

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 14-23879 CIV- \$ / 7 2 1 \$ * \$ 2 ¶ 6 X O O L Y D Q

FINDINGS

1. This Court has jurisdiction over this matter.
2. The First Amended Complaint charges the Sumore Defendants participated in deceptive acts or practices that violate Section 5(a) of the FTC Act, 15 U.S.C. §45(a), and the FDCPA, 15 U.S.C. §§ 1692a-1692p, D Q G W K H) 7 & ¶ V 7 U D G H 5 H T X O D W I N G S A L E S X O H H Rule 16 C.F.R. Part 310.
3. The Sumore Defendants neither admit nor deny any of the allegations in the First Amended Complaint, except as specifically stated in this Order. Only for purposes of this action, the Sumore Defendants admit the facts necessary to establish jurisdiction.
4. The Sumore Defendants waive any claim that they may have under the Equal Access to Justice Act, 28 U.S.C. §412, concerning the prosecution of this action through the date of this Order, and agree to bear their own costs and attorney fees.
5. The Sumore Defendants waive all rights to appeal or otherwise challenge or contest the validity of this Order.

I. DEFINITIONS

1. 'HE Collection Activities' means any activities of a Debt Collector to collect or attempt to collect, directly or indirectly, a debt owed or due, or asserted to be owed or due, another.
2. 'Debt Collector' PH D Q V D Q \ S H U V R Q Z K R X V H V D Q \ L Q V W U X P H or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. The term also includes any creditor who, in the process of collecting its own debts, uses any name other than its own which would indicate that a third person is

IV. PROHIBITION AGAINST MISREPRESENTATIONS

IT IS FURTHER ORDERED

1. all funds held by Citibank in the name of any of the Sumore Defendants in the accounts ending in 6311 and 7555;
2. the sum of \$31,838 from the Citibank safe deposit box ending in 6574; and
- 3.

2. the Financial Statement of Jessica Anzola signed on October 28, 2014, including the attachments; and
3. the Financial Statement of Sumore, L.L.C. signed by Javier Sumbre, on February 23, 2015, including the attachments.

F. The suspension of the judgment will be lifted as to the Sumore Defendants if, upon motion by the FTC, the Court finds that any Sumore Defendant failed to disclose any material asset, materially misstated the value of any asset, or made any other material misstatement or omission in the financial representations identified above.

G. If the suspension of the judgment is lifted, the judgment becomes immediately due as to the Sumore Defendants in the amount specified in Section V.A above (which the parties stipulate only for purposes of this Section represents the consumer injury UHVXOWLQJ IURP 'HIHQGDWLRQV alleged in the First Amended

C. The facts alleged in the First Amended Complaint establish all elements necessary to sustain an action by the FTC pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C. §523(a)(2)(A), and this Order will have collateral estoppel effect for such purposes.

D. The Sumore Defendants acknowledge their Taxpayer Identification Numbers (Social Security Numbers or Employer Identification Numbers) which the Sumore Defendants previously submitted to the FTC, may be used for collecting and reporting on any delinquent amount arising out of this Order, in accordance with 31 U.S.C. §3701.

E. All money paid to the FTC pursuant to this Order may be deposited into a fund administered by the FTC or its designee to be used for equitable relief, including consumer redress and any attendant expenses for the administration of any redress fund. If a representative of the FTC decides that direct redress to consumers is wholly or partially impracticable or money remains after redress is completed, the FTC may apply any remaining money for such other equitable relief (including consumer information

associated with the properties described in Section V.B.3(a)-(c) are to be paid by the Sumore Defendants and any such expenses associated with the property described in Section V.B.3(d) are to be paid by Jedan, L.L.C.; Jorge Sumbre; and Susana Sumbre. Upon the transfer described in Section V.B.3, the asset freeze as to the Jedan, L.L.C. TD Bank account ending in 6934 shall be lifted, and the Sumore Defendants shall, within five (5) days of the lift of the asset freeze, use all the funds in that TD Bank account to pay any outstanding 2014 taxes associated with the properties described in Section V.B.3 (a) (d).

VII. CUSTOMER INFORMATION

IT IS FURTHER ORDERED that the Sumore Defendants, their officers, agents, servants, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are permanently restrained and enjoined from directly or indirectly:

A. Failing to provide sufficient customer information to enable the FTC to efficiently administer consumer redress. The Sumore Defendants represent they have provided any redress information in their possession or control to the FTC. If a representative of the FTC requests in writing any additional information related to redress, the Sumore Defendants must provide it, in the form prescribed by the FTC, with information 9(c)(4)(B)(i) BT u1h

C. Failing to destroy such customer information in all forms in their possession, custody, or control within thirty (30) days after receipt of written direction to do so from a representative of the FTC.

