

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

Case No: 6:23-cv-1041-WWB-DCI

UNDER SEAL

VISION ONLINE, INC., GANADORES
IBR, INC., VISION ONLINE DIGITAL,
LLC, VISION ONLINE ENGLISH, LLC,
VISION ONLINE LATINO, LLC,
RICHARD ALVAREZ, SARA ALVAREZ,
ROBERT SHEMIN, and BRYCE
CHAMBERLAIN,

Defendants.

_____ /

ORDER

such a motion. This Order shall only be construed to prohibit disclosure of any of the sealed information by the Office of the Clerk of the Court. This Order shall not be construed to prohibit service or other disclosure by the FTC and Court-appointed Receiver, or those acting on either the FCT's or Receiver's behalf. Additionally, the Court finds that good cause to exceed the page limitation has been shown and the FTC's

Motion for Leave to File Memorandum of Law in Excess of 25 Pages (Doc. 6) is **GRANTED**.

TEMPORARY RESTRAINING ORDER

The FTC has filed its Complaint for Permanent Injunction, Monetary Relief, and Other Relief ("**Complaint**," Doc. 1) pursuant to the Federal Trade Commission Act ("**FTC Act**"), 15 U.S.C. §§ 45(m)(1)(A)–(B), 53(b), and 57b, the Business Opportunity Rule, the Cooling-Off Rule, and the Consumer Review Fairness Act ("**CRFA**"), 15 U.S.C. § 45b, and have moved, pursuant to Federal Rule of Civil Procedure 65(b), for an TRO.

The Court, having considered the Complaint, the Motion for TRO, and all declarations, exhibits, and the memorandum of points and authorities attached in support, and being otherwise advised, **GRANTS** the FTC's Motion for TRO and **FINDS** and 3 (t)JjEMET.

provided to purchasers of their products; (2) posted deceptive reviews and testimonials; (3) provided key documents in a language other than the one Defendants used to offer their products for sale; (4) failed to provide required disclosures; (5) failed to notify consumers properly that they have only three days to cancel; and (6) suppressed consumer complaints.

C. There is good cause to believe that Defendants have engaged in and are likely to engage in acts or practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), the Business Opportunity Rule, the Cooling-Off Rule, and the CRFA and that the FTC is therefore likely to prevail on the merits of this action.

D. There is good cause to believe that Defendants have collected gross revenues of at least \$30 million in connection with their unlawful practices.

E. There is good cause to believe that immediate and irreparable harm will result from Defendants' ongoing violations of the FTC Act, the Business Opportunity Rule, the Cooling-

G. Good cause exists for appointing a temporary monitor over the Corporate Defendants, preserving Corporate Defendants' assets and documents, freezing Individual Defendants' assets, permitting the FTC

recordings, images, internet sites, web pages, websites, electronic correspondence, including e-mail and instant messages, contracts, accounting data, advertisements, FTP Logs, Server Access Logs, books, written or printed records, handwritten notes, telephone logs, telephone scripts, receipt books, ledgers, personal and business canceled checks and check registers, bank statements, appointment books, computer records, customer or sales databases, and any other electronically stored information, including Documents located on remote servers or cloud computing systems, and other data or data compilations from which information can be obtained directly or, if necessary, after translation into a reasonably usable form. A draft or non-identical copy is a separate document within the meaning of the term.

D. **“Electronic Data Host”** means any person or entity in the business of storing, hosting, or otherwise maintaining electronically stored information. This includes, but is not limited to, any entity hosting a website or server, and any entity providing “cloud-based” electronic storage (er)7 e (at)2 jlph51keo4 (or)7 (dsp9)4 (i)gP -

home, cars, boats, vacations, or travel; (e) any statements, claims, success stories, endorsements, or testimonials about the performance or profitability of representatives, endorsers, instructors or customers; and (f) any representation, even hypothetical, of how much money a consumer could or would earn.

F. **“General Media”** means all print, electronic, internet, social networking, radio, and other media outlets.

G. **“Individual Defendant(s)”** means Richard Alvarez, Sara Alvarez, Robert Shemin, and Bryce Chamberlain, individually, collectively, or in any combination.

H. **“Monitor”** means the temporary monitor appointed by this Order and any deputy monitors that shall be named by the temporary monitor.

