  
9 graphs, charts, photographs, sound and video recordings, images, Internet sites,  
10 web pages, websites, electronic correspondence, including e-





1        **II.    PROHIBITION ON RELEASE OF CUSTOMER INFORMATION**

2            **IT IS FURTHER ORDERED** that Defendants, Defendants’ officers,  
3 agents, employees, and attorneys, and all other persons in active concert or  
4 participation with any of them, who receive actual notice of this Order, whether  
5 acting directly or indirectly, are hereby temporarily restrained and enjoined from:

6            A.     Selling, renting, leasing, transferring, or otherwise disclosing, the  
7 name, address, birth date, telephone number, email address, credit card number,

8 ~~bank account number, Social Security number, and other information that is not publicly available.~~

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1 any such Document or Asset, as well as all Documents or other property related to  
2 such Assets, except by further order of this Court; provided, however, that this  
3 provision does not prohibit an Individual Defendant from incurring charges on a  
4 personal credit card established prior to entry of this Order, up to the pre-existing  
5 credit limit;

6 B. Deny any person, except the Receiver, access to any safe deposit box,  
7 commercial mail box, or storage facility that is titled in the name of any Defendant,  
8 either individually or jointly, or otherwise subject to access by any Defendant;

9 C. Provide Plaintiff's counsel and the Receiver, within three (3) days of  
10 receiving a copy of this Order, a sworn statement setting forth, for each Asset or

11 account covered by this 6594 -1.709 Td [ (c)12.16 (up )8.1 (d by)16.8 (4 Tc -0.006 0.004 Tc -:

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1 transfers and wire transfer instructions, all other debit and credit instruments or  
2 slips, currency transaction reports, 1099 forms, and all logs and records pertaining  
3 to safe deposit boxes, commercial mail boxes, and storage facilities.

4 Provided, however, that this Section does not prohibit any transfers to the  
5 Receiver or repatriation of foreign Assets specifically required by this order.

6 **V. FINANCIAL DISCLOSURES**

7 **IT IS FURTHER ORDERED** that each Defendant, within five (5) days of  
8 service of this Order upon them, shall prepare and deliver to Plaintiff's counsel and  
9 the Receiver:

10 A. completed financial statements on the forms attached to this Order as  
11 **Attachment A** (Financial Statement of Individual Defendant) for each Individual  
12 Defendant, and **Attachment B** (Financial Statement of Corporate Defendant) for  
13 each Corporate Defendant; and

14 B. completed **Attachment C** (IRS Form 4506, Request for Copy of a  
15 Tax Return) for each Individual and Corporate Defendant.

16 **VI. FOREIGN ASSET REPATRIATION**

17 **IT IS FURTHER ORDERED** that within five (5) days following the  
18 service of this Order, each Defendant shall:

19 A. Provide Plaintiff's counsel and the Receiver with a full accounting,  
20 verified under oath and accurate as of the date of this Order, of all Assets,  
21 Documents, and accounts outside of the United States which are: (1) titled in the  
22 name, individually or jointly, of any Defendant; (2) held by any person or entity  
23 for the benefit of any Defendant or for the benefit of, any corporation, partnership,  
24 asset protection trust, or other entity that is directly or indirectly owned, managed  
25 or controlled by any Defendant; or (3) under the direct or indirect control, whether  
26 jointly or singly, of any Defendant;

1           B.     Take all steps necessary to provide Plaintiff's counsel and Receiver  
2 access to all Documents and records that may be held by third parties located  
3 outside of the territorial United States of America, including signing the Consent to  
4 Release of Financial Records appended to this Order as **Attachment D**.

5           C.     Transfer to the territory of the United States and all Documents and  
6 Assets located in foreign countries which are: (1) titled in the name, individually or  
7 jointly, of any Defendant; (2) held by any person or entity for the benefit of any  
8 Defendant or for the benefit of any person or entity for the benefit of any

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E. Choose, engage, and employ attorneys, accountants, appraisers, and

1 Plaintiff's representatives, agents, and assistants, as well as Defendants and their  
2 representatives;

3 I. Enter into and cancel contracts and purchase insurance as advisable or  
4 necessary;

5 J. Prevent the inequitable distribution of Assets and determine, adjust,  
6 and protect the interests of consumers who have transacted business with the  
7 Receivership Entities;

8 K. Make an accounting, as soon as practicable, of the Assets and  
9 financial condition of the receivership and file the accounting with the Court and  
10 deliver copies thereof to all parties;

11 L. Institute, compromise, adjust, appear in, intervene in, defend, dispose  
12 of, or otherwise become party to any legal action in state, federal or foreign courts  
13 or arbitration proceedings as the Receiver deems necessary and advisable to  
14 preserve or recover the Assets of the Receivership Entities, or to carry out the  
15 Receiver's mandate under this Order, including but not limited to, actions  
16 challenging fraudulent or voidable transfers;

