

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re

CASE NO. 9:08-bk-04360-MGW

ULRICH FELIX ANTON ENGLER,
PRIVATE COMMERCIAL OFFICE, INC.,
and PCO CLIENT MANAGEMENT, INC.,

CHAPTER 7
(Substantively Consolidated)

Debtors.

**NOTICE OF FILING ORDER GRANTING
PLAINTIFF ROBERT E. TARDIF, JR.'S MOTION FOR
PRELIMINARY INJUNCTION AND EXPEDITED DISCOVERY [DOC. 22]**

NOTICE IS HEREBY GIVEN that ROBERT E. TARDIF, JR. (the "Trustee"), as Chapter 7 Trustee for the substantively consolidated bankruptcy estates of Ulrich Felix Anton Engler, Private Commercial Office, Inc., and PCO Client Management, Inc. (collectively, the "Debtors"), by and through undersigned counsel, has filed the *Order Granting Plaintiff Robert E. Tardif, Jr.'s Motion For Preliminary Injunction And Expedited Discovery* entered on January 4, 2013 in the adversary proceeding styled *Robert E. Tardif, Jr., Chapter 7 Trustee v. Ulrich Felix Anton Engler et al.*, Adv. Proc. No. 8:12-ap-01139-MGW, Doc. 22, attached hereto as Exhibit "A" with the Clerk of this Court.

Respectfully submitted,

GENOVESE JOBLOVE & BATTISTA, P.A.
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By: /s/ Robert F. Elgidely
Robert F. Elgidely, Esq.
Florida Bar No. 111856

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice Of Filing Order Granting Plaintiff Robert E. Tardif, Jr.'s Motion For Preliminary Injunction And Expedited Discovery has been furnished to all creditors and/or interested parties registered on the Court's CM/ECF System and was also posted on the website "englerbk.com" in accordance with the Order Granting Trustee's Motion To Establish Certain Notice, Case Management And Administrative Procedures [Doc. 451], on the 4th day of January, 2013.

By: /s/ Robert F. Elgidely _____
Robert F. Elgidely, Esq.

EXHIBIT “A”

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re

CASE NO. 9:08-bk-04360-MGW

ULRICH FELIX ANTON ENGLER,
PRIVATE COMMERCIAL OFFICE, INC.,
and PCO CLIENT MANAGEMENT, INC.,

CHAPTER 7
(Substantively Consolidated)

Debtors.

ROBERT E. TARDIF, JR., AS CHAPTER 7
TRUSTEE FOR THE SUBSTANTIVELY
CONSOLIDATED BANKRUPTCY ESTATES OF
ULRICH FELIX ANTON ENGLER,
PRIVATE COMMERCIAL OFFICE, INC., and
PCO CLIENT MANAGEMENT, INC.,

ADV. PROC. NO. 8:12-ap-01139-MGW

Plaintiff,

v.

ULRICH FELIX ANTON ENGLER a/k/a
Joseph Miller, Joseph Walter, Terence
Patrick Delaney, Wolfgang Meier, and
Jose Ricardo Fernandez de Velasco, et al.,

Defendants.

**ORDER GRANTING PLAINTIFF ROBERT E. TARDIF, JR.'S MOTION
FOR PRELIMINARY INJUNCTION AND EXPEDITED DISCOVERY**

THIS PROCEEDING came before the Court on January 3, 2013 for a hearing on the Verified Complaint For Declaratory Relief, Turnover Of Property Of The Estate, An Accounting, Avoidance And Recovery Of Post-Petition Transfers, And Preliminary And Permanent Injunctive Relief [Doc. 1] (the "Complaint") and the Expedited Motion For Temporary Restraining Order, Preliminary Injunction And Expedited Discovery [Doc. 4] (the "Motion for Preliminary Injunction") filed by Robert E. Tardif, Jr. (the "Trustee"), as Chapter 7

