

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 18-CV-62593-GAYLES

FEDERAL TRADE COMMISSION,

Plaintiff,

vs.

SIMPLE HEALTH PLANS LLC, et al,

Defendants.

**RECEIVER’S MOTION FOR ENTRY OF AN ORDER
AUTHORIZING THE RECEIVER TO SELL VEHICLES AND AUTHORIZING THE
RECEIVER TO EXECUTE TITLES AND OTHER RELATED DOCUMENTS ON
BEHALF OF HEALTH BENEFITS ONE LLC TO TRANSFER MARKETABLE TITLE**

Michael I. Goldberg, the Court-appointed receiver (the “Receiver”) over Defendants Simple Health Plans LLC (“Simple Health”), Health Benefits One LLC (“HBO”), Health Center Management LLC, Innovative Customer Care LLC, Simple Insurance Lead LLC (“SIL”), Senior Benefits One LLC, and each of their subsidiaries, affiliates, and successors (collectively, the “Receivership Entities”), files this *Motion for Entry of an Order Authorizing the Receiver to Sell Vehicles and Authorizing the Receiver to Execute Titles and Other Related Documents on behalf of Health Benefits One LLC to Transfer Marketable Title*. In support of this motion, the Receiver states as follows:

Background

1. Plaintiff Federal Trade Commission (“FTC”) filed the above-captioned action, under seal, on October 29, 2018 against the Receivership Entities and Steven Dorfman (“Dorfman” and with the Receivership Entities, the “Defendants”), under Section 13(b) of the Federal Trade

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Commission Act (the “FTC Act”), 15 U.S.C. § 53(b) and the Telemarketing and Consumer Fraud and Abuse Act, 15 U.S.C. §§ 6101-6108, alleging the Defendants violated Section 5(a) of the Federal Trade Commission Act, 15 U.S.C. § 45(a) and the FTC’s Telemarketing Sales Rule (the “TSR”), 16 C.F.R. Part 310, as amended. [ECF No. 1].

2. On October 31, 2018, the Court entered an Order [ECF No. 15] Granting the FTC’s *Motion for Temporary Restraining Order with Asset Freeze, Appointment of a Temporary Receiver, and Other Equitable Relief, and Order to Show Cause Why a Preliminary Injunction Should Not Issue* (the “TRO”). The TRO reflected the Court’s finding that good cause existed to appoint a temporary receiver over the Receivership Entities, for purposes of, among other things, taking exclusive custody, control and possession of all assets of, or in the possession, custody or under the control of any Receivership Entity, wherever situated and to conserve, hold, manage and prevent the loss of all assets of the Receivership Entities and perform all acts necessary or advisable to preserve the value of those assets pending future Court orders. *See* TRO, Section XII. On November 1, 2018, the Receiver took possession of the assets of the Receivership Entities and shut down their business operations.

3. The Receiver also took possession of certain non-business related assets, which were not used in the operation of the Receivership Entities’ businesses, but were instead paid with funds from the Receivership Entities’ bank accounts. These non-business related assets include vehicles titled in the name of Receivership Entities. *See* TRO, Section XII(B)(3).

4. The Receiver, with Dorfman’s cooperation, took control of three vehicles: (i) a 2013 Land Rover Range Rover; (ii) a 2012 Lamborghini Aventador; and (iii) a 2015 Rolls-Royce Wraith.

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5. The Receiver determined that the Lamborghini was leased and, with the Court's approval, terminated the lease to avoid unnecessarily continuing to incur large monthly lease payments. [ECF Nos. 70 & 82].

6. The Receiver still possesses the Range Rover and Rolls-Royce (the "Vehicles") in a special air-conditioned storage facility.

7. On March 25, 2021, the Receiver filed a *Motion for Authority to Enter into Auction Consignment Agreement with RM Sotheby's to Sell Health Benefits One LLC's Right, Title, and Interest in 2015 Rolls-Royce Wraith and 2013 Land Range Rover Automobiles and Incorporated Memorandum of Law* (the "Vehicle Sale Motion"). [ECF No. 412]. The Court granted the Vehicle Sale Motion on April 13, 2021 [ECF No. 417]. However, due to continuing litigation and Dorfman's objection to the sale of the Vehicles, the Receiver decided to wait to sell the Vehicles until the conclusion of the litigation.

8. On February 7, 2024, the Court granted the FTC's Motion for Summary Judgment against the Defendants [ECF No. 495], finding that the Defendants violated the FTC Act and TSR. Accordingly, the Court entered its *Order for Permanent Injunction and Monetary Relief as to Defendants Steven Dorfman, Simple Health Plans LLC, Health Benefits One LLC, Health Center Management LLC, Innovative Customer Care LLC, Simple Insurance Leads LLC, and Senior Benefits One LLC* (the "Permanent Injunction Order") on February 8, 2024. [ECF No. 496].¹

9. The Permanent Injunction Order authorizes the Receiver to, *inter alia*, liquidate all assets of the Receivership Defendants and distribute to the FTC all remaining liquid assets at the conclusion of the Receiver's duties. Permanent Injunction Order, Section VII(A)(4), (6). The Permanent Injunction Order also states that "[t]he Receiver is excused from the requirements of

¹ Dorfman has also been recently convicted for crimes stemming from his ownership and control of the Receivership Entities.