17 M. Issue subpoenas to obtain Documents and records pertaining to the  
18 Receivership, and conduct discovery in this action on behalf of the receivership  
19 estate, in addition to obtaining other discovery as set forth in this Order;

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1 actual notice of this Order, and any other person served with a copy of this Order,  
2 are hereby restrained and enjoined from directly or indirectly:

3 A. Interfering with the Receiver's efforts to manage, or take custody,  
4 control, or possession of, the Assets or Documents subject to the receivership;

5 B. Transacting any of the business of the Receivership Entities;

6 C. Transferring, receiving, altering, selling, encumbering, pledging,  
7 assigning, liquidating, or otherwise disposing of any Assets owned, controlled, or  
8 in the possession or custody of, or in which an interest is held or claimed by, the  
9 Receivership Entities; or

10 D. Refusing to cooperate with the Receiver or the Receiver's duly  
11 authorized agents in the exercise of their duties or authority under any order of this  
12 Court.

### 13 **XVII. STAY OF ACTIONS**

14 **IT IS FURTHER ORDERED** that, except by leave of this Court, during  
15 the pendency of the receivership ordered herein, Defendants, Defendants' officers,  
16 agents, employees, attorneys, and all other persons in active concert or  
17 participation with any of them, who receive actual notice of this Order, and their  
18 corporations, subsidiaries, divisions, or affiliates, and all investors, creditors,  
19 stockholders, lessors, customers and other persons seeking to establish or enforce  
20 any claim, right, or interest against or on behalf of Defendants, and all others  
21 acting for or on behalf of such persons, are hereby enjoined from taking action that  
22 would interfere with the exclusive jurisdiction of this Court over the Assets or  
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1 five (5) business days of completing inventorying and copying, or such time as is  
2 agreed upon by Plaintiff and the Receiver;

3 C. Plaintiff's access to the Receivership Entities' documents pursuant to  
4 this Section shall not provide grounds for any Defendant to object to any  
5 subsequent request for documents served by Plaintiff.

6 D. Plaintiff and the Receiver, and their representatives, agents,  
7 contractors, and assistants, are authorized to obtain the assistance of federal, state  
8 and local law enforcement officers as they deem necessary to effect service and to  
9 implement peacefully the provisions of this Order;

10 E. If any Documents, computers, or electronic storage devices containing  
11 information related to the business practices or finances of the Receivership  
12 Entities are at a location other than those listed herein, including personal  
13 residence(s) of any Defendant, then, immediately upon receiving notice of this  
14 order, Defendants and Receivership Entities shall produce to the Receiver all such  
15 Documents, computers, and electronic storage devices, along with any codes or  
16 passwords needed for access. In order to prevent the destruction of computer data,  
17 upon service of this Order, any such computers or electronic storage devices shall  
18 be powered down in the normal course of the operating system used on such  
19 devices and shall not be powered up or used until produced for copying and  
20 inspection; and

21 F. If any communications or records of any Receivership Entity are  
22 stored with an Electronic Data Host, such Entity shall, immediately upon receiving  
23 notice of this order, provide the Receiver with the username, passwords, and any  
24 other login credential needed to access the communications and records, and shall  
25 not attempt to access, or cause a third-party to attempt to access, the  
26 communications or records.

1                            **XXI. DISTRIBUTION OF ORDER BY DEFENDANTS**

2                            **IT IS FURTHER ORDERED** that Defendants shall immediately provide a  
3 copy of this Order to each affiliate, telemarketer, marketer, sales entity, successor,  
4 assign, member, officer, director, employee, agent, independent contractor, client,  
5 attorney, spouse, subsidiary, division, and representative of any Defendant, and  
6 shall, within ten (10) days from the date of entry of this Order, provide Plaintiff  
7 and the Receiver with a sworn statement that this provision of the Order has been  
8 satisfied, which statement shall include the names, physical addresses, phone  
9 number, and email addresses of each such person or entity who received a copy of

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1 testimony or to present live testimony in response to another party’s timely motion  
2 to present live testimony shall be filed with this Court and served on the other  
3 parties at least three (3) days prior to the order to show cause hearing.

4         Provided, however, that service shall be performed by personal or overnight  
5 delivery, facsimile or email, and Documents shall be delivered so that they shall be  
6 received by the other parties no later than 5:00 p.m. (Pacific Time) on the  
7 appropriate dates provided in this Section.

8                                 **XXVII.     DURATION OF THE ORDER**

9                 **IT IS FURTHER ORDERED** that this Order shall expire fourteen (14)

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