

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

START CONNECTING LLC, d/b/a USA
Student Debt Relief, a Florida limited
liability company;

START CONNECTING SAS, d/b/a USA
Student Debt Relief, a Colombia
corporation;

DOUGLAS R. GOODMAN, individually
and as an officer of START
CONNECTING LLC;

DORIS E. GALLON-GOODMAN,
individually and as an officer of START
CONNECTING LLC; and

JUAN S. ROJAS, individually and as an
officer of START CONNECTING LLC
and START CONNECTING SAS,

Defendants.

Case No. 8:24-cv-1626-KKM-AAS

FILED UNDER SEAL

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**DECLARATION OF NATHAN NASH IN SUPPORT OF PLAINTIFF'S
EMERGENCY EX PARTE MOTION FOR TEMPORARY
RESTRAINING ORDER AND MOTION TO SEAL**

I, Nathan Nash, declare as follows:

1. I am an attorney employed by the Federal Trade Commission (“FTC”), and I am the lead counsel representing the FTC in this case. My business address is 230 South Dearborn Street, Suite 3030, Chicago, Illinois 60604. I am a member in good standing of the State of Illinois bar, and I am authorized to practice in this Court on behalf of the FTC pursuant to Local Rule 2.01(a). The following facts are within my personal knowledge, except where indicated as “provided on information and belief,” and if called as a witness I could competently testify thereto.

2. Pursuant to Federal Rule of Civil Procedure 65(b) and Local Rules 3.01(e) and 6.01(a)(2) of the U.S. District Court for the Middle District of Florida, the FTC has moved on an *ex parte* and emergency basis for a Temporary Restraining Order with an Asset Freeze, Appointment of a Receiver, and Other Equitable Relief, and an Order to Show Cause Why a Preliminary Injunction Should Not Issue (the “TRO Motion”). Concurrently, the FTC has moved to temporarily seal the entire case file under Local Rule 1.11. This declaration sets forth the facts and reasons for immediately granting the relief requested by the FTC without notice to Defendants.

3. The FTC has not informed Defendants of its investigation or otherwise communicated with Defendants about this matter in order to prevent Defendants from attempting to conceal assets or evidence, or otherwise taking actions that could frustrate an FTC enforcement action.

Because the FTC has not contacted Defendants about this matter, the FTC is not aware that any Defendant is represented by counsel in this matter.¹

4. Under Federal Rule of Civil Procedure 65(b), the Court may issue a temporary restraining order (“TRO”) without notice to Defendants if the facts show that immediate and irreparable injury will result to the movant if notice is given and the movant “certifies in writing any efforts made to give notice and the reasons why it should not be required.” This declaration sets forth the reasons why notice should not be required here.

5. Issuance of an *ex parte* TRO under Rule 65(b) is appropriate to serve the “underlying purpose of preserving the status quo and preventing irreparable harm just so long as is necessary to hold a hearing, and no longer.” *Granny Goose Foods, Inc. v. Teamsters*, 415 U.S. 423, 439 (1974). Courts have long held that non-noticed *ex parte* TROs are proper where the movant can show it is likely that the defendants’ actions will render further prosecution of the case fruitless, such as efforts to dissipate assets or evidence. *See, e.g., AT&T Broadband v. Tech Commc’ns, Inc.*, 381 F.3d 1309,

¹ I am aware that two Defendants, Start Connecting LLC and Douglas Goodman, retained Genevieve Walser-Jolly and Paul Soter as counsel in connection with a settlement that they reached with the State of California’s Department of Financial Protection and Innovation. *See Consent Order* at 12, *Cal. Comm’r of Fin. Prot. & Innovation v. Start Connecting LLC* (Cal. Dep’t Fin. Prot. & Innovation Nov. 9, 2023). It also appears that Defendant Start Connecting LLC retained Michael Poncin, Scott Hyman, and Genevieve Walser-Jolly in connection with a settlement it reached with the State of Minnesota’s Attorney General. *See Pet. for Order Approving Discontinuance, In re Start Connecting LLC* (Minn. Dist. Ct. Dec. 18, 2023). FTC staff has had no contact with these attorneys and does not know whether any Defendant would retain them in this action.

