

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

FEDERAL TRADE COMMISSION; and  
STATE OF FLORIDA, OFFICE OF THE  
ATTORNEY GENERAL, DEPARTMENT  
OF LEGAL AFFAIRS,

Plaintiffs,

vs.

Case No. 6:13-cv-789-Orl-37DAB

VACATION COMMUNICATIONS  
GROUP, LLC, a Nevada limited liability  
company; GARDNER CLINE L.L.C., a  
Florida limited liability company;  
SHELDON LEE COHEN, individually  
and as an owner, officer, or manager of  
Vacation Communications Group, LLC,  
and d/b/a Universal Timeshare Sales  
Associates and M.G.M. Universal  
Timeshares; MARK RUSSELL  
GARDNER, individually and as  
manager/member of Gardner Cline  
L.L.C.; and TAMMIE LYNN CLINE,  
individually and as manager/member of  
Gardner Cline L.L.C.,

Defendants.

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**ORDER**

This cause is before the Court on the Receiver's Motion for Contempt Against Defendant Sheldon Lee Cohen for Failing to Comply with this Court's Order and Preliminary Injunction (Doc. 50), filed July 2, 2013. The Court construes this motion as a motion for an order to show cause why Defendant Cohen should not be held in civil contempt. *See, e.g., Newman v. State of Alabama*, 683 F.2d 1312, 1318 (11th Cir. 1982) (noting that the traditional equitable remedy for enforcing an injunction is for an aggrieved party to move for the initiation of contempt proceedings by issuance of an

order to show cause). This motion must identify the provision of the injunction that aggrieved party wishes to be enforced, allege that the enjoined party has failed to comply with such provision, and seek, based on these representations, an order directing the enjoined party to show cause why he should not be adjudged in contempt and sanctioned. *Wyatt v. Fetner*, 92 F.3d 1074, 1078 n.8 (11th Cir. 1996). If the court is satisfied that the plaintiff has made out a case for an order to show cause, it issues such an order to initiate contempt proceedings. *Id.*

The Court entered a preliminary injunction on June 6, 2013, enjoining Cohen from engaging in certain activities and mandating that he perform certain activities. (Doc. 27.) The Receiver contends that Cohen has failed to perform the acts required under sections XIII.A through XIII.D of the preliminary injunction. (Doc. 50). The Court finds that the Receiver has established a *prima facie* case of civil contempt and, accordingly, the motion is **GRANTED** as construed herein.

**IT IS ORDERED** that a hearing will be held on September 6, 2013, at 9:00 a.m., before the undersigned U.S District Judge in Courtroom 4A of the U.S. Courthouse, 401 West Central Boulevard, Orlando, Florida 32801, at which Defendant Sheldon Lee Cohen shall show cause why he should not be held in civil contempt for failure to comply with the requirements of sections XIII.A through XIII.D of the June 6, 2013 Preliminary Injunction (Doc. 27).

**IT IS FURTHER ORDERED** that on or before August 23, 2013, Cohen shall serve on the Receiver any documentary evidence on which he will rely at the hearing and, if he intends to present live testimony, a witness list including the name, address, and telephone number of each witness, along with a brief summary of the witness's anticipated testimony.

**IT IS FURTHER ORDERED** that on or before August 23, 2013, the Receiver shall serve on Cohen by overnight delivery to Cohen's residence in Sanford, Florida, by overnight delivery to Cohen's address in Santo Domingo, Dominican Republic, by overnight delivery to the agent designated to accept service of process on behalf of Defendant Vacation Communications Group, LLC, by overnight delivery to Wilfredo Bello, and by electronic mail to each and every email address associated with Cohen, any documentary evidence on which he will rely at the hearing and, if he intends to present live testimony, a witness list including the name, address, and telephone number of each witness, along with a brief summary of the witness's anticipated testimony.

**IT IS FURTHER ORDERED** that the Clerk shall send Cohen a copy of this Order by first class mail to Cohen's residence in Sanford, Florida. The receiver shall attempt to inform Cohen by email, telephone, and all other means necessary of this Order and its contents. The Receiver shall file a notice of compliance, supported by an affidavit or declaration, with the Clerk.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on July 15, 2013.

  
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ROY B. DALTON JR.  
United States District Judge

Copies:  
Counsel of Record