I. **“Monitored Entities”** means Corporate Defendants and any other entity that has conducted any business related to the marketing or sale of Defendants’ Products, including receipt of assets derived from any activity that is the subject of the Complaint in this matter, and that the Monitor determines is controlled or owned by any Defendant.

J. **“Person”** means any natural person or any entity, corporation, partnership, or association of persons.

III.

6. provide purchasers with personalized assistance from experts or mentors who will walk consumers through completing real estate deals, including helping them find offers, drafting contracts, and obtaining funding;

D. Misrepresenting that: (1) Defendants need detailed financial information from consumers to determine if the consumers qualify for a mentoring package; and (2) consumers should increase their credit card limits and apply for additional credit cards to finance real estate deals;

E. Making false testimonials about Defendants or Defendants' Products, or failing to disclose that positive reviews of, and testimonials about, Defendants or Defendants' Products have been from Corporate Defendants' owners, officers, employees, or agents;

F. Providing purchasers of Defendants' Products with any documents in a language different from the one Defendants used to offer Defendants' Products for sale, including purchase agreements that outline the cancellation policy and include other material terms of purchase;

G. Failing to furnish buyers with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language as that principally used in the oral sales presentation, a "NOTICE OF CANCELLATION" or "NOTICE OF RIGHT (gR)6 (l)hO CANCEL" in duplicate, that buyers can use to cancel the transaction, and orally inform buyers of their right to cancel the transaction; and

H. offering provisions in form contracts that (1) prohibit or restrict individual consumers' ability to commu(gR)6nicate reviews, performance assessments, and similar analyses about a selle(gR)6r's goods, services, or conduct; and (2) impose a penalty or fee against individual consumers who engage in such communications.

IV. PROHIBITION ON RELEASE OF CUSTOMER INFORMATION

this Order, whether acting directly or indirectly, are hereby temporarily restrained and

Defendant or of which any Individual Defendant is an officer, director, member, or manager. This includes any corporate bankcard or corporate credit card account for which any Individual Defendant is, or was on the date that this Order was signed, an authorized signor; or

D.

B. Completed **Attachment F** (IRS Form 4506, Request for Copy of a Tax Return,
Doc. 3-137

B. Notifying any trustee, protector, or other agent of any foreign trust or other related entities of either the existence of this Order, or of the fact that repatriation is required pursuant to a court order, until such time that all Individual Defendants' assets have been fully repatriated pursuant to this Order.

XI. CONSUMER CREDIT REPORTS

The FTC's counsel and the Monitor may obtain credit reports concerning any

XIII. TEMPORARY MONITOR

The FTC's Request for Monitor (Doc. 5) is **GRANTED**. Mark J. Bernet, Esq. (the "**Monitor**") is appointed as temporary Monitor of the Monitored Entities and any

C. Identify and review the Individual Defendants' financial records and financial transactions as they relate to the practices charged in the Complaint and ensure that all such Documents are preserved;

D. Identify and inventory all assets of the Monitored Entities, including but not limited to:

- 1.

4. The right to interview any Monitored Entity's current or former officer, manager, independent contractor, subcontractor, financial institution, vendor, telecommunications provider, agent, service bureau, or other entity involved in the provision of any services from, to, or on behalf of the Monitored Entities, including Individual Defendants to obtain and copy pertinent information;
 5. Access to all Documents of any officer, manager, independent contractor, employee, or agent of any Monitored Entity pertaining to the Monitored Entities' business activities and finances related to the practices charged in the Complaint or Defendants' Products;
 6. The right to copy or image all Documents that the Monitor deems necessary to carry out the Monitor's duties pursuant to this Order, including any documents in the custody or control of Individual Defendants; and
 7. The right to issue subpoenas to obtain Documents and records pertaining to the Monitored Entities, and conduct discovery in this action that the Monitor deems necessary to carry out the Monitor's duties pursuant to this Order;
- I. The Monitor is authorized to choose, engage, and employ attorneys, investigators, accountants, appraisers, and other independent contractors and technical specialists, as the Monitor deems advisable or necessary in the performance of duties and responsibilities under the authority granted by this Order. The Monitor is also authorized to obtain the assistance of the United States Marshal's office and other federal, state, and local law enforcement officers as the Monitor deems necessary to fulfill the duties set forth in this Section. If requested by the Monitor, the United States Marshal shall provide, and state or local law enforcement may provide, appropriate and necessary assistance to the

Monitor to implement this Order and is authorized to use any necessary and reasonable force to do so.