1319 (11th Cir. 2004) (citing *In re Vuitton et Fils S.A.*, 606 F.2d 1, 5 (2d Cir. 1979)). The movant can support its assertion by showing that, based on past experience, defendants—or persons similar to defendants—have a history of disposing of evidence or violating court orders and, therefore, are likely to engage in such conduct. *See, e.g., id.*; *Reno Air Racing Ass’n, Inc. v. McCord*, 452 F.3d 1126, 1131 (9th Cir. 2006); *First Tech. Safety Sys., Inc. v. Depinet*, 11 F.3d 641, 650–51 (6th Cir. 1993); *Vuitton*, 606 F.2d at 4–5.

6. The evidence set forth in support of the FTC’s Emergency TRO Motion, including in the accompanying declarations and exhibits, shows Defendants have engaged in a concerted course of unfair and deceptive practices in connection with the marketing and sale of student loan debt relief services in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, the FTC’s Telemarketing Sales Rule (“TSR”), 16 C.F.R. pt. 310, and the Gramm-Leach-Bliley (“GLB”) Act, 15 U.S.C. § 6821(a)(2).

7. To summarize here, the FTC’s evidence shows that Defendants have for years operated an unlawful student loan debt relief scheme in violation of multiple FTC-enforced laws, targeting their marketing toward American consumers struggling with student loan debt, and especially Spanish-speaking consumers residing in Puerto Rico. Among other things, Defendants misrepresent that they are endorsed by or affiliated with the U.S. Department of Education or federal student loan servicers; that they can

enroll consumers in loan repayment programs that will guarantee thousands of dollars in loan forgiveness and low, fixed monthly payments; that an advance fee is required to enroll in free federal student loan repayment plans; and that they will apply most or all of consumers' payments to Defendants toward consumers' loan balances. Defendants use these false, fictitious, and/or fraudulent statements to obtain (or attempt to obtain) consumers' financial information, including debit and credit card information. Since 2019, Defendants have collected millions of dollars in illegal advance fees for their student loan debt relief services. In addition, Defendants have made thousands of illegal telemarketing calls to consumers on the Do Not Call Registry, caused fake reviews and testimonials to be posted online about their debt relief services, and unfairly provided monolingual Spanish-speaking consumers with complex English-language purchase agreements. Defendants continue to operate their unfair and deceptive scheme to this day.

8. Entities that engage in this sort of unfair and deceptive behavior demonstrate they have little concern for following the law or behaving forthrightly and are likely to dissipate or conceal assets and/or destroy or conceal evidence of their fraudulent conduct, if they are given advance notice of the FTC's investigation or its request for emergency temporary relief. As detailed in the FTC's memorandum in support of its Emergency TRO Motion, Defendants have for years been well aware that their conduct has deceived

consumers, having been alerted by state law enforcement, the Better Business Bureau, and consumer complaints. And Defendants have already shown a propensity to dissipate and conceal assets by regularly wiring thousands of dollars offshore to multiple Colombian accounts and enriching themselves and their family members with funds extracted from struggling student loan borrowers.

9. It has been the FTC's experience that defendants involved in similar deceptive acts and practices who receive notice of the filing of an action by the FTC, or of the FTC's intent to file an action, often attempt to undermine the FTC's efforts to preserve the status quo by immediately dissipating or concealing assets or destroying documents, even after being served with a TRO containing an asset freeze and prohibiting destruction of evidence. I am reliably informed of the following examples from prior FTC cases in the Eleventh Circuit that illustrate the FTC's concerns, the descriptions of which are provided upon information and belief:

a. In *FTC v. Rando*, Case No. 3:22-cv-487 (M.D. Fla. 2022), after obtaining an *ex parte* TRO and asset freeze, the FTC learned that one of the individual defendants who received notice of the TRO attempted to wire \$500,000 from a corporate bank account. The transfer was halted due to the TRO's asset freeze provision. In addition, a corporate sales manager who had

been served with the TRO remotely logged into one of the defendants' cloud accounts and began deleting electronically hosted documents.

