

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

START CONNECTING LLC, d/b/a USA
Student Debt Relief, a Florida limited
liability company;

START CONNECTING SAS, d/b/a USA
Student Debt Relief, a Colombia
corporation;

DOUGLAS R. GOODMAN, individually
and as an officer of START
CONNECTING LLC;

DORIS E. GALLON-GOODMAN,
individually and as an officer of START
CONNECTING LLC; and

JUAN S. ROJAS, individually and as an
officer of START CONNECTING LLC
and START CONNECTING SAS,

Defendants.

Case No. 8:24-cv-1626-KKM-AAS

FILED UNDER SEAL

**PLAINTIFF'S MOTION TO WAIVE THE TRO'S PERSONAL SERVICE
REQUIREMENT AS TO COLOMBIA-BASED DEFENDANTS
OR, IN THE ALTERNATIVE, FOR AN EXTENSION OF THE
DEADLINE TO EFFECT PERSONAL SERVICE**

Plaintiff Federal Trade Commission (“FTC”) moves this Court to waive the personal service requirement imposed by Section XXIV of its July 11, 2024 Temporary Restraining Order, *see* (Doc. 13 at 43), as to Colombia-based Defendants Start Connecting SAS and Juan S. Rojas (collectively, “Colombian Defendants”), and to deem the Colombian Defendants served for purposes of Federal Rule of Civil Procedure 65. In the alternative, the FTC respectfully requests an extension of the TRO’s July 17, 2024 deadline to accomplish personal service on the Colombian Defendants.

1. Request to Waive the TRO’s Personal Service Requirement

In the *ex parte* TRO issued July 11, 2024, the Court ordered the FTC to personally serve each of the five Defendants with copies of the Order along with the underlying motion and supporting documents by July 17, 2024. *See* (Doc. 13 at 43). The three Florida-based Defendants—Start Connecting LLC, Douglas Goodman, and Doris Gallon-Goodman—were personally served later that day. *See* (Doc. 14–16) (returns of service); (Doc. 17) (certifying compliance as to the three domestic Defendants).

The FTC has not yet accomplished personal service on the two Colombian Defendants because the logistics of securing a process server in Colombia are significantly more complex, but the FTC and Court-appointed Receiver provided the Colombian Defendants with actual notice of the TRO the same day it was entered. Specifically, on July 11, 2024, FTC staff sent a

copy of the TRO and all accompanying filings to the Colombian Defendants by way of several email addresses associated with Defendant Rojas.¹ Around the same time, the Court-appointed Receiver separately caused copies of the TRO to be emailed to Rojas. The Receiver and his investigator then had a lengthy phone call with Rojas, during which Rojas verbally confirmed that he had received the filings via email. Rojas later reaffirmed his actual notice of the TRO when, on July 16, 2024, he responded to an email from FTC staff stating that he “will fully cooperate with anything you need as soon as I get a chance to speak with an attorney as it is our right.” *See* Declaration of D’Laney Gielow (“Gielow Decl.”), ¶ 2 (summarizing evidence of actual notice).

Separate and apart from providing the Colombian Defendants with actual notice of the TRO, the FTC has engaged in ongoing efforts to secure a process server in Colombia. *See generally id.*, ¶ 3 (summarizing FTC efforts to effect personal service on Colombian Defendants). FTC staff is working with the U.S. Department of Justice’s Office of Foreign Litigation to retain local counsel in Colombia who can hire a process server there. FTC staff has also sent inquiries to Colombia’s consumer protection agency, the Superintendence of Industry and Commerce of the Republic of Colombia, to solicit its help in effecting personal service as part of a recently implemented

¹ Defendant Rojas holds himself out as the chief executive officer of Defendant Start Connecting SAS and, upon information and belief, is authorized to accept service on the company’s behalf.