J. Upon determining that a nonparty entity is a Monitored Entity, the Monitor shall promptly notify the entity as well as the parties, and shall inform the entity that it can challenge the Monitor's determination by filing a motion with the Court;

K. The Monitor may apply to the Court for any relief necessary or appropriate to ensure the Monitor can carry out his duties; and

L. If, at any time, the Monitor determines that the Monitored Entities are not in substantial compliance with this Order, the Monitor shall notify the Court immediately.

Prior to the preliminary injunction show cause hearing set by this Order, the Monitor is directed to report to this Court on the Monitor's findings, including:

A. The Monitored Entities' compliance with this Order;

B. An accounting of the Monitored Entities' financial transactions as they relate to the practices charged in the Complaint or Defendants' Products;

C. A description of the Monitored Entities' corporate structures including all parents, subsidiaries, whether wholly or partially owned, divisions, whether incorporated or not, affiliates, branches, charters, joint ventures, partnerships, franchises, operations under assumed names, and all ownership interests of the Monitored Entities.

The Monitor and all personnel hired by the Monitor, as herein authorized, including counsel to the Monitor and the Monitor's accountants, are entitled to reasonable compensation for the performance of duties pursuant to this Order and for the cost of actual out-of-pocket expenses incurred by them, from the assets now held by, in the possession or control of, or which may be received by, the Monitored Entities. The

Monitor shall file with the Court and serve on the parties periodic requests for the payment of such reasonable compensation, with the first such request filed no more than sixty days after the date of entry of this Order. The Monitor shall not increase the hourly rates used as the bases for such fee applications without prior approval of the Court.

XIV. PROVISION OF INFORMATION TO THE MONITOR

Defendants shall provide to the Monitor, immediately upon request, without need of any subpoena or further order, the following:

- A. A list of all Documents pertaining to the litigation.

records of wire transfers, and check registers), client lists, title Documents, and other

D. Transferring, receiving, altering, selling, encumbering, pledging, assigning, liquidating, or otherwise disposing of any assets owned, controlled, or in the possession or custody of, or in which an interest is held or claimed by, the Monitored Entities except as provided in this Order;

E. Refusing to cooperate with the Monitor or the Monitor's duly authorized agents in the exercise of their duties or authority under any order of this Court; and

F. Failing to provide any assistance or information requested by the Monitor in connection with the performance of the Monitor's duties under this Order.

XVII. IMMEDIATE ACCESS TO BUSINESS PREMISES AND RECORDS

The FTC and the Monitor, and their representatives, agents, contractors, and assistants, shall have immediate access to the business premises, records, and storage facilities, owned, controlled, or used by the Monitored Entities to allow the FTC and the Monitor to preserve assets and evidence relevant to this action and to expedite discovery. Such locations include, but are not limited to, 733 West Colonial Drive, Orlando, Florida 32804, and any offsite location or commercial mailbox used by the Monitored Entities.

If any Documents, computers, or electronic storage devices containing information related to the business practices or finances of the Monitored Entities are at a location other than that listed above, including the personal residence of any Defendant, then, immediately upon receiving notice of this Order, Defendants and the Monitored Entities shall produce to the Monitor all such Documents, computers, and electronic storage devices, along with any codes or passwords needed for access. To prevent the destruction of computer data, upon service of the Order, any such computers or electronic storage devices shall be powered down in the normal course of the operating system

used on such devices and shall not be powered up or used until produced for copying and inspection.

If any communications or records of any Monitored Entity are stored with an Electronic Data Host, such entity shall, immediately upon receiving notice of this Order, provide the Monitor with the username, passwords, and any other login credential needed to access the communications and records, and shall not attempt to access, or cause a third party to attempt to access, the communications or records.

The FTC and the Monitor, and their representatives, agents, contractors, and assistants, are authorized to remove Documents from the Monitored Entities' premises in order that they may be inspected, inventoried, and copied. The FTC shall return any removed materials to the Monitor within five business days of completing inventorying and copying, or such time as is agreed upon by the FTC and the Monitor.

The FTC's access to the Monitored Entities' Documents pursuant to this Section shall not provide grounds for any Defendant to object to any subsequent request for Documents served by Plaintiff.

The FTC and the Monitor, and their representatives, agents, contractors, and assistants, are authorized to obtain the assistance of federal, state, and local law enforcement officers as they deem necessary to effect service and to implement peacefully the provisions of this Order.