b. In *FTC v. All Us Marketing LLC*, Case No. 6:15-cv-1016 (M.D. Fla. 2015), after obtaining an *ex parte* TRO and asset freeze, the FTC discovered that one of the individual defendants had received notice of the TRO and instructed a friend to liquidate a corporate account subject to the freeze. This conduct resulted in the misappropriation of over \$58,000, most of which was never recovered.

c. In *FTC v. Latrese & Kevin Enterprises, Inc.*, Case No. 3:08-cv-1001 (M.D. Fla. 2012), the FTC sought and obtained an *ex parte* TRO with an asset freeze in connection with a motion to show cause why the defendants should not be held in contempt. After being personally served with the TRO, one defendant withdrew \$19,000 from accounts that he failed to disclose to the receiver. To avoid being held in contempt of the TRO, the defendant returned some—but not all—of the money.

d. In *FTC v. Prime Legal Plans*, Case No. 0:12-cv-61872 (S.D. Fla. 2012), the FTC obtained an *ex parte* TRO with an asset freeze and appointment of a receiver. Within hours of learning of the action, the defendants moved approximately \$1.7 million to bank accounts belonging to several non-party individuals, at least \$200,000 of which was never recovered.

e. In *FTC v. Khalilian*, Case No. 1:10-cv-21788 (S.D. Fla. 2010), the FTC obtained an *ex parte* TRO with asset freeze against defendants accused of operating a telemarketing scam. After being served with the TRO, one defendant directed an employee to withdraw \$70,000 from a frozen corporate account. The defendant eventually returned some, but not all, of the money. Additionally, the defendant attempted to remove tens of thousands of dollars' worth of furniture and other valuables from his luxury apartment paid for with proceeds of the scam. The receiver, however, became aware and was able to halt the defendant's activities with the assistance of law enforcement.

f. In *FTC v. Group One Networks, Inc.*, Case No. 8:09-cv-352-T-26 (M.D. Fla. 2009), the court granted the FTC's *ex parte* motion for a TRO with an asset freeze, which the FTC served on banks known to hold defendants' accounts. After being served with the order, one of the defendants successfully cashed two \$10,000 checks that were installment payments for an undisclosed \$50,000 loan. The FTC, however, through expedited asset-related discovery, was able to identify the loan payments and the individual defendant subsequently deposited the \$20,000 into a frozen bank account to cure any possible contempt of the asset freeze.

g. In *FTC v. Global Marketing Group, Inc.*, Case No. 8:06-cv-2272 (M.D. Fla. 2006), the FTC obtained an *ex parte* TRO with an

asset freeze and served the order on banks where the defendants were known or suspected to have accounts. After being served with the TRO, one defendant successfully withdrew over \$500,000 from accounts previously unknown to the FTC. Most of these funds were wired to offshore bank accounts. The defendant was ultimately held in contempt and fled the country after failing to appear at a show-cause hearing.

h. In *FTC v. Access Resource Services, Inc.*, Case No. 0:02-cv-60226 (S.D. Fla. 2002), a defendant who learned about the FTC's action attempted to dissipate \$579,600 by paying off the mortgage on his residence.

i. In *FTC v. Leisure Time Marketing, Inc.*, Case No. 6:00-cv-1057 (M.D. Fla. 2000), the court entered a TRO allowing immediate access to the defendants' business premises. After an individual defendant was served and acknowledged his obligation to preserve assets and documents, that defendant ordered individuals to remove boxes of documents from one of the business premises. But a police officer assisting the FTC in the immediate access saw this activity, so the FTC was able to contact the defendant's counsel and have the documents returned. That individual defendant also attempted to hide certain documents on the business premises in a room where FTC staff was informed that no business records were

stored. Because the FTC had immediate access to the business premises, however, the FTC found those documents.