Trustee for the substantively consolidated bankruptcy estates of Ulrich Felix Anton Engler, Private Commercial Office, Inc., and PCO Client Management, Inc. (collectively, the “Debtors”). The Court having, considered the record of this bankruptcy case and related adversary proceedings, reviewed the Motion for Preliminary Injunction, heard argument by counsel for the parties, and being otherwise duly advised in the premises, does hereby

ORDER as follows:

1. The Motion for Preliminary Injunction is GRANTED.
2. The Trustee has demonstrated that ULRICH FELIX ANTON ENGLER used the aliases JOSEPH MILLER, JOSEPH WALTER, TERENCE PATRICK DELANEY, WOLFGANG MEIER, JOSE RICARDO FERNANDEZ DE VELASCO, and ROBERT ALLEN DOERR (collectively, the “Engler Aliases”) while he was a fugitive of justice and titled, maintained, and/or transferred his income, revenue, funds, contracts, licenses, contract rights, real property, tangible, intangible personal property, and/or other legal or equitable assets or property rights (collectively, the “Engler Assets”)¹ to and/or through the following individuals and entities in order to conceal his whereabouts and the whereabouts of the ENGLER ASSETS from law enforcement authorities:

- (a) CESAR OCTAVIO BOBADILLA, TERENCE PATRICK DELANEY, ROBERT ALLEN DOERR, RICHARD L. DRAKE, ELZO F. GERNHART, and MICHAEL B. SMITH (collectively, the “Individual Defendants”); and
- (b) BM HOLDING INTERNATIONAL, INC., CAESARS WORLD, INC., CELEBRITY ESTATE LIQUIDATORS, CYPRESS HILLS CAP,

¹ The Engler Assets as it relates to the Financial Institutions (as defined in paragraph 6) are only those accounts identified by account number in Section 5(d) of the Complaint, pp. 17-19.

CYPRESS HILLS CAPITAL PARTNERS, LLC, CYPRESS POINT FINANCIAL GROUP, LLC, CYPRESS POINT LLC, DOERR INVESTMENTS, LLC, EARMARK ENTERPRISES GROUP, EARMARK ENTERPRISE GROUP, INC., EARMARK ENTERPRISE GROUP, LLC, ESTATE SALE MARKETING GROUP INC., FREE CALL TECHNOLOGIES, INC., GENERAL RESOURCES LP, HIGH YIELD BIDS, INC., JOEM ART ENTERPRISE, LTD., MISOWI PRODUCTION INCORPORATED, and NEW HORIZON MARKETING GROUP, LLC (collectively, the “Affiliated Corporate Defendants”).

3. Based upon the record of this bankruptcy case and related adversary proceedings, as well as the factual proffers made by the Trustee which the Court accepts as having been established, the Court finds that, for the limited purpose of establishing his burden of proof regarding the issuance of a preliminary injunction, the Trustee has amply established the elements for issuance of a preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure (as incorporated into Rule 7065 of the Federal Rules of Bankruptcy Procedure). Specifically, the Trustee has established (1) a substantial likelihood of success on the merits of his turnover and post-petition transfer claims in the Complaint; (2) irreparable harm would be suffered unless the preliminary injunction is granted; (3) the threatened injury to the Debtors’ bankruptcy estates outweighs whatever damage the preliminary injunction would cause the defendants; (4) the injunction would not be adverse to the public interest; and (5) the absence of an adequate remedy at law. *Kapila v. Clark (In re Trafford Distributing Center, Inc.)*, 414 B.R. 849, 856 (Bankr. S.D. Fla. 2009) (citations omitted).

