

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

Case No. 6:18-cv-862-Orl-37DCI

MOBE LTD.;
MOBEPROCESSING.COM, INC.;
TRANSACTION MANAGEMENT
USA, INC.; MOBETRAINING.COM;
9336-0311 QUEBEC INC.; MOBE PRO
LIMITED; MOBE INC.; MOBE ONLINE
LTD.; MATT LLOYD
PUBLISHING.COM PTY LTD.;
MATTHEW LLOYD MCPHEE; SUSAN
ZANGHI; and INGRID WHITNEY,

Defendants.

ORDER

Before the Court is Plaintiff Federal Trade Commission's ("FTC" or "**Commission**") Consent Motion for Approval and Entry of Stipulated Order for Monetary Judgment as to Russell W. Whitney's Estate. (Doc. 239 ("**Motion**").) The FTC filed a Complaint for Permanent Injunction and Other Equitable Relief against twelve defendants, including Defendant Russel W. Whitney ("**Whitney**"). (Doc. 1 ("**Complaint**").) The FTC and the personal representative of the estate of Whitney, Ingrid Whitney ("**Settling Defendant**"), now consent to the entry of this Stipulated Order for Monetary Judgment to resolve all matters in dispute in this action between them. (Doc.

239; Doc. 239-1.)

Upon the joint motion of the FTC and Settling Defendant, the Court makes the following findings and enters judgment in this action as set forth below.

I. STIPULATED FACTS

1. This Court has jurisdiction over this matter.
2. The Complaint charges that Whitney participated in deceptive acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).
3. On or about June 5, 2018, the Court entered a temporary restraining order appointing Mark J. Bernet, Esq. as a temporary receiver of the Receivership Entities with full powers of an equity receiver ("**Receiver**").
4. On or about February 11, 2019, counsel for Whitney's estate commenced a probate proceeding in the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, entitled *In re: Estate of Russell Walter Whitney*, Case No. 2019-000631-CP-02 ("**Probate Action**"). On or about March 21, 2019, the court in the Probate Action appointed the Settling Defendant as personal representative for the estate of Whitney. On or about June 4, 2019, the FTC filed a statement of claim in the Probate Action in the amount of \$1,428,616.
5. As a duly appointed representative of Whitney's estate, Settling Defendant has the authority to enter an agreement on behalf of Whitney's estate.
6. Settling Defendant neither admits nor denies any of the allegations in the Complaint, except as specifically stated in this Order. Only for purposes of

this action, Settling Defendant admits the facts necessary to establish jurisdiction.

7. Settling Defendant waives any claim that she may have under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order, and agrees to bear her own costs and attorneys fees.
8. Settling Defendant and the FTC waive all rights to appeal or otherwise challenge or contest the validity of this Order.

II. ORDER

It is **ORDERED AND ADJUDGED** as follows:

1. Immediately upon entry of this Order, Settling Defendant is **ORDERED** to surrender to the FTC all control, title, dominion, and interest she has to the following assets:
 - a. All funds in any accounts in the name of the corporate Defendants.
 - b. All funds in any accounts in the name of all other Receivership Entities;
 - c. All cash or funds transferred to and held by the Receiver, including approximately \$406,262 repatriated from Costa Rica by Whitney and transferred to the receiver on or around July 30, 2018, and approximately \$208,068 transferred by Edward Jones to the Receiver on or about September 4, 2018;

- d. All funds in the JPMorgan Chase Bank accounts xxxxxx2099, xxxxxx9775, xxxxxx8359, xxxxxx2188, and xxxxxx7977, held in the name of Shark Speaker LLC, Wealth Building Technologies (formerly known as Expert Media Agency) and Expert Sales Agency, totaling approximately \$438,377, that were transferred to the Receiver on or about June 25, 2018;
 - e. All reserve funds or any other accounts held, controlled, or serviced by Esquire Bank, N.A. and/or Maverick Bankcard, Inc. and associated with any payments processed by, or on behalf of Whitney, Settling Defendant, or Wealth Building Technologies (formerly known as Expert Media Agency, LLC d/b/a YGP Events), including the merchant settlement account or merchant reserve account with the MID ending in 0059 (approximately \$102,880 as of Maverick Bankcard Inc.'s receipt of the Court's temporary restraining order).
2. Within seven (7) days upon entry of this Order, Settling Defendant is **ORDERED** to assign, transfer, or convey to the Receiver any claim, interest, or right to payment she has to the \$45,000 loan made by Whitney and Shark Speak LLC to Advisors Education LLC on or about April 16, 2018.
 3. IberiaBank Corporation is **ORDERED**, within seven (7) days of entry of this Order, to transfer certain funds (totaling approximately \$182,866) held in the following accounts to the Receiver in accordance with instructions