j. In *FTC v. O'Day*, Case No. 6:94-cv-1108 (M.D. Fla. 1994), the court denied the FTC's request to issue a TRO *ex parte* with an asset freeze and instead scheduled a hearing, with notice to the defendants, on the relief sought. Several days later, the Federal Bureau of Investigation executed a search warrant on the defendants' business premises at the same time the FTC served notice of its action and the scheduled hearing. Within hours, an individual defendant withdrew approximately \$200,000 from one of his bank accounts.

k. In *FTC v. Applied Telemedia Engineering & Management, Inc.*, Case No. 1:91-cv-635 (S.D. Fla. 1991), the defendants were advised, pursuant to an agreement with the FTC, that the FTC had filed its complaint and intended to seek a TRO with an asset freeze from the court. When the FTC's agents went to the defendants' offices to serve process, they observed defendants removing boxes from the premises. The FTC moved for and received an *ex parte* TRO the following day.

10. I am also reliably informed of the following examples from FTC cases filed in other Circuits. As in the preceding paragraph, these descriptions are provided upon information and belief:

a. In *FTC v. Panda Benefit Services, LLC*, Case No. 8:24-cv-1386 (C.D. Cal. 2024), the FTC sought and obtained an *ex parte* TRO with a receivership and an asset freeze over a student loan debt relief scam. After the receiver arrived at the business premises and the defendants received notice of the TRO, multiple laptops went missing and many files and call recordings maintained by the defendants were deleted remotely.

b. In *FTC v. Cardiff*, Case No. 5:18-cv-2104 (C.D. Cal. 2020), the FTC sought and obtained an *ex parte* TRO with a receivership and asset freeze over a business owned and controlled by an individual defendant who was already under an asset freeze and personal receivership. When he received actual notice of the TRO, but before he was served, the individual defendant rushed to his bank and withdrew \$30,000 in cash and money orders from an account in the name of another company he wholly owned and controlled.

c. In *FTC v. American Home Servicing Center, LLC*, Case No. 8:18-cv-0597 (C.D. Cal. 2018), the FTC sought and obtained a TRO granting an asset freeze and immediate access to the business premises. One defendant, who was present during the immediate access, informed another defendant, who was not present, about the action. The absent defendant promptly withdrew at least \$15,500 from one of the corporate accounts shortly after the receiver's arrival at the business premises.

d. In *FTC v. RevMountain, LLC*, Case No. 2:17-cv-2000 (D. Nev. 2017), the FTC sought and obtained a TRO granting an asset freeze and immediate access to multiple business premises. During the immediate access, there was a three-minute delay between when the receiver or his representatives entered two different locations. This delay allowed a defendant at the first location to instruct an employee at the second location to take a \$100,000 check drawn on the defendant's home equity line of credit before the receiver could gain access to the second location. The check was taken to the defendant's lawyer but not cashed because the asset freeze and TRO were in place.

e. In *FTC v. Credit Bureau Center, LLC*, Case No. 1:17-cv-194 (N.D. Ill. 2017), after being served with a TRO with an asset freeze, a defendant owner of an online credit reporting service attempted to withdraw frozen assets. The same defendant had retained consumers' personal information during litigation and was held in contempt for charging these consumers thousands of dollars in violation of a preliminary injunction.

f. In *FTC v. Kutzner*, Case No. 8:16-cv-999 (C.D. Cal. 2016), the FTC sought and obtained an asset freeze against a defendant not initially named in a complaint and *ex parte* TRO. The defendant transferred \$215,000 out of a corporate bank account not covered by the initial freeze the day after the receiver took control of the corporate entities. The court found the

transfers indicative that the defendant would likely dissipate or otherwise render monetary damages unrecoverable and granted an expanded asset freeze.

