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7 Attorneys for Receiver ROBB EVANS
AND ASSOCIATES LLC

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**

12 FEDERAL TRADE COMMISSION,

13 Plaintiff,

14 v.

15 JASON CARDIFF, et al.,

16 Defendants.

Case No. 5:18-cv-02104-DMG-PLA

**RECEIVER'S FIFTH AFFIDAVIT
ON THE NON-COMPLIANCE
WITH THE TEMPORARY
RESTRAINING ORDER AND
CONTINUING NON-
COMPLIANCE WITH
PRELIMINARY INJUNCTION**

Hon. Dolly M. Gee

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1 **TO: THE HONORABLE DOLLY M. GEE, JUDGE OF THE UNITED**
2 **STATES DISTRICT COURT:**

3 Robb Evans & Associates LLC has been appointed by this Court as the
4 receiver (“Receiver”) over Jason Cardiff, Eunjung Cardiff, and others in this action.
5 The Preliminary Injunction concerning Jason Cardiff and Eunjung Cardiff was
6 entered by this Court on November 8, 2018 (Dkt. 59) (“PI”).

7 **New Notice of Non-Compliance.**

8 This report constitutes the Receiver’s Fifth Affidavit of Non-Compliance with
9 the TRO and Preliminary Injunction, supported by the accompanying declaration of
10 Anita Jen, along with exhibits, and all of the files and records of this action. This
11 filing reflects and evidences the further substantial and material violations of this
12 Court’s TRO and the continuing violations of the Preliminary Injunction by Cardiff.

13 **Prior Notices of Non-Compliance.**

14 The Receiver previously filed and served four other notices of non-
15 compliance, on October 23, 2018 (Dkt. 206), July 2, 2019 (Dkt. 144), August 22,
16 2019 (Dkts. 200; 201), and January 29, 2020 (Dkt.273), respectively.

17 **Cardiff Dissipation of Receivership Estate Assets.**

18 The Receiver has recently discovered that Eunjung Cardiff (“Cardiff”) has
19 dissipated receivership estate assets by holding, but not turning over to the Receiver,
20 cash in the amount of Four Thousand Five Hundred Dollars (\$4,500.00). Instead,
21 Eunjung Cardiff deposited that cash to the account of her father-in-law Gerald
22 Cardiff, which was then almost immediately dissipated on credit card debt. *See*
23 Declaration of Anita Jen (“Jen Declaration”), ¶¶3-4; Exh. 1.

24 Cash is an Asset.

25 This use of cash in the possession of, or controlled by, Jason and Eunjung
26 Cardiff is prohibited by this Court’s orders. *See* PI ¶¶ A & M (defining
27 “Receivership Property” as, among other things, any “Asset” – *i.e.*, any “legal or
28 equitable interest in . . . any property, wherever located and by whomever held” (*Id.*

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1 at 7:17-18). – held for the benefit of, among others, Jason Cardiff); *Id.* at 9:11-19).

2 The asset freeze in the PI covers all Assets, including cash, "owned or
3 controlled by, directly or indirectly" by the Cardiffs. *Id.* at 15:23-26. The Receiver
4 has been appointed over all such Assets owned, or controlled by, or held by, the
5 Cardiffs (*Id.* at 22:9-21). Possession of such cash is to be held by the Receiver (*Id.*
6 at 23:1-4) and the Cardiffs have been ordered to transfer all such cash and other
7 Assets to the Receiver (*Id.* at 29:13-25).

8 **Court Order to Give Notice of Non-Compliance.**

9 The Receiver has been ordered by the Court at various times to perform
10 various tasks, including as set forth with particularity in that certain *Ex Parte*
11 Temporary Restraining Order With Asset Freeze, Appointment Of A Temporary
12 Receiver, And Other Equitable Relief, And Order To Show Cause Why A
13 Preliminary Injunction Should Not Issue, issued by this Court on October 10, 2018
14 (“Receivership Order”). The Receivership Order directs that, if the Receiver
15 discovers that anyone is failing to comply with the Receivership Order, the Receiver
16 may, among other things, file with the Court the Receiver’s Affidavit of Non-
17 Compliance. *See* Receivership Order, Section XVII, “Transfer of Receivership
18 Property to the Receiver,” page 27, lines 9-12.