XVIII. DISTRIBUTION OF ORDER BY DEFENDANTS

Defendants shall immediately provide a copy of this Order to each affiliate, telemarketer, marketer, sales entity, successor, assign, member, officer, director, employee, agent, independent contractor, client, attorney, spouse, subsidiary, division,

and representative of any Defendant, and shall, within ten days from the date of entry of this Order, provide the FTC and the Monitor with a sworn statement that this provision of the Order has been satisfied, which statement shall include the names, physical addresses, phone number, and e-mail addresses of each such Person who received a copy of the Order. Furthermore, Defendants shall not take any action that would encourage officers, agents, members, directors, employees, salespersons, independent contractors, attorneys, subsidiaries, affiliates, successors, assigns, or other Persons or entities in active concert or participation with them to disregard this Order or believe tha

XX. SERVICE OF THIS ORDER

Copies of this Order, the Motion for TRO, and all other pleadings, Documents, and exhibits filed contemporaneously with that Motion, other than the complaint and summons, may be served by any means, including facsimile transmission, e-mail or other electronic messaging, personal or overnight delivery, United States Mail or FedEx, by agents and employees of the FTC, by any law enforcement agency, or by private process server, upon any Defendant or any Person, including any financial institution, that may have possession, custody, or control of any asset or Document of any Corporate Defendant, or that may be subject to any provision of this Order pursuant to Federal Rule of Civil Procedure 65(d)(2). For purposes of this Section, service upon any branch, subsidiary, affiliate, or office of any entity shall effect service upon the entire entity.

XXI. CORRESPONDENCE AND SERVICE ON THE FTC

For the purpose of this Order, all correspondence and service of pleadings on the FTC shall be addressed to:

Virginia G. Rosa, Attorney
J. Ronald Brooke, Jr., Attorney
Federal Trade Commission
600 Pennsylvania Ave., NW, CC-8528
Washington, DC 20580
202-326-3068 (Rosa)
202-326-3484 (Brooke)
vrosa@ftc.gov
jbrooke@ftc.gov

XXII. PRELIMINARY INJUNCTION HEARING

Pursuant to Federal Rule of Civil Procedure 65(b), Defendants shall appear before this Court on **June 21, 2023, at 8:30 a.m.**, to show cause, if there is any, why this Court should not enter a preliminary injunction, pending final ruling on the Complaint against Defendants, enjoining the violations of the law alleged in the Complaint, continuing the

preservation of Corporate Defendants' assets and the freeze of Individual Defendants' assets, continuing the appointment of the Monitor, and imposing such additional relief as may be appropriate. The hearing shall be limited to argument of counsel unless the Court grants express leave to the contrary in advance of the hearing.

XXIII. BRIEFS AND AFFIDAVITS CONCERNING PRELIMINARY INJUNCTION

Defendants shall file with the Court and serve on the FTC's counsel any answering pleadings, affidavits, motions, expert reports or declarations, or legal memoranda no later than four days prior to the order to show cause hearing scheduled pursuant to this Order. The FTC may file responsive or supplemental pleadings, materials, affidavits, or memoranda with the Court and serve the same on counsel for Defendants no later than one day prior to the order to show cause hearing. Such affidavits, pleadings, motions, expert reports, declarations, legal memoranda, or oppositions must be served by personal or overnight delivery, facsimile, or e-mail, and be received by the other party or parties no later than 5:00 p.m. on the dates set forth in this Section.

On or before **June 14, 2023**, the parties shall each file a notice, not to exceed five pages, informing this Court if an evidentiary hearing is necessary in this matter. Any party requesting an evidentiary hearing shall: (1) identify with particularity all disputed issues of material fact or credibility determinations that are expected to impact the resolution of the issue; (2) the name, address, and telephone number of any witnesses that the party anticipates calling at a hearing; and (3) the estimated length of the requested hearing. The party shall also attach to its notice a detailed summary or affidavit revealing the substance of each proposed witness's expected testimony and an explanation of why the taking of live testimony would be helpful to this Court.

XXIV. DURATION OF THE ORDER

This Order shall expire fourteen days from the date of entry noted below, unless within such time, the Order is extended for an additional period pursuant to Federal Rule of Civil Procedure 65(b)(2).

DONE and **ORDERED** in Orlando, Florida on June 7, 2023.



Copies furnished to:

Counsel of Record