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28 U.S.C. § 2001 and 28 U.S.C. § 2004 in connection with any pending or contemplated sale by the Receiver.” Permanent Injunction Order, Section IV(B).

Relief Requested

10. Now that the Court has entered the Permanent Injunction Order, the Receiver seeks approval to proceed with the sale of the Vehicles. The Receiver has determined that the quickest and most efficient way to sell the Vehicles in the current market is to place them in a regularly conducted automobile auction—specifically one conducted by AutoNation in Orlando (“AutoNation”). AutoNation’s conducts weekly auctions in Orlando which include many high end vehicles. If this motion is approved, AutoNation would transport the Vehicles to Orlando, prepare a condition report and identify any mechanical or cosmetic items that need repair. To the extent the Receiver agrees, AutoNation would repair the Vehicles to obtain the maximum value at auction and the Receiver would pay for such repairs and transportation costs out of the sales proceeds. AutoNation’s fee schedule for selling the Vehicles at auction is attached hereto as **Exhibit “A”**.

11. The Receiver believes that selling the Vehicles as set forth above is the most efficient way to maximize their value and is in the best interest of the Receivership Estate.

12. The Vehicles are both titled in the name of Health Benefits One, LLC which is a Receivership Entity. Accordingly, the Receiver seeks specific authorization to execute the title to the Vehicles and related paperwork on behalf of Health Benefits One, LLC necessary to transfer “marketable” title to the Vehicles.

WHEREFORE, the Receiver respectfully requests entry of an Order in the form attached hereto as **Exhibit “B”** (i) confirming the Receiver’s authority to sell the Vehicles at auction as set forth herein; and (ii) authorizing the Receiver to execute the titles to the Vehicles along with any

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other necessary papers in order to transfer marketable title to the Vehicles; and (iii) granting such other relief as this Court deems appropriate.

LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1, the undersigned hereby certifies that the Receiver has conferred with counsel for the FTC, who has no objection to the relief requested in this Motion.

Dated: March 25, 2024

Respectfully submitted,

/s/ Michael I. Goldberg
Michael I. Goldberg, Esq.
Florida Bar Number: 886602
Email: michael.goldberg@akerman.com
Court-Appointed Receiver

AKERMAN LLP
201 East Las Olas Boulevard, Suite 1800
Fort Lauderdale, FL 33301-2999
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on this March 25, 2024 via the Court's notice of electronic filing on all CM/ECF registered users entitled to notice in this case and posted on the Receiver's website www.simplehealthreceivership.com.

By: /s/ Michael I. Goldberg
Michael I. Goldberg, Esq.

EXHIBIT A

03/06/24 12:07:37 Fee Schedule (FEETABLE) PAGE 1
 Buyer's & Seller's Fees

Lane Code	From Price	Thru Price	Seller's Percent	Seller's Min. Fee	Buyer's Percent	Buyer's Min. Fee
**	0	600	.000	85.00	.000	115.00
	601	1,000	.000	135.00	.000	190.00
	1,001	1,999	.000	260.00	.000	310.00
	2,000	2,999	.000	260.00	.000	335.00
	3,000	3,999	.000	260.00	.000	400.00
	4,000	4,999	.000	260.00	.000	420.00
	5,000	5,999	.000	260.00	.000	430.00
	6,000	6,999	.000	260.00	.000	460.00
	7,000	7,999	.000	260.00	.000	470.00
	8,000	8,999	.000	260.00	.000	480.00
	9,000	9,999	.000	260.00	.000	490.00
	10,000	10,999	.000	260.00	.000	500.00
	11,000	11,999	.000	260.00	.000	510.00
	12,000	12,999	.000	260.00	.000	530.00
	13,000	15,999	.000	260.00	.000	600.00
	16,000	18,999	.000	260.00	.000	610.00
	19,000	21,999	.000	260.00	.000	630.00
	22,000	24,999	.000	260.00	.000	640.00
	25,000	29,999	.000	260.00	.000	660.00
	30,000	34,999	.015	460.00	.000	700.00
	35,000	39,999	.015	460.00	.000	730.00
	40,000	44,999	.015	460.00	.000	750.00
	45,000	49,999	.015	460.00	.000	770.00
	50,000	999,999	.015	460.00	.015	780.00

FINAL TOTALS

*** END OF REPORT ***

EXHIBIT B

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**ORDER GRANTING RECEIVER’S MOTION FOR ENTRY OF AN ORDER
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THIS MATTER came before the Court upon the *Motion for Entry of an Order Authorizing the Receiver to Sell Vehicles and Authorizing the Receiver to Execute Titles and Other Related Documents on behalf of Health Benefits One LLC to Transfer Marketable Title* (the “Motion”) [ECF No. ___] filed by Michael I. Goldberg, the Court-appointed receiver (the “Receiver”). Upon review of the Motion, the Court finds that the Receiver has made a sufficient and proper showing in support of the relief requested.

IT IS ORDERED, ADJUDGED AND DECREED, as follows:

1. The Motion is **GRANTED**.
2. The Receiver is authorized to sell the Vehicles at auction as set forth in the Motion.
3. The Receiver is authorized to execute the titles to the Vehicles along with any other necessary papers in order to transfer marketable title to the Vehicles.

4. This Court shall retain jurisdiction of this matter for all purposes.

DONE AND ORDERED in Chambers at Miami, Florida this ____ day of March, 2024.

DARRIN P. GAYLES
UNITED STATES DISTRICT COURT JUDGE