

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 15-80446-CIV-COHN/SELTZER

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

ECAREER HOLDINGS, INC., ECAREER,  
INC., JOSEPH J. AZZATA, DEAN A.  
ESPOSITO, JOSEPH DEVITO, and  
FREDERICK J. BIRKS,

Defendants,

VIPER ASSET MANAGEMENT, LLC, ESPO  
CONSULTING, LLC, DJC CONSULTING,  
LLC, J & D MARKETING, LLC, GRYPHON  
ASSET MANAGEMENT, LLC, and CARLA  
AZZATA,

Relief Defendants.

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**ORDER GRANTING SEC'S MOTION FOR PRELIMINARY INJUNCTION  
WITH REGARD TO RELIEF DEFENDANT CARLA AZZATA**

**THIS CAUSE** is before the Court upon Plaintiff's Unopposed Motion for an Order of Preliminary Injunction and Other Relief Against Relief Defendant Carla Azzata [DE 34]. The Court has reviewed the Motion, Azzata's consent thereto, and the record in this case, and is otherwise advised in the premises. It is accordingly

**ORDERED AND ADJUDGED** that Plaintiff's Unopposed Motion for an Order of Preliminary Injunction and Other Relief Against Relief Defendant Carla Azzata [DE 34] is **GRANTED** as follows:

I.

**ASSET FREEZE**

Until further Order of the Court:

- A. Relief Defendant Carla Azzata, and her agents, servants, employees, attorneys, depositories, banks, and those persons in active concert or participation with any one or more of them, and each of them, who receive notice of this order by personal service, mail, email, facsimile transmission or otherwise, be and hereby are restrained from, directly or indirectly, transferring, setting off, receiving, changing, selling, pledging, assigning, liquidating or otherwise disposing of, or withdrawing any assets or property, including but not limited to cash, free credit balances, fully paid for securities, personal property, real property, and/or property pledged or hypothecated as collateral for loans, or charging upon or drawing from any lines of credit, owned by, controlled by, or in the possession of, whether jointly or singly, and wherever located; and
- B. Any financial or brokerage institution or other person or entity holding any such funds or other assets, in the name, for the benefit or under the control of Relief Defendant Carla Azzata, directly or indirectly, held jointly or singly, and wherever located, and which receives actual notice of this order by personal service, mail, email, facsimile, or otherwise, shall hold and retain within its control and prohibit the withdrawal, removal, transfer, disposition, pledge, encumbrance, assignment, set off, sale, liquidation, dissipation, concealment, or other disposal of any such funds or other assets.

II.

**SWORN ACCOUNTING**

Within 28 calendar days of the issuance of this Order, Relief Defendant Carla Azzata shall:

- (a) make a sworn accounting to this Court and the Commission of all funds, whether in the form of compensation, commissions, income (including payments for assets, shares or property of any kind), and other benefits (including the provision of services of a personal or mixed business and personal nature), of any kind, received from any other Defendant or Relief Defendant;
- (b) make a sworn accounting to this Court and the Commission of all assets, funds, or other properties, whether real or personal, held by any Defendant or Relief Defendant, jointly or individually, or for his direct or indirect beneficial interest, or over which any of them maintains control, wherever situated, stating the location, value, and disposition of each such asset, fund, and other property; and
- (c) provide to the Court and the Commission a sworn identification of all accounts (including, but not limited to, bank accounts, savings accounts, securities accounts and deposits of any kind and wherever situated) in which (whether solely or jointly), directly or indirectly (including through a corporation, partnership, relative, friend or nominee), any of them has an interest or over which any of them has the power or right to exercise control.

### III.

#### **RECORDS PRESERVATION**

Until further Order of the Court, Relief Defendant Carla Azzata, any of her agents, servants, employees, attorneys, depositories, banks, and those persons in active concert or participation with any one or more of them, and each of them, be and they hereby are restrained and enjoined from, directly or indirectly, destroying, mutilating, concealing, altering, disposing of, or otherwise rendering illegible in any manner, any of the books, records, documents, correspondence, brochures, manuals, papers, ledgers, accounts, statements, obligations, files and other property of or

pertaining to any of the Defendants or Relief Defendants, wherever located and in whatever form, electronic or otherwise.

**IV.**

**RETENTION OF JURISDICTION**

This Court retains jurisdiction over this matter and Relief Defendant Carla Azzata in order to implement and carry out the terms of all Orders and Decrees that may be entered and/or to entertain any suitable application or motion for additional relief within the jurisdiction of this Court, and will order other relief that this Court deems appropriate under the circumstances.

**DONE AND ORDERED** in Chambers at Fort Lauderdale, Broward County, Florida, this 17th day of April, 2015.



JAMES I. COHN  
United States District Judge

Copies provided to:  
Counsel of record via CM/ECF