4. Accordingly, in order to maintain the status quo until the Court enters a further Order following the hearing on the Trustee's Motion for Permanent Injunctive Relief (referenced below), ULRICH FELIX ANTON ENGLER, CESAR OCTAVIO BOBADILLA, TERENCE PATRICK DELANEY, ROBERT ALLEN DOERR, RICHARD L. DRAKE, ELZO F. GERNHART, MICHAEL B. SMITH, BM HOLDING INTERNATIONAL, INC., CAESARS WORLD, INC., CELEBRITY ESTATE LIQUIDATORS, CYPRESS HILLS CAP, CYPRESS HILLS CAPITAL PARTNERS, LLC, CYPRESS POINT FINANCIAL GROUP, LLC, CYPRESS POINT LLC, DOERR INVESTMENTS, LLC, EARMARK ENTERPRISES GROUP, EARMARK ENTERPRISE GROUP, INC., EARMARK ENTERPRISE GROUP, LLC, ESTATE SALE MARKETING GROUP INC., FREE CALL TECHNOLOGIES, INC., GENERAL RESOURCES LP, HIGH YIELD BIDS, INC., JOEM ART ENTERPRISE, LTD., MISOWI PRODUCTION INCORPORATED, NEW HORIZON MARKETING GROUP, LLC, ARTEMUNDI MANAGEMENT, L.P., ARTEMUNDI GLOBAL FUND (CAYMAN ISLANDS), ARTEMUNDI MANAGEMENT LIMITED, ARTEMUNDI GLOBAL MASTER FUND, LP, ARTEMUNDI LIMITED, BANK OF AMERICA, N.A., E*TRADE BANK, E*TRADE FINANCIAL, JP MORGAN CHASE BANK, N.A., LIND WALDOCK, MAIL STORE SOUTH & MORE, MONEX DEPOSIT COMPANY, NEVADA STATE BANK, NORTHERN TRUST, UPS STORE/MAILBOXES ETC., US BANK, N.A., WELLS FARGO BANK, N.A., and WEALTH ENTERPRISES CORPORATION, their third party counterparties or creditors, their attorneys, agents, servants, employees, shareholders, members, officers, directors, all those who act in concert or participation with any of the foregoing, all persons and entities having actual knowledge of this preliminary injunction, and all others in possession, custody, and/or control of ENGLER ASSETS (the "Enjoined Parties"), are hereby enjoined and

restrained from directly or indirectly:

- a. disbursing, withdrawing, dissipating, disposing of, depleting, concealing, transferring, conveying, selling, assigning, pledging, hypothecating, and/or encumbering any ENGLER ASSETS in their possession, custody, and/or control;
- b. authorizing, causing, effectuating or acquiescing in such acts which might have the effect of impairing the value of the ENGLER ASSETS; and
- c. destroying, altering, concealing or otherwise interfering with the Trustee's access to any and all documents, books, and records that are in their possession, custody, and/or control which refer, reflect or relate to the ENGLER ASSETS.

5. The ENJOINED PARTIES shall freeze, restrain, and preserve the ENGLER ASSETS including any interest, dividends, or other proceeds or products thereof pending further Order of the Court following the hearing on the Trustee's Motion for Permanent Injunctive Relief (referenced below).

6. Within fifteen (15) days of the date of entry of this Order, the ENJOINED PARTIES (with the exception of ARTEMUNDI MANAGEMENT, L.P., ARTEMUNDI GLOBAL FUND (CAYMAN ISLANDS), ARTEMUNDI MANAGEMENT LIMITED, ARTEMUNDI GLOBAL MASTER FUND, LP, ARTEMUNDI LIMITED, BANK OF AMERICA, N.A., E*TRADE BANK, E*TRADE FINANCIAL, JP MORGAN CHASE BANK, N.A., LIND WALDOCK, NEVADA STATE BANK, NORTHERN TRUST, US BANK, N.A., and WELLS FARGO BANK, N.A. [collectively, the "Financial Institutions"]) are hereby ordered to provide a verified written accounting to Trustee's counsel via e-mail at relgidely@gjb-law.com of:

- a. all ENGLER ASSETS titled, maintained, or received (directly or indirectly) from ULRICH FELIX ANTON ENGLER using the ENGLER ALIASES in the period January 1, 2007 to the present including, without limitation, bank accounts, brokerage accounts, investments, business interests, loans, lines of credit, and real and personal property wherever situated, describing each asset and liability, its current location and amount;
- b. amounts deposited by, for, or at the direction of, ULRICH FELIX ANTON ENGLER using the ENGLER ALIASES in financial accounts titled in the names of the INDIVIDUAL DEFENDANTS and/or the AFFILIATED CORPORATE DEFENDANTS in the period January 1, 2007 to the present;
- c. amounts withdrawn by, for, or at the direction of, ENGLER using the ENGLER ALIASES from financial accounts titled in the names of the INDIVIDUAL DEFENDANTS and/or the AFFILIATED CORPORATE DEFENDANTS in the period January 1, 2007 to the present;
- d. the disposition of all funds received from or on behalf of, or being held for, ENGLER using the ENGLER ALIASES and/or the AFFILIATED CORPORATE DEFENDANTS (directly or indirectly) in the period January 1, 2007 to the present;
- e. the names and last known addresses of all individuals or entities who are currently holding ENGLER ASSETS; and
- f. the account names, account numbers, and signatories for all accounts maintained by or for the benefit of ENGLER using the ENGLER ALIASES, individually or jointly, with any other person or entity as well as safe deposit boxes (if any) and

copies of the monthly statements for such financial accounts from opening to closure or the present (as the case may be).

7. As set forth in the Temporary Restraining Order, the FINANCIAL INSTITUTIONS shall provide Trustee's counsel via e-mail at relgidely@gjb-law.com with a copy of the most recent account statement(s) for the financial account(s) referenced in Section 5(d) of the Complaint, pp. 17 – 19 by account number, (collectively, the "Financial Accounts") by January 5, 2013 and copies of all account statement(s) for the FINANCIAL ACCOUNTS from opening to closure or the present, as the case may be, by January 20, 2013.

8. The Trustee is hereby authorized to conduct expedited discovery of the INDIVIDUAL DEFENDANTS and the AFFILIATED CORPORATE DEFENDANTS concerning the nature, extent and whereabouts of the ENGLER ASSETS pursuant to Rules 30(a)(2)(A)(iii), 33(b)(2) and 34(b)(2)(A) of the Federal Rules of Civil Procedure (as incorporated into Rules 7030, 7033, and 7034 of the Federal Rules of Bankruptcy Procedure) and without the requirement of a meeting pursuant to Rule 26(f) of the Federal Rules of Civil Procedure. More specifically, with the exception of the FINANCIAL INSTITUTIONS, the Trustee may: (a) take depositions, subject to fifteen (15) calendar days' notice by facsimile, e-mail or otherwise; (b) obtain the production of documents, within fifteen (15) calendar days from service by facsimile, e-mail or otherwise of a request or subpoena from any persons or entities, including non-party witnesses; (c) obtain other discovery, including further interrogatories, requests for admissions, and requests to inspect the premises and files relating to the ENGLER ASSETS within fifteen (15) calendar days from the date of service by facsimile, e-mail or otherwise of such other discovery requests, interrogatories, requests for admission or requests for inspection; and (d) service of any discovery requests, notices or subpoenas may be made by

personal service, facsimile, overnight courier, e-mail, or first class mail on an individual, entity or the individual's or entity's attorney.

9. A hearing shall be conducted on the Trustee's Motion for Permanent Injunctive Relief on **February 19, 2013 at 9:30 a.m.** in Courtroom 8A, United States Bankruptcy Court, Sam M. Gibbons United States Courthouse, 801 North Florida Avenue, Tampa, Florida 33602 before the Honorable Michael G. Williamson, United States Bankruptcy Judge.

10. The Trustee shall serve a copy of this Order by fax, e-mail, or overnight courier service on the ENJOINED PARTIES or their known attorneys, via the Court's CM/ECF System on each person or entity that has filed a notice of appearance in this proceeding, and shall post it on the website "englerbk.com" in accordance with the Order Granting Trustee's Motion To Establish Certain Notice, Case Management And Administrative Procedures [Doc. 451] on or before **January 7, 2013**. Such notice shall constitute good and sufficient notice and no further notice with respect to the relief requested shall be required.

DONE AND ORDERED at Tampa, Florida on January 04, 2013.



Michael G. Williamson
United States Bankruptcy Judge

Copies furnished to:

Robert F. Elgidely, Esq.
Genovese, Joblove & Battista, P.A.
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