Multilateral Memorandum of Understanding between the FTC and various Latin American consumer protection authorities.² Despite these efforts, it is clear that the FTC will be unable to secure a Colombian process server in time to meet the Court's July 17, 2024 personal service deadline.³

In light of the unambiguous evidence that the Colombian Defendants have actual notice of the TRO, the FTC now seeks waiver of the TRO's personal service requirement. By virtue of having actual notice, the Colombian Defendants are fully bound by the TRO's terms. *See* Fed. R. Civ. P. 65(d)(2) ("actual notice" can be obtained by "personal service or otherwise"). Moreover, formal service is not necessary at this juncture because, "pursuant to Federal Rule of Civil Procedure 65, a party [need only] have notice of the motion and hearing; perfecting service on a defendant is not a prerequisite to the entry of a preliminary injunction order." *FTC v. Centro Nat. Corp.*, 2015 WL 12533137, at *2 (S.D. Fla. Jan. 26, 2015)

² *See* Multilateral Memorandum of Understanding on Enforcement Cooperation Among the National Consumer Protection Authorities of Chile, Colombia, Mexico, Peru and the Federal Trade Commission of the United States of America (Sept. 2023), https://www.ftc.gov/system/files/ftc_gov/pdf/p082400ftcchilecolombiamexicoperuconsumerprotectionmouenglish.pdf.

³ As a further supplement to its efforts to effect service, the FTC has submitted copies of the complaint and summonses to Colombia's Central Authority for formal service under Article 5 of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents ("Hague Convention"), to which Colombia is a signatory. Although often a months-long process, service under Article 5 of the Hague Convention satisfies Rule 4 and is a means by which the FTC can perfect service on the Colombian Defendants. *See* Fed. R. Civ. P. 4(f)(1); *see also* Gielow Decl., ¶ 4.

(citation and quotation marks omitted); *see also Corrigan Dispatch Co. v. Casa Guzman, S.A.*, 569 F.2d 300, 302 (5th Cir. 1978) (“Rule 65(a) does not require service of process” but rather “notice to the adverse party”);⁴ *H-D Mich., LLC v. Hellenic Duty Free Shops S.A.*, 694 F.3d 827, 842 (7th Cir. 2012) (upholding Rule 65 injunctive relief over foreign party not yet properly served “because formal service of process under the Hague Convention or other provisions of law can take months”); *Whirlpool Corp. v. Shenzhen Sanlida Elec. Tech. Co.*, 80 F.4th 536, 542–43 (5th Cir. 2023) (same). Because Rule 65 expressly requires only notice of the TRO, not personal service of process, and because the Colombian Defendants have actual notice, the FTC respectfully moves this Court to waive the TRO’s personal service requirement as to those Defendants.

2. Request in the Alternative for an Extension of Time to Serve

In the alternative, the FTC requests an extension of the TRO’s July 17, 2024 deadline to personally serve the Colombian Defendants. As noted above, the FTC is diligently pursuing multiple avenues in its effort to effect personal service in Colombia. If the Court opts to retain the personal service requirement, the FTC respectfully requests at least a 60-day extension of the

⁴ Decisions of the Fifth Circuit rendered before October 1, 1981, are binding precedent in the Eleventh Circuit. *See Bonner v. City of Pritchard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc).

service deadline. *Cf.* Fed. R. Civ. P. 4(m) (Rule 4(m)'s 90-day timeframe to accomplish service does not apply to "service in a foreign country").

Respectfully submitted,

Dated: July 17, 2024

/s/ Nathan H. Nash
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FEDERAL TRADE COMMISSION

LOCAL RULE 3.01(g) CERTIFICATION

Pursuant to Local Rule 3.01(g), I hereby certify that FTC staff attempted to confer in good faith with Defendant Juan Rojas by (1) emailing him on July 16, 2024 to ask for his position on this motion; and (2) calling him on July 16, 2024 and July 17, 2024. He did not answer those calls, and there was no option to leave a voicemail. To date, Defendant Rojas has not indicated a position on this motion. The FTC will attempt to contact Defendant Rojas for a third time on July 18, 2024, and, if able to make contact and ascertain Defendant Rojas's position, will promptly file a supplement in accordance with Local Rule 3.01(g)(3).

/s/ Nathan H. Nash
Attorney for Plaintiff FTC

CERTIFICATE OF SERVICE

I certify that, on or about July 17, 2024, I caused a copy of this motion to be sent to the following parties:

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/s/ Nathan H. Nash
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