19 The issued Preliminary Injunction With Asset Freeze, Receiver, and Other
20 Equitable Relief Against Jason Cardiff and Eunjung Cardiff, issued, November 8,
21 2018 (Dkt. 59) continues in effect these requirements and powers. *See* PI, Section
22 XVII, “Transfer of Receivership Property to the Receiver,” page 30, lines 15-18.
23 Additionally, under Section XV of the PI, the Receiver is ordered to control all
24 assets held by any entity that is directly or indirectly owned or controlled by Jason
25 and/or Eunjung Cardiff. *See* PI, Section XV, “Continuation of the Receivership,”
26 page 22, lines 8-21.

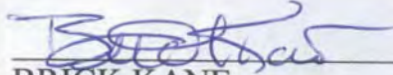
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DATED: April 30, 2020

ROBB EVANS & ASSOCIATES LLC
Acting in its capacity as the duly appointed
receiver

By: 
BRICK KANE
President

DECLARATION OF ANITA JEN

I, Anita Jen, declare:

1. I am the Chief Financial Officer of Robb Evans & Associates LLC, the receiver (“Receiver”) duly appointed by the United States District Court in this matter. I am a Certified Public Accountant and have been employed by Robb Evans & Associates LLC for over 23 years. I have personal knowledge of the matters set forth in this declaration, and could and would testify competently if called upon to do so in this matter.

2. The Receiver has made demand from time to time on various financial institutions which the Receiver has determined were or are holding, or likely were holding, financial assets that the Receiver is to administer under the terms of the various orders issued by this Court. One such institution is the First City Credit Union ("First City") of Los Angeles, California.

3. Earlier in April 2020, First City reported to the Receiver activity in account number XXXXXXXX057 ("Account"), held in the name of Gerald Cardiff, an individual known to the Receiver as the father of Jason Cardiff, and the father-in-law of Eunjung Cardiff. The Receiver has focused on First City and on the Account because of substantial amounts of money being run through the Account that appear to be being used to pay expenses of Jason and Eunjung Cardiff. The Account and First City are referenced in the order of this Court dated March 31, 2020 (Dkt. 315) as part of the second contempt finding by this Court against Jason and Eunjung Cardiff.

4. In particular, as reflected in Exhibits 1 and 2 hereto, being Affidavits from First City authenticating an April 2020 statement for the Account, and teller photos, showing a woman that the Receiver and I have identified as, and believe to be, Eunjung Cardiff depositing cash in the sum of \$4,500.00 into the Account, which cash was almost immediately dissipated by payments made on credit cards as shown on the Account statement. The Receiver previously has had face-to-face

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1 contact with Eunjung Cardiff and holds her passport, under prior orders of the
2 Court.

3 I declare under penalty of perjury under the laws of the State of California
4 and of the United States of America that the foregoing is true and correct, that the
5 matters stated herein as my belief and opinion are truly believed by me, and that this
6 declaration was executed on this 30 day of April, 2020, at Monterey Park
7 California.

8
9
10 
11 Anita Jen

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EXHIBIT 1



PO Box 86008
Los Angeles, CA 90086-0008
213-482-3477

AFFADAVIT

RE: FTC v. Jason Cardiff CASE: 5:18-cv-02104-SJO (C.D. Cal.)

I, the undersigned, am the duly authorized custodian of records of First City Credit Union, with the authority to certify said records, and do hereby declare the following:

1. That the copy of the records attached to this Affidavit, described as:
Copies are a true copy of all the records described in the subpoena 14 pages in length, that we are authorized by law to release under subpoena; and
2. That the records were prepared by employees of First City Credit Union, in the ordinary course of business, at or near the time of the act, condition, or event, for specific purposes of the business itself; and
3. That the records are accurate, reliable and trustworthy, and that we at First City Credit Union rely on said records to conduct our business; and
4. That I am familiar with the method and mode of preparing and maintaining business records at First City Credit Union, and am familiar with how to retrieve said records; and
5. That the records attached to this affidavit were prepared in the following manner; producing copy of ID, membership application and statements

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 16, 2019 Los Angeles, California.