g. In *FTC v. Asset & Capital Management Group*, Case No. 8:13-cv-1107 (C.D. Cal. 2013), one week after the FTC served upon all defendants an *ex parte* TRO that froze defendants' assets and appointed a receiver, the receiver identified an additional business site that defendants had failed to disclose despite providing repeated assurances they had disclosed all business locations. The undisclosed site turned out to be the defendants' headquarters and contained extensive business records. The receiver arrived at the site unannounced and found a defendant and his colleague carrying folded bankers boxes to the site, clearly intent on removing materials from the premises. The receiver found evidence that desktop computers and records had recently been removed from the premises. The FTC subsequently learned that more than 60 servers and extensive records had been removed.

h. In *FTC v. EMA Nationwide, Inc.*, Case No. 1:12-cv-2394 (N.D. Ohio 2012), the FTC filed for an *ex parte* TRO and corporate asset freeze, but the court required that notice be given to the defendants. Within a week of obtaining notice, the defendants had withdrawn more than \$152,000 from a corporate bank account.

i. In *FTC v. Transcontinental Warranty, Inc.*, Case

No. 1:09-cv-2927 (N.D. Ill. 2009), the FTC moved for a TRO with notice to the defendants. The notice was given and the court granted a TRO freezing defendants' assets and appointing a receiver. However, when the receiver and FTC counsel arrived at the corporate defendant's premises pursuant to the TRO, hundreds of file folders with labels indicating that they contained records of the defendants' most recent transactions were found empty, five computers (including that of the corporate defendant's chief financial officer) were allegedly stolen the night before the receiver and FTC arrived, and various third-party trade debtors of the defendants froze payments due to the corporate defendant, which resulted in extensive litigation involving the receiver and ultimately cost the receivership estate hundreds of thousands of dollars.

j. In *FTC v. Asia Pacific Telecom, Inc.*, Case No. 1:10-cv-3168

(N.D. Ill. 2010), the FTC obtained an *ex parte* TRO freezing the defendants' assets and prohibiting them from destroying documents. After being served with the TRO, one of the individual defendants deleted an email account used to conduct many of the illegal practices at issue in the FTC's complaint. The defendant took this step despite being served with a discovery request by the FTC for documents in the account and despite multiple demands from the

court-appointed receiver for access to the account. The court ultimately held the defendant in contempt for deleting the account in violation of the TRO.

k. In *FTC v. Connelly*, Case No. 8:06-cv-701 (C.D. Cal. 2006), the FTC requested an *ex parte* TRO with an asset freeze against all defendants. The court declined to issue an asset freeze against two of the three individual defendants and issued an order to show cause why an asset freeze should not issue as to them. Within 24 hours, the defendant whose assets were frozen and one of the other defendants then withdrew at least \$750,000, some of which was subject to the asset freeze and more than \$300,000 of which was never recovered. The court subsequently extended the asset freeze over all defendants.

l. In *FTC v. 404975 Canada Inc.*, Case No. 1:04-cv-4694 (N.D. Ill. 2004), Canadian authorities executed a search warrant on the business premises of Canadian defendants. The FTC subsequently filed its complaint and TRO motion seeking an asset freeze, and provided notice the defendants. The FTC later discovered that the defendants had made several substantial money transfers after receiving notice of the FTC's action but before the asset freeze was imposed.

m. In *FTC v. Unicyber Tech., Inc.*, Case No. 2:04-cv-1569 (C.D. Cal. 2004), the FTC obtained an *ex parte* TRO granting an asset freeze and appointing a receiver. Shortly after the defendant was served with the TRO,

he directed his wife to violate the asset freeze by transferring \$405,000 of corporate funds to her father. With the receiver's assistance, the FTC was able to recover these funds.

n. In *FTC v. National Consumer Council, Inc.*, Case No. 8:04-cv-474 (C.D. Cal. 2004), the FTC obtained an *ex parte* TRO with an asset freeze and a prohibition against destruction of business records against all defendants, and appointment of a temporary receiver over all but one of the corporate defendants. One individual defendant deleted electronic files on the defendants' shared network server by accessing his account through a computer under the control of the corporate defendant not under the receivership.

