

**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 AGREED AMENDED APPLICATION FOR ENTRY OF AN ORDER
APPROVING THE FORM AND MANNER OF THE SALE OF JEWELRY**

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 *Agreed Amended Application for Entry of an Order Approving the Form and Manner of the Sale of Jewelry*, and in support, states as follows:

Preliminary Statement

The Court previously entered an order approving the Receiver's retention of Tibor Stern Diamonds to assist the Receiver in selling some jewelry. Tibor Stern Diamonds has recently informed the Receiver that it is no longer able to assist him. Accordingly, the Receiver now seeks the Court authorization to engage Continental Jewelers, Inc. to assist the Receiver in selling the jewelry in the Receivership Estate's possession pursuant to the terms contained herein. The Federal Trade Commission supports the relief requested herein.

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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 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. Among these non-business related assets are thirteen pieces of jewelry. *See* TRO, Section XII(B)(2).

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4. The Receiver has stored the thirteen items in a vault. The following table lists each jewelry piece and accompanying photos are included in the attached Exhibit A.

Jewelry Inventory		
Item	Description	Est. Value
1	Audemars Piguet Watch	Unknown
2	Cartier Roadster Watch	Unknown
3	Cartier Santos Watch	Unknown
4	Cartier Richard Mille Watch	Unknown
5	Cartier Bracelet	Unknown
6	Cartier Bracelet	Unknown
7	Cartier Bracelet	Unknown
8	Cartier Ring Panther	Unknown
9	Gold Rope Necklace with Star of David	Unknown
10	Gold Necklace Floral Cluster	Unknown
11	Diamond Engagement Ring	Unknown
12	Diamond Wedding Band (Female)	Unknown
13	Diamond Wedding Band (Male)	Unknown

5. 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].

Proposed Sale Procedure

6. The Permanent Injunction Order authorizes the Receiver to, *inter alia*, liquidate all assets of the Receivership Entities 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 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).

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7. Accordingly, the Receiver files this motion seeking approval of the sale of the jewelry listed herein. In order to maximize the benefit and yield from the sales of each jewelry item, as well as liquidate the assets expediently, the Receiver seeks the authority to retain Continental Jewelers, Inc. ("Continental") to assist the Receiver in selling the jewelry. Continental will market the diamonds to its retail customers and network of domestic and international diamond dealers and assist the Receiver in selling the non-diamond jewelry to local jewelry dealers. Under no circumstance will Continental directly or indirectly purchase any of the jewelry or be paid any other compensation in connection with the sale of the jewelry other than set forth herein.

8. Continental is a very reputable jeweler founded in 1952 with offices in the Seybold Building in Miami, Florida and regularly sells high end jewelry.

9. As compensation for its services, the Receiver proposes to pay Continental ten percent (10%) of the gross sales proceeds plus the payment of all insurance, shipping and other costs directly associated with the sale of the jewelry.

10. Continental plans to market the diamonds both domestically and internationally with brokers in Belgium, India and Israel. Continental has advised that in order to maximize the sales proceeds of the diamonds, they should be certified by the Gemological Institute of America. The Receiver will pay for the certification, which is approximately \$150 per carat.

11. Continental will market the watches and other (non-diamond) jewelry domestically by contacting fine watch and jewelry dealers and obtaining multiple bids for the watches and jewelry. The Receiver proposes to sell the non-diamond jewelry to the highest bidder.

12. All sales will be conducted "AS IS, WHERE IS – WITH ALL FAULTS" without making any implied or express representations, warranties or guaranties with respect to the items.

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13. All sales will be final. Other than approval of this motion, no further Order of the Court will be needed.

Conclusion

14. In accordance with the Permanent Injunction Order, the Receiver seeks to liquidate the thirteen pieces of jewelry listed above and depicted in Exhibit A.

WHEREFORE, the Receiver respectfully requests entry of an Order in the form attached hereto as Exhibit B, approving the Receiver's proposed sale procedure outlined herein and for any other relief as this Court deems appropriate.

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
Phone: (954) 463-2700
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on this August 2, 2024 via the Court's notice of electronic filing on all CM/ECF registered users entitled to notice in this case as indicated on the attached Service List and posted on the Receiver's website www.simplehealthreceivership.com.

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

EXHIBIT A

EXHIBIT "A"

**Federal Trade Commission v. Simple Health Plans, LLC, et al.
 United States District Court, Southern District of Florida
 Case No.: 18-cv-62953-GAYLES**

**JEWELRY
 INVENTORY**

Item	Description	Est. Value
1	Audemars Piguet Watch	Unknown
2	Cartier Roadster Watch	Unknown
3	Cartier Santos Watch	Unknown
4	Cartier Richard Mille Watch	Unknown
5	Cartier Bracelet	Unknown
6	Cartier Bracelet	Unknown
7	Cartier Bracelet	Unknown
8	Cartier Ring Panther	Unknown
9	Gold Rope Necklace with Star of David	Unknown
10	Gold Necklace Floral Cluster	Unknown
11	Diamond Engagement Ring	Unknown
12	Diamond Wedding Band (Female)	Unknown
13	Diamond Wedding Band (Male)	Unknown















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EXHIBIT B

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**ORDER GRANTING RECEIVER'S AMENDED APPLICATION FOR ENTRY OF AN
ORDER APPROVING THE FORM AND MANNER OF THE SALE OF JEWELRY**

THIS MATTER came before the Court upon the *Amended Application for Entry of an Order Approving the Form and Manner of the Sale of Jewelry* (the "Application") [ECF No. ____] filed by Michael I. Goldberg, the Court-appointed receiver (the "Receiver"). Upon review of the Application, 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 Application is **GRANTED**.
2. The Receiver is authorized to sell the jewelry in accordance with the Proposed Sale Procedure in the Application. Accordingly, the Receiver is authorized to retain Continental Jewelers, Inc. to assist the Receiver in selling the jewelry.
3. This Court shall retain jurisdiction of this matter for all purposes.

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

DARRIN P. GAYLES
UNITED STATES DISTRICT COURT JUDGE