Signature: _____

A handwritten signature in black ink, appearing to read 'Cathy Nguyen', written over a horizontal line.

Name: Cathy Nguyen

Title: Internal Services Specialist II

First City Credit Union
 Internal Services
 717 W Temple St
 800-944-2200

(MINI-STATEMENT)

GERALD TOT CARDIFF 650 HARRISON AVE CLAREMONT CA 91711	ACCOUNT: XXXXXXX057	PERIOD: 04/01/20 TO 04/15/20
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PRIMARY SAVINGS ID:01				
EFFECT	POST	TRANSACTION DESCRIPTION	AMOUNT	NEW BALANCE
04/01/20		ID 01 - Primary Savings Balance Forward		5.00
04/15/20		Ending Balance		5.00
FREE CHECKING ID:02				
EFFECT	POST	TRANSACTION DESCRIPTION	AMOUNT	NEW BALANCE
04/01/20		ID 02 - Free Checking Balance Forward		139.41
04/13/20	04/13/20	WITHDRAWAL FEE OVERDRAWN ACH IN THE AMOUNT \$418.57 CAPITAL ONE	- 31.00	108.41
04/13/20	04/13/20	WITHDRAWAL FEE OVERDRAWN ACH IN THE AMOUNT \$1,000.00 BARCLAYCARD US	- 31.00	77.41
04/13/20	04/13/20	WITHDRAWAL FEE OVERDRAWN ACH IN THE AMOUNT \$1,500.00 BARCLAYCARD US	- 31.00	46.41
04/13/20	04/13/20	DEPOSIT DEPOSIT DROP OFF	4,500.00	4,546.41
04/14/20	04/14/20	WITHDRAWAL ACH DISCOVER TYPE: E-PAYMENT CO: DISCOVER	- 1,500.00	3,046.41
04/15/20	04/15/20	WITHDRAWAL ACH CAPITAL ONE TYPE: ONLINE PMT CO: CAPITAL ONE	- 418.57	2,627.84
04/15/20	04/15/20	WITHDRAWAL ACH BARCLAYCARD US TYPE: RETRY PYMT CO: BARCLAYCARD US	- 1,000.00	1,627.84
04/15/20	04/15/20	WITHDRAWAL ACH BARCLAYCARD US TYPE: RETRY PYMT CO: BARCLAYCARD US	- 1,500.00	127.84
04/15/20		Ending Balance		127.84



PO Box 88008
Los Angeles, CA 90086-0008
800-944-2200
www.firstcitycu.org

Account xxxxxxxx57 CARDIFF, GERALD T
Eff: 04/13/20 Post: 04/13/20 Tr: 0247

Deposit to FREE CHECKING 02	
Principal:	4,500.00
Interest:	0.00
Fees:	0.00
Balance:	
Amount:	4,500.00
Sequence:	#403717

FREE CHECKING 02
DEPOSIT DROP OFF

Cash Received	4,500.00
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Authorized by:

Thank you for giving us the opportunity to serve you. We know you have a lot of choices. Thank you for choosing First City Credit Union.

	\$100	\$50	\$20	\$10	\$5	\$2	\$1	Coins	Total
\$ OUT:									\$0.00
\$ IN:	45								\$4,500.00

EXHIBIT 2



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Los Angeles, CA 90086-0008
213-482-3477

AFFADAVIT

RE: FTC v. Jason Cardiff CASE: 5:18-cv-02104-DMG (C.D. Cal.)

I, the undersigned, am the duly authorized custodian of records of First City Credit Union, with the authority to certify said records, and do hereby declare the following:

1. That the copy of the records attached to this Affidavit, described as:
Copies are a true copy of all the records described in the subpoena 2 pages in length, that we are authorized by law to release under subpoena; and
2. That the records were prepared by employees of First City Credit Union, in the ordinary course of business, at or near the time of the act, condition, or event, for specific purposes of the business itself; and
3. That the records are accurate, reliable and trustworthy, and that we at First City Credit Union rely on said records to conduct our business; and
4. That I am familiar with the method and mode of preparing and maintaining business records at First City Credit Union, and am familiar with how to retrieve said records; and
5. That the records attached to this affidavit were prepared in the following manner; producing copy of ID, membership application and statements

I declare under penalty of perjury that the foregoing is true and correct.

