

NOTE: CHANGES MADE BY  
THE COURT

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**Federal Trade Commission,**

SA-CV-99-1266 AHS (EEx)

Plaintiff,

v.

**Contempt Judgment as to Bryan  
D’Antonio, The Rodis Law Group,  
Inc., America’s Law Group, and The  
Financial Group, Inc.**

**Data Medical Capital, Inc., et al.,**

Defendants.

The Court, having issued its Order Adjudicating Contempt Defendants in Contempt of Court and Findings of Fact and Conclusions of Law in Support Thereof (“Findings of Fact and Conclusions of Law”) on January 15, 2010, which found Contempt Defendants Bryan D’Antonio, The Rodis Law Group, Inc. (“RLG”), America’s Law Group (“ALG”), and The Financial Group, Inc. (“TFG”) dba Tax Relief ASAP (collectively, “Contempt Defendants”) in contempt of the Stipulated Final Judgment entered by this Court on July 13, 2001, and on March 16, 2010, after supplemental briefing and argument by the parties at a March 1, 2010 hearing, having assessed civil contempt sanctions, finding Contempt Defendants to be jointly and severally liable in the amount of \$11,406,681, now enters its Contempt Judgment as follows.

1           **IT IS HEREBY ORDERED** that:

2           A.     Judgment is entered, jointly and severally, against Contempt  
3 Defendants Bryan D'Antonio, The Rodis Law Group, Inc., America's Law  
4 Group, and The Financial Group, Inc. dba Tax Relief ASAP in favor of the FTC  
5 in the amount of eleven million four hundred and six thousand six hundred and  
6 eighty-one dollars (\$11,406,681) as a compensatory contempt remedy for their  
7 violation of the 2001 Stipulated Final Judgment, and is immediately due and  
8 payable. The Commission is authorized to execute upon the judgment  
9 immediately and engage in discovery in aid of execution.

10           B.1.   Contempt Defendants shall be deemed to have relinquished to the  
11 Commission all right, title, and interest in all Receivership Assets, and shall take  
12 any steps necessary to turn over such assets to the Commission or Receiver.

13           B.2.   Defendant Bryan D'Antonio shall be deemed to have relinquished to  
14 the Commission all right, title, and interest in any personal assets subject to the  
15 asset freeze imposed by the Court's May 27, 2009 Temporary Restraining Order,  
16 as modified by the Court's June 22, 2009, Preliminary Injunction Order,  
17 including, but not limited to, D'Antonio's TD Ameritrade account ending in no.  
18 3427 and all assets and funds contained in said account. D'Antonio shall take  
19 any steps necessary to turn over such assets to the Commission.

20           C.     Any funds received by the FTC pursuant to the foregoing shall be  
21 deposited into a fund administered by the FTC or its representative to be used for  
22 consumer compensation, including any attendant expenses for the administration  
23 of such a compensation fund. In the event that direct compensation to consumers  
24 is wholly or partially impracticable or funds remain after compensation is  
25 completed, the Commission may apply any remaining funds for such equitable  
26 relief (including consumer information remedies) as it determines to be  
27 reasonably related to Defendants' practices alleged in the Complaint. Any funds  
28 not so used shall be deposited to the U.S. Treasury as equitable disgorgement.

1 Contempt Defendants shall have no right to challenge the FTC's choice of  
2 remedies or the manner of distribution.

3 D. The Judgment is compensatory in nature, and not a fine, penalty,  
4 punitive assessment, or forfeiture.

5 **IT IS FURTHER ORDERED** that the freeze of Contempt Defendants'  
6 assets, including the assets of the Receivership Defendants and the assets of  
7 Bryan D'Antonio, shall remain in effect, except as necessary for the Receiver to  
8 liquidate all Receivership Assets, until all frozen assets have been transferred to  
9 the Commission or the Receiver and the Receiver winds up all activities and  
10 operations of the Receivership Defendants pursuant to provisions herein. The  
11 asset freeze is modified to permit transfers to the Commission pursuant to this  
12 Contempt Judgment and, upon completion of those transfers, the asset freeze  
13 shall be dissolved.

14 **IT IS FURTHER ORDERED**, that Robb Evans & Associates, LLC is  
15 appointed as permanent receiver, with the full power of an equity receiver, for the  
16 Receivership Defendants, and of all the funds, properties, premises, accounts and  
17 other assets directly or indirectly owned, beneficially or otherwise, by the  
18 Receivership Defendants, with directions and authority to accomplish the  
19 following:

20 A. Maintain full control of the Receivership Defendants;

21 B. Maintain custody, control, and possession of all assets and  
22 documents, including the funds, property, premises, accounts, mail and other  
23 assets of, or in the possession or under the control of, the Receivership  
24 Defendants, wherever situated, the income and profits therefrom, and all sums of  
25 money now or hereafter due or owing to the Receivership Defendants, with full  
26 power to collect, receive and take possession of all assets and documents,  
27 including goods, chattels, rights, credits, monies, effects, lands, leases, books and  
28 records, work papers, and records of accounts, including computer-maintained

1 information, contracts, financial records, monies on hand in banks and other  
2 financial institutions, and other papers and documents of the Receivership  
3 Defendants and customers of the Receivership Defendants whose interests are  
4 now held by or under the direction, possession, custody, or control of the  
5 Receivership Defendants;

