

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 04-60573-CIV-MORENO

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

MUTUAL BENEFITS CORPORATION, *et al.*,

Defendants,

VIATICAL BENEFACTORS, LLC, *et al.*,

Relief Defendants.

**RECEIVER'S MOTION FOR ENTRY OF FINAL
GARNISHMENT JUDGMENT AGAINST CERTAIN GARNISHEES**

Plaintiff Roberto Martínez, as court-appointed Receiver (the "Receiver") for Mutual Benefits Corporation, Viatical Benefactors, LLC, Viatical Services, Inc., and Anthony Livoti, Jr. and Anthony Livoti, Jr., P.A. solely in their capacity as Trustee, move the Court, pursuant to Rule 69(a) of the Federal Rules of Civil Procedure and pursuant to Florida Statutes § 77.083, for the entry of Final Garnishment Judgment against certain garnishees to aid in the execution of the final judgments against defendants Steven K. Steiner, SKS Consulting, Inc. ("SKS") and Camden Consulting, Inc. ("Camden"), and states as follows:

1. On April 10, 2007, this Court entered a Final Judgment of Permanent Injunction and Other Relief as to Defendant Steven K. Steiner and Relief Defendants Camden Consulting, Inc. and SKS Consulting, Inc. [D.E. 1872]. Pursuant to that Final Judgment, Steven K. Steiner, SKS and Camden (the "Steiner Defendants") were required to pay a total of \$3,925,000 in disgorgement and pre-judgment interest. The Steven Steiner Defendants were ordered to satisfy

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their disgorgement and pre-judgment interest obligation by paying \$750,000 to the Receiver within 10 days of the entry of the Final Judgment, and “[a] second payment of \$3,175,000 shall be paid to the Receiver within one year of entry of the Final Judgment” (with post-judgment interest accruing pursuant to 17 C.F.R. § 201.600(b) from the date of entry of the Final Judgment).

2. The Steven Steiner Defendants paid the first installment of \$750,000 as required by the Final Judgment (albeit late). The Final Judgment was entered on April 10, 2007, so the second installment was due no later than April 10, 2008. That date has come and gone, and the Steven Steiner defendants have not paid any portion of the amount that remains due, and have not responded to a demand letter sent to Steven K. Steiner’s residence. Accordingly, the Steven Steiner Defendants presently owe \$3,175,000 plus post-judgment interest running from April 10, 2007.

3. Rule 69(a) of the Federal Rules of Procedure provides that “[t]he procedure on execution, in proceedings supplementary to and in aid of a judgment, and in proceedings on and in aid of execution shall be in accordance with the practice and procedure of the state in which the district court is held” This motion is thus based on Florida Statutes § 77.03, which provides that “[a]fter judgment has been obtained against defendant but before the writ of garnishment is issued, the plaintiff, the plaintiff’s agent or attorney, shall file a motion (which shall not be verified or negative defendant’s exemptions) stating the amount of the judgment and that movant does not believe that defendant has in his or her possession visible property on which a levy can be made sufficient to satisfy the judgment.”

4. The Receiver and the Commission moved for the issuance of writs of garnishment on a number of financial institutions that had in the past held funds in the name of Steven K.

Steiner, SKS or Camden [D.E. 2094].

5. As a result of the issuance of these writs of garnishment, the following financial institutions answered the writs of garnishment and reported having the following amounts in their possession belonging to Steiner, SKS or Camden: (a) E*Trade Brokerage Services, Inc., who reported being indebted to Steven Steiner and Henry Fecker in the amount of \$49,956.08 as of June 18, 2008; (b) SunTrust Bank, who reported being indebted to Steven Steiner in the amount of \$383.42 as of June 13, 2008; and (c) Morgan Stanley & Co. Inc., who reported being indebted to Steven Steiner in the amount of \$146.00 as of June 16, 2008.

6. Neither Steiner nor any other person has moved to dissolve the writs of garnishment. Accordingly, the Receiver is seeking entry of Final Garnishment Judgment against these garnishees so that the Receiver may obtain custody of these funds from the respective financial institutions.

WHEREFORE, the Receiver respectfully requests entry of the attached proposed Final Garnishment Judgment.

Respectfully submitted,

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CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was served via CM/ECF to all counsel of record and was sent via e-mail to the parties on the attached Receiver's Service List in *SEC v. Mutual Benefits Corp. et al*, Case No. 04-60573-Civ-Moreno, on this 3rd day of October 2008.

s/ Curtis B. Miner

Curtis B. Miner

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SERVICE LIST OF RECEIVER

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