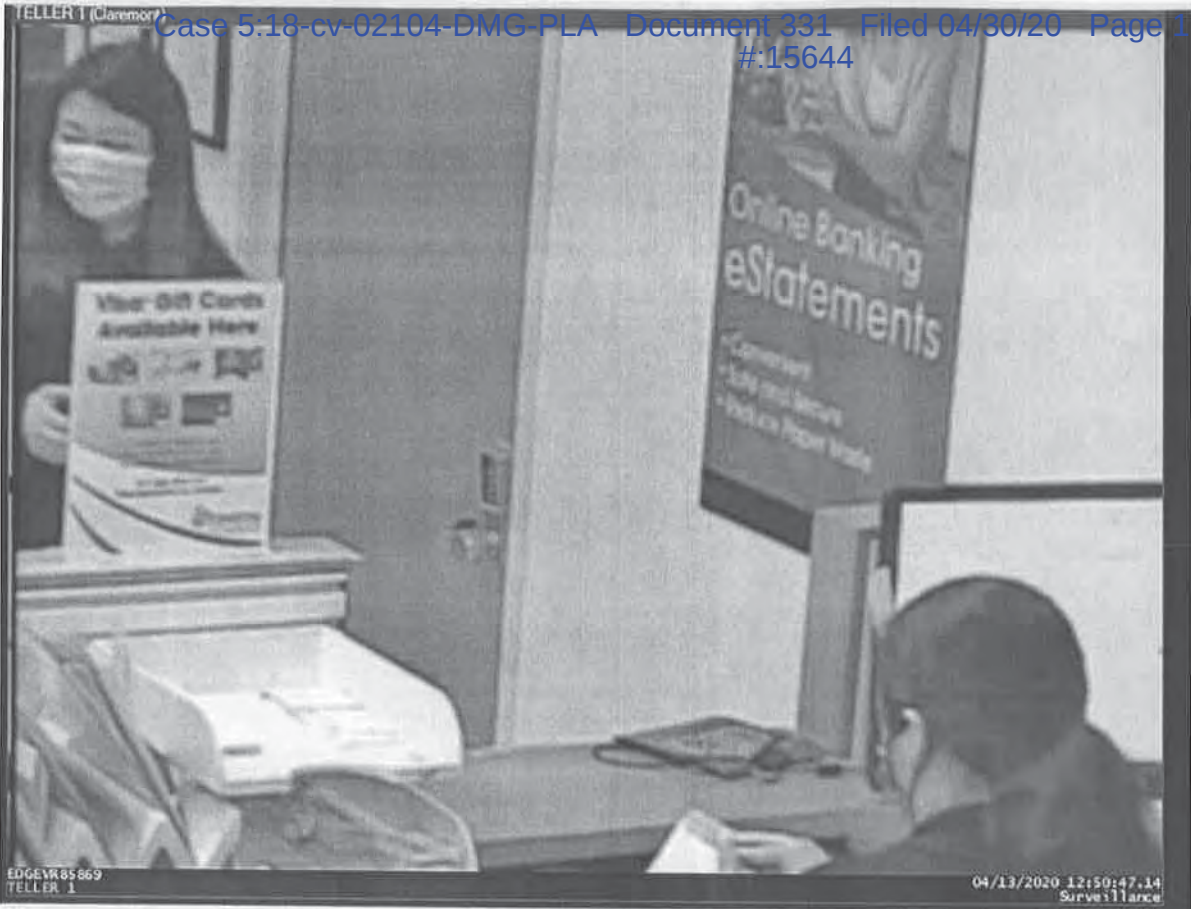
Executed on April 22, 2019 Los Angeles, California.

Signature: _____

A handwritten signature in blue ink, appearing to read "Cathy Nguyen", written over a horizontal line.

Name: Cathy Nguyen

Title: Internal Services Specialist II



EDGEVR85869
TELLER 1
04/13/2020 12:50:47.14
Surveillance

Rate: x1 12:50:47.10 End: 22:50:44.56

