

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.: 1:14-cv-23109-SCOLA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

PARTNERS IN HEALTH CARE
ASSOCIATION, INC., *et al.*,

Defendants.

RECEIVER'S RESPONSE IN OPPOSITION TO REQUEST FOR HEARING

Peter D. Russin, in his capacity as receiver (the "**Receiver**") of Partners in Health Care Association, Inc.; United Solutions Group Inc.; and their subsidiaries, affiliates, successors and assigns (collectively the "**Receivership Entities**") files this response to Grumer & Macaluso, P.A. and Gary Kieper's (the "**Respondents**") Request for Hearing [ECF No. 54] (the "**Request**") on the Motion for Turnover [ECF No. 46] (the "**Motion**")¹ and states:

1. The Request is untimely. Pursuant to LR 7.1, a request for hearing must "accompany" an opposing memorandum. In this case, the Respondents failed to do so.
2. There are no issues of fact. As set forth in the Receiver's reply in support of the Motion (the "**Reply**"), the intent of the Respondents is irrelevant. The clear language of the TRO and the PIHC Injunction, already having been interpreted by this Court, unambiguously provide that the Receiver is entitled to the return of the funds, as set forth in the Motion.

¹ Capitalized terms not defined herein shall have the meaning set forth in the Motion.

3. A hearing will only further waste the resources of the receivership estate, which has incurred significant fees and costs to remedy the Respondents' violation of the TRO. The claimants in this case, through a dilution of their recovery, will be forced to bear the cost of the hearing requested by the Respondents.

4. No hearing is necessary unless this Court deems it appropriate to enter an Order to show cause. The issue is not complex, and it is fully briefed.

5. The Receiver respectfully requests this Court deny the Request, grant the Motion, and enter such other and further relief as is just and appropriate.

s/ Lawrence E. Pecan
Lawrence E. Pecan, Esquire
Florida Bar No. 99086
lpecan@melandrussin.com
MELAND RUSSIN & BUDWICK, P.A.
200 South Biscayne Blvd., Ste. 3200
Miami, Florida 33131
Telephone: (305) 358-6363
Telecopy: (305) 358-1221
Attorneys for Peter D. Russin, Receiver

CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2014, the foregoing is being delivered to the following parties via transmission of Notices of Electronic Filing.

s/ Lawrence E. Pecan
Lawrence E. Pecan, Esquire

Gary L. Ivens Federal Trade Commission 600 Pennsylvania Avenue NW Washington, DC 20580 202-326-2230 Fax: 326-3395 Email: givens@ftc.gov	Christopher E. Brown U.S. Federal Trade Commission 600 Pennsylvania Ave NW Mail Stop CC-8509 Washington, DC 20580 202-326-2825 Email: cbrown3@ftc.gov
Keith Thomas Grumer Grumer & Macaluso PA 1 East Broward Boulevard Suite 1501 Fort Lauderdale, FL 33301 954-713-2700 Fax: 954-713-2713 Email: kgrumer@grumerlaw.com	Bruce S. Rogow Bruce S. Rogow PA 500 East Broward Boulevard Suite 1930 Fort Lauderdale, FL 33394 954-767-8909 Fax: 954-764-1530 Email: brogow@rogowlaw.com
Tara A. Campion Bruce S. Rogow, P.A. 500 East Broward Blvd. Suite 1930 Fort Lauderdale, FL 33394 (954) 767-8909 Fax: (954) 764-1530 Email: tcampion@rogowlaw.com	