

**ROBB EVANS & ASSOCIATES LLC**

**Receiver of the Assets of**

**DebtWorks, Inc., and**

**Andris Pukke**

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**Federal Trade Commission v. Ameridebt, Inc., et al.  
CASE No. PJM 03-3317 (06-mc-12)**

**Memorandum and Order Re:  
The Court's Consideration of the Non-Parties Objection to Magistrate  
Day's Order Dated October 12, 2006 and their Motion to Reconsider,  
Modify or Set Aside and the Receiver's Opposition Thereto**

**Filed December 4, 2006**

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

PETER J. MESSITTE  
UNITED STATES DISTRICT JUDGE

6500 CHERRYWOOD LANE  
GREENBELT, MARYLAND 20770  
301-344-0632

MEMORANDUM

TO: Counsel of Record

FROM: Judge Peter J. Messitte

RE: FTC v. Ameridebt, et al  
Civil Case No. 06-mc-12

DATE: December 4, 2006

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The Court considers the Non-Parties' Objection to Magistrate Day's Order Dated October 12, 2006 and their Motion to Reconsider, Modify or Set Aside [Paper No. 48] and the Receiver's Opposition thereto.

In reviewing a Magistrate Judge's ruling on a non-dispositive motion, this Court may set aside the ruling only "where it has been shown that [it] is clearly erroneous or contrary to law." *Neighborhood Dev. Collaborative v. Murphy*, 233 F.R.D. 436, 438 (D. Md. 2005). The Non-Party Objectors here have failed to show such error here.

The Court is satisfied with the Receiver's showing that there appear to be substantial financial ties between Non-Party John Vipulis and Defendant Andris Pukke, especially in light of Pukke's extensive practice of involving friends in his financial transactions and the documentation the Receiver has accumulated regarding the connection of both Pukke and Vipulis with Internet gaming. The subpoena issued by the Receiver constitutes a reasonable exercise of the Receiver's power and is neither overbroad nor unduly burdensome, given Judge Day's order that the Receiver must be prepared to pay up to \$1,000 in costs. Moreover, the protective order created by Judge Day will sufficiently protect the interests of both Non-Parties Vipulis and Rachlin Cohen & Holtz, L.L.P. in maintaining the confidentiality of sensitive records.

**For the reasons set forth in Magistrate Judge Day's eighteen-page Memorandum Opinion (which the Court adopts as its own), the Non-Parties' Objection [Paper No. 48] is OVERRULED. To the extent the Motion seeks reconsideration or modification of Judge Day's Order, the Motion is DENIED.**

On the other hand, the Court finds that Judge Day has unnecessarily limited the Receiver's subpoena to only records dating from May 17, 2002. That date was established in the Preliminary Injunction Order only in connection with an affirmative obligation by Pukke to make certain disclosures but was not otherwise intended to restrict the Receiver's powers to investigate Pukke's

assets. In the Court's view, the Receiver has demonstrated a need for older documents, which very well may lead to the disclosure of assets hidden by Pukke. To that extent, the Court finds the Magistrate Judge's decision clearly erroneous.

**Accordingly, Judge's Day's order is AFFIRMED in all respects, EXCEPT that the Receiver's power to obtain documents shall not be limited to the period from May 12, 2002 to the present. Instead, the Receiver shall be entitled to subpoena documents from January 1, 1997 to the present.**

**The Stay of Magistrate Judge Day's Order entered on November 20, 2006 is hereby VACATED.**

**This matter being separate from the underlying case, the Clerk is DIRECTED to CLOSE 06-mc-12.**

Despite the informal nature of this ruling, it shall constitute an Order of Court and the Clerk is directed to docket it accordingly.

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/s/  
PETER J. MESSITTE  
UNITED STATES DISTRICT JUDGE