

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 14-cv-80468-MIDDLEBROOKS

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

JCS ENTERPRISES, INC. d/b/a JCS
ENTERPRISES SERVICES, INC., T.B.T.I., INC.,
JOSEPH SIGMORE, and PAUL L. SCHUMACK, II,

Defendants.

ORDER ON RECEIVER'S MOTION FOR REAPPOINTMENT

THIS CAUSE comes before the Court upon the Receiver's Motion for Reappointment [DE 132] ("Motion"), filed November 3, 2014. Responses to the Motion were due November 20, 2014, but as of this date, no response has been filed. In the Motion, the Receiver states that his investigation has revealed that he:

will likely need to initiate actions in federal districts where property may be located, but where he did not initially file a copy of the SEC's Complaint along with a certified copy of the Receivership Order in accordance with 28 U.S.C. §754. Within the first ten (10) days of the Receivership, the Receiver was unaware of property located in such districts.

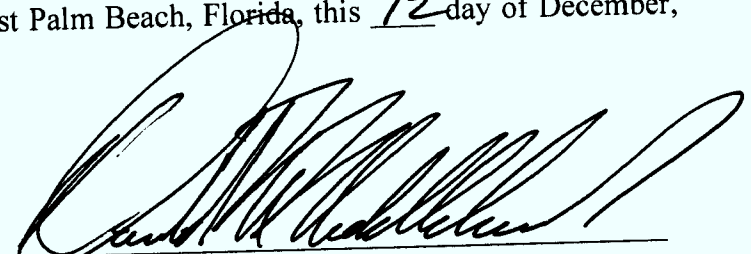
[DE 132 at ¶ 6]. In order to invoke personal jurisdiction over defendants residing outside of this district, the Receiver must file a copy of the Complaint and the order appointing the Receiver in districts in which the receivership property is located within ten (10) days from the date of the order appointing a receiver. *S.E.C. v. Bilzerian*, 378 F.3d 1100, 1103 (D.C. Cir. 2004) (citing 28 U.S.C. § 754; 28 U.S.C. § 1692). *See also S.E.C. v. Vision Communications, Inc.*, 74 F.3d 287, 291 (D.C. Cir. 1996) ("[T]he court may reappoint the receiver and start the ten-day clock of § 754 ticking once again. Presumably, the receiver will take advantage of his second chance to

comply with § 754 and promptly file the necessary papers in Pennsylvania. Once he does so, the receiver will have jurisdiction over the Pennsylvania property and may seek to have Vista Vision served in Pennsylvania under 28 U.S.C. § 1692.”). Thus, the Receiver seeks reappointment so that he “may file the requisite documents in additional federal districts.” [DE 132 at ¶ 7].

Having considered the Motion and the record in this case, it is hereby

ORDERED AND ADJUDGED that the Receiver’s Motion for Reappointment [DE 132] is **GRANTED**.

SO ORDERED in Chambers at West Palm Beach, Florida, this 12 day of December, 2014.



DONALD M. MIDDLEBROOKS
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of Record