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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

TRANSFIRST GROUP, INC., *et al.*,

Plaintiffs,

v.

DOMINIC J. MAGLIARDITI, *et al.*,

Defendants.

Case No. 2:17-cv-00487-APG-VCF

**(1) ORDER GRANTING THE
EMERGENCY MOTION TO
SUPPLEMENT THE
PRELIMINARY INJUNCTION AND
(2) ORDER TO SHOW CAUSE
WHY A RECEIVER SHOULD NOT
BE APPOINTED AND FURTHER
CONTEMPT SANCTIONS
SHOULD NOT ISSUE**

(ECF No. 192)

Plaintiffs TransFirst Group, Inc., TransFirst Third Party Sales, LLC, and Payment Resources International, LLC (“TransFirst”) move for a supplement to the preliminary injunction I previously entered. I grant TransFirst’s motion and enter this Supplement to the Preliminary Injunction dated May 25, 2017 (ECF No. 109). In granting the preliminary injunction, I found that: (1) TransFirst is likely to succeed on the merits of its claims; (2) TransFirst is likely to be irreparably harmed in the absence of an injunction; (3) the balance of hardships favors TransFirst; and (4) an injunction supports the public interest. These factors continue to support a preliminary injunction. Additionally, based on the evidence presented in TransFirst’s new motion (ECF No. 192), there is good cause to clarify that the preliminary injunction applies to Alernik LLC and the property located at 954 Rembrandt Drive, Laguna Beach, California.

I HEREBY ORDER:

1. Alernik LLC is bound by the terms of the May 25, 2017 injunction. Alernik LLC is enjoined from, directly or indirectly (1) transferring, concealing, withdrawing, or otherwise disposing of any assets, property, or funds that it controls or possesses; (2) opening or closing accounts; (3) opening or accessing safe deposit boxes or rental storage units; and (4) opening or creating any new entities or trusts without prior approval of the Court.

1 2. Alernik LLC is specifically enjoined from selling, listing for sale, transferring, or
2 otherwise disposing of the real property located at 954 Rembrandt Drive, Laguna Beach,
3 California.

4 3. Francine Magliarditi shall immediately serve a copy of this order on the broker listing
5 the subject property for sale (believed to be Cynthia Ambuehl at "The Agency") by email and
6 registered mail. Francine Magliarditi shall file proof of service with this court within five days of
7 this order. The plaintiffs are authorized to serve this order on the broker as well, if they deem it
8 necessary.

9 4. The plaintiffs are authorized to notify financial institutions, real estate brokers, and
10 other persons who may control or possess property, funds, and assets belonging to, or held for the
11 benefit of, Alernik LLC of the existence of this preliminary injunction, so that plaintiffs can
12 obtain an honest accounting of Alernik LLC's property and the value thereof.

13 IT IS FURTHER ORDERED that TransFirst shall provide the name and résumé of the
14 proposed limited purpose receiver over the property located at 954 Rembrandt Drive, Laguna
15 Beach, California on or before 12:00 p.m. (PST) on Thursday, June 7, 2018. TransFirst shall also
16 lodge with the court a proposed order appointing that receiver for the property.

17 IT IS FURTHER ORDERED that Francine Magliarditi is ordered to show cause why a
18 receiver should not be appointed over all of her assets, including the entities she controls, and
19 why other contempt sanctions should not issue for her repeated violations of this Court's orders.
20 The show cause hearing will be held on Monday, July 2, 2018 at 3:00 p.m. in courtroom 6C in
21 Las Vegas. **Francine Magliarditi shall appear in person for the hearing.**

22 DATED this 5th day of June, 2018.

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25 ANDREW P. GORDON
26 UNITED STATES DISTRICT JUDGE
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