o. In *FTC v. QT, Inc.*, Case No. 1:03-cv-3578 (N.D. Ill. 2003), defendants, after notice of a TRO with an asset freeze, withdrew and transferred more than \$2 million from banks that had not yet received notice of the asset freeze.

p. In *FTC v. Hanson Publications, Inc.*, Case No. 1:02-cv-2205 (N.D. Ohio 2002), Canadian defendants transferred \$105,000 from a U.S. account to a Canadian account within two days of receiving service of the TRO. Because this violated the TRO, the court later secured return of this money, making its return a precondition to releasing attorney fees.

q. In *FTC v. Physicians Healthcare Development, Inc.*, Case No. 2:02-cv-2936 (C.D. Cal. 2002), the court issued a TRO with an asset freeze and a prohibition against destruction of records, and the defendants were served with the TRO on the same day. The next day, when FTC staff went to the defendants' offices to review business records, they found that documents had been shredded and that computers and other business records had been removed from the premises. Witnesses advised FTC staff, on the day of the TRO hearing, they observed the defendants' employees removing computers and other items from the business premises. The removed records were never recovered.

r. In *FTC v. SkyBiz.com, Inc.*, Case No. 4:01-cv-396 (N.D. Okla. 2001), within days of service of the TRO with an asset freeze, one of the primary defendants convinced an overseas trustee to withdraw \$1 million from the offshore account of a foreign affiliate. Because a domestic correspondent bank had been served with the TRO, it refused to transfer the funds. The money in the offshore account was preserved and ultimately used to provide \$20 million for consumer redress.

11. Courts in this District regularly issue *ex parte* TROs in similar consumer protection actions brought under Section 5(a) of the FTC Act. *See, e.g.*, Order, ECF 17, *FTC v. Legion Media, LLC*, Case No. 8:24-cv-1459-JLB-AAS (M.D. Fla. June 18, 2024); [Order](#), ECF 11, *FTC v. Vision Online, Inc.*,

Case No. 6:23-cv-1041-WWB-DCI (M.D. Fla. June 7, 2023); [Order](#), ECF 19, *FTC v. Graham*, Case No. 3:22-cv-655-MMH-JBT (M.D. Fla. June 21, 2022); [Order](#), ECF 12, *FTC v. Rando*, Case No. 3:22-cv-487-TJC-MCR (M.D. Fla. May 2, 2022); [Order](#), ECF 16, *FTC v. GDP Network LLC*, Case No. 6:20-cv-1192-WWB-DCI, (M.D. Fla. July 10, 2020); [Order](#), ECF 12, *FTC v. First Choice Horizon LLC*, Case No. 6:19-cv-1028-PGB-LHP (M.D. Fla. June 3, 2019); [Order](#), ECF 11, *FTC v. J. William Enters., LLC*, Case No. 6:16-cv-2123-GAP-DCI (M.D. Fla. Dec. 13, 2016); [Order](#), ECF 36, *FTC v. Life Mgmt. Servs. Of Orange Cty., LLC*, Case No. 6:16-cv-982-CEM-GJK (M.D. Fla. June 8, 2016); [Order](#), ECF 13, *FTC v. D & S Mktg Sols. LLC*, Case No. 8:16-cv-1435-MSS-AEP (M.D. Fla. June 8, 2016); [Order](#), ECF 28, *FTC v. All Us Mktg. LLC*, Case No. 6:15-cv-1016-JA-KRS (M.D. Fla. June 22, 2015); [Order](#), ECF 13, *FTC v. E.M. Sys. & Servs., LLC*, Case No. 8:15-cv-1417-SDM-AEP, (M.D. Fla. June 17, 2015); [Order](#), ECF 24, *FTC v. Worldwide Info Servs., Inc.*, Case No. 6:14-cv-8-CEM-DAB (M.D. Fla. Jan. 6, 2014); [Order](#), ECF 11, *FTC v. Innovative Wealth Builders, Inc.*, Case No. 8:13-cv-123-VMC-EAJ (M.D. Fla. Jan. 14, 2013); [Order](#), ECF 12, *FTC v. The Online Entrepreneur, Inc.*, Case No. 8:12-cv-2500 (M.D. Fla. Nov. 6, 2012); [Order](#), ECF 18, *FTC v. Latrese & Kevin Enters. Inc.*, Case No. 3:08-cv-1001-MMH-JK (M.D. Fla. May 15, 2012); [Order](#), ECF 15, *FTC v. Direct Benefits Grp., LLC*, Case No. 6:11-cv-1186-JA-GJK (M.D. Fla. July 19, 2011); [Order](#), ECF 11,

