

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 18-CV-61991-BB

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

**1 GLOBAL CAPITAL LLC, and
CARL RUDERMAN,**

Defendants, and

**1 WEST CAPITAL LLC,
BRIGHT SMILE FINANCING, LLC,
BRR BLOCK INC.,
DIGI SOUTH, LLC,
GANADOR ENTERPRISES, LLC,
MEDIA PAY LLC,
PAY NOW DIRECT LLC, and
RUDERMAN FAMILY TRUST,**

Relief Defendants.

**PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S UNOPPOSED
MOTION TO EXEMPT THE RECEIVER FROM THE ASSET FREEZE**

Plaintiff Securities and Exchange Commission respectfully requests an Order to exempt the Receiver from the Asset Freeze that was entered against the following Receivership Entities: Relief Defendants Bright Smile Financing, LLC; BRR Block Inc.; Digi South, LLC; Ganador Enterprises, LLC; Media Pay LLC; and Pay Now Direct LLC (collectively, "Receivership Entities"). *See* Sealed Order Granting Plaintiff's Emergency *Ex Parte* Motion And Memorandum Of Law for Asset Freeze And Other Relief ("Asset Freeze Order") dated August, 23, 2018. *See also* Sealed Order Granting Plaintiff Securities and Exchange Commission's

Emergency *Ex Parte* Motion For Appointment Of Receiver (“Receiver Order”), also dated August 23, 2018.

The Asset Freeze Order the Court entered, among other things, froze the assets of the Receivership Entities. The Court simultaneously entered the Receivership Order, which, among other things, authorized the Receiver to “[t]ake immediate possession of all property, assets and estates of every kind of these Relief Defendants . . . including but not limited to all . . . bank accounts, savings accounts, certificates of deposit, stocks, bonds, debentures and other securities . . . wherever situated . . . and to hold all other assets pending further order of this Court.” Receiver Order at 2, ¶1. *See also Id.* At 4, ¶7: “[a]ssume control of, and be named as authorized signatory for, all accounts at any bank, brokerage firm or financial institution which has possession, custody or control of any assets or funds, wherever situated, of these Relief Defendants.”

Because the Commission inadvertently failed to include language in its proposed Asset Freeze Order exempting accounts and assets under the control of the Receiver, the Asset Freeze Order and the Receiver Order are technically in conflict with each other. To enable the Receiver to carry out his Court-authorized duties of assuming control of all accounts and assets belonging to or in the name of the Receivership Entities, the Commission asks the Court to exempt the Receiver and the Receivership Entities from the Asset Freeze by entering the attached proposed Order.

Certification of Counsel

Counsel for the Commission conferred with the Receiver and Defendant 1 Global Capital LLC by email regarding the requested relief and they have no opposition to it. We did not confer

with Defendant Carl Ruderman or Relief Defendant Ruderman Family Trust because they have no interest in the requested relief.

August 28, 2018

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 28, 2018, the foregoing document was filed electronically with the Clerk of Court using CM/ECF.

/s/ Robert K. Levenson

Robert K. Levenson

SERVICE LIST

SEC v 1 Global LLC et al., Case No. 18-cv-61991-BB, U.S.D.C. (SD Fla.)

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*Receiver for Relief Defendants, Bright Smile Financing, LLC;
BRR Block Inc.; Digi South LLC; Ganador Enterprises, LLC;
Media Pay LLC and Pay Now Direct LLC*

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Relief Defendants.

**ORDER GRANTING PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S
UNOPPOSED MOTION TO EXEMPT THE RECEIVER FROM THE ASSET FREEZE**

THIS MATTER is before the Court on Plaintiff Securities And Exchange Commission's Unopposed Motion To Exempt The Receiver From The Asset Freeze. The Commission asks the Court to exempt the Receiver and the Receivership Entities from the portions of the Asset Freeze Order the Court entered on August 23, 2018 freezing all bank accounts and other assets in the name of or belonging to the Receivership Entities. The Commission has shown good cause for the requested relief. Accordingly:

IT IS ORDERED AND ADJUDGED that the Plaintiff's Motion is **GRANTED**. The Receiver and the Receivership Entities (as defined in the Commission's motion), are exempt from

the Asset Freeze provisions in Section II of the Asset Freeze Order. All other provisions of the Asset Freeze Order remain in full force and affect.

DONE AND ORDERED this ____ day of August 2018 at Miami, Florida.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to Counsel of Record