

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE

6500 CHERRYWOOD LANE
GREENBELT, MARYLAND 20770
301-344-0632

MEMORANDUM

To: Counsel of Record and Pro Se Parties

From: Judge Peter J. Messitte

Re: In re Sanctuary Belize Litigation
Civil No. PJM 18-3309

Date: August 28, 2020

The Court has today filed a Memorandum Opinion that contains its findings of fact and conclusions of law in this case. It has not at this time, however, filed an Order for Permanent Injunction and Monetary Judgment against Andris Pukke, Peter Baker and Luke Chadwick, an Order for Permanent Injunction and Monetary Judgment against Defaulting Defendants, or an Order on the Contempt Motions to accompany the Opinion because it wishes to give the Parties an opportunity to consider and comment upon the orders that the Court proposes to file—which, it will be seen, is not totally in accord with what the FTC proposes as to some points. For instance, some of the monetary values of assets or income as to which Defendants are supposed to account (e.g. more than \$1,000), the timelines for the accounting these Defendants would be directed to make, and the categories of persons as to whom these Defendants would be obligated to disclose the Order for Permanent Injunction and Monetary Judgment seem—to the Court at least—to go beyond what is necessary to assure appropriate accountability on the part of the individual Defendants. Even so, the FTC may have in mind a rationale behind one or more of its proposals, and the Court wishes to give the FTC an opportunity to be heard before the Court finalizes the Order. At the same time, the individual Defendants may take this opportunity to address the same or different aspects of the Court's proposed orders.

In these filings, the Court does not intend to entertain arguments as to why and how the Memorandum Opinion itself might be modified, and will disregard such arguments (and the opposing Party need not respond). The Court will, therefore, give the FTC and the individual Defendants ten (10) days from the date of this Order to submit original comments on the Court's proposed Orders, limited to the lengths prescribed in the Local Rules. Both sides will then have ten (10) days after that to oppose the initial comments on the proposed Orders and ten (10) days after that to reply to the oppositions to the original comments. There are three proposed Orders:

1. Proposed Order for Permanent Injunction and Monetary Judgment against Defendants Andris Pukke, Peter Baker, and Luke Chadwick
2. Proposed Order for Permanent Injunction and Monetary Judgment against Defaulting Defendants John Usher, Global Property Alliance Inc., Sittee River Wildlife Reserve, Buy

Belize LLC, Buy International Inc., Foundation Development Management Inc., Eco Futures Development, Eco-Futures Belize Limited, Power Haus Marketing, Prodigy Management Group LLC, Belize Real Estate Affiliates LLC, Exotic Investor LLC, Southern Belize Realty LLC, Sanctuary Belize Property Owners' Association, and The Estate of John Pukke

3. Proposed Order of Contempt against Andris Pukke, Peter Baker, and John Usher, Entering Judgment against Pukke as Compensatory Monetary Relief, and Ordering that Pukke Take Certain Actions Or Be Subject to Coercive Relief Until He Does So

The Parties should keep in mind that certain other outstanding matters remain to be addressed.

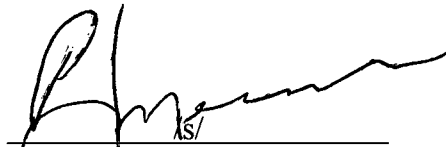
1. Within 30 days, the FTC shall submit the total amount of payments made on lots that were sold after 2015, as directed in the Memorandum Opinion. This amount will be subtracted from the \$120.2 million overall judgment of restitution that individual Defendants Pukke, Baker and the Defaulting Defendants (other than the Estate of John Pukke) have been ordered to make, to determine the amount Defendant Chadwick will be jointly and severally liable for.
2. Nonparty David Heiman, who seeks return of his alleged investment of some \$750,000 in Newport Land Group, may file a written petition within thirty (30) days of the Memorandum Opinion, seeking the return of these assets, the FTC shall have ten (10) days after that to file an opposition and Heiman shall have ten (10) days after that to file a reply. The Court directs the Clerk's Office to send a copy of both this Memorandum Order and its Memorandum Opinion to Mr. Heiman at david@regencyhomesllc.com.
3. The Receiver's Motion for Court Order Approving (1) Settlement Agreement and Release Between Receiver and Gordon Barienbrock; and (2) Settlement Agreement and Release Between Receiver and Violette Eleanor Mathis, ECF No. 895, and the FTC's Motion for Order Confirming the Receiver's Control Over Kanantik, ECF No. 897, have already been briefed and will be decided by the Court in due course.
4. The Status Report and Motion for Approval of Final Distributions of Restitution Funds and Payment of Final Distribution Costs. *Polacsek, et al. v. Debticated Consumer Counseling, Inc., et al.*, 04-cv-631, ECF No. 490. The FTC has commented on the Status Report and Motion, ECF No. 961, and the Motion will be decided by the Court in due course.

The Court is amenable to concerns as to the above-indicated timelines and will be prepared to modify them for good cause. If Parties believe that one or more outstanding matters are more pressing than the others, Parties are invited to propose an appropriate sequencing.

The Court does not intend to hold oral argument with respect to any of the foregoing post-trial matters, unless further along it sees a need to do so.

Today is also the last day of the clerkship of the Court's law clerk Alisa Lu, who has worked on this case during her entire clerkship. The Court wishes to express its great satisfaction with her work and to let Parties know that starting Monday, August 31, 2020, they should direct communications to the Court's incoming clerk Dylan Ruffi. Because Mr. Ruffi is transitioning from another clerkship and does not have a District of Maryland e-mail address yet, Chambers will distribute his e-mail address on Monday.

Despite the informal nature of this ruling, it shall constitute an Order of the Court and the Clerk is directed to docket it accordingly.



A handwritten signature in black ink, appearing to read 'Peter J. Messitte', is written over a horizontal line. The signature is stylized and cursive.

Peter J. Messitte
United States District Judge

CC: Court File

Attachments: Three Proposed Orders (described on pages 1-2)