FTC v. Nat'l Sols. LLC, Case No. 6:11-cv-1131-ACC-GJK (M.D. Fla. July 12, 2011); [Order](#), ECF 8, *FTC v. Vacation Prop. Servs., Inc.*, Case No. 8:11-cv-595-JDW-MAP (M.D. Fla. Mar. 23, 2011).

12. In addition to seeking issuance of an *ex parte* TRO, the FTC is also seeking that the entire docket in this case be temporarily sealed for five business days after the Court grants the FTC's TRO Motion or until all Defendants are served, whichever occurs first. In the FTC's experience, if a TRO is issued *ex parte* but the docket is not sealed, defendants may learn about the case by other means and attempt to dissipate evidence, thereby defeating the purpose of the *ex parte* proceedings authorized by Rule 65(b). I have been reliably informed of the following example, the description of which is stated upon information and belief: In *FTC v. Wazzue Corp.*, Case No. 2:99-cv-13114 (C.D. Cal. 1999), when FTC staff arrived at the defendants' business premises to serve a TRO, staff discovered that the defendants had already learned about the action against them from a monitoring service to which their counsel subscribed. The monitoring service would not have learned of the action upon filing if the docket had been temporarily sealed.

13. The FTC is also aware that, in addition to docket monitoring services, news reporters regularly check district court filings for matters of interest. If the file in this matter is not sealed, the fact that the FTC has filed this action may be published online or newspaper, and Defendants may learn

of the issuance of the requested TRO before they have been served and take actions that frustrate the Court's ability to award final relief in this matter.

14. The Defendants in this case share many characteristics with the defendants in prior FTC cases who dissipated assets and concealed records, which makes temporarily sealing the court file and issuing an *ex parte* TRO all the more appropriate. For years, Defendants have consistently wired large sums of money each month offshore to Colombian bank accounts that appear to be controlled by Defendants or their family members, increasing concerns about dissipation of assets. Much of Defendants' operation is located offshore in Colombia, where it could be concealed or destroyed before the FTC or receiver could obtain access and secure evidence. Additionally, Defendants appear to have persisted with their unlawful debt relief operation despite being placed on notice by the California Department of Financial Protection and Innovation that their operation likely violates the FTC Act and TSR, among other laws. See [Consent Order](#) at p. 6, ¶ 2, *Cal. Comm'r of Fin. Prot. & Innovation v. Start Connecting LLC* (Cal. Dep't Fin. Prot. & Innovation Nov. 9, 2023). If Defendants are given prior notice of the TRO or this action, they have the means to quickly conceal or dissipate key records and assets, and have already demonstrated a knowing disregard for laws enforced by the FTC.

15. For the above reasons, as contemplated by Federal Rule of Civil Procedure 65(b), there is good cause to believe that immediate and irreparable damage will result, including the destruction of Defendants' records and the dissipation or concealment of assets necessary for consumer redress, if Defendants receive advance notice of the FTC's TRO Motion. Thus, the FTC respectfully submits that it is in the interest of justice and the public that the TRO Motion be heard *ex parte*, without notice to Defendants.

16. For the same reasons, there is good cause to believe that immediate and irreparable harm will result if any Defendant receives premature notice of the filing of this action. Thus, the interests of justice would be served by temporarily placing the entire docket under seal.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of July, 2024.



Nathan H. Nash
Attorney for Plaintiff FTC