Provided, however, customer information need not be disposed of, and may be disclosed, to the extent requested by a government agency or required by law, regulation, or court order.

VIII. COOPERATION

IT IS FURTHER ORDERED that the Sumore Defendants must fully cooperate with representatives of the FTC in this case and in any investigation related to or associated with the transactions or the occurrences that are the subject of the First Amended Complaint. The Sumore Defendants must provide truthful and complete information, evidence, and testimony. The Sumore Defendants must appear and must cause their officers, employees, representatives, or agents to appear for interviews, discovery, hearings, trials, and any other proceedings that an FTC representative may reasonably request upon five (5) days written notice, or other reasonable notice, at such places and times as an FTC representative may designate, without the service of a subpoena.

IX. ORDER ACKNOWLEDGMENTS

IT IS FURTHER ORDERED that the Sumore Defendants obtain acknowledgments of receipt of this Order:

- A. Each Sumore Defendant, within seven (7) days of entry of this Order, must submit to the FTC an acknowledgment of receipt of this Order sworn under penalty of perjury.
- B. For three (3) years after entry of this Order, Javier Sumbre and Jessica Anzola, for any business that he or she, individually or collectively with any other Defendants, is the

majority owner or controls directly or indirectly, must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees, agents, and representatives who participate in conduct related to the subject matter of this Order; and (3) any business entity resulting from any change in structure as set forth the Section titled Compliance Reporting. Delivery must occur within seven (7) days of entry of this Order for current personnel. For all others, delivery must occur before they assume their responsibilities.

C. From each individual or entity to which Defendant delivered a copy of this Order, Defendant must obtain, within thirty (30) days, a signed and dated acknowledgment of receipt of this Order.

X. COMPLIANCE REPORTING

IT IS FURTHER ORDERED that Javier Sumbre and Jessica Anzola make timely submissions to the FTC:

A. One year after entry of this Order, Javier Sumbre and Jessica Anzola must submit a compliance report, sworn under penalty of perjury:

1. Javier Sumbre and Jessica Anzola must (a) identify all telephone numbers and all physical, postal, mail and Internet addresses, including all residences; (b) identify all business activities, including any business for which Javier Sumbre and Jessica Anzola perform 10 paola pe20()- 180.7 27.6

identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the FTC may use to communicate with them; (e) identify all of Javier Sumbre and -HVVLFD \$Q]ROD¶V EXVLQHVVHV E\ DOO RI WKH physical, postal, email, and Internet addresses; (f) describe the activities of each business, including the goods and services offered, the means of advertising, marketing, and sales, and the involvement of any other Defendant (which Javier Sumbre and Jessica Anzola must describe if they know or should know due to their own involvement); (g) describe in detail whether and how Javier Sumbre and Jessica Anzola is in compliance with each Section of this Order; and (h) provide a copy of each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to the FTC.

she has any ownership interest in or controls directly or indirectly that may affect compliance obligations arising under this Order, including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order.

- C. Javier Sumbre and Jessica Anzola must submit to the FTC notice of the filing of

individually or collectively with any other Defendants, is a majority owner or controls directly or indirectly, must create and retain the following records:

- A. accounting records showing the revenues from all goods or services sold;
- B. personnel records showing, for each person providing services, whether as an employee, name, address, telephone number, title or position; dates of service; and (if applicable) the reason for termination;
- C. records of all consumer complaints and refund requests concerning the subject matter of the Order, whether received directly or indirectly, such as through a third party, and any response;
- D. all records necessary to demonstrate full compliance with each provision of this Order, including all submissions to the FTC.



XII. COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of monitoring the Sumore Defendant, ¶ FRPSOLDQFH ZLWK WKLW 2UGHU LQFOXGLQJ WKH of the judgment was suspended, and any failure to transfer any assets as required by this Order:

- A. Within fourteen (14) days of receipt of a written request from a representative of the FTC each Sumore Defendant must: submit additional compliance reports or other requested information, which must be sworn under penalty of perjury; appear for depositions; and produce documents for inspection and copying. The FTC is authorized to obtain discovery, without further leave of court, using any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69.