6 C. Continue performing all acts necessary to locate and preserve the  
7 value of those assets, in order to prevent any irreparable loss, damage or injury to  
8 customers of the Receivership Defendants, and all acts incidental thereto;

9 D. Enter into agreements in connection with the administration of the  
10 Receivership Estate, including, but not limited to: (1) the retention and  
11 employment of outside investigators, attorneys or accountants of the Receiver's  
12 choice to assist, advise, and represent the Receiver with approval of the Court; (2)  
13 the movement and storage of any equipment, furniture, records, files, or other  
14 physical property of the Receivership Defendants; and (3) the retention of  
15 auctioneers or other professionals to assist in the liquidation of the Receivership  
16 Defendants' assets;

17 E. Institute, prosecute, compromise, adjust, intervene in or become  
18 party to such actions or proceedings in state, federal, or foreign courts that the  
19 Receiver deems necessary and advisable to preserve or increase the value of the  
20 Receivership Estate, or that the Receiver deems necessary and advisable to carry  
21 out the Receiver's mandate under this Order, and likewise to defend, compromise,  
22 or adjust or otherwise dispose of any and all actions or proceedings instituted  
23 against the Receiver or the Receivership Defendants that the Receiver deems  
24 necessary and advisable to preserve the assets of the Receivership Defendants or  
25 that the Receiver deems necessary and advisable to carry out the Receiver's  
26 mandate under this Order;

27 F. Liquidate assets of the Receivership Defendants and all assets  
28 transferred to the Receiver in accordance with the terms of this Order or any prior

1 or subsequent order of this Court, and to transfer receivership property to storage  
2 facilities, cancel leases, and reject and enter contracts; and

3 G. To execute all bills of sale and deeds to personal and real property  
4 belonging to or coming into the possession of the Receivership Defendants.

5 H. Immediately enforce any contempt judgment in this matter executed  
6 by the Court by taking all necessary or appropriate post-judgment collection  
7 steps, including but not limited to obtaining and levying writs of execution and  
8 creating, perfecting and enforcing judgment liens on any real or personal property  
9 of the Contempt Defendants.

10 **IT IS FURTHER ORDERED** that, to the extent they are not inconsistent  
11 with this Order, all powers granted to the Receiver pursuant to the Court's  
12 Preliminary Injunction Order of June 22, 2009, shall remain in full force and  
13 effect.

14 **IT IS FURTHER ORDERED** that the Receiver shall liquidate all assets  
15 of the Receivership Defendants and wind up all activities and operations of the  
16 Receivership Defendants and their subsidiaries and affiliated entities. Upon  
17 approval and in accordance with an order of the Court, the Receiver shall transfer  
18 to the Commission or its agent all funds in the Receivership Estate, less unpaid  
19 fees and expenses as allowed by the Court.

20 **IT IS FURTHER ORDERED** that the Receiver and those it employs are  
21 entitled to reasonable compensation for the performance of their duties pursuant  
22 to this Order and for the costs of actual out-of-pocket expenses incurred by them,  
23 from the Receivership Defendants' assets held by or in the possession or control  
24 of, or which may be received by, the Receiver or the Receivership Defendants.  
25 The Receiver may pay its non-member employees and independent contractors  
26 on an ongoing basis.

27 **IT IS FURTHER ORDERED**, that the Receiver shall, if it has not  
28 already done so, file its final application for fees with respect to the Receivership

1 Defendants within 180 days of the execution of this Order, unless good cause is  
2 shown to extend the receivership beyond 180 days. The Receiver's final  
3 application for fees for the Receivership Defendants shall be served upon the  
4 parties through counsel. Plaintiff may object within 15 days of receipt, but  
5 Contempt Defendants shall have no right to object. Upon submission of the  
6 Receiver's final application or upon entry of this Contempt Judgment, whichever  
7 is later, and subject to the terms set forth in the provisions herein, the receivership  
8 shall terminate.

9 **IT IS FURTHER ORDERED**, that Contempt Defendants shall cooperate  
10 fully with the Receiver in: (A) pursuing any and all claims by the Receiver  
11 against other persons or entities; (B) assisting the Receiver in defending any and  
12 all actions or claims brought against the Receiver, the Receivership Estate or the  
13 Receivership Defendants by other persons or entities; (C) executing any  
14 documents necessary to transfer assets or ownership interests to the Receiver  
15 pursuant to the terms of this Order; and (D) refraining from any act that would  
16 interfere or impede the Receiver in execution of the performance of its duties.

17 For the purposes of this Judgment, the following definitions shall apply:

- 18 1. ***“Receiver”*** means Robb Evans & Associates, LLC.
- 19 2. ***“Receivership Assets”*** means all funds and other assets of Contempt  
20 Defendants RLG, ALG, and TFG subject to the asset freeze in the Court’s May  
21 27, 2009 Temporary Restraining Order, as modified and continued by the Court’s  
22 June 22, 2009 Preliminary Injunction, including but not limited to assets  
23 identified by the Receiver in its June 16, 2009 Report of Temporary Receiver’s  
24 Activities for the Period of May 27, 2009 through June 12, 2009, and all copies  
25 of any paper or electronic customer files and records of Contempt Defendants.
- 26 3. ***“FTC”*** or ***“Commission”*** means the Federal Trade Commission.
- 27 4. ***“Receivership Defendants”*** means Contempt Defendants Bryan  
28 D’Antonio, RLG, ALG, and TFG.