provided by the Receiver: the entire balance of Account No. xxxxxxxx6908 (held in the name of Whitney) and \$67,739 out of Account No. xxxxxxxx5738 (held in the name of Shark Speaker LLC). The remainder of the balance of Account No. xxxxxxxx5738 shall be unfrozen pursuant to paragraph 14 below.

4. Applied Bank is ordered, within seven (7) days of entry of this Order, to transfer all funds (totally approximately \$9,005) held in the following account to the Receiver in accordance with instructions provided by the Receiver: Account No. xxxxxx7207 (held in the name of Whitney).
5. JPMorgan Chase Bank, N.A., is **ORDERED**, within seven (7) days of entry of this Order, to transfer all funds (totally approximately \$13,415) held in the following accounts to the Receiver in accordance with instructions provided by the Receiver: Account Nos. xxxxxx8607 and xxxxxx8677 (held in the name of Whitney).
6. Coinbase.com is **ORDERED**, within seven (7) days of entry of this Order, to transfer to the Receiver in accordance with instructions provided by the Receiver all funds or currencies, including virtual currencies held in the account opened in the name of Whitney.
7. Settling Defendant is **ORDERED** to fully cooperate with the Receiver, JPMorgan Chase Bank, N.A., IberiaBank Corporation, Applied Bank, Coinbase.com, Advisors Education LLC, and Maverick Bankcard Services,

including promptly signing any document necessary to transfer such funds held by these persons or entities to the Commission. Upon the transfer of all funds in the above accounts to the Receiver, the Settling Defendant's obligations with regard to this paragraph shall be deemed completed.

8. Settling Defendant relinquishes dominion and all legal and equitable right, title, and interest in all assets transferred pursuant to this Order and may not seek the return of any assets.
9. Upon the Settling Defendant's completion of her performance of obligations required under paragraphs 1, 2, and 7, the FTC shall within seven (7) days of such time withdraw its statement of claim in the Probate Action.
10. The facts alleged in the Complaint will be taken as true, without further proof, in any subsequent civil litigation by or on behalf of the FTC, including in a proceeding to enforce its rights to any payment or monetary judgment pursuant to this Order, such as a nondischargeability complaint in any bankruptcy case.
11. The facts alleged in the Complaint establish all elements necessary to sustain an action by the Commission 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.
12. Settling Defendant acknowledges that Whitney's Taxpayer Identification

Number (Social Security Number), which Whitney 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. § 7701.

13. All money paid to the Commission pursuant to this Order may be deposited into a fund administered by the Commission or its designees 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 Commission decides that direct redress to consumers is wholly or partially impracticable or money remains after redress is completed, the Commission may apply any remaining money for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to Defendants' practices alleged in the Complaint. Any money not used for such equitable relief is to be deposited to the U.S. Treasury as disgorgement. Settling Defendant has no right to challenge any actions the Commission or its representatives may take pursuant to this paragraph.
14. The asset freeze is modified to permit the payments identified in paragraphs 2 through 6. Upon completion of all such payments, the asset freeze is dissolved as to the Settling Defendant.
15. Settling Defendant Ingrid Whitney is **DIRECTED**, within seven (7) days of entry of this Order, to submit to the Commission an acknowledgment of

receipt of this Order sworn under penalty of perjury.

16. The Court **RETAINS** jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.
17. The Clerk is **DIRECTED** to enter judgment for disgorgement of the assets described above in favor of Plaintiff Federal Trade Commission and against Defendant Ingrid Whitney.
18. The Clerk is **DIRECTED** to terminate Defendant Ingrid Whitney.

DONE AND ORDERED in Chambers in Orlando, Florida, on December 18, 2019.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record
Pro se party