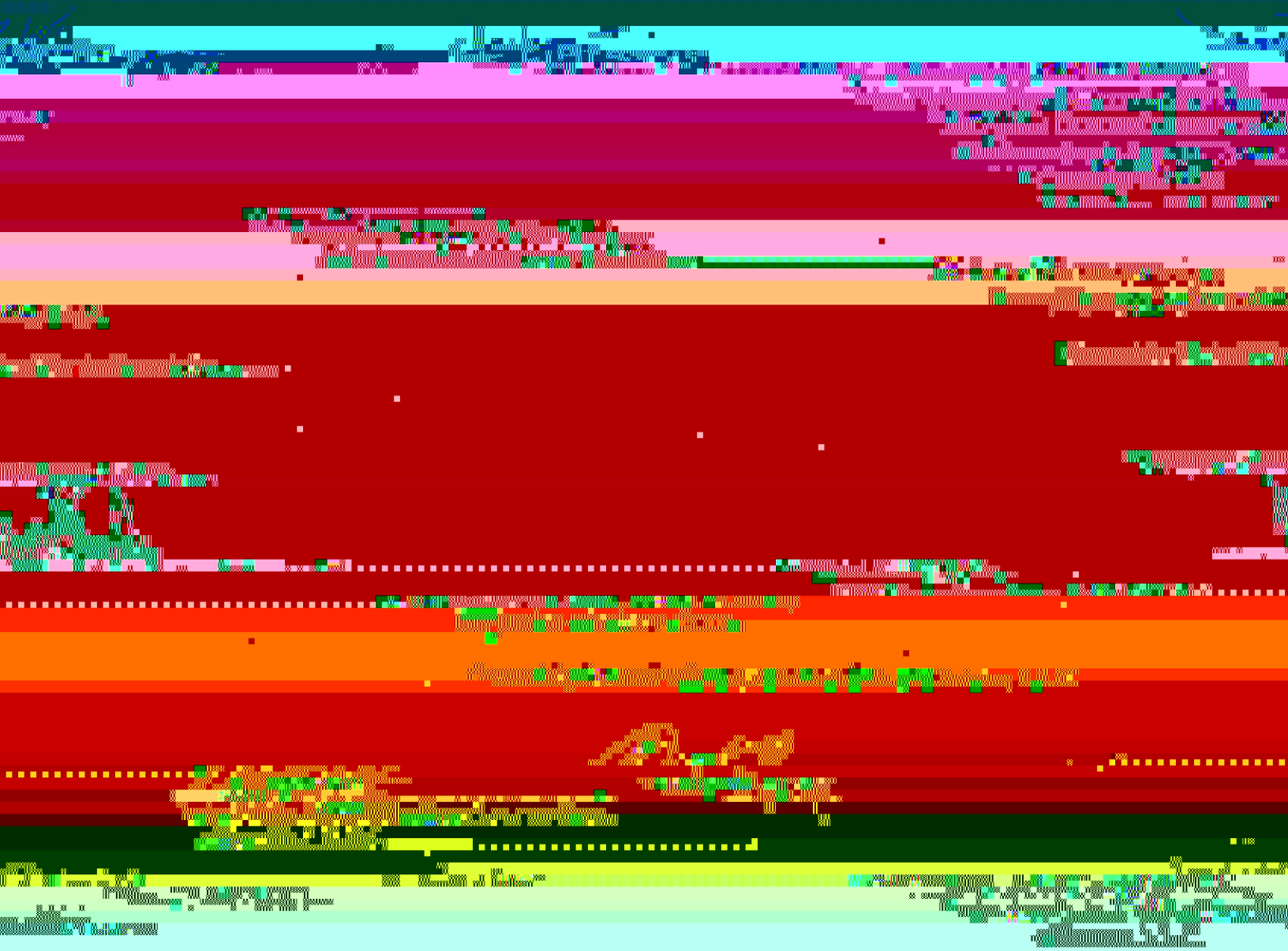
B. For matters concerning this Order, the FTC is authorized to communicate directly with each Sumore Defendant. The Sumore Defendants must permit representatives of the FTC to interview any employee or other person affiliated with any Defendant who has agreed to such an interview. The person interviewed may have counsel present.

C. The FTC may use all other lawful means, including posing, through its representatives as consumers, suppliers, or other individuals or entities, to the Sumore Defendants or any individual or entity affiliated with them (pursuant to 16 C.F.R. § 312.12).

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